

**GOVERNMENT OF THE SOCIALIST REPUBLIC OF VIET NAM
UNITED NATIONS DEVELOPMENT PROGRAMME (UNDP)**

Project

Strengthening Access to Justice and Protection of Rights

Project number : 00058492
Implementing Partner (IP) : Ministry of Justice
Start date : 1/11/2009
End date : 31/12/2014

Project summary

The ultimate objective of the Project is to strengthen access to justice and protection of rights in Viet Nam, through the following five priority components:

Continuing to support the implementation of the Strategy for the Development and Improvement of Vietnam's Legal System to the Year 2010 and Direction for the Period up to 2020 (LSDS) and the Judicial Reform Strategy to 2020 (JRS) by evaluating comprehensively the five year implementation of the LSDS and implementation of Resolution 900/UBTVQH11 of the Standing Committee of the National Assembly to implement the LSDS; evaluating the needs on development and completion of Vietnam's legal system during 2011-2020, supplementing and detailing the LSDS for the period 2011-2020 to meet with requirement of Strategy for socio-economic development during 2011-2020; and developing monitoring and evaluation mechanisms for the implementation of the LSDS from 2011-2020;

Coordinating the partnership between government, donors and other institutional and social actors to implement the LSDS and the Judicial Reform Strategy (JRS), through strengthening policy dialogue in the legal area, strengthening and maintaining the model of legal partnership forum as set forth in Decree 78/2007/ND-CP of the Government on the state management of international cooperation in the legal area and as set forth in the One UN Plan in Vietnam; developing a strategy and action plan, and a management information system and database, for aid coordination in the legal and judicial arena; and strengthening policy dialogue and communication between government, donors, and social organizations.

Strengthening capacity of the Ministry of Justice by supporting development of a new vision and mandate for state justice branch to 2020 in meeting with new requirements of the role of justice branch with focus on research and development of strategies, comprehensive plans to develop the justice branch and plans to develop specific areas in the justice branch such as law making, judicial supplementing activities, judicial administration, mutual judicial assistance; strengthening MOJ governance and strategic planning; strengthening monitoring the implementation of law.

Strengthening access to justice and protection of rights through development of a Provincial Justice Index (JPI); developing and implementing a strategy for the legal empowerment of the poor in Viet Nam; and strengthening the inclusion of international human rights norms in domestic laws.

Strengthening judicial reform through support for cross-cutting research and other initiatives, including research on the organization and operations of judicial institutions, the role of judicial reform in socio-economic development in Viet Nam, court management in comparative perspective, and the reform of judicial offices and titles; and flexible support for cross-cutting judicial reform initiatives and experiments.

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PART I. PROJECT OVERVIEW

GENERAL INFORMATION

1. Project title:

Strengthening Access to Justice and Protection of Rights in Viet Nam

2. Project Implementing Partner (IP):

Ministry of Justice (MOJ)

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3. Project Proposing Agency:

International Cooperation Department, Ministry of Justice

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Tel: (84.4) 3.7340104

4. Implementing Agencies:

4.1 International Cooperation Department, Ministry of Justice

Address: 58-60 Tran Phu, Hanoi, Viet Nam

Tel: (84.4) 3.7340104

4.2 Department of General Affairs on Legal Development, Ministry of Justice

Address: 58-60 Tran Phu, Hanoi, Viet Nam

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4.3 Department of Planning and Finance, Ministry of Justice

Address: 58-60 Tran Phu, Hanoi, Viet Nam

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4.4 Law Research Institute, Ministry of Justice

Address: 58-60 Tran Phu, Hanoi, Viet Nam

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Tel: (84.4) 3.733 4986

5. Co-implementing partners:

5.1. Secretariat to the Judicial Reform Steering Committee, Central Committee of the Vietnamese Communist Party (JRSC Secretariat)

Address: 74 Phan Dinh Phung, Ha Noi, Viet Nam

Tel: (84) 0804 5843

5.2. Institute of Legislative Studies of the National Assembly (ILS)

Address: 51 B Phan Dinh Phung, Ha Noi, Viet Nam

Tel: (84) 0804 8037

5.3. Vietnamese Institute for Human Right, the Ho Chi Minh National Political Administrative Academy

5.4. Other agencies and local justice branches (to be identified during process of Project implementation)

6. Proposed timeframe: Five years, from 2009 to 2014

7. Project implementation locations: Hanoi and provinces to be identified during project implementation

8. Proposed project donor: United Nations Development Programme (UNDP)

9. Total budget: **6,493,458** including:

- UNDP funding: **USD 6,148,680**
- Counterpart funds from the Government of Viet Nam (in cash contributions): **USD 344,778** equivalent

10. Type of project support: Technical Assistance

11. Type of official development assistance (ODA): Non-refundable

I. PROJECT JUSTIFICATION

1.1. Context

Since the commitment to building a socialist rule-of-law state stipulated in the Constitution of 1992, Viet Nam has made significant efforts to develop a legal framework and to strengthen legal and judicial institutions. The Constitution of 1992, as amended in 2001, also provides for fundamental rights and obligations of citizens and the institutions necessary for people to seek protection of their rights. Viet Nam recognized the establishment and improvement of the legal system essential to meet its socio-economic development objectives. The Legal Needs Assessment (LNA) conducted in 2000-2001 assessed the status of Vietnam's legal system, and made recommendations to address identified weaknesses, thus laid a foundation for comprehensive strategies for legal and judicial reform in Viet Nam.

The country's policy of moving toward a rule-of-law state was reiterated in 2002 through Resolution 08-NQ/TW of the Political Bureau, which highlighted legal and judicial priority areas. Initial achievements over the first three years of implementation of Resolution 8 led to the adoption of Resolution 48-NQ/TW on Legal System Development Strategy to 2010 with a Visions to 2020 ("LSDS"), and Resolution 49-NQ/TW on Judicial Reform Strategy for the Period until 2020 ("JRS") by the Political Bureau in 2005. These two strategies have clearly set out the reform agenda for the legal and judicial sector and remain the key guiding policy documents for legal and judicial reform as well as for the programming and partnership building between Vietnamese law-related agencies and the international development partners.

Over the last decade, the capacity of key institutions, such as the National Assembly, the judiciary, the procuracy, the Ministry of Justice (MOJ) and other legal institution in the government, provincial legal institutions and other agencies has also been strengthened. At the same time, much work remains to be done: some legal institutions (such as the judiciary) remain both quite weak and dependent on political institutions; constitutional and legal rights are strong in textual terms but often go unimplemented; access to justice remains inconsistent, and abuses of rights are regularly exposed by the Vietnamese press.

In the years since the adoption of Resolutions 48 and 49, a number of laws have been promulgated, other regulatory work has accelerated, a focus on implementation of law has emerged, and attempts to strengthen key legal institutions have been initiated. Strengthening access to justice and protection of citizens' rights is envolvingly the next key step in Viet Nam's legal and judicial reforms. Despite the overall impressive progress in Viet Nam society, social and economic achievements have to be sustained through deepening democracy and building a substantive "rule of law" state, not a rule by law and regulations. The need to promote democratic governance (based on notions of democratic accountability, rule of law, and fairness in the application of the law, etc.) remains strong as ever especially when Vietnam is in transition to a middle-income-country. This is not the task of a single institution, but requires close joint efforts and partnership among political, legislative, executive, legal and judicial institutions at national and local levels.

Both the LSDS and JRS welcome international cooperation and assistance in these reforms as positively experienced in the past nearly two decades. That cooperation and assistance will be more effective and efficient if the partnership among the donors themselves and between the donors and the national beneficiaries can be strengthened. Thus, a continuous and deeper partnership among donors, between the donor community and the national stakeholders as well as among national beneficiaries is important, and is being considered a goal of the next stage of work in this area.

It is widely recognized that access to justice and protection of rights will be strengthened by further development of the capacity of the legal and judicial institutions responsible for administration of and access to justice and protection of rights including the MOJ. To this end, supporting the development of a new vision and mandate for state justice branch, strengthening MOJ internal governance including strategic planning and strengthening a new mandate of the justice sector in monitoring the implementation of law would essentially be desired.

Ensuring access to justice and projection of citizen's rights is often a challenge in particular to the poor and vulnerable including indigenous people and those living in remote areas. Following the state direction on socialization of public services, social organizations are encouraging to provide legal aid to the poor and broadly people who are excluded from the official legal aid provided by the government network. However, the absence of financial framework to support this directive as well as creative and commitment of the actors on the field, the disparities in access to justice would not be dissolved at least in short-term. Nevertheless, efforts to strengthen strategy development and planning cannot effectively address the issues of access to justice and protection of rights if Viet Nam lacks a comprehensive vision for the legal empowerment of the poor, if inadequate attention is given to the inclusion of international human rights norms in domestic law at the national level, and if there is no way to measure, assess, and evaluate efforts to ensure justice on the ground, though a mechanism such as a justice index.

Access to justice and protection of citizens' rights also touch upon important cross-cutting issues with respect to the independence of the judiciary, the organization and operations of justice sector agencies, the role of judicial reform in Viet Nam's socio-economic development, and court management and performance. More coherent and comprehensive research, including comparative analysis, as well as creative initiatives from the grassroots as well as provincial and national agencies, organizations, and citizens, is needed to address these important issues.

UNDP has engaged in support for legal and judicial reform in Viet Nam for nearly two decades, working with the Ministry of Justice, Supreme People's Court, Supreme People's Procuracy, and other Vietnamese central legal and judicial institutions. Most recently, Project VIE/02/015, "Assistance for the Implementation of Viet Nam's Legal System Development Strategy to 2010" (LSDS Project) has sought to assist in strengthening and implementing Viet Nam's primary legal system development strategy. That project was executed by the Ministry of Justice of Viet Nam (MOJ) and supported by UNDP, Sweden, Denmark, Norway, and Ireland.

With the LSDS project drawing to an end in June 2009, the MOJ and UNDP began discussions on future collaborative work to address priorities within the field of strengthening access to justice and protection of rights in Viet Nam. As part of those intensive discussions, MOJ, the Secretariat of the Judicial Reform Steering Committee (JRSC) under the Central Committee of the Vietnamese Communist Party, the Institute of Legislative Studies in the National Assembly, and other central legal and judicial institutions discussed detailed proposals with UNDP.¹

After discussions in early 2009, UNDP and MOJ agreed on a new project outline by reference to MOJ's priority needs and building on UNDP's past support and comparative advantages. At the request of the JRSC Secretariat, a component to support the work of the JRSC and Secretariat through research and initiatives on cross-cutting judicial reform issues was included within an umbrella outline with MOJ as the leading counterpart and the Secretariat of the Judicial Reform Steering Committee as a co-implementing agency.

Based on the agreed-upon outline, a framework of outputs and activities have been developed based on intensive discussions between MOJ, the JRSC Secretariat, the ILS, UNDP in May 2009, and this Detailed Project Outline (DPO) for appraisal and approval is finalized.

1.2. Priorities for Strengthening Access to Justice and Protection of Rights in Viet Nam

Within the field of strengthening access to justice and protection of rights in Viet Nam, priorities have been jointly identified by MOJ, the JRSC Secretariat, the ILS and UNDP as shown in the following focus areas:

- *Continuing to support the implementation of the Strategy for the Development and Improvement of Vietnam's Legal System to the Year 2010 and Direction for the Period up to 2020 (LSDS) and the Judicial Reform Strategy to 2020 (JRS)* by evaluating comprehensively the five year implementation of the LSDS and implementation of Resolution 900/UBTVQH11 of the Standing Committee of the National Assembly to implement the LSDS; evaluating the needs on development and completion of Vietnam's legal system during 2011-2020, supplementing and detailing the LSDS for the period 2011-2020 to meet with requirement of Strategy for socio-economic development during 2011-2020; and developing monitoring and evaluation mechanisms for the implementation of the LSDS from 2011-2020;
- *Coordinating the partnership between government, donors and other institutional and social actors to implement the LSDS and the Judicial Reform Strategy (JRS)*, through strengthening policy dialogue in the legal area,

¹ Proposal of the Ministry of Justice for Cooperation Project with UNDP for 2009-2015 (2009); Proposal of the Judicial Reform Steering Committee for Cooperation with UNDP (2009).

- strengthening and maintaining the model of legal partnership forum as set forth in Decree 78/2007/ND-CP of the Government on the state management of international cooperation in the legal area and as set forth in the One UN Plan in Vietnam; developing a strategy and action plan, and a management information system and database, for aid coordination in the legal and judicial arena; and strengthening policy dialogue and communication between government, donors, and social organizations;
- ***Strengthening capacity of the Ministry of Justice*** by supporting development of a new vision and mandate for state justice branch to 2020 in meeting with new requirements of the role of justice branch in the integration circumstance with focus on research and development of strategies, comprehensive plans to develop the justice branch and plans to develop specific areas in the justice branch such as law making, judicial supplementing activities, judicial administration, mutual judicial assistance; strengthening MOJ governance and strategic planning; strengthening monitoring the implementation of law;
 - ***Strengthening access to justice and protection of rights*** through development of a Provincial Justice Index (JPI); developing and implementing a strategy for the legal empowerment of the poor in Viet Nam, coordinating with relevant agencies to implement global UNDP initiatives on empowerment of the poor in Vietnam and in the South East Asia; and strengthening the inclusion of international human rights norms in domestic laws;
 - ***Strengthening judicial reform through support for cross-cutting research and other initiatives***, including research on the organization and operations of judicial institutions, the role of judicial reform in socio-economic development in Viet Nam, court management in comparative perspective, and the reform of judicial offices and titles; and flexible support for cross-cutting judicial reform initiatives and experiments.

1.3. Lessons Learnt from Past Cooperation

This DPO proposes a new Project, to be implemented by MOJ, the JRSC Secretariat, and the ILS, to strengthen access to justice and protection of rights in Viet Nam. It follows on the ending of the LSDS Project.

LSDS Project included 21 sub-components with a significant number of Vietnamese legal institutions, including the former Internal Affairs Commission of the Central Committee of the Vietnamese Communist Party, Ministry of Public Security, Ministry of Foreign Affairs, Government Inspectorate, National Assembly, Viet Nam Lawyers Association, Supreme People's Court, Supreme People's Procuracy, and six provincial departments of justice. The achievements, shortcomings, and lessons learnt from LSDS Project are extremely useful for the development of this Project with key issues presented below.

Objectives

LSDS Project had three original objectives: (1) A finalised draft of the LSDS; (2) The establishment of a management mechanism for the LSDS; and (3) Implementation of a number of high priority components through a Legal Sector Development Facility (LSDF).

The later revised objectives in the project Results and Resource Framework (RRF) for the period 2007-2008 were: (1) Strengthening access to justice by improving the quality, consistency and coherence of formal legal documents; (2) Enhancing the policy framework and capacity for access to justice and protection of rights; and (3) Strengthening domestic and international communication and policy dialogue. The final Evaluation Report specifically found that these narrowed and more focused objectives reorienting the Project towards “strengthening consistency of legal regulations and a greater focus on access to justice and enforcement of law” was “beneficial to the project both in terms of a better focus of activities and in the management of activities”.²

Achievements

In general terms, the independent Evaluation Report found that LSDS Project “achieved a number of valuable outputs and contributed to the stated outcomes” the most important of which are:

- Technical inputs and support to the drafting and successful approval of the Legal System Development Strategy (adopted as Resolution 48 of the Political Bureau in May 2005) as set out in the original project document.
- Technical inputs and financial support to the drafting and adoption by the Standing Committee of the National Assembly Directive No. 900 on the Action Plan for the Legal Sector Development Strategy in March 2007.
- Setting up and implementing the *Legal Sector Development Facility (LSDF)*, a funding mechanism under the project for “emerging needs” in legal reform.
- Implementation of 21 sub-components, i.e. small-scale projects financed under the LSDF involving a number of national justice institutions, e.g. the former Internal Affairs Commission of the Central Committee, Ministry of Public Security, Ministry of Foreign Affairs, Government Inspectorate, Viet Nam Lawyers Association, National Assembly, and local departments of justice.
- Production of a considerable volume of research, surveys, manuals and training materials and training events covering legal dissemination, legal drafting, administrative violations, training of conciliators in local communities, provision of legal aid, and others. Support to the elaboration of a number of legal regulatory documents guiding the implementation of adopted laws.³

² LSDS Project Evaluation Report, pp. 11-12.

³ Evaluation Report, pp. 4-5.

Obstacles and Shortcomings

The Evaluation Report found some “obstacles” and shortcomings, which MOJ and UNDP have sought directly to address in the formulation of this Project. In particular, there were “unrealistic assumptions on attainable outcomes in the project document, difficulties in cooperation between state institutions for which the project setup had no clear answer, and uncertainties about delegation of authority between UNDP, basket-funders and the MOJ, which were not satisfactorily settled in the life-cycle of the project.”⁴ It also found that the Project was not “able to achieve the wider, strategic objective of an immediate implementation and coordinated management of the LSDS.” This is due in part to the fact the Steering Committee for the LSDS never materialized as initially expected, and because a significant part of the law-making programme of the LSDS remains to be done. Nevertheless, this objective was arguably “well beyond the capacity and remit of a donor-funded project in the first place.”⁵

In specific terms, the Project was “too ambitious in terms of policy issues, and too burdensome in relation to the coordination across government institutions.... [Because] the MOJ does not have a matching coordinating role and mandate in the overall implementation of the LSDS ... the Ministry has been saddled with a project that at times extended its capabilities.” As a result, project activities were “implemented within each separate institution and have not involved any joint or cross-cutting activities.”⁶ “[T]here seems to have been a mismatch between the “sectoral” ambitions of the Project and the mandate and mode of operation of the MOJ (and hence the PMU).”⁷

The Evaluation Report judged that the “practice of using donor funding to conduct training courses, workshops and seminars at local level to strengthen knowledge capacity and awareness of legal norms is not considered sustainable.” It noted that “[s]imilarly, the development of implementing legal documents and guidelines is an important task, but again [it is not] sustainable for the government to rely extensively on donor funding for the purpose of developing legal normative documents.” It expressed some skepticism about the value provided by international technical assistance with regard to policy and legal development.

Lessons Learnt

Based on the actual implementation of the earlier projects, there are some key lessons useful for this project design as follows:

- The management and implementation system of the project should be simple but effective, avoiding overlapping and creating intermediate levels in the appraisal and decision making process related to project activities.

⁴ Evaluation Report, p. 14.

⁵ Evaluation Report, p. 10.

⁶ Evaluation Report, p. 17.

⁷ Evaluation Report, p. 17.

- Project responsibilities for management of sub-components should be delegated to the participating sub-components especially to ex-MOJ institutions, with a clear and transparent mechanism for financial management, monitoring and evaluation, and reporting regulations.
- It is important to focus on a few, key required policy changes to be made with inputs from donors and international expertise rather than to focus too broadly, or to substitute for local costs.
- This is a technical assistance (TA) project so it is important to have international expertise both for specific elements of the project and on an overall basis with requirements for quality and time contribution to meet the specific needs of the project.
- Results from the project should be sustainably maintained and widely disseminated, including through web publication of all domestic and international reports and research generated by the project.
- A timely and effective mechanism should be established for information sharing to assure efficient coordination among project activities (among units within the Ministry of Justice, among the Ministry and other institutions working on the project (such as the JRSC Secretariat and the ILS; and with relevant donors, other project stakeholders and beneficiaries.)
- Plans should be realistic, avoiding too ambitious but meeting development needs.

This new Project has learnt from these lessons and proposed the followings:

- Simplifies the project and the tasks to be accomplished within it;
- Design a project management mechanism to assist the MOJ to supervise the project implementation and substantive work of fewer multiple partners;
- Resolves the issues of project over-ambition and over-burdening of the MOJ management through careful definition of tasks and outputs;
- Provides for regular consultations and the development of work plans on an annual basis to remain consistent with Government tasks and needs.

1.4. Comparative Advantages of UNDP

The comparative advantage of UNDP in support for strengthening access to justice and protection of rights in Viet Nam is its impartiality, neutrality and reliability; the long-term mutual partnership that has been built and continuously developed since the early 1990s between UNDP, MOJ and other Vietnamese legal and judicial institution, including UNDP's strategic support for the development and implementation of the LSDS and the JRS, and its support for capacity development of the Ministry of Justice and other state

agencies in policy dialogue and partnership; UNDP's important supportive role in working with the Party on judicial reform, and particularly with the JRSC Secretariat.

UNDP has also demonstrated its ability to develop multilateral development partnerships, attracting and coordinating financial resources among donors for capacity development of people's elected bodies in Viet Nam. Especially since mid-2008, the unification of United Nations organizations under the One UN plan has created the opportunity for coordinated UN action on legal and judicial reform in Viet Nam, strengthening access to justice and protection of rights of different groups of people, including children, women and other target groups.

II. PROJECT OVERVIEW

2.1. Main Contents

One United Nations Plan Outcome: The principles of accountability, transparency, participation and rule of law are integrated into Viet Nam's representative, administrative, judicial and legal systems.⁸

One UN Plan Output: The Project contributes to two programmatic components and four outputs. The programmatic components are *Public Administration Reform (PAR) and Legal and Judicial Capacity Enhancement* and *Representation and Democratization*.

Under *Legal and Judicial Capacity Enhancement*, the Outputs are:

- Promote community awareness of rights and responsibilities;
- Support effective realisation of governance strategies on legal and judicial reform for more accessible, accountable and effective criminal justice systems; and
- Support strengthening capacities for law enforcement, the judiciary and legal counsel and support services during investigation and trials.

Under *Representation and Democratization* component, the Outputs are:

- Support capacity development of people's elected bodies to oversee the functioning of the executive agencies and represent the interests of the public, through a partnership and policy analysis mechanism with the National Assembly; and
- Promote the increase of expertise of core groups of legislators, executives and judges.⁹

⁸ UN Viet Nam, One Plan 2006-2010 (version June 2008), Outcome 4 , para. 27.

⁹ UN Viet Nam One Plan, Outcome 4 and Outputs.

Project Outcomes: Access to justice and protection of rights in Viet Nam will be enhanced by the supplementing, implementation and monitoring and evaluation of the Legal System Development Strategy; strengthened partnerships between government, donors and other actors to implement the Legal System Development Strategy and the Judicial Reform Strategy; enhanced MOJ capacity on internal governance including strategic planning and monitoring law implementation; strengthened access to justice and promoting knowledge of and protection of citizens rights through various initiatives and research.

Project Outputs: The project will support MOJ together with its counterparts to obtain main long-term results by the end of 2014 via five integrated components as follows:

- **Component 1:** Supporting the implementation of the Legal System Development Strategy (LSDS)
- **Component 2:** Coordinating the partnership between government, donors and other institutional and social actors to implement the LSDS and the Judicial Reform Strategy (JRS)
- **Component 3:** Strengthening justice branch governance and strategic planning
- **Component 4:** Strengthening access to justice and protection of rights
- **Component 5:** Strengthening judicial reform through support for cross-cutting research and other initiatives

The following table summarizes expected outputs of the components above. Detailed outputs and targets of the five components are displayed in the Results Framework in Part II of this DPO.

Table 1: Main Project Outputs

COMPONENT 1:

**SUPPORTING THE IMPLEMENTATION OF THE
LEGAL SYSTEM DEVELOPMENT STRATEGY (LSDS)**

Target: Strengthened steering, monitoring and evaluation and coordination in legal and judicial reform, development and stronger alignment of legal and judicial development with VN SEDS for 2010-2020

Output 1.1: Evaluation of the implementation of the LSDS for 2006-2010.

Output 1.2: Developing the LSDS for the period 2011-2020.

Output 1.3: Monitoring and evaluation mechanisms for the implementation of the LSDS from 2011-2020 developed and put into use.

COMPONENT 2:

**COORDINATING THE PARTNERSHIP BETWEEN GOVERNMENT, DONORS AND OTHER
INSTITUTIONAL AND SOCIAL ACTORS TO IMPLEMENT THE LSDS AND THE JUDICIAL
REFORM STRATEGY (JRS)**

Target: Strengthened MOJ capacity for aid coordination as mandated by Decree 78/2008 and strengthened dialogue between the government, donors, institutional and social actors on legal and judicial reform and implementation of the LSDS and the JRS

Output 2.1: Strategy and action plan for aid coordination in the legal and judicial arena (medium and long-term) developed and implemented.

Output 2.2: Management information system and database for aid coordination in the legal and judicial arena developed and put into effect.

Output 2.3: Policy dialogue and communication between government, donors, institutional and social actors strengthened.

COMPONENT 3:

STRENGTHENING JUSTICE BRANCH GOVERNANCE AND STRATEGIC PLANNING

Target: Successful implementation of justice branch strategy with stronger international integration and higher quality for concrete action plan towards 2020

Output 3.1: New vision and mandate for state justice branch developed.

Output 3.2: MOJ governance and strategic planning strengthened and implemented.

Output 3.3: Monitoring implementation of law strengthened.

COMPONENT 4:

STRENGTHENING ACCESS TO JUSTICE AND PROTECTION OF RIGHTS

Target: Moving towards a stronger law-based society with pro-poor policies, strengthened access to justice and enhanced protection of citizens' rights

Output 4.1: Provincial Justice Index (PJI) to measure and assess delivery of justice services at provincial and local levels developed and effectively utilized.

Output 4.2: Strategy for the Legal Empowerment of the Poor in Viet Nam (based on the UN Report on the Legal Empowerment of the Poor as applied in Viet Nam's circumstances) developed and implemented.

Output 4.3: Strengthening the inclusion of international human rights norms in domestic law through lawmaking, and strengthened implementation of law in coordination with the Ministry of Foreign Affairs and other institutions.

COMPONENT 5

STRENGTHENING JUDICIAL REFORM THROUGH SUPPORT FOR CROSS-CUTTING RESEARCH AND INITIATIVES

Target: Strengthening the JRSC Secretariat capacity through cross-cutting research and assessment of judiciary reform programs and initiatives to strengthen the role of judiciary institutions in ensuring access to justice and protection of citizens' rights

Output 5.1: Comprehensive research on the organization and operations of the courts and judiciary with reliable and applicable recommendations for Viet Nam judicial reform process

Output 5.2: Research on the role of judicial reform in socio-economic development

with reliable applicable recommendations for enhanced integration between legal/judicial reform and socio-economic development planning in Viet Nam

Output 5.3: Comparative research on court management with applicable recommendations to ensure independence of adjudication in Viet Nam.

Output 5.4: Comparative research on the reform of judicial titles with recommendations for the judicial reform.

Output 5.5: Priority cross-cutting judicial reform initiatives and experiments from national and sub-national levels realized with project inputs.

Main Project Beneficiaries:

Ministry of Justice (MOJ)

Institute of Legislative Studies of the National Assembly (ILS)

Secretariat of the National Judicial Reform Steering Committee (JRSC Secretariat)

Indirect beneficiaries include provincial departments (bureaux) of justice; the JRSC, various committees and agencies of the National Assembly; the judiciary (including the Supreme People's Court and local courts); the procuracy (including the Supreme People's Procuracy and local procuracies); other government ministries and provincial people's committees relating to law and justice, non-governmental social organizations, and the media.

Project Implementation Period: 62 months (11/2009 - 12/2014)

2.2. Project Budget

Total project budget is estimated at **USD 6,494,458**

An amount of **USD 6,148,680** (See Annex 6 for details) will be mobilized through UNDP TRAC and One UN Plan Funds (OPF).

Vietnamese Government contribution from counterpart funds and in cash equivalent to **USD 344,778** (See Annex 7 for details), including project offices, necessary equipment, electricity, water supply, automobile petrol, office maintenance, etc.

2.3. Project Implementation Strategy

In view of Viet Nam's needs in legal and judicial reform, and considering the funding, time and human resource constraints of the Project, as well as the lessons learnt from earlier work and intensive discussions between the project parties, the following strategic approaches will be applied in this Project:

1. *A demand-based and flexible approach.* Based on the five key component priorities, and beginning with a set of defined activities in year 1, at the end of each year the project parties will meet to map out and plan activities for the following year. This is to ensure a demand-based approach, increase flexibility and avoid over-ambition.
2. *A clearly defined role and division of responsibilities among project beneficiary institutions* while maintaining MOJ as a focal point – a national implementing partner.
3. *A focus on policy development and implementation, and on the key policies and issues of the LSDS and the JRS*, working with the key coordination groups for the LSDS (MOJ and ILS), and the key coordination group for the JRS (JRSC Secretariat).
5. *The Project aims to strengthen the coordination of justice-related policy and implementation through assisting the Ministry of Justice* – not with law drafting – but with focus on justice sector policy and functioning in coordination with support to the new mandates and initiatives on monitoring implementation of law, inclusion of international human rights norms into domestic law, and other cross-cutting policy issues.
6. *This Project seeks to identify and support innovative initiatives and experiments* in judicial reform and in areas of legal system development at sub-national levels.
7. *This Project focuses on developing monitoring and evaluation (M&E) criteria on the implementation of the LSDS and the JRS*, a key policy requirement for successful implementation of these important national strategies.

III. PROJECT MANAGEMENT

3.1. Capacities Assessment

Technical Capacity and Commitment: The MOJ is the key government ministry responsible for legal and justice affairs, for monitoring law implementation of the government, and for coordinating donor activities with Viet Nam in the legal arena. It is the designated focal point for legal drafting, implementation, service provision and other activities in its own right as well as coordinator and focal point for the specialized activities of line ministries and other agencies. It has a very strong technical staff, both in specialized departments and in its highly competent International Cooperation Department.

Management Capacity: The MOJ and particularly its International Cooperation Department have a high level of management capacity in donor-funded projects, having worked on such projects successfully for many years.

The MOJ experienced some difficulties in the management of the earlier project discussed in the Lessons Learnt section above, the LSDS Project. Those issues were partly related to project design, over-ambition, the lack of a steering mechanism for LSDS, and other factors as identified in the Evaluation Report, which have been fully

taken into account in the development of this Project as elaborated in the section of Project Implementation Strategy above.

Several concerns have been raised by stakeholders in the implementation of LSDS Project on MOJ supervision of components directly executed by ex-MOJ institutions. Learning for the past cooperation, following mechanisms are suggested to strengthen the execution and monitoring capacity of the MOJ and the Project Management Unit (PMU), as well as inter-component collaboration and policy coordination between the Project and UNDP work on rule of law and access to justice:

- Maintaining regular consultations with senior authorities between MOJ, ILS and JRSC to ensure the feasibility for agreed annual workplans and priorities and to increase synergies and collaboration in achieving the Project expected outputs.
- Placing two Project Officers, each in charge of two inter-linked components, to help the PMU ensure a high quality of planning and monitoring of project implementation.
- Providing training to PMU staff to meet specific requirements as imposed by harmonized cash transfer (HACT) and related management issues. The training should be tailored as much as possible to help the concerned staff catch up the required skills.

This mechanism will serve to support the already high management capacity of the MOJ with regular, flexible consultation and planning opportunities.

3.2. Management Arrangements

Given the discussion of technical and management capacity in the MOJ, it is appropriate to apply National Execution (NEX) modality for this project with MOJ as the key domestic partner to execute the Project and the JRSC Secretariat and ILS as co-implementing partners to be responsible for respective sub-components of the Project.

MOJ will be responsible to the Government of Viet Nam and UNDP for expected project results and the use of project resources.

The **National Project Director (NPD)** will be a Vice Minister of the MOJ. The NPD is ultimately responsible for the Project to the Government and UNDP as mentioned above. If authorized by the NPD and in his/her absence, a Deputy NPD may, on behalf of the NPD, approve project workplan and activities. However, the NPD remains the single person responsible for decisions made by the designate. Specifically, the NPD, on behalf of the MOJ, will be responsible for the following issues:

- Properly use and accountable for all funding resources of the Project;

- Ensure quality and efficiency of project results;
- Timely implement approved activities;
- Efficiently use resources, including international experts;
- Properly coordinate the participation of related partners of the Project.

The **National Project Manager (NPM)** is under the direction of and responsible to the National Project Director for the day-to-day project work, especially for organization of Project activities, results and progress. This position will be recruited based on criteria specified in the job description on a competitive, open and work performance basis.

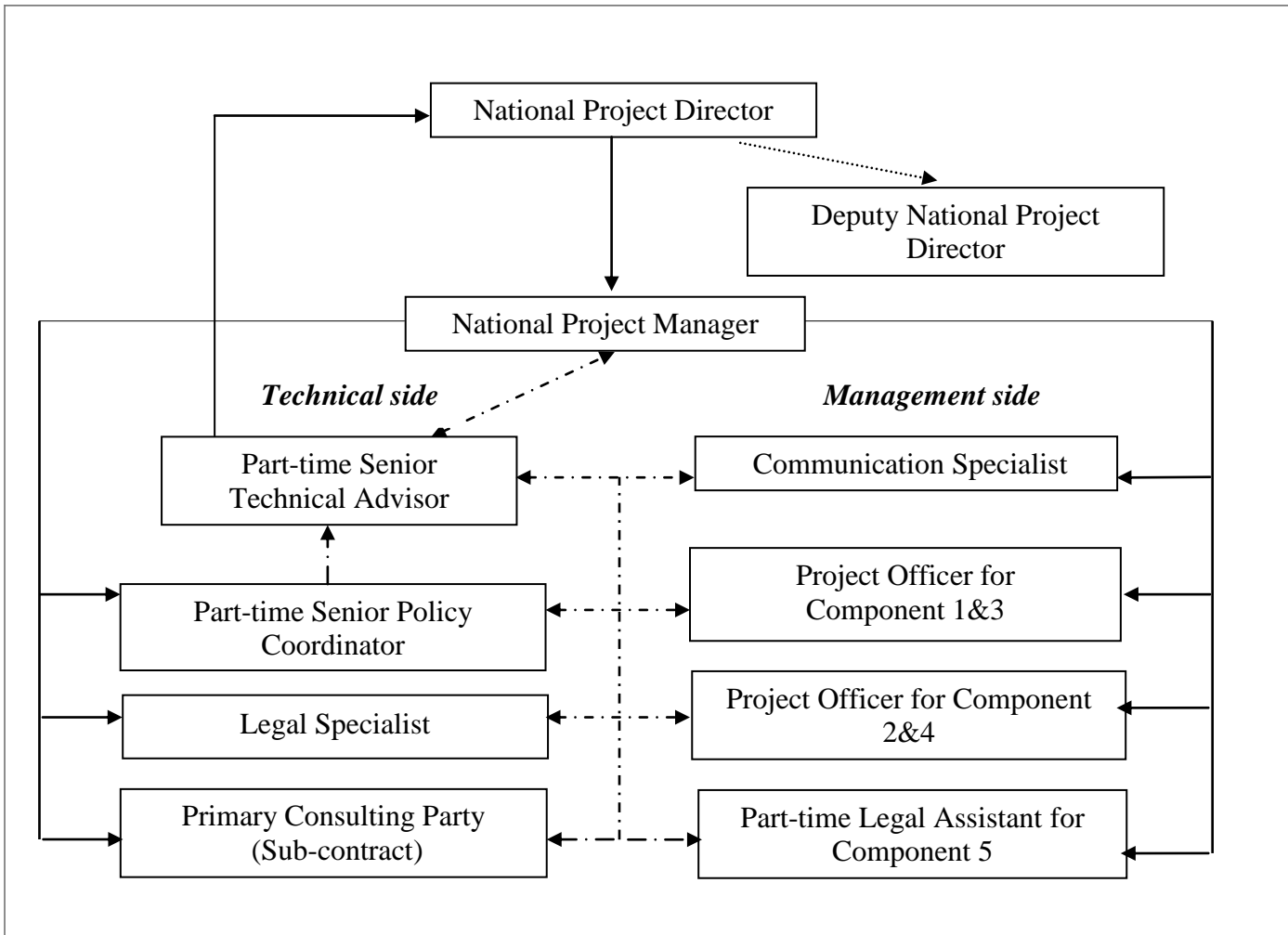
In addition to the above two key positions, other staff will be recruited from UNDP funds to support the function of a **Project Management Unit (PMU)** (See Annex 3 for details) as follows:

1. Legal Specialist
2. Communication Specialist
3. Project Officer for Component 1&3
4. Project Officer for Component 2&4
5. Legal Assistant for Component 5 (Part-time)
6. Accountanting Assistant

The PMU will be supported by a group of international and national experts including but not exclusive to (See Annex 4 for details):

- International Senior Technical Advisor (Part-time)
- Senior Policy Coordinator (Part-time)
- Gender specialist and/or M&E expert who will be recruited on a part-time (assignment) basis.

Project Organisational Structure



LEGEND: ———> : Supervisory/report relationship
 <-----> : Cooperative/advisory relationship
> : Authoritative relationship

IV. PROJECT COORDINATION

4.1. Coordination with Vietnamese Agencies

The project management arrangements, in addition to other sections, will also specify a project coordination mechanism. Accordingly, under the overall direction of the NPD, the PMU will be the focal point for coordination among Vietnamese parties as well as between the Vietnamese partners, UNDP, and with the international development partners.

The project will be implemented with the close consultation and involvement of the MOJ, particularly in Components 1-4. The ILS will have an implementation role in certain activities in Component 1. The JRSC Secretariat will have the primary implementation role for Component 5, liaising with the MOJ.

Coordination among these institutions will be carried out through regular and frequent information sharing among key officials at the MOJ, JRSC Secretariat, ILS, and other project beneficiaries; regular meetings among Vietnamese agencies involved in the Project, Government's aid coordination agencies (GACA) as well as UNDP.

4.2. Coordination with Donors

Coordination with UNDP will be carried out through the MOJ with the PMU as the focal point through regular and frequent information sharing; regular meetings; quarterly bulletins on the Project to be developed; and other Project publications.

If other UN agencies or donors are involved in the Project, coordination with those agencies will take place directly by MOJ, and through UNDP, through the annual Legal Partnership Forum, quarterly bulletins on the Project to be developed and other Project publications.

4.3. Financial Management Mechanism

The main source of funding for this Project will be the One UN Fund and TRAC. The funding will be disbursed from this Fund based on the approved Annual Work Plan (AWP). The MOJ and UNDP will endorse this annual plan. Together with the approved DPO, the AWP will be the legal basis for project implementation. The reporting regime will also follow the stipulation of this Fund based on general provisions of project finance management as stipulated in the Harmonized Provisional Project Management Guidelines (HPPMG) for National Executed projects.

In accordance with the approved annual work plan, the Project will develop a quarterly work plan in close consultation and agreement with the UNDP. Quarterly work plans will constitute a legal basis for transferring project budget to a project account opened at a chosen bank. The spending of this budget will be recorded in accordance with the provisions of the HPPMG referred to above.

The funds will be spent through the quarterly advances by the project and/or by direct payment to be made by the UNDP as authorized by the NPD, if necessary and appropriate. In the first case, the Project will prepare quarterly financial report at the end of the concerned quarter. The recording, monitoring and consolidation of Project expenditures from this non-refundable aid source will be performed by UNDP on the software system named Atlas. In each year of the Project, UNDP will issue a Combined Delivery Report (CDR) so that related parties can have full information about the annual spending situation.

In case project inputs will be procured by UNDP (at NPD's written request), UNDP regulations and procedures will be applied. Accordingly, if they are mobilized through Vietnamese authorized agencies, domestic regulations and procedures will be applied.

In exceptional circumstances, budget revision can be done by the UNDP once a year which shall be informed to related parties for systematically keeping track of project budget and expenditures.

"UN-EU Guidelines for Financing of Local Costs in Development Co-operation with Viet Nam - Version updated in 2009" will be applied for local expenditures.

Counterpart funds in kind and in cash (government contribution) will be disbursed and recorded separately in accordance with Vietnamese regulations.

4.4. Monitoring and Evaluation

Monitoring and Evaluation Tools:

Working in close coordination with the JRSC Secretariat and the ILS on the components of the Project for which those agencies will have primary implementation responsibility, the PMU will be responsible for the preparation and submission of the following reports as tools for the monitoring and evaluation process.

- Terms of reference (TOR) for project activity
- Inception Report
- Monitoring and Evaluation Framework
- Annual Work Plan (AWP) and Budget
- Quarterly Work Plan (QWP) and Budget
- Quarterly and Annual Progress Reports
- Quarterly Financial Reports
- Annual Financial and Audits
- Report on Project Monitoring Visits
- Training reports (e.g. fellowships, study tours, etc.)
- Training Evaluation Sheets

Monitoring and Evaluation Mechanism:

Project monitoring and evaluation will be conducted in accordance with established UNDP rules and regulations.

Day to day monitoring of implementation progress will be the responsibility of the NPM with oversight by UNDP. Based on the project's Annual Work Plan and its indicators in the Monitoring and Evaluation Framework, the PMU will inform the UNDP of any delays or difficulties faced during implementation so that the appropriate support or corrective measures can be adopted in a timely fashion. Targets and indicators will be based on those agreed upon at the inception report and will be redefined at a planning workshop to be held at the beginning of each Project year.

Periodic monitoring of implementation progress will be undertaken by the UNDP through quarterly meetings with Project staff. This will allow parties to review and seek solutions for any problems relating to the Project in a timely fashion to ensure smooth implementation of project activities. UNDP focal point and MOJ responsible officials, and, where relevant, JRSC Secretariat and/or ILS officials will conduct yearly visits to pilot and field sites to assess Project progress at first hand. A Field Visit Report will be prepared by the UNDP focal point and circulated to all stakeholders.

Evaluation: The Project will be subject to one mid-term Project review (mid-term external evaluation), tentatively in 2012, enabling related parties to systematically and objectively learn about Project accomplishments at the mid-point of the Project. The mid-term Project review will consider and evaluate the relevance of objectives/outputs set forth as initially designed, identifying any deviations which need correction and making recommendations to ensure that the Project will achieve expected results.

Three months before the completion of the Project, an independent final review will be conducted to assess the outcomes, results, and initial impacts of the Project.

An indicative Monitoring and Evaluation workplan is provided below.

Monitoring and Evaluation Activities	Responsible Parties	Timeframe
Inception Workshop	<ul style="list-style-type: none">▪ Project Team	During the first month of project implementation
Inception Report	<ul style="list-style-type: none">▪ Project Team	3 months after Project inception

Monitoring and Evaluation Activities	Responsible Parties	Timeframe
Quarterly Progress Report	<ul style="list-style-type: none"> ▪ Project Team ▪ UNDP 	Quarterly
Annual Progress Report	<ul style="list-style-type: none"> ▪ Project Team ▪ UNDP 	Annual
Mid-Term External Evaluation	<ul style="list-style-type: none"> ▪ UNDP ▪ Independent External Consultants (evaluation team) 	Approx. 2012
Stakeholders perception survey to assess quality of project implementation in contribution to LSIDS review (2006-2010) and development (2010-2020)	<ul style="list-style-type: none"> ▪ Project Team ▪ UNDP ▪ Independent External Consultants (evaluation team) 	Approx. 2012
Publication of Project outputs and Lessons Learned	<ul style="list-style-type: none"> ▪ Project team 	Annual
Audit	<ul style="list-style-type: none"> ▪ UNDP ▪ Project team 	Annual
Visits to field sites	<ul style="list-style-type: none"> ▪ UNDP ▪ MOJ/ NA/ILS/ JRSC Secretariat 	As required
Final Evaluation	<ul style="list-style-type: none"> ▪ Independent External Consultants 	Three months prior to the completion of the Project

V. OTHER ISSUES

5.1. Feasibility and Risk Analysis

In general terms the Project should be considered of reasonably high feasible, because

- The Project responds to the strategic priorities and programmatic requests of Project partners and beneficiaries; and
- The MOJ, as the primary Project partner, has extensive and successful experience in donor and UNDP project management and execution
- The other Project partners, JRS Secretariat, and ILS are highly motivated, will cooperate closely with MOJ, and are responsible for limited portions of the Project

The Project will also face some significant challenges, as discussed below:

Table 2: Risk Analysis

Risk	Level	Control Measure
Lack of a steering/ coordination mechanism for LSDS	Low	This was an issue in the earlier LSDS Project, but that project worked with multiple LSDS partners and this Project focuses on fewer partners, with more limited activities. The lack of a formal steering mechanism of LSDS should not be a major risk for this Project.
Potential turnover of senior officials or highly capable staff from MOJ	Low	There is likely to be some turnover in the senior leadership of MOJ after the forthcoming Party Congress in 2011, and this may affect the Project. In the past, changes in MOJ leadership have not had long-term and highly negative effects on project management and implementation. MOJ commitment to to retain the senior and highly capable staff in the International Cooperation Department (ICD), and related departments to be involved on project implementation would mitigate this risk.
Potential difficulties in project implementation with the JRSC Secretariat due to the engagement and turnover of officials in	Medium	Little is known about staffing patterns and rotations in the Vietnamese Communist Party and there is a risk that the key officials in the JRSC Secretariat or the General Office of the Central Committee who are

JRSC Secretariat who are knowledgeable about and involved in Project activities		knowledgeable about and involved in Project activities will be re-assigned to other work at some point during the Project. Intensive work in preparation for the Party Congress in the second half of 2010 and through 2011 would slightly cease the Secretariat engagement with the Project and affect its delivery. Patience and close coordination will be required to ensure the project partners overcome this potential difficulty.
Inadequate donor coordination and aid harmonization will result in distraction of project partners in realization of project targeted objectives and outputs	Low	MOJ is quite often a focal point and/or implementing agency for various ongoing donor-supported projects on legal and judicial reform, and others under formulation to come along in near future. This also means more workload resulted in distraction of the Project management. Strengthening MOJ capacity for aid coordination and partnership between the government, donors, on legal and judicial reform as targeted by Component 2 may help dealing with the situation in long-term, but in a shorter term, at least during the Project time, the project parties should be well aware about the situation and take preventive actions.
LSDS or JRS will fade in importance as national strategies, undermining the rationale for the Project	Low	There is no indication that LSDS or JRS will fade in importance as national strategies, but rather may be amended and revised to suit emerging circumstances.

5.2. Socio-Economic Benefits and Impacts

The Project is anticipated to bring about useful socio-economic benefits and impacts. In detailed terms, and consistent with the One UN Plan and Vietnamese socio-economic planning targets, the Project will assist in integrating the principles of accountability, transparency, participation and rule of law into Viet Nam's representative, administrative, judicial and legal systems.¹⁰

¹⁰ UN Viet Nam One Plan, Outcome 4.

The Project will contribute to *Public Administration Reform (PAR) and Legal and Judicial Capacity Enhancement* and *Representation and Democratization*, two important components of Viet Nam's socio-economic development strategy and of the One UN Plan. In specific but not exclusive terms, the Project will, among other outputs and results:

- Promote community awareness of rights and responsibilities;
- Support effective realisation of governance strategies on legal and judicial reform for more accessible, accountable and effective criminal justice systems; and
- Support strengthening capacities for law enforcement, the judiciary and legal counsel and support services during investigation and trials.
- Support capacity development of people's elected bodies to oversee the functioning of the executive agencies and represent the interests of the public, through a partnership and policy analysis mechanism with the National Assembly; and
- Promote the increase of expertise of core groups of legislators, executives and judges.¹¹

5.3. Gender Equality

Gender equality is a crucial policy consideration for UNDP and in Viet Nam, as reflected in the One Plan and in the Vietnamese Law on Gender Equality. Strengthening access to justice and the protection of citizens' rights is tied closely to the battle for gender equality in Viet Nam. Therefore, the Project should aim to review relevant legislation, policy and responsibilities of the justice sector in light of the Law on Gender Equality.

In general, the project will seek to promote and mainstream gender equality in various project components, including those addressing access to justice, protection of rights, and lawmaking activities with special attention to main challenges of eliminating discriminations against women such as, women's property, land and inheritance rights and access to justice for women and victims of gender-based violence.

The project will ensure that gender consideration are integrated fully into the design and analysis of case studies and research components and will seek to identify clear gaps in information from gender perspective to be considered as well. Furthermore, the project will ensure that sex-disaggregated data (not only by gender but most vulnerable groups such as ethnic minority and rural women) is gathered and presented whenever possible.

In specific terms, all project's awareness raising and capacity building activities will pay special attention to ensure gender parity. As per NEX guidelines, a minimum of thirty percent (30%) participation by women is targeted in every activity to be organised by the

¹¹ UN Viet Nam One Plan, Outcome 4 and Outputs.

Project, including workshops, trainings, policy dialogues and study visits whenever applicable.

To achieve these targets, the project will ensure relevant gender expertise to be involved in the project, and engage women's stakeholders in project activities to support implementation of the LSDS, partnership coordination and strengthening access to justice and protections of citizen's rights.

5.4. Sustainability

The sustainability of this project is based in and depends on the management and execution of Project activities by the MOJ, the JRSC Secretariat, and ILS. These agencies are highly motivated to carry out the Project and it reflects their institutions' strategic priorities and programmatic requests.

5.5. Environmental Impact

The Project does not directly deal with environmental issues. Indirectly, and over the longer term, successful strengthening of access to justice, protection of rights, and the legal and judicial system and reforms should improve the regulatory environment – particularly transparency of and public participation on policy making, monitoring regulatory implementation – in the environmental area, and should help strengthen the voices of citizens in environmental issues.

5.6. Timeframe

Tentatively 1/11/2009 - 31/12/2014

PART 2. RESULTS FRAMEWORK

One United Nations Plan (OP) Outcome: The principles of accountability, transparency, participation and rule of law are integrated into Viet Nam's representative, administrative, judicial and legal systems.

One UN Plan Output: The Project contributes to several outputs under *Public Administration Reform (PAR) and Legal and Judicial Capacity Enhancement* and *Representation and Democratization*. See DPO Part II, Sec. 2.1

Related Government Decree 131/2006 Priority Area: Institutional capacity strengthening and human resources development; technology transfer, enhancing the research and development capability.

[Go to next page]

COMPONENT 1:

SUPPORT FOR THE IMPLEMENTATION OF THE LEGAL SYSTEM DEVELOPMENT STRATEGY (LSDS)

Component Target:

**Strengthened steering, monitoring and evaluation and coordination in legal and judicial reform and development.
and stronger alignment of legal and judicial development with Viet Nam Social Economic Development Strategy (SEDS) for 2010-2020**

No	Intended outputs	Indicators	Baseline	Targets	Methods of Verification	Risks and Assumptions
1.1	Evaluation of the implementation of the LSDS for 2006-2010	Taking stock of past 5 year implementation; and usefulness of findings, recommendations for continuing and adapting future LSDS activities Endorsement of the evaluation report by	Political Bureau Resolution No. 48-NQ/TW (2005) on legal system development strategy and reform 2020” Plan No. 900/UBTVQH (dated 21 March 2007) on implementation of the Resolution No formal evaluation has	Drafting of reports on LSDS implementation (by September 2010) Seminars/workshops on evaluation of LSDS implementation (by October 2010) Drafting of overall report on LSDS implementation (by	Independent assessment at various levels and of wide stakeholders Views of business, NGO and other stakeholders on the draft reports	An official mandate for evaluation of the LSDS is given Institute for Legislative Studies (NA/ILS) is focal point for LSDS evaluation from the National Assembly side

		the NA Standing Committee or an authorized institution	been conducted	November 2010) Consultations on drafted overall report on LSDS implementation (by December 2010) Endorsing and sharing overall report on LSDS implementation with relevant legal and judicial institutions (by December 2010)	Media coverage and publication of the evaluation report Independent views of experts, academics and scientists Official opinions of relevant legal and judicial institutions	MOJ is focal point for LSDS evaluation from the Government side Possible lack of commitment of senior officials to discuss findings and assessment of the evaluation
1.2	Developing the LSDS for 2011 – 2020 (with the possibility of amending Resolution 48/NQ/TW)	Development of the LSDS plan for 2011-2020 or/and an equivalent document Policies and directions/priorities addressed by the LSDS plan for the legal system development for the period 2011-2020	Work being carried out in specifying visions, directions, goals and targets for the period of 2011-2020 under SEDS, covering also elements relating to legal/judiciary areas in general terms A number of legal normative documents have been promulgated during the period 2005-2010; however there is a lack of focus, orientation and vision for the legal	Translation of the evaluation of the implementation of the current LSDS into an amended and revised document, including work with counterpart institution, other actors in the society, institutional reports and independent Vietnamese reports (2011) Wide stakeholders consultations on	Report and response of National Assembly Standing Committee (NASC), MOJ and other justice agencies in the M&E process MPI and other line ministries consideration,	Possible lack of commitment on further development of LSDS Unclear role of the MOJ in taking a lead on further development of LSDS Unclear role of the Institute for Legislative Studies as a

			<p>system development for the period 2011-2020</p> <p>Lack of a National Steering Committee or other steering mechanism on implementation of LSDS</p>	<p>amending and redrafting the LSDS based on the results of sub-component 1.1, including ensuring that the revised LSDS is consistent with national development policy (2011)</p> <p>Technical assistance to the National LSDS Steering Committee, if later materialized or other mechanism to guide and draft LSDS 2011-2020 (2011)</p> <p>Revision of the LSDS for 2011-2020 (2011)</p> <p>If needed, revision and amendment of Resolution 48/NQTW (2011)</p>	<p>and possible reflection and integration into the SEDS 2011-2020 M&E framework or an equivalence</p>	<p>coordinator for LSDS improvement</p>
1.3	Monitoring and evaluation mechanism for on implementation of the LSDS from 2011-2020 developed	<p>Circulation of M&E Report on LSDS implementation and LSDS-JRS coordination among</p>	<p>No M&E tools or guidance are available yet</p> <p>No indicators for LSDS evaluation are available</p>	<p>Development of M&E methodology and M&E framework with professional expertise and inputs (2011)</p>		<p>MOJ is focal point for M&E exercise from the Government side and NASC is</p>

	<p>and put into use</p>	<p>relevant legal and judicial institutions and broadly LSDS/JRS stakeholders in the society</p> <p>Possibilities of the M&E indicators and tools to be partly reflected and integrated into the SEDS 2011-2020 M&E framework</p> <p>Effectiveness and regularly use of the M&E indicators and tools utilized by relevant institutions</p>	<p>No similar evaluation exercise was carried out</p>	<p>Comparative experience and good practices taken into account in developing methods for M&E in legal system development programme outside Vietnam (i.e. China, Mongolia, and other countries) (2011);</p> <p>Strong participatory, collaboration and engagement of counterpart institution and other actors in the society on development of M&E framework for LSDS and its implementation strategy (2011/2014)</p> <p>Wide stakeholder consultations to integrate and discuss the proposed M&E for LSDS implementation (2011/2012)</p> <p>Perceptions of local</p>		<p>focal point from relevant bodies of the NA</p> <p>The Secretariat of the Judicial Reform Steering Committee is the focal point from the Party side</p>
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				<p>stakeholders, including ordinary people, on impact, efficiency and relevance of LSDS to local needs, daily life, and rights of citizens well taken into account during the M&E development through survey and field research (2011/2012)</p> <p>Drafting of M&E mechanism and indicators for LSDS implementation (2011)</p> <p>Consultation and drafting of mechanism for possible LSDS-JRS coordination (2011/2012)</p> <p>Piloting of M&E indicators for LSDS implementation and LSDS-JRS coordination, and review of experience gained from the pilots (2012)</p>		
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				<p>Rollout of M&E mechanism and indicators, M&E report on LSDS implementation and on LSDS-JRS coordination for 2010-2012, and discussion/consultation workshop (2013)</p> <p>M&E report on LSDS implementation and on LSDS-JRS coordination (2013), and wide stakeholder and beneficiary consultation (2014)</p> <p>Drafting of M&E tools for LSDS evaluation and assessment, including wide stakeholder consultations (2014)</p>		
1.4	Strategic research reports on key issues in legal and judicial reform to contribute to	Quality and timing of the research reports and its circulation/publicati	There are some research reports and notes of consultations/discussions on some issues relevant to	Identification of the key issues in legal and judicial reform for strategic research	Media coverage Research and peer-review	Institute for Legislative Studies (NASC) and other relevant

	<p>potential amendment of the 1992 Constitution conducted</p>	<p>on in contribution to potential Constitutional amendment</p>	<p>potential amendments to the Constitution in 1992 available, but they are scattered, incomplete, and not comprehensive</p>	<p>relevant to potential Constitutional amendment, based on the Party Resolution of the coming Party Congress (2010/2011)</p> <p>Formulation of research team(s) for the identified issues (2010/2011)</p> <p>Carrying out research (2011-1013)</p> <p>Consultations on findings and suggestions/recommendations for Constitutional amendment (2012-2013)</p>	<p>reports</p> <p>Views, opinions and assessment of experts, academics on research reports</p>	<p>actors are focal point and counterpart to facilitate the research with support from MOJ and the Secretariat, if needed</p>
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COMPONENT 2:

COORDINATING THE PARTNERSHIP BETWEEN GOVERNMENT, DONORS AND OTHER INSTITUTIONAL AND SOCIAL ACTORS TO IMPLEMENT THE LSDS AND THE JRS

Component Target:

**Strengthened MOJ capacity for aid coordination as mandated by Decree 78/2008
and dialogue between the government, donors and social organizations on legal and judicial reform and implementation of LSDS and JRS**

No	Intended outputs	Indicators	Baseline	Targets/Activities	Methods of Verification	Risks and Assumptions
2.1	Strategy and action plan for aid coordination in the legal and judicial arena (medium and long-term) developed and implemented	<p>Availability and quality of the strategy and action plan for aid coordination in the legal and judicial arena (medium and long-term)</p> <p>Awareness and participatory of and other government agencies and justice agencies on the strategy and action plan</p>	<p>International cooperation in implementation of Resolutions 48 and 49 is welcomed by these Resolutions (Strategies)</p> <p>Long-time international cooperation in the legal and judicial area, but lack of strategy or long term plan in this area</p> <p>Decree 78/2008/ND-CP set task for MOJ to identify policy and orientation of legal cooperation</p> <p>Decree 131/2007/ND-CP set role of MOJ in reviewing international treaties in the ODA area</p> <p>Lack of instructions/</p>	<p>Need assessment on international cooperation and aid coordination in the legal and judicial arena, evaluation of MOJ's role in aid coordination and management of aid and multilateral/bilateral cooperation (2010)</p> <p>Comparative report on international cooperation and aid coordination in the legal and judicial arena (selected countries) (2010)</p> <p>Wide stakeholder consultations on international cooperation and aid coordination in the legal and judicial arena in contribution to</p>	<p>Evaluation report(s)</p> <p>Feedback of relevant counterparts (national and international) on the quality of research and consultation report</p> <p>Media coverage</p> <p>Feedback from relevant agencies and officials who have to exercise the tools/ manual</p> <p>Evaluation</p>	<p>Risk in locating qualified and appropriate consultants</p> <p>Risk in failure to appropriately identify and anticipate the right areas for mid-term international cooperation</p> <p>Capacity and experience of MOJ and other departments in MOJ in identifying and exercising new functions</p> <p>Suggested new</p>

			<p>guidelines on implementing such coordination role by MOJ and difficulties resulting at central and local levels</p> <p>Annual report on international cooperation in the legal and judicial area submitted to the Government and JRS Steering Committee</p> <p>Lack of practical mechanism to manage and monitor aid coordination in a results-based and national manner</p> <p>Lack of comprehensive training on knowledge and skills in international aid cooperation organized to equip officials working in the field</p>	<p>formation of strategy and action plan (2011)</p> <p>Development of the strategy and action plan in consistency with MPI requirements (Accra programme) (2011)</p> <p>Development of manual and/or necessary guidance and tools on international cooperation/aid coordination in the legal/ judicial arena based on strategy/action plan (2012)</p> <p>Capacity building on international cooperation and aid coordination for relevant MOJ officials, provincial/ municipal justice officials, and others (2012-2014)</p> <p>Piloting of the strategy implementation/ action plan in 5-8 pilot provinces or cities</p>	<p>report after training courses</p> <p>Evaluation report of pilot exercise the manual in certain agencies at central and local levels to verify the quality of the tools/manual</p>	<p>models may face obstacles from current practices, structure and regulations</p>
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				<p>(2012-2013)</p> <p>Review of the strategy, action plan, manual/guidance and tools, and necessary revisions (2014)</p> <p>Possible amendments to Decree 78 and policies on international cooperation and aid coordination based on experience and lesson learned from the project interventions</p>		
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2.2	<p>Management information system (MIS) and database for aid coordination in the legal and judicial arena (including LSDS and JRS) developed and put into effect</p>	<p>Effectiveness and accessibility of MIS and database for aid coordination in the legal and judicial arena</p> <p>Availability and quality of MIS information and data to policymakers and donors</p>	<p>Outputs and results from international cooperation activities are available in each recipient institution to some degree but they are not widely shared and difficult to access</p> <p>There have been stand-alone, isolated and not well coordinated activities in the international cooperation field</p>	<p>Development of English webpage on aid for legal and judicial reform in Vietnam on the MOJ web portal built on the aid project database established under VIE/02/015 (2010)</p> <p>Maximize use of resource database and website posted of all consultant reports, project reports and other materials from previous UNDP-MOJ projects, other legal/judicial assistance projects for policymakers, researchers and donors (2010)</p> <p>Report on the experience of MIS/databases on aid coordination in other fields in Vietnam (2010) Consultations to involve MPI, MOJ and other institutions on international cooperation, aid</p>	<p>Evaluation reports</p> <p>Media coverage</p> <p>Evaluation by researchers, practitioners and legal and judicial agencies</p> <p>Number of web visitors and opinions of web users</p>	<p>Need to locate and contract appropriate and qualified consultants</p> <p>Need for effective work by MOJ and other government institutions and staff</p>
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				<p>coordination and management in the legal and judicial arena (2011)</p> <p>Tender to a professional institution to work with MOJ to design and implement the MIS/database (2011)</p> <p>Piloting of the MIS/database on aid coordination and linkage to M&E mechanism and tools developed under Output 1.3 (2012)</p> <p>Revision of the MIS/database based on the pilots, and implementation (2013-2014 and after)</p> <p>Piloting of a communication strategy to engage and raise awareness of relevant Government institutions and actors in the society to maximize usage of MIS database and website on international</p>		
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				<p>cooperation, aid coordination and management in the legal and judicial arena (2013/2014)</p> <p>Possible revisions to Decree 78 and policies on international cooperation and aid coordination based on experience of project interventions</p>		
2.3	Policy dialogue and communication between government and donors and social organizations strengthened	<p>Frequency of the forum and number of other methods of consultation between governmental agencies and donors and social organizations for purposes of exchanging information of the implementation progress of the LSDS and JRS and on international cooperation in the</p>	<p>Legal Partnership Forum (LPF) is institutionalized in Decree 78/2008/ND-CP and is a frequent forum for dialogue between government and donors and other stakeholders</p> <p>LPF is not yet a results-based exercise</p> <p>LPF currently focuses on partnership between government and donors and does not focus on partnership within public</p>	<p>Proposed key activities:</p> <p>Continuation of the LPF, enhanced and focused in ways to be discussed and implemented, through Project period</p> <p>Deepening of LPF content or additional policy dialogues to be implemented</p> <p>Networking among MOJ, JRSC, other government institutions,</p>	<p>Papers and reports presented at the LPF</p> <p>Evaluation reports on the quality of the consultations and forums</p> <p>Media coverage</p> <p>Evaluations by researchers, practitioners</p>	<p>Lack of high political commitment, attention and sufficient engagement of the leaders of legal and judicial agencies</p> <p>Donors' potential lack of consensus on substantive focus and themes for forums</p>

		<p>legal and judicial arena</p> <p>Quality of the discussion and dialogue at LPF, number and level of participation and degree of engagement from legal and judicial agencies at national and local levels</p>	<p>sector and between public and private sectors</p>	<p>UNDP, and other donors and projects to be maintained and enhanced</p>	<p>and relevant donors and government agencies</p>	
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COMPONENT 3:

STRENGTHENING JUSTICE BRANCH STRATEGIC PLANNING AND GOVERNANCE

Component Target:

**Successful implementation of justice branch strategy
with stronger international integration and higher quality for concrete action plan towards 2020**

No	Intended outputs	Indicators	Baseline	Targets/Activities	Methods of Verification	Risks and Assumptions
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3.1	<p>New vision and mandate for state justice branch developed</p>	<p>Availability of a proposal for “New MOJ” in an evolving socio-economic context and the process of building a socialist rule-of-law state and Viet Nam in transition to middle income country (MIC)</p> <p>Number of awareness raising and capacity building activities in relation to International Judicial Assistance (IJA) skills, monitoring law implementation, etc. of Justice officials at all levels</p> <p>Level of awareness and consent among justice agencies on MOJ’s vision and mandate to state management and functioning in justice sector</p>	<p>Decree 93/2007/ND-CP on the functions of MoJ</p> <p>LSDS and JRS goals for justice branch strategy</p> <p>PAR Master Plan</p>	<p>Baseline study/ overview of justice branch role and functions in Viet Nam (2010)</p> <p>Comparative experiences, models and good practices studied on vision and mandate for state justice agencies and Ministry of Justice in selected countries (2010)</p> <p>Thematic study visit on vision and mandate for state justice institutions in selected countries based on findings and recommendations of the previous comparative studies (2011)</p> <p>Research reports on status of Vietnamese justice sector development, 2001-2010 (2010) to be consulted widely with involved stakeholders</p>	<p>Evaluation reports</p> <p>Feedbacks from MOJ leadership, and related justice agencies and stakeholders</p> <p>Evaluation by researchers, practitioners and legal and judicial agencies</p> <p>Reports and recommendations have been prepared, accepted and implemented</p>	<p>Qualified and appropriate experts contracted</p> <p>Political commitment and support from leadership</p> <p>Strong collaboration and coordination within MOJ</p> <p>Cooperation of stakeholders at all levels</p>
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				<p>and beneficiaries in the society at all level</p> <p>Thematic researches on MOJ's key functions and responsibilities on legislative drafting, justice administration, judicial supporting activities, promotion of access to justice, law implementation and enforcement, state management on judicial assistance, etc. (2011/2012)</p> <p>Initiatives to support MOJ's strategic planning including workshops/seminars on vision and mandate for state justice institutions in Vietnam (2012)</p> <p>Development of a MOJ strategic plan to 2020, and possible revision of Decree 93/2007/ND-CP (2012/2013)</p>		
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				Initiatives to support implementation of MOJ strategic plan, as well as its mechanism for review, monitor and implementation	
3.2	MOJ governance and strategic planning strengthened and implemented (through provision of and practical methods/ tools/)	<p>Quality of planning process and plans substantially improved</p> <p>Qualification of systematic and synthesized planning process</p> <p>Number of capacity building activities in relation strengthened planning, policy making, governance skills, etc.</p> <p>Possible repetition/duplication of the pilot model for better governance and planning at other line ministries and justice agencies</p>	<p>Current MOJ governance system</p> <p>Current MOJ justice branch planning and annual planning system</p>	<p>Review of the current process and practice to identify weakness, shortcoming and options for change (2010)</p> <p>Technical assistance for design of planning process, including methods and techniques and plan for collection and analysis of data, in conjunction with consideration of new governance models (PAR) (2011)</p> <p>Capacity building/ training on methods and techniques and data collection and analysis (2011)</p> <p>Capacity building/</p>	<p>Willingness of officials at all levels to apply new knowledge/ methods</p> <p>Support for reform from leadership</p>

		Level of participatory in justice branch planning		<p>training on planning , including substance and drafting (2011)</p> <p>Piloting of new planning and annual action plan process, including data collection and analysis (2012)</p> <p>Consultations within the justice branch to provide feedback on new planning and annual action plan process (2012)</p> <p>Potential initiatives to scale up new planning process/annual action plan process to other central justice sector institutions (2013/2014)</p>	
3.3	Monitoring implementation of law strengthened	Availability of legal instrument and/or tools supported by the project on monitoring law implementation	Current implementation of laws, regulations and public policy	Research report and case studies on the implementation of the Law on Laws and specific laws for revision of Law on Laws and unifying	Willingness and openness to explore new models for implementation of law

		<p>Number of and quality of case studies on the specific areas of law implementation</p> <p>Available draft proposal for unifying central law on laws and local law on laws Provision of a set of M&E indicators as well as M&E mechanism on law implementation</p> <p>Piloting of models on application of M&E indicators</p> <p>Number of officials been effectively trained/number of training courses in planning and M&E at all levels</p>		<p>central and local laws (2010)</p> <p>Research report and case studies on the implementation of the local Law on Laws for revision of local law on laws and unifying central and local laws (2010)</p> <p>Wide stakeholder consultations on research findings and recommendations including social organizations and others actors in the society to (2010)</p> <p>Research and case studies and consultation at later stage on the development of a legal mechanism for MOJ to implement new mandate on implementation of law, including comparative inputs (2010)</p>		<p>Common/shared understanding and approach on implementation of law</p>
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				<p>Research/case studies on implementation of regulatory regime in areas of general public interest (e.g. environmental protection, food safety) with policy recommendations for improvement of mechanisms for implementation of law (2010/2013)</p> <p>Development of strategy for improving Law on Laws and local laws</p> <p>Development and effective use of M&E indicators and mechanism on law implementation</p> <p>Capacity building for MOJ, justice branch personnel, and other relevant government institutions on implementation of law (2013-2014)</p>		
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				Development and testing of a manual on implementation of law		
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COMPONENT 4:

STRENGTHENING ACCESS TO JUSTICE AND PROTECTION OF RIGHTS

Component Target:

Moving towards a stronger law-based society with pro-poor policies, strengthened access to justice and enhanced protection of citizens' rights

No	Intended outputs	Indicators	Baseline	Targets/Activities	Methods of Verification	Risks and Assumptions
4.1	Provincial Justice Index (PJI) to measure and assess delivery of justice services at provincial and local levels developed and effectively utilized	Availability of specialized index to measure justice service delivery at local level Scope of integration between PJI and other available governance index/indicator in Viet Nam	LSDS and JRS policy on strengthening, improving and measuring access to justice Government programs on legal dissemination and legal aid	PJI methodology and designing for Vietnam (2010) Research reports on the design and use of PJIs, domestic and comparative (2010) Wide stakeholder consultation in	Evaluation reports Feedback from beneficiaries and stakeholders and the society Media coverage Publications of	Support from central and local leaders for applying new PJI and assessment mechanisms Skills/capacity of officials Quality of

		<p>Scope of rolling out the piloting of PJI during the project term</p>		<p>connection with the design of the PJI (2010)</p> <p>Design and piloting of the PJI for Vietnam including consultations to seek feedback for improvement of the draft PJI design (2010/2011)</p> <p>Rollout of the PJI throughout Vietnam, including capacity building, data collection, data analysis, and related issues (2011/2014)</p> <p>Initiatives in support of the rollout of the PJI throughout Vietnam , including capacity development support to local agencies to address issues identified in PJI and improve their performance (2011/2014)</p>	<p>project outputs</p> <p>UNDP country report/ regional report on LEP</p>	<p>database</p> <p>Breadth and quality of participation at local and provincial levels</p>
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4.2	<p>Strategy for the Legal Empowerment of the Poor (LEP) in Vietnam developed and implemented (as applied in Viet Nam circumstances)</p>	<p>Circulation of the UN LEP Report on a national basis</p> <p>Number of and quality of research and case studies on implication of LEP in particular areas, focus but exclusive on labor, land and property, environment</p> <p>Number and scope of local and national LEP initiatives with recommendations for policymakers</p> <p>Level of awareness and participation on LEP and its initiatives</p> <p>National/regional Southeast Asia conference on LEP</p>	<p>LSDS and JRS policy on strengthening the role of law for the poor and vulnerable in Vietnam</p> <p>Government programs on legal dissemination and legal aids</p>	<p>Translation and national distribution of the LEP Report through a publishing house and posting on MOJ & UNDP websites (2010)</p> <p>Research reports and cases studies on the implications of the LEP for Vietnam in particular areas, including labor, land and property, environment, and other fields (2010)</p> <p>National conference on the LEP Report and on LEP in Vietnam, including broad government, civil society, academic and other participation (2010/2011)</p> <p>Publication of a volume from the national conference on LEP strategy in Vietnam</p> <p>Rollout of initiatives</p>	<p>Strong support from central and local leaders for utilizing and applying LEP methodology under Vietnam's circumstances</p> <p>Skills/capacity of officials</p> <p>Broad public participation and awareness in LEP activities</p>
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				<p>fund to support local and national LEP initiatives, including civil society initiatives (2011/2014)</p> <p>Development of a LEP strategy for Vietnam in the MOJ and other government bodies (2012)</p> <p>Wide stakeholder consultation including social organizations and other actors in society in connection with the development of a LEP strategy for Vietnam (2012)</p> <p>Hosting of a regional conference on development of LEP strategies in countries of Southeast Asia (2012)</p>		
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4.3	<p>Strengthening the inclusion of international human rights norms in domestic law (through lawmaking, and strengthened implementation of law in coordination with the Ministry of Foreign Affairs and other institutions)</p>	<p>Number of legal documents/instruments reviews in ensuring the human rights (HR) inclusion</p> <p>Number and quality of research and case studies on the inclusion of international HR norms in Vietnamese domestic law</p> <p>Number of legal norms (re)drafted to ensure the inclusion of, and consistence with HR norms</p> <p>Realization of inter-sectoral working groups on the inclusion of international human rights norms in particular fields</p>	<p>LSDS and JRS policy on strengthening the inclusion of international human rights norms in domestic law</p> <p>Vietnamese law and government policy on strengthening the inclusion of international human rights norms in domestic law</p> <p>Earlier surveys on laws and other legal documents which must be amended or re-enacted to be consistent with international human rights norms</p>	<p>Research reports and case studies on the inclusion of international human rights norms in Vietnamese domestic law (2010)</p> <p>Consultations on the inclusion of international human rights norms in Vietnamese domestic law (2010)</p> <p>Selection of areas of law for work on inclusion of international human rights norms in Vietnamese domestic law (2011)</p> <p>Development of inter-sectoral working groups on inclusion of international human rights norms in particular fields of domestic law (2011)</p> <p>Workshops/seminars,</p>	<p>Effective cooperation with Ministry of Foreign Affairs (MOFA), National Steering Committee on Human Rights, and other relevant institutions</p> <p>Strong support from Party and government leaders and NA</p> <p>Public awareness and participation</p>
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				<p>case studies and research reports on changes needed to particular fields of domestic law (2011/2013)</p> <p>Proposals and follow through with the Government and the National Assembly on changes needed to particular fields of domestic law (2012/2014)</p>		
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COMPONENT 5:

**STRENGTHENING JUDICIAL REFORM THROUGH SUPPORT
FOR CROSS-CUTTING RESEARCH AND INITIATIVES**

**(WITH THE SECRETARIAT OF THE JUDICIAL REFORM STEERING COMMITTEE,
DEPARTMENT OF LEGAL AND JUDICIAL REFORM, GENERAL OFFICE OF THE CENTRAL COMMITTEE)**

Component Target:

Strengthening the JRSC Secretariat capacity through cross-cutting research and assessment of judiciary reform programs and initiatives to strengthen the role of judiciary institutions in ensuring access to justice and protection of citizens' rights

No	Intended outputs	Indicators <i>(Time and quality)</i>	Baseline	Targets/Activities	Methods of Verification	Risks and Assumptions
5.1	Comprehensive research on the organization and operations of the judiciary system and agencies in selected countries with reliable and applicable recommendations for Viet Nam’s judicial reform process	<p>Quality of research carried out</p> <p>Endorsement of research report(s) for action by the JRSC and related judiciary institutions</p> <p>Circulations of the research reports within JRSC members and relevant legal/judicial agencies</p>	<p>Political Bureau Resolution No. 49-NQ/TW (2005) on judicial reform</p> <p>Key implementing documents on judicial reform issued by the JRSC</p>	<p>Workshops on each of three phases of this research</p> <p>Continuation of research commenced in 2009, including capacity building where needed (2009-2010)</p> <p>Workshop/seminars and other initiatives to seek expertise inputs and summarize the results of overall research, surveys and country studies (2010)</p> <p>Internal publication of results from research phase 1</p> <p>Planning for of research phase 2 through workshops/</p>	<p>Evaluation reports</p> <p>Independent assessment at various levels</p> <p>Independent views of experts, scientists on draft reports</p> <p>Opinions and views of the Party and judicial reform authorities on the research</p> <p>Views of central and local courts and judiciary agencies</p> <p>Feedback of experts, academics and</p>	<p>Ability to interface effectively with JRSC Secretariat on sensitive aspects of the research and on access to local judicial bodies</p> <p>Engagement and cooperation with local courts and judicial bodies</p>

				<p>seminars</p> <p>Research reports, surveys, and case studies on research phase 2, including capacity building where needed</p> <p>Workshops/seminars on research phase 2 Internal publication of results from research phase 2</p> <p>Planning for research phase 3 through workshops/ seminars</p> <p>Research reports, surveys, and case studies on research phase 3, including capacity building where needed</p> <p>Workshops/seminars on research phase 3</p> <p>Internal publication of results from research</p>	<p>other relevant agencies</p>	
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				(2010-2012) Publication of volume of results from research phases 1, 2, and 3	
5.2	Research on the role of judicial reform in socio-economic development in Vietnam with recommendations for enhanced integration between legal/judicial reform and socio-economic development planning		Political Bureau Resolution No. 49-NQ/TW (2005) on judicial reform Key implementing documents on judicial reform issued by the JRSC	Planning for research project (2010) Research reports, surveys, and case studies (2010/2011) Workshops/seminars on the research (2010/2011) Publication of results	Ability to interface effectively with JRSC Secretariat on sensitive aspects of the research and on access to local judicial bodies Lack of data for useful analysis on what extent is rule of law (broadly good governance) associated with socio-economic growth index Likelihood that JRSC will be less available in the second half of 2010 and through

						2011 because of preparations for and holding Party Congress
						Engagement and cooperation within Government institutions and judicial bodies
5.3	Comparative research on court management with applicable recommendations to ensure independence of adjudication in Viet Nam		<p>Political Bureau Resolution No. 49-NQ/TW (2005) on judicial reform</p> <p>Key implementing documents on judicial reform issued by the JRSC</p>	<p>Planning for research project (2009)</p> <p>Research reports, surveys, and case studies (2009-2010)</p> <p>Possible study visit(s) to relevant countries for comparative purposes (2010)</p> <p>Workshops/seminars on the research (2010)</p> <p>Publication of results (2011-12)</p>		<p>Ability to interface effectively with JRSC on sensitive aspects of the research and on access to local judicial bodies</p> <p>Engagement and cooperation with judicial bodies at national and local level</p>
5.4	Comparative research		Political Bureau	Planning for research		Ability to

	on the reform of judicial offices and titles (including training, appointment, and related issues) with recommendations for the judicial reform		<p>Resolution No. 49-NQ/TW (2005) on judicial reform</p> <p>Key implementing documents on judicial reform issued by the JRSC</p>	<p>project (2010)</p> <p>Research reports, surveys, and case studies (2010-11)</p> <p>Possible study visit(s) to relevant countries for comparative purposes (2010-11)</p> <p>Workshops/seminars on the research (2010-11)</p> <p>Publication of results (2011-12)</p>		<p>interface effectively with JRSC on sensitive aspects of the research and on access to local judicial bodies</p> <p>Engagement and cooperation with local courts and judicial bodies</p>
5.5	Priority cross-cutting judicial reform initiatives and experiments from national and sub-national levels realized with project inputs	<p>Multiple local initiatives, innovations and experiments from around Vietnam supported and all such initiatives disseminated on a national basis through websites, media, and volumes</p> <p>All supported</p>	<p>Political Bureau Resolution No. 49-NQ/TW (2005) on judicial reform</p> <p>Key implementing documents on judicial reform issued by the JRSC</p>	<p>Drafting of protocol of the support of initiatives, innovations, and experiments in judicial reform from throughout Vietnam at the grassroots level and above</p> <p>Seeking initiatives, innovations and experiments for support from throughout</p>		<p>Ability to interface effectively with JRSC on sensitive aspects of the research and on access to local judicial bodies</p> <p>Likelihood that JRSC will be less available in the second half of</p>

		<p>initiatives, innovations, and experiments have been evaluated for use in judicial reform, with successful initiatives, innovations and experiments implemented directly in judicial reform</p>		<p>Vietnam in multiple ways</p> <p>Possible research reports, surveys, and case studies, Possible study visit(s) to relevant countries for comparative purposes</p> <p>Workshops/seminars on initiatives, innovations and experiments in judicial reform</p> <p>National dissemination of initiatives, innovations, and experiments in judicial reform, and of results from research projects supported</p>		<p>2010 and through 2011 because of preparations for and holding Party Congress</p> <p>Engagement and cooperation with local courts and judicial bodies</p>
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PART 3. ANNEXES

Annex 1: Proposed Main Requirements for Specialized Services to be Provided to the Project by Primary Consulting Parties

The project needs specialized services with regard to survey and research focusing on access to justice and protection of rights as follows:

1. Investigation, survey, assessment, study and analysis:

- Survey, baseline assessment on LSDS implementation
- Legal need assessment to development of LSDS plan for the period 2011-2020
- Development of the LSDS for 2011-2020
- Comparative reports on methods for M&E in legal system development projects outside Viet Nam (i.e. China, Mongolia, and other countries)
- Development of M&E mechanism and indicators for LSDS implementation
- Assessment of piloting of M&E indicators for LSDS implementation and LSDS-JRS coordination
- Need assessment on management of international cooperation and aid coordination in the legal and judicial arena
- Comparative report on international cooperation and aid coordination in the legal and judicial arena (selected countries)
- Development of MIS for aid coordination on legal/judicial arena
- Development of English/Vietnamese webpage on aid for legal and judicial reform in Viet Nam on the MOJ web portal
- Assessment on the experience of MIS/databases on aid coordination in legal and judicial fields in Viet Nam
- Comparative research on vision and mandate for state justice institutions in selected countries
- Baseline survey on MOJ/DOJ (Justice Branch) annual planning
- Design of planning process, including methods and techniques and plan for collection and analysis of data, in conjunction with consideration of new governance models (PAR)
- Baseline assessment on justice branch work and strategy for international judicial assistance (IJA)
- Survey, case studies on the implementation of the Law on Laws, local Law on Laws for unification of the two
- Development of monitoring and evaluation mechanism and indicators (M&E) on implementation of law
- Tendering of designing the Provincial Justice Index (PJI) for Viet Nam
- Assessment of piloting PJI
- Survey and cases studies on the implications of the LEP for Viet Nam in particular areas, including labor, land and property, environment, and other fields

- Survey and case studies on the inclusion of international human rights norms in Vietnamese domestic law and their follow-up implementation
- Support fund for local initiatives, experiments and innovations in judicial reform (2011-2014)
- Output-based support for analysis of gender equality aspects in access to justice and protection of rights;
- Conduct other tasks as requested by the project to be identified later.

2. Awareness raising and capacity building activities

- Capacity building/training modules/courses on international cooperation and aid coordination for MOJ officials, provincial/municipal justice officials, and others (2012-2014)
- Piloting of the strategy and action plan and the manual in 5-8 pilot provinces or cities (2012-2013)
- Continuation of the Legal Partnership Forum, enhanced and focused in ways to be discussed and implemented
- Deepening of LPF content or additional policy dialogues to be implemented
- Partnership building among MOJ, JRSC Secretariat, other government institutions, UNDP, and other donors and projects
- Capacity building/training on methods and techniques and data collection and analysis
- Capacity building/training on planning documents and annual action plans , including substance and drafting
- Capacity building/training for MOJ, MPS other agencies (Court, Procuracy) and provincial personnel on IJA
- Capacity building/training for MOJ, justice branch personnel, and other government staff on implementation of law
- National/regional conference for awareness raising on the LEP Report and on LEP in Viet Nam, including broad government, civil society, academic and other participation
- Publication of a volume from the national conference on LEP strategy in Viet Nam
- Capacity building/training in connection with the development of a LEP strategy for Viet Nam
- Publication of research results, including research reports, surveys, and case studies and capacity building where needed
- Support for the conduct of awareness enhancement such as seminars, workshops, round table discussion, policy dialogues to be identified later;
- Support for practice of policy analysis and research capacity improvement to be identified later.

Annex 2: Selection Criteria for Specialized Services to be Provided to the Project by Primary Consulting Parties

(Details will be stipulated in TORs before actual recruitment process starts)

The Primary Consulting Party (PCP) will provide technical assistance and support to the PMU in conducting survey/researches and implementing capacity development programmes for MOJ and co-implementing parties as outlined in Annex 1 above.

General responsibilities

The PCP is expected to provide technical assistances and support to the PMU in conducting survey/researches and implementing capacity development programmes for justice agencies and institutions, specifically:

- In cooperation with the PMU, provide consulting services to surveys/researches;
- Provide technical assistance and support to the PMU to implement capacity development programmes

Required Qualifications:

Institutions/organisations must demonstrate the following minimum qualifications and experience:

- Comprehensive and high level capacity to conduct legal/judicial studies and research;
- Experience/capacity in organization and delivery of different kinds of legal and governance skill training in general, training of policy making and justice officials in particular;
- Strong experience in working with state institutions, senior officials and local authorities.
- Extensive first-hand knowledge of project's activities typically performed in similar institutions;
- Verified substantial participation in the participation in projects of similar nature;
- Previous experience in UNDP or other UN projects is an advantage;

Timing, duration and location:

The work will take place in Ha Noi and provinces if applicable during the project term 11/2009 - 12/2014. Technical assistance and support will be provided as required by the PMU in Ha Noi.

Annex 3: Main Requirements for Project Positions

Title	Main Functions and Duties	Requirements on Qualifications and Experience
National Project Manager (NPM)	Under the direction of to the National Project Director, the NPM is entirely responsible for day-to-day work of the project. The NPM plans, directs project implementation, monitors, and reports to the National Project Director ensuring that project delivers mutually agreed results on a timely and accountable manner.	<ul style="list-style-type: none"> ▪ Master degree in law, public administration, or equivalent. ▪ At least 10 years experience in the project subject area • Proven experience on managing capacity development projects, which are externally supported, is highly desired. Experience with UN/DP-supported projects is an asset • Proven experience in dealing with sensitive and multicultural issues is highly desired • Strong team work and team management skills ▪ Fluent in English (reading, speaking, listening, writing)
Legal Specialist	Under the direct supervision and management of the Project Manager, the legal specialist is responsible for ensuring correctness, coherence and relevance of all legal and judiciary issues throughout the project as a whole, regardless under which components they are.	<ul style="list-style-type: none"> • Master degree law • Records of published papers/articles on legal and judiciary issues relevant to the project components • Have at least three year's consecutive working experience with State agencies in legal and judicial areas • Two years' working experience with the MOJ or other justice agencies would be an advantage • Fluent in English (reading,

Title	Main Functions and Duties	Requirements on Qualifications and Experience
		speaking, listening, writing)
Project Officer	Under the direct supervision and management of the Project Manager, responsible for the implementation of two inter-linked component (1&3/2&4), including Project procedures, progress and output quality.	<ul style="list-style-type: none"> • Bachelor degree on law, public governance, administrative reform, or equivalent • Have at least three years' working experience with justice or state agencies • Have at least two consecutive years' experience on project plan preparation, report writing, progress monitoring, result evaluation • Fluent in English (reading, speaking, listening, writing)
Communication Specialist	Under the direct supervision and management of the Project Manager, responsible for the planning, monitoring and evaluation of project activities. The Specialist is also responsible for design and implementation of the efficient communication strategy to ensure timely provision of information on project activities including M&E to stakeholders, both domestic ones and donor community.	<ul style="list-style-type: none"> • Bachelor degree on related areas or equivalent • Have at least three years' working experience with State agencies. At least one year working experience in communication would be an advantage • Fluent in English (reading, speaking, listening, writing)

Title	Main Functions and Duties	Requirements on Qualifications and Experience
Accounting Assistant	Under the direct supervision and management of the Project Manager, responsible for the quality, accuracy and fidelity (in accordance with accounting standards of the donor and the Government of Vietnam) and timeliness of accounting data, including the funding source and the reciprocal source of Vietnam. Supply equipment and stationery for PMU activities on a timely basis.	<ul style="list-style-type: none"> • Graduated from the University of Finance – Accounting • Have at least five years’ working experience on accounting practice after graduating from that university. Experience on accounting for international support projects would be an advantage • Have experience on procurement for project activities • Fluent in English (reading, speaking, listening, writing)
Legal Assistant (part-time) Maximum six (6) working months per year	Under the direct supervision and management of the Project Manager, responsible for the quality and standard of project’s budgetary activities (workshop, research, study tour etc.).	<ul style="list-style-type: none"> • Master degree law • Have at least three year’s working experience with justice agencies or institutions on legal arena. ▪ Fluent in English (reading, speaking, listening, writing).

Annex 4: Main Requirements for International and Local Consultants (part-time)

(Details will be stipulated in TORs before actual recruitment process starts)

Title	Main Functions and Duties	Requirements on Qualifications and Experience
<p>International Senior Technical Advisor (STA)</p> <p>About 3-4 working trips/year in accordance with practical project demand to be identified later, three weeks per trip, maximum 80 working days per year, including working time abroad</p>	<p>Reporting to National Project Director (NPD) and under the guidance and supervision of UNDP's Head of Governance Cluster, UNDP's Policy Advisor on Rule of Law and Access to Justice</p> <p>Provide technical advice to the project in the design of work plans, in identifying emerging issues, and on the overall coherence and integration of project activities and components.</p> <p>Advise the project to ensure the quality of project outputs and their relevance to achieving sustainable project outcomes, as well as issues in relation to the design and implementation of key activities under the Project.</p> <p>Provide inputs on development of baselines and indicators for project M&E.</p>	<ul style="list-style-type: none"> • An expatriate • Advanced university degree or equivalent in law • A minimum of twelve (12) years of relevant legal professional experience, Strong track-record of experience in relation to legal/judicial reform preferably in Vietnam ▪ Substantial experience in design, management and/or implementation of ODA projects ▪ In-depth understanding of contemporary socio-economic, institutional reform and other governance issues in Viet Nam ▪ Strong analytical, conceptual and facilitation skills • Excellent spoken, report writing and presentation skills. Knowledge of Vietnamese is an asset. • Strong inter-personal skills; results driven, ability to work under pressure and to meet strict deadlines and deal with politically sensitive and complex issues.

Title	Main Functions and Duties	Requirements on Qualifications and Experience
<p>Senior Policy Coordinator</p> <p>Maximum 80 working days per year within 5 years</p>	<p>Reporting to UNDP and under the guidance and supervision of UNDP's Policy Advisor on Rule of Law and Access to Justice, in close collaboration with UNDP's Head of Governance Cluster and the National Project Manager</p> <p>Advise UNDP and the Project in relation to policy-related initiatives under the Project, with a view to maximizing the strategic potential, impact and effectiveness of such initiatives, including: linkages with other UNDP (or donor-supported) activities and ways to enable effective synergies and cross-fertilisation between different workstreams; new policy-related initiatives in order to strengthen or contribute to the achievement of policy-related objectives under the Project;</p> <p>Act as a liaison focal point between the project and other UNDP-supported research and other policy initiatives to assist in furthering the Project objectives.</p> <p>Advise on the quality of project activities, their relevance to achieving sustainable project outcomes, and on synergies with other UNDP work, including: on work plans, identification of emerging issues, and the overall coherence and integration of project activities and components; strategic and technical inputs to project-related TORs, research proposals, surveys and questionnaires, concept notes on new initiatives to be undertaken by the project; other key project activities as agreed between the STA, UNDP and the Project.</p>	<ul style="list-style-type: none"> ▪ Advanced university degree or equivalent in law ▪ A minimum of twelve (12) years of relevant legal professional experience, of which at least seven (7) years working for/with governments, international or intergovernmental organisations or foundations at the international level ▪ Strong track-record of experience in relation to legal/judicial reform in Vietnam ▪ In-depth understanding of contemporary socio-economic, institutional reform and other governance issues in Viet Nam ▪ Strong analytical, conceptual and facilitation skills • Good knowledge of donor policies and funding modalities. • Excellent spoken, report writing and presentation skills in both Vietnamese and English. • Strong inter-personal skills; results driven, ability to work under pressure and to meet strict deadlines. Ability to deal with politically sensitive and complex issues.

Annex 5: Glossary

AWP	Annual Work Plan
CDR	Combined Delivery Report
DPO	Detailed Project Outline
HACT	Harmonised Cash Transfer
HPPMG	Harmonized Provisional Project Management Guidelines
IJA	International judicial assistance
ILS	Institute of Legislative Studies of the National Assembly
JRS	Judicial Reform Strategy (Resolution 49)
JRSC	Judicial Reform Steering Committee under the Central Committee, Vietnamese Communist Party
LEP	Legal Empowerment of the Poor Report and Strategy
LSDF	Legal System Development Facility (under Project VIE/02/015)
LSDS	Legal System Development Strategy (Resolution 48)
M&E	Monitoring and Evaluation
MIS	Management information system(s)
MOJ	Ministry of Justice
MPI	Ministry of Planning and Investment
NA	National Assembly
ILS	National Assembly Institute of Legislative Studies
NEX	National Execution (of projects)
ODA	Official Development Assistance
OPF	One Plan Fund
PAR	Public Administration Reform
PJI	Provincial Justice Index
QWP	Quarterly Work Plan
STA	Senior Technical Advisor
SPC	Supreme People's Court
SPP	Supreme People's Procuracy
TRAC	Target for Resources Assignment from the Core
USD	US Dollars

Annex 6: Proposed Project Budget (2009-2014)

1. Annual Budget Allocation

Currency: USD

Component	2009/10	2011	2012	2013	2014	Aggregate
1. Supporting the implementation of the nationwide Legal System Development Strategy (LSDS)	110,000	220,100	230,000	158,210	153,550	871,860
2. Coordinating the partnership between government, donors and other institutional and social actors in society to implement the LSDS and the Judicial Reform Strategy (JRS)	78,000	210,000	220,000	170,160	140,000	818,160
3. Strengthening justice branch strategic planning and governance	150,000	358,000	450,000	387,110	275,000	1,620,110
4. Strengthening access to justice and protection of rights	140,000	345,000	380,000	387,110	246,180	1,498,290
5. Strengthening judicial reform through support for cross-cutting research and other initiatives	198,000	440,150	280,000	187,110	235,000	1,340,260
Total	676,000	1,573,250	1,560,000	1,289,700	1,049,730	6,148,680

2. Component-based Budget Allocation

Currency: USD

Donor contributions	Total (USD)	ALLOCATION BY COMPONENT OUTPUTS					
		Component I	Component II	Component III	Component IV	Component V	Project management
TA: - STA - International consultants - National consultants	3,502,950	431,900	248,200	730,150	918,300	775,300	399,100
Training: - Seminars - Workshops, conference - Study tours	1,495,000	165,000	295,000	460,000	195,000	380,000	
Sub-contracts: - Reseach - Survey - Intensive training	625,000	90,000	60,000	245,000	230,000	-	
Equipments	171,730		100,030				71,700
Adm costs: - PMU staff salaries - Travel - Operational cost	264,000						264,000
Project assessment	90,000						90,000
Project Advocacy: - Public Relations activities - Website - Publication	100,000						
Other Costs:	-						
GMS	-						
Total	6,148,680	686,900	733,239	1,435,150	1,343,300	1,155,300	824,800

Annex 7: Budget Contributed by the Vietnamese Partner (Counterpart funds)

No	Items	Number of Persons	Monthly expenditures (VND)	Number of months	Aggregate (VND)
1	Salary allowance for 11 staff participating in project activities (NPD, DNP, 05 officers of 05 project sub-components, 03 administrative secretaries, 01 driver				
	Salary allowance for NPD (100%)	1	4,000,000	60	240,000,000
	Salary allowance for DNP (100%)	1	3,500,000	60	210,000,000
	Salary allowance for 05 Government officers of 05 project sub-components (100%)	5	2,000,000	60	600,000,000
	Salary allowance for 03 Government administrative secretaries (50%)	3	1,800,000	60	324,000,000
	Salary allowance for 01 driver (100%)	1	1,800,000	60	108,000,000
			14,900,000		1,482,000,000
2	Recruitment of national consultants (development of project document; review, evaluation and monitoring of project implementation; development of project annual work plans, etc.)	5	5,000,000	8	200,000,000
3	Costs of office running and maintenance (i.e. office rent, power charges, meeting cost, guest reception, costs for working delegations, etc)		75,400,000	60	4,524,000,000
	Total		95,300,000		6,206,000,000

VND 6,206,000,000 = USD 344,778
 (Exchange rate VND/USD = 18,000)