

Call for Proposals – Roadmap for Reform of Sexual Offences Legislation

Terms of Reference



1. Overview of Services

The Trust is looking for two Consultants to research, analyse and draft text creating a detailed outline of a sexual offences reform roadmap, based on practical lived examples and experiences. Depending on the experience and expertise of the applicant(s), each Consultant will be assigned the role of outlining a roadmap for either the formal or the informal process for reform of sexual offences.

- **Location:** Home based
- **Languages Required:** English
- **Starting Date:** 01 December 2021
- **End Date/Duration of Assignment:** 20 February 2022
- **Fees:** £2500
- **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 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. Changing Laws, Changing Lives

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.

In this, the latest phase in our successful, ongoing programme of supporting legislative reform, “Changing Laws, Changing Lives”, the Trust will build on work undertaken in the earlier phases

and lay the groundwork for future phases, leading the way in providing technical expertise and resources to deliver reform of sexual offence, hate crime and anti-discrimination 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 around law reform.

The services detailed under this Terms of Reference will therefore form part of the broader context of the “Changing Laws, Changing Lives” programme and an awareness of the Trust and the work we do is therefore 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.

The Trust has assisted legislative reform of sexual offences in a number of jurisdictions since its inception. In doing so it has built a broad base of information on legislative reform processes. This

research will make use of the Trust's available resources and build upon them to develop a more comprehensive roadmap for reform of sexual offences legislation.

4. Services

The Consultant(s) shall produce a 20-30-page report on "A Roadmap for Reform of Sexual Offences Legislation". In doing so the Consultant(s) shall;

- a) Read and review relevant background material provided by the Trust, and interview the Trust's staff on the organisation's experience in conducting/assisting legislative reform in various countries;
- b) Identify, outline and analyse the formal process of legislative reform from inception, noting key differences in jurisdictions, the key players, the potential challenges and risks;
- c) Identify and explain any parallel informal process relevant to the legislative reform process, noting key stakeholders that should be engaged, potential allies and opponents;
- d) Outline and explain activities and their timelines which must be considered or engaged in as a part of a successful sexual offences legislative reform process;
- e) Prepare and deliver a presentation of the research and its implications on advocacy for reform of sexual offences legislation;
- f) Incorporate any other related issues arising from review of draft papers submitted to the Trust.

5. Deliverables

The Consultant(s) shall deliver:

- A detailed inception paper/outline of the research paper;
- A draft research paper on "A Roadmap for Reform of Sexual Offences Legislation";
- A two-hour workshop with members of the Trust's staff on the findings of the research;
- A finalised research paper "A Roadmap for Reform of Sexual Offences Legislation".

Please note, the selected Consultant(s) shall agree to assign to the Trust all right, title and interest in and to all the Deliverables produced, including without limitation everything outlined above and any analyses/reports/presentations, which shall be the sole and exclusive property of the Trust. The Consultant(s) shall not make any use of any of the Deliverables in any manner whatsoever without the Trust's prior written consent.

For the avoidance of doubt, any intellectual property (i) owned by the selected Consultant(s) prior to the signing of any contract between the selected Consultant(s) and the Trust, and (ii) any intellectual property independently developed by the selected Consultant(s) otherwise than pursuant to any contract with the Trust, would not be caught by the above assignment.

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	30% of Fees
II	Review of first draft	20% of fees
III	Satisfactory completion of all remaining deliverables	50% of Fees

7. Methodology

The Consultant(s) shall be responsible for producing the methodology for this assignment. The methodology must include interviews with the Trust's staff as a preliminary step in conducting the research and key informant interviews with stakeholders as agreed with the Trust.

The methodology and other relevant aspects of the proposal will be further developed and refined in collaboration with the Trust's Research Lawyer.

8. Experience Required

- Law degree and advanced degree in criminal law, human rights, sociology, politics, or equivalent experience;
- Very high attention to detail and ability to conduct complex research, critically analyse legal and advocacy documents, research reports and papers;
- Demonstrated experience working on or conducting research on legislative reform of sexual offences, particularly in Commonwealth nations;
- Experience and/or qualifications in strategic messaging/communications is highly desirable;
- Experience in conducting informal lobbying/advocacy for sexual offences reform is also highly desirable;
- Excellent writing skills; and
- Fluency in English.

9. Reporting

The Consultant(s) 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(s) also will seek written approval from the Trust's Head of Legal should any need to depart from the agreed outline 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(s) is/are 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(s) 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.

11. Submission of Proposals

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

- i. Detailed CV of not more than two pages;
- ii. A cover letter outlining relevant experience and skills (kindly state whether you wish to be considered for the informal or formal process or both);
- iii. Samples of work products on a 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 "Sexual Offences Reform Road Map– [name of Consultant(s)/agency]".