

## TERM OF REFERENCE

### Innovative Approach to Improve Access to Remedy for Women and Indigenous Peoples

#### UNDER

#### BUSINESS AND HUMAN RIGHTS (00110712 – EU)

<b>Title of Grant</b>	Innovative Approach to Improve Access to Remedy for Women and Indigenous Peoples
<b>Project Name</b>	Business and Human Rights (B+HR) Asia
<b>Grant Duration</b>	from 01/06/2021 to 15/11/2021
<b>Work Location</b>	CSO-working based area
<b>Supervisor</b>	Sagita Adesywi, Business and Human Rights Specialist

#### I. BACKGROUND AND EXPECTED OUTPUTS

Asia has long been synonymous with economic dynamism. Over the last several decades, hundreds of millions of people have been lifted out of poverty, health and educational provision has been enhanced, and new industries have taken root. Still, rapid economic growth has not been without steep social and environmental costs, with long-term implications for the well-being and prosperity of states, communities, and individuals in the region.

To better address human rights impacts in business operations, the Human Rights Council endorsed in 2011, the United Nations Guiding Principles on Business and Human Rights (UNGPs). The UNGPs are widely recognized as the world's most authoritative, normative standard guiding efforts to prevent, mitigate and remediate business-related adverse human rights impacts. The UNGPs recognize that while states are the primary duty-bearers under international human rights law, businesses should respect human rights and put due diligence processes in place through which human rights risks can be identified, managed, reported on, and remediated effectively.

According to the UNGPs, access to remedy is a duty shared by states and businesses. Hence, appropriate steps must be taken to ensure that when such abuses occur, those affected have access to effective grievance mechanisms and appropriate compensation. Effective and accessible grievance redress mechanisms – both judicial and non-judicial - are needed to anticipate and resolve conflicts arising from policymaking and project decisions and actions. Importantly, these provisions have been endorsed by the International Organization of Employers (IOE) and the International Chambers of Commerce (ICC) among other international organizations business organizations.

The objective of the UNDP Business and Human Rights in Asia (B+HR Asia) programme is to promote the implementation of the UNGPs – in Indonesia and other countries in Asia - as a means to address adverse human rights and environmental impacts of Asian business operations. Supported by the European Union (EU), B+HR Asia is programming in seven countries including India, Indonesia, Malaysia, Myanmar, Mongolia, Thailand and Sri Lanka.

## **The Topic**

An archipelagic country, rich in resources, with the fourth largest population in the world, Indonesia today is the largest economy in Southeast Asia and the 10th largest economy in the world in terms of the purchasing power parity.

President Joko Widodo has outlined a vision for the country to be in the top five world economies by 2045. Foreign Direct Investment (FDI) is required to realize this vision, along with improving human capital of the population to be a highly skilled workforce.

This vision was interrupted by the COVID-19 pandemic which brought the economy to a standstill. As a response, the Government of Indonesia (GOI) announced a fiscal package to improve the preparedness of the health sector and to shore up social assistance.

Amid the pandemic, the GOI issued the Omnibus Bill on Job Creation to improve the ease of doing business in Indonesia and attract FDI, in a bid to boost economic growth. According to some, the country's performance in getting FDI has been hampered by confusing regulations and a sometimes-hostile bureaucracy that put off foreign investors.

The mining industry has been one of key sectors producing a significant contribution to Gross Domestic Product (GDP), exports, job opportunities, and to the development of many remote regions of Indonesia.

However, mining operations can also pose significant risks to the enjoyment of human rights, as the nature of the industry impacts directly on the environment, and the social and economic interests of local communities. For example, mining projects have been associated with environmental degradation, land-grabbing and displacement of local communities and indigenous people.

Mining activities have had an unfortunate history of undercutting women's rights in the workplace and communities, resulting in further marginalization and impoverishment of women. In particular, women have suffered unequal compensation, loss of livelihood, loss of access to clean water, increased risk of HIV/AIDSs and other sexual transmitted disease (STD) infections and domestic violence, discrimination and sexual harassment and not involving women in decision making.

Women and vulnerable groups including Indigenous Peoples' needs are too often overlooked in mining operations plans and designs, including in accessing remedies when such challenges occur. Furthermore, as it is widely recognized that in some countries like Indonesia, women have borne the brunt of the COVID-19 economic collapse. Emerging evidence suggests that women's economic and productive lives have been affected disproportionately and differently from those of men, including in seeking access to effective remedies.

UNDP Business and Human Rights in Asia project (B+HR Asia), in partnership with the EU, seeks to identify and support a Civil Society Organization (CSO) working with right holders, particularly women workers and/or Indigenous Peoples, impacted by the mining industry. The support will include activities for CSOs to plan and conduct awareness raising, provide and improve access to social, legal and protection measures.

UNDP B+HR Asia programme is keen to support innovative approaches relating to greater awareness and access to remedies for right holders subject to adverse human rights impacts (esp. women and Indigenous Peoples rights) within the context of business and human rights narrative of the country.

## II. KEY ACTIVITIES AND PERFORMANCE TARGETS

Within the background above, the program is to be structured around the following outputs within the framework of business and human rights, with specific reference to **women**, as workers, as members of local communities, and as members of Indigenous Peoples groups:

1. Conduct a **baseline assessment** on the impact of extractive operations on women and Indigenous Peoples within a selected province;
2. Conduct a constructive dialogue through **focus group discussions (FGDs)** with impacted communities, local government, non-governmental organizations (NGOs), business associations or businesses on the identified impacts to women in the workplace and communities based on the baseline assessment and on efforts to promote effective remedies;
3. **Devise strategies** aimed at influencing policies in providing and improving access to remedies (judicial and non-judicial (state and non-state) for adverse human rights impacts of companies involved in mining operations, with a particular focus on women's rights;
4. Undertake at least **one innovative approach** in providing and improving access to remedies through judicial and non-judicial (state and non-state) mechanisms;
5. Promote **constructive dialogue with media and businesses** about the issues faced by rights holders in context of business and human rights through a communication strategy and aligned communication products.

Deliverables	Estimated number of working days	Completion deadline	Review and Approvals Required (Indicate designation of person who will review output and confirm acceptance)
1. Inception Report, including scope of the project, methodology, target/key stakeholders, timeline.		Mid-May 2021	Business and Human Rights Specialist, UNDP Indonesia
2. Baseline Assessment Report, including gap analysis (social, legal, economic), recommendations for key stakeholders, design and implementation plan of innovative intervention and communications strategy.		End of June 2021	
3. Activity Report of the FGDs (with communities, local government, NGOs, business associations or businesses).		End of July 2021	
4. Implementation Report of Innovation Action, complemented with aligned materials (awareness raising content, capacity building materials, etc.).		End of September 2021	
5. Final Report and Communications Deliverables (at least five case studies/stories of right holders, 25-30 high quality photographs of community interventions, media engagement/coverage, etc.) on completion of all agreed deliverables.		Mid-November 2021	

### III. LOCATION AND TARGET BENEFICIARIES

CSO working-based area.

### IV. ELIGIBILITY AND SELECTION PROCESS

The grant recipient (civil society or non-governmental organization, academia) with experience of:

- At least 7 years' experience working in human rights and community development with a specific reference to access to remedies for women and Indigenous Peoples.
- Proven record of having undertaken completed or running at least 5 similar projects.
- Proven record of demonstrating sound methodology with a clear timeline, target/key stakeholders, and implementation plan consisted of FGDs, interviews, case studies, desktop and legal research of relevant materials for collection of evidence.
- Valid registration of the CSO.
- Domicile in the selected province of which the project will be implemented.

shall complete and submit the Grant Proposal in accordance with UNDP's Low Value Grant Proposal Template (**ANNEX A**) and the Request for Information (RFI) From CSO/NGO (**ANNEX B**).

All grant proposals shall be subject to grant selection processes, which consist of a Pre-screening against the selection criteria and Full Review by the CSO Steering Committee.

The Selection Criteria are as follows:

- a) Method (25%): proposed methodology, workplan, approach, timeline, completeness of deliverables.
- b) Identity (10%): registration status, having a specific status if that is necessary in the country context, etc.
- c) Capacity (25%): specialized knowledge and experience on similar engagement, standard operating procedure, financial report (audit report if available).
- d) Utilization of resources (25%): financial SOP, realistic budget for how funds will be spent (in accordance with UNDP standard cost: UN Harmonized Cost Rates, etc.).
- e) Submission Requirements (15%): ideas presented including any requirements with regards to utilization of resources, reporting, duration, and other formal criteria.

### V. REPORTING

1. Inception Report, including scope of the project, methodology, target/key stakeholders, timeline.
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3. Activity Report of the FGDs (with communities, local government, NGOs, business associations or businesses).
4. Implementation Report of Innovation Action, complemented with aligned materials (awareness raising content, capacity building materials, etc.).
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