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ANNEX III

to the Commission Implementing Decision on the financing of the annual action plan in favour of Vietnam for 2023 part 1

Action Document for EU Justice and Legal Empowerment programme - Phase II

(EU JULE - Phase II)

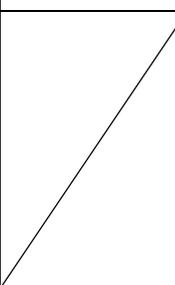
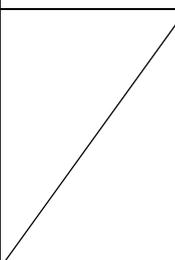
ANNUAL PLAN

This document constitutes an annual work programme within the meaning of Article 110(2) of the Financial Regulation, within the meaning of Article 23(2) of the NDICI-Global Europe Regulation.

1 SYNOPSIS

1.1 Action Summary Table

| | |
|---|--|
| 1. Title CRIS/OPSYS business reference Basic Act | EU Justice and Legal Empowerment Programme - Phase II (EU JULE – Phase II) OPSYS number: ACT-61299 Financed under the Neighbourhood, Development and International Cooperation Instrument (<u>NDICI-Global Europe</u>) |
| 2. Team Initiative | No |
| 3. Zone benefiting from the action | The action shall be carried out in Viet Nam |
| 4. Programming document | Multi-annual Indicative Programme 2021-2027 Viet Nam (MIP 2021 - 2027) |
| 5. Link with relevant MIP(s) objectives / expected results | MIP Priority Area 3: Strengthening governance, the Rule of law and institutional reform Specific Objective 3.2: The rule of law and human rights improved. |
| PRIORITY AREAS AND SECTOR INFORMATION | |
| 6. Priority Area(s), sectors | Effective Governance, Rule of Law and Human Rights 150-151 |
| 7. Sustainable Development Goals (SDGs) | Main SDG: SDG Goal 16 - Targets 16.1, 16.2 & 16.3 SDG Goal 5 - Targets 5.1, 5.2 & 5.3 SDG Goal 8 - Targets 8.7, 8.8 |
| 8 a) DAC code(s) | 150 Government and Civil Society 151 Legal and judicial development, Democratic participation and civil society, human rights. |
| 8 b) Main Delivery Channel | Multilateral Organisations – 40000 Donor Central Government 11000 Non-Governmental organisations (NGOs) and civil society 20000 |

| | | | | |
|--|---|---|---|---|
| 9. Targets | <input type="checkbox"/> Migration <input type="checkbox"/> Climate <input checked="" type="checkbox"/> Social inclusion and Human Development <input checked="" type="checkbox"/> Gender <input type="checkbox"/> Biodiversity <input type="checkbox"/> Education <input checked="" type="checkbox"/> Human Rights, Democracy and Governance | | | |
| 10. Markers (from DAC form) | General policy objective @ | Not targeted | Significant objective | Principal objective |
| | Participation development/good governance | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| | Aid to environment @ | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| | Gender equality and women's and girl's empowerment | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| | Trade development | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| | Reproductive, maternal, new-born and child health | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| | Disaster Risk Reduction @ | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| | Inclusion of persons with Disabilities @ | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| | Nutrition @ | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| | RIO Convention markers | Not targeted | Significant objective | Principal objective |
| | Biological diversity @ | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| | Combat desertification @ | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| | Climate change mitigation @ | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| | Climate change adaptation @ | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 11. Internal markers and Tags | Policy objectives | Not targeted | Significant objective | Principal objective |
| | Digitalisation @ | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| | digital connectivity digital governance digital entrepreneurship digital skills/literacy digital services | YES <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> | NO <input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> |  |
| | Connectivity @ | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| | digital connectivity energy transport health education and research | YES <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> | NO <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> |  |

| | | | | |
|--|--|-------------------------------------|-------------------------------------|--------------------------|
| | Migration @ (Methodology for tagging under development) | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| | Reduction of Inequalities @ (Methodology for marker and tagging under development) | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| | Covid-19 | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| BUDGET INFORMATION | | | | |
| 12. Amounts concerned | Budget line(s) (article, item): BGUE-B2022-14.020131-C1-INTPA Total estimated cost: EUR 25 000 000 Total amount of EU budget contribution is EUR 25 000 000 | | | |
| MANAGEMENT AND IMPLEMENTATION | | | | |
| 13. Type of financing¹ | Direct management through: - Grants, including twinning grants Indirect management with the entity selected in accordance with the criteria set out in section 4.3.3 | | | |

1.2 Summary of the Action

The Action contributes to MIP Priority Area 3 (Strengthening governance, the Rule of law and institutional reform) and its Specific Objective 3.2 (The rule of law and human rights improved). In the justice sector in Viet Nam, the EU is the largest (and one of the few) development partner and a partner of reference; therefore, the design of this Action is informed by the gained experience in this sector. The action will also advance the EU's priorities under the EU Gender Action Plan (GAP) III,² and in particular: Women, men, girls and boys in all their diversity are better protected from all forms of gender-based violence in public and private spheres, in the workplace and online through legislation and effective enforcement (GAP III, objective 1) and Women and girls, in all their diversity, have improved access to justice to safeguard their civil and political rights (GAP III, objective 2). The Member States (MS) unanimously favour continued EU support in this area and remain willing to share best EU practices and expertise further with Viet Nam.

The Overall Objective (Impact) of this action is to strengthen the rule of law and promote human rights through an increasingly qualified, transparent, more inclusive, and independent justice system in line with international human rights standards.

The Action is expected to have a long-term impact on developing a more egalitarian society in Viet Nam, where human rights are respected, and people have access to justice and the rule of law through efficient, coordinated, and result-oriented justice and legal services.

The Specifics Objectives (Outcomes) of this action are to:

Outcome 1: Enhanced access for all people to an increasingly qualified, transparent, more inclusive, and independent justice system in line with international human rights standards.

Outcome 2: Enhanced frameworks and processes for the respect, protection, and realization of human rights

Those outcomes will contribute to achieving SDG 16 (Promote just, peaceful, and inclusive societies), SDG 5 (gender equality), and SDG 17 (Partnerships). An emphasis will be placed on ensuring that all initiatives undertaken under the Action contribute to the Commission's overarching priority, including through a consolidated focus on women's and youth-oriented organisations and, through partners' contributions, reducing inequality; social inclusion and human development; gender equality; and advancing the Commission's priorities related to gender and justice, and environmental justice.

¹ Art. 27 NDICI

² Action Plan on Gender Equality and Women's Empowerment in External Action 2021–2025 (GAP III): https://ec.europa.eu/commission/presscorner/detail/en/IP_20_2184

A people-centred approach will be adopted by empowering people living in the most vulnerable situations with information, skills and opportunities: for rights holders to be aware of their rights, access and utilise those (non-)state institutions for claiming a right, obtaining redress for a grievance or settling a dispute.

Through the gender-equality and human rights-based approach (HRBA), women's legal and economic empowerment will be further enhanced with the mainstreaming of gender in the design and implementation of the Action through activities aimed at protecting their access to land and providing legal aid to ethnic minority women. Budgeting for the justice sector could also focus on poorer districts and the creation of facilities and programmes which can ensure women's access to justice (e.g., family courts, domestic violence courts, land courts and integrated victim support units)³. Achieving gender equality and women's empowerment is essential to achieve all 17 Sustainable Development Goals (SDGs), (not only SDG5), including SDG 16 relating to Access to Justice. To this end, each result area of the Action addresses multiple intersectional forms of discrimination against women and girls. Furthermore, given the specific developmental needs and vulnerabilities of children, the Action will adopt both a child-sensitive approach and gender-mainstreaming in justice processes and preserving their environment, access to natural resources, land, and capacity building to stand for their rights to be free from gender-based violence (GBV), clean water, education, identity, jobs, and safe cities.

The Action will build on the previous EU programmes to i) support the completion of the Legal Framework in compliance with international standards and good practices; ii) strengthen inclusive access to independent and reliable justice; iii) strengthen legal and human rights education and capacity building, and iv) reinforce the implementation of international commitments through improving domestic law and monitoring of Viet Nam's obligations under UN Human Rights mechanisms more effectively.

2 RATIONALE

2.1 Context

2.1.1 Context of country

Viet Nam is a country with 54 ethnic groups and a population of 98 million. Viet Nam's transition towards a market economy and a state based on the rule of law has gradually improved the quality of its governance, with improvement in scores for various dimensions of good governance. Viet Nam has become a development success story, owing to its high rate of poverty reduction and economic growth⁴ and the economy has evolved into one that is dynamic, market-oriented, integrated, and connected to the global economy, with notable improvements in access and quality of services. With a Human Development Index of 0.704, Viet Nam ranked 117 out of 189 countries in the high human development category in 2020.⁵ The basis for programming is Viet Nam's Socio-Economic Development Strategy (SEDS) 2021-2030 and Socio-Economic Development Plan (SEDP) 2021-2025. In addition, the Government of Viet Nam has created an enabling legal environment and encouraged foreign and domestic private sectors to invest and do business in line with sustainable development principles. The EU-VN Free Trade Agreement (EVFTA) came into force on in August 2020. EVFTA has been described as the most ambitious trade agreement the EU has ever signed with a developing country. It eliminates 99 % of customs duties⁶.

Viet Nam is one of the most affected countries by climate change. Moreover, increasingly integrated into the world economy, Viet Nam is more vulnerable to fluctuations. Viet Nam has a fast-growing middle class with good economic and educational background. Viet Nam's poor make up more than 70% of its ethnic minorities, yet poverty affects less than 10% of the population. Even though Viet Nam was able to contain the outbreak of COVID-19 in as early as 2020, the economy was still negatively affected and grew at only 2.91%, one of the lowest rates recorded in recent decades. The average GDP growth in 2016 – 2020 is approximately 6% per year, lower than the target in SEDP 2016-2020 (6.5 - 7% per year).⁷

2.1.2 Political System

³ A Practitioner's Toolkit on Women's Access to Justice Programming. Module 1: The Theory and Practice of Women's Access to Justice Programming

⁴ Source: World Bank Viet Nam. 2021

⁵ UNDP, Human Development Report 2020.

⁶ Source: EU.

⁷ The National Assembly's Resolution No. 142/2016/QH13 on SEDP 2016-2020.

Viet Nam's Constitution is its highest legal authority that sets forth the views of the Communist Party of Viet Nam regarding economic and political reforms, socialist goals, socialist democracy, and citizens' freedoms. The Constitution clearly indicates that the state's power is in the hands of the people. However, while the Constitution guarantees the protection of human rights, human rights implementation has been limited by extensive domestic legislation, which curtails human rights in compliance with "the policies and interests of the State". Viet Nam's political system consists of the following: the Communist Party of Viet Nam (represents the interests of the Vietnamese working class and the entire nation); the State of the Socialist Republic of Viet Nam (central organization that acts on behalf of the people and is accountable to the people); the National Assembly (highest-level representative body of the people and the highest organ of state power with three functions: legislate, decide and exercise supervision over all activities of the State). The political system includes: the President as the Head of State and the Government, which is the highest body of State administration.

2.1.3 Legal System

Vietnamese law is primarily based on the civil law system, initially modelled on the French and Soviet systems until the mid-1980s, when Viet Nam adopted its Doi Moi law⁸. Since then many areas of law have been shifted from socialist to western models⁹. As part of the law on the organisation of the People's Court of 2014, court precedents were recognised as sources of law. The Supreme Court of Viet Nam has issued 43 court precedents on commercial, civil, and criminal issues that lower courts may consider and apply as of April 2021. Nevertheless, the legal system, especially criminal law and procedure, still heavily draws upon socialist legal theory. Therefore, the judiciary cannot function independently as liberal constitutional arrangements intended. As an example of the limited independence of the Vietnamese judiciary, judges serve for a maximum of five years, and judicial appointments are made by political processes. Resource limitations also make the justice sector prone to external influence, undermining their independence and integrity and creating an environment conducive to malpractices and corruption.

2.1.4 Viet Nam's Agenda 2030

As part of the High-Level Political Forum on Sustainable Development, Viet Nam was one of 47 countries involved in preparing the Voluntary National Review Report¹⁰. Based on the report, Viet Nam is expected to achieve the following five of the 17 Sustainable Development Goals by 2030: (Goal 1 on no poverty; Goal 2 on zero hunger; Goal 4 on quality education; Goal 13 on climate actions; Goal 17 on global partnerships). However, challenges and difficulties will still be associated with achieving up to 10 SDGs, including Goal 5 on gender equality; Goal 10 on reducing social inequality; Goal 16 on peace, justice, and strong institutions¹¹.

2.1.5 Human Rights Agenda.

The country has shown recent efforts by strengthening the rule of law and has ratified seven out of the nine fundamental UN international conventions on Human Rights and is considering the signing of the remaining Conventions: International Convention for the Protection of All Persons from Enforced Disappearance (CPED) and International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICRMW), as well as Optional Protocols (OP) of the Conventions. According to these international obligations, the State is required to respect, protect, and promote human rights values. Viet Nam does not currently have a national human rights institution (NHRI) compliant with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles). According to the UN Human Rights Committee (HRC) of the International Covenant on Civil and Political Rights (ICCPR), the government submitted its 3rd report to the Human Rights Committee in December 2017 after 13 years. The HRC adopted recommendations in August 2019. The death penalty, freedom of expression and human rights defenders, were identified as priorities, and Viet Nam provided, as requested, information on implementing these recommendations in March 2021. The UPR Master Plan and ICCPR Master Plan (Decision 1252) delegate tasks to national agencies on the realisation of recommendations under the two HR mechanisms. Viet Nam also underwent its 3rd cycle UPR review in January 2019 and received 291 recommendations, mainly focusing on civil and political rights. In June 2019, Viet Nam accepted 241 out of 291 recommendations. In December 2019, the Prime Minister approved a Master Plan (Decision 1975) to implement UPR accepted recommendations.

⁸Source: <https://uk.practicallaw.thomsonreuters.com>, <<last visited 19.06.2022>>

⁹ Ibid.

¹⁰ See: National Report 2020 Progress of Five-Year-Implementation Of Sustainable Development Goals. Viet Nam.

¹¹ Ibid.

2.1.6 Reforms concerning Justice and Rule of Law Sector.

In line with international obligations, 15 years ago, the State of Viet Nam embarked on a far-reaching and ambitious **reform to develop a comprehensive legal framework to strengthen legal and judicial institutions** for a more effective and accountable justice system¹². The ongoing reforms' outcome has positively affected the justice system and the overarching normative environment. Some noteworthy achievements are the 2013 Constitution that secures citizens' fundamental rights and obligations, the establishment of Family and Juvenile courts, and reforming the Legal Aid system. These progressive changes are supported by the **growing political will** of the state actors to endorse principles of **effective and efficient justice, gender equality and human rights**. Moreover, this Action is being prepared when Viet Nam's Politburo discusses its core rule of law document, "Strategy for building and refining a Socialist Rule of Law state by 2030, with a view toward 2045"¹³. Accordingly, a closer alignment with the upcoming national framework may benefit the Action. The Strategy is expected to be completed by October 2022¹³. As per the consultation with key players in the process of drafting the Strategy, the document includes 27 research components, including the strategy on building and perfecting the legal systems and organizing law enforcement to 2030, with orientation to 2045, meeting the requirements of perfecting the Socialist Rule of law state of Viet Nam; Strategy on administrative reform; Strategy on judicial reform to 2030, with orientation to 2045¹⁴. The tasks to conduct studies on these topics are assigned to different agencies, including the Ministry of Justice (MoJ), Supreme Court and Ministry of Labour and Internal Social Affairs (MOLISA)

2.1.7 Political dialogue between the EU and Viet Nam

Over the last 30 years, Viet Nam has become a key partner of the EU in Southeast Asia, where the collaboration has embraced political dialogue on security issues, regional and global challenges, trade and development, cooperation, and humanitarian aid. The focus of the cooperation gradually encompassed other important but politically sensitive issues such as human rights and the rule of law. EU-Viet Nam political dialogue occurs on various global, national, and programmatic platforms. To this end, in May 2022, the EU and Viet Nam held their annual enhanced Human Rights Dialogue in the context of the EU-Viet Nam Partnership and Cooperation Agreement (PCA) which has been further strengthened since the EU - Viet Nam Free Trade Agreement (EVFTA) that came into effect in August 2020. The European External Action Service (EEAS) co-chairs this annual event. Other important and more subject-related dialogues take place at the yearly PCA Fora where the PCA Subcommittee on Good Governance, Human Rights, and Rule of Law is jointly chaired by INTPA and MoJ of Viet Nam.

The EU is the largest (and one of the few) development partner and the partner of reference for the justice sector. The key National Development Plans are broadly in line with the policy priorities and the economic interests of the EU and its Member States and cover the three priority areas of the MIP, including Priority Area 3: Strengthening governance (including e-governance), the rule of law and institutional reform while mainstreaming gender. Thus, at the level of EU-funded action such as EU JULE, the political dialogue is fostered within the yearly Legal Partnership Forum, which is Co-chaired by the Head of EU Delegation and with the participation of MS, national partners and Non-State Actors (NSA). At the multilateral forums, the EU Delegation steers the dialogue around the possibilities of cooperation on fulfilling international human rights commitments, especially the implementation of UPR recommendations and obligations under treaties to which Viet Nam and EU Member States are parties.

Thus, the EU Delegation maintains policy dialogues through thematic round tables concerning topics such as child justice. As a result of this sustained engagement with the State, the present Action has been identified. It will build on and consolidate the results of past EU-financed programmes in support of Justice Sector Reform. EU JULE Programme - Phase II intends to **strengthen the rule of law and promote human rights** in Viet Nam. The Action will be implemented in full alignment with the EU Human Rights Action Plan 2020-2024¹⁵, the new Viet Nam-EU Roadmap for engagement with Civil society¹⁶ and the Gender Action Plan III 2021-2025 (GAP III)¹⁷. Accordingly, the future dialogues will provide a platform for a more constructive exchange of views on human rights in Viet Nam, discussions on implementing best MS practices, and support for reform efforts on the part of the EU.

¹² The two cornerstones of the reforms are Resolution No. 48/NQ-TW on 24/05/2005 on "Strategy for the Development and Improvement of Viet Nam's Legal System to the Year 2010, with a vision to 2020 (LSDS)" and Resolution No. 49-NQ/TW on the Judicial Reform Strategy to 2020 (Resolution 49).

¹³ Source: UNDP Viet Nam

¹⁴ The Ministry of Home Affairs, Launching the Project to perfect the rule of law State, <https://www.moha.gov.vn/tin-tuc-su-kien/diem-tin/khoi-dong-de-an-hoan-thien-nha-nuoc-phap-quyen-46430.html>

¹⁵ European Union Action Plan on Human Rights and Democracy 2020-2024:

https://www.eeas.europa.eu/sites/default/files/eu_action_plan_on_human_rights_and_democracy_2020-2024.pdf

¹⁶ Viet Nam – EU Roadmap for engagement with Civil Society, 2021-2025

¹⁷ Action Plan on Gender Equality and Women's Empowerment in External Action 2021–2025 (GAP III): https://ec.europa.eu/commission/presscorner/detail/en/IP_20_2184

2.2 Problem Analysis

Access to Justice and Rule of Law

Despite many efforts, Viet Nam still faces several development challenges to ensure access to justice for all, including lack of a consistent and predictable legal system and its limited effectiveness and efficiency; weak implementation of laws; lack of sufficient mechanisms for citizens' participation in law development and implementation oversight; especially disparities in access to justice persist across several demographic dimensions, such as ethnicity, gender, age, disability, poverty, education, and health status. The inaccessibility and underutilisation of the justice system by the people of Viet Nam in general and by groups living in vulnerable situations have been identified as issues. The lack of information and the ineffectiveness of the justice process poses challenges to victims of trafficking, gender-based violence, and domestic violence. It is important to have access to an effective and fair justice system to address the underlying causes of poverty and inequality and to contribute to shared prosperity, inclusive growth, and a healthy business environment. Resolving land complaints and disputes is the top priority in the justice system. According to media reports, over 70% of all complaints and denunciations nationwide are related to land. Ethnic minorities and poor households whose livelihoods are derived from agricultural and forest land are most concerned about land access. In addition, women and men in areas affected by urban expansion require legal services and advice about land even if they do not receive official aid. These problems have many causes, including a lack of consistency and transparency of environmental law, an insufficient understanding of environmental law, and legal action against companies and organizations that harm the environment.

Comprehensive support for the development of Child Justice and the diversion system.

Although some progress has been made recently, the national child protection system is still far from being fully functional¹⁸. There is no comprehensive legal framework, and services are fragmented, inaccessible, or inadequate. The severely limited social service workforce poses significant challenges at the sub-national level, with only one welfare officer in charge of all social welfare issues, including child protection. Furthermore, there is a lack of a professional case management system, a lack of trained social workers, and inter-sectoral cooperation in preventing and responding to cases of child abuse, violence, exploitation, and neglect. In child justice, the impressive progress achieved in the past few years is still challenged by the lack of specialist child justice professionals, limited community-based services for diversion, alternatives to detention and child victim support services. In addition, the significant legal reforms have been hindered by the lack of accompanying capacity building and shifting mindsets within the social welfare and justice sectors and the public.

On the one hand, the Government should allocate human and financial resources to expand the child protection system at the commune and district level; on the other hand, the quality of the existing system and services needs improvements. In addition, the multidimensional nature of child protection issues requires inter-sectoral collaboration across social welfare, health, education, law enforcement and justice sectors and engagement of all concerned actors, including at the policy-making level.

Monitoring and reporting of human rights recommendations are not coordinated, and politically sensitive human rights recommendations are still pending implementation.

Apart from the political will and normative environment to support the implementation, one of the challenges relates to coordinating and monitoring the progress of the recommendations. There is no Human Rights Action Plan for reporting under all major UN treaties delegated to one specific entity. Each line ministry separately reports to the UN Human Rights monitoring system under each Treaty Body (UNTB) and Universal Periodical Review (UPR) separately. As a result, these efforts are fragmented, and statistics are not accurate or absent since the lead ministries are doing their work without much coordination, despite the existence of the two above-mentioned Prime Minister's decisions. In addition, politically sensitive recommendations have been on hold for years: recommendations under the Convention Against Torture (CAT), and nine recommendations under UPR on the death penalty, including reducing the scope of crimes for which the death penalty applies and considering a moratorium on the application of the death penalty, recommendations concern the ratification of the Second Optional Protocol of the International Covenant of the Civil and Political Rights (ICCPR), aiming to abolish the death penalty. In 2018, Viet Nam expressed its willingness to consider a moratorium at the UN General Assembly. However, due to lack of progress this issue is regularly discussed under Viet Nam and EU Human Rights Dialogues and policy dialogues. Other accepted recommendations received by Viet Nam are related to the category of civil and political rights, such as the right to a

¹⁸ Source: UNICEF Viet Nam

fair trial, freedom from torture, equality before the law and due process. A wide range of groups living in vulnerable situations may benefit from implementing these recommendations.

Moreover, the Action can have far-reaching social, political, and economic implications for the State. By implementing the recommended measures and humanisation of function, lives could have been saved, and the State's human rights record would be improved, thereby allocating more economic resources from developed countries, including EUMSs. Therefore, there is a need for one mechanism for implementing and reporting HRs commitments under all UN HR treaties to improve the monitoring and implementation.

Need for the National Human Rights Institute.

Viet Nam accepted some UPR recommendations related to the establishment of a national human rights institution; however, it refused the three recommendations referring to specifically Paris Principles. State agencies responsible for implementing the accepted recommendation are unclear about the importance of NHRI and its characteristics and mandate. Nevertheless, a functioning and independent National Human Rights Institute in Viet Nam is needed. NHRIs play an increasingly important part in safeguarding human rights in their respective countries. They monitor and report on the human rights situation, advise parliaments and governments, deal with complaints from citizens whose rights have been violated, train authorities, provide public information and much more to strengthen and protect the human rights of people in their country. NHRIs cooperate with a variety of civil society actors and bring an accurate overview of the human rights situation, with recommendations, to governments, parliament and other state bodies. The critical role of NHRIs has also been recognised in the 2030 Agenda as fully independent and well-functioning (A-status). Furthermore, NHRIs have been chosen as an indicator for SDG 16 on peace, justice, and strong institutions. Viet Nam has expressed its openness to working on NHRI-related UPR recommendations by conducting research on the possibility of Viet Nam establishing a NHRI (PM's Decision 1252 on ICCPR and 1957 on UPR). Under these decisions, the Ministry of Public Security (MPS) is tasked with realizing the recommendations. The upcoming Rule of Law Strategy is expected to clarify the selected options.

The shrinking space for Non-State Actors.

Civil Society, as well as EU cooperation with Civil Society, is facing significant challenges due to the shrinking space and the continuous degradation of an enabling environment. Civil society organisations and human rights defenders (HRDs) that operate in deteriorated environments are less able to act freely as agents of human rights, the rule of law advocacy, and good governance. Nevertheless, non-state actors wish to play a role in oversight and advocate for a human rights-based approach. The main challenge is that State has a restrictive political environment with a legal framework that hinders the development of an independent civil society. Consequently, the Civil Society Organisations (CSOs) majority of initiatives in the legal and judicial domains have been focused on actors engaged in disseminating legal information, legal aid, and alternative dispute resolution. Social and political organisations are included in this category, also called "mass organizations". Although these organizations have political ties through their association with the Fatherland Front, their primary objective is to protect the social interests of their members. The need for enabling CSOs is viewed as a key objective for EU efforts where, in the absence of a vibrant civil society, the EU's priorities and goals are undermined not only in the area of human rights and democratic governance but also in all other key areas of EU cooperation where civil society is an important partner in dialogue, implementation, and monitoring of interventions.

Gender Equality.

A review of the Country Gender Profile (CGP) indicates that Viet Nam faces challenges related to institutional reform that promote gender equality, despite the fact that the country has ratified a number of relevant Conventions, including the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW). It is challenging to improve gender equality performance because the socio-cultural barriers, such as gender-biased norms and customary stereotypes, are deeply rooted in generations of leaders, politicians; officials; business owners; men and women, and girls and boys in Viet Nam. As a result of these norms and stereotypes, many women and girls are treated with discrimination, with prevalent issues including bias against women in leadership positions and a high prevalence of intimate partner and sexual violence. Consequently, discriminatory behaviours tend to become normal or accepted in society. The Action will support the EU's priority to develop and consolidate democracy, the Rule of law, and respect for human rights and fundamental freedoms. Gender equality is a core value of the EU and a universally recognized human right, and an imperative to well-being, economic growth, prosperity, good governance, peace, and security.

Identification of main stakeholders and corresponding institutional and/or organisational issues (mandates, potential roles, and capacities) to be covered by the action:

The main ministries and judicial agencies are the Supreme People's Court, the Supreme People's Procuracy (SPP), the Ministry of Justice (MoJ) and the Ministry of Public Security and the Ministry of Foreign Affairs of Viet Nam (MOFA), Ministry of Labour, Invalids and Social Affairs. Though they have a relatively straightforward division of responsibilities, tensions remain, especially in relation to the role played in the judicial reform process.

The Ministry of Justice reviews new legislation for consistency and coherence. Additionally, MoJ is responsible for the State's reporting progress on implementing ICCPR, supporting lawyers, establishing a network of legal assistance providers, and designing and implementing a program to develop curricula and training methods for the justice process. The Bar Federation and Lawyers Association are the two main professional organisations that could support the development and implementation of the standard of legal aid and monitor the process of implementation of project activities in this regard. The Lawyers' Association is also mandated with the legislative initiative and promoting the draft laws through their members across all state levels and the National Assembly of Viet Nam.

The Ministry of Foreign Affairs of Viet Nam is responsible for UPR reporting and coordinating the implementation of the UPR's Action Plan. This action will improve the capacity of MoFA to coordinate reporting across the line ministries and develop an HR Results Framework to bolster the monitoring of the UPR recommendations

The Supreme People's Court is the highest judicial organ of the Socialist Republic of Viet Nam. It supervises and directs the judicial work of local People's Courts, Military Tribunals, Special Tribunals, and other tribunals unless otherwise prescribed by the National Assembly at the establishment of such Tribunals. Supreme People's Court conducts trials relating to children. Family and Juvenile Court is a specialist court within the people's court system, responsible for handling most child matters in criminal, family, and administrative cases. SC has initiated a draft law on Juvenile Justice and actively promoting the draft with an ambition to establish the juvenile court and child-friendly practices across the country.

Human Rights Institute, Ho Chi Minh National Academy of Politics. The institute is the Communist Party's academic institution for research and teaching in the field of the state system, the political theory of human and fundamental rights. Among its essential tasks are courses on protecting human rights for party members and government staff, preparing surveys for the government, cooperating with international and regional academic research institutions on human rights issues and scientific research projects, as well as publishing and distributing materials and reference books on the protection of human and fundamental rights. In 2014 the master's course "Human Rights Law" was established. In 2021 the Institute established the first PhD program in Human rights law. The mandate of the Institute provides the potential for developing a human rights compliant mechanism and mainstreaming the State's periodic reports on the progress under the UN HR treaties.

Non-State Actors. NSAs play a vital role in promoting access to justice, the Rule of law and human rights. Several organisations have partnered to deliver grant-scheme projects under the EU JULE programme. Taking advantage of their participation and active involvement in the next phase can contribute to the success of the EU JULE programme's second phase and leverage the civil society sector's sustainability and capacity building. Furthermore, their role is vital in advocacy and campaign, strengthening national and international standards against the use of the death penalty, including supporting the successful adoption of resolutions on a moratorium on the use of the death penalty by the UN General Assembly and ICCPR's Second Optional Protocol.

3 DESCRIPTION OF THE ACTION

3.1 Objectives and Expected Outputs

The Overall Objective (Impact) of this action is to promote and protect the Rule of law and human rights for all

The Specifics Objectives (Outcomes) of this action are to:

Outcome 1: Enhance access for all people to an increasingly qualified, transparent, more inclusive, and independent justice system in line with international human rights standards.

Outcome 2: Enhanced frameworks and processes for the respect, protection, and realization of human *rights*

The eight (8) Outputs to be delivered by this Action contributing to the corresponding Specific Objectives (Outcomes) are:

Outcome 1:

- 1.1 Laws and polices more aligned with Constitutional and international standards and commitments developed and/or better implemented.
- 1.2 Enhanced legal aid and alternative dispute resolution mechanisms (mediation and arbitration), in particular for women and groups living in vulnerable situations
- 1.3 Enhanced capacity of justice system institutions to provide people-centred, gender-sensitive and inclusive digital justice services
- 1.4 Enhanced access to best EUMS practices related to the Reforms in Child Justice

Outcome 2:

- 2.1 Actors in human rights education have better capacities to ensure quality post-graduate studies and partnerships with EU MS's academic institutions.
- 2.2 Non-State Actors (NSA) capacities to contribute to Viet Nam's Sustainable Development Goal 16 - Targets 16.1, 16.2 & 16.3; SDG Goal 5 - Targets 5.1, 5.2 & 5.3; SDG Goal 8 - Targets 8.7, 8.8 are strengthened
- 2.3 State actors and NSA capacities are strengthened to implement and monitor UN recommendations effectively
- 2.4 Enhanced national capacity for establishment of national human rights institution in accordance with the Paris Principles is supported

Those outcomes will contribute to achieving SDG 16 (Promote just, peaceful, and inclusive societies), SDG 5 (gender equality), and SDG 17 (Partnerships). An emphasis will be placed on ensuring that all initiatives undertaken under the Action contribute to the Commission's overarching priority, including through a consolidated focus on women's and youth-oriented organizations and, through partners' contributions, reducing inequality; social inclusion and human development; gender equality; and advancing the Commission's priorities related to gender and justice, and environmental justice.

3.2 Indicative Activities

Activities relating to Output 1.1

Analyses of the Constitution and relevant international treaties aimed at identifying gaps and proposing solutions.

Activities relating to Output 1.2:

Analysing the Legal Aid Law and developing a system of qualitative indicators to monitor the quality of legal aid, includes a gender perspective.

Developing an alternative dispute resolution mechanism for communities affected by the environmental crisis and conducting community-level awareness workshops.

Implementing grant-scheme programmes for the NSA (e.g. Two per year) to achieve various objectives linked to access to justice and human rights.

Activities relating to Output 1.3:

Performing comparative analyses of the laws and regulations regarding digitalization and data protection and identifying gaps that include a gender perspective.

Identifying the human and financial requirements of the justice institutions to implement sustainable digital transformation.

Developing the processes necessary for the effective administration of enforcement of the decisions, juvenile justice (e-case).

Developing a capacity-building plan for the justice system (SC).

Developing digitalized catalogues of the national laws and regulations (MoJ)

Developing a uniform systematic approach to legislation (MoJ).

Identification of the bureaucratic obstacles preventing the effective implementation of Legal Aid (MoJ) and implementing the necessary reforms

Developing an e-system for the legal aid system. (MoJ)

Activities relating to Output 1.4:

Supporting the draft and implementation of Child Justice, Social workers law (ensuring it is child and gender-sensitive)

Conducting a study on best EUMS practices in Juvenile Justice and diversion

Conducting capacity-building activities for the SC, MOLISA, and other relevant ministries to enhance their understanding of the diversion process.
Conducting baseline studies on the level of recidivism among children in the 14 areas where juvenile justice courts operate.
Developing a case management system that will link the court with the legal services of MOLISA's social workers.
Developing the capacity of MOLISA to carry out Gender Audits and launch such audits within the institutions and ministries participating in this action¹⁹.

Activities relating to Output 2.1:

Defining and establishing a partnership between the academic institutions from EUMS and Viet Nam, such as HRI, Hanoi Law School and Justice Academy.
Conducting the academic evaluation of the human rights courses and preparing an action plan based on the needs of these three institutions.
Establishing exchange programmes.
Developing video courses, digital libraries, and a national digital legal database.

Activities relating to Output 2.2:

Training for the line ministries and NSAs' to monitor and report on SDGs and implement reporting under UNTB and UPR.
Implementing grant-scheme programmes for the NSA (two per year) to achieve various objectives linked to access to justice and human rights.

Activities relating to Output 2.3:

Developing the capacity of the NSA to achieve consultative status with the ECOSOC
Capacity-building of NSAs and line ministries regarding monitoring and reporting on SDGs and implementation of UN recommendations.
Developing Human Rights Monitoring framework based on OHCHR and related SDG indicators.

Activities relating to Output 2.4:

Researching the possible models of the NHRI in Viet Nam and drafting the recommendations.
Conducting advocacy and public-awareness raising campaigns on the importance of NHRI.
Organising international/ASEAN conference of NHRI.
Developing draft legislation on NHRI with the assistance of the Lawyers Association.

3.3 Mainstreaming

Gender and Justice.

This action is labelled G1 according to the OECD Gender DAC codes identified in section 1.1. This demonstrates that gender equality is a significant objective of the action. This will be attained through integrating the objectives of the third EU Gender Action Plan (GAP III), with a specific focus on the goal outlined in the NDICI-GLOBAL EUROPE on enhancing funding to women's organisations and other relevant organisations working on gender equality (particularly under Outputs 2.2, 2.3) as well as to strengthen strategic dialogue on gender equality and women empowerment with NGOs including women's organisations (including representatives of marginalised women such as women with disabilities and indigenous women) (particularly under Component 1). The major gendered differences between the justice needs of women, girls, men and boys are well established, as are the generally poor capacities of justice systems to adequately respond to these differing needs. Specifically, many ethnic groups are left behind, especially women and girls who face differentiated risks of violence and other forms of gender discrimination and violations in all contexts: development, conflict, post-conflict, and other complex crises. There is also a severe shortage of provisions on GBV prevention for women, especially for women with disabilities, migrant women, and LGBTIQ individuals²⁰. Constraints on women and girls' access to justice stem from the lack of gender equality in society and the unequal power relationships between men and women. This is reflected in the broader social, economic, cultural, and legal system, which entrench gender inequality and makes it harder for women and girls to exercise their rights and receive equal protection of the law on the same basis as others.

Human Rights/ Democracy

Civil Society Organizations are critical for achieving human rights and democracy in all EU partner countries. To ensure that this Action is entirely consistent with the implementation of the Human Rights-Based Approach (HRBA), which

¹⁹ https://www.ilo.org/gender/Informationresources/WCMS_187411/lang--en/index.htm, last visited <<24.06.2022>>

²⁰ Source: Viet Nam Country Gender Profile Profile Update. EU. 2022.

encompasses all Human Rights, as well as the EU's commitment to promote and protect human rights and democracy under the Joint Communication and EU Action Plan on Human Rights and Democracy for 2020-2024, with particular regard to the ambition to "*Promote a safe and an enabling environment for civil society as actors in their own right, including long-term strategic support to capacity building and meaningful participation of civil society at country, regional and global level*"²¹. Outputs 2.2, 2.3

Disability

The Action will ensure that representatives of persons with disabilities can participate in all relevant processes through specific and inclusive structured dialogues at all levels. Access to justice for people with disability will be mainstreamed within Outputs 1.1, 1.2, 1.3, 1.4 and 2.3 through the grants scheme that will promote and defend the rights of marginalized people living in vulnerable circumstances, particularly in the case of persons with disabilities. Using the OECD Disability DAC codes described in section 1.1, this action is classified as D1. This action will be relevant to the inclusion of individuals with disabilities since organizations representing the rights of individuals with disabilities will be included under mentioned above outputs.

Youth

As an integral part of the solution to promote peace and security, youth are regarded by the European Union as key actors in development. Youth, however, is far too often left out of the process of developing policies and making decisions related to issues that are important to them and their future. Therefore, Output 1.5 of the Action will focus on ensuring that youth are diverted from the criminal justice system through the implementation of the diversion system and strengthening youth engagement and juvenile justice aspects in policy dialogue within Outputs 2.2, 2.3

Environmental Impact

As a result of poorly managed judicial proceedings, there is significant environmental impact and economic hardship on the poor, who are forced to miss work and travel great distances for postponed or cancelled hearings. By adhering to comprehensive and exact procedural policies, well-trained practitioners can avoid unnecessary appeals, reversals, and failed prosecutions. An effective use of technology can improve the effectiveness of proceedings, notifications of and appearances by witnesses, and prisoner transportation while maximizing the scarce resources of the court, police, prosecutor, and the public. Even without automation, standardised and updated operating procedures can be harmonised across the entire sector.

²¹ Joint Communication to the European Parliament and the Council, EU Action Plan on Human Rights and Democracy 2020-2024

3.4 Risks and Lessons Learnt

| Category | Risks | Likelihood (H/M/L) | Impact (High/Medium/Low) | Mitigating measures |
|----------------------------------|---|---------------------------|---------------------------------|--|
| External environment | Disasters, whether natural or induced by human action, or pandemics force the government to alter their priorities. | M | High | Identification of priority legal issues regarding disasters, including access to justice and the rule of law, the right to humanitarian assistance, and compensation. |
| Political | There is a normative environment for the NSA that is not conducive to implementing projects under the sub-grant scheme, causing numerous delays in the launch and implementation of projects. | H | H | The signature of the Financing Agreement should ensure the pre-approval requested for sub-grants. However, strong policy dialogue and coordination with the key partners in the Government (e.g., at the Steering Committee) and their full involvement in the evaluation Committee will be essential (as is the case in the ongoing EU JULE programme). |
| Planning, processes and systems. | Security concerns prohibit access to one or more of the priority provinces, or geographical distances lead to uneven distribution of funding and capacity-building across the country. The grant component is particularly susceptible to this factor. | L | M | To avoid delays, communication and relations with provincial leaders in focus provinces should be maintained. |
| Planning, processes and systems. | Viet Nam has been engaged in reforming its public administration across all government agencies and ministries, which will result in a reduction in human resources. Action stakeholders are likely to experience a need for additional personnel to gear the implementation. | M | H | The implementing partners will review the needs of stakeholders and establish a detailed inventory of the needed technical and human support. Then, a strategy will be developed to divide the work and complement the support. |
| Planning, processes, and system. | Limited knowledge and understanding of treaty obligations among State actors. The UN treaty bodies have noted that poor implementation of human rights treaty obligations is partly due to government actors' inadequate or incorrect knowledge of the rights provided under CEDAW and their implications for women's rights. | M | L | The awareness will be raised at every implementation stage through sustained capacity building. |
| Planning, processes, and system. | The development of digital solutions in the justice system also requires enacting additional legislation to protect rights holders and direct the mandates of duty bearers and regulatory legislation. Therefore, the implementation may be delayed | M | M | Implementing partners should rigorously assess the level of political will and national ownership and set realistic deadlines for the outcomes. |

| | | | | |
|----------------------------------|---|---|---|---|
| | until such legislation has been drafted and adapted. | | | |
| Planning, processes, and system. | E-justice services could further enlarge the digital gap and create further exclusion, as they rely on individuals' digital literacy and network connections while presenting important risks in terms of data protection/safety. | M | M | In accordance with the needs of the relevant field, the capacity-building process will be planned |
| Political | Weak enforcement. While each of the nine core human rights treaties is assigned monitoring bodies to assess implementation among States, and eight treaty bodies have communications procedures, States are not "sanctioned" for not implementing their treaty obligations. Therefore, some state actors may be reluctant to continue to address politically sensitive topics such as the death penalty and national human rights institute development. In addition, the priorities may change due to a change in political power. | M | M | Continue the political dialogue with the EU, EU Member States, and other development partners to gain political support, utilizing the conditionality measures. |

The Mid-Term Evaluation of EU JULE²² and consultations with the NSAs, national stakeholders in the justice system, academia, EUMS, and development partners have informed the Action. These processes provide the following lessons learned and recommendations which are relevant to the Action at hand:

Lessons Learnt:

1. Support, in harmonisation with the Paris Principles or the extension of the Human Rights Institute's mandate to reporting on HR issues. An intervention designed to support reform on the moratorium or complete eradication of the death penalty by ratifying its Second Optional Protocol, is heavily dependent on the political will of the State to establish an independent HR institution. In this regard, the Action's implementing partner may spend significant time creating a conducive environment to facilitate these two support areas.
2. The EU JULE as EU-funded Action would have benefited from more relevant best practices in legal aid, legal compensation, legal awareness, and juvenile justice system from the EUMS (Croatia, Slovenia, Poland, etc.) or countries with similar geopolitical, multi-ethnic representation and legal system with adequate anti-corruption and justice index record (Georgia, Lithuania,). The EU JULE could have also engaged experts from the European Commission for the Effectiveness of Justice (CEPEJ) of the Council of Europe (CoE)²³
3. Based on the lessons from JPP JIFF and EU JULE, this project adopts an integrated, sector-wide approach, including research and policy dialogue at local and national levels. Furthermore, engagement between grantees and government stakeholders should be linked to a comprehensive information and monitoring platform based on ICT, engaging in strategic research on higher-level reform initiatives.
4. The envisaged 12 months implementation period for the JIFF sub-grants was insufficient to cope with the many approvals, pandemics, and consequences of the natural disaster. While grantees performed well and delivered planned activities, no time was left to sustain the results. In the given context, at least 18 months to two years should be planned for the implementation duration of the sub-grants in the future
5. The Mid Term evaluation of EU JULE found that ensuring complementarities and synergies between the JIFF and EU JULE by linking the duty-bearer with right-holders, NSA with the State's agencies - is the best strategy for the people-centred implementation.
6. EU JULE management model, where indirect and direct management are combined into one management structure, did not prove as successful as expected. Therefore, a mix of aid modalities of this type should be considered if the implementing partners can guarantee reasonable flexibility, transparency, and agility.
7. E-justice could provide valuable solutions to enhance the efficiency and quality of the justice systems by reducing the cost of legal services, minimizing corruption, improving access to justice providers outside

²² Mid term evaluation of EU JULE - EU Justice and Legal Empowerment Programme. D-37404

²³ <https://www.coe.int/en/web/cepej>

business hours and in remote locations, and offering people the ability to testify in secure locations while minimizing the trauma. But before ICT automates the Justice Sector, the Sector must have organised and implemented a standardized, integrated information management strategy within each institution and across the sector that reflects the most effective, accountable, and transparent process possible under the current legal framework of Viet Nam and the best practices of the EU. It is essential to develop realistic objectives and expected results, considering the national partners' absorption capacity and political commitment. Comparative analyses of the normative environment on personal data protection with determinants and bottlenecks is an important start for such intervention. Pros and cons must be appropriately weighed during a project's design phase and should be incorporated into policies and programs.

3.5 The Intervention Logic

The Intervention logic (IL) of the Action is supported by an **Overall Objective** to strengthen the rule of law and promote human rights by developing increasingly competent, transparent, inclusive, and independent justice systems that conform to international human rights standards.

Based on the IL as mentioned below, a theory of change (ToC) is derived from the following postulate:

*If respect for HR is promoted through strengthened Constitutional provisions, legal reforms, a conducive environment for the NSAs, adherence to the international obligations, and access to an **inclusive and independent justice system in line with international human rights**, then all people, especially women, children and those living in vulnerable situations, will benefit from increasingly competent, transparent, inclusive, and independent justice systems that conform to international human rights standards.*

If laws and policies are more aligned with constitutional and international standards as well as commitments developed and/or better implemented, and if legal aid and alternative dispute resolution mechanisms (mediation and arbitration) are enhanced, in particular for women and groups living in vulnerable situations, and if the capacity of justice system institutions to provide people-centred, gender-sensitive and inclusive digital justice services is enhanced, and if access to best EUMS practices related to the Reforms in Child Justice is enhanced, then access for all people to an increasingly qualified, transparent, more inclusive, and independent justice system in line with international human rights standards will be enhanced.

If actors in human rights education are capable to ensure quality post-graduate studies and partnerships with EU MS's academic institutions, and if Non-State Actors (NSA) are capacitated to contribute to Viet Nam's Sustainable Development Goal 16, and if the capacities of State actors and NSA are strengthened to implement and monitor UN Human Rights recommendations, and if national capacity for the establishment of national human rights institution in accordance with the Paris Principles is supported, then frameworks and processes for the respect, protection, and realization of human rights will be enhanced.

Assumptions: a) there is a genuine political commitment by state and non-state actors to collaborate at all levels, and evidence of ownership is exhibited during implementation; b) results are sustained by adjusting human and financial resources and ensuring gender-inclusive human rights-based policy implementation.

The two-supporting outcome-level results of the Action are formulated as follows:

Outcome 1: Enhanced people's access to an increasingly qualified, transparent, more inclusive and independent justice system in line with international human rights standards. Within this outcome, the Action will support the completion of the legal framework with a focus on compliance with international standards, strengthen the capacity of relevant duty bearers to deliver justice effectively, support the development of an inclusive, gender-sensitive and effective quality legal aid, support the development of alternative dispute resolution mechanisms, reinforcement of the rights of the accused and adversarial procedures, support to digital transformation (e-justice) and the strengthening of child justice. Finally, the Action will strengthen oversight mechanisms to ensure respect for people's fundamental rights and increase judicial integrity.

Outcome 2: Enhanced frameworks and processes for the respect, protection, and realization of human rights. The Action will strengthen Constitution protection and implementation (related to the rights of the Accused and a Fair trial and Human rights protection); enhance knowledge of human rights among the duty-bearers and right-holders, including women and people living in the most vulnerable situations. As a result, compliance with international human rights standards, including labour rights, will be increased. It will also support Viet Nam's international human rights commitments (International Human Rights Instruments and recommendations from Treaty Bodies), including the Universal Periodic Review (UPR) recommendations

The Action should balance alignment with Government priorities and the need to promote EU fundamental values. Accordingly, the Action will not only support the ongoing legal and judicial reform but will aim at promoting a comprehensive reform of the justice sector. This Action will achieve these goals through the following **strategies for institution-building** completion of the legal framework in line with international standards, strengthening the capacity of relevant duty bearers to deliver justice, developing alternative dispute resolution mechanisms when appropriate and modernising the justice system by automating the processes (e-justice). In addition, it will help provide oversight mechanisms to strengthen accountability and integrity of the justice sector and ensure respect for people's fundamental rights. **A people-centred approach** will be adopted by empowering the people living in the most vulnerable situations with information, skills, and opportunities: for rights holders to be aware of their rights, access and utilise those (non-)state institutions for claiming a right, obtaining redress for a grievance, or settling a dispute. **The gender-equality and human rights-based approach.** Gender mainstreaming will be fully adapted in the design and implementation of the Action. To this end, mainstreaming access to justice activities into women's legal and economic empowerment by protecting their access to land and legal aid for ethnic minority women and access to justice and services for victims of gender-based violence (GBV). Budgeting for the justice sector could also focus on poorer districts and the creation of facilities and programmes which can ensure women's access to justice (e.g., family courts, domestic violence courts, land courts and integrated victim support units)²⁴. Human rights are one of the key result areas of the Action, and the right-based approach will be strengthened through the promotion of support in human rights education, as well as continuous engagement with duty-bearers on the progress made in the implementation of Viet Nam's obligation under UN Human Rights mechanisms, such as the UN Treaty Bodies and Universal Periodic Review.

The Action will build on the previous EU programmes to i) support the completion of the Legal Framework in compliance with international standards and good practices; ii) strengthen inclusive access to an independent and reliable justice; iii) strengthen legal and human rights education and capacity building, and iv) reinforce the implementation of international commitments through improving domestic law and monitoring of Viet Nam's obligations under UN Human Rights mechanisms more effectively.

There are five intervention areas (or themes) associated with the eight outputs outcomes above:

1. Access to Justice and Rule of Law Reforms (Outputs 1.1, 1.2, 1.3 and 1.4)

Action strikes the right balance between the priorities of the government, the needs of the people living in the most vulnerable of situations, and the fundamental values of the European Union. The Vietnamese Constitution guarantees the protection of human rights, however the extensive domestic legislation curtails human rights in compliance with "the policies and interests of the State". Moreover the judiciary cannot function independently as constitutional arrangements intended. To achieve this aim, within this thematic, necessary support will be provided to ensure that reform of the legal and justice systems is provided from the standpoint of human rights and that no one is left behind. Within this outcome, the Action will support: 1) the completion of the legal framework reforms focused on compliance with international standards; development of an inclusive, effective, and quality legal aid; 2) alternative dispute resolution mechanisms, including environmental disputes; 3) reinforcement of the rights of the accused and adversarial procedures, 4) strengthening oversight mechanisms, and 5) reinforced judicial integrity.

2. The modernisation of the administration of justice services. (Output 1.3.)

This Component focuses on strengthening the capacity of relevant duty bearers to deliver justice effectively through improved public administration processes in the Supreme Court, MOJ and SPP. Within this component, Action will extend the support for digital transformation²⁵ to ensure that relevant normative acts and standard operating procedures (SoPs) are available to provide more accountable, transparent, accessible, and efficient public services are provided to the beneficiaries. Following **strategies for institution-building** completion of the legal framework in line with international standards, developing specialised courts, enforcement of judicial decisions and modernising the justice system by automating the processes (e-justice) will be implemented in this thematic. This thematic will be delivered through a Joint implementation approach that builds on the experience and expertise of Team Europe to support sectoral activities that achieve results in line with beneficiaries' development priorities.

3. Comprehensive support for developing the Child Justice and diversion system. (Output 1.4)

²⁵ Digital Transformation describes the cultural change in systems and institutions using digital technology. Digital transformation includes user-centered design and technologies that allow people to work differently. Digital transformation facilitates shifts in legal culture and processes towards more accountability, transparency, and accessibility. Source: UNDP.

This component aims to strengthen and connect Child Justice and Child Protection through the enhanced integration of services provided by the Supreme Court, Ministry of Justice, Ministry of Labour and Social Affairs (MOLISA). This component aims to improve the quality of justice and welfare services for disadvantaged boys and girls by using multidisciplinary approaches to address socioeconomic vulnerabilities, violence, neglect, abuse, and unequal access to justice. Support will be provided for the development of the Child Justice Law, Law on Social Workers and services, expansion of juvenile courts and capacity building, and introduction of EUMS practices in Child Justice and diversion (probation). The expected results of this component are capacitated and coordinated well-fare support to the child justice system's beneficiaries and the reduction of children in state custody.

4. Human Rights (Outputs 1.1, 2.1, 2.4.)

Action will enhance knowledge of human rights among the duty-bearers and right-holders, especially women and those living in the most vulnerable situations. As a result, compliance with international human rights standards, including labour rights, will be increased. It will also support Viet Nam's international human rights commitments (International Human Rights Treaties and recommendations from the UN Treaty Bodies), including the Universal Periodic Review (UPR) recommendations. In addition, the activities in this area will increase awareness of the importance of the National Human Rights Institutes and reinforce the national standards for human rights education.

5. Non-State Actors and SDG 16+. (Outputs 2.2, 2.3)

The international NGO partner selected through the call for proposal (CfP) will help establish, coordinate, and support a network of social organizations that are core stakeholders in this component. With the establishment and implementation of the grant scheme mechanism, a broader range of Non-State Actors (NSAs) in Viet Nam will be funded under this area of intervention. The grant project will be supported in access to justice (economic, social, civil and political), digital inclusion and innovative projects to raise the awareness of the groups living in vulnerable situations, raising the awareness of people on environmental justice. This component will strengthen civil society's capacity at the national and regional level to prevent deterioration, promote a sustainable and accessible enabling environment for civil society, and enable advocacy and human rights activists NGOs active in human rights, anti-corruption, good governance, environmental justice, women's rights and child rights. This area of intervention in the Action will contribute to the inclusive, participatory, empowered, and independent civil society and democratic space

3.6 Logical Framework Matrix

This indicative logframe constitutes the basis for the monitoring, reporting and evaluation of the intervention.

On the basis of this logframe matrix, a more detailed logframe (or several) may be developed at contracting stage. In case baselines and targets are not available for the action, they should be informed for each indicator at signature of the contract(s) linked to this AD, or in the first progress report at the latest. New columns may be added to set intermediary targets (milestones) for the Output and Outcome indicators whenever it is relevant.

- At inception, the first progress report should include the complete logframe (e.g. including baselines/targets).
- Progress reports should provide an updated logframe with current values for each indicator.
- The final report should enclose the logframe with baseline and final values for each indicator.

The indicative logical framework matrix may evolve during the lifetime of the action depending on the different implementation modalities of this action.

The activities, the expected Outputs and related indicators, targets and baselines included in the logframe matrix may be updated during the implementation of the action, no amendment being required to the Financing Decision.

| Results | Results chain (@): Main expected results (maximum 10) | Indicators (@): (at least one indicator per expected result) | Baselines (Values and years) | Targets (Values and years) | Sources of data |
|----------|--|--|---|--|---|
| Impact | The Overall Objective of this action is to promote and protect the Rule of law and human rights for all | <p>1.- Country score in the World Justice Project Rule of Law Index.</p> <p>2.- Percentile rank Worldwide Governance Indicators (WGI) - The rule of law.</p> <p>3.- Proportion of children aged 1–17 who experienced physical punishment and/or psychological aggression by caregivers in the past month²⁶, disaggregated by sex, age, urban/rural area (SDG 16.2.1)</p> <p>4.- % of recidivism among the children in the areas where juvenile courts are operating or planned. (disaggregated by sex, urban/rural area)</p> <p>5.- Existence of independent national human rights institutions in compliance with the Paris Principles.²⁷ (SDG 16.a.1)</p> <p>6.- % of the population who perceive the overall quality of justice dispensed as good or very good, disaggregated at least by sex (GAP III)</p> | <p>1. 0.49(2021)</p> <p>2. 0.13(2020)</p> <p>3. 72.4 per cent (2020-2021)</p> <p>4. Not available (N/A)</p> <p>5. N/A</p> <p>6. N/A</p> | <p>1: 0.5 (2027)</p> <p>2: (2027)</p> <p>3. TBD in the inception phase (TBD/IP)</p> <p>4. TBD/IP</p> <p>5. TBD/IP</p> <p>6. TBD/IP</p> | <p>1. Rule of Law index</p> <p>2. World Bank WGI website</p> <p>3. National SDG report.</p> <p>4. Supreme Court and UNICEF</p> <p>5. Human Rights Institute</p> <p>6. Project M&E system: expert surveys conducted at the beginning and end of project implementation</p> |
| Outcome1 | Enhanced access for all people to an increasingly qualified, transparent, more inclusive, and independent justice system in line with international human rights standards | <p>1.- Number of people directly benefiting from legal aid interventions supported by the EU, disaggregated by sex, age, urban/rural area.* (GERF 2.25)</p> <p>2.- Proportion of the population who have experienced a dispute in the past two years and accessed a formal or informal dispute resolution mechanism, by type of mechanism²⁸, disaggregated by sex, age, urban/rural area). (SDG 16.3.3)</p> <p>3.- % of children diverted from the correctional and penitentiary system.</p> <p>4.- Total backlog rate (disaggregated by category or type of cases.</p> <p>5.- The average length of time a case takes from registration to judgement²⁹</p> <p>6.- Number of juvenile judges per child population (disaggregate by sex, urban/rural area).</p> | <p>1.1: 0</p> <p>1.2: 0</p> <p>1.3: 0</p> <p>1.4: TBD</p> <p>1.5: TBD</p> <p>1.6: TBD</p> <p>1.7: TBD</p> <p>1.8: TBD</p> <p>1.9: TBD</p> | <p>1.1: 0,000 (2027)</p> <p>1.2: TBD/IP</p> <p>1.3: TBD/IP</p> <p>1.4: TBD/IP</p> <p>1.5: TBD/IP</p> <p>1.6: TBD/IP</p> <p>1.7: TBD/IP</p> <p>1.8: TBD/IP</p> <p>1.9: TBD/IP</p> | <p>1.1 MoJ reports; Baseline and endline surveys conducted and budgeted by the EU-funded intervention.</p> <p>1.2 Supreme Court's (SC) report; Baseline and endline surveys conducted and budgeted by the EU-funded intervention.</p> <p>1.3: SC statistics.</p> <p>1.4 and 1.5: SC and at least two rounds of expert review of relevant official documents as part of the project M&E system</p> <p>1.7 to 1.10:</p> |

²⁶ SDG 16.2.1

²⁷ SDG 16.a.1

²⁸ SDG 16.3.3;

²⁹ The first instance only, disaggregated by category or type of cases, e.g. for criminal/for civil proceedings.

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|--------------------------------|--|--|---|--|--|
| | | <p>7.- The proportion of the total adult population with secure tenure rights to land, (a) with legally recognized documentation, by sex and type of tenure (SDG 1.4.2)</p> <p>8.- The proportion of the total adult population with secure tenure rights to land (b) who perceive their rights to land as secure by sex and type of tenure (SDG 1.4.2).</p> <p>9.- Number and share of EU- external interventions promoting gender equality and women's empowerment (SDG 5/ GEF 3.13)</p> | | 1.9: TBD/IP | SC statistics. Field data gathered by Project (survey of a sample of prosecution records – conducted at a minimum in the inception and final phase of the project) |
| Outcome 2 | Enhanced frameworks and processes for the respect, protection, and realization of human rights | <p>2.1 Implementation status of Universal Periodic Review (UPR) recommendations</p> <p>2.2. The extent of a country's compliance with Economic, Social and Cultural (ESC) Rights³⁰.</p> <p>2.3. Number of graduate HR studies with international accreditation.</p> <p>2.4. Number and share of EU- external interventions promoting gender equality and women's empowerment (SDG 5/ GEF 3.13)</p> <p>2.5. Amount and share of EU-funded external assistance qualifying as ODA (SDG 17/ GEF 3.16)</p> <p>2.6. Number of victims of human rights violations directly benefiting from assistance funded by the EU (GERF 2.30)</p> | <p>2.1: TBD in the inception phase</p> <p>2.2: 0</p> <p>2.3.: 0</p> <p>2.4: 0</p> <p>2.5: 0</p> <p>2.6: 0</p> | <p>2.1. TBD/IP</p> <p>2.2: TBD</p> <p>2.3.: TBD</p> <p>2.4: TBD</p> <p>2.5: EUR 10 MLN</p> <p>2.6: 100</p> | <p>2.1 UN Human Rights Council.</p> <p>2.2: EU internal reporting on civil society roadmap</p> <p>2.3 and 2.4.: IPs data to be requested and analysed by the project at least twice during the implementation period.</p> <p>2.5. Grant-scheme implementation report , M&E report, Audit report.</p> |
| Output 1 relating to Outcome 1 | 1.1. Laws and policies more aligned with Constitutional and international standards and commitments developed and/or better implemented. | <p>1.1.1. Number of laws or policies in line with ratified International Human Rights Treaties, disaggregated by document category³¹.</p> <p>1.1.2. Number of laws and policies for adequate protection of women and children from all forms of violence, abuse and exploitation and increased access to justice, in line with CRC, CEDAW and other ratified international treaties as relevant.</p> <p>1.1.3 Number of recommendations introduced to legal aid systems reflecting international standards are gender sensitive.</p> <p>1.1.4. Number of relevant legal comparative studies conducted to strengthen data protection and international standards concerning the digital transformation of justice services are gender sensitive.</p> <p>1.1.5. Number and share of EU-funded external interventions supporting the implementation of political, economic and social reforms and joint agreements in partner countries (GERF 3.6)</p> | <p>1.1.1: TBD/IP</p> <p>1.1.2: TBD/IP</p> <p>1.1.3: (2020)24%</p> <p>1.1.4: 0</p> <p>1.1.5: 0</p> | <p>1.1.1</p> <p>1.1.2</p> <p>1.1.3</p> <p>1.1.4: 2</p> <p>1.1.5: 20</p> | <p>1.1.1. Text of laws and regulations.</p> <p>1.1.2 Text of strategies and policy document</p> <p>1.1.3 Text of strategies and policy document</p> <p>1.1.4. Project reports</p> <p>1.1.5. Project and national partners report.</p> |
| Output 2 | 1.2. Enhanced legal aid and alternative dispute resolution | 1.2.1. The proportion of victims who received compensation within X months. | <p>1.2.1: TBI</p> <p>1.2.2: TBI</p> <p>1.2.3. TBI</p> | <p>1.2.1: TBI</p> <p>1.2.2: TBI</p> <p>1.2.3. TBI</p> | 1.2.1. MoJ's reports. EU JULE Phase II reports |

³⁰ OPSYS core indicator.
³¹ (OPSY core indicator).

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|--|---|--|---|--|---|
| <p>relating to Outcome 1</p> | <p>mechanisms (mediation and arbitration), in particular for women and groups living in vulnerable situations</p> | <p>1.2.2.% of women (including PwD, ethnic minorities) and other groups living in vulnerable situations are aware of legal aid; % 1.2.3. % of people trained on ADR. 1.2.4. Amount and share of EU-funded external assistance directed towards supporting social inclusion and human development (GERF 3.10)</p> | <p>1.2.4. TBI</p> | <p>1.2.4. TBI</p> | <p>1.2.2. MoJ and Supreme Courts statistics. 1.2.3 At least two rounds of the expert survey as part of the project M&E system 1.2.4. As above.</p> |
| <p>Output 3 relating to Outcome 1</p> | <p>1.3. Enhanced capacity of justice system institutions to provide people-centred, gender-sensitive and inclusive digital justice services</p> | <p>1.3.3. Number of justice actors, Ministry of Justice, courts, and prosecution services staff, and lawyers trained by the EU-funded intervention with IT and administration knowledge and/or skill (disaggregated by sex) 1.3.4. Number of state institutions supported by the EU in developing legal identity registration schemes. 1.3.5. Number of activities contributed to digitalization of case management system for systematically monitoring victims of violence (including gender-based violence), abuse, and children in contact with the law. 1.3.6. Number of specialised court procedures developed with the support of the EU-funded intervention 1.3.7. Number of cases referred to/processed through alternative dispute solutions provided by the EU-funded intervention (including environmental mediation).</p> | <p>1.3.1: 0 1.3.2: 0 1.3.2: 0 1.3.4: 0 1.3.5: 0 1.3.7: 0</p> | <p>1.3.1. TBI 1.3.2: TBI 1.3.2. TBI 1.3.4: TBI 1.3.5: TBI 1.3.7: 100 (2026)</p> | <p>1.3.1. At least two rounds of expert surveys as part of the project M&E system 1.3.2Judiciary statistics in State of the Judiciary reports 1.3.3 Pre- and post-training test reports</p> |
| <p>Output 4 relating to Outcome 1</p> | <p>1.4. Enhanced access to best EUMS practices related to the Reforms in Child Justice</p> | <p>1.4.1. Number of child protection professional standards and competency-based training programmes for managers and frontline workers in the social welfare, health, and education sectors and mass organizations developed and implemented. 1.4.2. Number of guidelines on the provision of integrated child protection services developed with the support of the EU-funded intervention. 1.4.3. Number of child-friendly justice facilities (e.g., Family and Juvenile Court, Police Child-Friendly Interview Rooms) set up for children in contact with the law with the support of the EU-funded intervention. 1.4.4. Number of best practices and models from EUMS to inform law and institutional reforms pertaining to child protection and child justice in Viet Nam introduced with the support of the EU-funded intervention. 1.4.5 % of Children in conflict with the law are subject to diversion and non-custodial rehabilitation measures (disaggregated by sex, urban/rural area).</p> | <p>1.4.1.(2020): 0 1.4.2 (2020): 8 1.4.3. (2021): 40 1.4.4.0 1.4.5: 10% 1.4.6: TBI/IP 1.4.7: 0 1.4.8: 0</p> | <p>1.4.1. (2026): 03. 1.4.2. (2026): 03 1.4.3. (2026): 100; 1.4.4. Target (2026): 03 1.4.5: 20% (2026) 1.4.6: TBI/IP 1.4.7: TBI/IP 1.4.8: TBI/IP</p> | <p>1.4.1 Statistics from MoLISA 1.4.2. Statistics from MoLISA 1.4.3. Court and Police data and statistics. Project M&E reports from Field data gathered 1.4.4. Project M&E report 1.4.5. SPP statistics 1.4.6. Statistics from MoLISA 1.4.7. Project M &E report 1.4.7. Project M&E reports</p> |

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|---|--|---|--|---|---|
| | | <p>1.4.6. % of Children detected as having experienced violence and abuse reached by health, social welfare, and justice services. (disaggregated by sex, urban/rural area)</p> <p>1.4.7. Number of children benefited from legal aid and representation with the support of the EU-funded intervention. (disaggregated by sex, urban/rural area)</p> <p>1.4.8. Amount and share of EU-funded external assistance directed towards supporting social inclusion and human development (GERF 3.10)</p> | | | |
| Output 5 relating to Outcome 2 | <p>2.1. Actors in human rights education have better capacities to ensure quality post-graduate studies and partnerships with EU MS's academic institutions.</p> | <p>2.1.1. Number of digitalised video/e-learning courses developed with the support of the EU-funded intervention</p> <p>2.1.2. Number of women's rights, child rights and child justice education programmes developed with the support of the EU-funded intervention for the training curricula of law, social work and professional training institutes</p> <p>2.1.3. Number of in-service training programmes for strengthening the capacity of law enforcement, justice, judicial and social welfare officers developed with the support of the EU-funded intervention.</p> <p>2.1.4. Amount and share of EU-funded external assistance directed towards education (SDG 4/ GERF 3.12)</p> | <p>2.1.1: 0</p> <p>2.1.2: 0</p> <p>2.1.3: 0</p> <p>2.1.4: 0</p> | <p>2.1.1: 3</p> <p>2.1.2: 1</p> <p>2.1.3: 1</p> <p>2.1.4: TBI</p> | <p>2.1.1: Project reports</p> <p>2.1.2: pre-and post-training test reports; Curriculum/training material.</p> <p>2.1.3: pre-and post-training test reports; Curriculum/training material.</p> |
| Output 6 relating to Outcome 2 | <p>2.2. Non-State Actors (NSA) capacities to contribute to Viet Nam's Sustainable Development Goal 16 - Targets 16.1, 16.2 & 16.3; SDG Goal 5 - Targets 5.1, 5.2 & 5.3; SDG Goal 8 - Targets 8.7, 8.8 are strengthened</p> | <p>2.2.1 Number of new mechanisms for the involvement of NSAs in the policy process developed with the support of the EU-funded intervention.</p> <p>2.2.2. Number of NSAs promoting the full participation of people in all their diversity in their activities and engagement with the public with the support of the EU-funded intervention, disaggregated by the thematic focus of the organisation, representation of actors (e.g. sex, ethnic groups, disability status).</p> <p>2.2.3. Number of government policies developed or revised with civil society organisation participation through EU support (GERF 2.29).</p> <p>2.2.4. Number of state entities representatives trained by the EU-funded intervention with increased knowledge and/or skills on developing measures safeguarding people's access to land, disaggregated by sex.</p> | <p>2.2.1:TBD</p> <p>2.2.2: TBD</p> <p>2.2.3:TBD</p> <p>2.2.4:TBD</p> | <p>2.2.1:TBD</p> <p>2.2.2: TBD</p> <p>2.2.3:TBD</p> <p>2.2.4:TBD</p> | <p>2.2.1: NSA reports</p> <p>2.2.2: NSA Reports and thematic surveys</p> <p>2.2.3: Text of laws and regulations; Text of strategies and policy documents</p> <p>2.2.4: pre-and post-training test reports</p> |
| Output 7 relating to Outcome 2 | <p>2.3. State actors and NSA capacities are strengthened to implement and monitor UN Human</p> | <p>2.3.1. Number of NSAs with ECOSOC consultative status.</p> <p>2.3.2. Number of HR indicator frameworks developed for monitoring mechanisms with support of the EU-funded intervention.</p> <p>2.3.3. Number of NSAs participating in national human rights dialogues with support of the EU-funded intervention.</p> | <p>2.3.1: 5</p> <p>2.3.2: 0</p> <p>2.3.3: 0</p> <p>2.3.4: TBD/IP</p> | <p>2.3.1.: 20</p> <p>2.3.2: 7</p> <p>UPR,</p> <p>CEDAW,</p> <p>CAT,</p> | <p>2.3.1: Project reports, NSA and UN ECOSOC.</p> <p>2.3.2: Project documents, external M&E reports</p> |

| | | | | | |
|---|--|--|---------------------------------|--|---|
| | Rights recommendations | 2.3.4. Number of shadow reports submitted by NSAs to international human rights mechanisms with support of the EU-funded intervention. 2.3.5. Number of NSA -State-Actor partnerships established with the support of the EU-funded intervention | 2.3.5: TBD/IP | CRPD, ICCPR, ICESCR, CRC 2.3.4: 7 2.3.5: 50 | 2.3.3: Project documents, external M&E reports 2.3.4: UN TB and UPR. 2.3.5: NSA reports, Project reports. |
| Output 8 relating to Outcome 2 | 2.4. Enhanced national capacity for establishment of national human rights institution in accordance with the Paris Principles is supported. | 2.4.1. Number of peer-learning expertise provided to leverage the importance of NHRI in the area of Human Rights monitoring and reporting with the support of the EU-funded intervention. 2.4.2. Number of best practices related to the establishment and functioning of NHRI introduced with the support of the EU-funded intervention. 2.4.3. Number of forums, workshops, and other awareness-raising events organized with the support of the EU-funded initiative to raise awareness about NHRIs | 2.4.1: 0 2.4.2: 0 2.4.3:0 | 2.4.1: 10 2.4.2: 5 2.4.3: 100 | 2.4.1: Twinning Project Reports 2.4.2: pre-and post-training test reports; Curriculum/training material. 2.4.3: Project reports, media articles, Baseline and endline surveys conducted and budgeted by the EU-funded intervention. |

4 IMPLEMENTATION ARRANGEMENTS

4.1 Financing Agreement

In order to implement this action, it is envisaged to conclude a financing agreement with the partner country.

4.2 Indicative Implementation Period

The indicative operational implementation period of this action, during which the activities described in section 3 will be carried out and the corresponding contracts and agreements implemented, is 72 months from the date of entry into force of the financing agreement. To deliver the expected results the action will require long implementation period. In addition, the different implementing modalities proposed will imply lengthy administrative procedures to get the required approvals from the administration.

Extensions of the implementation period may be agreed by Commission's responsible authorising officer by amending this Financing Decision and the relevant contracts and agreements.

4.3 Implementation Modalities

The Commission will ensure that the EU appropriate rules and procedures for providing financing to third parties are respected, including review procedures, where appropriate, and compliance of the action with EU restrictive measures.

4.3.1 Direct Management (Grants)

Grants (twinning): (direct management)

(a) Purpose of the grant(s)

Grants will contribute to the achievement of the Specific Objectives 1 and 2 (outputs 1.3, 2.4).

(b) Type of applicants targeted

Twinning grant(s) applicants must be EU Member State administrations or their mandated bodies.

4.3.2 Direct Management (Grants)

Grants: (direct management)

(a) Purpose of the grant(s)

Grants will contribute to the achievement of the Specific Objectives 1 and 2 (outputs 2.2, 2.3).

(b) Type of applicants targeted

- (i) be a legal person,
- (ii) be non-profit-making,
- (iii) be Civil Society Organizations³²,**

³²Definition of CSOs as per NDICI-Global Europe, article 46: <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32021R0947>

4.3.3 Indirect Management with a pillar assessed entity

A part of this action may be implemented in indirect management with a pillar assessed entity(ies) and direct management (grants) for Non-State Actors and SDG 16+. (Outputs 2.2, 2.3). This implementation entails all outputs and activities necessary for the achievement of Specific Objectives 1 and 2. The envisaged entity will be selected using the following criteria:

- 1) First-hand understanding of International Human Rights Treaties and mechanisms;
- 2) Long-standing experience working on Rule of Law and Human Rights-related issues in Viet Nam, supported by a presence in the country and a team of qualified core staff;
- 3) Good relations and track records working with the Government of Viet Nam as an independent organisation, free of any conflict of interest;
- 4) Previous experience implementing EU-funded projects (e.g. EU JULE, Fair Trial project...) successfully in Viet Nam.

If the pillar assessed entity needs to be replaced, the Commission's services may select a replacement entity using the same criteria. Whenever an entity is replaced, the decision to replace it must be justified.

4.4 Scope of geographical eligibility for procurement and grants

The geographical eligibility in terms of place of establishment for participating in procurement and grant award procedures and in terms of the origin of supplies purchased as established in the basic act and set out in the relevant contractual documents shall apply.

The Commission's authorising officer responsible may extend the geographical eligibility on the basis of urgency or of unavailability of services in the markets of the countries or territories concerned or in other duly substantiated cases where the application of the eligibility rules would make the realisation of this action impossible or exceedingly difficult (Article 28(10) NDICI-Global Europe Regulation).

4.5 Indicative Budget

| Indicative Budget components | EU contribution (amount in EUR) |
|--|--|
| Implementation modalities – cf 4.3 | |
| Specific objectives 1 and 2 composed of | |
| Indirect management with pillar assessed entity(ies) - cf. section 4.3.3 | 11 700 000 |
| Grants (twinning) (direct management) – cf. section 4.4.1 | 3 000 000 |
| Grants (direct management) – cf. section 4.3.2 | 10 000 000 |
| Evaluation – cf. section 5.2 | 300 000 |
| Audit – cf. section 5.3 | |
| Totals | 25 000 000 |

4.6 Organisational Set-up and Responsibilities

Project Steering Committee (PSC) will be established with responsibility for guiding the project and approving work plans. The PSC will meet yearly and ad hoc, as required. The PSC shall comprise at least one representative of these participating entities: MoJ (co-Chair), EU Delegation (co-Chair), MOFA, SPC,

Academic institution, Pillar assessed entity implementing action, NSA implementing grant component, EU Member States, as observers.

The core responsibilities of the PSC should indicatively cover: overseeing and validating the overall direction of the projects developed under the present Action; verifying and approving annual programming proposals (annual work plans/programme estimates), as well as subsequent changes, in accordance with EU guidelines; take decisions on any alterations, before submission for approval to the EU Commission; resolve issues brought before the PSC by one of the member agencies; provide advice on the nature of expertise required to achieve the objectives of the Programme; and enhance the visibility of the Programme among senior key officials of the justice sector.

To effectively oversee the coordination across the multifaceted interventions, the PSC will be supported by a Task Force, which will coordinate and execute the implementation of project activities as approved by the Contracting Authority, represented by the European Commission.

Its composition and mandate will be agreed with the GoV, the pillar assessed entity and the EU

Task Force

The Programme Task Force (PTF) is headed by a senior expert and composed of the national M&E and Communication and Visibility experts. They handle the day-to-day management of the operations of the programme, which include the following functions:

Thematic sub-steering committees could be established and meet as often as necessary to ensure coherence and result-oriented execution. These bodies will revise risk-and mitigation plans, identify synergies and complementarities, and ensure that relevant grant proposals are connected. A yearly horizontal report covering this action's result areas/themes will be produced and shared with the stakeholders and beneficiaries.

As part of its prerogative of budget implementation and to safeguard the financial interests of the Union, the Commission may participate in the above governance structures set up for governing the implementation of the action.

5 PERFORMANCE MEASUREMENT

5.1 Monitoring and Reporting

The day-to-day technical and financial monitoring of the implementation of this action will be a continuous process and part of the implementing partner's responsibilities. To this aim, the implementing partner shall establish a permanent internal, technical and financial monitoring system for the action and elaborate regular progress reports (not less than annual) and final reports. Every report shall provide an accurate account of the implementation of the action, difficulties encountered, changes introduced, as well as the degree of achievement of its results (Outputs and direct Outcomes) as measured by corresponding indicators, using as reference the logframe matrix (for project modality) and the partner's strategy, policy, or reform action plan list (for budget support).

Gender equality and the human rights-based approach will be mainstreamed into the monitoring and evaluation of the project, and indicators will be sex-disaggregated and disaggregated by other relevant aspects whenever possible.

The Commission may undertake additional project monitoring visits through its staff and through independent consultants recruited directly by the Commission for independent monitoring reviews (or recruited by the responsible agent contracted by the Commission for implementing such reviews).

Roles and responsibilities for data collection, analysis and monitoring:

Under the indirect management mode, pillar assessed entity(ies) will have in place a permanent internal, technical, and financial monitoring system for the action. It will be responsible for data collection, analysis and monitoring, using data collection systems as well as surveys conducted by other partners and international organisations. In addition, the project will be used to collect additional data where gaps and missing data are reported.

Under the direct management mode, the Member State(s) receiving a Twinning grant is in charge of drafting quarterly reports. The beneficiary administration shall be fully involved in drafting the reports and given appropriate time to comment on drafts. Monitoring shall be based on the indicators defined in the logical framework of this project and the Twinning project proposal.

Other recipients of grants under section 4.3.1 will be responsible for monitoring and reporting, in line with the logical framework of this project and their action description, as annexed to their contract. A specific budget will be earmarked under each grant budget for monitoring and evaluation (mid-term, Result-oriented monitoring or final evaluation).

5.2 Evaluation

Having regard to the nature of the action, mid-term and final evaluations will be carried out for this action or its components via independent consultants contracted by the Commission.

Min-term evaluation(s) will be carried out for problem-solving and learning purposes, particularly concerning the project's steering and identifying lessons learnt. In addition, the final evaluation will be carried out for accountability and learning purposes at various levels (including for policy revision), taking into account, in particular, the fact that the project is supporting several key ongoing reforms in Viet Nam.

The Commission shall inform the implementing partner at least 30 days in advance of the dates envisaged for the evaluation missions. Furthermore, the implementing partner shall collaborate efficiently and effectively with the evaluation experts and inter alia provide them with all necessary information and documentation, as well as access to the project premises and activities.

The evaluation reports may be shared with the partners and other key stakeholders following the best practice of evaluation dissemination. The implementing partner and the Commission shall analyse the conclusions and recommendations of the evaluations and, where appropriate, apply the necessary adjustments.

Evaluation services may be contracted under a framework contract.

5.3 Audit and Verifications

Without prejudice to the obligations applicable to contracts concluded for the implementation of this action, the Commission may, based on a risk assessment, contract independent audit or verification assignments for one or several contracts or agreements.

6 STRATEGIC COMMUNICATION AND PUBLIC DIPLOMACY

The 2021-2027 programming cycle will adopt a new approach to pooling, programming and deploying strategic communication and public diplomacy resources.

It will remain a contractual obligation for all entities implementing EU-funded external actions to inform the relevant audiences of the Union's support for their work by displaying the EU emblem and a short funding statement as appropriate on all communication materials related to the actions concerned. This obligation will continue to apply equally, regardless of whether the actions concerned are implemented by the Commission, partner countries, service providers, grant beneficiaries or entrusted or delegated entities such as UN agencies, international financial institutions and agencies of EU member states.

However, action documents for specific sector programmes are, in principle, no longer required to include a provision for communication and visibility actions promoting the programmes concerned. Instead, these resources will be consolidated in Cooperation Facilities established by support measure action documents, allowing Delegations to plan and execute multiannual strategic communication and public diplomacy actions with sufficient critical mass to be effective on a national scale.

In Viet Nam, the EU Strategic Communication and Public Diplomacy Action Plan will provide guidelines on communication priorities.

Appendix 1 REPORTING IN OPSYS

An Intervention³³ (also generally called project/programme) is the operational entity associated to a coherent set of activities and results structured in a logical framework aiming at delivering development change or progress. Interventions are the most effective (hence optimal) entities for the operational follow-up by the Commission of its external development operations. As such, Interventions constitute the base unit for managing operational implementations, assessing performance, monitoring, evaluation, internal and external communication, reporting and aggregation.

Primary Interventions are those contracts or groups of contracts bearing reportable results and respecting the following business rule: ‘a given contract can only contribute to one primary intervention and not more than one’. An individual contract that does not produce direct reportable results and cannot be logically grouped with other result reportable contracts is considered a ‘support entities’. The addition of all primary interventions and support entities is equivalent to the full development portfolio of the Institution.

The present Action identifies as <delete the options that are not applicable to the Action>;

| | | |
|-------------------------------|----------------------|---|
| Action level | | |
| <input type="checkbox"/> | Single action | Present action: all contracts in the present action |
| Group of actions level | | |
| <input type="checkbox"/> | Group of actions | Actions reference (CRIS#/OPSYS#): <Present action> <Other action> |
| Contract level | | |
| v | Single Contract 1 | Indirect management with a pillar assessed entity/ies |
| v | Single Contract 2 | Twinning Grants (direct management) |
| v | Group of contracts 1 | Grants (direct management) |

³³ [Ares\(2021\)4450449](#) - For the purpose of consistency between terms in OPSYS, DG INTPA, DG NEAR and FPI have harmonised 5 key terms, including ‘action’ and ‘Intervention’ where an ‘action’ is the content (or part of the content) of a Commission Financing Decision and ‘Intervention’ is a coherent set of activities and results which constitutes an effective level for the operational follow-up by the EC of its operations on the ground. See more on the [concept of intervention](#).