



**IOM International Organization for Migration
OIM Organizația Internațională pentru Migrație**

Project “Strengthening Migration Management and Cooperation on Readmission in Eastern Europe (MIGRECO)”

TERMS OF REFERENCE

International Trainer (Expert) on Investigative Response to the Hate Crimes

Overview and justification: The Government of Moldova passes through a thorough process of restructuring of the migration management system and justice sector based on EU best standards and practice and according to the main international obligations arising mainly from the proximity of the EU border and Moldova’s European aspirations, especially those included into the EU-Moldova VLAP and Association Agreement. Within the framework of the Belarus-Moldova-Ukraine EU funded project “Strengthening Migration Management and Cooperation on Readmission in Eastern Europe (*MIGRECO*)”, among other activities, IOM is supporting the Government of the Republic of Moldova in developing an integration system for immigrants, including from the perspective of antidiscrimination and investigative response to the Hate Crimes.

The observance of the human rights is very important for Moldova’s European path while an efficient and professional preparation of the investigation officers, prosecutors, and judges in the field of hate crimes investigation is a prerequisite for a thorough consideration to the human rights of both Moldavian citizens and the immigrants.

Objective: In close cooperation with the National Institute of Justice (NIJ), the IOM mission to Moldova is going to organize one Training of Trainers of up to 2 days duration, delivered by the team composed of one International (EU) trainer and one National trainer in the field of investigative response to the hate crimes. The training should be delivered to the Moldavian officials (investigation officers, prosecutors, judges invited by the NIJ as the leading agency in the area of continuous training of the judiciary).

The activity aims to contribute to the respect for human rights in the Republic of Moldova according to the international standards by enhancing the capacity of the investigations’ officers, prosecutors and judges related to the investigative response to the hate crimes.

The training will provide the attendees with advanced tools as well as new knowledge and abilities for performing their duties related to the state response to hate crimes.

Trainer: Under the overall guidance of the Chief of Mission and direct supervision of the Project Coordinator, and in close cooperation with the National trainer, the trainer (hereinafter referred to as “Expert”) will be responsible to design the curricula, including the methodology, and to conduct a comprehensive training session (up to 2 days duration) for the representatives of relevant Moldovan agencies (Ministry of Justice, National Institute of Justice, Law enforcement agencies). The Expert will design the content based on the international (universal and European) legal tools in the field of prohibition of the discrimination and hate crimes and recommendations for successful investigation of these offences. A special role will be dedicated to the protected criteria (classes) of the immigrants (such as the race, language, religion, ethnicity, citizenship, disability etc.), European and international standards of investigation, the range of applicable sanctions for the respective category of crimes in EU, and state’s obligation to efficiently investigate any case suspicious of hate crime considering the jurisprudence of the European Court of Human Rights.

Expected Training Results: Based on the training, the trainees as future trainers have to be equipped with necessary knowledge and abilities for preparation and further implementation of the training knowledge in the field of investigative response to the hate crimes that includes the following:

- Increased awareness of the importance of human rights’ protection;

- Basic principles of international and national legal framework in the field;
- Increased ability to identify the motivation of the hate crimes and to investigate it accordingly.
- Enhanced knowledge of hate crimes investigation both in theory and practice based on the EU standards and best practice of investigative response to hate crimes;
- Better understanding of the ECHR jurisdiction and legal standards and importance of the integration of the latter into the national practice;

Procedure: The Expert will carry out the entire activity: necessary adjustment to the target group of the existing generic training curricula, conducting the actual training, final evaluation of the training and recommendations to the NIJ on future similar trainings in accordance to his/her own experience in the area of hate crimes investigative response, including antidiscrimination and tolerance aspects, considering the existing EU standards and best practice in the above mentioned areas. In cooperation with the National trainer, a due attention has to be paid to the relevant aspects of the Moldovan legislation and investigative practice.

In order to ensure consistency with IOM principles, the Expert will be guided by migrants' rights and gender compliance principles stated by the Convention on the Elimination of all forms of Discrimination against Women (CEDAW), the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, and General Assembly Resolution 58/143 on Violence against Women Migrant Workers etc.

It is expected that the Expert will spend up to **8 working days** on the project, including up to 4 days of stay (1 visit) in Moldova for preliminary consultation and conducting of the training. The Expert will receive an expert fee at the rate **450 Euros/day**, travel expenditures from his/her country to Moldova and vice-versa, as well as the DSA for the visit according to the IOM rates for the respective month.

During the period of assignment, the Expert will work in close cooperation with the IOM Moldova "MIGRECO" Project Team, National judicial trainer, specialists and relevant staff assigned by NIJ.

Inputs: The IOM **MIGRECO** Project Team will provide the Expert with the necessary IOM information and materials for the fulfillment of tasks, including the Generic Hate Crimes Curricula elaborated recently within the **MIGRECO** project in collaboration with the Moldovan Center of Human Rights. The project will also facilitate the contact with relevant agencies and staff in accordance to IOM mandate and level of collaboration, standing also ready to provide other relevant assistance as appropriate and necessary.

Period of assignment: All the services specified in this ToR shall be provided as a preliminary during the period 15 – 30 January 2015. Upon completion by the Expert of all tasks hereunder, he/she shall submit to IOM a final Report on all tasks and activities performed according to the ToRs and his contract with IOM no later than on 10 February 2015.

Desired qualification and competencies:

- University degree in law, international relations, public administration, or an equivalent combination of relevant training and experience.
- At least seven years of progressively responsible work experience in an EU country's legal agency, including experience in criminal investigation.
- Proven in-depth knowledge and understanding of the investigative response to hate crimes with good training delivery abilities.
- Experience in working with governmental institutions and non-governmental organizations.
- Knowledge of international human rights legislation, standards and practices in the fields of antidiscrimination and tolerance.
- In-depth knowledge of EU policy and legislation in the migration area is an asset.
- Ability to multi-task and work under minimal supervision with high level of resilience.
- Strong inter-personal skills demonstrated by the ability to work in a multi-cultural, multi-ethnic environment with sensitivity and respect for gender balance and diversity.
- Advanced PC knowledge.

- Good communication, interpersonal and organizational skills.
- Ability to work efficiently and calmly under pressure.
- Proven high level of discretion and flexibility.

Languages: Good command of spoken and written English is an absolute requirement. Knowledge of Romanian /Russian language would be an added advantage.