

TERMS OF REFERENCE (TOR)

3 National Legal Experts for Research Study “Measuring Justice from Citizen’s Experience and Perspective in Viet Nam”

1) GENERAL BACKGROUND

Vietnam has officially embarked on legal and judicial reforms since 2005, though calls for economic reform and “*doi moi*” were proclaimed much earlier (since mid 1980s), following the vision and objectives set forth in the two Politburo’s Resolutions, the Legal System Development Strategy (Resolution 48) and the Judicial Reform Strategy (Resolution 49). Key principles for undertaking reforms are denoted in these strategies, among others, to ensure:

- “[T]he combined strength of the entire society must be mobilized in the judicial reform process. Judicial institutions and judicial support agencies must be put under the oversight of the people-elected bodies and of the people”.¹
- “further promote democracy and accelerate legality during the development, improvement, and implementation of the law” and “execute the Strategy (LSDS) in line with administrative and judicial reform through resolute steps and concentration,... and fully ascertain the pre-conditions to guarantee the effectiveness and enforceability of the law”²

Given the central goal of the National Steering Committee for Judicial Reform to advance the judicial reform in Viet Nam, in 2010, the Committee carried out an overall review of the implementation of Resolution 49, at the end of a five-year cycle, to assess the pace of reform, the obstacles and also to identify priorities for the next five-year action-plan.

The review was a comprehensive process with the participation of all central agencies and Provincial Steering Committees for Judicial Reform of provinces across the country, which, to the best of what could be done, mostly relied on the self-assessment of institutional and/or provincial performance. Within a relatively short period of five years, it is possible to describe new laws and regulations which have been passed, but to assess the functioning aspects of the rule-of-law reforms it demands empirical studies and sophisticated monitoring and evaluation tools.

As an outcome, many experts and policy makers in Viet Nam urged for objective information and a neutral assessment that could offer a comprehensive picture of the extent to which the country --and its administrative units, in particular – adhere to guarantee justice and equal protection before the law to the people. Thus, the UNDP in cooperation with the Vietnam Lawyers’ Association (VLA) has commissioned empirical and evidence-based studies to support the Party and State in the monitoring and evaluation of reform process in Viet Nam. Among these efforts, research on measuring justice from citizens’ perspective has been initiated aiming to develop an assessment tool which is able to:

- measure the provincial performance in guaranteeing justice and equal protection of citizen’s legitimate rights;
- gauge the people’s experience and perspective on the notion of justice in reality; and
- provide reliable and impartial information for policy analysis, and an instrument for state agencies, private sectors and civil society to track changes over time;

Accordingly, a pilot in three provinces on “Measuring Citizen’s Perception and Experience on Justice” was conducted in 2010.³ Building on the pilot, the research study will now continue to develop an index for measuring provincial performance on administration of justice with the number of target provinces scaled up to sixty-three (63).

Under this Terms of Reference (TOR), UNDP Viet Nam and the VLA are calling for technical and financial

¹ Resolution 49 of the Politburo on Judicial Reform Strategy to 2020, Section 2.3

² Resolution 48 of the Politburo on Legal System Development Strategy, Section 2.4 & 2.5

³ See TOR’s reference documents for the Pilot Report.

proposals from national legal experts who are interested at joining our research team to develop this justice index in accordance with the assignment's objectives, expected outputs and other requirements as specified herewith.

2) OBJECTIVES

2.1 Overall objective of the research study

The objective of the research study is to develop a quantitative instrument which offers an overall assessment of the provincial performance on guarantee of justice and equal protection of people's legitimate rights in Vietnam. The instrument, that is designed to capture the administration of justice experienced by citizens in practice, not in theory, is expected to provide an effective tool to support the country's efforts in monitoring the implementation of legal and judicial reform agendas.

2.2 Specific objectives of the assignment

Three (3) national legal experts will be engaged to

- Work effectively in team with other members in the research team supervised by UNDP Viet Nam (Governance and Participation Unit respectively) to design the concept, indicators and methodology to gauge people's perception and experiences on justice;
- Develop questionnaire for face-to-face interview of ordinary people on the research topics;
- Participate on data analysis and writing the research report which includes (i) methodology and data collection, (ii) analysis and assessment of justice performance by provinces, (iii) recommendations for policy makers and users of the instrument.

3) SCOPE OF WORK AND METHODOLOGY

3.1 Scope of work

The research study will provide an overview of citizens' experience and perception of the justice system in their respective provinces to be reflected in a justice performance index across 63 provinces in Viet Nam.

3.2 Methodology

The legal experts will work with other members of the research team and under the supervision of UNDP Viet Nam to identify the appropriate methodology and approach to develop the concept, indicators, data analysis and presentation of the research findings and recommendations.

More specifically **each legal expert** is expected to be engaged in the following workflow for a total estimate of **56 working days**:

- Desk review ~ 12 working days: the legal experts will generate necessarily primary information and develop into a set of indicators for measuring justice performance at sub-national level.
- Focus group discussion ~ 12 working days: the legal experts in collaboration with the UNDP and VLA will organize three (3) focus group discussions to generate ideas on what works and what are obstacles to guarantee fairness, impartial and justice to ordinary people in practice.
- Pre-test of questionnaire and questionnaire finalized ~ 16 working days: to validate the draft questionnaire for interview randomly selected respondents, the legal experts will observe the pre-test of draft interview questionnaire in a location outside the duty station Hanoi. It is estimated that they need to allocate three (3) working days for this task.
- Data analysis and reporting ~ 16 working days: based on the dataset collected from fieldwork, the legal experts will work with other members of the research team.

3.3 Duration of the assignment, duty station and expected places of travel

In line with the above-mentioned methodology, each legal expert will be engaged to approximately 56 working days in this assignment. The experts are expected to work in Hanoi with travel to one province in Northern of

Viet Nam (for pre-test of the questionnaire) during the assignment.

Accordingly, each national expert should make his/her own estimate of the time taken to complete the assignment in line with this TOR and his/her technical proposal, and use this estimate as the basis of financial proposal to be submitted

4) RESPONSIBILITIES AND EXPECTED OUTPUTS

Performance of the legal experts will be evaluated against the responsibilities and expected outputs set forth below.

Stage 1: Validation of the research’s concept, methodology and informant sampling and data collection approach

- Output 1.1: The research’s concept and methodology developed
- Output 1.2: Focus group discussion organized to generate and validate ideas for building questionnaire
- Output 1.3: Training materials developed in collaboration with survey experts
- Output 1.5: Survey’s questionnaire refined taking into account results and lessons learnt from the pre-test

Stage 2: Fieldwork (face-to-face interview) conducted in all 63 provinces of Viet Nam for data collection

Legal experts will not be responsible for the fieldwork.

Stage 3: Data processing conducted and primary findings consulted with stakeholders

- Output 3.1: Data analysis, draft report with initial findings consulted with key stakeholders

Stage 4: Research report finalized for circulation

- Output 4.1: Incorporating stakeholders’ comments, research report finalized for circulation
- Output 4.2: Upon completion of the assignment, the legal experts to submit an individual expert report which inclusively covers (i) suggestions for adjustments in terms of research’s concept, methodology, data analysis and presentation of the research’s findings and recommendations; (ii) lessons learnt from the research; and (iii) recommendations to be taken forward by UNDP and the VLA.

5) INDICATIVE TIMELINE OF THE ASSIGNMENT

Timeframe for this assignment will be 12 months starting from May 2012 to June 2013 in line with the implementation stages of the research (see Section 4 above) and suggested timeline below.

Event	Deadline	Key Deliverables/Outputs
RFP published on UNDP website	March 2012	
Award of contract to successful legal experts	End of April 2012	Contract signed
Submission of detailed work-plan	Early May 2012	Detailed Work-Plan submitted to UNDP/VLA
Validation of the research’s concept, methodology, sampling and data collection approach (Stage 1)	Mid August 2012	Research concept and methodology refined; Pre-test of questionnaire organized; Survey questionnaire refined and ready for fieldwork;
Data processing conducted and primary findings consulted with stakeholders	End of April 2013	Draft report with initial findings consulted

(Stage 3)		with key stakeholders
Research report finalized for circulation (Stage 4)	May 2013	Final research report ready for circulation
Completion of the assignment	30 June 2013	Individual expert's report submitted to UNDP/VLA

According to the above timeline, interest experts shall develop a proposal with detailed and feasible plan on how to carry out the assignment.

6) QUALIFICATION OF THE LEGAL EXPERTS

National legal experts who are interested at the assignment should meet the following minimum requirements:

- Postgraduate degree in law or political sciences, public administration or related fields;
- At least 10 years experience in empirical research and expertise in law and local governance;
- A strong publications record, preferably in participatory action research;
- Proven competence in using statistics software for data analysis, in particular, competence in using statistics software;
- Proven interpersonal and team-work skills;
- Proven command of spoken and written English language;

In addition, interested experts shall include one (1) sample publication in their submission.

7) REFERENCE DOCUMENT

Interested bidders may find the following references useful:

- Report “Measuring Citizen’s Perception and Experience on Justice: Findings and Recommendations from a Three Province Pilot” as attached.
- The Viet Nam Provincial Governance and Public Administration Performance Index (PAPI) 2010: Measuring citizen’s experiences
http://papi.vn/sites/default/files/docs/PAPI2010_ENG_6_CHAPTER3_Methodology.pdf

8) PROVISION OF MONITORING AND PROGRESS CONTROLS

8.1 The legal experts will be accountable to UNDP on the timeliness and quality of the assignment’s outputs. During the implementation of the research project, the experts will report to UNDP/VLA on the work-progress on a regular basis as well as will submit drafts of TOR-required deliverables to UNDP and VLA for discussion and comment.

8.2 Monitoring and progress controls:

- Upon contract signing, the legal experts shall work closely with UNDP officer in charge to discuss and agree on the task requirements and working methodology;
- UNDP and the relevant stakeholders will review and comment on the experts’ required outputs/deliverables as specified in this TOR;
- UNDP shall monitor and disburse instalments according to the payment milestones set out in Section 9 below.

9) PAYMENT TERM

UNDP shall effect payments to the successful contractor upon UNDP's satisfaction with expected deliverables set forth in Section 4 above and in line with the following payment milestones:

Milestone	Installment	Deliverable
1 st payment	20% of contract value	Upon receipt and acceptance of the research's detailed work-plan
2 nd payment	30% of contract value	Upon receipt and acceptance of refined research's concept, methodology, and final questionnaire for interviewing respondents
3 rd payment	25% of contract value	Upon completion of data analysis and available of the draft report of the research
Final payment	25% of contract value	Upon UNDP's satisfaction of final research report, and submission of the individual expert's report.