

Terms of References

Post Title:	International Consultant - Review Civil Service Commission Legislation and Regulations to Align with ILO Convention 190 Regulation and Principles
Organization Unit:	CO-Jakarta
ILO Office:	Timor – Leste
Duration:	25 days

1. Background and Rationale

The Spotlight Initiative is a global partnership to eliminate all forms of violence against women and girls, which is being funded by the EU and implemented through 5 UN agencies in Timor-Leste (ILO, UNDP, UNFPA, UNICEF and UN Women).

This initiative will accelerate Timor-Leste's progress toward reaching its targets under the 2030 Agenda, particularly SDG 5, but also SDGs 3, 4, 8, 10, 16 “and 17.

The overall vision of the Spotlight Initiative in Timor-Leste is that women and girls enjoy their right to a life free of violence, within an inclusive and gender equitable Timor-Leste. The programme is aligned to the Timor-Leste "National Action Plan on Gender based Violence (2017-2021)" and National SDG Roadmap. It will contribute to the elimination of domestic violence / intimate partner violence (DV/IPV) by responding to the needs of women and girls and addressing the underlying causes of violence against women and girls, using a multi-sectoral and intersectional approach across the ecological model.

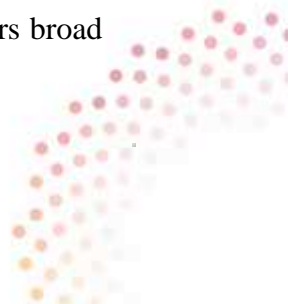
The spotlight programme will offer a concentration of a comprehensive and integrated package of interventions across the following six pillars: Pillar 1: Legislation and Policies; Pillar 2: Institutional strengthening; Pillar 3: Prevention of violence; Pillar 4: Available, accessible, and acceptable, quality services; Pillar 5: Quality and reliable data and; Pillar 6: Supporting women’s movements and relevant civil society organization.

The 5 agencies will work and complement each other across those pillars by engaging a range of actors and institutions at the national and sub-national levels and ensuring that actions at the national level will influence change at the sub-national levels, as well as and local actions will inform back the decisions at the national level.

The ILO contributes with its activities’ implementation to Pillars 1, 2, 3 and 4, with a strong focus on Convention 190, recognizing that violence and harassment is unacceptable, and that everyone has the right to a world of work free from violence and harassment. It offers broad



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protection to a variety of individuals and applies to the public and private sectors, to the formal and informal economy, and in urban and rural areas. The Convention defines violence and harassment as “a range of unacceptable behaviours and practices, or threats thereof, whether a single occurrence or repeated, that aim at, result in or are likely to result in physical, psychological, sexual or economic harm, and includes gender-based violence and harassment.” Gender based violence (GBV) and harassment is defined as violence and harassment directed at persons because of their sex or gender, or affecting persons of a particular sex or gender disproportionately, and includes sexual harassment. While gender-based violence and harassment can be directed at men or women, women and, in particular, young women are disproportionately affected because violence and harassment often stem from unequal power relations, and women and girls generally have lower status in society. Eliminating violence and harassment therefore requires a gender-responsive approach through actions that specifically address the gender dimensions of violence and harassment and tackle its underlying causes, including multiple and intersecting forms of discrimination, gender stereotypes and unequal gender-based power relations.

Specifically, for workers, the situation of violence and harassment at work could result in poor performance, which subsequently reducing the work productivity and affecting the level of welfare of the workers and their families.

The need for a safe working environment that can prevent violence and harassment requires concrete measures to increase the protection of workers. Henceforth, the Government can play a leading role in advocating for stronger protection through policies and regulations.

One of the outputs on the Spotlight implementation plan refers to ‘Civil Service Commission (CSC) Cooperation’ (Output 2.1.7). This will be achieved through the support to the Government, based on the joint work between the UN and the CSC, to review, revise and promote its policies and regulations towards eliminating violence and harassment in the context of work. There is also a need to ensure the alignment with the regulations, principles and guidance of the ILO Convention 190, as well as with the obligations related to domestic violence, including the provision of a confidential help desk service for their workers experiencing GBV (including IPV).

This assignment intends to analyze and determine whether the Civil Service Commission existing policies, regulations and other measures, including the existing practices comply with the requirements of the Violence and Harassment Convention 190 and propose recommendations. In so doing, the assignment will take due note of the Comparative Analysis of Timor Leste Law and Practice, produced by an ILO consultant in 2020. The scope of the said analysis includes the public service, and makes reference to a number of laws and regulations specific to the public sector.



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2. Assignment Specific Objectives

This assignment aims to determine the extent to which Civil Service Commission implement the requirements of the Violence and Harassment Convention No. 190 through achieving the following specific objectives:

- a) Identify the Civil Service Commission legislation, regulations, policies and other relevant provisions.
- b) Analyze and review the Civil Service Commission existing policies, regulations, and other provisions and determine whether and how Convention No. 190 is reflected by such provisions in Timor - Leste;
- c) Identify and summarize other Civil Service Commission practices and analyze them to determine whether and how Convention No. 190 is reflected in such practices;
- d) Propose any adjustments and recommendations to the policy and legal framework for compliance with the Convention No. 190.
- e) Provide other recommendations for necessary changes of the current practices that need to be made to ensure compliance with Convention No. 190.
- f) Propose a road map of changes and activities that can be made in a short-term, medium-term and long-term to inform and support decision-makers.

3. Methodology

The consultant will collect information and data collection, will analyze and assess the data collected in order to determine the extent to which aspects of the legal framework, procedures and practices would need to be adjusted or complemented to meet the requirements of the Convention no.190.

The Consultant will compile and review legislation, regulations, official reports and other relevant documentation, which apply the provisions of the Conventions and gather the relevant links where this can be downloaded and referenced accordingly. The Consultant will also examine and consider any other relevant information that matters under the COVID-19 situation and any mitigation responses within the country context that relate to the Convention No. 190.

The Consultant will make recommendations and propose an implementation road map that can inform and support the future implementation to fully comply with the Convention No. 190.

The Consultant will also liaise with other consultants and/or relevant stakeholders working on other related aspects to ensure effective information sharing and coordination of the review as relevant.

4. Expected Outputs.



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The following are the deliverables from the Consultant, which will be subject for review and approval of the ILO:

Output 1. Draft report

The draft report should include:

- An analysis of the extent to which the national regulatory and policy framework meets the requirements of Convention No. 190. In this regard the analysis may use and build upon the Comparative Analysis of Timorese Law and Practice vis-à-vis Convention No. 190, which was drafted in 2020;
- In case of gaps or inconsistencies with Convention No. 190:
 - The extent to which legislation, regulation or practice can be adjusted.
 - The provisions of the Convention for which such adjustment would be difficult;
 - A preliminary proposal of new adjustments and recommendations to align with the Convention.
- A list of the relevant legal and policy provisions, including web links to the legal texts examined;
- An informative table summarizing relevant information on each provision (existing regulatory and policy frameworks implementing the provision, identification of gaps or inconsistencies, and proposed recommendations). This table information will serve as a basis for discussion during the tripartite consultation workshop.

Output 2. Final report

The Report will finalize the Report based on the: (i) feedback and inputs provided during the consultation workshop; (ii) technical comments and suggestions of revision provided by ILO specialists to the Draft Report.

Output 3. Presentations

The Consultant will prepare presentations of the work produced and will present it at the necessary contexts, particularly at the planned tripartite consultation workshop.

5. Timeframe

The work of this legal review should be conducted and finalized within 25 working days, from 02 August 2021 to 07 September 2021



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Activities	Number of working days	Date
Prepare a report outline and work plan and submit for approval	2,5	4 August 2021
Collect the relevant data and information	2,5	9 August 2021
Conduct the onsite review and analysis and draft the Report	10	23 August 2021
Prepare a presentation to the tripartite consultation workshop and other technical working groups	2	26 August 2021
Incorporate feedback to the draft report and review Report	4	01 September 2021
Submit revised Report to ILO	0	
Finalize Report	4	07 September 2021
Submit the Final Report for approval	0	

Required qualifications

Education

Degree Law with a preference to candidates with a master degree in a related area

Experience

Minimum of five years' working experience on demonstrated working on matters pertaining to law including International Labour Standards and Gender issues;

Languages

Excellent command writing skills in Portuguese and English;

Competencies

In addition to the ILO core competencies, this position requires:

Technical competencies

Ability to: apply the principles of law to the analysis of a variety of subject matters requiring interrelationships between the subject under review and existing legislation and practice; prepare responses to enquiries in clear and concise manner and good communication skills;



analyse defined aspects of legal issues, draft clearly and concisely prepare reports and recommendations. Strong legal analysis capacity.

Behavioural Competencies

Ability to: carry out assignments in accordance with instructions and guidelines; work within tight deadlines and respect confidentiality; adaptability. Ability to work in a multicultural environment and to demonstrate gender-sensitive and non-discriminatory behaviour and attitudes.

Interested candidates should send cover letter with an updated resume to hrdjkt@ilo.org before July 26, 2021, 5p.m

Only short-listed candidates will be contacted for interview.



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