



MINISTRY OF JUSTICE
(MOJ-UNWOMEN PROJECT)



UNITED NATIONS ENTITY
FOR GENDER EQUALITY AND THE EMPOWERMENT OF
WOMEN
(UNWOMEN)

ANNUAL PROGRESS REPORT

From: Vietnam

Reporting Period: 6th May to 31st December 2013
(LOA –VNM-2012-006)

UN Women Regional Programme on Improving Women's Human Rights in Southeast Asia (CEDAW - Phase II)

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A. Executive Summary

As stipulated in law, the Ministry of Justice is mandated to providing assistance to the government in following: state management of legislative drafting and law execution; evaluating the legality of legal normative documents; law dissemination and education; civil judgment enforcement; judicial administration (such as civil status registration); state management of justice support services (including legal aid, defense lawyers; public notaries, professional examination facilities, etc.) and other justice services throughout the country; and related tasks.

The officials and staff of the MOJ, especially those who are directly responsible for the implementation of justice, lack awareness of barriers and obstacles for women to justice and are not trained in the concepts and principles of CEDAW, nor on the Law on Gender Equality. Hence, there is an urgent need to further strengthen the capacity of the MOJ in this regard to formulate a new approach to women's human rights, in order to instill CEDAW principles into the work of the justice sector. This project helps to address this need by facilitating knowledge on CEDAW and Women's Human Rights (WHR) of MOJ staff so that they will contribute to the revision and development of laws from a CEDAW/WHR perspective. This perspective should extend beyond laws and legislation that are traditionally conceptualized as "gender-related" (such as Domestic Violence) to encompass all forms of legislation. This includes the revision or development of laws on issues such as Law on Land Use, Law on Civil Status and Law on Grassroots Reconciliation etc. during this National Tenure. This project will support institutionalization of increased capacity for the MOJ, especially in the areas of law making within the framework of CEDAW and other human rights instruments. Alongside with training, there will be policy dialogues/advocacy forum to discuss and influence policy and law makers for better developing laws from CEDAW and human rights perspective.

UN Women support to CWAJS/MOJ through this LOA will contribute to the integration of CEDAW and Human Rights Principles in the implementation of the Plan of Action for implementation of Gender Equality in the Justice Sector.

Through strengthening the capacity of the MOJ, efforts will be made to integrate CEDAW into national legislation. It is critical to develop capacity of the MOJ and the CWAJS to review all laws for compliance with CEDAW and Human Rights treaties. The project will also contribute to the ongoing Judicial Sector Reform process of the MOJ and will endeavor to integrate gender equality into the training materials of the judicial training institution through the revising training materials that CWAJS plays as coordinator role.

I. General information of the project

1. **Project name:** *Strengthen Capacity of Legal Officials in drafting and assessing Laws and Policies for Gender Equality and Women Advancement*
2. **Funding agency:** United Nations Entity for Gender Equality and the Empowerment of Women (UN Women).

3. Objectives and outcomes of project

a) Project objectives:

- Building up capacity of MOJ staff in assessing of all new and revised legislative frame works for compliance with CEDAW and other international human rights norms,
- Influencing law makers to Improve the access to justice for women, and
- Improving the monitoring of gender equality commitments of the justice sector of the government of Viet Nam.

b) Specific objectives and indicators

- **Strengthen the capacity** of the MOJ in applying gender perspective in the law making and oversight of law implementation in all areas of law
- **Sharing knowledge and information** on the situation of women's human rights.
- **Support MOJ** in training workshops/constructive dialogues/consultations for law makers, and their secretariat, relevant government ministries, MOJ training and research institutions etc., with the aim to increase their CEDAW and HR knowledge as well as influence law makers in integrating CEDAW principle into new law or revision of laws.

c) Outcomes

Outcome 1. Increased skills and knowledge for ensuring CEDAW compliance in development and monitoring of new and revised legislative frameworks

- *Output 1.1* Institutionalized programs and arrangements for sustained capacity development on WHR-compliant lawmaking for Parliament, relevant executive agencies and CSOs.

Outcome 2. Increased awareness among formal and informal justice sectors of CEDAW Commitment

- *Output 2.1.* A core group of actors in plural justice systems with enhanced knowledge and skills on women's human rights – compliant justice delivery

Outcome 3. Strengthened monitoring and accountability mechanisms for implementation of CEDAW commitments

- *Output 3.1.* Knowledge resources that support better implementation, monitoring and reporting on CEDAW and WHR-related documents and programs, shared across the region.
4. **Project duration:** from December 15, 2012 to December 31, 2015.
 5. **Project Budget:** 92.000 USD
 - a) ODA : 77.000 USD
 - b) Counterpart fund: 15.000 USD

B. Background

Upon the project objectives to *Strengthen Capacity of Legal Officials in drafting and assessing Laws and Policies for Gender Equality and Women Advancement*, in this report we only focus on information related to policies and laws formulation and implementation in Vietnam to ensure gender equality.

The national Strategy on Gender equality for the period 2011-2020 stipulates that by the year 2015, at least 80% of draft legal normative documents to be identified and gender mainstreamed or gender sensitized; training on gender, gender analysis and mainstreaming will be provided for 100% members of the Drafting Committee who are in charge in formulating legal normative documents; provinces and cities under central control will be allocated sufficient staff in charge of gender equality etc.

In 2012 and early 2013, there were approximately 100 documents developed and issued and gender mainstreamed such as: the Law on Higher Education; the Labor Code (amended in 2012), the Law on Handling of Administrative Violations, the Law on Advertisement. Currently are a lot of drafts of legal normative documents have been gender mainstreamed in line with CEDAW and human rights principles: the draft revision of Family and Marriage Law, the Draft law on civil status etc.

To promote gender equality MOJ now is developing the toolkit for mainstreaming gender and the Circular to guide for gender mainstreaming in formulation of legal normative documents. Once these documents have been issued, they will be important methods to ensure gender mainstreaming in policies and laws formulation in Vietnam. Therefore, training courses on CEDAW and other related Human rights treaties for MOJ staff and senior officers are critical necessary.

C. Results of the Programme in 2013

Under the approved LOA-VNM-2012 - 06, from May 6th 2013 to December 31st 2013, the CFAWJS under Project Management Unit (PMU) of the MOJ has implemented 04/04

activities with total amount of disbursement is 753.016.860 VND, representing 92.7% against the planned budget.

1. Activity 1. *Develop training materials* for the mentioned targets groups on CEDAW and other related international treaties.

The CFAWJS/PMU of MOJ commissioned to revise training materials based on the existing CEDAW training materials, developed in the CEDAW SEAP phase I and referred to the training materials of UNDP.

Thirty participants who were representatives of Parliament Committee of Social Affairs (PCSA), representatives of the MOJ departments and legal and gender specialists, participated in the consultative workshop on 17, October 2013 (See annex 1 for more details).

Dr. Hoang Phuoc Hiep -Associate Professor, former of Director General of International Law Department of MOJ, consultant team leader presented the key points of revised training materials to audience. Valued comments and suggestions/inputs were provided for consultant team such as new revision of laws, law formulation process based on CEDAW and HR principles, gender mainstreaming tools for normative documents assessment etc. which need to be included in the training agenda and materials.

The training materials were improved accordingly and finalized in line with the project objectives and expected results.

2. Activity 2: *Pilot training to finalize training materials*

2.1 *The pilot training objectives:*

- ✓ Equip key trainers and key MOJ staff, policy makers, lawyers, gender specialist on CEDAW and other HR treaties,
- ✓ Examine the training agenda if they are relevant to future participants.
- ✓ Find out shortcomings of the training materials
- ✓ Revise and finalize training materials.

2.2. *Key contents*

Sixty senior officers of Justice sector at ministerial and provincial levels from Northern provinces participated in the pilot training which was organized in Vinh Yen city, Vinh Phuc province (some of them participated using their own provincial budget) (from 30 November – 1 December, 2013). (See Annex 2 for more details).

Through information and knowledge related to the principles and CEDAW articles provided by the facilitators (from Lesson 1 to Lesson 4), trainees understood the basic contents of CEDAW which helped them to connect and apply them into their works as they said during the training workshop, although understanding CEAW and HR is not easy for them. The following exercises in the Lesson 5, 6 and 7 as the tools for them to consider and apply in their work (see Agenda of the workshop in Annex 2).

Evaluation sheets were distributed before and after the training by organizers to

collect opinions and assessment of the training materials. (See the Annex 2)

The key results showed as below:

Before training

- ✓ Number of person know about CEDAW contents calculated under 5 mark (10 mark is highest): 56.8 %
- ✓ Number of person know about CEDAW contents from 5 to 6 mark (10 mark is highest): 43%

After training

- ✓ Number of person understand well CEDAW contents calculated from 5 – 9 mark (10 mark is highest): 98 %
- ✓ Number of person understand little CEDAW contents from 5 to 8 mark (10 mark is highest): 2%
- ✓ 53 participants said that the training workshop was useful for policy formulation in term of women's rights protection.
- ✓ 100% participants considered that the pilot training workshop was excellent and good (See Annex 2 for more details).

The Pilot training workshop was facilitated by Associate Professor, Dr Hoang Phuoc Hiep, former of Director General of international Law Department, MOJ; Dr. Tran Van Quang, Deputy Head of the Committee for the advancement of women of judicial sector; Dr. Duong Thanh Mai, a senior expert of MOJ and guest speakers such as Mr. Ha Dinh Bon (Legal Department of MOLISA), Mr. Nguyen Hong Hai, Head of Division, Department of Economic and Civil Legislation of MOJ.

In sum, the participants evaluated that the training was very useful and easy to understand CEDAW articles. It helped them to be able to use CEDAW in their work, especially mainstreaming women's rights in drafting and assessing legal documents, which is one of very important tasks of the justice sector. They recommended that similar trainings would be widely organized not only for officers of MOJ but also for officers working in prosecution, courts and others.

3. Activity 3: Training workshop on CEDAW and other treaties

3.1 The training workshop objective:

Raise awareness of senior officers of justice sector on CEDAW and HR principles and related normative documents to ensure that policies and laws formulation and revision are compatible and consistent to the principles of CEDAW, responding obligations of Viet Nam as a member state of CEDAW.

3.2 Key contents

Fifty two senior officers of MOJ and provincial departments from the South participated in the training workshop in Ho Chi Minh City (2 of them participated using their provincial budget) (7 – 8 Dec.) (See Annex 3 for more details).

There were 7 modules presented in the workshop (see Annex 3). The Training

workshop was facilitated by Associate Professor, Dr Hoang Phuoc Hiep, former of Director General of international Law Department, MOJ; Dr. Tran Van Quang, Deputy Head of the Committee for the advancement of women of judicial sector and guest speakers such as Ms. Nguyen Thi Hanh, Deputy Director of Department of Criminal and Administrative Legislation, MOJ; Mr Nguyen Hong Hai. Head of Division, Department of Economic-Civil Legislation of MOJ.

Evaluation sheets were distributed before and after the training by organizers to collect opinions and assessment of the training materials. The key results showed as below:

Before training

- ✓ Number of person know about CEDAW contents calculated under 5 mark (10 mark is highest): 88%
- ✓ Number of person know about CEDAW contents from 5 to 8 mark (10 mark is highest): 12%

After training

- ✓ Number of person understand well CEDAW contents calculated from 5 – 9 mark (10 mark is highest): 100 %
- ✓ Number of person understand little CEDAW contents from 5 to 6 mark (10 mark is highest): 0%
- ✓ 52 participants said that the training workshop was useful for policy formulation in term of women's rights protection.
- ✓ 100% participants considered that the pilot training workshop was excellent and good

(See annex 3 for more details)

4. Activity 4: Thematic workshop “Gender equality in draft revision of Family and Marriage Law

4.1 The thematic workshop objective

Review and further discuss gender equality issues in the Draft revision of Family and Marriage Law to enhance the amendment draft from HR and CEDAW lens and to ensure gender equality.

4.2 Key contents

Seventy participants who were representatives of the Ho Chi Minh Communist Youth Union, National Youth Committee of Vietnam, Ministry of Home Affairs, Vietnam Women's Union, Departments of Justice, Authorities of Enforcement of Civil Judgment and departments of Justice from 16 provincial departments participated in this workshop in Ha Noi (See annex 4 for more details).

- ✓ Overview of the Draft revision of this Law
- ✓ Looking this Law from gender equality perspective
- ✓ Practical management of civil status in Vietnam in connection with this law,
- ✓ Practical enforcement of civil judgments in relation with this law

Issues raised by participants: Civil status, civil status registration, child birth registration, separation issues, inheritance, divorces, taking pregnancy for others, rights of mothers etc. In sum, the workshop was a forum for participants to discuss and evaluate gender equality level in the Draft revision of this law. The Committee for the advancement of women of justice sector gathered all comments/inputs and will document so that it can make recommendation to the drafting committee members for the improvement of the draft revision.

Partnerships

In the implementation of activities, MOJ has received the close cooperation and active support from the stakeholders as mentioned below:

- ✓ The effective technical support from the in-charge officers of UN Women in the implementation of the project activities, from planning, designing contents and objectives of the workshops/trainings to the implementation of the planned activities to ensure the contribution of those activities to achieve the goal of the project.
- ✓ The strong and valuable supports from the qualified experts and consultants who have rich experiences in the related fields, especially Associate Professor, Dr Hoang Phuoc Hiep, former of Director General of international Law Department who revised and improved the training materials on CEDAW and other related treaties, who shared and presented contents of CEDAW in 02 workshops in Vinh Phuc province and Ho Chi Minh city.
- ✓ The good cooperation of branches of Ministry of justice, Departments of justice, Authorities of enforcement of civil judgment, Branches of enforcement of civil judgment of provinces.

Innovations and Good Practices

Not only providing CEDAW and related international treaties, the training also introduced the CEDAW implementation in Vietnam (the country report 7-8); gender mainstreaming tools in development and appraisal of normative legal documents etc. In addition to basic knowledge of CEDAW and HR treaties, facilitators also updated important complementary knowledge for good practices of gender mainstreaming in laws formulation appropriate to justice sector's functions and tasks.

Challenges and Lessons Learned

Vietnam has joined CEDAW for 30 years however, the information on CEDAW has not been widely disseminated in the state management system as well as at the community level.

- ✓ The professional and legal staff at ministerial and branches level have limited knowledge of gender, gender equality mainstreaming skills, which has led to confusions in the actual implementation of the regulations in Article 21 of Gender Equality Law;
- ✓ Vietnam hasn't had a legal document that guides the gender mainstreaming in formulation of legal normative documents.
- ✓ Vietnam lacks of gender equality information resources, it is one of reasons that causes the gender mainstreaming in drafting legal documents is still formalism.

Therefore, one of the most important tasks now is build capacity for legal officers, raise their awareness and capacity on CEDAW and others treaties so that they will be able to translated them into Viet Nam normative law. Now, the Ministry of justice is developing the toolkit for gender mainstreaming in the formulation of legal normative documents and drafting the Circular guiding the gender mainstreaming in formulation of legal normative documents. Once these documents issued, they will help policies and laws makers know how to mainstream gender equality, ensuring gender equality, CEDAW lens in legal normative document of Vietnam.

Next Steps for 2014

Upon the approved LOA-VNM-2012-006, under the discussion and agreement between the CFAWJS/PMU and the in-charge officer of UN Women, the following activities will be planned and implemented by the PMU of Ministry of Justice in the workplan 2014. Detail as below:

Activity 1. A training workshop on gender mainstreaming in drafting policies and laws from CEDAW based perspective. (Expected time: on March of 2014).

Apart from CEDAW and HR knowledge, the training workshop will equip in depth knowledge on international treaties related gender issues that Viet Nam ratified and will ratified for senior officials, policy and law makers. In addition the workshop will provide experiences of gender mainstreaming in some policies, laws which were issued or will be issued in 2014 -2015 etc.

Activity 2: A training workshop on CEDAW and other related treaties for policies and laws makers, lectures of training centers of MOJ and officers of other sectors, such as court sector, procuracy sector (Expected time: on June of 2014).

Activity 3. A Mid - term Review workshop of the training results with participants from MOJ Training Centers, trainees, experts etc (Expected time: on September of 2014).

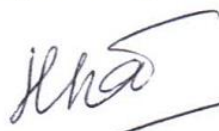
The mentioned activites will be planned in the FACE FORM 2014 by the CFAWJS/PMU with more details and submitted to UN Women for consideration and approval.

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