



INDIVIDUAL CONSULTANT PROCUREMENT NOTICE

Date: **22 February 2013**

Country: Republic of Moldova

Description of the assignment: 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 name: UN OHCHR/ Human Rights Adviser

Period of assignment/services: 7 months, part-time (44 working days indicative per consultant)

Proposals should be submitted online only, by following the "Apply online" link, no later than [1 March 2013](#).

Requests for **clarification only** must be sent by standard electronic communication to the following e-mail: violeta.fetescu@one.un.org. UNDP will respond by standard electronic mail and will send written copies of the response, including an explanation of the query without identifying the source of inquiry, to all applicants.

1. 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.

2. SCOPE OF WORK, RESPONSIBILITIES AND DESCRIPTION OF THE PROPOSED ANALYTICAL WORK

UN OHCHR intends to hire a team of 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.

3. REQUIREMENTS FOR EXPERIENCE AND QUALIFICATIONS

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.

4. DOCUMENTS TO BE INCLUDED WHEN SUBMITTING THE PROPOSALS

Interested individual consultants must submit the following documents/information to demonstrate their qualifications:

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; emphasized on their understanding 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.

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

3. Detailed CV or P11 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.

5. FINANCIAL PROPOSAL

The financial proposal shall specify a total lump sum amount, and payment terms around specific and measurable (qualitative and quantitative) deliverables. Payments are paid in installments and are based upon output, i.e. upon delivery of the services specified in the TOR. In order to assist the requesting unit in the comparison of financial proposals, the financial proposal will include a breakdown of this lump sum amount (including fees, taxes, mobile phone calls, etc.). The travel expenditures are to be approved in advance by the Project Manager and shall be covered from the Project budget.

6. EVALUATION

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

- University degree in law, social sciences, human rights or other relevant field;
- Minimum 3 years of proven professional experience relevant to economic, social and cultural rights.

The short-listed individual consultants will be further evaluated based on the following methodology:

Cumulative analysis

The award of the contract shall be made to the individual consultant whose offer has been evaluated and determined as:

- a) responsive/compliant/acceptable, and
- b) having received the highest score out of a pre-determined set of weighted technical and financial criteria specific to the solicitation.

* Technical Criteria weight – 60% (300 pts.);

* Financial Criteria weight – 40% (200 pts.).

Only candidates obtaining a minimum of 210 points would be considered for the Financial Evaluation.

Criteria	Scoring	Maximum Points Obtainable
Technical		
<ul style="list-style-type: none"> University Degree in law, social sciences, human rights or other relevant field; 	University degree – 40 pts.; MA degree – 50 pts.;	50
<ul style="list-style-type: none"> Minimum 3 years of proven professional experience relevant to economic, social and cultural rights; 	3 years - 50 pts.; >3 years – up to 60 pts.;	60
<ul style="list-style-type: none"> Demonstrated knowledge of international human rights law, in particular as concerns economic, social and cultural rights 	Large - 60 pts.; to some extent - 30 pts.; No – 0 pts.	60
<ul style="list-style-type: none"> Understanding of the legal and policy environment in the Republic of Moldova, in particular as concerns economic, social and cultural rights; 	Large - 60 pts.; to some extent - 30 pts.; No – 0 pts.	60
<ul style="list-style-type: none"> Excellent drafting skills; 	Max – 55 pts.;	55
<ul style="list-style-type: none"> Fluency in spoken and written English and/or Romanian; 	Max - 15 pts. (English- 10 pts.; Romanian- 5 pts.)	15
Maximum Total Technical Scoring		300
Financial		
Evaluation of submitted financial offers will be done based on the following formula: $S = F_{min} / F * 200$ S – score received on financial evaluation; Fmin – the lowest financial offer out of all the submitted offers qualified over the technical evaluation round; F – financial offer under consideration.		200

Winning candidate

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

ANNEXES:

ANNEX 1 – TERMS OF REFERENCES (TOR)

ANNEX 2 – INDIVIDUAL CONSULTANT GENERAL TERMS AND CONDITIONS