

Human Rights Training in Vietnam

**Carl-Johan Groth
Simia Ahmadi-Thoolen
Clifford Wang
Tran Van Nam**

**Department for Democracy
and Social Development**

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Sida Evaluation 01/16

**Department for Democracy
and Social Development**

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Authors: Carl-Johan Groth, Simia Ahmadi-Thosten, Clifford Wang, Tran van Nam.

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SWEDISH INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Address: S-105 25 Stockholm, Sweden. Office: Sveavägen 20, Stockholm

Telephone: +46 (0)8-698 50 00. Telefax: +46 (0)8-20 88 64

Telegram: sida stockholm. Postgiro: 1 56 34-9

E-mail: info@sida.se. Homepage: <http://www.sida.se>

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Acronyms and abbreviations

GoV	Government of Vietnam
HCMC	Ho Chi Minh City
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
MoFA	Ministry of Foreign Affairs
MoJ	Ministry of Justice
MPS	Ministry of Public Security
NA	National Assembly
Project	Human Rights Training Project in Vietnam 1997–2000
RWI	Raoul Wallenberg Institute of Human Rights and Humanitarian Law
Sida	Swedish International Development Cooperation Agency
Team	the Evaluation Team
TOR	Terms of Reference
VCP	Vietnamese Communist Party
VRCHR	Vietnam Research Center for Human Rights at the Ho Chi Minh Political Academy

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The members of the evaluation team have, in carrying out their task, received generous and most useful support from all partners concerned.

The Team held meetings with a number of important office holders in the VCP and in the National Assembly. Their interest in discussing human rights matters seem to indicate a new openness on such issues.

The preparatory work and programming done by Dr Cao Duc Thai, Director of Vietnam Research Centre for Human Rights and his staff made it possible for the Team to make full use of the rather limited time allocated for the mission to Vietnam.

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The Team is also most grateful to the Raul Wallenberg Institute and the responsible Program Officer Johan Hallenborg, who attended to the Team's every query and provided us with solid background information whenever requested.

Executive Summary

I. Background

In November 1997, the Vietnamese Research Centre for Human Rights (VRCHR) and the Raoul Wallenberg Institute (RWI), entered into an agreement for a project of joint cooperation on human rights in order to strengthen the capacity of the VRCHR (which was established in 1994) and bring human rights awareness to public servants. At the time, the concept of international human rights standards was just being introduced to Vietnam, where the people are now enjoying more rights as well as a higher standard of living.

II. Human Rights awareness cooperation between RWI and VRCHR

This cooperation, known as the Human Rights Training Project, consisted of two phases:

- Phase 1 (1997–1998): the purpose was to “*increase the competence among the Vietnamese trainers while at the same time raising the awareness among high-level decision makers.*” It consisted of seminars for universities, ministries and police, donation of a research library and translation of human rights material into Vietnamese.
- Phase 2 (1999–2000 extending to mid-2001): the purpose was stronger cooperation of VRCHR’s involvement in increasing awareness of high-responsibility law enforcement officials. It consisted of human rights seminars for specific target groups, including Members of Parliament from the National Assembly, high-officials from the Ministry of Public Security (police) and Chief Prosecutors (on criminal proceedings) from all regions of Vietnam. Seminars were also conducted on State reporting.

III. Evaluation objectives: impact, relevance and future cooperation

In mid-2001, when the awareness-raising programme had been conducted for three years, Sida commissioned a study to evaluate the Project in order to assess the impact and relevance, and to offer recommendations for possible future co-operation.

An evaluation team (Team), according to the Terms of Reference (TOR) given collected data during a three-week period (including 15 days in Hanoi and Ho Chi Minh City). Basically the method used was to interview a sample of participants from the prosecutors and the police and to conduct a Logical Framework Analysis (LFA) workshop for key stakeholders who had participated in previous seminars. The Team consisted of 1 former Swedish diplomat, 2 international consultants (one on LFA, the other on human rights), and 1 Vietnamese legal consultant.

IV. Findings in a nutshell

The following findings are based on rather subjective conclusions, given the rather short lapse of time since the activities (3 years), and the lack of previous indicators:

Relevance

(a) *The choice of partners* (RWI and VRCHR) seemed very relevant, given the expertise and credibility of each to promoting respect of human rights to government officials, and RWI’s experience in conducting human rights seminars at an international level.

(b) *The character of activities*: the seminars were an appropriate form of activity to increase human rights awareness to various target groups. The timing (during Vietnam's opening up) was also fortunate. With regard to case studies used in the seminars, most interviewed (and as reflected in previous evaluations) stressed the need for Vietnamese cases prepared in advance to suit local needs. The lecturers and topics were apparently satisfying to the target groups. The follow-up meetings were relevant to mapping out future target groups and improve the quality of seminars.

(c) *The choice of target groups*, the VRCHR had selected target groups based on the highest responsibility for law enforcement and protecting human rights: prosecutors, police, legislators, and others responsible for human rights policies and legislation. This was relevant, given the social and political system prevailing in the country. The concentration on the prosecutors was relevant for their key role in ensuring the respect of human rights.

(d) *Gender reflection*: mostly men attended the seminars, though the number of women in the seminars did increase over the years – female officers from both provincial and district levels, as well as women from the Academy and the VRCHR.

Impact

(e) *Effects on target groups*: In the interviews, it was noted that the human rights knowledge of the participants had no doubt increased (many interviewees demonstrated a few human rights facts not likely to have been known previously to them). Unfortunately, it was not possible to assess “*any change in professional competence related to human rights among the specific target group.*” (TOR). A few prosecutors and Chiefs-of-police had apparently briefed their colleagues about the seminars.

(f) *Treatment of individuals/suspects*: change in the treatment of suspects by police and prosecutors could not be verified as the Team's programme did not include this matter. There was a mention, for instance, to RWI in their own evaluation, that the Security College was incorporating human rights aspects in its curricula, however the team was not able to verify this.

(g) *Changes in Policies, Laws, Actions with regard to human rights* consist of revision of criminal procedure law, adoption of a law on complaints, large amnesties of prisoners (including prisoners of conscience) over the past years. Important human rights statements, such as at the 9th Congress of the Party, have the potential to further translate into policies and legal implementation. The present membership to the UN Commission on Human Rights could be regarded as a positive element to promote human rights in Vietnam. Prosecutors referred to obstacles in applying human rights, in particular where the Vietnamese legal system does not fully conform to international standards, lack of resources and signals from top leadership down, and lack of Vietnamese mechanisms to supervise conformity of laws with human rights standards.

(h) *Cost-effectiveness*: There seems to have been good use of funds and the sue of savings on Phase 1 for Phase 2. There were approvals for additional activities or changes in activities were discussed beforehand with Sida, indicating transparency on the part both of VRCHR and RWI.

V. Other findings

(i) *The uniqueness of Swedish support* is attributable to the mutually trusting relation it enjoys with Vietnam, propitious to human rights co-operation, legal aid, and advocacy.

(j) *Support to VRCHR by other donors*: donor coordination has been on an ad hoc basis in a cooperative manner. Main donors to the VRCHR have been Australia for study tours of national institutions, and a small library; Denmark for logistical support, translations, provision of books, and ongoing strengthening of documentation; and Switzerland mainly for books and translations.

(k) *LEA Workshop, Hanoi (15–16 June 2001)* The purpose of this Logical Framework Analysis workshop was to verify facts related to the Project, get a better feel for peoples' commitment to human rights protection, and to test ideas. Some conclusions, useful as input for recommendations for the future were 1) the need to look at a more comprehensive approach in the future, 2) linkages with other nationally-available resources and structures, 3) the importance of clear signals from Government leaders in motivating public servants to action, and 4) the existence of greater willingness by key stakeholders with responsibilities for human rights protection to take action.

VI. Recommendations for possible future assistance

In concluding that 1) continuation of Swedish support to VRCHR is worthwhile, 2) that RWI is a trusted and effective partner of VRCHR, and 3) that the time is right for adjustment in direction of joint co-operation (from knowledge to action), the Team recommends the following:

Multi-track action for prosecutors:

- *Action*: the emphasis of the next project of joint co-operation should be on action, with a multi-track approach for prosecutors.
- *Creation/reinforcement of clearly-mandated resource groups and networks* that provide critical support functions aimed at a sustainable way to help all prosecutors effectively perform their duties and responsibilities.
- *Beyond seminars*: future courses and seminars ought to incorporate adult education techniques and expand beyond lectures and international case studies. This means involving educators, using locally relevant situations and cases, and using participatory methods.
- *Broaden resource base*: it might be appropriate for RWI – in close consultation and joint co-operation with VRCHR – to broaden its resource base to include implementers and professional trainers/educators. This could be done through formal partnerships with other donors or by outsourcing special services, and by using regional trainers.
- *The Resource network*: might include a variety of individuals from different professional backgrounds – prosecutors, judges, defence lawyers, educators, and officials from involved ministries, and when appropriate NGO representatives.
- *Groups should be dissolved* once they have served their purposes. (Alternatively their mandates should be revised when necessary so they remain effective, and do not become bureaucracies in themselves.)
- *Ensuring will of GoV*: The political will of Vietnam is fundamental to the sustainability of the project and a precondition for success.

In general

- *Gender and minorities*: The imposition of gender and minority balance requirements wherever possible for course attendance, when forming resource groups, and when selecting resource persons to lead courses and seminars.
- *Exploring links*: to examine whether activities under the project can be linked with those under other projects with synergistic benefit.

- *Defence lawyers*: one Team member would like to add that there is a risk that concentration on prosecutors, without addressing the educational needs of defence lawyers, will create an imbalance in the legal practice. The time seems right for a pilot project for defence lawyers (as this group is not exposed to human rights concepts). The suggestion is a pilot project, possibly within the context of the projects that the Sida offices is already involved in. A local organisation, such as the Bar Association, and other international partners could well be considered.

1 Introduction

1.1 Human Rights Situation and Legal Reform in Vietnam since mid-90s

Overall, the living conditions have considerably improved since the mid-90s. People are enjoying more freedoms than before and there has been a healthy growth in the economy translating itself into a higher standard of living for a majority of the population. Vietnam is however witnessing a widening gap between rich and poor. Legal reform is continuously (albeit slowly) incorporating human rights norms according to international standards, though contradictions in the legal framework are still prevalent. Vietnam is party to the main UN human rights treaties.¹ Judicial reform is accelerating with regard to the courts, prosecution authority and investigation. The Team noted the following positive human rights changes:

- The 1992 Constitution introduces the principle of the *rule of law* for the first time and attaches more importance to human rights than previous Constitutions.
- The VCP made an important human rights statement at its 9th National Congress in April 2001: *“To take good care of human being, [to] protect all the people’s lawful rights and interest; respect and implement conventions on human rights which Vietnam has ratified or acceded to.”* It also refers to ‘renewing’ the legal system and to *“enhance the sense of responsibility of judicial agencies and staff in investigation, arrest, imprisonment, detention, prosecution, trial, and court decision executions, avoid unjustifiable or inaccurate cases.”* and with regard to the Procuracy: *“The people’s procurators are to effectively implement their prosecutorial and procuratorial functions”*²
- In November 1998, apparently 8,000 prisoners (including some prisoners of conscience) were released, and in 2000, about 22,000 prisoners, including a few well-known dissidents, were granted amnesty.
- The revised Criminal Code (July 2000) reduced the time allowed for investigation, offers more protection to defendants, and reduces the number of offenses punishable by the death penalty from 44 to 29 (though capital punishment is still widely used for crimes such as drug offences).
- Concerning women, the amended Criminal Procedure does not allow death sentences on pregnant women or breast-feeding mothers of children aged up to 36 months (increased from 12 months in the last law).
- The Law on Complaints and Denunciations (No. 9/1998) regulates the authorities’ responsibility to settle complaints on administrative decisions and procedures. This has allowed persons the opportunity to voice their grievances (usually concerning cases of land or corruption of local officials). The law stipulates that *“any individual has the right to submit their claims/complaints of any decisions of administrative organs when there is evidence to show that those decisions have violated their lawful rights and interest.”*
- Legal aid is improving and is in principle provided free across Vietnam to the poor, women, and minorities. However, the fact that the law can provide legal security for the individual is not obvious in a culture where the interest of the society tends to dominate.

¹ Vietnam has ratified all major human rights conventions, except the Convention Against Torture. Torture is however forbidden in their national legislation.

² In the Communist Party of Vietnam’s 9th National Congress Documents, April 2001, The Gioi Publishers, pp. 72–73.

- Decree 29/CP/98 on regulations aimed at implementing democracy at grass roots level, details the right to participation of individuals in the decision-making process.
- With regard to economic and social rights, Vietnam has a relatively well-developed health care system (e.g. all children under 5 are entitled to free health-care), a very high literacy rate (92%) almost equal for both genders. However inequalities in access to health care and education are increasing.
- Laws and policies promote gender equality and protect the rights of women.
- General awareness on children rights has increased and is reflected in legal reform, and police, judges and prosecutors are being trained in children's rights. As a result of problems identified in the first periodic report to Convention on the Rights of the Child the Penal Code of 1990 has been revised to better protect children from abuse, as well as to provide better ways of taking care of young offenders.
- Furthermore, the scope of criminal responsibilities of children defendants has been narrowed. The Law has raised the liability of the People's courts, the People's procuracy and the police to implement the Law.
- Rights of minorities have been strengthened in the 1992 Constitution, in particular with regard to educational matters.

Despite these developments, implementations of these legal changes are not always operational nor do they cover all rights endowed in International Human Rights Standards.

1.2 The Human Rights Training Project

In November 1997, the Vietnamese Research Centre for Human Rights (VRCHR) and the Raoul Wallenberg Institute (RWI) entered into an agreement for a project of joint cooperation on human rights. The Project, known as the Human Rights Training Project, formally comprises two phases – Phase 1 covering the initial period 1997–1998 and Phase 2 covering the period 1999–2000. Sida's financial support to the Project (SEK 3.010 million for Phase 1 and SEK 2.811 million for Phase 2) has been channelled through RWI. In April 2001, Phase 2 was extended through end-2001 utilising savings of SEK 828,000 from Phase 1 of the Project.

The Project has of course experienced difficulties and weaknesses in the early days given the context of promoting human rights within the political climate in Vietnam that existed at the time, the Team believes the Project on the whole can be regarded as a success. In drawing this overall conclusion, the Team has placed weight on the political climate vis-à-vis internationally recognised human rights standard that existed when the Project began, making it more difficult at the outset to plan and implement than a more traditional development project.

During the initial phase of VRCHR-RWI cooperation, Project objectives were quite general. More specific objectives were formulated in the second phase, though the approach essentially remained the same. Table 1 summarises both objectives and the general approach of cooperation agreed to under the two phases.

Table 1. Summary of Support, 1997–2001

Objectives	General Approach
1997–1998, 1st Phase: • Awareness and competence-raising	A. General human rights training and education through seminars B. Provision of two libraries
1999–2000, 2nd Phase: 1. “Enhanced awareness of, and improved human rights in Vietnam with reference to international human rights standards” 2. “Creation of professionals and institutions which ... respect international instruments and national law for protection of human rights regulating their authority” 3. Enhanced understanding within target groups for importance to execute their authority in line with international human rights standards 4. Strengthened capacity within VCRHR to carry out its own human rights training	A. Seminars for specific target groups in various locations in Vietnam B. Seminar on state reporting obligations C. Translation of human rights instruments and training materials into Vietnamese
2001, Extension of 2nd Phase (using remaining funds from 1998) • Planning and follow-up	A. Seminars for specific target groups in various locations in Vietnam

The agreements for the various phases have been accompanied by joint plans of action specifying planned activities to be carried out. Various subsequent reports prepared by VRCHR and RWI document the activities that have actually been carried out. Table 2 contains a summary of planned and implemented activities.

Table 2. Planned Activities and Achievements, by Year, 1997–2001

* Source: Project documents, Agreements, Annual reports, and Agreed Minutes

Phase	Planned (mentioned in Project documents or Agreements)	Accomplished (as documented in reports)
1st Phase 1997–1998	17–21 Nov 1997. Seminar on human rights (in Hanoi) for 50 participants from universities, media, ministries, police, etc.	Completed (Not mentioned in report, but 89% expenditure against budget line)
	(according to VRCHR and Sida)	“Human rights and International Law: Vietnam and the 8 International Conventions on Human rights” held ... Feb 1998 <i>50 participants from various departments of the HCM National Political Academy, law faculties, governmental organisations, ministries and law associations)</i>
	Early June 1998. Seminar on human rights (in Hanoi) for 50 participants from universities, media, ministries, police, etc.	“Human Rights and Law Enforcement” seminar held 8–12 Jun <i>33 participants from universities, ministries and police</i>
	(not mentioned)	1-day follow-up meeting with most Jun participants held in Hanoi 14 Nov 1998

Phase	Planned (mentioned in Project documents or Agreements)	Accomplished (as documented in reports)
	During 1998–2000. General course on human rights in Vietnam (1 week in Hanoi in Nov-Dec 1998) and Sweden (2 weeks in Dec 1998-Jan 1999 at Lund) for 30 participants from universities, media, ministries, police, etc.	Phase 1 of Advanced International Prog. on Human Rights held in Hanoi 9–13 Nov 1998. <i>(Participants: 25 teachers and researchers of Law faculties in the HCM Academy and 4 of its branches, as well as staff of VRCHR and high officers of Public Security Ministry and Ministry of Foreign Affairs.</i> Phase 2 held in Sweden 18–31 Jan 1999 <i>18 Participants from HCMPA</i>
	During 1998. Provision of reference library (books) in international/human rights law	List of books prepared during 1998, library handed over in Oct 1999
	During 1998. Translation and printing of various books/documents	Partly completed. 45% expenditure against budget line
2nd Phase 1999–2000 (extended to Dec. 2001)	During 1999. 2 seminars on human rights (in Danang and HCMC) for provincial Chiefs-of-Police or their deputies (min. 30 participants per seminar)	“Human Rights and Law Enforcement” seminar held in Danang 17–21 May 1999 for 33 participants: <i>Chiefs of Police from Central Provinces</i> “Human Rights and Law Enforcement” seminar held in HCMC 6–10 Sep 1999 for 43 participants: <i>Chiefs of Police from Southern Provinces</i>
	At end-1999. Seminar on human rights (in Hanoi) for members of Vietnamese National Assembly	“Constitutions, Laws and Human Rights – Vietnamese and Swedish Experiences” seminar held in Hanoi 10–12 Jan 2000 for 50 participants: <i>MPs from various provinces including HCM City, high-ranking officials and scholars from government agencies/academic institutions</i>
	During 2000. Seminar on human rights (in Danang) for prosecutors at provincial level (min. 30 participants)	“Human Rights in Criminal Proceedings” seminar held in Danang 29 May–2 Jun 2000 46 participants from Central Provinces
	Between March and October 2000 according to joint proposal	1-day follow-up meeting with 34 participants of “Human Rights and Law Enforcement” seminar (Danang 17–21 May 1999) held in Danang 3 Jun 2000
	During 2000. Seminar on human rights (in HCMC) for judges at provincial level (min. 30 participants)	“Human Rights in Criminal Proceedings” seminar held in HCMC 18–22 Sep 2000 for 41 participants for <i>Chiefs of Police of Southern Provinces.</i>
	Between March and October 2000 according to joint proposal	1-day follow-up meeting with 31 participants of “Human Rights and Law Enforcement” seminar (HCMC 6–10 Sep 1999) held in HCMC 23 Sep 2000
	During 2000. Seminar on human rights (in Hanoi) for judges at the People’s Supreme Court	Not held
	Between March and October 2000 according to joint proposal	“Human Rights in Criminal Proceedings” seminar held in Hanoi 27 Nov–1 Dec 2000 47 participants for <i>Chiefs of prosecution in Northern Provinces</i>
	Between March and October 2000 according to joint proposal	“State Reporting Under International Human Rights Instruments” seminars held in Hanoi. Part 1: 11–12 Dec 2000 for 19 participants

Phase	Planned (mentioned in Project documents or Agreements)	Accomplished (as documented in reports)
		Part 2: 13–15 Dec 2000 for 36 participants (incl. 19 from Part 1) <i>Participants: govt's institutions dealing with state reporting</i>
	Translation and publication of relevant human rights documents	Not reported on
	Preparation of materials for seminars for Chiefs-of-Police	Not reported on
	Translation of existing manual for police training	Not reported on
2nd Phase Extension 2001	During Spring 2001, seminar on human rights (in Hanoi) for prosecutors at provincial level	<i>Not yet reported, but held</i> ("International Human Rights Standards in Criminal Proceedings" seminar held in Hanoi 10–12 Jun 2001 for 35 participants (6 female))
	In late 2001, follow-up seminar on State reporting under international Covenant on Economic, Social and Cultural Rights	
	In Sep 2001, LFA planning seminar related to future VRCHR-RWI cooperation	
Other		
1995	One staff of the MPS studied at the Advanced International Human Rights Programme at Lund University	
1998	One staff of VRCHR studied at the Advanced International Human Rights Programme at Lund University.	
1999	One staff of the Academy studied the course "Equal Status and HRs of Women"	
1999–2001	One staff (the 1 st) of VRCHR obtained his Masters of Int'l HR Law at the Lund University.	

To fully understand the focus of seminars and courses conducted under the Project, it is useful to refer to Figure 1, which indicates the various institutions targeted by the Project for the period 1997–2001, as defined by Project documents.

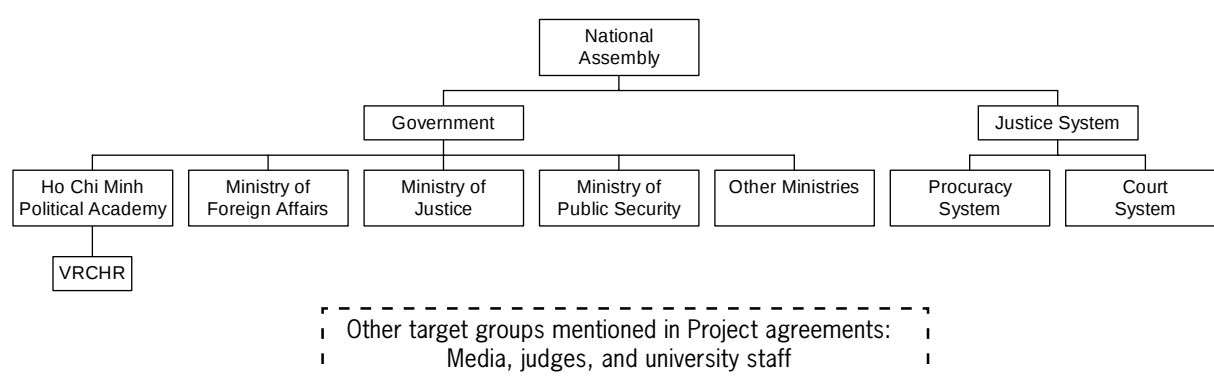


Figure 1. The Human Rights Training Project

With reference to the Vietnamese institutions shown in the above Figure, the approximate breakdown by institution of persons who attended courses to date is:

- National Assembly 40 persons
- HCMPA 18 persons
- MoFA 15 persons
- MoJ 15 persons
- MPS 100+ persons
- Prosecutors 100+ persons
- Judges 0
- Media 0
- University staff (approx. 30, included under Prosecutors and Ministry of Public Security)

Table 3 summarises the overall accomplishments of the Project in terms of planned activities.

Table 3. Project Accomplishments in a Nutshell, by Period

Period	Item
1997–1998	• 2 seminars held • 1 follow-up meeting held • 1 Advanced International Programme held • 2 libraries provided • 0 translated books completed
1999–2000	• 7 seminars held • 2 follow-up meetings held • 0 translated books completed
2001 (to date)	• 1 seminar held; 1 book published

As a point of information, besides the Human Rights Training Project, Sweden also supports several other projects dealing with the legal sector, democracy and human rights, as briefly summarised in Table 4 (p.19).

1.3 The Evaluation: Purpose and Methodology

Because the Phase 2 extension ends in December 2001, and VRCHR and RWI are discussing content for future cooperation beginning in 2002, Sida commissioned a team of external consultants to carry out an independent evaluation of the Project. The purpose of the evaluation was two-fold: 1) To assess relevance and impact of activities carried out in 1997–2000, and 2) To look forward and suggest possible future modes of co-operation aiming at greater knowledge and implementation in Vietnam of international human rights standards.

The terms of reference (TOR) for the evaluation are included as Annex A, while specified methodology to be followed is summarised in Box 1.

Box 1. Summary of Evaluation Methodology (from TOR Section 5)

1. Conduct an LFA workshop for key stakeholders.
2. Interview trainers in Sweden and Vietnam on (a) training methods used, (b) responsiveness of participants, and (c) their personal observations.
3. Interview provincial staff in Ho Chi Minh City (HCMC) about (a) their attitudes, (b) their competence, and (c) their problems to protect human rights.
4. In Hanoi and possibly HCMC, interview core target groups and other key persons on the (a) relevance, (b) impact, and (c) sustainability of activities carried out.
5. Assess compiled written materials such as project progress reports, lists of participants, and trainers, programmes, lecture notes and evaluation reports from seminars, policies and curricula of the Academy.
6. Analyse the legal situation with respect to human rights protection in 2001 vs. that in 1997 based on other materials – e.g. laws related to human rights in Vietnam, and enforcement agencies (including legal aid and barristers).
7. Study relevant human rights reports and other relevant observations submitted by the Government of Vietnam under international treaties and otherwise.
8. Visit the research library at VCRHR to see how books are kept and how frequently they are used.

An independent Evaluation Team comprising a Team Leader, two international consultants, and a national consultant/interpreter carried out the evaluation in the period 8–18 June 2001:

- Mr. Carl-Johan Groth (Team Leader)
- Ms. Simia Ahmadi-Thoolen
- Mr. Clifford Wang
- Mr. Tran Van Nam

A major part of draft report-writing was done in Hanoi 19–23 June 2001. The Team worked in accordance with the TOR in Annex A. and the stated methodology (Box 1) to fulfil its assignment. The Team's programme is in Annex B. Questions asked by the Team to interviewees are in Annex C. The Team based its eventual findings and conclusions related to past work and its recommendations for a future phase of cooperation on the following sources of information:

- Project Agreements
- Supporting documentation related to Project Agreements, i.e. internal assessments and joint plans of actions
- Agreed Minutes from Annual Meetings
- Progress/Annual Reports prepared by VRCHR and RWI
- Available final reports from seminars held (prepared by VRCHR)
- Other Vietnamese and international reports and documents related to the Project and issues raised in the TOR, and/or considered relevant to the assignment
- Observations and inputs from two workshops – (1) the “International Human Rights Standards in Criminal Proceedings” seminar for Provincial Chief Procurates held in Hanoi, 12–14 June 2001, and (2) the LFA workshop for key stakeholders held in Hanoi and moderated by the Team, 15–16 June 2001.
- Formal interviews
- Informal discussions
- General observations

Because of the very limited time available, the Team often split up – doing so to maximise the number of persons it could interview in a variety of situations, increase the situations it could observe at greater length, and organise its own work and report-structuring early on.

As two additional comments concerning the Team's focus and the way it chose to work:

- With respect to the TOR and in response to the Team's questions, Sida officials in Stockholm and Hanoi confirmed that the Team should give relatively higher priority to looking towards the future than reviewing the past. And that when reviewing past support, the Team should focus more on relevance than impact. It was further confirmed that the Team's mandate was to examine issues of human rights protection in relation to Project activities, not to review/assess the general human rights situation in Vietnam. However, when looking forward and assessing future options, the Team was expected to consider general trends relating to human rights in Vietnam, and as the TOR mentions, propose relevant target groups and beneficiaries (vulnerable groups), VRCHR's role and potential role, etc.
- Despite the wealth of written documentation available, there is little that can be used to verify impact of Project activities. Objectively verifiable indicators for the Project were not specified at the beginning. Samples were too small to adequately ensure that our conclusions are statistically well founded. Where feedback from course participants and former course participants is available, it is either as non-analysed sets of written responses by some participants to questions or as second-hand remarks from interviewees. The Team fully understands and appreciates the climate in which initial cooperation and planning of Project activities has taken place. At the same time, the lack of a systematic approach with impact measurement in mind at the beginning of the Project or up to present makes it difficult to objectively confirm impact now. The best that can be done is to draw conclusions based on observations and comments that are subjective. So this is what the Team has done, trying wherever possible to confirm observations and comments from several sources.

2 Relevance of project activities

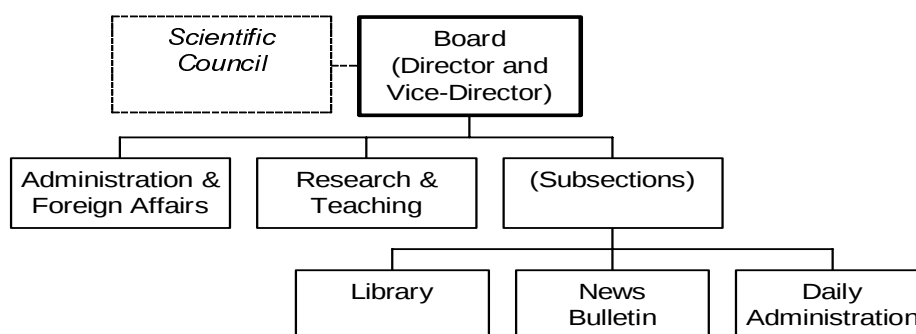
As mentioned above, all conclusions on whether “*the type of activities carried out were relevant, appropriate and the most effective way to achieve the goals*” (TOR) is based on subjective findings..

2.1 Development of VRCHR from 1996 to present

The Vietnam Research Centre for Human Rights (VRCHR) was established at – and as part of – the HCM National Political Academy in 1994 (which has a ministerial status) after three-years preparative work. The Academy is the most influential Communist Party think-tank in Vietnam, and the VRCHR is the sole official institution enhancing human rights awareness in Vietnam, targeting academic and governmental officials, law enforcement officials, public servants and the society as a whole. The basic mandate of the Centre, as specified in its public documents, is:

- 1) to conduct basic research on human rights (theoretical and practical) and the actual implementation of human rights in Vietnam and around the world
- 2) to teach human rights to Vietnamese public servants, to educate and strengthen the awareness of human rights “at all levels of society”,
- 3) to develop and disseminate human rights documents for “the society” (i.e. governmental and academic institutions)
- 4) to “strengthen the scientific base”, contribute to human rights policy and law making
- 5) to enhance the international relations and cooperation concerning human rights research with human rights institutions in other countries and international NGOs working in Vietnam.

VRCHR Structure



Notes:

- All staff at VRCHR are professional staff with Bachelors or higher degrees (presently 16 staff (5 female))
- All support functions provided by HCMPA
- Staff numbers: 6 professionals in 1994; 14 professionals in 1997; 16 professionals in 2001; anticipated 20 professionals in 2005; and anticipated 25 professionals in 2010³

³ The number of staff increased from 6 in 1994 to 16 in 2001; the number of offices increased from 4 to 7. The infrastructure (computers, telephones, fax, etc.) was poor in 1994, but improved from 1997 through to the present; it was only in 1995 that it acquired texts in Vietnamese on human rights, including the human rights conventions ratified by Vietnam. Today most of the staff speaks or understands English.

- In 1996, for the first time, human rights were taught within the Academy's curricula. In 1997, VRCHR signed an agreement with RWI, which began to hold human rights seminars for its staff – later to carry over to law enforcement officials. Over 1998–1999, the VRCHR acquired a small library from RWI and other human rights books from other donors (some in French as well).
- In 1999, the Acting Deputy Director, Dr. Cao Duc Thai succeeded Professor Dr. Hoang Van Hao (founder of the VRCHR) as the director. A study visit to Sweden for the Academy and VRCHR was conducted.
- In 2000, the VRCHR started a monthly journal on children's rights and began its first quarterly on human rights in general. In 2001 more human rights documents were translated into Vietnamese. In April 2001, a staff member for the first time obtained his Masters of International Law and Human Rights at the Lund University.
- In 1994, VCHRC already had a relationship with Sweden (cooperation with the University of Uppsala) and Australia. In 1997, partnerships increased to include RWI, Denmark, (the Danish Centre for Human Rights and Embassy), UNICEF, UNDP, Canada, Switzerland and UK (British Council) The VRCHR expressed to the Team that it does not plan to expand to more partners at present, but rather to build on existing partnerships. The Team noted that the energetic and enthusiastic young staff at the VRCHR seem to work in good cooperative spirit and professional manner with the RWI.

2.2 Choice of Partners

Given the role of the VRCHR in creating human rights awareness, and the status and credibility it enjoys in Vietnam, the Team felt it was a very relevant partner for conducting seminars for high-level law enforcement officials. Furthermore, VRCHR is attached to the Academy that is represented in all of the 61 provinces of the country, and with three main regional facilities.

As there are no other comparable or complementary human rights institutes presently in Vietnam, the Team felt that the choice of this partner for the RWI for promoting respect of human rights in Vietnam was directly relevant. For both phases, RWI seemed the most adequate channel, given the expertise that RWI is able provide vis-a-vis the activities initiated by the VRCHR. Vietnam and Sweden enjoy a mutual trusting relationship, thus giving VRCHR and RWI the ground for a positive relationship.

2.3 Choice of Activities vis-à-vis Target Groups

With regard to the activities, there is reason to believe that the seminars were an appropriate form of activity to increase human rights awareness to various target groups. No other country/donor had focused on these activities (there was no duplication, only complementarity). The timing coinciding with the Vietnamese reform was also relevant.

In the first phase, the purpose was to *“increase the competence among the Vietnamese trainers while at the same time raising the awareness among high-level decision makers.”* It was thus logical to increase the capacity of VRCHR before moving to the second phase of stronger cooperation and of VRCHR's involvement in increasing awareness of law enforcement officials. The Team noted that the VRCHR had selected target groups based on the highest responsibility for law enforcement and in implementing human rights: prosecutors, police, judges, and others responsible for human rights policies and legislation (NA, the MoJ, MoFA). This seems to have been relevant, given the social and political system prevailing in the country.

The concentration on the prosecutors was apparently relevant for their important role in ensuring the respect of human rights, and the influence they exercise over the functioning of the legal system. The

court system is expected to gain more importance in the coming years. Judicial reform and decentralisation make the choice of target groups all the more relevant in the future.

These seminars were, to the Team, relevant with regard to the parallel and complementary activities supported by Sida: co-operation between the Swedish Riksdag Administration and the Office of the National Assembly, the study tours, provision of small libraries, and the involvement of a few Vietnamese in the RWI Masters programme in Lund. The activities were also relevant in parallel to other donors' activities in support of VRCHR, such as logistical support (equipment), translation of human rights material, and study tours abroad.

2.4 Character of activities

In achieving the goal of increasing human rights awareness, the character of the activities were, in the opinion of the Team, relevant to the objectives. Those interviewed from various target groups (mainly prosecutors and police) appeared satisfied with the seminars as far as obtaining human rights knowledge, but not necessarily with regard to tools of implementation of the human rights knowledge gained. In addition RWI has concluded, in "*observing the level of activity during the training*", that the groups were satisfied.

A positive development is that over the last two years, it had become possible to discuss sensitive issues more openly (e.g. death penalty or police brutality) and certain participants in the seminars, in particular as of 1999, were engaging in debates about these topics. Herewith a few comments on specific aspects of the seminars:

- *Training material:* most participants interviewed felt that the case studies should have been more relevant to the Vietnamese context, and almost all those interviewed felt that that case studies should have been prepared in advance to the seminar to better suit local needs. Many even suggested that these case studies be prepared in advance between the VRCHR and the international experts.
- *Training method:* the original goal was to combine theoretical with practical exercises (usually through case studies), though the approach was mostly academic. Most participants interviewed emphasised the need to have more practical tools.
- *Lecturers* (both national and international): The participants interviewed appreciated the international lecturers, as well as the local lecturers, and only at one interview was the issue of translation raised, which a few found to be poor (each had come from different provinces, but the Team was unable to verify which lectures, and which translators they were referring to). Only a few remarked that the local lecturers should "*have more experience.*"
- *Topics:* these focused on international human rights obligations with an overview of Vietnamese law, as well as criminal proceedings. The Team felt that civil and political rights were a relevant focus, since the participants are law enforcement officials or institutions responsible for promoting and protecting such human rights.
- *Study tours:* were most relevant at the time in creating awareness.
- *Follow-up meetings:* were relevant to obtain a "feel" of the impact along the way, and seemed to have helped in mapping out the future target groups and improve the quality of seminars (though the Team would find it difficult to say how the recommendations by the participants in the evaluation questionnaires influenced the process).
- *Literature support:* was relevant. The documentation support allowed the various partners in the projects to reach their goal of disseminating human rights information to the various stakeholders.

2.5 Gender reflection

Though mostly men in the seminars, it is encouraging to note that the number of women in the seminars did increase over the last four years – female officers from both provincial and district levels, as well as women from the Academy and the VRCHR. It must be noted that Chiefs of provincial level include few women, explaining the low level of female participants in that target group, and the same holds true for the police.

3 Impact of project activities

3.1 Effects on Target Groups: Professional Competence and Attitudes

Almost all those interviewed by the Team concluded that the seminars had increased their perception of human rights. This is also a conclusion from internal evaluations and follow-up meetings in between. However, as mentioned previously, it is difficult for the Team to objectively determine the impact of the human rights activities, given the short lapse of time since the projects began, and the lack of indicators. It is not impossible to identify appropriate measurable indicators for such a project aimed at changing attitudes, but this would require more time, and a separate evaluation altogether. Relying on a small sample of interviewees, this Team could only make a small number of comments of a rather subjective nature.

In the interviews, certain Team members noted that the human rights knowledge of the participants had no doubt increased (many interviewees demonstrated a few human rights facts not likely to have been known previously to them). Unfortunately, it was not possible to assess *“any change in professional competence related to human rights among the specific target group.” (TOR)*. How they are applying human rights in their daily work is difficult to measure. When asked, a few of the participants replied that they had informed their colleagues (subordinates). One said he had initiated training projects following the seminars, e.g. on the rights of the child.

According to some interviewees, and according to RWI, a few prosecutors and Chiefs-of-police had apparently briefed their colleagues about the seminars. RWI told the Team that a participant of the police seminar mentioned to them that the Security College *“had incorporated the contents of the ICCPR in the curricular for the training”*.

3.2 Treatment of Individuals/Suspects

There was no way for the Team to assess any verified change in the treatment of suspects by police and prosecutors. There was a mention to RWI in their own evaluation, that the Security College was incorporating human rights aspects in its curricula, however the team had no way to verify this.⁴

3.3 Changes in Policies, Laws, Actions

As mentioned in the first section, judicial reform is on the increase and mostly in a positive direction with regard to human rights (revision of criminal procedure law, adoption of a law on complaints, the large amnesties of prisoners – including prisoners of conscience – over the past years). Important human rights statements, such as at the 9th Congress of the Party, have the potential to further translate into policies and legal implementation. Furthermore, the present membership to the UN Commission on Human Rights could be regarded as a positive element which has the potential to improve human rights in Vietnam.

It should be noted that whatever the level of impact of the seminars, some prosecutors at the LFA workshop 15–16 June 2001 referred to obstacles where the application of human rights is concerned. They were in particular concerned with the Vietnamese legal system which does not fully conform to

⁴ Furthermore, according to an MP participant, the National Assembly has recently become more open and accessible to the public, and that there is increased interest of MPs in protecting human rights, and in *“being the voice of the people”*.

international standards of human rights, the lack of resources, the lack of signals from top leadership down, and the lack of supervisory mechanisms in Vietnam to supervise conformity of laws with human rights standards.

It is positive that there seems to be a continued interest among the stakeholders. How much of this is attributable to Sweden's contribution is of course difficult to measure, in light of support from other donors, and continuous interest in the matter from the international community. No doubt the timing in the context of the economic and political developments in Vietnamese society has contributed greatly to this development.

3.3 Others Trained at RWI Outside Project

It is safe to say that the two staff members of VRCHR, two of the Academy and two of the MPS who studied in Lund have returned home and hold positions in their respective institutions which is surely of benefit to them personally and to their employers in Vietnam. A staff member of the VRCHR was the first Vietnamese ever to obtain a Masters in International Human Rights Law in Lund. The Team also met the student of the Advanced International HR Programme who specialised in international case studies concerning human rights protection of the accused, offenders, and suspects.

3.5 Gender reflection

Unfortunately, as to *“how are women and men dealt with respectively with and how are victims of abuse dealt with”* (TOR), the Team had no possible way of assessing.

3.6 Cost-effectiveness

Given the limited time available for the evaluation, the difficulty in determining impact, and the lack of information concerning either expenditures of Sida contributions or budgeted amounts and expenditures by GoV, the Team can only draw subjective conclusions about cost-effectiveness.

What can be said however, is that by end-2001, it is anticipated that Sida's total financial contribution of SEK 5.821 million for Phases 1 and 2 of the Project (including the extension period 2001) will have been spent. And that this expenditure can be related to the activities listed in the “accomplished” column of Table 2 (Section 1.2). While the accomplished activities do not exactly match the original planned activities, they do for the most part directly reflect, and to an extent exceed, what was originally specified. Moreover, that the one-year Phase 2 extension was financed using savings from Phase 1, and that approvals for additional activities or changes in activities have always been discussed beforehand with Sida indicates transparency on the part both of VRCHR and RWI. In addition, each planned activity has had its own budget, and related expenditures have generally been included in final reports for seminars and courses.

The Team finds no evidence to suggest in any manner that the Project has been cost-ineffective.

4 Other Findings and Conclusions

4.1 Two Research Libraries on International Law and Human Rights

University Library of the HCMC Law University: The Team visited the library, increasingly well equipped and open to outsiders since 1996. It received human rights books for the first time in April 2000 (by RWI). These 317 books are quite recent publications (from 1994 onward, few are older). A public announcement of their availability was made to the various divisions, and apparently students thereafter consulted these. It is interesting to note that at first, the books were in the “teachers” section, but were moved recently (not specified when) to the students’ section.

These books are classified together under “International Law”, and as far as could be assessed, are well classified. International law students mostly use them, but so do administrative law students, a few of whom are apparently writing thesis on human rights (the computer files could no indicate to us during our visit just how many thesis were complete in the making). The Director requested that some of the books be translated into Vietnamese. The Team referred her to the VRCHR to obtain existing translated basic human rights instruments in Vietnamese. The Director was not informed of when additional publications would be provided by the RWI.

Library of the VRCHR in Hanoi: The library is mostly used by the staff of VRCHR, scholars, and law students, as well as international relations students, and the number of persons coming to the VRCHR to access the books has apparently increased. The Team was shown some 10 thesis by Academy students on various subjects ranging from women, children, human rights in the Vietnamese legal system, to human rights supervising, enhancement of the procuracy, and supervision of criminal proceedings.

Books/publications seemed well classified (the computer system classifies by title, but the books are displayed in rows according to donors!). Additional books by RWI books are apparently received regularly, the list chosen by VRCHR based on demand. In its Activity Report for 1998, the VRCHR had reported to RWI that “*an increasing number of officials and university students coming to get the human rights and international law research and theses at the VRCHR showed that human rights is a substantial concern and that VRCHR has really had, partly through the cooperative supported relations with the RWI, such significant growth that it could offer the convenient condition to the learners.*”

The issue of lack of human rights publications in Vietnamese was also raised (a problem with no quick remedy as translation of certain publications into Vietnamese of bulky books is not a realistic task.)

4.2 What is unique about Swedish support

As mentioned earlier, Sweden enjoys a mutually trusting relation with Vietnam, propitious to human rights cooperation and advocacy. The following Table gives a brief glance of how the activities have fit into the overall strategy.

Table 4. Overview of Swedish Support to Legal Sector / Democracy / Human Rights Projects

Project	Vietnamese-Swedish Cooperation Between:	
Strengthening the Rule of Law	Ministry of Justice	Umeå University Law Department
Strengthening Legal Education	Hanoi Law University/ Ministry of Justice	Lund University Law Faculty
Strengthening the Capacity of the Office of National Assembly	Office of National Assembly	Swedish Riksdag Administration
Human Rights Training Project	VRCHR	RWI
(pending) Strengthening Legal Aid	National Legal Aid Agency/Ministry of Justice	
(pending) Strengthening Legal Information	Law Research Institute/Ministry of Justice	(to be selected)

It is worthy to mention that Sweden is also a member of the ongoing *LNA (Legal Sector Needs Assessment)* and *IASC (Inter-Agency Steering Committee)*, with support from 8 international donors including World Bank, Asian Development Bank, UNDP, Denmark (Danida), France, Japan (JICA) and Australia (AusAid). The LNA is mostly carried out by the MoJ, Supreme People's Court (SPC), and the Supreme People's Procuracy (SPP), the Office of the National Assembly, the Office of the GoV, and the Internal Affairs Commission of the Central Committee of the CPV, as well as the Ministry of Planning and Investment (MPI).

The main goal is to propose strategies for law-making, implementation of international treaties, training, and dissemination of legal information. Starting March 2001, the LNA is to be carried out over 1 year, and the IASC to complete a report setting priorities and practical strategies for Vietnam's legal system development to 2010.

4.3 Support to VRCHR by Other Donors

Donors seem to coordinate their efforts when they meet on an ad hoc basis. For more on improving donor coordination see Section 5.4. Herewith a selective overview of ongoing support to VRCHR

Australia (AusAid)

- Centre for Asian and Pacific Law in the University of Sidney directly assist VRCHR in personnel and research and teaching human rights (no further specification)
- provision of a small library to VRCHR, including internet access, computer, printer, fax and computer desk
- study tour to Australia for 10 members of the Academy
- study tour to Sri Lanka, India, Australia, Philippines, and Indonesia now taking place to compare national institutions.
- Translation of human rights texts, proposed volumes: Human Rights in International Law – Legal Policy Issues, by Theodor Meron.
- Future: they will work with the NA and Procuracy and Supreme Court, and will also work with other partners.

Denmark (Danida)

- Mainly developed the Manual on Children's Rights
- Danish human rights officer from the Danish Centre for Human Rights (DCHR) in 1998 helped increase capacity of VRCHR (worked mainly on the website).

- Direct support to VRCHR: technical and office equipment, books for the library.
- There are plans of supporting a human rights documentation centre (based on the Human Rights Information and Documentation Systems – HURIDOCs standard formats), and the financing of the production of a bilingual fact sheet (English/Vietnamese) on update human rights issues outside Vietnam and the ongoing activities of the VRCHR. Whether this is carried out, we do not know (the DCHR in Copenhagen said they would be better informed after mid-July 2001).
- There are plans to conduct a study tour of the Danish Ombudsman Institution (in August 2001, the Director of VRCHR and an Academy member will attend a 1-wk seminar in Denmark). Late 2001, Danida will organise an Ombudsman conference in Hanoi.

Switzerland

- translation into Vietnamese of
 1. “International Documents on Human Rights”
 2. the edition of 12 booklets compiling UN documents from the UN High Commissioner for Human Rights
- Donation of 80 human rights books for the library
- Future:
 1. possible study tour to the UN High Commissioner for HR and the UN Commission on HR for one or two staff members.
 2. An independent expert in January 2001 has carried out a “Pre-appraisal survey on the training needs for practicing and young lawyers (defenders) in Vietnam. As of yet, we do not know if Switzerland has accepted to carry out the project to train barristers and defenders. Note: this is related to legal training, and *not* human rights training.

4.4 Seminar for Chief Procurates, Hanoi, 12–14 June 2001

During the course of the evaluation, the Team was able to observe the last two days of a 3-day seminar organised by VRCHR and RWI, and thus gain valuable impressions and make first-hand observations about what is the principal component of VRCHR-RWI joint cooperation, namely courses/seminars/workshops.

The seminar on “International Human Rights Standards in Criminal Proceedings” was held in Hanoi (12–14 June 2001) for Chief Procurates (Chief Prosecutors). There were approximately 35 participants (including 6 women), with Chief Prosecutors being drawn from all regions of the country. All participants had attended previous courses, so this seminar was a follow-up to earlier exposure.

The seminar was divided into two parts – the first focusing on human rights standards in criminal proceedings, and the second on possible cooperation for the future. The seminar programme, with resource persons, is summarised in below.

Table 5. Programme of the Seminar on International Human Rights Standards in Criminal Proceedings, La Tranh Hotel, Hanoi, 12–14 June 2001

Programme	Topics Covered	Resource Person
Part 1: International human rights standards in criminal proceedings	– Human rights in the Vietnamese Legal System and the State’s Policy and View on Human Rights – Recapitulation of main contents of seminars in 2000 – Consolidation exercises: case studies on criminal procedure and international human rights standards	– Chair of Scientific Council of VRCHR – RWI – RWI
Part 2: Discussions on plans for possible cooperation projects	– Introduction and objectives of Sida-funded evaluation of the Project – Discussions and group work, summing up and conclusions	– Evaluation Team – VRCHR and RWI

The summary of participants’ conclusions and recommendations from Part 2 of the seminar (that related to possible cooperation in the future), as presented and discussed in plenary at the last working session of the seminar, is included in the box below.

Box 2. Participants’ Conclusions and Recommendations for Future Co-operation – presented and discussed during last session of seminar

1. Increase knowledge on human rights through training at all levels
2. Implementation of training of trainer (TOT) programmes
3. Network for continued education and information-sharing
4. Evaluation and follow-up on regular basis
5. Study trips helpful
6. Development of human rights training materials
7. Expand also to include economic and social rights aspects
8. Long-term work and commitment

4.5 LFA Workshop, Hanoi, 15–16 June 2001

As part of its assignment, the Team held a LFA (logical framework analysis) workshop, with arrangements made beforehand by VRCHR. The workshop was held in Hanoi (15–16 June 2001), immediately following the 3-day seminar on “International Human Rights Standards in Criminal Proceedings” for Chief Procurators described in the previous section. Some of the participants of the earlier seminar also attended the LFA workshop.

Because of timing and the fact that the agenda of the seminar for Chief Prosecutors included brainstorming on future cooperation possibilities, the Team had the opportunity to use the LFA workshop for several purposes such as:

- (1) Verify facts and figures related to the Project,
- (2) Get a better feeling for peoples’ commitment to human rights protection, and
- (3) Test ideas.

Participants of the LFA workshop included:

- 4 representatives (one female) from VRCHR,
- 2 representatives (two female) from the Ministry of Foreign Affairs,
- 4 prosecutors from provincial level,
- 2 representatives (one female) from the Swedish Embassy, and
- 2 representatives from RWI, and

(The MoJ and MPS were also invited to send participants, but no representatives came.)

The four members of the Team were also present at the workshop, with the LFA Moderator of the Team facilitating sessions, the national consultant/interpreter assisting with translation during plenary and group work sessions, and other two members of the Team being part-time observers.

The workshop was conducted using participatory and visualisation techniques, using as a starting point for discussions and group work assignments some of the ideas emerging from the just-completed seminar with Chief Prosecutors. Proceedings of the workshop are presented in Annex D. including summaries of assignments and results of group work.

Based on the lively discussions and enthusiastic participation, the Team was able to draw a number of conclusions useful as input for its recommendations for the future, including those related to:

- The need, as well as possibility, to look at a more comprehensive approach in the future.
- The possibility for linkages with other nationally-available resources and structures.
- The importance of clear signals and stated priorities from Party and Government leaders in motivating public servants to action – whether or not they have been formally trained in the matter at hand.
- The existence of much greater willingness and potential commitment of key stakeholders with human rights protection responsibilities to act and support others, than the Team previously was aware of.

5 Recommendations for possible future assistance

5.1 Introductory Remarks

In looking towards potential future Vietnamese-Swedish cooperation, there are three basic alternatives that at least in theory can be considered, i.e.

- Alternative A: Phase out cooperation,
- Alternative B: Continue cooperation as is, or
- Alternative C: Continue cooperation but incorporating changes to reflect today's situation and opportunities.

In the Team's opinion, it is the last option that seems most sensible to consider. A number of findings and beliefs determined during the fact-finding phase of the evaluation have led the Team to this overall conclusion, as documented below.

It should be mentioned that though the points included in Section 4 of the TOR (see Annex A) particularly under paragraphs 4.1, 4.2 and 4.3 are not answered point-by-point in this chapter, they have all been considered carefully by the Team and reflected throughout the report.

5.1.1 Reflections on Cooperation to Date

That joint cooperation in the human rights field could be established in the first place is a testimonial both to Vietnam's willingness to address important emerging issues surrounding human rights, and the long relationship of mutual trust between Vietnam and Sweden.

The courses and seminars that have been organised over the years by VRCHR with support from RWI have targeted a range of key groups in Vietnam having authority and responsibility to ensure human rights protection. The basic approach practised during the first two phases of the Project has been one of awareness-raising through courses and seminars, with human rights focus in relation to international law. In the Team's opinion, this basic approach has had many positive benefits. At the same time, it has been the source of valid criticisms by participants themselves.

On the positive side, the basic approach of courses and focus human rights in relation to international law has no doubt opened doors and opportunities for raising broader issues of human rights – but also duties to the State in a context where the welfare of the State is considered supreme.

On the negative side, the same basic approach has meant that courses have focused on knowledge/awareness-creation – and not internalisation or action by participants. Major short-comings voiced by a number of former participants, in fact, include the need for case studies related to Vietnamese law, and more local involvement in planning and running of courses/seminars.

In the Team's opinion then, the time has now come – and it is fully possible – to introduce an adjustment in direction, emphasising internalisation of knowledge, applicability of materials to the Vietnamese context, and positive action, at the same time increasing awareness of more stakeholders on human rights protection issues.

5.1.2 Reflections on Partnership Aspects

In terms of receiving official sanction to take up human rights issues in a meaningful way within Government and Party systems, it is hard to imagine any other partner that Sweden could have effectively supported in the past than VRCHR. VRCHR has an access and potential to influence official

structures in Vietnam in this field that no other organisation has, this because it is a centre of the Ho Chi Minh Political Academy (an institution of learning that all ranking Vietnamese officials pass through at one point or another).

Since cooperation between VRCHR and RWI was first established in 1997, RWI and VRCHR have shown themselves to be trusted and effective partners. Together the two institutions have accomplished a great deal. And the interest in continuing cooperation in the future seems mutual and genuine on both sides.

5.1.3 Reflections on Key Stakeholder Group

In the early phases of cooperation, the Team feels it has been correct to target a number of key stakeholder groups (with HCMPA, the National Assembly, prosecutors and the police being the main groups). Clearly, awareness-creation is an important part of a process that will ultimately lead more and more people to concrete positive action to demand and protect human rights in Vietnam, and to reinforce the systems and structures that ensure such protection. The Team believes that awareness-creation in the form of courses and seminars ought to continue.

At the same time, the Team is convinced there now exists the scope and opportunity for a systematic translation of knowledge into action amongst certain key groups, and that it is important to start this transition process now.

Looking towards the future then, the Team believes that efforts should go more into action and practice, and should be concentrated systematically on one key group using a multi-track approach for at least the next several years. Following such an approach, in-depth knowledge of important principles and their applicability to both international and Vietnamese law could be stressed. Simultaneously, support could be given to create/reinforce systems and structures to fill existing gaps, motivate others, and ensure proper, sustainable follow-up, thus allowing the targeted key group to fully exercise its responsibilities and its potential to influence others for human rights protection in Vietnam. The focus on a single group means as well that VRCHR might be able to work more effectively not only to build capacity of key individuals, but also – importantly – to build sustainable capacity of the systems and structures that enable these individuals to effectively perform their responsibilities on a day-to-day basis.

Looking at the groups that have participated in courses and seminars to date, the Team believes the key group of stakeholders most appropriate to focus on in the immediate future is prosecutors. As a group, prosecutors not only have responsibility to prepare cases, they have responsibilities to supervise police and the court system. The Procuratorate has a leading and crucial role in the Vietnamese legal system; they are not only responsible for prosecution, but for the supervision of the judicial system.

5.1.4 Reflections on Present-Day Climate and Moving to Action

The focus to one group would hopefully facilitate a continuous contact with the stakeholders and a more active approach.

As well, based on the active participation and responses of those participating in the LFA workshop held 15–16 June 2001 (refer to Section 4.5), the Team believes there is considerable willingness of people to lead, move forward, take action, support others, and “start today” – much greater in fact than was previously considered.

5.1.5 Overall Conclusions Forming a Framework for Looking to the Future

From the above then, three main conclusions can be drawn. In essence, they form the Team’s frame of reference for looking towards the future and developing recommendations. The conclusions are:

1. A continuation of Swedish support to VRCHR is worthwhile.
2. The time is right for adjustment in focus and direction of joint cooperation, i.e. from knowledge to action, concentrated focus, and working not only with individuals but also with the systems/structures that affect how effectively these individuals can work.

5.2 An Overall Approach for Future Cooperation

The TOR specifies that “*based on the conclusions from the evaluation and the analysis of target groups...and their problems, propose relevant target groups and beneficiaries for future assistance....and possible objectives and result for a new project, methods... to achieve those objectives*”. What is presented in this section then, is the Team’s recommendation for main elements of a more comprehensive joint cooperation in the future.

In a nutshell, the Team believes the emphasis of the next project of joint cooperation should be action. Along these lines, the Team recommends a multi-track approach focused on an influential group, prosecutors.

Table 6. The Team’s Recommendations for a Multi-Track Approach for Prosecutors

Main Component	Comments
Continued courses and seminars	For two purposes: (1) greater outreach (new participants), and (2) greater understanding of how to take human rights protection action in the Vietnamese context (for previously-trained participants). All courses/seminars would place significant emphasis on internalisation of information by participants, leading to concrete action.
Creation/reinforcement of single-purpose resource groups and networks that provide critical support functions aimed in the long run at helping all prosecutors effectively perform their duties and responsibilities vis-à-vis human rights protection in Vietnam	Such resource groups and networks would function according to clearly-defined, limited-scope mandates. Six examples of such resource groups/networks, based on ideas from the LFA workshop (15–16 June 2001), could be for: (1) Vietnamese case studies, (2) ad hoc support to prosecutors at various levels experiencing problems and/or with questions on how best to work with human rights issues, (3) continued/follow-up teaching and training of prosecutors at provincial and district levels, (4) comparative studies (i.e. Vietnamese and international law), (5) inspection/supervision – utilising existing State Inspectorate and People’s Procuracy mechanisms – of prosecutors performing their functions vis-à-vis human rights protection, and (6) advocacy for continued and highest level support on rights issues from senior Party and Government officials.
Advocacy	This relates to the last resource group, (6) indicated above. The Team is convinced that leadership and expressed will from the highest levels of the Party and Government does serve as powerful, important encouragement to public officials and public servants. The Party stated its commitment to human rights protection in Vietnam in “9 th National Congress Documents” and other public statements. Building on that, and Vietnam’s membership to the UN Commission on Human Rights, continued high-visibility and frequent reinforcement of that commitment can help ensure desired human rights ideals being reached sooner rather than later.

The Team's additional comments related to each of the three main components indicated above, plus other general comments are provided in bullet-point form in the subsections that follow.

5.2.1 Action-oriented Teaching/Training FOR PROSECUTORS

Regarding teaching and training:

- The Team feels that moving away from an awareness-creation/knowledge-only approach towards a more action-oriented approach now, requires increased emphasis on direct relevance and applicability of course discussions and materials. While RWI is strong on the human rights side with respect to international law, the Team believes future courses and seminars ought to incorporate adult education techniques and expand beyond lectures and international case studies. This means getting educators involved (see third point below), using locally relevant situations and cases, and using participatory methods. As well, it means linking participants with which ever of the resource group(s) that may be formed that are directly applicable to them.
- Towards the end of its visit, the Team “discovered” that there seems to be more material available in Vietnamese than it was aware of. The Team did not have time to investigate further. It notes, however, that there is a publication, “Human Rights in the Administration of Justice”, with subjects according to its Table of Contents of several international human rights standards,⁵ and wonders if parts of such a publication might be used in future VRCHR-RWI courses for prosecutors or defenders. There are several other Vietnamese-language publications as well. Significantly, these publications have been printed by the National Political Publishing House, and as such, already have the “authority” of Party approval.

Similarly, some of the materials that have been used for training Master Trainers through UNICEF-supported courses include short human rights case studies alongside children's rights case studies. Again, maybe some of these materials can be adapted for use.

- The Team feels that in a future phase of cooperation, it might be appropriate for RWI - in close consultation and joint cooperation with VRCHR – to broaden its resource base to include implementers and professional trainers/educators. This could be done through formal partnerships with other donors or by outsourcing special services, e.g. related to adult education, development cooperation or organisation and management.
- The Team feels that in the future, it may also be appropriate for VRCHR and RWI to draw in Vietnamese and possibly regional trainers for courses and/or members of resource groups and/or perhaps experienced trainers from regional countries.
- One area the Team believes needs much greater attention in the future is systematic course evaluation and follow-up, including the design of appropriate indicators. doing both well will help ensure that gaps in action are identified quickly, and thus filled quickly and appropriately.

⁵ Universal Declaration of Human Rights; International Covenant on Political and Civil Rights Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; UN Convention on the Rights of the Child; Guidelines on the Role of Prosecutors; Basic Principles on the Role of Lawyers; Code of Conduct for Law Enforcement Officials; Basic Principles on the Independence of the Judiciary; UN Standard Minimum Rules for Non-Custodial Measures (the Tokyo Rules); Body of Principles for the Protection of All Persons Under Any Form of Detention or Imprisonment; Standard Minimum Rules for the Treatment of Prisoners; Basic Principles for the Treatment of Prisoners; UN Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules); UN Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines); UN Rules for the Protection of Juveniles Deprived of Their Liberty

5.2.2 Resource Groups and Support Networks

Regarding resource groups and support networks:

- The Team believes the creation/support of clearly-mandated resource groups and support networks related to the systems and structures that surround individuals – in this particular case enabling and further encouraging prosecutors to perform their functions related to human rights protection – ought to form an important component of future activities.
- In creating such groups/networks, the Team believes greatest advantage can be achieved by choosing as members highly – committed people – not forming groups based strictly on position and geographic location. Thus, groups/networks might include a variety of individuals from different professional backgrounds and with different professional specialties – prosecutors, judges, lawyers, educators, and officials from other ministries, NGO representatives, etc. Common to all individuals though, must be a high level of commitment and enthusiasm to get things done, make things happen and motivate others.
- It seems logical that different groups/networks might exist at different levels, depending on function and intended sphere of influence. As a general approach, the Team believes it is better to start small and/or set up groups on a pilot basis, e.g. prosecutor support groups in several easily accessible districts and/or regions. It is important, in the Team's opinion, to get initial groups working well first, then use them as examples of success for others to visit, learn from and copy or adapt from.
- All resource groups should be Vietnamese-led, perhaps under the general overall coordination of VRCHR if that is judged most appropriate. RWI's role would be to support the groups to the extent that external support is needed. A possible new role for RWI might be to act as a conduit of information, facilitating Vietnam's learning what others are doing along similar lines – regionally in the first instance, internationally in the second instance.
- But whoever “coordinates” these resource groups/networks, it is important that they actively monitor and continuously assess the operations and effectiveness of the various groups, and be ready to step and help/guide whenever necessary.
- Finally, the Team notes that groups should be dissolved once they have served their purposes. (Alternatively their mandates should be revised as/when necessary so they remain effective, and do not become bureaucracies in themselves.)

5.2.3 Advocacy

Regarding advocacy, the Team would like to re-emphasise the importance that such efforts be Vietnamese-led. To the best of our knowledge, the core actors in human rights policy are the Ministry of Justice, the Ministry of Public Security (MPS) and the People's Supreme Court. The Ministry of Foreign Affairs also has a key roll to play in this context.

The Central Committee, the Political Bureau, and the National Assembly's policies is vital for a climate in which human rights are respected. It will be important to work with decision makers and professionals from these institutions having a concern for human rights matters.

5.2.4 Exploring/Exploiting Linkages

Regarding linkages:

- The Team recommends that during formulation of a new project, there be an exercise where possible linkages are explored. It seems to the Team that a lot is happening or about to happen in the sector, bringing up the natural question, “Can activities under this project be linked with those under other projects with synergistic benefit?”

Along this line, the Team feels there may be a number of possible linkages. Unfortunately it did not have time to investigate possible linkages further to see which ones might be more or less or not beneficial. In any case, the Team is aware of the following possibilities, and notes there are probably more:

Possible Linkages With?	Possible Types of Linkages?
– The upcoming Sida-supported Legal Aid Project, which will operate in certain geographic areas. This also should link with the recently established LNA.	Setting up resource groups/networks in some of the same areas and different areas to see if two projects working in the same area produce synergistic effects or benefit from one another.
– The UNICEF-supported Master Trainers training.	Can some of the trained Master Trainers be used in some capacity, i.e. teaching or as resource persons? Any material that may be relevant for human rights courses for prosecutors?
– Rädä Barnen projects related to juvenile justice (includes training of various groups, including trainers).	Same questions as under UNICEF-supported Master Trainers.
– Translations (books) on international laws and conventions – mostly dealing with children's rights, but all published by the National Political Publishing House. Several available titles that may be useful are: "Pocketbook on Human Rights", "Human Rights in the Administration of Justice", "An Introduction to the Convention on the Elimination of All Forms of Discrimination Against Women", and "International and National Law Concerning People with Disabilities."	Any existing or pending translated materials that may be relevant for human rights courses for prosecutors?

- One member of the Team has the following comment and suggestion:

Although there are advantages at this point to focus on one group (i.e. the prosecutors), the situation of Vietnam, a country with a powerful state, requires a broader approach. As stated above, the focus on prosecutors does not preclude other methods of collaboration for human rights projects, whether with the VRCHR and RWI or other partners.

Lawyers for criminal defence are not systematically aware of human rights concepts,⁶ and there is a risk that a sole concentration on prosecutors in this regard, without addressing the educational needs of defence lawyers, will create a gap and an imbalance in the legal practice, which is already tilting towards the state and authorities. Furthermore, given that according to the findings of this evaluation report, court trials is expected to continuously gain in importance, defence lawyers could add their weight in safeguarding the rights of citizens.

The time seems right for a parallel and complementary pilot project which would assess the needs of such a target group and the extent to which their training and support would have a beneficial impact on the protection of individual rights.⁷

Should the VRCHR not be in a position to carry out such a project in parallel at this time, it should not prevent Sida from involving a respected international organisation together with a local organisation such as the Bar Association.

⁶ For instance, an international group recently found that criminal defenders were not for the most part aware of human rights nor had they received any formal training. There is an opening for such training, and positive feedback from the Bar Association and Department of Legal Advocacy at the MoJ.

⁷ This suggested pilot project should not be confused with the Swiss Government's pre-appraisal survey on the training needs of lawyers, which speaks of "legal training" and not human rights per se.

Methodology would be discussed with the implementing partner(s) to ensure:

- an acceptable step-by step method for human rights education (seminars, workshops or consultative meetings, lawyers' exchange of experiences in a neighbouring country which has positive lessons learned)
- criteria for the selection of participants (which level, whom, how many, from where)
- the development of relevant local case studies, which would mainly concentrate on children, women, and minorities, thus directly benefiting vulnerable groups.
- In identifying problems for human rights implementation, many prosecutors at the LFA workshop in Hanoi (15–16 June 2001) called for an improved legal system as a whole. One group suggested that the members of the prosecutors' network should include judges and lawyers.

Finally, as Sida is preparing a project on Legal Aid and is part of the LNA (Legal Sector Needs Assessment) and IASC (Inter-Agency Steering Committee), the pilot project for defence lawyers might well be implemented within this context.

5.2.5 Minorities and Gender

Regarding resource groups and support networks, the Team suggests several measures be considered/adopted:

- The imposition of gender and minority balance requirements wherever possible for course attendance, when forming resource groups, and when selecting resource persons to lead courses and seminars.
- A requirement of gender-desegregated data whenever data are reported (effectively serving as a constant reminder about gender).
- Thoughtful selection of Vietnamese case studies to specifically illustrate the different human rights protection issues faced by men, women, boys, girls, and minority persons. Through such well-designed case studies, gender – and minority-related problems faced by certain groups will be brought to the forefront and discussed in detail during teaching and course work. As well, when action plans are developed during courses, how prosecutors specifically deal with issues of gender and minorities could easily be built in as a natural part of such exercises.

5.3 Possible Objectives for a New Project

The TOR requests the Team to suggest possible objectives and results for a new project. Assuming the ideas presented in Table 6 are more or less accepted, objectives and results for a new project might develop along lines similar to these ideas.

Table 7. Example LFA Matrix of New Project

* Incomplete and Without Inputs or Key Assumptions. Note: The element of time, which is important, has not been included yet.

Description	Indicator	Means of Verification
<i>Long-Term Objective:</i> The human rights of citizens of Vietnam being protected in accordance with international standards and national laws	(to be defined)	(in relation to the indicator(s) defined)
<i>Short-Term Objective:</i> Prosecutors at all levels working actively for human rights protection for Vietnamese citizens	(to be defined, with the key phrase being “working actively for human rights protection”)	(in relation to the indicator(s) defined)
<i>Results:</i> 1. X prosecutors with commitment to act based on their attendance at VRCHR-RWI courses/seminars 2. “Master Trainers” conducting useful courses for prosecutors at district level 3. Vietnamese case studies developed and used in central- and lower-level courses and seminars 4. Comparative studies completed and used in courses 5. Z resource groups/networks established and functioning (specify each group/network that should be in place) 6. Prosecutors being monitored and supervised on how well they are protecting human rights 7.	1. Plans of action developed at courses/seminars. Follow-up actions in relation to plans. 2. Course reports and accounts of expenditures, evaluation comments and plans of action by participants 3. Y nos. printed case studies illustrating the principles of 4. YY nos. comparative studies of international and Vietnamese law 5. Groups/networks formed and functioning 6. Government’s existing inspection and supervisory mechanisms doing said monitoring in accordance with established criteria 7.	1. Documentation, observations, follow-up visits and reports, spot-check interviews 2. Documentation, spot-check interviews 3. Case studies used and discussed in courses and seminars 4. Comparative studies used and discussed in courses and seminars 5. Mandates, membership lists, minutes of meetings 6. Reports, observations by independent authorities 7.

For each result, there will be a series of main activities. For example, achieving the result “Master Trainers” conducting useful courses for prosecutors at district level”, will require that a number of contributing activities be successfully planned and implemented, e.g.:

- Identify those who will be trained/refreshed as Master Trainers
- Design curricula for the Master Trainers course
- Design and print course materials
- Organise courses
- Conduct courses
- Evaluate those trained and select those with the best potential to train others
- Support Master Trainers to plan, conduct and evaluate their own courses
- Monitor the whole process, and especially how well Master Trainers conduct their courses, and what participants to these courses leave with (what knowledge, what understanding of human rights protection issues, what commitment to action, etc.)
- Continually update and improve this process

For each activity, there would be inputs of staff time and money, both from Sida/RWI's side and Vietnam's side. From Vietnam's side, there will also be inputs of existing physical infrastructure and other facilities.

5.4 Strategy and Donor Co-operation

The 1997–2000 programmes appear to be part of a long-term goal within the Country Strategy of Sweden. The short-term goal in the programmes suggested here for the future are in line with past programmes in that they aim at capacity-building, in existing institutions, reinforcing the professionalism and impartiality of the judiciary. This should be made explicit in Sida's strategy, while improving co-operation with other donors, whenever appropriate and in agreement with Vietnamese partners.

An ambitious and action oriented programme like the one recommended in the report is likely to require a stronger presence in Vietnam by RWI personnel.

This investment will go a long way, in particular if there is a genuine interest on the part of the GoV to promote the necessary reforms. The danger is, as always, that support to institution-building risks undermining the recipient country's own commitment and responsibility. Therefore the political will of Vietnam is fundamental to the sustainability of the project and a precondition for success.

Annex 1

Terms of Reference for the Evaluation of Human Rights Training Project in Vietnam 1997–2000

A project implemented by Vietnam Research Center for Human Rights at the Ho Chi Minh Political Academy (VRCHR) in co-operation with the Raoul Wallenberg Institute of Human Rights and Humanitarian Law (RWI) with support from Sweden.

1. Background

In 1996, the Raoul Wallenberg Institute (RWI) was invited to participate in a seminar in Vietnam arranged by the Faculty of Law, Umeå University. In connection with this, contacts were established between the Vietnam Research Centre for Human Rights (VRCHR) and RWI, which resulted in a co-operation agreement between the two institutions in November 1997. The co-operation has contained several components; seminars, courses, library support and translation of human rights material into Vietnamese. The VRCHR has, as a part of the Ho Chi Minh Political Academy, a responsibility to provide senior Vietnamese officials with education in human rights related to their profession.

During the *first phase* 1997–1998 the objectives were very general and oriented towards awareness and competence raising through providing general human rights training and education. The activities consisted of three seminars on human rights; two one week-long seminars and the third in total three weeks including two weeks of in-depth studies and study visits in Sweden in early 1999. In addition to these training activities, two research libraries on international law and human rights were provided; to the VRCHR and to the College of Law in Ho Chi Minh City (HCMC library not in VRCHR-RWI agreement). A project aiming at publishing the translated version of the text book “The Universal Declaration on Human Rights. A Common Standard of Achievement”, was also commenced.

The *second phase* 1999–2000, have the overall objective to contribute to “*enhance awareness of and improve upon human rights in Vietnam with reference to international human rights standards*”. The overall objective is further to “*create professionals and institutions which, in executing their authority, respect the international instruments and national law for protection of human rights regulating their authority*”. Additional objectives include to enhance understanding within the different target groups for the importance to execute their authority in line with international human rights standards. Finally, an objective was also to strengthen the capacity within the Vietnam Research Centre for Human Rights, with the view to enable them to carry out human rights training in Vietnam.

During the second phase, in total six seminars aimed at specific target groups, were arranged in various places in the country. The target group were provincial Chiefs-of-Police and Prosecutors at the provincial level and Deputies at the National Assembly. Additionally, a seminar on state reporting obligations was arranged in co-operation with VRCHR and the Ministry of Foreign Affairs in Hanoi in December 2000.

As of the specific target groups, the objective has been to contribute to create institutions aware of the signification of international and national regulations for the protection of human rights and the implications for the authority of the respective professional group. The methods used to achieve above mentioned objectives among the two target groups was to hold seminars on human rights and its relation to various aspects such as law enforcement, prosecution, responsibility of the legislature, judiciary. Another method used was to identify, compile and translate human rights instruments and training material into Vietnamese.

2. Scope and purpose of the evaluation

The evaluation assess relevance and impact of the activities carried 1997–2000. The evaluation will also look forward in light of the fact that the RWI and VRCHR are discussing the content for a future co-operation beginning in 2002.

The co-operation has been going on for three years (Nov 1997–Dec 2000) with the same approach and the same kind of activities however adapted to the various target groups. There is a need to assess the impact of the activities in relation to the stipulated objectives. There is also a need to assess whether the type of activities carried out were relevant, appropriate and the most effective way to achieve the goals.

Based on the rapid change in the legal and political field in Vietnam there is also a need to assess for the future whether the same type of activities i.e. seminars, courses and provision of material are relevant in the present Vietnamese context and whether relevant to the identified target groups.

3. Objectives of the evaluation – issues to be covered in the evaluation

3.1 Analyse **relevance** of the activities carried out

At the time of starting this project, the general awareness and competence on international human rights standards, was very limited in Vietnam. Also it was a very sensitive area. Based on this brief analysis the partner, the VRCHR at HCMPA was identified as the most feasible Vietnamese partner, and the most appropriate activities were considered to be training. The evaluators should consider the following:

- a) Was the choice of partner and activities relevant?
- b) Were the chosen activities, i.e. seminars, training courses, donation of human rights literature, relevant to the receiving institutions? This includes VRCHR, College of Law in HCMC, but if possible also examination of relevance to the police and the procuratorate. What other ways and means could have been chosen?
- c) Were the character of the activities relevant, i.e. trainers, topics covered in the training, training materials, working methods? What other ways and means could have been chosen?
- d) To what extent have the target groups, beneficiaries and content of the activities, mode of training/trainers and training materials been gender reflecting?

3.2 Analyse **impact** of the activities carried out

- a) Can any change in professional competence related to human rights be noted among female and male staff at VRCHR and HCMPA and representatives from other institutions participating in the training and seminars, if so how?
- b) Can any change in professional competence related to human rights be noted among the specific target groups Provincial Chiefs of Police, Prosecutors and Members of parliament, if so how?
- c) Any training activities carried out by VRCHR, HCMPA without external support for specific target groups (government officials in general/police/prosecutors or judges)?
- d) Any verified change in attitudes towards HR, policy and terminology used related to international standards?
- e) Any significant changes in policies, laws, speeches, actions and behaviour of government officials with regard to human rights?

- f) Any verified change in the treatment of individuals/suspects by police and prosecutors, if so how?
- g) How are of women and men dealt respectively with and how are victims of abuse dealt with?

A part of the impact analysis would be to examine the development within the VRCHR during the time of co-operation. An effort should be made to try to identify which parts of the development that are directly attributable to the co-operation between VRCHR and RWI. This is particularly important since VRCHR is involved with a number of other co-operation partners in the field of human rights. If possible, suggestions shall be made if and how the effectiveness could have been increased if several of the different actors co-operated.

During the time of co-operation, one VRCHR staff member has participated in the Master Programme in International Human Rights Law, and another has participated in the Advanced Training Course on Human Rights. To what extent have they personally benefited from this training, and in what ways do their organisation benefit from their training?

During the time of co-operation in Vietnam, RWI have also admitted other Vietnamese persons to the training activities in Lund. These have not been a part of the programme between VRCHR and RWI but nevertheless, if possible, any impact of their training in Sweden should also be sought for by the evaluation team.

Based on analysis of relevance and impact make *conclusions* on:

- a) To what extent have the overall and specific objectives been achieved?
- b) What effects for the target groups, professionals and individuals can be traced?
- c) To what extent is there any sustainability of the activities carried out - have there been any own initiatives? By whom?
- d) Related to the expenditures contributed by Sida and the input by Government - how are the costs related to the impact and result (cost effectiveness)?

4. Possible future assistance to improve upon human rights in Vietnam with reference to international human rights standards

4.1 Analyse how change of attitudes and values on human rights can best and most efficiently be achieved in a Vietnamese context by looking at:

- a) Who are the core actors in human rights policy development in Vietnam?
- b) What are their problems in ensuring that Vietnam's policies and legislation adhere to international human rights standard?

4.2 Analyse how the implementation of human rights policies and laws can be ensured by core professionals:

- a) Who are the core professionals in human rights implementation, protection and monitoring in Vietnam?
- b) What are their problems in ensuring human rights protection?
- c) Gender aspects to be considered, and if so in which areas?

4.3 Analyse the main problems related to the protection of the individuals' human rights in Vietnam:

- a) Who are the most vulnerable groups of people whose rights may be violated and whom have difficult to protect their own interest? (women-men-girls-boys-minorities)

- b) What are their main problems and how can these be addressed?

Based on the conclusions from the evaluation and the analysis of target groups, problems and their problems *propose relevant*:

- a) Target groups and beneficiaries for future assistance
- b) How these target groups' problems can be addressed
- c) Possible objectives and results for a new project
- d) Methods, activities and inputs to achieve these objectives and results
- e) Propose feasible implementing institutions and specifying their role.

5. Methodology

Select a core group of target group representatives (gender balanced) to participate in an assessment workshop (2–3 days). The workshop shall use the participatory tools of Logical Framework analysis (LFA) and be led by a moderator.

Interview trainers, in Sweden and Vietnam, with the view of gathering information concerning teaching methods used, responsiveness by the participants and to get personal observations by the trainers.

Field visit to at least one province-district-commune to meet and interview staff of the academy branch, police and prosecutors and judges and other selected target group representatives. A gender balance shall be maintained among interviewed. Interview about their attitudes and competence to protect human rights in enforcement and problems encountered.

In Hanoi and possibly in HCMC meet with some other possible core target groups and visit other key persons who may have comments on the relevance, impact and sustainability of the activities carried out; this would for example include persons at the Swedish Embassy in Hanoi and Swedish Save the Children in Hanoi; (if possible meet with some other possible core policy makers such as Party officials, MPs, MoFA, MoJ, Ministry of Public Security, Committee on Religious Affairs and Universities)

Assess compiled written material such as project progress reports, list of participants, and trainers, programs, lecture notes and evaluation reports from seminars, any policy or curriculum of the academy.

Access other material including laws related to human rights situation in Vietnam and enforcement agencies including legal aid and barristers. Study relevant parts of the legislation and make an analysis of the legal situation now compared to 1997, with regards to human rights protection.

Study relevant human rights reports and other relevant observations submitted by the Vietnamese Government, under international treaties and otherwise.

Visit the research library, at VRCHR, to examine how the books are kept, and how frequently they are used.

6. Composition of the team of evaluators and time schedule

The evaluation cum assessment will be carried out by three international qualified consultants. The team shall have the following qualifications:

- Extensive competence and knowledge of international human rights standards
- Experience from developing competence and practices in the area of human rights

- Experience from evaluation of human rights training projects
- One of the consultants must have documented Moderation skill in Logical Framework Analysis (LFA methods)

A full time independent interpreter with legal background shall be appointed to the team.

The Evaluation will be carried out during June 2001.

Man weeks shall be organised as follows:

	work in Sweden/Europe	work in Vietnam
Team leader	4 days	12 days
Consultant 1	10 days	12 days
Consultant 2	4 days	12 days
Local consultant/interpreter		12 days

Consultant 1 shall have the main responsibility to compile the final report.

Contract with international consultants will be signed by DESA and with the local consultant/ interpreter by the Embassy.

A representative of RWI will be invited as observer and facilitator to the evaluation team.

The work in Vietnam shall start with a preparatory meeting with the Embassy and end with a sum up meeting with the Embassy upon leaving Vietnam.

The Evaluation is carried out upon request of Sida/the Embassy and the team report to Sida the Embassy. The role of VRCHR and RWI is to facilitate the evaluation in all aspects by providing written and oral documentation and also organising meetings and workshops. The Embassy will have the main responsibility to in preparing the program and practical arrangements but in close consultation with VRCHR.

7. Reporting

The evaluation report shall be written in English and should not exceed 30 pages, excluding annexes. Format and outline of the report shall follow the guidelines in *Sida Evaluation Report – a Standardized Format* (see Annex 1). 3 copies of the draft report shall be submitted to the Sida and the Embassy no later than 31 July 2001. Within 2 weeks after receiving comments on the draft report, a final version in 3 copies and on diskette shall be submitted to Sida and Embassy. Subject to decision by Sida, the report will be published and distributed as a publication within the Sida Evaluations series. The evaluation report shall be written in Word 97 for Windows (or in a compatible format) and should be presented in a way that enables publication without further editing.

The evaluation assignment includes the production of a Newsletter summary following the guidelines in *Sida Evaluations Newsletter – Guidelines for Evaluation Managers and Consultants* (Annex 2) and also the completion of *Sida Evaluations Data Work Sheet* (Annex 3).

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SWEDISH INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

S-105 25 Stockholm, Sweden

Tel: +46 (0)8-698 50 00. Fax: +46 (0)8-20 88 64

Telegram: sida stockholm. Postgiro: 1 56 34-9

E-mail: info@sida.se. Homepage: <http://www.sida.se>