

TERMS OF REFERENCE

Individual Contractor

Assignment Information

Assignment Title:	Assessing the Human Rights Situation of communities living in Resettlement Sites in Cambodia
Practice Area:	Forced eviction and resettlement
Cluster/Project:	Economic and Social Rights Unit
Post Level:	Consultant (open to Cambodia residents)
Contract Type:	Individual Contractor (IC)
Duty Station:	Phnom Penh
Expected Place of Travel:	17 Resettlement Sites in Cambodia
Contract Duration:	1st December 2018 – 30 April 2019

1. Background and Project Description

In May 2014, the Royal Government of Cambodia approved a new National Housing Policy. This Policy seeks to address serious long-standing problems related to inadequate housing in Cambodia, in particular in urban areas in the country. Following the adoption of this policy, the Ministry of Land Management, Urban Planning and Construction (MLMUP) convened a National Housing Forum with the view to raise awareness of the Policy to both civil society actors and the private sector. At this Forum, the Government also entered into an agreement with Habitat for Humanity for support for the implementation of the National Housing Policy. Even though the Government has made considerable advancements in addressing the right to adequate housing, including through the adoption of the National Land Policy and Housing Policy, problems related to housing at relocation sites remain in the country.

As part of its mandate to monitor the implementation of laws and the actions of state institutions responsible for respecting and upholding rights and reporting problematic areas to the Government and other relevant actors for corrective action, OHCHR continues to monitor instances of forced evictions and resettlement sites in Cambodia. Such monitoring resulted in the analysis “Eviction and Resettlement in Cambodia – Human Costs, Impacts and Solutions” which was released in 2012. Since then, resettlement sites have undergone several changes. With funding from the European Union, OHCHR will contract a consultant to help assess the current situation at relocation sites and the changes these have seen since 2012, with the view to prepare a follow-up study on evictions and resettlement in Cambodia, to be released in 2019.

The scope of this follow-up study is to review the current human rights situation at selected resettlement sites in Cambodia. In 2017-2018, a first part of the research was carried by a consultant who developed standard evaluation criteria – based on existing national and international standards -, an evaluation scale which will be translated into color coded ratings (e.g. one color for resettlement sites that have not reached the minimum standards, another for resettlements sites reaching most of the minimum standards but still needing improvements, and yet another one for resettlement sites respecting the minimum standards); as well as questionnaires for the household surveys.

Based on the findings, the report will include action-oriented recommendations to the Government on the measures needed to be taken to ensure that living conditions at relocation sites correspond to its internationally

assumed human rights obligations and domestic standards. These recommendations will also support OHCHR's engagement with the Government on the National Development Plan for Resettlement Sites, which is currently being considered by the Royal Government of Cambodia.

The objectives of the study are to:

- Assess the current human rights situation in resettlement sites and the changes (positive or negative) that these sites have undergone since OHCHR's review in 2012. This includes assessing the impact of relocation on the affected groups – in particular the most vulnerable ones - in terms of tenure security, adequate housing, basic services, livelihoods and other issues as deemed relevant;
- Based on the findings, classify the resettlement sites into 3 categories, according to their degree of respect of the national and international human rights standards on resettlement;
- Based on the findings, propose action-oriented recommendations for the Government to improve the human rights situation at current relocation sites and to consider when deciding on and developing new relocation sites, in line with its international human rights obligations, best practices, and the domestic legal framework.

2. Scope of Work

The Contractor shall:

- a) Conduct household surveys and focus group discussions in 17 resettlement sites in Phnom Penh, Sihanoukville, Banteay Meanchey, Siem Reap, Stung Treng, Koh Kong and Kampong Speu. The number of households to be surveyed at each resettlement site will be discussed and agreed with OHCHR .
- b) Interview village, commune and district level authorities. The questions for interview with authorities shall be drafted by the Contractor in close coordination with OHCHR. The interviews will allow for local authorities to explain their role in the process of relocation, allocating individual plots, securing provision of basic services within the area; and measuring changes to families' livelihoods.
- c) Interview local NGOs that work in the land sector, either through directly supporting evicted families at relocation sites, or, more generally, are active on advocating for land and housing rights (e.g. provincial offices of ADHOC or LICADHO, HRTF or STT). Interviews will be conducted to gather additional information about the process of eviction and relocation, but also to enquire what role local NGOs have played in these processes and any problems they have observed prior to, during and after the relocation and at the relocations sites.
- d) Collate the information from the household surveys and interviews, and enter it into a database (i.e. Microsoft Excel or Access) where the cumulative totals for each resettlement site can be easily identified and analyzed.
- e) Based on the findings, draft final evaluation report including a colour coded classification of the resettlement sites and concrete action-oriented recommendations to the Royal Government of Cambodia for the development of the National Development Plan for Resettlement Sites and the measures to be taken to improve the situation at current relocation sites and to be considered when establishing new relocation sites, in line with international human rights standards and best practices, and domestic laws and policies of relevance.

3. Expected Outputs and Deliverables

N	Deliverables/Outputs	Estimated Duration to Complete	Target Due Dates	Review and Approvals Required
1	<p>Conduct household surveys, interviews with local authorities and NGOs at resettlement sites in Phnom Penh, Kandal, Siem Reap, Pursat, Battambang, Odor Meanchey, Banteay Meanchey, Koh Kong, Kampong Speu, Stung Treng, and Sihanoukville.</p> <p><i>NB: delays might be expected during this phase of the research due to limitations imposed by local authorities on access to resettlement sites. However, the consultant should report the progress to OHCHR on a monthly basis so that to keep the project on track.</i></p>	120 days	30 March	OHCHR– ESRU Head of Unit
2	Collate information into database	06 days	10 April	OHCHR– ESRU Head of Unit
3	Submit first draft of the study, including recommendations to the Government, for OHCHR’s consideration	10 days	25 April	OHCHR– ESRU Head of Unit
4	Finalize report based on OHCHR input	04 days	30 April	OHCHR– ESRU Head of Unit
Total # of Days:		140 days (national working days)		

4. Institutional Arrangements

OHCHR will supervise the contractor. The contractor will report directly to OHCHR’s appointed focal point. The contractor will be expected to liaise frequently with the appointed focal point; providing weekly updates on planning and progress on project implementation. The Contractor will be required to liaise with the Commune and District authorities in which he/she is planning the activities.

The Contractor will be responsible and arrange all logistics, project personnel, office space and support services required for project implementation. The Contractor may enlist the assistance of additional persons to collect the data. The Contractor is responsible for recruiting, organizing and supervising any additional persons enlisted to help with the household surveys.

OHCHR will bear the costs of the actual travel (transport and DSA) of the Individual Contractor according to UN guidelines and rates, which are in addition to payment under the consultancy contract.

The cost components that the Proposer must include in the computation of the proposed contract price should include all foreseeable project costs, including professional fees, personnel and related costs, taxes and other costs, at the exception of travel costs of the Individual Contractor that will be borne by OHCHR separately based on actual travel. A detailed breakdown of such costs is not required in the Proposal.

5. Duration of the Work

The work will take place between 1st of December 2018 and 30 April 2019 (5 months). The post is open to Consultants with Cambodian residency.

6. Duty Station

The Contractor shall carry out the work in Phnom Penh, Sihanoukville, Banteay Meanchey, Siem Reap, Stung Treng, Koh Kong and Kampong Speu. – Subject to confirmation from the supervisor. Meetings with OHCHR to plan and coordinate will take place at OHCHR's office in Phnom Penh.

7. Minimum Qualifications of the Individual Contractor

Education	University Degree in a relevant field, such as law/social sciences/human rights/anthropology is essential, a higher degree an advantage.
Experience	<ul style="list-style-type: none">- At least 10 years of experience working in land and housing rights and human rights, including at least 5 years of experience working on land and/or eviction and resettlement issues in Cambodia;- Experience in conducting household surveys;- Experience in conducting interviews;- Experience in conducting focus group discussions;- Experience drafting research reports in English.
Competencies	<p>Technical competencies:</p> <ul style="list-style-type: none">- Knowledge of national and international human rights and land and housing rights standards applicable in Cambodia;- Proven professional competence and knowledge of the areas of work. Proven expertise in land and housing issues in Cambodia;- familiar with the legal framework relevant to forced evictions and resettlement;- Ability to work independently;- Excellent drafting skills. <p>Functional competencies:</p> <ul style="list-style-type: none">- Ability to work quickly and responsively. Cultural sensitivity and valuing diversity. Strong organizational and planning skills. <p>Corporate competencies:</p> <ul style="list-style-type: none">- Demonstrates integrity by modelling the UN's values and ethical standards. Promotes the vision, mission, and strategic goals of OHCHR and the United Nations. Displays cultural, gender, religion, race, nationality and age sensitivity and adaptability. <p>Treats all people fairly without favouritism:</p> <ul style="list-style-type: none">- Fulfils all obligations to gender sensitivity and zero tolerance for sexual harassment.
Language Requirement	Ability to communicate in English is essential, Khmer an advantage.
Other Requirements	N/A

8. Criteria for Evaluation of Level of Technical Compliance of Individual Contractor

Technical Evaluation Criteria	Obtainable Score
University Degree in a relevant field; higher education an advantage.	10
Knowledge of national and international human rights and land and housing rights standards applicable in Cambodia	15
Minimum 10 years of experience working inland and housing rights and human rights, including at least 5 years of experience working on land and/or eviction and resettlement issues in Cambodia	50
Experience conducting research interviews	10
Experience drafting research reports in English; knowledge of Khmer an advantage.	15
Total	100

9. Payment Milestones

The contract price is a fixed output-based price. The consultant will be paid on a lump sum basis under the following instalments.

N	Outputs/Deliveries	Payment Amount
1	Develop criteria for the evaluation and classification of resettlement sites and all the questionnaires.	20%
2	Conduct household surveys, interviews with local authorities and NGOs at resettlement sites.	40%
3	Final draft of the study, including colour coded ranking and recommendations, submitted and approved by OHCHR.	40%

10. Annexes

Existing literature or documents that will help the consultant gain a better understanding of the project situation and the work required will be provided to the consultant once the contract is signed.

- ☐ List of resettlement sites in Cambodia (attached)
- ☐ Map of resettlement sites in and around Phnom Penh (attached)
- ☐ “Eviction and Resettlement in Cambodia – Human costs, Impacts and Solutions” (OHCHR, 2012)
- ☐ “Resettling Phnom Penh: 54-and counting?” (STT, 2012)
- ☐ “Promises kept? A Study on the Development of 77 Eviction Sites in Phnom Penh” (STT, 2016)