

**TERMS OF REFERENCE**

**Title of the post:** National Consultant to develop a guidance document on strengthening access to justice for survivors of violence

**Organizational Section/Unit:** UNODC Country Office in Viet Nam

**Duty station**: Ha Noi and home-based

**Duration**: November 2021 – March 2022 (25 working days in total)

**Type of contract**: Individual Contract

**1) BACKGROUND INFORMATION**

Violence against women and girls is one of the most universal and pervasive human rights violations in the world. Violence against women and girls takes on many forms, including intimate partner violence; gender-related killing (also referred to as femicide); non-partner sexual violence; sexual harassment in the workplace, other institutions and in public spaces; trafficking for the purposes of sexual exploitation and other forms of forced labour; female genital mutilation. Violence against women can be condoned by the State; and is widely prevalent in conflict situations. The prevalence rates for some forms of violence are better documented than others, however from the data available for certain forms of violence, it is evident that violence against women is a global problem of alarming proportions. The most recent estimates by the WHO and the London School of Hygiene and Tropical Medicine (2013) show that the global prevalence of physical and/or sexual intimate partner violence and non-partner sexual violence is 1 in 3 (35%). The majority of this violence is that by intimate partners which affects about 30% of women globally.

In Viet Nam, according to the national survey on domestic violence conducted in 2010 by the General Statistics Office, the data showed that approximately 87% of domestic violence victims did not seek help from public services or other competent authorities. They only sought help when violent act has become extremely serious. At the same time the survey results also showed that 60% of victims have heard about the Law on Domestic violence prevention and control, but they did not understand the detailed provisions of the Law.

Violence against women and girls not only affects physically, mentally its victims, but also leads to enormous economic cost to family and society. Violence is the cause of constraining economic growth and increasing poverty rate in the country. According to research results “Estimating the cost of domestic violence against women in Vietnam” published by the United Nations in 2012, a crude estimation for the economy as a whole suggests that both out of pocket expenditures and lost earnings represent nearly 1.41% of the GDP in Vietnam in 2010. More importantly, an estimate of the total loss of labor productivity accounted for 3.19% of the GDP in Vietnam in 2010. Gender-based violence also forces to have significant impact on the mount social cohesion and resilience of communities, which continue to hamper economic growth and increasing poverty rate. The causes of gender-based violence stem from gender inequality, gender stereotypes, respecting the dominance of men as well as lowering the role and position of women and girls.

The judiciary plays a critical role in the criminal justice response to violence against women and girls. It is uniquely placed to ensure that relevant criminal laws, including those relating to gender-based violence are interpreted through the lens of international standards and norms; are effectively enforced; protect women and girls from violence, including from the recurrence of violence; hold perpetrators accountable; and provide effective reparations for victims. However, judges come to the bench with their built-in and often strongly-held set of values and therefore have a duty to ensure that possible prejudices and harmful gender stereotypes do not influence proceedings or undermine gender-based violence victims’ credibility. Judges are in a position to manage their courtrooms in a way that addresses biases leading to victim-blaming, disbelief or mistrust in the victim’s story and ultimately, putting the victim on trial. As final arbitrators, judges have the power to protect abused women and girls, punish offenders and send a clear message to the community that such violence is not tolerated.

As part of UNODC's efforts to develop capacity for law enforcement and justice officers to prevent and respond to gender-based violence, UNODC plans to support the Vietnamese government in developing a guidance document in strengthening access to justice for survivors of violence.

The overall goal of this activity is to increase and facilitate access to justice for gender-based violence victims and have a more accountable and effective criminal justice system, specifically targeted on gender-based violence cases.

**2) OBJECTIVES OF THE ASSIGNMENT**

The overall aim of this consultancy is to develop a a guidance document in strengthening access to justice for survivors of violence.in Viet Nam, with focus on domestic violence and sexual violence.

**3) SCOPE OF WORK**:

Under the direct supervision of the UNODC Programme Specialist who acts as the UNODC focal point in the area of Violence against Women at UNODC Viet Nam, the consultant will be responsible for:

• Drafting a guidance document for the Vietnamese judicial officers on strengthening access to justice for survivors of violence against women and girls

• Collecting feedbacks on the draft guidance document from law enforcement, justice officers, experts and other relevant stakeholders

• Revising and finalizing the draft guidance document based on comments provided by stakeholders.

**4) DURATION OF ASSIGNMENT, DUTY STATION AND EXPECTED PLACES OF TRAVEL**

A maximum of **25 working days** from November 2021 – March 2022**.**

Duty station: Ha Noi and home-based

Note: It is understood that the consultant would not hold UNODC responsible for any unforeseen or untoward incident during the duration of the consultancy. It is recommended that the consultant secure his/her own insurance coverage during the conduct of the consultancy.

**5) FINAL PRODUCTS**

The guidance document for the Vietnamese judicial officers on strengthening access to justice for survivors of violence against women and girls adopted by the Supreme People’s Court.

**6) PROVISION OF MONITORING AND PROGRESS CONTROLS**

The consultant will work under the guidance of the UNODC Programme Specialist based in Viet Nam.

**Indicators to evaluate the consultant’s performance:**

All the outputs should meet the satisfaction of UNODC (as assessed by) according to the following

indicators:

o Quality of the deliverables

o Technical competence

o Timeliness of the delivery

**7) DEGREE OF EXPERTISE AND QUALIFICATIONS**

**Advanced university degree in law and/or criminology. Work Experience**

✓ Minimum of 15 years of professional experience working in the criminal

justice sector in Viet Nam

**Specific Professional Knowledge and Experience**

✓ Knowledge of the Vietnamese legal system and the gender-based

violence situation in Viet Nam is required;

✓ Knowledge of and exposure to work in the field of adjudicating violence

against women in Viet Nam;

✓ Demonstrated experience in developing legal documents or handbooks for the judicial officers in Viet Nam;

✓ Knowledge and appreciation of UNODC goals and work processes;

✓ Excellent writing and presentation skills;

✓ Excellent interpersonal, communication, and organizational skills;

✓ Cultural and gender sensitivity are required.

**Other Skills**

✓ Demonstrated experience working within the context of technical

assistance projects

✓ Ability to work with minimum supervision.

✓ Ability to communicate effectively across different constituencies.

**8) REVIEW TIME REQUIRED AND PAYMENT TERMS**

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| 1st payment: 50% after submission of the first draft of the guidance document for the Vietnamese judicial officers on strengthening access to justice for survivors of violence against women and girls /  2nd payment: 50% after submission of the final draft of the the guidance document for the Vietnamese judicial officers on strengthening access to justice for survivors of violence against women and girls approved by the Supreme People’s Court.  **9) EVALUATION CRITERIA WITH ASSIGNED SCORES**   |  |  |  | | --- | --- | --- | |  | **Criteria** | **Maximum Point** | | 1 | Advanced university degree (Master degree) in law and/or criminology | 200 | | 2 | Minimum of 15 years of professional experience working in the criminal justice sector in Viet Nam | 200 | | 3 | Knowledge of the Vietnamese legal system and the gender-based violence situation in Viet Nam | 200 | | 4 | Knowledge of and exposure to work in the field of adjudicating violence against women in Viet Nam | 200 | | 5 | Demonstrated experience in developing legal documents or guidance documents for the judicial officers in Viet Nam | 200 | |  | TOTAL | 1000 | |