**Terms of Reference**

**For**

**Legal Framework Analysis on ‘Challenging Fear of Violence’**

**About of Plan International**

Plan International strives to advance children’s rights and equality for girls all over the world. As an independent development and humanitarian organization, Plan works alongside children, young people, its supporters and partners to tackle the root causes of the challenges facing girls and all vulnerable children. The organisations supports children’s rights from birth until they reach adulthood and enable children to prepare for and respond to crises and adversity. Plan drives changes in practice and policy at local, national and global levels using our reach, experience and knowledge. For over 80 years, Plan has been building powerful partnerships for children, and it is active in over 75 countries.

Plan International Bangladesh started its operation in Bangladesh in 1994. Currently as determined in country strategy IV, implementing projects under six thematic areas i.e. health, education, WASH, child protection, youth employment and engagement and disaster risk management and climate change adaptation. In recent years, as part of its country strategy, Plan International Bangladesh has emphasized more to establish an inclusive and effective community based child protection mechanism at local and national level.

**Introduction**

In order to ensure the protection of women’s rights, the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) was adopted by the United Nations on December 18, 1979. This was entered as an international treaty on September 3, 1981 1. This is often described as an ‘International Bill of Rights’ for women and is considered an international instrument giving ethical and legal basis to the protection and promotion of women’s rights. The Convention defines discrimination against women as “….any distinction, exclusion, or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil, or any other field.”2.

As of 2008 more than 185 countries have signed the CEDAW and of them 151 countries have ratified it and agreed to implement CEDAW through their constitutional and legal frameworks. Bangladesh is one of the countries, which has signed its commitment to the said Convention and ratified it on November 6, 1984. The country has ratified CEDAW with reservations on Articles 2, 13.1(a), 16.1(c), and 16.1(f).3

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1 WPRN Newsletter, 1(3), March-June, 1998

2 Bhuyan, Mohammad. (2011). The CEDAW Implementation in Bangladesh: Legal Perspectives and Constrains.

3 CEDAW and Women: The Bangladeshi Experience <http://www.aworc.org/bpfa/pub/sec_i/hum00001.html>

Bangladesh withdrew its reservation subsequently from Articles 13(a) (“equal rights to family benefits”) and 16.1(f) (“equal rights to guardianship”) in 1997, at the time of the submission of the combined third and fourth reports to the UN-CEDAW Committee. The reservation on Articles 2 and 16.1(c), however, still remains and the argument behind reservation is that these Articles contradict the country’s Personal Laws, which the country intends to maintain for guiding the citizen’s personal life 2.

While Bangladesh is heading towards middle-income country and as committed to achieve gender equality through SDG goal 5, ensuring protection and reducing gender-based violence are the key consideration to the economic, social and political space. On that note, Plan International Bangladesh will drive a deeper analysis of unequal power relation and its manifestations through fear of violence on a daily basis which constricting and controlling the lives of young women & girls for the next ten years. Plan International Bangladesh realize that for young women and girls, the fear of sexual violence is a constant undermining reality of their day-to-day lives. Which limits not only their mobility but also freedom to enjoy their rights. Therefore, we are experiencing harmful practices & gender based violence and it’s manifestation on inequality.

We have seen that over the last few decades GoB (Government of Bangladesh) has adopted numbers of laws and policies for promoting children & women’s rights which includes - Women's Development Policy 2011 & National Children Policy 2011 followed by an action plan, the High Court's directives on sexual harassment at educational institute & workplace and fatwa, Women and Child Repression Suppression Act 2000(amend 2003), Domestic Violence (Prevention and Protection) Act 2010 and many more. However, it is heartening to note that major policies and planning documents of the government refer to and are based on provisions of CEDAW (e.g. five-year plans, national perspective plan on post-2015, etc).

According to ‘Plan International Bangladesh Country Strategy 2020-2030’ the organization will take initiative to build the capacity and confidence of children and young people, encouraging, nurturing and facilitating their active participation in public awareness, advocacy, governance and decision-making processes. In this Country Strategy period, Plan International Bangladesh will also work to accelerate transformation by challenging and refusing discriminatory gender norms. Based on its working experience, the programme recognises that fear of violence restricts the mobility of girls and young women, limiting their chances of fulfilling their true potential and enjoying their rights. This Country Strategy 2020-2030 prioritises the goal to ‘live free from fear of violence’ as a key ask for country flagship campaigning. During the ten-year strategy period, Plan International Bangladesh will run public awareness and mass mobilisation campaigns highlighting the need to recognise ‘fear of violence’ and dismantle it.

Considering all these, Plan International Bangladesh has planned to conduct a policy analysis titled ‘Legal Framework Analysis on Challenging Fear of Violence’. It will help us to identify current information and gaps of laws and policies on violence against children, especially adolescent girls and young women in Bangladesh. Thus it will be helpful for advocacy and proposing necessary steps to the policy makers.

**Objectives:**

The key objectives are-

1. To identify the laws and policies those address violence against children, adolescents, especially girls and young women.
2. To identify gaps in those policies.
3. To propose necessary amendments in those policies.
4. To propose if any additional laws and policies are needed with justification.
5. To propose advocacy strategies to bring about the structural barriers of *Fear of Violence*.
6. To propose a legal framework through specific recommendations with regard to revise, repeal or enact specific legislations to ensure a more gender responsive legal framework

**Intended Users of the Research and Key stakeholders involved:**

Primary user of the findings will Plan International Bangladesh and it’s partner organization. Moreover, this research will guide Plan International Bangladesh to advocate with the issues related to national advocacy agenda on *‘Challenging Fear of Violence’* in Bangladesh. The study findings will be shared with all relevant stakeholders including policy makers and government officials.

**Guideline to develop Methodology:**

The consultant is expected to develop an appropriate methodology to meet the specific objectives of the study. Nonetheless, appropriate triangulation in data collection methods is expected in the proposed methodology as per need. The methodology and relevant instruments should be adjusted in consultation of Plan International Bangladesh and finalized before implementation. The study should be carried out through involving the key experts in relevant fields like - gender ideologies and norms; laws, rules, and acts on violence against women & girls, etc.

**Scope of work**

The assignment will preferably include, but not limited to:

* Design of methodology: The consultant should design appropriate methodology to address the objectives in the TOR. The methodology will be adjusted and finalise in consultation with Plan International Bangladesh.
* Literature review: The consultant is expected to review relevant literature for secondary analysis. It will include review of documents like various national and international reports on the sector, national and international policies related to girls and young women, latest survey reports, and relevant media reports, etc.
* Data analysis and draft report: Data analysis will be done based on primary and secondary data obtained through the process. A draft report should be developed containing the findings and relevant recommendations and share with Plan staff for feedback.
* Final report: Based on the feedback received from Plan staff the report should be finalised. The report should be in acceptable English. if required, the consultant should make necessary arrangement for copy edit.
* Dissemination of findings to stakeholder: The consultant is expected to disseminate the findings of policy analysis with different stakeholder of Plan. Plan will organise the event for dissemination.

**Expected competency:**

Expected competency of the consultant includes:

* Expertise in legal framework analysis.
* Previous experience on legal framework analysis, especially relevant to girls and women rights.
* Vast knowledge on laws, rules, acts on violence against women & girls
* No history of violation of child rights.
* Excellent analytical skill and have a good command in English.

**Deliverables:**

Total duration of the assignment is 45 days after signing of the agreement. The deliverables are in the following:

* **Inception report**: The inception report will include final methods for the legal framework analysis and work plan. The report should be submitted within 5 days of signing the agreement.
* **Instruments and list of key informants:** Instruments for data collection from primary sources and the list of key informants to be interviewed. These should be finalised in consultation with Plan.
* **Draft report**: A draft report containing findings based on analysis of primary and secondary data and relevant recommendations. The report should be shared with Plan for feedback. The report will not exceed 30 pages (excluding annex).
* **Final report** **with a Policy Brief:** Based on feedback on the draft report the final report should be finalised and submitted to Plan with a Policy Brief.

The report should have the following structure:

* Title page
* Acknowledgments
* Executive summary
* List of acronyms
* Table of contents and lists of figures and tables
* Introduction
* Methodology
* Findings (it should be organised as per study objectives)
* Discussion
* Recommendations
* Conclusion
* References
* Annexes

**Timeframe:**

Total duration of the assignment is 45 days after signing of the agreement. The timeframe is given in the following.

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| --- | --- |
| **Deliverables** | **Timeline** |
| 1.Inception report submission | 13th October, 2020 |
| 2. Finalizing the key areas of analysis on *Fear of Violence* | 14th October, 2020 |
| 3.Analysis of the relevant documents and literature | 15th October to 15th November, 2020 |
| 4. Sharing of first draft report | 16th November, 2020 |
| 5. Feedback from Plan International Bangladesh on the first draft report | 22th November, 2020 |
| 6. One day validation workshop with key experts/ stakeholders | 23rd November, 2020 |
| 7. Sharing of Final draft | 30th November, 2020 |

**Mode of Payment:**

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| --- | --- | --- |
| **Instalments** | **Percentage** | **Timeline** |
| First instalment | 30 | After receiving the inception report |
| 2nd instalment | 30 | After receiving the draft report |
| Final instalment | 40 | Upon submission of the final report |

**Evaluation criteria and scoring:**

The following table outlines the selection criteria:

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| --- | --- |
| **Criteria** | **Score** |
| Appropriate methodology to address the study objectives and realistic timeframe | 40 |
| Relevant competency of team leader and other team members | 40 |
| Amount of budget and justification | 20 |

**Penalty clause:**

The consultant/consulting firm is expected to provide services within agreed timeframe as well as submit the final report maintaining the quality as mentioned above. If for any reason, consultant/consulting firm fails to deliver services within stipulated time, the consultant/consulting firm needs to inform Plan International Bangladesh well ahead of time with valid and acceptable explanation. Failing to this may evoke penalty clause at the rate of 1% for each day of delay. If the quality is not maintained as mentioned Plan International Bangladesh will deduct 5% of the total agreement amount.

**Preparation of Proposal:**

The proposal will be divided into two parts and should submitted in two separate folders i.e. technical and financial. The technical part of the proposal should not exceed 10 pages and will contain the following:

* + - Detailed methodology for legal framework analysis
    - Detailed timeframe (including dates for submission of first draft, dissemination of findings and submission of final report).
    - Account of relevant experience of the consultant and team members.
    - CV of the team leader and other team members (in annex).
    - Copy of valid TIN certificate and bank account detail.

The financial proposal should clearly identify, item wise summary of cost for the assignment with detail breakdown. The budget should not contain income tax as a separate head; it can be blended with the other costs as it will be deducted from the source. However VAT can be mentioned in the budget as per government regulation. The organization will deduct VAT and Tax at source according to the GoB rules and deposit the said amount to government treasury. The consultant is expected to provide justified budget which is consistent with technical proposal.

**Submission of Proposal:**

The technical and financial proposals should be submitted electronically to the email address: [planbd.consultant.hiring@plan-international.org](mailto:planbd.consultant.hiring@plan-international.org) with “**Legal Framework Analysis on Challenging Fear of Violence** as subject line on or before **10th October** . Proposal submitted to any other email account except this and in hard copy will be treated as disqualified. Two different folders i.e. technical and financial should be submitted into one zip folder with a covering letter (Name the folder name according to your consultancy firm/ Individual name for example “**from X organization / Y person”** etc) . The proposals should be submitted in pdf format.

**Contact person:**

For any technical issue related to the project and evaluation, please communicate to Dr. Samiha Yunus, Research and Knowledge Management Specialist, to the following email ID:

[samiha.yunus@plan-international.org](mailto:samiha.yunus@plan-international.org)

**Ethical Considerations:**

Plan International is committed to ensuring that the rights of those participating in data collection or analysis are respected and protected, in accordance with Ethical MERL Framework and our Child and Youth Safeguarding Policy. All applicants should include details in their proposal on how they will ensure ethical matters in the research. The consultant shall also explain how confidentiality and anonymity of participants will be guaranteed.

The consultant should be aware that -there will be nothing in the study which may be harmful for respondents regarding legal or medical ground. No one would be forced to provide information for the study. The objectives will be clearly explained to all the respondents of the study before gathering data from them. The consultant will be abstained from collecting data from those who will deny or show any kind of disinterest in providing information. Thus, verbal/written consent of the respondents should be taken before collecting data. Confidentiality of data should be maintained and in the report name of the respondents should not be revealed.

**Bindings:**

All documents, papers and data produced during the assessment are to be treated as Plan International Bangladesh’s property and restricted for public use. The contracted consultant/consultant firm will submit all original documents, materials and data to country office of Plan International Bangladesh before the final payment.

**Award of contract:**

The consultant/ consulting firm expected to commence the main assignment within one week of signing contract.

**Child protection policy:**

The consultant/consulting firm shall comply with the child Protection Policy of Plan International Bangladesh. Any violation /deviation in complying with Plan’s child protection policy will not only result-in termination of the agreement but also Plan will initiate appropriate action in order to make good the damages/losses caused due to non-compliance of Plan’s Child Protection Policy.

**Risk Management:**

The Consultant/s must take all reasonable measures to mitigate any potential risk to the delivery of the required outputs of this consultancy on time and meeting the expected quality.

**Disclaimer:**

Plan International Bangladesh reserves the right to accept or reject any or all proposals without assigning any reason what so ever.