

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.²² 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.²³

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

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

23 Ibid.

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”.²⁴ 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.

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

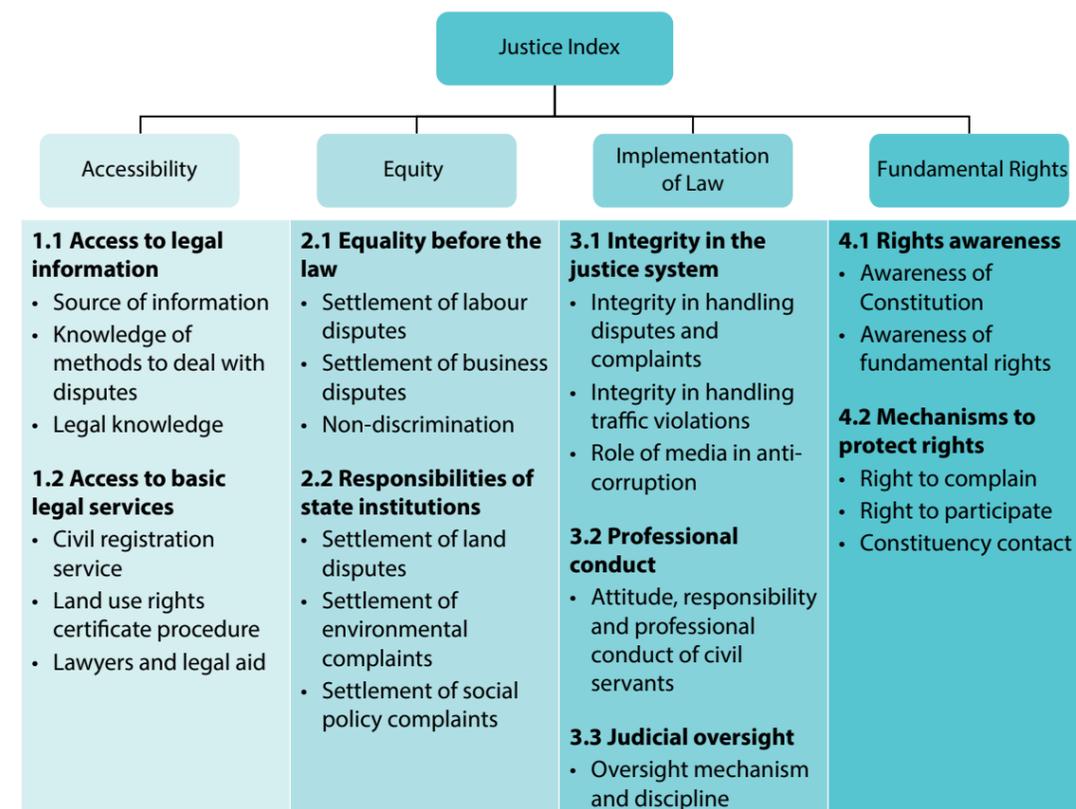
CHAPTER 3. PROVINCIAL PROFILES

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



1.3 Affordability <ul style="list-style-type: none"> Land use rights certificate procedure Settlement of business disputes Settlement of land disputes Settlement of environmental disputes 	2.3 Resolution of administrative complaints <ul style="list-style-type: none"> Responsibility in handling complaints Timely resolution of complaints 2.4 Equity across social groups	3.4 Procedural certainty <ul style="list-style-type: none"> Disputes and complaints resolution procedures Court procedures 3.5 Confidence in state institutions <ul style="list-style-type: none"> Administrative agencies Court 3.6 Effectiveness of dispute resolution	4.3 Protection of rights in practice <ul style="list-style-type: none"> Freedom of speech Freedom of assembly Freedom to form associations Right to demonstration Freedom of belief Freedom of religion Rights of children Right to access information
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Standard principles were applied in the selection of the indicators, and each indicator needed to meet the following criteria:

- Outcome-based measurability;
- Relevance for the conceptual framework of the Justice Index;
- Available data that can be collected for the whole sample, ensuring the construction of the provincial index;
- Data represents an empirical experience in a specific period of time; and
- Statistical confidence in the indicator results.

Following these principles, much of the data collected for the 2015 survey was not used to construct the index itself. The list of the 68 indicators composing the 2015 Justice Index and data from questionnaires and interviews used for constructing the index is included in Appendix 3.

3.2 Overall provincial performance

The 2015 Justice Index covers the performance of all of Viet Nam’s 63 provinces in terms of the effectiveness of judicial activities, based on the citizens’ experiences and observations. The performance results are clustered into three

groups: strong, average and poor performers. Whether a province is characterized as a strong, average or poor performance. depends on the quantitative outcomes from the index computing, as well as the statistical confidence of these results. As shown in Table 14, provinces highlighted in orange are included in the group of strong performers – performing better than the other provinces. Similarly, provinces highlighted in blue are in the poor performing group – performing worse than the provinces in the strong and average groups. The provinces in yellow are classified as average performers. In all three groups provinces are listed alphabetically.

It is important to note that a province is identified as a strong performer when the confidence interval is positive, while for a poor performer the confidence interval is negative. On the other hand, the confidence interval for the group of average performers is large and the performance of one province in this group is may be not significantly different from another province in the same group. A detailed description of the data analysis and statistical methodology of the 2015 Justice Index is included in Appendix 1.

Table 14: Provincial performance in 2015 Justice Index

By strong, average and poor performance, and listed from A to Z

Bac Giang	Can Tho	Kon Tum	Thai Binh
Bac Ninh	Cao Bang	Lai Chau	Thai Nguyen
Dac Nong	Da Nang	Lam Dong	Thanh Hoa
Hai Phong	Dak Lak	Lang Son	Thua Thien-Hue
Nam Dinh	Dien Bien	Lao Cai	Tien Giang
Son La	Dong Nai	Long An	TP Ho Chi Minh
Quang Ninh	Gia Lai	Nghe An	Tra Vinh
Ba Ria - Vung Tau	Ha Giang	Ninh Binh	Tuyen Quang
Bac Kan	Ha Nam	Ninh Thuan	Vinh Long
Bac Lieu	Ha Noi	Phu Tho	Vinh Phuc
Ben Tre	Ha Tinh	Phu Yen	Yen Bai
Binh Dinh	Hai Duong	Quang Binh	An Giang
Binh Duong	Hau Giang	Quang Nam	Dong Thap
Binh Phuoc	Hoa Binh	Quang Ngai	Kien Giang
Binh Thuan	Hung Yen	Quang Tri	Tay Ninh
Ca Mau	Khanh Hoa	Soc Trang	

Colour code: Strong Average Poor

3.3 Aggregate outcomes by dimension

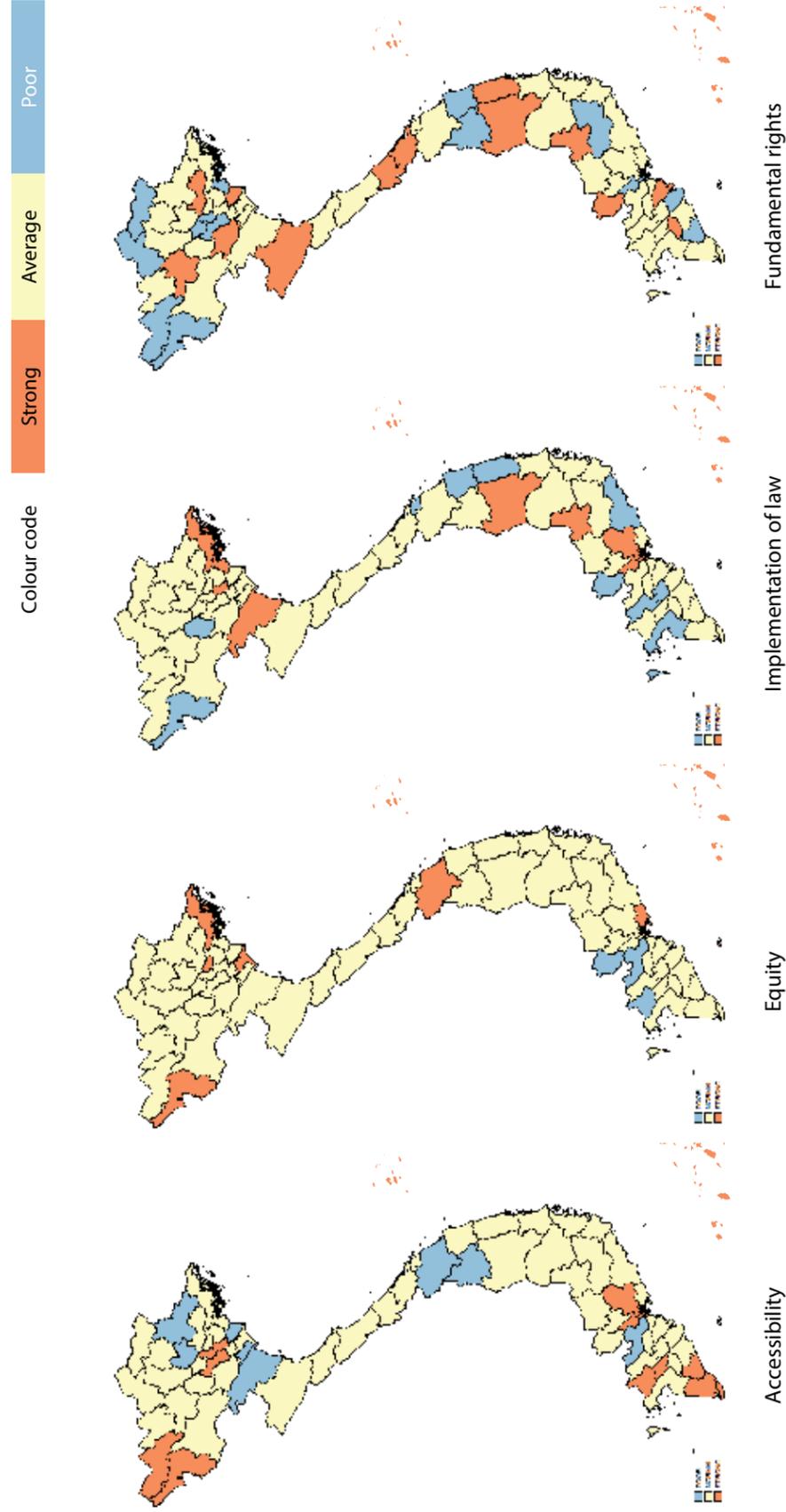
The outcomes presented in this section include the aggregate results by dimension. The assessment of judicial effectiveness in each province is presented as a strong, average or poor performance, as explained above. The colour-coded aggregate results in Table 15 provide an overall picture of the four dimensions and 16 sub-dimensions measured.

The colour-coded results show the strong, average and poor performance in different areas within the province. In the case of Hanoi for example, the orange colour in Dimension 1 indicates that, based on respondents’ opinions, Hanoi is one of ten provinces performing well in ensuring access to judicial institutions in civil areas. However, as the blue colour in Dimension 4 indicates, the province is not doing so well in ensuring rights in practice (one of 13 provinces performing poorly in this

dimension). Hanoi’s performance in ensuring equity, equality and effective implementation of law is assessed as average, in comparison with the other provinces.

A comparison of provincial performance across the four dimensions helps to provide researchers and policymakers at the central level with priorities for reform. When comparing the outcomes by dimension, it is clear, for example, that equity does not perform highly (see Table 16). The analysis shows that only six provinces (Bac Ninh, Dien Bien, Nam Dinh, Quang Ninh, Quang Nam and Ba Ria-Vung Tau) are assessed highly and positioned in the group of strong performers in the equity dimension. There is also a gap in ensuring fundamental rights in practice across provinces. While 13 provinces are assessed as strong performers in ensuring citizen rights, 15 provinces are assessed as poor performers.

Table 16: Aggregated provincial results, by dimension



3.4 Provincial performance and outcomes

Intended as a tool to help easily identify the performance in different judicial activities at the grassroots level, the 2015 Justice Index outcomes can be used by each province as reference for provincial planning and monitoring. The detailed outcomes of the index, with its 68 indicators, can be used to build scorecards for each province. To provide an example, Table 17 presents Bac Ninh's

scorecard, Table 18 provides information on Quang Nam's performance and Table 19 shows Tay Ninh's scorecard.

Given the limited scope of this report, the comprehensive outcomes of each and every province are not tabulated here as a scorecard, but the detailed results, by indicator, of all 63 provinces are provided in Appendix 4. These parameters can easily be used to construct a scorecard for a particular province. All details of the 2015 Justice Index are also publicly available at <http://chisocongly.vn/>.

Table 17: Bac Ninh's scorecard

#	Indicator	Performance	#	Indicator	Performance
DIMENSION 1 ACCESS TO JUSTICE					
1.1.1	Sources of legal information		3.3.1	Admitted wrongdoings	
1.1.2	Awareness about remedies for labour disputes		3.3.2	Disciplined civil servants who committed wrongdoings	
1.1.3	Awareness about remedies for land disputes		3.3	Judicial oversight	
1.1.4	Awareness about remedies for civil disputes		3.4.1	Procedural certainty in civil dispute resolution	
1.1.5	Awareness about remedies for environmental complaints		3.4.2	Procedural clarity in handling administrative complaints	
1.1.6	Access to information		3.4.3	Procedural clarity in economic dispute resolution	
1.1.7	Legal knowledge		3.4.4	Court procedures	
1.1	Access to legal information		3.4	Procedural certainty	
1.2.1	Marriage registration procedures		3.5.1	Public opinion on the stable use of land	
1.2.2	Procedures for land use rights certificate issue		3.5.2	Role of state agencies to settle labour disputes	
1.2.3	Access to lawyer and legal aid		3.5.3	Compliance with government regulations	
1.2	Access to basic legal services		3.5.4	Confidence in judge and court staff	
1.3.1	Capacity to pay actual cost for land use rights certificate		3.5.5	Confidence in civil servants in land disputes	
1.3.2	Capacity to pay for business dispute resolution		3.5.6	Confidence in state institutions in administrative complaints	
1.3.3	Capacity to pay for land dispute resolution		3.5.7	Confidence in local government to ensure fairness	
1.3.4	Capacity to pay for environmental dispute resolution		3.5	Confidence in state institutions	
1.3	Affordability		3.6.1	Outcome of civil dispute resolution	
DIMENSION 2 EQUITY					
2.1.1	Equality in labour dispute resolution		3.6.2	Outcome of administrative complaint resolution	
2.1.2	Non-discrimination		3.6	Effectiveness of dispute resolution	
2.1.3	Equality before the court		DIMENSION 4 FUNDAMENTAL RIGHTS		
2.1	Equality before the law		4.1.1	Awareness about the Constitution	
2.2.1	Role of state institutions in land dispute resolution		4.1.2	Awareness about the Constitution amendment	
2.2.2	Role of state institutions to address environmental complaints		4.1.3	Aware about the right to election	
2.2.3	Role of state institutions to address administrative complaints		4.1.4	Aware about legitimate rights: right to inherit	
2.2	Responsibilities of state institutions to ensure fairness		4.1.5	Free legal aid to the poor	
2.3.1	Timely resolved disputes on business regulation		4.1.6	Right to clean environment	
2.3.2	Timely resolved complaints on land		4.1	Rights awareness	
2.3.3	Timely resolved environmental complaints		4.2.1	Right to complain in practice	
2.3.4	Time-consuming to settle disputes and complaints		4.2.2	Complainant threatened	
2.3	Resolution of administrative complaints		4.2.3	Responsiveness to address people's complaints	
2.4	Equity across social groups		4.2.4	Participated in election	
DIMENSION 3 IMPLEMENTATION OF LAW					
3.1.1	Bribery in civil dispute resolution		4.2.5	Right to participate	
3.1.2	Bribery in handling administrative complaint		4.2.6	Right of the constituency in practice	
3.1.3	Paid extra money to settle disputes		4.2	Mechanisms to protect rights	
3.1.4	Paid off the record to traffic police		4.3.1	Freedom of expression	
3.1.5	Media active on anti-corruption		4.3.2	Freedom of press	
3.1	Integrity in the justice system		4.3.3	Right to assemble	
3.2.1	Responsive in administrative complaint		4.3.4	Right to associate	
3.2.2	Professional conduct of traffic police		4.3.5	Right to demonstrate	
3.2.3	Unprofessional conduct		4.3.6	Freedom of belief	
3.2	Professional conducts		4.3.7	Freedom of religion	
			4.3.8	Rights of the child	
			4.3.9	Right to access information	
			4.3	Protection of rights in practice	

Colour code:

Strong

Average

Poor

Table 18: Quang Nam's scorecard

#	Indicator	Performance	#	Indicator	Performance
DIMENSION 1 ACCESS TO JUSTICE					
1.1.1	Sources of legal information		3.3.1	Admitted wrongdoings	
1.1.2	Awareness about remedies for labour disputes		3.3.2	Disciplined civil servants who committed wrongdoings	
1.1.3	Awareness about remedies for land disputes		3.3	Judicial oversight	
1.1.4	Awareness about remedies for civil disputes		3.4.1	Procedural certainty in civil dispute resolution	
1.1.5	Awareness about remedies for environmental complaints		3.4.2	Procedural clarity in handling administrative complaints	
1.1.6	Access to information		3.4.3	Procedural clarity in economic dispute resolution	
1.1.7	Legal knowledge		3.4.4	Court procedures	
1.1	Access to legal information		3.4	Procedural certainty	
1.2.1	Marriage registration procedures		3.5.1	Public opinion on the stable use of land	
1.2.2	Procedures for land use rights certificate issue		3.5.2	Role of state agencies to settle labour disputes	
1.2.3	Access to lawyer and legal aid		3.5.3	Compliance with government regulations	
1.2	Access to basic legal services		3.5.4	Confidence in judge and court staff	
1.3.1	Capacity to pay actual cost for land use rights certificate		3.5.5	Confidence in civil servants in land disputes	
1.3.2	Capacity to pay for business dispute resolution		3.5.6	Confidence in state institutions in administrative complaints	
1.3.3	Capacity to pay for land dispute resolution		3.5.7	Confidence in local government to ensure fairness	
1.3.4	Capacity to pay for environmental dispute resolution		3.5	Confidence in state institutions	
1.3	Affordability		3.6.1	Outcome of civil dispute resolution	
DIMENSION 2 EQUITY					
2.1.1	Equality in labour dispute resolution		3.6.2	Outcome of administrative complaint resolution	
2.1.2	Non-discrimination		3.6	Effectiveness of dispute resolution	
2.1.3	Equality before the court		DIMENSION 4 FUNDAMENTAL RIGHTS		
2.1	Equality before the law		4.1.1	Awareness about the Constitution	
2.2.1	Role of state institutions in land dispute resolution		4.1.2	Awareness about the Constitution amendment	
2.2.2	Role of state institutions to address environmental complaints		4.1.3	Aware about the right to election	
2.2.3	Role of state institutions to address administrative complaints		4.1.4	Aware about legitimate rights: right to inherit	
2.2	Responsibilities of state institutions to ensure fairness		4.1.5	Free legal aid to the poor	
2.3.1	Timely resolved disputes on business regulation		4.1.6	Right to clean environment	
2.3.2	Timely resolved complaints on land		4.1	Rights awareness	
2.3.3	Timely resolved environmental complaints		4.2.1	Right to complain in practice	
2.3.4	Time-consuming to settle disputes and complaints		4.2.2	Complainant threatened	
2.3	Resolution of administrative complaints		4.2.3	Responsiveness to address people's complaints	
2.4	Equity across social groups		4.2.4	Participated in election	
DIMENSION 3 IMPLEMENTATION OF LAW					
3.1.1	Bribery in civil dispute resolution		4.2.5	Right to participate	
3.1.2	Bribery in handling administrative complaint		4.2.6	Right of the constituency in practice	
3.1.3	Paid extra money to settle disputes		4.2	Mechanisms to protect rights	
3.1.4	Paid off the record to traffic police		4.3.1	Freedom of expression	
3.1.5	Media active on anti-corruption		4.3.2	Freedom of press	
3.1	Integrity in the justice system		4.3.3	Right to assemble	
3.2.1	Responsive in administrative complaint		4.3.4	Right to associate	
3.2.2	Professional conduct of traffic police		4.3.5	Right to demonstrate	
3.2.3	Unprofessional conduct		4.3.6	Freedom of belief	
3.2	Professional conducts		4.3.7	Freedom of religion	
			4.3.8	Rights of the child	
			4.3.9	Right to access information	
			4.3	Protection of rights in practice	

Colour code:

Strong

Average

Poor

Table 19: Tay Ninh's scorecard

#	Indicator	Performance	#	Indicator	Performance
DIMENSION 1 ACCESS TO JUSTICE					
1.1.1	Sources of legal information		3.3.1	Admitted wrongdoings	
1.1.2	Awareness about remedies for labour disputes		3.3.2	Disciplined civil servants who committed wrongdoings	
1.1.3	Awareness about remedies for land disputes		3.3	Judicial oversight	
1.1.4	Awareness about remedies for civil disputes		3.4.1	Procedural certainty in civil dispute resolution	
1.1.5	Awareness about remedies for environmental complaints		3.4.2	Procedural clarity in handling administrative complaints	
1.1.6	Access to information		3.4.3	Procedural clarity in economic dispute resolution	
1.1.7	Legal knowledge		3.4.4	Court procedures	
1.1	Access to legal information		3.4	Procedural certainty	
1.2.1	Marriage registration procedures		3.5.1	Public opinion on the stable use of land	
1.2.2	Procedures for land use rights certificate issue		3.5.2	Role of state agencies to settle labour disputes	
1.2.3	Access to lawyer and legal aid		3.5.3	Compliance with government regulations	
1.2	Access to basic legal services		3.5.4	Confidence in judge and court staff	
1.3.1	Capacity to pay actual cost for land use rights certificate		3.5.5	Confidence in civil servants in land disputes	
1.3.2	Capacity to pay for business dispute resolution		3.5.6	Confidence in state institutions in administrative complaints	
1.3.3	Capacity to pay for land dispute resolution		3.5.7	Confidence in local government to ensure fairness	
1.3.4	Capacity to pay for environmental dispute resolution		3.5	Confidence in state institutions	
1.3	Affordability		3.6.1	Outcome of civil dispute resolution	
2.1.1	Equality in labour dispute resolution		3.6.2	Outcome of administrative complaint resolution	
2.1.2	Non-discrimination		3.6	Effectiveness of dispute resolution	
2.1.3	Equality before the court		DIMENSION 4 FUNDAMENTAL RIGHTS		
2.1	Equality before the law		4.1.1	Awareness about the Constitution	
2.2.1	Role of state institutions in land dispute resolution		4.1.2	Awareness about the Constitution amendment	
2.2.2	Role of state institutions to address environmental complaints		4.1.3	Aware about the right to election	
2.2.3	Role of state institutions to address administrative complaints		4.1.4	Aware about legitimate rights: right to inherit	
2.2	Responsibilities of state institutions to ensure fairness		4.1.5	Free legal aid to the poor	
2.3.1	Timely resolved disputes on business regulation		4.1.6	Right to clean environment	
2.3.2	Timely resolved complaints on land		4.1	Rights awareness	
2.3.3	Timely resolved environmental complaints		4.2.1	Right to complain in practice	
2.3.4	Time-consuming to settle disputes and complaints		4.2.2	Complainant threatened	
2.3	Resolution of administrative complaints		4.2.3	Responsiveness to address people's complaints	
2.4	Equity across social groups		4.2.4	Participated in election	
DIMENSION 3 IMPLEMENTATION OF LAW					
3.1.1	Bribery in civil dispute resolution		4.2.5	Right to participate	
3.1.2	Bribery in handling administrative complaint		4.2.6	Right of the constituency in practice	
3.1.3	Paid extra money to settle disputes		4.2	Mechanisms to protect rights	
3.1.4	Paid off the record to traffic police		4.3.1	Freedom of expression	
3.1.5	Media active on anti-corruption		4.3.2	Freedom of press	
3.1	Integrity in the justice system		4.3.3	Right to associate	
3.2.1	Responsive in administrative complaint		4.3.4	Right to demonstrate	
3.2.2	Professional conduct of traffic police		4.3.5	Freedom of belief	
3.2.3	Unprofessional conduct		4.3.6	Freedom of religion	
3.2	Professional conducts		4.3.7	Freedom of the child	
			4.3.8	Right to access information	
			4.3	Protection of rights in practice	

Colour code: Strong Average Poor

3.5 Applications for the Justice Index

The analysis in section 3.3 demonstrates that the Justice Index can provide useful information to help identify areas of judicial work that are assessed poorly by citizens, as well as suggest the focus for resources to improve the performance of judicial bodies at both central and local levels. Section 3.4 of the report suggests that the scorecards can be used to help provincial governments identify priority areas for action and improve the performance of local judicial agencies to better serve citizens' needs.

In addition to these uses, comparing the index

outcomes between provinces with similar socio-economic development may motivate reforms and encourage comprehensive development in provinces and cities. In terms of citizens' feedback on the performance of judicial activities at the grassroots level, Table 20 shows the outcomes in nine poor provinces (Cao Bang, Dien Bien, Ha Giang, Hoa Binh, Lang Son, Lao Cai, Yen Bai, Lai Chau and Kon Tum). These provinces have the highest poor household rates in the country, at between 15-33% as indicated in the 2014 National Survey of the Poor and Near-poor Households.²⁵

²⁵ Decision 1294/QĐ-LĐTBXH dated 10/9/2015 approving the results of the national survey of the poor and near poor households.

Table 20: Comparison of outcomes across poorest provinces

1.1 to D1: Access to justice; 2.1 to D2: Equity; 3.1 to D3: Implementation of law; 4.1 to D4: Fundamental rights.

Name	Poor household %	1.1	1.2	1.3	D1	2.1	2.2	2.3	2.4	D2	3.1	3.2	3.3	3.4	3.5	3.6	D3	4.1	4.2	4.3	D4	
Lang Son	14.89																					
Hoa Binh	15.46																					
Kon Tum	15.88																					
Lao Cai	17.61																					
Cao Bang	20.25																					
Yen Bai	20.57																					
Ha Giang	23.21																					
Lai Chau	23.48																					
Son La	23.94																					
Dien Bien	32.57																					

Colour code: Strong Average Poor

The colour-coded presentation of the outcomes shows that the poorest provinces are not doing very well in ensuring fundamental rights, in five of the provinces with high poverty rates performing very poorly (Kon Tum, Cao Bang, Ha Giang, Lai Chau and Dien Bien). However, the outcomes do not always point to a close relationship between high poverty rates, meaning low living standards,

and poor judicial performance. More particularly, Son La, while having a poverty rate of almost 24%, is among the seven most strongly performing provinces. Hopefully, more in-depth studies of the specific provincial situation will help identify the main factors explaining these results.

Comparing the outcomes of 13 provinces

with no or very low poverty rates (0-3%) also reveals interesting information. Table

21 presents the index outcomes for these 13 provinces and cities.

Table 21: Comparison of outcomes across the least poor provinces/cities

1.1 to D1: Access to justice; 2.1 to D2: Equity; 3.1 to D3: Implementation of law; 4.1 to D4: Fundamental rights.

Name	Poor household %	1.1	1.2	1.3	D1	2.1	2.2	2.3	2.4	D2	3.1	3.2	3.3	3.4	3.5	3.6	D3	4.1	4.2	4.3	D4		
Da Nang	0																						
Binh Duong	0																						
HCMC	0																						
Dong Nai	0.33																						
Ba Ria-Vung Tau	0.54																						
Ha Noi	0.62																						
Tay Ninh	1.22																						
Quang Ninh	1.75																						
Hai Phong	2.36																						
Bac Ninh	2.57																						
Lam Dong	2.75																						
Can Tho	2.84																						
Long An	2.98																						

Colour code: Strong Average Poor

In these provinces, implementation of law (Dimension 3) generally receives a high rating, with the three strong performers in this group being Bac Ninh, Hai Phong and Quang Ninh. On the other hand, four provinces are poorly assessed in terms of ensuring fundamental rights (Dimension 4), namely Ho Chi Minh City, Hanoi, Hai Phong and Lam Dong. More detailed analysis of the data and index outcomes suggests that a province with a strong composite index does not necessarily mean that its performance is strong in all dimensions and that there is no room for improvement. For example, while Hai Phong has a strong composite index it is still faced with poor equity and equality between social groups, poor aspects of implementation of law and issues with its mechanisms to ensure fundamental rights.

Relationship between economic development and justice

In the process of developing the Justice Index several economic and public governance experts in Viet Nam questioned whether there is any relationship between economic development and justice for the people. Internationally there have been empirical studies, such as the recently launched Social Progress Index 2015, which suggest that economic development may not necessarily be associated with a better exercise of rights and personal freedoms for the majority of the population.²⁶ In Viet Nam, the Justice Index can be used to compare provinces with different economic development levels in order to

²⁶ Michael Porter et al., Social Progress Index 2015.

answer that question. However, due to the unavailability of reliable and adequate data on Gross Regional Domestic Product (GRDP)²⁷ in all provinces and cities, the correlation between equity and economic development at the local level is not captured in this report.

Competitiveness Index (PCI). This suggests that the subject matters selected for research and analysis in the Justice Index are different from those covered by PAPI and PCI.

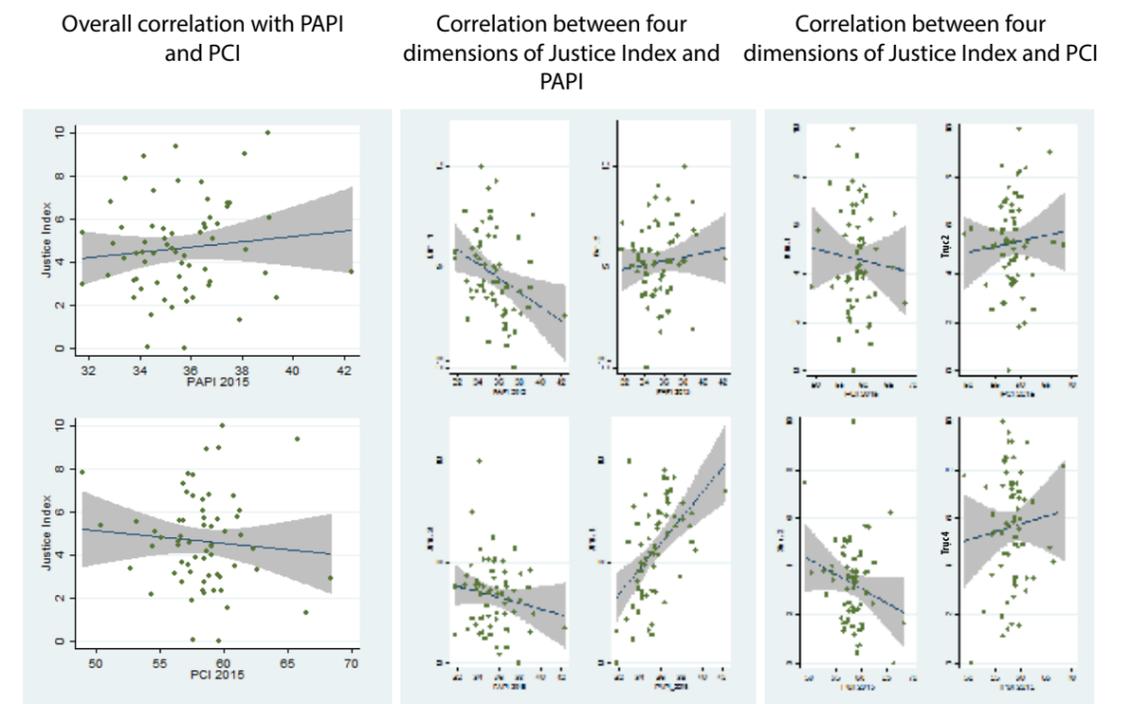
When assessing the relationship between each of the dimensions of the Justice Index to PAPI and PCI, it can be seen that the positive correlation with PAPI is apparently driven by the weighted contribution of Dimension 4 on fundamental rights. This supports the hypothesis that there is a relationship between ensuring fundamental rights and effective governance and public administration (see Figure 15). In terms of the slight negative correlation between the Justice Index and PCI, this relationship is mainly driven by Dimension 3 on implementation of law. It can therefore be said that an enabling and competitive environment to attract investment and private sector development in a province does not necessarily produce a positive impacts on implementation of law regarding the resolution of civil disputes and complaints.

Relationship between the Justice Index and other indices

The correlation between the Justice Index and other similar indices in Viet Nam is also of interest. A slight positive correlation between the Justice Index and the Provincial Governance and Public Administration Performance Index (PAPI) exists, and a slight negative correlation between the Justice Index and the Provincial

²⁷ According to the General Statistics Office, GRDP is an important composite economic index, which measures the growth rate of sectors, regions and all production activities of a province.

Figure 15: Correlations between the Justice Index and PAPI & PCI



The Justice Index and the Sustainable Development Goals

Viet Nam has committed to implement the Sustainable Development Goals (SDGs), which were adopted by United Nations member states at the UN Summit held in September 2015.²⁸ The official document, “*Transforming our world: the 2030 Agenda for Sustainable Development*”, specifies 17 goals, of which three directly relate to the research scope of the Justice Index. These include Goal 5 on

²⁸ <http://vietnamnews.vn/politics-laws/276320/president-viet-nam-commits-to-successfully-implementing-sdgs.html>

gender equality, Goal 10 on reduced inequality and Goal 16 on peace, justice and strong institutions. While the final monitoring and evaluation indicators for the SDGs are currently being discussed, several of the Justice Index sub-dimensions are compatible with the SDG indicators. This suggests the ability to use the 2015 Justice Index as a baseline for monitoring and evaluation of the implementation of SDG goals 5, 10 and 16 in Viet Nam over time.

Table 22 provides a list of the Justice Index research data that can be used for monitoring and evaluation of SDG 16 on peace, justice and strong institutions. Data related to monitoring and evaluation of SDG 5 and 10 can be found in Appendix 6.

Table 22: Comparison of Justice Index and Sustainable Development Goal 16

GOAL 16	SDG target	SDG indicator	Justice Index variables
	16.3 Promote the rule of law at the national and international levels and ensure equal access to justice for all	16.3.1 Percentage of victims of violence in the previous 12 months who reported their victimization to competent authorities or other officially recognized conflict resolution mechanisms (also called crime reporting rate)	C01(4) Justice system responsiveness to victims of domestic violence
	16.6 Develop effective, accountable and transparent institutions at all levels	16.6.1 Primary government expenditures as a percentage of original approved budget, disaggregated by sector (or by budget codes or similar)	3.1 Integrity of justice institutions 3.2 Professional conduct of state and police officers
		16.6.2 Proportion of the population satisfied with their last experience of public services	3.5 Public confidence in justice institutions
	16.10 Ensure public access to information and protect fundamental freedoms, in accordance with national legislation and international agreements	16.10.1 Number of verified cases of killing, kidnapping, enforced disappearance, arbitrary detention and torture of journalists, associated media personnel, trade unionists and human rights advocates in the previous 12 months	H16g Right to access to information in practice H18c Role of media in anti-corruption
16.b Promote and enforce non-discriminatory laws and policies for sustainable development	16.b.1 Percentage of the population reporting having personally felt discriminated against or harassed in the previous 12 months on the basis of a ground of discrimination prohibited under international human rights law, disaggregated by age group and sex	H17 Discrimination on the basis of ethnicity, religion, disability, migration, sexual orientation, HIV status or poverty level	

Main findings and policy recommendations

The analysis in this chapter has shown that the Justice Index provides a new lens to compare the performance of different provinces and cities nationwide regarding judicial activities at the grassroots level to ensure equity, equality and protection of fundamental rights for all. This three-coloured lens helps to zoom in on the performance in each province, as well as to have a bird’s eye view to compare across provincial boundaries, in order to better understand what justice means to people, whether constitutional rights are the primary concern of the population and what can explain the way in which most people act when faced with injustice. The Justice Index can serve as a compass to help identify progress as well as shortcomings to be remedied at the grassroots level.

Findings from the analysis and a comparison of judicial performance can also lay the foundation for important policy recommendations. Development strategies based purely on economic development are not sufficient to ensure inclusive growth, but rather need to cover multiple objectives and adopt a balanced approach to resource allocation. To foster sustainable development it

is important to look at developing an enabling environment for investment, job generation and Gross Regional Domestic Product (GRDP) growth, as well as reform of judicial agencies that benefits citizens and ensures constitutional rights and freedoms in practice.

The provincial profiles of the 2015 Justice Index provide a broad overview of the performance of judicial activities at the grassroots level. From a research standpoint there is currently not much verifiable, credible data or in-depth analysis of local justice system in Viet Nam. The presentation of the 2015 Justice Index by dimensions comparing provinces and colour-coded scorecards illustrating provincial performance, are just some of the ways in which the rich data from the 2015 survey can be presented. There will be many other analyses in future to make full use of the 2015 survey data.

2015 JUSTICE INDEX: MAIN FINDINGS AND POLICY RECOMMENDATIONS

Main findings

Prevalent disputes	Land disputes and complaints are the most common type of legal issue. Disputes related to food safety have become more common in the last three years and now account for 20% of all mentioned civil disputes. Domestic violence accounts for nearly 9% of all cases reported as civil disputes.
Dispute resolution	Local authorities play an important role in receiving and dealing with citizens' legal matters. Unclear procedures for dispute settlement, lengthy processing time and inefficiency in dispute resolution are the main reasons why disputants choose to solve problems by themselves or opt to use informal measures, instead of turning to local judicial institutions. The assistance offered by local state agencies in settling disputes and complaints has not been as effective as the assistance of lawyers and legal aid providers.
Access to the court	Access to the court is still limited due to disputants' concerns about costs, the procedures and lack of confidence in the integrity of judges and court staff.
Access to information	Overall, more citizens are accessing legal information from a more diverse range of information sources compared to previously. This explains the positive change in access to legal information and the improved legal knowledge of citizens. Nevertheless, about 26% of respondents are "not interested" in legal information.
Role of media	Television is the most popular source of information cited. Dissemination of legal information at the local level, together with village meetings and public loudspeakers, 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. Around 29% of respondents are doubtful about the role of local media in "proactively detecting and reporting on corruption".
Legal knowledge	The 2015 survey denotes some improvements since 2012 in citizens' legal knowledge.
Constitutional awareness	About 41% of respondents say they do not know about the Constitution. Only 12% of respondents were aware of the amendments to the Constitution in 2013.
Protection of fundamental rights in practice	Compared to the 2012 survey results, there has not been much change in respondents' assessment of the protection of rights in practice. A slight improvement is recorded in guaranteeing freedom of expression and the right to access information, while a decline can be seen in other areas of guaranteeing civil rights, such as freedom of the press, the right to assembly, to associate and to demonstrate, as well as freedom of belief and of religion.
Inequality and discrimination	Disparities in access to justice exist across different social groups. In particular, those who are poor, who have a low level of education and are not part of the social elite face obstacles in access to information and access to local justice institutions, given their limited personal and social capital. Nearly one third of the survey respondents stated that local civil servants have discriminated against people living with HIV and homosexuals.

Women's access to justice	There are discrepancies in the access to justice and protection of rights between men and women. The proportion of women who accessed information, legal information in particular, is lower than that of men. Around 35% of the women who participated in the survey are "not interested" in legal information, while this is only the case for 16% of men. Overall, the level of legal knowledge of women is lower than that of men. Women's appraisal of the protection of fundamental rights in practice, on most issues, is lower than of men. Women also participate less in constituency meetings than men.
Right to participate	The right to participate at the grassroots level needs to improve. Respondents expressed their demand for more publicity and transparency of local budgets and expenditure and that timely and adequate information on new laws and policies must be publically provided.
Right to petition	Around 74% of respondents considered that "local authorities created favourable conditions to settle citizens' complaints in a timely and decisive manner", while 20% stated that "the complainant in their locality could be harassed in their life and work".
Accountability	Efforts to create an enabling environment for citizens to participate in the 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 rule-based. Approximately 55% of respondents agreed with the statement that "civil servants who have committed mistakes or wrongdoings admitted their mistakes publicly and took actions to correct them", while 51% of those surveyed stated that "civil servants/officials who have committed wrongdoings are disciplined".
Representative democracy	Proxy voting existed for voters in the National Assembly election in 2011. People's awareness of the role of the National Assembly and its deputies remains limited. Around 57% of respondents did not know the exact term for the National Assembly. About 82% of respondents supported having more female candidates in the National Assembly. Approximately 42% of respondents agree that there should be a minimum quota for female candidates for election to the National Assembly. Respondents demonstrated an interest and followed more closely the activities and resolutions of the People's Council at commune and provincial levels than at the district level.
Correlation across indices	The survey indicates a slight positive link between ensuring fundamental rights and effective local governance and public administration. However, promoting provincial competitiveness through an enabling and competitive environment to attract investment and private sector development does not necessarily bring about positive impacts on implementation of law and the settlement of civil disputes and complaints.

Policy recommendations

Based on the above findings, the following policy recommendations arise:

- Increased transparency and openness and efficiency of local justice institutions are preconditions for building and solidifying

public confidence in the justice system at the grassroots level. There must be concrete policies and measures in place to facilitate people's access to information and to friendly and effective quasi-judicial services, and to close the discrepancies in inequality and access to justice among vulnerable groups.

- In tandem with the implementation of new laws on procedures and court re-organization, there is a need to further strengthened judicial reform to ensure efficiency, integrity, fairness and transparency of the judiciary.
- It is important to encourage and promote the development of the lawyering and a legal aid to support and protect people's legitimate rights and interests in settling disputes, as well as access to qualified and professional legal information and advice.
- There is a need to shift the focus from legislative development toward implementation of law at all levels.
- Citizens' fundamental rights and the reform of state agencies' activities as enshrined in the 2013 Constitution should continue to be consolidated and protected. Viet Nam's commitments to human rights protection also require responsible and effective implementation.
- The participation of citizens in local governance and grassroots democracy can be improved through effective implementation of the Grassroots Democracy Ordinance.
- There is a need to promote representative democracy through the professionalization of elected bodies, the National Assembly and Provincial People's Council in particular, and to create favourable conditions to ensure meaningful constituency meetings and relationships.
- Development strategies purely based on economic development will not be sufficient to realize an inclusive growth and sustainable development agenda. Judicial reform is an urgent priority in the coming period, specifically to renew the functioning and operations of judicial organizations for the people, and to ensure the constitutional rights and freedoms in practice.

Applications of the Justice Index

- The Justice Index provides a new lens to assess and monitor the performance of different provinces and cities nationwide regarding judicial activities at the grassroots level to ensure access to justice, equity and equality, and protection of fundamental rights for all .
- The Justice Index provides reliable data and an evidence-based analysis of local governance and the performance of local justice institutions in particular. It can serve as a compass to help identify progress as well as shortcomings at the provincial and grassroots levels.
- Some indicators and variables of the Justice Index are compatible with indicators suggested for monitoring and evaluation of the implementation of the Sustainable Development Goals (SDGs), and can therefore be used as a baseline for measuring progress in implementing SDG 5, 10 and 16 in particular.

Finally, the main findings of the Justice Index on citizens' access to justice, the performance of local justice institutions, grassroots participation and the role of elected bodies are useful for state agencies to develop and launch future solutions. The results of the Justice Index inform civil society organizations and citizens, and encourage their participation in building a justice system for the people that ensures fairness and equality and protects the legitimate rights and interests of the people.

ANNEX 1: INDEX METHODOLOGY

The Justice Index builds on the sound methodological experience of survey and sampling from implementation of the Provincial Governance and Public Administration Performance Index (PAPI), implemented yearly since 2009. The Justice Index leverages the PAPI approach in two ways. Firstly, by using a similar sampling design to select districts, communes and villages, the Justice Index project was able to save significant time and expense at the survey implementation stage. Secondly, since both surveys rely on identical sampling units the aggregate data obtained from both projects can be directly compared, thus allowing an exploration of whether findings regarding the Justice Index and PAPI correlate or not.

Sampling design

Research for the 2015 Justice Index was conducted in all provinces and centrally administered cities. The data is used both as a barometer of the situation in Viet Nam as a whole, as well as for the computation of indicators enabling comparison of the performance of different provinces. In 56 provinces the sampling plan called for the random selection of 240 respondents, with a prior expectation of response rates that would yield an average of 200 completed interviews in each province. In order to maintain a more equal probability of selecting respondents across provincial units, the sample sizes of the municipalities of Hanoi and Ho Chi Minh City were tripled relative to that of ordinary provinces, drawing 720 respondents and expecting 600 completed interviews in each. Similarly, the sample size in the unusually large provinces of An Giang, Dong Nai, Nghe An and Thanh Hoa was doubled (drawing

480 respondents and expecting 400 completed interviews) in order to better reflect these provinces' demographic importance.

This design is not strictly one of equal probability sampling, since the smallest provinces are overrepresented in order to ensure that the size of their sample was sufficient, given the requirement of the study to generate province-wide point estimates. The design, however, is one of computable probability of selection, in the sense that the degree to which a given province is overrepresented (or underrepresented) can be calculated using available census data, and post-stratification weights can be used in order to obtain correct national-level point estimates.

Sampling is done in five stages to select districts, communes, villages, households and finally respondents. Below the province level, the selection process entails the selection of the district that is the seat of the provincial capital, as well as two other districts selected by the probability proportional to measure of size (PPMS) method. The exceptions are Hanoi and Ho Chi Minh City, where six districts in total were selected in each city. Below the district level, the commune/ward that is the seat of the district was purposively selected, while another one was selected by PPMS. Similarly, the village/neighbourhood that is the seat of each sampled commune/ward was included, along with another one selected by PPMS. The enumerators then collected and verified the lists of all inhabitants in each village above the age of 18, from which households were drawn at random. Finally, one eligible member in each sampled household was selected at random and invited to meet the interviewing team. Statistical software