

The Vietnam Peace and Development Foundation – UPR Submission-Vietnam-June 2018

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REPORT OF THE VIETNAM PEACE AND DEVELOPMENT FOUNDATION ON THE IMPLEMENTATION OF HUMAN RIGHTS IN VIETNAM

The Vietnam Peace and Development Foundation (VPDF), as a non-governmental organization operating on issues of peace and development, recognizes Vietnam's achievements in the protection and promotion of human rights.

Since the 2nd Circle of the Universal Periodic Review, the VPDF has witnessed numbers of improvements in the protection and promotion of human rights by the Vietnamese Government.

A. Judicial reforms and new policies regarding the protection of human rights:

1. The 2013 Constitution has seen its contents widened regarding the rights, including specific rights in human rights, such as the right to equality, no discrimination before the Law (Article 16); the right to freedom of speech and freedom of the press, the right of access to information, the right to assembly, the right to association, and the right to demonstrate (Article 25); the right to gender equality (Article 26); etc. The 2013 Constitution also affirms the responsibilities of the State for recognition, respect, protection and guarantee of human rights in the political, civil, economic, cultural and social fields (Article 14,15).

In addition, a variety of laws have been adopted by the National Assembly (2015 Penal Code, 2015 Code of Criminal Procedure, 2015 Civil Code, 2015 Code of Civil Procedure, Press Law, 2016 Law on Access to Information, 2015 Law on Referendum, Law on Belief and Religion, etc), recognizing human rights. People's and social organizations have always been consulted in the drafting of such legal documents.

2. New and important policies have been issued by the Vietnamese Government aimed at making every Vietnamese individual totally covered with human rights, especially at building a constructive Government, realizing sustainable goals, ensuring rights for vulnerable groups and working people. For example, Resolution 100/NQ-CP on the Action Plan of the State in the period 2016-2021, indicating "efforts to build a constructive Government, to have drastic and efficient actions to serve the people".
3. The Vietnamese Government has been focusing on promoting policies on sustainable development, especially adding sustainable development issues in the Socio-economic Development Strategy 2011-2020 and Socio-economic Development Plan 2016-2020. Vietnam has announced the National Action

Plan with 17 Vietnamese Sustainable Development Goals (VSDGs) and 115 specific goals in accordance with national conditions and priorities.

4. The Vietnamese Government has issued other policies and programs regarding poverty reduction, food security, sustainable agriculture promotion, public health (National Goal on new rural development, National Goal on sustainable poverty reduction; adoption of the 2014 Housing Law; the National Strategy for the Protection, Care and Promotion of the People's Health 2011-2020, vision to 2030 (2013), etc.)

Besides, other policies have been adopted regarding rights for vulnerable groups, gender equality, rights for women, rights for people with disabilities, rights for elderly people, rights for working people. These policies are realized through various national programs and campaigns from the grassroots to governmental levels.

B. Promoting education and training, raising awareness of human rights

5. Vietnam considers raising public awareness of human rights one of the priorities in the promotion and protection of human rights. Recently, human rights education has been gradually included in high school and university curriculums. Besides, there are training courses on human rights for state officials at both central and local levels. It is predictable that by 2025, 100% of education institutions in Vietnam will have been provided with human rights education.

C. Realization of international commitment and cooperation on human rights

6. Since the previous circle of UPR, the Vietnamese Government has adopted 02 more Conventions on human rights, namely the Convention on the Rights of Persons with Disabilities, and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (2/2015). Hence, Vietnam is currently party to 7/9 basic international conventions on human rights. The country is now taking into consideration the adherence to the International Convention for the Protection of All Persons from Enforced Disappearance and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. Especially, since its membership in ILO in 1992, Vietnam has adopted 21 ILO Conventions, five of which are basic ILO Conventions in order to ensure the rights for working people.
7. Vietnam has taken its full responsibility in submitting national reports on the implementation of all the Conventions to which Vietnam is a party. All the

reports have been consulted with state and local agencies, as well as people's and social organizations, non-governmental organizations in Vietnam, international experts, and its people...All reports have been publicly uploaded on the internet for raising public opinion.

8. Vietnam attaches much importance to strengthening international cooperation in the promotion and protection of human rights. Vietnam has been actively participating in all human rights mechanisms of the United Nations, particularly as a party to the Human Rights Commission (2014-2016), the United Nations Economic and Social Council (2016-2018) and the Executive Board of UNESCO (2015-2019).

Regarding activities within the framework of the Human Rights Commission, Vietnam has been appreciated for its cooperation and dialogue with the system of special procedures of the Human Rights Commission in accordance with the functions and missions of the special procedures and principle procedures of the Human Rights Commission in the spirit of transparency, efficiency and balance. Especially, after submitting the National Report for the 2nd Circle of UPR, Vietnam has received Special Rapporteurs on cultural rights (11/2013), on freedom of belief and religion (7/2014), on rights to food (11/2017); and has been noted for its efforts and achievements, as well as recommendations by the Rapporteurs in protection and promoting human rights in Vietnam.

At the regional level, Vietnam and other ASEAN members have been actively implementing the Declaration on the ASEAN Community Vision 2025, the Five-Year Work Plan 2015-2020 of the ASEAN Intergovernmental Commission on Human Rights; as well as adopting other related ASEAN Conventions, agreements and MOUs to prevent illegal trafficking in persons and migrants.

D. Practical achievements in the protection and promotion of human rights

9. Civil and political rights:

- Right to equality before the Law:

It is indicated in the Constitution and the 2015 Code of Criminal Procedure (revised) to ensure that no one is sentenced twice for one and the same crime, and all litigious procedures are secured. Moreover, this is to make sure that all individuals are equal before the law; no one is considered as guilty and sentenced before any judgment by the Court is released. From 7/2011 to 3/2015, cases involving lawyers' participation numbered 87,604. In 2016

alone, the number was 23,670. Especially, lawyers and judicial supporters took part in 100% criminal cases following requests by the bodies that conducted legal proceedings.

- Right to life, right to respect for human dignity and imprescriptibility of the physical body:

It is clearly indicated in Articles 19 and 20 of the 2013 Constitution and Articles 33 and 34 of the 2015 Civil Code (revised) about the right to life, right to respect for human dignity and imprescriptibility of the physical body. Chapter XIV and Article 157 of the 2015 Civil Code provide for punishment of all violations of life, health, human dignity and honor. The Vietnamese Government still retains the death penalty but it is applicable only to particularly serious crimes. In the 2015 Penal Code, 08 more crimes are removed from the death penalty list.

- Right to freedom of movement

The consistent policy of the Vietnamese government is to ensure legal, safe and regular migration; prevent illegal migration, protect the legitimate rights and interests of citizens during the migration process. In 2017, there were 134,751 Vietnamese working overseas, or 6.69% up from 2016. Vietnam has been cooperating with international organizations to provide people having illegally crossed the border and are residing in other countries with support, to help them settle down. Vietnam has signed visa exemption agreements with 84 countries.

- Right to freedom of belief and religion.

The Vietnamese Government shows respect to its people's freedom of belief and religion by strictly observing and enforcing principles of the 2013 Constitution, the Law on Belief and Religion (effective on 01/01/2018), and two new Decrees. So far, the legal status of 41 organizations from 15 religions has been recognized. Thousands of religious groups are ensured to conduct religious activities within families or at legal spaces. There are now in Vietnam 59 religious training institutions for Buddhist studies, Catholic studies, Protestant studies, Hoa-Hao Buddhist studies. By 2017, the total area of land used by religious institutions is 14,850 hectares, belonging to 7,102 religious organizations. Since the last circle of UPR, more than 3,000 religious publications have been disseminated, including printouts, CDs, newspapers, magazines, and websites. Major religious events have been successfully organized, such as Buddha Birthday Festival VESAK 2014 and 500th

anniversary of Protestant conversion 2017. The right to freedom of belief and religion of ethnic minorities is fully ensured by the Government.

- Right to freedom of speech, freedom of press and information and freedom of assembly

By 12/2017, there are in Vietnam 849 press organs (37 up from the time of the 2nd circle of UPR) with 1,111 publications (1,084 in 2013), including 196 online magazines and newspapers, 67 radio and TV stations with 182 channels, 1 news agency, 18,000 journalists, 5,000 reporters, 60 publishing houses, 50 million internet users (30.8 million in 2013 and 20 million in 2008), 64 million facebookers.

By 12/2016, there are in Vietnam 52,500 associations rallying young people, women, workers, farmers, elderly people, and persons with disabilities, or charity, scientific and professional organizations, religious organizations and non-governmental organizations. A bill on association has been drafted and is under consultation with state agencies, NGOs, experts and the people before submission to the National Assembly.

- Rights of Detainees

The Law on temporary detention and custody (01/01/2018) provides for the rights of detainees, e.g. they can meet with relatives and lawyers, access information, complain and denounce any violation of any regulation on temporary detention. No punishment that violates the rights of detainees are allowed. Detainees are fully covered with health and medical care and vocational guidance. From 31/12/2012 to 31/12/2016, the number of detainees provided with health examination and medical treatment reached 351,917. 1,569 detainees received vocational certificates and 118,207 were given vocationally training.

10. Socio-Economic and Cultural Rights:

Along with a sustained growth rate of 6.68% per year, the poverty rate has decreased year by year and was 5.2% in 2016. 1,614,000 persons got employment in 2017 (1.5% up from 2016). Various campaigns and programs have been implemented to provide the people with fresh water (93% of households have qualified fresh water); with financial support for areas suffering from natural disasters (VND 3,696.7 billion).

Regarding education and training, the Government has increased budget allocations to the current figure of 20% of total public expenditures. Education

quality has also improved. Up to now, 100% of communes have achieved universal kindergarten and primary education. Almost 100% of the population was literate by 2016. There are in Vietnam 235 universities, 1,974 vocational institutions (388 colleges, 551 secondary schools, and 1.035 regular education centres).

Regarding rights for ethnic minorities, the Government has been focusing on narrowing down the socio-economic gaps among ethnic communities by ensuring “no one is left behind”. By issuing related plans and policies, the Government has made improvements in reducing poverty rate to 1.5% , providing education (315 boarding-schools and 1,013 day-boarding schools with 6 minority languages), providing information access (92% of ethnic minorities can access to radio, television and other programs in ethnic minority languages). The health network has been developed, district and provincial hospitals have been improved, 99.39% of the communes have medical clinics, 77.8% of the communes have achieved national standards for health care.

Other policies regarding rights of vulnerable groups have been adopted and promoted. There are 01 central and 62 ministerial hospitals for rehabilitation, as well as 1,130 vocational centers/ institutes for people with disabilities. Children and women are protected from domestic violence. The number of women involved in the political system and other socio-political fields has increased by 26.72% in the period 2016-2021. Implementation of the program for promoting children’s participation in issues related to them in the period 2016-2020 has improved children’s rights in the society. Other policies have been adopted to support victims of trafficking in persons and people with HIV/AIDS.

As an NGO with great interest in the promotion and protection of human rights, we are confident that with the Vietnamese Government’s efforts, human rights will be further promoted in the future.