



## TERMS OF REFERENCE

<b>A. Job title:</b>	National Consultant to review the legislative framework, regulations and systems on disability determination in line with the Convention on the Rights of Persons with Disabilities (CRPD) standards and International Classification of Functioning (ICF), including International Classification of Functioning for Youth and Children (ICF-Y), requirements
<b>B. Reference to the project:</b>	“Paradigm Shift to Disability Inclusive Services, Accountability and Governance in Moldova”
<b>C. Contract type:</b>	Individual Contract (IC)
<b>D. Expected duration of the assignment:</b>	December 2022 – March 2023 (up to 50 working days)
<b>E. Starting date:</b>	December 2022

### I. Background

The ratification of the UN Convention on the Rights of Persons with Disabilities (2010) by the Republic of Moldova brought important changes in the disability area and social inclusion. The country approved in 2012 the Law on Social Inclusion of Persons with Disabilities, that provides the policy framework. Subsequently, this led to the development of the National Programme on Social Inclusion of Persons with Disabilities (for 2017 - 2022); the National Deinstitutionalization Programme and of the Residential Institutions Transformation Plans for 2018 – 2026.

In relation to the services for persons with disabilities, the ratification of the Convention has stimulated the reform in disability determination and the development of various types of social services for persons with disabilities. To this end, and in particular to guarantee equal opportunities for persons with disabilities to access services and support measures in the community, with a view to full participation, the Government of the Republic of Moldova initiated in 2013 a reform of the system for determining the disability. One of the objectives of this strategy was to “Develop and approve a new methodology for determining disability in children and adults, in accordance with ICF provisions”.

The Law No. 60 (2012) and Government Decision No. 65 (2013) have laid the foundation for this reform, regulating the determination of disability at the level of the Ministry of Labor, Social Protection and Family, both for children and for adults. The single structure at which level this reform was to be implemented was the National Council for Determination of Disability and Work Capacity (NCDDWC). The NCDDWC<sup>1</sup> is a public institution<sup>2</sup>, subordinate to the Ministry of Labor

<sup>1</sup> Appendix no. 1 at the Government Decision no. 357 of April 18, 2018/ REGULATIONS regarding the organization and functioning of the National Council for Determining Disability and Work Capacity

<sup>2</sup> Within the Council there are control services for determining the degree of disability, the service for determining the degree of disability, the registration and archiving office and the territorial structures

and Social Protection, the only one empowered with functions in the field of determining the degree of disability.

Also, the efficient implementation of the disability determination reform will contribute to implementation of CRPD recommendations issued to Moldova.

The root causes of economic and social vulnerabilities are strongly linked to discrimination of persons with disabilities and disability blind policies. There is a high level of non-compliance and violation of rights, exposing children and adults with disabilities to direct and indirect discrimination in all spheres of life. Some groups are exposed to multiple and intersectional discrimination, particularly women with disabilities, children with disabilities, persons with disabilities living in rural areas, persons with psychosocial and intellectual disabilities, among them especially women residing in long-term residential institutions, and Roma persons with disabilities.

Furthermore, the preliminary finding on situational analysis on issues related to rights of persons with disabilities point out that these issues are of concern for the central public authorities especially the relevant ministries such as the Ministry of Labour and of Social Protection, Ministry of Health or Ministry of Research and Education. Those national authorities that do not deal directly with the rights of persons with disabilities rarely have the issue of implementation of the CRPD on their agenda as the cross sectorial approach to the promotion of rights of persons with disabilities is rarely applied.

The national and local public authorities do not have sufficient capacities to integrate in the development plans, programmes and strategies issues of inclusion and rights of persons with disabilities. Disability is not mainstreamed in local and regional development policies, as well as in sectorial policies. Also, the ODPs in the Republic of Moldova are undeveloped. It is especially the case of NGOs operating in rural areas and small towns. They have limited capacities to promote social inclusion or contribute directly to the process.

Disability determination is a crucial gateway for persons with disabilities to access assistive technologies and devices, individual support services and benefits and therefore have better opportunities to be included in the society. Although the Republic of Moldova undertook steps to reform the disability determination system over the last decade, its core approach is still medical. The NCDDWC lacks a clear methodology for human rights-based disability determination, focused on barriers to the participation of persons with disabilities in all spheres of life, individual requirements, will and preferences. Limited access to information and poorly developed reference mechanisms hinders access of persons with accentuated and severe disabilities, as well as those with intellectual and visual and hearing impairments, older persons with disabilities, and those living in rural areas, to the disability determination services.

Considering the various challenges persons with disabilities are facing, promotion of rights of persons with disabilities is one of the priorities of Moldova UN Country Team. Therefore, in 2022, UNDP, OHCHR and UNICEF have initiated the implementation of the Project “Paradigm Shift to Disability Inclusive Services, Accountability and Governance in Moldova”.

The project is addressing three major barriers to inclusion of persons with disabilities in Moldova: (i) predominant medical approach to disability assessment and determination and (ii) limited accountability and governance mechanisms for CRPD implementation and (iii) limited mainstreaming of rights of persons with disabilities in the national programmes, development programmes, budgets and monitoring processes. Related to these three outcomes, the program will achieve three inter-related outcomes.

Under the first outcome, the program will build capacities of duty bearers to address preconditions to disability inclusion. The action will strengthen the professional capacity of the National Council on Determination of Disability and Work Ability (NCDWAA) to ensure the full transition from the medical to the human rights-based approach to disability determination. A new model of disability determination will be piloted in three regions. Guidelines will be developed and piloted in three regions to facilitate models of good practice, learning and exchange mechanisms on disability determination from a human rights perspective. The program will enhance the constituency

engagement and advocacy capacity of OPDs to support implementation of a human centered approach to disability determination.

Under the second outcome, the program will focus on addressing gaps in the domestic legislative framework, regulations and systems on disability determination, data collection and access to assistive technologies. This will be achieved by: (i) producing relevant scoping and feasibility studies in order to identify legislative and procedural gaps; (ii) developing policy options, legal amendments and underlying costing; (iii) creating opportunities for OPDs to participate and shape policy development processes; (iv) facilitating an inclusive policy dialogue with all relevant stakeholders.

Under the third outcome, the program will support the UNCT Moldova to mainstream disability mainstreaming into the UN Moldova Development Cooperation Framework. Efforts will be made to align the domestic framework of SDG indicators to CRPD standards.

## **II. Scope of work and expected outputs**

The Consultant will provide support to NCDDA to increase its capacity to enable the transition of disability determination from a model based on narrow health considerations to a model centred on human rights and empowerment in line with CRPD and International Classification of Functioning (ICF), including International Classification of Functioning for children and youth (ICF-CY).

Therefore, the Consultant will:

- Prepare the Inception Report and detailed work for the assignment.
- Desk Review of the existing studies and analysis regarding the disability determination system in Moldova.
- Review the current legal framework, regulations and systems on Disability Determination against the CRPD standards and ICF, including ICF-CY, requirements.
- Provide analytical support to the MLSP and NCDDWA on reviewing the disability determination legal framework and procedures, aiming at enabling appropriate disability determination process in line with CRPD requirements and ICF, including ICF-CY, requirements.
- Facilitate key meetings with the relevant actors (Ministry of Labour and Social Protection, Ministry of Health, NCDDWA, etc.) on assignment related tasks.
- Collect data relevant for the assignment, identify and provide inputs on specific problems/issues, particularly referring to the aspects of of disability determination from a human rights perspective including: availability and accessibility; focus on characteristics, circumstances and support needs; accountability for the implementation of social inclusion and rehabilitation; transparency and cooperation with OPDs; data collection and use; complaints mechanisms; functioning of the mechanism during emergency situations such as COVID-19.
- Develop policy proposals to improve compliance with CRPD standards, namely 3 legal texts on disability determination:
  - Draft the Regulation on the functioning of the National Council for Disability and Work Ability Assessment;

- Draft the Instructions on determination of degree of disability;
- Review the internal regulations of the NCDDWA to improve the aspects of disability determination from a human rights perspective
- Draft an Action Plan to implement the recommendations made and provide advisory support for the relevant institutions in the implementation on the plan developed.
- Support meaningful involvement of OPDs and informal groups in the review and policy proposals drafting.
- Conduct cross-sectoral and multi stakeholder consultations at national and local level.
- Produce and submit a final progress report that would provide details on the progress of the assignment, activities performed, any issues and problems identified, and solutions proposed;
- Perform other assignment related tasks.

### III. Key deliverables and tentative timeframe

No.	Key Deliverables	Indicative timeline
1.	Inception Report containing a detailed Work Plan and Methodology developed (up to 5 w.d.)	December 28, 2022
2.	Desk review Report containing findings and specific recommendations for improving the regulatory framework related to disability determination from the perspective of the human rights based approach, developed and submitted for clearance (up to 5 w.d.)	January 27, 2023
3.	Cross-sectoral and multi stakeholder consultations on policy proposals to improve compliance with CRPD standards at national and local level conducted (up to 5 w.d.)	February 17, 2023
4.	Consultations with the project beneficiaries to discuss the proposed amendments to the disability determination legal framework, ensured (up to 5 w.d.)	
5.	Policy proposals to improve compliance with CRPD standards, namely 3 legal texts on disability determination drafted and reviewed following an inclusive and participatory process, through cross-sectoral and multi-stakeholder consultations: <ul style="list-style-type: none"> <li>a) The Regulation on the functioning of the National Council for Disability and Work Ability Assessment</li> <li>b) The Instructions on determination of degree of disability</li> <li>c) The internal regulations of the NCDDWA to improve the aspects of disability determination from a human rights perspective (up to 20 w.d.)</li> </ul>	March 10, 2023
6.	Action Plan to implement the recommendations made and provide advisory support for the	March 24, 2023

	relevant institutions in the implementation on the plan developed (up to 5 w.d.)	
7.	Final report submitted (up to 5 w.d.)	March 31, 2023

Deliverables (and the respective timeframes) can be further amended or modified for the purpose of the assignment.

#### **IV. Institutional arrangements**

The timeframe of the assignment of the Consultant is planned for the period December 2022 – March 2023.

While the reviewing and drafting process will remain fully independent, the assignment shall be performed in close coordination with the UNDP Project Manager.

The consultant is expected to cooperate closely with the management and delegated staffers from the Ministry of Labour and Social Protection, the Ministry of Health, NCDDWA and other relevant institutions and stakeholders.

All the deliverables shall be submitted in Romanian language in electronic format. The summary of the Assessment Report, described at task 2 in Section III of the TOR, shall be presented in English as well. Before submission of final deliverables, the consultant will discuss the draft documents with the parties involved, so that the final products reflect their comments.

#### **Performance evaluation**

Contractor's performance will be evaluated against such criteria as: timeliness, responsibility, initiative, communication, accuracy, and quality of the products delivered.

*Specifically, the Assessment Report should<sup>3</sup>:*

- have a concise executive summary (maximum 4 pages).
- be well structured and complete.
- describe what is being evaluated and why.
- identify the evaluation questions of concern of users.
- identify target groups covered by the evaluation and whether the needs of the target groups were addressed through the intervention, and if not, why.
- have the HRBA including gender aspects imbedded throughout the evaluation.
- explain the steps and the procedures used to answer those questions.
- present findings supported by credible evidence in response to the questions.
- acknowledge the limitations and constraints in undertaking the evaluation.
- draw conclusions about findings based on the evidences.
- propose concrete and usable recommendations derived from conclusions.

#### **Presentation**

Final Evaluation Report presented to key stakeholders, including UNDP/OHCHR/UNICEF staff, representatives of the beneficiary institutions, Project donors, and NGO/CSO implementing partners and other relevant stakeholders. The Consultant is particularly encouraged to use participatory methods to ensure that all partners and stakeholders are consulted as part of the evaluation process. The Consultant shall take measures to ensure data quality, reliability and validity of data collection tools and methods and their responsiveness to gender equality and human rights. In the process of data collection, the Consultant shall take measures to safeguard the rights and confidentiality of key information providers.

#### **V. Financial arrangements:**

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<sup>3</sup> Refer for the Annex 1 for the proposed Assessment Report format.

The payment will be disbursed in instalments upon submission and approval of deliverables by the Project Manager, certifying that the services have been satisfactorily performed.

## **VI. Qualifications and skills required:**

### **a) Academic Qualifications:**

- University Degree in Law, Human Rights, Pedagogy, Social Sciences, or other relevant field, with PhD degree being an asset.

### **b) Work experience:**

- At least 5 years of proven professional experience in research in areas related to health, social protection, social sciences, human rights, insurance of application of equality, non-discrimination, accessibility and CRPD compliance;
- At least 5 years of experience in health care, social protection, human rights and other related area;
- Proven experience (at least 1 proven previous assignment) in drafting regulatory framework;
- Previous experience of working with public authorities on human rights issues, vulnerability, social protection, insurance of application of equality, non-discrimination, accessibility and CRPD compliance or other related areas;
- Proven experience in facilitating policy dialogues in areas related to law, human rights focused on disability, vulnerability, social protection, insurance of application of equality, non-discrimination, accessibility and CRPD compliance or other related areas, etc.;
- Advanced research skills and capability of producing policy papers.

### **c) Competencies:**

- Proven knowledge of the UN human rights protection mechanisms and standards, especially focused on CRPD protection mechanism;
- Knowledge of the human rights situation and human rights related problems in the Republic of Moldova and the region is an asset;
- Consistently ensures timeliness and quality of work;
- Innovative and creative thinking;
- Consistently approaches work with energy and a positive, constructive attitude;
- Excellent interpersonal and teamwork skills;
- Ability to facilitate group processes, including when tensions arise;
- Knowledge of Romanian and English languages for the purposes of the assignment;
- Knowledge of one or more additional languages relevant for Moldova, including Bulgarian, Gagauzian, Romani, Russian, Ukrainian or sign language is an asset.

### **d) 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, 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 noncitizens legally entitled to work in the Republic of Moldova, are particularly encouraged to apply. ***Please specify in CV, in case you belong to the group(s) under-represented in the UN Moldova and/or the area of assignment.***

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

Interested individual consultants must submit the following documents/ information to demonstrate their qualifications:

- Offeror's letter confirming interest and availability, including financial proposal (Annex 2, in USD, specifying a total requested amount per working day, including all related costs, e.g., fees, phone calls, etc.).
- Technical proposal (including brief description of experience, approach, and methodology for the completion of the assignment).
- Duly completed and signed personal CV and at least 3 references.

**Important notice:** The applicants who have the statute of Government Official / Public Servant prior to appointment will be asked to submit the following documentation:

- a no-objection letter in respect of the applicant received from the Government, and;
- the applicant is certified in writing by the Government to be on official leave without pay for the entire duration of the Individual Contract.