



**Spotlight  
Initiative**  
*To eliminate violence  
against women and girls*

Initiated by the European Union and the United Nations:



## **TERMS OF REFERENCE**

### **National Institutional Consultancy: Legislative/Policy Analysis Family Violence Laws/Policies in Guyana**

<b><u>Country Office:</u></b>	Guyana - Suriname
<b><u>Duty station:</u></b>	Georgetown
<b><u>Consultancy title:</u></b>	<b>Legislative Analysis of Family Violence Laws/Policies in Guyana (including the Domestic Violence Act, 2006 and its Policy)</b>
<b><u>Supervisor:</u></b>	Child Protection Specialist
<b><u>Duration of Contract:</u></b>	70 Days

### **NOTE**

This Terms of Reference is for a local institutional consultant to prepare Guyana's legislative and policy analysis on Family Violence (including Domestic Violence legislation and policy). In addition to the legislative analysis (this consultancy, (including the articulation of specific recommendations for Guyana to strengthen the legislative and policy basis for the prevention and response to domestic/sexual/school-based violence) is expected to work with partners to propose 1. Model legislation for Guyana on Family Violence (including Domestic Violence and any proposed adjustments for legislation related to sexual violence) 2. Provide specific policy recommendations relating to Domestic Violence and Sexual Violence and 3. Work along with the proposed teams on related work on emerging forms of violence and specific policy(ies) relating to the use of restorative justice in domestic violence. Note that the term "domestic violence" may be beyond the parameters of "intimate partner violence" and may take into consideration issues relating to "family violence"

### **Background:**

The Spotlight Initiative is a global partnership between the United Nations (UN) and the European Union (EU) to eliminate all forms of violence against women and girls in support of the 2030 Agenda on Sustainable Development. It was launched in September 2017 by the UN Secretary-General and the EU High Representative and Vice President (HRVP). This initiative provides a model for partnerships with donors, civil society, and the UN to deliver on the SDGs in a comprehensive manner leveraging comparative expertise. SDG 5 and the achievement of gender equality are placed at the centre of efforts (alongside Goal 16) with the aim to provide an enabling environment for the implementation of all goals. Within the UN, the Initiative will operationalize the UN development system reforms and model a new way of delivering on the SDGs in an integrated way, leveraging collaborative advantages. In Guyana, the focus of the initiative is on "family violence"- which includes sexual and gender-based violence, intimate partner violence and school-based violence.



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For Guyana, one of the objectives in the programme is to conduct legislative and policy analysis on family violence (including domestic and sexual violence; and produce clear specific recommendations for action by all stakeholders- including Members of Parliament. The prevention and elimination of violence is a top priority and this consultancy is critical to documenting the successes and challenges to implementation of the legislation and policy (including with respect to both domestic and sexual violence)- especially in light of Guyana's ratification to Human Rights Treaties- including CEDAW and the CRC. Moreover, this consultancy is also critical within the context of capturing both the successes and challenges to the implementation of the current legal and policy frameworks, in order to ensure that the current or proposed new legislation/policy can work for all. This will contribute to the strengthening of Guyana's enabling environment and the creation of particular measures (e.g. for rural and interior locations) to contribute to the operationalisation of the legislation.

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### **Purpose of the study:**

Under the overall guidance of UNICEF, the purpose of this consultancy is to prepare Guyana's legislative and policy analysis on Family Violence (including Domestic Violence legislation and policy). This is an analytical review of the legislation/policy (family violence) including both domestic violence and sexual violence (i.e. Domestic Violence legislation and Policy and Sexual Offences legislation). The review must take into consideration the standards as set out in Guyana's treaty obligations and the success/challenges to implementation in the following sectors: judicial, health, social protection, education, financial and public security in order to offer comprehensive and specific recommendations for follow-up. Based on the analysis, the consultancy is expected to propose any model legislation and/or policy needed to: i) Counter the challenges to implementation and ii) promote successes for the prevention and reduction of domestic and sexual violence in Guyana. Further, the findings and recommendations from this review will allow for specific follow-up and actions of the key recommendations for the sectors

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### **Scope and focus:**

The critical research questions to be answered are as follows:

- I. Is Guyana's legislative and policy on domestic and sexual violence in compliant with international standards- e.g. as set out in the CEDAW and CRC?
- II. Is there a need for an overarching legislation on family violence- including the reasons for and against and the legal and policy options for this change?
- III. What are the positives/facilitating factors under the legislation (this especially includes the Domestic Violence legislation and policy)?
- IV. What are the current (and possible future/emerging) challenges with legislation/policy? As an example- What are the emerging issues- with respect to domestic violence that ought to be considered and recommendations from addressing these (e.g. with respect to the LGBTQ communities, Indigenous Communities, persons with disabilities, children, and new forms of violence- e.g. online violence through the use of social media)?
- V. What are the specific factors affecting implementation of both the legislation and policy on domestic and sexual violence?



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- VI. What are the specific issues with the Interim, Protection, Occupation and Tenancy Orders under the Domestic Violence Act?
- VII. Is there provision for consequential amendments to other legislation and/or resolution of conflict of laws?
- VIII. Should any changes be considered to the type of relationships covered by the Act, Regulations and Policy?
- IX. Does it reflect and reinforce existing positive practices?
- X. Are there any institutional issues and existing or new accountability mechanisms that need to be taken into consideration?
- XI. How well does the policy and/legislation respond to issues related to geography (e.g. remoteness of target populations), persons with disabilities, youth or migrant populations?
- XII. Does the legislation make provision for implementation factors including: Identification of duty bearers and responsibilities.

### **Process and methodology:**

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This is largely a qualitative assessment. The consultant will be expected to draft tools for this assessment during the inception phase of the report, including tools for the focus group discussions and key informant interviews. These interviews may also include a representative sample of complainants under the current legislation/policy. Additionally, the consultant is expected to work with a number of sectors (including Public Health, Education, Communities and Housing), the University of Guyana and Civil society as stakeholders during the conduct of this study, given the inter-sectoral nature of domestic violence

Under the overall guidance of UNICEF, this consultancy will be conducted in the three following phases

#### **Phase 1**

- Meet with UNICEF and line Ministry to inform the preparation of a detailed workplan and schedule for the consultancy; discuss and proposed needs.
- Conduct desk review
- Draft tools for this assessment

#### ***Deliverable 1:***

- *Inception report with detailed workplan, draft tools for assessment and template for final report*

#### **Phase 2: Consultation, analysis and draft report**

- Conduct consultations with stakeholders (including from Government Ministries, the University of Guyana and Civil Society Organisations.)
- Prepare draft review report
- Report periodically to the supervisor of the consultancy. This provides the opportunity to discuss progress and challenges as they arise in performing the necessary functions.
- Present findings to stakeholders

#### ***Deliverable 2:***



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- *Draft report with clear, specific recommendations (including proposed model law)*
- *Draft briefing notes for Cabinet*

### **Phase 3: Finalisation of Deliverables**

The consultant will:

- within 2 weeks of receiving the comments, on the draft report the consultant will revise, if deemed necessary, the deliverables in phase 2,
- prepare final report and action plan in English and submit electronic word versions.

#### ***Deliverable 3:***

- Final report- with proposed model law and plan of cation

### **Data Management**

The consultant is responsible for ensuring the absolute safety of all data (No data collected/reviewed for this consultancy or data to which the consultant is privileged during time of the consultancy, as direct or indirect result of being the consultant, can be shared and/or used by the consultant, neither can s/he approve the use of the whole or any part of it, for personal or professional purposes, other than those defined in these terms of reference, without approval, in writing, from all stakeholders jointly).

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### **Study team composition and competencies:**

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The analysis will be conducted by a suitably qualified institution, selected on the basis of their ability to demonstrate the following competencies:

- Master's Degree in Social or related Sciences. The team should include a practicing Attorney-At-Law (with a least 5 years' experience in domestic violence and sexual offence cases)
- A minimum of 10 years of related work experience– including knowledge of and working with government partners
- Excellent and proven analytical skills
- Excellent and proven English writing skills
- Excellent organizational and communication skills, ability to prioritize and work with minimum supervision
- Good understanding of the of child protection issues, criminal justice and child protection issues
- Experience of facilitating consultation and workshops with both government and civil society partners



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- Sound knowledge of the Domestic Violence Act 2006 and the Sexual Offences Act
- The team must be able to work independently.

#### **Deliverables, timeframe and payment arrangements:**

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These are as follows:

Soft copies of reports must be submitted to UNICEF Guyana:

<b>Phases</b>	<b>End Product/deliverable</b>	<b>Working days</b>	<b>Payment (%)</b>
Inception Phase	Inception Report including workplan, and data collection tools. Desk Review	10	25%
Data collection/Field Work	Please note that findings will be included in field work and the contract will include costs to cover field work. Invoice to be submitted based on target audience and communities)	15	25%
Reporting writing	Draft Report on the analysis-including on issues of compliance, positive factors for implementation, challenges and gaps  (Note that report will be shared with stakeholders for comments)	25	25%
	Final Report Briefs for Policy Makers (including members of parliament) PowerPoint presentation (The consultant will be expected to present the findings of the study through a meeting organised by UNICEF.)	20	25%
Total		70	100

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#### **Procedures and Logistics:**

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The consultant will be expected to work independently (that is, no work space or IT facilities will be provided for the consultant), however a small fee will be provided for printing costs (as part of the field work costs). All reports/deliverables must be submitted in soft copy.



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#### **Conditions:**

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- The nature of the contract will be temporary.
- The consultant is expected to conduct all work independently of the Ministry, in accordance with and in line with the accountabilities section of this ToR.
- Payment will be made on the mutually satisfactory completion of deliverables.
- All interested persons will be invited to submit a technical (first) and shortlist candidates a financial proposal.
- UNICEF will offset the financial costs of all field visits and the consultant is expected to organise his/her own travel and coordinate all key informant interviews/focus group discussions