



International
Labour
Organization

PROSPECTS

Terms of Reference – Individual Consultants / Service Providers

**Review of National Policy, Legislative and Regulatory
Frameworks, and Practice: A Baseline Study for Sudan**



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Background

The world is witnessing the highest levels of displacement on record. In recent years, forced displacement has increased in scale and complexity. According to the UN Refugee Agency (UNHCR), in 2019 there were over 79.5 million forcibly displaced persons, of whom 30.2 million were refugees and asylum-seekers. Eighty-four percent of the world's displaced are in developing countries and more than half are women. As displacement has become increasingly protracted, responses are focusing more on durable solutions backed by more dignified, inclusive and comprehensive programmes for refugees and the communities that host them. The aim is to enhance self-reliance, facilitate empowerment and strengthen social cohesion.

These responses need to be rapidly consolidated through significant international support built on a foundation of robust and effective partnerships that maximize synergies and leverage comparative advantages. With this in mind, a new Partnership for improving prospects for forcibly displaced persons and host communities (PROSPECTS) has been formed.

The Partnership is spearheaded by the Government of the Netherlands and brings together the International Finance Corporation (IFC), the International Labour Organization (ILO), the UN Refugee Agency (UNHCR), the UN Children's Fund (UNICEF) and the World Bank. PROSPECTS is targeting forced displacement situations in eight countries in East and North Africa and the Arab States: Egypt, Ethiopia, Iraq, Jordan, Kenya, Lebanon, Sudan and Uganda.

The Partnership is the concrete expression of the consensus that has emerged around the need for displaced persons and host communities to enjoy enhanced economic opportunities and for children on the move to have effective and inclusive access to protection and education (New York Declaration, 2016). Benefiting from a four-year time horizon (2019–2023) and financially supported by the Ministry of Foreign Affairs of the Netherlands, the Partners, together with national and local institutions, will join efforts to develop a new paradigm in responding to forced displacement crises, particularly through the involvement of development actors. The Partnership hopes to transform the way governments and other stakeholders, including the social partners and the private sector, respond to forced displacement crises, by:

- fostering an enabling environment for socio-economic inclusion;
- improving access to education and protection for vulnerable children on the move; and



- strengthening the resilience of host communities.

The Partnership will also be grounded in results-based and country-led approaches. It aims to develop and implement evidence-based solutions, tailored to each context, as well as to test and learn from innovative operational solutions. The Partnership focuses on three critical areas of intervention that enable forcibly displaced persons to overcome their specific vulnerabilities and host communities to pursue their own development efforts in transformed environments. These are: education and learning; employment with dignity; and protection and inclusion.

In this partnership, ILO brings significant expertise and experience in supporting enabling environments to underpin inclusive socio-economic growth and decent work, strengthen labour markets and promote access to improved working conditions and fundamental rights at work, including through the involvement of its tripartite national constituents. The ILO stimulates labour market demand and immediate job creation through employment-intensive investment, local economic and business development and promotion of specific value chains and market systems. It provides targeted support to labour market institutions, services and compliance and monitoring mechanisms that facilitate the integration of refugees into the labour market in accordance with its strong normative foundation of international labour standards. The ILO brings also expertise on technical and vocational education and training and on the recognition of prior learning for certifying the skills of refugees to better ensure access to the labour market, and methods for assessing labour market demand to provide the right skills to refugees needed by employers.

To ensure coherent and mutually reinforcing action, the ILO connects its work under each of the three pillars through cross-cutting interventions implemented in close coordination, collaboration and complementarity with the other Partners.

Sudan Context

Sudan has a long **history of hosting refugees and asylum seekers**, with over 1.1 million individuals¹ (including 78% women and children)² estimated to be living (as of 30

¹ This includes refugees from the Central African Republic (CAR), Chad, the Democratic Republic of Congo (DRC), Eritrea, Ethiopia, Somalia, South Sudan, Syria and Yemen, who have arrived in search of safety from violence, persecution and other hazards in their countries of origin.

² Sudan PROSPECTS Partnership Country Vision Note (2019): https://www.ilo.org/wcmsp5/groups/public/---dgreports/-ddg_p/documents/publication/wcms_739119.pdf



November 2019) with the large majority originating from South Sudan. Refugees in Sudan are living in camps (about 30%), with the remaining 70% residing in rural out-of-camp settlements and urban areas in a more integrated manner with host communities. Many out-of-camp settlements are in remote and underdeveloped areas, where resources, infrastructure and basic services are extremely limited, as in the targeted areas in East Darfur and West Kordofan.

While the political context in Sudan witnessed a historical shift in 2019, the humanitarian and economic context has been subject to a continuous decline. Owing to decades of economic sanctions and violent conflicts, especially in the Darfur states, Kordofan states and Blue Nile state, support from financial institutions and development funding is limited. There are key challenges undermining access to quality and relevant education and skills development, socio-economic opportunities, protection and social inclusion of forcibly displaced persons (FDPs) and vulnerable host community (HC) members:

- a significant need to improve the quality and infrastructure of basic and secondary education, including vocational training;
- a lack of the most basic infrastructure and intermediaries on the labour market that could facilitate transition into employment with dignity and enforce fundamental rights at work;
- an underfunded response and a limited capacity to respond to the protracted needs of millions of FDPs experiencing incidences of discrimination, abuse, exploitation and child labour, violence and sexual and gender based violence (SGBV).

Against this backdrop, the PROSPECTS Partnership in Sudan aims to enhance the enabling environment for the socio-economic inclusion of FDPs, to enhance access to education, training and protection for host, displaced children and young people, and to strengthen the resilience of HCs through inclusive socio-economic development that also benefits FDPs in the targeted states of East Darfur and West Kordofan.

Within this Partnership, the ILO will work collaboratively with UNICEF, UNHCR to enhance the provision of quality education and training programmes aiming to promote the acquisition of relevant skills and knowledge for school, life and the transition to decent work among forcibly displaced and host community children, adolescents and adults, with a special focus on women and girls, and efforts to include persons with disabilities. Jointly with IFC, strategies to promote the organization and formalization of economic activities, value chain development and public and private investment, to expand access to finance and business development services, as well as decent working conditions, will be pursued in the targeted intervention areas. Finally, UNHCR, UNICEF,



and ILO will collaborate to increase access or coverage of overall protection and inclusion for FDPs and HCs, while implementing specific strategies to address and respond to the specific needs of women and girls, youth and adolescents, and persons with disabilities.

Objectives

The consultancy entitled, “The National Policy, Legislative and Regulatory Frameworks and Practice Review”, aims to establish baseline situations in four countries in East Africa - Kenya, Uganda, Ethiopia and Sudan - in the area of relevant policy, legislative and regulatory frameworks and current practice in terms of implementation in relation to the access of refugees to the labour markets, employment, livelihood and training opportunities, including self-employment and business development. This will provide ILO PROSPECTS programme teams a clear understanding of the current status (or not) of these frameworks and how they are being applied (or not).

Before the Partnership can begin planning its interventions around policy advocacy and supporting government and other efforts to develop or reform relevant frameworks on access to education and training, active labour market programmes, the right to work and rights at work, including social security and protection and freedom of association, an understanding of the current political, legal, and regulatory environment in regards to those with refugee status is required for each of the targeted countries.

Importantly, it will also provide a comparison on national policies and legislation against what actually happens in practice thereby revealing the capacities and abilities of government ministries, institutions, social partners and non-government actors to enact and implement and inform further capacity-building interventions.

Specific Objectives

The consultant/service provider, in close collaboration with and under the technical supervision of IMPACT Initiatives, an NGO with expertise in designing and conducting research for actors in the humanitarian and development sector, will be required to:

- Identify relevant policies, legislation and regulations and analyse them in regards to the refugees’ access to employment, livelihood, and training opportunities, and to rights at work.



- Identify and review literature and secondary data sources on policy, legislation and regulations, and assess their actual implementation on the ground, thereby avoiding duplication of existing legal reviews and studies and leveraging these sources where relevant.
- Conduct a Gap Analysis against the assessment framework that highlights implementation gaps, and needs and expectations.
- Conduct key informant interviews of identified national and international actors to assess the practical application of policy, legislative and regulatory frameworks and identify challenges that will need to be addressed.
- Conduct KI interviews with refugees and host communities, and also focus group discussions, to better assess knowledge and understanding of these policy, legislative and regulatory frameworks.
- Conduct validation exercises in Sudan to ensure the establishment of key recommendations going forward in terms of identifying gaps and challenges that can be addressed through the PROSPECTS and related programmes, including policy advocacy and supporting either policy, legislation and regulatory development and/or reform as appropriate.
- Develop the Sudan report that summarizes the main findings and possible recommendations for the PROSPECTS programme at the country level.

The consultant/service provider will be expected to conduct these activities only for Sudan, however, it is important to note the research and subsequent report will be expected to follow a predetermined assessment framework that will allow for their findings to be comparable against other countries identified for this study. The findings from all countries will be eventually aggregated into a global-level analysis report. Further details are outlined in the methodology section below.

Scope

The scope of work would identify, examine and analyse policy, legislation and regulations in so far as these pertain to the access of refugees to labour markets, employment and self-employment (formal and informal), training, business development and other income-generating activities. It would also examine and allow for the comparison on identified national and regional policies and legislation, against



the ability and capacity of government ministries, institutions, social partners and non-government actors to enact and implement. Areas of focus should include:

- Current refugee, asylum and immigration policy and legislation and relevant secondary legislation and regulations, with particular focus on issues relevant to access to work (formal and informal), including but not limited to the right to work, to set up business, legal identity, access to mobile services in the context of digital learning and economy, access to justice including grievance mechanisms (to protect rights at work), freedom of association, freedom of movement, access to education and training, employment services, limitations on sectors and areas of work available to refugees, etc. This analysis will also consider mechanisms in place to govern the access of refugees to labour markets and economic opportunities, such as having to apply for work permits and the regulations applying to these systems, including quotas. In addition, it will also consider naturalisation pathways open to refugees through immigration/asylum policies and regulations.
- The baselines will also examine the issue of recognition of education, vocational, academic and professional qualifications of refugees and how this process is managed, if at all, and the onward principle of refugees being able, for example, to practice liberal professions.
- Where governments have established and apply the right to work for refugees, this review should examine how this works in practice, including any barriers that may affect the application of this right, for example, bureaucratic hurdles, lack of information, limited capacity of government institutions to support access to this right, behaviour and attitude of employers and national workers, etc.
- The same will apply for the right of refugees to set up businesses or cooperatives and access to financial services, looking closely at challenges they may face in accessing this right, legal and bureaucratic obstacles, lack of understanding of services they may be able to obtain, etc.
- Freedom of movement and association are two fundamental principles that support the right to work and rights at work and it will be important to examine how these rights are applied if at all and whether refugees are appropriately informed. Freedom of association can apply to refugees being able to join trade unions or businesses/self-employed being able to join sectoral and trade associations, including cooperatives. The other part of this analysis would examine the readiness of these national bodies to accept refugees into membership, including whether their regulations are adequate and appropriate and whether information is being shared among refugees as well as these actors.



- The above show how important it will be for the assessment to cover policy and practice as these are important indicators to address impediments to comprehensive and fair implementation, and therefore critical information for planning and programme design.
- The review should also examine policies and national strategies (where these might exist) on a range of related issues, for example, on Employment (including apprenticeships and consideration for youth, gender and disability), Education and Skills Development (including career counselling and guidance), Vocational Qualifications and Competences (including recognition of prior learning), Social Security and Protection (including for example pensions, maternity and child benefits/allowances, health benefits, injury insurance, etc.), Small and Medium Enterprise Development and Urban, Rural and Agricultural Development (including land ownership), etc.
- It should also examine labour legislation in terms of coverage and application and whether public and private employment services can provide support to refugee job seekers.
- National development plans and strategies are also important sources of information for this assessment to understand whether refugees are included.
- Central to this broad examination is the principle of non-discrimination and equality of treatment and opportunity for refugees.

Methodology

The consultant/service provider will be provided with a global level methodology and tools developed by ILO and IMPACT to form the foundation of the study. The methodology will employ a qualitative comparative method using secondary data and identified primary literature sources, and combine it with external triangulation via structured / semi structured key informant interviews. The consultant/service provider will adapt the methodology to the specific country context under the guidance of ILO and IMPACT.

Deliverables

Phase	Deliverables
1: Project Planning and Implementation	<ul style="list-style-type: none"> • Work Plan • Full body of literature to form the basis of the secondary data review and gap analysis components of the study. • A full Secondary Data Review on identified literature against the provided assessment plan • Gap Analysis Report outlining the areas requiring further information and understanding • Data Collection Plan A data collection plan to fill any identified gaps, and to triangulate desk review findings
2: Initial Findings, Reporting, and Validation	<ul style="list-style-type: none"> • Initial Findings Report • Draft Report
3: Final Reporting and Project Close	<ul style="list-style-type: none"> • Final Report • Lessons Learned Report

Payment Schedule

Payment will be delivered in line with the satisfactory delivery of outputs outlined in the three identified project phases.



Project Phase	Payment	Date (indicative)
Phase 1: Project Planning and Implementation	20 Percent	Within 2 weeks upon signature of the contract
Phase 2: Initial Findings, Reporting, and Validation	40 Percent	Within 8 weeks upon signature of the contract
Phase 3: Final Reporting and Project Close	40 Percent	Within 12 weeks upon signature of the contract

Reporting

Although the consultant/service provider will be working under guidance and support from IMPACT, the consultant will report directly to ILO PROSPECTS focal point in Sudan, Helen Kirsch kirsch@ilo.org.

The ILO and IMPACT are available to provide in-country information and resources where possible, but it will be the consultant/service provider's responsibility to collect relevant information as per this ToR, and ensure they are able to work freely and legally in Sudan.

Duration

The consultancy will be for **12 weeks**, starting on **the 15th of April 2021** and concluding on the **2nd of July 2021**.



Submission of Applications

For individual consultants:

Interested candidates should submit the following documents:

- Curriculum Vitae,
- Technical proposal including a capacity statement, a detailed work plan, and a clear plan for key informant interviews,
- Written sample of prior work, and a
- Financial proposal.

The financial proposal should include a cost breakdown including a **daily fee** and a **number of days** required **by** the aforementioned **deliverables**. The daily **fee should not vary for different deliverables**. Moreover, the financial proposal should indicate the **number of days to be spent travelling** to project target localities in West Kordofan and East Darfur. Reimbursed travel costs will include the costs for travel (e.g. flights) and standard [daily subsistence allowances \(DSA\) rates](#) , which will be reimbursed upon **submission of ticket stubs and hotel invoices**. DSA rates must not exceed those payable to an ILO official. Budgets **must not** include downstream payments to collaborators or other service providers such as costs for supporting consultants, data collectors, translators, editing or arranging validation workshops etc.

For service providers:

Interested companies should submit the following documents:

- Technical proposal including an
 - organizational capacity statement,
 - proposed methodology,
 - detailed work plan,
 - outline for key informant interviews, and
 - CVs of key staff involved in the project.
- Written sample of prior work, and a
- Financial proposal.

Documents should be submitted to Fatma Kaya (kaya@ilo.org) no later than **7 April 2021**.



Evaluation Criteria

- CV (or CVs proposed by service providers) demonstrate previous experience in carrying out analytical work and legal reviews as well as qualitative research in the field of social science, and ability to lead focus group discussions and key informant interviews.
- Experience in forced displacement settings is considered as an added value.
- Sample of prior work demonstrates experience in writing high quality, concise and analytical reports.
- The proposal demonstrates a clear and realistic work plan including an engagement strategy for key stakeholders such as the ministry of labour, social partners and governmental counterparts at state level.
- The proposal demonstrates the capacity of the expert(s) to conduct analytical work in Sudan, good knowledge of the context in Sudan and clear outline of collaboration with local partners including for field work.
- The proposal and writing sample(s) demonstrate excellent command of English.
- Non-Sudanese applicants (individual consultants and experts proposed by service providers) should submit their applications if they are legally allowed to work in Sudan.

Ownership of Data and Information

All documents, project data and information obtained in connection with this assignment shall be treated confidential and shall not without the written approval of ILO be made available to any third party. All the documents provided by ILO, both soft and hard copies are to be returned to ILO upon completion of the assignment. All documentation and reports written as, and as a result of this assignment or otherwise related to it shall remain the property of ILO. No part of the report shall be reproduced except with the prior, expressed and specific written permission of ILO.