



TERMS OF REFERENCE

Job Title: National Consultant on capacity building of national stakeholders in the implementation of the UNCRPD

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

Contract type: Individual Contract

Duration of assignment: August 2013 – June 2014, 11 months (up to 240 working days)

Starting date: 1 August 2013

Duty Station: Chisinau, Republic of Moldova

Background:

In Moldova, out of a total population of 3,559,541ⁱ there are more than 176,000 persons with disabilities.ⁱⁱ Despite the fact that within the last ten years the total number of population has decreased by 2%,ⁱⁱⁱ the total number of persons with disabilities has increased by 20%.^{iv} 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%.^v 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 UN Convention on the Rights of Persons with Disabilities (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 on 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 endeavouring to assist establishment of an Equality Council 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 activity of the National Consultant will consist in providing expertise, technical assistance, guidance and day-to-day transfer of knowledge to the Ministry of Labour Social Protection and Family (MLSPF) staff in order to elaborate and implement meaningful actions in the effort to implement the CRPD requirements into national laws, policy documents and practices.

F. Scope of work and expected output:

In order to achieve objectives the contractor shall:

- Technical support to the Ministry of Labour Social Protection and Family in the elaboration of a national adult de-institutionalization Action Plan;
- Support and offer expertise in the implementation of the Action Plan and CRPD related policies;

- Ensure that policies in mainstream social protection have coordinated disability specific actions to ensure non-discrimination, inclusion and de facto equality in the exercise of human rights of persons with disabilities.

G. Deliverables:

	Deliverable	Deadline
1	Support and offer expertise and technical support to the MLSPF in the implementation of the CRPD related policies, including of the national policy of social inclusion of persons with disabilities, according to the existing national normative framework and the UNPRPD Project activities (10 working days/month)	August 2013 – June 2014
2	Technical support to the MLSPF in the elaboration of a national adult de-institutionalization Action Plan (9 working days/month)	August – November 2013
3	Technical support to the MLSPF in the implementation of the national adult de-institutionalization Action Plan (9 working days/month)	December 2013 – June 2014
4	Report on activities submitted to UNDP (2 working days/report)	Every last day of the month between 31 August 2013 and 30 June 2014
5	Quarter progress reports (2 working days/report)	End of December 2013, end of March and June 2014
6	Final progress report (3 working days)	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.

H. Organizational Setting:

This is a full-time consultancy. The National Consultant will work within a department in the MLSPF responsible for social assistance and policies for persons with disabilities, under direct supervision of the Article 33 pillar coordinator of the project “Paradigm Shift: UNCT Moldova Strategic Action Supporting CRPD Implementation” (UNPRPD Project), which is a part of the “Joint UNCT for Human Rights Protection and Promotion in the Republic of Moldova” Project, and in close consultation with the responsible persons of the Ministry of Labour, Social Protection and Family, UNDP Justice and Human Rights Programme Analyst and Human Rights Adviser to the UN Resident Coordinator in Moldova.

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 the facilitation of the necessary meetings.

J. Qualifications:

I. Academic Qualifications:

- Master’s degree in Law, Education, Social Sciences or any other relevant field.

II. Years and sphere of experience:

- Minimum 5 years of experience in the sphere of the rights of persons with disabilities;

- Profound knowledge of the UNCRPD;
- 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;
- Experience in working with civil society, particularly with organisations 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.

III. Competencies:

- Good PC skills, ability to use the Internet;
- Fluency in Romanian and Russian. Knowledge of English is an advantage;
- Working knowledge of one or more additional languages relevant for Moldova, including Bulgarian, Gagauzian, Romani, Ukrainian or sign language is an asset.

National Consultant should adhere to the core values of the United Nations; in particular, he/she should be respectful of differences of culture, gender, religion, ethnicity, nationality, language, age, HIV status, disability, and sexual orientation, or other status. National Consultant should be responsible, creative, flexible and punctual, as well as to have excellent communication and teamwork skills.

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.

ⁱ<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>

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

ⁱⁱⁱ<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>

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

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