



Terms of Reference (TOR)

for

Research on discriminatory laws and policies under ELMC project

1. Background

The Constitution of Bangladesh, adopted in December 1972, has pledged to give equal rights and opportunities for all citizens of the country, and through Article 28, provides that the State shall not discriminate against any citizen based on their religion, race, caste, sex or place of birth. However, in practice, minority groups across the country face marginalisation and discrimination upon various grounds when seeking access to different public and private services available to all citizens, and are unable to fully enjoy many of the fundamental rights protected by the Constitution. The minority makes up 11% of the country's total population and consists of people from different religions and castes, from ethnic minority communities (Adibashis), people with diverse gender identities, and people with disabilities. Members of these communities are amongst the most marginalised minority groups in Bangladesh.

Discrimination against Dalits and ethnic minority communities (religious minorities and Adibashis) persists on grounds of religion, race and caste, and these communities' access to education, healthcare, housing, employment, and legal support continues to be impeded, particularly for individuals with lower socio-economic backgrounds. These communities The Bangladesh government has recognized 27 minority ethnic groups, who face multi dimensional economic problems ranging from poverty to unemployment. In addition to the above amenities and services, these ethnic groups also lack food and nutritional security and adequate access to safe drinking water and hygienic sanitation.

Ethnic minority communities in the plain lands are subjected to various types of violence, with land eviction as the most common threat to their livelihoods. Their marginalisation also affects their control and participation in social institutions, local government and other agencies. Women in these communities experience these challenges differently and often more acutely. Gender, social and religious norms may also place restrictions on their participation in education, economic opportunities and politics, and over the last few years, reports of violence against women of ethnic minority and girls have continued to increase, with little recourse to justice mechanisms, Dalits, members of the lowest castes, and broadly referred to as “untouchable”, are very poor, underprivileged and under-represented politically, and have limited employment opportunities, and limited access to land, credit and loans from formal institutions and social capitals, and therefore resort to taking up menial and unskilled labour with very low wages. Dalit students also face exclusion from many educational institutions, and discriminatory practices are rampant, with Dalit

women amongst the most oppressed and excluded in both familial and social hierarchies, as patriarchal norms and a traditionally male-dominated community negate their participation in any decision-making processes. Communal violence, threats of eviction, and social exclusion, including from places of worship, are common with little access to legal redress. With these pervasive problems including landlessness, abject poverty, illiteracy, and denial of political rights, the existing conditions perpetuate their subordination and exploitation.

The Government of Bangladesh has taken several progressive steps, in recent years, to enhance social protection and inclusion of communities with diverse gender identities, the most significant of which was the publication of a gazette notification by the Ministry of Social Welfare in 2014, recognising the Hijra community as the 'Hijra lingo' (Hijra sex/gender). Despite legal developments, structural disadvantages and absence of equal opportunities remain crucial concerns in Bangladesh, as gender diverse communities **(including both Hijra community members and transgender individuals who are not part of the Hijra community)** continue to face obstacles to free expression of gender and the process of identification, and lack inclusive access to rights and services, particularly in terms of priority areas such as employment, healthcare, inheritance, and access to justice and protection against violence.

Despite the enactment of the Rights and Protection of Persons with Disabilities Act (RPPDA) 2013, a legislation specifically enacted by the Bangladesh Government, as a signatory to the UN Convention on the Rights of Persons with Disabilities, to nationally implement the Convention, people with disabilities, particularly women and children, are almost invariably among the poorest, most oppressed and excluded members of society. People with disabilities are frequently precluded by law and in practice from realizing the fundamental rights enshrined in the Convention, and are unable to fully and freely exercise their personal, social, political and economic rights as citizens of Bangladesh. Women are particularly subject to becoming victims of family violence, and both adults and children with disabilities are often excluded from opportunities to address their own concerns, because their challenges are primarily discussed from a medical or welfare perspective.

In this context, the Bangladesh Legal Aid and Services Trust (BLAST) is planning to undertake research on the existing discriminatory laws and policies, and protection gaps within the legal and policy framework, impacting the rights of individuals in marginalised and minority communities in Bangladesh, and seeking to recruit consultants to conduct the same. This **research project** will be undertaken as part of a programme on 'Empowering Left Behind Minority Communities' (ELMC), co-funded by European Union, and implemented by Christian Aid, BLAST, Bandhu Social Welfare Society, NagorikUddyog, and WAVE foundation.

2. Aims of the research project

Through its interventions, the ELMC programme aims to support four specific, marginalised communities: (i) the Dalit community; (ii) ethnic minority communities; (iii) members of Hijra and transgender communities; and (iv) persons with disabilities.

The purpose of this research project is to analyse existing national laws and policies that discriminate against each of the above communities, and to identify the protection gaps within these laws that impede the communities' exercise of fundamental rights protected by the Constitution. **The research project will be implemented through conducting studies focusing on each of the target communities.** Each chapter will identify and analyse the discriminatory laws, policies, and protection gaps impacting the rights of a specific target community, and provide recommendations on possible reforms to address these gaps, which will be subsequently taken up through various advocacy initiatives planned under the ELMC programme.

As a human rights and legal services organisation, BLAST has experience in working to support members of all four target communities with free legal advice and assistance, as part of its core programme on increasing access to justice for marginalised communities, and has also implemented legal awareness and empowerment programmes for members of these communities. BLAST has, particularly, conducted a previous programme on expanding the participation of people with disabilities in society, including through effective implementation of the RPPDA 2013, and is currently implementing a programme that works to build the knowledge and capacity of community-based organisations led by Hijra and transgender individuals to support fellow community members to access legal remedies and basic services, and to advocate against discrimination on the basis of gender identity and raise challenges and concerns with government stakeholders.

While implementing these two specific programmes, BLAST has had the opportunity to undertake various legal and policy analyses, and consultations with grassroots communities and key stakeholders, and build an extensive body of research with respect to the rights of each group, and the discrimination experienced by each group across multiple levels of state and society, and on the basis of intersecting factors. BLAST has also published comprehensive reports and policy briefs prepared, and reviewed, by experts and specialists, focusing on both Hijra and transgender rights and the rights of persons with disabilities (please see [Annexes](#) for examples of existing, published research). Since BLAST's own existing research and resources are already available with respect to two of the target communities under the ELMC programme, the BLAST Team believes that these resources can be utilised for the purpose of the research project in question, and that consultants assigned to undertake this project can use these existing reports/policy briefs and all other available resources, as necessary, to develop the two studies on the discriminatory laws and protection gaps affecting Hijra and transgender communities, and people with disabilities, respectively. To avoid repetition of research already previously undertaken (and in some cases, also published) by BLAST, the Team proposes that, **with respect to these two target communities**, (a) Hijra and transgender communities, and (b) persons with disabilities – **the consultants will use the existing research and add any updates necessary as per the scope of work.**

Since BLAST does not have similar bodies of comprehensive research on discrimination against the Dalit community and ethnic minority communities (the remaining target groups under the ELMC programme), BLAST is happy to commission, as part of this research project, **separate, full-scale studies, each focusing on either target community.** To complete these studies, the consultants will be expected to undertake a full mapping of existing laws and policies that discriminate against these two communities, analyse these, identify protection gaps, and recommend necessary reforms in law, policy and practice. These will then be submitted in the form of 1 **research report.**

Ideally, the consultants will prepare and submit 1 research report with 4 chapters (one for each target group) upon completion of this research project. If a consultant/agency wishes to undertake research on any one specific community out of the four targeted communities, as suited to their previous work and expertise, this is also possible – in which case, the consultant/agency must indicate this in their response to these Terms of Reference.

3. Key objectives of research

- (i) To map all existing national laws and policies that discriminate against the target communities;
- (ii) To review and analyse the above laws and policies, in order to understand the different ways in which these contribute to the systemic marginalisation of the target communities;
- (iii) To identify protection gaps within the existing legal and policy frameworks, including any lack of appropriate mechanisms for response and redress, that prevent members of the target communities from exercising fundamental rights, including access to services (e.g. healthcare), opportunities (e.g. education, employment), and the justice system, and participating in public life;
- (iv) To recommend necessary reforms in law, policy and practice to address these protection gaps and reduce discrimination against the target communities.

4. Scope of work

Target groups: Dalit community, ethnic minority communities (religious minorities and indigenous communities), Hijra and transgender communities, and persons with disabilities.

- (i) Review project related documents and any other relevant background documents, as necessary;
- (ii) Develop (a) a proposal* and (b) an inception report for the study, **with respect to each target community** – focusing on the mapping and analysis of existing national laws and policies that discriminate against members of the target communities and prevent them from exercising fundamental rights enshrined in the Constitution of Bangladesh

(Proposal **must** include a timeline for the research, the overall methodology and data collection approaches to be adopted by the consultants in doing this study, and a work plan/implementation plan);

- (iii) Discuss and agree on research methodology for each separate study with ELMC Project Team at BLAST, and share all data collection tools with the Team for finalisation;
- (iv) Conduct a mapping of discriminatory laws and policies that impact the rights of the target groups

- (v) Conduct a desk review of case records available at BLAST, of gender-based violence against the four target communities;
- (vi) Hold consultation meetings with relevant stakeholders at local level and experts at various levels to collect necessary data, **if and as needed**;
- (vii) Compile and analyse information;
- (viii) Ensure authenticity of the research and adhere to guidelines against plagiarism;
- (ix) Prepare a first draft of the research report for each separate study (in English) with key findings, and recommendations;
- (x) Present the first draft before the Programme/BLAST Team for review;
- (xi) Prepare the final draft (for each separate study) based on comments and recommendations from BLAST, and prepare an executive summary;
- (xii) Generate a final research report for each separate study (after incorporating feedback from the Team), aligned with the research objectives.

5. Deliverables:

- (i) 1 research proposal (**containing both a technical proposal and a financial proposal**) focusing on each target community (to be submitted with the consultants' application to BLAST in response to the Terms of Reference);
- (ii) 1 inception report;
- (iii) Work plan to be finalised in consultation with BLAST Project Team;
- (iv) 1 draft research report focusing on the target communities
- (v) 1 research reports after incorporating feedback from BLAST, to be provided as an electronic copy.
- (vi) Provide final report with recommendation of BLAST

N.B - Please note that the above deliverables apply separately to each target community.

Consultants/agencies interested in undertaking research on all four target communities must provide a completed research proposal (containing both technical and financial proposals) **with respect to each community**, and if selected, produce inception reports, work plans, and all other documents relevant to undertaking research **separately on all four communities**.

6. Duration

The research study will be conducted from October 2021 to January 2022

7. Eligibility for Submission of Proposal

Consultant(s)/firms must meet the following requirements:

- Must have at least 5 years of professional experience in conducting research, evaluation, data collection and reporting in the fields of equality, non-discrimination, gender justice, and gender-based violence and discrimination.

- Must have a strong background in gender analysis, legal and policy framework analysis, and socio-legal research.
- Must have prior experience in evaluating programmes and activities implemented by NGOs and CSOs, with a focus on minority groups, gender justice, gender-based violence and discrimination, SRHR, and legal and policy advocacy.
- Must have proficiency in applying qualitative and quantitative research methodologies.
- Should have experience in working with rights-based organisations and local communities.
- Experience working with young people/university students and gender diverse communities is particularly encouraged.

8. Payment Schedule

- 30 % at the time of signing of the contract.
- 40% after the completion of field work and submission of draft report.
- 30% on submission and acceptance of the final report.
- VAT and Income tax will be deducted at source from the total contracted amount as per applicable Government rules.

9. Responsibilities of Consultants/Agency

- Will maintain the agreed time frame.
- Will ensure the quality of data collection and data processing
- Will address any feedback from the contracting agency (i.e. BLAST) as and when required
- Will work in consultation with BLAST and its implementing partners
- Will arrange interviews and appointments with stakeholders as necessary, for the purpose of the assignment.
- Will receive project related documents from BLAST and partners, and will receive and address feedback on data collection tools, data sets, and draft and final reports as well any other relevant feedback.
- Will maintain confidentiality at all times while undertaking this contract, and particularly while handling project documents and during data collection, and will be expected to exercise all caution and sensibility when handling, storing and sharing information during the course of this contract, including in relation to any individual's gender and sexuality.

10. Copyright and Ownership of Data:

BLAST reserves the copyright of all information, findings and the final report produced through this review process.

11. Terms & Condition:

- (i) Required logistics support, as prescribed in the agreement, will be provided by BLAST.
- (ii). All documents prepared during the assignment will be treated as BLAST property.
- (iii). Assignment will not be sub-contracted to anyone.
- (iv). If additional time is required to complete the contract without changing the scope of work, then it must be acknowledged by BLAST in writing.

(v). If BLAST makes any changes in the scope of work or any other part of the contract for unavoidable cost and time fluctuation, then it shall be equitably amended in the contract price and delivery schedule or both in writing.

(vi). Request for an extension of consultancy period must be submitted to the Director – Programme, BLAST, 10 days before the end of Consultancy period with proper justification by the Hiring Team.

(vii). Penalty Clause: If the agreed deadline and/or deliverables do not adhere to the Consultant, financial penalties will be imposed, specified as follows:

In case of delayed submission (up to one-month delay), 10% of the contract amount will be deducted.

§ Delay of more than one month will result in the auto cancellation of the contract and forfeit of the remaining 30% of the contract value.

(viii). Confidentiality of all aspects of the assignment is to be always assured by the Consultant.

12. Preparation of the Proposal:

The technical and financial proposals should be marked properly and should include the name and detail contact address of the lead consultant/agency mentioning. Mention the specific name while submitting the proposal.

Any consultant/agency can EITHER submit a proposal to conduct research on any one of the targeted communities, i.e. the Dalit community; ethnic minority communities (religious minorities and indigenous communities); Hijra and transgender community; or persons with disabilities, according to the consultant/agency's individual competencies and previous experiences and engagement with the subject matter, OR submit proposals to conduct research on all four target communities. In case of the latter, research proposals must be submitted separately, with respect to each individual community, and marked accordingly.

13. Confidentiality:

All outputs, such as reports, documents, findings, and any information produced as part of this assignment, are the property of BLAST and cannot be sold, used, or reproduced in any manner by the assigned consultant/agency without prior permission from BLAST.

14. Other Terms & Conditions:

- a) Proposal must be sent from vendor's own email ID and receiving more than one proposal from same email ID will be treated as non-responsive.
- b) BLAST reserves the right to accept or reject any or all Proposals /tenders without assigning any reason whatsoever
- c) **Delivery time and place:** Awarded consultant will complete the work and send through online in after signing agreement at BLAST Head Office.
- d) **Inspection/supervision:** BLAST authorized person will inspect the work and provide certification, which will be given based on the satisfactory completion of work otherwise payment may deduct based on situation.

- e) **Offer Validity:** 60 days from the date of submission.
- f) **Evaluation:** Proposal evaluation will be made based on BLAST Procurement Guideline 2018.
- g) **VAT & Tax:** VAT and Tax will be applicable as per Government rule. **VAT (15%) and Tax (10%) will be applicable at source under the term as ‘consultation service’ as per govt. rules.**
- h) **Payment:** Payment will be made by account payee cheque in favor of your consultant after satisfactory delivery and a notation on the completion report by the recipient (with name, designation & date).
- i) **Partial Payment:** Partial payment may be allowed.
- j) **Alternative Offer:** Alternative offer will not be accepted.

Proposals to be submitted on or before 4th October, 2021 by 3:00:00 p.m. Proposals may not be accepted after this cutoff time. Proposals to be submitted through email: purchase@blast.org.bd in a form of two pdf file (Technical & Financial)

Bid Clarification: Queries regarding this RFP can be raised by 29th September, 2021, 3:00 p.m. through this email ID purchase@blast.org.bd. All clarifications will be given to individual Consultant by 3rd October, 2021, 5:00 p.m.

For any further clarification any proposer may contact Tel: +8801766487187, email: purchase@blast.org.bd

Annexes:

1. [National Grassroots Disabilities Organization \(NGDO\); National Council of Disabled Women \(NCDW\); and Bangladesh Legal Aid and Services Trust \(BLAST\), “Grassroots Recommendations: Rights of Persons with Disabilities” \[2017\]](#)
2. [BLAST, “From Recognition to Realising Rights: Legal Protection of Gender Identity in Bangladesh Law” \[2019\]](#)