

**Terms of reference**

 **to**

**Study on the Implication of the adoption of special section (19) in Child Marriage Restraint Act, 2017 in Bangladesh**

**Bangladesh Counter Trafficking-in-Persons (BC/TIP)**

***Closing date of applications: October 01, 2019***

# Background

The Bangladesh Counter Trafficking-in-Persons (BC/TIP) Program, funded by the U.S. Agency for International Development and implemented by Winrock International, works in 20 trafficking-prone and most child marriage prone districts to address the problem of human trafficking and child marriage. BC/TIP provides robust interventions in all four of USAID’s areas of emphasis: Prevention, Protection, Prosecution and Partnership and Child Marriage. It works collaboratively to reduce the prevalence of human trafficking and child marriage in Bangladesh by:

* Strengthening the capacity of communities to identify at risk people and trafficking victims and take action;
* Improving trafficking victims’ access to assistance;
* Increasing the responsiveness of criminal justice actors to trafficking victims;
* Facilitating effective and coordinated partnerships among stakeholders to combat trafficking
* Increased responsiveness of duty bearer and justice actors on child marriage issues

Child marriage is a common phenomenon and epidemic in Bangladesh. It is a manifestation of the violation of fundamental human rights of the children enshrined in UN Convention on the Rights of the Children (CRC) and fundamental rights of the Bangladesh Constitution. In Bangladesh - prevailing in inequalities - gender discrimination, social setting norms, insecurity of girl child, cultural and religious beliefs and lack of social security are the drivers that perpetuate child marriage in our society. It is also another form of gender-based violence (GBV). Gender-based violence is endemic to Bangladesh, in numerous forms, but especially in domestic violence, sexual abuse, and rape. Moreover, women’s low status in society has its roots in their status within the family.

Despite efforts both the government and the NGOs to bring down the child marriage rate in Bangladesh, the prevalence rate is still highest in South Asia. According to UNFPA (2019) report, 59% of girls in Bangladesh are married before the age of 18 and 22% are married before the age of 15. Bangladesh has ranked fourth highest prevalence rate of child marriage in the world. A concerted effort by advocacy groups and international organizations on weaknesses in the policy framework for addressing child marriage has given much needed attention to this widespread problem. This has also highlighted similar underlying causes and overlap with population and ethnic groups at-risk for trafficking and forced labor.

Ending child marriage requires an effort across all sectors and at all levels, as well as a wide understanding of the consequences, such as lost opportunity for education, domestic violence, sexual abuse, early pregnancy and childbirth deaths.

To better understand the implementation status of the special section (19) of CMRA, BC/TIP will conduct a study to identify trends, gaps, practices, manipulations based on the reality. This study analysis will inform BC/TIP’s programming, to ensure that services are adequate of the relevant stakeholders and the community to the needs of all families, regardless of ethnic group, minority, gender, and that services and referrals are tailored to the needs of child marriage victims as required.

**Objective**

Winrock International is seeking an individual, a consultancy firm, or a research organization **to lead a study on the implications of adoption of section (19) of Child Marriage Restrain (CMR) Act 2017 in preventing child marriage.**

The 2017 CMRA maintained 18 and 21 years as the minimum legal age of marriage for girls and men, respectively. However, it also introduced a retrogressive exception that allows child marriages without any minimum legal age in “special cases.” Section 19 of the 2017 CMRA states that “in special cases for the greater good of an adolescent, by the order of the court and with the consent of parents following the procedure of the law, a marriage of such girl will not be considered a crime.” Interpretation of this provision will depend on the content of the 2017 CMRA’s implementing rules and regulations, which are yet to be issued, as well as the perspectives of the judiciary.

**Specific objectives**

1. To identify the knowledge level of the relevant stakeholders (police stations, UNO office, UWAO and Local Government bodies, Marriage Registrar) and the community people on the CMRA Act and special provision Section (19) of CMR 2017
2. To identify and critically analyze how many applications were received and disposed of/ settled/ resolute by the concerned authority considering the special provision and to provide the reference of each/ selected case summaries
3. To understand to what extent citizens, comply with the special provision of the CMRA and its rules or manipulate the provision in order to perpetuate child marriage.
4. To assess and understand what facilities have been created by the Government of Bangladesh to prevent, protect, prosecute the perpetrator of child marriage, response interference after enacting the CMRA 2017;

The study is expected to include the use of both primary and secondary data and provide a comprehensive analysis of the situation at field level.

*The output from this consultancy will be a 15-20-page report (Times Roman 12pt, double spaced) plus full bibliography and supporting documents. The consultant will work with Winrock International to develop an appropriate methodology for the study.*

**Key Responsibilities**

The individual, company, or organization will be required to perform the following tasks, but will not be limited to these tasks:

* Work with the Winrock International BC/TIP staff to develop a final work plan and methodology to **conduct the study** prior to starting secondary and primary data collection. The workplan will include sources of existing research for literature review; sources of secondary statistical data; primary research methods including key informant interviews, in-depth interviews, focus group discussions and others; the list of interviewees and location of field visits for primary data collection; qualitative and quantitative data analysis methods; report outline; and potentially other logistical and research details. The final methodology and workplan will be reviewed and approved by Winrock International and USAID prior to beginning work. The proposed methodology should include but is not limited to the following tasks:
* Review all relevant project documentation including project proposal, interim reports, monitoring data, workshop reports, and minutes as appropriate, country context documents, and other relevant documents;
* Identify the at least ***15 representative sample districts, 30 Upazilla and 60 Unions*** (both Winrock’s working area and non-working area) with the highest number of the child marriage incidence.
* Develop research tools
* Obtain ethical clearance of the primary research protocols and instruments, uphold ethical behavior that include obtaining proper consent and assent during data collection, treating respondents with respect and sensitivity, and maintaining confidentiality
* Conduct interviews, FGDs, in depth interviews with relevant stakeholders and communities to understand the current status, gaps, strengths and weaknesses of the special section of the CMRA
* Review applications received by the concerned authority under special provision of section (19) of CMRA, and compile a summary report
* Utilize key definitions provided by Winrock International for CM
* Analyze both quantitative and qualitative data, draw key findings on practices and best practice and recommendations
* Prepare a power point presentation and share with Winrock
* Daft a narrative report and submit to Winrock for review and feedback. This process may take multiple rounds of review and revision until all feedback from Winrock International are addressed and incorporated into the final draft
* Complete the final within the agreed timeline below

**Schedule**

The study on the implication of the adoption of special section (19) in Child Marriage Restraint Act, 2017 in Bangladesh will be carried out during Mid October through end of January 2020. The timeline below can be adjusted after mutual agreement between the consultancy firm/ consultant and Winrock International.

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **#** | **Activities** | **Oct** | **Nov** | **Dec** | **Jan** |
| **1** | **Preparation** |
|  | Meet with BC/TIP staff |  |  |  |  |
|  | Research/assessment tools developed |  |  |  |  |
|  | Draft workplan |  |  |  |  |
|  | Review and approval of workplan |  |  |  |  |
| **2** | **Data Collection and Analysis** |
|  | Secondary literature review |  |  |  |  |
|  | Secondary data review and analysis |  |  |  |  |
|  | Tools developed |  |  |  |  |
|  | Fieldwork logistical planning |  |  |  |  |
|  | Fieldwork |  |  |  |  |
|  | Data analysis, draft Power Point presentation and report writing |  |  |  |  |
|  | First draft review |  |  |  |  |
|  | Finalization of report |  |  |  |  |

The following deliverables are required by Winrock International. Deadlines for each deliverable should be included within the proposal and will be reviewed and finalized by Winrock at the beginning of assignment. **The deliverables include**:

1. Approved workplan and methodology, including research design and analysis plan;
2. Interview protocols and instruments;
3. Data collection plan and locations: dates, teams, supervision, etc.;
4. Approval from relevant Institutional Review Board(s);
5. Draft report;
6. Electronic bibliography and pdfs of all literature reviewed, and data used;
7. An electronic copy of the **final report** in English which takes into consideration input, feedback and comments on the draft report.
8. All hard copies of data collection forms, and electronic versions of all data capture, data summary, FGD summary and data analysis reports.

**Application information:**

Interested individuals and firms should send an electronic technical and cost proposal in separate files, with a technical proposal describing the consultant/firm’s relevant experience and capacity to undertake the study.

For questions and to submit your application or proposal, please write to: bctip@winrock.org

***The subject in the email must clearly state: “*study on Implication of the adoption of special section 19 in Child Marriage Restraint Act 2017 in Bangladesh**

# Proposal requirements

* All documents related to this assignment should be in English;
* Proposals must be submitted electronically, with all pieces of the proposal labeled clearly;
* The maximum length for the proposal should not exceed 10 pages. Suggested breakdown is as follows:
	+ **Cover page** = 1 page;
	+ **Individual/Organizational profile, institutional capacity: 1 page.** The applicant must present in narrative format a description of: (a) company/individual profile (supplemental material could be placed in the annex), (b) the organizational/individual capacity to conduct the scope of work (examples of similar studies may be placed in annex), (c) CVs of all proposed experts/team members (placed in annex) (d) the organization’s/individual’s knowledge of human trafficking in the Bangladeshi context, (e) previous experience conducting similar work, and (f) letters of support or reference (placed in the annex).
	+ **Technical proposal = 6 pages**. The applicant should describe in the technical proposal their approach and methodology for the study including sources of primary and secondary data and literature. Furthermore, issues of consent/assent and plan for protection of human subjects must be highlighted within the proposal. A workplan in the form of a Gantt (timeline) chart should outline key tasks and deliverables.
	+ **Cost/budget narrative = 2 pages.** The applicant must present a detailed financial proposal that covers the following items and includes a narrative on the assumptions behind the estimates:
		- Salaries. Includes personnel for technical assistance, data collection, data analysis,

e.g. staff, interviewers, supervisors, drivers, etc;

* + - Per diem and Travel. Includes daily costs for lodging and meals and incidental expenses during field work; mode of transportation; vehicle rental; gas;
		- Communications. Includes telephone, email, computer, mobile phone etc;
		- Other relevant costs.

Winrock International will evaluate the proposals received on their technical merit and estimated costs. Each proposal will be evaluated using the following criteria: Institutional Capacity/Institutional Experience (20%), Proposed Team (20%) Technical Proposal (30%), and Cost estimate (30%) – assessment of cost estimate against implementation plan.

Pre-Bidding Conference: A pre-bidding conference will be conducted at 10.30.00am – 11.30 am on September 22, 2019 at Winrock International, BC/TIP Conference Room- 1st floor, House 7, Road # 23/B, Gulshan 1, Dhaka 1212. Consultant/ Consultant firms are requested to send the specific questions related to TOR by September 19, 2019 through e-mail : bctip@winrock.org mentioning pre-bidding questions for TOR on CM in the subject line.

**Consultant Profile**

Winrock is seeking qualified individuals and/or firms who meet the qualifications stated below.

The principal investigator must fulfill at least the following criteria:

* Master’s Degree (PhD preferred) in Law and working experience in social sciences, development studies or related field;
* Extensive knowledge and work experience on child marriage ideally in the Bangladeshi context; regional CM experience is preferred.
* Knowledge and experience in quantitative and qualitative data analysis and research;
* Experience conducting field research using participatory approaches;
* Experience in consolidating and analyzing literature, quantitative and qualitative data, writing reports and in making recommendations;
* Ability to analyze and present complex data in a clear and understandable format;
* Excellent communication skills;
* Report writing skill;
* Ability to manage the available time and resources and to work to tight deadlines;
* Readiness to employ high quality field staff with adequate remuneration
* Dedicate the maximum of his/her time to the full period of the survey including workplan development, fieldwork, analysis, and reporting.

**Legal Document need to submit with proposal:**

1. **For organization:**
* Government registration for doing business
* VAT registration
* Tax certificate
1. **For individual consultant:**
	* Income tax certificate
	* Copy of last signed contract

**Payment Terms**

10% on signature of contract

30% upon WI’s approval of the workplan

20% on completion of the primary data collection exercise 20% upon WI’s approval of the submitted draft report

30% upon WI’s approval of the submitted final report and bibliography/literature review materials