

Terms of Reference

Review of Domestic Violence legislations and good practices on DV prevention and response for the ASEAN workshop on Domestic Violence legislation

1. Background

The Association of South East Asian Nations is a community of ten countries: Brunei Darussalam, Cambodia, Indonesia, Lao PDR, Malaysia, Myanmar, Philippines, Thailand, Singapore and Vietnam. In recent years, the socio- cultural pillar of the ASEAN has made significant developments towards regional cooperation on gender equality.

ASEAN has adopted the Declaration on the Elimination of Violence against Women (DEVAW) in 2004 and has been implementing a Work Plan to operationalise the Declaration.

All member states have ratified CEDAW Convention and have made efforts towards better implementation of their commitments for gender equality. In recent years, most of ASEAN nations have undertaken legal reform and adopted new laws that promote and protect women's human rights.

Domestic violence is recognised as a serious problem by the most of the ASEAN member states. Specific laws to combat domestic violence and provide protection to victims have been adopted in Cambodia, Indonesia, Malaysia, Philippines, Thailand, Vietnam.

Lao PDR has a section on combating domestic violence against women and children in the Law on the Protection and Development of Women and Children. In Singapore, the Women's Chapter was amended in 1996 to include "family violence" and some measures. Brunei and Myanmar do not have any DV law.

In overall, ASEAN countries have laws addressing domestic violence that vary in scope, content and mechanisms for implementation and monitoring. It has been recognised by the ASEAN members that the provisions may not sufficiently address the problem and that the legislations need further improvement. Aside of the gaps in law, the implementation remains a serious issue in all countries.

As the DEVAW aims to strengthen regional collaboration among ASEAN member states to improve the existing laws and their implementation, the ASEAN Committee on Women (the sectoral body within ASEAN that deals with the advancement of women) has been decided to organize a Regional Workshop on Domestic Violence Legislation to be hosted by the government of Vietnam in collaboration with the Philippines. UNIFEM will support this workshop in accordance with the Framework of Cooperation Agreement to Advance Gender Equality in ASEAN Countries signed in 2006 between ASEAN and UNIFEM.

ASEAN Committee on Women has agreed on the following objectives of the Regional Workshop¹

"The workshop aims to strengthen the regional cooperation among ASEAN member countries in this area. Specifically, the workshop will:

- Provide participants with ways to implement effective, practical tools for addressing DV through legislation and programmes.

¹ Concept Note, ASEAN Workshop on DV legislation, draft of June 2008

- Share experiences, good practices and successful implementation strategies through reviewing individual countries' DV legislation and prevention and response programmes.
- Provide CEDAW and international human rights-based models of DV legislation in the region, and guidelines for designing, legally providing for, and accessing services related to DV and its affect on HIV/AIDS”

Workshop Dates and venue: 20-21 October 2008, Hanoi, Vietnam

Participants: Senior officials of the national women’s machineries, Ministries of Justice, Ministries of Health and selected NGOs. Total number of participants 45-50; including 4 participants from each of the ASEAN ten countries and Timor Leste as observers.

Tentative Programme: See attached.

2. Work assignment

In order to provide technical assistance to ASEAN, UNIFEM is seeking the service of a highly qualified organization of team of experts on domestic violence legislation, with extensive knowledge of good examples of DV laws as well as good practices on the implementation of such laws.

Specifically, the organization/experts will undertake the following tasks:

- A. Prepare a technical paper for presentation at the regional workshop based on CEDAW norms and standards.

The paper will include two components:

- 1) An overview of the global good practice legislations on DV
- 2) An analysis of the existing DV legislations of the following ASEAN member nations
 - Cambodia - Law on Prevention of Domestic Violence and Protection of Victims (2000)
 - Indonesia – Law of Republic of Indonesia No 23 /2004 regarding Elimination of Violence in Household
 - Lao PDR – Law on Protection and Development of Women (2004) and the implementation decree (2005)
 - Malaysia - Domestic Violence Act 1994 (Act 521)
 - Philippine – Republic Act 9262 on Violence Against Women and Their Children, 1994
 - Thailand – Act on Protection of Domestic Violence Victims (2007)
 - Singapore – Women’s Chapter and amendment
 - Vietnam – Law on Domestic Violence prevention and Control (2007)

The paper should be accompanied by two powerpoint presentations (one for each component) to be used at the ASEAN Regional Workshop.

- B. Prepare an Overview of good practices in the key areas of implementation of domestic violence legislation that have been identified outside the SEA region, such as provisions of remedies, court procedures, monitoring, responses of NGOs, police, shelters, hospitals and others.

The paper should be accompanied by a powerpoint presentation to be used at the ASEAN Regional Workshop

- C. Submit a the two papers to UNIFEM by 20 September 2008 for comments, and a final draft by 10 October.
- D. Submit the powerpoint presentations to UNIFEM by 10 October.
- E. The team leader will participate in the ASEAN Regional Workshop in Hanoi on 20-21 October 2008 to
 - 1) Present the two papers prepared
 - 2) Contribute to the workshop as a commentator on the panel presentations made by members states on the legislation, national action plans and other measures to implement the laws, policies and plans to combat domestic violence (see the tentative programme of the workshop)
- F. After the workshop, finalize the papers for publication by 30 November 2008.

Duration of assignment: August – November 2008

UNIFEM will:

- Provide English texts of laws, decrees of the ASEAN countries on the start date of assignment
- Provide other relevant information from SEA region if necessary
- Comment on the draft reports
- Arrange logistics for a consultant to participate in the ASEAN workshop in Hanoi
- Edit, layout and print the publication

3. Required Qualifications

- Renowned expert(s) with extensive experience and expertise in legislative review applying international human rights laws and CEDAW
- Proven experience in analysis of DV laws and its implementation
- Prior experience working across countries.
- Excellent English language communication and presentation skills
- Familiarity with women's human rights situations in the ASEAN member countries would be a plus.

The contracted organization/consultants shall liaise with Ms. Amarsanaa Darisuren, Human Rights Specialist, UNIFEM CEDAW Southeast Asia Programme, UNIFEM East and Southeast Asia Regional Office, for any queries and assistance on a day-to-day basis.