

VIETNAM: IMPROVED DELIVERY OF LEGAL AID FOR THE POOR AND VULNERABLE

ENVIRONMENTAL & SOCIAL COMMITMENT PLAN (ESCP)

(DRAFT)

August- 2021

ENVIRONMENTAL AND SOCIAL COMMITMENT PLAN

1. The Socialist Republic of Vietnam (herein after the Recipient) will implement the Improved Delivery of Legal Aid for the Poor and Vulnerable Project (hereinafter the Project with the participation of the Ministry of Justice (MOJ), including the National Legal Aid Agency, the Department of International Law, and the Departments of Justice (Legal Aid Centers) of Dien Bien Province and Yen Bai Province. The International Bank for Reconstruction and Development/ International Development Association ("Bank"), acting as administrator of grant funds provided by Japan under the Japan Social Development Fund, has agreed to provide financing for the Project.
2. The Recipient will implement material measures and actions so that the Project is implemented in accordance with the World Bank's Environmental and Social Standards (ESSs). This Environmental and Social Commitment Plan (ESCP) sets out measures and actions, specific documents or plans, as well as timing for implementation.
3. Recipient will also comply with the provisions of any in other environmental and social (E&S) documents required under the Environmental and Social Policy Framework (ESPESF) and the referred to in this ESCP, and the timelines specified in those E&S documents which are compliant with the laws and practical conditions of Viet Nam.
4. The Recipient is responsible for compliance with requirements of the ESCP when implementation of specific measures and actions is conducted by the entities, agencies or units referenced in paragraph 1 above.
5. Implementation of the material measures and actions set out in this ESCP will be monitored and reported to the Bank by the Recipient, through MOJ, as required by the ESCP and the conditions of the legal agreement, and the Bank will monitor and assess progress and completion of the material measures and actions throughout implementation of the Project.
6. As agreed by the Bank and the Recipient, this ESCP may be revised from time to time during the Project implementation, to reflect adaptive management of the Project changes and unforeseen circumstances or in response to the assessment of the Project performance conducted under the ESCP itself. In such circumstances, the Recipient, through the MOJ, agrees to the changes with the Bank and will update the ESCP to reflect such changes. Agreement on changes to the ESCP will be documented through the exchange of letters signed between the Bank and the Recipient, through the MOJ. The Recipient, through MOJ will promptly disclose the updated ESCP.
7. Where Project changes, unforeseen circumstances, or Project performance result in changes to the risks and impacts during Project implementation, the Recipient, through the MOJ, will provide additional funds, if needed, to implement actions and measures to address such risks and impacts.

MATERIAL MEASURES AND ACTIONS		TIMEFRAME	RESPONSIBLE ENTITY/AUTHORITY
MONITORING AND REPORTING			
A	REGULAR REPORTING Prepare and submit to the Bank regular monitoring reports on the social and environmental impact of the Project including but not limited to the implementation of the ESCP, E&S documents required under the ESCP, stakeholder engagement activities, functioning of the grievance mechanism(s), as part of the Project regular report to the Bank.	Report to the Bank every 6 months throughout the Project implementation.	<ul style="list-style-type: none"> • Responsible entity: Project Management Unit (PMU) • Finance: Project Budget
B	INCIDENTS AND ACCIDENTS Promptly notify the Bank of any incident or accident related to the Project which has, or is likely to have, a significant adverse effect on the environment, vulnerable groups, the affected communities, the public or workers including serious injury, falls, vehicle accidents during their performance of the Project's activities. Provide sufficient details regarding the incident or accident, indicating immediate measures taken or that are planned to be taken to address as appropriate. Subsequently, as per the Bank's request, the PMU will prepare a report on the incident or accident and propose any appropriate measures to prevent its recurrence.	Notify the World Bank within 24 hours and no later than 48 hours after learning of an incident or accident. Report on actions that have been or will be implemented to the Bank within 07 days from the date of official conclusions from the competent authorities handling incidents and accidents.	<ul style="list-style-type: none"> • Responsible entity: PMU and Project Implementation Units (PIUs) • Finance: Project Budget

MATERIAL MEASURES AND ACTIONS	TIMEFRAME	RESPONSIBLE ENTITY/AUTHORITY
ESS 1: ASSESSMENT AND MANAGEMENT OF ENVIRONMENTAL AND SOCIAL RISKS AND IMPACTS		
<p>1.1 ORGANIZATIONAL STRUCTURE</p> <p>Establishing and maintaining a Project Management Unit with qualified staff and resources to support management of ES risks and impacts of the Project including the appointment of an Environmental and Social focal person. The PMU will also support the management of ES risks and impacts for project activities</p> <p>Organizational structure: the management of environmental and social risks is a cross-cutting issue, relating to many different contents, therefore, the Project staff, within the scope of their main tasks, will implement environmental and social risk management.</p>	<p>An environmental and social focal person appointed before the carrying out of Project activities. PMU maintained throughout Project implementation</p>	<ul style="list-style-type: none"> • Responsible entity: PMU • Finance: Project Budget
<p>1.2 MANAGEMENT TOOLS AND INSTRUMENTS</p> <p>The PMU will prepare, submit for approval and implement the measures that environmental and social (E&S) tools and the ESCP in a manner accepted by the World Bank.</p> <p>Promptly notify the World Bank of any proposed changes to the scope or activities of the Project that are likely to cause unfavorable changes in the environmental and social risks or impacts of the Project.</p> <p>Prepare the Terms of Reference (TOR) for all technical assistance activities, where necessary and appropriate, incorporating requirements provided in the Bank's current Environmental and Social Framework (ESF).</p>	<p>E&S tools and ESCP was prepared, disclosed and updated prior to Project Approval; implemented and updated as necessary throughout the Project Implementation.</p> <p>Throughout Project Implementation.</p>	<ul style="list-style-type: none"> • Responsible entity: PMU • Finance: Project Budget

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1.3	<p>PERMIT, CONSENTS AND AUTHORIZATION</p> <p>Obtain or assist in obtaining the permits, approval or authorizations (permits for organizing seminars/workshops, surveys, communication on legal issues) that are applicable to the Project from relevant authorities, according to applicable national laws and regulations of the competent authority (if it is required).</p>	Throughout Project implementation	<ul style="list-style-type: none"> • Responsible entity: The PMU will be responsible for giving guidance and check compliance of the implementing agency or unit; the Project implementing agency/ unit (PIU) including experts and other qualified organizations participating in the Project. • Finance: Project Budget

MATERIAL MEASURES AND ACTIONS	TIMEFRAME	RESPONSIBLE ENTITY/AUTHORITY
ESS 2: LABOR AND WORKING CONDITIONS		
<p>2.1 LABOR MANAGEMENT PROCEDURES (LMP)</p> <p>The project will employ direct workers, including project staff and consultants for the PMU and PIUs. The project workers will also include contracted workers who are hired by contracted socio-economic organizations to provide legal aid services under the project.</p> <p>The PMU and the Project implementing agencies/units will ensure the necessary conditions specified in the bidding documents (if any) to comply with the national laws and the provisions of the Bank's ESF, including but not limited to terms and working conditions; non-discrimination and equal opportunity; occupational, health and safety measures (OHS); prevention of child labor and forced labor; emergency preparedness and response; grievance redress mechanism (GRM) for Project workers; training of Project workers on key issues, including OHS and GBV prevention; and management of labor influx. The occupational health and safety risks for project workers may include infection of communicable diseases due to interaction with people, and road safety and other travel-related risks during business travel.</p>	<p>LMP measures in bidding documents and consultancy contracts prepared prior to implementation of project activities.</p> <p>Implement LMP measures throughout the project implementation</p>	<ul style="list-style-type: none"> • Responsible entity: PMU, PIUs • Finance: Project Budget

MATERIAL MEASURES AND ACTIONS		TIMEFRAME	RESPONSIBLE ENTITY/AUTHORITY
2.2	<p>GRIEVANCE MECHANISM FOR PROJECT WORKERS</p> <p>Establish, maintain and operate the grievance redress mechanism for Project workers as required under the ESF.</p> <p>The grievance redress mechanism is developed before the implementation of the Project, as a basis for negotiating and concluding labor contracts, contracts for specific tasks and services during the implementation of the Project. Workers and employees hired by the PMU under labor contracts for specific tasks and services have to comply with provisions of the current Labor Code (2019) and the Civil Code.</p> <p>Risks and problems arising from carrying out the Project activities shall be solved in accordance with national laws and local regulations.</p> <p>Relevant information on the GRM will be provided to project workers at the PMU office, or through trainings, workshops, seminars, emails, and contracts for project workers.</p> <p>GRM cases will be documented, monitored and reported to the Bank</p>	<p>Before starting Project activities and maintaining throughout the Project implementation</p> <p>Biannual report, at implementation support missions</p>	<ul style="list-style-type: none"> • Responsible entity: PMU, PIU • Finance: Project Budget <p>PMU, PIUs</p>
2.3.	<p>OCCUPATIONAL HEALTH AND SAFETY (OHS) MEASURES</p> <p>Preparation, approval and implementation of occupational, health and safety (OHS) measures specified in the related laws and regulations.</p> <p>OHS measures shall be included in the bidding documents and contracts</p>	<p>Before starting to carry out Project activities and maintain throughout the Project implementation</p>	<ul style="list-style-type: none"> • Responsible entity: PMU, PIU • Finance: Project Budget

MATERIAL MEASURES AND ACTIONS		TIMEFRAME	RESPONSIBLE ENTITY/AUTHORITY
ESS 4: COMMUNITY HEALTH AND SAFETY			
4.1	<p>GBV RISKS:</p> <p>The Project will provide legal aid to vulnerable groups (including ethnic minorities, women, people living with HIV/AIDS, people with disabilities, and gender-based violence victims). Therefore:</p> <ul style="list-style-type: none"> • The Project will perform the quality management of legal services provided to people in the area where the Project is implemented, strengthen appropriate measures in order to prevent, mitigate and reduce GBV risks against the beneficiaries, protect the confidentiality of legal aid cases. • Project workers will also be trained to raise awareness and improve skills to ensure good implementation of the above objectives. • The contractors/consultants will be required to clarify the measures to prevent, mitigate and reduce these risks in their work plans. 	<p>The GRM for GBV cases will be available as soon as project activities are carried out, and will be maintained throughout the implementation of the Project</p>	<ul style="list-style-type: none"> • Responsible entity: PMU, PIU, contractors • Finance: Project Budget
ESS 7: ETHNIC MINORITIES			

7.1.	<p>As a majority of the project beneficiaries will come from ethnic minority groups, they will benefit from the project activities, including increased access to and use of legal aid services; better services once the capacity for legal aid providers is enhanced by the project and the piloting of sustainable service provision and monitoring and supervising legal aid activities. Component 1 will address the barriers of access to legal aid services faced by ethnic minorities and leverage traditional and local governance systems to address some of their constraints. The project will support the development of guidelines and provision of legal aid activities to respond confidentially to the needs of specific populations, such as people with disabilities and survivors of gender-based violence. The monitoring data collected under Component 3 will be used to improve the provision of legal aid, ensuring vulnerable populations are receiving adequate and appropriate legal aid, and that legal aid actors are communicating and coordinating effectively.</p> <p>The different needs and concerns of men and women from ethnic minority groups in the communities where the Project is implemented will be considered during the design of the Project's activities, including the development of communication resources and methods as well as organization of consultations.</p> <p>Implement the process of engaging with ethnic minority groups in the communities of the Project, through stakeholder analysis and participatory planning, providing information and meaningful consultations in a manner appropriate to the cultural, gender and intergenerational characteristics of the related ethnic minority groups. Consultations will be an on-going process throughout implementation with adequate monitoring by PIUs and PMU. Consultations will be documented through minutes of consultations and filed by PIUs. Issues of affected ethnic minorities groups identified through consultations will be considered and addressed by PIUs as conditions allow.</p>	<p>Before the implementation of the Project activities (when the implementation locations are identified) and maintained throughout the implementation of the Project</p> <p>More details will be provided in the operations manual and relevant ToRs to ensure that (a) EM beneficiaries receive culturally appropriate social and economic benefits; (b) when there are potential adverse effects on EM, the impacts are identified, avoided, minimized or mitigated.</p> <p>Before carrying out the Project activities and maintaining throughout the implementation of the Project</p>	<ul style="list-style-type: none"> • Responsible entity: PMU • Finance: Project Budget
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MATERIAL MEASURES AND ACTIONS	TIMEFRAME	RESPONSIBLE ENTITY/AUTHORITY
ESS 10: STAKEHOLDER ENGAGEMENT AND INFORMATION DISCLOSURE		
<p>10.1 PREPARATION FOR AND IMPLEMENTATION OF STAKEHOLDER ENGAGEMENT</p> <p>The key elements of stakeholder engagement, which correspond to the risks of the Project and are included in the ESCP, will be included in the Project manual for implementation.</p> <p>Provide relevant stakeholders, including the project's potential beneficiaries, with timely, relevant, understandable and accessible information, and consult with them in a culturally appropriate manner, which is free of manipulation, interference, coercion, discrimination and intimidation.</p> <p>The stakeholders may be engaged by different methods, such as small-group meetings, focus group discussions, public meetings. Stakeholders engagement may be conducted separately or combined with related activities.</p> <p>The main stakeholders analyzed in the social assessment include: legal aid recipients (the poor, ethnic minorities, children, and others) legal aid providers, the judges, prosecutors, law enforcement staffs, prestigious people (village heads, village elders, family heads, selected organizations</p> <p>Undertake a process of meaningful consultation in a manner that provides the related stakeholders with opportunities to express their views on project risks, impacts, and mitigation measures. Meaningful consultation will be carried out on an ongoing basis as the nature of issues, impacts and opportunities evolves.</p>	<p>The operations manual will be prepared prior to the effectiveness of the grant agreement and maintained throughout the implementation of the Project</p>	<ul style="list-style-type: none"> • Responsible entity: PMU, PIU, contractors • Finance: Project Budget

MATERIAL MEASURES AND ACTIONS	TIMEFRAME	RESPONSIBLE ENTITY/AUTHORITY
<p>Continue to engage with, and provide information to, project-affected parties and other interested parties throughout the life cycle of the project, in a manner appropriate to the nature of their interests and the potential environmental and social risks and impacts of the project. This engagement will build upon the channels of communication and engagement already established with stakeholders.</p> <p>If there are significant changes to the project that result in additional risks and impacts, particularly where these will impact project-affected parties, the information on such risks and impacts and consult with project-affected parties as to how these risks and impacts will be mitigated. An updated ESCP will be disclosed, setting out additional mitigation measures.</p>		

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<p>10.2 ENGAGEMENT OF AND COMMUNICATION WITH ETHNIC MINORITY GROUPS</p> <p>Culturally appropriate communication measures will be taken to ensure sensitivity to issues of ethnic minorities. When the engagement with ethnic minority individuals and communities depends substantially on community representatives, reasonable efforts will be made to verify that such persons represent the views of such individuals and communities from the local ethnic minority groups, and that the communication process is facilitated in a culturally appropriate manner.</p> <p>The project information (e.g. the purpose, nature and scale of the project; the duration of proposed project activities; potential risks and impacts of the project on local ethnic minority communities, proposed mitigation measures; time and venue of consultative meetings; the process and means by which grievances can be raised and will be addressed) will be disclosed in relevant local languages and in a manner that is accessible and culturally appropriate, taking into account any specific needs of the ethnic minority groups in the project areas.</p>	Throughout the Project implementation	<ul style="list-style-type: none"> • Responsible entity: PMU • Finance: Project Budget

10.3	<p>Establishment of a grievance mechanism</p> <p>Propose and implement a grievance mechanism to receive and facilitate resolution of concerns and grievances of project-affected people related to the environmental and social performance of the project.</p> <p>Under the project-level GRM, if citizens have any queries or concerns relating to the project activities, the first point of contact will be the respective PLACs in their provinces. If issues cannot be resolved at this level, it will be brought up to the PMU. The proposed procedures and mechanism will be reflected in the publicity of the project. In addition, complaints related to the provision of legal aid services can be addressed according to the Legal Aid Law (2017). In particular, the head of a legal aid organization shall handle relevant complaints. If complainant does not agree with the resolution of the head of the legal aid organizations, s/he can submit his/her complaint to the director of the provincial department of justice. In case of disagreement with the resolution of the director, the complainant can bring the suit to the court of law. In addition, citizens can denounce violations of the Legal Aid Law (2017) according to the Law on Denunciation (2018).</p> <p>The grievance mechanism will be accessible and inclusive and appropriate mechanisms.</p> <p>Relevant information on the GRM will be provided to project workers at the PMU office, or through trainings, workshops, seminars, emails, and contracts for project workers.</p> <p>The grievance mechanism will address concerns promptly and effectively, in a transparent manner that is culturally appropriate and readily accessible to all project-affected parties, especially those from ethnic minority groups, at no cost and without retribution.</p>	<p>Project grievance mechanism will be established as soon as the project implementation is started and maintained throughout Project implementation.</p>	<ul style="list-style-type: none"> • Responsible entity: PMU, PIU • Finance: Project Budget
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MATERIAL MEASURES AND ACTIONS		TIMEFRAME	RESPONSIBLE ENTITY/AUTHORITY
	<p>Grievances will be handled in a culturally appropriate manner and be discreet, objective, sensitive and responsive to the needs and concerns of the project-affected parties, especially for those from ethnic minority groups. The mechanism will also allow for anonymous complaints to be raised and addressed.</p> <p>GRM cases will be documented, monitored and reported to the Bank.</p> <p>The final ESCP will be disclosed locally at the PMU office and project areas and the Bank's external website.</p>	<p>Biannual reports, at the implementation support mission</p> <p>The final ESCP will be disclosed locally at the PMU office and project areas and the Bank's external website once being adopted by competent authorities.</p>	<p>PMU, PIUs</p> <p>PMU</p>
c	CAPACITY SUPPORT (TRAINING)	Targeted Groups and Timeframe for Delivery	
CS1	Training to be provided for project staff on: (i) the Bank's current process and ESF; (ii) stakeholder mapping and engagement; (iii) grievance redress mechanism (GRM) in Project management; (iv) environmental and social supervision, monitoring, and reporting; and (v) labor management procedures including occupational health and safety (OHS); and (vi) prevention and control of pandemics	Throughout Project Implementation (at the start of the Project implementation, and annually organize additional training).	<ul style="list-style-type: none"> • Responsible entity: PMU, PIU • Finance: Project Budget
CS2	Training legal aid service providers on prevention and control of GBV, including GBV awareness training and a code of conduct that they need to follow;	Throughout Project Implementation (at the start of the Project implementation, and annually organize additional training).	<ul style="list-style-type: none"> • Responsible entity: PMU, PIU • Finance: Project Budget

MATERIAL MEASURES AND ACTIONS		TIMEFRAME	RESPONSIBLE ENTITY/AUTHORITY
CS3	<p>Capacity building activities for project workers include training on providing adequate information on complaint procedures relating to project activities for legal aid beneficiaries of the Project.</p> <p>Training key people who manage village life (such as village elders, village chiefs, family heads, reputable people, etc.) on legal aid at the base level, in accordance with the needs, potential risks and effects of the Project.</p> <p>Training providers of legal aid services and asking them to adequately inform the project-affected parties about the grievance process in the course of its community engagement activities, and make publicly available a record documenting the responses to all grievances received.</p>	Throughout Project Implementation	<ul style="list-style-type: none"> • Responsible entity: PMU, PIU • Finance: Project Budget