

Cover Page

1. Project title and code: “**Capacity Building for the Implementation of International Human Rights Treaties in Viet Nam**”
2. Governing agency¹: Ministry of Foreign Affairs
3. Project focal point²: Department for International Organisations
4. Implementing agencies³: Ministries and agencies at central and local level
5. Start and end dates: 2007-2010 (3.5 years)
6. Budget
 - 6.1 Total ODA grant: US\$1,200,000
 - a. Committed funds: US\$1,200,000
 - a.1 Regular Resources:
 - a.2 Co-financing:
 - b. Other Resources:
 - 6.2 Government contribution: Please add when available
 - a. In cash:
 - b. In kind:
 1. Project sites for implementation : Hanoi and select provinces
 2. Government priority areas addressed⁴:

¹ Government ministry/agency, provincial or centrally-managed cities People’s Committees.

² The leading Department for project implementation.

³ Other agencies that will be involved in implementation of the project and its sub-projects.

⁴ As per Decree 17.

1. Project justification

1.1 Brief situation analysis and assessment

Since the introduction of the *Doi Moi* reforms in the late 1980s, Viet Nam has witnessed high levels of economic growth coupled with a rapid reduction in poverty and improvement in a range of human development indicators. As of 2007, the country has already achieved five of the ten Viet Nam Development Goals (VDGs) for 2015, and is on track to achieve another four ahead of time. Along with this development, however, socio-economic disparities – across groups, regions, and urban and rural areas – are becoming increasingly apparent. As acknowledged in national plans and strategies, overcoming such disparities will require a sustained effort to improve governance structures and systems.

Significant efforts have been made to strengthen the institutions of the executive, legislative and the judicial branches of the State. Since 2001, an ambitious programme to reform the public administration has been in place, resulting in the simplification of administrative procedures, further decentralisation of powers and resources to the local level, and a general improvement in public service delivery. A comprehensive legal framework on anti-corruption is also emerging. Meanwhile, the National Assembly is becoming an increasingly powerful and relevant institution, as evidenced by a legislative agenda growing in scope and depth, strengthened policy dialogue and oversight capacities, and new means of improving the contact with voters. In 2005, the Party promulgated the Legal Systems Development Strategy and the Judicial Reform Strategy, providing a 15-year vision and direction for strengthening the legal framework and the role of the judiciary respectively.

Promoting and protecting human rights is an important part of the Government's reform agenda. As outlined in the publication *Achievements in the Protection and the Promotion of Human Rights in Viet Nam*⁵, the Government seeks to ensure the realization of human rights through the process of economic, social and cultural development in general, and the building and improvement of a modern legal system in particular. Viet Nam has so far acceded to five⁶ of the seven major UN human rights treaties, and is also a party to the two optional protocols to the Convention on the Rights of the Child⁷. In addition, the Government is currently considering ratifying the Convention against Torture and the Convention on Disability. A majority of the basic human rights identified in such and other treaties are recognized in the 1992 Constitution of Viet Nam (revised in 2001), and are increasingly being transformed into domestic legislation. In this context, the Law on Conclusion, Accession and Implementation of Treaties (2005) is a noteworthy recent addition to the legal framework, providing a strong legal foundation for the incorporation of international treaties, including human rights treaties, into national law.

In the absence of a dedicated national human rights institutions or parliamentary committee on human rights, the Ministry of Foreign Affairs serves as the focal point for

⁵ Ministry of Foreign Affairs (2005)

⁶ the Covenant on Civic and Political Rights, the Covenant on Economic, Cultural and Social Rights, the Convention on the Rights of the Child, the Convention against Racial Discrimination, and the Convention on the Elimination of All Forms of Discrimination against Women.

⁷ On the sale of children, child prostitution and child pornography and on the involvement of children in armed conflict.

the implementation of international human rights treaties. As such, the Ministry is responsible for formulating human rights-related policies and laws, representing the Government at the bilateral and multilateral dialogues on human rights, and for the coordination of several country reports to human rights treaty bodies. The reporting is facilitated by an inter-agency mechanism and process.

The Government has instructed ministries, other government bodies and localities “to fully develop the legal system and organize effective law enforcement, disseminate widely the international human rights instruments that Viet Nam has ratified, as well as design and implement international cooperation programmes to effectively implement such human rights instruments”⁸. This instruction reflects the ambition of the Government to work closely with other countries to promote human rights and protect fundamental principles of international law on human rights.

Apart from having participated in various multilateral fora⁹, Viet Nam has entered into a number of bilateral dialogues on human rights with countries such as the United States, Norway, Switzerland, Australia and the European Union. Partly as a result of such dialogues, various conferences, seminars, training courses, exchange visits, and other initiatives on human rights-related issues have been organised over the years, mainly with the Ho Chi Minh Political Academy at the receiving end. Such cooperation has been complemented by much broader technical assistance by the donor community, including UNDP and the UN System, to the reform of the legal and judicial system.

In this context, in mid-2006, the Ministry of Foreign Affairs approached UNDP with a request for support to a new project on strengthening the capacity of national and local agencies to implement international human rights treaties. In summary, the proposal identifies a need for technical assistance in order to:

- Enhance the awareness of central and local officials on international human rights treaties as well as on related laws and bills promulgated by the Government;
- Improve policy, legal and institutional frameworks for the effective implementation of international human rights treaties, including a review and appraisal process to ensure the consistency between such treaties and national law, and;
- Strengthen policy research and monitoring capacities related to human rights, including by exploring and building upon international comparative experience.

1.2 Project overview

The project has the following three major components:

1. Awareness raising
2. Institutional development
3. Partnership building

The project has been designed for 3.5 years. The first six months of the project will be devoted to preparatory activities for project implementation, including the identification/recruitment of project staff, training on UNDP project management/NEX

⁸ Directive 41/2004/CT-TTg of the Prime Minister, dated 2 December 2004.

⁹ Including as a full member of the Commission on Human Rights (2001-03), the Commission for Social Development (2002-04), and ECOSOC (2000-02).

guidelines, design of an M&E system, organisation of a financial micro-assessment, and preparation of Terms of Reference for the key activities planned for the first year.

Further details on the contents of the three main components of the project are provided below:

I. Awareness raising: The first component of the project is aimed at building general knowledge and a knowledge management system on international human rights treaties and the international context out of which they emerge. In the first year of the project, the focus will be on raising the awareness of targeted beneficiaries on the international human rights regime, the content of the international human rights treaties, and the commitments and obligations of Viet Nam in this respect.

Under this component, a comprehensive assessment will be carried out to identify critical issues in relation to the implementation of international human rights treaties. Departing from the observations and recommendations of treaty monitoring bodies, the assessment will be complemented by a mapping/analysis of past/ongoing capacity building efforts and studies of comparative international experiences from capacity building efforts in the concerned area. The three studies will form the basis for the development of a knowledge management strategy, to feed into a handbook on training and awareness raising on human rights.

II. Institutional development: The second component of the project addresses the need to strengthen institutional capacities for the ratification and implementation of international human rights treaties. This component will depart from capacity assessment referred to above and the provisions for incorporation of treaties into domestic legislation in the Law on Conclusion, Accession and Implementation of Treaties. The project will refer to international best practice and use a convention that Viet Nam is considering to ratify as a pilot case, the lessons learned of which will feed into the development of a standardized methodology for (a) the preparation of ratification of outstanding international human rights treaties, and (b) the further harmonisation of the existing national legal framework with already ratified human rights treaties.

As part of this component, targeted efforts will also be made to strengthen capacities for producing high quality and timely reports to treaty monitoring bodies. The project will in particular address the need for a multi-stakeholder and multi-disciplinary process of preparation of reports, and for responding to the concluding observations and recommendations made by the treaty bodies to which the reports were submitted.¹⁰ A plan will be elaborated outlining the responsibilities of relevant government stakeholders in following-up on the recommendations of the treaty bodies. The project will furthermore seek to improve data collection for treaty body reporting, and explore alternative structures and mechanisms for better coordinating and monitoring the implementation of international human rights treaties.¹¹

III. Partnership building: The third component of the project focuses on promoting an inclusive and participatory dialogue on the implementation of international human rights

¹⁰ The guidelines for reporting to human rights treaty bodies, developed by OHCHR, will be utilized (and adapted as needed).

¹¹ Including the possibility of establishing human rights monitoring units within government agencies as the police, military and security forces.

treaties, including through the organisation of a yearly, international workshop on the subject of implementation of international human rights treaties. The workshop will seek to identify lessons learned (including through the project) in Viet Nam, international best practices, and issues for further dialogue and capacity building efforts. A website, on which workshop reports and results will be posted along with other information related to the implementation of human rights treaties in Viet Nam, will also be developed under this component. Moreover, the project will explore opportunities to draw on the expertise of academic institutions and research related to human rights conducted by the same, and seek to promote further research in areas of mutual interest. Finally, the project will provide for training on the human rights-based approach to development analysis and programming for a wider group of stakeholders.

1.3 Communication, public information and advocacy

Communication, public information and advocacy are essential elements of the project and a precondition for its success. As part of the third project component on partnership building, specific arrangements will be made to keep project stakeholders – including national partners and UN agencies – regularly informed about the progress and results of the project.

Other specific activities will include:

- Timely publication and dissemination of project products (in both English and Vietnamese), including annual and quarterly progress reports and plans as well as reports from workshops, study tours, training seminars, etc.
- The preparation of an annual report and creation of a government-hosted website providing information on ratified international human rights treaties and the progress of implementation;
- Regular coordination meetings with other government ministries and agencies engaged in similar activities, at no extra cost to the project;
- Information sharing about the project at the workshops organized within the project;
- Participation in national and local forums (conferences, workshops, etc.) and using other communication tools (newspaper articles, papers, etc.) for disseminating information related to project activities and results, at no additional cost to the project.

2. Indicative budget structure

Year	Key Activities	Amount USD
2007	Awareness Raising	10 000.00
	Institutional Development	10 000.00
	Partnership Building	10 000.00
	Project Management	20 000.00
2008	Awareness Raising	90 000.00
	Institutional Development	90 000.00
	Partnership Building	90 000.00
	Project Management	80 000.00

2009	Awareness Raising	110 000.00
	Institutional Development	100 000.00
	Partnership Building	100 000.00
	Project Management	90 000.00
2010	Awareness Raising	110 000.00
	Institutional Development	100 000.00
	Partnership Building	100 000.00
	Project Management	90 000.00
Total		1 200 000.00

3. Project strategy

3.1 Overall strategic approach.

The project focuses on developing practical strategies to promote and protect human rights in Viet Nam. In particular, the project will build capacities, in a systematic and sustainable manner, for the ratification and implementation of international human rights treaties. As such, the project will contribute to enhancing the:

- General understanding of human rights;
- Process of ratification of treaties;
- Translation of treaties into national law;
- Implementation of treaties;
- Monitoring and report preparation;
- Systematization of human rights information;
- Dialogue on human rights, and;
- Coordination and stakeholder participation in the area of human rights.

The project will bring about a number of tangible outputs that together are expected to contribute to the long-term objective of promoting and protecting human rights. Such outputs will mainly come in the format of new methodologies, strategies, tools, studies, consultative processes and enhanced policy dialogue on human rights. The planning of such outputs will be done in a consultative manner to ensure that already existing resources will be integrated and utilized in the project rather than being recreated. In this regard, particular attention should be paid to the need for making use of guidelines, manuals and other materials produced by OHCHR, as well as drawing on the experiences and results of ongoing technical assistance projects.

The results and resources framework attached as Annex 1 provides further details on the outputs, indicators, activities and inputs of the project. At the same time, it should be recognised that the desired outcomes of MoFA and other government agencies being able to positively influence the protection and promotion of human rights in Viet Nam are less quantifiable. Hence, some flexibility and process-led elements are required during project implementation.

The main beneficiaries of the project will be senior managers and staff of the Ministry of Foreign Affairs and other ministries and agencies, including departments at the local

level, having key roles and responsibilities in the process of ratification and implementation of specific international human rights treaties.

In accordance with the UNDAF outcome 3 and the human rights based approach to development, the project will furthermore seek to develop and enhance links between a broad range of Vietnamese institutions in the field of human rights. To this end, representatives of various non-governmental organisations and associations will be invited to take part in the various activities of the project. In particular, the project will explore options for including such organisations and associations in the reporting process, including by drawing on the recent experience of the compilation and drafting of the first CEDAW shadow report. Specific training workshops on the rights-based approach to development will also be organised.

A precondition for the success of the project is that the ownership of activities and outputs are clearly vested with MoFA. The support provided by UNDP and other UN agencies is of a supplementary character, bringing added value in the sense that it enables MoFA to do things it would not be able to do with already existing capacities and resources. Bringing in comparative international best practice through the recruitment of external consultants is thus anticipated when appropriate and necessary.

3.2 Strategic approach to cross-sectoral issues

Responding to the Plan of Action for the Advancement of Women in Viet Nam, the National Gender Mainstreaming Guidelines, and the Law on Gender Equality, the project will:

- Ensure equal participation of men and women in the specific activities;
- Address gender as part of the capacity building for reporting to treaty bodies on human rights;
- Develop specific gender-sensitive indicators and benchmarks as part of the development of a methodology for studying and implementing international human rights treaties.

3.3 Project implementation structure

As part of its in-kind contribution to the project, MoFA will designate a senior official as part-time National Project Director (NPD), who, on behalf of MoFA will be accountable to the Government and UNDP for the:

- Proper use of all resources assigned to the project;
- Timely implementation of agreed activities;
- Efficient use of inputs, including of international expertise;
- Substantive quality of outputs achieved;
- Proper coordination of project stakeholders, in particular national parties.

The NPD will be assisted by a project team consisting of a Deputy National Project Director (part-time), a National Project Manager (full-time), a National Human Rights Specialist (part-time), an Administrative Assistant/Accountant (full-time) and a full time translator.

The project will also employ, when necessary, a part-time Senior Technical Advisor (STA), to provide inputs to the annual work planning and review process and, as needed, to the implementation of key activities. It is foreseen that the services of the STA will be needed for a total period of 120 days over three years, including two missions to Viet Nam per year. The specific tasks of the STA will be decided on as part of the annual work planning process.

Draft job descriptions for all the positions indicated above are attached as Annex B.

3.4 Project coordination

In line with the One UN reform process in Viet Nam in general and the implementation of the One UN Plan in particular, linkages and synergies to related initiatives supported by other UN agencies (as well as the donor community at large) will continuously be explored. UNDP will take on an overall coordination role in these efforts.

3.5 Financial management mechanism

The project will be implemented by way of national execution, as prescribed by UNDP Provisional Guidelines on Project Management (2005), if not otherwise recommended by the above-mentioned micro-assessment. The Department of International Organizations (DIO) within MOFA will be the national implementing partner.

The allocation and expenditure of resources will be made in accordance with the Annual Work Plan (AWP) and Quarterly Work Plans (QWPs).

The AWP will be prepared in time for the Annual Project Review Meeting (see further below), to be held towards the end of each calendar year. The AWP will be presented in a matrix format, providing details on outputs, indicators, inputs and budget allocations, accompanied by a narrative section outlining the relevance/justification for each activity and the modes of implementation. The draft final AWP will be submitted by MoFA to MPI and UNDP within the first month of each calendar year for endorsement.

The Quarterly Work Plans will be prepared and submitted to UNDP at least two weeks prior to the commencement of the new quarter. It will be accompanied by draft ToRs for key activities to be initiated in that quarter. The QWPs will be jointly reviewed and approved by MoFA and UNDP in consultation with other concerned UN agencies. The final QWPs, along with quarterly progress reports/financial reports (see below), will form the basis for the quarterly financial advances to the project.

3.6 Monitoring and evaluation mechanism

A monitoring and evaluation (M&E) system for the project will be designed during the inception phase. The M&E system should be based on the indicators and targets set out in the Project Results and Resources Framework. Besides serving as a compliance system to track progress against activities, outputs and outcomes, the M&E system should also provide the data and lessons to enable project improvements.

Monitoring is a continuous or regular collection and analysis of data, providing feedback, in order to review implementation progress. It is an integral part of day-to-day

management. The purpose of monitoring is to enable project management to identify and solve problems, or take corrective measures, as early as possible. Monitoring therefore involves providing project management with up to date information on whether:

- material, financial and human resources are sufficient
- the work plan is being achieved
- progress is being made towards achieving expected outputs and outcomes

Evaluation, on the other hand, is carried out at specified times to identify useful lessons to enable forward planning and sound development decisions. Evaluation should therefore be carried out by project management before preparing the following year annual work plan and budget.

The project will be subject to an independent mid-term review after 18 months of implementation. Apart from assessing the results of the project to that date, the review will seek to analyse the changes, if any, in the overall context of the support, the implications of such on the project, and make recommendations for adjustments in project design and implementation arrangements accordingly. In addition, an independent end-of-project evaluation will be undertaken as one of the final activities of the project. Data collection could be undertaken specifically for an evaluation exercise but very often evaluation uses the data collected through regular monitoring.

The project is subject to the monitoring and evaluation practices outlined in the “Provisional Guidelines on Project Management”, approved by UNDP and the Government of Viet Nam, and other legal provisions of Viet Nam related to the management and use of ODA.

The following are the main monitoring instruments:

- Capacity needs assessment
- Quarterly Project Progress Report
- Annual Project Progress Report
- Annual Project Review
- Project Visits or Field Visits
- Training Evaluation Forms
- Post-Training Evaluation Reports
- Financial reports

After completion of the project an external audit will be conducted according to the annual audit schedule of UNDP

Signed and Stamped by the Head of the Governing Agency

Annex 1: Project Results Framework

#	Level	Indicators	Baseline	Target	MOV	Related UNDAF outcome	Related Decree 17 priority area	Assumptions
1.	Project result: Key international human rights treaties are acceded to, effectively transformed into national laws, and increasingly being reported on and observed by the Government		See collection of treaty body recommendations and observations	Steady decrease in the number of recommendations for improvement by treaty bodies	Project evaluation report	Policies, laws and governance structures conform to the values and goals of the Millennium Declaration		<ul style="list-style-type: none"> - MoFA is able to effectively manage and execute the project - Other stakeholders want to engage in project activities - The Government is willing to integrate and sustain the results achieved by the project into its own policies, strategies and plans
1.1	Project outcome: Project beneficiaries have better understanding on the international human rights machinery, human rights treaties and associated obligations and duties		Lack of systematic approach to knowledge management and learning on human rights	Knowledge management strategy on human rights designed and institutionalised by 2009	<ul style="list-style-type: none"> - Project evaluation report - Annual project review and project progress report - Knowledge management strategy and training evaluation forms 			
1.1.1	Project output: Project beneficiaries' knowledge and understanding of human rights treaties mapped and		No systematic, readily available information	Analysis/studies conducted and completed by end-2008	<ul style="list-style-type: none"> - Project evaluation report - Annual project review and project progress report - Research, study 			

#	Level	Indicators	Baseline	Target	MOV	Related UNDAF outcome	Related Decree 17 priority area	Assumptions
	<p>analysed</p> <p>Activity groups:</p> <ul style="list-style-type: none"> - Mapping/lessons learned analysis of capacity building efforts on international human rights treaties - Study on comparative international practise on training and awareness raising on human rights treaties 				reports			
1.1.2	<p>Project output:</p> <p>Knowledge management strategy developed based on capacity gaps assessment, international comparative experience and past/existing capacity development efforts</p> <p>Activity groups:</p> <ul style="list-style-type: none"> - Preparation of a knowledge management 		No formal strategy in place	Knowledge management strategy prepared, widely discussed and finalised by mid-2009	<ul style="list-style-type: none"> - Project evaluation report - Annual project review and project progress report - Knowledge management strategy - Record of consultations 			

#	Level	Indicators	Baseline	Target	MOV	Related UNDAF outcome	Related Decree 17 priority area	Assumptions
	strategy - Broad-based consultations on the draft knowledge management strategy							
1.1.3	<p>Project output: Pilot training undertaken in line with agreed training methodology and training manual developed for wide-spread dissemination</p> <p>Activity groups: - Implementation of priority components of knowledge management strategy - Pilot training conducted for select groups, followed by evaluation and recommendations for scaling-up - Design and dissemination of training manual/methodology</p>		Training undertaken on ad-hoc basis with uncertain results	Training methodology and manual developed, tested and fully operationalised by end-2009	<ul style="list-style-type: none"> - Project evaluation report - Annual project review and project progress report - Evaluation report on pilot training - Training manual/method document 			

#	Level	Indicators	Baseline	Target	MOV	Related UNDAF outcome	Related Decree 17 priority area	Assumptions
1.2	Project outcome: Strengthened institutional capacities for the ratification and implementation of international human rights treaties		Ad-hoc systems and procedures in place resulting in delays, lack of accountability and non-conformity, non availability of capacity analysis	Improved processes, procedures and methods for ratification, harmonisation and reporting in place by 2010	- Project evaluation report - Treaty body recommendations and observations			
1.2.1	Project output: Improved and standardized methodologies for a) harmonizing national law with ratified international human rights treaties, and b) the preparation of ratification of outstanding treaties Activity groups: - Assessment of the status of implementation of Law on Treaties - Analysis of comparative international practise on harmonisation - Identification of		Existing mechanisms for ratification and harmonisation generate delays and unclear results	New mechanism/methodology institutionalised and disseminated by mid-2010	- Project evaluation report - Annual project review and project progress report - Assessment report - Comparative analysis report - New legal documents on ratification and harmonisation - Knowledge management strategy			

#	Level	Indicators	Baseline	Target	MOV	Related UNDAF outcome	Related Decree 17 priority area	Assumptions
	<p>pilot treaty for ratification</p> <ul style="list-style-type: none"> - Training and advise on ratification and harmonisation of pilot treaty - Preparation of legal documents for institutionalising gender-sensitive methodology for ratification and harmonisation - Integration of methodology with knowledge management strategy 							
1.2.2	<p>Project output: Improved process and procedures for preparing country reports to treaty bodies</p> <p>Activity groups:</p> <ul style="list-style-type: none"> - Assessment of existing capacities and bottlenecks for timely and quality reporting and follow-up to 		Country reports are prepared on ad-hoc basis and delays in submission are common	All outstanding country reports are prepared through a standardised, consultative process and submitted to the treaty bodies	<ul style="list-style-type: none"> - Project evaluation report - Annual project review and project progress report - Country reports to treaty bodies - Assessment report - Study tour report - Training evaluation forms 			

#	Level	Indicators	Baseline	Target	MOV	Related UNDAF outcome	Related Decree 17 priority area	Assumptions
	<p>recommendations of treaty monitoring bodies</p> <ul style="list-style-type: none"> - Systematisation of information and data gaps for reporting, and possible support for human rights monitoring units within government institutions - Exposure to experience and reporting mechanisms of other countries and expectations of treaty monitoring bodies, including visits to treaty bodies and the Human Rights Council - Training on reporting and new procedures for consultations during reporting process 							
1.2.3	Project output: Improved follow-up procedures to treaty		Recommendations and observations of treaty bodies	A majority of recommendations and observations of treaty	<ul style="list-style-type: none"> - Project evaluation report - Annual project 			

#	Level	Indicators	Baseline	Target	MOV	Related UNDAF outcome	Related Decree 17 priority area	Assumptions
	<p>body recommendations and observations</p> <p>Activity groups:</p> <ul style="list-style-type: none"> - Baseline assessment on current procedures for responding to recommendations and observations of treaty bodies - Development of a plan for follow-up on outstanding recommendations and observations - Dissemination of Information on follow-up to recommendations and observations of treaty bodies 		are not followed-up on in a transparent and systematic manner	bodies are responded to in a transparent manner by 2010	<p>review and project progress report</p> <ul style="list-style-type: none"> - Baseline assessment report - Treaty body recommendations and observations 			
11.3	<p>Project outcome:</p> <p>The establishment of an inclusive and multisectoral dialogue on the implementation of international human rights treaties</p>		Discussions and debates around human rights are confined to a limited number of actors at the national level, and few, if any, training	An increasing number of stakeholders have the opportunity and capacity to contribute to dialogue, research and training on human rights and the human-rights based approach	<ul style="list-style-type: none"> - Project evaluation report - Annual project review and project progress report - Record of dialogues/workshops/training seminars 			

#	Level	Indicators	Baseline	Target	MOV	Related UNDAF outcome	Related Decree 17 priority area	Assumptions
			opportunities on the human rights-based approach are available					
1.3.1	<p>Project output: Lessons learned, international best practises, and further dialogue/capacity building issues identified and widely shared and discussed</p> <p>Activity groups: - Organisation of yearly, international workshop on capacity building for human rights treaty implementation - Establishment of a government website for information sharing on human rights treaty ratification, monitoring/reporting and implementation - Promotion of national research on</p>		Few opportunities and resources available for interactive dialogue and research on human rights	Yearly international workshop on human rights treaty implementation; on-line dissemination of information on human rights treaty implementation; increasing body of relevant research on human rights; increasing number of lectures, country visits by international experts and international human rights officials	<ul style="list-style-type: none"> - Project evaluation report - Annual project review and project progress report - Record of international workshops - Compilation of research on human rights - Website - Records of lectures, visits, etc. 			

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	human rights and networking between academic institutions and the government - Lectures with prominent human rights scholars and experts and country-level visits and missions of OHCHR, special rapporteurs, etc.							
1.3.2	<p>Project output: Strengthened national capacities on human rights-based analysis and programming</p> <p>Activity groups: - Training on the human rights-based approach - Development of tools and resources for scaling-up training, including ToT</p>		Very few training workshop on the human rights-based approach offered to government officials and other national stakeholders	All UN project counterparts trained on the human rights-based approach by end-2008	<ul style="list-style-type: none"> - Project evaluation report - Annual project review and project progress report - Training reports and evaluations 			

Annex 2: TERMS OF REFERENCE FOR PROJECT STAFF

1. National Project Director (Part Time)

Duration of Services: 3, 5 years

Location: Hanoi

1. Background

Promoting and protecting human rights is an important part of the Government's reform agenda. As outlined in the publication *Achievements in the Protection and the Promotion of Human Rights in Viet Nam*¹², the Government seeks to ensure the realization of human rights through the process of economic, social and cultural development in general, and the building and improvement of a modern legal system in particular. Viet Nam has so far acceded to five¹³ of the seven major UN human rights treaties, and is also a party to the two optional protocols to the Convention on the Rights of the Child¹⁴. In addition, the Government is currently considering ratifying the Convention against Torture and the Convention on Disability. A majority of the basic human rights identified in such and other treaties are recognized in the 1992 Constitution of Viet Nam (revised in 2001), and are increasingly being transformed into domestic legislation. In this context, the Law on Conclusion, Accession and Implementation of Treaties (2005) is a noteworthy recent addition to the legal framework, providing a strong legal foundation for the incorporation of international treaties, including human rights treaties, into national law.

In the absence of a dedicated national human rights institutions or parliamentary committee on human rights, the Ministry of Foreign Affairs serves as the focal point for the implementation of international human rights treaties. As such, the Ministry is responsible for formulating human rights-related policies and laws, representing the Government at the bilateral and multilateral dialogues on human rights, and for the coordination of several country reports to human rights treaty bodies. The reporting is facilitated by an inter-agency mechanism and process.

The Government has instructed ministries, other government bodies and localities "to fully develop the legal system and organize effective law enforcement, disseminate widely the international human rights instruments that Viet Nam has ratified, as well as design and implement international cooperation programmes to effectively implement such human rights instruments"¹⁵. This instruction reflects the ambition of the

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¹³ the Covenant on Civic and Political Rights, the Covenant on Economic, Cultural and Social Rights, the Convention on the Rights of the Child, the Convention against Racial Discrimination, and the Convention on the Elimination of All Forms of Discrimination against Women.

¹⁴ On the sale of children, child prostitution and child pornography and on the involvement of children in armed conflict.

¹⁵ Directive 41/2004/CT-TTg of the Prime Minister, dated 2 December 2004.

Government to work closely with other countries to promote human rights and protect fundamental principles of international law on human rights.

In this context, in mid-2007, the Ministry of Foreign Affairs and UNDP developed a project titled “Capacity building for the implementation of international human rights treaties in Viet Nam”. In summary, the project identifies a need for technical assistance in order to:

- Enhance the awareness of central and local officials on international human rights treaties as well as on related laws and bills promulgated by the Government;
- Improve policy, legal and institutional frameworks for the effective implementation of international human rights treaties, including a review and appraisal process to ensure the consistency between such treaties and national law, and;
- Strengthen policy research and monitoring capacities related to human rights, including by exploring and building upon international comparative experience.

2. Specific tasks and responsibilities

The National Project Director will have the overall responsibility for the above project and for supervising the project management team, ensuring that the objective, outputs and outcomes of the project are achieved through efficient and effective use of project resources. The National Project Director will also be responsible for coordination and cooperation with UNDP and other relevant organizations. Specific tasks and responsibilities include:

- Being accountable to both MOFA and UNDP for the effective and efficient use of project resources to produce the Project outputs and outcomes.
- Provide advice on the implementation of the project
- Ensures high level co-ordination and co-operation between the project and all relevant Ministries, Institutions, and other participants at all levels to ensure that outputs are achieved and translated into outcomes.
- As Chair of the Project, being in charge of co-coordinating quarterly meetings to decide on the annual and quarterly work plans and to assess the progress of the project in achieving specified milestones and for directing project staff, when required, to maintain adequate progress in achieving the milestones.
- Carry overall responsibility for project outputs and activities as well as quarterly and annual work plans to UNDP and relevant donors
- Carry overall responsibility for project reporting as required by UNDP and ensuring the quality and completeness of all MOFA activities performed through the project

3. Qualifications

- Senior MOFA official at central level.
- A post-graduate university degree in law or related disciplines.

- Knowledge and experience with management of official development assistance (ODA) projects.
- Experience with nationally executed UNDP projects (NEX projects) preferred.
- Extensive work experience and established relationships with the State Agencies involved in human rights treaty implementation and international human rights machinery

2. Deputy National Project Director (Part time)

Duration of Services: 3, 5 years

Location: Hanoi

1. Background

Promoting and protecting human rights is an important part of the Government's reform agenda. As outlined in the publication *Achievements in the Protection and the Promotion of Human Rights in Viet Nam*¹⁶, the Government seeks to ensure the realization of human rights through the process of economic, social and cultural development in general, and the building and improvement of a modern legal system in particular. Viet Nam has so far acceded to five¹⁷ of the seven major UN human rights treaties, and is also a party to the two optional protocols to the Convention on the Rights of the Child¹⁸. In addition, the Government is currently considering ratifying the Convention against Torture and the Convention on Disability. A majority of the basic human rights identified in such and other treaties are recognized in the 1992 Constitution of Viet Nam (revised in 2001), and are increasingly being transformed into domestic legislation. In this context, the Law on Conclusion, Accession and Implementation of Treaties (2005) is a noteworthy recent addition to the legal framework, providing a strong legal foundation for the incorporation of international treaties, including human rights treaties, into national law.

In the absence of a dedicated national human rights institutions or parliamentary committee on human rights, the Ministry of Foreign Affairs serves as the focal point for the implementation of international human rights treaties. As such, the Ministry is responsible for formulating human rights-related policies and laws, representing the Government at the bilateral and multilateral dialogues on human rights, and for the coordination of several country reports to human rights treaty bodies. The reporting is facilitated by an inter-agency mechanism and process.

The Government has instructed ministries, other government bodies and localities "to fully develop the legal system and organize effective law enforcement, disseminate widely the international human rights instruments that Viet Nam has ratified, as well as design and implement international cooperation programmes to effectively implement such human rights instruments"¹⁹. This instruction reflects the ambition of the Government to work closely with other countries to promote human rights and protect fundamental principles of international law on human rights.

In this context, in mid-2007, the Ministry of Foreign Affairs and UNDP developed a project titled "Capacity building for the implementation of international human rights

¹⁶ Ministry of Foreign Affairs (2005)

¹⁷ the Covenant on Civic and Political Rights, the Covenant on Economic, Cultural and Social Rights, the Convention on the Rights of the Child, the Convention against Racial Discrimination, and the Convention on the Elimination of All Forms of Discrimination against Women.

¹⁸ On the sale of children, child prostitution and child pornography and on the involvement of children in armed conflict.

¹⁹ Directive 41/2004/CT-TTg of the Prime Minister, dated 2 December 2004.

treaties in Viet Nam”. In summary, the project identifies a need for technical assistance in order to:

- Enhance the awareness of central and local officials on international human rights treaties as well as on related laws and bills promulgated by the Government;
- Improve policy, legal and institutional frameworks for the effective implementation of international human rights treaties, including a review and appraisal process to ensure the consistency between such treaties and national law, and;
- Strengthen policy research and monitoring capacities related to human rights, including by exploring and building upon international comparative experience.

2. Specific tasks and responsibilities

The National Deputy Project Director with delegated authority from the National Project Director will assist the National Project Director of the above joint UNDP–MOFA project in the following tasks:

- Ensures effective and efficient use of project resources to produce the project outputs and outcomes.
- Monitor implementation of the project
- Supports National Project Director in high level co-ordination and co-operation between the project and all relevant Ministries, Institutions, and other participants at all levels to ensure that outputs are achieved and translated into outcomes.
- Supports National Project Director in coordination of quarterly meetings to decide on the annual and quarterly work plans and to assess the progress of the project in achieving specified milestones and for directing project staff, when required, to maintain adequate progress in achieving the milestones.
- Reviewing and approving project outputs and activities quarterly, and submitting the quarterly and annual work plans to UNDP and relevant donors for approval.
- Reviewing project reporting as required by UNDP and ensuring the quality and completeness of all MOFA activities performed through the project.
- Reviewing the budget process and ensuring that appropriate financial procedures are established and followed

3. Qualifications

- Senior MOFA official at central level.
- A post-graduate university degree in law or related disciplines.
- Knowledge and experience with management of official development assistance (ODA) projects.
- Experience with nationally executed UNDP projects (NEX projects) preferred.
- Extensive work experience and established relationships with the State Agencies involved in human rights treaty implementation and international human rights machinery

3. Project Manager (Full time)

Duration of Services: 3, 5 years

Location: Hanoi

1. Background

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²⁰ Ministry of Foreign Affairs (2005)

²¹ the Covenant on Civic and Political Rights, the Covenant on Economic, Cultural and Social Rights, the Convention on the Rights of the Child, the Convention against Racial Discrimination, and the Convention on the Elimination of All Forms of Discrimination against Women.

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- Strengthen policy research and monitoring capacities related to human rights, including by exploring and building upon international comparative experience.

2. Specific tasks and responsibilities

Under the supervision of the National Project Director, the Project Manager will assume the operational responsibility for the day-to-day implementation of the above joint UNDP MOFA project in accordance with UNDP and government policies and regulations. Specific tasks and responsibilities include:

- Assume, under the authority of the Project Director, operational responsibility for the day-to-day execution of the project in accordance with procedures and practices outlined in the NEX manual.
- Prepare and update work plans for approval by the Project Director.
- Ensure that all agreements with designated implementing agencies and sub-contractors are properly documented. Supervise and coordinate the implementation of these agreements.
- Initiate and administer the mobilization of project inputs under the responsibility of MOFA
- Assume direct responsibility for managing the project budget on behalf of the Project Director to ensure that:
 - Project funds are made available as needed and are disbursed properly;
 - Accounting records and supporting documents are kept,
 - Financial reports are prepared,
 - Financial operations are transparent and comply with MOFA and UNDP rules,
 - Records are made available for audit purposes, at any time.
- Manage project physical resources (equipment, etc.) financed by UNDP.
- Supervise and guide project staff and experts engaged.
- Draft and/or coordinate the preparation of all project management reports, including quarterly, annual, and terminal reports, and organize project review meetings and Evaluation Missions in cooperation with MOFA and UNDP.
- Organize project monitoring and evaluation systems, and regularly update the National Project Director, the Deputy National Project Director and UNDP on progress, issues and constraints to project implementation.

3. Qualifications

- University degree in law or related field, specialist knowledge in law or human rights preferred
- At least 5 years experience in the project subject area.
- Good inter-personal, managerial and team building skills.
- Good spoken and writing skills in both Vietnamese and English.
- Familiarity with UNDP financed technical assistance projects is an asset.
- Full time availability for project duties

4. Human Rights Specialist (Part time)

Duration of Services: 3, 5 years

Location: Hanoi

1. Background

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The Government has instructed ministries, other government bodies and localities "to fully develop the legal system and organize effective law enforcement, disseminate widely the international human rights instruments that Viet Nam has ratified, as well as design and implement international cooperation programmes to effectively implement such human rights instruments"²⁷. This instruction reflects the ambition of the Government to work closely with other countries to promote human rights and protect fundamental principles of international law on human rights.

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- Strengthen policy research and monitoring capacities related to human rights, including by exploring and building upon international comparative experience.

2. Specific tasks and responsibilities

Under the direction and supervision of the Project Manager, the Human Rights Specialist will support the project team (National Project Director, the Deputy National Project Director, and the Project Manager) in implementing and coordinating the project activities and achieving the project objective and results. Specific tasks and responsibilities include:

- Provide substantive input into project activities ensuring they contribute to anticipated project outcomes and advance the realization of human rights
- Being responsible for reviewing and making recommendations to the Project Manager on the subject of reports and reference materials for training activities (workshops, seminars, training courses, study tours), to ensure that the relevant priorities of the project are reflected in such materials
- Collect and collate relevant data and prepare draft periodic progress reports under the supervision of the Project Manager.
- Provide support to the Project Manager in investigating the possibility of collaborating or carrying out joint activities with other projects in the human rights field to maximize the impact of project activities as well as ensuring cooperation with other UN agencies and external counterparts.
- Maintain close contact and ensuring collaboration with relevant Ministries and/or Departments while implementing the Project activities to ensure that the Project work plan is carried out effectively.
- Guide and orient the efforts and contributions of consultants, personnel, government counterparts towards the achievement of programme objectives.
- Implement other duties to be requested by the Project Director and the Project Manager.

3. Qualifications:

- University degree in law, post graduate degree in human rights or related field
- Minimum of 5 years of work experience in related field
- Familiarity with government, social-political organization and donor activities in the human rights field

- Ability to work with a broad range of individuals with diverse backgrounds and experience
- Experience in organizing training programs.
- Knowledge of the Human Rights Based Approach Methodology is an asset
- Familiarity with the activities and procedures of UNDP and experience working with UNDP and other donors will be an advantage.
- Administrative skills and practical computer and software skills, such as: DOS, Windows, Microsoft Word, and Vietnamese popular software
- Excellent working knowledge of English and Vietnamese

5. Accountant/Administrative Support (Full Time)

Duration of Services: 3,5 years

Location: Hanoi

1. Background

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The Government has instructed ministries, other government bodies and localities "to fully develop the legal system and organize effective law enforcement, disseminate widely the international human rights instruments that Viet Nam has ratified, as well as design and implement international cooperation programmes to effectively implement such human rights instruments"³¹. This instruction reflects the ambition of the Government to work closely with other countries to promote human rights and protect fundamental principles of international law on human rights.

In this context, in mid-2006, the Ministry of Foreign Affairs approached UNDP with a request for support to a new project on strengthening the capacity of national and local

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²⁹ the Covenant on Civic and Political Rights, the Covenant on Economic, Cultural and Social Rights, the Convention on the Rights of the Child, the Convention against Racial Discrimination, and the Convention on the Elimination of All Forms of Discrimination against Women.

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agencies to implement international human rights treaties. In summary, the proposal identifies a need for technical assistance in order to:

- Enhance the awareness of central and local officials on international human rights treaties as well as on related laws and bills promulgated by the Government;
- Improve policy, legal and institutional frameworks for the effective implementation of international human rights treaties, including a review and appraisal process to ensure the consistency between such treaties and national law, and;
- Strengthen policy research and monitoring capacities related to human rights, including by exploring and building upon international comparative experience.

2. Specific tasks and responsibilities

The Project Accountant will be responsible for managing project funds, and ensuring proper accounting systems and records are established and maintained throughout the life of the above UNDP-MOFA project. In discharging these responsibilities, the Project Accountant is encouraged to work closely and consult with the concerned UNDP staff, especially the Finance Section and of the Service Centre. Specific tasks and responsibilities include:

- Responsible for supporting the Project Manager in the administration of project funds. This may include establishing and maintaining a project bank account; preparing quarterly financial reports and quarterly advance requests and administration of advanced funds in line with UNDP rules and regulations.
- Prepare reports on project expenditures for Project Manager's review including Government Disbursement Report (GDR) (both in hard copy and electronically in line with UNDP procedures); the quarterly Reconciliation of Outstanding Advance /status of funds (ROA).
- Maintain Project financial records in accordance with UNDP regulations, including a Cash Receipt and Disbursement Journal, Government Disbursement Ledger, UNDP Cash Advance Ledger, and UNDP Direct Payment Ledger (if any).
- With necessary technical inputs and guidance from the Project Manager, prepare and update proposed Project budget revisions for review by the Project Manager before submission to UNDP .
- Assist the Project Manager in meeting requirements for internal and external project audits.
- Assist the Project Manager in all activities relating to project procurement and sub-contracting procedures to ensure the procurement is made in an efficient, open, transparent and competitive manner in accordance with UNDP policies. This includes, but is not limited to, preparation of request for quotations, request for proposals, purchase orders, receiving and inspection reports, and documents required by UNDP Local Contract Committee;
- Administer project equipment and other facilities including maintaining a Non-expandable Property Ledger as per UNDP guidelines.

- Perform other duties as may be required by the Project Manager for the successful conclusion of the Project.

3. Qualifications

- University degree and Vietnamese accounting qualifications
- Experience in project accounting and budget administration with minimum of three years of practical work experience
- Experience and/or familiarity with UNDP financial rules and regulation and project financial management practice is an asset
- Computer literacy, and in particular, knowledge of Microsoft Office software;
- English language skills (for preparation of financial reports)
- Full time availability for project duties

6. Senior Technical Advisor (Part time)

Duration of Services: 120 days over three years (including two missions to Viet Nam per year)

Location: Hanoi and home-based

1. Background

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2. Specific tasks and responsibilities

The Senior Technical Advisor will provide technical advice and support related to the effective management and execution of the Project. The Senior Technical Advisor will work closely with the National Project Director and the Project Manager and will report to the Project Director and the UNDP Programme Officer. Specific tasks and responsibilities include:

- Be responsible for quality control of the project technical outputs and assist in reporting. To ensure this, the Senior Technical Advisor will be involved in:
 - preparing TORs for requested technical assignments;
 - reviewing technical reports prepared by project individuals and/or agencies;
 - providing assistance for technical project and management reports.
- Assist in identifying and sourcing appropriate technical resources required for the implementation of the project.
- Advise on international best practices and provide technical advice to UNDP and MOFA as needed. This may include:
 - linking to global knowledge networks and expertise to help achieve project outputs
 - assisting the National Project Director in finalizing and reviewing project publications
 - supporting knowledge networking with national agencies and UNDP’s global community to disseminate lessons learned

3. Qualifications

- University level degree in law or related field, specialist knowledge in human rights
- At least 10 years experience in the project subject area.
- Good interpersonal and team building skills.
- Good spoken and writing skills in English. Knowledge of Vietnamese is an asset
- Familiarity with UNDP financed technical assistance projects.

7. Translator (Full time)

Duration of Services: 1 year

Location: Hanoi

1. Background

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2. Specific tasks and responsibilities

The translator will be responsible for providing accurate and fast translation of documents and project related communication. The translator will report to the Project Manager. Specific tasks and responsibilities include:

- Provide translation/interpretation services to senior Project personnel and international consultants as needed
- Translation at meetings to coordinate project activities with foreign participation
- Translation of documents, correspondence and administrative and operational materials

3. Qualifications

- University graduate with excellent English and Vietnamese language skills (written and oral). Preferably with a bachelor degree in law, economics, public administration or a management-related discipline;
- At least five years of relevant work experience with two years of practical experience in an English speaking environment;
- Good translation and interpretation skills;
- Good interpersonal and team building skills;
- Must possess excellent computer skills
- Familiarity with Human Rights themes an asset