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TERMS OF REFERENCE (TOR)

TITLE:	Empirical Study to Measure Justice based on Citizen's Experience in Viet Nam ('Justice Index')
PROJECT	Legal Empowerment through Support to the Vietnam Lawyers' Association (Project 68222)
DURATION	January – September 2015
DUTY STATION:	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 on LSDS) and the Judicial Reform Strategy (Resolution 49). Key principles for undertaking reforms are denoted in these strategies, among others, to ensure:

- “The 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

The National Steering Committee for Judicial Reform (NSCJR) was established and tasked to coordinate and advance reform in judicial sector in 2005. In order to assess pace of the reform, obstacles and to indentify priorities for achieving the reform targets by 2020, the Committee has commissioned two assessments of the implementation of Resolution 49, a five-year review in 2010 and an eight-year review in 2013. As outcome of the second review, the Central Party Committee issued Conclusion 92-KL/TW, giving guidance to continue the Strategy implementation and the preparation for an overall scheme to renovate the operation and functions of judicial institutions in the period of 2016-2020.³

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 Conclusion n0.92-KL/TW, dated 12 March 2014, of Central Party Committee on continuation of the Resolution 49 implementation.

The NSCJR's assessments involved all central agencies and Provincial Steering Committees for Judicial Reform, which mainly relied on internal report and self-assessment of central institutions and local governments.⁴ Results of these reviews clearly demonstrate that in absence of an effective mechanism for monitoring activities related to justice sector reform—in particular public feedback on performance of justice institutions and officials at all hierarchies—challenges remain with the NSCJR in two fronts: build consensus for change, and increase public confidence in justice institutions.

To produce evidence-based analysis and policy recommendation, policy makers and researchers are searching for objective sources of information and independent assessments, in particular, information which captures public opinions, including private enterprises and individuals from all walks of life. Over the past 10 years, there are outstanding efforts to gauge public opinions in regulatory framework and local governance. For examples: the *Provincial Competitiveness Index (PCI)*⁵ is designed to assess the ease of doing business, economic governance, and administrative reform efforts by local governments, using data of a nationwide survey of domestic firms and foreign invested enterprises about local economic governance and the business environment. The *Provincial Governance and Public Administration Performance Index (PAPI)*⁶ aims to support transparency, enlarge the 'space' for citizen participation in policy planning, implementation, and monitoring, and to expand the pool of quantitative data available for policy formulation and improvement. Through annual surveys since 2011, it captured and reflected the experiences of nearly 50,000 citizens across 63 provinces and cities in Viet Nam.

In measuring justice, experiments have been made to assess public awareness to legal information and mechanisms for dispute resolution, notably *Access to Justice* surveys commissioned by UNDP in 2004 and 2010. In 2011, an empirical study on distributive justice in Viet Nam has been launched in partnership between Vietnam Lawyers' Association (VLA) and UNDP, which aims to expand the evidence base for justice sector's policy making, implementation and monitoring. Following a pilot survey carried out at 3 provinces in 2011, the study in 2012 expanded the coverage to 21 provinces, measuring the extent to which the state and its administrative units adhere to the pledge of promoting justice, equality and non-discrimination to the people. As results, the *Justice Index: Assessment of Distributive Justice and Equality from a Citizen-based Survey in 2012* (2012 Justice Index) was published in October 2013. This is the first empirical justice index in Viet Nam directly informed by opinions of over 5,000 respondents across 21 surveyed provinces.

Building on the 2012 Justice Index, VLA and UNDP will continue to support the creation of a sustainable mechanism of using public opinions to stimulate policy changes and to monitor performance of justice institutions. The empirical study on distributive justice will be continued, aiming to strengthen the quantitative methodology of Justice Index and explore how best to broaden its scope to ensure the greater inclusiveness and participation.

Under this Terms of Reference (TOR), UNDP Viet Nam and the VLA are calling for **technical and financial proposals from local NGOs or national consultancy firms that can join VLA and UNDP** in executing a new round of Justice Index in accordance with objectives, expected outputs and other requirements as specified herewith.

⁴ Report no.35-BC/CCTP of National Steering Committee on Judicial Reform on assessment of 8-year implementation of Resolution 49 and Judicial Reform Strategy, dated 12 March 2014.

⁵ <http://eng.pcivietnam.org/>.

⁶ <http://papi.vn/en/>.

2) OBJECTIVES

2.1. Main objective

To measure the provincial performance in guarantee of justice, equality and non-discrimination to the people living in the respective province, basing on opinions and feedback of citizens from all provinces and cities in Vietnam.

2.2. Specific objectives

- To strengthen the Justice Index constructed in 2012 (based on a set of indicators and methodology) and explore the best option to broaden its scope toward increased participation and inclusiveness;
- To collect data through conducting surveys in all provinces and cities of the country to gauge experiences of citizens with the local justice system, which enables the construction of the Justice Index;
- To produce a comprehensive report on: (i) methodology, (ii) data-collection, (iii) analysis and assessment of justice performance by province, and (iv) recommendations for policy makers and users of the Justice Index as an instrument for policy formulation and monitoring.

The Justice Index is expected to serve as a tool that supports and complements national efforts in advancing the judicial reform and expanding the evidence base for monitoring performance of justice institutions by all stakeholders in the society.

3) SCOPE OF WORK AND METHODOLOGY

3.1 Scope of the research

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

In particular, the Justice Index will ensure the coverage of three domains of law and justice, including:

- Accessible law and public awareness
- Institutional performance
- Protection of rights in practice

The three domains will be assessed against different areas to be considered and identified, but focusing on five dimensions as accessibility; equity; integrity; reliability and efficiency; and guarantee of fundamental rights.

3.2 Methodology

- The successful Local Service Contractor will work under the supervision of UNDP Viet Nam (Governance and Participation Unit respectively) and the VLA during the research to strengthen the quantitative methodology, set of indicators and approaches to data collection in measuring citizen's experiences with local justice institutions.
- Suggested research methods will include

1. *Desk review* of published and accessible documents and publications on the matters under research or relevant issues for secondary data;
 2. *Interviews and focus group discussions* with citizens at large within the scope and coverage of the research for primary data; and,
 3. *Case studies* on thematic issues which help shed lights on administration of justice at selected localities with distinct geographical and demographic characteristics.
- Details of survey methodology and approach used in 2012 Justice Index can be found in reference documents in Section 7, which prioritize:
 - multistage probability sampling for household respondents;
 - household survey to be carried out in form of a face-to-face interview, using a same set of questionnaire as survey instrument;
 - The contractor in collaboration with two researchers (to be recruited separately, see Section 7 for TOR of the external researchers) shall have to:
 - generate necessarily primary information which will be used to develop into a set of indicators for measuring citizen’s experience of justice at provincial level;
 - use a set of questionnaire—developed by legal expert to interview household-based informants, and ensure that ordinary informants can meaningfully engage with the survey instrument;
 - In addition to the contractor’s core team of senior experts that will be responsible for the timeliness and quality of the outputs mentioned in Section 3 above, the contractor will need to formulate an Advisory Board whose role is to provide quality assurance of the index. This advisory group will be composed of national senior experts in the field of study and will be selected based on their proven expertise and relevance in designing, implementing and participating in this type of exercise.

3.3 Sampling requirements for data collection

- Sampling for citizens’ experience and feedback research shall be based on the mobilization of respondents from a wide range of demographic backgrounds.
- In 2012 Justice Index, a standard sample size of three (3) districts per province, two (2) communes per district, two (2) villages per commune; and a population size of 180 persons per province randomly selected is strictly followed in the sampling process. However, interested bidders are encouraged to propose alternate option(s) for sampling as long as it serves the research’s objectives.
- Interested bidders in their technical proposals have to ensure the target population and locations for fieldwork to be selected as based on objective and robust justification standards in accordance with the suggested sample size.

4) RESEARCH PROCESS AND EXPECTED OUTPUTS

The research project, according to this TOR, and under the supervision of UNDP and the VLA, shall be undertaken in four (4) stages specified below:

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

- Output 1.1: The research's concept and methodology refined on the basis of collaboration among a team of the contractor's experts, two independent researchers brought in by VLA/UNDP, and UNDP Programme Officer on Rule of Law and Access to Justice.
- Output 1.2: Survey methodology, set of indicators, sampling and data collection approaches refined to ensure evidence-based, objectivity, reliability and quality of the research's outputs.
- Output 1.3: Training materials developed and necessary training to survey monitors and enumerators conducted.

Stage 2: Fieldwork (face-to-face interview) conducted for data collection

- Output 2.1: Survey conducted following a standard sample size of: three (3) districts per province, two (2) communes per district, two (2) villages per commune; and a population size of 180 persons per province randomly selected. In line with Section 3.3 on sampling requirements, the sample size can be subject to an alternate option which is agreeable between UNDP and the contractor.
- Output 2.2: Brief field reports sent to UNDP/VLA upon the completion of fieldwork in one third of the provinces/cities, and two third of the provinces/cities.
- Output 2.3: Cleaned and certified set of primary data in both English and Vietnamese collected from all provinces and cities. The primary data is entered into a dataset for inventory and analysis.

Stage 3: Data processing and public consultation of the primary findings and policy recommendations

- Output 3.1: Data analysis, construction of the index in collaboration with two independent researchers and UNDP Programme Officer on Rule of Law and Access to Justice.
- Output 3.2: The research's initial findings and policy recommendations consulted with key stakeholders, the consultation organized in coordination with UNDP and the VLA.

Stage 4: Research report finalized for circulation

- Output 4.1: Research report co-authored by the team of experts finalized and published.

Upon completion of the research study, the contractor will submit to UNDP and VLA a completion report which covers (i) suggestions for adjustments in terms of survey methodology, data processing and analysis; (ii) lessons learnt in particular constrains and difficulties confronted by surveyors in seeking citizens' perspectives and feedback during fieldwork, and (iii) recommendations for quality assurance of the research's process and outcome.

5) INDICATIVE TIMELINE

The research timeframe will be nine months starting from January to September 2015 in line with the implementation stages of the research (see Section 4 above) and the indicative timeline suggested below.

Event	Deadline	Key Deliverables/Outputs
Procurement of Local Service Contractor	Nov-Dec 2014	Service contract signed.
Stage 1: Validation of the research's concept, methodology, sampling and data collection approach	Jan-Mar 2015	Concept and methodology of the empirical research study refined; Survey instrument finalized and ready for fieldwork.
Stage 2: Fieldwork conducted for data collection	Mar-May 2015	Fieldwork completed at all provinces/cities; certified set of primary data in both English and Vietnamese submitted to UNDP/VLA.
Stage 3: Data processing and public consultation	Jun-Aug 2015	Construction of index completed, initial findings and recommendations consulted with key stakeholders.
Stage 4: Research report finalized and published	Aug-Sep 2015	Co-authored research report ready for circulation.
Completion of the research	Sep 2015	Contractor's completion report with all required supporting documentation submitted to UNDP/VLA.

According to the above indicative timeline, interest bidders shall develop a proposal with detailed and feasible plan on how to carry out the research in line with the research objectives, expected outputs and other requirements set forth in this TOR.

6) COMPOSITION OF THE RESEARCH TEAM

Interested bidders shall suggest the composition of the team to ensure sufficient personnel competencies to carry out and control the quality of the research project.

It is stressed, however, that the following core team of experts of any interested bidders must include, but not be limited to, one lead senior expert, one senior expert and one statistician.

The core team of experts should meet the requirements in the evaluation table in the RFP:

- Postgraduate degrees in social sciences, economics, political sciences, public administration or related fields;
- Proven experience in empirical research on and expertise in democratic governance, judicial reform, human rights and public participation;
- Proven record of experience in participatory action research;
- Proven competence in using statistics software for data analysis (competence in using STATA statistics software preferred);
- Proven interpersonal and team-work skills;
- Proven command of written English and Vietnamese languages.

For quality control, interested bidders shall assign a qualified field controller to monitor the rolling out of fieldwork and data collection.

It is required that interested bidders commit to providing adequate human and logistical resources for fieldwork and administrative support for the research to be conducted successfully. In their proposals, it is expected that methods to mobilize survey enumerators and mechanism to quality control are clearly articulated.

In addition, interested bidders shall include one (1) sample publication that involves the core team, or one sample publication by one member of the suggested core team enclosed to their CVs for tender assessment.

7) REFERENCE DOCUMENT

Interested bidders may visit UNDP Vietnam website to find the reference documents below:

- 2011 Report “Measuring Citizen’s Perception and Experience on Justice: Findings and Recommendations from a Three Province Pilot”,
http://www.vn.undp.org/content/vietnam/en/home/library/democratic_governance/Measuring-citizens-perception-and-experience-on-justice-Findings-and-recommendations-from-a-three-province-pilot.html.
- 2013 Report “Justice Index: Assessment of Distributive Justice and Equality from a Citizen-based Survey in 2012”,
http://www.vn.undp.org/content/vietnam/en/home/library/democratic_governance/justice_index_report.html.

In addition, TORs for quantitative methodology expert and legal expert can be found as Annex of this TOR.

8) PROVISION OF MONITORING AND PROGRESS CONTROLS

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

Given the bidder shall team up with the international expert on quantitative methodology and the legal expert (see TOR in Section 7) during the research and vice versa, the bidder as well as each independent expert are responsible for the tasks specified in their respective TOR, at the same time, they are jointly responsible for the final product of this research project. The bidder takes lead on survey, information collection, while international expert is responsible for quantitative methodology and national expert leads the questionnaire construction.

8.2 UNDP and VLA will provide the following support where deemed appropriate:

- Substantive inputs in and quality control of deliverables;
- Arrangement of introduction letters and/or requests for meetings/interviews upon request;

8.3 Monitoring and progress controls:

- The contractor report to UNDP officer in charge, Programme Officer on Rule of Law and Access to Justice;
- Upon contract signing, the contractor shall agree on the detailed tasks , survey plan and timeline with UNDP/ VLA;
- UNDP/VLA and the relevant stakeholders will review and comment on the contractor’s required outputs/deliverables as specified in this TOR;
- The contractor to reflect the comments and submit revised output(s) and report(s) for consideration;
- UNDP/VLA shall monitor every stage of the research project and evaluate every stage’s outputs/deliverables as described in the Section 4 of this TOR;
- UNDP shall disburse instalments to the contractor against the payment milestones set out in Section 9 below. Each payment shall be made upon UNDP/VLA’s satisfaction with the deliverables.

9) PAYMENT TERMS

UNDP shall effect payments to the successful contractor upon UNDP/VLA’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	10% of contract value	Upon receipt and acceptance of detailed workplan.
2 nd payment	30% of contract value	Upon receipt and acceptance of refined methodology and approach for data collection (end of Stage 1).
3 rd payment	30% of contract value	Upon receipt and acceptance of the field report upon completion of fieldwork in 21 provinces/cities.
4 th payment	20% of contract value	Upon receipt and acceptance of a cleaned dataset for data analysis and reporting (end of Stage 3).
Final payment	10% of contract value	Upon publication of the research report and submission of contractor’s completion report to UNDP/VLA (completion of the research).