

Access to justice in Vietnam – problems and initiatives

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- Current situation of access to justice in Vietnam**
 - Initiatives to address the situation**
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Current situation of access to justice in Vietnam

- ❑ **Current situation of access to justice in Vietnam**
- ❑ In 2004 UNDP in Vietnam conducted a survey on access to justice in Vietnam and the result shows that the level of access to justice in Vietnam in general is still quite low. In particular, the survey shows that although *judicial, administrative and supporting judicial institutions do exist to ensure access to justice in Vietnam*, the number of people accessing these institutions are still quite modest. According to the survey:
 - ❑ only 6% of the interviewees said they have accessed courts for resolution of their own cases
 - ❑ 28% of interviewees said that they have sought assistance from the people's committee, which is one of the administrative institutions in Vietnam, to deal with their cases
 - ❑ Only 6% of interviewees have used lawyers' services
 - ❑ only 4% of interviewees said that have been in contact with the legal aid centres

Current situation of access....

- There are a number of reasons for the above situation:
 - The level of legal awareness of the people is still low. This can be due to several reasons: poor people do not have means to access to formal source of information such as mass media, internet...; some ethnic minority people do not speak the official Vietnamese language and therefore, cannot read and listen the legal information. Thus, improving information dissemination and increasing awareness, taking into consideration people's needs and their ability to make use of the information, should be a key element of all efforts to improve access to justice in Viet Nam.
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Current situation of access....

- *Time cost for bringing a case to a judicial or administrative or supporting institution makes people hesitate to access these institutions; as a matter of fact in Vietnam many people live in mountainous remote areas where transportation is difficult to go to the center city while these institutions are located only in the center of the provinces/cities.*
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Current situation of access....

- *The cost of lawyers' services* may be too high compared to the income of the poor people, which make them unable to access lawyers to get information or ask for legal services.
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2. Initiatives to address the situation

- To address the above mentioned problems, the Government of Vietnam has initiated many initiatives, I just would like to mention two big programs launched recently:
 - ***2.1 Program on legal education and dissemination for people in the rural areas and ethnic minority people.***
 - ***2.2 Legal aid program:***
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Program on legal education and dissemination for people in the rural areas and ethnic minority people.

- This program was approved by the Vietnam's Prime Minister in May 2009 and will be implemented for the period 2009 – 2012. The total amount funded from the Government for this program is 1,600,000 USD.
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Program on legal education

- Under this program several methods of legal dissemination are specified to facilitate easy access to legal information for people living in rural and mountainous ethnic areas, namely:
 - disseminating legal information by way of playing a short drama which contains legal information
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Program on legal education

- organizing meetings/training course in the community, especially training the heads of the hamlets so they can disseminate to their people (in Vietnam, as a matter of fact, ethnic minority people sometimes do listen to the head of the hamlet more than the authorities, therefore, it's very important that the hamlet heads understand the law so they can re-train the people in their hamlets)
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Program on legal education

- ❑ disseminating through mass media: TV, radio, newspaper, commune/hamlet loud speaker
- ❑ organizing the contest of “understanding law”
- ❑ combining customary law with the national law. In some ethnic minority areas, ethnic people still have a habit to follow their customary law instead of national law. Customary law sometimes can be good to follow, but sometimes can create negative effect for the ethnic minority people (e.g.: heritage only for men, not women, thus discriminating women...) Therefore, it’s important to combine the good points of the customary law into the national law while slowly convincing ethnic people not to follow those customary rules that have negative effects for them.

2.2 Legal aid program:

- Although legal aid in Vietnam was set up back in 1997, the system is still in the process of improving. The law on legal aid was promulgated in 2006 and effective from January 2007. Under this law now in Vietnam there are two parallel legal aid channels: one is the state legal aid system administered by the Ministry of Justice and another is non-state legal aid system operated by various non-governmental organizations such as Lawyers Association, Farmer's Union, Women's Union, Youth Union, Veterans' Union...
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Legal aid program.....

- In the past few years, with the funding support from various international donors, some projects on strengthening legal aid in Vietnam have been carried out, namely a project supported by Oxfam Novib, Sida and SDC to the State legal aid centers under the Ministry of Justice during the period 2005 – 2009 and a project supported by UNDP to some legal aid centers under the Vietnam Lawyers Association (2007 – 2009). Following are some main initiatives of these projects:
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Legal aid program....

- ❑ *2..2.1 Raising people's awareness about the existence of legal aid centers*
 - ❑ putting legal aid posters at the offices of law enforcement agencies, commune people's committees and post offices;
 - ❑ distributing leaflets on legal aid services, including leaflets in ethnic minority languages (13 languages).
 - ❑ providing information about legal aid activities in radios and loudspeakers in the communes ; in ethnic minority areas, this information can be read in ethnic languages.
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Legal aid program....

- *2.2.2 Using diversified methods to provide legal aid to ensure the poor, especially those living in remote and mountainous areas, can access legal aid services, for example:*
 - Launching Pilot Student legal aid clinics based in the Law Universities
 - Organizing mobile legal aid clinics to remote communes, transportation is not easy to facilitate citizens to go to the office of the legal aid centers.
 - Sending legal aid staff to prisons and courts (monthly) to provide legal advice and other legal assistance
 - Setting Legal aid club in communes, which facilitates regular dialogs between local authorities and citizens (monthly) to allow citizens
 - Setting up Hotline to answer legal questions of citizens
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