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|  | **GENDER EQUALITY DEPARTMENT**  **MINISTRY OF LABOUR- INVALIDS AND SOCIAL AFFAIRS** | image007 |

**TERMS OF REFERENCE**

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| Reference number | **TOR-VNM-2022-009 (please refer to this number in the application letter)** |
| Title | International Gender consultant to support the process of amendment and supplementation of Gender Equality Law |
| Purpose | To provide technical assistance in the process of the amendment and supplementation of Gender Equality Law of Viet Nam |
| Duty Station | Home-based and visit Viet Nam to participate in the policy dialogues/meetings for the amendment and supplementation of Gender Equality Law of Viet Nam |
| Contract duration | From 1 July 2022 to 15 December 2023 (maximum 106 working days) |
| Contract Supervision | Programme Specialist |
| Application deadline | 21 May 2021 |

**I. BACKGROUND**

The United Nations Entity for Gender Equality and the empowerment of Women (UN Women), grounded in the vision of equality enshrined in the Charter of the United Nations, works for the elimination of discrimination against women and girls; the empowerment of women; and the achievement of equality between women and men as partners and beneficiaries of development, human rights, humanitarian action and peace and security. Placing women’s rights at the center of all its efforts, UN Women leads and coordinates United Nations system efforts to ensure that commitments on gender equality and gender mainstreaming translate into action throughout the world. It provides strong and coherent leadership in support of Member States’ priorities and efforts, building effective partnerships with civil society and other relevant actors.

In Viet Nam, UN Women contributes to the development objectives of Viet Nam’s Socio-Economic Development Plan and the National Strategy for Gender Equality. Its Country Strategy Note for 2022-2026 is aligned to the upcoming UN Sustainable Development Cooperation Framework (CF) 2022-2026 and is focused on supporting Viet Nam’s fulfilment of Gender Equality commitments under The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), and the promise of the 2030 Sustainable Development Agenda to “leave no one behind”. The key priorities of UN Women in the 2022-2026 period are,

1. People in Viet Nam, especially those at risk of being left behind, will benefit from and contribute to safer and cleaner environment resulting from Viet Nam’s effective and gender responsive mitigation and adaptation to climate change, disaster risk reduction and resilience building, promotion of circular economy, the provision of clean and renewable energy, and the sustainable management of natural resources;
2. By 2026, people in Viet Nam, especially those at risk of being left behind, will contribute to and benefit equitably from more sustainable, inclusive and gender-responsive economic transformation based on innovation, entrepreneurship, enhanced productivity, competitiveness, and decent work;
3. By 2026, people in Viet Nam, especially those at risk of being left behind, will have benefited from and have contributed to a more just, safe and inclusive society based on improved governance, more responsive institutions, strengthened rule of law and the protection of and respect for human rights, gender equality, and freedom from all forms of violence and discrimination in line with international standards.

Viet Nam was one of the first countries to sign the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) in 1980 and ratified the Convention in 1982. It is one of the only countries in the Asia-Pacific region with a comprehensive law and policy framework to promote gender equality. The universal principle of equality between men and women enshrined in the constitution of Viet Nam has been given specific focus in a wide range of laws and policies in all spheres of life. This demonstrates the strong political determination of the party and the State as well as Viet Nam's efforts to realize its commitments to international conventions and laws on equality, such as CEDAW, the Beijing Declaration and Platform for Action, the Millennium Development Goals and the Sustainable Development Goals (SDGs). Over the past few decades, Viet Nam has indeed made significant progress in improving the well-being of its population in general and reducing gender disparities, including those related to the achievement of Millennium Development Goal 3 (promote gender equality and empower women) and Sustainable Development Goal 5 (achieve gender equality and empower all women and girls).

The Gender Equality Law (GEL), an important legal document, was promulgated in 2006. This was the first time that the concept of gender equality had been formally stipulated in a normative legal document in Viet Nam: *gender equality is the fact that men and women have equal status and roles, are given conditions and opportunities to enhance their capacity for development of the community and the family and to equally enjoy the fruits of that development (article 5, clause 3)*. This definition has since become the foundation for the formulation, revision and improvement of legal documents, policies, strategies and programmes on or pertaining to gender equality in Viet Nam. Supporting the empowerment of women and affirming that women are equal to men in all spheres of life continues to be an important goal of social economic development in the country. Since then, Viet Nam developed and implemented the National Strategy on Gender Equality 2011–2020 and 2021–2030, as well as relevant national plans of action, programmes and projects to implement GEL in all thematic areas. The Ministry of Labour - Invalids, and Social Affairs (MOLISA) is the state management agency for the GEL.

Since implementing GEL, Viet Nam has maintained a positive reputation as a country where women enjoy formal equality under the law, have comparatively high workforce participation and access to economic opportunity, and ever improving health and higher education attainments. However, after 15 years of GEL implementation, with changes to the global and regional commitments to gender equality and with the recent impact of the coronavirus (COVID-19) pandemic on gender equality, MOLISA has requested and advocated for the amendment of GEL due to the gaps in its 15-year implementation. To prepare full proposals on amending and supplementing GEL that would be submitted to the National Assembly in 2025, the Gender Equality Department (GED) of MOLISA has requested technical support from the United Nations Entity for Gender Equality and the Empowerment of Women (UN Women) and the Department of Foreign Affairs and Trade (DFAT) of the Government of Australia, during the period 2022–2025 in order to inform the foundation for the Government’s submission to the National Assembly which is expected to happen in the first quarter of 2025.

In this context, UN Women is looking for an **international gender expert** that can provide regular technical assistance to the task team of the government and UN Women for the amendment and supplementation the GEL after 15-years of its implementation. The international expert will provide technical advice to ensure that the proposed amendment and supplementation of GEL aligns with the international commitments of Viet Nam on gender equality, such as CEDAW, Beijing Platform for Action and the SDGs. The country has developed a number of knowledge products that can served as the background documents and support the amendment and supplementation of GEL, including:

* **The review report of the 10-year implementation of Gender Equality Law in Viet Nam**: The review report focused on the assessment of the Law’s consistency in relation to international human rights standards and other Vietnamese laws and the effectiveness of the implementation of the Law efforts by duty bearers since it came into effect from 2007 to 2019. It focused on identifying key gaps to inform the revision of the Law and ensure better implementation and provided recommendations for the Law amendment and supplementation (link to the report: [UNFPA Vietnam | Review of ten years of implementing the Law on Gender Equality](https://vietnam.unfpa.org/en/publications/review-ten-years-implementing-law-gender-equality))
* **Viet Nam Country Gender Equality Profile: Country Gender Equality Profile Viet Nam 2021** (CGEP) is a comprehensive report, in-depth analysis and focus on gender equality issues based on available evidence, data and research. The main objective of the CGEP for Viet Nam 2021 is to serve as a primary source of evidence to drive the prioritization of financing, programming and advocacy to advance gains and overcome bottlenecks to gender equality in Viet Nam. It is intended that the CGEP will also contribute to Viet Nam’s monitoring of gender equality-related targets under the UN Sustainable Development Goals (link to the report: [Country Gender Equality Profile Viet Nam 2021 (CGEP) | UN Women – Asia-Pacific](https://asiapacific.unwomen.org/en/digital-library/publications/2021/10/country-gender-equality-profile-viet-nam-2021))

**II. OBJECTIVES**

The objective of the consultancy is to ensure that the upcoming amendment and supplementation of GEL is in line with international standards that Viet Nam committed on gender equality.

**III. SCOPE AND SPECIFIC TASKS**

Under the supervision of the UN Women Programme Specialist, the international consultant will apply relevant international best practices and experience relevant to support the development, amendment, and supplementation of the Gender Equality Law in Viet Nam, through the following tasks/deliverables. For some specific tasks, the international consultant will work closely with the international expert on CEDAW and human rights treaties to provide inputs into specific reports/documents.

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| **Task** | **Timeline** | |
| 2022 | 2023 |
| * Undertake **a peer review of the review report on the 15-year implementation of the GEL** conducted by a group of national experts and provide technical inputs to ensure that the recommendations for the amendment of the GEL are consistent with CEDAW and other international commitments of Viet Nam on gender equality. This report is being developed by the national consultant and will be available in late July or August 2022. | Q3, Q4 |  |
| * Based on international best practice and analysis of existing international commitments on gender equality for which Viet Nam is committed to, the consultant will:   + **Provide technical advice on terminology in the GEL** such as gender, gender identity, sexual orientation, direct discrimination, indirect or adverse effect discrimination, gender-based violence, and sexual harassment and other terms that follows the CEDAW and the general recommendations of the CEDAW Committee which will be included in the GEL.   + **Advise on terminology and provide suggestions on indirect discrimination** to ensure that all forms of discrimination are included in the law, including indirect or adverse effect discrimination; that the regulation of gender-based discrimination meets international standards; and also facilitate greater gender equality mainstreaming in gender-neutral policies and legislation.   + **Provide technical advice for temporary measures** to address gender inequalities in all areas identified in the amended law, including sharing international experience on these temporary measures.   + **Advise on other technical issues on the GEL** requested by the government based on discussion with UN Women. | Q2, Q3  Q3, Q4  Q3, Q4  Q2, Q3, Q4 | Q2, Q4  Q1, Q2  Q1, Q2  Q1, Q2, Q3 and Q4 |
| * **Develop a report that analyses the consistency of the amendment and supplementation of the GEL with the international commitments that Viet Nam** has made on gender equality. The report will need to be updated based on the revision of the government on the draft amended GEL law, thus, it may require the international consultant to update the report to ensure the consistency with the most updated draft version of the amended GEL. For this tasks, the international consultant will work closely with the international CEDAW expert. | Q4 | Q1, Q2, Q3, Q4 |
| * **Participate into the informal discussions organized by UN Women** with Gender Equality Department - MOLISA, Viet Nam Women’s Union and other stakeholders (CSOs) with the aim to provide information, analysis on the international experience to the proposed policy issues for amendment and supplementation of GEL. The objective of those informal meetings isto brief key stakeholders on the international standards that are relevant for the amendment of GEL in Viet Nam and support the exchange between UN Women and other key stakeholders on selected issues in amendment and supplementation of GEL |  |  |
| * **Participate into the policy workshops/meetings with key stakeholders** to share international experience and recommendations that prepared by the international consultant within the scope of this consultancy. UN Women will discuss with MOLISA and DFAT to ensure the best opportunity to bring the international consultant to Viet Nam. |  | Q1, Q3 |
| * Develop **a policy brief and advocacy recommendations targeting policymakers and development partners in Viet Nam to advocate for the amendment and supplementation of the GEL** that meets the international standards to which Viet Nam is committed **(not more than 10 pages).** The first draft should be available by the end of 2022 and later on, it can be updated based on further discussion among the UN, Government, CSO and other key stakeholders on the amendment of GEL and the most updated version of the amended GEL. | Q3, Q4 | Q1, Q3. |
| * Other technical assistance requested by UN Women |  | Q2, Q3 |

**IV. INSTITUTIONAL ARRANGEMENT**

The international consultant will work under the direct supervision of UN Women Programme Specialist. During the consultancy, the consultant will work closely with the international expert on CEDAW and human rights who will provide technical inputs for some documents/deliverables developed by the international consultant. The work of both consultants is expected of complement and strengthen each other.

The consultant will be ultimately responsible to UN Women Country Representative in Viet Nam.

**V. DURATION OF ASSIGNMENT AND DUTY STATION**

**Duration of Assignment**: The tentative contractual period is from 1 July 2022 to 15 December 2023 with (maximum 108 working days).

**Duty Station**: Home-based and virtual participation into the technical meetings organized by UN Women Viet Nam, and in-person participation in selected policy dialogues/meetings in Viet Nam (as requested and agreed). UN Women will arrange the travelling following the UN travelling policies. Thus, the consultant will not be required to include the travelling costs into the financial proposal for the consultancy.

**VI. DELIVERABLES AND SCHEDULE OF PAYMENT**

Payments for this consultancy will be based on the submission of the proposal and certification that it has been satisfactorily completed.

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| **Deliverables** | **Timeline and proposed number of working days** | |
| 2022 | 2023 |
| Written inputs into the **review report on the 15-year implementation of the GEL** conducted by a group of national experts and provide technical inputs to ensure that the recommendations for the amendment of the GEL are consistent with CEDAW and other international commitments of Viet Nam on gender equality. | Q3, Q4  15 working days | Q1  5 working days |
| Written report that provides **technical advice on terminology in the GEL** such as gender, gender identity, sexual orientation, direct discrimination, indirect or adverse effect discrimination, gender-based violence, and sexual harassment and other terms that follows the CEDAW and the general recommendations of the CEDAW Committee which will be included in the GEL.  **Written report that advises on terminology and provide suggestions on indirect discrimination** to ensure that all forms of discrimination are included in the law, including indirect or adverse effect discrimination; that the regulation of gender-based discrimination meets international standards; and also facilitate greater gender equality mainstreaming in gender-neutral policies and legislation.  Written report that provides technical **advice for temporary measures** to address gender inequalities in all areas identified in the amended law, including sharing international experience on these temporary measures. | Q3  6 working days  Q3, Q4  6 working days  Q3, Q4  4 working days | Q1, Q2  3 working days  Q1, Q2  2 working days  Q1, Q2  6 working days |
| **Written report on additionaladvise provided on other technical issues on the GEL as** requested by the government, based on discussion with UN Women. | Q3, Q4  3 working days | Q1, Q2  7 working days |
| **A report that analyses the consistency of the amendment and supplementation of the GEL with the international commitments that Viet Nam** has made on gender equality. The report may need to be updated based on the revision of the government on the draft amended GEL law; thus, it may require the international consultant to update the report to ensure the consistency with the most updated draft version of the amended GEL. For this task, the international consultant will work closely with the international CEDAW expert. | Q4    8 working days | Q1, Q2, Q3, Q4  10 working days |
| **PPTs prepared for at least four informal discussions organized by UN Women** with Gender Equality Department - MOLISA, Viet Nam Women’s Union and other stakeholders (CSOs) with the aim to provide information, analysis on the international experience to the proposed policy issues for amendment and supplementation of GEL. The objective of those informal meetings is to brief the key stakeholders on the international standards that are relevant for the amendment of GEL in Viet Nam and support the exchange between UN Women and other key stakeholders on selected issues in amendment and supplementation of GEL |  | Q1, Q2, Q3, Q4  8 working days |
| **Participate into the policy workshops/meetings with key stakeholders** to share international experience and recommendations that prepared by the international consultant within the scope of this consultancy. UN Women will discuss with MOLISA and DFAT to ensure the best opportunity to bring the international consultant to Viet Nam. |  | Q1, Q3  6 working days |
| Develop **a policy brief and advocacy recommendations targeting policymakers and development partners in Viet Nam to advocate for the amendment and supplementation of the GEL** that meets the international standards to which Viet Nam is committed **(not more than 10 pages).** The first draft should be available by the end of 2022 and later on, it can be updated based on futher discussion among the UN, Government, CSO and other key stakeholders on the amendment of GEL and the most updated version of the amended GEL. | Q4  5 working days | Q1, Q2, Q3.  7 working days |
| Written report on other technical assistance to UN Women on the amendment GEL requested by UN Women Viet Nam |  | Q2, Q3  5 working days |
| TOTAL | 47 working days | 59 working days |

**Schedule of payment**

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| **Deliverables** | **Timeline** | **Payment** |
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| First installment | Before 30 September 2022 | 10% of the contract value |
| Draft written report that provides **technical advice on terminology in the GEL** such as gender, gender identity, sexual orientation, direct discrimination, indirect or adverse effect discrimination, gender-based violence, and sexual harassment and other terms that follows the CEDAW and the general recommendations of the CEDAW Committee which will be included in the GEL.  **Draft written report that advise on terminology and provide suggestions on indirect discrimination** to ensure that all forms of discrimination are included in the law, including indirect or adverse effect discrimination; that the regulation of gender-based discrimination meets international standards; and also facilitate greater gender equality mainstreaming in gender-neutral policies and legislation.  Draft written report that provide technical **advice for temporary measures** to address gender inequalities in all areas identified in the amended law, including sharing international experience on these temporary measures. |  |  |
| **Second installment** | **Before 15 December 2022** | **30% of the contract value** |
| Draft written inputs into the **review report on the 15-year implementation of the GEL** conducted by a group of national experts and provide technical inputs to ensure that the recommendations for the amendment of the GEL are consistent with CEDAW and other international commitments of Viet Nam on gender equality. |  |  |
| Draft written report that provides **technical advice on terminology in the GEL** such as gender, gender identity, sexual orientation, direct discrimination, indirect or adverse effect discrimination, gender-based violence, and sexual harassment and other terms that follows the CEDAW and the general recommendations of the CEDAW Committee which will be included in the GEL (revised based on the comments from MOLISA, UN Women and other stakeholders)  **Draft written report that advises on terminology and provide suggestions on indirect discrimination** to ensure that all forms of discrimination are included in the law, including indirect or adverse effect discrimination; that the regulation of gender-based discrimination meets international standards; and also facilitate greater gender equality mainstreaming in gender-neutral policies and legislation. revised based on the comments from MOLISA, UN Women and other stakeholders)  Written report that provide technical **advice for temporary measures** to address gender inequalities in all areas identified in the amended law, including sharing international experience on these temporary measures. revised based on the comments from MOLISA, UN Women and other stakeholders) |  |  |
| Draft **a policy brief and advocacy recommendations targeting policymakers and development partners in Viet Nam to advocate for the amendment and supplementation of the GEL** that meets the international standards to which Viet Nam is committed **(not more than 10 pages).** The first draft should be available by the end of 2022 and later on, it can be updated based on further discussion among the UN, Government, CSO and other key stakeholders on the amendment of GEL and the most updated version of the amended GEL. |  |  |
| **Third installment** | **20% of the**  **Before 30 March 2023** | **20% of the contract value** |
| Final written inputs into the **review report on the 15-year implementation of the GEL** conducted by a group of national experts and provide technical inputs to ensure that the recommendations for the amendment of the GEL are consistent with CEDAW and other international commitments of Viet Nam on gender equality. |  |  |
| **Written report on other advise on other technical issues on the GEL** requested by the government based on discussion with UN Women. |  |  |
| **Update on the written technical advice on the terminologies.** |  |  |
| **Forth installment** | **Before 30 June 2023** | **10% of the contract value** |
| **Draft report that analyses the consistency of the amendment and supplementation of the GEL with the international commitments that Viet Nam** has made on gender equality. The report will be updated based on the revision of the government on the draft amended GEL law, thus it may require the international consultant to update the report to ensure the consistency with the most updated draft version of the amended GEL. For this tasks, the international consultant will work closely with the international CEDAW and human rights expert. |  |  |
| **Final installment** | Before 30 December 2023 | 30% of the contract value |
| **PPTs prepared for at least four informal discussions organized by UN Women** with Gender Equality Department - MOLISA, Viet Nam Women’s Union and other stakeholders (CSOs) with the aim to provide information, analysis on the international experience to the proposed policy issues for amendment and supplementation of GEL. The objective of those informal meetings are to brief the key stakeholders on the international standards that are relevant for the amendment of GEL in Viet Nam and support the exchange between UN Women and other key stakeholders on selected issues in amendment and supplementation of GE |  |  |
| **Updated policy brief and advocacy recommendations targeting policymakers and development partners in Viet Nam to advocate for the amendment and supplementation of the GEL** that meets the international standards to which Viet Nam is committed **(not more than 10 pages).** |  |  |
| **Final report that analyses the consistency of the amendment and supplementation of the GEL with the international commitments that Viet Nam** has made on gender equality. |  |  |
| **PPTs prepared and used for the policy workshops/meetings with key stakeholders** to share international experience and recommendations that prepared by the international consultant within the scope of this consultancy. |  |  |
| Written report on other technical assistance to UN Women on the amendment GEL requested by UN Women Viet Nam |  |  |

**VII. QUALIFICATIONS/SKILLS**

The applicant will be evaluated based on technical capacities (70%) and financial proposal (30%). Technical evaluation will be based on the following criteria stated as below.

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| 1 | Master’s degree on Gender and Development, Sociology, Environment, Economics or other relevant field. | 10 points |
| 2 | Having at least 10 years of working experience on international frameworks for gender equality and demonstrated expertise on international conventions and commitments and the global agenda on gender equality, including CEDAW, Beijing Platform for Actions and Sustainable Development Goals and other human right treaties | 25 points |
| 3 | Having a minimum of 10 years working experience on technical advice for the development, amendment and supplementation of gender equality laws or similar laws, including the formulation of policy recommendations at country level. | 20 points |
| 4 | Having experience in engaging with both government and other national stakeholders to strengthen legal frameworks on gender equality. Prior working experience in this area in Viet Nam will be considered an advantage. | 20 points |
| 5 | Evidence of producing high-quality written reports on gender equality and women’s empowerment in English. Please refer to previous publications/report | 25 points |
|  | **Total** | **100 points** |

**Core Values and Competencies**

In addition to aforementioned requirements and qualifications, it is important that the consultant shares the core values and core competencies of the organization.

Core Values

* Respect for Diversity
* Integrity
* Professionalism

Core Competencies

* Awareness and Sensitivity Regarding Gender Issues
* Accountability
* Creative Problem Solving
* Effective Communication
* Inclusive Collaboration
* Stakeholder Engagement
* Leading by Example

Please visit this link for more information on UN Women’s Core Values and Competencies:

<http://www.unwomen.org/-/media/headquarters/attachments/sections/about%20us/employment/un-women-employment-values-and-competencies-definitions-en.pdf>

The weight of technical points is 70% and financial points is 30%.

Individual consultants will be evaluated based on Cumulative analysis, the award of the contract will be made to the individual consultant whose offer has been evaluated and determined as:

1. Responsive/compliant/acceptable; and
2. Having received the highest score out of a pre-determined set of weighted technical and financial criteria specific to the solicitation.

At UN Women, we are committed to creating a diverse and inclusive environment of mutual respect. UN Women recruits, employs, trains, compensates, and promotes regardless of race, religion, color, sex, gender identity, sexual orientation, age, ability, national origin, or any other basis covered by appropriate law. All employment is decided on the basis of qualifications, competence, integrity and organizational need.  If you need any reasonable accommodation to support your participation in the recruitment and selection process, please include this information in your application.  UN Women has a zero-tolerance policy on conduct that is incompatible with the aims and objectives of the United Nations and UN Women, including sexual exploitation and abuse, sexual harassment, abuse of authority and discrimination.  All selected candidates will be expected to adhere to UN Women’s policies and procedures and the standards of conduct expected of UN Women personnel and will therefore undergo rigorous reference and background checks. (Background checks will include the verification of academic credential(s) and employment history. Selected candidates may be required to provide additional information to conduct a background check.)

**VIII. APPLICATION PROCEDURE AND DEADLINE**

Candidates are requested to send the following documents in separated attachment in one application email to [procurement.vietnam@unwomen.org](mailto:procurement.vietnam@unwomen.org)

1. Application letter explaining your interest in the consultancy and why you are the most suited candidate for this position
2. Updated CV, including professional reference.
3. Personal History Form (P11). The P11 Form can be downloaded from the following website: <http://asiapacific.unwomen.org/en/about-us/jobs>
4. Two previous publications/report as evidence of producing high-quality written reports on gender equality and women’s empowerment.
5. Financial proposal specifying the total lump sum amount (breakdown of the daily professional fee in local currency and proposed number of working days). The candidate does not to include the travelling cost as UN Women will follow the EU-UN cost norms.

**Deadline for Application: 21 May 2022**

**IIX. EVALUATION**

The evaluation will be based on the combination of the weighted technical and financial scores (70 per cent technical and 30 per cent financial).

**NOTE**: Documents required before contract signing:

* + UN Personal History Form
  + Full medical examination and Statement of Fitness to work and travel for consultants with travel involved. (This is not a requirement for RLA contracts).
  + Completed UNDSS BSAFE online training course.   
    EN: <https://agora.unicef.org/course/info.php?id=17891>
  + Individual subscribers over 65 years of age are required to undergo a full medical examination including x-rays at their own cost and obtaining medical clearance from the UN Medical Doctor prior to taking up their assignment.
  + Release letter in case the selected consultant is government official.