

SOCIALIST REPUBLIC OF VIETNAM



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REPORT ON THE ASSESSMENT OF THE PROTECTION OF HUMAN RIGHTS OF VIETNAM IN ACCORDANCE WITH THE UNIVERSAL PERIODIC REVIEW 3RD CYCLE OF THE UN HUMAN RIGHTS COUNCIL (HRC)

1. Overall assessment of the RTCCD on the Protection and Promotion of Human Rights in Viet nam since June, 2014

On the whole compared to the previous period before June 2014:

- There has been significant positive changes in the area of counterintuitive voices of non-governmental and non-profit organizations in the development of health care policy (Health insurance law, Law on tobacco harm prevention, draft law on alcohol harm prevention), child care (Amended Child law), environment (Vietnam Power Development VII, Chrysotile ban in Vietnam, and ban on use of the herbicide Paraquat in Vietnam).
- We note the positive approach of the Vietnam Communist Party (Central Economic Commission, Central Information and Education Commission), the National Assembly (the Social Affairs Committee) as well as many ministries of the Government (Ministry of Health, Ministry of Education and Training, Ministry of Resources and Environment, Ministry of Labor, Invalids and Social Affairs) in facilitating consultation with non-governmental and non-profitable research organizations in assessing health, education, social and economic issues to develop specific policies.
- We recognize that the public voices on the social network is increasingly being paid attention by the National assembly and the Government.
- We recognize that Vietnam has made remarkable progress in fighting corruption, however, corruption is still severe, particularly in industries with development benefits that conflict with public health benefits such as the industries of tobacco, alcohol, coal-power, chemicals used in agricultural production and food processing.
- We note that some concerning human right issues are still occurred: some public rallies to oppose to the foreign interference in national territory have been blocked by local authorities; delay in introducing policies to control emissions and wastes from Formosa Ha Tinh Steel, bauxite mining in Central Highland, coal-fired power plants and asbestos sheet manufacturers causing environment pollution; delay in ratifying the Law of alcohol harm prevention, Law on Associations^{1 2 3}, and Law on Protest/Demonstration⁴.

¹ <https://vnexpress.net/tin-tuc/thoi-su/luat-ve-hoi-tiep-tuc-bi-lui-thong-qua-3589219.html>

- The Law of Cyber Security was ratified by National Assembly in June, 2018⁵ ⁶. This law needs to be reviewed to ensure people's freedom of information sharing with the purpose of debate for the social progress and sustainable development.
- The cause of the challenges mentioned above is due to the fact that the government and the National Assembly are still more focused on economic development, which allows business enterprises intervene deeply in the policy making process that benefits the business while not fulfilling their commitments to social responsibility, and organizations representing civil society have not yet secured their legal and financial capacity to participate fully in the legislative, policy making and evaluation process to ensure the public interest. Widespread and deep-rooted corruption has not been fundamentally resolved by promoting transparency and accountability of the public administration, as well as the participation in independent monitoring and evaluation from non-profit organizations representing civil society was not legalized.

2. The specific implementation of child rights through RTCCD's assessment:

2.1. The attention of the Governemnt with regards to child rights in Vietnam:

Based on RTCCD's field research evidence in Ha Nam province (Red River Delta, northern Vietnam), it is evident that: Well-nourished children, who interact early and live in a safe and favorable environment in their early years, are more likely to develop their optimal potential. Integration of health services, culture, education and social welfare is to maximize interventions for early childhood at home and in the community. From 2013, the RTCCD has collaborated with national and international experts to call for the Vietnamese government to recognize and implement ***the Right of Caring for the Comprehensive Development of Children in Early Years***. As a result, this right is regulated in the Children's Law 2016. At the same time, it is stated in Resolution No. 63/NQ-CP of the Government and Resolution No.142/2016/QH13 of the National Assembly in order to contribute to the achievement of Sustainable Development Goals. This is a commitment that Vietnam has made. To implement this provision, in 2017, the Government has developed a project named "*Caring for the Comprehensive Development of Children in Early Years in the Family and Community for the Period 2018-2025*"⁷.

2.2. The Children's Law of 2016 passed by the National Assembly of Viet Nam provides a more detailed mechanism for planning and monitoring the implementation of children's rights at all levels of management, and ensuring adequate resources for the implementation of children's rights. In particular, the Law consolidates the child protection system of 3 levels (as stipulated in Chapter 4-Child Protection) with the priority given to Level 1: prevention, through the strengthening of the network of public officials, social workers and collaborators working on family

² <https://www.economist.com/asia/2016/11/24/a-plan-to-legalise-vietnams-private-charities-and-clubs-is-shelved>

³ <https://vietnamnews.vn/politics-laws/344927/experts-slam-draft-law-on-association.html#DJTKzBF3XQ1boCTB.97>

⁴ <http://vneconomy.vn/chinh-phu-van-chua-chuan-bi-xong-luat-bieu-tinh-20180518203833331.htm>

⁵ <http://www.nhandan.com.vn/chinhtri/item/36677802-quoc-hoi-thong-qua-luat-an-ninh-mang.html>

⁶ <https://vietnamnews.vn/politics-laws/449739/na-passes-cybersecurity-law.html#CyHTwfY4Y5PyomKh.97>

⁷ <http://www.un.org.vn/en/unicef-agencypresscenter2-89/4610-national-consultative-workshop-on-mobile-integrated-early-childhood-development.html>

education, communication, early detection and prevention of violations of child rights in the community.

2.3. Implementation of the Law on Children and Gaps in Implementing the Rights of the Child in Vietnam in 2017:

- High child injury deaths: In the 2010-2014 period, more than 7.000 children died each year from injuries, of which deaths from drowning alone accounted for 3.500. From 2015 to 2017, thanks to enhance communication and education in injure prevention, conduct community-based interventions, and develop safe house models the number of children dying from injuries has decreased by half: in 2017 nationwide about 3.800 children died of injuries, of which more than 2.000 were drowned. On June 26, 2018, the Ministry of Labor, Invalids and Social Affairs (MOLISA) launched the National Program for the Prevention of Child Drownage in Viet Nam for the peroid 2018-2020 with funding from Bloomberg Fund of 2.5 million USD to increase the rate of children swimming and improving the environment of family and community safety for children⁸.
- Violence and child abuse increased in recent years: According to Bureau of Statistics and UNICEF, in 2014 there were more than 4.500 violence and abuse cases, of which 1.544 were children sexually abused. General Department of Police announced at a workshop on July 28th2017 that in five years (2012-2016), the country has recorded more than 8.100 children being victims of sexual abuse. More troubling is that hundreds of children under the age of six were also victims. Only in the first 6 months of 2017, there were 805 cases of child abuse in the country, of which 881 people were identified as perpetrators. The perpetrators' age also went down (those aged 14 to under 18 accounted for 17%). Major causes of child abuse, injury and deaths from injury have not been clarified, due to a lack of policy-driven research in this area. However, a root cause seems to be from the judicial system due to the fact that some cases of child sexual abuse have not been resolved promptly and the trials of the perpetrators are still lacking. For example, in the beginning of 2018, a child sexual abuse case in Ba Vi district in Hanoi lasted for three years and the abuse of children in Hoang Mai district was silent for more than three months, which were only resolved when the Deputy Prime Minister ordered the Hanoi Police to conduct an investigation; or the case of many child molestation in Ba Ria-Vung Tau - went unprosecuted for more than 2 years. Only with the Vietnam President's directive did the Judiciary agents start the trial. However, the lenient verdict has been met with public outcry^{9 10}.

⁸ <https://www.talkvietnam.org/2018/06/molisa-and-bloomberg-join-hands-to-prevent-child-drowning/>

⁹ <https://vietnamnews.vn/opinion/in-the-spotlight/450702/child-sexual-abuse-prevention-needs-to-go-beyond-empty-slogans.html#FASiI2bJ2v6wX86i.97>

¹⁰ <http://english.vietnamnet.vn/fms/society/160071/red-alarm-rung-over-child-sexual-abuse.html>