



ANNEX – I

TERMS OF REFERENCE

FOR INDIVIDUAL CONTRACT

POST TITLE:	National consultant to conduct a legal and policy assessment on legal gender identity recognition in Thailand (Opened to Thai National Only)
AGENCY/PROJECT NAME:	UNDP – HIV, Health and Development
COUNTRY OF ASSIGNMENT:	Bangkok with no travel required

1) PROJECT DESCRIPTION

The 'Being LGBTI in Asia' initiative is a regional partnership between UNDP, USAID and the Swedish Embassy in Bangkok. The initiative is aimed at advancing the well-being of lesbian, gay, bisexual, transgender and intersex (LGBTI) people, and reducing inequality and marginalization on the basis of sexual orientation or gender identity. The initiative is a collaboration with civil society, and engages with national and regional institutions to advance protective policies and practices, and empower civil society. It supports policy and operational research, and strategy development with key populations and a range of stakeholders at national and regional level.

Legal gender recognition for transgender people is currently a matter of public debate across the world. Where States fail to offer legal gender recognition for transgender people, or make gender recognition conditional upon requirements, such as compulsory surgery, sterilization, lengthy medical evaluations and waiting periods, divorce; transgender people's well-being and the enjoyment of their human rights is jeopardized. Laws, regulations and policies (or the lack of them) can lead to discrimination, stigma. Violence and ill-health in many areas of trans people's life, including employment, access to health care, housing, education and access to custody of children.

In 2006, the landmark Yogyakarta conference on the "Application of International Human Rights Law in relation to Sexual Orientation and Gender Identity" outlined the international human rights standards relating to Sexual Orientation and Gender Identity (SOGI), known as the Yogyakarta Principles. Since then, the rights of transgender people are increasingly being given greater attention in the international human rights system. The UN Human Rights Council Joint Statements of 2006 and 2011 and the resolution on SOGI issues in 2011 are notable examples of how this has happened. Furthermore, the final report of the Global Commission on HIV and the Law and the UN Economic and Social Commission for Asia and the Pacific (ESCAP) Resolutions 66/10 and 67/9 recommended that punitive and restrictive laws and policies targeting LGBT communities be scrapped to reduce levels of social stigma, discrimination and violence.

Most recently, UNDP together with the Centre for Comparative and Public Law of the University of Hong Kong organized a High Level Roundtable on Gender Identity, Rights & the Law that took place in Hong Kong on 2

October 2014. The purpose of this roundtable was to advance transgender people's rights in Asia and the Pacific and move the agenda related to gender recognition forward. One of the outcomes of the High Level Roundtable and follow up discussions is this proposal to conduct in-depth legal and policy reviews in selected countries in the region, initiate and/or contribute to multi-stakeholder dialogues nationally and regionally and develop a discussion paper and action plan on legal gender identity recognition in the region.

The proposed research study is part of a wider UNDP strategy to address discrimination against marginalized groups and ensure development practices are representative and inclusive. The final report of the Global Commission on HIV and the Law and the UN Economic and Social Commission for Asia and the Pacific (ESCAP) Resolutions 66/10 and 67/9 recommended that punitive and restrictive laws and policies targeting vulnerable communities be removed to reduce levels of social stigma, discrimination and violence.

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.

2) OBJECTIVE OF ASSIGNMENT AND SCOPE OF WORK

To conduct a comprehensive legal and policy assessment of legal gender identity recognition in Thailand.

1. Guided by UNDP and the International Consultants, provide an in-depth review of laws, regulations and policies related to gender identity recognition in X country, as part of a multi-country project on legal gender identity recognition in the Asia Pacific Region,
2. Analyse whether the identified laws, regulations, policies respect and protect transgender people's human rights and their well-being, and identify good practices and barriers;
3. Assess and analyse the implementation and practical implications of laws, policies (or customary practices), including to assess the lived reality of transgender people, related to legal gender identity recognition and identify good practices and barriers;
4. Identify key stakeholders that are responsible for the development and implementation of laws and policies with regard to legal gender identity recognition in the country;
5. Build collaboration with civil society actors, responsible stakeholders and other relevant actors and potential partners (OHCHR; APF; WHO; UNFPA; others) in the country,
6. Contribute to the development or further refinement of existing action plans with a variety of national actors, including civil society, government, human rights institutions, medical professional associations, and other relevant stakeholders in the country;
7. Attend coordination meetings with international research consultants
8. Based on a template provided by UNDP, produce a country report that can serve as a tool for strategic action planning in the country and can be used for a cross-country comparative analysis on legal gender identity recognition in the country.

3) EXPECTED OUTPUTS AND DELIVERABLES

The Consultant is expected to produce the following deliverables:

1. Produce one country brief that consists of a comprehensive assessment and analysis of laws, regulations and policies on legal gender identity recognition, their implementation and impact in Thailand based on an Assessment Tool provided by UNDP.
2. Contribute to the regional legal and policy assessment report on legal gender identity recognition

being drafted by two international consultants to ensuring data accuracy and correction citations;

3. Support and document the proceedings of the Thailand multi-stakeholder focus group discussion on legal gender identity recognition.

4) INSTITUTIONAL ARRANGEMENTS

The consultant will directly report to the UNDP Project Officer in Thailand with the support of the Policy Advisor based in the UNDP Bangkok Regional Hub. Project Officer will communicate and work closely with the consultant to ensure timely delivery of expected outputs.

The consultant is expected to provide the final deliverables to UNDP Thailand.

Policy Advisor, HIV, Health and Development Team based in the UNDP Bangkok Regional Hub Bangkok will review progress and quality of deliverables upon issuance of final payment.

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

Duration of Assignment: 4 months during October 2015 to January 2016 with maximum of 20 working days.

Duty Station and expected place of Travel: Bangkok with no travel required

6) DEGREE OF EXPERTISE AND QUALIFICATIONS

I. Academic Qualifications:

- Thai National Only with a degree in Law, Human Rights, Sociology, or other relevant field.

II. Years of experience:

- At least 5 years of relevant experience

III. Language:

- Proficiency in oral and written Thai and English.

IV. Competencies:

Functional Competencies:

- Substantive experience in assessing and analyzing laws, regulations and policies from a human rights perspective;
- In depth knowledge of transgender issues and human rights;
- The capacity of initiating and contributing to multi-stakeholder dialogues, particularly with transgender communities;
- Previous experience working with the UN, development partners, civil society organizations.

Client Orientation

- Contributing to positive outcomes for the client
- Anticipates client needs;
- Works towards creating an enabling environment for a smooth relationship between the clients and service provider;
- Demonstrates understanding of client's perspective.

Promoting Organizational Learning and Knowledge Sharing

Developing tools and mechanisms

- Makes the case for innovative ideas documenting successes and building them into the design of new approaches;
- Identifies new approaches and strategies that promote the use of tools and mechanisms.

Core Competencies:

- Promoting ethics and integrity, creating organizational precedents;
- Building support and political acumen;
- Building staff competence, creating an environment of creativity and innovation;
- Building and promoting effective teams;
- Creating and promoting enabling environment for open communication;
- Creating an emotionally intelligent organization;
- Leveraging conflict in the interests of UNDP & setting standards;
- Sharing knowledge across the organization and building a culture of knowledge sharing and learning. Promoting learning and knowledge management/sharing is the responsibility of each staff member;
- Fair and transparent decision making; calculated risk-taking.

7) REQUIRED DOCUMENTS

Interested individuals must submit the following documents /information to demonstrate their qualification, experience and suitability to undertake the assignment. **All supporting documents (a-d) must be part of the detailed CV and uploaded as one document**

- a) Duly accomplished Letter of Confirmation of Interest and Availability using the template provided by UNDP;
- b) Personal CV or P.11¹, 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) Brief description of why the individual considers him/herself as the most suitable for the assignment
- d) 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.

8) CRITERIA FOR SELECTION OF THE BEST OFFER

The award of the contract will be made to the individual consultant whose offer has been evaluated and determined as:

¹ UNDP P.11 Form can be downloaded from http://www.undp.org/content/dam/undp/library/corporate/Careers/P11_Personal_history_form.doc

a) Responsive/compliant/acceptable, and

b) Having received the highest score out of a pre-determined set of weighted technical and financial criteria specific to the solicitation.

* Technical Criteria weight; 70%

* Financial Criteria weight; 30%

Only candidates obtaining a minimum of 350 technical points would be considered for the Financial Evaluation

Criteria	Weight	Max. Point
<u>Technical</u>	70%	500
• Experience related to services	40	200
• Written proposal/test and/or interview result	20	100
• Expertise & Availability	40	200
<u>Financial</u>	30%	100

9) CONSULTANT PRESENCE REQUIRED ON DUTY STATION/UNDP PREMISES

☐ NONE

10) PAYMENT TERMS

Lump sum payment covering lump sum professional fee shall be made as per below schedule:

First payment of 35% shall be made upon successful receipt of the draft country legal and policy assessment research report.	Payment of 35%
Second payment of 35% shall be made upon satisfactory delivery of multi-stakeholder dialogue and dialogue report	Payment of 35%
Third (final) payment at 30% shall be made upon satisfactory receipt of the comprehensive country report	Payment of 30%

11) ANNEXES TO THE TOR

N/A