Terms of Reference

Development of A Report on the ACWC+10: Assessing the impact of ASEAN in Protecting Women and Children’s Rights

1. Background

The Asian Forum for Human Rights and Development (FORUM-ASIA) was founded in 1991 with the mission to strengthen movements for human rights and sustainable development through advocacy, capacity development, solidarity actions with human rights defenders and civil society organisations. It is a membership-based non-governmental organisation with 67 members in 21 countries and in Special Consultative Status with the United Nations Economic and Social Council (ECOSOC). In addition, FORUM-ASIA received AICHR consultative status in 2017.

FORUM-ASIA envisions societies in Asia and beyond which are democratic, just, equitable and sustainable, where all human rights of all individuals, groups, and peoples are fully realised, in accordance with international human rights standards and norms.

FORUM-ASIA’s specific objectives for 2016-2022 are: (a) to strengthen the capacity of civil society organisations and human rights defenders for the promotion and protection of all human rights; (b) to advocate for inclusive and participatory policymaking in relation to human rights, democratic governance and sustainable development at all levels in particular with human rights mechanisms, systems, and policies at national, regional, and international levels; (c) to respond to human rights challenges in Asian countries through advocacy, solidarity actions, and emergency assistance; and (d) to further strengthen FORUM-ASIA’s institutional and operational capacity in order to better serve and effectively represent its constituencies at the national, regional and global levels.

As part of its advocacy on the ASEAN human rights mechanisms, FORUM-ASIA and the Solidarity for ASEAN People’s Advocacy (SAPA) produce an annual assessment of the performance of the ASEAN human rights mechanisms: the ASEAN Intergovernmental Commission on Human Rights (AICHR), and the ASEAN Commission on the Promotion and Protection of the Rights of Women and Children (ACWC). Up to 2019, FORUM-ASIA and SAPA have produced eight annual and one decade assessment of the performance of the ASEAN human rights mechanism with the key summary of performance and recommendation to strengthen the institution. This year mark the 10th years creation of the ACWC as well as the 5th years of the Regional Plans of Actions (RPAs) on the Elimination of Violence Against Women (EVAW) and the Elimination of Violence Against Children (EVAC), hence a review on the function of ACWC, in accordance with their mandate to advocate on behalf of the victims and providing protection for women and children’s need to be assess.

With the Terms of Reference (ToR), FORUM-ASIA seeks to engage an external consultant to write the impact assessment of ACWC for the protection of women and children’s rights in ASEAN from 2010 to 2020 to review the progress and setback as well as recommendations by CSOs to strengthen ASEAN response in women and children’s rights protections.
2. Objective

Against the background discussed in the first section, the objectives of the assignment are as follows:

- To participate in the preparatory meeting of an expert group, which consists of representatives of FORUM-ASIA’s members, women and children’s rights activist, SAPA representatives, academics, activists, and practitioners. The meeting aims at highlighting milestones, challenges, key events, political landmark, and recommendations of the ACWC in 2010-2020.

- To write the impact assessment of ACWC from 2010 to 2020\(^1\), analyse the status of ASEAN RPAs on EVAW/EVAC and how the ACWC contributes toward the indicators, as well as consolidate practical and political recommendation for the advancement of women and children’s rights protection in ASEAN. The analysis of the impact assessment will also include on how the implementation of their mandates and annual work plan, activities, and their engagements with CSOs and other stakeholders are in compliance with international human rights standards and norms.

3. Methodology

The Consultant may utilise different research methodologies in preparing the report. The Consultant may collect data both from primary and secondary sources, and draw findings by cross triangulation of information collected from various sources.

- **Primary data collection** will involve interviews with ASEAN human rights mechanisms’ representatives, FORUM-ASIA’s members, SAPA members, and partners working on ASEAN; women and child’s rights activists and organizations; select human rights defenders; representatives of national human rights institutions (if relevant); representatives of the donor community; media persons; etc.

- **Data analysis** will involve the analysis of information generated through secondary sources; perspectives, ideas and opinions collected through interviews and interactions with those involved; clustering of information based on research questions; and, drawing conclusions on the basis of evidence.

- **Consolidation** of findings will include following:
  - Preparation of a draft report. The structure of the draft report is as follows:
    - Preface by ACWC rep and or CSOs rep
    - Executive Summary
    - **Chapter 1: Background (10 pages)**
      This Chapter will include the history of ACWC creation, a brief information on the ACWC, including its mandate, process of selecting the representatives, changes of the ASEAN structure, as well as the status of women and children’s rights from 2010 to 2020 in ASEAN including external forces and nuance trends that affecting the realization of those rights;
    - **Chapter 2: Impact of ACWC for the Protection of Women and Children’s Rights in ASEAN (30 pages)**
      This Chapter will include the analysis on ACWC progress and setback from 2010 to 2020 especially on their effectively in implementing their mandate, exercising

\(^1\) The TORs of the AICHR and the ACWC will be used in making the assessments, but bearing in mind that the nature of the obligations they impose on these bodies is a matter of contention. The AICHR and the ACWC often rely on their TORs to justify their inaction in protecting human rights, even in the face of major human rights crises, whereas the report will also reflect Forum-Asia/SAPA’s position that the TORs impose on both Commissions the obligation to actively protect as well as to promote human rights, and they can only blame themselves for failing to meet this obligation.
protection role to address key women and children’s rights violations in ASEAN, engagement with CSO’s, comparison with other women and children regional human rights bodies, among others. The chapter will also dissect the role of ACWC in implementing ASEAN RPAs on EVAW/EVAC, as well as ACWC’s strategy to engage CSOs.

❖ Chapter 3: Summary and Recommendations (5 pages)
This Chapter will include a concrete recommendations for ACWC and ASEAN Govt to strengthen the work of ACWC.

❖ Annexes
- Sharing of the draft report with FORUM-ASIA and SAPA for comments and feedback; and,
- Finalisation of the report after incorporating comments/feedback received from FORUM-ASIA.

4. Duration

The review will take place from January to May 2019. The actual duration for the review will be 20 (twenty) working days for the sum amount of USD 4,500 USD as remuneration.

5. Deliverables

The consultancy will have following output-related deliverables:
- A Draft Report containing responses to all aspects of the assessment objectives as outlined in Section 2 and the methodology as discussed in Section 3 above; and
- A Final Report incorporating comments/feedback by FORUM-ASIA’s members and partners, between 10-13 pages (A4 size, single spacing, Calibri 12), excluding annexes.

6. Expertise

The consultant will have at least a master’s degree in a relevant field, with proven experience of human rights research and advocacy, particularly in the area of ASEAN and regional human rights mechanisms. The consultant will have proven ability of writing fluently in English.

8. Budget

The budget for the assignment includes a fee of 4,500 USD. Other costs incurred in relation to fieldwork, if required, including costs for economy-class travel, local airport transfers and local transportation in the home and destination countries, standard accommodation costs, phone credit, and per diem, will follow FORUM-ASIA’s Financial Rules and Regulation.