



UNCT Joint Submission to the 4th Universal Periodic Review of Viet Nam

The Joint Submission on the progress towards the implementation of the recommendations received by Viet Nam during the third cycle of the Universal Periodic Review (UPR) reflects the knowledge and analysis of both resident and non-resident UN agencies of the UN Country Team (UNCT) in Viet Nam.

Human Rights Framework

1. Viet Nam ratified seven out of nine core human rights treatiesⁱ and nine out of 11 instruments considered as Fundamental Principles and Rights at Work (FPRW).ⁱⁱ Viet Nam does not have an independent National Human Rights Institution (NHRI).ⁱⁱⁱ
2. Viet Nam has not extended a standing invitation to Special Procedures and several requests for country visits remain pending. The last country visit took place in 2017. The Special Rapporteur on the Right to Development is due to visit in November 2023.^{iv}
3. During the current UPR cycle, Viet Nam adopted important legislations and policies impacting on human rights, including: the revised Labour Code; the “National Occupational Safety and Health (OSH) programme 2021-2025”; the “National Strategy on Gender Equality 2021-2030”; the “National Programme on Prevention and Response of Gender-Based Violence 2021-2025”; the decision on “Prevention and Control of Domestic Violence toward 2025”; Decree No. 13/2023/NĐ-CP on protecting personal data and subsequent progress in developing the Gender Affirmation Law; the Ministry of Health’s Decision depathologizing gender diversity; the revised “Law on HIV/AIDS Prevention and Control”; the “National Strategy to End AIDS by 2030”; the “Action Plan for Supporting Victims of Human Trafficking 2021-2025”; the “Strategy for Sustainable Agriculture and Rural Development” and the “National Action Plan on Food Systems Transformation”.

Right to life, liberty, and security of the person

4. Death penalty remains in place for eighteen offences,^v including drug-related offences not meeting the threshold of “*most serious crimes*”.^{vi} Data on death sentences and executions are covered as State secret and not publicly available.^{vii}
5. At least 150 among independent journalists, human rights defenders, pro-democracy, land, and religious activists remain in detention^{viii} for peacefully exercising their fundamental rights on issues related to environmental protection, minority rights, and democratic development.^{ix} Many were detained and sentenced to long prison terms under vague and broadly formulated provisions of the Criminal Code (CC).^x
6. Since June 2021, six prominent environmental human rights defenders (EHRDs) and experts have been arrested, five of them on charges of tax evasion. Five out of six were sentenced up to five years in prison. Three were released and one is awaiting trial. Targeting of EHRDs is taking place amid Viet Nam’s stated commitments to a just and sustainable energy transition.^{xi}
7. Cases of intimidation and reprisals against civil society actors for engaging with the UN and its Human Rights Mechanisms, including Treaty Bodies, Special Procedures and the UPR, continue to be recorded. Viet Nam is included in the annual UN Secretary General’s report on intimidation and reprisals against individuals for their cooperation with the UN since 2014.^{xii}

Recommendations:

8. ***Impose a moratorium on capital executions and amend the CC to further reduce the number of offences for which the death penalty can be imposed, with a view to abolishing the death penalty for all offences.***

9. ***Collect and make public data on all capital crimes, including charges, convictions, sentences, and executions, disaggregated by gender, age, nationality, ethnic origin, social origin, and other relevant demographics.***
10. ***Repeal articles of the CC and Criminal Procedure Code (CPC) that are not in line with international human rights standards and immediately release all those arbitrarily detained for peacefully exercising their fundamental freedoms.***

Administration of justice, including impunity and the rule of law

11. While the independence of judges is guaranteed in law, the position of Chief Justice of the Supreme People's Court is given to members of the Communist Party's Central Committee, while the Vice Chief Justice and Judges of the Supreme People Courts are nominated by the Communist Party.^{xiii}
12. The Criminal Procedure Code (CPC) contains principles such as presumption of innocence, access to counsel, double jeopardy, and adversarial process in trials.^{xiv} However, the judicial system remains overall inquisitorial.^{xv} The CPC also limits due process, allowing for prolonged periods in incommunicado detention, without trial and access to defence counsel for individuals accused of national security crimes. There is no provision allowing the suspects to appeal the pre-trial detention or have its legality reviewed by a court of law.^{xvi}
13. While the Ministry of Justice is undertaking a digitalization processes, there is no clear and comprehensive obligation for publication of court cases, limiting the development of case law and stifling adherence to standards of accountability and transparency.^{xvii}

Recommendations:

14. ***Repeal articles of the CPC that are not in line with international human rights standards.***
15. ***Strengthen the rule of law and the criminal justice system to ensure compliance with international standards, including by enhancing transparency of laws, policies and court cases and other dispute resolution processes.***
16. ***Ensure that rights of all groups of people are protected when rolling out e-courts, including vulnerable persons and women and girl victims of violence.***

Administrative detention centres for people who use drugs

17. There are 120 among compulsory and mixed drug detoxification and rehabilitation centres in Viet Nam (the so-called "06 Centres").^{xviii} There is no official information on the number of people who use drugs currently held in the Centres. Concerns remain about the working and health care conditions in compulsory facilities and their compliance with international human rights law.^{xix}
18. The 2021 Law on Drug Prevention and Control^{xx} retains compulsory drug treatment as a central element, foreseeing detention from six months to one year including for children aged between 12 and 18 years.^{xxi} The Law contradicts commitments to diversify drug dependence treatment models and expand voluntary approaches outlined in the Drug Rehabilitation Renovation Plan 2013–2020.

19. Serious human rights, health and labour concerns remain over policies to commit people who use drugs to 06 Centres, based on urine tests and without voluntary choice for drug dependence treatment in the community.^{xxii}

Recommendations:

20. *Amend the Law on Drug Prevention and Control to exclude children between 12 and 18 years of age.*
21. *Set a firm timetable for closing all compulsory drug detoxification and rehabilitation centres.*
22. *Ensure that voluntary, evidence-informed, and rights-based health and social services, including integrated services for people who use multiple drugs, is provided in the community as alternatives to detention.*

Trafficking in persons

23. Trafficking in persons (TIP) continues to be a serious concern.^{xxiii} The modus operandi of criminal networks has become more complex in response to socio-economic conditions and the recent pandemic.^{xxiv} Domestic trafficking is on the rise, accounting for 45% in 2022.^{xxv} The rapid pace of digital expansion exacerbates the problem, with deceptive recruitment activities for TIP increasingly happening in cyberspace, where there is no or limited regulatory framework and resources to intervene.^{xxvi}
24. While TIP is an offence under the CC and the 2012 Law on Prevention and Combating Human Trafficking, ^{xxvii} inconsistencies between domestic laws pose challenges to effectively prosecute those involved in trafficking, manage victim referral and intersectoral cooperation, obtain quality data and protect victims. ^{xxviii} Despite efforts to address discrepancies, key challenges remain especially for 16 and 17-year-old children, who are dealt with in the same way as persons above 18 years of age, requiring a demonstration of “means” to constitute a trafficking crime.^{xxix} Moreover, no clear framework exists to provide protection for non-Vietnamese nationals trafficked to Viet Nam, or transited through Viet Nam to a third country, nor to coordinate with relevant stakeholders for necessary counter-TIP activities.
25. On a positive note, Viet Nam has stepped up investigations and international law enforcement cooperation, prosecuting and convicting traffickers and allegedly complicit officials.^{xxx} The Action Plan for Supporting Victims of Human Trafficking 2021-2025 with orientation to 2030^{xxxi} was adopted in 2021, and the 2012 Law is being revised.^{xxxii} In May 2023, Viet Nam issued a Directive on strengthening the prevention of crimes related to gambling activities including cyberspace.^{xxxiii} In May 2023, Viet Nam and other ASEAN countries adopted the ASEAN Leaders’ Declaration on Combating Trafficking in Persons Caused by the Abuse of Technology.^{xxxiv}

Recommendations:

26. *Review and revise the anti-trafficking laws and CC in consultation with the whole-of-society anti-trafficking actors and communities to ensure their compliance with the*

international standards, especially in the identification of the crime of trafficking in persons, and to extend full protection for victims aged 16 to 18.

- 27. Enhance inter-agency cooperation between relevant stakeholders to identify and provide support to victims, including during the criminal justice process.*
- 28. Strengthen international legal cooperation and national law enforcement capacities to investigate and respond to the linkages between cybercrime, human trafficking, and migrant smuggling.*

Freedom of expression

29. Freedom of expression and freedom to seek, receive and impart information remain restricted.^{xxxv} Various speech-related offenses are subject to long prison terms in the CC.^{xxxvi} The 2016 Press Law maintain the press under state management^{xxxvii} and 2016 Law on Access to Information limits the information accessible to citizens.^{xxxviii}
30. The 2018 Law on Cybersecurity restricts freedom of expression online through vague and overbroad provisions, not clearly defining what could violate “national interests” or “good traditions”.^{xxxix} Decree 53/2022/ND-CP^{xl} introduces requirement for “data localisation” and sets out legal bases for authorities to act against illegal online activities, with potential negative impacts on online freedom of expression and the right to privacy.^{xli}
31. Decree 15/2020/ND-CP^{xlii} and Decree 119/2020/ND-CP^{xliii} provide for new and increased penalties against individuals who disseminate content such as “diverging political views”, or “reactionary ideologies” on social media platforms. Similarly, Decree 72/2013/ND-CP,^{xliv} through its list of prohibited acts, imposes restrictions on the type of information that can shared and accessed online. The Decrees do not comply with the principles of legal certainty, necessity, and proportionality.

Recommendations:

- 32. Repeal provisions of the CC, Law on Cybersecurity, Press Law, Access to Information Law, and related Decrees that curtail freedom of expression and opinion, and the right to privacy.*
- 33. Review all convictions based on laws restricting freedom of expression and opinion, in particular articles 117 and 331 of the CC.*

Freedom of association and peaceful assembly

34. Restrictions on the time, place, and manner allowed for persons to assemble peacefully remain in place, de facto preventing demonstrations on arbitrary grounds.^{xlv} Neither the Law on Associations nor the Law on Demonstrations have been finalized.^{xlvi}
35. Prime Minister’s Decision 06/2020/QĐ-TTg^{xlvii} on international conferences and seminars is interpreted and applied strictly, resulting in a restricted space for organizing events on human rights-related issues.
36. The conditions and procedures for establishing associations and civil society organizations (CSOs) not affiliated with State mass organizations remain complicated.^{xlviii} Following the

adoption of Decree 56/2020/ND-CP and Decree 114/2021/ND-CP on Official Development Assistance (ODA),^{xliv} these organizations^l have faced even tighter monitoring and increased restrictions on their activities and their ability to receive foreign funding.^{li} These legislative developments, together with recent arrests and sentencing of registered CSOs leaders, have discouraged civil society from engaging in human rights activities.^{lii}

Recommendation:

- 37. Create an enabling environment for independent civil society and ensure that laws and decrees facilitate the registration, work, and funding of CSOs.***

Right to just and favourable conditions of work and trade union rights

38. The revised Labour Code entered into force on 1 January 2021.^{liii} The Code legalized the establishment of enterprise-based workers' representative organizations (WROs) not necessarily affiliated to the Viet Nam General Confederation of Labour (VGCL).^{liv} The Code also removed the list of prohibited occupations for women, increased parental leave entitlements, clarified the definition of sexual harassment, and reduced the gender gap between men and women's retirement age from five to two years by 2035.^{lv} A draft revised Trade Union Law is to be submitted to the NA for first appraisal in October 2023.^{lvi}
39. Government's Decree No. 20/2021/ND-CP significantly increased the coverage and adequacy of social assistance benefits.^{lvii} It also gave provinces the ability to expand beyond the nationally defined minimum values and eligibility thresholds. Nevertheless, gaps in social protection coverage and adequacy remain. In 2022, the social insurance coverage was still at 38% of the working age population, significantly behind the target of 60% coverage by 2030.^{lviii} In addition, gender gaps in coverage and benefit adequacy remain.^{lix}

Recommendations:

- 40. Ratify ILO Convention No. 87 and Protocol No. 29, with a view to ratify all instruments considered FPRW.***
- 41. Improve implementation and enforcement of the Labour Code.***
- 42. Formalize the informal economy to provide better protection and full coverage by the Labour Code.***

Right to social security and to an adequate standard of living

43. Viet Nam has made significant progress in poverty reduction^{lx} and eradication of hunger.^{lxi} The multi-dimensional poverty has decreased in both the overall population (9.9% in 2016 to 4.5% in 2020) and children (21.2% in 2014 to 14.5% in 2018).^{lxii}
44. Poverty reduction has been uneven across population groups and regions. High levels of chronic poverty persist among ethnic minorities (EM) and groups such as children, older persons, persons with disabilities (PWDs) and non-registered migrants. Despite accounting for just 15% of the population, EM comprise more than 50% of the country's poor, and while multi-dimensional poverty rate was 9.35% in 2022, the average poverty rate of EM was 35.5%.^{lxiii}

45. A high proportion of population remain just above the poverty line, with almost 75% in the near poor and low middle income groups.^{lxiv} New forms of urban poverty have emerged among migrants and informal sector workers, due to rapid urbanization and social change.^{lxv} Child poverty is majorly concentrated among EM children (46.4% in 2018) and the youngest children aged 0-4.^{lxvi}
46. Around 16% of women aged 65 and over receive a pension from social insurance versus 27.3% men counterparts. The gender gap widens with increasing age, with only 6.9% of women aged 80 and over receiving a pension versus to 25.9% of men.^{lxvii} Only 10% of children and less than 1% of those under 36 months of age have access to cash assistance.^{lxviii}

Recommendations:

47. *Adopt a life-cycle approach and intergenerational solidarity in reforming social protection, ensuring protection to all citizens from childbirth through old age.*
48. *Increase focus on vulnerable groups of the population (such as PWDs, EM, and migrants) to ensure no one is left behind.*
49. *Take actions towards an integrated, inclusive and gender equitable social insurance system and revise the Social Insurance Law and Social Assistance Law.*
50. *Expand maternity benefit to all women and compensate for career breaks associated with having a child beyond the periods of paid maternity leave (such as care credits).*

Right to food

51. Viet Nam meets most of its food security needs through domestic production while having a surplus for export. The Strategy for Sustainable Agriculture and Rural Development (SSARD)^{lxix} and the National Action Plan on Food Systems Transformation (NAP-FST) aim to address remaining challenges relating to sustainability of farming practices, value chains and natural resource use through an integrated systems approach, placing food security and nutrition, peoples' livelihoods, resilience to shocks including climate change, at the heart of achieving the relevant SDGs.^{lxx}
52. Viet Nam has achieved significant improvements in maternal and child nutrition during the last three decades, and reducing the extent of malnutrition remains a public health priority. There are significant differences in food consumption habits and patterns between people living in the midlands and mountainous areas, urban and rural environments, and among different EM groups.^{lxxi}

Recommendation:

53. *Prioritise resource mobilisation to implement the SSARD and NAP-FST.*

Right to health (including HIV-AIDS)

54. Viet Nam achieved significant reduction in morbidity and mortality of infectious diseases^{lxxii} and improved access to health services.^{lxxiii} Nevertheless, primary health care remains limited in quality, access, and affordability, due to lack of incentives for health services

delivery at grassroots level. Moreover, weak health system governance and regulations overload tertiary and secondary hospitals.^{lxxiv} Around 70% of financial resources are allocated to upper levels of care and the out-of-pocket spending remains high, with 45% of total health expenditures.^{lxxv} The lack of comprehensive and disaggregated data collection and analysis hinders better priority-setting and enhancement of inclusive health outcomes.

55. Though Viet Nam has reduced maternal and child mortality, these remain high. Access to services remains lower among rural and remote populations, the poorest wealth quintile, and EM. Child malnutrition remains of concern, with high prevalence of child stunting and rapid increase of child overweight and obesity. Access to quality sexual and reproductive health services also remains unequal across population groups.
56. Internal migrants face financial, structural, cognitive, and social support barriers that hinder access to health-care services.^{lxxvi} Limited understanding and knowledge of how to access to health care services exposes migrant to greater health risks due to misinformation, especially on the gap in knowledge on the benefit of health insurance.^{lxxvii}
57. Viet Nam has made substantial achievements in its response to HIV.^{lxxviii} However, while transmission among people who inject drugs and female sex workers has been largely under control, the number of HIV infections among men who have sex with men (MSM) and transgender women (TGW) has increased.^{lxxix} HIV testing including self-testing, ART, and Pre-Exposure Prophylaxis (PrEP) have been scaled-up. Methadone maintenance programme has been stable over the last few years, with more than 50,000 people who inject drugs on methadone. Take-home methadone has been successfully piloted to inform national scale-up.
58. Viet Nam is increasingly recognizing the crucial role and valuable contributions of community-led organizations (CLOs) in enhancing access to HIV prevention and treatment services. However, there is still a lack of conducive environment for the legal registration of CLOs.^{lxxx} In addition, overall, access to and sustainability of HIV prevention services remains a concern.^{lxxxi}
59. Prevention of Mother-to Child Transmission (PMTCT) of HIV in 2022 was down to 77% from 90.5% in 2020, mainly because of CoVID-19 related service disruption. As of end of 2022, an estimated of less than 500 children were living with HIV.^{lxxxii}

Recommendations:

60. ***Expand primary healthcare capacity and its functions and regulate the growing hospital sector to ensure more equitable health outcomes and sustainable financing.***
61. ***Continue to pursue the goal of ending AIDS by 2030 including the elimination of MTCT and allocate funding for HIV screening and prevention program including PrEP.***
62. ***Ensure the availability of comprehensive and integrated prevention and harm reduction services to meet emerging needs of people at higher risk of HIV infection, especially for MSM, TGW, people who use/inject drugs, young male and female sex workers, and their intimate partners.***

63. *Invest on evidence-informed, comprehensive, and sustainable prevention and treatment programmes for all people living with and affected by HIV, including methadone maintenance treatment, needle and syringe exchange, usage of condoms and harm reduction for people who use stimulant drugs and engage in sexualised drug use.*
64. *Strengthen legal and policy support to provide more enabling environment for CLOs to sustainably provide these HIV services.*

Right to a healthy environment and climate change

65. Viet Nam is highly vulnerable to climate change impacts and complex transboundary environmental challenges, including climate-induced disaster, sea level rise, biodiversity and ecosystem loss, marine plastic pollution, ecosystem management and disease spill-over risks from wildlife to livestock and humans. Impacts of climate change pose the greatest risk to the poor, EM and other people in remote, mountainous, and low-lying areas, people with disabilities, children and youth and other disadvantaged groups.
66. At the 26th UN Climate Change Conference of the Parties (COP 26) to the UN Framework Convention on Climate Change (UNFCCC), Viet Nam indicated an intention to accelerate climate actions and committed to achieving net-zero GHG emissions by 2050. To this end, Viet Nam has developed laws and policies to prevent and mitigate climate impacts on people's rights.^{lxxxiii} It has also championed attention to the impacts of climate change at the Human Rights Council.
67. In 2022, Viet Nam and the International Partners Group (IPG) announced a Just Energy Transition Partnership (JETP), which aims to catalyse investments from private sector to implement a just and sustainable energy transition. However, the 'just' element of the JETP and its investments still needs to be unpacked and implemented properly, including protecting procedural elements of environmental rights.^{lxxxiv}
68. Despite commitments to climate change and environment, serious concerns remain about the ongoing arrest and sentencing of prominent environmental human rights defenders on tax evasion charges.^{lxxxv}

Recommendations:

69. *Ensure that human rights standards are integral to the implementation of Viet Nam's commitments to the net zero target, including through effective and inclusive participation of individuals, communities, enterprises, and other parties.*
70. *Conduct thorough socio-economic policy impact assessments, in consultation of communities and individuals, especially groups in vulnerable situations, when implementing green growth, climate change and environmental policies for just transitions.*
71. *Ensure environmental justice by both participatory policy-making processes and access to information and effective remedies for communities and individuals.*
72. *Ensure protection for environmental and human rights defenders by law and in practice, as key contributors to achieve the right to a clean and healthy environment.*

Right to education

73. Viet Nam has made considerable efforts to improve education.^{lxxxvi} School enrolment rates are high, and the youth literacy rate was 97% in 2020.^{lxxxvii} However, while school enrolment at aggregate level is high, variation across marginalized populations is significant.^{lxxxviii} Human rights are now integrated into the study curriculum of the national education system from pre-school to higher education, and in the programmes for law enforcement officials and the judiciary.^{lxxxix} Household socio-economic status contributes to educational disparities, especially in terms of the resources that households devote to tutoring, study support, and extra payments, placing poor children at a disadvantage.^{xc}
74. Children with disabilities still show clear disadvantages in education with very low participation rates.^{xc} Reasons include discriminatory behaviour and attitudes towards children with disabilities, narrow conceptualization of inclusive education, incompatible existing legislation, and a lack of monitoring and evaluation of legislative implementation.^{xcii}

Recommendation:

- 75. Accelerate improvements in access to quality education, especially for people from disadvantaged and vulnerable backgrounds, including by investing in facilities and teaching and learning aids for children with disabilities.***

Business and Human Rights

76. The National Action Plan on Responsible Business (NAP) was adopted in July 2023.^{xciii} The NAP focuses on awareness raising and capacity building for relevant stakeholders, improvement of law and policies in investment, labour rights, protection of vulnerable groups, environmental protection, and consumer protection. An enforcement mechanism for the NAP does not yet exist, nor do indicators for implementation. Concerns have been raised about the lack of adequate stakeholder engagement during the NAP development.^{xciv}

Recommendation:

- 77. Take steps to implement the National Action Plan on Responsible Business, including capacity building of government officials and amendments of laws, policies, further research, monitoring mechanisms, awareness raising, and effective remedies.***

Rights of specific groups

Women

78. Women enjoy formal equality under the law,^{xcv} have comparatively high workforce participation and access to economic opportunity,^{xcvi} and ever improving health and higher education attainments. However, at an aggregate level, closing gender gaps must now move well beyond a focus on basic human capabilities towards addressing the barriers and biases to women's empowerment, participation, and security.^{xcvii}
79. The representation of women in the National Assembly (NA) for the 2021-2026 term increased to 30.26%. However, women's participation at the highest echelons of leadership fell, with only one woman in the Politburo. Moreover, women were no longer present in the

top four highest leadership positions of the country. There are three female ministers among 22 members of the government cabinet.^{xcviii}

80. Social and cultural beliefs remain one of the major obstacles to expand women's participation at village and provincial levels, where voters still prefer men candidates with families, over women candidates with families. In addition, women delegates are being siloed into certain areas of public policy such as education, health care and employment while their engagement in other important areas such as public finance, national security, security, economic policy, among others remains limited.^{xcix}
81. Viet Nam has made efforts to reduce Gender-Based Violence (GBV) and Domestic Violence (DV).^c While efforts have been made to broaden the definition of rape,^{ci} a minimum degree of physical injury is still required as evidence.^{cii} Misconceptions about sexual violence often prevent women from reporting it, while “preserving family harmony” makes women hesitant to report DV.^{ciii} Even when women report, attrition rates are high at all stages of the criminal justice process.^{civ}
82. A 2019 study confirmed that two in three ever married women (62.9%) experience violence by their husbands/partners.^{cv} Physical or sexual violence is higher among women with disabilities (33% compared to 25.3% of women without disabilities), and for certain groups of women living in remote areas. One in ten women (11%) has experienced non-partner violence since the age of 15 and 13.3% of women experienced lifetime sexual violence, an increase on the rate at last measurement (9.9% in 2010).^{cvi}

Recommendations:

83. ***Build capacity of potential female candidates and support them in the upcoming People Council and NA election in 2025 and 2026.***
84. ***Prioritize women's participation and leadership in all branches of Government and revise the Gender Equality Law.***
85. ***Introduce clear gender quota mechanisms for both Party and Government leadership, including appointing responsible agencies and monitoring and evaluation schemes.***
86. ***Criminalize violence against women and strengthen women's access to justice and essential services for all survivors.***
87. ***Strengthen confidential and gender-sensitive reporting procedures on GBV and DV.***
88. ***Implement the law prohibiting child, early and forced marriage and strengthen efforts towards a multi-sectoral holistic response.***

Children

89. The Law on Children defines the child as a person under 16 years, whilst the age of majority is set by law at 18 years of age.^{cvii} This creates significant protection gaps for children aged 16-17 years, especially victims of child abuse, sexual exploitation, trafficking, children facing deprivation of liberty, and other vulnerable groups with limited access to welfare, justice, and protection services.

90. While significant progress has been made in child justice,^{cviii} detention of children in conflict with the law is still common. Children face obstacles in accessing fair, timely and effective remedy, and individualized support to address the multi-faceted risk factors contributing to offending and victimization.^{cix}
91. Although perceptions and practices of care and protection have improved, large numbers of children continue to experience various forms of neglect, abuse, violence, and exploitation, including child labour. A survey highlighted that violent discipline is widespread, with 72% of children aged 1-14 experiencing some form of violent discipline at home by their parents or caregivers.^{cx}
92. Child, early, and forced marriage is a persistent issue with 14.6% women aged 20-24 years in 2020-2021 found to be married or in union before their 18th birthday. Girls from socio-economically disadvantaged backgrounds are more likely to be married early, with the percentage age of early marriage for EM girls rising to a significant 21.9%.^{cxii}

Recommendations:

93. *Change the definition of the age of the child to under-18 years in line with the UN Convention on the Rights of the Child.*
94. *Accelerate the national roll-out of the Family and Juvenile Court, designation, and training of specialist child justice professionals, and strengthen community-based rehabilitation and reintegration services for minors in conflict with the law.*
95. *Accelerate the efforts to eliminate child labour with particular focus on eliminating the worst forms of child labour.*

Persons with Disabilities (PWDs)

96. Around 7.06% of the population aged two and over have some form of disabilities.^{cxiii} While progress has been made to meet the needs and preferences of PWDs,^{cxiii} challenges remain in implementing policies and laws in accordance with the Convention on the Rights of Persons with Disabilities (CRPD), including infrastructure, human resources and access to services such as inclusive education, vocational training, social and child protection and rehabilitation at district and commune levels.^{cxiv} The definition of PWDs in the Law on Persons with Disabilities is not in line with the CRPD.^{cxv}
97. PWDs remain largely excluded from political life. In a 2021 Rapid Assessment, 98.2% of respondents expressed their desire to have their representatives with disabilities in the NA and People's Councils. However, no NA deputy in the current term identifies as a representative of PWDs, and no statistics shows their representation in local People's Councils.^{cxvi}
98. PWDs face discrimination in education and employment, and limited access to health care.^{cxvii} General lack of knowledge on the rights of PWDs among officials, teachers, social workers and caregivers, and lack of mechanisms to hold authorities accountable are key challenges. The current social protection services focus on institutional care as the main

solution to vulnerability due to disability, with children with disabilities accounting for most children living in institutions.^{cxviii}

99. PWDs still face challenges in accessing public services and administration, due to unavailability and inaccessibility of public transport and lack of a disability certificate.^{cxix} Moreover, none of the 63 provincial e-Government portals are accessible for PWDs.^{cxx}
100. On a positive note, Vietnamese OPDs have submitted their Independent Report to the CRPD in 2020,^{cxxi} suggested topics for the List of Issues and updated their Independent Report with “Impacts of the COVID Pandemic on the CRPD Implementation in Viet Nam” in 2022.

Recommendation:

101. ***Amend the Law on Persons with Disabilities and relevant policies to align with the CRPD, on the human-rights based approach.***

Ethnic minorities (EM)

102. According to the 2019 population census, EM^{cxxii} (53 of 54 groups) comprise 14.7% (14.1 million) of the total population. Six of 53 EM groups have a population that exceed one million.^{cxxiii} Eleven EM groups have a population of less than 5,000 persons; one group only has 428 persons. EM primarily reside in the Northern Midlands, Mountain areas, and Central Highlands regions.^{cxxiv} Despite overall success in eradicating poverty, poverty remains prevalent among EM, which account for 9% of country’s extreme poor and 35,5% of multidimensional poor^{cxxv} in 2022.^{cxxvi}
103. Viet Nam has implemented measures to improve access to education for EM children, including through the National Targeted Programme for Ethnic Minorities.^{cxxvii} According to a national survey, the out-of-school (OOSC) rate among EM children decreased nearly by half, from 26.4% in 2009 to 15.5% in 2019.^{cxxviii} However, the OOSC of all 53 EM groups combined is still nearly 2 times higher than the national average and nearly 3 times higher than that of majority ethnic group.
104. The Law on Education^{cxxix} ensures teaching and learning of spoken and written languages of EM. Even though the revised General Education Curriculum emphasizes the importance of EM language teaching,^{cxx} the Law does not explicitly mention bilingual education, which is not formally provided as part of the curriculum. Instead, EM languages are taught as a subject.

Recommendations:

105. ***Enhance targeted interventions to address the needs of EM, through improved investment in literacy, education, and vocational training, so that they are not left behind.***
106. ***Take measures to ensure EM women are well represented at all levels of decision-making.***

107. ***Recognize officially customary rights in Protected Areas, including World Heritage sites, and ensure equitable participatory and governance mechanisms.***

LGBTQI+

108. While the Constitution stipulates that discrimination based on gender is strictly prohibited,^{cxviii} no law explicitly prohibits discrimination based on sexual orientation and gender identity and expression (SOGIE).^{cxviii} LGBTQI+ persons continue to face problems in the educational system with higher risk of victimization, GBV causing serious health consequences and bullying than their peers, and school safety remains a major concern.^{cxviii}
109. The CC recognizes the right to change one's legal gender marker.^{cxviii} A draft Gender Affirmation Law (GAL) is expected to be discussed at the NA session in October 2024. The current draft law constrains the right to legal recognition of one's self-defined gender by seemingly requiring applicants to have undergone medical interventions, psychological assessment, being single and over 18 years old.^{cxviii}
110. On a positive note, in August 2022, Viet Nam's Health Ministry officially recognized that same-sex attraction and being transgender are not mental health conditions.^{cxviii} The term "LGBT people" was included in Decree 28/NQ-CP on the National Strategy on Gender Equality 2021-2030, under the targets on Health.^{cxviii}

Recommendations:

111. ***Introduce sexuality education and awareness of sexual orientation and gender identity compulsory in the school curriculum.***
112. ***Adopt the Gender Affirmation Law and enable transgender persons to change their legal gender marker on a self-determination basis.***

Sex workers and people living with HIV (PLHIV)

113. HIV-related stigma and discrimination remains a major barrier to HIV service uptake and use of social health insurance for anti-retroviral treatment by PLHIV and other key populations.^{cxviii} The 2021 Stigma Index shows that stigma and discrimination experiences reported by key populations are high, at 33.4% for MSM and 40.7% for TGW, with nearly one in four TGW experiencing stigma in the community due to their HIV status.^{cxviii}
114. Punitive approaches, such as administrative penalties for sex workers and their clients, are still applied, leading to further discrimination of already marginalized groups. There are also reports of arbitrary arrests, detention of, and violence against, sex workers, which in addition to the violation of their human rights, also increases their vulnerabilities to HIV.^{cxl}

Recommendation:

115. ***Upgrade the current Ordinance on Sex Work into a Law and amend it to respond to the current situation, adopting a human rights-based approach, removing administrative and criminal sanctions for activities related to sex work, and promoting sex workers' access to legal, health and social services.***

Migrants

116. Viet Nam has implemented policies to encourage labour migration as a poverty reduction strategy,^{cxli} created incentives for people from poor districts to work overseas and supported the upskilling of Vietnamese workers.^{cxlii} However, many workers still use irregular and unsafe channels due to complex recruitment procedures or costly processes. This pushes workers into a circle of endless debt and exploitation, placing female migrant workers at a much higher risk of being trafficked for sexual and labour exploitation.^{cxliii} Moreover, the recruitment cost is high for Vietnamese workers.
117. While regulations to protect domestic migrant workers exist, the lack of registration status increases their cost of living, as they face difficulties in accessing public schools, public childcare options in industrial zones where migrant workers live, and health care services for children.^{cxliv}

Recommendations:

118. ***Enforce the Law on Vietnamese Guest Workers to make the migration process more transparent and beneficial for migrant workers and implement the principle of zero recruitment fees for workers***
119. ***Ratify the ICRMW, and ILO Conventions No. 97, 143, and 181 to protect the rights of migrant workers.***

ⁱ Viet Nam has not ratified the International Convention for the Protection of All Persons from Enforced Disappearance (ICPPED) and the International Convention on the Protection of the Rights of All Migrant Workers (ICRMW), despite accepting recommendations on the CPED and ICRMW during the 3rd UPR (such as No. 38.26, 38.30, 38.33, and 38.35). See A/HRC/41/7, [Report of the Working Group on the Universal Periodic Review of Viet Nam](#), 28 March 2019.

ⁱⁱ These include International Labour Organization (ILO), C098 - Right to Organise and Collective Bargaining Convention, 1949 (No. 98); ILO, C105 - Abolition of Forced Labour Convention, 1957 (No. 105). See ILO, [Viet Nam Country Profile](#).

ⁱⁱⁱ During the 3rd UPR, Viet Nam generally accepted recommendations to establish an NHRI (such as No. 38.66, 38.75, 38.79, and 38.85) but noted recommendations to establish the NHRI according to the Paris Principles (No. 38.68, 38.71, and 38.80): A/HRC/41/7, [Report of the Working Group on the Universal Periodic Review of Viet Nam](#), 28 March 2019. Viet Nam has established a national Human Rights Steering Committee under Decision of the Prime Minister 63/2004/QĐ-TTg, dated 16 April 2004, which includes representatives from the key ministries and agencies and is mainly responsible for coordinating human rights activities and submitting strategies, plans, projects, and programs on human rights to the Government.

^{iv} Viet Nam accepted the request for a country visit by the Special Rapporteur on the Right to Development in 2020. However, the visit has not taken place due to COVID19. The visit is now scheduled to take place in November 2023. In addition to the mandate on the right to development, the following Mandate Holders have requested a country visit: the SR on Indigenous Peoples; the SR on sale of children; the SR on toxics and human rights; the SR on extra-judicial, summary, or arbitrary executions; the SR on slavery; the SR on trafficking; and the SR on Human Rights Defenders. See also Special Procedures' [country visits database](#).

^v In the 3rd UPR, Viet Nam supported one recommendation on restricting the use of the death penalty to crimes that meet the threshold of "most serious crimes" under international law (No. 38.146). Nevertheless, the 2015 Criminal Code ([Law No. 100/2015/QH13](#), dated 27 November 2015) retained the death penalty for surrendering to the enemy, opposing order, destruction of projects of national security importance, robbery, drug possession, drug appropriation, and the production and trade of fake food. However, those aged 75 years or older will be exempt, and officials convicted of corruption charges can be spared if they pay back at least 75% of the profits they illicitly obtained. Viet Nam noted other recommendations received in the 3rd UPR related to abolition of death penalty, and ratification of the ICCPR Second Optional Protocol.

^{vi} For a definition of "most serious crimes", please refer to [International Covenant on Civil and Political Rights](#) (ICCPR), art. 6.2, and [ICCPR General Comment No. 36 on the Right to Life](#).

^{vii} The latest official information about the implementation of the capital punishment was (accidentally) posted on the internet in January 2017 and then withdrawn. The Report on the "Five-year Implementation of the Law on Execution of Criminal Judgements within Police Force" (2011 - 2016) noted that, during the period under review, 1,134 persons were sentenced to death adding to the 336 persons already on death row. Since then, no reliable figure on the number of executions carried out each year or the number of detainees on death row have been made public in Viet Nam. Please also refer to the [Comment by UN Human Rights Office spokesperson Jeremy Laurence on imminent execution in Viet Nam](#) (11 August 2023), noting lack of transparency in implementation of death penalty.

^{viii} Human Rights Watch, "[Free Viet Nam Political Prisoners](#)", dated 5 July 2023.

^{ix} UN Human Rights Mechanisms (HRMs), including Treaty Bodies and Special Procedures, have identified a pattern of violations of fair trial rights and judicial guarantees, including extended pre-trial detention, incommunicado detention, prosecution under vaguely worded criminal offences, denial of access to legal counsel, brief trials that are closed, with little to no due process, delivering disproportionately harsh sentences of imprisonment with often little or no access to the outside world once in detention. Please refer to Working Group on Arbitrary Detention (WGAD), Opinions on Viet Nam (available in the [WGAD database](#)).

^x The 2015 Criminal Code ([Law No. 100/2015/QH13](#), dated 27 November 2015), in particular article 117 “Making, storing, spreading information, materials, items for the purpose of opposing the State of Socialist Republic of Viet Nam”, and article 331 “Abusing democratic freedoms to infringe upon the interests of the State, lawful rights and interests of organizations and/or citizens”. Viet Nam noted the recommendations received during the 3rd UPR in relation to amending the Criminal Code, and specifically articles 117 and 331 (No. 38.73 and 38.188). See A/HRC/41/7, [Report of the Working Group on the Universal Periodic Review of Viet Nam](#), 28 March 2019.

^{xi} See Office of the High Commissioner for Human Rights (OHCHR)-UN Environment Programme (UNEP) joint statement on “[the arrest, detention and sentencing of environmental human rights defenders in Viet Nam on charges of tax evasion](#)”, dated 22 April 2022; and OHCHR Press Briefing Note on “[Detention of environmental human rights defender Hoang Thi Minh Hong](#)”, dated 2 June 2023.

^{xii} UN Secretary General, [Annual Reports on intimidation and reprisals for cooperation with the United Nations](#), 2010-2023.

^{xiii} Viet Nam accepted one recommendation during the 3rd UPR to continue its efforts to ensure the independence of the courts of adjudication (No. 38.64), as well as on pursuing judicial reforms and strengthening the judicial system (No. 38.156). A/HRC/41/7, [Report of the Working Group on the Universal Periodic Review of Viet Nam](#), 28 March 2019. However, Regulation [No. 105-QD/TW](#), dated 19 December 2017, of Viet Nam Communist Party’s Central Executive Committee on devolving of personnel management, personnel appointment, and personnel recommendation for election, which regulates that some positions in the judiciary are decided to nominate for election by the Communist party.

^{xiv} During the 3rd UPR, Viet Nam supported all recommendations on administration of justice and fair trial, including on amending the Criminal Procedure Code in line with international human rights standards and fair trial standards, and strengthening the rule of law (for example, No. 38.155, 38.159, 38.164). See A/HRC/41/7, [Report of the Working Group on the Universal Periodic Review of Viet Nam](#), 28 March 2019.

^{xv} In Viet Nam, the judge plays the primary role of asking questions and ascertaining facts in a trial. Defence lawyers are given time to address the court and question their clients, but they cannot call witnesses or examine the prosecution’s evidence.

^{xvi} See for example Articles 74, 119, 172 and 173 of the Criminal Procedure Code ([Law No. 101/2015/QH13](#), dated 27 November 2015). Article 74 provides that in cases related to “national security” crimes, the accused person’s access to a lawyer may be denied during the whole investigation period to keep the secrets of the investigation. In addition, as per Article 22 (4) of the Law on Enforcement of Custody and Temporary Detention ([Law No. 94/2015/QH13](#), dated 25 November 2015), the accused person may not be allowed to meet his/her family during the custody and temporary detention period, resulting in prolonged periods of incommunicado detention.

^{xvii} UN Development Programme (UNDP), [Partnership forum discusses digital transformation in justice sector](#), 21 March 2023.

^{xviii} Ten years after the entry into force of Prime Minister [Decision No. 2596/QD-TTg](#), dated 27 December 2013, on “Drug Rehabilitation Renovation Plan”, which aimed to reduce the number of compulsory detention centres, 97 such centres are still operational in Viet Nam. There were no specific recommendations on compulsory drug detoxification and rehabilitation centres during the 3rd UPR. Viet Nam noted a recommendation to provide access for independent monitoring bodies to all detention centres and prisons (No. 38.149). See A/HRC/41/7, [Report of the Working Group on the Universal Periodic Review of Viet Nam](#), 28 March 2019. For more info, please see: UN Joint Statement on “[Compulsory drug detention and rehabilitation centres in Asia and the Pacific in the context of COVID-19](#)”, 1 June 2020.

^{xix} Ministry of Labour, Invalids and Social Affairs, Department of Social Vices Prevention and Control, “[Conference to summarize work in 2022 and set tasks for 2023](#)”, 10 January 2023. See also, (1) UN Office on Drugs and Crime (UNODC) and UNAIDS, “[Compulsory Drug Treatment and Rehabilitation in East and Southeast Asia: Regional Overview](#)”, 12 January 2022, page 19; (2) Working Group on Arbitrary Detention, “[Study on arbitrary detention relating to drug policies](#)”, A/HRC/47/40, 18 May 2021.

^{xx} Law on Drug Prevention and Control (Law [No. 73/2021/QH14](#), dated 30 March 2021).

^{xxi} UN Office on Drugs and Crime (UNODC) and UNAIDS, “[Compulsory Drug Treatment and Rehabilitation in East and Southeast Asia: Regional Overview](#)”, 12 January 2022, pages 29, 31-32.

^{xxii} [Decree No. 90/2016/ND-CP](#), dated 1 July 2006, on “Regulation on replacement therapy/methadone maintenance therapy for opioid dependence” requires that individuals on methadone treatment with two positive urine tests for heroin or one positive test for another illicit drug to be dropped from the programme and committed to a compulsory centre. See UNODC and UNAIDS, “[Compulsory Drug Treatment and Rehabilitation in East and Southeast Asia: Voluntary Community-based Alternatives](#)”, 12 January 2022. There are however some progress introduced with the 2021 Drug Law amendment and its implementation guiding documents including Decree 109/2021 on criteria for health facilities eligible to conduct the [assessment of drug dependence status](#) and [Ministry of Health Circular 18/2021](#) on standards for diagnosis and professional process for determination of drug dependence status that is aligned with WHO-recommended six criteria for drug dependence status assessment.

^{xxiii} During the 3rd UPR, Viet Nam supported several recommendations in relation to trafficking in persons (No. 38.217-38.226, 38.228 and 38.276). Most of the recommendations regarding continued efforts to prevent and combat human trafficking and to continue to protect victims have been implemented. Viet Nam has not yet implemented the recommendation to ensure all forms of trafficking in persons are criminalized according to international standards, including a legal amendment to define children as persons under 18 (No. 38.255). See A/HRC/41/7, [Report of the Working Group on the Universal Periodic Review of Viet Nam](#), 28 March 2019.

^{xxiv} United States Department of State, “[2023 Trafficking in Persons Report: Viet Nam](#)”, June 2023.

^{xxv} Hong Van, “[Pay attention to and promote the improvement of the law on prevention and combat human trafficking](#)”, VietnamNet, 15 July 2023.

^{xxvi} UNDP, “[New threats to human security in the Anthropocene: Demanding greater solidarity](#)”, 2022. See also US Department of State, “[2023 Trafficking in Persons Report: Viet Nam](#)”, June 2023.

^{xxvii} Law on Prevention and Combating Human Trafficking (Law [No. 66/2011/QH12](#), dated 29 March 2011).

^{xxviii} Criminal Code (Law [No. 100/2015/QH13](#), dated 27 November 2015) and its 2017 Amendment (Law [No. 12/2017/QH14](#), dated 20 June 2017). For interpretation and application of the CC Articles 150 and 151, the Council of Justice, Supreme People’s Court 2019

Resolution [No. 02/2019/NQ-HĐTP](#), dated 11 January 2019, provides details to help practitioners in applying the law more in line with the Palermo Protocol while reflecting on the country context. For instance, the 2019 Resolution details for “other means” include ‘taking advantage of marriage or international labour migration brokerage’ as a prosecutable means under the human trafficking articles of CC.

^{xxix} Criminal Code (Law [No. 100/2015/QH13](#), dated 27 November 2015) and its 2017 Amendment (Law [No. 12/2017/QH14](#), dated 20 June 2017), the 2019 Resolution ([No. 02/2019/NQ-HĐTP](#)) maintains 16 years of age as the threshold to distinguish between adults and children (as 16 is legal minimum age for full criminal responsibility), but it should be noted that the age distinction in this case is for children’s protection and thus must be in line with international standards for child protection and not criminal prosecution.

^{xxx} US Department of State, “[2023 Trafficking in Persons Report: Viet Nam](#)”, June 2023.

^{xxxi} Prime Minister [Decision No. 193/201/QĐ-TTg](#), dated 9 February 2021.

^{xxxii} The National Assembly is due to review the amended Law in late 2024.

^{xxxiii} OHCHR, “[Online scam operations and trafficking into forced criminality in Southeast Asia: Recommendations for a human rights response](#)”, 29 August 2023.

^{xxxiv} UNODC, “[Casinos, cyber fraud, and trafficking in persons for forced criminality in Southeast Asia](#)”, September 2023.

^{xxxv} Article 25 of the [Constitution of the Socialist Republic of Viet Nam](#), dated 8 December 2013, guarantees freedom of speech. Nonetheless, severe restrictions remain in place. In the 3rd UPR, Viet Nam supported several recommendations on taking steps to guarantee freedom of expression, including on the internet (No. 38.42, 38.168, 38.174, 38.179, 38.184, 38.189, 38.195, 38.197, 38.200, 38.203). Viet Nam noted recommendations on releasing all those imprisoned for exercising fundamental freedoms, including freedom of expression (No. 38.214), amending the 2016 Law on the Press (No. 38.194), and on adopting measures to guarantee freedom of association, opinion, and expression, including online, and to ensure that journalists, human rights defenders, and NGOs can operate freely (No.38.198). See A/HRC/41/7, [Report of the Working Group on the Universal Periodic Review of Viet Nam](#), 28 March 2019.

^{xxxvi} Criminal Code (Law [No. 100/2015/QH13](#), dated 27 November 2015). Article 116 provides up to 15 years in jail for sabotaging implementation of solidarity policies, sowing division, causing hostility, etc; Article 117 provides up to 20 years in jail for producing and disseminating distorted information, aimed to oppose the State; Article 331 provides up to 7 years in jail for abusing the freedom of speech, freedom of the press, freedom of religion, freedom of association, and other democratic freedoms to infringe upon the interests of the State, lawful rights and interests of organizations and/or citizens).

^{xxxvii} Law on the Press, (Law [No. 103/2016/QH13](#), dated 5 April 2016), Article 7.

^{xxxviii} Law on Access to Information (Law [No. 104/2016/QH13](#), dated 6 April 2016), Articles 1 and Article 6.

^{xxxix} Law on Cybersecurity (Law [No. 24/2018/QH14](#), dated 12 June 2018).

^{xl} Government [Decree No. 53/2022/ND-CP](#), dated 15 August 2022, on “Elaborating a number of articles of the Law on Cybersecurity”.

^{xli} Measures include issuing takedown requests, requesting data disclosure or terminating operations of information systems.

^{xlii} Government’s [Decree No. 15/2020/ND-CP](#), dated 3 February 2020, prescribing “Penalties for administrative violations against regulations on postal services, telecommunications, radio frequencies, information technology and electronic transactions”.

^{xliii} Government’s [Decree No. 119/2020/ND-CP](#), dated 7 October 2020, prescribing “Penalties for administrative violations in journalistic and publishing activities”.

^{xliv} Government’s [Decree No. 72/2013/ND-CP](#), dated 15 July 2013, on “Management, provision, and use of internet services and information content online”.

^{xlvi} Government’s [Decree No. 38/2005/ND-CP](#), dated 18 March 2005, on “Measures to ensure public order” has been in place since 2005.

^{xlv} During the 3rd UPR, Viet Nam supported only two recommendations on freedom of association and peaceful assembly (No. 38.179, 38.200, 38.215), and partially supported a recommendation calling to guarantee full freedom of speech, the rights of peaceful assembly and association as well as the safety of journalists, and to review cases of persons convicted for having freely expressed their opinion, including human rights defenders (No. 38.198). Regarding freedom of peaceful assembly, in the 3rd UPR Viet Nam supported received and supported several recommendations (No. 38.179, 38.197, 38.200, 38.203, 38.207), while it partially supported a recommendation calling to guarantee fully freedom of speech, the rights of peaceful assembly and association as well as the safety of journalists, and to review cases of persons convicted for having freely expressed their opinion, including human rights defenders (38.202). See A/HRC/41/7, [Report of the Working Group on the Universal Periodic Review of Viet Nam](#), 28 March 2019.

^{xlvii} Prime Minister’s [Decision No. 6/2020/QĐ-TTg](#), dated 21 February 2020, on “Organization and management of international conferences and seminars in Viet Nam” requires organizers to seek permission from state authorities to convene international conferences or seminars “involving foreign elements, which is organized in the form of a *face-to-face meeting on the Vietnamese territory* or in the form of an *online meeting* with at least one of the parties located on the Vietnamese territory”. Permission from the Prime Minister must be obtained to organize international conferences and seminars whose topics and contents are related to “national sovereignty, security, national defence, ethnic groups, relation, human rights or classified as state secrets in accordance with the law on protection of state secrets”.

^{xlviii} Establishment, organization, operation and management of associations are regulated by Government’s [Decree No. 33/2012/ND-CP](#), dated 13 April 2012, on “Amending and supplementing a number of articles of the Government’s Decree No. 45/2010/ND-CP, dated 21 April 2010 on Regulations on the organization, operation and management of associations”, and [Decree No. 45/2010/ND-CP](#), dated 21 April 2010, on “Regulations on the organization, operation and management of associations”. The administrative procedures relating to NGOs are provided for in the [Decision No. 579/QĐ-BNV](#), dated 15 July 2015, issued by the Ministry of Home Affairs (MoHA). The Decision provides for procedures of establishing associations, approving the association’s charter, division, and merger of associations. Registration and management of foreign NGOs is regulated by [Decree No. 12/2012/ND-CP](#), dated 1 March 2012, on “Registration and management of activities of foreign NGOs in Viet Nam”.

^{xlix} [Decree No. 56/2020/ND-CP](#), dated 25 May 2020 and subsequent [Decree No. 114/2021/ND-CP](#), dated 16 December 2021, on the “Management and use of official development assistance and concessional loans of foreign donors” regulate

ⁱ Officially known as organizations and groups that are legally established and operate in line with Government’s rules and regulations, think-tanks, academic institutions, business associations.

ⁱⁱ During the 3rd UPR, Viet Nam accepted two recommendations on reviewing regulations impeding the operation of civil society organizations, creating an enabling environment for independent civil society, and ensuring that procedures for NGOs’ registration, work

and funding are free from undue State interference (No. 38.186, 38.215). See A/HRC/41/7, [Report of the Working Group on the Universal Periodic Review of Viet Nam](#), 28 March 2019.

^{lii} UN Country Team Viet Nam (UNCT), “[2022 Annual Results Report](#)”, 31 March 2023.

^{liii} Labour Code (Law [No. 45/2019/QH14](#), dated 20 November 2019).

^{liv} Chapter XIII, Article 170, of the Labour Code on workers’ representative organizations (WROs) at grassroots level allows the workers to establish, join and operate workers’ representative organizations (WROs) at grassroots level. Besides, the WROs not affiliated with VGCL are regulated in other provisions to help them function as the representative organizations of workers in industrial relations (specifically in article 178 of the Labour Code).

^{lv} UN Women, [Country Gender Equality Profile Viet Nam](#), 2021.

^{lvi} Trade Union Law (Law [No. 12/2012/QH13](#), dated 20 June 2012).

^{lvii} Government’s [Decree No. 20/2021/ND-CP](#), dated 15 March 2021, on “Providing social assistance policies for social protection beneficiaries”.

^{lviii} This is mostly due to the prevalence of informal employment throughout the labour market.

^{lix} General Statistics Office’s data points to still almost 70% informality rate in the Vietnamese labour market as of 2022.

^{lx} During the 3rd UPR, Viet Nam supported several recommendations stepping up its efforts to realize the Sustainable Development Goals and pursue sustainable and multidimensional reduction of poverty and socioeconomic inequalities (No. 38.113, 38.114, 38.115, 38.123, 38.125, 38.127, 38.131). See A/HRC/41/7, [Report of the Working Group on the Universal Periodic Review of Viet Nam](#), 28 March 2019.

^{lxi} World Bank, “[Viet Nam Poverty and Equity Assessment: From the Last Mile to the Next Mile](#)”, 28 April 2022. According to the report, over the last decade, poverty declined impressively. The World Bank’s LMIC poverty rate (\$3.20/day 2011PPP) dropped from 16.8 to 5%, and over 10 million people were lifted out of poverty. The sudden emergence of COVID-19 at the end of the decade halted wage growth, and improvements in job quality. Progress in poverty reduction was set back but did not reverse in 2020.

^{lxii} UNDP, “[Sustaining Rapid Reduction of Poverty in All Dimensions and Everywhere in Viet Nam - Viet Nam Multi-dimensional Poverty Report 2021](#)”, 2021.

^{lxiii} UNDP, “[Sustaining Rapid Reduction of Poverty in All Dimensions and Everywhere in Viet Nam - Viet Nam Multi-dimensional Poverty Report 2021](#)”, 2021.

^{lxiv} UNDP, Fact Sheet “[Poverty Reduction in Viet Nam](#)”, 2017.

^{lxv} As these groups do not have sufficient access to social protection and social services as these are often provided based on residential registration. Ibid.

^{lxvi} Viet Nam General Statistics Office (GSO) and UNICEF, “[Current situation and trends of multi-dimensional child poverty in Viet Nam](#)”, December 2021.

^{lxvii} ILO, “[Gender Impact Assessment in Amendment of the Law on Social Insurance of Viet Nam](#)”, May 2021.

^{lxviii} The figure is calculated based on a total number of 146,365 children under the age of three receiving monthly cash assistance out of total population of 28.2 million children under 18. Ministry of Labour, Invalids and Social Affairs (MOLISA), “Review report on the implementation of Decree 20/2021/ND-CP on social assistance policies for social protection beneficiaries”, 2022.

^{lxix} Prime Minister [Decision 150/2022/QĐ-TTg](#) dated January 28, 2022, approving the National Sustainable Agriculture and Rural Development Strategy 2021-2030, with a vision to 2050.

^{lxx} [National Action Plan on Food Systems Transformation](#), period 2021-2030 (NAP-FST).

^{lxxi} Food and Agriculture Organization (FAO), “[Improving nutrition and food security through better farming techniques](#)”, 2023.

^{lxxii} Such as HIV, TB, and malaria.

^{lxxiii} During the 3rd UPR, Viet Nam supported several recommendations on the right to health (38.139, 38.239, 38.243-38.247, 38.249, 38.250, 38.257). See A/HRC/41/7, [Report of the Working Group on the Universal Periodic Review of Viet Nam](#), 28 March 2019.

^{lxxiv} Evidence shows that weak primary care systems tend to worsen the achievement of equitable health outcomes, reaching marginalized groups, especially in remote areas.

^{lxxv} World Health Organization (WHO), [Global Health Expenditure Database](#).

^{lxxvi} Challenges include the complex administrative procedures for use of health insurance at health care facilities, related to the current patient referral system developed under the resident registration system.

^{lxxvii} UNAIDS, “Overview of the legal and policy framework for implementation of social contracting in Viet Nam’s response to HIV”, 2020; [UNAIDS Country Viet Nam](#).

^{lxxviii} Including by ensuring sustainability for antiretroviral drugs (ARV) treatment through a health insurance fund and taking initiatives to increase access to and uptake of HIV services by vulnerable groups at higher risk for HIV infection through applying new modes of service delivery. For example, community-based and HIV self-testing and counselling, or decentralizing ARV and methadone treatment services to grassroots level and introduction of Pre-Exposure Prophylaxis (PrEP) as a new HIV option. Ministry of Health Decision [No. 5418/QĐ-BYT](#), dated 1 December 2017, issuing “New HIV Treatment and Care Guidelines” introduced the recommendation that all pregnant women living with HIV receive antiretroviral therapy (ART), which was important step to reduce transmission of HIV from mother to child and to contribute to a reduction in the country’s child mortality rate. Since 2016, Viet Nam has also emphasized the promotion of community-based testing, self-testing, and PrEP to facilitate early detection of HIV cases and prevention of HIV transmission. Prime Minister [Decision No. 2188/QĐ-TTg](#), dated 15 November 2016 to cover the cost of ART for HIV under the health insurance fund was an important milestone. Since then, health insurance coverage for HIV-positive patients has increased steadily. Steps have also been taken to strengthen HIV service delivery, including stronger integration of HIV services into hospitals, and planning to help transition financing to government funding of HIV services.

^{lxxix} In 2022, there were an estimated 250,000 people living with HIV, of whom 89% knew their status and among those who knew their HIV status 82% were on antiretroviral treatment (ART). As a result, nearly 170,000 people living with HIV were on ART (89% funded by health insurance) and 60,000 people used PrEP at least once (80% were men who have sex with men (MSM)).

^{lxxx} UNAIDS, “Overview of the legal and policy framework for implementation of social contracting in Viet Nam’s response to HIV”, 2020; [UNAIDS Country Viet Nam](#).

^{lxxxi} According to information made public by the Viet Nam Administration of HIV/AIDS Control of the Ministry of Health (VAAC) in a policy dialogue with the National Assembly of Viet Nam in August 2023, Viet Nam's HIV prevention programme continues to depend on external funding where the whole pre-exposure prophylaxis (PrEP) program and a majority of the needle & syringe and condom program are funded by external funds, domestic resources for HIV prevention accounted for less than 20% of the total domestic spending on HIV in 2018-2020.

^{lxxxii} UNAIDS, "Overview of the legal and policy framework for implementation of social contracting in Viet Nam's response to HIV", 2020; [UNAIDS Country Viet Nam](#).

^{lxxxiii} Among others, the Laws on Environmental Protection (2020) and Natural Disaster Prevention and Control (2020), and strategies and plans on Green Growth (2021-2030), Climate Change (2021-2030), the National Adaptation Plan (2021), and the National Biodiversity Strategy and Action Plan (2021-2030).

^{lxxxiv} Inter alia, access to information, free, prior, and informed consent (FPIC), participation in environmental decision-making, and access to effective remedy.

^{lxxxv} See OHCHR-UNEP joint statement on "[The arrest, detention and sentencing of environmental human rights defenders in Viet Nam on charges of tax evasion](#)", dated 22 April 2022; and OHCHR Press Briefing Note on "[Detention of environmental human rights defender Hoang Thi Minh Hong](#)", dated 2 June 2023.

^{lxxxvi} During the 3rd UPR, Viet Nam accepted many recommendations on education (inter alia, 38.54, 38.58, 38.65, 38.75, 38.77, 38.78, 38.239, 38.254-30.256). See A/HRC/41/7, [Report of the Working Group on the Universal Periodic Review of Viet Nam](#), 28 March 2019. As candidate to the Human Rights Council for the period 2023-2025, Viet Nam also pledged to strengthen education on human rights to raise public awareness and the capability of law enforcement agencies, including through full implementation of the national programme to incorporate human rights into the national education system. See Candidature of Viet Nam to the Human Rights Council, 2023-2025, "[Voluntary pledges and commitments pursuant to General Assembly resolution 60/251](#)", A/77/276, 8 August 2022.

^{lxxxvii} UNESCO, "[Global Education Monitoring Report 2023: Technology in education – A tool on whose terms?](#)", 2023. According to the report, youth literacy rate was 97% in 2020 and the adult literacy rate was 96% in 2019. Similarly, World Bank, "[Literacy rate](#)", using UNESCO Institute for Statistics (UIS) data, found that the literacy rate for people 15 years old and above in Viet Nam is 96% in 2019.

^{lxxxviii} UNICEF, "[Viet Nam SDG indicators on Children and Women Survey 2020-2021](#)", 2021. While school enrolment at aggregate level is high, variation across marginalized populations is significant. The Early Childhood Education attendance rate for children aged 36-59 months in the Red River Delta is 93%, while that in the Mekong Delta is 47% and for young Khmer children it is only 37%. The completion rate of lower secondary school for Kinh/Hoa children is 90% but for Mong children it is only 55%.

^{lxxxix} With a pilot period from 2017-2020 and roll-out from 2020-2025, under Prime Minister's [Decision No. 1309/QĐ-TTg](#), dated 5 September 2017.

^{xc} World Bank, "[Climbing the Ladder: Poverty Reduction and Shared Prosperity in Viet Nam. Viet Nam Poverty and Shared Prosperity Update Report](#)", 2018. Households in the top income quintile spend more than 6.5 times as much per student on tutoring and study support than households in the bottom quintile. There is evidence that tutoring is a significant predictor of pupil's academic grades, even after controlling for household background or school characteristics. The importance of tutoring to pupils' academic achievement at lower secondary education places poor children at a disadvantage.

^{xci} UNICEF, "[Multiple Indicator Cluster Survey - Education Analysis for Global Learning and Equity \(MICS-EAGLE\). Viet Nam Education Factsheets 2022](#)", 2022. At all levels of education, children with disabilities have higher out-of-school rates; this is especially so at upper secondary level where children with disabilities have nearly a 50% out-of-school rate.

^{xcii} See generally, UNICEF and MOLISA, "[Creating a Protective Environment for Children in Viet Nam: An assessment of Child Protection Laws and Policies, Especially Children in Special Circumstances in Viet Nam](#)", 2009; UNICEF, "[Children with disabilities in Viet Nam](#)", 2017.

^{xciii} Despite having noted the recommendation received during the 3rd UPR to develop, enact and implement, in dialogue with business and civil society, an action plan to implement the Guiding Principles on Business and Human Rights (No. 38.134), Viet Nam adopted a National Action Plan on Responsible Business Practices through the Prime Minister's [Decision No. 843/QĐ-TTg](#), dated 14 July 2023, on "Promoting a national action program to complete policies and laws to promote responsible business practices in Viet Nam for the period 2023-2027". See A/HRC/41/7, [Report of the Working Group on the Universal Periodic Review of Viet Nam](#), 28 March 2019.

^{xciv} Independent Commission of Jurists (ICJ), "[Viet Nam: National Action Plan on Responsible Business developed without adequate stakeholder participation](#)", 15 March 2023.

^{xcv} During the 3rd UPR, Viet Nam supported recommendations on women's empowerment, women participation in public and political life and combatting gender-based discrimination (No. 38.263, 38.266-38.268). See A/HRC/41/7, [Report of the Working Group on the Universal Periodic Review of Viet Nam](#), 28 March 2019.

^{xcvi} However, women are overrepresented in the category of contributing family workers, with 85.9% of women are working in agriculture. Only an estimated 10% of domestic workers hold an employment contract, rendering them one of the most exploitable categories of workers.

^{xcvii} UN Women, "[Country Gender Equality Profile Viet Nam](#)" 2021.

^{xcviii} "[The government has more female ministers](#)", Phunu Vietnam, 21 October 2022.

^{xcix} [Viet Nam Provincial Governance and Public Administration Performance Index \(PAPI\) Report](#), 2021. The Viet Nam Provincial Governance and Public Administration Performance Index (PAPI) is a policy monitoring tool that assesses citizen experiences and satisfaction with government performance at the national and sub-national levels in governance, public administration, and public service delivery. Following the initial pilot in 2009 and a larger survey in 2010, the PAPI survey has been implemented nationwide each year since 2011. For the 2021 PAPI Report, 15,833 randomly selected citizens were surveyed. In total, 162,066 Vietnamese citizens nationwide have been directly interviewed for PAPI since 2009. PAPI measures eight dimensions: participation at local levels, transparency, vertical accountability, control of corruption, public administrative procedures, public service delivery, environmental governance, and e-government. PAPI is the result of collaboration between the Center for Community Support Development Studies (CECODES), the Viet Nam Fatherland Front Center for Research and Training (VFF-CRT), Real-Time Analytics (RTA), and UNDP.

^c During the 3rd UPR, Viet Nam supported recommendations on adopting legislation, policies and plans to combat all forms of violence against women (inter alia, No. 38.260, 38.261, 38.265). See A/HRC/41/7, [Report of the Working Group on the Universal Periodic Review](#)

of Viet Nam, 28 March 2019. During this UPR cycle, the Government issued [Resolution No. 28/NQ-CP](#), dated 3 March 2021, on the “National Strategy on Gender Equality 2021-2030”; Prime Minister [Decision No. 2232/QĐ-TTg](#), dated 28 December 2020, on the “National Programme on GBV Prevention and Response 2021-2025”; Prime Minister [Decision No. 45/QĐ-TTg](#), dated, 13 January 2022, on the “on Prevention and Control of Domestic Violence toward 2025”. Prime Minister’s [Decision No. 1464/QĐ-TTg](#), dated 22 July 2016, on “Approving the Master Plan for Prevention and Response to gender-based violence for period 2016-2020 and vision until 2030” also aimed at improving mechanisms and policies to prevent and respond to GBV, to strengthen law enforcement and to ensure a service system for preventing and responding to GBV. MOLISA is a key factor in the implementation of the Master Plan.

^{ci} Criminal Code (Law [No. 100/2015/QH13](#), 27 November 2015), Article 141 now includes “other sexual activities” as a constituent element of rape and forced sex crimes in addition to “sexual intercourse”.

^{cii} This is the case even though 76% of victims do not have visible injuries. See: UN Women, UNDP, UNODC, [“The Trial of Rape: Understanding the criminal justice system response to sexual violence in Thailand and Viet Nam”](#), 2017.

^{ciii} UNCT Viet Nam, [“Viet Nam Gender Briefing Kit”](#), 2016.

^{civ} UN Women, UNDP, UNODC, [“The Trial of Rape: Understanding the criminal justice system response to sexual violence in Thailand and Viet Nam”](#), 2017.

^{cv} Around 49.6% of respondents had not told anyone, and 90.4% had not sought support.

^{cvi} UNFPA, [“National study on Violence against Women in Viet Nam in 2019”](#), 2020.

^{cvi} [Constitution of the Socialist Republic of Viet Nam](#), dated 8 December 2013, and Civil Code (Law [No. 91/2015/QH13](#), dated 24 November 2015).

^{cvi} The Law on Handling of Administrative Violations (Law [No. 15/2012/QH13](#), dated 20 June 2012), and its revision (Law [No. 67/2020/QH14](#), dated 13 November 2020), Chapter II Part V, introduced community-based options for children in conflict with the law and broadened the scope of diversion and alternatives to detention for juvenile offenders. It also introduced the provision of child and gender-sensitive criminal proceedings in the Criminal Procedure Code, expanding the scope of legal aid to cover more children, and created Viet Nam’s first ever specialized children’s court (Family and Juvenile Court). Other changes to criminal policy applicable to juvenile offenders include changes to criminal records for juvenile offenders to facilitate better reintegration, and the introduction of parole as a new mechanism for early release of juvenile offenders in detention. See Legal Aid Law (Law [No. 11/2017/QH14](#), dated 20 June 2017), Article 7; Law on People’s Court Organization (Law [No. 62/2014/QH13](#), dated 24 November 2014), Articles 30, 38, and 45; Criminal Code (Law [No. 100/2015/QH13](#), 27 November 2015), Chapter XII; and Criminal Procedure Code ([Law No. 101/2015/QH13](#), dated 27 November 2015), Chapter XXVIII.

^{cix} For general context, see Raoul Wallenberg Institute, [“A measure of last resort? The status of juvenile justice in ASEAN member states”](#), 2015. Key bottlenecks include weak coordination and lack of strategic planning, limited capacity and lack of specialization, lack of community-based services, limited awareness, and support from the public and communities, and the lack of reliable and systematic data collection and analysis.

^{cx} General Statistics Office (GSO) and UNICEF, [“Report on the results of the Survey of Sustainable Development Goals with Children and Women 2020-2021”](#), December 2021.

^{cxi} GSO and UNICEF, [“Report on the results of the Survey of Sustainable Development Goals with Children and Women 2020-2021”](#), December 2021.

^{cxi} [National Committee to support people with disabilities in employment](#), Viet Nam News, April 2023.

^{cxi} During the 3rd UPR, Viet Nam accepted several recommendations on the rights of persons with disabilities (inter alia, 38.10, 38.283-38.286). See A/HRC/41/7, [Report of the Working Group on the Universal Periodic Review of Viet Nam](#), 28 March 2019.

^{cxi} National Council on Disability, Annual Report 2022.

^{cxi} The Law on Persons with Disabilities (Law [No. 51/2010/QH12](#), dated 17 June 2010) refers to “a person who is impaired in one or more body parts or suffers functional decline manifested in the form of disability which causes difficulties to his/her work, daily life and study”.

^{cxi} UNDP, [“Rapid Assessment on the Willingness of Persons with Disabilities to Stand for Election to the National Assembly or People’s Councils”](#), July 2022.

^{cxi} National Council on Disability, Annual Report 2022.

^{cxi} However, the majority of PWDs live at home without any availability or very poor network of care-services at community level. See generally, MOLISA and UNICEF, [“Creating a Protective Environment for Children in Viet Nam: An assessment of Child Protection Laws and Policies. Especially Children in Special Circumstances in Viet Nam”](#), 2009; UNICEF, [“Situation Assessment of Children with Disabilities in Viet Nam”](#), 2017. Children with disabilities normally live in institutions long-term. Many staff caring for children in institutions do not have appropriate training and skills to support children to reach their full potential development. Such an “institutionalized” child protection system can create space for further violations of children’s rights and can also create an incentive for poor families with a family member with disability to place them into the institutions to access specialized services. There is a lack of community-based support services for children with disabilities and their families. Communications for development interventions to empower and engage with children with disabilities remain under-utilized to promote their rights.

^{cxi} Mekong Development Research Institute (MDRI) and UNDP, [“Pilot assessment of disability inclusion in local governance”](#), January 2023.

^{cxi} UNDP Viet Nam’s Deputy Resident Representative, Opening Remarks in the thematic discussion on the [“First Review of Accessibility and User Friendliness of 63 Provincial E-service Portals in 2023”](#), 2023.

^{cxi} Viet Nam Federation on Disability (VFD), [“Independent Report on the Implementation of the UN Convention on the Rights of PwDs in Viet Nam”](#), 2020. See also, VFD, [“The Impact of COVID-19 on the implementation of CRPD in Viet Nam”](#), July 2022.

^{cxi} During the 3rd UPR, Viet Nam accepted several recommendations on ethnic minorities, including on implementing measures to protect the rights of ethnic minorities to use their spoken and written language and to continue investing on targeted programmes for ethnic minorities (inter alia, 38.114, 38.161, 38.170, 38.253, 38.277, 38.279-38.282). See A/HRC/41/7, [Report of the Working Group on the Universal Periodic Review of Viet Nam](#), 28 March 2019.

^{cxi} Tay, Thai, Muong, Mong, Khmer, and Nung. The Tay ethnic group is the largest with 1.85 million people.

cxix General Statistics Office (GSO) of Viet Nam, [“Population and Housing Census”](#), 2019. See also, GSO and Committee for Ethnic Minority Affairs, [“Survey on Socio-Economic Situation of 53 Ethnic Minority Groups of Viet Nam”](#), 2019.

ccxv Using national multidimensional poverty line.

ccxvi MOLISA [Decision No. 71/QĐ-LĐTBXH](#), dated 19 January 2022, on “Announcing the results of the review of poor households and near poverty households in 2022 according to the multi-dimensional poverty standard of 2022-2025”.

ccxvii Committee for Ethnic Minority Affairs, [Decision No. 1719/QĐ-TTg](#), dated 21 October 2021, on approving the “National Target National Targeted Programme for Ethnic Minorities”, 2021.

ccxviii GSO and the Government’s Committee for Ethnic Minority Affairs, “Survey on Socio-Economic Situation of 53 Ethnic Minority Groups of Viet Nam”, 2019. See also, UNICEF, [“Report on the results of the Survey of Sustainable Development Goals with Children and Women 2020-2021”](#), December 2021.

ccxix Law on Education (Law [No. 38/2005/QH11](#), dated 14 June 2005).

ccxx Decree [No. 82/2010/NĐ-CP](#), dated 15 July 2010, regulates the teaching and learning the verbal language and written script of ethnic minorities in general education and continuing education.

ccxxi Article 26 of the [Constitution of the Socialist Republic of Viet Nam](#), dated 8 December 2013.

ccxxii During the 3rd UPR, Viet Nam supported a recommendation to “Develop legislation against discrimination on the grounds of sexual orientation and gender identity” (No. 38.109). See A/HRC/41/7, [Report of the Working Group on the Universal Periodic Review of Viet Nam](#), 28 March 2019.

ccxxiii According to UNESCO, [“Reaching Out – Preventing and Addressing School-related Gender-Based Violence in Viet Nam, Volume 1”](#), 2016, 71% of LGBT students experienced physical violence, 72.2% verbal violence, 65.2% social violence, 26% sexual violence and 20% technology-related violence. 26.7% of male students, 31.9% of female students and 33.1% of LGBT students were concerned about violence caused by peers. Notably, many reported to be worried about abuse from teachers (11.4% of male and female students and 16.5% of LGBT students). Although the rates were not relatively high, they reflect that students, especially LGBT students, do not completely trust their teachers. For additional source, see: UN Women, [“Gender Equality Profile Viet Nam”](#), 2021; ILGA Asia, [“Dare to dream: The ongoing voyage from invisibility to community empowerment, and foray into the region for LGBTIQ in Viet Nam”](#), 2021.

ccxxiv Civil Code (Law [No. 91/2015/QH13](#), dated 24 November 2015), Article 37 stipulates “The sex reassignment shall comply with regulations of law. Each surged transgender has the right and obligation to apply for change of civil status affairs as prescribed in law on civil status affairs and has the personal rights in conformity with the transformed gender as prescribed in this Code and relevant laws”.

ccxxv UNDP, [“Eight Years and Counting: Why the Gender Affirmation Law Matters in Viet Nam”](#), 16 May 2023.

ccxxvi Ministry of Health, Decision [No. 4132/BYT-PC](#), dated 3 August 2022, on “Rectification of medical examination and treatment for gay, bisexual and transgender people”.

ccxxvii [Resolution No. 28/NQ-CP](#) dated 3 March 2021, on “Promulgating the 2021-2030 National Strategy on Gender Equality”.

ccxxviii [Viet Nam Stigma Index Report](#), 2014. Sex workers, men who have sex with men, transgender people, and people who inject drugs. The 2014 Stigma Index for Viet Nam revealed concerns about the quality and confidentiality of health care: around 60% of PLHIV report not being able to discuss their treatment with a health-care worker and 37.5% report that they fear their HIV status and/or medical record may be disclosed to others without their consent - Viet Nam Network of People Living with HIV (VNP+, 2015).

ccxxix [Viet Nam HIV Stigma Index, 2020 – 2021](#).

cxl UNAIDS, UNFPA and UNDP, [“Sex work and the Law in Asia and the Pacific”](#), 2015.

cxli By providing relevant information and resources about labour markets for potential and returned migrant workers. Through Migrant Resource Centres and related policy dialogues and awareness raising activities, the Government has helped disseminate information on safe migration and to in turn prevent irregular migration and associated human trafficking.

cxlii Through Decision [No. 71/2009/Ttđ](#), dated 29 April 2009, on “Approving the project on supporting poor districts in promoting the sending of workers abroad for sustainable poverty reduction in the period of 2009-2020”, Decision [No. 1722 QĐ/Ttđ](#), dated 2 September 2016, on “Approving the National Target Programme for sustainable poverty reduction during 2016 – 2020”, Decision [No. 275 QĐ/Ttđ](#), dated 7 March 2018, on “Approving list of poor districts and eliminated poor districts 2018-2020”, the Circular 15/2017/TT-BTC dated 15 February 2017 of the Ministry of Finance, the residents of designated ‘poor districts’ are eligible to apply for subsidies to facilitate working overseas. The incentives include loans and financial assistance for language training, vocational skills training, health checks and other services.

cxliii During the 3rd UPR, Viet Nam accepted a recommendation to pursue efforts to adopt national legislation to further ensure respect for the rights of migrants and to prepare the ground for the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (No. 38.288), while noted other similar recommendations (No. 38.4, 38.39). See A/HRC/41/7, [Report of the Working Group on the Universal Periodic Review of Viet Nam](#), 28 March 2019.

cxliv UNICEF and Ho Chi Minh City People’s Committee, [“Situation Analysis of Children in Ho Chi Minh City, Viet Nam”](#), 2017. See also UNICEF, [“The Apparel and Footwear Sector and Children in Viet Nam”](#), 2017. Migrant children make up most out-of-school-children - aged 5 years and in primary schools (92% and 86.4%, respectively). The “no fee” policy for vocational centres, do not cover migrant children whether they migrate independently or follow parent(s) migration for work. Moreover, the apparel and footwear sector are one of Viet Nam’s most important export industries employing 3.5 million workers. A high %age of those workers are internal migrants moving to large industrial zones in search of better economic opportunities. About 60% of migrant workers live with children and for women, there is an established trend to migrate for work when young and single (The industry provides women with stable job opportunities and an important source of income to support families and alleviate poverty. However, opportunities in the industry can be undermined by negative impacts on the welfare of workers’ children. There is a need to further gather data and evidence on the impact of business on human rights, both the negative and positive impacts, with a focus on specific sectors such as Agriculture, Manufacturing, Travel and Tourism, and Information, Communication and Technology.