



International
Labour
Organization

PROSPECTS

Terms of Reference –Service Providers

**Review of National Policy, Legislative and Regulatory
Frameworks, and Practice: A Baseline Study for Iraq**



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Background

The world is witnessing the highest levels of displacement on record. In recent years, forced displacement has increased in scale and complexity. According to the UN Refugee Agency (UNHCR), in 2019 there were over 79.5 million forcibly displaced persons, of whom 30.2 million were refugees and asylum-seekers. Eighty-four percent of the world's displaced are in developing countries and more than half are women. As displacement has become increasingly protracted, responses are focusing more on durable solutions backed by more dignified, inclusive and comprehensive programmes for refugees and the communities that host them. The aim is to enhance self-reliance, facilitate empowerment and strengthen social cohesion.

These responses need to be rapidly consolidated through significant international support built on a foundation of robust and effective partnerships that maximize synergies and leverage comparative advantages. With this in mind, a new Partnership for improving prospects for forcibly displaced persons and host communities (PROSPECTS) has been formed.

The Partnership is spearheaded by the Government of the Netherlands and brings together the International Finance Corporation (IFC), the International Labour Organization (ILO), the UN Refugee Agency (UNHCR), the UN Children's Fund (UNICEF) and the World Bank. PROSPECTS is targeting forced displacement situations in eight countries in East and North Africa and the Arab States: Egypt, Ethiopia, Iraq, Jordan, Kenya, Lebanon, Sudan and Uganda.

The Partnership is the concrete expression of the consensus that has emerged around the need for displaced persons and host communities to enjoy enhanced economic opportunities and for children on the move to have effective and inclusive access to protection and education (New York Declaration, 2016). Benefiting from a four-year time horizon (2019–2023) and financially supported by the Ministry of Foreign Affairs of the Netherlands, the Partners, together with national and local institutions, will join efforts to develop a new paradigm in responding to forced displacement crises, particularly through the involvement of development actors.

The Partnership hopes to transform the way governments and other stakeholders, including the social partners and the private sector, respond to forced displacement crises, by:

- fostering an enabling environment for socio-economic inclusion;
- improving access to education and protection for vulnerable children on the move; and



- strengthening the resilience of host communities.

The Partnership will also be grounded in results-based and country-led approaches. It aims to develop and implement evidence-based solutions, tailored to each context, as well as to test and learn from innovative operational solutions. The Partnership focuses on three critical areas of intervention that enable forcibly displaced persons to overcome their specific vulnerabilities and host communities to pursue their own development efforts in transformed environments. These are: education and learning; employment with dignity; and protection and inclusion.

In this partnership, ILO brings significant expertise and experience in supporting enabling environments to underpin inclusive socio-economic growth and decent work, strengthen labour markets and promote access to improved working conditions and fundamental rights at work, including through the involvement of its tripartite national constituents. The ILO stimulates labour market demand and immediate job creation through employment-intensive investment, local economic and business development and promotion of specific value chains and market systems. It provides targeted support to labour market institutions, services and compliance and monitoring mechanisms that facilitate the integration of refugees into the labour market in accordance with its strong normative foundation of international labour standards. The ILO brings also expertise on technical and vocational education and training and on the recognition of prior learning for certifying the skills of forcibly displaced persons to better ensure access to the labour market, and methods for assessing labour market demand to provide the right skills to forcibly displaced persons needed by employers.

To ensure coherent and mutually reinforcing action, the ILO connects its work under each of the three pillars through cross-cutting interventions implemented in close coordination, collaboration and complementarity with the other Partners.

Iraq Context

Years of conflict in Iraq have uprooted millions eroded social cohesion, disrupted access to basic services, destroyed businesses and livelihoods and increased protection risks. With widespread humanitarian and development concerns, weak central and local governance and limited progress towards recovery and development, the situation in Iraq remains unstable and has become protracted. There are an estimated 4.1 million people in need of humanitarian assistance across the country, of whom 2.4 million are in acute need. As of April 2021, 1.2 million internally displaced persons (IDPs) (with a significant majority in Ninewa governorate) were identified, in addition to 4.9 million



returnees and 247,305 Syrian refugees, (50.8% in Erbil, 34,4% in Duhok, the rest in other governorates) (151,405 out of camps and 95,900 in camps) .

Out of the 1.2 million recorded IDPs in Iraq, 257,071 IDPs were identified in Ninewa (104,557 in Mosul and 42,888 in Al Shikhan), while a total of over 1.9 million have returned to their areas of origin mainly in three districts (1,057,602 in Mosul, 1,509,996 in Al-Anbar, 711,516 in Salah al Din), making it the governorate with the highest number of returnees. 10% of these returnees are currently living in locations ranked as having high severity conditions. 2,046 individuals were re-displaced after returning due to lack of employment opportunities, poor services or security, housing damage and fear related to change in ethno-religious composition. The majority of these IDPs originally come from Talafar and Mosul in Ninewa, 1,038 and 528 individuals respectively .

Poverty and vulnerability in the Kurdistan Region of Iraq (KRI) are related to the limited access to economic opportunities combined with poor-quality social services, particularly social assistance, education and health as well as by the IDPs crisis. The recent COVID-19 pandemic is also expected to have a significant impact on poverty and vulnerability in KRI, with an estimated 2.9 to 8.9 percentage points increase in poverty and a 10.7 to 14.8 percentage points increase in near-poverty. Poverty is particularly high in the governorate of Duhok, and human development outcomes are the poorest in that governorate.

These conditions set in motion slow and uneven returns amongst IDP camp residents after the Federal Government decided to close IDP camps and encourage voluntary returns. Camp closures have had the greatest impact on areas in the federally controlled region of Iraq, while the camps within KRI (Duhok) remained open, although aid and assistance has been reduced with camp residence suffering from extremely poor living conditions against the backdrop of the COVID-19 pandemic.

A rapid assessment conducted by the ILO and the FAFO Institute revealed the extent to which vulnerabilities had been exacerbated by COVID, especially unemployment and mounting debt levels among IDP and refugee families: A quarter of all workers who were employed prior to the pandemic had been laid off as of June 2020, with women and youth being disproportionately impacted (respectively 28% of women and 42% of youth). Rates of youth participation in the labour force show a gender gap of over 38%. Young women appear to face particular challenges: 65% of young women are unemployed compared to 32% of young men. In KRI specifically, the unemployment rate for young women aged 15 to 24 is 69% (World Bank, 2018).

Against this background, in Iraq, the PROSPECTS partnership supports the national agenda of promoting inclusion and socio-economic development, whilst working closely with local authorities and communities to identify, maximize, and realize opportunities



on the ground. The partnership aims to empower forcibly displaced and host community members to meet their needs; it seeks to invest in the local economy; promote non-discrimination, and prepare young people – displaced and host community– for their futures; creating inclusive policies and strengthen service delivery systems.

ILO's efforts in Iraq under PROSPECTS focus on supporting thousands of forcibly displaced persons and host community members to access more and better livelihoods and decent job opportunities in Ninewa and Duhok. It is doing so through an integrated approach which includes implementing labour intensive infrastructure projects; supporting market-driven skills training; promoting financial inclusion and entrepreneurship, in addition to improving public employment services.

Objectives

The consultancy entitled, “The National Policy, Legislative and Regulatory Frameworks and Practice Review”, aims to establish baseline situations in Egypt, Ethiopia, Iraq, Jordan, Kenya, Lebanon, Sudan and Uganda, in the area of relevant policy, legislative and regulatory frameworks and current practice in terms of implementation in relation to the access of forcibly displaced persons to the labour markets, employment, livelihood and training opportunities, including self-employment and business development. This will provide ILO PROSPECTS programme teams a clear understanding of the current status (or not) of these frameworks and how they are being applied (or not).

Before the Partnership can begin planning its interventions around policy advocacy and supporting government and other efforts to develop or reform relevant frameworks on access to education and training, active labour market programmes, the right to work and rights at work, including social security and protection and freedom of association, an understanding of the current political, legal, and regulatory environment in regards to those with refugee status is required for each of the targeted countries.

Importantly, it will also provide a comparison on national policies and legislation against what actually happens in practice thereby revealing the capacities and abilities of government ministries, institutions, social partners and non-government actors to enact and implement and inform further capacity-building interventions.

Specific Objectives



The consultant, in close collaboration with and under the technical supervision of IMPACT Initiatives, an NGO with expertise in designing and conducting research for actors in the humanitarian and development sector, will be required to:

- Identify relevant policies, legislation and regulations and analyse them in regards to the forcibly displaced persons' (refugees, IDPs, returnees) access to employment, livelihood, and training opportunities, and to rights at work.
- Identify and review literature and secondary data sources on policy, legislation and regulations, and assess their actual implementation on the ground, thereby avoiding duplication of existing legal reviews and studies and leveraging these sources where relevant.
- Conduct a Gap Analysis against the assessment framework that highlights implementation gaps, and needs and expectations.
- Conduct key informant interviews of identified national (national and governorate level) and international actors in Erbil, Duhok and Ninewa to assess the practical application of policy, legislative and regulatory frameworks and identify challenges that will need to be addressed.
- Conduct KI interviews with forcibly displaced and host communities, and also focus group discussions in Erbil, Duhok and Ninewa, to better assess knowledge and understanding of these policy, legislative and regulatory frameworks.
- Conduct validation exercises in KRI to ensure the establishment of key recommendations going forward in terms of identifying gaps and challenges that can be addressed through the PROSPECTS and related programmes, including policy advocacy and supporting either policy, legislation and regulatory development and/or reform as appropriate.
- Develop Iraq country level report that summarize the main findings and possible recommendations for the PROSPECTS programme at the country level.

The consultant will be expected to conduct these activities only for Iraq however, it is important to note the consultant's research and subsequent report will be expected to follow a predetermined assessment framework that will allow for their findings to be comparable against other countries identified for this study. The findings from all countries will be eventually aggregated into a global-level analysis report. Further details are outlined in the methodology section below.

Scope



The scope of work would identify, examine and analyse policy, legislation and regulations in so far as these pertain to the access of forcibly displaced persons (IDPs, refugees and returnees) to labour markets, employment and self-employment (formal and informal), training, business development and other income-generating activities. It would also examine and allow for the comparison on identified national and regional policies and legislation, against the ability and capacity of government ministries, institutions, social partners and non-government actors to enact and implement. Areas of focus should include:

- Current refugee, asylum, returnee and immigration policy and legislation and relevant secondary legislation and regulations, with particular focus on issues relevant to access to work (formal and informal), including but not limited to the right to work, to set up business, legal identity, access to mobile services in the context of digital learning and economy, access to justice including grievance mechanisms (to protect rights at work), freedom of association, freedom of movement, access to education and training, employment services, access to employment-based national social insurance programmes, limitations on sectors and areas of work available to refugees, etc. This analysis will also consider mechanisms in place to govern the access of different categories of forcibly displaced persons (IDP, refugee, returnee) to labour markets and economic opportunities, such as having to apply for work permits and the regulations and procedures applying to these systems, including quotas and fees. In addition, it will also consider naturalisation pathways open to refugees through immigration/asylum policies and regulations.
- The baselines will also examine the issue of recognition of education, vocational, academic and professional qualifications of refugees and how this process is managed, if at all, and the onward principle of refugees being able, for example, to practice technical and liberal professions.
- Where governments have established and apply the right to work for forcibly displaced persons, this review should examine how this works in practice, including any barriers that may affect the application of this right, for example, bureaucratic hurdles, lack of information, limited capacity of government institutions to support access to this right, behaviour and attitude of employers and national workers, etc.
- The same will apply for the right of forcibly displaced persons to set up businesses or cooperatives and access to financial services, looking closely at challenges they may face in accessing this right, legal and bureaucratic obstacles, lack of understanding of services they may be able to obtain, etc.
- Freedom of movement and association are two fundamental principles that support the right to work and rights at work and it will be important to examine how these rights are applied if at all and whether forcibly displaced persons are appropriately informed. Freedom of association and the right to collective bargaining can apply to refugees being able to join trade unions or businesses/self-employed being able to join sectoral and trade associations, including cooperatives. The other part of this



analysis would examine the readiness of these national bodies to accept refugees into membership, including whether their regulations are adequate and appropriate and whether information is being shared among refugees as well as these actors.

- The above shows how important it will be for the assessment to cover policy and practice as these are important indicators to address impediments to comprehensive and fair implementation, and therefore critical information for planning and programme design.
- The review should also examine policies and national strategies (where these might exist) on a range of related issues, for example, on Employment (including apprenticeships and consideration for youth, gender and disability), Education and Skills Development (including career counselling and guidance), Vocational Qualifications and Competences (including recognition of prior learning), Social Security and Protection (including for example pensions, maternity and child benefits/allowances, health benefits, injury insurance, etc.), Small and Medium Enterprise Development and Urban, Rural and Agricultural Development (including land ownership), etc.
- It should also examine labour legislation in terms of coverage and application and whether public and private employment services can provide support to refugee, IDP and returnee job seekers.
- National development plans and strategies are also important sources of information for this assessment to understand whether refugees and IDPs are included.
- Central to this broad examination is the principle of non-discrimination and equality of treatment and opportunity for forcibly displaced persons.

Methodology

The consultant will be provided with a global-level methodology and assessment framework developed by ILO and IMPACT to form the basis of the study. The consultant will adapt this methodology to the context of their country of study, and will be responsible for developing their own plan and tools for to collect and analyse data within the confines of the assessment framework.

The methodology will employ a qualitative comparative method using secondary data and identified primary literature sources, and combine it with external triangulation via structured / semi structured key informant interviews.

Deliverables



Phase	Deliverables
1: Project Planning and Implementation	<ul style="list-style-type: none"> • Work Plan • Full body of literature to form the basis of the secondary data review and gap analysis components of the study. • A full Secondary Data Review on identified literature against the provided assessment plan • Gap Analysis Report outlining the areas requiring further information and understanding • Data Collection Plan A data collection plan to fill any identified gaps, and to triangulate desk review findings
2: Data Collection, Initial Findings, Reporting, and Validation	<ul style="list-style-type: none"> • Key findings summary from data collection • Draft Report
3: Final Reporting and Project Close	<ul style="list-style-type: none"> • Final Report • Lessons Learned Report

Payment Schedule

Payment will be delivered in line with the satisfactory delivery of outputs outlined in the three identified project phases.

Project Phase	Payment	Date (indicative)
1: Project Planning and Implementation	20 Percent	Within 4 weeks upon signature of the contract



2: Data Collection, Initial Findings, Reporting, and Validation	40 Percent	Within 8 weeks upon signature of the contract
3: Final Reporting and Project Close	40 Percent	Within 12 weeks upon signature of the contract

Reporting

Although the consultant will be working under guidance and support from IMPACT, the consultant will report directly to ILO PROSPECTS focal points Shaza Ghaleb Jondi (jondi@ilo.org) and Meredith Byrne (byrne@ilo.org).

The ILO and IMPACT are available to provide in-country information and resources where possible, but it will be the consultant's responsibility to collect relevant information as per this ToR, and ensure they are able to work freely and legally in the selected country.

Duration

The consultancy will be for **12 weeks**, starting on **the 12th of July 2021** and concluding on the **7th of October 2021**.

Submission of Applications

For service providers:

Interested companies should submit the following documents:

- Technical proposal including an
 - organizational capacity statement, legal registration documents,
 - proposed methodology,
 - detailed work plan,
 - outline for key informant interviews and focus group discussions,
 - CVs of key staff involved in the project.
- Written sample of prior work, and a
- Financial proposal.



Interested applicants should submit their technical and financial proposal as well as other supporting documents outlined above via email to Carole Turcato (turcatoc@ilo.org) and Fatma Kaya (kaya@ilo.org) citing “Review of National Policy, Legislative and Regulatory Frameworks, and Practice: A Baseline Study for Iraq” as a subject, no later than **27 June 2021**. Clarification questions may be submitted until **18 June 2021** and the ILO will respond to questions latest by **21 June 2021**.

The financial proposal should outline an estimated budget for the overall assignment (professional fees with a cost-breakdown including a daily fee and number of days required, travel, and validation workshops, etc.). Moreover, the financial proposal should indicate the number of days to be spent travelling to project target localities in Erbil, Duhok and Ninewa.

Evaluation Criteria

- CVs of proposed team members demonstrate previous experience in carrying out analytical work and legal reviews as well as qualitative research in the field of social science, and ability to lead focus group discussions and key informant interviews.
- Experience in forced displacement settings is considered as an added value.
- Sample of prior work demonstrates experience in writing high quality, concise and analytical reports.
- The proposal demonstrates a clear and realistic work plan including an engagement strategy for key stakeholders such as the ministry of labour, social partners and governmental counterparts at state level.
- The proposal demonstrates the capacity of the expert(s) to conduct analytical work in KRI, good knowledge of the context and clear outline of collaboration with local partners including for field work.
- The proposal and writing sample(s) demonstrate excellent command of English.

Ownership of Data and Information

All documents, project data and information obtained in connection with this assignment shall be treated confidential and shall not without the written approval of ILO be made available to any third party. All the documents provided by ILO, both soft and hard copies are to be returned to ILO upon completion of the assignment. All



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