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2015 JUSTICE INDEX

Towards a justice system for the people

May 2016

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ACRONYMS

CECODES	Centre for Community Support and Development Studies
GRDP	Gross Regional Domestic Product
PAPI	Provincial Governance and Public Administration Performance Index
PCI	Provincial Competitiveness Index
SDG	Sustainable Development Goal
UNDP	United Nations Development Programme
VASS	Viet Nam Academy of Social Sciences
VLA	Viet Nam Lawyers Association

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EXECUTIVE SUMMARY

The 2012 Justice Index released in 2013¹ and the 2015 Justice Index presented in this report are sequential iterations of an innovative research project aiming to measure the performance of the justice system in ensuring access to justice, equality and protection of fundamental rights, based on citizens' experiences and observations. The three main questions addressed by the research include:

1. What is the role and effectiveness of the judicial system in providing minimum conditions for access to justice through its handling of civil disputes and administrative complaints and in protecting people's fundamental, constitutional rights?
2. Do the existing institutions serve as an effective basis for implementation of law, development of a rule of law state and social progress?
3. What are the opportunities for central and local governments, mass organizations and civil society organizations to contribute to improving the current situation and help to address problems and weaknesses identified by citizens in their feedback?

The Justice Index project aims to address these questions through providing information and data for two primary objectives. First of all, it seeks to assess the performance of institutions related to the experience and delivery of justice at the national level with a focus on access to justice, functioning of state

institutions to ensure equity, effectiveness and equality in dispute resolution, and the protection of fundamental rights. It then constructs a complete set of indicators to assess the performance of sub-national/provincial institutions in terms of citizens' access to justice, implementation of law and rights protection in practice.

The main objectives of the index are to:

- Provide reliable data, based on ordinary people's feedback, to the Government, businesses and civil society organizations for their analysis, assessment and oversight of the operations of judicial agencies in ensuring access to justice, equality and the protection of fundamental citizen rights, especially among vulnerable groups;
- Facilitate analysis and comparison of governance and the administration of laws at the sub-national level; and
- Provide a tool to help evaluate the progress and impact of judicial reform on access to justice and protection of rights, to identify areas for further improvement and to monitor and evaluate the performance of judicial reform programmes.

An analysis of the 2015 Justice Index data provides the following main findings at national level:

- Local authorities play an important role in receiving and dealing with citizens' legal matters. Unclear procedures for dispute settlement, lengthy processing time and inefficiency in dispute resolution are the

main reasons why disputants choose to solve problems by themselves or opt to use informal measures, instead of turning to local judicial institutions.

- The assistance offered by local state agencies in settling disputes and complaints has not been as effective as the assistance of lawyers and legal aid providers.
- Access to the court is still limited due to disputants' concerns about costs, procedures and confidence in the integrity of judges and court staff.
- Overall, more citizens are accessing legal information from a more diverse range of information sources compared to previously. This explains the positive change in access to legal information and the improved legal knowledge of citizens.
- Compared to the 2012 survey results, there has not been much change in respondents' assessment of the protection of rights in practice. A slight improvement is recorded in guaranteeing freedom of expression and the right to access information, while a decline can be seen in other areas of guaranteeing civil rights, such as freedom of the press, the right to assembly, to associate and demonstrate, as well as freedom of belief and of religion.
- Disparities in access to justice exist across different social groups. In particular, those who are poor, who have a low level of education and are not part of the social elite face obstacles in access to information and to local institutions, given their limited personal and social capital.
- Local civil servants have had a discriminatory attitude toward people living with HIV and homosexuals.
- There are discrepancies in the access to justice and protection of rights between men and women. The proportion of women accessed information and legal information

in particular, is lower than that of men. Overall, the level of legal knowledge of women is lower than that of men.

- Women's appraisal of the protection of fundamental rights in practice, on most issues, is lower than of men. Women also participate less in constituency meetings than men.
- The right to participate at the grassroots level needs to improve. Respondents expressed a request for more publicity and transparency of local budgets and expenditure and that timely and adequate information on new laws and policies must be publically provided.
- Efforts to create an enabling environment for citizens to participate in the management of society should go hand in hand with ensuring the accountability of local authorities. The survey results show that the methods for dealing with civil servants who have committed wrongdoings at the grassroots level are not yet transparent and rule-based.
- People's awareness of the role of the National Assembly and its deputies remains limited. People demonstrated an interested and followed more closely the activities and resolutions of the People's Council at commune and provincial levels, than at the district level.

The 2015 Justice Index report provides a number of policy recommendations:

- Increased transparency and openness and efficiency of local justice institutions are preconditions for building and solidifying public confidence in the justice system at the grassroots level. There must be concrete policies and measures in place to facilitate people's access to information and to quasi-judicial services, and to close the discrepancies in inequality and access to justice among vulnerable groups.
- In tandem with the implementation of

¹ <http://chisocongly.vn/>; http://www.vn.undp.org/content/vietnam/vi/home/library/democratic_governance/justice_index_report/.

new laws on procedures and court re-organization, there is a need to further strengthened judicial reform efforts to ensure efficiency, integrity, fairness and transparency of the judiciary.

- It is important to encourage and promote the development of the lawyering and a legal aid to support and protect people's legitimate rights and interests in settling disputes, as well as access to qualified and professional legal information and advice.
- There is a need to shift the focus from legislative development toward implementation of law at all levels.
- Citizens' fundamental rights and the reform of state agencies' activities as enshrined in the 2013 Constitution should continue to be consolidated and protected. Viet Nam's commitments to human rights protection also require responsible and effective implementation.
- The participation of citizens in local governance and grassroots democracy can be improved through the effective implementation of the Grassroots Democracy Ordinance.²
- There is a need to promote representative democracy through the professionalization of elected bodies, the National Assembly and Provincial People's Council in particular, and to create favourable conditions to ensure meaningful constituency meetings and relationships.
- Development strategies purely based on economic development will not be sufficient to realize an inclusive growth and sustainable development agenda. Judicial reform is an urgent priority in the coming period, specifically to renew the functioning and operations of judicial organizations for the people, and to ensure constitutional rights and freedoms in practice.

² Ordinance no.34/2007/PL-UBTVQH 11 on grass-root democracy in communes and wards, came into effect from 1 July 2007.

At sub-national level, the main findings of the Justice Index on citizens' access to justice, the performance of local justice institutions, grassroots participation and the role of elected bodies are useful for local state agencies to develop and launch solutions to bring the justice system closer to citizens. The Justice Index offers a wide range of applications including but not limited to the following:

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

The results of the Justice Index inform civil society organizations and citizens, and encourage their participation in building a justice system for citizens that ensures fairness and equality and protects the legitimate rights and interests of the people.

CHAPTER 1. DEVELOPMENT OF THE JUSTICE INDEX

According to a 2015 report by the Ministry of Planning and Investment, Viet Nam's impressive achievement in poverty reduction – one of the eight Millennium Development Goals – is the result of strong economic growth, trade liberalization and policies that support vulnerable groups.³ Economic growth, not only in Viet Nam but also on a global scale, has improved living standards and lifted hundreds of millions of people out of poverty over the past 15 years. Indeed, economic growth is necessary for the development and strengthening of an advanced and prosperous society. However, it is not sufficient in itself. Legal development and judicial reform are also considered important in Viet Nam, demonstrated in the issuance of a resolution on the development of the legal system (Resolution 48) and a resolution on judicial reform (Resolution 49) in the same year, 2005.⁴

However, after 10 years of implementing these resolutions the performance of judicial bodies remains limited and does not meet the requirements for continued socio-economic development, a rule of law state and ensuring justice for people.⁵ Fundamental challenges

to continuing reforms and promoting social progress, as highlighted in a number of policy analyses, involve overcoming the barriers of group interests, bureaucracy and conservatism. There is also a need to create incentives and motivation to move from providing national strategic directions and action plans to actual implementation.⁶ To ensure these reforms, political will, appropriate timing of new initiatives, and the determination to act and change are required.⁷ As part of this, it is important to have reliable tools in place that help identify and analyse the justice situation in an objective and evidence-based manner and guide actions. The 2012 Justice Index⁸ and the 2015 Justice Index are part of efforts to develop an effective tool to measure the performance of judicial bodies in ensuring access to justice, equality and protection of fundamental rights, based on citizens' experiences and their observations of public service operations.

implementation of Resolution 49. Conclusion 01-KL/TW dated 4/4/2016 on continued implementation of Resolution 48. Judicial bodies as defined in Resolution 49 include courts, procuracies, investigation agencies and judgment execution agencies. Judicial activities respectively can broadly mean functioning and operational activities which are carried out by the judicial bodies at all levels.

⁶ Vietnam Report 2035 – Toward Prosperity, Creativity, Equity and Democracy, World Bank and the Ministry of Planning and Investment, 2015; Viet Nam Human Development Report 2015: Growth that Works for All, VASS and UNDP, 2015.

⁷ Vu Thanh Tu Anh et al, Institutional Reform: From vision to reality, policy discussion paper prepared for the Vietnam Executive Leadership Programme, April 2015.

⁸ See <http://chisocongty.vn/>; http://www.vn.undp.org/content/vietnam/vi/home/library/democratic_governance/justice_index_report/.

³ National report on 15 years of implementation of the Millennium Development Goals, Ministry of Planning and Investment, September 2015.

⁴ Resolution 48-NQ/TW on Viet Nam Strategy Development and Improvement of the Legal System and Resolution 49-NQ/TW on Judicial Reform, published in June 2005. "Judicial reform should be a central task during 2016-2020" said former State President Truong Tan Sang at the 25th meeting of the Central Steering Committee on Judicial Reform, 17/3/2016, <http://dangcongsan.vn/day-manh-cai-cach-tu-phap-va-hoat-dong-tu-phap/chu-tich-nuoc-cai-cach-tu-phap-phai-la-nhiem-vu-trong-tam-trong-giai-doan-2016-2021-378431.html>.

⁵ Conclusion 92-KL/TW dated 12/3/2014 on continued

Main objectives of the Justice Index

Main objectives of the Justice Index

- To provide reliable data, based on ordinary people’s feedback, to the Government, businesses and civil society organizations for their analysis, assessment and oversight of the operations of judicial agencies in ensuring access to justice, equality and the protection of fundamental citizen rights, especially among vulnerable groups;
- To facilitate analysis and comparison of governance and the administration of laws at the sub-national level; and
- To provide a tool to help evaluate the progress and impact of judicial reform on access to justice and protection of rights, to identify areas for further improvement and to monitor and evaluate the performance of judicial reform programmes.

Conceptual framework

Given the comparative purpose and the data collection capacity, the justice concept addressed in this survey is confined to non-criminal aspects. The three main questions addressed by the research include:

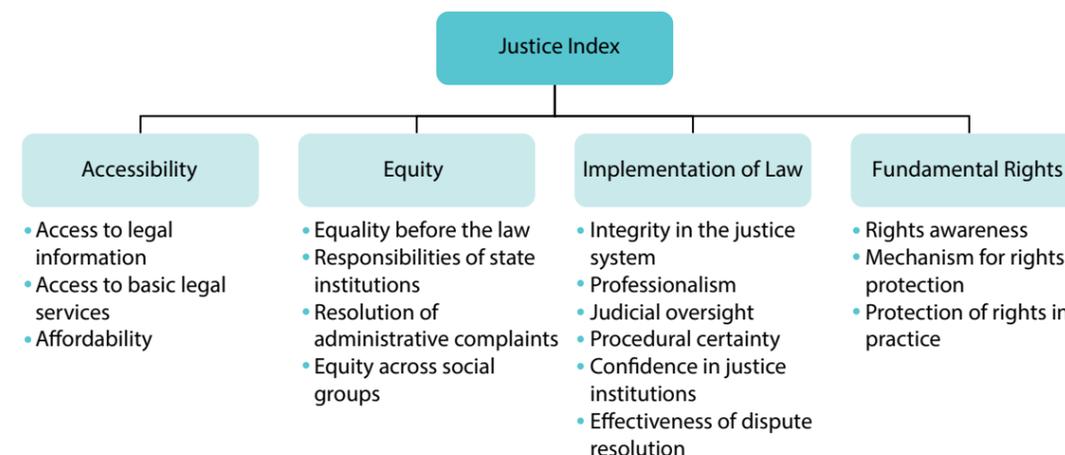
1. What is the role and effectiveness of the judicial system in providing minimum conditions for access to justice through its handling of civil disputes and administrative complaints and in protecting people’s fundamental, constitutional rights?
2. Do the existing institutions serve as an effective basis for implementation of law, development of a rule of law state and social progress?
3. What are the opportunities for central and local governments, mass organizations and civil society organizations to

contribute to improving the current situation and helping to address problems and weaknesses identified by citizens in their feedback?

A more detailed elaboration of the conceptual framework for the development of the Justice Index is provided in the 2012 Justice Index Report: Assessment of Distributive Justice and Equality from a Citizen-based Survey in 2012, Chapter 1: Justice Index Development Concept, see <http://chisocongly.vn/>.

These three questions guided the identification of themes for the survey, as well as the measurement, analysis and comparison of the current status of justice and equality at the sub-national level. Four dimensions were identified, namely access to justice, equity, implementation of law and fundamental rights. Figure 1 illustrates the structural framework of the index, which, apart from the four dimensions, consists of 16 sub-dimensions, 68 indicators and over 140 variables.

Figure 1: Justice Index structure



Other governance indices in Viet Nam

The Justice Index differs from other governance indices used for policymaking and implementation oversight in Viet Nam, such as the Provincial Competitiveness Index (PCI) and the Provincial Governance and Public Administration Performance Index (PAPI), in a number of ways.

In the Justice Index, feedback from citizens is provided based on their actual experience of interacting with public agencies and judicial institutions at the local level and secondary data is not used. In the case of PCI, on the other hand, data is collected from business surveys through mailed out questionnaires as well as secondary data from public sources.⁹

The Justice Index focuses on judicial activities and the role and effectiveness of public institutions at the local level in ensuring the fundamental rights of citizens under Viet Nam’s Constitution. In contrast, PAPI assesses governance, policy implementation and public service delivery,¹⁰ and PCI assesses and ranks provincial governments in terms of their efforts

in providing an enabling environment for private sector development.

The Justice Index development approach and process bears some similarities to that of other indices in Viet Nam, including the three-step process of data collection, measurement of indicators and assigning weights to indicators and computation of the composite index. The Justice Index also embodies a number of core methodological choices, including:

- The use of primary data from citizens’ feedback, based on their actual experience with local judicial institutions in dealing with civil disputes and administrative complaints;
- The use of outcome indicators, rather than input measures, to measure the index;¹¹

¹¹ Input indicators indicate solutions used or resources mobilized in order to improve performance in a certain area or locality. However, there is no guarantee that the solutions and resources have been used effectively or have brought about the intended results. Outcome indicators use data about results obtained after solutions and resources have been used for implementing solutions for the target beneficiaries. For example, in assessing the reformed operations of the court under the judicial reform strategy, input indicators would indicate data about resources invested in development of facilities and application of technology in court administration, number of judges and capacity building activities for judges. Outcome indicators would indicate time increase or decrease in processing cases, feedback from citizens and businesses having their cases heard by the court about the court process, and procedures and the integrity of judges and court staff.

⁹ PCI methodology, accessed May 2016, <http://www.pcvietnam.org/phuong-phap-c9.html>.

¹⁰ Introduction of PAPI, accessed May 2016, <http://papi.org.vn/gioi-thieu-ve-papi>.

- The use of a fixed-effect regression model to ensure high reliability in data processing and index computing;¹² and
- The aim to be a practical tool to analyse specific areas of strength and weakness, and to identify and encourage action on the most pressing issues in the justice system.

A multi-dimensional measurement of justice and equity is fundamental to understanding the institutions that facilitate justice assurance

¹² Refer to Annex 1 for further details about using fixed effect regression to fairly assess provincial performance.

for citizens, demonstrating the current status and identifying areas for improvement. As described in later chapters, the Justice Index provides empirical data on the status of justice and the rights of people at the local level. This status does not necessarily depend on or correspond to achievements in economic growth, investment attraction or public administrative reform at the local level.

The Justice Index also allows a comparison of capacity and effectiveness of the local justice system in different provinces.

Changes to the Justice Index

Adjustment of indicator composition

The 2015 Justice Index has been adjusted and now focuses on four dimensions instead of the five included in the 2012 Justice Index. The major difference between the two indices is the restructuring of two dimensions in the 2012 index – Dimension 3 on integrity and Dimension 4 on reliability and effectiveness – into a new Dimension 3 on implementation of law in the 2015 index. There are also other minor adjustments in the distribution and addition of data for computing of indicators, mainly in Dimension 1 and 2. Dimension 4 on fundamental rights remains unchanged (see the 2015 Justice Index Framework in Appendix 3 for further details).

Improvement in measurement

Overall, the sampling and survey methods remain unchanged. The significant difference is an improvement in the survey and data collection tools. The questionnaire has been reviewed thoroughly and has been modified so that it is more relevant to the practical judicial operations and the need to capture citizens' experience with local judicial institutions. To ensure the quality of the data and the data collection process, tablets were used for questionnaire programming, interviewing and data entry. This had the advantage of reducing errors during data collection, as well as allowing real-time monitoring of field work.

Change in geographic inclusion

The 2015 survey was conducted nationwide, with representative samples from all 63 provinces and cities of Viet Nam. The fieldwork was carried out in two phases, phase 1: a survey in 21 provinces and cities, and phase 2 a survey in the remaining provinces and cities. In total 13,841 respondents, including 7,728 women, 6,101 men and 12 third gender people, participated and shared their experiences and opinions. Details on the demographic sample by province/city are provided in Appendix 2. A detailed description of sampling, survey methods and the index model is provided in Appendix 1. All data and analytical results are available at <http://chisocongly.vn/>.

Outline of the report

Chapter 2 presents the key findings from the 2015 survey. These findings are presented as part of four themes: resolution of civic disputes and complaints, knowledge of rights, legal knowledge and the role of public and judicial institutions. The results of the 2012 and 2015 survey are also compared to help identify observable changes over the past three years and key problems to be addressed in the future to ensure justice and equality, fundamental rights and civil liberties of citizens.

Chapter 3 presents findings at the provincial level, through common quantitative indicators. The performance of local public and judicial agencies – as viewed by citizens from their own experience – is aggregated, analysed and compared. The findings help identify the strengths and weaknesses of judicial work in each of the provinces, from the perspective of citizens. This is valuable information that helps guide local authorities' action plans focused on judicial reform and political, economic and social development in their locality.

The main findings and policy recommendations are provided following Chapter 3. These recommendations can help guide policy solutions and future reforms at the central and local levels, moving towards a justice system for the people, the development of a rule of law state and an equal and democratic society. It also includes suggestions on how to use the index as a tool to monitor and evaluate the performance of national action plans to realize Viet Nam's commitments to the Sustainable Development Goals.

CHAPTER 2. NATIONAL FINDINGS

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

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

Most common legal issues

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

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

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

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

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

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

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

Table 2: Land disputes and complaints, 2013-2015

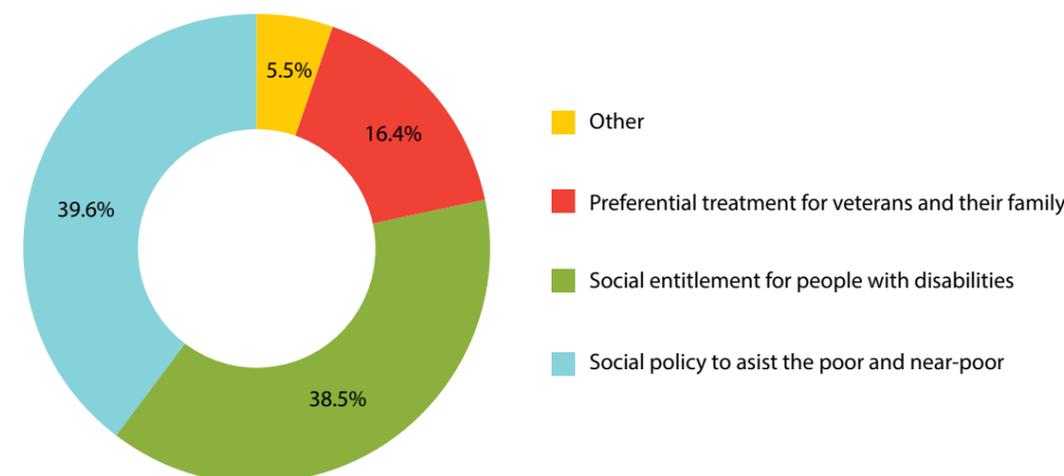
Type of land dispute	Amount
Land use rights certificate	171
Land boundary	170
Compensation for resettlement	61
Land/house inheritance	57
Land/house purchase	51
Change of land-use purpose	41
Property division to children	19
Land/house lease	11
Use of land as collateral asset	8
Land division upon divorce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

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

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

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

Figure 2: Social policy complaints, 2013-2015



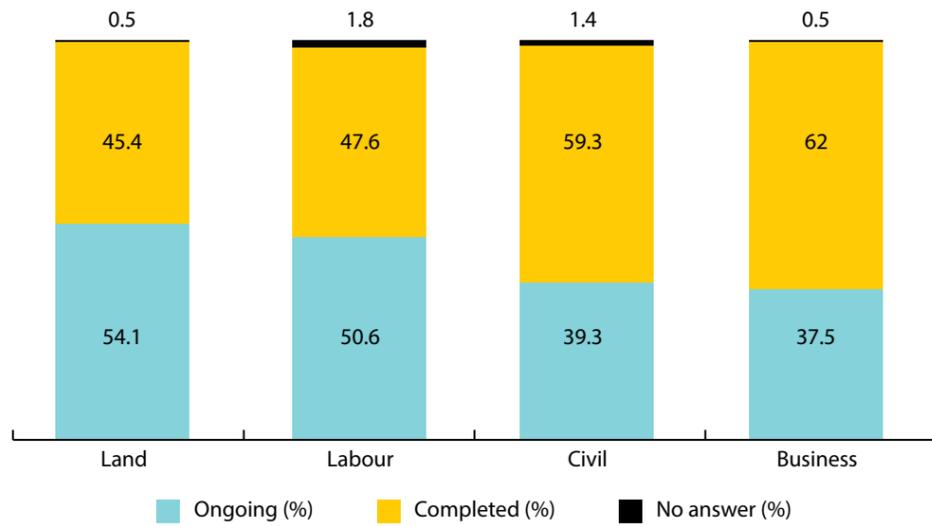
¹³ See sample details in Appendix 2.

Outcomes of disputes and complaints resolution

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

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

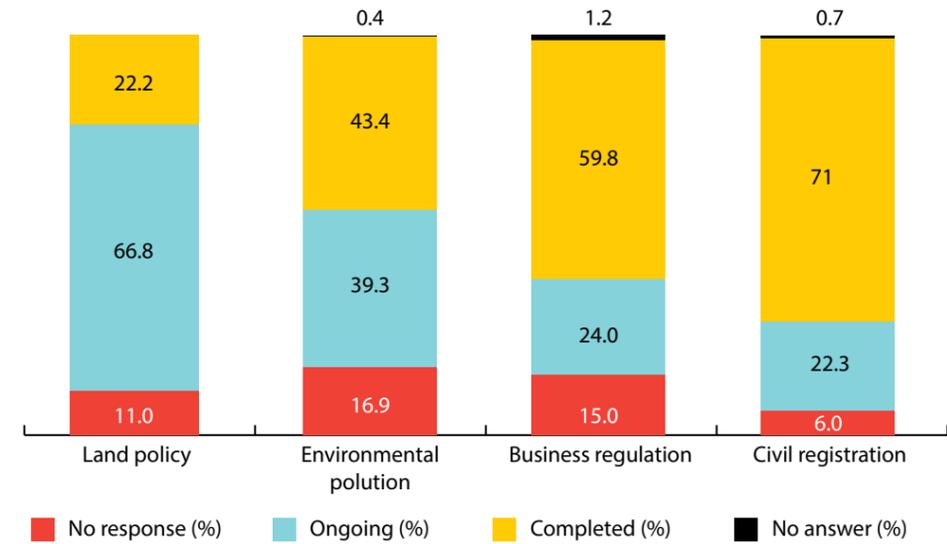
Figure 3: Resolution of civil disputes



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

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

Figure 4: Resolution of administrative complaints



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

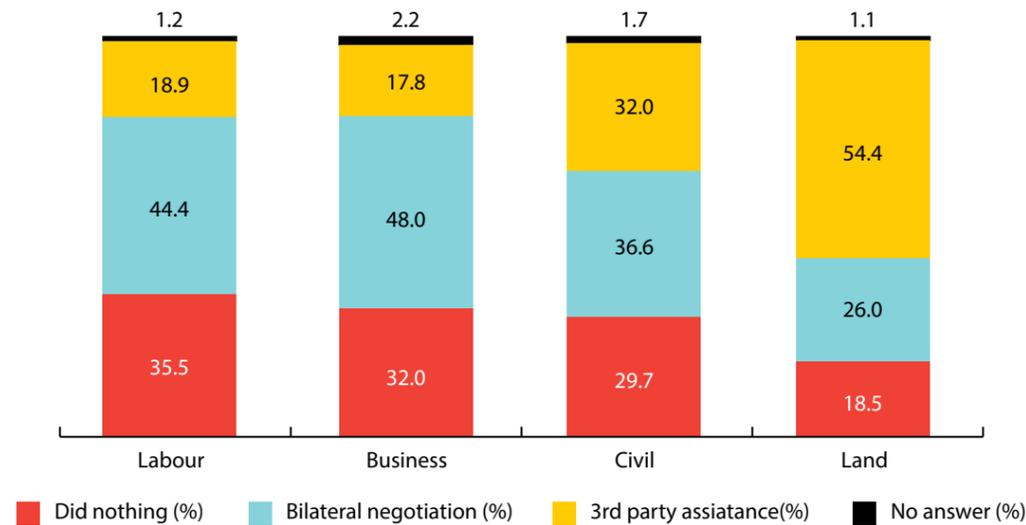
while in a few cases the parties choose to do nothing to resolve their dispute.

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

Preferred options for settling civil disputes

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

Figure 5: Preferred options for resolving civil disputes

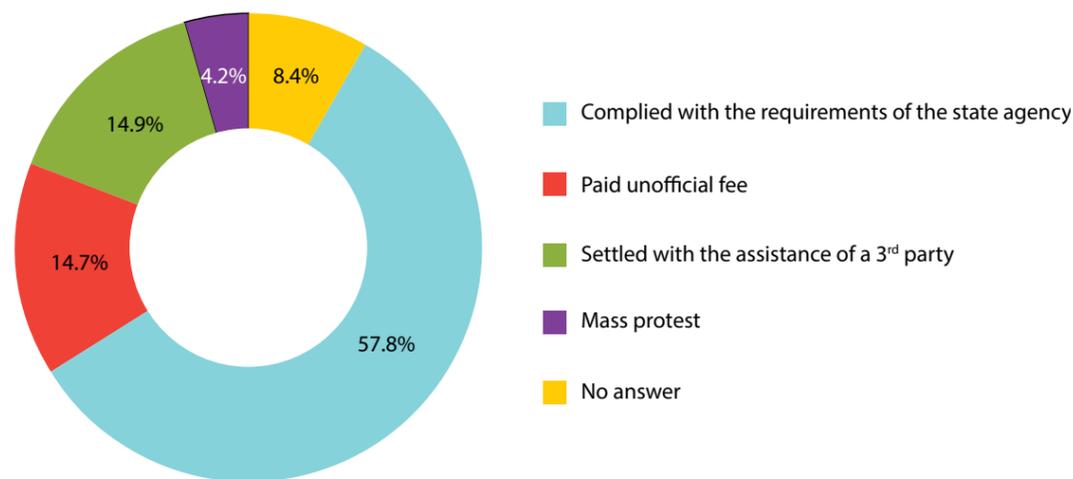


Preferred options for settling administrative complaints

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

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

Figure 6: Preferred options for dealing with business complaints



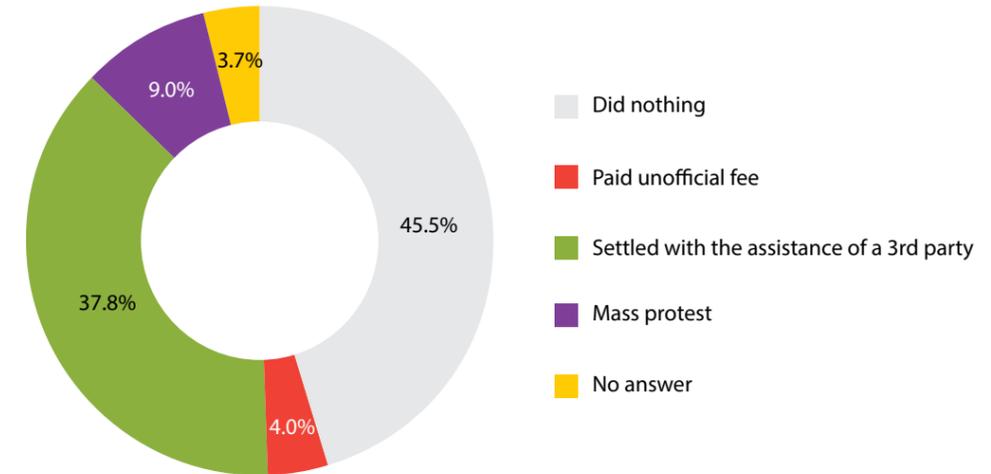
Regarding preferred options to deal with land disputes, almost half of the respondents chose not to complain. Figure 7 shows the breakdown of choices made by respondents

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

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

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

Figure 7: Preferred options for resolving land complaints



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

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

Figure 8: Effectiveness of measures to resolve land complaints



Access to courts in resolving business disputes

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

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

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

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

2.2 Fundamental rights and the Constitution

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

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

In the implementation of the new Constitution, the National Assembly promulgated and amended 57 laws during 2014-2015.¹⁴

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

Awareness of the Constitution

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

¹⁴ Authors’ statistics.

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

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

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

Protection of rights in practice

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

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

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

Colour code:
 Improved
 No change
 Declined

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

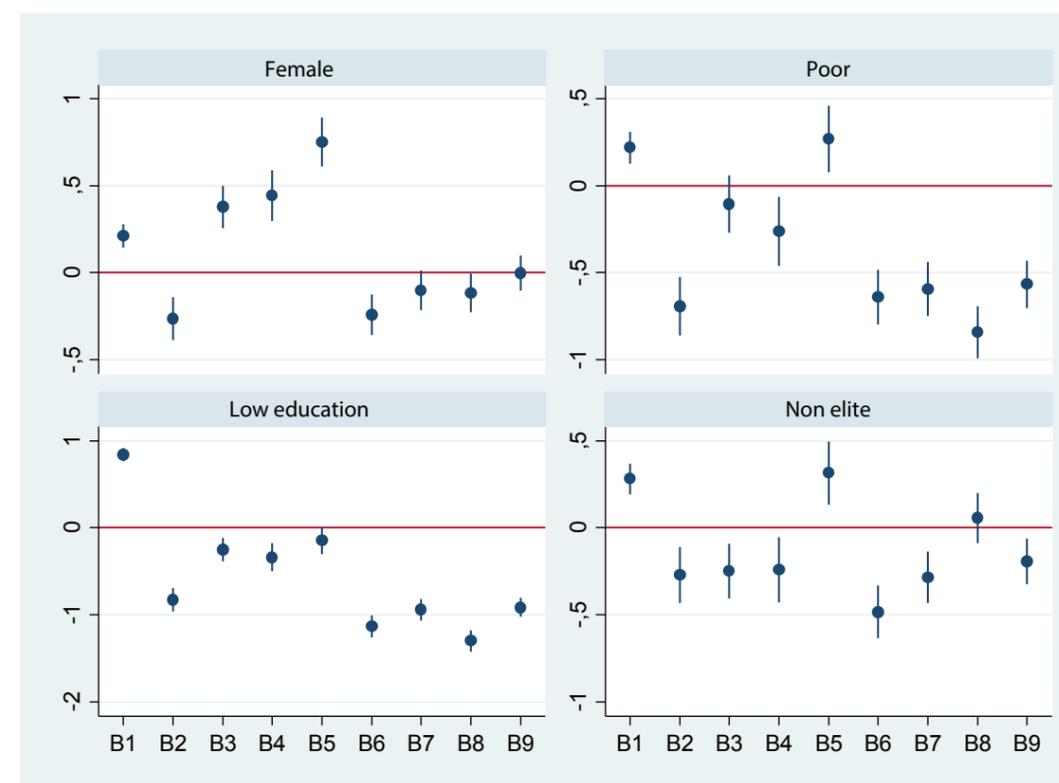
A comparison of respondents' assessment of fundamental rights shows that they perceive that the right to demonstrate is "not guaranteed", and that freedom of the press and the freedom to form associations are "not guaranteed very well". The results also show differences between male and female respondents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

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

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

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

Figure 9: Social group analysis, guarantee of fundamental rights



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

Equality and non-discrimination

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

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

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

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

2.3 Judicial institutions

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

Perception of equity and choice of actions

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

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

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

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

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

Table 7: Preferred actions

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

Confidence in state institutions

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

Access to information and legal knowledge

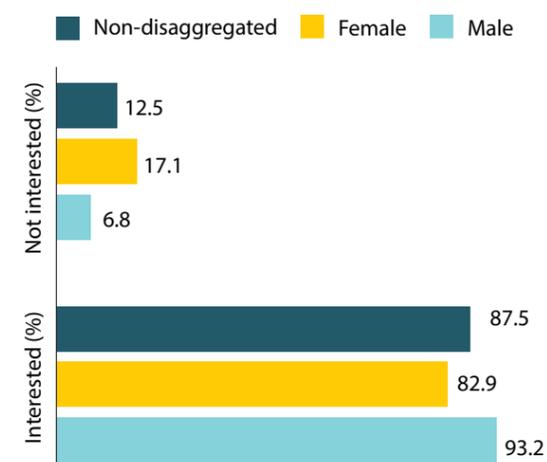
Access to information is limited for many people. The 2015 survey results show that 13% of respondents do not follow news about Viet Nam's social and economic situation. This is the case for 7% of male respondents and 17% of female respondents (see further details in Figure 10).

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

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

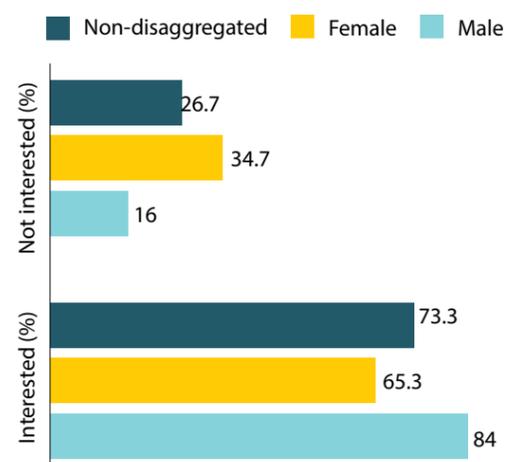
¹⁶ 2012 Justice Index Report, VLA-CECODES-UNDP, 2013, page 39.

Figure 10: Access to information



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

Figure 11: Access to legal information



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

Table 8: Sources of legal information

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

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

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

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

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

Colour code:

- Improved
- No change
- Declined

Grassroots participation

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

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

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

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

Table 10: Public opinion about local governance

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

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

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

Right to vote

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

2.4 Elected institutions

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

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

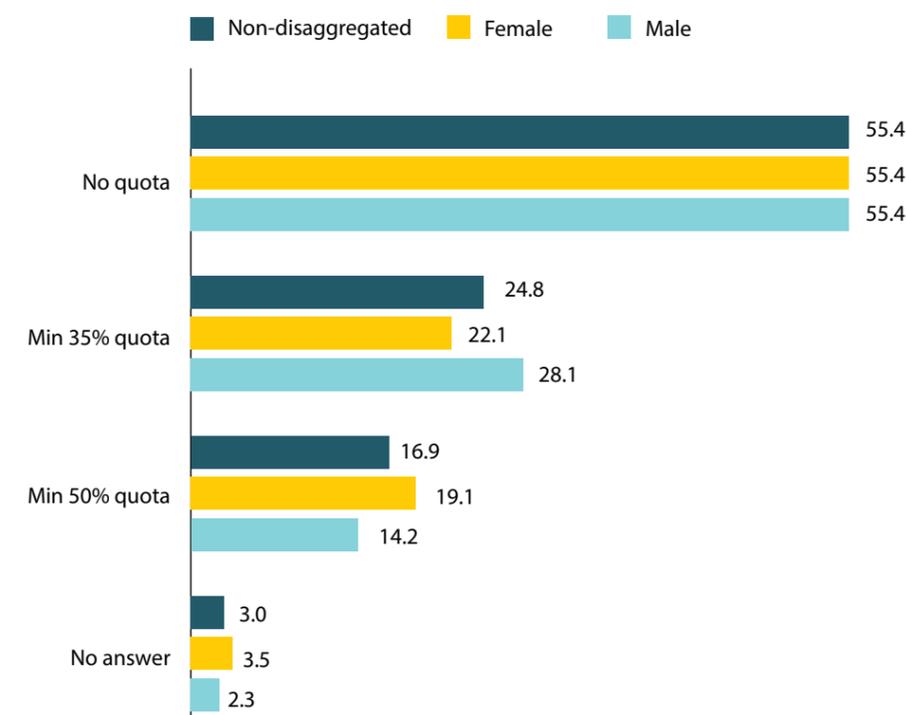
Table 11: Reasons for not directly casting the vote

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

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

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

Figure 12: Opinions about quotas for female National Assembly candidates

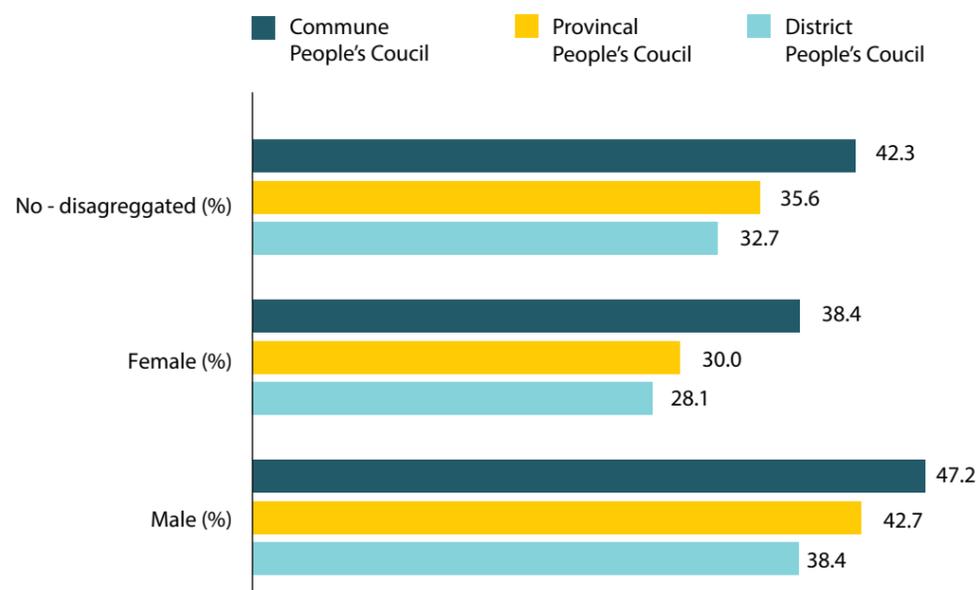


This report does not attempt to provide an in-depth analysis of election rights and systems in Viet Nam. Rather, it focuses on presenting information and data collected from the 2015 survey. Further in-depth and multi-dimensional interpretation of the data will be done in future thematic studies, expected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

Representative democracy – constituency relations

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

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



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

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

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

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

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

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

Table 12: Reasons for not attending constituency meetings

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

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

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

Table 13: Assessment of constituency meetings

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

Main findings and policy recommendations

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

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

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

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

²³ Ibid.

integrity of judges and court staff.

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

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

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

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

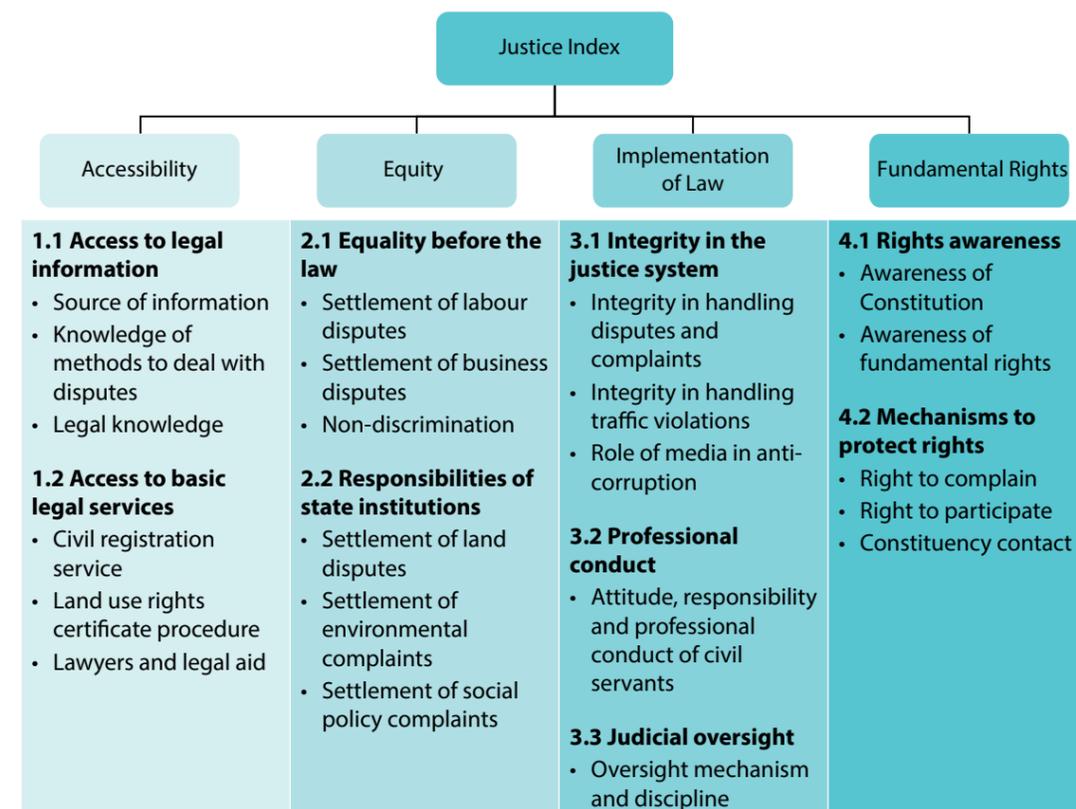
CHAPTER 3. PROVINCIAL PROFILES

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

3.1 Overview of the Justice Index

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

Figure 14: Justice Index structure



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

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

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

3.2 Overall provincial performance

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

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

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

Table 14: Provincial performance in 2015 Justice Index

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

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

Colour code: Strong Average Poor

3.3 Aggregate outcomes by dimension

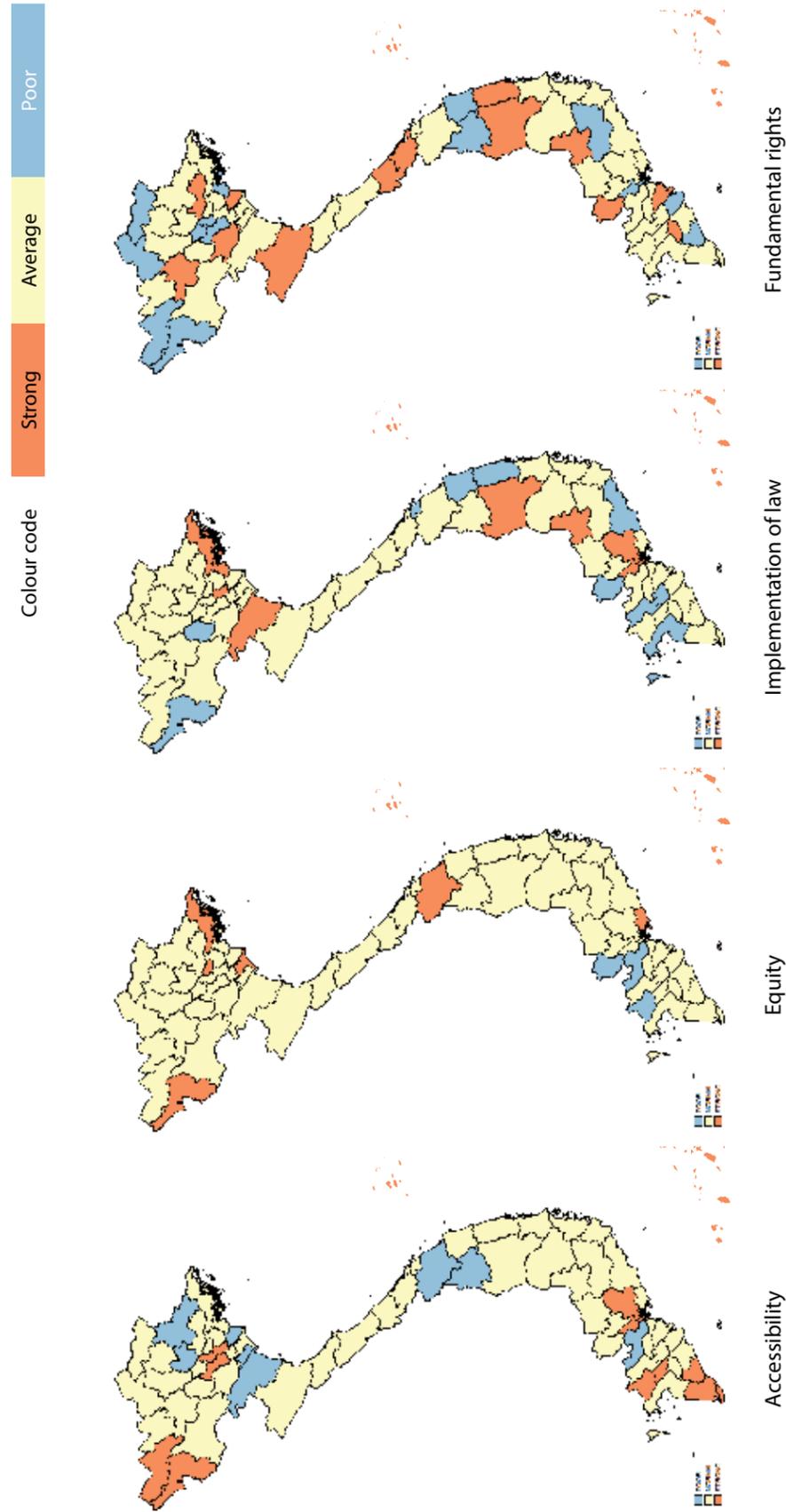
The outcomes presented in this section include the aggregate results by dimension. The assessment of judicial effectiveness in each province is presented as a strong, average or poor performance, as explained above. The colour-coded aggregate results in Table 15 provide an overall picture of the four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

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

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

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

Table 16: Aggregated provincial results, by dimension



3.4 Provincial performance and outcomes

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

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

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

Table 17: Bac Ninh's scorecard

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

Colour code:

Table 18: Quang Nam's scorecard

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

Colour code:

Table 19: Tay Ninh's scorecard

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

Colour code: Strong Average Poor

3.5 Applications for the Justice Index

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

In addition to these uses, comparing the index

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

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

Table 20: Comparison of outcomes across poorest provinces

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

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

Colour code: Strong Average Poor

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

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

Comparing the outcomes of 13 provinces

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

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

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

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

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

Colour code: Strong Average Poor

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

Relationship between economic development and justice

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

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

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

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

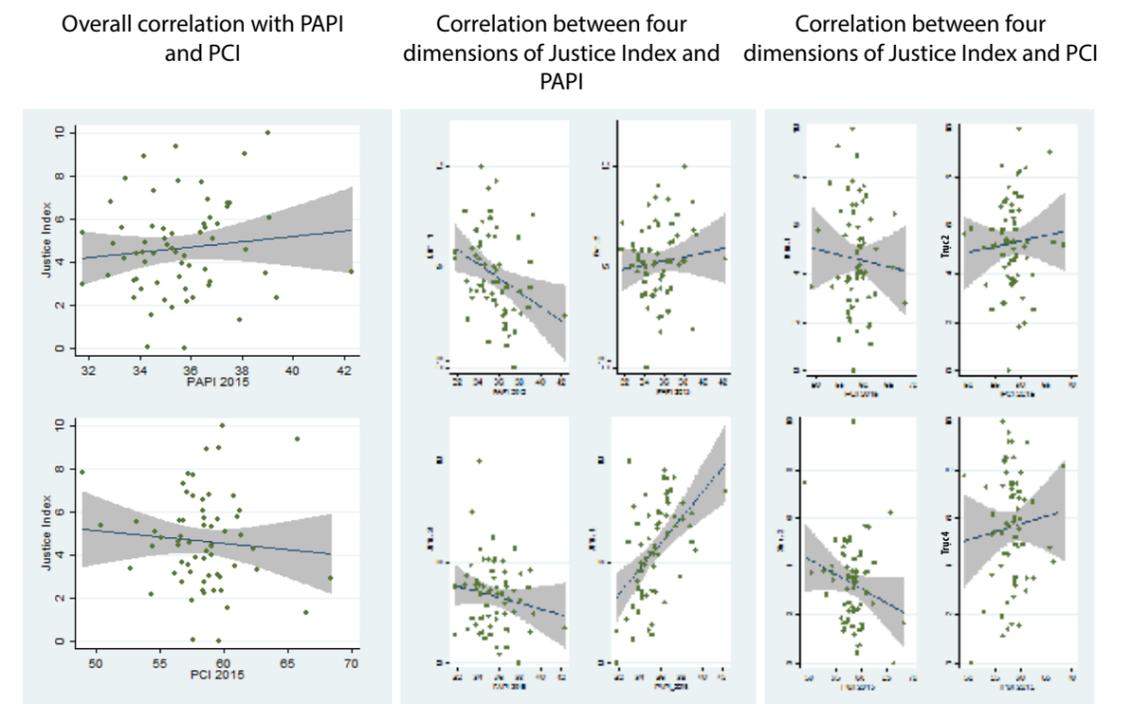
When assessing the relationship between each of the dimensions of the Justice Index to PAPI and PCI, it can be seen that the positive correlation with PAPI is apparently driven by the weighted contribution of Dimension 4 on fundamental rights. This supports the hypothesis that there is a relationship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

Relationship between the Justice Index and other indices

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

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

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



The Justice Index and the Sustainable Development Goals

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

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

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

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

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

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

Main findings and policy recommendations

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

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

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

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

2015 JUSTICE INDEX: MAIN FINDINGS AND POLICY RECOMMENDATIONS

Main findings

Prevalent disputes	Land disputes and complaints are the most common type of legal issue. Disputes related to food safety have become more common in the last three years and now account for 20% of all mentioned civil disputes. Domestic violence accounts for nearly 9% of all cases reported as civil disputes.
Dispute resolution	Local authorities play an important role in receiving and dealing with citizens' legal matters. Unclear procedures for dispute settlement, lengthy processing time and inefficiency in dispute resolution are the main reasons why disputants choose to solve problems by themselves or opt to use informal measures, instead of turning to local judicial institutions. The assistance offered by local state agencies in settling disputes and complaints has not been as effective as the assistance of lawyers and legal aid providers.
Access to the court	Access to the court is still limited due to disputants' concerns about costs, the procedures and lack of confidence in the integrity of judges and court staff.
Access to information	Overall, more citizens are accessing legal information from a more diverse range of information sources compared to previously. This explains the positive change in access to legal information and the improved legal knowledge of citizens. Nevertheless, about 26% of respondents are "not interested" in legal information.
Role of media	Television is the most popular source of information cited. Dissemination of legal information at the local level, together with village meetings and public loudspeakers, are also common forms of communication. More specialized sources of information, such as legal information websites and lawyers, are not a significant source of reference, and only 5% of respondents say they receive legal information from lawyers. Around 29% of respondents are doubtful about the role of local media in "proactively detecting and reporting on corruption".
Legal knowledge	The 2015 survey denotes some improvements since 2012 in citizens' legal knowledge.
Constitutional awareness	About 41% of respondents say they do not know about the Constitution. Only 12% of respondents were aware of the amendments to the Constitution in 2013.
Protection of fundamental rights in practice	Compared to the 2012 survey results, there has not been much change in respondents' assessment of the protection of rights in practice. A slight improvement is recorded in guaranteeing freedom of expression and the right to access information, while a decline can be seen in other areas of guaranteeing civil rights, such as freedom of the press, the right to assembly, to associate and to demonstrate, as well as freedom of belief and of religion.
Inequality and discrimination	Disparities in access to justice exist across different social groups. In particular, those who are poor, who have a low level of education and are not part of the social elite face obstacles in access to information and access to local justice institutions, given their limited personal and social capital. Nearly one third of the survey respondents stated that local civil servants have discriminated against people living with HIV and homosexuals.

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

Policy recommendations

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

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

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

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

Applications of the Justice Index

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

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

ANNEX 1: INDEX METHODOLOGY

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

Sampling design

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

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

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

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

was used to select respondents in compliance with international standards for multistage and random sampling design. This strict protocol aims to obtain information from a representative sample of Vietnamese citizens above the age of 18.

Survey process and quality control

The survey process started with the training of field controllers, who led and supervised data collection teams in each province. The interviewers were mostly final-year students or graduates with majors in sociology, social work or other relevant fields. This process helped strengthen the objectivity and independence of the fieldwork. Each team of interviewers underwent training, detailed guidance, interviews and supervision by field enumerators. The data was entered on tablets, uploaded regularly by the teams and then

Table 23: Comparison of key demographic variables between 2009 census, midterm 2014 census, 2015 PAPI and 2015 Justice Index

	2009 census	Mid-term 2014 census	2015 PAPI	2015 Justice Index*
Gender				
Male	49.4	49.3	45.9	44.2
Female	50.6	50.7	54.1	55.8
Ethnicity				
Kinh	85.7	**	83.9	84.4
Other ethnicities	14.3	**	15.9	15.6
* Un-weighted ** Unavailable data				

Special categories of sub-populations at risk

The Justice Index is especially concerned about the ways in which sub-populations confronting unique socio-economic challenges are experiencing issues related to justice. The research team identified four key categories.

- Low education: Respondents who have no more than a primary education. They

converted into a final dataset suitable for empirical analysis. Overall, 13,841 respondents were directly interviewed for the 2015 Justice Index, accounting for approximately 80% of the maximum sampled population. The summary of the sample by province is included in Appendix 2.

Data quality validation

The reliability of the Justice Index can be checked against variables that have been made available since the release of the mid-term national population census in 2014. Table 23 compares the distribution of key demographic variables between the 2015 Justice Index, the 2015 PAPI, the 2009 census and available mid-term 2014 census data. It confirms the closeness of the sample to the actual demographic characteristics of the Vietnamese population.

amount to 32% of the sample.

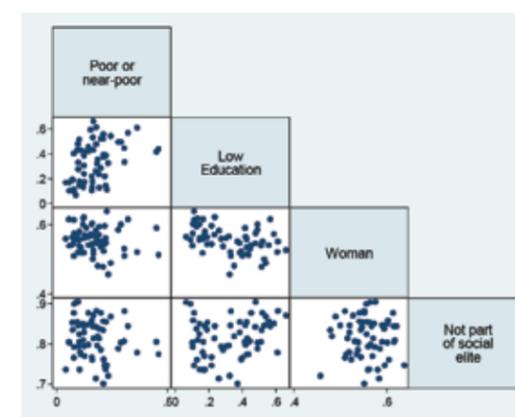
- Poor: Respondents who identify themselves as poor or near poor with respect to the poverty list in their village. They represent 16.7% of the sample.
- Not part of social elite: Respondents who are excluded from the local social elite amount to 82% of the sample. Respondents who are part of the social elite include whether they are civil

servants, judges, prosecutors, police officers, teachers, senior Party and Fatherland Front officials, either currently employed or retired, as well as village heads and heads of the clan. The social elite represent 18% of the sample.

- Women: Disaggregated by gender, women constitute 55.8% of the sample.

Most respondents exhibit only one of these traits, and their distribution is not even across provinces. Figure 15 displays all pair-wise scatter plots of the average share for each risk category across all 63 provinces. With the exception of the relationship between poverty and gender, these four categories are positively correlated, even though the correlation coefficients are relatively low, albeit statistically significant. There are a number of respondents with multiple traits. For example, 451 men in the sample are concurrently poor, not part of the elite and have a low education, while 794 women are in a similar situation. Overall, these 1,245 cases represent 9.07% of the total sample.

Figure 15: Distribution of social groups across provinces



Dots represent province-level average shares for each category
Correlogram of individual-level variables: poor, low education, female, not part of social elite

The Justice Index makes use of 70 indicators of interest, which were analysed by each

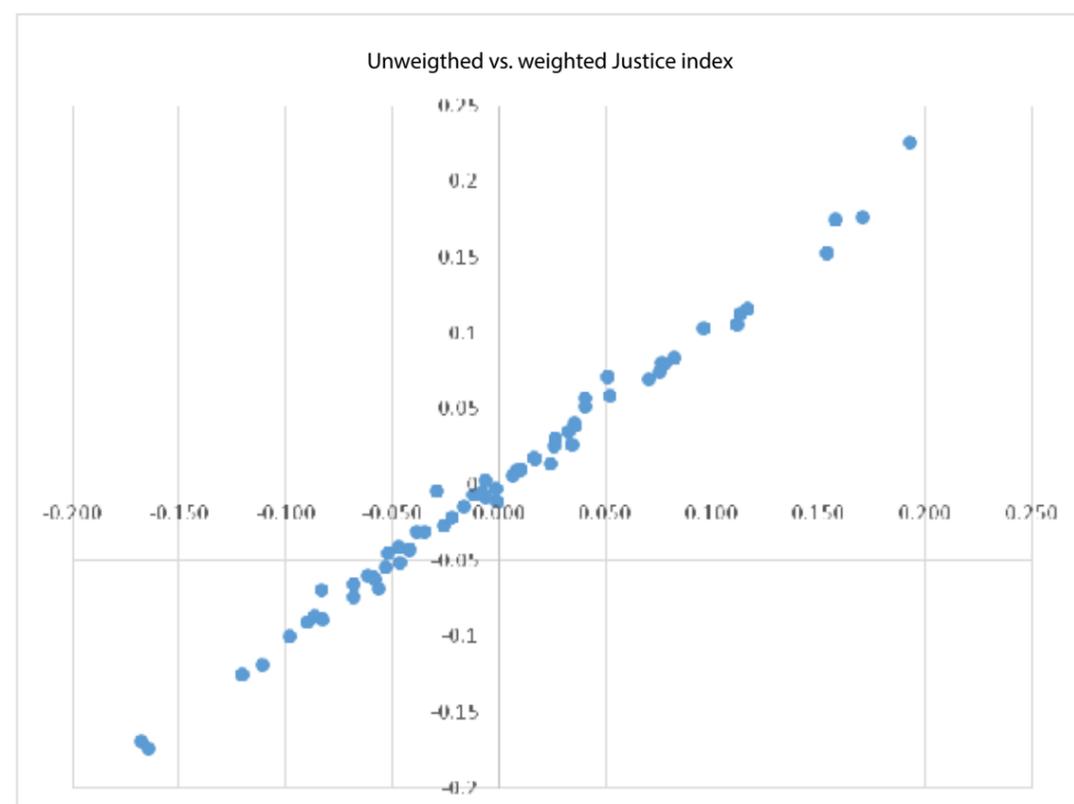
social group. For each province and index, a regression equation that includes demographic and socio-economic variables of interest was estimated, allowing us to capture the four key coefficients as against the items of interest.

$$\text{Indicator} = \beta_1 * \text{gender} + \beta_2 * \text{education} + \beta_3 * \text{poverty} + \beta_4 * \text{social status} + \text{constant}$$

We detect evidence of inequality between categories (e.g. women vs. men) if the coefficient reaches statistical significance at the 95% level or better. The larger the coefficient, the larger the gap between the category of interest and the control group. Thus, with respect to the poor or near poor, each province was evaluated 70 times. When standard errors were large and β was not statistically significantly different from 0 at the .05 level, the coefficient was ignored. All significant coefficients were retained. By averaging over 70 values that all share the same scale, we can estimate the overall degree to which being poor has a positive or negative impact on the province's overall Justice Index. Each measure of inequality is thus based on 4,410 distinct regressions (70 x 63). The same logic applies to the less educated, women and those not part of the social elite.

Weighted versus non-weighted data

A further validation of the data consists in comparing results obtained from unweighted data with those that take post-stratification into account. Given the limitation of the 2009 population census, we could only cross-tabulate the gender of the adult population of each province. Once these corrections are taken into account, it is apparent that both sets of results are closely correlated, as one would expect of a representative random PPMS sample, see Figure 16. Thus, unless otherwise specified, we rely on unweighted estimates throughout this report.

Figure 16: Correlation of weighted and un-weighted data

Aggregating indicators into dimensions and sub-dimensions

In constructing a strong cross-sectional index, researchers seek to emphasize how different units perform in relation to each other, rather than focusing on the absolute value of the indicator of interest. Indices make use of multiple measures, which are observable markers of the particular concept that one seeks to aggregate into an index. The choice of indicators is based on theoretical priors (in the sense that each item must be logically relevant to what we are trying to index), but it must also be empirically true that the components of the index exhibit sufficient variability. In some circumstances an item is chosen for its theoretical importance cannot be used in practice when the data collection is complete, if it happens to lack sufficient variability. If a particular item does not vary at all, it must inevitably be dropped from consideration. Actual empirical findings from survey data are

rarely so stark. Variance across units is usually a matter of degree, as some items exhibit higher variance than others. However, a cursory observation of the data does not easily help researchers decide which items should be retained in the index, and which ones should be dropped.

Historically, the standard approach to index construction requires using variants of what is known as “factor analysis”. Simply put, factor analysis can be used to create a set of weights among a range of items based on their contribution to the overall variance of the data. Items that contribute little to the variance are de-emphasized, while those that ‘stretch’ the data better contribute more to the overall factor score.

The approach in the 2015 Justice Index is to rely primarily on multiple correspondence analysis (MCA), an approach that is closely related to traditional factor analysis, but that

has the advantage of not violating important assumptions. Factor analysis assumes continuous data, yet the kinds of responses collected in survey questionnaires are rarely continuous. Instead, most of the data that is collected is either binary (yes/no answers), original (such as frequency scales: very often, often, rarely or very rarely) or even multinomial categorical data that cannot be ordered but simply separates responses in distinct groups.

Using fixed effect regression to fairly assess provincial performance

When researchers seek to estimate the effect of an independent variable (x) on a quantity of interest (y), which can be summarized in the standard multivariate regression form $Y = X\beta + \epsilon$. They are particularly concerned about the possibility that the effect they are trying to measure may be contaminated by other confounding factors. Left unaccounted for, excluded variables result in biased estimates of β , a problem known as “omitted variable bias” in the econometric literature.

The Justice Index research seeks to assess the performance of institutions related to the experience and delivery of justice at the national and provincial levels, recognizing that the population of Viet Nam is not homogenous and that the diversity of its socio-economic and demographic characters is not evenly distributed in space. The fact that provinces do not have identical socio-economic and demographic characteristics complicates the effort to estimate whether an individual (i), who happens to reside in a particular province or municipality (j), has a better or worse experience than a similar individual in the sense that she shares the same demographic attributes as person (i), but happens to be located in province (k). We recognize that provinces that appear to be performing well with respect to the key indicators and dimensions of the justice project may owe their seemingly high scores not to anything

that the provinces are actually doing in terms of policies or service delivery, but instead are simply lucky to have a population endowed with socio-economic attributes that are correlated with good outcomes. Conversely, another province may seem to be performing poorly on paper simply because of an unfavourable demographic base. In other words, without controlling for (X) factors, it is very difficult to detect the good performance of provinces that, with very limited resources, are able to “do more with less”.

The fixed-effect modelling approach can be leveraged effectively in order to overcome these problems. Within a single multivariate regression, one can separate individual-level socio-demographic and economic attributes that are inherent drivers of the justice experience (these attributes are discussed in Chapter 2), while at the same time identifying the positive (or negative) impact of what is happening to a resident of a given province. Simply put, we care whether geography matters, holding all else constant.

Formally, we estimate a fixed-effect model $Y = X_i\beta + \delta_j + \epsilon$ where:

- Y is the vector of indicators of interest
- X is the matrix representing the variable that captures individual-level characteristics
- β is the vector of estimated regression coefficients corresponding to these individual attributes
- d is a binary (“dummy”) variable coded 1 if respondent i resides in province j, and 0 otherwise
- δ is the estimate of the impact of happening to be located in province j. With N provinces, we estimate N-1 dummy variables coefficients, since the Nth province is absorbed by the constant term
- ϵ is the error term

This modelling approach recognizes that X variables must be accounted for, but for the purpose of evaluating the performance of provinces relative to each other we are most interested in estimating the magnitude and the sign of δ . Recall that all the index indicators are calibrated on a 0-10 scale and coded so that “more” implies “better”. Thus, if $\delta > 0$, we can conclude with confidence that all else being equal, residents of province j have a better experience with respect to Y than residents of provinces where $\delta = 0$ or even negative.

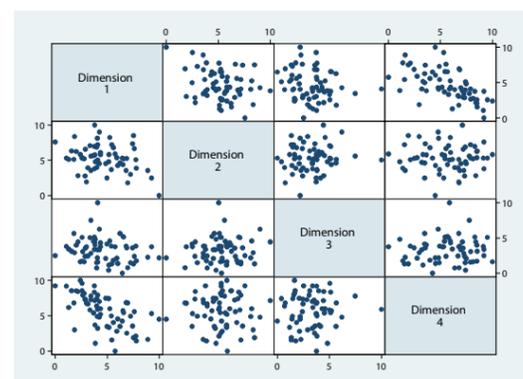
Besides the sign and magnitude of δ , another concern relates to statistical efficiency, namely confidence in the fact that the survey data does in fact help detect meaningful differences between provinces and thus identify both strong performers and weak ones. Confidence intervals (CIs) are therefore essential ingredients of our analysis. When both the upper-bound and lower-bound of the CI associated with δ have positive values, we can be certain – at the level that we have set at 95% - that the positive effect that is being detected is statistically significant. Conversely, if both values of the confidence interval are negative, we can assert that such a province is not performing well relative to its peers. Overall, the confidence intervals allow us to categorize three types of provinces: those that perform well, those that perform poorly, as well as a range of average cases situated between these two groups. Under certain circumstances it is possible to make more refined within-group comparisons.

Correlation between sub-indicators

The heterogeneity of the results is to some extent the product of our effort to design indicators, sub-dimensions and dimensions that are both informative and distinctive. If indicators were strongly correlated with each other, the index would not be very informative. The research team was careful to ensure that grouping indicators by sub-dimension and dimension still allows analysts to differentiate between different aspects of the justice

experience that for theoretical and policy motivations ought to be assessed on their own merits. Cross-correlations between dimensions of the Justice Index suggest that the project does not unnecessarily measure the same underlying trend. Both the scatterplot and the Pearson correlation matrix demonstrate that each dimension makes a meaningful and distinctive contribution to the overall index. We only detect a rather strong negative correlation between Dimension 1 and Dimension 4. In this particular instance, we can easily rule out the hypothesis that the same constructs are ‘contaminating’ both dimensions. Dimension 1 is concerned with experiential measures of accessibility, while Dimension 4 focuses on individual assessments of fundamental rights. In fact, the finding of a negative correlation is substantively important, as it implies that citizens who have easier access to justice institutions and services are less sanguine about the ways in which rights are enforced in practice than citizens who have poor access to such institutions and are thus less likely to encounter how well they operate in practice, see Figure 17.

Figure 17: Correlations between sub-indicators in factor analysis index

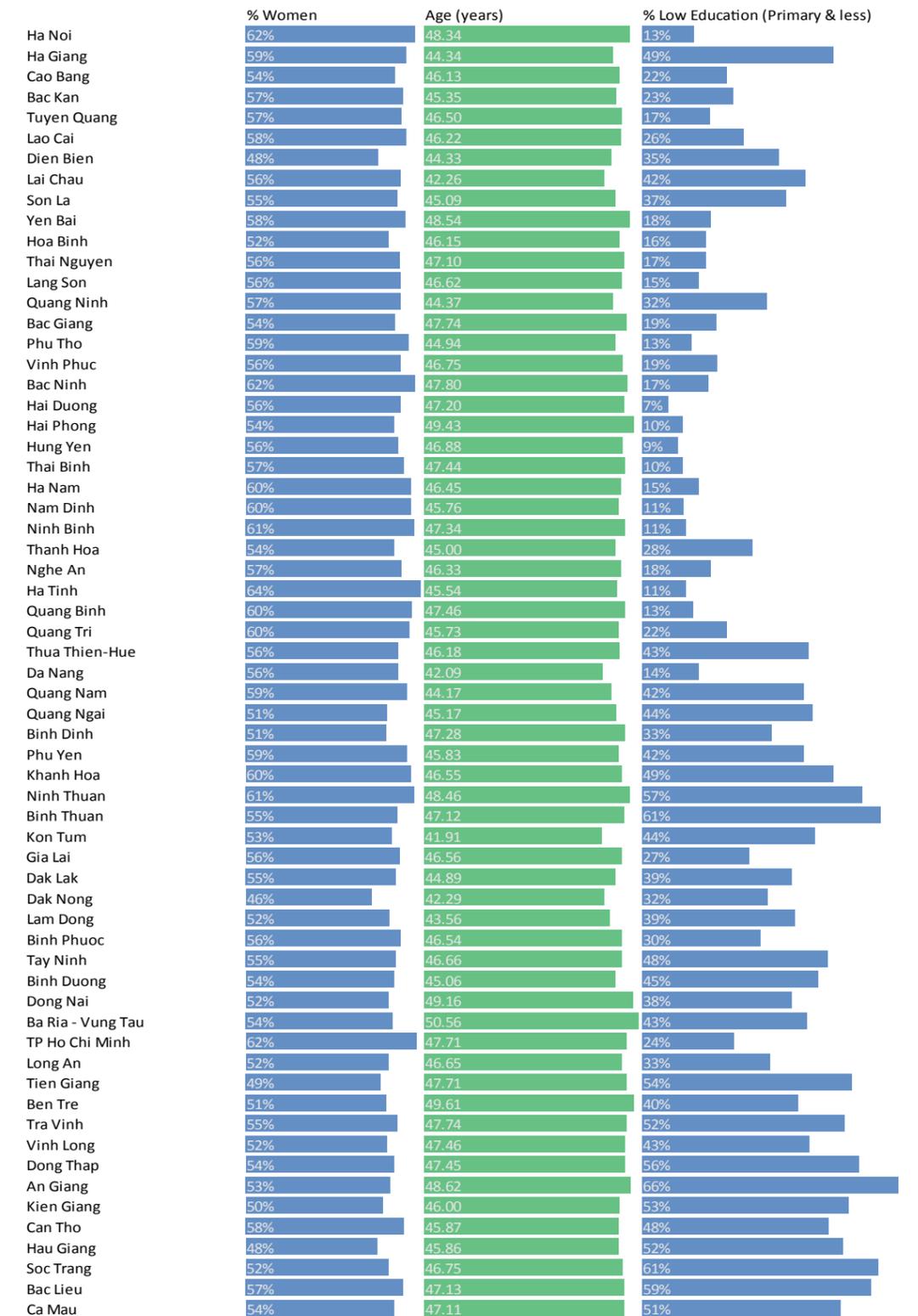


Each dot represents a province

Dim. 1	Dim.2	Dim.3	Dim.4	
Dim. 1	1.00			
Dim. 2	-0.29*	1.00		
Dim. 3	-0.19	0.11	1.00	
Dim. 4	-0.61*	-0.02	0.07	1.00

(*) Statistically significant at the .05 level

ANNEX 2: DEMOGRAPHIC CHARACTERISTICS OF THE SAMPLE BY PROVINCE



ANNEX 3: INDEX FRAMEWORK

Sub-dimension	#	Indicator
1	Dimension 1 - Access to justice	
1.1	Access to legal information	1.1.1 Available sources of legal information
		1.1.2 Awareness about available remedies for labour disputes
		1.1.3 Awareness about available remedies for land disputes
		1.1.4 Awareness about available remedies for civil disputes
		1.1.5 Awareness about available remedies for environmental disputes
		1.1.6 Access to information
		1.1.7 Legal knowledge
1.2	Access to basic legal services	1.2.1 Marriage registration procedures
		1.2.2 Procedures for land use rights certificate issue
		1.2.3 Lawyering and other legal services
1.3	Affordability	1.3.1 Actual expense for land use rights certificate application
		1.3.2 Capacity to pay for business dispute resolution
		1.3.3 Capacity to pay for land dispute resolution
		1.3.4 Capacity to pay for environmental dispute resolution
2	Dimension 2 - Equity	
2.1	Equality before the law	2.1.1 Equality in labour dispute resolution
		2.1.2 Non-discrimination
		2.1.3 Equality before the court
2.2	Responsibilities of state institutions to ensure fairness	2.2.1 Role of state institutions in resolving land disputes and complaints
		2.2.2 Proactive role of state institutions in resolving pollution complaints
		2.2.3 Role of state institutions in resolving administrative complaints
2.3	Resolution of administrative complaints	2.3.1 Time taken to handle complaints on business conditions, market management
		2.3.2 Time taken to handle procedure complaints on land
		2.3.3 Time taken to handle environmental complaints
		2.3.4 No time to settle the dispute
2.4	Equity across social groups	

3	Dimension 3 - implementation of law	
3.1	Integrity in the justice system	3.1.1 Bribery in civil dispute resolution
		3.1.2 Bribery in administrative complaint resolution
		3.1.3 Pay extra money to settle disputes
		3.1.4 Pay off-the-book money to traffic police
		3.1.5 Media activity on anticorruption
3.2	Professional conducts	3.2.1 Responsive to administrative complaint resolution
		3.2.2 Evaluation of attitude and behaviours of transport police
		3.2.3 Unprofessional conducts
3.3	Judicial oversight	3.3.1 Admitted wrongdoings
		3.3.2 Disciplined civil servants who committed wrongdoings
3.4	Procedural certainty	3.4.1 Procedural certainty in civil dispute resolution
		3.4.2 Clarity in procedures for handling administrative complaints
		3.4.3 Clarity in procedures for economic dispute resolution
		3.4.4 Court procedures
3.5	Confidence in state institutions	3.5.1 People's opinion on the stable use of land in coping with policy changes
		3.5.2 Role of state agencies in resolving labour disputes
		3.5.3 Chose to comply with government regulations
		3.5.4 Confidence in judge and court staff
		3.5.5 Confidence in civil servants to resolve land disputes
		3.5.6 Confidence in civil servants to resolve civil and environmental disputes
		3.5.7 Confidence in local government to ensure 'reasonable' settlement
3.6	Effectiveness of dispute resolution	3.6.1 Results of civil dispute resolution in practice
		3.6.2 Results of administrative complaint resolution in practice

ANNEX 5: DISPUTES AND COMPLAINTS, 2013-2015

Business

Types of business dispute	Number
Business registration	4
Taxation	7
Environmental requirement	16
Custom procedure	16
Work conditions, safety and hygiene	17
Shareholder dispute	27
Food safety requirement	31
Market management regulation	34
Security and social order	39
Contract dispute	39
Logistics/transportation	64
Others	71
Private loan	90
Bank loan	184
Total	639

Labour

Types of labour dispute	Number
Maternity leave	5
Compensation for labour accident	5
Appointment and promotion	6
Probation condition	7
Labour contract	12
Sick/annual leave	18
Overtime	41
Social insurance	46
Work conditions	52
Salary/remuneration	115
Other labour disputes	51
Total	358

Land

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

Civil

Types of civil dispute	Number
Child support upon divorce	15
Marriage registration	18
Divorce	36
Domestic violence	41
Compensation for traffic accident	60
Birth registration	60
Household registration	62
Inheritance	87
Food hygiene and safety	96
Total	475

Social policy

Types of social policy complaints	Number
Preferential treatment for veterans and their families	60
Social entitlement for people with disabilities	141
Social policy for the poor and near poor	145
Other complaints	20
Total	366

ANNEX 6: SUSTAINABLE DEVELOPMENT GOALS AND THE JUSTICE INDEX

SDGs	SDG targets	SDG indicators ²⁹	Justice Index indicators and variables ³⁰
	5.1 End all forms of discrimination against all women and girls everywhere	5.1.1 Whether or not legal frameworks are in place to promote, enforce and monitor equality and non-discrimination on the basis of sex	2.1.2 Non-discrimination on different grounds 2.4 Equity by social groups H17a Discrimination on the basis of gender
	5.5 Ensure women's full and effective participation and equal opportunities for leadership at all levels of decision-making in political, economic and public life	5.5.1 Proportion of seats held by women in national parliaments and local governments	H08 Public opinion in support of increased proportion of female National Assembly deputies H09 Public opinion about setting a quota for female National Assembly deputies
	5.a Undertake reforms to give women equal rights to economic resources, as well as access to ownership and control over land and other forms of property, financial services, inheritance and natural resources, in accordance with national laws	5.a.1 (a) Percentage of people with ownership or secure rights over agricultural land (out of total agricultural population), by sex; and (b) share of women among owners or rights-bearers of agricultural land, by type of tenure	A15a Proportion of women entitled to a land use rights certificate
	5.c Adopt and strengthen sound policies and enforceable legislation for the promotion of gender equality and the empowerment of all women and girls at all levels	5.c.1 Percentage of countries with systems to track and make public allocations for gender equality and women's empowerment	H16d Protection of gender equality in practice
	10.2 By 2030, empower and promote the social, economic and political inclusion of all, irrespective of age, sex, disability, race, ethnicity, origin, religion or economic or other status	10.2.1 Proportion of people living below 50 per cent of median income, disaggregated by age group, sex and persons with disabilities	A14 Proportion of poor and near poor households G01 Complaints about social policy for poor and near poor households

	10.3 Ensure equal opportunity and reduce inequalities of outcome, including by eliminating discriminatory laws, policies and practices and promoting appropriate legislation, policies and action in this regard	10.3.1 Percentage of the population reporting having personally felt discriminated against or harassed within the last 12 months on the basis of a ground of discrimination prohibited under international human rights law	H17 Discrimination on the basis of gender, ethnicity, religion, disability, migration, sexual orientation, HIV status and poverty level
	16.3 Promote the rule of law at the national and international levels and ensure equal access to justice for all	16.3.1 Percentage of victims of violence in the previous 12 months who reported their victimization to competent authorities or other officially recognized conflict resolution mechanisms (also called crime reporting rate)	C01(4) Justice system responsiveness to victims of domestic violence
	16.6 Develop effective, accountable and transparent institutions at all levels	16.6.1 Primary government expenditures as a percentage of original approved budget, disaggregated by sector (or by budget codes or similar)	3.1 Integrity of justice institutions 3.2 Professional conduct of state and police officers
		16.6.2 Proportion of the population satisfied with their last experience of public services	3.5 Public confidence in justice institutions
	16.10 Ensure public access to information and protect fundamental freedoms, in accordance with national legislation and international agreements	16.10.1 Number of verified cases of killing, kidnapping, enforced disappearance, arbitrary detention and torture of journalists, associated media personnel, trade unionists and human rights advocates in the previous 12 months	H16g Right to access to information in practice H18c Role of media in anti-corruption
	16.b Promote and enforce non-discriminatory laws and policies for sustainable development	16.b.1 Percentage of the population reporting having personally felt discriminated against or harassed in the previous 12 months on the basis of a ground of discrimination prohibited under international human rights law, disaggregated by age group and sex	H17 Discrimination on the basis of ethnicity, religion, disability, migration, sexual orientation, HIV status and poverty level

29 These indicators are the final list of proposed Sustainable Development Goal (SDG) indicators for consideration by the Statistical Commission, United Nations Economic and Social Council in February 2016; Source: E/CN.3/2016/2/Rev.1*.

30 Indicators listed in this column use to numeral codes as presented in Annex 3: Index Frame; Variables are coded as same as the question contain in the survey questionnaire.

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Implementing Partners



VIET NAM LAWYERS ASSOCIATION (VLA)

The Viet Nam Lawyers Association, established in April 1955, is a political professional organization of Vietnamese lawyers nationwide. The main functions of the VLA are to participate in law-making, conduct law and judicial research and monitor law implementation. Provincial associations of the VLA participate in legal dissemination and education, and provide legal aid for the poor and vulnerable groups.

The Viet Nam Lawyers Association has supported the Justice Index since its inception and the 2012 and 2015 iterations across provinces.



CENTRE FOR COMMUNITY SUPPORT AND DEVELOPMENT STUDIES (CECODES)

Established by the Viet Nam Union of Science and Technology Associations in 2007, CECODES is a non-profit, non-governmental organization specialised in development research and community support. The overall function of CECODES is to carry out evidence-based research to assess policy impact and to implement solutions to strengthen the capacity of communities. CECODES works towards contributing to the improvement of governance performance, focusing on facilitating the interactions between the state, market and civil society.

CECODES has coordinated the survey operation and data collection for the Justice Index since 2010, through to the most recent 2015 iteration.



CENTRE FOR RESEARCH AND TRAINING OF THE VIET NAM FATHERLAND FRONT (VFF-CRT)

The Centre for Research and Training of the Viet Nam Fatherland Front was established in 2012. Its main functions are to provide training of VFF personnel at all levels, to conduct research on relevant topics and to coordinate and partner with other research and training institutions at home and abroad in research and personnel training.



REAL-TIME ANALYTICS (RTA)

Real-Time Analytics is a research and consulting firm that provides survey and analytics services, powered by its flagship platforms rtSmartSurvey and rtCPMS, which enable real-time mobile-based survey data collections and process management. RTA's advantage is the unique combination of its cutting-edge technology and committed team that helps conduct research with a high quality and at an efficient cost. For the 2015 Justice Index survey RTA provided a new technology platform with 24/7 real-time support for survey operation and data collection.



UNITED NATIONS DEVELOPMENT PROGRAMME (UNDP)

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

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Resilient nations.*