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Viet Nam

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I. Methodology

A. Drafting process

1. The report is drafted in accordance with the guidelines of Resolution 60/251 dated 15 March 2006 of the United Nations General Assembly, Resolution 5/1 dated 18 June 2007 of the Human Rights Council and Decision 17/119 dated 19 June 2011 of the Human Rights Council to review the promotion and protection of human rights in the territory of the Socialist Republic of Viet Nam.

2. The report focuses on the implementation of the UPR recommendations accepted by Viet Nam during the last review and new developments of the promotion and protection of human rights in the territory of Viet Nam. The report also highlights challenges and priorities of the Government of Viet Nam to ensure the better enjoyment of human rights and fundamental freedoms by its people.

3. The drafting process of this report was carried out by an inter-agency Working Group composing of Government agencies and National Assembly's Committees working in the field of human rights, including the Office of the Government, Ministry of Foreign Affairs, Ministry of Justice, Ministry of Public Security, Government Committee for Religious Affairs (Ministry of Home Affairs), Ministry of Labour, Invalids and Social Affairs, Ministry of Information and Communications, Ministry of Planning and Investment, Ministry of Health, Ministry of Education and Training, Ministry of Construction, Ministry of Natural Resources and Environment, Ministry of Agriculture and Rural Development, Committee of Ethnic Minorities, People's Supreme Court, People's Supreme Procuracy, National Assembly's Committee on Law, National Assembly's Committee on Foreign Affairs. The Ministry of Foreign Affairs is the focal point for the drafting process.

B. Consultation process

4. The implementation of the UPR recommendations accepted by Viet Nam during the first cycle in 2009 has been assigned by the Prime Minister to related governmental institutions. A number of seminars and workshops were organized at national and local levels to introduce the recommendations, the measures to achieve them and the actual results. There are annual reports on the progress of the implementation and such reports are the main source for the national report.

5. The report was drafted with a comprehensive approach thanks to the active contributions of Government agencies, local authorities, mass organizations, professional organizations, non-governmental organizations and the people. The draft report was published on the website of the Ministry of Foreign Affairs. The methods of seeking more inputs include email and direct discussions during consultation on a specific subject. The consultation process was an opportunity for open and candid dialogue between the drafting Working Group and all stakeholders. All comments were carefully considered by the drafting Working Group and many were integrated into the final report. A national consultation workshop was organized towards the end of the consultation process provided a platform for all stakeholders to discuss all the points of the report, highlight new developments in the protection and promotion of human rights in Viet Nam and identify challenges and priorities in the efforts to ensure the people's better enjoyment of human rights.

II. Overview of the promotion and protection of human rights in Viet Nam since the last review

6. The State of Viet Nam always sees the promotion and protection of human rights and fundamental freedoms of the people as the essential element of all Viet Nam's socio-economic development strategies. In doing so, Viet Nam also delivers upon its commitments as a party to international instruments on human rights, including the UPR recommendations that Viet Nam already accepted. Since the last review, Viet Nam has made encouraging progress in its efforts to promote and protect human rights.

A. Strengthening the legal system and policies on human rights

7. Building a State of the people, by the people, for the people and the promotion and protection of human rights are both enshrined in the 1992 Constitution (amended in 2001). The legal system has been developed harmoniously and consistently throughout the legal building programs and ordinance issuance of the National Assembly and also the policies and mechanisms to implement of these legal documents.

8. The highest priority in Viet Nam's efforts to develop its legal system is to accelerate the amendment of its Constitution. The objective of amending the 1992 Constitution is to ensure both political and economic reforms, aligning them with the new circumstances and democratic developments, to continue to prioritize human development, which better reflects the policy to promote human rights and better guarantee the rights and the delivery of citizens' obligations. The draft amendment of the Constitution dedicates the whole chapter II to cover human rights and citizens' obligations. Besides, human rights are also touched upon in other parts of the Constitution.

9. The draft of the amended Constitution is publicly available for comments from organizations and people to ensure that the new Constitution fully reflects the will and interest of all segments of the society. The inputs to the amended Constitution started on 2 January 2012 and until August 2013, more than 26 millions comments have been received and they largely focus on Chapter II on human rights and citizens' rights. Inputs are carefully collected and studied by the Drafting Committee in order to finalize the draft amendment before submitting to the National Assembly for consideration in the 6th Session (October 2013).

10. The 1999 Penal Code, amended in 2009, abolished the death penalty for 8 crimes and reducing the number of crimes subject to death penalty from 29 to 21, ceased the application of death penalty or life imprisonment to juvenile offenders and added provisions on new crimes related to terrorism. Other amendments and supplementations will be considered to reflect the humanitarian aspect of law, harmonize with international instruments on anti-crimes that Viet Nam is a party to, and strengthen international cooperation in preventing and combating crimes. Possible amendments include: reducing the number of crimes subject to death penalty, stricter stipulations on death penalty; reducing the application of death penalty and expanding the scope of application of non-custodial penalties, mainly applying imprisonment to serious or especially serious crimes; adjusting mechanisms of criminal liability exclusion or exemption, penalty reduction, non-criminalization of offences that are no longer a danger to the society; developing criminal-related policies towards juvenile offenders so as to better ensure their rights as well as establishing mechanisms to better protect juveniles affected by crimes. At present, Viet Nam is also considering to amend the 2003 Criminal Procedure Code in order to ensure better the rights of people, the juveniles in particular, in criminal procedure activities.

11. Since 2009, the National Assembly has enforced and amended many laws with a view to creating strong legal foundation for the exercise of human rights. New laws related to human rights include Law on State Compensation Liability (2009), Law on the Elderly (2010), Law on the Persons with Disabilities (2010), Law on Adoption (2010), Law on Complaints (2011), Law on Denouncement (2011), Law on Human Trafficking Prevention and Combat (2011), Law on Trade Union (2012), Law on Handling of Administrative Violations (2012), Law on Legal Information Dissemination and Education (2012). Several other laws were also amended by the National Assembly, such as Amended Law on Elections to the National Assembly and Amended Law on Elections to the People's Council (2010); Amended Labour Code (2012), Amended and supplemented Law on Lawyers (2012), Amended Law on Publication (2012). The Government also issued many documents to guide the implementation of laws in line with the socio-economic development of the country.

12. The National Assembly has also adopted legal documents to serve as grounds for the exercise of its supreme oversight role, namely Law on the Organization of the National Assembly (2011), Law on the oversight role of the National Assembly (2003) as well as many Resolutions aiming at strengthening the role of the National Assembly in this respect (for instance the Rules of Procedures of the National Assembly and other Committees). The National Assembly's role in overseeing executive agencies has been conducted in a more effective manner, thus receiving positive comments from public opinions at home and abroad. In 2013, the National Assembly held the first-ever confidence vote on the performance of top leaders of the State and Government, showing the decisive voice of the National Assembly in State management.

13. The oversight role of the National Assembly over judicial bodies has seen continuous improvement. This role includes supervising, reviewing and evaluating the performance of investigative agencies, the People's Procuracy, Government's reports on anti-crime and law enforcement, and the fight against corruption, as well as testifying the heads of judicial bodies, overseeing the handling of people's complaints and petitions in judicial field. The National Assembly also sends delegations to check upon judicial agencies at central and local levels across the country, especially the activities of investigative agencies, the Supreme People's Procuracy, Supreme People's Court and judicial agencies at local level. On the 23rd of November 2012, the XIII National Assembly adopted Resolution 37/2012/QH 13 asking the People's Procuracy, People's Court and Law Enforcement Agencies to review their work and report to the National Assembly every year.

B. Strengthening education on human rights

14. Viet Nam has improved and broadened educational and training programs in human rights for employees working at government agencies. Many seminars and workshops have been organized with the participation of representatives from a wide range of ministries, research and training centres, such as Human rights research institute (at the Ho Chi Minh academy for politics and public administration), Legal Department of the Hanoi National University, etc. Classes on human rights issues are also conducted on a frequent basis. These efforts have provided the employees working at government agencies with basic knowledge on human rights. Viet Nam has also enhanced education on human rights for local officials to improve awareness, capability and efficiency in handling human rights issues at local level.

15. Implementing recommendations accepted under the UPR mechanism, the issue of human rights has also been gradually mainstreamed into teaching curricula at secondary schools and university with a law faculty. Viet Nam has integrated human rights issues into

teaching curricula at police training colleges and organized a large number of training workshops on human rights for police forces, especially those agencies involved with human rights protection.

C. Implementation of international obligations in human rights

1. Implementation of reporting obligations under international human rights treaties to which Viet Nam is a party

16. In 2012, Viet Nam submitted and presented its report on the implementation of the International Convention on the Elimination of Racial Discrimination (ICERD) from 2000 to 2009, the Convention on the Rights of the Child (CRC) from 2008 to 2011. In 2011, Viet Nam submitted its report (for the 1993 – 2010 period) to the Committee of the Convention on the Economic, Social and Cultural Rights. In 2012, Viet Nam also submitted its report to the Committee on the Elimination of All Forms of Discrimination against Women (CEDAW), and is actively preparing for its report on the implementation of the Convention on Civil and Political Rights (ICCPR). Overall, Viet Nam has fulfilled its reporting obligations under international treaties to which Viet Nam is a party.

17. According to the roadmap for the implementation of international conventions on human rights, Viet Nam has conducted a review of the provisions of national laws on civil and political rights. The reviews by approximately 80% of the central and local agencies show that civil and political rights recognized in international treaties that Viet Nam acceded has been consistently reflected in the Constitution and many important legal documents. Equality and non-discrimination are fundamental principles in Vietnamese law, serving as the foundation for the promotion and protection for human rights in each specific field. Viet Nam will continue the review of its national legislation on economic, social and cultural rights of vulnerable social groups.

2. Consideration of participation or ratification of international conventions on human rights

18. Viet Nam signed the Convention on the Rights of Persons with Disabilities (CRPD) in 2008, passed the Law on Persons with Disability in 2010 and is currently completing procedures to ratify the CRPD soon. In 2012, Viet Nam joined the Convention on Transnational Organized Crimes and Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially women and children; acceded to the Convention No. 122 of the International Labour Organization (ILO) on Employment Policy. Viet Nam ratified the ILO Convention 186 on Maritime Employment on the 8th of May 2013 and this Convention will come into effect for Viet Nam on the 8th of May 2014. Viet Nam is taking the final legal steps to sign and ratify the Convention Against Torture (CAT).

19. Besides, Viet Nam is considering the accession to the Convention on the protection of all persons from enforced disappearance, the Convention on the rights of migrant workers and their family members, the Convention regulating the state of refugees, UN convention on statelessness. Although Viet Nam is not yet a State Party to these conventions, the Government of Viet Nam has been reviewing national legislation and the specific conditions of the country and implemented many specific policies, promoted international cooperation in these areas in order to ensure the rights of these groups. For instance, Viet Nam collaborated with the UNHCR and related countries to resolve the issue of refugee; signed and monitored the implementation of agreements/memoranda of understanding (MoUs) with Vietnamese labour receiving countries; actively participated in ASEAN Forum on Migrant Labour and the Colombo Process related to cooperation on migrant workers, vocational training and poverty reduction, and disseminated information about the labour market in order to protect migrant workers, etc.

3. Dialogue and cooperation with UN mechanisms on human rights

20. In the implementation of UPR recommendations accepted, from July 2010 to November 2011, Viet Nam has received four Special Procedures of the Human Rights Council (on minority issues, extreme poverty and human rights, impacts of foreign debt on human rights and the right to health care). During the visits, the Special Procedures met with representatives of government agencies, non-governmental organizations and concerned individuals, to comprehend the situations at local levels. The visits met the expectations of both parties. Discussions, meetings took place in an open, candid and constructive spirit, thus helping the Special Procedure Mandate Holders to better understand the policies, laws and practices of human rights protection in specific fields in Vietnam. At the end of the visits, the Special Procedures Mandate Holders appreciated the spirit of cooperation, political will, policies and measures that Viet Nam has undertaken and help point out the challenges to be addressed in order for Viet Nam to better ensure human rights.

21. During the drafting of this report, Viet Nam is also arranging the visit for the Special Rapporteur on cultural rights in November 2013, sent an official invitation to the Special Rapporteur on the right to education and right to food. Viet Nam will also consider receiving Special Rapporteur on freedom of religion or belief, Special Rapporteur on the rights of migrant workers in 2014; Special Rapporteur against Torture after Viet Nam ratifies the Convention Against Torture, Special Rapporteur on the prevention of trafficking and child prostitution in the earliest possible time.

4. International cooperation on human rights

22. International cooperation on human rights has been a priority for the Government of Vietnam. At regional level, together with other ASEAN member countries, Viet Nam actively contributed to the establishment of the ASEAN Intergovernmental Commission on Human Rights (AICHR), ASEAN Commission on the protection and promotion of rights of Women and Children (ACWC) and drafting of the ASEAN Human Rights Declaration which was adopted by ASEAN heads of States in November 2012. This is the first document outlining the framework for enhanced cooperation and protection of human rights in the region, showing the commitment of ASEAN countries to respect and ensure fundamental rights and freedoms, including the right to development and peace of the people in the region.

23. Viet Nam has actively involved in the Coordinated Mekong Ministerial Initiative against Trafficking (COMMIT), closely coordinated with UN agencies namely UNICEF, UNODC, IOM, UNIAP, WV as well as concluded many bilateral agreements and treaties with Laos, Cambodia, China, Malaysia, etc. with a view to effectively strengthening the fight against human trafficking in the region. At the moment, Viet Nam is working closely with UNODC to enhance cooperation in the fight against child-related sexual criminals in the region.

24. Wishing to have dialogue and cooperate on human rights, considering it a chance to exchange views frankly and constructively on human rights issues of common concern, Viet Nam holds annual human rights dialogues with a number of countries and partners including the United States, the European Union, Australia, Norway and Switzerland. These dialogues have produced positive outcomes. They not only enhance the understanding and relationship between Viet Nam and its partners, but also bring about discussions on best practices to address human rights matters of mutual concern. Viet Nam has received assistance from the United Nations Development Programme (UNDP) and many partners through implementing the Project on strengthening capacity to implement international treaties (in the periods of 2008–2011 and 2012–2016) as well as other technical cooperation programmes on the promotion and protection of human rights.

III. Respect, protection and promotion of human rights in practice

A. Civil and political rights

1. The rights to freedom of expression, press and information

25. The rights to freedom of expression, press and information are enshrined in the Constitution and laws, better ensured by the fast and diverse development of the mass media. Discussions and hearings on guidelines and policies, seminars and debates on the State's policies by the National Assembly as well as national debates covered nation-wide on all spheres of the political, economic and social life of the country with the participation of all political and social organizations and the people are in fact happening daily for all Vietnamese. The input-seeking process for Constitution reform has been publicized and received more than 26 million comments from the people. This is a strong indication for the people's freedom of expression and opinion in important matters of the country. The draft Law on Access to Information was also included into the Legal Building Program of the XIII National Assembly to elaborate people's right to access information provided for in the Constitution.

26. By March 2013, there are 812 print newspapers and 1,084 publications (compared to 676 and 700 respectively in 2009); nearly 17,000 registered journalists; 01 national news agency, 67 radio and television stations; 101 TV channels and 78 broadcasting channels, 74 electronic newspapers and magazines; 336 social networks and 1,174 registered e-portals (compared to 46 e-newspapers and 287 e-portals in 2011). The Voice of Viet Nam (VOV) Radio Station broadcasts throughout 99.5% of Viet Nam's territory and many other countries via satellite. Today, the VOV reaches more than 90% of all households in Viet Nam in comparison with 85% in 2008.

27. The Vietnamese people have access to 75 international television channels, including well-known networks such as CNN, BBC, Bloomberg, TV5, DW, NHK, KBS, Australia Network, etc. All the big news agencies are accessible to Vietnamese people via the internet, namely Reuters, BBC, VOA, AP, AFP, CNN, Kyodo, Economist, Financial Times, etc. 20 foreign news agencies have their correspondents stationed in Viet Nam. Many foreign newspapers and magazines are widely published in Viet Nam.

28. Newspapers have become the fora for many social and civil organizations and important instruments to protect the society, freedoms of the citizens. They also play an important role in examining and monitoring the realization of policies and the implementation of State's laws, especially those related to human rights. All citizens have the right to voice their aspirations, express their political opinions or make contributions to all political, socio-economic and cultural matters through different means of mass media. Many press agencies have been proactively in detecting and fighting corruption, violations of human rights, civil rights and other negative manifestations. Viet Nam is now amending the Press Law. Its draft is expected to be submitted to the National Assembly with many new features with the view to meeting the demands of the current situation and harmonizing with other laws, such as the management of e-media, sanctions for institutions that refuse their responsibility in providing information for the press.

29. Viet Nam now has 64 publishers (compared to 55 in 2009). The annual average growth rate of publications is 5–10%. In 2012, Viet Nam's publishing industry made approximately 28,009 publications, 301,717,000 copies of which containing rich and diverse issues that could meet the demands of readers. The amended Publishing Law was adopted in November 2012 by the National Assembly. This shows the consistent respect for the right to disseminate individual's work, in accordance with the Constitution.

30. The State of Viet Nam encourages the use of internet to serve the need for socio-economic and cultural development, to support administrative reform, and to improve living standards and fundamental freedoms of the people. According to a recent survey of WeAreSocial, an independent research organization on global social media: by December 2012, the number of Internet users in Viet Nam was 30.8 million (compared to 26 million in 2010 and 20 million in 2008), accounting for 34% of the population (higher than the world average which is 33%). The advent of Internet access services via 3G (October 2009) marks the period of explosive growth of broadband Internet in Viet Nam with the number of users reached 16 million (18% of population) in just 3 years (by July 2012). There are about 3 million people having personal blogs. According to the 2012 ranking of the International Telecommunication Union (ITU), Viet Nam ranks the 3rd in the Southeast Asia and the 8th in Asia regarding the number of Internet users.

2. Freedom of religion and belief

31. Viet Nam is a multi-religion country with many religions from other countries such as Buddhism, Catholic, Protestant, Muslim, etc. and some other religions established in Viet Nam namely Cao Dai, Hoa Hao Buddhism, Four Debts of Gratitude, etc. Many religions have long histories in Viet Nam and some are newly established. 95% of all the people have some forms of belief, of them over 24 million are followers of different religions (compared to about 20 million of 2009). There are about 25 thousand worshipping places and 45 dignitary training centres.

32. The consistent policy of Viet Nam is to respect and facilitate the exercise of the right to freedom of religion and belief by all the people, uphold the solidarity and harmony among religions, guarantee the equality and non-discrimination as well as protect activities of religious groups by law. Based on the assessment of religious activities in Viet Nam, in November 2012, the Government issued Decree 92/2012/ND-CP on guidance for the implementation of the Ordinance on Religion and Belief. The Decree 92 has many new features which are realistic and create favourable conditions for religious activities. Besides, the National Assembly has decided to have the plan on amendment of the Ordinance on Religions and Beliefs in the law and ordinance establishment programme of the XIII National Assembly.

33. Viet Nam has had many religious activities. Yearly, there are about 8,500 religious festivals at national and regional levels. Especially, the 2011 Holy Year of the Catholic Church was a great success. At the closing ceremony, there were 50 bishops (6 of them are foreigners), 1000 priests, 2000 dignitaries and nearly 500,000 believers. 2011 was also the 100th anniversary of Protestantism in Viet Nam with many large activities held in Hanoi, Da Nang, Ho Chi Minh city with the participation of many dignitaries and followers from all over the country as well as from other countries namely the USA, South Korea, etc. The Buddhist Church of Viet Nam will host the UN Vesak Day in 2014, which is a big and famous religious event attracting thousands of Buddhist dignitaries and followers in the world. A great number of worshipping places have been renovated or built. Training for religious dignitaries has been maintained and extended. Many have been sent to other countries (the USA, France, Italia, India, etc.) for further training. Religious organizations have been facilitated and encouraged and they actively contribute to the development of healthcare systems, culture, social affairs and humanitarian causes. They have contributed significantly to national development and the expansion of Viet Nam's international relations. Religious representatives have participated in international fora, religious dialogues, exchanges of knowledge and canons in such fora as ASEM, ASEAN. In 2013, Viet Nam and the Vatican also successfully conducted the fourth round of the joint working group meeting on the strengthening of bilateral relations and cooperation. Since Vatican appointed a non-permanent envoy in Viet Nam in 2011, this envoy had worked with 26 dioceses and 60 cities and provinces in Viet Nam.

34. Freedom of religion and belief of people from ethnic minorities are also protected and promoted by the State. The Khmer Nam Tong Buddhist Institute was established and books in Khmer language are imported to facilitate dignitary training and religious practices of the Khmer people. The Cham followers of Muslim and Brahman have been supported in the establishment of the Community representative boards in order to assist the religious practices, preserve and expand the traditional religions. Bilingual bibles (Viet-Bahnar, Viet-Ede, Viet-Jrai) were published to meet the demand of religious practices of ethnic minority followers.

3. Freedoms of association and assembly

35. Freedoms of association and assembly are guaranteed by the Constitution (Article 69) and legally protected in laws and by-law documents. The Government also issued Decree 45/2010/NĐ-CP of April 21st 2010 on the formation, operation and management of associations to create legal framework for citizens and organizations in Viet Nam to form their associations, establish mechanisms and policies targeting the operation of the association and guarantee the freedom of association of the citizens. To better protect this realm of freedom of the citizens, laws on Association or Demonstration are also being drafted.

36. In Viet Nam, there currently are 460 associations, social - professional organisations whose geographic scope of activity are nation-wide or inter-provincial (in 2009, there were 380 association of the same type), along with 20 profession-based trade unions; 36,000 associations, federations, and social organizations which are local and engaging diverse aspects of the social life. In general, these organizations have made great contributions to the development of the country, serving as a bridge between their members and the authorities, representing their members' interests. These organizations support their member in their own business, including improving their competitiveness, assisting in commercial dispute settlement, providing consultative production and market information. There are also philanthropy activities conducted by these entities, especially in providing education, training, health care, sports and environmental protection services. They play an increasingly active role in providing consultative and critical opinions to the State's laws and policies or projects and programs of socio-economic development of the Government and local authorities.

4. Rights of inmates and detainees

37. Viet Nam always respects basic human rights of detainees. The law prohibits all actions harming the life, health, property, dignity and honour of the detainees. Detainees have the right to meet their family, access to counsel or legal aid according to the law, access to information via newspapers, radio and television available in the detention facilities and have the right to petition against violations of the law and detention regulations.

38. Some of citizens' rights of an inmate are suspended during the sentence. Other rights and freedom are still ensured and protected. In 2011, the Government issued Decree 117/2001/NĐ-CP that regulates the organization and management of prisoners with which conditions of accommodation, meals, clothing, health care and other services have been improved.

39. Prisoners have a right to education during their sentence and prisons strictly run education programs on literacy, elementary education, vocational training, laws or politics. Preventive healthcare and treatment for inmates are well taken care of. Prison health clinics have been upgraded or improved with their staff professionally trained. For medical treatment, many prisoners who were suffering from severe illness or diseases have had their sentence temporarily suspended. The prison management boards also collaborate with local

authorities in disseminating information on anti-drug, prevention of HIV/AIDS, tuberculosis and other infectious diseases. Prisoners have the right to work as it suits their health with working time regulated by the Labour Code. The payment for their work can be transferred into supplements for their meals or accounted for their personal income.

40. Since 2009, under the Amnesty Law, on four occasions, the State has granted special amnesties for 48,000 prisoners and postponed or temporarily suspended prison sentences for 600 offenders. On the occasion of the National Day of 2013, Viet Nam granted Amnesty for 15,449 inmates and suspended or ceased the sentence for 78 inmates. Amnesty has been done publicly, showcasing the humanity and leniency towards inmates who have good conducts in prison. Besides, the Government also issued Decree 80/2011/ND-CP on the 16th September 2011 providing the measures for re-integration of released inmates so as to help them stabilize their civil life.

5. Right to a fair trial

41. In Viet Nam, legal procedures are conducted in conformity with a principle that rights and obligations of the persons taking part in litigations are fully guaranteed in a fair and democratic manner. As in a rule-of-law State, adjudication is carried out publicly, transparently and judgments must be made against the right offence and the right offender in accordance with laws.

42. All courts act independently and abide only by the laws in their adjudication. All the judges of the People's Supreme Court are appointed by the State President and all the judges of other court are appointed by the Chief Justice of their higher court, instead of being elected by legislative agency of the same administrative level as previously. This process of judges' appointment has consolidated the independence of the judges and their decisions. It is by the laws that every party has equal rights before the court; and that only through trial can the court make the verdict on whether an individual is guilty or not; no one is considered guilty and subject to penalties without an effective conviction of the court. Courts' verdicts and Decisions of Reconsideration of the Council of Judges of the People's Supreme Court are publicly published, aiming at further building a fair and transparent legal environment in the court and helping the public in supervising the adjudication of the Courts which eventually assists the Court to have fair trials.

B. Economic, social and cultural rights

43. Despite the heavy impacts of the global economic – financial crisis, in the period of 2009–2012, Viet Nam has managed to achieve some remarkable progress in inflation control, macro-economic stabilization and the ensuring of social welfare. Economic growth rate is maintained at a fair rate of average 5-6% per year. Thanks to economic growth, Viet Nam creates 1 million new jobs each year, and education, health care and social welfare services are better ensured. Viet Nam has achieved most of the Millennium Development Goals (MDGs) before schedule and is recognized internationally as one of the best examples in fulfilling MDGs, especially in hunger alleviation and poverty reduction. According to the 2010 UNDP Report on Human Development Index, Viet Nam is recognized as one of the ten countries having the highest increase rate of income in the last 4 decades. From 2008 to 2012, annual income per capita in Viet Nam rose from 1,024 USD to 1,540 USD.

1. Social welfare provision

44. The progress made in ensuring social welfare is evident in the establishment and good operation of social insurance policies which mitigate difficulties and help stabilize the life of the people. Viet Nam has designed increasingly comprehensive policies to develop

the labour market, compulsory and voluntary social insurances, unemployment insurance, health care insurance and assistance for people in accessing social welfare services. In 2001, 10.2 million people had joined compulsory or voluntary social insurance; 52.4 million people (63% of the national population) had healthcare insurance and 8.1 million people took part in unemployment insurance. In 2012 only, there are 432,356 recipients of monthly unemployment benefit.

45. For groups requiring further assistance including the poor, near poor, ethnic minorities, children under 6, the State has spent 22,303 billion VND (equivalent to more than 1 billion USD) to buy healthcare insurance for them in the period of 2011 – 2012. Thanks to that policy, in the last 2 years, 29 million individuals who are of the poor or ethnic minorities can have free healthcare insurance, while the near poor had 70% of the fee sponsored. In the field of education, the State has also spent 11,844 billion VND (equivalent to 500 million USD) to assist the poor in education such as waiving tuition fees for children of the poor households or households benefiting from social welfare policy, granting scholarships for children, providing lunches at school for children under 5. Therefore, in the period of 2011 – 2012, 4 million pupils who are children of poor households have their tuition fee waived or reduced, their schooling conditions improved and their meals at school sponsored. This contributed to the reduction in the rate of school drop-outs among children and the increasing net school enrolment.

2. Labour market development and employment creation

46. In Viet Nam, according to statistics by the General Statistics Office, as of the fourth-quarter 2012, 52.79 million people are in working age (from 15 years of age). This is a great advantage in terms of human resources for socio-economic development; however, it also puts pressure on job creation every year. Skilled workers account for approximately 46% of the working population, 33.5% among those are trained workers, initially meeting the demand of the labour market.

47. In order to develop the labour market and create jobs, the State focuses on strengthening the existing system of policies and laws on labour and improving the efficiency of implementation measures in practice. The amendments of the Labour Code (effective on May 1, 2013) and the promulgation of Unemployment Insurance Policy (effective in 2009) are new developments in the efforts to improve the policy framework in this field. In addition, programs to develop an active labour market, particularly measures to match labour supply with demand, have been improved. Thus, transaction channels in the labour market have become more diversified. Employment service providers across the country have developed into two types, namely State-owned job placement centres (130 centres) and private employment agencies (more than 100 agencies). New labour market forecasts and information centres have been set up and well-operated. The National Fund for Employment has contributed to the creation of around 160,000 jobs and provided favourable conditions for vulnerable groups (people with disabilities, ethnic minorities and workers in areas of converted agricultural land use) to borrow loans for business development.

48. Active labour market development programs have assisted workers in getting jobs and increasing incomes. Viet Nam's unemployment rate has significantly dropped from 2.9% in 2009 to 1.99% in 2012. 1.52 million jobs were created in 2012 alone, including 80,000 overseas jobs. Real per capita income in 2010 prices increased by 3.5 times as compared to that in 2000.

3. Hunger eradication and poverty reduction

49. Comprehensive and sustainable poverty reduction has been the top priority of the Government in its efforts to protect human rights and achieve the United Nations

Millennium Development Goals (MDGs). In recent years, poverty reduction in Viet Nam has experienced great progress. Thanks to achievements in economic growth and social welfare policies, Viet Nam has fulfilled the MDG in poverty reduction ahead of schedules. The percentage of poor households across the country has decreased from 13.7 in 2008 to 9.6 in 2012. Average income of poor households has doubled in the last 5 years. In 2012, the number of households in shortage of food reduced by 27.6% and the percentage of poor households nation-wide decreased by 1.76% as compared to 2011 figures. Strong downtrend was observed in all 3 important poverty indicators namely poverty percentage, poverty gap and poverty severity. More importantly, not only that a large number of people got out of poverty but also their living standards and quality of life have been dramatically improved.

50. Government's poverty reduction policies and programs focus in 3 major strategies: (i) increase poor people's income by promoting production and means of living, (ii) improve poor people's accessibility to social services, (iii) enhance capacity and raise awareness in poverty area. These strategies are implemented through national poverty reduction and social development support programs which focus on 5 policy clusters: credit, agricultural production, infrastructure, education and healthcare. Poor people, therefore, have better access to resources (loans, land, technology, market, etc.) and basic social services (education, healthcare, clean water, legal assistance, etc.). As of 2010, 77.2% poor people benefited from Government's support policies and programs, reflecting their coverage and impacts on the country.

51. Sustainable poverty reduction program under Government resolution 30a/2008/NQ-CP on fast and sustainable poverty reduction in 62 poor districts is a major and important program, having great influence on reducing poverty and raising living standards for poor people. This program incorporates a number of socio-economic development areas, such as communal public infrastructure development, credit for poor people, healthcare insurance, education, housing, clean water, environmental sanitation and agriculture support programs. With their comprehensive policies of improving every important aspect of life and targeting most vulnerable and disadvantaged groups in remote areas, these programs have achieved their common goal of reducing poverty, raising income and improving living conditions for the groups of population. Assessments after 3 years of implementation of the program showed that poverty percentage decreased by 4-5% per year and household accessibility to social services such as education, healthcare, electricity and clean water, dramatically improved.

4. Housing for low-income people

52. The State has promulgated various housing development policies and programs for people with difficulties in finding housing, such as workers in industrial zones, students, poor people in rural areas, low-income people in urban areas, etc. In 2009, the Government issued the Resolution on some mechanisms and policies to strongly develop housing areas for students, pupils and workers in industrial zones and low income people in cities. Through these programs, more than 530,000 poor households have been assisted with housing; 62 housing projects for workers with a total of 11,719 apartments have been completed, providing housing for 67,600 workers in industrial zones; 163 blocks of flats for students have been put in use, providing 140,000 living spaces for students and anticipated to provide 330,000 living spaces by the end of 2013; 56 housing projects for low-income people in urban areas have been started, meeting housing needs of approximately 130,000 low-income households.

53. Viet Nam is considering the amendment of the Housing Law to be submitted for National Assembly approval in 2014. The law focuses on support policies for poor people in both rural and urban areas, low-income people and other assisted groups such as workers

in industrial zones and students, etc. In the meantime, Viet Nam further improves policies on social housing development, housing for rent in urban areas and re-settlement housing; promoting measures to enhance responsibilities of the State, social organizations and the community in housing construction for poor people in order to help them settle down.

5. Healthcare and education

54. Viet Nam identifies public healthcare as a top priority in its development strategies, national goals programs and has achieved considerable progress in this area. To date, Viet Nam's healthcare system's capacity has been greatly consolidated and further improved. Every commune now has a clinic and 74% of them have a doctor(s). As of 2012, 68% of the population participated in healthcare insurance programs. Viet Nam has also considerably reduced infant mortal rate to 23/1000 births in 2012, equalling one-third of the figure in 1990. Viet Nam has fulfilled the MDG in malaria prevention and control. HIV/AIDS control and prevention has also achieved progress in detecting infected cases and providing prompt treatments.

55. Education and training also recorded positive developments. Viet Nam has achieved universal primary education and is close to universal secondary education. In 2012, the net primary school enrolment is 97.7% and that of secondary school is 87.2%. Education dimensions have been further expanded and infrastructures have also been improved to better meet the growing need for education of people of different age groups and from different geographical areas. Training quality has experienced positive developments, initially meeting the demand for trained human resource for economic growth. The policy of education and training socialization has achieved some success, reflected in the mobilization of resources for school infrastructure building, investments in school establishment, and education funding in various forms.

C. Rights of the vulnerable and disadvantaged groups

1. The older population

56. The current older population in Viet Nam is approximately 7.5 million, which represents 8.7% of the total population. Their rights are ensured by the Government, through strict implementation of legal regulations, national programs and support projects.

57. Promulgated by the National Assembly, the Law on the Elderly has come into effect since July 1, 2010. It institutionalizes Vietnam's policy on serving older persons in a more systematic, complete and comprehensive manner to ensure their participation in the society and call for the attention of social organizations and individuals in caring for the older persons. This step realizes the Government's commitment to the Political Declaration and Madrid International Plan of Action in 2002, in line with other countries' and the United Nations' common policy on older persons. The Government of Viet Nam has adopted the National Action Plan on older persons for the 2012-2020 period with an aim at enhancing the quality of care and promoting their roles in the society, which would be suitable with the country's potentials and socio-economic development level.

58. In practice, healthcare is provided for the older persons through regular check-ups at general health facilities and hospitals for older persons, spiritually improved through cultural, educational, exercise, recreational activities, and travelling. People aged 80 and older who do not have pensions and social insurances are granted monthly allowances, healthcare insurance and financial support at the time of death. In addition, state organs are responsible for creating the most favourable conditions for older persons to take suitable roles in expressing their opinions and contributing to science, production, business.

2. Gender equality and women's rights

59. The Government of Viet Nam attaches great importance to creating and developing gender equality policies and programs, and ensuring women's rights. In recent years, Viet Nam has made important achievements in promoting women's rights such as establishing and promulgating legal documents on gender equality and nondiscrimination in accordance with the 2006 Law on Gender Equality and the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW); mainstreaming gender equality in legal development; promulgating the National Strategy on Gender Equality for the 2011–2020 period and the National Strategy on Gender Equality for the 2011–2015 period with an aim to raising awareness, closing the gender gap and promoting women's role. The National Assembly adopted the amended Labour Law in June 2012, which extends the maternity leave to 6 months from the previously 4 months.

60. The National Strategy on Gender Equality and Women's Progress is implemented in areas and regions where inequality and chances of inequality run high. The Strategy contributes to the prevention and drive back women trafficking and domestic violence, giving them the chance to learn, improve and meet working requirements. Furthermore, the Government is seeking solutions to legal implementation and international cooperation in order to overcome challenges to gender equality perception, eradicate gender and domestic violence, close the gap between the law and practice (work, income, social standing, etc.). The percentage of female representatives in the 18th National Assembly (2011–2016) at 24.4% makes Viet Nam a country with high percentage of female representation in the region and the world (ranking 43rd out of 143 countries and 2nd among ASEAN countries). Women take on the country's leading roles such as Vice President, 2 Vice Chairwomen of the National Assembly, two Lady Ministers and 14 female Deputy Ministers. Women are accounted for 49% of the workforce. By the end 2011, the percentage of literacy in women is 92%; 80% of young girls in rural areas and ethnic minorities are sent to school at the right age. The percentage of female university students is over 50%; Masters 30.53%; and Doctors 17.1%. Vietnam's efforts to ensure gender equality have been recognized worldwide. According to the United Nations' Gender Inequality Index (GII) in 2012, Viet Nam is ranked at 47/187 countries, compared to 58/136 countries in 2010.

61. The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) is strictly observed by Viet Nam in legal development and in practice. The Government has constructed and completed an annual report on the implementation process of CEDAW in the 2004–2010 period based on the consultations with relevant organizations and social sectors.

3. Children

62. In October 2012, the Prime Minister approved the National Action Plan for Children for the 2012–2020 period, with an aim to carrying out the comprehensive goal of building a safe and friendly living environment for better accomplishment of the right of the child; closing the gap in living conditions between groups of children and children in different regions and areas; enhancing quality of life; and providing a chance at equal development for all children.

63. Viet Nam is the first Asian country and second in the world to join the Convention on the Rights of the Child (CRC), along with the First and Second Optional Protocol. The Government of Viet Nam has made great efforts in completing a legal policy, incorporating international law's regulations on the rights of the child into the national legal system and applying these policies to protect their rights and best interests. In addition, Viet Nam actively takes part in regional and international initiatives to protect the rights of the child, and continue to broaden international cooperation and carry out related international commitments.

64. Strategic programs and policies such as vaccination for children, healthcare insurance assistance, free examination and treatment for children under 6 years old, tuberculosis and HIV/AIDS prevention, etc. have produced good results. Under-five mortality rate has dropped from 58% in 1990 to 24% in 2011, under-one mortality rate from 31% in 2001 to 15.5% in 2011.

65. The National Program on Child Protection in the 2011–2015 period focuses on media activities, education, social campaigns for stronger awareness and behaviour change in protecting the right of the child; the initiation and application of protection, care and educational programs for children; a complete legal system and policies concerning child protection, education and rights; encouraging social, political, economic and vocational organizations, along with families, the community, the people and children to join efforts to protect, care for and educate children; consolidating the organizing system, in addition to enhancing the ability of those working directly with children; strengthening and expanding a network of collaborators and volunteers to protect and care for children; and improving the quality of inspection, supervision and assessment.

4. Persons with disabilities

66. Viet Nam already signed the Convention on the Rights of Persons with Disabilities in 2008 and is going to complete its ratification procedures in early 2014, as well as trying to develop and improve the law and policies in order to promote the rights of persons with disabilities. According to the roadmap to ratify the Convention on the Rights of Persons with Disabilities, Viet Nam enforced the Law on Persons with Disabilities in 2010 and developed implementation documents. From 2010 to 2013, there have been 13 enforced bylaws documents related to persons with disabilities in the field of communication, sports, tourism, access to social security and the implementation the Millennium Goals.

67. The overall policy of the State is to encourage, create favourable conditions for persons with disabilities to exercise, on equal basis with others, their political, economic, cultural and social rights and promote their ability to stabilize their life, integrate into the community, and participate in social activities. Persons with disabilities are supported by the State and the society in healthcare, rehabilitation, appropriate job creation and enjoy other rights in accordance with the laws.

68. The Prime Minister has approved the Project on supporting Persons with Disabilities from 2012 to 2020 to promote the implementation of policies to support persons with disabilities in accordance to the regulations of the Law on Persons with Disabilities and implement the commitments of the Vietnamese government in 7 priority fields in the second decade of the Biwawo Millennium on persons with disabilities in Asia - Pacific region. The Project is divided into 2 phases with specific criteria in order to promote persons with disabilities integration in the field of healthcare, education, labour, construction, traffic, information technology, culture, sport, legislation... Besides, the government also deploys a series of policies to support persons with disabilities such as the Project on supporting the rehabilitation for people with mental illness; participate and implement international and regional initiatives; increase the participation of persons with disabilities and protect their rights; support establishing self-reliant organizations of persons with disabilities; support vocational training and create jobs; improve the ability to approach and use cultural and public works and other basic social services for persons with disabilities.

5. Ethnic minority groups

69. The State of Viet Nam implements a consistent policy to promote all ethnic groups' equality, unity, mutual respect and cooperation for mutual development. Viet Nam's legislation system is continuously improved, basically meet the socio-economic

development policy of the state, including ensuring the rights and legal benefit of ethnic minorities. Ethnic minorities are enabled to take part in the political activities, social and state administration. The rate of people from ethnic minorities that take parts in political activities is increasing over time; the number of deputies from ethnic minorities in the National Assembly is always a higher rate than that of the overall population. In 4 recent terms of the National Assembly, the ratio of deputies of from ethnic minorities account for 15.6 to 17.27%, while the ethnic minorities only make up 14.3% of the overall population. The ratio of people from ethnic minorities participate in the people's councils in the term from 2011 to 2016 is 18 per cent at provincial level, 20% at district level and 25 per cent at commune level.

70. In the period from 2006 to 2012, the government has enforced 160 legal documents on the socio-economic development policy in ethnic minority and mountainous areas with funding from the budget amount to 55 trillion VND (about 2.6 billion USD). With such resources, many policies have become effective, such as Resolution 30a/2008/NQ-CP of the government on sustainable poverty reduction, policy of housing assistance for poor households; Socio-Economic Development Program in the mountainous ethnic minority areas, which contribute to improving material and spiritual life for ethnic minorities. The ratio of poor households in the area with large ethnic minorities is reduced from 32.6% in 2009 to 24.3% in 2013. Infrastructures have significantly improved: 96.8 % of communes have motor roads, 99.8 % of communes and 95.5% of small villages have electricity.

71. In 2012, 100% of the communes had accomplished universalisation of primary education standards, many of which had accomplished universalisation for lower secondary education standards. The net primary school enrolment rate is 98 % average in the whole country, including 95 % of children in ethnic minorities. All provinces with large ethnic minorities have technical secondary schools, colleges, vocational and technical training schools in the fields of agriculture, economic management, finance, education and healthcare. In 2010, the government promulgated Decree 82 which regulates the teaching and learning of spoken and written languages of ethnic minorities. In 2012, teaching and learning of 12 ethnic minority languages were carried out in 32 provinces. By the end of 2012, there were 2629 ethnic minority language classes with 136 600 students. The Ministry of Education and Training is in cooperation with UNICEF to carry out pilot bilingual education on the basis of mother tongues at Lao Cai, Tra Vinh, Gia Lai provinces and has achieved initial good results.

72. Healthcare networks have developed quickly in the areas with large ethnic minorities, district and provincial hospitals system and commune healthcare centres are cared for and invested in: 99.39% of communes have healthcare centres, 77.8% of communes achieved national standards of healthcare. By 2011, 94.2% of villages have medical staff. Ethnic minorities have access to healthcare services and poor ones have free medical cares. Common diseases in ethnic and mountainous areas, such as malaria, goitre are basically prevented. The ratio of malnutrition children is significantly reduced.

73. In 2011, the government approved the Project "Preserve and Develop the Culture of Ethnic Minorities of Viet Nam until 2020" showing the policy of the State of Viet Nam in preserving and promoting the cultural identity of ethnic minorities. The Project focused on the priority to develop the culture of ethnic minorities with very small population. Ethnic minorities in all regions can participate in cultural activities with ethnic identity. 92% of them have access to radio and 85% have access to television with many channels in ethnic languages, such as H'mong, Thai, Ede, Cham, Khmer... Many cultural heritages were recognized as national heritages, such as "Long Tong festival" of Tay people, "Cap sac festival" of Dao people. UNESCO had recognized some cultural heritages of ethnic minorities as world heritages such as "Space of Gong Culture in Central Highlands" and "My Son Sanctuary".

74. The propagation, dissemination and education of law in ethnic and mountainous areas have seen positive changes. People have access to legal assistance services. Implementing the Law on legal assistance, 100% of provinces and cities have legal assistance centres. These centres provide free services like legal counselling, legal procedures, etc. to support poor people and people from ethnic minorities solve their legal problems. From 2009 to the end of 2012, legal assistance organizations had supported over 200.000 people from ethnic minorities, established over 2.000 legal assistance clubs in villages to disseminate the law to the people, including ethnic minorities.

IV. Priorities and commitments to continue the promotion and protection of human rights in Viet Nam

A. Remaining challenges

75. The legal framework on human rights in Viet Nam is being developed; however, some areas have not been updated and adjusted to conform to the new realities. The capacity for institutional development, management, governance, law enforcement and outreach activities has not been sufficient, making the implementation harder. The people have not been fully aware of the laws and regulations so as to exercise their rights effectively and adequately. The monitoring of the implementation of the law on human rights has not been strict enough, leading to the delayed detection of violations.

76. The economy has not been developed sustainably and negatively impacted by the world environment, especially the global economic downturn. As a developing country, Viet Nam has only limited resources for development, especially in the implementation of policies in support of the rights of disadvantaged groups in the society. Risks caused by climate change, natural disasters and epidemics, which greatly affect vulnerable groups, especially the poor, remain big challenges for Viet Nam. Due to constraints in resources, the coverage of the current security net has not been wide enough, especially for the poor and other vulnerable groups. The majority of the poor people lives in the rural and mountainous areas, doing agriculture work and receives little support from insurances such as social insurance, healthcare insurance and unemployment insurance.

77. Viet Nam has achieved encouraging results in the Millennium Development Goal of Poverty Reduction but is still faced with many difficulties, especially inequality and the sustainability of poverty reduction. The majority of people of ethnic minorities live in remote and needy areas with little conditions for economic development, poor infrastructure and low access to market. Therefore, the ratio of poor people of ethnic minorities is high. Limited financial resources and social security make it easier for the poor to relapse into poverty. Besides, urban poverty is emerging as a threatening issue as migrants from the rural to urban areas are increasing.

78. Education has been high on the agenda of the State and received big investments. However, there remain many challenges in education, including the inequality in education, the quality gap between education in the urban and rural, far-off areas or those with ethnic minorities, education reform, the improvement of facilities and equipment. Education on human rights at all levels has not received adequate investments and attention. In school curricula, the content of human rights education is overly simple and not well-designed for different ages.

79. The obsolete way of thinking has prevented vulnerable groups such as women, children, people with disabilities and ethnic minorities from fully understanding and taking a proactive approach towards their rights. The mentality to favour men over women has been an obstacle for gender equality; social prejudice creates discrimination against people

of ethnic minorities and those with disabilities. Constraints of resources lower the effectiveness of programs and policies, especially in the increase of support and access to social services by children, people with disabilities and the elderly.

B. Priorities

80. Viet Nam will continue to develop the legal framework on the principle of focusing on human resource to better promote and protect the rights and fundamental freedoms of the people, making sure that national law is compliant with international law and norms. The Government has boosted administrative reforms to prevent and fight corruption, bureaucracy, develop democracy and improve the effectiveness of the rule of law, strengthen national institutions to protect human rights, including the consideration of establishing a national human rights institution.

81. Access to social security is considered one of the key factors to influence the living standards of the people. In fact, income decline, inflation and diseases are the three main factors which lower the living standards of the people. Therefore, social security is a solution to protect the people, especially the poor. In the coming years, the Government will focus on the policies to improve access by disadvantaged groups to social security and considers developing insurance for agriculture.

82. The quality of education is one of the top factors to increase productivity, develop the economy in-depth and develop social aspects. With the awareness of the policy to develop human resource, the Government has adopted national policies to and continued to invest in education with the two major goals: (i) to increase the rate of net enrolment age at all levels; and (ii) to improve the quality of teachers. Education on human rights is a special priority to improve people's awareness and that of law enforcement agencies in the work to better promote and protect human rights.

83. The importance that the Government attaches to the role of gender equality in socio-economic development is reflected in the two national programs which are the National Strategy on Gender Equality of 2011-2020 and the National Strategy on Gender Equality of 2011-2015. Such policy shows that gender equality is considered one of the premises to develop sustainable human resource and improve the quality of life for each individual, family and the whole society. In the coming years, the Government will focus on policies and strategies to enhance the awareness of gender issue, change the mind-set about gender issue, as well as the prejudice about gender, strengthen international cooperation in the gender issue, especially which is related to disadvantaged groups and areas of strategic importance such as education, healthcare and employment.

84. Community healthcare towards a healthy society with good access to healthcare service, both for physical and mental health, is one of the highest priorities of the Government. In the coming years, the Government will focus on dealing with child mortality rate, especially the newborns, increasing the effectiveness of vaccination, National Nutrition Program, National Program on Reproductive Health and the National Program on HIV/AIDS.

85. With the goal of strengthening international cooperation and making full use of the resources for the protection and promotion of human rights, the Government of Viet Nam will continue to work with other countries, UN bodies related to human rights and actively participate in the work of the Human Rights Council, fully cooperate with Special Procedures on the basis of constructiveness, including extending invitations to Special Procedures; strictly delivering its commitments to international conventions on human rights that Viet Nam is a party to; increase the effectiveness of Human Rights dialogues.