



Term of Reference

Reference number	TOR-VNM-2020-35 <i>(Please refer to this number in the application)</i>
Assignment title	International Gender Consultant
Purpose	to provide technical advice on gender mainstreaming into two draft laws Law on Preventing and Combating Narcotic Drugs and the amended Law on Handling of Administrative Violations from the perspective of Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and Gender Equality Law of the Socialist Republic of Viet Nam
Location	Home-based
Contract duration	20 June 2020 – 31 August 2020
Contract supervision	UN Women Programme Specialist UN Women Viet Nam Country Office

I. Background

UN Women

Grounded in the vision of equality enshrined in the Charter of the United Nations, the United Nations Entity for Gender Equality and the Empowerment of Women (UN Women) works for the elimination of discrimination against women and girls; the empowerment of women; and the achievement of substantive equality between women and men. The fundamental objective of UN Women is to enhance national capacity and ownership to enable national partners to formulate gender responsive laws, policies and upscale successful strategies to deliver on national and international commitments to gender equality.

UN Women Viet Nam Country Office has been an active member of the Viet Nam UN HIV Thematic Group and acts as a leading agency in related to promoting gender equality in the national HIV response. The result under this LOA will contribute to the achievements of the following outcome and output of UN Women Viet Nam's Annual Work Plan.

- VCO Impact 3 (SP outcome 4): Women and girls live a life free from violence
 - o Outcome 3.1 (VCO Outcome 2.1): An enabling legislative and policy environment from gender perspective and women's rights on ending violence against women and girls and other forms of discrimination is in place and translated into action.
 - o VCO Output 2.1.1: Strengthened capacity of selected legislative and government institutions to review, draft, implement, and monitor laws and policies on ending discrimination and VAW, including budget allocation and expenditures, to align with international and regional standards.

It will also contribute to the achievement of the deliverable 3.1 under the UN HIV Joint Programme on HIV led by the UN HIV Thematic Group and use of joint UNAIDS Budget, Results and Accountability Framework's resources, which is "International standards and good practices on human rights incorporated in the amendment processes of the Law on HIV/AIDS Prevention and Control, the Law on Drugs Prevention and Control and other related laws and policies".

Viet Nam context

The HIV epidemic in Viet Nam peaked in early 2000s, and it has since been declining. In 2018, there were an estimated 230,000 people living with HIV in Viet Nam, of them 74,000 are women. Annually, it is estimated there are 5,700 new infections and of them 2,100 are women. The HIV epidemic in Vietnam is concentrated among three key populations - people who inject drugs (PWID), men who have sex with men (MSM), female sex workers (FSWs) - and their sexual partners.

Even though the HIV epidemic in Viet Nam is male predominant, there are indicators that some groups of women are heavily affected by it. Transgender women start to gain much attention as having high risk of HIV infection although data is limited. Transgender women have only recently begun to be investigated as a population separate from MSM. Initial findings suggest that this is a population at greater risk with a low uptake of testing services. A survey conducted among 205 TGW in HCMC revealed a prevalence of around 18% (n=37) with only one HIV infected individual aware of their serostatus¹. Modeling suggests that in 2018, 36% of estimated total new infections in Vietnam occurred among "low risk women". This category includes sexual partners of key populations and former sex workers. Modeling also suggested that male clients of FSW represented 7% of new HIV infections in 2018. Women's risks of exposure and needs for care may not receive sufficient attention as long as the perception persists that the epidemic is predominantly among men.

The Law on Preventing and Combating Narcotic Drugs (2000) was passed by the National Assembly in 2000 and was amended in 2008, which form a legal framework for drug prevention and fighting, making an important contribution to the fighting against drugs, ensuring social order and safety. In 2019, the Ministry of Public Security proposed the amendment of the Law. To date, the draft amended Law has been developed and will be debated at the National Assembly meeting late in 2020. The Law on Handling of Administrative Violations 2012 is also being amended by the Ministry of Justice and will also be debated in 2020. UN in Viet Nam worked very hard to advocate for the abolishment of compulsory detention of sex workers in this legislation and that the sending of drug users to 05 centers need to go through a court process. Both have seen as an improvement in ensuring the rights of these two groups of key populations and facilitate their better access to quality health services. However, the implementation of the Law on Handling of Administrative Violations shows big gaps.

Both draft amended Laws pose several concerns over the rights of people who use drug as well as children who are in conflict with the law and increase their vulnerabilities and risk to HIV infection and both are gender neutral. UN agencies have sent comments and feedback to the National Assembly. UN agencies in Viet Nam see that revising these law also represents an opportunity to bring it in line with relevant international legal obligations of Viet Nam (particularly under relevant treaties, including the international

¹Colby D, Nguyen NA, Le B, Toan T, Thien DD, Huyen HT, Mai TD, Friedman MR, Stall R. HIV and Syphilis Prevalence Among Transgender Women in Ho Chi Minh City, Vietnam (2016). Accessed at <https://www.ncbi.nlm.nih.gov/pubmed/27435074>, 13 March 2017.

drug control conventions, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights and the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW). It is also an opportunity to advocate for gender mainstreaming and make it more gender responsiveness.

II. Objectives of the consultancy

- Review the two draft laws Law on Preventing and Combating Narcotic Drugs and the amended Law on Handling of Administrative Violations from the perspective of Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and Gender Equality Law of the Socialist Republic of Viet Nam
- Provide good international experience in addressing gender inequality issues in the Law on Preventing and Combating Narcotic Drugs and the amendment of Law on Handling of Administrative Violations
- Provide written recommendations to strengthen gender responsiveness of the amended Laws on Preventing and Combating Narcotic Drugs and the amended Law on Handling of Administrative Violations

III. Scope of Work and Expected Tasks

Scope of Work

The consultant will work closely with UN Women and other members of the UN HIV Thematic group to produce a report that covers the following issues.

1. The gender analysis of the two draft laws will focus on the following areas but not limit to these areas only:
 - Identifying implicit and explicit gender issues of these two drafts legislation from the perspective of Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and Gender Equality Law of the Socialist Republic of Viet Nam.
 - Assessing the extent to which the two draft amended laws align with the international standards on human rights and gender equality.
 - Assessing whether the two draft laws will continue or change existing inequalities between men and women (and groups of men and women); and
 - Identifying the extent to which the two draft laws may impact men's and women's vulnerabilities and risks to HIV as well as **accessing to HIV, health services and other services**.
2. **Provide good international experience** on legal language in addressing gender inequality issues to inform the Law on Preventing and Combating Narcotic Drugs and the Law on Handling of Administrative Violations that address and consider men's and women's vulnerabilities and risks to HIV as well as **accessing to HIV, health services and other services**. [prefer international experience in the Asia and Pacific region].

3. Put forward recommendations for mainstreaming gender in the amended Laws on Preventing and Combating Narcotic Drugs and the amended Law on Handling of Administrative Violations.

Expected Tasks

The consultant will conduct the following tasks:

#	Tasks	Location and Timeline
1	Collect of background information to prepare the gender analysis and compile good practices on gender sensitive drug laws	Home-based 20-30 June 2020
2	Online discussion with UN Women and other members of the UN Thematic Group to get briefing about the two laws	Home-based, June, 2020
3	Review the two draft amended laws	Home-based, June, 2020
4	Develop two reports for two laws: the draft amended Law on Preventing and Combating Narcotic Drugs and the draft amended Law on Handling of Administrative Violations	Home-based, by the end of June, 2020
5	Develop report gender analysis and recommendations for gender mainstreaming on the draft amended Law on Handling of Administrative Violations	Home-based, by mid of July, 2020
6	Prepare two PPT presentations for two laws that captures the main gender analysis, good international experience and recommendations for Viet Nam	Home-based, by mid of August, 2020
7	Finalize the report upon comments and feedback by UN Women and the UN HIV Thematic Group	Home-based, by the end of August, 2020

IV. Institutional Arrangement

The consultant will work under the supervision of the UN Women Programme Specialist and closely with the UN Women national consultant on gender and HIV. The consultant will be ultimately responsible to the UN Women Country Head of Office in Viet Nam. The consultancy is home-based.

V. Deliverables and Schedule of Payment

The payment will be provided in two instalments as bellow:

Time	Expected deliverables	Amount
Before 30 July 2020	<ul style="list-style-type: none"> The draft report gender analysis and recommendations for gender mainstreaming on the draft amended Law on Preventing and Combating Narcotic Drugs from the perspective of Convention on the Elimination of All Forms of 	50%

	<p>Discrimination against Women (CEDAW) and Gender Equality Law of the Socialist Republic of Viet Nam.</p> <ul style="list-style-type: none"> Draft PPTs on gender analysis and recommendations for gender mainstreaming on the draft amended Law on Preventing and Combating Narcotic Drugs 	
By the end of August 2020	<ul style="list-style-type: none"> Final PPTs on gender analysis and recommendations for gender mainstreaming on the draft amended Law on Preventing and Combating Narcotic Drugs The two final reports on gender analysis and recommendations for gender mainstreaming on the draft amended Law on Handling of Administrative Violations and Law on Preventing and Combating Narcotic Drugs from the perspective of Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and Gender Equality Law of the Socialist Republic of Viet Nam. 	50%

VI. Duration of Assignment and Duty Station

The consultancy will be conducted from 20 June 2020 to 30 August 2020 and home-based.

VII. Application Evaluation Criteria

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.

1	Master's Degree in Law, Gender, Human Rights, Political Science, Economics, Development or other relevant disciplines.	20
2	At least 10 years of relevant experience in the field of gender analysis, gender mainstreaming, CEDAW and gender equality and law making	30
3	At least three years of working experience on gender mainstreaming into policies on drug use and HIV	10
4	At least three years of working experience on gender mainstreaming into policies on HIV	10
5	Experience in working with UN agencies will be an advantage	15
6	Good writing skills	15
	Total	100

Core Values and Competencies

In addition to aforementioned requirements and qualifications, it is important that the intern 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:

- 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.

VIII. Application Procedure and Deadline

Candidates are requested to send the following documents in one application email to 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
3. A report on gender mainstreaming into a specific law/policy or relevant for the task required [to prove the writing skill].
4. Personal History Form (P11). The P11 Form can be downloaded from the following website: <http://asiapacific.unwomen.org/en/about-us/jobs>
5. Financial proposal specifying a daily consultancy rate and a breakdown per deliverable. UN Women will bear the costs of requested travel expenses following the UN-EU cost norm.

Deadline for Application: 11 June 2020

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.