

**TERMS OF REFERENCE FOR INDIVIDUAL CONSULTANT**

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| **National Consultant (NC) for formulation of policy/legal framework for Gender-Biases Sex Selection (GBSS) for Bangladesh.** |
| **Hiring Office:** | Country Office of UNFPA Bangladesh  |
| **Purpose of consultancy:** | The evidence for sex-selective abortion and discrimination against girls is now strong across several countries across the globe. Not only does the increase in sex ratio coincide with the availability of prenatal sex determination technologies, there is also clear evidence from studies investigating the use and promotion of such methods.Bangladesh, like in the other South Asian countries, has the preconditions for a deterioration of the sex ratio at birth (Guilmoto, 2011) - preferences are expressed for small families, patriarchal social norms persist and societies tend to be gender-stratified with strong preferences for at least one son, and prenatal diagnostic techniques are widely available and used to monitor fetal development.A first-ever study on **gender**-**biased sex selection** has found that son preference exists in **Bangladeshi** society. Available data reveal that the desired sex ratio at birth (DSRB) has been consistently higher than the observed sex ratio at birth (OSRB) for at least two decades, suggesting son preference. Substantial differences are also observed in both DSRB and OSRB between divisions or administrative boundaries. Differences in socioeconomic conditions and cultural factors could be important reasons for this; for example, OSRB was consistently higher in urban than in rural areas. Parity-specific analyses showed that OSRB was very high for first births, and declined with subsequent births. In other words, son preference may be higher in urban areas and at first birth. Also, although both ratios declined between 1993 and 2014 (DSRB from 126.5 to 111.0, and OSRB from 106 to 104.8), the discrepancy remains.Along with son preference and fertility decline, a third factor is at work. Access to, knowledge of, and use of prenatal sex detection and sex-detection technology play crucial roles in gender-biased sex selection (GBSS). Knowledge about sex-detection technology is nearly absolute among women in Bangladesh, with 96 per cent familiar with the term “ultrasonography”. According to recent research, 80 per cent of pregnant women have used some form of sex-detection technology during pregnancy, and 82 per cent said that sex-detection technology was available in their communities. About one third of women had used sex detection technology during pregnancy to discover the sex of the fetus; however, less than 1 per cent of these women had intended to abort the fetus if it was female. Low fertility, a skewed SRB and use of sex-detection technology are the three preconditions for GBSS, and all are present in Bangladesh. However, there is no conclusive evidence of GBSS at the country level, based on both primary and secondary sources of data. Regional differences shed some light on the possible emergence of GBSS. Differentials based on birth order, education, geographic region, place of residence, use of contraception and communication between husband and wife about the number of children desired significantly affect the SRB. Although Bangladesh has no policy restrictions prohibiting the disclosure of the sex of the fetus to guard against subsequent termination of pregnancies carrying a female fetus, sex determination is prohibited in public health facilities. On the other hand, the private clinics and their agents are not regulated by the MoHFW and as such people are encouraged to use their facilities where sex detection is likely to be practiced uncontrollably there. Menstrual regulation is legally permitted within eight weeks of the last menstrual period by a paramedic, and up to 10 weeks by a physician; beyond 10 weeks of gestation, abortion is legally permitted only to save the life of the mother. Like other countries in the region, Bangladesh has also been emphasizing and implementing the efforts to build gender equity and raise the value of girls through a diverse set of educational entitlements, cash transfers and employment opportunities. In these settings, efforts to reduce gender-biased sex selection, more specifically, are not present. There are also no specific laws in place that are intended to prevent and respond to efforts directed towards sex selection and discrimination. Therefore, having the legal restrictions / strong laws against sex detection using ultrasonography in place may be the critical factors reducing GBSS in Bangladesh.The **purpose** of the consultancy is therefore, to formulate policy/ a legal framework for prohibiting disclosure of the sex of the fetus and subsequent termination of pregnancies carrying a female fetus- Gender-Based Sex Selection (GBSS) in Bangladesh. The consultant will undertake a review and analysis of the regional policy/law/guidelines/legal frameworks, including the recent country studies on GBSS or related issues to generate a well-informed consensus to guide the formulation of the policy on GBSS in Bangladesh. **S/he** will undertake wider consultation meetings with relevant ministries and other stakeholders to generate well informed opinions and consensus on the policy and legal framework formulation on GBSS in alignment with the following: a) The Constitution of Bangladesh; b) relevant international conventions and laws ratified/or in the process of being ratified by Bangladesh; c) relevant national laws; d) the existing laws of the country; e) due consideration to the positive aspects of social norms, traditions and culture and proposes remedial measures to countervail the adversarial issues; f) the Policy Formulation Protocol of the government of Bangladesh; and f) promoting the enhancement of gender equality values and the integration of cross-cutting issues. |
| **Scope of work:***(Description of services, activities, or outputs)* | The consultant will be required to:1. Review the regional policy/law/guidelines/legal framework on GBSS or related issues, Bangladesh country studies by Dhaka University, Analysis of Bangladesh law and other relevant regional and global documents.
2. Conduct number of consultation meetings (e-consultation/face to face as relevant) with MoHFW (DGHS and DGHP) and MoWCA, Ministry of Law, key stakeholders (NGO/CSO/Practitioner doctors) who are associated with this issue.
3. Participate in the GBV Virtual Lab stakeholder consultation to capture wider perspectives on GBSS and reflect accordingly in the policy/legal framework.
4. Get endorsement of the outline from MoHFW and the UNFPA technical team.
5. Make a presentation of the law/policy to the technical team of MoHFW and UNFPA.
6. Adjust feedback from the technical team of MoHFW and UNFPA and finalize the policy/legal framework.
7. Prepare content for the policy/legal framework
8. Make a presentation on the draft legal framework to the highest authority of MoHFW, Ministry of Law and MoWCA (minister, secretary, DG, directors level).
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| **Deliverables**  | 1. A brief synthesis of literature review with detailed work plan
2. Consultation meeting with GO-NGO stakeholders and technical tem conducted
3. A draft outline based on the technical committee (MoHFW) and experts’ opinion of the legal framework developed
4. A presentation to the highest authority of MoHFW, Ministry of Law and MoWCA (minister, secretary, DG, directors level) on the draft presented.
5. Draft content for the policy/legal framework developed accepted by UNFPA and MoHFW.
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| Duration of consultancy: | This consultancy will be initially for 55 working days from contract date in October to 31 Dec 2020.  |
| Place where services are to be delivered: | The services are to be delivered to the UNFPA Country Office |
| Delivery dates and how work will be delivered (*e.g.* electronic, hard copy etc.): | Submission of the brief report (literature review) no later than by 30 October 2020.At least one consultation meeting conducted by 30 October 2020All versions of the final documents should be delivered in electronic format, using MS Word by 31 Dec 2020.The quality of the deliverables will be evaluated by the head of gender unit and other UNFPA units (Gender, SRHR and PPR) Final payment will be made subsequent to the successful evaluation and approval of the deliverables. |
| Monitoring and progress control, including reporting requirements, periodicity format and deadline: | The consultant will work closely with the Programme Specialist- Gender and SRHR Specialists in carrying out the duties detailed above. The deadlines for each of the deliverables are mentioned above and should be adhered to without exception. The final deadline for the consultancy is 31 Dec 2020, by when the consultant should complete all activities detailed in the ToR.  |
| Supervisory arrangements:  | The consultant will work under the direct supervision of Deputy Representative with day to day management undertaken by the Programme Specialist, who is the chief unit of Gender UNFPA as well as day to day technical support by the Programme Specialist and Chief of Gender and Regional Office in Bangkok to carry out the activities mentioned above. |
| Expected travel: | The consultant is not expected to travel.  |
| Required expertise, qualifications and competencies, including language requirements: | **The consultant should have:**1. Advanced university degree (Master’s or equivalent degree, or higher) in Law
2. Minimum 7-10 years of relevant experience at the national level
3. A robust understanding and proven experience and skills in drafting of policies and laws
4. Good understanding in the area of GBV, SRHR and Harmful Practice related progarmme;
5. familiarity with standards and requirements of the UN will be an asset;
6. Good organizational skills, including time management, and ability to meet deadlines;
7. Fluency in written and spoken English and familiarity with the Bangladeshi context essential;
8. Ability to leverage multi-disciplinary, institutional knowledge and experience of other countries and regions to promote UNFPA’s development agenda.
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| Inputs/services to be provided by UNFPA or implementing partner (e.g support services, office space, equipment), if applicable: | The consultant will be responsible for arranging his/her own computer and other working aid equipment. S/he will be working remotely for much of the consultancy and therefore should have good access to the internet and modern communication methods.  |
| Other relevant information or special conditions, if any: | 1. Any changes in the ToR or work plan, if required, will be subject to consultation between UNFPA and the consultant.
2. The knowledge products will be treated as UNFPA property. The title right, copyright and other rights of whatsoever nature in any material produced under the provision of the consultancy shall be vested exclusively with UNFPA.
3. The tools, document or any part, cannot be sold, used, or reproduced in any manner without the prior written approval of UNFPA.
4. No additional payment will be provided other than what is contracted.

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| Payment Schedule  | **Payment milestones are as follows:*** + - 1. 50% upon submission and acceptance of deliverables a, b and c
			2. 50% upon submission of deliverables d and e
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| How to Apply: 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: sarder@unfpa.orgNote: Only those candidates in who meet all qualifications and experience will be contacted for further consideration. Kindly note that incompleteThe application deadline is 7 October 2020 |
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