

INDIVIDUAL CONSULTANT PROCUREMENT NOTICE



Date: 11 May 2020

Country: Bangkok, Thailand

Description of the assignment: Researcher on the Status of the Implementation of the UNGPs on Business and Human Rights in Asia

Duty Station: Home based with no travel required\

Project name: Business and Human Rights Unit, UNDP BRH

Period of assignment/services: May – December 2020 with maximum of 100 working days.

Proposal should be submitted no later than **23 May 2020 *****

Please click on the link below to apply: https://jobs.undp.org/cj_view_job.cfm?cur_job_id=91650

1. BACKGROUND

Project Title:

Business and Human Rights Unit, UNDP BRH.

Project Description:

The UNDP Asia-Pacific, Bangkok Regional Hub, Business and Human Rights unit (B+HR Asia), is playing a central role in promoting the implementation of the United Nations Guiding Principles on Business and Human Rights (UNGPs) in Asia. The UNGPs consist of three pillars and are grounded on a polycentric governance framework promoting a so-called “smart mix of measures”. While the first pillar of the UNGPs concerns the well-established State duty to protect human rights under international human rights law, the second pillar addresses the responsibility of business enterprises to respect human rights and (mainly) links the concept of human rights with corporate governance and private regulation. Finally, the third pillar stresses the need for both State and non-State actors to promote access to effective remedies to victims of business-related abuses through providing or cooperating in judicial and non-judicial grievance mechanisms.

Although the BHR discourse only took off recently in Asia, increasing awareness and uptake can be observed throughout the region. For example, Thailand adopted Asia’s first stand-alone National

Action Plan on BHR (NAP), while various other States in Asia are developing such national frameworks. Nevertheless, serious challenges remain. Indeed, implementation of the UNGPs will require dedicated efforts to create and enforce policies and laws, and ensure policy coherence, among other things. Moreover, increasingly major economic actors (such as the European Union) to use their economic and political leverage to promote business respect for human rights in Asia.

Businesses also have challenges to overcome. Some large multinational enterprises have established human rights policy commitments and are conducting human rights due diligence (HRDD). However, usually such efforts have not yet translated into concrete improvements for rights holders. While encouraging examples exist of businesses carrying out HRDD in Asia, they remain rather isolated and fragmentary. And even if businesses engage in such efforts, individual and industry-wide purchasing practices can inhibit improved working conditions. Moreover, the question remains how to promote business respect for human rights among local, small and medium-sized companies, or what to do when businesses do not subscribe to the normative value of human rights and are not susceptible to the “business case” for promoting human rights.

Due to a whole plethora of reasons, victims of business-related human rights abuse have very limited access to effective remedies in Asia. Current grievance mechanisms, if available at all, severely fall short of what is prescribed by the UNGPs.

UNDP’s regional project on Business and Human Rights, titled “Business and Human Rights in Asia: Promoting Responsible Business Practices through Regional Partnerships”, (B+HR Asia) drives progress on BHR through technical advisory, awareness-raising, and capacity building support to governments, businesses, civil society organizations (CSOs), and independent national human rights institutions (NHRIs). Partnering with an array of champions including media professionals, technical experts, and human rights defenders, B+HR Asia works to ensure the effective implementation of the UNGPs.

B+HR Asia intends to hire an International Consultant (IC) to conduct a research study to assess and document the status of BHR in Asia and the Pacific and provide concrete recommendations (to at least governments, national human rights institutions and business enterprises) on how to advance the BHR agenda and engage with affected rights holders and communities, and other stakeholders. The idea is that this study can be repeated every two years to provide a continuous overview of progress and strategies in the region. Updated research will be instrumental in analysing how to move the BHR discourse forward.

The eventual knowledge product resulting from the research shall be comprised of four main sections. The first section shall contain an introductory chapter on BHR in South and Southeast Asia, outlining general developments and apparent trends in 2020. The first section must have dedicated space to elaborate on broader BHR ecosystem, the role of national stock exchange, the impact of various initiatives such as Shifts Beta indicator project, the role of global pressures (consumer advocacy, extraterritorial obligations) etc. The second section shall be comprised of three subsections, corresponding with the three pillars of the UNGPs (“protect, respect, remedy”). Each of these subsections shall include chapters on the specific themes outlined by the Guiding Principles of the respective pillar. The third section shall contain recommendations to governments, national human rights institutions and business enterprises, which shall be derived from the developments and corresponding challenges outlined in the second section of the report. There should be emphasis on the qualitative or lived experiences of right-holders – this can either be created as an exclusive section or be included as case studies under relevant sections. Note that the contents of

these sections and chapters shall be created in consultation with UNDP, which is further detailed below. Please note that this is the suggested format for the report, but UNDP will be willing to consider other formats/structure basis preliminary research.

Ultimately, the research study aims at:

1. Assessing the current status of implementation of the UNGPs in South and Southeast Asia;
2. Identify the factors that enabled progress on BHR and the barriers that impede implementation of UNGPs in Asia; and

Provide recommendations to promote the BHR discourse effectively among a range of stakeholders in the years to come in South and Southeast Asia.

2. OBJECTIVE, SCOPE OF WORK, RESPONSIBILITIES AND DESCRIPTION OF THE PROPOSED ANALYTICAL WORK

Scope of work:

The Consultant will work under the guidance and supervision of the Manager of the Business and Human Rights project and in collaboration with support from project team members. Specific results to be achieved by the IC are listed below.

1. Produce a research plan in consultation with the manager of the business and human rights project. This result is comprised of following major tasks:

- Conduct preliminary desk research to identify gaps in data and analysis concerning the status of BHR in South and Southeast Asia;
- Based on preliminary research, propose the different chapters to be included in the knowledge product and outline their contents, which shall be structured along the three pillars (“protect, respect, remedy”) of the UNGPs and all their respective Guiding Principles and themes;
- Create a research methodology and structure and outline the specific activities to be undertaken, suitable to accomplish the deliverables 2 and 3 listed below.

2. Report on the ‘Status of BHR in South and Southeast Asia’. This result is comprised of following major tasks:

- Research and outline the main developments on BHR progress and the implementation of the UNGPs, following the structure outlined under deliverable 1 listed above;
- Report on Pillar I, covering the following themes and Guiding Principles: foundational principles of the State duty to protect (Guiding Principles 1 and 2), general State regulatory and policy functions in relation to BHR (Guiding Principle 3); the State-business nexus (Guiding Principles 4-6), business respect for human rights in conflict situations (Guiding Principle 7), horizontal and vertical policy coherence (Guiding Principles 8-10);
- Report on Pillar II, covering the following themes and Guiding Principles: foundational principles on the corporate responsibility to respect (Guiding Principles 11-15), policy commitments (Guiding Principle 16), human rights due diligence (Guiding Principles 17-21),

and business provision or cooperation in remediation (Guiding Principle 22), issues of context (Guiding Principles 24);

- Report on Pillar III, covering the following themes and Guiding Principles: foundational principle of access to effective remedy (Guiding Principle 25); State-based judicial mechanisms (Guiding Principle 26), State-based non-judicial grievance mechanisms (Guiding Principle 27), non-State based grievance mechanisms (Guiding Principle 28-30), effectiveness criteria for non-judicial grievance mechanisms (Guiding Principle 31);
- Report on lived experiences of rights holders in the context of human rights impacts of businesses.

3. Provide recommendations to progress BHR in Asia. This result is comprised of following major tasks:

- Analyse existing trends, challenges and strategies;
- Articulate concrete and practical recommendations to various stakeholders (including at least governments, national human rights institutions, business enterprises) on how to progress the BHR discourse in Asia;

4. Validate research findings and launch final report

- Validate research findings through peer-review, including by UNDP Business and Human Rights unit;
- Finalise and launch report.

3. REQUIREMENTS FOR EXPERIENCE AND QUALIFICATIONS

Required Skills and Experience

The consultant should possess the following expertise and qualifications:

Education and Experience

- Advanced university degree (Master's or equivalent) or PhD in law, governance, anthropology, social science, political science, business management, or related discipline(s);
- 7+ years of research on documentation on human rights/social and development issues;
- 5+ years of work experience related to business and human rights;
- Demonstrated understanding of geo-political situation and experience in Asian countries, on a wide range of business and human rights issues, with various types of stakeholders (e.g. government, NHRIs, businesses, civil society);
- Demonstrated capacity to conduct multi-discipline, cross-sector and cross country research;
- Expertise in writing and documenting research reports.

Skills

- Demonstrable research skills;
- Results-driven, initiative-taking, ability to work under pressure and meet tight deadlines;
- Ability to work independently or with very limited guidance.
- Highly motivated with a positive attitude and problem-solving approach;

- Good interpersonal and communication skills.

Language

- Proficiency in English.

4. DURATION OF ASSIGNMENT, DUTY STATION AND EXPECTED PLACES OF TRAVEL

Duration

The assignment is estimated to commence in May 2020. The assignment will need to be completed in December 2020 at the latest. Up to a maximum of 100 working days.

Duty Station

The consultancy will be home-based and shall set-up a schedule to engage with the project team through video conference or other remote communication tools.

5. FINAL PRODUCTS

Expected Outputs and Deliverables

Deliverables/ Outputs	Estimated Duration to Complete	Target Due Dates	Review and Approvals Required
1) Research plan	2 weeks	30 Jun 2020	Business and Human Rights Specialist, Business and Human Rights unit, Governance and Peacebuilding Team, UNDP Bangkok Regional Hub.
2) Draft study, inclusive of recommendations, for validation	15 weeks	31 Oct 2020	
3) Validation through peer-review	4 weeks	30 Nov 2020	
4) Final report	2 weeks	15 Dec 2020	

Final report in a layout and format ready to be published (printing costs are not expected to be borne in this IC contract).

The consultant will use his/her own equipment and software.

Intellectual Property

All information and production of report to the assignments as well as outputs produced under this contract shall remain the property of the UNDP who shall have exclusive rights over their use. The products shall not be disclosed to the public nor used in whatever format without written permission of UNDP in line with the national and International Copyright Laws applicable.

6. PROVISION OF MONITORING AND PROGRESS CONTROLS**Institutional Arrangement**

The consultant will work under the overall guidance of the Business and Human Rights Specialist, Business and Human Rights unit, Governance and Peacebuilding Team, UNDP Bangkok Regional Hub.

Fortnightly reporting will be required, and each deliverable shall be presented to the Business and Human Rights Specialist for review and approval.

The project will not be required to provide any facilities or other support, though the Business and Human Rights Specialist or other team members may provide guidance.

7. DOCUMENTS TO BE INCLUDED WHEN SUBMITTING THE PROPOSALS.**Required documents**

Interested candidates must submit the following documents/information to demonstrate their qualifications.

- a) Duly accomplished Letter of Confirmation of Interest and Availability using the template provided by UNDP;
- b) Curriculum Vitae;
- c) Three examples of previous publications;
- d) Brief description of why the individual considers him/herself as the most suitable for the assignment, and a methodology on how they will approach and complete the assignment.
- e) Financial Proposal that indicates the all-inclusive fixed total contract price, supported by a breakdown of costs, as per template provided. If an Offeror is employed by an organization/company/institution, and he/she expects his/her employer to charge a management fee in the process of releasing him/her to UNDP under Reimbursable Loan Agreement (RLA), the Offeror must indicate at this point, and ensure that all such costs are duly incorporated in the financial proposal submitted to UNDP. The consultant should also indicate any travel and related costs for meetings etc;

Incomplete proposals may not be considered. The short listed candidates may be contacted and the successful candidate will be notified.

8. FINANCIAL PROPOSAL

Payment Terms

Candidates shall quote a **lump-sum “all-inclusive” fee** for the completion of each deliverable. The term “all-inclusive” implies that all costs (professional fees, communications, consumables, etc.) that could be incurred by the IC in completing the assignment are already factored into the lump-sum submitted in the proposal. Payments shall be done upon verification of completion of deliverables and approval by the consultant’s supervisor.

The lump-sum price is fixed regardless of changes in the cost components.

- First Tranche – 10% upon submission and approval of Deliverable 1 (“Research Plan”)
- Second Tranche – 20% upon submission and approval of Deliverable 2 (“Draft study for evaluation”)
- Third Tranche – 20% upon submission and approval of Deliverable 3 (“Validation through peer-review”)
- Fourth Tranche – 50% upon submission and approval of Deliverable 4 (“Final report inclusive of recommendations”)

In the event of unforeseeable travel not anticipated in this TOR, payment of travel costs including tickets, lodging and terminal expenses should be agreed upon between the respective business unit and the Individual Consultant prior to travel and will be reimbursed.

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In general, UNDP shall not accept travel costs exceeding those of an economy, most direct, round-trip ticket. Should the IC wish to travel on a higher class he/she should do so using their own resources.

9. EVALUATION

Evaluation Method and Criteria

Only candidates which are responsive and compliant will be evaluated, Individual consultants will be evaluated based on the following methodology;

Combined Scoring method:

The award of the contract shall be made to the candidate whose offer has been evaluated and determined as a) responsive/compliant/acceptable; and b) having received the highest score out of set of weighted **technical criteria (70%) and financial criteria (30%)**.

- The technical criteria consist of qualification review (education, experience, language) [max. 100 points]
- **Financial score** shall be computed as a ratio of the proposal being evaluated as the lowest priced qualified proposal received by UNDP for the assignment will be based on a maximum 30 points.

Technical Criteria for Evaluation (Maximum 100 points)

- Criteria 1: Education – Max 15 points;
- Criteria 2: Working experience – Max 45 points
- Criteria 3: Analytical, research and writing abilities – Max 30 points
- Criteria 4: Excellent command of English writing – Max 10 points

Only candidates obtaining a minimum of 70 points for technical criteria (approx. 70% of the total technical points) would be considered for the Financial Evaluation.

For those passing technical evaluation above, offers will be evaluated per the Combined Scoring method:

- a) Technical evaluation (70%)
- b) Financial evaluation (30%)

The application receiving the Highest Combined Score will be awarded the contract.

ANNEXES

[Annex I TOR Researcher Status BHR Asia](#)

[Annex II General Terms and Conditions for Contracts Individual Consultants](#)

[Annex III Offerors Letter to UNDP Confirming Interest and Availability](#)

[Annex IV P11 for IC \(optional \)](#)

All documents can be downloaded at: https://procurement-notices.undp.org/view_notice.cfm?notice_id=65776