

ASEAN-AUSTRALIA COUNTER TRAFFICKING

Terms of Reference

Disability Consultancy

Exploring the Nexus of Disability and Trafficking in Persons in the ASEAN region

Deadline for applications

5PM Bangkok time, 20 May 2022

Position

Disability Consultancy

Position status

Individual or team of consultants

Duration

60 days input
over 6 months (May - October 2022)

Remuneration

ASEAN-ACT remuneration framework.

Reports to

ASEAN-ACT Inclusion and Victim Rights Director

Location

Home-based

Performance Management and Reporting Framework

DFAT Adviser Performance Assessment and relevant program reporting framework

Contact details

Queries relating to this position should be directed to

recruitment@aseanact.org

It is essential that you quote 'Disability Consultancy' in your e-mail title, or you may not receive a response.

About the organisation

Cardno is a global consulting organisation that manages projects for major donors, delivering aid work in various disciplines such as education, health, governance, resource and environment management and infrastructure. Our work expands across Europe, Latin and North America, Asia, the Pacific and Africa. With over 6,000 staff worldwide, our vision is to be a world leader in the provision of professional services to improve the physical and social environment.

About the program:

The ASEAN–Australia Counter Trafficking program (ASEAN-ACT) continues Australia's long running collaboration with ASEAN and its member states to end human trafficking in our region. The program works primarily on strengthening the justice sector response to human trafficking, while developing new partnerships with allied government agencies, civil society and business. It engages all 10 ASEAN Member States in some capacity and has national-level programming in Cambodia, Lao PDR, the Philippines, Thailand, and Vietnam. We are establishing our program in Indonesia and our program in Myanmar is currently on hold.

Program Outcomes

The overarching goal that ASEAN-ACT contributes to is that ASEAN member states have effective justice systems that provide just punishment of traffickers and protect the human rights of victims. Three interrelated end-of-program outcomes (EOPOs) contribute to the achievement of this goal by 2028:

- > EOPO1: ASEAN's planning, monitoring and reporting of ACTIP implementation is increasingly effective and advances the protection of victim rights.
- > EOPO2: ASEAN member state justice and related state agencies are increasingly capable of implementing their ACTIP obligations, in particular those that uphold victim rights.
- > EOPO3: ASEAN member state justice and related state agencies' policies and practices are influenced by relevant stakeholders and better aligned with the ACTIP, especially in connection to victim rights obligations.

Overview

ASEAN-ACT removes barriers faced by vulnerable groups most affected by trafficking in persons. We aim to support fair and equitable access to justice for vulnerable groups affected by trafficking, and to increase their participation in policy and decision making through our policy engagement and partnerships with civil society.

It is broadly understood that women and children, ethnic minorities, persons living with disability (PLWD), migrant workers, especially with undocumented or irregular status, and lesbian, gay, bisexual, transgender, queer or intersex (LGBTQI) people are vulnerable to being trafficked. However, the evidence base underpinning this understanding is nascent, particularly with respect to the vulnerability of PLWD to trafficking and the experiences of trafficked victims with disability in accessing justice and support services as victims of trafficking.

ASEAN-ACT's consultations with key counter-trafficking stakeholders suggest that certain social groups are highly vulnerable to being trafficked and exploited, yet cases remain under-reported, and these groups remain under-served by the justice sector. Official data and access to services and protection for PLWD are limited, including for trafficked victims living with a disability. The limited evidence that exists suggests that PLWD who are excluded and do not have support

within their communities are vulnerable to trafficking in persons. NGOs in the Philippines, for example, have highlighted that children with disabilities are an easy target for cyber-trafficking and particularly vulnerable. At the same time, victims of trafficking may acquire a disability due to the harm caused during the trafficking experience and the exploitative work conditions thereafter. PLWD face physical, communication and attitudinal barriers when accessing legal systems and support services. Those with mobility issues may face impediments in accessing criminal justice and other facilities to make complaints or access services. Targeted support services, such as shelters, are limited and inappropriate for PLWD in many ASEAN countries.

According to the WHO and World Bank data (2011), there were one billion people, or 15 per cent of the world's population, who experience some form of disability, with disability prevalence rates tending to be higher for developing countries. Almost 60 per cent of the world's 650 million persons living with disabilities live in Asia and the Pacific (UNESCAP, 2013). The majority of disabled men, women and children in the region are poor and are more likely to have their human rights overlooked than people without a disability (World Bank 2011). Many persons with disabilities face marginalisation in their countries, especially regarding access to transportation, information and communication, education, employment, and political representation. All these may contribute to their vulnerabilities to trafficking and other exploitations.

The UN Convention on the Rights of Persons with Disabilities (CRPD) that has been ratified by nine (9) ASEAN Member States (AMS) and one member state signifies its agreement to be legally bound by the terms of the convention (accession), provides a comprehensive policy framework to address the rights of persons with disabilities. It includes an innovative requirement for national and regional-level implementation. The 2030 Agenda for Sustainable Development indicated in its framework several targets that explicitly refer to persons with disabilities, and six further targets on persons in vulnerable situations, which include persons with disabilities. At the regional level, the adoption of the ASEAN Enabling Masterplan 2025: Mainstreaming the rights of persons with disabilities during the 33rd ASEAN Summit reflects ASEAN's strong commitment to an inclusive community where no one is left behind. The Masterplan (2025) reaffirmed ASEAN's previous commitment to mainstreaming disability issues as an integral part of relevant sustainable development strategies under The Bali Declaration on The Enhancement of The Role and Participation of the Persons with Disabilities in the ASEAN Community (2011-2020)

However, despite the creation of the ASEAN Enabling Masterplan 2025: Mainstreaming the rights of persons with disabilities, there is a persistent lack of understanding of the nexus between disability and trafficking in persons.

The United Nations Special Rapporteur on Human Trafficking raised the importance of collecting data on disability status in comments made to the 24th Session UN Committee on the Rights of Persons with Disabilities in March 2021:

The intersections of disability and human trafficking is an area that has been neglected in international law, policy and practice on human trafficking. This gap should be addressed as a matter of urgency. Limited disaggregated data is available on experiences of persons with disabilities of human trafficking, or the prevalence of forms of exploitation. This contributes to the lack of visibility, and a lack of knowledge and good practice.

In March 2022, ASEAN ACT published 'the ASEAN Convention Against Trafficking in Persons, Especially Women and Children Baseline Report 2020: 5 Years On.' One of the findings was that none of the 10 AMS published victim data disaggregated by disability and only four of the 10 AMS published victim data disaggregated by gender or age. The specific vulnerabilities faced by PLWD need to be explored further to provide an evidence base for ASEAN governments and other relevant stakeholders to develop appropriate interventions.

As COVID19 continue to have a wide-reaching impact across the globe, marginalised and vulnerable person is at risk of human trafficking, however, individuals with disabilities may face an increased risk for several reasons. PLWD are more likely to experience adverse socioeconomic

Child protection

Cardno is committed to child protection and safeguarding the welfare of children in the delivery of our International Development programs. Recruitment and selection procedures reflect this commitment and will include relevant criminal record checks.

Cardno is an equal opportunity employer

Cardno encourages women to apply. Cardno recognises the moral and legal responsibility to provide an equal opportunity workplace by ensuring that all recruitment and selection decisions are based on the best qualified and experienced candidate who can perform the genuine inherent requirements of the position.

Cardno is committed to Safety and the Prevention of Sexual Abuse and Harassment (PSEAH), Child Protection and bribery prevention.

We want to engage with the right people to deliver our client programs. As part of our approach you will be subjected to formal background screening, criminal record checks, employment verification, and periodic compliance checks. All Cardno staff receive safety, compliance and safeguards training and are responsible for contributing to a safer working culture.

outcomes such as lack of education, limited access to health care, employment and mobility issues than before the COVID-19 outbreak.

To address these barriers and contribute to the evidence base for inclusive public policy to counter-trafficking, ASEAN-ACT is commissioning a multi-country study to examine the vulnerabilities of PLWD to trafficking in the ASEAN region. This activity is part of ASEAN-ACT's efforts to promote collaborative research on the nature and extent of trafficking in persons, as specifically required by the ASEAN Convention Against Trafficking in Persons, Especially Women and Children.

Scope and Objectives of the Study

This study will focus on three ASEAN countries: Indonesia, the Philippines and Thailand. These countries have been selected based on their national laws, policies, and programmes focused on PLWD and the availability of stakeholders working with PLWD, including victims of trafficking with disabilities, to inform the study.

This will be the first study by ASEAN-ACT that seeks to strengthen the evidence base of the key issues faced by PLWD as victims of trafficking and as a group vulnerable to trafficking. It will draw on the existing body of global and regional evidence and ASEAN-ACT's work and learning to date on Gender Equality and Social Inclusion in the ASEAN context. The research will identify gaps in the existing body of knowledge and provide guidance and recommendations to inform efforts to increase the quality of policy and programmatic responses to remove barriers faced by PLWD and reduce their vulnerability to trafficking.

The research has the following main objectives:

1. To collect and analyse the disaggregated data related to PLWD who are also victims of trafficking in the target countries through compiling the available national data, including noting if such data exists, at the level of police, prosecution, courts, NGOs/DPOs, Government ministries, national or international human rights bodies;
2. To assess the vulnerability of PLWD to trafficking in persons in the target countries;
3. To analyse the barriers faced by trafficked victims with a disability (i) at the point of identification, (ii) in accessing support services such as shelter, counselling and other rehabilitation programs, (iii) in accessing legal assistance and engaging with the justice system and (iv) at the point of return and reintegration;
4. To analyse the required knowledge, skills and attitudes of police, prosecutors and judges and related staff to support the equal participation of PLWD in the justice system;
5. To assess (i) the existing budget allocation and (ii) the estimated budget allocation and human resources required to support the implementation of Article 13 of the CRPD drawing on international practice, namely the provision of procedural and age-appropriate accommodations ...to ensure effective access to justice for persons with disabilities on an equal basis with others;
6. To formulate key findings and recommendations for policymakers and practitioners in the target countries related to PLWD to reduce vulnerability to trafficking and improve access to justice and services for trafficked victims with disability.

Specific research questions will be formulated later by the hired Consultants in consultation with ASEAN-ACT and research advisory boards (ASEAN Sectoral Body), who agreed to provide technical expertise and guidance to support the study.

Suggested methodology

At the minimum, the following research methods are proposed:

- **Desk Review** of existing literature and data from ASEAN-ACT and relevant stakeholders (including government, UN agencies, INGOs, NGOs, and academia) focusing on the nexus between PLWD and trafficking in persons.

- **Key Informants Interviews (KII):** the desk review will inform a series of interviews with key informants, including national anti-trafficking task force, law enforcement officers, justice actors, social workers, lawyers, NGOs/Disabled Persons Organisations (DPOs) working with PLWD, and some empowered and consenting trafficked victims with disability. These interviews will be conducted at the national and sub-national levels. While the preference is for face-to-face interviews, online interviews will be considered as an alternative depending on the COVID restrictions in-country. This KII will be able to capture individual perspectives, understanding and attitudes towards trafficked victims with physical or intellectual disabilities.
- **In-country Roundtable consultations:** expert consultations workshops with in-country stakeholders (government and non-government actors) to discuss the key issues, challenges, gaps and needs in victim protection and support, especially for trafficked victims with physical or intellectual disabilities. These roundtable consultations shall be attended by relevant government agencies mandated to address trafficking in persons and support PLWD. Consultations questions shall be developed by the hired Consultants and shared with all relevant stakeholders prior to the meeting. Ideally, two sessions of roundtable consultation workshop shall be conducted per study country, one session for governmental stakeholders and another one for non-government stakeholders.

Data collection will be undertaken by a local researcher(s) who is fluent in the national language. The national researchers should be based in the target research country and be available to participate in regular online meetings with ASEAN-ACT, Advisory Board, and regional/international Lead Consultant(s).

The Lead Consultant, who is also the regional researcher, will coordinate with the national researchers and ensure that the research objectives and key outputs are achieved in a timely manner. Regular meetings will be held with the national researchers and ASEAN-ACT. Subject to COVID-related travel restrictions, a face-to-face meeting among all researchers may be held in Bangkok (ASEAN-ACT's regional base) to synthesise all the information and data collected to develop the final draft report.

Target audiences

There are two key target audiences expected to benefit from this research and its recommendations:

- Internally, the study will inform and strengthen ASEAN-ACT's strategy, programming and policy engagement that has a direct focus on PLWD;
- Externally, the study will support efforts by ASEAN-ACT's partners and stakeholders and inform ongoing policy dialogue on measures to reduce vulnerability to trafficking, improve the accessibility and inclusivity of justice responses to trafficking in persons and improve the publication of disaggregated data related to PLWD who are also victims of trafficking in the target countries.

Areas of Responsibility

At the direction of the Inclusion and Victim Rights Director (IVRD) and Research Advisory Board, **the Lead Consultant** is responsible for:

- > Leading and coordinating the research in consultation with ASEAN-ACT and key counter-trafficking stakeholders in the target countries;
- > Recruiting national researchers in consultation with ASEAN-ACT;
- > Designing the research methodology in consultation with ASEAN-ACT and national researchers;
- > Directing the data collection and analysis;
- > Facilitating regular meetings with national researchers and ASEAN-ACT to ensure regular progress and the delivery of key outputs;
- > Developing a draft consolidated report that meets all the specific objectives;
- > Supporting the national researchers in presenting the final draft reports and

recommendations during the in-country validation workshops facilitated by ASEAN-ACT;

- > Incorporating input and feedback gathered during the validation workshops into the consolidated draft report, prior to submission to ASEAN-ACT for final review and approval;
- > Incorporating any final revisions from ASEAN-ACT and submission of a final report.

At the direction of the Inclusion and Victim Rights Director (IVRD), Research Advisory Board and the Lead Consultant, **the national researchers** are responsible for:

- > Contributing to the design of the research methodology in consultation with ASEAN-ACT and Lead Researcher;
- > Working consultatively and collaboratively with Lead Researcher and ASEAN-ACT Country Managers/Teams to collate and analyse data/information relevant to the purpose of assignment;
- > Organising and conducting interviews/meetings with local stakeholders, with consideration for protocol and any sensitivities;
- > Documenting the raw data in a meticulous, organized and ethical manner to be shared with ASEAN-ACT and Lead Researcher;
- > Analysing and presenting the findings from the national data/information in a comprehensive and logical manner to contribute to the draft consolidated report;
- > Presenting the final draft of the report during the in-country validation workshops in the national languages (including the development of PowerPoint presentation in both English and national languages; and translation of the final draft report into its relevant national languages prior to the workshop)
- > Incorporating input and feedback gathered during the validation workshops into the consolidated report, prior to submission to ASEAN-ACT for final review and approval;
- > Participating actively in regular check-in meetings with the Lead Researcher, other national researchers and ASEAN-ACT;

Expected Outputs

The expected deliverable includes:

1. An inception report, which will outline the conceptual framework, key research questions/surveys, facilitation instruments for the in-country roundtable consultations with experts, outline of the draft/final report, proposed research methodology, and a time-bound work plan
2. Draft report based on the agreed outline from the approved inception report (in English and national languages of target countries)
3. PowerPoint Presentation of the final draft report to be presented during the in-country validation workshops (in English and the national languages of the target countries)
4. A final report which is intended for publication and will need to be approved by the donor (DFAT) (in English and national languages of the target countries)

Selection Criteria

Qualifications and experiences for both Lead Consultant and the National Researchers, as follows:

Essential

- > Post Graduate qualification (or equivalent advanced university degree) in social sciences, such as gender, disability, social inclusion and/or and human rights studies, anthropology or other relevant fields. This is required for the Lead Consultant/Researcher.
- > Professional research experience in the fields of human rights, disability inclusion or related field. Published research is a definite advantage. This is required for the Lead Consultant/Researcher.
- > Strong knowledge of qualitative research methods

- > Understanding of barriers and issues faced by PLWD in target countries.
- > Demonstrated experience in conducting research involving government and non-government stakeholders in the target countries and/or in the ASEAN region.
- > Excellent interpersonal skills and ability to work with a multi-cultural team and to incorporate feedback from different sources effectively and in an inclusive manner.
- > Strong analytical, verbal, and report writing skills in English. This is required for the Lead Consultant/Researcher.
- > Strong analytical and communication skills in the national language of the target ASEAN countries. This is required for national researchers.

Desirable:

- > Technical awareness of trafficking in persons and related issues in the ASEAN region.
- > Knowledge and experience of Australian Government development programs and reporting requirements.
- > Experience working in the region will be highly regarded.

Reporting Requirements

- > The Lead Consultant will report directly to IVRD, provide regular updates and share expected delivery results with the IVRD for review and input. IVRD will provide timely and constructive feedback to the Lead Consultant.
- > The Lead Consultant, together with the national researchers, will determine the final work schedule, outline and methodology at the beginning of the assignment. The work schedule will set clear deadlines for the completion of each expected deliverable.

Timeframe (Tentative)

The research is estimated to be completed within 60 working days over a period of six months. This timeframe is indicative and can be re-evaluated in consultation between ASEAN-ACT, Advisory Board and Researchers.

- Desk-based research and design facilitation instruments for roundtable consultation with experts will take place between May and June;
- Primary and secondary data collection will take place between June to August (including to conduct the roundtable consultations with experts, two sessions per country)
- Data analysis and drafting shall take place in September, with the draft report should be ready by end of September, to be presented during the in-country validation workshop to be held in October.
- Inputs and feedback gathered from the in-country validation workshop will inform the finalisation of the report, and the final report submission shall be delivered by end of October 2022.

ASEAN-ACT Support

Anticipated support/resources provided by ASEAN-ACT:

- Identifying key country-relevant material (including the relevant legislation and case law, if possible)
- Identifying key participants for in-country roundtable consultation with experts and in-country validation workshop
- Administrative and logistical arrangement for in-country roundtable consultation with experts and in-country validation workshop (inviting attendees, arranging the venue, providing translation if required)

- ASEAN-ACT may wish to be engaged in the appointment of the national consultant/institutional partner in consultation with the advisory board and the international consultant that is selected. National partners may include a university research centre, NGOs/DPOs or thinktank working on PLDW in each country and we would know who would be best placed to assist h this research.

How to Apply

Send an email to recruitment@aseanact.org with:

- (a) A one-page cover letter, which describes how your skills and experience are applicable to the selection criteria and
- (b) curriculum vitae of all proposed research team
- (c) The words 'Disability Consultancy' in the email subject.

All applications will be treated with the strictest confidence

Due to the expected volume of applications, only candidates under positive consideration will be notified.

Other Information

Amendments to the position's Terms of Reference may be made during the period of the engagement as required.