**TERMS OF REFERENCE FOR INDIVIDUAL CONSULTANT**

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| **National Consultant for Justice Sector Service Assessment** | |
| Hiring Office: | Gender Unit, UNFPA CO, Bangladesh |
| Background: | Justice is central for women and girls to become equal partners in decision making and development. Where judicial bias, prosecutorial inaction, women and girls with little or inaccessible formal justice system, it remains the rule, rather than the execution, women are disenfranchised, disempowered and deprived of their rights[[1]](#footnote-1). If there is a gap in gender-sensitive justice services and necessary laws are not in place, then there is no basis for survivors to claim their legitimate rights. However, in Bangladesh 54% of rural and 62% urban women faced sexual violence; 88% women are victim of physical violence[[2]](#footnote-2). 99.6% of GBV cases do not result in convictions[[3]](#footnote-3). Only 2.4% victims of physical violence take legal actions[[4]](#footnote-4).National cost of VAW in Bangladesh is in total 2.10% of GDP[[5]](#footnote-5).    Despite the justice reforms that have been achieved in Bangladesh, a myriad of factors still hinder women from seeking and obtaining justice when they are subject to crime, abuse or violations of their legal rights. Therefore, GBV is equally essential to be addressed at both Response and Prevention part. Thus, a comprehensive assessment of available justice services at both ends is imperative to identify key bottlenecks and gaps in accessing services and thereby identify possible solutions as a way forward to ensure access to justice for the GBV survivors in Bangladesh.  Having this background, UNFPA Bangladesh, in collaboration with UN Women and UNICEF, will support the commission of this assessment, which will explore the critical areas of essential services in justice delivery processes for GBV/VAW cases, mainly focusing on cases under the Nari-O-Shishu-Nirjatan-Daman Tribunal. The assessment will identify problematic patterns and concerns with access to justice for gender-based violence survivors and propose recommendations to address the high rate of gender-based violence incidents. It will also support the Government to put into place and review legislation policies and plans that guarantee women can access justice. |
| Purpose of consultancy: | The purpose of this consultancy is to conduct a service assessment of the justice sector to identifies key barriers to access judiciary support and understand the followings;   1. To what extent the justice services meet standards of care for, and fulfilment of rights of children, women and girls including adolescents who have experienced gender-based violence—based on the UN Essential Services Package for Women and Girls subject to violence; 2. Identify key strengths, gaps and factors which are influencing the quality of essential justice services for GBV survivors that can inform concrete actions for improvement or expansion of services. 3. In addition, identify factors related to the current COVID-19 / pandemic context that affected essential justice services, and how can these be addressed?   This assignment will also produce a set of recommendations which will guide steps in the justice sector's programming to improve the access to justice for the women and girls who are subject to violence. |
| Scope of work:  *(Description of services, activities, or outputs)* | The justice sector assessment will primarily focus on the case management related to dowry, rape, or attempted rape, kidnapping, domestic violence, and sexual harassment and related issues from national to local levels. The assessment will also see how effective and responsive the legislation and legal framework, governance and accountability, resource and financing, training and workforce development and the monitoring and evaluation tools of the justice delivery mechanism. Therefore, the scope of this assignment is to assess available justice sector services for the women and girls who are subject to violence based on the following key areas;   1. **Prevention:** To assess what extent promotion, support and initiatives are undertaken to promote the unacceptability of violence against women and mechanism to stopping and prevent future violence against them. In addition, to see the effectiveness of the existence mechanism to encourage women to report violence perpetrated against them. 2. **Initial contact:** Assess to what extent justice services are available to every survivor regardless of her place of residence, nationality, ethnicity, caste, class, indigenous status, age, religion, language, sexual orientation, marital status, disabilities or any other characteristics that need to be considered. In addition, assess to see how far the justice services are accessible means justice premises are safe, have women and child friendly spaces, survivor can make a report at any time which is safe, private, and agreeable to her, trained service providers are available, all reported incidents are documented and confidentiality have maintained with non-judgmental, and supportive way. 3. **Assessment/investigation:** Assess the investigation procedures for the GBV cases and how far it has given a high priority during the investigation, survivor medical and psycho-social needs are addressed, evidence is collected from the survivor and witnesses accurately and finally to what extent professional accountability is maintained throughout the investigation or not. 4. **Pre-trial processes:** Assess to what extend a coordinated and integrated approaches to criminal, civil, family and administrative law cases maintaining, along with the primary responsibility for initiating prosecution, accessible, affordable and simplified procedures to access justice, prioritization of cases, application of fair procedures and evidential standards in all pre-trial processes are survivor cantered, readiness for trial, no forced mediation or alternative dispute resolution in cases involving violence against women. 5. **Trial processes:** To what extent courtroom environments are safe and friendly, have mechanisms for protection of privacy, integrity and dignity, opportunity for full participation, Non-discriminatory interpretation and application of evidentiary rules. 6. **Perpetrator accountability and reparations:** Measure how participation of victims / survivors at sentencing hearings, in applicable jurisdictions maintained, justice outcomes commensurate with the gravity of the crime and focused on the safety of the victim/survivor, effectiveness of the enforcement of remedies and how redresses when essential justice services are denied, undermined, unreasonably delayed, or lacking due to negligence. 7. **Post-trial processes:** Availability of interventions that prevent re-offending focus on victim / survivor safety, to what extent the prevention of and response mechanisms are available and effective to violence of women who are detained for any reason and reduction of exposure to violence of female offenders in detention and post detention services. 8. **Safety and protection:** Availability of access to immediate, urgent and long term protection measures and to what extent the enforcement of protection measures are in place, mechanism for conducting risk assessment with safety planning, prioritization safety concerns in all decisions, and process for coordinated protection and support services. 9. **Assistance and support**: A crucial element in guaranteeing access to justice for all women is the provision of support and assistance services during the justice process. Therefore, it is important to assess to what extent the international norms and standards refer to the importance of legal assistance, practical, accurate and comprehensive information, victim and witness support services and the need for support from outside the justice sector such as, health, shelters, social services, counselling. 10. **Communication and information:** Communication is a key theme throughout the justice system. The survivor needs to know that she is being listened to and that her changing justice needs are being understood and addressed. Therefore, during this assessment it is imperative to measure to what extent the information and the way is communicated to empower the survivor to make informed decisions regarding her engagement with the justice system. 11. **Justice sector coordination:** Given the different mandates of each justice agency and the various tasks of different justice service providers, a coordinated response is essential to ensuring that essential justice services are delivered in a quality and effective manner and delivers the best outcome for survivors. Thus this is also to measure to what extent this coordination mechanism works both at national and local level, key challenges and the possible way forward from the perspective of a survivor. |
| Duration and working schedule: | 45 working days over a period of 5 months starting from August 2021 |
| Place where services are to be delivered: | UNFPA Bangladesh Country Office, Dhaka. |
| Delivery dates and how work will be delivered (*e.g.* electronic, hard copy etc.): | |  |  |  | | --- | --- | --- | | **Deliverables**  **(Subject to the acceptance by UNFPA)** | **Payment (%)** | **Remarks**  **(due time of**  **disbursement)** | | * Submission and acceptance of an inception plan which include detailed methodology and time frame. | 30% | Within 15 days of signing the contract | | * Submission and acceptance of the final assessment report | 70% | Before end of the contract |   **Note:** All documents should be given in electronic version to the National Programme Officer-Gender and GBV Cluster Coordinator, UNFPA Country Office, Dhaka. |
| Monitoring and progress control, including reporting requirements, periodicity format and deadline: | All the documents prepared during the assignment are the property of UNFPA Bangladesh. The documents or any part cannot be sold, used and/or reproduced in any manner without prior written approval of UNFPA. During the consultancy, if additional time is required to complete the assignment beyond the time previously agreed, UNFPA’s written approval will be required. The consultant will have access to all relevant available written/web based background information necessary for this assignment. The consultant will also have the possibility to organize regular meetings with the UNFPA management and if necessary, with other relevant stakeholders. |
| COA | BGD09GBV - TALOC21GNL2FPA – FPA90 – 60500 – PU0074 |
| Supervisory arrangement | National Programme Officer – Gender and GBV Cluster Coordinator, UNFPA Bangladesh. |
| Expected travel: | The consultant will be expected to travel within Dhaka City and UNFPA will not bare any cost in relation to travel and organize consultation meetings. |
| Required expertise, qualifications and competencies, including language requirements: | The consultant must offer the following demonstrated experience:  **Education:**  Advanced University degree (Masters and/or PHD) in legal studies, peace and justice, criminal justice, gender studies, or in an alternative relevant field.  **Required Experience:**   * At least 15 years of experience in the field of women’s access to justice, legislative research, legal studies, peace & justice. * Excellent understanding of the emerging issues related to gender-based violence and women’s access to justice. * Experience having worked in the area of criminal justice especially focused on GBV cases. * Experience working with government officials in the South Asia region, with particular focus on Bangladesh, would be a strong asset. * Proficiency in the usage of computers and office software packages (MS Word, Excel, and PowerPoint etc.). * Excellent writing, editing, and oral communication skills in English. * Previous experience working with UNFPA and/or any other UN agencies in Bangladesh is highly expected.   **Competencies:**   * Knowledge and ability to deliver quality work output in high stress or short deadline situations. * Strong interpersonal skills, ability to coordinate and synchronize work with people of diverse cultural backgrounds, consensus building, team working and consortium dynamics. * Excellent written and spoken English communication skills. * Excellent facilitation and diplomatic skills with the ability to facilitate mutual understanding and cooperation from senior national / international stakeholders in a highly political environment. * Strong ability to guide a team with technical assistance as required. * Flexibility and responsiveness to changes as part of the review and feedback process. |
| Inputs / services to be provided by UNFPA | The consultant shall maintain close contact with both National Programme Officer- Gender and GBV Cluster Coordinator. The Consultant will bring/use her/his own laptop computer. |
| Level of the Consultant: | Will be determined by the operations based on his/her experience and expertise. |
| Other relevant information, if any: | N/A |
| **Application instruction**  Applicants with the required qualifications and experience stated above (required expertise, qualifications and competencies, including language requirements) should submit a copy of curriculum vitae (CV) with a cover letter.  Please send your application electronically to dedicated email addresses of: majid@unfpa.org  Note: Only those candidates who meet all qualifications and experience will be contacted for further consideration.  Female candidates are encouraged to apply.  The application deadline is 19 August 2021. | |
| Signature of Requesting Officer in Hiring Office:  C:\Users\pervin\AppData\Local\Temp\IMG.jpg  Shamima Pervin, Programme Specialist- Gender, UNFPA Bangladesh  Date: 01.08.2021 | |
| Signature of Operations Manager in Hiring Office:    Al Masum, Officer-in-Charge - Operations, UNFPA Bangladesh  Date: 03 Aug 2021 | |
| Signature of Approving Manager in Hiring Office:    Dr. Asa Torkelsson, Representative, UNFPA Bangladesh  Date: 3 August 2021 | |

1. In Pursuit of justice for women through comprehensive justice sector reform, UNDP, Un Women, OHCHR draft global programme document on Women’s access to justice, July 2013 [↑](#footnote-ref-1)
2. VAW Survey , BBS, 2011. [↑](#footnote-ref-2)
3. Study on VAW Conviction rate, BRAC Law School study supported by UNDP, 2015 [↑](#footnote-ref-3)
4. A2J situational analysis, 2015 conducted by UNDP Bangladesh [↑](#footnote-ref-4)
5. Care Bangladesh 2013 [↑](#footnote-ref-5)