1. Background on the project and its context:

Bangladesh is home to more than 47 different indigenous and tribal communities\(^1\), comprising 2.5-3 million people\(^2\) or 2 per cent of the country’s total population. They live in the delta region of the country (popularly known as the Plains) and in the Chittagong Hill Tracts (CHT). Loss of land due to conflict, land grabbing and climate change has led to enormous and rapid changes in the livelihoods of indigenous and tribal peoples in the country resulting in increased rural-urban migration, impoverishment and food insecurity. A study which revealed that hard core poor and absolute poor among the indigenous communities is 24.6% and 59.9% compared to national averages of 17.9% and 39.5%, respectively\(^3\). Indigenous and tribal peoples' situation is characterized by subsistence farming, insecurity of land tenure, low levels of education and skills, high incidence of informality irrespective of whether employed in rural or urban areas, seasonal work and precarious working conditions and vulnerability to violation of fundamental principles and rights at work. Therefore, dispossession of land and resources is not only paving the way to poverty, conflict and violence but also threatening their existence as a whole. Under pressure from the mainstream Bengali culture, market economy and in absence of adequate governmental safeguard measures, the cultures, traditions and customs of the indigenous and tribal peoples are under threat, many of their languages are changing fast and some languages are even getting lost. Without proper interventions, the indigenous and tribal peoples of Bangladesh face the threat of cultural and linguistic assimilation and gradual extinction. Due to language barrier the dropout rate among indigenous and tribal students especially at age of 14-16 are high prevalence comparing to mainstream students. Thus all these factors pushed indigenous and tribal women and men to

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\(^1\) Annual Report of Cultural Ministry, Bangladesh

\(^2\) Draft 7th Five Year Plan 2016-2020

\(^3\) Life and Land of Atibashis; by Abul Barkat, Mozammel Hoque, Sadeka Halim and Asmar Osman; 2009
migrate to different urban cities in search of jobs. Most of the indigenous and tribal women and men with their limited information, capacity, skills and education level engaged themselves in the informal sectors and formal sectors (domestic workers/assistant/beauty parlour/garments, etc). Indigenous and tribal women and men have little knowledge about labour rights and their membership in trade unions is very limited. Moreover, there is a particularly worrying trend of exposure of indigenous and tribal women to violence in their workplace.

Indigenous and tribal people’s equal access to decent work that respect their needs and aspirations is not only a matter of human rights, it’s crucial to the attainment of international and national development objectives. Bangladesh is a signatory to the ILO Convention No. 107 (1957) on Indigenous and Tribal Populations, which stipulates that the state shall, within the framework of national laws and regulations, adopt special measures to ensure the effective protection with regard to recruitment and conditions of employment. Bangladesh is also a signatory to ILO Convention No. 111 on Discrimination (Employment and Occupation), 1958 providing an important framework for the promotion of rights of indigenous women and men to equality and decent work.

The proposed study will assess the root causes of push and pull factors of migrants’ indigenous and tribal women and men workers in the urban areas and their working conditions where they are engaged. The outcome of the study will generate new and updated knowledge and empirical evidence on the working conditions of indigenous and tribal women and men workers and enable ILO for advocating fair salary and non-discrimination working environment. The knowledge development of this study will also apply to inform policy debates and build the capacity of and promote dialogue and partnerships among key stakeholders on Conventions Nos. 107, 111 and 169 on indigenous and tribal peoples’ issues in the country, including ILO constituents and indigenous peoples’ institutions.

2. Purpose of the study:
The main purpose of the study is to generate new and up-dated knowledge and empirical evidence on the working conditions of indigenous and tribal men and women workers in order to identify and implement appropriate responses to ensure that they fully enjoy fundamental principles and rights at work, safe working conditions and fair remuneration, without discrimination based on, ethnicity, indigenous identity, social origin, disability or other grounds.

3. Specific objectives:
The study envisaged achieving the following specific objectives:
• To find out push and pull factors including the economic, political and social factors compelling indigenous and tribal women and men workers from both hill and plain districts to migrate to cities seeking employment in the formal and informal sectors in general and special focus on garments and beauty parlor industries.
• To assess the level of discrimination they face in the formal and informal sectors and the degree of respect for rights they are able to enjoy in the work place examining the relevant national laws, policies and international safeguards including ILO Conventions.
• To draw recommendations and advocacy issues for improving the working conditions of indigenous and tribal women and men as domestic migrant through amending relevant laws and policies in line with ratified ILO Conventions.

4. Location of the study: Dhaka, Savar and Chittagong

5. Suggested Study Methodology:
A. Primary Data
With a view to collecting primary information/data, following approaches are proposed to follow:
i. **Focus Group Discussion (FGD):** Six FGDs (Savar, Chittagong and Dhaka) will be arranged. The participants will be selected from the pre-selected industries in consultation with ILO in the specified locations. The FGD will be segregated for women-2, men-2 and mixed group-2 to capture the gender desegregated information.

ii. **Key Informant Interviews (KII):** A total of 300 KIIs will be conducted with the personnel of indigenous and tribal women and men workers from selected industries/occupations, Employers, Bangladesh Employers Federation, National Coordination Committee for Workers Education, government agencies, including Ministry of Labour, Bureau of manpower and expatriate, Ministry of Ministry of CHT Affairs, legal aid agencies, researchers, indigenous and tribal peoples’ organizations and indigenous and tribal people’s representatives, development partners and other organizations that are of immediate relevance to the study.

**B. Secondary Data**
The main sources of secondary data will be the desk reviews on main policy and legal instruments of immediate relevance to the study as well as available materials concerning indigenous and tribal women and men workers in the urban. Review the existing policies, laws and conventions related to indigenous and tribal workers. The following documents will be collected and consulted for extracting necessary and relevant information:

i. Bangladesh Constitution 15th amendment
ii. Bangladesh Labour Act 2006 and Amended Act 2013
iii. Chittagong Hill Tracts Accord 1997
iv. National Policy for the Advancement of Women 2011
v. Small Ethnic Groups Cultural Institution Act, 2010
vi. The Right to Information Act, 2009
vii. The Domestic Violence (Protection and Prevention) Act, 2010
viii. East Bengal State Acquisition and Tenancy Act, 1950
x. National Education Policy 2010, Bangladesh
xi. ILO Convention No. 11 (1921) on the Right to Organize (agriculture)
xii. ILO Convention No. 29 (1930) Forced Labour
xiii. ILO Convention No. 87 (1948) on the Right to Freedom of Association and Protection of the Right to Organize
xiv. ILO Convention No. 98 (1948) on the Right to Organize and Collective Bargaining
xv. ILO Convention No. 100 on Equal Remuneration (ratified in 1998)
xvi. ILO Conventions No. 107 (Indigenous and Tribal Populations)
xvii. ILO Conventions No. 111 (Discrimination, Employment and Occupation)
xviii. ILO Conventions 169 (Indigenous and Tribal Populations)
xix. ILO Convention No. 182 (1999) on the Elimination of Worst Forms of Child Labour
xx. International Convention on the Elimination of All Forms of Racial Discrimination (CERD)
xxi. International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICRMW)
xxii. Universal Declaration of Human Rights 1948
xxiv. Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)
xxv. National Budget allocation for tea plantation workers
xxvi. Study report on Quota Policy of the Bangladesh Civil Service (BCS) 1985 and other Class I & II Services
xxviii. Draft report on the state of employment quota policy for Adivasi people in Bangladesh: Way to Implementation, submitted to ILO, BD
xxix. Newspaper Reports and Articles on working conditions of indigenous women and men
xxx. Election manifesto of major political parties of Bangladesh
In order to collect primary data, the consultant is required to field visit to Dhaka, Savar and Chittagong EPZ. The location of the field visit should be determined in consultation with ILO.

6. Time Frame: 30 calendar days (May-June 2015)

7. Assignment/Responsibility of the Consultant:

- Submit a draft inception report elaborating the methodology of the study – including draft questionnaires for in-depth interviews and guiding questions for the focus group discussions - and work plan prepared in consultation with National Project Coordinator, ITP project, ILO.
- Review all related reports, journals, articles and publications regarding ITP women and men rights, equity and discriminations.
- Review existing legal provisions and policy framework related to employment for indigenous and tribal peoples, particularly for domestic workers, beauty parlor and garments sector (including labour law, pay-scale etc.)
- Interview 300 stakeholders working indigenous and tribal women and men: 100 from beauty parlor sector, 100 for garments sector and other sectors 100 interviewees including management of beauty parlors, representatives of garments owners, and representatives Bangladesh Employer Federation, National Coordination Committee for Workers Education and other relevant bodies from the government and private sectors.
- Conduct 6 FGDs with 10-15 urban indigenous and tribal migrants (separate FGD for women-2 and men-2 and mixed group 2) to draw qualitative information on their working conditions, rights, entitlements, livelihood, application of laws, policies, etc.
- Support to ILO to organize 1 seminar/dialogue with civil society members, development workers, concerned government officials, employers, NGO activists, constituents, etc. for validating study findings
- Submit the draft report to ILO as per dateline and finalize the report incorporating comments from the experts and ILO
- Present the final report adjusting comments and recommendations from the workshops within contract period.

8. Responsibilities of ILO
As described in the Contract

9. Eligibility criteria of the Consultant:

- Preferably have a tertiary degree in Labour Law/Anthropology, labour rights and standards, indigenous studies, or any other relevant background, with proven knowledge on pertinent international and national legal and policy matters regarding the subject;
- Be acquainted with outstanding issues on indigenous and tribal peoples in Bangladesh and have knowledge of national circumstances, policies and other related matters;
- Have proven knowledge of the ILO and the UN mechanisms and instruments pertaining to indigenous and tribal peoples’ rights, discrimination and labour standards in general.
- Familiar with urbanization and formal and informal sectors of employment
- Willingness to conduct field visits in the relevant study location
- Fluency in Bangla and English
- Aware and practice of cultural diversity

10. Output of the study:
The consultant will be responsible for delivering the following outputs:

Output 1: An Inception Report after the signing agreement elaborating study methodology including draft questionnaire for interviews adapted to the target groups and guiding questions for focus group discussions, and a work plan;
Output 2: Submit draft report containing Executive Summary to the ILO

Output 3: A summary presentation of the and its main findings for presentation to a validation workshop;

Output 4: Final report (soft and hard copy) of 30-40 pages (approx. 20,000-25,000 words) plus annexes.

11. Budget:
- First payment: 50% upon delivery of the inception report and work plan to the satisfaction of the ILO
- Second payment: 30% upon delivery of the draft final report to the satisfaction of the ILO
- Third payment: 20% upon delivery of the final report to the satisfaction of the ILO

12. Submission of CVs:
The interested candidates are requested to submit their CVs along with EOI and budget to chicham@ilo.org or submit in hard copy to the address: Mr. Alexius Chicham, National Coordinator, Indigenous and Tribal Peoples’ Project, House No. A-9, Road No. 127, Central Gulshan 1, Dhaka 1212 within 3 May 2015.