

## Request for Proposals: Legal Needs Assessment

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### Summary

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.

In 2022, the Freedom Fund in partnership with Humanity United established a hotspot program in Indonesia to tackle forced labour in the seafood sector. Our program supports grassroots organisations working on issues affecting migrant fishers overseas as well as fishers and seafood processing workers within Indonesia.

The Freedom Fund is seeking to develop its understanding of the legal (judicial and non-judicial) assistance and services provided by our implementing partners to persons affected by or at risk of forced labour, capacity of partners and understand areas for improvement. Based on the findings and recommendations coming out of this needs assessment, the Freedom Fund intends to seek technical assistance tailored to each implementing partners' operating context, capacity and priorities.

In summary, the legal needs assessment will:

1. Set out the current system and capacity of partner organisations in relation to management of worker/community complaints and legal matters.
2. Offer guidance and recommendations to the Freedom Fund on each implementing partners ability and appetite to:
  - a. Improve management of cases, including case documentation, management and representation;
  - b. Refer cases within the Freedom Fund hotspot network for assistance or services provided by third parties;
  - c. Share case data within the Freedom Fund hotspot network for the purposes of collective advocacy; and
  - d. Deliver community-based paralegal training and provide ongoing support to community paralegals.

### Key Tasks

The Freedom Fund seeks a consultant to undertake needs assessments of five (5) implementing partner organisations and document findings and recommendations in a written report. The needs assessments will require visits to implementing partner offices and project locations, as well as interviews with partner staff, program beneficiaries and other relevant stakeholders, such as lawyers, as required.

For each implementing partner, the consultant will review and analyse partners' current practice, gaps and potential areas for improvement in relation to the areas set out below.

1. Organisational structure, personnel and capacity, in relation to complaint and case management including:
  - a. average monthly caseload;
  - b. number of cases that are classified as relevant to addressing forced labour or risk of forced labour (i.e. labour violations, immigration matters); and
  - c. qualifications and competencies of relevant staff (especially with respect to delivery of trauma-informed and victim-centred assistance and services).
2. Range of advocacy and legal services provided (by the implementing partner directly or through referral). Scope of review will include, at a minimum, the following:
  - a. advocacy (victims' rights and services);
  - b. advocacy (informal arbitration and negotiation);
  - c. advocacy/representation in a civil court (employment/labour, migration etc);
  - d. advocacy/representation in a criminal court;
  - e. case management and coordination of services;
  - f. information and referral;
  - g. interpreter/cultural liaison;
  - h. criminal justice process explanation;
  - i. paralegal services;
  - j. court accompaniment; and
  - k. repatriation services.
3. Experience in assisting legal cases as well as any aspirations or plans for improvement.
4. Experience interacting with state authorities as well as engaging in informal arbitration with employers (or their representatives) and private recruitment agencies.
5. Format, accessibility and suitability of available complaints channels (managed by civil society organisations / trade unions).
6. Investigation, evidence collection and case documentation systems and procedures.
7. Standard operating procedures (SOPs) for case management and assistance.
8. Procedures related to victim protection, informed consent, confidentiality, data protection and safeguarding (rights-based approach).
9. Existing third-party case referral processes and network.
10. Legal casework and prosecution strategies, where relevant.
11. Relevant Information, Education and Communication (IEC) materials made available to victims and survivors.

The consultant will compile a single written report summarising findings from the need assessments of each implementing partner and provide actionable recommendations to the Freedom Fund, addressing the areas outlined below (and others if the consultant deems relevant). Recommendations will be tailored to each partner's context and will identify a range of short- and long-term improvements based on specific technical and legal needs.

1. What is the recommended pathway to improving partner legal services to workers in relation to forced labour cases or reducing risk of forced labour (employment/labour, immigration, other)? Consideration should be given to how to improve case management, documentation, evidence collection, case progress and implementing a rights-based approach to legal assistance.

2. How to effectively and efficiently strengthen case referral processes and systems, including through the provision of third-party legal aid where required. Consideration should be given as to whether a set legal referral partner is recommended, as opposed to each partner requesting/having budget to hire lawyers as required.
3. How to improve provision of paralegal services, implement robust paralegal training initiatives and provide ongoing support to paralegals.
4. What is likely to be the most effective and efficient way to support sharing and use of case data within the Freedom Fund hotspot network for the purposes of collective advocacy? The consultant should consider a range of measures from simple to more complex and provide a recommendation.

The consultant will provide a first draft to the Freedom Fund for review and discussion before finalising the report. The consultant is likely to be asked to explain and discuss the needs assessment findings and recommendations to each partner, and separately to the Freedom Fund.

### Travel Required

a. The consultant will be required to travel to each partner location/office to review legal processes and documentation in detail and discuss processes with staff. Partners are located in the following areas: (1) Jakarta Selatan dan Utara- Kel.Kalibaru, Kel. Cilincing, (2) Bandung, (3) Jawa Barat - Kabupaten Indramayu: Desa Krasak - Kec. Jatibarang, Desa Gadel - Kec. Tukdana, Desa Limbangan- Kec. Juntinyuat, (4) Jawa Tengah- Tegal, Semarang, (5) Jawa Timur - Kabupaten Banyuwangi: Desa Kedungrejo, Desa Sumberberas, Desa Wringinputih- Kec. Muncar, (6) Bitung-Sulawesi Utara

### Timeline<sup>1</sup> and Project Deliverables

12 <sup>th</sup> May 2022	TOR published
26 <sup>th</sup> May 2022	Applications close, including outline of proposed research methodology and workplan
6 <sup>th</sup> June 2022	Consultant appointed and workplan finalised
1 <sup>st</sup> August 2022	Draft needs assessment completed and sent to the Freedom Fund for comment
22nd August 2022	Report finalised and shared with the Freedom Fund
September 2022	Presentation of findings and recommendations completed

### Experience and Qualifications desired

- A legal background (either provided legal support to civil society organisations previously or having undertaken a law degree)
- Knowledge of Indonesian laws, policies and processes relevant to reducing risk of forced labour, such as labour, immigration, criminal laws and processes
- Knowledge or exposure to relevant concepts (at the international level) such as forced labour, human trafficking, labour exploitation, migration, community development, rights-based interventions, etc.

<sup>1</sup> The timeline is a guide. We would like the consultant to undertake the work within this approximate timeline, and as quickly as possible

- Knowledge of recruitment processes, terms of employment and working conditions in the fishing and seafood sectors preferred.
- Experience working with Indonesian civil society organisations and/or international donors.
- Fluency in Bahasa Indonesia and English.

## Submission Process

1. **Deadline:** Proposals should be submitted by **midnight Jakarta time on Thursday 26 May, 2022.** Applicants should be ready to begin undertaking work within a week or two (please note the timeline set out above is an approximate guide, if you suggest other times please let us know in your application). Please submit all proposal materials to Freedom Fund Program Manager at [rsibarani@freedomfund.org](mailto:rsibarani@freedomfund.org). Any queries or informal inquiries are also welcome via email.
2. **Budget: We anticipate proposals in the range of 10-15,000 USD, inclusive of travel costs.** Please note however that travel costs will be reimbursed based on actual costs. Budgets will be reviewed with respect to the strength of the proposal in meeting the project objectives in a cost-effective manner.
3. **Proposal Guidelines:** Proposals in response to this request should be between 2-4 pages in length and include the following:
  - a. A narrative describing the experience and capability of the consultant to conduct the Key Tasks described in this ToR; along with expertise and experience as set out in the section above.
  - b. Requested consultancy fee (which will be considered by Freedom Fund and discussed if the application moves forward).
  - c. Proposed methodology for needs assessment and workplan with draft timeline.
4. **Please submit curriculum vitae as an annex to the proposal.**
5. **Review:** Following submission of the proposal, Freedom Fund will review and may request additional information.