



CALL FOR PROPOSALS

Project Title:	Action oriented advocacy research to inform key stakeholders efforts to end gender-based discrimination and violence against women in the Western Balkans and Turkey under the Programme “ <i>Ending Violence against Women: Implementing Norms, Changing Minds</i> ”
Purpose:	Selection of qualified responsible party for the Programme
Duration:	June 2018 – December 2018 (tentatively)
Contract Type:	Project Cooperation Agreement
Scope:	Western Balkans and Turkey (Regional)

Deadline for submissions: **30 April 2018**

The United Nations Entity for Gender Equality and the Empowerment of Women (UN Women) is inviting women’s rights organizations, civil society organizations (CSOs) with expertise on research on ending violence against women and/or gender equality, research institutions and/or study centers to conduct an action-oriented advocacy research to inform key stakeholders efforts to end gender-based discrimination and violence against women in the Western Balkans and Turkey.

Terms of Reference

I. Background

According to the regional Beijing +20¹ review for Turkey and the Western Balkans - Albania, Bosnia and Herzegovina, Kosovo², the former Yugoslav Republic of Macedonia, Montenegro, and Serbia - the pervasiveness of multiple levels of discrimination, the re-emergence of strong patriarchal structures and unequal power relations between women and men, as well as the rising prevalence of different forms of violence against women and girls (VAWG), require concerted attention. According to different studies in the region, between 55-60% of women have been exposed to some form of domestic violence during their lifetime.³

Although normative frameworks on ending gender-based discrimination and VAWG have been adopted, gaps remain in national legislative framework as regards the failure to recognize all forms of violence against women and to adopt a holistic approach that addresses the root and structural causes of violence against women. Moreover, there is a lack of effective remedies to address the main manifestations of violence against women, owing either to the absence of specific programmes or to a lack of implementation. The lack of full ability to ensure accountability and redress for victims leads to discriminatory treatment of victims, and in some cases to failure in protecting them.

Opened for signature in Istanbul in May 2011, the Council of Europe (CoE) Convention on preventing and combating violence against women and domestic violence (known as the Istanbul Convention) is the first legally-binding instrument in Europe in this field, and in terms of scope, the most far-reaching international treaty to tackle this serious violation of human rights. It aims at zero tolerance for such violence and is a major step forward in making Europe and beyond a safer place. By ratifying the Istanbul Convention, governments are obliged to change their laws, introduce practical measures and allocate resources to effectively prevent and combat violence against women and domestic violence. The Istanbul Convention codifies established standards, jurisprudence and developments at international level, as well as best practices at national level, thereby lending them more weight and ensuring their wider application. In addition to international standards and developments, the Istanbul Convention based several of its provisions on relevant jurisprudence. It reflects case law from the European Court of Human Rights in the area of gender-based and domestic violence, and from the body of case law from the Committee on the Elimination of Discrimination against Women (CEDAW), most of which deals with gender-based violence.

Albania, Bosnia and Herzegovina, Montenegro, Serbia and Turkey ratified the Istanbul Convention prior to 2017; FYR Macedonia ratified it by decree on 5 December 2017. Kosovo is neither in the position to ratify CEDAW nor a State Party to the Istanbul Convention, but is included in the territory over which the Convention can — and should — be applicable.

¹ Beijing +20 marked the twentieth anniversary of the Beijing Declaration and Platform for Action, a global roadmap for achieving gender equality.

² All references to Kosovo on this document shall be understood to be in full compliance with UN Security Council Resolution 1244 (1999)..

³ Mapping domestic violence against women, 2010.

http://sigurnakuca.net/upload/Mapiranje_porodicnog_nasilja_prema_zenama_u_Centralnoj_Srbiji.pdf; Study of prevalence of violence against women in Bosnia and Herzegovina. Agency for Gender Equality of Bosnia and Herzegovina, 2014; Domestic Violence in Albania National population-based Survey, 2013. <http://evaw-global-database.unwomen.org/-/media/files/un%20women/vaw/vaw%20survey/albania%20vaw%20survey.pdf>; Shadow report on the implementation of the CEDAW in former Yugoslav Republic of Macedonia, 2012. http://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/MKD/INT_CEDAW_NGO_MKD_13285_E.pdf

The European Court of Human Rights (ECHR) is the core judicial organ of the CoE responsible for evaluating state compliance with the European Convention on Human Rights and Fundamental Freedoms (ECHR) and/or its additional Protocols. Through the Court's decisions, violence has been recognized as a form of discrimination, torture (i.e. rape and sexual violence) and a violation of the right to life, among many other interpretations. Individuals, groups of individuals, or one or more of the contracting states who believe a state party has violated their civil or political rights guaranteed under the ECHR, can file an application with the Court for review. If the Court decides a state has violated the relevant applicant's human rights, the final ruling is transmitted to the Committee of Ministers to oversee compliance with the Court's recommendations. The Court also has the power to issue advisory opinions, which provide guidance on the ECHR through practical interpretations of the rights contained in the agreement. The CEDAW Committee has recommended that States work with academics and civil society to undertake "qualitative studies and critical gender analysis in order to highlight practices, procedures and jurisprudence that promote or limit women's full access to justice"; and act on the recommendations of these analyses to ensure the gender sensitivity, accessibility and accountability of the justice system".

II. Objective of UN Women's support

Through the programme "Ending violence against women and girls: Implementing norms, changing minds" (February 2017- January 2020) funded by the European Commission (IPA II), UN Women aims at ending gender-based discrimination and violence against women, with a particular focus on the most disadvantaged groups of women, in the Western Balkans (Albania, Bosnia and Herzegovina, Kosovo⁴, FYR Macedonia, Montenegro, and Serbia) and Turkey. For this purpose, the programme "Implementing Norms, Changing Minds" seeks to create an enabling normative environment in line with international and regional standards on eliminating violence against women and other forms of discrimination; and empower women and girls who have experienced discrimination or violence to advocate for and use available, accessible, and quality services.

The main feature of the programme is its partnership with Civil Society Organizations (CSOs), as drivers of citizenship, acknowledging their role in strengthening democracy, providing services to those in need and reaching and mobilizing communities to end discrimination and violence against women. The programme's main partners are women's rights organizations and CSOs that are working on gender equality and ending violence against women at the country and regional levels and that are both implementing and benefiting from programme activities from civil society, in particular women's organizations, and play a crucial role in the promotion of gender equality and women's rights. They are key advocacy stakeholders in terms of moving governments from commitments to implementation in relation to international normative standards. They are also key stakeholders in the provision of services that are essential in the establishment of multi-sectoral and coordinated mechanisms to adequately respond to the needs of survivors of violence. Furthermore, women's organizations are key stakeholders in ensuring that the perspectives and voices of the most excluded and discriminated against groups of women are heard by policy-makers.

The CEDAW Committee has emphasized that states should consult with women's groups and civil society organizations to develop legislation, policies and programs in the criminal justice system to ensure that states "create supportive environments that encourage women to claim their rights, report crimes committed against them and actively participate in criminal justice processes; and take measures to prevent retaliation against women seeking recourse in justice".

⁴ This and all other references to Kosovo in this document shall be understood to be in full compliance with UN Security Council Resolution 1244 (1999).

With a view to improve women's survivors access to justice, UN Women is issuing a Call for Proposals (CfP) **to select a responsible party to produce an action-oriented research to improve survivors of violence access to justice**. The action-oriented research will look at cases of violence in which the system failed to protect women in order to get an in-depth outlook on the causes and consequences that could inform and foster a constructive dialogue among EVAW key national and regional stakeholders. The assessment of why the system failed to grant justice and therefore protect women should be done vis-à-vis national normative framework, CEDAW Committee jurisprudence, ECHR decisions and judgements, and Istanbul Convention.

CEDAW case law/Communication Procedure has also an important influence in defining State responsibilities on gender-based violence. Almost half of its case law relates to gender-based and domestic violence. In these cases, the Committee stressed the importance of effective enforcement of the national legislations and stated that states cannot rely on the existence of laws alone; these laws must be actively enforced. CEDAW case law has the merit of influencing also the jurisprudence of the European Court of Human rights, including the famous *Opuz vr. Turkey* and subsequent cases.

Through its decisions, the ECHR becomes a living instrument. This means that the Court has the opportunity to interpret the right and freedoms outlined in the ECHR and apply these interpretations contextually, giving practical application of rights in specific contexts. When the Court delivers a judgement finding human rights violations, it is binding on the state concerned. This means that states are obliged to implement the judgement of the Court, whether it requires compensation be paid to the applicant or specific actions are required (e.g. through law, establishment of services). When a Court delivers a judgement, it not only identifies which rights were violated but defines the practical application of human rights in a specific context.

The Istanbul Convention (IC) requires sanctioning by states and obliges states to prevent offences, protect victims, prosecute perpetrators and have integrated policies (through criminal and civil law provisions, improved service delivery, resource allocation, and cultural transformation measures), and also obliges State Parties to cooperate with or provide support to NGOs to strengthen them by all means.

III. Purpose and scope of the action-oriented research

The action-oriented research will inform the programme's work on enabling a normative environment in line with international and regional standards on eliminating violence against women and other forms of discrimination; and on empowering women who have experienced discrimination or violence to advocate for and use available, accessible, and quality services. More particularly the study report will contribute to foster CSOs capacities in reviewing the implementation of national laws, and to assess the application of national laws in line with broader domestic legislation and relevant regional and international standards; and inform the provision of general and support services to survivors of violence, particularly in the justice sector field, and for improved case management. Ultimately the report will assist state authorities and European institutions in their efforts to end violence against women.

It is expected that the study report will cover, inter alia, the following:

- Identify two cases in each of the programme beneficiary countries (14 cases in total) in which the system has failed to grant justice to survivors, jointly with UN Women. Out of seven cases, at least three should be among women from minorities or marginalized groups. Women from minorities face multiple and intersecting forms of discrimination on the grounds of ethnicity, origin, disability, etc. 'Intersectionality' is a term developed in international human rights

discourse to express the fact that individuals may be subjected to discrimination or treated unequally in a variety of, or compounded ways, according to various facets of their identity. These multiple forms need to be taken into account in order to design methods of implementing rights obligations.

- Description of each case and examination of the actual application of relevant national normative frameworks in each of the cases under study, and how its application failed in each of the cases.
- Preparation of 2 human-interest stories illustrating some of the selected cases, In coordination with UN Women.
- Examination of CEDAW jurisprudence, ECHR's judgments and decisions, and IC in the cases under study, and how their application could have been better responded to each of the cases.
- In the cases of women belonging to minorities, the study should address the obligations of states at the intersection of gender-based discriminations' other forms of discrimination; an intersectional approach analysis is required.
- Examination to key relevant cases and standards from EU member states and embedding EU perspective acknowledging that justice sector reform is one of the key criteria in the accession process of the countries in the Western Balkans and Turkey.
- Based on each case study, concrete recommendations for CSOs, women's right defenders and key stakeholders to show the manner in which existing measures, jurisprudence and decisions could have worked to address the issue. Recommendations should be action-oriented and set the foundations to foster dialogue among key stakeholders to improve prevention, protection and prosecution.
- Drawn from the findings for each case, develop recommendations that could be applied to all programme participating countries.

Research methods should include but not restricted to desk review and in-depth face to face interviews in close cooperation with UN Women. Selection of cases, and particular focus of each case, should be done in close cooperation with and agree upon with UN Women.

V. Duration of project

From May 2018-December 2018 (tentatively)

VI. Budget Request

The proposed intervention size and budget request will have to fall between a minimum indicative amount of USD 60,000 and a maximum amount of USD 64,000. All currency exchanges will be calculated using the UN Operational Exchange Rate as per the date of the signing of the contract agreement between UN Women and the selected responsible party.

VII. Institutional Arrangement

The selected organization(s) will sign a Project Cooperation Agreement (PCA) with UN Women. A competitive selection process will take place to identify the potential Responsible Party. The CSO/CSO network will be selected only if it has proven capacity to deliver the proposed activity. The CSO's/CSO network's capacity will be assessed by UN Women as per UN Women's policies, rules and regulations.

VIII. Reporting

The selected partner will be the principal responsible party but will work closely with UN Women during programme implementation. The partner will provide regular narrative and financial reports in line with UN Women guidelines and requirements.

All knowledge products and communications materials that would be produced under this agreement must acknowledge the support and seek approval of UN Women. Furthermore, they should be in line with the EU Communication and Visibility tools and the EU-UN joint visibility guidelines.