

TERMS OF REFERENCE

TOR reference number	TOR-VNM-2021-032 <i>Please refer to this number in the application email</i>
Title	National legal expert on gender issues in economy, labour and employment [team member]
Purpose	In working closely with another expert (as the team leader) to conduct a study to collect data and evidence to identify the legal gaps in the implementation of the Gender Equality Law and formulate the evidence-based recommendation to amend the GEL on the areas of economy, labour and employment.
Duty Station	From 1 July 2021 to 20 Nov 2021 with maximum 17 working days
Contract Supervision	Programme Specialist - UN Women Viet Nam Office
Application deadline	20 June 2021

I. BACKGROUND

Viet Nam was one of the first countries to sign the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) in 1980 and ratified it in 1982. The principle of substantive equality is now enshrined in Article 26 of the 2013 Constitution: “Male and female citizens have equal rights in all fields. The State shall adopt policies to guarantee the right to and opportunities for gender equality.”

Over the past decade, the country has made huge strides in reforming its legal and policy frameworks to guarantee equality and non-discrimination between women and men in line with CEDAW. The Law on Gender Equality (GEL), adopted in 2006, is considered a landmark piece of legislation in this regard. It defines gender equality and gender-based discrimination for the first time and sets out specific measures for achieving gender equality. The Law on Domestic Violence Prevention and Control, reinforced in 2007, is another significant piece of legislation acknowledging violence against women by intimate partners as a punishable offence for the first time.

Viet Nam's gender equality commitments are also embodied in National Strategies and Action Plans put into place to promote gender equality and the advancement of women since the Fourth World Conference on Women in Beijing in 1995. The National Plan of Action for the Advancement of Women (1997-2000) was the first of this kind. It was followed by a National Strategy for the Advancement of Women for the 2001-2010 period, supported by a second and third National Action Plan (2001-2005 and 2006-2010). The National Strategy for Gender Equality (NSGE 2021-2030) is a sectoral strategy that is part of the government's primary planning document, together with the ten-year Socio-Economic Development Strategy and the five-year Socio-Economic Development Plan (SEDP).

In 2019, with the support from UNFPA, MOLISA conducted the evaluation of the ten year implementation of the GEL. Over the last few decades, Viet Nam has indeed made significant progress in improving its population's well-being in general and reducing gender disparities, including those related to the significant achievement on positive changes in gender equality in primary and secondary education. Viet Nam is often viewed as a leader in gender equality and is recognized as having in place a fairly comprehensive policy and legislative framework to support gender equality and women's empowerment. Despite these achievements, gender inequality and discrimination persist, exacerbating other forms of disadvantage and disparity, and hindering overall development. Insufficient funding has been identified as one of the barriers for adequate implementation of gender equality commitments. Since the approval of the GEL, there has been many changes on the legal framework advancing gender equality in Viet Nam, including the 2015 State Budget Law, the 2019 Labour Code, the 2015 Law on election of deputies to the National Assembly and People's councils... which will require the amendment of the GEL to align with other laws and international commitments that Viet Nam has made on gender equality and the employment.

In this process, in 2021, UN Women has committed to provide technical support to Gender Equality Department – MOLISA to conduct a study to collect the evidence and data to identify the legal gaps on the areas of labour and employment of the GEL. The study will aim at collecting data and evidence to identify the legal gaps in the implementation of the GEL and formulate the evidence-based recommendation to amend the GEL on the areas of employment, labour and employment. This will support MOLISA to prepare a submission to the National Assembly to advocate for the amendment of the GEL in the working agenda of the National Assembly term XV 2021-2025. Therefore, UN Women is looking for a national gender expert on employment, labour and employment who will act as the team leader conduct the study and develop the list

of recommendations for the revision of the GEL on the areas of economy, labour and employment.

II. OBJECTIVES

The objective of this consultancy to support the government in collecting data and evidence to advocate for the amendment of the Gender Equality Law which was adopted in 2006. It also seeks to provide analysis on the implementation gaps of the GEL in the areas of economy, labour and employment. Moreover, the consultancy will aim at promoting a better understanding of the legal gaps that should be amended in the GEL. It ultimately aims at strengthening the implementation of the GEL in Viet Nam and increase the accountability for gender equality.

III. SCOPE AND SPECIFIC TASKS

The consultant team will develop a study and a policy brief to identify legal gaps in the GEL on the area of labour and employment. The study will aim at:

- Conduct the desk review to collect the information on development/changes on legal framework for the implementation of gender equality in the labour and employment since the adoption of the GEL.
- Provide the technical support to GEL: developing questionnaires to collect opinions and information on the current laws and policies on economy, labour and employment in some selected provinces and cities representing the regions of Viet Nam, conducting the interview with selected representatives from the ministries, consolidate and make the data analysis from the collected information to identify the legal gaps in the GEL that may not reflect the changes on the most updated legal framework of Viet Nam and international commitments of Viet Nam on gender equality (Convention on the Elimination of All Forms of Discrimination against Women - CEDAW, Beijing Platform for Action – BPFA, Sustainable Development Goals -SDGs...) with the focus on the areas of economy, labour and employment
- Make an analysis on the implementation of the GEL on the areas of economy, labour and employment in the GEL.
- From the analysis and findings, formulate the recommendations to revise and amend the relevant articles of the GEL on the area of economy, labour and employment. The report should provide the data and evidence to suggest the revision and amendment of the GEL, including the legal gaps, the disconnection and irrelevance between the GEL and other laws in Viet Nam to advance gender equality in the areas of economy,

labour and employment which should be aligned with the Party documents, other sectoral laws and relevant international commitments that Viet Nam has made on gender equality (Convention on the Elimination of All Forms of Discrimination against Women- CEDAW, Beijing Platform for Actions).

- Participate and facilitate the three consultation meetings organized by GED and UN Women on the report
- Finalize and submit the final report to GED and UN Women that take into consideration the feedbacks from GED, UN Women and other stakeholders.

The legal expert will work closely with another gender expert (team member). The key roles of the international consultant and national consultants are described as below.

	Gender expert (as the team leader)	Legal expert (as the team member)
Prepare the work plan and the research tools	<ul style="list-style-type: none"> Take lead into the development of the work plan 	<ul style="list-style-type: none"> Provide inputs into the workplan
	<ul style="list-style-type: none"> Submit the workplan and research tools to UN Women and GED 	
Conduct the desk review	<ul style="list-style-type: none"> Collect the secondary data 	
	<ul style="list-style-type: none"> Prepare the desk review and identify the policy gaps in the GEL law (from gender perspective) 	<ul style="list-style-type: none"> Prepare the desk review and identify the policy gaps in the GEL law (from legal perspective)
	<ul style="list-style-type: none"> Identify the policy gaps in the GEL that needs to collect further primary data for further analysis Prepare the research tools for the collection of the primary data based on the identified policy issues, including the questionnaires which will be sent to the selected provinces and cities, the key interview 	

	questions for the relevant ministries.	
Conduct data collections	<ul style="list-style-type: none"> Conduct interviews and facilitate the relevant group discussions with relevant stakeholders for data collection. Due to the COVID-19 situation, GED may conduct the virtual meetings instead of meeting face-to-face with relevant stakeholders. 	
Prepare the first draft of the report	<ul style="list-style-type: none"> Develop some specific sections of the report 	<ul style="list-style-type: none"> Develop some specific sections of the report
	<ul style="list-style-type: none"> Consolidate and submit the first draft report to UN Women and GED 	
Participate and facilitate the discussion at three consultation meetings organized by GED and UN Women	<ul style="list-style-type: none"> Develop the consultation agenda Present the draft report Facilitate the discussion Respond to the comments from the participants 	
Revise and finalize the report	<ul style="list-style-type: none"> Revise the specific session of the report in consultation with UN Women and GED 	
Finalize the report	<ul style="list-style-type: none"> Submit the final report to UN Women and GED 	

IV. INSTITUTIONAL ARRANGMENT

The legal expert will work under the direct supervision of UN Women Programme Specialist. The national consultant will work as a team member and work closely with the gender expert (team leader).

The consultant will be ultimately responsible to UN Women Country Representative in Viet Nam. If the consultant travels to other provinces and cities to conduct the tasks under the contract, UN Women will cover the travelling cost based on the UN-EU cost norms.

V. DURATION OF ASSIGNMENT AND DUTY STATION

Duration of Assignment: The tentative contractual period is from 1 July 2021 to 15 Nov 2021 with maximum 17 working days with the three consultation meetings in Hanoi and other provinces and cities in Viet Nam.

Duty Station: Due to the COVID-19 situation, this consultancy is home-based, and the national consultant attends some technical meetings in Hanoi.

VI. DELIVERABLES AND SCHEDULE OF PAYMENT

The duration of this consultancy will be from 1 July 2021 to 15 Nov 2021 with maximum 17 working days.

Schedule and payment	Deliverables	
	Gender expert (as the team leader)	Legal expert (as the team member)
Before 30 July 20%	Submit the workplan Desk review report with policy issues to be reviewed Research tools developed by the team leader: Questionnaire and interview questions (in Vietnamese)	Inputs into the workplan specific analysis developed for the desk review report research tools developed by the team member: Questionnaire and interview questions (in Vietnamese)
30% before 30 Sep	the 1 st draft study report specific sessions developed for the first study report by the gender expert Agenda for the consultation meeting (with clear roles of the team leader and team member for the consultation meetings)	specific sessions developed for the first study report by the legal expert

	PPTs prepared for the consultation meetings presented by the team leader (in Vietnamese)	PPTs prepared for the consultation meetings presented by the team leader (in Vietnamese)
30% Before 30 Oct 2021	2 nd draft of the study report with highlight on the session developed by the team leader (in Vietnamese)	2 nd draft of the report with highlight on the sessions developed by the team member (in Vietnamese)
20% before 15 Nov 2021	Final draft of the report (Both Vietnamese and English)	

VII. APPLICATION EVALUATION CRITERIA

The applicant will be evaluated based on technical capacities (70%) and financial proposal (30%). Technical evaluation will be based on the following criteria stated as below.

1	Master's degree on international laws, national laws and gender and development, sociology and other relevant field.	10 points
2	A minimum of seven year of working experience on legal documents on gender equality in economy, labour and employment in Viet Nam	25 points
3	Having a good understanding on gender equality related policies and programmes on the areas of economy, labour and employment in Viet Nam	25 points

4	Having research experience on gender equality, economy, labour and employment	15 points
5	Experience in developing policy recommendations on the area of labour and employment	15 points
6	Good writing skills	10 points
	Total	100 points

Core Values and Competencies

In addition to aforementioned requirements and qualifications, it is important that the intern shares the core values and core competencies of the organization.

Core Values

- Respect for Diversity
- Integrity
- Professionalism

Core Competencies

- Awareness and Sensitivity Regarding Gender Issues
- Accountability
- Creative Problem Solving
- Effective Communication
- Inclusive Collaboration
- Stakeholder Engagement
- Leading by Example

Please visit this link for more information on UN Women's Core Values and Competencies:

<http://www.unwomen.org/-/media/headquarters/attachments/sections/about%20us/employment/un-women-employment-values-and-competencies-definitions-en.pdf>

The weight of technical points is 70% and financial points is 30%.

Individual consultants will be evaluated based on Cumulative analysis, the award of the contract will be made to the individual consultant whose offer has been evaluated and determined as:

- a) Responsive/compliant/acceptable; and
- b) Having received the highest score out of a pre-determined set of weighted technical and financial criteria specific to the solicitation.

VIII. Application Procedure and Deadline

Candidates are requested to send the following documents in separated attachment in one application email to procurement.vietnam@unwomen.org

1. Application letter explaining your interest in the consultancy and why you are the most suited candidate for this position
2. Updated CV
3. Personal History Form (P11). The P11 Form can be downloaded from the following website: <http://asiapacific.unwomen.org/en/about-us/jobs>
4. Financial proposal specifying a daily consultancy rate and a breakdown per deliverable. UN Women will bear the costs of requested travel expenses following the UN-EU cost norm.
5. One written report on the relevant consultancy topic to assess the writing skill.

Deadline for Application: 20 June 2021

IX. Evaluation

The evaluation will be based on the combination of the weighted technical and financial scores (70 per cent technical and 30 per cent financial).

NOTE: Documents required before contract signing:

- UN Personal History Form
 - Full medical examination and Statement of Fitness to work and travel for consultants with travel involved. (This is not a requirement for RLA contracts).
 - Completed UNDSS BSAFE online training course.
EN: <https://agora.unicef.org/course/info.php?id=17891>
 - Individual subscribers over 65 years of age are required to undergo a full medical examination including x-rays at their own cost and obtaining medical clearance from the UN Medical Doctor prior to taking up their assignment.
 - Release letter in case the selected consultant is government official.
-