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INDIVIDUAL CONSULTANT PROCUREMENT NOTICE

Date: 21 August 2014

Country: Republic of Moldova

Description of the assignment: National Consultant in the psychiatric institutions (patientsq advocate)

Project name: Strengthening National Capacities to Protect the Most Vulnerable from Torture in Moldova

Period of assignment/services: September 2014 . August 2015 (up to 261 working days with possibility of extension till December 2015)

Application instructions: Proposals should be submitted online by pressing the "Apply Now" button no later than **04 September 2014**.

Requests **for clarification only** must be sent by standard electronic communication to the following e-mail: evghenii.golosceapov@undp.org. UNDP will respond by standard electronic mail and will send written copies of the response, including an explanation of the query without identifying the source of inquiry, to all applicants.

1. BACKGROUND

Torture remains to be a serious human rights violation in Moldova and not all of the aspects of this violation are addressed properly. The legal framework on general torture prevention and combatting are improving gradually. At the same time, impunity for torture remains one of the most acute problems. Thus, ECHR has released 27 judgments on Moldova in 2012, out of which 13 judgments were on torture and ill-treatment. Prosecutors received 970 torture related complaints in 2012, criminal investigation was started in 140 cases, just 46 cases were sent to the courts and sentences on 37 cases were released regarding 62 persons most of which were sentences with the suspension of execution, some of them acquitted and just one person sentenced to a real prison term.

In February 2013 international standards on freedom from torture have experienced a new milestone development with the release of the UN Special Rapporteur's on Torture report focusing on the ~~to~~ certain forms of abuses in health care settings that may cross the threshold of mistreatment that is tantamount to torture or cruel, inhuman or degrading treatment or punishment.+ The Report notes the prevalence of torture against stigmatized groups, including against women and men with psychosocial and intellectual disabilities.

In the Republic of Moldova about 98,000 persons have psychosocial or intellectual disabilities out of which 21,116 persons were hospitalised to psychiatric hospitals in 2012, about 2,200 persons are held in psycho-neurological internats (care homes), and about 3,000 adults are deprived of their legal capacity and thus are legally deprived from the possibility to protect their rights

themselves. Women and men, who are held in mental health facilities, are marginalised and unseen in and by the society. They are not empowered to make their voices heard.

The problem of torture and ill-treatment in mental health facilities is an emerging issue in Moldova, which has not been adequately addressed both in legislation and practice in spite of numerous complaints from the part of persons held there.

Starting from 2011 UNDP supported the Ministry of Health in establishing a pilot independent complaint mechanism (ombudsperson for psychiatry) to identify the human rights violations in psychiatric hospitals and further on in the psycho-neurologic internats under the Ministry of Labour, Social Protection and Family. The Office of the United Nations High Commissioner for Human Rights (OHCHR) has provided methodological and substantive guidance for the pilot Ombudsperson in Psychiatry since the beginning of this arrangement. The pilot Ombudsperson in psychiatric institutions, who provided legal consultancy and drafted monitoring reports on the situation in psychiatric hospitals and neurological internats, has received in October 2012 . July 2013 (during 9 months of her work) 5622 complaints from 1474 institutionalised persons (960 women and 514 men), all of whom complained about several violations, including 281 complaints (5%) on physical abuse, 674 (12%) . on the lack of information about treatment, 955 (17%) . on the lack of informed consent on institutionalization and treatment, etc. The ECtHR found that Moldova violated ECHR Art. 3 (in terms of inhumane treatment) and Art. 5 (in terms of deprivation of liberty) in two psychiatry related cases: David vs. Moldova and Gorobet vs. Moldova. In addition to this, Center for Human Rights (CHR) and National Torture Preventive Mechanism (NPM) have released their monitoring reports to several psychiatry institutions listing a number of problems, including the complaints of institutionalized persons on ill-treatment from the part of staff persons of the institutions. , Taking this situation into account, National Legal Aid Council has compiled a list of 13 legal aid lawyers wishing to work on cases of persons held in psychiatric institutions in a priority order.

With a common UN advocacy effort, the Ministry of Health institutionalized in 2014 the independent complaint mechanism into the official structures (National Centre for Health Management). Yet, more technical support is needed to strengthen the capacities of this mechanism. Therefore the UNDP will support, with expert guidance from OHCHR, the work of the psychiatry patient's rights service by providing a consultant to ensure quality continuation of the started work and increasing the impact.

2. OBJECTIVE:

The main objective is to ensure an independent complaint review mechanism and identification of systemic human rights issues in the psychiatric institutions. The core activity of the psychiatry patientsqadvocate in the psychiatric institutions will consist in reviewing patientsqcomplaints. This will require that the patientsqadvocate is physically visiting in the institutions and access to his/her office is free; regular visits to all psychiatric institutions covering the needs of individual complaints and monitoring; available and visible telephone numbers for after-hours emergencies.

The psychiatry patientsqadvocate has to ensure an effective complaint system that should be:

- Non-discriminatory;
- Respectful;
- Accessible;
- Responsive (and timely);
- Accountable;
- Transparent.

This system needs to provide for genuine participation of consumers and careers (or institution staff) in the development, implementation and review of the system, incorporate sound governance and enable advocacy and recourse to independent complaints mechanisms.

For detailed information, please, refer to Annex 1 . Terms of Reference.

3. SCOPE OF WORK AND EXPECTED OUTPUTS:

The scope of work of the psychiatry patientsqadvocate will be:

- (1) To work with individuals and groups in the organization to explore and assist them in determining options to help resolve conflicts, problematic issues or concerns, and
- (2) To bring systemic concerns to the attention of the organization for resolution.

In order to achieve objectives the National Consultant shall:

- Ensure (along with institution administration) that information about the service is visible and accessible in all wards and departments of the institution;
- Periodic check **(at least twice per month of each institution)** that all institution staff ensure full and unlimited access of users to filing complaints or addressing the psychiatry patientsqadvocate;
- Check of complaint records resolved at the ward level, and/or overtaking appeals to these resolutions;
- Processing of users complaints on an informal basis by such means as: listening, providing and receiving information, identifying and reframing issues, developing a range of responsible options, and . with the permission of complainant and at psychiatry patientsq advocate discretion . engaging in informal third-party intervention. When possible, the psychiatry patientsq advocate helps people develop new ways to solve problems themselves;
- Pursues resolution of concerns and looks into procedural irregularities and/or broader systemic problems when appropriate;
- The psychiatry patientsqadvocate identifies trends, issues and concerns about policies and procedures, including potential future issues and concerns, without breaching confidentiality or anonymity, and provides recommendations for responsibly addressing them;
- Is entitled to bring significant cases to court or to other relevant institutions, if it is not resolved informally or the issue is systemic and relevant recommendations of the psychiatry patientsqadvocate are not considered and effectively implemented;
- Follow-up of complaint resolving;
- Follow up of systemic changes as corrective and preventive actions (CAPAs);
- Actively acts in wards, at admissions, especially at involuntary confinement, compulsory criteria for positively observe and ensure protection of the rights of residents and users of the psychiatry institutions, etc.;
- Provides training for the psychiatry institutions staff on international and national standards on the rights of persons with disabilities and the responsibilities of the psychiatry institutions staff;
- Checks that ongoing clinical studies involving patients are approved by relevant ethics committees and follow legal and regulatory requirements in the field;
- Periodic users satisfaction surveys;
- The psychiatry patientsq advocate has access to all departments of the institution, to procedures and records in these departments;
- The patientsqadvocate observes and is entitled to independently identify human rights issues;
- These issues are included in the consultant's report but can be separately brought to the attention of the policy and lawmakers.

4. REQUIREMENTS FOR EXPERIENCE AND QUALIFICATIONS

I. Academic Qualifications:

- Master's Degree or equivalent (5-year university education) in law, human rights, social sciences, pedagogy, medicine or other relevant fields;

II. Years of experience and sphere of experience:

- At least 2 years of proven professional experience in the area of the rights of persons with disabilities;
- Advanced knowledge of Moldovan health system and practical human rights issues in the mental health field;
- Previous experience of work with/in international organizations on human rights issues is a strong advantage;

III. Competencies:

- Adheres to the core values of the United Nations; in particular, is respectful of differences of culture, gender, religion, ethnicity, nationality, language, age, HIV status, disability, and sexual orientation, or other status;
- Proven commitment to universal human rights and rights of persons with disabilities (knowledge of UN Convention of the Rights of Persons with Disabilities is a must);
- Ability to work independently; auto-evaluation, monitoring and report writing;
- Ability of effective inter-personal relationships and counselling with both patients and authorities;
- Fluency in Romanian and Russian;
- Knowledge of one or more additional languages relevant for Moldova, including Bulgarian, Gagauzian, Romani, Ukrainian or sign language is an asset;
- Knowledge of English would be an advantage;

IV. Personal qualities: independency, discretion.

The UNDP Moldova is committed to workforce diversity. Women, persons with disabilities, Roma and other ethnic or religious minorities, persons living with HIV, as well as refugees and other non-citizens legally entitled to work in the Republic of Moldova, are particularly encouraged to apply.

5. DOCUMENTS TO BE INCLUDED WHEN SUBMITTING THE PROPOSALS

Interested individual consultants must submit the following documents/information in Romanian, Russian or English to demonstrate their qualifications:

1. Technical Proposal:
 - a. explaining how applicant responds to each of the qualification requirements and why he/she is the most suitable for the work;
 - b. describing the methodology on how they will approach and conduct the work;
2. Personal information (as a detailed CV or as a Personal History Form /P11) including records on past experience in similar projects/assignments and concrete outputs obtained;
3. Financial proposal (in USD, specifying an all inclusive **daily fee**).

6. FINANCIAL PROPOSAL

The financial proposal will specify the all inclusive **daily fee** (including taxes, travel expenses, communication costs etc.) quoted in separate line items, and payments are made to the Individual Consultant based on the number of days worked.

Travel

All envisaged travel costs must be included in the financial proposal. This includes all travel to join duty station/repatriation travel. In general, UNDP should not accept travel costs exceeding those of

an economy class ticket. Should the IC wish to travel on a higher class he/she should do so using their own resources.

In the case of unforeseeable travel, payment of travel costs including tickets, lodging and terminal expenses should be agreed upon, between the respective business unit and Individual Consultant, prior to travel and will be reimbursed.

7. EVALUATION

Initially, individual consultants will be short-listed based on the following minimum qualification criteria:

- Master's Degree or equivalent (5-year university education) in law, human rights, social sciences, pedagogy, medicine or other relevant fields;
- Minimum 2 years of proven professional experience in the area of the rights of persons with disabilities.

The short-listed individual consultants will be further evaluated based on the following methodology:

A two-stage procedure will be used in evaluating the candidates:

1. Technical evaluation (max 300 points) . 60%;
2. Financial evaluation (max 200 points) . 40%.

Technical evaluation will be based on a thorough desk review of applications.

Only candidates obtaining a minimum of 70% score of the technical evaluation (at least 210 points) would be considered for the Financial Evaluation.

The award of the contract shall be made to the individual consultant whose offer has been evaluated and determined as:

- a) Responsive/compliant/acceptable, and
- b) Having received the highest score out of a pre-determined set of weighted technical and financial criteria specific to the solicitation.

Criteria	Scoring	Maximum Points Obtainable
<u>Technical</u>		
Master's Degree or equivalent (5-year university education) in law, human rights, social sciences, pedagogy, medicine or other relevant fields	(Master . 30 pts., PhD . 40 pts.)	40
At least 2 years of proven professional experience in the area of the rights of persons with disabilities	(2 years of experience . 25 pts., more than 2 years of experience . 5 pts. for each additional year of experience up to a maximum of 15 additional points)	40
Experience of working with or on Moldovan health system and in practical human rights system issues in the mental health field	(no . 0, yes with or on health system . 15 pts., yes in practical human rights system issues in the mental health field . 15 pts)	30
Proven commitment to universal human rights and rights of persons with disabilities (excellent knowledge of UN CRPD)	(no . 0, to some extent . 15 pts., yes . 30 pts)	30
Previous experience of work with/in international organizations on human	(no . 0, yes . 20 pts., additional 10 pts. for successful similar experience with	30

rights issues	UN Agencies)	
Skills in analysing, monitoring, reporting and counselling	(no . 0, to some extent . 10 pts., yes . 20 pts.)	20
Fluency in Romanian, Russian, English and other languages relevant for Moldova	(Romanian and Russian . 10 pts. each, English or other language . 5 pts. each up to a maximum of 10 additional points)	30
Interview	(30 points . demonstrated technical knowledge and experience, 30 points . communication/ interpersonal skills, 10 points . initiative, 10 points . creativity/resourcefulness)	80
Maximum Total Technical Scoring		300
<u>Financial</u>		
Evaluation of submitted financial offers will be done based on the following formula: <u>$S = F_{min} / F * 200$</u> S . score received on financial evaluation; Fmin . the lowest financial offer out of all the submitted offers qualified over the technical evaluation round; F . financial offer under consideration.		200

Winning candidate

The winning candidate will be the candidate, who has accumulated the highest aggregated score (technical scoring + financial scoring).

ANNEXES:

ANNEX 1 – TERMS OF REFERENCES (TOR)

ANNEX 2 – INDIVIDUAL CONSULTANT GENERAL TERMS AND CONDITIONS