

TERMS OF REFERENCE

Research Consultant to review and produce a report on the recently ratified
Defamation and Freedom of Speech Act

Position title: Research Consultant

Research title: Review the Defamation and Freedom of Speech Act

Expected period of commitment: 08 Weeks

Application deadline: 05.00pm, 22nd September 2016.

Location: Male', Maldives

1. Organization Background

Transparency Maldives is a non-partisan organization that endeavors to be a constructive force in society by promoting collaboration and discussion on corruption, transparency and accountability. Transparency Maldives seeks to engage with stakeholders from all sectors (government, business, politics and civil society, among others) to raise awareness of corruption's detrimental effects on development and society, improve transparency and accountability in governance, and eliminate corruption from the daily lives of people.

Transparency Maldives received formal government registration in 2007, and is the National Contact of Transparency International (TI) in the Maldives.

2. Background to the assignment

Transparency Maldives is overseeing a human rights project with the aim of widening the democratic space and to protect human rights in the Maldives through collective lobbying and advocacy, partnership building and dialogue. It has been observed a decline in the democratic space in the Maldives between 2013-2014. This decline is reflected in the 2016 Freedom House ratings in which the Maldives is no longer categorised an electoral democracy and is listed as a 'partly free' country. Furthermore, civil and political liberties such as freedom of assembly, speech and association enshrined in the Maldives Constitution have been constrained through new laws and regulations such as the NGO regulation, Anti-Terror Act, and the Defamation and Freedom of Speech Act.

Despite this dismal situation, the government of the Maldives has accepted 198 recommendations from the 2015 UPR review. Additionally, there is a strong grassroots support for democracy and human rights in the Maldives. This positively creates an avenue to reclaim the diminishing democratic space and to protect and promote human rights.

3. Purpose of the Assignment

Transparency Maldives is seeking the services of a research consultant to review and produce a report on the recently ratified Defamation and Freedom of Speech Act. The consultant is expected to conduct a comprehensive analysis of the aforementioned Act, and produce a detailed report of the findings. The study should also make recommendations for law reform in consideration of human rights and democratic principles.

4. Responsibilities of the consultant

The Consultant will be expected to work closely with the Senior Project Coordinator for the human rights project:

- Undertake a desk review of existing literature pertaining to defamation and freedom of speech.
- Provide a methodology for the review of the Defamation and Freedom of Speech Act.
- Arrange necessary meetings and conduct interviews with relevant stakeholders.
- Write the final report, detailing the findings and recommendations.
- Present a paper in a human rights conference organised by Transparency Maldives.

5. Deliverables

- Submit a timeline, at the inception of the consultancy, for the deliverable confined to the period of consultation.
- Document with proposed methodology to review the Defamation and Freedom of Speech Act.
- Draft and final reports detailing the findings and recommendations.
- Conduct a validation workshop with relevant stakeholders.
- Present a paper in a human rights conference that will be organized by Transparency Maldives.

6. Duration of the Assignment

Eight (8) weeks, with expected start date 2nd October. The consultant must be based in Malé, Maldives for the duration of the assignment.

7. Reporting

The Consultant will work closely with and report to the Senior Project Coordinator for the human rights project at Transparency Maldives throughout the assignment.

8. Required Competencies

- Master's degree in a social sciences related field
- Proven expertise pertaining to legislations and law review with a particularly strong knowledge about the country's human rights and democratic context.
- Ability to research, analyse, and synthesise information.
- Familiarity with quantitative and qualitative survey methodologies.
- Ability to clearly and concisely express ideas and concepts in both written and oral form.
- Excellent spoken and written English and Dhivehi.
- Excellent ability to set priorities and time management.

Closing date for applications: Before 05.00pm, Thursday, 22nd September 2016.

Application and selection procedures: Interested applicants should submit an email to Ibrahim Thayyib (ibrahim.thayyib@transparencymaldives.org). The subject line must read "PHR Research Consultancy". The content of the application should not be longer than 5 pages and must include the following:

- A summary of relevant experience (attach a brief CV, providing evidence that you are qualified to undertake this assignment).
- Examples of similar assignments that you have undertaken (two to three), preferably in the Maldives, over the past 5 years.
- Proposed Charges (including estimates of consulting days and expenses)
- Two relevant references.
- Demonstrated fluency in English and Dhivehi.

Applications must be in English or Dhivehi. Only short-listed candidates will be contacted for interviews.

The contract will be awarded on a lump sum/fixed cost basis. The application should state the bid amount (in MVR) for undertaking the work. Transparency Maldives retains the right to reject any or all of the applications and/or to enter into additional negotiations with one or more of the tendering parties to help define the exact scope of the work and deliverables to be undertaken.