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**TERMS OF REFERENCE**

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| Reference number  | **TOR-VNM-2022-024** (Please refer to this number in the application email to UN Women) |
| Title  | National researcher  |
| Purpose  | To conduct a survey on the opinions and feedbacks from the LGBTQI+ groups on the policy issues proposed for the amendment and supplementation of Gender Equality Law |
| Duty Station | Home based and with some technical meetings in Hanoi, Viet Nam  |
| Contract duration | From 10 Octorber 2022 to 10 December 2022 (20 working days)  |
| Contract Supervision  | Programme Specialist  |
| Application deadline  | 28 September 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, with the support from UN Women and DFAT, the Gender Equality Department (GED) of MOLISA conducted the review of 15-year implementation of GEL and at this stage, a list of policy issues have been considered to better understand the focus for the amendment and supplementation of GEL. One key issues have been discussed and raised during the 15-year review of the GEL is the definition on gender, gender equality and the inclusion of other gender identity groups in the GEL.

In the past 15 years, **changes have been made to ensure that the human rights of other gender identity groups are protected**. For example, in 2015, legislators changed the definition of “rape” in the *Penal Code* *2015* to “non-consensual intercourse between two people”. In doing so, they extended this protection to LGBTQI+ citizens. The law also recognised transgender people’s right to undergo gender-affirming surgery, and the legal recognition of their gender identity in Article 37 of the Civil Code 2015. The new Civil Code reiterated the regulation in Decree 88/ND-CP/2008 on people who are born with intersex status. And, for the first time, the term “LGBT people” has been included in a legal document - No: 28/NQ-CP government resolution (signed on 3 March 2021) on the National Strategy on Gender Equality 2021-2030 under the targets on Health. The amendment and supplementation of the GEL is a significant opportunity to stimulate further discussion and change the definition of gender and gender equality under this law to ensure the the alignment with the CEDAW principles and other recommendations from the CEDAW Committee.

In this context, UN Women is looking for a national researcher (as a consultant) to conduct an online survey with the LGBTQI+ groups to get their feedbacks on the experience and opinion on how the GEL should be amended to better protect their rights and ensure the inclusiveness of all gender identity groups in the amendment and supplementation of GEL.

**II. OBJECTIVES**

The objective of the consultancy is to collect the comments and feedbacks of the LGBTQI+ groups on the policy issues how the GEL should be amended to better protect their rights of LGBTQI+ and ensure the inclusiveness of all gender identity groups in the amendment and supplementation of GEL.

**III. SCOPE AND SPECIFIC TASKS**

The national researcher will work closely with a group of the national legal experts who are working closely with UN Women and Gender Equality Department – MOLISA on the formulation of policy issues for the amendment and supplementation of GEL. The questionaire for the survey was already designed by this national expert team. Under the supervision of the UN Women Programme Specialist, the national researcher will conduct the following tasks:

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| Task  | Tmeline  |
| * Based on the questionaire designed by the national expert team, Gender Equality Department and UN Women, design the online survey
 | Before 15 Oct 2022  |
| * Collect all the response from the respondents (expected that more than 1,000 respondents will participate. UN Women and Gender Equality Department will ask the support from the organizations working on the rights of LGBTQI+ groups to spread the questionnaire).
* Process the data analysis to highlight:
1. The experience of being LGBTQI.
2. The discrimination that they have faced, including their challenges and difficulties in accessing to the public services (health and legal services) and discrimination in the public space.
3. Their experience in accessing to organizations that support the human rights of LGBTQI+.
4. Their expectation on the change of legal framework, including the Gender Equality Law to better protect the human rights of LGBTQI+ groups.
 | Before 10 Nov 2022 |
| * Draft the report which will be used to advocate for the amendment and supplementation of GEL.
* Finalize the report after receiving the comments from the national expert groups, UN Women and Gender Equality Department.
 | Before 10 December 2022  |

**IV. INSTITUTIONAL ARRANGMENT**

The national consultant will work under the direct supervision of UN Women Programme Specialist. 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 10 October 2022 to 10 December 2022 (20 working days).**

**Duty Station**: Home-based and participate in person and virtual participation into the technical meetings organized by UN Women Viet Nam. The travel of SSA consultants is considered as an official mission and will be arranged outside the contract. Work related travel of UN Women’s consultants is considered as official mission and will be arranged by UN Women, in line with UN Women’s Duty Travel Policy.

**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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| **Task** | Timeline  |
| * Draft data analysis report (in Vietnamese)
* Draft narrative report that highlights issues required in the TOR (in Vietnamese)
 | 50% of the contract 10 Nov 2022  |
| * Final report that captured all the data analysis and comments required by the expert team, UN Women and GED (in Vietnamese)
 | 50% of the contract 10 December 2022  |

**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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|  | **Criterion**  | **Max. Score**  |
| 1  | Master’s degree on Gender and Development, Sociology, Environment, Economics or other relevant field.  | 10 points |
| 2 | Having at least 10 years of conducting sociological surveys on development including gender equality issues  | 25 points  |
| 3 | Having a minimum of 5 years working experience on gender equality | 25 points |
| 4 | Having experience on data analysis | 20 points |
| 5 | Experience on conducting surveys through online tools  | 10 points  |
| 6 | Demonstrated strong writing skills  | 10 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

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. 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: 28 Sep 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
	+ The medical statement from the physician certifying good health to work and travel. (This is not a requirement for RLA contracts).
	+ Completed UNDSS BSAFE online training course.
	EN: <https://agora.unicef.org/course/info.php?id=17891>
	+ Release letter in case the selected consultant is government official.