



## TERMS OF REFERENCE

**Job Title:** Team of 2 National Consultants on capacity building of national stakeholders in the implementation of the UNCRPD

**Project:** Joint UNCT for Human Rights Promotion and Protection in the Republic of Moldova

**Contract type:** Individual Contract

**Duration of assignment:** 18 months, January 2013-June 2014 (up to 261 working days)

**Duty Station:** Chisinau, Republic of Moldova

### **Background:**

In the Republic of Moldova, out of a total population of 3,559,541<sup>i</sup> there are more than 176,000 persons with disabilities.<sup>ii</sup> Despite the fact that within the last ten years the total number of population has decreased by 2%,<sup>iii</sup> the total number of persons with disabilities has increased by 20%.<sup>iv</sup> Mental and intellectual disabilities are among the leading areas of disability, occupying first five of ten positions. In 2010, approximately 60,000 persons were under psychiatric supervision. Of the total number of persons with disabilities in the country annual appreciation rate of primary disability is about 9%.<sup>v</sup> Research indicates that persons with mental or intellectual disabilities constitute people who are vulnerable to exploitation, violence and abuse and other losses of human rights. During its first Universal Periodic Review (October 2011), Moldova committed to continue efforts to combat discrimination on grounds of disability. Also, the Government has committed to take active measures and remove legal and practical obstacles that prevent or limit the persons with mental or intellectual disabilities to fully exercise fundamental human rights on equal basis with others, as recommended by the Committee on the Economic, Social and Cultural Rights (E/C.12/MDA/2).

### Challenges

Primary factors underlying the social exclusion of persons with mental and intellectual disabilities include: inadequate national legal and policy framework contravening to the international standards of human rights, legislation permitting incapacitation on grounds of mental and intellectual disabilities in particular; social and attitudinal barriers to the exercise of human rights of persons with disabilities, in particular manifested unwillingness of the persons to make society more accessible for persons facing mental and intellectual disabilities; lack of support mechanisms for an independent and autonomous life in the community, which results into high occurrence of institutionalization and deprivation of liberty, often for long periods of time; systematic exclusion from mainstream education of children with mental or intellectual disabilities; lack of access to effective remedies for persons with mental or intellectual disabilities; weak or non-existent oversight and monitoring mechanisms for CRPD implementation; and non-existence of adequate peer support mechanisms and networks of

(ex)users of psychiatry. Particular categories of disabled persons, including women, minorities and LGBT, may face multiple discrimination or exclusion.

### Opportunities

The programme intends to build on and take advantage of the current achievements of the Republic of Moldova in advancing respect for the fundamental human rights and namely, through ratification of the CRPD in September 2010; strong political will to bring domestic law, policies and practices into line with international standards in the field of human rights of persons with disabilities, in particular as a result of ambitions for European integration; constructive dialogue between national authorities, broader engagement of civil society, social partners and representative organizations of persons with disabilities in addressing issues related to the rights of persons with disabilities.

### On-going work the programme aims to build on

As a result *inter alia* of support from the UN family, in 2010, the Republic of Moldova ratified the Convention on the Rights of Persons with Disabilities. Subsequent to ratification, UN agencies have worked extensively on supporting the effective implementation of the Convention, including: the Parliament adoption of the Law on the Social Inclusion of Persons with Disabilities in late 2011. In November 2011, three ministries (Health; Justice; Labour, Social Protection and Family) initiated a Working Group to amend the Civil Code and provide supported decision-making according to CRPD Article 12 requirements. Also in 2012, the Government agreed to decentralize psychiatric care and move to support in communities (Article 19), and this commitment is included in the national mental health program. The Government launched in September 2011 the national programme of inclusive education targeting at educating all children together in general schools eliminating discrimination on grounds of disability. In 2012, the Government adopted a comprehensive Law Ensuring Equality, *inter alia* for the first time establishing a requirement under domestic law of reasonable accommodation for persons with disabilities; the UN is currently endeavoring to assist establishment of an equality body established under the Law. There is evident Government commitment to implement in practice all the activities supported by UN in this project, creating a governmental action plan, resulting in adoption of legislation and policy documents by pillars in this submitted application. UNCT Moldova has also played a key facilitating role in bringing together civil society organizations first to support CRPD ratification, and now to examine options for the establishment of the CRPD Article 33(2) mechanism.

### **E. Objective:**

The objective of the engagement is to assist the national stakeholders in the coordination of the implementation of the CRPD as required in the article 33 of the convention. The two aspects of it are concerning the government implementation body (the national disabilities rights council) and the independent monitoring mechanism.

### **F. Scope of work and expected output:**

In order to achieve objectives the contractors shall:

- Support activities for creation and capacity building of (1) the CRPD implementation and (2) the independent monitoring mechanisms;
- Coordinate activities for building capacity of DPOs in participating and advocacy for their rights – for psychosocially disabled people to facilitate group meetings and DPO organization of users and survivors of psychiatry;
- Ensure an integrated and coordinated work in the social and health sectors for CRPD implementation;
- Support Ministry of Health in applying HR standards and integrated medico-social approach in health policies (assist the human rights and health working group in the MoH)
- Technically organize trainings on CRPD implementation, assist with the work administration and perform other tasks as required;

- One consultant will be selected as team leader and will coordinate the activities of the UNPRPD pillar on implementation of articles 33 and 29 in close collaboration with the human rights adviser (UNPRPD project coordinator). Basic management skills will be required from the team leader.

#### **G. Organizational Setting:**

The consultant will work under direct supervision of the “Paradigm Shift: UNCT Moldova Strategic Action Supporting CRPD Implementation” Project Manager and in close consultation with the Head of the Social Protection Policies for Persons with Disabilities Department of the Ministry of Labor, Social Protection and Family, UNDP Programme Analyst and Human Rights Adviser to the UN Resident Coordinator.

#### **H. Deliverables:**

	Deliverable	Deadline
1	Organization of the first roundtable and facilitation of the dialogue between the civil society organizations for the establishment of the national independent monitoring mechanism. Organization of 2 trainings on CRPD implementation for the government National Council for the Disabled Persons and the civil society organizations which will take part in the independent monitoring mechanism – in collaboration with international partners (MDAC) and UNPRPD project staff.	31 January 2013
2	Organization of the second roundtable and facilitation of the dialogue between the civil society organizations for the establishment of the national independent monitoring mechanism. Elaboration of the draft regulation of functioning of the national independent monitoring mechanism.	28 February 2013
3	Elaboration of the draft regulation of functioning of the national independent monitoring mechanism and its approval at the third roundtable.	31 March 2013
4	Registration of the national independent monitoring mechanism.	30 April 2013
5	Organization of trainings (coordination, preparation and presentation of materials, involvement of relevant experts/trainers) – at least 2 trainings for promoting the CRPD at raion levels. Coordination work of the independent monitoring mechanism (NGOs and NHRI platform). Continuous technical assistance to the work of the National Council for the Disabled Persons (government implementation body – centrally MLSPF and focal points in the government) Assist to the government implementation and CSO monitoring mechanisms reporting. Final Report of the activities and the Project.	Monthly, every last day of the month, 31 May 2013 to 30 June 2014

Please Note: Deliverables are subject to amendment based on consultation outcomes; further guidance and amendment of the deliverables may be undertaken during the assignment, as needed and discussed.

**I. Inputs:** The UN programme staff will provide the contractor with the necessary information and materials for the fulfilment of tasks and will provide support in facilitation of the necessary meetings.

**J. Qualifications:**

Education: University or MA degree in Law, Education, Social Sciences, Health or any other relevant field.

Experience and Skills:

- Minimum 5 years of proven professional experience in human rights, including familiarity with relevant international and regional human rights law;
- Profound knowledge of the UN CRPD;
- Deep knowledge and understanding of the national governance framework both at central and local level;
- Knowledge of the national institutional and policy frameworks related to persons with disabilities;
- Minimum 2 years of experience in working with civil society, particularly with organizations working in the field of disability rights;
- Knowledge of international human rights standards and international recommendations for the Moldovan Government on the rights of persons with disabilities;
- Experience in drafting policy frameworks;
- Demonstrated experience in capacity building of national authorities and civil society;
- Excellent communication and teamwork skills;
- Good PC skills, ability to use the Internet;
- Fluency in Romanian, Russian and English. Working knowledge of one or more additional languages relevant for 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.

Personal qualities: responsibility, creativity, flexibility and punctuality.

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.

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<sup>i</sup> <http://statbank.statistica.md/pxweb/Dialog/view.asp?ma=POP0102&ti=Populatia+stabila%2C+la+inceputul+anului+dupa+Ani%2C+Virste%2C+Medii+si+Sexe&path=../quicktables/RO/02%20POP/POP01/&lang=1>

<sup>ii</sup> <http://www.cnas.md/libview.php?l=ro&idc=244&id=1730>

<sup>iii</sup> <http://statbank.statistica.md/pxweb/Dialog/view.asp?ma=POP0102&ti=Populatia+stabila%2C+la+inceputul+anului+dupa+Ani%2C+Virste%2C+Medii+si+Sexe&path=../quicktables/RO/02%20POP/POP01/&lang=1>em

<sup>iv</sup> <http://lex.justice.md/index.php?action=view&view=doc&lang=1&id=336276>

<sup>v</sup> <http://www.cnms.md>