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MEASURING CITIZENS' PERCEPTION AND EXPERIENCE ON JUSTICE

Findings and Recommendations from a Three Province Pilot

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The views expressed in this publication are those of the author(s) and do not necessarily represent those of the United Nations, including UNDP, or the UN Member States.

Contents

Development background	4
Conceptualization.....	5
Main building blocks of the survey questionnaire.....	6
Methodology.....	6
Survey sites.....	7
Survey operation and field work.....	7
Preliminary evidences from the 3 province pilot.....	8
SOURCES OF LEGAL INFORMATION	8
1. The effective of module.....	8
2. Useful key points.....	8
3. Data analysis:	9
LEGAL KNOWLEDGE.....	9
1. The effectiveness of the module	9
2. Suggested research strategy to interpret provincial performance	11
PREFERENCES AND ATTITUDES	13
1. Environmental vignette	13
2. The effective of the vignette module	14
3. Most and least effective institutions	17
4. Actual cases of environmental problems	17
EXPERIENCES AND SATISFACTION – Land Disputes	18
1. Timing and occurrence	18
2. Modes of dispute resolution	19
3. Degree of satisfaction with chosen channels of dispute resolution.....	20
4. Who helped solve the case?.....	20
5. Did various forms of pressure play a role in the case?	21
6. Land dispute outcomes.....	21
7. Recommendations for use in a larger national study.....	21
Limitations of the pilot.....	22
Suggestions for new wave of JAPI.....	22
APPENDIX 1: JAPI questionnaire	24
APPENDIX 2: Report of the JAPI pilot study in three provinces	37

Development background

Since 2009, UNDP in collaboration with CECODES and VFF has started the PAPI research project, aiming to gauge citizen's perception on provincial governance and Public Administration Performance in 3 provinces. The PAPI research was sized up to 30 provinces in 2010 which captured key features and dimensions of local governance and public administration in Viet Nam including:

- Participation at Local Levels
- Transparency
- Vertical Accountability
- Control of Corruption
- Public Administrative Procedures; and
- Public Service Delivery

Under the Dimension 6 on Public Service Delivery, PAPI 2010 is by design examining four key public services including: (i) public health care, (ii) public primary education, (iii) basic infrastructure, and; (iv) law and order at residential places.

Considering justice is a public good which is crucial to be delivered fairly, efficiently and in equitable manner, the JAPI research has been commissioned in quarter 4, 2010 in order to design a Justice Module which is complementary to the PAPI. The primary idea was to test the survey questionnaire for justice component which could be added to the PAPI to be rolled out in 2011 nationwide. It is also essential that this research while taking the advantage of using the PAPI methodology and sampling, has to be built on previous experiences and operating instruments to measure state management performance and administration of justice. Notable work commissioned by UNDP and other donors includes: Access to Justice Survey 2004 and an A2J 2010 update survey being supported by UNDP, Provincial Competitive Index (PCI) by VCCI with support of Asia Foundation and VCCI, to name a few.

Within the framework of the UNDP supported project to the Vietnam Lawyers' Association (VLA), the research team designed the conceptual framework and instruments for measuring justice at selected provinces from citizen's perspective (referred herewith as "JAPI") which was later on piloted at 3 provinces with the operation of CECODES in collaboration with the local VFF branches (Vietnam Fatherland Front). In the research team we have Pierre Landry, Political Scientist from Yale University, Nguyen Hung Quang, lawyer and researcher from NHQuang & Associates, Le Nam Huong and Nicholas Booth from UNDP Viet Nam.

The assignment began in September 2010 and completed in April 2011. This report will serve as an executive summary about the research process, concept, findings and suggestions for leveraging JAPI in 2011 and beyond.

Conceptualization

The research team has taken a rights-based approach in defining justice in the development context of Viet Nam. In a country where it is often said that law is what people found not what is written in the textbook. Measuring legal development and administrative of justice in Viet Nam have to taken into account the reality of huge gap between law and practice, the existence of a legal pluralism system where formal, informal and customary mechanisms are interwoven and in synergies. What do we mean while trying to measure justice in Viet Nam? Our concept of justice has been crafted from responding to the following questions:

- What do citizens know about the legal system?
- What are the problems that they encounter?
- How do they resolve these problems?
- How do they evaluate the effectiveness of the legal institutions in relation to competing (formal and informal) institutions?
- Do we observe significant differences in attitudes and behavior across provinces?

While the previous exercise which studied access to justice in Vietnam centered at 3-pillars stellar: (i) legal awareness (ii) access to justice institution, and (iii) confidence to justice institutions, the JAPI concept takes a practical approach which is also theoretically sound. Considering justice a public service, legal knowledge is a person's human capital, individual position and contacts in the society (related to justice system) are the social capital which in return influences the individual's preference toward specific institution(s) when s/he encounters a legal problem. By tracking ordinary people's behavior as well as attitude while encounters problems, justice can be measured both quantitatively and qualitatively. If we are tracking people's behavior and attitude across provinces, variations and differences as well as uniqueness can be captured, compared and ranked.

The logical framework for empirical analysis integrated with main pillars of the JAPI justice concept can be graphed as below:

Human capital	↔	Legal knowledge and Legal information
Social capital	↔	What do you know? Organizations/network you are a member?
Preferences	↔	What would you do?
Experience	↔	What did you do?
Evaluations	↔	What is (in)effective?

While translating this conceptualization of justice into a quantitative instrument, several substantial and methodological questions that the research team has to address including: (i) how to overcome the challenges of doing empirical study in the context of Viet Nam; (ii) how to capture the nuances of ordinary people's opinions to justice; and (iii) how to track ordinary people's assessment of the justice systems. The challenge of access has been solved as the survey methodology for JAPI will be as same as PAPI which thus far has been proved objective and worked well. For more details about the survey methodology, please refer to the "Methodology" section.

With respect to people's attitude and behavior, the survey instrument has been designed to capture opinions of those just based on personal perception as well as those have went through some kinds of experiences with justice institution while having a legal dispute. The solution is to combine questions on legal knowledge and hypothetical case are used to measure people attitude and perception, while a person's past experience from a legal dispute is also been asked directly in the course of an interview.

Main building blocks of the survey questionnaire

"What are the kinds of issue which would trigger a respondent's reaction the most?" is crucial for the research to distinguish and examine. We have studied a long list of options and at the end chosen to focus on two subjects: environment protection and land dispute. The main considerations are:

1. **Synergies between JAPI and PAPI:** For JAPI to be a sub-component to PAPI, only socio-economic and civic issues are subject to be targeted. Still for this socio-economic group, the long list contains labor, economic, and family-related issues. It can also cover citizen's petition, denunciation, and administrative cases which involve the court system.
2. **Constrains to survey administration:** PAPI questionnaire already have 50 questions, and it takes approximately 45 minutes for an interview. The JAPI component (to PAPI) needs to be maximized and highly prioritized in terms of its focus and efficiency. Our strategy for questionnaire design, therefore, is constrained to the 2 topics and the total estimation of time for interview would be around 30 minutes for both demographic section and thematic sections. Time for JAPI 2010 thematic section is confined and allowed to range from 10 to 15 minutes actually.

The main building blocks of the questionnaire¹ consist of:

1. Demographic component: individual respondent's information, human and social capital;
2. Environment case: individual's attitude and preferences in dealing with a hypothetical case as victims of environment pollution;
3. Land dispute: individual's experience over past three (3) years in resolving a land dispute (could be in category of either civil or administrative case)
4. Legal knowledge section: combination of 10 questions to test "legal knowledge" at different levels.

Methodology

Multistage probability sampling has been applied to JAPI as PAPI. Practically, to guarantee the most cost and effectiveness operation, JAPI 2010 has used the same sampling frame as

¹ See a copy of the questionnaire in Appendix 1.

PAPI 2010 which gained access to 575 households as resulted of multistage probability sample by selecting from each province 3 districts (1 capital district and 2 ordinary); per one district go to 2 communes, each commune to 2 villages; and at each village to visit 18 to 20 households which were randomly selected. The household survey was carried out in form of a face-to-face interview between a representative² of the household and a trained enumerator.

A set of questionnaire is developed by the research team. In order to equip the survey team in training enumerators and to ensure quality and precisely use (and understanding) of legal terms (appeared in the questionnaire); the research team developed in collaboration with CECODES a Survey Manual to be used by survey trainers and trainees. CECODES in coordination with the VFF are responsible for interview arrangement and monitoring, while UNDP and VLA provide technical support to the survey team when necessary.

Survey sites

The three pilot provinces are pre-selected from 30 PAPI operated provinces in 2010 which are Phu Tho, Hue and Vinh Long. The selection criteria aim to have representation for North, Central and South regions of the country. Though the demographic size is small, it is sufficient for piloting and testing the concept and methodology at this preliminary stage.

Survey operation and field work

The survey is administered by CECODES within the VLA project framework. The fieldwork in three pilot provinces has been conducted in two months Oct-Nov 2010. Prior to the fieldwork, focus group discussions have been organized by CECODES in Sep and Oct 2010 in order to test the questionnaire logics including:

- **Comprehensible**: the questionnaire can be easily understood by people coming from a wide range of backgrounds and educational levels
- **Appropriate**: the questionnaire can capture the desired information
- **Sensitive**: there are specific questions which are politically sensitive therefore prompting respondent either to lie or to refuse answering.

After the focus groups in Hanoi and Hoa Binh, the questionnaire has been modified to reflect the experiences gathered at the discussions. For more information about fieldwork and survey operation, please refer to the CECODES's report on JAPI (see Appendix 2).

² The survey does not target master of the household ("chu ho"). Once the household is randomly selected, the local VFF in coordination with village heads or officers to invite representative to meet with the survey team at village/or commune office. It is observed that it is very much depended on who is available (between the husband and wife) in a family at the time of survey execution, that person goes to the meeting. This sometime causes difficulties for the survey team in monitoring a sound gender balance in different surveyed sites.

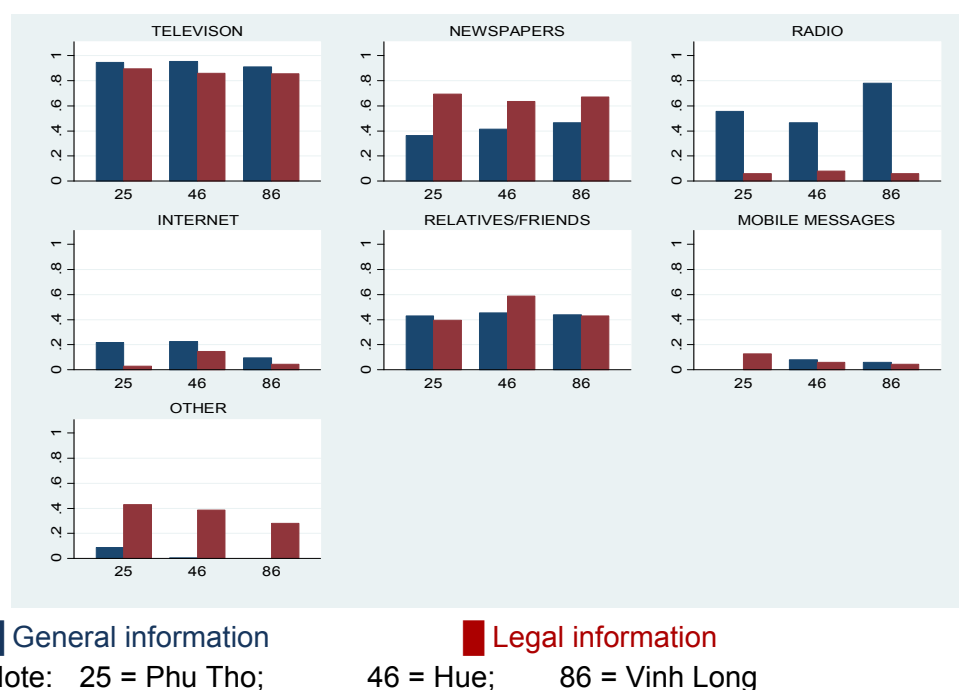
Preliminary evidences from the 3 province pilot

This section will basically present key findings from the pilot with focus to (i) evaluate the effective of a module; and (ii) raise key points and implications which are considered worth to notify and be further studied by policy makers, researchers in the area of justice and promotion of justice in Viet Nam. In addition, data analysis on specific question and tool will be elaborated in-depth when necessary.

SOURCES OF LEGAL INFORMATION

1. The effective of module

The module has been success in showing which mediums of media and communication is most popular and accessible. **Graph 1** below provides level of popularity and accessibility to sources of legal information. It also gives contrast between legal information and general information.



2. Useful key points

- There is no big difference across 3 provinces.
- Television is the big winner. It should be noted the survey did not differentiate VTV with local TV programme.
- Radio is under-utilized medium. This is a bit surprise to national researchers since radio used to be champion medium and it seems no longer the case.
- Newspapers do well and quite popular. It could be interesting to know which newspaper(s) precisely was on the top list.

3. Data analysis:

One of the survey question asked “How often do you watch discussions at National Assembly?” in order to test possible link between source of legal information with National Assembly debates and public hearings aired by VTV during National Assembly sessions. The results are somewhat informative but ambiguous as appeared in **Table 1** below.

	PT25	Hue46	VL86	Total
Khong bao gio/Never	57	43	56	156
Doi khi/Sometimes	118	125	118	361
Hang ngay/Daily	10	21	10	41
111	7	2	1	10
KB/Don't Know	0	0	7	7
Total	192	191	192	575

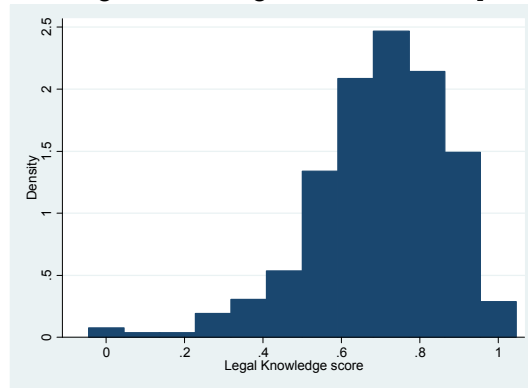
Interpretation of the results should be cross checked with the PAPI's similar question. Perhaps, this may not be a good tool in a project that seeks to sort differences across provinces.

LEGAL KNOWLEDGE

1. The effectiveness of the module

The module was designed to sort respondents on a scale that captures differences between respondents about the level of basic legal knowledge. In order to capture variation, items must different degrees of difficulty, so that only truly knowledgeable respondents may correctly answer them. It is important to include several relatively easy items, so as not to embarrass respondents who may be alienated if they find the test too difficult. It is also necessary to include a sufficient number of items in order to preclude the possibility that correct responses are obtained my chance. On a single item, a respondent who refuses to admit that he does not know the answer to a question has a 50/50 chance of being correct. With 11 items, the joint likelihood of obtaining a perfect score by chance is 0.04% (or 0.5^{11}).

Graph 2: Legal knowledge score for ALL [0-1 scale]



The histogram of the legal knowledge score—scaled by adding the number of correct responses divided by 11 – shows that the module effectively differentiates between low and high scores. The distribution is tilted to the right, because the respondents who guess rather than admit not knowing are not penalized in this scheme, but that is not important since the main purpose of the module is to capture relative rather than absolute levels of knowledge.

The module also proves effective in capturing variation among in 3 pilot provinces. Vinh Long is ranked 1st, then Phu Tho and Hue comes last in the legal knowledge test overall. This result is somehow strikingly to research team intellectually as we try to interpret provinces' performance.

Graph 3: Legal knowledge in 3 pilot provinces

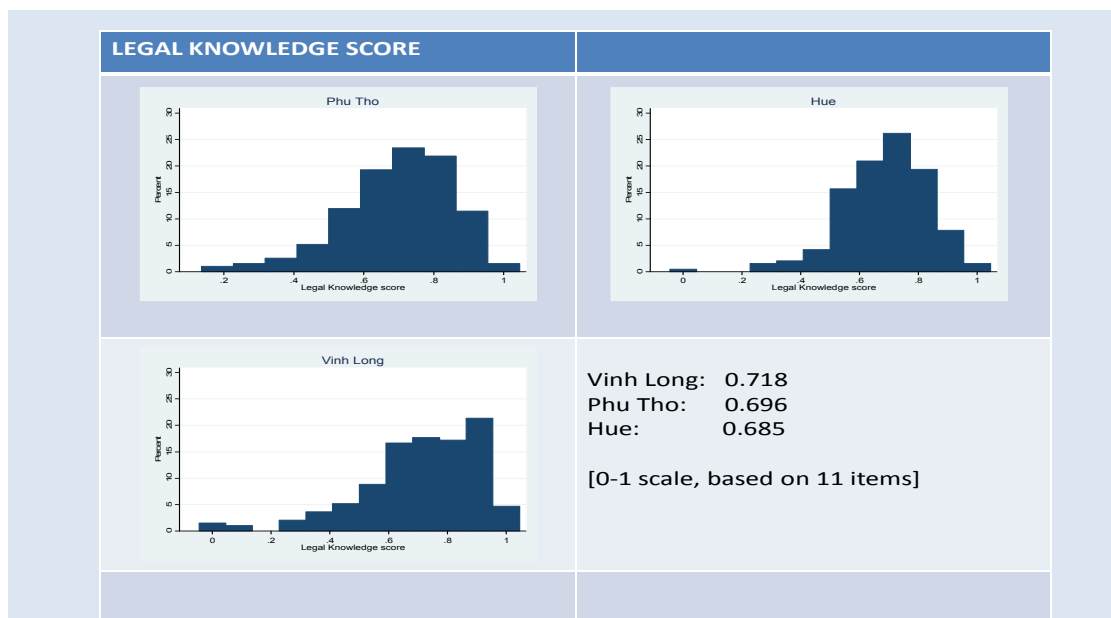


Table 2 highlights in red items with the lowest percentage of correct answers. Answers to item d801 suggest that most people feel entitled to a red book if they occupy land for 10 years. Only 47% of the respondents know that teenagers are entitled to legal representation in court, while only 73% believe that provincial governments have the legal right to direct judicial rulings.

Table 2: Overall results for legal knowledge test

		% correct	% DK	% miss
d801	Right to red book after 10 years	28.17	11.3	0
d802	Right to hire workers under 15 years old	90.96	2.96	0
d803	Can sue divorced husband who fails to pay child support	87.48	3.48	0.35
d804	Under 18 year no right to hire lawyer	47.48	21.39	0.17
d805	Married daughters no right to inherit	73.22	5.22	0
d806	Provincial government can direct judge	33.22	31.13	0.52
d807	Only male in household has his name listed in red book	78.43	3.65	0
d808	Poor households have free legal assistance	87.48	9.57	0
d809	Hiring workers over 6 months requires a contract	86.78	9.91	0.17
d810	Verdict of appellate court must be executed	69.91	21.91	0
d811	Widows inherit 50% of assets if husband dies	83.48	8.52	0

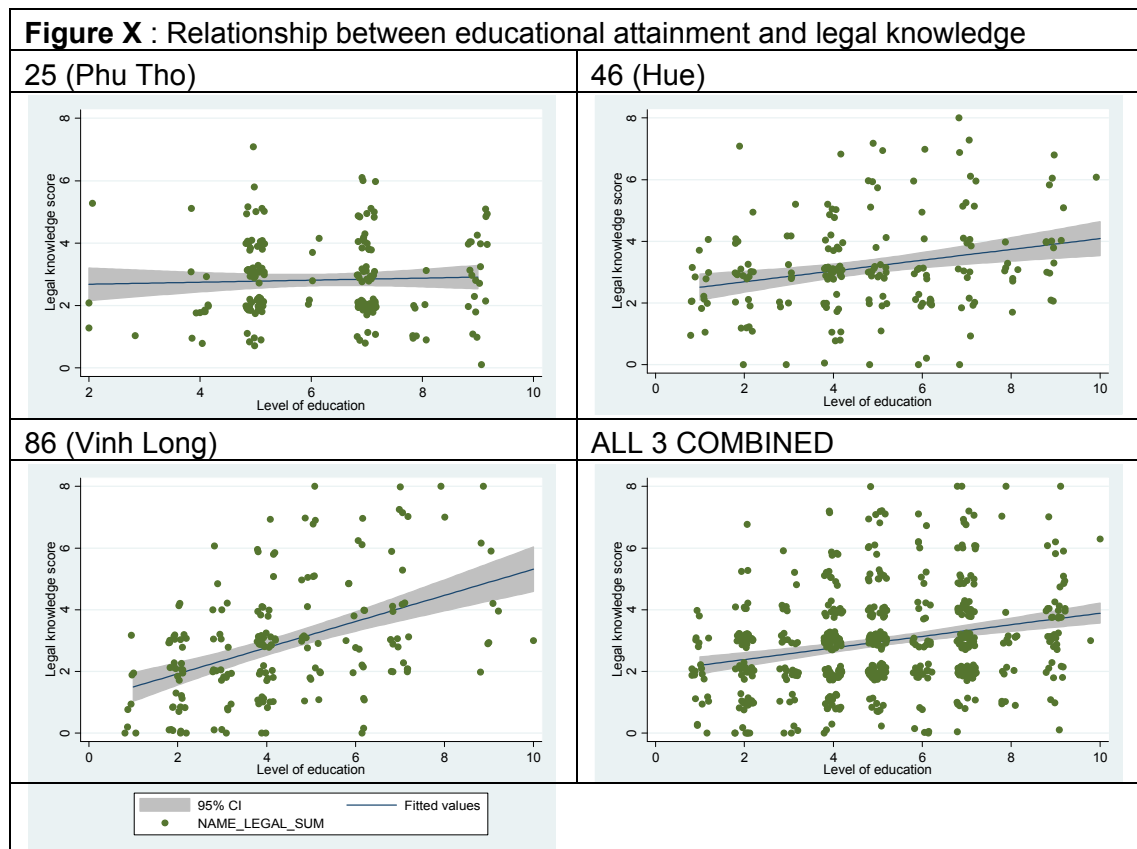
The share of respondents who admit not knowing an answer is also instructive. They are especially high regarding teenagers' representation in court, the right of provincial governments to direct judicial rulings, as well as the execution of final verdicts. The ratio of correct answers exceeded 80% for five items: the right to legal assistance for the poor, the right to a labor contract if employed over six months, the right to sue for child support, as well as the question about inheritance rights of widows.

2. Suggested research strategy to interpret provincial performance

It is important to keep in mind that multi-stage surveys such as JAPI are based on clusters of respondents who share many attributes of environment in which they live, but whose individual-level characteristics also influence their attitudes and behavior. For example, some provincial authorities may have taken initiatives aimed at improving legal awareness, but these initiatives are likely to impact citizens differentially because of heterogeneous demographic, social and economic conditions within the province.

Regression analysis can help "peel off" the impact of factors that are arguably 'fixed' as far as local governments are concerned and thus highlight more meaningfully the extent of differences across clusters (e.g. provinces). This technique is particularly important when the underlying demographic characteristics of respondent vary systematically across regions. If for instance, one province is vastly richer than another, a fair comparison of the performance of each provincial government must take these wealth differences into account. In the case of legal knowledge, it is crucial to control for the highly heterogeneous levels of educational attainment among respondents. Common sense and statistical tests suggest a strong positive correlation between these variables, and this positive correlation can easily mask the impact of specific policies and initiatives taken at the provincial level.

Figure X shows that even in a pilot of limited scope, relationships between core variables vary by province. In Phu Tho, the mean value for educational attainment is 6.1 (which corresponds to incomplete high school in the JAPI coding scheme), which is much higher than in Hue (4.7) or Vinh Long (4.3). Since the level of education in Phu Tho is high, we would expect legal knowledge to be somewhat higher than elsewhere, regardless of the effort that Phu Tho authorities may have exerted. Conversely, it is conceivable that Vinh Long authorities are doing better than expected, but that these efforts are harder detect due to lower levels of education in the province (typical Vinh Long respondents have only completed a middle school education).



Regression based analysis makes it easier to isolate the specific impact of each province, holding constant socio-demographic characteristics of the respondents that can fluctuate considerably across provinces. We can thus estimate a simple regression model that accounts for individual demographic characterizes that are likely to impact a person's legal knowledge score, as well as markers of the specific effect of happening to be a resident of each sampled province. Thus, the top three lines of the table “peel off” the effects of age, gender and education. The constant term estimates the baseline impact for Pho Tho (province 26), while two markers (province 46 and province 86) measure how residents of Hue and Vinh Ling deviate from Phu Tho's base line. In addition, the variable *provincial capital* is coded 1 if respondents reside in a provincial capital and 0 otherwise. We expect that legal knowledge in capitals to be higher, since provincial capitals concentrate legal institutions (such as legal air centers, lawyers and courts) as well as resources (educational institutions, local media) that are likely to facilitate the diffusion of legal knowledge.

The results of this procedure show that Vinh Long residents are actually the best performers in the sample, controlling for their somewhat unfavorable demographic characteristics. The net impact of Phu Tho is .48, while it is .54 for Hue ($0.482 + 0.034$) and .55 in Vinh Long ($0.482 + 0.067$). Since the legal knowledge score is scaled from 0 to 1, both the magnitude of these impacts and estimated differences between provinces are quite large.

We also learn from these results that education-- but not age and gender-- has a statistically significant impact on legal knowledge. This impact is substantively large: the difference between a primary school graduate (coded 3) and a high-school graduate (coded 7) is .12 on our 0-1 scale.

Finally, we do not detect evidence of urban bias, in the sense that residents of provincial capitals do not have significantly higher scores than residents of ordinary districts. Since we find differences between provinces but not between districts within provinces, the regression results suggest that legal dissemination might be improved by targeting provincial rather than district-level authorities.

PREFERENCES AND ATTITUDES

1. Environmental vignette

This instrument is to test (i) what would respondent (not) do when facing an environmental problem? (ii) what have been thought the most and least effective channel to pursue a solution?

During the development of the questionnaire, the research team was concerned that asking questions solely about direct experiences with events that are rare even over an entire life-course would yield too few cases suitable for statistical analysis. Since rare events are hard to capture in survey research, one alternative is to design vignettes that depict an actual case or real event as realistically as possible and then ask respondents specific questions once they have been exposed to the vignette. Doing so “frames” all respondents with the same quality and amount of information about the issue, and improves the comparability of responses across the entire sample. Obviously, vignettes cannot be used to make point prediction about incidence rates, but they are very useful tools help measure underlying preferences about issues that most respondents rarely encounter or spend much time thinking about.

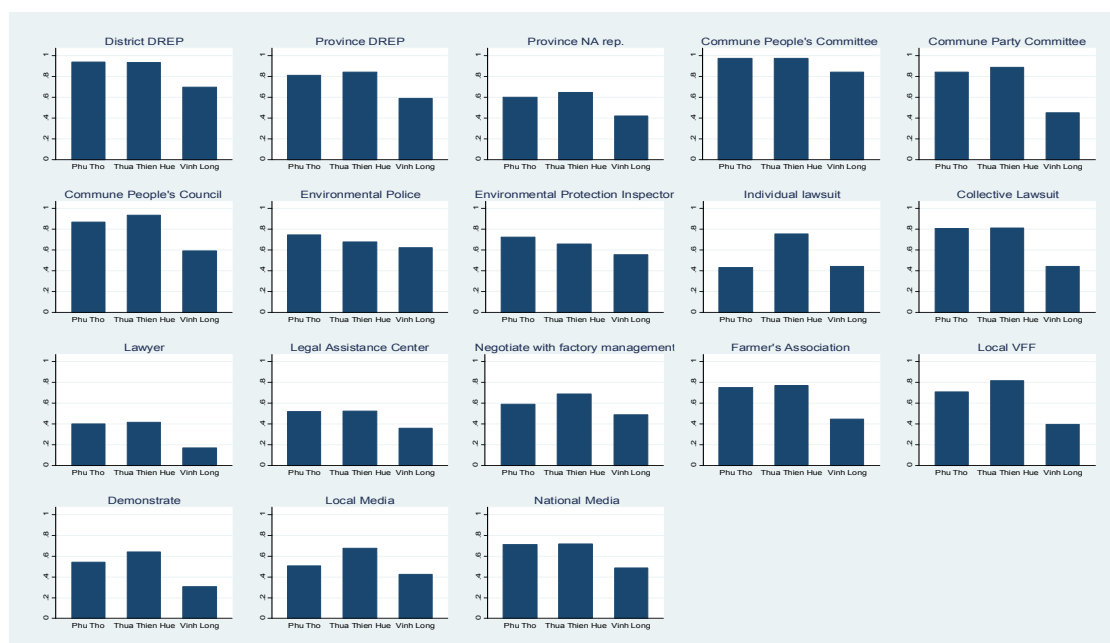
What constitutes a “serious” environmental “problem” can vary widely across individuals, and how severe the problem is may directly impact which channel(s) disputants would choose to pursue. A vignette reduces the risk that respondents –if asked a highly general question— would provide answers based on highly heterogeneous mental baselines of the severity of the problem.

The vignette chosen for this module focuses on an actual environmental dispute reported in the press.³ The factual report was reproduced in the vignette, along with the same picture of the offending factory that was initially published in the article. The aim was to imprint each respondent with identical factual and visual information before enquiring about their preferred venue for dispute resolution.

2. The effective of the vignette module

Graph 4 below summarizes the responses, organized by dispute category and by province. We obtained valid answers for all items in each province, which suggests that the module adequately captures the range of options that disputants would consider in an environmental dispute. We detect two broad trends. First, administrative and political channels seem more popular than formal legal institutions. In each province, (prompted) mentions of provincial and local DREP exceed 60% (805 in Phu Tho and Hue). Commune political institutions (People's councils, People's committee, Party Committee, as well as the local VFF) were chosen very frequently, particularly on Pho Tho and Hue. In Pho Tho and Vinh Long, about 40% of the respondents claimed by that would consider filing an individual lawsuit, while in Hue the ratio reached almost 80%. However, far few mentioned that they would use a lawyer or legal assistance. The options of direct negotiations with factory managers, demonstrating in front of the factory, or contacting the media all proved more popular than formal legal channels.

Graph 4: Results on different institutions approached for an environmental problem



The results as appeared in Table 3 (in the next page) suggest significant differences across provinces. Respondents from Vinh Long seem much less willing to use any channel of any sort, although they also prefer administrative and police channels to legal institutions. It is also worth noting that urbanization (along with the level of economic development) is unlikely

³ The real case was reported by *Nguoi Dai Bieu Nhan Dan* (a newspaper for National Assembly's deputies) and *Vietnam News* in September 2010.

to be the cause of inter-provincial differences: Phu Tho residents were consistently more willing to act than their counterparts in Hue.

Channel	Most effective					Least Effective				
	Phu Tho	Hue	Vinh Long	Combined		Phu Tho	Hue	Vinh Long	Combined	
District Dpt of Resources and Environmental Protection	 23.4	 30.9	 23.4	 25.9		 1.0	 1.1	 3.1	 1.7	
Provincial Dpt of Resources Environment Protection	 13.0	 3.1	 6.8	 7.7		 4.2	 1.1	 2.1	 2.4	
Representatives of Provincial NA	 1.6	 2.6	 3.1	 2.4		 0.5	 0.0	 2.6	 1.0	
Phuong/Commune People's Committee	 20.8	 46.6	 32.8	 33.4		 7.3	 4.7	 10.4	 7.5	
Commune Party Committee	 1.0	 0.0	 1.6	 0.9		 3.7	 2.6	 4.2	 3.5	
Commune People's Council	 1.0	 2.1	 2.6	 1.9		 3.1	 1.1	 2.6	 2.3	
Environmental Protection Police	 5.2	 7.9	 4.2	 5.7		 2.1	 1.6	 1.6	 1.7	
Environmental Protection Inspectorate	 5.7	 1.1	 5.7	 4.2		 1.0	 2.6	 3.1	 2.3	
Sue the factory individually	 1.0	 0.5	 0.0	 0.5		 10.4	 21.5	 1.6	 11.1	
Sue the factory collectively	 5.7	 1.6	 1.6	 3.0		 2.1	 1.1	 1.6	 1.6	
Lawyer	 0.0	 0.0	 0.0	 0.0		 0.0	 5.2	 0.0	 1.7	
Legal Assistance Center	 0.5	 0.0	 0.0	 0.2		 2.6	 3.7	 1.0	 2.4	
Discuss directly with Factory Management	 6.3	 0.0	 4.7	 3.7		 6.8	 14.7	 13.5	 11.7	
Local Farmer's Association	 0.5	 0.0	 1.0	 0.5		 17.7	 8.4	 8.3	 11.5	
Local VFF	 1.6	 0.0	 1.0	 0.9		 1.6	 11.0	 2.1	 4.9	
Demonstrate by the factory	 2.6	 0.5	 0.5	 1.2		 2.1	 0.0	 1.0	 1.0	
Contact national mass media	 3.1	 1.6	 1.0	 1.9		 2.1	 0.0	 3.7	 1.9	
Contact local mass media	 2.1	 0.5	 1.6	 1.4		 5.2	 1.1	 1.0	 2.4	
Missing	 1.0	 0.0	 1.0	 0.7		 7.3	 3.1	 1.6	 4.0	
DK	 3.7	 1.1	 7.3	 4.0		 19.3	 9.4	 34.4	 21.0	
NA	 0.0	 0.0	 0.0	 0.0		 0.0	 6.3	 0.5	 2.3	

Table 3: Perception of least and most effective channels of dispute resolution over an environmental dispute
(Vignette, Questions B2 & B3)

3. Most and least effective institutions

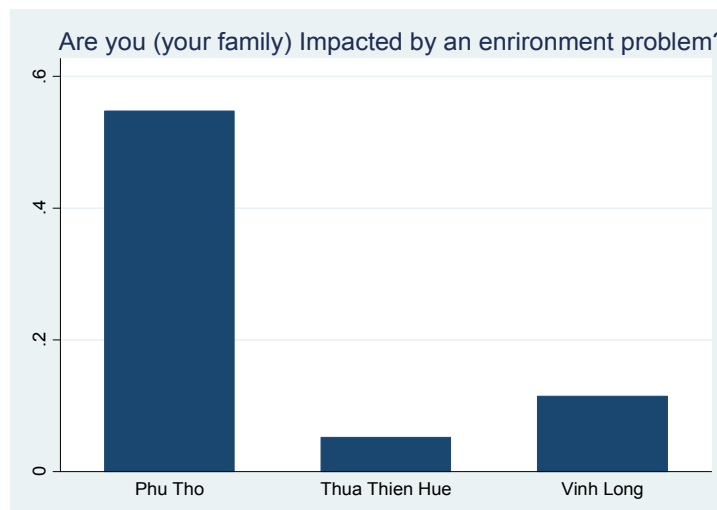
As a follow up, we asked the respondents to indicate which one they would expect to be the most effective and also to identify the institution that they regard as least effective in the solving this type of dispute. Table 3 summaries the preference per province as well as overall performance.

Once again, we detect confidence in administrative (District environmental protection agency) and political (Commune People's Committee) institutions and these findings hold across three provinces. The list of least effective institutions is even more revealing about the relative lack of confidence in legal institutions. A plurality (21.5%) of Hue residents stated that individual lawsuits would be the least effective way to resolve the dispute, against 10% in Phu Tho. However, we detect far less skepticism about lawsuits in Vinh Long, where direct negotiations with factory management (13.5%), contacting the Commune People's Committee (10.4%) or the Farmer's Association (8.3%) were the foci of negative assessments. That said, over one third of Vinh Long interviewees did not know or refused to identify an ineffective channel.

4. Actual cases of environmental problems

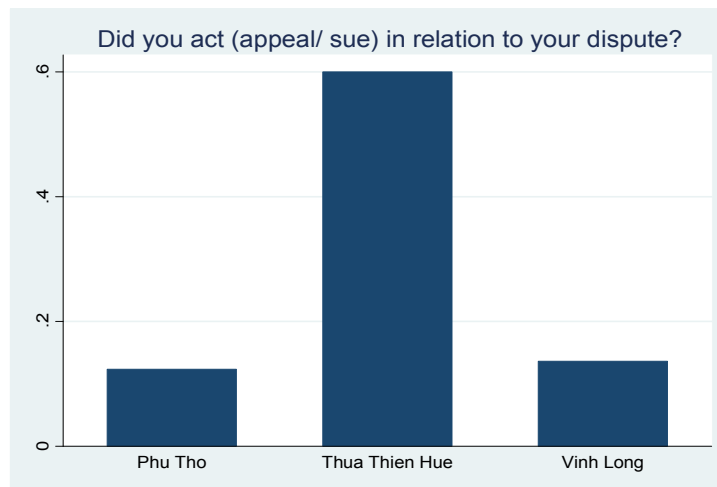
Having asked about likely channels of dispute resolution, we also checked whether the respondent felt that they were personally victims of environmental damage or pollution. In Phu Tho, a majority (54.7%) of respondents claimed to be victims, vastly more than in Vinh Long (11.4%) or Hue (5.2%).

Graph 5: Incidence of environmental problems by province



But then what have been found is actions taken (conditional upon dispute) by province are not relatively resembled the incidence of problems.

Graph 6: Court a possible forum for environment dispute settlement



There are however vast differences across provinces about the propensity to act upon problems when they arose. Even though only a small minority of respondents from Hue reported problems, 60% of them claimed to have taken some sort of action in contrast to Phu Tho where as many as 105 respondents reported a problem, only 13 (or 12%) took any action.

EXPERIENCES AND SATISFACTION – Land Disputes

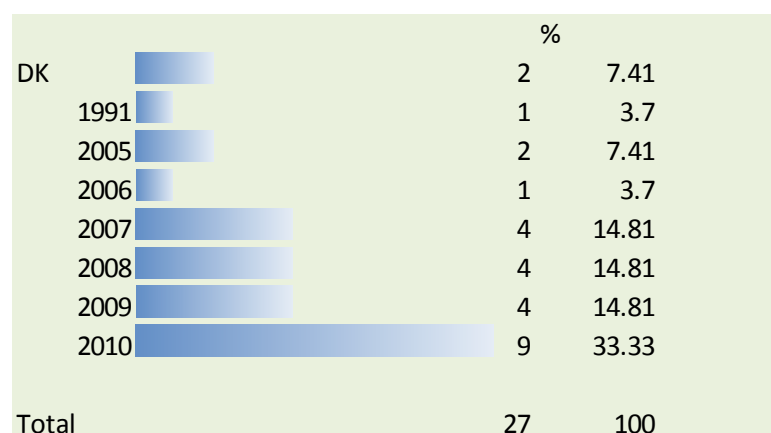
According to legal need assessment conducted by the VLA in 2009, land issue has been reported as one of the areas need legal aid the most. The research team, therefore, chooses land dispute for testing the real experience module.

The module on land dispute focused on the respondent's (or his/her family's) direct experience with a land-related dispute, in contrast to the vignette instrument for environmental problems. We suspected that only a minority of respondents would report problems and indeed only 4.7% did so, virtually at identical rates across provinces. Of the 27 reported disputes, 7 were with relatives, 12 were with non-relatives, and 7 involved a conflict with a state organization. No one reported disputes with business entities.

1. Timing and occurrence

The survey question asked for cases over past 3 years, however, responses are varied widely and the time spectrum ranging from 1991 to 2010 as summarized in Table 4. The numbers of instance are varied slightly by provinces, which are accounted for Phu Tho 4.2%, Hue 4.9% and Vinh Long 5.2%.

Table 4: Occurrence of ALL land disputes over time

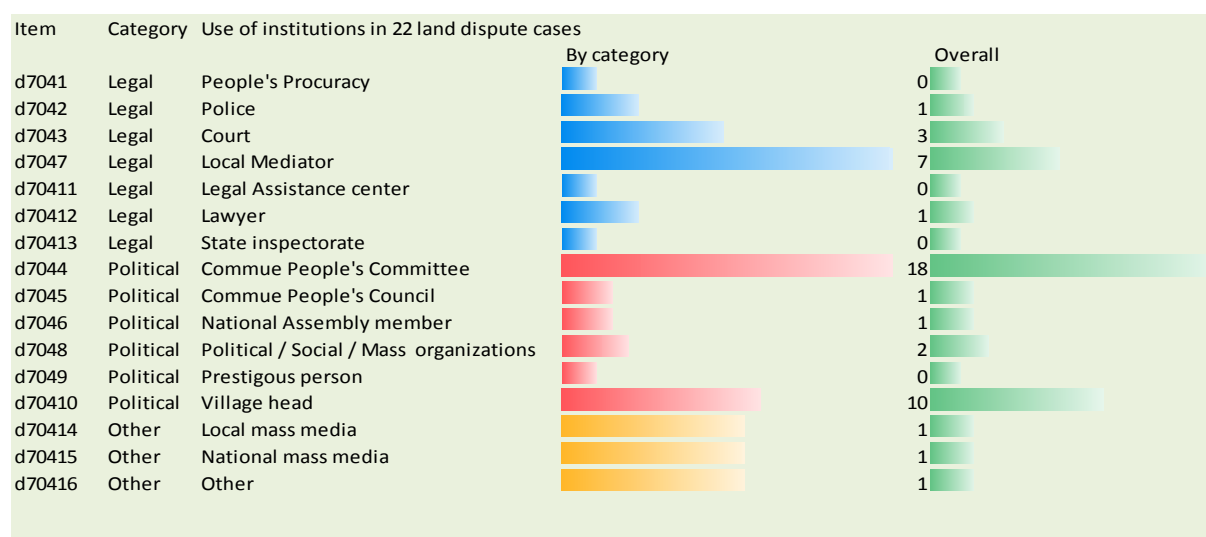


In 12 instances, disputes were still unresolved at the time of the interview, and a further 2 would not say whether it was resolved or not, which can be taken as a signal that it was not. All 8 instances of successful dispute resolution occurred less than 2 years after their initiation.

2. Modes of dispute resolution

It appears that 5 of the respondents refused to seek any form of assistance after their dispute erupted. It is difficult to say whether this lack of action reflects only minor disputes that do not warrant seriously escalation, or whether these respondents lacked trust in dispute resolution mechanisms. Table 5 below shows modes of land dispute resolution.

Table 5: Use of institutions in land disputes



Although the absolute number of disputes is rather low, we can discern trends about the modes of land dispute resolution that were attempted. Virtually all disputants (21 out of 22) approached

political institutions at the village or commune level, and 7 of them used both of these channels. Only 12 respondents reported using administrative or legal institutions, and in seven cases, a local mediator was used. We only find evidence of 3 lawsuits, and a single instance when a lawyer was consulted. None of the reported courts cases involved the use of a lawyer or any form of legal assistance.

3. Degree of satisfaction with chosen channels of dispute resolution

Although mediators and commune people's committees were frequently used, they were rarely credited for help produce satisfactory outcomes. Of the 18 disputants who approached the Commune Committee, 6 claimed to be “dissatisfied” and 6 were “not very satisfied” with outcome. Evaluations of mediators were mixed, while village heads (elected competitively since 2003) received much more positive assessments: 7 out of 10 users were satisfied or very satisfied. We have too few instances of use of legal institutions to draw any reliable conclusion about their effectiveness.

Table 6: Degree of satisfaction with chosen channels of dispute resolution

	Dissat	Not very sat.	Sat.	Very Sat.	
People's Procuracy	0	0	0	0	0
Police	0	0	1	0	0
Court	2	1	0	0	0
Local Mediator	1	3	3	0	0
Legal Assistance center	0	0	0	0	0
Lawyer	0	0	1	0	0
State inspectorate	0	0	0	0	0
Commue People's Committee	6	8	3	1	
Commue People's Council	0	2	0	0	0
National Assembly member	1	0	0	0	0
Political / Social / Mass organizations	0	2	0	0	0
Prestigious person	0	0	0	0	0
Village head	0	3	4	3	
Local mass media	0	0	1	0	0
National mass media	0	0	1	0	0
Other	0	1	0	0	0

4. Who helped solve the case?

Since disputes were resolved only in eight cases, we cannot infer too much from the answers to the question that asked who (or which institution) was most helpful in solving the case. Yet, again, most respondents gave credit to administrative or political institutions: 5 indicated the commune people's committee, while the three others mentioned their village head, the local mediator, and the court.

5. Did various forms of pressure play a role in the case?

We asked disputants about non-legal steps that their adversaries took in the course of the dispute. We note two instances of bribery, two cases of unseemly use of social connections, one instance of threats made against the respondent's family, and one instance of mobilization of a several people against the respondents (which can be construed as a combination of social pressure and threat). These numbers are low, and 12 of 22 the respondents claimed to be unaware of unseemly or illegal behavior.

6. Land dispute outcomes

Only 1 out of 9 disputants is satisfied with the dispute outcomes. It is not an encouraging indication to the justice system. With the growing number of land disputes accumulated over time and the system is ineffectively responding to the situation, social order and stability to be at risk. In-depth analysis on land dispute resolution would be useful for policy makers and researchers to come up with adequate solution and mechanism to address to problems.

7. Recommendations for use in a larger national study

The seemingly small number of land dispute cases that emerged in the JAPI pilot may appear low at first glance, but these are in fact very useful markers of important legal developments. In a model detailed survey, the types of related disputes may be expanded to include matters like purchasing or sales of homes as well as inheritance or property dispute that arise in divorces that would help paint a more complete picture of a sector of activity that is theoretically and empirically closely related to rule-of-law development in any society. If JAPI indicators were to be taken over time, they would further help tease out whether Vietnamese citizens remain drawn to political channels of dispute resolution, or whether evolving (and arguably improvements in the quality of legal institutions) gradually attracts disputants.

It is also worth stressing that cost and operational issues directed the implementation of the pilot away from Hanoi and Ho Chi Minh City where urban expansion and shifts in the value of land are likely to reveal higher both a higher incidence rate of land disputes, as well as more complex pathways of dispute resolution. Given their economic, demographic and administrative weight of these cities, it would be especially important to ensure that their representation in a national study is somewhat proportional to their size. Such a design is being planned for the 2011 wave of the Public Administration Performance Index (PAPI).

Finally, a national sample of the size considered by the PAPI team (240 respondents per province, 480 in very large provinces and 620 in Hanoi and HCM) is expected to yield a representative sample of well over 300 land disputes that could be analyzed in more detail than is possible with the limited data available in the pilot study.

Limitations of the pilot

As mentioned in the JAPI conceptualization section, the pilot framework has been compartmentalized in a narrow range of modules and issues (legal information, land and environment). The survey has been administered in 3 provinces to test the substantial modules which aim to be complemented to PAPI in 2011.

Given the nature of the pilot, it is worth highlighting some of technical and operational issues for possible uses of JAPI in the future as below.

1. The survey instrument is proved methodological sound and useful in ascertaining respondents' reaction to justice through vignette and experience modules on environment and land. The instrument itself, however, is with limited scope and would not suffice to represent justice in a complete picture;
2. The current modules on legal knowledge, environment and land are ready for use in PAPI 2011 with small adjustments to guarantee synergies between PAPI and JAPI modules in particular on demographic and transparency, citizen's participation at local level. For example: questions about TV programme on NA's session, awareness about names of local representatives, officers, etc.;
3. The pilot has noted a small number of problem/ dispute on environment and land respectively. In fact, many activities which the research team is most interested in for analysis about justice at provinces are rare, even over 20-years period (land disputes for instance). If the instrument to be tested every year or two years for a provincial governance (or justice) index, the number of instance captured would be even lower per province, but the total number would be scaled up by number of surveyed provinces. Accumulatively, it can help to extract interesting patterns and implication about dispute resolution and administration of justice from the whole survey but not at provincial level;
4. Operationally, it would be challenges to squeeze the justice modules so it can be run within 10'-15' in a broad PAPI exercise. Also, some "technical" terms –even simple words such as "dispute" –can sound strange and become tricky to respondent. The current manual has included a vocabulary section for training remunerators as well as for their uses to explain to respondents. Based on the research team's observation, it is stressed that measures for survey monitoring must be enhanced to avoid "difficult" and important questions be missed and wrongly taken.

Suggestions for a new wave of JAPI

Doing a survey to justice requires a more detailed instrument which allows to explore a wider range of activities and issues, for example: family issues (property rights and inheritance), labor contract, complain and denunciation, housing, administrative case, etc. Since the pilot is administered in only three provinces, it would be safe to gradually widen the JAPI scope to capture more cross-provincial evidence and simultaneously to confirm (or rule out) primary findings before leveraging into a nation-wide project.

For JAPI in 2011, the research would recommend two following options:

Option 1: JAPI modules attached and complemented to PAPI for rolling out in 63 provinces

To take this forward, it is anticipated that by end of quarter 2/2011 the following tasks would be completed:

- JAPI questionnaire to be revised and built into the complete set for PAPI 2011
- Testing the PAPI/JAPI questionnaire through group discussion
- Training remunerators on the new instrument
- Mechanism for collaboration in administering the survey
- Possibilities to maximize use PAPI data and findings to other evidence-based advocacy in the area of democratic governance and in particular to access to justice and rights protection to be explored.

Option 2: JAPI to be developed into a more complete instrument for measuring citizen's perception and experience on justice

If resource is available, the piloted JAPI should be further tested and evolved into a comprehensive citizen-oriented instrument for measurement of justice in Viet Nam. JAPI in the future should be built on lessons learned from the pilot, Access to Justice surveys and other governance indexes apparently in use in Viet Nam and globally.

APPENDIX 1: Suvey questionnaire

Địa điểm thực hiện phỏng vấn [YÊU CẦU ĐIỀN ĐẦY ĐỦ THÔNG TIN]:	
Tỉnh/Thành phố:	
Huyện/Quận:	
Xã/Phường/Thị trấn:	
Thôn/Ấp/Tổ dân phố/Cụm dân cư:	
Số thứ tự người trả lời (theo danh sách):	
Ngày thực hiện phỏng vấn: /..... /2010	
Thời lượng thực hiện cuộc phỏng vấn: phút	
Thời lượng dành để kiểm tra lại bảng hỏi: phút	
Tên và mã số người thực hiện phỏng vấn:	
Chữ ký của người thực hiện phỏng vấn:	
Chữ ký người soát phiếu:	Ngày soát phiếu: /..... /2010
Người nhập dữ liệu ký:	Ngày nhập dữ liệu: /..... /2010

Bộ phiếu hỏi

Chỉ số tư pháp cấp tỉnh

Ban Dân chủ - Pháp luật, UBTV MTTQ Việt Nam
Trung tâm Nghiên cứu - Hỗ trợ cộng đồng
Chương trình Phát triển Liên Hợp quốc tại Việt Nam

2010

Thời gian ☐☐.☐☐

Giới thiệu

Tên tôi là _____. Tôi làm việc tại _____. Chúng tôi đang tiến hành đề tài nghiên cứu tìm hiểu về chất lượng công tác quản lý nhà nước và hệ thống tư pháp ở các địa phương; chúng tôi đánh giá cao những ý kiến đóng góp của Ông/Bà vào việc cải thiện hiệu quả công tác quản lý hành chính và hệ thống tư pháp. Chúng tôi sẽ không nêu tên của Ông/Bà trong phiếu hỏi này. Rất cảm ơn sự hợp tác của Ông/Bà. Ông/Bà có thể hỏi lại nếu chưa rõ một câu hỏi nào đó, hoặc không trả lời nếu Ông/Bà cảm thấy không thoải mái. Xin cảm ơn. Bây giờ tôi xin phép bắt đầu.

[Lưu ý:

Người phỏng vấn không đọc to sự lựa chọn “Không biết”(KB) hoặc “Không muốn trả lời”(KMTL). Người phỏng vấn sẽ tự đánh dấu vào những lựa chọn này (KB, KMTL) tùy thuộc vào câu trả lời hoặc thái độ e ngại của người được phỏng vấn.

Tất cả những chữ in nghiêng và đậm trong dấu [...] là nội dung chỉ dành riêng cho người phỏng vấn, có nghĩa là người phỏng vấn sẽ tự thực hiện các nội dung đó.

Tất cả những chữ in đậm mà không in nghiêng là nội dung người phỏng vấn phải đọc thành tiếng để dẫn dắt cuộc trao đổi khi thay đổi chủ đề.]

Trước hết tôi xin phép hỏi một số thông tin về Ông/Bà và gia đình Ông/Bà.

A001. [Người phỏng vấn tự điền giới tính của người trả lời]: ☐ 1. Nam ☐ 2. Nữ

A002. Ông/Bà bao nhiêu tuổi?..... | 88. [KB] | 999. [KMTL]

A002a. [Nếu KB] Ông/Bà tuổi gì?..... | 88. [KB]

[Người phỏng vấn đoán tuổi của người trả lời:.....]

A003. Ông/Bà đã sống ở xã/phường này được mấy năm?..... năm | 88. [KB]

A004. Ông/Bà đã sống ở tỉnh/thành phố này được mấy năm?..... năm | 88. [KB]

A004x. Trước đây Ông/bà đã sống ở tỉnh/thành phố nào?.....

A005. Ông/Bà là người dân tộc gì?

1. Kinh | 7. ☐ Dân tộc khác (xin nêu rõ):

8. ☐ [KB] | 9. ☐ [KMTL]

A006. Trình độ học vấn cao nhất mà Ông/Bà đạt được?

01. ☐ Không qua trường lớp đào tạo nào
 02. ☐ Chưa học hết tiểu học
 03. ☐ Học xong tiểu học
 04. ☐ Chưa học hết cấp II
 05. ☐ Tốt nghiệp cấp II
 06. ☐ Chưa học hết cấp III
 07. ☐ Tốt nghiệp cấp III
 08. ☐ Bỏ dở hay đang học ĐH/Cao đẳng
 09. ☐ Tốt nghiệp ĐH/Cao đẳng
 10. ☐ Có bằng sau đại học
 88. ☐ [KB] 99. ☐ [KMTL]

A007. Hiện nay gia đình Ông/Bà có bao nhiêu thành viên (bao gồm cả Ông/Bà, không kể người giúp việc)?

Số lượng:..... 88. ☐ [KB] 99. ☐ [KMTL]

A008. Nghề nghiệp chính của Ông/Bà là gì?..... 88. ☐ [KB] 99. ☐ [KMTL]

A009. Ông/Bà hiện nay (hoặc trước khi nghỉ hưu) làm việc trong lĩnh vực nào?

- 10 | Nông nghiệp
 21 | Khu vực kinh tế công nghiệp (Tư nhân)
 22 | Khu vực kinh tế công nghiệp (Nhà nước)
 23 | Khu vực kinh tế công nghiệp (Có vốn đầu tư nước ngoài)
 31 | Dịch vụ/Kinh doanh (Tư nhân)
 32 | Dịch vụ/Kinh doanh (Nhà nước)
 33 | Dịch vụ/Kinh doanh (Khu vực có vốn đầu tư nước ngoài)
 40 | Cơ quan nhà nước
 41 | Quốc phòng/Công an
 70 | Khác (Xin nêu rõ):..... 88. ☐ [KB] 99. ☐ [KMTL]

A010. Ông/Bà thường theo dõi thông tin về tình hình đất nước và nhà nước từ những nguồn nào? [ĐƯỢC CHỌN NHIỀU TRẢ LỜI]

01. Ti vi
 02. Báo/Tạp chí
 03. Loa/đài
 04. Internet
 06. Người quen/bạn bè
 07. Tin nhắn ĐTDĐ
 05. Nguồn khác (Xin nêu rõ):.....
 00. Tôi không theo dõi thông tin

A010x. Trong những năm qua, Ông/Bà có nắm bắt thông tin pháp luật qua những nguồn dưới đây không? [ĐƯỢC CHỌN NHIỀU TRẢ LỜI]	
1. Chương trình TV (ví dụ như mục “Tòa Tuyên Án”)	☐ 1.Có ☐ 0.Không
2. Loa phát thanh tại cộng đồng dân cư	☐ 1.Có ☐ 0.Không
3. Thư viện ở địa phương	☐ 1.Có ☐ 0.Không
4. Tủ sách pháp luật của văn phòng ủy ban xã	☐ 1.Có ☐ 0.Không
5. Báo chí (ví dụ như báo “Nhân Dân”)	☐ 1.Có ☐ 0.Không
6. Các buổi tuyên truyền pháp luật	☐ 1.Có ☐ 0.Không
7. Họp chi bộ Đảng	☐ 1.Có ☐ 0.Không
8. Các cuộc họp của các hội đoàn (Xin nêu rõ):.....	☐ 1.Có ☐ 0.Không
9. Luật sư	☐ 1.Có ☐ 0.Không

10. Các trang web trên mạng (ví dụ “luatvietnam.vn”, “chinhphu.vn”)	☐ 1.Có ☐ 0.Không
11. Các cuộc họp thôn xã hay họp tổ dân phố	☐ 1.Có ☐ 0.Không
12. Chương trình trên đài phát thanh (như “Pháp luật và Đời sống”)	☐ 1.Có ☐ 0.Không
13. Người thân/bạn bè	☐ 1.Có ☐ 0.Không
14. Nguồn khác (Xin nêu rõ):	☐ 1.Có ☐ 0.Không

A011. Trong thời gian có các kỳ họp Quốc Hội gần đây, Ông/ bà có thường xuyên xem chương trình truyền hình về các phiên thảo luận / chất vấn của Quốc hội không?

| 2. Hàng ngày | 1. Đôi khi | 0. Không bao giờ **888. [KB]** | **999. [KMTL]**

A012. Xin Ông/Bà cho biết tên của những người sau ở tỉnh; quận/huyện; hoặc xã/phường của Ông/Bà?

1 Tên một thẩm phán	☐ 8. [KB]
2 Tên một kiểm sát viên.....	☐ 8. [KB]
3 Tên một công an viên	☐ 8. [KB]
4 Tên một cán bộ hòa giải cơ sở.....	☐ 8. [KB]
5 Tên một luật sư	☐ 8. [KB]
6 Tên một cán bộ trợ giúp pháp lý.....	☐ 8. [KB]
7 Tên một thanh tra nhân dân.....	☐ 8. [KB]
8 Tên một cán bộ ủy ban nhân dân.....	☐ 8. [KB]

A013. Ông/Bà có tham gia: Đảng, đoàn thể, hội nghề nghiệp, tổ chức thể thao, văn hoá, xã hội (ví dụ, câu lạc bộ khiêu vũ, cải lương/quan họ, thể thao)? **NẾU CÓ:** Vui lòng cho biết các tổ chức mà Ông/Bà tham gia tích cực. Nếu Ông/Bà **KHÔNG** tham gia tổ chức nào, cũng xin cho biết. **[Người phỏng vấn: Cho người trả lời xem Bảng A013 ở trang 9 trong “Sổ tay hướng dẫn” nếu người trả lời cần hỗ trợ]**

1 |
2: |
3: |
4 |
5: |

[Mã số thích hợp sẽ được điền sau phỏng vấn, người phỏng vấn không cần điền]

Đảng	01
Hội đoàn cộng đồng & dân cư.....	02
Hội đoàn tôn giáo.....	03
CLB thể thao/giải trí.....	04
Tổ chức văn hoá.....	05

Tổ chức từ thiện.....	06
Liên đoàn lao động	08
Hội nông dân hay hội nông nghiệp	09
Tổ chức nghề nghiệp.....	10
Hiệp hội kinh doanh.....	11
Hội phụ huynh học sinh.. ..	12
Hội người sản xuất.....	13
Hội người tiêu dùng.....	14
Hội cựu sinh viên/học sinh.....	15
Các tổ chức tự nguyện.....	18
Hội phụ nữ.....	19
Đoàn Thanh niên.....	20
Nhóm chơi họ, hội/tín dụng nhỏ.....	21
Không phải là thành viên của tổ chức nào cả	-

99

Phần B

Mời Ông/Bà đọc về một sự kiện gần đây được nêu trên báo.

[Người phỏng vấn: Đưa người trả lời xem trang 10 trong Sổ tay hướng dẫn]

Một công ty luyện đồng lớn ở Lào Cai mỗi tháng đã thải 16,5 tấn rác thải công nghiệp chưa xử lí. Nhà máy thiếu trang thiết bị xử lí rác, và trong vòng 6 tháng qua, có hai vụ khói và axit độc hại thoát ra từ các thiết bị xử lí đồng. Người dân địa phương rất lo lắng về chất lượng không khí và nước ở các vùng lân cận nhà máy.



B1. Giả sử tình huống tương tự như nhà máy luyện đồng Lào Cai xảy ra tại khu vực gần nhà Ông/Bà và gia đình Ông/Bà **phải chịu hậu quả về sức khỏe và kinh tế do chất thải độc hại gây ra**. Ông/Bà sẽ làm gì nếu Ông/Bà gặp phải tình huống như thế này. Ông/Bà sẽ trông cậy vào ai hay cơ quan nào trong danh sách dưới đây? [ĐƯỢC CHỌN NHIỀU TRẢ LỜI]

[Người phỏng vấn: Cho xem bảng B1 tại trang 11 của “Sổ tay hướng dẫn”]

Yêu cầu Phòng Tài nguyên Môi trường của UBND quận/huyện giúp đỡ	☐ 1. Có ☐ 2. Không, Vì SAO:.....	☐ 8. KB
Yêu cầu Chi cục bảo vệ môi trường thuộc UBND tỉnh giúp đỡ	☐ 1. Có ☐ 2. Không, Vì SAO:.....	☐ 8. KB

Yêu cầu đại biểu quốc hội của tỉnh nhà giúp đỡ	☐ 1. Có ☐ 2. Không, Vì SAO:.....	☐ 8. KB
Yêu cầu UBND xã/phường giúp đỡ	☐ 1. Có ☐ 2. Không, Vì SAO:.....	☐ 8. KB
Yêu cầu đảng bộ xã/phường giúp đỡ	☐ 1. Có ☐ 2. Không, Vì SAO:.....	☐ 8. KB
Yêu cầu HĐND xã/phường giúp đỡ	☐ 1. Có ☐ 2. Không, Vì SAO:.....	☐ 8. KB
Thông báo tới cảnh sát môi trường	☐ 1. Có ☐ 2. Không, Vì SAO:.....	☐ 8. KB
Thông báo tới Thanh tra bảo vệ môi trường	☐ 1. Có ☐ 2. Không, Vì SAO:.....	☐ 8. KB
Ông/Bà tự nộp đơn kiện Nhà máy luyện đồng	☐ 1. Có ☐ 2. Không, Vì SAO:.....	☐ 8. KB
l. Nộp đơn tập thể cùng với những người bị ảnh hưởng khác kiện Nhà máy	☐ 1. Có ☐ 2. Không, Vì SAO:.....	☐ 8. KB
m. Mời luật sư	☐ 1. Có ☐ 2. Không, Vì SAO:.....	☐ 8. KB
n. Nhờ một trung tâm trợ giúp pháp lý	☐ 1. Có ☐ 2. Không, Vì SAO:.....	☐ 8. KB
o. Thương lượng trực tiếp với ban quản lí Nhà máy luyện đồng để đòi bồi thường	☐ 1. Có ☐ 2. Không, Vì SAO:.....	☐ 8. KB
q. Liên hệ với Hội nông dân địa phương	☐ 1. Có ☐ 2. Không, Vì SAO:.....	☐ 8. KB
r. Liên hệ với Mặt trận tổ quốc địa phương	☐ 1. Có ☐ 2. Không làm, vì:.....	☐ 8. KB
s. Tham gia tập hợp đông người với các nạn nhân khác để phản đối Nhà máy	☐ 1. Có ☐ 2. Không, Vì SAO:.....	☐ 8. KB
t. Liên hệ với cơ quan thông tin đại chúng trung ương	☐ 1. Có ☐ 2. Không, Vì SAO:.....	☐ 8. KB
u. Liên hệ với cơ quan thông tin đại chúng địa phương	☐ 1. Có ☐ 2. Không, Vì SAO:.....	☐ 8. KB
v. Khác (Xin nêu rõ):.....		

B2. Trong số đó, theo Ông/Bà cách giải quyết nào có khả năng thành công nhất?

Người phỏng vấn: Viết câu trả lời tương ứng từ bảng B1: _____ ☐ 8. KB ☐ 9. KMTL

B3. Trong số đó, theo Ông/Bà cách giải quyết nào có khả năng ít thành công nhất?

Người phỏng vấn: Viết câu trả lời tương ứng từ bảng B1: _____ ☐ 8. KB ☐ 9. KMTL

B4. Ông/Bà đánh giá như thế nào về chất lượng không khí ở nơi Ông/Bà đang ở?

- ☐ 4. Rất tốt
☐ 3. Tốt
☐ 2. Bình thường
☐ 1. Tệ
☐ 0. Rất tệ

☐ 8. *KB*

B5. Gia đình Ông/Bà đã từng bị ảnh hưởng bởi ô nhiễm (rác thải, nước, không khí...) do các hoạt động sản xuất tại chỗ hay nơi khác gây ra hay chưa?

- ☐ 1. Có ☐ 0. Không

B6. Ông/Bà hay gia đình Ông/Bà đã bao giờ tham gia vào một việc khiếu nại, hoặc kiện ra toà về môi trường chưa?

- ☐ 1. Có, khiếu nại ☐ 2. Có, khiếu kiện (kiện ra tòa)
☐ 0. Không → Chuyển đến D1
☐ 8. *[KB]* → Chuyển đến D1

B6a. Nếu có: Xin cho biết khi nào?

Năm ____ tháng ____ ☐ 8. *[KB]*

B6b. Ông/Bà đã làm những gì? (Câu hỏi mở)

.....

B6c. Khiếu nại, hoặc khiếu kiện của Ông/Bà có được xem xét giải quyết không?

- ☐ 1. Được giải quyết một phần ☐ 2. Được giải quyết toàn bộ
☐ 0. Không ☐ 8. *[KB]*

D1

D101. Trong vòng năm năm qua, địa phương của Ông/Bà có tổ chức bầu cử cán bộ chính quyền nào trong danh sách dưới đây không?

		Không	Có	<i>KB</i>	<i>K MT L</i>	D101x. Nếu CÓ, Ông/Bà có bỏ phiếu trong lần bầu cử gần đây nhất?		<i>K MT L</i>
a.	Chủ tịch ủy ban nhân dân xã/phường	0	1	8	9	1 Có	0 Không	9
b.	Ủy viên Hội đồng nhân dân xã/phường	0	1	8	9	1 Có	0 Không	9
c.	Trưởng thôn/khu dân cư	0	1	8	9	1 Có	0 Không	9
d.	Đại biểu quốc hội của tỉnh	0	1	8	9	1 Có	0 Không	9

		Không	Có	KB	KM TL	D102x. Nếu CÓ, ông/bà có tham dự cuộc họp không?		K MT L
a.	Thẩm phán của quận/huyện địa phương	0	1	8	9	1 Có	0 Không	9
b.	Hội thẩm nhân dân tham gia xét xử các vụ án ở tòa án quận/huyện địa phương	0	1	8	9	1 Có	0 Không	9
c.	Ủy viên Hội đồng Nhân dân phường/xã	0	1	8	9	1 Có	0 Không	9

☐ 11- Có, liên quan tới tôi ☐ 0- Không [**Chuyển đến D708**]
☐ 12- Có, gia đình tôi ☐ 8 - [**KB**] [**Chuyển đến D708**]
☐ 13- Có, họ hàng tôi ☐ 9 -[**KMTL**] [**Chuyển đến D708**]

.....

.....

☐ 1- Người họ hàng
☐ 2- Người ngoài (không phải là họ hàng)
☐ 3- Doanh nghiệp
☐ 4- Cơ quan nhà nước
☐ 7- Đối tượng khác (Xin nêu rõ):.....
☐ 8- [KB] ☐ 9- [KMTL]

☐ 1- Có ☐ 0- Không [**Chuyển đến D708**]
☐ 8- [KB] [**Chuyển đến D708**]
☐ 9-[KMTL] [**Chuyển đến D708**]

D704. Ông/Bà đã yêu cầu tổ chức/cá nhân nào giúp đỡ khi cố gắng giải quyết tranh chấp? <i>[Nhiều trả lời]</i>	D705. Ông/Bà có hài lòng về kết quả giải quyết của tổ chức này không?	D706 -Ông/Bà có tiếp tục sử dụng tổ chức/cá nhân này trong tương lai không?	D704a. <u>[Người phỏng vấn đánh số trình tự hành động theo bảng]</u>
Viện Kiểm sát	☐ 4 Rất hài lòng ☐ 3 Khá hài lòng ☐ 2 Không hài lòng lắm ☐ 1 Rất không hài lòng	☐ 1.Có ☐ 0.Không ☐ 8.KB	☐
Công an	☐ 4 Rất hài lòng ☐ 3 Khá hài lòng ☐ 2 Không hài lòng lắm ☐ 1 Rất không hài lòng	☐ 1.Có ☐ 0.Không ☐ 8.KB	☐
Toà án	☐ 4 Rất hài lòng ☐ 3 Khá hài lòng ☐ 2 Không hài lòng lắm ☐ 1 Rất không hài lòng	☐ 1.Có ☐ 0.Không ☐ 8.KB	☐
Ủy ban Nhân dân phường/xã	☐ 4 Rất hài lòng ☐ 3 Khá hài lòng ☐ 2 Không hài lòng lắm ☐ 1 Rất không hài lòng	☐ 1.Có ☐ 0.Không ☐ 8.KB	☐
Hội đồng nhân dân các cấp	☐ 4 Rất hài lòng ☐ 3 Khá hài lòng ☐ 2 Không hài lòng lắm ☐ 1 Rất không hài lòng	☐ 1.Có ☐ 0.Không ☐ 8.KB	☐
Đại biểu Quốc hội	☐ 4 Rất hài lòng ☐ 3 Khá hài lòng ☐ 2 Không hài lòng lắm ☐ 1 Rất không hài lòng	☐ 1.Có ☐ 0.Không ☐ 8.KB	☐
Cán bộ hòa giải cơ sở/hòa giải viên	☐ 4 Rất hài lòng ☐ 3 Khá hài lòng ☐ 2 Không hài lòng lắm ☐ 1 Rất không hài lòng	☐ 1.Có ☐ 0.Không ☐ 8.KB	☐
Tổ chức chính trị/xã hội/quản chúng [Xin nêu rõ:.....]	☐ 4 Rất hài lòng ☐ 3 Khá hài lòng ☐ 2 Không hài lòng lắm ☐ 1 Rất không hài lòng	☐ 1.Có ☐ 0.Không ☐ 8.KB	☐
Người có uy tín trong cộng đồng (già làng...)	☐ 4 Rất hài lòng ☐ 3 Khá hài lòng ☐ 2 Không hài lòng lắm ☐ 1 Rất không hài lòng	☐ 1.Có ☐ 0.Không ☐ 8.KB	☐
Trưởng thôn/tổ trưởng dân phố	☐ 4 Rất hài lòng ☐ 3 Khá hài lòng ☐ 2 Không hài lòng lắm ☐ 1 Rất không hài lòng	☐ 1.Có ☐ 0.Không ☐ 8.KB	☐
Trung tâm trợ giúp pháp lý	☐ 4 Rất hài lòng ☐ 3 Khá hài lòng ☐ 2 Không hài lòng lắm ☐ 1 Rất không hài lòng	☐ 1.Có ☐ 0.Không ☐ 8.KB	☐
Luật sư	☐ 4 Rất hài lòng ☐ 3 Khá hài lòng ☐ 2 Không hài lòng lắm ☐ 1 Rất không hài lòng	☐ 1.Có ☐ 0.Không ☐ 8.KB	☐

Thanh tra nhà nước	☐ 4 Rất hài lòng ☐ 2 Không hài lòng lắm	☐ 3 Khá hài lòng ☐ 1 Rất không hài lòng	☐ 1.Có ☐ 0.Không ☐ 8.KB	☐
Cơ quan thông tin đại chúng địa phương (Xin nêu rõ):.....	☐ 4 Rất hài lòng ☐ 2 Không hài lòng lắm	☐ 3 Khá hài lòng ☐ 1 Rất không hài lòng	☐ 1.Có ☐ 0.Không ☐ 8.KB	☐
Cơ quan thông tin đại chúng trung ương (Xin nêu rõ):.....	☐ 4 Rất hài lòng ☐ 2 Không hài lòng lắm	☐ 3 Khá hài lòng ☐ 1 Rất không hài lòng	☐ 1.Có ☐ 0.Không ☐ 8.KB	☐
Khác (Xin nêu rõ):.....	☐ 4 Rất hài lòng ☐ 2 Không hài lòng lắm	☐ 3 Khá hài lòng ☐ 1 Rất không hài lòng	☐ 1.Có ☐ 0.Không ☐ 8.KB	☐

D704a. Trong số những cơ quan, tổ chức, cá nhân mà Ông/Bà đã liên hệ, Ông/Bà đã tiếp cận ai trước tiên? Thứ hai? Thứ ba?

Người phỏng vấn đánh số trình tự hành động ở cột cuối cùng Bên phải của Bảng D704.

D705. Tranh chấp này được giải quyết xong khi nào?

NĂM ____ THÁNG ____ ☐ 6666 chưa được giải quyết [chuyển đến D706]

☐ **8888- [KB]** [chuyển đến D706]

☐ **9899- [KMTL]** [chuyển đến D706]

[Nếu đã được giải quyết xong]

↓

D705a. Ông/Bà có đạt kết quả như mong muốn trong vụ tranh chấp?

☐ 1- Hoàn toàn không đạt ý muốn (Thua hoàn toàn)

☐ 2- Đạt ý muốn một phần (Thắng một phần)

☐ 3- Đạt ý muốn hoàn toàn (Thắng hoàn toàn) ☐ 8- [KB] ☐ 9- [KMTL]

↓

D 705b. Cuối cùng, theo Ông/Bà cơ quan, tổ chức hay cá nhân nào đã **giúp** Ông/Bà giải quyết vụ việc?

[Đưa thẻ D704, trang 13 của Sổ tay]

Người phỏng vấn: Nhập mã từ bảng D704..... ☐ 8- [KB] ☐ 9- [LMTL]

↓

Chuyển đến D707

D706. [Tranh chấp vẫn chưa được giải quyết] Tại sao tranh chấp vẫn chưa được giải quyết?

..... ☐ 8- [KB] ☐ 9- [LMTL]

D707. Theo Ông/Bà, bên kia (bên tranh chấp), trong quá trình giải quyết sự việc có sử dụng một trong các cách sau không?

☐ 1- Đưa tiền hối lộ

☐ 2 – Sử dụng quan hệ cá nhân

☐ 3- Đe dọa Ông/Bà hoặc gia đình ông/bà

☐ 4 – Huy động đông người tụ tập khiêu nạt

☐ 5- Sử dụng áp lực từ báo chí

☐ 8- [KB]

☐ 9- [KMTL]

D710. Ông/Bà có phải “chi thêm” để cố gắng giải quyết vụ tranh chấp liên quan đến đất đai này không?

☐ 1- Có

☐ 0- Không

☐ 8- [KB]

☐ 9- [LMTL]

D8

Theo pháp luật Việt Nam, xin Ông/bà cho biết:

D80 1	Người dân sống trên một mảnh đất trên 10 năm sẽ đương nhiên có quyền nhận Giấy chứng nhận quyền sử dụng đất.	☐ 1-Đúng ☐ 0-Sai ☐ 8- KB
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D80 2	Theo pháp luật Việt nam, người sử dụng lao động có thể thuê lao động dưới 15 tuổi.	☐ 1-Đúng	☐ 0-Sai	☐ 8- KB
D80 3	Người bố đã li dị không chịu góp tiền nuôi con có thể bị người vợ cũ kiện.	☐ 1-Đúng	☐ 0-Sai	☐ 8- KB
D80 4	Theo pháp luật Việt nam, tội phạm vị thành niên (dưới 18 tuổi) không có quyền có luật sư bào chữa tại tòa.	☐ 1-Đúng	☐ 0-Sai	☐ 8- KB
D80 5	Con gái đã lập gia đình không có quyền thừa kế.	☐ 1-Đúng	☐ 0-Sai	☐ 8- KB
D80 6	Theo quy định pháp luật, chính quyền tỉnh có quyền chỉ đạo thẩm phán về đường lối xét xử trong những vụ án cụ thể.	☐ 1-Đúng	☐ 0-Sai	☐ 8- KB
D80 7	Chỉ có chủ hộ là nam giới mới có tên trong các giấy chứng nhận về đất đai.	☐ 1-Đúng	☐ 0-Sai	☐ 8- KB
D80 8	Các hộ nghèo được hưởng trợ giúp pháp lí miễn phí.	☐ 1-Đúng	☐ 0-Sai	☐ 8- KB
D80 9	Theo pháp luật Việt nam, thuê người lao động trên 06 tháng buộc phải có hợp đồng lao động.	☐ 1-Đúng	☐ 0-Sai	☐ 8- KB
D81 0	Khi tòa phúc thẩm ra bản án trong một vụ kiện dân sự, thì các bên phải thi hành bản án đó.	☐ 1-Đúng	☐ 0-Sai	☐ 8- KB
D81 1	Nếu người chồng qua đời, người vợ còn sống có quyền thừa kế ít nhất 50% tài sản chung của gia đình đó.	☐ 1-Đúng	☐ 0-Sai	☐ 8- KB

Xin chân thành cảm ơn sự cộng tác của Ông/Bà
Thời gian □□.□□

Nhận xét sau phỏng vấn [Người phỏng vấn ghi sau khi phỏng vấn, không ghi trước mặt người trả lời phỏng vấn]

Z1. Mức độ hợp tác của người trả lời:

1. Rất tốt 2. Tốt 3. Trung bình 4. Kém 5. Rất kém

Z2a. Nếu kém hay rất kém, giải thích ngắn gọn:.....

Z2. Khả năng lĩnh hội của người trả lời:

1-[] Rất cao 2-[] Trên trung bình 3-[] Trung bình

4-[] Dưới trung bình 5-[] Rất thấp

Z2a. Nếu dưới trung bình, hãy giải thích

Z3. Mức độ e ngại của người trả lời về cuộc khảo sát trước khi bắt đầu:

1-[] Không ngại ngùng 3-[] Ngại ngùng một chút 5-[] Rất ngại ngùng

Z3a. Nếu rất ngại ngùng, hãy giải thích.....

Z4. Mức độ tin cậy của các câu trả lời:

1-[] Hoàn toàn tin cậy 3-[] Nói chung là tin cậy 5-[] Không tin cậy

Z3a. Nếu không tin cậy, hãy giải thích.....

Z5. Mức độ quan tâm chung của người trả lời đối với cuộc phỏng vấn

1-[] Rất cao 2-[] Trên trung bình 3-[] Trung bình

4-[] Dưới trung bình 5-[] Rất thấp

Z6. Cuộc phỏng vấn có được tiến hành tại nhà của người trả lời không?

Có []; 2. Không []

Z6a. Nếu CÓ, dựa trên quan sát về gia cảnh người trả lời, hãy đánh giá tình trạng tài chính của gia đình người trả lời so với địa phương đó:

1. Thu nhập thấp 2. Thu nhập trung bình

3. Thu nhập trên trung bình 5. Thu nhập cao

Z7. Trong thời gian phỏng vấn có mặt ai khác không?

1- [] Có 0- [] Không

Z7a. Người đó là ai?

Z7b. Sự có mặt của người đó có ảnh hưởng đến chất lượng của cuộc phỏng vấn không?.....

Z8. Những điểm khác cần báo cáo:.....

APPENDIX 2: Report of the JAPI pilot study in three provinces

REPORT OF THE PILOT STUDY OF THE JUSTICE ACCESS PERFORMANCE INDEX (JAPI) CECODES, December 2010

Background

In order to prepare for a nation-wide study assessing the provincial performance in offering access to justice as a public good, CECODES is contracted by UNDP to conduct a pilot study in three provinces: Phu Tho, Thua Thien-Hue and Vinh Long. The study aimed to test the survey instrument and the operational feasibility of the national roll-out in 2011

The Questionnaire

The questionnaire has been designed by UNDP with the assistance of national and international experts. Prior to the field work, focus group discussions have been conducted by CECODES in Sep and Oct 2010. The purposes of the focus groups are:

- To test if the questionnaire can be easily understood by people coming from a wide range of backgrounds and educational levels.
- To test if the questionnaire “works”, e.g. it can capture the desired information
- To test if there are specific questions which are politically sensitive therefore prompting respondents either to lie or to refuse answering.
- After the focus groups, the questionnaire has been modified to reflect the experiences of the discussions.

The Field Work

With the questionnaire updated based on focus group’s lessons, survey in the three pilot provinces have been conducted in Oct and Nov 2010.

The three pilot provinces (Phu Tho, Thua Thien – Hue and Vinh Long) have been selected based on the following consideration:

- They reflect different social, economic and geographical conditions: one is in North Vietnam, one is in Central and one is in South Vietnam; one is highland, one is urban and one is in the agricultural lowland.
- Based on experience of the Public Administration Performance Index (PAPI), the local partners of the three provinces, the provincial VFF chapter (Vietnam Fatherland Front), have proven some of the most supportive local collaborators of the 30 provinces involved in PAPI 2010. This is important as it would ensure the support required to conduct successfully the pilot.

To minimize resources, it was decided to use the sampling strategy and the exact sampling results of PAPI. In particular, it means that in each province, 12 villages of 6 communes (of 3 districts) have been surveyed. The target of each province was 192 respondents (or ca. 16 respondent per village).

The sampling frame was 240 respondents per province, so overall, the response rate was about 80%. In 2 districts in Vinh Long there was a need to use the replacement lists. In other 8 districts of the pilots, the quota could be attained without using the replacement list. On average, the interview took 30 minutes.

Details of the survey, with statistics of respondent rates, are shown in the table below. All in all, the field work went smoothly. Several reasons contributed to this:

- The local VFF chapters have been familiarized with the nature of the research and the collaboration with CECODES through the PAPI survey, which has been conducted in their localities a few months ago.
- Most respondents have been interviewed by PAPI, therefore having no concern or hesitation about being asked for their opinion

Nevertheless, the pilot has made the experience common in PAPI that it was harder for the research team to command VFF officials who worked as interviewer in the team. The local VFF officials are mostly older, have less detailed-oriented thinking and a more authoritative appearance which may impact the quality of the interviews. As a general strategy, in the future, CECODES plans to reduce the involvement of VFF officials as interviewer as much as possible, and increase the recruitment of local students.

Survey Statistics

Huyện (District)	Xã/phường (Commune)	Thôn/tổ dân phố (Village)	Original list	Replacement	Not living in the locality	Sum	Inter- views	Can't be reached	Sum
			Inter- views	Can't be reached					
Thống kê kết quả khảo sát tại tỉnh PHÚ THỌ									
TP. Việt Trì	Phường Tiên Cát	Phố Mai Sơn I	13	1	6	20			
TP. Việt Trì	Phường Tiên Cát	Phố Âu Cơ	13	1	4	18			
TP. Việt Trì	Xã Hy Cương	Khu 1	16	0	1	17			
TP. Việt Trì	Xã Hy Cương	Khu 3	18	0	0	18			
Thanh Ba	Thị trấn Thanh Ba	Khu 4	14	1	3	18			
Thanh Ba	Thị trấn Thanh Ba	Khu 8	16	0	0	16			
Thanh Ba	Xã Đông Thành	Khu 8	18	0	2	20			
Thanh Ba	Xã Đông Thành	Khu 10	15	0	4	19			
Lâm Thao	TT Lâm Thao	Phường Lai 7	18	0	0	18			
Lâm Thao	TT Lâm Thao	12B	16	0	2	18			
Lâm Thao	Xã Cao Xá	Kiến Thiết	17	0	0	17			
Lâm Thao	Xã Cao Xá	Thị Tứ	18	0	2	20			
		Total	192	3	24	219			
Thống kê kết quả khảo sát tại tỉnh THỪA THIÊN HUẾ									
TP. Huế	Vĩnh Ninh	Tổ dân phố 2	15	1	2	18			
TP. Huế	Vĩnh Ninh	Tổ dân phố 10	16	2	1	19			
TP. Huế	Phường An Hòa	Tổ dân phố 5, Khu vực II	16	2	2	20			
TP. Huế	Phường An Hòa	Tổ dân phố 8, Khu vực III	18	2	0	20			
Phg Điền	TT Phong	Thôn	15	2	0	17			

	Điền	Khánh Mỹ							
Phg Điền	TT Phong Điền	Thôn Trạch Thượng 1	18	1	0	19			
Phg Điền	xã Phong Hòa	Thôn Hòa Đức	17	0	3	20			
Phg Điền	xã Phong Hòa	Thôn Trạch Phổ	18	2	0	20			
Nam Đông	Thị trấn Khe Tre	Khu vực 1	16	4	0	20	1		1
Nam Đông	Thị trấn Khe Tre	Khu vực 4	11	6	0	17			
Nam Đông	xã Hương Lộc	Thôn 2 (Mỹ Hưng)	13	0	3	16			
Nam Đông	xã Hương Lộc	Thôn 3 (Lộc Mỹ)	17	0	0	17			
		Total	190	22	11	223	1	0	1
Thống kê kết quả khảo sát tại tỉnh VĨNH LONG									
Bình Tân	Xã Thành Lợi	ấp Thành Tâm	17	2		19			
Bình Tân	Xã Thành Lợi	ấp Thành Công	15	5		20			
Bình Tân	Xã Mỹ Thuận	ấp Mỹ Tú	18	2		20			
Bình Tân	Xã Mỹ Thuận	ấp Mỹ Thạnh A	18	2		20			
Long Hồ	Xã An Bình	An Thạnh	11	3	2	16	5	4	9
Long Hồ	Xã An Bình	An Long	11	2	7	20	4	1	5
Long Hồ	Thị trấn Long Hồ	Khóm 1	15	3	1	19	1	4	5
Long Hồ	Thị trấn Long Hồ	Khóm 6	14	2	4	20	2	2	4
TP. Vĩnh Long	Phường 1	Lê Văn Tám	11	4	4	19	2	2	4

TP. Vĩnh Long	Phường 1	Hùng Vương	14	2	4	20	2	1	3
TP. Vĩnh Long	Phường 3	Khóm 1	14	2	2	18	2	3	5
TP. Vĩnh Long	Phường 3	Khóm 3	12	3	1	16	4	4	8
		Total	170	32	25	227	22	21	43

Post-Field Work

After the field work, the data was entered into a bi-lingual data set readable by STATA. Currently, analysis has been undertaken by the international expert, with preliminary results expected to be available mid Jan 2011.

A post-survey meeting was held by CECODES to gather opinions from the teams. The results of the meeting in term of where the questionnaire has worked, where it needs modifications, are shown in the attached document. After the analysis is available, a second round of modification of the questionnaire is recommended where decisions can be made about questions to be changed, left out or extended.