**TERMS OF REFERENCE**

**International Consultancy supporting the national Moldovan stakeholders to conduct an assessment of the existing labour migration management practices and develop a coherent legislative, policy, coordination and institutional framework in the area of labour migration**

1. **BACKGROUND INFORMATION:**

The mass migration waves, which started in the 1990s has led to an outflow of Moldovan nationals, with almost a quarter of the country’s population currently residing abroad on a temporary as well as more permanent basis. While most often labour migrants have successful migration experiences , many of them are unaware of their rights and the requirements for legal labour migration, thus are often subjected to unethical recruitment practices and employment circumstances that may include exorbitant commission fees for recruitment intermediation, low wages, unreasonable physical and intellectual demands, poor accommodation conditions, inadequate resting periods, lack of access to essential health care and protection in case of accidents/sickness/ disability etc., no accrual of pension rights, particularly if they are in an irregular situation and are victims of the trafficking in persons. Despite the fact that Moldova ratified the ILO 181 Private Employment Agencies Convention, the national regulatory framework is incomplete and poorly enforced, hence market of recruitment abroad services is dominated by informal intermediators. Public institutions have weak capacities to properly monitor the activity of the proper recruitment sector and adequately manage labour migration.

In this context, the Government of Republic of Moldova (GoM) has set as one of its priorities the development of policies and initiatives aimed at managing the movement and mobility of Moldovan citizens, improve legal and regulatory framework of the private recruitment sector, guaranteeing migrants’ fundamental human rights, access to social security benefits, support reintegration of returnees, as well as capitalizing on their potential for the sustainable socio-economic development of the country. The Ministry of Health, Social Protection and Family is responsible for developing labour migration policies and regulations, and managing specifically outward labour migration. In line with the provisions of the National Strategy on Migration and Asylum for 2011-2020 and the National Employment Strategy for 2017-2021, it has prioritized developing and promoting a more efficient the policy and regulatory framework for circular labour migration, promoting legal and circular/temporary labour migration, including by extending bilateral cooperation on labour migration, ensuring migrant workers’ rights, etc. At the same time, the National Employment Agency has an extended role in supporting legal and circular migration (as the main public institution in charge of employment reintegration of returnees and information support to workers for legal migration, facilitating circular migration based on bilateral government labour agreements, etc.) needs capacity building and better mechanisms to monitor, coordinate the activity and cooperate with the private recruitment agencies.

Also, in 2012 the GoM established a dedicated government structure, the Diaspora Relations Bureau under the State Chancellery responsible for Diaspora, Migration and Development (DMD) policy formulation, implementation, monitoring and evaluation; and more recently - for coordinating the public policy on reintegration of returned migrants, a mandate implemented in partnership with other stakeholders. In 2017, Moldova strengthened the national mechanism for intra-governmental coordination and multi-stakeholder consultation on Migration and Development (M&D) by establishing the Inter-ministerial Committee on DMD. The network of DMD Focal Points was fostered and extended to the local level and it aims to implement the “whole-of-the-Government” approach in this field, both at national and local level.

Against this backdrop, within the framework of the Swiss Agency for Development and Cooperation (SDC) funded the UNDP project “Migration and local development” (hereinafter the Project), under which UNDP and IOM are assisting the Moldovan authorities in adjusting and consolidating the legal and institutional framework that would enable Moldovan migrants and their families to have successful temporary/circular migration experiences and facilitated reintegration, hence contributing to the development of their communities of origin. The UNDP and IOM joined the efforts, making the best use of their comparative advantages and identities, to support effectively and efficiently national stakeholders to:

1. develop an efficient policy and regulatory framework for circular labour migration;
2. consolidate the institutional framework and strengthen the capacity and coordination among public institutions;
3. promote awareness raising campaigns in the country and abroad on the advantages and risks of circular migration.

The Project shall foster participation of all stakeholders, cross-institutional coordination and evidence-based design of circular labour migration policies and regulation, while accounting for human-rights and gender equality principles. The project shall strengthen stakeholders’ capacities to design and deliver human-centered employment services and raise awareness among migrants and their families about the risk and advantages of labour migration, benefits and opportunities of reintegration in Moldova.

1. **OBJECTIVE OF THE CONSULTANCY:**

Against this background, the **overall objective** of the foreseen consultancy is to provide support to the relevant national stakeholders to develop and implement a coherent and evidence-based legislative, policy, coordination and institutional framework in the area of labour migration, including for an efficient management of circular and temporary migration and the protection of migrants’ rights.

In order to reach this overall objective, IOM Moldova will be contracting an international consultant to conduct an assessment of the relevant for Moldova international practices in the field of legal and regulatory provisions concerning labour migration management, including the management of circular and temporary migration, and protection of migrants’ rights, focusing specifically on private recruitment agencies roles, practices and regulatory framework. In addition, the commissioned international consultant, in close cooperation with a selected local consultant, will formulate relevant legislative proposals and provide capacity building support to relevant stakeholders in Moldova, hence contributing to the enhancement of the Moldovan legislative, policy, coordination and institutional framework in the area of labour migration management.

1. **TASKS TO BE PERFORMED WITHIN THE CONSULTANCY:**

Under the present Terms of Reference, IOM Moldova is seeking one qualified and experienced international expert on labour migration management to perform the following tasks:

* Assess the relevant national policy, legal, regulatory, coordination and institutional framework in the area of labour migration management paying special attention to private recruitment agencies roles, practices and regulatory framework (overview of the sector, assessment of the national framework and compliance with ILO Convention 181 on private agencies, licensing and operational procedures, regulation and state involvement through sanctions etc.);
* Review the international experience and standards concerning policy, legal, regulatory, coordination and institutional provisions, in the field of labour migration management, focusing on regulation of private recruitment services in compliance with the ILO Convention 181 on private agencies and assess the feasibility of ratification of the ILO Convention 189 on Domestic Workers;
* Develop a new concept of labour migration management of the Republic of Moldova with specific recommendations for, but not limited to, improving existing national policy, legal, regulatory, coordination and institutional arrangements which manage labour migration, better regulation of private recruitment services, regulation of the domestic workers sector, promote circular migration schemes and protect the rights of Moldovan labour migrants;
* Draft a roadmap of actions for amending labour migration management policy, legal, regulatory, coordination and institutional framework of the Republic of Moldova;
* Based on the analytical and conceptual work performed in the tasks mentioned above, guide the local consultant in formulating the necessary draft secondary legislation/regulations, particularly with regard to private recruitment services and domestic workers sector;
* Participate in and facilitate the validation session with relevant stakeholders of the new concept and the roadmap of actions for amending the labour migration management framework in Moldova;
* Provide guidance for the development of an efficient institutional framework (e.g. functional sectoral technical working group; mandate and functions related to the monitoring of the private recruitment agencies) set up to analyze, develop, implement in practice and monitor the provisions of the enhanced legal framework on labour migration management;
* Deliver, together with a national consultant, one 3 (three) days capacity building training to enhance knowledge on existing labour management practices for relevant stakeholders, including regulating the activities of private recruitment agencies;
* Guide the national consultant in developing the capacity building training materials for the operational-level staff of the relevant stakeholders.

1. **TIMETABLE AND DELIVERABLES:**

|  |  |
| --- | --- |
| **TIMELINE** | **DELIVERABLE** |
| **31.05.2019** | **Deliverable 1:**   * Report on the field visit to Moldova, including on the preliminary findings regarding the national policy, legal, regulatory, coordination and institutional framework in the area of labour migration management, including the questionnaires used, Agenda, interviewed personnel. * Report on the comprehensive assessment of the *national* policy, legal, regulatory, coordination and institutional framework in the area of labour migration management, exploring private recruitment agencies roles, practices and regulatory framework, * Report on the review of the *international* regulatory framework related to labour migration management, focusing on regulation of private recruitment services in the light of the ILO Convention 181 on private agencies and the assessment of the feasibility of ratification of the ILO Convention 189 on Domestic Workers. * Recommendations to improve existing national policy, legal, regulatory, coordination and institutional framework arrangements which manage labour migration, promote circular migration schemes, and protect the rights of Moldovan labour migrants, improve the regulatory framework of private recruitment services and on the feasibility of ratification of the ILO Convention 189 on Domestic Workers. |
| **30.06.2019** | **Deliverable 2:**   * The new concept of a labour migration management. * Roadmap of actions for amending labour migration management policy, legal, regulatory, coordination and institutional framework framework of the Republic of Moldova. |
| **31.08.2019** | * **Deliverable 3:** * Report on the participation in the validation workshop of the concept for circular migration and road map of actions for amending labour migration management framework, including the Agenda, PowerPoint presentation(s), hand-out materials; |
| **20.11.2019** | **Deliverable 4:**  - Report on the development of capacity building training Concept Note, Agenda, PowerPoint presentation(s), hand-out materials, pre- and post- training evaluation forms.  - Report on the execution of the 1 (one) 3 (three) days capacity building training to enhance knowledge on existing labour management practices. |
| **15.12.2019** | **Deliverable 5:**  - Final Report on all tasks and activities performed under this consultancy, including concrete recommendations on the next steps to be undertaken to further enhance the Moldovan legislative, policy, coordination and institutional framework in the area of labour migration. |

1. **MANAGEMENT ARRANGEMENTS**

The selected International Consultant shall sign a contract with IOM for stipulated assignment. The Consultant will work under the direct supervision and guidance of the IOM and UNDP assigned staff. The submitted deliverables, which should be provided in English, shall be endorsed by the IOM’s Migration and Development Program Coordination, Project Assistant and UNDP’s Policy Component Manager.

All over the respective activities, the International Consultant will be seconded by 1 (one) National Consultant who will assist the international expert to better understand the local context, will facilitate his/her access to relevant national legislation, practices and various stakeholders, will organize together the capacity building intervention and will streamline the international-based legislative proposals into concrete legislative and institutional amendments. **The International Consultant shall be responsible for the overall quality of all deliverables produced for this assignment.**

1. **PERIOD OF CONSULTANCY AND REMUNARATION:**

The Consultancy and its tasks hereunder shall be performed during **15 April 2019 – 15 December 2019**. Starting with day of the consultancy contract signing, the International Consultant will be given up to **40 working days** to carry out the entire assignment. The fee will be paid to the Consultant in 5 (five) instalments, according to the established delivery schedule, upon completion by the Consultant of all tasks specified in these terms of reference.

*Note:* The 40 number of working days have 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 the assignment. It cannot and shall not be used as criteria for completion of work/assignment. The provision of envisaged deliverables approved by the IOM and UNDP, shall be the only criteria for National Consultant’s work being completed and eligible for payment/s.

1. **TRAVEL**

It is expected that during his/her assignment the International Consultant will travel to Moldova during several instances, in accordance with the timetable of this terms of references, specifically:

* To participate in the filed visit in Moldova for collecting empirical evidences through interviews and consultations with main stakeholders for the assessment of the *national* policy, legal, regulatory, coordination and institutional framework in the area of labour migration management;
* To participate in Moldova at the 1 (one) validation workshop of the concept for circular migration and road map of actions for amending labour migration management framework;
* To participate in Moldova at the execution of the 1 (one) - 3 (three) days capacity building training to enhance knowledge on existing labour management practices, including regulating the activities of private recruitment agencies.

1. **QUALIFICATIONS AND COMPETENCIES FOR THE CONSULTANCY:**

*a. Education:*

* Advanced degree (PhD or MA) in law, public affairs and/or other social science related areas relevant for the assignment;
* Complementary studies in economics and/or international development will be an advantage;
* Other formal education relevant for the assignment;

*b. Experience:*

* At least 5 years of proven experience in execution of assessment reports on labour migration policies, legislation and good practices, development of labour migration strategies/policy papers/legislation, action plans;
* At least 5 years of proven experience in providing capacity building interventions to national governments on labour migration policy issues;
* At least 5 years of proven experience in developing analytical work in migration-related fields;
* Previous work in countries from the region and/or Moldova on relevant topics would be considered an asset;
* Experience in working with public administration agencies, international organizations and IOM

and/or UN agencies in particular;

*c. Competencies, skills and other requirements:*

* Strong analytical, writing and communication skills;
* Strong knowledge of labour migration regulatory and legal framework at the international level required;
* Knowledge of the Moldovan labour migration regulatory, legal and institutional framework would be an asset;
* Familiarity with IOM’s mandate;
* Excellent oral and written English;
* Knowledge of Romanian or Russian will be an advantage;
* Availability for the envisaged period and high mobility and flexibility.

*d. Diversity:*

* IOM 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.