

## THE PRESIDENT

### **Order No. 08/2013/L-CTN of June 28, 2013, on promulgation of law**

THE PRESIDENT OF THE SOCIALIST REPUBLIC OF VIETNAM

*Pursuant to Articles 103 and 106 of the 1992 Constitution of the Socialist Republic of Vietnam, which was amended and supplemented under Resolution No. 51/2001/QH10 of December 25, 2001, of the X<sup>th</sup> National Assembly, the 10<sup>th</sup> session;*

*Pursuant to Article 91 of the Law on Organization of the National Assembly;*

*Pursuant to Article 57 of the Law on Promulgation of Legal Documents,*

PROMULGATES

**the Law on Grassroots Conciliation,**

which was passed on June 20, 2013, by the XIII<sup>th</sup> National Assembly of the Socialist Republic of Vietnam at its 5<sup>th</sup> session.

President of the Socialist Republic of Vietnam

TRUONG TAN SANG

## **Law on Grassroots Conciliation**

(No. 35/2013/QH13)

*Pursuant to the 1992 Constitution of the Socialist Republic of Vietnam, which was amended and supplemented under Resolution No. 51/2001/QH10;*

*The National Assembly promulgates the Law on Grassroots Conciliation.*

### **Chapter I**

#### **GENERAL PROVISIONS**

##### **Article 1. Scope of regulation**

1. This Law provides the principles and the State's policies on grassroots conciliation, conciliators and conciliation teams; grassroots conciliation activities; and responsibilities of agencies and organizations in grassroots conciliation activities.

2. Conciliation activities of courts and arbitrations, commercial conciliation, labor conciliation and conciliation at People's Committees of communes, wards or townships (below referred collectively to as commune level) are not governed by this Law.

##### **Article 2. Interpretation of terms**



In this Law, the terms below are construed as follows:

1. Grassroots conciliation means the process whereby conciliators guide and assist the involved parties in reaching agreement on voluntary settlement between themselves of conflicts, disputes or law violations in accordance with this Law.
2. Grassroots means villages, hamlets, street residential groups, street quarters, street blocks and other residential communities (below referred collectively to as villages and street residential groups).
3. Parties means individuals, groups of individuals, families, groups of families or organizations involved in a conflict, dispute or law violation as provided in this Law.
4. Conciliator means a person recognized in accordance with this Law to conduct grassroots conciliation activities.
5. Conciliation team means a people's self-managed organization set up at the grassroots level for conciliation activities in accordance with this Law.

**Article 3.** Scope of grassroots conciliation

1. Grassroots conciliation is carried out for conflicts, disputes and law violations, except the following cases:

- a/ Conflicts and disputes that infringe upon the State's interests or public interests;
- b/ Violations of the law on marriage and family and civil transactions, which must not be conciliated as provided by the civil procedure law;
- c/ Law violations which, according to regulations, must be examined for penal liability or administratively handled;
- d/ Other conflicts and disputes which must not be conciliated at the grassroots as provided by law.

2. The Government shall detail this Article.

**Article 4.** Principles of organization of grassroots conciliation and grassroots conciliation activities

1. Respect for the voluntariness of parties who face no coercion and imposition in grassroots conciliation.
2. Conformity with the State's policies and law, social ethics and fine customs and practices of people; promotion of the spirit of solidarity and mutual assistance among members of families, lines of descent and residential communities; concern for the rights and legitimate interests of children, women, persons with disabilities and the elderly.

3. Impartiality, fairness, timeliness, reasonableness and sensibility; confidentiality of the privacy of parties, except the cases defined in Clauses 4 and 5, Article 10 of this Law.
4. Respect for the will, rights and legitimate interests of parties, rights and legitimate interests of other persons; no infringement upon the State's interests and public interests.
5. Assurance of gender equity.
6. Grassroots conciliation must not be abused to prevent parties from lawfully protecting their interests and evade the handling of administrative violations or criminal handling.

**Article 5.** The State's policies on grassroots conciliation

1. To encourage parties to settle their conflicts or disputes through grassroots conciliation or in other appropriate forms of conciliation.

To encourage prestigious persons in families, lines of descent or residential communities to participate in grassroots conciliation and other appropriate forms of conciliation.

2. To bring into play the key role of the Vietnam Fatherland Front and its member organizations in grassroots conciliation.
3. To facilitate and support grassroots conciliation activities; to encourage organizations and individuals to support and make contributions to grassroots conciliation activities.

**Article 6.** Financial support for grassroots conciliation work

1. The State provides financial support for grassroots conciliation work in the compilation and distribution of documents; training and guidance in grassroots conciliation skills; grassroots conciliation review and commendation; payment of remunerations to conciliators on a case-by-case basis, and other necessary expenses for grassroots conciliation activities.

The central budget shall allocate additional funds to localities that cannot balance their budgets for them to financially support grassroots conciliation work.

2. The Government shall detail this Article.

## **Chapter II**

### **CONCILIATORS, CONCILIATION TEAMS**

#### **Section 1**

#### **CONCILIATORS**

**Article 7.** Criteria for conciliators



Persons elected to be conciliators must be Vietnamese citizens residing at the grassroots, voluntarily participate in grassroots conciliation activities and meet the following criteria:

1. Having good moral quality; having prestige in the residential communities;
2. Having capability to persuade and agitate people; having legal knowledge.

**Article 8.** Election and recognition of conciliators

1. Persons fully satisfying the criteria prescribed in Article 7 of this Law may stand for or be recommended by the Front Working Boards in coordination with the Front's member organizations for the list of candidates to be elected as conciliators.

2. Heads of the Front Working Boards shall assume the prime responsibility for, and coordinate with village chiefs or heads of street residential groups in, organizing the election of conciliators in villages or street residential groups by either of the following ways:

- a/ Public voting or secret ballots at meetings of household representatives;
- b/ Distributing opinion cards to households.

3. Conciliator election results:

a/ Persons proposed for recognition as conciliators must obtain the consent of more than 50% of the household representatives in the village or street residential group;

b/ If the number of persons obtaining the consent of more than 50% of the household representatives in the village or street residential group is higher than the number of conciliators to be decided by the commune-level People's Committee chairperson under the provisions of Clause 2, Article 12 of this Law, the list of persons proposed for recognition as conciliators will be made based on election results from higher to lower;

c/ If the number of elected persons is insufficient for establishment of a conciliation team, additional election will be organized until a sufficient number is achieved;

d/ The head of the Front Working Board makes the list of persons proposed for recognition as conciliators and send it to the commune-level People's Committee chairperson.

4. The commune-level People's Committee chairperson shall issue a decision to recognize conciliators, which will be sent to the standing body of the commune-level Vietnam Fatherland Front Committee, the head of the Front Working Board, the village chief or head of the street residential group and conciliators, and publicized in the village or street residential group.

**Article 9.** Rights of conciliators



1. To conduct grassroots conciliation activities.
2. To request parties to provide documents and information relating to cases or matters to be conciliated.
3. To participate in activities of conciliation teams, discuss and decide on contents and mode of operation of these teams
4. To be trained in legal knowledge and conciliation skills; to be provided with documents relating to conciliation activities.
5. To enjoy remunerations according to conciliated cases and matters.
6. To be commended and rewarded according to the law on emulation and commendation.
7. To be supported and given conditions to overcome consequences of accidents or risks which happen to them and affect their health or lives while conducting conciliation.
8. To make recommendations and proposals concerning matters related to conciliation activities.
9. The Government shall detail Clauses 5 and 7 of this Article.

**Article 10.** Obligations of conciliators

1. To conduct conciliation when there are grounds therefor as provided in Article 16 of this Law.
2. To comply with the principles defined in Article 4 of this Law.
3. To refuse conciliation if having interests and obligations related to to-be-conciliated cases or matters or for other reasons which can not ensure impartial and fair conciliation.
4. To promptly notify serious conflicts or disputes, which may lead to acts of violence affecting the health or lives of parties or causing public disorder, to conciliation team leaders who shall report them to commune-level People's Committee chairpersons for application of preventive measures.
5. To promptly notify detected conflicts or disputes, which show signs of violation of the law on administrative handling or criminal law, to conciliation team leaders who shall report them to competent agencies for handling.

**Article 11.** Removal of conciliators from duty

1. Conciliators will be removed from duty in the following cases:
  - a/ It is so aspired by conciliators;
  - b/ Conciliators no longer meet one of the criteria defined in Article 7 of this Law;

c/ Conciliators violate the principles of grassroots conciliation organization and activities as provided in Article 4 of this Law, or are not qualified for continuing to work as conciliators because they are handled for law violations.

2. When removing a conciliator from duty under Clause 1 of this Article, the conciliation team leader shall propose the head of the Front Working Board to coordinate with the village chief or street residential group leader in filing a written request with the commune-level People's Committee chairperson to issue a decision on the removal.

3. A decision on removal of a conciliator from duty must be sent to the standing body of the commune-level Vietnam Fatherland Front Committee, the head of the Front Working Board, village chief or head of the street residential group and the concerned conciliator, and be publicized in the village or street residential group.

## **Section 2**

### **CONCILIATION TEAM**

#### **Article 12. Conciliation team**

1. A conciliation team is composed of a leader and members. A conciliation team has at least 3 conciliators, including female conciliators. For areas inhabited by many ethnic minority people, a conciliation team must comprise members being ethnic minority people.

2. Commune-level People's Committee chairpersons shall decide on the number of conciliation teams and the number of conciliators in a conciliation team based on the local characteristics, socio-economic situation and population and the proposal of the standing boards of the commune-level Vietnam Fatherland Front Committees.

3. Annually, heads of the Front Working Boards shall assume the prime responsibility for, and coordinate with conciliation team leaders in, reviewing and assessing the organization and operation of the conciliation teams and report thereon to the standing boards of the commune-level Fatherland Front Committees for proposing the commune-level People's Committees to consolidate the conciliation teams.

#### **Article 13. Responsibilities of conciliation teams**

1. To organize conciliations.

2. To organize the exchange of experiences, and discussions of solutions to conciliation of complicated cases or matters.

3. To coordinate with the Front Working Boards, Women Union organizations, Youth Union organizations, War Veterans organizations, Farmers Association organizations, Elderly Association organizations,

conciliation teams and other organizations and individuals in grassroots conciliation activities.

4. To make proposals concerning grassroots conciliation activities and necessary conditions for grassroots conciliation activities to the commune-level Vietnam Fatherland Front Committees and People's Committees.

5. To propose the commendation of conciliation teams and conciliators that record outstanding achievements in conciliation work.

**Article 14.** Conciliation team leaders

1. Conciliation team leaders are elected among conciliators by the latter to take charge of the conciliation team.

2. The election of conciliation team leaders is conducted under the chairmanship of the heads of the Front Working Board in the form of public voting or secret ballot. The results of election of conciliation team leaders are recorded in writing and sent to commune-level People's Committee chairpersons for recognition decision.

**Article 15.** Rights and obligations of conciliation team leaders

1. To assign and coordinate activities of conciliators.

2. To represent conciliation teams in relationship with the heads of the Front Working Boards, village chiefs, heads of urban residential quarters, and other agencies, organizations and individuals in performing the tasks of conciliation teams.

3. To propose removal of conciliators from duty as provided in Clause 2, Article 11 of this Law.

4. To promptly report to commune-level People's Committee chairpersons and competent agencies on cases or matters defined in Clauses 4 and 5, Article 10 of this Law.

5. To report annually and extraordinarily on the organization and operation of conciliation teams to the People's Committees and the standing boards of the Vietnam Fatherland Front Committees at the commune level.

6. To coordinate with leaders of other conciliation teams in exchanging experiences or conciliating cases or matters related to different villages or street residential groups.

7. To have the conciliators' rights and obligations prescribed in Articles 9 and 10 of this Law.

**Chapter III**

**GRASSROOTS CONCILIATION ACTIVITIES**

**Article 16.** Grounds for conciliation



Grassroots conciliation is conducted on one of the following grounds:

1. One party or all parties request conciliation;
2. Conciliators witness or know cases or matters to be conciliated;
3. It is assigned by conciliation team leaders or requested by related agencies, organizations or individuals.

**Article 17.** Rights and obligations of parties in conciliation

1. To select and suggest conciliators, venues and time for conciliation.
2. To accept or refuse conciliation; to request suspension or termination of conciliation.
3. To request the conciliation to be conducted in public or behind closed doors.
4. To express their will and decision on contents to be conciliated.
5. To truthfully present details of cases or matters; to provide relevant documents and evidence.
6. To respect conciliators and the rights of involved parties.
7. Not to affect security and order at conciliation venues.

**Article 18.** Assignment of conciliators

1. Conciliation team leaders shall assign conciliators to conduct conciliation if the parties concerned do not select conciliators.
2. Conciliation team leaders do not assign conciliators to conduct conciliation if having grounds to believe that the latter have the rights, interests and/or obligations related to to-be-conciliated cases or matters, or having other reasons for believing that the conciliation cannot be impartial and fairness.
3. In the course of conciliation, if a conciliator breaches the conciliation principles or other obligations of conciliators, the conciliation team leader shall assign another conciliator to conduct the conciliation.

**Article 19.** Persons invited to conciliation

1. In the course of conciliation, if seeing it necessary, conciliators and a party, with the consent of the other party, may invite a prestigious person in the ancestral line, at the residence place or working place; a person with legal and social knowledge; a village patriarch, a religious dignitary or a person who knows well the case or matter; a representative of an agency or organization, or another prestigious person to participate in the conciliation.
2. Invitees to conciliations shall comply with the principles of grassroots conciliation activities.

3. Agencies or organizations of persons invited to participate in conciliations shall create conditions for these persons to participate in conciliations.

**Article 20.** Conciliation venues and time

1. Conciliation venue is the place where the case or matter occurs or the place selected by the parties or conciliators, ensuring convenience for the parties.

2. Within 3 days after being assigned, conciliators shall start the conciliations, unless it is necessary to immediately conduct the conciliations when they witness the cases or matters or the parties otherwise agree on the conciliation time.

**Article 21.** Conciliation process

1. Conciliation is directly conducted verbally in the presence of the parties. If parties involve persons with disabilities, proper assistance is required for them to participate in the conciliation.

2. Conciliation is conducted in public or behind closed doors as agreed upon by the parties.

3. Depending on specific cases or matters and based on provisions of law, social ethics, fine customs and practices of people, conciliators may apply appropriate measures to help the parties clearly understand their respective interests and responsibilities in the cases or matters so that they can reach agreement on the settlement of their conflicts or disputes and voluntarily realize such agreement.

If no agreement is reached, conciliators shall guide the parties to request competent agencies or organizations to settle in accordance with law.

4. Conciliators shall record the contents of conciliation cases or matters in the grassroots conciliation monitoring books.

If the parties reach an agreement, a record on the successful conciliation must be made as provided in Clause 2, Article 24 of this Law.

**Article 22.** Conciliation between parties in different villages or street residential groups

If the parties are in different villages or street residential groups, the conciliation teams in those villages or groups shall coordinate with one another in conducting the conciliation and notify it to the heads of the Front Working Boards for coordination.

**Article 23.** Conclusion of conciliation

1. The parties reach agreement.

2. One party or all parties request termination of conciliation.

3. Conciliators decide to conclude the conciliation when the parties cannot reach agreement and further conciliation cannot yield results.

**Article 24. Successful conciliation**

1. Conciliation is successful when the parties reach an agreement.
2. The parties may agree to make a written record on successful conciliation with the following principal contents:
  - a/ Grounds for conciliation;
  - b/ Basic information on the parties;
  - c/ Main contents of the case or matter;
  - d/ Proceedings of the conciliation;
  - dd/ Reached agreement and implementation solutions;
  - e/ Rights and obligations of the parties;
  - g/ Mode and time limit for implementation of the agreement;
  - h/ Signatures or fingerprints of the parties and the conciliators.

**Article 25. Implementation of agreements reached in successful conciliation**

1. The parties are responsible for implementing their agreement reached in successful conciliation.
2. In the course of implementation of their agreement reached in successful conciliation, if a party cannot implement it due to a force majeure event, it shall discuss and reach agreement with the other party and notify the conciliators thereof.

**Article 26. Monitoring and urging of the implementation of agreements reached in successful conciliation**

Conciliators shall monitor and urge the implementation of agreement reached in successful conciliation they have personally conducted; and promptly inform matters arising in the course of monitoring and urging the implementation to conciliation team leaders for reporting to the heads of the Front Working Boards.

**Article 27. Unsuccessful conciliation**

Conciliation is unsuccessful when the parties cannot reach an agreement.

In this case, the parties may request further conciliation or request a competent agency or organization to settle in accordance with law.

**Chapter IV**

**RESPONSIBILITIES OF AGENCIES AND ORGANIZATIONS IN GRASSROOTS CONCILIATION ACTIVITIES**

**Article 28.** Responsibility for state management of grassroots conciliation

1. The Government shall perform the unified state management of grassroots conciliation.
2. The Ministry of Justice is answerable to the Government for performing the state management of grassroots conciliation, and has the following responsibilities:
  - a/ To formulate and submit to competent agencies for promulgation, or to promulgate according to its competence, legal documents on grassroots conciliation;
  - b/ To assume the prime responsibility for, and coordinate with ministries, ministerial-level agencies, government-attached agencies and the Vietnam Fatherland Front Central Committee in, directing, guiding, organizing and inspecting the implementation of legal documents on grassroots conciliation;
  - c/ To compile and distribute documents on, to organize skills training and guidance in the state management of grassroots conciliation for provincial-level officials;
  - d/ To prescribe the form of grassroots conciliation monitoring book; forms and tables of statistics on grassroots conciliation organization and activities.
3. Ministries and ministerial-level agencies shall, within the scope of their tasks and powers, coordinate with the Ministry of Justice in performing the state management of grassroots conciliation.

**Article 29.** Responsibilities of People's Committees at different levels

1. Provincial-level People's Committees and People's Committees of districts, provincial cities and towns (below referred collectively to as district level) shall, within the scope of their tasks and powers, perform the state management of grassroots conciliation in their localities; submit local fund estimates for grassroots conciliation to competent People's Councils for consideration and decision; organize training and guidance in grassroots conciliation skills for conciliators under the guidance of the Ministry of Justice.
2. Commune-level People's Committees shall:
  - a/ Assume the prime responsibility for, and coordinate with the Vietnam Fatherland Front Committees of the same level in, organizing the implementation of legal documents on grassroots conciliation; formulate fund estimates for conciliation activities; establish and consolidate conciliation teams and recognize conciliation team leaders and conciliators in localities;
  - b/ Assume the prime responsibility for, and coordinate with the Vietnam Fatherland Front Committees of the same level in, organizing the inspection, review and commendation of grassroots conciliation;

c/ Report to the People's Councils of the same level and district-level People's Committees on the results of implementation of the law on grassroots conciliation.

**Article 30.** Responsibilities of Vietnam Fatherland Front Committees at different levels and member organizations of the Front

1. The Vietnam Fatherland Front Committees at different levels shall participate in the state management of grassroots conciliation; agitate organizations and individuals to observe law, oversee the implementation of the law on grassroots conciliation; coordinate in the inspection, review and commendation of grassroots conciliation.

The Vietnam Fatherland Front Central Committee shall guide the Vietnam Fatherland Front Committees at different levels to participate in organizing the implementation of the law on grassroots conciliation.

Member organizations of the Front shall, within the scope of their functions and tasks, conduct grassroots conciliation activities in accordance with law.

## **Chapter V**

### **IMPLEMENTATION PROVISIONS**

**Article 31.** Transitional provisions

After this Law takes effect, the conciliation teams set up and recognized under the Ordinance on Grassroots Conciliation Organization and Activities and their members may continue their activities without having to carry out the procedures for re-recognition as provided by this Law.

**Article 32.** Effect

1. This Law takes effect on January 1, 2014.
2. The Ordinance on Grassroots Conciliation Organization and Activities ceases to be effective on the date this Law takes effect.

**Article 33.** Implementation detailing and guidance

The Government shall detail and guide the implementation of clauses and articles in this Law as assigned.

*This Law was passed on June 20, 2013, by the XIII<sup>th</sup> National Assembly of the Socialist Republic of Vietnam at its 5<sup>th</sup> session.-*

Chairman of the National Assembly  
**NGUYEN SINH HUNG**