



**ACCESS TO JUSTICE IN VIETNAM
FROM PEOPLE' S PERSPECTIVE
UPDATE – SURVEY OF 2010
PRELIMINARY FINDINGS**

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INTRODUCTION

- **2003/2004: First UNDP-sponsored survey on people's perception of access to justice in Vietnam.**
- **Direct interview 1000 people regarding:**
 - *access to legal information*
 - *access to legal institutions and supporting institutions*
 - *educational, cultural and psychological aspects that influence access to justice, and*
 - *perception of ongoing legal reforms*
- **Update survey of 2010 with same questionnaire, geographical areas and methodology.**

INTRODUCTION

- **Definition of legal institutions:** *Court, Prosecutor, Police, Judgment Enforcement Agency (“JEA ”), People ’s Committee (“PC ”), and State Inspector (“SI ”)*
- **Definition of supporting institutions :** *Grassroots Reconciliation Group (“GRG ”), Lawyer, Legal Aid Center (“LAC ”), Political-Social Organizations, Press and Mass Media*
- **Survey Areas:** *Ha Noi, Thai Binh, Hoa Binh, Dak-Lak, HCM City and Can Tho.*

INTRODUCTION

- **Quantitative Survey:** *completed in September, 2010*
- **Qualitative Survey:** *Ongoing Consultation Seminars organized in six surveyed provinces/cities with same groups of interviewees and representatives of relevant legal institutions; already completed in Hoa Binh, Ha Noi and Thai Binh; further seminars will be organized in February and March, 2011.*
- **Final Report:** *to be completed in May, 2011.*

FINDING 1:

People's Awareness of Legal and Supporting Institutions

Quantitative finding:

People's awareness of existence and basic function of the legal institutions has been increased since 2003; (averaged awareness is 74.6% for 2010, increased from 62.3% of 2003).

Qualitative finding:

Such improvement is due to the fast development of information facilities and more active propaganda by the Government.

FINDING 2:

People's Assessment of the Legal Institutions

Quantitative finding:

People's assessment of operations of the legal institutions has considerably and positively changed, (in 2003, 17% to 69.8% of respondents came up with affirmative positive answers, such rates were in the range of 34.2% to 82.0% in 2010).

Qualitative finding:

Some (e.g people from Ha Noi) didn't believe it. Others explained that a larger number of criminal cases, including corruption ones) dealt with by the Government and the explicit results of administrative reforms made people (especially those in rural areas) positively think of the legal institutions.

FINDING 3:

Difference in People' s Perception between Urban and Rural Areas

Quantitative finding:

People in rural areas seem to be more optimistic in their assessment of changes in the legal institutions in recent years, rather than those in urban areas.

Qualitative finding:

- People in rural areas are less informed and less knowledgeable;*
- Living in rural areas has been improved (compared with the past), therefore people are more optimistic;*
- “Village culture ” helps to deal better with local bureaucracy;*
- Less disputes in rural areas brought up to Court;*
- People in rural areas rely more on propaganda.*

FINDING 3:

Difference in People's Perception between Urban and Rural Areas

Rates of people think that the following institutions “positively changed” in recent years (%):

Institutions	Urban	Rural	Mountainous
Court	34.4	52.4	74.0
Prosecutor	20.4	39.2	59.0
Police	51.8	64.8	80.7
JEA	20.8	40.8	58.0
PC	71.8	71.2	81.7
State Inspector	19.9	46.0	61.0
Lawyer	57.8	59.2	71.0

FINDING 4:

Difference in People's Assessment of Judicial and Administrative Reforms

Quantitative finding:

People have acknowledged improvements made by judicial institutions, however, these seem to be far behind the improvements made by administrative bodies.

Qualitative finding:

- People more often deal with PC and Police rather than Court and Procuracy;*
- People are better informed of activities of administrative agencies;*
- Administrative reforms brought explicit results.*

FINDING 4:

Difference in People's Perception of Judicial and Administrative Reforms

Rates of people perceiving “substantial improvement” made by administrative reforms and judicial reforms in recent years (%):

Court	Prosecutors	PC	Police
50.8	36.7	74.6	63.7

	2003 Survey	2010 Survey
Administrative Reform	5.1	21.4
Judicial Reform	4.6	9.4

FINDING 5: **Disadvantages Suffered by Vulnerable Groups**

Quantitative finding:

Vulnerable groups remain disadvantaged in legal proceedings before legal institutions. (See figures in the table followed).

Qualitative finding:

- These people are poor and poor always means “disadvantageous”;*
- Vulnerable groups (especially those with HIV and handicapped) suffer mostly disadvantages and/or discrimination at work places but could never successfully complain;*
- There are some donor assistance projects but with only limited effects;*
- Handicapped people try to help themselves but get no support from authorities to set up associations (example from Thai Binh).*

FINDING 5: Disadvantages Suffered by Vulnerable Groups

➤ *Rates of people perceiving disadvantages suffered by vulnerable groups in accessing legal institutions:*

	2003 Survey	2010 Survey
The Poor	47.70	51.60
Ethnic Minorities	45.60	42.70
Disabled People	39.10	44.60
People with HIV/AIDS	47.70	51.60
Women	45.60	42.70

FINDING 6: **Impact of Legal Aid Operations**

Quantitative finding:

It seems that the impact of legal aid operations remains limited compared with other supporting institutions (e.g lawyers).

- *Awareness of LACs is lower compared with lawyer (36.9% of interviewed people aware of LACs while such rates is 75.3% for lawyer).*
- *More interviewed people from the “wealthy groups” have actually accessed LACs compared with those from the “poor groups”, (3.0% for Very poor, 5.5% for Poor, 6.0% for Middle class and 4.2% for Rich).*
- *60.1% of interviewed people could not make judgment of changes in LACs over the last 5 years, (such rate is 30.9% for lawyer).*

FINDING 6: **Impact of Legal Aid Operations**

Qualitative finding:

- Payment to legal service by LAC is too low (120,000 VND/working day without coverage for travel and accommodation), therefore lawyers don't like to go far from town to rural areas;*
- Legal aid is partly granted through the Commune People's Committees which will mainly be used for organizing meetings for people's representatives to disseminate "new laws and policy" rather than supporting concrete cases;*
- Under the current regulations, handicapped and people with HIV are not subject to legal aid;*
- Contradictory assessment of legal aid operations between LAC officers and people (e.g Thai Binh case: farmers of a commune 10 km away from Thai Binh town denied achievements reported by LAC officers).*

FINDING 7: **Urgent Need of Legal Protection for Witnesses**

Quantitative finding:

- *Higher rate of people prepared to notify the competent authorities of a criminal act witnessed by them in 2010 compared with 2003 (60.0% and 48.1%, respectively); however, top reasons for those who are not ready to do so are:*
 - *They feared authorities would not be able to protect them in case of repercussions (52.9%); and*
 - *They don't trust the authorities to take adequate actions (14.0%).*

FINDING 7: **Urgent Need of Legal Protection for Witnesses**

Qualitative finding:

- *A policeman reported that his agency put some mail boxes on the streets to facilitate people to make crime notifications but without success;*
- *Farmers from villages said that crime notification may damage the “community relations” in the village;*
- *People in urban area claimed that in some cases the authorities are aware or have been informed of crimes or violations but don't take any actions;*
- *Most of people don't believe in the enforceability and real effect of a Law on Witness Protection if any.*

FINDING 8:

Increasing Role of Press and Civil Society Institutions

Quantitative finding:

Press, mass media and civil society associations play an increasingly important role in protecting people's rights and people's perception of these institutions have been highly positively changed over recent years.

Role of Press and Mass Media

Compared with all other institutions, there is a record of high rates of interviewees' positive assessment:

- *91.3% of respondents answered that press and mass media play an "important" or "very important" role in protecting their own rights.*
- *88.6% of them confirmed positive changes in their perception of this institution over the last five years.*

FINDING 8: Increasing Role of Press and Civil Society Institutions

Role of Civil Society Institutions

- *31.7% of interviewed people with membership in social and professional associations.*
- *33.9% of them expressed that associations are “influential” or “very influential” in protecting member’s rights before governmental institutions*
- *75% of members of associations acknowledged “positive changes” of associations over the last five years.*
- *Group of farmers and workers expressed that in cases of civil disputes they prefer “Asking the Head of the Village or Reconciliation Group for help”.*

FINDING 8: **Increasing Role of Press and Civil Society Institutions**

Qualitative finding:

- Representatives of the legal institutions seem not to believe in the effective role of the civil society associations in dispute settlements due to lack of legal function and capacity;*
- People believe that in most cases the authorities would take immediate or quick actions if the dispute or crime is exposed by press;*
- People, however, highly evaluate the role of civil society associations because they are always well received, listened and helped by such associations in case of dispute.*

FINDING 9: Improved People's Perception of Current Legal Reforms

Quantitative finding:

Compared with 2003, it seems that the rate of people with positive assessment of current legal reforms has been increased .

- *32.5% of interviewed people don't have any knowledge about current legal reforms (compared with 28.0% in 2003).*
- *However, 70.9% of people believed that legal reforms are important for their life (compared with 54.0% in 2003). This may be interpreted to mean that people have become more optimistic in their perception about the impact of legal reforms.*

FINDING 9: Improved People's Perception of Current Legal Reforms

Qualitative finding:

People have a common explanation that the life has become much more “diversified and complicated” since 2003, therefore, they would rely more and more on the laws which can give them “certain protection”.

THANK YOU
FOR YOUR ATTENTION!