

Call for Proposals – The Potential for UN Mechanisms to Further Decriminalisation of Same Sex Conduct



Terms of Reference

1. OVERVIEW OF SERVICES

The consultant will research, analyse, draft text on how the various UN mechanisms have engaged with decriminalisation of same sex sexual conduct, the process and framework for engaging UN mechanisms for such advocacy and the potential challenges.

Location: Home Based

Languages Required: English

Starting Date: 1 December 2021

End Date/Duration of Assignment: 15 March 2022

Fees: £4000

Application Deadline: 25 November 2021

2. The Human Dignity Trust

2.1. About Us

The Human Dignity Trust (the **Trust**) is an organisation of international lawyers supporting local partners to uphold international and constitutional human rights law in countries where private, consensual sexual conduct between persons of the same sex and the expression of Trans people is criminalised.

Over 70 jurisdictions globally criminalise consensual same-sex intimacy, putting LGBT people beyond the protection of the law and fostering a climate of fear, stigma, discrimination and violence. Many of these laws sit alongside other sexual offences laws that discriminate against or fail to protect women, children and other marginalised groups.

The Trust provides technical legal assistance upon request to local human rights defenders, lawyers and governments seeking to eradicate discriminatory laws and improve protection against violence and hate crimes.

2.2. Legislative Reform Programme

Since 2015, the Trust has been analysing the need and options for legislative reform of sexual offences and related laws that discriminate against LGBT people, women, children and other marginalised groups and the development of other protective legislation.

In this latest phase of our successful, ongoing programme of supporting legislative reform, the Trust has secured funding from the UK Foreign, Commonwealth and Development Office.

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This funding enables us to consolidate and build on work undertaken in the earlier phases and to lay the groundwork for future phases, leading the way in providing technical expertise and resources to deliver reform of sexual offences and hate crime legislation.

We provide this support through legal research and tools, country and thematic policy papers, technical legal assistance with legislative drafting, consultation mechanisms and related legal processes, and complementary technical assistance with media and communications strategies.

The Services detailed under this Terms of Reference will therefore form part of our broader legislative reform programme, and an awareness of the Trust and the work we do is essential.

3. Background and Purpose

In order to develop and deliver expert technical assistance to Commonwealth governments and other state stakeholders seeking to reform laws or policies, the preparation of thematic and country level research papers is essential to aid in the design and implementation of law reform efforts in selected Commonwealth countries. One key area of law, on which this Terms of Reference is exclusively focused, is sexual offences.

In many cases the sexual offences laws across the Commonwealth are, to a large extent, legacies of the British Empire. While these laws have long since been amended, updated or repealed in the UK, they remain on the statute books in many of the former colonies, despite the subsequent enactment of modern Constitutions and ratification of international human rights treaties with which many of these laws do not comply.

In some countries, sexual offences laws have been updated to reflect international norms and good practice. On occasion, such change has been effected through targeted reform of specific provisions and, in other cases, through a wholesale re-writing of the sexual offences legislation. In some cases, this has been driven by political leadership and in other cases it resulted from judicial decisions or other domestic and international pressure. Apart from updating their sexual offences legislation, some countries also choose to pursue additional protective measures for vulnerable populations, including anti-discrimination and/or hate crimes legislation.

The Trust is providing technical assistance to a number of Commonwealth governments to support the reform of discriminatory laws, with a particular focus on sexual offences laws that discriminate against women and girls and LGBT people and hate crimes laws. The purpose of the activities outlined in this assignment is to build on the Trust's previous work and advance the rights of vulnerable communities, through support to governments and civil society organisations.

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4. Services

The Consultant shall produce a 20-30 paged research paper on “The Potential for UN Mechanisms to Further Decriminalisation of Same Sex Sexual Conduct”. In doing so the Consultant shall;

- a) Identify, analyse and draft text on how general comments, special rapporteur reports, State party reports, General Assembly resolutions and other such instruments have approached the issue of decriminalisation of same sex sexual conduct has been handled
- b) Giving a detailed account, identify and highlight countries, mandate holders, committee members etc. who have been vocal about LGBT rights and who are potential allies for decriminalisation of same sexual conduct
- c) For each and all identified mechanisms that have referenced the issue of LGBT rights and decriminalisation, map out the work of the particular mechanism/office, the office holder, their issue focus and any other relevant detail and provide a time-line for actions for 10 jurisdictions to be confirmed by the Trust
- d) Identify potential entry points in the UN mechanisms for advocacy aimed at decriminalisation of same sex sexual conduct. In doing so, identify, explain and highlight potential actors, areas of support, opposition, potential challenges and risks in an advocacy strategy aimed at decriminalization of same sex sexual conduct.
- e) Map out framework, process, structure and time-lines that are important/necessary for engaging the identified UN Special Procedure Mechanisms and mandate holders.
- f) Incorporate any other related issues arising from review of draft papers submitted to HDT.

5. Deliverables

The Consultant shall deliver:

- A detailed outline to be presented in an inception meeting with members of the Trust’s staff.

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- A draft research paper on the “The Potential for UN Mechanisms to Further Decriminalisation of Same Sex Sexual Conduct”.
- A presentation of the research and learnings in a meeting with members of the Trust’s staff

6. Payment

Milestone Payments shall be effected upon receipt of invoices and according to the following Milestones:

Milestone Payment	Milestone(s)	Milestone Payment Amount
I	Signing of the contract	20% of Fees
ii	Completion of the 1 st draft	30% of Fees
II	Satisfactory completion of all remaining deliverables under part 5.	50% of Fees

7. Methodology

The Consultant shall be responsible for producing the methodology for this assignment.

8. Experience Required

- Law degree^[1] and advanced degree in criminal law, human rights, or equivalent experience;
- Very high attention to detail and ability to conduct complex research, critically analyse legal documents, research reports and papers;^[1]
- Demonstrated experience working on or conducting research on reform of sexual offences, particularly in commonwealth nations.
- Qualifications and/or experience in monitoring and evaluation, strategic planning etc. are highly desirable
- Excellent writing and legal drafting skills; and ^[1]
- Fluency in English.

9. Reporting

The Consultant shall report to the Trust’s Research Lawyer who will closely and regularly monitor progress made on the Services. During the reporting process, the Consultant also will seek written approval from Head of Legal should any need to depart from the agreed outline

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arise or for any other issue entailing a change of the conditions detailed in these Terms of Reference.

10. Code of Conduct and Confidentiality

The Consultant is under an obligation to confirm that they have no conflicts of interest and to report all potential conflicts of interest prior to the signing of a contract in relation to the Services detailed under this Terms of Reference, including all personal or professional relationships that may compromise their independence or objectivity.

The Consultant shall act in a respectful and professional manner and shall not disclose information or make statements that could harm the Trust, its staff or Board or its partner organisations. The Consultant shall not disclose any confidential or classified information connected to this research assignment to any third party, either during or after the consultancy. The obligation of confidentiality includes information on personnel matters obtained during this contract period. The Consultant(s) shall be subject to confidentiality and non-disclosure obligations as part of the Trust's standard contracts and must comply with all relevant data protection laws and regulations including the General Data Protection Regulation.

12. Submission of Proposals

The Consultant(s) shall submit an application package containing the following;

- i. Detailed CV not more than 2 pages
- ii. A cover letter outlining relevant experience and skills
- iii. Samples of work products on similar topic

The deadline for submission of applications is 25 November 2021 at 23:59 (UTC/GMT +1). Proposals not meeting the requirements will be automatically disqualified.

Please send your application to administrator@humandignitytrust.org, with the subject line "UN Research"– [name of Consultant(s)/agency].