



## TERMS OF REFERENCE

### **Strategy Paper: SDG#5 Access to Sexual and Reproductive Health and Rights and Violence against Women services by Migrant Workers in Malaysia**

#### **1. GENERAL BACKGROUND**

Achieving sustainable development speaks to quality development and equal opportunities for everyone to fulfil their full potential. Enabling women to participate equally in employment and have a safe and healthy environment is crucial for the impact it brings on the economic and social wellbeing of our society.

This evidence also sustains that transformation requires strong leadership and political will, a supportive legislative and regulatory system and adequate resources. The Beijing Platform for Action recommends that the responsibility for driving Gender Equality be placed at the highest decision-making level of government.

*Safe and Fair: Realizing women migrant workers' rights and opportunities in the ASEAN region (2018/2022)* ("Safe and Fair"), is part of the EU-UN Spotlight Initiative to eliminate violence against women and girls, a global, multi-year initiative between the European Union and United Nations. Safe and Fair is implemented through a partnership between the ILO and UN Women, in collaboration with UNODC, with the overriding objective of ensuring that labour migration is safe and fair for all women in the ASEAN region. The project aims to address women migrant workers' vulnerabilities to violence and trafficking, strengthen rights-based and gender-responsive approaches to violence against women and labour migration governance and support access to essential services.

Safe and Fair is implemented in the ASEAN region, in countries of origin (Cambodia, Indonesia, Lao PDR, Myanmar, Philippines, Vietnam) and countries of destination (Brunei Darussalam, Malaysia, Singapore and Thailand), working with women migrant workers, ASEAN Member States' government authorities, ASEAN institutions, and worker, employer, civil society and community-based organizations.

Safe and Fair works in close cooperation with governments and social partners to achieve three inter-linking specific objectives:

- (1) Women migrant workers are better protected by gender-sensitive labour migration governance frameworks;
- (2) Women migrant workers are less vulnerable to violence and trafficking and benefit from coordinated responsive quality services;
- (3) Data, knowledge and attitudes on the rights and contributions of women migrant workers are improved.



Through the project, UN Women would like to strategically support the UN Gender Results Group in Malaysia to recommend the legislative and regulatory reforms that will enable women migrant workers' access to sexual and reproductive health and prevention of violence, as one of the appropriate path to accelerate the opportunities to boost women's capital and install capacity for the nation's future and to achieve the SDG#5. This contributes to the UN Gender Results Group in Malaysia's focus on accelerating SDG#5 through efforts of incorporating issues of gender equality and women's empowerment into the 12<sup>th</sup> Malaysia Plan.

Malaysia's path to Developed Country status would be greatly accelerated by empowering and enabling women to make the choices that best enable them to participate in the development of the country.

## **2. OBJECTIVE AND BACKGROUND INFORMATION RELATED TO THE ASSIGNMENT**

The objective of this assignment is to develop a Strategy paper for the 12<sup>th</sup> Malaysia Plan titled "SDG#5 Sexual and Reproductive Health and Rights (SRHR) and Violence against Women Migrant Workers (VAWMW)" – and for this purpose 1) to undertake the necessary review and assessment based on existing secondary data sources, including data from UN agencies reports, national databases as well as from service providers; 2) to organize consultations with the Ministry of Human Resources and service providers on the need for industrial legislation to ensure SRHR and end VAWMW, and 3) to develop strategic recommendations for incorporation into the 12 MP. The review, assessment and recommendations should look at accelerators that will facilitate boosting women's contribution to the economy in the following categories:

- 1) Dedicated legislation and regulatory reforms to guarantee women migrant workers' sexual and reproductive health and rights and safety that provide equal workplace conditions, including the processes required by Ministry of Human Resources to enable the legislation and regulatory reforms;
- 2) Rights based and survivors-centred approaches integrated into legislation and regulations on prevention and response to VAWMW, ensuring the establishment of clear preventive and attention platforms to violence against women migrant workers at the workplace.

The strategy paper should also consider the impact of lack of access and information on sexual and reproductive health and rights and violence against women migrant workers, including sexual harassment and sexual violence, exercised within the workplace and the effect on the community.

The strategy paper will form part of the substantive and analytical support to the Government in the formulation of Malaysia's next Development Plan (**12th Malaysian Plan/12 MP**) for the period 2021-2025 as well as input to the Common Country Assessment (CCA) for the UN Sustainable Development Cooperation Framework (UNSDCF) that will be developed and implemented in parallel with the 12 MP.

The registered organization is expected to develop a Strategic Paper (not more than 20 pages) of the legislation and regulatory reforms recommendations and provision of evidence-based policy recommendations to construct the legislation and regulatory reforms that protect women migrant workers' sexual and reproductive health and rights and safety, as part of the path to women's



contribution to the nation's greater development. This contributes to the vision of advancing gender equality by 2025 that could be adopted as a national policy in the 12th Malaysia Development Plan, with clear defined functions and resource prioritization for the different pertaining public institutions, under the coordination of the designated institutional body and the direction of the gender or socio-economic cabinet task force. Furthermore, this vision to gender equality by 2025 could become part of a social compact given the great impact it may have in achieving the goal of becoming a higher developed nation.

### 3. DUTIES AND RESPONSIBILITIES

Under the technical supervision of the Ending Violence against Women Programme Specialist, the contractor will achieve the following objectives during its assignment:

1. Report on the successful organisation of consultations with a number of key women rights NGOs, Academia and/or Think Tanks; and the Ministry of Human Resources.
2. Draft strategy paper on the need for legislation and regulatory reforms to enable women migrant workers' sexual and reproductive health and rights and safety.
3. Present the draft strategy paper to the UNCT and members of the Gender Results Group.
4. Finalise and validate the Strategy Paper as input to the 12MP

### 4. EXPECTED OUTPUT/DELIVERABLES

Deliverables	Activities/ Tasks	Estimated timeline
Finalised and agreed methodological note	Draft and submit a comprehensive methodological note	20th June 2019
Submitted draft report	Draft and submit a report on the successful organisation of consultations with at least 10 = key women rights NGOs, academia/think tanks, the Ministry of Women, Family and Community Development and the Ministry of Human Resources to support recommendations for legislation and regulatory reforms based on analysis of the causes and bottlenecks to equal opportunities due to lack of access to SRHR and VAW.GBV services.	05th July 2019
First draft of the Strategy Paper and summary of the presentation	Prepare a first draft of the Strategy Paper and present it to the UNCT and members of the Gender Results Group for feedback	24th July 2019
Finalized strategy paper	Finalise Strategy Paper as input to the 12MP	9 <sup>th</sup> August



(at least two rounds of revision from the technical committee)		2019
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## 5. APPROACH, METHODS AND ETHICAL CODE OF CONDUCT

The research will be conducted through a transparent and participatory process. The research will be carried out in accordance with WHO (2016) Ethical and Safety Recommendations for Intervention Research on Violence Against Women; WHO (2007) WHO Ethical and safety recommendations for researching, documenting and monitoring sexual violence in emergencies; WHO (2003) Ethical and Safety Recommendations for Interviewing Trafficked Women; ILO (2012) Hard to See, Harder to Count: Survey guidelines to estimate forced labour of adults and children. The research methodology should adhere to UN Women quality standards and the researchers will have to ensure reliability and validity of data collection tools and methods. Primary data, information and quotes from the interviews will be treated with confidentiality, only accessed by the research team, United Nations Country Team- Malaysia and designated officers from the Programme Safe and Fair. The reporting should ensure that the sources cannot be tracked to individuals.

UN Women- Regional Office for Asia and the Pacific reserves the right to ensure the quality of products submitted by the contractor and will request revisions until the product meets quality standards. All data collected by the contractor must be provided to UN Women, UNFPA and United Nations Country Team- Malaysia. UN Women and United Nations Country Team- Malaysia has exclusive world rights in perpetuity on data of the study and should be permitted to use data in all countries without a time limit. Before the contractor moves any data or research output on the wire, she/he should contact UN Women to obtain consent. UN Women can provide the finished and raw data to other UN organizations, partners, regional, national and local institutions, media and donor at no cost, as is the practice.

## 6. TIMELINE

Total duration of the engagement is from June to August 2019.

## 7. DEGREE OF EXPERTISE AND QUALIFICATIONS

### QUALIFICATIONS OF THE ORGANIZATION:

- Legally constituted organization with a valid registration
- Minimum 5 years of experience in conducting policy analysis on VAW/GBV and migration and/or academic research on the issue
- Working experience with United Nations and international organization is an advantage
- At least 3 references



- Proof of previous work on similar topic

#### **Education, Work Experience of the Team Leader**

##### **Education:**

- Minimum Masters' degree in Gender Studies, Law Studies, Sociology, Sustainable Development, Governance, Development Economics, Economics, or related areas.

##### **Experience:**

- At least 5 years relevant experience working in policy analysis and/or research, with substantial experience on engaging with government, civil society organisations and other stakeholders on gender related issues, including advancing gender equality EVAW and migration issues; MDGs/SDGs, social or civic engagement.
- Familiarity of the legal and policy environment in Malaysia and recent or impending legislative or constitutional changes with regards to women migrants' human rights.
- Excellent drafting, presentation, communication and negotiation skills in English;
- Strong facilitation, coaching and report writing skills.
- Strong analytical capacity, including the ability to analyse and articulate differences of positions among a large number of stakeholders and develop acceptable solutions.
- Strong analytical and organizational skills.

#### **Education, Work Experience of the Team member**

##### **Education:**

- Minimum Masters' degree in Gender Studies, Law Studies, Sociology, Sustainable Development, Governance, Development Economics, Economics, or related areas.

##### **Experience:**

- At least 2 years relevant experience working in policy analysis and/or research
- Familiarity of the legal and policy environment in Malaysia
- Strong analytical capacity
- Strong analytical and organizational skills.

#### **8. SUBMISSION OF QUOTATION**

Interested legally constituted organizations are encouraged to submit their quotation through UN Women E-Procurement system.

*Submission package includes:*

- Updated CV for the team leader and team member
- Writing samples and preliminary methodological proposal
- Company profile
- Company registration
- Quotation with breakdown of budget lines as per required deliverables.