



TERMS OF REFERENCE
FOR SERVICE PROVIDER

POST TITLE: Innovative Approach to Improve Access to Remedy for Women and Indigenous Peoples

AGENCY/PROJECT NAME: UNDP

COUNTRY OF ASSIGNMENT: Indonesia

DURATION: August – December 2021

A. Project Title

Business and Human Rights in Asia, UNDP Indonesia

B. Background

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 and 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.

C. SCOPE OF SERVICES

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.

Expected Deliverables

Deliverables	Estimated number of working days	Completion deadline	Review and Approvals Required <i>(Indicate designation of person who will review output and confirm acceptance)</i>
1. Inception Report, including scope of the project, methodology, target/key stakeholders, timeline.		August 2021	Business and Human Rights

2. Baseline Assessment Report, including gap analysis (social, legal, economic), recommendations for key stakeholders, design and implementation plan of innovative intervention and communications strategy.		September 2021	Specialist, UNDP Indonesia
3. Activity Report of the FGDs (with communities, local government, NGOs, business associations or businesses)		October 2021	
4. Implementation Report of Innovation Action, complemented with aligned materials (awareness raising content, capacity building materials, etc.).		November 2021	
4. 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.		December 2021	

The final products need to be delivered in the required formats depending on the product delivered (Power Point, Word, Canva template etc.) including editable design files.

The CSO project team will use their own equipment and software.

Bidders 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 consultant 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.

Requirements for Experience and Qualifications for Civil Societies Organization (CSO)

1. 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.
2. Proven record of having undertaken completed or running at least 5 similar projects.
3. 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.
4. Valid registration of the CSO.

5. Domicile in the selected province of which the project will be implemented.

Requirements for Experience and Qualifications for CSO Project Team Personnel

1. CSO Project Team Leader

Working Experience:

- 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.
- Demonstrable record of having undertaken similar assignments.
- Strong project management.
- Written confirmation for the Team Leader's availability for the entire duration of the contract.
- Domicile in the selected province of which the project will be implemented.

2. CSO Project Team Members

Working Experience:

- At least 3 years' experience working in human rights and community development with a specific reference to access to remedies for women and Indigenous Peoples.
- Demonstrable record of having undertaken similar assignments.
- Written confirmation for the Team Members' availability for the entire duration of the contract.
- Domicile in the selected province of which the project will be implemented.

General requirements for all research team personnel:

Skills and knowledge

- Understanding human rights, responsible business, community development with a specific reference to access to remedies for women and Indigenous Peoples.
- Proven ability to produce policy-based analytical reports of high quality in English.
- Excellent communication (spoken, written and presentation) skills in Bahasa Indonesia and English.

Competencies and special skills requirement:

- Demonstrates integrity and fairness, by modeling the UN/UNDP's values and ethical standards;
- Displays cultural, gender, religion, race, nationality and age sensitivity and adaptability.

Functional/Technical:

- *Excellent writing, editing, and proofreading skills both in English and Bahasa Indonesia;*

- *Ability to design and conduct interviews;*
- *Demonstrated accuracy and attention to details;*
- *Ability to meet deadlines and work under pressure;*
- *Ability to be flexible and respond to changes as part of the review and feedback process;*
- *Excellent interpersonal skills;*
- *Excellent organizational skills.*

D. DURATION OF THE WORK

Duration of the Work

The assignment is estimated to commence in May 2021. The assignment will need to be completed in December 2021 at the latest.

Duty Station

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

Institutional Arrangement

The project team will work under the overall guidance of the Business and Human Rights Specialist, UNDP Indonesia.

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

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