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Introduction

1) This report focuses on the implementation of accepted recommendations from Viet Nam’s 2nd UPR in 2014 and Viet Nam’s voluntary commitments.

Human Rights Framework

2) Viet Nam has not ratified the International Convention for the Protection of All Persons from Enforced Disappearance (CPED) or the International Convention on the Protection of the Rights of All Migrant Workers (ICRMW), but has shown interest in ratifying the ICRMW as well as ILO Conventions No. 181 and 189.

3) Regarding Special Procedures, Viet Nam has not extended a standing invitation yet. Several requests by Special Rapporteurs remain outstanding. The Special Rapporteurs on the Right to Food and Religion visited in 2017 and 2014 respectively, but the latter faced challenges protecting the confidentiality of some meetings.

4) Viet Nam does not have an independent NHRI. While the Law on Children introduced external oversight over child rights implementation by two state bodies, neither body would comply with the Paris Principles.

Civil and Political Rights

Right to life, liberty and security of the person

5) The revised Penal Code (PC), eliminated the death penalty for eight offenses and retained it for eighteen, some of which are drug-related and do not meet the threshold of “the most serious crimes” provided by the ICCPR. Data on the death penalty is by law a State secret. Nonetheless, a report by the Ministry of Public Security in 2017 showed that Viet Nam executed 429 persons between August 2013 and June 2016, far exceeding previous estimates.

6) The Constitution and the Criminal Procedure Code (CPC) recognize the right to equality before the law, to be presumed innocent until proven guilty, and to a fair and public trial, as well as the right to freedom from arbitrary arrest or detention. However, the CPC allows for severe limitations on due process, leading in some cases to trials falling short of international standards. Persons accused of national security crimes can be detained for a prolonged period without trial. There is no provision allowing the suspect to appeal the pre-trial detention or have its legality reviewed by a court of law.

7) Regarding Human Rights Defenders (HRDs), it is estimated that as of May 2018, between 100 and 150 HRDs are in prison. HRDs are allegedly harassed, attacked, arrested, detained and ill-treated in custody for criticizing the government or its policies, including its management of the Formosa environmental disaster of April 2016 and its consequences. From 2014 to 2017, more than 70 HRDs were arrested and detained, for charges under vague and broad provisions of the PC. The majority have been sentenced, while a few remain in pre-trial detention. These individuals were peacefully advocating for and raising awareness on issues, including democracy, corruption, protection of the environment or freedom of religion.
8) In April 2018, seven HRDs affiliated with the Brotherhood for Democracy were sentenced to between seven and fifteen years imprisonment followed by several years of house arrest\textsuperscript{xii}. In June 2018, two of the seven HRDs were released and exiled to Germany. During the period 2015-2017, the Working Group on Arbitrary Detention adopted opinions on seven HRDs\textsuperscript{xiii} who experienced several human rights violations in detention\textsuperscript{xiv}.

9) The UNCT recommends that a moratorium on executions be immediately imposed and that the Penal Code be amended to further reduce the number of offences for which the death penalty can be imposed, with a view to abolishing the death penalty for all offences by 2023.

10) The UNCT recommends that human rights defenders who were sentenced to prison terms for peacefully expressing their views be released without delay.

 Trafficking
11) Viet Nam has adopted several laws and measures on trafficking in persons (TIP)\textsuperscript{xvii}. TIP, especially women and children, continues to be of serious concern, and gaps remain, including lack of monitoring mechanisms\textsuperscript{xvi}, lack of a clear definition of TIP as compared to international standards, making it difficult to effectively end impunity for those involved in trafficking\textsuperscript{xvii}, challenges in victim referral and inter-sectoral cooperation\textsuperscript{xviii}, lack of capacity and quality data on TIP\textsuperscript{xix}, under-resourced social protection centres for vulnerable groups, including victims of trafficking, and lack of shelters exclusively for male or child victims\textsuperscript{xx}.\n
 Administrative detention centres for people who use drugs
12) There is no official information on the current number of compulsory detention centres and detainees, or on the working and health care conditions and services available in the centres, known locally as 06 Centres\textsuperscript{xx}. Recent policies related to sending people who use drugs dismissed from the methadone treatment to 06 centres, based on urine tests and without proper justification, raise concerns over their human rights and health\textsuperscript{x}.\n
13) The UNCT recommends that Viet Nam sets a firm timetable for closing all compulsory drug detention and rehabilitation centres (06 centres). In the interim, the UNCT recommends that the health of the detainees be ensured, their due process and labour rights respected, and that voluntary, evidence-informed, and rights-based health and social services be provided in the community as alternatives to detention\textsuperscript{xx}.\n
 Administration of Justice, including impunity and the rule of law
14) In recent years, Viet Nam has reviewed and/or adopted several laws related to the justice system, including a new PC and CPC. The 2014 Law on Organization of the People’s Courts established the first specialized children’s court\textsuperscript{xxi}. The revised 2017 Law on Legal Aid expanded the list of beneficiaries\textsuperscript{xxii}. The 2015 Law on Enforcement of Custody and Temporary Detention provided better guarantees for the right to family visits and legal assistance\textsuperscript{xxiii}.

15) The principle of presumption of innocence is now clearly spelt out in the 2013 Constitution\textsuperscript{xxiv} and the revised CPC\textsuperscript{xxv}. The CPC, which came into force in early 2018, also allows for access to counsel at all stages of criminal proceedings, as well as more rights for defendants to present and challenge evidence
and witnesses presented against him or her. The CPC introduces audio and video recordings during interrogations of the accused by investigation authorities in official premises. Special Procedures have in several instances expressed concern at apparent denials of the presumption of innocence in practice.

16) While the independence of judges is guaranteed in law, some judicial positions, such as the Chief Justice and Vice Chief Justice of the Supreme People’s Court are given to members of the Communist Party’s Central Committee.

17) The number of environmental disputes between companies and local communities related to the management of natural resources, as well as air and water pollution has increased in recent years. A recent study demonstrated that state-based dispute resolution mechanisms have not always been effective and that a clear framework for non-state mediation of environmental disputes should be established.

Freedom of expression

18) While the 2013 Constitution protects freedom of expression, restrictions remain. The 2016 Press Law maintains the press under state management, has expanded the list of prohibited acts, which includes several vague and broad provisions such as “distorting history; negating revolutionary achievements; offending the nation and national heroes,” and gives responsibility to journalists to protect the state against unlicensed expressions. The Press Law does not prescribe prison terms for defamation, but various other speech-related offenses are subject to long jail terms under the revised PC. As mentioned above, several provisions of the PC are still used to punish activists for peaceful political dissent.


20) The Law on Cybersecurity was adopted in June 2019. The Government has since issued a Non-Paper explaining, inter alia, that the Law conforms with Viet Nam’s constitution and international treaties to which Viet Nam is a party, that it is essential in today’s context, and that regulations on archiving users’ data in Viet Nam and requiring private telecommunication and internet service providers to open representative offices in Viet Nam are consistent with global and international practices, respectively. While regulating cybersecurity is justified, providers should only be compelled to release user data on a case by case basis subject to thorough judicial review, and regulations in the Law seem to further restrict freedom of expression online, the right to peaceful assembly, and the right to privacy. For instance, the Law prohibits the use of cyberspace to post or disseminate information content opposing the State, prejudicing national security or social order, sabotaging national unity etc. Moreover, it provides sweeping new powers to the authorities, allowing them to force technology companies and service providers to share computer data, including personal information, to deny services and to censor users’ posts without any judicial review.
21) The 2016 Law on Access to Information contains important limitations on the information accessible by citizens. Moreover, only citizens can exercise their right to access information, not legal entities.

22) The UNCT recommends that the Law on Cybersecurity be amended to ensure independent judicial review and fully align with Viet Nam’s human rights obligations, in particular on freedom of expression, peaceful assembly and the right to privacy.

Freedom of association and peaceful assembly, and rights to participate in public and political life
23) Restrictions on the time, place, and manner allowed for persons to assemble peacefully remain in place, allowing the Government to prevent demonstrations on arbitrary grounds. Neither the draft Law on Associations nor the draft Law on Demonstrations have been finalized after long drafting periods.

24) There have been reports of clashes between protesters and the police across Viet Nam in June 2018 in nationwide demonstrations against two bills on Special Economic Zones and Cybersecurity, which led to the arrest of a large number of protesters. The consideration of the bill on Special Economic Zones was later postponed whereas the Cybersecurity Law was passed in June 2018. The Government has indicated that the protests were caused by some extremists and hostile organizations, and that authorities implemented necessary measures in accordance with national laws to, inter alia, ensure social safety and order.

25) No new regulations have been issued on registration of NGOs since the last UPR. In the last two years, civil society organizations (CSOs) have faced tighter monitoring and increased restrictions on their activities. The conditions and procedures for establishing associations and CSOs not affiliated with State mass organizations are complicated.

26) The 2015 Law on the Promulgation of Legal Normative Documents was adopted, requiring public consultation during both the policy making and law drafting stages. Draft laws are posted online for comments. However, their lack of accessibility for certain groups (persons with disabilities, ethnic minority communities, children, those without internet access or low levels of literacy) has meant that electronic participation has not been taken up as widely as expected with the result that there are few comments on the draft documents published on Government websites.

Economic, Social and Cultural rights
Right to work and to just and favourable conditions of work
27) In 2017, the population of Viet Nam aged 15 and above was approximately 72.2 million, with a labour force of 54.1 million employed labourers. A report on the informal economy reported around 18 million informal economy workers in 2016. In compliance with ILO conventions, Viet Nam regulates the minimum age for admission to employment as well as working conditions prohibited for minors. However, the Labour Code only regulates labour standards, rights, obligations, and responsibilities of employees and employers in labour relations. No provision is stipulated on child labour in the informal sector, nor the worst forms of child labour. Importantly, child labour is often observed in situations where there are no labour relations (e.g. in domestic work).
The UNCT recommends that key stakeholders, such as the Vietnam Chamber of Commerce and Industry, the Vietnam General Confederation of Labour and the Vietnam Cooperative Alliance, be included in the upcoming review process of the Labour Code to make it fully compliant with international human rights and labour standards including those related to child labour.

The UNCT recommends that the Labour Code be reformed to ensure gender equality, non-discrimination, freedom of association, the right to organize and collective bargaining rights as well as expanded legal protections for informal workers.

Right to social security and to an adequate standard of living

Viet Nam has made significant progress in poverty reduction and eradication of hunger\textsuperscript{lv}. The entire social protection system has been reformed, and state budget spending on social security is expected to increase\textsuperscript{lxvi}. Generally, the lives of people in poor districts and access to public services and resources have improved\textsuperscript{lxvi}. Nonetheless, around 70 percent of people between 60 and 79 years still do not receive income support from government schemes\textsuperscript{lxvii}.

Poverty reduction has been uneven across population groups and regions in Viet Nam. High levels of chronic poverty persist in ethnic minority (EM) communities and groups such as older persons and non-registered migrants. Despite accounting for just 15 percent of the population, EM people comprise more than 50 percent of the country’s poor, and while the national income poverty rate was 7 percent in 2015, the average poverty rate of EM communities was 23 percent\textsuperscript{lxix}.

A high proportion of Vietnamese remain just above the poverty line, as almost 75 percent of Vietnamese people are in the near poor\textsuperscript{lxx} and low middle income\textsuperscript{lxxi} groups\textsuperscript{lxxi}. New forms of urban poverty have emerged among migrants and informal sector workers due to rapid urbanization and social change\textsuperscript{lxxii}.

Right to health (incl. HIV-AIDS)

Viet Nam met most health-related MDG targets\textsuperscript{lxxiv}. In recent years, the Government has made substantial efforts to strengthen the health system and improve access to services. The health service delivery system is hospital-centric and has left primary care, traditionally much stronger, now under-funded and weak\textsuperscript{lxxv}.

Access to immunization and maternal and child health services has led to a significant reduction in child and maternal mortality rates (MMR)\textsuperscript{lxxvi}. Viet Nam has taken steps to improve access and affordability of services and expand health insurance coverage\textsuperscript{lxxvii}.

Important disparities in health persist\textsuperscript{lxxviii}. There is a 27 percent difference between the poorest and the richest 20 percent in respect of the presence of a skilled birth attendant\textsuperscript{lxxix}. Maternal and child mortality are substantially higher in mountainous areas than lowland areas\textsuperscript{lxxx}. Disparities between the urban and rural population, and between regions regarding obstetrical check-ups are substantial\textsuperscript{lxxxi}.

The UNCT recommends that services should be redesigned in the context of urbanization, population ageing and the growing burden of noncommunicable diseases and care needs, and with
more attention to closing the disparity gap in access to essential services, and to health equity and the protection of patient rights when developing more market-oriented service delivery systems.

37) Viet Nam has made substantial achievements in its response to HIV. In 2016, there were an estimated 250,000 people living with HIV in Viet Nam, 70 percent knew their status, and 47 percent were on Antiretroviral treatment. Though there have been less new HIV infections, new AIDS cases and AIDS-related deaths since 2014, the epidemic has continued to evolve with complex new dynamics, particularly increased new infections among men who have sex with men (MSM), and sexual transmission from males who engage in risk behaviour to their female intimate partners. Moreover, access to HIV services is still limited, especially for prevention services.

38) The UNCT recommends that Viet Nam should allocate further funding to expand evidence-based, comprehensive and sustainable treatment for all people living with HIV, as well as prevention and harm reduction programmes (incl. methadone treatment, needle exchange and condoms), especially for populations at higher risk of HIV (e.g. sex workers, MSM, transgender people, people who inject drugs, and their partners).

Right to education

39) Viet Nam has made considerable efforts to improve education, school enrolment rates are high and the literacy rate was 95 percent in 2016. Human rights are now integrated into the study curriculum of the national education system from pre-school to higher education, as well as in the programmes for law enforcement officials and the judiciary.

40) Children with disabilities still show clear disadvantages in education with very low enrolment rates. Reasons include discriminatory behaviour and attitudes towards children with disabilities, narrow conceptualization of inclusive education, incompatible existing legislation, and a lack of monitoring and evaluation of legislative implementation.

41) Household socio-economic status contributes to educational disparities, especially in terms of the resources households devote to tutoring, study support, and extra payments, placing poor children at a disadvantage.

42) The UNCT recommends that Viet Nam accelerates improvements in access to quality education, especially for people from disadvantaged and vulnerable backgrounds, including by investing in facilities and teaching and learning aids for children with disabilities.

Cultural rights

43) The Government provides support to the arts. Space for artistic freedom has also increased. Despite more openness, artists are still sometimes limited from dealing with “sensitive” social and political issues straightforwardly leading to practices of self-censorship. Artistic freedom was raised as a key concern by the Special Rapporteur on Cultural Rights in 2013.

44) Artists must apply for permits for public art exhibitions. In many cases, particularly of contemporary arts exhibitions, the deciding local government officials reject applications without providing sufficient reasons for artists.
45) The customary rights of local people, especially ethnic groups at World Heritage sites and Protected Areas are still insufficiently protected, as evidenced in the case of the Ruc and Arem people at Phong Nha-Ke Bang National Park. The strictly protected zones are limited to eco-tourism activities, ignoring the cultural use of the area and the rights of traditional stewards in taking part in decision making processes about their current use and development. Despite park authorities’ informal attempts to recognize the importance of customary livelihoods, the adoption of effective and official mechanisms is necessary\textsuperscript{xcvii}.

46) The UNCT recommends that customary rights be officially recognized in Protected Areas, including World Heritage sites, with regulations revised and applied in a systematic manner towards ensuring more equitable participatory and governance mechanisms.

Rights of specific persons or groups

Women

47) Overall, Viet Nam has made significant progress in closing gender gaps in areas such as health and education\textsuperscript{xcviii}. However, there is a lack of effective coordination and resources for implementation, as well as weak data collection\textsuperscript{xclx} and monitoring\textsuperscript{c}.

48) The representation of women in the National Assembly for the 2016–2021 term is 26.7 percent\textsuperscript{cii}. Despite a high share of female civil servants, only a small proportion hold decision-making positions\textsuperscript{ciii}, and ethnic minority women remain politically under-represented\textsuperscript{ciii}.

49) Women are subject to an earlier retirement age\textsuperscript{civ} and earn lower pensions\textsuperscript{cv}. A study revealed that one in five postings included gender requirements and among those, up to 83 percent of management positions and all director positions required male applicants\textsuperscript{cvi}. As per the law, women are denied access to 77 occupations: 38 types of jobs are prohibited on the basis of sex and an additional 39 types of jobs are prohibited for pregnant women and women with children under 12 months\textsuperscript{cvii}.

50) The forthcoming 2019 labour code revision will likely include a gradual narrowing of the retirement age gap between men and women as well as a reduced number of occupations for which the ban on women applies.

51) The UNCT recommends that Viet Nam, in the forthcoming 2019 Labour Code revision, moves towards equalizing the retirement ages for women and men, and addresses the gender-based occupational segregation.

52) The UNCT recommends that Viet Nam takes measures to ensure ethnic minority women are well represented at all levels of decision-making.

53) Viet Nam has made efforts to reduce Gender-Based Violence (GBV) and Domestic Violence (DV)\textsuperscript{cviii}; nonetheless, too much emphasis on mediation remains. Preserving “family harmony” remains a key factor, making women hesitant to report DV\textsuperscript{cx}. Sexual harassment and violence in public spaces is still prevalent with 87 percent of women and girls surveyed in Ha Noi and Ho Chi Minh City reporting having
experienced some form of sexual harassment in public places\textsuperscript{cx}. Sexual harassment in public is not explicitly prohibited.

54) Misconceptions about sexual violence often prevent women from reporting it, and even when women report incidences of sexual violence, attrition rates are high at all stages of the criminal justice process\textsuperscript{cxi}. While efforts have been made to broaden the PC definition of rape\textsuperscript{cxii}, a minimum degree of physical injury is still required as evidence, even though 76 percent of victims do not have visible injuries\textsuperscript{cxiii}. Not all forms of violence against women are prohibited (e.g. stalking\textsuperscript{cxiv}).

55) Child, early, and forced marriage continues to be a persistent issue with one-in-ten women aged 20-24 years in 2014 found to be married or in union before their 18th birthday\textsuperscript{cxv}. Girls from socio-economically disadvantaged backgrounds are more likely to be married early, with the percentage of early marriage for ethnic minority girls rising to a significant 27 percent\textsuperscript{cxvi}.

56) The UNCT recommends that Viet Nam prohibits all forms of violence against women, and strengthens women’s access to justice.

57) The UNCT recommends that Viet Nam effectively implements the law prohibiting child, early and forced marriage and strengthens efforts towards a multi-sectoral holistic response.

58) The sex-ratio imbalance increased from 2009 to 2016\textsuperscript{cxvii}. Son-preference constitutes the primary factor behind sex selection and stems from a kinship system where girls and women have marginal social, economic and symbolic positions. Other factors include the increased accessibility of sex selective technologies and low fertility rates, compelling parents who want both a son and a small family size to resort to sex selection.

59) The UNCT recommends that government addresses the root causes of son-preference and the misuse of medical technologies for sex selection without curtailing women’s access to safe abortion services.

Children

60) Viet Nam adopted a new Law on Children in 2016 to strengthen prevention and protection of all children from all forms of violence, and established a national committee on children. It has also adopted alternative measures to the deprivation of children’s liberty with the approval of the 2013 Law on Handling of Administrative Violations and revision of the PC\textsuperscript{cxviii}. However, implementation remains a concern as there is often insufficient allocation of resources, and gaps remain in terms of creating effective reporting mechanisms as well as in raising public awareness and changing attitudes\textsuperscript{cxix}.

61) Importantly, the definition of the age of the child as a person under 16 years in the Law on Children whilst the age of majority is defined as a person above 18 years\textsuperscript{cx}x creates significant gaps for children aged 16-17 years, especially victims of child labour, trafficking, children facing deprivation of liberty, and other vulnerable groups who face limited access to welfare, justice, and protection services.

62) The UNCT recommends that Viet Nam changes the definition of the age of the child to under-18 years in line with the Convention on the Rights of the Child.
63) Although perceptions and practices of care and protection have improved, large numbers of children continue to experience various forms of neglect, abuse, violence, and exploitation. Violent discipline is wide-spread and almost 68.4 percent of children aged 1-14 reported experiencing some form of violence at home by their parents or caregivers. More than half of all surveyed students in schools reported experiencing at least one kind of school related violent behaviour in the last 6 months.

64) While significant progress has been made in child justice, detention of children in conflict with the law is still common, and children continue to face obstacles in accessing a fair, timely and effective remedy and individualized support to address the multi-faceted risk factors contributing to offending and victimization.

Persons with Disabilities

65) 15 percent of the population has disabilities, and Viet Nam has continued steps to meet the needs and preferences of persons with disabilities (PwD), recognizing their difficult social and economic conditions. Challenges remain in implementing policies and laws in accordance with the Convention on the Rights of Persons with Disabilities (CRPD), including infrastructure, human resources and access to services such as rehabilitation at district and commune levels. There is a general lack of data on efforts to ensure accessibility.

66) The current social protection services focus on institutional care as the main solution to vulnerability due to disability, with children with disabilities accounting for most children living in institutions.

67) PwD face discrimination in education and employment as well as limited access to health care. General lack of knowledge on the rights of PwD among Government officials, and lack of mechanisms to hold Government agencies accountable are key challenges. In this regard, capacity-building among health workers on non-discrimination and supporting financial incentives for developing and maintaining health services that are inclusive of PwD are encouraged.

68) Importantly, the definition of PwD in the Law on Persons with Disabilities is not in line with the CRPD as it refers to "a person who is impaired in one or more body parts or suffers functional decline manifested in the form of disability which causes difficulties to his/her work, daily life and study."

69) The UNCT recommends that Viet Nam amends the Law on Persons with Disabilities to align with the CRPD, in particular on the definition.

Ethnic Minorities

70) Viet Nam’s 53 ethnic minority (EM) groups, comprising over 13 million people, are concentrated in mountainous and remote areas.

71) Viet Nam has implemented measures to improve access to education for children from EM communities. Overall, though the out-of-school rate of EM children has dropped, it remains substantially higher than for other children. EM communities remain poorer and more illiterate, and face numerous barriers in accessing resources.
Regarding bilingual education, the 2005 Law on Education ensures teaching and learning of spoken and written languages of ethnic minorities. Also, the 2018 revised general education curriculum emphasizes the importance of ethnic minority language teaching. The Law on Education does not explicitly mention bilingual education which is not formally provided as part of the curriculum. Instead, ethnic minority languages are taught as a subject.

The UNCT recommends that Viet Nam enhances targeted interventions to address the particular needs of ethnic minority women and men, girls and boys, through improved investment in literacy, education, and vocational training, so that they are not left behind.

LGBT
A gradual awareness and openness of policy makers to address LGBT issues can be noted since 2014, resulting in a slight decrease of social stigma attached to LGBT. While the Constitution stipulates that discrimination based on gender is strictly prohibited, no law explicitly prohibits discrimination based on sexual orientation and gender identity and expression (SOGIE). LGBT persons continue to face problems in the educational system with higher risk of victimization, GBV and bullying than their peers, and school safety remains a major concern.

The UNCT recommends that comprehensive sexuality education and awareness of sexual orientation and gender identity issues be made compulsory in the school curriculum by 2021.

The Civil Code revision in 2015 included the right to change one’s legal gender marker. To implement this provision, a new Law on Gender Affirmation has been drafted by the Ministry of Health in consultation with the transgender community. However, the current draft law constrains the right to legal recognition of one’s self-defined gender by seemingly requiring applicants to have undergone medical interventions, psychological assessment, being single and over 18 years old. It is not clear when the draft Law will be tabled at the National Assembly.

The UNCT recommends that the Law on Gender Affirmation be adopted as soon as possible and be consistent with international human rights standards to enable transgender persons to change their legal gender marker.

Discrimination against sex workers and people living with HIV (PLHIV)
HIV-related stigma and discrimination have been widely reported to be a major barrier to HIV service uptake by PLHIV and other key populations.

Punitive approaches, such as administrative penalties for sex workers and their clients, are still followed, leading to further discrimination of already marginalized groups. There are also reports of, on some occasions, arbitrary arrests, detention of, and violence against, sex workers, which in addition to the violation of their human rights, also increases their vulnerabilities to HIV.

The UNCT recommends that the current draft Law on Sex Work adopts a human rights-based approach instead of focusing on prevention and control; removes administrative and criminal sanctions for activities related to sex work, and; furthers sex workers’ access to legal, health and social services.
Migrants

81) In 2014 there were more than 700,000 internal migrants aged 15 and older, nearly 82 percent of whom participated in the labour force\textsuperscript{cxlvi}. It is likely that the number of migrant workers going abroad will continue to rise\textsuperscript{cxlvii}. Viet Nam\textsuperscript{cxlviii} is implementing policies to encourage labour migration as a poverty reduction strategy\textsuperscript{cxlix} and creating incentives for people from poor districts to work overseas\textsuperscript{cl}. While it should be noted that Viet Nam experienced rapid economic growth in general, migration was found to have a significant impact on poverty reduction, reducing those living below the poverty line by 17 percent\textsuperscript{clii}.

82) While monetary incentives effectively increase migration in poor areas, it is of concern that they encourage the most vulnerable populations to migrate, including EMs with very limited educational backgrounds.

83) Many workers still use irregular and unsafe channels due to complex recruitment procedures or costly processes, which risk pushing workers into a circle of endless debt and exploitation, placing female migrant workers at a much higher risk of being trafficked for sexual and/or labour exploitation.

84) While the Government enforces the regulation on minimum wage among employers of migrant workers, the lack of registration status increases their cost of living, cost of schooling for their children as they face difficulty in accessing public schools, public child care options in industrial zones where migrant workers live, and health care services for children. For example, pre-school facilities in industrial parks and export processing zones in cities such as Ho Chi Minh City only meet 2 percent of workers demand and many children, especially migrant children are either not attending schools or studying at low quality institutions\textsuperscript{cli}.

85) The UNCT recommends that the Law on Vietnamese Guest Workers be revised to make the migration process more transparent and beneficial for migrant workers. The revised law should also better address reintegration support for returned migrant workers in terms of harnessing their skills acquired abroad and job introduction/creation.

86) Moreover, the UNCT recommends that Viet Nam ratifies the ICRMW, and ILO Conventions 97, 143, and 181 to protect the rights of migrant workers.

Older Persons

87) Viet Nam is among the most rapidly ageing countries in the world\textsuperscript{cliii}. The rights of older persons have been reflected in law and policies, such as the 2009 Law on Older Persons and the National Program of Action on Older Persons 2012-2020\textsuperscript{cliv}. However, those rights are not fully realized in practice due to weak enforcement and less effective policy implementation\textsuperscript{clv}.

88) Older persons face discrimination, abuse, neglect and violence. However, there is lack of data and information on this to inform relevant policy development. In 2011, about 10 percent of older persons reported that they have been poorly treated by their family members\textsuperscript{clvi}. Further, the fact that older persons have limited income may cause them to be financially dependent\textsuperscript{clvii}, thus leading to various types of discrimination and abuse of older persons.
89) Access of older persons to quality health and care is still limited\textsuperscript{clviii}. Health insurance only covers a certain level of health care services for older persons resulting in very high out-of-pocket spending on health care\textsuperscript{clix}. The health system cannot meet the care needs, including social care needs of older persons, especially in a context of more older persons living alone.

90) The UNCT recommends that Viet Nam reviews and revises its labour market policies (including access to life-long learning) to improve access to employment for older persons.

Business and Human Rights

91) The increasing impact of the private sector on the enjoyment of human rights has resulted in the exacerbation of existing human rights violations and in some cases new violations, including in protecting labour rights and the rights of migrant workers in the supply chain, environmental degradation and adverse impacts on the right to health, land grabs and forced relocation, women’s rights, children’s rights (in the workplace, marketplace and community)\textsuperscript{clx}, and protecting the freedom of expression online\textsuperscript{clxi}.

92) The UNCT recommends that Viet Nam takes steps to develop a National Action Plan on business and human rights in 2019, which includes capacity building of government officials on how governments can ensure that all business activity respects human rights through laws, policies, research, monitoring, awareness raising, and remedies\textsuperscript{clxii}. 
i During the 2nd UPR, Viet Nam received 227 recommendations, accepting 182 and noting 45.
ii Despite accepting recommendations on the CPED and ICRMW during the 2nd UPR (such as Nos. 143.18., 143.19., 143.21., 143.22, and 143.23), Human Rights Council, Report of the Working Group on the Universal Periodic Review - Viet Nam, A/HRC/26/6.
Viet Nam accepted recommendation no. 143.28. in the 2nd UPR to consider ratifying other pending fundamental ILO conventions such as No. 189. Human Rights Council, Report of the Working Group on the Universal Periodic Review - Viet Nam, A/HRC/26/6.
vi E.g. The Special Rapporteurs on torture; extrajudicial, summary or arbitrary executions; slavery; education; disability; freedom of expression; freedom of assembly; Human Rights Defenders (HRDs) and; migrants. See http://spinternet.ohchr.org/\_Layouts/SpecialProceduresInternet/ViewCountryVisits.aspx?Lang=en.
viii During the 2nd UPR Viet Nam generally accepted recommendations to establish an NHRI (nos. 143.36.-39., and 143.51.) but noted recommendations to establish the NHRI according to the Paris Principles (nos. 143.40.-42.) (Human Rights Council, Report of the Working Group on the Universal Periodic Review - Viet Nam, A/HRC/26/6). Viet Nam also voluntarily committed to possibly establish an NHRI (Viet Nam’s voluntary commitments as a member of the Human Rights Council No. 3, Note verbale dated 27 August 2013 from the Permanent Mission of Viet Nam to the United Nations addressed to the President of the General Assembly, A/68/312).

Viet Nam has established a national Human Rights Steering Committee under Decision of the Prime Minister 63/2004/QD-TTg dated 16 April 2004 (http://khpl.moj.gov.vn/ql/tintuc/Lists/CacAnPham/Attachments/22/Thong\%20tin\%20so\%20082016.pdf), which includes representatives from the key ministries and agencies and is mainly responsible for coordinating human rights activities and submitting strategies, plans, projects, and programs on human rights to the Government.

ix The Law on Children (Article 77) incorporated provisions about the new roles of the Youth Union to represent children and monitor government's implementation of children's rights. This progressive development created a new institutional mechanism in understanding and addressing children's concerns. The Law on Children (Article 91) also articulates the role of the Fatherland Front and its members to supervise, critique, and provide advice and proposals to state authorities to establish and implement policies and laws relating to children. Children Law, Law No. 102/2016/QH13, Hanoi 2016.
x The revised PC was effective from January 2018, however, the provisions on death penalty took effect immediately as of 27 November 2015.
xi During the last UPR, Viet Nam generally accepted to restrict the use of the death penalty but noted to abolish, establish a moratorium on or publish figures on the use of the death penalty. See recommendations nos. 143.5.-6, and 143.89.-113. Human Rights Council, Report of the Working Group on the Universal Periodic Review - Viet Nam, A/HRC/26/6.

xii Including surrendering to the enemy, opposing order, destruction of projects of national security importance, robbery, drug possession, drug appropriation, and the production and trade of fake food. The Penal Code 2015 revised 2017 also completely removed the offence on conducting banditry activities, which had the death penalty. Moreover, those aged 75 years or older will be exempt, and officials convicted of corruption charges can be spared if they pay back at least 75 percent of the profits they illicitly obtained. Penal Code, Law No. 100/2015/QH13, 27 November 2015 http://www.wipo.int/wipolex/en/text.jsp?file_id=446020, accessed 20 May 2018). This report, for ease of reference, refers to English translations of the Vietnamese documents, however, it should be noted that Vietnamese versions takes precedence in the application of the law.

xiv Until that report, there was no reliable figure on the number of executions carried out each year or the number of detainees on death row. The report on the “Five-year Implementation of the Law on Execution of Criminal Judgements within Police
**Legal Gap Analysis of Anti-Trafficking Legislation in Vietnam, Liberty Asia and Blue Dragon, 2018**

2018).

After nearly 5 years of implementation of the Drug Rehabilitation Renovation Plan introduced in 2013 with an aim to reduce the number of compulsory detention centres, known locally as 06 Centres. Decision 2596/DQ-TTg by the Prime Minister dated 27 December 2013 on Drug Rehabilitation Renovation Plan.


Resolution No. 77/2014/QH13 dated 10 November 2014 by the National Assembly on the formation of Center for receiving drug addicts for detoxification and psycho counselling during case preparation period and Decree No. 56/2016/ND-CP dated 29 June 2016 of the Government on the application of the measure of education in communes, wards or townships and Decree number 90/2016/ND-CP dated 1st July 2016 on methadone treatment.


The Family and Juvenile Court is established under Law on People’s Court Organization, Articles 30, 38, and 45.


Art. 9 prescribes the basic rights of detainees to meet their relatives and defense counsels and have consular access or meet their lawful representative to conduct civil transactions. Moreover, detainees are entitled to guidance on, explanation about, and exercise of, the right to defend themselves or ask for defense or legal aid from others. Notably, Article 22 provides in detail for the implementation of the right to family visits and legal assistance. Law No. 94/2015/QH13 dated 25 November 2015, Law on Enforcement of Custody and Temporary Detention (http://vbpl.vn/tw/Pages/vbpgen-toanvans.aspx?ItemID=11047 accessed on 28 May 2018).

Article 31(1).

Moreover, bureaucratic obstacles in place for decades that prevented timely access by lawyers to arrested persons in custody have been reduced. The CPC also states that arrested persons do not have to confess, although it does not explicitly and clearly provide for the right to remain silent. Police officers and other state agents who place people in custody now have an obligation to inform the accused of their rights under the law and the constitution (Articles 58.1e; 59.2c; and 61.2h, 2015 CPC). More people facing deprivation of liberty are also eligible for free legal counsel (Article 76, 2015 CPC).

Such as detention facilities or the offices of investigation authorities or units assigned to investigate (art. 183 CPC).


See for example regulation No. 105-QD/TW of the Central Committee of the Vietnam Communist Party dated December 19, 2017 on devolving of personnel management, personnel appointment and personnel recommendation for election, which regulates that some positions in the judiciary are decided to nominate for election by the Communist party. See http://dangcongsan.vn/Portals/0/Documents/105/Quyet-dinh-105-QD-BCT-pdf.pdf, accessed at 28 May 2018.

Viet Nam accepted recommendations during the 2nd UPR to strengthen the judiciary based on the principle of independent judges and prosecutors (No. 143.130) as well as on pursuing judicial reforms and strengthening the judicial system (Nos. 143.131 and 143.132). Human Rights Council, Report of the Working Group on the Universal Periodic Review - Viet Nam, A/HRC/26/6.


Article 9(4). Other examples include “propagandizing depraved lifestyles [...] providing information unsuitable to the fine traditions and customs of Vietnam” (art. 9(7)), or “distorting, defaming or negating the people’s administration” (art. 9(1)a).


That is, to protect the viewpoints, line and policies of the Party and policies and laws of the State; to discover, propagandize and protect positive factors; to prevent and fight against wrongful ideas and acts. Article 25(3)b, Law No. 103/2016/QH13 of April 5, 2016, on the Press (http://www.wipo.int/wipolex/en/text.jsp?file_id=447193, accessed 20 May 2018).

Article 117 provides up to 20 years in jail for producing and disseminating distorted information, aimed to oppose the State. Article 116 provides up to 15 years in jail for sabotaging implementation of solidarity policies, sowing division, causing hostility, etc. Penal Code, Law No. 100/2015/QH13, 27 November 2015 (http://www.wipo.int/wipolex/en/text.jsp?file_id=446020, accessed 20 May 2018).


During the 2nd UPR Viet Nam accepted recommendations to protect freedom of the internet in general (Nos. 143.4, 143.146, 143.157, 143.158, 143.159, 143.164, 143.165, 143.170, and 143.171) and specifically to revise Decrees 02 (No. 143.153), 72 (Nos. 143.153, 143.154, 143.155, and 143.161) and 174 (No. 143.154). Human Rights Council, Report of the Working Group on the Universal Periodic Review - Viet Nam, A/HRC/26/6.

While 02/2011/ND-CP on handling of administrative violations in press and publishing activities (http://vbpl.vn/tW/Pages/vbpqen-toanvan.aspx?ItemId=10563, accessed 22 May 2018) was amended by the Decree No. 159/2013/ND-CP providing for Administrative Penalties for Violations Arising in the Realm of Journalism and Publishing (http://www.wipo.int/wipolex/en/details.jsp?id=17253, accessed 22 May 2018), the administrative violations provided for in the new Decree were kept the same as provided for in the Decree 02/2011, thus the issues addressed in the recommendations were not resolved.

The Law on Cybersecurity was approved by the National Assembly on 12 June 2018. However, the law has not been promulgated by the President yet. Below is the link to the latest draft law available at the time of writing.


Non-Paper on file with the UNCT, June 2018.

During the 2nd UPR, Viet Nam, inter alia, accepted two recommendations on promoting a legal, administrative, and fiscal framework to encourage strengthening NGOs (No. 143.169) and taking concrete steps to create a friendly environment for NGOs, including by easing their registration requirements (No. 143.174). Human Rights Council, Report of the Working Group on the Universal Periodic Review - Viet Nam, A/HRC/26/6.

Viet Nam has ratified Convention No. 138 (1973) concerning Minimum Age for Admission to Employment in June 2003 setting the age of 15 years as the general minimum age for admission to employment in conformity with international standards and limiting admission to work of children under 15 years to certain categories of jobs and work. The Labour Code defines an employee whose age is below eighteen years as a minor employee and Viet Nam has set out a list of heavy, hazardous, dangerous work and unsafe working conditions that are prohibited for employment of minor workers under eighteen years (see Circular No. 10/2013/TB-LDBTHB dated 10 June 2013 issued by the MOILSA after presiding over coordination with the Ministry of Health in compliance with the 1999 ILO Convention 182 (http://www.ilo.org/dyn/natlex/docs/ELECTRONIC/94648/111116/F1763762476/VNM94648%20Vnm.pdf, accessed 27 May 2018))


26 percent with income from USD 2-4 (2005 PPP) per person per day. Ibid.

48 percent with income from USD 4-10 (2005 PPP) per person per day. Ibid.


As these groups do not have sufficient access to social protection and social services as these are often provided based on residential registration. Ibid.
In response, the Government of Viet Nam approved Resolution 20 in October 2017 on the protection, care and improvement of people’s health (Central Committee Communist Party of Viet Nam. Resolution of the sixth plenary session; the 12th party central committee on the protection, care and improvement of people’s health in the new situation. Hanoi: Government of Viet Nam; 2017). This Resolution calls for more investment in primary health care, aiming to reorient Viet Nam’s health system towards the prevention of ill health and the provision of care that is at the ‘grass roots’ (i.e. closer to the community) (see statement of Dr Kidong Park on the occasion of Launching Conference on Implementation of Model to Strengthening Health Care at Grassroots Level in 20 Commune Health Stations. Manila: WHO Regional Office for the Western Pacific; 2017 - http://www.wpro.who.int/vietnam/mediacentre/speeches/2017/who_vtn_speech_health_care_capacity_at_grassroots_level_en/).

According to the 2016 population change and family planning survey, while the rate of obstetrical check-up for 3 times or more were 94.1 percent for the urban population, it was only 85.5 percent for the rural population and there were large differences between regions with the highest rate in the Red River Delta (95.9 percent) and the lowest in the Northern Midlands and Mountains (74.8 percent). General Statistics Office, 2017. The Major Findings differences between regions with the highest rate in the Red River Delta (95.9 percent) and the lowest in the Northern


The 1/4/2016 time testing and counselling, or decentralizing ARV and methadone treatment services to grassroot level and introduction of Pre-exposure prophylaxis as a new HIV option – Ministry of Health Decision 5418/QD-BYT dated 1st December 2017 on the issuance of new HIV Treatment and Care Guidelines (http://emoh.moh.gov.vn/publish/home?documentId=6835). In July 2015, national guidelines introduced the recommendation that all pregnant women living with HIV receive Antiretroviral Therapy (ART), which is an important step to reduce transmission of HIV from mother to child and to contribute to a reduction in the country’s child mortality rate.


households in the bottom quintile. There is evidence that tutoring is a significant predictor of pupil’s academic grades, even


> Viet Nam’s HIV response, Hanoi: WHO; 2017


Moreover, according to the intimate partner transmission study from 2012, nearly 54 percent of infections among all women in Viet Nam can be solely attributed to the risk behaviour(s) of their male sexual partners, and that condom use by men who inject drugs is particularly inconsistent when a woman does not know her partner’s HIV status. Measuring Intimate Partner Transmission of HIV in Viet Nam, A data triangulation exercise. UNAIDS, UN Women, Ha Noi, 2012. (https://www.researchgate.net/publication/278668153_Measuring_intimate_partner_transmission_of_HIV_in_Viet_Nam_a_d_data_triangleation_exercise_Travis_Lim_Tran_Tien_Dat_and_Tran_Hung_Minh).


During the second UPR, Viet Nam accepted several recommendations on human rights education in the curriculum (inter alia, Nos. 143.58, 143.59, and 143.62) (Human Rights Council, Report of the Working Group on the Universal Periodic Review - Viet Nam, A/HRC/26/6) and expressed a voluntary commitment (Viet Nam’s voluntary commitments as a member of the Human Rights Council No. 5, Note verbale dated 27 August 2013 from the Permanent Mission of Viet Nam to the United Nations addressed to the President of the General Assembly, A/68/312).


Households in the top income quintile spend more than 6.5 times as much per student on tutoring and study support than households in the bottom quintile. There is evidence that tutoring is a significant predictor of pupil’s academic grades, even


xcvi During the second UPR, Viet Nam accepted several recommendations on women’s rights and gender, inter alia, Nos. 143.48, 143.55, 143.56, 143.80, 143.81, 143.82, 143.83, 143.84, 143.85, 143.87, 143.119, and 143.179. Human Rights Council, Report of the Working Group on the Universal Periodic Review - Viet Nam, A/HRC/26/6 and expressed a voluntary commitment (Viet Nam’s voluntary commitments as a member of the Human Rights Council No. 4, Note verbale dated 27 August 2013 from the Permanent Mission of Viet Nam to the United Nations addressed to the President of the General Assembly, A/68/312).


xcvii In 2015, the CEDAW Committee noted the general lack of disaggregated data that are necessary for an accurate assessment of the situation of women and identification of discrimination, for informed and targeted policymaking, and for the systematic monitoring and evaluation of progress achieved towards the realization by women of substantive equality. It recommended that the State party enhance the collection, analysis and dissemination of comprehensive data, disaggregated by sex, age, disability, ethnicity, location and socioeconomic status, and the use of measurable indicators to assess trends in the situation of women and progress towards the realization by women of substantive equality in all areas covered by the Convention. See, Concluding observations on the combined seventh and eighth periodic reports of Viet Nam, CEDAW/C/VNM/CO/7 (http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW%2FC%2fVNM%2fCO%2f7-8&Lang=en, accessed 22 May 2018).


cn In 2016, Viet Nam launched the first National Thematic Project on preventing and responding to gender-based violence for the period from 2016 to 2020 and vision to 2030. It aims at improving mechanisms and policies to prevent and respond to GBV to strengthen law enforcement and ensuring a service system for preventing and responding to GBV. Prime Minister Decision No. 1464 / QD-Ttg, dated July 22, 2016.


The Trial of Rape: Understanding the criminal justice system response to sexual violence in Thailand and Viet Nam (2017) UN Women, UNDP, UNODC


By adding “other sexual activities” as a constituent element of rape and forced sex crimes in addition to “sexual intercourse”, see the revised Penal Code art. 141. Penal Code, Law No. 100/2015/QH13, 27 November 2015


The Trial of Rape: Understanding the criminal justice system response to sexual violence in Thailand and Viet Nam (2017) UN Women, UNDP, UNODC


The CEDAW Committee has also recommended Viet Nam to revise the Penal Code and the Criminal Procedure Code to criminalize all forms of violence against women, including marital rape, dating violence, violence in public spaces and sexual harassment. UN Committee on the Elimination of Discrimination against Women (CEDAW Committee). 2015. Concluding observations on the combined seventh and eighth periodic reports of Viet Nam, CEDAW/C/VNM/CO/7-8, 24 July 2015


The sex ratio at birth increased from 110.5 by 2009 to 112.2 by 2016 according to the annual Population Change and Family Planning Survey 2016


During the 2nd UPR, Viet Nam accepted a number of recommendations on the rights of the child, inter alia, Nos. 143.47, 143.48, 143.54, 143.55, 143.56, 143.85, 143.120, 143.121, 143.123, 143.125, 143.126, 143.194, 143.197, and 143.206. Human Rights Council, Report of the Working Group on the Universal Periodic Review - Viet Nam, A/HRC/26/6 and made a voluntary commitment (Viet Nam’s voluntary commitments as a member of the Human Rights Council No. 4, Note verbale dated 27 August 2013 from the Permanent Mission of Viet Nam to the United Nations addressed to the President of the General Assembly, A/68/312).


See General Statistics Office and UNICEF, 2015. Viet Nam Multiple Indicator Cluster Survey 2014: Around 20 percent of girls and boys aged eight reported being physically punished in school (UNICEF Innocenti Research Brief 2016-06). Undermining learning: Multi-Country Longitudinal Evidence on Corporal Punishment in School); Around 16 percent of children (equivalent to 1.7 million) aged 5-17 are considered child labourers of which 7.8 percent work in hazardous conditions. 2,870 cases of child sexual abuse, primarily against girls, were reported between 2013 and 2014 (MOLISA, Children Indicators in Vietnam 2013-2014, Ha Noi 2015).

See General Statistics Office and UNICEF, 2015. Viet Nam Multiple Indicator Cluster Survey 2014: Around 20 percent of girls and boys aged eight reported being physically punished in school (UNICEF Innocenti Research Brief 2016-06). Undermining learning: Multi-Country Longitudinal Evidence on Corporal Punishment in School); Around 16 percent of children (equivalent to 1.7 million) aged 5-17 are considered child labourers of which 7.8 percent work in hazardous conditions. 2,870 cases of child sexual abuse, primarily against girls, were reported between 2013 and 2014 (MOLISA, Children Indicators in Vietnam 2013-2014, Ha Noi 2015).

UNICEF, Reaching Out - Preventing and Addressing School-related Gender-Based Violence in Viet Nam, Volume 1, 2016


Inter alia, the introduction of community-based options for children in conflict with the law in the law on Handling of Administrative Violations (broadening the scope of diversion and alternatives to detention for juvenile offenders

http://vbpl.vn/TW/Pages/vbpgen-toanvvan.aspx?ItemID=11014), the provision of child and gender-sensitive criminal proceedings in the Criminal Procedure Code, expanding the scope of legal aid to cover more children, and the creation of Viet Nam’s first ever specialized children’s court (Family and Juvenile Court). Other changes to criminal policy applicable to juvenile offenders include changes to criminal records for juvenile offenders to facilitate better reintegration, and the introduction of parole as a new mechanism for early release of juvenile offenders in detention (See the Law on Handling of Administrative
Violations, Chapter II Part V; Legal Aid Law, Article 7; Criminal Procedure Code, Chapter XXVIII; Law on People’s Court Organization, Articles 30, 38, and 45; and the Penal Code Chapter XII).

Key bottlenecks include weak coordination and lack of strategic planning, limited capacity and lack of specialization, lack of community-based services, limited awareness and support from the public and communities, and the lack of reliable and systematic data collection and analysis (See for example, Raoul Wallenberg Institute, A measure of last resort? The current status of juvenile justice in ASEAN member states, 2015).

As measured with the International Classification of Functioning, Disability and Health according to Factsheet on Inclusion of People with Disabilities in Viet Nam, ILO, 2013 (See the link: http://www.ilo.org/wcmsp5/groups/public/---ed_emp/---ifp_skills/documents/publication/wcms_112407.pdf).

During the 2nd UPR, Viet Nam accepted several recommendations on the rights of persons with disabilities (inter alia, Nos. 143.20, 143.48, 143.54, 143.55, 143.56, 143.205, 143.206, and 143.207. Human Rights Council, Report of the Working Group on the Universal Periodic Review - Viet Nam, A/HRC/26/6) and expressed voluntary commitments (Viet Nam’s voluntary commitments as a member of the Human Rights Council No. 4 and 14, Note verbale dated 27 August 2013 from the Permanent Mission of Viet Nam to the United Nations addressed to the President of the General Assembly, A/68/312).


Children with disabilities normally live in institutions long-term. Many staff caring for children in institutions do not have appropriate training and skills to support children to reach their full potential development. Such an “institutionalized” child protection system can create space for further violations of children’s rights and can also create an incentive for poor families with a family member with disability to place them into the institutions to access specialized services. There is a lack of community-based support services for children with disabilities and their families. Communications for development interventions to empower and engage with children with disabilities remain under-utilized to promote their rights. See generally, MOLISA & UNICEF, Creating a Protective Environment for Children in Viet Nam: An assessment of Child Protection Laws and Policies, Especially Children in Special Circumstances in Viet Nam, 2009; UNICEF EAPRO, Situation Assessment of Children with Disabilities in Viet Nam, 2017.

According to the study "Ending Stigma" conducted by ISEE under the support from UNDP in 2017, the public stigma against PwD was rather common in education and employment. PwD also had limited access to healthcare services (Ending stigma: Assessment from the perspectives of People with Disabilities, ISEE and UNDP, 2017 (http://isee.org.vn/Content/Home/Library/509/ending-stigma-assessment-from-the-perspectives-of-people-with-disabilities_.pdf). Access to employment for PwDs is limited due to their limited skills and strength, social stigma and loss of self-confidence; infrastructure prevents people with disabilities from accessing the workplace (ILO, ISEE, UNDP report on discrimination at workplace July 2017).


commitments as a member of the Human Rights Council No. 4, Note verbale dated 27 August 2013 from the Permanent Mission of Viet Nam to the United Nations addressed to the President of the General Assembly, A/68/312.


Following the MDGs, the Government of Viet Nam issued ethnic minority-related Millennium Development Goals (MDGs) in line with post-2015 Sustainable Development Goals (SDGs) (Prime Minister's Decision No.1557/QD-TTg dated 10/9/2015). At the same time, Viet Nam has introduced several education policies providing incentives for poor children in rural, remote and EM areas to help narrow equity gaps. Decree 86/2015/ND-CP on policies for exemption and reduction of tuition fees from school year 2015-2016 to 2020-2021; Decree 116/2016 /ND-CP on financial support for students and secondary schools at communes and villages in extremely disadvantaged areas, and the Decree 57/2017/ND-CP on financial support for kindergarten children and students of rare ethnic minority groups. Decision No. 2356/QD-TTg, dated on 04/12/2013 on issuing the Action plan for implementation of the Strategy on EM work by 2020 made a long-term vision and priority to develop EM areas (https://thuvienphapluat.vn/van-ban/Bo-may-hanh-chinh/Quyet-dinh-2356-QD-TTg-nam-2013-Chuong-trinh-thuc-hien-Chien-luoc-cong-tac-dan-toc-2020-215197.aspx).

cxlix From 2009 to 2014, the OOSC rate among ethnic minority children declined for primary school age children (by almost one third for the Khmer and by more than 50 percent for the Hmong), and lower secondary school age children (by about one third for both the Khmer and the Hmong). MOET, UNICEF, UNESCO Institute of Statistics (2017), "The 2016 Report on Out-of-school Children: Viet Nam country study", Hanoi.

cxl In 2014, for primary school age children, the Hmong had the highest OOSC rate (10.5 percent), five times higher than that of the Kinh (1.9 percent). The OOSC rate for the Khmer (8.3 percent) was the second highest. In 2014, for lower secondary school age children, among the ethnic minorities, the Hmong had the highest OOSC rate (28.7 percent), four times higher than that of the Khmer (6.2 percent). The Khmer had the second highest OOSC (24.5 percent). MOET, UNICEF, UNESCO Institute of Statistics (2017), "The 2016 Report on Out-of-school Children: Viet Nam country study", Hanoi.


cxlii According to a survey conducted by the Ethnic Committee of the National Assembly and General Office of Statistics, the results of which was published in Sep. 2016, the rate of poor households of ethnic minorities is 23.1 percent, which is 3.3 times higher than the national average. The average income of ethnic minority households is 1.16 million VND. On education, nearly 21 percent of ethnic minorities over the age of 15 cannot read or write (http://vtv.vn/trong-nuoc/thuc-trang-kinh-te-xa-hoi-53-dan-toc-thieu-so-231-la-ho-ngheo-20160929093509493.htm).

cxliii This is regulated in 82/2010/ND-CP, regulating the teaching and learning the verbal language and written script of ethnic minorities in general education and continuing education.

cxliv With the amendment of the Law on Marriage and Family in 2014 and the Civil Code in 2015.


cxlvii 71 percent of LGBT students experienced physical violence, 72.2 percent verbal violence, 65.2 percent social violence, 26 percent sexual violence and 20 percent technology-related violence. 26.7 percent of male students, 31.9 percent of female students and 33.1 percent of LGBT students were concerned about violence caused by peers. Notably, many reported to be worried about abuse from teachers (11.4 percent of male and female students and 16.5 percent of LGBT students). Although the rates were not relatively high, they reflect that students, especially LGBT students, do not completely trust their teachers.


cxlviii 2015 Civil Code Art. 37 stipulates “The sex reassignment shall comply with regulations of law. Each surged transgender has the right and obligation to apply for change of civil status affairs as prescribed in law on civil status affairs and has the personal rights in conformity with the transformed gender as prescribed in this Code and relevant laws.” (Law No. 91/2015/QH13, http://www.wipo.int/edocs/lexdocs/laws/en/vn/vn079en.pdf, accessed 19 June 2018).


As the Government pursues its migration targets, supported by the push factor of high rates of unemployment in many areas.

During the 2nd UPR, Viet Nam accepted a recommendation to combat poverty among migrant workers (no. 143.215).


By providing relevant information and resources about labour markets for potential and returned migrant workers. Through Migrant Resource Centres and related policy dialogues and awareness raising activities, the Government has helped disseminate information on safe migration and to in turn prevent irregular migration and associated human trafficking (see (www.hotrolaodongngoainuoc.org; and www.vietproud.com.vn/tintuc/van-phong-ho-tro-lao-dong-ngoi-nuoc_t12-c002-a195-m12.html; accessed on 29 May 2018).

Through Decision 71/2009/Ttg on approving the project on supporting poor districts in promoting the sending of workers abroad for sustainable poverty reduction in the period of 2009-2020, Decision 1722 QB/TTg dated 2 September 2016 Approving the National Target Programme for sustainable poverty reduction during 2016 – 2020, Decision 275 QB/TTg dated 7 March 2018 approving list of poor districts and eliminated poor districts 2018-2020, the Circular 15/2017/TT-BTC dated 15 February 2017 of the Ministry of Finance, the residents of designated ‘poor districts’ are eligible to apply for subsidies to facilitate working overseas. The incentives include loans and financial assistance for language training, vocational skills training, health checks and other services.


Migrant children make up the majority of out-of-school-children - aged 5 years and in primary schools (92 percent and 86.4 percent, respectively). The “no fee” policy for vocational centres, do not cover migrant children whether they migrate independently or follow parent(s) migration for work (See UNICEF and Ho Chi Minh City People’s Committee, Situation Analysis of Children in Ho Chi Minh City, Vietnam (2017), available at: https://www.unicef.org/vietnam/resources_27163.html).

Moreover, the apparel and footwear sector is one of Viet Nam’s most important export industries employing 3.5 million workers. A high percentage of those workers are internal migrants moving to large industrial zones in search of better economic opportunities. About 60 percent of migrant workers live with children and for women, there is an established trend to migrate for work when young and single (UNICEF Viet Nam, The Apparel and Footwear Sector and Children in Viet Nam (2016)). The industry provides women with stable job opportunities and an important source of income to support families and alleviate poverty. However, opportunities in the industry can be undermined by negative impacts on the welfare of workers’ children. There is a need to further gather data and evidence on the impact of business on human rights, both the negative and positive impacts, with a focus on specific sectors such as Agriculture, Manufacturing, Travel and Tourism, and Information, Communication and Technology.

In 2016, there were 11 million older persons (aged 60 or above) in Vietnam, accounting for 11.9 percent of total population. It is projected that the number of older persons will double by 2030. World Population Ageing Report 2017 (UN), the Vietnam Population Change Survey 2016 Report (GSO), and the Viet Nam Population Projection Report 2014-2049, Intercensal Population Survey 2014 (GSO).

Viet Nam accepted two recommendations on the rights of vulnerable groups, including older persons (Nos. 143.48 and 143.56. Human Rights Council, Report of the Working Group on the Universal Periodic Review - Viet Nam, A/HRC/26/6) and expressed a voluntary commitment (Viet Nam’s voluntary commitments as a member of the Human Rights Council No. 4, Note verbale dated 27 August 2013 from the Permanent Mission of Viet Nam to the United Nations addressed to the President of the General Assembly, A/68/312).

Evaluation of the 5-year implementation of Law on Older Persons (MOLISA 2016). The level of meeting the socio-economic needs of older persons was only 50-60 percent. Social allowance for older people is very low, around 38 percent of rural poverty line and 30 percent of urban poverty line in the period 2016-2020, thus it does not ensure the minimum level of living standard with a social protection floor for all that Vietnam has committed to. Less than 50 percent of older persons have health records managed by community health facilities and have regular health check-ups, and almost 20 percent of older persons have not been through any health check-ups since they were 60 years old. The Law on Older Persons and the National program of Action on Older Persons 2012-2020 indicated that older persons had been granted certain priority and benefits/subsidies when using public services, such as public transportation or cultural activities. However, less than 50 percent of older persons know about this, and less than 30 percent of older persons has enjoyed such benefit.
Such as being harshly spoken to, threatened, or refused to talk to. Vietnam National Ageing Survey 2011.

Policy brief: Income security for older persons in Vietnam, ILO-UNFPA 2014. From 2010 to 2012, income has increased for every age group in Viet Nam except for people between 65 and 80 years.

Health workers at all levels of the health system provide services to older persons, but their professional knowledge and understanding of the needs of older persons is very limited. The proportion of older persons enrolled in health insurance in 2014 was 75 percent. There are financial barriers that adversely affect the ability to use health services among older persons without health insurance (Vietnam Ministry of Health and Health Partnership Group, Joint Annual Health Review 2016: Towards healthy aging in Vietnam, Hanoi, 2016 (http://jahr.org.vn/downloads/JAHR2016/JAHR2016_Edraft.pdf, accessed 19 April 2018)).


For example, a 2014 survey on “Market Assessment on Corporate Social Responsibility (CSR) in Viet Nam” indicated that international standardized certifications were not widely used and respondents estimated that their companies allocated 1.5-3 percent from their annual turnover to CSR issues (Taylor Nelson Sofres Vietnam and UNICEF. Market Assessment on Corporate Social Responsibility in Vietnam. 2014). Moreover, child rights issues do not seem to be sufficiently addressed at the appropriate levels in companies in South-East Asia, and other risks such as sexual exploitation, product safety, responsible marketing, sanitation issues or digital risks are of great concern and should be addressed by the corporate sector but have received low attention thus far (See Global Child Forum and the Boston Consulting Group (May 2016). Children’s Rights and the Corporate Sector in Southeast Asia, http://www.globalchildforum.org/wp-content/uploads/2016/06/GLOBALCHILDFORUM_SOUTHREADIA_BENCHMARK_STUDY_2016.PDF).

Guidance from UN Guiding Principles on Business and Human Rights and General Comment No. 16 published by the Committee on the Rights of the Child on State obligations regarding the impact of the business sector on children’s rights should be promoted in the trainings for government officials (UNICEF and International Commission of Jurists (2015), OBLIGATIONS AND ACTIONS ON CHILDREN’S RIGHTS AND BUSINESS A practical guide for States on how to implement the United Nations Committee on the Rights of the Child’s General Comment no. 16 (https://www.unicef.org/csr/files/CSR_GC_OBLIGATIONS_AND_ACTIONS_FINAL_AUGUST05.pdf)).