



Terms of References

National Consultant

For providing technical assistance to the Ministry of Overseas Pakistanis and Human Resource Development (MoOP&HRD), Government of Pakistan in the preparation of a comprehensive Model Law on Forced Labour

October-December, 2020

Background

ILO Conventions on forced labour, the Forced Labour Convention, 1930 (No.29), and the Abolition of Forced Labour Convention, 1957 (No. 105), have played a key role in establishing an overarching framework to combat the practice of forced and compulsory labour. These Conventions remain among the most widely ratified ILO instruments across the globe.

Pakistan has ratified these Conventions (No.29 and No. 105) in 1957 and 1960, respectively and they have been instrumental in establishing an overarching framework to combat the practice of forced and compulsory labour in Pakistan, including bonded labour. Over the past few decades, the Government of Pakistan has adopted a series of measures to eliminate forced, compulsory and bonded labour in Pakistan. Significant efforts have been made to eliminate traditional forms of forced labour and to release and rehabilitate those workers. After the 18th Amendment in the Constitution of the Islamic Republic of Pakistan, the provincial governments have adopted provincial labour policies and labour legislation to tackle and prevent decent work deficits, including modern systems of forced labour and trafficking to abolish forced and compulsory labour in all its forms. The federal government also came up with a National Strategic Framework to Eliminate Child and Bonded Labour in Pakistan to assist the provinces. This has involved a range of legal reforms, reviews of existing mechanisms and programmes, and the development of new legislation, framing of rules of business, agreements, and sector-specific interventions. However, despite efforts, forced labour persists in Pakistan and among Pakistani migrant workers engaged in economic activities outside of Pakistan.

The current laws on forced and compulsory labour have a particular focus on bonded labour, and they are not necessarily comprehensive enough to cover the more modern forms of forced and compulsory labour. Moreover, not all provinces and territories are still in the



process enacting such laws, but are relying on the laws from before the 18th Amendment and ultimately the Constitution of Pakistan, that prohibits forced labour¹.

As a recipient of GSP Plus status², Pakistan is committed to strengthening the application of the ratified ILO Conventions on forced labour, child labour, freedom of association and collective bargaining, non-discrimination, and equality in employment. In this regard, the MoOP&HRD has requested the ILO to extend its technical assistance to draft a stand-alone law on forced labour covering all aspects of the Forced Labour Convention, 1930 (No. 29) and the Abolition of Forced labour Convention, 1957 (No 105) and potentially the provisions of the Protocol of 2014 to the Forced Labour Convention. While the stand-alone law may be applicable to Islamabad Capital Territory, the law may also serve as model law for other provinces and territories.

These Terms of Reference covers the assistance by a consultant to prepare such law.

Strategic linkages

This activity contributes to the Pakistan Decent Work Country Programme 2016-2020 (extended to 2022), Priority Area 3: *“Strengthening compliance with International Labour Standards through Social Dialogue”* and specifically Outcome 3.3 *“Workers protected from unacceptable forms of work”*.

Globally, this work contributes to Outcome 2 *“International Labour Standards and authoritative and effective supervision”* as envisaged in the ILO Programme and Budget for 2020–21.

In turn, the work would contribute to UN Strategic Development Framework 2018-2022 (Pakistan), Outcome 2 *“Decent Work”* and the SDG target 8.7.

Scope of the Assignment

Preparation and finalization of a draft comprehensive model law on forced labour covering all aspects of relevant ILO instruments, and with the inputs from/in consultation with ILO tripartite constituents. The assignment would take place in regular coordination and consultation with the Federal Government and the ILO.

Specific Tasks

¹ A constitutional guarantee reaffirmed in 1990s by the apex Court of Pakistan to the citizens of Pakistan, through a landmark judgement.

² The Generalised Scheme of Preferences Plus (GSP+) allows eligible countries to export certain goods to the European Union without or with lowered duty. The facility requires participating countries to implement and comply with 27 international treaties, including the eight Conventions concerning the Fundamental Principles and Rights at Work.



Under the overall coordination of the ILO Country Office for Pakistan, and with technical guidance from ILO technical specialists, the consultant is expected to perform the following tasks during the assignment:

1. Conduct a desk review of the existing policy and legislative environment as well as jurisprudential frameworks; map out provisions in federal and provincial laws around the subject matter.
2. Undertake a desk review of international good practices in the relevant area including similar legislation in other countries.
3. Conduct discussions with the MoOP&HRD and ILO to understand their perspectives of the need for a comprehensive forced labour legislation, and expectations from it.
4. Conduct desk review and discussions with key stakeholders including ministries and authorities responsible for justice and law enforcement to understand the application, advantages and gaps in the existing legislative provisions and policies.
5. Preparation of a draft comprehensive model law (“stand-alone”) on forced labour.
6. Share the first draft of the model law on forced labour with MoOP&HRD and ILO.
7. Partake in the consultation and validation process to obtain inputs and views of ILO social partners and a wider group of relevant stakeholders as determined by ILO and the MoOP&HRD
8. Incorporate feedback from stakeholders and ILO’s technical experts into the draft law as appropriate and submit oversight over comments and the considerations/actions taken.
9. Submit the revised comprehensive model law to the MoOP&HRD and ILO.

Deliverables

All deliverables are to be presented in English, both in electronic and hard copies of each indicated below:

1. An inception report covering a work plan, a list of essential and relevant documents or information to be reviewed and a list of key stakeholders for bilateral consultation (inception report for ILO and MoOP&HRD endorsement).
2. A report based on a desk review of the existing policy and legislative environment, including provisions of federal and provincial laws around the subject matter, as well as jurisprudential frameworks.
3. Minutes of discussion/meetings with the MoOP&HRD and/or ILO and other stakeholder consulted.
4. A draft comprehensive model law on forced labour.
5. Compilation of feedback received from stakeholders and ILO experts with indications of considerations/actions taken for each comment.
6. Revised comprehensive model law on forced labour after incorporating the feedback.



Location

The consultant will work from home and will communicate with ILO and MoOP&HRD through skype or telephone as and when required, in addition to email communication. Due to the COVID-19 outbreak, the consultant will be encouraged to communicate with the stakeholders through telephone or other electronic media. No face-to-face or group meetings are expected until advised by the ILO.

Contract Duration

26 October – 25 December 2020 (25 workdays)

Budget

Consultant is required to quote a lump sum daily rate, which shall be the sole remuneration and include provision for any incidental expenses such as stenographic expenses etc. The Consultant/ External Collaborator shall not, in any circumstances, be entitled to any payments other than those expressly provided for above. DSA for approved official travel (if any) will be paid at per ILO's rules/ policies, but at this stage, no travel is anticipated due to the pandemic.

Payment schedule

50% on the delivery of deliverable-1, 2 and 3 and acceptance thereof by the ILO. Remaining 50% on the delivery of deliverables 4, 5 and 6 and acceptance thereof by the ILO.

Qualification and Experience

- University degree in law, social/economic development or any other related discipline, with an experience of at least ten years-post qualification. Advanced degree preferred.
- Excellent knowledge of legislation drafting and law formulation
- Practical knowledge and familiarity with the justice and law enforcement processes in the country, preferably in areas related to the subject matter.
- Excellent knowledge of international legal framework pertaining to forced labour, ILO and UN conventions, ILO supervisory and oversight mechanisms
- Ability to communicate through electronic and remote communication means like skype, conference call, telephony etc.
- Good knowledge of the role and operations of UN system activities for development.
- Ability to communicate effectively both orally and in writing.
- Demonstrated experience of working with diverse stakeholders
- Excellent interpersonal communication, coordination, and persuasive skills
- Ability to work under pressure and manage timelines

Contract Supervision



The external collaborator will work in coordination with the National Project Coordinator of the Trade for Decent Work project and under the overall guidance of the Country Director, ILO Office for Pakistan. The Country Office will provide programmatic and administrative backstopping, while the Decent Work Technical Support Team for South Asia (DWT) will provide the technical backstopping.

EXPRESSIONS OF INTEREST SHOULD BE SUBMITTED DETAILING A WILLINGNESS TO UNDERTAKE THE WORK OUTLINED, ATTACHING A CV AND STATING A PROPOSED DAILY RATE. EXPRESSIONS OF INTEREST SHOULD BE SUBMITTED BY EMAIL BY CLOSE OF BUSINESS ON 19 OCTOBER 2020 TO Islamabad@ilo.org