



**Government of the Republic of Moldova
and
United Nations Development Programme**

The project aims at preventing the prevalence/incidence of torture¹ and other cruel, inhuman or degrading treatment or punishment by strengthening the National Preventive Mechanism in compliance with the UN CAT/OPCAT requirements and under overall national human rights protection and promotion system

SIGNATURE PAGE



UNDAF Outcome(s): By 2011, Public Institutions with the support of Civil Society Organizations (CSO) are better able to ensure good governance, rule of law and equal access to justice and promotion of human rights.

- Indicator 1:** Voice and accountability (VA)
- Indicator 2:** Government effectiveness (GE)
- Indicator 3:** Rule of law (RL)
- Indicator 4:** Political stability and absence of violence (PV)
- Indicator 5:** Corruption perception index (CPI)

Expected CP Outcome(s): Pro-poor policies, addressing development and population issues, are formulated, implemented, and monitored in a more transparent and participatory manner.

Indicator: No. of pro-poor policies developed with the support of UN agencies

Expected CPAP Output(s): To prevent the prevalence/incidence of torture¹ and other cruel, inhuman or degrading treatment or punishment by strengthening the National Preventive Mechanism in compliance with the UN CAT/OPCAT requirements and under overall national human rights protection and promotion system

Indicators:

- 1) Level of compliance of NPM with OPCAT
- 2) Level of Ombudsman/Centre for Human Rights compliance with international standards of NHRI
- 3) Number of torture and other cruel, inhuman degrading treatment and punishment cases identified
- 4) Level of public awareness about torture and other human rights, as well mechanisms for its prevention
- 5) Number of events implemented in partnership with NGO and other relevant partners

Implementing partner: Centre for Human Rights

Responsible Parties: Department for Penitentiary Institutions, representatives of the Consultative Council

Programme Period:	2007-2011
CPAP Programme Component:	Good Governance
Project Title:	Support to Strengthening the National Preventive Mechanism as per OPCAT provisions
Atlas Award ID:	
Start date:	<u>1.01.2009</u>
End Date	<u>31.12.2011</u>
PAC Meeting Date	<u>24.12.2008</u>

Total resources required: 1,036,269 USD	
Total allocated resources: 1,036,269 USD	
• Regular	207,253 USD
• Other:	
○ EC	829,016 USD
○ Donor	_____
○ Donor	_____
○ Government	_____

Agreed by:	Name/Title:	Signature:
Centre for Human Rights	Anatolie Muneanu Director of the Centre for Human Rights National Project Coordinator	
UNDP Moldova	Kaarina Immonen Resident Representative	

I. ANNUAL WORK PLAN BUDGET SHEET

See Annex II

II. STRATEGY

In line with the provisions of the European Commission Strategy Paper 2007-2011, the project proposes to make an identifiable contribution towards achieving the **EIDHR** general **Objective 3**: Supporting actions on human rights and democracy issues in areas covered by EU guidelines, including dialogues on human rights, human rights defenders, the death penalty, torture, and children and armed conflict. For the purpose of this project, the main focus will be on the **prevention of torture**.

More specifically, the project aims at implementing activities related to support to the effective implementation of the aspects of the **UN Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)** and the **Optional Protocol to the CAP (OPCAT)** that Moldova is a party to. It shall make an identifiable contribution to the functioning of the newly established National Preventive Mechanism of Torture set up as per provisions of the Law Nr. 200-XVI dated 26.07.2007, amendment and completion to the Law on Modification and Completion to the Law No. 1349 – XIII on Parliamentary Advocates dated 17.10.1997 and the Regulation on organization and functioning of the Consultative Committee approved on 31.01.2008².

In this context, the project's **overall objective** shall be:

- To prevent the prevalence/incidence of torture³ and other cruel, inhuman or degrading treatment or punishment by strengthening the National Preventive Mechanism in compliance with the UN CAT/OPCAT requirements and under overall national human rights protection and promotion system

This is envisaged to be achieved through the following **specific objectives** (outputs) divided into 2 project components:

Specific objective 1: To strengthen the National Preventive Mechanism (NPM) for the monitoring and prevention of torture and other cruel, inhuman or degrading treatment or punishment at the national level in compliance with the OPCAT provisions.

Specific objective 2: To strengthen the institutional capacity of the Ombudsperson Institution/Centre for Human Rights in exercising its functions, including support the improvement and implementation of relevant legislative framework to in the human rights area.

With reference to the overall national priorities, the given project is line with the **National Development Strategy's (NDS) Priority 1**: Strengthen democracy based on the rule of law and respect for human rights principles approved by Parliament on 21 December, 2007⁴. The present NDS priority is line with the **United Nations Development Assistance Framework (UNDAF) 2007-2011** priorities. The proposed project is a continuation and expansion of the UNDP development interventions in the area of Governance/Justice and Human Rights under United Nations Development Assistance Framework (UNDAF) 2007-2011⁵.

The project proposes to achieve the long-term impact of increased awareness on torture issues, behavioral change among the law enforcement representatives, reduced incidence of torture cases, thus ensuring a better protection of the citizen's (especially vulnerable groups) rights.

² For more details please see Official Gazette No.136-140/581 of 31.08.2007 or <http://www.apr.ch/npm/eca/Moldova2.pdf>.

³ For simplification purposes, the notion "prevention of torture and other cruel, inhuman or degrading treatment or punishment" shall be further used as "prevention of torture".

⁴ For more details please see Law No. 295-XVI on Approval of the National Development Strategy for 2008-2011 available on www.pnd.md. www.parlament.md.

⁵ The information about UNDAF 2007-2011 and proposed development intervention can be found on www.un.md, www.undp.md.

III. MANAGEMENT ARRANGEMENTS

To enhance the sustainability of the development project by increasing the ownership and commitment to development activities, the project will be implemented through National Direct Execution (NEX) modality, Ombudsperson Institution/Centre for Human Rights being the main implementing partner. UNDP guidelines and policies for project implementation on NEX modality⁶ will be observed in the process of project implementation.

Project Management Structures

The project will be implemented by the Ombudsperson Institution/Centre for Human Rights, under overall coordination of the Project Board (please see the chart below). The Project Board represents at managerial level the interests of the following roles and the respective organizations:

- **Project Executive** (National Coordinator) – Ombudsperson Institution/Centre for Human Rights, Parliamentary Advocate is proposed to be the project national coordinator, who has overall ownership over project results and chairs the project board. He/she represents the main project beneficiary – the NPM, which has the overall coordination responsibility in the area.
- **Senior beneficiary** - The project beneficiary role is also played by other organizations: NPM members, representatives of penitentiary, police, psychiatric hospitals, NGOs, mass-media, victims of torture and other potential project beneficiaries as required.
- **Senior supplier** – this role is played by the project main donor - the European Commission and UNDP as co-funding and implementing partner, as well as other interested parties

The Project Board approves also all major plans and authorizes any major deviation from agreed project work plans. It ensures that required resources are committed and arbitrates on any conflicts within the project or negotiates a solution to any problems between the project and any parties beyond the scope of the project.

The Project Board will include tentatively representatives of the Ombudsperson Institution/Centre for Human Rights, National Institute of Justice, Parliamentary Committee for Human Rights, Prosecutor's office, Ministry of Justice (DPI), NGO, UNDP, Council of Europe/EC Delegation, OSCE and/or other relevant parties.

Project Assurance: Assurance is a key element of the UNDP project management method (in line with the Results Management Guide), upon which the Project Management Arrangements are based. 'Assurance' is essentially an independent audit function, whereby the Project Board members are able to monitor progress against agreed work plans. The Project Assurance role supports the Project Board by carrying out objective and independent project oversight and monitoring functions. This role ensures appropriate project management milestones are managed and completed. The Project Assurance is the responsibility of each Project Board member. On behalf of UNDP, as senior project supplier, the function is delegated to a UNDP Portfolio Manager. The National Coordinator may appoint a representative of the Ministry of Interior to carry out the project assurance role on behalf of the project executive.

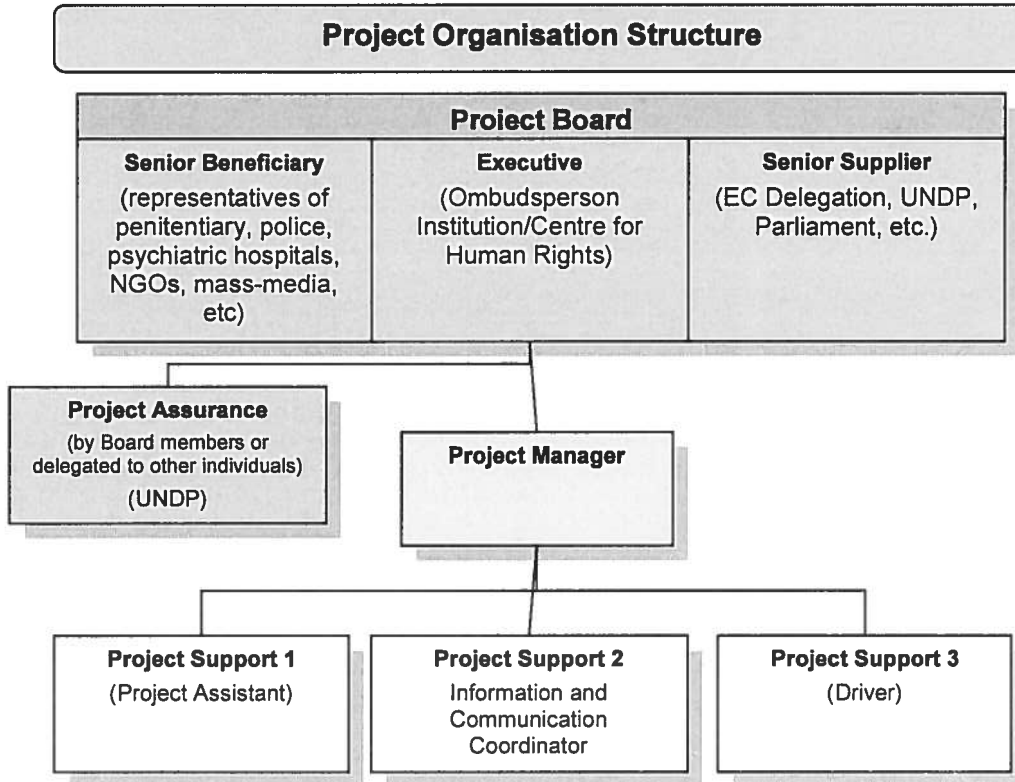
UNDP will carry out monitoring and assessment of risks, as well as provide narrative and financial reporting to project donors on a regular basis as determined by specific cost-sharing agreement. UNDP follows international standards in the implementation of project and programmes according to the UNDP results Management Guide (<http://content.undp.org/go/userguide/results>)

Given that NPM is its inception phase of operation and records limited managerial, human resource capacity, the implementation of the project activities will be supported by a project team. The proposed composition of the project team is: Project Manager, Project Assistant, Communication and Information Coordinator and a driver; their duties and responsibilities shall be reflected in the terms of reference to be developed at before the launch of the project.

UNDP Moldova Country Office will support the implementation of the project through: provision of in-kind contributions (equipment/materials), soft assistance in project management, assistance in recruitment of

⁶ For information on UNDP programming rules, refer to the UNDP User Guide at <http://www.undp.org/bdp/pm/>

staff and project start-up activities, in procurement of goods and services; advocacy and support for national counterparts in additional fund-raising for project activities, monitoring and evaluation of the Project implementation and project audit (in case needed) according to UNDP rules and procedures.



The additional funding mobilized from other donors will be added to the project through signing Cost-sharing Agreements between UNDP and each contributing partner, and by revising the Project work plans and budget.

During the implementation, the project shall apply participatory and non-discrimination approach. The project will be implemented using the Human Rights Based Approach and Gender Mainstreaming principles.

Synergies and linkages with other ongoing projects under Justice and Human rights are implemented by UN agencies or other organizations working in the area will be observed.

Communication and Visibility

Expertise and the experience of the UN/UNDP Communications Unit will be used to ensure that the project is visible and that the necessary information is prepared and provided to the media placed on the UNDP and other relevant and related national and international websites. Various Public Relations events will be organized as relevant. The project will address project's visibility issues including wide distribution of relevant information to the media, consistent work on the dedicated page on torture as part of the National Human Rights Portal and/or Centre for Human Right's Portal, organizing dedicated events. The visibility of the main donor (EU/EIDHR) shall be maintained as per provisions of EC rules and regulations available at: http://ec.europa.eu/europeaid/work/visibility/index_en.htm.

IV. MONITORING FRAMEWORK AND EVALUATION

In accordance with the programming policies and procedures outlined in the UNDP User Guide, the project will be monitored through the following:

Within the annual cycle

- On a quarterly basis, a quality assessment shall record progress towards the completion of key results, based on quality criteria and methods captured in the Quality Management table below.
- An Issue Log shall be activated in Atlas and updated by the Project Manager to facilitate tracking and resolution of potential problems or requests for change.
- Based on the initial risk analysis submitted (see annex 1), a risk log shall be activated in Atlas and regularly updated by reviewing the external environment that may affect the project implementation.
- Based on the above information recorded in Atlas, a Quarterly Progress Reports (QPR) shall be submitted by the Project Manager to the Project Board through Project Assurance, using the standard report format available in the Executive Snapshot.
- a project Lesson-learned log shall be activated and regularly updated to ensure on-going learning and adaptation within the organization, and to facilitate the preparation of the Lessons-learned Report at the end of the project
- a Monitoring Schedule Plan shall be activated in Atlas and updated to track key management actions/events

Annually

- Annual Review Report. An Annual Review Report shall be prepared by the Project Manager and shared with the Project Board and the Outcome Board. As minimum requirement, the Annual Review Report shall consist of the EC standard format as required by the General Conditions and Atlas standard format for the QPR covering the whole year with updated information for each above element of the QPR as well as a summary of results achieved against pre-defined annual targets at the output level.
- Annual Project Review. Based on the above report, an annual project review shall be conducted during the fourth quarter of the year or soon after, to assess the performance of the project and appraise the Annual Work Plan (AWP) for the following year. In the last year, this review will be a final assessment. This review is driven by the Project Board and may involve other stakeholders as required. It shall focus on the extent to which progress is being made towards outputs, and that these remain aligned to appropriate outcomes.

Quality Management for Project Activity Results

Quality management of the implementation of the project activities shall be developed at the inception of the project and maintained during the implementation period of the project.

V. LEGAL CONTEXT

This document together with the CPAP signed by the Government and UNDP which is incorporated by reference constitute together a Project Document as referred to in the SBAA and all CPAP provisions apply to this document.

Consistent with the Article III of the Standard Basic Assistance Agreement, the responsibility for the safety and security of the implementing partner and its personnel and property, and of UNDP's property in the implementing partner's custody, rests with the implementing partner.

The implementing partner shall:

- a) put in place an appropriate security plan and maintain the security plan, taking into account the security situation in the country where the project is being carried;
- b) assume all risks and liabilities related to the implementing partner's security, and the full implementation of the security plan.

UNDP reserves the right to verify whether such a plan is in place, and to suggest modifications to the plan when necessary. Failure to maintain and implement an appropriate security plan as required hereunder shall be deemed a breach of this agreement.

The implementing partner agrees to undertake all reasonable efforts to ensure that none of the UNDP funds received pursuant to the Project Document are used to provide support to individuals or entities associated with terrorism and that the recipients of any amounts provided by UNDP hereunder do not appear on the list maintained by the Security Council Committee established pursuant to resolution 1267 (1999). The list can be accessed via <http://www.un.org/Docs/sc/committees/1267/1267ListEng.htm>⁷.

⁷ This provision must be included in all sub-contracts or sub-agreements entered into under this Project Document.

ANNEX I: RISK ANALYSIS

Given its strategic nature and the involvement of a number of stakeholders, the project requires support and commitment of major stakeholders. The proposed activities take as a basis some **key assumptions**, which will be vital for the project's successful implementation. They are:

- There is an openness and political will to establish effective mechanism for monitoring and prevention of torture and other cruel, inhuman or degrading treatment or punishment
- There is an enabling legal and institutional environment to prevent torture and other cruel, inhuman or degrading treatment or punishment
- Ombudsperson Institution is open to participation and partnership with Civil Society in prevention and eradication of torture
- NGOs and victims of torture are willing to partner with the Ombudsperson Institution under the NPM
- Complex medical, psychological and legal rehabilitation services for victims of torture are in place
- The relevant national law enforcement authorities do not restrict access of the NPM to identified torture incidence cases
- There is optimum capacity to collect and analyze the data on cases of torture, as well as produce qualitative reports
- Mass-media is knowledgeable and active in raising awareness about the torture cases

The lessons learnt from other development initiatives show that the **main risks** for projects in the Justice and Human Rights area is weak commitment of the Country's leadership to make changes in the election eve and non-systemic participation of the representatives in the prevention of torture due to uncertainty, conflicts of interest, lack of resources and time. The law enforcement and decision-makers may not want to recognize the prevalence of torture and other cruel, inhuman or degrading treatment or punishment and may not be willing to change the things. Another risk may be reduced capacity of relevant NRM representatives and civil society groups to lobby, contribute, partner effectively making changes happen in the area. Also, a risk is to lose the champions of change within the Government and justice institutions who would promote the reforms and behavioral change among the violators of the right to non-torture. Since the prevention goes hand in hand with the rehabilitation, another risk may be lack of rehabilitation centres that have professional multidisciplinary teams and deliver complex and prompt rehabilitation services.

In this respect the project shall make a continuous assessment of risks as per **Risk Log** and adjust its interventions accordingly. To mitigate the risks, a number of tools will be applied: a continuous dialogue will be maintained with decision-makers in the Parliament, Government and Justice, as well as international organizations; they will be involved in project work from the very beginning and kept informed about progress, where needed. Appropriate communication tools (negotiations, regular meetings etc.) will be used with particular stakeholders.

Sustainability will be built upon Moldova's international commitment and national priorities. After completion of the project, an institutionalized NPM with a systematic approach to monitoring and prevention of torture shall be in place. The training premises created and the capacity built may allow for further sharing of knowledge, improvement of skills and professionalism of the representatives from institutions with higher risk of prevalence of torture. The institutional capacity of the Ombudsman Institution/Centre for Human Rights shall be strengthened to be able to exercise its functions in a more strategic and effective manner. This could help the institution increase its profile and getting a more substantive political and financial support, thus gaining more independency and trust. The partnerships built between these two structures (as well as with/among NGO, public authorities, etc.) may lead to

substantive policy, legislative and institutional changes and increase the overall impact in promoting and protecting the citizens' rights, especially the rights of vulnerable groups, including victims of torture. To ensure the financial sustainability of the newly created NPM and Ombudsman Institution, further advocacy and support shall be provided to increase the state budget allocations for NPM and Ombudsman Institution, as well as involve increase the fundraising capacity. To ensure operational sustainability, partnership and commitment of the key stakeholders shall be fostered through signing the Memoranda of Understanding. In this context, UNDP best practices on ensuring the sustainability will be employed, as well as synergies with other UNDP development initiatives in the public administration reform and institutional development, justice and human rights, local development etc. will be sought.

To ensure that capacity and products developed are applied/used, the project will create the necessary premises to foster the commitment for increased financial allocation and institutionalization of the developed capacities and products. To ensure a stronger weight and leverage in lobbying and promoting the changes, coordination and partnership with other development partners in the area (including OSCE, Council of Europe, European Commission, UN Agencies etc.) will be maintained.

Agreements:

- EC Agreement with an International Organization 2008 / 148-070

Annex I. Budget for the Action Expenses

	Unit	All Years			Year 1 ¹			Costs (in EUR)
		# of units	Unit rate (in EUR)	Costs (in EUR) ²	Unit rate (in EUR)	# of units	Costs (in EUR)	
1. Human Resources								
1.1 Salaries (gross amounts, local staff) ³								
1.1.1 Project Manager	Per month	36	800	28800	Per month	12	800	9600
1.1.2 Project Assistant	Per month	36	450	16200	Per month	12	450	5400
1.1.3 Communications Coordinator	Per month	36	550	19800	Per month	12	550	6600
1.1.4 Driver	Per month	36	300	10800	Per month	12	300	3600
1.2 Salaries (gross amounts, expatriate staff)								
1.3 National Consultants (monitoring, training, assessment, database development, hotline operators (see 3 consultants))	Per day	2427	55	133500	Per day	810	55	44500
1.3.1 Aboard (staff assigned to the Action)	Per diem	44	300	13200	Per diem	44	300	13200
1.3.2 Local (study tour to Slovenia, tentatively)	Per diem	44	250	11000	Per diem	44	250	11000
1.3.2 Local (study tour to Poland)								
Subtotal Human Resources				233300				82900
2. Travel⁴								
2.1 International travel Poland (tentative)	Per flight	11	678	7458				
2.3 International travel Slovenia (tentative)	Per flight	11	607	6677	Per flight	11	607	6677
2.4 Local transportation (trainings participants from regions to Chisnau etc.)	Per participant	540	21	11400	Per participant	180	21	3780
2.5 Gasoline for monitoring visits within the country	Per litre	7500	1	7500	Per litre	2500	1	2500
Subtotal Travel				33036				12987
3. Equipment and supplies⁵								
3.2 Furniture equipment	per office	5	6000	30000	Per office	5	6000	30000
3.3 ICT (computer, video, photo, mobiles) equipment	per unit	20	1770.9	35418	Per unit	20	1875	37500
3.5 Safe	per unit	1	1000	1000	Per unit	1	1000	1000
3.4 Renovation services and materials (company shall be contacted)	per contract	1	95000	95000	Per contract	1	95000	95000
3.6 Training, monitoring support supplies	per event	18	1789	32202	Per event	6	1847	11082
3.4 Spare parts/equipment for machines, tools								
3.5 Other (IT Company services)	per contract	1	5000	5000	Per contract	1	5000	5000
Subtotal Equipment and supplies				198288				84632
4. Local office								
4.1 Vehicle costs (maintenance)	Per year	3	4000	12000	Per month	12	1333	4000
4.2 Office rent (electricity/heating, water, maintenance)	Per year	3	1500	4500	Per month	12	125	1500
4.3 Office Equipment	Per unit	10	850	8500	Per unit	5	850	4250
4.3 Consumables - office supplies	Per year	3	1000	3000	Per month	12	83	996
4.4 Other services (tel/fax, internet, etc)	Per year	3	1167	3500	Per month	12	300	3600
Subtotal Local office				31500				10096
5. Other costs, services⁶								
5.1 Sub-granting (preliminary 6 NGOs)	per grantee	3	10000	30000				
5.1 Communication and awareness campaigns/events (printing, TV, radio) ⁷	per year	3	75000	225000	per month	12	2222	26666
5.2 Studies, research ⁸								
5.3 Catering, accommodation (training, round-table a 3 day, 540 participants)	per day	71	1615	114665	per day	24	1615	38760
5.4 Communications services (GSM, maintenance CPDOM website, National Human Rights Portal)	monthly	36	167	6012	per month	12	167	2004
5.5 Evaluation costs	per evaluation	1	10000	10000	per day	27	100	2700
5.6 Translation, interpreters	per day	80	100	8000	per year	1	3628	3628
5.7 Financial services (bank guarantee costs etc.)	per year	3						
5.8 Costs of conferences/seminars (Rental of conference room) ⁹	per event	6	2400	14400	per event	2	2400	4800
6.0 Visibility actions								
Subtotal Other costs, services				282028				74926
TOTAL				758131				265481
6. Other								
Subtotal Other								

7. Subtotal direct eligible costs of the Action (1+2)						755131															282461	
8. Provision for contingency reserve (maximum 5% of 7, subtotal of direct eligible costs of the Action)																						
9. Total direct eligible costs of the Action (7+8)				0	0	0																
10. Administrative indirect costs (7% out of Contracting Authority Contribution)			Year																			
						13.956																14.868
11. Total eligible costs (9+10)						800000																290327

1. The Budget must cover all eligible costs of the Action, not just the Contracting Authority's contribution. The description of this section must be completed if the Action is to be implemented over a period of more than 12 months.
 2. Costs and unit rates are rounded to the nearest euro cent.
 3. If staff are not working full time on the Action, the applicable rates (which must not exceed the scales published by the E.C. at the time of contract signature http://ec.europa.eu/europeaid/work/procedures/index_en.htm), per diem cover accommodation, meals and local travel within the place of the mission and sundry expenses.
 4. Indicate the place of departure and the destination.
 5. Costs of purchase or rental
 6. Specify lump sums will not be accepted.
 7. Only indicate here when fully subcontracted.
- NOTA BENE: The beneficiary alone is responsible for the