



Terms of Reference

Capacity Development Regarding International Child and Labour Rights Standards for Child Domestic Workers (CDWs) and Ethiopian National Laws and Policies Protecting CDWs

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Summary

The Freedom Fund seeks a consultant or consultancy team to prepare and conduct capacity development training for partners including government duty-bearers and other key stakeholders working with Child Domestic Workers (CDWs) in Addis Ababa, Ethiopia. It is planned that the modules to be developed will be co-designed and co-delivered with Freedom Fund implementing partners in Ethiopia and therefore enhance their capacity for future sustainability. There are two modules which need designing and facilitating building on what partners are already doing:

- Module 0.1: Training-of-Trainers (ToT) Facilitation
- Module 1.1: International Child and Labour Right Standards for CDWs
- Module 2.1: National Laws and Policies Protecting CDWs, including Proclamation 1178 on the prevention and suppression of trafficking in person and its protection of CDWs

Freedom Fund works on issues around both internal and cross-border migration in Ethiopia, with a particular emphasis on CDWs. Their program on CDWs seeks, as its primary objective, to reduce the prevalence of domestic servitude amongst girls in Ethiopia and improve migration outcomes for Ethiopian women and girls through the US Department of State Program to End Modern Slavery (PEMS).

The PEMS CDW program involves five implementing partners working with Freedom Fund to carry out five projects in Addis Ababa. Specifically, one area of the program focuses on the working conditions of CDWs in Ethiopia, who are particularly at risk of domestic servitude, by holding employers and traffickers accountable through strengthening actions of law enforcement, labour, and social affairs officials. Freedom Fund aims to strengthen local buy-in and enhance effectiveness by working through local frontline organisations.

Introduction to Freedom Fund

The Freedom Fund (freedomfund.org) is a global non-profit organisation that identifies and invests in the most effective frontline efforts to eradicate human trafficking and exploitation.

Through our innovative hotspot model, we convene strategically aligned networks of anti-slavery NGOs in high prevalence areas of Brazil, Bangladesh, Ethiopia, India, Indonesia, Myanmar and Thailand to multiply the capacity, impact and influence of frontline partners. In Ethiopia, our hotspot program was launched in July 2015 and has invested USD 6.4 million to combat the domestic servitude of Ethiopian women and girls migrating to the Middle East. In 2019, the Freedom Fund in Ethiopia expanded its work to address internal trafficking, looking specifically at child domestic servitude. The Freedom Fund has since broadened its geographical remit to include future programs that address exploitative child domestic work in Nigeria, Liberia and Kenya.

This expansion has prompted the wish to create a space to connect and bring together researchers, experts and practitioners from across the globe for knowledge sharing. The group's ultimate aim will be to improve the design of policies, program interventions and practices intended to address exploitative child domestic work and ensure they are in the best interest of children.

Background

PEMS is being implemented in a context where most CDWs work in the major urban areas of Ethiopia, particularly Addis Ababa, and where the vast majority of them have travelled from rural areas in the country for this work. Freedom Fund's Ethiopia program strategy notes that "97% of child domestic workers in Addis came from poorer rural areas, with 39% of them unaccompanied migrants, putting them at high risk of trafficking and abuse."¹ The smuggling of migrants and human trafficking are significant issues in Ethiopia generally and for CDWs in particular, with the latter often turning into the former while migrants are on route. Particularly for adolescent girls moving from the Amhara region and other rural areas to Addis Ababa for domestic work, there are increased risks of trafficking. Children from rural areas in Ethiopia are often misled and/or coerced into domestic work, and even those who migrate voluntarily may then face servitude-like conditions. These threats are heightened for girls and young women who also face gendered expectations and judgments that constrain their agency, especially as relates to those CDWs who then enter commercial sexual exploitation.²

The situation of CDWs in Ethiopia is shaped by the rights and legal framework set forth in national and international law and policy. There are three broad areas in the law that are related to CDWs' protection: child protection and child rights; human trafficking; and labour law. These three areas intersect and influence each other and need to be considered together due to the connection between CDWs, their work, their exploitation, and the potential for human trafficking. Ethiopia is bound by its international treaty commitments regarding child protection, human trafficking, and labour, and is also strongly influenced by international legal trends even if the underlying convention at issue has not been ratified. At the same time, Ethiopian national law, especially the relevant proclamations passed by parliament, governs.

¹ Freedom Fund. (2020). *Ethiopia Programs Strategy: Safer Migration and Child Domestic Workers Programs*, 7 (citing research by the Population Council).

² See de Regt, M., & Mihret, F. B. (2020). Agency in constrained circumstances: Adolescent migrant sex workers in Addis Ababa, Ethiopia. *Journal of Eastern African Studies*, 14(3), 512-28. <https://doi.org/10.1080/17531055.2020.1768467>.

As part of the Freedom Fund PEMS project, the development of one facilitation skills module and two capacity development training modules have been proposed to standardise the information and practice about the legal and protection context of CDWs in Addis Ababa. These capacity development modules were proposed following an assessment made of partners under the PEMS-funded CDW program. The aim of the consultancy is to build on and further refine / develop training material used by PEMS partners so as to standardize partners' training delivery. The newly developed training modules will be used by partners to train stakeholders on the legal / protection context of CDWs as well as on effective ToT facilitation techniques that can further Freedom Fund's co-creation approach. The modules to be developed will be targeted at duty-bearers and other key stakeholders working with CDWs in Addis Ababa, including PEMS partner organisations, and will aim to provide an overview of the full range of laws and policies from the international and national levels that bear on the protection of CDWs.

Purpose and Scope of Work

To effectively implement the Plan, Freedom Fund seeks to retain a consultant or consultancy team to prepare and conduct the two modules of capacity development training focused on national and international legal and policy frameworks applicable to the protection of CDWs in Addis Ababa. The consultant will draft, prepare, and deliver capacity development training on the six topics listed below and this in close cooperation with PEMS implementing partners in Ethiopia. We expect the consultant to use a co-creation approach that involves constructing the modules together jointly with relevant PEMS partners. It is expected that the modules developed will be appropriate to use for Training-of-Trainers (ToT) and will be co-designed and co-delivered with the implementing partners. These topics are:

1. ToT facilitation techniques;
2. international law on child rights;
3. international law on child labour exploitation;
4. gender and CDWs;
5. Ethiopian law on child protection and welfare;
6. Ethiopian law on trafficking in persons and how it applies to CDWs; and
7. Ethiopian law on child labour.

These seven topics can be run as one 8-day training, as more than one session covering multiple topics, or as individual sessions for each topic. The training will likely be conducted over a two- or three-week period. It is expected that the consultant will develop the training modules based on the Plan, outlined below, and the topics provided, but they will have scope to determine the specific aspects of each module.

A special theme within this consultancy is preparing PEMS partners and government officials to conduct future training sessions effectively by working with them on Training-of-Trainer techniques to build their skills in this area. Using a ToT approach supports sustainability, increases reach, strengthens the child protection system for CDWs, supports advocacy, and supports the implementation of laws and services for CDWs. Module 1.1 aims to develop knowledge and understanding of training design, facilitation methods and evaluations, as well as facilitation skills. As the main ToT seeks to develop the trainers, the subsequent sessions within these modules would also be a ToT with an emphasis on technical content.

Participants from civil society are our PEMS partners and also the co-creators of these modules. They will then be the ones delivering those training modules to the key stakeholders listed above. Those partners are Bethany Christian Services Global (BCSG), Ethiopian Catholic Church Social and Development Commission

(ECC SDCO), Hope for Justice (HfJ), Organization for Prevention, Rehabilitation & Integration of Female Street Children (OPRIFS), and Professional Alliance for Development (PADet).

Illustrative proposed participants for these sessions from the Government of Ethiopia include the Ministry of Justice (MoJ), National Partnership Coalition (NPC), Ministry of Women, Children and Youth (MWCY), Addis Ababa City Bureau of Women Children and Youth Affairs (BWCYA), Ministry of Labour and Skills (MoLS), Ethiopian Human Rights Commission (EHRC), the Federal Supreme Court – Child Justice Project (FSCCJP), and the Addis Ababa Police Commission.

All training sessions should uphold adult learning principles taking learners around the learning cycle and use participatory methods appropriate to the content and skills to be strengthened. Brief descriptions of the topics to be covered in and the proposed length of the training sessions are as follows in outline form:

1. Training-of-Trainer Facilitation (2-days)

- *Objectives:* Strengthen the capacity of PEMS's partners to design training which is underpinned by adult learning principles and includes participatory methods; improve confidence in facilitation and training skills which seek and build upon participant contributions
- *Key Themes:* How to design and conduct a training needs analysis; training design to meet identified needs; adult learning principles; trainer and learner styles; participatory training methods; facilitation skills and managing group processes
- *Presentation Techniques:* Presentations, Brainstorming, Q&A Sessions, Handouts, Group work, Large group discussions, Case studies in the Ethiopian context, and Role playing / practice sessions

2. Child Rights (1-day)

- *Objectives:* Be able to describe international child rights protocols and how they apply to the protection of CDWs in Ethiopia, including without limitation the Convention on the Rights of the Child (CRC), UN Convention on Transnational Organised Crime (UNTOC) and its trafficking and smuggling protocols, and African Charter on the Rights and Welfare of the Children
- *Key Themes:* Why child rights are important for CDWs, how child rights protect CDWs, and employing child rights standards in work with CDWs
- *Presentation Techniques:* Lectures Presentations, Brainstorming, Q&A Sessions, Handouts, and Case studies

3. Introduction to child labour exploitation (1-day)

- *Objectives:* Be able to explain the differences and overlaps between child labour exploitation; child servitude and slavery; child labour and child work; child domestic work; and child trafficking; be able to describe international labour standards and protocols; participate in discussions on the context of child domestic work in Ethiopia; understand how child exploitation can be a part of human trafficking
- *Key Themes:* Child domestic work generally, child work, child labour and the worst form of child labour exploitation, child servitude and slavery, and interplay of these with human trafficking, ILO Conventions 138, 182, 189, CEDAW and domestic work, National legislation, and international standards for CDWs
- *Presentation Techniques:* Presentations, Short videos, Brainstorming, Q&A Sessions, Handouts, Small group work, and Large group discussions

4. Gendered dimensions of CDWs (0.5-day)

- *Objectives:* Understand how gender norms can dictate engagement in domestic work in households and lead to gendered roles in domestic work; understand how lack of engagement leads to a need for domestic worker support; discuss how boys and girls engaged in domestic work have different risks and protections needs; have thought critically about the impact of gender norms on girl CDWs and the outcomes this can have in long term livelihoods; have considered gendered factors which push girls and boys into child work; discuss privilege and cycles of oppression of women and girls and how those relate to CDWs and domestic work generally, particularly around the lack of respect given to domestic work
- *Key Themes:* Introduction to gender and gendered power dynamics; identifying gendered norms in Ethiopia; CEDAW: women's and girls' rights; community awareness-raising and prevention; protection for girl and boy CDWs; understanding gendered risks, protection issues, and welfare needs, including around gender-based violence (GBV) and sexual violence; gender in the investigation and prosecution of human trafficking and smuggling; research on gendered dimensions of CDWs in Ethiopia, regionally, and internationally
- *Presentation Techniques:* Presentations, Brainstorming, Q&A Sessions, Handouts, Small group work, Large group discussions, and Case studies – Ethiopian context

5. National legislative framework for child protection and welfare (1-day)

- *Objectives:* Discussed the national legislative framework for child protection and welfare; discussed the application of national legislation to statutory and civil society services for child protection and welfare; understand the National Child Policy, Ethiopian Criminal Code (2005), and Ethiopian Constitutional Provisions on human rights and child rights; applicability of other legal structures and options to address child protection and welfare in addition to the legislative framework
- *Key Themes:* Roles and responsibilities of statutory authorities; child protection and welfare under law in Ethiopia; roles and responsibilities of statutory authorities and civil society to protect children; applicability of the rule of law in this area
- *Presentation Techniques:* Presentations, Brainstorming, Q&A Sessions, Handouts, Small group work, and Large group discussions, and Case studies – Ethiopian context

6. National legislative framework for trafficking in persons (TIP) (1-day)

- *Objectives:* Discussed the legislative framework for TIP and smuggling of migrants; discussed the application of national legislation to statutory and civil society services for survivors of TIP; explored the TIP and SoM Proclamation 1178/2020 and the development of TIP/SoM law in Ethiopia; understand Ethiopian Constitutional Provisions on anti-trafficking and rights of women and girls and how this can be applied to exploited CDWs.
- *Key Themes:* Roles and responsibilities of statutory authorities and civil society, with a focus on the NPC; TIP and migrant smuggling cases in Ethiopia, including gendered dimensions; National legislation for child labour and work and applicability to CDWs; rule of law as applied to human trafficking cases; interplay of national and international law.
- *Presentation Techniques:* Presentations, Brainstorming, Q&A Sessions, Handouts, Small group work, and Large group discussions, and Case studies – Ethiopian context.

7. National legislative framework for child labour and work (0.5-day)

- *Objectives:* Discussed the legislative framework for CDWs; discussed the application of national legislation to statutory and non-statutory services for CDWs; understand Labour Proclamation 1156/2019 and its applicability (or not) to CDWs as well as minimum age and standards for child work laws
- *Key Themes:* Roles and responsibilities of statutory authorities in this area; child labour and child work in Ethiopia, including gendered dimensions; interplay of national and international law
- *Presentation Techniques:* Presentations, Brainstorming, Q&A Sessions, Handouts, Small group work, and Large group discussions, and Case studies – Ethiopian context

Tasks and Deliverables

Under the supervision and coordination of the Freedom Fund in Ethiopia team, the consultant is responsible for providing the following services:

- With PEMS partners, draft and develop one (1) training module on Training-of-Trainer Facilitation Skills, including:
 - Adult Learning Principles and Facilitation Mindset
 - Time management
 - Presentation Techniques
 - Group Dynamics and Mediation
- With appropriate PEMS partners, draft and develop one (1) training module on International Child and Labour Rights Standards for Child Domestic Workers (CDWs) including:
 - International law on child rights;
 - International law on child labour exploitation; and
 - Gender and CDWs;
- With appropriate PEMS partners, draft and develop one (1) training module on Ethiopian National Laws and Policies Protecting CDWs, including
 - Ethiopian law on child protection and welfare;
 - Ethiopian law on trafficking in persons; and
 - Ethiopian law on child labour;
- Draft and develop all training, supplementary, and other materials needed to effectively deliver the modules, which may include training agendas, handouts, case studies, roleplaying exercises, PowerPoint or similar presentations, and the like;
- Test the training materials and obtain feedback from Freedom Fund and other agreed-upon stakeholders;
- With the cooperating PEMS partners, co-facilitate the six (6) developed training sessions to the participants agreed-upon with Freedom Fund in advance;
- Cooperate with Freedom Fund's monitoring and evaluation (M&E) of this capacity development, and evaluate the effectiveness of the module development and implementation using an evaluation model, such as the Kirkpatrick four-level evaluation method, or any other evaluation method;

- Work with Freedom Fund to design evaluation tools,³ noting that PEMS partners will use existing tools to assess impact of the training they conduct thereafter;
- If using the Kirkpatrick evaluation method conduct levels 1-3 of the Kirkpatrick evaluation method (Reaction, Learning, and Behaviour) based on the tools jointly designed, and lead the M&E process to assess stakeholders' learning in this module;
- If using any other evaluation method, it should be based on the tools jointly designed, show clear areas or stages of assessment, and the evaluator should lead the M&E process to assess stakeholders' learning in this module; and
- Produce a report (maximum five (5) pages) showcasing and summarising all of the above-mentioned points, focusing on the effectiveness of the training sessions based on the Kirkpatrick evaluation method and including recommendations on how the modules could be updated based on the learning from the training sessions.

Therefore, the deliverables to be sent to the Freedom Fund in Ethiopia consultancy focal point at the end of the consultancy are as follows:

- Three (3) training modules;
- Training materials for seven (7) training sessions;
- Produce a Facilitators Guide, and Participants Handbook, including resource list and training slides; and
- A report summarising the capacity development training development and delivery in line with the agreed evaluation approach.

Approach

Freedom Fund adheres to a rights-based and CDWs-centred approach to prevent criminalisation of CDWs, who may be irregular migrants, victims of trafficking (VoT), and/or smuggled migrants, and to implement activities in full respect for human rights and with the objective of addressing vulnerable groups' specific needs. This particularly the case for child migrants and CDWs, who are entitled to all of the rights guaranteed to them by Ethiopian law, the African Charter on the Rights and Welfare of the Children, and the Convention on the Rights of the Child (CRC).

The methodology and implementation of the assignment must adhere to a gender-responsive approach and, where possible, explicitly propose measures for countering gender-based disadvantages. Data included in documentation generated as part of this consultancy must be disaggregated by, at least, gender and target group.

All training content and concepts discussed need to be based on sectoral best practices and international standards.

³ For more information on the Kirkpatrick evaluation approach, please see <https://www.mindtools.com/pages/article/kirkpatrick.htm>

Reporting and Working Language

The consultant will report in English to the Freedom Fund Program Manager in the UK and Freedom Fund Programme Officer in Ethiopia, who will be the focal point for this assignment. All deliverables will be developed and submitted in English to Freedom Fund, unless the consultant is specifically requested in writing to provide particular documents in Amharic.

Required Skills and Expertise

The consultant or members of the consultancy team in the aggregate must have:

- Strong knowledge (5+ years) of international and/or Ethiopian legal and policy frameworks relevant to the objectives of this consultancy, including experience working with CDWs, refugees, IDPs, trafficking in persons, human smuggling, and/or labour migrants (if a consultancy team, the lead consultant must meet this minimum requirement);
- An academic background in law, migration, social work, community work, child development, development assistance, or other relevant field of study;
- Knowledge on the human rights of children, including but not limited to the CRC;
- Knowledge on the human rights of workers, including but not limited to rights of domestic workers;
- Experience in designing and facilitating interactive seminars and training formats;
- Excellent professional command of English and Amharic;
- Experience working and/or liaising with Government of Ethiopia officials and other migration, child rights, labour rights, and/or CDW-related stakeholders in Ethiopia;
- In-depth knowledge and understanding of migration context in the Horn of Africa region required, including knowledge of the context in Ethiopia around forced displacement, mixed migration, and irregular migration flows;
- Ability to work in an international team; and
- Excellent communication skills and ability to work with a multi-cultural team.

Assessment Criteria

Applications will be assessed using the following criteria:

- Subject matter relevance
- Contextual experience
- Technical skills
- Quality of the full proposal
- Skills set of consultants and team structure (where relevant)
- Cost effectiveness

Prior knowledge of the PEMS Program, The Freedom Fund and/or partners involved in the program will not be part of the assessment.

Application Format

In their tender, the applicant is required to show how the purpose and scope set forth above are to be achieved and demonstrate how they will conform to Freedom Fund's approach. The application must include a Technical Proposal and a Financial Proposal.

For the Technical Proposal

The applicant(s) must prepare a four (4) page document setting forth their strategy to complete the required tasks and how they intend to meet all of the objectives laid out above. The applicant is specifically required to describe the necessary work steps and develop a timeframe for completing the work. A system for monitoring and evaluating the training sessions to be conducted must be proposed. Additionally, the applicant must explain how the required skills and experiences for the consultancy are being met.

CVs must also be submitted and they do not count towards the page totals for either proposal, but may not be longer than four (4) pages per CV.

For the Financial Proposal

The applicant(s) must explain the total cost to conduct all of the work that will be part of the consultancy based on at least five (5) days of training delivery and an additional number of days to be proposed by the consultancy team to draft, prepare, share, and edit the training modules. Any travel or per diem rates must be set forth in detail and justified in the proposal. The Financial Proposal may be in spreadsheet and/or narrative format and may not be more than two (2) pages in length.

Please note that the selected consultant has no claim to fully exhaust the days/travel/sessions/budgets. The number of days/travel/sessions and the budget amount will be agreed in the contract as “up to” amounts.

No additional documentation should be submitted (e.g. diplomas, letters of reference, writing samples, etc.) and anything submitted other than the Technical Proposal, Financial Proposal, and CVs will be disregarded and not considered. Similarly, if one of the maximum page lengths is exceeded, the content appearing after the cut-off point will not be included in the assessment.

Submission

Plases submit your proposal and supporting documentation via email, with the subject line “Submission for TOR Expert Modules 1-2” to ethiopiafp@freedomfund.org.

Proposals without the correct subject line may not be seen due to volume of applications currently being processed.

The deadline for submissions is **5pm GMT+1, 24 August 2022**.