

MINISTRY OF SOCIAL WELFARE, WOMEN AND POVERTY ALLEVIATION

**TERMS OF REFERENCE FOR THE REVIEW OF THE
FIJI NATIONAL COUNCIL FOR DISABLED PERSONS ACT 1994**

INTRODUCTION

People with disabilities in recent times have been largely invisible in all areas and at all levels of the development processes in Fiji. They are often unaccounted, their concerns are unheard and their rights to development, full participation and equality are not upheld. In general, people with disabilities in Fiji have lacked education, employment and livelihood opportunities, and have no or limited access to support services. They are the most discriminated group. They often do not receive adequate healthcare, or assistance. This has led to economic and social exclusion. In addition, lack of awareness and understanding in the wider community has meant that people with disabilities and their families face prejudice, discrimination and rejection in their daily lives. The lack of adequate legislation to safeguard the rights and interests of persons with disabilities exacerbate the issue.

The World Report on Disability suggests steps for all stakeholders – including governments, civil society organisations and disabled persons organisations – to create enabling environments, develop rehabilitation and support services, ensure adequate social protection, create inclusive policies and programs and enforce new and existing standards and legislation to the benefit of people with disabilities and the wider community. People with disabilities should be central to these endeavours.

BACKGROUND

A wider range of services for people with disabilities in Fiji began in the mid 1960's in the form of a Suva-based special education school for a growing population of children who had suffered from poliomyelitis.

The Fiji Crippled Children Society, the Society for the Blind and the Fiji Red Cross were the early pioneers of disability services in Fiji. Over the following decades other special schools were established in the main urban centres of Fiji and various Disabled Persons Organisations (DPOs) established themselves as advocacy and 'rights based' groups.

In December 1994, the Parliament of Fiji passed the Fiji National Council for Disabled Persons Act. The primary functions of FNCDP are to serve as a coordinating mechanism on disability matters, formulate national disability policies, develop plans, procure funds to support disability services, conduct relevant seminars/workshops, raise better community awareness on disability issues, mainstream disability concerns into government activities, and promote disability prevention measures. The numbers of disability organisations affiliated to FNCDP have increased in the past few years to the present level of over 34. The FNCDP secretariat was established in November 1994.

The endorsement of the National Disability Policy in 2008 which aimed at providing a framework for addressing disability in Fiji, so as to develop a more 'inclusive' society, create greater awareness of the needs of people with disabilities and identify priority areas for action to dismantle barriers hindering the full participation of people with disabilities in the social and economic life of the Fiji Islands.

The national baseline survey on disability (2008 - 2009) saw an estimate of 11402 with 6180 men and 5222 women with disabilities in Fiji.

In 2009, FNCDP acquired funding from the European Union to fund a three year project titled 'Promoting Disabled Persons Equal Participation in Society' (PDPEPS). PDPEPS is focusing on four main areas;

- Legislation review
- Capacity Building for Disabled Persons Organisations
- Capacity Building for Targeted Professions
- Awareness raising.

FNCDP district committees through a roundtable consultation in May 2009 funded by UN Women made recommendations for the review of the FNCDP Act.

On 2nd June 2010, Fiji signed the United Nation's Convention on the Rights of Persons with Disabilities (CRPD). This is a historic achievement for Fiji particular for FNCDP, its 34 affiliated organisations, eighteen district committees and six advisory committees and persons with disabilities as a whole. Furthermore, it is symbolic of Government's commitment to disability rights based development.

Cabinet endorsed the review of the FNCDP Act on 24 May 2011 through the engagement of a consultant to be hired and funded by PDPEPS. This review will enable Fiji develop a national legal framework that will qualify Fiji ratify the CRPD.

The review of the Fiji National Council for Disabled Persons is to determine on the appropriateness and improvement of the current law in light of the needs of persons with disabilities in Fiji and matters incidental thereto.

The review is to propose law reform measures and recommendations that would lead in providing Fiji with a legislation that is relevant to the current and future requirements of disability.

The Consultant is mandated to:-

- **Review and explore if the current FNCDP Act is still relevant to the current and future needs of person with disabilities.**
- **Review and improve the current establishment of FNCDP at national and district level including FNCDP affiliated organisations and learning institution in the country and how best it can address and serve the interest of persons with disability.**

- **Review the relevant existing reports on disability policies, services and programs in Fiji and consider how the reports' recommendations may be incorporated in a legislative arrangement that will better and or improve the formulation of disability programs and service delivery to persons with disabilities.**
- **Inco-operate the National Policy on Persons Living with Disabilities 2008 -2018.**
- **Review the current and related laws to ensure it addressed the interest of disabled persons such as the Employment Relations Promulgations (ERP).**
- **Consider the report on the first review of the FNCDP Act of 2003.**
- **Consider how programs and services for persons with disabilities can be effectively and efficiently carried out.**
- **Consider measures (powers and procedures) and safeguards for the protection of persons with disabilities particularly the most vulnerable such as women, youth and children including those with mental and intellectual disability in the family, community and institutions.**
- **Consider measures that should be undertaken to promote awareness on disability rights based model to foster greater understanding of disability and to enhance attitudinal change.**
- **Consider international human rights treaties such as the International Convention on the Rights of Persons with Disabilities (CRPD) for the delivery of effective and efficient programs and services.**
- **Review the programme and training of person with disability to ensure they are able to survive autonomously.**
- **Prepare a suitable legislative framework.**

In the report the Consultant must have due regard to Bill of Rights provision in the constitution, common law and international conventions and treaties.

The FNCDP is to submit its Report with measures and recommendations for reform and a draft Bill to the Ministry of Social Welfare, Poverty Alleviation for onward transmission to Attorney-General and Minister for Justice by 31st December, 2012 or such other time as may be extended by the latter.

IMPLEMENTATION OF THE CONSULTANCY

The consultancy will be implemented over a period of 45 days, and involves 3 visits to Fiji over 5-6 months by the Consultant.

A maximum of F\$ 60,000.- has been allocated for this consultancy, and includes international travel costs (3 return airfares to Fiji), per diems and fees.

A Legal Officer will be appointed to work with the consultant.

FNCDP will provide the office space and equipment for the consultant.

Administration and logistical support will be provided by the PDPEPS Staff and FNCDP staff.

Local transportation will be provided by FNCDP.

QUALIFICATIONS OF THE CONSULTANT

The specialist should have extensive experience in legislation reviews and in drafting legislation in Commonwealth countries. Candidates with relevant work experience in Fiji and have knowledge on disability would be an advantage.

ELIGIBILITY REQUIREMENTS

This consultancy is open only to nationals of ACP countries and EU member states.

Preferences will be given to a candidate that have

- University degree in law with more than fifteen years of law practise or in the field related to professional assignment of the post
- A graduate in law and have a post graduation degree in the field of law
- Practising law for at least fifteen years or more
- A solid background, proven knowledge and experience in the administration, enforcement, practical and other effects of any national disability legislation.
- Sound and practical knowledge of the Convention on the Rights of Persons with Disabilities and other relevant UN treaties.
- Experience with similar assignment in the Pacific Region.
- Applicants must include a proposed work plan outlining the activities/steps that will be taken including consultations to ensure the successful timely completion of the review.

DELIVERABLES

- Periodic Report
- Final Report Annexing issue papers and discussion papers.
- Final Draft Legislation.

APPLICATION DETAILS

Applications for this consultancy should include a current Curriculum Vitae, a brief (max. 1 page) highlighting relevant experiences; and an indication of daily fee rates and availability.

Further details on the consultancy may be obtained from Ms. Sai Tawake, PDPEPS Project Officer on fnmdp@connect.com.fj

Applications should be submitted to Dr Sitiveni Yanuyanutawa, Executive Director Fiji National Council for Disabled Persons; FNCDP Complex 3 Brown Street Suva; PO Box 16867 Suva Fiji or Email to fnmdp@connect.com.fj

DEADLINE FOR SUBMISSION OF APPLICATIONS

Deadline for submissions of applications is Friday 24 February 2012