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TERMS OF REFERENCE (TOR)

TITLE:	National legal expert on quantitative methodology for “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

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 identify 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

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

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.

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 international senior experts/researchers who are interested at joining our research team of the selected consulting firm in executing a new round of Justice Index in accordance with objectives, expected outputs and other requirements as specified herewith. In this research project, the international researcher will team up with a research team to be engaged outside the scope of this TOR.

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 Overall 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 Viet Nam.

2.2 Specific objectives

One national legal expert will be engaged to

- Work effectively with other members in the research team and under supervision of UNDP Viet Nam (Governance and Participation Unit respectively) and the VLA to design the concept, indicators and methodology to gauge people's perception and experiences on justice across all provinces and cities in Viet Nam;
- 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;
- Lead the construction of the survey questionnaire and instrument which will be executed by the research team in coherence with the designed concept and methodology;
- Participate, under the supervision of international expert on quantitative methodology, on data analysis and construction of the index;
- Produce a comprehensive report jointly with the research team, in particular, responsible for parts relate to: (i) analysis and assessment of justice performance by province; and (ii) 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 work

In general, 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 legal expert will work with other members of the research team and under the supervision of UNDP Viet Nam (Governance and Participation Unit respectively) and the VLA to strengthen the quantitative methodology, set of indicators, approaches to data collection, construction of the Justice Index and presentation of the research's findings and policy recommendations.

The total number of working days is estimated as 52 days. More specifically, the legal expert is expected to be engaged in the following tasks:

- Desk review on law and justice in Viet Nam ~6 working days: the legal experts will generate necessarily primary information to strengthen the research concept in line with the country's development context.
- Construct the survey questionnaire and instrument ~12 working days: the legal expert to lead the questionnaire construction in collaboration with other research team members. In 2012 Justice Index, a set of questionnaire was developed, which will be subject to review and refinement.
- Attend fieldwork in one province ~ 4 working days: the legal expert to observe fieldwork at one province and provide feedbacks to UNDP/VLA for possible improvement both on the survey instrument, operation and quality control.
- Data analysis and index construction ~ 16 working days: based on the dataset collected from fieldwork, the legal expert will work under supervision of international expert on quantitative methodology, using the cleaned and certified dataset synthesized from fieldwork.
- Write up the research report in collaboration with the research team, in particular, responsible for parts on (i) analysis and assessment of justice performance by province, and (ii) policy recommendations ~ 12 working days.
- Join UNDP/VLA and other experts to present the research's findings and recommendations ~ 2 working days.

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

In line with the above-mentioned methodology, the legal expert will be contracted with approximately **52 working days** for this assignment. Most of the time, s/he will work in Hanoi, except for the time dedicated to attend survey operation at one province (about 4 working days) during the entire research process.

Accordingly, the 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 to UNDP.

4) RESPONSIBILITIES 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. At each stage, performance of the legal expert will be evaluated against the responsibilities and expected outputs set forth below.

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

- Output 1: The research's concept and methodology strengthened in collaboration other members of the research team brought in by UNDP/VLA to ensure evidence-based, objectivity, reliability and quality of the research's outputs.
- Draft survey questionnaire and instrument submitted to UNDP/VLA for validation.

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

- Output 2: Prior the fieldwork, to provide substantive inputs to sampling, draft survey instrument under the supervision of international expert on quantitative methodology.
- During the fieldwork, the legal expert to attend the fieldwork's operation at one province and report back to UNDP/VLA on lessons learned and suggestions to continue improve the survey instrument, operation and quality control.

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

- Output 3: Data analysis, construction of the index in collaboration with other members of the research team, under the supervision of international expert on quantitative methodology.
- On public consultation: the legal expert is expected to join other members of the research team in presenting the research's initial findings and policy recommendations to key stakeholders in Viet Nam.

Stage 4: Research report finalized for circulation

- Output 4: Research report co-authored by the team of experts finalized and published. The expert is responsible for quality and timely submission of part of the report as divided and agreed among the research team.

Upon completion of the assignment, the legal expert to submit an individual expert report which provides (i) suggestions for possible adjustments 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

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	Nov-Dec 2014	Service contract signed.
Stage 1: Validation of the research's concept, methodology, sampling and data collection approach	Jan-Mar 2015	Draft survey questionnaire and instrument submitted to UNDP/VLA for validation.

Stage 2: Fieldwork conducted for data collection	Mar-May 2015	Prior the fieldwork, to provide substantive inputs to sampling, draft survey instrument. During the fieldwork, to attend the fieldwork's operation at one province and report back to UNDP/VLA on lessons learned and suggestions to continue improve the survey instrument, operation and quality control.
Stage 3: Data processing and public consultation	Jun-Aug 2015	Data analysis, construction of the index in collaboration with other members of the research team. Join other members of the research team in presenting the research's initial findings and policy recommendations to key stakeholders.
Stage 4: Research report finalized and published	Aug-Sep 2015	Quality and timely submission of part of the report in charge (as agreed among the research team). Co-authored research report ready for publication. Submission of an individual expert report to provide (i) suggestions for possible adjustments 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.

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

6) QUALIFICATION

National legal experts who are interested at the assignment should meet the requirements in the evaluation table below.

1. Consultant's experiences/qualification related to the services		Max. Points
1	Strong professional background (academic and experience) in relation to law or political science, public administration or related fields, including advanced degree and at least 10 years' professional experience.	200
2	Demonstrated track record in research or other writing on measurement and governance analysis on public and justice sector	200
3	Proven competence in using statistics software for data analysis, in particular, competence in using statistics software	150

4	Quality of writing sample submitted (both in terms of style and substance)	200
5	Demonstrated expertise in law and local governance with emphasize on empirical study and participatory action research	150
6	Proven command of spoken and written English language	100
	TOTAL POINT	1000

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

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 the survey team and independent legal expert can be found as Annex of this TOR.

8) PROVISION OF MONITORING AND PROGRESS CONTROLS

8.1 The legal expert will be accountable to UNDP/VLA on the timeliness and quality of the deliverables.

During the implementation of the research, the expert 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.

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

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

8.3 Monitoring and progress controls:

- Upon contract signing, the expert shall work closely with UNDP Programme Officer in charge to discuss and agree on the task requirements and working methodology;
- UNDP/VLA and the relevant stakeholders will review and comment on the expert’s required outputs/deliverables as specified in this TOR;
- The expert 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 expert's contract 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 TERM

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	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 final questionnaire to be ready for fieldwork
Final payment	50% of contract value	Upon satisfaction of final research report, and submission of the individual expert's report.

Annex: TORs of the research team and international expert.