

**INDIVIDUAL CONSULTANT PROCUREMENT NOTICE**Date: **17 October 2014****Country:** Republic of Moldova**Description of the assignment:** International Consultant on the Investigation of Cases of Torture in Mental Health Facilities**Project name:** Strengthening National Capacities to Protect the Most Vulnerable from Torture in Moldova**Period of assignment/services:** November – December 2014 (up to 25 working days)Proposals should be submitted online by pressing the "Apply Now" button no later than 23:59, 2 November 2014.Requests for **clarification only** must be sent by standard electronic communication to the following e-mail: [natalia.voronova@undp.org](mailto:natalia.voronova@undp.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**

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 and related ill-treatment in Moldova, many of which still need to be implemented.<sup>4</sup> In spite of these recommendations and international commitments, torture and related ill-treatment 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 and related ill-treatment 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 (care homes), has received in October 2012 – July 2013 (during 9 months of her

<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.

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, including the complaints of institutionalized persons on ill-treatment from the part of staff persons of the institutions.<sup>7, 8</sup> The ECtHR found that Moldova violated ECHR Art. 3 (in terms of inhumane treatment) and Art. 5 (in terms of deprivation of liberty) in two psychiatry related cases: David vs. Moldova and Gorobet vs. Moldova.

In Moldova the investigation of torture allegations falls under the exclusive competence of prosecutors, in particular the prosecutors of the Torture Combatting Section of the General Prosecutor's Office. A number of previous interventions have focused on strengthening the skills and capacities of prosecutors to investigate torture and related ill-treatment cases in so-called "classical" context of interrogation, punishment or intimidation of a detainee. Special Guidelines for prosecutors on the investigation of torture and related ill-treatment in mental health facilities shall constitute a valuable support for the effective and prompt investigation of torture and related ill-treatment allegations by providing them with methodologies, tips and useful suggestions.

The overall objective of the "Support to Justice Sector Reform in Moldova" project is to strengthen and support the comprehensive efforts to reform the justice sector in the Republic of Moldova achieving the independence, accountability, impartiality, efficiency and transparency of justice system in line with the Justice Sector Reform Strategy (2011 – 2016) and its Action Plan. The project seeks to further strengthen the capacities of national stakeholders in the Justice Sector Reform Strategy implementation in specific areas with the focus on the tangible and visible results both for the target groups involved and the broader public. The project will also address activities that are equally important for a steady progress in the implementation of the reform, but had not received a relevant attention yet.

## **2. OBJECTIVE:**

The objective is to provide expertise and capacity building for prosecutors, defence lawyers and NGOs to strengthen systemically their capacities to combat, prosecute and prevent torture and related ill-treatment against the most vulnerable women and men in psychiatric facilities.

## **3. SCOPE OF WORK, RESPONSIBILITIES AND DESCRIPTION OF THE PROPOSED ANALYTICAL WORK:**

The **scope of work** of the International Consultant will be:

- Providing expertise for drafting of Methodological Guidelines for prosecutors on the investigation of cases of torture and related ill-treatment against women and men in mental health facilities taking into account gender sensitive aspects;
- Providing expertise during training for prosecutors and defence lawyers, and during meetings with NGOs on specific aspects of documenting and investigating allegations of torture and related ill-treatment against women and men in mental health institutions taking into account gender sensitive aspects (include issues on UN Convention of the Rights of Persons with Disabilities anti-torture requirements, informed consent, restraints and seclusion, forced detention, pain treatment, overmedication, forced medical interventions, etc.)

In order to achieve the objectives and to implement the abovementioned activities the International Consultant shall:

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

<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)

- Provide professional expertise on the international experience and best practices for the investigation of torture and related ill-treatment against women and men in mental health facilities taking into account gender sensitive aspects;
- Identify issues and concerns of the relevant actors (e.g., prosecutors, defence lawyers, judges, NGOs and persons with mental and psycho-social disabilities) in terms of investigation of cases of torture and related ill-treatment in mental health facilities and propose solutions to the identified issues;
- Provide professional inputs for drafting Methodological Guidelines for prosecutors on the investigation of cases of torture and related ill-treatment in mental health facilities based on the international experience and best practices;
- Contribute to the training courses for prosecutors and defence lawyers, including:
  - For one training course for prosecutors and one training course for defence lawyers - develop and prepare in a timely manner presentations and facilitate further exercises/discussions on the international experience and best practices for the investigation of torture and related ill-treatment against women and men in mental health facilities taking into account gender sensitive aspects;
  - For meeting with NGOs - develop and prepare in a timely manner a presentation and facilitate further discussions on the international experience and best practices for the investigation of torture and related ill-treatment against women and men in mental health facilities taking into account gender sensitive aspects;
- Cooperate with national counterparts (General Prosecutor's Office, Patients' Advocate in psychiatry institutions, people with intellectual and psycho-social disabilities) and a group of national consultants for the purposes of the assignment;
- Develop and present a final report on the consultancy undertaken;
- Undertake other tasks related to the assignment as requested.

For detailed information, please, refer to Annex 1 – Terms of Reference.

#### **4. REQUIREMENTS FOR EXPERIENCE AND QUALIFICATIONS:**

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

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

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

- At least 4 years of proven professional experience in the area of prevention and/or investigation of cases of torture and related ill-treatment;

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

- Demonstrated commitment 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;
- Professional understanding of the issue of torture and related ill-treatment in the context of investigation and prevention;
- Understanding of issues of torture and related ill-treatment investigation in mental health facilities would be a strong asset;
- Experience of working on the prevention and investigation of torture and related ill-treatment within prosecutor office, judiciary, national torture preventive mechanism (NPM), regional and/or international torture related courts, human rights bodies and NGOs, relevant UN treaty bodies and special procedures, is a strong asset;
- Experience in working on similar assignments, including successful experience in working with UN agencies, international non-governmental or intergovernmental organisations, is a strong asset;
- Experience in analysing, generalizing and systematizing information, drafting studies;

- Excellent communication, presentation skills, ability to facilitate discussions;
- IT skills including word processing, presentation software and use of other relevant applications;
- Fluency in English, Russian or French;
- Knowledge of Romanian is an asset;

IV. 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.

#### **5. DOCUMENTS TO BE INCLUDED WHEN SUBMITTING THE PROPOSALS:**

Interested individual consultants must submit the following documents/information in English, Russian or French to demonstrate their qualifications:

##### 1. Cover letter:

- (i) Explaining why they are the most suitable for the work, incl. a list of assignments and/or analytical documents on the issue of investigation of torture and related ill-treatment cases in mental health facilities (if available), reports, methodologies, presentations, capacity building activities, or other task related documents the applicant has elaborated or contributed to;
- (ii) Providing a brief methodology on how they will approach and conduct the work;

2. Financial proposal as a **lump sum** in US Dollars, preferably split per each deliverable (which includes the fee, and all travel costs for mission to Moldova). For detailed information on travel requirements, please, refer to Annex 1 – Terms of Reference;

3. Personal information (as a detailed CV or as a Personal History Form/P11) including records on past experience in similar projects/assignments and concrete outputs obtained, including 3 reference persons and their contacts.

#### **6. FINANCIAL PROPOSAL:**

The financial proposal shall specify a **total lump sum** amount, and payment terms around specific and measurable (qualitative and quantitative) deliverables (i.e. whether payments fall in instalments or upon completion of the entire contract). Payments are based upon output, i.e. upon delivery of the services specified in the Terms of Reference. 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 travel, per diems, and number of anticipated working days).

Payment will be made based on achieved deliverables, including a final report submitted to the UNDP Moldova Justice and Human Rights Programme Analyst.

#### **Travel**

All envisaged travel costs (e.g., tickets, accommodation, meals, other relevant expenses) 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.

**7. EVALUATION:**

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

- Master’s Degree or equivalent (5-year university education) in Law, Human Rights, Medicine or other relevant field;
- At least 4 years of proven professional experience in the area of prevention and/or investigation of cases of torture and related ill-treatment;

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

A two-stage procedure will be used in evaluating the candidates:

1. Technical evaluation (max 300 points) – 60%;
2. Financial evaluation (max 200 points) – 40%.

Technical evaluation will be based on a thorough desk review of applications.

Only candidates obtaining a minimum of 70% score of the technical evaluation (at least 210 points) would be considered for the Financial Evaluation.

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.

Criteria	Scoring	Maximum Points Obtainable
<b>Technical</b>		
Master’s Degree or equivalent (5-year university education) in Law, Human Rights, Medicine or other relevant field	(Master – 20 pts., PhD – 40 pts.)	40
At least 4 years of proven professional experience in the area of prevention and/or investigation of cases of torture and related ill-treatment	(4 years – 20 pts., up to 6 years – up to 30 pts., up to 10 years – up to 40 pts., more than 10 years – up to 60 pts.)	60
Professional understanding of the issue of torture and related ill-treatment in the context of investigation and prevention	(no – 0 pts., to some extent – up to 20 pts., yes – up to 40 pts., in mental health facilities – up to 20 additional pts.)	60
Experience of working on the prevention and investigation of torture and related ill-treatment within prosecutor office, judiciary, national torture preventive mechanism (NPM), regional and/or international torture related courts, human rights bodies and NGOs, relevant UN treaty bodies and special procedures	(0-3 years – up to 20 pts., up to 5 years – up to 30 pts., up to 10 years and more – up to 50 pts.)	50
Experience in working on similar assignments, including successful experience in working with UN agencies, international non-	(no – 0 pts., to some extent – up to 15 pts., yes – up to 30 pts.)	30

governmental or intergovernmental organisations		
Experience in analysing, generalizing, and systematizing information, drafting studies	(no – 0 pts., to some extent – up to 20 pts., yes – up to 40 pts.)	40
Knowledge of languages: English, Russian, French and Romanian	(English, Russian, French, Romanian – 5 pts. Each altogether up to 20 pts.)	20
<b>Maximum Total Technical Scoring</b>		<b>300</b>
<b><u>Financial</u></b>		
Evaluation of submitted financial offers will be done based on the following formula: <b><math>S = F_{min} / F * 200</math></b> 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.		<b>200</b>

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 REFERENCE (TOR)**

**ANNEX 2 – INDIVIDUAL CONSULTANT GENERAL TERMS AND CONDITIONS**