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TERMS OF REFERENCE

Program: Paradigm Shift: UNCT Moldova Strategic Action Supporting CRPD Implementation

Position: National Consultant on legal capacity, DPO empowerment and programme support

Duty Station: Chisinau, Moldova

Duration: January 2013 – December 2013, 12 months

I. Background

Republic of Moldova ratified the UN Convention on the Rights of People with Disabilities (UN CRPD) on 21 September 2010. Right after the ratification, the Government published the National Strategy on Social Inclusion of Persons with Disabilities 2010-2013 which sets out a detailed programme of action to empower people with disabilities so that they can enjoy their rights, and benefit from full and meaningful participation in society. Also, through adopting the Law on Social Inclusion of Persons with Disabilities on 30th of March 2012, the State has committed to respect, promote and provide the rights of persons with disabilities in all areas of life.

At the request of the Moldovan Government, the UN agencies with extensive experience on advancing the rights of persons with disabilities, namely OHCHR, UNDP, WHO and UNICEF, have jointly agreed to take on an important role in supporting the Government in its efforts to provide, promote and ensure the rights of persons with psycho-social and intellectual disabilities and decided to implement a joint programme with the aim of ensuring effective implementation of the CRPD and of building an inclusive society for all. "Paradigm Shift: UNCT Moldova Strategic Action Supporting CRPD Implementation" programme, funded through the United Nations Partnership for Promoting the Rights of Persons with Disabilities, will have the following provisions of the Convention as entry points:

- Equal recognition before law (article 12 of the CRPD);
- Access to justice for persons with disabilities on an equal basis with others (article 13 of the CRPD);
- The right to live independently and be included in the society (article 19 of the CRPD);
- The right to education (article 24 CRPD);
- National monitoring and implementation (article 33)/ empowerment of PWD (article 29);

The programme focuses on legal and policy reform with parallel efforts at the grassroots level by strengthening the capacities of civil society, including persons with disabilities and their representative organizations, in advocating, monitoring and evaluating the implementation of the CRPD. Throughout the intervention, UNCT Moldova will endeavour

to target, where relevant, women with disabilities, older persons with disabilities, as well as persons with disabilities from particular vulnerable groups such as LGBT, Roma, etc.

Implementation of the activities under the Article 12 CRPD intervention is under the OHCHR pillar of the UNCT action. This pillar supports the State's efforts to remove legal and practical obstacles that prevent or limit persons with psycho-social or intellectual disabilities to fully exercise fundamental human rights on equal basis with others and to bring the national legislation in line with the CRPD provisions. In particular to provide policy, expert and technical support to the Inter-ministerial working group in its efforts to abolish legal incapacitation of persons with psycho-social and intellectual disabilities and provide alternatives of support in exercising legal capacity in compliance with the Article 12 CRPD requirements.

The activities designed under the "Equal recognition before law" pillar are primarily designed to support the Ministry of Justice, Ministry of Labour, Social Protection and Family and Central Electoral Commission of Republic of Moldova. Given the fundamental importance of the Government to uphold the rule of law and sustain the harmonisation of the national legislation with the international requirements set up in ratified treaties. The indirect beneficiaries of the project will include all persons with psycho-social and intellectual disabilities.

In the aim of fulfilling the above mentioned objectives, the UNPRPD action intends to engage a National Consultant to assist the Inter-ministerial working group in drafting of the new law for support in exercising legal capacity and abolishing discriminatory provisions regarding legal incapacitation of persons with psycho-social and intellectual disabilities, in the scope of the "Paradigm Shift: UNCT Moldova Strategic Action Supporting CRPD Implementation" programme.

II. Duties and Responsibilities:

Under direct supervision of the Human Rights Adviser to the United Nations Resident Coordinator in Moldova, National Consultant will be in charge of providing support in amending national legislation to bring about conformity with Article 12 CRPD and related international and regional law, as well as support actions aimed at the empowerment of (ex)users and survivors of psychiatry, in particular through the development of one or more civil society entities specifically devoted to such empowerment.

The Consultant will perform the following tasks:

- Assist the Inter-ministerial working group in drafting the law on support to exercising legal capacity, and otherwise provide support and methodological guidance in this regard.
- Support relevant law- and policy-makers in working toward amendment as relevant of Civil Code provisions regarding incapacitation on grounds of psycho-social and intellectual disability.
- Collaborate with relevant authorities and stakeholders in amending the Electoral Code in order to ensure full electoral rights for persons with psycho-social and intellectual disabilities.
- Support policies and law reforms formulation in line with the CRPD requirements related to private and family life.
- Prepare materials for training local authorities on identifying persons who require support in decision making and mechanism of referral to the relevant services and ensuring the voting rights of persons with psycho-social and intellectual disabilities.

- Carry out training sessions for the local public authorities and persons with psycho-social and intellectual disabilities on the CPRD provisions.
- Provide capacity building support to organizations of (ex)users and survivors of psychiatry to effectively and efficiently claim their fundamental human rights.
- Provides effective support to the program implementation, focusing on achievement of the following results, primarily in the areas of:
 - a) Providing daily support on timely execution of program approved work plans;
 - b) Providing substantial inputs to the preparation of quarterly, semi-annual and annual reports;
 - c) Assisting in monitoring the progress throughout the program phase;
 - d) Collecting and gathering required information, data for program activities/initiatives throughout the program phase;
 - e) Assisting the Human Rights Adviser in managing the program's financial matters of the program;
 - f) Assisting the Human Rights Adviser in coordinating the exchange of information among the program partners;
 - g) Supporting other programme-related activities as required by the programme management;

Key Deliverables and Timeframe

The selected consultant is expected to provide the specified deliverables as per below schedule:

#	Deliverable	Timeframe
1.	Draft agenda and proposals for preliminary list of speakers, participants, and moderators of the international seminar on legal capacity in the light of Article 12 of the CRPD	1st of January – 14th of January
2.	Logistical arrangements for the international seminar on legal capacity (checklist, invitations, handouts, venue, etc.) provided	2 weeks prior to the international seminar date
3.	International seminar on legal capacity preparations and participation in meetings with Ministry of Justice and other relevant stakeholders ensured	Weekly, up to the date of the international seminar
4.	Facilitation of the international seminar discussions ensured	First decade of the 2013
5.	Final report on participation in the international seminar, with summary agreements and recommendations for different areas of intervention, including the list of participants and used handouts, submitted in English language	One week after the international seminar
6.	Four working meeting of the Inter-ministerial working group on reforming legal capacity organized and facilitated	January – December 2013
7.	Final report on participation in the Inter-ministerial working group meetings, with summary agreements and recommendations for different areas of intervention, including the list of participants and used hand-outs, submitted in English language	One week after every meeting was held
8.	At least three working meetings with the Central Electoral Commission on the possibilities to develop an implementation plan of the Article 29 "Participation in political and public life" at national level organised.	January –July 2013
9.	Study on international best practices on international examples of good practice and innovative experiences regarding the participation of	End of May 2013

	people with disabilities in political and public life.	
10.	Materials for training on services for supported decision making developed.	End of February 2013
11.	Six trainings for LPAs , DPOs and persons with psycho-social and intellectual disabilities on the CPRD provisions provided.	May – December 2013
12.	Organisation of (ex)users and survivors of psychiatry registered and meeting on a regularly basis.	End of May 2013
13.	Facilitation of the meetings of the national organisation of (ex)users and survivors of psychiatry.	Throughout the duration of the contract.
14.	Quarterly reports on the activities and results of the “Paradigm Shift: UNCT Moldova Strategic Action Supporting CRPD Implementation” programme prepared and approved by the implementing agencies.	March 2013 and May 2013 August 2013 and December 2013
15.	At least four meeting of the Advisory Board organised and facilitated	January - December 2013
16.	Final report on participation in the Advisory Board meetings, with summary agreements and recommendations for different areas of intervention, including the list of participants and used hand-outs, submitted in English language	One week after each meeting
17.	Inputs for reporting to UNPRPD provided as needed	November – December 2013

Objective

Advance the human rights of persons with disabilities and support national efforts, utilizing the Convention on the Rights of Persons with Disabilities, towards ensuring that all persons with disabilities enjoy legal capacity on an equal basis with others in all aspects of life. Alongside, the intervention has also the objective of contributing to the capacity of national DPOs to contribute to the effective implementation and monitoring of the CRPD at national level.

III. Qualifications and skills required:

- University degree in law, social sciences, human rights or other relevant field; post-graduate degree would be an advantage
- At least 2 years of proven professional experience in the area of the rights of persons with disabilities.

IV. Competencies:

- Commitment to human rights; advanced knowledge of human rights law and practice;
- Detailed understanding and experience of working on the issues that concern the lives of people with intellectual disabilities and/or people with psycho-social disabilities.

- Detailed understanding of anti-discrimination law as set out under international, European and domestic law;
- Detailed understanding of the UN CRPD
- Understanding of human rights and discrimination documentation methodologies; previous experience with human rights documentation work a strong asset.
- Ability to work independently;
- Experience with mission planning and execution;
- Competence in English- and Romanian-language report writing;
- Demonstrated competence cultural sensitivity and work in a multi-cultural environment;
- Fluency in Romanian and English. Knowledge of Romani or Russian a strong asset. Knowledge of one or more additional languages relevant for Moldova, including Bulgarian, Gagauzian, Ukrainian or sign language is an asset.