

## Terms of Reference

Strengthening child justice knowledge base for enhanced child justice coordination, and social work services for children in the justice system in Viet Nam

### **Child Protection**

#### **1. Background**

Viet Nam has been undertaking comprehensive legal and judicial reforms for the period 2010-2020. As part of this process UNICEF has been supporting Viet Nam to ensure all children in contact with the justice system are better served and protected. Important progress has been made in creating critical elements of its child justice system. These include: the creation of specialised children's courts; limiting administrative detention of juveniles; the introduction of child-and gender sensitive procedures and limits to pre-trial detention of children; broadening alternatives to detention for juveniles, expanding the coverage of legal aid to more children; and the introduction of overarching child justice principles to ensure minimum standards for treatment of all children in contact with the justice system.

However, these impressive reforms have not been without challenges and are yet to be fully implemented. Substantial gaps remain including 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 changes introduced to the justice system have been hindered by the lack of concomitant comprehensive capacity building and shifting of mindsets, both within the justice sector and amongst the public. As a result, the reforms have not yet achieved a level of coherence needed to create a comprehensive and integrated child justice system in Viet Nam. UNICEF has identified two critical missing elements that are necessary to bridge and support the implementation of the reforms - a coordinating agency for child justice and social workers for children in the justice system.

Firstly, the absence of a coordinating agency for child justice has resulted in the above reforms being introduced on a piecemeal basis rather than under a strategic agenda with an overall vision. Children's contact with the justice system cuts across many different agencies, organisations and sectors, including law enforcement, courts, procuracy, social affairs, education, and health. For the system to function effectively and efficiently there must be mechanisms to ensure effective collaboration, coordination and consistency in the direction taken by all the actors in the justice system when it comes to children.

Secondly, the absence of social workers for children in the justice system has meant that important reforms have been introduced without a critical element necessary for their success. There are no social workers to support prevention and response to youth crime and community-based rehabilitation for children, nor to support children throughout their contact with the justice system when they have been victims of crime or in matters related to their care and protection. The net result is that the tens thousands of children in contact

with the justice system face numerous obstacles in accessing fair, timely and effective remedies.

Recognizing these challenges, UNICEF has been working continuously to support Viet Nam to reform its legal framework and delivery of justice services to improve the protection of all children in contact with the justice system. Viet Nam is currently at a critical juncture where strong commitment and investments are needed for effective and coherent implementation of justice for children reforms. Successful implementation will bring about substantial improvement in children's access to justice.

Currently, the Government of Viet Nam is in the process of reviewing and renewing several important policy documents, including the two national Strategies on Legal and Judicial Reforms, and the National Programme on Social Work Profession Development. This is a great opportunity to take stock of all the achievements on child justice, analyze bottlenecks, and strategize for a comprehensive and integrated child justice system in Viet Nam. In this context, UNICEF is seeking expert(s) with relevant technical expertise to support the Ministry of Justice to conduct two studies on the feasibility of the most appropriate lead agency for child justice and the feasibility of social workers for children in the justice system. Findings and recommendations from the two studies will inform the above-mentioned renewal strategies and policy.

The consultancy is part of UNICEF's support for strengthened access to justice for children in contact with the law and women survivors of gender-based violence under the Justice and Legal Empowerment Programme, funded by the European Union (EU JULE). It will contribute to Result 2 on increased access to legal advice, assistance and representation in both civil and criminal matters, and Result 3 on improved enabling legislative and regulatory framework for legal empowerment and access to justice.

## **2. Justification**

This assignment requires high-level policy and operational expertise in respect of child justice and social work, as well as expert-level technical knowledge in respect of justice for children. This requirement exceeds UNICEF staff capacity as well as that of the Government counterparts. At the request of the Ministry of Justice, international expertise from an international expert is necessary with the requisite level of experience and knowledge.

## **3. Purposes and Objectives**

The purpose of this consultancy is to support evidence-based policy making by the Ministry of Justice with the aim to improve access to justice and protection of children in contact with the law through two feasibility studies on (1) Child justice coordination agency, and (2) Social work for children in the justice sector.

The assignment aims at the following concrete objectives:

### **The Feasibility of the most appropriate lead agency for child justice**

- Concrete recommendations on the most appropriate lead agency for child justice in Viet Nam are proposed and the feasibility of the proposal is examined to inform the renewal National Strategy on Legal and Judicial Reform

#### **Feasibility of social workers for children in the justice system**

- Concrete recommendations on the most appropriate model for the structure and organisation of social workers for children in the justice system are proposed and the feasibility of the proposed model and structure is examined to inform the renewal National Programme on Social Work Profession Development.

#### **4. Methodology and technical approach**

The consultancy will involve a combination of home-based desk reviews, as well as regular email, telephone, Skype discussions with UNICEF and a technical team of the Ministry of Justice (MOJ), and three country visits to attend relevant technical and advocacy meetings/workshops.

The international consultant will work closely with the technical team of MOJ who will provide technical inputs for the desk-based mapping and literature review of the state agencies responsible for child justice in Viet Nam, and social work profession development in Viet Nam.

UNICEF welcomes proposals from a team of appropriately qualified international consultant(s) or consultancy institution to conduct this assignment, however, one lead international consultant must be specified to be fully responsible for all deliverables, administration and logistics.

Given the nature of tasks will require a good understanding of the Viet Nam's justice system and practice, significant interaction with the Vietnamese counterparts and logistic arrangements, it is strongly recommended that a consultancy institution or a team of international consultant recruit appropriately qualified independent national consultant(s) to support the delivery of the tasks. However, the lead international consultant will remain fully responsible for all deliverables.

#### **5. Description of the assignment, deliverables and timeframe**

**Task 1:** Based on initial consultation and discussion with UNICEF and the Ministry of Justice prepare a draft Inception Report that outlines an agreed methodology for both Work Packages (referencing international children's rights norms and standards), proposed timeline for deliverables/tasks, proposed trip(s) in-country, proposed stakeholders for consultations. This Inception Report should be a living document that is updated regularly to reflect the needs of the Government and UNICEF.

#### **Work Package A: Child justice coordination agency**

**Task 2:** Conduct a desk-based mapping and literature review of the state agencies responsible for child justice in Viet Nam, and any existing mechanisms for coordination of child justice in Viet Nam, including the legal foundation, and their effectiveness (mx. 30 pages plus annexes). Based on the mapping and literature review, prepare a draft Options Paper that proposes options for the most appropriate coordination agency for child justice to be consulted with relevant stakeholders. The draft Options Paper must be in line with international children's rights norms and standards and detail international good practice models/examples including from countries analogous to Viet Nam and ASEAN Member States (where appropriate).

**Task 3:** Based on Task 1 and 2 propose and conduct selected strategic stakeholder consultation(s) on the draft Options Paper, and in cooperation with UNICEF facilitate agreement by the Ministry of Justice on the most suitable option for the appropriate lead agency for justice for children;

**Task 4:** Based on Tasks 1-3 conduct a feasibility study on the most appropriate lead agency for justice for children detailed in a draft Report for submission to the Ministry of Justice;

**Task 5:** Support the Ministry of Justice and UNICEF to conduct a technical consultation on the Feasibility Study Report (Task 4), including through the preparation of a PowerPoint presentation on the key findings of the Feasibility Study, and a short policy advocacy brief on the key findings of the Feasibility Study (mx. 8 pages).

#### **Work Package B: Social work for children in the justice sector**

**Task 6:** Conduct a desk-based literature review of the status of the development of social work in Viet Nam, including the legal foundation, and assessment of any existing social work support (para-professional/quasi social work etc) in the justice sector in Viet Nam (mx. 30 pages plus annexes). Based on the literature review, prepare an Options Paper for the structure and organisation of social workers in child justice including designation of the most appropriate Ministry for state responsibility for social workers for children in the justice system. The report must be in line with international children's rights norms and standards and detail international good practice models including from countries analogous to Viet Nam and ASEAN Member States (where appropriate).

**Task 7:** Based on Task 1 and 5 propose and conduct strategic stakeholder consultation(s) on the draft Options Paper, and in cooperation with UNICEF facilitate agreement by the Ministry of Justice on the most suitable option for the model of social workers for children in the justice system;

**Task 8:** Based on Tasks 1, and 5-7 conduct a feasibility study on the most appropriate model for the structure and organisation of social workers for children in the justice system detailed in a draft Report for submission to the Ministry of Justice;

**Task 9:** Support the Ministry of Justice and UNICEF to conduct a technical consultation on the Feasibility Study Report (Task 7), including through the preparation of a PowerPoint

presentation on the key findings of the Feasibility Study, and a short policy advocacy brief on the key findings of the Feasibility Study (mx. 8 pages).

### **Deliverables and Time frame**

<b>Task</b>	<b>Deliverable</b>	<b>Tentative Dates</b>
Task 1	Inception Report	Oct
Task 2	Options Paper that proposes options for the most appropriate coordination agency for child justice	Nov
Task 3	PPT presentations and facilitation of consultation with MOJ and stakeholders	Nov
Task 4	Feasibility Report on the most appropriate coordination agency for child justice	Jan
Task 5	PPT presentations and Policy Brief on key findings and recommendations from the Feasibility Report on the most appropriate coordination agency for child justice	Feb
Task 6	Options Paper for the structure and organisation of social workers in child justice	Dec
Task 7	PPT presentations and facilitation of consultation with MOJ and stakeholders	Feb
Task 8	Feasibility study on the most appropriate model for the structure and organisation of social workers for children in the justice system	Mar
Task 9	PPT presentations and Policy Brief on key findings and recommendations from the Feasibility Report on the most appropriate model for the structure and organisation of social workers for children in the justice system	May
	<b>Final delivery date</b>	<b>May 2020</b>

- The institution/individual consultant(s) is expected to submit the following reports/documents both electronically and in hard copy in Draft and final Feasibility Study Reports and policy advocacy briefs as described in the deliverables
- Simplified trip reports upon completion of each in-country missions undertaking the assignment

The consultant(s) will be primarily responsible for translation and providing **final** products for all the tasks, except for task 1, **in both** English and Vietnamese, with quality translation and quality assurance of the translated version. The proposed budget should contemplate such costs.

UNICEF will also provide the consultant(s) with access to an online Vietnamese law library (providing both Vietnamese and English versions of legal documents).

### **6. Management**

The institution/individual consultant will be supervised by the UNICEF Child Protection Specialist (Child Justice). The institution/individual consultant will work with the Child Rights and Legal Protection Specialist, who will provide technical guidance, agreement of deliverables and timelines, and approval of intermediate products as they relate to her/his portfolio. The Child Protection Specialist (Child Justice) will be responsible for coordinating agreement of all deliverables and timelines, and facilitating the interaction with relevant

stakeholders, providing technical input and day-to-day support. The Chief of Child Protection will be responsible for providing overall guidance and approval of final products.

A reference group will be formed by the Department of Criminal and Administrative Law, MOJ, comprising of senior technical experts, to provide quality assurance through technical consultations, experts comments to ensure that the studies are of the utmost quality.

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, supporting limited translation of documents (to be agreed with UNICEF and not covered by translation costs), deliverables and interpretation during country-based interviews, meetings, training, and workshops.

**7. Qualifications and experience required:**

- An internationally recognized and reputable institution/international consultant specializing in child protection and child justice, with proven track-record in child justice administration reform and social work services for children in justice setting
- Advanced knowledge of Viet Nam and the region and prior related regional experience

The lead international consultant should have:

- Advanced university degree in law, social work, criminology or related field.
- At least 12 years' professional experience in the justice field with a focus on children, senior executive experience in a state agency for juvenile justice or child protection is preferred
- 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 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

The National Consultant should have:

- Relevant advanced university degree in law, human rights, social work or other relevant fields
- At least five years full-time professional experience in justice field, with a focus on child justice and protection in Viet Nam
- Strong knowledge about child justice and protection in Viet Nam
- Good knowledge of international standards and excellent understanding of Vietnamese legal framework related to child justice and protection

8. Payment Schedule

<i>Deliverables</i>	<i>Payment Schedule (including travel/misc. costs) be directly linked with satisfactory deliverables</i>
Task 1	5%
Tasks 2 & 3	30%
Tasks 4 - 7	30%
Tasks 8 & 9	35%

9. Technical evaluation criteria and relative points

Technical Criteria	Technical Sub-criteria	Maximum Points
<b>Overall Response</b>	Completeness 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>

The minimum threshold for the technical evaluation is 80/100 points.

10. Weighted ratio between the technical and the price criteria: 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.