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## Terms of Reference

### Consultant for Review and Revision of the Explanatory Note, and Capacity Building of the Ministry of Women's Affairs on the Law on Prevention of Domestic Violence and Protection of Victims

#### About us

With more than 30 years of experience, CowaterSogema is Canada's global leader in management consulting services specializing in international development. CowaterSogema is managing the Australia-Cambodia Cooperation for Equitable Sustainable Services (ACCESS) Program. ACCESS is a three-year (2018-2021) Australian Government initiative to improve the sustainability, quality and inclusiveness of services for persons with disabilities and for women affected by gender-based violence (GBV) in Cambodia.

ACCESS reflects Australia's strong commitment to supporting human rights, gender equality and disability-inclusive development in our region. ACCESS works in partnership with the Royal Government of Cambodia to support the implementation of the National Action Plan to Prevent Violence Against Women (NAPVAW) and the National Disability Strategic Plan (NDSP).

Currently CowaterSogema is recruiting a Cambodian consultant to support the Ministry of Women's Affairs (MoWA) to review and update the existing Explanatory Note on the Law on Prevention of Domestic Violence and Protection of Victims (LDV) and to support implementation of capacity development efforts on this and other relevant laws and policies.

#### Background

The Law on Prevention of Domestic Violence and Protection of Victims was adopted in 2005 by the National Assembly of Cambodia. This is a special and unique law that brings domestic violence from the level of personal issues to the level of public concern and gives authorities the possibility to intervene with special authorization.

The first National Action Plan to prevent Violence Against Women (NAPVAW 2009-2013) was approved by the Council Minister in 2009, and it focused on primary and secondary prevention of domestic violence. Awareness raising on the law was supported by GIZ and in 2014, the Cambodian National Council for Women (CNCW) received CEDAW committee recommendations to amend the Law. In the draft NAPVAWIII (2019-

2023) MoWA commits to reviewing and amending the LDV. Today, there is no national study or evaluation on the effectiveness of the LDV enforcement, and in consequence, very limited evidence/knowledge on root causes of issues observed with the implementation of the Law. Possible challenges could lie in the content of the law itself, its implementation mechanisms and/or fact that legal professionals have a limited knowledge of the Law. There is still discussion and various interpretation of these hypotheses among legal implementing partners. Also, MoWA officials need to have a clear understanding and knowledge of the law and the capacity to gather information and evidence to inform concerned stakeholders.

An existing tool to support the interpretation of the LDV is the Explanatory Note on LDV (ENLDV). In 2007, MoWA developed the ENLDV but its final Khmer version was not finalised nor was it printed. MoWA officials haven't yet received training to be able to provide relevant guidance on the implementation of the law and its potential review.

Moreover, due to a high turnover of staff within MoWA, there is a lack of legal resource persons to provide clear explanations on LDV or to conduct training to relevant stakeholders within and outside of MoWA.

### Summary of Position

This assignment will be undertaken by a national Senior Consultant who will collaborate with MoWA to review and update the Explanatory Notes on the Prevention of Domestic Violence and Protection of Victims Law (ENLDV) for the Ministry of Women's Affairs (MoWA) and provide corresponding capacity building.

Under the supervision of the ACCESS Team Leader, the Consultant will report to MoWA and work closely with the ACCESS GBV lead. Any proposed actions are subject to consultation and approval from MoWA.

The consultant may use ACCESS office space or work remotely but will provide any trainings to MoWA staff in MoWA premises. The consultant will use his/her personal computer. ACCESS will cover any costs pertaining to meetings/trainings.

### Scope of Work and Methodology

The scope of work includes the review of ENLDV and corresponding capacity building, including trainings, and development of tools and processes for effective application of the Law. This assignment will be led by MoWA and technically supported by ACCESS.

The updated Explanatory Note and training toolkit, will support MoWA and relevant stakeholders to apply the existing law using a participatory and survivor-centered approach; for example, how to use mediation appropriately, how to promote use of Protection Orders, etc. It will make use of the existing resources within MoWA to identify gaps and develop new resources accordingly. The capacity building will target officials across various MoWA Departments (based on guidance from MoWA). The trainings will be conducted in collaboration with MoWA and the quality and effectiveness of the trainings will be evaluated using pre and post-training assessments.

The assignment is structured into three tasks:

**Task 1: Review and update of the existing Explanatory Notes of the Law on the Prevention of Domestic Violence and the Protection of Victims**

The consultant will review and revise the existing Explanatory Notes of the Law on the Prevention of Domestic Violence and the Protection of Victims (ENLDV) for both Khmer and English documents to ensure that the implementation of the existing Law is done in a way that promotes its alignment with international commitments and national laws, including Human Rights Conventions, Convention on the Elimination of all forms of Discrimination Against Women (CEDAW) and its recommendations, Penal and Penal Procedure Codes, Civil and Civil Procedure Code, Commune/Sangkat policies and any other relevant laws, or policies. The consultant will present her/his findings to MoWA and will propose recommendations and guidance on updating the ENLDV. The consultant will prepare and lead an internal consultation meeting with MoWA on the results of the review exercise. Before finalising a report and submitting an updated ENLDV.

**Task 2: Development and implementation of a capacity building plan, for relevant MoWA officers**

The consultant will develop simple capacity needs assessment and propose a capacity building plan on this basis. S/he will produce training support materials, such as training plan, modules, materials, and evaluations including pre and post-assessments of each module and a final training evaluation. S/he will provide the trainings based on an agreed plan with MoWA and hand over soft and hardcopies of all relevant documents and materials related to the trainings. Finally, s/he will prepare a report on the trainings, including lessons learned and recommendations.

**Task 3: Consultation workshop with Legal Professionals on the updated Explanatory Notes of the Law on Prevention of Domestic Violence and Protection of Victims**

Based on the recommendations from reviewing and updating the ENLDV, the consultant will prepare a concept note for a national level consultation workshop on ENLDV and support MoWA to conduct the workshop with legal professionals (including lawyers, prosecutors, judges, clerks, judicial police officers and officials from the Ministry of Justice).

**Timeframe**

The duration of the assignment is estimated as 40 days between March and July 2020. The proposed number of days required for each of the three tasks is defined in the following table:

Task	Deliverables	Number of days	Timeframe
<b>1. Review and update of the existing Explanatory Notes of the Law on Prevention of Domestic Violence and Protection of Victims</b> <b>a. Desk review:</b>	1. A detailed workplan including timeframe and methodology;	12 days	March 2020

<ul style="list-style-type: none"> <li>▪ Review ENLDV in both Khmer and English</li> <li>▪ Review of LDV</li> <li>▪ Review of current international commitments such as Human Right laws, CEDAW and CEDAW recommendations, and national laws such as the Penal and Penal procedure codes, civil and civil procedure code, Commune/Sangkat Policies and other relevant legislation</li> <li>▪ Other relevant documents if have any</li> </ul> <p><b>b. Internal MoWA consultation on the results of the review</b></p> <ul style="list-style-type: none"> <li>▪ Prepare a draft report with recommendations from the review</li> <li>▪ Submit a revised draft of ENLDV to MoWA before the MoWA internal consultation meeting</li> <li>▪ Prepare and facilitate the internal consultation workshop</li> </ul> <p><b>c. Finalise the report and ENLDV</b></p> <ul style="list-style-type: none"> <li>▪ Adjust and finalize the ENLDV based on the results of the internal MoWA consultation meeting</li> <li>▪ Draft and finalise the report with the recommendations</li> </ul>	<p>2. A draft of the updated ENLDV</p> <p>(English and Khmer)</p> <p>3. Report</p>		
<p><b>2: Development and implementation of a capacity building plan, for relevant MoWA officials:</b></p> <p><b>a. Conduct Capacity Needs Assessment</b></p> <ul style="list-style-type: none"> <li>▪ Conduct the Capacity Needs Assessment of the MoWA officials across the departments on the DVL background and knowledge</li> <li>▪ Analyze the result of the assessments and identify training needs</li> </ul> <p><b>b. Develop and provide a series of trainings</b></p> <ul style="list-style-type: none"> <li>▪ Design training plan, modules, materials and pre and post training assessments of the sessions</li> <li>▪ Provide a regular series of trainings on LDV to MoWA officials across</li> </ul>	<ol style="list-style-type: none"> <li>1. A capacity assessment report on the knowledge and understanding of LDV of relevant MoWA staff;</li> <li>2. A training plan, supporting materials, and training evaluation tools;</li> <li>3. A series of trainings on the LDV and other relevant laws;</li> <li>4. A final training report with lessons learned</li> </ol>	<p>20 days</p>	<p>May - June 2020</p>

<p>departments according to the agreed training plan</p> <ul style="list-style-type: none"> <li>▪ Conduct the post training evaluation</li> </ul> <p><b>c. Draft training report with lessons learned and recommendations</b></p> <ul style="list-style-type: none"> <li>▪ Draft and finalise the trainings report and share it with MoWA</li> </ul>	<p>and recommendations</p>		
<p><b>3: Organize a consultation workshop with Legal professionals on the revised Explanatory Notes of the Law on the Prevention of Domestic Violence and the Protection of Victims (ENLDV)</b></p> <ul style="list-style-type: none"> <li>▪ Prepare a concept note on the consultation workshop and have it approved from MoWA</li> <li>▪ Prepare the materials for the consultation workshop including, agenda, methodology, presentations, handouts, attendance lists, evaluation forms etc.</li> <li>▪ Co-facilitate the workshop with MoWA and provide technical supports to handle critical questions, record the notes etc.</li> <li>▪ Adjust and adapt the ENLDV based on the recommendations from the workshop.</li> <li>▪ Prepare a report on the consultation workshop with Legal professionals on ENLDV and share with MoWA for input.</li> <li>▪ Finalize the report based on inputs from MoWA.</li> </ul>	<ol style="list-style-type: none"> <li>1. A final draft of ENLDV in English and Khmer, based on the results of the workshops; and</li> <li>2. A final report to MoWA with recommendations and next steps on the use of the ENLDV</li> </ol>	<p>8 days</p>	<p>June or July 2020</p>

### Key Deliverables

1. A detailed workplan including timeframe and methodology;
2. A draft of the updated ENLDV;
3. A capacity assessment report on the knowledge and understanding of LDV of relevant MoWA staff;
4. A training plan, supporting materials, and training evaluation tools;
5. A series of trainings on the LDV and other relevant laws;
6. A final training report with lessons learned and recommendations;
7. An internal and an external consultative workshop on the ENLDV review;
8. A final draft of ENLDV, in English and Khmer, based on the results of the workshops; and
9. A final report to MoWA with recommendations and next steps on the use of the ENLDV

## Qualifications

### *Education*

- Tertiary qualifications in international development, national and international laws, human rights or gender studies;
- Qualification in training methods, specifically in trainings materials design, an advantage

### *Minimum Experience*

- Proven 10 years of experience as a lawyer, formal judge, or prosecutor;
- Excellent written and verbal communications skills in English and Khmer, including the ability to produce clear and concise reports;
- Substantial experience working cross-culturally, with experience working with RGC;
- Demonstrated experiences and skills in facilitating stakeholder/working group consultations
- Demonstrated knowledge and experience of gender-based violence programming required; and
- Experience of capacity building in law, such as legal trainings, applying a participatory approach, an advantage

### *How to apply:*

Please send a brief technical and financial proposal describing your approach to the assignment, CVs of the proposed consultants and proposed fees to [jobs@accesscambodia.org](mailto:jobs@accesscambodia.org) **before 31<sup>st</sup> January 2020**. The subject line of the email should be: Consultant for Review and Update of ENLDV.