

From Protocol to Practice: A Bridge to Global Action on Forced Labour (The Bridge Project)

Terms of Reference (TOR)
for
Research on forced labour and child labour in the
agriculture sector in Siraha and Saptari (Province 2, Nepal)
2021

1. BACKGROUND

The International Labour Organization (ILO) Country Office for Nepal, is working in Nepal for the last 50 years, promoting and protecting rights of workers through fostering tripartite plus social dialogues. The mandate of the ILO is to promote opportunities for all women and men to obtain decent and productive work in conditions of freedom, equity, security and human dignity. The ILO has been implementing various projects and programs to promote decent work agenda in Nepal in close collaboration and coordination with its tripartite constituents. ILO Nepal implements two specific projects that intend to support Nepal government's efforts to end child and forced labour.

1.1 The Bridge Project: The Project - From Protocol to Practice: A Bridge to Global Action on Forced Labour (The Bridge Project) aims to support global and national efforts in combating forced labour under the 2014 ILO Protocol and Recommendation on Forced Labour. The Bridge Project will work globally, as well as in four priority countries, to advance and provide a concrete grounding to this strategy. Priority countries include Mauritania, Nepal, Peru and Malaysia. The project aims to harness and build on the momentum that led to the adoption of the Protocol and Recommendation and to foster an understanding of their effective implementation at the global, regional, national and local levels.

The Bridge project will strive to eliminate traditional and state-imposed forced labour systems and to significantly reduce contemporary forms of forced labour, which are often linked to human trafficking. This will be done through the following intermediate objectives:

1. Increased knowledge, awareness, and ratification of the ILO Protocol and

Recommendation;

2. Improved and responsive national policies and/or action plans and/or legislation on forced labour with strong implementation, monitoring, and enforcement mechanisms;
3. Increased efforts to collect reliable data in order to carry out research and share knowledge across institutions at national, regional, and global levels;
4. Workers' and employers' organizations actively support the fight against forced labour; and
5. Increased awareness and access to livelihood programs for victims of forced labour. In connection to this, the ILO Country Office in Nepal is seeking Expression of Interest from national organizations to carry out the tasks as listed in attached Terms of Reference.

1.2 The ARC Project: The Asia Regional Child Labour (ARC) Project aims to reduce vulnerability to child labour and enhance protection of children from exploitation in Afghanistan, Bangladesh, India, Nepal, Myanmar and Pakistan to contribute to the eradication of child labour, particularly its worst forms.

The ARC Project works with ILO's constituents and other stakeholders to achieve the following three objectives:

- building a credible knowledge base on the causes and drivers of child labour and effective interventions to address them;
- aligning legislation and policies with international conventions on child labour, forced labour and trafficking in persons and enforcing and implementing them; and
- developing and applying a holistic approach to eradicating child labour, particularly its worst forms, in selected regions of each country.

1.3 Forced and Child Labour in Nepalese Context:

Forced Labour: Nepal has been taking initiatives to seek the sectors with forced labour implementing the remedial plans. Traditional agriculture is one of the sectors with highest prevalence of bonded labour in Nepal who are known as Kamaiya, Haliya and Haruwa-Charuwa communities. ILO has conducted a research on forced labour in agriculture (focusing on Haliya and Haruwa-Charuwa) in 2013 that has shown 12% of households having forced labour. However, this figure jumps as high as 74% in Haliya and Haruwa-Charuwa Communities. Nepal Labour Force Survey conducted in 2017/18 provided the national estimates of forced labour for the first time in Nepal. Based on this survey, Nepal has a prevalence rate of 1.2 forced labour per thousand workers in Nepal.

Child Labour: Nepal has nearly 1.1 million children in child labour, accounting for 15% of the population of children aged 5-17 years according to the findings of a Child Labour Report based on the dataset of the Nepal Labour Force Survey 2017/18¹. Out of them, 222,493 are in hazardous work exposing them to unsafe and unhealthy working conditions. The report reveals an overwhelming (nearly 88%) distribution of child labour in agriculture and forestry sector in Nepal. Nepal government has recently

¹ https://www.ilo.org/kathmandu/whatwedo/publications/WCMS_784225/lang--en/index.htm

endorsed the second National Master Plan on Child Labour that intends to eliminate child labour by 2025. Nepal does not have fresh sector-specific data on child labour other than Brick Kilns² Sector where around 17 thousand child labour are found working.

1.4 Need for Child and Forced Labour Research in Agriculture: Agriculture is identified as the sector with highest number of child labour world-wide. Recent global estimates of child labour indicates 70% of child labor in agriculture. Nepal Child Labour Report 2021 shows 88% of the child labour in agriculture in Nepal. These facts indicates a dire need of interventions in agriculture sector. Haruwa-Charuwa is one of the communities that is involved in traditional agriculture often depending upon the debts of the landlords in eastern Terai in Nepal. There are a number of development partners working in province 2 with these target groups with several interventions most of them targeted to provide livelihood and empowerment to local communities. However, unless the employment relationship in agriculture is analyzed with labour rights perspectives, the issue cannot take attention of stakeholder on policy interventions. The research in agriculture sector, particularly on Haruwa-Charuwa community to analyze forced and child labour practices can create an evidence for further policies and programmes at provincial and federal in Nepal.

The Nepal component of the Bridge Project follows the above intermediate objectives, including awareness raising on Protocol P29 and Recommendation R203 and policy advocacy and research in combating forced labour and trafficking with an ultimate goal of creating a conducive environment to ratify the protocol. In addition, the project is providing support to the government of Nepal in implementing its re-habilitation plans for forced labour (Haruwa-Charuwa) through livelihood supports to the victims of forced labour, in selected districts (Siraha and Saptari) in Province 2. In similar vein, the ARC Project intends to support the government to implement its National Master Plan on Child Labour which includes research on prevalence of child labour in different sectors that are listed to be vulnerable to child labour.

As part of the activities under the immediate objectives of the both projects on data and knowledge creation on forced and child labour, this current contract intents to conduct a Rapid Assessment of Haruwa-Charuwa from Siraha and Saptari districts in Province 2. The study will be carried out in close consultation with the Ministry of Labour Employment and Social Security (MoLESS), Ministry of Land Management Cooperatives and Poverty Alleviation (MoLMCPA), particularly with Settlement Management Section of the Land Management Division, Rastriya Haruwa-Charuwa Adhikar Munch (RHCAM), Rastriya Dalit Network (RDN), Forced Labour Elimination Advocacy Group (FLEAG), Freedom Fund (FF) etc. and in close consultation with the ILO/Nepal office staff, particularly with the National Project Coordinator (NPC) of the BRIDGE Project. The study will be completed through document reviews, field visits, interviews, Key Informant Interviews (KIIs) and focus group discussions with the Haruwa-Charuwas and associated stakeholders and Line Agencies.

² https://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/---ilo-kathmandu/documents/publication/wcms_767621.pdf

2. OBJECTIVES OF THE RESEARCH

General objective

Strengthen the evidence base on child labour and forced labour in the agricultural sector in selected districts in Siraha and Saptari of Province 2, in order to provide guidance for policy and action.

The study will provide estimates of CL and FL in agriculture in the two districts, but will not be representative at Provincial or National levels. However, it will be good to showcase the status at provincial level. Through the combination of quantitative and qualitative methods, it will provide credible evidence on whether FL and/or CL in agriculture do in fact exist beyond isolated cases, and provide initial insight into the magnitude of the phenomenon in the areas targeted by the study.

Specific objectives of the assignment will be:

1. Provide rigorous evidence on the existence and possible magnitude of child labour and forced labour in the agricultural sector, and on conditions of work, main hazards, and socio-economic environment where child labour and forced labour occur. An emphasis will be made on bonded labour, particularly in Haruwa-Charuwa households.
2. Identify what are the main factors at family, community and industry level that push individuals into child labour and forced labour, with emphasis on Haruwa Charuwa households, and what are those that prevent them from being involved in such situations. Accent will be made on understanding the Haruwa Charuwa system.
3. Provide specific policy recommendations on how to eliminate and prevent child labour and bonded labour in the agricultural sector.
4. Produce a comprehensive report on child labour and forced labour in the agricultural sector, with a focus on Haruwa Charuwa households. The report will highlight key results and their implications for policy and future research, thereby enhancing the knowledge required to promote action and alternatives, and promote awareness raising and advocacy. The report will be presented and disseminated to the government, employers' and workers' organizations, agricultural producers and other agricultural organizations, NGOs and the general public.

3. PROPOSED METHODOLOGY

Building on the *Forced labour of adults and children in the agriculture sector of Nepal: Focusing on Haruwa-Charuwa in eastern Tarai and Haliya in far-western Hills* report³, the research will combine qualitative and quantitative methods. The overall methodology will consider that differences for men and women (boys and girls) may exist. Research questions, data collection tools, the analysis and presentation of results will accordingly take into account and make explicit differences between gender.

For the assessment of child labour, the researcher will refer to the *Manual on child labour rapid assessment methodology*⁴ developed jointly by ILO-IPEC and UNICEF, as well as

³ https://www.ilo.org/kathmandu/whatwedo/publications/WCMS_217086/lang--en/index.htm

⁴ https://www.ilo.org/ipecc/Informationresources/WCMS_IPEC_PUB_1819/lang--en/index.htm

the guidelines⁵ developed by SIMPOC on data collection, processing and analysis of child labour data.

For the assessment of forced labour, the researcher will refer to the ICLS Guidelines concerning the measurement of forced labour⁶

Some guidance can be also found in *Hard to see, harder to count - Survey guidelines to estimate forced labour of adults and children*⁷, however, the definition of forced labour provided shouldn't be taken in consideration as this document was produced prior the ICLS guidelines.

The research organization will carry out the study with the support of ILO regional coordinators. Technical guidance on the baseline surveys shall be provided, as required, by ILO/FUNDAMENTALS Geneva.

Background research

The background research shall involve a review of the existing information on child labour and forced labour in the agricultural sector in Nepal, with a focus on Haruwa Charuwa households. The desk research shall also review the policies, programs and legislation with a bearing on Haruwa Charuwa households.

Policies and programs to be considered are, but not limited to: Education, social protection, active labour market policies, awareness raising and protection and remedies. Moreover, the research will consider the implications of the COVID-19 crisis, particularly on access to education and to social protection.

The institutional framework will also be looked at in order to map the stakeholders and identify the role of key institutional and their coordination. The review will also include the national legislation relating to child labour and forced labour, as well as the national monitoring systems

Qualitative study

The qualitative study will assess the situation of child labour and forced/bonded labour among agricultural (with an emphasis on Haruwa-Charuwa households), and identify relevant issues to be investigated in the quantitative study. Focus Group Discussions (FGDs), Key Informant Interviews (KIs), case studies, and observation shall be considered.

- **Focus Group Discussions (FGDs)** For in-depth discussion on specific topics relevant for each group representing the diversity of cases

They will be conducted with Haruwa-Charuwa men, women and children, but also with recruiters and land owners. Two FGDs for each group per district will be conducted: a set of guidelines will be developed based on the research objectives and indicators proposed by the ILO.

- **Key Informant Interviews (KIs)** For in-depth discussion with key informants

⁵ https://www.ilo.org/ipecc/Informationresources/WCMS_IPEC_PUB_141/lang--en/index.htm

⁶ https://www.ilo.org/wcmsp5/groups/public/---dgreports/---stat/documents/meetingdocument/wcms_648619.pdf

⁷ https://www.ilo.org/global/topics/forced-labour/publications/WCMS_182096/lang--en/index.htm

Different tools can be considered such as, but not limited to, Venn diagram to examine the social network, time-line to examine the life history of forced/bonded labour, seasonal calendar to examine vulnerability, and time allocation exercise to examine working hours. The key informants will include:

a. Recruiters, employers, and landowners

b. Civil Society

- LWF-Nepal, Freedom Fund and other organizations working for rights of Haruwa-Charuwa
- Organizations of landless people and peasants
- Trade unions
- Human rights, child rights and women rights organizations
- Dalit organizations and other caste-based organizations
- Advocates and lawyers
- District level Non-governmental organizations (NGOs)

c. Political Parties and Organizations

d. Government Offices

- District court/appellate courts
- District police offices
- CBS branch offices
- District women development offices
- Provincial/District chapter of National Child Rights Council/ Child Welfare Boards
- School teachers

- Case Studies

Chronicles of the adults and children in forced labour and child labour will be developed to understand the complex process of recruitment, their living and working conditions and impact of parents/families in forced labour or child labour on children.

- Observation

The researchers will observe the situation of adults/children in child/forced/bonded labour, particularly focusing on the following aspects:

- Household environment and health - location of the houses (flood area or close to river bank/dams), sanitation - toilet, drinking water, management of sheds for livestock - pigs, closeness to the employer's residence.
- Clothing - sleeping beds and clothes, children's dress and mosquito nets
- Physical appearance of the children and women- nutrition, health, diseases
- Working conditions - nature and intensity of work, health hazards, especially for children

- Abuse - physical or verbal abuses.

Quantitative study

The objective of the quantitative study is to generate estimates of child and forced labour, and provide an overview of the socio-economic characteristics of the target population.

The suggested sample design are as follows:

- Single stage of sample design will be adopted to estimate the various parameters of interest at district level.
- It is recommended to take 600 target sample size in each district. (2*600=1200 Sample)
- Saptari district has 18 Palikas with 637 enumeration areas (EAs) whereas Siraha district has 17 Palikas with 706 enumeration areas.
- Average number of households of EA is about 210 HHs.
- Agriculture Forced labour are mainly observed in the lower caste like Dom, Dusad, Musahar, Chamar and other extreme poor people.
- It is observed that 5 percentage of target population (Agriculture Forced labour) are living in the community of study district.
- To achieve the above target sample size, it has to select 60 enumeration areas in each districts.
- Before the selection of EA, arrange the all the EAs by ward with same Palika in continuous manner for each district.
- After the arranging the EAs, a systematic random sampling scheme will be adopted to select the required number of sample EAs.
- All households of selected EA will be listed then identified all Agriculture Forced labour households will be selected for structural questionnaire.

The sampling criteria and sample size for the different groups will be refined during the design phase of the study and will be agreed upon with the ILO.

The sampling strategy should consider that forced labour is a rare phenomenon and an appropriate sample size shall be derived.

The research organization can refer to the survey tools used in the previous study (2013), and amend them as necessary.

Triangulation

Triangulation of information will be a key element to ensure consistency, quality and credibility of the findings.

The study will use various triangulation types to ensure validity and consistency of information

- Triangulation of informants: various informants of the same categories (i.e. local government representatives), informants of different categories (i.e. Employers, middleperson, workers).
- Triangulation of methods: information collected through surveys will be triangulated with qualitative information from focus groups and interviews.

4. CONSULTANT RESPONSIBILITIES

A lead researcher will have the overall responsibility on the design and implementation of the study and the elaboration of the report of results. The research organization will carry out the primary data collection and processing under the guidance and supervision of the lead researcher.

5. DELIVERABLES

1. Literature review.
2. Study design: Research questions, methodology, work plan
3. Qualitative data collection tools and protocols
4. Data collected through the qualitative data collection
5. Summary and key findings report on the results of qualitative data collection
6. Quantitative data collection tools and protocols, proposed sampling frame
7. Draft report on qualitative and quantitative combined results including findings and recommendations. A section shall be dedicated to encountered issues and responses taken, data processing and quality control checks carried out, and lessons learned.
8. Final report of results
9. A brief PowerPoint Presentation of Key Findings
10. Complete datasets both for qualitative and quantitative parts

6. ESSENTIAL REQUIREMENTS

Interested implementing agencies / external collaborators should submit a **financial and technical** proposal by 20 August 2021.

They should also demonstrate the following

- Proven capacity in undertaking social research data collection and analysis (especially on and involving children or vulnerable people). Areas of expertise shall include forced labour / child labour / child protection / migration
- Knowledge of the area(s) to be covered by the survey and established trust relationships with local communities
- Availability of adequate research staff able to conduct high quality quantitative research on a sensitive topic in difficult circumstances considering ethical issues
- Adequate equipment (computers and internet connexion, transport and other infrastructure support) [according to the pandemic-related restrictions]

7. EVALUATION CRITERIA OF TECHNICAL AND FINANCIAL PROPOSALS

The Technical and Financial Proposals evaluation criteria are mentioned as follows:

Technical Proposal (weightage 70)

Criteria	Score
a) Technical Approach and Methodology	45
i) Demonstrated understanding of the requirement	15
ii) Proposed Approach	25
iii) Creativity	5
b) Management Criteria	25
iv) Management Experience	3
v) Risk management and quality assurance plan	3
vi) Facilities	3
vii) Past performance	3
viii) Previous business done with the UN system and ILO in particular	3
ix) Personnel qualifications, experience, education, references, etc	10
Total Score	70

Financial Proposal (weightage 30)

Criteria	Score
a) Cost/Price Criteria	10
i) Cost realism	5
ii) Cost Completeness	5
b) Financial Criteria	10
iii) Overall business volume during the past three years	5
iv) Financial Capacity of Organization (Turnover)	3
v) Audited financial statements	2
c) Budget Criteria	10
Total Score	30

8. ETHICAL CONSIDERATIONS

Conducting research on forced labour and child labour calls for serious ethical considerations to protect interviewees and interviewers, as outlined in the *Hard to see, harder to count - Survey guidelines to estimate forced labour of adults and children*⁸, and the *Manual on child labour rapid assessment methodology*⁹.

Given the current circumstances, measures relating to the COVID pandemic are particularly relevant.

Participants should not be harmed in any way as a result of their participation. To this end, ethical principles will be respected during the conduct of the study. Also, the

⁸ https://www.ilo.org/global/topics/forced-labour/publications/WCMS_182096/lang--en/index.htm

⁹ https://www.ilo.org/ipecc/Informationresources/WCMS_IPEC_PUB_1819/lang--en/index.htm

participant's consent will be obtained before the questionnaire is administered. Under no circumstances will the individual economic or financial data collected be used for tax, economic or social control purposes, nor for research purposes by administrative, political, police, military or judicial authorities. All members of the collection team will undertake to keep the information collected confidential.

The final data will also be anonymized to prevent individual information from being identifiable.

9. TENTATIVE TIME FRAME FOR THE RESEARCH

September 2021 –November 2021