

Issued on: 22-05-2022

To

Ms./Mr.

Individual Consultant/Consultancy firm

Subject: **Letter of Invitation for Ensuring Justice for Violence against Women and Girls by Strengthening the Public Prosecution System in Bangladesh.**

Dear Madam/Sir,

Ensuring that survivors of sexual and gender-based violence (SGBV) are able to seek justice is a basic cornerstone of gender justice. In order to achieve the Sustainable Development Goal (SDG) 16, countries must 'promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels'. More specifically, under SDG target 16.3, countries must promote the rule of law at the national and international levels and ensure equal access to justice for all. Bangladesh has enacted a number of laws and policies to ensure justice for violence against women and girls (VAWG). Yet, due to a number of social and institutional barriers, access to justice is hardly a reality for most SGBV survivors in Bangladesh. According to the Violence against Women Survey, only 1.1% of women who faced partner violence sought help from the police.^[1] A UN study on male violence, surveying perpetrators of rape, found that 95% of urban respondents and 88% of rural respondents reported facing no legal consequences for raping a woman or girl in Bangladesh.^[2] Data from the Government of Bangladesh's One-Stop Crisis Centre shows that out of the 16,804 rape survivors who sought treatment between 2001 and 2013, only 3,747 took legal action, meaning 78% chose not to pursue their cases even after taking the initial step of seeking medical treatment.^[3] These statistics demonstrate that the vast majority of SGBV survivors are unable to seek justice for the crime committed against them. Even where SGBV survivors are able to file cases, investigations are delayed, and trials are prolonged, and ultimately there are very few convictions.^[4] A 2015 study by BRAC found that between 2009 and 2014, a total of 37,915 cases were filed in Suppression of Violence against Women and Children Tribunals in three districts (Dhaka, Comilla and Pabna) alone.^[5] Out of these, 22,073 cases were disposed of by the Tribunals, and only 186 ended in convictions, making the conviction rate as astonishingly low as 0.86%.^[6] Similarly, a study by Prothom Alo found that out of the 4,277 cases disposed of in *Nari-O-Shishu Nirjaton Doman Tribunals* (the Special Tribunals on Violence against Women) in Dhaka district between 2002 and 2016, the accused was sentenced to punishment in less than 3% of the cases.^[1] The vast majority of SGBV are thus precluded from seeking justice, for one reason or another, including the institutional protection gaps within the public prosecution system.

For this reason, we are looking for a suitable consultant/ consultancy firm to serve the purpose.

Here we are enclosing the ToR for the consultancy service. We are looking forward to receive (i) CV/ Profile of the Individual mentioning the required experiences as per the attached ToR (ii) a technical proposal describing the methodology (iii) a budget for the assignment

RFP No: BPD/2022/RFP-1522

Closing Date & Time: 05-06-2022 02:30 PM (Dhaka Local Time)

Please submit the Proposal **on 05-06-2022 02:30 PM (Dhaka Local Time)** in **tender.brac.net**. Any offer via

BRAC
BRAC CENTRE
75 Mohakhali
Dhaka 1212

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W:www.brac.net

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Bangladesh under
The societies
Registration Act of 1860

email or hard copy is treated as non-responsiveness.

"Women entrepreneur are very much encouraged to participate".

Payment Condition:

Mode of payment will follow the below conditions :

Instalment	Amount	Deliverable
1 st Installment	25% of the total value	Upon finalisation of the inception report.
2 nd Installment	25 % of the total value	After submission of the first draft report and presentation before the senior management
3 rd and last Installment	50 % of the total value	After submission of the final report

Payment would be made to the Consultant after acceptance/recommendation by the programme through an automatic Bank transfer directly into any scheduled Bank in Bangladesh in favour of consultant. For payment, consultant has to submit an invoice duly describing the agreed accomplishment. It is noted that the Firm must fill up their accounts information as per instruction i) **Account name ii) A/C number iii) Bank name iv) Branch name v) E-mail address vi) Routing Number.**

Payments will be subject to deduction of VAT & Tax at source as per Govt. Rule. (If applicable).

Payment will be disbursed within 30 to 60 days after vetting by Programme.

Consultant must submit 13 digits new BIN, Trade license (Applicable for firm) & TIN (applicable for both firm & Individual) with proposal and Mushok 6.3 (Applicable for firm) with invoice.

Please note: Invoice date and Mushak 6.3 date must be the same. (Invoice submission time).

You are requested to affix 10Tk stamp on the bill.

For approval of your account during the supplier registration process, and for any other clarification, please contact Mohammad Ali (Deputy Manager, 01713158440 & mohammad.ali@brac.net)

Thanking you
Sincerely

Moinuddin Islam
Senior Manager
BRAC Procurement Department
BRAC Head Office
BRAC Centre, Ground Floor
75 Mohakhali
Dhaka 1212, Bangladesh

STANDARD REQUEST FOR PROPOSALS (RFP) DOCUMENTS

Section 4: Financial Submission Form (BPD 5-15)

BRAC
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To:

BRAC Procurement Department
BRAC Head Office
BRAC Centre, Ground Floor
75, Mohakhali, Dhaka 1212

Date:

Ladies/Gentlemen:

We agree to be bound by the **Letter of Invitation** and we hereby submit our attached Financial Proposal for the sum of:

<insert currency and amount in both, words and figures>

The amount is including of local taxes & vat.

We confirm that our Proposal shall remain valid, from the closing date, for the period stated in the RFP.

Our Financial Proposal is binding upon us and shall be subject to any modifications resulting from Contract negotiations, up to expiration of the validity period of the Proposal.

Commissions and gratuities paid or to be paid by us to agents relating to this Proposal and Contract execution, if we are awarded the Contract, are listed below:

Name and Address of Agents/Recipient	Amount and Currency	Purpose of Commission or Gratuity

We understand you are not bound to accept any or all Proposals you receive..

Yours sincerely,

Authorized Signature:

Name and Title of Signatory:

Name of Firm:

Address:

Firm's Seal or Stamp:

Terms of Reference (ToR)

Ensuring Justice for Violence against Women and Girls by Strengthening the Public Prosecution System in Bangladesh

1. Background:

Ensuring that survivors of sexual and gender-based violence (SGBV) are able to seek justice is a basic cornerstone of gender justice. In order to achieve the Sustainable Development Goal (SDG) 16, countries must 'promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels'. More specifically, under SDG target 16.3, countries must promote the rule of law at the national and international levels and ensure equal access to justice for all. Bangladesh has enacted a number of laws and policies to ensure justice for violence against women and girls (VAWG). Yet, due to a number of social and institutional barriers, access to

justice is hardly a reality for most SGBV survivors in Bangladesh. According to the Violence against Women Survey, only 1.1% of women who faced partner violence sought help from the police.^[1] A UN study on male violence, surveying perpetrators of rape, found that 95% of urban respondents and 88% of rural respondents reported facing no legal consequences for raping a woman or girl in Bangladesh.^[2] Data from the Government of Bangladesh's One-Stop Crisis Centre shows that out of the 16,804 rape survivors who sought treatment between 2001 and 2013, only 3,747 took legal action, meaning 78% chose not to pursue their cases even after taking the initial step of seeking medical treatment.^[3] These statistics demonstrate that the vast majority of SGBV survivors are unable to seek justice for the crime committed against them. Even where SGBV survivors are able to file cases, investigations are delayed, and trials are prolonged, and ultimately there are very few convictions.^[4] A 2015 study by BRAC found that between 2009 and 2014, a total of 37,915 cases were filed in Suppression of Violence against Women and Children Tribunals in three districts (Dhaka, Comilla and Pabna) alone.^[5] Out of these, 22,073 cases were disposed of by the Tribunals, and only 186 ended in convictions, making the conviction rate as astonishingly low as 0.86%.^[6] Similarly, a study by Prothom Alo found that out of the 4,277 cases disposed of in *Nari-O-Shishu Nirjaton Doman Tribunals* (the Special Tribunals on Violence against Women) in Dhaka district between 2002 and 2016, the accused was sentenced to punishment in less than 3% of the cases.^[7] The vast majority of SGBV are thus precluded from seeking justice, for one reason or another, including the institutional protection gaps within the public prosecution system.

2. The rationale of the study

Gender Equality is one of the four core strategic pillars of BRAC Strategy for 2021-2025, the achievement of which will be largely driven by the BRAC Gender Strategy, which in turn has four overarching goals. Goal 1 of the BRAC Gender Strategy aims to change gender norms, roles and practices for Gender Equality and Women Empowerment (GEWE) across BRAC communities and beyond. One of the ways in which the progress in achieving this goal will be measured is by the number of relevant policies, procedures and laws that are considered by the government for adoption, such as reform proposals relating to the legal framework on ensuring justice in VAWG cases.^[8] Goal 2 of the BRAC Gender Strategy aims to create an enabling environment for women and girls where they are able to live an equal and dignified life, free from all types of violence and harmful practices. One of the ways in which the progress in achieving this goal will be measured is by advocacy conducted by BRAC and other relevant stakeholders' networks to strengthen the public prosecution system.^[9] In this context, BRAC aims to sensitise stakeholders on the need to reform and strengthen the public prosecution system in order for justice in VAWG cases to be properly ensured. However, there exists a huge literature gap on the public prosecution system in Bangladesh and how it has functioned in ensuring justice for VAWG cases. In particular, no known studies holistically evaluated the justice needs and experiences of SGBV survivors in Bangladesh and what they consider to be the most pressing gaps and urgent areas for reform. Therefore the purpose of this research would be to identify the key existing weaknesses and best practices of the public prosecution system in relation to VAWG cases and formulate survivor-centric reform proposals through which evidence-based advocacy for strengthening the public prosecution system can be conducted. Based on the findings of the research, a report will be published outlining the main weaknesses of the public prosecution system with specific recommendations for legal and institutional reform.

In order to conduct advocacy and build consensus on the necessity of reform, BRAC plans to organise an annual cross-sectoral advocacy dialogue with key stakeholders (e.g. police, forensics, judges, public prosecutors, lawyers and NGO service providers etc.) on strengthening the public prosecution system for VAWG cases from 2022 to 2025. The first annual convening in 2022 will focus on disseminating the findings and reform proposals of the report. The subsequent dialogues will focus on following up on the status of implementation of the reform recommendations and mainstreaming the reform of the public prosecution system as a gender justice advocacy agenda among governmental and non-governmental stakeholders.

3. Research Questions

- What are the key existing weaknesses/pitfalls in the public prosecution system, especially in relation to VAWG cases?
- What are the key best practices within the public prosecution system that ought to be institutionalised/ amplified in order to ensure justice in VAWG cases?
- What are the main institutional challenges SGBV survivors face when seeking justice, and based on their experience with the justice system, what kind of reforms do they demand to address these challenges?
- What are the average timelines for and key obstacles relating to the investigation, medical examination and trial in VAWG cases?
- What are the average conviction rates in VAWG cases and key influencing factors behind such low rates of conviction as reported in prior studies?
- What kind of legal or policy level reform is needed to address these gaps and institutionalise these best practices to strengthen the public prosecution system to ensure justice in VAWG cases?

4. Objectives of the study

- To identify key existing weaknesses and best practices of the public prosecution system in relation to VAWG cases and formulate survivor-centric reform proposals
- To utilise the findings of this research to sensitise and influence stakeholders on the urgent need to reform and strengthen the public prosecution system in order to ensure justice for VAWG survivors

5. Methodology

The research will combine both primary and secondary sources of data. Firstly, key informant interviews and surveys using structured and semi-structured questionnaires (including both qualitative and quantitative components) will be conducted with six main groups of respondents, as laid out in Table 1. The respondents must be selected in a manner that ensures that the research findings can be considered as being nationally representative data. This will be accompanied by a desk review of the existing legal framework on public prosecution and relevant secondary literature review (e.g. case studies and research reports etc.).

Table 1: Scope of inquiry for key informants and surveys

Stakeholder	Broad research questions ^[10]	
BRAC BRAC CENTRE 75 Mohakhali Dhaka 1212	T: 880-2-9881265 F: 880-2-8824525 E:procurement@brac.net W:www.brac.net	Registered in Bangladesh under The societies Registration Act of 1860

Key Informants

<ol style="list-style-type: none"> 1. Judges of Nari o Shishu Nirjaton Domon Tribunals 2. Public prosecutors involved in conducting cases filed under VAWG laws 3. Police officers involved in taking cognisance of and investigating VAWG cases and 4. District Legal Aid Officers from the National Legal Aid Services Organisation (NLASO) 5. Forensic doctors involved in issuing medical certificates in VAWG cases 6. Lawyers who have experience in supporting public prosecutors and survivors in VAWG cases, such as panel lawyers from SELP 	<ul style="list-style-type: none"> • What are the main challenges in ensuring smooth and speedy investigation and trial for VAWG cases, and what can be done to alleviate these challenges? • What are the main reasons for low conviction rates in VAWG cases, and what can be done to increase the likelihood of securing convictions? • What are the key existing weaknesses/pitfalls in the public prosecution system in relation to VAWG cases? • What kind of legal or policy level reform is needed to address these gaps to strengthen the public prosecution system to ensure justice in VAWG cases?
<ol style="list-style-type: none"> 1. SGBV survivors who have sought justice by filing cases under laws regulating VAWG 	<ul style="list-style-type: none"> • What has been their experience with the justice system? • What was their experience with the public prosecutors? • What are the main institutional challenges they faced when seeking justice for the crime committed against them? What kind of reforms do they think need to take place for these challenges to be addressed? • What do they think the government can do to make justice more accessible for VAWG survivors? • Did they face attempts from the perpetrator's side to settle the matter out of court in exchange for the payment of 'compensation'? • What kind of costs and financial hardships have they faced due to the crime? Do they think the state should introduce a compensation fund for VAWG survivors from which they can apply for compensation and which is

independent from the proceedings in the criminal justice system?

The consultant must also conduct a desk review of the first 100 cases disposed of by the Nari o Shishu Nirjaton Domon Tribunal in 2021 in each of the eight divisional cities to identify at least the factors listed in Table 2 (and any plausible causal relationship between these factors)-

Table 2: Factors to be identified from a desk review of cases include but are not limited to:

- Section under which the case was filed
- Gender and age of accused and complainant
- Identity of the informant/ case filer
- Whether the case is filed as a police case or complaint case, and the official case number
- Place where the alleged offence took place
- Name and gender of the investigating officer, doctor, medical examiner (i.e. examining doctor), prosecution lawyer, defence lawyer and judge
- The taken time to report the crime to the police/ court from the date of occurrence
- The taken time to complete the investigation from the date of case filing
- The taken time to conduct medical examination from the date of case filing and date of occurrence
- Place and findings of the medical examination
- Whether DNA examination was conducted of the accused and the complainant
- Number of witnesses produced by the prosecution and the defence
- The taken time to begin and complete the trial from the date of case filing and the date of admission of the case for trial
- The taken time to arrest the accused from the date of case filing
- Whether bail was granted to the accused after arrest, and if so, after how long
- The period of time accused spent in prison in connection with this case prior to pronouncement of judgment
- Reasons for acquittal or conviction
- Rate of conviction and acquittal by type of offence
- If convicted, the given punishment and amount of fine imposed, whether it was treated as compensation, and if so, the amount
- Whether the accused was known to the complainant prior to the offence being committed, and if so, what the nature of the relationship was
- Whether there was any order of safe custody for the survivor
- Whether Tribunal's decision appealed, and if so, by whom

6. Responsibilities and key deliverables

The overall responsibilities of the consultants are to carry out the study. The consultants shall-

- To prepare a study proposal detailing the methodology, activity plan and timetable considering the deliverables consulting with the ASC research team

- Obtain IRB approval for research
- Develop a work plan, inception report and research plan, including a comprehensive list of identified stakeholders to be surveyed and interviewed and comprehensive questionnaires for each group of stakeholders listed in Table 1.
- Develop tools that will be utilised to execute the research
- Conduct interviews with stakeholders listed in Table 1, and prepare comprehensive interview transcripts in word format and collation of data in excel format.
- Collect case folders relating to the first 100 cases disposed of by the Nari o Shishu Nirjaton Domon Tribunal in 2021 in each of the eight divisional cities, and prepare comprehensive data analysis files in excel format to incorporate factors including but not limited to those listed in Table 2
- A research report, including an executive summary, detailed qualitative and quantitative findings from the stakeholder surveys/ interviews, case analysis, and concrete evidence-based reform proposals for the legal, policy, and institutional framework. The key findings must be presented as suitable and easily discernible infographics.
- A policy brief (4 pages) and PowerPoint presentation outlining the key findings and reform proposals. The key findings must be presented as suitable and easily discernible infographics.
- Organise meetings every month to provide updates on the status of the research and organise a physical research dissemination meeting at the end
- Submit the final report in soft copies along with transcripts of the FGDs, KIIs, photographs and ethical approval etc.
- Co-author academic publications with ASC research team based on research findings

ASC, BRAC research team, will facilitate and support the consultant/s whenever needed, including-

- Prepare the research budget discussing with the consultants, and provide financial support to perform the study
- Hire the data collectors for the study and facilitate/support in the data collection process
- Arrange the training of the data collectors, manage the data collection process and ensure data quality
- Support in preparing the research proposal, data collection tools, data analysis and report preparation
- Provide comments, suggestions and feedback on the research proposal, data collection tools and drafted reports

7. Timetable

The assignment will be for 45 days, starting from the signing of the contract. The following timetable will be followed:

SI No	Deliverables	Person day	Remarks
1	Provide feedback to survey questionnaire	1 day	If the last date is a holiday, then the previous date will be followed as the CoB date.
2	Provide feedback to draft survey report	4 days	
3	Qualitative tools development	4 days	
4	Data collection from the	16 days	

	field (one district from each division)	
5	Data analysis and report writing	15 days
6	Incorporation of feedback from BRAC	3 days
5	Presentation of the report at BRAC office	1 day
6	Presentation at a public dissemination event	1 day
	Total days	45 days

8. Qualification and experience of the consultant/s

The consultants should have expertise and experience in both qualitative and quantitative research methods and tools. The consultants should have the following academic qualification and experiences:

- Minimum PhD Degree in law or social sciences or any other development field with a minimum of five (5) to ten (10) years of experience in undertaking similar studies. Academics will be preferred as the consultant/s.
- Consultant/s should have a comprehensive understanding of the development of the tool, data analysis and analytical report writing skills.
- Should have good written and verbal communication skills in both English and Bangla.
- Previous experience working with the ASC research team will be an advantage.

9. Payment

BRAC will pay BDT TK _____ [in words: _____] (including Vat & Tax) via bank after submitting the deliverables. The other cost of the consultants like travel, field visit, food and accommodation will be paid by BRAC at actual.

The payment will be made in three (3) instalments, including as mentioned below. Vat and tax will be deducted from the source at the time of payment as per the government rules.

Instalment	Amount	Deliverable
1 st Installment	25% of the total value	Upon finalisation of the inception report.
2 nd Installment	25 % of the total value	After submission of the first draft report and presentation before the senior management
3 rd and last Installment	50 % of the total value	After submission of the final report

The transfer of payments will be made to the bank account of the consultant/s as per the following:

- A/C Name:
- A/C No. :
- Bank Name:

- Bank Address:
- Branch Routing #:

10. Terms and conditions BRAC and the consultant/s shall be collectively referred to as the "Parties" and individually as the 'Purchaser' and 'Consultant' respectively. The mutual rights and obligations of the purchaser and the consultant shall be as set forth in the contract.

11. Confidentially The consultant shall not use or disclose (directly or indirectly) any of BRAC's confidential information except for the purposes of this agreement with BRAC's consent or where required to do so by law except with the prior written consent of the purchaser, during the effectiveness of this agreement and the termination of this agreement.

12. Intellectual Property Rights All intellectual property of any description, including without limitation copyright, trademarks, database rights, design rights, patents, utility models, and applications for; and the right to apply for any of the foregoing items provided by the purchaser in the performance of this agreement shall be the property of BRAC. All data, tools, manuals, reports and other materials resulting from this study generated by the consultant shall be the property of BRAC. However, the research team will be able to publish the research findings in renowned journals after obtaining permission from BRAC.

13. Termination of the Agreement BRAC ASC shall terminate this agreement if one of the following situations arises:

- The consultant/s has breached the provisions of this agreement in any respect, including failure to provide services as per the requirements of the agreement.
- The consultant/s has committed fraud, and misappropriation in connection with BRAC's business.
- The consultant/s shall be able to terminate this agreement if BRAC (the purchaser) substantively changes the expectations of the agreement without negotiation with the consultant or without amendment of the budget (i.e., 'moving the goalposts').

14. Severability In the event that any one or more of the provisions contained in this agreement is, for any reason, proven to be invalid, illegal or unenforceable in any respect, this issue shall not affect any other provisions of this agreement, and all other provisions of this agreement shall remain effective and may be renewed upon mutual agreement of both parties in writing.

Any issues and lack of clarity in the ToR will be settled by parties through joint discussion when required.

15. Safeguarding:

- Both parties will ensure the safety of team members from any harm, abuse, neglect, harassment and exploitation to achieve the programme's goals on safeguarding implementation. Act as a key source of support, guidance and expertise on safeguarding for establishing a safe working environment.
- Both parties will practice, promote and endorse the issues of safeguarding policy among team members and ensure the implementation of safeguarding standards in every course of action.

- Both parties will follow the safeguarding reporting procedure if any reportable incident occurs and encourage others to do so.

[1] VAW Survey 2015, BBS, p.

[2] Fulu, E. (et. al), "Why Do Some Men Use Violence against Women and How Can We Prevent It? Quantitative Findings from the UN Multi-country Study on Men and Violence in Asia and the Pacific" United Nations (2013), p.45.

[3] Islam, U, "One-Stop Crisis Centre Limited to Medicare Only", Dhaka Tribune, (19 June 2013).

[4] [Atia Naznin and Tanjina Sharmin, 'Reasons for the Low Rate of Conviction in the VAW Cases and Inconsistencies in the Legislative Frameworks' \(2015\) BRAC University Press, 42.](#)

Given that this number only covers three of the 64 districts in Bangladesh, the actual figure for the entire country is likely to be much, much higher.

[5] Ibid.

[6] Ibid at 42.

[7] [\(Punishment in Only 3% of Cases: Suppression of Violence against Women and Children Tribunal, Dhaka\) Prothoma \(2018\).](#)

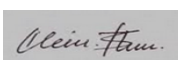
[8] Indicator 1.1.5, BRAC Gender Strategy.

[9] Indicator 2.1.3, BRAC Gender Strategy.

[10] These are broad questions that reflect the scope of the inquiry. A list of more specified questions will be developed in the questionnaire itself.

Thanking You

For BRAC



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Senior Manager, Procurement

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