



HUMANITY  
UNITED



## REQUEST FOR PROPOSALS

JUNE 2019

### U.S. Tariff Act Investigations and Petitions Legal Fund

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#### Summary

Across the globe, approximately 25 million people are in forced labour. Many of these people – and the goods they produce with their labour – are part of vast and complex global supply chains. The United States is the largest importer of goods at-risk of being produced with forced labour, with an estimated value of more than \$144 billion a year, or 40% of the global total.

Since 1930 the U.S. Government has prohibited the import of goods produced with forced labor. According to section 307 of the 1930 Tariff Act, all goods mined, produced or manufactured wholly or in part in any foreign country by convict labor or forced and/or indentured labour, including forced or indentured child labour, are prevented from entering the United States. For over 80 years this provision was circumvented by a legal loophole that permitted forced labour goods to be imported in order to satisfy consumer demand. Although the enactment of the Trade Facilitation and Trade Enforcement Act in 2016 closed this gap, enforcement of the forced labour import ban has remained limited. By effectively enforcing this provision, the U.S. government has the opportunity to set an important precedent by forcing importers of high-risk goods to adopt rigorous due diligence measures to avoid the penalty of having their goods seized.

The Tariff Act Legal Fund seeks to build momentum towards active enforcement of the forced labour import ban. A collaboration between Humanity United and the Freedom Fund, in 2019 the fund will provide financial support to civil society organisations that aim to conduct on-the-ground investigations and evidence collection to link forced labor practices with specific U.S. imports. Grants will support a maximum of five CSO projects to use the evidence gathered in these investigations to submit a petition to the U.S. Government.

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#### Project criteria

The U.S. Customs and Border Protection Agency (CBP) has the authority to investigate any goods being imported into the U.S. that are known to be at risk of forced labor. Civil society organisations have a critical role to play in this process, by filing a petition with CBP that provides evidence that goods have been produced with forced labour. Yet there is a lack of awareness and understanding of the Tariff Act import ban among civil society, as well as a lack of resources to support investigations. This has limited the potential of this mechanism to address forced labour in supply chains.

The Tariff Act Legal Fund aims to catalyze enforcement of the import ban by supporting civil society organisations to collect and submit evidence to CBP. Funding will support selected groups to undertake dedicated investigations to gather evidence of the use of forced labour that meets the threshold required to trigger a CBP investigation. At the end of the grant period, each group will be expected to file a formal petition to CBP.

**We take the protection and security of civil society organisations carrying out investigations extremely seriously. Therefore, we will not publicise grantees under the Tariff Act Legal Fund, and will adopt robust procedures to maintain organisational anonymity. All communications with applicants and grantees will take place via secure channels.**

## **Scope**

This is a global call for proposals. While the fund does not focus on specific countries or industries, projects should meet the following criteria:

- The investigation targets goods listed on the [ILAB List of Goods Produced with Forced and Child Labour](#).
- A [Withhold Release Order \(WRO\)](#) is not already in place for this specific import.

Proposed projects should include the following elements:

- Evidence of a demonstrable risk of forced labour in the targeted sector and country
- A clear strategy to conduct on the ground investigations and evidence collection of forced labour that can be linked to specific imports in the U.S., in order to meet the threshold required to submit a section 307 complaint.
- A risk analysis of potential challenges and mitigation strategies
- Robust policies and procedures to ensure witness protection and anonymity; data security; and safeguarding of vulnerable individuals.
- Progress indicators and reporting targets over the grant period.

The project design is expected to focus on investigations and evidence collection. We do not expect organisations to be able to demonstrate a high level of knowledge of the Tariff Act petition process. Selected organisations will receive support for technical assistance.

## **Budget**

Organisations may apply for a grant of \$25,000 - \$40,000. Grant funds shall only be used for costs associated with the Tariff Act project.

## **Timeline**

Grants will be provided to cover activities over a 12-month period. In exceptional circumstances, we may consider projects up to 18 months.

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## **Organisational criteria**

Human rights organisations, civil society organisations, watchdog groups and worker groups are invited to submit proposals. We will consider joint applications, for example a partnership between an international NGO or organisation based in the Global North, and a group based in the Global South.

Applicant organisations must be able to demonstrate:

- Presence in the target country, or a well-established relationship with civil society or worker groups based there
- Experience in carrying out human rights research and/or investigations

As the aim of the Fund is to build capacity within civil society to use the Tariff Act mechanism, priority will be given to new investigations and petitions.

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## **Application process**

There will be a two-stage application process:

### **Concept note and application form**

The concept note should provide a short narrative (maximum 5 pages) of the proposed project including the following:

- **Description of the project**, providing an overview of the targeted sector and rationale for filing a petition under the Tariff Act
- **Methodology**, addressing the topics raised in the Project Design section above
- **Organisational experience** in carrying out investigations into forced labour
- **Safeguarding and protection plans**
- **High-level work plan** for key project phases and deliverables

Applicant organisations will also be required to fill out a **short application form** providing name and contact details, size of annual budget, number of full-time staff, list of main funders, contact details for one funder reference and amount of grant requested.

We will host a Zoom call for potential applicants on **11 July 2019 at 12pm EST/5pm GMT**. The call will provide an opportunity for organisations to receive additional information on the Tariff Act, and the legal fund application process. Please contact the Freedom Fund on <https://www.sendsafely.com/u/tariff-act@freedomfund.org> to RSVP.

The concept note must be written in English and submitted electronically in Microsoft Word or PDF format according to the instructions below. Both the concept note and application form must be submitted by **16 September 2019**.

### Formal proposal

A small number of organisations will be selected by the Freedom Fund to submit a full proposal. If approved, grant funds would be available for a project start from September 2019.

Due to the anticipated high number of concept notes, there may be a delay in informing applicants that they have not been selected for the second round.

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## Proposal timeline and submission instructions

17 June 2019	Release of RFP.
11 July 2019 (12pm EST)	Information call for applicants
<b>16 September 2019 Midnight UK time</b>	<b>Concept notes and application forms due.</b> Please submit all documents to <a href="https://www.sendsafely.com/u/tariff-act@freedomfund.org">https://www.sendsafely.com/u/tariff-act@freedomfund.org</a>
By 4 October 2019	All shortlisted organisations will be notified.
By 28 October 2019	Final proposals submitted
November 2019	Grant agreements signed with selected organisations.

For any questions on the project or submission process, please contact the Freedom Fund via our **[Send Safely URL](#)**

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## Background to Humanity United and the Freedom Fund

**Humanity United** is a foundation dedicated to bringing new approaches to global problems that have long been considered intractable. We build, lead and support efforts to change the systems that contribute to problems like human trafficking, mass atrocities, and violent conflict.

Humanity United is a part of The Omidyar Group, which represents the philanthropic, personal, and professional interests of the Omidyar family.

**The Freedom Fund** is a leader in the global movement to end modern slavery. We identify and invest in the most effective frontline efforts to eradicate modern slavery in the countries and sectors where it is most prevalent. Partnering with visionary investors, governments, anti-slavery organisations and those at risk of exploitation, we tackle the systems that allow slavery to persist and thrive. Working together, we protect vulnerable populations, liberate and reintegrate those enslaved and prosecute those responsible.