

TERMS OF REFERENCE

Reference	PN/FJ/108/20
Location	Suva, Fiji Islands
Application deadline	1 November 2020
Type of Contract	Individual Contractor
Post Level	National Consultant
Consultancy Title	Advocacy Brief Developer
Languages required:	English
Duration of Initial Contract:	40 days between November 2020 to January 2021

BACKGROUND

The Office of the United Nations High Commissioner for Human Rights (OHCHR) Regional Office for the Pacific is based in Suva, Fiji. It covers 16 countries and territories in the region, - Australia, Cook Islands, Federated States of Micronesia, Fiji, Kiribati, Nauru, New Zealand, Niue, Palau, Papua New Guinea, Republic of the Marshall Islands, Samoa, Solomon Islands, Tonga, Tuvalu, and Vanuatu.

The regional programme, *“Enhancing protection and empowerment of migrants and communities affected by climate change and disasters in the Pacific region”* seeks to protect and empower communities adversely affected by climate change and disasters in the Pacific region, focusing specifically on climate change and disaster-related migration, displacement, and planned relocation. The proposed programme will be delivered through a partnership between the United Nations Agencies of International Organization for Migration (IOM), International Labor Organization (ILO), OHCHR, and United Nations Economic and Social Commission for Asia and the Pacific (ESCAP). Platform on Disaster Displacement and Pacific Islands Forum Secretariat will be non-UN implementing partners.

A key component of the programme is to facilitate the development of a regional rights-based framework on climate change-related displacement, migration, and planned relocation. The programme will also empower communities affected by climate change through training and skills development activities to increase access to labour mobility schemes, and pre-departure orientation to empower migrants to migrate safely with an understanding of their rights. The programme will also increase the capacity of government and non-government stakeholders to promote labour mobility that is safe, regular, and inclusive.

The programme seeks to raise awareness about the rights of all migrants including migrant workers in the Pacific. When their rights are protected, migrants play an important role in enhancing development prospects in destination and origin economies and societies. Concerned states must ensure that all migrants are able to exercise their human rights as enshrined in international human rights law

including the International Convention on the Protection of Rights of All Migrant Workers and Their Families (ICRMW), other relevant international and national treaties, laws and regulations.

Pacific governments including Fiji have ratified the ICRMW and are also party to several of the other core international human rights instruments, and thereby retain obligations to protect, respect and fulfil the human rights of all migrants, regardless of their status .

Even though this information is available publicly, migrants and their families often possess limited knowledge about their human and labour rights and the various reporting mechanisms available in destination, transit and origin countries. Consequently, migrants do not report human and labour rights violations and abuses, including gross underpayment, harassment, and assault. Given that it enshrines the rights of all migrant workers and their families, it is imperative to raise awareness amongst Governments, CSOs, NHRIs and social partners of the importance of ratification and implementation of core international human rights instruments including the International Convention on the Protection of Rights of All Migrant Workers and Their Families (ICRMW) as well as international labour standards including the ILO Migration for Employment Convention (No. 97), Migrant Workers (Supplementary Provisions) Convention (No. 143), Private Employment Agencies Convention (No. 181), Work in Fishing Convention (No. 188), Domestic Workers Convention, 2011 (No.189) and Violence and Harassment Convention, 2019 (No.190). .

Therefore, the objective of this consultancy is to engage a research consultant with expertise in international human rights law and standards in particular but not limited to the *UN Convention on the Protection of the Rights of All Migrant Workers and Members of their Families* (ICRMW). The consultant should also have knowledge of the ILO Migration for Employment Convention (No. 97), Migrant Workers (Supplementary Provisions) Convention (No. 143), Private Employment Agencies Convention (No. 181) and Work in Fishing Convention (No. 188), Domestic Workers Convention, 2011 (No.189) and Violence and Harassment Convention, 2019 (No.190). (C97, C143, C181, C188, C189 and C190).

The purpose of the advocacy briefs will be to:

1. Advocate to governments in the Pacific on ratification of the ICRMW and their obligations under other IHRL instruments and on ratification of ILO C97, C143, C181, C188, C189 and C190 (starting from what the convention is, why it should be ratified and what the obligations of signatories are)

The consultants will undertake the following activities (scope of work) in consultation with OHCHR and ILO.

DUTIES AND RESPONSIBILITIES

Scope of Work

The Advocacy Brief will include the following:

- Mapping of countries in the Pacific region that have ratified IHRL instruments, in particular ICCPR, ICESCR and ICRMW
- Mapping of countries in the Pacific region that have ratified ILO fundamental conventions and ILO C97, C143, C181, C188, C189 and C190
- Introduction to IHRL instruments with a specific focus on the ICRMW, as well as ILO Convention (No. 97), Migrant Workers (Supplementary Provisions) Convention (No. 143), Private Employment Agencies Convention (No. 181), Work in Fishing Convention (No. 188), Domestic Workers Convention, 2011 (No.189) and Violence and Harassment Convention, 2019 (No.190). (C97, C143, C181, C188, C189 and C190)..
- Provide recommendations to governments on how to effectively implement their obligations under the various IHRL and international labour instruments, including through the participation of migrants and their communities.

Under the overall supervision of the OHCHR ROP Programme focal point and technical inputs from the ILO office for PICs, the local consultant will develop two advocacy briefs. The first for IHRL instruments with a focus on the ICRMW highlighting human rights obligations Pacific island states have to migrants. The second on ILO C97, C143, C181, C188, C189 and C190.

- Develop work plan and inception report
- Complete a desk review assessment
- Develop one, 16-20-page brochure style advocacy brief:
 - Map out opportunities for ratification of IHRL instruments including ICRMW by Pacific island states
 - Advocate Pacific island states to ratify ICRMW
 - Provide tools to governments on implementation of ICRMW
- Develop one 16 – 20-page brochure style advocacy brief focusing on:
 - ILO C97, C143, C181, C188, C189 and C190
 - Highlights evidence of human rights issues faced by migrant workers
 - Map out opportunities for ratification and advocate to ratify ILO C97, C143, C181, C188, C189 and C190.
- Prepare draft documents
- Finalize the documents based on inputs from OHCHR and ILO

Institutional Arrangement

- The Consultant will report to OHCHR ROP programme focal point
- The Consultant will provide regular updates on progress as required.
- Identify institutions/organizations/individuals with whom the IC is expected to liaise/interact/collaborate/meet with in the course of performing the work (e.g., other agencies, programme co-implementers, donors, communities, local government units, etc.) The Consultant will be engaging with various stakeholders/ partners during the assignment in order to complete the task.

Duty Station

- The duty station will be Suva, Fiji.

Expected Outputs and Deliverables

a. One, 16-20-page brochure style advocacy brief targeting IHRL instruments with a focus on ICRMW and one 16-20 pages brochure style advocacy brief focusing on ILO C97, C143, C181, C188, C189 and C190, based on two longer 20-page documents, the first for ICRMW and the second for the ILO conventions. These will be developed as a source document for reference in electronic format. PCCMHS programme team will provide comments on the draft reports and briefs, and the Consultant will finalize the documents in view of these comments.

b. Final report and advocacy briefs: The report and briefs should be logically structured, contain evidence-based findings, conclusions, lessons, and recommendations, and should be free of information that is not relevant to the overall analysis. They should respond in detail to the key focus areas described above. It should include a set of specific recommendations formulated for the protection of migrant workers, and identify the necessary actions required to be undertaken and who should undertake these (If any)

No	Deliverable description	Indicative completion date
1	Signing of agreement	9/11/2020
2	Develop work plan and Research methodology	16/ 11/2020
3	Submit draft of research on key issues/points for ICRMW and ILO C 97, C143, C181, C188, C189 and C190	05/12/2020
4	Submit revised and final draft of research on key issues/points for ICRMW and ILO C 97, C143, C181, C188, C189 and C190, incorporating feedback from OHCHR and ILO	19/12/2020
5	Draft Advocacy briefs on the ICRMW	31/12/2020
6	Draft Advocacy briefs on ILO C97, C143, C181, C188, C189 and C190	31/12/2020
7	Final advocacy briefs on the ICRMW incorporating feedback from OHCHR and ILO	15/01/2021
8	Final advocacy brief on the ILO C97, C143, C181, C188, C.189 and C190 incorporating feedback from ILO	15/01/2021

COMPETENCIES

Corporate Competencies:

- Demonstrates integrity and fairness by modelling UN values and ethical standards;
- Demonstrates professional competence and is conscientious and efficient in meeting commitments, observing deadlines and achieving results;
- Displays cultural, gender, religion, race, nationality and age sensitivity and adaptability

Functional Competencies:

- Good understanding of climate change and migration related issues in the Pacific context;
- Efficiency in drafting messages related to development issues within in the Pacific;
- Creative mind with attention to the bigger picture and to detail;
- Ability to work independently and as a member of a team;
- Ability to work under pressure and complete tasks within an agreed timeline;
- Demonstrated ability to work harmoniously in a multi-cultural environment;
- Excellent relationship management;
- Excellent communication, facilitation, presentation and report writing skills;

REQUIRED SKILLS AND EXPERIENCE

Educational Qualifications:

- University degree or higher preferably in international human rights law. Knowledge of International labour law and migration studies will be a distinct advantage.

Experience

- At least three years of experience in research and delivering quality communication service to English-speaking external clients within deadlines;
- Demonstrated experience in producing products for a wide variety of audience in the Pacific, audience would include youth, CSOs and technical groups;
- Demonstrated ability to develop advocacy tools and materials within deadlines;
- Demonstrated ability to deliver quality results within deadlines;
- Fully proficient computer skills including use of relevant graphic software and other applications.

Language requirements

- Fluency of spoken and written English language is required

Price Proposal and Schedule of Payments

Lump Sum Amount. The total amount quoted shall be all-inclusive and include all costs components required to perform the deliverables identified in the TOR, including professional fee, living allowance (if any work is to be done outside the IC's duty station) and any other applicable cost to be incurred by the IC in completing the assignment. The contract price will be fixed output-based price regardless of

extension of the herein specified duration. Payments will be done upon completion of the deliverables/outputs and as per below percentages:

- Deliverable 1: Workplan and Research methodology. 20% of total contract amount
- Deliverable 2: Submit draft of research on key issues/points for ICRMW and ILO C 97, C143, C181 and C188. 10%
- Deliverable 3: Submit revised and final draft of research on key issues/points for ICRMW and ILO C 97, C143, C181 and C188 incorporating feedback from OHCHR and ILO. 20% of total contract amount
- Deliverable 4: Draft Advocacy brief on the ICRMW. 10% of total contract amount
- Deliverable 5: Draft Advocacy briefs on ILO conventions 97, 143, 181 and 188. 10% of total contract amount
- Deliverable 6: Final advocacy briefs on the ICRMW incorporating feedback from PCCMHS team. 20% of total contract amount
- Deliverable 7: Final advocacy brief on the ILO conventions 97, 143, 181 and 188 incorporating feedback PCCMHS team. 20% of total contract amount

Evaluation Method and Criteria

Cumulative analysis

The award of the contract shall be made to the individual consultant 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%). Financial score shall be computed as a ratio of the proposal being evaluated and the lowest priced proposal received by UNDP for the assignment.

Technical Criteria for Evaluation (Maximum 70 points)

- Criteria A: Possess University higher degree, preferably in Development and Labour Law; 10%
- Criteria B: Demonstrated experience in social science research on a variety of topics in relation to the Pacific ; 15%
- Criteria C: Fully proficient research skills including planning, data collection, and analysis.; 15%
- Criteria D: Demonstrated ability to develop advocacy briefs and materials with deadlines; 10%
- Criteria E: Demonstrated ability to deliver quality results within deadlines; 10%
- Criteria G: Fluency in English (written and oral) is essential; 10%
- Financial Offer: 30%

Only candidates obtaining a minimum of 49 points (70% of the total technical points) would be considered for the Financial Evaluation.

Documentation required

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

- **Letter of Confirmation of Interest and Availability** using the template provided in Annex II.
- **Personal CV**, indicating all past experience from similar programmes, as well as the contact details (email and telephone number) of the Candidate and at least three (3) professional references.
- **Technical proposal**, including a) a brief description of why the individual considers him/herself as the most suitable for the assignment; and b) a plan, on how they will approach and complete the assignment.
- **Financial proposal** that indicates the all-inclusive fixed total contract price (FJD), supported by a breakdown of costs, as per template provided (Annex II)

Incomplete proposals may not be considered. All required templates are available on the UNDP Procurement website: www.pacific.undp.org

Annexes

- Annex I - Individual IC General Terms and Conditions
- Annex II – Offeror's Letter to UNDP Confirming Interest and Availability for the Individual IC, including Financial Proposal Template

Proposal Submission

- All applications must be clearly marked with the title of the consultancy (**Advocacy Brief Developer**) with reference (PN/FJ/108/20) and submitted via **UN Job shop** by 1 November 2020.
- **Note: UNDP Jobs only supports single document upload hence ensure that the proposal consolidated and submitted as one single document**
- For further information concerning this Terms of Reference, please contact UNDP Pacific Office by email: procurement.fj@undp.org.

Women applicants are encouraged to apply