**Terms of reference for:**

**Development of the Standard Operating Procedures on Case Management and Referral System for Women and Children in Difficult Circumstances**

1. **Background**

The primary legal and policy framework for the protection of women and children in Bhutan has been enshrined in the Child Care and Protection Act 2011 (CCPA) and Domestic Violence Prevention Act 2013 (DVPA), and is complemented by provisions in the Penal Code of Bhutan 2004 and its amendment in 2011, the Civil and Criminal Procedure Code 2001 and its amendment in 2011, Marriage Act of Bhutan 1980, Labour and Employment Act 2007, the Royal Bhutan Police Act 2009, and above all the Constitution of the Kingdom of Bhutan. While the CCPA provides a legal framework for protection of children in difficult circumstance and child victims, the DVPA provides the basis for the protection of victims of domestic violence, recognising women as primary victims of violence. The three Rules and Regulations for the CCPA, Child Adoption Act 2012 (CAA) and the DVPA 2013, endorsed by the Commission for the National Commission for Women and Children in 2014 also provide the basis for the implementation of the three legislations, and provisions under other national legislations for the protection of women and children.

The Mapping and Assessment of the Child Protection System in Bhutan 2012 provides an in-depth analysis of the status of child protection in Bhutan. The report clearly outlines issues, challenges and gaps in child protection as well as recommendations for the way forward if Bhutan is to ensure the establishment of a comprehensive and systematic child protection system. Informed by the mapping and assessment process, the National Plan of Action on Child Protection, clearly outlines activities that can be undertaken to ensure the creation of an environment conducive for the positive development and growth of all children. Similarly the National Plan of Action for Gender (2008-2013) and the 11thFive Year Plan (FYP) identifies Violence against Women as one of the primary impediments to gender equality in Bhutan. Further, the Violence against Women Study in 2012 and the National Health Survey, 2012 also explore gaps and challenges to addressing Violence against Women in Bhutan.

While there exists a strong legal framework on child protection particularly through the CCPA 2011 and its Rules and Regulations, it is central to the establishment of a systematic child protection system that the legal provisions be translated into practice. Furthermore, the Royal Government of Bhutan with the realisation that more specific parameters to guide the provision of care and protection for children in difficult circumstances is required, is now looking at drafting the standard operating procedures for the management and referral of cases related women and children in difficult circumstances[[1]](#footnote-2).

1. **Objective of Consultancy**

The main objective of this consultancy will be to develop the Standard Operating Procedures on Case Management and Referral for Women and Children in Difficult Circumstances that will guide both government and non-governmental organisations in the management of cases related to children and women in difficult circumstances. The SOP should be established within the framework of existing legislation and Rules and Regulations thereof, thereby streamlining implementation of the laws and policies in the country that will be mentioned in the following paragraphs.

1. **Work Assignment**
2. Desk Review of relevant documents including but not limited to:-

* Child Care and Protection Act 2011 and the Rules and Regulations;
* Child Adoption Act 2012 and the Rules and Regulations;
* Domestic Violence Prevention Act 2013 and the Rules and Regulations;
* Penal Code of Bhutan 2004 and its amendment in 2011;
* Mapping and Assessment of Child Protection in Bhutan and the National Plan of Action for Child Protection;
* Violence Against Women research, 2012;
* Violence against Children (phases I and II);
* Other relevant national legislations, policies and documents; and
* International documents and reports related to the protection of women and children.
* Legal Aid Symposium Report
* National Plan of Action for Gender (NPAG 2008-2013)

1. Review existing case management procedures and referral guidelines related to protection of women and child victims/children in difficult circumstances, used by the government agencies and Civil Society Organizations working with women and children.
2. Conduct meetings with relevant partners and facilitatea stakeholder consultation towards common understanding for procedure for case management and referral mechanism.
3. Develop draft Standard Operating Procedures for case management procedures and referral mechanism.
4. Facilitate stakeholder consultations to present draft SOPs and case management and referral system.
5. Finalize the Standard Operating Procedure and case management and referral system based on the feedback received and endorsed by the Reference Group.

**Note:** *It is imperative that extensive research on child protection issues at the global level be carried out, reviewing best practices and examples of child protection systems internationally, which can then be incorporated into the SOP if found relevant in the Bhutanese context.*

1. **Deliverables**

The final deliverable of this consultancy will be a comprehensive final draft of the Standard Operating Procedures on the Case Management and Referral System of Women and Child in Difficult Circumstances. This shall be submitted as follows:

1. 3 hard copies; and
2. 1 soft copy in CD.

A bibliography of all the documents referred to shall also be submitted to the NCWC along with soft copies of these documents in a CD.

1. **Qualifications or Specialised Knowledge/Experience Required:**

The consultant should possess:

1. Minimum of Post Graduate Degree in a relevant field (such as social sciences, social work, psychology, gender, child rights)
2. Sound understanding of protection issues related to women and children, including knowledge related to legislation, service provision, and knowledge of global/regional good practices;
3. Demonstrated knowledge of and experience in developing referral guidelines, manuals and reviewing policies on women and children.
4. At least 5 years of experience in relevant field
5. Relevant training on gender/child protection
6. Excellent verbal and written communication skills
7. **Duration of the project:**

The assignment should be completed within **45 days** from the date of signing the contract agreement.

1. **Payment Schedule**

|  |  |  |  |
| --- | --- | --- | --- |
| **Due Date** | **End Results/Outputs** | **Amount** | Remarks |
|  | * Contract Signed | 25% | An advance and should be secured against by a Bank Guarantee issued by Bank/ Financial Institutions in Bhutan. The advance deductable in two equal installments from the first and final bills. |
|  | * First draft of the Report prepared and consultation with stakeholders carried out | 50% | Upon submission of written claims. |
|  | * Feedbacks of the stakeholders incorporated and report finalized and approved by NCWC | 50% | Upon submission of written claims. |

1. **Copy Right:**

The copyright of the final product of the assignment shall remain with the National Commission for Women and Children, Thimphu, Bhutan

1. **Confidentiality of Information:**

The consultant is required to exercise the utmost discretion in all matters of official business of the organization. Unless otherwise authorized by the appropriate official in the office concerned, the consultant shall not communicate at anytime to the media or to any institution, person, Government or another authority external to the NCWC any information that has not been made public and which has become known to them by reason of their association with the NCWC. The consultant is also to maintain utmost discretion on any information garnered in the process of drafting the report that has not been made public by the NCWC or any stakeholder that the consultant has come in contact with.

The consultant may not use such information without the written authorization of the NCWC nor shall the consultant use such information for private advantage. These obligations do not lapse upon the completion of this assignment.

1. **Correspondence**

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1. *For the sake of convenience* ***children in difficult circumstances*** *in the Standard Operating Procedures will include children in conflict with the law* [↑](#footnote-ref-2)