



### **CALL FOR CONSULTANCY & TERMS OF REFERENCE:**

The SADC Parliamentary Forum wishes to engage a Consultant under the following Terms of Reference:

### **Consultant – SADC Gender-Based Violence Model Law Short Term Research inventory and compliance of existing Gender-Based Violence laws of the SADC Member States to International Laws**

- Department:** Office of the Secretary General
- Position title:** 2 Consultants – SADC GBV Model Law Short Term Research
- Location:** Remote: Desk Review
- Duration:** 40 working days

#### **1. Background**

The SADC-PF Regional Women’s Parliamentary Caucus (RWPC), during the SADC-PF 44th Plenary Assembly Session, sponsored a motion to develop a model law on gender-based violence (GBV) to be utilised by SADC Member States to prevent, address and combat all forms of GBV. The law is intended to assist SADC Member States in the domestication and implementation of relevant international and regional principles, guidelines and obligations aimed at curbing the scourge of gender-based violence.

To take the important first step in developing this Model Law for the SADC Region, the RWPC convened a 2-day consultative meeting in conjunction with the SADC Secretariat, Sisters For Change, the United Nations Population Fund (UNFPA), the United Nations Office on Drugs and Crime (UNODC), the Joint United Nations Programme on HIV/AIDS (UNAIDS) and Plan International. The meeting took place in Johannesburg, South Africa, on 27<sup>th</sup> and 28<sup>th</sup> September 2019. The meeting brought together women parliamentarians from all SADC-PF affiliated Parliaments and representatives of SADC-PF, SADC Secretariat, UNFPA, UNAIDS, UNODC, Plan International and Sisters for Change.

The Consultative Meeting resolved that **the SADC Model Law on GBV should include the five due diligence principles:**

- The duty to **prevent** all forms of GBV, collect evidence on the prevalence of GBV that will form the formulation, review and implementation of legislation and policies.
- The duty to **protect victims of GBV**, putting in place adequate legislative and policy frameworks, effective policing systems, gender sensitive court proceedings, which includes no re-victimization of victims and a safe environment for women to report.
- The duty to **investigate** and treat all forms of violence against women as serious crimes.
- The duty to **punish** and ensure women have access to courts that handle cases in a gender sensitive manner. This obligation includes putting in place perpetrator programmes.
- The duty to **remedy and repair** and put in place victim-centred approaches that restore dignity to women. This includes addressing psychological trauma resulting from the violence and monetary compensation for loss of employment, medical assistance, among others.

## **2. About the Short-Term Research Consultancy**

This consultancy builds upon initiatives being undertaken by the SADC Secretariat. During the GBV Model Law Consultative Meeting that was held on 27<sup>th</sup> and 28<sup>th</sup> September 2019, the SADC Secretariat Gender Unit confirmed that it had commissioned a baseline study to:

- Establish an inventory of sexual GBV laws existing in the SADC Member States;
- Conduct a rapid assessment of laws and policies on SGBV, with the aim of identifying gaps, and areas that require strengthening; and
- Provide recommendations.

In view of the above, the meeting resolved that SADC-PF and its partners should commission a rapid desktop research that will assess the same laws to be audited by SADC. This consultancy will have a specific focus on SADC Member States compliance to international laws, instruments such as the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and its general recommendations, the Maputo Protocol and the SADC Gender Protocol, to name a few. Outcomes of this short-term research will be used as a complementary information of the SADC GBV Baseline Study Report conducted by SADC Gender Unit.

The information generated from this consultancy, will complement the SADC baseline study report on GBV. Together, the SADC report and this SADC-PF short term consultancy will inform the development of the SADC GBV Model Law.

## **3. Job description and deliverables**

Under the supervision of the SADC-PF Gender Programme Manager, the Consultant/s will undertake the following tasks:

- a) Produce an inception report setting out the approach to the consultancy, identifying
  - the key international and regional standards on Violence Against Women (VAW) which will be used to develop the legal framework for the SADC GBV Model Law,
  - the specific domestic laws that will be analysed as part of the review – which will include (criminal and civil) laws on (i) domestic abuse (including access to support services, duties of police and other public agencies; framework of civil protection orders); (ii) sexual violence including rape, sexual assault, voyeurism (definitions, scope, exclusions); (iii) harassment and stalking (physical, online, sexual); (iv) sexual exploitation; and include the review of associated criminal procedure and sentencing rules and special measures/ protections for victims and vulnerable witnesses; and
  - time frames and deliverables.
- b) Draft a short paper setting out the relevant international standards (e.g. CEDAW GR 19 + 35) and regional standards (e.g. Maputo Protocol obligations; SADC Gender and Development Protocol) on GBV and models of good practice (e.g. Istanbul Convention; Special Rapporteur on VAW reports on femicide/online violence etc.) which will be used as the framework against which to analyse/ assess the domestic laws.
- c) Conduct a phased desktop review of specific GBV laws of the 15 SADC-PF affiliated parliaments Angola, Botswana, Democratic Republic of Congo, Kingdom of Eswatini, Kingdom of Lesotho, Madagascar, Malawi, Mauritius, Mozambique, Namibia, Seychelles, South Africa, Tanzania, Zambia, Zimbabwe and assess their compliance with/deviation from the regional and international instruments in order to identify models of good practice across the region. The work should be done in 3 phases with delivery of short reports identifying models of good practices as follows:
  - Phase 1: review of domestic violence laws and sexual violence offences/laws (building on the work of the SADC Secretariat on SGBV - see p.2).
  - Phase 2: review of harassment laws and sexual exploitation laws.
  - Phase 3: review of associated criminal procedure and sentencing rules and special measures/protections for victims and vulnerable witnesses
- d) Produce a zero-draft report identifying domestic laws across the 15 SADC countries which reflect international/ regional standards on GBV and are models of good practice (and noting SADC countries with

no or deficient domestic laws) for each Phase 1, 2 and 3 for comments and feedback.

- e) Submit a final report for each Phase 1, 2 and 3, integrating comments and feedback received above.

#### **4. Major documentation**

The consultancy should be informed by relevant documents, including:

- a) SADC Secretariat terms of reference for a regional inventory and review of SGBV legislation in the SADC region;
- b) SADC Regional Strategy and Framework of Action for addressing GBV (2018-2030);
- c) SADC-PF GBV Consultative Meeting (27<sup>th</sup>-30<sup>th</sup> September 2019) final report
- d) The RWPC 46<sup>th</sup> Plenary Assembly Report;
- e) The Revised SADC Protocol on Gender and Development (2016);
- f) The Maputo Protocol;
- g) CEDAW General Recommendations 19 (1992) + 35 (2017) and relevant SADC country specific CEDAW Concluding Observations;
- h) The Council of Europe Istanbul Convention.
- i) Main conclusions of the UN 60<sup>th</sup> Commission on the Status of Women (CSW)
- j) International human rights norms and standards, including country specific recommendations by the Office of the High Commissioner for Human Rights (OHCHR), the African Commission on Human and Peoples' Rights (ACHPR), The UN Special Rapporteur on Violence against Women.
- k) UN Women Handbook for Legislation on VAW available here: <https://www.unwomen.org/en/digital-library/publications/2012/12/handbook-for-legislation-on-violence-against-women>
- l) UN Women Global Database on VAW available here: <https://evaw-global-database.unwomen.org/en>

#### **5. Qualifications, competencies and experience required**

Academic: Advanced university degree in human rights law, social sciences, gender and/or relevant field required. A first-level university degree in combination with demonstrated work experience may be considered in lieu of an advanced university degree. Training in gender analysis.

Experience: At least 9 years of relevant work experience at the regional or international level, with a focus on gender women's human rights, gender-based violence, feminist research and policy analysis. Expertise in research, drafting and developing policy papers.

Experience of working with women's caucuses, and on GBV in the SADC region.

Language: Fluency in English.

## 6. Core SADC-PF values

- a) Professionalism: demonstrates professional competence and expert knowledge of the pertinent substantive areas of work.
- b) Integrity: demonstrates the values of SADC-PF; acts without consideration of personal gain; resists undue political pressure stands by decisions in the organization's interest; does not abuse power or authority; takes prompt action in cases of unprofessional or unethical behaviour.
- c) Respect for diversity works effectively with people from all backgrounds; treats all people with dignity and respect; treat men and women equally, and be gender sensitive ~~but differently~~; shows respect for diverse points of view; examines own biases and behaviours; does not discriminate against any individual or group.

## 7. Conditions of service

Quotes must be all-inclusive and include a breakdown of costs for fees and other costs related to the fulfilment of the contract. The consultant will be expected to be in regular contact with SADC-PF and integrate feedback received (a minimum of 2 feedback rounds for each product). Payments will be a lump sum based on satisfactory delivery paid in three instalments:

- a) 25% upon signing of contract
- b) 25% upon submission of the zero draft of the policy paper.
- c) 50% upon satisfactory completion of all the deliverables.

**Application closing date:** 19<sup>th</sup> April 2020

**Application procedure:** Applications including an updated CV detailing qualifications, experience and language abilities, a letter of motivation and a breakdown on fees for services should be forwarded to Ms. Yapoka Mungandi at [ymungandi@sadcpf.org](mailto:ymungandi@sadcpf.org) and copy Ms. Paulina Kanguatjivi at [pkanguatjivi@sadcpf.org](mailto:pkanguatjivi@sadcpf.org).



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