



STUDY REPORT

THE NECESSITY TO DEVELOP A STRATEGY OR PROGRAM

**TO RAISE LEGAL AWARENESS AND LEGAL KNOWLEDGE FOR THE PEOPLE,
FOCUSING ON VULNERABLE GROUPS**

November 2021

This study is part of the "EU Justice and Legal Empowerment Programme in Viet Nam" (EU JULE). The "EU Justice and Legal Empowerment Programme in Viet Nam" (EU JULE) is funded by the European Union with financial contributions from UNDP and UNICEF. The program is implemented by these two agencies of the United Nations in coordination with the Ministry of Justice of Viet Nam.

Research team

Mr. Nguyen Hung Quang (NHQuang&Associates)

Dr. Duong Thanh Mai (Former Director of the Institute of Legal Sciences - Ministry of Justice)

Prof. Ph.D Hoang Thi Kim Que (School of Law – Vietnam National University, Ha Noi)

Dr. Toan Le (Department of Business Law and Taxation – Monash University – Australia)

With the support from the Department of Legal Dissemination and Education - Ministry of Justice and members of NHQuang&Associates.¹

Citation

MOJ, UNDP and EU (2020), *"Report on the necessity to develop a comprehensive strategy to strengthen legal awareness, focusing on vulnerable groups"*.

Note

The opinions expressed in the Report are those of the authors and do not necessarily represent those of the Ministry of Justice, the Europe Union or UNDP.

¹ The Research Team is pleased to thank the support of Mrs. Nguyen Thuy Duong, Ms. Le Hai Linh, Ms. Le Mai Phuong and Ms. Dang Huyen Thu during the implementation of this Report.

EXECUTIVE SUMMARY

LDE work is being put in a new context, with new requirements according to the Resolution of the 13th Party Congress, the Conclusion of the Politburo on summarizing the implementation of Resolution 48-NQ/TW on legal reform, the Resolution 49-NQ/TW on judicial reform and the Conclusion 80-KL/TW dated June 20, 2020 of the Secretariat on continuing to implement Directive 32-CT/TW of the Secretariat on strengthening the Party's leadership in LDE work, raising the awareness of law observance of cadres and people, etc. In this context, the “EU Justice and Legal Empowerment Programme in Viet Nam” (EU JULE) supports the Department of Legal Dissemination and Education – Ministry of Justice to conduct a study on the need to develop a Strategy or Program to raise people's legal awareness and legal knowledge, with a focus on vulnerable groups.

This study shows that, in the progress of developing a rule-of-law state in Viet Nam and meeting the commitment to “*Leave no one behind*”, the enhancement of legal awareness in the community, focusing on vulnerable groups, is an indispensable part towards developing and implementing a socialist rule-of-law state of the People, by the People, for the People. From the analysis, the Study has identified a number of principles to guide the development of a Strategy or Program to raise people's legal awareness, focusing on vulnerable groups. These principles are:

- *Firstly*, raising people's legal awareness should be understood and approached from a human right perspective, with a focus on vulnerable groups;
- *Secondly*, the position and role of the LDE should be with a focus on raising legal awareness, implementing and protecting people's rights in law making and law enforcement; and
- *Thirdly*, LDE implementation should be understood and orientated in accordance with administrative reform requirements and modernization of national administration system, in line with digital transformation.

Based on the above-mentioned principles and the status of LDE work, some major issue groups are recommended to achieve the goal as follows:

- *The legal needs of people and the content of LDE*: The work of determining the needs of the people to learn about legal information should be focused and reformed in a way that closely follows the practical needs of the people. Therefore, research on the current state of legal knowledge and the people's need to learn about the law at central and local agencies needs to be focused. In addition, the communication of legal policies to the people needs to be considered by government officials from the phase of policy and law making. At the same time, LDE activities need to control the quantity and quality of LDE plans, schemes and programs. The Ministry of Justice should develop and guide the methods to identify and assess the legal information needs (including information content and LDE methods) of the people, especially vulnerable groups so that they can “stick closely to the reality of life, and meet the requirements of state management and social

management in each period, area, specific subject, etc.", "announce the issues of social concern or that require orienting the public opinions" and "innovate and diversify LDE forms and methods to match the needs of the society and each target group, etc." as required by the Conclusion 80-KL/TW.

- *Forms of LDE:* The form that LDE takes and the frequency of activities should be determined based on a combination of many factors such as LDE contents, subjects (especially vulnerable groups with specific characteristics of each group), areas (especially in remote areas), organization time, funds, human resources to be suitable with characteristics of localities and to avoid the situation that the form has not been promoted effectively or is not suitable with the characteristics of each vulnerable group, or the LDE activities in the traditional form are implemented too frequently, or there are too few LDE activities. In addition, it is necessary to promote the effective implementation of the Project "Strengthening IT application in LDE in the period of 2019-2021" and issue a new project for the next period. The application of IT in LDE work must consider the accessibility of IT to vulnerable groups and their capacity so that it could contribute to narrowing the gap between vulnerable groups and other groups in the society. Programs, projects and campaigns to improve public awareness must be produced on a variety of communication forms and advertising methods in order to ensure the diversity and sustainability with the target subjects and purposes of such programs, projects and campaigns. The form of LDE through grassroots mediation and contacting voters should be further promoted, encouraging innovative and effective LDE models for research and replication across the country.
- *Effectiveness of the Coordinating Council for LDE at all levels:* Activities of Coordinating Councils for LDE should be renewed in the direction of clearly defining the roles and responsibilities of each member in each Council. It is required to renovate and improve the awareness of the committees and authorities about the position, role and meaning of LDE work. The Councils should establish and maintain a mechanism for regular consultation with experts, scientists, socio-political organizations, social organizations and businesses (focusing on businesses doing digital transformation) on LDE work. In the LDE plan/program, responsibility should be assigned to the agency or organization in charge of developing policy, legal normative documents in determining the content, form, method and resources to ensure "two-way" LDE and information sharing (between people and state management agencies) on policy, legal normative documents. It should have activities to encourage and reward agencies, organizations, collectives and individuals with outstanding achievements in LDE activities based on annual assessments of this work, including the assessment and classification relating to the implementation of the LDE Performance Evaluation Criteria.
- *Human resources performing LDE work:* It is necessary to have a plan to gradually reduce the number of current LCs and LDs to have more resources in maintaining specialized and responsible LCs and LDs with in-depth expertise according to local needs and actual conditions. These people can focus on a few key legal fields that people in the area have

regular needs. In addition, it is possible to consider developing a squad of LCs and LDs in the direction of experts contracted by the State to implement the work. It is necessary to mobilize the social responsibility resources of lawyers, notaries, bailiffs, and mediators, law students, etc. to engage in LDE activities. It is necessary to ensure a reasonable remuneration (bonus) for LCs and LDs; regularly have in-depth assessments of obstacles and limitations in the operation of LCs and LDs to have ideas for change. In addition, it is necessary to mobilize the participation of core groups in the community, whose members are from vulnerable groups to participate in LDE work for those groups themselves in order to improve the effectiveness of LDE activities. It is necessary to conduct in-depth research on the status of judicial sector personnel performing LDE work in localities to find solutions for matters in terms of cadre team implementing LDE (Divisions of LDE under the Department of Justice, district-level Divisions of Justice, the judicial and civil servants) while they have to implement many plans, programs, projects, leading to overloaded work in general and the decrease in the efficiency of LDE work in particular.

- *Funds for LDE activities:* Providing sufficient funds for LDE deployment, prioritizing LDE resources for vulnerable groups are the issues needed to be focused. It is necessary to overcome the matter of allocation of fund among localities, give priority to poor and mountainous localities because these localities have specific subjects that need LDE (the poor, ethnic minorities) more than other localities. It is required to improve the quality of LDE planning to ensure the rationality and efficiency of using LDE fund (associated with budgeting), especially in allocating funds for LDE activities for vulnerable groups. There should be regulations on tax support, incentives, financial obligations for individuals and organizations participating in LDE, especially organizations and individuals participating in socialization, public-private partnership activities to promote successful mobilization of social resources. It is necessary to allocate resources to ensure cooperation programs signed between the judiciary and social organizations; build and encourage cooperation models between state agencies and organizations in LDE, for example, the Lawyers Association, the Bar Association, the State's Legal aid center in collaboration with the Women's Union, the Disability Union, etc. or cooperation between the Ministry of Justice, the Department of Justice, the Division of Justice and social organizations.
- *Evaluation mechanism and information-related matters in LDE activities:* It is necessary to have studies and develop evaluation criteria on the supplementation or improvement of the evaluation mechanism with the following contents: (i) Evaluate the performance of the Coordinating Council for LDE at the sectoral and local level (for example, in advising on the development and issuance of the LDE plan, the Council's work plan); (ii) Evaluate the quality and effectiveness of activities and forms of LDE; (iii) Evaluate the capacity of LCs and LDs; (iv) Evaluate the effectiveness of the use of LDE fund. Annual evaluation of LDE work performance through the LDE Performance Evaluation Criteria or other evaluation criteria of state agencies should be associated or compared with the results of independent assessment results of agencies and organizations such as the PAPI Index, the PCI Index, the ParIndex or international indices.

- *Improvement of the efficiency of law enforcement and right protection:* It is necessary to ensure the availability and improve the quality of legal services (such as legal aid) when people, especially vulnerable groups have the need to seek and use legal services to protect their rights. It is necessary to improve the quality of complaint and denunciation settlement of local authorities, and at the same time improve the law observance and the sense of responsibility of the local government with the provision of legal policy and information at the request of the people. In addition, it is also necessary to improve the quality of providing public service to ensure that when people, especially vulnerable groups, understand and have the need to exercise relevant rights, such as the right to health care, the right to participate in voluntary social insurance, they can exercise their rights easily. It is necessary to improve the legal guidance and compliance skills of judicial positions (investigators, prosecutors, judges, etc.) while working with the people participating in the proceedings to help them understand and know how to properly use their rights and perform their obligations in order to protect their legitimate interests, especially those belonging to vulnerable groups. The above activities should be considered as a form of LDE and should be assessed in the current LDE Performance Evaluation Criteria to recognize, encourage and reward these activities for their significant contributions for LDE activities.

With the analysis of the context, policy and legal framework, and especially the situation of legal awareness and LDE work in Viet Nam, including the existing and potential advantages and challenges of this work, the Report recognizes the need to develop a long-term national strategy on improvement of legal awareness, focusing on vulnerable groups. The strategy will help to establish clear and specific goals for the LDE to raise awareness of the law, propose long-term enforcement measures to overcome the limitations and obstacles of current LDE work as mentioned. The Strategy should be promulgated under a resolution of the Government or a decision of the Prime Minister. However, in order to develop the Strategy, it is necessary to have more in-depth studies on some related contents as mentioned in some recommendations of issue groups. This requires time to conduct quality research to ensure useful input. During the stage of implementing the necessary research for the development of the Strategy, an immediate solution that can be considered is to integrate the contents of legal awareness raising for vulnerable groups into the LDE Program in the phase 2022-2027 promulgated under the Prime Minister's Decision. Accordingly, the LDE Program for the period of 2022-2027 should focus on identifying objects that need to be prioritized in LDE work (especially vulnerable groups), orienting to determine LDE contents, and renewing LDE methods, improving the operational efficiency of the Coordinating Council for LDE, as well as have the orientation to balance human and financial resources between localities and levels.