



# EU JULE

## 2018 Annual Progress Report



**PROGRAMME NAME:** EU JUSTICE AND LEGAL EMPOWERMENT  
PROGRAMME IN VIET NAM (EU JULE)

**REPORTING PERIOD:** 1 November 2017- 31 December 2018

## Description of the Programme

- 1.1. Name of the Coordinator of the grant contract: UNDP Viet Nam
- 1.2. Name and title of the contact person: Ms. Caitlin Wiesen, Resident Representative a.i., UNDP Viet Nam
- 1.3. Name of beneficiaries and affiliated entities in the Action: UNDP Viet Nam, on behalf of UNICEF Viet Nam and UNODC Viet Nam
- 1.4. Title of the Action: EU Justice and Legal Empowerment Programme in Viet Nam (EU JULE): PAGO DA with UNDP
- 1.5. Contract number: ACA/2015/372-239
- 1.6. Financing the Action: Total cost is EUR 7,400,000, including EU contribution of EUR 6,700,000 and UN contribution of EUR 700,000
- 1.7. Start date and end date of the reporting period: 1 November 2017-31 December 2018
- 1.8. Target country: Viet Nam (national level), with specific focus on selected provinces
- 1.9. Final beneficiaries &/or target groups<sup>1</sup> (if different) (including numbers of women and men):

Ministry of Justice, Supreme People's Court, Supreme People's Procuracy, Ministry of Public Security and Ministry of Labour, Invalids and Social Affairs; National Assembly's Law Committee, Judiciary Committee and Social Affairs Committee; Viet Nam Lawyers' Association, Viet Nam Bar Federation.

Other target groups include provincial departments of justice; the provincial courts and provincial procuracies; other committees and agencies of the National Assembly; law universities and research institutions relating to law and justice, civil society organizations, and the media.

Main beneficiaries of the intervention are: Citizens, including vulnerable groups, in particular women, children, ethnic minorities, and poor people.

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<sup>1</sup> "Target groups" are the groups/entities who will be directly positively affected by the programme at the programme purpose level, and "final beneficiaries" are those who will benefit from the programme in the long term at the level of the society or sector at large.

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## Acronyms

AWP	Annual Work Plan
DoA	Description of the Action
EU JULE	EU Justice and Legal Empowerment Programme in Viet Nam
GBV	Gender-based violence
MPS	Ministry of Public Security
MOJ	Ministry of Justice
MOLISA	Ministry of Labour, Invalids, and Social Affairs
NLAA	National Legal Aid Agency
PCT	UN Programme Coordination Team
PSC	Programme Steering Committee
ProDoc	Government's Programme Document (adopted on 18 August 2018)
SPC	Supreme People's Court
SPP	Supreme People's Procuracy
TOT	Training of Trainers
VBF	Viet Nam Bar Federation
VAW/G	Violence Against Women and Girls
VLA	Viet Nam Lawyers Association
V&C Plan	Visibility and Communication Plan

## Executive summary

2018 was a turning point for the EU Justice and Legal Empowerment Programme in Viet Nam (EU JULE). After having undergone years of negotiation on the Programme Document (ProDoc) and Description of the Action (DoA), followed by a period of suspension, implementation of the programme finally started properly in October 2018. A number of activities have been successfully completed and progress made during this early implementation phase.

The EU JULE is co-funded by the European Union and the UN (UNDP, UNICEF and UNODC) under the PAGoDA mechanism. The Programme focuses on strengthening the rule of law through establishing a more reliable and easy-to-access justice system. The specific objective is to increase access to justice for vulnerable groups, including women, children, ethnic minorities, and the poor. During the reporting period, the main partners were the Ministry of Justice (MOJ), the Supreme People's Court (SPC) and the Supreme People's Procuracy (SPP).

The Programme's official start date was 1 November 2017; however, it was suspended from 1 February 2018 to 31 July 2018 pending the adoption of the Government's ProDoc. The Programme was resumed from 1 August 2018. The first meeting of the Programme Steering Committee (PSC) was held on 20 August 2018 and the Programme was launched on 12 October 2018, leaving less than three months for implementation by UN agencies and other implementing entities in 2018. This report focuses on the progress made so far, includes comments on challenges and lessons learned during the Programme's first year and takes these into consideration in the assessment of the work plan going forward.

Despite the limited period of implementation, UN agencies have worked intensively with partners to implement activities and deliver initial results. Early activities have aimed at ensuring the necessary knowledge base and capacity to implement the Programme, and key results achieved include i) conducting surveys on civil status registration, ii) providing training, training materials and policy advice for public officials with a focus on child-friendly and gender-sensitive legal aid, iii) supporting analysis and legal research, iv) developing tools for capacity assessment of central justice institutions and v) organizing the Legal Partnership Forum focused on law implementation to improve protection of vulnerable groups.

By these actions, the EU JULE Programme has already started to strengthen the evidence base on law implementation and public awareness of legal rights, increased the transparency of law-making and law-implementing institutions, as well as strengthened a justice sector that is more accessible and inclusive to all in Viet Nam, leaving no one behind.

### *Analysis of progress*

The objectives of the Programme are being achieved through four results, each of which are being realized by implementing a set of outlined activities. The first phase of implementation is focused on the activities necessary to ensure that the preconditions for further actions are met. This includes preparation and completion of diagnostic surveys, capacity assessments, thematic research and policy papers on prioritized laws and regulations as well as technical support for training and policy development. Moreover, a crucial starting point for

Programme success is effective Programme Management (Output 5) along with a clear Communication and Visibility action plan.

Activities conducted under **Result 1 on increased public awareness and understanding of rights and how to invoke those rights** are on track. To provide information on the current level of public awareness of rights, a diagnostic survey on the legal understanding of civil status registration of vulnerable groups in selected mountainous, remote provinces with high proportions of ethnic minority populations has been completed. The survey provided key data on the demand-side needs on civil status registration. Furthermore, the diagnostic tool to conduct the capacity needs assessment of legal communicators and disseminators has been developed. The diagnostic tool will be used to identify the supply-side capacity in 2019. Once both needs and capacities are diagnosed, there will be a clearer basis for designing appropriate and effective interventions. Substantive discussions between UNDP and partners were held to prepare for other activities under Result 1 in the next year, including the development of a legal empowerment behaviour change strategy.

**Result 2 on increased access to legal advice, assistance and representation in both civil and criminal matters** is the area under which the most progress was made during the first year. Focusing on the supply-side capacities of the justice system to ensure that the legal aid system meets the rights and needs of vulnerable groups, efforts have been made to support the implementation of the Legal Aid Law and of the Family and Juvenile Court by providing training, training materials, equipment and policy advice to ensure child friendly and gender-sensitive legal aid services and case management. Moreover, technical guidance and training were provided to improve the effectiveness of responses to gender-based violence, child abuse and sexual exploitation. For example, UNODC and the National Legal Aid Agency (NLAA) collaborated on providing training courses for 140 legal aid providers on supporting survivors of VAW/G and for 104 prosecutorial officers on dealing with child sexual exploitation.

Several activities were conducted under **Result 3 contributed to improving the enabling legislative and regulatory framework**. With substantive support by UNDP, a study on the possibility for Viet Nam to accede to the Second Optional Protocol to the International Covenant on Civil and Political Rights (ICCPR), aiming at the abolition of the death penalty, was conducted. The study analysed i) the current efforts of Viet Nam on reforming the use of the death penalty, and ii) the potential to further align Vietnamese law with international standards on the death penalty. Moreover, empirical studies on law implementation were conducted to assess the status of implementation of the Law on Civil Status and the Law on Lawyers. Furthermore, through the annual Legal Partnership Forum, a high-level dialogue between the Government of Viet Nam, the EU, development partners and UN agencies on Law Implementation on Protection of the Poor and Vulnerable Groups in Judicial Areas was conducted.

Under **Result 4 on enhanced integrity and transparency in the justice sector**, UNDP supported a research study on the process of selecting legal precedent in Viet Nam. Consultations on its findings are planned for March 2019 with the purpose of providing recommendations on how to improve the process of selecting legal precedent, and ultimately developing more effective, accountable and transparent justice institutions.

Under **Result 5 on Effective programme management**, the EU JULE management structure, including establishment of the UN Program Coordination Team and Programme Management

Teams, has been set up. Some recruitment processes were interrupted during the suspension period and resumed after August 2018. Coming to the end of the year, UNODC had to withdraw from the Programme. However, together, UNDP and UNICEF have taken over their remaining and future activities, ensuring that the Programme moves forward to deliver strong results.

**In terms of Visibility and Communication**, targeted activities were conducted to ensure that stakeholders and the public are aware of the Programme. EU JULE support was made visible through taglines in communication products, press releases, news stories, banners, standees, backdrops, etc. A nation-wide Logo Design Competition called “JUST ART: Design logo contest for EU JULE Programme” was successfully undertaken, attracting more than 4000 people. The winning logo was approved by the PSC in January 2019 (find the winning logo in section 6). Moreover, main events under the Programme, such as the EU JULE launch and the Legal Partnership Forum, received both national TV and news media coverage.

### *Challenges and lessons learned*

Reflecting on **challenges** faced during the reporting period, it is clear that the late approval of the Government’s ProDoc postponed implementation of the Programme. Other delays were caused by difficulties in securing Government approval of the annual workplan. Another related challenge was that UN agencies were given very limited time to discuss proposed activities with counterparts. Securing approval of the annual work plan was further complicated by the fact that inconsistencies existed between the PAGoDA DoA and the ProDoc approved by the Government.

Learning from this process, UN agencies have been pro-actively preparing proposals and worked closely with implementing agencies and MOJ departments to ensure a common understanding of activities and timely submission of proposals. Consequently, the process for negotiating the 2019 Annual Work Plan was smoother, but still with room for improvements. Frequent communication with MOJ, both at working and senior levels, is key for the success of the Programme.

## 1. Programme context and overview

Viet Nam has made significant efforts to develop a robust legal framework and to strengthen legal and judicial institutions. Fundamental rights and obligations of citizens are secured by the 2013 Constitution and progressive changes to domestic legislation indicate a growing willingness to embrace the principles of good governance, gender equality, to address all forms of discrimination and violence in the public and private arenas.

While impressive strides towards building a more effective and accountable justice system have been made, Viet Nam still faces a number of development challenges to ensure access to justice for all, including: lack of a consistent and predictable legal system and its limited effectiveness and efficiency;<sup>2</sup> weak implementation of laws; lack of sufficient mechanisms for citizens' participation in law development and implementation oversight;<sup>3</sup> and last but not least, disparities in access to justice persist across several demographic dimensions, such as ethnicity, gender, age, disability, poverty, education and health status.<sup>4</sup> Empirical findings point to the inaccessibility and underutilization of the justice system by the people of Viet Nam in general, and by vulnerable groups in particular.

Thus, the need to promote legal empowerment and ensure justice to all remains strong in Viet Nam. Efforts are being made to strengthen the rule of law through increased effectiveness and responsiveness of justice institutions, for example the establishment of family and juvenile courts, and the transformation of the legal aid system aligned with the Legal Aid Reform Project.<sup>5</sup> However, the capacity to implement these reforms remain constrained by institutional and human capacity as well as weak coordination between different entities and levels of the justice sector.

The EU JULE Programme supports the efforts of key justice institutions, including the Supreme People's Court (SPC), the Supreme People's Procuracy (SPP), the Ministry of Justice (MOJ), to strengthen accountability, reliability and accessibility of the justice sector.

Focusing on considerable underuse of the system in general, and by vulnerable groups in particular, this Action addresses both the demand-side and the supply-side constraints in the sector, applying a strategic and rights-based approach. On the *demand-side*, the Action increases public awareness and understanding of rights and how to invoke them, and improves capacities of rights-holders to seek legal assistance and representation, focusing on those groups in society who are known to face exceptional difficulties in accessing justice (women, children, ethnic minorities and the poor). This is combined with efforts to further strengthen the *supply-side* of the justice system by building capacities of legal professionals, developing an evidence base for strategic planning and implementation, and targeting technical support to reforms that prove necessary to overcome specific obstacles in the

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<sup>2</sup> Conclusion No.01-KL/TW 4 April 2016 of the Politburo on continuance of Resolution 48 (Resolution No.48-NQ/TW of 24 May 2005 on the Strategy for the development and improvement of the Viet Nam Legal System to 2010 and Direction for the Period up to 2020).

<sup>3</sup> Ibid.

<sup>4</sup> VLA & UNDP, 2015 Justice Index: Towards a Justice System for the People, 2016, pg. 55.

<sup>5</sup> Decision no. 749/QĐ-TTg dated 1 June 2015 on approval of the Legal Aid Reform Project for the period 2015-2025.



implementation of laws and regulations or to the revision of laws and regulations that are proven to constitute substantial impediments to enhancing access to justice.

This Action is building, in a coherent and coordinated manner, the capacity of State institutions at both the central and provincial levels in coordination with the building of capacity of civil society under the JIFF mechanism of the EU JULE programme.

Hence, the **main objective** of the Action is to strengthen the rule of law through a more reliable, trusted and better accessed justice system.

The **specific objective** is to increase access to justice for women, children and vulnerable groups including ethnic minorities and poor people. With this specific objective, the Action focuses on those population groups which, according to dependable data, face the greatest obstacles in using the justice system to invoke their rights.

The objectives of the Programme are envisaged to be achieved through four results:

**Result 1:** Increased public awareness and understanding of rights and on how to invoke those rights.

**Result 2:** Increased access to legal advice, assistance and representation in both civil and criminal matters.

**Result 3:** Improved enabling legislative and regulatory framework for legal empowerment and access to justice.

**Result 4:** Enhanced integrity and transparency in the justice sector.

The **main target groups**<sup>6</sup> of the Action include: Ministry of Justice, Supreme People's Court, Supreme People's Procuracy, Ministry of Public Security, Ministry of Labour, Invalids and Social Affairs, National Assembly's Law Committee, Judiciary Committee and Social Affairs Committee, Viet Nam Lawyers' Association, and Viet Nam Bar Federation.

**Other target groups** include provincial departments of justice, the provincial courts and provincial procuracies, other committees and agencies of the National Assembly, law universities and research institutions related to law and justice, civil society organisations, and the media.

The **main beneficiaries of the intervention** are citizens, including members of vulnerable groups: the poor; women- especially survivors of gender-based violence; children in contact and in conflict with the law; and ethnic minorities.

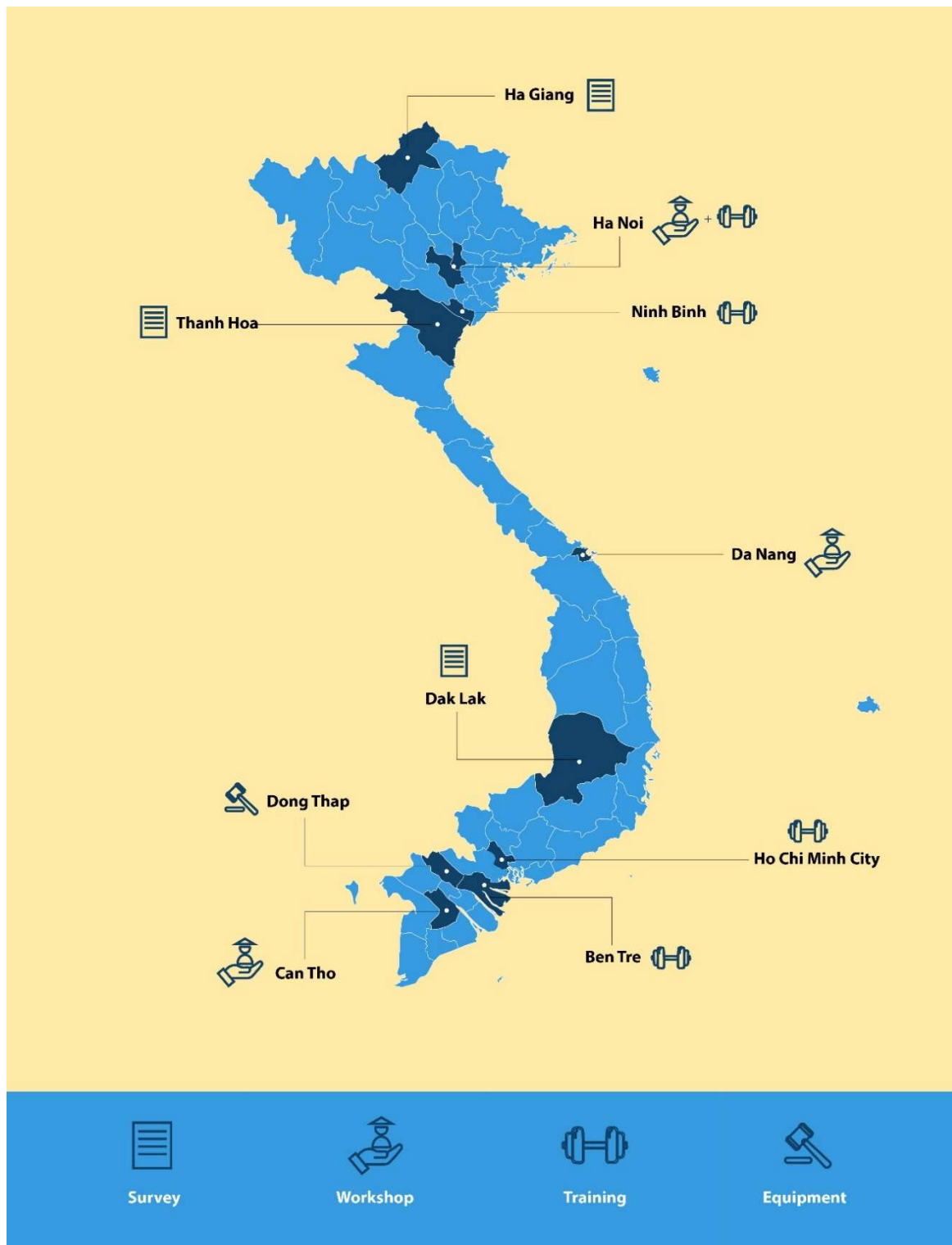
In 2018, the Programme was implemented by UNDP, UNODC and UNICEF, with UNDP playing the lead coordinating role.

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<sup>6</sup> "Target groups" are the groups/entities who will be directly positively affected by the Programme at the Programme Purpose level, and "final beneficiaries" are those who will benefit from the programme in the long term at the level of the society or sector at large.

## 2. Assessment of progress – Activities and Results

Following the multi-year indicative workplan outlined in the revised Description of the Action (2015) and the approved Work Plan for the last quarter of 2018, several activities have successfully been implemented. As illustrated in the below map of locations of implemented activities, the Programme has focused on ensuring a geographical spread of activities to achieve nationwide impact on both the central and provincial levels, with special attention to reaching vulnerable groups and remote areas as the main beneficiaries of the Action.



Map of activity locations during Quarter 4 of 2018

The Programme started on 1 November 2017. The first period of the Programme focused on achieving the approval of the Government's Programme Document (ProDoc), as a precondition for any implementation of activities, and setting up a strong Programme management mechanism. In discussions between the EU and MOJ during this phase, it was made clear that the Programme could not go ahead before the approval of the ProDoc. MOJ even communicated that no discussion on activities could proceed before detailed work plans are approved by the PSC. As a result, the Programme was suspended from 1 February to 31 July 2018. During the suspension period, UN agencies focused on advocating for the approval of the ProDoc and providing several sets of detailed joint UN comments on the text, especially on inconsistencies between the draft ProDoc and the DoA. This was time-consuming work which required comparisons between the two texts, both in the English and Vietnamese versions. UN agencies also sought to maintain partnerships with the various State agencies to ensure that they would be fully ready once the ProDoc was approved, including by investing other core funds to carry out separate activities outside the EU JULE Programme. The ProDoc was finally approved on 18 August 2018.

Once the Programme fully resumed in August 2018, UN agencies worked closely with MOJ and other State agencies to develop the 2018 Workplan and organise the first meeting of the Programme Steering Committee (PSC) on 20 August 2018 as well as the launch of the Programme on 12 October 2018. The main challenge was that the majority of the activities proposed by MOJ did not fall under the DoA, while UN proposals were not considered. As a result, very few activities were approved at the first PSC meeting, and only to be implemented by UNDP. Additional activities on juvenile justice and gender-based violence, to be implemented by UNICEF and UNODC, could only be approved by the PSC on 29 October 2018. There were also delays in getting the workplan and minutes signed by the EU and MOJ. As a result, implementation of activities led by UNDP could start around mid-September, while implementation of activities led by UNICEF and UNODC started in November.

Notwithstanding these difficult circumstances, the majority of the approved activities were completed by the end of 2018 with satisfactory results. A narrative description of these activities and key results are presented by each Action Result below. It should be noted that while all efforts were made by UN agencies in the last months of 2018 to implement approved activities, UN agencies also had to focus at the same time on preparing activities with counterparts for the 2019 workplan and re-design the Programme following UNODC's decision to withdraw.

### **Output 1 – Action Result 1: Increased public awareness and understanding of rights and how to invoke those rights.**

In 2018, two activities were implemented by UNDP, including one activity identifying the demand-side needs, namely a diagnostic survey on legal understanding of civil status registration of vulnerable groups in selected mountainous, remote provinces having a high portion of ethnic minority population (Activity 1.1); and one activity identifying the supply-side capacity, namely the development of a diagnostic tool to conduct the capacity needs assessment of legal communicators and disseminators (Activity 1.2).

#### ***Activity 1.1 Development and implementation of a comprehensive and professional legal empowerment behaviour change strategy***

**Activity 1.1.1** Diagnostic survey on legal understanding of civil status registration of vulnerable groups in selected mountainous, remote provinces having a high portion of ethnic minority population.

With the objective of informing the development of a legal empowerment behaviour strategy, the current legal behaviour and understanding of civil status registration by vulnerable groups has been assessed through a survey study conducted in three remote provinces. The survey was conducted in Ha Giang, Thanh Hoa and Dak Lak, which are in mountainous areas of the North, North-Central and South-Central Highlands of Viet Nam, and all have relatively high portions of ethnic minority populations.

The research also involved civil servants and civil status officials at district and commune levels to inform about how legal rights and service information is currently planned and delivered from the national to sub-national level and to citizens. UNDP and MOJ jointly designed the survey methodology, objectives, timeline and key contents of the survey. A team of three national consultants was recruited to conduct the field surveys, collecting and analysing data to assess the current situation in regards to legal understanding of civil status registration by vulnerable groups. Discussions and working sessions were held with officials of 18 people's committees at district and commune levels. 313 questionnaires were collected, including 85 questionnaires from officials and civil servants, 14 from justice civil status officials and 214 from vulnerable groups, including women, elders and ethnic minorities. The team analysed the data and provided recommendations for institutional, short-term and long-term solutions to ensure increased awareness of and access to legal rights, including rights of civil status registration of vulnerable groups.

The draft report was shared at a workshop in Hanoi on 27 December 2018. The workshop was attended by around 50 participants, including representatives from central authorities (such as the National Assembly's Council for Ethnic Affairs, the Committee of Ethnic Affairs, Viet Nam Women's Union, relevant departments of the Ministry of Justice), representatives from local authorities, such as departments of justice at district level and divisions of justice at commune level, representatives from international organizations and local NGOs. Participants provided valuable comments on the draft survey report.

***Activity 1.2 Capacity needs assessment of legal communicators and disseminators based on a legal empowerment strategy***

**Activity 1.2.1** on the development of a diagnostic tool for capacity needs assessment of legal communicators and disseminators.

A diagnostic tool has been developed to assess the supply-side of legal communication and dissemination. The capacity needs assessment will serve as a baseline for strengthening legal communication and dissemination as a part of the legal empowerment behaviour change strategy. This activity is being implemented by UNDP and the MOJ Department of Legal Dissemination and Education to analyse the current situation of the legal communicators and disseminators in Viet Nam. The capacity needs assessment tool for legal communicators and disseminators was developed by a team of consultants, including one international consultant. Special focus was given to assess the capacity of legal communicators and

disseminators to work with vulnerable groups. A consultation workshop to share the tool and receive feedback from relevant agencies and experts will be organized in Quarter 1 of 2019. The tool will be used for conducting the capacity needs assessment in 2019, providing recommendations upon which a capacity building program will be developed and implemented in 2019 and 2020.

***Activity 1.5 Support interventions to raise public awareness on protection of rights and access to justice for vulnerable groups, and in particular for women, children, ethnic minorities, and poor people.***

Despite UN agencies' efforts, this activity was not included in the 2018 Workplan as approved by PSC, but will be implemented in 2019. During the reporting period, UN agencies actively engaged in the planning processes with relevant State agencies and NGOs to prepare for the implementation of this activity, including a public legal literacy campaign with gender- and child-sensitive and rights-based contents. These efforts will serve as preparatory work for Activity 1.5.1 on developing a community-based legal needs assessment tool for the target groups, including women, children, and ethnic minorities.

**Output 2 - Action Result 2: Increased access to legal advice, assistance and representation in both civil and criminal matters.**

This is the area in which most progress has been achieved during the reporting period. To ensure the legal aid system meets the needs of vulnerable groups, multiple efforts have been made to support the implementation of the Legal Aid Law, the implementation of the Family and Juvenile Court, and effective responses to gender based violence and child sexual exploitation.

***Activity 2.2 Capacity development of legal aid providers based on the needs assessment and in accordance with the UN Principles and Guidelines on Access to Legal Aid.***

**Activity 2.2.1** on support to development of a rights based and gender sensitive capacity building programme to legal aid providers.

UNDP conducted preparations for the development of a rights-based and gender-sensitive capacity building programme to legal aid providers in Year 2. Relevant information was collected and analysed to document the current situation of legal aid providers in Viet Nam. Substantive discussions were held between UNDP and MOJ/Viet Nam Lawyer Association (VLA) on the plan for implementation of this activity and proposals to be submitted for the Year 2 workplan.

**Activity 2.2.2** on development and delivery of training incorporating *UN Principles and Guidelines on Access to Legal Aid*, with a focus on target groups of GBV survivors.

With this activity completed, the capacity of 140 legal aid providers providing legal assistance for survivors of Violence Against Women and Girls (VAW/G) has been increased. 67 men and 73 women benefitted from two training courses conducted by UNODC on 21-22 November in Hanoi and on 10-11 December in Ben Tre province. The training courses focused on the current situation, the existing legislative framework, statistics and challenges in dealing with

gender-based violence; related aspects in handling criminal gender-based violence cases in Viet Nam; as well as knowledge and skills to support victims of gender-based violence in either a criminal case or a civil case. Participants from these courses reported increased understanding and knowledge on topics discussed during the courses.

***Activity 2.3 Target support for the implementation of the Legal Aid Project of the Ministry of Justice.***

**Activity 2.3.1** on developing a set of monitoring and evaluation tools to provide meaningful information on legal aid provider services, disaggregated by case type, status of recipient and other appropriate factors.

During the reporting period, implementation of this activity was discussed between UNODC and MOJ. Based on these discussions, two sub-activities were proposed for inclusion in the 2018 Workplan. This included potential use of consultant(s) to develop M&E tools for legal aid service provision, and training for legal aid providers on how to use these M&E tools. As the proposal was not approved by the PSC in the 2018 Workplan, the activity will be implemented in 2019.

**Activity 2.3.2** on the development of guidelines to implement inter-sectoral child- and gender-sensitive legal aid (civil and criminal) for children.

To promote the delivery of child-friendly and gender-sensitive legal aid services to children in implementation of the *Legal Aid Law* (2017), UNICEF provided support to the NLAA under the MOJ to develop a Handbook on Legal Aid Delivery for Vulnerable People, with special focus on children. The Handbook contains a distinct chapter on Child-Friendly Legal Aid, with specific guidance on application of child justice principles and practical skills in delivering legal aid to children, in line with the Convention on the Rights of the Child and new child justice reforms introduced by the Law on Children, the Penal Procedure Code, and other laws. A consultation workshop on the draft Handbook was organized on 17-18 December 2019, with the participation of more than 60 participants, representing line ministries and justice agencies, the Viet Nam Lawyers Association, the Viet Nam Bar Federation, and legal aid providers from central and local levels. Comments from the participants, including challenges and good practices in delivering legal aid services for children were collected by the drafting team to inform the finalization of the Handbook by February 2019.

***Activity 2.4 Targeted support for dispute resolution mechanisms in accordance with the Law on Grass Roots Mediation (2013) and based on priorities identified through rigorous research.***

**Activity 2.4.1** on developing participatory, rights-based, child and gender sensitive tool for assessing community-based dispute resolution.

Preparing the assessment of community-based dispute resolution mechanisms, discussions were held between UNDP and the Department of Legal Dissemination and Education under the Ministry of Justice, UNDP and VLA, UNDP and SPC on the plan to implement this activity and the proposals to be submitted for the Year 2 workplan. Background information was

collected and analysed to gain understanding about the existing mechanisms of dispute resolution at grass-root and community levels.

**Activity 2.4.4** on support to Provincial People's Committees (PPCs), Women's Unions, and Farmers' Unions in Ben Tre province to develop and deliver gender training courses to mediation teams at the local level.<sup>7</sup>

For the implementation of this activity, discussions were held between UNODC and the Ministry of Public Security (MPS) and local authorities in Ben Tre province. Based on the discussions, a gender training course for mediation teams in Ben Tre was included in the 2018 workplan. However, this activity was not approved by the PSC.

***Activity 2.5 Legal advice and information sessions in prisons and pre-trial detention facilities.***

**Activity 2.5.1** on developing training materials and curriculum on the application of the UN Standard Minimum Rules for the Treatment of Prisoners and the Bangkok Rules.

A detailed roadmap for the activity has been developed by UNODC and the Ministry of Public Security. This activity was not approved by the PSC in the 2018 Workplan, but was included in the 2019 Workplan and will be implemented in 2019 by UNDP.

**Activity 2.5.3** on supporting the direct outreach by Viet Nam Lawyers Association to detainees in jails and prisons on their rights, including suitable mechanisms for exercising and claiming their rights.

Discussions were held between UNDP and VLA to discuss the plan to implement this activity and the proposals to be submitted for the Year 2 workplan. Background information was collected and analysed to get understanding about the situation of legal advice and assistance to pre-trial detainees and prisoners in Viet Nam.

***Activity 2.6 Support the operation of the Family and Juvenile Court, with emphasis on developing a more child-friendly justice system, improving diversion, restorative justice and reintegration schemes for juvenile offenders in accordance with applicable UN standard minimum rules and guidelines.***

Under **Activity 2.6.2** on implementation of the Family and Juvenile Court, high-level dialogues between the Chief Justice of the Supreme People's Court (SPC) and UNICEF were held discussing progress, challenges and priorities for the roll-out of the Family and Juvenile Courts in Viet Nam and how UNICEF could further support. Based on these discussions, two activities were included in the 2018 Work Plan. This includes support for procurement of closed-circuit television and other essential equipment to promote child-friendly and gender-sensitive adjudication for Dong Thap Family and Juvenile Court, the second specialised children's court in Viet Nam, as a demonstration to inform and support national replication. The second

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<sup>7</sup> At the community level in Viet Nam there are Mediation Committees that assist families where gender-based violence (GBV) or domestic violence occurs. These committees usually consist of members from local authorities and mass organizations such as the Women's Union and Farmers' Union. In general, they are not trained in counseling skills or legal knowledge or gender-sensitive approaches.

activity involves supporting the development of training materials and delivery an on-line training on child justice and case management for 6,000 judges to inform the roll-out of the Family and Juvenile Court nation-wide.

To implement these activities, a draft technical terms of reference (TOR) was developed and recruitment of international expert(s) is underway to provide technical support for the development of a national guideline on essential equipment of Family and Juvenile Courts, the national child justice on-line training for judges, and for the legal and regulatory framework for a comprehensive justice system for children.

With UNICEF's technical guidance and advice, a list of essential equipment of the Family and Juvenile Court was developed and the equipment procurement is now in process. The plan for the on-line training on child justice and case management for judges nation-wide was developed. Development of training materials and preparation for the training which was tentatively scheduled in March 2019 are ongoing.

To prepare for the implementation of proposed child justice interventions at sub-national level, an internal review of the UNICEF-supported model on community-based support for juveniles in conflict with the law (UNICEF's diversion model) was conducted, highlighting achievements and gaps, and proposing ways forward to inform implementation of related EU JULE activities.

UNICEF also actively engaged in advocacy and technical policy dialogues with the National Assembly and other key stakeholders, as well as within Government child rights coordination mechanisms, to present key advocacy messages on strengthening access to justice and protection of children in conflict with the law for implementation of comprehensive child justice reforms. Arrangements were made with counterparts to conduct a field visit by the EU Delegation to Dong Thap, a UNICEF child justice focus province, to demonstrate the on-the-ground challenges and opportunities for strengthening children's access to justice and legal empowerment. Regrettably this did not materialize due to the delayed approval of the EU JULE ProDoc. However, it is hoped to conduct such a field visit during the upcoming implementation period.

**Activity. 2.6.5** on piloting and implementation model of specialized lawyers that represent and ensure effective participation of children and women survivors of GBV.

In preparation for support to increase children's access to legal aid services in implementation of the *Legal Aid Law* (2017), UNICEF conducted an internal research on international models of specialized children's lawyers. Findings from this research were used to inform discussions with the VLA on a possible pilot model for children's lawyers to be implemented in 2019 under the EU JULE. A project document between UNICEF and the VLA on "Child Friendly and Gender Sensitive Legal Aid" was developed and agreed upon to guide UNICEF-VLA cooperation in promotion of children's access to legal assistance in the coming year.

**Activity 2.6.6** on the development of policies, regulations and programmes on diversion, alternatives to deprivation of liberty.

With support from the EU, UNICEF provided substantial technical advice to the MOJ on the development of a sub-law (a decree) on diversion of juveniles in conflict with the law. This



consisted of substantial technical discussions with the drafting team on UNICEF's Diversion Model in Dong Thap, and technical inputs to the MOJ's survey on community-based rehabilitation of juveniles in conflict with the law, including UNICEF's child justice focal provinces to inform the development of the Decree. Unfortunately, due to the late approval of the ProDoc, UNICEF was unable to provide support under EU JULE for the planned consultation workshop on the Decree, a key moment to influence the outcome of the proposed sub-law. The Decree was approved by the Government in March 2018, adopting an inter-sectoral and case management approach to juvenile offending and setting up a group of 3-5 commune workers who will be trained and funded from the State budget to act as para-child justice workers to provide case management service to juvenile offenders who are diverted away from the criminal justice system. This Decree potentially impacts the lives of eligible children who make up the 3,000-4,000 children per year appearing in the criminal justice system. The unused EU funds allocated for the consultation workshop on the Decree will be reallocated to support another appropriate activity that will support the increased access to legal advice, assistance and representation in both civil and criminal matters.

***Activity 2.7 Support for the protection and assistance to survivors of gender-based violence and child victims of abuse.***

**Activity 2.7.1** on conducting assessment on law enforcement practices and support to women survivors of GBV.

During the reporting period, discussions were held between UNODC and counterparts on the survey methodologies, scope of work, and expected deliverables of an assessment of the experience of women survivors of GBV, as well as of law enforcement practices and legal support to women survivors of GBV. The study aims to generate substantive evidence and data, and to identify gaps in criminal justice services for women survivors of GBV. Evidence generated from this research will be used to inform the design and implementation of interventions for women survivors of GBV in the future. However, this activity was not approved in the 2018 Workplan. At the same time, it was noted that a similar study on *Baseline assessment of the Joint Programme on Essential Services for Women and Girls subject to Violence in Viet Nam* was being conducted by other stakeholders (UN Women in collaboration with UNODC, UNFPA and WHO). Therefore, the necessity of that activity should be reconsidered.

**Activity 2.7.2** on supporting Government plans to develop social work in the justice sector.

UNICEF conducted an internal technical legal review in consultation with the MOJ and the Ministry of Labour, Invalids, and Social Affairs (MOLISA) to provide inputs to the strategy for a proposed law on social work in respect of the justice sector. MOLISA is the state agency responsible for the development of social work in Viet Nam, and therefore must necessarily work closely with the MOJ to develop social work in the justice sector. To lay the ground for EU JULE activities related to development of social work in justice sector, UNICEF also held technical and policy dialogues with different Government counterparts and stakeholders (including MOJ, SPC, MOLISA, VLA, UNFPA, UN Women, UNAIDS, Vietnamese Disabled People's Organizations) to provide advice on the timeline, key steps and a sound process for the proposed social work law, aiming at having the proposed law included in the National

Assembly's Law-Making Agenda of 2020, necessitating submission of required documentation by the Government to the National Assembly in the first half of 2019.

**Activity 2.7.3** on the development of a training program on effective responses to GBV and child sexual exploitation.

With regards to child sexual exploitation, UNODC supported the development of the SPP Guidelines on public prosecution and supervision over the investigation and adjudication of child sexual exploitation cases. The Guidelines will be finalized in the first half of 2019. With regards to the development of training programmes for criminal justice officers on effective responses to GBV, UNODC, in collaboration with SPP, completed the training programme for effective prosecution responses to VAW/G, focusing on prosecutors' skills to prosecute and supervise the investigation and trial, as planned. Consultants were selected to work with UNODC and SPP based on the UNODC global training material. The draft training programme for prosecutors was developed and shared with prosecutorial officers. SPP is expected to use the training programme to train prosecutorial officers in the coming future.

**Activity 2.7.3** on the support to programs, policies and guidelines developed and implemented for child victims of abuse in contact with the justice system.

UNICEF prepared a discussion paper on children's experience of violence and abuse and their hardship during judicial proceedings with recommendations for Viet Nam. The discussion paper was used as a foundational paper to inform dialogues with MOJ, MOLISA and other EU JULE co-implementing partners on 2018-2020 priorities. The discussion paper was also used to inform the Government's major national on-line meeting on child abuse, which, though beyond the EU JULE, is a great opportunity to bring the messages to higher and wider audiences for consensus and support. The meeting, chaired by the Prime Minister and joined by more than 18,000 participants who are leaders and key staff from line ministries, local authorities at provincial, district and commune levels across the country, was a result of the National Assembly inquiry into several high-profile cases of child abuse, particularly child sexual abuse, and provided an unique opportunity to leverage significant and systematic change in the justice system for child victims of abuse and violence. Harnessing this momentum on ending violence against children, UNICEF conducted a legal review of laws and sub-laws related to violence against children and access to justice. Based on the findings, discussions were held with MOJ to potentially conduct a multi-sectoral study visit in 2019 to learn from international and regional good practices on inter-agency cooperation in reporting, investigation, prosecution, adjudication of child abuse cases, and protection and supporting services for child victims of abuse to sit alongside the Family and Juvenile Court.

**Activity 2.7.4** on support to the establishment and operation of Domestic Violence Rapid Response Teams at the grass-roots level to provide immediate protection to survivors of domestic violence and referrals to support services.

Based on the results of discussions between UNODC and MPS in 2018, the Programme was expected to support the establishment and operation of Domestic Violence Rapid Response Teams at the commune level in Ben Tre town, Cho Lach and Ba Tri districts, Ben Tre province - where a Minimum Intervention Package for Survivors of Domestic Violence was piloted and

supported by UNODC. However, this activity was not included in the approved Workplan of the Programme for 2018.

**Activity 2.7.5** on legal advice and legal assistance for survivors of GBV in select provinces and at national level.

For implementation of this activity, discussions were held between UNODC, NLAA and the PMU of MOJ. However, this activity was not approved by the PSC in the 2018 Workplan.

**Activity. 2.9 Needs based training for law enforcement and criminal justice officials as well as staff of other relevant agencies to meet the needs of survivors of GBV and child victims of abuse.**

**Activity 2.9.1** on the development of a capacity building program for law enforcement officials and staff of relevant agencies on child-friendly and gender-sensitive investigation and prosecution skills for child victims of abuse and survivors of GBV.

During the reporting period, UNODC supported the finalization and publication of the curricula for police officers, prosecutors and judges to handle child sex offences, based on the existing UNODC regional training curricula. Those curricula have been finalised, adopted and published by the Viet Nam People's Police Academy, the Procuratorate University and the Court Academy by end of 2018.

UNODC, in collaboration with SPP, conducted three training courses for 104 prosecutorial officers (44 women, 60 men) on the handling of child sexual exploitation. The courses were held on 8-9 November in Hanoi, 13-14 December in Ninh Binh, and 21-22 December in Ho Chi Minh city. The training programmes provided participants with the necessary knowledge and skills to: understand the relevant legal and policy frameworks and the international and national legal contexts on child sexual exploitation; demonstrate a clear understanding of the crime of child sexual exploitation with specific focus on child sex-tourism and to identify the victims and perpetrators of it; understand and apply a victim-first, human rights-based response; and identify the rights of child victims/witnesses during all phases of the criminal justice proceedings under international and domestic law. These courses also enhanced criminal justice officers' child-friendly investigative and prosecution skills in child sexual abuse cases, as well as their understanding of the significance of domestic and international cooperation. Pre-/post-test training results showed that there was significant improvement (30% increase) in the knowledge of the participants on the topics discussed during the training courses.

**Activity 2.9.2** on training for law enforcement and criminal justice officials as well as staff of other relevant agencies to support the needs of women survivors of GBV.

With regards to building capacity for law enforcement and criminal justice officials to meet the needs of survivors of GBV, UNODC discussed with partners the workplan for implementing that activity during the reporting period. This involved the development of training materials for law enforcement officers and prosecutors, and the delivery of training-of-trainers (TOT) training to these criminal justice officers on effective response to dealing with GBV. Draft TORs were elaborated to (i) develop training material for Vietnamese law enforcement

officers and prosecutors on effective response to VAW/G, with a focus on domestic violence and sexual violence, and (ii) conduct TOT courses for criminal justice officers to support the needs of women survivors of GBV.

### **Output 3 – Action Result 3: Improved enabling legislative and regulatory framework for legal empowerment and access to justice**

As part of supporting the Government of Viet Nam in ensuring that laws and regulations meet international standards set forth in treaties and Convention, UNDP supported a technical study on the possibility for Viet Nam to accede to the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty (Activity 3.1); as well assessments of the implementation of the Law on Civil status and Law on Lawyers (Activity 3.2). UNDP also co-organized with MOJ a Legal Partnership Forum discussing law implementation on protection of the poor and vulnerable groups in judicial areas (Activity 3.4), thus maintaining the constructive policy dialogue between the EU, Viet Nam and the UN on justice sector reform.

#### ***Activity 3.1. Targeted support for the revision of laws and regulations that are proven to constitute substantial impediments to enhancing access to justice.***

**Activity 3.1.1.1** on conducting a study on the possibility of Viet Nam ratifying the Second Optional Protocol to the International Covenant on Civil and Political Rights aiming at the abolition of the death penalty.

UNDP and the Ministry of Justice commissioned and oversaw an assessment of the possibility of Viet Nam ratifying the Second Optional Protocol to the ICCPR aiming at the abolition of the death penalty. A consultation workshop on the draft report was organised on 17 December 2018 in Da Nang. The full day workshop was attended by representatives of the Central Committee of internal affairs, Central Steering Committee for Judicial Reforms, Office of the President, Office of the Government, Office of the National Assembly, MOFA, MPS, MOJ, SPC, SPP as well as participants from provincial courts, procuracies, legal aid agencies, and the Vietnamese Fatherland Front.

Participants at the workshops were engaged in discussions and generally responsive to the notion of limiting and even abolishing the death penalty. Of particular interest was the stated reluctance, expressed by representatives from courts, to impose the death sentence and the clear acknowledgement of the heavy responsibility of imposing this irrevocable sentence. Participants emphasized that the current political guidance is restricted to limiting the death penalty rather than abolishing it. Acceding the Second Optional Protocol will therefore require a new political mandate and short-term focus could be on further limitations in terms of crimes punishable by death, expanding the list of persons exempt from the death penalty, further allowing for postponing or commuting death penalties, etc. This was a rare discussion and opportunity to discuss what remains a very sensitive topic in Viet Nam.

Vietnamese participants expressed their appreciation of the findings with regards to international trends towards the abolition of the death penalty, the concept of “most serious crimes”, arguments for and against the death penalty, and current political guidance on the death penalty. The report is especially timely for the Vietnamese delegation ahead of the

third review of the ICCPR Report on 11-12 March 2019 in Geneva. As announced by Viet Nam at its 3rd Universal Periodic Review at the Human Rights Council in Geneva in January 2019, the report will be published in early 2019.

***Activity 3.2. Expand the evidence base for results-oriented justice sector policy making at national and sub-national levels, including a baseline survey of the criminal justice system in selected provinces.***

**Activity 3.2.1.1** on conducting an assessment on the 3-year implementation of the Law on Civil Status and implementing regulations.

During the reporting period, UNDP supported MOJ to undertake a comprehensive study on the first 3 years of implementation of the Law on Civil Status and its implementing regulations. This study made important contributions to updating data on civil registration. The Law on Civil Status was adopted on 20/11/2014 and came into force on 01/01/2016. The study provides valuable information on the full implementation process of the Law, including communication and dissemination for all citizens, the provision of law implementation guidance and frequent monitoring on law implementation. Achievements in the application of information technology to manage an electronic civil status database at the central and local levels (38/63 provinces), as well as on building capacity of officers working on civil status administration, were highlighted in the study. The analysis paid special attention to the perspective of rights protection for vulnerable groups, including child rights (birth registration rights, right to identify parents, guardian registration procedures) in the regulations, as well as the protection of women, rights of ethnic minorities, and citizens living near border areas to access registration services.

An overarching recommendation of the study, which cuts across all issues, is the need for improving coordination among relevant agencies and officers in charge of civil registration. Specific recommendations of the study cover some key areas such as upgrading skills and capacities of officers, improving communication for citizens to invoke and access their rights, and simplifying civil registration procedures. Another important policy area that was stressed was the recognition of the civil status of LGBTQI persons in society, which remains unsolved in the Law.

Initial findings of the report were shared in a consultative workshop on 4-5 December in Can Tho with the representatives from the MOJ, representatives from 17 provinces in the Mekong Delta Region as well as representatives from NGOs working for the rights of women, children, people with disabilities, and ethnic minority groups.

**Activity 3.2.1.2** on an empirical study on the implementation of the Law on Lawyers and proposals to improve qualifications of lawyers, focusing on quality of lawyer apprenticeship.

With support from UNDP, MOJ conducted a study assessing the ongoing implementation of the Law on Lawyers, identifying achievements, shortcomings and challenges arising from its practical implementation. The study covered current qualifications of lawyers and quality of legal services, professional training courses for lawyers, as well as the apprenticeship and compliance with the Rules of Professional Ethics and Conduct by both lawyers and apprentice lawyers.

The analysis paid special attention to the recent high demand on legal support from vulnerable groups, and pointed to the fact that there are no rules nor special professional courses on practice and skills for lawyers or apprentice lawyers on providing legal support to these groups, making the legal system less available and responsive to their needs. Finally, a number of measures were proposed to improve legal institutions, qualifications, professional training courses and code of conducts for lawyers and the quality of apprenticeships, thus improving the quality of legal services provided by lawyers, ensuring venues for the fulfilment of legitimate rights and interests of clients, including vulnerable groups. A consultation workshop on the draft report was organised on 20 December in Ha Noi to share the initial findings with lawyers, MOJ representatives, the Viet Nam Bar Federation, provincial Bar Associations, provincial Departments of Justice, law schools, and law firms.

**Activity 3.2.5** on support to strengthen evidence-based policy/law making.

UNICEF conducted an analysis of the recent child justice reforms in Viet Nam, recommendations for coherent and their effective implementation, long-term and short-term measures to improve evidence-based policy and law reform for children's access to justice and legal empowerment. The paper was used to guide discussion between UNICEF and MOJ and other EU JULE co-implementing partners in relation to 2018-2018 priorities, as well as presented in other appropriate fora with wider audience for consensus and support, including the MOJ-Konrad Adenauer Stiftung (Germany) workshop on 'Proposals for Improvement of Juvenile Justice System in Viet Nam'. UNICEF's recommendations for child justice sector reforms were widely well-received and lay fertile ground for further EU JULE activities with MOJ and counterparts.

***Activity 3.4 Maintaining the constructive policy dialogue between the EU, Viet Nam and the UN on justice sector reform.***

**Activity 3.4.1** on the annual Legal Partnership Forum.

The annual Legal Partnership Forum, a high-level dialogue between the Government of Viet Nam, the EU, development partners and UN agencies, was conducted on 13 December 2018. It focused on law implementation on protection of the poor and vulnerable groups in judicial areas. The Legal Partnership Forum was chaired by the EU Ambassador, the Vice Minister of Justice and the UN Resident Coordinator with participation of over one hundred representatives from different ministries, UN agencies, Committees of the National Assembly, SPP, SPC, representatives of provincial courts, procuracies, legal aid centres, Departments of justice, Departments of labour, war invalids and social affairs, as well as women unions from 10 provinces across the country. Presentations and discussions focused on legal regulations on the protection of rights and interests of poor people and vulnerable groups in judicial areas. Information about the EU JULE programme was also shared with participants. Suggestions were made to increase the role of the National Assembly in supervising law implementation and the court in protecting the rights of vulnerable groups. The topic of ensuring the rights of the children and women and prevention of GBV was also covered, with a focus on the role of Women's Unions.

**Output 4 - Action Result 4: Enhanced integrity and transparency in the justice sector.*****Activity. 4.1 Support for the development and implementation of codes of conduct and ethical standards for professionals in the justice sector.***

UNODC discussed plans for the implementation of this activity with the Ministry of Public Security (MPS) and the Supreme People's Court (SPC). UNODC provided SPC with good examples of Codes of conduct for court personnel from other countries. This activity was not approved by the PSC in the 2018 Workplan.

***Activity 4.3. Support for the publication of judgments and the accumulation of legal precedent.***

UNDP and SPC met on several occasions to discuss the current system of selection, application and publication of precedents in Viet Nam and agree on the plan for implementing this activity over the whole Programme period. In Year 1, UNDP supported the SPC to conduct the study on the process of selection of precedents. A team of consultants, including one international consultant, was assembled to conduct the study. The team has reviewed the existing legal framework on the process of selection of precedents. Survey questionnaires were then prepared. Based on these questionnaires, around 90 interviews/working sessions with judges, lawyers and academics were conducted in the Supreme People's Court, High Courts and provincial courts in Hanoi, Da Nang and HCM city. Around 600 questionnaires were distributed to judges, lawyers and academics in these cities. The collection and analysis of questionnaires and data is ongoing. The team will provide recommendations for improving the current selection process of precedents and the draft revised Resolution 03/2015/NQ-HDTP, dated 28 October 2015, of the Justice Council of the SPC guiding the process of selection, publication and application of precedents. The draft survey report is expected to be submitted to SPC and UNDP at the beginning of March 2019 and a consultation workshop will follow.

**Output 5 - Effective Programme Management**

Pending the approval of the ProDoc to proceed with Programme implementation with Government counterparts, UN agencies worked in close collaboration with each other to set up the EU JULE PAGoDA management structures and prepare for the implementation of EU JULE activities. This included the negotiation, drafting and finalisation of the UN to UN Agreement between UNDP and UNICEF, and between UNDP and UNODC, detailing the modalities and schedule for funds transfer and reporting timeline, among other things.

The EU JULE management structure has been set up. The UN Program Coordination Team (PCT) has been formed, which includes five staff of UNDP, UNICEF and UNODC. The Assistant Resident Representative of UNDP acts as the Team leader. UNDP coordinates monthly and ad hoc PCT meetings for internal coordination of programme implementation.

Programme teams were established in each UN agency. In UNDP, a project manager was recruited. A new Programme Officer on Rule of Law and Access to Justice was also recruited in early 2018. Current existing staff, namely, Finance Analyst, M&E Specialist, Communication

Specialist, Programme Associates, have been assigned their tasks. Once the suspension period ended, recruitment processes resumed. The National UNV on communications has been on board since November 2018. Recruitment for the National UNV on gender was completed.

UNICEF worked internally to arrange sub-Programme Management architecture, assigning tasks among existing UNICEF staff. UNICEF drafted and prepared for approval of TORs for recruitment of necessary positions to support the implementation of the project, including a national UNV on child justice who would be responsible for management and technical support for child justice activities proposed at sub-national level.

Within UNODC, a Sub-Programme Manager for UNODC component was assigned and current existing staff were assigned their tasks. A Programme Assistant was selected but the recruitment process was suspended.

The financial, reporting and monitoring systems have been set up, involving country level working arrangements among three UN agencies, and among country offices and regional/HQ offices. UN Agency to UN Agency Contribution Agreements were signed between UNDP and UNODC, UNDP and UNICEF on 9 November 2017 and 26 December 2017 respectively. Regular meetings among the three Heads of UN agencies to discuss the progress and plan on the implementation were organized.

UN agencies dedicated extensive time to the approval of the ProDoc. This included significant staff and Senior Management engagement both in Viet Nam and in Brussels to provide substantive advice to UNRC and UNDP discussions and negotiations with the Government and the EU Delegation. UN agencies conducted continuous advocacy with UN long standing partners (including MOJ, SPC, MPS, SPP, VLA) at both the technical and senior levels for the approval of the ProDoc and the 2018 EU JULE Work Plan by the Government and Programme Steering Committee. Following approval of the initial work plan, additional activities were later included in the 2018 Work Plan as the result of intensive advocacy and discussion with counterparts, including at the most senior levels of MOJ.

In the last quarter of 2018, following the withdrawal of UNODC from the Programme, significant efforts and staff time, both in Viet Nam and in Brussels, were dedicated to the development of a proposed plan for absorption of relevant UNODC's planned activities, and subsequent amendments of the Rider and its annexes. This included intensive handover discussions among UNDP, UNODC and UNICEF. UNDP and UNICEF also worked extensively internally to re-design the sub-Programme Management architecture, reallocating and assigning tasks among existing staff as part of the absorption plan. Addendum No.2 has been signed and came into effect from 1<sup>st</sup> January 2019. UNDP and UNICEF have started the recruitment process for additional positions to support the implementation of the Programme, and proactively engage with government partners to discuss about the implementation of former UNODC activities.

### **3. Challenges in implementation and lessons learnt**

The Programme has suffered from lengthy delays due to difficulties related to the approval of the ProDoc, resulting in several months of suspension. Inconsistencies between the PAGoDA DoA and the Government's ProDoc further complicate agreement on the yearly



workplan. Finally, it has proved difficult to establish satisfactory baseline data and access means of verification as outlined in the Log Frame of the Programme.

While the programme officially started on 1 November 2017 following the signature of the Rider between the EU and the UN, the Government of Viet Nam had still not yet formally approved and signed its own Programme document (ProDoc). UN agencies attempted to start implementation of some activities with Programme partners but were warned by the MOJ to wait until the ProDoc is signed. Delays in the approval of the ProDoc by the Government caused major delays for the programme which was suspended on 1 February 2018 for six months.

Another major challenge is related to the differences between the ProDoc and the DoA. Such differences were already identified by UN agencies in the draft ProDoc. The problem is that UN agencies are implementing the programme based on the DoA, while Vietnamese agencies are bound by the ProDoc. For instance, the ProDoc does not envisage any activities to be implemented with NGOs or research institutes, as envisaged in the DoA (Activity 3.1). The recent update of the DoA mainly aimed at urgently responding to the withdrawal of UNODC from the PAGoDA, thus was unable to address critical discrepancies between the DoA and the ProDoc. Therefore, it worth considering updating the DoA again to enable effective implementation of the EU JULE.

Difficulties in reaching agreement on the workplan for the last four months of 2018 caused further delays in implementation. The process as described in the ProDoc is fundamentally flawed since it prescribes that MOJ invites State agencies, VLA and VBF (and no other entities) to propose activities under the programme. In practice, these entities are requested to submit proposals within an unrealistic timeframe and without reference to the approved ProDoc, which many had not even received. As a result, the proposals for activities received by MOJ sometime bear no relation to the agreed results for the programme.

Learning from this process, UN agencies have tried as much as possible to anticipate the call for proposals and work with each agency/MOJ department to ensure that the activities which should be proposed to achieve the four programme results are submitted to MOJ ICD. Consequently, the process for negotiating the 2019 Annual Work Plan was smoother, but still problematic.

Even after the 2018 work plan was approved by the PSC, the programme still faced some delays in implementation for reasons beyond the control of UN agencies. For instance, there were some delays in the MOJ in sharing the approved workplan with implementing partners. Documents were often shared in Vietnamese only. Also, there were disagreements between UNDP and MOJ over the use of international consultants in some activities. Despite these difficulties, the majority of the agreed activities were implemented by the end of 2018. Frequent communication with MOJ, both at working and senior levels, was key in this regard. One lesson from the first year is to continue regular bi-weekly meetings with MOJ ICD to discuss any issues related to implementation, and it is suggested to have a rolling work plan to which activities can be added during the year through a simple procedure.

The withdrawal of UNODC from the Programme created some temporary difficulties which were resolved by the end of 2018 and through the signature of another Rider. Nonetheless,

both UNDP and UNICEF will need to re-adjust their respective teams to take on the additional activities inherited from UNODC.

The original programme as designed in 2015 was formulated with a 5-year timeframe in mind (2016-2020). At the moment, the end date is fixed for 30 November 2020. With the delays in the start of the programme and the suspension period, there remained only 28 months of implementation time. This issue will need to be addressed in the coming year.

There are some challenges related to the M&E framework. The logical framework, as currently envisaged in the DoA, proposed some means of verifications, such as the Viet Nam Justice Index. However, UNDP have not secured funding to conduct the Viet Nam Justice Index in the coming years. The “Justice Index”, as envisaged under Result 4 of the EU JULE Programme, is quite a different tool from the Justice Index conducted by UNDP in 2012 and 2015. In addition, some baseline data could not be collected during the first 3 months of the implementation due to lack of cooperation with government agencies while other data is simply not made publicly available (as already indicated in the DoA). The proposed indicators will need to be revised in the coming year.

## 4. Monitoring & Evaluation

### *Log frame matrix updated*

As mentioned above, the original logical framework for the Programme, as outlined in the DoA (2015), is based on data sources that are no longer available in Viet Nam, including the Viet Nam Justice Index and official data which is not made available to the UN. The log frame matrix below is therefore updated with “Status in 2018”, highlighting these data issues while documenting the progress on planned activities to reach the four results.

To ensure that indicators and targets are in fact measurable, it is proposed to change those indicators requiring new means of verification. Moreover, reviewing the original logical framework for the Programme, it appears that most indicators are formulated as outcome indicators, i.e. effects not in the control of the EU JULE programme alone. It is therefore proposed to revise indicators to better measure direct outputs of the programme. Consequently, it will be important to revise the numeric targets, which are currently dependent on the unavailable data sources, to reflect revised indicators.

**Logical Framework from Description of Action (2015) updated with status after 1 year of implementation**

Results	Indicators	Baseline	Target	Means of verification	Status for 2018
<b>Result 1:</b> Increased public awareness and understanding of rights and how to invoke those rights	(a) Accessibility of legal information disaggregated by gender, age, education and income levels (b) Awareness of fundamental rights (c) Level of awareness and understanding of rights and principles enshrined in Vietnamese law	Viet Nam Justice Index, Indicator 1.1 Access to legal information, and Indicators 4.1 – Rights awareness and 4.3 – Protection of rights in practice (a): Sub-indicator 4.3.9 (b): Indicator 4.1 (c): Sub-indicator 1.1.7	(a/b/c): Increased by 5%	<ul style="list-style-type: none"> <li>• Oversight reports of National Assembly’s Committees</li> <li>• Data published on Government accessible websites and channels</li> <li>• Viet Nam Justice Index (UNDP)</li> <li>• Independent review</li> <li>• Project reports</li> </ul>	(a-c): Data on indicators is no longer available**. However, activities contributing to this result are <b>on track</b> , including the completion of activity 1.1.1 and 1.2.1 during 2018 Q4.
<b>Result 2:</b> Increased access to legal advice, assistance and representation in both civil and criminal matters	(a) Proportion of defendants in criminal cases who are represented by legal counsel (b) Percentage of disputes solved (disaggregated by type of dispute and gender of complainant) (c) Number of children received legal aid/assistance (d) Number of villages with participated and rights-based mediation groups (e) Number of people who receive legal advice or	(a): Official data not available (*)  (b): Viet Nam Justice Index, Indicator 3.6 – Effectiveness of dispute resolution  (c): Official data not available (*)  (d): Official data not available (*)  (e): MOJ statistics for 2016 legal aid, to be	(a): More than 30%  (b): Increased by 5%  (c): Increased by 5%  (d): Increased by 5%	<ul style="list-style-type: none"> <li>• Global Rule of Law Index (World Justice Project)</li> <li>• Statistics on legal aid delivery (MOJ)</li> <li>• Statistics on criminal cases with defense counsel (SPC)</li> <li>• Viet Nam Justice Index (UNDP)</li> <li>• Independent review</li> <li>• Project reports</li> </ul>	(a, c, d, f, g): Data on indicator is not available*. (b, h) Data on indicator is no longer available**. (e; i): data on indicator is not yet meaningful as measurement of impact of activities conducted in 2018 Q4. However, activities 2.2.1, 2.2.2, 2.3.2, 2.4.1, 2.5.3, 2.6.2, 2.6.5, 2.6.6., 2.7.2, 2.7.3,2.9.1, 2.9.2, contributing to this result, are <b>on track</b>

	<p>assistance from legal aid providers (disaggregated by sex, age, ethnicity and type of legal aid services)</p> <p>(f) Availability of legal aid delivered at communes, in courts and at people’s committees, in ethnic minority languages</p> <p>(g) Number of pre-trial detainees with access to legal aid/assistance</p> <p>(h) Score on impartial and effective mechanisms for civil dispute and administrative complaint resolution</p> <p>(i) Number of cases handled by the Juvenile and Family Court</p>	<p>published by February 2017</p> <p>(f): Official data not available (*)</p> <p>(g): Official data not available (*)</p> <p>(h): Viet Nam Justice Index, Indicator 1.2 – Access to basic legal services, and Indicator 2.3 – Resolution of administrative complaints</p> <p>(i) SPC data from Juvenile and Family Court</p>	<p>(e): Increased by 5%</p> <p>(f): Increased by 5%</p> <p>(g): Increased by 5%</p> <p>(h): Increased by 5%</p> <p>(i): Increased by 5%</p>		
<p><b>Result 3:</b> Improved enabling legislative and regulatory framework for legal empowerment and access to justice</p>	<p>(a) Number of laws and regulations adopted in response to specific recommendations of research studies supported by the Action</p> <p>(b) Quality of legislation in terms of practically facilitating access to justice and legal empowerment</p>	<p>(a): 0</p> <p>(b): Baseline on quality of target laws to be established before any intervention supported by the Action</p> <p>(c): Limited information as published on <i>duthaonline.quochoi.vn</i></p>	<p>(a): 12</p> <p>(b): Improved</p> <p>(c): Improved</p>	<ul style="list-style-type: none"> <li>• Official Gazette (Office of the Government)</li> <li>• Minutes of National Assembly sessions</li> <li>• Data published on <i>duthaonline.quochoi.vn</i> and other publicly accessible channels</li> <li>• Independent review</li> </ul>	<p>(a): 0, however activities are <b>on track</b> and recommendations for revision of laws and regulations have been provided (activities 3.1.1.1, 3.2.1.1).</p> <p>(b): baseline in form of assessment of law quality and implementation completed for two targeted laws (activities 3.2.1.1. and 3.2.1.2) established, and recommendations</p>

	(c) Availability of publicly accessible data and evidence base to support rights-based legislative process for justice sector reform	website and in Government’s dossiers to National Assembly for submission on new laws/policies		<ul style="list-style-type: none"> <li>Project reports</li> </ul>	<p>delivered and discussed in consultative workshops.</p> <p>(c): public data is still limited, although <b>completed</b> activities 3.1.1.1, 3.2.1.1, 3.2.1.2 and 3.2.5 contribute to expand evidence base to support rights-based legislative process.</p>
<b>Result 4:</b> Enhanced integrity and transparency in the justice sector	<p>(a) Aggregate indicator on integrity in the justice system</p> <p>(b) Perceptions of corruption in judiciary</p> <p>(c) Access to court judgments</p> <p>(d) Public and media access to trials and court hearings</p> <p>(e) Existence of codes of conduct and effective mechanisms to enforce those codes</p>	<p>(a): Viet Nam Justice Index, Indicator 3.1 – Integrity in the justice system</p> <p>(b): Global Corruption Perception Index (Viet Nam Country Report)</p> <p>(c): Official data not available (*)</p> <p>(d): Official data not available (*)</p> <p>(e): Official data not available (*)</p>	<p>(a): Improved</p> <p>(b): improved</p> <p>(c): Improved</p> <p>(d): Improved</p> <p>(e): Improved</p>	<ul style="list-style-type: none"> <li>Global Corruption Perception Index (Transparency International)</li> <li>Viet Nam Justice Index (UNDP)</li> <li>PAPI (UNDP)</li> <li>PCI (VCCI)</li> <li>Independent review</li> <li>Project reports</li> </ul>	<p>(a): Data on indicator is no longer available**.</p> <p>(b): The Global Corruption Perception Index was 35 in 2017 (baseline) and 33 in 2018, indicating a decrease in perceived corruption***.</p> <p>(c, d): Data on indicator is not available*.</p> <p>(e): Code of Conduct for judges adopted in September 2018</p>

\* Official data on several indicators is not made available by the Government on request and is not expected to become available. It is proposed by the UNDP, as the coordinating partner of EU JULE, to revise the Log Frame as a consequence of this data deficiency.

\*\* The Viet Nam Justice Index is no longer being updated and is thus not applicable as baseline or means of verification. It is proposed by the UNDP, as the coordinating partner of EU JULE, to revise the Log Frame as a consequence of this change of circumstances.

\*\*\* The Global Corruption Perception Index does not include a specific indicator on perception of corruption in the judiciary. However, an indicator on “corruption free civil justice” is included in the Rule of Law Index (World Justice Project). It is proposed to revise this indicator according to the Rule of Law index to ensure a measurable and relevant indicator.

## Financial Monitoring

Please see annex 1 for the financial report

## 5. Workplan for 2019

As results of substantive discussions with relevant partners from September 2018, the process for negotiating the 2019 AWP was smoother, and most activities prioritised by UN agencies were agreed upon and included in the draft 2019 AWP submitted to the PSC meeting on 24 January. Some additional activities have been proposed by partners (including VLA) but were not included in the AWP. UN agencies will work closely with the PMU to have additional activities approved by June-July 2019 at the latest.

See the 2019 AWP in annex 2.

## 6. Visibility and Communication

This section outlines Visibility and Communication (V&C) activities implemented in the last quarter of 2018.

National media was invited to cover all EU JULE events, starting with the Programme launch event on 12 October 2018. One exception was the workshop on the death penalty in Danang on 17 December 2018, and upon request from the MOJ. EU JULE events received good media coverage, both from in written, online and TV media outlets. In particular, the Legal Partnership Forum organized on 13 December 2018 generated many news articles, including the news in the National Assembly's Television and Ho Chi Minh City's Television channels; the Consultative Workshop on drafted review report of the implementation of the Law on Civil Status and its guiding document was covered by Phap luat Viet Nam's newspaper distributed across the country. Please see a detailed V&C report with full lists of and links to media coverage clipping in annex 3.

UN agencies have used social media (Facebook, Instagram and Twitter) to increase the visibility of EU JULE events. 22 posts were made on social media, both in Vietnamese and English, reaching more than 30,000 people in total.<sup>8</sup>

A **logo design competition** was organized, as envisaged in the EU JULE's V&C plan. The contest received high quality entries from around the country. The winning logo was selected by a Committee representing UN agencies, the EU Delegation, MOJ, Oxfam and a design expert. It was approved at the January 2019 PSC meeting.

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<sup>8</sup> Posts on Programme Launch: <https://twitter.com/UNDPVietNam/status/1050760731212181504>


Event on Logo contest: <https://www.facebook.com/events/306824026580591/>

Post on civil status registration rights: <https://twitter.com/UNDPVietNam/status/1078131534459154434>


Post on the Legal Partnership Forum: <https://www.facebook.com/undpvietnam/posts/1875880679175747>

**Logo Design contest:** a Logo Design competition was organized, as envisaged by the EU JULE's V&C plan. Within 10 days, 15 logos were submitted. Even with a short period of time, the contest still received high quality entries from around Viet Nam, from Hue, Da Nang, Ha Noi, Ho Chi Minh City, Lai Chau, etc.



<p>The winning logo was selected by a Committee involving UN agencies, the EU Delegation, MOJ, Oxfam and a design expert. It was approved at the January 2019 PSC meeting.</p>	
<p><b>UNDP webpages</b></p>	<p>EU JULE webpage: <a href="https://bit.ly/2yvw8z9">https://bit.ly/2yvw8z9</a> Webstory on the Legal Partnership Forum: <a href="https://bit.ly/2rUKvOd">https://bit.ly/2rUKvOd</a></p>

Other communication products include:

<p><b>Standeers:</b> Two standees were produced with the EU JULE logo and the tagline. One standee in English and one standee in Vietnamese.</p>	
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## List of Annexes

**Annex 1:** Financial Report 2018

**Annex 2:** Work Plan for 2019

**Annex 3:** Media Clippings