



**LIN CENTER FOR COMMUNITY
DEVELOPMENT**



**SOUTHERN INSTITUTE OF SUSTAINABLE
DEVELOPMENT**

SURVEY REPORT

**ON VULNERABLE SOCIAL GROUPS AND THE ROLE OF CIVIL
SOCIETY ORGANIZATIONS IN FACILITATING ACCESS TO THE
JUSTICE SYSTEM**

HO CHI MINH CITY, April 2012

JIFF **Justice Initiative Facilitation Fund**
A component of the Justice Partnership Program (JPP)

LIST OF ABBREVIATIONS

CSOs: Civil Social Organizations

JIFF: Justice Initiatives Facilitation Fund

HCMC : Ho Chi Minh City

ID: Identification card

LIN: LIN Center for Community Development

NGOs: Non-Governmental Organizations

PC: People's Committee

SISD: Southern Institute of Sustainable Development

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INTRODUCTION

Recent studies by the UNDP and JPP have identified inequalities among different subsets of the Vietnamese population in regards to their ability to access the justice system. Studies on access to justice in developing countries show that poverty, social stigma and gender exacerbate the vulnerability of marginalized groups and the problems facing them in accessing justice. Discrimination may result in unfair rulings, inappropriate conduct or inadequate services for disadvantaged groups. Lack of awareness of their rights and of how to seek justice when their rights have been violated is also a main impediment. Compounding this problem is the issue that most Vietnamese citizens get their information about the justice system from informal sources.

It is widely recognized that civil society can be a powerful actor in facilitating access to justice for marginalized groups. However, In Vietnam, CSOs are at an early stage of development and they lack the internal capacity to fulfill these roles, including limited resources, knowledge and technical skills. By enhancing the ability of CSO staff to raise awareness about one's rights, to facilitate their beneficiaries' access to the justice system and the judicial reform process, these CSOs will be better able to promote and enforce their beneficiaries' rights and thereby reduce the existing disparities in access to the judicial system.

As such, with financial support from the Justice Initiatives Facilitation Fund (JIFF), the LIN Center for Community Development (LIN) is carrying out a project to “build the capacity of civil society organizations in facilitating access to justice for vulnerable¹ populations in Ho Chi Minh City (HCMC)”.

“The vulnerability of other human beings is the source of our responsibility to them. Vulnerability can come as a natural and inevitable part of life or it can be created and sustained by social arrangements. We acknowledge special responsibility for the vulnerability of families and friends but we must also acknowledge our much broader moral responsibility to protect the vulnerable of society at large.”²

¹ 'Vulnerable', 'disadvantaged', and 'marginalized' are loose terms, which we define in our project as individuals and groups who are denied access (or who receive less access) to certain rights and public services, such as education, healthcare, personal security and/or justice. VN equivalent = “dễ bị tổn thương”.

² Goodin, Robert E. Protecting the Vulnerable: A Reanalysis of Our Social Responsibility (Chicago, IL: University of Chicago Press, 1985),

In Appreciation

This report would not be possible without the support of each and every one of the sixty not-for-profit organizations, and their respective representatives, who agreed to participate in this research by sharing their time (for some, quite a lot of time), experiences, best practices and individual perspectives on access to justice for vulnerable groups in Vietnam. We would like to thank all of the organizations and individuals who voluntarily participated in this survey. We do not list the names of the organizations or individuals here in an effort to respect our commitment to their request for anonymity.

This research would not have been possible without financial sponsorship (and technical support) from the [Justice Initiative Facilitation Fund](#) (JIFF), which continues to promote access to justice for vulnerable groups throughout Vietnam.

SISD and LIN would like to thank all the formal and informal researchers, advisors, staff and volunteers for their support throughout the process of designing the questionnaires, analyzing the data and drafting this report. Special thanks must go out to the following individuals who generously offered their time and talents to advise the teams from SISD and LIN: Ms. Florence Smidt-Nielsen (Legal Expert), Mr. Rajan Shah (JIFF), Ms. Tran Thi Bich Van (Social Science Research Council), Mr. Jairo Acuña-Alfaro (UNDP - Viet Nam), Mr. Nicholas Booth (UNDP), Dr. Mr. Gary Chan (Law Professor, Singapore Management University), Ms. Nguyen Thi Ngoc Thu (VLA), and Mr. Vu Ngoc Ha (Center for Legal Consultancy, Dong Nai Labour Union).

Lastly, we would like to recognize the individuals involved in this research, including the SISD team, which was led by Ms. Nguyen Thi Minh Chau: Mr. Nguyen Ngoc Toai (SISD), Mr. Truong Quang Dat (SISD), Ms. Nguyen Thi Bao Ha (SISD), Ms. Nguyen Dang Minh Thao (SISD), Ms. Nguyen Thi Cuc Tram (SISD), Mr. Ho Ngoc Tri (MA in Medical Anthropology, HUSSH), Ms. Kieu Thuy Ngoc (HCMC Institute of Research and Development). From LIN, we would like to thank the team, which included: Ms. Dana R.H. Doan, Mr. Pham Truong Son, Ms. Nguyen Thi Thanh Truc, and the following LIN volunteers: Ms. Ngo Tu Nghi, Mr. Ta Minh Nhut, Ms. Cao Do Xuan Uyen, Ms. Nguyen Thi Mai Thao and Ms. Tran Tuyet Trinh.

1. Project Objectives

The goal of the project is to enhance the capacity of CSOs in HCMC to contribute to awareness of rights, access to justice and judicial reform for marginalized sections of society. The project is carried out on the basis of the following two key objectives:

- i. To improve awareness, dialogue and information sharing within civil society on issues relating to the rights and access to justice of vulnerable groups; and
- ii. To support to Civil Society Organizations (CSOs) in strengthening their capacity to facilitate access to justice for the groups they represent.

As a basis for developing a training program for staff of civil society organizations (“CSOs”) based in or near Ho Chi Minh City, LIN partnered with the Southern Institute of Sustainable Development (SISD) to carry out a survey of a random sample of CSOs working in support of vulnerable groups in and around HCMC. The survey was designed to inform capacity building needs of CSOs in order to facilitate access to justice for their clients. The survey was also intended to improve CSO staff awareness of access to justice issues, constituting the first step in building an infrastructure and establishing a forum for effective dialogue and information sharing to improve access to justice for vulnerable groups in and around Ho Chi Minh City.

2. Survey Objectives

The main objectives of the survey included:

- to determine the extent of CSO awareness of access to justice-related issues and their use of a rights-based approach;
- to identify existing initiatives and methods that are used to deal with problems and rights violations of the vulnerable populations they support, set against the different roles that CSOs can assume in facilitating access to justice for vulnerable populations:
 - as campaigners and advocates pressing for reform;
 - as monitors, fostering accountability within the justice sector;
 - as disseminators and communicators of information;
 - as educators through legal empowerment and legal literacy initiatives; and/or
 - as direct agents helping people access justice through legal aid and representation services.
- to identify the obstacles and challenges CSOs encounter while doing this work; and

- to determine CSO needs for capacity building, research-support and networking to enhance their capacities to assist vulnerable populations in their pursuit of access to justice.

3. Concepts

3.1. Vulnerable

The concept of “vulnerability” is a loose term - one that is difficult to define and one that can vary greatly depending on the context. Moreover, vulnerability can come as a natural and inevitable part of life or it can be created and sustained by individual and/or social arrangements.³

For the purposes of this research, SISD and LIN identified the following subsets of the Ho Chi Minh City population as vulnerable groups:

- People with disabilities (including people with mental and/or physical disabilities);
- Migrant workers, who migrate from rural areas of Vietnam (and their accompanying family members);
- Urban poor;
- People living with HIV/AIDS;
- Ethnic minorities;
- Sex workers; and
- Victims of human trafficking⁴

³ Goodin, Robert E. Protecting the Vulnerable: A Reanalysis of Our Social Responsibilities. Chicago, IL: University of Chicago Press, 1985.

⁴ These groups are defined based on qualitative and quantitative studies carried out by the LIN, DOLISA, and HCMC AIDS Committee, 2009 Vietnam Population and Housing Census, VASS/World Bank/Oxfam. In 2010, the LIN interviewed community development experts to clearly specify vulnerable groups (migrant workers, poor people in the urban area, the disabled) and key characteristics of the life. During the 2010 presentation of DOLISA, statistic data of vulnerable groups in HCMC are reported (For example: nearly 70,000 disadvantaged children, more than 380,000 migrant children, more than 6,000 disabled children, and more than 1,000 street children in HCMC). It is also indicated in the 2009 report of HCMC AIDS Committee that there are over 40,000 HIV affected people and nearly 17,000 AIDS patients. It is indicated in the report 2009 of the Department of Population and Family that, Binh Duong (342%), HCMC (116%) and Dong Nai (78%) are respectively ranked first, second, and fourth in the field of migration (these statistics also indicate that ratio of the disabled people in the urban areas of Vietnam is 6.5%). It is confirmed in the report 2009 of VASS/World Bank/Oxfam that migrant workers are easily vulnerable by external shocks and under earlier risk of economic crisis.

During a focus group discussion, CSO representatives discussed whether such groups should be referred to as “vulnerable groups” or “disadvantaged groups”. Among the social workers and community development experts consulted, all preferred to use “vulnerable groups” because they felt that “disadvantaged groups” imperceptibly means that these groups are put into a “disadvantaged” status and can rarely improve themselves or their situations in life. (Documentation from group discussions with CSOs for the initial research, Vietnam Academy of Social Sciences, 18 May, 2011). As such, this report will use the term “vulnerable groups” to refer to members of the seven aforementioned sub-sets of people.

3.2. Legal Support Activities of CSOs

It is understood by the research team that legal support activities of CSOs may include any or all of the following:

- Provide legal information as stipulated for protection of their fundamental rights
- Introduce beneficiaries to organizations that are set up to protect their rights.
- Introduce beneficiaries to officers/experts who help to protect their rights.
- Consult beneficiaries about their rights and organizations that they can meet to handle with violations.
- Lobby for improvement of policies given to beneficiaries.
- Organize training/education activities of the rights
- Cooperate/directly communicate with:
 - Lawyers
 - Local legal support offices
 - Non-governmental organizations and agencies
 - The court system
- Guide and give advice to beneficiaries on letters of complaints.

4. Survey Respondents

The survey focused on CSOs that provide support services to one or more of the seven vulnerable groups identified in paragraph 3.1. At the time of the survey, some of the respondents said they served multiple vulnerable groups while others said they only served one.

5. Research Methodology

The research was divided into three key phases. In the first phase, SISD conducted two roundtable discussions (focus groups) with representatives of the target audience: civil society organizations that serve one or more of the targeted vulnerable populations. In the second phase, SISD conducted one-on-one interviews with representatives of sixty CSOs located in or around HCMC who work with one or more vulnerable group. In the third phase, the data would be analyzed by SISD and LIN and presented to stakeholders for comment.

Phase 1. Focus Group Research

- a. SISD drafted a list of questions for the focus group and disseminated the draft to LIN for review and comment.
- b. LIN prepared a focus group discussion guide and submitted comments on the draft list of questions.
- c. SISD re-drafted the focus discussion guide and sent to LIN for review.
- d. Upon review and comment by the LIN team (including legal consultants), SISD finalized the focus group discussion guide
- e. Two Focus Groups were held on 18/05/11 with a total of 11 participants⁵ to gain insights and resolve possible issues with communication and/or understanding of the topics to be addressed in the one-on-one interviews (i.e., distinctions among CSOs, explaining questions, legal jargon)
 - Focus Group 1 included six (6) representatives of CSOs working with vulnerable groups.

⁵ Originally, we planned to separate the focus groups by legal status (officially registered vs. unregistered); however, upon further discussion, we felt it would be more meaningful to segment the groups based upon their experience promoting access to justice for their beneficiaries.

- Focus Group 2 included five (5) representatives of CSOs working with vulnerable groups who had some knowledge or experience providing services, directly or indirectly, to help their beneficiaries access the justice system.

Note: A copy of the focus group guide and report is provided herein (See Annex 1 to Annex 4).

Phase 2. One-on-one surveys with 60 CSO representatives

The goal of the interviews was to collect qualitative and quantitative data from CSOs that support one or more of the targeted groups regarding past and/or planned initiatives to facilitate their beneficiaries' access to the justice system and to identify capacity building needs to promote such work. The methodology for the survey research is detailed below:

- a. Finalize the survey questionnaire (based on FG report).
- b. Clean and sort combined contact database to include only CSOs eligible for interviews (in terms of location, thematic area, beneficiaries) = 110 contacts.
- c. One-day training course for survey interviewers at SISD. (Refer to Annex 5 for the training agenda and participant list.)
- d. Face-to-face interviews with staff of at least 60 CSOs, randomly⁶ selected and pre-screened from the database of eligible CSOs.
- e. SISD inputted data from one-on-one interviews into SPSS.

Phase 3. Data Analysis

⁶The database of eligible organizations included 110 CSO contacts, which were known to be serving at least one of the seven vulnerable groups identified for this research. The methodology decided upon to select candidates for interviews was decided, as follows: First, segment the database by vulnerable group served; Second, for any segment with four (4) or fewer CSOs, all would be approached for an interview (this included organization's serving migrant families, poor people from rural areas, ethnic minorities, sex workers and victims of human trafficking); Third, for segments with more than 4 CSOs represented, candidates would be selected using the following methodology:

- Alphabetized, by Organization name
- Every 4th CSO would be selected until they reached 50% of the total CSOs.
- If any CSO refused to participate, the CSO listed above that CSO would be selected. If that CSO also refused, the CSO listed after the original CSO would be selected. And that process continued until 60 interviews or more were completed.

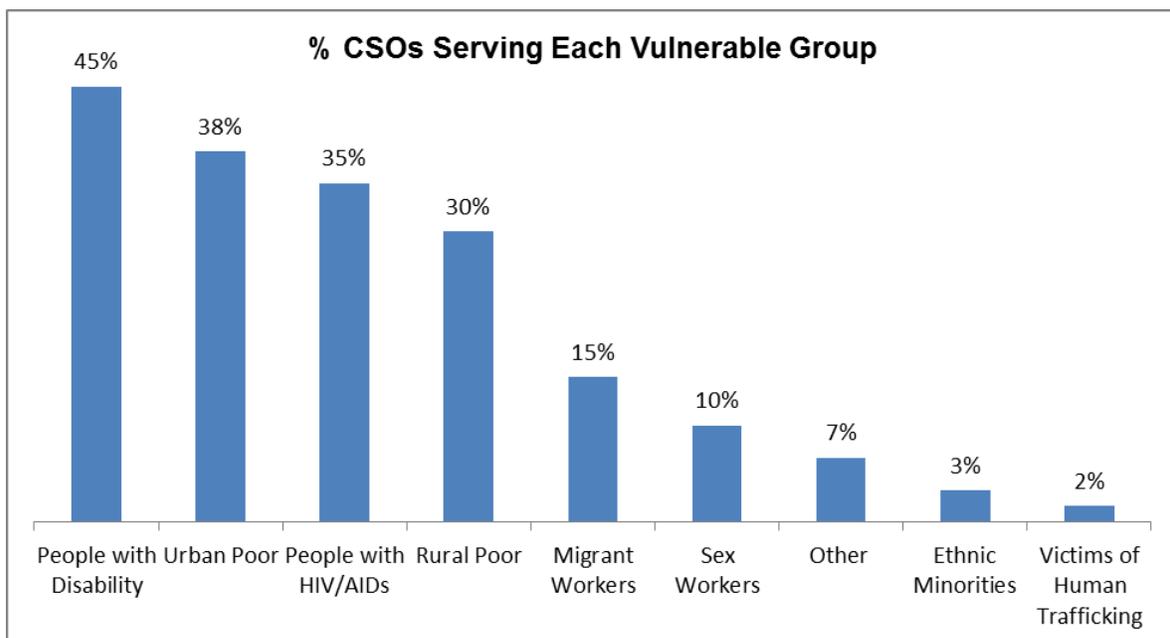
The survey data was analyzed by Senior SISD researchers and the LIN team. The SISD team prepared this draft report and preliminary findings, LIN team give comments and SISD finalize the report.

6. Description of the Survey Sample and Informants

6.1 Survey Sample

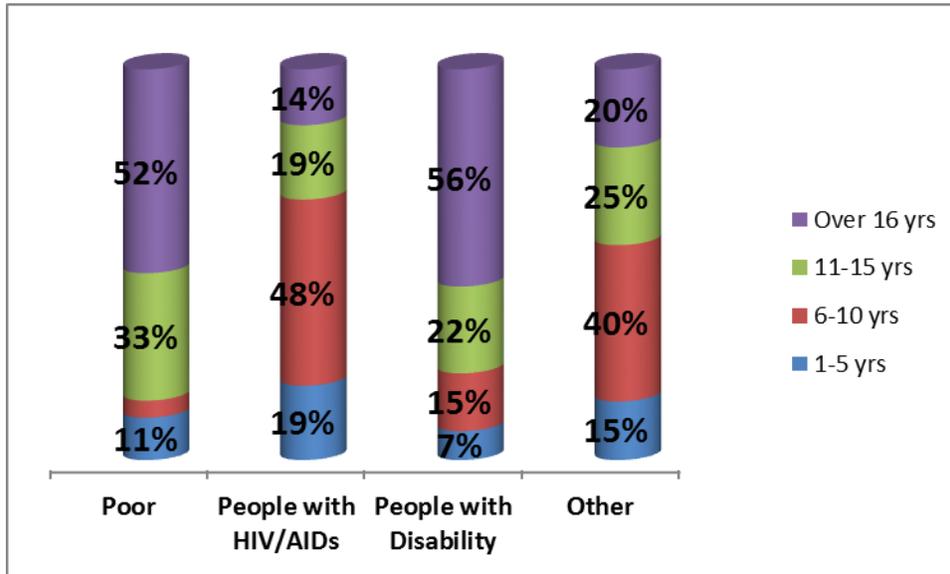
Upon interviewing the 60 CSOs, it was clear that most serve more than one of the vulnerable groups targeted for this study. 38% of the CSOs interviewed provide services to the urban poor, 40% serve the rural poor, 35% serve people affected by HIV/AIDS, 45% serve people with disabilities, and 15% serve migrants. The number of CSOs in our study that serves the other target groups (sex workers, ethnic minorities, and victims of human trafficking) was much smaller (see Table 1, Annex 6). For this reason, for purposes of comparison across beneficiaries, we combined the responses of CSOs serving migrants, ethnic minorities, victims of human trafficking and sex workers into one group. This mixed group was then used to compare responses with CSOs serving urban poor, rural poor, people with HIV/AIDS (PWH) and people with disabilities (PWDs).

Chart 1. Distribution of CSOs by Beneficiary Group



Nearly 80% of the CSOs supporting poor people and people with disabilities have been operating for at least 11 years. On the other hand, a comparatively low number of CSOs supporting people affected by HIV/AIDs have as much experience (68% have been operating for less than 10 years). (see Table 2, Annex 6)

Chart 2. CSO Years in Operation By Beneficiary Group



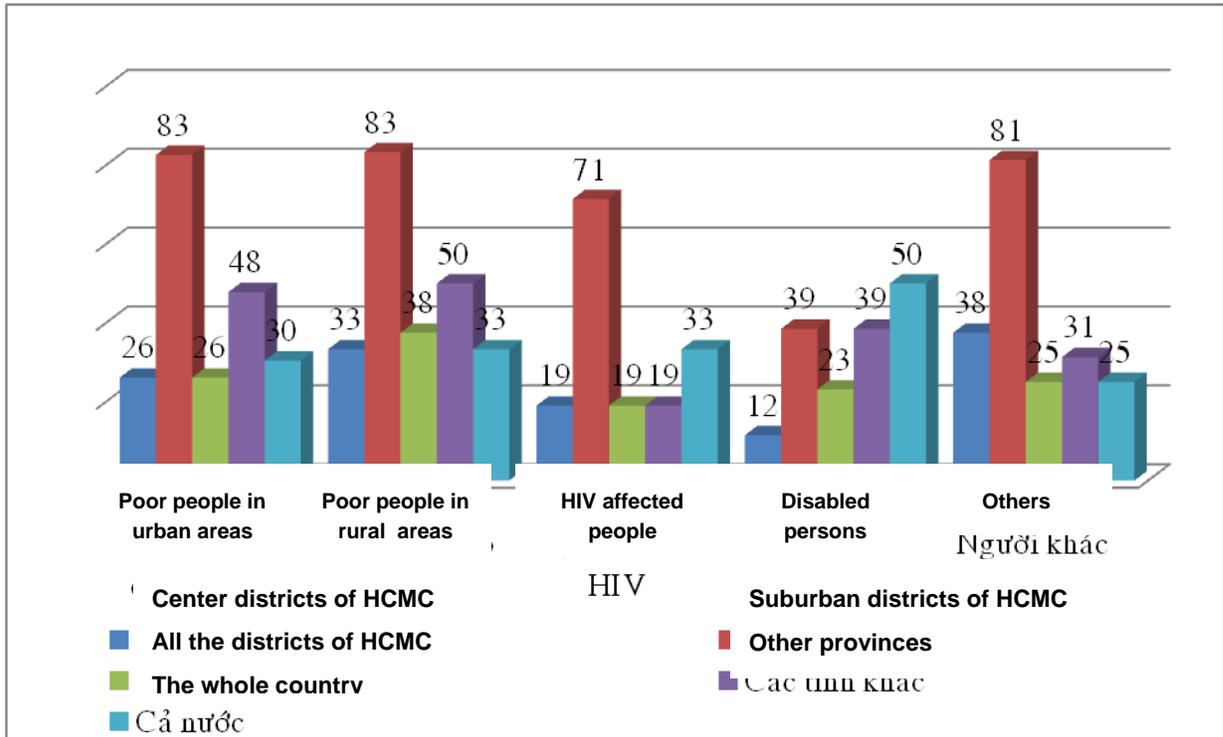
6.2 Location of Operations

The possible location of operation for CSOs participating in this research were divided into 5 areas: central districts of Ho Chi Minh City (HCMC), suburban districts of HCMC, all districts of HCMC, other provinces, the whole country. The majority of CSOs surveyed said that they mainly work in the suburban districts of HCMC (more than 70% of the respondents). CSOs serving people with disabilities tend to operate throughout the country (50% CSOs serving PWDs).

According to survey respondents, a large operating location presents a greater challenge when trying to help beneficiaries to access the justice system.⁷

⁷ This is due to the fact that many individuals who migrate to HCMC need help to obtain an identity card. Most have difficulty returning to their home towns to verify their birth. CSOs explained that they often try to help their beneficiaries with this process; however, they often lack the necessary human resources and budget to support this work.

Chart 3. Location of CSO Operations By Beneficiary Group



6.3. Characteristics of Survey Respondents

With regard to the individuals who responded to the survey, on behalf of their CSO, 75% were directors or managers and 88% had at least three-years of experience working with their respective organizations. There was little difference with regards to gender (45% were male, 55% were female) and more than half (55%) were between the age of 35 and 50. Sixty percent (60%) of the respondents had received a degree from a vocational school, college or university; 13.5% received a postgraduate education. Just over a quarter (26.7%) did not obtain education beyond high school (refer to Table 4, Annex 6).

SURVEY RESULTS

1. Access to Justice by Vulnerable groups

Access to justice is a person's ability to protect their rights through the justice system.⁸ For the purposes of this survey, interviewers understood this to mean the following:

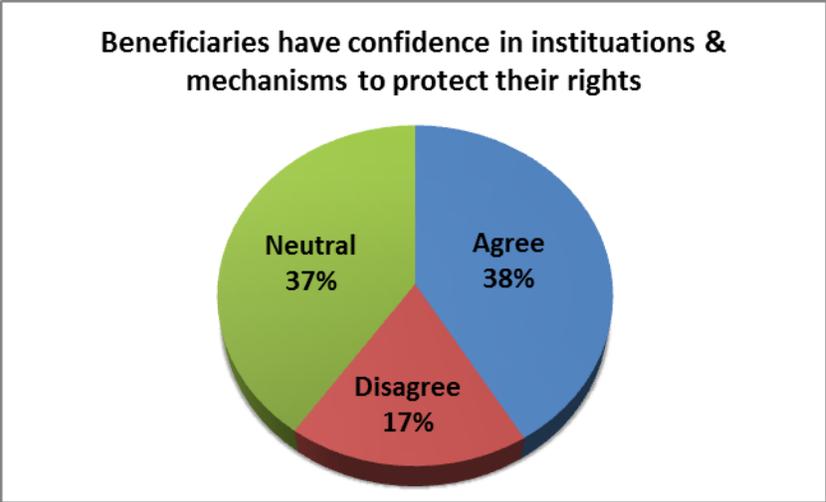
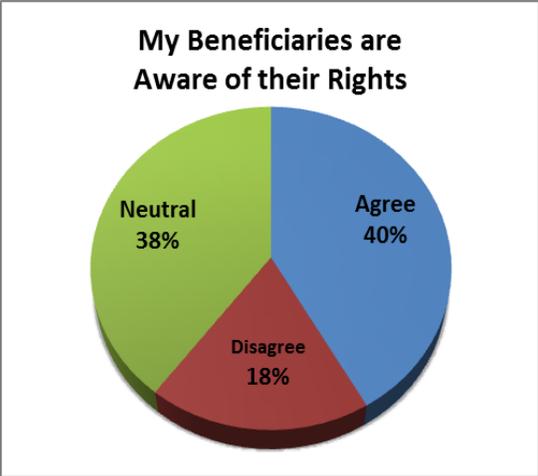
- There are laws that protect people's fundamental rights;
- There are institutions to enforce those rights;
- People must be aware of their rights;
- People must be able to access institutions set up to protect their rights and they must be able to understand the relevant processes and procedures at these institutions;
- People must have confidence that the justice system can protect their rights;
- Resources must be available to help people understand their rights and entitlements; and
- People must be able to lobby or advocate for policy reform and improvements.

When asked about the current situation⁹, 83% of the CSOs surveyed, agreed that there are laws that protect the fundamental rights of their beneficiaries; 72% said that there are institutions to protect those rights; 64% acknowledged that there are resources to help vulnerable groups understand their rights and benefits (for example, lawyers, officers and people's organizations); and 58.3% said that CSOs are able to lobby to make changes in policies (refer to Table 5, Annex 6).

⁸ In describing the justice system, survey interviewers referred to both the institutions that were set up to implement laws and regulations as well as the laws and regulations themselves. The relevant institutions include the courts, prosecutors, enforcement agencies, police, People's Committees, the State Inspectorate, Heads of the District/Ward/ Hamlet, lawyers, legal aid centres, grass-root mediation groups, mass-organisations and the mass media. In regards to laws and regulations, we referred to those laws and regulations that established the rights of the citizens and the methods of protecting and enforcing those rights.

⁹ The question was phrased as follows, "With regards to the vulnerable groups that you represent, can you tell us to what extent you agree or disagree with the following statements..."

Nevertheless, CSOs believe that vulnerable groups have limited awareness of laws and beneficial policies (only 40% of CSOs surveyed said that beneficiaries are aware of their own rights). Less than half (46.6%) believe their beneficiaries know the institutions and procedures for claiming their rights and even fewer (35%) have confidence that such institutions and mechanisms can actually protect their rights.



Box 1: CSO Awareness of Policies and Programs to Support Vulnerable Groups

During the Focus Group (18 May 2011) and Interviews, CSO Representatives Cited the Following Policies and Program Designed to Support Vulnerable Groups:

- ❖ People with Disabilities

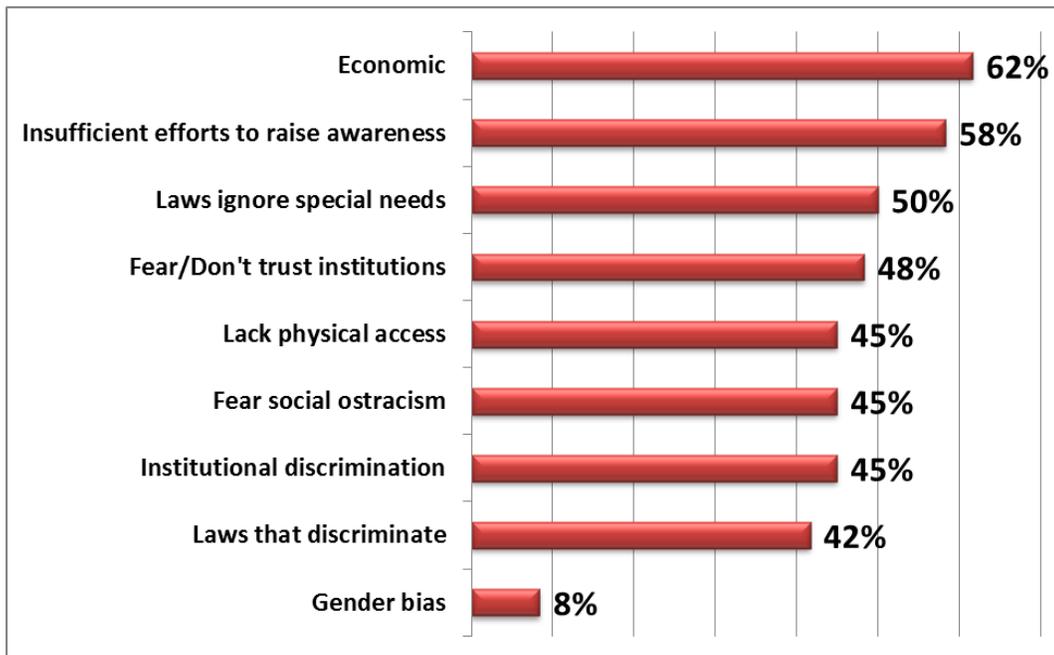
- The law on persons with disabilities, No. 51/2010/QH12, 17 June 2010
- Support to enterprises employing disabled persons with tax policies. [According to the corporate income tax law and the law on persons with disabilities (#22)
- ❖ Urban Poor
 - Primary school children exempted from school fees. (Decision No. 49/2010/NĐ-CP, 14th May 2010.
 - Health insurance (Health Insurance Law, 14th November 2011). The National Program on Child Protection 2011 - 2015 (Decision No 267/QĐ-TTg, 22th February 2011 (#30)
 - Decision 37 “Ban hành tiêu chuẩn phù hợp với trẻ em” details standards and conditions to recognize communes that protect children. However, some criteria are not welcome. For example, if a newborn baby is affected by HIV, the ward will be deducted 25 points. (#30)
- ❖ People affected by HIV/AIDS
 - Laws on protection of HIV affected persons. (HIV Law No 64/2006/QH11, 29th June 2006) (#50)
 - HIV affected persons can buy insurance (HIV Law No 64/2006/QH11, 29th June 2006) (#1)
 - HIV affected children, without a mother or father, will receive monthly financial support from the locality (VND 200,000 – 300,000/person). (HIV Law No 64/2006/QH11, 29th June 2006) (#50)
 - HIV affected children who are under six years of age are entitled to free health insurance (HIV Law No 64/2006/QH11, 29th June 2006) (#1)
- ❖ Migrant Workers and/or Families
 - Children of migrants may enroll in public schools (primary school level) [law not cited]. (#18)
 - Migrant children are eligible for loans to pursue vocational and/or professional studies (university studies). [law not cited]. (#18)
 - Family record book will be issued after one-year at a temporary residence. [law not cited]. (#18)
 - Exemptions from paying for regular electricity fees [law not cited]. (#18)
- ❖ Victims of Human Trafficking
 - Law on child care and protection (articles related to trafficking in children for sex slavery - 114, 115, etc.) (#30)

Source: FGD, 18th May 2011 and select interviews.

2. Barriers to Access to Justice of CSO Beneficiaries

CSO representatives were asked whether their beneficiaries faced any barriers in accessing the justice system. Aside from one’s own awareness of rights and one’s lack of confidence, CSOs were asked to indicate other access to justice barriers for their clients. The bar graph below illustrates the percentage of CSOs responding that the following barriers are a “modest” or “important” barrier (see table 6 Annex 6).

Chart 4: Barriers to Access to Justice



Many of the barriers identified are relevant to all vulnerable groups in the community (i.e., costs, lack of information, intimidating procedures), while other barriers may relate to a particular group (i.e., communication difficulties, reliance on others, discrimination)

Barrier - Economic

Of all the barriers CSOs identified economic concerns were the barrier most commonly cited. Even when vulnerable groups are aware of their rights, they may be unwilling to claim those rights using formal structures, which can seem costly. CSOs mentioned a variety of economic concerns, including: fear over losing a day's pay, inability to pay for an interpreter/advocate, legal or administrative fees and transportation costs associated with claiming one's rights. Whether or not these costs may be fact or perception (they may not know how much a lawyer charges), they present a real barrier.

Box 2: CSO Reports of Economic Barriers

“...an HIV affected person was not able to receive an inheritance, as regulated [by the laws]; however, he/she¹⁰ did not have enough money to pay a lawyer to submit a complaint (it mainly relates to the inheritance of property). Such legal support is supposed to be offered for free by the Law Association; however, that was not the experience of our beneficiary” (#50)

“When facing with legal issues, several young [migrant] workers assumed that it would be extremely costly to visit lawyers’ offices and/or legal support organizations to request support, especially among persons having financial difficulties. This perception prevents them from accessing to the judicial system”. (#10)

“When they want to find their origins, they lack the money to pay for paperwork fees, for example, an ID card.” (#19)

“A deaf girl, married to a foreign man who is also deaf, needs someone to accompany and assist when she visits a lawyer. If she is poor, she may not be able to afford [such assistance].” (#22)

“Immigrant workers face two challenges: transportation (they may live and/or work far from the place they may need to go) and work restrictions (their work may not allow time off to access their rights).” (#28)

In addition to the above comments, CSOs said that their beneficiaries lack information on existing policies that protect vulnerable groups. And, although there are different consultancy centers that are mandated to offer legal advice for free, beneficiaries may not be aware of these centers and/or they may still worry that there will be fee for legal consultancy.

Barrier – Lack of Information

Many CSO representatives admitted to difficulties in understanding and awareness about laws/programs/procedures for vulnerable groups. (The research team believes this number may be underreported as we observed several cases of misunderstanding among even those who said they already understood the laws/policies/procedures.) Cited causes for this lack of awareness and understanding included: insufficient outreach to those affected; insufficient training to those who are in charge of implementation; insufficient networks to disseminate the information; as well as insufficient information:

¹⁰ Gender hidden to protect respondent.

Box 3: CSO Reports of Lack of Information

“The law has written terms but it doesn't have documents to instruct how to implement and, [often], law-enforcement persons are often not aware of the terms” (#2)

“Not much information sources, cannot approach anywhere, those sources of information only exist in community support centers or places related to HIV/AIDS. Many people who live in other provinces don't know where to find it.” (#9)

“[There is a] lacks of information, those who actually do the paperwork do not know the procedures...” (#35)

“Lack of instruction for beneficiaries...for instance, they know their child can go to school but, when they get rejected [by the school], they don't know where to go, what to do to enforce their right.” (#50)

Barrier – Law Enforcement

Even when laws themselves are not discriminatory, systematic or *de facto* biases and discrimination against vulnerable groups may result in unfair rulings, inappropriate conduct or inadequate services for vulnerable groups. Below are some examples of enforcement barriers, which were cited by our survey respondents.

Box 4: CSO Reports of Legal Enforcement Barriers

Decree 67: HIV positive persons are entitled to have allowance in raising their children (~few hundred VND/month). However, no customer has ever received this amount and no one has been instructed on that because they're afraid of discrimination and partly because the authority does not have an assigned staff to take care of this.” (#1)

“Regulations sometimes do not match with reality.” (#51)

“Decree 67 provides for children to receive an allowance, but how can the HIV+ person receive this allowance?” (#2)

“An older woman (> 80 years old) receives a retirement pension. She takes care of a young orphan. If she wants to get her pension then her grandkid cannot get an allowance, According to the law, it is possible to receive both allowances but, in practice, it is not possible.” (#8)

“Some [PWDs] go to university and study night class to get their degree but they were not entitled to any school fee exemption or reduction.” (#12)

“The law provides for a monthly allowance. In some places they can get this [allowance] from the authorities, while, in other places, they cannot.” (#44)

Barrier - Policies and/or Practices that Discriminate

Respondents reported a variety of instances of discrimination by public service providers that inhibited access of vulnerable groups. For example, several CSOs reported that, "...some [government] officers treat heroin addicts (especially female addicts) differently, as if they were a part of a marginal group... some officers refuse to serve them while others require the submission of numerous papers and documents [before they would be served]." Other examples of discrimination are detailed below:

Box 5: CSO Reports of Policies and/or Practices that Discriminate

"There is clear discrimination when it comes to accessing services. For example, when HIV patients go to the hospital for an exam and treatment the hospital staff find ways to delay their treatment (though the hospital staff never state that will not provide treatment for these patients they may let those patients wait for a long time much longer than patients that come in for another ailment). This is one reason why patients may come to CSOs for treatments." (#50)

"...the method of communication is not good. [Often they do] not receive clear instructions and few people in the legal process care about [individuals who are vulnerable]." (#56)

"HIV affected children are discriminated against when it comes to attending public schools. [Our CSO] takes action, through direct intervention, by visiting that school to learn their reasons. For example, if a school representative says they are afraid of being affected by HIV, [our CSO] might provide information and reference documents and/or we might organize a communication activity for faculty and parents. For children of secondary and high schools, communication activities can also be organized for these pupils. In case of severe discrimination by parents who refuse to allow their children to attend school (especially kindergarten) with HIV affected children, [our CSO] would only send a [complaint] letter to the Department of Education and Training, Office of Education, Committee for AIDS Prevention and Control. Occasionally, such actions result in a favorable turn of events." (# 50)

"When people with hearing and speech impairment violate the law they have difficulty explaining themselves in court, causing unfair sentencing." (#22)

"[In the emergency room], the [hospital] will request the patient to buy all surgical instruments for one-time use, which the patient often cannot afford, [before doing any surgery]..." (#1)

"Migrants do not receive the same benefits as permanent residents. For example, they are not exempt from court fees or lawyer fees while poor residents are entitled to [such exemptions]." (#18)

"Some children, whose parents are HIV+, when they go to school, teachers will find a reason to punish them... to get the students/family to ask for transfer, while other schools may not accept them." (#14)

"HIV positive children were not allowed to enter the water park." (#8)

"When they go to dentist, HIV+ children only get a filling - they will not extract the decayed tooth." (#8)

“Kids without a family record book/ birth certificate cannot go to school.” (#42)

“When they go to a hospital... [prostitutes] have to declare wrongly that they run a small shop or work in the service industry. If they declare themselves to be prostitutes, they [may not receive services needed]. (#46)

“[Blind] are issued with free bus tickets within the city but some buses did not pick them up because they use the free-card.” (#12)

“Some kids are old enough to register for an ID Card, but the Ward authority says that since they are blind, there is no need to register, hence there are delays...” (#12)

Barrier – Fear or Mistrust of Institutions

Even when vulnerable groups may be aware of their rights, they may be unwilling to claim their rights using formal structures. These structures may seem alien and intimidating to them, as well as distant, corrupt and costly.

Box 6: CSO Reports of Fear or Mistrust of Institutions

“HIV+ persons do not trust the legal system...they faced many past violations of their rights. For example, the law strictly forbids discrimination in testing & treatment for people that are HIV+; however, there are still many places doing that.” (#9)

“The trust level is low even for normal people, let alone vulnerable people.” (#3)

“People are afraid to go to the PC (Commune or Ward) to ask for a reference letter to enter a methanol treatment center.” (#6)

“Authorities promised to [help our beneficiaries] find jobs but they could not. They promised to support them but did not...” (#14)

“Some wards have a policy stating that those who return and integrate into the community will have access to loans. However, when they registered, they could not get a loan...they lost trust...” (#14)

“Many handicapped children do not believe in the legal system – they did not get any help or assistance.” (#15)

“Agencies always delay the time to resolve [a case].” (#28)

“Law as it is stated and law as it is enforced is not the same.” (#35)

“The main issue is that they are not open to vulnerable groups: due to habit, due to asking-and-giving, one has to have money to receive care...” (#56)

Other Barriers

Challenges of awareness are even greater for individuals who lead difficult lives and have few opportunities to access and understand such information. Making matters worse, vulnerable social groups typically have limited understanding about administrative procedures and contact points or addresses where they can access support services.

Box 7: CSO Reports of Other Barriers to Justice

“For blind children in a center most have access to radios so they can listen to the news. It may not be difficult for them to access legal information or get legal support services. For children coming from poor families; however may have more difficulty accessing such information. They may not have any time or ability to access important information that could benefit their situation.” (#22)

“[Vulnerable groups] seldom access popular media outlets [as such it is not easy to keep them informed about legal information changes.]... Recent efforts to build legal awareness among workers have not met the demand, and are not sufficient and diversified on contents, methods,... In addition employers may not create conditions for workers to participate in such capacity building programs.” (#18)

“They have limited understanding about how to access to information about legal support services and ways to get legal support?” (#15)

“When they meet with some difficulties, they do not know what to do or where to go to get support?” (#18)

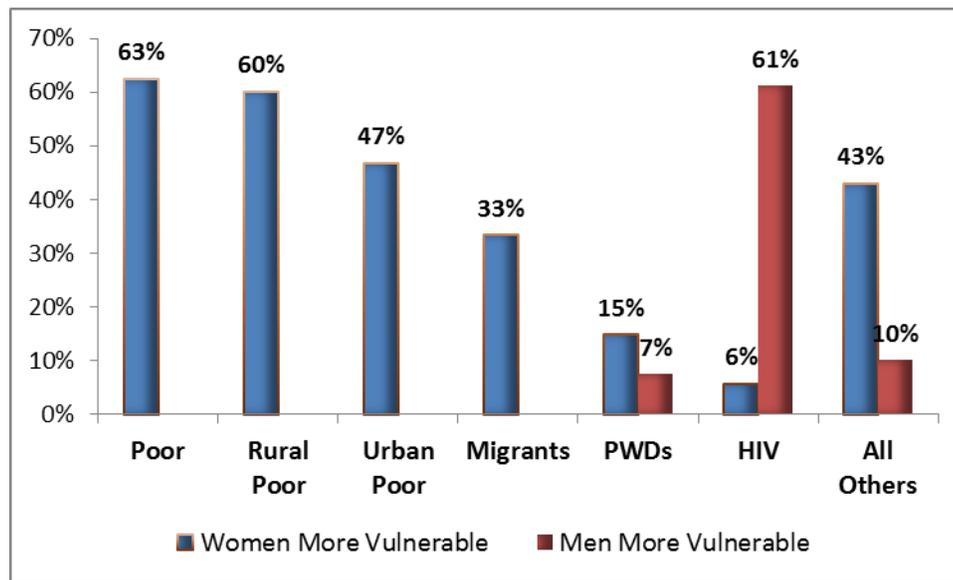
”They even do not know what legal support means. Though there is a legal support center, they do not know about it.”(#50).

“They do not have much contact with press agencies or the media. They only visit the Ward to ask for guidance. If the Ward does not sort out their issue, they will give up”.(#35)

Gender Differences

When posed with the question, “is there any gender difference, in regards to the vulnerable groups that you serve,” survey respondents identified some differences. For all but one vulnerable group, women were thought to be more vulnerable than men. The one exception was people with HIV, where supporting CSOs felt that men were the more vulnerable gender.

Chart 5: Gender Differences in Access to Justice



3. CSO– As a bridge between vulnerable groups and the justice system

CSO Services

Each CSO is set up according to its own mission, each with its own programs and services designed to address the needs of one or more target beneficiaries. Nevertheless, many CSOs engage in similar activities, such as: health care, vocational training, career counseling, basic education, life skills training, and more etc. In our survey, we asked CSO’s if they engage in any legal support activities and/or if they provide any services to promote access to justice for vulnerable groups. Among the services mentioned were:

- Communication activities to increase awareness about laws.
- Support to persons who experience legal difficulties so as to help them gain access to legal support services.
- Case monitoring, evaluation and advice.
- Creation of opportunities for improved access. Organizations often reported that they help their beneficiaries to find ways to best access public services.

Box 8: CSO Services to Help Vulnerable Groups Access the Justice System

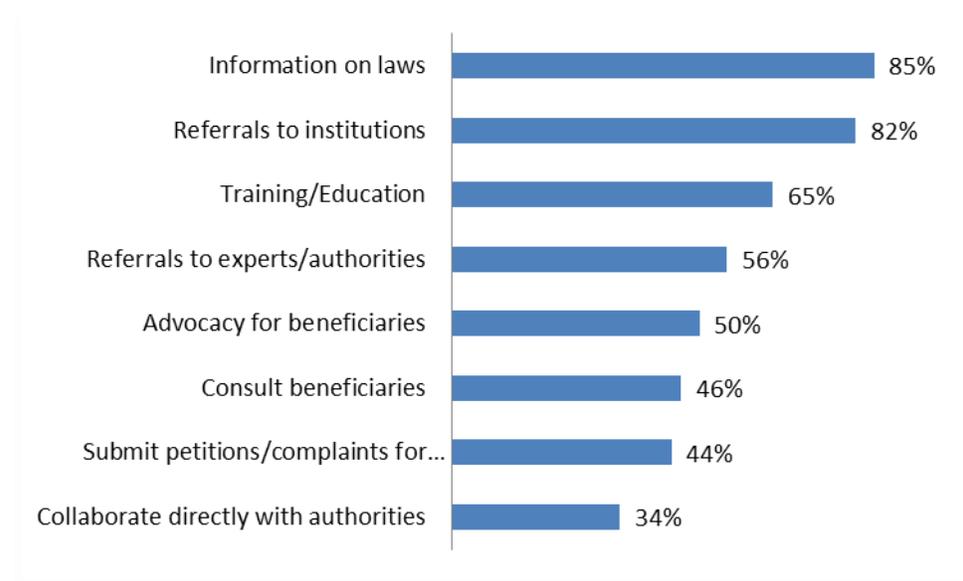
“We work on communication activities to increase awareness of legal knowledge, to identify people who may lack required documents. We refer them to relevant state agencies that can help them access [legal] services. NGOs cannot cover all these issues” (#56)

“In my opinion, NGOs themselves are not specialized in legal matters. But they at least know their target groups: the difficulties these target groups face as well as their needs. We provide opportunities for them to address their needs through available resources. [As NGO staff] Our role can include finding the best solutions for our target group members to access relevant agencies in charge of legal issues”. (#18)

“It was stated through newspapers that disabled children cannot get their own identification cards. So far we also face this issue.” (# 22)

The above responses were among the few examples of CSOs who included services pertaining to the protection of a beneficiary’s access to the justice system as a core service. These statements were made at the beginning of the interview with CSOs, when respondents were asked to describe the organization’s core services. Further into the survey, respondents were asked to indicate whether or not they had ever provided one or more of a list of service, which seek to protect the rights of vulnerable groups. Through the answers to this question, many CSOs were found to have engaged in access to justice activities (refer to table 7, Annex 6).

Chart 6: CSO Services to Support Access to Justice



Box 9: Examples of CSO Support Activities

Equip beneficiaries with knowledge, information related to laws, rights and responsibilities, i.e. we invite lawyers to talk about some issues, to provide answers to questions, to give advice about relevant laws relating to their rights, to provide guidance and to forward these cases to legal support offices. (#50, #30)

Provide intervention activities to ensure access to public services such as schooling, health care, recreation. Guide families to work on birth certificates for their children. If children are of school age, CSOs will contact with public schools, support necessary procedures for regular enrolment of children in a school, and find a place for free health exams and treatments for children when they are ill. For women who work as prostitutes/sex workers, CSOs introduce them to a place for checking and follow-up until they get support services. For people eligible for social welfare, they are introduced to competent authorities to receive it. Provide guidance and introduce HIV affected persons to legal support offices for their inquiries or to ask for equal rights for children of HIV affected persons as the other children. (#56)

Record all the complaints, check, follow-up and sort out issues (if possible) or guide vulnerable groups to make claims to protect for their rights. “Regarding complaints of conflicts of young workers, the center can help to protect their rights. The center helps workers draft complaint letters to their employers, leaders of an enterprise or a state agency. The center also cooperates with local trade unions to protect the rights of young workers” (#18).

Based on respondent feedback, it is clear that many CSOs are providing support services to vulnerable groups to help them access the judicial system and legal agencies.

CSO Partnerships in Providing Access to Justice Services

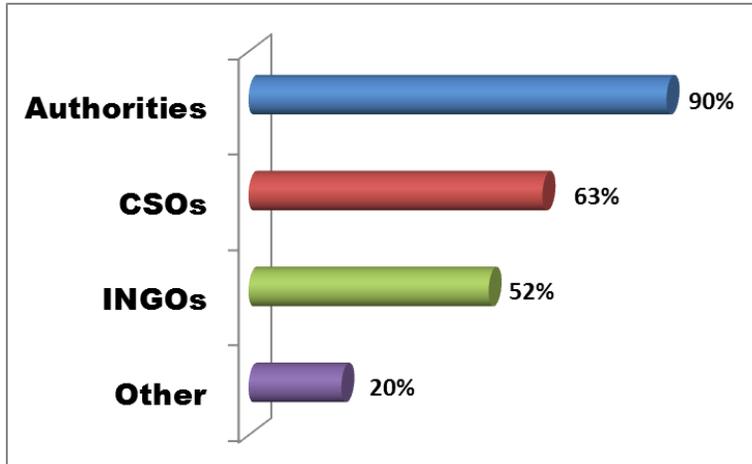
When asked, “Which organizations does your CSO partner with in a joint effort to protect your beneficiaries?¹¹” Almost all CSOs said they partner with government organizations or offices. The most commonly cited examples of government partners given were the local Departments of Labor, Invalids and Social Affairs (DOLISA) as well as the local People’s Committee (Ward, District and City level). Other government partners included: HIV/AIDS Prevention Committee, Department of Health, Department of Education, Mass Organizations (Vietnam Fatherland Front, Women’s Union, and Youth Union), Vietnam Lawyers Association, and Police. (see table 8 Annex 6)

CSO respondents also said that they partner with other civil society organizations as well as International NGOs. Notably, CSOs addressing HIV/AIDS issues tended to have more relationships with international NGOs compared with other groups. Among other partners

¹¹ Note: This survey question did not ask respondents to talk about the quality of their collaborations.

mentioned were: Colleges, Companies (& Chambers of Commerce), UN Agencies, the World Bank and USAID. (see table 8 Annex 6)

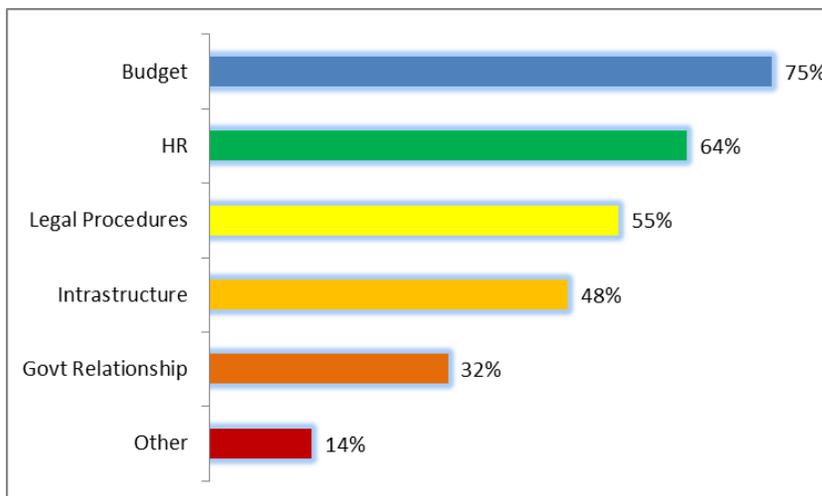
Chart 7: Who do CSOs work with to Protect Beneficiary Rights?



4. CSO Challenges

When asked whether or not the organization had faced any challenges when carrying out activities to protect their beneficiaries' rights, 72% cited one or more challenge. Interviewers then asked respondents to describe the challenges faced. Three-quarters said that the difficulties were budget-related (75%). More than half said they faced human resource challenges (63.6%) or difficulties in updating information and legal procedures (54.5%) (refer to table 9 Annex 6).

Chart 8: Difficulties Faced by CSOs Trying to Protect Beneficiaries' Rights



Insufficient Funds

In regards to budget issues, a number of CSO respondents said that they do not have sufficient budget to support vulnerable groups with legal procedures (including staff time to prepare applications, costs for associated travel and transportation). This is especially challenging for newly established CSOs, which struggle to find funds for regular operations, let alone legal issues. A second budget issue that was raised was the inability to hire specialists (as staff or consultants) to help address these issues.

Box 10: CSO Examples of Insufficient Budget

It is common for CSOs to support vulnerable individuals with identification cards (ID) and identity papers. It is difficult and time-consuming to complete the required procedures because one must learn their place of birth and travel there many times [to finalize the required documentation]. It is also costly, when you account for all the traveling. Therefore, we have had several cases where vulnerable people had to pay for themselves (when it was possible). (#50)

“We support workers to get their case to court, according to the labor law, but we do not have a budget to cover court fees.” (#18)

“There are permanent and temporary residents that need our help but we only have budget to support people who actually live within the district.” (#33)

There is a shortage of budget to carry out training courses, communication activities on laws because we need to invite experts, pay for organization expenses, cover traveling fees for beneficiaries, etc. (#18)

There is a shortage of budget for beneficiaries to pay for lawyers for their support when needed. (#30)

“Our sponsor does not give us a budget to provide legal support.” (#40)

Human Resource Challenges

In regards to human resources, two key issues emerged: shortage of staff and lack of legal expertise. In general, most CSOs operate on a small budget and may only have a few, full-time staff. Due to lack of funding, some staff ends up working multiple jobs or eventually looking for another job. While this is not unique to organizations working on access to justice issues, it only exacerbates the human resource challenges for organizations that seek to provide more comprehensive services.

This human resource challenge is reflected in the organizational data collected as part of the survey. Of the 60 CSOs participating in the survey: 40% of CSOs have less than 10 staff and 63% of CSO staff work full-time (see table 10, 11 Annex 6).

With regard to educational level and relevant training of CSO staff, most have at least a high school degree (36% graduated from high school; 47% graduated from vocational schools) but 17% did not finish high school. Among the 1,209 staff working with the 60 CSOs surveyed, 37% have received some training in a related field, such as social work; 21% received training in community development; and 24% received training relating to the law and/or justice system.

Box 11: CSO Examples of HR Difficulties

“For the time being the organization has 20 permanent staff but none of us are specialized in legal issues. Nobody is specialized in legal issues... there are only a few staff working for charity activities... they sometimes have to work very hard.” (#35)

“... the lawyers and legal consultants we invited to support us [in the past] can no longer meet our demand.” (#10)

Legal Challenges

Another common issue raised by CSOs, which limits their ability to protect beneficiaries’ rights, was legal challenges. Under the category, CSOs reported the following challenges:

- Legal Status¹² - If the CSO does not have official status (no license or official stamp), they are unable to advocate for their beneficiaries (#7,9,14,15,27,31,42,52 and 60)
- Burdensome Procedures - Required procedures can be burdensome: time-consuming, labor intensive, unclear and/or overlapping (#1, 28 and 30); and/or
- Lack of Enforcement (and Inconsistent Enforcement) – Some respondents felt that what may be protected under the law is not always protected in practice and what may be practiced in one district may not be enforced in a neighboring district (#28 and 50).
- Lack of Understanding¹³ – Just over half of the respondents reported challenges to understanding the laws and/or state programs and policies to protect vulnerable groups.

¹² Several CSOs reported that they must have the proper legal status in order to be able to provide support to vulnerable groups. Many CSOs said that they only have a square-shaped stamp, which is not accepted by the relevant authorities.

¹³ Please find further information in the next section, “Sources of Information”, with feedback from Survey Question 13.

Box 12: CSO Examples of Legal Challenges

"[The process] requires many documents and overlapping procedures." (#1)

"Procedures took a long time. Although the law says 3 months, it actually took 12 months!" (#28)

"[Although there] is a law...there are no clear guidelines...the jurist association does not have enough time to guide you. It is hard for the beneficiary to complete all documents needed." (#1)

"[We do not get] updated on new legal information and that causes us to be slow in responding to the needs of the children." (#30)

"...government agencies do not implement [the law]... [In] some cases, we had the required documents but still could not claim our beneficiary's rights." (#50)

Other Challenges

In addition to economic, human resources and legal issues, CSOs also mentioned two other challenges, which limited their ability to protect their beneficiaries' rights: infrastructure and their relationship with government authorities and/or state agencies.

Under infrastructure, CSOs cited challenges such as the lack of official office space (or an unsuitable office space) where they could meet with beneficiaries (#6,9,10,14,31,34, 35, 36, 42, 52 and 59) and/or a lack of equipment, such as computers, to serve their clients well (#1,25,41, and 49).

With regards to their relationship with state agencies and/or officials, CSOs mentioned problems in connecting or communicating with government representatives, such as:

- Officials are busy, they have multiple responsibilities and may not be proactive in connecting with CSOs (#1,2,28,30 and 48); and/or
- CSO staff often has to wait or go "back and forth" many times when they want to talk with a representative of a state agency (#35, 38 and 42).

As indicated in a previous section, most CSOs have cooperated with government offices/agencies to support beneficiaries in accessing the justice system (refer to "CSO Partners in Promoting Access to Justice" and table 12). Nevertheless, many CSOs said they encountered difficulties when communicating or coordinating with the government. Some CSOs noted differences in levels of government support in different locales. For example, one some

locations, government officers were proactive, creating favorable conditions for beneficiaries and working with CSOs advocating on their behalf. However, in other locations, officials might prefer to “strictly follow some procedures”, and be unwilling to address issues that prevent vulnerable groups from accessing the justice system.

Box 13: Examples of Success Stories

“It happened that an individual, aged 27 or 28, was unable to procure the documents necessary to get her identification card. I was directly providing guidance to that woman. She was HIV positive. In the beginning, I guided her to visit the office at 111 Le Thanh Ton Street. She was informed that she needed to know her place of birth. However, it was difficult for her to find out her place of birth because her parents divorced when she was 4 or 5 years old. Her mother returned to the North after the divorce and her father, who moved as well, later died. Hence, she did not know where she was born or where to find out. By that time, I went back to the office at 111 Le Thanh Ton Street. There they told me that they could not help her because they could not discover her place of birth. I convinced her to return to District 2, which was where she had grown up. Once there, she asked two neighbors to be her witnesses. She then visited District 2 authorities to request their help to issue a birth certificate. However, the people in District 2 said that she did not own a family record book here, and therefore nobody could provide clear evidence to support her claim that she is a resident. She was told to try and find her relatives (aunts, uncles). But, she did not know where to go to find her aunts and uncles as she was abandoned as a little child. I tried to find her mother in the Northern area to search for some way to help her. As it happened, there was another case where the aunt and uncle were able to help a child to be registered in the family’s record book, and then the child was able to finalize the necessary paperwork to get his/her birth certificate and identification card. When I pursued this approach in the North, it was not accepted. They said that the parents did not register their residence and there was no marriage certificate. Consequently, this woman still does not have any legal paperwork. She has two children. She asked somebody in District 4 to help with obtaining birth certificates for her two children. However, if these two children go to school, their mother will need to have her identification card and be able to register for a temporary residence. But, if the mother does not have the required paperwork, how will these children be enrolled into a public school?” (#50)

“Our beneficiaries [deaf, disabled persons] cannot directly communicate with government agencies due to their disability and limited education... therefore, it is necessary to have someone from our organization to accompany them... Furthermore, they may not have identity papers - many do not know their place of birth or do not have residency cards. “Regarding legal issues, disability organizations cope with both objective and subjective issues. Our organization supports six children who don’t have papers. For deaf persons, they need a translator whenever they visit a government authority. This may be true for other children with disability. For children with mental disability, [this may be] doubly difficult. Despite legal support, it is needed to consider the same situation as foreign countries. Deaf-and-dumb persons who visit legal agencies can normally communicate with a translator”. In our organization, some children come from Thanh Hoa province. Their parents are separated. These children do not have identity papers. They were sent to a mental hospital in HCMC. The mental hospital then sent them to our organization. The only papers we have were issued by the mental hospital. For these individuals, we do not know how help them get their paperwork [and the support they need]. For the physically disabled, they are sent to us from The Good Luck School. These children also do not know their origins... Some even do not know their own names. As a result, wherever we go, we must take them along. We cannot leave them alone.” (#22).

“[We] are currently [serving] some illiterate children and some third-fourth grade pupils who are leading difficult lives; however, our organization cannot help them access to a better education. When we talk about the need to meet with government authorities, children feel scared and nearly 90% of them are afraid to meet with a policeman. They are not confident, partly] due to their illiteracy. When talking about local authorities, they are extremely nervous and [very often] they do not understand what the local authorities are saying”. (#22).

It is stipulated in some legal document that a child is entitled to a birth certificate. It is simple to get a birth certificate in some areas, but it is difficult in other areas. This depends on the staff in charge of [processing birth certificates]. It was very

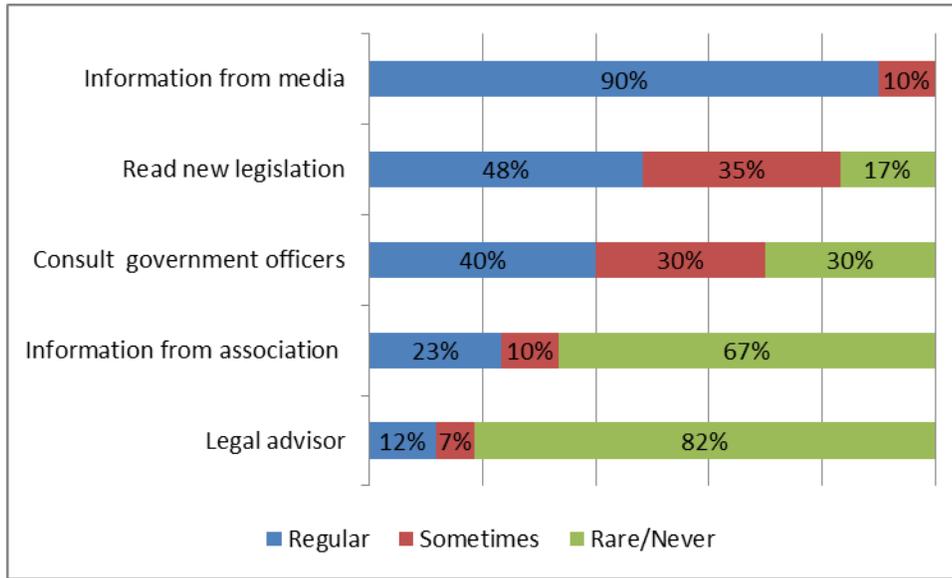
simple for me to get an identification card for one of our beneficiaries. The officer in-charge happily received her and helped her to do the paperwork. He was aware that it was his job to do it. He even helped by encouraging one community member to register the child to their family record book as it was regulated that an identification card can only be issued on the basis of the existence of a family record book. That girl was able to receive her identification card... For the other case that I was working on, in another area, I had to wait, make several appointments, wait a long time, and make several visits [to get the document needed]. (#35).

In addition, another barrier that affects the quality of support by CSOs is the lack of information sharing (such as experiences) among CSOs. It is said that a large number of similar cases of vulnerable groups needs legal support, some CSOs work out such issues very well, but some CSO are not working effectively. From the survey, we found that 60% of CSOs cooperate with other, similar organizations, in an effort to better support to beneficiaries (refer to table 8, Annex 6), however, through focus group discussions, we found that such cooperation does not involve information sharing about specific cases and strategies for solving those cases.

5. Sources of Information

The survey asked CSOs how often and from what sources do they keep informed about laws, programs and policies that relate to the vulnerable groups that they serve. As evident from the bar chart (see below), most CSOs received such information from the local media (newspaper, TV, other); less than half (48%) regularly review new legislation. About 40% of CSOs surveyed said they regularly consult government officers and an additional 30% said they sometimes consult government. Less than 20% have ever reached out to a legal advisor to keep informed about such matters (Of this group, about 12% have a lawyer on staff (paid or pro bono) who is responsible for keeping the organization informed and updated on relevant laws, programs and policies (refer to table 13, Annex 6).

Chart 9: CSO Sources for Information

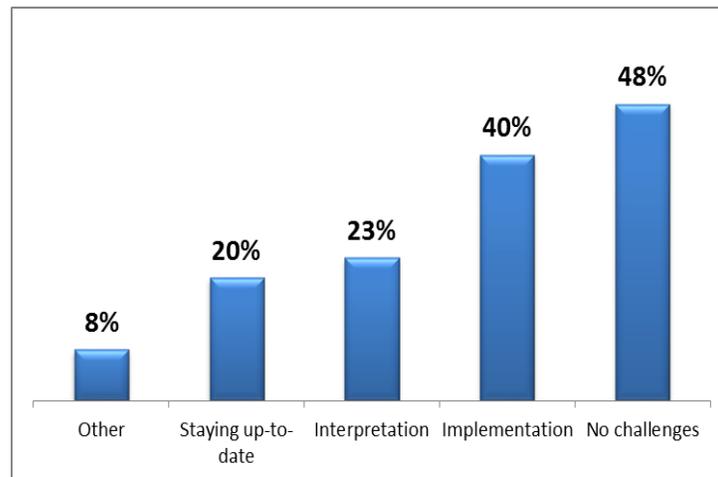


CSOs were asked whether they faced any challenges with regards to understanding laws, policies and programs that impact their beneficiaries.¹⁴ Although 48% of respondents said they faced no challenges to understanding the laws, the other half admitted to having problems; 40% said they have difficulty understanding how their beneficiaries could take advantage of rights that are protected by laws and/or government programs; Others said that they had difficulty interpreting the laws - 23%; or staying informed of changes to the laws - 20% (refer to table 14, Annex 6).

“Social groups currently meet difficulties when it comes to legal knowledge that relates to their beneficiaries. This is partly due to their limited knowledge about legal matters. It is difficult for them to fully understand the legal documents. It is not their educational or professional background. Therefore, they face difficulty in trying to provide such support to beneficiaries.” (#28, #56)

¹⁴ Some of these issues were raised in the open-ended responses to questions about barriers CSOs face in promoting access to justice through their support services (please refer to Legal Challenges in the previous section).

Chart 10: CSO Staff challenges in understandings laws, programs and policies



Some of the difficulties faced were elaborated upon in the previous section of this report (please refer to the section on “CSO Challenges”). In our survey, we also asked respondents to share their success stories – examples of CSO services that helped beneficiaries to access the justice system. In the box below, we include some examples of services that are making a difference.

Box 14: Examples of Staff Challenges to Understanding Laws, Programs & Policies

“In trial disputes relating to young workers, our center can...help the [defendant] to write petitions, appeal to company management or government agencies. We have a close relationship with the local union to protect young workers' rights.” (10)

“When kids are not accepted to a school due to discrimination, we will talk directly with the headmaster. If that does not solve the problem we instruct the family on how to lodge a complaint.” (50)

“Refer to consulting agencies where they can get guidance specific to their problems. We focus on increasing their understanding of the law and how to navigate the justice system.” (31)

“Provide instructions on how to fill in forms to apply for household registration, ID card, temporary residence cards for children...” (30)

“We help students apply for school fee exemptions.” (12)

“We fight for children with HIV to attend normal schools like others.” (13)

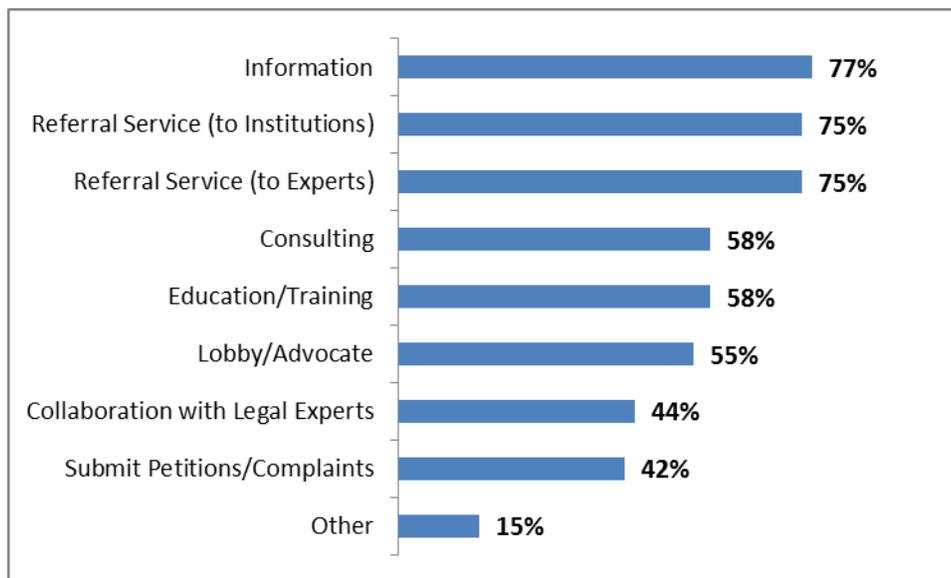
“Introduce...to local authority for monthly allowance.” (19)

“When people with HIV or other vulnerable subjects' rights are violated, we guide them to agencies, organizations or individuals who are able to protect them.” (9)

6. Building CSO Capacity to Promote Access to Justice for Vulnerable Groups

Most CSOs believe they can play an important role in promoting access to justice for the vulnerable groups that they serve. Among the services they felt they could (or would like to) provide to add the most value were information sharing (77%) and referrals to the appropriate experts (75%) and/or to institutions (75%). In addition, many CSOs expressed a desire to provide rights education or training (58%) and/or consult beneficiaries on their rights and where to go to redress violations (also 58%). Meanwhile, 55% said they would like to lobby or advocate for policy improvements on behalf of their beneficiaries.

Chart 11: CSO “Wish List” of Services¹⁵



Other services CSOs would like to provide include community activities, protection at trials, setting-up of a network (to keep one another informed), information sharing and training lawyers about laws affecting a specific vulnerable group.

¹⁵ Survey question (16): Assuming resources were no obstacle, which of the following services would you like to provide (or continue to provide) in order to protect the rights of your beneficiaries?

6.1 The Needs of CSOs to Better Protect Their Beneficiaries

After asking CSOs what services they would like to continue and or improve in order to better serve their beneficiaries, we then asked what type of support is needed for this purpose. Following is a bullet point summary of the most popular responses concerning needs:

- Greater clarity of laws, policies and programs
 - Laws and guiding documents must be clear
 - Detail procedures and required information
 - No overlapping information
 - Consider specific, easy-to-read documents for each beneficiary
- Strengthened enforcement of laws, policies and programs
 - Clear procedures so people know their rights
 - Consequences for lack of, or poor enforcement (i.e., sanctions)
 - Ensure Provincial government is informed of laws and how to implement
- Seminars/Discussions to increase knowledge and capacity of CSO staff that advocate for vulnerable groups
 - Topics¹⁶: legal knowledge, rights (preferential and fundamental), justice system processes and procedures, policy advocacy, how to comment on laws, propaganda as well as soft skills (i.e. listening, communication and negotiating skills - with CSOs and with government)
 - Audience: CSO staff, beneficiaries and community
 - Format: Relevant laws, case studies, sharing
- Improved collaboration and communication
 - Among Justice Departments/Agencies
 - Among and between CSOs, Gov't, Lawyers, etc...
 - Central organization CSOs can go to for legal support / questions
- Improve staff capacity to support beneficiaries
- More government support (aid to vulnerable groups, such as: translation services, accessibility to government offices, travel subsidies, etc.)
- Enable CSOs to get an official operating license (or, perhaps to provide authority for informal CSOs to act on behalf of their beneficiaries)
- Budget, so that CSOs may hire/train legal experts and/or rent an office or a safe place to conduct meetings and/or consultations with vulnerable groups.

On the basis of above mentioned needs, the existing situation, and the expectations of CSOs, below are some possible recommendations from the research:

¹⁶ Some specific training topics were proposed, such as (1) procedures for obtaining individual and family records (particularly in cases where documents are not readily available); (2) listening skills to catch information and encourage beneficiaries to share their needs, difficulties and desires; (3) communication skills to help members of vulnerable groups to better understand their rights and how to work within the justice system.

1. Enhance training courses, communication activities and capacity building on laws and legal procedures for CSOs. (The training may cover the laws, but should go beyond the laws, such as addressing an approach to improving access to justice). Such training can be combined with the dissemination and introduction of relevant legal documents. CSOs will need some time to put the information into practice after a training course. Then, there should be a meeting and a forum to share successes and difficulties during implementation. On that basis, they will be better equipped to lobby for policy changes as well.

2. Share information among CSOs

- It is clear that there is a need for collecting, analyzing and sharing information about common challenges and successful resolutions to those challenges. Some suggested that this be done by an organization that works well with the target group(s). It was felt that, through such experience sharing, CSOs can learn how to handle similar cases.
- CSOs would meet regularly (one respondent suggested that they meet quarterly), to share information and exchange experiences working on specific cases, difficulties that are met with so that other organizations can offer comments and ideas or learn from those experiences. Moreover, this group could facilitate a dialogue between CSOs and local authorities for lobby activities of related policies.

3. Improve legal support to CSOs and vulnerable groups. Two suggestions given were to:

- Provide mobile legal support: Mobile legal advisory groups could be set up to provide support to CSOs by sharing information, answering questions and handling problems faced by CSOs in their efforts to support vulnerable groups to access the justice system.
- Provide more offices or safe places to provide legal support to vulnerable groups.
 - Coordinate with existing legal support offices, such as legal support offices for poor people, HIV affected persons, migrant workers.
 - Establish additional legal support offices for vulnerable groups.

“When social organizations meet with some difficulties/problems, they can contact with the lawyers to understand their rights, the laws and required procedures. The lawyers can help them to take quicker action than we could.”

(#18)

“There should be coordination between legal support offices and CSOs. CSOs are better able to discover the needs of the vulnerable groups; meanwhile, lawyers better understand the laws and can provide legal support”. (#30 and documentation from group discussions with CSOs at SISD, 18/5/2011).

4. Strengthen coordination with state agencies and other organizations

- Some CSOs commented that NGOs cannot meet all of the needs of the vulnerable groups they serve. NGOs are considered a bridge to create conditions for beneficiaries to access to the judicial system. However, the ability to access justice depends on other factors as well (i.e. support from relevant government authorities.)

“In my opinion, it is good for CSOs to be equipped with legal knowledge, but we cannot assume that will be effective. In our area, we work with government officials at the district and ward level because these local officials understand the issues and our beneficiaries’ needs. Another opportunity is to provide some training to the owners of boarding- houses or guest houses. These people maybe in a position to give advice to individuals that rent a room or house. This network has operated effectively for the past three years because it helps to address three issues : (1) state officers only work eight hours per day and laborers have difficulty leaving work during the official office hours; (2) legal offices are located near the People’s Committee, which is typically quite a distance from work and residential areas, thus it is time-consuming and costly to get there; and, last but not least, (3) these individuals who, very often, come are from the provinces always hesitate to communicate with government officials. Therefore, we need to think about a community based approach that can address such conditions.” (#18)

6.2 Desired Format for Capacity Building

In order to build the capacity of CSOs that provide support to vulnerable groups with accessing the justice system, CSOs were asked to share their opinions and preferences for the format for training. Of the four suggestions offered, about 90% of our respondents said they would benefit from any/all four of the proposed formats for capacity building, which included: training workshops (88%); forums to share information among CSOs (92%); forums for communication between government and CSOs (88%); and the establishment of a referral center or directory for CSOs that are working with vulnerable groups (90%). The CSOs responding to our survey said that highly value such activities if they can be well organized.

6.3 CSO Expectations for Capacity Building

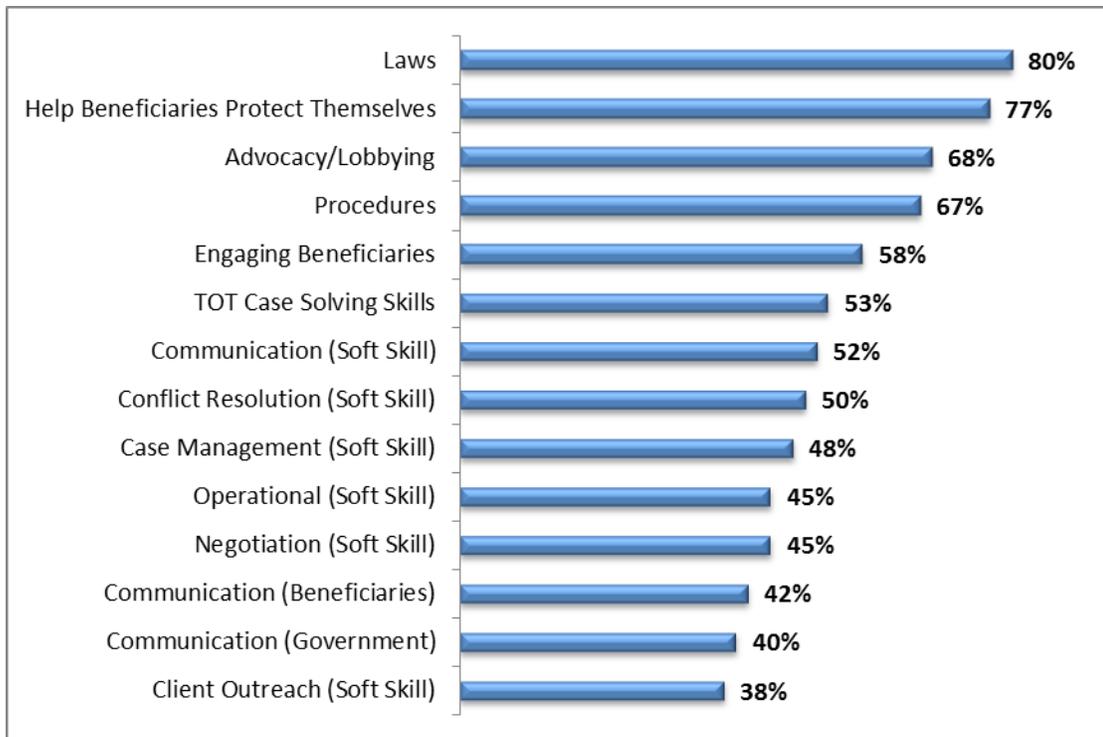
As stated in the previous section, CSO staff is interested and willing to participate in capacity building programs that support their efforts to promote access to justice for their beneficiaries. They stated the following expectations for any capacity building program:

- Build knowledge of laws/procedures (28 respondents)
 - Update legal information
 - Help to clarify laws and compare with application, in practice
 - Administrative procedures
- Strengthen staff skills and capacity (14 respondents)
- Improve services to beneficiaries (14 respondents)
- Share experiences/best practices (7 respondents)
- Other (7 respondents):
 - Networking opportunities (establish a network among CSOs)
 - Train beneficiaries
 - Update laws
 - Policy advocacy
 - Meet/Understand government officials
 - Different course for CSOs serving different groups
 - Easy to understand & fun

Many CSOs said that they participated in past training courses on access to justice and individual rights; however, they said that the training methods and content were not practical or did not meet their needs. Some respondents suggested that a particular training be offered separately to group of CSOs, based on the vulnerable groups they are serving (such trainings should address the specific needs of those vulnerable groups). Moreover, the respondents said that the training could be made practical by incorporating real and specific cases.

In regards to preferred topics for training, CSO representatives were asked to rank a list of possible topics. The table below details the percentage of people who selected each topic, regardless of the actual priority ranking.

Chart 12: Preferred Training Topics



Analyzing interest in possible training topics by the order in which they were ranked by respondents, information and training about the laws still comes out on top (57% of respondents rated this topic as 1st, 2nd or 3rd priority). Training in different types of soft skills came out in second place (45% of respondents rated soft skills topics as their 1st, 2nd or 3rd priority). Knowledge of procedures involved in claiming one’s rights and motivating beneficiaries to protect their own rights came out in third and fourth place respectively (with 37% and 35% of respondents rating those topics 1st, 2nd or 3rd priority).

The above feedback on demand for training more or less corroborates the feedback from the previous section on CSO needs. (Note: Please refer to the section on “The Needs of CSOs to Better Protect Beneficiaries” and the included list of recommendations.)

6.4 Training Preferences

With regards to training duration, there were different opinions: 20% prefer one-day training, 56% prefer 2 to 3 day training and 24% prefer 3 days or more.

There was greater consensus with regards to the timing, with 64% stating that they prefer a full-day training compared to more short trainings (31% preferred half-days and just 5% opted for a training that lasted a couple hours).

Respondents were also asked when would be the best day of the week to organize a training workshop. Most preferred weekdays, particularly Wednesdays, Thursdays and Fridays. In regards to the best location for the training, 78.3% said that it should be organized in HCMC (as opposed to another Province in the South).

CONCLUSION AND RECOMMENDATIONS

CSOs provide key support to vulnerable groups and serve an important role, acting as a bridge for these groups to improve their ability to access to the justice system. Still, CSOs face considerable challenges in fulfilling this role. The difficulties are both internal (e.g., budget, human resources, technical capacity) and external (e.g., lack of clarity of the laws, inconsistent enforcement, self- and systemic discrimination, lack of effective communication and coordination).

- By and large, CSOs say they would benefit from targeted and practical efforts to build their staff capacity to promote access to justice for their beneficiaries. In particular, CSOs demonstrated a need and a desire to participate in: Training workshops for CSO staff in technical and soft skills, from gaining improved knowledge of the laws and legal procedures to listening, communication and negotiation skills;
- Improved communication, coordination and sharing among CSOs in HCMC and throughout Vietnam;
- Improved communication and coordination between CSOs and state actors as well as CSOs and lawyers, legal aid organizations, research bodies, local media and other groups that can help to promote access to justice; and
- Targeted legal support activities for CSOs serving vulnerable groups and, more specifically, for the vulnerable groups they serve, such as offering: mobile legal advisory activities and/or an extension of free (or subsidized?) legal support locations.

ANNEXES

ANNEX 1: Report on Two Focus Group Discussions

On the 18th of May, 2011, The Southern Institute for Sustainable Development (SISD) organized two Focus Group Discussion inviting representatives of organizations supporting seven vulnerable groups: people with disabilities (including people with physical and/or mental disabilities), migrant workers from rural areas of Vietnam (and their accompanying family members), urban poor, people living with HIV/AIDS, ethnic minorities, sex workers, and victims of human trafficking.

There were 20 invited organizations in total; however, only 12 representatives participated. The other organizations confirmed but failed to arrive due to contingencies.

The first Focus Group Research was conducted in the morning of 18 May 2011, with six participants including representatives of CSOs, which already had activities in support of justice-related issues.

The second Focus Group was conducted in the afternoon of 18 May 2011, with five participants including representatives of experienced CSOs in the practice of legal support for vulnerable groups.

For participation information and detailed discussion contents, please refer to section 5.

Findings from focus group discussion #1:

1. Respondents = 6
2. Moderator and assistant:
 - Moderator: *Nguyen Thi Minh Chau*
 - Assistant: *Nguyen Thi Bao Ha*
 - Observer: *Pham Truong Son*, LIN Center
3. Findings:

General concepts:

- *Vulnerable/marginalized groups:*

There are different ideas about this concept (“vulnerable/marginalized groups”); however, most of the respondents saw no clear difference between “vulnerable” and “marginalized.” They claimed, instead, that the two words, or two concepts, are different because of the *level* of negative connotations:

- *Vulnerable* sounds “gentler” than *marginalized*, because it assumes that vulnerable people can improve themselves through various activities, whereas marginalized groups are put in a predetermined position which is weak and which prevents them from struggling for a better state of life
- “In our project, we consider migrant workers as a vulnerable group, which means their conditions are still better than those of marginalized people.”

- “To people with disabilities, *vulnerable* actually sounds better than *marginalized*, since *vulnerable* shows a kind of subtle care for the addressee’s esteem, while *marginalized* brings a sense of ignoring/discarding someone.”
- “*Vulnerable* shows respect, yet *marginalized* points to negative understanding.”
- “Saying someone is *marginalized* is close to giving them the label of non-stability, yet classing someone as *vulnerable* leaves room/possibility for stability.”

Thus, everyone reached the consensus that the populations they are supporting should be called “vulnerable groups.”

There are various groups in society, apart from the seven ones identified by this research in the present project, which can be called “vulnerable groups,” including lepers and people who have finished drug detoxification programs and returned home. Such people are indeed vulnerable, “Lepers are not classified as people with disabilities, since they belong to the Dermatology Institute of Vietnam, not The Disabled Support Association. Further, lepers are socially perceived to be just like people with HIV; even when you are a former leper, you will have to suffer from isolation and thus feel vulnerable. At the moment, there are some religious groups - notably nuns and fathers - who have great concern for lepers; nonetheless, society’s awareness of this issue is after all limited.” (Representative from a CSO that supports people with disabilities)

- *Access to justice:*

- Firstly means making the legal system accessible, for example, handling paperwork (e.g. birth certificates, identity cards, etc.), and assisting vulnerable groups when they face legal issues or go to court.
- Besides, it means providing vulnerable people with general knowledge of laws, such as their rights and the punishment they have to face when violating a law. “Our organization has encountered many situations in which the person lived on the street, became a drug addict and got HIV thinking that s/he would never need an identity card; yet in reality when s/he later got married and had a baby, the couple couldn’t gain a birth certificate for their kid because one of the parents didn’t have an identity card to begin with. So overall, many people of the vulnerable group we support still don’t understand the importance of having identity documents.” (Representative from a CSO that supports people with HIV)
- Access to justice, apart from meaning giving a CSO’s clients/beneficiaries legal knowledge, also involves legal support services. “Gaining legal knowledge only has a preemptive effect. When they actually face justice-related issues, sadly, they don’t know who to turn to for legal advice.” (Representative from a CSO that supports migrant workers). “In all our resolutions, immigrants are not granted to benefit from judicial services. Hence, our main difficult is that even if they are well equipped with the knowledge provided by us, when they face some difficulties, they would not have the support from local authorities. The main issue to be addressed is changing our policies, helping those vulnerable ones benefit from judicial service. Judicial support includes: court fee, free lawyer or consultancy during lawsuits.” (Representative from immigrant workers support team). Therefore the question is how to help vulnerable groups gain access to justice through practical means, such as paying minimum/no court fees, having a lawyer, and receiving free legal advice.
- Lastly, access to justice should mean making everyone aware that they all have civil rights and must abide by the law. More important is that they should be informed

about their granted means of protection and the entities they can turn to when their rights are threatened.

- “To take charge of mobilizing policies, mobilizing government agencies to build mechanism to support vulnerable groups, for example, in HCM city there are legal support center for the poor, however, we still need to mobilize to help making it easier for the poor to approach to this service and how the support agencies can help efficiently” (Representative of the urban poor support group)

In short, access to justice means (1) assisting vulnerable people in doing legal paperwork, (2) helping them gain basic legal knowledge, (3) providing practical legal support services, and (4) requiring legal institutions to make themselves more accessible/open to vulnerable groups, “In Ho Chi Minh City, for instance, there is a legal support center set up for poor people; yet we still need to make poor people aware of the center and its services. Another thing to think about is how to make CSOs give assistance, from a legal perspective, more effectively.” (Representative from a CSO that supports the urban poor)

- *The role of CSOs in facilitating access to justice for vulnerable groups:*

- Design and implement communication programs that make people value the importance of having legal knowledge and actually understand the basics of the legal system.
- Identify and connect vulnerable people with the right entities when they face legal difficulties; help them gain access to legal support services.
- Observe, supervise and advise.
- Provide the right conditions for justice access. CSOs should think up the most effective way to facilitate access to justice for the groups they represent.

“I’m working in communications to help raise awareness in legal knowledge, to identify those without any documents/certifications/ IDs and send them to authorized government agency, help them approach those services, which civil social organizations cannot take care of.”

“In my opinion, those civil social organizations are not professionals in law, but at least they can understand who those people are, what difficulties they are facing, what their needs are and create opportunities for them to get closer. Our main goal is to create the best way for those people to approach those legal agencies.”

“There were cases mentioned before that those children with mental illness cannot have their IDs. Until now, I still cannot solve this problem.” (Representative of Disability Support Group)
Therefore, CSOs are the bridge between vulnerable groups and justice and/or legal support services.

- *Access to justice based on a rights-based approach:*

Most CSOs give out support services according to the needs of their beneficiaries/clients. The needs are further considered in relation to specific groups’ or individuals’ situations, and point to different support methods. “At first, I do have some legal knowledge, basic information and basic instructions; however, in practice, it depends on people’s need as each one has different needs. Hence, with each person I have a different methods and that’s why I haven’t learned much from the experience.” (Representative from Children support group)

The interviewed CSOs do not really understand “access to justice based on right-based approach” and have never applied such an approach. One of them said, “At the moment, we cannot devise solutions based on rights because if we do, our (the CSO’s) attitude must change, staying firmly in our chosen position/approach. What we have to do, in reality, is to keep things in tandem with the situations and our beneficiaries/clients.” However, this idea was rebutted, “Under certain circumstances, we must use the rights-based approach. The problem is Vietnamese laws have yet to include a complete system for legal remedies. The laws do not grant us a protection mechanism, so if we have any opinions, we may not dare to speak up.”

Thus, when designing a survey questionnaire for this project to find out if the CSOs have actually employed the rights-based approach, the researcher/s must break the questions into smaller and more detailed units, since the concept of human rights does not seem to be clear to them; even the representatives who had studied the rights-based approach could not respond to the posed questions.

“*Rights* and *human rights* are ‘fuzzy’ words; even we, claiming to have legal expertise, find it difficult to discuss those concepts. Thus, in order to bring them into future discussions/interviews, we’ll need to introduce rights and human rights using very simple questions, and based on the respondents’ stories/narratives, we might be able to find out which approach to justice they have applied.” (Representative of ENDA Vietnam)

Suggestions given by most of the respondents:

- Besides the survey questionnaire, there should be questions aiming to elicit in-depth information. The questions, for example, can be about how the CSOs have provided solutions/support to vulnerable people facing justice-related issues, which will, taken together, hint at which approaches they have employed in different contexts.
- Research usually relies on three methods, including survey, in-depth interview, and focus group. The possible problems with survey and in-depth interview, respectively, are causing untruthful responses and taking the researcher/s so much time. The focus group method is thus preferable, standing as a neutral combination of the other two methods.

Facilitating access to justice for vulnerable/marginalized groups:

Most CSOs help the groups they represent to apply for birth certificates and identity cards.

The problems, which those CSOs encounter, while facilitating access to public and justice services for vulnerable groups, include:

- Receiving no collaboration/support from the authorities, “I had a case of a 27-28-year-old one not having the Birth Certificate. I was the one directly guided her. She was an HIV patient. At first, I told her to come to 111 Le Thanh Ton street. They instructed us how to identify your origin; however, this case was quite hard as her parents divorced when she was about 4-5 years old. Her mother returned to the north and her father returned to district two, and then her father died, hence she could not have a certified origin. I myself went to 111 Le Thanh Ton street to ask but they said that they could not help in this case. After that, based on my experience, I told her to go back to district two – the place where she grew up & lived and asked for two neighbors to be her witnesses at District 2’s People Committee to do the birth certificate. However, the authorized people in district 2

said that she did not have family record book at district 2, who could prove that she was born here? Therefore, they asked to look for relatives, such as aunts or uncles. The point was this girl had been abandoned since she was a kid, so there was no way to find any such relatives. So I tried to contact her mother in the north to see if there was any way to help this girl, as before I had done a case in which I asked relatives such as aunt/uncle to add her name in their family record book so that she could have the Birth Certificate and ID. However, when I tried applying the same practice in the North area, it did not work. Those authorized people said that as when her mother was here, her mother did not declare with local authority, did not register for Marriage Certificate, hence they could not do the birth certificate for her. Until now, she did not have any ID. She had two kids. Those 2 kids had a patron at district 4 help do their Birth certificate; but when those 2 kids went to school, the school asked for their mother's ID, Temporary residence card, which she did not have so her kids still could not go to school (Representative of HIV Support group)

- The fact that special groups such as people who are audio- or mentally-challenged cannot communicate with local authorities because of their disabilities and because of their limited professional skills. Further, many of those people do not have identity documents, thus their place of birth; home address, etc. are hard to be found/proved. Thus, their corresponding CSOs must send a staff to assist them in dealing with the authorities. “In view of legal, all handicapped center are having difficulties objectively and subjectively. For example, lacking personal document, we are having six children without any personal document/certificate. About deaf children, we always have someone accompanied them to help translate when they come to government agency; the same with those mental illness children, they always need someone to accompanied them. Hence, it doubles the difficulty. It needs more consideration in this legal support as in foreign countries there are people at legal agency who can understand deaf mute people, so they do not need someone accompanied with them just for translation.” At our center, there are children whose families were at Thanh Hoa, their parents left them and they did not have any ID, they came to Ho Chi Minh City and were brought to mental asylum. The mental asylum sent to us, we only have documents from mental asylum saying that they do not have mental illness. So far, we do not know how to handle this case. Another case is that the child is having mental illness. The Lucky school sent him/her to us. He/she does not know where his/her house is, he/she stayed with us for a year but still could not recognize our names. Hence, wherever he/she goes, we have to follow step by step. (Representative from a CSO that supports people with disabilities) “There are children who are still illiterate, and children at 3rd or 4th grade with very difficult family situation but we cannot help them to go back to school”. “Nearly 90% of them have a natural fear of police – they don't feel confident, thinking that they have little knowledge. When we talk about authorities, the girls simply ‘tremble,’ not understanding what others are saying.” (Representative from a CSO that supports people with disabilities)

Children with HIV often get discrimination and do not have the chance to go to school. “We can intervene by meeting the school management, understand the reason for discrimination, for example, if they say they are afraid of infectiousness, we can provide them with information, or hold few seminars for teachers as well as parents; if they are in secondary or high school, we can also hold seminars for those

pupils as well; however, there are cases at pre-school where the parents insist on not having them studying at the same school with their children, then the only way is to send letter to Education department, AIDS prevention committee” (Representative from HIV support group)

- Financial difficulties. “Migrant workers have a number of needs for entertainment, culture, and training; they don’t have any expertise or are mere unskilled laborers, living unstable lives and looking for vocational training. The CSOs cannot carry out necessary programs to help fulfill their needs, since almost all of them have financial difficulties.” Hence, there should be funding given to the CSOs supporting vulnerable groups. (Representative from a CSO that supports migrant workers)
- Lack of legal knowledge relevant to their beneficiaries. This is partly because such CSOs do not have legal knowledge in the first place or cannot fully follow the changing legal system, and partly because legality is not their stated profession—giving them no credentials to directly support the groups they represent. One consensus from the discussion was that there should be more **legal support centers collaborating with the existing CSOs**. The CSOs will have spent time researching and thus understand the needs of their beneficiaries, while the lawyers can offer to help using their legal expertise.

Some of the judicial officers still do not have sufficient knowledge/attitude. “There are official document saying that every child has the right to have the Birth Certificate at the place of birth. At some places, it is very easy to do this, but at other places, it is difficult, all due to government officers’ awareness. I have completed a case of applying for ID very easily. That government officer was very friendly and supportive as he also realized that it was a shared work, he had encouraged a local family to accept the girl into their family record book, as according to regulations, you can only have ID once you have family record book; so that girl had her ID done. However, of course before applying for her ID, I had written a guarantee letter to send her to a care center as she had lost both her parents and she was a victim of sexual abuse by her own father... Still there are cases when I come to other provinces and they keep me waiting and waiting without actually do anything, so it all depends on our government officers’ awareness.” (Representative of group supporting sexual abuse victims and human trafficking)

The following issues should be taken into consideration when this project’s questionnaire is in design:

- The extent to which an area is committed to protecting human rights.
- Legal procedure.
- Local authorities’ unwillingness to collaborate.
- Funding.
- Limited education of the beneficiaries and little access to local government bodies.
- Lack of human resources.
- Lack of information and experience sharing between CSOs.

Collaboration between organizations:

- CSOs generally find it difficult to contact high-level government bodies, “When we ask them for training, they will just ignore/reject the idea.” There must be an increase in collaboration and information sharing between high-level government bodies and CSOs.
- There should be committed collaboration between the CSOs themselves, in terms of human resources and experience sharing.
- There should be, also, collaboration between legal support centers and CSOs, for example, the people living with HIV legal support center.

Recommendation: Create an information-sharing network between CSOs.

Overall, each vulnerable group faces a different set of challenges. It thus cannot be said which group is the most/least disadvantaged.

CSOs’ capacity and skills:

- *Regulations, legal documents, programs and policies relevant to vulnerable groups:*
 - People with disabilities:
 - Laws related to people with disabilities.
 - Support for people with disabilities.
 - Tax allowances for enterprises that involve people with disabilities.
 - Urban poor children:
 - All children to have free primary education.
 - Voluntary buying of health insurance.
 - All children to be granted birth certificates.
 - National program on care and protect children (2011 – 2015).
 - HIV law.
 - Free health insurance for children under six yr.
 - Decision 37 “Culture district and ward”: in this decision, some criteria do not accepted by many people, for example, giving birth to a HIV child, the ward will be minus 25 point of competition criteria of ward level...
 - People with HIV/AIDS:
 - AIDS law.
 - People living with HIV can buy health insurance.
 - Children affected by HIV (mother or father or parent died of AIDS) are supported 200-300,000 VND a month at the local level.
 - Children with HIV, who are under 6 years old, also have free health care like other children without HIV.
 - Migrant workers:
 - Children of migrant workers can study at public elementary school.
 - Participating in studying loan to study at university.
 - People with temporary stay during 1 year can have household certificate with the house owner.
 - Officially deductible electricity payment.
 - Victims of human trafficking:
 - Protect and care for children law (with some articles about children trafficking, 114, 115...)

Most of CSOs organized communication as a training course and talk show and they used their network to communicate like local women union, house owner...; delivering pamphlets (with an easy understand and picture design). There is a mobile legal support group to visit CSOs to communicate also.

Needed skills of legal support staff:

- Communication skills.
- Negotiation skills.
- Patient skills;
- Skills of collaboration with local authority (how to dialogue with them?).
- Collecting information skills, skills of understanding the needs of beneficiaries (like listening, questions skills, and skills of building confidence).

Currently, CSOs, in general, have used these above skills; however, there are needs of on-going training with specific case study to share with staff of CSOs.

The CSOs just respond a part of the needs of their beneficiaries because the CSOs are just a bridge, given the opportunity for beneficiaries to access legal system. And, in reality, there are many affecting issues outside the power of CSOs like the collaboration of authority officers/ organizations.

“In my opinion, CSOs are well equipped with legal knowledge, but they still don’t know how to apply it to practice efficiently. At our province, we use legal officers at district and ward level, as local officers can understand better; another way is to train the boarding house’s owner to understand some basic rules; those owners will then give better advices for those renter. We have built this network for 3 years and it is very effective as it can solve the main 3 problems: the government officers only work 8 hours per day but during such office hours the renters also have to go to work; secondly, most legal office at the People’s Committee is very far from the residential area, and it costs a lot of time to travel; and most important, those renters from other rural areas mostly feel uncomfortable to go to any government agency. Therefore, we develop a method called development based on community” (Representative from immigrant workers support group)

Recommendations for CSOs’ future activities:

1. There is a need for an organization that review and examine the legal framework as well as compile and share successful precedents (necessarily the successful cases of social organizations dealing with vulnerable groups) so that CSOs can learn useful lessons for similar circumstances.
2. Workshops on legal knowledge are also in demand. Such workshops should be classified into different justice related issues, and incorporated with popularizing the relevant laws and legal documents. After these training activities, CSOs will be given a certain time period to apply their new knowledge to realities, which is followed by panel discussions and forums to reveal their success and challenges. Consequently, on that basis, policy lobbying will commence.

3. Quarterly information forums should be organized for CSOs to exchange information, share their situations, addressing unsolved problems, and have dialogues with government bodies for the purpose of lobbying policies.

Recommendations for LIN's capacity-building program:

Experience from previous training programs participation: Those capacities building on right-based approach training courses were based on the right of providing these methods. However, they were conducted by Vietnamese trainers, and illustrated with less relevant cases. If training activities rely only on available modules and games, participants' expectations and needs will be left unfulfilled.

1. Content:

- Deepening legal knowledge of every vulnerable group.
- Bringing access method based on human rights into the training content, and focusing on understandable and attractive training method.
- Providing essential skills for CSOs.

2. Training time:

- Number of days: usually 3 days per course. However, such concentrated training schedule can be a problem for thorough participation.
- Date: preferred as Wednesday, Thursday and Friday.

3. Venue:

- Outside Ho Chi Minh City will be most preferred as all participants can concentrate during the whole course.

The group discussion was completed with the summary of the main content for survey questionnaire outlined as follows:

- The official name is agreed as CSOs' support towards vulnerable groups.
- CSOs' awareness of certain terms such as "What is access to justice?" (your opinions will be considered and made as options for other organizations).
- What are the methods used by CSOs to facilitate vulnerable groups' access to justice? Are there practicing methods using the human right approach?
- On providing justice support services: What are the pressing needs and problems of the target groups? How do organizations provide solutions to those problems? What are the ongoing difficulties faced by CSOs?
- What are the skills at hand?
- Is there a need and desire to recommend capacity-building programs?
- What are the proposals about content, time and location for future activity to enhance CSOs' ability to improve the access to justice of vulnerable groups?

Findings from focus group discussion #2: Trained specialists

1. Participants = 5
2. Discussion facilitator: Nguyễn Thị Minh Châu - SISD
Secretary: Nguyễn Thị Bảo Hà - SISD
Observer: Phạm Trường Sơn, LIN Center for Community Development.

3. Content of discussion:

3.1. Conception of terms:

- Vulnerable and disadvantaged groups:

These two concepts, which originated from English, have not been comprehended and clearly distinguished in Vietnamese. However, it is advisable to use the term “vulnerable” in place of “disadvantaged.” Most CSOs use the term “vulnerable”; moreover, when referred to as the “disadvantaged,” beneficiaries of CSOs disagreed, saying, “What do I do that makes me disadvantaged?” These people do have abilities; it is just that they have not had opportunities to show. The handicapped, HIV-infected people, the urban poor etc. are vulnerable groups. However, in some cases, ethnic minorities cannot be referred to as vulnerable group. “Depending on specific programs, some subjects of ethnic minorities are considered vulnerable groups, while some other cases are not. It is thus risky to generalize. Some people of ethnic minorities have very good living conditions (living on favorable geographical locations, for instance), so it is inappropriate to categorize them as vulnerable group. On the other hand, the handicapped are clearly vulnerable because while there are laws to protect their rights, they still lose their jobs. Likewise, drug user should be considered whether they are vulnerable or not.” (Representative of the Center for Social Work and Community Development Research and Consultancy)

When categorizing vulnerable groups, special attention should be paid to localizing specific subjects, rather than simply generalizing and assigning the term “vulnerable” to different subjects.

It is suggested that “people group in general” be used as a general term.

- Judicial access: disseminating judicial information and assist beneficiaries in accessing justice. Legal aid refers to the Legal Aid Center for Ethnic Minorities, the Poor, and Beneficiaries of Social Welfare. The term “access” merely refers to acknowledgement and passive act of receiving help rather than active involvement of beneficiaries.

3.2. How are CSO activities and judicial access facilitation associated?

Activities of CSOs related to access to justice mostly are:

- Knowledge communication and education for staff and beneficiaries to understand about law and lawful program related to their issues/circumstances.

“Before, when the government had not enforced a law on education for the handicapped, anyone interested in it just implemented it, and there were no legal constraints. Handicapped beneficiaries have limited knowledge of law, which can easily lead to wrongdoings. My organization used to create opportunities for handicapped youths to access justice by disseminating information and holding information sessions about handicapped laws, among others. Managerial officers are enforcers, so they have to have a thorough grasp of judicial knowledge to be able to assist the youth; teachers need to know about this knowledge to guide their students; students themselves also have to be aware of these laws.

Therefore, raising awareness of judicial access for vulnerable groups and other legal issues is necessary for not only beneficiaries but also for the community.

- Supplying information on legal supporting organizations for beneficiaries and staff to access.

Currently, CSOs do not carry out right-based approach; it is need basic human right approach done by CSOs, for example, the poor need to know their rights.

Approaches here include propagandizing, assisting, and protecting beneficiaries upon accessing legal justice. From those actions, emerge policy petitions. Hence, judicial access actually are propagandizing, assisting, protecting, and recommending policies.

It is our hope that the project can establish a network of CSOs and legal organizations.

3.3. Difficulties CSOs may encounter while facilitating judicial access services:

- Difficulty approaching local authorities for administrative formalities.
- Lack of knowledge of laws, documents in force, solutions to specific problems, and executive approaches.
- Lack of human resources and capacity related to legal issues.

What support needed to build capacity of current CSOs?

- Beneficiaries are not active enough; need to mobilize them to participate.
- Change to a more effective communication approach that can draw attention from beneficiaries.
- Raise awareness of judicial facilitation for CSOs.
- Advise on methods of solving problems.
- Form a network of CSOs, between CSOs and governmental organizations, to share information.
- Build communication and teamwork skills.
- Provide information regarding laws and documents related to CSOs.
- Establish a network of lawyers who are knowledgeable of fundamental issues, such as birth registration and other administrative formalities etc., for ease of consulting when assisting beneficiaries.
- Raise awareness of judicial access facilitation for local authorities.

3.4. Discussion on a questionnaire to meet the objectives of the study:

Objective 1: To identify the sphere of awareness of CSOs in accessing legal issues and using right-based approach methods.

- Roles of CSO:
 - as campaigners and advocates pressing for reform
 - as monitors, fostering accountability within the justice sector
 - as disseminators and communicators of information
 - as educators through legal empowerment and legal literacy initiatives
 - as direct agents helping people access justice through legal aid and representation services
- CSOs' awareness of legal issues:
 - Law for beneficiaries
 - Rights of beneficiaries
 - Have your beneficiaries had access to rights and justice?
 - Proposals of raising awareness of CSOs and partners

- Approach to legal issues based on humans' rights:
 - Methods of judicial facilitation for beneficiaries (consultancy, propaganda, protection, policy recommendations)
 - Have CSOs facilitated judicial access based on humans' rights? (yes, no, unknown)
 - Do you coordinate with other organizations? If yes, what are they? (Government agencies, political – social organizations, social – labor organizations etc.)

Challenges while executing:

- Expenses
- Human resources (knowledge, specialist skills, number of staff)
- Facilities
- Legal procedures
- Relationship with government agencies
- Etc.

Objective 2: To identify initiatives being carried out and methods being used to solve problems and the violation of vulnerable groups' rights, thereby comparing with different roles CSOs play while assisting beneficiaries.

- How do CSOs assist beneficiaries in judicial access?
- What effective methods of solving and assisting have CSOs employed?
- What suggestions do you have to help beneficiaries effectively?

Objective 3: To identify challenges CSOs may encounter

- How did you come forward and solve/help/protect beneficiaries in issues relating to judicial access?
- What challenges did you have while providing assistance?
- Who helped solve the problems? (Jurist association, judicial assistant center, mass media, ...)

Objective 4: To identify needs of CSOs to build capacity, research, help raise awareness for their beneficiaries.

- To raise awareness for CSOs, what activities should be done?
- To build capacity in judicial access facilitation, what assistance should there be?
- Training contents:
 - Knowledge (laws, rights, ...) (documents)
 - Communications methods, consultancy, advice, team work
 - Approach based on rights based approach.
 - Establishing CSO networks
 - Skills necessary for CSOs (communication, negotiating, persuasion, mobilization, approaching beneficiaries, solving problems and conflicts, etc.)

6. CONCLUSIONS FROM THE TWO GROUP DISCUSSIONS:

- The groups that include the handicapped, HIV-infected people, the urban poor, victims of human trafficking, sex workers, and migrant workers should be referred to as vulnerable groups. As for ethnic minorities group, there should be separate consideration according to specific circumstances, for in reality in many aspects they do not belong to vulnerable groups because they receive much assistance from governmental programs and policies (A representative from SDRC)

- Besides the above groups, two other groups have not received as much attention. They are lepers and former drug addicts. These two groups are also vulnerable.
- Judicial access includes many activities: communications, consultancy, protection, and policy recommendations.
- Activities by CSOs relating to judicial access facilitation:
 - Public services: communications and consultancy for organizations, organizations connecting beneficiaries with public services.
 - Judicial access: communications, consultancy, linking beneficiaries with relevant legal offices. But stops at communications and consultancy; whether the adopted approach is effective or not depends largely on multiple factors, the most significant of which is the coordination with legal offices.
- Challenges CSOs encounter:
 - Not receiving enough coordination from authorities' agencies.
 - HR: lack of staff (quantitative) and staff access to justice Skills are insufficient (qualitative).
 - CSOs are having problems about judicial knowledge, partially because of the limitation of knowledge, the inability to comprehend and grasp all laws in force. Participants agree upon the proposal of ***“judicial assistance offices in coordination with CSOs”***. CSOs have time, opportunities to learn the needs of beneficiaries, while lawyers have full knowledge of laws, thereby being able to facilitate judicial issues.
- Budget
- Suggestions for building capacity for CSOs:
 - There needs to be an organization, which collects, analyzes legal system, and shares successful cases, thereby creating a foundation for CSOs to learn from each other when encountering similar cases.
 - Hold legal courses, dividing into subjects with relevance to legal issues. Combining disseminating legal knowledge with accessing documents. After trainings, create opportunities for CSOs to put knowledge into practice. After that, hold a conference where CSOs share successful stories as well as difficulties while performing assistance. From there, CSOs aim to mobilize policies.
 - Hold training sessions on judicial access facilitation skills: mobilizing, communicating, sharing information, solving problems...
 - Hold conferences quarterly to share information, experiences, difficult cases to create a ground for discussion and learning among CSOs. Also, organize talks between CSOs and authoritative agencies to mobilize policies.
- Proposals regarding upcoming trainings:
- Contents:
 - Deeper knowledge of laws for each group of beneficiaries
 - Need to train right-based approach and human right. Pay special attention to training and facilitation method so that this content is comprehensible and attracting attention.
 - Skills for CSOs: communications, teamwork and advocacy and participation skills.
 - Knowledge of laws, documents relating to CSOs.

Methods:

Comprehensible, interesting, relate to common and specific cases.

ANNEX 2: List of participants FGD 1

(Removed for confidentiality purposes.)

ANNEX 3: List of participants FGD 2

(Removed for confidentiality purposes.)

ANNEX 4: Guidelines for Focus Group Discussion

Networking and Introduction:

- Guide: gives a self-introduction
- Brief about the project
- Introduce the goal of the group discussion
- Introduce participants (name, organization, position, and role in the org.)

Content of discussion:

I. Definition

1. In your opinion, what are “disadvantaged groups” and “vulnerable groups?” How are they different? How do you classify these groups?
 - people with disabilities, migrant workers, urban poor, people living with HIV/AIDS, ethnic minorities, sex workers, victims of human trafficking.
 - are there any other groups?
2. Have you ever heard the term “judicial access?” Do you know what it means? How is it relevant to your job/work, especially work that relates to your beneficiaries?
 - as campaigners and advocates pressing for reform
 - as monitors, fostering accountability within the justice sector
 - as disseminators and communicators of information
 - as educators through legal empowerment and legal literacy initiatives
 - as direct agents helping people access justice through legal aid and representation services
3. What approach(es) have you or your organization taken to facilitate your beneficiaries’ access to the judicial system?
4. Was/Were your approach(es) based on humans’ rights? If yes, please give a specific example.

II. Supply of judicial access services:

5. What are some common difficulties your clients have when accessing judicial services?
6. How did you and your organization help your clients resolve those problems? During the course of assistance, did you encounter any challenges? What are they?
7. What were the outcomes?
8. What experience(s) did you learn?
9. Did your organization coordinate with other organizations to assist your clients with the law? What were those organizations? What role did they serve?
10. Among the disadvantaged groups, what group has the most significant disadvantage and why? What are those disadvantages?

III. CSOs’ awareness of legal access and skills:

(Approach to obtain this information: divide participants into 6 groups according to their respective beneficiaries, organize discussions and present the information at the a general workshop)

11. What regulations and policies are in force regarding **each of these beneficiaries:** people with disabilities, migrant workers, the urban poor, people living with HIV/AIDS, ethnic minorities, sex workers, and victims of human trafficking? Please specify those regulations and policies.
12. Do you fully grasp the contents of the above policies, regulations, and programs? Why?
13. Do you know what legal rights your clients are protected by?
14. How do you communicate with your clients about regulations, policies, programs, and their rights?

15. During the process of implementing specific legal aid services, what difficulties and benefits did you have?
 - + Human resources: awareness of the staff of the services being implemented; capacity to achieve goals of activities.
 - + Legal procedure
 - + Local compliance with regulations regarding rights protected by legal framework.
 - + Relationship with governmental organizations
 - + Clients: cooperation, needs of support...
16. How did you deal with the challenges above?
17. In your opinion, what skills should providers of legal aid and representation for vulnerable groups have? What information should they provide their beneficiaries with?
18. What skills do you think CSOs should train/be equipped with to better assist vulnerable groups?

IV. CSOs' needs in capacity building facilitation

19. Evaluate CSOs' capacity to facilitate vulnerable groups' access to justice.
20. Has the capacity of CSOs fully met beneficiaries' needs in judicial access? If not yet, what aspect needs improvements?
21. Have you ever attended any training in capacity building for judicial access facilitation? If yes, what aspects did the aforementioned training focus on? Which aspect was the most interesting?
22. In the future, if there were training in capacity building for judicial access facilitation for CSOs, what aspects do you think it should focus on?
23. How long should the training last? On which week day(s)? At which venue?
Do you have any other comments? If yes, please specify.
Thank you for your attendance.

ANNEX 5: Agenda for SISD Interviewer Training and List of Participants

AGENDA OF DAY 1 FOR TRAINING (1st July 2011)

8.00 – 8.30: Introduce participants

8.30 – 9.00: LIN introduce the project

9.00 – 11.30: Train on the questionnaire for CSOs (training and discussion)

11.30 – 13.30: Lunch

14.00 – 17.00: train on the questionnaire for CSOs (continuously).

AGENDA OF DAY 2 FOR TRAINING (10th July 2011)

After the first day of training, research team do pilot and finalize the questionnaire.

9.00 – 12.00: Train with new version of questionnaire.

12.00 – 13.30: Lunch

13.30 – 16.00: - How to organize the survey

- Work plan for the survey

List of participants of training

SISD Staff and Interviewers

1. Nguyen Thi Minh Chau
2. Nguyen Thi Bao Ha
3. Nguyen Dang Minh Thao
4. Nguyen Ngoc Toai
5. Nguyen Thi Cuc Tram
6. Truong Quang Dat
7. Kieu Thuý Ngoc
8. Ho Ngoc Tri

LIN Team

9. Pham Truong Son, LIN Deputy Director
10. Dana R.H. Doan, LIN Consultant

ANNEX 6: Tables Referred to in the Report

Table 1: List of CSOs to support vulnerable groups in the survey sample

CSOs to support vulnerable social support, including:	Poor people in urban areas	Count	23
		Table %	38.3
	Poor people in rural areas	Count	24
		Table %	40
	HIV affected persons	Count	21
		Table %	35
	Disabled persons	Count	27
		Table %	45
	Ethnic minorities	Count	2
		Table %	3.3
	Migrant workers	Count	9
		Table %	15
	Victim of human trafficking	Count	1
		Table %	1.7
	Prostitutes/sex workers	Count	6
		Table %	10
	Other group of vulnerable people	Count	4
		Table %	6.7
	Count		60
Table %		100	

Table 2: The number of foundation years in relation with CSOs

			CSOs serve for					
			Poor people in urban areas	Poor people in rural areas	People with HIV	Disabled people	Other groups	Total
Years established	Tõõ 1 - 5 naêm	Count	2	3	4	2	3	8
		Column %	9.1	12.5	19.0	7.4	20.0	13.6
	Tõõ 6 - 10 naêm	Count	1	1	10	4	4	15
		Column %	4.5	4.2	47.6	14.8	26.7	25.4
	Tõõ 11 - 15 naêm	Count	7	8	4	6	4	14
		Column %	31.8	33.3	19.0	22.2	26.7	23.7
	Tõõ 16 naêm trõõu leãn	Count	12	12	3	15	4	22
		Column %	54.5	50.0	14.3	55.6	26.7	37.3
Total	Count	23	24	21	26	16	60	
	Column %	100.0	100.0	100.0	100.0	100.0	100.0	

Table 3: Location of operation of CSOs

			CSOs serve for					Total
			Poor people in urban areas	Poor people in rural areas	People with HIV	Disabled people	Other groups	
Nõõa baõn hoãit nõõng								
Cãuc Trung TPHCM	quãõn taãm	Count	6	8	4	3	6	15
		Column %	26.1	33.3	19.0	11.5	37.5	25.4
Cãuc ngoãõi TPHCM	quãõn oã	Count	19	20	15	10	13	34
		Column %	82.6	83.3	71.4	38.5	81.3	57.6
Taãt cãu cãuc quãõn TPHCM		Count	6	9	4	6	4	17
		Column	26.1	37.5	19.0	23.1	25.0	28.8

	%						
Caùc tænh khàu	Count	11	12	4	10	5	20
	Column %	47.8	50.0	19.0	38.5	31.3	33.9
Caù nõòu	Count	7	8	7	13	4	21
	Column %	30.4	33.3	33.3	50.0	25.0	35.6
Total	Count	23	24	21	26	16	59
	Column %	100.0	100.0	100.0	100.0	100.0	100.0

Table 4: Characteristics of respondents

		CSOs serve for											
		Poor people in urban areas		Poor people in rural areas		People with HIV		Disabled people		Other groups		Total	
		Count	Column N %	Count	Column N %	Count	Column N %	Count	Column N %	Count	Column N %	Count	Column N %
Nhóm tuổi NTL	Từ 18 - 34 tuổi	3	13.0%	4	18.2%	8	38.1%	1	3.7%	6	37.5%	12	20.0%
	Từ 35 - 55 tuổi	15	65.2%	11	50.0%	9	42.9%	18	66.7%	6	37.5%	33	55.0%
	Từ 56 tuổi trở lên	5	21.7%	7	31.8%	4	19.0%	8	29.6%	4	25.0%	15	25.0%
trình độ học vấn	phổ thông trung học	2	8.7%	3	13.6%	4	19.0%	3	11.1%	0	.0%	6	10.0%
	toán nghiệp PTTH	2	8.7%	3	13.6%	5	23.8%	3	11.1%	3	18.8%	10	16.7%
	đại học, cao đẳng	16	69.6%	13	59.1%	7	33.3%	18	66.7%	11	68.8%	36	60.0%
	cao học	3	13.0%	3	13.6%	5	23.8%	3	11.1%	2	12.5%	8	13.3%
giới tính	nam	8	34.8%	9	40.9%	13	61.9%	10	37.0%	8	50.0%	27	45.0%
	nữ	15	65.2%	13	59.1%	8	38.1%	17	63.0%	8	50.0%	33	55.0%
chức vụ trong tổ chức	quản lý	16	69.6%	17	77.3%	14	66.7%	22	81.5%	9	56.3%	45	75.0%
	thành viên hội đồng/ cố vấn	1	4.3%	0	.0%	0	.0%	1	3.7%	1	6.3%	1	1.7%
	canh boá chông trnh	2	8.7%	1	4.5%	1	4.8%	0	.0%	3	18.8%	3	5.0%
	chức vụ khác	4	17.4%	4	18.2%	6	28.6%	4	14.8%	3	18.8%	11	18.3%
thời gian làm việc tại tổ chức	dưới 1 năm	1	4.3%	1	4.8%	0	.0%	2	7.4%	1	6.7%	2	3.4%
	từ 1-3 năm	1	4.3%	1	4.8%	1	5.0%	3	11.1%	1	6.7%	5	8.6%
	trên 3 năm	21	91.3%	19	90.5%	19	95.0%	22	81.5%	13	86.7%	51	87.9%
	Total	23	100.0%	21	100.0%	20	100.0%	27	100.0%	15	100.0%	58	100.0%

Table 5: Judgment of the judicial system to support to vulnerable groups

	There are laws to protect for fundamental rights		There are agencies/organizations for protection		Target groups are aware of their rights		Know about organizations/ procedures for executing their rights		Believe that there are organizations/agencies to protect for their rights		There are resources that help them to understand rights		CSOs are able to lobby for changes in policies	
	N	%	N	%	N	%	N	%	N	%	N	%	N	%
Strongly disagree					2	3.3%	4	6.7%	2	3.3%	1	1.7%	4	6.7%
Disagree	1	1.7%	6	10.0%	9	15.0%	11	18.3%	8	13.3%	8	13.3%	7	11.7%
Agree and disagree	5	8.3%	7	11.7%	23	38.3%	16	26.7%	22	36.7%	9	15.0%	7	11.7%
Agree	27	45.0%	28	46.7%	20	33.3%	26	43.3%	22	36.7%	35	58.3%	30	50.0%
Strongly agree	23	38.3%	15	25.0%	4	6.7%	2	3.3%	1	1.7%	4	6.7%	5	8.3%
Don't know	3	5.0%	3	5.0%	2	3.3%	1	1.7%	5	8.3%	3	5.0%	5	8.3%
No answer	1	1.7%	1	1.7%									2	3.3%
Total	60	100.0%	60	100.0%	60	100.0%	60	100.0%	60	100.0%	60	100.0%	60	100.0%

Table 6: Difficulties faced by beneficiaries when accessing to the judicial system

Difficulties		<i>Difficulty (average level)</i>	<i>Difficulty (quite large)</i>	<i>Total</i>
Economic difficulty	Count	7	30	60
	%	11.67	50	100
Laws or programs given to groups	Count	11	14	60
	%	18.33	23.33	100
Discrimination	Count	9	21	59
	%	15.25	35.59	100
Information and ways of legal support	Count	10	17	60
	%	16.67	28.33	100
Belief in the judicial system	Count	16	19	60
	%	26.67	31.67	100
Confidence in communicating with competent authorities	Count	9	20	60
	%	15	33.33	100
Feelings of being isolated by the society	Count	7	20	60
	%	11.67	33.33	100
Physical accessibility to the judicial system	Count	8	19	60
	%	13.33	31.67	100
Gender differences in the judicial system	Count	1	4	59
	%	1.69	6.78	100
Others	Count	3	6	14
	%	21.43	42.86	100

Table 7: Activities of CSOs for protection the rights of beneficiaries

Protection activities for rights	Provide legal information as stipulated for protection of their fundamental rights	Count	46
		Table %	85.2
	Introduce beneficiaries to organizations that are set up to protect their rights	Count	44
		Table %	81.5
	Introduce vulnerable groups to officers/experts who can help to protect their rights	Count	30
		Table %	55.6
	Consult vulnerable groups about their rights and organizations that they can meet to handle with violations	Count	25
		Table %	46.3
	Lobby for improvement of policies given to vulnerable groups	Count	27
		Table %	50.0
	Organize training/educations of the rights	Count	35

		Table %	64.8
Cooperate/directly communicate with lawyers		Count	19
		Table %	35.2
Cooperate/directly communicate with legal support offices		Count	18
		Table %	33.3
Cooperate/directly communicate with governmental agencies and organizations		Count	18
		Table %	33.3
Cooperate/directly communicate with the court		Count	4
		Table %	7.4
Guide and give advice to vulnerable groups on complaints		Count	24
		Table %	44.4
Other activities		Count	8
		Table %	14.8
Total	Count		54
		Table %	100.0

Table 8: Ratios of CSOs having cooperative relationships with organizations

		Stage agencies/ organizations		Other CSOs		International NGOs		Other organizations		Total	
		Count	Row N %	Count	Row N %	Count	Row N %	Count	Row N %	Count	Row N %
CSOs provide support to	Poor people in urban areas	20	87.0%	15	65.2%	10	43.5%	6	26.1%	23	100.0%
	Poor people in rural areas	19	86.4%	15	68.2%	12	54.5%	6	27.3%	22	100.0%
	HIV affected persons	19	90.5%	16	76.2%	14	66.7%	3	14.3%	21	100.0%
	Disabled persons	24	88.9%	18	66.7%	11	40.7%	8	29.6%	27	100.0%
	Ethnic minorities	2	100.0%	2	100.0%	1	50.0%	1	50.0%	2	100.0%
	Migrant workers	9	100.0%	3	33.3%	4	44.4%	1	11.1%	9	100.0%
	Victims of human trafficking	1	100.0%	0	.0%	1	100.0%	0	.0%	1	100.0%
	Prostitutes/sex workers	6	100.0%	5	83.3%	5	83.3%	1	16.7%	6	100.0%
	Other groups of vulnerable people	3	100.0%	3	100.0%	3	100.0%	0	.0%	3	100.0%
Total	54	90.0%	38	63.3%	31	51.7%	12	20.0%	60	100.0%	

Table 9: Difficulties faced by CSOs

Difficulty	Budget	Count	33
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		Table %	75.0
	Human resources	Count	28
		Table %	63.6
	Facilities	Count	21
		Table %	47.7
	Legal procedures	Count	24
		Table %	54.5
	Cooperation with state agencies	Count	14
		Table %	31.8
	Others	Count	6
		Table %	13.6
Total	Count		44
	Table %		100.0

Table 10: Number of staffs of CSOs

		Frequency	Valid Percent
Valid	Döðüi 10 nhaân vieân	24	40.0
	Töø 10 - 19 nhaân vieân	19	31.7
	Töø 20 nhaân vieân trôu leân	17	28.3
	Total	60	100.0

Table 11: Medium of staff working part-time and full- time

	Toång soá nhaân vieân	Nhaân vieân toaøn thôoi gian	Nhaân vieân baun thôoi gian
Soá trung bình	20 ngöôøi	14 ngöôøi	6 ngöôøi

Table 12: Degrees of belief of CSOs in organizations related to support to vulnerable groups

		Don't believe	Don't believe much	Believe	Strongly believer	Don't know	No answer	Total
Court system	Count	3	12	24	6	12	3	60
	%	5.00%	20.00%	40.00%	10.00%	20.00%	5.00%	100.00%
Procurancy	Count	2	12	18	8	17	3	60
	%	3.30%	20.00%	30.00%	13.30%	28.30%	5.00%	100.00%
People's police	Count	1	17	24	9	8	1	60

	%	1.70%	28.30%	40.00%	15.00%	13.30%	1.70%	100.00%
Judgment-executing agency	Count	1	14	21	6	15	3	60
	%	1.70%	23.30%	35.00%	10.00%	25.00%	5.00%	100.00%
Administrative agencies	Count		15	33	4	7	1	60
	%		25.00%	55.00%	6.70%	11.70%	1.70%	100.00%
Legal support organizations	Count	2	13	25	4	12	2	58
	%	3.40%	22.40%	43.10%	6.90%	20.70%	3.40%	100.00%
Political and social organizations	Count	1	14	33	5	7		60
	%	1.70%	23.30%	55.00%	8.30%	11.70%		100.00%
Mass media	Count	1	10	34	9	6		60
	%	1.70%	16.70%	56.70%	15.00%	10.00%		100.00%
People's organizations	Count		8	32	12	7		59
	%		13.60%	54.20%	20.30%	11.90%		100.00%
Others	Count			2	3			5
	%			40.00%	60.00%			100.00%

Table 13: Degrees of updating legal information

		Very regularly	Regularly	Sometimes	Seldom	Never	Total
Update new legal documents	Count	8	21	21	4	6	60
	%	13.33	35.00	35.00	6.67	10.00	100.00
Consult state officers	Count	4	20	18	8	10	60
	%	6.67	33.33	30.00	13.33	16.67	100.00
Read documents on newspapers	Count	15	39	6			60
	%	25.00	65.00	10.00			100.00
Be members of document supply associations	Count	1	13	6	4	36	60
	%	1.67	21.67	10.00	6.67	60.00	100.00
Have lawyers	Count	3	4	4	2	46	59
	%	5.08	6.78	6.78	3.39	77.97	100.00
Others	Count	4	2	2		1	9
	%	44.44	22.22	22.22		11.11	100.00

Table 14: Difficulties in awareness of laws

Difficulties in awareness	No difficulties	Count	29
		Table %	48.3
	Difficulties in collecting information on changes in laws/policies	Count	12

		Table %	20.0
	Difficulties in interpretation of new or existing regulations	Count	14
		Table %	23.3
	Difficulties in application of rights as stipulated and/or development programs of the government	Count	21
		Table %	35.0
	Others	Count	8
		Table %	13.3
Total	Count		60
	Table %		100.0

Table 15: Expectations to continue to work

Expectations to continue to protect for rights	Provide legal information	Count	46
		Table %	76.7
	Introduce vulnerable groups to organizations	Count	45
		Table %	75.0
	Introduce vulnerable groups to persons who can protect for their rights	Count	45
		Table %	75.0
	Consult vulnerable groups	Count	35
		Table %	58.3
	Lobby for improvements of policies	Count	33
		Table %	55.0
	Organize training on rights	Count	35
		Table %	58.3
	Cooperate with lawyers	Count	26

		Table %	43.3
	Cooperate with legal offices	Count	26
		Table %	43.3
	Cooperate with governmental agencies and organizations	Count	27
		Table %	45.0
	Cooperate with the court	Count	10
		Table %	16.7
	Guide and give advice on letters of complaint	Count	25
		Table %	41.7
	Others	Count	9
		Table %	15.0
Total	Count		60
	Table %		100.0

Table 16: Assessment of necessity of capacity building activities for CSOs

	Training workshops		Fora for information sharing		Dialogue for dialogue of CSOs and state organizations		Foundation of an information center		Others	
	Count	%	Count	%	Count	%	Count	%	Count	%
Very useful	32	53.3%	28	46.7%	30	50.0%	28	47.5%	6	100.0%
Useful	21	35.0%	27	45.0%	23	38.3%	25	42.4%		
Useful to a certain extend	5	8.3%	5	8.3%	6	10.0%	3	5.1%		
Unuseful	2	3.3%			1	1.7%	3	5.1%		
Total	60	100.0%	60	100.0%	60	100.0%	59	100.0%	6	100.0%

Table 17: Duration for training workshops

		Count	%
Valid	1 day	12	20.3
	2-3 days	33	55.9
	3 days and over	14	23.7
	Total	59	100.0
Missing	System	1	
Total		60	

Table 18: One-day duration

		Frequency	Valid Percent
Valid	A full day	37	63.8
	Half a day	18	31.0
	Two hours/day	3	5.2
	Total	58	100.0
Missing	System	2	
Total		60	

Table 19: Training venue

		Frequency	Valid Percent
Valid	HCMC center	47	78.3
	A suburban area of HCMC	5	8.3
	Others	8	13.3
	Total	60	100.0

ANNEX 7: Survey Questionnaire

Vietnam Academy of Social Sciences	
Southern Institute of Sustainable Development	LIN Center for Community Development

Code:

Interviewing Representatives of “Civil Society Organizations”

Dear Sir/Madam,

Within the past ten years, Vietnam has seen significant changes in its economy, politics, and society; much of the effort to bring about those changes has been due to the contributions of CSOs. Particularly, there has been a great deal of practical support by CSOs to support vulnerable groups.

In order to build capacity for CSOs that support vulnerable groups, LIN Center for Community Development, in coordination with the Southern Institute of Sustainable Development, are carrying out a survey of CSOs based in Ho Chi Minh City to learn about their activities and their needs in order to better promote the legal and individual rights of their beneficiaries. Based on the outcome of this research, the LIN Center will design capacity building workshops that will be offered free to the staff of CSOs that are working to empower vulnerable groups in HCMC.

We appreciate your taking the time to complete this questionnaire. The interview will take 30 to 60 minutes and your answers will be tallied along with the responses from 59 other CSO staff. Your name and your organization will not be mentioned in our final report, unless we ask for your permission and you grant it to us. You may feel free, at any time, to decline answering a question.

If it is acceptable to you, I would like to record our meeting so that I can better listen to what you are saying. You may ask me to stop the recording, at any moment during the interview, if you wish.

On behalf of SISD and LIN, I would like to express our heartfelt gratitude, in advance, for your contribution to this study.

Southern Institute of Sustainable Development

Name of interviewee: _____

Name of organization: _____

Address (include District): _____

Name of interviewer: _____

Interview date: __ __/ __ __/2011

A. Organizational Background:

1. *When was your organization established? (4 digits).....*

2. *Total number of staff members:.....People*

Including:

- Full-time:People
- Part-time: People

3a. *Staff education: level completed (including full-time and part-time):*

- 1. Below high school: people
- 2. High school: people
- 3. College, University level: people
- 4. Master’s degree:people

3b. Staff education: how many staff have focus/major at university and/or training certificate in the following (including full-time, part-time and regular program consultants)¹⁷

- 1. Social work:people
- 2. Community development:people
- 3. Legal:people
- 4. Other:people

4. In what communities do you serve vulnerable groups?

i. HCMC [Please indicate the district(s)]

ii. District 1	iii. D5	iv. D12
v. D2	vi. D7	vii. Hoc Mon
viii. D3	ix. D8	x. Cu Chi
xi. D4	xii. D10	xiii. Etc...
xiv. All of HCMC		

- ii. Other Province (please specify)
- iii. Nationwide

¹⁷ Total number may be more than total staff (e.g., one person may have 2 or more degrees).

B. Organization's activities:

In this section, I am going to ask you about the services provided by your organization to vulnerable individuals or groups (individuals and groups that are regularly denied access - or who receive less access compared with others - to certain rights and public services, such as education, healthcare, personal security and the justice system.

5a. May I start by asking which of the following vulnerable group(s) does your organization serve? (Choose many in table below)

5b. In your opinion is there any gender difference, in regards to the vulnerability of one of more of the groups you serve? (select in table below)

5a. Vulnerable Group served (circle many)	5b. Is there any gender difference?			
	Men More Vulnerable	Women more Vulnerable	No difference	DK
a. Poor				
i. Urban Poor [Note: Households earning less than VND 1 million/month]				
ii. Rural Poor [Note: Households earning less than VND 600,000/month]				
b. People with HIV				
c. People with disabilities (physical and/or mental)				
d. Ethnic minority group(s)				
e. Immigrant workers				
f. Victims of human trafficking				
g. Sex workers				
h. Other vulnerable group (please specify:_____)				

6. *What are your organization's core services for the vulnerable populations that you work with? (in detail) [Note to interviewer: If a brochure is available, please take one. If the org has a website, please take note of address. Spend no more than a couple minutes on this question.]*

- a.
.....
- b.
.....
- c.
.....
- d.
.....

7. Which organizations, if any, does your CSO partner with in a joint effort to protect your beneficiaries? (circle all that apply)

- a. Government office/agency (please specify: _____)
- b. Other CSOs (please specify: _____)
- c. INGOs (please specify: _____)
- d. Other (please specify: _____)

8. In the past, how has your CSO involved beneficiaries in the design/determination of future support services? (please give examples)

- a. Formal consultations (e.g., beneficiaries formally invited/asked to provide feedback)
- b. Informal consultations (e.g., beneficiaries may provide feedback without being asked)
- c. Survey (e.g., beneficiaries are asked to complete an evaluation form regarding programs/services)
- d. Other (please specify)
- e. None/NA

C. Access to Justice for Vulnerable Groups:

[Note to Interviewer:

Access to justice is a person's ability to protect their rights through the justice system. For the purposes of this survey, this means that the existence and extent of access to justice depends on the following:

- *There are laws that protect the people's fundamental rights;*
- *There are institutions to enforce those rights;*
- *People must be aware of their rights;*
- *People must be able to access institutions set up to protect their rights and they must be able to understand the relevant processes and procedures at these institutions; and, lastly,*
- *People need to have confidence that the justice system can protect their rights.*

When I talk about the justice system, I am referring to both the institutions that were set up to implement laws and regulations as well as the laws and regulations themselves:

- *The relevant institutions include the courts, prosecutors, enforcement agencies, police, People's Committees, the State Inspectorate, Heads of the District/Ward/ Hamlet, lawyers, legal aid centres, grass-root mediation groups, mass-organisations and the mass media*
- *In regards to laws and regulations, I am referring to those laws and regulations that establish the rights of the citizens and the methods of protecting and enforcing those rights.]*

9. With regards to the vulnerable group(s) that you represent, can you tell us to what extent you agree or disagree with the following statements:

	<i>Strongly Disagree</i>	<i>Disagree</i>	<i>Neutral</i>	<i>Agree</i>	<i>Strongly Agree</i>	<i>Don't Know</i>	<i>No Answer</i>
a. There are laws that protect the fundamental rights of our beneficiaries;							
b. There are institutions to enforce those rights;							
c. Our beneficiaries are aware of their rights;							
d. Our beneficiaries are aware of the institutions and processes for claiming their rights (they understand the procedures involved);							
e. Our beneficiaries have confidence that the institutions and/or mechanisms in place can be relied upon to protect their rights.							
f. Resources are available for							

understanding their rights and entitlements (e.g., legal advocates, officials, informed CSOs).							
g. Ability to lobby/advocate for policy reform/improvement for vulnerable people							

10. To what extent do your beneficiaries face the following barriers, which prevent them from seeking justice? Please feel free to share your experiences.

	<i>Not a Barrier</i>	<i>Little Barrier</i>	<i>Med Barrier</i>	<i>Big Barrier</i>	<i>Don't Know</i>	<i>Stories or Examples</i>
a. Economic barriers (i.e., court fees, lawyer fees, form fees, bribes, etc.)?						
b. Laws/ Regulations which are designed for vulnerable groups?						
c. Institutional discrimination, which may result in unfair rulings, inappropriate conduct or inadequate services?						
d. Insufficient outreach to vulnerable groups (the justice system does not provide the necessary information - through legal awareness and literacy programs) so that they know what services are available and how to seek remedies for their grievances?						
e. Fear/lack of trust of formal institutions?						
f. Confidence to contact with local authority						
g. Fear of reprisal/social ostracism?						

h. Lack of physical access?						
i. Gender bias/discrimination within the justice system?						
j. Other (specify: _____)						

11. Please tell us your level of confidence in the following institutions with regards to their ability to protect the rights of the vulnerable group(s) that you serve:

	No Confidence	Little Confidence	Confident	Highly Confident	DK
a. The Court System (District, Provincial and Supreme People's Court)					
b. The Procuracy (National, Provincial and District Level)					
c. The Police (Public Security Forces)					
d. Judgment Enforcement Agencies (civil and criminal)					
e. Administrative Institutions (The People's Committee, State Inspectorate, Head of the District)					
f. Legal Support Institutions (Lawyers. Legal Aid Centres, Grassroot Mediation Groups)					
g. Mass Organizations					
h. Mass Media					
i. CSOs					
j. Other (please specify):					

12. How often does your organization use the following strategies to keep informed about laws/regulations/programs/policies relating to the vulnerable populations you serve?"):

.....

	<i>Regularly</i>	<i>Often</i>	<i>Sometimes</i>	<i>Rarely</i>	<i>Never</i>
a. We review new legislation/ We read the official gazette					
b. We consult with local government officials or offices					
c. We read updates in the local media (newspaper, TV, other)					
d. We are members of an association that provides important updates.					
e. We have a lawyer on staff (paid or pro bono) who is responsible for this...					
f. Other (Specify: _____)					

13. What challenges, if any, does your organization face with regards to understanding laws/regulations/government programs and policies impacting your beneficiaries? (Note to interviewer: Do not read the following options. Please wait for interviewee's response and circle the answer below that is similar, and/or complete item "e".)

- a. No challenges.
- b. It is difficult to stay informed of changes to relevant laws/policies,
- c. It is difficult to understand how to interpret the existing or new laws/policies,
- d. It is difficult to understand how to take advantage of rights that are protected by the laws and/or incentive programs offered by the government
- e. Other challenges (please specify:)
 - 1.
 -
 - 2.
 -
 - 3.
 -

RIGHTS AND PROTECTION OF RIGHTS

[Notes for Interviewer: The next set of questions addresses the ability of the justice system to protect human rights. Vietnam has set forth its own laws and approved International agreements which seek to protect human rights. For example, the 1992 Constitution, the Civil Code, the Criminal Procedure Code, and laws dealing with complaints and denunciations all recognize and seek to protect the rights of Vietnamese citizens. In addition, Vietnam has an extensive legal institutional framework in place designed to ensure that people can seek redress for violations of their rights.]

14. Which of the following programs or services does your CSO offer to protect the rights of your beneficiaries?

(Choose all that apply)

- a. Provide information about laws that are designed to protect their fundamental rights
- b. Refer beneficiaries to institutions that exist to enforce their rights.
- c. Refer beneficiaries to officials/experts that can help them claim their rights.
- d. Consult beneficiaries on their rights and where to go to redress violations.
- e. Lobby or advocate for policy improvements on behalf of beneficiaries.
- f. Provide rights education/training
- g. Collaborate/Communicate directly with:
 - Lawyers
 - Local legal aid office(s)
 - Government office/agency
 - Court system
- h. Submit petitions/complaints on behalf of a beneficiary
- i. Other (please specify):
.....
- j. None of the above.

15a. How have your past interventions/ support services helped vulnerable groups to protect their rights?

.....

.....

.....

.....

15b. Has your CSO faced any challenges when carrying out activities to protect the rights of vulnerable groups?

1. Yes

2. No → skip to Question 16

15c. If the answer is Yes, what are some of the difficulties your CSO has faced?

- Budget (please specify)
-
- Human resources (please specify).....
-
- Infrastructure (please specify)
-
- 4. Legal procedures (please specify) :.....
-
- 5. The relationship with State agencies (please specify).....
-
- 6. Other (please specify).....
-
-

16. Assuming resources were not an obstacle, which of the following services would your CSO like to provide (or continue to provide) in order to protect the rights of your beneficiaries? (Note to interviewer: circle all that apply.)

- a. Provide information about laws that are designed to protect their fundamental rights
- b. Refer beneficiaries to institutions that exist to enforce their rights.
- c. Refer beneficiaries to officials/experts that can help them claim their rights.
- d. Consult beneficiaries on their rights and where to go to redress violations.
- e. Lobby or advocate for policy improvements on behalf of beneficiaries.
- f. Provide rights education/training
- g. Be able to collaborate with:
 - Lawyers
 - Local legal aid office(s)
 - Government office/agency
 - Other (specify:_____)
- h. Submit petitions/complaints on behalf of a beneficiary
- i. Other service (please specify):

17. What type of support does your organization need in order to provide new and/or improved services to better protect the rights of your beneficiaries?

- 1. -----
-

- 2. -----

- 3. -----

(Note to interviewer: relevant responses might include skills sets, resources, info about laws, advisor on laws, info about procedures, advisor on procedures, case studies, discourse with relevant officials/experts, etc...),

E. The needs for enhancing the capacity:

As mentioned at the start of this survey, the LIN Center for Community Development plans to offer workshops to support your efforts to protect the rights of your beneficiaries and improve their ability to access the justice system. For this reason, I would now like to ask for your opinion about such training...

18. *How suitable are the following formats for building the capacity of your CSO staff?*

A. Training workshops

1. Very Helpful 2. Helpful 3. Somewhat helpful 4. Not Helpful

B. Forums to share information among civil society organizations

1. Very Helpful 2. Helpful 3. Somewhat helpful 4. Not Helpful

C. Forums for communication between civil society organizations and local authority agencies

1. Very Helpful 2. Helpful 3. Somewhat helpful 4. Not Helpful

D. Establish a referral center for civil society organizations working with vulnerable groups

1. Very Helpful 2. Helpful 3. Somewhat helpful 4. Not Helpful

E. Other (please specify)

1. Very Helpful 2. Helpful 3. Somewhat helpful 4. Not Helpful

19. We have listed below a number of training topics relevant to protecting the rights of vulnerable groups. Of the topics listed, which would benefit you and/or your colleagues most? Please rank the topics in order of priority from 1 (most important) to 5.

Circle your selection(s)	Priority
a. Knowledge of laws/legal framework (protecting rights and/or providing entitlements...)	
b. Knowledge of procedures involved in claiming one's rights and entitlements (contacts, paperwork, time frame, representation, etc)	
c. Communicating with beneficiaries (How to)	
d. Communicating with government officials (How to)	
e. Training of trainers case solving skills, taught by legal experts/officials	
f. Soft skills training in (circle many): i. Communication ii. Negotiation iii. Operational (management?) iv. Client outreach v. Case management vi. Conflict solving skills	
g. Engaging beneficiaries in claiming their rights	
h. Advocacy/Lobbying	
i. Motivating beneficiaries to protect their rights	
j. Other (specify):.....	

20. What would be your expectation(s) if you were to sign up to attend a training on one or more of the above topics?

.....

.....

.....
.....
21. *In regards to the training format, would you prefer :*

- Number of days of training
 1. 1 day
 2. 2-3 days
 3. Over 3 days

- Timing :
 4. Full day training
 5. Half day training
 6. Two hour training

- Location :
 1. Center of HCMC: 1. Yes 2. No
 2. Outside the center of HCMC: 1. yes 2. No
 3. Other_ (please specify):__

22. *Is there anything that we did not address during this interview, regarding the protection of your beneficiaries' rights, that you would like to address now, before we conclude the interview?*

.....
.....
.....
.....

F. Interviewee Background

Please provide your information :

23. *Year of birth:* 19__

24. *Your highest level of education completed?*

- a. 1. Some high school
- b. High school graduate
- c. College, university level (specify subject)
- d. Master degree (specify subject)

25. *Gender:* 1. Male 2. Female

26. *What is your current position within the organization?*

- i. Management (Director, Vice Director)*
- ii. Board Member/ Advisor*
- iii. Program Officer*
- iv. Other:*

27. *How long have you worked with this organization?*

- i. Less than one year*
- ii. One to three years*
- iii. More than three years*

Note to Interviewer: Provide LIN Brochure and contact information. If any respondents wish to receive a copy of the report, they may contact LIN Center.

Thank you for your cooperation and time!