

3.1 AT-A-GLANCE

Findings from Desk Review and Key Informant Interviews (Individual and Group)

1. Freedom of Expression			
Objective: Strengthened freedom of expression, including independent media and access to information			
Desk Review Highlights	Interviews (Key Informant and Group) Highlights	Strengths Highlights	Challenges Highlights
<p>Cambodia</p> <p>In 2008, two modules of the “The Role of Press for Peace building” course for press associations and journalists were completed and two more modules were planned for 2009.</p> <p>In 2008, there is mention of monitoring and analysis of 13 newspapers but the result of these activities are not reported.</p> <p>Some reports state that use of media channels for general dissemination of information in Cambodia is ineffective. If media channels are not in use to begin with, then freedom of expression in media may be difficult to gauge although it is widely recognized that the defamation provisions in the criminal law currently in force is used to limit freedom of expression.</p> <p>DC-CAM used TV Broadcasts, as well as the Radio, to ensure that the history of the Khmer Rouge was told, primary to ensure that young people understood what had transpired but also to let those who had suffered under the Khmer Rouge know that they had not been forgotten. The project of creating DVDs for TV and stories for radio included within them the fact that there had been an ‘informal truth commission in Cambodia.’ In 1982-83, the PRK government, which succeeded the Democratic Kampuchea, collected 1,250 petitions from over 1.1 million Cambodians detailing the crimes that the KR had perpetrated against them.</p>	<p>Cambodia seems more open than Vietnam with many examples of a somewhat more free press allowing some criticism of the government. These criticisms are not without risks however.</p> <p>There is a growing sense, expressed by some interviewees, that the press is facing more difficulties in Cambodia and the recent NGO law is a good example of how “freedom of expression” in Cambodia is facing increasing challenges. Although the government has stepped away from the most ‘draconian elements of the new NGO law, this was accomplished only after a great deal of pressure from the traditional DAC donors (as well as elements from the local human rights community). The traditional donor community has a seemingly diminishing influence on the government in Cambodia, even as the influence of China and other non-traditional donors and international business interests grows.</p> <p>Also, although some media channels are not available in remote areas, the use of radio in these remote areas is very effective. Most Cambodians do have access to this type of media which does not require literacy but only the ability to understand the language. Thus, DC-CAM, did use not only TV to broadcast its stories about the Khmer Rouge period (prior to the trials at the ECCC) but also used radio to reach the widest possible audience.</p> <p>In 2008, the VPA project used these petitions to locate survivors and to give them an opportunity to retell their story. According to those interviewed at DC-CAM the purpose of this continuity with the past was to promote trust (i.e., that their actions were not in vain) and hopefully lead to reconciliation with the present as they would be able to tell their stories now and seek justice and reconciliation.</p>	<p>Involving the press in peace building is critical since they tell the story to the general public and thus can sway public opinion. They also convey the message of reconciliation to their audience and it becomes part of the narrative. This helps bring about the conversation within the larger society.</p> <p>Using multi-approaches to media helps to make for a consistent and more broadly appealing message. Also, linking with the past (i.e., with the testimonials of the 1980s) can help Cambodian victims feel that they have not been forgotten and that indeed there has been a historical desire to render justice. Also, this process links the international process (the ECCC) with the local ones of the PRK.</p>	<p>Notwithstanding the fact that TV is now widespread, using channels which some Cambodians outside of Phnom Penh don’t have access to, limits the reach of the audience and therefore the message. Measures were taken to remedy this through use of radio and distributing materials to ensure that all Cambodians could have access.</p> <p>The results-based approach is somewhat lacking in, i.e., many DC-CAM reports were reviewed and while the narrative is inspiring, there needs to be more emphasis on results based, indicator measured, reporting to ensure that the results that are claimed can actually be tracked objectively. When the evaluators arrived at DC-CAM they met an expert engaged by Sida to assist them with RBM reporting which is positive.</p>

1. Freedom of Expression			
Objective: Strengthened freedom of expression, including independent media and access to information			
Desk Review Highlights	Interviews (Key Informant and Group) Highlights	Strengths Highlights	Challenges Highlights
<p>Vietnam The government continues to exercise a high degree of control over the media and other key institutions, yet results from a recent evaluation of reports and interviews with key informants suggests that Sida's training and support activities to 30 radio stations and thousands of journalists has been a success. After 5 years, the project providing support to further training of journalists has trained approximately 3,000 media journalists and media managers. The project contributed to increased quality and capacity of journalism and the media, as well as a more modern and improved daily management. The program has also contributed to openness and democracy within a Vietnamese context. Through courses on investigative journalism and ongoing discussions on ethics and the role of media in society, the project has provided knowledge and methods to journalists for improved governance and transparency. More recently in late 2010 a new project (National Training Program and Media Training Centre) started. After only 1 year of operation, it has already trained 300 media managers and reporters.</p>	<p>According to interviewees, it is very difficult to demonstrate results with respect to freedom of expression in Vietnam. For one thing, Professional Journalism is not the same as in western countries: namely, Journalists largely receive funding from the government and thus it becomes difficult for them to criticize the government.</p> <p>In addition, it is very difficult for journalists to directly criticize the government due to the 'conservative elements' within the party itself.</p> <p>Some felt that professionalizing the journalists and media managers was important but that it was also important to reach the moderate and future leadership of the party and those who are currently working to deal with change incrementally within the government, i.e., some respondents at the MFA described close, trusting relationships with officials which wanted to see change but understood that it need to progress step-by step.</p> <p>Also, respondents described that trainings, radio shows, newsletters, etc. and more open social dialogue have had the effect of contributing to an increased demand for openness by those who purchase newspapers, namely public. As the government slowly cuts budgets of newspapers etc., these papers need to make up this loss through other means.</p> <p>Some claimed that the GoV and Party (and members of the general public) have recognized the importance of a capable and effective media in exposing corruption and bureaucracy – a sensitive subject that GoV claims it wants to ameliorate.</p> <p>Finally, the themes of ethics and role of media in society, are slowly becoming part of the discussion among journalists. However, while journalism remains part of the government, it is difficult to see more concrete vs. softer changes (i.e., changes in individual attitudes of journalists or the willingness of the general public to discuss 'sensitive' issues, i.e., corruption, more openly.</p>	<p>Professionalization of institutions is the best way of institutionalizing change over time. This helps make the work in which Sweden has been engaged sustainable and also helps build capacity of national institutions for the long haul.</p> <p>As Journalists professionalize and work their message into the daily papers and newsletters, they have been helping to revise the public debate on many sensitive issues: local, participative governance, human rights, anti-corruption, access to justices, ethnic minorities, gender issues etc.</p> <p>The holistic approach which Sweden has undertaken, i.e., working with the professionals, as well as with the GoV and the Party, has helped to transform that debate at the higher levels as well (although it is certainly a slow process). The 'special relationship' is helping some improvements to be institutionalized.</p>	<p>Although the concept of Professionalization and Institutionalization is critical and necessary, it is somewhat limited when it comes to the press in Vietnam since they are still (for the most part) state employees who are paid by the state. It is true that they have seen their budgets cut over the years which has forced them to seek other funding from, i.e., selling newspapers etc. This has had the effect of pushing for a more open agenda since the public is not interested in the paper unless it conveys more openness and truth about a variety of situations instead of only the state line.</p> <p>Although it will be critical to have continued support from bilateral donors on such issues, it will be very difficult for Sweden to transfer their support within the Vietnamese government to any other donor; they simply are seen as unique. Thus, there is real concern that some of these improvements dealing with sensitive programmes will stall without Sweden's direct involvement and support.</p>

2. Political Framework for Democratic Procedures			
Objective: Democratic political procedures and institutions for decision-making, including electoral processes, political parties and parliaments			
Desk Review Highlights	Interviews (Key Informant and Group) Highlights	Strengths Highlights	Challenges Highlights
<p>Cambodia The Royal Government of Cambodia's Decentralisation and De-concentration (D&D) reforms have not yet had significant effects on moving decision-making from central to local government, moving control over resources from central to local government, or in changing the role of central Ministries from service delivery to standard setting and accountability.</p> <p>The Project to Support Democratic Development through Decentralization and De-concentration (PSDD) is a programme-based approach (PBA) where the financial resources of a core group of development partners supporting D&D reform, i.e. Sweden, DfID and UNDP, are pooled in a basket fund for which UNDP has been entrusted to administer since its inception. Aid coordination is assured through the Technical Working Group (TWG) for D&D, as well as the TWG for Public Administration Reform. The premise of the PSDD is to encourage Cambodian ownership, not just by the national government, but also at the sub-national and local levels with the overall goal of reducing poverty.</p> <p>Sida has been the longest standing and most substantial bilateral donor to Cambodia's local government reform. Sida acted as lead donor from 2006-2009. The PSDD which is now complete was instrumental in bringing about the National Program for Sub-National Democratic Development (NP-SNDD) which is now the overall decentralization program in Cambodia.</p>	<p>Interviewees noted that there is still some resistance on the part of the central government to decentralizing the responsibilities to the provincial level. This does not appear to be a problem at the commune council level but the central government may see a challenge to its authority from the provincial level.</p> <p>Therefore, they see transferring control to the local commune level as more acceptable. There is still work to be done in developing accountability mechanisms at the sub-national levels in particular.</p> <p>Some interviewees were concerned that the D & D will not have a positive effect with respect to women's rights because there is more discrimination at the local level.</p> <p>However, there are some very positive developments with more women becoming engaged in commune council politics at the local level.</p> <p>Sida believes in the empowerment of other levels of government, beyond the central government, i.e., at the sub-national level, - both provincial and commune levels. There have been a number of emerging gains through government reforms with respect to the decentralization and de-concentration (D&D) initiative especially in the areas of public finance and commune development planning.</p> <p>These include commune level targeted budget allocations which include village level input and financial administration by communes. These are designed to improve accountability and provide more avenues for sub-national discretion over funding and resource allocation.</p>	<p>There is increasing participation at the local level (i.e., in the commune government). In addition this support has helped those who would not normally be empowered: the poor and rural communities, women, ethnic minorities, etc., who feel that they can have an influence on their own reality and work towards greater participation and democracy.</p> <p>The PSDD, which was in large measure supported by Sweden and benefited from their leadership, has also included support from other donors in a harmonized manner: DfID, and UNDP working with relevant TWGs. This is a very positive development and works well with the Paris Declaration Agenda.</p>	<p>Unfortunately, although the commune level has worked well in terms of participation, there are those who claim that the process is still not wholly transparent or accountable and lacks many of the mechanisms to do so. There is some 'cronyism' which continues where those who are associated with the commune council are said to be favoured.</p> <p>In addition, there is still resistance to empowerment of the provincial level.</p>

2. Political Framework for Democratic Procedures			
Objective: Democratic political procedures and institutions for decision-making, including electoral processes, political parties and parliaments			
Desk Review Highlights	Interviews (Key Informant and Group) Highlights	Strengths Highlights	Challenges Highlights
<p>Cambodia In 2007, the UNDP – acting as lead agency for PSDD on behalf of Sida and DFID – signed a three year agreement with the National Committee for Decentralization and De-concentration (NCDD) on the PSDD designed to guarantee discretionary resources to communes, districts and provinces for investments and the core technical assistance and operational costs associated with the NCDD Annual WP and Budget.</p> <p>Some progress has been made in increasing local accountability at Commune/Sangkat level, and the local accountability of District and Provincial Governors has already been enhanced with the establishment of indirectly-elected councils at those levels. Development of mechanisms for the accountability of sub-national to national levels of governance when appropriate will need to accompany the devolution of functions and resources.</p>	<p>The PSDD provided national, province, district/ municipality and commune/Sangkat support level support. At the most local level, the PSDD also provides direct support to the local level through the Commune Sangkat Fund (CS Fund) which is considered by many interviewees to be one of the most efficient and transparent components of the national budget.</p>	<p>Work is in progress to deal with local accountability issues and discretionary resources to communes, districts and provinces and technical assistance associated with the NCDD Annual WP and Budget.</p> <p>The local level is benefiting from direct support because of the Sangkat Fund.</p>	<p>Clearly there is still work to be done with respect to local systems of accountability. However funds such as the Commune Sangkat Fund are working to a large extent.</p>

2. Political Framework for Democratic Procedures

Objective: Democratic political procedures and institutions for decision-making, including electoral processes, political parties and parliaments

Desk Review Highlights	Interviews (Key Informant and Group) Highlights	Strengths Highlights	Challenges Highlights
<p>Vietnam Democratic decision-making at the village level has given the poor a feeling of being listened to by local officials and agencies. A high proportion of villagers have stated that community relations have improved, particularly with the poor, women and ethnic minorities.</p>	<p>There are many ways to deal with the issue of decentralized decision-making as Sweden's Chia-Se project demonstrates. The project has encouraged decision-making at the village level and has involved women and other vulnerable groups in this process. Such activities, according to those interviewed, have had the effect of demonstrating that it is possible for ordinary people to be meaningfully involved in decision-making.</p> <p>This strengthened the overall sense that participation in government by citizens is positive, empowering and produces better results.</p> <p>In addition, some interviewees reported that, in their view, this sense of empowerment was a main contributor to the fact that areas involved in Chia Se developed quickly, and more consistently than other comparable areas of the country. The overall sense was that proactive decision making not only empowers people but also provides them with more options and tools to critically evaluate and manage their lives.</p>	<p>Local decision-making has been enhanced and seems to have produced a multiplier effect vis a vis empowerment and a desire to participate in governance (which is a critical part of democracy)</p> <p>This type of rural empowerment, as in Cambodia, has helped empower some of the most vulnerable members of society, i.e., the rural poor, and ethnic minorities. In addition the fact that there is a sense of improved community relations by the villagers is positive since it speaks to the efficacy of that empowerment and provides a sense of self-confidence in locals.</p>	<p>Again, this type of empowerment has not yet been seen much at the higher levels of government, although there is more open discussion between the GoV with Sweden on issues involving participation and anti-corruption. In addition, although other donors have taken the leadership on a number of technical working groups as well as DFID taking the helm for the 'Dialogue on Anti-Corruption' from Sweden as it transitions, these donors are still not as effective nor are there signs that the GoV will accept them into the fold as they have Sweden. Clearly Sweden's is a unique position which is strong but difficult to pass on to others.</p>

3. Democratic Administration			
Objective: A democratic, accountable and efficient public administration at all levels, including public financial management and anti-corruption			
Desk Review Highlights	Interviews (Key Informant and Group) Highlights	Strengths Highlights	Challenges Highlights
<p>Cambodia Accusations of corrupted commune councils (CC's) are frequent, typically citing over-charging for birth certificates, charging for conflict resolution, or unfair distribution of favours arriving to the village/commune from the outside. The commune chiefs are often accused favouring his (most CC's are men) own 'clique', rather than self-enriching. It is noticeable that financial corruption is more rare (cf. Kim 2011), but recently been believed to increase in urban communes. There is a risk of supporting decentralisation, allowing increased money flows without more sophisticated financial systems and/or monitoring mechanisms (work is on-going to improve this). It is also worth noticing that, most likely corruption of financial flows in relation to the decentralisation process and its accompanied development projects, are considerably less than many centrally controlled processes. Recent fieldwork has shown that CCs are often on 'the villagers' side'. They are very vocal to help their people in the community even if criticism is directed at the dominant party. The capacity of the local civil service is low due to the lack of people with the necessary competencies and nascent administration. These problems are exacerbated by high levels of absenteeism and low motivation due to inadequate compensation. Some commentators refer to a poor work ethic, but this can also be seen as a reflection of the nature of the psychological contract between staff and their employing organizations. Low pay, poor working conditions and a perception that more senior people have reaped disproportionate benefits does not promote an environment in which staff will be willing to exert themselves to bring about reform. (PSGR Case)</p>	<p>The commune councils still have a ways to go with respect to improving governance but it is also true that the process has helped to bring the notion of governance and participation to the local level.</p> <p>Interviewees indicated that there is still more capacity development that needs to be done with respect to the working of accountability mechanisms at the local level. There are many 'traditional' practices which are at play but there is evidence that training is having an effect, i.e., with more women, which are not traditionally very active, become active in the commune council and having an impact on decision making.</p> <p>The empowerment of the commune council has also given the local villagers more scope to deal with their grievances or issues since they have champions at the community level. This is still a tentative gain and it remains to be seen how this will play out in the future.</p>	<p>Again there is a positive sense of commune council empowerment, and there are some positive developments in terms of such mechanisms as the Sangkat Fund. The PSDD project encourages more control at the local level. It has also enhanced the voice of local commune officials who are prone to defend their membership against injustices.</p>	<p>More capacity needs to be built at the local level in terms of mechanisms for accountability and anti-corruption. Partly this will involve further education of local officials as well as the enhancement of local mechanisms for accountability. The main issue however seems to involve the favouring of those who are connected to local officials and not so much a matter of financial issues involving corruption. Again this is partly a matter of the need for increased education and training.</p>

3. Democratic Administration

Objective: A democratic, accountable and efficient public administration at all levels, including public financial management and anti-corruption

Desk Review Highlights	Interviews (Key Informant and Group) Highlights	Strengths Highlights	Challenges Highlights
<p>Vietnam Evaluation reports provide strong evidence that the Quang Tri Pilot Public Administration Reform project was effective in meeting its objectives. An evaluation in 2006 found that after the Pilot PAR Project, households needed just 3 visits to a single one-stop shop to obtain Land Tenure Certificates, the whole process taking 23 days on average (Poon and Vo, 2006). This represents a significant improvement over the situation in 1999, when it took households 91 days on average and 12 administrative “doors”. The project has been a major contributor to this result .At the conclusion of the pilot in 2003, the number of households holding an LTC was 20,350, accounting for 68 per cent of the total number of households in the province at that time. This rate was much higher than the average level of the country, which stood at 35 per cent in 2003.</p>	<p>The evaluators were told that according to an evaluation of this project completed in 2006, Quang Tri, as well as the two pilot districts, experienced significant poverty reduction between 2001 and 2004. Some claimed that there was a relationship between increased Land Tenure Certificates’ (LTCs) issuance and poverty reduction but however this relationship has yet to be verified.</p> <p>The evaluators were told that success in Quang Tri has influenced other areas. For example, in 2003 Sida provided funds for the model to be replicated in the provinces of Quang Binh, Ha Tinh, Nghe Anh, and Hue, with DoHA in Quang Tri serving as the coordinating agent. Another evaluation completed in 2007, suggested that this project had replicated the findings of the Quang Tri Pilot (McCarty et al, 2007). Also other donors, such as Finland, have taken notice so the success of the <i>One-Stop-Shop</i> by providing funding designed to help streamline other procedures such as business registration, household registration, and building certificates.</p>	<p>The ‘one-stop- shopping’ approach of the Quang Tri Pilot seems to be very effective and has reduced the amount of time with respect to administrative tasks which many Vietnamese find critical to their well-being, i.e., land tenure certificates are obtained much more quickly and with less bureaucracy. This result is much better than the national average and has also helped people feel more empowered.</p> <p>Other donors have become interested in this approach, i.e., Finland and findings of the Quang Tri project have been replicated in other areas.</p>	<p>There is still much bureaucracy in dealing with administrative issues in the country. Long term prospects in this area again seem less likely to be effective without the direct support of Sweden. It is true however that the earlier results of the Quang Tri Pilot have been replicated and that other donors are interested. It is not likely however that these other donors will have the same level of trust that Sweden currently enjoys with its Vietnamese counterparts.</p>

4. Justice Framework

Objective: A well-functioning legal sector ensuring rule of law and equal access to justice

Desk Review Highlights	Interviews (Key Informant) Highlights	Strengths Highlights	Challenges Highlights
<p>Cambodia</p> <p>It is widely accepted that the courts in practice are seriously corrupt and under the strict control of the executive branch of government. However, aside from the impact in how rule of law is respected by the authorities, it is reported that there is impact in terms of greater awareness and understanding of human rights and the rule of law. Reports find that partners have succeeded in supporting the formation of active communities and associations, through advocacy and organizational support. These achievements have contributed to the objective of improving rule of law in Cambodia. The ECCC and DC-CAM also worked on promoting legal accountability by providing assistance to the ECCC. This collaboration was intended to bring about 'some measure of justice to the Cambodian People'. DC-CAM's Legal Response Team has provided pro bono 500,000 pages of documents, photographs, and film to the ECCC at the behest of the Office of the Co-Prosecutor's Office (OCP), the Office of the Co-Investigative Judges (OCU), the Judicial Chambers and defence and civil party lawyers. In addition, the DC-CAM 'Promoting Accountability' interview questionnaires were also provided to the ECCC – these have in turn been used when interviewing witnesses. Using this information, the ECCC has been able to build its case against 2 senior leaders of the Democratic Kampuchea regime for genocide, crimes against humanity, and war crimes. Kaing Guek Eav (known as Duch) was convicted and another indicted. DC-CAM's accountability team went to Vietnam (to Ho Chi Minh city) where they obtained other documents, photos and film and were able to communicate with the Vietnam New Agency about the past.</p>	<p>One respondent mentioned the World Bank Governance Indicators could be used as a guide. Governance has improved in Cambodia on the important variable of political stability and absence of violence, but more work needs to be done on the other 5 governance indicators: namely, voice and accountability, government effectiveness, regulatory quality, rule of law and control of corruption. Along with governance, the knowledge of human rights has been improved through contributions by Swedish Framework organizations (Forum Syd and Diakonia) working with their Cambodian CSO partner organizations.</p> <p>The ECCC has worked closely with DC-CAM and with the Cambodian Legal System. There have been many battles between international Judges/lawyers and local Cambodian counterparts. The fact is that the process has had to work on the local system, i.e., training of lawyers, judges and other court personnel in order to help the outcome of the ECCC. This process has however further exposed the short-comings of the Cambodia legal system for corruption and lack of systems, i.e., it is difficult to find files (paper files disappear), and other violations and abuses. Some petitioners have withdrawn their petitions but most have been eager to seek justice and have their stories told. Reconciliation is a long process according to DC-CAM will involve not only courts and human right training but also rebuild the culture and history of Cambodia to restore confidence and a connection to the past for the Khmer peoples. The Centre is grateful to donors but sees its work as a fundamentally Cambodian task that needs to follow an internal logic with respect to rebuilding and promoting rule of law and reconciliation.</p>	<p>Working to help draw attention to the legal system through the work of local NGOs funded by Forum Syd and Diakonia has had positive results. Both Forum-Syd and Diakonia (Swedish Framework Organization) work with a variety of civil society organizations in a number of areas, including legal aid.</p> <p>For example, the Cambodian Defenders Project provides qualified juridical support and services in both civil and criminal cases to poor, vulnerable and marginalized groups of society. Forum-Syd is working with the CDP (Cambodian Defenders Project) in order to handle an increasing number of cases, especially regarding violations of women's rights.</p>	<p>During organization of the ECCC, many of the flaws of the Cambodian legal system became clearer to those involved. It was obvious that there were many issues related to transparency, corruption and abuse that needed to be addressed. These are some of the main issues that Forum-Syd is assisting local partners to address. It is sometimes difficult to address these issues only through the community or NGO level however and more work is needed with the RGC to help overcome this problem. In addition, NGOs need more support at this time since there is a growing backlash from the RGC towards NGOs and CBOs witnessed in its dealings with the NGO Law which the RGC tried to pass. It was only through lobbying from local and international organizations and discussions with international donors, i.e., Sweden and organizations such as Forum-Syd, Diakonia and CDRI as well as international HRs groups that this was averted at this time.</p>

4. Justice Framework			
Objective: A well-functioning legal sector ensuring rule of law and equal access to justice			
Desk Review Highlights	Interviews (Key Informant) Highlights	Strengths Highlights	Challenges Highlights
<p>Vietnam The Political Bureau of the Vietnamese Communist Party, in preparing <i>Party Resolution No. 49, The Judicial Reform Strategy to the year 2020 (JRS)</i>, noted that “penal policies, as well as civil legislation and laws on judicial procedure have outdated elements and have been slowly revised and amended. The organization, mandates, tasks, and operational mechanisms of judicial organs seem unreasonable in many aspects. There is still a shortage of judicial and support staff. The professional qualifications and political ability of some officials are low.”</p> <p>Many laws pertaining to the justice sector have been drafted and adopted in recent years to remedy such problems, such as the Civil Code, Civil Procedure Code, Criminal Procedure Code, Law on Promulgation of Legal Normative Documents, as well as several other laws on organization and operation of legal and judicial institutions. Other amendments are planned according to the legislative agenda of the National Assembly. While these new laws represent certain steps towards a fair, effective and rights-protecting justice sector, much work remains to transform the laws into reality so that they can play a role in guaranteeing rights and justice in Vietnam.</p> <p>To remedy problems within key justice sector institutions in delivering and providing for rule of law, the Political Bureau of the Communist Party issued Resolution No. 49JRS, calling for improvement of criminal policies and procedures, clear distinctions between administration management and judicial decision-making, including safeguarding the independence of judicial authorities and officials in exercising their judicial tasks within Vietnamese constitutional and political parameters. The proposed programme will be implemented in a context of national priority.</p>	<p>The evaluators were repeatedly told that Vietnam has, or is in the process of, drafting many good laws dealing with better access to Justice. Swedish ODA has been instrumental in helping the government draft laws with respect to better access for vulnerable populations such as ethnic minorities in remote areas, women and the disabled.</p> <p>In interviews, evaluators were also told that, although there are many good laws, and ideas, such as mobile clinics for example, there is not enough money or staff (resources in general) to properly implement either the legislation or to staff initiatives such as mobile clinics. Indeed, according to informants, this drafting of laws is helping to modernize the legal system which is an important step but implementation remains an issue. Partially this is because the institutions themselves need revision and law school curriculum also needs revamping. This will require a systemic overhaul and changes at many operational as well as political and policy-oriented levels. Moreover, there are many positive things planned which is excellent since a great deal of work will be required to transform the system itself.</p> <p>The conservatism of the government, and many lawyers, and mass organizations, i.e., the Vietnam Lawyer’s Association (VLA) will take time to change. These political and professional elements (at the party and political level in general) and at the level of professional organizations, will take time and continued ‘dialogue’ to transform. Thus, while it is positive to see changes for the better vis a vis protection and access to justice in legislation, it will take time to see positive changes in implementation of laws in the real world. Many non-Swedish respondents commented that they wished that they had the type of relationship which Sweden has enjoyed with Vietnam as a trusted advisor with a ‘special relationship’.</p>	<p>There has been a lot of joint work and technical assistance provided by Sweden to help ‘modernize’ the Vietnamese penal code. This work has been extensive and has been some of the most sensitive work (along with anti-corruption) that Sweden has been involved in.</p> <p>With respect to key justice sector institutions and the rule of law, the Communist Party issued Resolution No. 49JRS, calling for improvement of criminal policies and procedures, clear distinctions between administration management and judicial decision-making, including safeguarding the independence of the judiciary. This is very positive development since it is positive and was originated by the Vietnamese.</p>	<p>However, while the drafting of new laws is an important first step towards the protection of rights for those in contact with the justice sector, much work remains to go from drafting to implementation and the protection of the rights of those dealing with the justice sector. There are also still political prisoners, i.e., those who speak out against the government. While there are laws on the books that are progressive, there are also counter measures such as a measure to make it possible to detain people without charge for up to two years</p>

5. Democratic Civil Society

Objective: A vibrant and pluralistic democratic civil society, including non-governmental organizations and interest groups such as faith-based organizations, labour unions, as well as strengthening relations between civil society and the state

Desk Review Highlights	Interviews (Key Informant) Highlights	Strengths Highlights	Challenges Highlights
<p>Cambodia Forum Syd's Democracy and Human Rights Programme started in 1994 and presently works with eleven Cambodian partner organizations. Most are working locally in provinces all over the country while some are also working with advocacy nationally. The common goal is to strengthen access of poor and marginalized people to democratic influence, rights and natural resources. A central theme in the program is to strengthen the participation of discriminated groups in Cambodian society – for example, minorities, youth and women – by increased knowledge and furthered understanding on how to claim their rights.</p> <p>The Swedish framework organizations, such as Forum-Syd and Diakonia (who work closely together in the field, i.e., sharing an accountant, and M & E) are sought after by many CBOs for the help they can provide with capacity building, i.e., training, mentoring, programming support, on such critical issues as: gender equality, free and fair elections, human rights, land rights, legal services such as equal treatment before the law. These organizations work with local partners in order to achieve these goals, i.e., such as the Cambodian Defenders Project (CDP). This organization began as a project of the International Human Rights Group (IHRG) and later became an independent NGO, which provides legal services to vulnerable Cambodians as well awareness of the importance of women's rights.</p>	<p>Civil Society is vibrant and diverse in the sense that it is extremely active and vocal in Cambodia. Although CBOs are facing more direct challenges from the government due to the changing context in Cambodia politically, i.e., the threat of passing a draconian NGO law in Cambodia loomed over civil society for some time in 2011.</p> <p>Non CSO interviewees were mixed however in their views about civil society in Cambodia. Some interviewees felt that many CSBOs in Cambodia had developed a very adversarial approach which was counter-productive to negotiations with the government. Others felt that CSOs in the country were facing government challenges and attacks because the context has changed. For example, increased influence by international business and non-traditional donors have made it possible for the RCG to put less stock into working with civil society which is something that ODA donors, including Sweden, have been promoting.</p> <p>Some interviewees pointed out that the annual CDCF (Cambodia Development Cooperation Forum) did not happen in 2011 but the RCG has indicated that it will be merged with the Business Forum which has been welcomed by donors. Doing this would link the development agenda of the government and donors with the private sector. It is also important that when the CDCF/Business Forum takes place, CSOs continue to be invited, ideally as participants but at least as observers.</p>	<p>The strengths of Forum-Syd and Diakonia and their work with mainly local CSO partners is evident. They work with and through local partners to help achieve both of their objectives. They assist their partners with technical assistance and capacity building. Their work as facilitators of a network also helps to bring interested civil society organizations together at all levels of society. This helps to build a vibrant NGO community that has the skill set to work on issues related to: free and fair elections, judicial support services, land disputes, ethnic minority and indigenous rights, youth and women's organizations and newer issues related to the exploitation of natural resources by international business interests and climate change.</p>	<p>According to CDRI, some Cambodian NGOs and CBOs maintain an adversarial approach to working with the RGC. This approach may prove more difficult in the future as the RGC seems to be moving in a more defensive way towards silencing this type of criticism. CDRI has called for a more conciliatory approach which they claim will have more of an opportunity to succeed. This may be true but there are some very sensitive issues that are likely to become more problematic in the near future, particularly around natural resources and land as well as climate change. Finally, the Swedish Embassy believes that they strongly support CSOs and do not constrain their activities but at the same time they do not always share their views on how best to deal with the RGC.</p>

5. Democratic Civil Society			
Objective: A vibrant and pluralistic democratic civil society, including non-governmental organizations and interest groups such as faith-based organizations, labour unions, as well as strengthening relations between civil society and the state			
Desk Review Highlights	Interviews (Key Informant) Highlights	Strengths Highlights	Challenge Highlights
<p>Cambodia Support from both Forum Syd and Diakonia goes towards human rights and democratic development, community mobilization, land rights, and issue related to gender equality and especially gender based violence.</p> <p>CDRI – Kéchnay Programme - This project was granted by the Overseas Development Institute (UK) beginning in early February 2009 and carried on until the end of the year. The study tried to better understand the relationships between civil society organizations and MPs in Cambodia and explores strategies for enhanced engagement between the two actors. ODI was particularly interested in the role of evidence used in facilitating interactions. The team's methodological approach was to spend a substantial amount of time reading the relevant (classical and contemporary) literature on civil society before doing the fieldwork (Activity Report #3, DfID and SIDA, 2009)</p>	<p>CSOs tend to express the opinion that they do not yet feel sufficiently included as real partners with government and development partners in multi-stakeholder efforts to translate aid effectiveness into practice.</p> <p>On the other hand several respondents reported that, in their opinion, the view of government is that key CSOs have been provided with adequate opportunities to engage government representatives and development partners at all levels of the aid policy dialogue and in development of national and sector strategies through aid coordination mechanisms ranging from the CDCF, GDCC to the TWGs. However, development partner respondents however were divided in their views on this subject.</p> <p>Some respondents noted that support is critical to small civil society organizations within Cambodia as there are fears that the 'space for democracy is decreasing in the country). Some Swedish Embassy staff would appreciate more CSO coordination with the Embassy since they feel that some of the activities of these organizations are seen as 'radical' by the government and undermine efforts to work more closely with the government on issues related to human rights and democratization. This is especially critical in Cambodia since the staff does not benefit from the type of 'special relationship' enjoyed by the Swedish Embassy in Hanoi.</p> <p>A focus group meeting with CDRI staff (including the ED) highlighted the positions that they can play in various types of projects that Sweden is undertaking and particularly those surveyed by the consultants in this report. CDRI perceives itself as able to bridge the gap among the other players, donors, government, and civil society. They claim that their reports are used by all these players in order to help make their cases stronger. (Several other respondents do report using CDRI reports). This seems to indicate trust and a sense of neutrality and thus CDRI feels that they are able to facilitate the dialogue amongst the various actors on sensitive discussion such as the involvement of CSOs on human rights, electoral issues, anti-corruption etc. CDRI respondents claimed that the 'high profile' nature of this work helps raise their credibility both of their researchers and their program, and thus helps build greater trust with donors, civil society, government, civil society and academic institutions. CDRI argues that lack of engagement on the part of MPs towards CSOs is not totally the fault of MPs but is also the fault of political CSOs who do not want to cooperate with ruling MPs. They report that development CSOs are more effective.</p>	<p>The evaluators were told that building relationships is critical. More successful CSOs, for example, have utilized the informal links they have developed mostly with individual MPs. Many CSOs have not established concrete networks with MPs. Engaging in facilitation is likely the answer.</p> <p>Thus, CDRI aside, it is important to think of the diverse but integral roles that each of these development programs plays. These diverse programs would benefit from working more closely together since they could provide one another with cross fertilization which would support a more programmatic approach to Swedish Development Assistance in Cambodia. ad hoc basis is rather new.</p>	

5. Democratic Civil Society

Objective: A vibrant and pluralistic democratic civil society, including non-governmental organizations and interest groups such as faith-based organizations, labour unions, as well as strengthening relations between civil society and the state

Desk Review Highlights	Interviews (Key Informant and Group) Highlights	Strengths Highlights	Challenges Highlights
<p>Vietnam Certain features of Vietnamese civil society have made it difficult for donors to engage the sector in earnest. In the legal and judicial areas, most initiatives so far have focused on law offices, universities and others engaged in legal information dissemination, legal aid and alternative dispute resolution (ADR). However, in recent years, a number of Vietnamese policies and laws (among them the LSDS, JRS and PAR) dealing with social development issues, governance, law, justice, anti-corruption and other fields, have called for development of NGOs to promote various aspects of legal and judicial reforms in Vietnam. The Party and State welcome NGOs to take a more active role in providing legal consultancy, aid, and other justice-related services. (Justice Partnership Programme Vietnam 2010-2015). It must be noted that these NGOs are quasi government rather than independent CSOs.</p>	<p>There has been real resistance by the GoV to the departure of Sweden as a development partner. To bridge the gap, Sweden is trying to introduce other donors as leaders, i.e., Denmark, DfID, the Netherlands etc. When it comes to the justice partnership project for example, Denmark is taking the lead and working with Sida. In meeting with the MOJ however, it was made clear that, although there is also good will with respect to Denmark, they would prefer to work with Sweden.</p> <p>On this project however, there is a small grants fund which is available for registered NGOs. These NGOs and the GoV work together on this project. Original resistance to this seems to have softened.</p> <p>NGOs and CBOs must be legally registered in Vietnam, which is a limitation since many NGOs that are working on sensitive issues are not able to register, i.e. Toward Transparency (TT) is the process of registering but, as yet, has been unsuccessful.</p>	<p>Thanks in part to the Access to Justice Initiative, there is a willingness on the part of the GoV to sit down with <i>some</i> NGOs to discuss this issue.</p> <p>Sweden began this initiative and is now part of a group of donors: Denmark, the Netherlands, and UNDP, as well as Sweden. Denmark is the lead now which is an example of development partner harmonization. The grant fund for CSOs is valuable since it provides funds to organizations which need them to work on D/HR.</p>	<p>The issue of more independent (non government linked) CSOs being registered is a challenge which must be overcome if Vietnam is to create an independent Civil society.</p> <p>Although, it is positive that the GoV is willing to discuss this issue with <i>some</i> NGOs, there are those who question whether NGOs with whom they talk are those that are best suited. Others point to the fact that many other fledging CSOs are not able to gain access. Nevertheless, any dialogue is a good first step however.</p>

6. Gender Equality

Objective: Gender equality, including women's participation in political processes and human rights of women

Desk Review Highlights	Interviews (Key Informant and Group) Highlights	Strengths Highlights	Challenges Highlights
<p>Cambodia The 2010 Project to Support Democratic Development through Decentralisation and De-concentration (PSDD) evaluation reported significant increases in the proportion of local councillor who are women, women's participation in commune decision-making processes, and the extent to which women and the poor have benefited from commune projects. The proportion of women elected in commune elections in 2002 was 9.5%, rising to 14% in the second elections five years later in April 2007, and women have increased their participation in the commune development process and benefited from development projects. -PSGR Case Study</p> <p>Only 0.99 percent of Cambodian women – often from higher income groups – reached beyond secondary levels of formal education compared to their male counterparts 2.62 percent (NIS 2009, World Bank 2007). Information is scant on the extent of their participation in vocational education and training. There has been an overall increase in young men and women's primary and secondary school attendance in the last decade but this has yet to translate into the latter's greater political participation and leadership which continues to be distinctly lower compared to participation by men. While this is gradually changing, cultural conventions continue to leave Cambodian women leaders' responsibilities as focused only on women and children and particularly on health and education. CDRI- Sida Partnership Proposal June 2011</p>	<p>Women are among the most disadvantaged and they are often poorer because of their lack of empowerment which affects their levels of education, health (especially maternal health at the village/commune level), economic and social status a. There also are often high levels of violence against women. The PSDD project has helped women and other vulnerable parts of the population.</p> <p>Some respondents however, were concerned that the D & D project will ultimately not have a positive effect with respect to women's rights because there is more discrimination at the local level. They feel that there will need to be more pressure from the central government and international donors.</p> <p>This concern echoes the sense that gender equality has not been led by Cambodia but has developed through pressure from international donors, i.e., Sida which has been a leader in this area (women's rights and gender equality as an integral part of human rights and democratization)</p> <p>However others disagreed echoing the sentiment that appear in progress reports with respect to the increase in women's participation in commune decision-making processes and the overall increase in the number of women elected to the commune councils.</p> <p>Key informants agree that women are still tasked with the lion's share of work when it comes to children, health and education. Indeed, gender inequalities persist but women's health (excluding maternal mortality figures) has improved.</p>	<p>More women than ever have been involved at the local level (commune level) in politics and there are also many women who are part of women parliamentary strengthening initiatives. In general Sweden supported the work of the TWG on Gender (which has its own gender equality indicators) and is now considering providing specific support to MoWA (the Ministry of Women's Affairs) as part of its efforts to forge closer ties with government. . Gender equality was a concern for the PSDD and in general when it came to decentralization and de-concentration, with some fearing that at the local levels and with more local ownership there would not be as strong an emphasis on gender equality. This however doesn't seem to have happened. More women seem to have benefited from this move to centralize.</p>	<p>There are those who continue to be concerned that decentralization and de-concentration will not necessarily be positive for women in the long run. These individuals point to the need to change the attitude at the local level and to have strong central government policies to promote gender equality.</p> <p>The fear is that many women at the local level are participating but that decision making is still being dominated by men even when there are many women present.</p> <p>The issue of local ownership has been an issue with respect to the Paris Declaration, with many feminists pointing out that many traditional societies would not necessarily promote gender equality if it was not pushed by the donors.</p>

6. Gender Equality			
Objective: Gender equality, including women's participation in political processes and human rights of women			
Desk Review Highlights	Interviews (Key Informant and Group) Highlights	Strengths Highlights	Challenges Highlights
<p>Vietnam Sweden's work on legal education with a gender equity focus resulted in many female officials benefiting from legal education initiatives. In addition it contributed to establishment of an independent Bar Association in 2005. However gender sustainability has been questioned, as the changes sought through these projects were long term and complex and didn't address gender integrally. (Karia et al, 2008). Other areas of focus included CSAGA (Center for Studies and Applied Science in Gender) efforts to work for gender equality, child rights and against domestic violence. iSEE (Institute for Studies of Society, Economy and Environment) with their work on promoting the rights of the LGBT group.</p>	<p>Gender equality is still challenging but, given that it has been mainstreamed into all Sida projects and that of other many donors, it has begun to at least change surface attitudes where officials realize that they need to acknowledge the problem and deal with gender related issues such as violence against women and girls. With Access to Justice, there has been some discussion around the use of mediation as well as legal aid for women's issues. However, studies have shown that in cases of gender violence, mediation may be counterproductive. This is because women are often less powerful or empowered than their male counterparts and the traditional customary law that this process sometimes is based upon, is biased against women and girls.</p>	<p>Gender equality is not seen as that challenging because Vietnam is a communist country. There is not as much resistance to this concept as in some other ASEAN countries which are more traditional. Also, there has been a great deal of work focused on legal education and gender equality by Sweden in the country. Indeed, Sweden (and many other donors) have made gender equality an integral part of their development agenda and 'special relationship' discussions.</p>	<p>Despite some positive developments, there remains a high rate of gender based violence in Vietnamese society, especially among certain ethnic minorities which would indicate that, although much has been done towards women's empowerment, there is still a long way to go.</p> <p>In addition, the use of customary law (especially in ethnic communities where there are still very traditional practices) as part of mediation is counter-productive since it doesn't favour the more vulnerable party, i.e., the woman.</p>

7. Human Rights Strengthening			
Objective: General human rights strengthening, including strengthening of National HR-Commissions, HR-ombudsmen, HR-defenders promoting all human rights			
Desk Review Highlights	Interviews (Key Informant and Group) Highlights	Strengths Highlights	Challenges Highlights
<p>Cambodia There is increasing cooperation between NGOs engaged in the fields of human rights and democracy and those organizations and associations working at the national or local level, on other issues. The establishment of broad-based coalitions composed of wide range of CSOs has happened. There is also a rapidly emerging consensus among international donors and many of the larger Cambodian NGOs of the value of providing technical and financial support to benefit associations and communities to organize themselves so as to defend their own rights and interests. Overall the Sida Advisory Team's conclusion is that civil society has become somewhat stronger structurally over the past few years.</p>	<p>Forum Syd and Diakonia work with, and through, local partner organizations. Both organizations clearly follow policies that work with and through partners rather than implementing their own programmes paralleling their partners. The goal of local ownership (as described in the PD AAA) is central.</p> <p>Forum-Syd and Diakonia (Swedish Framework Organizations) work with a variety of civil society organizations in a number of areas: human rights, gender equality, land disputes, natural resource, legal aid, and more recently, climate change etc. are supported through local partners. Local NGOs voice their appreciation for the long term support which has been provided from Sweden through these organizations. Increased direct support would also be appreciated as would support for a Paris Principled Cambodian Human Rights Commission and support for ASEAN level human rights initiatives (i.e. Commissions etc.) starting in 2012 with Cambodia as Chair of ASEAN. .</p>	<p>The strengths of Forum-Syd and Diakonia and their work with local, CSO partners is obvious. Their work through local partners helps enhance their own objectives while assisting with technical assistance and capacity building. Their work as facilitators of a network also helps to bring together interested civil society organizations at all levels of society. Many of the partners they work with are the leaders in human rights in the country and known regionally within ASEAN.</p>	<p>There seems to be a change in Cambodia which relates to the openness of the space for human rights related NGOs and CBOs. As well, the Swedish Embassy in Cambodia doesn't have the same kind of relationship with the Government as is the case in Vietnam. In Cambodia, Sweden is currently trying to engage more with the RGC which sometimes puts them at odds with the activities of these framework organizations and some of the CSOs they support. More coordination is necessary so that they are not working at cross purposes.</p>

7. Human Rights Strengthening

Objective: General human rights strengthening, including strengthening of National HR-Commissions, HR-ombudsmen, HR-defenders promoting all human rights

Desk Review Highlights	Interviews (Key Informant and Group) Highlights	Strengths Highlights	Challenges Highlights
<p>Vietnam</p> <p>An independent evaluation found that Sweden's legal aid program contributed to improvements on several indicators of democracy and human rights, particularly on access to justice by disadvantaged groups.</p> <p>At the same time, access to justice and human rights was arguably one of the most fraught areas in the Sweden-Vietnam relationship. Sweden's rights-based approach to development did not always sit comfortably with the GoV.</p>	<p>Although the Vietnamese Legal Aid Program is a positive development and can improve access to justice for disadvantaged groups this may be difficult to maintain since these programs (and those related to them) such as mobile clinics or Alternative Dispute Resolution (ADR) need resources to maintain. The evaluators were told that, while many of these programs look good on paper, they often require more financial and staff resources and are indeed somewhat 'starved' for adequate resources.</p> <p>Access to Justice (along with anti-corruption) are highly political and thus requires a strong relationship (such as the one between Vietnam and Sweden) to continue to make progress (particularly in an ASEAN context in which a step by step incremental and non-critical approach, is best suited</p> <p>This last point will be difficult for any donor which tries to take the lead after Sweden, i.e., DfID or Denmark since these donors (while well respected) do not have the same level of relationship and trust that Sweden has earned with Vietnam. This may threaten some of the gains made by Swedish ODA. Thus it is critical to institutionalize as much as possible prior to the ending of traditional ODA support in Vietnam and the move to the 'partner-driven approach' to ODA currently scheduled for 2013.</p>	<p>There is a strong relationship between the MOJ of Vietnam and Sweden. As mentioned earlier a lot of work has been done reforming the legal system and drafting laws.</p> <p>There is also work on dispute resolution and with legal aid to provide greater access to justice.</p> <p>The Access to Justice project is implemented with the Netherlands and UNDP with Denmark in the lead and (providing support to Sida which has stepped out of the leadership role). This work also has a funding mechanism for registered civil society organizations in Vietnam. There have been two calls so far for proposals for funding.</p> <p>The Anti-Corruption dialogue also is now being led by DfID as Sweden has stepped back from its leadership. However, Sweden is still involved and it is positive that other donors are taking up the projects and harmonizing with one another in reporting as is the case with the Access to Justice Project.</p>	<p>An interview with a human rights academic demonstrated seemed to indicate that, although this work is positive in many respects, it is clearly in need of much more effort to take legal reform to the point of predictable implementation.</p> <p>Also with respect to legal aid and alternative dispute resolution, these are good ideas but seem to be somewhat under-funded making it hard to sustain their efforts.</p> <p>Also working with the Professional Organizations, i.e., the Vietnam Lawyers Association (VLA) and the Vietnam Bar Association is a step in the right direction however these are very conservative organizations which are also somewhat politicized.</p> <p>Finally, it is very positive to have a fund for NGOs or CSOs but these include only organizations which the GoV registers. They are not necessarily the most knowledgeable or the most committed. Still this is an important step because it brings civil society in contact with the GoV to deal with sensitive issues. It is a beginning but it is still fraught with challenges.</p>