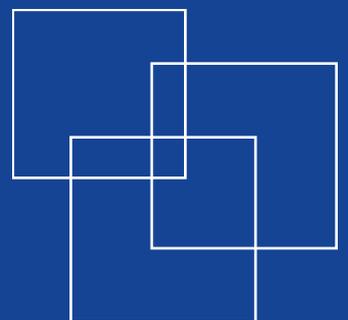




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INTERNATIONAL LABOUR ORGANIZATION

FINAL PROJECT EVALUATION



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FINAL PROJECT EVALUATION

Project title	Promoting Fundamental Conventions of the ILO toward ratification of Conventions 87, 98, 105, and actions to eliminate discrimination and forced labour in Vietnam (NIRF EU project)
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Evaluation Manager	Nguyen Ngoc Trieu
Evaluator	Le Duy Binh and Pham Tien Dung (Economica Vietnam)
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Main implementing partner	Ministry of Labor, Invalids, and Social Affairs (MOLISA) The Viet Nam Chamber of Commerce and Industry (VCCI) The Viet Nam General Confederation of Labour (VGCL)
Other project partners	National Assembly’s Social Affairs Committee; Chambers of commerce, including EuroCham, sector business associations
Donors	The European Commission (DG Trade)



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LIST OF ACRONYMS AND ABBREVIATIONS

MOLISA : Ministry of Labor, Invalids and Social Affairs

SEDP : Social Economic Development Plan

SEDS : Social Economic Development Strategy

TA : Technical Assistance

ToR : Terms of Reference

VCCI : Vietnam Chamber of Commerce and Industry

VGCL : Vietnam General Confederation of Labour

EXECUTIVE SUMMARY

Vietnam has committed to making continued and sustained efforts towards ratifying, to the extent it has not yet done so, fundamental Conventions of the ILO. To date, Vietnam has ratified five of these Conventions, with three outstanding, namely the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No.87); Right to Organise and Collective Bargaining Convention, 1949 (No.98) and Abolition of Forced Labour Convention, 1957 (No.105).

The Project “Promoting Fundamental Conventions of the ILO toward ratification of Conventions 87, 98, 105, and actions to eliminate discrimination and forced labour in Vietnam (NIRF EU project)” has been implemented with funding from the European Union.

The overall objective of the project to contribute to sustainable and inclusive economic growth of Vietnam by enhancing the existing legislative framework through better application and implementation of International Labour Standards consistent with the ILO Declaration on Fundamental Principles and Rights at Work and its Follow up (1998).

Vietnam has increasingly integrated into the world economy and opened its economy to international trade and investment. Most recently, the country has signed the Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CP-TPP) and is accelerating the signing and approval of the EU-Vietnam Free Trade Agreement (EVFTA) with the European Union. Strategically, the project is relevant and fit with the priority of Vietnam in implementing the improved application of international labour standards in Vietnam under the EVFTA. It contributes to broader aims and objectives relating to reform of the industrial relations framework. The NIRF EU Project is relevant with national development framework and contributes to effective implementation of national development priorities in Vietnam. In addition, the NIRF EU is built on key priorities of the Vietnam’s Decent Work Country Programme (DWCP).

The project was designed as part of the “New Industrial Relations Framework / Fundamental Principles and Rights at Work Programme” – a multi-donor programme, comprising a number of projects. This design ensures a comprehensive and systemic approach by ILO in order to achieve a better national framework for industrial relations in Vietnam. Given the needs and priorities of Vietnam, the mission and mandates of national partners, the competence of ILO and the resources available, the logic of the activities, outputs, outcome and impact are relevant.

Despite a delayed start due to the approval process, the project progress is satisfactory with most of the activities planned being implemented. In general, the project is generally effective in activity implementation and in delivering outputs. The cost and effectiveness relation is positive under the project. Looking at the overall performance of the project, the results and outcome clearly justify its costs. The effectiveness of the project could have been even higher had the project been approved faster and the delays in commencement of the project be avoided. However, the no-cost prolongation of the project until 31 December 2018 has

helped to give more time for project implementation. Such flexibility helps to improve the effectiveness of the project.

Given the results achieved by NIRF EU project, the limited resources of the project have been used efficiently. The project resources were allocated efficiently to relevant activities and outputs to achieve expected results. Project partners took strong ownership of project activities and took initiative in designing and implementing project's activities within the allocated resources and with technical support and backstopping by ILO.

The project contributes to application of international labour standards according to ILO Declaration 1998 on Fundamental Rights and Principles in labour, and to enhancing legislative and policy framework, improved awareness, strengthened capacity, and studies. These are oriented positively towards the intended objectives and impact of the project and are likely to be sustained in the long-run.

In general, the NIRF EU project has been effectively implemented and has delivered satisfactory outputs and results. The project is well on track to achieve its objectives. The project has been effective in terms of delivering results, efficient in using resources with value-for-money outputs being delivered. Despite the positive results, a number of key lessons learnt and suggestions can be summarized as below.

- The time for finalization of project document and approval was long and should have been shortened.
- Some important outputs have been achieved but need further support and follow-up in order to bring about eventual results and outcomes.
- Despite the fact that the project will close by the end of 2018, it is important that some on-going activities will be followed-up and supported by ILO, especially the preparatory works related to the ratification of Convention 98 and Convention 105.
- The project ends in the context that the revision of the Labour Code is ongoing and the MOLISA and other law-making agencies need much of support similar to that provided under NIRF EU. It is important that the lesson learnt, outputs, results of the project should be carried over and fed into the making of the revised Labour Code.
- Effective application of and future ratification of ILO conventions require that the awareness, understanding and capacity of other stakeholders, especially those at the provincial/ local level be improved.
- For a project of this magnitude and coverage (in terms of importance, complexity), it is suggested that the project of this type be planned for a longer time frame with more resources (personnel and budget).
- Some of the initial results should be further supported as they are still quite infant and to broaden their effectiveness.
- Cooperation with other partners e.g. EuroCham, AmCham, other chambers and business associations should be strengthened to sustain and expand the results of the project.

I

BRIEF BACKGROUND ON THE PROJECT, RATIONALE AND LOGIC

1. Background and rationale

A growing number of bilateral and multilateral trade agreements and schemes as well as regional economic integration arrangements, contain social and labour provisions related to workers' rights. Indeed, trade agreements with labour provisions have increased significantly in the last two decades: 58 trade agreements included labour provisions in June 2013, up from 21 in 2005 and 4 in 1995. Provisions on labour and sustainable development in free-trade agreements increasingly refer to ILO instruments, in particular the 1998 Declaration on Fundamental Principles and Rights at Work, for example in the case of the European Union Vietnam Free Trade Agreement (EVFTA) recently.

Vietnam actively pursues global economic integration agenda, through deeper integration into the global supply chains and also through negotiations and conclusions of various free trade agreements and investment agreements. Especially, the approval by Vietnam of the Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP) is a testimony for the strong commitment of Vietnam to international labour standards in the process of global economic integration. The EVFTA also provides another impetus for Vietnam to ratify and to apply ILO conventions on Principles and Rights in Labour.

Under Article 3 of Chapter 13 entitled "Trade and Sustainable Development" of the EVFTA, Vietnam made a commitment, in accordance with its obligations deriving from the membership of the ILO and the ILO Declaration on Fundamental Principles and Rights at Work and its Follow-up, adopted by the International Labour Conference at its 86th Session in 1998, to respect, promote and effectively implement the principles concerning the fundamental rights at work. These principles reflect what are known as the eight Fundamental Conventions of the ILO, namely:

- Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87)
- Right to Organise and Collective Bargaining Convention, 1949 (No. 98)
- Forced Labour Convention, 1930 (No. 29)
- Abolition of Forced Labour Convention, 1957 (No. 105)
- Minimum Age Convention, 1973 (No. 138)
- Worst Forms of Child Labour Convention, 1999 (No. 182)
- Equal Remuneration Convention, 1951 (No. 100)
- Discrimination (Employment and Occupation) Convention, 1958 (No. 111)

The EVFTA and then the CP-TPP provided external motivation reason, in addition to its internal drive, for Viet Nam to respect and promote ILO FPRW Declaration as part of the agreements' Trade and Sustainable Development Chapter.

Vietnam has committed to making continued and sustained efforts towards ratifying, to the extent it has not yet done so, fundamental Conventions of the ILO. To date, Vietnam has ratified five of these Conventions, and is implementing the road map of three remainders, namely the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No.87); Right to Organise and Collective Bargaining Convention, 1949 (No.98) and Abolition of Forced Labour Convention, 1957 (No.105).

Under such context, the Project "Promoting Fundamental Conventions of the ILO toward ratification of Conventions 87, 98, 105, and actions to eliminate discrimination and forced labour in Vietnam (NIRF EU project)" has been formulated and implemented with funding from the European Union.

2. Objectives, results and implementation strategy

2.1. Objective and results

The overall objective of the project to contribute to sustainable and inclusive economic growth of Vietnam by enhancing the existing legislative framework through better application and implementation of International Labour Standards consistent with the ILO Declaration on Fundamental Principles and Rights at Work and its Follow up (1998).

As set out in the Immediate Objectives, the project aims at the following results by the end of the project:

- Awareness of Vietnam's obligations under the ILO FPRW Declaration increased among social partners, journalists and citizens
- Policy-makers capacitated to better understand the ILO's supervisory mechanisms and systems of enforcement of labour provisions in different forms of FTA
- Gaps between non-ratified core conventions (C.87, C.98 and C.105) identified and roadmaps towards ratification prepared
- Tripartite constituents, National Assembly and stakeholders understanding of C.87, C.98 and C.105 improved
- Laws and practices with regard to all types of work and occupation related discrimination reviewed in line with C. 100 and C.111

2.2. Implementation strategy

The overall strategy adopted by project to deliver outcomes has been building broad consensus and support for the ILO FPRW Declaration, by carrying out a systematic advocacy and awareness raising among key target groups, by generating feasible options for bringing Viet Nam's laws and practices in line with ILO FPRW Declaration, and by helping key policy-makers and lawmakers to effectively develop national plans for application and implementation mechanism of the Declaration in the context of EU-VN FTA.

Under the Objective (I), the project made efforts to develop and carry out systematic awareness raising and advocacy to generate broad-based support for implementation of the ILO FPRW Declaration by organizing awareness raising workshops and media campaign, by developing and disseminating knowledge products, and by facilitating discussions among independent researchers and scholars. Core target groups include

policy-makers, lawmakers, social partners, media which influence citizens.

Under the Objective (II), the project aims to build capacity of the government policy-makers (not only Ministry of Labour, Invalids and Social Affairs, but also Ministry of Foreign Affairs (MoFA), Ministry of Industry and Trade (MoIT), and other relevant state agencies) and members of National Assembly to understand better various mechanisms to ensure application and implementation of FPRW related conventions, with a special focus on ILO Supervisory Machinery, namely the Committee on Freedom of Association (CFA) and the Committee of Experts on the Applications of Conventions and Recommendations (CEACR). The project also helps the government officials to effectively deal with labour provisions of new generation of FTA, with a particular focus on the Chapter on Trade and Sustainable Development of the EVFTA Sustainability Chapter during the negotiation of the FTAs and implementation of the labour provisions of the FTAs.

Under the Objective (III), the project assists the government in identifying gaps between non-ratified core Conventions (C.87, 98 and 105 in full consideration of the implementation of C.29), and laws and practices in Vietnam, and developing practical options for moving towards the ratification, by supporting researches and organizing technical consultation with relevant agencies in Vietnam. With regard to the ILO Conventions 87 and 98, the initial focus has been on gap analysis and awareness raising, with regard to the provisions of Conventions 87 and 98 taking into account the existing country development context and building on previous work undertaken by the ILO in Vietnam. As part of the “New Industrial Relations Framework / Fundamental Principles and Rights at Work Programme”, the project focuses on amending legislation to improve consistency with Conventions 87 and 98 provides for coherency in approach to the delivery of longer term imperatives relating to both Conventions. On elimination of forced and compulsory labour, while the focus would be to assist the government and National Assembly to take preparatory steps towards the ratification of C.105, a systematic awareness raising and capacity building for relevant partners were carried out to ensure appropriate understanding of C. 29 requirements and its linkage to C. 105.

Under the Objective (IV), the project assists the government in ensuring application and implementation of the ratified Conventions 100 and 111 with a view to ensuring non-discrimination and gender equality measures and principles to be implemented and respected at the workplace, with a particular focus on non-discrimination on the grounds of gender, age and other factors. It supports the government in designing and implementing new policies and improve legal provisions governing non-discrimination at work.

Beneficiaries of the project are the following:

- The Government agencies (MOLISA, MOFA, MOIT and other relevant agencies)
- Officials in wider enforcement authorities.
- Law-makers in the National Assembly who are responsible for the labour code, trade union law and other related laws
- Representative organizations of employers (VCCI) and workers (VGCL).
- Media practitioners
- Employers and business representatives in various segments of global and regional supply chains
- Workers particularly groups such as women.

II

PURPOSE, SCOPE AND CLIENTS OF EVALUATION

1. Purpose of the evaluation

The main purpose of this evaluation is to support accountability and facilitate learning within the ILO and key project implementing partners. The evaluation findings and recommendations will also be used as basis for design and management for results of future ILO cooperation activities in Vietnam. In particular, the evaluation aims to:

- Evaluate the effectiveness and efficiency of the project, including the level of achievement of objectives and targets, identifying both intended and unintended results, and the sustainability after the project's end;
- Identify and document lessons learnt and good practices which can be valuable to ILO and Vietnamese implementing partners for other similar or future development activities in Vietnam.

The primary users of the evaluation report are ILO Country Office for Vietnam, MOLISA, social partners, and the project's implementing partners in Vietnam. The secondary users are the European Commission (DT Trade) and other ILO's units.

2. Scope of the evaluation

This final evaluation followed the ILO evaluation policy guidelines and according to requirements of the EU. The final evaluation findings, conclusions and recommendations are primarily addressed to: (i) the primary users of this evaluation such as ILO Country Office for Vietnam, MOLISA and the project's implementing partners in Vietnam; (ii) the secondary users are the European Commission (DT Trade), and other ILO's units.

The evaluation addressed the following ILO evaluation criteria: intervention relevance, progress and effectiveness; efficiency of resource use; and effectiveness of management arrangements.

The core ILO cross-cutting priorities, such as gender equality and non-discrimination, promotion of application of international labour standards, tripartite processes, and constituent capacity development were duly considered in the evaluation. In particular, gender dimension was considered as a cross-cutting concern throughout the methodology, deliverables and final report of the evaluation. To the extent possible,

data collection and analysis was disaggregated by sex as described in the ILO Evaluation Policy Guidelines and relevant Guidance Notes.

3. Evaluation methodology

The evaluation complied with evaluation norms, standards and followed ethical safeguards, as specified in the ILO's evaluation procedures and with requirements of the EU.

A mixed-method (both qualitative and quantitative evaluation approaches) was used for this evaluation. The evaluation fieldwork has been participatory in nature. Qualitative information was obtained through key informant interview, for example with MOLISA, VCCI, VGCL, etc. Opinions coming from stakeholders helped to clarify the quantitative data obtained from project documents. The participatory nature of the evaluation has contributed to the sense of ownership among stakeholders. Quantitative data were drawn from project documents including the Technical Progress Reports (TPRs), deliverables of the projects and the projects' monitoring and evaluation plans/frameworks and other secondary sources. A consultation meeting with all project partners and key informant were held by the end of the evaluation to validate the findings and recommendations from the evaluation¹, thus ensuring the participation and ownership of key project partners.

A combination of sound quantitative and qualitative research methods has been developed for each evaluation question as deemed appropriate. The consultants also made attempt to collect data from different sources by different methods for each evaluation question and findings be triangulated to draw valid and reliable conclusions. Data were disaggregated by sex where possible and appropriate. The gender dimension was also considered as a cross-cutting concern throughout the methodology, deliverables and final report of the evaluation.

Specifically, the following activities and methods have been used for the implementation of the evaluation:

- A briefing with the project coordinator, the officer in charge of M&E at ILO Hanoi Office, and desk review of all documents, reports, workshop reports, mission reports etc. to be familiarized with the project.
- Preparing evaluation plan and tools;
- Interviews with project partner and other relevant stakeholders of the project.
- Discussing the findings, conclusions and recommendations with the project coordinator;
- Preparing a draft evaluation report in the English language;
- Obtaining comments from the Country Director of Hanoi ILO Office, Project Coordinator, communication officer, the officer in charge of M&E at ILO Hanoi Office, and relevant stakeholders on the draft
- Consultation with project partners and relevant stakeholders on findings of the evaluation through a consultation workshop.
- Finalizing the report as per comments received.

¹ The workshop was held on 10 December 2018.

EVALUATION OF THE PROJECT - MAIN FINDINGS

1. Relevance and strategic fit

Vietnam has committed to making continued and sustained efforts towards ratifying, to the extent it has not yet done so, fundamental Conventions of the ILO. To date, Vietnam has ratified five of these Conventions, with three outstanding, namely the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No.87); Right to Organise and Collective Bargaining Convention, 1949 (No.98) and Abolition of Forced Labour Convention, 1957 (No.105).

Vietnam has becoming increasingly integrated into the world economy and open its economy to international trade and investment. Most recently, the National Assembly approved the CP-TPP (on 12 November 2018) and the country is accelerating the signing and approval of the EVFTA with EU. Strategically, the project is relevant and fit with the priority of Vietnam in implementing the improved application of international labour standards in Vietnam under new generation FTAs. It contributes to broader aims and objectives relating to reform of the industrial relations framework in the market economy and in the international integration process.

In the last 10 years, Vietnam has made some progress with respect to improving its labour law framework, including the revision of the Labour Code in 2012, the establishment of a tripartite National Wage Council in 2013, as well as targeted labour inspection campaign for more effective labour law enforcement, and also compliance improvements through the Better Work Project and other pilot project activities. The ILO has provided active support to the government, employers and workers in these and other areas. Nevertheless, challenges remain in a number of areas to secure a well-functioning industrial relations system underpinned by the principles of freedom of association and effective recognition of rights to collective bargaining, as defined in the ILO Conventions 87 and 98. This project is relevant as it assists the government, social partners and the National Assembly in identifying gaps between Conventions 87/98, and laws and practices in Viet Nam, and in reviewing the options towards reforming labour laws and industrial relations system, in the process of its preparation for the ratification of the Conventions 87 and 98.

Also, this project aims at assisting the government, social partners and the National Assembly in identifying gaps between C.29 and 105, and laws and practices in Vietnam, and in reviewing the options towards ratification of C. 105 in full consideration of C.29 obligations with regard to elimination of forced or compulsory labour.

While Vietnam has ratified two core conventions related to non-discrimination and gender equality at the workplace, and equal pay (C. 100 and C.111), there remain challenges of ensuring non-discrimination at the workplace, on the ground of age, gender and other factors. This project aims to assist the government in identifying key issues of discrimination at work and occupation, and in preparing policy instruments to ensure non-discrimination at work and occupation.

2. Contribution to the national development framework

Vietnam is in the process of revising the Labour Code, partly to meet the new needs from the practice and from the development context, partly to meet the new requirements under the new-generation FTA, including the EVFTA and the CP-TPP. From this perspective, the project is relevant and strategically fit with the actual context in Vietnam.

Vietnam's international commitments are expressed in national policy and action plans including the "Prime Minister Decision No. 2528/QĐ-TTg dated 31 November 2015 approving the Implementation Plan for Implementation and Ratification of UN and ILO Conventions in the field of labour – social between 2016 – 2020", the Prime Minister decision No. 145/QĐ-TTg dated 20 January 2016 on approval of "International Integration Strategy on Labour and Social Affairs up to 2020 - vision to 2030, Resolution No. 06-NQ/TW on effective international integration, social and political stability in the adherence to new generation FTAs, and VGCL's draft Master Plan for "VGCL's Organisational and Operational renovation when Vietnam ratifies and implement TPP"

In early September 2017 the MOLISA submitted its plan for labour code revision and preparatory steps towards ratification of C. 87, 98 and 105 to the Social Affair Committee of National Assembly, restarting the process with renewed and stronger commitment (Ref. 92/BC-BLDTBXH).

The NIRF EU Project is relevant with national development framework and contributes to effective implementation of national development priorities in Vietnam.

3. Contribution to the Decent Work Country Programme (DWCP) and other ILO/UN Programmes

The NIRF EU is built on key priorities of the Vietnam's Decent Work Country Programme (DWCP), including:

- Outcome 4: Disadvantaged and vulnerable groups have equitable access to decent work and are protected from discrimination and exploitation
- Outcome 6: Tripartite constituents have strengthened capacity to apply international labour standards, including through strengthened labour administration, and to meet the challenges of international integration

The Project is in line with the One Strategic Plan of the UN. The Plan includes outcomes promoting "a fairer, inclusive labour market [that] ensures decent work and opportunities for all," (Outcome 3.2) and policies and institutions supporting a new economic model, which is inclusive and more productivity-led, reaping gains from trade liberalization, international integration and migration" (Outcome 3.1). The project contributes to SDG Indicator 8.8.2: "Increase in national compliance of labour rights (freedom of association and collective bargaining) based on ILO textual sources and national legislation, by sex and migrant status".

This project is consistent with the ILO's Programme and Budget (2016 – 2018), and in particular: Outcome 2 relating to the ratification and application of International Labour Standards and Outcome 7 relating to promoting workplace compliance through labour inspection.

Furthermore, this project has a number of cross cutting themes including embedded tripartite social dialogue throughout the project outputs and activities; gender equality responsive outputs and activities throughout all project objectives, as well as a specific focus on gender discrimination under Objective IV of the project.

4. Relevance with ILO competency

ILO is the specialized UN agency on employment and labour issues and authority on international labour standards. ILO has strong experience in improving labour law framework. The ILO has provided active support to the government, employers and workers in securing a well-functioning industrial relations system underpinned by the principles of freedom of association and effective recognition of rights to collective bargaining, as defined in the ILO Conventions 87 and 98. ILO has strong experience in advising on policies in many countries in ensuring non-discrimination at the workplace, on the ground of age, gender and other factors. ILO has worked with its constituents in many countries in identifying key issues of discrimination at work and occupation, and in preparing policy instruments to ensure non-discrimination at work and occupation. In all of these areas, ILO has accumulated knowledge and experience in this area and has conducted awareness-raising, capacity building, and research.

In Vietnam, ILO has a country office in Viet Nam running various development cooperation projects¹ and has produced encouraging outcomes under the framework of decent work priorities and partnering through past and on-going activities (including TC projects). In Vietnam, the ILO has established a strong and fruitful collaboration with ILO constituents, relevant government agencies and development partners.

5. Validity of Design

5.1. Validity of the project design

The project had a relatively long design time due to some external reasons, for example the changes related to the suspension of the TPP or the revision of the ODA management decree of the Government. The time for designing the program and having it approved was therefore prolonged than originally planned. Despite this constraint, the project has a relevant design, both in terms of objectives, outcomes, outputs and activities. Project partners, especially through tripartite cooperation, contributed proactively to the design of the project.

The project was designed as a component of the “New Industrial Relations Framework / Fundamental Principles and Rights at Work Programme” – a multi-donor programme, comprising a number of projects. This design ensures a comprehensive and systemic approach by ILO in order to achieve a better national framework for industrial relations in Vietnam².

Given the needs and priorities of Vietnam, the mission and mandates of national partners, the competence of ILO and the resources available, the logic of the activities, outputs, outcomes and impact are relevant.

The project structure of direct and indirect partners is also valid to ensure an effective implementation structure in order to achieve the objectives of the project. Project partners are relevant players who

¹ More information about ILO Hanoi Office and its projects can be found at: <http://www.ilo.org/hanoi/Whatwedo/Projects/lang--en/index.htm>

² The three other projects are: (i) New Industrial Relations Framework Programme (US Department of Labour and Japan); (ii) Fundamental Principles and Rights at Work (EU); (iii) Industrial Relations Database Project (Canada).

play important role in advocating for promoting ILO Fundamental Conventions towards ratification of Conventions 87, 98, 105, and actions to eliminate discrimination and forced labour in Viet Nam.

The Legal Department of MOLISA is the key player in promoting ILO Fundamental Conventions, in all the works related to Vietnam ratifying ILO conventions, and in institutionalising key principles of ILO fundamental conventions in the Labour Code which is being revised in Vietnam.

NIRF EU project builds on the tripartite cooperation with MOLISA, VCCI and VGCL as the foundation for its implementation structure. It also opens to cooperation with other institutions which are relevant for the achievement of outputs, outcomes and objectives. Other implementation partners include National Assembly's Social Affairs Committee, relevant ministries, other chambers of commerce, including EuroCham, sector business associations, mass media, the Academy of Journalism. The design of the project allows an openness and flexibility in the project model, making it an important element to ensure the autonomy of project partners and effective implementation of the project.

The design of the project also enables project partners to benefit directly from technical assistance and backstopping from most relevant technical units at ILO in Bangkok and at Headquarter. According to the project design, the ILO Hanoi Office provides overall coordination and implementation, with technical backstopping provided by the ILO Decent Work Team for East and South East Asia and the Pacific in Bangkok (ILO DWT-Bangkok). While ILO DWT-Bangkok has been the lead technical unit for all components of the project, ILO headquarters units, such as the Fundamental Principles and Rights at Work Branch (FUNDAMENTALS), the International Labour Standards Department (NORMES), Labour Law and Reform Unit (LABOURLAW) and the Inclusive Labour Market, Labour Relations and Working Conditions Branch (INWORK) provides technical quality control and support in view of Viet Nam's international obligations as an ILO member state and as a party to the EU-Viet Nam Free Trade Agreement (EU-Vietnam FTA) and Comprehensive and Progressive Trans-Pacific Partnership (CPTPP) Agreement. This design is highly relevant in order for Vietnamese partners to benefit the most from technical assistance from ILO while maintaining their initiative and ownership in the implementation process.

To match with the expected results of the project, more resources (time and budget) should have been allocated. The project intervenes in result areas which often take time, e.g. awareness raising, building broad consensus in support of implementation of ILO FPRW Declaration, review of laws and regulations, preparing roadmap towards ratification and application, and supporting the government in developing national mechanism and responding to the ILO's supervisory mechanisms and labour provisions in the new generation of FTAs. In addition, even though the project could implement some of the activities before the project was officially approved, had the project design time been shorter and the time for project approval been cut, there could have been more time for project implementation.

In general, the project is designed in a relevant manner, both in terms of content and implementation structure, to achieve its overall objective. It is also relevant to Vietnamese context and development priorities of the country.

5.2. Participation of national project owners at the design of the project

The project partners, especially MOLISA, VCCI, and VGCL contributed actively to the formulation of the concepts and intervention area of the project. In addition, other partners e.g. the National Assembly's Social Affairs Committee, relevant ministries, other chambers of commerce, including EuroCham were consulted on the project design and for necessary adjustment in the implementation process.

Participation of the national project's partners in the design helped to make the project to be closer to national priorities and need and get them better-prepared for the implementation. Having active contribution from

the Vietnamese partners right at outset is one of the factors to ensure that the project's objectives, outputs, interventions and activities be relevant to the needs, priorities in Vietnam. It also helped to strengthen the ownership of the project partners.

6. Project Progress and Effectiveness

6.1. Project Progress

Despite a delayed start due to the approval process, the project progress is satisfactory with most of the activities planned being implemented. Key progresses achieved by the project are summarized as below:

NIRF EU made good progress in promoting the awareness of Vietnam's obligations under the ILO FPRW Declaration increased among social partners, reporters, journalists and citizens. A media training was organized in September 2017 for 25 Hanoi and HCMC based journalists from leading TVs, radios, newspapers on EU-VN FTA and IR. Through the post-test, most of journalists expressed their better understanding about IR and EVFTA. Besides, the media information briefing on EVFTA was organized for 20 key journalists. It also strengthened relations with the Vietnam Television (VTV) to improve the coverage by VTV on labour issues, ratification, application and implementation of core Conventions, and on national mechanism and responding to the ILO's supervisory mechanisms and labour provisions in the new generation of FTAs. VTV has assigned competent journalists to cover this topic area.

In an effort to advocate for and strengthen awareness raising on Trade and Sustainable Development Chapter of EU-VN FTA, the project cooperated with the Social Affair Committee, National Assembly to

Systemic Approach for Improving Capacity of the Mass Media

In April 2017, NIRF EU project conducted a consultation with media practitioners in subjects relating to the Trade and Sustainability Development (TSD) chapter of the EVFTA, ILO FPRW, and labour in Vietnam. Fifteen selected labour journalists from Viet Nam's major media organizations participated in the mini survey, who came from print, online and broadcast background. The survey showed that none of them had never read the labour issues mentioned in the TSD chapter of the FTA. Most of the interviewees did not know about the existence of the labour-related provisions. In addition, the survey revealed that labour is not a priority topic to many news agencies. Most of the interviewed journalist said they lack information and need information from technical experts. All of these information have been used to develop communication strategy to increase public awareness and support for ratification of ILO core conventions, particularly C87 and C98.

In September 2017, a training workshop on the TSD chapter of the EVFTA and industrial relations (IR) was organized for media practitioners, which was a part of the follow-up to the media consultation activity. Twenty (20) labour journalists, including 15 from Hanoi and 5 HCM City-based were invited to the training. Findings from training assessment show that all participants reported the workshop was "useful and relevant". Most of them said they gained fair or a great deal of new knowledge of all the three components – IR, the TSD chapter of the EVFTA and ILS. The participants also made some suggestion on how to improve the quality and quantity of coverage on industrial relations in particular and labour issues in Vietnamese media. Most notable suggestions include:

- Smarter approach to broaden "traditional" coverage topics. i.e. linking industrial relations issues to current hot issues in the society;
- more trainings for working journalists and providing them with more practical information;
- trainings for mid-line editors; and
- integrating industrial relations issues/labour issues in the curriculum in journalism or media training establishment.

organize a the high level meeting between European Parliament, National Assembly, MOLISA, VCCI and VGCL in September 2017. The meeting offered the opportunity to create more awareness on the FTA - particularly with respect to its broad coverage regarding social and environmental issues and labour rights - among members of the National Assembly, public officials and the wider community about the Agreement. Further, the event provided extensive information on the likely benefits and opportunities for Vietnam's economic growth and social cohesion, social security arising from promoting freedom of association and the right to bargain collectively with specific reference to this Chapter.

...It is encouraging to see that the project contributed significantly to the enhanced awareness and capacity, the readiness, and the political commitments of the Vietnamese Government on meeting requirements of the sustainability chapter in the EVFTA...

Ms. Magdalena CIESIELSKA

Counsellor - Deputy Head of Trade and Economic Affairs
Delegation of the European Union to Viet Nam

Target timelines and road map for the ratification of Convention 98, 87 and 105 have been developed with support from NIRF EU. In September 2017, in preparation for the high level meeting, the MOLISA submitted an official report to the Social Affair Committee of the National Assembly which outlined the timelines for the ratification of Convention 98, 87 and 105 in 2019 and 2020³. This is an important output under the project, serving as the roadmap for the ratification of the conventions. The official report was prepared in consultation with tripartite constituents and other stakeholders.

Building further on this agenda, in 2018 ILO intensified its support to support MOLISA for developing and consulting with all relevant stakeholders on the specific plan for ratification of ILO's Convention 98 and awareness raising on Convention 87 and Convention 105. According to the plan, MOLISA has been stepping up the preparation for ratifying the ILO's Convention 98, guided by Viet Nam's Law on Treaties, promulgated in 2015. This process benefited significantly from technical support by the ILO project. According to MOLISA, the dossier for ratification of Convention 98 will be finalized and submitted for appraisal and approval in May 2019.

Positive progress was made in building awareness, political commitment on meeting requirements of the sustainability chapter in the EU-VN FTA. NIRF EU engaged with the National assembly and the EU in extensive negotiation on the role and importance of the requirements of the sustainability chapter in the EVFTA. The high level meeting between the EU, National Assembly and the ILO (14th of September 2017) resulted in a clear statement on the National Assembly's commitment to labour code revision and the ratification of Convention 87, 98 and 105. The timeline for adoption of the Labour Code Revision is set for May 2019. Ratification of Convention 98 is expected by May 2019; Convention 105 by October 2020 and Convention 87 in 2023.

Thorough studies and research in preparation for the ratification of Convention 98 were and are being implemented. With support by NIRF EU project, a study on possible ratification of ILO Convention 98 was conducted. The implementation of the study inherited some work done in the past, notably the studies that identify and analyse regulations not aligning with the Labour Code and core international labour standards (2014), the surveys on the level of awareness and institutional capacity in implementing Conventions No. 87 & 98 in Hai Phong, Ho Chi Minh City and Dong Nai (2015), studies and discussion on the interpretation of the Commission on Freedom of Association with respect to freedom of association and collective bargaining standards. Support from NIRF EU project enabled to broaden the scope of the research and contextualized the studies towards the ratification of Conventions No 98. On the basis of the studies and research, further support was provided to the formulation and submission of the dossier for

3 See more on Official Report No. 92/BC-BLDTBXH dated 1 September 2017 by MOLISA to the National Assembly.

review and ratification of ILO Convention No. 98⁴.

Political commitment to ratification of Convention 98 has been strengthened with significant progress being made. This is one of the most significant progress made under NIRF EU. MOLISA's Minister has recently reiterated the ministry's commitment to working closely with ILO in preparing for the ratification of Convention 98 in 2019 as part of celebration of 100 years anniversary of ILO (in 1919). NIRF EU supported awareness raising, capacity building and study on the possible ratification of the Convention 98. It also assisted MOLISA in the formulation and submission of the dossier for ratification of Convention 98. As scheduled, this dossier is expecting to be submitted for appraisal and approval in 2019⁵.

...Thorough studies and careful preparations for the ratification show that Vietnam is seriously committed to compliance and application of ILO Conventions after ratification. This has positive impact on effective implementation of the conventions in the long-run and is favorable for the image of Vietnam as a serious party when ratifying ILO conventions...

Mr. Nguyen Van Binh, Deputy Director General
Legal Department of MOLISA

In addition, NIRF EU has been active in raising the public awareness on the ratification of Convention 87 and in supporting the MOLISA to develop and submit the dossier for proposal of ratification of Convention 105 on abolition of forced labour. The project was innovative in finding new way of working with journalists to achieve this objective.

The project made satisfactory progress in supporting MOLISA in the formulation and submission of national progress reports on application Convention 100 and Convention 111. This is one of the focal support area of the

project. With technical support by ILO and by the project, MOLISA has submitted the national progress reports on application Convention 100 and Convention 111 (equal payment of wage between male and female employees for work of equal value and discrimination in employment and occupation) in a timely manner and to be more result- and evidence-based. The quality of the national progress reports were significantly improved. NIRF EU Project supported the tripartite participation in the preparation of the progress report, especially in joint field trip, interviews with employers and workers, consultation with involved stakeholders. These are important factors that help to improve significantly the quality of the report and set a good practice for MOLISA and national stakeholders in preparation of the reports in the future.

Satisfactory progresses have been made in terms of strengthening the capacity of related stakeholders on international labour standards (ILS). In this respect, the inter-agencies technical expert team on international labour standards has been re-established at MOLISA with support by the project⁶. A regular forum was established, providing the opportunity for experts to learn in depth and to build consensus on specific requirements of all ILO core standards. The forum facilitates for stronger stakeholder involvement in the process of revision of the labour law and ratification of the conventions in the context of EVFTA and CPTPP. Obviously, understanding of relevant stakeholders on labour standards is the foundation for their effective support of the processes of law reform and of ratification and implementation of ILO conventions.

In early May 2018, the first forum of the expert team was organized, focusing on the topic of forced labour issue and basic International Labour Standards. Other topics to be discussed by the expert team include (1) Overview of Viet Nam's obligations toward core labour standards under the ILO Declaration 1998,

⁴ According to prevailing regulations, the Dossier to be submitted review and ratification of ILO Convention No. 98 will consist of the following, but not limited to, basic documents: (i) Report on evaluating the conformity of the provisions of Convention No. 98 with the provisions of the Vietnamese legal systems; (ii) Report on evaluation of the impacts in terms of politics, national defence, security, socio-economic and other impacts of Convention No. 98; (iii) Report on recommending the amendment, supplementation, abolition or promulgation of legal documents for the implementation of Convention No. 98; (iv) Implementation plan of Conventions if ratified by Vietnam; (v) Request letter of Government to submit to the National Assembly for review and ratification of Convention No.98.

⁵ By the time of the evaluation (November 2018), MOLISA revealed that the ministry are completing the consultation of the dossier for the ratification of Convention 98 with all ministries – an important step of completing the dossier.

⁶ Decision No. 685/QĐ-LĐTBXH dated 3/6/2016 by the Minister of MOLISA on establishment of inter-agencies technical expert team on fundamental international labour standards.

including report schedule (2) Standards on freedom of association and collective bargaining: Convention 87 and existing law and institution of Vietnam (3) Standards on freedom of association and collective bargaining: Convention 98 - Vietnamese law and practice (4) Standards on equality, non-discrimination in labour: Non-discrimination on the basis of gender - Vietnamese law and practice (5) Standards on equality, non-discrimination in labour: Non-Discrimination on the basis of disability, HIV, marital status, age and others - Vietnamese law and practice (6) Standards on forced labour: Convention 29, 105 – Existing law and current practices (This should be organized in a way that supplement/added value other discussions on Convention 29 and/or Convention 105) (7) Standards on child labour: Convention 138, 182 and Vietnam's regulations on child labour - Vietnamese law and practice.

Significant progress was made by the NIRF EU project in getting relevant stakeholders engaged for the application of Convention 29 and in paving the way for ratification of Convention 105. Seeing the opportunity for awareness raising, capacity building and policy advocacy in the process of the revision of the Law on Execution of Penal Judgement, NIRF EU project supported MOLISA in working with the Ministry of Public and Security in the context of the revision of the Law on Execution of Penal Judgement, particularly with focus on Compliance with Forced Labour Conventions in Vietnam.

NIRF EU contributed to longer term capacity development on compliance of international labour standards in Viet Nam by supporting officials from the Legal Department - MOLISA and the Ministry of Justice to attend the training course on forced labour and international labour standards held at ILO's Turin Training Centre (from 14/5/2018 to 27/5/2018). Awareness raising combined with capacity development are important elements for the project to achieve its results and objective in a sustainable manner.

However, it should be noted that the cooperation with Vietnam Academy of Journalism as an extended effort by NIRF EU project to broaden the scope of the project output and as a follow-up of the media training activity has been less satisfactory due to the limited capacity of the academy and due to limited timeframe of the project. This indicates an area for future support by ILO or by other donor agencies.

Some of the stakeholders are still unable to make a clear-cut difference between Convention 29 and Convention 105. The project did not have any activity to directly address this confusion. In addition, the evaluation team also observed some delays in implementation which is mostly caused by external factors such as the suspension of the TPP, the longer-than-expected timeframe for the revision of the Labour Code and of ratification of Conventions, and the changes required for the approval of the project document.

6.2. Effectiveness

NIRF EU has effectively achieved its expected results. Despite some delays at the outset, the project effectively implemented most of the activities and delivered the outputs as foreseen in the project document. The project has reached out to all of the targeted beneficiaries and stakeholders, including Government agencies, law-makers in the National Assembly, representative organizations of employers (VCCI) and workers (VGCL), the media, employers and business representatives in various segments of global supply chains and workers particularly groups such as women. Among the government agencies, the project did not work only with MOLISA, but also MOJ, MOFA, Ministry of Public Security and other ministries when relevant.

With most of the activities implemented and outputs delivered, the project has contributed positively to the following results:

- i. Social partners and other stakeholders' awareness is increased for implementation of ILO FPRW Declaration within EU-Vietnam FTA
- ii. Implementation of labour provisions of EU-Vietnam FTA is strengthened, in line with ILO FPRW

Declaration by the Government of Vietnam

- iii. Level of readiness of GoV for the ratification of ILO C.87, C.98 and C.105 is increased
- iv. Legislative and policy framework on the elimination of discrimination in respect of employment and occupation is enhanced for better compliance with C. 100 and C.111

Project outputs are used by the stakeholders, particularly for awareness raising, capacity building, policy advocacy, regulation making and for the process of ratifying of ILO conventions by Vietnam.

In general, the project has been generally effective in activity implementation and in delivering outputs. The cost and effectiveness relation is positive under the project. Looking at the overall performance of the project, the results and outcome clearly justify its cost.

The effectiveness of the project could have been even higher had the project been approved faster and the delays in commencement of the project be avoided. However, the no-cost prolongation of the project until 31 December 2018 has helped to give more time for project implementation. Such a flexibility helps to improve the effectiveness of the project.

The combination of awareness raising, capacity building and support to studies, policy advocacy work is a good approach in using the resource of the project to leverage a higher level of outcome and impacts. Additionally, the tripartite cooperation between MOLISA, VCCI, VGCL and the cooperation with the media, business associations, chambers, etc. are critical factor which helped to improve the effectiveness of the project interventions.

7. Efficiency of resources use

7.1. Adequacy of resources use

NIRF EU project aims highly at results such as (i) increased awareness of social partners and other stakeholders; (ii) strengthened implementation of labour provisions of EU-Vietnam FTA is strengthened; (iii) increased level of readiness of GoV for the ratification of ILO C.87, C.98 and C.105; and (iv) enhanced legislative and policy framework on the elimination of discrimination in respect of employment and occupation for better compliance with C. 100 and C.111. However, the budget for the implementation of the project is modest as compared with these expected results. Limited budget resulted in some difficulty in project implementation, e.g. understaff of the project, limited participants of stakeholders at provincial level and of some others (e.g. NGOs) in the implementation process.

7.2. Efficiency of resource use

Given the results achieved by NIRF EU project, the limited resources of the project have been used efficiently. The project resources were allocated efficiently to relevant activities and output to achieve expected results. Project partners took strong ownership of project activities and took initiative in designing and implementing project's activities within the allocated resources and with technical support and backstopping by ILO.

NIRF EU project had a lean core staff who maintain strong and efficient cooperation with partners. The core staff was effectively back-stopped by management at ILO Hanoi Office and by technical units in Bangkok and Geneva.

ILO and MOLISA layed strong focus on the quality and content of activities being implemented. Technical meetings with broad participation of different involved ministries, stakeholders were content-focused and

well-prepared. Most of the activities were implemented at MOLISA premise, thus helping the project to reduce costs while still achieving objective set for the activity.

Most of the activities which were planned at the outset have been implemented and most of the project outputs have been delivered within the planned budget.

8. Efficiency of management arrangement

The management arrangement of the Project has been satisfactory and relevant. MOLISA is the government ministry which is in charge of revising the Labour Code and of initiating procedures and steps for ratification of ILO conventions. Other tripartite constituents e.g. VCCI and VGCL were also included in the management and implementation structure of NIRF EU project, ensuring the tripartism principle in project activities. In addition, the National Assembly and other stakeholders, e.g. the media, chambers and business associations were also included and involved in the implementation process. NIRF EU project has built on the expertise, knowledge and experience of the project partners in implementing project activities and in delivering the expected results of the project.

The cooperation between ILO and the Legal Department/ MOLISA, VCCI, VGCL and other project partners has been strong and effective. National partners highly appreciated the support, commitment and work performance of the senior project national coordinator, support staff and of the international experts. Under NIRF EU, monthly project review meetings were maintained between ILO Hanoi team and MOLISA for regularly review the project's progress, following up action, addressing/resolving any challenges and planning for new activities. This initiative is helpful for implementing project activities in an effective and timely manner.

NIRF EU project had an efficient mechanism in which overall coordination was provided by the ILO Office, technical backstopping ILO DWT-Bangkok, technical and quality control provided by ILO headquarters units, such as the Fundamental Principles and Rights at Work Branch (FUNDAMENTALS), the International Labour Standards Department NORMES), Labour Law and Reform Unit (LABOURLAW) and the Inclusive Labour Market, Labour Relations and Working Conditions Branch (INWORK). Such a mechanism enabled the project to tap into good expertise sources and benefit from international experts in Bangkok and Geneva despite constraints in budget and resources.

Reporting and monitoring work has been satisfactory under the project. Periodical technical progress reports are prepared and important activities are documented. Technical reports, meeting minutes, etc. are documented.

9. Cross-cutting issues

Enhancing the existing legislative framework through the better application and implementation of International Labour Standards consistent with the ILO Declaration on Fundamental Principles and Rights at Work and its Follow up (1998) will contribute directly to inclusive growth, gender equality at work, non-discrimination, and promotion of international labor standards, etc.

The project contributes to tripartite cooperation in the overall efforts for ratifying ILO conventions and in reporting on compliance after ratification. Good practice on tripartite cooperation in preparation progress report on ILO conventions has been established under NIRF EU project.

The project contributed to capacity development of tripartite constituents and other stakeholders through awareness raising, workshop, studies, training in Turin ILO Training Centre. Awareness raising and capacity development for constituents for more effective implementation of ILO FPRW Declaration within EVFTA

and for improving the level of readiness of Government for the ratification of ILO C.87, C.98 and C.105 is one of the most important results achieved by the project.

10. Impact orientation and sustainability

The outputs and results delivered under the project are oriented towards generating a positive impacts on better application and implementation of International Labour Standards and consistent with the ILO Declaration on Fundamental Principles and Rights at Work and its Follow up (1998).

The most important emerging impact is the improved awareness of Vietnam's obligations under the ILO FPRW Declaration increased among policy makers and the strengthened capacity of policy-makers in understanding the ILO's supervisory mechanisms and systems of enforcement of labour provisions in different forms of FTA. This has immediate positive impact on the level of readiness of GoV for the ratification of ILO C.87, C.98 and C.105. This has been evidenced by the announcement of the milestones on the ratification of the conventions by MOLISA in its official report to the National Assembly in September 2017 and accelerated steps by MOLISA and various ministries in finalizing the dossier in preparation for the ratification of Convention 98 on the 100 Anniversary of ILO. The improved awareness, better understanding of ILO conventions and of Vietnam's obligations under the ILO FPRW Declaration will have long-lasting impact, laying the foundation for the ratification and for effective compliance of the convention in the future.

The improved capacity and good practice (e.g. tripartite participation in report preparation) of the Government on reporting on application of ILO conventions which Vietnam already ratified is also highly sustainable in the long-run, contributing to better application by Vietnam of ILO conventions.

Achievement in getting relevant stakeholders prepared for more effective application of Convention 29 and in improving the readiness for ratification of Convention 105 is another important impact area and will be sustainable. The improved awareness and capacity in the process of the revision of the Law on Execution of Penal Judgement, particularly with focus on Compliance with Forced Labour Conventions in Vietnam, will be sustained and will have sustainable impact on the abolition of forced labour in the country. The impact of NIRF EU has therefore went further, outreaching to other ministries and institutions like the Ministry of Public Security.

In drafting the revised Labour Code, the drafting team is considering important elements to ensure elimination of discrimination in respect of employment and occupation and to better apply and implement of International Labour Standards consistent with the ILO Declaration on Fundamental Principles and Rights at Work and its Follow up (1998). It is highly likely that some of these elements will be integrated in the final draft and submitted to the National Assembly for approval. Once officially adopted and approved in the revised Labour Code, this will have long-lasting impacts on eliminating discrimination in respect of employment and occupation and in better applying and implementing of International Labour Standards in Vietnam. The legislative and policy framework in this regard will be enhanced and sustained.

...The impacts of the ratification of the conventions supported by NIRF EU will be huge and long-lasting, especially in the context of deeper integration of Vietnam economy in the world economy. Especially, it will help to further enhance the politico-economic image and position of Vietnam internationally...

Mr. Chang-Hee Lee
Director of ILO in Vietnam

The enhanced legislative and policy framework, improved awareness, strengthened capacity, studies, are oriented positively towards the intended objectives and impact of the project and are likely to be sustained in the long-run.

IV

LESSONS LEARNT AND EMERGING GOOD PRACTICES

The NIRF EU project has delivered the outputs and results as planned at the outset and is on track of achieving the project objectives and impacts. Key lessons learnt from the project are as below:

- The flexibility in separating NIRF EU project from a larger program to speed up the approval process was a good lesson learnt. This enabled the project to be approved (though still being delayed as compared with originally planned). Furthermore, this enabled the project to have room and flexibility in direct interaction with implementation partners.
- NIRF EU project has relevant implementation partners. The choice of relevant partners plays an important role in achieving the project results. It is important that the project objectives, activities, outputs, etc. are close to the core mission and competency of the national partners. In the NIRF EU project, the objective and expected results of NIRF U project are highly relevant to the mission and mandate of MOLISA/ Legal Department, VCCI, VGCL, the National Assembly and the mass media.
- Strong ownership of national partners is a decisive factor for the effective and efficient implementation of the project. Under NIRF EU, implementation partners took strong ownership in the design and implementation process. Implementation partners were consulted at the design of the project. In the implementation process, project partners drafted the TOR in consultation with ILO Office and co-selected the consultants for implementation of project activities in achieving the overall objective.
- Effective communication between ILO Hanoi Office and project partners, strong commitment of ILO Hanoi Office staff played an important role in ensuring effective implementation of the project. The teamwork spirit between ILO NIRF EU project staff and MOLISA/ Legal Department has been promoted. Under NIRF EU project, an effective communication mechanism has been set up between NIRF EU project staff and implementation partner (especially the Legal Department of MOLISA) through regular meetings and follow-up. Effective communication and information sharing help to build mutual trust and respect.
- NIRF EU project lays strong emphasis on building on the role of national implementation partners. The project builds on the core mission, mandate, expertise and experience of project partners, especially the Legal Department of MOLISA, in project implementation. Enhancing the roles of implementation partners (while trying to strengthening their capacity) is a good lesson learnt in building up trust and ownership.
- Respecting the tripartite principle is important to improve the effectiveness of the project. Throughout NIRF EU, the tripartite principle has been observed and emphasised, and this has immediate effect on improving the quality and effectiveness of project activities and results, for example the improved

quality of the national progress reports on application of ILO conventions, or the consensus in the preparation for the dossier in preparation of Convention 98, etc.

- Technical inputs and backstopping from ILO units in Bangkok and Geneva contributed significantly to the effective implementation of the project. During the implementation process, NIRF EU project made the best use of the technical backstopping from ILO DWT-Bangkok, technical and quality control provided by ILO headquarters units, such as FUNDAMENTALS, NORMES, LABOURLAW and the INWORK. Such a mechanism enables the project to tap into good expertise sources and benefit from international experts in Bangkok and Geneva despite constraints in budget and resources. Strong use of technical inputs and backstopping by ILO Hanoi Office, ILO units in Bangkok and Geneva also helped to promote the role of ILO in providing technical assistance and advice.
- Being responsive and sensitive to the national priorities is an important success factor. A good example for this has been the support to the process of the revision of the Law on Execution of Penal Judgement in the context of the revision of the Law on Execution of Penal Judgement, particularly with focus on Compliance with Forced Labour Conventions in Vietnam. Though unforeseen at the project design process, the sensitiveness of NIRF EU project to national priorities and to opportunities for interventions has enabled the project to intervene in a highly relevant and meaningful area, thus contributing to more effective application of ILO Conventions.
- There should have been more flexibility for reallocation of budget between different outputs of the project. For example, when there was some delay in the implementation of activities and delivery of output related to communication work, and there is risk that such activity cannot be implemented, budget could have been allocated to other activities. In addition, when there is delay in the Labour Code revision process, the delivery of some outputs under the project could have been prioritized as not all project activities are contingent on the delivery of the revised Code.

RECOMMENDATIONS AND POSSIBLE FUTURE DIRECTIONS

Though the overall implementation of NIRF EU project has been satisfactory, efficient and effective, there is still room for improvement. Below are the key recommendations and suggestions:

- The time for finalization of project document and approval was long and should have been shortened. This has been an issue which has been repeated in the context of various ILO projects. The issue was even more critical under the context of NIRF EU project due to the more complicated issues addressed by the project and more complicated external problems. In future project, this issue should be addressed so that there is more time for project implementation, thus improving the effectiveness of the project further.
- Some important outputs have been achieved but need further support and follow-up in order for it to bring about eventual result and outcome and to ensure its sustainability. For example, the awareness and understanding of related stakeholders involved in the revision of respective articles of Law on Execution of Penal Judgement toward meeting the requirements of ILO Convention 29 and 105 on the abolition of forced labour are improved. However, stronger follow-up activities by MOLISA is needed to make sure that revisions will eventually made in the final draft of the law and will be included in the final version of the law when it is passed. It is important to not miss this opportunity. It is therefore important that some kind of support by ILO Office to MOLISA will be continued in this regard, even after the NIRF EU project is ended by the end of 2018.
- Despite the fact that the project will be closed by the end of 2018, it is important that some on-going activities will be followed-up and supported by ILO, especially the preparatory works related to the ratification of Convention 98 and Convention 105. Regarding Convention 105, it is highly important to conduct a comparative analysis between Convention 29 and Convention 105 and use it as an instrument to further strengthen awareness and understanding on Convention 105, paving the ground needed for the ratification of the Convention¹. In addition, works related to study of international experience and practices in the ratification of the convention and its impacts should also be implemented to support MOLISA and other stakeholders in working on procedures and dossiers for the ratification.
- The project ends when the revision of the Labour Law is ongoing and the MOLISA and other law-making agencies need support similar to what provided under NIRF EU. It is important that the lesson learnt, outputs, results of the project should be carried over and fed into the making of the revised Labour Code. This can be done under the framework of other NIRF EU projects or by ad-hoc support by ILO Hanoi office. This is especially important to sustain the outputs and impacts of the projects.

¹ According to MOLISA and the milestones jointly developed with NIRF EU project, the dossier for ratification of Convention 105 will be submitted for formal ratification process in 2020.

- Effective application of and future ratification of ILO conventions require that the awareness, understanding and capacity of other stakeholders, especially those at the provincial level be improved. Awareness and understanding of workers and employers should be improved as well. This work should be further continued in the context of other NIRF EU projects.
- For a project of this magnitude (in terms of importance, complexity), it is suggested that the project of this type be planned for a longer time frame with more resources (personnel and budget). This will give the project the opportunity to support some of the half-finished works, e.g. the ratification of the Convention 98, until the convention to be ratified and even in the implementation process (post-ratification).
- Some of the initial results should be further supported as they are still quite infant and to broaden their effectiveness, for example awareness raising for social stakeholders and capacity building for policy makers.
- Cooperation with business association and chambers of commerce, e.g. with EuroCham, AmCham should be continued and strengthened to sustain the results of the project.

VI

CONCLUSIONS

In general, the NIRF EU project have been effectively implemented and has delivered satisfactory outputs and results. The project is well on track to achieve its objective. The project has been effective in terms of delivering results, efficient in using resources with value-for-money outputs being delivered. The project implementation is satisfactory to national partners and beneficiaries and made significant progresses to better application and implementation of International Labour Standards consistent with the ILO Declaration on Fundamental Principles and Rights at Work and its Follow up (1998).

The project has provided the necessary support to enable the Government, employers, workers and other actors to respect and promote the ILO FPRW Declaration in the context that Vietnam is a member of ILO. It has achieved important outputs that support ratification, application and implementation of core Conventions, by implementing a well-prepared advocacy and awareness raising campaign, by providing technical support to key stakeholders in preparing roadmap towards ratification and application, and by supporting the government in developing national mechanism and responding to the ILO's supervisory mechanisms and labour provisions in the new generation of FTAs.

The results generated by the projects are highly likely to be sustained by national implementation partners and by ILO constituents. Continued support by ILO and by donor agencies is still needed to deepen and widen the outcome and impact generated by the project.

ANNEXES

Annex 1 – Update of Output Delivery under the Project

Outputs	Delivery status	Summary
<p>Immediate Objective 1: Increased social partners and other stakeholders' awareness for implementation of ILO FPRW Declaration within EU-Vietnam FTA</p> <p>1.1 Awareness of Vietnam's obligations under the ILO FPRW Declaration increased among social partners, journalists and citizens</p>	Satisfactory	<ul style="list-style-type: none"> • The high level meeting between European Parliament, National Assembly, MOLISA, VCCI and VGCL was organized in Sept. 2017 • Media training was organized in September 2017 for 25 Hanoi and HCMC based journalists from leading TV, radio, newspapers on EU-VN FTA and IR. Through the post-test, most of journalists expressed their quite well understanding about IR and EU-V FTA • Media information briefing on EU-VN FTA was organized with 20 key journalists • ILO strengthen relations with the Vietnam Television (VTV) to improve the coverage by VTV on labour issues, ratification, application and implementation of core Conventions, and on national mechanism and responding to the ILO's supervisory mechanisms and labour provisions in the new generation of FTAs. VTV assign competent journalists to cover these topic area. • More could have been done in the case of other media, e.g. Voice of Vietnam, Vietnam News Agency, etc. in order to reach out more to citizens had the time of the project been longer.

Outputs	Delivery status	Summary
Immediate Objective 2: Strengthened implementation of labour provisions of EU-Vietnam FTA in line with ILO FPRW Declaration by the Government of Vietnam		
2.1 Policy-makers capacitated to better understand the ILO's supervisory mechanisms and systems of enforcement of labour provisions in different forms of FTA	Satisfactory	<ul style="list-style-type: none"> The training workshop on ILO's supervisory mechanisms and systems of enforcement of labour provisions in different forms of FTA was implemented in August 2018. The need for replication of the training is high given the fact that there is a high number of policy makers who need to be trained on this topic.
Immediate Objective 3: Increased level of readiness of Government for the ratification of ILO C.87, C.98 and C.105		
3.1 Gaps between non-ratified core conventions (C.87, C.98 and C.105) identified	Satisfactory	<ul style="list-style-type: none"> The research report on C98 & C87 was available and shared with respective partners for following up; The 1st technical group meeting was organized by MOLISA with active participation from other MOFA, MOJ, VCCI, VGCL, ICD, IR, etc. The tentative plan and preliminary report on C98 comparability, C87 awareness raising were developed as ref. for discussion the next step; The 1st inter-agency expert meeting was organized with focus on forced labour (C29 & C105). 30 experts (including NGO representatives) actively participated in the discussion.
3.2 Roadmaps towards ratification of C.87, C.98 and C.105 prepared in consultation with tripartite constituents, National Assembly and stakeholders	Highly satisfactory	<ul style="list-style-type: none"> The planning workshop for preparation of C98's ratification was organized with more than 50 participants from Govt., Social partners at all levels. The detailed plan for ratification of C98 was finalized and ready for implementation. As part of labour force elimination, the consultation workshop was organized for reviewing and studying the relevant documents and making proposals on amendments and supplements to the contents of prisoner's labour in the draft Law on Execution of Criminal Judgments. The MOLISA official recommendation note was sent to Ministry of Public Security for their action.
Immediate Objective 4: Enhanced legislative and policy framework on the elimination of discrimination in respect of employment and occupation for better compliance with C. 100 and C.111		
4.1 Laws and practices with regard to all types of work and occupation related discrimination reviewed in line with C. 100 and C.111	Satisfactory	<ul style="list-style-type: none"> The awareness raising and consultation meetings with stakeholders on non-discrimination at work related conventions C.100 and C.111. The periodical reports were timely submitted to the ILO.

Annex 2 – List of interviewees

	Name	Title and Organization
1	Chang-Hee Lee	Director ILO CO Hanoi
2	Nguyen Ngoc Trieu	National Programme Officer, ILO Vietnam (acting Project Manager of NIRF/EU)
3	Pham Thi Thanh Huyen	Monitoring and Evaluation Officer, ILO Vietnam
4	Nguyen Manh Cuong	Director, International Relations Department, Ministry of Labour, Invalids and Social Welfare
5	Tran Quynh Hoa	Office Communication Officer, ILO Vietnam
6	Ha Dinh Bon	Director General – Department of Legal Affairs, Ministry of Labour, Invalids and Social Affairs
7	Nguyen Van Binh	Deputy Director General – Department of Legal Affairs, Ministry of Labour, Invalids and Social Affairs
8	Nguyen Dinh Quang	Vice Director, Industrial Relations Department, Vietnam General Confederation of Labour
9	Tran Lan anh	Director of Bureau for Employers' Activities, Vietnam Chamber of Commerce and Industry
10	Nguyen Thi Van	Official of Department of Legal Affairs, Ministry of Labour, Invalids and Social Affairs
11	Nguyen Thi Ngoc Yen	Official of Department of Legal Affairs, Ministry of Labour, Invalids and Social Affairs

Annex 3 – Term of reference

TERM OF REFERENCE National Consultant to conduct Final Project Evaluation

Project Title	Promoting Fundamental Conventions of the ILO toward ratification of Conventions 87, 98, 105, and actions to eliminate discrimination and forced labour in Vietnam (NIRF EU project)
ILO Project Code	GLO/16/12/EUR, VNM/16/53/EUR
Administrative Unit in charge of the project	CO-Hanoi
Technical Backstopping Unit	MULTI and DWT Bangkok
Timing of Evaluation	Final Project Evaluation
Project Period	27 Sep 2016 – 26 Dec 2018
Funding Agency	The European Commission (DG Trade)

1. Background and Justification

1.1. Introduction and rationale

This term of reference covers the final evaluation of the project “Promoting Fundamental Conventions of the ILO toward ratification of Conventions 87, 98, 105, and actions to eliminate discrimination and forced labour in Vietnam” (NIRF EU project), which has been implemented by ILO Country Office for Vietnam and local counterparts with financial resource from the European Commission (EU). In September 2016, cooperation agreement between the EU and ILO was signed to implement NIRF EU project until 26 September 2018. The project afterwards has received three months of no-cost extension and thus will close on 31 December 2018. As per ILO standards and the commitments with EU, the project conducts the final project evaluation to learn to what extent the project has achieved its expected results and to identify good practices and lesson learns that can be valuable for ILO, local counterparts and the donor to apply for other similar or future work. The evaluation will be conducted and managed in conformance with the ILO evaluation policy guidelines and UN Norms and standards, and ethical safeguards.

1.2. The project context

Vietnam actively pursues global economic integration agenda, through deeper integration into the global supply chains and also through negotiations and conclusions of various free trade agreements and investment agreements. There is growing number of bilateral and multilateral trade agreements and schemes as well as regional economic integration arrangements that Vietnam has participated in, and many of which contain social and labour provisions related to workers’ rights. Indeed, trade agreements with labour provisions have increased significantly in the last two decades: 58 trade agreements included labour provisions in June 2013, up from 21 in 2005 and 4 in 1995. Labour provisions in free-trade agreements increasingly refer to ILO

instruments, in particular the 1998 Declaration on Fundamental Principles and Rights at Work, and, in the case of recent EU agreements, also to ILO Conventions.

After the suspension of the 12 nations Transpacific Partnership (TPP) agreement, it is the EU-Vietnam Free Trade Agreement (EVFTA). Under Article 3 of Chapter 15 entitled “Trade and Sustainable Development”, Vietnam has made a commitment, in accordance with its obligations deriving from the membership of the ILO and the ILO Declaration on Fundamental Principles and Rights at Work and its Follow-up adopted by the International Labour Conference at its 86th Session in 1998, to respect, promote and effectively implement the principles concerning the fundamental rights at work. These principles reflect what are known as the eight Fundamental Conventions of the ILO, namely:

- Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87)
- Right to Organise and Collective Bargaining Convention, 1949 (No. 98)
- Forced Labour Convention, 1930 (No. 29)
- Abolition of Forced Labour Convention, 1957 (No. 105)
- Minimum Age Convention, 1973 (No. 138)
- Worst Forms of Child Labour Convention, 1999 (No. 182)
- Equal Remuneration Convention, 1951 (No. 100)
- Discrimination (Employment and Occupation) Convention, 1958 (No. 111)

Vietnam has committed to making continued and sustained efforts towards ratifying fundamental Conventions of the ILO. To date, Vietnam has ratified five of these Conventions, with three outstanding, namely the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No.87); Right to Organise and Collective Bargaining Convention, 1949 (No.98) and Abolition of Forced Labour Convention, 1957 (No.105). Vietnam’s international commitments are expressed in national policy and action plans including the “Prime Minister Decision on Plan for Implementation of Ratified Conventions and for Ratification of Other 10 Conventions for the Period from 2016-2020”, the Prime Minister decision No. 145/QĐ-TTg dated 20 January 2016 on approval of “International Integration Strategy on Labour and Social Affairs up to 2020 - vision to 2030”.

This project is a development cooperation between ILO and MoLISA to support implementation of the improved application of international labour standards in Vietnam, and also within the framework of EVFTA. In addition, it also contributes to broader aims and objectives relating to reform of the industrial relations framework, where Vietnam has made some progress within last 10 years yet challenges remain in a number of areas to secure a well-functioning industrial relations system underpinned by the principles of freedom of association and effective recognition of rights to collective bargaining, as defined in the ILO Conventions 87 and 98. This project has assisted the Vietnam’s Government, workers, employers and their representative organizations and the National Assembly in filing gaps between Conventions 87/98, and laws and practices in Viet Nam, and in reviewing the options towards reforming labour laws and industrial relations system, in the process of its preparation for the ratification of the Conventions 87 and 98. Also, this project aims at assisting the Government, social partners and the National Assembly in identifying gaps between Convention No.29, Convention No.105, and laws and practices in Vietnam, and in reviewing the options towards ratification of Convention No.105 in full consideration of Convention No.29 obligations with regard to elimination of forced or compulsory labour. While Vietnam has ratified non-discrimination at the workplace and gender equality related two core conventions (Convention No.100 and Convention No.111), there remain challenges of ensuring non-discrimination at the workplace, on the ground of age, gender and other factors. This project aims to assist the Government in identifying key issues of discrimination at work and occupation, and in preparing policy instruments to ensure non-discrimination at work and occupation.

This project is consistent with the One Strategic Plan of the UN in Vietnam, which is appraised by the Government, which includes outcomes promoting “a fairer, inclusive labour market [that] ensures decent

work and opportunities for all” (Outcome 3.2) and policies and institutions support a new economic model, which is inclusive and more productivity-led, reaping gains from trade liberalization, international integration and migration” (Outcome 3.1). The proposed project will also contribute to SDG Indicator 8.8.2: “Increase in national compliance of labour rights (freedom of association and collective bargaining) based on ILO textual sources and national legislation, by sex and migrant status”.

2. Project Overview

The overall objective of this project to contribute to sustainable and inclusive economic growth of Vietnam by enhancing the existing legislative framework through the better application and implementation of International Labour Standards consistent with the ILO Declaration on Fundamental Principles and Rights at Work and its Follow up (1998).

This overall objectives is to be pursued through four immediate objectives:

- Immediate Objective 1: Increased social partners and other stakeholders’ awareness for implementation of ILO FPRW Declaration within EU-Vietnam FTA
- Immediate Objective 2: Strengthened implementation of labour provisions of EU-Vietnam FTA in line with ILO FPRW Declaration by the Government of Vietnam
- Immediate objective 3: Increased level of readiness of the Government for the ratification of ILO Convention No. 87, Convention No. 98 and Convention No. 105
- Immediate Objective 4: Enhanced legislative and policy framework on the elimination of discrimination in respect of employment and occupation for better compliance with Convention No. 100 and Convention No. 111

The project has been executed by the ILO in collaboration with MoLISA/Legal Department and implemented by different Vietnamese agencies.

Beneficiaries of the project:

- The Government agencies (MOLISA, MOFA, MOIT and other relevant agencies)
- Officials in wider enforcement authorities.
- Law-makers in the National Assembly whom are responsible for the labour code, trade union law and other related laws
- Representative organizations of employers (VCCI) and workers (VGCL).
- Media practitioners
- Employers and business representatives in various segments of global supply chains
- Workers particularly equity groups such as women

3. Purpose of the Evaluation, Scope and Users

3.1 Purpose

The main purpose of this evaluation is to support accountability and facilitate learning within the ILO and key project implementing partners. The evaluation findings and recommendations will also be used as basis for design and management for results of future ILO cooperation activities in Vietnam. In particular, the evaluation aims to:

- Evaluate the effectiveness and efficiency of the project, including the level of achievement of objectives and targets, identifying both intended and unintended results, and the sustainability after the project’s end;

- Identify and document lessons learnt and good practices which can be valuable to ILO and Vietnamese implementing partners for other similar or future development activities in Vietnam.

3.2 Scope

The evaluation is solely for the activities implemented by the project between 27 Sep 2016 and 26 Dec 2018. All objectives, outputs and activities are to be covered under this evaluation, and all key project implementing partners are expected to work with the evaluator under this evaluation.

3.3 Users of the evaluation

The primary users of the evaluation are ILO Country Office for Vietnam and the project's implementing partners in Vietnam. The secondary users are the European Commission (DT Trade) and other ILO's units.

4. Evaluation Criteria and Questions

Suggested criteria and evaluation questions:

Relevance

- To what extent has the project been responding to the needs and priorities of the Government and Social partners in Vietnam, in particular how the project has contributed to helping Vietnam in respect, compliance and ratification progress of ILO fundamental Conventions, particularly Convention No. 87, Convention No. 98, Convention No. 100, Convention No.111, and Convention No. 29, Convent No.105?
- How well does the project align with and support national development plans/ with strategic priorities of key partners?
- How well does the project complement and link to activities of UN and non-UN development partners at national level?

Validity of design

- To what extent does the designed project approach align with ILO, donor and the Government?

Effectiveness

- Has the project achieved its planned objectives? Is the project on track to achieve the performance targets according to schedule? If not, what have been the obstacles to the achievement? Is there unintended results occurring?
- To what extent has the project contributed to capacity building and/or law advancement/policy formulation in Vietnam?
- To what extent are the tripartite constituents and the project counterparts satisfied with the quality of the outputs and are likely to, or have used the tools/practices developed?

Project management and efficiency of resource use

- To what extent have stakeholders been involved in project design and implementation?
- Have resources (funds, human resources, time, expertise etc.) been allocated and delivered strategically to achieve the project objectives?
- To what extent has the project leveraged resources/collaborated with other projects or alliance agencies

in the area of international labour standards and Convention No. 98, Convention No. 87 and Convention No. 105?

Impact orientation and Sustainability

- To what extent the mechanisms/tools/practices that produced with the project's support will be continued with the Government's efforts towards ratifying/making national laws more compatible with Convention No. 87, Convention No. 98 and Convention No. 105?
- How effective have the project been in establishing and fostering national/local ownership?
- What are the key project achievements thus far that could be sustained beyond the life and the context of the project? Does the project have a strategy in place to sustain these elements?

Lesson learnt and good practices

- What are key lessons and good practices that are useful for the ILO and project implementing partners which can be applied to other similar projects/programmes?

Cross-Cutting Issues

- How does the project address crosscutting issues (gender, non-discrimination, social dialogue, SDGs)
- The above evaluation criteria and questions can be modified or adapted but any fundamental changes needs to be agreed between the ILO project manager and the evaluator, and reflected in the evaluation report.

5. Suggested Methodology

- A detailed methodology will be elaborated by the evaluator on the basis of this ToR. The methodology proposal should include detailed methods, data collection instruments, data collection plan.
- A mix-method (both qualitative and quantitative evaluation approaches) should be considered for this evaluation. Qualitative information can be obtained through field visits, key informant interviews and focus group discussions as appropriate. Quantitative data can be drawn from relevant project documents including the Technical Progress Reports (TPRs) and the projects' monitoring and evaluation information. A combination of sound quantitative and qualitative research methods should be developed for each evaluation question as deemed appropriate.
- Data should be collected from different resources by different methods for each evaluation question and findings should be triangulated to draw valid and reliable conclusions. Data shall be disaggregated by sex where possible and appropriate.
- The evaluation will comply with evaluation norms, standards and follow ethical safeguards, as specified in the ILO's evaluation procedures. The ILO adheres to the United Nations system of evaluation norms and standards as well as to the OECD/DAC Evaluation Quality Standards.

6. Main Deliverables

The evaluator will provide the key deliverables as follows:

- Deliverable 1: Evaluation methodology proposal, which should include the evaluation questions, indicators, data collection methodologies and tools.
- Deliverable 2: First draft evaluation report, which should follow the evaluation report structure suggested

by the evaluator an agreed by ILO.

- Deliverable 3: Final evaluation report, which should reflect feedbacks or comments from ILO and other key stakeholders. The report should not exceed 35 pages (350-400 words per page) exclusive of annexes.
- The evaluation report and other outputs of the evaluation must be produced in English and Vietnamese.
- Besides reports, raw data should be provided in electronic version compatible with Microsoft Office for Windows. Ownership of the data from the evaluation rests with ILO. The copy rights of the evaluation report rests exclusively with the ILO.

7. Management Arrangements and Work plan

ILO project team will be responsible for the following:

- Providing project background and related documents;
- Providing inputs on the evaluation methodology proposal and planning;
- Providing logistical and administrative support that is needed for the evaluation operation;
- Coordinating the related stakeholders to get them engaged in this evaluation;
- Organizing stakeholder/validation workshops if required;

The consultant is responsible for conducting the evaluation according to the Terms of Reference. He/she will also:

- Report to the ILO/Programme Officer who is also NIRF EU project manager during the evaluation;
- Deliver the key aforementioned deliverables to the ILO project manager at the timing agreed and with the quality level at ILO's satisfaction.
- Respect ILO's policy and Evaluation Codes of Conducts when conducting this evaluation

8. Indicative time frame, and outputs and estimated number of working days

No	Key activities	# working days estimated	Products	Time frame (by end)
1	Review project documents and develop evaluation proposal and data collection instruments	02	Evaluation methodology proposal, tools	1st week of Nov. 2018
2	Data collection (documents review and interviewing project stakeholders)	03	Raw data	2nd week of Nov. 2018
3	Analyse data and draft report	04	draft report	3rd week of Nov. 2018
4	Present the evaluation findings at the project stakeholder validation meeting organised by MOLISA	01	Power point	4th week of Nov. 2017
5	Finalize the report which is accepted by the ILO & MOLISA	01	Final report	1st week of Dec. 2018
	Total of working days	11		