



Call for Tender

FOR WRITING PART 2 OF OUR HANDBOOK SERIES ON BUSINESSES AND HUMAN RIGHTS

Application deadline: 30 September 2017

Estimated project deadline: 30 April 2018

Terms of Reference

Background

The Human Rights Capacity-Building Programme (HURICAP), a small unit based at Amnesty International The Netherlands in Amsterdam, has developed various programmes that aim to contribute to the growth of human rights activism in Africa, and more recently the Middle East, with an emphasis on rural communities. To this effect, HURICAP develops training programmes and capacity-building activities for organisations and activists from these regions, which are implemented in various countries in collaboration with local trainers, other Amnesty International units and partner organisations.

HURICAP's current programmes include:

- Capacity-building in monitoring, documenting and reporting (MDR) human rights violations; and
- Capacity-building in Economic, Social and Cultural rights (ESC rights).

Following demand from various partner organisations, HURICAP recognized the growing need for a capacity-building programme on Business and Human Rights with a view to help African communities to protect their rights from corporate-related human rights abuses. Subsequent research confirmed that such a programme is highly desired, including the development of a business and human rights handbook series that can help demystify the business-human rights nexus for local and grassroots organisations, activists and local communities.

In response, an initial handbook has been written that is currently being reviewed and is expected to be printed and published in 2017. This handbook aims to explain international standards most relevant to businesses' impacts on human rights and their application to various actors. It recognizes that the human rights framework is a powerful tool that communities and NGOs can use to persuade governments, businesses and other actors to fulfil their responsibilities/obligations with respect to human rights. The book is aimed at both community-based organisations and human rights NGOs that potentially deal with business and human rights issues.

The book is to be followed by *Part 2: Taking Action* which will provide information, methods and tools for enabling users to put these standards into practice when protecting the rights of those adversely affected by businesses. Like Part 1 of the handbook series, the future handbook (Part 2) must be easy to understand, include practical examples with which a broad range of stakeholders can identify themselves (local or regional relevance), and provide hands-on tools and guidance so that the target audience is better able to claim its rights or demand reparation.

HURICAP is looking for a consultant, consultants or organisation who can draft Part 2 of the handbook series. The *Taking Action* part will need to respond to the specific needs and challenges of community-based organisations and human rights activists in putting the aforementioned standards into practice, including in terms of awareness raising and claiming rights/demanding reparation. The handbook should be in line with Part 1 of this handbook series and in accordance with the outcomes of HURICAP's research.

Duration

HURICAP aims to have a final draft of part two of the handbook series ready by **30 June 2018**, and ideally consultants should be able to complete the work by **30 April 2018**. We invite candidates to prepare a timeline as part of their proposal detailing methodology and budget. This timeline should include a deadline for an initial draft and provide adequate time for our team (and the Amnesty International Secretariat) to provide feedback on this draft and for the consultants to incorporate these comments before **30 June 2018**. We would therefore like the work to begin as soon as possible.

Skills and Competencies

AINL/HURICAP is looking for a consultant with experience in developing human rights education resources and materials in non-formal settings with a thorough understanding of business and human rights issues. The consultant should have the following skills and competencies:

- A Master's or Doctoral degree in human rights law, social sciences or a related field;
- Demonstrated experience in developing human rights education resources and materials for an African audience (max. secondary school or BA level);
- Proven experience in coordinating and facilitating participatory processes, specifically with people and communities and/or those that work with them;
- Thorough understanding and demonstrated experience in helping local NGOs and communities to defend their rights against corporate interests;
- Experience in facilitating and working in multicultural teams;
- Experience with working in Africa required;
- Excellent communication and writing skills in English. French language would be an asset;
- Knowledge of Amnesty International's core work is strongly desired.

Duties and responsibilities:

Under the direct supervision of HURICAP staff, the consultant is expected to:

- Familiarize him/herself with the outcomes of HURICAP's initial research on the need for a business and human rights capacity-building programme and handbook; as well as with Part I of the handbook series on business and human rights.
- Get acquainted with HURICAP's existing handbooks in order to be able to understand the target audience for which the handbook will be written;
- Design a content outline of Part 2 of the handbook series based on the 'Draft Content Outline' on pages 5-6 below;
- Work according to a project proposal, including timeline, which allows sufficient time for regular liaison with the AINL/HURICAP team for communication and feedback;
- Draft an initial handbook within the indicated timeframe that is respectful of the target audience; easy to understand, has local/regional relevance, and provides practical tools and guidance that can help community-based organisations and human rights NGO claim the rights of the communities they represent and/or demand reparation;
- Identifying and designing exercises that will help the target audience to reflect on the content of the handbook in relation to their own situation or that of the communities they represent;
- Liaise regularly with HURICAP staff and other relevant colleagues within Amnesty International The Netherlands' programme *Investeren in mensenrechten* ('Investing in human rights');
- Seek expert advice where deemed necessary (e.g. for issues the writer is less knowledgeable about);
- After submitting an initial draft for review, liaise on content with the Business and Human Rights Team of the International Secretariat of Amnesty International;
- We expect the eligible candidate to be creative, self-motivated and capable of working independently.

Application Process

Applications must include a motivation letter, a detailed curriculum vitae, examples of previous relevant work, along with a proposal outlining the methodology to be used, the timescale needed to deliver this project, and a budget.

The deadline for applications is **30 September 2017**.

Applications should be sent to Benjamin Thompson at **b.thompson@amnesty.nl**.

GENERAL TERMS OF REFERENCE FOR WRITERS

AINL/HURICAP Business and human rights handbooks

The following terms of reference apply to the person contracted to write part 2 of the AINL Business and Human Rights handbook. While it is understood that the structure of part 2 of the handbook will vary from part 1, it is important to have consistency of purpose, structure and style.

1. Expectations

- The writer will produce a draft text within an agreed timeframe (see contract letter)
- The writer will consult with African practitioners and other experts on the issues at hand, and acknowledge their input in the handbook.
- The text will conform to the project objectives and the requirements listed below.
- AINL/HURICAP and selected experts and practitioners will comment on the draft and the writer will be asked to make amendments accordingly.
- The final text is the responsibility of AINL/HURICAP.

1. Project objectives

- To publish a user-friendly, practical handbook series for local NGOs/CBOs working with local communities in Africa, whose rights are, or may become, jeopardized by corporate interests;
- To explain how these local NGOs/CBOs can take action to realise their human rights. This might involve monitoring of violations (including through community impact assessments), seeking justice through existing laws at various levels, targeted lobby and advocacy, engaging in negotiations, developing community protocols/action plans, as well as other action to alleviate the effect of deprivation of their rights;
- To stimulate and encourage local NGOs and CBOs to engage with local communities and specific groups to help them protect their rights against corporate interests.

2. Potential users

The series is aimed at "change agents" working with local communities or specific groups. They could be

- human rights workers
- development workers using a human rights based approach
- field workers of major NGOs
- activists of smaller, local NGOs or CBOs with limited resources
- experienced community-based activists.

3. The text

The text should

- preferably follow the structure according to the attached "Draft content outline", which is in line with the other handbook (part I) (deviation from this structure can happen but only after consultation with AINL/HURICAP);
- refer as appropriate to the content of Part I of the handbook, including to avoid repetition;.
- contain diagrams, charts and suggestions for cartoon illustrations etc. wherever possible;
- contain text boxes for short case studies or examples, or for further explanations and references;
- include a glossary of specific/technical terms;
- include appendices when deemed necessary;
- include proper references to sources and quotations;
- the handbook should not exceed 50.000 words (approximately 125 pages).

4. Style

- the aim is to use plain English (UK) and short sentences, avoiding jargon and explaining technical terms in the text and again in the glossary ;
- examples or quotes from practitioners/activists should be used where they illustrate a concept or provide important additional detail or interesting ideas;
- terminology for NGOs, CBOs etc should conform with terms used in Part I of the handbook;
- gender sensitivity is essential.

DRAFT CONTENT OUTLINE

Part 2: Taking Action

This is a draft outline, developed at the beginning of AINL/HURICAP's work on this topic. The content structure can be adjusted while writing the handbook - e.g. following discussions between the future writer and AINL/HURICAP and other experts or to avoid overlap with part I of the handbook series.

Introduction: summarizing how businesses can impact people's human rights and explaining that there are several ways to ensure that businesses do not commit human rights abuses. Refer to Part I of the handbook series throughout this handbook, including in the introduction.

Section 1: Community-decision making processes vs remedy

Objective: to explain *the* option of a business' provision of remedy.

- Understanding power relations within a community;
- Community misrepresentation;
- Lessons from community protocols
- How to make decisions?

Section 2: Community-led impact assessment

Objective: to explain how to properly monitor, document and report human rights violations/abuses committed respectively by the State and/or businesses for the purpose of their corporate interests.

- Importance of MDR
- Monitoring
- Documenting
- Reporting

Section 3: Identifying Strategic Pathways:

Objective: understanding how to use human rights advocacy in the relation to the elements (sub-sections) below.

If local NGOs/CBOs and communities are aware of the elements below, they may be able to put pressure on the appropriate institutions and/or actors involved. Each sub-section will need to explain why an element is important; how they can find appropriate information on these elements (e.g. the laws that are applicable; how a business is funded; whether a business belongs to a multistakeholder initiative and/or have adopted human rights policies; who is part of the business supply lines, etc); and what potential outcomes may be when trying to do advocacy around the following elements:

- National laws
- International laws
- Extraterritorial laws
- Following the money: understanding how and by whom the business project is funded in order to be able to focus advocacy on the funders/investors of a business project.
- A business belonging to a multistakeholder initiative and/or certification scheme:
- Guarantees the business had made (human rights policies)
- Supply lines
- Contract between business and government
- Impact assessments
- Community consultations
- Environmental issues
- Is one of the business's involved domiciled in an OECD country?
- The role of Embassies
- The role of Aid agencies
- Awareness raising

Section 4: Establishing a Negotiation strategy

Objective: *Local NGOs/CBOs as well as communities need to understand how to negotiate with companies.*

- Community protocols;
- Defining roles and rules for the negotiation team;
- Form a negotiation agenda based on community goals (protocol)
- Agree on negotiation tactics and strategies;
- Document all negotiations, conversations and verbal agreement;
- Focus on relationship building with the company in the community;
- Craft legal provisions making sure you have specialist legal input;
- Identify options on all substantive provisions that will be needed to meet community goals and protect community interests
- Ensure there is a broadly-based community support for a draft.

Section 5: Company-led Impact Assessment and Consultations

Objective: *How to use advocacy in relation to company-led impact assessments and consultations? (Communities need to understand how decision-making processes operate and how to best represent themselves)*

- Introduction to Environmental Impact Assessments, social impact assessments and human rights impact assessments;
- The relevant international framework
- Transparency
- Consultation

Section 6: Taking Action at Regional and International Levels

Objective: *Communities need to know how to use the above to take action at the international and regional level, e.g. they need to know how to make a complaint with a grievance mechanism.*

- Building a case
- NGOs to file complaints with
- International advocacy campaigns