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)

Terms of Reference (ToR)

**Title of the Services:** Facilitating the Implementation of the Business and Human Rights Initiative in Nepal

**Implementing Partners:** NGO/ CSOs

**Locations:** Kathmandu and provinces

**Project Duration:** December 2022 to March 2023

I. **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 Right (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 Nepal. The project will strengthen responsible business practices in Japan and in Nepal through improving the ability and understanding of Nepal authorities, Japanese businesses and corporations from other countries, suppliers and partners to carry out Human Rights Due Diligence.

The Government of Nepal has endorsed the Firth National Human Rights Action Plan (NHRAP) 2020/2021-2024/2025. For the first time the NHRAP has incorporated the business and human rights under Activity 3.2. The NHRAP, under the Chapter of Labour, Employment and Social Security, has assigned the Ministry of Labour, Employment and Social Security (MoLESS) to develop a separate action plan to implement the United Nations Guiding Principles on Business and Human Rights (UNGPs). The MoLESS has formed a taskforce to draft the Business and Human Rights Action Plan, and the UNDP Nepal, ‘Enhancing Access to Justice through Institutional Reform Project, has been providing technical support for that purpose.
To promote the business and human rights in Nepal, to raise awareness and build capacity of the private sector on the businesses’ responsibility to respect human rights and human rights due diligence (HRDD) and to support the drafting and adoption of the business and human rights national action plan, UNDP is seeking professional and committed Civil Society Organizations (CSOs)/ Non-Governmental Organizations (NGOs) as local Implementing Partners.

II Objectives

➢ Raise awareness and build capacity of the business sector on promoting and ensuring business and human rights principles and standards

➢ Support to conduct consultations with different thematic private sectors and entrepreneurs on the draft action plan on Business and Human Rights

➢ Support to organize national consultations and validations on the revised version of the plan

➢ Support in organizing Human Rights Due Diligence (HRDD) Training for Japanese companies working in Nepal, their partners companies and supply chains as well as leading Nepalese private companies

➢ Provide coaching and mentoring to carry out HRDD assessment for Japanese companies working in Nepal, their partners companies and supply chains as well as leading Nepalese private companies

III Scope of Work and Key Deliverables

➢ Human Resource Management

• Assign a Project focal person (coordinator) and project support associate to implement day to day activities and liaise among community, government and other stakeholders on business and human rights

➢ Organize one national workshop and seven provincial workshops on the draft Business and Human Rights NAP

• Identify the major business and human rights issues and concerns from the business perspective

• Identify appropriate stakeholders and collaborators for the event

• Document the proceedings of the workshops and develop it into a report, to inform the NAP development process

➢ Organize two HRDD Training and follow up coaching and mentoring

• Identify participants (50-60) from the Japanese companies working in Nepal, their partners companies and supply chains as well as leading Nepalese private companies for the two HRDD training

• Coordinate through the Access to Justice project (UNDP) with the international and national experts/trainers for the HRDD training

• Organize two events of the HRDD training

• Organize ten online sessions of coaching and mentoring as a follow up to the HRDD training
➢ **Organize a national level validation workshop**

- Coordinate with the task force formed under the Ministry of Labour, Security and Employment and provide necessary inputs and insights on the formulation process
- Identify the stakeholder and participants for the validation workshop
- Develop a conducive environment among the government and business sector for the validation workshop
- Organize the validation workshop and prepare a proceeding report highlighting the major outcome of the validation workshop

### IV. Key Deliverables

By the end of December, it is expected but not limited to achieve following targets:

- One National workshop on business and Human Rights organized in Kathmandu with at least 40 participants.
- Seven provincial workshops on Business and Human Rights NAP organized in provinces with 250 participants
- Two HRDD trainings for Japanese companies working in Nepal, their partners companies and supply chains as well as leading Nepalese private companies, 50-60 participants should be benefited.
- Coaching and mentoring provided as a follow up to the HRDD training to the Japanese companies working in Nepal, their partners companies and supply chains as well as leading Nepalese private companies
- One validation workshop organized on the draft plan of action
- A comprehensive report developed on the workshops and orientations organized in the provinces and Kathmandu

### V Procedures for the Selection of Potential Partner Organization

- The Expression of Interest (EoI) will be assessed based on pre-defined selection criteria
- Final selection of the organization will be carried out following UNDP procedure and contract will be awarded accordingly
- Detailed proposals, budget and implementation plans will be developed with selected organization

### VI Expertise and Requirement for Submission of Expression of Interest (EOI)

- CSO/ NGO should be legally registered and working in the respective provinces
- Should have at least 5 years of experience in the field of business and human rights and/or on issues such as business and labour rights, business and environment, as well as on environmental safeguards including Human Rights Due Diligence (HRDD), with cross-cutting thematic focus on gender equality and social inclusion and youth engagement and volunteerism.
- Should have the province level presence in all the provinces.
- Should have working experience with wide range of stakeholders including federal and local government agencies, civil society organizations, youths, women and other marginalized and vulnerable social groups including Dalit, Janajati, Muslim, Madheshi, LGBTQI+, and other minority groups
➢ Prior working experience with UNDP on business and human rights will be an asset
➢ Should have completed annual financial audit in the last recent fiscal year without major critical findings
➢ Should have renewed the organization until current fiscal year from concerned government agency
➢ Should have working experience with government on Business and Human Rights.

VII. Proposed Staff composition

➢ Project Coordinator (focal person) -1 no.

- At least 5-year experience in project management, coordination, and experience in managing governance and human rights project social science or law/human rights (Master’s degree will be given preference)
- Working experience with the private sector, business community leadership
- Able to work independently with innovative ideas for engagement with wide range of stakeholders.
- Able to organize workshop, orientation, focus groups discussion in national and province level
- Able to plan and implement activities and prepare financial report
- Should have good coordination and report writing skills.

➢ Project support Staff -1 no

- At least 2 years’ experience with qualification of intermediate degree in Law, sociology, or relevant subject.
- Basic working knowledge of computer,
- Able to provide logistic management support to organize events

➢ Finance Staff -1 no

- At least 2 years’ experience with qualification of bachelor’s degree in management, accounts, finance, or relevant subject.
- Should have knowledge of Financial Management and able to prepare financial report

VII. Documents to be submitted:

➢ Technical proposal including the methodologies, a detailed action plan, log frame against targets and organizations comparative advantage to implement the project
➢ Organizational profile should also include organization structure, board members/executive committee members
➢ Valid registration certificate, affiliation certificate, and last two years’ audit reports
➢ PAN/ VAT Registration certificate and latest tax clearance certificate
➢ Copy of organizational constitution and other policies (i.e Human Resource/Finance/Operational and others)
➢ Evidence of working experience (such as recommendation letter, contract copy) with development partners, including UN agencies and government
➢ CV of the key personnel to be involved in project implementation, including finance personnel.

VIII. Time Frame of EoI Submission:

Expression of Interest (EoI) should be submitted through email at: registry.np@undp.org by 24 November 2022.