



ILO Country Office for Indonesia

Call for proposal for External Collaborator to

Conduct a Gap Analysis on the Alignment of Indonesian Laws, Policies, and their Enforcement with the ILO International Labour Standards on Forced Labour

- Type of Contract: External collaboration contract
- Contract period: 3 August to 31 December 2022

1. Background

ILO Declaration on Fundamental Principles and Rights at Work, which was adopted in 1998, obligates Member States to respect and promote principles and rights in four categories, whether or not they have ratified the relevant Conventions. These categories are:

- a. Freedom of association and the effective recognition of the right to collective bargaining.
- b. The elimination of all forms of forced or compulsory labour.
- c. The effective abolition of child labour and,
- d. The elimination of discrimination in respect of employment and occupation.

Recently, the International Labour Conference (ILC) have adopted Occupational Safety and Health becomes the fifth category. Each of the fundamental principles is associated with the most relevant ILO Conventions. The new fundamental Conventions are the Occupational Safety and Health Convention, 1981 (No.155), and the Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187).

Indonesia has ratified nine ILO Fundamental Conventions¹ including the two core ILO conventions that aim to suppress forced labour namely the Forced Labour Convention No. 29 of 1930 (C. 29) and the Abolition of Forced Labour Convention No. 105 of 1957 (C. 105). **However, Indonesia still has to ratify ILO's Protocol of 2014 to the Forced Labour Convention (P. 29)**. As the P. 29 is one of the ILO Fundamental instruments, non-ratifying member States are still required to participate in the annual reporting and review process set out in the Follow-up to the 1998 Declaration on Fundamental Principles and Rights at Work.

The Protocol 29 and its Recommendation 203 bring ILO standards against forced labour into the modern era. Indeed, the Protocol establishes the obligations to prevent forced labour,

¹ <https://www.ilo.org/global/standards/introduction-to-international-labour-standards/conventions-and-recommendations/lang--en/index.htm>

protect victims and provide them with access to remedies, and emphasizes the link between forced labour and trafficking in persons. In line with Convention No. 29, the Protocol also reaffirms the importance of prosecuting the perpetrators of forced labour and ending their impunity.

In November 2021, the Government of Indonesia through the International Bureau of the Ministry of Manpower, in collaboration with social partners, discussed its Annual Review Report on Protocol of 2014 on the Forced Labour Convention based on the questionnaire titled “prevention of forced labour or compulsory labour, victim protection and access to remedies”. In 2018, the Government of Indonesia submitted its Country Baseline under the ILO Declaration Annual Report² which highlighted the needs of technical cooperation that comprised:

1. Collection and analysis of data and information
2. Capacity building for the competent authorities
3. Basic social security guarantees
4. Assessment, in cooperation with the ILO, of the obstacles identified and their impact on the realization of the principle
5. Awareness-raising and mobilization activities
6. Inter-institutional coordination
7. Promotion of fair recruitment and placement practices
8. Promotion of fair migration policies
9. Vocational training, job-creation and income-generation programmes for at-risk populations
10. Capacity building for employers' and workers' organizations; k) Promotion of freedom of association and collective bargaining to enable at-risk workers to join workers' organizations
11. Exchange of experiences between countries or regions; international cooperation
12. Guidance on the development of the national policy and plan of action
13. Strengthening the legal framework, and
14. Guidance on supporting due diligence

In order to support the Government of Indonesia and social partners in their efforts to eliminate forced labour and trafficking in persons, the ILO launched in 2021 the 8.7 Accelerator Lab programme in Indonesia. At the sectoral level, the 8.7 ACC Lab supports Indonesian stakeholders to tackle forced labour in the fisheries sector. At the national level, the 8.7 Accelerator Lab will support the Indonesian constituents with the promotion of the ratification of ILO's Protocol 29 to the Forced Labour Convention. It will work closely with the government to support its effort of developing a Roadmap against Forced Labour. As a first step to this process, a Gap Analysis of existing legislations, policies and programmes and their alignment to ILO standards on forced labour is proposed. The result will feed into the Roadmap.

² https://www.ilo.org/declaration/follow-up/annualreview/countrybaselines/WCMS_708929/lang--en/index.htm. Page 5

2. Objectives of the assignment

The main objective of this consultancy is to identify conformities and gaps in existing laws, policies and programmes, and their enforcement mechanisms; actions needed to address the gaps and recommendations on key milestones for the roadmap toward the Ratification of the ILO Forced Labour Protocol No. 29, with a target of mid-2023.

3. Scope of work

The external collaborator is expected to perform the following tasks:

- Conduct a desk review of relevant materials about the scope, enforcement and implementation of existing national legislations, policies, programmes related to forced labour, past reviews or assessments on the subject.
- Conduct interviews with relevant stakeholders about the scope, enforcement and implementation of such legislations, policies and programmes, as well as expert opinions on country contexts, challenges and opportunities for addressing the gaps and contradictions on mechanisms relevant to the elimination of forced labour.
- Analyse the data collected from the desk review and the interviews and compare it with the Forced Labour Protocol no. 29 and its Recommendation no. 203.
- Submit a draft report of the gap analysis to the ILO for review.
- Present and discuss the findings and recommendations of the gap analysis during a Validation Workshop with Indonesian key stakeholders.
- Revise the report to submit a final draft, incorporating comments from the ILO and Indonesian key stakeholders.

4. Outputs

a. Output 1: Outline and work plan

- Discuss a draft work plan and outlines with the ILO

b. Output 2: Desk review

- Desk review of relevant materials on existing international instruments, national legislations, policies, programmes related to forced labour, past reviews or assessments on the subject

c. Output 3: Interviews and drafting report

- 20 Individual and 5 group interviews with key stakeholders
- Data analysis and submit draft report
- Submit draft report of the gap analysis to ILO

d. Output 4: Presentation of initial findings

- Through a tripartite workshop, validate findings of the gap analysis and recommendations on addressing the gaps to key stakeholders
- Revise gap analysis report to incorporate comments key stakeholders

e. Output 5: Review

- Revise gap analysis report to incorporate comments from ILO and other key stakeholders

f. Output 6: Submit final report

- Finalize gap analysis report based on comments received through the ILO.

5. Timeline and payment

The ILO will pay the external collaborator up on satisfaction of delivered outputs

No	Deliverables and amount	Timeline	Required work-days
1	Output 1: Outline and work plan (5%)	August 2022	2
2	Output 2: Desk review	August 2022	5
3	Output 3: Interviews and drafting report (30%)	August 2022	10
4	Output 4: Presentation of initial findings (5%)	September 2022	1
5	Output 5: Revise gap analysis report to incorporate comments from ILO and other key stakeholders (30%)	October 2022	4
6	Output 6: Submit final report (30%)	December 2022	3
	Total		25

6. Minimum requirements

An Individual Consultant must demonstrate or provide evidence of meeting the following minimum requirements:

- An advanced university degree in a relevant field such as law, policy, development studies, or social sciences.
- At least 7 years of professional experience in labour rights related matters.
- Knowledge of forced labour, trafficking in persons, labour migration and/or fair recruitment.
- Experience in working with government, and workers' and employers' organizations.
- Excellent drafting skills in English.
- Experience in designing, organizing and facilitating workshops, consultations, meetings, and focus group discussions.

Advantage:

- Experience in legislation drafting.
- Knowledge about fisheries sectoral policies.



7. Application process

Interested Individuals are requested to submit:

- a technical proposal of how they intend to undertake the assignment.
- a separate financial proposal with a detailed breakdown of consultancy fees and related expenses.
- A Curriculum Vitae

Applicants must submit the proposal completed with above required information to Ms. Frida Yulia, yulia@ilo.org by 29 July 2022.

The ILO will assess applicants' ability, experience, and proposed fee for the selection of the external collaborator.