

## TERMS OF REFERENCE

### Institutional or individual contract for UNICEF Viet Nam Country Office

<b>Title</b>	Technical assistance for building capacity of child protection officers and medical forensic officers in working with justice agencies to provide child friendly and gender-sensitive protection and support for children victims of abuse and violence. (International only)
<b>Purpose</b>	The consultancy aims to improve the capacity of the social welfare and health sectors in working with justice agencies to protect and support children victims, including forensic and other medical examinations, and to maximize efficiency of evidence collection and quality of evidence for investigating and prosecuting crimes where children are victims.
<b>Location</b>	Home-based and in Vietnam
<b>Duration</b>	May 2023 – April 2024
<b>Start Date</b>	Tentatively end May 2023
<b>Reporting to</b>	Chief of Child Protection

#### 1. Background

Violence against children is widespread affecting millions of children and adolescents in Viet Nam. It is exacerbated by the social norms and behaviours that undermine children's and adolescents' safety and protection. Official figures<sup>1</sup> record, between 01/01/2015 and 30/6/2019, there were 8,709 children subject to abuse, involving 7,037 females, accounting for eighty per cent; and 75 percent being child sexual abuse. However, this only captures the tip of the iceberg of what is in fact a much more widespread phenomenon, with cases often underreported and therefore under-investigated. According to the second National Survey on Gender-Based Violence<sup>2</sup>, 4.4% of women experience sexual violence in Viet Nam before the age of 15. 72.4% of children from 1-14 years old in Viet Nam report experiencing violent discipline at home, with cases of serious injuries reported to be at 1.6%<sup>3</sup>.

The health sector plays an important role in detecting and responding to child abuse cases, as hospital is, in many cases, the first point of contact with the child victims especially of physical and sexual abuse. In such contexts, the role of a comprehensive forensic medical examination is of major importance in the full investigation of child abuse and the building of an effective prosecution in the court. In addition, it is of great importance that the abused child is protected from any additional emotional trauma during the physical examination. Victims of assault, particularly sexual assault, require comprehensive, gender-sensitive health services in order to cope with the physical and mental health consequences of their experience and to assist their recovery from a traumatic event. Health and forensic officers have to perform numerous services

<sup>1</sup> Vietnamese government report number 217, 2020, to the National Assembly

<sup>2</sup> Journey of Change: General Statistics Office, Ministry of Labour, Invalids and Social Affairs (MOLISA) and UNFPA

<sup>3</sup> General Statistics Office and UNICEF. 2021. Survey measuring Viet Nam Sustainable Development Goal indicators on Children and Women 2020-2021, Survey Findings Report. Ha Noi, Viet Nam: General Statistics Office

to children who have been abused, including providing immediate health care in the case of injuries; taking a history from the patient; conducting a physical examination; collecting forensic evidence; providing pregnancy testing and emergency contraception; sexually transmissible infections (STI) testing and/or prophylaxis; psychosocial support and assessment for referral; completion of reports for court; and testifying in court as an expert.

Children, who have been abused, generally experience severe emotional impact as a result of the abuse. This is further exacerbated by the medical examination, where the latter is not conducted in a sensitive and understanding manner. Victims experience secondary traumatization where they are not treated well during the forensic examination process.

In addition, if medical examinations are not conducted properly, the evidence gathered can be inadmissible in court, which can, in turn, lead to an acquittal, especially where the medical evidence is of crucial relevance. When medical officers are properly trained and resourced to conduct effective medical examinations and investigations, an effective differential diagnosis, the process of distinguishing abusive from accidental injuries (or the lack of injuries), can be made, connecting the injury history described by the child and/or their caretaker, the type of injuries observed (where they exist), and the mechanisms recognized by medical research to produce such an injury.

A child's statement or history of abuse plays a vital role in determining whether or not abuse has occurred. As such, the verbal account provided by the child (and their caregiver), can often provide more evidence of the abuse than the physical examination itself. Conducting an age-appropriate and legally acceptable interview is essential in order to access accurate information and to ensure that the information gathered is admissible in court. Medical officers must also be aware of the psychological trauma experienced by the child victim and their account of the context in which the crime occurred. An accurate and complete history of the crime is essential in making a medical diagnosis and identifying further treatment and support required by the victim. This history includes physical symptoms, emotional and behavioral symptoms and the context of the abuse.

Medical doctors performing medical examinations also have to compile reports for court and are often required to testify in court. If reports are not compiled in accordance with the relevant legal requirements, they can be declared inadmissible in court. As a result of the complexities surrounding medical forensic examinations, countries have developed guidelines to provide a framework for conducting these examinations. However, these guidelines and protocols are only effectively implemented if the medical officers and health care workers are trained to understand the victims of sexual violence, the context of sexual abuse crimes, the perpetrators, and the impact of these crimes on the victims and their behaviour and functioning.

During this process, social workers also play a key role in supporting the child victims and families' access to justice. Besides undertaking the interventions related to investigation, assessment of risks and harms, case management, providing family support services, alternative community-based care and after-care, child protection social workers may be required to assist children through the forensic examination and court process, perform assessments for court and testify as experts. Therefore, in addition to the social work skills, child protection social workers must be capable to communicate effectively with children and provide them with adequate support within a forensic context and throughout court procedures in a sensitive manner.

Viet Nam has demonstrated its strong commitment to address child abuse and violence. The Government has exerted serious efforts to improve the legal and policy framework on child protection. The Child Law (2016) promulgates principles, roles and responsibilities of government

and stakeholders for child protection. During the past years, UNICEF have supported the capacity building for the managers and frontline workers in key sectors of social welfare, health and education on foundational child protection. However, in the area of forensic medicine and working with the justice sector in child abuse cases, a systematic and standardized training programme on forensic examination with a specific focus on children is missing so far. In 2020, UNICEF supported the Ministry of Health to develop guidelines for forensic medical officers on how to conduct forensic examinations in child abuse cases, which is later included in the Circular 13/2022/TT-BYT promulgating procedures, forms, time limit, and human resources for forensic examination. There is a strong need from the social welfare and health sector for enhanced capacity on the guidelines and the implementation of these, and specific assistance on how to interview children, conduct a physical examination on a sexually or physically abused child in a legally accepted manner, complete coherent reports, testify in court and make decisions as to whether child victims need to be referred for psycho-legal assessments to the Department of Mental Forensics.

As such, UNICEF Viet Nam is looking to engage the services of an **international institution or individual consultant** to provide a series of capacity building activities aimed at equipping child protection officers and medical forensic officers with the required knowledge, skills and resources to effectively support the child victims throughout the working process with the justice agencies, including but not limited to medical forensic medicine, and preparing and testifying in court.

## 2. Justification

MOLISA and MOH highly appreciated the technical assistance provided by UNICEF for the development and rolling out of training programmes on foundational child protection. There is a lack of national experts who have the relevant knowledge and experiences in providing technical support for capacity building on such specialized child protection interventions related to forensic examination and working with justice agencies. They have also recognized that they do not have the relevant expertise to do the work and requested technical assistance from UNICEF. It is therefore necessary to recruit international consultant(s) to assist UNICEF, MOLISA and MOH to do this work.

## 3. Objectives

The consultancy aims to provide technical assistance to MOLISA and MOH to strengthen capacity of the social welfare and health sectors in working with justice agencies to protect and support children victims, including forensic and other medical examinations, and to maximize efficiency of evidence collection and quality of evidence for investigating and prosecuting crimes where children are victims.

## 4. Duration and venue

Identified tasks will be implemented in 11.5 months, from May 2023 tentatively to April 2024. The consultancy will be home-based with occasional travels to Viet Nam to deliver on-site capacity building activities.

## 5. Tasks

Task 1:

Conduct an assessment of capacity building needs for child protection officers and medical forensic officers on working with justice agencies in child abuse cases. (home-based and in Viet Nam).

**Task 2:**

Develop a trauma assessment tool that can be used by medical officers (forensic officers) to refer patients to mental forensic department doctors. (home-based)

**Task 3:**

Research and develop training manuals/guidelines for medical forensic officers on:

- a. Working with child victims of physical/sexual violence
- b. Conducting forensic medical examinations in cases of physical/sexual violence
- c. Assessment of trauma in victims of sexual offences for referral (home-based)

**Task 4:**

Research and develop training manuals/guidelines for social workers/child protection officers on:

- a. Skills to communicate/interview effectively with children within a forensic context;
- b. Skills in working with justice and judicial agencies;
- c. Knowledge of court procedures and relevant evidentiary aspects;
- d. Skills to conduct expert report writing for court, compile victim impact statements for court, and skills to prepare children effectively to testify in court. (home-based)

**Task 5:**

Design and deliver Training-of-Trainers (TOT) courses for medical officers using the training manuals developed in task 3. (Onsite in Viet Nam)

**Task 6:**

Design and deliver Training-of-Trainers (TOT) courses for social workers/child protection officers using the training manuals developed in task 4. (Onsite in Viet Nam)

**Task 7:**

Provide technical assistance to the MOH in developing relevant legal documents and guidelines on forensic medicine (i.e. psychiatric forensic examination) and child protection protocol in the health sector. (home-based)

## 6. Deliverables and timelines

Task	Deliverables	Estimate no. of working days	Tentative Timeline
1.	- Report on the assessment of capacity building need for child protection officers and medical forensic officers on working with justice agencies in child abuse	05	May 2023

	cases (home-based and in Viet Nam)		
2.	- A trauma assessment tool that can be used by medical officers (forensic officers) to refer patients to mental forensic department doctors (home-based)	10	May 2023
3.	- Training manual and guidelines for medical forensic officers on 1) Working with child victims of sexual violence; 2) Conducting forensic medical examinations in cases of sexual violence; 3) Assessment of trauma in victims of sexual offences for referral (home-based)	40	May - July 2023
4.	- Training manual and guidelines for social workers/child protection officers on working with justice and judicial agencies in child abuse cases (home-based)	20	May - July 2023
5.	- 03 TOT courses for medical forensic officers (Onsite in Viet Nam)	12	August 2023 – March 2024
6.	- 03 TOT courses for social workers/child protection officers in social welfare (Onsite in Viet Nam)	12	August 2023 – March 2024
7.	- Provide technical assistance to the MOH in developing relevant legal documents and guidelines on forensic medicine (i.e. psychiatric forensic examination) and child protection protocol in the health sector. (home-based)	15	May 2023 – March 2024
	<b>TOTAL</b>	<b>114 days</b>	

## 7. Management

The international consultant(s) will be supervised by the Chief of Child Protection in UNICEF, who is responsible for providing overall technical guidance and approving intermediate and final products. The concerned Child Protection Specialist/officers will be responsible to liaise with the international consultant(s), facilitate the communications between the consultant(s) and stakeholders, providing technical input and day-to-day support. The UNICEF Child Protection section will support MOLISA and MOH in the organization of relevant technical meetings, training, and workshops. UNICEF Child Protection section will also provide support in ensuring the translation of documents, deliverables, and interpretation during country-based activities.

## 8. Qualification

This assignment is open for both **institutions and individual consultant** based internationally.

### **For institutional bidders:**

- A reputable organization/institution specialized in child rights and child protection.
- Demonstrated experience in the area of child rights, child protection, justice for child victims of abuse including forensic examination.

The Lead expert should have:

- Advanced degree in law, social work, social development or related field.
- At least 10 years of professional experience in advancing child rights, child protection, justice for child victims of abuse including forensic examination.
- Demonstrated capacity and experience in conducting research, developing training guidelines and programs and delivery of training.
- Strong experience working with government agencies in social welfare and health sector and good understanding of child protection context in Vietnam
- Fluent in English and excellent report writing, presentation and communication skills.
- Work experience with UNICEF or another UN agency is preferred.

### **For individual bidders:**

The Individual Consultant should have:

- Advanced degree in law, social work, social development or related field.
- At least 10 years of professional experience in advancing child rights, child protection, justice for child victims of abuse including forensic examination.
- Demonstrated capacity and experience in conducting research, developing training guidelines and programs and delivery of training.
- Strong experience working with government agencies in social welfare and health sector and good understanding of child protection context in Vietnam
- Fluent in English and excellent report writing, presentation and communication skills.
- Work experience with UNICEF or another UN agency is preferred.
- Ability to recruit team member(s) under his/her management and quality control to deliver the expected results with high quality with the tight deadlines.

In case the individual consultant finds it necessary to mobilize additional manpower to carry out this assignment, he/she is deemed as the Lead Consultant. The lead consultant shall be solely responsible for identifying and recruiting the team members, including support for quality assurance of deliverables.

## 9. Payment Schedule

Payment for the assignment will be made based on achievement of the following deliverables based on the schedule below:

Payments	No of days (estimated)	Deliverables
1 <sup>st</sup> payment	35 days	<ul style="list-style-type: none"> <li>- Report on the assessment of capacity building need for child protection officers and medical forensic officers on working with justice agencies in child abuse cases (Task 1: 5 days)</li> <li>- First draft of training manual and guidelines for medical forensic officers (Task 3: 30 days)</li> </ul>
2 <sup>nd</sup> payment	28 days	<ul style="list-style-type: none"> <li>- A trauma assessment tool that can be used by medical officers (forensic officers) to refer patients to mental forensic department doctors (Task 2: 10 days)</li> <li>- Final draft of training manual and guidelines for medical forensic officers (Task 3: 10 days)</li> <li>- Delivery of 02 TOT courses for medical forensic officers (Task 5: 8 days)</li> </ul>
	Lump sum of travel (1 <sup>st</sup> trip to VN) and DSA	
3 <sup>rd</sup> payment	28 days	<ul style="list-style-type: none"> <li>- Training manual and guidelines for social workers/child protection officers on working with justice and judicial agencies in child abuse cases (Task 4: 20 days)</li> <li>- Delivery of 02 TOT courses for social workers/child protection officers in social welfare (Task 6: 8 days)</li> </ul>
	Lump sum of travel (2 <sup>nd</sup> trip to VN) and DSA	
4 <sup>th</sup> payment	23 days	<ul style="list-style-type: none"> <li>- Delivery of 01 TOT course for medical forensic officers (Task 5: 4 days)</li> <li>- Delivery of 01 TOT course for social workers/child protection officers in social welfare (Task 6: 4 days)</li> <li>- Technical inputs to MOH in developing relevant legal documents and guidelines on forensic medicine (i.e. psychiatric forensic examination) and child protection protocol in the health sector (Task 7: 15 days)</li> </ul>
	Lump sum of travel (3 <sup>rd</sup> trip to VN) and DSA	

The Institution or Individuals (possibly the Lead Consultant in case of consultant team) shall be responsible for all expenses incurred throughout the term of this assignment, including, but not limited to, international travel to Viet Nam, domestic travel within Viet Nam and accommodation (if any).

## 10. Performance indicators for evaluation



For evaluation and selection method, the Cumulative Analysis Method (weighted scoring evaluation approach) shall be used for evaluation with the below split between technical and financial scores:

- Technical Qualification: 70
- Financial Proposal: 30

First, the Technical Proposals will be evaluated. Technical Proposals receiving 70% of obtainable points or higher, will be considered technically responsive and the Price Proposal will be opened. Proposals which are considered not technically compliant and non-responsive, will not be given further consideration.

Item	Technical Evaluation Criteria	Max Obtainable Points
1	<b>Overall Response</b> <ul style="list-style-type: none"> <li>• The understanding of the assignment and the alignment of the proposal submitted with the ToR</li> </ul>	<b>20</b>
1.1	Completeness of response	10
1.2	Overall concord between TOR/needs and proposal	10
2	<ul style="list-style-type: none"> <li>• <b>Organization and Key Personnel</b></li> </ul>	<b>40</b>
2.1	Range and depth of <u>organizational or personal</u> experience with similar projects in specialized child protection, justice for child victims of abuse including forensic examination, with demonstrated capacity in development and delivery of training programs	30
2.2	Experience working with government agencies in social welfare and health sector and good understanding of child protection context in Vietnam	10
3	<ul style="list-style-type: none"> <li>• <b>Proposed Methodology and Approach</b></li> </ul>	<b>10</b>
3.1	Work plan showing methodology, detail methods, project implementation strategies. All are in line with the project's framework.	5
3.2	Project management, monitoring and quality assurance process	5
• <b>Total Technical Score</b>		<b>70</b>
• <b>Total Financial Score</b>		<b>30</b>
• <b>SUMMARY OF TECHNICAL &amp; FINANCIAL SCORE</b>		<b>100</b>



\*Minimum technical score: 70% of 70 points = 49 points

Financial Evaluation: Only those financial proposals for bidders which have been technically accepted according to the above criteria will be opened. The Financial proposal will be weighted based on the clarity and appropriateness.

The Contract shall be awarded to applicant achieving the highest combined technical and financial scores.

### 9. Submission of Proposals

Interested Proposers are kindly requested to submit the following documents:

1. Letter of Interest (cover letter)
2. A brief profile of the institution with relevant experience and track records, including Business Registration Certificate;
3. A technical proposal describing how the assignment will be carried out;
4. A financial proposal for all-inclusive detailed costs involved. *All prices/rates quoted must be in US Dollars and exclusive of all taxes as UNICEF is a tax-exempted organization;*
5. Curriculum Vitae of the team members;

All Proposals must be signed and stamped by the Proposers and submitted in pdf. format by email to [procurementvn@unicef.org](mailto:procurementvn@unicef.org).

**Women-owned companies are encouraged to bid. Preference will be given to equally technically qualified women-owned companies.**