**TERMS OF REFERENCE**

**A. Job Title:**  Lead consultant to conduct a situational analysis of the Human Rights Based Approach to support and care systems for persons with disabilities with high needs of care

**B. Duty Station:**  Republic of Moldova, Chisinau municipality

**C. Project reference:**  Seeding Change Project

**D. Contract type:**  Individual Contract (IC)

**E. Duration of assignment:** Up to 55 working days duringJune – October 2023

**F. Background:**

The UN Human Rights Office (Office of the UN High Commissioner for Human Rights – OHCHR) represents the world's commitment to universal ideals of human dignity. It has a unique mandate from the international community to promote and protect all human rights.

The UN Human Rights Office in Moldova (OHCHR in Moldova), led by the Human Rights Adviser, assists the UN RC Office, UN Country Team in Moldova (UNCT), Government and civil society in strengthening human rights and human rights-based approach, working closely with the UN Country Team on capacity building and mainstreaming human rights in their work, as well as providing support in engagement with national actors on human rights, including advising national authorities upon request. Thematic priorities for the work of the Office are: (i) Strengthening rule of law and accountability for human rights violations; (ii) Enhancing equality and countering discrimination; (iii) Integrating human rights in sustainable development; (iv) Enhancing civic space and people’s participation.

UN Human Rights Office in Moldova is aiming at enhancing inclusivity of the social protection system by facilitating human rights, gender and disability mainstreaming in the support and care systems. For this, in 2023 OHCHR has envisaged to conduct a situational analysis of the human rights based approach perspective of the support and care provided to persons with high needs of care of different age groups. The analysis will apply an intersectional approach, so that needs of persons with disabilities in all their diversities throughout their life are reflected, including by targeting gender, age, refugee, socio-economic status, geographic location etc. The analysis will also evaluate the availability, accessibility, affordability and quality of support and care for persons with disabilities, as part of the broader social protection system in the country. The situational analysis will incorporate the budgetary analysis and the level of integration of budgetary allocations to identify the level of integration of disability costs in the existing care and support services. Based on the findings of the situational analysis, OHCHR will develop a road map for mainstreaming the human rights-based approach to disability in the care agenda at national level for all stakeholders. The outcomes of the situational analysis will also contribute to informing the process of developing the new Programme on Social Inclusion of Persons with Disabilities, due to be developed in 2023. Also the findings of the project will inform the process of implementation of the Gender Equality strategy.

Under the current assignment, the Consultant will be responsible for conducting the situational analysis of the human rights based approach to support and care for persons with disabilities and developing the roadmap for mainstreaming HRBA to disability in the support and care agenda at national level. The consultant will work in a team with two consultants that will be selected for data collection which would imply focus group discussions, interviews and expert interviews.

**G. Objective:**

OHCHR is seeking to hire a National Consultant to conduct a situational analysis of the Human Rights Based Approach to support and care systems for persons with disabilities with high needs of care. Based on the findings of the study, a road map for mainstreaming the human rights-based approach to disability at the national level will be developed.

The analysis will focus on:

* Assessment of the impact of support and care provided to persons with high care needs on the realization of their human rights and the human rights of care-givers.
* Documenting the barriers and identification in an inclusive and participatory approach the solutions for transition from traditional medical care models to a human rights-based approach (HRBA) to support and care.
* Analyzation of the opportunities, needs and options of developing self-care practice, but also practices of persons with disabilities as care givers.
* Evaluation of the availability, accessibility, affordability and quality of support and care for persons with disabilities, as part of the broader social protection system in the country.
* Budgetary analysis and the level of integration of budgetary allocations to identify the level of integration of disability costs in the existing care and support services.

The analysis will be focused on the following target groups and rights:

* **Support and care receivers:** persons with high care needs (severe disabilities). Intersectional approach will be applied in the analysis process, including by targeting gender, age, refugee, socio-economic status, geographic location etc. In case of care receivers the analysis will target their human rights, including the right to independent living and being included in a community (CRPD art.19), right to education (CRPD art. 25), the right to habilitation and rehabilitation (CRPD art.26), the right to adequate standard of living and social protection (CRPD art.28). Gender analysis to the situation of the support and care receivers will be applied.
* **Support and care givers:** personal assistants for persons with disabilities of different age groups. In case of caregivers, the following rights will be targeted: labor rights, including right to rest and leisure, social security, the right to highest attainable standard of health, right to education (life-long learning, professional training). Intersectional approach will be applied, practices of persons with disabilities as care givers will be analyzed. Besides the paid care givers (personal assistants), the un-paid/informal care givers (e.g. family members) will be also targeted.

**H. Scope of work and expected outputs:**

To achieve the objective, it is foreseen that the Consultant will:

1. **Conduct a situational analysis of the Human Rights Based Approach to support and care systems for persons with disabilities.**

* Conduct desk review on the existent approach, situations, gaps and needs related to support and care provided to persons with disabilities with high care needs of different age groups and gender.
* Develop, jointly with the two experts on data collection, the research instruments that will include: focus groups discussions with care givers and care receivers of different age groups, including children and youth; interview guide, including expert interviews’ guide.
* Analyse and systemize the data obtained from focus group discussions, interviews and expert interviews, collected by the other two experts.
* Analysis of the budgets and the level of integration of disability costs in the budgetary allocations of the existing support and care services.
* Draft the situational analysis of the Human Rights Based Approach to support and care systems for persons with disabilities with high needs of care, which will also include recommendations.
* Support the planning and organization of inclusive consultation on the draft report, with the main findings, and recommendations with state institutions, Organizations of Persons with Disabilities, persons with disabilities, families of persons with disabilities, civil society organizations and other relevant stakeholders.
* Finalize the report based on the outcomes of the inclusive consultation.

1. **Based on the findings and conclusions formulated in the situational analysis, the Consultant will develop the roadmap for mainstreaming HRBA to disability in the support and care agenda at national level focus on the following aspects:**

* Necessary policy changes/amendments to mainstream disability in the care and support agenda and systems.
* Steps and measures necessary to ensure a better respect, protection and fulfillment of human rights of care givers and care receivers.

**I. Expected Deliverables:**

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| **item no.** | **DELIVERABLES** | **Estimate Workdays** | **Tentative timeframe** |
|  | ***Tasks*** |  |  |
| **I.** | **Conduct desk review on the existent approach, situations, gaps and needs related to support and care provided to persons with disabilities with high care needs of different age groups and gender and analysis of the budgets and the level of integration of disability costs in the budgetary allocations of the existing support and care services**  ***Deliverables:***   * Desk review and budgetary analysis conducted | Up to 15 working days | By June 30, 2023 |
| **II.** | **Develop research instruments developed and analyse data collected during focus group discussions and interviews jointly with experts on data collection**   * Develop, jointly with the team of two experts on data collection, focus groups discussion and interview, including expert interview guides; * Guide the team of two experts on data collection on application of the research instruments; * Analyse, jointly with the team of two experts on data collection, the data collected during the focus group discussions and interviews.   ***Deliverables:***   * Research instruments developed and data collected during focus group discussions and interviews analyzed jointly with experts on data collection | Up to 15 working days | By July 10, 2023 |
| **III.** | **Develop and present for approval the Final draft of the situational analysis and road map:**   * Develop the situational analysis and roadmap, using the data of the desk review, budgetary analysis, focus group discussions and interviews; * Support the planning and organization of inclusive consultations of the outcome and recommendations of the situational analysis and road map developed; * Update the documents following inclusive consultation/presentation workshop/round table. * Submit the final version of the Feasibility Study with all relevant annexes to OHCHR.   **Deliverables:**   * Final version of the situational analysis and roadmap is developed, submitted and approved by OHCHR following an inclusive consultation process. Feasibility Study submitted and approved by OHCHR. | Up to 25 working days | By October 20, 2023 |

**J. Organizational Setting:**

The consultant will work under the guidance of the Human Rights Adviser, and direct supervision of a National Human Rights Officer. He/she will work jointly with the two consultants who will conduct focus group discussions and interviews with care givers and care receivers.

**K. Financial arrangements:**

The financial proposal shall specify a total **lump sum** amount, and payment terms around specific and measurable (qualitative and quantitative). 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 the daily fee, taxes, transportation and number of anticipated working days).

Payments are based upon output, i.e. upon delivery of the services specified in the TOR.The payment under these Terms of Reference will be made in one instalment, upon the accomplishment of the ToR tasks and deliverables, based on the submitted time-sheet and activity report.

**Travel**

No travel is foreseen as part of the consultancy service.

**L. Confidentiality**

Materials provided to the Consultant and all proceedings within the consultancy contract shall be regarded as confidential, both during and after the consultancy. Violation of confidentiality requirements may result in immediate termination of contract.

**M. Qualifications and skills required:**

1. Academic Qualifications:

* University degree in law, human rights, social science or other relevant discipline;
* Master’s degree in law, human rights, social science or other relevant discipline would be considered an advantage.

1. Years and sphere of experience:

* At least 5 years of professional experience at the national level in social inclusion and rights of persons with disabilities, international and national framework on the rights of persons with disabilities ;
* At least 3 years of professional experience in working with persons with disabilities;
* Experience in conducting analysis on the human rights of persons with disabilities;
* Knowledge of operational social and human rights context in the Republic of Moldova.
* Experience in working with UN agencies is an asset.

1. Competencies:

* Proven commitment to the core values of the United Nations, in particular, respect for differences of culture, gender, religion, ethnicity, nationality, language, age, HIV status, disability, sexual orientation, or other status;
* Displayed cultural, gender, religion, race, nationality and age sensitivity and adaptability;
* Accepted responsibility and accountability for the quality of the outcome of her/his decisions.
* Fluency in Romanian; Fluency in English would be an asset;
* Knowledge of one or more relevant minority languages, including Bulgarian, Ukrainian or Romani, as well as sign language(s), will be a strong advantage.

1. Personal qualities:

* Resourcefulness and creativity;
* Strong communication and interpersonal skills.

**Diversity Clause:** Applicants from under-represented groups (persons with disabilities, Roma and other ethnic, linguistic or religious minorities, persons living with HIV, refugees and other noncitizens) will be given priority in case of equal qualification. OHCHR is committed to reasonably accommodate the working environment for the persons with disabilities.

*The United Nations Organization is committed to diversity and inclusion. Women, persons from vulnerable groups, such as persons with disabilities, Roma and other ethnic, linguistic or religious minorities, persons living with HIV, refugees and other noncitizens legally entitled to work in the Republic of Moldova, as well as persons from other underrepresented groups are particularly encouraged to apply.*

**N. Documents to Be Included When Submitting the Proposals**

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

* Signed and filled-in Offeror’s letter to UNDP confirming interest and availability for the individual contractor (IC) assignment, incorporating Financial proposal in Annex 2 (in USD, specifying a total requested amount per working day, including all related costs, e.g. fees, phone calls etc.). Annex 2 to the Offeror's letter, incorporating the Financial Proposal, shall be filled in mandatorily and includes the detailed breakdown of costs supporting the all-inclusive financial proposal;
* Proposal (Motivation Letter): explaining why they are the most suitable for the work including previous experience in similar Projects (please provide brief information on each of the above qualifications, item by item, including information, links/copies of documents for similar comprehensive studies);
* 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.

**O. Evaluation**

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

* University degree in law, human rights, social science or other relevant discipline University Degree.
* At least 5 years of professional experience at the national level in social inclusion and rights of persons with disabilities, international and national framework on the rights of persons with disabilities;
* Minimum one analysis on the human rights of persons with disabilities conducted.

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

**Cumulative analysis**

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.

\* Technical Criteria weight – 60% (300 pts);

\* Financial Criteria weight – 40% (200 pts).

Only candidates obtaining a minimum of 210 points would be considered for the Financial Evaluation.

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| **Criteria** | **Scoring** | **Maximum Points Obtainable** |
| **Technical** | | |
| University degree in law, human rights, social science or other relevant discipline University Degree. | *University degree – 35 pts, Master’s – 45 pts; PhD – 55 pts;* | 55 |
| Post-graduation education/courses in human rights, including rights of persons with disabilities would be considered an advantage. | (no – 0, yes – 10 pts). | 10 |
| Professional experience at the national level in social inclusion and rights of persons with disabilities, international and national framework on the rights of persons with disabilities (at least 5 years) | *5 years – up to 25 pts., each additional year – 10 pts., up to a maximum of 75 pts.* | 75 |
| Professional experience in working with persons with disabilities (at least 3 years) | *3 years – up to 20 pts., each additional year – 10 pts., up to a maximum of 70 pts.* | 70 |
| Demonstrated experience in in conducting analysis on the human rights of persons with disabilities (minimum one comprehensive study) | *No studies - 0 points, one study – 10 points, each additional study/project – 10 pts. Up to max.* ***40 pts;*** | 40 |
| Experience in working with UN agencies is an asset | *Each assignment - 5 pts, up to max* ***15 pts*** *(3 assignments);* | 15 |
| Fluency in oral and written Romanian. Working knowledge of English would be an asset; | *Maximum 20 pts., (10 pts. - for each language).* | 20 |
| Knowledge of one or more relevant minority languages, including Bulgarian, Ukrainian or Romani, as well as sign language(s), will be a strong advantage. | *Maximum 10 pts., (2 pts. - each language).* | *10* |
| Belonging to the under-represented groups within the UN Moldova (persons with disabilities, Roma and other ethnic, linguistic or religious minorities, persons living with HIV, refugees and other noncitizens as self-declared). | *(no – 0 pts, to one group – 2 pts, to two or more groups – 5 pts.* | 5 |
| **Maximum Total Technical Scoring** |  | **300** |

*\* Under-represented group in the area of assignment (law enforcement) are women. Under-represented groups in UN Moldova are persons with disabilities, LGBTI, ethnic and linguistic minorities, especially ethnic Gagauzians, Bulgarians, Roma, Jews, people of African descent, people living with HIV, religious minorities, especially Muslim women, refugees and other non-citizens.* ***Please specify in CV, in case you belong to the group(s) under-represented in the UN Moldova and/or the area of assignment.***

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| **Financial** | |
| Evaluation of submitted financial offers will be done based on the following formula:  **S = Fmin / F \* 200**  **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 | **200** |

Winning candidate

The winning candidate will be the candidate, who has accumulated the highest aggregated score (technical scoring + financial scoring).