

Terms of Reference

Institutional consultancy on child protection and child justice legal reform and capacity building

Summary

Title	Institutional consultancy for child protection and child justice legal reform and capacity building
Purpose	To support improving the child protection and child justice legal framework in Viet Nam, and building specialist capacity of criminal justice actors and social welfare officers in handling of cases involving children in contact with the law, and development of child justice services
Location	Home-based, Ha Noi, other selected provinces
Duration	17 months
Start date	Tentatively mid August 2023
Reporting to	Child Protection Specialist

1. Background

During the past 15 years, Viet Nam has been taking great strides towards building a comprehensive national child protection system and strengthen justice for children. The significant achievements were acknowledged in the most recent Concluding Observations on Viet Nam of the Committee on the Rights of the Child. Specifically, the Law on Children was adopted with a shift from issue-specific to more system-based approach and clearly articulate prevention, early intervention, and response measures to protect children from neglect, violence, and exploitation. The child justice legal system was strengthened, with the introduction of diversionary measures, child-friendly procedures, minimum standards of treatment of children in contact with the justice system, as well as the roll-out of Family and Juvenile Courts as specialized children’s courts.

As part of this ongoing process, the Government is undertaking a mid-term review of the National Action Plan for Prevention and Control of Violence against Children and Child Abuse, 2020-2025, with a view to addressing bottlenecks and replicating promising practices for strengthened implementation. In addition, a key sub-law guiding the implementation of the Law on Children-Decree 56/2017/ND-CP is also under review. Decree 56/2017/ND-CP provides concrete guidance for multi-disciplinary service delivery and defining concrete activities and procedures to implement alternative care, case management and community-based support and protection to protect children from all forms of violence. However, loopholes in the implementation and enforcement of this sub-law are evident, requiring reviewing and amendment of the Decree.

In child justice area, a Law on Justice for Minors is under development, led by the Supreme People’s Court (SPC). The draft Law is scheduled for submission to the National Assembly for the first round of deliberation in May and for approval in October 2024. This is a major undertaking, involving evidence generation, policy and public advocacy and consultation to build consensus. At the same time, it requires intensified efforts to prepare for effective

implementation of the law once approved, including modeling, building institutional capacity for key stakeholders, development of services, and strengthening the monitoring system.

In this context, UNICEF is seeking **an International Consultancy Institution** to support the continued law reforms pertaining to child protection and child justice in Viet Nam. This will also involve support for specific capacity building and modeling in respect of access to justice for children.

The consultancy contributes to the Ministry of Justice (MOJ)-UNICEF Project on Strengthening Justice for Minors in Viet Nam (2022-2026) and is part of the continued cooperation between the Ministry of Labour, Invalides, and Social Affairs (MOLISA)-UNICEF in promoting and protecting children's rights in Viet Nam.

2. Justification for Requesting an Institution

This assignment requires high-level technical expertise and relevant international experience on child protection and child justice law reform as well as capacity building for justice professionals. This goes beyond capacity of UNICEF staff as well as that of the Government counterparts. At the same time, this assignment is heavily dependent on moveable timelines set by Government, SPC, MOLISA and other stakeholders.

At the request of SPC and MOLISA, international expertise from **an international consultancy institution is necessary** with the requisite level of experience and flexibility in terms of schedule.

3. Purposes and Objectives

The objective of this consultancy is to support improving the child protection and child justice legal framework in Viet Nam, and building specialist capacity of criminal justice agencies, including investigators, prosecutors, judges, lawyers, and social welfare officers, in handling of cases involving children in contact with the law, applying multi-disciplinary and integrated approach, as well as child justice service development.

Specific objectives include:

1. Provide technical assistance for improvement of the child protection legal and policy framework, including through the review of the Government Decree 56/2017/ND-CP detaining several articles of the Law on Children, the National Action Plan for Prevention and Control of Violence against Children and Child Abuse for the period 2020-2025, and improvement of laws, policies, and guidelines to child protection in line with international standards.
2. Provide technical assistance for the development of the Law on Justice for Minors and other laws and regulations pertaining to child justice.
3. Support building institutionalized capacity on child justice through development and delivery of training programmes on child justice for pre- and in-service for justice actors.

4. Support development of community-based rehabilitation and restorative justice programmes for minors in conflict with the law through designing of pilot model, technical guidelines, and training materials.

4. Methodology and technical approach

The consultancy will primarily be home-based with three in-country missions. Given the variable nature of the Government legal and policy reform timeline, this assignment necessarily builds in a degree of flexibility to all tasks, deliverables and timeframes to enable UNICEF to remain agile and responsive to the needs of the Government.

The consultancy institution will need to provide some of the tasks/services on an as-needs-basis, with specific deliverables and timelines to be agreed with UNICEF and aligned to the Government timelines.

It will involve a combination of home-based desk reviews, as well as regular email exchange, telephone call, online discussions with UNICEF and country visits to attend relevant technical and advocacy meetings/workshops. The capacity building and advocacy tasks will also involve a combination of home-based preparation, delivery in-country, and online presentation.

5. Description of the assignment, deliverables and timeframe

Note that the following tasks are not exhaustive, nor are they listed in sequential order, and will require action and deliverables at various times. UNICEF will monitor closely and, in consultation with the international institution, adapt as needed.

To provide on an as-needs-basis, as agreed with UNICEF, expert drafting and advocacy advice, materials for capacity building and service, in relation to the following:

Work Package 1: Law reform pertaining to child protection

Task 1: Conduct an assessment of the implementation of the Government Decree 56/2017/ND-CP providing details on some provisions of the Law on Children, identifying areas/sections to be amended and/or new sections/areas to be added (what), and providing concrete recommendations for amending/revising the Decree (how), in order to make the local child protection legal and policy framework better aligned with international standards on child protection, including:

- Provide technical support for the development of the plan and tools for the assessment of Decree 56/2017/ND-CP.
- Collect data and information to inform the analysis, including desk review of available laws and sub-laws, policies, and any available reports; conduct field survey with the key informants from various line ministries at the central level and local governments at sub-national level in few locations (tentatively 3 locations representing diverse backgrounds) selected by MOLISA and UNICEF.
- Analyze data and produce a synthetic report with concrete recommendations on amending/revising Decree 56/2017/ND-CP with a focus on the 'what' and the 'how'.

- Presenting the draft assessment report to MOLISA and other government agencies, organizations to get feedback; finalize the report and produce related policy briefs and presentations for advocacy purpose.

Task 2: Support the Government led mid-term review of the implementation the National Action Plan for Prevention and Control of Violence against Children and Child Abuse for the period 2020-2025 (approved by Decision No.1863/QD-TTg), focusing on progress, achievements, bottlenecks and challenges, and proposed measures/actions for the remaining duration until the end of 2025 in order to achieve the set goals; prepare presentations, and policy briefs for advocacy purpose.

Task 3: Provide technical assistance for reforming of legislation, policies, guidelines and national programmes related to child protection and violence against children (both offline and online) in respect of alignment with international children’s rights norms and standards and international good practices.

Work Package 2: Law reform and institutional capacity building relating to child justice

Task 4: Provide technical assistance for the development of legislation and policies pertaining to child justice, including:

- (1) Provide technical advice and inputs for the development of the Law on Justice for Minors, including development of policy brief(s), comments to different versions of the draft law and supporting documents, facilitation of technical meetings of the drafting team, advocacy, and consultation workshops with stakeholders.
- (2) Support the development of a Judicial Resolution to guide adjudication of crimes against children (including pornography, organization of prostitution, brokering of prostitution).
- (3) Technical advice and inputs provided for the development of sub-laws for implementation of the Law on Justice for Children and other child justice sub-law and policies.

Task 5: Develop a Multi-disciplinary Training Programme on Improved Access to Justice for Children in Conflict with the Law and deliver a 10-day Train of Trainers (ToT) to equip selected master trainers with in-depth knowledge and skills on the subject matter, and essential skills to effectively facilitate subsequent trainings for incoming and frontline law enforcements, justice officers, and other key child justice actors. Support a 3-day roll-out training for lawyers.

Task 6: Support in-service trainings for justice actors to implement of child- and gender-sensitive criminal proceeding, including:

- (1) development of technical guidelines, training video and other training materials, and delivery of a ToT for on how to conduct child testimony via live-link during trial.
- (2) development of a training video to guide the establishment of police child friendly interview rooms.

Task 7: Support the development of a guidelines on grass-root mediation of cases involving minors in conflict with the law as a restorative justice measure, and training materials based on the guidelines, including a training video, and conduct a TOT training on the subject matter.

Task 8: Technical assistance for designing of a pilot model on community-based rehabilitation of minors in conflict with the law to inform the development and implementation of the Law on Justice for Minors, including theory of change, key interventions, key actors and competencies, and monitoring framework.

Deliverables and Time frame

Task	Deliverable	Tentative timeline
Work Package 1: Child Protection legal reform		
Task 1	1.1. Assessment plan and tools developed for review of Decree 56/2017/ND-CP 1.2. Data collected and analysed based on the desk review of relevant laws, sub-laws, policies, and any available reports conducted, and field survey with the key informants from line ministries at the national and sub-national levels in locations (tentatively 3 locations representing diverse backgrounds) selected by MOLISA and UNICEF 1.3. Draft assessment report developed, with concrete recommendations for amendment of Decree 56 with a focus on the ‘what’ and the ‘how’; key findings presented to MOLISA and other government agencies, organizations to get feedback. 1.4. Final report available 1.5. Related policy briefs and presentations for advocacy purpose	Jan – Dec 2024
Task 2	2.1. Written technical advice and inputs provided for improved methodology, assessment plan, assessment tools, draft assessment report 2.2. Presentation made; policy brief developed	Feb-Dec 2024
Task 3	3.1 Written technical advice on relevant laws and policy documents pertaining to child protection and violence against children to be submitted to the Government and line ministries by Dec 2023 3.2. Written technical advice on relevant laws and policy documents pertaining to child protection and violence against children to be submitted to the Government and line ministries by Jul 2024 3.3. Written technical advice and up to 03 policy briefs on relevant laws and policy documents pertaining to child protection and violence against children to be submitted to the Government and line ministries by December 2024	Aug 2023 -Dec 2024
Work Package 2. Law reform and institutional capacity building relating to child justice		
Task 4	4.1 Written technical advice, presentations at technical meetings, advocacy and consultation workshops, policy briefs developed to support the development of the first draft of the Law on Justice for Minors and sub-law to guide its implementation 4.2 Draft Judicial Resolution on crimes against children available 4.3 Written technical advice, presentations at technical meetings, advocacy and consultation workshops, to support the submission of the Law on Justice for Minors to the National Assembly for first round of deliberation 4.4 Written technical advice, presentations at technical meetings, advocacy and consultation workshops, to support the submission of the Law on Justice for Minors to the National Assembly for approval	Aug 2023-Dec 2024

Task	Deliverable	Tentative timeline
Task 5	5.1 A training package on Improved Access to Justice for Children in Conflict with the Law developed and contextualized, including PowerPoints presentation slides 5.2 A 10-day multi-sectoral Training of Trainers delivered to a group of 25 master trainers 5.3 A 3-day roll-out training for lawyers	Mar-Dec 2024
Task 6	6.1 Technical guidelines on child testimony via live-link during trial developed 6.2 A training video developed based on the guidelines on child testimony via live-link during trial 6.3 25 master trainers trained on how to conduct child testimony via live-link during trial 6.4 A training video developed to guide the establishment of police child friendly interview rooms	Aug 2023 -Sep 2024
Task 7	7.1 Guidelines on grass-root mediation of cases involving minors in conflict with the law available 7.2 Training materials, including a training video developed on grass-root mediation of cases involving minors in conflict with the law as a restorative justice measure 7.3 25 master trainers trained on how to conduct grass-root mediation of cases involving minors in conflict with the law	Aug 2023 -Apr 2024
Task 8	8.1 Project document for a Model on community-based rehabilitation of minors in conflict with the law 8.2 PPT presentation in consultation meetings/workshop	Jun-Dec 2024

6. Management

The consultancy institution will be supervised by the Child Protection Specialist (Child Justice). Depending on the task, the institution will work with other relevant Specialists in Child Protection team, who will provide technical guidance, agreement of deliverables and timelines, and approval of intermediate products as they relate to their 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 workshops, training, meetings and interviews, translation of documents and deliverables, and interpretation during country-based meetings, training, and workshops.

7. Qualifications and experience required:

- An internationally recognized and reputable institution specializing 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 protection professionals and legal reforms;
- Advanced knowledge of Viet Nam and the region, with prior related regional experience; and demonstrated child protection and child justice experience in Viet Nam ;

- Demonstrated experience in gender and international development, with experience in relation to gender-based violence and justice (including domestic and family violence, trafficking).

The Lead Consultant should have:

- Advanced university degree in Law;
- At least 12 years' professional experience in legal field (both civil and common law systems), with a focus on children and gender;
- Excellent experience working in ASEAN region, particularly in the field of child justice, protection and gender, solid knowledge and demonstrated experience working with the legal and political system in Viet Nam;
- Extensive experience in conducting legislative reviews and drafting in respect of child protection and child justice, with demonstrated experience in supporting child protection and child justice legal reform, developing and delivering trainings for justice actors in Viet Nam;
- Excellent research, report writing and presentation skills in English;
- Strong work experience with UNICEF or another UN is preferred.

8. Travel Budget and Payment Schedules

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

Deliverable	Payment schedule (including travel/misc. costs) be directly linked with satisfactory deliverables
3.1, 4.1, 4.2, 6.1, 7.1 and 7.2	20% payment due upon satisfactory submission of the mentioned deliverables under Tasks 3, 4, 6, and 7
1.1, 5.1, 6.2, 6.3, and 7.3	20% payment due upon satisfactory submission of the mentioned deliverables under Tasks 1, 5, 6, and 7
1.2, 2.1, 3.2, 4.3, 5.2, 5.3, 6.4 and 8.1	30% payment due upon satisfactory submission of the mentioned deliverables under Tasks 1, 2, 3, 4, 5, 6, and 8
1.3, 1.4, 1.5, 2.2, 3.3, 4.4, and 8.2	30% payment due upon satisfactory submission of the mentioned deliverables under Tasks 1, 2, 3, 4, and 8

- The budget lines for travel are conditional on travel being carried out.

9. Technical evaluation criteria and relative points

Technical Criteria	Technical Sub-criteria	Maximum Points
Overall Response	Completeness of response	5
	Overall concord between RFP requirements and proposal	5
Maximum Points for overall response		10

Company and Key Personnel	Reputation of organization and staff (Competence/Reliability)	10
	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
Maximum Points for Company and Key Personnel		40
Proposed Methodology and Approach	Understanding of TOR objectives in the proposal	10
	Technical proposal as per TOR objectives	15
	Innovation approach	5
Maximum Points for Proposed Methodology and Approach		30
TOTAL Maximum		80

The minimum threshold for the technical evaluation is 65/80 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 of 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.
2. Details of the proposed team for the assignment including the following information:
 - Title/Designation of each team member on the project.
 - Referee contact information for the team leader if reference check for the team leader needed.
 - 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 summary of the approach that the agency would take to meet the specific objectives and deliverables outlined above.

Mandatories

- Submissions must be made in English.
- Financial Proposals must be submitted separately to Technical Proposals.
- All prices/rates quoted in USD and must be exclusive of all taxes as UNICEF is a tax-exempted organization.
- Any submissions made outside of the allotted timeframe or without adequate information will be automatically disqualified.

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