

| **Title:**  | **Access to justice without barriers for persons with disabilities** |
| --- | --- |
| **Country:**  | **Cambodia** |
| **Duration :**  | **24 months** |
| **Total Budget:**  | **386,474** |
| **Participating UN Organizations:**  | **UNDP, OHCHR** |

# Executive summary

Cambodia has a strong commitment to disability rights evidenced by ratification of UNCRPD, signature of the Marrakesh Treaty, a legislative framework for rights protection, and a 700% increase in the 2017 national budget for disabilities. Still, persons with disabilities face multiple challenges, particularly in accessing justice through the formal system and a lack of effective informal grievance mechanisms. The Royal Government of Cambodia has created institutional mechanisms for the protection of the rights of persons with disabilities such as the Disability Action Council (DAC) and the Disability Rights Administration in the Ministry of Social Affairs, Veterans and Youth (MoSVY), but they operate with limited human and financial resources.

The UN has been implementing the joint UN Disability Rights Initiative Cambodia (DRIC) programme (2014-2018). This proposal focuses on one of the major gaps in the DRIC programme: access to justice and accessible mechanisms to protect the rights of persons with disabilities, including in detention. The project will enhance the capacity of duty bearers to implement the UNCRPD on access to justice and services. This includes training judges, prosecutors, court clerks, lawyers, prison officials, DACs/MoSVY officials on their obligations vis à vis the UNCRPD; ensuring that specific actions on access to justice are included in the National Disability Strategic Plan; ensuring access to legal aid; and piloting grievance mechanisms in three provinces. The project also seeks to enhance the disability movement’s capacity to advance persons with disabilities’ rights and assist them in seeking justice, including through strengthened engagement with local authorities.

# 1. Background and rationale

## Challenges and opportunities to be addressed by the project

Cambodia has a strong commitment to disability rights evidenced by the ratification of UNCRPD, signature of the Marrakesh Treaty and a 700% budget increase for disability in 2017. The legal framework also includes the Law on the Protection and Promotion of the Rights of Persons with Disabilities, the Incheon Strategy to “Make the Right Real” for Persons with Disabilities and the National Disability Strategic Plan 2014-2018 (NDSP).

In response, the RGC created institutional mechanisms for the protection of the rights of persons with disabilities, including the Disability Action Council Secretariat (DAC-SG) and the Disability Rights Administration (DRA) under the Department of Social Welfare for Persons with Disabilities of the Ministry of Social Affairs, Veterans and Youth Rehabilitation (MoSVY). However, they operate with limited capacity.

The Cambodian Disabled People’s Organization (CDPO), an umbrella civil society organization with 63-member Disabled People’s Organizations (DPOs), including Women with Disabilities Forums (WWDFs), lacks adequate legal knowledge and capacity to address issues related to access to justice for persons with disabilities. For lack of a State-run legal aid policy, many cases, including those related to women and children, are dealt with by legal aid NGOs.

The 2014 Cambodia Demographic Health Survey established that “9.5% of the Cambodian population experience at least some degree of difficulty in performing basic functions and 2.1% experience at least a lot of difficulty and cannot do at all in performing basic functions.”[[1]](#footnote-1) Persons with disabilities in Cambodia face multiple challenges such as inequality and discrimination in access to education, healthcare, employment, services and they are particularly vulnerable to violence and other rights violations. There are also numerous limitations for redress in the formal legal system (inaccessible, costly, lack of awareness of duty bearers of their particular needs), and an absence of other grievance mechanisms, such as legal assistance. Particularly difficult is the situation of persons with disabilities, especially women, who are deaf (or have hearing impairment), blind or have intellectual disabilities. Numerous cases have been reported in which the existing legal system could not even provide minimal protection of their rights, particularly in cases involving serious crimes.[[2]](#footnote-2) According to a 2013 study, Cambodian women with disabilities experience higher rates of emotional, physical and sexual violence; are considered less valuable and more burdensome within the household; …experience higher rates of psychological distress and are less able to seek appropriate support.[[3]](#footnote-3)

UNDP, WHO and UNICEF partnered with DFAT Australia in the implementation of DRIC, to improve the quality of life for persons with disabilities. DRIC aims to ensure that persons with disabilities have increased opportunities for participation in social, economic, cultural and political life through the effective implementation of the National Disability Strategic Plan 2014-2018 (NDSP) and UNCRPD.

This project focuses on one of the major gaps in the DRIC—access to justice and accessible mechanisms for persons with disabilities. It will leverage OHCHR’s long-term engagement with the justice sector, including its role as lead Development Partner in the RGC-DP Technical Working Group on Legal and Judicial Reform as well as with CSOs such as Transcultural Psychosocial Organization (TPO). Access to justice is an area where funding from development partners has dramatically decreased, with only a couple of projects currently being supported. The project will benefit from a strong partnership with the government (especially DAC) and civil society/DPOs (especially CDPO), strengthened during the implementation of the DRIC. The initiative will also capitalize on the RGC’s commitment to the SDGs, mainly through SDG 16 on access to justice and inclusive institutions for persons with disabilities. During the last Universal Periodic Review, Cambodia accepted several recommendations regarding the rights of persons with disabilities, including implementing and strengthening laws and policies, as well as strengthening efforts to guarantee their social rights, health and education.[[4]](#footnote-4)

In 2016, the DAC opened provincial offices in 20 (out of 25) provinces to support the implementation of the NSDP and CRPD at the local level. Although a UNDP-commissioned study[[5]](#footnote-5) noted some good practices of effective cooperation with local DPOs and activists, it also revealed an uneven capacity to assist persons with disabilities, to implement the UNCRPD and raise awareness among local authorities to assist persons with disabilities in exercising their rights, and limited interaction with local DPOs. The proposal will strengthen these local resources and institutionalize the informal practices/mechanisms. It will further strengthen the partnership between DAC, civil society, service providers, judicial and prison authorities.

The project will capitalize on the development of a new NSDP by ensuring that access to justice and services for persons with disabilities is included. The Ministry of Justice’s criminal case database will be functioning in 16 provinces by the end of 2018, with OHCHR support. The database will reflect the number of criminal cases involving persons with disabilities, as both victims and offenders.

## Proposal development process

Together with UNDP and OHCHR, CDPO was an integral part of the team throughout the design phase. The DAC, Panassastra University, the Ministry of Justice, including judges and prosecutors, and other relevant stakeholders have also played an active role in the development of the initiative.

During the development phase of this project, in 2016 and 2017, UNDP/OHCHR Cambodia organized field visits to five provinces jointly with representatives of the DAC, CDPO, and local DPOs to assess the state of affairs with regard to access to justice and services of persons with disabilities. These included focus group discussions with communities of persons with disabilities (with a special focus on women with disabilities), meetings with local authorities (provincial vice governors, DAC offices, provincial MoSVY departments, provincial courts and prosecutors), prison authorities and prisoners with disabilities. In addition, UNDP, in partnership with Panassastra University’s legal clinic, commissioned a study to identify the barriers and causes that limit the capacities of persons with disabilities to access justice and legal services, document specific cases, map the weaknesses and strengths of existing legal aid mechanisms and services for persons with disabilities and identify and document current good practices in providing legal services to persons with disabilities.

This project will build on the accrued expertise of stakeholders involved and expand partnerships through engagement with actors who are currently outside the scope of the ongoing initiatives. Implementation will focus primarily on the subnational level: recently opened DAC provincial offices and other subnational authorities, as well as with subnational service providers, legal aid providers, the Bar Association of the Kingdom of Cambodia (BAKC) and NGOs who have experience in access to justice but lack the capacity to work on the specific challenges facing persons with disabilities. Partnership with Panassastra University’s legal clinic, which introduces students to access to justice and recently introduced a master course on disability rights, will also be strengthened by providing internships for the students and placement in CDPO/DPOs.

Cooperation between OHCHR, the MOJ and the BAKC will be further strengthened through an increased contribution to the ongoing judicial reform process, particularly the development of a legal aid policy. OHCHR’s partnership with the General Department of Prisons, started in 2008, will also be strengthened by identifying the needs of persons with disabilities in detention, including at the Prey Speu drop-in center, increasing the prison and other relevant authorities’ capacity to protect their rights.

The project aims to provide significant contribution to the development of the new NDSP (2019-2023) focusing on its formulation and practical implementation at the subnational level.

# 2. Project approach

## 2.1. Focus of the project

In keeping with the UNCRPD, especially article 13 on Access to justice and in line with articles 6 and 7, the capacity of both duty bearers and right holders will be increased; the disability movement will be strengthened through constituency-building and partnerships with relevant stakeholders; and valuable contributions will be provided to the new NSDP and UNDAF. The project will focus on three pilot provinces[[6]](#footnote-6), but some actions will include nationwide stakeholders[[7]](#footnote-7).

### Theory of Change

When the Kingdom of Cambodia ratified the CRPD, it agreed to ensure and promote the full realization of all human rights and fundamental freedoms of all persons with disabilities without discrimination of any kind based on disability. In order to do this, the State is obliged to:

* Adopt all appropriate legislative, administrative and other measures for the implementation of the rights recognized in the CRPD;
* Take all appropriate measures, including legislative, to modify or abolish existing laws, regulations, customs and practices that constitute discrimination against persons with disabilities;
* Promote the training of professionals and staff working with persons with disabilities in the rights recognized in this Convention so as to better provide the assistance and services guaranteed by those rights.

Despite Cambodia’s strong commitment to disability rights, people with disability frequently face stigma and discrimination and other violations of their human rights. According to the Cambodia Demographic and Health Survey 2014, persons with disabilities are disadvantaged in workplaces and in other public places.[[8]](#footnote-8) Recent UNDP research[[9]](#footnote-9) shows that persons with disabilities, and especially women who are deaf, blind or have intellectual disabilities, face great limitations accessing the formal justice system and informal grievance mechanisms

Therefore, through this country-level joint proposal on Access to justice for persons with disabilities, UNDP and UNOHCHR will engage with duty bearers (the disability Action Council (DAC) and the Disability Rights administration (DRAC) in the Ministry of Social Affairs, the Ministry of Justice, the General Directorate of Prisons of the Ministry of Interior) and with right holders (NGOs, including the CambodianDisabled People's Organisation (CDPO) and its 63 member Disabled People’s Organisations(DPOs)); legal aid organisations and the wider disability movement together with academia, and the Bar Association of the Kingdom of Cambodia (BAKC) to achieve changes that will advance Access to Justice and grievance mechanisms for persons with disabilities in Cambodia:

* RGC better implements UNCRPD in the areas of access to justice and services for PwD
* The disability movement’s better advances persons with disabilities’ rights and assist them in seeking justice enhanced

The above changes should lead to structurally focused action by duty bearers and rights holders aimed at advancing access to justice and grievance mechanisms for persons with disabilities, in keeping with the CRPD, especially its article 13 on Access to justice and in line with articles 6 and 7. These actions are in line with several of the UPR recommendations accepted by Cambodia, which call for the protection of the rights of persons with disabilities.[[10]](#footnote-10)

To advance access to justice and grievance mechanisms this program will utilize two levers of change: capacity building on the supply and demand side; and coalition building on the demand side. During the last UPR, Cambodia accepted recommendations to implement and strengthen policies and laws to protect and promote the rights of persons with disabilities, in consultation with civil society. The **capacity of key actors** will also be strengthened. The capacity of duty-bearers, including judges, prosecutors, lawyers, prison officials and DAC/DRA provincial officers will be enhanced to better understand the specific barriers of persons with disabilities accessing the justice sector as well as duty bearers’ obligations deriving from the CRPD and the SDG principle of leaving no one behind. Support will also be provided to CDPO/DPOs to enhance their capacity to monitor persons with disabilities’ access to justice. **Coalition building** will be ensured through the strengthening of the disability movement through constituency building and creating partnerships among academia, legal aid providers, NGOs and the BAKC. This will enhance their ability to advocate for changes in the normative environment, including legislation and policies beyond the scope of this programme, ensuring a multiplier effect. This immaterial resource of an enhanced normative environment will better the fulfillment of the rights of persons with disabilities.

Through this twin track approach programme in-focus groups will benefit directly and indirectly. The enhanced access to justice and other grievance mechanisms will potentially benefit the 100,000 persons with disabilities accounted for by CDPO in Cambodia, particularly, those who face the justice system, either as victims or perpetrators[[11]](#footnote-11), including women who are deaf, blind or have intellectual disabilities.

### Diagram Theory of Change

**Other programmatic considerations**

### 2.1.1. Table 1.

**1. Mix of targeting and mainstreaming**

*How will the proposed project mix targeting and mainstreaming strategies in order to generate structural transformation?*

This twin track approach programme will improve access to justice for persons with disabilities through direct and indirect interventions. The direct interventions include the training of CDPO/DPOs in monitoring persons with disabilities’ access to justice, improving the capacity of member DPOs in the area of access to justice, as well as working with the provincial authorities to set up permanent grievance and assistance mechanisms. To complement these targeted interventions the programme will provide training for duty bearers, including judges, prosecutors, lawyers, prison officials and DAC/DRA provincial officers to better understand the specific barriers of persons with disabilities accessing the justice sector as well as duty bearers’ obligations deriving from the CRPD and the SDG principle of leaving no one behind. These actions will feed into the ongoing legal and judicial reform, aimed at improving judicial service and access to justice, particularly the development of a legal aid policy. In addition to this, a map of the situation of persons with disabilities in detention will help identify the needs for technical assistance to the relevant authorities. The programme will also strengthen the disability movement through constituency-building and creating partnerships with academia, legal aid providers, NGOs and the BAKC.

**2. Scalability**

**How will the project create the conditions for scalability of results and successful approaches tested through project activities?**

The project will focus on setting up of grievance mechanisms in three pilot provinces (Battambang, Banteay Menchey and Siem Reap) with the aim of scaling up nationwide. However, capacity development actions will target national and provincial actors nationwide - e.g. national and provincial level DAC, MoSVY, CDPO/DPOs, judges, prosecutors, prison official, lawyers, etc.). Every effort will be made to secure the inclusion of all relevant provincial authorities and DPOs in training activities.

In addition, the project aims to secure that some of the results are included in national strategic documents (e.g. NDSP, judicial reform, etc.), provide the basis for increased RGC budget for persons with disabilities, and that the UNCT continues to address the rights of persons with disabilities, including access to justice, in the next UNDAF. In addition, UN agencies will be in a better position to attract funding for disability rights in the future (e.g. announced DFAT contribution for period 2018-2023).

**3. Sustainability**

**How does the project intend to create the conditions for the long-term sustainability of the project results?**

In order to ensure sustainability of project results, the UN agencies will work with implementing partners (both CDPO/DPOs and Government) to develop prioritised and feasible plans of action, and provide appropriate capacity development to support effective implementation. In doing so, UN agencies will need to ensure capacity support, not capacity supplementation. Capacity development is envisaged as a capacity investment by enabling organisations to seek out information, analyse it, develop partnerships and make informed decisions about priorities. This will help to ensure the continuation of outcomes beyond the end of this project.

With the national budget increasing at a rate of 10-14% in the last couple of years, fueled by strong economic growth, the project will seek to ensure increasing budgetary allocation from the RGC to the sector. The project’s results will provide a stronger basis for responsible line ministries/agencies to submit substantiated requests for funding to the Ministry of Finance and Economy (MoFE). This will be further strengthened by incorporating some of the lessons learned into relevant national policies (e.g. new NDSP and Legal and Judicial reform). With regards to CDPO/DPOs, even in developed countries, most disability organisations still rely heavily, if not solely, on government/donor funding. However, the project will further strengthen CDPO’s growing ability to develop quality, evidence-based projects.

The project will also assist national stakeholders to try to secure other donor resourcing for this area in the future. UN agencies will continue their work on enhancing and advocating disability rights through their work on SDG implementation and policy reform processes in Cambodia (e.g. judicial reform, social protection) in the framework of the new UNDAF.

### 2.1.2. Table 1.1kRisk Management Strategy

| **Type of risk\*****(contextual****programmatic, institutional)** | **Risk** | **Likelihood (L, M, H)** | **Impact on result** | **Mitigation strategies** | **Risk treatment owners** |
| --- | --- | --- | --- | --- | --- |
| Programmatic | Implementing partners may not have sufficient gender awareness and expertise to inform relevant intervention strategies, as part of the project’s focus on women and girls with disabilities. | *L* | Women may be excluded from the benefits of the program | Gender equality has been incorporated into the program’s design and will be reflected in funding. UNagencies have a strong commitment to the promotion of gender equality and considerable experience in this area. Gender equality will be a standing agenda item for dialogue with implementing partners. | UNDPOHCHR |
| Programmatic | While the program is specifically focused on persons with disabilities there is a risk that the program does not sufficiently address the diversity of disabilities, particularly the most marginalised, vulnerable and under-served groups, especially people with intellectual and psychosocial disability and people who are hearing impaired or deaf. | ***M*** | The persons with intellectual and psychosocial disabilities and those who are hearing impaired or deaf are excluded from the benefits of the programme. | The program will engage in advocacy with the Government and DPOs on the diverse needs of persons with disabilities. | UNDP OHCHR |
| Institutional | Substantial parts of the project, including activities under each component, will be implemented by third parties receiving grants from the UN. There is a risk that the UN agencies will have a limited ability to ensure effective implementation by third parties. | ***M*** | The recipients of the grants do not utilize the resources effectively resulting in a failure to achieve the desired outcomes and reputational damage for the agencies. | For the grants, criteria used for their approval will include past performance, capacity of the applicant and the merits of grant applications. Each UN agency will work closely with the organisations in receipt of grants to ensure accountability and will take action to address poor performance. Technical assistance will also be provided to grantees. A key strategy for all program components will be to use output based approaches. | UNDPOHCHR |
| Institutional | There will need to be a significant level of coordination between the two UN agencies (UNDP, OHCHR) For efficiency and to maximise outcomes. These UN agencies have different approaches to project management and different implementing partners which could impact negatively on program implementation. | ***L*** | Lack coordination hampers achievement of desired outcomes and causes reputational damage. | A coordination plan will be agreed upon and the programme managers will support the coordination between the agencies. | UNDPOHCHR |
| Contextual  | The establishment of the provincial DAC offices and increase in the DAC’s budget provides an opportunity to assist the RGC to develop a more effective and comprehensive government response to disabilities, to fulfill Cambodia’s obligations, including the new NDSP (2018-2023). For the project to be successful the political commitment of the RGC to disability will need to be matched by an increase in RGC capacity and funding. There is the risk that this will not occur. | ***H*** | The lack of appropriate funding allocation from the national budget seriously affects DAC performance at the provincial and national levels.  | The program will advocate to theRGC for transparent funding allocations for disability programming, including disability inclusive programming so progress can be monitored. | UNDPOHCHR |
| Programmatic | Capacity-building activities implemented under the project do not result in improved quality or effectiveness of implementing partners’ work. | ***M*** | Quality or effectiveness of implementing partners’ work does not improve the situation of persons with disabilities. | UNDP/OHCHR will meet regularly with implementing partners to analyse the steps that can be taken to address the situation, including alterations to the implementation plan.  | UNDPOHCHR |
| Contextual  | CDPO and DPOs’ dialogue with the RGC faces difficulties, preventing the inclusive development of the NDSP. |  | Lack of cooperation between the RGC and DPOs results in an inadequate NSDP, negatively affecting the lives of persons with disabilities. | UNDP and OHCHR, in partnership with other UN agencies, will use their leverage and convening capacity to bring both parties to the table and ensure that constructive inputs from all stakeholders are incorporated into NDSP. | UNDPOHCHR |

\* Please specify here the type of risk and refer to the following definitions:

Contextual: risk of state failure, return to conflict, development failure, humanitarian crisis; factors over which external actors have limited control.

Programmatic: risk of failure to achieve the aims and objectives; risk of causing harm through engagements.

Institutional: risk to the donor agency, security, fiduciary failure, reputational loss, domestic political damage etc.

## 2.2. Result chain of the intervention

The project will simultaneously work with duty bearers and rights holders in improving the status of persons with disabilities in relation to access to justices and services.

### 2.2.1. Right Holders

This project aims to support an increased protection of the rights of persons with disabilities in Cambodia and strengthen and expand the disability rights movement. This will be done through securing strong participation of people with disabilities and their organizations, through concentrated efforts to build their capacity, expanded partnerships (constituency building), documenting good practices and engaging in advocacy to identify and achieve sustainable solutions.

Capacity building actions will be aimed at enhancing CDPO/DPOs’ capacity to monitor persons with disabilities’ trends related to access to justice (including persons with disabilities in detention), participate in the review of relevant national legislation and policies and provide assistance in cases of rights violations (e.g. access to legal aid; training of trainers so CDPO can provide further training to their member DPOs nationwide). Particular attention will be given to women-specific DPOs and their capacity to assist women with disabilities with a focus on gender-based violence.

In three pilot provinces the initiative will strengthen local DPOs’ capacity to work with the provincial authorities and set up permanent grievance and assistance mechanisms in cooperation with Panassastra University’s legal clinic. This will be in addition to capacity development of DPOs and~~,~~ internship opportunities for law students taking the disability rights course as part of Panassastra University’s master’s degree. The project will also enhance the capacity of legal aid organisations to provide appropriate legal aid services to persons with disabilities.

### 2.2.2. Duty bearers

Based on gaps identified throughout DRIC implementation, recent UNDP research and OHCHR monitoring, the project will work on raising awareness on disability rights among subnational authorities and service providers, mainly focusing in the three pilot projects. However, the project will include participants from other provinces, including judges and prosecutors, as well as DPOs. In addition, specific capacity development actions, including training of trainers (e.g national DAC and MoSVY) and other training programs will be provided for DAC/DRA provincial offices.

In the three pilot provinces, the project will work on institutionalizing informal grievance mechanisms by sensitizing local authorities (including public service providers) on disability rights, creating permanent channels of communication between local authorities (including public service providers) and DPOs and monitoring and documenting cases and trends. This will be done with a view to progressively scale up nationwide through the inclusion of sustainable solutions and good practices in the new NDSP (2019-2023) and its implementation plan. Mapping the situation of prisoners with disabilities will help identify the needs for technical assistance to prison authorities, as well as to other relevant institutions with regard to persons with disabilities held at the Prey Speu drop-in center.

### 2.2.3. Academia

Partnership with Panassastra University and its legal clinic will further strengthen the existing coalitions around disability rights. The project will support the newly established master’s course on disability rights (the course will be a full credit course offered to law students from 2017) and will provide for paid internships with placements in CDPO/DPOs. The interns will provide awareness raising and training for persons with disabilities on basic legal and administrative issues and on ways they can effectively exercise their rights. The project will also strengthen the relationship between CDPO and Panassastra University’s legal clinic, so that it may provide legal advice to persons with disabilities.**2.2.3.1. Table 2. Expected impact**

**Impact:**

**What rights will be advanced? For whom?**

**Access to justice and grievance mechanisms for persons with disabilities are advanced in Cambodia.**

#### 2.2.3.2. Table 3. Expected outcomes

| **Outcome 1**What structural shifts will be achieved?  |  |
| --- | --- |
| **Outcome formulation** | **Type of lever\*** |
| Capacity of RGC is strengthened to better implement UNCRPD in the areas of access to justice and services for persons with disabilities  | CAP |

| **Outputs****What project deliverables will contribute to the achievement of the outcome?**  |  |
| --- | --- |
| **Output Formulation** | **Type \*\***(Only for capacity outcomes) |
| 1.1 Training to judges, prosecutors, court clerks, lawyers and prisons officials in at least three provinces have been delivered on the CRPD and the rights of persons with disabilities to access justice | *KNO* |
| 1.2 Training to provincial DACs/MoSVY officials in at least three provinces have been delivered on knowledge on CPRD and on practical ways to help persons with disabilities access basic services/justice.  | *KNO* |
| 1.3 Specific access to justice actions are included in the NDSP (2019-2023) and other relevant strategic documents plans  | *TOO* |
| 1.4 Formalized lines communications between Persons with disabilities and their organizations (DPOs) and local authorities in at least three provinces  | *FIN/ACC* |

| **Outcome 2****What structural shifts will be achieved?**  |  |
| --- | --- |
| **Outcome formulation** | **Type of lever\*** |
| 2The disability movement capacity to better advance persons with disabilities’ rights and assist them in seeking justice is enhanced in three pilot provinces | *CAP* |

| **Outputs****What project deliverables will contribute to the achievement of the outcome?**  |  |
| --- | --- |
| **Output Formulation** | **Type \*\***(Only for capacity outcomes) |
| 2.1 Monthly coordination meeting between CDPO/DPO and local authorities  | *ACC* |
| 2.3 CDPO/DPOs’ capacity to collect and document, cases of alleged human rights violation of persons with disabilities enhanced in three pilot provinces  | *KNO* |
| 2.4 MoU between UNDP and Panassastra University’s legal clinic established to ensure CDPO/DPO have access the legal advice in three pilot provinces | *KNO/ACC* |
| 2.5 Technical assistance to CDPO/DPOs’ to provide a better legal aid referral service to deaf or persons with intellectual disabilities in three pilot provinces  | *KNO* |
| 2.6 The situation of persons with disabilities in detention in all prisons and in Prey Speu mapped, to identify needs for technical assistance  | *KNO* |

# 3. Elements of project design

## 3.1. Women with disabilities

Cambodian women with disabilities experience multiple disadvantages compared to men. They are considered less valuable members of society, hence often denied access to education and health services by their families. In addition, they are much more likely to experience psychological, physical and sexual abuse.

In order to address these specific challenges, the project will work with organizations of women with disabilities (Women with Disabilities Forums (WWDF)) in at least the three pilot provinces. In a conservative society such as Cambodia, such organizations provide safer forums for women to speak out about their problems. The project will enhance their capacity to access services (e.g. health, education, employment, vocational training) and seek justice/remedies in case their rights are violated. Synergies will be established with stakeholders working on reducing violence against women (e.g. relevant NGOs and the Ministry of Women’s Affairs).

## 3.2. Deaf people and people with intellectual disabilities

UNDP has documented numerous cases where people who are deaf or have intellectual disabilities have not been able to exercise their rights (e.g. right to fail trial, legal representation and translation) or access to services (health, education, etc.). These will be addressed in the project through sensitization and capacity building of judicial authorities, local authorities, service providers and CDPO/DPOs in selected provinces.

## 3.3. Participation of persons with disabilities and their organizations

The project will secure empowerment and strong participation of people with disabilities and their organizations. This will be done through concentrated efforts to build their capacity, expand partnerships (constituency building), document good practices and engage in advocacy to identify and achieve sustainable solutions.

The initiative will try to secure the maximum level of partnership by working with CDPO and DPOs and creating functional and sustainable ties with universities and law students, NGOs and the RGC (particularly with MoSVY-DRA and the DAC. The project will also seek to strengthen the role of local DPOs in provincial DACs (members of DPOs are the deputy chairs of provincial DACs).

# 4. Partnership-building potential

This intervention aims to increase protection of the rights of persons with disabilities in Cambodia and strengthen and expand the disability rights’ movement. This will be done through constituency building and securing the maximum level of partnership between CDPO and DPOs, universities and students, NGOs and the RGC (particularly with MoSVY-DRA and the DAC). The project will also seek to strengthen the role of local DPOs in provincial DACs (members of DPOs are the deputy chairs of provincial DACs).

Cambodia’s UNCT will further strengthen partnerships with government and civil society and secure a strategic position to provide for an increased contribution to national legislation and policies, including the implementation of the SDGs, and to mainstream disability rights into major reforms, policies and strategic documents (judicial reform process, decentralization policies, NDSP, etc.). Moreover, the UN will strengthen its strategic position as one of the main advocates of disability rights and potentially attract new funding from development partners (e.g. DFAT, EU).

# 5. Long-term UN engagement in the area of disability

Cambodia’s UNCT already has strong partnerships with government and civil society through DRIC, especially at the national level, while OHCHR has a long history of engagement with the justice sector. The project will build on our expertise and strengthen these partnerships through further engagement: with MoSVY-DRA, which is outside the scope of the current DRIC initiative; with the subnational level (especially with DAC provincial offices and other subnational authorities); with legal aid providers, particularly the BAKC and NGOs; and with Panassastra University, whose legal clinic introduces students to access to justice work but currently lacks capacity to address the needs of persons with disabilities.

The cooperation between OHCHR and the MOJ on judicial reform will be strengthened by the increased awareness of duty bearers and the work will feed into the development of a legal aid policy. OHCHR’s partnership with the General Department of Prisons will also be strengthened by CDPO’s mapping exercise to identify the situation of persons with disabilities in detention. It will engage with TPO, who will assess the situation of persons with psychosocial disabilities at the Prey Speu drop-in center, and provide guidance to the authorities on how to protect their rights.

# 6. Management arrangements

The project will be governed by a Project Steering Committee (PSC). Membership of the PSC will be two RGC representatives (one to be nominated by MoSVY and one by MoJ); the heads of the two participating UN agencies (UNDP and OHCHR) or their designated nominees; and two representatives of CDPO/DPOs (at least one should be female). It is proposed that the Program Board be jointly chaired by the UN agency (UNDP/OHCHR on rotational basis) and the MoSVY/MoJ representative (on rotational basis).

The Project Steering Committee will:

* Provide strategic guidance for coherent and coordinated project implementation.
* Approve the project annual work plan and budget and approve allocation of funds.
* Review progress mid-year reports and approve annual progress reports, including progress against set targets. The PSC will review annual consolidated narrative progress reports and annual consolidated financial reports based on narrative and financial submissions from the participating UN agencies.
* Ensure the highest level of fiduciary accountability and closely monitor the risks and issues during project implementation.
* Review evaluations of the program, if any.

The Project Steering Committee will meet at least twice a year. Detailed terms of reference for the PSC will be developed in consultation with all relevant actors and approved by the PSC at its first session.

## 6.1. Table 4. Implementation arrangements

| **Outcome number** | **UNPRPD Focal Point** | **Implementing agencies** | **Other partners** |
| --- | --- | --- | --- |
| 1. Capacity of RGC to implement UNCRPD in the areas of access to justice and services enhanced  | OHCHR | OHCHRUNDP | * Ministry of Justice
* General Department of Prisons of the Ministry of Interior
* MoSVY
* DAC (national and provincial levels)
* Bar Association of the Kingdom of Cambodia
* Legal Aid NGOs
 |
| 2. The disability movement does not get better in advancing persons with disabilities’ rights and assist them in seeking justice enhanced  | UNDP | UNDPOHCHR | * DAC
* CDPO
* DPOs
* TPO
 |

# 7. Knowledge Management

The project aims to contribute to policy development and implementation through the identification and documentation of sustainable solutions, drawing from lessons learned and promoting the scaling up of good practices aimed at enhancing the rights of persons with disabilities in accessing justice in Cambodia. Particular attention will be given to CDPOs’ capacity to map, document and monitor cases of human rights violations. Support will also be provided to the recently established anonymous complaint mechanism on CDPO’s web site.

Throughout the implementation of the project, UNDP and OHCHR will monitor its progress, document lessons learned and prepare case studies to be shared at the national, regional and global level through communities of practice, web sites and social media.

# 8. Inception Activities

During the inception phase, the implementing agencies will organize two inception workshops for the relevant stakeholders. The first workshop will be organized at the national level in Phnom Penh, with representatives of civil society (CDPO, DPOs and other relevant NGOs), Academia, and the RGC (DAC SG, MoSVY, Ministry of Justice, Ministry of Interior (including the GDP), Ministry of Women’s Affairs, as well as with BAKC. The purpose is to present the project’s objectives and sensitize participants on the challenges faced by persons with disabilities in accessing the justice system and other services. It should also serve as an opportunity to strengthen and/or establish contacts and communication among various stakeholders to coordinate project activities. In addition, the workshop will inform national authorities about the planned work at the provincial level within their respective areas. The second workshop will be held in one of the three pilot provinces and will include all stakeholders from the three participating provinces (civil society, judicial and provincial authorities and other service providers). The workshop will present the intended project results, focusing on the expected results in the pilot provinces and generate feedback on proposed actions.

# 9. Budget

## 9.1. Table 5. Project Budget

| **Category** | **Item** | **Unit Cost** | **No units** | **Total cost** | **Request from UNPRPD Fund** | **UNPRPD POs cost-sharing** | **Other partners cost-sharing** |
| --- | --- | --- | --- | --- | --- | --- | --- |
| **Staff and Personnel Costs** | Consultant (50%) | 1,585 | 24 | 38,040 | 38,040 | 0 | 0 |
| **Staff and Personnel Costs** | SC SB-5 (50%) | 1,585 | 24 | 38,040 | 38,040 |  |  |
| **Supplies, commodities and materials** | Catering per person per day | 25 | 1,792 | 44,800 | 44,800 | 0 | 0 |
|  | Meeting supplies | 334 | 30 | 11,300 | 11300 |  |  |
| **Equipment vehicles, furniture depreciation** |  |  |  |  |  |  |  |
| **Contractual Services** | External interpretation (Interpreter) | 250 | 71 | 17,750 | 17,750 | 0 | 0 |
|  | External interpretation (headsets and booth) | 2 | 1,400 | 2,800 | 2,800 | 0 | 0 |
|  | Venue renting  | Lump sum  |  | 17,000 | 17,000 | 0 | 0  |
| **Travel** | Travel of participants (DSA) for training of judges, prosecutors and clerks per person per day | 34 | 1,374 | 29,716 | 46,716 |  |  |
|  | Travel of participants (transportation) per person per trip | 24 | 560 | 13,440 | 13,440 |  |  |
|  | Travel of participants (transportation) per person per trip | 15 | 187 | 2,805 | 2,805 |  |  |
|  | M&E local travel (UNDP)  | Lump sum  |  | 6,000 | 6,000 |  |  |
| **Transfers and grants** | Grant to legal aid NGO | 10,000 | 2 | 20,000 | 20,000 | 0 | 0 |
|  | Grant to CDPO on prisons | 20,000 | 1 | 20,000 | 20,000 | 0 | 0 |
|  | Grant to TPO on Prey Speu | 13,000 | 1 | 13,000 | 13,000 | 0 | 0 |
|  | Grant CDPO/DPOs capacity development  | 40,000 | 1 | 40,000 | 40,000 | 0 | 0 |
|  | Grant to Panassastra University  | 25,000 | 1 | 25,000 | 25,000 | 0 | 0 |
| **General Operating expenses**  |  |  |  |  |  |  |  |
| **Subtotal** |  |  |  |  | 361,191 |  |  |
| **Indirect costs (7%)** | […] | […] | […] | […] | 25,283 | […] | […] |
| **Total** | […] | […] | […] | […] | 386,474 | […] | […] |

From the above information please specify the following:

## 9.2. Table 6. Detailed Costs

| **Category** | **Activity (please describe)** | **Total cost** |
| --- | --- | --- |
| Inception activities | Two workshops to present the project’s objectives and sensitize participants (national and provincial levels) | 15,000 (national workshops in Phnom PENH and provincial workshop in Bantey Minchey( for 3 pilot provinces)  |
| Monitoring and Evaluation[[12]](#footnote-12) Costs | Monitoring and evaluation (UNDP-field visits, spot checks)  | 6,000 |
| Direct impact on empowerment of women and girls with disabilities  | Grants with CDPO/DPOs for capacity development  | 16,000- 40% of total grant (estimate)  |
| Direct impact on empowerment of women and girls with disabilities  | Grant to Panassastra University  | 12,500 -50% of total grant (estimate)  |
| Direct impact on empowerment of women and girls with disabilities | Grant to CDPO on prison mapping | 8,000 -40% of total grant (estimate) |
| Direct impact on empowerment of women and girls with disabilities | Grant to TPO | 6,500 -50% of total grant (estimate) |
| Direct Impact on DPOs’ capacity | Grants to CDPO/DPOs for capacity development | 40,000 |
| Direct Impact on DPOs’ capacity | Grant to Panassastra University  | 25,000 |
| Direct Impact on DPOs’ capacity | Grant to CDPO on prison mapping | 20,000 |
| Direct Impact on DPOs’ capacity | Other activities  | 40,000 (estimate) |
| Accessibility costs | N/A | 0 |

1. National Institute of Statistics, Healthcare utilization of persons with disabilities in Cambodia, October 2016. [↑](#footnote-ref-1)
2. UNDP, in partnership with Panassastra University’s legal clinic, commissioned a study on Access to Justice for Persons with Disabilities in Cambodia [↑](#footnote-ref-2)
3. Jill Astbury, Fareen Walji, Triple Jeopardy: Gender-based violence and human rights violations experienced by women with disabilities in Cambodia, AusAID Research Working Paper 1, January 2013, p.20, 29 [↑](#footnote-ref-3)
4. See Report of the Working Group on the Universal Periodic Review, A/HRC/26/16, particularly recommendations 118.25, 118.137, 118.169, 118.170 and 118.171. [↑](#footnote-ref-4)
5. UNDP study on access to justice for persons with disabilities in Cambodia, 2016. [↑](#footnote-ref-5)
6. Banteay Menchey, Battambang and Siem Reap. [↑](#footnote-ref-6)
7. Trainings will be organized for all provincial DAC offices, DPOs and judicial authorities nationwide. [↑](#footnote-ref-7)
8. National Institute of Statistics, Directorate General for Health, and ICF International, 2015. Cambodia Demographic and Health Survey 2014. Phnom Penh, Cambodia, and Rockville, Maryland, USA: National Institute of Statistics, Directorate General for Health, and ICF International. [↑](#footnote-ref-8)
9. UNDP study report on access to justice for persons with disabilities in Cambodia. [↑](#footnote-ref-9)
10. See Report of the Working Group on the Universal Periodic Review, A/HRC/26/16, particularly recommendations 118.25, 118.137, 118.169, 118.170 and 118.171. [↑](#footnote-ref-10)
11. There is no data indicating the number of persons with disabilities in contact with the justice system. As an attempt to remedy the situation, a census of persons with disabilities in detention is part of the project. This will be complemented by the criminal case database, which will report on cases of persons with disabilities and which will be available in all provinces by the end of 2018. [↑](#footnote-ref-11)
12. Please include costs for a final external evaluation of the project. [↑](#footnote-ref-12)