**Term of Reference**

**Individual Consultancy**

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| **Title** | Business and Child Rights Consultant |
| **Purpose** | UNICEF Viet Nam is seeking an individual consultant to support the business and children’s rights project in Vietnam |
| **Location** | Either in Ha Noi or Ho Chi Minh city depending on the Covid-19 situation. |
| **Duration** | September 2021 – April 2022 |
| **Start Date** | 6 September 2021 |
| **Reporting to** | Chief of Social Policy and Governance (in conjunction with the Chief of Child Survival and Development) |
| **WBS/PBA**  **Funding Expiry Date** | WBS: 5200/A0/05/884/004/001; Dutch funding: SC190568 |
| **Project and activity codes** | SPG 4.3 Child Rights and Business Principles |
| **General Ledger number** |  |

1. **Background and justification**

Businesses impact on the lives of children in many ways, including some that a business may not even recognize. Due to the unique rapid physical, mental and emotional development of children, any existing or potential negative impact resulting from a business activity may have irreversible consequences on their growth. Children are stakeholders of businesses – as family members of employees, young workers, consumers and members of the community. Moreover, children are the future employees and business leaders.

A number of human rights instruments on promotion and protection of children rights in business context has been adopted, including Convention on the Rights of the Child, the Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography and the Optional Protocol on the Involvement of Children in Armed Conflict, the United Nations Guiding Principles on Business and Human Rights. Some countries are now in the process of developing a National Action Plan on Business and Human Rights. The most relevant instruments on children’s rights and business are: (1) General Comment no.16 On State obligations regarding the impact of business on children’s rights (2013); Children’s rights and Business Principle (2012).

Under the international framework on children rights and business, states have obligations to consider the impact on children of operations (such as their products and services and their marketing methods and distribution practices – in normal and emergencies contexts), business-related laws and policies and ensure the enforceability of these laws, making sure businesses have responsibility to account for how their business operations impact children’s rights.

Viet Nam initiated its reform economy since 1986. The government has strong policy to attract investment and business operation. Vietnam is a state member of Convention on the Rights of the Child[[1]](#footnote-1) and many other international human rights conventions. During the past years, the government of Vietnam has taken a number of legislative, executive and judicial measures to promote and protect children’s rights. In this context, it is important relevant stakeholders including government, business enterprises and relevant social organizations should respect, protect and work to progressively realize human rights in the context of business.

The Children’s Rights and Business Principles[[2]](#footnote-2) (CRBP) were launched in Viet Nam in 2014 by Deputy Prime Minister Vu Duc Dam, in partnership with Global Compact Network Vietnam (GCNV) (under Vietnam Chambers of Commerce and Industry/VCCI), UNICEF, Save the Children International and key foreign business associations. Mr. Vu Tien Loc, The Chairman & President of VCCI explicitly recognized the CRBP and showed strong commitment to promote the Principles.

As a follow-up to the launch, three key industries, i.e. Footwear and Apparel, Information Communication and Technology (ICT), and Travel and Tourism, were identified to be the first sectors to be guided by the CRBP based on their importance to Viet Nam’s economic growth and their high impacts on children. Assessments were undertaken by UNICEF to identify the impacts of industries, especially travel and tourism and footwear and apparel, on children. A UNICEF pilot programme with footwear and apparel factories was implemented to test and design family friendly workplace policy solutions to be documented, replicated and scaled in partnership with VCCI. A Programme Cooperation Agreement with Office for Business Sustainable Development (SDforB) of the Vietnam Chambers of Commerce and Industry (VCCI) was finalized to implement a three-year project (2018-2021) to promote CRBP among enterprises in Vietnam. Human Rights Institute under the Ho Chi Minh Political academy was engaged to promote General Comment No. 16 and CRBP to relevant government departments and elected bodies.

1. **Purpose:**

The overall purpose of this consultancy is to support UNICEF’s ability to ensure technical excellence and quality of programmatic work on children’s rights and business and provide technical support on thematic scale ups of interventions with the private sector, including the work related but not limited to child labour and scaling up IECD holistic parenting projects.

1. **Specific objectives and tasks**

**Specific objectives**

* To provide timely technical inputs and review to the Children’s Rights and Business Principles Project with the Vietnam Chambers of Commerce and Industry (until December 2021).
* To technically support the development of a new multi-year project document for continued collaboration with VCCI on children’s rights and business.
* To provide technical inputs on CRB in relevant legislation on business and national action plans.
* To advise programme teams on integrating partnership with business into their programme activities, in consultation with regional and global office.
* In close cooperation with Child Protection section, to support the scaling-up of the holistic IECD parenting programme in the workplace and facilitate capacity building and support to private sector actors on policies to mitigate and remediate cases of child labour, as well as design of other thematic interventions (e.g. breastfeeding in the workplace).

The consultant will work closely with the SDforB/VCCI, Employers Bureau of VCCI, Human Rights Institute under the Ho Chi Minh Political Academy, The Center for Child Rights and Business (former CCR-CSR), Labour Federation, Representatives of Export Processing Zones, NGOs and business consulting working on child rights with business.

This consultant will be based either in Ha Noi or Ho Chi Minh city depending on the situation.

**Specific tasks:**

* Support SDforB/VCCI to implement the remaining project activities and provide CRB technical review and inputs as required.
* Collaborate with VCCI to develop a new multi-year project document with VCCI.
* Consult with relevant UNICEF programme teams to collect inputs for the programme document with VCCI which serves as an umbrella project for UNICEF to work on Children’s Rights and Business Principles (CRBP) both systems/framework approach and thematic scale up of interventions.
* Provide technical inputs to relevant policies/legislation highlighting business impact and engagement on child rights.
* Provide technical inputs for the assessment on National Action Plan for Business and Human Rights and engage in consultations in development of a NAP on Business and Human Rights.
* Provide technical advice to UNICEF programme teams on integrating partnership with business into their programme activities, in consultation with regional and global office.
* In close cooperation with Child Protection section, facilitate collaboration with VCCI and private sector partners to scale up the IECD parenting program in the workplace setting.
* In close cooperation with Child Protection section, facilitate capacity building and support VCCI and private sector actors to integrate child protection policies and mechanisms to prevent, mitigate and remediate cases of child labour. Represent UNICEF in key forums and platforms to promote child rights agenda; be a focal point of the CRBP Working Group of W:NCB project.
* Monitoring and progress reports on implementation of UNICEF’s support and donor reports as required.
* Other technical assistance and tasks that might to be required by UNICEF and partners.
* In close collaboration with Social Policy and Governance section, provide a 4 -page max brief and a power point presentation on the main areas for strategic public advocacy with government and programme priorities in the context of business and children’s rights project in Viet Nam.

1. **Deliverables and timelines**

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| **Tasks** | **End Product/deliverables** | **Duration/**  **Deadline** |
| 1. CRB Technical inputs and review of documents submitted by SDforB/VCCI | * Quality and timely CRB technical inputs provided | * Monthly basis |
| 1. Conduct final programme visit for SDforB/VCCI and review final project report. | * Final programme visit 2021 * Final project report of CRBP Project 2018-2021) | * Q4 2021 (exact date to be confirmed with partner) |
| 1. Conduct series of consultations with relevant programme sections for the development of the new PCA and Programme Document with VCCI. | * Meetings conducted and document with relevant programme sections. | * Q3 2021 |
| 1. Coordinate with VCCI and lead on the development of a new Programme Cooperation Agree and Programme Document | * Meetings conducted with VCCI * Programme Cooperation Agreement 2022 – 2027 finalized * Programme Document finalized covering an initial period of 2 or 2.5 years. | * Q4 2021 |
| 1. Provide technical inputs to relevant policies/legislation highlighting business impact and engagement | * Quality and timely CRB technical inputs provided | * Monthly basis |
| 1. Provide technical inputs for the assessment on National Action Plan for Business and Human Rights and engage in consultations in development of a NAP on Business and Human Rights. | * Quality and timely CRB technical inputs provided resulting in integration of child rights issues in the assessment on NAP on Business and Human Rights. * Child Rights issues highlighted in consultations on development of NAP on Business and Human Rights. | * Monthly basis |
| 1. Provide technical advice to UNICEF programme teams on integrating partnership with business into their programme activities, in consultation with regional and global office. |  | * Monthly basis |
| 1. Facilitate collaboration with VCCI and private sector partners to plan and implement the scale up of the IECD parenting program in the workplace setting | * Technical support provided for adaptation of the program to the workplace setting * monitoring of the implementation of  the Parenting in the workplace settings * Documentation on the implementation and lessons of the IECD holistic parenting programme prepared and shared among the business forums/workshops co-organized with VCCI; | As agreed with VCCI |
| 1. Facilitate collaboration with VCCI on capacity building for selected stakeholders on General Comment 16 and CRBP, and in the organization of forums on CRBP among business community, SMEs, social entrepreneurs, Government and other partners. | * training on General Comment 16, and CRBP organized. * Forums on CRBP among business community, SMEs, social entrepreneurs, Government and other partners organized. | * To be agreed with VCCI |
| 1. Represent UNICEF in key forums and platforms to promote child rights agenda; be a focal point of the CRBP Working Group of W:NCB project | * Representation in key forums and platforms to promote child rights agenda; participation in W:NCB regular related meetings. | * To be agreed with VCCI * To be organized by W:NCB partners |
| 1. Develop progress reports on implementation of UNICEF’s support and donor reports as required | * Monthly implementation reports are made * Donor reports are developed per deadlines | * Monthly basis |
| 1. Other technical assistance and tasks that might to be required by UNICEF and partners | * Completion of other technical assistance and tasks as required in a timely and effective manner | * Monthly basis |
| 1. Provide a 4 -page max brief and a power point presentation on the main areas for public advocacy with government and programme priorities in the context of business and children’s rights project in Vietnam. | * 4-page brief and power point presentation. | * End of Q4 |

1. **Management and Reporting**

The national consultant will work under the direct supervision of Chief of Social Policy and Governance. The consultant will operate in close cooperation with other programme sections – Child Protection, Child Survival and Development and Education.

1. **Performance indicators for evaluation**

Indicator for completion and satisfaction measurement will be based on UNICEF Viet Nam own evaluation and judgement, and not that of the Consultant. This means that deliverables will be deemed to be satisfactorily completed by the Supervisor of the Consultancy. The Supervisor is required to provide timely and written feedback to the Consultant in order to avoid miscommunication and hold regular meetings with the Consultant as needed.

1. **Qualification/Specialized Knowledge and Experience**

In view of the purpose, scope, focus of the costing work, UNICEF is looking for a qualified individual consultant with the following qualifications:

1. Education:

* An advanced degree or equivalent in Humanities, including Development, Economics, CSR, Business Administration or related field.

1. Work Experience:

* At least 3 years professional work experience in the area of business and human rights/children’s rights, corporate social responsibility, supply chain/value chain management or business sustainability.
* Experience in programme development and management with particular focus on coordination, planning, budgeting, monitoring and reporting.
* Experience in coordination, planning and implement of capacity building initiatives.
* Experience of working in the UN or other international development organizations is most preferable,

1. Competencies:

* Strong communications skills, verbal and written.
* Strong networking and negotiation skills
* Ability to contribute to formulation of strategies and policies.
* Ability to conduct sound policy analysis.

1. Language Proficiency:

* Excellent oral and written Vietnamese and English skills are required.

1. **Payment Schedule linked to Deliverables**

Payment will be made on monthly basis with monthly evaluation made by the supervisor on the deliverable tasks.

1. **Assessment criteria**

The ratio between the technical and the financial proposal for this task is 70:30 respectively. Only those proposals that score 60 points on the technical proposal will be shortlisted. The proposal with the highest cumulative scoring will be awarded the contract.

Applications will be evaluated technically and points are attributed based on how well the consultant meets the requirements of the Terms of Reference using the guidelines detailed in the table below:

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| **Technical Evaluation (70%)** | 100 points |
| At least a master’s degree or equivalent in Humanities, including Development, Economics, CSR, Business Administration or related field. | 25 |
| At least 3 years professional work experience in the area of business and human rights/children’s rights, corporate social responsibility, supply chain/value chain management or business sustainability. | 30 |
| Experience in programme development and management with particular focus on coordination, planning, budgeting, monitoring and reporting. | 20 |
| Experience in coordination, planning and implement of capacity building initiatives | 15 |
| Experience of working in the UN or other international development organizations is most preferable | 10 |
| **Financial evaluation (30%)** | **100 points** |

The Contract shall be awarded to candidate obtaining the highest technical scores, subject to the satisfactory result of the verification interview if needed.

* **Child Safeguarding**

Is this project/assignment considered as “[Elevated Risk Role](https://unicef.sharepoint.com/sites/DHR-ChildSafeguarding/DocumentLibrary1/Guidance%20on%20Identifying%20Elevated%20Risk%20Roles_finalversion.pdf?CT=1590792470221&OR=ItemsView)” from a child safeguarding perspective?

   YES       NO     If YES, check all that apply:

 **Direct contact role** YES       NO 

If yes, please indicate the number of hours/months of direct interpersonal contact with children, or work in their immediately physical proximity, with limited supervision by a more senior member of personnel:

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**Child data role** YES      NO 

If yes, please indicate the number of hours/months of manipulating or transmitting personal-identifiable information of children (name, national ID, location data, photos):

1. **Submission of applications**

Interested candidates are kindly requested to apply and upload the following documents to the assigned requisition in UNICEF Vacancies: <http://www.unicef.org/about/employ/>

1. Letter of interest and confirmation of availability;
2. Technical proposal which clearly explains the outline on how to deliver the tasks and deliverables (preferably less than 2 pages);
3. Performance evaluation reports or references of similar consultancy assignments (if available)
4. Financial proposal: All-inclusive lump-sum cost including consultancy fee, travel and accommodation cost for this assignment as per work assignment.
5. CV/P11 form *(*[*UN Personal History Form*](http://www.unicef.org/about/employ/files/P11.doc)*)*
6. **General Conditions: Procedures and Logistics**

The following general conditions shall apply:

* Work station:
* Official travel within the country, if any
* Specify if office will provide with a laptop, computer and office supplies
* If authorized to have access to UNICEF transport

Individual Contractors who are working in a full-time capacity (for a minimum of 1 full month) and with the same working schedule as staff at the duty station (generally office-based, working five weekdays per week and following the office hours) receive Paid Time Off (PTO) credit at the rate of one- and one-half days (1.5 days) for each full month of service

1. **Policy both parties should be aware of:**

* Under the consultancy agreements, a month is defined as 22 working days, and fees are prorated accordingly. Consultants are not paid for weekends.
* Consultants are not entitled to payment of overtime. All remuneration must be within the contract agreement.
* No contract may commence unless the contract is signed by both UNICEF and the consultant or Contractor.
* For international consultants outside the duty station, signed contracts must be sent by fax or email.
* Consultants will not have supervisory responsibilities or authority on UNICEF budget.
* Consultant will be required to sign (1) the Health statement, (2) Certificate of Good Standing for Consultants/Individual Contractor prior to taking up the assignment, and a copy of appropriate health insurance, including Medical Evacuation.
* The Form 'Designation, change or revocation of beneficiary' must be completed by the consultant.

Please consult with HR on entitlements if you have any queries.

1. Convention on the Rights of the Child, <https://www.unicef.org/child-rights-convention/convention-text>. [↑](#footnote-ref-1)
2. The Children’s Rights and Business Principles (CRBP) released by UN Global Compact, UNICEF and Save the Children serves as an overall guidance framework for businesses by promoting respect and support for children’s rights in the workplace, marketplace, community and environment. The Principles provide a child rights lens to the global standards on business and human rights, established by the Guiding Principles on Business and Human Rights for Implementing the United Nations ‘Protect, Respect and Remedy’ Framework. [↑](#footnote-ref-2)