

Terms of Reference

Terms of Reference (TOR) for a consultant to develop a policy paper to assess policy and governance issues, identify gaps and suggest reforms with respect to access of Adivasi peoples of Bangladesh to rights and entitlements in terms of basic public services under “Fighting Forced Labour with Adivasi and Dalit Communities in South Asia (MUKTEE) Project” funded by European Union.

1. Introduction to the Project:

<i>Project title</i>	Fighting Forced Labour with Adivasi and Dalit Communities in South Asia (MUKTEE)” Project
<i>Project location</i>	Tanore (Rajshahi district) and Nachole (ChapaiNawabgonj district)
<i>Project duration</i>	36 months from 01 January 2019 to 30 June 2022
<i>Co-Funder</i>	European Union
<i>Implementing agency and partners</i>	Led by Traidcraft Exchange and co-implemented by ASSEDO
<i>Key participants</i>	Duty-bearers (Local Government bodies and Local Authorities), private sector, civil society, INGOs & NGOs and project participants.

2 Background/ Project Description:

“Fighting forced labour with Adivasi and dalit communities in South Asia (MUKTEE) Project” is a multi-country project being implemented in both India and Bangladesh. In the Bangladesh part of the project, it is led by Traidcraft Exchange and co-implemented by ASSEDO. The project is underway in 02 sub district Tanore & Nachole under Rajshahi and Chapai Nawabgonj districts. The European Union is providing financial support with an aim to address and prevent forced labour in agriculture in northern Bangladesh. The participants for MUKTEE project are very marginalized and from extreme poor community who do not even have a piece of land of their own. They live on governments Khaas land and hence they do not have any permanent residency. They are called as Santhal who migrated from Jharkhand and West Bengal in India. These people basically do farming in others’ land. Moreover, the target Upazilas (sub-districts) of Tanore (Rajshahi district) and Nachole (ChapaiNawabgonj district) are remote with poor infrastructure: local government offices, health centers and markets are largely inaccessible. These sub-districts have high populations of marginalized ethnic minority people: 7% and 27% respectively (compared to a national average of just 2.5%). These groups of people, as imposed on them the stigma of untouchability, have limited social, economic and employment opportunities to interact with the mainstream.

The project is designed to address the systemic and structural vulnerabilities of agricultural communities to forced, bonded and child labour in two districts of northern Bangladesh. It will tackle the issue of modern slavery on multiple fronts. Firstly, it will rescue and rehabilitate men, women and children from work under debt bondage and forced labour conditions in target communities. Secondly, it will reduce households’ vulnerability to future bondage through the creation of alternate avenues of income generation, and by creating people’s institutions that work together to prevent exploitation. Thirdly, it will work closely with Local Authorities, relevant government departments and other duty-bearers to ensure legal frameworks are used to prevent forced labour, at the same time, supporting private sector players to understand and commit to their responsibilities to prevent forced labour in their supply chains. Fourthly, the Project will promote and support the sharing of learning and best practices across and within the two country locations.

The Project is working with 4,000 Adivasi men and women at risk of forced labour in two districts of northern Bangladesh (50% men, 50% women). This will eventually cover 2000 Households since the Project took the approach to work with one man and one woman from each household. The project is also working with 280 local and national level duty-bearers working in target communities to help them increase knowledge and commitment towards tackling forced labour

Table: Target Zilas (districts), Upazilas (Sub districts) and Union

Zila	Upazila	Union Name	Group No	Zila	Upazila	Union Name	Group No
Rashahi	Tanore	Chanduria	10	ChapaiNawabgonj	Nachole	Kasba	12
		Tanore Pouroshava	03			Nijampur	18
		Mundumala Pouroshava	02			Nachole	30
		Saranjay	08				
		Pachandar	17				

3. Organizational overview:

For more than 30 years, Traidcraft has been fighting poverty through trade, believing in the positive and transformational potential of trade to bring hope to millions trapped in poverty. It's our mission to use the power of trade to create lasting solutions to poverty. We believe that trade affects the life of every person and can provide the most sustainable way of overcoming poverty. Yet markets do not always work in favour of the poor, and often work against them. This is a major factor contributing to their poverty. Traidcraft Exchange exists to do two things:

- To support people to harness the benefits of trade
- To fight against injustice in global trade

In all our areas of work, Traidcraft plays a key role as catalyst and convenor, encouraging different actors to work together to develop approaches that lead to inclusive economic growth. We have a particularly strong track record of constructive engagement with the private sector as both trading and development partners. Over the last 11 years, Traidcraft has worked directly with over 28,000 vulnerable and socially excluded rural households: developing democratically run village-based groups and associations and nurturing their links to duty-bearers and private sector players. This has resulted in significant up-skilling of marginalised producers: increasing confidence and productivity, reducing costs, improving market access, diversifying incomes and reducing environmental impact.

ASSEDO has been working closely with remote Adivasi communities in target areas to address social exclusion: linking people to social entitlements and providing vocational training for alternative livelihood options. ASSEDO's vision is "to establish an enlightened society of aspiration and justice where poverty and vulnerability has been overcome and people live in security". The organisation's mission is, "by being the part of the local community, ASSEDO works together with most vulnerable people and deprived community to eradicate poverty. It facilitates sustainable development treating the natural resources base and considering changing climatic condition." ASSEDO has been implementing small-scale community-based work in ChapaiNawabgonj, Naogaon and Rajshahi districts. ASSEDO have strengths in community development, sustainable development, resilience programming women's empowerment, good governance and livelihood security. To date ASSEDO

has worked to empower 16,775 youths (15-29), both men and women to create enterprises and job opportunities, including on and off farm economic activities and technical knowledge transfer.

4. Objective of the work:

The overall objective of this assignment is to assist Traidcraft in identifying major issues and developing strategies for strengthening advocacy endeavours relevant with rights and entitlements of the Adivasi community of Bangladesh.

5. Scope of the Work:

There are at least 54 different adivasi groups (recognized by the government as ethnic minority groups only) in Bangladesh. The ethnic minority people of the plain land mostly live in the Northern part of Bangladesh. In terms of number they are very few, so they remain almost invisible. Though generally they are referred to as the Adivasi/indigenous people, but constitution of Bangladesh does not recognize presence of any indigenous community in the country. However, the constitution recognized presence of backward communities. They are unlike from the mainstream Bengali population in terms of language, social, economic and political organization, religion, marriage customs, birth and death rites, food and agriculture techniques. However, they do not have any land and/or asset, even homestead. So, they live in government unused land known as “Khas land”. They cannot live on these lands permanently since local land grabbers constantly try to evict them. They are frequently discriminated by mainstream population and considered as untouchable. They live on advance selling agriculture labor. They have working for just three to four months of the year during the paddy harvesting season. Forward selling of labour and debt bondage is a survival strategy for these communities. Household members borrow money or rice from local landlords in exchange for a promise to work at a later period (during the harvesting season) at a lower wage rate. Whereas typically agricultural labour is paid 250 Taka (tk)/day in these districts, the Shantal typically ‘earn’ / repay-debts at 150 tk/day as they are discriminated against and unable to negotiate a fair wage. Large landowners take this advantage by not only charging exorbitant interest but also in reduced wage rate. Moreover, most of them are illiterate, they do not even know how much they owe to the landowners. Consequently, they remain in bondage to these landowners for their entire life. Though, Bangladesh laws prohibit these types of monetary transaction and/or forced labor, but these have been in practice by the local money lenders, especially with most vulnerable people like adivasis. The biggest concern is that they were not getting any kind of government privileges like-IGA training, VGD, VGF, widow allowance, adult allowance and COVID 19 response etc.

Traidcraft Exchange has been motivated to undertake this study to fulfil its commitment to address forced labor issues through ensuring access to rights and entitlements of the Adivasi communities of northern Bangladesh. Traidcraft is also dedicated to contribute to the country’s Sustainable Development Goals – SDGs, the main thrust of which is to ‘Leave No One Behind’ from the process and benefits of development.

This assignment will identify the areas of inclusion through proper research and address them in laws and policies through the formulation of laws and policies inclusive for indigenous peoples. Therefore, it is expected to reveal whether and what forms of discriminatory elements are there in the laws and practices of basic rights and public services, which are resulting in exclusion or at best limited access to rights and entitlements of the Indigenous peoples due to their identity. The study findings should suggest some transformative initiatives including affirmative actions to be taken along with effective measures to address the identified challenges with a view to eventually contributing to reduction in forced and bonded labor issues among the target community.

The purpose of this study is to examine

how much the basic public service provisions are inclusive for the marginalised people especially the Adivasi people.

How much the relevant laws, policies and practices of basic public service delivery institutions are inclusive for Adivasi people of Bangladesh?

What are the challenges of fulfilling rights and ensuring inclusive service delivery for the Adivasi people of Bangladesh?

6. Methodology

The EOI should include a detailed methodology to be used for carrying out the assignment. Internal and external stakeholder consultations should be a major part of the task. The consultant will need to engage with local government and local authorities like Upazila Education Officers (UEOs), Upazila Health Officers (UHOs), Assistant Commissioner (Land) (AC Land), Upazila Social Service Officers (USSO), Upazila Nirbahi Officers (UNO), Upazila Fisheries Officers (UFO), Forest Officers, Upazila Chairmen/Councillors, Union Parishad Chairmen/Members, Municipality Mayor/Councillors, school teachers, journalists, civil society members; in National level: Prime Minister's Office (PMO), Directorate of Primary Education (DPE), Directorate General of Health Services (DGHS), Directorate General of Family Planning (DGFP), Ministry of Land (MoL), Local Government Division (LGD), Department of Social Services (DSS), Department of Youth Development, Rural Electrification Board (REB) etc

7. Major Tasks:

The major tasks under this assignment would include the following:

Task 1: Conduct in house research/analysis followed by in depth meetings/consultations with relevant stakeholders

Task 2: Gather various actors' feedback on the issues focused in ToR

Task 3: Prepare a policy paper focusing on **Adivasi** (Indigenous) Peoples of Bangladesh: Challenges and Way Forward for Inclusion in Rights and Services. The paper should be first drafted in English, shared and discussed with Traidcraft and then translated into Bangla for further use.

Task 4: Presentation of the key findings to the stakeholders based on the initial draft to gather feedback and inputs from Traidcraft and other stakeholders.

Task 5: Preparation of final paper which shall be submitted for action plan development.

Task 6: Publication of consultations/ interviews in leading newspapers.

8. Geographical Coverage

The consultant is expected to travel to Tanore (sub-district), Rajshahi and Nachole (sub-district), Chapai Nawabgonj to conduct the stakeholder interviews.

9. Provision of logistical and other support

For any day to day queries and logistical support the consultant should contact Mr. Motoakkel Billa, Project Coordinator at Traidcraft Exchange Bangladesh Country Office.

10. Timeframe:

Activity	Deadlines
Closing date for receipt of proposals	24 January 2022
Interviews for selection	27 January 2022
Contract signing and discussion on assignment methodology	30 January 2022
Draft methodology submission	03 February 2022
Finalize methodology	06 February 2022
Desk research and conducting meetings and KIIs with stakeholders	06 March 2022
Presentation on draft paper and findings	15 March 2022
Final policy paper submission	31 March 2022

11. Consultant requirements:

The Consultant needs to have the following competences:

- Have knowledge and experience on Adivasi's rights, entitlements, land rights, Agricultural labour rights, debt bondage, Child rights and topics related to modern slavery
- Have experience to conduct similar policy paper for the similar type of participants
- Have knowledge on the practices, laws and policies related to Adivasi or indigenous peoples' rights
- Excellent communication skill
- Capacity to produce high quality reports in English
- Ability to meet deadlines

12. Budget and Mode of payment:

The consultant should develop a budget for completing the assignment as outlined in this TOR by clearly allocating expenses and daily rate.

- 50% of the total fee will be paid on signing the contract
- The remaining amount (50%) will be paid upon acceptance of the final strategy paper.
- The payment would be made in crossed cheque by the name of the consultant.

13. Application Process:

Interested individuals are requested to submit their Expression of Interest (EOI) electronically to the following address on or before **24 January 2022**:

Please email to: TX_Bangladesh@traidcraft.org with cc. raisa.adiba@traidcraft.org . For further clarification, please write to Motoakkel.Billa@traidcraft.org

The EOI should include:

- a. Contact details
- b. Details of the consultant and/or his team who will work on the contract with individual CVs of no more than two sides of A4 that describes their relevant experience in relation to this contract. These may be attached as appendix to the EOI.
- c. A clear and detailed overview of how these pieces of work will be approached, the methodology proposed, and the outputs generated, with a clear timeline for each of the specified activity and a budget apportioned for the assignment
- d. Two references

The EOI, excluding the consultant CVs, should not be more than 6 pages long, should have single spacing, and use Arial typeface with a minimum font size of 10.

Shortlisted candidates will be invited to attend an interview.

14. Selection Criteria

On receipt of the EOI designated project management team will study the proposals including an interview and take a decision about the consultant/s/ agency for the study.

Selection of the consultant/s/ agency will be based on:

Selection Criteria	Scores
Quality of the proposed plan – well thought out, logical, strong methodology and approach, well-timed, level of details, would meet objectives	10
Knowledge and Experience of doing such assignments	20
Networks in local and national level government departments	10
Costs – value for money	10
TOTAL	50

15. General terms and conditions:

- a. Traidcraft Exchange and partners reserve the right to accept or reject any proposal without giving any verbal and/or written rationale;
- b. All reports and documents prepared during the assignment will be treated as the property of Traidcraft Exchange and its partners;
- c. The reports/documents or any part, therefore, cannot be sold, used and reproduced in any manner without prior written approval of Traidcraft Exchange;

Traidcraft Exchange and its partners reserve the right to monitor the quality and progress of the work during the assignment.