



**Call for Expressions of interest FOR INTERNATIONAL CONSULTANT  
TO SHARE INTERNATIONAL EXPERIENCES ON DEVELOPING AND IMPLEMENTING LAWS  
ON STATE COMPENSATION**

**Counterpart: State Compensation Bureau, Vietnam Ministry of Justice**

**Background**

The USAID Governance for Inclusive Growth program works with the public and private sectors in Vietnam to enhance areas of governance to facilitate trade and broad-based growth, with an emphasis on improving the regulatory environment, systems for accountability and inclusion. This program is USAID's primary technical assistance program to support the critical Trans-Pacific Partnership (TPP) free trade agreement.

The program, at the request of the Government of Vietnam, builds on the momentum that has been created for expansion of market reforms, institutional modernization, and global integration. It strives to ensure growth reaches all Vietnamese, implementing targeted efforts to address the unique challenges faced by historically disadvantaged and vulnerable groups and to empower women. The project aims to increase trade and investment, enhance private sector competitiveness, strengthen rule of law, build more effective public administration and financial management and develop greater social and economic inclusion for all citizens.

The program provides technical assistance, training, and other direct support to the government, led by the Ministry of Justice, to strengthen policy-making, law drafting and implementation, oversight, and other governance mechanisms. It promotes greater exchange and information sharing between the government, private sector, and civil society organizations, including social organizations, research centers and universities.

**Specific Assignment Details:**

The Law on State Compensation Liability (the Law) was approved by the National Assembly during Session XII on June 18, 2009, and took effect on January 1, 2010. However, while the Law achieved anticipated results with 258 received cases, in which 200 cases (79%) have been resolved with a total compensation amount of 100 billion VND, 6 years of implementing the Law has revealed many limitations and concerns, such as the lack of communication and education on the Law and challenges in mobilizing the resources, coordination, and ensuring payments. Government agencies failed to engage the participation of lawyers, solicitors and legal assistants in the dissemination of, and education on, the Law. On top of that, the 2009 Law on State Compensation Law does not reflect changes in new and revised laws, such as the Civil Code, the Penal Code, the Civil Procedures Law, the Criminal Procedure

Law (amended in 2015), the Administrative Procedures Law (amended in 2010), the Petition Law, the Law on Reporting (amended in 2011), the Law on the Prevention of Infectious Diseases, the Law on Construction, and the Law and on Housing. Most importantly, the law has not been updated to reflect the new Constitution (2013), which confirmed the fundamental right of citizens “to lodge complaints or denunciations about illegal acts of agencies, organizations or individuals with competent agencies, organizations or persons” and that “competent agencies, organizations or persons shall receive and resolve complaints and denunciations. Those suffering damages have the right to material and mental compensation and restoration of honor in accordance with law.”

Therefore, as stipulated in Resolution #89/2015/QH13 by the National Assembly on the Program of Developing Laws and Ordinances of 2016, the State Compensation Law Bureau was assigned to develop the draft revised Law on State Compensation Liability. The draft Law will be submitted to the National Assembly for approval in the 2<sup>nd</sup> Plenary Session of the National Assembly-Session XIV.

The GIG Program seeks an international consultant to support the development of the Law on State Compensation Liability by providing international examples and experience through consultation with the MOJ.

### **Purpose and objectives of the assignment**

Objectives of the assignment include:

1. To learn international experience on legislative provisions to successfully implement laws on state compensations and provisions to address liability of various states
2. To contribute to the draft of the revised Law on State Compensation Liability based on international experiences

### **Principal duties and responsibilities**

Principal duties and responsibilities of the consultancy include, but are not limited to, the following:

1. (10 days) Review laws on state compensation liability for four (04) selected countries including the **United States, Germany, Singapore and Sweden**, or others suggested by the consultant in close consultation with the Bureau and the GIG Program. The review should include but is not limited to following substances:
  - a. Scope of compensation liability of the State (in what fields of activities does the State should be responsible for compensation?)
  - b. Model of compensation settlement agency (which agency should be responsible for compensating the victim? For example, should the agency directly managing the government official causing the damage be the compensation agency or the higher-ranked agency?)
  - c. Compensation order and procedure (for example: can the victim initiate proceedings in Court to request compensation as stated in legal procedures? Or the victims required to negotiate prior to the settlement of compensation bodies and then based on the decision to agree or disagree, the victim will have

the right to continue to require the Court to settle compensation under the settlement proceedings? For each step, how will the procedure work?).

- d. Mechanism applying for vulnerable groups of citizen
2. (2 days) Prepare and record a digital video presentation to be shared at workshops organized by the Bureau with GIG Program's assistance in Vietnam and join the workshop on-line, if available.
3. (3 days) Finalize consultancy report which includes recommendations for the draft of revised Law based on international experiences.

### **Deliverables**

Expected products of the assignment include the following:

1. An inception report by early July 2016.
2. First draft of the consultancy report by mid-July 2016.
3. Clip/slide of presentation for sharing at workshops by mid to late July 2016.
4. Final consultancy report by early August 2016.

### **Level of effort and period of performance**

The assignment start date will be as indicated in the consultancy agreement. The activities will occur at the consultant's home of record and will occur between late June and August 15, 2016. The total estimated level of effort is 15 work days.

Final written reports will be delivered to USAID/GIG Program no later than August 15, 2016.

### **Duty station**

The assignment will take place in the consultant's home country.

### **Application Instructions**

Interested and qualified applicants should submit an expression of interest, with their CV, to [Consultants@VietnamGIG.com](mailto:Consultants@VietnamGIG.com), with subject line clearly stating "MOJ037 Consultancy". Only finalists will be contacted.

### **Job qualifications**

The assignment will require the following areas of expertise and experience:

- Degree in Law, Economic, Public Administration or relevant field. Post-graduate degree is preferable
- Proved working experience in law development, law implementation or monitoring of law implementation
- Having published researches in law development, role of State or transparency and governance issue in legal documents are advantage
- Understanding of Vietnamese legislation system is an advantage
- Excellent written and spoken English