

Terms of Reference for Assessment of children with disabilities' protection policies in the Viet Nam's Law on Persons with Disabilities

Increased Accountability to Eliminate Violence and
Discrimination Against Children with Disabilities (AVAC)

August, 2023

1. PROJECT SUMMARY

Type of evaluation	Assessment of children with disabilities’ protection policies in the Viet Nam’s Law on Persons with Disabilities
Name of the project	Increased Accountability to Eliminate Violence and Discrimination Against Children with Disabilities (AVAC)
Project Start and End dates	01/01/2022 – 31/12/2024
Project duration	03 (three) years
Project locations:	Hanoi, Da Nang, Ho Chi Minh city and nearby provinces
Thematic areas	Child Right Governance
Sub themes	Child Protection
Donor	Save the Children Hong Kong (SCHK)
Estimated beneficiaries	The project will directly benefit 30,250 children (including girls, boys and other non-binary children) aged 0 – 18 years old, including 250 children with disabilities and 940 adults including parents/caregivers (including parents/caregivers of children with disability), CSO staff and government officials/policy makers.
Overall objective of the project	Contributing to effective child rights implementation by Government and related stakeholders at all levels in Vietnam to ensure those rights are upheld as committed.

2. INTRODUCTION

Action to the Community Development Institute (ACDC) is an organization for and of persons with disabilities, supporting the persons with disabilities including children with disabilities and other vulnerable groups in Viet Nam. ACDC is one of the pioneering organizations that seeks solutions to improve the quality of life, look towards equal status, independence, social integration, and abilities of persons with disabilities to contribute more effectively to the society.

The project “Increased accountability to eliminate violence and discrimination against children with disabilities” (abbreviated as AVAC) has been implemented by ACDC, under the sponsorship of Save the Children Hong Kong and the coordination of Save the Children in Viet Nam, in the period of 2022-2024 in Ha Noi, Da Nang and Ho Chi Minh City. The overall goal of the project is to contribute to efforts of State and stakeholders at all levels to effectively implement children's rights, ensuring that these rights are fully realized as committed.

This document provides the Terms of Reference for the **“Assessment of children with disabilities’ protection policies in the Viet Nam’s Law on Persons with Disabilities”** under the project “Increased accountability to eliminate violence and discrimination against children with disabilities”.

3. BACKGROUND AND CONTEXT

Viet Nam was the first country in Asia and the second country in the world to ratify the United Nations Convention on the Rights of the Child (or CRC for short) in February 1990. Right after ratifying the CRC, Viet Nam issued the Law on Child Protection, Care and Education 1991 (amended in 2004) which was then substituted with the Law on Children 2016. In Decree No. 56/2017/ND-CP detailing a number of articles of the Law on Children, Chapter III is all about Support and interventions for cases where children are abused or at risk of violence, exploitation, neglect, and disadvantaged children, including children with disabilities.

A survey on persons with disabilities under the National Statistical Survey Program was conducted in 2016. As per data on children with disabilities in education, health, social protection, etc., it can be indicated from the report that ensuring social integration, protection, fairness and equality for all children with disabilities is one of the goals towards sustainable development.

Decision No. 1438/QD-TTg has approved a scheme to help children with disabilities access community-based child protection, care and education services in the 2018-2025 period. The overall goal of the scheme is that by 2025, children with disabilities

will have access to community-based child protection, care and education services so that they can integrate into the community and have the opportunity to fully exercise their rights.

Particularly, the applicable Law on Persons with Disabilities, as a comprehensive legal basis to protect and exercise the rights of persons with disabilities, was passed by 12th National Assembly of the Socialist Republic of Vietnam at the 7th plenary session on 17 June 2010, with effect from 1 January 2011. Accordingly, children with disabilities belong to a vulnerable group that is prone to violence, abuse and exploitation. However, there are neither details nor specific regulations regarding this group, which affects the design and implementation of activities to support children with disabilities by agencies and organizations, and the satisfaction of children with disabilities' needs for equality, integration and gender-related needs.

On 3 June 2020, the Prime Minister assigned the Ministry of Labor - Invalids and Social Affairs (MOLISA) to study and propose amendments to the Law on Persons with Disabilities by 2023.¹

The ***“Assessment of children with disabilities’ protection policies in the Viet Nam’s Law on Persons with Disabilities”*** is expected to include more children’s voices in the amendment and supplementation of the Law on Persons with Disabilities, as well as provide accurate, updated information and data about the right to protection of children with disabilities.

4. SCOPE OF STUDY

4.1 Purpose, Objectives and Scope

Purpose of the Assessment

The Assessment identifies policy gaps in the right to protection of children with disabilities in the Law on Persons with Disabilities based on a comparison with international legal frameworks and Vietnam's current legal regulations related to the right to protection of children with disabilities. Therefore, the Assessment makes recommendations to amend and supplement this law as well as promote the rights of children with disabilities to be protected in Vietnam

Objectives of the Assessment

- Review how the right to protection of children with disabilities is regulated in Viet Nam’s Law on Persons with Disabilities based on a comparison with international legal

¹ Decision No. 753/QĐ-TTg of the Prime Minister dated 3 June 2020 on “promulgating the Plan to organize the implementation of Directive No. 39-CT/TW of the 12th Secretariat of CPV’s Central Committee dated 1 November 2019 on strengthening the leadership of the Party for the work of people with disabilities”.

frameworks and Vietnam's current legal regulations related to the right to protection of children with disabilities.

- Promote the exercise of right to protection of children with disabilities through:

+ Identify the policy gaps on the right to protection of children with disabilities under the Law on Persons with Disabilities in the locality.

+ Comparison of the Law on Persons with Disabilities with international legal frameworks. Identify the gaps between national and international legal regulations.

+ Mobilization of the prevention and response of central/local State agencies and stakeholders to abuse of children with disabilities, including the amendment and supplementation of the Law on Persons with Disabilities, and the implementation of relevant policies.

Scope of the Assessment

The assessment will involve the project's partners, their networks, and stakeholders at different levels who have been involved in the project, including children. In specific, visits and discussions will be made to:

- Relevant government functional bodies such as Department of social assistance, Department of child affairs, Department of legal affairs
- CSO networks, INGO working in CwD area to protect Cwd and caregiver's right.
- Mothers and fathers and/or caregivers of CwD.
- Children with disabilities.

The policy gap regarding the right to protection of children with disabilities in Vietnam's Law on person with disabilities based on a comparison among:

- International legal frameworks (UN CRC, UN CRPD)
- Vietnam's current legal regulations related to the right to protection of children with disabilities (Children's Law 2016, Law on Domestic Violence Prevention and Control 2022).

Location: The assessment will be conducted in person in Ha Noi, Da Nang, Hochiminh and online in Ha Nam, Thai Nguyen, Nam Dinh, Nghe An, Can Tho.

4.2 Key Assessment Questions

1. How are the principles/scope/strength/implementation in the right to protection of children with disabilities in the international legal framework and the Law on PwD? Are Vietnam's current legal regulations related to the right to protection of children with disabilities (in term of principles/scope/strength/implementation) compatible with international laws?

2. How are the policy gaps in the implementation of child protection regulations under the Law on Persons with Disabilities in the actual?

3. What are the current good practices/services in supporting children with disabilities/their families in protecting children with disabilities under the Law on Person with disabilities?

4. What are the proposals and recommendations for the review of Law on PwD and the role of social organization and other necessary approaches to promote the right to protection of children with disabilities?

4.3. Intended Audience and Use of the Assessment

The findings of the Assessment will be shared in with the project donor, key partners, relevant government offices, CSOs and NGOs, stakeholders and beneficiaries, including children. Moreover, it will be used as include more children's voices in the amendment and supplementation of the Law on Persons with Disabilities, as well as provide accurate, updated information and data about the right to protection of children with disabilities.

The Assessment Team will be required to propose how the primary audience will be involved throughout the survey and how key findings will be shared with each of the different stakeholders above, particularly outlining how reporting back to communities, beneficiaries and children will be conducted in an accessible and child friendly manner.

4.4. Roles and responsibilities of parties

The Assessment Team:

- Managing the Assessment process
- Developing assessment tools and inception report
- Planning and implementing the assessment process following SC policies and guide for ethical generation of evidence
- Writing the final report

5. METHODOLOGY OF THE ASSESSMENT

5.1 Design of the Assessment

The selected independent firm/group (called Assessment Team) will propose a design to answer the Assessment questions

5.2 Sampling

The selected Assessment Team will calculate the sample size based on the assessment approach and requirements.

Assessment method

- Literature review (Law on Persons with Disabilities, international conventions, available studies, etc.)
- Quantitative method: survey with representatives of children with disabilities, several organizations with activities related to the protection of children with disabilities; representatives of teachers, parents/caregivers of children with disabilities.
- Qualitative method: in-depth interview, group discussion.

5.3 Data Sources and Data Collection Methods / Tools

All data collected are disaggregated by sex, age, ethnicity, region, disability type, and household economic status.

It is required for citation sources, such as government reports and independent organizations' study reports, to be systematically cited and analyzed.

The Assessment Team is required to adhere to the [Safeguarding; Protection from Sexual Exploitation and Abuse; Anti-Harassment, Intimidation and Bullying from SC](#); and Data Protection and Privacy policies throughout all project activities [and ACDC](#).

All field survey data, preliminary information, and other study-related results are the property of ACDC and SC. These documents can only be reproduced and reused with the consent of ACDC and SC.

5.4. Ethical Considerations

It is expected that this study will be:

- **Child participatory.** Where appropriate and safe, children should be supported to participate in the evaluation process beyond simply being respondents. Opportunities for collaborative participation could include involving children in determining success criteria against which the project could be evaluated, supporting children to collect some of the data required for the evaluation themselves, and involving children in the validation of findings. Any child participation, whether consultative, collaborative or child-led, must be abode by the and adhere to SC's child safeguarding policy
- **Inclusive.** Ensure that children/adults from different ethnic, social and religious backgrounds have the chance to participate, as well as children/adults with disabilities and children who may be excluded or discriminated against in their community.
- **Ethical:** The study must be guided by the following ethical considerations and The Ethics & Evidence Generation Policy:
 - Safeguarding – demonstrating the highest standards of behavior towards children and adults.
 - Sensitive – to child rights, gender, inclusion and cultural contexts.

- Openness - of information given, to the highest possible degree to all involved parties.
- Confidentiality and data protection - measures will be put in place to protect the identity of all participants and any other information that may put them or others at risk.²
- Public access - to the results when there are not special considerations against this
- Broad participation - the relevant parties should be involved where possible.
- Reliability and independence - the study should be conducted so that findings and conclusions are correct and trustworthy.

It is expected that:

- Data collection methods will be age and gender appropriate.
- Evaluation activities will provide a safe, creative space where children feel that their thoughts and ideas are important.
- A risk assessment will be conducted that includes any risks related to children, young people's, or adult's participation.
- A referral mechanism will be in place in case any child safeguarding or protection issues arise.
- Informed consent will be obtained.

6. EXPECTED DELIVERABLES

The time marks (in business days) and expected results are presented in the table below. The detailed time marks will be further discussed with the advisory group before the Contract is signed.

No.	Scope of work	Expected outcomes	Number of days	Deadline
1	Finalize the inception report that includes the survey plan, toolkit and report outline	Advices for finalization of: <ol style="list-style-type: none"> 1. <i>Survey plan</i> <ul style="list-style-type: none"> - Purpose, objectives, scope and questions of the Assessment - Description of the assessment method, including: data collection method, sampling method, data 	- Deadline for advices for finalization: 10 days (including	the 3rd week of September

² If any Consultancy Service Provider, Freelancer or Contingent worker will have direct contact with children and/or vulnerable adults and/or beneficiaries and/or have access to any sensitive data on safeguarding and/or children and/or beneficiaries, it is the responsibility of the person receiving the consulting service to contact the local HR team and child safeguarding focal point to ensure vetting checks and onboarding are conducted in line with statutory requirements, local policies and best practices guidance.

No.	Scope of work	Expected outcomes	Number of days	Deadline
		sources and overall methodology for the main assessment questions. - Analysis of reporting plan and data - Notes and limitations of the assessment - Proposals for coordination with stakeholders - Risks and risk management plans - Ethics and content in the assessment - Main deliverables, responsibilities of parties, time frame - Resource requirements <i>2. Data collection toolkit</i> <i>3. Report outline</i>	1 time for finalization and 1 time for modification)	
2	Submit for the Ethical Review Board's approval	The study is approved by the Ethical Review Board	10 days	the 5th week of September
3	Conduct local field surveys and online surveys	Data and analytics including all raw data and encrypted analysis results: - Answers and files summarizing answers for the survey questionnaire - Recording files of in-depth interviews, group discussions and detailed answer recording files	15 days	the 4th week of October
4	Process data	- Cleaned input files; tables, analytics - Files including audio transcription of in-depth interviews and group discussions	5 days	the 5th week of October
5	Write a draft report (with given form)	1 summary report (in English and Vietnamese) 1 summary of key findings (in English and Vietnamese)	10 days	the 3rd week of November
6	Receive comments and finalize the report	Complete documents in English and Vietnamese including: - 1 summary report - 1 executive summary	25 days	the 2nd week of December

No.	Scope of work	Expected outcomes	Number of days	Deadline
		<ul style="list-style-type: none"> - 1 PowerPoint file summarizing key findings finalized according to the following time frame: - Deadline for the 1st review of parties' comments: 10 days - Deadline for the 2nd review of parties' comments: 5 days - Deadline for comment-based advices for modification and completion of the final version: 10 days 		
7	Organize stakeholder consultation workshop on draft report	<ul style="list-style-type: none"> - The draft report is shared with consulted stakeholders. - All comments on the draft report are collected. 	0.5 day per consultation session	the 3rd week of December
8	Edit and finalize the report (with given form)	Final versions in English and Vietnamese including: <ul style="list-style-type: none"> - 1 Final report - 1 executive summary - 1 PowerPoint file summarizing key findings 	5 days	the 4rd week of December

It is required for all reports to be made using the report form given by ACDC and SC (Here in after referred to as Organizer)

All documents are written in MS Word and sent via email to the Organizer. The following documents will be handed over to the Organizer after the study mission is accomplished:

- Summary report, executive summary, PowerPoint file summarizing key findings in English and Vietnamese
- Answers and files summarizing answers for the survey questionnaire
- Recording files, files containing detailed notes, and files including audio transcription of in-depth interviews and group discussions
- The respondent's written consent to participate in the survey

All these documents and documents arising out of the survey are the property of the Organizer, and any use without the consent of the Organizer is not considered valid.

7. REPORTING AND GOVERNANCE

The responsibilities of the Assessment Team include but are not limited to the following tasks:

- Develop the assessment plan, toolkit and report outline
- Hold a meeting to discuss with SC and ACDC about assessment methods, samples, tools, implementation process and other related issues.
- Collect data and information as determined in the agreed assessment plan and toolkit
- Analyze data and prepare reports based on the study deliverables
- Edit reports based on comments of SC, ACDC and consulted parties in the workshop
- Take part in the consultation workshop, present key findings, and propose recommendations based on those findings.

It is necessary for the Assessment Team to determine the role and responsibility of the group leader and each member of the group. The group leader will have to inform the Organizer of updated information about the assessment, including progress and plan against timeline, via email.

8. ASSESSMENT TEAM AND SELECTION CRITERIA

The Assessment Team will be selected based on the following criteria

Detailed criteria
<p>Experience, expertise, capacity</p> <p>* For group leader:</p> <ul style="list-style-type: none"> - Master's degree or higher in the fields of community development, sociology, social work, law, children's rights and child protection, education, special education or related fields; - An expert with at least 5 years of experience in surveying and evaluating the implementation of children's rights, especially the right to protection, governing children's rights, rights of persons with disabilities/children with disabilities, relevant development and community projects; - Experience in development interventions of NGOs and their activities in the fields related to children's rights and/or governance of children's rights, rights of people with disabilities/children with disabilities (with completed studies/reports, presence in international conferences, certificates, etc. on topics related to the rights of children/children with disabilities). - Experience in leading and directing the implementation of evaluation and study in Vietnam in accordance with the local context and culture, especially study in the fields of children's rights, child protection, children with disabilities;

- Experience in working with State organizations, social organizations, disadvantaged groups, non-governmental organizations;
- Skilled in data analysis, data summarization and report writing.
- Proven English proficiency (two sample reports in English will be required).

*** For group members:**

- Bachelor's degree or higher in the fields of community development, sociology, social work, law, children's rights and child protection, education, special education or related fields;
- An expert with at least 3 years of experience in surveying and evaluating the implementation of children's rights, especially the right to protection, governing children's rights, rights of persons with disabilities/children with disabilities, relevant development and community projects;
- Skills in conducting in-depth interviews and group discussions with children/children with disabilities;
- Skills in data analysis and report writing;
- Ability to complete work with good quality as committed under time pressure;
- Objectivity and honesty in the spirit of construction and suggestion for increased effectiveness of project implementation;
- Good English ability (especially speaking and writing skills).

*** Some other advantages to be selected:**

- The team is committed to following the project timeline and has qualified human resources available to carry out this study on a full-time basis.

Reasonable proposal for the assessment (approach, methodology, analysis, and timeframe).

Reasonable financial proposal including taxes and all necessary costs for the assessment (fee per working day, travel expenses, meals, and accommodation of participating personnel during the working period).

9. SCHEDULE OF PAYMENT

The assessment fee will be paid by bank transfer, with 03 instalments as follows:

- 1st installment: The first advance is equivalent to 40% of the total budget after the inception report and tools have been approved.
- 2nd installment: The second advance is equivalent to 30% of the total budget after advices for completing the 1st version of the draft report (in English and Vietnamese) are given

- 3rd installment: The remaining 30% of the assessment fee will be paid after the report (in English and Vietnamese) is accepted, and all deliverables (including notes, audio recordings, survey forms, etc.) have been handed over to the organizer.

10. HOW TO APPLY

For Assessment Team who feel interested, please send your application in Vietnamese to ACDC, including:

- Email/letter of interest
- Firm profile and legal evidence (applicable to advisory firms)
- Curriculum vitae (CV) of the group leader and group members
- Proposal of a fee that includes all necessary expenses for the advisory task
- Proposal for the study
- Study reports in the fields of children/children with disabilities that have been prepared by the group

* Notes:

Only qualified applications will receive responses from ACDC.

ACDC creates equal opportunities for all applicants. We welcome any qualified applicants. Our selection process complies with the organization's commitments in the policies to protect children, persons with disabilities, women, etc.

Deadline for application submission: **before 23:59, 20/09/2023**. The deadline may be shortened if ACDC is able to find a qualified applicant sooner.

Mailing address and contact information:

Ms. Bich Phuong - HR Administrative Assistant

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