

Terms of Reference

Provision of Technical Assistance on Conflict-Related Sexual Violence

Background

The phenomena of CRSV is a long-standing multifaceted human rights violation characteristic of civil conflict and violence in Myanmar. It has an array of dimensions including health, legal, justice, psychosocial, gender, sexuality, livelihoods and more. While the contexts of each state and conflict vary, CRSV is a common thread over successive decades. Following the events of the February 1 2021 military takeover in Myanmar, reports and risk of further CRSV, in conflict-affected regions and in sites of detention have increased.

The Myanmar Armed Forces (Tatmadaw) has remained listed in annual reports of the SRSG CRSV from 2017, in addition to being listed in SRSG Children and Armed Conflict (CAAC) report for new violations starting in 2017, including rape and sexual violence. The highly detailed August 2018 report of the Fact Finding Mission (FFM) on Myanmar provided fine-grained evidence of widespread perpetration of CRSV in Myanmar with a focus on violations during the 2017 so-called “clearance operations” in Rakhine State and information related to Kachin and Shan States. The seminal 2018 report was followed by a set of thematic reports including one dedicated to GBV on 22 August 2019. This dedicated report provides further analysis of CRSV patterns and trends including the targeting of Rohingya civilians including men and boys and transgender populations, evidence of perpetration against Rakhine civilians, and more elaboration on the nature of violence against civilian populations in Kachin and Shan States.

The events that took place on February 1, 2021, radically shifted the political and conflict landscape within Myanmar. The listed party are now the de-facto authorities. The near total shutdown of the Myanmar public healthcare and legal justice systems has significantly impacted the ability of GBV survivors to access timely, effective and multi-sectoral support services. Many women-led organisations and rights organisations that would traditionally provide frontline services have limited or suspended services and also face a number of operational issues due to the coup and COVID-19, such as increased checkpoints, telecommunication shutdowns, price shocks and procurement challenges.

The former Government of Myanmar (GoM) signed a Joint Communiqué with the Special Representative to the Secretary General on Sexual Violence in Conflict (SRSG SVC) in December 2018 following a year of negotiation. This includes agreement to develop a joint plan to undertake measurable action. The JC commits to six preventative measures:

- Legal reforms and strengthening the rule of law;
- Training and capacity building of justice and security sector actors (including Tatmadaw, Military Police, Border Guard Police and Myanmar Police Forces) particularly on investigation and prosecution of sexual violence; and on International Humanitarian Law including Protection of Civilians;
- Effective access to strengthen service delivery for survivors of sexual violence including medical, psychological, legal and livelihood support particularly in conflict areas;
- Prevention of sexual violence in specific provisions of any peace and/or repatriation agreements including those related to security arrangements, transitional justice mechanisms;
- Exclusion from amnesties of perpetrators of sexual violence;

- Risk mitigation measures against CRSV and awareness raising on sexual exploitation/ violence with Border Guard Police and immigration officials.

Despite initial positive steps earlier in 2019, prior to the coup tangible and meaningful progress toward the implementation of the JC has been weak. In March 2019 the former GoM established a National Committee on the subject including a wide range of relevant ministries. In July 2019 the former GoM issued a draft national action plan on CRSV developed without coordination or consultation with the UN. The former GoM did not accept the position of SWPA in Myanmar, however, it is feasible that an SWPA could be placed to support Myanmar in 2022. It is unclear how the listed party and de-facto authorities will continue to operate these administrative mechanisms and progress in the area of CRSV moving forward, however, with the guidance of the SRSG, UNFPA may be requested to provide and coordinate technical support on Joint Communique implementation in 2022.

The five UN Security Council resolutions on CRSV lay out the architecture for policy and practice at the country level. A central element is the aforementioned MARA. This includes several elements:

- A UN MARA Working Group comprising relevant UN entities tasked with regularly reviewing trends on CRSV and compiling inputs for periodic reporting to the SRSG and ultimately the Security Council;
- A Joint Consultative Forum (JCF) to engage a wide range of actors on CRSV including government, CSOs, NGOs, donors and the UN, of which is no longer feasible, however adaptations have been made to ensure CSOs, NGOs, donors and the UN are engaged;
- Encouragement to regularly consult and engage CSOs and NGOs on this matter.

Following the SRSG's mission to Myanmar in February 2019 and a follow-up mission by her team in August 2019, UNFPA has been coordinating efforts to establish the MARA. We have worked to operationalise the concept of meaningful participation advanced over successive Security Council resolutions since 2000 and specifically identified by the UN Secretary General in 2018 in his annual report as the cornerstone of the Women Peace and Security agenda. In Myanmar and related to this complex sensitive issue this has meant working to lower the barriers for women's organisations to engage on this issue through convening dedicated CSO and NGO meetings to elevate understanding of the UN architecture on CRSV, linkages to international law, and opportunities for action. This has also included translation of a range of materials into Burmese to enable more CSOs and NGOs to learn more about central concepts such as survivor centred care, international standards for good practice on data collection, gender-sensitive humanitarian response, media engagement on ethical GBV/CRSV reporting and more. In Myanmar, it is the CSOs and NGOs that typically provide frontline support services for CRSV and GBV survivors. This outreach is predicated on the fact that more targeted engagement with CSOs is vital to support and enhance their capacities in providing survivor-centred, safe and timely services to survivors in need of multi-sectoral support. This CSO engagement and support is critical because poorly funded women's organisations and CSOs are at the forefront of responding to CRSV and could be an essential source of data for reporting and accountability.

Purpose

The purpose of this assignment is ensure the provision of strategic and appropriate technical assistance from national and international experts to UNFPA to deliver a range of activities and technical assistance to advance to implementation of the Joint Communique.

Objectives

The objective of this assignment is to provide technical assistance to support improved accountability and prevention of CRSV through meaningful (demonstrable, evidence-informed, effective) implementation of Myanmar's Joint Communiqué (and other UNSCRs), and promote survivor-centred approach in CRSV responses post-coup.

Scope of the Assignment

International and national experts are required to provide appropriate technical assistance on CRSV; the experts must be knowledgeable on the issues of CRSV as well as the situation and key stakeholders in Myanmar. This terms of reference and related contract is applicable to the implementation of the current donor-funded project in 2022. Key deliverables are outlined below, however, specific needs for technical assistance may vary depending on the evolving human rights and humanitarian context and resulting needs that may arise during the contracting period particularly as it is difficult to predict the events of the developing political situation during this period.

Broadly, the selected contractor will provide technical assistance to UNFPA on the following areas: (1) regular analysis of CRSV-relevant issues in Myanmar; (2) engagement, information sharing and capacity building of CSOs, NGOs, and other key civil society actors; (3) development of resources to promote survivor-based approaches to reporting, data collection, and case management for a range of actors; and (4) strategic advice.

Activities

The recruited firm/agency/consultants will be expected to provide the technical assistance including preparing strategies, background materials, agendas and related reports to implement the following activities:

Activities	Deliverables	Timeframe
Initial meeting with UNFPA, sharing of materials and resources, and preparation of a more detailed work plan	1. Detailed implementation plan	Mid-March 2022
Coordinate two capacity building events in 2022 on CRSV for at least 10 CSOs whose selection will be agreed with UNFPA; contractor will be responsible to identify training needs, develop materials, and facilitate training in coordination with UNFPA GBV team to maximize synergies	2. Meeting reports for capacity building events with list of participants	End July 2022 (1st one) End November (2nd one)
Finalize development, translation, layout/design and launch of the Myanmar-specific code of conduct for ethical reporting/data collection on GBV	3. Myanmar Code of Conduct	End July 2022
Develop 3 quarterly updates on CRSV trends in Myanmar to inform a quarterly report to SRSG and other needs identified by UNFPA for Quarters 1-3, 2022	4. Quarterly Reports	First weeks of April; July; October, 2022

Tip Sheets/ resources developed for EHOs to improve survivor-centered care for GBV survivors	5. 3 tip sheets	At least one tip sheet submitted by July, October, and December
Develop agendas, prepare materials and facilitate two learning events for CSOs, I/NGOs, UN, donors, etc on CRSV to improve knowledge sharing and advocacy	6. Meeting reports and participants' lists	Reports submitted by July (1st event) and November (2nd event)
Develop consultation strategy and process with CSOs, INGOs, MARA and GBV Working Groups to draft inputs for the 2022 SRSG Annual Report	7. Draft inputs for SRSG report	End November to UNFPA
Participation and technical contributions, as required, to quarterly MARA Working Group Meetings, donor briefings, and engagement with relevant local stakeholders, if required and availability to provide technical advice and consultation on CRSV issues during the contract period, as needs arise.	8. Final report	Throughout the contract duration

It is anticipated that the payment schedule will be based upon submissions of deliverables in batches, however, individual deliverables can be submitted before the invoice dates. The final payment schedule will be agreed during contracting, however, it is anticipated that the payments will be transferred to the contractor in three instalments paid in: March; August and December, 2022.

Inputs

Contributions from UNFPA

UNFPA will provide coordination and technical support to the contractor through the Country Office team and field offices. UNFPA will provide background briefing and relevant materials and documentation to the selected contractor and remain available for regular consultation and engagement. For branding/visibility purposes, UNFPA will chair and serve as the secretariat of the MARA Working Group, and maintain communications with CSOs and other actors with inputs provided by the consulting team. UNFPA will also be responsible to cover meeting costs related to venue, refreshments, interpretation, data packages and associated travel for consultants and participants.

Contribution from the Contractor

The contractor will provide the staff and technical expertise to develop strategies, agendas, resources and facilitation of capacity building sessions, seminars and other activities. Where noted, deliverables should be in English and Burmese with the translation provided by the contractor.

Travel Costs

Given the extent of travel restrictions currently in place in Myanmar due to COVID-19, military coup and the current budget arrangements with the donor, travel costs do not need to be included in the budget. UNFPA Myanmar has dedicated budget for the travel of international consultants and national consultants that can be utilized, if travel becomes necessary.

Skills and experience required

The contractor is required to demonstrate strong experience in Myanmar related to CRSV, GBV prevention and response as well as an established network of international and national contacts on these issues. The contractor must have a mix of relevant experience of the global arrangements and resolutions related to CRSV, survivor-centered GBV prevention and response, and key stakeholders and peace-building processes in Myanmar, as well as an understanding of the role of the UN on CRSV in the Myanmar context. Team members should be sensitive to understanding the complexities of CRSV, strategic in terms of understanding opportunities for engagement, and comfortable to promote and uphold human rights and international standards. Furthermore, the time period for implementation is limited therefore the team must be equipped to undertake multiple tasks simultaneously and have a history of delivering on relevant tasks and assignments. Myanmar language skills are critical.

Qualifications

The consultant team must offer the following demonstrated experience, knowledge and competencies, and any regional consultants selected will ideally have the same qualifications and will be required to have in-depth knowledge of the UN and issues in Myanmar:

- Significant knowledge and experience of conflict-related sexual violence and related UN Security Council Resolutions on Women, Peace and Security as well as the UN system, including the roles of the Office for the Special Representative on Sexual Violence in Conflict (OSRSG SVC) and Department of Peace Operations (DPO), UN Action, and the architecture of the MARA
- Good knowledge of national actors including women's organizations and civil society organizations, as well as understanding of gender and GBV in peace-building in Myanmar
- Strong technical knowledge of gender-based violence prevention and response with demonstrated knowledge of survivor-centered approach, ethical data collection, multi-sectoral referral, with experience in Myanmar, preferred
- Network and ability to mobilize international expertise for inputs into development of good practice guidance contextualized for Myanmar, and local civil society and women's organizations for CSO engagement
- Excellent consultation and involvement skills
- Recent experience with gender equality issues and knowledge of mainstreaming gender equality into policies, programming and development
- Facilitation skills and skills in involvement of diverse and inter-disciplinary stakeholders
- Language skills in English, Myanmar and other ethnic languages spoken particularly in conflict-affected states in Myanmar
- Excellent analytical and communication skills
- Excellent writing and reporting skills
- Computer literacy in Word, Excel and PowerPoint
- Postgraduate qualifications in social sciences and/ international development



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