

EXPRESSION OF INTEREST FOR A CONSULTANT

TO

DEVELOP COMPENDIUM OF LAWS, POLICIES AND LEGISLATION WITHIN SADC STATES WHICH CAN BE USED TO ERADICATE CONVERSION PRACTICES

Introduction

Outright International in partnership with the Inclusive Governance Initiative of UNDP is seeking a consultant to develop a compendium of regulations, laws, and policies within Southern African Development Community (SADC) states which can be leveraged towards the eradication of conversion practices.

Outright International works together for better LGBTIQ+ lives. Outright is dedicated to working with partners around the globe to strengthen the capacity of the LGBTIQ+ human rights movement, document and amplify human rights violations against LGBTIQ+ people, and advocate for inclusion and equality. Founded in 1990, with staff in over a dozen countries, Outright works with the United Nations, regional human rights monitoring bodies, and civil society partners. Outright holds consultative status at the United Nations, where it serves as the secretariat of the UN LGBTI Core Group.

The Inclusive Governance Initiative (IGI) of the United Nations Development Programme (UNDP) is a regional project that aims to support countries to include sexual and gender minorities in national efforts to achieve the Sustainable Development Goals (SDGs) and to promote and protect human rights. The project is led overall by the United Nations Development Programme (UNDP). The overall goal of the project is to see that state entities in sub-Saharan Africa are increasingly accountable to, and inclusive of, their entire populations, including LGBTI people. If this is achieved, participating countries will see better laws, more responsive public sector services, and social norms that affirm LGBTI rights.

Background

Conversion practices, also known as reparative therapy, gay cure, conversion therapy, or SOGIE change efforts, are defined as efforts that aim to suppress or change a person's sexual orientation, gender identity, or gender expression.

Outright has carried out several initiatives to eradicate conversion practices in all its forms. One such initiative is our Africa programme's ongoing project to eradicate conversion practices in Kenya, Nigeria, and South Africa. In 2019, Outright, working with national partner organizations in Kenya¹, Nigeria,² and South Africa,³ embarked on a project to build a body of evidence and knowledge on the nature, extent, and impact of conversion practices in these countries. Following the release of the reports, Outright engaged with various key stakeholders to dialogue and strategize on their roles in the eradication of conversion practices.

On 18–19 April 2023 in Johannesburg, Outright International and its partners, in collaboration with the United Nations Development Programme's IGI project (UNDP) and the Southern African Development Community (SADC) Parliamentary Forum, hosted a convening with 22 parliamentarians from 12 SADC countries and civil society representatives to discuss the issue of conversion practices.

The objective was to enhance the capacity of SADC parliamentarians to understand and address conversion practices in Africa, including the nature, extent, and impact of such practices, and to recognize them as violations of human rights. During this convening, parliamentarians indicated that the development of an information resource on existing regulations, laws, and policies will prove useful in ensuring access to key information is available to policymakers.

Outright International and UNDP have recognized the urgent need to develop an information tool in the form of a compendium of regulations, laws, and policies within Southern African Development Community (SADC) states which can be leveraged towards the eradication of conversion practices.

For the purposes of this Compendium development process, "conversion practices" refers to any treatment, practice, or sustained effort that aims to change, alter, repress and/or eliminate a person's sexual orientation, gender identity or expression. These practices do not include –

(a) Any services and, or interventions related to the exploration and, or free development of a person and, or affirmation of one's identity about one or more of the characteristics

¹ [galck+](#).

² [The Initiative for Equal Rights](#).

³ [Access Chapter 2](#).

being affirmed through counselling, psychotherapeutic services and, or similar services; through an affirmative approach.

(b) Any healthcare service related to the free development and, or affirmation of one's gender identity and, or gender expression of a person using affirmative approaches.

(c) Any healthcare service related to the treatment of a mental disorder using affirmative approaches.

The compilation of the Compendium shall specifically focus on forms of physical violence and other coercive measures comprising conversion practices such as the following:

1. Sexual assault, or threat of sexual assault, including forms of forced penetration, unwanted touching of genitalia, etc.
2. Beatings
3. Laying of hands or exorcisms, and other such religious or cultural processes involving physical aspects meted out without consent.
4. Forced starvation
5. Restriction of freedom of movement such as being detained in home, dwelling, or other location, and exposed to materials for the purposes of coercing a change in the expression of sexuality or gender identity, such as the forced viewing of heterosexual pornography, etc.
6. Any other form of violence that may constitute torture or cruel, inhuman, and degrading treatment
7. Economic violence, such as the forced withholding of bank cards or cash funds for dependents.

The compendium aims to provide parliamentarians and policymakers with a thorough understanding of the laws, policies, and regulations in effect which can address the nature, extent, and impact of conversion practices in Southern Africa, emphasizing their violation of human rights. It seeks to empower lawmakers and policymakers to take proactive measures to address these practices and create more inclusive societies that protect vulnerable populations from discrimination and violence.

SADC

The selection of countries within the Southern African Development Community (SADC) for our project is grounded in the region's potential to drive significant change in addressing human rights issues, particularly concerning sexual orientation, gender identity, and expression (SOGIE). SADC has shown promise in this regard, with several member states either decriminalizing same-sex intimacy or incorporating non-discriminatory protective provisions into their legal frameworks.

The decision to initially focus on Anglophone SADC countries, such as [list countries], is strategic. These countries share common historical, legal, and linguistic backgrounds, which can facilitate comparative analysis and the development of regionally tailored strategies. Furthermore, by concentrating our efforts in these countries, we can maximize our impact and resources, setting a strong foundation for future expansion into other regions and languages within the SADC framework.

Our approach is not exclusive to Anglophone countries, and we acknowledge the importance of inclusivity. Future phases of our project may include Francophone and Lusophone SADC countries, as well as countries from other regional economic communities, to ensure a comprehensive and inclusive approach to promoting human rights for all.

The Assignment and Scope of Work

The consultant(s) will be responsible for developing a comprehensive compendium that identifies and analyzes the regulations, laws, and policies within the Southern African Development Community (SADC) region that relate to conversion practices.

The compendium will provide an in-depth examination of legal frameworks, case law, and any other relevant legal instruments, as well as current health sector policies, anti-fraud regulations, religious institution guidelines, and educational policies that can be leveraged to combat conversion practices across SADC member states including Angola, Botswana, Comoros, Democratic Republic of Congo, Eswatini, Lesotho, Madagascar, Malawi, Mauritius, Mozambique, Namibia, Seychelles, South Africa, United Republic of Tanzania, Zambia and Zimbabwe. This assignment requires thorough research, analysis, and synthesis of information to produce a detailed and informative resource for stakeholders, policymakers, and advocates working to address conversion practices in the region.

Specific objectives

The Compendium should achieve the following objectives:

1. **Comprehensive Overview:** Provide a detailed overview of existing laws, policies, and regulations within the SADC region that may relate to conversion practices, including their scope, implementation, and enforcement. It should contain the full text of relevant regulations, policies, legislation, and other material from the states of Angola, Botswana, Comoros, Democratic Republic of Congo, Eswatini, Lesotho,

Madagascar, Malawi, Mauritius, Mozambique, Namibia, Seychelles, South Africa, United Republic of Tanzania, Zambia, and Zimbabwe.

2. **Analysis and Evaluation:** Analyze and evaluate the effectiveness of current legal, regulatory, and policy frameworks in the specific country contexts addressing conversion practices and their compliance with international human rights standards.
3. **Identification of Gaps:** Identify gaps and inconsistencies in the legal, regulatory, and policy frameworks that hinder the protection of individuals from conversion practices, highlighting areas for improvement for developing frameworks for the eradication of conversion practices.
4. **Best Practices:** Highlight best practices and successful approaches employed by SADC countries or other jurisdictions in Africa in addressing conversion practices, with a focus on protecting the rights of LGBTIQ+ individuals.

Recommended approach

In developing this compendium, it is recommended that the consultant:

- Reviews the appropriate literature on conversion practices and their impact, and strategies to address this impact including all Outright International's publications on Conversion Practices.
- Draw on legislation, draft laws, policies, and regulations in the states of Angola, Botswana, Comoros, Democratic Republic of Congo, Eswatini, Lesotho, Madagascar, Malawi, Mauritius, Mozambique, Namibia, Seychelles, South Africa, United Republic of Tanzania, Zambia and Zimbabwe.
- Draw on the existing literature on the eradication of conversion practices in Africa (and other literature deemed appropriate which they can outline in their proposal) to inform structure of compendium.

Specific Deliverables

1. Inception meeting with Outright and UNDP.
2. Draft Compendium to be shared with Outright and UNDP for review.
3. Check-in meeting with Outright and UNDP.
4. Finalise Compendium for review and approval.

Timeline

The completion of the assignment should take three months from the contractual start date.

Application Process and Requirements

Qualifications

- Expertise in developing legal and policy documents.
- Familiarity with contexts related to realities for LGBTIQ persons in at least one of the SADC countries.
- Excellent writing and communication skills.
- Well-organized, able to meet deadlines.

Application Requirements

Please provide the following:

1. A resume that includes your qualifications to undertake this work;
2. A two-page proposal, a summary of how you will approach the work, a timeline (including the number of days you will need to complete the work);
3. A budget that includes your daily rate and any expenses you will likely incur; and
4. Two references and two work samples relevant for this project;

Please submit your proposal and accompanying documents to Thiruna Naidoo at tnaidoo@outrightinternational.org; Yvonne Wamari at ywamari@outrightinternational.org; and Monica Tabengwa at monica.tabengwa@undp.org with “Development of SADC Compendium for Conversion practices” in the subject line by 23 August 2024.