

Southern India Hotspot Program

Terms of Reference: Request for Legal Services Technical Assistance

Geneva Global, on behalf of the Freedom Fund, is seeking legal technical assistance for partners focused on increasing their community's access to legal aid in an effort to reduce the exploitation of individuals, particularly young women, in the textile and garment industries. The work will support and strengthen 13 partner organizations based in four districts of Tamil Nadu - Dindigul, Erode, Namakkal, Virudhunager.

This document contains an overview of the Freedom Fund program and outlines expectations for proposal submissions. Section D provides a detailed description of the requested project.

A. Deadline

Proposals should be submitted as soon as possible, **proposals received on or before October 20, 2017 will be given preference.** Applicants must be ready to begin undertaking the work promptly following award of the contract. Please submit completed proposals to Abdul Jaleel by email: ajaleel@genevaglobal.com Informal inquiries welcome; please contact Abdul Jaleel by email or by telephone at +91-9841765088.

B. Overview of the Freedom Fund and Geneva Global

The Freedom Fund is a philanthropic initiative designed to bring financial resources and strategic focus to the fight against modern slavery. Its primary objective is to achieve a measurable reduction in modern slavery, by addressing trafficking, exploitation, forced labour, child labour, and debt bondage. The Freedom Fund partners with local organisations in targeted geographic regions to support them to protect those at risk of slavery, liberate those enslaved and help them recover, and prosecute those responsible. We work to establish conditions that enable sustainable freedom.

Geneva Global is the principal implementing partner of the Freedom Fund. Geneva Global manages, on behalf of the Freedom Fund, the grants to local partner organisations. For this technical assistance project, Geneva Global will communicate the scope, monitor progress toward project goals, and oversee quality of service delivery.

C. Freedom Fund's Southern India Hotspot Program Overview

A "hotspot" refers to a geographic area known to have a high incidence of modern slavery, and which meets criteria designed to ensure that the Freedom Fund interventions are likely to result in a measurable reduction in slavery.

The Freedom Fund hotspot in South India focuses on reducing forms of bonded labour, especially focused on spinning mills in Tamil Nadu. The program is focused on three strategic areas:

1. Increase community capacity to prevent bonded labor, especially through community support groups, adolescent groups and economic self-help groups taking action against the causes of vulnerability for young workers.
2. Enable increased action by officials to uphold worker rights and protections, through supporting partner organizations and concerned businesses to liaise with local officials.
3. Improve working conditions and worker rights within spinning mills through development of worker support groups and supervisor and management training.

In order to meet these objectives, Geneva Global, on behalf of the Freedom Fund is currently seeking expressions of interest to deliver the project as detailed in sections D below.

D. Legal Services Technical Assistance to partners

The Freedom Fund seeks a legal services technical provider to deliver a technical assistance and capacity building program to the southern India Hotspot partners in a phased manner. The first phase, with an estimated duration of two months, will essentially determine the existing available legal aid services in the four districts, and identify needs of the partner organizations through two rapid assessments. It will also entail developing a list of training programs to be delivered in the subsequent phase. Trainings conducted in the second phase will expand the understanding of laws, legal provisions and procedures relevant to preventing and responding to trafficking and slavery, particularly in the context of the spinning mills in Tamil Nadu. In this phase, the technical assistance provider will also offer accompaniment and support to foster improved partner engagement with stakeholders in the public legal system at the tehsil and district levels. Ongoing referral services by the legal service provider to partner organizations will be the other important component.

Goal:

To increase program participants' access to quality legal aid services by strengthening the institutional capacities of hotspot partners to provide and/or refer program participants to legal aid services and strengthen collaboration with government officials in order to reduce the exploitation of individuals, particularly young women, in the spinning mills in Tamil Nadu. In absence of a good understanding of laws and legal provisions, and information on existing legal aid services, the partner organizations often find themselves inadequately equipped to respond to the legal needs of the workers, particularly young women, in a timely manner. While working in the spinning mills, partners frequently encounter the challenge of poor implementation of laws and policies and a lack of political will from those in official positions towards addressing issues of bonded labour. In addition, mill workers lack of understanding of laws, compounded by limited or weak negotiation skills, prevents them from confidently negotiating on benefits and safety and welfare issues with mill management.

This technical assistance project will be delivered across 13 partner organizations. Participating partner organizations are located in 4 districts of Tamil Nadu - Dindigul, Erode, Namakkal, Virudhunagar. Some partner organizations such as PEACE Trust and SSSSS already have good experience and expertise in legal aid and have staff and volunteers working as paralegals with the tehsil and district level legal services authorities. However, there is a need expressed by them to develop their staff capacity to perform more effectively in their role as paralegal workers. Other partners have limited-to-no legal aid experience, and some have expressed interest in building legal services projects and training their staff as paralegal workers.

Objectives:

Phase 1 Objective:

- To scan existing legal aid services including those delivered by any partner organisations, and assess partner organisations' needs and interests to better understand laws and legal procedures relevant to addressing exploitation of individuals, particularly young women, in the spinning mills in Tamil Nadu.
- To recommend a preferred intervention that supports partner organisations to provide or refer individuals to timely legal aid to address issues of exploitation in the spinning mills in Tamil Nadu.

The sub-objectives include:

- To conduct a rapid scan of available legal aid services in the four districts in order to build or expand a strong referral network.
- To assess the partner organisations' current understanding of relevant laws, skill gaps and challenges in accessing and extending legal aid to the community. Some partner organisations have expressed interest in developing a more robust legal aid portfolio. In the case of those partners, the needs assessment will also include a small element of capacity assessment to determine how well-suited those organisations are to do legal aid work, and identify the capacities needed to deliver legal services projects.
- To develop a plan of action for a training program, including consultative workshops to transfer knowledge and skills to partner organisations on relevant laws and procedures and to develop strong referral networks as well as ways for partners to integrate use of legal remedies within their current activities. This should

include a recommendation for which partners will participate in which training program, as not all partners will participate in all.

Duration: 2 months

Phase 2 Objective:

To strengthen the institutional capacities of hotspot partners to provide and/or refer program participants to legal aid services, and collaborate effectively with government officials in order to reduce the exploitation of individuals, particularly young women, in the spinning mills in Tamil Nadu.

The sub-objectives include:

- To extend legal aid services to cases referred by the partner organisations, enabling them to systematically track and push for progress in those cases.
- To conduct trainings or consultative workshops, both generic and organisation specific, in an effort to transfer knowledge and skills to partner organisations' on relevant laws and legal procedures.
- To recommend resources (knowledge or skill products) that would complement the learnings of the partner organisations.
- To facilitate partner organizations' understanding of the role of the legal authorities at the *Tehsil* and District levels and to be able to collaborate with them as needed.
- To continue to provide any individualized, on-site support to partner organisations based upon the specific needs identified by each partner in the rapid needs assessment.

Duration: 10 months

Core Activities:

Phase 1 activities:

- **Conduct a rapid scan of services and partner organizations' needs**

A rapid needs assessment will be conducted at the start of the project and will include two key components. The first component will be a rapid scan of available legal aid services in the four districts in order to build or expand a strong referral network for the partner organizations. The second part will focus on understanding the specific needs and interests of partner organizations in delivering legal awareness and legal aid work. This process will also help in understanding the existing legal challenges and gaps in the context of forced and bonded labour in the spinning mills in Tamil Nadu and determine which legal issues partner organizations should focus on either now or in the near future. The findings will be particularly important in identifying areas for capacity building for partner organizations – including both those that are more cross-cutting and relevant to all partners as well as those that are more specific to a smaller cluster of partners. The assessment will also help in determining areas that will need sustained technical assistance or handholding support for particular partners. The assessment will also recommend a pattern of pursuing and supporting legal cases that may have some shared elements (e.g. shared tracking approaches, sharing lawyers known to be effective in certain cases). Both the rapid scan and needs assessments will involve visiting the four districts, partner organizations' offices, and some project sites. It could possibly include some key informant interviews with stakeholders in the relevant government departments.

There are some good models of legal aid work in the northern India hotspot that would be helpful for the legal provider to understand. It would be useful to speak with some informants from the northern India hotspot who have either fully integrated legal awareness in their community outreach activities or are very actively pursuing cases for the community, to have them describe what they needed to put in place for legal outreach or how they work with lawyers. The rapid scan and needs assessment should also include some interviews with workers who have pursued cases for compensation or other legal remedies to better understand the obstacles or facilitators of access to justice.

- **Conduct a one-day consultation**

Findings of the rapid assessments will be presented to representatives of the partner organisations including organisational leadership in a one-day workshop. Cross-cutting as well as specific needs and priorities across organisations will be identified and confirmed, and based on this, topics for the legal trainings and workshops will be identified. A tentative training calendar could also be prepared during this workshop in consultation with the partner organisations.

- **Developing action plans**

Based on the information available from the assessments, the subsequent consultation workshop with partner organisations, and in consultation with Geneva Global and the Freedom Fund, action plans will be developed for the trainings and workshops that would be delivered over the next 10 months. Individual training plans for partner organisations will also be finalized at this stage.

Phase 2 activities:

- **Provide need-based referral services**

The legal service provider will provide direct legal aid services to cases referred by partner organizations from the target areas on an as needed basis. This could possibly include but is not limited to assisting with filing FIRs, drafting complaints, negotiating with mill management on legal grounds, and filing and arguing a client's case in court. This could also include secondary referrals with the goal of creating linkages with other legal aid providers in order to develop a strong referral network and to meet the expanding legal needs of partner organisations and mill workers.

- **Training or consultative workshops for partner organizations**

In addition to providing direct legal aid and referral services, the legal service provider will conduct trainings on 1) developing knowledge and awareness on relevant laws, legal tools and other legal topics, 2) specific skills-based trainings to enhance the use of legal tools in the work with the community groups, e.g. use of RTI by block level groups, enforcing access to basic socio-economic rights and entitlements, and taking action against discrimination and 3) skills-based trainings to enhance the use of legal aid services in case of interested partner organisations. While conducting the trainings it should be ensured that a good range of field coordinators (frontline staff) are also included as participants so that legal rights knowledge is accessible right at the community level as a result of their capacity building. Some skills that have been highlighted by the partner organisations in previous interactions include effective ways to use RTI or file complaints and FIRs, writing an application to a government official or agency, preparing a memorandum for a government representative, and negotiating/mediating with mill management. Trainings should include how to work closely with lawyers, ensuring that cases progress with due attention and without delay, documenting progress and ensuring individuals are kept informed about their cases. Trainings will be done in Tamil and English using adult learning principles and participatory methodologies, and should include pre and post testing to determine participants' increase in knowledge, skills and abilities. Reports and relevant handouts will be shared with partners for future reference. The workshops and handholding support should enable each partner to decide how it would like to take its use of legal rights forward within its overall activities during 2017 – 2020 and what practical assistance it needs to do that.

- **Developing a referral directory and other knowledge products**

The legal service provider will create a user-friendly referral directory including list of individual lawyers/ advocates, legal firms and non-profits giving legal aid on similar issues in the four districts based on the information collected in the rapid scan. Brief guidance notes on how to make referrals and connect people could possibly be included for the partner organisation staff.

Based on the needs determined in the assessment, the service provider may consider developing a more exhaustive resource such as a legal toolkit that could contain a collection of resources that partner organizations may use to improve, expand on, and evaluate their responses to legal issues. Such a toolkit (based on existing

similar resources produced for anti-trafficking organisations) could possibly include relevant information on forced and bonded labour; legal provisions and rules; summaries of supportive and progressive judgments; formats for drafting applications and complaints; steps to filing cases with law enforcers; and information about relevant schemes and concepts and success stories could be included. The service provider may also recommend any other useful knowledge products that would complement the learnings of the partner organisations.

- **Sharing periodic as well as need-based legal updates**

Considering the importance for partner organisations to remain updated on relevant laws and legal provisions, new amendments or any important rulings or directives coming out at the district, state or national level, the legal service provider could share updates periodically or as needed, electronically or in-person.

- **Collaborating with Tehsil and District legal authorities**

Partner organizations have expressed the need to understand the role of the government legal service authorities that exist at various levels. They have also shown interest in strengthening their relationship with these authorities to seek their support in responding to bonded labour and exploitation issues in the textile industry more effectively, and overcoming challenges that have historically prevented hotspot partner organisations from engaging with government law agencies proactively. Consultations will be organised to provide partners an interface with the *Tehsil* and District Legal Services Authority, so partners can understand their specific roles and responsibilities and engage with authorities as needed, as well as develop strategies to ensure coordinated efforts.

- **Providing continued support and technical assistance**

Partner organisations will be provided with advisory services and continued technical support on an as-needed basis throughout the contractual period. The individualised support will seek to refresh and translate the lessons from the trainings into the partners' actual work, and will be particularly useful for partners who are interested in building a more robust legal aid portfolio. This would also include delivering some specific trainings highlighted by partners during the needs assessment and helping them integrate legal case tracking within their management systems and responsibilities. The legal service provider will need to give dedicated time to this process, often through visiting NGO offices, depending on the needs and priorities identified by the hotspot partners.

- **End of contract report**

A succinct end of contract report will be submitted to Geneva Global and the Freedom Fund capturing the key activities performed over the year with subsequent outcomes of each, both in quantitative and qualitative terms. The report will clearly delineate any important lessons that were learned as well as any opportunity or challenge experienced by the technical assistance agency while performing the range of activities under the contract that would be critical when advancing the legal support work with partners in future.

Deliverables:

1. A draft work plan should be submitted with the project proposal, and, if selected, a final, mutually agreed upon work plan should be developed and submitted.
2. Study design to be used in the Rapid Scan and Partner Needs Assessment.
3. A Rapid Scan report of not more than 15 pages in English.
4. A Partner Needs Assessment report of not more than 20 pages in English.
5. A detailed Training Plan giving details of topics and number of trainings with proposed months after consulting with partners during the one-day workshop.
6. Plans developed alongside partner organisations for individualised inputs.
7. A comprehensive schedule of each training / workshop held with the larger group.
8. A schedule of each training / workshop held with individual partner organizations.
9. Plan and report for any interface held with the Tehsil and or District level officials
10. Drafts of the referral directory for each of the four districts; drafts of any other resource such as a legal toolkit in English and the final versions in English and Tamil, based on input from Geneva Global and Freedom Fund.
11. End of contract report to Geneva Global in English.

E. Management and Monitoring of the Assignment

Geneva Global Program Advisor, Abdul Jaleel, will monitor and coordinate the consultancy by:

- Coordinating contact with Freedom Fund partner organisations.
- Monitoring progress of the project through monthly meetings by phone or in person.
- Providing and facilitating inputs from the Freedom Fund and Geneva Global head office on the drafts of the deliverables mentioned in the list above.

F. Key competencies required

- Formal training in law preferably with a focus on labour rights; key staff assigned to project have at least 7-10 years of practice as a legal professional.
- Familiarity with laws pertaining to bonded labor and exploitation in the textile industry in Tamil Nadu.
- Proven experience providing capacity building inputs through trainings, workshops and handholding on laws and legal provisions to NGOs in Tamil Nadu.
- Demonstrated ability to carry out the activities and meet the objectives as described in Section D.
- Excellent writing, editing, and oral communication skills in Tamil and English.

G. Preferred competencies

- Commitment to anti-trafficking and anti-slavery efforts.
- Prior experience working with/on behalf of one or more of the following populations/issues: trafficked and enslaved persons, domestic and/or workplace-based violence, labor rights, women's rights, marginalized population rights.
- Familiarity with the geographic context of this project.

H. Project Duration

Proposals are requested for a project duration of 12 months. Proposals should demonstrate an ability to begin work by November 10, 2017.

I. Eligibility

Geneva Global welcomes applications that involve two or more entities; however, one eligible entity must be the applicant and the others must be proposed as sub-recipient(s). The applicant must be the entity with primary responsibility for administering the funding and managing the entire project.

J. Expression of Interest

Proposals in response to this request should include the following:

- A narrative describing the activities that will be conducted, including but not limited to, those activities described in this Terms of Reference that clearly demonstrate ability to fulfil the objectives and complete the deliverables for the project.
- A work plan including planned activities by month throughout the time period described in this Terms of Reference.
- A brief profile of the organisation's/individual's experience including why you are best suited to carry out this work, in addition, provide the qualifications of the individual(s) who will work on this project (minimum 1 page)
- A budget for proposed project(s) that does not exceed \$40,000. Budgets that can demonstrate competitive value will be given priority.

K. Deadline and submission information:

Submissions should be provided as soon as possible, **proposals received on or before October 20, 2017 will be given preference**. Please submit completed proposals to Abdul Jaleel by email ajaleel@genevaglobal.com and if you have any additional questions, please contact him.

Following submission, Geneva Global will review and request additional clarifications as needed. Please identify a contact person and provide contact details with your submission should additional interaction be required.