

Informal Sector Service Centre (INSEC)

Term of Reference (ToRs)

For

A study to assess the situation of environmental rights defenders/activists in Nepal

- A. **Project:** Strengthening the Enabling Environment for CSOs to Protect Human Rights in Nepal (SAMRAKSHAN)
- B. **Supported:** SAMRAKSHAN / DCA
- C. **Implemented by:** INSEC
- D. **Background:** INSEC is a leading Human Rights Organization working all over the Nepal to protect and promote human rights and social justice for more than three decades. INSEC works through monitoring and documentation of human rights violation cases, educating the community, and advocating for the human rights friendly environment. INSEC has the strategic partnership with DCA in the human rights movement since 2008. With the partnership of DCA, INSEC has been implementing "SAMRAKSHAN" program in Lumbini Province, Madhesh Province, Sudurpashchim Province and few activities related to human rights documentation at the federal level.

The proposed partnership has incorporated the issues of civic space and environmental rights defenders to further strengthen the scope of work in relation to the recommendation received by Nepal during its Third Cycle Universal Periodic Review in January 2021. The international community and the civil society in Nepal collectively raised the issues of environmental rights of people as fundamental human rights and civic space as concerns for the freedom and democratic exercise. The Sustainable Development Goal and 15th Human Rights Action plan of Nepal has also raised serious concerns in protecting the rights and development opportunity of people which is affected by climate change and environment degradation related consequences.

INSEC has been working on the environmental rights as the cross-cutting issues of human rights for several years. INSEC conducts awareness program and advocacy campaign for the protection of environmental rights in collaboration with different networks and collations. INSEC has been proactively engaged in (public Interest Litigation) PIL on environmental issues for protecting the lives of people, different program on environment protection, environmental rights activists group formation from local level to the federal level, press release against environmental degradation and sanitation problem. Climate change and environment rights violation issues has become one of the prominent global phenomena, which is also one of the serious human rights concerns in countries like Nepal. The awareness and unity among environmental rights activists has been imperative to make the state and public responsive and accountable for the protection of environmental rights.

The Universal Periodic Review Cycle III process of Nepal has visualized the concerns and suggestions for Nepal to work on the protection of environmental rights of the people. In UPR Cycle III, Nepal has received and accepted recommendations which suggested ensuring the sustainable development, environmental protection and resilience society. INSEC has scoped the agenda of environment and human rights, civic engagement in human rights protection and human rights monitoring as the key issues of intervention. The anticipated problems and issues are planned for further engagement to promote the debate of environment rights in local/ provincial and federal level discourse.

INSEC calls to conduct a study to assess the situation of environmental rights defenders/activists in Nepal. This study will be scoped to explore the understanding on environmental rights defenders, related legal and policy measures and areas of contribution in relation to human rights in Nepal. Furthermore, it will identify the challenges and prospects for the environmental rights defenders to work in Nepal. This study will analyse the overall context of Nepal being focused on the cases of Lumbini, Sudurpaschim and Madesh Provinces. Based on the findings of the study, the further programming in environmental rights defenders will be implemented and updated.

E. Objective

- To assess the situation of environmental rights defenders/activists, with strong gender focus, and how they are contributing to the protection and promotion of environmental rights as human rights
- To explore the level of understanding of legal and policy provisions by the environmental rights defenders and areas of contribution they are making relating to human rights in Nepal.
- To explore the situation of Nepal especially in the environmental rights and human rights defenders' situation for protection and promotion environmental rights as a human right.
To identify the prospects, challenges and make practical recommendations, gender disaggregated, for the environmental rights defenders to work in Nepal.

F. Scope of Work/Assignment

The study will cover the Environment Activist/HRDs, CSOs and service providers/government representatives, consumer committee from selected Rural/municipality of the districts where "SAMRAKSHAN" project is being implemented (Sudurpashchim, Lumbini and Madhesh provinces). The expert study will collect and analyse the views and perspectives of selected HRDs, CSO representatives, and community people regarding the understanding on environmental rights defenders/ activists and understanding the environment rights.

An expert will be hired for this that will specifically, do the following tasks:

- Coordination with the concerned organization as per need.
- Literature review in the areas of Environmental rights defenders in Nepal.
- Submit a detailed proposal with the budget breakdown as mentioned.
- Documentation management and carrying out data analysis using valid data software.
- Submit a final study report within a given time.

G. Methodology of the study:

The expert has to share the complete methodology of the study for ensuring the quality as mentioned in this term of reference. The fundamental methodological requirements are followed as below;

- The consultant will review the relevant literature.
- Prepare check list for FGDs and KII, interview questionnaire for stakeholders / environmental activists.
- Conduct Meeting with related stakeholders, local government, Forest User Group, Forest User Committee, likeminded organizations at local and central level.
- Organize three FGDs in each province (at least 10 participants will be attended in each discussion), at least one with women only environmental HRDs in each

province, with Environmental protection group/ CSOs at local level and central level. Ensure gender balance in the FGDs of mixed participants.

- Conduct KII with key respondents from the province and local governments, Civil Society Organizations, Advocates, Journalists and some of the environmental activist
- Primary and secondary data collection both qualitative and quantitative as well
- Data verification and analysis
- Share preliminary report to DCA / INSEC for inputs
- Prepare comprehensive final report incorporating, valid inputs and suggestions from the concern organizations.

H. Implementation and Management of task

The assignment will be monitored by the project coordinator from INSEC in proper communication with the selected expert. The field proceeding for data collection, sampling, tolls finalization and required works to ensure the deliverables are the liability of the consultant. The selection procedure will be competitive and decided by INSEC through a transparent process. INSEC will facilitate the process to assist study and the expert has their accountability to complete the assignment as per the terms of reference. The quality criteria for the anticipated expert;

- The consultant should be Master's Degree in Environment Science, Human rights or relevant field
- The consultant having at least five years of relevant experience in the field of the research study will be given priority.
- The consultant abides by gender sensitivity and the rule of INSEC during the assignment.

Previous experience in the field of similar studies will be prioritized during the selection process.

Key deliverable

The key deliverables of this assignment follow as below;

Actions	Deadline
Proposal of the study with study design (including the methodology, tools, sample size, and location)	Within the duration of public notice
Final study design/Inception report (including the methodology, tools, sample, and location)	Within 5 days after the contract was completed between both the parties
Field plan for data collection	Within 7 days after the contract was completed between both the parties
Draft report	Within 25 days after the contract was completed between both the parties
Final report incorporating the comments from INSEC/DCA	Within 35 days after the contract was completed between both the parties

I. Cost plan for the assignment

The experts (individuals or companies) are requested to apply for the task by proposing the required budget which is subject to compliance with the Nepal Government's tax regulations. The budget includes overall logistics requirements such as (Field visits, group discussion, stakeholder meetings, communication, FGD/KII, stationery, and resources fee).

Duration of study

The duration of the assignment is expected to be 25 working days over a period of 35 days from the contract signature date.

J. Application Procedures

Interested candidates should submit a proposal with a cover letter and all required documents mentioned in the ToR. The proposal with required documents can be submitted either hard copy or electronic copy through email: vacancy@insec.org.np