

## TERMS OF REFERENCE (TOR)

### INTERNATIONAL CONSULTANCY TO DEVELOP A METHODOLOGY TO COLLECT DATA AND DOCUMENT CASES OF VIOLATION OF FREEDOM OF RELIGION AND ON ABUSIVE USE OF RELIGIOUS FREEDOM TO LIMIT OTHER RIGHTS JULY – NOVEMBER 2014

The Soros Foundation-Moldova (SFM) is seeking an international expert, team of experts or an organization to develop the Methodology to collect data and document cases of violation of freedom of religion and on abusive use of religious freedom to limit other rights. The consultancy should be delivered during the period July – November 2014, for a maximum of 21 working days.

#### **BACKGROUND:**

In the Republic of Moldova, although the national legal framework provides for a broad protection of freedom of thought, conscience and religion, there are still important challenges ahead to ensure the full enjoyment of this fundamental right for all based on non-discrimination and equality. As acknowledged in the US Department of State International Religious Freedom Report for 2012, in the Republic of Moldova “there were some reports of societal abuses and discrimination based on religious affiliation, belief, or practice”<sup>1</sup>. These cases of discrimination could be found in almost all relevant areas: registration of denominations, construction of religious buildings, interferences into religious activities, access to schools and other educational institutions, discrimination in education, health care and employment, coverage in media and in public discourses. Minority religious groups reported discriminatory treatment by officials of state institutions, who often stated a preference for Moldovan Orthodox Church clergy to provide services to their respective facilities. Under a cooperation agreement with the Ministry of Justice, Moldovan Orthodox Church chaplains had free access to detention facilities for religious assistance without prior approval of the prison administration. The authorities did not grant other religious groups similar privileges<sup>2</sup>.

According to the findings of the Special Rapporteur on freedom of religion or belief, Heiner Bielefeldt, who visited Moldova in September 2011, “the remaining obstacles mainly derive from the predominant position of the Orthodox Church, which enjoys a privileged status at variance with the constitutional provision of a secular State”<sup>3</sup>. As mentioned in the Report on the Snapshot Study of the Right to freedom of thought, conscience and religion, developed by the Human Rights Information Centre in 2012, “the Moldovan Orthodox Church exercises an extremely high and visible domination over elaboration and adoption of public policies in the area of religious rights and freedoms, as well as on other important public policies (in the area of equality and non-discrimination<sup>4</sup>, health care, family issues, etc.), and interferes into the exercise of religious rights and freedoms by other religious groups, which is incompatible with the principles of rule of law and separation of state and church.

Overall the Moldovan government does not take decisive steps to distance the Moldovan Orthodox Church from interferences into politics. The apparent reason for that is the desire to strengthen political and electoral support for the government through the Moldovan Orthodox Church network of parishes and believers. The price for this “cooperation” is Orthodox indoctrination of the public policy making, often in contradiction with the fundamental human rights standards, and discrimination of other religious groups<sup>5</sup>. Moreover, the interference of the religious actors in the political life goes beyond influencing policies and legislation and escalades during the electoral campaigns, when the religious actors ascertain themselves as brokers and door keepers, influential electoral agents. Moldova prepares for elections in November 2014.

<sup>1</sup> US Department of State, Moldova 2012 International Religious Freedom Report, page 1, available at <http://www.state.gov/documents/organization/208556.pdf>.

<sup>2</sup> Ibid, page 6.

<sup>3</sup> A/HRC/19/60/Add.2, Final Report of SR on Freedom of religion or belief, Heiner Bielefeldt, p.61, available at [http://www.un.md/news\\_room/pr/2012/HR\\_Report/G1210269.pdf](http://www.un.md/news_room/pr/2012/HR_Report/G1210269.pdf).

<sup>4</sup> As result of direct interference in and strong opposition of the Moldovan Orthodox Church toward the adoption of the Law on ensuring the equality (law on non-discrimination), the government excluded several important protection grounds against discrimination, such as: sexual orientation, health status, social status.

<sup>5</sup> Report on the Snapshot Study of the Right to freedom of thought, conscience and religion (Fundamental Religious Freedoms and Rights in the Republic of Moldova), produced by the Human Rights Information Center in partnership with the Nondiscrimination Coalition and National Youth Council of Moldova, p.3, available at <http://cido.org.md/attachments/article/79/Report%20EN.pdf>.

In the aforementioned conditions, the Justice Program of SFM intends to develop a Methodology to collect data and document cases of violation of freedom of religion and on abusive use of religious freedom to limit other rights, and organize a monitoring campaign throughout the country for up to three months.

**OBJECTIVE AND MAIN TASKS:**

The Consultant shall develop a feasible, effective and cost-efficient Methodology to collect data and document cases of violation of freedom of religion adjusted to the Moldovan context, which will allow for systematic data collection and analysis. In addition, the Consultant will provide backstopping support to the team of local monitors throughout the application of the Methodology during September-November 2014.

The Consultant will be assisted by two national experts who will undertake a preliminary analysis of the relevant practices and researches, and will contribute in developing the Methodology.

**SPECIFIC TASKS:**

The assignment includes the following specific tasks:

1. Undertake a situation analysis in Moldova by reviewing all available resources, including studies and researches targeting freedom of religion or belief. These can also be provided by the national experts and project staff.
2. Develop a Methodology to collect data and document cases of violation of freedom of religion and on abusive use of religious freedom to limit other rights, including detailed description of data sources, methods of information gathering, sampling strategies (size of samples) and data analysis techniques. The proposed methodology should be technically sound, simple and designed for non-initiated persons. The methodology should also outline the answers to the following questions:
  - *Who will collect the data?*
  - *What data will be collected?*
  - *How data will be collected?*
  - *What is the complexity level of the data collection process?*
  - *How data will be analyzed?*
3. Develop the monitoring and reporting instruments (pro-forma or observation questionnaire, reporting pro-forma) adjusted to the Moldovan local context. The monitoring instruments shall be easy to use and shall answer the main questions, thus allowing for collecting of accurate, trustworthy and accepted information by all stakeholders, as well as for easy data analysis.
4. Facilitate the organization of and participate in a three days training on applying the Methodology. The training will be organized in Chisinau for a team of Moldovan human rights activists who will collect data and document cases of violation of freedom of religion at local level. All the training related costs (airfare, accommodation, local transportation) will be covered by the SFM.
5. Guide the team of local monitors throughout the monitoring campaign. At this stage, the Consultant's intervention might be needed in providing advices on addressing various challenges during the data collection process, data analysis and reporting. The two national experts responsible for overseeing the monitoring campaign will intermediate the communication between the Consultant and the team of monitors.

**DELIVERABLES:**

The main output of the assignment is a comprehensive Methodology for data collection and documenting cases of violation of freedom of religion. This includes the following:

- Desk review of relevant reports, studies and researches targeting freedom of religion or belief in Moldova undertaken;
- Methodology for data collection and documenting cases of violation of freedom of religion developed;
- Monitoring and reporting instruments developed;
- The training on applying the Methodology facilitated by the Consultant;
- Backstopping support provided at distance through e-mail, telephone and/or Skype, throughout the monitoring campaign. Evidence of the backstopping support at distance will have to be gathered and attached to the final report as an annex;
- The preliminary report summarizing all steps and results of the assignment including the training in Chisinau prepared and submitted to the SFM Justice Program. The preliminary report will list the recommendations to be considered while carrying out the monitoring campaign;
- Final report summarizing all steps and results of the assignment including the monitoring campaign prepared and submitted to the SFM Justice Program.

**QUALIFICATION:**

The Consultant will assume the overall responsibility for the expected output of the assignment. Key qualifications include:

- University degree in Social sciences or International human rights law (LL.B. equivalent). Advanced graduate studies in Religious studies/Theology, Sociology or other related fields will be a strong asset;
- Minimum of 7 years of progressive experience in human rights monitoring and advocacy at international, European, and local levels with focus on human rights in general or with focus on freedom of thought, conscience and religion;
- Sound knowledge of statistics and different survey methods;
- Good facilitation, presentation and analytical skills, as well as ability to elaborate high quality documents;
- Knowledge of the regional (Central and Eastern Europe, former Soviet Union) or country context including the current freedom of religion challenges will represent a strong asset.

**TIMEFRAME:**

The consultancy should start in July 2014 and end in November 2014 for a maximum of 21 working days allocated as follows:

- Preparation/ desk review: 3 days
- Developing the Methodology: 8 days
- Facilitating training sessions: 3 days
- Backstopping at distance: 5 days
- Final report writing including one round of revisions: 2 days.

**RECRUITMENT PROCESS:**

Applicants are requested to submit to the email address [srusanovschi@soros.md](mailto:srusanovschi@soros.md), by latest **July 8, 2014**, 5 pm EET, the following documents:

- Technical proposal outlining how the task described would be performed. While there is no set format, the technical proposal should clearly outline the applicant(s) (i) background and qualifications to perform the task, (ii) understanding of the task & approach/methodology suggested.
- Financial proposal (in USD) - specifying a lump sum amount. The financial offer should include all costs related to completion of the task under the current Terms of Reference.

For any details and questions regarding the content of ToR and assignment please contact the Program coordinator at the e-mail: [srusanovschi@soros.md](mailto:srusanovschi@soros.md) or Justice Program Director at [vmunteanu@soros.md](mailto:vmunteanu@soros.md) or (+373 22) 270031.