

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

Terms of Reference for External Consultant (EXCOLL) to provide technical support to finalize the draft of the Integrated Forced Labour Bill and provide training to employers' organizations.

1. CONTEXT

From Protocol to Practice: A Bridge to Global Action on Forced Labour (The Bridge Project) aims to support the global and national efforts aimed at combating forced labour under the 2014 ILO Protocol (P29) and Recommendation on Forced Labour. The Bridge Project is working globally, as well as in six priority countries, to advance and provide a concrete grounding to this strategy. Priority countries include Mauritania, Nepal, Peru, Niger, Malaysia, and Uzbekistan. 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 project will strive to eliminate traditional forced labour systems and to reduce contemporary forms of forced labour, which are often linked to human trafficking. This is being undertaken through the following intermediate objectives (IOs):

- IO1.** Increased knowledge, awareness, and ratification of the ILO Protocol and Recommendation;
- IO2.** Improved and responsive national policies and/or action plans and/or legislation on forced labour with strong implementation, monitoring, and enforcement mechanisms;
- IO3.** Increased efforts to collect reliable data in order to carry out research and share knowledge across institutions at national, regional, and global levels;
- IO4.** Workers' and employers' organizations actively support the fight against forced labour; and
- IO5.** Increased awareness and access to livelihood programs for victims of forced labour.

The Nepal component of the project follows the above intermediate objectives, including awareness raising on P29 and 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 freed-Haliyas through livelihood support to the victims of forced labour, particularly the freed-Haliyas in selected districts in Sudurpaschim and Karnali Provinces; and Haruwa-Charuwas in selected districts (Siraha and Saptari) of Province 2.

The project intends to raise awareness of forced labour in Nepal and advocate for better laws and policies to tackle the forced labour problem in Nepal. One of the key strategies to fight forced labour is to bring conceptual clarity to the policymakers and key government actors responsible for protecting fundamental rights, on understanding forced labour as per the international instruments and national laws. The guiding international instruments on forced labour include ILO conventions (29, 105, 138 and 182) as well as the newly adopted Protocol 2014 to forced labour convention 29 which covers the cases of trafficking for labour exploitation at any stage of employment (from recruitment to leaving the employer). Although there is not a single comprehensive national law on forced labour in Nepal, several laws and regulations exist that directly or indirectly contribute to ending forced labour in Nepal. These include the Constitution; Labour Act 2017; Children's Act 2018; Kamaiya Labour (Prohibition) Act 2002; Human Trafficking and Transportation Control Act 2007; and Child Labour (Prohibition and Regulation) Act 2000.

As a continuous effort to enhance the capacity of the employers' organization, the Bridge Project is planning to provide training to the Federation of Nepal Brick Industries (FNBI) and its affiliates on Forced Labour, National Legislation, International Standards, and the Role of Stakeholders for the Elimination of Forced Labour. In addition, the project extended its technical support to the government of Nepal, particularly to the Ministry of Labour, Employment and Social Security (the MoLESS) in reviewing the existing bonded labour act (Kamaiya Labour Prohibition Act, 2002) to make it more comprehensive so that all forms of bonded/forced labour laws are covered by this act. In the meantime, the MOLESS, through its drafting committee (composed of representatives from line ministries and civil society) has drafted a new 'Integrated Forced Labour Bill, 2023 which covers both traditional and modern forms of forced labours. There were a few consultations organized by the MOLESS with the concerned stakeholders and they have provided many feedbacks and inputs on the draft. The next step of this process is to incorporate all the feedback and inputs, make the draft in line with the international standards and existing national legislations and also accommodate all the issues related to prevention, protection, and remedies/rehabilitation of the victims of all forms of forced labour. For this particular purpose, the MOLESS has requested the ILO Country Office for Nepal to provide the technical support to finalize the draft bill.

In this context, this current contract intends to provide training to FNBI and its affiliates on forced labour and also to provide technical support to MOLESS in finalizing the draft of the Integrated Forced Labour Bill.

2. OBJECTIVES

The objectives are as follows:

1. Provide/facilitate the training to employers' organization (FNBI and its affiliates)
2. Provide technical support to MOLESS in finalizing the Integrated Forced Labour draft bill.

3. KEY ACTIVITIES

The following are the key activities to achieve the above-mentioned objectives:

SN	Activities	No. of days	Remarks/ Project reference
A. Provide training to FNBI and its affiliates			
1.	Preparation of training materials (referring to the Training Manual on Forced Labour prepared by the ILO/NJA) for 1.5 days of training to FNBI	1.5	At least six sessions covering the content of the training
2.	Provide/facilitate the training to FNBI and its affiliates (1.5 days training) in following areas: <ul style="list-style-type: none"> • Introduction to forced labour concepts, • A glimpse of forced labour in Nepal • International standards on forced labour • Legal provisions on forced labour • Government policy on forced labour, • The role of stakeholders in the elimination of forced labour 	1.5	In collaboration with Bridge project officials.
TOTAL no. of days		3	Max. days
B. Provide technical support to MOLESS in finalizing the draft Integrated Forced Labour Bill.			
1.	Review of the existing national legislations and	3	In closed collaborations with ILO

	international standards related to forced labour		teams and MOLESS
2.	Review of the comments, feedback, and inputs provided by stakeholders on the draft bill	1	In closed collaborations with ILO teams and MOLESS
3.	Provide technical support to revise the draft by incorporating the comments, feedback, and inputs and also information received from the review of legislations and international standards.	7	In closed collaborations with ILO teams and MOLESS
4.	Facilitate and present the revised draft in the meeting of drafting committee and/or consultation meeting organized by MOLESS.	1	In closed collaborations with MOLESS
5.	Incorporate the feedback, comments, and inputs from the consultation meeting and finalize the draft of the bill	2	In closed collaborations with ILO teams and MOLESS
TOTAL no. of days		14	Max. days
Grand Total days (A+B)		17	Max. days

4. **SCOPE**

The tasks need to be conducted in close collaboration and coordination with the NPC of the ILO Bridge Project and the MOLESS (focal person of the drafting committee). The revised version of the bill and/or deliverables should incorporate the feedback from the ILO specialists in FUNDAMENTALS BRANCH in Geneva and/or DWT New Delhi.

‘The consultant(s) will be responsible for ensuring that gender equality and inclusion concerns are addressed in the training.’

- **Deliverables:**

1. Preparation of training session plan and presentation materials
2. Completion of 1.5 - day training for the FNBI and its affiliates
3. Submission of a revised draft of the Integrated Forced Labour Bill to the ILO Bridge Project and MOLESS
4. Submission of a draft PowerPoint presentation for a consultation meeting to the ILO Bridge Project and MOLESS

- **Duration:**

The consultant will be paid for 17 days of his/her engagement under the condition of completing the entire tasks between 27 February 2023 – 22 March 2023.

5. **REMUNERATION AND PAYMENT MODALITY**

The consultant will be selected through a competitive process and will be paid a daily fee depending upon the qualification, experience, and his/her past rates for similar kinds of tasks. S/he will be provided with applicable travel and DSA for the duration of the field visit, which should be including the total cost of this consultancy service.

The payment will be made in one installment, final payment i.e., 100% of the total budget based on the completion of all deliverables as listed above.

6. QUALIFICATIONS/EXPERIENCES

Any individual or team of individuals to be involved in this task should have an advanced university degree in the development field, particularly in law, social science, human rights, labour, child labour, forced labour, and/or trafficking issues. Having solid experience in the review of laws, and policies related to forced labour, child labour, and human trafficking issues. Prior experience in drafting the laws/policies related to forced labour, child labour, and human trafficking issues would be added advantage. Experience in writing, developing training manuals, and conducting or facilitating training programs for government officials' workers/employers' organizations are additional key competencies. The contracting party would need to be available during all working hours and reachable through adequate facilities communications if required.

Attestation for having adequate medical and accident insurance:

Insurance	<p>Do you have Medical and Accident Insurance? YES NO</p> <p>If YES, provide the document</p> <ul style="list-style-type: none"> - If NO, please be aware that the ILO accepts no liability in the event of death, injury, or illness of the External Collaborator. The External Collaborator attests that he/she is adequately covered by insurance for these risks. In no circumstances shall the External Collaborator be covered by any ILO insurance. It is the external collaborator's responsibility to take out, at their own expense, any personal insurance policies that are considered necessary, including a civil liability insurance policy.
Security	<p>Have you done the Security training?</p> <ul style="list-style-type: none"> - BSITF, YES, NO - ASITF, YES, NO - External collaborators whose tasks entail travel must comply with all applicable ILO security procedures and rules, notably those governing security clearance and training. External collaborators benefit from the security arrangements and protection provided by the United Nations Security Management Network (UNSMN) at duty stations that are either not under a security level or up to security level four (4). <p>If travel entails, the External Collaborator is/are required to obtain security clearance through the UN TRIP System before your travel. (https://training.dss.un.org/)</p>

7. APPLICATION

Interested candidates should submit 1) a letter of expression of interest, 2) an updated CV, and 3) a Financial Proposal to the ILO Kathmandu Office. The financial proposal should include the rate of service fee and should be inclusive of other costs deemed necessary for carrying out this assignment. Please submit your proposals to: ktm_procurement@ilo.org

no later than 17:00 hrs, 21 February 2023. Applications received after this will not be considered.

Please indicate **“Application: Technical support to finalize the draft bill and provide training to employers’ organization under the BRIDGE Project”** in the subject line.