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Viet Nam

The present report is a compilation of the information contained in the reports of treaty bodies and special procedures, including observations and comments by the State concerned, and the Office of the United Nations High Commissioner for Human Rights (OHCHR), and in other relevant official United Nations documents. It is presented in a summarized manner due to word-limit constraints. For the full text, please refer to the document referenced. This report does not contain any opinions, views or suggestions on the part of OHCHR other than those contained in public reports and statements issued by the Office. It follows the general guidelines adopted by the Human Rights Council in its decision 17/119. Information included herein has been systematically referenced in endnotes. The report has been prepared taking into consideration the periodicity of the review and developments during that period.

I. Background and framework

A. Scope of international obligations¹

International human rights treaties²

	<i>Status during previous cycle</i>	<i>Action after review</i>	<i>Not ratified/not accepted</i>
<i>Ratification, accession or succession</i>	ICERD (1982)		CAT
	ICESCR (1982)		OP-CAT
	ICCPR (1982)		ICCPR-OP 2
	CEDAW (1982)		ICRMW
	CRC (1990)		CPED
	OP-CRC-AC (2001)		
	OP-CRC-SC (2001)		
	CRPD (signature only, 2007)		
<i>Reservations, declarations and/or understandings</i>	ICERD (Declaration, arts. 17(1) and 18(1) and Reservation, art. 22, 1982)	OP-CRC-SC (Withdraw of reservations, art. 5(1)(2)(3) and (4), 2009)	
	ICESCR (Declaration, art. 26(1), 1982)		
	ICCPR (Declaration, art. 48(1), 1982)		
	CEDAW (Reservation, art. 29(1), 1982)		
<i>Complaint procedures, inquiry and urgent action³</i>			ICERD, art. 14 OP-ICESCR ICCPR, art. 41 ICCPR-OP 1 OP-CEDAW CAT OP-CRC-IC ICRMW OP-CRPD CPED

Other main relevant international instruments

	<i>Status during previous cycle</i>	<i>Action after review</i>	<i>Not ratified</i>
<i>Ratification, accession or succession</i>	Convention on the Prevention and Punishment of the Crime of Genocide Geneva Conventions of 12 August 1949 and Additional Protocol I ⁴ ILO fundamental conventions except Nos. 87 and 105 ⁵ UNESCO Convention against Discrimination in Education	Palermo Protocol ⁶	Conventions on refugees and stateless persons ⁷ Additional Protocols II and III to the 1949 Geneva Conventions ⁸ Rome Statute of the International Criminal Court ILO fundamental conventions except No.29 ⁹ ILO Conventions Nos. 169 and 189 ¹⁰

1. The Independent Expert on Extreme Poverty recommended that Viet Nam strengthen its legal and institutional framework through the ratification and immediate implementation of major human rights treaties such as CAT, ICRMW, CRPD, CPED and the Optional Protocols to ICCPR, ICESCR and CEDAW.¹¹ Similarly, in 2012, the Committee on the Elimination of Racial Discrimination (CERD) encouraged Viet Nam to ratify ICRMW and CAT.¹² In 2012, the Committee on the Rights of the Child (CRC) also urged Viet Nam to ratify OP-CAT¹³, CRPD¹⁴, OP-CRC-IC and CPED.¹⁵

2. CRC recommended that Viet Nam ratify the Rome Statute.¹⁶

3. CERD and CRC recommended ratifying the 1951 Convention relating to the Status of Refugees and its 1967 Protocol, the 1954 Convention relating to the status of Stateless Persons and 1961 Convention on the Reduction of Statelessness.¹⁷

4. CERD recommended that Viet Nam ratify the ILO Convention No. 169 (1989) concerning Indigenous and Tribal Peoples in Independent Countries.¹⁸ CRC recommended ratifying the ILO Convention No. 189 on Decent Work for Domestic Workers (2011).¹⁹

5. CERD encouraged Viet Nam to make the declaration provided for in article 14 of the Convention.²⁰ CERD also recommended that Viet Nam ratify the amendments to article 8, paragraph 6, of the Convention.²¹

B. Constitutional and legislative framework

6. The United Nations Country Team (UNCT) noted the current Constitution, promulgated in 1992 and revised in 2001, was in the process of revision. The unprecedented role given to civil society, the media and others by the Constitutional Amendment Drafting Committee in the consultation process was well recognized. UNCT emphasized the need for the Constitution to express the State's duty to promote and protect

human rights, the supremacy of international law and the general need for alignment with international human rights norms and standards.²²

7. CERD and CRC welcomed several legislative measures: the Law on Gender Equality (2006)²³, the Law against Human Trafficking (2011), the Law on People with Disabilities (2010), the Law on Education (2005) and its amendment (2009), and the Law on the Protection, Care and Education of Children (2004).²⁴ However, CRC remained concerned about the slow progress of the legal reform.²⁵

8. The United Nations High Commissioner for Refugees (UNHCR) noted that the Law on Vietnamese Nationality 2008 represented an historic accomplishment in terms of the reduction of statelessness. It also assured that subsequent generations of children born to former refugees from a neighbouring country could enjoy the right to a nationality.²⁶

9. CRC urged Viet Nam to bring the draft Law on Associations into force.²⁷

10. CERD recommended that Viet Nam adopt a comprehensive anti-discrimination law that included a definition of racial discrimination in accordance with the Convention.²⁸

11. CERD was concerned about the lack of implementation of the existing legal, policy and institutional frameworks to combat racial discrimination, and noted with concern the broad and imprecise wording of certain provisions.²⁹

12. CERD was concerned at discriminatory provisions on ethnic and religious grounds, particularly articles 8 and 15 of the Ordinance on Belief and Religion (2004), which forbade religious activities deemed to “violate national security” and “negatively affect the unity of the people or the nation’s fine cultural traditions”.³⁰

13. CERD noted with concern (a) Ordinance No. 44 on regulating administrative justice, which authorized placing those suspected of being “national security” offenders under administrative detention for up to two years without trial; (b) Decree 38/2005/ND-CP on public order, which prohibited demonstrations outside State agencies and public buildings; and (c) Circular 09/2005/TT-BCA, which prohibited gatherings of more than five people without State permission.³¹

14. CRC recommended that Viet Nam reform domestic legislation to include all forms of child abuse and disseminate the legislation among law enforcement officials, the judiciary and professionals working with or for children.³²

C. Institutional and human rights infrastructure and policy measures

15. CERD and CRC encouraged Viet Nam to promptly establish an independent human rights institution, in compliance with the Paris Principles, with a broad human rights mandate³³ as recommended by the Independent Expert on Extreme Poverty.³⁴ CRC recommended establishing an independent monitoring body for the promotion and protection of children’s rights.³⁵

16. CERD welcomed the establishment of the Ethnic Council and noted the Committee for Ethnic Minority Affairs, responsible for the implementation of the ethnic minorities’ Government policies.³⁶

17. UNCT noted that the overarching Social Economic Development Strategy of 2011–2020 identified human rights as a cross-cutting issue to be mainstreamed into all national development priorities and activities.³⁷

18. UNHCR commended Viet Nam for its efforts to continue a national campaign on birth registration.³⁸ UNHCR recommended Viet Nam continue to take steps to ensure that births of all children be registered without discrimination, including reviewing the current

legislative framework and identifying any gaps that could be filled by the adoption of regional good practices.³⁹

19. CERD welcomed the special measures for the poorest ethnic minorities in the fields of housing, education and language learning.⁴⁰

20. CRC remained concerned about the scarcity of resources allocated for children, particularly affecting children living in remote areas, children with disabilities and children from ethnic minorities and indigenous groups. It recommended that Viet Nam utilize a child rights approach in the elaboration of the national budget.⁴¹

21. While welcoming the National Action Program for Vietnamese Children (2011-2020) and the National Program on Children Protection (2011-2015)⁴², CRC was concerned about the absence of coordination between the national policies and programmes affecting children.⁴³

22. While welcoming the Education Development Strategic Plan 2001-2010 and the National Education for All Action Plan 2003-2015⁴⁴, CRC encouraged Viet Nam to develop a national plan of action for human rights education.⁴⁵

23. CRC was concerned at the high levels of corruption in Viet Nam.⁴⁶

II. Cooperation with human rights mechanisms

A. Cooperation with treaty bodies⁴⁷

1. Reporting status

<i>Treaty body</i>	<i>Concluding observations included in previous review</i>	<i>Latest report submitted since previous review</i>	<i>Latest concluding observations</i>	<i>Reporting status</i>
CERD	August 2001	2011	March 2012	Fifteenth to seventeenth reports due in 2015
CESCR	May 1993	2011	–	Second to fourth reports pending consideration in 2014
HR Committee	July 2002	–	–	Third report overdue since 2004
CEDAW	January 2007	2013	–	Seventh and eighth reports pending consideration
CRC	January 2003 (to CRC) / September 2006 (to OP-CRC-AC and OP-CRC-SC)	2009	June 2012	Fifth to sixth reports due in 2017

2. Responses to specific follow-up requests by treaty bodies

Concluding observations

<i>Treaty body</i>	<i>Due in</i>	<i>Subject matter</i>	<i>Submitted in</i>
CERD	2013	Right to self-identification; indigenous' right over land; and minorities. ⁴⁸	
HR Committee	2003	Death penalty; detention conditions; domestic violence against women; religious freedom; treatment of the Degar (Montagnard); and restrictions on public meetings and demonstrations. ⁴⁹	2003 ⁵⁰

B. Cooperation with special procedures⁵¹

	<i>Status during previous cycle</i>	<i>Current status</i>
<i>Standing invitation</i>	No	No
<i>Visits undertaken</i>	Freedom of religion	Extreme poverty Minority issues Foreign debt Health
<i>Visits agreed to in principle</i>		Cultural rights Religion
<i>Visits requested</i>	Freedom of opinion Extrajudicial, summary or arbitrary executions Food Foreign debt Water and sanitation	Freedom of opinion Extrajudicial, summary or arbitrary executions Food Torture Human Rights Defenders Migrants Sale of children
<i>Responses to letters of allegations and urgent appeals</i>	During the period under review, 26 communications were sent by the Special Procedures. The Government has replied to 21 communications.	
<i>Follow-up reports and missions</i>	Follow-up report from the Independent Expert on Extreme Poverty	

III. Implementation of international human rights obligations

A. Equality and non-discrimination

24. CERD was deeply concerned about Viet Nam's lack of acknowledgement of racial discrimination and inequality between ethnic groups, and negative societal attitudes against persons of minority ethnic origin. It recommended the eradication of discriminatory stereotypes.⁵² CRC urged the adoption of a comprehensive strategy to prevent ethnic discrimination.⁵³

25. UNCT noted that – despite legal guarantees of equality – in reality, customary norms and traditions often governed inheritance, succession and marital property relations, and familial property division disadvantaged women, hindering them from exercising their rights.⁵⁴

26. CERD was deeply concerned about the socio-economic gap between disadvantaged ethnic minorities and the majority Kinh and its negative impact on indigenous and minority groups, particularly in employment, education and health.⁵⁵

27. CERD was concerned at discrimination and restriction on religious practices faced by some Christian and Buddhist among Khmer Krom, Degar (Montagnard) and Hmong, recommending that Viet Nam address the double discrimination faced by ethnic minorities from unrecognized religious groups and ensure their rights to freely practice religion.⁵⁶

28. CERD was concerned at the household registration system (*hộ khẩu*), which discriminated against ethnic minorities belonging to “unrecognized” religious groups in employment, social security, health services, education and the right to freedom of movement.⁵⁷

29. CERD was concerned about lack of implementation of existing legal, policy and institutional frameworks to combat racial discrimination, recommending that Viet Nam investigate and persecute racially motivated offences.⁵⁸

30. CRC was concerned at discrimination against girls, which resulted in their dropping out of school, marrying early and aborting female foetuses. It urged Viet Nam to eliminate all forms of discrimination against girls, and to ensure gender mainstreaming in all anti-discrimination policies and programmes.⁵⁹

31. CRC was concerned that children with HIV/AIDS were stigmatized, recommending that Viet Nam ensure that children with HIV/AIDS do not drop out from school, combat stigmatizing of children with HIV/AIDS, and implement the National Action Plan for children affected by HIV/AIDS to 2010 and vision to 2020.⁶⁰

32. CRC was concerned about the stigmatization of children with disabilities and urged Viet Nam to eliminate discrimination, particularly in the education and health system, and to explicitly prohibit discrimination against children on the grounds of disability.⁶¹

33. CRC was concerned at the marginalization of migrant children as a result of their unregistered status, urging Viet Nam to include a migrants' rights perspective into all anti-discrimination policies and programmes.⁶²

B. Right to life, liberty and security of the person

34. CERD was concerned at violent attacks and threats against ethnic and religious groups, recommending that Viet Nam investigate such reports.⁶³

35. The Independent Expert on Minority Issues referred to persistent allegations of arbitrary detention and mistreatment of detainees, including those from ethnic and religious minorities. She required responses and assurances from the Government that due process and the rule of law were consistently applied in line with international standards and enforced at the national and provincial levels.⁶⁴

36. In 2012, the Working Group on Arbitrary Detention requested Viet Nam to take the necessary steps to remedy the situation of three human rights defenders who had published a leaflet on workers' rights and to bring it into conformity with the standards and principles set forth in the Universal Declaration of Human Rights and the ICCPR. The Working Group considered it appropriate to refer the allegations of torture or cruel, inhuman treatment to the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment for appropriate action.⁶⁵

37. CERD was concerned at arrests of minority groups and arbitrary detention for activities that constituted their peaceful practice of religion and freedom of expression, and their ill treatment in custody, as well as lack of investigation and effective remedies for victims.⁶⁶

38. UNCT noted that a new Law on Handling Administrative Violations passed in June 2012 included a number of important reforms, including the abolition of administrative detention for sex workers.⁶⁷ However, CRC was concerned about the administrative detention system imposed on drug-addicted children and child detainees in centres not being separated from adults, recommending that Viet Nam develop alternatives to deprivation of child's liberty, provide children with rehabilitation and reintegration programmes, establish a monitoring system of drug detention centres, and guarantee availability of child detention cells.⁶⁸

39. CRC expressed concern about ill treatment or torture of children administratively detained in drug detention centres, including through solitary confinement.⁶⁹

40. UNCT noted that Vietnamese women, men and children were being trafficked for sexual and labour exploitation with women and children most at risk, especially from minority groups and border regions.⁷⁰

41. According to UNCT, national data confirmed that high rates of physical, sexual and emotional violence against women persisted. Statistics showed that 32 per cent of ever-married women reported having experienced physical violence in their life and 54 per cent of women reported lifetime emotional abuse.⁷¹

42. CRC expressed concern at (a) widespread violence against and abuse of children, particularly girls; (b) lack of measures to prevent domestic violence, including physical and sexual abuse; and (c) neglect of children. It recommended that Viet Nam strengthen the national system for investigating complaints of child abuse and neglect, eliminate violence against children, and establish policies to protect children from all forms of violence.⁷²

43. CRC was concerned about corporal punishment in the home, recommending that Viet Nam reform its domestic legislation to explicitly prohibit all forms of corporal punishment in all settings.⁷³

44. CRC remained concerned about increasing child prostitution, child trafficking and the use of children in commercial sexual activity. It was further concerned that sexually exploited children were treated as criminals by the police. It recommended that Viet Nam implement the 2011–2015 Action Plan against prostitution and the 2011–2015 Action Plan against human trafficking.⁷⁴

45. CRC was concerned about widespread child labour, the relatively low minimum age for labour (12 years for light work), and the fact that child inmates in drug detention centres

were subject to forced labour. CRC recommended that Viet Nam eliminate child labour, harmonize national laws and regulations with ILO Convention No. 138, and improve labour inspections.⁷⁵

C. Administration of justice, including impunity and the rule of law

46. UNCT stated that the Vietnamese judicial system was marked by a lack of independence of judges. It noted that the overall progress of judicial reform had been slow and lagged behind the legislative changes and the process of simplifying public administrative procedures. Many tasks related to creating enabling conditions for the promotion and protection of human rights as set forth in the judicial reform strategy – such as the introduction of an adversarial system in court adjudication, and the strengthening of independent judicial adjudication – had not yet been sufficiently translated into concrete actions.⁷⁶

47. UNCT noted that low levels of access to justice in Viet Nam especially affected poor and marginalized groups, and curtailed their access to effective judicial remedies; the right to counsel in criminal cases was poorly enforced in practice. Only around 9 to 11 per cent of accused, according to the statistics of the Supreme Court, had been represented by counsel, either paid by the accused or appointed by justice agencies.⁷⁷

48. UNCT stated that corruption in the public sector undermined human rights and curtailed access to essential services, while undermining the rule of law and eroding trust in public institutions. The Viet Nam Governance and Public Administration Performance Index (PAPI) 2012 provided evidence that bribe requests for public services impacted a significant portion of citizens and that the amounts paid were substantial when compared to the costs of other activities related to accessing those services.⁷⁸

49. CERD was concerned about the lack of complaints of racial discrimination lodged with courts and other authorities, recommending that Viet Nam inform the public about legal remedies regarding racial discrimination, establish an independent complaints mechanism,⁷⁹ and make the Convention more widely known among the judiciary to foster its application by the courts.⁸⁰

50. CRC expressed concern about the lack of a juvenile justice system, and that the current measures covered children under the age of 16 years only.⁸¹ It also expressed concern about limited alternatives to child detention and absence of rehabilitation and reintegration programmes, recommending that Viet Nam (a) review the Penal Code, the Criminal Procedure Law and the Ordinance on administrative violation to include all children under the age of 18 years in the juvenile justice system; (b) establish a specialized juvenile court and specialized protection police units for children; and (c) allocate resources to the juvenile justice system.⁸²

D. Right to privacy, marriage and family life

51. CRC expressed its concern at geographical and ethnic disparities in birth registration rates, recommending that Viet Nam secure the registration at birth of all children, giving particular attention to children living in rural and mountainous areas.⁸³

52. UNCT stated that efforts to strengthen lesbian, gay, bisexual and transgender rights within the revision of the Law on Family and Marriage were an opportunity for Viet Nam to emerge as a regional leader in the fight against homophobia.⁸⁴

E. Freedom of religion or belief, expression, association and peaceful assembly, and right to participate in public and political life

53. The Independent Expert on Minority Issues remained concerned by continuous reports that legitimate religious practices and peaceful protests by religious minorities – including ethnic minority Protestants, H'mong Christians and Khmer Buddhists – had resulted in restrictions on the freedoms of movement, expression and assembly, harassment and imprisonment. She urged the Government to respect fully the rights of religious minorities and refrain from imposing unjustified restrictions or penalties on individuals and communities exercising their right to peaceful protest.⁸⁵

54. CRC was concerned that all sources of information, media in particular, were subject to the Government's control and did not allow for diversity.⁸⁶ UNCT also expressed concern that – although the Internet had become a major space for social networking and expression – the recent draft decree aimed to replace Decree 97 on management, supply and use of Internet services and electronic information, if adopted, would tighten regulatory and technical controls on Internet access and content.⁸⁷

55. The United Nations Educational, Scientific and Cultural Organization (UNESCO) noted that major media institutions had developed their own self-regulatory mechanism. The use of codes of ethics and editorial guidelines in media outlets was not guaranteed in practice and especially with the ownership of the media concentrated in the Government. UNESCO recommended that Viet Nam implement reforms in line with international standards for press freedom and freedom of expression, and bring an end to State censorship of newspapers and other media. UNESCO recommended decriminalization of defamation and investigation into reports of attacks on journalists to ensure that perpetrators were brought to justice.⁸⁸

56. The United Nations High Commissioner for Human Rights expressed deep concern about the conviction and harsh sentencing of some prominent journalists and bloggers, noting this reflected a trend of increasing restrictions on freedom of expression, especially against those who used the Internet to voice their criticisms.⁸⁹

57. CRC expressed concern at the limitation on the freedom of expression of children and their limited access to information, urging Viet Nam to remove all restrictions on the freedom of expression of the child.⁹⁰

58. UNCT stated that the right of assembly, association and demonstration were recognized in the 1992 Constitution “in accordance with the law”. However, according to UNCT, peaceful gatherings and public protests could either not be formally permitted or were sometimes dispersed at the discretion of executive agencies on the grounds of public security, but without any legal framework or any mechanism to seek legal redress.⁹¹

59. CRC noted with concern that children's freedom to association was severely restricted.⁹² Specifically, UNCT noted that setting up a social organization outside the State's orbit of mass organizations and “special” organizations was subject to a complicated regulatory authorization procedure, and the classification system determined in different decrees on associations led to a lack of transparency and an unequal playing field for social organizations.⁹³

60. CRC remained concerned at the lack of application of the rights of the child to be heard in all settings, including in judicial hearings, recommending that Viet Nam carry out awareness-raising programmes and campaigns on children's right to have their views taken into account, and involve children in the development of legislation and policies relevant to them.⁹⁴

61. UNCT noted that political representation rates of women had declined over the previous four parliamentary terms, and currently the representation rate in the National Assembly stood at only 24.4 per cent, while in the Central Committee of the Communist Party, only 9 per cent of positions were held by women.⁹⁵

F. Right to work and to just and favourable conditions of work

62. According to UNCT, the revised Labour Code applies only to formal employment relationships on the basis of employment contracts, which effectively excludes employers and workers without contractual arrangements.⁹⁶

63. UNCT noted that members of disadvantaged and vulnerable groups – such as young workers, women, ethnic minorities, disabled workers, people living with HIV/AIDS and unskilled migrant workers – nevertheless continued to encounter special difficulties in accessing the labour market and in finding decent work. High rates of unskilled labour in ethnic minority areas were a barrier to accessing the labour market. Unemployment rates among young people were more than three times higher than the adult rate.⁹⁷

64. UNCT noted that the Labour Code continued to fall short of effectively prohibiting sexual harassment and protecting victims, as it neither provided a clear definition of sexual harassment nor obligated employers to take preventive measures or to establish complaint procedures in the workplace.⁹⁸

G. Right to social security and to an adequate standard of living

65. UNCT noted that, even though the expansion of the social protection coverage had been significant in the past 15 years, most workers remained unprotected against risks, from old age to maternity or work injury.⁹⁹

66. CERD remained concerned that not all communities benefitted from Viet Nam's economic growth.¹⁰⁰ CERD and CRC recommended that Viet Nam (a) combat poverty among marginalized groups, particularly ethnic minority and migrant groups; (b) promote equal opportunities for all persons; and (c) stimulate economic growth and development for the ethnic minority groups and the indigenous communities, especially regarding employment, education and health care.¹⁰¹

67. CRC was deeply concerned at the high number of children living in poverty, particularly within certain ethnic minorities and migrant populations, recommending that Viet Nam increase the social assistance cash transfer programme for low-income families with children, extending such support to poor ethnic minority families, informal workers' families and migrants' families.¹⁰²

68. CRC expressed concern about gaps in the supply of safe drinking water – especially in rural areas and among ethnic minority populations – and inadequate sanitation facilities in the home and at schools.¹⁰³

H. Right to health

69. While noting that in the previous five years, the Government had made efforts to expand health insurance coverage, especially for the vulnerable, UNCT stated that the national health care system was unevenly developed across the country.¹⁰⁴

70. The Special Rapporteur on health urged Viet Nam to complete an official assessment of the effects of privatization on the health system, including its impact on the

right to health and the accessibility of health goods and services for the poor and ethnic minorities, in order to (a) consider alternative revenue-generating mechanisms for provincial, district and commune level health service providers; (b) expand the scope of health insurance coverage for the poor; (c) subsidize fully travel, food and accommodation for the poor and near poor who must travel in order to receive health services; (d) reduce the complexity of referral procedures; and (e) ensure that all children under 6 years of age receive free health care in accordance with existing Government policy.¹⁰⁵

71. He also urged Viet Nam to consider developing policies to (a) foster the use of generic drugs; (b) increase transparency and ensure the participation of civil society and affected communities in the Trans-Pacific Partnership Agreement (TPPA) negotiation process to promote the full realization of the right to health; (c) ensure that, if Viet Nam acceded to the TPPA, it would retain the ability to use Trade-Related Aspects of Intellectual Property Rights (TRIPS) flexibilities and did not accept TRIPS-plus measures, in particular their effects on the development of local generic pharmaceutical production in Viet Nam.¹⁰⁶

72. According to UNCT, the Government had achieved marked scale-up of evidence-based HIV prevention, care and treatment interventions focusing on key populations. However, access to key HIV services were not equitable across the country, and many people were accessing HIV diagnosis and treatment too late, leading to the limited therapeutic and preventive benefits of the treatment. Stigma, discrimination and punitive laws against key populations were likely causes of late access to HIV services.¹⁰⁷

73. The Special Rapporteur on health urged the Government to consider (a) ensuring accurate and complete epidemiological surveillance and data-collection regarding HIV/AIDS; (b) eliminating stigmatization and creating an enabling environment in which at-risk populations were able to effectively access health care; and (c) developing a strategy to account for reductions in international assistance.¹⁰⁸

74. CRC remained concerned at stunting and malnutrition rates among children under 5 years of age and neonatal mortality, being higher in rural areas and among children of ethnic minorities and ethnic and geographic disparities in immunization rates.¹⁰⁹

75. CRC expressed concern at high teenagers' abortions and their limited access to contraceptives, reproductive health services, assistance and counselling, recommending that Viet Nam provide access for adolescents to sexual and reproductive health.¹¹⁰

I. Right to education

76. CRC recommended that Viet Nam (a) develop early childhood development programmes; (b) ensure free of charge education *de facto*; (c) increase access to schools, particularly for girls in rural areas; (d) undertake affirmative action targeting children from ethnic minorities and children living in rural areas in order to close ethnic and geographical disparities in school dropout rates; and (e) reform the curricula and pedagogical methods.¹¹¹

77. CERD was concerned at disparities in accessing education quality between majority Kinh students and ethnic minority students, high illiteracy and school dropout rates among ethnic minorities, particularly women and girls, and limited access to mother-tongue-based education. It recommended that Viet Nam ensure equal enjoyment of the right to education, and increase the bilingual education programmes.¹¹² CRC had similar concerns and recommendations.¹¹³

78. The Independent Expert on Minority Issues recommended that – with the ultimate aim of proficiency in Vietnamese, and as a means to implement fully the provisions in the Constitution relating to ethnic minority languages – the Government permit and support

bilingual education for ethnic minority children, commencing with their minority language as the medium of instruction in the early years of primary school.¹¹⁴

J. Cultural rights

79. UNESCO recommended that Viet Nam heighten the relevance of culture in economic, political and social life by developing cross-sectoral approaches to integrate the safeguarding of cultural heritage into sustainable development of tourism and creative industries, including in remote and hinterland areas.¹¹⁵

K. Persons with disabilities

80. UNCT noted that the Law on Persons with Disabilities was passed in 2010, and that the Prime Minister approved the national targeting programme on health care in the period of 2012–2015, which included a programme on rehabilitation of persons with disabilities and national guidelines that were developed to, for instance, support early identification and interventions for children with disabilities.¹¹⁶

81. CRC was concerned about the alarmingly disadvantaged position of children with disabilities regarding the right to education. It recommended that Viet Nam develop a rights-based approach in relation to children with disabilities and implement inclusive education policies, with a particular focus on children with disabilities living in rural areas.¹¹⁷

L. Minorities and indigenous peoples

82. In 2010, the Independent Expert on Minority Issues urged the Government to undertake a vigorous public education campaign to address civil society and official attitudes about persons belonging to minorities and their contributions to society, and address the lack of a comprehensive legislative framework to guarantee non-discrimination and to promote and protect minority rights.¹¹⁸

83. She recommended that poverty reduction policies relating to minorities should prioritize the preservation of their unique cultures, languages, traditions and lifestyles. It was critical that the Government ensured that economic growth in rural and remote geographical locations be achieved without negatively affecting the lives or cultures of minorities or deepening their poverty. Meaningful consultations with minority communities and their full participation in decisions that affected them, on all matters from local to the national level, were fundamental rights of minorities. She was concerned that interactions with minority communities were frequently characterized by top-down approaches that did not fully conform to the principles of free, prior and informed consultation and consent of the affected communities.¹¹⁹

84. She recommended that the Council on Ethnic Minorities of the National Assembly enhance its oversight of the work of the Government's Committee on Ethnic Minorities, and that members of the Council receive training in mainstreaming minority issues into legislation and public policies to make them effective in carrying out their responsibilities.¹²⁰

85. CERD recommended respecting and protecting the existence and cultural identity of all ethnic groups within its territory, and paying greater attention to the principle of self-identification by Khmer Krom and Degar (Montagnard).¹²¹

86. CRC urged Viet Nam to preserve the identity for all children, and to eliminate all efforts to assimilate ethnic minority populations with the Kinh majority.¹²²

87. CERD noted with concern the displacement of minorities and the ancestral lands' confiscation without prior consent and appropriate compensation, calling on Viet Nam to safeguard indigenous rights over ancestral lands.¹²³

M. Migrants, refugees and asylum seekers

88. CERD was concerned at the lack of legal provisions on protection for refugees. It recommended that Viet Nam review the current refugee policy, and establish national asylum legislation and procedures related to the protection of refugees and asylum seekers in line with international human rights standards.¹²⁴ UNHCR recommended that Viet Nam accede to the 1951 Convention relating to the Status of Refugees and its 1967 Protocol, and consider the passage of domestic refugee legislation and/or administrative policies, which would ensure that the country was in full compliance with international standards of treatment related to refugees, including the right to work.¹²⁵

89. CERD was also concerned at forced repatriation of members of indigenous peoples and ethnic minorities seeking refuge.¹²⁶

N. Right to development

90. The Independent Expert on Extreme Poverty acknowledged that challenges remained as poverty was increasingly resistant to growth, and inequality remained stubbornly high.¹²⁷

91. The Independent Expert on Extreme Poverty urged the Government to adopt a law regulating all social assistance mechanisms in order to ensure accountability and long-term stability of the social protection system, and ensure equitable and inclusive social and economic policies including the protection gaps faced by various vulnerable groups – such as ethnic minorities, women, children, older persons, persons with disabilities and internal migrants – and design programmes to meet their specific needs.¹²⁸

Notes

¹ Unless indicated otherwise, the status of ratifications of instruments listed in the table may be found in the official website of the United Nations Treaty Collection database, Office of Legal Affairs of the United Nations Secretariat, <http://treaties.un.org/>. Please also refer to the United Nations compilation on Viet Nam from the previous cycle (A/HRC/WG.6/5/VNM/2).

² The following abbreviations have been used for this document:

ICERD	International Convention on the Elimination of All Forms of Racial Discrimination
ICESCR	International Covenant on Economic, Social and Cultural Rights;
OP-ICESCR	Optional Protocol to ICESCR
ICCPR	International Covenant on Civil and Political Rights
ICCPR-OP 1	Optional Protocol to ICCPR
ICCPR-OP 2	Second Optional Protocol to ICCPR, aiming at the abolition of the death penalty
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
OP-CEDAW	Optional Protocol to CEDAW
CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
OP-CAT	Optional Protocol to CAT
CRC	Convention on the Rights of the Child
OP-CRC-AC	Optional Protocol to CRC on the involvement of children in armed conflict
OP-CRC-SC	Optional Protocol to CRC on the sale of children, child prostitution and child pornography
OP-CRC-IC	Optional Protocol to CRC on a communications procedure
ICRMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families
CRPD	Convention on the Rights of Persons with Disabilities
OP-CRPD	Optional Protocol to CRPD
CPED	International Convention for the Protection of All Persons from Enforced Disappearance

³ Individual complaints: ICCPR-OP 1, art 1; OP-CEDAW, art. 1; OP-CRPD, art. 1; OP-ICESCR, art. 1; OP-CRC-IC, art.5; ICERD, art. 14; CAT, art. 22; ICRMW, art. 77; and CPED, art. 31. Inquiry procedure: OP-CEDAW, art. 8; CAT, art. 20; CPED, art. 33; OP-CRPD, art. 6; OP-ICESCR, art. 11; and OP-CRC-IC, art. 13. Inter-State complaints: ICCPR, art. 41; ICRMW, art. 76; CPED, art. 32; CAT, art. 21; OP-ICESCR, art. 10; and OP-CRC-IC, art. 12. Urgent action: CPED, art. 30.

⁴ Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field (First Convention); Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea (Second Convention); Geneva Convention relative to the Treatment of Prisoners of War (Third Convention); Geneva Convention relative to the Protection of Civilian Persons in Time of War (Fourth Convention); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I). For the official status of ratifications, see Federal Department of Foreign Affairs of Switzerland, at www.eda.admin.ch/eda/fr/home/topics/intla/intrea/chdep/warvic.html.

⁵ International Labour Organization Convention No. 29 concerning Forced or Compulsory Labour; Convention No. 98 concerning the Application of the Principles of the Right to Organise and to Bargain Collectively; Convention No. 100 concerning Equal Remuneration for Men and Women Workers for Work of Equal Value; Convention No. 111 concerning Discrimination in Respect of Employment and Occupation; Convention No. 138 concerning Minimum Age for Admission to Employment; Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour.

⁶ Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.

- ⁷ 1951 Convention relating to the Status of Refugees and its 1967 Protocol, 1954 Convention relating to the Status of Stateless Persons and 1961 Convention on the Reduction of Statelessness.
- ⁸ Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Adoption of an Additional Distinctive Emblem (Protocol III). For the official status of ratifications, see Federal Department of Foreign Affairs of Switzerland, at www.eda.admin.ch/eda/fr/home/topics/intla/intrea/chdep/warvic.html.
- ⁹ International Labour Organization Convention No. 105 concerning the Abolition of Forced Labour; Convention No. 87 concerning Freedom of Association and Protection of the Right to Organise; Convention No. 98 concerning the Application of the Principles of the Right to Organise and to Bargain Collectively; Convention No. 100 concerning Equal Remuneration for Men and Women Workers for Work of Equal Value; Convention No. 111 concerning Discrimination in Respect of Employment and Occupation; Convention No. 138 concerning Minimum Age for Admission to Employment; Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour.
- ¹⁰ International Labour Organization Convention No. 169, concerning Indigenous and Tribal Peoples in Independent Countries and Convention No. 189 concerning Decent Work for Domestic Workers.
- ¹¹ A/HRC/17/34/Add.1, para. 101.
- ¹² CERD/C/VNM/CO/10-14, para. 20. See also CRC/C/VNM/CO/3-4, paras. 44(e) and 79.
- ¹³ CRC/C/VNM/CO/3-4, para. 44(e).
- ¹⁴ *Ibid.*, paras. 56(a) and 80.
- ¹⁵ *Ibid.*, para. 80.
- ¹⁶ *Ibid.*, para. 76.
- ¹⁷ CERD/C/VNM/CO/10-14, para. 18 and CRC/C/VNM/CO/3-4, para. 79.
- ¹⁸ *Ibid.*, para. 12.
- ¹⁹ CRC/C/VNM/CO/3-4, para. 80.
- ²⁰ CERD/C/VNM/CO/10-14, para. 23.
- ²¹ *Ibid.*, para. 24.
- ²² UNCT, p. 2.
- ²³ CERD/C/VNM/CO/10-14, para. 4(b).
- ²⁴ CRC/C/VNM/CO/3-4, para. 3.
- ²⁵ *Ibid.*, para. 9.
- ²⁶ UNHCR, p. 2. See CRC/C/VNM/CO/3-4, para. 3(e) and CERD/C/VNM/CO/10-14, para. 4(c).
- ²⁷ CRC/C/VNM/CO/3-4, para. 26. See also CRC/C/VNM/CO/3-4, para. 42.
- ²⁸ CERD/C/VNM/CO/10-14, para. 7.
- ²⁹ *Ibid.*, para. 10.
- ³⁰ *Ibid.*, para. 16(b).
- ³¹ *Ibid.*, para. 17(c).
- ³² CRC/C/VNM/CO/3-4, paras. 54(a).
- ³³ CERD/C/VNM/CO/10-14, para. 11 and CRC/C/VNM/CO/3-4, para. 16.
- ³⁴ A/HRC/17/34/Add.1, para 101
- ³⁵ CRC/C/VNM/CO/3-4, para. 16.
- ³⁶ CERD/C/VNM/CO/10-14, paras 4(d) and 9.
- ³⁷ UNCT, p. 3.
- ³⁸ UNHCR, p. 2.
- ³⁹ *Ibid.*, p. 6.
- ⁴⁰ CERD/C/VNM/CO/10-14, para. 4 (f).
- ⁴¹ CRC/C/VNM/CO/3-4, paras. 17-18.
- ⁴² *Ibid.*, para. 6(a) and (d). See also CRC/C/VNM/CO/3-4, para. 13.
- ⁴³ *Ibid.*, para. 13.
- ⁴⁴ CRC/C/VNM/CO/3-4, para. 67.
- ⁴⁵ *Ibid.*, para. 22.
- ⁴⁶ *Ibid.*, para. 17.
- ⁴⁷ The following abbreviations have been used for this document:
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| CERD | Committee on the Elimination of Racial Discrimination |
| CESCR | Committee on Economic, Social and Cultural Rights |

HR Committee	Human Rights Committee
CEDAW	Committee on the Elimination of Discrimination against Women
CAT	Committee against Torture
CRC	Committee on the Rights of the Child
CRPD	Committee on the Rights of Persons with Disabilities

- 48 CERD/C/VNM/CO/10-14, para. 27.
- 49 CCPR/CO/75/VNM, para. 23.
- 50 CCPR/CO/75/VNM/Add.2.
- 51 For the titles of special procedures, see www.ohchr.org/EN/HRBodies/SP/Pages/Themes.aspx and www.ohchr.org/EN/HRBodies/SP/Pages/Countries.aspx.
- 52 CERD/C/VNM/CO/10-14, para. 19. See also CRC/C/VNM/CO/3-4, para. 29(b).
- 53 CRC/C/VNM/CO/3-4, para. 30(b).
- 54 UNCT, p. 5.
- 55 CERD/C/VNM/CO/10-14, para. 13.
- 56 *Ibid.*, para. 16(a).
- 57 *Ibid.*, para. 16(c).
- 58 *Ibid.*, para. 10.
- 59 CRC/C/VNM/CO/3-4, paras. 29(d)-30(d).
- 60 *Ibid.*, paras. 61, 62(a)(b) and (c).
- 61 *Ibid.*, paras. 29(a)-30(a). See also CRC/C/VNM/CO/3-4, para. 56(d).
- 62 *Ibid.*, paras. 29(c)-30(c).
- 63 CERD/C/VNM/CO/10-14, para. 16 (d).
- 64 A/HRC/16/45/Add.2, para 97.
- 65 A/HRC/WGAD/2012/42, para 33.
- 66 CERD/C/VNM/CO/10-14, para. 17.
- 67 UNCT, p. 6.
- 68 CRC/C/VNM/CO/3-4, paras. 62, 63 and 64(a).
- 69 *Ibid.*, paras. 43-44. See also *ibid.*, para. 63(b).
- 70 UNCT, p. 5.
- 71 *Ibid.*, p. 5.
- 72 CRC/C/VNM/CO/3-4, paras. 53 and 54. See also *ibid.*, para. 68(f).
- 73 *Ibid.*, paras. 45-46.
- 74 *Ibid.*, paras. 71 and 72.
- 75 *Ibid.*, paras. 69 and 70.
- 76 UNCT, p. 6.
- 77 *Ibid.*, p. 7.
- 78 *Ibid.*, p. 8.
- 79 CERD/C/VNM/CO/10-14, para. 9. See also *ibid.*, para. 8.
- 80 *Ibid.*, para. 8.
- 81 *Ibid.*, para. 73(a). See also *ibid.*, para. 73(a).
- 82 *Ibid.*, paras. 74(a), (b) and (c).
- 83 *Ibid.*, paras. 37-38.
- 84 UNCT, p. 5.
- 85 A/HRC/16/45/Add.2, para 93.
- 86 CRC/C/VNM/CO/3-4, para. 41.
- 87 UNCT, p. 9.
- 88 UNESCO, paras. 36, 45, 46, and 50.
- 89 Public Statement by the High Commissioner, 25 September 2012.
- 90 CRC/C/VNM/CO/3-4, paras. 41-42.
- 91 UNCT, p. 9.
- 92 CRC/C/VNM/CO/3-4, para. 41.
- 93 UNCT, p. 8.
- 94 CRC/C/VNM/CO/3-4, paras. 35-36.
- 95 UNCT, p. 4.
- 96 *Ibid.*, p. 9.
- 97 *Ibid.*, p. 9-10.

- ⁹⁸ *Ibid.*, p. 10.
⁹⁹ *Ibid.*, p. 10.
¹⁰⁰ CERD/C/VNM/CO/10-14, para. 13.
¹⁰¹ *Ibid.*, para. 13 and CRC/C/VNM/CO/3-4, para. 66(b).
¹⁰² CERD/C/VNM/CO/10-14, para. 13 and CRC/C/VNM/CO/3-4, para. 66(b).
¹⁰³ *Ibid.*, paras. 65–66.
¹⁰⁴ UNCT, p. 11.
¹⁰⁵ A/HRC/20/15/Add.2, para 61.
¹⁰⁶ *Ibid.*, para. 62.
¹⁰⁷ UNCT, pp. 11- 12.
¹⁰⁸ A/HRC/20/15/Add.2, para. 63.
¹⁰⁹ CRC/C/VNM/CO/3-4, paras. 57–58.
¹¹⁰ *Ibid.*, paras. 59–60.
¹¹¹ *Ibid.*, 12 June 2012, paras. 67–68.
¹¹² CERD/C/VNM/CO/10-14, para. 14.
¹¹³ CRC/C/VNM/CO/3-4, paras. 67–68. See also UNCT, p. 12; UNESCO, para. 17; and CRC/C/VNM/CO/3–4, paras. 29 (b)-30(b) and 75.
¹¹⁴ A/HRC/16/45/Add.2, para 89. See also CERD/C/VNM/CO/10-14, para. 14 and CRC/C/VNM/CO/3-4, para. 68(e).
¹¹⁵ UNESCO, para. 56.
¹¹⁶ UNCT, p. 13.
¹¹⁷ CRC/C/VNM/CO/3-4, paras. 55–56.
¹¹⁸ A/HRC/16/45/Add.2, paras 77–79.
¹¹⁹ *Ibid.*, paras 83–84.
¹²⁰ *Ibid.*, para 100.
¹²¹ CERD/C/VNM/CO/10-14, para. 12.
¹²² CRC/C/VNM/CO/3-4, paras. 39-40.
¹²³ CERD/C/VNM/CO/10-14, para. 15.
¹²⁴ *Ibid.*, para. 18.
¹²⁵ UNHCR, p. 3.
¹²⁶ CERD/C/VNM/CO/10-14, para. 18.
¹²⁷ A/HRC/17/34/Add.1, para 101.
¹²⁸ *Ibid.*, para 101.
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