

# CHAPTER 2. NATIONAL FINDINGS

This chapter presents the aggregated results from the 2015 survey, based on interviews with the 13,841 people across Viet Nam who participated in it.<sup>13</sup> The findings are presented according to the themes of access to justice, protection of constitutional fundamental rights, and the role of judicial institutions and elected bodies in ensuring justice and civic rights. The findings are also compared with those of the 2012 survey.

## 2.1 Access to justice in resolution of civil disputes and administrative complaints

### Most common legal issues

The 2015 survey identified two types of legal issues experienced by citizens. The first type is

a civil dispute between individuals. This may include employment and work-related issues, business cooperation and contracts, or civil matters in relation to inheritance, marriage and childcare. The second type of legal issue is entitled “administrative complaint”, when an individual brings up a petition to the local authority or a state agency. Administrative disputes and complaints may involve business regulations, social policy entitlements or environmental claims for compensation for pollution. Land-related issues can either be classified as a civil dispute, for example a dispute between neighbours about land boundaries, or an administrative complaint where an individual disagrees, for example, with the local government’s decision on the proposed compensation scheme for land expropriation.

Findings from the 2015 survey on civil disputes and administrative complaints suggest that land disputes and complaints are the most common issue. As shown in Table 1, there were 644 land disputes and complaints reported during 2013-2015.

**Table 1: Civil disputes and administrative complaints, 2013-2015**

Type of dispute/complaint	Amount
Land issues	644
Business issues	639
Civil issues	475
Policy entitlement issues	366
Labour issues	361
Environmental issues	198

Among land disputes and complaints, the most common issues concern land use

rights certificates and land boundaries with neighbours (see Table 2).

**Table 2: Land disputes and complaints, 2013-2015**

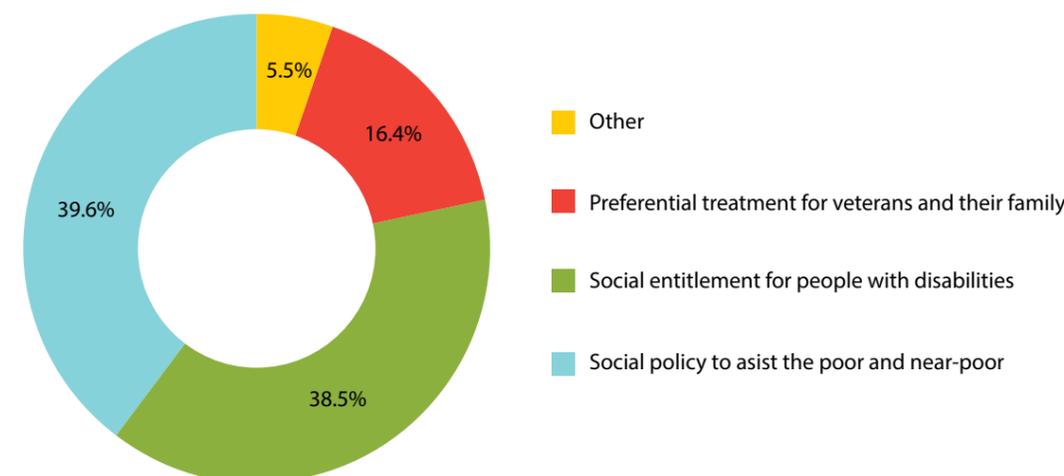
Type of land dispute	Amount
Land use rights certificate	171
Land boundary	170
Compensation for resettlement	61
Land/house inheritance	57
Land/house purchase	51
Change of land-use purpose	41
Property division to children	19
Land/house lease	11
Use of land as collateral asset	8
Land division upon divorce	3
Other land dispute	52
<b>Total</b>	<b>644</b>

Detailed data on other types of disputes and complaints during the 2013-2015 period are included in Appendix 5. The main issue overall concerns bank loans or borrowing among individuals. Labour disputes mainly relate to salaries and wages, accounting for 32% of all the mentioned labour disputes. It is worth highlighting that civil disputes related to food safety have become more common in the last

three years and now account for 20% of all mentioned civil disputes.

Data on social policy complaints suggests that most of these complaints relate to policies aiming to support the poor and near poor (over 39% of all complaints) and social entitlements for people with disabilities (over 38% of all complaints). The different types of social policy complaints are shown in Figure 2.

**Figure 2: Social policy complaints, 2013-2015**



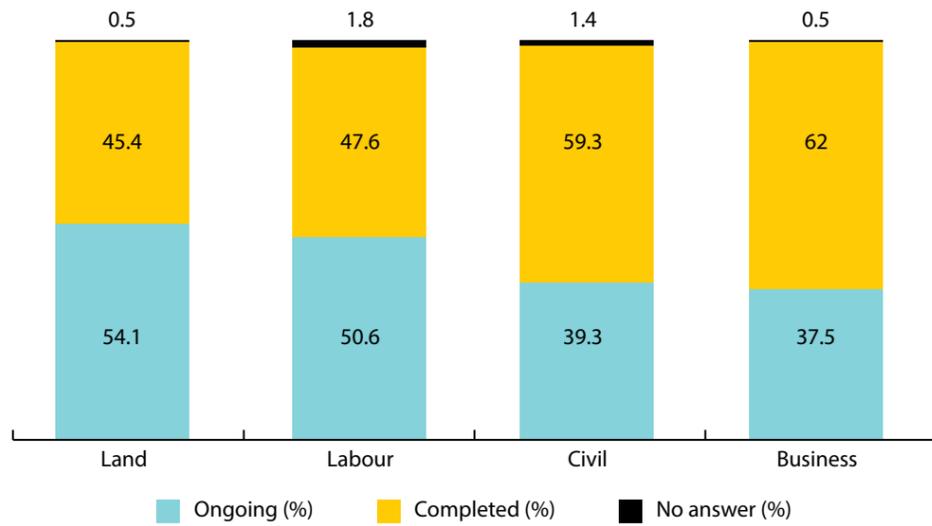
<sup>13</sup> See sample details in Appendix 2.

### Outcomes of disputes and complaints resolution

Feedback from those who have experienced civil disputes between 2013-2015 shows that

more than half of land and labour disputes have not been resolved. The outcome of the disputes, by type of complaint, is shown in Figure 3. Business disputes have the highest resolution rate, with almost two thirds of all disputes of this type being resolved.

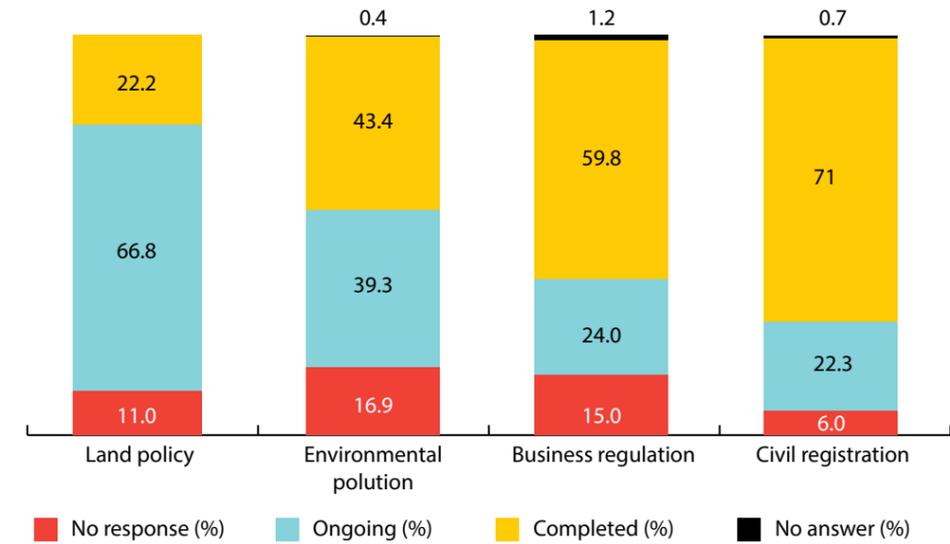
Figure 3: Resolution of civil disputes



Compared to the resolution of civil disputes, the outcomes of citizens' complaints on land policies, environmental pollution and social policies are less resolved. Particularly, more than half of environmental pollution complaints have not been resolved or are still pending and almost two thirds of administrative land policy complaints – particularly concerning land use rights

certificates, change of land-use purpose and resettlement compensation – have not been resolved. Figure 4 shows the outcomes of settling different types of administrative complaints, including those pertaining to civil registration and business regulations.

Figure 4: Resolution of administrative complaints



The effectiveness of handling disputes and complaints is of concern, especially administrative complaints, as it takes a long time to accept and process a case. For example, it takes, on average, 15 months to resolve a complaint about environmental pollution and 21-24 months in the case of a social policy complaint.

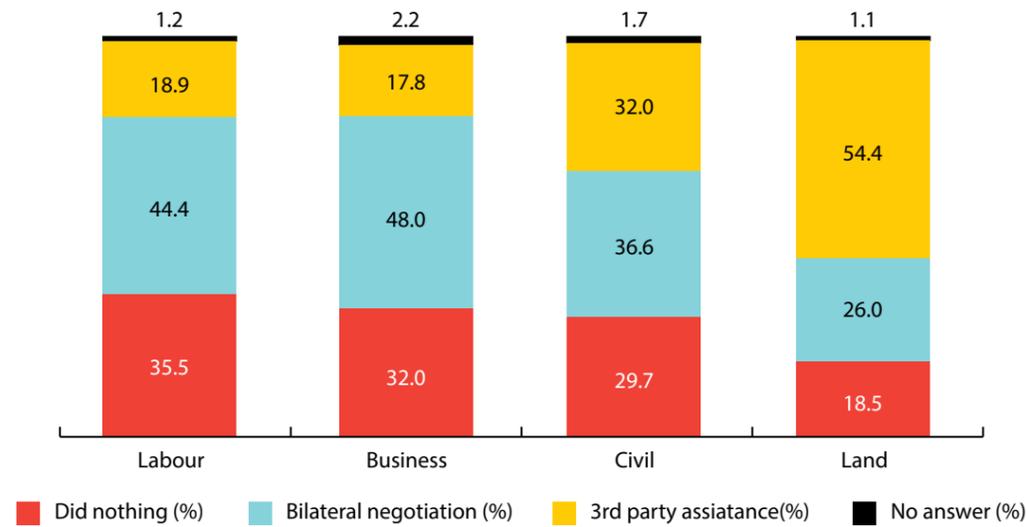
while in a few cases the parties choose to do nothing to resolve their dispute.

In business disputes, bilateral negotiations are the most common option used to resolve dispute (48% of respondents, see Figure 5). Among the different explanations provided, 72% of respondents say they choose to negotiate because they do not want to let minor disputes affect long-term business, while 62% are concerned that third party involvement will delay the process. Over a third of those involved in labour disputes (35.5% of respondents, see Figure 5) choose to not take any action. The reason for this is that these citizens think they are in a more disadvantaged position and will therefore lose (60%) and/or that they do not know where to go for assistance (56%).

### Preferred options for settling civil disputes

An analysis of the outcomes of civil, land, business and labour dispute settlements shows that citizens prefer different options for different types of disputes. For land disputes, assistance from a third party is often sought,

**Figure 5: Preferred options for resolving civil disputes**

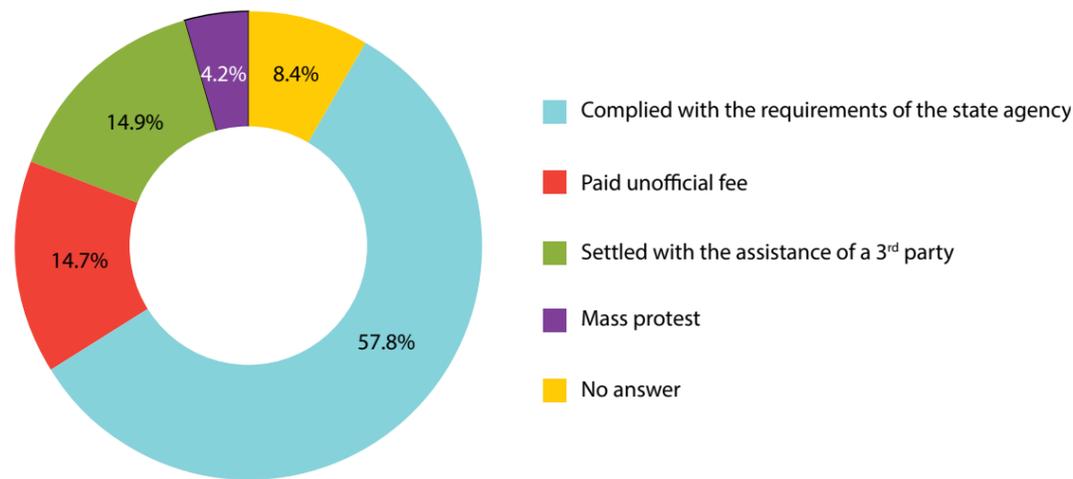


**Preferred options for settling administrative complaints**

Administrative complaints are settled by different methods depending on the complexity and seriousness of the matter.

When disagreeing with the regulations or measures taken by the local authorities in business and market management, private businesses often choose to "comply with the requirements of the local authorities" or public officials. Paying informal charges was also a preferred option for 15% of complainants.

**Figure 6: Preferred options for dealing with business complaints**



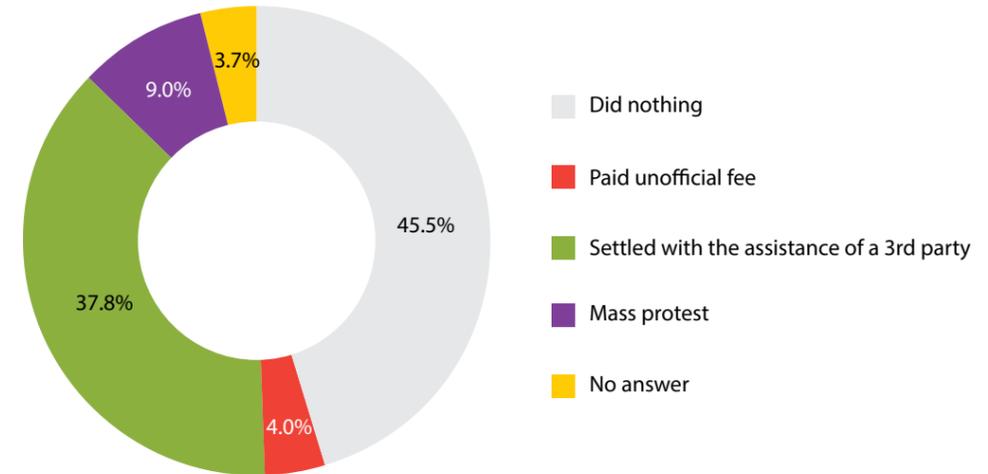
Regarding preferred options to deal with land disputes, almost half of the respondents chose not to complain. Figure 7 shows the breakdown of choices made by respondents

with land disputes with the local government. For those who chose not to do anything, the most cited reasons were "cumbersome, lengthy procedures" (49% of respondents) and

"not knowing the procedures" (48%). Other reasons included "lack of integrity of public

officials" (46%) and concerns about "high unofficial fees" (29%).

**Figure 7: Preferred options for resolving land complaints**



About 38% of respondents with an administrative land complaint seek assistance to resolve it, either from personal contacts, through legal services or higher-level state agencies. Analysis of the survey data suggests a paradox in that the agencies and organizations that citizens often resort to are not regarded as effective at resolving complaints. Specifically, while half of people seeking a solution to their land complaint turn to higher-level state agencies or members of the National Assembly or People's Councils (14%), only a modest number (17%) seek assistance from lawyers and legal aid. However, the satisfaction levels among those who

receive assistance from lawyers and legal aid is 53% and 63% respectively. In other words, one in two users of these services sees them as effective. On the other hand, the satisfaction with the assistance from higher-level state agencies or members of the National Assembly and People's Councils is the lowest, at 27% and 32% respectively. Figure 8 shows the proportions of different measures used and the respective levels of satisfaction with the effectiveness of these services.

**Figure 8: Effectiveness of measures to resolve land complaints**



### Access to courts in resolving business disputes

Results from the 2012 survey suggested that very few people with business disputes chose to go to court to resolve them. In order to better answer the question why people are reluctant to go to court, the 2015 survey included questions on what may affect the

decision of citizens with business disputes to go to court to resolve these disputes. The feedback suggests that the primary concern is “complicated and time-consuming court procedures” (40%), followed by concerns about the integrity of judges and court staff (34%) and lawyers’ fees (33%). Table 3 provides an overview of factors that impact choosing the court as a mechanism to resolve business disputes.

**Table 3: Factors affecting the choice of courts for business dispute resolution**

Main factors	Response rate %
High cost to file a lawsuit	28.9
Unable to access legal aid	31.1
Discrimination against disadvantaged groups	32.3
High cost of lawyers	33.5
Integrity of judges and court staff	34.3
Complicated and time-consuming procedures	39.9

## 2.2 Fundamental rights and the Constitution

The XIIIth National Assembly adopted a new Constitution in November 2013. One of the changes in the new Constitution is the recognition of expanded civil rights, notably in the following new provisions:

- Non-discrimination in political, civil, economic, cultural and social life (Article 16.2);
- Right to access information (Article 25, replacing the “right to be informed” of Article 69 in the previous Constitution);
- “The state shall enable the citizen to participate in the administration of the State and management of society, and the receipt and response to citizens’ opinions and recommendations shall be public and transparent” (Article 28.2 adding provision on the right to participate); and
- “Everyone has the right to live in a clean environment and has the duty to protect the environment” (Article 43).

In the implementation of the new Constitution, the National Assembly promulgated and amended 57 laws during 2014-2015.<sup>14</sup>

Dissemination of and awareness raising of the new Constitution has been conducted nationwide. The 2015 survey introduced a number of questions to assess citizens’ awareness of the Constitution and the practice of protecting constitutional rights, the results of which will be presented in this section.

### Awareness of the Constitution

When asked “Have you heard/do you know about the Constitution?”, 6% of respondents replied that they know it well, 54% that they know some of it and 41% that they do not know about it. Compared to the 2012 survey these results have hardly seen any change (see Table 4).

<sup>14</sup> Authors’ statistics.

**Table 4: Constitutional awareness, comparison of 2012 and 2015 results**

Level of knowledge	2015 result	2012 result
Don't know	41%	42%
I have heard/know about	53%	55%
Know well	6%	3%

On the follow-up question “What is the year of the latest amendment of the Constitution?” the results show that out of those who know about the Constitution, only 20% were able to correctly answer this (allowing for both 2013 and 2014 – the years of adoption and effect – as correct answers). Overall, 12% of all respondents knew the exact year of the constitutional amendment.

### Protection of rights in practice

Both the 2012 and 2015 surveys include the same question on people’s opinion of the guarantee of fundamental rights. The aggregate results for both surveys are shown in Table 5, which compares the proportions of male and female respondents stating that the rights are guaranteed. The fundamental rights used in the questionnaire and listed in Table 5 are the rights provided in the Constitution, both before and after the 2013 amendment.

**Table 5: Guarantee of fundamental rights, comparison of 2012 and 2015 results**

Proportion said rights were guaranteed	Gender equality	Equality before the law	Right to do business	Right to petition	Right to information	Free speech	Freedom of religion	Right to assembly	Freedom of belief	Free press	Right to associate	Right to demonstrate
2015 Male (%)	93.1	92.1	92		86	83.2	82.1	77.5	82.2	72.2	59.5	23
2015 Female (%)	90.3	90.1	88.5		82.5	82.5	77.2	79.4	74.7	64.5	60.7	27.4
2015 Non-disaggregated (%)	91.5	90.9	90		84	82.8	79.4	78.6	78	67.9	60.2	25.5
2012 Non-disaggregated (%)	93.4	92	92		83.5	81.4	89.7	86.5	88.5	74.3	71.8	33.4

Colour code:   
 Improved   
 No change   
 Declined

As can be seen, there has hardly been any change in respondents' assessment of the principles of equality before the law, the right to conduct business in areas not prohibited by the law and that male and female citizens have equal rights in all fields. A slight improvement is recorded in guaranteeing freedom of speech, expression and opinion and the right to access information. A declined respondents' assessment can be seen in some areas of guaranteeing fundamental civil rights, such as freedom of the press, the right to assembly, to associate and demonstrate, freedom of belief and freedom of religion.

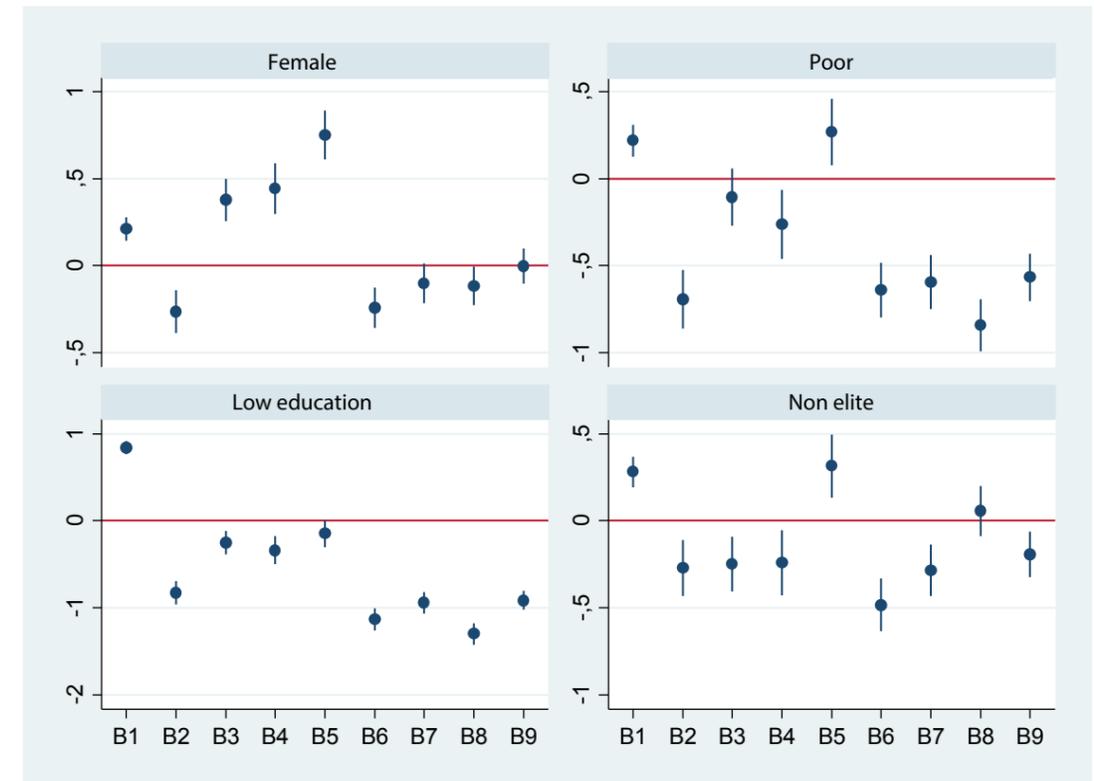
A comparison of respondents' assessment of fundamental rights shows that they perceive that the right to demonstrate is "not guaranteed", and that freedom of the press and the freedom to form associations are "not guaranteed very well". The results also show differences between male and female respondents in assessing certain rights, for example freedom of the press, freedom of belief, freedom of religion and the right to petition. These results suggest that a further analysis of the gender dimensions, using data from the 2015 survey, is necessary.

In order to better assess whether there are systematic differences between various groups of underprivileged citizens and other citizens, the Justice Index looks in detail at four sub-population groups, listed below:

- **Low education** refers to respondents who have no more than a primary education (32% of the sample)
- **Poor** denotes respondents who identified themselves as poor or near poor with respect to the poverty list in their village (16.7% of the sample)
- **Non-elite** denotes respondents who are excluded from the local social elite, amounting to 82% of the sample
- **Women**, who constitute 55.8% of the sample (refer to Annex 1 for further details about these social groups)

Figure 9 below displays how each of these four categories of respondents evaluated the implementation of fundamental rights in practice. The values (and their 95% confidence intervals) are regression coefficients associated with each category. Thus, (greater) positive values signify that belonging to a given social group implies a (greater) net gain with respect to each of the nine fundamental rights tested here. To facilitate comparison, indicators B1 through B9 share the same 0-10 scale. Note on the legends: B1 - Freedom of expression; B2 - Freedom of press; B3 - Right to assembly; B4 - Right to associate; B5 - Right to demonstrate; B6 - Freedom of belief; B7 - Freedom of religion; B8 - Rights of the child; B9 - Right to access to information.

**Figure 9: Social group analysis, guarantee of fundamental rights**



There are large negative and highly statistically significant effects among citizens with a low level of education for all fundamental rights, except freedom of expression. The net negative difference is most pronounced with respect to freedom of belief (B6), freedom of religion (B7), rights of the child (B8) as well as the right to access to information (B9). Similarly, those who do not belong to local social elites, or who are classified as poor, lag behind on all fundamental rights (though to a lesser extent since negative values hover around -0.5), with the exception of freedom of expression and freedom of belief, for which they are more positive than other respondents. Finally, there are smaller and more ambiguous differences by gender. Women are more positive than men with respect to the rights of assembly, association and demonstration.

### Equality and non-discrimination

As mentioned above, one of the new provisions in Article 16 of the 2013 Constitution is the principle of non-discrimination, which states that "no one shall be discriminated against in his or her political, civil, economic, cultural and social life". The development of a law on non-discrimination is currently being considered, arising from a commitment by Viet Nam in the 2014 Universal Periodic Review on human rights. Citizen observations on whether local public officials discriminate between citizens based on their sexual orientation, ethnicity, religion or disability can be useful inputs for the development of this law.

**Table 6: Discrimination in practice, comparison of 2012 and 2015 results**

Proportion did not observe any discriminatory practice	Disability	Religion	Ethnicity	Poverty	Migrant	Sexual orientation	HIV status
2015 Nam %	90,4	90,1	89,5	88,7	81,5	71,7	70,2
2015 Female %	93	92,3	92,1	90,3	85,1	74,9	74,2
2015 Non-disaggregated %	91,5	91	90,7	89,4	83,1	73,1	72
2012 Non-disaggregated %	89,3	92,3	90,3	78,1	86,7	86	86,8
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	Improved	No change	Declined				

Table 6 shows the percentage of respondents reporting that they observe no discrimination by public officials. As seen in the table, about one third of respondents find that homosexuals and people living with HIV are discriminated against.

### 2.3 Judicial institutions

This section presents data collected from the survey on the question of the role and effectiveness of judicial institutions in guaranteeing citizens' equity and equality and the development of a "justice system for the people", which has recently been extensively discussed.<sup>15</sup>

#### Perception of equity and choice of actions

According to the 2012 Justice Index report, local state agencies play a key role in receiving and handling citizens' legal requests and disputes. Yet the use of legal services and access to courts in dealing with civil disputes and administrative complaints is generally

limited.<sup>16</sup> This finding is also seen in the 2015 survey, as highlighted in section 2.1. When encountering legal disputes, citizens tend to attempt to deal with the problems by themselves, rather than resort to judicial bodies or legal services such as lawyers or legal aid. Overall, the effectiveness of state agencies in dealing with administrative complaints is limited. In many cases citizens have to pay informal fees to get things done and they are concerned about public officials' integrity and fairness. It is clear that citizens' choices and actions depend on individual and community perceptions and experiences, and on their confidence in and expectations of the existing institutions. Further analysis of the 2015 survey data presented below will help clarify why citizens make the choices that they do.

The 2015 survey uses three hypothetical cases on labour, land and environmental issues to understand what individuals do when they have to choose a course of action that directly affects their own interests or the interests of their families and local communities. The trend is to take some form of action, as clearly shown in Table 7. When faced with the risk of not being paid by an employer for three months without reason, 79% of respondents would choose to "proactively request the employer to pay". Similarly, 83% of respondents would choose not to accept an unreasonable

compensation plan for land claimed for a local project, and 84% would choose to request

payment for damages caused by hazardous waste contamination from a local factory.

**Table 7: Preferred actions**

Unfair situation	Take action (%)	Accept, no action (%)	Don't know what to do (%)
Work without pay for six months	79	12.9	8.1
Unfair compensation for land reallocation	83.1	11.7	5.2
No compensation for environmental pollution and damage	83.7	11.7	4.6

#### Confidence in state institutions

The survey data suggests that citizens still lack confidence in the assistance provided by local state agencies and officials. For example, in the hypothetical case of a labour dispute, more than half of the respondents (55%) said that they would not refer to state agencies for assistance as they "do not believe that the problem will be solved". In the case of a land dispute, half of respondents (50%) said that they would accept unfair compensation at just one tenth of the market price because the "project owner is supported by the local authorities". In the case of environmental pollution, one third (33%) of the respondents would give up the request for compensation for damages because the "state officials lack integrity". Building and reinforcing citizens' confidence in judicial institutions at the local level is a clear need. Analysis of the survey data helps identify priority areas for improvement at the local level, including ensuring access to information, accountability of local authorities and mechanisms to ensure citizens' participation.

#### Access to information and legal knowledge

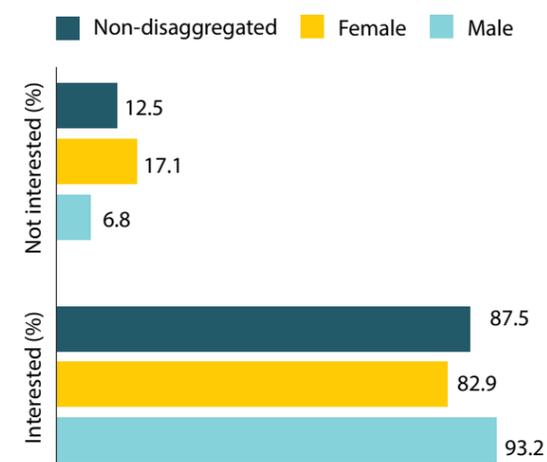
Access to information is limited for many people. The 2015 survey results show that 13% of respondents do not follow news about Viet Nam's social and economic situation. This is the case for 7% of male respondents and 17% of female respondents (see further details in Figure 10).

Access to legal information in general is more limited than news about socio-economic affairs, with 26% of respondents saying they are not interested in legal information. About 16% of male respondents and 35% of female respondents are uninterested in legal information (see Figure 11). This suggests a gap in the level of access to and knowledge of legal information between men and women.

<sup>15</sup> See dialogue programme on the National Assembly television channel, Striving for Justice for People, <http://quochoitv.vn/doi-thoi/2015/3/doi-thoiso-03-phan-dau-cho-mot-nen-tu-phap-vi-dan/26501>.

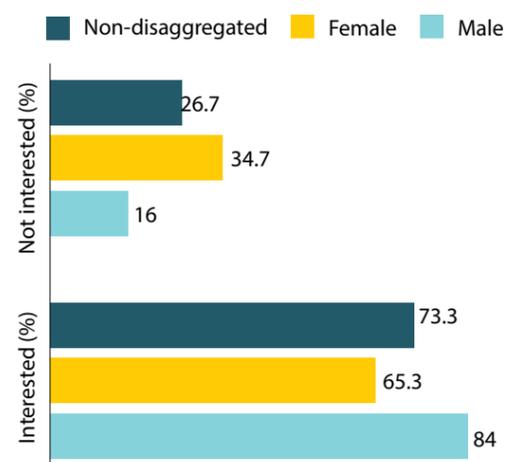
<sup>16</sup> 2012 Justice Index Report, VLA-CECODES-UNDP, 2013, page 39.

Figure 10: Access to information



Data on sources of legal information (see Table 8) suggests that television is by far the most popular source of information. Dissemination of legal information by grassroots at the local level, together with village meetings and public loudspeakers,

Figure 11: Access to legal information



are also common forms of communication. More specialized sources of information, such as legal information websites and lawyers, are not a significant source of reference, and only 5% of respondents say they receive legal information from lawyers.

Table 8: Sources of legal information

Source of legal information	2015 results (%)	2012 results (%)
Lawyers	4.5	2.1
Legal webpage and internet	30.4	18.3
Relatives, friends, colleagues	42.4	26.5
Books, newspapers	46.2	41.4
Radio	46.5	27.8
Public loudspeakers	53.7	42.8
Grassroots legal dissemination	54.4	33.9
Village meetings	56.5	41.0
Television	90.2	91.4
Other sources	0.4	0.6

Comparing the 2012 and 2015 surveys shows that, overall, more citizens are accessing legal information from a more diverse range of information sources compared to previously. Improvements in the sources of information help to explain the positive changes in the level of legal knowledge among citizens

recorded by the survey. Questions from both surveys that relate to about Viet Nam’s laws are shown in Table 9. The percentage results denote the proportion of respondents correctly answering the question, which, as can be seen, has improved in several cases.

Table 9: Legal knowledge, comparison of 2012 and 2015 results

#	Percentage of respondents with correct answers	2015 results (%)	2012 results (%)
1	Citizens who live on a piece of land for 10 years are entitled to a land use rights certificate	22.7	22.9
2	Deputies to the National Assembly are elected for a three-year term	42.8	39.0
3	Juvenile offenders have the right to a free defence lawyer when they appear in court	64.2	42.7
4	Only the male head of a household is entitled to a land use rights certificate	64.8	69.9
5	Married daughters do not have inheritance rights under Vietnamese laws	66.3	66.3
6	A divorced husband who fails to pay child support can be sued by his former wife	80.1	80.8
7	Hiring a worker for more than six months has to be in the form of a labour contract	87.1	85.5
8	Poor households are entitled to free legal aid	90.5	88.4
9	All people have a right to live in a healthy environment and are obligated to protect the environment	97.5	NA

Colour code:

- Improved
- No change
- Declined

### Grassroots participation

The new Constitution upholds the principle of “the state creating conditions for citizens to participate in the management of the society”. In addition, the Politburo’s Conclusion No.120-KL/TW from January 2016 on “continued strengthening and improving the quality and efficiency of the development and implementation of grassroots democracy” can be regarded as a new political commitment to realize the right to participate and enhance grassroots democracy. Conclusion 120-KL/TW emphasizes the need to exercise grassroots democracy in all facets of social life, especially in “areas directly related to the citizen’s rights and interests”, as well as “better implementation of representative democracy”.<sup>17</sup> It is hoped that

the implementation of these commitments will revitalize local governance and citizens’ satisfaction.

The survey data, however, suggests that the right to participate is not guaranteed in reality at the local level. Specifically, 26% of respondents say that “the authorities did not create conditions for citizens’ disputes and complaints to be settled timely and effectively”, 20% say that “the complainants are harassed in their work and life” and 29% are doubtful about the role of local media and television in “proactively detecting and reporting on corruption”. The majority of respondents agree that more publicity and transparency of local budgets and expenditure is needed (77%) and that timely and adequate information on new laws and policies must be publically provided (89%). Table 10 shows the percentage of respondents who agree with various statements about local governance.

<sup>17</sup> Conclusion 120-KL/TW dated January 2016 of the Politburo on further strengthening and improving the quality and efficiency of grassroots democracy regulations at the local level.

**Table 10: Public opinion about local governance**

#	Public opinion	Agreed (%)
1	The complainant was harassed in their life and work	20.2
2	Local authority did not create favourable conditions to settle citizens' complaints in a timely and decisive manner	26.1
3	Civil servant/official who committed wrongdoing was disciplined	50.9
4	Representative of the local authority admitted the mistake publicly and took action to correct it	54.7
5	The local television and press can actively detect and cover news on corruption	71.4
6	More openness and transparency is required in local budgeting and expenditure	76.9
7	Need to ensure timely and adequate information about new laws and policies	89.4

Efforts to create an enabling environment for citizens to participate in management of society should go hand in hand with ensuring the accountability of local authorities. The survey results show that the methods for dealing with civil servants who have committed wrongdoings at the grassroots level are not yet transparent and do not follow the applicable principles and rules for civil servants. Almost half of respondents disagree with the statement that "civil servants who have committed mistakes or wrongdoings admitted their mistakes publicly and took action to correct them" (45%), and only half of those surveyed say that civil servants/officials who have committed wrongdoings are disciplined (51%), see Table 10.

views about the role of representative institutions in conveying people's opinions and interests and the expectations of these institutions.

### Right to vote

Do citizens directly vote for their representatives? According to the 2015 survey results, the right to vote is guaranteed at the highest level (agreed by 96% of respondents). About 83% of respondents still remember that National Assembly elections that were held in their locality almost five years ago. Of these, 84% say that they voted themselves, while 16% say that they did not participate in the election. The majority of those who did not participate said that it was because they were busy, so a family member cast the vote for them (73%). Other reasons provided included not being informed (see further details in Table 11). Proxy voting happened and many respondents said that one person voting for the whole family was acceptable.

## 2.4 Elected institutions

Solutions to reform the work of elected bodies and better exercise representative democracy have been discussed in various policy dialogues and emphasized in the Party's and State's resolutions.<sup>18</sup> To further inform the identification of appropriate solutions for Viet Nam, this section will reflect on respondents'

<sup>18</sup> Conclusion 120-KL/TW; Vu Thanh Tu Anh et al, Institutional Reform: From vision to reality, 2015

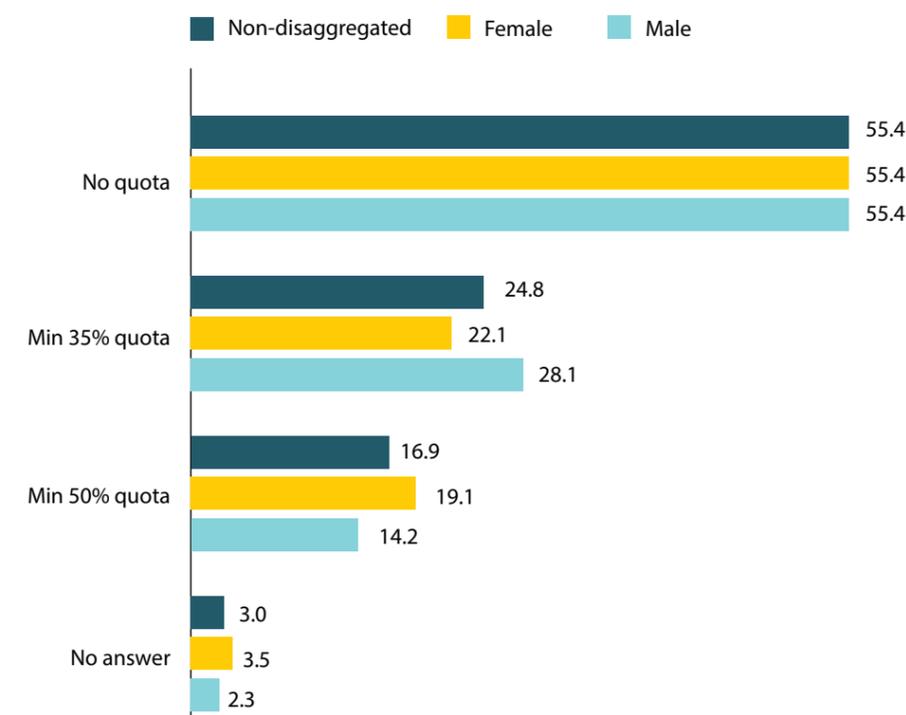
**Table 11: Reasons for not directly casting the vote**

#	Why didn't you vote yourself?	%
1	I chose to not attend	0.6
2	People from the election board cast the vote on my behalf	0.6
3	Even if I did, I would not be able to select true representatives	0.9
4	Proxy voting: "one family, one vote"	2.5
5	No one informed me	10.4
6	I was busy, a family member did it on my behalf	73.5
7	Other reasons	11.5

One of the new regulations in the Law on Elections encourages women's participation in politics by setting a quota of 35% of female candidates on the official list of candidates to the National Assembly (Article 8 of the Law on Elections to the National Assembly and People's Councils). Citizens seem to agree with this regulation, with 82% of respondents supporting more female delegates in the National Assembly. As to whether there should

be a minimum quota of female National Assembly candidates, more than half of respondents (55%) say that there does not need to be. Those who support the minimum quota of 35% account for one quarter (25%) of respondents, while 17% say that the minimum quota should be 50%. Figure 12 shows the level of support for these three options broken down by gender.

**Figure 12: Opinions about quotas for female National Assembly candidates**

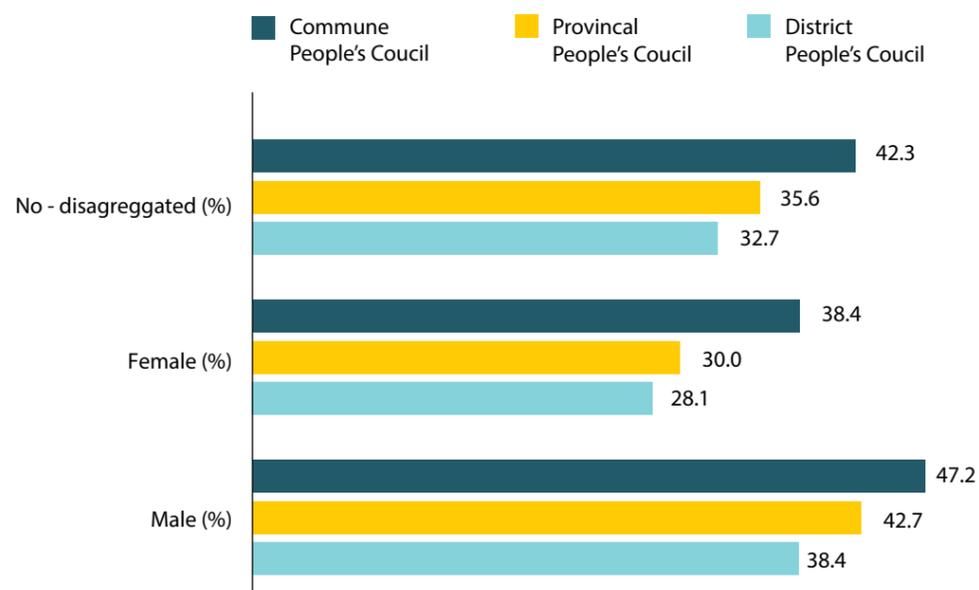


This report does not attempt to provide an in-depth analysis of election rights and systems in Viet Nam. Rather, it focuses on presenting information and data collected from the 2015 survey. Further in-depth and multi-dimensional interpretation of the data will be done in future thematic studies, expected to be conducted after the launch of the 2015 Justice Index report.

### Representative democracy – constituency relations

The 2015 survey shows that 42% of respondents do not follow the discussions and sessions of the National Assembly broadcast on the mass media. This result has not changed since 2012. With regard to following the sessions and resolutions of the People’s Councils at local levels, the survey shows that citizens are most interested in the work of the commune People’s Council, followed by the provincial People’s Councils and lastly the district People’s Councils. Figure 13 shows the interest in the work of the People’s Councils at different local levels and the levels of interest among men and women.

Figure 13: Level of interest in the People’s Councils



Regarding contact between constituents and members of the National Assembly, 9% of respondents thought that ordinary people do not have the right to participate in constituency meetings with National Assembly members. The survey data shows that 29% of respondents have been involved in constituency meetings with National Assembly members,<sup>19</sup> with a significant difference between men (34%) and women (26%). Current regulations on National Assembly members’ constituency contact are still limited.<sup>20</sup> This results in formality in the

organization of these meetings and the forming of “groups of professional voters” to attend the meetings, which in turn compromises the true meaning of constituents’ opportunities to meet and discuss with National Assembly members.<sup>21</sup> Those who have never attended constituency meetings say that this is because they do not know about these meetings (44%), while almost one third of respondents say they were not invited even though they knew about the meeting (32%) and 12% that they were invited but refused to attend (see Table 12).

19 In comparison, 28.7% of respondents in a 2010 survey said that they were involved in constituency meetings, see “National Assembly in the eyes of the public”, Centre for Information, Library and Scientific Research, Office of the National Assembly, May 2011.

20 Inter-agency Resolution No.525/2012/NQLT/UBTVQH13-ĐCTUBTWMTTQVN of the Standing Committee of the National Assembly and Presidium of the Central Committee of the Viet Nam Fatherland Front on constituency meetings, dated September 2012, provides that National Assembly members

should meet the constituency before and after National Assembly sessions (Article 2). On average, National Assembly members meet with constituents four times a year for two National Assembly sessions. Also see “Constituency meetings of the National Assembly members – Situation and solutions”, Hanoi Law University, 6 June 2015, <http://www.dhluathn.com/2015/06/van-e-tiep-xuc-cu-tri-cua-ai-bieu-quoc.html>.

21 Ha Noi Moi, “Reducing the number of ‘professional constituents’”, <http://hanoimoi.com.vn/Tin-tuc/Dao-duc-HCM/828073/giam-cu-tri-chuyen-nghiep>.

Table 12: Reasons for not attending constituency meetings

Reason	%
I was not informed	44
I knew about it but was not invited	32.1
I was invited but refused	12.3
Other reasons	11.6

The survey results also show that 76% of people who attended the constituency meetings found that the National Assembly

members made efforts to answer constituents’ questions, with only 17% saying that the meetings were just a formality (see Table 13).

Table 13: Assessment of constituency meetings

Actual experience	%
Deputies tried to answer questions	76
The meeting was just a formality	17.3
Unsatisfied, deputies responded without concrete action	1.1
Other observations	5.6

### Main findings and policy recommendations

The Conclusion of the Politburo in reviewing 10 years of implementation of Resolution 48 on the “Strategy for the Development and Improvement of Viet Nam’s Legal System” recognizes significant progress made in law development and implementation.<sup>22</sup> The conclusion also points out a number of shortcomings, including that:

- The legal system is not yet adequate or consistent, and its effectiveness and feasibility is still limited;
- Specific laws in certain areas still lack stability and predictability, the quality of laws is limited and revisions and amendments are still too frequent;
- Implementation of law remains weak; and
- Mechanisms for citizens to actively participate in development of legislation and oversight of implementation of law have not been sufficiently explored.<sup>23</sup>

The analysis presented in this chapter provides additional information on the effectiveness of implementation of law based on the actual experiences of the 13,841 citizens involved in the 2015 survey. As the survey shows, local authorities play an important role in receiving and dealing with citizens’ legal matters. Yet this role has been limited so far, and together with unclear procedures for dispute settlement and lengthy processing time, this is one of the main reasons why citizens would choose to solve problems by themselves or opt to use informal measures, instead of turning to grassroots-level judicial institutions. Access to courts as well as use of legal services – such as lawyers and other legal assistances – has been limited. The main reasons are the concern about fees, procedures and the lack of confidence in the

integrity of judges and court staff. The analysis also shows gaps, or even inequality, experienced by vulnerable groups in access to information and judicial institutions on the ground. Poor people, those with low education levels and women in particular face more barriers due to their limited resources and social capital. The State needs to continue to support these groups to ensure their fundamental rights.

Two years since the Constitution was amended, the 2015 Justice Index suggests that there is still a lot to be done for people to meaningfully experience legal changes in protecting their fundamental rights, as recognized as an ambition in the new Constitution and other relevant laws. Work is also needed to internalize and implement Viet Nam’s commitments to the 2014 Universal Periodic Review and international treaties on human rights to which Viet Nam is a party.

One of the priorities for the Government identified for the period 2016-2020 is “to shift the strategic direction from placing emphasis on development and improvement of the legal system to improving and organizing implementation of law”.<sup>24</sup> It is hoped that findings about access to justice, the effectiveness of grassroots judicial institutions, people’s participation in local management and the role of elected bodies will be useful for policymaking purposes. In particular priority should be placed on policies that enable access to and confidence in the formal institutions, and that help ensure equity and equality for vulnerable groups and provide user-friendly and more effective legal support services to citizens.

22 Conclusion No. 01-KL/TW dated 4/4/2016 of the Politburo on continuance of Resolution 48.

23 Ibid.

24 Decision No. 225/QĐ-TTg dated 4/2/2016 on approval of the plan for state administrative reform for 2016-2020.

## CHAPTER 3. PROVINCIAL PROFILES

This chapter presents the aggregate results of the 2015 Justice Index constructed under the conceptual framework described in Chapter 1 and the data analysis and statistical model explained in detail in Appendix 1.

### 3.1 Overview of the Justice Index

The 2015 Justice Index is designed in three layers, consisting of four dimensions, 16 sub-dimensions and 68 indicators (see Figure 14). Consultations with experts helped to define the four dimensions measured – accessibility, equity, implementation of law and fundamental rights. These issues are seen as critical in ensuring legal and judicial reforms in Viet Nam, aiming for a rule of law state, an equitable and democratic society and a justice system for the people.

Figure 14: Justice Index structure

