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***INL Project “Enhancing the Government's Counter-Trafficking Response and Improving the Protection of Victims of Trafficking and Witnesses in the Republic of Moldova”***

**TERMS OF REFERENCE**

**International consultant to (1) evaluate the capacity of the Permanent Secretariats' Department (PS) within State Chancellery to coordinate and monitor the implementation of anti-trafficking policies and (2) conduct a feasibility study on the opportunity of introducing a National Rapporteur for evaluating national anti-trafficking policies in Moldova**

**1. BACKGROUND INFORMATION:**

Since 2005, the Republic of Moldova has ratified the main international and European treaties regulating the fight against trafficking in persons (TiP) and protection of its victims' rights, as well as adopted relevant legislation and policy framework, including a special law, several action plans on preventing and combating trafficking and a strategy for setting a National Referral System to protect and assist victims of this crime. In 2018 the Government adopted a 6-year Strategy on Preventing and Combating Trafficking in Human Beings (hereinforth - Counter-Trafficking Strategy) setting out the main directions and priorities for the state's policies in the area for the period between 2018 and 2023.

The overall coordination of the government's efforts to prevent and fight TiP in Moldova and cooperation of authorities with international and non-governmental policies in implementing anti-trafficking policies is done through the National Committee for Combatting Trafficking in Human Beings (NCCTHB).<sup>1</sup> A Government's consultative body, which is in charge of the coordinating the development, implementation, monitoring and evaluation of state policy in the field. Being set at the level of heads of ministries/agencies/, whose deliberations take place in periodic meetings, the Committee's is assisted since 2011, by a Permanent Secretariat in order to achieve its objectives

Among the main purposes of establishing such a secretariat was to ensure Government ownership and accountability for national response to TiP, to improve cooperation among different stakeholders (governmental, non-governmental and international) and coordination of the counter trafficking policy development, implementation and monitoring. The PS has been in charge of data collection, drafting National Reports on TiP and reporting to relevant international mechanisms, among others. It has also led initiatives to amend legislation pertaining to TiP, led and participated in research and

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<sup>1</sup> Law on the prevention and combating of TiP (no. 241 of 20.10.2005), article 8.

awareness campaigns, as well as maintained cooperation with Territorial Committees for Combating TiP.

While this policy coordination mechanism has received support (capacity building, technical support, external expert advice, etc.) and praise in the past, including from Moldova's development partners, effectively ensuring state responsibility and ownership of the counter-trafficking efforts in Moldova, its functioning has met several challenges. The two most recent US State Department's TiP reports on Moldova noted challenges in the capacity of the PS to full fill its mandate. The 2018 report specifically mentioned that the staffing of the PS, according to observers, is insufficient to manage its workload.

One of the main grounds for the above was the 2018 PS restructuring within a general Central Government optimisation exercise. Thus the PS was brought under the authority of a new special Governmental body - Directorate of permanent secretariats - and incorporated in it, in a move that alarmed the civil society and the IOM partners within the anti-trafficking community in the Republic of Moldova as to the risk to its functioning in the future, as well its independence in decision making.<sup>2</sup>

The new directorate was created by merging the PS with several other secretariats of policy-making and monitoring bodies and currently there are 7 staff units, out of which one staff unit is currently performing purely THB-related tasks, while the head and its deputy are performing them cumulatively with other portfolios. In line with the quoted Government Decision, this body is in charge of logistic and informational support and record-keeping of all consultative bodies functioning under the aegis of State Chancellery (another four consultative bodies besides the NCCTHB). This may mean additional challenges in already problematic workload of the PS with respects to designing, implementing, monitoring and assessing anti-trafficking policies, as well as further challenges in coordination and decision-making. Thus, on the one hand there is a potential under-staffing issue at hand, on the other – a decline in its real decision-making independence.

At the same time, in order to improve its records in evaluating and reporting its progress on implementing counter-trafficking policies, the national authorities have been contemplating setting up the position of a National Rapporteur within the Moldovan legislative, which would be responsible for data collection on TiP and monitoring the implementation of anti-trafficking policy at the national level. Thus, in line with the new Counter-Trafficking Strategy, and the Action Plan for its implementation for 2018-2020 the Government took upon itself to examine the opportunity of setting up a position of National Rapporteur for evaluating its policies in the area (action 1.1.1).

In this context and given the fact that the PS of the NCCTHB lacks the resources necessary for an accurate and objective evaluation of its own efficiency in monitoring and coordinating national policies, under this project IOM undertook to contribute to filling this gap by contracting an international consultant. Moreover, given the reorganization of the PS under a new government structure, it is important that such an evaluation also looks into the impact this and other reforms will have on the functioning of counter-trafficking coordination mechanisms and suggest ways to prevent drawbacks. Finally, it is important that a decision on whether to establish a National Rapporteur

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<sup>2</sup> <http://lastrada.md/eng/articles/fighting-trafficking-in-human-being-in-the-republic-of-moldova-position-brief-i-165>

position is taken only as a result of evidence-based analysis and against the assessment of existing counter-trafficking mechanisms.

The present consultancy is meant to accomplish these goals and is expected to lead to better-quality policy making and implementation in the post 2018 counter-trafficking policy cycles.

## **2. OBJECTIVE OF THE CONSULTANCY:**

The overall objective of this contract is to conduct an assessment of the capacity of the PS to coordinate and monitor the implementation of anti-trafficking policies in an efficient fashion and to evaluate the feasibility of introducing a National Rapporteur for evaluating national anti-trafficking policies in Moldova.

One report should be drafted that will comprise:

(1) findings of an assessment of the capacity of the PS of the NCCTHB to fulfil its role in developing, coordinating, monitoring and evaluating counter-trafficking policies in Moldova, under the present legislative/policy and institutional frameworks, including:

- Describing the existing possible barriers as regards its efficiency (financial, legislative organizational, incl. recruitment and appointment of personnel, maintaining institutional memory etc.)
- Recommendations for amendments of relevant normative acts, institutional arrangements as well as future steps to be taken.

(2) findings of a feasibility study on introducing a National Rapporteur for evaluating national anti-trafficking policies in Moldova.

The report will be consulted and validated with relevant stakeholders.

The study should be based on extensive analysis of national and international legislation, internal regulations and institutional set-up of government institutions, national policy and practice in the area of coordination of counter-trafficking policy, as well as on-site interviews with the relevant institutions.

## **3. TASKS TO BE PERFORMED WITHIN THE CONSULTANCY:**

Under the present Terms of Reference, under IOM supervision and in cooperation with the PS, the US Embassy in Moldova and national legal experts in the field (as advised by the PS and IOM) the Consultant shall perform the following tasks:

<b>TASKS</b>	<b>TIMEFRAME</b>
<b>1. Conduct an assessment of the capacity of the PS of the NCCTHB to fulfil its role in developing, coordinating, monitoring and evaluating counter-trafficking policies and the opportunity of introducing the institution of National Rapporteur on TiP in Moldova</b>	
1.1. Submit a research plan to be approved by IOM, PS and US Embassy to Moldova;	15 August 2019
1.2. Conduct a desk review of national legislation, bylaws, internal regulations, existing reports pertaining to the activity of the PS, as well as the legislation and practice of other countries on TiP policy	15 August 2019 – 30 August 2019

coordination and the institution of National Rapporteur. Analyse and assess the existent normative, policy and institutional framework regulating the functioning of the PS;	
1.3. Undertake a visit to Moldova, meet and interview relevant actors: representatives of state authorities, civil society and international organizations, embassies, etc.;	30 August 2019 – 15 September 2019
1.4. Summarize conclusions and develop recommendations, including concrete legislative/normative amendments, regulatory provisions and institutional arrangements to optimize the capacity of the PS to coordinate and monitor the implementation of anti-trafficking policies, as well as recommendations as to the opportunity of setting up the institution of National Rapporteur on TiP in Moldova; Draft the Report of the study.	15 September 2019 – 30 November 2019
1.5. Submit the first draft of the Report to IOM and PS for review, dissemination among relevant actors, consultation and collection of proposals and recommendations	31 October 2019
<b>2. Validate the Report with relevant partners</b>	
2.1. Receive proposals and recommendations by counter-trafficking actors to the draft of the Report; Analyse proposals and recommendations and review the report in light of the relevant suggestions and incorporate them in the Report, as applicable;	15 November 2019 – 30 November 2019
2.3. Submit final Report to IOM and PS	30 November 2019
<b>3. Present the Report of the feasibility study</b>	
3.1. Prepare and conduct a presentation of the Report within a public event organized by IOM	December 2019

#### **4. TIMETABLE AND DELIVERABLES:**

Following performance of the tasks listed in section VI of this Terms of Reference, the Consultant shall submit to IOM for approval and acceptance the following deliverables:

<b>No</b>	<b>DELIVERABLES</b>
<b>Deliverable 1</b>	Research plan approved by IOM, PS and US Embassy
<b>Deliverable 2</b>	Periodic reports
<b>Deliverable 3</b>	First draft of the Report on the capacity of the PS of the NCCTHB to fulfil its role in developing, coordinating, monitoring and evaluating counter-trafficking policies

	and the opportunity of introducing the institution of National Rapporteur on TiP in Moldova
<b>Deliverable 4</b>	Final draft of the Report on the the capacity of the PS of the NCCTHB to fulfil its role in developing, coordinating, monitoring and evaluating counter-trafficking policies and the opportunity of introducing the institution of National Rapporteur on TiP in Moldova

## 5. MANAGEMENT ARRANGEMENTS

The selected consultant shall sign a contract with IOM for stipulated assignment. The consultant will work under the direct supervision and guidance of the IOM and PS (Permanent Secretariat) assigned staff. The submitted deliverables, which should be provided in English, shall be endorsed by the IOM's Prevention and Protection Program Coordinator.

## 6. PERIOD OF CONSULTANCY AND REMUNERATION:

The Consultancy and its tasks hereunder shall be performed during **1 August 2019 – 31 December 2019**. The fee will be paid to the Consultant in instalments, according to the established delivery schedule, upon completion by the Consultant of all tasks specified in these terms of reference.

## 7. TRAVEL

It is expected that during his assignment the International Consultant will travel to Moldova during two instances, specifically:

- To meet and interview relevant actors, representative state authorities, civil society and international organizations, embassies, etc.
- To participate in the IOM event and conduct a presentation of the Report within a public event organized by IOM.

## 8. QUALIFICATIONS AND COMPETENCIES FOR THE CONSULTANCY:

### *a. Education and Experience:*

- University degree in law, social sciences or other field relevant for the assignment. Master or PhD would be an advantage;
- Proven experience in performing analytical tasks the field of preventing and combating trafficking in persons;
- Experience in drafting studies, normative documents and performing analysis of complex social/institutional systems;
- Experience of work with international organizations and, particularly with UN Agencies would be an asset.

### *b. Competencies, skills and other requirements:*

- Excellent communication and coordination skills;
- Analytical skills, abilities in research;
- Knowledge of Romanian, Russian or English.
- High responsibility, efficiency and tendency to the achievement of result

*c. 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.
- Working knowledge of one or more additional languages relevant for Moldova, including Romanian, Russian, Bulgarian, Gagauzian, Romani, Ukrainian or sign language is an asset.