



*Empowered lives.  
Resilient nations.*

## **TERMS OF REFERENCE**

### **INDIVIDUAL CONSULTANT**

|                               |  |
|-------------------------------|--|
| <b>POST TITLE:</b>            | <b>National Consultant to review the implementation of the Gender Equality Act B.E. 2558</b> |
| <b>AGENCY/PROJECT NAME:</b>   | <b>UNDP Thailand: Being LGBTI in Asia programme</b>  |
| <b>COUNTRY OF ASSIGNMENT:</b> | <b>Bangkok, Thailand (Domestic travel may be required)</b>                                   |

### **1) PROJECT DESCRIPTION**

Being LGBTI in Asia is a regional programme aimed at addressing inequality, violence and discrimination on the basis of sexual orientation, gender identity or intersex status, and promotes universal access to health and social services. It is a collaboration between governments, civil society, regional institutions and other stakeholders to advance the social inclusion of lesbian, gay, bisexual, transgender and intersex (LGBTI) people. The programme recognizes that LGBTI people are highly marginalized and face varied forms of stigma and discrimination based on their distinct sexual orientations, gender identities and expressions. The programme is supported by UNDP, the Embassy of Sweden in Bangkok, the U.S. Agency for International Development, Faith in Love Foundation (Hong Kong) and the Australian Department of Foreign Affairs and Trade. In 2015, Thailand passed its first law to promote gender equality called the Gender Equality Act B.E. 2558, which provides protection from unfair gender discrimination. It became the first legal instrument in Thailand that extends protection to LGBT people.

Over two years after the law has been put into force, UNDP and the Department of Women's Affairs and Family Development are commissioning a study to review the implementation of the Gender Equality Act B.E. 2558. The purpose of the review is to identify the successes and challenges of the enforcement of the law, its impact, and the influence it has in the formulation of other policies and laws related to gender equality and social inclusion. Feedback will be gathered from all key stakeholders, including concerned government agencies, Office of the Council of State, the National Human Rights Commission of Thailand, LGBTI individuals, civil society organizations, and the private sector.

UNDP is the UN's global development network advocating for change and connecting countries to knowledge, experience and resources to help people build a better life. UNDP's vision is to support countries in achieving the simultaneous eradication of poverty and significant reduction of inequalities and exclusion.

For more information on the 'Being LGBTI in Asia' programme visit:

<http://www.asia-pacific.undp.org/content/rbap/en/home/operations/projects/overview/being-lgbt-in-asia.html>

## 2) OBJECTIVE OF ASSIGNMENT AND SCOPE OF WORK

- 1) To gather feedback from key stakeholders in Thailand, including concerned government agencies, Office of the Council of State, the National Human Rights Commission of Thailand, LGBTI individuals, civil society organizations, and the private sector, on the enforcement of the law;
- 2) To identify successes and challenges, and to assess the impact of the implementation of the Gender Equality Act B.E. 2558 from a gender equality, social inclusion and human rights perspective focusing on its impact on LGBTI individuals;
- 3) To propose practical recommendations on how to address the challenges and pitfalls in enforcing the law and;
- 4) To produce a comprehensive report in Thai and an executive summary in English.

## 3) EXPECTED OUTPUTS AND DELIVERABLES

The consultant is expected to produce the following deliverables:

- 1) Submit a work plan including the guided questions and data collection forms for conducting the review by 15 June 2018.
- 2) Submit an outline of the report by 1 September 2018.
- 3) Produce a report on the review of the implementation of the Gender Equality Act B.E. 2558, including recommendations.
  - a. Provide a draft report in Thai by 31 October 2018.
  - b. Provide a final report in Thai by 15 November 2018 and an executive summary in English by 30 November 2018.

## 4) INSTITUTION ARRANGEMENTS

Under the overall guidance of the working group of this review, the national consultant will report directly to and work closely with the UNDP Thailand National Project Officer on Governance, Human Rights and LGBTI. The time required to review and approve outputs prior to authorizing payments is 7 – 10 days.

## 5) DURATION OF ASSIGNMENT, DUTY STATION, AND EXPECTED PLACES OF TRAVEL

**DURATION OF ASSIGNMENT:** The duration of the assignment is 1 June – 30 November 2018 for a maximum of 50 days.

**DUTY STATION:** Bangkok, Thailand. A minimum of two visits outside of Bangkok will be required.

## 6) DEGREE OF EXPERTISE AND QUALIFICATIONS

### I. Academic Qualifications:

- A master's degree, preferably doctoral degree, in Human Rights, Sociology, Psychology, Social Sciences, Law or other relevant fields.

II. Years of experience:

- At least 3 years of relevant experience in conducting qualitative research studies on SOGIE and Human Rights

III. Language:

- High proficiency in oral and written Thai and English, and has extensive experience in writing UN reports in both languages.

IV. Competencies:

**Functional Competencies:**

- Substantive experience in reviewing the implementation of laws and policies from a human rights perspective;
- Extensive experience in data collection for a review;
- In depth knowledge about SOGIE and human rights;
- Previous experience working with the UN, development partners, government agencies, and/or civil society organizations is an advantage.

This position is open to Thai nationals only.

## 7) REQUIRED DOCUMENTS

Interested individual consultants must submit the following documents/information to demonstrate their qualifications. Please group them into **one (1) single PDF document** as the application only allows to upload maximum one document:

- a) **Letter of Confirmation of Interest and Availability** using the template provided in Annex III;
- b) **Personal CV or P.11**, indicating all past experience from similar projects, as well as the contact details email and telephone number of the Candidate, and at least three (3) professional references;
- c) **Financial Proposal** that indicates the all-inclusive fixed total contract price supported by a breakdown of costs, as per template provided. If an Offeror is employed by an organization/company/institution, and he/she expects his/her employer to charge a management fee in the process of releasing him/her to UNDP under Reimbursable Loan Agreement (RLA), the Offeror must indicate at this point, and ensure that all such costs are duly incorporated in the financial proposal submitted to UNDP.
- d) **Proposed outline of methodology** for conducting the interview.

**Incomplete proposals may not be considered. The short listed candidates may be contacted and the successful candidate will be notified**

## 8) CRITERIA FOR SELECTION OF THE BEST OFFER

### Cumulative analysis

The award of the contract shall be made to the individual consultant whose offer has been evaluated and determined as a) responsive/compliant/acceptable; and b) having received the highest score out of set of weighted technical criteria (70%). and financial criteria (30%). Financial score shall be computed as a ratio of the proposal being evaluated and the lowest priced proposal received by UNDP for the assignment.

## Technical Criteria for Evaluation (Maximum 70 points)

- Criteria 1 Relevance of Education – Max 10 points
- Criteria 2 Special skills, language, etc.- Max 10 Points
- Criteria 3 Relevance of experience in area of specialization (e.g. SOGIE and human rights) – Max 15 points
- Criteria 4 Relevance of experience in key areas (e.g. conducting qualitative research) – Max 15 points
- Criteria 5 Assessment of approach/methodology to assignment – Max 20 Points

Only candidates obtaining a minimum of 70% of the total technical points would be considered for the Financial Evaluation.

### 9) CONSULTANT PRESENCE REQUIRED ON DUTY STATION/UNDP PREMISES

☒ NONE

☐ PARTIAL

☐ INTERMITTENT

☐ FULL TIME

### 10) PAYMENT TERMS

Consultant must send a financial proposal based on the lump sum amount.

The total amount quoted shall be all-inclusive and include all costs components required to perform the deliverables identified in the TOR, including professional fee, travel costs, living allowance (if any work is to be done outside the IC's duty station) and any other applicable cost to be incurred by the IC in completing the assignment. The contract price will be fixed output-based price regardless of extension of the herein specified duration. Payments will be done upon completion of the deliverables/outputs and as per below percentages:

| Deliverables/Outputs  | Payment        |
|---|----------------|
| First payment of 30% shall be made upon successful receipt of a work plan including the guided questions and data collection forms for conducting the review. | Payment of 30% |
| Second payment at 30% shall be made upon satisfactory receipt of an outline of the report.  | Payment of 30% |
| Third (final) payment of 40% shall be made upon satisfactory receipt of a final report in Thai and an executive summary in English.                           | Payment of 40% |

In general, UNDP shall not accept travel costs exceeding those of an economy class ticket. Should the IC wish to travel on a higher class he/she should do so using their own resources.

In the event of unforeseeable travel not anticipated in this TOR, payment of travel costs including tickets, lodging and terminal expenses should be agreed upon, between the respective business unit and the Individual Consultant, prior to travel and will be reimbursed.

Travel costs shall be reimbursed at actual but not exceeding the quotation from UNDP approved travel agent. The provided living allowance will not be exceeding UNDP DSA rates. Repatriation travel cost from home to duty station in Bangkok and return shall not be covered by UNDP.