

TERMS OF REFERENCE

Support for Reform in the Area of the Social Inclusion of Persons with Disabilities: Design of Roadmap for Introduction of the World Health Organisation International Classification of Functioning, Disability and Health (ICF) in Moldova, and Related Policy and Regulatory Reform Measures, as Foreseen under Item 3 of the Action Plan of the Government of the Republic of Moldova's Strategy on the Social Inclusion of Persons with Disabilities, 2010-2013

- A. Job Title:** National Consultant(s)
B. Duty Station: Chisinau, Moldova
C. Project Reference: 00055003 A Joint UNCT for Human Rights Protection and Promotion
D. Duration of Employment: September 2010-March 2011

Background:

There are currently more than 170,000 persons with disabilities in Moldova. Persons with disabilities face discrimination, social exclusion, poverty, unemployment, low quality education and inaccessibility to the general system of social protection. The Soviet system has left a legacy of over-reliance on institutionalization, doctor-centric approaches, and a dearth of person-centered social inclusion mechanisms for persons with various forms of disabilities.

The international community has repeatedly reaffirmed the fundamental rights of persons with disabilities. On 13 December 2006, the United Nations General Assembly unanimously adopted the UN Convention on the Rights of Persons (UNCRPWDs) with Disabilities and its Optional Protocol which entered into force on 20 May 2008. On July 9, the Parliament of Moldova took the momentous step of approving ratification of the Convention. It has also adopted a strategy on the inclusion of persons with disabilities.

The World Health Organization (WHO) has developed an International Classification of Functioning, Disability and Health (ICF), now recognized as a primary standard for use in work with persons with disabilities toward their full inclusion in society. The ICF defines functioning and disability as multi-dimensional concepts, relating to:

- The body functions and structures of people;
- The activities people do and the life areas in which they participate; and
- The factors in their environment that affect these experiences.

For each of these components, the ICF provides classifications and codes. In the ICF, a person's functioning or disability is conceived as a dynamic interaction between health conditions and environmental and personal factors.

To raise awareness on the problems faced by persons with disabilities, the Ministry of Labour, Social Protection and Family carried out an analysis of social protection of persons with disabilities in the Republic of Moldova in 2007, which provided some fact findings, conclusions, as well as general recommendations in the area of social

protection of disabled persons. A number of assessments of existing law, policy and practice have been carried out by civil society organizations.

In 2009-2010, a National Strategy on reforming the social inclusion of persons with disabilities supported by an Action Plan was developed and adopted. Along with harmonization of the national legislation with the Convention on the Rights of Persons with Disabilities and other relevant international legislation, the strategy proposes to reform the mechanism of determination of disability to move towards a system based on the WHO Classification of Functioning, Disability and Health (ICF) criteria and other relevant international standards and practices.

In line with the above, the Ministry of Labour, Social Protection and Family has requested technical support in the development of a roadmap for the introduction of the World Health Organisation International Classification of Functioning, Disability and Health (ICF) in Moldova, and related legal, policy, regulatory and procedural reform measures, as Foreseen under Item 3 of the Action Plan of the Government of the Republic of Moldova's Strategy on the Social Inclusion of Persons with Disabilities 2010-2013, and based on international standards and best practices. The assignment is viewed to further facilitate the advocacy and decision-making process of the Government and Parliament to proceed with the implementation of the UNCRPWDs and more particularly, the related national legislative and institutional frameworks required to support the reforming of the social protection system targeting the persons with disabilities.

E. Objective: In order to move towards implementation of the UNCRPWDs and other relevant international standards and practices, as well as to further the goals of system transformation in the social inclusion of persons with disabilities in the Republic of Moldova, to develop, in cooperation with an international expert and other relevant experts as needed, detailed proposals for reform in the area of the social inclusion of persons with disabilities, including design of a viable system for the introduction in Moldova of the World Health Organisation International Classification of Functioning, Disability and Health (ICF) in Moldova, and related policy and regulatory reform measures.

F. Scope of work and expected output:

In order to achieve objectives the contractor shall:

- Undertake a comprehensive desk review of the relevant international and national legal frameworks, relevant studies, research, reports in the area, including Analysis of Social Protection of Disabled Persons in the Republic of Moldova, National Strategy of Social Inclusion of PWDs and its Action Plan, Feasibility Study on the Options of Ratification of the UNCPWDs and its Optional Protocol, Recommendations Rec(2006)5 of the CoE on the Council of Europe Action Plan to promote the rights and full participation of people with disabilities in society: improving the quality of life of people with disabilities in Europe 2006-2015¹, WHO ICF, UN Handbook for Parliamentarians on the

¹Recommendation Rec(2006)5 was adopted by the Committee of Ministers on 5 April 2006, at the 961st meeting of the Ministers' Deputies

Convention on the Rights of Persons with Disabilities and its Optional Protocol, relevant civil society assessments and other expert literature;

- Using the social model criteria, the UNCPWDs and related relevant human rights-based expert guidance and literature in the field, undertake thorough analysis of international best practices in the area of social inclusion and social protection of persons with disabilities;
- Using the social model criteria, the UNCPWDs and related relevant human rights-based expert guidance and literature in the field, including relevant WHO standards, undertake evaluation of the existing procedures and methodologies for determination of disability level and identify the main gaps and non-compliances in the current system;
- Identify legislative and regulatory barriers to the full and effective exercise of the fundamental rights of persons with disabilities, with a view to proposing legal, regulatory and/or methodological changes in areas relevant for the social inclusion of persons with disabilities;
- Meet with relevant representatives of the central and local public authorities, Parliament, NGOs, beneficiaries (persons with disabilities), international organizations working in the area to discuss, assess the existing policy, institutional and methodological frameworks for determination of the impairment/disability level;
- Develop and discuss with counterparts various methodological options for the introduction of a disability assessment system based on the WHO ICF and related methodological guidance, taking into account the overall goal of system transformation from a medical to a social approach.
- Organize and coordinate meetings with relevant stakeholders, including CSOs, relevant Ministry officials and others;
- Develop the draft system introducing WHO ICF assessment methodologies in the Moldovan context, as well as detailed guidance as to amendments needed to the legal and regulatory framework in this area, and process as to the involvement of key policy and professional staff.
- Based on the expertise, feedback and comments received, introduce relevant changes in the draft instruments and submit the final ones,
- Develop and submit to the Ministry of Labour, Social Protection and Family, to the inter-ministerial group and to UN Moldova the final document comprising the key findings and recommendations for reforming the mechanism for determination of the disability levels, the mechanism for determining the needs for training and vocational rehabilitation of persons with disabilities, improvement of legislation and subsequent regulations to ensure the right to orientation, training and vocational rehabilitation of persons with disabilities and of the employment legislation in order to exclude any type of discrimination against persons with disabilities; the mechanism to implement effectively the existing and the proposed for amendments legislation; necessary capacity building events, as well as an action plan and developed instruments;

- Present the final document at a public event and submit the key points and recommendations provided by the participants at the event.

G. Specific areas of expertise/ tasks for the Team Leader

- Primary responsibility for all delivery under the linked consultancies concerning the elaboration of Roadmap for the introduction of the World Health Organisation International Classification of Functioning, Disability and Health (ICF) in Moldova and for the Support provided to the implementation of the Roadmap provisions.
- Coordination of team of consultants in different areas of expertise, including health, labour, law, education, social protection and rehabilitation, economy or any other relevant field;
- Responsibility for alerting the project team of any possible issues or delays which might hinder timely delivery.

H. Deliverables:

	Deliverable	Deadline
1.	Meetings with various target groups and relevant stakeholders, with a view to specifying in detail priority areas for legal, regulatory and social inclusion policy reform.	10 September 2010
2.	Paper assessing (i) current legislation, regulatory framework, procedures and practices at odds with the system described by the WHO ICF and related methodological guidance; (ii) structural barriers to the social inclusion of persons with disabilities; (iii) areas of expertise required for the development of comprehensive system reform for assessment of the needs of persons with disabilities.	24 September 2010
3.	Roadmap for the introduction of the World Health Organisation International Classification of Functioning, Disability and Health (ICF) in Moldova, and related legal, policy, regulatory and procedural reform measures, as Foreseen under Item 3 of the Action Plan of the Government of the Republic of Moldova's Strategy on the Social Inclusion of Persons with Disabilities 2010-2013, and based on international standards and best practices; the roadmap is to include details of process as to the involvement of relevant policy and professional staff.	1 November 2010
4.	Consultations with various target groups and relevant stakeholders to collect feedbacks.	February 2011
5.	Developed and detailed drafts of relevant legislation and corresponding regulations, guidelines and effective mechanisms for the implementation of the World Health Organisation International Classification of Functioning,	15 February 2011

	Disability and Health (ICF), and related international law and best practice, to be determined and specified in detail as a result of the roadmap conclusions and consultative process.	
6.	Finalized versions of relevant legislation and corresponding regulations, guidelines and effective mechanisms for the implementation of the World Health Organisation International Classification of Functioning, Disability and Health (ICF), and related international law and best practice, to be determined and specified in detail as a result of the roadmap conclusions and consultative process.	15 March 2011

Please Note: Deliverables are subject to amendment based on consultation outcomes; further guidance and amendment of the deliverables may be undertaken during the assignment, as needed and discussed.

I. Organizational Setting:

In order to achieve the given objective the consultant will work in cooperation with an international consultant in the area of disability determination and social inclusion of people with disabilities, as well as with other consultants/specialists as needed and identified, including the following areas: health, labour, education, social protection and rehabilitation, law. The national consultant will work under direct supervision of the „A Joint UNCT for Human Rights Protection and Promotion” Project Manager and Deputy Minister of Labour, Social Protection and Family, and in close consultation with the UNDP Programme Analyst and Human Rights Adviser to the UN Resident Coordinator. The contractor shall also work in close consultation with other relevant staff of UN agencies, in particular relevant UNDP, UNFPA, UNICEF, DESA, WHO and ILO staff where relevant, the UNDP Health and Human Rights Consultant, and other relevant Ministry officials. The consultant will familiarize themselves with existing relevant UN Team Groups and design or propose regular consultation mechanisms if and as needed.

I. Inputs: The UN programme staff and Ministry of Labour, Social Protection and Family will provide the contractor with the necessary information and materials for the fulfillment of tasks and will provide support in facilitation of the necessary meetings.

J. Qualifications:

Education: University or MA degree in Law, Social Science, Health, Education, Social Work, Economy and/or other relevant fields.

Experience and Skills:

- At least 3 years of proven professional experience in human rights, including familiarity with relevant international and regional human rights law pertaining to the fundamental human rights of persons with disabilities;
- Demonstrated experience in comparative analysis, research, monitoring, assessment/evaluations in social inclusion and human rights areas;
- Familiarity with UN Convention on the Rights of Persons (UNCRPWDs) with Disabilities, the WHO ICF, and other relevant national legal and institutional frameworks in the field of the fundamental rights and social inclusion of persons

with disabilities; the candidate will be expected to demonstrate basic understanding of the WHO ICF, as well as modes through which it has been introduced in other countries;

- Demonstrated familiarity the situation of persons with disabilities in the Republic of Moldova, as well as with ongoing reform efforts in this area;
- Knowledge of the national and international institutional, legal and policy frameworks in the area of social inclusion, in particular in the area of the treatment of persons with disabilities;
- Excellent communication and teamwork skills;
- Advanced law, policy and professional document drafting abilities;
- Strategic thinking ability;
- Good PC skills, ability to use the Internet;
- Fluent in Romanian, Russian and English.

Personal qualities: responsibility, creativity, flexibility and punctuality.

The candidate will be expected to demonstrate an awareness of the goal of social inclusion of persons with disability and the social model of persons with disabilities.