



INDIVIDUAL CONSULTANT PROCUREMENT NOTICE

Date: **11 November 2014**

Country: Republic of Moldova

Description of the assignment: 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

Project name: UN Human Rights Adviser (Office of the United Nations High Commissioner for Human Rights)

Period of assignment/services: 24 November -31 December 2014, (up to 12 working days indicative)

Proposals should be submitted online only, by following the "Apply online" link, no later than [18 November 2014](#).

Requests for **clarification only** must be sent by standard electronic communication to the following e-mail: violeta.fetescu@one.un.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

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.

2. SCOPE OF WORK, RESPONSIBILITIES AND DESCRIPTION OF THE PROPOSED ANALYTICAL WORK

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.

3. REQUIREMENTS FOR EXPERIENCE AND QUALIFICATIONS

I. Academic Qualifications:

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

II. Experience and skills:

- 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;
- 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;
- Proven excellent analytical and writing skills in English;
- Excellent communication and teamwork skills;
- Adhere 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.

III. Language requirements:

- Fluency in English, Romanian and Russian. Working knowledge of one or more additional languages relevant for Moldova, including Bulgarian, Gagauzian, Romani, Ukrainian or sign language is an asset.

4. DOCUMENTS TO BE INCLUDED WHEN SUBMITTING THE PROPOSALS

Interested individual consultants must submit the following documents/information to demonstrate their qualifications:

1. A detailed curriculum vitae of relevant experience or P11.
2. A written statement of not more than 1000 words:
 - (i) Explaining why you are the most suitable for the work;
 - (ii) Providing a brief methodology on how you would approach and conduct the work.

5. FINANCIAL PROPOSAL

The financial proposal shall specify a total lump sum amount, and payment terms around specific and measurable (qualitative and quantitative) deliverables. Payments are paid in installments and are based upon output, i.e. upon delivery of the services specified in the TOR. In order to assist the requesting unit in the comparison of financial proposals, the financial proposal will include a breakdown of this lump sum amount (including fees, taxes, mobile phone calls, etc.). The travel expenditures are to be approved in advance by the Project Manager and shall be covered from the Project budget.

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.

6. EVALUATION

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

- University Degree in psychology, social work or in law;
- At least 2 years of proven professional experience in the area of human rights and social inclusion of persons with psychosocial and intellectual disabilities;
- Fluency in English, Romanian and Russian.

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

Cumulative analysis

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.

* Technical Criteria weight – 60% (300 pts.);

* Financial Criteria weight – 40% (200 pts.).

Only candidates obtaining a minimum of 210 points would be considered for the Financial Evaluation.

Criteria	Scoring	Maximum Points Obtainable
<u>Technical</u>		
• University Degree in psychology, social work or in law;	University degree – 40 pts.; MA degree – 60 pts.	60
• At least 2 years of proven professional experience in the area of human rights and social inclusion of persons with psychosocial and intellectual disabilities;	2 years - 40 pts.; >2 years – up to 60 pts.	60
• Practical experience on psychological counselling;	Yes - 30 pts.; No – 0 pts.	30
• Awareness in detail of international best practices in the area of prosecution of sexual violence;	Large - 60 pts.; to some extent - 30 pts.; No – 0 pts.	60
• In-depth knowledge of the national law on disabilities and human rights;	Large - 50 pts.; to some extent - 25 pts.; No – 0 pts.	50
• Proven excellent analytical and	Max - 25 pts.	25

writing skills in English; Excellent communication and teamwork skills;		
<ul style="list-style-type: none"> Fluency in English, Romanian and Russian. Working knowledge of one or more additional languages relevant for Moldova, including Bulgarian, Gagauzian, Romani, Ukrainian or sign language is an asset. 	Max - 15 pts.	15
Maximum Total Technical Scoring		300
<u>Financial</u>		
Evaluation of submitted financial offers will be done based on the following formula: $S = F_{min} / F * 200$ 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