



## **TERMS OF REFERENCE**

**Title:** Consultants to develop Feasibility Study: Ratification by the Republic of Moldova of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (OP-ICESCR)

**Project Reference:** Human Rights Adviser

**Contract type:** Individual Contract

**Duration of assignment:** 7 months, part-time (44 working days indicative per consultant)

**Starting date:** 18 March 2013

**Deadline for applications:** 1 March 2013

### **Background**

On 10 December 2008, the General Assembly unanimously adopted an Optional Protocol (GA resolution A/RES/63/117) to the International Covenant on Economic, Social and Cultural Rights which provides the Committee competence to receive and consider communications, including individual complaints. The General Assembly took note of the adoption by the Human Rights Council by its resolution 8/2 of 18 June 2008, of the Optional Protocol. The Optional Protocol was opened for signature at a signing ceremony in 2009. It garnered the requisite 10 Member States' ratifications in February 2013 and has now entered into force. Further information on the ICESCR and its Optional Protocol is available here:

<http://www2.ohchr.org/english/bodies/cescr/index.htm>

During its 2011 review of the Republic of Moldova, the UN Committee on Economic, Social and Cultural Rights (CESCR Committee) urged the Republic of Moldova to ratify the Optional Protocol to the treaty. Later the same year, during the first Universal Periodic Review (UPR) of the Republic of Moldova, the following recommendations were made:

- 76.1. Ratify or accede to, as appropriate, the Optional Protocol to ICESCR, CED, ICRMW, and the Optional Protocol to CRPD (Uruguay);
- 76.2. Sign and ratify the Optional Protocol to ICESCR and CRPD; and ratify CED (Spain);

In December 2012, the Parliament of the Republic of Moldova adopted a revised National Human Rights Action Plan (NHRAP) 2011-2014, aiming to incorporate Moldova's UPR

recommendations into the Plan. The revised NHRAP includes as an action the carrying out of a feasibility study on possibilities to ratify the Optional Protocol during 2013. The Ministry of Labor, Social Protection and Family; Ministry of Foreign Affairs and European Integration; Bureau for Interethnic Relations; and Parliamentary Committee on human rights and interethnic relations are listed as responsible. The Office of the High Commissioner for Human Rights (OHCHR) has committed to support this work, via the Human Rights Adviser Work Plan for 2013.

### **Scope of work**

UN OHCHR intends to hire Consultants to develop feasibility study on ratification by the Republic of Moldova of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (OP-ICESCR).

The scope of work includes:

1. desk research and consultation to identify risks and opportunities for ratification of the Optional Protocol, as well as the identification of any legal or practical impediments to ratification, as well as proposals to overcome or mitigate any such impediments;
2. the drafting of a clear, accessible and usable report on the findings of the study, including proposals for ways forward;
3. submit the draft Study to the Human Rights Adviser (HRA), factor in feedback, and present and validate the respective Study in a multi-stakeholder of the public bodies, identified as responsible for the study, technical meeting, in view of gathering participants' feedback and advocating for implementation of the Study recommendations;
4. factoring in the feedbacks collected during the validation meeting into a Final version of the Study and submitting it to the Human Rights Adviser (HRA);
5. presenting the final results of the study at a roundtable workshop to be held in the second half of 2013.

### **Deliverables**

1. Consultation meetings and desk research	20 March 2013-30 April 2013
2. Delivery of (1) list of consultation meetings held (including online consultation); (2) first draft study	15 May 2013
3. Delivery of (1) second draft of study; (2) list of consultation meetings held (including online consultations).	30 June 2013
4. Delivery of (1) final draft of the study; (2) list of consultation meetings held (including online consultation);	15 September 2013
5. Presentation of the study	1 October 2013

## **Management Arrangements**

The study is carried out under the supervision of the Human Rights Adviser (HRA), with the involvement of OHCHR headquarters, and in close, regular consultation with the public bodies identified as responsible for the study. The consultant(s) shall also consult relevant civil society organizations and national and international experts, including where relevant experts from States which have ratified the Optional Protocol. The study is to be presented to and approved by the named parties. The study shall be 10,000-15,000 words (indicative), and shall include an Executive Summary of findings.

## **Qualification Criteria**

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

- University degree in law, social sciences, human rights or other relevant fields;

### **II. Experience and skills:**

- Minimum 3 years of proven professional experience relevant to economic, social and cultural rights;
- Demonstrated knowledge of international human rights law, in particular as concerns economic, social and cultural rights;
- Understanding of the legal and policy environment in the Republic of Moldova, in particular as concerns economic, social and cultural rights;
- Excellent drafting skills;
- Excellent public speaking and presentation skills;
- 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.

### **III. Language requirements:**

- Fluency in spoken and written English and/or Romanian.

## **Documents to be included in the proposal**

Interested persons should submit the following documents:

#### **1. A cover letter of not more than 3 pages:**

- (i) Explaining suitability for the work;
- (ii) Provide a brief methodology on how they will approach and conduct the work;

#### **2. Financial proposal, including all costs for work envisioned, not including meeting costs related to the final presentation of the study;**

#### **3. Detailed CV including past experience in similar projects and the contact details of at least 3 reference persons;**

#### **4. A relevant short writing sample of published work in a similar field or covering similar thematic material.**