

TERMS OF REFERENCE

National Consultant to provide capacity building to the Government (Bureau for Relations with Diaspora and Ministry of Labour, Social Protection and Family) on strategic planning and development of gender-sensitive migration policies

Duty Station:	Chisinau, Moldova
Project:	Promoting and protecting women migrant workers' rights (WMW), UN Women
Primary category:	Women's empowerment
Type of Contract:	National Consultant
Languages Required:	Romanian, English, Russian
Application Deadline:	23 November, 2016
Starting Date:	
(date when the selected candidate is expected to start)	28 November, 2016
Duration of Contract:	28 November, 2016 – 31 January, 2017 (up to – 45 working days)

BACKGROUND:

Government of Moldova with the support of international community has strongly embarked on promotion of gender equality and undertook specific steps for establishment of an enabling environment to promote and protect women's rights.

At the same time, *migration* has become another particularly important issue for the fulfillment of women's human rights, including in Moldova. First of all, there is an increasing number of labor migrants which are female, prompting many to refer to the "feminization of migration." Second, women migrant workers are especially vulnerable to discrimination and exploitation that interferes with their fulfillment of many human rights. Thus, women migrant workers face "double discrimination" as women and as non-nationals of the country in which they work.

The Project "Promoting and Protecting Women Migrant Workers' labour and human rights: Engaging with international, national human rights mechanisms to enhance accountability" (WMW Project) is implemented by UN Women in 3 pilot countries: Mexico, Moldova and the Philippines. This Project strives to promote women migrant worker's rights and protect them against exclusion and exploitation at all stages of migration. This project strives to promote women migrant worker's rights and protect them against exclusion and exploitation at all stages of migration. It aims to contribute to this overall objective by (a) strengthening strategic international human rights mechanisms, national oversight institutions and governments to ensure accountability to women migrant workers at all stages; (b) strengthening women migrant workers' organizations and their support groups to effectively engage with the above stakeholders to ensure greater accountability to them. Thus, the WMW Project is intended to generate a range of results which include changes in the awareness,

understanding, capacities and responses of the primary target groups – relevant treaty bodies, special procedures mandate holders, UPR, governments, Parliamentarians/Parliamentary secretariats, national human rights mechanisms/institutions - to women migrant workers in the direction of promoting and protecting the latter's rights, *including through a responsive and coherent national legislation.*

One of the specific objectives of the EU-funded UN Women project 'Promoting and protecting women migrants human and labour rights' is to ensure alignment of national legislation and normative framework to internationally adopted Treaties and Covenants in order to ensure more efficient regulation of migration processes and accountability of national governments towards women migrants' workers key policy issues. The project has undertaken a series of actions to enhance the capacities of the policy-makers in making them accountable to promoting and protecting women migrants human and labour rights. In this respect, legal review and analysis of migration, labour and trafficking laws was achieved, in close collaboration with the Ministry of Labour, Social Protection and Family.

The package of 53 specific recommendations to align national laws and by-laws in the area of migration, labour and trafficking with CEDAW provisions and recommendations (specifically General Recommendation no.26) were approved by the line ministries at senior level within two rounds of consultations and with women migrants within one round of consultations during the Diaspora Days, held in August 2015.

The recommendations address the specific areas of intervention stipulated in the CEDAW Convention including Recommendation no 26. At the moment, the project partner, the Ministry of Labour, Social Protection and Family is the coordinating body to ensure the elaborated recommendations are translated into legal amendments and submitted to the Government for review and approval.

JUSTIFICATION:

The Government of Moldova Action Plan for 2015-2018, foresees the implementation of a priority package of reform plans related to mainstreaming migration into development policies from gender perspective. In this sense, the Bureau for Relations with Diaspora requested the EU funded WMW project to provide a consultancy on developing gender-sensitive legislation up to the end of the project. Policy and legislative reforms coupled with improved capacity of the women migrants and their support groups to engage with the Government will ensure an optimal level of preparedness of the public administration to continue the implementation of the national policies and programs, in line with EU integration agenda and international mechanisms on protecting human and labour rights.

That will also allow making national authorities more accountable to responding to the demands set forth by the women migrants concerning migration issues. Thereof, capacity building will be provided to strengthen institutional capacities of the Government, specifically the Bureau for Relations with Diaspora, on strategic planning and development of gender-sensitive migration policies in close collaboration with women migrants. That is for the public authorities to raise accountability towards women migrants key policy migration issues by Development of an agreed joint plan of action so that the Government expressly commit to the development of gender responsive migration law, that is

informed by migrant women, and that the migrant women have a strategic approach and support for oversight and holding the government to account for these commitments

As a result of studies and research under the project, it was identified that there are no women migrant workers organisations as such in the country, and few NGOs exist, working in the area of migration. As well, it was found that there are Diaspora Associations abroad with women leaders lacking capacities to cope with advocating for the fulfilment of their human and labour rights with national authorities. Given these findings and in order to meet the project objectives, the pilot team in Moldova focused much on identifying the individual returned women migrants in the country as well as women leaders in the Diaspora, raising their awareness as a migrant category of service users and mobilise them to create women migrants organisations to actively engage with public authorities to promote and protect their labour rights.

About 60 women with migration experience have recently founded the Movement of Migrant Women from Moldova. Members of the Movement are both returned migrants and members of the diaspora - all with a keen interest in the socio-economic development of Moldova. Women have a different background, age and interests, but all of them are ready to dedicate time and efforts to advocate for specific actions that need to be taken by public authorities in order to ensure a better protection of migrant women's rights, and, more extensively, better life for citizens of Moldova.

At the same time, the 2014 – 2016 National Action Plan (NAP)¹ provided for the development of a series of frameworks (legal, institutional, administrative, information and labour market integration), facilitating returned citizens from abroad reintegration, access to education, to mandatory medical insurance system and to social protection schemes, enhancing emigrants' entrepreneurial skills and granting them access to agricultural and non-agricultural-targeted investment programmes. As well, provisions in support of women migrants were outlined in the 2014-2016 NAP, e.g. development of a program for women economic empowerment, increase access to information on entrepreneurship and economic opportunities via various communications means, promotion of social entrepreneurship, etc. However, the consultations and capacity building actions on migration key issues and policy concerns undertaken with returned migrants workers from abroad revealed a weak link, in terms of engagement and accountability between public authorities and migrants, as well as scarce communication and dialogue, fact which did not allow an effective engagement of women migrants with public authorities on promotion of the outlined provisions at policy level and at the same time legged behind the efficient implementation of the NAP. The current NAP has undergone a complex and thorough gender-responsive assessment, which tracked the implementation progress and identified its gaps and bottlenecks as well as track achievements in support of women migrants.

Bearing in mind the findings and conclusions altogether with the collected data arising from the NAP (2014-2016) gender-responsive assessment, the Ministry of Labour, Social Protection and Family has also requested assistance in commencing work on the development of the new National Action Plan supporting the reintegration of Moldovan citizens returned from abroad. In this context, the EU funded migration project plans to recruit a consultant to consolidate the capacities of the public authorities in Moldova, specifically Bureau for Relations with Diaspora and Ministry of Labour, Social Protection and Family, at their request on strategic planning and development of gender-sensitive

¹ <http://lex.justice.md/index.php?action=view&view=doc&lang=1&id=353112>

migration policies that are informed by women migrants. As well, it is to synergize with women migrants and their support groups to develop a joint activity strategy to follow-up on the implementation of the identified priority key policy issues of the women migrants as well as to support and co-create the development of the new National Action Plan for the reintegration of Moldovan citizens returned from abroad. The joint activity strategy and the new NAP will be co-created with women and men living abroad, those who plan to return and the returned migrants by using the positive deviance approach based on the positive experience and practices of developing gender-sensitive migration policies. This activity feeds into the UN Women's EU funded migration project Result 4: Enhanced capacity/accountability of governments, national oversight mechanisms - Parliaments, national human rights mechanisms and institutions to women migrant workers' rights. Specifically, the consultancy assignment falls under Activity 4.6 (Act. 4.6 Provide technical assistance to Government to develop gender sensitive legislation/ Provide technical support to the Government on creating CEDAW compliant migration legislation) to provide technical assistance to the Government to raise accountability in developing gender-sensitive legislation compliant with international mechanisms for human rights protection of women migrants and in close collaboration with women migrants.

The activity also contributes to Result 5 of the project by enhancing the capacity of the women migrant workers' organization and support groups to effectively engage with government to ensure accountability to their rights by developing gender-sensitive migration policies. Specifically, in providing technical support to the women migrant workers and their families to engage with the government, the consultancy assignment continues to be part of activity 5.1 which seeks to provide "trainings with WMWs' organizations and their support groups, on how to advocate and work effectively with governments to develop and implement coherent labour, migration and trafficking legislation and how to mainstream migration into development planning from a gender perspective".

SCOPE OF WORK

Under the overall supervision and guidance from UN Women Programme Specialist, the selected National Consultant is expected to provide assistance and capacity building to the Bureau for Relations with Diaspora on strategic planning and facilitate the elaboration of a joint activity strategy between the women migrants and BRD for the development of BRD migration policies and programs, that are directly informed by women migrants, using the co-creation² and positive deviant approach³.

As well, the selected National Consultant will provide support and co-create the development of the new National Action Plan for the reintegration of Moldovan citizens returned from abroad. The National Consultant will work in a team with the lead thematic consultant on developing the new National Action Plan supporting the reintegration of Moldovan citizens returned from abroad, recruited by the SDC-funded Joint IOM/UNDP Programme "Mainstreaming Migration into National Development Strategies" under the general guidance of the Head of Department for Migration Policies within the Ministry of Labour, Social Protection and Family.

² **Co-creation** is a management initiative, or form of strategy that brings different parties together (for instance, an institution and a group of beneficiaries'/service users), in order to jointly produce a mutually valued outcome.

³ **Positive deviance** (PD) is an approach to behavioral and social change based on the observation that in any community there are people whose uncommon but successful behaviors or strategies enable them to find better solutions to a problem than their peers, despite facing similar challenges and having no extra resources or knowledge than their peers. These individuals are referred to as positive deviant.

The National Consultant is expected to organize co-creation workshops with migrant women and men living abroad, and returned migrants to engender migration policies to ensure that their rights are promoted.

TASKS DELIVERABLES AND TIMEFRAMES:

It is expected that the National Consultant will perform the following tasks:

1. Assist the MLSPF and BRD team with strategic planning and integrate the identified key policy issues of women migrants when planning the development of the BRD gender-sensitive migration policy documents;
2. Facilitate and/or participate in major strategic planning sessions of the MLSPF and BRD for the development of the migration policy documents, as well as in all consultative meetings with key target groups (migrant women, support groups, etc.);
3. Organize at least 5 co-creation workshops with women and men in migration as well as returned migrants in Moldova and their support groups to identify positive practices of re-integration informing the development of the new NAP and the BRD strategy. For this, the consultant shall, in consultation with MLSPF, BRD and other partners, arrange at least 3 joint workshop with returned migrants in Moldova and 2 workshop with people from outside the country in locations with high concentration of migrants (e.g. Italy). Such discussions/meetings/workshops will be held in Chisinau and at least one country of destination of migrants from Moldova (e.g. Italy). At least 30 persons shall participate in the co-creation workshop in Chisinau and up to 25 persons in the workshop in Italy, to include women, men, their family members, community stakeholders and other important actors.
4. Work jointly with the BRD and MLSPF staff to identify critical areas to be integrated in the NAP and BRD migration documents and ensure that priority directions and related positive practices are reflected in the final drafts;
5. Provide support in the elaboration of a migrant- and gender-sensitive program proposal with increased social impact indicators, to be included in BRD’s program portfolio, with subsequent implementation during 2017.
6. To document the process of co-creation and provide a brief guide of this approach and how this methodology works to help migrants re-integration.

No	Activities and Deliverables	Tentative timeframe	Payment
1.	Activity: At least 3 co-creation workshops with women and men in migration as well as returned migrants in Moldova and their support groups (Chisinau)	By 31 December, 2016 (up to 22 working days)	1 st installment:
2.	Deliverable I: Interim report containing the draft joint activity strategy for BRD and NAP for MLSPF co-creation results	By 15 January, 2017 (10 working days)	

3.	<p>Activity: At least 2 co-creation workshop including one in a destination country of migration</p> <p>Activity: Co-creation and positive deviance approach documentation for BRD and MLSPF</p> <p>Deliverable II: Final report containing the critical areas to be integrated in migration documents and the brief on using the approach of positive deviance in this process</p>	By 30 January, 2017 (up to 23 working days)	2 nd installment:
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Activities under the current assignment are expected to commence on 28 November, 2016 and be completed by 31 January, 2016.

Note: The mentioned number of 45 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 the 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 WMW assigned staff, shall be the only criteria for National Consultant’s work being completed and eligible for payment/s.

MANAGEMENT ARRANGEMENTS

Organizational Setting: The National Consultant will work in close collaboration with the UN Women Programme Specialist, Bureau for Relations with Diaspora and Ministry of Labour, Social Protection and Family – for substantive aspects of the assignment, and under the direct supervision of the UN Women WMW assigned project staff – for administrative aspects. UN Women WMW Project Team will provide Project documents and background information for the National Consultant.

Contract: The selected National Consultant shall sign a contract with UN Women for stipulated assignment, as stated above.

TRAVEL

The National Consultant will be responsible for **all travel expenses** associated with undertaking this assignment, **including those abroad**. All travels shall be coordinated with UN Women WMW Project staff and shall be included in the total contract amount of the contractor.

Thus, the National Consultant shall include in the financial proposal travel costs associated for undertaking one travel outside the country to Italy.

Remark: The presented travel costs should include the price of the flights for the most direct and economic route.

PERFORMANCE EVALUATION

National Consultant's performance will be evaluated against such criteria as: timeliness, responsibility, initiative, communication, accuracy, and quality of the products delivered.

FINANCIAL ARRANGEMENTS AND PAYMENTS

Payment will be disbursed in 2 instalments in total, as stipulated in the above table, upon successful completion of each deliverable and certification by the UN Women National Programme Officer that the services have been satisfactorily performed.

The deliverables will be submitted in English and Romanian languages both in electronic format and hardcopy. The National Consultant is responsible for the timely completion of deliverables. Estimated lead time for UN Women National Programme Officer to review deliverables and give comments is 5 working days. This time should be considered for finalization of the deliverables and completion of the assignment within the required contract duration.

Remark: The National Consultant is expected to provide all logistical and administrative services to organize the 2 co-creation workshop in one destination country of migration and handle financial payments for conference room rent, coffee breaks and water for the participants. Payment will be reimbursed based on the de facto presence of participants and the financial proposal shall include costs per participant, sufficient to cover the conference room rent, coffee break and water.

UN Women will handle logistics for the in-country workshops.

The National Consultant will be paid in the national currency in line with the payment schedule below.

Deliverables	Payment dates	Payment amount
Deliverable I: Interim report containing the draft joint activity strategy for BRD and NAP for MLSPP co-creation results	17 January 2017	60% of total contract amount
Deliverable II: Final report containing the critical areas to be integrated in migration documents and the brief on using the approach of positive deviance in this process	30 January 2017	40% of total contract amount

REQUIRED QUALIFICATIONS AND SKILLS AND COMPETENCIES

The following qualification criteria will be applied during the selection of the consultant:

a. Education:

- University degree in social science or other required discipline (public administration, business management, economic relations, finance, sociology, research, etc.), Master Degree is an asset.
- Complementary studies in economics and/or international development will be an advantage;
- Other formal education relevant for the assignment;

b. Experience:

- 2 years of experience in facilitating consultations, policy co-development processes with different stakeholders (governmental, non-governmental, etc.);
- 3 years of proven experience assisting/collaborating with the Government sectors in drafting policy recommendations/policy reports, coordinating activities,
- Minimum 2 years of experience working on best practices in migration, return and reintegration of migrants;
- Proven experience in developing analytical works in migration-related fields would be an asset;
- Experience in working with international organizations and/or UN agencies in particular;

c. Competencies, skills and other requirements:

- Strong analytical, writing and communication skills;
- Strong knowledge of migration regulatory and legal framework at the national level required;
- Familiarity with UN Women’s mandate;
- Excellent English, Romanian and Russian;
- Availability for the envisaged period and high mobility and flexibility.

d. Diversity:

- UN Women 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.

EVALUTATION PROCEDURE

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

1. University degree in social science or other required discipline (public administration, business management, economic relations, finance, sociology, research, etc.), Master Degree is an asset;
2. 2 years of experience in facilitating consultations, policy co-development processes with different stakeholders (governmental, non-governmental, etc.);

The short-listed candidates 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% m 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 for technical evaluation	Max. points
1.	University degree in social science or other required discipline (public administration, business management, economic relations, finance, sociology, research, etc.), Master Degree is an asset; (University Degree's – 60 pts) Complementary studies in economics and/or international development will be an advantage; Other formal education relevant for the assignment (10 points);	70
2.	2 years of experience in facilitating consultations, policy co-development processes with different stakeholders (governmental, non-governmental, etc.) (2 years – 40 pts, each year over 2 year – 5 pts, each year over 5 year – 10 pts up to a maximum of 70 pts)	70
4	3 years of proven experience assisting/collaborating with the Government sectors in drafting policy recommendations/policy reports, coordinating activities (3 years – 35 pts, each year over 3 years – 10 pts, up to a maximum of 50 pts) Proven experience in developing analytical works in migration-related fields would be an asset (10 points)	60
5	Minimum 2 years of experience working on best practices in migration, return and reintegration of migrants (2 years – 40 pts, each year over 2 year – 10 pts, up to a maximum of 60 pts)	60
6	Experience in working with international organizations and/or UN agencies in particular (30 points)	30
7	Fluency in English, Romanian and Russian (Romanian – 15 pts, English –15 pts, Russian– 15 pts)	45
8	Computer literacy and ability to effectively use office technology equipment, IT tools, ability to use Internet and email (15 points)	15
	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).

SUBMISSION PACKAGE

- Duly filled Personal History Form (PHF11)/CV including records on past experience in similar projects/assignments and specific outputs obtained;
- Letter of Interest with justification of being the most suitable for the work, vision and working approach;
- Financial proposal - (in MDL) - The financial proposal shall include a breakdown of the lump sum amount (daily rate and number of anticipated working days, travel tickets, per diems and any other possible costs); Please see Annex I to TOR: Price Proposal Guideline and Template and Annex II: Price Proposal Submission Form

Please note that only applicants who are short-listed will be contacted.

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.

Annex I: Price Proposal Guideline and Template

The prospective Individual 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, communications, consumables, travel costs, DSA, accommodation, cost for participants in Italy, etc.) that could possibly be incurred by the Contractor needs to be factored into the proposed price.

Remark: The National Consultant is expected to provide all logistical and administrative services to organize the workshop outside the country and handle financial payments for conference room rent, coffee breaks and water for the participants. Payment will be reimbursed based on the de facto presence of participants and the financial proposal shall include costs per participant, sufficient to cover the conference room rent, coffee break and water.

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

The National Consultant will be responsible for **all travel expenses** associated with undertaking this assignment, **including those abroad**. All travels shall be coordinated with UN Women WMW Project staff and shall be included in the total contract amount of the contractor.

Thus, the National Consultant shall include in the financial proposal travel costs associated for undertaking one travel outside the country to Italy.

Remark: The presented travel costs should include the price of the flights for the most direct and economic route

3. Daily Subsistence Allowance

The National Consultant shall include in the financial proposal travel costs associated for undertaking one travel outside the country to Italy, including DSA and accommodation (DSA not exceeding the UN DSA rate).

4. Currency of the price proposal

The applicants are requested to submit their price proposals in MDL. The payments will be made in MDL.

Annex II: Price Proposal Submission Form

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

Ref: National Consultant to provide capacity building to the Government (Bureau for Relations with Diaspora) on strategic planning and development of gender-sensitive migration policies

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
Deliverable I: Interim report containing the draft joint activity strategy co-creation results	%60	
Deliverable II: Final report containing the critical areas to be integrated in migration documents and the brief on using the approach of positive deviance in this process	%40	
TOTAL AMOUNT	%100	MDL

**Basis for payment tranches*

B. Cost Breakdown by Cost Component:

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.

Description of Activity	Unit of measure (day, month, etc)	Unit price, MDL	No. of units	Total Price, MDL
Consultancy fee				
Travel cost for one travel outside the country				

Costs for workshop organizing in country of destination (cost per person and sub total)				
DSA and accommodation in country of destination (DSA not exceeding the UN DSA rate)				
Communications (mobile, landline, 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 60 days.

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

[Signature]

Date:

Name:

Address:

Telephone/Fax:

Email: