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Swiss fund legal aid programme

by **Livia Willi**

THAI NGUYEN — Trang fights back tears when she tells her story. Her sister-in-law, Van, is married to a man, Hung, who has a liking for gambling and prostitutes.

When he needed to feed his addictions, he always went to Van for money. Trang could not stand seeing him use her this way. Eventually, she told Hung to stop relying on Van, but he didn't take kindly to her advice.

"He threatened to harm my family if I didn't mind my own business," she says.

It wasn't just a threat. In November 2007, Hung convinced Trang's husband that she was having a relationship with another man, and turned him and his family against her.

"My husband and I did not understand each other any more," she says.

Trang, who lives in northern Thai Nguyen Province, moved back in with her mother, but all her belongings are still in her husband's house.

"I got divorced after 23 years of marriage and lost all of my property," says the 44-year-old.

She argued the divorce case in court, but could not afford a lawyer to argue for her.

She believes that because a member of her ex-husband's family works in the local court, she did not get a fair trial.

Later, Trang's friends told her about a legal services programme created by the National Legal Aid Agency (NLAA) and the Provincial Legal Aid Centres (PLAC).

The NLAA, created by the Government in 1997, aims to improve legal awareness and access to legal services for the disadvantaged people, including the poor, ethnic minorities, juveniles and victims of domestic violence.

The Swiss Agency of Development and Cooperation (SDC) has supported the NLAA since 2005, together with other donors, including SIDA (Swedish International Development Co-operation Agency), Oxfam and Save the Children (Sweden).

To date, 63 legal aid centres have been established in 58 provinces.

In the past four years, the PLAC has provided legal aid services to 401,220 people, 46 per cent of them women. More than 6.5 per cent of the cases went to trial.

The PLAC also offers other services, including petitioning authorities on behalf of clients - and mediation. It also runs mobile clinics servicing rural and remote areas.

At these clinics, the PLAC hands out legal leaflets and gives talks on legal issues. More than 50 per cent of all cases handled by the PLAC were resolved at these clinics.

SDC Senior Programme Officer Nguyen Thanh Giang says the legal programme faces several difficulties. "Ethnic minorities can be difficult to reach and there are not enough legal-aid officers who can speak their languages," Giang says.

It is also hard to find qualified personnel in many provinces. Many of those with law degrees are drawn to bigger salaries in the cities. Giang says there is also not enough acceptance of the equal role of women in the Vietnamese society. "This is one of the reasons some women are reluctant to access our services," says Giang.

A second phase of the legal programme starts in April and will last until March, 2013.

"The programme is very useful," says lawyer Nguyen Hang Duoc, who regularly works on cases he receives from the PLAC.

He claims he has won all his PLAC cases to date, but there is a problem with the implementation of the



Trang hopes for better days to come. — VNS Photo Livia Willi

verdicts by local authorities.

"In a recent case, I managed to successfully defend my client's rights, but it took the authorities two years to follow up the court's ruling," Duoc says.

He complains that in some criminal cases he has been involved in, poor clients often did not see him until police investigations were almost complete.

"That is much too late," says Duoc, who likes to help out of a sense of social duty.

He says he's paid very little compared to his regular work and makes even less if a lot of travel is required.

With the support of a PLAC lawyer, Trang won her case in October 2009. Although the court ordered all her property to be returned, she is still waiting for the authorities to act.

"Before, I didn't trust the legal system at all. Now I have some hope," says Trang. (Trang's ex-husband died of cancer four months ago. His mother claims that Trang poisoned him.) — VNS

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