

**TERMS OF REFERENCE  
FOR COMMISSIONING A GENDER ANALYSIS OF THE JUDICIARY IN MOLDOVA**

**Date: 3 April 2019**

**1. BACKGROUND**

The Republic of Moldova is part to the International Covenant on Civil and Political Rights, the European Convention on Human Rights, the Convention on Action against Trafficking in Human Beings, the Convention on the Elimination of All Forms of Discrimination Against Women. The Republic of Moldova is also bound, under the EU-Moldova Association Agreement, by the EU norms and standards in the field of non-discrimination. The EU-Moldova Association Agenda for 2017-2019 provides that equality and gender issues should be addressed as a crosscutting priority.

In the national legislation, the principle of gender equality is enshrined in the Law no. 5 on ensuring equal opportunities between men and women of 9 February 2006. Other legal norms on equality and non-discrimination are contained in the art. 16 of the Constitution and the Law no. 121 on ensuring equality of 25 May 2012. In the justice sector, the 2011-2017 Justice Sector Reform Strategy did not have specific objectives and activities meant to promote gender equality in the justice sector. The Government adopted also the Strategy for ensuring equality between women and men in the Republic of Moldova for 2016-2020. The draft National Development Strategy “Moldova 2030”, Objective 8 related to ensuring good governance based on rule of law, includes integration of gender dimension in the development of public policies in all spheres of life and accountability of public institutions for effective implementation of gender equality. All the mentioned acts establish the minimum requirements for ensuring gender equality and provide a legal basis for promoting and strengthening gender equality.

Representation of men and women in the Moldovan judiciary is almost equal. From the total number of judges, 52,3% are men and 47,7% - women. In comparison, in 2008, only 33,6% of the judges were women. However, most of the leading positions are held by men: the president of the Superior Council of Magistracy, the president of the Supreme Court of Justice, the president of the Constitutional Court. Also, the presidents of the four Courts of Appeals are men. The appointments and promotions in the judiciary should be done on the merit-based principle. There is no public document or guideline emphasizing gender equality as a priority for judicial appointments and career. Gender-based stereotypes and prejudices might also play an important role in appointments and career of judges. There is a need to carry out a baseline gender analysis of the judiciary in Moldova.

**2. PURPOSE OF THE ASSIGNMENT**

Legal Resources Centre from Moldova (LRCM)<sup>1</sup> seeks to contract a consultant/ team of consultants (*Consultant*) to carry out a gender analysis of the judiciary in Moldova and to present it during a

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<sup>1</sup> The *Centrul de Resurse Juridice din Moldova (CRJM)* / Legal Resources Centre from Moldova (LRCM) is a not-for profit non-governmental organization based in Chişinău, Republic of Moldova. The LRCM promotes an independent, efficient, and accountable judiciary, respect of human rights, an enabling environment for civil society and democracy. For that end, we identify problems with systemic impact, bring them into the public agenda, propose solutions, react to abuses and mobilize partners for changes in good. In achieving these aims, LRCM combines policy research and advocacy in an independent and non-partisan manner. LRCM was registered in 2010. More information on LRCM activity is available at [www.crjm.org/en](http://www.crjm.org/en).

public event in Chisinau, Moldova under the Institutional Support for Organizational Development Project, funded by Sweden.

The gender analysis will provide an understanding of existing gender inequalities and its causes in the judiciary in Moldova. In this sense, the gender analysis should establish a baseline situation by having a clear picture of differences and gaps in the following key issues, as a minimum:

- The level of representation of men and women across the judiciary, according to the age pyramid, at different occupational levels and levels of jurisdiction;
- Potential and/or assessed impact of legislation, judicial policies, regulations, programmes and practices in gender mainstreaming in judicial recruitment and career;
- Level of work and life balance both de jure and in practice for men and women in judiciary, including availability and use of parental leave and flexible work arrangements by men and women;
- Assessment of equal pay for equal work or work of equal value;
- Gender mainstreaming in institutional budgets of courts in Moldova;
- Gender bias, gender stereotypes or discriminatory practices expressed in behaviours, beliefs, attitudes embodied by judicial staff and authorities as part of the judiciary's workplace culture (gender equality culture);
- Gender balanced representation in decision making processes in judiciary administration;
- Gender and collegial relationships / internal and workplace culture affecting or encouraging gender equality within the judiciary;
- Actions related to international co-operation through continuously sharing knowledge, lessons learned and good practices on gender equality and mainstreaming initiatives in gender equality in judiciary;
- Sexual harassment policies, awareness and preventive practices within the judiciary;
- Attitudes concerning the equal representation of women and men in the Moldovan judiciary;
- Internal and external factors affecting the level of gender equality;
- List of recommendations in order to mainstream gender equality approach in the judiciary in Moldova.

#### **4. METHODOLOGY OF THE ANALYSIS**

The Consultant will elaborate the methodology for the analysis using both quantitative and qualitative approaches. LRCM expects the Consultant to use the following methods: desk review of the relevant legislation, regulations, practices, statistics, relevant reports and individual interviews and/or focus groups, as well as other methods as deemed appropriate by the Consultant. The Consultant shall consult the methodology with LRCM prior to initiating the evaluation.

#### **5. WORKING METHOD WITH LRCM**

The LRCM team will work with the Consultant and will provide technical and logistical assistance to the Consultant in conducting the assignment. In particular, the LRCM team will present the relevant information for the analysis, such as legislation, including translations, if necessary, or summaries, reports, surveys and statistics, will arrange the interviews / focus groups and other necessary activities for the purpose of the assignment. Additional data can be collected by the LRCM team at the request of the Consultant. The LRCM will provide comments on the draft assessment report, will translate it into Romanian, if necessary, and will organize the public event to present the final assessment.

#### **6. KEY DELIVERABLES**

The Consultant shall provide the following deliverables, depending on the services provided:

- 1) Methodology, including research questions and interview/focus groups guides;
- 2) Draft gender assessment report, including recommendations for gender equality and mainstreaming in the judiciary;

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- 3) Final gender assessment report, including final recommendations;
- 4) Presentation of the gender assessment report during a half-day public event in Chisinau, Moldova, including a PPT presentation.

All deliverables shall be presented in English or Romanian. The exact report format will be agreed upon with the Consultant prior to commencing the assignment.

The final report (as well as previous documents) must be of very high quality, including language. The findings, analysis, conclusions and recommendations should be thorough and the link between them should be clear. The recommendations should be concrete and realistic and presented in a logical structure following on their importance and level of details. Minimum quality standards will be required to proceed to the disbursement.

## 7. TIMELINE

The period of assignment will be **up to 15 days, depending on expert's fees and methodology**, from May to July 2019, with the final analysis to be delivered by **15 July 2019**. The presentation event will take place in **September 2019**.

## 8. REQUIREMENTS FOR THE CONSULTANT

The Consultant (company or individual) shall correspond to the following requirements:

- a) University degree in law, social sciences or another relevant field. A master or PhD degree in these fields or gender studies will be considered as an advantage;
- b) 5 years' experience in promoting gender equality. Experience in promoting gender equality and mainstreaming in the justice system will be considered as an advantage;
- c) Knowledge of analytical methods and tools for mainstreaming gender in the justice system or related areas will be considered an asset. Knowledge and experience of Moldova or the Central and East European region is an advantage;
- a) Excellent writing, reporting and communication skills;
- b) Proficiency in English. Command of the Romanian language will be considered as an advantage.

## 9. APPLICATION PROCESS

Interested Consultants should submit their proposals via email to [application@crjm.org](mailto:application@crjm.org) by **25 April 2019**, including the following components:

- Cover letter and CV, including links or attached two most relevant similar assignments;
- An outline of the envisaged methodology for the assignment (outlining the overall approach and suggested methods, including a proposed plan of action with timelines, potential challenges and ways to overcome);
- Financial offer in USD, with the breakdown of costs (consultancy fee per number of anticipated working days, including costs for per diems, accommodation, local travel for visit in Moldova. LRCM will cover costs for 2 (two) return flights). For Moldovan candidates, if selected: a. companies are invited to send their financial offers including VAT, with possibility to render services at 0% VAT upon submission by the Beneficiary of the confirmation package, and b. individual candidates – net amounts. For foreign individual candidates / companies, if selected, the tax resident certificate issued by the relevant tax authority of the country of origin will be requested. Upon presentation of the certificate of residence for tax purposes based on the Convention for the avoidance of double taxation, the Consultant will have the sole responsibility for the payment of all applicable taxes (income, payroll, unemployment, etc.) relating to Consultant and Consultant's employees arising from payments to be received.

Disbursement and payment modalities will be agreed upon by both parties and specified in the contract with the Consultant.

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For any clarifications on the assignment, please email Sorina MACRINICI at [sorina.macrinici@crjm.org](mailto:sorina.macrinici@crjm.org).

## 10. EVALUATION

The cumulative method will be applied in the evaluation of the applications. The contract will be awarded to the candidate achieving the highest cumulative score from the technical and financial parts of the proposal. The technical proposal accounts for 70% of the total score and the financial proposal will account for 30% of the total evaluation score.

The offers will be evaluated based on the following criteria:

<i>Criteria</i>	<i>Max. point</i>
<b><i>Technical</i></b>	
Envisaged methodology and plan of action for the assignment	30
Relevant degree (university degree in law, social sciences or another relevant field. A master or PhD degree in these fields or gender studies will be considered as an advantage)	10
Relevant professional experience: gender field and justice field (5 years' experience in promoting gender equality)	15
Record of participation in an assignment of similar size and degree of complexity	10
Knowledge and experience in Moldova / Central and East European region	5
<b><i>Financial offer</i></b>	30
<b><i>TOTAL</i></b>	<b><i>100</i></b>