

Terms of reference for a consultant

ILGA-Europe inventory of relevant SOGIESC case-law and pending cases before the ECtHR and CJEU

Deadline for applications: Sunday, 4 September 2022 – 24:00 CET

ILGA-Europe overview

ILGA-Europe is the European and Central Asia Region of the International Lesbian, Gay, Bisexual, Trans & Intersex Association (ILGA). ILGA-Europe is a membership-based organisation bringing together over 600+ organisations from 54 European and Central Asian countries, making it an excellent platform for joint advocacy and movement development. As part of its mandate ILGA-Europe both advocates for human rights and equality for LGBTI people in Europe and Central Asia; and strengthens the LGBTI movement throughout its capacity building programme.

Background for this work

Since 2010 ILGA-Europe has been conducting annual inventory of SOGIESC case-law as part of its strategic litigation work. In 2010 we developed a methodology for identifying European level gaps in human rights protection for LGBTI people, for monitoring pending cases which might close these gaps, and for encouraging lawyers and activists to bring forward new cases to close them.

The Inventory highlights the progress that has been made since 2010 in closing these gaps, draws attention to areas where gaps are still not adequately addressed, and monitors the flow of submissions to the European courts. In order to focus our strategic litigation efforts across Europe to fully protect and advance LGBTI rights, with this inventory ILGA-Europe wants to support members and partners across the region to identify trends and gaps in protection at the European level, which can commonly be tackled through litigation. The inventory further strengthens cooperation and helps guiding ILGA-Europe's work and efforts by others in bringing forward and supporting strategic cases.

In addition to the broad overview of the developments, and identifying trends and gaps, the inventory exercise also includes the inventories of cases pending at the European Court of Human Rights (ECtHR) and Court of Justice of the European Union (CJEU) categorised according to these gaps.

Goals for this consultancy:

- Identification of the gaps areas in need of addressing through ILGA-Europe's strategic litigation work
- Highlighting the legal developments across Europe on the protection of the rights of LGBTI people
- Devising a dissemination plan for sharing the findings among partners and wider legal audience

Role of the consultant:

- Liaise with key country contacts working on strategic litigation to update per country information sheets
- Compile the country information and update master file with most recent developments
- Analyse the compiled data, by categorisation of case-law developments in relation to closing the gaps
- Update ECtHR and CJEU case-law for the past 24 months
- Update implementation progress of ECtHR and CJEU cases
- Propose a dissemination plan to ensure a wider range of relevant stakeholders (including LGBTI organisations, legal practitioners and other litigation actors) is aware and has access to this resource

Role of ILGA-Europe:

- Provide guidance to the consultant on the direction of work
- Support the logistical organisation of consultations and meetings with ILGA-Europe team and members
- Provide documentation already collected around work done, needs, challenges, and practices in place on litigation and legal developments within the organisation
- Provide input and feedback, in the process of implementing the assessment and on the content of the outputs
- In case of disagreement, final decisions in relation to content are made by ILGA-Europe.

Who we are looking for:

The consultant should have working experience in areas described in this Terms of Reference (ToR), and in particular:

- Knowledge of the European human rights systems, including ECtHR and CJEU case-law access and implementation mechanisms
- Excellent communication and coordination skills
- Experience in report writing /drafting skills
- Familiarity with the LGBTI movement in Europe is a plus

The consultant will work under ILGA-Europe's supervision. ILGA-Europe's staff will provide support and guidance as needed throughout the different phases of the consultancy.

The foreseen timeframe of this engagement is October to December 2022. The consultant is estimated to dedicate maximum 20 days full day equivalents to the assigned tasks.

The available budget for this work is 8,000 EUR.

Please note that if the consultant is not able to issue an invoice with VAT (i.e. is exempt of VAT in the country of operations or shifts VAT to ILGA-Europe), ILGA-Europe will be required to settle VAT at a rate of 21% for the consultant in Belgium, in accordance with fiscal legislation in Belgium.

Terms of payment (instalments) and time of payment will be discussed prior to signing the contract.

The consultant will conduct the work from their work place. Communication with others will be by phone or other online communication tool specified by ILGA-Europe.

Expected deliverables:

- An inventory with updated country information sheets for the past 24 months
- Analysis of the data capturing case-law developments and highlighting the gap areas still in need of attention by ILGA-Europe and its members
- Summary update on key ECtHR and CJEU case-law in the past 24 months
- Updated progress concerning implementation of ECtHR and CJEU judgments
- Suggested dissemination plan for the inventory to LGBTI organisations, legal practitioners, and other relevant stakeholders (to be developed with ILGA-Europe team)

ILGA-Europe will have ownership of all materials produced in the framework of the review.

How to apply:

Applications should be sent by **4 September, 2022 – midnight CET**. Interested applicants should provide a current résumé and a 2-3 page proposal. This document should clearly outline:

- the candidate's key skills and experience that are relevant to this ToR
- the candidate's understanding of the European human rights framework, with focus on LGBTI rights, in the context of this ToR
- a financial offer including specification of days worked and rates (specifying amounts net + VAT).

Application and selection process:

- Applications should be sent to **Arpi Avetisyan**, ILGA-Europe's Head of Litigation, (arpi@ilga-europe.org) by Sunday, 4 September 2022 CET.
- ILGA-Europe may interview applicants as part of the selection process
- ILGA-Europe intends to make a final decision by 30 September, 2022 at the latest.
- The work will commence soon after the selection.