

# Terms of Reference

## International consultancy for Strengthening Multi-disciplinary Capacity for Improved Access to Justice for Children Victims of Violence

### Summary

<b>Title</b>	<b>International consultancy for Strengthening Multi-disciplinary Capacity for Improved Access to Justice for Children Victims of Violence</b>
<b>Purpose</b>	To support building specialist capacity of criminal justice agencies, including investigators, prosecutors, judges, lawyers, and social welfare officers, in handling of cases involving child victims of violence for improved their access to justice, applying multi-disciplinary and integrated approach
<b>Location</b>	Ha Noi
<b>Duration</b>	08 months
<b>Start date</b>	22 Aug 2022 (tentative)
<b>Reporting to</b>	Child Protection Specialist
<b>Project and activity codes</b>	EU Justice and Legal Empowerment Programme in Viet Nam (EU JULE) EU JULE Output # 2 Act # 2.9.2.14 INL Strengthening Justice for Children in Viet Nam C2.05.a

### 1. Background

Violence against children is a growing concern in Viet Nam. Between 2015 and Jun 2019, 8,709 children were reported as victims of abuse, of which 71 per cent were victims of sexual violence. Reported cases, however, represent only the tip of the iceberg.<sup>1</sup> According to the National Study on Violence against Women in Viet Nam (2019), 4.4 per cent of women indicated that they experienced child sexual abuse.<sup>2</sup> In 2020, the Government estimated that the number of children subject to various forms of abuse, including violence, sexual abuse, trafficking, abandonment, and neglect, accounts for as many as five per cent of the children population in Viet Nam.<sup>3</sup> Research show that children who are victims of crimes encountered many obstacles and hardship when participating in criminal proceedings. Their access to adequate, gender and age-appropriate information or assistance throughout the justice process was also limited.

In the past more than ten years, Viet Nam has made great strides to make the justice system more friendly to children. This includes the recognition of children's right to protection in the *Constitution*, the expanded chapter on child protection in the *Law on Children*. In addition, the roll-out of the Family and Child Court to 38 provinces as the first ever specialist child justice institution, is a major milestone for children's rights.

To ensure effective and coherent implementation of these legal reforms to bring real change in the lives of children, it is essential that all stakeholders along the justice continuum are equipped

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<sup>1</sup> Report ref. 217/CP-CP of the Government of Viet Nam dated 14 May 2020 on implementation of policy and laws on prevention and response to violence against children

<sup>2</sup> MOLISA, GSO and UNFPA (2020), Results of the National Study on Violence against Women in Viet Nam 2019 - Journey for Change.

<sup>3</sup> Report 217/BC-CP of the Government dated 14 May 2020 on the implementation of laws and policies pertaining to prevention and combat violence against children

with specialist capacity to handle cases involving child victims. Children survivors of violence, especially sexual violence, are particularly vulnerable given the sensitivity and stigma surrounding the topic. The development stages of children determine the way in which they recollect and recount events, how they disclose abuse and provide testimony in court are very different from the way adults do. Furthermore, child victims are likely subject to re-traumatization when having to recount the violence against them, especially when they have to face the perpetrator during investigation or in court. All these impact on their capacity as a witness, and in a justice system that is originally designed for adults, a case of violence against children is less likely to be successfully prosecuted.

Recognizing these challenges, over the years, UNICEF has been supporting line ministries and agencies to build specialist child justice capacity for stakeholders for strengthened protection of children in contact with the law, especially victims and witnesses. Encouraging progress were made toward institutionalized training on child justice. In 2018, With UNICEF's intensive advocacy and technical support, the first ever child justice undergraduate course was introduced by the Ha Noi Law University (HLU). Building on this success, key justice professional training institutes, including the Court Academy, the People's Police Academy, the Ha Noi Procuracy University, and the Justice Academy, have been developing child justice training programmes/subjects to build essential knowledge and skills on child justice among future legal practitioners.

As part of these efforts, UNICEF is seeking a qualify international institution/team of international consultants to support the development of a multi-disciplinary roster of master trainers on child justice, consisting of qualified lecturers from leading law and legal professional training institutes mentioned above, and some selected law practitioners with strong interest in justice for children. The master trainers are expected to play critical roles in the development and delivery of pre- and in-service specialist child justice training programmes by key disciplines along the justice continuum, including law enforcement, procuracy, court, legal aid/lawyer, and social welfare, ensure their consistency in term of content and quality, while promoting inter-agency coordination and cooperation for improved children's access to justice, based on a holistic and integrated approach.

The consultancy is part of UNICEF's support for strengthened children's access to justice under the EU Justice and Legal Empowerment Programme (Result 2) (EU JULE). The consultancy is also partially funded by the International Narcotic and Law Enforcement Bureau (INL) of the Department of State, United States of America under the Project on Strengthening Justice for Children in Viet Nam (Output 2).

## **2. Justifications**

This assignment requires high – level technical expertise and relevant international experience on child sensitive justice, child development and matters relating to child victims as well as capacity building for justice, prosecutors, and law enforcement officials. This assignment goes beyond UNICEF staff capacity as well as that of the Government counterparts.

At the request of the Ministry of Justice (MOJ), Supreme People's Procuracy (SPP) and other Government counterparts, international expertise from **an international consultant/team of international consultants (institution)** is needed.

### 3. Purposes and objectives

The overall purpose of this consultancy is to support building specialist capacity of criminal justice agencies, including investigators, prosecutors, judges, lawyers, and social welfare officers, in handling of cases involving child victims of violence for improved their access to justice, applying multi-disciplinary and integrated approach.

#### **Specific objectives:**

1. To support the Judicial Academy, MOJ, to develop a Multi-disciplinary Training Programme on Improved Access to Justice for Children Victims of Violence, and deliver a two-week training of trainers.
2. To support the Judicial Assistant Department, MOJ to deliver an in-service training course on child friendly legal assistance to capacitate 30 selected legal aid/lawyers on how to provide legal assistance and representation of children in contact with the law in a child– and gender-sensitive manner.
3. To support the Legal and Research Management, SPP to deliver an in-service training course to capacitate 30 frontline prosecutors with capacity to handle of cases involving minor victims of sexual abuse in a child– and gender-sensitive manner.

### 4. Methodologies and technical approach

The consultancy will involve a combination of home–based desk review and development of training materials, regular online meetings/discussion, email correspondence with UNICEF and relevant stakeholders, and one in-country mission of three weeks for the TOT and two in-service training.

**The Multi-disciplinary Training Programme on Improved Access to Justice for Children Victims of Violence** consists of a Foundational Part and an Advanced Part. This would require the development of two training packages, including training manuals, pre- and post-training tests, PowerPoint presentation slides, and class works.

The Foundational Part aims at building foundational understanding on violence against children, especially in the context of Viet Nam, the development of a child in general, the barriers that child victims are facing when participating in the justice proceedings, and basic skills for communicating with children. The Advanced Part equips participants with more in-depth knowledge and practical skills, addressing both specific roles of each core stakeholder groups and how to strengthen inter-agency coordination and collaboration. The Advanced Part will also focus on most vulnerable groups and complex, emerging forms of violence, such as sexual abuse, online child sexual abuse and exploitation, and children with disability.

This Training Programme will be developed in closed consultation with the Judicial Academy, especially to contextualization of the contents to Viet Nam. Case studies and other class works should be drawn from the Vietnamese context.

**The In-service training course on child friendly legal assistance** is a three-day training course for 30 legal aid/lawyers. The consultant/institution will collaborate with the Department Judicial Assistance, Ministry of Justice to develop the training agenda. The training materials will be extracted from the Multi-disciplinary Training Programme developed under Objective 1 as appropriate.

**The In-service training course for frontline prosecutors on child friendly handling of cases involving child victims of sexual abuse** is a two-day training course to sensitize 30 frontline prosecutors on how to handle cases involving child victims of sexual abuse in a child- and gender-sensitive manners. The

consultant/institution will collaborate with the Legal and Research Management Department, SPP to develop the training agenda. The training materials will be extracted from the Multi-disciplinary Training Programme developed under Objective 1 as appropriate.

## 5. Scope of work, deliverables, and timeframe

**Task 1:** In collaboration with the Judicial Academy, develop a Multi-disciplinary Training Programme on Improved Access to Justice for Children Victims of Violence, Foundational Part to provide key stakeholders along the justice continuum with fundamental understanding on child victims of crime, including the scope, typology of violence against children, the development of a child in general, the barriers that child victims are facing when participating in the justice proceedings, and basic skills for communicating with children

**Task 2:** In collaboration with the Judicial Academy, develop a Multi-disciplinary Training Programme on Improved Access to Justice for Children Victims of Violence, Advanced Part to provide key stakeholders along the justice continuum with in-depth knowledge and practical skills to work effectively and sensitively with child victims of crime in their specific roles as well as in collaboration with other criminal justice stakeholders.

**Task 3:** Based on the results of Task 1, support the Judicial Academy, MOJ, to deliver a ToT training for a group of 25 master trainers to equip them with the in-depth knowledge and skills on the subject matters; and provide them with essential skills to facilitate subsequent training to their colleagues.

**Task 4:** Deliver an in-service training for a group of 30 legal aid/lawyers to equip them with the essential knowledge and skills to communicate, provide legal advices and represent child victims in a child – and gender sensitive manner.

**Task 5:** Deliver an in-service training for around 30 frontline prosecutors on child – and gender sensitive handling of cases involving child victims of sexual abuse.

**Task 6:** Produce a report reflecting on lessons learnt through this assignment and making concrete recommendations for next steps in building specialist child justice capacity in Viet Nam

### Deliverables and time frame:

Task	Deliverable	Estimated number of days	Dates
	Inception report, laying out training methodology and overview modules, as well as training plan		29 Aug 2022
Task 1	A foundational training package on Strengthening Access to Justice for Children Victims of Violence during Criminal Proceedings developed and contextualized, including PowerPoints presentation slides.	<b>20 days home-based</b> ‘- Development of training manual 13 days ‘- Development of PPT slides (7 days)	Sep-Oct 2022
Task 2	An in-depth training package on Strengthening Access to Justice for	<b>25 days home-based</b>	Oct-Nov 2022

	Children Victims of Violence during Criminal Proceedings developed and contextualized, including PowerPoint presentation slides.	'- Development of training manual 15 days '- Development of PPT slides (10 days)	
Task 3 INL	Two 5-day multi-sectoral Training of Trainers, including one foundational course, and one advanced course delivered to a group of 25 master trainers	<b>10 days in Viet Nam</b>	Dec. 2022- Jan 2023
Task 4	'- Tailored training materials based on the training package developed under Task 1. '- 01 in-service training delivered to a group of 30 legal aid/lawyers on child friendly and gender sensitive legal assistance in cases involving children in contact with the law (offenders, victims) and women survivors of GBV	<b>2 days home-based</b> <b>3 days in Viet Nam</b>	Jan. 2023
Task 5	'- Tailored training materials based on the training package developed under Task 1. '- 01 in-service training delivered to a group of 30 – 35 prosecutors on child friendly prosecution in cases of child victims/witnesses, especially in child sexual abuse cases.	<b>2 days home-based</b> <b>2 days in Viet Nam</b>	Jan 2023
Task 6 INL	Report submitted with reflection on lesson learnt through this assignment and concrete recommendations for next steps in building specialist child justice capacity in Viet Nam, analysis of pre- and post-training tests	<b>3 days home-based</b>	Feb 2023
	<b>TOTAL</b>	<b>67 days</b>	

The Contractor is expected to submit the following reports/documents both electronically and in hard copy in undertaking the assignment:

- Training package (manual and presentation slides, and other materials as appropriate) (in English and Vietnamese).
- Training reports, including analysis of pre– and post–training tests (in English).

The Contractor will be responsible for English – Vietnamese and Vietnamese – English translator of all the working versions of the above deliverables, as well as for providing good quality final products in English and Vietnamese languages. The proposed budget should contemplate translation costs. UNICEF and MOJ will provide the Contractor with a list of qualified local

translators and will cover logistics and consecutive/simultaneous interpretation costs during the training events.

NOTE: In case of restriction of international travel to Viet Nam due to COVID-19, the trainings will be conducted online rather than face – to – face, but the deliverables remain the same.

## **6. Management**

The Contractor will be supported and supervised by the UNICEF Child Protection Specialist (Child Justice) who will provide technical inputs and guidance, agreement of deliverables and timelines, and approval of intermediate products as they relate to her portfolio. The Chief of Child Protection will be responsible for providing overall guidance and approval of 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 training, meetings, and interpretation during country – based meetings, training, and workshops.

## **7. Qualifications and experience required:**

- An internationally recognized and reputable institution/individual consultant specialized in child protection and child justice, with a minimum of ten years of proven track – record in international capacity building activities for child justice and child protection professionals.
- Demonstrated experience in gender and international development, with experience in relation to gender – based violence and justice (including domestic and family violence).
- Advanced knowledge of Viet Nam and the region and prior related regional experience would be an asset.

The Lead Consultant should have:

- Advanced university degree in law, human rights, social work, criminology, psychology, or related field.
- At least 10 years of professional experience in the justice field with a focus on children and child protection.
- Excellent knowledge and demonstrated experience working the legal and political system in Viet Nam, and strong experience working in ASEAN region, particularly in the field of child justice, protection and gender.
- Demonstrated experience developing and delivering capacity building for justice actors in child justice, children's rights, and gender with experience in East Asia region.
- Knowledge and experience working in Viet Nam or analogous legal – political context, particularly in the field of child justice and child protection.
- Fluent in English and excellent report writing, presentation and communication skills.
- Work experience with UNICEF or another UN agency is preferred.

## **8. Payment schedule:**

Payment will be made upon acceptance of the deliverables, per the following schedule:

<b>Deliverables</b>	<b>Payment schedule (including travel/misc. costs) be directly linked with satisfactory deliverables</b>
Inception report	10% payment due upon satisfactory completion of inception report
Task 1&2	50% payment due upon satisfactory completion of Task 1 mentioned above
Tasks 3-6	40% payment due upon satisfactory completion of Task 2-6 mentioned above

## 9. Technical evaluation criteria

### For Institutional bidders:

<b>Technical Criteria</b>	<b>Technical Sub-criteria</b>	<b>Maximum Points</b>
<b>Overall Response</b>	Competencies of response	10
	Overall concord between RFP requirements and proposal	10
<b>Maximum Points for overall response</b>		<b>20</b>
<b>Company and Key Personnel</b>	Reputation of organization and staff (Competence/Reliability)	15
	Range and depth of experience with similar projects	10
	Qualification and experience of the proposed team leader	10
	Qualification and experience of any proposed team members	10
<b>Maximum Points for Company and Key Personnel</b>		<b>45</b>
<b>Proposed Methodology and Approach</b>	Understanding of TOR objectives in the proposal	10
	Technical proposal as per TOR objectives	20
	Innovation approach	5
<b>Maximum Points for Proposed Methodology and Approach</b>		<b>35</b>
<b>TOTAL Maximum</b>		<b>100</b>

### For individual bidders:

<b>Technical Criteria</b>	<b>Technical Sub-criteria</b>	<b>Maximum Points</b>
<b>Overall Response</b>	Competencies of response	10
	Overall concord between RFP requirements and proposal	10
<b>Maximum points for overall response</b>		<b>20</b>
<b>Qualifications and Experience</b>	Education	5
	Professional experience in the justice field with a focus	10

	on children and child protection	
	Demonstrated experience developing and delivering capacity building for justice actors on child justice, with focus on child victims and witnesses.	15
	Knowledge and experience working in Viet Nam	10
	Others as mentioned above	5
<b>Maximum points for qualifications and experience</b>		<b>45</b>
<b>Proposed Methodology and Approach</b>	Understanding of TOR objectives in the proposal	10
	Technical proposal as per TOR objectives	20
	Innovation approach	5
<b>Maximum Points for Proposed Methodology and Approach</b>		<b>35</b>
<b>TOTAL Maximum</b>		<b>100</b>

The passing score for technical proposal is **80/100 points**. The weighted ratio between the technical and the price criteria is **80:20**. This weighted ratio with the highest possible weight given to the technical criteria is proposed in consideration off the technical complexity of the assignment.

## 10. Structure of the Proposal

Bidders are required to provide the following documents as part of the technical proposal for evaluation:

1. Credential's document outlining the expertise of the company, detailing general and specific experience with similar clients and assignments, including the samples (e.g., reports, materials, products) of past relevant works/ or CV for individual consultant.
2. Details of the proposed team for the assignment including the following information:
  - Title/Designation of each team member on the project
  - Experience in working on similar project and assignments – List similar projects they worked on and their roles on the project.
3. The team needs to include different members who have the background and working experience in the following key fields: law, psychology, or social work
4. Provide a brief summary of the approach that the agency would take to meet the specific objectives and deliverables outlined above.

*Note on the technical proposal:*

- Submissions must be made in English, in pdf. format and signed by the authorized representative of the organization/company or the consultant.
- No price information should be contained in the technical proposal.



- Any submissions made outside of the allotted timeframe or without adequate information will be automatically disqualified.

*Mandatories*

- All prices/rates quoted in USD and must be exclusive of all taxes as UNICEF is a tax-exempt organization.
- Financial Proposals must be submitted separately to Technical Proposals.
- UNICEF will award the contract to the contractor whose response is of high quality and meets the specific objectives.