

Terms of Reference

for international consultant to develop recommendations for public institutions to combat sexual harassment

Duty Station:	Home based with one travel to Chisinau, Moldova
Type of contract:	Individual Contract – Special Service Agreement (SSA)
Post Level:	International Consultant
Languages required:	Fluent in English, working knowledge of Russian and/ or Romanian is an asset
Application deadline:	November 19, 2018
Starting date:	December 3, 2018
(date when the selected candidate is expected to start)	
Expected Duration of Assignment:	up to 40 working days within four months assignment (of which 32 days – home-based, up to 8 days – one mission to Moldova)

Background:

UN Women, grounded in the vision of equality enshrined in the Charter of the United Nations, works for the elimination of discrimination against women and girls; the empowerment of women; and the achievement of equality between women and men as partners and beneficiaries of development, human rights, humanitarian action and peace and security.

In 2018, UN Women Moldova Country Office started to implement its new [Strategic Note \(SN\) for 2018-2022](#), which is aligned with the [Republic of Moldova–United Nations Partnership Framework for Sustainable Development 2018–2022](#) and the [Global Strategic Plan of UN Women](#). Under its current SN, UN Women cooperates closely with the government, civil society, academia, private sector and the media to advance social, economic and political rights and opportunities for women and girls, placing special focus on those from marginalized, excluded and under-represented groups. These include rural women, Romani women, women with disabilities, women living with or affected by HIV, women survivors of violence, women migrants, young women, elderly women and others. UN Women's operation in Moldova focuses on bringing about concrete change in the lives of women and the society towards the long-term impact of achievement of gender equality and the empowerment of women and girls in the country. Specifically, the SN 2018-2022 advances progress under the following three Impact Areas (IA): IA1: More women fully participate and lead in gender responsive governance processes and institutions, including in the security sector, IA2: Women have income security, decent work and economic autonomy, IA3: Public authorities, institutions and communities prevent violence against women and girls and deliver quality essential services. Towards these Impact Areas, UN Women works with variety of national and international partners to challenge gender-based stereotypes and towards the creation of an environment, whereby women act as key agents of change towards greater equality and development, in partnership with men and boys.

Rationale

A global movement against sexual harassment and sexual assault escalated in October 2017. #MeToo spread virally as a hashtag used on social media in an attempt to demonstrate the widespread prevalence of sexual assault and harassment, especially in the workplace. Although the movement touched Moldova as well and was supported by some civic activists and sporadic testimonials on social media about cases of sexual harassment and assault, it didn't bring about some concrete reactions from decision makers or sanctions for perpetrators.

The notion of sexual harassment has been introduced in the legal framework of the Republic of Moldova back in 2006, in the [Law on ensuring equal opportunities between women and men](#). In 2016, the notion was revised by the [Law no. 71 as of 14 April 2016 on amending and completion of some legislative acts](#) and defines sexual harassment as “manifesting a physical, verbal or non-verbal behavior that violates the person's dignity or creates an unpleasant, hostile, degrading, humiliating, or insulting environment with the aim to persuade a person to sexual relationship or to other unwanted actions of sexual nature, committed by threat, constraint, blackmail”. The sexual harassment was criminalized in 2010 by

amending the Criminal Code, art. 173. The sanctions envisaged for committing of this violation include application of fines of up to 850 conventional units, up to 240 community service work or up to 3 years imprisoning.

According to the [Study “How we prevent and reduce sexual harassment at the workplace and in educational institutions- policies recommendations”](#), statistical data show that currently every fifth employed woman in the Republic of Moldova is subjected to subtle forms of sexual harassment at workplace (inappropriate glances, hugs without permission, jokes / language with sexual connotation) and 4 out of 100 women confront with serious forms of harassment (the requirement to have sexual relations for rewards, the use of force or threats to have sex, etc.). Only 15% of women who were exposed to sexual harassment at workplace have reported this misconduct. The low level of reporting of sexual harassment cases is caused by shame or self-blaming by the victims (according to the statistical data, 60,5% of population consider the victims of sexual harassment being guilty), as well as low trust in responsible bodies. According to the same Study, since 2010, in the Republic of Moldova 98 cases of sexual harassment were reported, out of them 18 cases were revised by the criminal court, and in 9 of them there have been issued sanctions.

Besides, the Study recommends the development/amendment of the public policies aimed to prevent and diminish the incidence and prevalence of sexual harassment at workplace and in educational institutions. Thus, there is a need for amendments of the national legal framework aimed to combat the perpetuation of the phenomenon of sexual harassment in Moldova, as well as for strengthening the capacities of institutions mandated by law with investigation, monitoring and reducing the cases of assaults at the workplace and within educational institutions. The [Labour Code](#) of the Republic of Moldova, art. 10, obliges the employers to take measures preventing sexual harassment at the workplace.

The existing statistics on the prevalence of sexual harassment doesn't comprise military sector as well. Acknowledging the gravity of sexual harassment, the [National Implementation Program of the United Nations Security Council Resolution 1325 on Women, Peace and Security for 2018-2021 and the Action Plan regarding the Resolution 1325 implementation](#) dedicated the Objective 3 (out of 8) to prevention and combating of discrimination, sexual harassment and gender-based violence in security and defence sectors, aimed to ensure strengthened institutional capacities in this respect through policy development and establishment of internal procedures for reporting the cases of sexual harassment and violence.

On this background, UN Women seeks to contract an international consultant that will capitalize on the international best practices and lessons learnt in this area and develop a set of recommendations for public institutions for adoption of relevant mechanisms to combat and prevent the phenomenon of sexual harassment.

Scope of Work:

Under the overall guidance and direct supervision of the UN Women Programme Coordinators on Women in Leadership (WIL) and Eliminating Violence Against Women (EVAW), the international consultant will be responsible to revise international best practices in the area of combating sexual harassment in public institutions and develop a set of recommendations/guidelines to be applicable to Moldovan context.

Specifically, the consultant will be responsible for the following:

Component A- Support to the national institutional framework

- Review legal framework, mechanisms and standard operation procedures implemented by various countries and/or existing at the international level, which could be considered as best practices of combating and reducing sexual harassment at the workplace in governmental structures and public bodies. A specific focus should be placed on defense and security structures. The best practices should tackle the reporting mechanisms of cases of sexual harassment, both formal and informal, examples of internal procedures, penalties and sanctions, etc.
- Carry out desk review of the national legal, policy and institutional framework on sexual harassment and any relevant studies developed in the Republic of Moldova.
- Develop a paper comprising the identified best practices from various countries and the summary of the desk review of the national legal, policy and institutional framework in terms of combating and preventing sexual harassment at the workplace in governmental structures (civil and security structures).
- Engage in consultations with selected public institutions from Moldova, identified in collaboration with UN Women Moldova, with the aim to get a better understanding of their organizational set-ups for thinking through and designing appropriate models of sexual harassment complaints' mechanisms for civil and security structures where appropriate.

- Develop draft models of sexual harassment complaints' mechanisms for public institutions for civil and security structures, if different.
- Provide consultancy and coaching to the UN Women partner institutions working on defining the complaint mechanisms.
- Conduct a one-day training for the representatives of public institutions on the key principles for designing of an effective sexual harassment complaints' mechanism and use the training to finalize the draft model mechanisms together with participants. The international consultant should be responsible to develop all training materials (agenda, training handouts, pre- and post-assessment questionnaires, etc.), which have to be the subject of UN Women prior approval.
- Propose a structure with content and handouts for a basic training on sexual harassment in public institutions. Once finally approved by UN Women, the International Consultant should carry out a pilot one-day training. UN Women will provide support in logistically organization of above-mentioned pilot training and will consult on participants' identification and selection. Based on feedback received from participants, the International Consultant will be responsible to revise the content and handouts accordingly and present the final version to UN Women.

Component B- Support to UN Women

- Propose a draft conceptualization of the UN Women's Concept note on UN Women Moldova's future engagement in the area of sexual harassment, based on the desk review, consultations carried out and model proposed.
- Conduct a one-day knowledge sharing session for UN Women Moldova staff where the consultant can present the international overview and moderate plenary discussions.
- Provide programmatic guidance to UN Women on organization of the 16 days campaign in the Republic of Moldova.
- Prepare final report about the work carried out, key observations and recommendations for further successful institutionalization of sexual harassment complaints' mechanisms.

Key Deliverables and Timeframe

The selected international consultant will be responsible for delivering the following specific outputs, comprising of the main milestones:

No	Activities and Deliverables	Tentative timeframe for completion of task	Tentative # of days required for accomplishment of task	Percentage of milestone/output
1	Submission of the final approved workplan.	<i>By begin-December, 2018</i>	<i>Up to 2 working days (of which home based: 2 In Chisinau: 0)</i>	<i>5%</i>
2	Submission of the final approved paper comprising the identified best practices from various countries the summary of the desk review of the national legal, policy and institutional framework in terms of combating and preventing sexual harassment at the workplace in governmental structures.	<i>By mid-January, 2019</i>	<i>Up to 6 working days (of which home based: 6 In Chisinau: 0)</i>	<i>15 %</i>
3	Submission of the developed draft models of sexual harassment complaints' mechanisms for public institutions, training content, on	<i>By end-February, 2019</i>	<i>Up to 11 working days</i>	<i>30%</i>

No	Activities and Deliverables	Tentative timeframe for completion of task	Tentative # of days required for accomplishment of task	Percentage of milestone/output
	the basis on the consultations with selected public institutions.		<i>(of which home based: 7 In Chisinau: 4)</i>	
4	Submission of the approved report on provision of consultancy and coaching to the UN Women partner institutions, on conducting of one-day training for the representatives of public institutions, on conducting of one-day pilot training on sexual harassment in public institutions. The report should include as an Annex: <ul style="list-style-type: none"> - content and handouts for a basic training on sexual harassment in public institutions. 	<i>By end-March, 2019</i>	<i>Up to 14 working days (of which home based: 11 In Chisinau: 3)</i>	35%
5	Submission of the final report about the work carried out, key observations and recommendations for further successful institutionalization of sexual harassment complaints' mechanisms, including the description of provided support to UN Women, as stated in Component B. The report should describe as well as the one-day training conducted for UN staff.	<i>By mid-April, 2019</i>	<i>Up to 7 working days (of which home based: 6 In Chisinau: 1)</i>	15%
	Total		Up to 40 days	100%

All written deliverables should be agreed with UN Women and be provided in English, in electronic copy.

Duration of the assignment

The total duration of this assignment is tentatively planned for up to 40 days, out of which 32 working days to be home based and 8 working days to be Chisinau based, during 4 months starting at begin-December 2018, with task being accomplished by mid-April 2019. The consultant is responsible for accomplish the deliverables set up in the table "Activities and Deliverables".

Note: The mentioned number of working days has been estimated as being sufficient/ feasible for the envisaged volume of work to be completed successfully and is proposed as a guideline for the duration of assignment. It cannot and shall not be used as criteria for completion of work/assignment. The provision of envisaged deliverables approved by the UN Women Programme Coordinators on WIL and EAW shall be the only criteria for International Consultant's work being completed and eligible for payment/s.

Management arrangements

Organizational Setting: The International Consultant will work under overall guidance and direct supervision of UN Women Programme Coordinators on WIL and EAW. The International Consultant will report to the UN Women Programme Coordinators on WIL and EAW.

Contributions: UN Women will put at the disposal of selected individual all available materials and necessary information for tasks achievement and will facilitate the meetings, as needed. During assignment's related missions, the International Consultant may use the facilities of the office (i.e. internet access, printing, copying, local phone calls, etc.). However, s/he is expected to use his/her own personal computer.

TRAVEL

All envisaged travel costs must be included in the financial proposal. This includes all travels to join duty station/repatriation travel. In general, UN Women should not accept travel costs exceeding those of an economy class ticket. Should the contractor wish to travel on a higher class he/she should do so using their own resources.

In the case of unforeseeable travel, payment of travel costs including tickets, lodging and terminal expenses should be agreed upon, between the respective business unit and contractor, prior to travel and will be reimbursed.

Throughout the assignment, the International Consultant is expected to conduct a 1 mission to Moldova, which needs to be factored in the proposal, with 8 indicative working days to be spent in Moldova.

Other logistic arrangements

UN Women will be responsible for logistical arrangements during the trainings. Also, UN Women will provide support to International Consultant to reach out the public institutions in order to undertake the consultations. UN Women will be responsible for logistical organizations of all envisaged trainings and knowledge sharing to be delivered by the International Consultant.

Performance evaluation

Performance will be evaluated against such criteria as: timeliness, responsibility, initiative, communication, accuracy, and quality of the products delivered.

Financial arrangements:

Payments will be disbursed in 5 unique installments upon the satisfactory submission of the deliverables cleared by UN Women Programme Coordinators on WIL and EVAW to certify that the services have been satisfactorily performed.

Competencies

Core Values:

- Respect for Diversity
- Integrity
- Professionalism

Core Competencies:

- Awareness and Sensitivity Regarding Gender Issues
- Accountability
- Creative Problem Solving
- Effective Communication
- Inclusive Collaboration
- Stakeholder Engagement
- Leading by Example

Please visit this link for more information on UN Women's Core Values and Competencies: <http://www.unwomen.org/-/media/headquarters/attachments/sections/about%20us/employment/un-women-employment-values-and-competencies-definitions-en.pdf>

Functional Competencies:

- Mature judgment and initiative;
- Ability to think out-of-the-box;
- Promotes the vision, mission, and strategic goals of UN Women;
- Ability to work in multi-disciplinary and multi-cultural teams;
- Ability to work under pressure against strict deadlines;
- Ability to present complex issues persuasively and simply;
- Displays cultural, gender, religion and age sensitivity and adaptability.

Required Skills and Experience:

Education:

- Master's degree in Law, Gender, Human Rights, Labor relations, Sociology or similar fields.

Experience

- A minimum of 5 years of experience in the field of labour rights and relations and/or discrimination and violence against women in the workplace.
- A minimum of 3 years of experience of designing and institutionalizing sexual harassment complaints mechanisms for various institutions.
- Previous work experience with governmental institutions, especially in peace and security sector, will be considered an asset.
- Experience in gender equality issues pertinent to RM context will be an asset.
- Proven experience in working with international organizations (successful experience in working with UN agencies is an asset).

Language Requirements:

- Excellent command of English language.
- Working knowledge of Russian and/or Romanian languages is an asset.

APPLICATION PROCESS AND SUBMISSION PACKAGE

Interested candidates must submit via online submission system the following documents/ information to demonstrate their qualification:

- **Letter of Intent** with justification of being the most suitable candidate for the advertised position
- **Duly filled Personal History Form (P11)**, including records on past experience in similar projects/assignments and specific outputs obtained; P11 can be downloaded at <http://www.unwomen.org/about-us/employment>;
- **Financial proposal** (in USD) - Specifying a total lump sum amount for the tasks specified in this Terms of Reference. The financial proposal shall include a breakdown of this lump sum amount (daily rate and number of anticipated working days and any other possible costs); Please see Annex I: Price Proposal Guideline and Template and Annex II: Price Proposal Submission Form

In July 2010, the United Nations General Assembly created UN Women, the United Nations Entity for Gender Equality and the Empowerment of Women. The creation of UN Women came about as part of the UN reform agenda, bringing together resources and mandates for greater impact. It merges and builds on the important work of four previously distinct parts of the UN system (DAW, OSAGI, INSTRAW and UNIFEM), which focused exclusively on gender equality and women's empowerment.

The United Nations in 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.

Evaluation Procedure

Initially, individual consultants will be short-listed based on the following minimum qualification criteria:

- Master's degree in Law, Gender, Human Rights, Labor relations, Sociology or similar fields.
- A minimum of 5 years of experience in the field of labour rights and relations and/or discrimination and violence against women in the workplace.
- Fluency in English.

The short-listed individual consultants will be further evaluated based on a **cumulative analysis** scheme, with a total score being obtained upon the combination of weighted technical and financial attributes. Cost under this method of analysis is rendered as an award criterion, which will be 30% out of a total score of 500 points.

Evaluation of submitted offers will be done based on the following formula:

$$B = T + \frac{C_{low}}{C} \times X$$

where:

- T is the total technical score awarded to the evaluated proposal (only to those proposals that pass 70% of 350 points obtainable under technical evaluation);
- C is the price of the evaluated proposal;
- C_{low} is the lowest of all evaluated proposal prices among responsive proposals; and
- X is the maximum financial points obtainable (150 points)

Technical evaluation will be represented through desk review of applications and further interview will be organized if needed, depending on the short-listed candidates' qualifications.

A) Technical Evaluation: The technical part is evaluated on the basis of its responsiveness to the Terms of Reference (TOR).

Nr.	Criteria	Maximum points
1.	Master's degree in Law, Gender, Human Rights, Labor relations, Sociology or similar fields. Additional points will be granted for PhD degree in the fields mentioned above. (<i>Master – 50 pts; PhD – 60 pts</i>)	60
2.	A minimum of 5 years of experience in the field of labour rights and relations and/or discrimination and violence against women in the workplace. (<i>Up to 5 years- 0 pts, 5 years –60 pts, each year over 5 years – 10 pts, up to a max of 100 pts</i>);	100
3.	A minimum of 3 years of experience of designing and institutionalizing sexual harassment complaints mechanisms for various institutions. (<i>Up to 3 years- 0 pts, 3 years –50 pts, each year over 3 years – 10 pts, up to a max of 80 pts</i>);	80
4.	Previous work experience with governmental institutions, especially in peace and security sector, will be considered an asset. (<i>Up to 35 pts</i>);	35
5.	Experience in gender equality issues pertinent to RM context will be an asset. (<i>Up to 35 pts</i>);	35
6.	Proven experience in working with international organizations (successful experience in working with UN agencies is an asset) (<i>up to 20 pts</i>)	20
7.	Excellent command of English language. Working knowledge of Romanian, Russian languages is an asset (<i>10 pts - fluency in English, 5 pts –working Romanian, 5 pts- working Russian</i>)	20
Maximum total technical scoring:		350

B) Financial evaluation:

In the Second Stage, the financial proposal of candidates, who have attained minimum 70% score in the technical evaluation (at least 245 points), will be compared.

WINNING CANDIDATE

The winning candidate will be the candidate, who has accumulated the highest aggregated score (technical scoring + financial scoring).

The successful candidate will be required to complete two Safety & Security Courses: Basic Security in the Field (BSIF) and Advanced Security in the Field (ASIF). This is a UN Women corporate requirement for engagement under SSA for less than 100 days and for consultancy assignments which envision travel in the field. More details to be provided by UN Women upon contracting.

Annex I: Price Proposal Guideline and Template

The prospective International Consultant should take the following explanations into account during submission of his/her price proposal.

1. Lump Sum Amount

The price proposal should indicate a "lump sum amount" which is "all-inclusive"; All costs (professional fees, living allowances, communications, consumables, travel and accommodation expenses during field related missions, etc.) that could possibly be incurred by the Contractor needs to be factored into the proposed price.

UN Women will not withhold any amount of the payments for tax and/or social security related payments. UN Women shall have no liability for taxes, duties or other similar charges payable by the Individual Contractor in respect of any amounts paid to the Individual Contractor under this Contract, and the Contractor acknowledges that UN Women will not issue any statements of earnings to the Individual contractor in respect of any such payments.

Contract price is fixed to activities/deliverables indicated in the ToR, regardless of the changes in the cost components (such as days invested for completion of the deliverables.)

2. Travel costs

All envisaged travel costs must be included in the financial proposal. This includes all travel to join duty station/repatriation travel. In general, UN Women shall not accept travel costs exceeding those of an economy class ticket. Should the international consultant wish to travel on a higher class he/she should do so using their own resources.

3. Daily Subsistence Allowance

DSA related to travel must be included in the financial proposal.

4. Currency of the price proposal

The applicants are requested to submit their price proposals in USD. In case of proposals in other currency, these shall be converted into USD using the official UN exchange rate for currency conversion to USD at the date of applications' submission deadline.

Annex II: Price Proposal Submission Form

To: United Nations Entity for Gender Equality and the Empowerment of Women

Ref: International consultant to develop recommendations for public institutions to combat sexual harassment

Dear Sir / Madam,

I, the undersigned, offer to provide professional consulting services to UN Women within the scope of the referred Assignment.

Having examined, understood and agreed to the Terms of Reference and its annexes, the receipt of which are hereby duly acknowledged, I, the undersigned, offer to deliver professional services, in conformity with the Terms of Reference.

My maximum total price proposal for the assignment is given below:

A. Cost Breakdown per Deliverables*

Deliverables	Payment Amount (As percentage of total contract price)	Proposed Price
Submission of the final approved workplan.	5%	
Submission of the final approved paper comprising the identified best practices from various countries the summary of the desk review of the national legal, policy and institutional framework in terms of combating and preventing sexual harassment at the workplace in governmental structures.	15%	
Submission of the developed draft models of sexual harassment complaints' mechanisms for public institutions, training content, on the basis on the consultations with selected public institutions.	30%	
Submission of the approved report on provision of consultancy and coaching to the UN Women partner institutions, on conducting of one-day training for the representatives of public institutions, on conducting of one-day pilot training on sexual harassment in public institutions. The report should include as an Annex: - content and handouts for a basic training on sexual harassment in public institutions.	35%	
Submission of the final report about the work carried out, key observations and recommendations for further successful institutionalization of sexual harassment complaints' mechanisms, including the description of provided support to UN Women, as stated in Component B. The report should describe as well as the one-day training conducted for UN staff.	15%	
TOTAL AMOUNT	%100	USD.....

*Basis for payment tranches

B. Cost Breakdown by Cost Componentⁱ:

Description of Activity	Unit of measure (e.g., day, month, etc.)	Unit price, USD	No. of units	Total Price, USD
Consultancy (daily) fee				
Cost of mission to Moldova (travel, DSA, etc.)				
Other related costs (please specify):				

I confirm that my financial proposal will remain unchanged. I also confirm that the price that I quote is **gross**, and is inclusive of all legal expenses, including but not limited to social security, income tax, pension, visa etc., which shall be required applicable laws.

I agree that my proposal shall remain binding upon me for 90 days.

I understand that you are not bound to accept any proposal you may receive.

I agree to complete the two Safety & Security Courses (BSIF II & ASIF), with details to be provided by UN Women upon contracting.

[Signature]

Date:

Name:

Address:

Telephone/Fax:

Email:

ⁱ The Applicants are requested to provide the cost breakdown for the above given prices for each deliverable based on the following format. UN Women shall use the cost breakdown for the price reasonability assessment purposes as well as the calculation of price in the event that both parties have agreed to add new deliverables to the scope of Services.