



FOREWORD

The United Nations Development Programme (UNDP), at both the global level and here in Viet Nam, actively supports legal and judicial reform. A central goal of these reform efforts is improved access to timely and effective justice for all, especially the poor, women and individuals from other disadvantaged groups. UNDP advocates that the poor should be able to seek and obtain justice under laws that conform to international human rights standards and national constitutional norms. Such standards and norms seek to safeguard the rule of law, for all persons, against both governmental improprieties and that of powerful and well-entrenched vested interests in society.

Simply put, access to justice is the people's ability to use public and private justice services. Its importance is increasingly recognized, in part, because the existence of an efficient justice system is central to the full realization of the Millennium Development Goals (MDGs).

To foster access to justice, everyone, without limit or restriction to social class or group, must have the ability to benefit from the judicial system. Access cannot be differentiated by gender, ethnicity, political sympathy, religious preference, social or economic class, or age. Moreover, increasing access to justice requires that policy makers and lawmakers understand and address the links with rule of law, poverty eradication, human rights and sustainable human development in policies and programmes of justice sector reform.

Viet Nam, with support of the international community, has made tremendous efforts in the area of legal and judicial reform in the past decade. Results include advances in establishing the legal and institutional framework for access to justice.

However, in order to further enhance the situation it is necessary to take stock periodically of achievements. While a number of comprehensive legal reviews and assessments have allowed for such stock taking, the purpose of this report is to offer perceptions of ordinary people on the access to justice situation in Viet Nam.

The report aims to provide new information for the Government of Viet Nam as well as the international donor community in order to further identify achievements and short-comings as well as challenges and solutions in the continuous joint efforts to improve access to justice for all Vietnamese people. The main bulk of the report is based on a survey, and as with all surveys, one needs to interpret the findings with a degree of caution. However, we do hope that this work will be helpful in raising awareness among decision makers and the general public of the importance of access to justice.

The lesson drawn from this research is echoed from experience around the world: judicial reform is needed especially if all people, especially the poor, are to enjoy the benefits of adequate access to justice. Certainly such reform is a strong indicator of a deepening democracy and a strong society capable of delivering the promise of a better life for all.

Jordan D. Ryan
UN Resident Coordinator
UNDP Resident Representative

TABLE OF CONTENTS

EXECUTIVE S	SUMMARY	i
INTRODUCTI	ON	1
PART 1: LEG	AL AND INSTITUTIONAL FRAMEWORK FOR ACCESS TO JUSTICE IN VIET NAM	2
1.1	Judicial Institutions	
1.2	Administrative Institutions	4
1.3	Supporting Institutions	4
PART 2: PER	CEPTIONS FROM A PEOPLE'S PERSPECTIVE	6
2.1	Awareness	
2.2	Access	10
2.3	Confidence	14
PART 3: COM	ICLUSIONS AND FINAL OBSERVATIONS	19
ANNEX A - SI	JRVEY METHODOLOGY	20

EXECUTIVE SUMMARY

In the past ten years, Viet Nam has made tremendous strides in developing a legal framework supporting the shift from a centrally planned economy to a socialist oriented market economy, and in developing a state governed by the rule of law. The Communist Party and the Government of Viet Nam frequently stress their commitment to the principle of a just and democratic legal and judicial system, and are actively seeking ways to promote principles and institutions that can deliver this agenda. UNDP and the international donor community have supported Viet Nam in promoting legal reforms by providing assistance to the development of a legal framework and strengthening of the capacity of existing legal institutions. Clearly, promoting the rule of law and access to justice will continue to be a priority in coming years.

The purpose of this report is to provide new information regarding the role of existing legal institutions and mechanisms for access to justice in Viet Nam; and how they are perceived and assessed from a people's perspective. The report is based on a two-part study. The first part is a desk review of the legal and institutional framework for access to justice. The second is a survey exploring the opinions of one thousand ordinary Vietnamese living in different parts of the country, on various aspects of the legal and institutional framework and how it affects access to justice in their daily lives.

The first part of the report explores the Constitution and key legal normative documents and a range of *judicial*, *administrative* and *supporting* institutions and mechanisms in place for people's access to justice. The report shows that fundamental human rights are provided for by the Constitution and necessary institutions are in place for people to exercise their rights and access justice.

The second part of the report is structured around three key elements forming part of access to justice as conceptualised in the study: *awareness*, *access* and *confidence*.

The first step for people to access the justice system is *awareness* of their legal rights and knowledge of where they can claim them. The survey indicates that the level of awareness of existing legal institutions for access to justice is relatively low. The level of awareness is especially low with regard to the formal judicial institutions such as the courts and the procuracy, and supporting institutions such as the legal aid centres and the grass-root mediation groups. At the same time, the survey shows that the level of awareness regarding the local administrative institutions, such as the people's committees as well as the police, is relatively high. The survey also points to different levels of awareness between different segments of the population. In particular, the level of awareness decreases with decreasing income levels, and is lower among interviewees living in rural and mountainous areas as compared with those living in urban areas.

In addition to awareness, people must be able to *access* legal information and institutions to protect their rights as citizens. The survey clearly indicates that the level of access to legal information and legal institutions is low and uneven. People tend to obtain legal information through easily available sources of information such as friends, neighbours or relatives, and mass media. The level of access to legal institutions seems to be consistent with the level of awareness. In other words, the level of access to the court and the supporting institutions, such as the legal aid centres, grass-root mediation groups and lawyers, is lower than access to the people's committees and the police.

The last element of access to justice explored by the survey is *confidence*. In addition to awareness and access, people need to feel confident that the legal institutions in place are effective in protecting their rights to make use them. Generally, the survey indicates that the level of confidence in the legal institutions is relatively low. It also shows that the level of confidence among those who have accessed legal institutions and those who have not is quite similar, suggesting that people's perceptions correspond with the real situation. However, the fact that interviewees who have accessed grass-root mediation groups and legal aid centres appear to have a significantly

ACCESS TO JUSTICE IN VIET NAM: Survey from a people's perspective

higher level of confidence in these institutions than those who have not, suggests that these institutions suffer from an unwarranted weak image among those who have not accessed their services.

The third part of the report concludes that the findings of the survey point to a number of issues that would be useful for the Government of Viet Nam and the international donor community to address in further efforts to improve access to justice in Viet Nam. While further development of the existing legal and judicial institutions is important, strengthening people's access to justice is crucial. This includes increasing the level of legal awareness, as well as the level of access to and confidence in legal institutions in place. The survey suggests a need for increased outreach of legal institutions at the grass-roots level for a higher level of utilization, especially by the poor and people living in remote areas.

ACCESS TO JUSTICE IN VIET NAM

Survey from a people's perspective¹

INTRODUCTION

In the past ten years, Viet Nam has made tremendous strides in developing a legal framework to support the shift from a centrally planned economy to a socialist oriented market economy and to build up a state governed by the rule of law. In addition to the revised Constitution (1992), which explicitly affirms the commitment to the rule of law, the National Assembly has promulgated a series of laws, together putting in place the basic components of a working legal system; such as law and treaty making processes; law making and law implementation institutions; basic and postgraduate legal education and professional training and; legal information and dissemination.² But while significant improvements have been made in many aspects, the common view is that there is a need to widen and deepen the legal and judicial reforms to bring them closer in line with the overall reform agenda of the Government and the efforts made to reduce poverty. Access to justice should be a central element of this ambition.

Access to Justice is about the ability of people to protect their rights in accordance with human rights principles and standards by seeking and obtaining a remedy through the formal and informal justice system. The underlying premise of access to justice is the existence of a legal framework providing fundamental rights for people and the existence of institutions enforcing those rights. However, to ensure access to justice people need to be *aware* of their entitlements and where to turn to claim them; they need to be able to *access* institutions and/or mechanisms in place for redress; and finally, they need to have *confidence* in the justice system to access it and exercise their rights.

With the assumption that people's perception of the current access to justice situation would provide new baseline information for the legal and judicial reform agenda, UNDP commissioned an independent Vietnamese consulting firm to conduct a desk review of the legal and institutional framework for access to justice, and a survey exploring the opinions of one thousand people living in different parts of the country, on various aspects of the legal and institutional framework and how it affects access to justice in their daily lives. Based on the limited sample of interviewees and the quantitative character of the survey it cannot be said to speak for the whole population, nor provide concrete answers to root-causes behind the findings. However, the survey does provide a snapshot view of the perceptions and opinions of a sample of people with regard to access to justice in Viet Nam. On this basis, this report aims to promote awareness about access to justice in Viet Nam, and to contribute to further efforts to improve access to justice for all Vietnamese people.

The report is divided into three parts: **Part One** provides an overview of the legal institutional framework for access to justice in Viet Nam; **Part Two** presents the results of the survey in a summarized form. This part is divided into three main sections covering the key elements: awareness, access, and confidence. Finally, **Part Three** sets forth conclusions and final observations.

Data presented in this publication was gathered by a consultant firm commissioned to conduct the survey. Therefore, UNDP cannot guarantee the accuracy of the data.

To this end, the Government of Viet Nam in 2001-02 carried out a comprehensive Legal Needs Assessment (LNA) supported by UNDP and other donors to provide inputs for the formulation of a long-term and comprehensive strategy for the development of the legal system in Viet Nam.

PART 1: LEGAL AND INSTITUTIONAL FRAMEWORK FOR ACCESS TO JUSTICE IN VIET NAM

The fundamental rights of Vietnamese citizens, including civil, political, economic and social rights are recognized in the 1992 Constitution and further elaborated in other key laws and legal normative documents such as the Civil Code, the Criminal Procedure Code, and laws dealing with complaints and denunciations, etc. Furthermore, Viet Nam has a rather extensive legal institutional framework in place through which people can seek redress for violations of laws and/or settlement of legal disputes between parties.

This part of the report explores how basic rights can be implemented in practice through the existing legal institutional framework, and lays out the mechanisms in place for people to access justice.

The chart below illustrates the current legal institutional framework for access to justice in Viet Nam.3

1.1. Judicial Institutions

Judicial institutions dealt with in this study include the court system, the procuracy, the public security forces and judgment enforcement agencies.

The Court System in Viet Nam is divided into three levels: the district courts, the provincial courts, and the Supreme People's Court. Each administrative district has a *District People's Court*, which is the court of first instance for criminal cases and disputes of civil, economic, labour and administrative nature. One professional judge and two lay assessors settle most cases at the first instance. Moreover, each province has a *Provincial People's Court*, which acts mainly as a court of appeal for cases decided by the district courts. Three professional judges settle most cases. The provincial courts can act as the court of first instance for certain types of cases and the decisions can be appealed directly to the Supreme People's Court. *The Supreme People's Court* is the highest appellate court in the country. Cases that are appealed to the Supreme People's Court are reviewed by the appellate courts and can be re-adjudicated or sent back to the provincial courts with orders to conform to the Supreme People's Court's decision on the matter. Constitutional matters rests with the Standing Committee of the National Assembly.

The Procuracy is also divided into three levels: national, provincial and district level. The procuracy is charged with supervising the uniform implementation of the law of Viet Nam. Its key task is to ensure the objective and accurate prosecution of criminal cases and the supervision of the implementation of law enforcement agencies, including the courts, criminal investigation, enforcement of judgments and settlement of complaints and

According to the Constitution of Viet Nam, the Communist Party is the force leading the State and society (section 4 of the 1992 Constitution). While the central role of the Party, in relation to the political, administrative and legal system in Viet Nam, is recognised, this report does not explicitly deal with the Party system, which stretches from the grass-roots level to the central level. The overview of the legal institutions and the below chart therefore does not make reference to the party system.

1992 Constitution: sets forth basic rights for all Vietnamese citizens

Laws and Ordinances and other legal normative documents: elaborate fundamental constitutional rights and reinforce those rights

Institutional Framework: Enforces those Laws and Ordinances

Judicial Institutions

The Court System: charged with adjudication of criminal cases and disputes of civil, economic, labour and administrative nature.

The Procuracy: charged with the supervision and uniform implementation of the laws of Viet Nam.

The Public Security Forces: charged with the supervision of security and order of every community, from the commune level and upwards.

The Judgment Enforcement Agencies: specialize in civil judgment enforcement.

Administrative Institutions

The People's Committee: the State executive authority at the provincial, district and communal levels.

The State Inspectorate: charged with dealing with people's complaints and denunciations and investigating violations of the law and rendering conclusion on facts of cases, at district, provincial and central levels.

The Head of the Hamlet: charged with supervising the implementation of commune resolutions and decisions, as well as mediating disputes when requested by the people.

Supporting Institutions

Lawyers: provide services in legal proceedings as well as in legal consulting with individuals and enterprises.

Legal aid centres: charged with providing free legal assistance to the poor and disadvantaged members of society.

Grass-root mediation groups: charged with mediating or guiding parties through the resolution of disputes.

Mass-organisations: charged with assisting its members in resolving daily life difficulties including mediating disputes between members.

Mass media: can play a role in increasing legal awareness and facilitating law implementation by reporting on violations of law.

denunciations by citizens. Further, the procuracy is charged with ensuring that persons are not illegally arrested or interrogated, and that the police or other authorities do not violate civil rights to life, freedom and property.

The Public Security Forces can be divided into two separate categories: (1) criminal investigation police and (2) public order police. The criminal investigation police has specific functions and duties provided for in the law on criminal litigation, and it can initiate an investigation when there is a formal decision to investigate an alleged illegal act. The public order police is charged with the supervision of security and order of every community, from the commune level and upwards. It works closely with local people's authorities, and has the authority to settle small violations of the law, which have no criminal aspects, as well as other small claims and disputes.

The Judgment Enforcement Agencies specialize in civil judgment enforcement. The Department of Civil Judgment Enforcement, operating under the Ministry of Justice, handles such cases at the national level, while at the provincial and district levels civil judgment enforcement departments ensure that judgments from the courts within their jurisdiction are enforced.

1.2. Administrative Institutions

Administrative institutions dealt with in this study include the local people's committees, the state inspectorate and the head of the hamlet.

The People's Committee is the state administrative authority at the provincial, district and communal levels. In practice, any person may lodge a complaint with the chairman of the commune people's committee asking for settlement of a violation of the law or a dispute between parties who live in the same commune. The chairman of the people's committee decides the matter, and issues a settlement decision, which parties are bound to perform. If the dispute is of judicial nature, the chairman can act as a mediator or request that parties take their case to court.

The State Inspectorate is charged with dealing with people's complaints and denunciations and with investigating and rendering conclusion on facts in certain kinds of cases at district, provincial and central level. If the case is of criminal nature, the state inspectorate can refer it to the public security forces or the procuracy.

The Head of the Hamlet is elected by the people of the village and is authorized by the chairman of the commune people's committee. He/she is charged with supervising the implementation of commune resolutions and decisions, as well as mediating disputes when requested by the people. In case of complicated disputes, the head of the hamlet may refer the parties to the grass-root mediation group or to the chairman of the commune people's committee.

1.3. Supporting Institutions

Supporting institutions dealt with in this study include lawyers, legal aid centres, grass-root mediation groups, mass-organisations and mass media.

Lawyers in Viet Nam can provide services in legal proceedings as well as in legal consulting with individuals and enterprises. There are around 700 law offices in the country, mainly in the larger cities such as Hanoi, Ho Chi Minh City, Hai Phong, and Da Nang. The total number of accredited lawyers in Viet Nam is more than 2,000. The majority of lawyers provide legal litigation services.

Legal aid centres are charged with providing free legal assistance to the poor and disadvantaged members of society. There are over 60 legal aid centres in provinces and cities. These legal aid centres are directly managed by the provincial Department of Justice, directed by the Department of Legal Aid of the Ministry of Justice. Legal aid centres primarily deal with civil disputes, land disputes, marriage, family disputes, and criminal cases.

Grass-root mediation groups are charged with mediating or guiding parties through the resolution of disputes. The recommendations/decisions of the mediation groups are not legally binding but are usually respected by the parties of the disputes.

The mass-organisations, including the youth union, women's union, veterans' association, farmers' union, etc., exist in all localities, including communes and wards. These organisations are originally established and sponsored by the state, and operate under the management of the Fatherland Front. All mass-organisations assume a common duty of protecting and caring for their members' interests. This duty includes assisting the members in resolving daily life difficulties including mediating disputes between members.

Mass media can play an important role in enhancing access to justice for the people by disseminating legal information and reporting on violations of law. In this way, mass media can contribute to awareness raising and to the rule of law process.

PART 2: PERCEPTIONS FROM A PEOPLE'S PERSPECTIVE

The survey and its methodology:⁴ In 2003, UNDP initiated a survey to assess the access to justice situation in Viet Nam from a people's perspective. One thousand interviewees living in six cities/provinces, in urban, rural and mountainous areas, in Northern, Central and Southern Viet Nam and representing a cross-section of society in terms of profession, gender, ethnic background, income, age, and education were randomly selected and asked their opinion on various aspects of the legal and institutional framework (laid out in Part 1) and how it affects their access to justice.

The interviewees were asked nearly one hundred questions regarding: access to and assessment of the laws; access to and assessment of legal and supporting institutions; educational, cultural and socio-psychological aspects influencing access to justice; and awareness of and assessment of ongoing legal and judicial reforms. Those interviewees who had accessed the legal system were asked to make an assessment based on their actual experience, while those who had not accessed the legal system were asked to make an assessment based on their perceptions.

Survey teams conducted face-to-face interviews and completed the questionnaires based on the information gathered from their conversations with the interviewees. Further, quality assurance officials ensured that the interviews were properly carried out, that the questionnaires were appropriately completed, and that the interviewees were representing a cross-section of society as set forth in the criteria for the survey. Finally, the results of the survey underwent a computerized processing yielding over one thousand data tables.

Presentation of the survey results:⁵ The full data set is too comprehensive to present within the scope of the current report. Thus, only key findings providing an overview of the interviewees' perceptions about selected legal institutions and mechanisms for access to justice will be presented here. The main focus of the report is on key legal institutions with which people are in direct contact, including judicial institutions such as the courts, the police and the procuracy; administrative institutions such as the people's committee and the head of the hamlet; and supporting institutions such as legal aid centres, grass-root mediation groups and lawyers. The presentation of the summarised results is structured according to the key elements of access to justice outlined in the introduction: awareness, access, and confidence.

2.1. Awareness

One of the prerequisites for access to justice is that people are aware of their basic rights and the legal and institutional framework that protects those rights. To measure the level of awareness, interviewees were asked a number of questions regarding their familiarity with the existing legal institutions to protect their rights. Questions covered judicial, administrative and supporting institutions, laws as well as legal reforms that have taken place over the past decade.

⁴ The methodology is elaborated in Annex A.

⁵ As a result of rounding, to avoid decimals, slight inaccuracies in the figures presented may occur.

ACCESS TO JUSTICE IN VIET NAM: Survey from a people's perspective

The results of the survey indicate a relatively low awareness of the legal institutions in place, and while legal reform efforts are positively assessed, the level of awareness about these efforts and the importance attached to them is low.

Awareness of judicial institutions: Only 14% of interviewees indicated a high familiarity with the court and 29% said that they have no familiarity with the court.⁶ Ten percent reported a high familiarity with the procuracy and 46% stated that they have no familiarity with the procuracy.

Awareness of the court and the procuracy seems to decrease proportionately with decreasing levels of income.⁷ Forty two percent of interviewees from the low-income group compared to 9% of interviewees from the high-income group stated that they are not familiar with the courts, while 60% of interviewees from the low-income group compared with 28% of interviewees the high-income group said that they are not familiar with the procuracy.

A correlation between awareness and geographical location can also be established in that those living in rural and especially mountainous areas seem less familiar with the court and the procuracy than those in urban areas. Fifty one percent of interviewees in mountainous, 36% in rural and 10% in urban areas indicated that they are not familiar with the courts, and 64% of interviewees in mountainous, 61% in rural and 26% in urban areas said that they are not familiar with the prosecutors.

In comparison, the level of familiarity among the interviewees with regard to the police is much higher. Thirty four percent of interviewees indicated a high familiarity with the police and only 8% indicated that they have no familiarity with the police.

Awareness of administrative institutions: Similarly, 38% of interviewees reported a high familiarity with the people's committee while only 7% indicated that they have no familiarity with this institution.

Interestingly, while familiarity with the people's committee is relatively high, familiarity with the state inspectorate is very low. Only 7% of interviewees responded that they have a high familiarity with the state inspectorate while 54% indicated no familiarity at all.

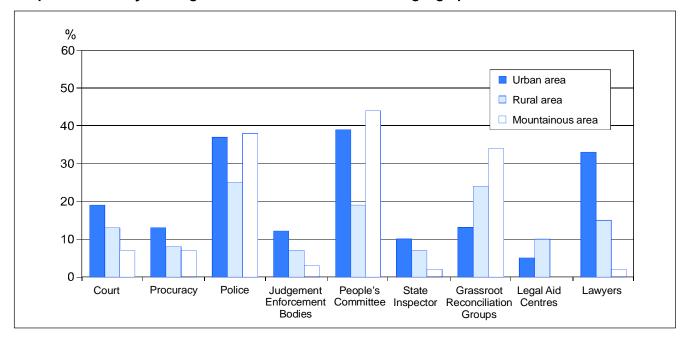
Awareness of supporting institutions: According to the survey, the level of familiarity among interviewees with regard to supporting institutions such as the grass-root mediation groups and the legal aid centres is also relatively low considering that these institutions were created to assist people with resolving legal disputes and representing their interests in the judicial system. Only 22% of interviewees indicated a high familiarity with the grass-root mediation groups, while 30% reported no familiarity at all. The corresponding figures for the legal aid centres are 5% and 66% respectively.

The familiarity with the grass-root mediation groups among different income groups is quite comparable, ranging from 18% to 23% from the highest to the lowest income group. The geographical location, however, seems to influence the familiarity with 34% of the interviewees from mountainous, 24% from rural and 13% from urban areas indicating high familiarity with the grass-root mediation groups.

As was the case of the judicial institutions, awareness of the legal aid centres seems to decrease proportionately with decreasing levels of income. While 74% of interviewees from the low-income group said that they are not familiar with the legal aid centres, 56% from the high-income group indicated such non-familiarity. These findings should be seen in the light of the role and mandate of the legal aid centres to provide free legal assistance to the

Where not otherwise indicated figures for 'high familiarity' include interviewees indicating 'high familiarity' and 'relatively high familiarity'.

⁷ The three income groups referred to are based on household annual incomes divided into *low* (8-12 million VND per year), *medium* (12-60 million VND per year) and *high* (above 60 million VND per year).



Graph 1: Familiarity with legal institutions cross-tabbed with geographic area

Percentage of interviewees indicating high familiarity with selected legal institutions disaggregated by geographical location.

poor. A correlation between awareness and geographical location can also be established, as the interviewees living in rural and especially mountainous areas were less likely to be familiar with the legal aid centres than those living in urban areas. As many as 84% of interviewees in mountainous and 67% in rural compared to 52% in urban areas reported that they are not familiar with the legal aid centres.

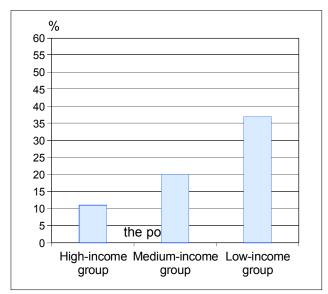
Thus, while the level of familiarity with the grass-root mediation groups appears to be similar or higher among the poor and people living in remote areas, the level of familiarity with the legal aid centres seems to be higher among higher-level income groups and people living in urban areas.

Awareness and assessment of legal reforms: In addition to addressing people's awareness of specific legal institutions, the survey also explored people's awareness and assessment of legal reforms. As mentioned in the introduction, significant efforts have been made to develop a legal framework to support the shift from a centrally planned economy to a socialist oriented market economy and to build up a state governed by the rule of law. However, only 19% of interviewees indicated a high familiarity with the legal reforms implemented by the Government, while 29% stated that they have no familiarity with the legal reforms at all. Fifty four percent of interviewees thought that legal reform is important⁸ in their daily lives and 61% indicated that legal reform measures have improved⁹ the overall situation in a number of selected areas (including law making, legal education, administrative reform, judicial reform and judgments). Taken together, even though the above-mentioned responses suggest a relatively positive assessment of the impact of the legal reforms, the awareness of and ability to assess the importance of legal reforms is low.

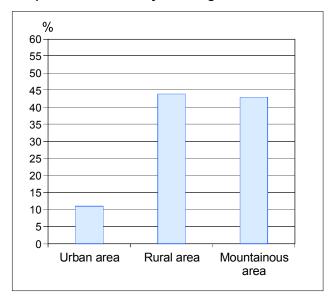
⁸ Where not otherwise indicated figures for 'important' include interviewees stating 'very important' or 'important'

This includes interviewees indicating 'substantially improved', 'improved' and 'slightly improved'

Graph 2: 'No familiarity' with legal reforms



Graph 3: 'No familiarity' with legal reforms



Percentage of interviewees indicating no familiarity with legal reforms, disaggregated by income group and geographical location.

There seems to be a correlation between income levels and geographical location and the awareness of and ability to assess the importance and/or impact of legal reforms. Thirty eight percent of interviewees from the low-income group compared to 14% from the high-income group responded that they are not familiar with the legal reforms, and 22% of interviewees from the low-income group compared to 11% from the high-income group are unable to assess how important legal reforms are in their daily lives. Looking at geographical differences, 43% of interviewees in mountainous, 44% in rural and 11% in urban areas reported that they are not familiar with the legal reforms, and 34% of interviewees in mountainous, 22% in rural and 9% in urban areas are unable to assess how important legal reforms are in their daily lives.

On this basis, the results of the survey with regard to awareness raise a number of issues:

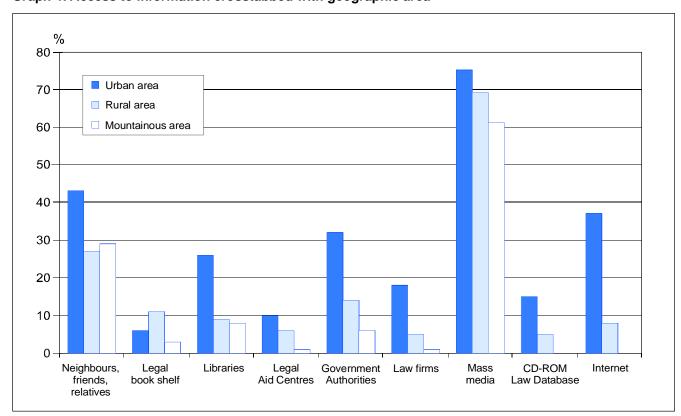
- First, the interviewees have a limited awareness of the legal and institutional framework in place to protect their rights as citizens, especially of key judicial and supporting institutions such as the court, the legal aid centres and the grass-root mediation groups. In contrast, the survey indicates a relatively high level of awareness of the local administrative institutions, such as people's committees, as well as of the police.
- Second, the results of the survey suggest a low level of awareness of legal reforms, and although there is a generally positive assessment of the impact of these legal reforms, the interviewees' ability to assess the importance of the same is low.
- Third, in general, the legal awareness is lower among interviewees from low-income groups and those living in rural and mountainous areas.

2.2. Access

In addition to awareness, people's actual access to the legal institutional framework is central to the establishment of a society governed by the rule of law. If people do not access the legal institutions, the principle of rule of law cannot be said to be operational. To explore the issue of access, interviewees were asked a number of questions about where they obtain legal information and whether they have made use of legal institutions. In order to explore people's perceptions about their access to justice, interviewees were also asked to indicate the importance of some selected factors influencing their decision whether or not to initiate proceedings, and of factors influencing the outcome of a case.

The survey shows that the level of access to legal information and legal institutions is low and uneven, and that people think that the principles of transparency and fairness are more important for the outcome of a case than the cost involved.

Access to legal information: The survey explored people's perceptions about current efforts to disseminate legal information, as well as their access to a number of sources of legal information, including: friends, neighbours, and relatives; the legal book shelf of the communes' people's committees; libraries; legal aid centres; government authorities; law firms; mass media; the law database CD-Rom ("Your Lawyer"); and the Internet.



Graph 4: Access to information crosstabbed with geographic area

Percentage of interviewees indicating having accessed selected sources of legal information, disaggregated by geographical location.

Sixty percent of interviewees rated the means of legal information dissemination as good.¹⁰ The majority of interviewees indicated that they have accessed legal information through mass media and their friends. Specific sources of legal information like law firms, legal aid centres, the CD-Rom law database, and the bookshelf of the commune people's committee, are rarely utilized and the users of those sources are more likely to be found among urban dwellers than among rural and mountainous populations. The Internet seems to have gained a relatively important position alongside libraries and government authorities. However, using the Internet to access legal information is clearly an urban phenomenon with 37% of interviewees from urban areas using the Internet to get legal information compared to 8% of those from rural areas, and none from the mountainous areas. Overall, the geographical area of residence seems to have a significant impact on the level of access to information with a higher rate of access among urban dwellers than among rural and especially mountainous populations.

In addition, the level of access to information appears to be related to the level of income. The survey indicates that people with higher incomes are more likely to access to the listed sources of information. For example, 13% of interviewees from the low-income group claimed to have accessed legal information through government authorities compared with 35% of those from the high-income group; 6% of interviewees from the low-income group said that they have accessed law firms for legal information, compared with 22% of those from the high-income group; and 12% of interviewees from the low-income group stated that they have accessed the Internet for legal information, compared with 35% of those from the high-income group. In comparison, the mass media and to some extent friends, neighbours and relatives are more frequently accessed by all. Sixty eight percent of interviewees from the low-income group reported having accessed legal information through mass media compared with 78% of those from the high-income group. Thirty percent of interviewees from the low-income group reported having received legal information from friends, neighbours and relatives compared with 45% of those from the high-income group.

Finally, 71% of interviewees did not answer the question regarding where they turn for legal information. Thus, despite a relatively positive assessment of the dissemination efforts, the survey indicates that people's access to legal information is quite limited.

Access to judicial institutions: Starting with the judicial institutions, the survey suggests that the court plays a limited role as only 6% of the interviewees said they have accessed courts for resolution of their own cases. Interestingly, it seems as if the actual access to the court is highest among the medium-income group (9%) and lowest among the low-income group (5%). However, more significant differences in access can be found between different localities. The survey indicates that urban and rural dwellers are more likely to have accessed the court than mountainous dwellers. Nine percent of interviewees from the urban and 8% from the rural areas reported that they have accessed the court, compared to only 1% of interviewees from the mountainous areas.

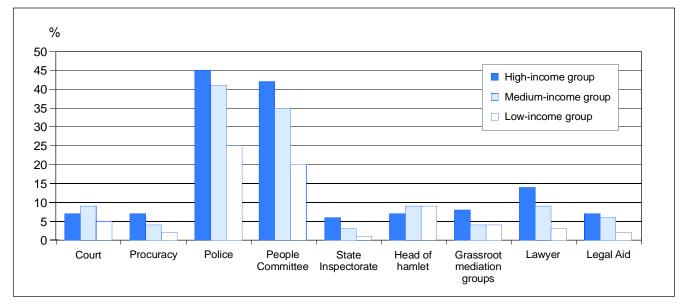
The police, on the other hand, is more commonly accessed with 33% of interviewees indicating that they have been in contact with this judicial institution.

Access to administrative institutions: As far as the administrative institutions are concerned, 28% of interviewees said that they have sought assistance from the people's committee to deal with their cases and only 9% reported that they have used the head of the hamlet to solve disputes.

Access to supporting institutions: Looking at the supporting institutions, the survey suggests that lawyers, the legal aid centres and the grass-root mediation groups play a rather limited role as they are accessed by very few people.

Only 6% of interviewees have used lawyers' services. People with higher incomes and those living in urban areas are more likely to have accessed lawyers' services than others. Thirteen percent of interviewees from the high-

Where not otherwise indicated figures for 'good' include interviewees stating 'very good' or 'good'



Graph 5: Access to legal institutions crosstabbed with income level

Percentage of interviewees indicating having accessed selected legal institutions, disaggregated by income level.

income group, compared to 3% of those from the low-income group reported to have accessed lawyers' services. Twelve percent of interviewees living in urban areas, compared with 2% of those living in rural and 1% of those living in mountainous areas indicate that they have accessed lawyers' services. These figures can be coupled with the finding that 35% of interviewees assumed that lawyers' service fees are high.¹¹

With only 4% of interviewees to have been in contact with the legal aid centres, the survey seems to suggest that although legal aid centres have been widely established they have not been promoted to the extent necessary to ensure a high level of usage. The survey also indicates that the lower the income the less likely people are to have accessed a legal aid centre. It is notable that only 2% of interviewees in the low-income group have accessed the legal aid centres, compared to 7% in the high-income group, and that none of the interviewees in mountainous areas have accessed the legal aid centres compared with 4% in rural areas and 7% in urban areas. While the reason for the low and unequal levels of access might be lack of awareness, the reason could also be the physical accessibility of the centres. Only 6% of interviewees indicated that the quantity and location of the centres is adequate for serving people's needs¹² – 67% were unable or unwilling to answer the question.

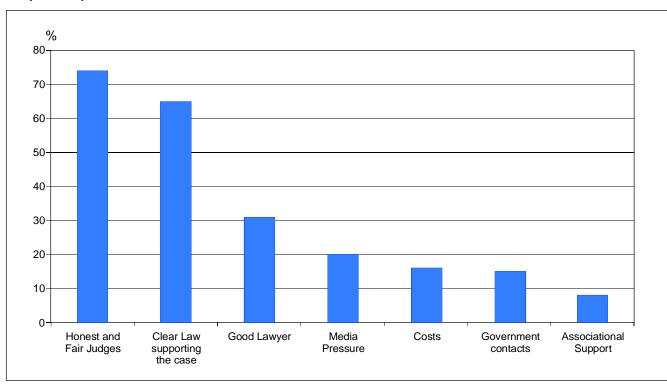
It thus seems that the formal judicial system, in particular the court and key supporting institutions (including lawyers, the legal aid centres and the grass-root mediation groups), is seen as a last resort. There could be many reasons why the judicial system and in particular the court system is not widely chosen — especially in the rural and mountainous areas. The relative lack of awareness of the court might be one. When people turn to the police and the people's committees it could be because these institutions are dealing more directly with matters related to the day-to-day concerns of people. Furthermore, cadres and officials of the administrative institutions live close to people in areas under their management, and could be perceived to know about and understand the issues faced by people in their daily lives.

Where not otherwise indicated figures for 'costly' include interviewees stating 'very costly' or 'costly'

The figure includes interviewees stating indicating that the degree to which the quantity and location of the centres is adequate is 'high' or 'relatively high'

Factors influencing decisions to initiate proceedings: The survey also sought to identify the importance of some selected factors influencing people's decision whether or not to commence proceedings before the court/ government authority. Asked to rate the importance of time and cost, 82% of interviewees indicated that the time spent and 79% indicated that the cost expenditure would be an important factor. This is also in line with another finding of the survey regarding people's perceptions about the cost for pursuing a lawsuit. Forty seven percent of interviewees said that it is costly to pursue a lawsuit in the court, suggesting that cost is perceived as a restricting factor.¹³

Factors influencing the outcome of proceedings: However, looking at the perceptions of the interviewees concerning the importance of a number of selected factors for the outcome of a lawsuit (including honest and fair judges or state officials; clear legal or regulatory authority supporting the case; good lawyer; good contacts with government officials; pressure from media; associational support and; ability to incur high costs), the vast majority of interviewees indicated that honest and fair judges/state officials (74%) together with clear legal or regulatory authority supporting the case (65%) is very important in determining the outcome of a case. Thirty one percent of interviewees stated that good lawyers are very important, whereas cost was rated very important by only 16%. It is interesting to note that people seem to find factors they can control, such as a good lawyer or high costs, to be less important than factors out of their control, such as the integrity and impartiality of judges and clear laws and regulations supporting the case.



Graph 6: Importance of selected factors on the outcome of a case or claim

Selected factors indicated by interviewees to be 'very important' for the outcome of a case or claim.

Looking only at the 556 interviewees who responded to the question there is no significant difference in the perception of the level of the cost between those who have accessed the court and those who have not (around 85% in both cases).

¹⁴ The figure includes interviewees stating 'very important'

The survey also suggests that cultural values such as "face" and "harmony" may be part of the explanation behind the low utilisation of the court to resolve disputes. Forty one percent of interviewees said that the risk of losing face would be an important determinant whether or not to commence proceedings before the court or government authority. The risk of facing repercussions from other side was identified as important by 36%.

The results of the survey with regard to access point to the following:

- First, while current efforts to disseminate legal information are rated positively, people tend to use informal, general and easily accessible sources of information as opposed to formal, specific and less readily available sources.
- Second, it appears that the level of access to key judicial institutions such as the court is relatively low while the access to the police and the administrative body of the people's committees is higher, placing significant responsibility on the latter institutions to promote justice. Key supporting institutions such as the legal aid centres and the grass-root mediation groups seem to be underutilised indicating that the institutions set in place to promote access to justice for the poor and the disadvantaged groups are not successful in reaching their target groups.
- Third, the level of access to legal information as well as to the legal institutions in place is significantly lower among the poor and those living in remote areas.
- Fourth, while the majority of interviewees rated cost as an important factor influencing their decision whether or not to seek remedy for injustice, the survey suggests that people perceive the impartiality of judges and clear laws supporting the case to be more critical for justice to prevail.

2.3. Confidence

People's awareness of their basic rights and their access to the institutions that protect those rights are two important elements of a society governed by the rule of law. However, for awareness and access to have true meaning, people must have confidence in the institutions that are in place to protect their rights.

To measure the level of confidence in the legal institutions, interviewees were asked a number of questions about their assessment of the effectiveness, fairness and importance of such institutions in promoting people's interests and rights.

The results of the survey indicate that while people seem to have some confidence in the legal institutions they do not seem to be entirely certain in their assessment. While the level of confidence is about the same among interviewees who have accessed the legal institutions as among those who have not, there are significant differences in the level of confidence in some specific institutions. Some variations are also observed based on different income levels and on the geographical location of the interviewees.¹⁵

¹⁵ It should be noted that while the response rates are low in general, there are significant differences in the response rates among those interviewees who have accessed the legal institutions and those who have not, as well as among interviewees from different income groups and from different geographical locations. As this fact potentially skews some of the findings of the survey, additional calculations for selected questions, including only those interviewees who have made an assessment, are presented in footnotes throughout this section.

Confidence in judicial institutions: With regard to the judicial institutions, the survey indicates that the confidence in the court is relatively low. Thirty eight percent of interviewees said that judgments of the court are just and fair. On the question as to whether judges are impartial and independent in making judgments, 36% of interviewees stated that this is the case. ¹⁶ Finally, 35% of interviewees believed that the judgments of the court are respected. ¹⁷

Looking at differences across geographical locations, only 29% of interviewees in rural areas compared to 37% in mountainous areas and 44% in urban areas stated that judgments of the court are just and fair. However, when leaving out interviewees who did not make an assessment, ¹⁸ the survey indicates that interviewees living in mountainous areas have a significantly higher level of confidence in the court than those living in rural and urban areas. ¹⁹ The disaggregated data based on income levels shows that 31% of interviewees from the low-income group compared to 47% from the medium-income group and 42% from the high income group find that judgments of the court are just and fair. However, when leaving out the interviewees who did not make an assessment, the survey indicates that the level of confidence in the court is quite similar across different income groups. ²⁰

It should be noted that between 38% and 45% of interviewees did not answer the three above-mentioned questions. Interviewees living in mountainous areas as well as those from the low-income group were least likely to answer, indicating a low ability and/or willingness among these groups to make an assessment of the situation. As many as 49% of interviewees from the low-income group and 58% from mountainous areas, compared to 38% of all interviewees, refrained from making an assessment of the justness and fairness of the judgments of the court.

The survey suggests that interviewees who have accessed the court are more positive in their assessment than those who have not, with 47% of those who have accessed compared to 37% of those who have not accessed indicating that judgments are just and fair. However, considering only the portion of interviewees who did make an assessment, the survey suggests that the level of confidence in the court is slightly lower among those who have accessed the court than among those who have not.²¹

Turning to the procuracy, 28% of interviewees stated that this institution is just and fair in dealing with cases, while 23% expressed uncertainty about the uprightness of the procuracy. Half of the interviewees did not answer the question. Fifty five percent of interviewees who have been in contact with the procuracy, compared to 27% of those who have not, stated that it are just and fair in dealing with cases. A significantly higher share of interviewees who have accessed the procuracy than those who have not answered the question. However, when looking only at those who made an assessment, the level of confidence in the procuracy is quite similar among those who have actual experience with this institution and those who do not. 23

¹⁶ Where not otherwise indicated figures for positive evaluation of the justness and fairness of court judgments and of the impartiality and independence of judges include interviewees indicating 'always' and 'regularly'

¹⁷ This figure includes interviewees indicating 'highly respected' or 'respected'

¹⁸ That is those who responded 'don't know'

¹⁹ Looking only at the 624 interviewees who did make an assessment, 87% of those living in mountainous areas respond positively to the question about the justness and fairness of the judgments, compared to 55% and 51% of those living in urban and rural areas respectively.

Looking only at the 624 interviewees who did make an assessment, the figures among the different income groups are quite comparable. Irrespectable of income, about 60% responded positively to the question about the justness and fairness of the judgments.

Looking only at the 624 interviewees who did make an assessment of the justness and fairness of judgments, 54% of those who have accessed respond positively, compared to 62% of those who have not accessed. Out of the 553 interviewees who did make an assessment of the impartiality of the judges, 57% of those who have accessed compared to 65% of those who have not, responded positively to the question. Finally, of the 601 interviewees who did make an assessment of the respect paid to the judgments of the court, 49% of those whohave accessed compared to 59% of those who have not, responded positively.

Figures for positive evaluation of the justness and fairness of the procuracy include interviewees indicating 'strongly believe', 'believe' and 'uncertainty' include the responses: 'believe a little', 'not quite sure' and 'don't believe'.

Out of the 507 interviewees who did respond to the question, 56% of those who have accessed responded positively to the question about the justness and fairness of the procuracy, compared to 55% of those who have not accessed.

In comparison, 37% of interviewees who have been in contact with the police, and 33% of those who have not, believe that the police's observation of laws is high.²⁴ Sixty seven percent of interviewees who have been in contact with the police, compared with 58% who have not, believe that the role of the police in the protection of people's interests is important. However, when looking only at the portion of interviewees who did make an assessment, the confidence level among those who have been in contact with the police compared to those who have not is about the same.²⁵ On this basis, the survey seems to indicate that most interviewees perceive the role of the police to be important, but it also suggests that some interviewees do not feel the police operate in full compliance with the law.

Interviewees from the mountainous areas seem to be more positive in their assessment of the police than those from the rural and urban areas. Fifty three percent of interviewees from the mountainous areas indicated that the degree to which the police carry out procedures in accordance with the law is high, compared to 25% of those from the urban areas and 28% from the rural areas. Finally, the level of confidence seems to increase with a decreasing level of income, with 38% of interviewees from the low-income group indicating that the police carry out procedures in accordance with the law, compared to 29% from the high-income group.

It is notable that the response rates for questions relating to the police are above 80%, suggesting a greater ability and/or willingness to assess this institution, than the court and the procuracy. It is also worth noting that the geographical area, the income level and whether or not the interviewee has been in contact with the police, does not significantly influence the response rate.

Confidence in administrative institutions: As regards the administrative institutions, 36% of interviewees state that the degree to which the people's committee protect the rights and interests of people is high. Sixty percent of interviewees in the mountainous areas believe that this is the case compared with only 21% in urban the areas. Almost all interviewees – 90% – made an assessment of the people's committees. While the survey does not say anything about the actual role of the people's committees, it does seem to indicate that they play a central role in relation to access to justice in the minds of the interviewees – and in particular among those living in mountainous areas. However, the head of the hamlet tops the scale with 62% of interviewees stating that this institution is important in settling people's disputes.

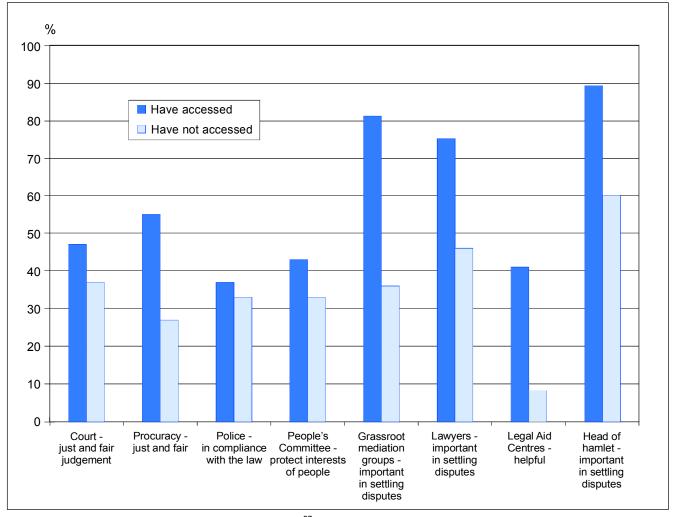
Confidence in supporting institutions: The survey reveals a rather low level of confidence in the grass-root mediation groups. As described earlier, the purpose of the grass-root mediation groups is to mediate and guide parties through the resolution of disputes to promote justice and stability in the communities from the grass-roots level. Generally, however, people interviewed seem to have little awareness of these groups, and also appear to have a low level of confidence in this institution as such. Only 29% of interviewees stated that grass-root mediation groups are effective,²⁶ and 38% indicated that grass-root mediation groups are important in settling people's disputes – 31% did not respond to any of these questions.

However, the survey suggests a considerably higher level of confidence in the grass-root mediation groups among interviewees who have accessed them as opposed to those who have not. Sixty eight percent of interviewees who have accessed the grass-root mediation groups responded that they are effective, and 81% said that they are important. This tendency becomes even more distinct when looking only at the portion of interviewees who

Where not otherwise indicated figures for 'high' include interviewees indicating 'high' and 'relatively high'

When looking only at the 812 interviewees who responded to the question about compliance of the police, 41% of those who have accessed responded positively compared to 43% of those who have not accessed. Of the 872 interviewees making an assessment of the importance of the police in protecting people's interests, 70% of those who have been in contact with the police responded positively compared to 69% of those who have not.

Where not otherwise indicated figures for 'effective' include interviewees indicating 'effective' and 'very effective'



Graph 7: Selected indicators of confidence in some key institutions cross-tabbed with access

Selected indicators of confidence in different institutions.²⁷

made an assessment.²⁸ This seems to indicate that the grass-root mediation groups have an unwarranted weak image among those who have not accessed their services.

Similarly, while the legal aid centres are assessed quite positively by those who have accessed their services, they seem have a weak image among those who have not. Sixty percent of interviewees who have accessed the legal aid centres said that they are helpful in assisting people with their concerns, as compared to only 15% of

²⁷ It should be noted that the confidence level in different institutions is not directly comparable. The questions used for different institutions are different and were asked separately.

When looking only at the 688 interviewees who responded to the question about the effectiveness of the grass-root mediation groups, 67% of those who have accessed compared to 40% of those who have not accessed indicate that they are effective. Out of the 692 interviewees responding to the question about their importance, 83% of those who have accessed compared to 54% of those who have not indicate that they are important.

ACCESS TO JUSTICE IN VIET NAM: Survey from a people's perspective

those who have not accessed their services.²⁹ The same results appear when looking only at the portion of interviewees making an assessment.³⁰

Lawyers were positively assessed. Seventy five percent of those who have used a lawyer's services, as opposed to 46% of those who have not, considered the role of lawyers in dispute settlement as important.³¹ Forty eight percent of those who have used a lawyer's services, compared with 37% of those who have not, indicated that the level of consideration given to the arguments of lawyers is high.

The survey seems to suggest that the confidence in the judicial and supporting institutions is relatively weak. In contrast, the administrative institutions and also mass media have emerged – in people's minds – as important instruments for protection of their people's rights and interests. Seventy nine percent of interviewees stated that the mass media plays an important role in protecting people's interests, while 64% indicated that mass media has an influence on legal decisions and judgments.³² While the survey does not seek to determine the actual role of the mass media in promoting access to justice, it clearly indicates that the surveyed people perceive it as an important instrument to this end.

The results of the survey with regard to confidence raise the following issues:

- First, the level of confidence in the legal institutions varies. The survey appears to indicate that interviewees are unsure and do not feel entirely convinced about the uprightness of the legal institutions and their importance in protecting people's rights. The significant difference found in the perceptions of interviewees with actual experience with the legal aid centres and the grass-root meditation groups, as compared to those without actual experience, may imply that these institutions suffer from an unwarranted weak image.
- Second, the important role accorded the people's committees and mass media, and the relatively low level of confidence in key institutions such as the court and the legal aid centres expressed in the survey, seems to indicate that – in people's minds – the administrative system and mass media are of significant importance to access to justice at the local levels.
- Third, the survey suggests that interviewees in the mountainous areas despite a very low level of legal awareness have a relatively high level of confidence in the legal institutions and the judicial processes. This could indicate that with higher levels of awareness comes not only better access to justice, but also higher expectations to the uprightness and efficiency of the legal institutions and processes.

²⁹ This figure includes interviewees indicating 'very helpful' and 'helpful'

³⁰ Out of 350 interviewees making an assessment, 61% of those who have accessed the legal aid centres compared to 47% of those who have not, state that the legal aid centres are helpful.

³¹ This figure includes interviewees indicating 'very important' and 'fairly important'

³² This figure includes interviewees indicating 'highly influential' and 'influential'

PART 3: CONCLUSIONS AND FINAL OBSERVATIONS

As mentioned in the introduction, equal access to justice for all requires not only the existence of a legal and judicial system, but also the proper and effective functioning of the system and the ability of people to make use of and benefit from it. Having explored the legal institutional framework in place and people's awareness of, access to and confidence in the justice system, the following conclusions can be made.

Firstly, overall, a number of *judicial*, *administrative* and *supporting institutions* are *in place* ensuring access to justice in Viet Nam. Based on the findings of the survey presented in the report, it appears that while the legal reform measures undertaken to improve the legal and institutional framework are positively assessed by the interviewees, additional efforts could be made to increase the ability of people to make use of and benefit from the same to improve their access to justice.

Secondly, the survey suggests that people do not attach much importance to the practical role of law in their daily lives. This might partly be explained by a low level of awareness and access to legal information and judicial institutions in place. In addition, it may be linked with the finding that people surveyed rely mainly on informal sources of legal information. Thus, improving information dissemination and increasing awareness, taking into consideration people's needs and their ability to make use of the information, should be a key element of all efforts to improve access to justice in Viet Nam.

Thirdly, low levels of awareness and low levels of access to legal information and institutions may create scope for *inaccurate perceptions and uncertainty about existing mechanisms and their performance*. Such inaccurate perceptions and uncertainty could partly explain the reluctance expressed by people in the survey to seek assistance from judicial and supporting institutions in place, and the tendency to turn to institutions with which familiarity is higher, such as the police and the people's committees. It is important to point out that a low level of access to formal judicial institutions does not necessarily mean a low level of access to justice, since people may simply turn to less formal and less costly mechanisms in their local community for mediation, reconciliation and resolution of disputes. However, there could be other reasons for the low level of access to the formal justice system, which are beyond the scope of this survey.

Fourthly, the survey indicates that there are *great disparities between different groups in society when it comes to awareness and access to justice*. Especially the poor and those living in remote areas demonstrate a very low level of awareness and access to legal information and the judicial institutions, indicating a need to strengthen the linkages between poverty reduction efforts and legal and judicial reforms.

In addition to the findings and conclusions of this study, further in-depth, qualitative research could contribute to a more comprehensive understanding of access to justice in Viet Nam and provide a basis for recommendations for future reform efforts in this area.

The final concluding observation concerns the focus of continued reform. While other – less formal – mechanisms for access to justice require support and attention, continued efforts have to be made to reform the court system, as clearly stated by the Communist Party and the Government of Viet Nam. Certainly, an impartial, independent and competent court system, upon which people can rely – at least as a last resort – when seeking justice, is crucial for a society promoting the rule of law, democracy and human rights.

ANNEX A SURVEY METHODOLOGY

Timing: The field survey took place from 30 May 2003 to 18 June 2003.

Sample selection: The method of random location and multi-stage sampling was applied at province/city level and district level.

Survey areas: Six provinces/cities including Ha Noi, Thai Binh, Hoa Binh, Dac Lac, Ho Chi Minh City, Can Tho were selected for the survey. Those provinces represent three main regions of Viet Nam; diversity in professions; different ethnic and religious groups; and geographical and socio-economic variety, including urban, rural and mountainous, inland and coastal areas, political, cultural, economic centers etc.

Sample characteristics: The sample of one thousand interviewees was distributed representing a cross-section of society according to a number of characteristics, including gender, profession, ethnicity, age, education, income and geographical area/ province. The characteristics of the sample are presented below.

Questionnaire: A questionnaire including ninety-eight questions covered the issues of access to legal information; access to legal institutions; educational, cultural and psychological aspects; and perception about the ongoing legal reforms. Interviewees were asked to rate their own familiarity with as well as the performance of key legal institutions. Some sample questions used in the report are provided below.

Interviewing procedures: Interviewers were divided into six teams in charge of six provinces/cities. Each team had three to four interviewers including one supervisor and one quality assurance coordinator. In some areas interviewers went through the local authorities to get on-field support and guidance. Interviewers completed the questionnaire based on face-to-face interviews. In some few cases questionnaires were completed by the interviewees themselves.

Data processing: Collected data was processed by use of statistical software. The responses were disaggregated according to the sample characteristics (ref. above).

Sample characteristics:

Gender: Female Male	520 480
Income groups: Low-income group (household income 8-12 million VND/year) Medium-income group (household income 12-60 million VND/year) High-income group (household income 12-60 million VND/year)	533 358 109
Profession: Civil servants Businessmen Farmers Workers Professionals Others	155 100 300 190 100 155
Ethnicity: Kinh Other ethnic groups	766 234
Geographic areas: Urban areas (Ha Noi & HCMC) Rural areas (Thai Binh & Can Tho) Mountainous areas (Hoa Binh & Dak Lak)	450 250 300
Age group: 18-25 years 26-35 years 36-50 years 51-60 years 60- Years	168 416 254 107 55
Education: Primary school Secondary school Bachelor Degree Masters Degree	201 328 428 43

Sample questions:

- 1. Rate your level of familiarity with the court/the procuracy/the police/ the people's committee/ the state inspector/ grass-root mediation groups/ the legal local aid centres/ the services that lawyers provide/ the legal reforms being implemented by the government: High/Relatively high/Medium/Relatively low/ None:
- 2. How important are the legal reforms in your daily life? Very important/Important/Average/Not so important/Not important/Don't know
- 3. How would you rate the results of the reforms to date within the each of the following areas (Law making/ Legal education and information/Administrative reform/Judicial reform/Judgment enforcement and implementation of decision of state authority)? Improved substantially/Improved/Slightly improved/ The same/Worse/Don't know
- 4. Identify which of the following you have accessed to get legal information: Friends, neighbours, relatives; Legal book shelf of commune/ward people's committee/ Library/ Legal aid office/ Government authority/ Law firm/ Press and mass-media/ Law database CD-Rom titled "Your Lawyer"/Internet/Others
- 5. How would you rate the means of legal information dissemination to people at your local level? Very good/Good/Average/Below average/Not good/Not available/Don't know
- 6. Have you had your own case settled by the Court/Have you ever been involved in a case where you have had contact with the police in their official capacity/ Have you ever requested that the people's committee settle your case/ have you ever been involved in a case where you had contact with the procuracy in its official capacity/ Have you ever used a lawyers services/ Have you ever accessed a legal aid centre/ Have you ever had a dispute brought before the Grass Roots Reconciliation Group for settlement? Yes/No:
- 7. To what degree do you think the media has the ability to influence legal decisions and judgments in deciding specific cases? High degree/Relatively high degree/ Average/Relatively low degree/ Don't know
- 8. How important are the following factors (Time expenditure; Cost expenditure; Possibility of winning; Loss of face because of public rumours; Repercussions from other side, Others (specify)) in your decision making about whether or not to commence proceedings before the Court or Government authority: Very important/Fairly important/A little important/Not important/Don't know;
- 9. How costly do you feel it is to pursue a lawsuit? Very costly/Costly/reasonable/Not costly/Don't know
- 10. How important do you think the following factors (Having honest and fair judges/state officials; The case has clear legal or regulatory authority supporting it; Having a good lawyer; Having good contacts or close relations with government officials; Strong pressure from the public or mass media; Support from social or professional association where you are a member; Having the ability to incur high costs of litigation; Others (specify)) are to winning a case in court: Very important/Fairly important/Average /A little important/Not important/Don't know;
- 11. In your opinion how often are the judgments given just and fair/ In your opinion how often are the judges impartial and independent in making judgments? Always/Regularly/Sometimes/Never/Don't know

- 12. How well respected do you feel the judgments of the Court are? Highly respected/ respected/ Not quite sure/ Little respected/Not respected
- 13. Do you believe that the procuracy is just and fair in dealing with cases? Strongly believe/Believe/Believe a little/ Not quite sure/Don't believe/ Don't know
- 14. To what degree do you think that the police carry out procedures in compliance with the law? High/relatively high/ Average/ Relatively low/ Low/ Don't know
- 15. To what degree do you think that the Police at the grass roots level play a role in protecting people's interests? Very important/ Important/ Average/ Less important/ Not important
- 16. To what degree does the people's committee protect the rights and interests of the people? High/ Relatively high/ Average / Relatively low/ Low/ Don't know
- 17. Have you ever used the Head of the village to settle a dispute in the past? Yes/No
- 18. How efficient and effective do you think the grass-root mediation groups are in dealing with a dispute? Very efficient and effective/ Efficient and effective/ Not quite sure/ Not so efficient and effective/ Not efficient and effective/ Don't know
- 19. How important do you feel the grass-root mediation groups are in settling people's disputes? Very important/ Important/ Average/ Not so important/ Not important/ Don't know
- 20. Do you think that the staff at the centers are helpful in assisting people with their concerns? Very helpful/ Helpful/ Neither helpful nor unhelpful/ Not so helpful/ Not helpful
- 21. What role do you think that lawyers play in dispute settlement? Very important/ Fairly important/ Average important/ Not so important/ Not important/ Don't know
- 22. In your opinion what level of consideration is given by the Courts to the arguments of lawyers? High/Relatively high/ Medium / Relatively low/ None/ Don't know
- 23. How would you evaluate the role of the mass media in protecting people's interests? Very important/ Important/ Average/ Not so important/ Not important/ Don't know

Copyright © 2004, United Nations Development Programme

Graphig design: Dang Huu Cu/UNDP Viet Nam Cover photo: Brothers Co. Ltd.

UNDP is the UN's global development network, advocating for change and connecting countries to knowledge, experience and resources to help people build a better life. We are on the ground in 166 countries, working with them on their own solutions to global and national development challenges. As they develop local capacity, they draw on the people of UNDP and our wide range of partners.



United Nations Development Programme - Viet Nam

25-29 phan Boi Chau Street, Ha Noi - Viet Nam

Tel.: (84 4) 942 1495 Fax: (84 4) 942 2267

e-mail: registry@undp.org.vn

www.undp.org.vn