

TERMS OF REFERENCE:

Post-Legislative Scrutiny Local Researcher

Context

Westminster Foundation for Democracy (WFD) is the UK public body dedicated to supporting democracy around the world. Operating directly in 33 countries, WFD works with parliaments, political parties, and civil society groups as well as on elections to help make countries' political systems fairer, more inclusive and accountable.

Westminster Foundation for Democracy (WFD) is delivering the Global Equality Project (GEP), in collaboration with the Kaleidoscope Trust (KT), an eight-month programme funded by the UK's Foreign, Commonwealth and Development Office (FCDO), to work with decision-makers and civic actors to make progress towards advancing gender equality and LGBT+ inclusion. The programme will be delivered across 18 countries and territories in Africa, Asia and the Pacific that retain laws and policies that discriminate against women, girls and LGBT+ people. GEP will build on WFD's and KT's Commonwealth Equality Project (CEP), delivered between October 2020 and March 2021, to ensure that the momentum created by CEP – to amend and repeal discriminatory policies and laws, to defend human rights and to promote gender equality – leads to positive sustainable outcomes.

Post-Legislative Scrutiny (PLS) is a flagship methodology supported by WFD to be used with parliaments and parliamentary committees to conduct a technical assessment of the enactment of a law with a broad scope to also assess the impact of a law ([De Vrieze, 2017, 2018a, 2018b, 2019, 2020a and 2020b](#)). WFD has supported this methodology in countries ranging from Myanmar, Indonesia and Nepal, to the Western Balkans; and in 2020 developed an additional assessment framework integrating a gender lens to PLS. Adding a gender perspective to the scrutiny assesses whether legislation has produced (positive or negative, unintended or unexpected) impacts on gender results and outcomes ([Mousmouti 2020a, 2020b, 2020c, 2020d](#)).

Under CEP, WFD developed and piloted a [guide to post-legislative scrutiny](#) adapted for use by civil society organisations (CSOs) and activists, incorporating an analytical lens that is sensitive to LGBT+ rights and issues. The aim of the guide is to develop a strong evidence-base on the impact and implementation of legislation both intentionally and unintentionally discriminatory, which can be used to bolster advocacy efforts for greater equality. The guide acts as a tool to probe a piece of existing legislation, and show, ideally with evidence, to lawmakers and policy makers that a person can and in some cases has experienced multiple discriminations because of the way that the legislation is framed. This will provide an avenue to put forward alternative recommendations for how the law could be reformed in order to address this.

Under GEP, WFD aims to roll out and pilot the guide in additional countries and territories, supporting CSOs to undertake an ex-post legislative impact analysis to build an evidence base for use in advocacy with parliaments and decision-makers, particularly around gender/LGBT+/SOGIESC rights and legislation.

To support this, **WFD is seeking a local research consultant to pilot this guide in Taiwan** with the support of WFD PLS experts and the author(s) (international consultants) of the guide, and to produce a report on findings and recommendations for CSOs for future use in Taiwan.

The consultant will be required to work with CSOs to select legislation to be reviewed; assist in reviewing legislation or delegated legislation; conduct consultations with community groups and relevant stakeholders to inform analysis on the impact of the selected legislation; review existing data and evidence; and write a report presenting the findings.

The purpose of the report will be to facilitate civil society advocacy for legislative reform.

Scope of the consultancy:

The local research consultant will be expected to:

1. Work with WFD PLS staff and international consultants to deliver an introduction session on the PLS guide for CSOs and identify the scope of the PLS report in Taiwan.
2. Work with WFD PLS staff and international consultants to deliver pilot workshops in-country for CSOs, following the relevant steps in the guide, ensuring the sessions are appropriate and responsive to the country context and LGBT-sensitive.
3. Work with WFD staff and international consultations to support the coordination, logistics and planning of meetings and workshops.
4. Take part in meetings with other stakeholders, as may be required, to familiarise them with the PLS work.
5. Undertake data collection and analysis of findings from the introduction and pilot sessions, including feedback from CSOs/participants and other relevant stakeholders.
6. Undertake desk research to analyse existing evidence and data on the impact of the selected legislation.
7. Develop a comprehensive report on findings from sessions and practical recommendations for CSOs on best practices to take PLS processes forward.
8. Present the findings of the report to CSOs and other stakeholders, as appropriate

The consultant(s) will:

- Demonstrate a deep understanding of the political and governance dynamics in Taiwan, with thorough knowledge of the recent and ongoing democratic transition and political situation;
- Demonstrate experience in legal analysis, and familiarity with scrutiny of legislation and legislative impact assessments;
- Have worked in Taiwan, including experience and knowledge of civil society actors, organisations and dynamics;
- Have excellent research, analytical and writing skills;
- Have a post-graduate degree in political science, law, development or related fields or equivalent experience working with civil society, parliaments and legislation on gender and LGBT+ rights; and
- Working professional fluency in English, and Mandarin/Taiwanese Hokkien.

Expected deliverables and timeline

Approximately 10 days of consultants time is expected to be needed for this assignment.

The consultant will need to be available to start in October, with submission of the first draft report end November/early December.

The presentation on findings will need to take place December/early January.

Rate of GBP £400 per day will be applied, depending on academic background and experience.

Application process

Please submit the following documents to Charlotte Egan, Director, Global Equality Project , Charlotte.Egan@wfd.org and Sophia Fernandes, Senior Adviser Political Inclusion WFD, Sophia.Fernandes@wfd.org by **24:00 GMT Tuesday 12 October 2021**.

- A cover letter of not more than 2 pages stipulating how the experience, skills and competencies of the reviewer(s) meet the above requirement
- Submit curriculum vitae for the consultant
- Expected consultancy fee per day

Reference resources:

1. De Vrieze (2017), [Comparative Study on Post-Legislative Scrutiny](#), London, WFD, 56 p.
2. De Vrieze (2018a), [Guide for Parliaments on Post-Legislative Scrutiny](#), London, WFD, 52 p.
3. De Vrieze (2018b), [Principles for Post-Legislative Scrutiny by Parliament](#), London, WFD, 13 p.
4. De Vrieze (2019), [Introduction to Post-Legislative Scrutiny](#). *European Journal of Law Reform*, Vol. 21, No. 2, 2019, p. 84-86.
5. De Vrieze (2020a), [Post-legislative scrutiny in Europe: how the oversight on implementation of legislation by parliaments in Europe is getting stronger](#), WFD
6. De Vrieze (2020b), [The significance of post-legislative scrutiny](#), *Journal of Legislative Studies*, Vol 26 (3), 2020, p. 349-361
7. Mousmouti (2020a), [Gender-sensitive Post-Legislative Scrutiny – policy paper](#), WFD
8. Mousmouti (2020b), [Gender-sensitive Post-Legislative Scrutiny of general legislation – case-study 1](#), WFD
9. Mousmouti (2020c), [Gender-sensitive Post-Legislative Scrutiny of gender specific legislation – case-study 2](#), WFD
10. Mousmouti (2020d), [Gender-sensitive Post-Legislative Scrutiny and data – case-study 3](#), WFD