



*Empowered lives.
Resilient nations.*

Consultation with Social Organizations on Amendments of the 1992 Constitution

October 2012 – March 2013

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Abbreviations

CSO	Civil Society Organization
NA	National Assembly
PSO	Professional Social Organization
SPC	Supreme People's Court
UNDP	the United Nations Development Programme
VLA	Vietnam Lawyers Association

Executive summary

Background and methodology

The survey research, aimed to explore views of social organizations on amendment to the 1992 Constitution, was commissioned by Vietnam Lawyers Association (VLA) under the project titled “Legal Empowerment of the Poor through Support to Vietnam Lawyers Association” funded by the United Nations Development Programmer (UNDP). The objectives of this survey were to solicit and consolidate the views and opinions of various social organizations concerning amendment to the 1992 Constitution in a report submitted to Vietnam Lawyers Association, who can then communicate such views and opinions to the relevant authorities in the drafting process of constitutional amendment, especially the Committee of Drafting Amendment to the 1992 Constitution, of which Vietnam Lawyers Association is a member. The targets of this survey included professional-social organizations (PSOs), ‘special’ social organizations at provincial level (as classified by Decision 68/2010/QĐ-TTg; the Decision formally recognizes 28 types of ‘special’ associations) and and civil society organizations (CSOs).

The survey research focused on four selected issues in the current process of constitutional amendment, including: (1) Inclusion of provisions on PSOs and social organizations in the Constitution; (2) Human rights, fundamental rights and obligations of citizens (3) Constitutional enforcement and review; and (4) Social security protection in the Constitution.

The research utilized two survey methods – self-administered questionnaire and in-depth interview, with the former being the main method. Questionnaires were delivered to the representatives of targeted organizations – one copy per each organization. 545 organizations from 45 provinces and centrally-affiliated cities responded to the survey. In-depth interviews were conducted with 12 social organizations, which served as a supplement to the self-administered questionnaire.

Major conclusions and recommendations

Based on the analysis of the views and opinions of social organizations reflected in this survey, the research team have come up with eleven recommendations concerning issues under revision in the current amendment process of the 1992 Constitution. Some main recommendations are as follows:

- To include in the Draft Amendment some provision on constitutional referendum (the right to vote on constitutional amendment).

- To include a provision in Chapter 2 (human rights, fundamental rights and obligations of citizens) stating that human rights và fundamental rights of citizens may be restricted only by a law.

- To include a provision in Chapter 2 (human rights, fundamental rights and obligations of citizens) stating that the National Assembly has the responsibility to enact laws concretizing human rights and fundamental rights of citizens prescribed in the Constitution.

- To add into Chapter 2 (human rights, fundamental rights and obligations of citizens) a provision stating that State institutions have obligation to respect and protect human rights and fundamental rights of citizens; any individual or citizen may directly refer to their constitutional fundamental rights to request respect and protection from State institutions.

- Recommendation 9: Continue to keep the right to free primary education and the right to health insurance protection in the amendment to the 1992 Constitution. This recommendation is supported by the vast majority of respondent organizations; and opponents do not have any convincing arguments.

- To add into Chapter 2 (human rights, fundamental rights and obligations of citizens) of the Draft Amendment the right to free primary education and the right to health insurance protection, which are similar to Articles 59 and 61 of the current 1992 Constitution.

1. Introduction

1.1. Background

The process for amending the 1992 Constitution of Vietnam has been initiated since August 2011 with the National Assembly's adoption of Resolution 06/2011/QH13 to amend the 1992 Constitution and to set up the Committee of Drafting Amendment to the 1992 Constitution (the **Drafting Committee**, for short). The exercise of constitution amendment aims to institutionalize changes in fundamental policies of the Communist Party of Vietnam as outlined in the Party's New Platform developed and adopted in the XIth National Party Congress in January 2011. The amendment is expected to bring about big changes in the 1992 Constitution, based on comprehensive review of the Constitution implementation. Shortly after adoption of Resolution 06, the Drafting Committee established the Editorial Board and assigned tasks to relevant agencies and Committee members in conducting retrospective review of Constitution implementation. The draft amendment to the 1992 Constitution (the **Draft Amendment**, for short) has been published for public consultation since 2/1/2013. Before it was available for public consultation, the Draft Amendment was tabled for discussion in the fourth sitting of the Legislature XIII of the National Assembly. The public have been invited to provide inputs and comments on any aspect of the Draft Amendment.

The constitution is the fundamental act with supremacy over the whole system of laws and the operations of all State agencies. Constitutional amendment is, therefore, a matter of national significance. To ensure a truly democratic process, the Amendment must reflect public expectations and opinions. The more seriously such public expectations and opinions are taken in the constitutional amendment process, the more democratic the process is and the better the amendment responds to public expectations.

Given that context, this study has been undertaken with financial support and technical assistance from UNDP and Vietnam Lawyers Association (VLA) to solicit public opinions on a number of issues to be revised for the 1992 Constitution; such public opinions will be put together and communicated to the relevant authorities for consideration to further improve the draft revision, making it more responsive to the expectations and aspirations of various segments of the society.

1.2. Survey objectives

The survey research aims to collect, process and consolidate views and opinions of professional-social organizations and civil society organizations on selected issues in the amendment to the 1992 Constitution. The output of the survey will be a report that consolidates all comments and opinions made by respondents on such issues. The survey report will be

utilized by VLA in appropriate forms to communicate to the Drafting Committee for further improvement of the Draft Amendment.

1.3 Time frame

The survey research was undertaken between October 2012 and March 2013. Self-administered questionnaires were sent to respondents between December 2012 and January 2013. In-depth interviews were conducted in late January and early February 2013. The draft report was provided to VLA and UNDP for comments in mid-March 2013. Such time frame was intended for the final report to be submitted to VLA before March 25, 2013 so that data and analysis in the report could be fed into VLA's written comments on the Draft Amendment scheduled for submission to the Drafting Committee by March 31, 2013.

1.4. Targets of the survey

The survey targeted at professional-social organizations and civil society organizations of Vietnam. For the purpose of this survey, the term *professional social organizations* (PSOs) should be interpreted in a broad sense – i.e., non-profit, voluntary organizations of Vietnamese citizens, which represent people working in the same profession or industry and opting to be together for shared goals, and operate toward a particular vision. These also include special political-social organizations and professional-social organizations. Such PSOs, to a certain extent, receive operational funding from the State budget. The surveyed PSOs are social organizations at provincial levels, including but not limited to the following: Lawyers Association, Bar Association, Union of Science-Technology Associations, Association of Arts and Literature, Association of Writers, Association of Journalists, Vietnam Cooperatives Association, Association of University Students, Youth Union, Association of Performing Artists, Association of Ethnic Arts and Literature, Association of the Elderly, Association of the Blind, Association of Agent Orange Victims, Association for Protection of People with Disabilities, Association for Promotion of Learning, Red Cross Society, Association of SMEs, Women Union, Veterans Association, Farmers Union, Trade Union, the Buddhist Church, and Commission on Christian Unity.

For the purpose of this survey, civil society organizations (CSOs) should be understood as non-profit, voluntary organizations which are established by Vietnamese citizens for certain social or community-oriented objectives, with no funding from the State budget for ongoing operation. Examples are charitable or philanthropic organizations and independent research institutes.

Analysis of certain facts and data revealed that the group of PSOs could be broken down into sub-groups to make their views more effectively reflected.

All CSOs or PSOs were treated equally in this survey. This means that each of them, regardless of size and role or status in the political system, received one questionnaire; and all

questionnaires were processed in the same manner. Questions were answered by the organization's representative. It is assumed that these representatives do not possess basic knowledge about constitutional law.

1.5. Scope

** Geographical scope of the survey:*

Geographically, the survey spanned across the whole country. Questionnaires were sent to social organizations in all provinces and centrally-affiliated cities of Vietnam. It is required that returned questionnaires should be representative of all geographical regions and social-economic structures and conditions in all provinces and centrally-affiliated cities.

** Substantive scope of the survey:*

Due to time and resource constraints, the survey was not intended to solicit views from PSOs and CSOs on each and every issue for revision in the Constitution 1992. Instead, the survey focused on the following issues:

- Awareness of PSOs and CSOs as regards to the making and revising of a constitution, particularly public engagement in providing comments on and deciding issues in a constitutional amendment bill.

- Constitutional provisions on the role of PSOs and CSOs: The current Constitution does not contain any specific provision on the role of PSOs and CSOs. The survey sought opinions among PSOs and CSOs on the need to have a constitutional provision on the role of such organizations, given the fact that the current Constitution already contains provisions on the Communist Party of Vietnam, Vietnam Fatherland Front and Trade Union.

- Constitutional provisions on human rights as well as fundamental rights and obligations of citizens: This issue was selected because it is one of the institutions set forth in the current Constitution that receive much attention in this amendment. PSOs and CSOs represent people from various segments of the society with diverse backgrounds, professions, genders, goals, needs and concerns. Such organizations, more than any one else, are naturally towards the issue of human rights and citizens' fundamental rights; thus, they can provide practical views which are broadly representative of their constituents on this issue.

- Provisions on a mechanism for safeguarding the constitutional supremacy: The current Constitution does not provide for a mechanism or an institution for constitutional protection (constitutional review). In the drafting process of the amendment, this is one of the topics that receive a great deal of attention not only from the academia but from all segments of society. PSOs and CSOs, by their nature, are groups of members with shared concerns and interests; therefore, they are in a position to provide meaningful comments on this issues from real-world perspectives.

- Constitutional provisions on social security: Social security is an important aspect that demonstrates socialist orientation in Vietnam's development direction. The current Constitution does not contain any specific provision on social security; instead, social security is stipulated in a scattered manner, across a number of articles. The survey sought views on the need to have specific constitutional provisions on social security and explanations for their response. PSOs and CSOs are in a position to provide useful perspectives on this issue, as their members are direct beneficiaries of social security.

2. Survey methodology and sampling

2.1. Self-administered questionnaire

Self-administered questionnaire is the main method employed in this study. Two instruments – the questionnaire and the guidelines for conducting the survey – were developed and distributed to provincial levels.

*** Questionnaire:**

Based on the survey objectives and issues, the research team designed a questionnaire as an instrument for survey. The questionnaire was designed with the following principles in mind:

- Questions should be straightforward to make it easy for respondents to understand and to answer.
- Questions should avoid legal jargons as much as possible. In cases where a legal term has to be used, it should be simplified or explained in plain language so that even a lay person without in-depth legal knowledge can understand thoroughly the intended meaning of such question.
- For each question involving unfamiliar and undetermined concepts, it should be preceded by a preamble (an explanatory note).
- The whole questionnaire should take no more than 45 minutes for completion. A too long questionnaire may result in distractions of the respondent, thus hampering the quality of responses.

The whole questionnaire consists of 18 pages with 42 main questions, out of which some are comprised of 3 to 15 sub-questions (See Annex B). Based on the identified issues, the 42 questions are structured into 5 sections:

- Section A consists of 11 questions intended to categorize respondents, collect their views on constitutional efficacy, their expectations of this constitutional amendment process and public engagement in deciding constitutional matters.
- Section B includes 4 questions on the need to have constitutional provisions on PSOs and CSOs.

- Section C includes 18 questions soliciting views on the issue of human rights and citizens' fundamental rights. The questions aim to obtain responses about the extent to which the fundamental rights prescribed in the Constitution are exercised, practices of safeguarding fundamental rights, how fundamental rights should be stipulated in the Constitution, the need to have constitutional provisions on some particular fundamental rights, and other matters. "*Fundamental rights*" is a legal term. Therefore, the research team include a preamble at the beginning of Section C in order to ensure a common understanding among respondents about the term "fundamental rights" and avoid any divergence in interpretation of such term, which may affect their responses.
- Section D includes 10 questions intended to seek views on provisions to ensure constitutional enforcement. Questions touch upon the issues of how constitutional provisions are enforced in the real world, the need to have a mechanism for constitutional review and a model for constitutional review that can work effectively in Vietnam.
- Section E consists of 4 questions, exploring views on constitutional provisions on social security. Questions are raised about the need to have constitutional provisions on social security, how social security should be provided for in the Constitution, and what issues should be addressed in such provisions. To ensure a shared understanding about "social security", a preamble about this concept is inserted at the beginning of Section E.

The questionnaire was pre-tested with 20 respondents, including people with and without legal background. Then it was finalized for official use.

* Data collection:

Final questionnaires were distributed to standing committees of all provincial lawyer associations with 13 copies for each, except for Ha Noi and Ho Chi Minh City. These two big cities got more copies, due to high concentration of CSOs. The questionnaires were accompanied by detailed guidelines on how to distribute questionnaires to respondents and how to complete such questionnaires. The questionnaires were then forwarded to those PSOs and CSOs identified in a list prepared by the research team. The lists of targeted respondents were developed from the Vietnam Local NGO Directory (The Asia Foundation & ISS, 2011), the List of Members Vietnam Union of Science-Technology Associations (VUSTA) and the list of PSOs and CSOs that are not included in the Director. The person responsible for conducting the provincial survey had to deliver the questionnaire to the representative of each targeted organization. The guidelines also contained instructions about how to collect and return completed questionnaires as well as deadlines. Each provincial package also included an information sheet that required the person conducting the provincial survey to fill in contact details of each respondent. This was

an anonymous survey, therefore respondents did not have to reveal their identity. Such contact lists were used for verification purpose only.

* Response:

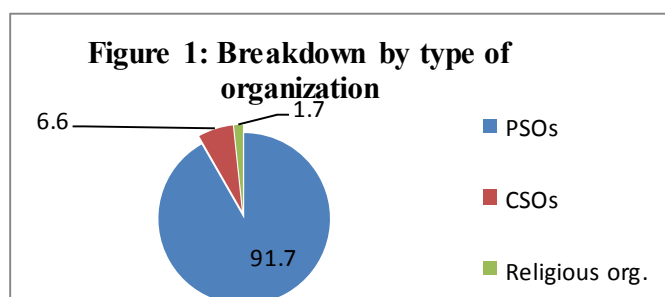
Completed questionnaires were returned from 45 provinces and centrally affiliated cities (hereinafter collectively referred to as provinces), with 545/621 having information value. The surveyed provinces (see Annex D for the full list) were highly representative. Out of 45 provinces, there were 18 from the North, 12 from the Central region and 15 from the South; 11 northern and central upland provinces; 6 agriculture-based provinces located both in the North and the South; 4 centrally-affiliated cities, namely Hà Nội, Hồ Chí Minh City, Đà Nẵng and Hải Phòng; some newly industrialized provinces, such as Vĩnh Phúc, Đồng Nai, and Bình Dương; some relatively developed provinces, such as Quảng Ninh, Vĩnh Phúc, Đồng Nai, and Bình Dương, but also some least economically developed provinces, such as Lào Cai, Hà Giang, and Quảng Ngãi; and 4 provinces in Central Highlands, that is Lâm Đồng, Kon Tum, Đắk Lắk, and Đắk Nông.

The total of 545 questionnaires were distributed among different types of PSOs and CSOs as follows:

Type of organization	No. of questionnaires	Type of organization	No. of questionnaires
Women Union	44	Association of the Elderly	27
Trade Union	27	Association of Performing Artists	2
Youth Union	41	Cooperatives Association	19
Farmers Union	31	Business Association	14
Veterans Association	35	Red Cross Society	16
Provincial Lawyers Association	45	Association of the Blind	7
Provincial Bar Association	16	Gardening Association	2
Journalists Association	26	Association of Agent Orange Victims	18
Writers Association	12	Association for Protection of People with Disabilities and Orphans	19
Union of Science-Technology Associations	29	Commission of Christian Unity	3

Association of Arts and Literature	12	The Buddhist Church	6
Students Association	8	Civil Society Organization	36
Association for Promotion of Learning	19	Others (association of traditional medicine, association of young people with disabilities, community support center, children village, association of people with disabilities, association for promotion of learning, association for protection of poor patients, association for protection of people with disabilities ...)	31
		Total	545

The table shows a reasonable and fair breakdown of data collected; it is very much in line with different levels of presence and engagement in the society for each type of organization. Major types of PSOs – such as Lawyers Association, Youth Union, Farmers Union, Veterans Association, and Journalists Association – account for higher proportions of questionnaires. Especially, 36 of the returned questionnaires are from CSOs and 9 from religious organizations. Altogether, PSOs account 91.7%, CSOs 6.6%, and religious organizations 1.7% (See Figure 1).



By gender, 59.7% of the respondents were male, while 40.3% were female. By age, 5.3% of the respondents were aged below 25, 35.2% were between 25 and 40 years old, and 59.5% were between 41 and 55 years old. By education, respondents with graduate education accounted for 10.5%, university education 71.2%, college and professional high school 13%, and high school 5.4%. By religion, 17.3% of the respondents were Buddhist, 4% Catholic, 0.4% Hoa Hao, 0.6% Protestant and 77.7% non-religious. By ethnicity, 88.5% of the respondents were Kinh, 4.2% Tay, 3.1% Thai, 0.8% Chinese (Hoa), 0.8% Mùòng and 2.7% other ethnic groups.

2.2. In-depth interview

In-depth interview was used to supplement the self-administered questionnaire. The aim of in-depth interview was to further explore the rationale behind a choice of response, particularly for open-ended questions in all sections of the questionnaire. In-depth interview also aimed at soliciting more detailed views from CSOs. Therefore, Hà Nội and Hồ Chí Minh City were selected for in-depth interview. The research team selected 12 organizations in these two cities. To ensure some balance between two major types of organizations as mentioned earlier, in each city, the research team selected two PSOs and four CSOs. Members of the research team brought the relevant questionnaires to the in-depth interviews with representatives of selected organizations. The interviews particularly focused on the rationale or reason behind their choices in open-ended questions. In-depth interviews were also conducted on the principle of anonymity.

3. Survey results

3.1. General awareness about the current constitutional amendment process and the right of citizens in such process

Results showed that the vast majority (94.6%) of PSOs and CSOs already knew about the current constitutional amendment process prior to the survey. Only 29 organizations (5.4%) were informed of this amendment process by the survey – 10 out of which were CSOs and 19 were other types of PSOs. (See Figure 2)

Figure 2 also revealed that mass media (newspapers, radio...) were the most important source of information to PSOs and CSOs on constitutional amendment with 77.5% of the respondents obtaining information from this source. Other sources were much less significant, such as office meetings (27.9%) or discussion with friends (17.3%).

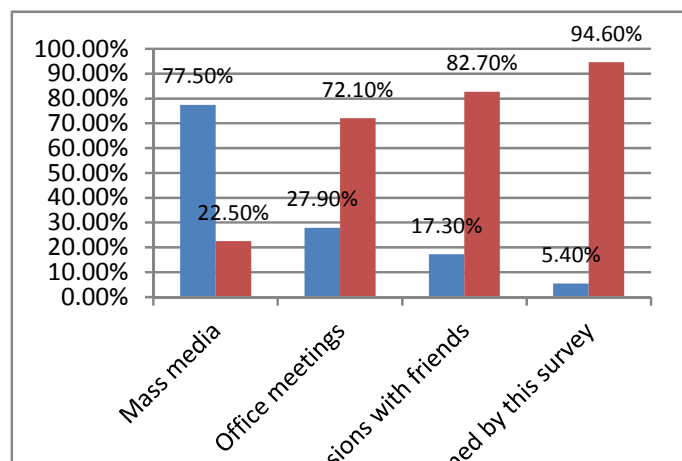


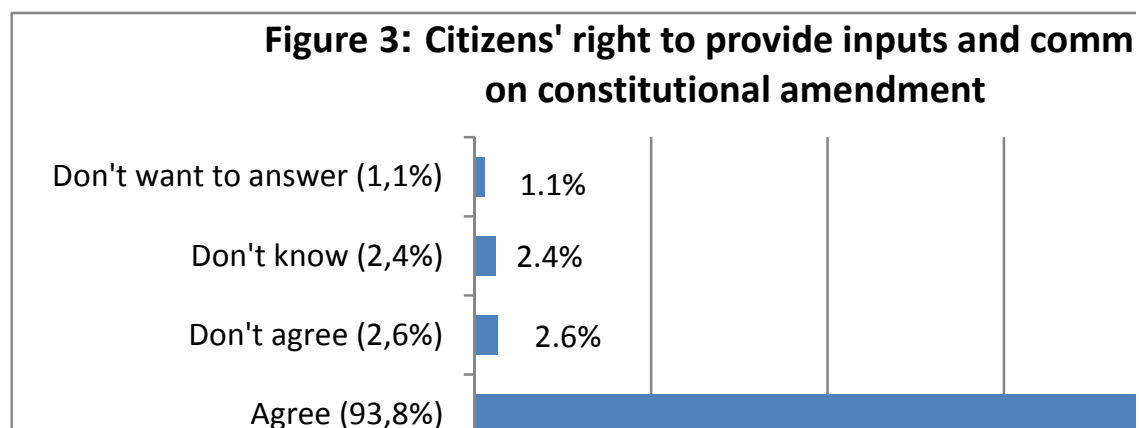
Figure 2: Sources of information on constitutional amendment

PSOs and CSOs seemed to share a lot of expectations about the constitutional amendment this time. The vast majority of them expected the following objectives to be achieved in the constitutional amendment:

- Creating a more transparent and effective structure of the State (99.2% Agree)
- Enabling citizens to exercise their right to know, to discuss and to verify (98.2% Agree)
- Safeguarding fundamental rights of citizens (98.6% Agree)
- Preventing abuse of power by State agencies (98.2% Agree)

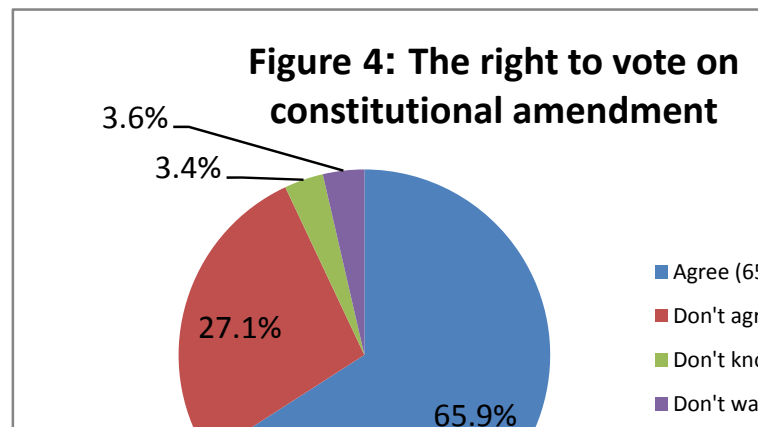
There was a broad agreement among different types of organizations regarding their expectations from the constitutional amendment: up to 91.7% of PSOs, 91.6% of CSOs and 77.7% of religious organizations shared the first expectation. The remaining expectations were also broadly shared among three types of organizations, with 97%-99% of respondents choosing “Agree”. Among the three types of organizations, CSOs are often seen as the most social entities, and thus are believed to attach more attention to the issue of constitutional rights. However, survey results revealed that religious organizations had higher expectation about safeguards for fundamental rights in the constitutional amendment than CSOs (100% vs. 91.6%). Beneath trivial differences, the expectations were broadly shared among all organizations taking part in this survey.

Given their high expectations, these PSOs, CSO and religions organizations were all very serious about participation in the constitutional amendment. The vast majority of respondents held that citizens have the right to provide inputs and comments on the constitutional amendment (93.8% Agree); only 2.6% of respondents did not agree that citizens should have such a right (Figure 3).



The degree of consensus dropped a little bit but was still high when it came to the right to vote on constitutional amendment with 65.9% Agree, 27.1% Don't Agree, 3.4% Don't Know and 3.6% Don't Want to Answer (Figure 4). 316 out of 345 PSOs (or, 91.5%) supported the right

to vote on constitutional amendment – much higher than respective figures of CSOs (25 out of 36, or 69.4%) and religious organizations (4 out of 9, or 44.4%).



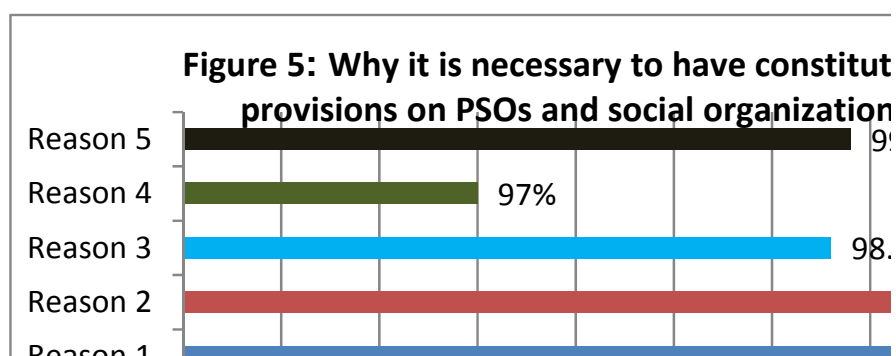
Such results revealed a relatively interesting “contradiction”. On the one hand, there were high expectations from the constitutional amendment process, and a very broad agreement (93.8%) about the right to provide comments and inputs to such process (see Figure 3). On the other hand, there was disproportional interest in the right to vote on constitutional amendment, with only 65.9% Agree. It should be noted that 81.7% have university education or higher, and nearly 95% of them have college education or higher. Our speculation was that respondents might, given their education profile, have reflected very thoroughly on the right to provide inputs and comments vis-à-vis the right to vote on constitutional amendment. Such speculation was confirmed by results from in-depth interviews with PSOs and CSOs. All interviewees held that to vote on constitutional amendment means to decide substantive issues of the Constitution. This is an extremely important matter that requires a high level of technical expertise. They believed that any member of the public may provide inputs and comments to improve the draft amendment, but not every one possesses sufficient knowledge to effectively decide substantive issues in the Constitution. Some interviewees also indicated that voting on legal texts of constitutional amendment sometimes requires a high level of technical expertise, for example changes in terminology or in a specific provision on structure or operation of branches of government. These issues are technically sophisticated and don’t necessarily require political consensus; therefore, a “cosmetic” referendum on constitutional amendment will be a costly and meaningless process. Even the concept of “referendum” and the process of referendum are controversial among experts of constitutional law in Vietnam.

3.2. Remarks on constitutional provisions on professional-social organizations and social organizations

The 1992 Constitution does not contain a specific provision governing the role of PSOs and CSOs. The vast majority of respondents (84.6%) agreed that the amendment should include a specific provision on these organizations. The questionnaire also asked respondents why they

thought it was necessary to have constitutional provisions on the role and status of PSOs and CSOs. In this regard, respondents were provided with five statements of reason (see below) and asked to indicate whether they agree or do not agree on each statement. Figure 5 showed broad consensus among respondents in all of the five statements. They believed that having constitutional provisions on the role and status of PSOs and CSOs would:

- first, demonstrate the democratic nature of the society in a clearer manner;
- second, create a fundamental legal framework for the operations of PSOs and CSOs;
- third, make policy formulation and implementation functions of State institutions more relevant for practice;
- fourth, make policy formulation and implementation more responsive to public needs;
- fifth, enable PSOs and CSOs to better reflect concerns and aspirations of various segments of the population.



There was also broad consensus among respondents on the content of provisions that should be included in the Constitution regarding the role and status of PSOs and CSOs as follows:

- Provision granting citizens the right to set up professional and social organizations in accordance with their aspirations and legal provisions (with 89.5% Agree and 9% Don't Agree);
- Provision stating that professional and social organizations are collective bodies representing legitimate interests and needs of different segments of the society (with 97.7% Agree and 2% Don't Agree);
- Provision on the engagement of social and professional organizations in developing and improving the legal system (with 96.2% Agree and 2.3% Don't Agree);
- Provision on the critic's role to be played by social and professional organizations in reviewing policies and laws drafted and promulgated by State institutions in their respective sectors (with 93.6% Agree and 5% Don't Agree);

- Provision on the engagement of social and professional organizations in informing and educating their members to fully implement State policies and laws in their respective sectors (with 98.6% Agree and 1.4% Don't Agree);

- Provision on the watchdog role of social and professional organizations over the operations of State institutions in their respective sectors (with 95.5% Agree and 3.7% Don't Agree).

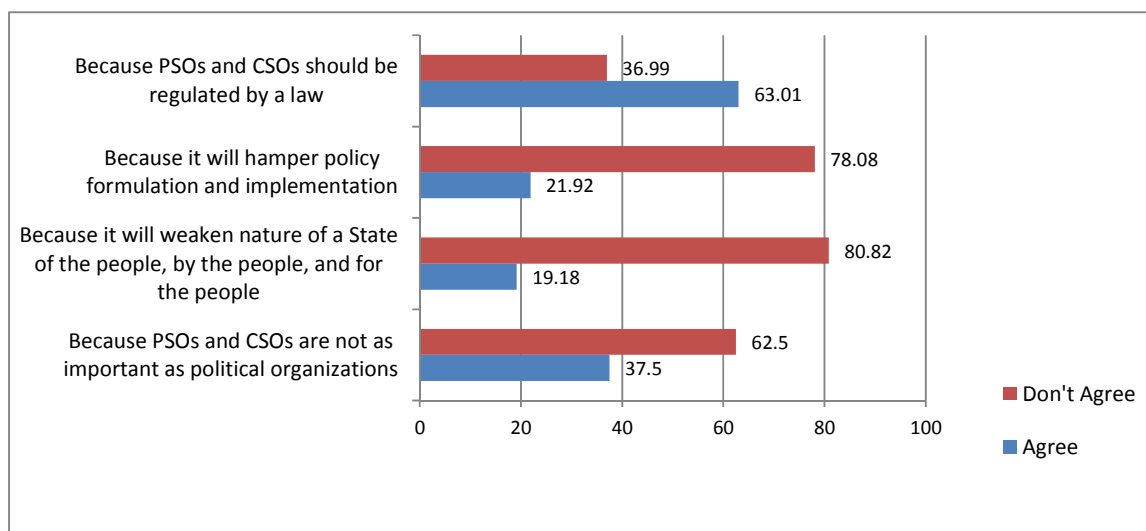
For those who did not support the idea to have a constitutional provision on PSOs and CSOs (accounting for 15.4% of total respondents), there was a follow-up question with four possible answers to explore the rationale behind their choice of “No”. There was one answer chosen by the majority of these respondents – that is, it is more desirable to regulate PSOs and CSOs in a statutory law, rather than in the Constitution. Only a minority believed a constitutional provision on PSOs and CSOs may hamper the functions of policy formulation and implementation of State institutions, or may weaken the nature of ‘the nature of a State of the people, by the people and for the people’ of the SRV, or else believed that professional and social organizations are less important than political organizations (Figure 6). Therefore, the main reason for not supporting a constitutional provision on PSOs and CSOs was purely a matter of legislative technique. In the in-depth interviews, two respondents explained that a law, rather than the Constitution, will be a better instrument to regulate PSOs and CSOs because it allows more detailed provisions.

In the in-depth interviews, and also in the consultative workshop for the Draft Amendment, it was also argued by some CSOs that it was not necessary to have a constitutional provision on CSOs¹. Their rationale was: for them, it is not really important whether or not to have a constitutional provision on CSOs; instead, what matters is whether freedom of association and assemble of citizens is safeguarded and whether there exists a legal framework in practice for CSOs to be established and to operate in a lawful manner.

Figure 6: Reasons for not including PSOs and CSOs in the Constitution

Biểu đồ 6: Tỷ lệ chọn các phương án lý do không quy định các tổ chức XHNN, XHDS trong Hiến pháp

¹ The representative of Institute for Social, Economic and Environmental Studies (iSEE) presented a summary of comments and inputs from 35 local NGOs, network members of PPWG, GPAR and other organizations in the consultative workshop for constitutional amendment on 7 March, 2013 in Hà Nội.

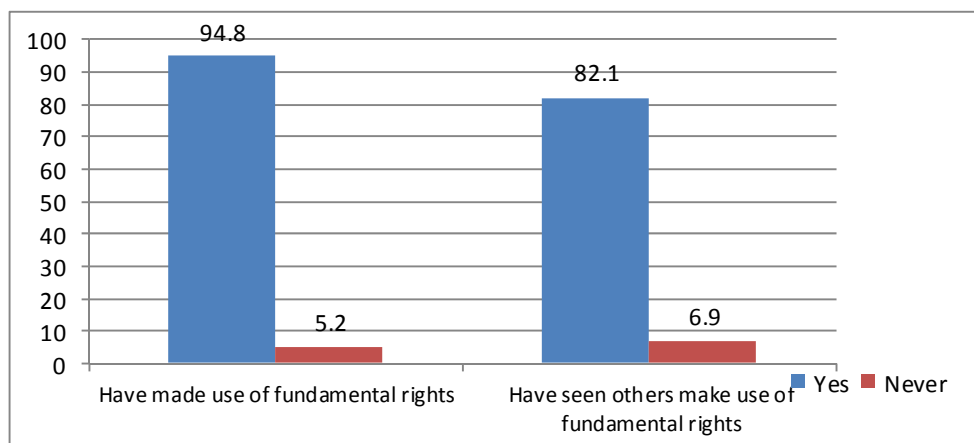


3.3. Remarks on constitutional provisions on human rights and citizens' fundamental rights and obligations

* Awareness of the extent to which human rights and fundamental rights of citizens are exercised

One of the issues explored in this survey to form the basis for inputs and comments on constitutional provisions on human rights as well as fundamental rights and obligations of citizens was the awareness of PSOs and CSOs about the exercise of constitutional fundamental rights in daily life. 94.8% of the respondents indicated that they have made use of such rights in day-to-day life and work to protect themselves; and 64.8% out of these respondents said that they often use the constitutional fundamental rights in their daily life. Not only the respondents have made use of such fundamental rights, 82.1% of them affirmed that they have seen, in their daily life or work, other people exercise such rights to protect themselves against the State (Figure 7). This result is rather impressive from the perspective of legal studies, because constitutional fundamental rights are, in theory, usually seen as having little practical application, and ordinary people often care more about their legal rights and obligations as prescribed by legal documents below the Constitution, rather than the Constitution itself.

Figure 7: Extent to which fundamental rights are exercised in daily life



Survey results also revealed similar levels of using human rights và fundamental rights of citizens among PSOs (460/490 respondents, or 93.8%) and CSOs (33/36 respondents, or 91.6%). This implied that PSOs and CSOs have similar levels of attention to and use of constitutional fundamental rights. Nine out of nine religious organizations said that they have made use of human rights and fundamental rights of citizens. This, however, does not imply that religious organizations exercise the fundamental rights more often than the other two types of organizations; instead, it is because religious organizations were underrepresented in this survey.

*** Level of guarantee for human rights and fundamental rights of citizens**

Guarantee for enforcement of constitutional provisions on human rights and fundamental rights of citizens is a question receiving much attention both in theory and in practice. From a theoretical perspective, no guarantee for fundamental rights means that the rule of law as the foundation for the constitution is not established; from a practical perspective, no guarantee for fundamental rights means their presence in the constitution is meaningless.

The research team explored respondents' perception on the level of guarantee for 15 most important fundamental rights and freedoms in practice. It should be noted that PSOs, CSOs and religious organizations represent different positions and interests in the society. Their reflections in this regard mainly originate from their work and operation.

Figure 8: Level of guarantee for fundamental rights in practice

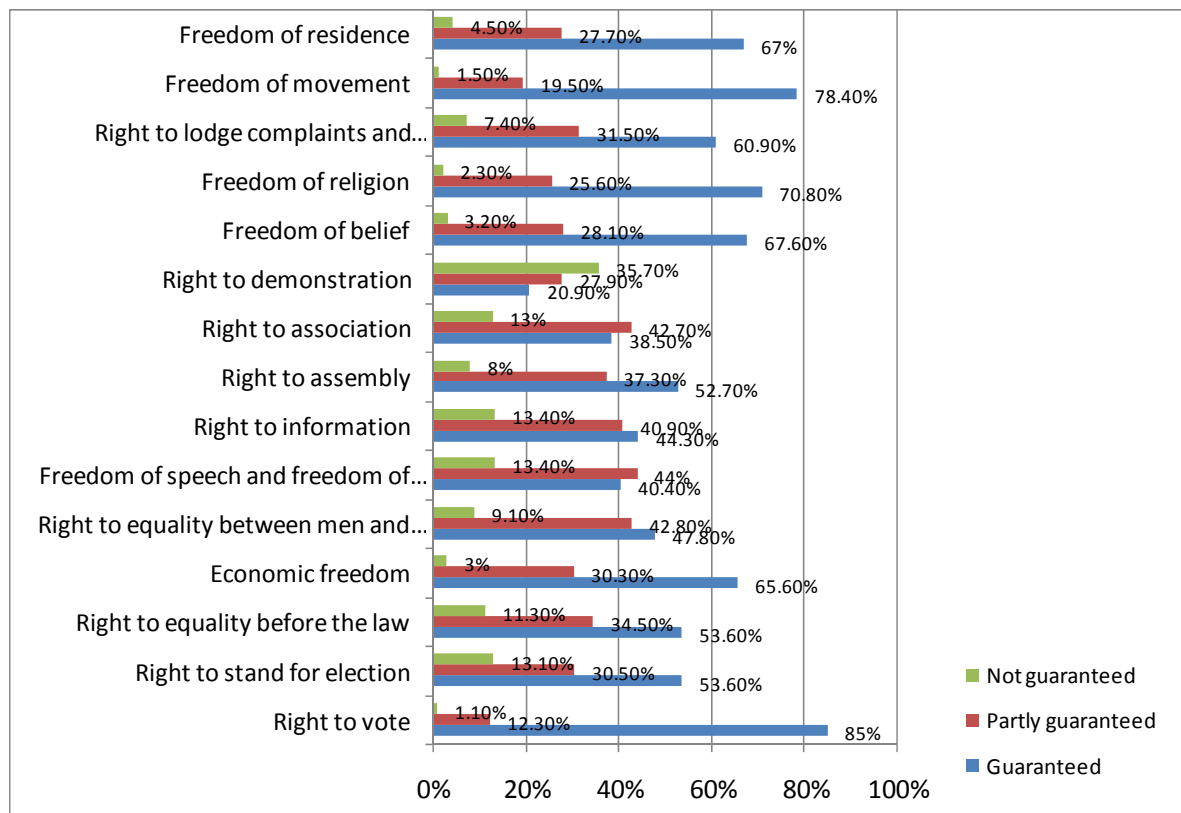
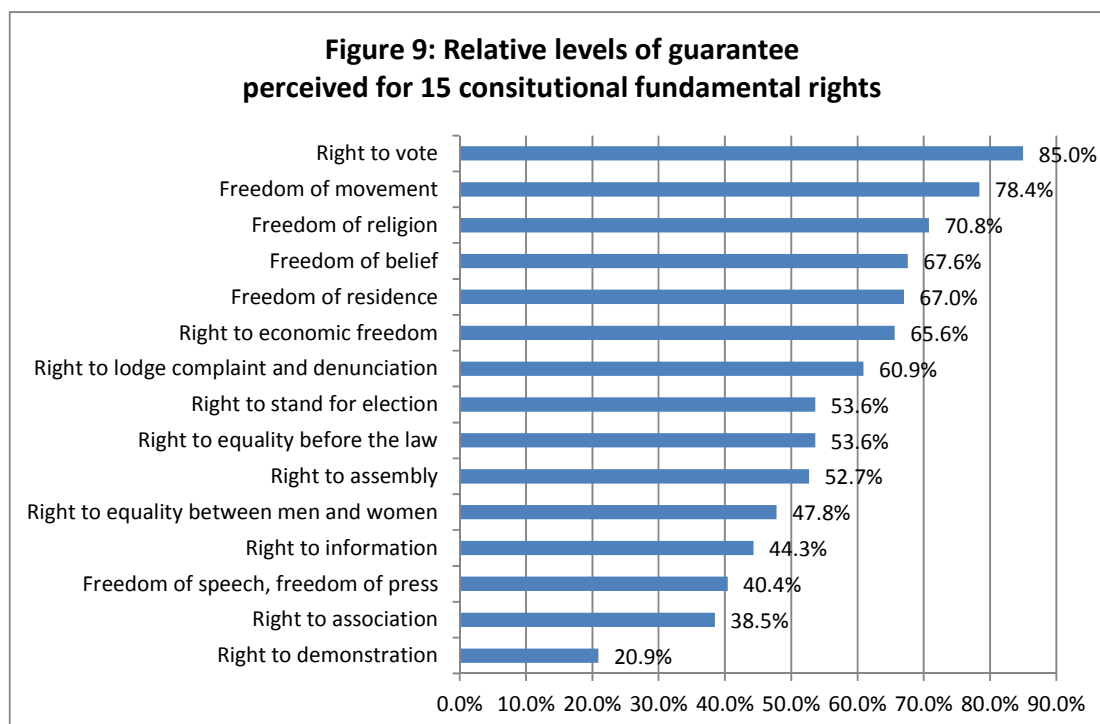


Figure 8 showed divergence in perceptions on the level of guarantee for different rights. The highest perceived level of guarantee was recorded for the right to vote, with 85% of respondents saying that the right is guaranteed in practice. The 15 fundamental rights surveyed are the most important rights and freedoms prescribed in the constitution and serve as the foundation for any democracy. Two thirds of the surveyed rights were perceived by the majority of respondents as guaranteed in practice, namely the right to vote, freedom of movement, freedom of religion, freedom of belief, the right to economic freedom, the right to lodge complaints and denunciations, the right to stand for election, the right to equality before the law, and the right to assembly. Those rights perceived as guaranteed to a lesser extent included the right to equality between men and women, the right to information, freedom of speech, freedom of press, the right to association and the right to demonstration. Their perceived levels of guarantee were all below 50% (See Figure 9).



Among the 15 fundamental rights, the right to demonstration was perceived as least guaranteed. Only 20.9% of respondents believed that this right is guaranteed in practice. This figure might be lower if we consider the fact that 85 respondents (15.6%) refused to reveal their perception about this. Another startling fact is about equality between men and women. Though gender equality receives a great deal of attention and discussion in Vietnam, only 47.8% of the respondents believed that it is guaranteed in practice.

Freedom of religion has a high perceived level of guarantee (70.8%). But only 5 out of 9 religious organizations in this survey perceived this right as guaranteed.

Only 40.4% of the respondents believed that there is guarantee for freedom of speech and press. Interestingly, 53% of the provincial journalists associations responding to this survey said that it is guaranteed, while only 4 out of 36 responding CSOs (or, 11%) and 4 out of 14 (or, 29%) of responding business associations perceived it as guaranteed.

The perceived level of guarantee is 38.5% for the right to association. But only 4 out of 36 CSOs (or, 11%) perceived the right as guaranteed.

We observed an interesting relation between the level of guarantee for fundamental rights and law-making practices for concretizing their respective constitutional provisions. For all the fundamental rights with high perceived levels of guarantee, their respective constitutional provisions are already translated into specific laws – such as Election Law (the right to vote and stand for election), Residence Law (freedom of residence), Ordinance on Religion (freedom of religion), Enterprise Law (economic freedom), Law on Complaint and Law on Denunciation (the

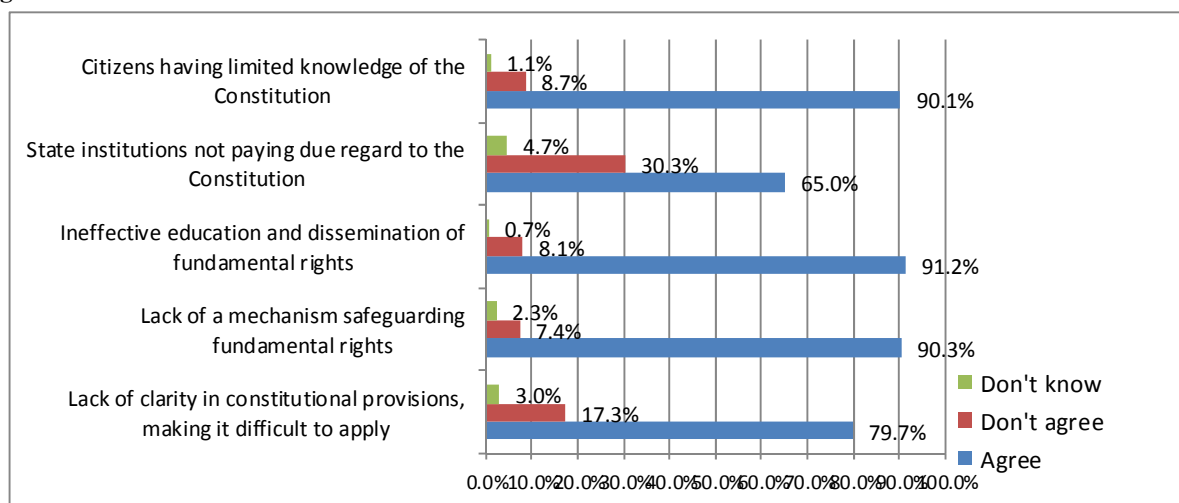
right to lodge complaint and denunciation). In the mean time, most rights with low perceived levels of guarantee² do not yet have a law for concretizing their respective constitutional provisions – for example, the right to information, freedom of speech, the right to association and the right to demonstration.

* Why fundamental rights are not safeguarded

The vast majority of respondents believed there are five main causes behind the fact that human rights and fundamental rights of citizens are not guaranteed or just partly guaranteed. These are:

- Constitutional provisions on fundamental rights of citizens are not clear, thus it is difficult to apply in practice.
- There is no mechanism for safeguarding fundamental rights of citizens.
- Public education and dissemination of citizens' fundamental rights are not effective.
- State institutions do not pay due regard to the Constitution.
- Members of the public have little legal awareness and limited knowledge of the Constitution.

Figure 10: Why fundamental rights are not guaranteed



Though patterns of choice did not vary much among the five possible explanations in the Questionnaire, the vast majority of interviewees, in in-depth inter views, indicated that it is the attitude of disregard among State institutions that leads to failure of safeguarding certain fundamental rights. On the one hand, State institutions do not proactively promote public awareness of such fundamental rights; on the other hand, they do not show empathy in dealing with citizens' concerns about fundamental rights. In addition, interviewees also saw the lack of a

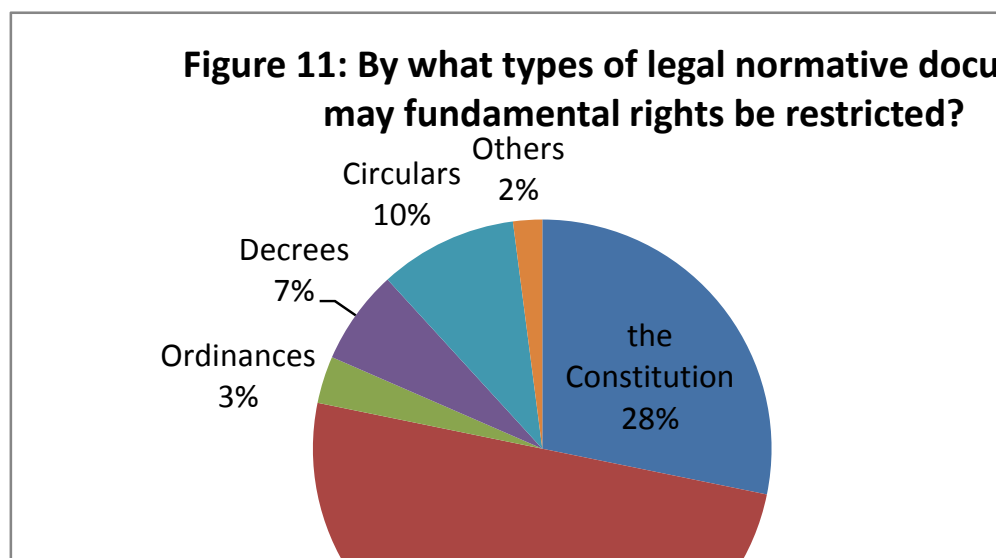
² Except for freedom of press and the right to gender equality, for which specific laws have been enacted.

mechanism safeguarding constitutional fundamental rights as a major or underlying cause of the problem. The interviewees argued that in the absence of a safeguarding mechanism, State institutions may have no incentive to respect fundamental rights – that’s probably why some fundamental rights are not guaranteed or just partly guaranteed.

*** Measures for safeguarding human rights and fundamental rights of citizens**

The questionnaires also had questions about a mechanism to safeguard fundamental rights of citizens, such as what type of legal normative documents may restrict fundamental rights, whether constitutional fundamental rights should be self-executing, and what kind of arrangement is needed for safeguarding constitutional fundamental rights.

Determination of the type of legal normative documents that may restrict constitutional fundamental rights is an extremely important question in constitutional protection. Theoretically, if such rights may be restricted by a legal document at a lower level of the hierarchy of authority, they will be subject to discretion, resulting in a failure to safeguard such rights. And vice versa, if fundamental rights may be restricted only by legal normative documents at a higher level of the hierarchy of authority, the level of guarantee for such rights is higher. Survey results showed that the vast majority of respondents (78%) said that constitutional fundamental rights may be restricted only by the Constitution (28%) or by a Law (50%). The number of respondents opting for regulations is very small (ranging between 2% and 10%). Even Ordinances – with de-facto legal authority equivalent to a Law – were selected by 3% of respondents only. (Figure 11)



Provincial lawyers association had a very strong position about this question. Only 3 out of 45 provincial lawyers association held that fundamental rights may be restricted by a decree or

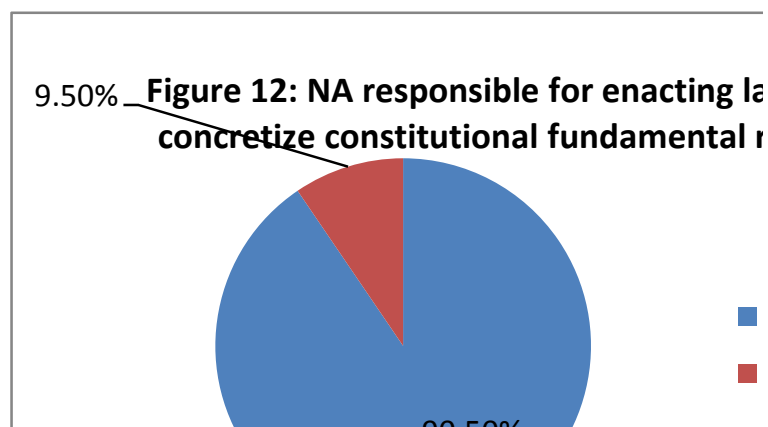
a circular, while 44 out of the 45 believed that such restriction may be made possible only by a law or the Constitution itself.

362 respondents believed that the current Constitution already contains clear provisions on the obligation of State institutions to respect and protect fundamental rights of citizens. Of the remaining respondents, 132 organization responded that as the current Constitution does not contain such provisions, these should be added by the upcoming Amendment. Therefore, up to 95.5% (or, 494/517) of respondents indicated that the Constitution does provide for, or must so, the obligation of State institutions to respect fundamental rights of citizens.

On the question whether or not the Constitution should state that fundamental rights shall have direct legal effect and any citizen can make use of such rights to protect themselves against State agencies or officers, or any other violations, 88.3% of respondents had affirmative responses while only 11% did not favor such idea.

On the mechanism for safeguarding constitutional fundamental rights of citizens, 438 out of 522 respondents (or, 83.9%) believed that the Constitution has and must have a mechanism for safeguarding fundamental rights of citizens. Therefore, it can be said that the vast majority of respondents thought that, in order to enforce fundamental rights of citizens, the Constitution itself should provide for a mechanism to safeguard such rights.

The vast majority of respondents (90.5%) believed that, in order to make constitutional fundamental rights enforceable, the Constitution should specify the responsibility of National Assembly in enacting laws for concretizing such constitutional fundamental rights of citizens (Figure 12). CSOs were seemingly the strongest supporter of this idea, with 91.6% of them choosing Agree.



*** Whether to add or to keep certain fundamental rights and obligations in the Constitution**

In the current process of constitutional amendment, there have been suggestions to include some new fundamental rights in the Amendment – e.g., freedom of publication, the right

to a healthy environment, the right to freely decide ethnicity, the right to use mother-tongue language, the right to enjoy benefits of culture, and the right to access to cultural facilities. Respondents had relatively diverging views on these rights.

Figure 13: Support for addition of new fundamental rights into the constitutional amendment

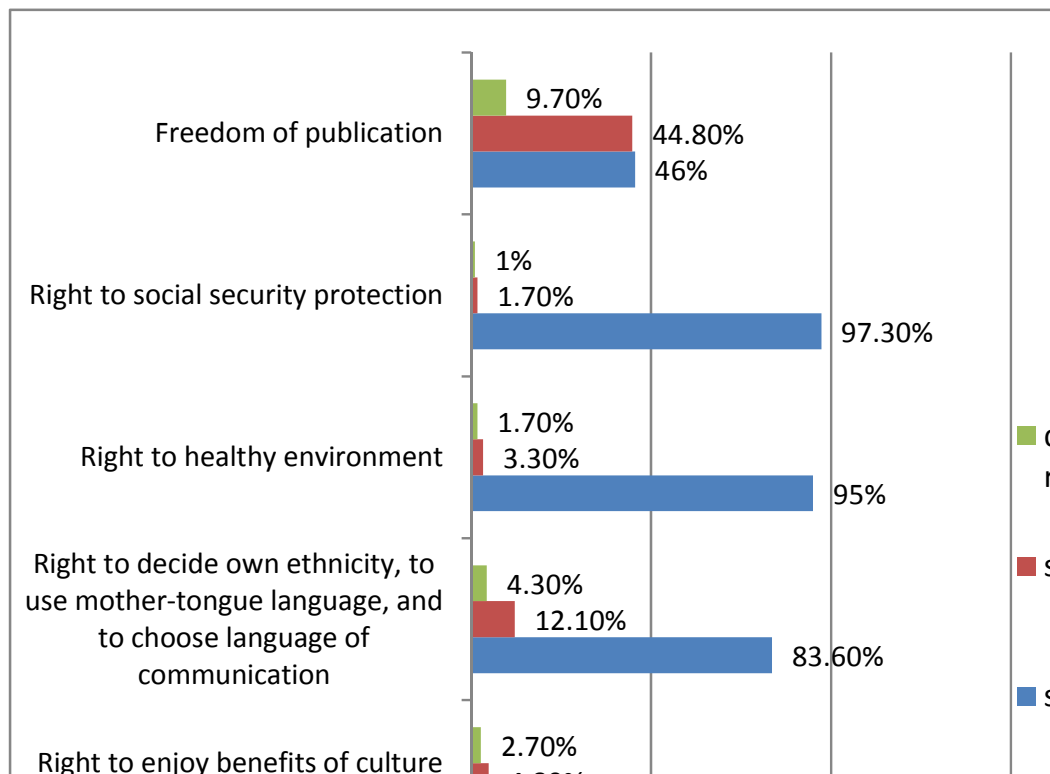


Figure 13 showed that the four new rights in social security, environment and culture received broad-based support from the vast majority of respondents. Particularly, the right to social security protection had almost absolute consensus (97.3%). Freedom of publication – though viewed as a fundamental right in any democracy – did not win that much support.

46% of the organizations responding to this question supported the inclusion of freedom of publication into the Constitution, just slightly higher than the proportion of opponents. However, this is also a sensitive right, because 9.7% of respondents felt undecided and up to 11.2% of respondents did not want to reveal their answer. Writers associations and journalists associations are the PSOs that have most to do with freedom of publication, but they even had opposing views on this. While 75% of provincial writers associations supported the inclusion of freedom of publication in the Constitution, only 23% of provincial journalists associations were in favor of this idea. The proportion of provincial lawyers association in favor of this idea was not very high, just about 40%.

In the current process of amending the 1992 Constitution, some have suggested the removal of two fundamental rights from the Constitution – that is, the right to free primary education and the right to health insurance protection. In fact, these two rights are not present in the current Draft Amendment under public consultation. There was broad consensus among social organizations responding to this survey. The vast majority of respondents believed that it is necessary to provide for the right to free primary education (86.1%) and the right to health insurance protection (94%) in the Constitution.

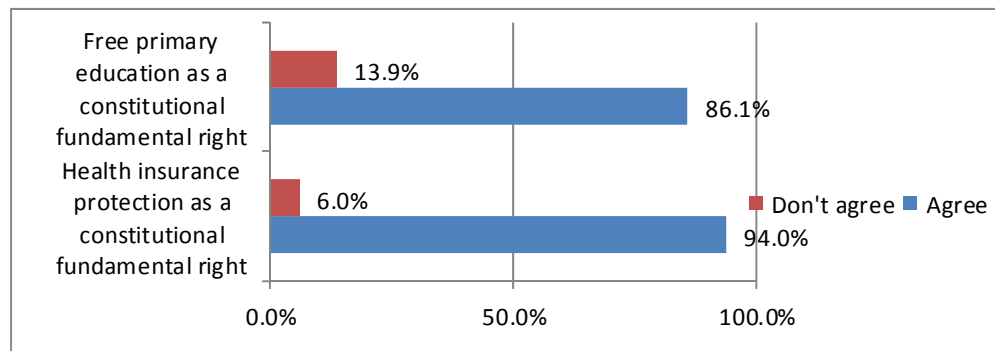
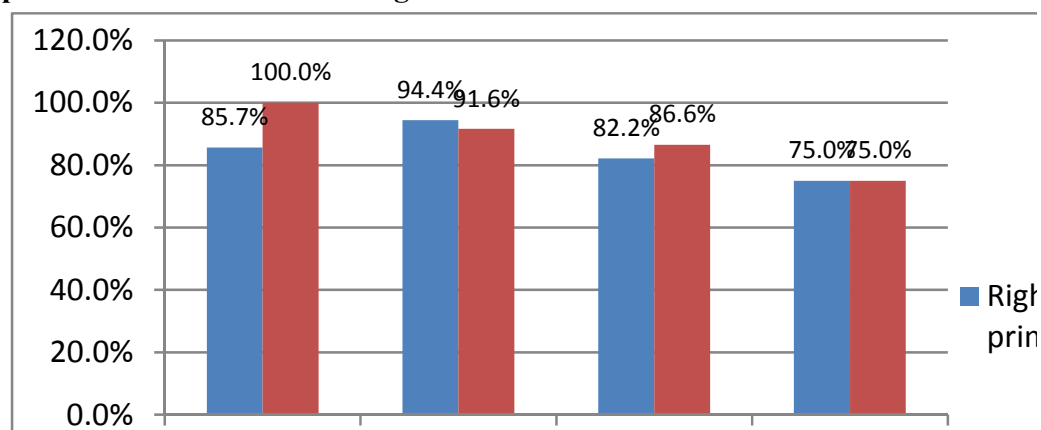


Figure 14

Across selected types of organizations, Women Unions had their support levels lower than average – just more than 75% for each right. The relative levels of support from provincial lawyers associations were 82.2% for free primary education and 86.6% for health care protection. Figures indicated that CSOs and business associations were the strongest advocates for these two rights. The levels of support among CSOs for these two rights were 94.4% and 91.6%, respectively. The levels of support among business associations were 85.7% for free primary education and, interestingly, 100% for health insurance protection. This is a rather interesting contrast, because PSOs may not be as supportive for socialism-oriented fundamental rights as CSOs and the private sector are.

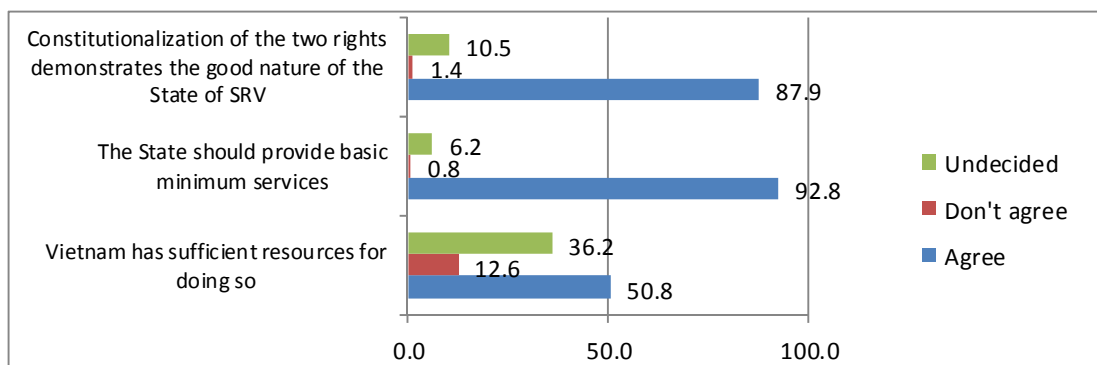
Figure 15: Relative levels of support for free primary education and health insurance protection as constitutional rights



Out of the three reasons for constitutionalizing these fundamental rights, two got broad consensus among the vast majority of respondents (Figure 16). They were as follows:

- Constitutionalization of the two fundamental rights demonstrates the good nature of the State of SRV (87.9% Agree); and
- The State should provide minimum basic services for its citizens (92.8% Agree).

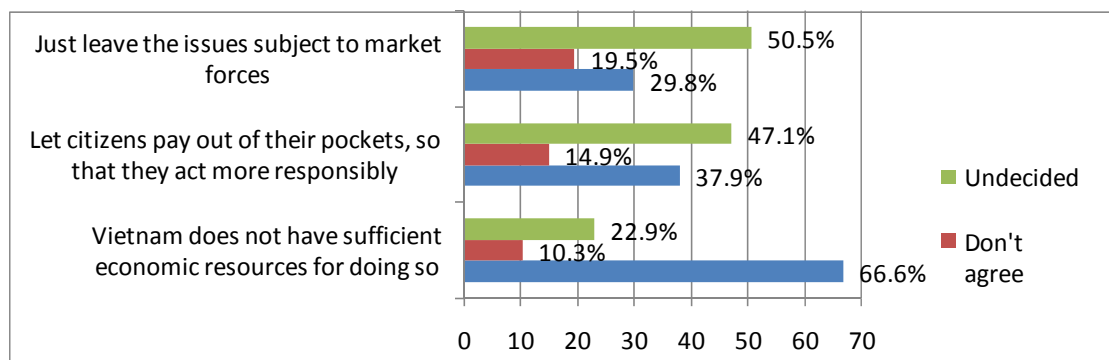
Figure 16: Reasons for constitutionalizing the rights to free primary education and to health insurance protection



The third reason was a case of interest. Only 50.8% of respondents believed that Vietnam had sufficient economic resources for ensuring these two fundamental rights, but 12.6% said the opposite, and 36.2% were undecided about this. Still, up to 90% of all respondents supported the idea of constitutionalizing these two rights. This showed that the respondents were highly aware of the nature of these two fundamental rights and the need for constitutionalization of such rights, regardless of economic conditions.

Figure 17, on the other hand, revealed reasons why a minority of respondents thought these two rights should not be constitutionalized.

Figure 17: Why the right to free primary education and the right to health insurance protection should not be constitutionalized



Even among opponents of the idea to constitutionalize these two rights, only 29.8% of them believed that these two issues should be left to the market and 37.9% thought that these services should be paid by citizens out of their pocket, so that they act more responsibly. With a level of 66.6% “agree”, lack of economic resources was probably the only factor that made this minority of respondents decide not to constitutionalize these two welfare rights.

There was broad-based consensus among respondents on the two fundamental obligations currently proposed to be included in the Constitution. 91.2% and 87.5% of respondents, respectively, supported constitutionalization of the obligation to protect environment and the obligation to preserve and protect national unity (Figure 18). Writers associations were the only type of organization that had 100% support for the obligation to protect environment, while journalists associations were the only type of organization with 100% support for the obligation of preserve and protect national unity.

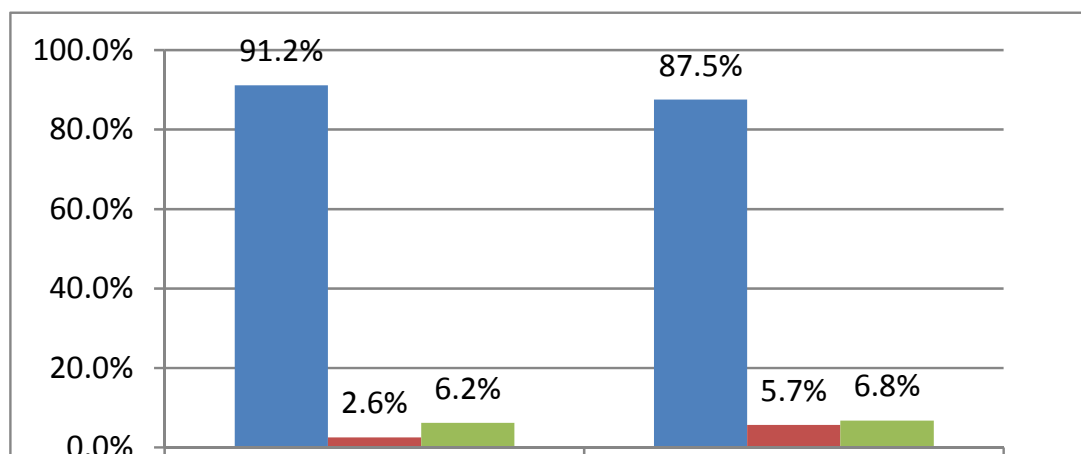
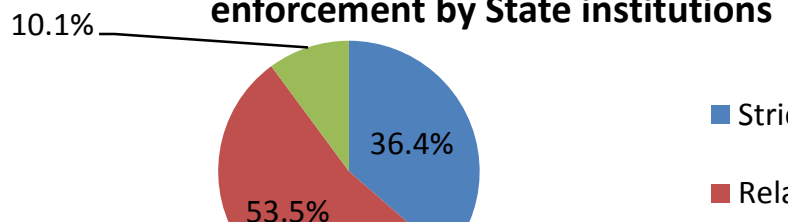


Figure 18: Should the obligation of environment protection and the obligation of preservation and protection of national unity be added to the Constitution

3.4. Remarks on provisions ensuring constitutional efficacy

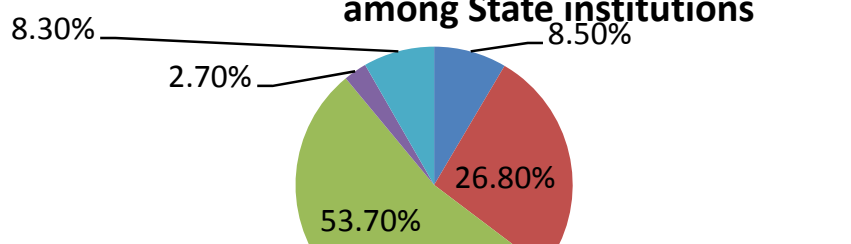
One of the broad directions for revising the 1992 Constitution is to ensure constitutional efficacy or supremacy. Some questions were designed to explore views among respondent organizations on current practices of constitutional enforcement. Results showed that only 36.4% respondents thought that the Constitution is strictly enforced by State institutions, while the remaining either believed enforcement is just relatively strict (53.5%) or not strict at all (10.1%) (See Figure 19)

Figure 19: Level of strictness in constitution enforcement by State institutions



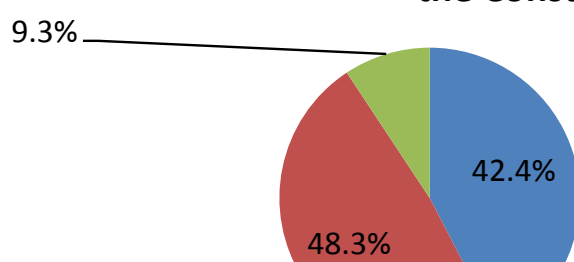
Respondents also observed that State institutions are more likely to violate the Constitution. Only 2.7% said that State institutions do not violate the Constitution. The vast majority of respondent organizations said that State institutions, to lesser or greater extent, do violate the Constitution (Figure 20).

Figure 20: Prevalence of constitutional violations among State institutions



In contrast to Figures 19 and 20, only 42.4% respondent organizations said that there are constitutional violations among non-state or non-Party agencies; while 48.3% disagreed and 9.3% felt undecided about this question. (Figure 21)

Figure 21: Non-State and non-Party actors do not violate the Constitution



It can be noted that State institutions were perceived by respondent organizations as being more likely to violate the Constitution than other actors. This perception is quite in line with the academic view.

The questionnaire also cited 4 following causes of non-observance of the Constitution by State institutions, all of which were broadly agreed upon by respondents (Figure 22):

- Because constitutional provisions are too abstract, making it difficult to apply in real-life situations
- Because members of the public don't know and don't really care about the Constitution; thus, they don't make use of their constitutional rights in interactions with State institutions
- Because there is not yet a mechanism to effectively deal with constitutional violations
- Because State institutions do not pay due regard to the Constitution.

There was highest level of consensus on the last statement of reason with 97.8% Agree.

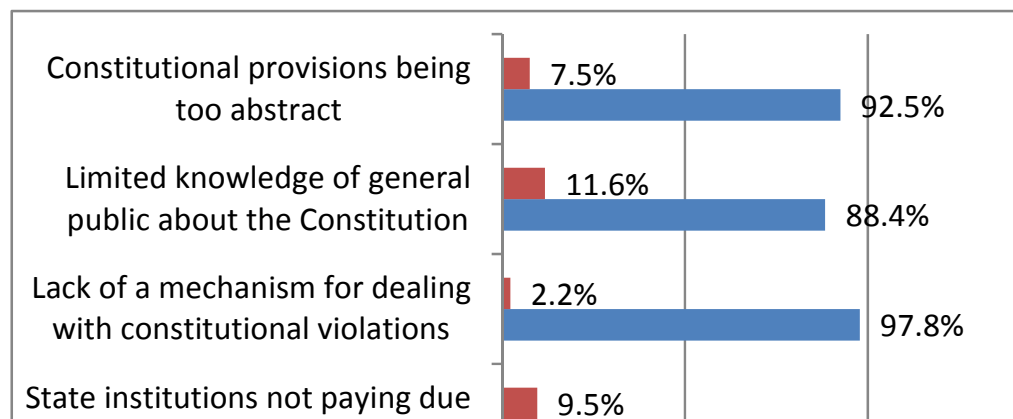


Figure 22: Why State institutions do not strictly observe the Constitution

There were 310 organizations responding to the question whether to provide for a mechanism of constitutional review (protection) in the Constitution. Up to 90.3% (280 respondents) confirmed the need to have such a mechanism. Most respondents held that, for the function of constitutional review, a Constitutional Council – no matter whether it reports to or operates at an arms' length of the National Assembly – would work best in the current State structure of Vietnam. The Supreme People's Court, the National Assembly and the NA Standing Committee were also considered and opted for, but by fewer respondents (Figure 23).

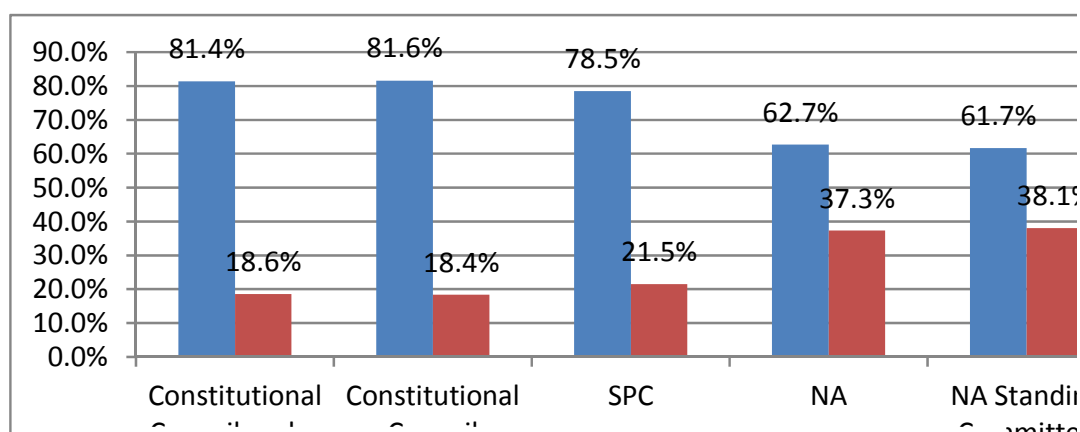


Figure 23: Tentative mechanisms for constitutional review

During in-depth interviews and also in the consultative workshop for constitutional amendment, it has been suggested by a number of organizations, mainly CSOs, that Vietnam should set up the constitutional court for the function of constitutional review. They argued that none of the institutions proposed above, including the Constitutional Council, is an adjudicative body. Thus, none of them will be in a position to effectively handle constitutional violations, particularly violations by State institutions.

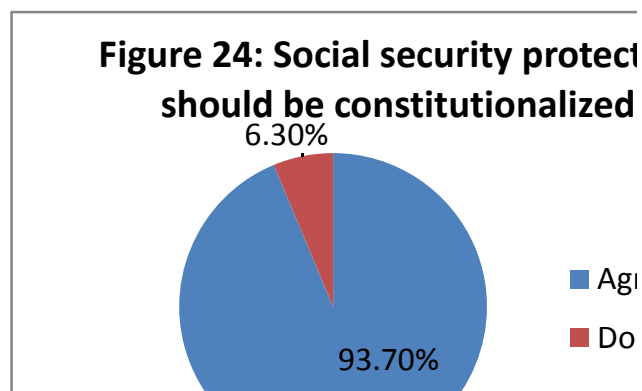
3.5. Remarks on constitutional provisions on social security

Social security is a new legal term and is not present in the current 1992 Constitution. According to the International Labor Organization, “social security” refers to a set of measures adopted by the State to provide basic income and social protection to its citizens in cases of loss or sudden reduction in income due to sickness, pregnancy and maternity, occupational accident and illness, unemployment, invalidity, old age, and loss of family breadwinner, including access to healthcare and childcare. Two major forms of social security are Social Insurance and Social Assistance.³ This standard concept of social security was used in the survey to explore views of respondents.

The vast majority of respondents (93.7%) held that social security protection should be institutionalized (Figure 24).

The strongest advocates for constitutionalization of social security protection were trade unions (96.3%), business associations (92.8%) and CSOs (91.7%). Once again, women unions were among those with lowest levels of support for constitutionalizing social security protection with 84%, just above associations for the elderly 77.7%.

³ Research Project “Development of the social security system in Vietnam in line with a socialism-oriented market economy” Ministry of Labor, Invalids and Social Affairs, 2006

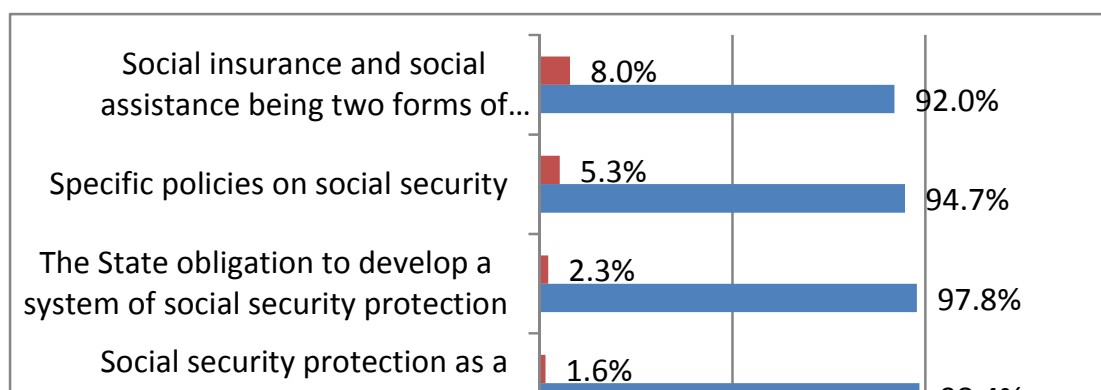


There was broad consensus among respondent organizations on reasons for constitutionalizing social security protection:

- To orient State social policies (98.8% Agree)
- To demonstrate the socialist nature of the State of SRV (97.2% Agree)
- To demonstrate the commitment of the State of SRV in implementing international treaties on human rights, to which Vietnam is a signatory (98.4% Agree).

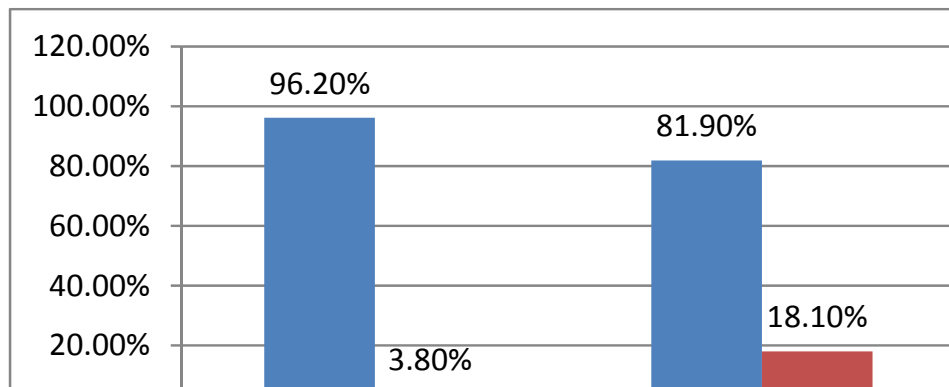
The questionnaire also suggested some contents to be included in constitutional provisions on social security and asked respondents to indicate their choices. These include: (1) An assertion that social security protection is a consistent policy and obligation of the State of SRV; (2) A commitment to a system of social security that provides adequate protection and commensurates with the stage of development of Vietnam; (3) Specific provisions on specific social security policies; (4) A provision stating social insurance and social assistance as two forms of social security. All of them were broadly agreed on by respondents (Figure 25).

Figure 25: What should be stipulated in constitutional provisions on social security



Two possible explanations were also provided for not including social security protection in the Constitution. Specifically: (1) The State Budget currently cannot afford public provision of social security; and (2) This should be left to market forces because we are moving toward a market economy. (Figure 26)

Figure 26: Why social security protection should not be included in the Constitution



It seemed that respondent organizations did consider thoroughly the balance between market factors and social factors in providing their inputs and comments on the constitutional amendment. While they believed that primary education and health insurance protection should be provided by the State, they were more willing to leave social security subject to market forces.

4. Conclusions and recommendations

From the analysis of survey results, we have drawn some conclusions and recommendation for the amendment to the 1992 Constitution, based on consolidation of views and opinions of PSOs, CSO and religious organizations as follows:

- Recommendation 1: Promote public communication and consultation on amendment to the 1992 Constitution via mass media. Survey results revealed that this is the most important source of information for organizations and the public to be informed of and involved in discussions about constitutional amendment.

- Recommendation 2: In order to respond to the public expectations and aspirations, the constitutional amendment must meet the following objectives: (1) to make the State structure more transparent and effective, with clearer roles and powers of State institutions; (2) to enable citizens to exercise their right to be informed about, to discuss and to verify important matters related to their life; (3) to safeguard citizens' fundamental rights; and (4) to prevent any abuse of power by State institutions. These are the common aspirations of the vast majority of PSOs, CSOs and religious organizations responding to this survey.

- Recommendation 3: To include in the Draft Amendment some provision on constitutional referendum (the right to vote on constitutional amendment). This idea got support from 65.9% (roughly two thirds) of respondent organizations.

- Recommendation 4: To include constitutional provisions on the role of social organizations in general, including PSOs, CSOs and religious organizations. Such constitutional provisions should set forth the following: (1) citizens have the right to set up PSOs and social organizations in accordance with their aspirations and with the law; (2) PSOs and social organizations are collective bodies representing legitimate interests and needs of different segments of the society; (3) social and professional organizations engage in developing and improving the legal system; (4) social and professional organizations play the critic's role in reviewing policies and laws drafted and promulgated by State institutions in their respective sectors; and (5) social and professional organizations inform and educate their members to fully implement State policies and laws in their respective sectors.

- Recommendation 5: To include a provision in Chapter 2 (human rights, fundamental rights and obligations of citizens) stating that human rights và fundamental rights of citizens may be restricted only by a law. This idea was supported by 78% of respondent organizations. Particularly, provincial lawyers associations – as collective body of law experts – almost reached absolute consensus on this recommendation (97.7%)

- Recommendation 6: To include a provision in Chapter 2 (human rights, fundamental rights and obligations of citizens) stating that the National Assembly has the responsibility to

enact laws concretizing human rights and fundamental rights of citizens prescribed in the Constitution. This recommendation is in line with the aspiration of almost all respondent organizations (90.5%). Particularly, there is almost unanimity among CSOs about this recommendation. From the survey analysis, the absence of concrete laws is one major cause behind the fact that constitutional fundamental rights are not adequately guaranteed. More specifically, the survey revealed that most fundamental rights with low levels of guarantee are the ones without a concrete law.

- Recommendation 7: To add into Chapter 2 (human rights, fundamental rights and obligations of citizens) a provision stating that State institutions have obligation to respect and protect human rights and fundamental rights of citizens; any individual or citizen may directly refer to their constitutional fundamental rights to request respect and protection from State institutions.

- Recommendation 8: To add some fundamental rights of citizens which are not yet present in the 1992 Constitution. These new rights include the right to social security protection, the right to healthy environment, the right to freely decide own ethnicity and to use mother-tongue language, the right to cultural benefits and access to cultural facilities. These new rights are present in the current Draft Amendment 1992, which is under public consultation.

- Recommendation 9: Continue to keep the right to free primary education and the right to health insurance protection in the amendment to the 1992 Constitution. This recommendation is supported by the vast majority of respondent organizations; and opponents do not have any convincing arguments.

- Recommendation 10: In the amendment to the 1992 Constitution, there should be a provision on a mechanism for constitutional review. The model for consideration is a constitutional review council either under or independent of the National Assembly. The current Draft Amendment already proposes a constitutional review council relatively independent of the National Assembly.

- Recommendation 11: To add social security protection to the amendment to the 1992 Constitution. Provisions on social security protection should include the following: (1) An assertion that social security protection is a consistent policy and obligation of the State of SRV; (2) A commitment to a system of social security that provides adequate protection and commensurates with the stage of development of Vietnam; (3) Specific provisions on specific social security policies; (4) A provision stating social insurance and social assistance as two forms of social security. All of these ideas got broad support from respondent organizations. The current Draft Amendment already contains a provision on social security (Article 63); however, it does not capture adequately the above ideas.

Annex A: Questionnaire

QUESTIONNAIRE SEEKING OPINIONS AND COMMENTS ON SELECTED ISSUES IN THE CURRENT AMENDMENT TO THE 1992 CONSTITUTION



In order to reflect the concerns and aspirations of the legal profession and other professional and social organizations in the current process to amend the 1992 Constitution, Vietnam Lawyers Association conducts this survey research to explore views and opinion of the legal profession, social and professional organizations on selected issues of the amendment as follows: (1) the need to have a specific provision on social and professional organizations in the Constitution; (2) constitutional provisions on human rights and fundamental rights of citizens; (3) constitutional provisions on safeguarding the supremacy of the Constitution and mechanism for constitutional review (constitutional protection); (4) constitutional provisions on social security protection.

Vietnam Lawyers Association would appreciate your enthusiastic, impartial and responsible participation in this survey. We promise to keep all responses confidential and to use responses for the purpose of research only.

*To indicate your choice, please put an **X** into the relevant box ☐. Please **choose one answer to each question**, except where it is explicitly stated that more than one answer is possible.*

Thank you very much for your cooperation and support!

A. BACKGROUND INFORMATION

Question A1. What is your gender?	<input type="checkbox"/> 1. Male	<input type="checkbox"/> 2. Female
Question A2. What is your age?	<input type="checkbox"/> 1. Below 25 <input type="checkbox"/> 3. Between 41 – 55	<input type="checkbox"/> 2. Between 25 – 40 <input type="checkbox"/> 3. Above 55
Question A3. What is your level of education?	<input type="checkbox"/> 1. High school <input type="checkbox"/> 3. College	<input type="checkbox"/> 2. Professional high school <input type="checkbox"/> 4. University <input type="checkbox"/> 5. Graduate

effective structure of the State					
b. Enabling citizens to exercise their right to know, to discuss and to verify	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5
c. Ensuring respect and protection of fundamental rights of citizens	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5
d. Ensuring State agencies and officers act within their prescribed powers and preventing abuse of power by State agencies or state officers	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5

Question A10. In your opinion, should all member of the public have the right to provide inputs and comments on the constitutional amendment?

☐1. Yes ☐2.No ☐3. Don't know ☐4. Don't want to answer

Question A11. Do you think members of the public should have the right to vote on issues in the constitutional amendment?

☐1. Yes ☐2.No ☐3. Don't know ☐4. Don't want to answer

B. CONSTITUTIONAL PROVISIONS ON THE ROLE AND STATUS OF PROFESSIONAL AND SOCIAL ORGANIZATIONS

Question B1. The 1992 Constitution (and its 2001 revision) contains no specific provision on the role and status of professional and social organizations. Do you think it is necessary to have a constitutional provision on this issue?

☐1. Yes ☐2. No (**GO TO QUESTION B4**)

Question B2. In your opinion, why is it necessary to have a constitutional provision on professional and social organizations? (*More than one answer is possible*)

Answers	Strongl y Agree	Agree	Don't Agree	Strongl y Don't Agree	Don't Know
a. Such a provision in the Constitution would demonstrate the democratic nature of the society in a clearer manner.	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5
b. Such a provision in the Constitution would create a fundamental legal framework for the operations of PSOs	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5

and CSOs.					
c. Such a provision in the Constitution would make policy formulation and implementation functions of State institutions in each sector more relevant for practice.	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5
d. Such a provision in the Constitution would make policy formulation and implementation functions of State institutions more responsive to public needs.	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5
e. Such a provision in the Constitution would enable PSOs and CSOs to better reflect concerns and aspirations of various segments of the population.	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5

g. Other reasons (*Please specify*)

.....

Question B3. In your opinion, what provision(s) should be included in the Constitution concerning professional and social organizations? (*More than one answer is possible*)

Answers	Strongly Agree	Agree	Don't Agree	Strongly Don't Agree	Don't Know
a. A provision granting citizens the right to set up professional and social organizations in accordance with their aspirations and legal provisions.	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5
b. A provision stating that professional and social organizations are collective bodies representing legitimate interests and needs of different segments of the society.	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5
c. A provision on the engagement of social and professional organizations in developing and improving the legal system.	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5

d. A provision on the critic's role to be played by social and professional organizations in reviewing policies and laws drafted and promulgated by State institutions in their respective sectors.	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5
e. A provision on the engagement of social and professional organizations in informing educating their members to fully implement State policies and laws in their respective sectors.	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5
g. A provision on the watchdog role of social and professional organizations over the operations of State institutions in their respective sectors.	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5

h. Others: *(Please specify)*

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(Note: After finishing Question B3, GO TO Section C)

Question B4. As you have choosen “No” to Question B1, please indicate why you think it is not necessary to have a constitutional provision on the role and status of social and professional organizations? *(More than one answer is possible)*

☐1. Because the role of professional and social organizations is not as important as that of political organizations (such as, Communist Party), or of social-political organizations (such as, Fatherland Front, Women Union, Youth Union, Trade Union, Veterans Association, or Farmers Union).

☐2. Because it is more appropriate to regulate professional and social organizations in a statutory law, rather than in the Constitution.

☐3. Because having a constitutional provision on professional and social organizations will weaken ‘the nature of a State of the people, by the people and for the people’ of the SRV.

☐4. Because having a constitutional provision on professional and social organizations will hamper the functions of policy formuation and implementation of State institutions.

☐5. Others: *(Please specify)*.....

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C. CONSTITUTIONAL PROVISIONS ON HUMAN RIGHTS AND CITIZENS' FUNDAMENTAL RIGHTS AND OBLIGATIONS

Fundamental rights of citizens are the most basic rights that are recognized and guaranteed of protection by the State of SRV for its citizens. They can be categorized into fundamental rights in political, social-economic, cultural, education, science-technology spheres, rights to freedom and democracy and inviolable rights. In parallel with fundamental rights, citizens' fundamental obligations are the most basic obligations that a citizen must fulfil to the State of SRV. In the 1992 Constitution, fundamental rights and obligations of citizens are provided for in Chapter V.

Question C1. In your day-to-day life and work, do you exercise the fundamental rights prescribed in the Constitution to protect your legitimate rights and interests?

☐1. Yes

☐2. No

Question C2. If Yes to Question C1, how often do you exercise such fundamental rights?

☐1. Usually

☐2. Often

☐3. Sometimes

☐4. Rarely

Question C3. In your day-to-day life and work, do you ever see any one else exercise the fundamental rights prescribed in the Constitution to protect their legitimate rights and interests?

☐1. Yes

☐2. No

☐3. I don't attend to it/ I don't care about it

Question C4. From your own experience and observation, how do you assess the level of guarantee for the following fundamental rights in the Constitution?

Cod e	Fundamental rights of citizens as prescribed in the Constitution	Option 1	Option 2	Option 3	Option 4
C4.1	The right to vote for citizens aged full 18 and above	<input type="checkbox"/> 1. Guaranteed	<input type="checkbox"/> 2. Partly guaranteed	<input type="checkbox"/> 3. Not guaranteed	<input type="checkbox"/> 4. Don't know
C4.2	The right to stand for election for citizens aged full 21 and above	<input type="checkbox"/> 1. Guaranteed	<input type="checkbox"/> 2. Partly guaranteed	<input type="checkbox"/> 3. Not guaranteed	<input type="checkbox"/> 4. Don't know
C4.3	The right to equality before the law	<input type="checkbox"/> 1. Guaranteed	<input type="checkbox"/> 2. Partly guaranteed	<input type="checkbox"/> 3. Not guaranteed	<input type="checkbox"/> 4. Don't know
C4.4	The right to economic liberty	<input type="checkbox"/> 1. Guaranteed	<input type="checkbox"/> 2. Partly guaranteed	<input type="checkbox"/> 3. Not guaranteed	<input type="checkbox"/> 4. Don't know
C4.5	Men and women are equal in every aspect	<input type="checkbox"/> 1. Guaranteed	<input type="checkbox"/> 2. Partly guaranteed	<input type="checkbox"/> 3. Not guaranteed	<input type="checkbox"/> 4. Don't know
C4.6	Freedom of speech, freedom of press	<input type="checkbox"/> 1. Guaranteed	<input type="checkbox"/> 2. Partly guaranteed	<input type="checkbox"/> 3. Not guaranteed	<input type="checkbox"/> 4. Don't know
C4.7	The right to information	<input type="checkbox"/> 1. Guaranteed	<input type="checkbox"/> 2. Partly guaranteed	<input type="checkbox"/> 3. Not guaranteed	<input type="checkbox"/> 4. Don't know

C4.8	The right to assembly	<input type="checkbox"/> 1. Guaranteed	<input type="checkbox"/> 2. Partly guaranteed	<input type="checkbox"/> 3. Not guaranteed	<input type="checkbox"/> 4. Don't know
C4.9	The right to association	<input type="checkbox"/> 1. Guaranteed	<input type="checkbox"/> 2. Partly guaranteed	<input type="checkbox"/> 3. Not guaranteed	<input type="checkbox"/> 4. Don't know
C4.10	The right to demonstration	<input type="checkbox"/> 1. Guaranteed	<input type="checkbox"/> 2. Partly guaranteed	<input type="checkbox"/> 3. Not guaranteed	<input type="checkbox"/> 4. Don't know
C4.11	Freedom of belief	<input type="checkbox"/> 1. Guaranteed	<input type="checkbox"/> 2. Partly guaranteed	<input type="checkbox"/> 3. Not guaranteed	<input type="checkbox"/> 4. Don't know
C4.12	Freedom of religion	<input type="checkbox"/> 1. Guaranteed	<input type="checkbox"/> 2. Partly guaranteed	<input type="checkbox"/> 3. Not guaranteed	<input type="checkbox"/> 4. Don't know
C4.13	The right to lodge complaints and denunciations	<input type="checkbox"/> 1. Guaranteed	<input type="checkbox"/> 2. Partly guaranteed	<input type="checkbox"/> 3. Not guaranteed	<input type="checkbox"/> 4. Don't know
C4.14	Freedom of movement	<input type="checkbox"/> 1. Guaranteed	<input type="checkbox"/> 2. Partly guaranteed	<input type="checkbox"/> 3. Not guaranteed	<input type="checkbox"/> 4. Don't know
C4.15	Freedom of residence	<input type="checkbox"/> 1. Guaranteed	<input type="checkbox"/> 2. Partly guaranteed	<input type="checkbox"/> 3. Not guaranteed	<input type="checkbox"/> 4. Don't know

Question C5. If you choose “Partly guaranteed” or “Not guaranteed” for any part of Question C4, please indicate the rationale for your choice? (*More than one answer is possible*)

Answers	Strongly Agree	Agree	Don't Agree	Strongly Don't Agree	Don't Know
a. Because constitutional provisions on fundamental rights of citizens lack clarity and, thus, enforceability	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5
b. Because there is no mechanism in place for safeguarding fundamental rights of citizens	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5
c. Because public education and dissemination about fundamental rights of citizens are not effective	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5
d. Because State institutions do not pay due regard to the Constitution	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5

e. Because members of the public have limited legal awareness and little knowledge of the Constitution	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5
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g. Others: *(Please specify)*.....
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Question C6. In your opinion, only by what type of legal normative document may fundamental rights be restricted?

- ☐1. Constitution
☐2. Law (promulgated by the NA)
☐3. Ordinance (promulgated by NA Standing Committee, with binding authority lower than that of a law)
☐4. Decree (promulgated by Government, with binding authority lower than that of an ordinance)
☐5. Circular (promulgated by ministries, with binding authority lower than that of a decree)
☐6. Others: *(Please specify)*

Question C7. Do you think the current Constitution specifies clearly enough the obligations of State institutions and officers to respect and protect fundamental rights of citizens?

- ☐1. Yes (GO TO QUESTION C10) ☐2. No ☐3. Don't know

Question C8. Do you think the Constitution should include a provision stating that any State agency or officer at any level of government must respect and protect fundamental rights of citizens in exercising their powers and discharging their duties?

- ☐1. Yes ☐2. No

Question C9. Do you think that the Constitution should include a provision stating that fundamental rights are given direct effect and any one may exercise these fundamental rights to him/herself against State agencies or officers and against any other violation?

- ☐1. Yes ☐2. No

Question C10. Do you think the current Constitution already provides for a mechanism for enforcing the fundamental rights of citizens in practice?

- ☐1. Yes (GO TO QUESTION C13) ☐2. Not yet ☐3. Don't know

Question C11. If "Not yet" to Question C10, do you think it is necessary to add provisions to the current Constitution to ensure enforceability of the fundamental rights of citizens?

☐1. Yes

☐2. No (**GO TO QUESTION C13**)

Question C12. If “Yes” to Question C11, what institution do you think should be prescribed by the Constitution to be responsible for ensuring enforceability of fundamental rights? (*More than one answer is possible*)

Answers	Strongly Agree	Agree	Don't Agree	Strongly Don't Agree	Don't Know
a. National Assembly	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5
b. NA Standing Committee	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5
c. People's Court	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5
d. People's Procuracy	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5
e. Council for handling constitutional violations (a new institution to be created)	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5
g. An independent, dedicated institution that directly receives and handles citizens' complaints about infringement upon their fundamental rights (a new institution to be created)	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5

h. Other: (*Please specify*).....

Question C13. Do you think it is necessary to add a provision into the Constitution, specifying the responsibility of the National Assembly in promulgating laws that concretize fundamental rights of citizens to ensure enforceability of such rights?

☐1. Yes

☐2. No

Question C14. Among the following rights, which one(s) do you think should be added to the set of fundamental rights and obligations of citizens in the Amendment to the Constitution?

	<input type="checkbox"/> 1. Should be added
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C14.1. The right to enjoy the benefits of culture, to take part in cultural life, to access to cultural facilities and values	<input type="checkbox"/> 2. Should not be added <input type="checkbox"/> 3. Don't know about this right, so can't not give an answer
C14.2. The right to decide their ethnicity, to use their mother-tongue language, to decide their language of communication	<input type="checkbox"/> 1. Should be added <input type="checkbox"/> 2. Should not be added <input type="checkbox"/> 3. Don't know about this right, so can't not give an answer
C14.3. The right to live in a healthy environment and to be informed of the quality of their living environment	<input type="checkbox"/> 1. Should be added <input type="checkbox"/> 2. Should not be added <input type="checkbox"/> 3. Don't know about this right, so can't not give an answer
C14.4. The right to social security protection as prescribed by law	<input type="checkbox"/> 1. Should be added <input type="checkbox"/> 2. Should not be added <input type="checkbox"/> 3. Don't know about this right, so can't not give an answer
C14.5. Freedom of publication	<input type="checkbox"/> 1. Should be added <input type="checkbox"/> 2. Should not be added <input type="checkbox"/> 3. Don't know about this right, so can't not give an answer
C14.6. Other rights: <i>(Please specify)</i>	

C15. In your opinion, should the following fundamental rights be kept in the upcoming Amendmend to the Constitution?

C15.1. The right to free primary education	<input type="checkbox"/> 1. Yes	<input type="checkbox"/> 2. No
C15.2. The right to medical examination and treatment financed by health insurance	<input type="checkbox"/> 1. Yes	<input type="checkbox"/> 2. No

C16. If “No” to Question C15.1 and/or C15.2, please tell us why not? (*More than one answer is possible*)

Answers	Strongly Agree	Agree	Don't Agree	Strongly Don't Agree	Don't Know
a. Because Vietnam does not have sufficient economic resources for the State to fund such services	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5
b. Because such services should be paid by citizens out of their pocket, so that they are responsible for their health/education	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5
c. Because such issues should be left to the market without any intervention from the State	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5

4. Other (*Please specify*):

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.....

C17. If “Yes” to Question C15.1 and/or C15.2, please tell us why? (*More than one answer is possible*)

Answers	Strongly Agree	Agree	Don't Agree	Strongly Don't Agree	Don't Know
a. Because Vietnam has sufficient economic resources for the State to fund such services	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5
b. Because these are the basic minimum services for citizens that the State should intervene to ensure universal access	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5
c. Because it demonstrates the nature of a State of the people, by the people, and for the people	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5

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Obligations	Should be added	Should not be added	Don't know about this obligation, so can't give an answer
C18.1. Obligation to protect the environment	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3
C18.2. Obligation to preserve and protect the national unity	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3

☐1.Very strict ☐2.Strict
☐3.Relatively strict ☐4. Not strict

Answers	Strongly Agree	Agree	Don't Agree	Strongly Don't Agree	Don't Know
a. Because State institutions do not pay due regard to the Constitution	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5
b. Because there is not yet a mechanism to effectively and efficiently deal with constitutional violations	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5

c. Because members of the public don't know about the Constitution and don't really care if State institutions are adhering to the Constitution or not	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5
c. Because constitutional provisions are too abstract, making it difficult to apply consistently in practice	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5

e. Other (*Please specify*):

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Question D3. In your opinion, in practice, do State institutions violate the Constitution and how often?

- ☐1. Very often ☐2. Often ☐3. Infrequently
☐4. Very infrequently ☐5. No violation at all ☐6. Don't know

Question D4. In your opinion, in practice, do non-State actors and non-Communist-Party institutions violate the Constitution and how often?

- ☐1. Very often ☐2. Often ☐3. Infrequently
☐4. Very infrequently ☐5. No violation at all ☐6. Don't know

Question D5. In your opinion, does the current Constitution provide for any mechanism to deal with constitutional violations?

- ☐1. Yes ☐2. No (**GO TO QUESTION D7**) ☐3. Don't know

Question D6. If "Yes" to Question D5, do you think the current mechanism for dealing with constitutional violations is effective and efficient enough?

- ☐1. Yes (**GO TO SECTION E**) ☐2. No (**GO TO QUESTION D7**)

Question D7. If "No" to Question D5 or Question D6, do you think it is necessary to stipulate a mechanism for dealing with constitutional violations in the upcoming Amendment?

- ☐1. Yes ☐2. No (**GO TO QUESTION D10**)

Question D8. If "Yes" to Question D7, why do you think the upcoming Constitutional Amendment should include a mechanism for dealing with constitutional violations? (*More than one answer is possible*).

Answers	Strongly Agree	Agree	Don't Agree	Strongly Don't Agree	Don't Know
a. Because it ensures the supremacy of the Constitution	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5
c. Because it enables citizens to have their fundamental rights respected and enforced	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5
d. Because it helps prevent any abuse of power by State institutions	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5

e. Other (*Please specify*):.....
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Question D9. In your opinion, what institutional setup for dealing with constitutional violations would be most suitable for Vietnam's current settings? (*More than one answer is possible*)

Answers	Strongly Agree	Agree	Don't Agree	Strongly Don't Agree	Don't Know
a. A model in which a council for dealing with constitutional violations directly reports to the NA and operates as a NA committee	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5
b. A model in which a council for dealing with constitutional violations is established by the NA, but operates at an arm's length with the NA	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5
c. A model in which the Supreme People's Court has the authority to deal with constitutional violations	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5

d. A model in which the NA is the authority dealing with constitutional violations	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5
e. A model in which the NA Standing Committee is the authority dealing with constitutional violations	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5

g. Other (*Please specify*):

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Question D10. If “No” to Question D7, why do you think the Constitution should not provide for a mechanism to deal with constitutional violations? (*More than one answer is possible*)

Answers	Strongly Agree	Agree	Don't Agree	Strongly Don't Agree	Don't Know
a. Because the Constitution should serve as a platform only	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5
b. Because it will not be in line with the principles and organizational structure of the State of SRV	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5
c. Because it is impossible in Vietnam to deal with constitutional violations of State institutions	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5

d. Other (*Please specify*):

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E. CONSTITUTIONAL PROVISIONS ON SOCIAL SECURITY PROTECTION

According to the International Labor Organization, “social security” refers to a set of measures adopted by the State to provide basic income and social protection to its citizens in cases of loss or sudden reduction in income due to sickness, pregnancy and maternity, occupational accident and illness, unemployment, invalidity, old age, and loss of family breadwinner, including access

to healthcare and childcare. Two major forms of social security are Social Insurance and Social Assistance.

Question E1. Do you think it is necessary to have constitutional provisions on the State social security policies?

☐1. Yes

☐2. No **(GO TO QUESTION E4)**

Question E2. If “No” to Question E1, why do you think the Constitution should have provisions on the State social security policies? (More than one answer is possible)

Answers	Strongly Agree	Agree	Don't Agree	Strongly Don't Agree	Don't Know
a. To orient social policies of the State	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5
b. To clearly demonstrate the socialist nature of the State of SRV	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5
c. To demonstrate SRV's commitments in implementing international treaties on human rights to which Vietnam is a signatory	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5

d. Other (Please specify):

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Question E3. In your opinion, what should be stipulated in constitutional provisions on the State social security policies? (More than one answer is possible)

Answers	Strongly Agree	Agree	Don't Agree	Strongly Don't Agree	Don't Know
a. An assertion that social security protection is a consistent policy and obligation of the State of SRV	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5
b. A commitment to a system of social security that provides adequate protection and commensurates with	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5

the stage of development of Vietnam					
c. Specific provisions on specific social security policies	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5
d. A provision stating that the two forms of social security are social insurance and social assistance	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5

e. Other (*Please specify*):

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Question E4. If “No” to Question E1, please tell us why the State social security policies should not be included in the Constitution? (*More than one answer is possible*)

Answers	Strongly Agree	Agree	Don't Agree	Strongly Don't Agree	Don't Know
a. Because the State Budget, currently, cannot afford social security	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5
b. Because Vietnam is moving toward a market economy and this should be left to market forces	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5

e. Other (*Please specify*):

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THANK YOU!

Annex B: List of participating provinces

No.	Provinces/centrally-affiliated cities	No.	Provinces/centrally-affiliated cities
1.	Quảng Nam	24	Lạng Sơn
2.	Lào Cai	25	Quảng Trị
3.	Vĩnh Long	26	Hà Tĩnh
4.	Thái Bình	27	Ninh Thuận
5.	Bắc Giang	28	Bình Thuận
6.	Bà Rịa – Vũng Tàu	29	Quảng Ngãi
7.	Thanh Hoá	30	Hà Giang
8.	Kon Tum	31	Sơn La
9.	Thừa Thiên Huế	32	Cao Bằng
10.	Đồng Tháp	33	Bạc Liêu
11.	Khánh Hoà	34	Ninh Bình
12.	Bình Dương	35	Đắk Lắk
13.	Quảng Ninh	36	Kiên Giang
14.	Đồng Nai	37	Đắk Nông
15.	Vĩnh Phúc	38	Đà Nẵng
16.	Bình Định	39	Thái Nguyên
17.	Sóc Trăng	40	Bến Tre
18.	Lâm Đồng	41	Hồ Chí Minh City
19.	Cà Mau	42	Hà Nội
20.	Bình Phước	43	Phú Thọ
21.	An Giang	44	Bắc Ninh
22.	Lai Châu	45	Hải Dương
23.	Hải Phòng		