



INDIVIDUAL CONSULTANT PROCUREMENT NOTICE

Date: 8 October 2015

Post Title:	Consultant to draft a study paper on the laws, policies and practices affecting Sexual and Gender Based Violence in countries in the Middle East and North Africa
Starting Date:	1 st of November, 2015
Duration:	Up to 75 working days; until the 31 st of May 2016
Location:	Home based with possible travel depending on the findings of the 1 st draft
Project:	Amman Regional Hub for Arab States

Please combine all documents requested into one (1) single PDF document as the system only allows uploading maximum one document no later than 20th October, 2015 at 12:00 PM (Amman Time +3GMT):.

The Procurement Unit will respond by mail, including an explanation of the query without identifying the source of inquiry, to identified consultants who have notified UNDP of their interest to participate.

Description of the assignment:

In order to facilitate the development and implementation of effective evidence-based programming on GBV that focuses on rule of law and access to justice interventions, the Governance and Peacebuilding Team (which includes HIV, Health and Development areas of work) together with the Gender Team at the Regional Hub for Arab States will commission a comprehensive study on laws, policies and practices related to GBV.

The study will include relevant legal frameworks on domestic, local, and cultural/religious laws and de facto policies and practices that have an impact on, and relate to, GBV in its 5 different forms i.e. sexual violence (SV), physical violence, emotional and psychological violence, harmful traditional practices, and socio-economic violence in each of the 18 countries in the region, as well as an overview of the current GBV responses and the capacity of state and non-state actors in preventing, protecting and providing access to justice to those affected by GBV.

The aim is to produce a study that may be used in the development and implementation of targeted and effective programming, so that significant progress can be made to combat GBV in the Arab States

Region, while ensuring women's human rights guarantees under international law, assisting in sustainable peacebuilding efforts, and complementing development initiatives throughout the region.

CONTEXT/BACKGROUND

Although GBV is a worldwide phenomenon cutting across cultures, religions, age groups, and socio-economic statuses¹, GBV in the Arab States Region is most frequently manifested as reports of domestic violence, child, early, and forced marriage², female genital mutilation (FGM),³ sex and labour trafficking, rape, sexual slavery, forced prostitution, and honour-based crimes, including mutilation, acid throwing, and femicide.⁴ It is therefore an area of great concern to the Arab States, due in part to the following factors in the region:

Persistent gender inequality: The Arab States Region includes some of the highest rates of female illiteracy and some of the lowest rates of female labour force participation in the world.⁵ In addition, women frequently face obstacles in accessing healthcare, information, education, and independent sources of income, which results in high poverty levels, exacerbated gendered power imbalances, and pervasive GBV. Women in the region at times have limited legal rights and access to justice, or when such rights exists, are unaware of their rights or how to access them, and/or are unable to access these rights for various other reasons, including restrictions based on societal gender norms, lack of interest or follow through on the part of the security and judicial sectors, and relevant economic factors.

High number of Conflict States/Post-Conflict States/ and Fragile States: The Arab States Region is rife with conflict states, states in various stages of post-conflict transition, and fragile states dealing with cross-border and ideological spillovers from other conflicts in the region. In addition, the prevalence of terrorist acts has caused a tension between state security and counter-terrorism measures and human rights, specifically women's rights, further complicating the regional context. GBV, a pervasive peacetime phenomenon, is further exacerbated in conflict and post-conflict contexts. Victims of forced displacements, including internally displaced persons (IDPs), refugees, and even some migrants, of

¹ A World Health Organization report in 2013 found that one in three women in the world will experience either physical or sexual violence by a partner or sexual violence by a non-partner within her life.

² According to the Population Reference Bureau, in the Arab region, one in seven girls marries before her 18th birthday.

³ More than 133 million girls and women have experienced some form of FGM in the 29 countries in Africa and the Middle East where the harmful traditional practice still occurs. For more data on FGM see UNICEF global databases 2014, based on DHS, MICS and other nationally representative surveys

⁴ United Nations Population Fund (UNFPA), *Regional Strategy on Prevention and Response to Gender-Based Violence in the Arab States Region (2014-2017)*, 2014

⁵ Yemen's female literacy rate was at 50% (2012); Egypt, 66% (2012); Tunisia and Iraq, 72% (2011 and 2012 respectively); Syria was at 79% (2012). This is not a problem in every state in the region as female literacy rates in Jordan, Saudi Arabia, and the United Arab Emirates remain on the higher end of the scale, at 97%, 91%, and 91% respectively. It is important to note however, that of those states with lower rates of female literacy, recent conflict is likely negatively impacting the numbers and these states will likely see a drop in female literacy rates at the next recording of the data. See UNESCO, *Institute for Statistics: Literacy among adult populations*, www.tellmaps.com/uis/literacy/, accessed July 27, 2015; States in the Arab States Region account for nine of the fifteen countries in the world with the lowest percentages of female labor force participation- Syria, 14%; Iraq, 15%; Occupied Palestinian Territories, 15%; Jordan, 16%; Saudi Arabia, 20%; Lebanon, 23%; Egypt, 24%; Tunisia, 25%; and Yemen, 25%. See The World Bank, *Labor force participation rate, female (% of female population ages 15+)*, http://data.worldbank.org/indicator/SL.TLF.CACT.FE.ZS?order=wbapi_data_value_2013+wbapi_data_value+wbapi_data_value-last&sort=asc, accessed July 27, 2015

whom there are millions in the Arab States Region, are at an even greater risk of experiencing GBV, sexual violence, trafficking and prostitution which cannot be excluded in conditions where the normal social fabric of the family and the society is disrupted. . Lastly, state security and counter-terrorism measures often result in a limiting of freedoms for women and girls using their protection as a rationale, increasing their vulnerability to GBV as well.

Cultural and social norms: Traditionally discriminatory attitudes towards women and girls continue to lead to pervasive GBV in the Arab States Region. Social norms influence expectations, values, and behaviors, and in this manner, socialized gender norms may create obstacles to the enforcement or implementation of laws, impede service provision, and hinder women's empowerment or enhanced status. The Arab States Region, like many parts of the world, is characterized by patriarchal societies and familial structures that view women in subordinate roles. Traditional cultural practices often reflect values and beliefs held for many generations and as such are often deeply entrenched and hard to impact. Although some traditional cultural practices may be beneficial to all members of the community, others may be harmful to women, including FGM, child marriage, unequal decision-making authority in family planning, son preference, and even nutritional taboos and traditional birth practices.

Sex Work and Associated Taboos: Sex work is illegal in the vast majority of Arab countries (except sex work in private and brothels in Tunisia and Lebanon). A study conducted by UnWomen in Palestine among sex workers demonstrated that while 35% of the respondents reported that they were electively engaged in sex work, the remaining 65% said they were forced to engage in sex work. Additionally, more than 96% of the surveyed sex workers reported physical violence of which, over half cited a husband or father as the perpetrators⁶. Physical violence by close male family members is believed to be common across most Arab Countries.

Political transitions and the Arab Spring: Women's high involvement in the Arab Spring movements that began in 2011 resulted in more available public space for women activists and civil society groups in some states, and paved the way for more attention paid to gender equality in political representation, legal frameworks, and state institutions. However, there has also been an increasing backlash manifesting as arrests and attacks when women deviate from entrenched gender norms. At times state security apparatuses and various non-state and civilian actors have intended to punish women through targeted physical and sexual violence for such gender norm deviations in an attempt to instill a culture of fear and obedience within which women will conform to culturally and at times legally defined gender constraints. In addition, these political transitions have also seen the emergence or gain in power of conservative movements and extremist groups that had been less significant prior to the transition. Women's human rights are also more and more subject to political manipulation, instrumentalization, and co-optation by various actors hoping to leverage the issue for their own gains or interests.

Legal framework in the region

Almost all Arab countries recognize women's rights as human rights, and GBV, a serious and pervasive human rights violation and an extreme form of discrimination. Constitutional rights, civil rights, and political liberties overlap and intertwine; hence, they cannot be reviewed individually. The constitutions and positive laws of most Arab countries explicitly stipulate the principles of equality between men and women. However, contradictions do exist between constitutions and public life related laws on the one

⁶<http://www.unwomen.org/~media/headquarters/media/publications/en/exploringthedynamicsandvulnerabilitiesofhiv.pdf>

hand and laws managing private life, such as penal code and family laws that legalize discrimination and even violence in its different forms, jeopardizing all legal achievements and gender norm shifts related to gender equality.

In a number of countries, constitutions clearly state the prohibition of sex-based-discrimination, gender equality as a fundamental principle, and for some of them combating violence against women as a priority. Yet, the repeated failures or at least weakness in providing protection and meaningful recourse for violations of human and legal rights of women and GBV survivors has led to growing needs for the adoption of stronger measures and legislation to protect women's rights and increase women's access to justice.

Consequently, several important questions arise regarding the adoption and strength of GBV laws, including:

- What is the definition of GBV in the various legislations and laws in the Countries of the region?
- What are the differences between countries that have, or do not have, legal protection of women survivors of GBV?
- What differences in the laws addressing GBV exist across countries?
- What laws protecting women from GBV currently exist and how strong are these protections?
- What influences the adoption and strengthening of GBV laws?
- How do traditions and customs affect the implementation of such laws?
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- How do countries use CEDAW enacting laws and legislation in terms of GBV?
- What are the institutional responses that enhance protection towards GBV?

Project Description

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FUNCTIONS

Scope of Work

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The objective of this assignment is to produce an initial ‘mapping’ study through a literature review, which will provide a foundation for supporting country efforts to advocate for reform to laws, policies and practices that hinder effective responses to GBV. This study is a first step towards a comprehensive mapping of issues, laws and practices that will require further work beyond the scope of this assignment so as to thoroughly explore country-specific issues, engage stakeholders in a change process and to track changes in legal environments that occur over time.

The findings of the literature review will form the core of the study report. Acknowledging that many critical current issues have not yet been researched or documented in published literature, a study that is restricted to a literature review may omit important aspects of the legal environment that affect GBV victims. Therefore, to supplement the literature review, women’s groups, legal aid providers that focus on GBV cases and other key stakeholders will be invited in a consultation phase to provide further information for inclusion in the report, including examples of current law enforcement practices that help or hinder GBV responses and examples of good practice in building enabling legal environments.

This assignment’s objectives are to:

1. Identify through a desk-based literature review the different laws, regulations and law enforcement practices and policies related to GBV in the 19 countries in the Arab States⁷.
2. Supplement the findings of the desk review with inputs from online consultations with all the countries involved. The consultation process will be facilitated by the regional hub in direct interactions with country offices.
3. Provide recommendations for actions to be taken to improve the legal and human rights environment for GBV responses towards people affected by sexual and gender based violence, including any further mapping or other research that may be required.

Expected Outputs and Deliverables

The assignment will be delivered in 3 phases:

Phase One of the study involves preparation of a first draft report for consultation. The report will comprise a desk review of publications relating to laws, regulations, law enforcement practices, and related policies on Gender Based Violence. The review should include reference to recent legislation and cases in addition to published research. The draft report will include an analysis country by country of the legal system, which in the Arab States Region is very diverse, including mixed interpretations of the Shari’a and the Bible, local customs/traditions, and a hybrid combination of civil and common law frameworks (depending on colonial occupation), in addition to reference to international standards and the incorporation of international law into the domestic legal framework, in a number of a states.

Building on earlier reports such as the 2013 study *“Combating Domestic Violence against Women and Girls: Policies to empower women in the Arab region”* (ESCWA and UN Women) and the 2015 “ Arab Women Development Report: Arab Women and legislations” (UNDP and UN Women) among others, this study will analyze and document in-depth GBV laws such as VAW laws when they exist, penal codes,

⁷ The Study will focus on: Algeria, Bahrain, Djibouti, Egypt, Iraq, Jordan, Kuwait, Lebanon, Libya, Morocco, Palestine, Saudi Arabia, Somalia, Sudan, Syria, Tunisia, UAE, Yemen (all with UNDP offices) as well as Oman and Qatar

and personal status/family law related namely to sexual violence (SV), physical violence, emotional and psychological violence, harmful traditional practices, and socio-economic violence. While most Arab states have uniform personal status laws for Muslims (e.g. Maghreb countries), some states do not (e.g. Egypt, Lebanon, Qatar and Bahrain), and others have multi-religious with multi confessional laws for both Muslims and Christians (e.g. Egypt, Jordan, Lebanon, Syria).

Due to the increasing instability in the region and the number of countries currently living in crisis/conflict or in a transitional period, an analysis of the impact of the conflict, post conflict and/or transition situations on women's rights, including the right to life and to security as well as protection from GBV will be included, taking into account the absence of related legislation and the weakness of the utilization of the UNSC Resolutions by the concerned countries.

Given the impossibility of accessing Arabic text for a non Arabic speaker a lawyer fluent in Arabic with expertise on Gender Based Violence will be hired to support the efforts of the international consultant.

Phase Two of the study will involve consultations by email, telephone and face-to-face with regional and national stakeholders including women's organizations, NGOs – especially those working on Legal Aid, UN organizations and experts. The consultation phase will invite comments on the draft of country chapters and seek to gather further data from the field with a focus on law enforcement practices. The consultation phase will engage the core team working in this initiative in the Regional Hub in Amman who will facilitate the consultations.

Phase Three will involve incorporation of all comments and finalization of the draft in a form suitable for publication.

The expected outputs and deliverables are outlined in the below table:

Deliverables/ Outputs	Estimated Duration to Complete And Target Due Dates	Review and Approvals Required <i>(Indicate designation of person who will review output and confirm acceptance)</i> Review Time Required
Output 1: 1 st draft working paper on report on <i>GBV and the Law</i> The draft report will include laws, regulations, law enforcement practices, and related policies in the 20 countries above mentioned in the Arab States where information is available	Estimated Period: 1 st of November – 31 st of December Due date:	Human Rights and Justice Specialist, Regional Hub, Amman

Up to 40 days desk review/research/reading/ and writing.	31 st of December	Comments will be provided within two week of the submission of each draft.
Consultation on draft supported by Regional Hub staff. This process will include email, telephone and face-to-face consultations with national and regional stakeholders including women's groups, legal aid centres, NGOs, UN organizations and experts. Up to 5 days.	1 st of January – 15 of February	
Output 2: Integrate inputs from the consultation and finalize the draft. Up to 20 days.	15 of February to 31 st of March	
Internal UNDP review and approval process	1 st -30 April	
Inclusion of any final amendments as requested by UNDP and liaison with UNDP on pre-publication process including proof reading. Up to 10 days. Output 3: Delivery of the final document: <i>GBV and the Law</i> .	1 – 31 st May	

REQUIREMENTS FOR EXPERIENCE AND QUALIFICATIONS

EDUCATION:

Education: Advanced Degree (MSc or PhD) in Law, Gender, Development Studies, Social Sciences or academic equivalent

PROFESSIONAL EXPERIENCE:

- At least 10 years professional experience producing Human Rights advocacy and analytical work, with emphasis on vulnerable or marginalized groups;
- At least 7 years of extensive experience working on sensitive legal environment issues with

governments, human rights bodies, civil society, development partners and community based organizations ;

- Demonstrated expertise in producing flagship advocacy documents that are able to influence policy and programmatic change relating to Human Rights, Gender and Gender Based Violence;
 - Demonstrated media coverage on publications, materials produced;
 - Substantive previous experience working with the UN, donors, multilateral organizations and NGOs;
 - Verified practice on coordinating and producing high quality peer reviewed publications for UN, development partners, government and academic journals
- At least 10 years professional experience producing Human Rights advocacy and analytical work, with emphasis on vulnerable or marginalized groups;
- At least 7 years of extensive experience working on sensitive legal environment issues with governments, human rights bodies, civil society, development partners and community based organizations ;
 - Demonstrated expertise in producing flagship advocacy documents that are able to influence policy and programmatic change relating to Human Rights, Gender and Gender Based Violence;
 - Demonstrated media coverage on publications, materials produced;
 - Substantive previous experience working with the UN, donors, multilateral organizations and NGOs;
 - Verified practice on coordinating and producing high quality peer reviewed publications for UN, development partners, government and academic journals

LANGUAGE SKILLS

The candidate shall be fluent in the English with excellent writing abilities.

Arabic is not a must. But given the impossibility of accessing Arabic text for a non-Arabic speaker, if the selected candidate is non Arabic speaker a lawyer fluent in Arabic with expertise on Gender Based Violence will be hired to support the efforts of the international consultant.

UN Experience:

Previous experience with UN organizations or UNDP will be an added advantage.

1. COMPETENCIES

- Ability to consolidate information from multiple sources;
- Able to prepare strategic information for decision makers;
- Ability to work independently as well as good team player;
- Excellent written communication skills in English, including editing;
- Excellent time management and ability to produce outputs as per agreed deadlines.

DOCUMENTS TO BE INCLUDED WHEN SUBMITTING THE PROPOSALS.

Interested individual consultants must submit the following documents/information as one file to demonstrate their qualifications. Candidates that fail to submit the required information will not be considered.

- Cover Letter: Brief one-page letter explaining why the applicant thinks they are an outstanding candidate for the job.

- Brief description of why you consider yourself as the most suitable for the assignment, and a methodology, if applicable, on how they will approach and complete the assignment.
- ***Financial proposal: indicating all-inclusive lump sum fee in USD; and confirming Interest and availability form***
- ***signed P-11 or CV***: including past experience in similar projects and the name and contact details of 3 references. The P11 form can be downloaded at the following web address: http://sas.undp.org/documents/p11_personal_history_form.doc ;

All necessary information including: Complete Terms of Reference, The Selection Criteria, and Annexes are found on the following link under Procurement

<http://procurement-notice.undp.org/>

Please combine all documents requested above into one (1) single PDF document as the system only allows uploading maximum one document no later than 20th October, 2015 at 12:00 PM (Amman Time +3GMT):.

FINANCIAL PROPOSAL

Interested candidates should make a lump sum to produce the 3 outputs which can be guided by the estimated number of days that have been provided for each output in the table above.

EVALUATION

Individual consultants will be evaluated based on the following methodologies:

Step I: Shortlisting by Desk Review

UNDP will conduct a desk review to produce a shortlist of candidates by evaluating:

- Methodology on how to approach and complete the assignment.
- Competences and qualifications based on the UNDP P11 form submitted by each candidate; and

Candidates will be assessed and scored against the following evaluation criteria.

Evaluation of Candidates (max 100 points):

- Methodology on how to approach and complete the assignment 30%
- Education: Advanced Degree in Law Gender, Development Studies, Social Sciences or academic equivalent -10%
- At least 10 years professional experience producing Human Rights advocacy and analytical work, with emphasis on vulnerable or marginalized groups – 20%
- At least 7 years of extensive experience working on sensitive legal environment issues with governments, human rights bodies, civil society, development partners and community based organizations – 10%
- Demonstrated expertise in producing flagship advocacy documents that are able to influence policy and programmatic change relating to Human Rights, Gender and Gender Based Violence – 20%
- Demonstrated media coverage from publications produced– 10%

Step II: Financial Proposals

Please provide inclusive lump sum based on a daily rate (USD \$) to achieve the results defined in the ToR

Step III: Final evaluation

The final evaluation will combine the scores of desk review, written test and financial proposal with the following weights assigned to each:

- Shortlisting/ Desk review: 70%;
- Financial proposal: 30%.