



# Concept Environmental and Social Review Summary

## Concept Stage

### **(ESRS Concept Stage)**

Date Prepared/Updated: 06/22/2020 | Report No: ESRSC01463



**BASIC INFORMATION**

**A. Basic Project Data**

Country	Region	Project ID	Parent Project ID (if any)
Vietnam	EAST ASIA AND PACIFIC	P171660	
Project Name	Vietnam: Improved Delivery of Legal Aid for the Poor And Vulnerable		
Practice Area (Lead)	Financing Instrument	Estimated Appraisal Date	Estimated Board Date
Urban, Resilience and Land	Investment Project Financing		1/15/2021
Borrower(s)	Implementing Agency(ies)		
Socialist Republic of Vietnam	Provincial Department of Justice, Yen Bai Province, Ministry of Justice, Provincial Department of Justice, Dien Bien Province		

Proposed Development Objective

16. The proposed Project development objective is to improve the delivery of legal aid and promote the legal empowerment of beneficiaries in selected provinces in the Northern Mountain Region.

17. The principal outcome to the targeted key beneficiaries is that they will have increased knowledge of and access to legal aid for labor, family and land issues, supported by a system of trained, local actors such as legal aid providers and other key figures managing village life. Beneficiaries will have improved satisfaction and trust towards legal aid services provided by provincial legal aid centers. Legal aid providers will be better equipped to work on key issues of civil, marriage and family law and will be trained on how to work with vulnerable groups, such as ethnic minority women, survivors of gender-based violence , and people with disabilities.

18. This will be achieved through:

- Improved access to and use of legal aid services by addressing barriers of access to legal aid services related to diverse factors, such as cultural constraints, gender, privacy, language and remoteness, and leverage traditional and local governance systems to address some of these constraints.
- Improved capacity of legal aid providers and other officials in substantive areas related to legal aid and cases identified as priorities by local communities and WB national gender research, for example labor, family, and land issues, soft skills needed to work with specific groups, and use of technology.
- Piloting the creation of partnerships with NGOs and other professional organizations to improve the quality of legal aid services and demonstrate a more sustainable model for delivery of legal aid services.



Overall, the direct beneficiaries of the project are people who fall under the targeted eligible categories of beneficiaries under the Legal Aid Law in Yen Bai and Dien Bien Provinces, which include poor, ethnic minorities living in areas with extremely harsh socio-economic conditions, and people with disabilities and having financial difficulties.

19. The topic of focus – labor law, family, access to land, family law - are chosen because of demand and because there is evidence that these are particularly relevant for enhancing social inclusion and decreasing existing gender inequalities. Thus, the choice of topics linked to targeting beneficiaries by vulnerability and gender. For example, according to recent research by the World Bank the provision for joint land titling in the 2003 Land Law has positive impact on the empowerment of women; the health and economic outcomes of individuals; households’ access to credit and; household expenditures. However, the country and its people do not reap these benefits in an optimal way. Although there has been a great increase in share of joint land titles, men remain more likely than women to hold a land title as an individual or head of household. Key reasons for this that people are unaware of the opportunity to transform existing titles and the current implementation of the Land Law relies too narrowly on the individual to take initiative to convert singly titles. With more attention to this at local legal aid centers there is an opportunity to help increase demand for converting existing singly titles to joint ones.

20. The higher-level objective would be to contribute to improvement of legal aid activities in Vietnam by initially implementing the proposed activities as a pilot in two provinces in the Northern Mountain Region and then scale-up the experience of this pilot in other provinces using financing from other sources. Under the Legal Aid Law of Vietnam, legal aid services include participation in legal proceedings (litigation), legal advice and participation in non-litigation proceedings (e.g. petitions). Given the nature of the proposed activities, it is expected that the focus will be primarily on legal advice and participation in legal proceedings.

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Financing (in USD Million)	Amount
Total Project Cost	2.60

**B. Is the project being prepared in a Situation of Urgent Need of Assistance or Capacity Constraints, as per Bank IPF Policy, para. 12?**

No

**C. Summary Description of Proposed Project [including overview of Country, Sectoral & Institutional Contexts and Relationship to CPF]**

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#### **D. Environmental and Social Overview**

D.1. Detailed project location(s) and salient physical characteristics relevant to the E&S assessment [geographic, environmental, social]

The project will take place in Dien Bien and Yen Bai provinces in the Northern Mountain Region, with high poverty rates and high rates of ethnic minority populations. Dien Bien province has 19 ethnic minority groups, including Thái,



Mông, Kinh, Dao, Khơ Mú, Hà Nhì, Lào, Hán, Kháng, Mường, Cống, Xi Mun, Si La, Nùng, Phù Lá, Thổ, Tày, and Sán Chay. Dien Bien has one city, one town and 8 rural districts. According to the population survey (2015), the province has a population of 548,000 people, with almost a gender balance. As many as 465,094 people live in rural areas. Around 34 percent of the province’s population are under 15. In 2017, the poverty and near-poverty rates in Dien Bien were 41 percent and 9.4 percent, respectively. According to the province’s statistical yearbook 2018, Yên Bái has a population of 815,566 people, including 407,552 men and 403,014 women. The province has 30 ethnic minority groups, including Tày, Thái, Dao, Mông, and Mường, who represent half of the province’s population. As many as 80 percent of the population live in rural areas. Yen Bai has one city, one town and 7 rural districts. In 2017, the poverty and near-poverty rates in Yen Bai were 22 percent and 10 percent, respectively.

The project will be prioritize the provision of legal aid services to members of ethnic minority groups, the poor, women (focusing on survivors of gender-based violence), and people with disabilities. Consultations and assessment showed a clear demand for increased awareness and understanding of the legal needs of the poor and vulnerable groups, and the need to tailor the delivery of legal aid in a manner that corresponds to the needs of different disadvantaged groups including ethnic minorities, women, and groups that face stigmas (e.g. HIV, people with disabilities, and victims of gender-based violence).

D. 2. Borrower’s Institutional Capacity

This project, financed exclusively by the Japan Social Development Fund, will be implemented by the Ministry of Justice, and in close cooperation with the Provincial Legal Aid Centers (PLACs) from Dien Bien and Yen Bai provinces. The Ministry had prepared and implemented a World Bank financed project in Vietnam, namely the Legal Services for Development and International Finance Project (P143519), which was closed in 2017. However, the Ministry of Justice has no experience in preparation and implementation of a World Bank financed project under the new Environmental and Social Framework (ESF). They are not familiar with the concept of proportionality and adaptive management of the ESF, and Environmental and Social Standards (ESSs). The implementation capacity of the two PLACs which will directly implement the project interventions and mitigation measures is weak. This will be further assessed during project preparation, and supportive measures including training and technical support to the PLACs by the Ministry of Justice will be put in place. Overall, the institutional capacity for ESF implementation of the implementing agencies will need to be strengthened. Historically inclusion of vulnerable groups in legal services has been limited by cultural and other barriers and PLACs require support to develop sensitivity to ethnic minority concerns. Given the inclusion focus of the project regarding vulnerable groups (women, ethnic minorities) as legal aid clients, the capacity building activities under Component 2 and the involvement of NGOs under Component 3 would ensure service delivery is done in a manner that meets the social profile of the clients. The task team expects an increase in their demand for support in environmental and social risk management during preparation and implementation, and anticipates that this will require additional resources and may affect the preparation time.

II. SCREENING OF POTENTIAL ENVIRONMENTAL AND SOCIAL (ES) RISKS AND IMPACTS

A. Environmental and Social Risk Classification (ESRC)

Moderate

Environmental Risk Rating

Low

The TF project is proposed to support technical assistance to improve the delivery of legal aid and promote legal empowerment of selected vulnerable groups in selected provinces in the Northern Mountain Region. It will neither finance civil works, nor lead to physical activities. The project is anticipated with direct social benefits, and given the

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nature, type and scale of the project, it is expected that the potential adverse risks to and impacts on human populations and/or the environment are likely to be minimal or negligible.

**Social Risk Rating**

Moderate

The project will employ workers (primarily as contracted service providers), and will require engagement with, and service provision to, sensitive socio-economic groups (e.g. ethnic minorities, people living in poverty, survivors of gender-based violence). The project activities will likely require travel and interaction of legal aid providers (i) to trainings and (ii) within the project areas to deliver legal services, which may result in some occupational risks associated with travel. The project, if successfully implemented, is likely to result in significant positive social impacts in terms of extending legal aid access to vulnerable socio-economic groups including ethnic minorities, poor households, people with disabilities, and survivors of gender-based violence. The services provided under the project pertain to potentially sensitive matters of civil and family law involving addressing alleged harm to vulnerable persons from ethnic groups whose access to such services has been limited by cultural and other barriers. While the project financing itself is unlikely to contribute to that harm, poor implementation may prolong resolution being sought through the provision of legal services (e.g. if legal aid service providers do not deliver services to an ethnically diverse population in a culturally appropriate manner, or lack the capacity to address the needs of sensitive groups such as survivors of gender based violence). Moderate rating is a precautionary approach given the vulnerabilities and nature of some of the services delivered. It is likely to be revised down to low risk during implementation given that social inclusion measures are well integrated into the design of the project. Moderate risks relate to the failure of the intervention activities themselves prolonging barriers to access legal remedy for vulnerable persons.

**B. Environment and Social Standards (ESSs) that Apply to the Activities Being Considered**

**B.1. General Assessment**

**ESS1 Assessment and Management of Environmental and Social Risks and Impacts**

**Overview of the relevance of the Standard for the Project:**

The project would bring about positive impacts by improving the delivery of legal aid and promote legal empowerment of specific vulnerable groups in selected provinces in the Northern Mountain Region, with a focus on ethnic minorities, poor, women (focusing on survivors of gender-based violence), and people with disabilities. The project will aim to address barriers of access to legal aid services related to diverse factors, focus on improving the capacity of legal aid providers, and pilot activities aimed at demonstrating a more sustainable model for delivery of legal aid services, and it will be divided into two sub-components. The project will neither finance civil works, nor lead to physical works or other activities likely to involve environmental and social risks and impacts. The project is anticipated to involve induced social benefits associated with improved access to, and delivery of legal aid. As part of the preparation of the project, a social assessment has already been conducted to determine the legal aid service needs of the beneficiaries. According to the social assessment, knowledge of legal issues was raised as a key need of local people in the study sites. Local officials want to learn more about important laws relating to credit, labor, land, marriage, forest protection, criminal affairs, citizenship, and grievances. Meanwhile, local people showed their keen interest in legal information and advice on labor, employment, contractual procedures, credit, marriage, forest protection, land rights, housing, marriage and assets division. Vulnerable groups of people who need legal aid include poor people, migrants (internal and overseas), ethnic minority women, victims of both domestic and gender-based violence, people with HIV/AIDS, people with mobility-related disabilities and the elderly. Given the nature, type and scale of the project, it is expected that potential adverse risks to, and impacts on human populations and/or the

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environment are likely to be minimal or negligible. Thus, no further E&S assessment will be required beyond the social assessment already completed.

**Areas where “Use of Borrower Framework” is being considered:**

The use of Borrower Framework for addressing environmental and social issues is not anticipated.

**ESS10 Stakeholder Engagement and Information Disclosure**

While the project will have minimal or no E&S impacts, the identification of, and outreach to relevant stakeholders will be important for the achievement of the development objective. Stakeholder identification and analysis was addressed in the social assessment already conducted, and is important to understand how best to improve the project’s interventions, including provision of legal aid services to targeted beneficiaries, and capacity building for service providers. The key stakeholders analysed in the social assessment include beneficiary groups, legal aid centers in the project provinces, lawyers who are involved in legal aid outreach and service, village heads, local mediation teams, legal aid clubs, and legal information networks. As a majority of the project beneficiaries come from ethnic minorities (under ESS7), it is important to ensure that the legal aid services are provided in a culturally appropriate manner. The Ministry of Justice will provide relevant stakeholders, including the project’s potential beneficiaries, with timely, relevant, understandable and accessible information, and consult with them in a culturally appropriate manner, which is free of manipulation, interference, coercion, discrimination and intimidation. Key elements of a stakeholder engagement plan (SEP), commensurate to the project risks, will be incorporated into the ESCP, and later into the grant operational manual. Special provisions will be included to ensure its sensitivity to the issues of ethnic minorities, including culturally appropriate strategies of communication. The project-affected parties are the Ministry of Justice, Departments of Justice and PLACs from Dien Bien and Yen Bai provinces, and legal aid beneficiaries targeted by the project. Other interested parties include the organizations interested in the implementation of the Legal Aid Law, including legal consultancy centers of socio-economic organizations (women’s unions, farmer’s unions, etc.), legal clinics of universities/ institutions, and local NGOs, such as provincial bar associations and legal professions associations, and other selected actors of other relevant sectors (health, education, social services). The project also involves other closely related officials such as judges, prosecutors, and other law enforcement officials.

The ESCP will include provisions to establish a GRM. Providers of legal aid services will be trained and asked to provide the project’s legal aid beneficiaries with adequate information on the grievance redress mechanism (GRM) procedures in case they are dissatisfied or adversely affected by the service provided. In terms of the project-level GRM, if citizens have any queries or concerns relating to the legal aid services with the support of the project, the first point of contact will be the respective PLACs in their provinces. If issues cannot be resolved at this level, it will be brought up to the Project Management Unit based at the Ministry of Justice. The proposed procedures and mechanism will be reflected in the publicity of the project. In addition, complaints related to the provision of legal aid services can be addressed through the appropriate professional bodies.

**B.2. Specific Risks and Impacts**

**A brief description of the potential environmental and social risks and impacts relevant to the Project.**

**ESS2 Labor and Working Conditions**

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The project will employ direct workers (primarily as contracted project staff), including staff from the Central PMU, PLACs and their district/commune branches, licensed lawyers and/or legal aid professionals. An LMP is not needed as the workers being hired are knowledge workers who are already well protected by the existing law and professional institutions.

For any workers who will be hired for the purposes of the project directly by the Ministry of Justice, employment contracts will be established that adhere to the requirements of national law, and which will incorporate the relevant provisions of ESS2 (including terms and working conditions and occupational health and safety, as well as non-discrimination and equal opportunity). The occupational health and safety risks for project workers may include infection of communicable diseases due to interaction with many people, and road safety and other travel-related risks during business travel. Similar provisions from ESS2 will be included in all consultancy contracts that will be financed out of project funds.. The project will also ensure that a grievance redress mechanism is available to project workers as per the relevant provisions of the public employment law and the article 200 of the 2012 Labor code. The project will also provide relevant training to project workers and key figures managing village life (such as village elderlies; heads of village, heads of family clans, and persons with prestige, etc.) regarding legal aid at the grassroots level, tailored to needs and potential risks and impacts of the project.

### **ESS3 Resource Efficiency and Pollution Prevention and Management**

Based on the screening against ESS3, this ESS is not considered relevant to the project. This project will neither finance civil works, nor involve activities with potential risks or impacts associated with pollution or resource efficiency.

### **ESS4 Community Health and Safety**

The project will neither finance nor support any civil works activities. No rehabilitation or construction of new infrastructure or other actions having an impact on the environment will be financed through this grant. That said, the project will provide legal aid services to vulnerable groups, including ethnic minorities, women, and groups that face stigmas (e.g. HIV, people with disabilities, and victims of gender-based violence). Therefore, the project will establish and implement appropriate quality management systems to anticipate and minimize risks and impacts, especially concerning confidentiality, which this service may have on safety of those beneficiary groups in the project-affected communities. The principle risks relate mainly to implementation deficiencies in legal aid services possibly facilitating retribution or other forms of victimization for survivors of gender based violence, including risk of further abuse and exploitation, which may in turn lead to the exclusion of particular vulnerable groups (either due to a lack of trust or fear of retribution) from access to legal aid. Mitigation measures will be incorporated in the project design and will include GBV awareness training and codes of conduct for service providers.

### **ESS5 Land Acquisition, Restrictions on Land Use and Involuntary Resettlement**

This standard is not relevant. The project will not finance any activities that might require land acquisition, restriction on land use and involuntary resettlement.





**ESS6 Biodiversity Conservation and Sustainable Management of Living Natural Resources**

This standard is not relevant. The Project will neither finance nor support any civil works activities or policies affecting biodiversity or management of living natural resources.

**ESS7 Indigenous Peoples/Sub-Saharan African Historically Underserved Traditional Local Communities**

The project provinces of Dien Bien and Yen Bai have high rates of ethnic minority groups, including Mong, Thai, Dao, Giay, and Tay. The SA, conducted during the project preparation, has identified their needs in a participatory and culturally appropriate manner, understanding the existing barriers preventing ethnic minority people to participate in, and benefit from the project’s activities to claim legal aid entitlements, determining priorities of beneficiaries and identify priority legal issues that contribute to economic empowerment. The barriers may be related to communication, languages, cultural practices, institutional arrangements, and religious or spiritual beliefs. Different needs and preferences of men and women from ethnic minority groups in the project communities will also be considered in the design of the project’s activities, including development of communication materials and methods, and organization of consultations. An engagement process with the ethnic minority groups in the project communities will be undertaken, including stakeholder analysis and engagement planning, disclosure of information, and meaningful consultation, in a culturally appropriate and gender and inter-generationally inclusive manner. The project will conduct legal aid service in some of the districts with high proportion of ethnic minorities, but names of these districts remain unknown at this stage. Therefore, based on the findings from the SA and the engagement process, an EMPF will be prepared prior to appraisal to provide guidance on how additional Ethnic Minority Development Plans (EMDPs) should be prepared when the project districts for legal aid service are known. The EMPF ensures (a) affected EM peoples receive culturally appropriate social and economic benefits; (b) when there are potential adverse effects on EM, the impacts are identified, avoided, minimized, mitigated, or compensated for. No further social assessment is anticipated.

**ESS8 Cultural Heritage**

This standard is not relevant. This project will neither finance civil works, nor involve activities with potential direct or in direct risks or impacts on tangible or intangible cultural heritage.

**ESS9 Financial Intermediaries**

The project will not include any financial intermediaries.

**B.3 Other Relevant Project Risks**

No

**C. Legal Operational Policies that Apply**

**OP 7.50 Projects on International Waterways**

No

The project will neither finance civil works, nor lead to physical activities, and will not be implemented on any international waterways. Therefore, OP 7.50 is not triggered.

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**OP 7.60 Projects in Disputed Areas**

No

No part of the project activities will be implemented in a disputed area, so the policy is not triggered.

**III. WORLD BANK ENVIRONMENTAL AND SOCIAL DUE DILIGENCE**

**A. Is a common approach being considered?**

No

**Financing Partners**

None

**B. Proposed Measures, Actions and Timing (Borrower’s commitments)**

**Actions to be completed prior to Bank Board Approval:**

- Complete the Environmental and Social Commitment Plan (ESCP);
- SEP elements will be incorporated into the ESCP prior to appraisal;
- Complete an Ethnic Minority Planning Framework (EMPF) prior to appraisal;
- Incorporation of social issue considerations (inclusion, vulnerable people, ethnic minorities etc.) in project design based on the findings of the SA (already completed).

**Possible issues to be addressed in the Borrower Environmental and Social Commitment Plan (ESCP):**

E&S considerations included in project reporting;  
 Prepare EMDPs when the project districts for legal aid service are known and before implementation;  
 SEP elements included in ESCP and Grant Operational Manual;  
 GBV awareness training and codes of conduct for service providers;  
 Project worker and consultancy contracts will incorporate the relevant provisions of ESS2;  
 A GRM for workers in the context of the project in line with ESS2 will be included;  
 A GRM for the project’s legal aid beneficiaries will be included;  
 Capacity building activities for the two provincial legal aid centers, including training on providing the project’s legal aid beneficiaries with adequate information on GRM procedures.

**C. Timing**

**Tentative target date for preparing the Appraisal Stage ESRS**

28-Aug-2020

**IV. CONTACT POINTS**

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**Borrower/Client/Recipient**

Borrower: Socialist Republic of Vietnam

**Implementing Agency(ies)**

Implementing Agency: Provincial Department of Justice, Yen Bai Province

Implementing Agency: Ministry of Justice

Implementing Agency: Provincial Department of Justice, Dien Bien Province

**V. FOR MORE INFORMATION CONTACT**

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**VI. APPROVAL**

Task Team Leader(s): Aristeidis Panou, Helle Buchhave, Huong Thi Lan Tran  
Practice Manager (ENR/Social) Stephen Ling Recommended on 22-Jun-2020 at 21:35:10 EDT