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## TERMS OF REFERENCE

- A. Job title:** National Consultant/State Institutions Consultant for Capacity Building and Analysis of Torture in Psychiatric Facilities
- B. Duty station:** Chisinau, Republic of Moldova
- C. Project reference:** Strengthening National Capacities to Protect the Most Vulnerable from Torture in Moldova
- D. Contract type:** Individual Contract (IC)
- E. Duration of assignment:** June 2015 – November 2015 (up to 100 working days)

### F. Background:

Moldova signed the *EU-Moldova Visa Liberalization Action Plan*, in which it committed to implement the *National Human Rights Action Plan for 2011-2014*,<sup>1</sup> which contains commitments to prevent and combat all acts of torture and ill-treatment. The *Justice Sector Reform Strategy 2011-2016*<sup>2</sup> was adopted addressing the problem of torture in its Pillar VI. Related priorities and commitments are established under the *UN-Moldova Partnership Framework (UNPF) 2013-2017*,<sup>3</sup> which addresses a number of human rights issues, including torture and ill-treatment and a need to secure the rights of the most vulnerable. Additionally, there are a number of international recommendations on combating torture in Moldova, many of which still need to be implemented.<sup>4</sup> In spite of these recommendations and international commitments, torture remains to be a grave human rights violation in Moldova with not all of the aspects of this violation addressed properly and impunity for torture remaining one of the most acute problems.

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 affected by it. Thus, the pilot Ombudsperson in psychiatric institutions,<sup>5</sup> who is tasked with providing legal consultancy and drafting 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 lack of information about treatment, 955 (17%) – on lack of informed consent on institutionalization and treatment, etc.<sup>6</sup> In addition to this, the Center for Human Rights (CHR) and the National Torture Preventive Mechanism (NPM) have released monitoring reports on several psychiatry institutions listing a number of problems,

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<sup>1</sup> <http://lex.justice.md/viewdoc.php?action=view&view=doc&id=339395&lang=1>

<sup>2</sup> [http://justice.gov.md/public/files/file/reforma\\_sectorul\\_justitiei/srsj\\_pa\\_srsj/SRSJen.pdf](http://justice.gov.md/public/files/file/reforma_sectorul_justitiei/srsj_pa_srsj/SRSJen.pdf)

<sup>3</sup> [http://www.un.md/news\\_room/pr/2012/undaf/United\\_Nations\\_Republic\\_of\\_Moldova\\_Partnership\\_Framework.pdf](http://www.un.md/news_room/pr/2012/undaf/United_Nations_Republic_of_Moldova_Partnership_Framework.pdf)

<sup>4</sup> The recommendations of the UN Human Rights Committee (2009), the UN Committee against Torture (2009),<sup>4</sup> and Universal Periodic Review (2011) on the effective prevention, investigation and prosecution of torture, the Report of the Special Rapporteur, Manfred Novak (2009), following his mission to Moldova.

<sup>5</sup> The pilot Ombudsperson in psychiatric institutions is UNDP's consultant, which was established in consultations with the Parliament, Ministry of Health and the Ombudsman Office. The consultant and its title should not be confused with the Ombudsperson in Moldova or Ombudsperson Office, which are State established.

<sup>6</sup> Report of pilot Ombudsperson in psychiatric institutions on the period of October 2012 – July 2013.

including the complaints of institutionalized persons on ill-treatment from the part of staff persons of the institutions.<sup>7, 8</sup>

The Project «Strengthening National Capacities to Protect the Most Vulnerable from Torture in Moldova» is funded by the European Union and co-funded and implemented by the United Nations Development Programme in Moldova in consultations with the Office of the UN High Commissioner for Human Rights, the East Europe Foundation and the Soros Foundation – Moldova. The overall objective of the Project is to contribute to the prevention of torture and fighting against impunity on the whole territory of Moldova, including Transnistrian region, especially in respect of the most vulnerable women and men in-line with international human rights standards, Justice Sector Reform Strategy (2011 – 2016) and its Action Plan, and National Human Rights Action Plan (2011-2014). The project seeks to further strengthen the capacities of national stakeholders in monitoring of, reporting on, prevention and combating of torture, especially against women and men with psychosocial and intellectual disabilities in health care facilities. For this purpose the specific objectives of the project are:

1. Strengthened capacities of the *civil society* in monitoring and reporting on governmental anti-torture processes, as well as in campaigning to combat impunity, in particular, with regards to women and men with psychosocial and intellectual disabilities;
2. *Increased protection of women and men with psychosocial and intellectual disabilities*, enhanced provision them with remedies against ill-treatment, and their participation supported in all matters related to torture prevention in health care facilities;
3. *Enhanced effectiveness of key State bodies* responsible for torture prevention, protection and redress in combating and redressing torture against women and men with psychosocial and intellectual disabilities.

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

The main objective for the National Consultant is to provide expertise and capacity building both for State institutions and civil society for the combating, prosecution and prevention of torture against the most vulnerable women and men in psychiatric facilities.

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

The scope of work of the National Consultant will be to:

- Produce a Report with analysis of national legislation in terms of prohibition and combatting torture in mental health facilities and carry out follow-up activities; and
- Provide expertise, taking into account gender sensitive aspects, during capacity building events within the project.

In order to achieve the objective, the National Consultant shall:

- Study the national and international practices and legislation on issue of torture in mental health facilities, including, but not limited to:
  - 2013 Report of the UN Special Rapporteur on torture and other cruel, inhuman and degrading treatment and punishment;
  - Other UN system observations and recommendations to the Republic of Moldova;
  - National legislative framework, scrutinized to ensure the compliance with the CPT standards on detention in psychiatric institutions;
  - ECtHR judgements on Moldova, addressing torture and ill-treatment and illegal detention issues in the context of mental health institutions.

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<sup>7</sup> Report on the NPM's visit to the Chisinau Psychiatric Hospital on 2 October 2012: [http://ombudsman.md/sites/default/files/rapoarte/vizita\\_psihiatrie\\_2.10.2012.pdf](http://ombudsman.md/sites/default/files/rapoarte/vizita_psihiatrie_2.10.2012.pdf)

<sup>8</sup> Report on the CHR's prevention visit to the Balti psychoneurological internat (care home) on 10 January 2013: [http://ombudsman.md/sites/default/files/rapoarte/vizita\\_psihoneurologie\\_balti\\_10.01.2013\\_-\\_kopiya\\_-\\_kopiya.pdf](http://ombudsman.md/sites/default/files/rapoarte/vizita_psihoneurologie_balti_10.01.2013_-_kopiya_-_kopiya.pdf)

- Change of the normative paradigm, absolute ban on restraints and seclusion, legislation allowing forced interventions, legal capacity reform, involuntary commitment in psychiatric institutions, forced medication, etc.
- Draft a clear, accessible and usable report on the findings of the study, including proposals for recommendation for immediate efficient implementation and needed adjustments of national legislation;
- Hold consultations with the relevant State bodies, civil society, relevant UN agencies and other relevant international and national organizations on the draft study and integrate their feedback into the report;
- Support the organisation and undertake public presentation of results with the participation of concerned partners (national stakeholders and concerned institutions, academia, CSOs, international community), gather and consider their feedback;
- Present the final results of the study at a roundtable workshop and advocate for the implementation of the recommendations of the study;
- Provide input to work of the other consultants with his/her expertise in specific areas;
- Support organization and take part in leading trainings, conferences and other capacity building events for civil society and/or State bodies;
- Establish and maintain a dialogue with national counterparts and other consultants, in particular with Medical Consultant and Civil Society Consultant of the Project;
- Develop periodic activity reports on consultancy undertaken, including stages passed, resources used, results obtained versus expected, impact of obtained results, risks overcome, problems faced, lessons learned, conclusions and next stage recommendations and contribute to the Project's reporting;
- Undertake any other related tasks requested on an *ad hoc* basis.

#### I. Deliverables:

#	Deliverable	Deadline
1	Report with analysis of national legislation in terms of prohibition and combatting torture in mental health facilities is submitted	30 June 2015
2	Public debates on the findings and recommendations of the report with legislative framework analysis and specific legislative amendments organized	30 August 2015
3	Progress Activity Reports	13 July 2015 30 August 2015 30 September 2015
4	Organization of trainings/conference events for civil society and/or State bodies	1 November 2015
5	Final Activity Report	1 November 2015

The deliverables can be amended or specified for the purposes of the assignment.

#### J. Organizational setting:

This is a part-time consultancy. The Consultant will work under direct supervision of the UNDP Moldova Justice and Human Rights Programme Analyst, as well as in close consultation with the OHCHR Human Rights Adviser to the UN Resident Coordinator in Moldova, representatives of Soros Foundation-Moldova, East European Foundation and relevant UNDP consultants. The consultant will work within the Project premises.

In addition, the Consultant will work in close cooperation with project beneficiaries: Ministry of Justice, General Prosecutors Office, Ombudsperson Office, NPM members, legal aid community, civil society, as well as victims of torture, people with psycho-social and intellectual disabilities and other potential project beneficiaries as required.

## **K. Inputs:**

The UNDP Moldova Justice and Human Rights Programme Analyst will provide the National Consultant with the necessary information and materials for the fulfilment of tasks and will provide support in facilitation of the meetings where necessary.

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

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

- Master's Degree or equivalent (5-year university education) in Law, Human Rights, International Public Law, International Relations or other relevant field;

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

- At least 3 years of proven professional experience in a legal area, Prosecutors Office, Ministry of Internal Affairs, Ministry of Justice or other relevant State institutions, legal analysis or other relevant field;

### **III. Competencies:**

- Professional understanding of the issue of torture and ill-treatment in terms of prosecution and combating torture and ill-treatment by State institutions in the Republic of Moldova;
- Understanding of issues of torture and ill-treatment in mental health facilities would be a strong asset;
- Proven experience (at least 3 years) in developing and conducting trainings, workshops and presentations and ability to facilitate discussions;
- Experience in developing training curricula, methodologies and tools for training activities;
- Experience in analysing, generalizing, and systematizing information, drafting studies and reports;
- Strong leadership abilities and excellent communication presentation skills, ability to facilitate discussions;
- Proven ability to work in a team;
- IT skills including word processing, presentation software and use of other relevant applications;
- Proven experience in working with the international organizations on similar assignments (successful relevant experience in working with UN is an asset);
- Proficiency in Romanian, Russian and English;
- Knowledge of one or more additional languages relevant for Moldova, including Bulgarian, Gagauzian, Romani, Ukrainian or sign language is an asset;

### **IV. Personal qualities:**

- Proven commitment to the core values of the United Nations, in particular, respecting differences of culture, gender, religion, ethnicity, nationality, language, age, HIV status, disability, and sexual orientation, or other status;
- Responsibility;
- Flexibility;
- Punctuality;
- Attention to detail.

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.