



## Terms of Reference

### Study on to analyze trafficking cases to identify the hindrances to speedy prosecution and trial

#### Bangladesh Counter Trafficking-in-Persons (BC/TIP)

*Closing date of applications: August 29, 2019*

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##### Background

The Bangladesh Counter Trafficking-in-Persons (BC/TIP) Program, funded by the U.S. Agency for International Development and implemented by Winrock International, works in 20 trafficking-prone and most child marriage prone districts to address the problem of human trafficking and child marriage. BC/TIP provides robust interventions in all four of USAID's areas of emphasis: Prevention, Protection, Prosecution and Partnership, and Child Marriage. It works collaboratively to reduce the prevalence of human trafficking and child marriage in Bangladesh by:

- Strengthening the capacity of communities to identify at risk people and trafficking victims and take action;
- Improving trafficking victims' access to assistance;
- Increasing the responsiveness of criminal justice actors to trafficking victims;
- Facilitating effective and coordinated partnerships among stakeholders to combat trafficking; and
- Increasing responsiveness of duty bearers and justice actors on child marriage issues.

Winrock has been enhancing the capacity of criminal justice actors to investigate TIP cases, prosecute traffickers, and assist trafficking victims through technical assistance, coupled with coordinated advocacy to expand government oversight, increase arrests and prosecution, monitor labor recruitment agencies, and prosecute violations.

Since the enactment of the PSHTA in 2012, in total 5,716 cases were filed on TIP in Bangladesh. Out of all these, in Dhaka 1,653, in Jashore 613, in Cox's Bazar 396, Barishal 264, in Khulna 255, in Chittagong 222, in Narshingdi 215, in Manikganj 176, in Shatkhira 152, in Jamalpur 148, in Rajbari 140, in Habiganj 134, in Narail 108, in Faridpur 100, in Netrokana 92, in Bagerhat 104, in Borguna 75 and in Naogaon 70 cases were filed.<sup>1</sup>

To better understand the implementation status of the PSHT Act 2012, BC/TIP will conduct a study to identify context, environment, trends, gaps, practices, challenges, manipulations etc based on the reality. The study will also identify if there is any gap in the Act and rule to better implementation of the Act. This study analysis will inform BC/TIP's programming, to ensure that services are adequate of the relevant stakeholders and the community (victim) to the needs of all families, regardless of ethnic group, minority, gender, and that services and referrals are tailored to the needs of child marriage victims as required.

##### Objective

Winrock International is seeking an individual, a consultancy firm, or a research organization to lead a study on the pros and cons of prosecution of trafficking cases in Bangladesh since the PSHTA Act was enacted in 2012.

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<sup>1</sup> BRAC, 2019

## Specific objectives

- To analyze a total of 750 cases under the PSHTA collecting from 15 districts (10 BCTIP districts, and 5 non-BCTIP districts) for providing a general over view of the current status of cases and critical analysis of disposal and conviction;
- To measure the knowledge level on the PSHT Act 2012, of the relevant stakeholders (police, prosecutors, and judges, and others to be identified), victims and community;
- To analyze whether relevant stakeholders perform their designated roles and responsibilities as delineated in the PSHTA Act, rules and NPA to proceed with cases;

The study is expected to include the use of both primary and secondary data, and it is expected to provide a comprehensive analysis of field situation, findings and recommendations.

The output from this consultancy will be an 80-100 -page report (Times Roman 12pt, double spaced) plus full bibliography and supporting documents. The consultant will work with Winrock International to develop an appropriate methodology for the study.

## Key Responsibilities

The individual, company, or organization will be required to perform the following tasks, but will not be limited to these tasks:

- Work with the Winrock International BC/TIP staff to develop a final work plan and methodology for **conducting** the **study** prior to beginning secondary and primary data collection. The workplan will include sources of existing research for literature review; sources of secondary statistical data; primary research methods including key informant interviews, in-depth interviews, focus group discussions and others; the list of interviewees and location of field visits for primary data collection; qualitative and quantitative data analysis methods; report outline; and potentially other logistical and research details. The final methodology and workplan will be reviewed and approved by Winrock International and USAID prior to beginning work. The proposed methodology should include but is not limited to the following tasks:
- Review all relevant project documentation including project proposal, interim reports, monitoring data, workshop reports, and minutes as appropriate, country context documents, and other relevant documents;
- Identify the at least **15 representative sample districts** (both Winrock's working area and non-working area) with the highest number of cases filing districts.
- Develop research tools
- Obtain ethical clearance of the primary research protocols and instruments, uphold ethical behavior that include obtaining proper consent and assent during data collection, treating respondents with respect and sensitivity, and maintaining confidentiality, etc.
- Conduct interviews, FGDs, in depth interviews with relevant stakeholders, BC/TIP partners, and communities to understand the current status, gaps, strength and weakness of the PSHTA
- Prepare case summary and analysis of tribunal judgment and prepare an analytical report
- Utilize key definitions provided by Winrock International for PSHTA

- Analyze both quantitative and qualitative data, draw key findings on practices and best practice and recommendations
- Prepare a power point presentation and share with Winrock International
- Draft a narrative report and submit to Winrock for review and feedback. This process may take multiple rounds of review and revision until all feedback from Winrock International are addressed and incorporated into the final draft.
- Complete the final report within the agreed timeline below.

## Schedule

The study on to analyze trafficking cases to identify the hindrances to speedy prosecution and trial file in Bangladesh will be carried out beginning of September through December 2019. The timeline below can be adjusted after mutual agreement between the consultancy firm/ consultant and Winrock International.

#	Activities	Sept	Oct	Nov	Dec
<b>1</b>	<b>Preparation</b>				
	Meet with BC/TIP staff				
	Draft workplan				
	Review and approval of workplan				
	Research/assessment tools developed				
	Secondary literature review				
	Secondary data review and analysis				
	Tools developed				
<b>2</b>	<b>Data Collection, Analysis and reporting</b>				
	Fieldwork logistical planning				
	Fieldwork				
	Data analysis, draft Power Point presentation and report writing				
	First draft review				
	Finalization of report				

The following deliverables are required by Winrock International. Deadlines for each deliverable should be included within the proposal and will be reviewed and finalized by Winrock at the beginning of assignment. **The deliverables include:**

1. Approved workplan and methodology, including research design and analysis plan;
2. Interview protocols and instruments;
3. Data collection plan and locations: dates, teams, supervision, etc.;
4. Approval from relevant Institutional Review Board(s);
5. Research tools
6. Draft report;
7. Electronic bibliography and pdfs of all literature reviewed and data used;
8. An electronic copy of the **final report** in English which takes into consideration input, feedback and comments on the draft report.

9. All hard copies of data collection forms, and electronic versions of all data capture, data summary, FGD summary and data analysis reports.

### **Application information:**

Interested individuals and firms should send an electronic technical and cost proposal in separate files, with a technical proposal describing the consultant/firm's relevant experience and capacity to undertake the study no later than August 14, 2019.

For questions and to submit your application or proposal, please write to: [bctip@winrock.org](mailto:bctip@winrock.org)

***The subject in the email must clearly state: “to analyze trafficking cases to identify the hindrances to speedy prosecution and trial”***

### **Proposal requirements**

- All documents related to this assignment should be in English;
- Proposals must be submitted electronically, with all pieces of the proposal labeled clearly;
- The maximum length for the proposal should not exceed 10 pages. Suggested breakdown is as follows:
  - **Cover page = 1 page;**
  - **Individual/Organizational profile, institutional capacity: 1 page.** The applicant must present in narrative format a description of: (a) company/individual profile (supplemental material could be placed in the annex), (b) the organizational/individual capacity to conduct the scope of work (examples of similar studies may be placed in annex), (c) CVs of all proposed experts/team members (placed in annex) (d) the organization's/individual's knowledge of human trafficking in the Bangladeshi context, (e) previous experience conducting similar work, and (f) letters of support or reference (placed in the annex).
  - **Technical proposal = 6 pages.** The applicant should describe in the technical proposal their approach and methodology for the study including sources of primary and secondary data and literature. Furthermore, issues of consent/assent and plan for protection of human subjects must be highlighted within the proposal. A workplan in the form of a Gantt (timeline) chart should outline key tasks and deliverables.
  - **Cost/budget narrative = 2 pages.** The applicant must present a detailed financial proposal that covers the following items and includes a narrative on the assumptions behind the estimates:
    - Salaries. Includes personnel for technical assistance, data collection, data analysis, e.g. staff, interviewers, supervisors, drivers, etc;
    - Per diem and Travel. Includes daily costs for lodging and meals and incidental expenses during field work; mode of transportation; vehicle rental; gas;
    - Communications. Includes telephone, email, computer, mobile phone etc;
    - Other relevant costs.

Winrock International will evaluate the proposals received on their technical merit and estimated costs. Each proposal will be evaluated using the following criteria: Institutional Capacity/Institutional Experience (20%), Proposed Team (20%) Technical Proposal (30%), and Cost estimate (30%) – assessment of cost estimate against implementation plan.

**Pre-Bidding Conference:** A pre-bidding conference will be conducted at 3.00pm on August 22, 2019, Winrock International, BC/TIP Conference Room- 1<sup>st</sup> floor, House 7, Road # 23/B, Gulshan 1, Dhaka 1213. Consultant/Consultant firms are requested to send the specific questions related to TOR by **August 20, 2019** through e-mail: [bctip@winrock.org](mailto:bctip@winrock.org) mentioning pre-bidding questions for TOR - To analyze trafficking cases to identify the hindrances to speedy prosecution and trial in the subject line.

## **Consultant Profile**

Winrock is seeking qualified individuals and/or firms who meet the qualifications stated below.

The principal investigator must fulfill at least the following criteria:

- Master's Degree (PhD preferred) in Law and working experience in social sciences, development studies or related field;
- Extensive knowledge and work experience on child marriage ideally in the Bangladeshi context; regional human trafficking experience is preferred.
- Knowledge and experience in quantitative and qualitative data analysis and research;
- Experience conducting field research using participatory approaches;
- Experience in consolidating and analyzing literature, quantitative and qualitative data, writing reports and in making recommendations;
- Ability to analyze and present complex data in a clear and understandable format;
- Excellent communication skills;
- Report writing skill;
- Ability to manage the available time and resources and to work to tight deadlines;
- Readiness to employ high quality field staff with adequate remuneration
- Dedicate the maximum of his/her time to the full period of the survey including workplan development, fieldwork, analysis, and reporting.

## **Legal Document need to submit with proposal:**

### **❖ For organization:**

- Government registration for doing business
- VAT registration
- Tax certificate

### **❖ For individual consultant:**

- Income tax certificate
- Copy of last signed contract

## **Payment Terms**

10% on signature of contract

30% upon WI's approval of the workplan

10% on completion of the primary data collection exercise

20% upon WI's approval of the submitted draft report

30% upon WI's approval of the submitted final report and bibliography/literature review materials