

# Terms of Reference

International human rights and advocacy consultancy  
November 2023

## 1. Background for task

As set out in DIGNITY's international advocacy strategy, the organisation seeks to affect the social and political change necessary to reduce the occurrence of torture and other cruel, inhuman or degrading treatment or punishment and other forms of violence and to restore the dignity and health of traumatised survivors of torture in DIGNITY's partner countries. To this end, DIGNITY and its partners will:

- a) Promote ***changes to legislation, policy and practice at national and local levels***, thereby contributing to *closing the gaps* in the prevention of torture and other ill-treatment and in the availability and access to redress, especially rehabilitation of survivors. In doing so, DIGNITY will advocate for the fostering of an *enabling environment* where persons are protected against torture and ill-treatment and have access to redress and rehabilitation, hereby reinforcing DIGNITY's programmatic priorities.
- b) Influence ***international norm-building***, hereby strengthening the international legal framework and the international protection against torture and other forms of ill-treatment.

In the period 1 December 2023 – 28 February 2024, there are two significant advocacy opportunities at the United Nations, which DIGNITY would like to respond to. First, DIGNITY plans to make a written submissions to the UN Special Rapporteur on the human rights situation in Myanmar. Secondly, in the context of the 55<sup>th</sup> session of the UN Human Rights Council for its 55th session, DIGNITY plans to host a side-event on the subject of torture prevention, monitoring and management of places of detention.

Furthermore, in the pursuit of the four strategic goals of DIGNITY's international advocacy strategy, the organisation wishes to bolster its expertise and capacity to give increased attention to 'at risk' populations who face intersecting risks, notably due to their gender and gender identity. To this end, it seeks legal expertise on the intersections between torture and other cruel, inhuman and degrading treatment or punishment, on the one hand, and sexual and gender-based violence, on the other hand. Additionally, it seeks legal expertise on the application of a gendered lens to the perpetration, and judicial treatment, of torture and other ill-treatment.

## 2. Objectives

The objective of the consultancy is to assist DIGNITY in fulfilling the goals of its international advocacy strategy in two distinct areas: (1) promoting changes to legislation, policy and practice at country level in Myanmar and (2) influencing international norm-building concerning the state obligation to prevent torture and other cruel, inhuman or degrading treatment or punishment, particularly with respect to prevention and gender.

### 3. Scope of work, including activities

#### 3.1. International advocacy concerning Myanmar

3.1.1. Undertake research on the gendered impacts of the coup and conflict in Myanmar.

3.1.2. Collect input from relevant DIGNITY researchers and partners in Myanmar on the above issue.

The research and consultations with DIGNITY researchers and partners in Myanmar should address some or all of the following issues, as set out by the Special Rapporteur:

- Discrimination on the basis of gender and sexuality through laws, policies, directives, and requirements that target the rights of women and people with diverse gender identities, including members of Myanmar's LGBTQ community;
- Human rights defenders, including the unique treatment, risks, and experience of civil society groups and activists advocating for rights related to gender equality and women's rights,
- Gender-based violence, including sexual violence, including the availability of legal remedies, safehouses and psychosocial support services, and the impact of gender-based violence in other aspects of victims' lives.
- Unique gender-based challenges faced by ethnic minority, internally displaced, and stateless populations, including trends in the experience of Rohingya women and girls.

3.1.3. Draft a written submission on behalf of DIGNITY responding to the call for submissions of the UN Special Rapporteur on the situation of human rights in Myanmar on the gendered impacts of the coup and conflict in Myanmar.<sup>1</sup>

#### 3.2. HRC55 Side-event on torture prevention, monitoring and management of places of detention.

3.2.1. Draft a concept note on the above issue for a side-event to be held by DIGNITY in the context of the 55<sup>th</sup> session of the UN Human Rights Council.

The concept note should address the following issues:

- The state obligations to prevent torture and other cruel, inhuman or degrading treatment or punishment, as set out in the UN Convention against Torture (UNCAT) Articles 2 and 16.
- The General Comment of the UN Committee against Torture (CAT) on Article 2.
- The state obligations to establish a system of regular visits undertaken by independent international and national bodies to places where people are deprived of their liberty, in order to prevent torture and other cruel, inhuman or degrading treatment or punishment, as set out in the Optional Protocol to UNCAT, and specifically into issues relating to legal frameworks and independence; access; capacities and resources; implementation of recommendations and follow up; reprisals; cooperation with other national and international mechanisms.

3.2.2. Devise a draft programme for the HRC55 side-event, proposing sponsoring states, key speakers and core issues to be addressed.

3.2.3. Assist DIGNITY in the preparation of the side-event.

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<sup>1</sup> United Nations Special Rapporteur on the situation of human rights in Myanmar, Call for submission on the gendered impacts of the coup and conflict in Myanmar, [OHCHR | Call for submissions: The gendered impacts of the coup and conflict in Myanmar \(also available in Burmese\)](#)

### **3.3. Paper on gender perspectives on the perpetration and judicial approaches to torture and cruel, inhuman, or degrading treatment or punishment**

3.3.1. Undertake legal research in international criminal and human rights fields on the (a) the ways in which gender has, or has not, been a feature of judicial and quasi-judicial adjudications of torture; and (b) the ways in which perpetrators use gender and otherwise deploy prevailing or desired gender norms as a means to perpetrate an act of violence that causes severe mental or physical suffering.

3.3.2. Collect input from relevant DIGNITY staff and partners on the above issue.

The research and consultations with DIGNITY advisors should address some or all of the following issues:

- The ways in which gender is a social and political factor determining the relevant context in which an act or series of acts of torture or cruel, inhuman, or degrading treatment or punishment is perpetrated;
- The manner in which gender is, or is not, reflected in the adjudication of legal and human rights-based claims of torture or other cruel, inhuman, or degrading treatment or punishment;
- The role of gender in mainstream international tools and mechanisms for preventing torture, including documentation and monitoring places of detention;
- The different ways gender is brought to bear during the perpetration of torture and other ill-treatment in different geographical and other contexts in which DIGNITY works, including MENA, southeast Asia, sub-Saharan Africa, as well as places of detention and domestic, migration, digital and other settings;
- The ways in which acts committed explicitly pursuant to a victim's gender or sexual orientation or gender identity have historically been understood to constitute a form of ill-treatment lesser than "torture".

3.2.3. Draft a paper for use in DIGNITY's international advocacy that authoritatively sets out a critical analysis of the role gender has historically played in legal, judicial, and quasi-judicial determinations of torture and cruel, inhuman, or degrading treatment or punishment and prescribes a method for gendered interpretation and application of the international laws prohibiting torture and other cruel, inhuman, or degrading treatment or punishment.

## **4. Expected results**

### **4.1. International advocacy concerning Myanmar**

4.1.1. A written submission responding to the call for submissions of the UN Special Rapporteur on the situation of human rights in Myanmar on the gendered impacts of the coup and conflict in Myanmar.

### **4.2. HRC55 Side-event on torture prevention, monitoring and management of places of detention.**

4.2.1. A concept note and programme for a DIGNITY side-event on torture prevention, monitoring and management of places of detention in the context of the 55<sup>th</sup> session of the UN Human Rights Council.

### **4.3. Paper on gender perspectives on the perpetration and judicial approaches to torture and cruel, inhuman, or degrading treatment or punishment**

4.3.1. A paper authoritatively setting out a critical analysis of the role gender has historically played in legal, judicial, and quasi-judicial determinations of torture and cruel, inhuman, or degrading treatment or punishment and prescribing a method for gendered interpretation and application of the international laws prohibiting torture and other cruel, inhuman, or degrading treatment or punishment.

## 5. Deliverables and timeline

The expected results will be delivered in the period 1 December 2023 – 28 February as follows:

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|--|------------------|
| • Written submission on Myanmar:           | 20 December 2023 |
| • Concept note for HRC side event:         | 31 December 2023 |
| • Programme for HRC side-event:            | 31 January 2024  |
| • Paper on gender perspectives on torture: | 28 February 2024 |

## 6. Team and division of roles (when relevant)

The Consultant will work closely with DIGNITY's Legal advisors, health advisors in the Prevention and Accountability dept. and the anthropological researchers in the International Programme dept.

## 7. Qualifications

- A master's degree in law with a specialisation in international human rights law;
- Proficiency in international human rights law with knowledge of the fields relevant the human rights and prevention of torture globally and sexual and gender-based violence (SGBV);
- A minimum of 9 years of experience of professional work in the field of international human rights promotion and protection, including preventing torture and related human rights violations;
- Knowledge of the human rights and torture situation in Myanmar would be an asset;
- Knowledge of the relevant procedures, strategies, inputs and advocacy activities relating to the drafting, negotiating and passage of a UN Human Rights Council resolution;
- Experience drafting formal language for resolutions in multilateral bodies and intergovernmental organizations, in particular with respect to torture and ill-treatment would be an asset;
- In-depth knowledge of legal standards concerning sexual and gender-based violence and proficiency in undertaking gender analysis of human rights violations, preferably with a particular focus on the gender aspects of torture and the nexus between torture and SGBV;
- A track-record of undertaking successful international human rights advocacy vis-à-vis the United Nations;
- Excellent analytical, legal drafting, training, networking and communication skills;
- Fluency in written and oral English is a prerequisite.

## 8 Timeline

The consultancy will amount to a total of 60 days in the period from 1 December 2023 to 28 February 2024.