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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-2022-010 (please refer to this number in the application letter)** |
| Title | International expert on CEDAW and human rights |
| Purpose | To provide technical assistance for 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 (64 working days) |
| Contract Supervision | Programme Specialist |
| Application deadline | 21 May 2022 |

**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 expert on CEDAW and human rights** that can provide regular technical support to the task team of the government and UN Women for the amendment and supplementation of Gender Equality Law after 15-years of its implementation. The international expert on CEDAW and human rights will provide technical ensure that the proposed amendment and supplementation of GEL will align with the international commitments of Viet Nam on gender equality and other human rights treaties. The country has developed a number of knowledge products that can 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)) [[1]](#footnote-2)

**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 and other human rights treaties.

**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 to support the development, amendment, and supplementation of the Gender Equality Law in Viet Nam.

Through international best practice and an analysis of existing international commitments on gender equality and human rights to which Viet Nam has committed to, the consultant will:

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| **Task** | **2022** | **2023** |
| * + Provide advice for the **definitions of terminology in the GEL** such as gender, gender identity, sexual orientation, direct discrimination, indirect or adverse effect discrimination, gender-based violence, sexual harassment, and others… (as per the discussion among stakeholders)   + Provide advice for the for **temporary measures to address gender inequalities** in all areas identified in the amended law, including on those temporary measures.   + Provide advice 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 facilitates greater gender equality mainstreaming in gender-neutral policies and legislation   + Provide advice on the possibility of **expanding the scope of the GEL** in addition to the eight sectors of the current law, for example, administration of justice, the environment, defense and security, religion, and other fields of life.   + Advise on **other technical issues on the GEL** as requested by the government based on discussion with UN Women. | **Q4**  **4 days** | **Q1, Q2, Q3, and Q4**  **6 days** |
| * + Based on the draft of the amended GEL, develop **a report that recommends concrete CEDAW-based wordings for the GEL amendments** **and supplementations**, including for the structure of the GEL itself. | Q4  **8 days** | Q1, Q2, Q3  **12 days** |
| * + Based on the draft of the amended GEL, contribute for the development of the **report that analyses the consistency of the proposed amendment and supplementation of the GEL with the international commitments** **that Viet Nam has made** on gender equality |  | Q1, Q2, Q3  **8 days** |
| * **Participate in informal meetings and policy events to** **share international experience on the various topics** relevant to the amendment and supplementation of the GEL from a CEDAW perspective as part of UN Women’s advocacy efforts in Viet Nam (if the COVID-19 safety situation at the moment allows it, if not, the international consultant will virtually participate) |  | Q2, Q3, Q4  10 days |
| * Provide inputs to the **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. |  | Q1, Q2, Q3  10 days |
| * **Other technical support requested by the government** on international experience that is relevant for the amendment and supplementation of GEL in Viet Nam. |  | Q1, Q2, Q3, and Q4  6 days |
| **TOTAL** | 12 working days | 52 working days |

**IV. INSTITUTIONAL ARRANGEMENT**

The international expert will work under the direct supervision of UN Women Programme Specialist. During the consultancy, the consultant will work closely with the international consultant that supports UN Women and the government for the review of the 15-year implementation of GEL and amendment of GEL. 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.**

**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 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 cost 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** | **% payment** | **Deadline** |
| **First payment** | **15% of contract value** | **Before 15 December 2022** |
| A report that includes:   * + Advice for the **definitions of terminology in the GEL** such as gender, gender identity, sexual orientation, direct discrimination, indirect or adverse effect discrimination, gender-based violence, sexual harassment, and others… (as per the discussion among stakeholders)   + Advice for the for **temporary measures to address gender inequalities** in all areas identified in the amended law, including on those temporary measures.   + Advice 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 facilitates greater gender equality mainstreaming in gender-neutral policies and legislation   + Advice on the possibility of **expanding the scope of the GEL** in addition to the eight sectors of the current law, for example, administration of justice, the environment, defense and security, religion, and other fields of life. |  |  |
| A draft report on **that recommends concrete CEDAW-based wordings for the GEL amendments** **and supplementations**, including for the structure of the GEL itself. |  |  |
| **Second payment** | **30% of contract value** | **Before 30 April 2023** |
| Updated advice on the following issues:   * + Advice for the **definitions of terminology in the GEL** such as gender, gender identity, sexual orientation, direct discrimination, indirect or adverse effect discrimination, gender-based violence, sexual harassment, and others… (as per the discussion among stakeholders)   + Advice for the for **temporary measures to address gender inequalities** in all areas identified in the amended law, including on those temporary measures.   + Advice 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 facilitates greater gender equality mainstreaming in gender-neutral policies and legislation   + Advice on the possibility of **expanding the scope of the GEL** in addition to the eight sectors of the current law, for example, administration of justice, the environment, defense and security, religion, and other fields of life.   + Other technical issues requested by the government |  |  |
| A revised report on **that recommends concrete CEDAW-based wordings for the GEL amendments** **and supplementations**, including for the structure of the GEL itself. |  |  |
| Provide inputs to the **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. |  |  |
| Written inputs to the **report that analyses the consistency of the proposed amendment and supplementation of the GEL with the international commitments** **that Viet Nam has made** on gender equality |  |  |
| **Third payment** | **30% of contract value** | **Before 30 August 2023** |
| Final report on **that recommends concrete CEDAW-based wordings for the GEL amendments** **and supplementations**, including for the structure of the GEL itself. |  |  |
| Final inputs to the **report that analyses the consistency of the proposed amendment and supplementation of the GEL with the international commitments** **that Viet Nam has made** on gender equality |  |  |
| Final inputs to the **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. |  |  |
| **Final payment** | **25% of contract value** | **Before 20 December 2023** |
| **PPTs developed for informal meeting and policy events to** **share international experience on the various topics** relevant to the amendment and supplementation of the GEL from a CEDAW perspective as part of UN Women’s advocacy efforts in Viet Nam |  |  |
| **A report that indicated the assistance to UN Women that responds to the request by the government** on international experience that is relevant for the amendment and supplementation of GEL in 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 CEDAW, including experience of being a member of the CEDAW committee. | 20 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. | 25 points |
| 4 | Having experience in engaging with both government and other national stakeholders to strengthen legal frameworks on gender equality. | 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 |

**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:

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.

1. The full version of the Gender Equality Law can be accessed from this link: [↑](#footnote-ref-2)