



## REQUEST FOR PROPOSAL

### TERMS OF REFERENCE

#### For CONSULTANCY SERVICES on REMEDIATION

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**The 3 FAIRTRADE PRODUCERS NETWORKS (FTA, NAPP AND CLAC) are seeking expressions of interest from qualified consultants, consultant teams or organizations to provide advice and orient on best practices around human rights remediation in the agricultural sector.**

### 1. Introduction to Fairtrade and the Producer Networks

Fairtrade is an alternative approach to conventional trade and is based on a partnership between producers and consumers. Fairtrade (FT) exists to empower farmers and workers around the world. Some 1,700 producer organizations, representing over 1.7 million farmers and workers, are the foundation of the Fairtrade system. When farmers can sell on Fairtrade terms, it provides them with a better deal and improved terms of trade.

To achieve its overall goals and bring about change Fairtrade has several types of interventions:

- Set of **standards and tools** which make up the 'rules' for fair trading practices and Fairtrade engagement of producers, workers and businesses, based on prescribed ILO conventions on decent work and Fairtrade's unique economic tools such as the **Fairtrade Minimum Price & Premium** based on the costs of sustainable production.
- Set of **strategies and policies** which enable engagement with Fairtrade and set the priorities of the system (such as the Living Wage and Living Income strategies).
- Fairtrade engagement and support services on the ground – e.g. **producer programs, capacity building and projects**, including amongst others producer level investments related to Fairtrade Sourcing Programs, Product Programs and Organizational Strengthening Programs.
- **Advocacy & Campaigner Networks**

Fairtrade International is a non-profit, multi-stakeholder association of 22 member organizations – three producer networks and 19 national Fairtrade organizations.

Fairtrade Producer Networks are regional associations that represent all Fairtrade certified producer organizations. They represent small-scale producers, workers and other producer stakeholders. There are producer networks in three regions: Africa and the Middle East (FTA), Asia-Pacific (NAPP), and Latin America and the Caribbean (CLAC).

For more information please visit: [www.fairtrade.net](http://www.fairtrade.net); [www.fairtradenapp.org](http://www.fairtradenapp.org);  
<https://fairtradeafrica.net/>; <http://clac-comerciojusto.org/>



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## 2) Background

Human Rights are increasingly important for all supply chains and actors and are at the core of the work of Fairtrade and its Producer Networks.

### The Right to remedy within responsible business practices:

The **United Nations Guiding Principles on Business and Human Rights (UNGPs)** “Protect, Respect and Remedy” framework requires companies to take steps to respect human rights throughout their operations (avoid infringing on the human rights of others and address adverse human rights impacts with which they are involved). It is the State’s responsibility to protect against human rights abuses within their jurisdictions. There is a “shared responsibility” between governments and companies to “remediate actual harm”. In order to meet this responsibility businesses should have in place policies and processes to enable the remediation of any adverse human rights impacts

### Remediation within Fairtrade:

While no organization can guarantee the complete absence of severe human rights violations such as child labour, forced labour, gender-based violence or other serious breaches to human rights, Fairtrade does have policies and standards detailing its commitment to acting to protect and remedy in case of detection.

Fairtrade establishes in its Standards some core criteria that apply to all Fairtrade certified producer organizations on the issues of child labour, forced labour and discrimination (including gender-based violence and other forms of violence and harassment).

For more information on Fairtrade standards applicable to small producer organisations visit:

<https://www.fairtrade.net/standard/spo>

For more information on Fairtrade standards applicable to plantations please visit:

<https://www.fairtrade.net/standard/hl>

Actors within the FT system are not the main duty-bearers for human rights nor are they competent protection authorities. Their act to protect can include safely reporting to government or other relevant protection agencies in each country. Remediation and its ultimate impact on the affected person’s well-being and protection depends largely on governmental or other protection entities in country.

Any remedial action undertaken by Fairtrade producer networks or producer organizations can be complementary to the remedies undertaken by the relevant protection authorities.

### The 3 Fairtrade Producer Networks have identified some challenges around remediation:

- Commitment to communicating human rights risks and acting to protect does not always match the capacity of the FT Networks to respond and seek the effective protection to impacted persons.
- Remediation requires a certain level of expertise, time, financial and human resources, as well as operational capacity at producer network and at producer organisation level. This is a challenge as producer organisations are more or less constrained in these aspects.



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- While effective remediation depends on the availability of external expertise, partnerships and governmental protection mechanisms, the existence and level of response of those protection mechanisms is low.
- An effective remediation also relies on the level of awareness and understanding of human rights and roles/responsibilities for remediation from producer organisations, which is quite often low.
- Social norms and practices embedded within societies and communities which are a breach to the human rights standards.
- Expectations of quick- short term remedial actions (from the markets- buying companies perspective) versus long-term gradual improvement processes and local appropriation that changes to social norms and practices require.

### 3) Objectives of the consultancy:

The 3 Producer Networks (FTA, NAPP and CLAC) are seeking a consultant/organization to undertake the following:

- a) Develop an understanding of FT producer networks experiences, efforts, strengths and weaknesses with regards to remediation.
- b) Provide capacity building and orient the 3 Networks' relevant staff around what a sustainable remediation entails and how it can be applied at the agricultural sector (small holder farmers).
- c) Provide examples of best practices on remediation implemented by producer organizations in the agricultural sector, in each of our regions: Asia Africa and the Middle East, Asia-Pacific, Latin-America and the Caribbean.
- d) Map expert entities, organizations, CSOs that have successful experiences of remediating child labor, forced labor and gender-based violence in the agricultural sector. Establish contact with those entities and organize exchange webinars with selected expert entities, with participation of the 3 Producer Networks.
- e) Review of existing remediation tools among PNs, their strength and provide advice on how to improve our actions and strategies towards a sustainable remediation.
- f) Provide advice with regards to alignment of our remediation work with HRDD requirements.

The consultancy will provide expertise, orientation and best practices around sustainable remediation in the agricultural context (both in plantations and small holders), specifically oriented to the following questions:

- Provide insights and external expertise to respond to some of the key challenges identified by Producer Networks around sustainable remediation.
- Orient on new approaches and strategies at PN level for overcoming those challenges, specifically the limitations in the follow-up and response to protection cases following a human rights-based approach.
- Legal responsibilities/liability in country and within HRDD framework: where should the responsibility of a producer organisation starts and ends with regards to remediation outcomes and with regards to the responsibility of governments or other duty bearers.
- Best practices of effective engagement with Governments and referral mechanisms with governmental protection agencies.



- How to engage business partners in remediation and how to link company-level liability with producer organisation level liability.

#### 4) Outputs and deliverables:

- **Preparation/planning:**
  - An initial induction meeting with the 3 PNs
  - Submission of a working plan detailing the methods, process of work and timelines.
- **Primary Interviews to collect information and understanding of PNs current systems and remediation work**
  - Interviews with relevant persons within the 3 Producer Networks: at least 3 interviews per PN (9 total) with social compliance, gender advisor and other key field staff.
- **Map and document best practices on remediation**
  - Report documenting existing examples and good practices within the agricultural sector (small holder farmers and plantations).
- **Webinar sessions for PN social compliance staff**
  - One session focused on training/capacity building, presenting best practices to PNs
  - One session focused on advice and orient our own remediation processes: areas of improvement
- **Exchange webinars with selected entities**
  - Exchange meetings with at least 3 expert entities. Each PNs will designate staff that will accompany those meetings.
- **Final report outlining main findings and recommendations**

The above outputs will be delivered on a virtual basis. No presence meetings/workshops are foreseen.

#### 5) Timelines: To be rolled out during 2020

Expected Start date: 1<sup>st</sup> November 2020

Expected End date: May 2021

The selected consultant or consultant team will draft and submit together with the technical proposal a proposed timeframe for the consultancy. An example of template is provided below.

Deliverables	Duration (Estimated # of days)	Deadline
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		.....



## 6) Key competences, technical background, and experience required:

- At least 10 years of relevant field-level work on the issues covered by the consultancy (human rights, human rights due diligence-HRDD, UNGP and OECD frameworks on HRDD, remediation within the framework of private sector).
- Previous field-level experience and a profound understanding of the issues of child protection, child labor, forced labor, gender equality, gender-based violence in at least one of the 3 regions (Africa, Asia and the Pacific, Latin America and Caribbean).
- Previous experience working with the agricultural sector and along agricultural supply chains
- Desirable prior experience in certified supply chains, preferable in Fairtrade.
- Fluency in at least 2 of the following languages: English required. French or Spanish desirable

## 7) Applications should include:

- Technical and economic proposal (including VAT applicable and any other expenses) not exceeding the length of 10 pages
- The organizations detailed profile (if applicable) or a description of the consultant's previous experience.
- A listing of organizations where similar service is being/ has been offered
- CV's of the consultant team.
- Financial proposal including: Clear breakdown of the financial proposal. Total quote for the assignment inclusive of VAT, bank fees and any other fee.

## 8) Proposal Submission and deadline

Interested consultants/organisations should submit a Proposal with supporting documentation as an appendix electronically clearly marked "PROPOSAL TO PROVIDE CONSULTANCY SERVICES on REMEDIATION" **by October 15<sup>th</sup>**.

Any questions concerning this TOR and applications shall be addressed to the following contact persons:

Lilian Maina: [l.maina@fairtradeafrica.net](mailto:l.maina@fairtradeafrica.net)

Sonia Dominica: [sonia.dominica@fairtradenapp.org](mailto:sonia.dominica@fairtradenapp.org)

Konstantina Geroulakou: [konstantina.g@clac-comerciojusto.org](mailto:konstantina.g@clac-comerciojusto.org)

Please note that all application materials will be shared internally within the 3 Producer Networks. Your submission of a proposal will be taken as de-facto consent to share your personal data with those on the committee.