

## COOPERATION BETWEEN THE UNITED NATIONS AND THE NATIONAL ASSEMBLY OF VIET NAM

JULY 2011 UPDATE



Viet Nam's 1992 Constitution states that the National Assembly is the "highest organ of state power" and the highest-level representative body of the people. It can draw up, adopt and amend the constitution and make and amend laws. It makes decisions on issues of national importance and also has the responsibility to oversee the activities of the State, including the implementation of State plans and budgets.

The role of the National Assembly has been considerably strengthened as part of Viet Nam's reform process, and the Assembly today appears to be a far more powerful and relevant institution within the political system than it was ten years ago.

The UN has been an active partner of the National Assembly for many years in areas such as capacity building and policy examination. Increasingly, work is being carried out directly with the various committees of the National Assembly in the form of policy research and analysis; technical support for the scrutiny of draft laws; and monitoring the implementation of legislation and international commitments. The UN has offered access to international experience, expertise and best practice; the promotion of the principles of the UN; and funding for programmes and initiatives aimed at realizing these principles.

### CAPACITY BUILDING

The UN has provided support over the past 15 years to the National Assembly to build its institutional capacity in the legislative process, oversight and representation functions. This has included technical and financial support in several areas.

*Introduction of systematic public consultations, including committee public hearings:* In 2008, the UN supported the introduction of systematic public consultations in the legislative and oversight functions of National Assembly committees, initially through the Committee on Social Affairs. Topics covered in these consultations included the draft Law on Health Insurance, the draft Law on People with Disabilities, and the Labour Code with a focus on women workers' rights. These public consultations have contributed to more effective verification of the feasibility and effectiveness of the laws and policies discussed; have provided opportunities for representative bodies, state management agencies and citizens to discuss these laws and policies and identify solutions to overcome drawbacks; and have contributed to a consensus in developing and implementing the policies discussed. Public consultations

have been continued from 2009 to 2011 with the Committee on Social Affairs, the Ethnic Council, and the Committee on Culture, Education, Youth and Children.

In 2010, as part of the National Assembly's efforts to improve the quality of its performance, the Committee on Social Affairs and the Ethnic Council piloted public hearings on poverty reduction strategies and the government policy on settlement for ethnic groups, respectively. These new processes have provided National Assembly deputies with critical information to help them better assess the implementation of government programmes; and have improved transparency in the work of the committees due to media involvement, which has also improved people's understanding of the National Assembly's work. Support to public hearings by various committees has been ongoing in 2011.

*Research and information management capabilities:* In 2011, the UN started working with the Institute for Legislative Studies (ILS) to enhance its capacity to conduct strategic research on National Assembly legislation and oversight processes and procedures; and enhance its information and communication technology system. The objective is to support the provision of timely and objective

research and information to National Assembly agencies, including committees, and Members of Parliament.

**Legislative drafting/scrutiny:** The UN has been providing technical assistance for improving the examination of draft laws by contributing to more substantive deliberations and increased quality of legislation. For instance, the UN has assisted with formulation and enforcement of the Law on Environmental Protection, Law on Gender Equality, Law on Biodiversity, Law on Energy Efficiency, as well as with the implementation of the Strategic Orientation for Sustainable Development, the Disaster Mitigation Strategy and other national strategies.

In addition, the UN has contributed to various evidence-based research and analytical studies, surveys and reports on topics such as budgeting, children's rights, environmental protection and sustainable development - which have increased knowledge among deputies and contributed to discussions on policy choices. UN advocacy work has helped to ensure leadership by the National Assembly in enforcing implementation of the National Policy on Accidents and Injury Prevention, including a critical review of safety legislation, strengthening of the National Steering Committee and consideration of injury prevention as a potential national target programme.

**Macro-economic policy and budgetary oversight:** The UN is supporting increased capacity within the National Assembly for macro-economic policy examination and oversight to ensure sound and pro-poor macroeconomic policies. Support has also been provided for improving research, policy analysis and oversight capacity on fiscal and budgetary issues.

**Review of legislative procedures and oversight tasks:** In 2010, the UN supported various initiatives of the ILS and the Committee on Law to examine the performance of core National Assembly functions as well as internal processes and procedures in order to identify areas that require further renovation to enhance the operations of the XIII National Assembly. Also, the UN is supporting the Committee on Judicial Affairs with an assessment of its achievements, challenges and possible solutions to improve the effectiveness of the committee's oversight tasks.

**Training for deputies:** The UN has worked to strengthen the capacity of the National Assembly's Training Centre for Elected Representatives (TCER). The centre is considered a knowledge and coordination hub, facilitating participatory training initiatives for deputies at both the central and local level. The UN has supported TCER to develop a monitoring and evaluation framework for its training curriculum. TCER also delivered distance-learning courses for Provincial People's Councils' deputies. Over the past two years, the UN also created numerous opportunities for TCER to expand learning and sharing networks among parliamentarians through better cooperation with the ASEAN Inter-Parliamentary Assembly and the Inter-Parliamentary Union (IPU).

## THEMATIC SUPPORT

### **National HIV Response**

The UN was one of the first international organizations to support Viet Nam in the response to HIV in the 1990s. The HIV Programme Coordination Group (PCG), which is composed of 11 participating UN organizations, has worked closely with the Committee for Social Affairs to strengthen the role of the National Assembly (at the central level) and People's Councils (at the provincial and local levels) in the implementation of the National Strategy on HIV/AIDS Prevention and Control.

UN support has included technical assistance for the development of legislation, guidelines and directives in the national response to HIV. In particular, support has been provided to the development, dissemination and monitoring of the Law on Prevention and Control of HIV/AIDS (the HIV Law) and related resolutions, as well as the process of harmonizing existing laws with the HIV Law and international human rights conventions. For instance, in the framework of amendments to the Law on Drug Prevention and Control in 2008, UN partners shared evidence, international materials and best practices, and provided technical assistance to the National Assembly related to illicit drugs and drug control laws.

Similarly, the UN has provided extensive technical support to the National Assembly for reviews of legislation relating to sex work, the related administrative sanctions ordinance and their relationships with HIV transmission. These efforts have involved technical documentation, legal advice, study tours, support for civil society representation, conference participation and sustained high-level advocacy. Moreover, capacity development for HIV/AIDS prevention and control has been provided to members of elected bodies at central and local levels to mainstream HIV response in local socio-economic development plans and to strengthen the implementation of the HIV Law at provincial and lower levels. This has resulted in better coordination and more informed leadership.

Finally, the UN supported the field visit of the IPU advisory group on HIV/AIDS in 2009, which aimed to gather information about the role of the National Assembly in the national response to the epidemic in the country and to share lessons learned with parliaments of other countries facing similar challenges.

### **Rights of Children**

The UN is working to strengthen the capacity of National Assembly deputies to address issues related to the rights of children and women in law making and oversight. This includes issues such as child injury prevention, education, health and child protection. In addition, the UN has worked to improve policies that affect children and advocate for the development of laws that are in line with the International



Convention on the Rights of the Child; to oversee the integration of children issues into socio-economic development plans of localities; and to strengthen the capacity of elected officials in areas such as public finances, budget review, participation and monitoring.

As part of these efforts the UN works with different committees of the National Assembly including the Committee on Culture, Education, Youth and Children; the Committee on Social Affairs; the Law Committee; the Committee for Financial and Budgetary Affairs; and the Ethnic Council. Particularly significant work has been undertaken in support of three recent laws: the Law on Adoption of Children; the Law on People with Disabilities; and the Law on Food Safety. In the case of all three laws, consultations at national and provincial levels were organized. For the Law on Disabilities and the Law on Adoption of Children, a number of consultations with non-state actors also took place. For the development of all three laws, the UN provided assistance for oversight and capacity development of National Assembly committee members.

In addition to the work in the area of legislation and policymaking, the UN disseminates information on issues relevant to the rights of children. The UN has completed a study on monitoring of children rights and child participation, and supported the implementation of the recommendations of the study. The UN also supported parliamentary oversight of child injury prevention legislation and the implementation of laws on policies for children in special circumstances.

Good results have been achieved in increasing awareness among elected officials of the rights of women and children as defined in international and national legal documents. A series of workshops and briefings for elected officials has led to improved knowledge of child rights. Fact-finding trips have been supported to various provinces to study how children's rights have been realized and integrated into local socio-economic development plans – which has increased elected officials' knowledge of children's issues. Awareness of children's right to participation has also been raised, primarily through forums between children with elected officials (in

Ho Chi Minh City notably) and children's participation in seminars and workshops organized by the National Assembly Committee on Culture, Education, Youth and Children.

## ***Population, Reproductive Health and Domestic Violence***

UN support to the National Assembly in these areas is aimed at building the capacity of National Assembly deputies to: i) review and adopt drafts of new and/or revised laws and ordinances on health generally, but particularly those on population and reproductive health; and ii) monitor the implementation of these laws and policies at the community level. The objective is to review existing policies or formulate new policies in line with the MDGs, the Platform for Action of the Fourth World Conference on Women and the Convention on the Elimination of All Forms of Discrimination against Women. The main interlocutor for this policy area within the National Assembly is the Committee on Social Affairs.

The UN has given presentations on the current population and reproductive health situation in Viet Nam at various meetings and workshops organized by the National Assembly. Following the 2009 population census, policy briefs on various themes have been shared with deputies.

The UN has cooperated with the National Assembly on a study on internal migration in the country, which influenced the Law on Residence (2006), a review of the two child policy, and the prohibition of sex determination during pregnancy. Another area of cooperation is on a review of the population strategy in the 2001-2010 period and the drafting of a new Population and Reproductive Health Strategy 2011-2020 to be submitted for government approval. In addition, due to UN involvement, health care issues for the workers were added to the revision process of the Labour Law.

The UN also supported the National Assembly in integrating emerging population and reproductive health issues into an internal bulletin addressed to deputies. Furthermore, the UN prepared studies and monitored the implementation of the Law on Preventing and Combating Domestic Violence in two pilot provinces. And the UN supported the organization of the Asia and Pacific Parliamentary Forum on Population and Development in Viet Nam in 2009.

## ***Women's Rights and Gender Equality***

The UN has helped strengthen the capacity of the National Assembly to integrate the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) into national legislation and to monitor the implementation of laws and policies to ensure that national legislation, policies and development programmes for ethnic

minorities and ethnic minority areas are developed within the CEDAW framework. The aim is to ensure that these policies and programmes incorporate principles of substantive equality, non-discrimination and state obligation and are in line with the Law on Gender Equality. The UN has also provided technical assistance and training to the Ethnic Council related to CEDAW. Members of the National Assembly now have an increased understanding of how CEDAW can be applied and reflected in legislative processes, monitoring and oversight of development programmes for ethnic minorities and ethnic minority areas.

Initiatives have included raising awareness of gender equality among deputies and providing technical expertise to assist with mainstreaming gender equality into legislative work, including gender sensitive budgeting. In 2010, the UN worked with the Committee on Social Affairs on the mainstreaming of gender into three pieces of legislation. Recently, the Committee on Science, Technology and Environment received technical support on gender and climate change. This assistance includes technical advice and financial support to develop a compendium of articles on gender and climate change and to raise awareness of these issues among members of the National Assembly. In addition, the UN is supporting the National Assembly Women Parliamentarians Group, established in 2008, in their advocacy efforts to reflect women's and gender equality in legislation and other relevant tasks.

The UN has also provided support for enhancing regional networking of women parliamentary caucuses, including through the organization of regional and sub-regional forums to facilitate dialogue among women parliamentarian caucuses, with an emphasis on Viet Nam, Laos and Cambodia.

### ***Labour and Social Welfare***

In the area of labour and social welfare, UN engagement with the National Assembly has gradually increased through cooperation with the Committee on Social Affairs and the Committee on Law. The cooperation is demand-driven and expertise-based, and it is focused on themes and draft laws on the committee's agenda. Since 2002, the National Assembly has sought technical advice from the UN for a number of draft legal documents and laws, notably in the fields of internal migration management, international



labour migration, disability and the labour code and the Trade Union Law. The UN provides technical opinions on legislation and makes available technical specialists to facilitate a substantive appraisal process, especially on issues like internal migration, the situation of Vietnamese workers abroad, and comprehensive reform of both the Labour Code and the Trade Union Law.

## **POLICY DIALOGUE AND AID COORDINATION**

In its convening role, the UN is working with the Office of the National Assembly to improve policy dialogue and aid coordination with international partners. At the end of each National Assembly session, the UN and the Office of the National Assembly organize the Parliamentary Partnership Forum during which Members of Parliament brief the diplomatic community on the highlights of the session. At least one high-level donor dialogue with the National Assembly to review the National Assembly's performance is organized every five years to discuss critical reform issues. During the XII Legislature one high-level donor dialogue was held in 2007 in Da Nang and another one in Hoi An at the end of 2010, at the end of the National Assembly's term. The findings and progress of initiatives supported by the UN, such as the introduction of public consultations at national and sub-national levels, are discussed as part of these dialogues.

## **UNITED NATIONS VIET NAM**

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