



AOA Fact Sheet *Ombudsman of* VIETNAM

NOVEMBER 8, 2017

INSTITUTIONAL OVERVIEW NUMBER 1

Legal Framework

Vietnam state inspectorate is organizationally established by the nation assembly of Vietnam, belonging to the system and structure of the government. Vietnam inspector general is elected by the national assembly and appointed by the president. Vietnam state inspector general, national ombudsman, is accountable on the run of inspection of the whole country before the national assembly and the government.

The organic structure of Vietnam state inspectorate is regulated and provided by the provision of laws on inspection.

Jurisdiction/ Functions

To guide and create the guideline and policies of inspection performance, inspecting strategy for the inspectorates in all ministries, branches, ministerial bodies and the people committees at all levels.

To build projects of laws, draft laws on inspection and laws on dealing with complaints and denunciations by citizens and submit the drafted laws to the national assembly for approval.

To guide and examine the implementation, by all organizations, agencies, branches, and the inspectorate of all levels, of the state laws on inspection and laws on settlement of complaints and denunciations by citizens. To suspend the implementation, activities, purpose recommendations, to annual to correct the inappropriate decision of the lower inspectorates, to require minister, chairman of provinces, municipalities directly under the central government to suspend the implementation, to amend or to annual the incorrect, inappropriate decisions on inspection and settlement of complaints and denunciations by citizens and organizations.

To inspect, supervise and control the implementation of state laws, polices, the guide lines as strategies, state plan following to market system with the management of the state and government, by ministries and local levels, state enterprises and by caring out an inspection to investigate on to corruption cases on malpractices.

To require minister, the head of government departments and the chairman of provinces, municipalities to carry out inspection or to review the cases under jurisdiction regulated by the law.

Legal Powers

a) Vietnam inspector general has his powers to suspend the execution of settlement decisions, which of ministers, head of government bodies, chairman of provinces, municipalities are illegal, by examination, and inspector general will make a legal decision. All organizations, bodies, agencies, and individual have to abide the decision by inspector general even decision on administrative inspection, administrative supervision, investigation in to corruption and decision on settlement of complaints by citizens and organizations.

To warm, temporarily suspend the official activities or the duty of the person or persons (public servants) who obstruct, or resist the exercising of functions and powers by a delegate of inspectors established by inspector general.

To appoint, release from duty, dismiss the chief inspector of provincial local inspectorates, municipalities (whom are appointed by inspector general with the proposal of appointment of chairman of provinces and municipalities). Chief inspector of ministerial inspectorates is appointed by prime minister on the advice and proposal of inspector general when she or he has got enough quality of standards.

POWERS OF THE STATE INSPECTORATES AND INSPECTOR:

The system of Vietnam state inspectorates consist of district local inspectorate, provincial local inspectorates, ministerial inspectorates and inspectorates in branch at the central level.

Functions and powers of the inspectorates at all levels and in all branches, are to make decision of inspection and dealing with complaints and denunciations by citizens.

To require the department, organization concerned and relevant persons to submit the documents, materials and other necessary information, designate person who will be the member of the delegate of inspectors .when necessary to check up the books, to seal up temporarily the documents, materials, to make a detailed list of assets and properties, to enclose the amount at the bank, to make decision of requiring the authority concerned detain the amount, things, objects and illegal gains, licence of business when necessary to immediately prevent the violation of laws ,malpractices or relating to the relevant evidence.

To immediately stop the act which is, or shall be likely detrimental to the interests of state, organizations or the legal rights and the interests of the citizens. To suspend the implantation of disciplinary decision concerning removal from work when concerning a person who is collaborating with inspectorates or concerning on inspected person when find out that who could lead the delay to inspection, settlement on complaints and denunciations by citizens.

To warm, temporarily suspend the official activities or the duty of person, public servant who obstruct or resist the exercising of inspection or not to do any thing according to the requirement of the inspectorate or inspector.

To transfer the files, records, documents concerned to judicial organs (the investigation berue) or people supervision and control of prosecution when whose act constitutes actually a crime.

The inspector has his or her authorized card guaranteed by inspector general. Duties and powers of inspector is written in his or her authorized card(inspection card). The inspector exercises his or her functions and powers independently in accordance with the provision of state laws and is accountable to his or her work,conclusion,decisions and regulations on administrative inspection, supervision and the ways to deal with complaints by citizens.

*Implementation
Arrangements*

*Research &
Analysis Wing*

*Investigative
Techniques*

*Code of
Conducts and
Standards*

FOI Standards

*Use of
Technology*

*Linkages with
Civil Society*

