



TERMS OF REFERENCE (TOR)

TITLE: One International Consultant and one National Consultant for the Mid-term Evaluation of the project "Strengthening Access to Justice and Protection of Rights in Viet Nam"

PROJECT Project 58492

COUNTRY OF ASSIGNMENT: Home-based with one mission in Hanoi, Viet Nam

1) GENERAL BACKGROUND

The project "**Strengthening Access to Justice and Protection of Rights in Viet Nam**" is an UNDP-supported project and executed by the Ministry of Justice (MOJ) and other co-implementing agencies. The project has been launched 27 November 2009 with the duration of five years.

The project aims to strengthen access to justice and protection of rights in Viet Nam, with technical assistance to the MOJ and other partners to realize the country's priorities in the process of legal and judicial reform through the following key areas of interventions and components:

1. Continuous support to the implementation of the Legal System Development Strategy to the Year 2010 with direction for the period up to 2020 (LSDS), and the Judicial Reform Strategy to 2020 (JRS);
2. Strengthening partnership and policy dialogue between government, donors and other social organizations to implement the LSDS and JRS;
3. Development of strategic vision and mandate for the state justice branch, and enhancement of MOJ's capacity on law implementation, justice sector planning and other requirements of MOJ in Vietnam's transition to middle income status;
4. Promotion of access to justice, protection of rights and legal empowerment of the poor in Vietnamese context;
5. Support to implementation of Judicial Reform Strategy through cross-cutting research and new initiatives.

Since the project has been implemented for over two (2) years, a mid-term review is planned to assess project's progress against outputs and to identify appropriate recommendations for the project to reach its overall objectives. A team consisting of one (1) international and one (1) national consultant will be recruited to conduct the evaluation according requirements set forth in this Terms of Reference (TOR).

2) OBJECTIVES AND SCOPE OF THE ASSIGNMENT

Overall the mid- term evaluation aims to provide

- An outcome-oriented assessment which goes beyond assessment of project activities and focus on the project's relevance and contribution to realize the country's priorities on legal and judicial reform; and
- A forward-looking assessment of the relevance of the project toward development priorities and needs;

More specific objectives of the evaluation are:

- To assess the relevance of the project in the context of legal and judicial reforms in Vietnam and the support provided by other donors;
- To assess progress and impact of the project's overall performance, accomplishment of its sub-components against the key target outcomes;
- To assess the progress, achievement and particular constraints experienced by the Implementing Partners, including MOJ and the participated Departments, Secretariat for Judicial Reform;

3) SCOPE OF WORK, METHODOLOGY AND EXPECTED OUTPUTS

The mission will be composed of one international consultant and one national consultant:

- International consultant shall have the overall responsibility for the completion and delivery of outputs under this ToR. S/he will supervise and lead the mission in all aspects of the work, and ensure that the final products take into account the suggestions and agreements of all stakeholders.
- National consultant: S/he will ensure that country-specific conditions, institutions, processes, and decision-making and learning approaches are well understood and considered in the work conducted by the mission. S/he will review the mission's proposals and suggestions from the point of view of their feasibility and effectiveness. S/he will work closely with the international consultant and provide inputs to the mission members on the development and implementation of laws, legal/judicial institutions, and non-State actors in the legal and judicial system in Vietnam.

3.1 The Project evaluation is expected to address the following specific issues:

- The interim results with regard to expected progress;
- The efficiency of Project management and implementation;
The need, demand and justification for change having regards to implementation strategies of the project, priorities and ultimate outcomes. Recommendations should take into account the implications of any variances in the development context, in particular, taking into account the progress of advancing rule of law and access to justice in Viet Nam.
- The further promotion and integration of specific cross-cutting issues, including anti-corruption, gender mainstreaming, human rights, poverty reduction strategies and MDGs, engagement of civil society. The mission should seek to incorporate into the Project strategies and work plans concrete and feasible initiatives that could further the reform agenda on such issues.
- Lessons learned, including the identification of good and bad practices in terms of the project implementation, aid co-ordination, knowledge sharing and management, etc. In this connection, recommendations should be made on ways to promote sharing of good practices.

3.2 Expected outputs from this Evaluation Mission are:

- **A debriefing on initial findings of the mid-term review:** to be held at the end of the mission in Hanoi;
- **A draft evaluation report:** presenting the findings, conclusions, and recommendations of the evaluation to be submitted by the evaluation team five working days upon completion of the mission in Hanoi.
- **A final evaluation report:** taking into account the comments and suggestions provided by the stakeholders on the draft evaluation report. The final version of the report has to be submitted within two weeks after receiving the stakeholders' comments on the draft report.

3.3 Proposed methodology

The mid-term assessment shall be a participatory exercise considering the views and suggestions of a wide range of related stakeholders and beneficiaries within and outside the context of the Project.

The assessment should be carried out in the sequence of actions as follows:

- 3 working day home-based for
 - Documentation review (desk study) and preliminary consultations with UNDP and the MOJ: home-based;
 - Preparation of a detailed working schedule for the mission in Hanoi: home-based
- 5 working day mission in Hanoi to:
 - Interviews/ meetings with project stakeholders;
 - Analysis of the information collected and preparation of first draft of the report by end of the mission in Hanoi; and
 - Debriefing, information validation, and preparation of the final version of the evaluation report (before departure from Vietnam);
- 10 working days home-based: for finalization of the evaluation report in consultation with UNDP and MOJ.

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

Each consultant will work in for **20 consultancy days** for this assignment including **5 working days** for the mission in Hanoi, Viet Nam.

Bidders have to make their own estimate of the time and travel taken to complete the assignment in line with this TOR and use the estimate as the basis of the financial proposals to be submitted.

5) PROVISION OF MONITORING AND PROGRESS CONTROLS

The Evaluation Team will consist of 2 consultants: one international consultant and one national consultant. The consultants will work under the supervision of the UNDP Programme Officer in charge of the project and report to Head of the Governance and Participation Team, UNDP Viet Nam.

The partner agencies and the project office will be responsible for facilitating the mission, providing all documents and reference materials required to conduct the evaluation. They will also be involved in interviews, briefings and debriefings.

The deliverables and reports should be submitted as per the agreed plan. The findings of the mission should be disaggregated by gender where possible and should follow the ethical code of conducts for UNDP evaluations.

Provide final report as per 3 above to UNDP in accordance with the indicative timeline below.

Event	Date	Responsibility
Selection of expert	August 2011	UNDP
Desk review and preparation for the mission in Viet Nam	August	International expert, national expert, MOJ, UNDP
Mission in Hanoi, Viet Nam	One week in September	International expert, national expert, MOJ, UNDP
Submission of draft evaluation report to UNDP no more than 5 working days after the mission	September-October	International expert, national expert
Submission of the final report incorporating UNDP and MOJ comments 10 days after receiving comments from UNDP and MOJ on the draft report	October 2012	International expert, national expert

According to the indicative timelines above, the selected expert will report to UNDP on the working progress on a regular basis and will submit drafts of TOR-required deliverables to UNDP and MOJ for discussion and comment.

6) EXPERTISE AND QUALIFICATION OF CONSULTANTS

For international expert:

- Advance university degree or equivalent in law, political science or public policy with at least 12 years of professional experience in legal reforms and practice
- Extensive international experience in the area of developing and implementing legal/judicial reform programme, rule of law and access to justice practices for/with governments, and/or international organizations preferably in developing countries having similar context with Viet Nam
- In-depth understanding of democratic governance issues in Asia and/or countries in transition
- Knowledge of donor support work in developing countries is essential. Familiarity with UNDP policies and programming practices is desirable
- Preferably with in-depth knowledge of legal/judicial reforms and legal aid at national and/or sub-national levels in Vietnam
- Strong analytical, conceptual and facilitation skills
- Excellent team leadership and proven ability to work with diverse stakeholders in politically sensitive areas
- Excellent oral and written communication skills, including fluency in written and oral English

The consultant must have extensive experience of strategic programming of development assistance within the broad area of democratic governance, and in-depth knowledge of legal reform and legal development at national or sub-national levels, particularly in Vietnam.

For national expert:

- Advance university degree or equivalent in law, political science or public policy with at least 12 years of professional experience in legal reforms and practice
- At least 10 years of experience in legal and judicial field in Vietnam
- Knowledge and practical experiences on organization and operation of state apparatus and legal/judicial reform process in Viet Nam
- Experience in conducting evaluations is desirable
- Good skills of writing and presenting the report.
- Fluency in written and spoken English

The consultant must have extensive experience in institutional capacity building, and training and learning for legal and judicial officials, as well as in-depth knowledge of the legal and judicial system of Vietnam and donor assistance in the sector. English proficiency is a must.

Note: The team members should be selected from those, who **have not** been involved in the project in one form or the other, be it project formulation or implementation.

7) ADMIN SUPPORT AND REFERENCE DOCUMENTS

Admin support for the mission will be provided by the Project Management Unit (PMU) in cases of necessary.

An interpreter will be mobilized by the project to do translation and interpretation when necessary during the mission of the international consultant in Hanoi.

UNDP will extend support to the international consultant for arranging visa for Vietnam. Necessary documents will be forwarded to the consultants in advance by the PMU.

The following documents will be provided to the Evaluation Team upon contract award:

- One UN documents (One UN Plan 2, One Plan 3)
- Project Document (DPO)
- LSDS and JRS
- Project Annual Work Plans, Annual Project Reports
- Project activities' reports
- Any other materials deemed useful and necessary
- Guidelines for Reviewing the Evaluation Report:
- Ethical Code of Conduct for Evaluation in UNDP

9) REVIEW TIME REQUIRED AND PAYMENT TERM

First payment of 20% of the total contract value will be paid upon UNDP acceptance of the expert' detailed work-plan.

40% of the contract value will be made upon submission of draft evaluation report to UNDP no more than 5 working days after the mission in Hanoi.

Last payment of 40% total contract value will be made upon UNDP satisfactory acceptance of the final evaluation report.