



## TERMS OF REFERENCE

### FOR INDIVIDUAL CONTRACT

<b>POST TITLE:</b>	Researcher on responsible business conduct in Tunisia
<b>AGENCY/PROJECT NAME:</b>	UNDP/Promoting Responsible Business Conduct in target countries where Japanese companies operate, with a particular focus on promoting human rights due diligence in global supply chains and leveraging the UN Guiding Principles on Business and Human Rights for a just recovery (JSB project)
<b>COUNTRY OF ASSIGNMENT:</b>	Tunisia

## BACKGROUND

The *United Nations Guiding Principles on Business and Human Rights* (UNGPs), adopted by the UN Human Rights Council in 2011, are the most authoritative guidelines on how to "prevent and address human rights abuses in business operations." As part of its overall work on human rights, UNDP has supported the implementation of UNGPs by countries and corporations worldwide. The Business and Human Rights (B+HR) program was first piloted in Asia in 2016, where UNDP was soon recognized as the convener on B+HR discourse through its peer learning activities, including its annual regional B+HR forums for Asia.

UNDP has since scaled up its work by creating a Global Initiative on Business and Human Rights. As part of this process, UNDP is cooperating with the Government of Japan on the JSB project. Funded by the Japanese Supplementary Budget (JSB) approved in 2021, the JSB project's outcome is to promote a just recovery while identifying human rights risks with which Japanese companies may be associated in 17 target countries, including Tunisia. The project will strengthen responsible business practices in Japan and in Tunisia through improving the ability and understanding of Tunisian authorities, businesses, suppliers and partners to carry out Human Rights Due Diligence.

Critical to achieving this objective will be an undertaking of an in-depth analysis and research of the human rights challenges facing companies and their supply chain partners. Accordingly, UNDP Tunisia intends to recruit an individual consultant or an institution to conduct a **detailed study, which will contain industry-specific risk profiles, of companies' human rights challenges, focused on their operating scenarios**. The study will map the presence of companies in Tunisia, and analyse their, and their supply chains and partners', impact on human rights, the environment and peace. The study will additionally inform training courses on Human Rights Due Diligence (HRDD) for companies, and other activities that will subsequently be carried out in the project. The author is thus expected to consult UNDP's methodology on building capacity of companies on Human Rights Due Diligence, contained in its toolkit published in 2021.

The study will focus on the most immediate risks in companies' supply chains in Tunisia. The results of the study will remain confidential.

Ultimately, the scoping study aims at:

1. Mapping the human rights risks facing companies, their supply chains and partners;
2. Informing the development of training materials on human rights due diligence for these companies, for which specific recommendations will have to be provided; and
3. Setting the context for remaining activities under the project scope which focus on Human Rights Due Diligence.

## **SCOPE OF WORK**

The consultant will work under the guidance and supervision of the B+HR national analyst, with support from the JSB global coordination team. Specific results to be achieved by the consultant are listed below.

### **1. Produce a research plan in consultation with Tunisia's B+HR national analyst and JSB global coordination team:**

- Conduct preliminary desk research to identify available data and analysis concerning the operations of companies, their supply chains and partners in Tunisia;
- Based on preliminary research, draft an outline of the study, which shall be structured to include, at a minimum, the following: a mapping of companies and their supply chains, brief profiles of leading companies operational in Tunisia and their supply chains; an examination of the actual and potential risks of human rights abuses with which companies in these industries in Tunisia may be associated with; and recommendations for measures to be taken to mitigate these risks.
- Create a research methodology and structure, and outline the specific activities to be undertaken, suitable to accomplish the deliverables 2 and 3 listed below, including a list of potential interviewees. The primary method used for the survey will likely be qualitative (interviews and possible focus groups), while it is desirable for the consultant to use some simple quantitative methods used as well (depending on the availability of data) to illustrate the economic impact of companies, their suppliers and partners.

### **2. Draft a study on the "Human rights Risks of companies, their supply chains and partners in Tunisia":**

- Research and outline the profile of companies, their supply chains and partners, and the challenges they face in implementing the UNGPs, while keeping with the structure outlined under deliverable 1 listed above;
- Research and report on the human rights created by key industries in which companies, their supply chains and partners are active in. The report should analyze the actual and potential impact of these industries on the human rights of workers, communities and other rights-holders, as well as on the severity and type of risks faced by companies active in these industries. Additionally, according to each of the three UNGPs pillars ("protect, respect, remedy"), it should present an overview of the state measures aimed at protecting the rights of rights-holders impacted by these industries (under pillar 1 of the UNGPs), examples of corporate actions aimed at respecting the

rights of rights-holders and mitigating corporate risks (under pillar 2) and remedies available to address business-related abuses (under pillar 3);

- Articulate concrete and practical recommendations on how to mitigate the risks faced by industries in which companies, their supply chains and partners are operational in Tunisia.

### 3. Validate research findings and produce final report

- Validate research findings and recommendations through peer-review, including by persons nominated by the B+HR national analyst and JSB global coordination team;
- Consider the feedback provided during the validation phase and produce the final report, in English, in a format and layout suitable for sharing with relevant actors (publication costs are not expected to be borne in this contract).

## OUTPUT AND DELIVERABLES

Deliverables/ Outputs	Estimated Duration to Complete	Deadline to receive deliverables	Review and Approvals Required
1) Research plan	05 days	6 days after signing the contract	B+HR national analyst, JSB global coordination team
2) Draft study, inclusive of recommendations, for validation	20 days	26 days after signing the contract	B+HR national analyst, JSB global coordination team
3) Validation through peer-review and consultations and final report	05 days	31 days after signing the contract	B+HR national analyst, JSB global coordination team

The consultant will use his/her own equipment and software.

## INTELLECTUAL PROPERTY

All information and production of report to the assignments as well as outputs produced under this contract shall remain the property of the UNDP who shall have exclusive rights over their use. The products shall not be disclosed to the public nor used in whatever format without written permission of UNDP in line with the national and International Copyright Laws applicable.

## INSTITUTIONAL ARRANGEMENTS

The consultant will work under the overall guidance of the B+HR national analyst and JSB global coordination team. Each deliverable shall be presented to the project national analyst and JSB global coordination team for review and approval.

## **DURATION OF ASSIGNMENT, DUTY STATION AND EXPECTED PLACES OF TRAVEL**

### **Duration**

The assignment shall be completed within a maximum of 30 working days, during a period of two months.

### **Duty Station**

The consultancy will be based in Tunisia. Interviews and consultations will take place in person or through video conference or other remote communication tools, depending on the availability of interviewees and the health measures to combat Covid-19 in place in Tunisia while the study is taking place. The costs of travel and accommodation will be paid by the consultant.

## **DEGREE OF EXPERTISE AND QUALIFICATIONS**

### **Required Skills and Experience**

The consultant should possess the following expertise and qualifications:

#### **Education and Experience**

- Advanced university degree (Master's or equivalent) or PhD in law, governance, anthropology, social science, political science, business management, or related discipline(s);
- 5+ proven research experiences on documentation on human rights/social and development issues (attaching links to the studies or scanned versions);
- 3+ of work experiences related to human rights;

#### Desirable:

- Demonstrated understanding of corporate impacts on human rights, risks created throughout corporate supply chains, and business and human rights issues;
- Demonstrated capacity to conduct multi-discipline, cross-sector and cross-country research;
- Expertise in writing and documenting research reports.

### **Skills**

- Demonstrable research skills;
- Results-driven, initiative-taking, ability to work under pressure and meet tight deadlines;
- Ability to work independently or with very limited guidance.
- Highly motivated with a positive attitude and problem-solving approach;

- Good interpersonal and communication skills.

#### Language

- Proficiency in English. Working level of French and Arabic is an advantage.

### REQUIRED DOCUMENTS

#### Required documents

Interested candidates must submit the following documents/information to demonstrate their qualifications.

- Duly accomplished Letter of Confirmation of Interest and Availability using the template provided by UNDP. It shall include the Financial Proposal that indicates the all-inclusive fixed total contract price, supported by a breakdown of costs, as per template provided.
- Curriculum Vitae;
- 05 previous publications (links or scanned versions);
- Note explaining the suggested methodology to develop the research.

### CRITERIA FOR SELECTION OF THE BEST OFFER

#### Evaluation Method and Criteria

Only candidates who are responsive and compliant will be evaluated. Individual consultants will be evaluated based on the following methodology:

#### Combined Scoring method:

The award of the contract shall be made to the candidate whose offer has been evaluated and determined as a) responsive/compliant/acceptable; and b) having received the highest score out of set of weighted **technical criteria (70%) and financial criteria (30%)**.

- The technical criteria consist of qualification review: education and professional experience (Criteria 1, 2 and 3) according to the CV. Only candidates obtaining the score of 40 pts at least will be considered for the interview. Competences and linguistic skills (Criteria 4 and 5) based on the interview should at least be attributed 30pts.
- **Financial score** shall be computed as a ratio of the proposal being evaluated as the lowest priced qualified proposal received by UNDP for the assignment will be based on a maximum 30 points.

#### Technical Criteria for Evaluation (Maximum 100 points)

- Criteria 1: Education – Max 20 points;
- Criteria 2: Working experience – Max 20 points

- Criteria 3: Analytical, research and writing abilities – Max 20 points
- Criteria 4: Interview – Max 40 points

Only candidates obtaining a minimum of 70 points for technical criteria (approx. 70% of the total technical points) would be considered for the Financial Evaluation.

N	Criteria	Max points
1	<p>Advanced university degree (Master's or equivalent) or PhD in law, governance, anthropology, social science, political science, business management, or related discipline(s)</p> <p>Master's degree ..... 15 pts</p> <p>PhD ..... 20 pts</p>	20
2	<p>05+ proven research experiences on documentation on human rights/social and development issues</p> <p>5 research experiences ..... 15 pts</p> <p>From 05 to 10 research experiences ..... 17 pts</p> <p>+10 research experiences ..... 20 pts</p>	20
3	<p>03+ of work experiences related to human rights</p> <p>03 work experiences ..... 05 pts</p> <p>+03 work experiences ..... 10 pts</p>	10
4	<p>Demonstrated capacity to conduct multi-discipline, cross-sector and cross-country research on Business and Human Rights</p> <p>01 research experience ..... 05 pts</p> <p>02 research experiences ..... 07 pts</p> <p>03 or more research experiences ..... 10 pts</p>	10
6	Interview	40

The application receiving the Highest Combined Score will be awarded the contract.

## 9) CONSULTANT PRESENCE REQUIRED ON DUTY STATION/UNDP PREMISES

None

Partial

Intermittent **X**

Full-time

## 10) PAYMENT TERMS

Candidates shall quote a **lump-sum “all-inclusive” fee** for the completion of each deliverable. The term “all-inclusive” implies that all costs 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 IC’s supervisor.

Elements	Fees/day	Nb/days	Total
Daily rate		30	
International travel (maximum of 03 trips to Tunisia)			
National travel (in the Capital and across the country) / accommodation/ transport		10	

The lump-sum price is fixed regardless of changes in the cost components.

Deliverables	Payment	Nb of working days
Research plan	20%	05 days
Draft study	50%	20 days
Final report validated	30%	30 days

**This TOR is approved by:** Corrado Quinto, Chief Technical Advisor on Justice and Human Rights

**Signature**

**Date of Signing**

