

TERMS OF REFERENCE

National Individual Consultant

**Ref#:** Enter Ref #

|  |  |
| --- | --- |
| **Name of service:** | Research report on international good practices in implementing recommendations under the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment |
| **Project:** | Strengthening Inclusion through Innovation in Governance |
| **Reporting to:** | The Governance and Participation Unit of UNDP |
| **Duty Station:** | Home-based with travel to Ha Noi | **Travel Required:** | Yes  |
| **Duration of Assignment:** | From December 2021 to March 2022 |
| **Start Date:** | 12/30/2021 | **End Date:** | 3/31/2022 |

# BACKGROUND & PROJECT DESCRIPTION

*The ratification of CAT and its significance for Viet Nam*

Ratification: Viet Nam signed the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), one of the nine core international human rights treaties, on November 7, 2013 and ratified it on November 28, 2014. On March 7, 2015, CAT entered into force in the country. The Department of Legal Affairs and Administrative Justice Reform under the Ministry of Public Security (DLA) of Vietnam is responsible for CAT implementation.

Obligation of Vietnam: Ratification of CAT requires Viet Nam to implement their treaty obligations, including the review and revision of relevant laws and regulations, specifically those on freedom from torture and other cruel, inhuman or degrading treatment or punishment, to be more consistent with the Convention and universal standards of international law on human rights. In recent years, Vietnam has committed to revise its legislation and policies in areas related to the Convention, including The Law on Human Trafficking, the Law on Vietnamese Nationality, the Law on Enforcement of Custody and Temporary Detention, the Law on Legal Aid, and the Criminal Code as well as the Criminal Procedure Code.

Opportunities for Vietnam: created opportunities for self-assessment, review and evaluation to ensure compliance of their legislation, policy and practice with their human rights obligations opportunity, and also from being a one-off engagement every few years to an on-going, cyclical assessment, improving the human rights situation in Vietnam

*Status of Reporting with Viet Nam*

Ratifying the CAT also means Viet Nam has the obligation to comply with reporting requirements to the UN Committee Against Torture (Committee) and following up on the Committee’s recommendations and decisions.

Viet Nam’s first national report on the implementation of the UN Convention against Torture was submitted to the Committee on 2017, which was led by the Ministry pf Public Security (MPS). Following that, the Committee examined the initial report of Viet Nam and adopted Concluding Observations with specific recommendations for Vietnam in 2018, to which Viet Nam has responded on Oct 2020 with a report on follow-up to Concluding Observations.

Viet Nam was also review under the International Covenant on Civil and Political Rights by the Human Rights Committee in 2019, led by the Ministry of Justice, with certain concluding observations and recommendations accepted by Viet Nam are related to combatting torture. Viet Nam was also reviewed under the Universal Periodic Review process, or UPR, in Geneva in 2019, which resulted in Viet Nam accepting recommendations from other Member States related to combatting torture. Taken together, Viet Nam’s engagement with these international human rights reporting mechanisms demonstrates the government’s commitment to implement the CAT and ICCPR, which is important to coordinate efforts to implement the Concluding Observations of the Committee.

*Work of UNDP*

In 2018, UNDP has supported MPS in the preparation for the Committee Against Torture’s review of Viet Nam’s initial national report by co-hosting a mock review session, and engaging former Committee member, Mr. George Tugushi, an expert in the field of combatting torture. Building on previous and existing relationships and projects, UNDP is looking to continue supporting MPS in the following up to the review, including possible development of a Action or Master Plan to implement the recommendations made by the Committee. UNDP is also looking to support the implementation of key accepted recommendations where the MPS is the lead agency in charge of implementation under the Decision no. 1975 of the Prime Minister on approving the UPR Master Plan and the Decision no. 1252 of the Prime Minister on approving the ICCPR Master Plan.

Under the project *Strengthening Inclusion through Innovation in Governance*, UNDP, in collaboration with DLA commissions an international consultant and a national consultant to conduct a research report on good practices from other countries in their implementation of CAT especially experiences in drafting and promulgating a nationwide plan to assign tasks, indicators and timelines for responsible agencies, to inform a draft detailed outline of the National Master/Action Plan on CAT of Vietnam.

**This TOR is for National Consultant (NC)**

# ObjectiveS

To introduce good practices from other countries in their implementation of CAT especially experiences in drafting and promulgating a nationwide plan to assign tasks, indicators and timelines for responsible agencies, to inform a draft detailed outline of the National Master/Action Plan on CAT of Vietnam.

# SCOPE OF WORK

The successful consultant will be expected to be responsible for the following:

1. Deliverables & Implementation Timeline

Language of deliverables to be in Vietnamese and English

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| --- | --- | --- | --- |
| **No.** | **Deliverable** | **Estimated days to complete** | **Target due date** |
| 1 | Outline of the research report | 1 | 1/2022 |
| 2 | Desk research: Coordinate IC to conduct research and draft a report on good practices of other countries in implementing CAT | 4 | 1/2022 |
| 3 | Desk research: Coordinate IC to conduct research on good practices of other countries drafting and promulgating a nationwide plan to assign tasks indicators and timelines for responsible agencies | 3 | 1/2022 |
| 4 | Desk research and translation: Select and translate to Vietnamese language three national master/action plans of three countries to include in the research report; provide reasons for the selection. | 3 | 1/2022 |
| 5 | Editing draft research report pre consultation workshop  | 1 | 1/2022 |
| 6 | Attend and present at the one day consultation workshop in Ha noi | 1 | 2/2022 |
| 7 | Revise the research post consultation workshop for submission. | 1 | 3/2022 |
|  | Total | 14 |  |
| **Final product:**A research report (in both English and Vietnamese) on good practices from other countries in their implementation of CAT, especially experiences in drafting and promulgating a nationwide plan to assign tasks, indicators and timelines for responsible agencies, to inform a draft detailed outline of the National Master/Action Plan on CAT of Vietnam.  |

# Duration of Assignment, Duty Station & Expected Places of Travel

**Estimated number of working days**: 14 working days from 12/30/2021 to 3/31/2022.

**Duty station**: Home-based with travel to Ha Noi for the consultation workshop.

**Expected places of travel**: Hanoi (1 working day)

# PROVISION OF MONITORING & PROGRESS CONTROL

NC is expected to work with International Consultant on this assignment, under the monitoring of the Programme Officer in charge in the UNDP Governance and Participation Uni in order to deliver the final products as described in III – Scope of Work.

# ADMINistrative SUPPORT & REFERENCE DOCUMENTS

## Administrative Support

UNDP, in collaboration with DLA will organise the consultation workshop. Costs for the organisation of the workshop to be borne by UNDP

## Reference Documents

N/A

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# DEGREE OF EXPERTISE & QUALIFICATIONS

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| --- | --- |
| **Qualifications** | Advanced university degree in law, human rights, social sciences or related fields. |
| **Relevant Professional Experience** | Over 5 years’ experience working in the field of human rights and with international human rights mechanisms and instruments, especially on the ICCPR and CAT. Experience working as an international consultant in similar assignments with the United Nations. |
| **Other Competencies** | Proven track record in conducting comparative research |
| **Language Requirements** | Excellent writing skills in English (one sample published research in English to be submitted) |

# PAYMENT TERMS

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| --- | --- | --- | --- |
| **No.** | **Deliverables as indicated in Section IV** | **Due Date**  | **Payment Amount** |
| 1 | Outline of the research report  | 1/15/2022 | 30% |
| 2 | Pre-workshop draft of the research report  | 2/30/2022 | 40% |
| 3 | Final research report post workshop | 3/31/2022 | 30% |

# Consultant Presence Required on Duty Station

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| [x]  NONE | [ ]  PARTIAL | [ ]  INTERMITTENT | [ ]  FULL-TIME |

# Evaluation Criteria

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| **No.** | **Requirement** | **Points** |
| 1 | Advanced university degree in law, human rights, social sciences or related fields. | 200 |
| 2 | A minimum of 3 years’ experience working in the field of human rights and with international human rights mechanisms and instruments. Experience working on ICCPR and CAT is an advantageExperience working as an national consultant in similar assignments with the United Nations. | 300100 |
| 3 | Proven track record in conducting comparative research | 300 |
| 4 | Good writing skills in English (one sample research in English to be submitted) | 100 |
|  | **Total** | **1,000** |

## Criteria for Evaluation of Proposal

Offers will be evaluated according to the Combined Scoring method – where the educational background and experience on similar assignments will be weighted at 70% and the financial proposal will weigh at 30% of the total scoring.

The applicant receiving the Highest Combined Score and meeting other requirements in the Procurement Notice will be awarded the contract.

## Documents for Submission

Applicants will be expected to include the following along with their application:

### Core Documents

1. **Letter of Confirmation of Interest and Availability** using the template provided by UNDP;
2. **Current and complete CV in English**;
3. 01 similar **sample published research,** preferably on human rights issues;
4. **Financial offer** using the standard UNDP template.

### Additional Documents

N/A