

TERMS OF REFERENCE

- A. Job title:** Team of two (2) National Consultants on Determination of Disabilities
- B. Duty station:** Chisinau, Republic of Moldova
- C. Project reference:** Paradigm Shift: UNCT Moldova Strategic Action Supporting CRPD Implementation, UNPRPD
- D. Contract type:** Individual Contracts (IC)
- E. Duration of assignment:** June – August 2016 (up to 15 working days per consultant with possibility of extension)

F. Background:

According to the annual social report of the Ministry of Labour, Social Protection and Family, in 2014 the number of persons with disabilities in possession of a disability certificate amounted to 5.2% of the total population (183,953 persons), while children with disabilities with such a certificate represented 1.8% of all children (13,446 persons)¹. The percentage of persons with disabilities in the Republic of Moldova is, however, probably much higher, since disability certificates are only issued to individuals who have undergone a medical assessment.

According to the Report of the Special Rapporteur on the rights of persons with disabilities on her mission to the Republic of Moldova released on 2 February 2016, in Moldova persons with disabilities face discrimination, social exclusion, poverty, unemployment, low quality education and reduced/limited accessibility to the general system of social protection. The system still has a legacy of over-reliance on institutionalization, doctor-centric approaches, and a dearth of people-centred social inclusion mechanisms for persons with various forms of disabilities.²

The disability certification process acts as a gateway to services and forms the basis of much of the current statistical monitoring system. It also contributes to public perceptions of disability: representatives of the National Statistics Bureau reported that a person was not regarded as having a disability unless the person had received certification. Pursuant to Government decision No. 65 on the Determination of Disability and Working Capacity³, considerable investments have been made to reform the Republican Council for Medical Examinations, now the National Council for the Determination of Disability and Work Capacity. Such changes entailed a reform of disability criteria and the inclusion of expert professionals, such as social workers and psychologists, in the process. Nonetheless, the determination of disability is still broadly founded on the medical approach and the assumption that an individual's social potential and ability to be a productive member of society is correlated with their

¹ <http://www.mmps.gov.md/sites/default/files/document/attachments/rsa2014en.pdf>

² http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session31/Documents/A%20HRC%2031%2062%20Add.2_E.docx

³ <http://lex.justice.md/md/346508/>

health. According to criteria based upon this approach, a person is categorized as having a “slight”, “moderate” or “severe” disability and is issued a certificate of disability.

A disability determination process that is based solely on an arbitrary medical determination is discriminatory, ineffective, and sets significant limitations on a person’s life. The current certification system does not allow persons with disabilities to have access to social services that help them cope with their condition and fulfil their potential in their contribution to society. Persons categorized to have a “slight” disability tend to not be entitled to the support services necessary to facilitate their access to education, health care, meaningful employment and/or career advancement. Those classified as having a “severe” disability are at risk of being stripped of their autonomy, being placed in institutions, discouraged from joining the education system and/or engaging in income-generating activities or undertaking work. Depriving disabled persons of the opportunity to contribute to society contravenes the principles of independence, choice and control that are central to a human rights-based approach to disability.

The International Classification of Functioning, Disability and Health (ICF), developed by the World Health Organization (WHO), is 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, related to the 1) body functions and structures of people, 2) activities people do and the life areas in which they participate, and 3) 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.⁴

Starting with January 2016, UNDP, in partnership with OHCHR, WHO, and UNICEF proceeded with the implementation of the second phase of the United Nations Partnership on the Rights of Persons with Disabilities (UNPRPD), Project *Paradigm Shift: UNCT Moldova Strategic Action Supporting CRPD Implementation*. The Project is a unique collaborative effort that brings together UN entities, governments, organizations of people with disabilities, and the broader civil society to advance disability rights. The UNPRPD supports the full implementation of the Convention on the Rights of Persons with Disabilities (CRPD) by facilitating coalition-building and capacity-development at country, regional and global level. In doing so, it leverages the comparative advantage of multiple stakeholders to contribute to the realization of a “society for all” in the 21st century.

G. Objective:

The overall objective is to promote the alignment of the national standards on disabilities determination in the Republic of Moldova to relevant best international standards and practices.

H. Scope of work and expected outputs:

The **scope** of this assignment is to produce a study on the functioning of the disability determination system in the Republic of Moldova and to develop recommendations on how to align the national standards to relevant international standards and practices.

⁴ <http://www.who.int/classifications/icf/en/>

In order to achieve the objectives and to implement the abovementioned activities the National Consultants shall work together as a team, with one consultant as team-leader and complete the following tasks:

For the team-leader consultant:

- Conduct a research on and an assessment of the existing policy, institutional and methodological frameworks for determination of disability level in the country since 2013, covering social, medical, financial and legal aspects through meetings with relevant representatives of the:
 - ✓ Ministry of Labour, Social Protection and Family;
 - ✓ National Council for the Determination of Disability and local councils;
 - ✓ Government;
 - ✓ Civil society and NGOs;
 - ✓ Beneficiaries (persons with disabilities);
 - ✓ International organizations working in this area;
- On the basis of the assessment, draft a study on the functioning of the present system of disability determination, which is to include at least:
 - ✓ An assessment of the functioning of the system,
 - ✓ Changes and challenges,
 - ✓ Strong and weak points,
 - ✓ Communication with other State institutions involved in the process;
 - ✓ Recommendations on the organization of the system on national and local level, ways to reduce the individual-to-individual contact, adjustment of ICF tools to Moldova, linkage between disability assessment and access to different services within the disability determination system;
- Develop a guide/methodology on the transformation of the disability determination system from a medical to a medico-social (comprehensive) approach, including:
 - ✓ Necessary adjustments of the WHO ICF assessment methodologies to the Moldovan context (ICF tools adjustment and a feasible scheme of progressive introduction of the adjusted tools);
 - ✓ Detailed guidance on amendments needed to the legal and regulatory framework in this area;
 - ✓ Process of involvement of key policy and professional staff;
- Develop and present a new organizational structure and functional mandate of the National Council for the Determination of Disability and its subdivisions;
- Organize, coordinate and lead an event with relevant stakeholders, including CSOs, Government officials (Ministry of Labour, Social Protection and Family, Ministry of Health, Ministry of Justice, Ministry of Finance, Ministry of Education, etc.) and other relevant stakeholders to discuss the results and recommendations of the study;
- Review the documents after the incorporation of received comments from relevant stakeholders;
- Where deemed necessary coordinate and hold consultation meetings with relevant actors and stakeholders;
- Where relevant, work closely with other Consultants contracted within the project;
- Undertake other related tasks for the purposes of the assignment.

The team-leader will be responsible for coordination of all tasks within the assignment and ensuring the consistency, quality assurance and timely submission of the deliverables.

For the support consultant:

Assist the team leader consultant in fulfilling all the tasks under the present assignment, including

- In collaboration with and under the coordination of the team-leader consultant contribute to a research and an assessment of the existing policy, institutional and methodological frameworks for determination of disability level in the country since 2013, covering social, medical, financial and legal aspects through meetings with relevant stakeholders;
- Assist the team-leader consultant in drafting a study on the functioning of the present system of disability determination;
- Draft (in collaboration with and under the coordination of the team-leader consultant) a guide/methodology on the transformation of the determination of the disability system from a medical to a medico-social (comprehensive) approach.
- Develop (in collaboration with team-leader consultant) a new organizational structure and functional mandate of the National Council for the Determination of Disability and its subdivisions;
- Assist the team-leader consultant in organizing an event with relevant stakeholders, including CSOs, Government officials (Ministry of Labour, Social Protection and Family, Ministry of Health, Ministry of Justice, Ministry of Finance, Ministry of Education, etc.) and other relevant stakeholders to discuss the results and recommendations of the study;
- Incorporate received comments from relevant stakeholders into the relevant documents;
- Where deemed necessary coordinate and hold consultation meetings with relevant actors and stakeholders;
- Where relevant, work closely with other Consultants contracted within the project;
- Undertake other related tasks for the purposes of the assignment.

I. Deliverables:

No	Deliverable	Deadline
1	Draft of study on the functioning of the present system of disability determination elaborated	15 July 2016
2	Draft of guide/methodology on the transformation of the determination of disability system elaborated	1 August 2016
3	Draft of new organizational structure and functional mandate of the National Council for the Determination of Disability and its subdivisions elaborated	1 August 2016
4	Event to present and discuss with relevant stakeholders the draft (1) study, (2) guide/methodology and (3) organizational structure and functional mandate of the National Council for the Determination of Disability and its subdivisions organized	15 August 2016
5	Final submission and presentation of developed documents	30 August 2016

The deliverables can be amended or specified for the purposes of the assignment and based on consultation outcomes.

J. Organizational setting:

This is a part-time consultancy. The Consultants will work as a team under direct supervision of the UNDP Moldova Project Manager, as well as in close consultation with the OHCHR National Consultant

on the rights of persons with disabilities. The Consultants will work in close consultation with the relevant representatives of the Ministry of Labour, Social Protection and Family.

K. Inputs:

The UNDP Moldova Project Manager and the OHCHR National Consultant on the rights of persons with disabilities will provide the National Consultants 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:

Team-leader consultant

I. Academic Qualifications:

- Master's Degree or equivalent (5-year university education) in Law, Social Science, Health, Education, Social Work, Economy and/or other relevant fields;

II. Years and sphere of experience:

- Minimum 5 of professional experience in human rights, in particular rights of persons with disabilities;

III. Competencies:

- Familiarity with relevant international and regional human rights law pertaining to the fundamental human rights of persons with disabilities;
- Familiarity with the best practices of other European countries, which initiated or implemented successfully the medical-social model on the determination of disability and ongoing reform efforts in this area of rights of persons with disabilities in the region;
- Familiarity with UN Convention on the Rights of Persons (UNCPRWDs) with Disabilities, the WHO ICF, ICF-CY and other relevant national legal and institutional frameworks in the field of the fundamental rights and social inclusion of persons with disabilities is an advantage;
- Demonstrated experience in leading and conducting research, comparative analysis, and drafting of analytical documents;
- Demonstrated experience in monitoring, assessment/evaluations in social inclusion and human rights areas;
- Experience in drafting policy documents in the area of social inclusion of persons with disabilities is an advantage;
- Proven experience of leading a team and demonstrated understanding of intricacies of team oriented work;
- Good PC skills, ability to use the Internet;
- Knowledge of Romanian, English and Russian languages for the purposes of the assignment;
- 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.

Support consultant

I. Academic Qualifications:

- Master's Degree or equivalent (5-year university education) in Law, Social Science, Health, Education, Social Work, Economy and/or other relevant fields;

II. Years and sphere of experience:

- Minimum 3 years of professional experience in human rights, in particular rights of persons with disabilities;

III. Competencies:

- Familiarity with relevant international and regional human rights law pertaining to the fundamental human rights of persons with disabilities;
- Familiarity with international best practices in implementing the medical-social model on the determination of disability;
- Familiarity with UN Convention on the Rights of Persons (UNCRPWDs) with Disabilities, the WHO ICF, ICF-CY and other relevant national legal and institutional frameworks in the field of the fundamental rights and social inclusion of persons with disabilities is an advantage;
- Demonstrated experience in research, comparative analysis, and drafting of analytical documents;
- Demonstrated experience in monitoring, assessment/evaluations in social inclusion and human rights areas;
- Experience in contributing to policy documents in the area of social inclusion of persons with disabilities is an advantage;
- Proven experience of working in a team and demonstrated understanding of intricacies of team oriented work;
- Good PC skills, ability to use the Internet;
- Knowledge of Romanian, English and Russian languages for the purposes of the assignment;
- 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 UN in 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.