

## TERMS OF REFERENCE

- A. Job title:** National Consultant to provide reasonable accommodation to the victims with psychosocial and intellectual disabilities within the support intervention for revising the national guidelines on the investigation and prosecution of sexual violence, according to the international standards
- B. Duty station:** Chisinau, Republic of Moldova
- C. Project reference:** Office of the UN High Commissioner for Human Rights
- D. Contract type:** Individual Contract (IC), Part Time
- E. Duration of assignment:** 24 November – 31 December 2014 (up to 12 working days indicative)

### F. Background:

In its October 2013 Concluding Observations on Moldova, the Committee on the Elimination of Discrimination against Women (CEDAW Committee) expressed concern about the low rate of reporting of sexual violence cases, including rape, and the ineffective investigation and prosecution in such cases.

During this session the Committee received reports of the institutionalization of women with disabilities in psychiatric facilities who had suffered sexual abuse and were forced to undergo abortions, sometimes following rape by professionals working in those institutions and who were discriminated by the police and prosecutor by refusing to initiate criminal investigations on grounds of psycho-social and intellectual disabilities. Allegations of sexual assault of women in psychiatric residential institutions have been repeatedly reported in recent years, including by the Council of Europe's Committee for the Prevention of Torture.

The Committee recommended ensuring that all investigations of acts of sexual violence are carried out in line with international standards of investigation, including by amending the existing guidelines on investigation of rape and other sexual assaults.

Moldova has also been held in violation of the European Convention by the European Court for Human Rights on cases of domestic and sexual violence. The Court has held that the Republic of Moldova had inadequate prosecution of rape cases, especially because of:

- failure to conduct a proper investigation into her allegation of rape;
- limited access for victims to effective remedies;
- understanding of consent from the perspective of corroborative evidence of physical resistance.

Civil society has raised the questions of ineffective investigation and prosecution of sexual violence and lack of access to justice and remedy, including:

- administrative practices of stigmatization and stereotypes in rape cases and other instances of sexual violence;
- inefficient procedures of investigation and prosecution rooted in discriminatory and insensitive attitudes of the policemen, prosecutors, when cases of sexual violence are put forward;

- problematic budgeting of forensic evidence, as well as of lack of accessibility of free legal aid for victims of sexual violence;
- lack of reasonable accommodation and accessibility of psychical spaces and procedures in front of the national courts of justice hindering effective access to justice for victims with disabilities.

#### **G. Objective:**

The overall objective of the assignment is to provide reasonable accommodation to the women with psychosocial and intellectual disabilities - victims of sexual violence in residential institutions - within the support intervention for revising the national guidelines on the investigation and prosecution of sexual violence, according to the international standards.

#### **H. Scope of work and expected outputs:**

In Moldova the decision whether there are sufficient evidence to initiate prosecution and judicial findings of the alleged perpetrator's guilt of sexual violence is the prosecutor's responsibility. A national consultant is sought to work together with the 19 alleged victims of sexual violence that have been exposed to systematic sexual abuse by the attending doctor and other staff of the institution to pursue a case before the national courts and obtain redress.

The strategic intervention on the cases of sexual assault against women with psychosocial and intellectual disabilities in residential institutions is used as one part of a wider intervention aimed at advancing women's rights to be free from all kinds of violence in everyday life (including sexual violence, sexual harassment at the work place and exploitation of women etc.) and catalyzing adoption of national legislative and practical measures designed to eradicate this violence as per the CEDAW recommendations. As a result of the consultant's work, lessons learned will provide further guidance on how to incorporate the reasonable accommodation provision within the amended national guidelines on the investigation and prosecution of sexual violence, according to the international standards. These guidelines are prepared with a view to replacing the guidelines issued in 2008, and to direct prosecutors to ensure effective investigation, prosecution and redress for victims of sexual violence.

The consultant is expected to support the work of the international consultant and liaise closely with all relevant national stakeholders, and in particular with the Balti Court of Justice and territorial prosecution's office. For these purposes at least 10 field visits to Balti shall be carried out.

The consultant may be asked to produce other short documents in the framework of the current consultancy, as needs arise.

The incumbent will work under the direct supervision of the UN Human Rights Adviser (Office of the United Nations Resident Coordinator in Moldova and United Nations Office of the High Commissioner for Human Rights (OHCHR)) and with the support of the National Human Rights Officer.

#### **I. Deliverables and terms:**

The output of the assignment should be a strong and correct support for victims of different forms of abuse and other forms of cruel, inhuman or degrading treatment from Barding House from Balti before, during and after court hearings and interactions with police and prosecutors, focused on CRPD implementation in the Republic of Moldova.

	<b>Deliverable</b>	<b>Terms</b>
<b>1</b>	Desk review of existing information on cases	28 November 2014
<b>2</b>	Field visits to Balti and participation in prosecutorial and court procedures on the case	5 December 2014
<b>3</b>	Inputs for revising the national guidelines on the investigation and prosecution of sexual violence, according to the international standards	15 December 2014
<b>5</b>	Final report	<b>25 December 2014</b>

Payment will be made with a single instalment upon the successful completion of the tasks.

#### **J. Qualifications and skills required:**

##### **I. Academic Qualifications:**

- University Degree in psychology, social work or in law;

##### **II. Years and sphere of experience:**

- At least 2 years of proven professional experience in the area of human rights and social inclusion of persons with psychosocial and intellectual disabilities;
- Practical experience on psychological counselling;

##### **III. Competencies:**

- Awareness in detail of international best practices in the area of prosecution of sexual violence;
- In-depth knowledge of the national law on disabilities and human rights;
- Excellent communication and teamwork skills;
- Proven excellent analytical and writing skills in English;
- Knowledge of Romanian and Russian languages is required;
- Knowledge of one or more additional languages relevant for the Republic of Moldova, including Bulgarian, Gagauzian, Romani, Ukrainian or sign language is an asset.
- 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;

The United Nations Country Team in the Republic of 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.

#### **K. Documents to be included in the proposal:**

Interested persons should submit the following documents:

1. A detailed curriculum vitae of relevant experience or P11;
2. A letter of interest explaining why you are the most suitable for the work;
3. A financial proposal.