



TERMS OF REFERENCE

Job Title: National consultant on domestic implementation of decisions/views issued by UN Human Rights Treaty Bodies

Hiring Unit UN Human Rights Office (OHCHR)

Contract type: Individual Contract

Duration of assignment: 20 June 2022 – 30 November 2022 (up to 35 working days)

Deadline for applications: 6 June 2022, 16:00 (EET time)

Background

The UN Human Rights Office (Office of the UN High Commissioner for Human Rights – OHCHR) represents the world's commitment to universal ideals of human dignity. It has a unique mandate from the international community to promote and protect all human rights.

The UN Human Rights Office in Moldova (OHCHR in Moldova), led by the Human Rights Adviser, assists the UN Resident Coordinator Office (UN RC), UN Country Team in Moldova (UNCT), Government and civil society in strengthening human rights and human rights-based approach, working closely with the UN Country Team on capacity building and mainstreaming human rights in their work, as well as providing support in engagement with national actors on human rights, including advising national authorities upon request. Thematic priorities for the work of the Office are: (i) Strengthening rule of law and accountability for human rights violations; (ii) Enhancing equality and countering discrimination; (iii) Integrating human rights in sustainable development; (iv) Enhancing civic space and people's participation.

OHCHR in Moldova is one of the main partners of the National Human Rights Council (National Mechanism for Reporting and Follow-up/NMRF) and the Permanent Secretariat for Human Rights¹ in ensuring a participatory and inclusive approach in fulfilling the obligation of the state in front of the UN Human Rights Mechanisms and in developing national policies that are human rights compliant and follow a human rights based approach.

As part of the continuous support and technical assistance provided, in 2022 OHCHR in Moldova, in partnership with the State Chancellery, is implementing the project "Building

¹ The role of Permanent Human Rights Secretariat is played by the Human Rights Coordination and Social Dialogue Department, State Chancellery of the Republic of Moldova.

capacities of the National Human Rights Council and the Permanent Human Rights Secretariat of the Republic of Moldova for an inclusive Governmental planning, monitoring and reporting on the implementation of the UPR, treaty bodies and special procedures recommendations”, implemented through OHCHR Voluntary Fund for Financial and Technical Assistance in the Implementation of the Universal Periodic Review (UPR VF). The main aim of the project is to strengthen the capacity of the NMRF so it can better ensure an inclusive and coherent planning, implementation and reporting on the implementation of the recommendations received through the Universal Periodic Review (UPR), from Treaty Bodies and Special Procedures.

In 2022, crucial human rights related processes are to be conducted in the Republic of Moldova. In January 2022, the country was reviewed during the 40th meeting of the UPR working group and a series of recommendations were provided to the country. Additionally, 2022 is the last year of implementation of the National Human Rights Action Plan (NHRAP) for the period 2018 – 2022.

One of the key actions envisaged in the NHRAP for 2018 – 2022 (Area of intervention 1, Strategic goal A, action no. 5) is the elaboration of a study on the conditions for implementing the findings (decisions) of the control bodies for the application of the main UN treaties in the field of human rights in the domestic law of the Republic of Moldova, and amending the legal framework and establishing a standard operational procedure for aforementioned purpose.

Therefore, OHCHR in Moldova is planning to provide support to the designated authorities: Ministry of Justice (MoJ), Ministry of Foreign Affairs and European Integration (MoFAEI), and Human Rights Coordination and Social Dialogue Department, State Chancellery, in conducting a study on the conditions for implementation in domestic law of the Republic of Moldova of the decisions/views issued by the UN Human Rights Treaty Bodies that have been accepted by the Republic of Moldova. The National Consultant shall also, based on the findings of the study, provide support in the review of the normative framework and establishment of a mechanism for implementation in the domestic law of the Republic of Moldova of the decisions/views of these UN Human Rights Treaty Bodies. The main counterparts for the review of the normative framework, as it is foreseen in the NHRAP are the Ministry of Justice and profile parliamentary commission. The final aim of the assignment is to create all the necessary prerequisites for establishing a national standard operational procedure for the implementation of decisions/views issued by UN Treaty Bodies in Moldova.

Scope of Work, Duties and Responsibilities

Under the guidance of the Human Rights Adviser, and direct supervision of a National Human Rights Officer and in collaboration with the project coordinator, the incumbent is responsible for drafting and presenting a study on the conditions for implementation in domestic law of the Republic of Moldova of the decisions/views issued by UN Human Rights Treaty Bodies and provide support in the review of the normative framework and establishment of a standing

operating procedure for the implementation in the domestic law of the Republic of Moldova of the decisions/views of UN Human Rights Treaty Bodies. The consultant will ensure that both deliverables are developed in an inclusive and participatory manner, in close consultation with MoJ, MoFAEI, State Chancellery, and other state institutions. Additionally, consultations with National Human Rights Institutions, and civil society organizations in the field will be conducted.

More specifically, the consultant will:

- a) Develop, in close consultation with OHCHR team and the MoJ, the concept and methodology note (research approach and methods). The assessment methodology will include among others, desk review, expert interviews, interviews with plaintiffs, lawyers, focus group discussions/meeting with relevant stakeholders (should mandatorily include the authorities responsible for the action, as envisaged in the NHRAP);
- b) Draft the study on the conditions for implementation in domestic law of the Republic of Moldova of the decisions/views issued by UN Human Rights Treaty Bodies, based on the approved methodology; consult it with OHCHR team, MoJ, MoFAE and Human Rights Coordination and Social Dialogue Department, State Chancellery.
- c) Following the feedback received, revise or perform additional research (if necessary) and deliver the final version of the study;
- d) Based on the final version of the study (study findings), develop a short policy brief/roadmap for national stakeholders and decision-makers, which describes the steps of development of a national procedure for the implementation of decisions/views issued by UN Treaty Bodies.
- e) Suggest a list of specific amendments including to the legal framework, including the wording (draft amendment law), which will enable establishing a mechanism for the implementation of the decisions/views issued by UN Human Rights Treaty Bodies in the domestic law of the Republic of Moldova. The draft amendment law should be accompanied by the draft informative note (informative note);
- f) Present the key findings during a public event.

Specific aspects/requirements which need to be covered in the study:

- a) Analysis of examples of comparative international practice (at least three) of already existing **different** operational procedures of implementation of UN mechanisms decisions/views (a focus on the Central/Eastern European region countries is desired, but not mandatory);
- b) Based on comparative practices, suggest at least two different operational procedures of domestic implementation. The suggested procedures should include the role and function of all relevant national stakeholders. In delivering this task, the consultant will operate with the presumption that no new bodies/institutions other than current settings will be created for this task.
- c) The suggested mechanism should cover, as a compulsory component, the follow-up procedure and the formula to grant national remedy for the complainant/plaintiff. Thus, the consultant shall present an illustrative example on how the domestic remedy will work in

- practice, based on concrete individual cases issued against Moldova by different treaty bodies (taken into consideration the “quasi-judicial” character of the procedure);
- d) The final content of the report should be agreed on in advance with OHCHR team, as well as the partner institutions before public release.

Specific deliverables, expected workload and indicative timeframe for the above tasks are presented below.

Note: all the activities are to be planned and implemented in strong consultation and cooperation with OHCHR team and representatives of MoJ and Human Rights Secretariat.

Nr.	Deliverables expected	Expected Workload (workdays)	Indicative Timeframe
1.	Final study methodology, delivered after a series of consultations and approval from the OHCHR team, Ministry of Justice and Human Rights Coordination and Social Dialogue Department, State Chancellery	5 days	June 2022
2.	Study on the conditions for implementation in domestic law of the Republic of Moldova of the decisions/views issued by UN Human Rights Treaty Bodies conducted and report developed	18 days	June–August 2022
3.	A short policy brief/ roadmap for national stakeholders and decision-makers, which describes the steps of development of a national procedure for the implementation of decisions/views issued by UN Treaty Bodies.	4 days	August–September 2022
4.	A list of normative acts requiring amendment with the specific provisions and wording of the new amendments (law amendment package)	2 days	October 2022
6.	A draft informative note (informative note), with the compulsory elements as provided in art. 30 of the Law on normative acts no. 100/2017	2 days	October 2022
7.	Consultations with the relevant stakeholders (MoJ, MoFAE, State Chancellery, others) of the developed documents and adaptation based on the feedback	3 days	October 2022
8.	Participate and make a presentation on key findings/assignment deliverables during a public event.	1 day	November 2022

The payments under these Terms of Reference will be made in minimum 2 instalments, based on the submitted time-sheet and activity report.

Competencies

- Proven commitment to the core values of the United Nations, in particular, respect for differences of culture, gender, religion, ethnicity, nationality, language, age, HIV status, disability, sexual orientation, or other status;
- Displayed cultural, gender, religion, race, nationality and age sensitivity and adaptability;
- Accepted responsibility and accountability for the quality of the outcome of her/his decisions.

Job Knowledge/ In-depth knowledge of the subject-matter

- Excellent knowledge of international human rights standards and international human rights system and mechanisms;
- Sound knowledge of the national human rights system in the country;
- Advanced knowledge of the national legal framework in the field of human rights and of the process of development of the national policies.

Development and Operational Effectiveness

- Excellent communications and teamwork skills;
- Strong organizational skills;
- Ability and willingness to deploy to the field for missions;
- Ability to engage with various partners and stakeholders at different levels;
- Proven performance in organizing and coordinating events or challenging inter-organizational activities;
- Ability to adapt flexibly to changing situations, overcomes obstacles and recovers quickly from set-backs;
- Proactive in seeking new and improved methods and systems for accomplishing the work of the unit;
- Ability to keep abreast of new developments in area of professional discipline and job knowledge and seeking to develop himself/herself professionally.

Required Skills and Experience

Education:

- University degree in law, human rights or other relevant discipline;
- Master's degree/courses in human rights would be considered an advantage.

Experience:

- At least 7 years of professional experience at the national level in human rights work, international human rights framework;

- Experience in providing support to state institutions in evaluation of implementation and development of policy documents, especially in the human rights field;
- Experience of working with the United Nations is a strong asset;
- Experience in working with central and local public authorities is an asset;
- Experience in delivering similar assignments in the past is desirable.

Language Requirements:

- Fluency in Romanian and English language; Fluency in Russian would be an asset;
- Knowledge of one or more relevant minority languages, including Bulgarian, Ukrainian or Romani, as well as sign language(s), will be a strong advantage.

Diversity Clause: Applicants from under-represented groups (persons with disabilities, Roma and other ethnic, linguistic or religious minorities, persons living with HIV, refugees and other noncitizens) will be given priority in case of equal qualification. OHCHR is committed to reasonably accommodate the working environment for the persons with disabilities.

Documents to be included in the proposal

Interested persons should submit the following documents:

1. Personal CV, including experience in similar assignments and contact details of at least 3 reference persons;
2. A methodological note explaining the approach to the tasks to be accomplished;
3. Financial proposal (lump sum and fee per day in USD, including local transportation, communication and other relevant costs).

The United Nations Organization is committed to diversity and inclusion. Women, persons from vulnerable groups, such as persons with disabilities, Roma and other ethnic, linguistic or religious minorities, persons living with HIV, refugees and other noncitizens legally entitled to work in the Republic of Moldova, as well as persons from other underrepresented groups are particularly encouraged to apply.