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## TERMS OF REFERENCE

- A. Job Title:** National Consultant on drafting the law on cooperation with the International Criminal Court (ICC)
- B. Duty Station:** Chisinau, Republic of Moldova
- C. Project reference:** Strengthening Rule of Law and Human Rights Protection Mechanisms
- D. Contract type:** Individual Contract (IC)
- E. Duration of assignment:** June 2016 (up to 10 working days)

### F. Background:

The International Criminal Court (ICC) is the first permanent, treaty based, international criminal court established to help end impunity for the perpetrators of the most serious crimes of concern to the international community. The ICC was established by the Rome Statute (ICC RS) on 17 July 1998, when 120 States adopted the Rome Statute. The Rome Statute entered into force on 1 July 2002 upon ratification by 60 States.<sup>1</sup>

Republic of Moldova (RM) ratified the Rome Statute in September 2010 by adopting Law Nr. 212. In April 2013 the Parliament of RM adopted Law Nr. 64 for the implementation of the commitments under the Rome Statute. Law Nr.64 partially amended the Criminal Code of RM attempting to ensure investigation and prosecution of offenses that fall under the jurisdiction of the ICC, which in turn ensures fulfillment of the international commitments assumed by RM. The offences that are newly incorporated in the Criminal Code Article 135 include genocide and crimes against humanity, reflected in Articles 6 and 7 of the Rome Statute. In addition, in order to systemize the legal provisions on war crimes, the content of Article 137 was revised and four new categories of offenses were introduced: war crimes and crimes against humanity, war crimes against property and other rights, use of prohibited means of warfare, use of prohibited methods of warfare, improper use of distinctive signs of international humanitarian law.

The Republic of Moldova has committed to take steps towards the ratification of the Agreement on the privileges and immunities of the International Criminal Court within the National Human Rights Action Plan 2011-2014.<sup>2</sup> In addition to this the commitment on the elaboration of a legal framework for the efficient cooperation with the ICC is included into the National Action Plan for the Implementation of the EU Association Agreement 2014-2016.<sup>3</sup>

The Strengthening Rule of Law and Human Rights Protection Mechanisms Project is funded by the Federal Ministry for Europe, Integration and Foreign Affairs of Austria, co-funded and implemented by the United Nations Development Programme in the Republic of Moldova (UNDP Moldova) in cooperation with the Office of the High Commissioner for Human Rights (OHCHR).

### G. Objective:

The main objective is to elaborate a draft law on cooperation of the Republic of Moldova with the International Criminal Court, as well as to elaborate a draft law on amendments to other domestic legislation where considered necessary.

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<sup>1</sup> [www.icc-cpi.int](http://www.icc-cpi.int)

<sup>2</sup> Part II, point 1.4: <http://lex.justice.md/md/339395/>

<sup>3</sup> Chapter II, point 4.39: <http://lex.justice.md/md/361471/>

## **H. Scope of work and expected outputs:**

In order to achieve the objective, the Consultant shall:

- Examine the national legal framework in the area of criminal law, international legal assistance, criminal procedure, communications, immunities, property;
- Examine international good practices in countries where national legislation is stipulating details of cooperation with the ICC;
- Identify the gaps in the national legal framework related to the cooperation with the ICC;
- Draft a law on cooperation of the RM with the ICC, and amendments to other national legislation where necessary;
- Hold consultations with the Ministry of Justice of the Republic of Moldova (MoJ) and other relevant State bodies on the draft law and integrate the feedback into the final law.

## **I. Deliverables:**

#	Deliverable	Deadline
1.	Draft law elaborated	20 June 2016
2.	Final draft law submitted to MoJ and UNDP	24 June 2016

Deliverables can be amended or specified for the purpose of the assignment.

Payment will be made upon acceptance of deliverables by the UNDP Moldova Project Manager.

## **J. Organizational Setting:**

This is a part-time consultancy. The National Consultant will work closely with the management and staff persons of the MoJ. The National Consultant will work under direct supervision of the UNDP Moldova Project Manager.

## **K. Inputs:**

The Ministry of Justice of the Republic of Moldova and the UNDP Moldova Project Manager will provide the National Consultant with the necessary information and materials for the fulfilment of tasks and will provide support in facilitation of the meetings where necessary.

## **L. Qualifications and skills required:**

### **I. Academic Qualifications:**

- Master's Degree or equivalent (5-year university education) in Law, Human Rights, Public International Law, International Relations or other relevant field;

### **II. Years and sphere of experience:**

- At least 3 years of proven professional experience in a legal area, legal analysis or other relevant field;

### **III. Competencies:**

- Demonstrated working experience on international law, international criminal law, criminal law and criminal procedure of the Republic of Moldova;
- Work experience on issues related to the activity of the International Criminal Court would be an asset;
- Demonstrated experience in drafting legislation;

- Demonstrated effective communication and strong analytical skills;
- Knowledge of Romanian, English languages for the purposes of the assignment;
- Knowledge of one or more additional languages relevant for Moldova, including Russian, Bulgarian, Gagauzian, Romani, Ukrainian or sign language is an asset;

IV. Personal qualities:

- Adheres to the core values of the United Nations; in particular, is respectful of differences of culture, gender, religion, ethnicity, nationality, language, age, HIV status, disability, and sexual orientation, or other status;
- Responsibility;
- Flexibility;
- Punctuality.

The United Nations Country Team in the Republic of Moldova is committed to workforce diversity. Women, persons with disabilities, Roma and other ethnic or religious minorities, persons living with HIV, as well as refugees and other non-citizens legally entitled to work in the Republic of Moldova, are particularly encouraged to apply.