

2023 International Forum on Legal Aid

Vietnam Legal aid- National Report

I. Background

The system of Vietnam legal aid organizations has been established in 1997 and operated effectively in the entire country. The Law on Legal Aid was enacted in 2006 and revised in 2017.

At the central level, the National Legal Aid Agency (NLAA) belongs to the MOJ and in 63 provinces and cities under the central government, there are 63 Provincial Legal aid Centers (PLACs), 104 branches and groups of legal aid at the district level, 109 legal aid sites and more than 300 legal aid clubs at the commune level. 668 Lawyers signed contracts to perform legal aid and 48 Collaborators performed legal aid. From January 1, 2018 to June 30, 2022, 146,148 legal aid cases have been carried out for 146,148 people receiving legal aid, of which. There were 77,707 cases of legal consultation, 67,107 cases of participation in proceedings, and 1,334 cases of representation outside of proceedings. From 2018 to 2021, there were 10,384 cases successfully and effectively litigated, accounting for 18.3% of the total number of litigated cases during this period, of which legal assistants carried out 8,602 cases and a lawyer handled 1,782 cases. In 2021, the number of successful and effective cases is 6,057 cases (accounting for about 34% of litigation cases).

II. Outline for National Reports

1. Legal aid in Vietnam

Information about legal aid in Vietnam (country)*				
Country	Population (by the end of 2022)	GDP (by the end of 2022)	Poverty line & population living in poverty	Total no. of practicing lawyers
Vietnam	Total: 99.329.145 - 49.589.964 (M) - 49.739.181 (F)	413,81 Billion USD	Averaged US35- US87/month/person 1.972.767 house hold (7,52%)	17,317
* In addition to the country information given above, for countries with federal systems where the legal aid organization described below is not a national organization, please provide data for the state/province/area where the legal aid organization operates.				
Information about the legal aid organization				
Name of legal aid organization	Date of establishment	Total no. of applications received in 2022	Total no. of applications approved in 2022	Total no. of applications rejected in 2022
National Legal Aid Agency 63 Legal aid centers/ 63 provinces and Cities	- National Legal Aid Agency: 06 Sep. 1997 - 63 PLACs: 1997-2000	38,030 cases	25,043 cases	12,987 cases (pending and referred to lawyer for fee)
Total no. of employees	Total no. of Legal Aid Lawyers	Government funding for the legal aid organization in 2022	Total legal aid expenses in 2022	Proportion of government funding to the total legal aid expenses

1.369/ 63 Legal aid centers	730 legal aid providers 667 private lawyers	Nearly 250 Billion	238 Billion (nearly 20 B from international projects)	7.13%
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2. What are the impacts of the COVID-19 pandemic on democracy, human rights, and the judicial system in your country?

- (1) What were the COVID-19 restrictions (such as lockdowns, isolation, etc.) at different phases of the pandemic in your country? How did those restrictions affect individual rights and society?
 - There are 3 stages depending on the level of infection with travel restrictions and social isolation (2019-2020-2021)
 - Affects travel and daily activities, especially funerals, weddings, visits, and care for people infected with Covid
 - (2) Do you have any concerns that the COVID-19 measures (e.g., quarantine, isolation, digital contact tracing, etc.) taken in your country might have violated human rights?
 - There are reports that going to the fields to take care of plants is also limited
 - (3) How were the judicial system (such as courts, prosecutors' offices, public defenders, etc.) and the correctional system (such as prisons, detention centers, etc.) in your country impacted at different phases of the COVID-19 pandemic? Were there short-term or long-term changes? How did they affect democracy, human rights, and access to justice in your country? How did you deal with the impacts?
 - Court agencies conduct online trials and trials within a limited number of attendees and seating distance during the trial. Attendance of lawyers and assistants must also adhere to isolation and distance
 - Almost all social activities are affected because of Covid and quarantine and there are many restrictions. There are also complaints about restrictions on participation in judicial activities.
- 3. Beside the impact of the pandemic, have there been other crises endangering democracy and violating human rights in your country in the past five years (i.e., since the last Forum)? If yes, please describe the events, explain their causes, their impacts on society and legal aid services, and how the legal aid organization or legal aid attorneys in your country have dealt with them.**
- The change to the new Law on Legal Aid 2017, restricting collaborators and eliminating the form of mobile legal aid in communities and clubs also has an impact on Legal Aid and people's access conditions.
 - The EU JIFF Fund project has supported the piloting of early legal aid and initial legal support beyond legal aid.
- 4. How has the organization you work for or the legal aid organization in your country changed or been affected since the COVID-19 outbreak? What has been adjusted accordingly?**

- (1) Daily operations and working methods of the legal aid organization or legal aid service providers (such as suspension of external services, work from home, etc.)
 - Oral by telephone, through internet,...
- (2) Procedures, review criteria, or requirements for application documents for the public to apply for legal aid
 - Certificate of poor and near-poor households,
 - Certificate of disability,
 - Citizen identification card for ethnic minorities, children,
 - Policy household certificate
- (3) Ways to provide legal advice to the public
 - Consultation in person, by phone, or in writing
- (4) Development in the rule of law through education and outreach services
 - Proposing to amend the document through the case,
 - Through the object's recommendations,
 - Through the settlement of the case,
 - Detecting shortcomings of the regulations.
- (5) Caseload and case types for each type of service
 - Service classification according to legal advice, non-procedural representation, legal participation
 - In the fields of criminal, civil, administrative, labor and employment,
- (6) Were the above short-term changes during the severe pandemic phase, or did they persist despite the pandemic subsiding?
 - Legal aid services are performed depending on isolation, social distancing, and the requirements of the clients during the Covid-19 period in 3 years (2020, 2021, 2022)
- (7) What positive or negative impacts do you think the COVID-19 pandemic has had on the operations of the organization you work for or the legal aid organization in your country, and on the organization's aim to safeguard democracy, human rights, and access to justice?
 - The Covid-19 epidemic has greatly affected the legal aid implementation process, simplification, shorter duration and small number of cases,
 - Flexible and appropriate approach to ensure safety, radical savings because of less travel and
 - It also reduces the cost of document photography and office electricity and water use
- 5. Beside the impacts of the pandemic, has the organization you work for or the legal aid organization in your country undergone other major changes in the following areas in the past five years (i.e., since the last Forum)? If yes, please describe what the changes are and explain why they occurred and what the impacts are.**
 - (1) Form of organization (including organizational framework, supervisory authority, and organizational structure)
 - Simplicity
 - Indirectly management
 - (2) Development strategies and primary focus of the organization
 - Use internet
 - Divide into small groups for consultation and training via zoom or zalo
 - Legal aid initially and in the community

- (3) Budget, financial sources, and expenses for legal aid
 - Shorted
- (4) Procedures or financial eligibility requirements for legal aid application
 - Certificate of poor and near-poor households
- (5) Service delivery model (such as services provided by staff attorneys or external lawyers; if both, please indicate the ratio between them)
 - From 2018 to 2021, there were 10,384 cases successfully and effectively litigated, accounting for 18.3% of the total number of litigated cases during this period, of which state legal aid providers carried out 8,602 cases, and lawyers who handled 1,782 cases.
- (6) Salary of legal aid staff attorneys or remuneration of external legal aid lawyers
 - State Legal aid providers are paid according to the state salary and 25% monthly allowance
 - To solve the preceding case received 40% of the Lawyer's case allowance (about USD 80- 200)
 - Private lawyer received per case about USD 200- 900)
- (7) Management of quality assurance for legal aid services
 - Cross-check the quality of the case, through the client's recommendations, and
 - Through the judicial activities management department
- (8) Rule of law through education and outreach services
 - Communication activities in the community,
 - Listen to feedback and recommendations
 - Publicize community activities
 - Divide the table to receive the clients to ensure the confidentiality of the case
 - Dialogue with grassroots authorities
- 6. Does the organization you work for or the legal aid organization in your country employ modern information and communications technology (ICT) in providing legal aid services to the general public, or provide modern ICT to the users of legal aid services? If yes, please share your experiences.**
 - (1) Technology tools, or the systems and functions (such as online application, chatbots, online mediation, etc.); and how the technology-based services work
 - Currently, many administrative procedures have been resolved online, but many disadvantaged groups cannot reach them
 - Legal aid organisation is trying to support disadvantaged groups through training on internet skills to request solve the case
 - Use community meeting rooms with internet access for legal advice
 - Use zoom for guidance
 - (2) When and why the technology-based services were launched
 - Currently, all localities have used the internet to exchange information and chat with clients about the cases
 - (3) Pros and cons of using technology tools to provide legal aid services
 - Saving travel time and transparency
 - People are not familiar and do not have equipment

(4) Challenges of using technology tools to provide legal aid services, and the ways to overcome the challenges

- The network is not stable
- Do not tag enough documents
- Cannot communicate and comment through direct attitude
- It takes time for people and officials to get acquainted
- Need to be trained with knowledge, skills and equipment

(5) How to bridge the gaps in users' technological capabilities to tackle digital exclusion

- Categorize vulnerable groups to provide online support
- Classify cases and implement methods to suit technology
- Simplify legal transfer procedures
- Simplify software engineering
- There needs to be a network and technical support at community rooms so that vulnerable people can easily access the network in their places of residence

(6) Have you observed any changes in people's technological capabilities or any behavioral changes in using technology tools following the COVID-19 pandemic?

- Yes, a lot has changed after the Covid pandemic, People use the internet more than directly as before the epidemic

7. Is modern ICT used in the organization you work for or the legal aid organization in your country, or used by this organization to communicate with its legal aid providers (i.e., in the broad sense, legal aid professionals including external lawyers)? In doing so, have information exchange and administrative processing been speeded up? What is the effectiveness and efficiency of daily operations? Has the quality of management been improved? Please share your experience, including, but not limited to, the following:

(1) Technology tools or systems and functions, and how they work

(2) How much annual budget is allocated to ICT utilization and development? How is the ICT workforce allocation in this organization each year?

(3) Pros and cons of promoting digital transformation for legal aid organizations and professionals

(4) Challenges in promoting digital transformation and how to overcome them

(5) Impacts of the COVID-19 pandemic on the promotion of digital transformation for legal aid organizations and professionals.

- Digital transformation remains an underexplored area for legal aid organizations in Vietnam.

8. Does the organization you work for or the legal aid organization in your country provide legal aid for specific vulnerable groups, or provide services concerning specific legal issues?

Target clients may include women, children and juveniles, indigenous peoples, laborers, migrants, migrant workers, refugees and stateless persons, social welfare dependents, people with disabilities, people in debt, victims of crime, victims of disasters and environmental hazards.

Please present **not more than three** targeted legal services for specific vulnerable groups, with attention to the following:

(1) Background: the reason why this group/issue is selected, and why the service was launched.

(2) Scope of services: promotion of rule of law through education, legal information, legal representation, strategic litigation or class actions, advocacy and reform.

- (3) Are the financial eligibility requirements that these aid recipients need to meet the same as the requirements for general legal aid?
- (4) Do you collaborate with other legal/non-legal aid organizations? How do you work together?
- (5) How to achieve service optimization within a limited budget.
- (6) Service challenges and how to overcome them.
- (7) Achievements.

- The subjects mentioned above are in the disadvantaged group and receive legal aid
- As of December 31, 2022, across the country there are 50 organizations signed contracts to implement legal aid (33 law-practicing organizations and 17 legal consulting organizations) and 180 organizations registered to participate in legal aid with the Department of Justice (146 law-practicing organizations and 34 legal consulting organizations), has 668 lawyers and 38 collaborators signed contracts to implement legal aid with the State Legal Aid Center.
- 1,764 cases were carried out by non-legal aid organisations, including 1,433 cases of legal consultation, 324 cases of participation in proceedings and 07 cases of representation outside of proceedings (2020, 2021, and 2022).

9. Does the organization you work for or the legal aid organization in your country engage in strategic litigation or class actions on specific issues? If that is the case, please provide examples and explain how it was done.

- Proactively monitor information about disputes or abuse cases involving people -client to legal aid through the press and social networks and
- Direct state legal aid centers to promptly verify and appoint people to carry out legal aid for legal aid recipients when they have a need.
- The results of the recent implementation of legal aid cases have contributed to protecting human rights, civil rights, fair access to justice and fairness in trials, creating trust among people in general and people receiving legal aid. in particular in the organization of legal aid implementation as well as the team of people performing legal aid of the State across the country.

10. Is there a system of citizen participation in trials in your country? If that is the case, please explain how the system works, the system structure, and the role of the organization you work for or the legal aid organization in your country in the system and in cases involving citizen participation.

- Vietnam has a system of people's jurors participating in trials. The simple trial has 2 jurors and 1 judge, the trial for very serious cases has 3 judges and 2 people's jurors. During trials, people's jurors have equal rights with judges when voting
- People's jurors participate in first instance trials, except for summary trials.
- Court clerks are present at court hearings
- Currently piloting a pre-litigation center for civil and marriage and family cases

11. What specific measures has the organization you work for or the legal aid organization in your country taken to protect victims? What is its role in implementing protective measures? Does it collaborate with other groups or professionals (such as social workers, counselors, or healthcare professionals) to provide holistic services?

- The current protection of crime victims only focuses on victims of trafficking and victims of domestic violence. They are protected at a social center.

- There many kinds of collaboration with other groups or professionals (such as social workers, counselors, or healthcare professionals) to provide holistic services and initial legal support
- 12. In the past five years, has the organization you work for or the legal aid organization in your country ever conducted surveys on the legal needs of the public or specific vulnerable groups and their behavioral patterns in seeking legal services, or has it conducted studies on the historical service data? If yes, please provide files or links to the studies.**
- There is a sociological survey on legal aid needs by UNODC 2014 (<https://www.unodc.org/>)Early legal aid in preceding cases
 - Surveys on the legal needs carrying out by justice department of provinces and cities
- 13. How does your country fulfill the requirements to provide specific legal aid to specific vulnerable groups in line with the international human rights instruments (e.g., Convention on the Elimination of all Forms of Discrimination Against Women, International Convention on the Elimination of All Forms of Racial Discrimination, Convention on the Rights of the Child, Convention on the Rights of Persons with Disabilities, etc.)? What is the progress in the implementation of these requirements?**
- Not yet because it is integrated into national law.