

LEGAL PARTNERSHIP FORUM IMPROVING THE EFFECTIVENESS OF GRASSROOTS MEDIATION IN VIET NAM

EU JULE POLICY BRIEF NO. 10



EU JULE
TOWARDS A LEGAL
AND JUSTICE SYSTEM
FOR ALL



Co-hosted by Ministry of Justice,
European Union, United Nations in
Viet Nam
Ha Noi, 17 June 2020



SIGNIFICANCE

In Viet Nam, grassroots mediation is the most popular out-of-court mechanism for dispute resolution. It often covers minor disputes arising from family and civil relationships, and within communities, and is widely used across Viet Nam. If done properly, grassroots mediation can be an effective way of accessing justice, especially for socially and economically disadvantaged people who face greater obstacles of accessing lawyers and courts. In fact, the Viet Nam Provincial Governance and Public Administration Performance Index (PAPI) 2018 showed that 45% of respondents would request mediation from “prestigious persons” in their community rather than using courts for civil disputes.

Recognizing the importance and potential of grassroots mediation, the Ministry of Justice (MOJ) in partnership with UNDP and UNICEF, under the auspices of the EU Justice and Legal Empowerment Programme (EU JULE) organized a Legal Partnership Forum focused on this topic.

The Legal Partnership Forum assembled more than 170 participants from relevant ministries and agencies such as Ministry of Justice, Ministry of Public Security, Ministry of Labor, Invalids and Social Affairs, Supreme People's Procuracy, Supreme People's Court, the Central Committee of the Vietnamese Fatherland Front, international organizations, development partners, NGOs, gender and law scholars, and more than 30 press agencies. The forum served as a high-level platform where relevant stakeholders came together to discuss proposals for enhancing the effectiveness of grassroots mediation in Viet Nam.



HIGHLIGHTS

This year's Legal Partnership Forum focused on two segments: the first one discussed law and policies on mediation at the grassroots level in Viet Nam and the second one focused on practical ways to improve the grassroots mediation mechanisms and practice.

The forum benefited from a wealth of knowledge and experience shared by presenters and discussants from MOJ, UNDP and Oxfam based on quantitative and qualitative findings from the most recent survey reports on the topic.

A set of recommended priorities for action going forward came out as a result of the discussions.

“ As a means to provide access to justice, grassroots mediation mechanisms must be objective, impartial, non-discriminatory, accountable and in conformity with international standards ”

Mr. Kamal Malhotra, UN Resident Coordinator in Viet Nam





Many of the priority areas are consistent with the recommendations provided by the recent survey reports under EU JULE programme, which reinforces the importance these recommendations and reaffirms the commitments of partners towards EU JULE's objectives.

The following lists are not in order of importance

BROAD PRIORITIES

1. Develop and enforce a set of agreed principles for mediation in order to ensure truly effective and just mediation practices.
2. Ensure grassroots mediators have sufficient access to legal training and knowledge
3. Improve mediator's sensitivity and skills working with vulnerable groups, including women, children and persons with disabilities.

SPECIFIC PRIORITIES

1. Amend the law on grassroots mediation to ensure the quality and effectiveness of grassroots mediation that are in line with key principles/international best practices
2. Increase the quality and quantity of professional training programmes for mediators
3. Build a database of legal documents, training materials and simple guidelines related to grassroots mediation
4. Encourage the participation of people with legal expertise in mediation, such as members of the Viet Nam Lawyers Association
5. Provide mediators with guidance on the specific needs of each vulnerable group and organize training on how to use such guidance
6. Increase the number of female mediators in mediation teams
7. Increase funds for grassroots mediation to guarantee adequate payment for mediators and to reward mediators for good performance

The event was published on more than 30 news articles and outlets, both online and offline platforms, such as Vietnamese Law, VTV, the People's Representatives Newspaper, etc. All the news articles introduced EU JULE Programme and carried UNDP' key messages. The event was also featured on social media platforms like Facebook, Twitter and Instagram.

This brief summarises the primary results of the Legal Partnership Forum focusing on recommendations for Improving the effectiveness of grassroots mediation in Viet Nam as interpreted by UNDP Viet Nam. Therefore, it should not be assumed that every participant subscribes to all recommendations and conclusions. The top broad priorities are identified based on their frequency of repetitions by presenters.

“

The Ministry of Justice and other Vietnamese Legal and Judicial agencies are always ready to coordinate with national and international organizations to implement effectively grassroots mediation in Viet Nam ”

*Mr. Nguyen Thanh Tinh,
Vice Minister of Justice*



Three distinguished leaders:

- Mr. Nguyen Thanh Tinh, Vice Minister of Justice
- Mr. Giorgio Aliberti, Ambassador of the European Union in Viet Nam
- Mr. Kamal Malhotra, UN Resident Coordinator in Viet Nam

Key presenters:

- Mr. Le Ve Quoc, General Director, Department of Law Dissemination and Education
- Ms. Nguyen Thuy Hien, Vice Chief Judge of People Supreme Court
- Ms. Catherine Phuong, Assistant Resident Representative, Governance and Participation UNDP
- Ms. Nguyen Thi Thuoc, Director of Tuyen Quang Justice Department
- Ms. Phan Thi My Dung, Deputy of the XIV National Assembly, Director of Long An Department of Justice
- Mr. Ngo Sach Thuc, Vice Chairman of the Central Committee of the Vietnamese Fatherland Front
- Mr. Nguyen Van Duc, Mediator in Lang Son
- Mr. Sergiu Rusanovschi, Child Protection Specialist, UNICEF
- Mr. Nguyen Huu Huyen, Director of International Cooperation Department

