

TERMS OF REFERENCE

Individual Contractor

1. Assignment Information

Assignment Title:	Consultant to support the Disability Action Council Secretariat to amend the Law on the Protection and Promotion of the Rights of Persons with Disabilities
Cluster/Project:	Disability under Programme and Result Unit
Post Level:	Specialist
Contract Type:	Individual Contractor (IC)
Duty Station:	Phnom Penh
Expected Place of Travel:	N/A
Contract Duration:	40 days, from 25 March 2020 to 30 th September 2020

2. Project Description

The Royal Government of Cambodia (RGC) has taken effective steps in promoting living conditions of persons with disabilities in Cambodia, and thus adopted the Law on the protection and the promotion of the rights of persons with disabilities (hereafter, the Disability Law) in 2009. In many ways, the provisions of this law reflect its purposes, providing for instance that “all public places shall be made accessible for persons with all types of disability” (Article 21), or else creating the Persons with Disabilities Fund (Article 46). Likewise, the RGC has developed a range of related legislations and instruments, such as the National Disability Strategic Plan and numerous policies related to disability.

The goal of disability law is to protect and promote the rights of persons with disabilities within the Kingdom of Cambodia. The purposes of this law are: 1) to protect the rights and freedoms of persons with disabilities; 2) to protect the interests of persons with disabilities; 3) to prevent, reduce and eliminate discrimination against persons with disabilities; and 4) to rehabilitate physical, mentally and vocationally in order to ensure that persons with disabilities are able to participate fully and equally in activities within society. The law had initiated with 14 chapters and 60 articles.

The Disability Action Council (DAC) is the national advisory and coordination body on disability and rehabilitation. The role of DAC is to promote the implementation of the national disability law, United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) and NDSP; propose the revision and amendments and or develop new policies/legal frameworks related to disability, and monitoring/evaluating these legal frameworks.

DAC in collaboration with UNDP had conducted an analysis on the national disability law aiming to understand the situation of the national disability law and reflect the national and international conventions such as UNCRPD as a global roadmap to guide the states parties to promote disability rights within their countries and Cambodia’s development. The findings from the Analysis informed that some articles and chapters of the current disability law do not comply and align with the UNCRPD and this because of the national law was adopted before the ratification of the UNCRPD. Therefore, it was recommended that the provisions of the Disability Law must be considered in light of the Convention.

3. Scope of Work

The assignment aims to assist the Disability Action Council Secretariat to amend the current Law on the Protection and Promotion of the Rights of Persons with Disabilities.

The assignment will be expected to:

- Conduct a desk review and legal impact analysis on the disability laws from other countries who have strong disability law and compliance with a national and international framework such as UNCRPD, SDGs and social protection,
- Produce a comparative paper between the current disability law and the UNCRDP as a basis for moving ahead with the planned law amendment,
- Conduct meetings and workshops with key relevant ministries, institutions and development partners and various groups of people with disabilities to collect and analyze inputs and comments as required from the Technical Working Group,
- Facilitate Technical Working Group meeting to report the update and progress on a regular basis – weekly and monthly regarding the amendment of national disability law,
- Facilitate the consultative workshops/meetings with relevant stakeholders including government ministries, NGOs, DPOs and private sector to collect the input and refine it into the draft document,
- Produce a first draft of the amended national disability law by working closely with the Technical Working Group in consolidating inputs and feedbacks and address those feedbacks/comments as concluded by the Technical Working Group,
- Check for the accuracy and consistency in legal language and ensure the compliance with the legal framework of the produced first draft of amendment.
- Prepare a presentation of differences between the amended draft law and current disabilities law to used for different presentation during the law amendment processes.

4. Expected Outputs and Deliverables

N	Deliverables/Outputs	Estimated Duration to Complete	Target Due Dates	Review and Approvals Required by UNDP Cambodia
1	Inception report with detailed methodology and workplan in response to scope of work.	2 days	30 March 2020	<ul style="list-style-type: none">• Ms. Mao Meas, Programme Analyst• Ms. Rany Pen, Head of Programmes
2	<ul style="list-style-type: none">• Desk review and legal impact analysis report• Collect input and feedback from stakeholders via different approaches –	10 days	30 May 2020	<ul style="list-style-type: none">• Ms. Mao Meas, Programme Analyst• Ms. Rany Pen, Head of Programmes

	meeting, workshop and interview			
3	Facilitate Technical Working Group meeting to report the update and progress in a regular basis	10 days	30 April 2020	<ul style="list-style-type: none"> • Ms. Mao Meas, Programme Analyst • Ms. Rany Pen, Head of Programmes
4	Submit the zero-draft of amendment to Disability Action Council for final comment and review	10 days	30 August 2020	<ul style="list-style-type: none"> • Ms. Mao Meas, Programme Analyst • Ms. Rany Pen, Head of Programmes
5	Submit the first draft revised national disability law to Disability Action Council	8 days	25 September 2020	<ul style="list-style-type: none"> • Ms. Mao Meas, Programme Analyst • Ms. Rany Pen, Head of Programmes
Total # of Days:		40 days		

5. Institutional Arrangement

The Consultant will be directly supervised by the Programme Analyst of UNDP Cambodia and Technical Working Group, under overall guidance from UNDP Cambodia's Programmes Unit. S/he will also work closely with relevant government officials from line ministries, UN agencies, DPOs, CSOs and other development partners to ensure the draft revised/new national disability law is well designed and compliance with UNCRPD.

Payments will be released based on confirmation of satisfactory outputs from the Programme Analyst, Technical Working Group and Head of Programmes. Meetings and appointments during consultant's mission will be coordinated and responsible by the consultant.

6. Duration of the Work

The timeframe is for 40 working days spreading over the period from 25 March 2020 to 30 September 2020. A more detailed work plan of the assignment will be further elaborated in collaboration with Programme Analyst, Technical Working Group and Programmes Results Unit and incorporated into the inception report once the Consultant is selected.

7. Duty Station

This is a homebased consultancy. However, he/she may be required to work at the Disability Action Council office where needed.

8. Minimum Qualifications of the Individual Contractor

Education:	<ul style="list-style-type: none"> • Advanced university degree (master's degree) in Law, International Law, public administration or another relevant
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	field.
Experience:	<ul style="list-style-type: none"> • At least 7 years of relevant working experience in the formulation of laws, legislation and policies related to social development and disability development. • Experience for the legal analysis and formulation of social inclusion frameworks and legislations in developing countries including Cambodia • Strong knowledge of national and international frameworks and policies in relation to disability inclusion and human rights. • Previous experience in research and study related to UNCRPD and other legal frameworks related to disability
Competencies:	<ul style="list-style-type: none"> • Demonstrated ability to communicate effectively with government and development partners. • Good facilitation and presentation skill. • Strong interpersonal skills, ability to work with people from different backgrounds to deliver quality products within short timeframe. • Be flexible and responsive to changes and demands. • Be client oriented and open to feedback. • Displays cultural, gender, religion, race, nationality and age sensitivity and adaptability. • Treats all people fairly without favoritism. • Excellent computer literacy.
Language Requirement:	Fluent in written and spoken English and Khmer

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

Technical Evaluation Criteria	Obtainable Score
Demonstrated ability to communicate effectively with various partners including the government, UN and other development donors and high-quality liaison and representation at local and national levels;	20
At least 7 years of relevant working experience in the formulation of laws, legislation and policies related to social development and disability development	30
Strong knowledge on national and international frameworks and policies in relation to disability inclusion and human rights.	30
Experience for the legal analysis and formulation of social inclusion frameworks and legislations in developing countries including Cambodia	20
Total Obtainable Score:	100

10. Payment Milestones

This is a fixed out-put based contract price regardless of extension of the herein specific duration. The consultant will be paid on a lump sum basis under the following installments.

N	Outputs/Deliveries	Payment Schedule	Payment Amount
1	Upon satisfactory completion of inception report	30 March 2020	30%
2	Upon satisfactory completion of output 2 and 3	30 April 2020	50%
3	Upon satisfactory completion of output 4 and 5	30 September 2020	20%

11. Annexes

Existing literature or documents that will help a consultant gain a better understanding of the project situation and the work required should be provided as annex/es to the ToR, especially if such literature or documents are not confidential.

1. To be added