

TERMS OF REFERENCE

International Consultancy to provide technical support in capacity building, legal literacy/empowerment and evidence generation on access to justice in Viet Nam

Summary

Title	International Consultancy to provide technical support in capacity building, legal literacy/empowerment and evidence generation on access to justice in Viet Nam
Purpose	To support UNICEF and national counterparts in raising the efficiency of capacity building, legal literacy/empowerment and evidence generation on access to justice for children and women
Location	Home based
Duration	15 November 2021 – 30 May 2022
Start Date	15 November 2021
Reporting to	Child Protection Specialist
Project and activity codes	EU Justice and Legal Empowerment Programme in Viet Nam (EU JULE) Outputs # 1.5, 2.6, 2.7 and 2.9 MOJ project: Strengthened Access to Justice and Protection of Minors in Contact with the Law. Output # 1.6, Act 2 and 8
GL #	7000190

1. BACKGROUND / RATIONALE

The United Nations Children’s Fund (UNICEF) in Viet Nam has engaged to support the child justice reform in Viet Nam for nearly two decades, working with the Ministry of Justice (MOJ), Supreme People’s Court, Supreme People’s Procuracy, and other legal and judicial institutions.

While impressive strides towards building a more effective and accountable justice system have been made, Viet Nam still faces a number of challenges to ensure access to justice for children, including the lack of a social work law to define social work profession, lack of specialist child justice professionals, limited community-based services for diversion, alternatives to detention and child victim support services. At the same time, the massive legal reforms have been hindered by the lack of concomitant comprehensive capacity building and shifting of mindsets, both within the social welfare and justice sectors as well as amongst the public.

Recognizing these challenges, UNICEF has partnered with the Ministry of Justice to further contribute to the development of a child- and gender-sensitive justice system in line with CRC and other treaty bodies, with the overall objective to strengthen protection of children under 18 y.o. who are in contact with the justice system. In recent years, such partnership has been

underpinned by the Project on “Strengthened Access to Justice and Protection of Minors in Contact with the Law” (2018-2021), complemented by the EU Justice and Legal Empowerment Programme (EU JULE), jointly implemented by UNDP and UNICEF.

Given the ongoing efforts and the need for strong commitment and investments for effective and coherent implementation of child justice reforms, UNICEF is seeking an international consultant to support capacity building efforts, better evidence generation and increased legal empowerment/ literacy of vulnerable children and women in Viet Nam.

The consultancy is part of UNICEF’s support under the EU JULE programme and will contribute to Result 1 on increased public awareness and understanding of rights and how to invoke those rights, and Result 2 on increased access to legal advice, assistance and representation in both civil and criminal matters. The consultancy also contributes to the Ministry of Justice- UNICEF Project on “Strengthened Access to Justice and Protection of Minors in Contact with the Law” (2018-2021).

2. JUSTIFICATION

This assignment requires high-level technical expertise and relevant international experience on legal protection and justice for children, gender, law and regulatory framework related to child justice, as well as ability to conduct capacity building for justice professionals. This requirement goes beyond capacity of the existing UNICEF staff as well as that of the Government counterparts. At the same time, this assignment is dependent on moveable timelines set by Government, Supreme People’s Court, Supreme People’s Procuracy and other stakeholders.

3. PURPOSE AND OBJECTIVES

The purpose of the consultancy is to support UNICEF, MOJ and other key national stakeholders in raising the efficiency of capacity building efforts, legal literacy/empowerment and evidence generation to increase access to justice for children and women.

4. METHODOLOGY AND TECHNICAL APPROACH

The consultancy will be home-based. Given the challenges posed by the Covid-19 outbreak that negatively affect the implementation of EU JULE and MOJ work plan activities, this assignment shall contain a degree of flexibility to all tasks, deliverables and timeframes to enable UNICEF to remain agile and responsive to the needs of the Government and more efficient in implementing the Annual Work Plans signed with MOJ.

The consultant will need to provide some of the tasks/services on as-needs-basis, with specific deliverables and timelines to be agreed with UNICEF and aligned to the MOJ and EU JULE Annual Work Plans. It will involve home-based desk reviews, regular email, telephone, discussions with UNICEF and partners, and online participation in technical and advocacy meetings and workshops.

5. MAJOR TASKS TO BE ACCOMPLISHED

Task 1: Provide technical expertise and support to Vietnam Lawyers' Association in:

- producing legal awareness and legal literacy materials (1 leaflet, 1 poster, 1 video) on prevention of gender-based violence and VAC (Act. 1.5.4.4).
- conducting capacity building activities for VLA centres on legal aid/GBV for children (MOJ Act. 2.2)

Task 2: Provide support to MOLISA in producing 02 leaflets for parents and children on preventing violence and abuse and the available support services in cases of child violence and abuse (Act. 1.5.3.7).

Task 3: Technical expertise to MOJ Dept of Criminal and Administrative Law in producing the Feasibility study on a Coordination agency in the justice for children in Viet Nam (Act. 2.6.1.4) and Feasibility study on Social service workforce in the juvenile system in Viet Nam (Act. 2.7.2.2).

Task 4: Technical support to Supreme People's Court in conducting the Formative Evaluation of the Family and Juvenile Courts in Viet Nam (Act. 2.6.2.7).

Task 5: Technical support to Judicial Academy in producing a mock trial video on fulfilling the best interest of the child in divorce cases (Act. 2.6.4.4).

Task 6: Technical expertise to MOJ Civil Judgment Execution Dept in developing the Guidelines on enforcement of civil judgments in cases involving women and children victims of GBV (Act. 2.7.3.7).

Task 7: Expert advice and guidance to the Supreme People's Procuracy in:

- finalizing the Guidelines for prosecutors on child- and gender-sensitive handling of cases involving minor victims of sexual abuse and women survivors of GBV (Act. 2.9.1.5);
- developing the training materials for prosecutors on juvenile-friendly litigation skills and process (Act. 2.9.1.6);

Task 8: Expert advice and guidance to the National Legal Aid Agency in:

- producing 03 video clips on legal aid
- providing selected training sessions for legal aid officers during the 03 trainings on ESP for SGBV in HCMC, Da Nang and Thanh Hoa

Task 9: Provide technical assistance for other capacity development, legal empowerment and evidence generation activities upon request.

6. DELIVERABLES AND DEADLINES

Task	Deliverable	Estimate # of days	Tentative timeline
Task 1 Act. 1.5.4.4 Act. 2.2 MOJ	<ul style="list-style-type: none"> - Written technical inputs to legal awareness and legal literacy materials (leaflet, poster and video) on prevention of GBV and VAC (VLA) - Selected training sessions delivered during the 02 trainings on legal aid/GBV for children (VLA, UNFPA funds) 	6 days	15 Nov 2021 – Mar 2022
Task 2 Act. 1.5.3.7	Written technical inputs for developing materials for parents (leaflet) and children (leaflet) on preventing violence and abuse and the available support services in cases of child violence and abuse (MOLISA)	3 days	Nov 2021 – Jan 2022
Task 3 Act. 2.6.1.4 Act. 2.7.2.2	Written comments/expert opinion/oral feedback to the: <ul style="list-style-type: none"> - Feasibility study on a Coordination agency in the justice for children in Viet Nam - Feasibility study on a Social service workforce in the juvenile system in Viet Nam 	8 days	Nov 2021 – Apr 2022
Task 4 Act. 2.6.2.7	Written comments/expert opinion/oral feedback to the Evaluation Report of the Family and Juvenile Courts in Viet Nam (SPC)	7 days	Jan – Apr 2022
Task 5 Act. 2.6.4.4	Specialist inputs and guidance in producing the mock-trial video on fulfilling the best interest of the child in divorce cases (Judicial Academy)	4 days	Nov 2021 – Jan 2022
Task 6 Act. 2.7.3.7	Written comments/expert opinion/oral feedback to the Guidelines on enforcement of civil judgments in cases involving women and children victims of GBV (CJExD)	3 days	Nov 2021 – Jan 2022
Task 7 Act. 2.9.1.5 Act. 2.9.1.6	Written comments/expert opinion/oral feedback to the: <ul style="list-style-type: none"> - Guidelines for prosecutors on child- and gender-sensitive handling of cases involving minor victims of sexual abuse and women survivors of GBV (SPP) - Training materials for prosecutors on juvenile-friendly litigation skills and process (SPP) 	4 days	Nov 2021 – Mar 2022
Task 8 Act. 8.3 MOJ	<ul style="list-style-type: none"> - Expert opinion/oral feedback to the 03 video clips on legal aid - Selected training sessions delivered during the 03 trainings on ESP for SGBV in HCMC, Da Nang and Thanh Hoa 	5 days	Nov 2021 – Mar 2022
Task 9	Technical advice and inputs provided upon request for other capacity development and evidence generation activities	5 days	Nov 2021 – Apr 2022
	Total	45 days	

*Exact dates will be agreed upon signature of the contract

Under the guidance of UNICEF Child Protection Specialist, the consultant is expected to submit the following reports/documents in electronic format (Word and PDF), as described in the deliverables:

- Written contributions to guidelines, reports, researches, studies and evaluations as described in the deliverables
- Training agenda, training materials, documents as described in the deliverables
- Quarterly reports with progress updates and next steps

7. DUTY STATION

This consultancy is home-based and will involve desk review, regular email, telephone and online discussions with national stakeholders.

8. CONTRACT /PROJECT MANAGEMENT

The consultant will be supervised by the Child Protection Specialist (Child Justice) who will provide technical guidance, agreement of deliverables and timelines, and approval of intermediate products as they relate to her portfolio. The Child Protection Specialist (Child Justice) will facilitate the interaction with relevant stakeholders, providing day-to-day support. The Chief of Child Protection will be responsible for providing overall guidance and approval of intermediate and final products. The UNICEF Child Protection Section will provide all necessary support for the implementation of activities in relation to the consultancy, including organization of workshops, training, meetings and interviews, translation of documents and deliverables, and interpretation during online meetings, trainings and workshops.

9. ESTIMATED DURATION OF CONTRACT (*PART TIME / FULL TIME*)

It is estimated that the work will be conducted over a period of **06 months**, beginning in 15 November 2021 with the last deliverable submitted no later than May 2022.

10. QUALIFICATIONS/ SPECIALIZED KNOWLEDGE/ EXPERIENCE/ COMPETENCIES (CORE/ TECHNICAL / FUNCTIONAL)/ LANGUAGE SKILLS REQUIRED FOR THE ASSIGNMENT

The competencies required from the Contractor are the following:

- Advanced university degree in law, human rights, social work, criminology or related field;
- At least 8 years' professional experience in the justice field with a focus on children and women;
- Demonstrated specialist knowledge in the field of access to justice for children;
- Knowledge and experience working in Viet Nam or analogous legal-political context, particularly in the field of legal aid, justice or child justice;
- Fluent in English and excellent report writing, presentation and communication skills;

- Work experience with UNICEF or another UN agency is preferred.

11. TECHNICAL EVALUATION CRITERIA (WITH WEIGHTS FOR EACH CRITERIA)

	Technical Evaluation (80 points)	80
	Advanced university degree in law, human rights, social work, criminology or related field;	10
	At least 8 years' professional experience in the justice field with a focus on children and women;	20
	Demonstrated specialist knowledge in the field of access to justice for children;	20
	Knowledge and experience working in Viet Nam or analogous legal-political context, particularly in the field of legal aid, justice or child justice;	15
	English fluency	10
	Work experience with UNICEF or another UN agency	5
	Financial evaluation (20 points)	20

The minimum threshold for the technical evaluation is **70/80 points**. Only candidates that score 70 points on the technical evaluation will be shortlisted. The proposal with the highest cumulative scoring will be awarded the contract.

More information is available in the [Child Safeguarding SharePoint](#) and [Child Safeguarding FAQs and Updates](#)

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/>

- Letter of interest and confirmation of availability
- P-11 form (UN Personal History Form)
- Performance evaluation reports or references of similar consultancy assignments (if available)
- Financial proposal

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.