

BASELINE DESK STUDY

**ON POLICY DIRECTIONS AND LEGAL
FRAMEWORK IN THE RLS AREA OF
SOCIAL JUSTICE**

IN VIETNAM 2015-2017

By Vu Ngoc Binh – July 2014

72 Xuan Dieu, Tay Ho, Hanoi, Vietnam
Phone +84 4 3 718 5836 Fax +84 4 3 718 5834
Email hanoi@rosalux.de www.rosalux.vn

Table of Contents

ACRONYMS AND ABBREVIATIONS	1
1 INTRODUCTION	5
Objectives	5
Methodology	5
2 EXECUTIVE SUMMARY	6
3 COUNTRY CONTEXT Doi Moi and socio-economic achievements.....	10
3.1 At its crossroads - from an aid recipient to become a development partner	12
3.2 Avoiding the middle-income trap and challenges ahead	15
3.3 Key international actors.....	17
4 THE POLITICAL AND LEGAL FRAMEWORK OF VIET NAM	26
4.1 The structure of governance	26
4.1.1 The Communist Party of Viet Nam	26
4.1.2 The National Assembly.....	27
4.1.3 The Government.....	28
4.1.4 The Supreme People’s Court and the system of courts	29
4.1.5 The Supreme People’s Procuracy and the system of procuracies	30
4.2 Legal frameworks	31
4.2.1 Legal review and reform.....	31
4.3 Human rights and gender equality	35
4.3.1 Human rights	35
4.3.2 Gender equality.....	38
4.4 Promoting access to justice and strengthening the rule of law	40
5 HUMAN CAPABILITY DEVELOPMENT: HEALTH AND EDUCATION	43
5.1 Improving the quality, effectiveness and efficiency of healthcare	43
5.2 Improving access to quality education	44
6 VULNERABILITY AND SOCIAL PROTECTION.....	47
6.1 Changing patterns of mobility, vulnerability, poverty and social deprivation.....	47
Poverty and social deprivation	50
6.2 The social stresses caused by natural hazards and environmental degradation	54
Social protection systems.....	57
7 THE ISSUE OF PARTICIPATION.....	61
7.1 Strengthening citizens’ voice and participation through social, professional and civil society organizations.....	61
8 CONCLUSIONS	67
9 LIST OF REFERENCES.....	69
Internet.....	70
Disclaimer	71

ACRONYMS AND ABBREVIATIONS

ADB	Asian Development Bank
ACD	Asia Cooperation Dialogue
ACMW	ASEAN Committee on Migrant Workers
ACSC	ASEAN Civil Society Conference
ACWC	ASEAN Commission for the Protection and Promotion of the Rights of Women and Children
AEC	ASEAN Economic Community
AEF	Aid Effectiveness Forum
AIDS	Acquired Immuno-Deficiency Syndrome
AICHR	ASEAN Inter-governmental Commission on Human Rights
AIPA	ASEAN Inter-Parliamentary Assembly
APEC	Asia-Pacific Economic Cooperation
APF	ASEAN Peoples' Forum
APS	Political Security Community
ARF	ASEAN Regional Forum
ASCC	ASEAN Socio-Cultural Community
ASEAN	Association of Southeast Asian Nations
ASEM	ASEAN-Europe Meeting
CAT	Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment
CCPR	Human Rights Committee
CG	Consultative Group
CEDAW	Committee on the Elimination of Discrimination against Women Convention on the Elimination of All Forms of Discrimination Against Women
CEMA	Committee for Ethnic Minority Affairs
CERD	Committee on the Elimination of Racial Discrimination
CESCR	Committee on Economic, Social and Cultural Rights
CBO	Community-Based Organization
CBN	Cost of Basic Needs
CPV	Communist Party of Viet Nam
CRPD	Committee on the Rights of People with Disabilities
CRC	Convention on the Rights of the Child Committee on the Rights of the Child
CSO	Civil Society Organization
EU	European Union
FDI	Foreign direct investment
FTA	Free Trade Agreement
GDP	Gross Domestic Product
GBV	Gender-based violence
GNI	Gross national income
GSO	General Statistical Office

HCYU	Ho Chi Minh Communist Youth Union
HDI	Human Development Index
HERA	Higher Education Reform Agenda
HIV	Human Immuno-Deficiency Virus
HLSS	Household Living Standards Survey
HRC	Human Rights Council
ICC	International Coordinating Committee International Criminal Court
ICCPR	International Covenant on Civil and Political Rights
ICERD	International Convention on the Elimination of All Forms of Racial Discrimination
ICESCR	International Covenant on Economic, Social and Cultural Rights
ICF	International Classification of Functioning, Disability and Health
ICPED	International Convention for the Protection of All Persons from Enforced Disappearance
ICRMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families
ICRPD	International Convention on Rights of Persons with Disabilities
ICTs	Information and Communications Technologies
IMF	International Monetary Fund
ILO	International Labour Organization
ILS	Institute for Legislative Studies
IOM	International Organization for Migration
JRS	Judicial Reform Strategy
LNA	Legal Needs Assessment
LGBTI	Lesbian, Gay, Bisexual, Transgender and Intersex (LGBTI) Persons
LSDS	Legal System Development Strategy
JRS	Judicial Reform Strategy
LURC	Land use rights certificates
MARD	Ministry of Agriculture and Rural Development
MDG	Millennium Development Goals
MIC	Middle income country
MICS	Multiple Indicator Cluster Survey
MICS 2011	Multiple Indicator Cluster Survey for 2010-2011
MOCST	Ministry of Culture, Sports and Tourism
MOET	Ministry of Education and Training
MOF	Ministry of Finance
MOFA	Ministry of Foreign Affairs
MOH	Ministry of Health
MOHA	Ministry of Home Affairs
MOIC	Ministry of Information and Communication
MOJ	Ministry of Justice
MOLISA	Ministry of Labour, Invalids and Social Affairs
MONRE	Ministry of Natural Resources and Environment
MPs	Members of Parliament
MPI	Ministry of Planning and Investment

MPS	Ministry of Public Security
NA	National Assembly
NCCD	National Coordinating Council on Disability
NLAA	National Legal Aid Agency
NGO	Non-governmental Organization
ODA	Official Development Assistance
OOP	
OHCHR	Office of the High Commissioner for Human Rights
OP	Optional Protocol
OP-CRC-AC	Optional Protocol on the Involvement of Children in Armed Conflict
OP-CRC-SC	Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography
OP3-CRC	Optional Protocol to the CRC on a communications procedure
OOP	Out-of-Pocket Payments
PC	People's Committee
PCA	Partnership and Cooperation Agreement
PLACs	Provincial legal aid centres
PPP	Purchasing Power Parity
PMTCT	Prevention of Mother-to-Child Transmission
RLS	Rosa-Luxemburg-Stiftung
SAVY I	2005 Survey Assessment of Vietnamese Youth
SEDP	Socio-Economic Development Plan
SEDS	Socio-Economic Development Strategy
SOEs	State owned enterprises
SPC	Supreme People's Court
SPP	Supreme People's Procuracy
SRB	Sex Ratio at Birth
STD	Sexually Transmitted Disease
STI	Sexually Transmitted Infection
TIPP	Trafficking in Persons Protocol
TAC	Treaty of Amity and Cooperation
TPP	Trans-Pacific Partnership
UN	United Nations
UNAIDS	Joint United Nations Programme on HIV/AIDS
UNDP	United Nations Development Programme
UNESCO	United Nations Education, Scientific and Cultural Organization
UNFPA	United Nations Population Fund
UNICEF	United Nations Children's Fund
UNODC	United Nations Office on Drugs and Crime
UNTOC	United Nations Convention against Transnational Organized Crime
UN Women	United Nations Entity for Gender Equality and the Empowerment of Women
UPR	Universal Periodic Review
USD	United States Dollar
VAPCR	Viet Nam Association for the Protection of Children's Rights
VASS	Viet Nam Academy of Social Science
VHLSS	Viet Nam Household Living Standards Survey

VBF	Viet Nam Bar Federation
VDPF	Viet Nam Development Partnership Forum
VFA	Viet Nam Farmers' Association
VFF	Viet Nam Fatherland Front
VLSS	Viet Nam Living Standards Survey
VLA	Vietnamese Lawyers' Association
VND	Viet Nam Dong
VRC	Viet Nam Red Cross
VVA	Viet Nam Veterans' Association
VUFO	Viet Nam Union of Friendship Associations
VULAA	Viet Nam Union of Literature and Arts Associations
VUSTA	Viet Nam Union of Science and Technology Associations
VWU	Viet Nam Women's Union
WB	World Bank
WHO	World Health Organization
WTO	World Trade Organization

1 INTRODUCTION

This report presents an overview from the author of the main development challenges that Viet Nam has been facing, as the country continues to progress on a path of broad-based socio-economic development. It is intended both as an issues paper and a reference document to help inform the Rosa Luxemburg Stiftung (RLS) in its formulation of the next Plan for the period 2015-2017, which will establish the main lines of intervention of RLS in Viet Nam during this period, in the context of the speedy reform process. Its main objective is to help RLS to define its key priorities and identify the main areas of programmatic focus in the country during the coming years.

The present report is a synthesis document. It is therefore not intended to provide a comprehensive, in-depth analysis of the development situation in Viet Nam, but rather sets out the main issues that the author believes are critical for RLS to support Viet Nam's people to participate in and benefit from the development process. The analysis of these issues is informed by RLS's understanding of Viet Nam's main socio-economic development challenges, as shaped by the set of universal values and core development principles that would define RLS's work to promote human-centered development. It is also informed by the recent presence of RLS in Viet Nam, working closely with government counterparts, civil society and other development partners to support the country's development needs and aspirations. The report therefore focuses on those areas and approaches that are closer to the mandate and country experience of RLS in Viet Nam, paying less attention to issues that, although important for Viet Nam's future socio-economic development, fall outside those areas in which RLS has traditionally focused its activities in Viet Nam. The document highlights some critical areas that would help Viet Nam achieve this goal, including sustainable development, improvements in market institutions, and democracy.

Objectives

Overall the report aims:

- To elaborate a baseline desk study as preparatory input for RLS' 2015-2017 programme cycle;
- To provide RLS a profound database on the status quo of the political and socio-economic and legal situation of the above mentioned target groups, including a detailed list of literature and sources that were included;
- To analyse recent political developments, policies and the legal framework related to the target groups under RLS' social justice component as well as to provide analytical scenario for reforms and changes coming up in the next four to five years.

Methodology

The findings and recommendations in this paper are based on an extensive literature review of secondary sources. Many documents (see List of Reference), including academic articles, policy reports, and government documents, survey reports, programme reports, and evaluation studies, appearing in the period 2008 to the first half of 2014 were collected from various sources such as organizations and institutions working in Viet Nam, local and international conferences and meetings, libraries, online journals, and web pages of international organizations.

Considered as central principles in the United Nations' approach to development, human rights and gender equality are frameworks as they are important across countries and contexts to achieve development and ensure that all people are able to benefit from the development process. In addition, those principles are enshrined in international normative agreements and standards, as well as in Viet Nam's Constitution and legal and policy frame-

works. Therefore, human rights and gender equality are ‘cross-cutting’ for the purposes of this report, as they are relevant to all the different sectors and themes discussed therein, and because addressing each of these issues is fundamental to achieving Viet Nam’s development goals, including the Millennium Development Goals (MDGs).

In this context, social justice aims to eliminate all forms of discrimination, marginalization and exclusion that pervade all communities. It recognises the need to eliminate patriarchal systems, challenge existing social structures, deliver gender justice, sexual and reproductive justice and guarantee the human rights of all peoples, particularly women, youth, ethnic minorities, people living with the Human Immunodeficiency Virus (HIV) and other illnesses, migrant workers, sex workers, domestic workers and workers in the informal sector, survivors of trafficking and domestic violence, and those excluded by income, sexual orientation, gender identity, ethnicity, or social status.

The primary limitation of this report was the limited time and lack of opportunity to meet beneficiaries of RLS. One of the major constraints encountered in the writing of this synthesis report has also been the absence of reliable and consistent data in Viet Nam across various data sources. Wherever possible, this report has relied on official government data sources; though it is sometimes the case that data from line ministries is different from data from the General Statistical Office (GSO) for example. In such cases, GSO data is presented, and complemented by administrative data from line ministries and other government agencies. Sources of data from academic institutions, United Nations and non-governmental organizations (NGOs) have been used extensively in order to provide a triangulated analysis of the issues. The analysis and policy recommendations of this paper do not necessarily reflect the views of the author as it is an independent publication commissioned by RLS.

2 EXECUTIVE SUMMARY

Viet Nam’s socio-economic development record during the past two decades has been remarkable. It has gone from being a poor, underdeveloped and centrally-planned economy, to attain middle income status, on the back of a very dynamic economy and a vibrant society. Gains in living standards have been equitably shared across most segments of the population, greatly contributing to poverty reduction and social development. Viet Nam has also made significant progress with respect to other important aspects of its socioeconomic development, including in areas such as social policy, governance, health and education, etc. As Viet Nam becomes a middle-income country (MIC), new development challenges are emerging. In this context, efforts need to be directed towards ensuring increased quality of life, social equity, people’s resilience to shocks and the voice and participation of all Vietnamese people in the development process, if Viet Nam is to continue on a path of social and broad-based human development, and avoid the so-called middle-income trap.

As the country modernizes, key state institutions have begun to play a more active and critical role in support of national development. They need to be overhauled in order to address inefficiencies, poor accountability, corruption, and the challenges of decentralization, especially inadequate capacity at sub-national levels. With increasing complexity of the many challenges Viet Nam faces, such as climate change, chronic poverty, and vulnerability in the face of economic integration, comes a need for even greater sophistication in the design of institutions (e.g. more inter-ministerial coordination mechanisms/processes) and their ability to execute their functions (e.g. with greater independence, objectivity, and evidence).

The Legal System Development Strategy (LSDS) and the Judicial Reform Strategy (JRS) outline major opportunities and challenges in terms of strengthening the rule of law and access to justice. However, much remains to be done, such as local capacity building; fighting corruption; enhancing the role of the media; and creating an ena-

bling environment for business development. The institutional and legal framework for greater people's participation and civil society development, accountability and transparency at the provincial, district and commune levels are not fully in place. Capacity development is needed to ensure that government is sufficiently responsive to meet the needs of Viet Nam's diverse population. Promoting democratic governance is a prerequisite for the country to effectively respond to emerging development challenges.

Viet Nam is signatory to many of the core international human rights treaties in support of socio-economic and cultural development, and needs to continue to implement and monitor adherence to national and international human rights commitments, implement the recommendations accepted from the Universal Periodic Review (UPR) processes on human rights, and continue strengthening its engagement in human rights dialogue at the regional and global levels.

The country has achieved a relatively high degree of gender equality, especially in relation to gender parity in education, women's participation in the labour force, and equal rights enshrined in law and policy frameworks. Key challenges that are urgent from a gender equality and human development perspective include the growing imbalance in the sex ratio at birth; prevalence and tolerant attitudes towards domestic violence; and the double burden women experience because of their primary role as care-givers as well as their role in income-generation, which constrain women's ability to participate in formal employment and in decision-making at all levels. Greater efforts need to be devoted to tackle gender-based discrimination; boost women's participation in decision-making; ensure equitable access to income generation opportunities and social protection; and combat gender based violence to build on successes to date. These issues require changes in the policies, attitudes, behaviours, and institutions that perpetuate gender inequality in the country.

Addressing constraints in access to justice and protection of rights is also key to ensure all Vietnamese people are able to realize their capacities and aspirations. The overlaps and inconsistencies in Viet Nam's legal system are viewed by the Government itself as the main obstacle to the development of society and the exercise of human rights, but further challenges are faced in the implementation of laws. Full accountability under law also requires strengthening access to justice, particularly for those who depend on the law to protect them from discrimination, stigma and other disadvantages – such as women, the poor, ethnic minorities (especially in remote areas), migrant workers and those living with HIV/AIDS.

Significant progress has been made in access to public services, especially health and education. Yet in this area Viet Nam faces the challenge of ensuring universal access to quality public services for its people, especially health and education. Without a healthy and educated population, many of Viet Nam's development targets and aspirations will be difficult to reach. However the policy of 'socialization' has often emerged as a significant barrier to access, preventing those most in need – the poor, the disadvantaged – from accessing these services. Viet Nam needs to strengthen its health and education systems and increase public investment in social services.

In health, despite progress toward MDG¹ achievement, significant disparities remain across socio-economic groups. An effective, efficient health system requires strengthened governance and oversight; evidence based

¹ The Millennium Development Goals (MDGs) are eight international development goals which were established following the Millennium Summit of the United Nations in 2000, following the adoption of the United Nations Millennium Declaration.

decision-making and a robust health information system; sustainable public financing; and a sufficient supply of qualified health professionals, together with efficient high quality health services, balancing preventative and curative health care provision.

In education Viet Nam has made significant progress towards achieving national and international targets, especially at primary and lower secondary levels. Today's young people and children are more formally educated, more empowered, more globally integrated, and more consumer-minded than previous generations. Yet they also have a need for constructive outlets for self-expression and for participation and engagement in political, social and economic life. More tangibly, they need high quality, relevant education and training. In addition, opportunities for equal access to quality education at all levels, in particular for vulnerable and disadvantaged groups, improvements in education quality in line with international and national standards and goals; and further strengthening of management systems at all levels are required to deliver quality education for all.

While progress on overall poverty reduction has been remarkable, significant disparities in the attainment of the MDGs persist at the sub-national level including for specific groups such as people living in rural areas, women, ethnic minorities and migrant workers.

Whilst offering tremendous opportunities, changing patterns of mobility also pose important challenges. More and more Vietnamese people move within and across borders seeking income generation opportunities. Migration offers a way out of poverty and provides significant support to GDP (Gross Domestic Product) in the form of remittances – but migrant workers in Viet Nam are not yet entitled to the full range of social services and protection available to permanent residents and the poor. Trafficking is on the rise, and like other countries in the region, while policy frameworks are in place, Viet Nam is struggling to deal with what is an increasingly sophisticated, well-organized and transnational phenomenon.

Viet Nam has a strong record in reducing poverty and promoting equitable socio-economic development. Yet, new forms of vulnerability and disadvantage are emerging, partly driven by the changing nature of the type of shocks that Vietnamese people are exposed to in this new development phase (macroeconomic shocks, climatic shocks, natural disasters, HIV). In this context, there is a pressing need for universal approaches to social protection, as these are typically better able to address these new forms of vulnerability and disadvantage than area based, targeted programmes. In this respect, a comprehensive, inclusive and sustainable social protection system that lies at the core of Viet Nam's development strategy is needed, in order to contribute to economic growth and poverty reduction, and mitigate economic and environmental crises and shocks. It is also critical to address the care burden which largely falls on women, and ensure that social security mechanisms enable women's full participation in the economy and employment

Environmental concerns figure high on the national agenda. To a large extent, this reflects a growing recognition that rapid economic growth in Viet Nam has, in many cases, been driven by the unsustainable exploitation of natural resources, and lead to widespread environmental degradation, especially intense in terms of noise, air and water pollution. Efforts in this sphere should be oriented in three main directions: First, at reducing environmental degradation caused economic and human activity; second at strengthening the resilience to environmental

All 189 United Nations member states at the time (there are 193 currently) and at least 23 international organizations committed to help achieve the MDGs by 2015.

stresses of sectors, regions, communities, households, women, men and children; finally at promoting greater energy efficiency, so as contribute to reduce the environmental impact of growth in Viet Nam in the medium and long run.

Climate change has long been identified one of the most affected countries by its effects, there is now growing recognition in Viet Nam of the great challenges that climate change poses for its future socioeconomic development, with increasing resources committed to these issues. At this point it is urgent that Viet Nam accelerates making use of these resources to support efforts to adapt to and mitigate the effects of climate change, all of which affect quality of life and threaten the development potential of future generations. The country must have appropriate laws, policies and programmes, as part of climate change mitigation and adaptation.

Viet Nam has progressively built greater space for public participation and civic engagement, for example with the move towards grassroots democracy, greater decentralization and a more active role of the people, including children. The country needs to seize the opportunity to harness the vast potential of all its citizens for better, more effective, and more accountable and transparent governance in order to promote greater social cohesion. Enhancing parliamentary development and oversight functions and the participation by citizens, media and civil society organizations (CSOs) in legislative and oversight processes can all contribute to make this possible.

The new development framework for Viet Nam from 2015 must be based on the principle of sustainable development, embrace a holistic, rights-based approach, and ensure that the human rights principles of equality, equity, non-discrimination and inclusive participation and decision making underpin its policies and practices. Such an approach ensures that the most marginalized can benefit from development and growth, and become active agents of change.

Accountability to the people demands democratic and just government, transparency, and governance that enables people to make informed decisions over their own lives, communities and futures. It necessitates empowering all people, but particularly the most marginalized, to be part of free, prior and informed decision making in all stages of development processes at the local, national, regional and international levels and ensuring their rights to determine their development priorities. It also requires guaranteeing the right to freedom of information.

3 COUNTRY CONTEXT

Doi Moi and socio-economic achievements

Viet Nam emerged from almost three decades of war to become a unified country in 1976. One of the most striking features of the country today is the promotion of major economic reforms through a market-oriented economic development strategy. The actual turning point at the policy level took place in 1986 with the adoption of Doi Moi (reform or a homegrown, political and economic renewal campaign), which embraced both the will to reform the domestic economy and the determination to open the door towards Southeast Asia as well as the whole international community, with increasing engagement in global and regional institutions through promoting foreign trade, direct foreign investment and development cooperation. The Doi Moi policy aims at reforming extensively and comprehensively the centrally planned economy while maintaining the Party-directed and socialist political direction of society. This policy, particularly the so-called socialist-oriented market economy, was given formal expression in the 1992 Constitution².

Despite being severely hit by the Asian financial crisis in the late 1990s, Viet Nam has become one of the fastest growing economies in Southeast Asia today. Along with impressive economic achievement, substantial progress has been made in improving people's well-being, reducing gender disparities and significant poverty reduction over the last 30 years. Viet Nam's remarkable progress on poverty reduction has put it on track to achieve most of the eight MDGs and targets by 2015, and this progress has been recognized worldwide. The living standards of the people have improved greatly and tremendous progress has been made. Clear gains have been recorded with respect to social development targets and targets for improving the lives of various population strata in urban and rural areas, especially poverty reduction targets. The poverty headcount ratio has fallen from 58.1 percent in 1993 to 7.8 percent in 2013. Real income has grown 7.3 percent during 1990-2010 over the last two decades, and even during the recent economic slowdown and despite high inflation rates, the economic growth rate continued to grow and was at 5.2 per cent in 2014. The income per capita has grown from below USD 200 to USD 1,540 in 2012, passing the middle-income country threshold of USD 1,024 in 2008, and can reach most of the MDGs ahead of schedule, and it is on track to achieve the others before 2015. However, pockets of poverty remain with half of ethnic minority people in 2012 still living below the poverty line and lagging behind MDG national averages. Challenges remain but the country is working toward improving progress on MDG 6 on HIV targets and MDG 7 on environmental sustainability (World Bank, 2014).

Over the past decade, the health and education status of the Vietnamese population has increased markedly. Vietnamese men, women, and children are now living longer, they are healthier, have higher incomes, and generally are better off than they were 25 years ago. Education is accepted as an avenue to a better future. Family planning is now widely practised, in large part because parents want the best for their children and recognize that the costs of raising them are high. Gender awareness is increasing, with more parents committed to sending both sons and daughters to school. 92 percent of households had access to safe drinking water in 2011, up from 78.7 percent in 2000. Rural households with access to safe water rose from 73.5 to 89.4 percent over the last decade. In 2011, 78 percent of all households and 71.4 percent of rural households had access to sanitary latrines, up from 44.1 percent and 32.5 percent in 2000 respectively. In 2011, more than 96 percent of all households have access to modern energy and are connected to the electricity grid. Most schools have water sources and latrines (80 percent and 73 percent respectively) (UNICEF 2012).

These impressive achievements lay out a firm foundation upon which Viet Nam is expected to gradually become a modern-oriented industrialized country by 2020. National institutions are more experienced and mature after two

² This Constitution was amended in 2001 and 2013.

decades of reform, with increased national engagement and participation, in particular by the National Assembly and the media.

Over the last quarter of a century, Viet Nam's politics and society have gradually evolved towards greater openness and space for civil participation. Public discourse on a range of political, social, and economic issues has increased. Provisions are in place to require input by citizens in certain decisions at the grassroots level. The ability of the National Assembly to perform the role of a check and balance on the executive has strengthened. Despite this progress, greater openness and opportunity for citizens to participate in governance is needed to support Viet Nam's long term vision of becoming a modern industrialized society.

With its recent Socio-Economic Development Strategy (SEDS) for (2011–2020), Viet Nam aspires to achieve a per capita income level of US\$3,000 (in current U.S. dollars) by 2020. This translates into a nearly 10 percent annual growth in per capita income over this decade—requiring the country to replicate and sustain the economic success it achieved in the last 10 years. The overall goal of the SEDS is for Viet Nam to lay the foundations for a modern, industrialized society by 2020. The strategy sets out directions for how the country should continue the transformation from a largely agrarian society to an industrialized and modern nation, and to build up a united and democratic society with rules, equality and civilization, and have its Human Development Index (HDI) ranked among the medium group in the world.

The SEDS identifies key priorities for the country, including a long-term growth strategy that gives attention to structural reforms environmental sustainability, social equity, and emerging issues of macroeconomic stability to minimize short-term vulnerability and achieve sustained long-term growth. Three major “breakthrough areas” are noted in the SEDS: (i) promoting human resources/skills development (particularly skills for modern industry and innovation), (ii) improving market institutions, and (iii) infrastructure development. The key challenges will be improved design of programmes and better implementation.

The SEDS aims to maximize Viet Nam's long-term welfare through rapid growth in conjunction with sustainable development. Rapid growth is expected to be achieved not only through increased use of labour, natural resources, and capital, but also by relying more on an improved efficiency of resource utilization and allocation, and technical progress. The SEDS identifies three key determinants for sustainable development, namely macroeconomic stability, broad-based growth, and environmental sustainability. Institutional and policy changes are proposed to achieve the ultimate goal through completing the transition to a market economy and building modern state governance. The SEDS goes on to identify the country's key priorities to meet this ambitious target: stabilize the economy, build world-class infrastructure, create a skilled labour force, and strengthen market-based institutions. The country will also need to begin to build the basis for shifting to higher productivity, product and process innovation, and value addition as its low-cost labor advantage begins to dissipate. Developing a better educated workforce and strengthening its technology and innovation system will be critical for this.

Furthermore, the five-year Socio-Economic Development Plan (SEDP) for 2011-2015 elaborates the objectives of the SEDS and identifies the specific measures and resources that are needed for its implementation. The SEDP 2011-2015 focuses on the broad range of policies needed to achieve high quality and sustainable economic growth. These include the need to restructure the economy to increase the share of high value-adding economic activities, improve the living standards of ethnic minority populations, strengthen environmental protection, and mitigate and prevent the adverse impacts of climate change. The Plan underlines the need to develop favorable conditions for the private sector and to gradually reduce the contribution of the state sector to GDP, while increas-

ing the contribution from the private sector and foreign direct investment (FDI). Focusing on the same three breakthrough areas as the SEDS, the SEDP describes how these breakthroughs will be achieved in order to create a more competitive economy. The SEDP also outlines the importance of environmental protection, climate change mitigation, and adaption and building resilience to natural hazards.

The SEDP aims to contribute to achieving the goals set by the SEDS for the period 2011-2020. During the first two or three years of the plan, the targets are to concentrate on stabilizing the macro-economy, assuring social security, growing at a reasonable rate and strongly renovating the growth model by restructuring the economy towards raising quality, effectiveness and competitiveness. During the subsequent two or three years, the targets are to basically complete the economic restructuring for fast and sustainable development and achieve the harmony between economic growth, macro-economic stability and social security objectives.

Compared to the SEDP 2006-2010, the new Plan reflects an increased awareness of the risks of environmental and natural resource degradation. The SEDP could have been clearer in two areas: (i) the importance of identifying explicit trade-offs in priorities and proposed policy measures, particularly in light of real resource constraints; and (ii) the need for greater coherence, integration and linkages between the national SEDP, provincial SEDPs, and sector plans being developed by the ministries.

3.1 At its crossroads - from an aid recipient to become a development partner

Despite the fundamental advantages of the current situation, Viet Nam is facing many difficulties and challenges in the upcoming period of development. These require changes for rapid and sustainable development, including renovation of the aid architecture to adapt to the new context of the middle income country (MIC) status.

The year 2010 for Viet Nam is an important milestone in changing the direction of aid effectiveness in the country with the formulation of the Aid Effectiveness Forum (AEF) which focuses on dialogue on aid policy, aid effectiveness linking with development effectiveness and implementation of the SEDP between all stakeholders, including the Government, donors, Vietnamese agencies, international NGOs and other CSOs of Viet Nam. The Aid Effectiveness Agenda in Viet Nam in 2010 entered into the new period with formulation and operation of the AEF, focusing on the policy dialogue between Vietnamese Government and all parties involving in development.

At the Viet Nam Development Partnership Forum (VDPF) in 2013 - the first of its kind - the United Nation agencies, together with the Government of Viet Nam, development partners, local and international civil society organizations, national research institutions and other development actors discussed how to foster a broad based socio-economic development in the country. The Forum marks the transition from Viet Nam being an aid recipient to a partner.

The evolution from the previous Consultative Group (CG) Meetings of donors to last year's VDPF is a positive signal and a reflection of Viet Nam's accession to lower MIC status. The overarching effort for the Forum for the period of 2013-2015 was to establish new partnerships towards competitive, inclusive and sustainable growth. This has brought with it the need for Viet Nam to review and re-define existing relationships and move towards new partnerships in support of the country's development.

For the VDPF in 2013, Viet Nam and its development partners listed four themes as the focus for discussion:

- Poverty reduction and ethnic minority poverty reduction;
- Promoting private sector engagement in provision of water and sanitation services;
- Improving effectiveness of environment management systems; and
- Strengthening competitiveness through vocational training and skills development.

During the Forum, Viet Nam affirmed the need to maintain macro-economic stability and create stronger competitiveness by several measures such as restructuring state owned enterprises (SOEs), training high quality human resources, creating a roadmap for market prices and subsidies and restructuring the finance and banking system. Viet Nam expressed its willingness to fight corruption, create better social protection for all people and ensure employment for sustainable poverty reduction, especially among ethnic minorities.

This year has seen continued progress and economic recovery as commendable efforts have been made on the part of the Government to stabilize the macroeconomic situation and initiate economic restructuring. However, economic growth is still largely compounded by domestic factors. Even though unemployment rates were slightly lower in 2013, an increasing number of workers have moved into the informal sector, indicating that people are finding it difficult to find stable and decent jobs in the formal sector. To fulfil its potential, there is a need for Viet Nam to become a more inclusive, productive, competitive and high skilled economy. This requires an educational system that is able to deliver quality education as well as appropriate vocational training adapted to the needs of the labour market that is accessible to all regional and population groups throughout the country.

While it is recognized that there continues to be a need for reform towards a more sustainable and inclusive growth model, implementing measures to address these issues remains a challenge. Global experiences suggest that structural reforms, including the reform of SOEs, financial sector and public investment, must be accompanied by efforts to provide social protection to all vulnerable people in rural and urban areas, including women, children and the rising number of elderly. A modern social protection system would make the country more resilient in the face of economic and climate-related shocks and would help to put Viet Nam on a more sustainable development path.

Viet Nam's achievement of lower MIC status has occurred at a time when the volumes of Official Development Assistance (ODA) have been declining, a trend that is likely to continue over the foreseeable future, in part as a result of the ongoing global economic crisis. This would require non-ODA ways to continue progressing the development agenda such as new forms of partnership including public private partnerships for service delivery, regional and south-south cooperation for knowledge exchanges as well as increased international integration. Change in finance modalities and development partnerships may require different institutional set ups and a focus not only on aid effectiveness but a more coherent approach towards development effectiveness in line with the core principles of the Busan Partnership for Effective Development Cooperation³.

³ The Busan document encourages donors and partner countries to "facilitate, leverage and strengthen the impact of diverse forms of development finance and activities, ensuring that these diverse forms of co-operation have a catalytic effect on development."

As Viet Nam was not an aid dependent country in 2010, ODA accounted for less than 5 percent of the country's gross national income (GNI) but there is no question that the country has used ODA effectively in support of its development. With Viet Nam's new status as a lower MIC status, several development partners have announced plans to scale down their activities or exit the country within the next 3-5 years. Other partners have indicated that they will gradually transform their relations with Viet Nam to focus more on trade and commercial activities, including FDI from private companies originating in donor countries.

A plenum of the Communist Party of Viet Nam (CPV) in October 2011 reaffirmed the Government's commitment to sustaining macroeconomic stability and set three aspects of economic restructuring as priorities for the next five years. These are restructuring of (i) public investment; (ii) the financial sector with focus on commercial banking system and financial institutions; and (iii) state-owned enterprises with focus on economic groups. Action on this will be important for tackling the structural drivers of macroeconomic instability and enhancing the economy's efficiency.

Moving forward, improved and inclusive governance will be a key component for creating a more equitable and sustainable development path and for delivering the unachieved MDGs for all. This requires addressing institutional and structural barriers to socio-economic development that benefits all, including corruption, lack of transparency and limited participation in decision making.

Along with economic, legal and social changes since 1986, Viet Nam has been following its explicit policy of comprehensive international integration with an active role in international affairs, highlighted by its hosting of an Asia-Pacific Economic Cooperation (APEC) meeting in 2006 and accession to the World Trade Organization (WTO) in 2007. Recently, the country has become more proactive in seeking out a role in international and regional affairs since it was elected to non-permanent membership of the United Nations (UN) Social and Economic Council (2000-2002), the Commission on Human Rights (2001-2003), the Commission for Social Development (2002-2004), the UN Security Council (2008-2009), and served as its chair in 2008, and most recently the Human Rights Council (2014-2016). Advocacy efforts are being made for future membership of related UN entities including the Social and Economic Council and non-permanent membership of the UN Security Council again (2020-2021).

In Viet Nam, the development partners, including UN agencies have been recognised for the following roles:

- Promoting global standards, norms, and commitments;
- Convening diverse actors together to dialogue around critical or sensitive issues;
- Inspiring trust for dialoguing on potentially sensitive issues, including human rights;
- Influencing policy development and implementation;
- Accessing key decision-makers in many critical policy areas, e.g. legal reform, social protection;
- Bringing a multilateral perspective to policy dialogue;
- Advocating for cross-cutting issues that are central to development: gender equality and violence against women, HIV, human rights;
- Pioneering new approaches, e.g. human development and multi-dimensional poverty;
- Advocating on behalf of vulnerable and/or voiceless groups, such as the chronically poor, people with disabilities, people at higher risk of or living with HIV and ethnic minorities;
- Ensuring a focus on equity in development, as a result of the human rights based approach to development;
- Accessing international knowledge and networks and making these available to the Government;

- Building capacity of individuals, organizations/agencies, and systems over the long term.

The One UN Plan has been the single programmatic framework for UN agencies in Viet Nam. The One Plan for 2012-2016 sets out a strategic and results-oriented joint programme of work for the next five years, in support of national development priorities. It outlines three broad focus areas. These include supporting the country to achieve inclusive, equitable and sustainable growth; access to quality essential services and social protection; and enhanced governance and participation, guided by the principles of gender sensitivity and an approach based on human rights.

With Viet Nam - a MIC that is experiencing rapid socio-economic development, the country's demands for services and support from the UN has changed. The One UN Plan should respond to this change by focusing on providing high-quality policy work, with special attention to vulnerable and marginalized groups. It should also place greater emphasis on technical assistance, capacity development and the UN's role in convening different stakeholders and expanding partnerships.

3.2 Avoiding the middle-income trap and challenges ahead

In recent years, however, Viet Nam has found it more difficult to maintain high levels of growth with macroeconomic stability. This reflects in part its deeper integration into global markets with the WTO accession in 2007 and recent global crises. However, the more important explanation is a reliance on public investment, channeled largely through a weak state enterprise sector and financed by massive credit expansion, to drive growth. This has led to an accommodating macroeconomic policy stance, inefficient public investments and a high level of indebtedness in the state sector. Banking and financial sector risks have therefore become elevated. The economy has suffered episodes of macroeconomic instability with high levels of inflation, depreciation and instability of the currency, and signs of significant internal capital flight. Since early 2011, Viet Nam has been implementing a comprehensive stabilization programme (Resolution 11) which has begun to reestablish macroeconomic stability.

Viet Nam's aspirations to avoid the middle income trap and become a MIC will require strengthening the economy's competitiveness as its growth is stalling and its progress is increasingly vulnerable due to poor, stifling governance, limited transparency, inadequate inclusiveness, low competitiveness, and serious environmental and health threats. The country's core contradictions – a desire for growth, innovation, and investment stymied by resistance to transparency, efficiency, and tapping the diverse ideas and resources of its people – represent development other challenges. In addition to recent macroeconomic instability, the business environment is constrained by weak infrastructure, by high costs of interacting with government agencies, and by a lack of adequate information on policy.

Meeting these aspirations will not be easy. The country has experienced bouts of macroeconomic turbulence in recent years—double-digit inflation, depreciating currency, capital flight, and loss of international reserves—eroding investor confidence. Rapid growth has revealed new structural problems. The quality and sustainability of growth remain a source of concern, given the resource-intensive pattern of growth, high levels of pollution, lack of diversification and value addition in exports, and the declining contribution of productivity to growth. Viet Nam's competitiveness is under threat because power generation has not kept pace with demand, logistical costs and real estate prices have climbed, and skill shortages are becoming more widespread.

The United Nations Development Programme (UNDP) ranks Viet Nam 127 out of 187 countries on its HDI in 2013. This low ranking is explained in part by some sectors of the population—particularly the rural poor and ethnic minorities—not equally benefiting from economic growth (UNDP, 2013). Further, both the International Monetary Fund (IMF) and the World Bank have identified Vietnam as highly vulnerable to the effects of the global downturn due primarily to trade, investment, and remittance shocks.

At the same time, Viet Nam continues to face significant challenges, notably principles for rule of law and human rights, poor regulation quality, widespread corruption and low accountability, inadequate infrastructure, and limited human and institutional capacity. If not properly addressed, these challenges will impede Viet Nam's efforts to achieve its goal of becoming an industrialized country by 2020.

Though Viet Nam has made progress in improving transparency, challenges also remain. With increasing penetration of the internet and other media, information and opinions are more widely available than ever. At the same time, it is difficult for Vietnamese citizens to access information from state bodies, and this in turn constrains public oversight of government-provided services and functions. Although several laws call for documents of various kinds to be public information, these documents are often difficult to obtain in practice.

In Viet Nam, inclusive national consultations on the post-2015 agenda have been since 2012 to provide an opportunity for people to voice their views on how they envisage the country's future development priorities. Those consultations have emphasized many of the priority themes and specifically highlighted the need to address inequalities and improved governance and participation. Declining inclusiveness and associated rising inequalities, particularly inequalities in terms of voice and power, can exacerbate Viet Nam's structural challenges and thus affect the patterns and pace of growth as well as progress on some key human development indicators. Inequalities have a negative impact on the well-being of people as a whole. Income inequality for example impedes long-term growth prospects and dampens the poverty-reducing impact of growth. It is associated with a host of poorer social outcomes, ranging from low health status and educational achievement to higher crime rates.

Along with growing inequalities, vulnerability to different kinds of shocks and risks pose an increasing challenge for people in Viet Nam. This is particularly the case for the poor and marginalized. Institutional reform and further investments are needed to address all forms of inequality, including gender inequality. There are key factors which have limited the inclusivity and sustainability of national growth to date, including unevenness of growth across sectors and groups of populations, low employment growth, disparities in asset holdings and access to services, the nature of globalization and shifting global value chains, and unsustainable patterns of consumption and production.

There should be a number of critical areas which the CPV and Government could consider in the reform process to promote inclusive and sustainable growth in the country.

These could include:

- adopting more measures to improve the productivity and quality of agriculture and aquaculture;
- undertaking a progressive upgrading of the economy towards higher value sectors overall to establish new comparative advantage and create more decent work;
- expanding opportunities through access to quality and relevant education;
- building a modern social protection system;

- investing in disaster risk reduction and in climate change adaptation to build greater economic and social resilience; and
- adopting more transparent and accountable public resource allocation and management processes.

Continued reform and modernisation of policy development processes, stronger and more effective national and sub-national institutions, enhanced parliamentary development and oversight, a more determined, informed and focused fight against corruption and greater participation by all stakeholders and citizens in policy-making, planning and monitoring of performance at all levels are required if Viet Nam is to manage and respond to these challenges effectively.

3.3 Key international actors

Viet Nam's most important foreign relations are with China and the United States, but linkages with Japan, the European Union (EU), the Association of Southeast Asian Nations (ASEAN), etc are also significant.

Viet Nam has been pursuing a foreign policy of "more friends, fewer enemies." Stable, normalized economic and military relations with both *China* and the United States are the current state of affairs. The country has also placed an emphasis on global integration which has resulted in political and economic engagement with a wider range of countries, the purpose which is presumed to counter the influence of Beijing in the region. Viet Nam's relationship with China has been complicated by maritime territorial disputes, though perhaps more important for both was the shared commitment by each country's communist parties to maintain their rule.

Both countries share a long history marked by collaboration and cordiality, but also tumult and hostility at times, as far back as the first century B.C., and as recently as during the last half -century. Nevertheless, following modern economic reform in China and Doi Moi in Viet Nam, both countries have continued on their transition path to a market-oriented economy putting industrialization and trade issues at the forefront, with territorial disputes generally left on the back burner. The year 2010 marked the 60th anniversary of the establishment of China-Vietnam diplomatic ties with official normalization of relations being in place since 1990. There is no doubt that those two countries will forever be intertwined because of geographic, economic and political realities.

The settlement of maritime issues signed in October 2011 may be a first step in easing tensions over the contentious issue of who controls the islands in potentially oil-rich waters which China calls the South China Sea and Viet Nam calls the East Sea. The establishment of a hotline between the two countries' capitals to resolve crises and the creation of semiannual talks are aimed at finding "mutually acceptable basic principles" and a long-term approach to solving maritime disputes. The two countries are now committed to friendly consultations to properly handle maritime issues and make this area a sea of peace, friendship and cooperation. Strains in Sino-Vietnamese relations emerged in 2009 when China presented a claim to 80 percent of the South China Sea (East Sea) to the UN Convention on the Law of the Sea. This put Viet Nam in the awkward position of either accepting Chinese dominance of this areas or risking an engagement. The issue is particularly important to both sides since it involves the claim on possession of two island groups: Hoang Sa (the Paracels) and Truong Sa (Spratlys). The most important matter at stake is who has the right to explore and exploit the natural resources in and below the waters surrounding the islands. The problem has been further complicated with China's placement of an oil rig in Viet Nam's exclusive economic zone and continental shelf a move which has worsened the relationships of the two countries. Viet Nam is considering now legal action against China.

Despite the occasional hiccup, China and Viet Nam bilateral relations are becoming more interdependent, particularly in the realm of economics. The year 2010 marked the 60th anniversary of the establishment of Sino-Vietnamese diplomatic ties, with official normalization of relations being in place since 1990. This has led to a rush of political goodwill and a boom in economic trade evidenced by growth in bilateral trade jumping from US\$32 million in 1991 to just a shade below US\$28 billion in 2010 and for the first nine months of 2011, it rose by 35 percent as compared with the same period of the previous year.

China is Viet Nam's largest trade partner, but because of China's size and global trade integration, Vietnam counts for less than one percent of China's total export trade. Currently, there are almost 2,000 China-funded firms in Viet Nam engaged in trade and investment, project contracting and other businesses. Vietnamese enterprises are paying more attention to the Chinese market and are looking to China for more business opportunities and markets for selling equipment and raw materials. China is also a main market for Viet Nam tourism, accounting for one-fourth of the international tourists to Viet Nam (almost 786,000 arrivals) in the first seven months of 2011 alone. While the opening of markets and trading routes can be described as a win-win situation for China and Viet Nam, it may be too simple a formula precisely because of the disparities between the two countries, particularly in terms of economic size and political power (MPI, 2013).

A new concern in Viet Nam, attributed to the "Chinese economic expansion," is represented by the influx of illegal Chinese labourers, particularly involving joint Viet Nam-China projects. Vietnamese press and labour leaders have warned of the irregular situation of Chinese workers in Viet Nam. Most Chinese employees, it is argued, do not have professional skills and the workers are causing instability in the economic, social, military, political spheres as well as everyday life of people.

The influx of Chinese goods, both smuggled over the border and imported legally into the Vietnamese market, has negatively impacted the domestic production of a number of goods in Viet Nam, particularly consumer goods. One special concern in Viet Nam is that many of the goods are of low quality and dubious origin and may contain toxins and other substances harmful to people's health. Some products can be made in Viet Nam, but are still imported as the latter approach is more cost-effective. This, in turn, has choked a host of Vietnamese enterprises, including production of chopsticks and toothpicks.

Now is a relatively unique time in Viet Nam's history. It is unified, and it has the economic and political wherewithal to challenge China in the region – though whether it will be successful remains to be seen. The rise of national sentiments on either side may portend more troubling times ahead.

In 1995, *the United States* announced the formal normalization of diplomatic relations with Viet Nam, and U.S. relations with Viet Nam have become increasingly cooperative and broad-based in the years since political normalization. Since entry into force of the U.S.-Vietnam bilateral trade agreement in 2001, trade between the two countries and U.S. investment in Viet Nam have grown significantly. Since 2002, common strategic and economic interests have led the United States and Viet Nam to improve relations across a wide range of issues. These were matched by a number of expansions of development assistance cooperation with Viet Nam. The United States and Viet Nam have concluded a trade and investment framework agreement; they also have signed textile, air transport, and maritime agreements. The two countries participate in the Trans-Pacific Partnership (TPP) negotiations that seek to develop a regional free trade agreement. U.S. exports to Viet Nam include agricultural products, machinery, yarn/fabric, and vehicles. U.S. imports from Viet Nam include apparel, footwear, furniture and bedding, agricultural products, seafood, and electrical machinery.

For human rights experts, the TPP is the newest “free trade” agreement between big corporations and twelve nations⁴ in the Pacific Rim, with the prospect of adding countries like South Korea, China, Indonesia and the Philippines. In its current composition, the TPP represents 40% of global GDP and one-third of world trade. The agreement covers trade issues including market access for goods, services and agriculture, customs, and trade subsidies but this represents only a small portion of the agreement. Most proposed rules have nothing to do with trade. Rather, it allows wealthy countries and large corporations to reach across borders to impose constraints on a vast array of domestic non-trade policies that impact the environment, telecommunications, visas, labour, and intellectual property, among many others. This agreement will institutionalise inequalities, severely curtail peoples’ rights and freedoms and cement corporate rights over national public interest law and the right of governments to govern in the interests of their constituents. While trade liberalization has been touted as a key driver of development, the TPP is the most recent example of an alliance that threatens to enrich and protect corporations at the expense of the livelihoods of the most vulnerable, including rural, indigenous, and urban women living in poverty. Viet Nam is not an exception.

The economic relationship between the two countries is flourishing, and U.S. assistance in Viet Nam focuses on consolidating gains to ensure sustainable economic development and on promoting good governance and the rule of law. Assistance projects aim to deepen regulatory reforms, improve the capacity and independence of Viet Nam's judicial and legislative bodies, and promote more effective public participation in the law and regulation-making processes. U.S. assistance also seeks to support Viet Nam's response to climate change and other environmental challenges, including Agent Orange/dioxin contamination, strengthen the country’s health and education systems, and assist vulnerable populations.

Building on its accession to WTO in 2007 and its deepening economic integration within the region, Viet Nam is currently negotiating the ongoing TPP free trade agreement as the United States has encouraged Viet Nam to be a “full partner” and has given a higher priority to cleaning up sites contaminated by dioxin, a by-product of the Agent Orange herbicide used by U.S. troops during the Viet Nam War. Viet Nam’s top objective in the TPP negotiations is increased access to the U.S. market, particularly for textiles/apparel and footwear. In addition, Viet Nam seeks a solid market access package to balance the range of TPP obligations Viet Nam would assume, including labour, environment, state-owned enterprises and protection of intellectual property rights.

Starting in 2010, the two countries accelerated this process, effectively forming a partnership on several fronts. The United States identifies Viet Nam as one of the emerging partners it is cultivating as part of the rebalancing of its priorities toward the Asia-Pacific region. Currently, factors generating U.S. interest in the relationship include growing trade and investment flows, the large ethnic Vietnamese community in the United States, the legacy of the Viet Nam War, increasing interaction through multilateral institutions, and the perception that Viet Nam is becoming a “middle power” with commensurate influence in Southeast Asia. U.S. goals with respect to Viet Nam include opening markets for U.S. trade and investment, furthering human rights and the rule of law within the country, cooperating in multilateral diplomatic forums to uphold international legal principles in and around the East Sea including freedom of navigation, and maintaining if not expanding U.S. influence in Southeast Asia. Viet Nam plays a key role in the U.S. policies rebalance towards the Asia-Pacific as an emerging partner in Southeast Asia.

⁴ With Japan’s participation since March 2013, the talks now involve 12 countries with diverse levels of economic development. They are: Australia, Brunei, Canada, Chile, Japan, Malaysia, Mexico, New Zealand, Peru, Singapore, U.S. and Viet Nam. Negotiations commenced in March 2010.

Though the United States has continued to pursue improved military and economic relations with Viet Nam, an American ban on the sale of lethal military equipment remained in place in 2013, and the United States have made some efforts to press Viet Nam to improve its human rights record. The two countries hold an annual dialogue on human rights, which resumed in 2006 after a 2-year hiatus.

Following a shady past, involving Japanese imperialist expansion and controversial ties with the United States, it seems that *Japan*-Viet Nam relations have experienced an observable improvement, especially within the past few years. The implications of such close interaction are important, particularly when considering the region's economic, political and security structure.

Economic ties between the two countries have been on the rise for some time. With Japan suffering from a sluggish economy for many years, Viet Nam's high growth rate, coming second only to China's since 2000, is an appealing market for Japan. Japanese firms have invested heavily, and the Vietnamese economy has modernized as a result. Furthermore, Japan was the first state to officially recognize Viet Nam as a market-based economy in 2011, which has helped to signal to other states that Viet Nam's economy is healthy and legitimate.

Japan is also the largest donor of ODA to Viet Nam, having committed nearly \$2 billion in 2012 alone. This has allowed Japan to enjoy a slight influence in some of Viet Nam's policies, pushing it very weakly to adhere to Japan's values of human rights and transparency. Additionally, on 2 July 2013, Japan and Vietnam entered a "Joint Crediting Mechanism" – a bilateral, low-carbon growth pact that allows Japanese firms to earn carbon credits, while helping Viet Nam lower its own carbon emissions. With the difficulties in global environmental governance, the success of such endeavors may be an example for other states to mimic and will improve both Japan's and Viet Nam's reputations for sustainable development (MPI, 2013).

What is more, Viet Nam is currently seen as an important future source of rare earth minerals, which are a critical component for many of Japan's high-tech exports. By turning towards Viet Nam, Japan may successfully sidestep some of the pressure from China, which in the past has used its strong hold over the rare earth minerals production market as a bargaining chip in bilateral relations. As a result, Viet Nam would also enjoy a lift in its own exports.

Importantly, Japan's interest in Viet Nam is undeniably tied to its overall attempt to boost ties with other member states of the Association of South East Asian Nations (ASEAN). Although Japan has traditionally enjoyed stability in trade with most of the 10 member states, this has recently been challenged by China's remarkable growth and need to expand. Most concerning was when China signed a Free Trade Agreement (FTA) with ASEAN in 2010, diminishing Japan's role as a regional actor and therefore making ASEAN a top priority for Japanese foreign and economic policy.

Likewise, the two countries' political ties have also developed strongly in recent years, engaging in more constructive discussions on a number of bilateral issues. Perhaps most crucially, Japan and Viet Nam are both in the midst of a maritime dispute with China. As a result, security cooperation between Japan and Viet Nam has been strengthened, and Viet Nam may have some influence over the way ASEAN will act in the future on territorial disputes. Along with calls from the Philippines for a multilateral and legal approach to solving the disputes, further backing from Japan and Vietnam means the position of China becomes all the weaker. This is especially true in forums such as ASEAN+3, which involve ASEAN as well as China and Japan.

In total, Japan and Viet Nam seem to benefit from a symbiotic relationship that serves many top economic and political interests of both states. But not only does this mean a stronger Vietnamese economy and support for Japanese economic goals, it will also ameliorate an overall relationship between Japan and ASEAN. In fact, it may even ease the advancement for wider regional ambitions, such as the TPP. Japan's policies towards Viet Nam become a key element in its overall regional ambitions, many of which Vietnam is pleased to see become reality. As such, it is highly likely that similar efforts will continue in the foreseeable future, though interference from China – whether economic, diplomatic or aggressive – is also to be expected. Noticeably, Japan and Viet Nam have entered a new phase of their existing Strategic Partnership where both countries are likely to seek greater strategic convergences in how to best craft initiatives which could ensure maritime security in the maritime stretch of the Western Pacific. Besides the security and defence spheres what needs to be highlighted is that Japan is deeply involved in the economic fields with Viet Nam as being Viet Nam's biggest donor and foreign investor. Bilateral trade between the two countries stood at \$ 25.6 billion in 2013 and FDI (direct foreign investment) in 2013 as \$ 5.7 billion accounting for 26.6 % of FDI in Viet Nam. Japan is also investing heavily in terms of aid in infrastructure developments in Viet Nam extending from airports, hydro-electric power stations and highways etc. The country is also seeking Japanese assistance for a civilian nuclear power plant (MPI, 2013).

The EU considers Viet Nam as an important partner in South East Asia. The exchange of high-level visits between Europe and Viet Nam and frequent meetings of leaders from both sides have allowed to maintain and deepen the bilateral relationship over the years, reaffirming the priority the EU places on closer engagement with Viet Nam and other Asian countries. Heads of Government-level meetings and high-level visits provide an opportunity for discussions on a whole range of bilateral and regional issues, including international security issues and global challenges, regional developments and integration, human rights issues, as well as economic and trade relations.

Since the establishment of diplomatic relations in October 1990, Viet Nam-EU relations have developed very rapidly, moving from an initial focus on trade and aid to a broader, more diversified and more political partnership. The EU has become one of Viet Nam's leading partners in many areas, especially development cooperation, trade and investment, making worthy contribution to the cause of national development and international integration of Viet Nam.

The Viet Nam–EU Partnership and Cooperation Agreement (PCA) signed in 2012 is a milestone and a vivid manifestation of the comprehensive and far reaching development of the Viet Nam–EU relations over the past 20 years, elevating the bilateral relations to a new high of equal partnership and comprehensive cooperation in commensurate with the deepened unification and enhanced role of the EU in the 21st century as well as the growing stature of Viet Nam after 25 years of successful reforms and international integration. The PCA will also allow Viet Nam and the EU, which share the same interest in a strong multilateral rule-based system and strong institutions of global governance, to further enhance cooperation on global and regional challenges, including climate change, terrorism and non-proliferation of weapons of mass destruction, all issues on which Viet Nam is willing to play an increasingly important role. The PCA brings on board the EU and all its Member States, providing opportunities to increase the coherence and synergies between EU policies and between EU and individual Member States' policies. Viet Nam and the EU have already identified some priorities for immediate action under the PCA.

The PCA, which is based on shared interests and principles such as equality, mutual respect, the rule of law and human rights, will open a new era in bilateral relations. It will broaden further the scope of the cooperation in areas such as the environment, energy, science and technology, good governance, as well as tourism, culture, migration, counter terrorism and the fight against corruption and organised crime. The agreement deepens and broadens the bilateral cooperation in other areas that Viet Nam needs and the EU has strengths, including devel-

opment cooperation, economics-trade, education-training, agriculture and health. This creates favorable conditions for Viet Nam to promote mutually beneficial cooperation with the EU in the implementation of the Strategy on economic and social development for the period of 2011–2020. The PCA also creates important premises for Viet Nam and the EU to engage in negotiations of a FTA and work closely towards early recognition of Viet Nam's market economy status. Besides bilateral relations, the PCA also governs the cooperation between Viet Nam and the EU at regional and international fora and in addressing global challenges. In this connection, furthering relations with Viet Nam opens windows of opportunity for the EU to promote relations with countries in South East Asia given the rapid changes and evolving architecture in the region with ASEAN at the center. For Viet Nam, this is a good opportunity to continue to promote partnership with all EU's Member States both in depth and in breadth, thus effectively implementing the foreign policy of independence, self-reliance, peace, cooperation and development; multilateralization and diversification of external relations; a reliable friend, partner and responsible member of the international community.

Concerns about human rights remain a major theme of EU-Viet Nam relations. While recognizing Viet Nam's impressive record in reducing poverty and guaranteeing its citizens' economic and social rights, the EU remains actively committed to supporting its further transition towards an open society based on the rule of law. The EU seeks to promote a positive and result-oriented approach through dialogue and cooperation. A human rights dialogue mechanism between EU Heads of Missions in Ha Noi and the Government of Viet Nam was initiated in 2001 and held twice a year. It was transformed in an annual capital-based human rights dialogue in 2012 and a third round of their annual human rights dialogue took place in September 2013. It constitutes a platform to engage Viet Nam on sensitive issues, and allows channeling EU concerns directly to the Vietnamese authorities in an open and constructive atmosphere. The dialogue is conducted in line with the EU's overall principles on the promotion of human rights and democratization throughout the world, including its guidelines on human rights. The EU is committed to giving further momentum to the dialogue, and to making it more results-oriented and better connected to decision-making in Viet Nam so that it brings more tangible improvements. In April 2013, the European Parliament adopted a resolution condemning continuing human rights violations in Viet Nam and called on the EU to raise concerns with Viet Nam. The EU delegation to Viet Nam has also issued public statements expressing concern over the crackdown on dissidents, the resumption of execution as a criminal penalty, and the cyber restrictions.

*ASEAN*⁵ was best-known as an association of states committed to the principle of non-interference, "Asian values and ASEAN ways", a forum in which civil society had no place. Today, a "new" ASEAN is in the process of emerging, with an expansion of its regional architecture that includes ASEAN Plus Three (ASEAN+Japan, China and South Korea) and ASEAN Plus 6 (ASEAN+China, Japan, South Korea, India, Australia and New Zealand). Current discussions also include inviting the United States and Russia to join the group, either by establishing an ASEAN Plus 8, or by expanding the East Asia Summit (EAS), formed in 2005, which includes the 10 ASEAN states plus the six countries cited above. ASEAN contains a broad political, economic and social diversity. Political systems include an absolute monarchy in Brunei, constitutional monarchies in Cambodia, Malaysia, and Thailand, socialist republics in Laos and Vietnam, an electoral military authoritarian system in transition in Burma/Myanmar, and republics in Indonesia, the Philippines, Singapore, and Timor Leste. There are also differing degrees of democratization in Indonesia, Malaysia, the Philippines, Thailand, Singapore and Cambodia, and autocracy in Brunei, Laos, Viet Nam and Burma/Myanmar.

⁵ ASEAN was established in 1967 and has currently ten members: Brunei Darussalam, Cambodia, Indonesia, Lao PDR, Malaysia, Myanmar, Philippines, Singapore, Thailand and Viet Nam.

ASEAN is now a community of around 620 million people living in one of the most dynamic regions of the world. Consistent with this, ASEAN's share of world GDP and world trade has sharply increased over the past decades. In 2003, ASEAN's regional integration agenda was significantly deepened when ASEAN Member States adopted the ambitious goal of forming an ASEAN Economic Community (AEC) by 2015. These goals were crystallized in the highly specific targets set for creating a "single market and production base" in the ASEAN Economic Community Blueprint of 2007, signed by the Heads of the Governments of the ASEAN countries. Currently, there is a flurry of free trade agreement negotiations between ASEAN and other countries, and ASEAN members are taking on pivotal economic policy changes to meet regional requirements. With ASEAN Vision 2020, this region has been trying to create a "community of caring societies" with "focus on the welfare and dignity of the human person and the good of the community".

AEC is one of ASEAN's three pillars in building up the ASEAN Community. The others are ASEAN Political Security Community (APS) and ASEAN Socio-Cultural Community (ASCC). AEC will transform ASEAN into a region with free movement of goods, services, investment, skilled labor, and freer flow of capital. Around 14 economic sectoral bodies under AEC work intensively in areas of human resources development and capacity building; professional qualifications; macroeconomic and financial policies; trade financing; infrastructure and communications connectivity; electronic transactions through e-ASEAN; integrating industries across the region to promote regional sourcing; and enhancing private sector involvement. A coherent master plan dubbed as "AEC Blueprint" was adopted to guide the path into this AEC 2015. However, not all are very optimistic about achieving the target in 2015. Fresh doubts are being raised whether Southeast Asian nations can get their act together and launch a regional common market soon. Reasons for doubts are enough: lack of leadership, member countries have been lagging behind in attaining key targets for achieving the plan in various sectors. Moreover, concerns expressed about AEC and the Blue Print are about its focus to free trade in good, investment and service, which is based on market liberalization paradigm. ASEAN Community and its three pillars are actually a vision of forcing peoples of ASEAN into a single regional integrated market. This vision ignores the fact that millions of people in ASEAN have suffered since hundreds of years from exploitations by the capitalistic economic interests from the colonial times up to modern times now with a solely purpose to serve the free market.

Considering the focus of AEC and its Blueprint particular concerns regarding issues related to lives of people in ASEAN countries are about:

- *environment*: no sufficient considerations to environmental protection against the expansion of trade liberalization. Environmental sustainability would be pressured by illegal trade of timber and wildlife, extraction of natural resources, biodiversity loss, climate change, extensive agriculture, illegal and over fishing, landscape change due to massive infrastructure development and pollution from industries;
- *governance*: plan, programme and activities developed are oriented to governments' interests without participation of peoples –men and women- of ASEAN, lack of transparency and considerations to peoples' voices. The ASEAN community seems more as governments' community instead of the peoples;
- *human and women's rights*: absence of a clear reference to rights principles, disrespect and violations of human rights and violence that occurred massively in ASEAN countries: land grabbing, forced displace-

ment, environmental pollutions, underpaid labor and unsafe work condition, lack of protection to migrant workers, and lack of social protection to all peoples;

- *women's human rights*: ignorance to the situation of women of ASEAN countries who are suffering non-fulfillment of their rights particularly rights to decision makings, information, right to work and equal treatment; gender based violence in land grabbing and forced displacement; sexual and reproductive rights.

AEC by 2015, ASEAN Community by 2015 are the magic spell of the governments. Unfortunately, common people in ASEAN are not well informed that very soon they will be placed in a giant community with people from their neighboring countries. Without a genuine involvement of ASEAN's men and women in this process, the main challenge is about the capability of future ASEAN Community to finally free its people from exploitation and marginalization; or in the contrary: it is only a legitimate tool by economic and political elites of ASEAN to continuously extract the wealth and resources of people of ASEAN.

ASEAN also faces the challenge of rapid increase in older population due to low fertility rates and improved longevity and exacerbated social, economic and gender inequalities, due to the impact of globalization and the FTA. Current unsustainable market or corporate driven economic policies are resulting in negative impacts including the diminution of our natural resources the rise of greenhouse gas emissions leading to climate change, deepening poverty and increased hunger, exacerbated vulnerability for workers both within countries and across borders, lack of social protection and basic services especially among vulnerable and marginalized groups and widespread land grabbing which devastates communities and robs people of their livelihoods, cultural heritage and collective rights, especially those of indigenous peoples. Large-scale investment and development projects, including those in ethnic or indigenous areas, have triggered massive forced displacement and enabled human rights abuses.

Current development trends in ASEAN are resulting in serious trans-boundary problems caused by megahydropower dams, extractive industries, expansion of large-scale monoculture plantations, climate change, unaccountable corporate investment, and government and military involvement in business. These are having negative impacts on communities and their livelihoods, land, natural resources, water and food sovereignty and security, identity, health and environment, leading to increased conflicts and instability in the region.

The region has achieved unparalleled success in economic development that led to tangible improvements in people's lives. ASEAN is now a largely middle-income region. At the same time, the growing share of poor people and rising inequalities are causes for concern. Inequalities persist in education, health, nutrition, living conditions; and are compounded by disparities in voice and participation that are also gender and ethnicity-based. Uneven development progress seen across and within countries has been related to differences in the quality of political, economic and environmental governance. Challenges remain across the region for strengthening institutions, improving public administration and service delivery, and enhancing access to justice, transparency and accountability. Mitigating and adapting to the impacts of climate change are key to sustained human development in the region. Beyond climate change, effective management of natural resources such as forests, water, fisheries and minerals, is of utmost importance given the over-exploitation of natural wealth and environmental degradation.

The governments of ASEAN have prioritized economic development over a just, equitable and sustainable development model that truly places the people and their wellbeing at the centre. Social protection and basic services

are not prioritized and remain limited, non-inclusive and inadequate to ensure peoples' dignity. The local communities affected by investment and development projects are not provided sufficient relevant information about these projects, are not meaningfully consulted or asked for their consent, and are not able to participate in decision-making processes.

While most ASEAN states have fairly robust legal frameworks governing the core areas of land, natural resources, labour and the environment, enforcement of these laws and regulations remains a challenge. Corruption and lack of transparency and accountability exacerbate negative impacts of development projects and investment on local communities. Militarization of resource rich areas results in intensified repression in terms of enforced disappearances, extra-judicial killings, land grabbing and displacement of communities.

Efforts are being made towards the fundamental principles of a people-centred ASEAN with sustainable peace and development, democratic and just governance, rule of law, universal human rights and dignity (including women and child rights, etc.), social, cultural, economic and ecological justice, gender equality and gender justice, non-discrimination, inclusivity, reasonable accommodation for persons with disabilities, in the best interests of the people of ASEAN, especially of vulnerable and marginalized groups, including but not limited to women, children, older persons, persons with disabilities, ethnic and indigenous peoples, lesbians, gays, bisexuals and transgenders (LGBTs) and other persons of diverse sexual orientation, gender identities and expressions, including intersex persons, all workers including migrants and workers in the informal economy, religious minorities, young people, political prisoners and their families, refugees, internally displaced persons, stateless and landless people, artisanal fisherfolks, sex workers, victims of prostitution and all forms of violence and forced labour, trafficked persons, drug users, and persons living with HIV/AIDS.

In 2007 the ASEAN Charter called for the establishment of a regional human rights body. Following the entry into force of the ASEAN Charter, ASEAN has established three human rights bodies; the ASEAN Inter-governmental Commission on Human Rights (AICHR), the ASEAN Commission on the Promotion and the Protection of the Rights of Women and Children (ACWC), and the ASEAN Committee on Migrant Workers (ACMW). The ASEAN Human Rights Declaration, adopted in November 2012, recognizes the rights of everyone to equality before the law, an effective and enforceable remedy and fair trial principles such as the presumption of innocence, non-retroactive application of criminal law and double jeopardy. In this context, lawyers and other public interest law practitioners have the potential to make a significant contribution, together with ASEAN and civil society, to strengthen the ASEAN human rights system.

In ASEAN countries, ASEAN Civil Society Conferences (ACSCs)/ASEAN Peoples' Forums (APFs) are a main space or a platform for democratic and constructive debates on ideas, formulation of proposals for ASEAN, exchange of experiences among civil society and peoples' movements, expanding networks across issues in the region, and doing joint actions, especially on community building process. As an annual gathering of civil society reflecting the major concerns and aspirations of the ASEAN people on the ASEAN Community Building. ACSC/APF was started in 2005 during Malaysia's chairmanship. It follows with the Philippines in 2006, Singapore in 2007, Thailand in 2009, Viet Nam in 2010, Indonesia in 2011, Brunei in 2012, Cambodia in 2013 and Myanmar in 2014. At the end of each Forum, civil society comes up with a collective statement and recommendations for ASEAN. This gathering is in line with the spirit of ASEAN Charter to make this bloc relevant to its people's daily life. Participants often discuss issues ranging from economic empowerment of the people, human rights and fundamental freedoms, democracy, reproductive health, persons with disabilities, climate change, hydro power dam, forestry,

agriculture, democracy, refugees and internally-displaced persons, election, sustainable development, women & gender, children's rights, youth, labour migration, workers, fisherfolk and farmers, etc.

Viet Nam became the seventh member of ASEAN in July 1995, and has been an active participant in all ASEAN activities. The country first hosted the 6th ASEAN Summit in Hanoi in 1998 in the midst of the Asian financial crisis. The Summit produced the Ha Noi Plan of Action, which provides guidance towards the realization of ASEAN Vision 2020. Viet Nam also chaired the ASEAN Standing Committee from July 2000-2001. During this period, ASEAN approved the Second Protocol to the Treaty of Amity and Cooperation (TAC) and adopted the Rules of Procedures of the TAC High Council. After fifteen years membership in ASEAN, Viet Nam assumed the ASEAN Chairmanship in 2010. Mr. Le Luong Minh, a Vietnamese national assumed the position of ASEAN Secretary-General for a five-year tenure from 2014 to 2017, greatly increasing Viet Nam's influence in this regional bloc.

Viet Nam is a member of various ASEAN and other regional frameworks including the ASEAN Inter-Parliamentary Assembly (AIPA), ASEAN Regional Forum (ARF), ASEAN-Europe Meeting (ASEM), Southeast Asian Ministers of Education Organization (SEAMEO), and Asia Cooperation Dialogue (ACD). Since the signing of the ASEAN Charter in 2007, Viet Nam and all other Member States have pledged their commitment to adhere to the principles of democracy, the rule of law and good governance, respect for and protection of human rights and fundamental freedoms.

4 THE POLITICAL AND LEGAL FRAMEWORK OF VIET NAM

4.1 The structure of governance

Viet Nam's structure of government is provided for in its 1992 Constitution which was amended in 2001 and 2013. Although the country's political system is dominated by a single party, there are some prospects of greater government transparency and accountability, such as more participatory approaches through the recent constitutional reform process and better public financial management. Land reform in Viet Nam is proving to be a central issue in improving government transparency and accountability in the protection of property rights. Reforms are most evident in the workings of the National Assembly. Significant concerns remain regarding rights to freedom of expression and association.

4.1.1 The Communist Party of Viet Nam

Viet Nam is one of the world's few remaining one-party communist states. Political power lies with the Communist Party of Viet Nam (CPV). The CPV is highlighted in the Constitution, and with this constitutional acknowledgment of the CPV's key role in providing leadership to the State, with a membership of 3 million countrywide, with almost all key and senior positions in State organs occupied by its members as well as its historical engagement in the running of the State, it is obvious that the CPV policies, resolutions, programmes and directions have foremost authority. In many cases, they are incorporated into or made the basis of legal documents. This is most significant in the light of Viet Nam being a one-party State.

The CPV National Congress is normally convened every five years (the Twelfth Party Congress is scheduled for 2016), as it appraises the implementation of CPV resolutions, elects the Central Committee (175 full and 25 alternate members), and amends CPV Political Programmes. The Central Committee elects the Political Bureau (currently 16 members), and the General Secretary of the CPV establishes the Secretariat. The Political Bureau monitors the execution of the resolutions of the National Congress and Central Committee, and the Secretariat exercises

es leadership over the CPV's daily affairs, monitors resolutions and directs coordination of activities. The General Secretary of the Central Committee is the CPV's leader and Viet Nam's most powerful position. Separate from the CPV, the Government led by the Prime Minister, undertakes administration and policy development and implementation under the overall guidance of the CPV. In addition, Viet Nam has a President who is Head of State.

At the local level, congresses are convened to discuss documents prepared by higher Party Committees, elect Party Committees and appraise implementation of resolutions. The CPV committees exercise leadership over the implementation of resolutions and instructions from higher levels. Party Congresses at all levels will take place in 2015, election to the National Assembly and People's Councils tenure 2016-2021 will be organized in 2016.

4.1.2 The National Assembly

The National Assembly (NA) has a strong constitutional mandate in relation to national policy decisions, and is showing increasing initiative in this area. In recent years, this legislative body has become increasingly active and influential in setting national priorities, with members prepared to criticize the Government vigorously. However, it faces a number of challenges which constrain its ability to meet growing expectations to orientate complex growth processes in a middle-income country context, including limited time for deliberations, with only two one-month plenary sessions each year; limited availability of independent, qualitative in-house policy analysis capacity and resources for deputies and committees, with its research body, the Institute for Legislative Studies (ILS), only recently established; few (33%) full-time deputies; high turn-over among Members of Parliament (MPs) and the potential conflict of interests of part-time deputies are challenging higher effectiveness of this law-making body. The increasingly complex growth processes in a middle-country context will require institutional reform to a NA which currently meets for only two months a year in plenary sessions, in which only 29% of deputies serve full-time, with a high-turnover of deputies every five years, and with considerable conflict of interest among deputies who also hold functions in the executive; and will heighten the need for more effective participation by citizens, media and CSOs in legislative processes.

The same is true for the People's Councils (PCs) which also have to deal with increasing tasks including oversight, but have only a low percentage of full-time deputies (4%) and are faced with a high turn-over of deputies, limited qualified supporting staff and scarce financial and other resources. In addition, the recent approval of non-establishment of PCs at district level will naturally require adjustments in the functioning of provincial PCs to oversee local government and engage citizens in decision-making at that level, as well as to coordinate with PCs at commune levels.

At present women make up 25.8% of deputies, a majority on a part-time basis, and 19.5 percent of PC members at the commune level. The proportion of women in leadership roles at commune and village levels is very low. A Women's Parliamentarian Group was established in 2008 and the Committee on Social Affairs has now the mandate to verify incorporation of a gender perspective in draft laws before they are enacted. However, obstacles to achieving gender equality targets remain, in part due to weak implementation of legislative and policy frameworks including requirements for gender mainstreaming in legislation.

The ability of the NA to perform the role of a check and balance on the executive has strengthened. It has been playing increasingly active roles in external oversight, despite being constrained by high turnover. General elec-

tions will be held in 2017 to select deputies to the NA and the full-time membership is expected to increase. The NA and PCs have been strengthened by an expanded legal framework, and have taken on an enhanced role in law making and oversight. Political developments with regard to the role of the NA and decentralisation present great opportunities for realising and monitoring the rights of children, women, ethnic minorities, etc., but all this places heavy demands on institutions which require strengthened capacity to deliver. Supporting the NA and its support structure by collaborating on interactive workshops and training is a key part of the development partners in Viet Nam. Greater openness and opportunity for citizens to participate in governance is needed to support Viet Nam's long term vision of becoming a modern industrialized society. The increasing role of the NA in reviewing legislation and policies and a gradually more incisive media have contributed to greater transparency in Viet Nam, but there are limits to dissent. The NA is recognized as having a key role to play in monitoring promotion and protection of human rights, but could potentially play a stronger role in this regard, for example in relation to complaints and petitions.

4.1.3 The Government

The Government is the executive organ of the NA and is the highest organ of State administration. It is accountable to the NA and it reports to it, the Standing Committee and State President. The Government is composed of the Prime Minister, Vice Prime Ministers, Ministers and other members. With the exception of the Prime Minister, the members of the Government are not necessarily members of the NA. The tenure of the Government is the same as that of the NA. However, it continues on until a new government is established by the new legislature.

Among the duties and powers of the Government are to: (a) direct the work of the Government ministries, other organs of government and the People's Committees at all levels; (b) build and consolidate the State administration from the centre to the grassroots; (c) ensure the implementation of the Constitution and laws; (d) present draft laws, decrees and other projects to the NA and its Standing Committee; and (e) organize and direct State inspection and control, and settle complaints and denunciations by citizens.

The Prime Minister is the Head of Government and has duties and powers to: (a) direct the work of the Government, Government members and People's Councils at all levels; (b) chair Cabinet meetings; (c) propose to the NA to establish or dissolve Government ministries and ministerial agencies; (d) suspend or annul decisions and directives of People's Councils and chairpersons of People's Committees when in contravention of the Constitution, laws and formal written documents of superior State organs; and (e) suspend the execution of resolutions of the People's Councils when in contravention of the Constitution, laws and formal written documents of superior State organs, and to propose to the NA Standing Committee to annul them.

In response to both weak economic growth and corruption challenges, the Government of Viet Nam is working to strengthen its mechanisms to improve the accountability of public institutions. The recent adoption of public oversight hearings by the NA is the most prominent and promising new initiative. The State Audit Agency, as well as the Anti-Corruption Steering Committee (OSCAC) that was recently moved from the Office of Government to the CPV are two additional opportunities for strengthening oversight processes.

4.1.4 The Supreme People's Court and the system of courts

Viet Nam's judicial system consists of three levels of courts: district courts, provincial courts and the Supreme People's Court (SPC). Each administrative district has a District People's Court, which is the court of first instance for criminal cases and disputes of civil, economic, labour and administrative nature. One professional judge and two lay assessors settle most cases at the first instance. Moreover, each province has a Provincial People's Court, which acts mainly as a court of appeal for cases decided by the district courts. Three professional judges settle most cases. The provincial courts can act as the court of first instance for certain types of cases and the decisions can be appealed directly to the SPC which is the highest appeal and cassation court of the country. Cases that are appealed to the SPC are reviewed by the appellate courts and can be re-adjudicated or sent back to the provincial courts with orders to conform to the SPC's decision on the matter. Constitutional matters rest with the NA Standing Committee.

Organizationally, the SPC consists of the Council of Justices, which is the highest adjudicating authority of the court, and five specialized courts covering administrative, economic, civil, criminal and labour disputes, as well as the court of appeals. Each year, the Council of Justices issues guidelines for the adjudication of difficult cases in inferior courts. Those guidelines are considered legal normative documents and are binding on all courts. The SPC is formally in charge of all aspects of budget allocation, staff management and office construction of the Provincial and District People's Courts. Provincial Party authorities and governments, and other central units, also play significant roles in this process. The provincial courts have trial, appellate and cassation jurisdiction, while the district courts are trial courts with jurisdiction over criminal, civil, economic, labour and administrative matters. The SPC also operates the Judicial Training School. So far, the School has only engaged in developing professional skills of judges and other categories of judicial staff.

The judicial system faces great challenges, in particular in asserting itself as an increasingly independent branch of state power and as a professional and respected arbiter of conflicting interests. Lack of independence, transparency and publicity has led to unpredictability. Furthermore, most judicial decisions are not based on an adversarial process and many judgements would be more accurately described as pronouncements rather than professional assessment of facts, evidence and law.

Judicial procedures in Viet Nam need to be improved to ensure they are consistent, democratic, transparent, and respect human rights. Therefore, the support from donors to the SPC has been directed at facilitating assessment, drafting, revision and, when approved by competent authorities, implementation of two key procedural instruments, the Civil Procedure Code and Law on Judicial Procedures for Administrative Cases. These instruments represent important steps towards an adversarial procedure and reduces the role of the investigative judge and a more accessible and transparent judicial procedure. It also introduces a number of judicial safeguards and human rights guarantees for the accused. In addition, the SPC has been supported in assessing and developing methods for the publication and dissemination of court judgements. The publication of judgements is critical to ensure quality, predictability and transparency in the system, as well as for the development of jurisprudence.

Judges as well as lawyers and prosecutors in Viet Nam in general are poorly trained and lack professional practice skills; judges' low salaries leave them open to the temptations of corruption, and their positions are not attractive for law graduates. Lawyers do not take part in all cases due to their limited numbers. Court infrastructure and administration systems are often poor; an appropriate mechanism is not available to facilitate the public access to files and decisions made by the Court.

4.1.5 The Supreme People's Procuracy and the system of procuracies

The current Constitution of Viet Nam gives the Procuracy two main functions: to act as prosecutor in criminal trials; and to supervise justice activities, including investigation, detention, trials and enforcement of judgements. The procuracy is charged with supervising the uniform implementation of the law of Viet Nam. Its key task is to ensure the objective and accurate prosecution of criminal cases and the supervision of the implementation of law enforcement agencies, including the courts, criminal investigation, enforcement of judgments and settlement of complaints and denunciations by citizens. Further, the procuracy is charged with ensuring that persons are not illegally arrested or interrogated, and that the police or other authorities do not violate civil rights to life, freedom and property. Thus, the Procuracy at various levels has close ties with investigation agencies and courts.

The organizational structure of the Procuracy also reflects that of the court system as it is also divided into three levels: national, provincial and district level. The Supreme People's Procuracy (SPP) leads and directs inferior procuracy agencies in both organizational and functional aspects. The SPP operates a training school for procurators and support staff.

In the justice reform process, the SPP is responsible for proposing plans for the restructuring of the prosecution function. It is also given a leading role in drafting the amendments to the Law on Criminal Procedure. For many years, there has been intense debate in legal and judicial fora whether the Procuracy should be stripped of its supervisory function over the courts and be converted into a more "conventional" state prosecution body, or continue to perform both functions. There is also discussion whether the Procuracy should have a role also in civil cases. While the current position remains that both supervisory and prosecution functions should be retained, the SPP has been tasked to research various reform options and their implications. The SPP has also been tasked to assess and make a plan for a reorganization of the service to correspond to the new jurisdiction-based court organization. The third major judicial reform task for the SPP is the drafting of the amendments to the Law on Criminal Procedure.

The practice in the past of having insufficiently reliable and public statistics from state agencies and the tendency not to release any statistic that relates, directly or indirectly, to national security, public order, including crime statistics, has encumbered effective crime control and has reduced public accountability of the institutions. In this respect, the Procuracy has had – and continues to have - a particularly important role, and has been considered an institution equal to the Government and the Courts – all three of them were accountable only to the NA. The assigned function of the Procuracy to supervise the legality of the judicial activities of the state, combined with the powers of investigation and the closed and strictly hierarchical system of management has made it a powerful agency.

At the court hearings, especially the criminal hearings, the prosecutor has a dual function: To represent the interests of the state, and to supervise the entire court process. The supervisory functions of the SPP is on the one hand seen as a measure of legal safeguards for the parties to a trial, guaranteeing the fair and correct application on the law, while contending views hold that judges will have a tendency to pay more heed to the prosecutor, and that in particular the legal defence is put in an unequal position, thus impinging on the ability to mount a

defence in front of the court. The introduction of adversarial procedures into the Criminal Procedure Code has highlighted this debate within the evolving judicial system of Viet Nam.

Adequate training of prosecutors is a matter of concern to both prosecutors and practitioners and users of the judicial system. Basic legal education for prosecutors has until recently been provided by the SPP University. Enjoying wide discretionary power in the name of state interests, which may have decisive effects on the everyday lives of citizens, the Procuracy faces an urgent task of improving the legal knowledge and practical skills of its staff.

4.2 Legal frameworks

4.2.1 Legal review and reform

The introduction of Doi Moi in Viet Nam in the late 1980s which have generated significant gains in economic growth and integration with international markets have also been accompanied with a transformation in the central state that has involved devolution processes and changes in the state's internal make-up, re-examination of functions and roles. Viet Nam recognized the establishment and improvement of the legal system essential to meet its socio-economic development objectives. The 1992 Constitution and the Law on Promulgation of Legal Normative Documents constituted vital documents in the attempt to further the rule of law in Viet Nam. They formally designated the NA (and its Standing Committee) as the principal producers of laws, ordinances and resolutions and stipulate that these instruments are formally superior to instruments enacted by other agencies. Institutional frameworks started to be reviewed and strengthened as a necessary step to ensure that public service delivery would match the challenges of the rapidly growing socio-economic set up, including transparency and accountability mechanisms. Today, this institutional reform and other legal and judicial reform processes become more relevant as Viet Nam enters the group of middle-income countries and aims to achieve status of industrialized country in 2020. Among the central themes of this reform process, is the wish to create a society governed by the rule of law. Transparency, democratization and substantial legal reform are essential in this context.

Important changes in Viet Nam have also been made to state structures, in particular through the adoption of the 1992 Constitution, which incorporates human rights guarantees. Many laws pertaining have been drafted and adopted in recent years, such as the Civil Code, Civil Procedure Code, Criminal Procedure Code, Law on Promulgation of Legal Normative Documents, as well as several other laws on organization and operation of legal and judicial institutions. An effective legal system⁶, which is respected by the people as an instrument that helps structure and facilitates the fair, orderly, and effective functioning of society, is a crucial element for balanced development. Numerous legislative amendments have been introduced, including reforms to the criminal justice system, especially amendments to the Criminal Procedure Code in 2003 and 2009, and the Criminal Code in 1999 and 2009. Other amendments are planned according to the legislative agenda of the NA. While these new laws represent certain steps towards a fair, effective and rights-protecting justice sector, much work remains to transform the laws into reality so that they can play a role in guaranteeing rights, gender equality and justice in Viet Nam.

⁶ The term "legal system" used here would cover the following five components:

- Legal framework of normative documents;
- Law-making process and institutions;
- Law implementation, dispute resolution institutions including courts;
- Legal information system; and finally;
- Legal education and training system.

Since the commitment to building a socialist rule-of-law state stipulated in the 1992 Constitution, Viet Nam has made significant efforts not only to develop a legal framework but also to strengthen legal and judicial institutions. The country's policy of moving toward a rule-of-law state was reiterated in 2002 through Resolution 08-NQ/TW of the Political Bureau of the PCV, which highlighted legal and judicial priority areas. Initial achievements over the first three years of implementation of Resolution 8 led to the adoption of Resolution 48-NQ/TW on Legal System Development Strategy to 2010 with a Visions to 2020 (LSDS), and Resolution 49-NQ/TW on Judicial Reform Strategy for the Period until 2020 (JRS) by the Political Bureau of the CPV in 2005. Those two documents demonstrate the strong commitment of Viet Nam to expand and broaden the legal/judicial reform agenda, by tackling the pressing need to enhance legal awareness and access to justice and ensure the adequate implementation and enforcement of laws. These two strategies have clearly set out the reform agenda for the legal and judicial sector and remain the key guiding policy documents for legal and judicial reform as well as for the programming and partnership building between Vietnamese law-related agencies and the international development partners. Both the LSDS and JRS welcome international cooperation and assistance in these reforms as positively experienced in the past nearly two decades. That cooperation and assistance will be more effective and efficient if the partnership among the donors themselves and between the donors and the national beneficiaries can be strengthened. Thus, a continuous and deeper partnership among donors, between the donor community and the national stakeholders as well as among national beneficiaries is important.

The LSDS, Viet Nam's first ever legal reform strategy, is based on the Legal Needs Assessment (LNA), which was a model of working collaboration between Viet Nam and donors. Directed by the Government of Viet Nam this initiative gained the active support of a wide range of donors, including UNDP, the Asian Development Bank (ADB), the World Bank (WB), as well as Australia, Denmark, Canada, France, Japan, and Sweden. The LNA conducted in 2000-2001 assessed the status of Viet Nam's legal system, and made recommendations to address identified weaknesses, thus laid a foundation for comprehensive strategies for legal and judicial reform in the country.

The LSDS is the first long-term development strategy in the legal sector with its overall objective to build up a consistent and transparent legal system, promote the rule of law; and facilitate and enforce the realization of the human and democratic rights and freedoms of the Vietnamese citizens. It provides a comprehensive roadmap to renovate the country's legal system to build the rule of law and support the transition to a market-oriented economy and rapid international integration. To this end, LSDS indicates directions for further development of legal frameworks to ensure the acceleration and improvement of legislative activities; improve the procedure of drafting, adoption, and promulgation of legal normative documents; and to assure the active participation of the people in legislative activities. In the judicial sector, the LSDS calls for laws to regulate the appropriate allocation of jurisdiction between trial courts and appellate courts in accordance with the principle of "two levels of adjudication". On the Procuracy, the LSDS expects the legal foundation for its operation to be renewed to ensure improved performance in prosecution and supervision. With respect to the bar, the LSDS calls for a comprehensive legal foundation for the legal profession (lawyers), including finding a balance between state management and self-management. The LSDS specifies, among other things, the directions for the rule of law development, protection of human rights, promotion of democracy and freedom of citizens and access to justice, as well as for strengthening the participation of non-state actors and the public in the legal drafting process.

The JRS sets out a strategy for reforming Viet Nam's judicial system with a focus on renovating the court system and the procuracy and with the overall objective of enhancing the independence, professional capacity and ethical standards of judges and other judicial officials. The role of defense lawyers and other lawyers who represent the clients before judicial institutions has also been highlighted as a focus of the on-going judicial reform agenda.

The overall objective of the JRS is: "Building a capable, ethical, healthy, strong, democratic, strict, fair and justice-protecting judiciary, as well as ensuring that the judiciary will be modernized on a step by step basis to serve the Socialist Fatherland of Viet Nam and its people and that the judicial activities, among the adjudication plays the key role, will be highly efficient and effective." The JRS shall be implemented according to five principles, which may be summarized as follows:

- Judicial reform must be under the leadership of the VCP.
- Judicial reform must stem from the requirements of socio-economic development.
- Judicial organs must be put under the oversights of people elected bodies.
- Reform must stem from Vietnamese legal tradition and selectively adopt international experiences.
- Reform must be carried out in a fast and comprehensive manner.

The overall objective of the JRS will be met through the following four orientations:

- Improving criminal and civil policy and legislation as well as judicial procedures.
- (Re)organizing judicial organs and judicial support institutions and supporting a strong socialization of judicial support.
- Building a strong contingent of judicial and support staff.
- Renovating and enhancing the oversight role of elected bodies, the public and people's ownership of judicial activities.

Those two strategies have made tremendous efforts in developing a legal system to facilitate economic reforms, international integration and the strengthening of a rule-of-law state. Concurrently, the capacity of key legal and judicial institutions such as the NA, the Ministry of Justice (MOJ), the judiciary, and the procuracy has been importantly strengthened; however further development needs to be made in local capacity building, enhancing people's access to justice, and enabling an environment for business and entrepreneurship development. Decisive actions are required to fight corruption, deal with drug abuse, illicit trafficking, including human trafficking, smuggling of migrants, money laundering and other crime-related problems, as well as for the enhancement of the role of the media.

A strong and independent legal profession is an essential element in every law-based-state. The 1992 Constitution recognized that private lawyers are needed to improve access to legal justice. It not only guaranteed citizens a right to legal representation, it also guaranteed lawyers a right to organize themselves into bar associations. These rights were eventually codified in the 2001 Ordinance on Lawyers which has been replaced by the Law on Lawyers since 2007 which was amended later in 2013. But a tension remained between the State's desire to manage lawyers and the realization that lawyers require some independence from State apparatus to effectively protect the interests of their clients. Current regulations reconcile these competing interests with a system of 'combined' regulations that gives the MOJ broad-ranging state management powers and invests bar federations with certain self-regulatory powers. For example, the MOJ issues laws and practicing certificates and guides legal ethics and education. Lawyers, on the other hand, are permitted to organize into professional firms and join regional bar federations that supervise the observation of professional ethics and advocate the rights of lawyers.

The implementation of adversarial procedures in the Criminal Procedure Code and Civil Procedure Code will enhance the role of lawyers. A strong and independent legal profession backed by a national bar federation will further raise the social profile of lawyers and the social relevance of courts. One of the most effective ways to

improve women's access to justice is to raise the professional standards of court staff with targeted training, especially on women's human rights and gender equality. Courts can be made more attractive to the public by reducing procedural delays through improved collection, management and analysis of data. Women's access to legal justice will also be improved by assisting the Procuracy to train prosecutors to understand women's human rights and gender equality, new procedural rules governing criminal, civil and administrative cases, to collect, manage and analyze data and to supervise and monitor the police's performance.

Legal reform has been pursued with considerable energy and success in Viet Nam in recent years, and the country has adopted a number of laws and policies to modernize its administrative and judicial systems. These would, if properly implemented and enforced, significantly contribute to greater efficiency in governance and improved protection of individual and collective rights. At the same time, the reform of the justice sector has been much slower, for reasons that relate to structure, organization, capacity, and other factors as well problems within key justice sector institutions. As a result, the implementation lags behind, with adverse effects for individual citizens, groups, private entities, state institutions and other sectors in society. Often members of weak and vulnerable groups (poor, women, children, LGBTs, and people living in remote areas) are the most affected. To remedy these problems, the JRS calls for improvement of criminal policies and procedures, clear distinctions between administration management and judicial decision-making (including safeguarding the independence of judicial authorities and officials in exercising their judicial tasks within Vietnamese constitutional and political parameters), introduction of adversarial litigation modalities, restructuring the district courts, publication of judgements, restructuring of the mandate of the Procuracy in line with the restructuring of courts, improving the quantity and quality of practicing lawyers, and creating a self-regulating bar.

A continued lack of transparency, accountability, and public participation in the promulgation of laws and regulations that impact social and economic development remains a central challenge. At a minimum, not making the leap to a more efficient, transparent and accountable approach to governance will hinder Viet Nam from realizing the huge potential that so many have recognized it possesses. Other constraints include the weak co-ordination of external assistance of the legal development activities. Legal reviews, systemization, codification, and legal information, compilation and dissemination are not carried out in a convincing manner. Also the legal education and professional training and re-education are facing major constraints. Furthermore, inadequate attention has been given to law implementation measures, e.g. training of judges, law activities awareness (e.g. education and dissemination), and resource allocation strategy. Currently the focus is primarily on academic training rather than to equip trainees with legal and practical professional skills development such as legal analysis and problem solving, legal writing, advocacy, etc.

A rights-based approach to legal reform implies that legal frameworks should be developed with civil society actors, should catalyze social policies, and promote the establishment of the rule of law. As the country takes up middle-income status, addressing gaps in requirements for inclusive decision-making, accountability, transparency and efficiency becomes more critical for the sustainability of the reform and development process. The adoption of the Law on the Promulgation of Legal Documents (2008) has opened the window for the introduction of public consultation mechanisms in the legislative process. Concerted efforts from NGOs and other civil society actors are integral in addressing this gap.

4.3 Human rights and gender equality

4.3.1 Human rights

Viet Nam has shown strong commitment to international integration, not only in economic terms with WTO accession in 2007, but also in terms of ratification, monitoring and reporting of international human rights treaties. The last three decades were marked by Viet Nam's ratification or accession to many relevant international treaties, including the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR), the Convention on the Elimination of All Forms of Racial Discrimination (ICERD), the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and the Convention on the Rights of the Child (CRC). The country has also ratified 21 conventions of the International Labour Organization (ILO), signed the International Convention on Rights of Persons with Disabilities (ICRPD) in 2007 and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) in 2013. In addition, Viet Nam acceded to the International Convention on Transnational Organized Crime (UNTOC) and its Protocol on Human Trafficking (TIPP) in 2012.

International treaties, however, cannot be directly enforced in the country, though they are ratified by Viet Nam unless they have been incorporated or codified into the national law. Under the Law on the Signing and Implementation of International Treaties (2005), international treaties are considered as an integral part of Vietnamese legislation. In cases where a national legal document and an international treaty to which Viet Nam is a party contains different provisions on the same matter, the provisions of the treaty shall prevail. In addition, the promulgation of legal documents must be ensured that they do not obstruct the implementation of international treaties to which Viet Nam is a party.

The preparation of the country human rights reports in the country has been coordinated by the Government Steering Committee on Human Rights which is chaired by the Minister of Foreign Affairs (MOFA). In the past, MOFA used to undertake the main responsibility for drafting and compiling Government's reports to human rights treaty bodies. However, there is now a strong tendency to 'decentralize' human rights reporting and to share this responsibility with other line ministries. In fact, in recent years Viet Nam has encountered challenges in reporting on its obligations in a timely manner because of financial and human resource constraints. In addition, there is always a lack of experience and expertise in treaty reporting. Therefore, there have always been delays and limited capacity for human rights research and policy development, and there is scope for further progress in this area.

Viet Nam has also been gradually engaged in regional mechanisms and institutions for the promotion of human rights, including acting as chair of the *ASEAN Inter-government Commission on Human Rights* (AICHR) and the *ASEAN Commission for the Protection and Promotion of the Rights of Women and Children* (ACWC) in 2010, though at present, the country does not have a national human rights institution accredited by the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC) or a child rights monitoring body as recommended by the UN Committee on the Rights of the Child (CRC).

The situation for human rights in Viet Nam has improved on several levels over the last decades, mainly due to the country's general shift in openness and the economic reform process. Questions concerning economic and social rights can be discussed relatively open. However, questions concerning political and civil rights are not in the same way open for discussion. The latter field has seen a tightening over the last years. Over the past few years, Viet Nam has expressed commitment to enhancing the respect for human rights and rule of law in the justice sector, and has been increasingly engaged in bilateral human rights dialogues with the United States, Australia, Canada, New Zealand, Norway and Switzerland on the question of the death penalty, ratification of

core human rights treaties, the Rome Statute of the International Criminal Court (ICC), and to consider ratifying international agreements on migrant workers and refugees, freedom of religion and press, the rights of ethnic minorities, and access to justice. In addition, bilateral dialogues on religious and labour issues have been organized with the United States.

In 1992, a new constitution was adopted providing for the legal framework of the Doi Moi reform programme. The 1992 Constitution also – for the first time – includes human rights as a concept. This Constitution, as amended in 2001 and has been further amended in late 2013, provides for fundamental rights and obligations of citizens and the institutions necessary for people to seek protection of their human rights. The Constitution also provides that civil and political human rights should be respected, and introduced many other political and legal concepts, among them the right to information, the assumption of innocence until convicted and provide for defence lawyers to have increased access to their clients, the right to travel abroad, etc. International agreements are embodied in the amended Constitution as well as in national laws, including the 2006 HIV Law, 2006 Law on Gender Equality and 2007 Law on Prevention and Control of Domestic Violence. The recent Law on Disability, Law on Adoption and draft Law on Access to Information also represent important developments in protecting the rights of vulnerable groups and ensuring access to information.

The Eleventh National Congress of the VCP in January 2011 called for a more comprehensive approach to the country's renovation, decided to promote greater citizens' participation and unity within Viet Nam, and to engage proactively in international integration. However, at present, Viet Nam faces a number of challenges in securing equitable development and promoting a just society. In particular, 1) many laws are still inadequate, vague and do not strongly enforce Viet Nam's international human rights commitments; 2) insufficient attention has been paid to the implementation of laws: systems for monitoring and assessing implementation are incomplete, 3) people are largely unaware of their rights and how to enforce them.

In May 2009, Viet Nam participated for the first time in the Universal Periodic Review (UPR)⁷ process under the auspices of the Human Rights Council, during which its government reiterated its commitment to human rights; indicated its willingness to ratify; committed to continue to revise national laws in line with international commitments. Viet Nam accepted 96 and rejected 46 recommendations presented by Member States during the first peer review. Freedom of expression is of particular concern as noted by treaty bodies and states parties in the UPR process. The media's role in monitoring government and ensuring anti-corruption is acknowledged in Viet Nam's UPR report; however greater independence of the media, tolerance of public expression of dissent; and lifting of restrictions on the internet are required to more fully realize this right. Also important are the cultural rights of ethnic minority populations, including the right to be educated in their mother tongue. Several treaty bodies have also identified the need to put in place further measures to protect children from exploitation and abuse, including criminalizing child pornography, and to improve the independent monitoring of rights. Further, other states parties called on Viet Nam to ensure religious freedom for different communities and ensure that religious activities continue to enrich Vietnamese society. Finally, the international community also called on Viet Nam to reform the administrative detention system for drug users and sex workers.

The second round of UPR with 227 recommendations proposed by other countries for Viet Nam was in February 2014 after the Government of Viet Nam had presented its national report and engaged in an interactive dialogue

⁷ The UPR mechanism is a new innovation in the UN human rights system, under which each UN member state will be reviewed periodically - at this stage every 4 years - on its human rights record by the other member States of the Human Rights Council. The UPR is one of the key elements of the new Council which reminds States of their responsibility to fully respect and implement all human rights and fundamental freedoms.

with other member states on achievements and remaining challenges in the promotion and protections of human rights in the country. Viet Nam rejected 45 of the recommendations by other countries to improve its human rights record, accepting the remaining 185 of them, at a recent review meeting of the UN Human Rights Council in Geneva, which concludes the second UPR process.

Looking at the number of recommendations Viet Nam received, the following priorities emerge: 60 recommendations were made on Viet Nam's collaboration with the UN system, including on ratifying the Convention against Torture and the Disability Convention and a call to establish a national human rights institution; 27 recommendations concern freedom of expression and 13 concerned freedom of religion or belief, association and peaceful assembly and rights to participate in public and political life, 26 recommendations are linked to the right to life, in particular on issues concerning the death penalty and arbitrary detention, 20 recommendations target the right to education, 18 recommendations address the rights of religious and ethnic minorities including issues around forced evictions and confiscation of property, 16 concern gender equality issues including domestic violence, and 14 recommendations are addressed to the administration of justice including a call to ensure that the penal code and criminal procedure code are in line with international human rights standards, that people have access to fair trials and legal assistance.

As a follow up to the UPR process, Viet Nam extended invitations to six UN Human Rights Special Procedures and Independent Experts, namely Minorities, Extreme Poverty, Health, Education, Food, Foreign Debt and Culture. This represents a significant breakthrough as the last visit by such an expert - the Special Rapporteur on Freedom of Religion and Belief took place in 1998 who would visit Viet Nam again in July this year.

As Viet Nam's report to the UPR acknowledges, challenges remain. These include overlap and lack of coherence in the legal system, together with difficulties in implementation and enforcement of existing laws, as well as limited information and understanding of the law and human rights among duty-bearers and rights-holders. De jure protection of rights, while laudable, is not sufficient to fulfill Viet Nam's international commitments, and Viet Nam needs to considerably strengthen enforcement and implementation of legislation designed to ensure the rights and responsibilities of different social groups are respected, protected and fulfilled. Viet Nam will also need to continue to improve implementation of national and international human rights commitments, including the recommendations it has accepted from the UPR process. Taking a rights-based approach to development and implementation of policies, in particular those which affect the most vulnerable, including those living in poverty, migrant workers, ethnic minorities, women, children, people living with HIV, the elderly and disabled, is critical to improve realization of their rights and ensure all Vietnamese people are able to benefit from the development process. Equal access to services including health and education, together with access to justice, gender equality and greater participation and voice in decision-making processes including at the local level, is required to allow all people in Viet Nam to realize not only their rights, but also their aspirations for progress and prosperity.

Individuals can incur long prison terms on broadly framed charges, such as espionage or undermining national security and propagandizing against the state. Notwithstanding some recent responsiveness on the part of the Vietnamese authorities on questions of religious freedom, several high-profile arrests and trials over recent years have brought the international spotlight back onto Viet Nam's one-party political system and management of diverse political views. Similarly, while there are signs of greater engagement with civil society in specific sectors, government has yet to take a systematic approach to recognizing and engaging in dialogue with independent civil society organizations. Strengthening the capacity of journalists and media organizations to facilitate a substantive national dialogue on the full range of complex issues facing Viet Nam will directly contribute to improved governance and human rights. In addition, efforts to raise awareness and educate both rights-holders and duty-bearers about their rights and obligations under international agreements and relevant national legislation should be scaled up.

4.3.2 Gender equality

In Southeast Asia, Viet Nam has had a strong history of gender equity, partly resulting from ancient matriarchal traditions. The introduction of Buddhism to Viet Nam over 2,000 years ago provided a basis for gender equity. As a result, women have always played an important role in Vietnamese society and traditionally enjoyed a relatively privileged position in family and society, and especially Viet Nam has made good progress in improving gender equality, and stands out for its success in closing gender gaps in the last decades. These efforts have resulted in high adult literacy rates for men and women; school enrolment data that show little difference between boys and girls; and the high percentage of women in the National Assembly (25.4 percent in 2011).

While the Government of Viet Nam has demonstrated its commitment in promoting gender equality and women empowerment through numerous initiatives, including the National Strategy and National Programme on Gender Equality for 2011-2020, women continue to face discrimination and are still underrepresented in positions of authority both in the private and public sectors. Institutional reform and further investments are needed to address all forms of inequality, including gender inequality.

Women play an important role in the Vietnamese economy, accounting for 46.6 percent of the active workforce. However women are concentrated in informal, vulnerable employment, including as unpaid family labourers. While the wage gap in formal employment has steadily narrowed and is now at 12 percent nationally, estimates suggest that women in the informal economy earn 50 percent of male wages, despite similar working hours, education levels and seniority. Women's wages are now about 75 percent of men's according to the 2009 Labour Force Survey, and women are still highly segregated by both industry and occupation. Women are also in more vulnerable jobs, for example, own-account work and unpaid family labor. In fact, during the recent economic crisis, women disproportionately left wage employment for more vulnerable jobs. Women also receive less vocational training, and undertake a disproportionate amount of unpaid work, which is seen as a barrier not only to employment, but also to civic participation. Women also tend to have lower skills levels and more limited access to training and skill development than men. Migrant workers are increasingly female, and women also tend to predominate in "invisible" areas of informal work such as sex work and domestic work which expose them to specific vulnerabilities (World Bank, 2011).

Women's dual responsibility for care-giving and domestic work, as well as for income generation, constrains their ability to participate in paid employment, in particular in the formal sector, and in decision-making at all levels. In addition, many forms of discrimination against women still persist in Viet Nam despite its national political and legal commitments, as well as increasing efforts. Lower wages, a bigger gender wage gap, and far worse working conditions prevail in small informal family-run enterprises and among casual labor. Particularly disadvantaged are migrant women, widows, older women, ethnic minorities, and women with disabilities. Many of these women are landless or lost their land to industrial parks and urbanization. These are the women who are least able to access the opportunities generated by Viet Nam's integration into the informal economy. Many are also unable to take advantage of targeted training or employment schemes intended for the poor.

Domestic violence, trafficking of women and girls, increasing prostitution, the growing problem of HIV/AIDS among women, violations of reproductive rights are increasing problems, yet they frequently go unacknowledged or unpunished by the authorities, thus discouraging women from denouncing abuses and sending the message that such forms of discrimination are socially acceptable and aggravating the marginalization of women in the country.

With centuries of Confucianism that spread and subsequently integrated into the Vietnamese State apparatus from the XI Century AD onwards during the 1,000 years of Chinese occupation and domination, patriarchal Confucian values and practices still remain deeply entrenched, and women still suffer from prejudices in the home as well as the workplace. In the rural areas particularly, but also in many urban families, women are under pressure

to bear at least one male child to continue the family lineage and keep up the traditional practice of ancestor worship. Failure to produce a son is directly attributed to the wife. Many people, both men and women, hold strong beliefs regarding appropriate behaviour for women who are often required to put their families first, even at the expense of their own health or aspirations. Women are often expected to defer to male authority. As a result, women may not be aware of or do not exercise the rights accorded to them by law and policy. At the same time, Viet Nam is a country in which gender roles are in transition. Gender stereotypes and gender values in the country have changed little from earlier decades or centuries, although what women do as part of their daily tasks has changed dramatically in recent years. The two new laws - the Law on Gender Equality in 2006 and the Law on Preventing and Combating Domestic Violence in 2007 are expected to address all these issues. However, effective implementation of national laws and policies as well as international gender equality commitments remains the greatest challenge to promote gender equality, and the country is still struggling with many gender inequalities common to other developing countries in the region. While Viet Nam has made strong normative progress towards achieving gender equality on many levels, significant disparities remain, especially at a sub-national level and in rural and remote areas, especially for ethnic minority women and their children.

Equal rights for men and women, including the right to work, to equal wages, property rights, inheritance and the right to choose a marriage partner or divorce, are guaranteed under various laws including the Labour Code, the Land Law, and the Marriage and Family Law. However, discriminatory provisions do exist in some laws, such as an unequal retirement age in the Labour Code with 55 years for women and 60 years for men, which restricts women's opportunities. Sex ratio at birth (SRB) will have long-term effects. The 2009 Population Census indicates that the gender-based violence (GBV) is pervasive and impacts economic growth. In 2010 UNFPA in partnership with the Viet Nam Women's Union (VWU) completed the first comprehensive national survey on domestic violence, which illustrated that 32 percent of married women experience some form of physical violence in their lifetime. A more recent study in 2013 by UN Women trying to monetize the cost of domestic violence again women found that overall productivity loss is 1.78 percent of GDP. Some aspects of gender discrimination seem to be worsening as SRB rose from 106.2 boys per 100 girls in 2000 to 112.3 boys per 100 girls in 2012 and this sharp trend continues to rise to the 115 male to 100 female births in a few years. Aborting a female foetus is an extreme act to avoid having more daughters and leaving "space" for boys. Several factors influence the SRB imbalance, including declining fertility, the availability of sex-identification and sex-selection technology, the two child policy (now renamed as the "small family norm"), and perhaps most critically, persistent and deep-rooted son preference based on the patrilineal family structure and perceptions of the value of the male child. Sex selection is also strongly correlated with the socio-economic status of the household, with much higher sex ratio at birth values for better-off households, and lower levels among the poor and ethnic minorities. The skewed sex ratio will have implications for the "marriage market", and will potentially increase trafficking and sex work, while also contributing to a breakdown in traditional family make-up and cultural norms as at the present rate of increase, UNFPA estimates there will be a 10 percent "surplus" of men by 2035 (UNFPA, 2011).

While Viet Nam's laws emphasize gender equality regarding access to and use of property and land, in practice women's rights to land are weaker than men's access. For example, although the law requires that land use rights certificates (LURC) list the names of both spouses for property that has been allocated to married people, women are underrepresented on LURCs. Such certificates, which are mandated by law, are necessary for formal state recognition of land-use rights, secure tenure, formal land transactions, access to formal credit and legal protection of land-use rights. In addition, although women make up the majority of agricultural land users in Viet Nam, there is very little knowledge about the gender-related impacts of the country's land laws and related policies – both existing and proposed - including such issues as the loss of use of agricultural and availability of alternative livelihood options for women as different from men.

4.4 Promoting access to justice and strengthening the rule of law

Since 1991, Viet Nam has made notable achievements to build the rule of law and improve access to justice, including: the establishment of a comprehensive legal framework, institutional reforms to strengthen the self-management of the courts, reform of legal training institutions, a rapid development of the legal profession, the establishment of an administrative justice system, and the institution of legal aid for the poor and disadvantaged throughout Viet Nam. Over the last decade, the capacity of key institutions, such as the NA, the SPC, the SPP, the MOJ and other legal institutions in the government, provincial legal institutions and other agencies has also been strengthened. However, much work remains to be done: some legal institutions (such as the judiciary) remain both quite weak and dependent on political institutions; constitutional and legal rights are strong in textual terms but often go unimplemented; access to justice remains inconsistent, and abuses of human rights are regularly exposed by the Vietnamese press. At the same time, access to legal justice in Viet Nam is incomplete without a competent and independent legal profession. There are many reasons why legal justice reform should include the legal profession. Lawyers act as the courts' "gate keepers"; their advice influences the behavior of clients, and the performance of the courts. Most defendants in criminal trials and litigants in non-criminal cases are unrepresented by lawyers in courts. This is partially attributable to the low number of lawyers per capita and the cost of legal representation, but it is also due to a well-founded perception that lawyers play a peripheral role in court hearings and legal life. The small number of civil, administrative, commercial and labor cases also implies that courts lack social relevance.

Access to the justice system for the protection of human rights is constrained by a number of factors, including too few lawyers, paralegals and other legal advisors in Viet Nam able to assist citizens in enforcing their rights (including free legal assistance for those who cannot afford it);⁸ low public confidence in the impartiality and competence of judges⁹ and the activities of courts remain poorly understood, with few decisions published; and judicial and administrative procedures do not fully meet applicable international human rights standards, for instance in relation to juvenile justice generally, and in terms of the use of administrative detention for juveniles and drug-users in administrative detention centers for drug users and similar institutions, fair trial rights and rights of access to counsel. Fifth, challenges remain in ensuring human security and protection from crime, particularly in relation to domestic violence, trafficking in human beings and drugs, and corruption.

Ensuring access to justice, promotion and protection of human rights is often a challenge in particular to the poor and vulnerable including women, people with disabilities, LGBTs, indigenous people and those living in remote areas. Following the state direction on socialization of public services, social organizations are encouraging to provide legal aid to the poor and broadly people who are excluded from the official legal aid provided by the government network. However, the absence of financial framework to support this directive as well as creative and commitment of the actors on the field, the disparities in access to justice would not be dissolved at least in short-term. Nevertheless, efforts to strengthen strategy development and planning cannot effectively address the issues of access to justice, promotion and protection of human rights if Viet Nam lacks a comprehensive vision for the inclusion of international human rights norms in domestic law at the national level and if there is no way to measure, assess, and evaluate efforts to ensure justice on the ground, though a mechanism such as a justice index.

⁸ The ratio of lawyers to population in Viet Nam ranks among the lowest in the world, 1:21,000 inhabitants, compared with 1:1,526 in Thailand, 1:1,000 in Singapore, 1:4,546 in Japan, 1:1,000 in France and 1:250 in US (MOJ, 2009)

⁹ In the 2008 Governance module of the Viet Nam Household and Living Standards Survey (VHLSS), about one-third of respondents stated that they trusted the courts. Similarly, in UNDP's 2004 Survey on Access to Justice from the People's Perspective, less than 50% of respondents expressed confidence that courts would render just and fair judgments.

At present, Viet Nam faces the following main challenges. First, some laws and other legal documents are still subject to shortcomings, with vague and imprecise provisions; in some cases they do not fully implement Viet Nam's international human rights commitments; and systems for resolving conflicts and inconsistencies between the constitution and laws, or between laws and other legal documents, are not yet effective. Second, insufficient attention has been paid to the implementation of laws: systems for monitoring and assessing implementation are incomplete, so that people's rights are not fully respected in practice. Third, people's awareness of their rights and how to enforce them is still low. The law is often difficult to apply as new laws do not automatically supersede existing ones, documents providing guidance in how to apply the law are often issued late. As the general public has limited faith in or access to the legal system and their understanding of the law and legal rights is scant, many resort to more traditional mediation mechanisms to resolve their disputes. While this may be more expedient, local mediators likely do not take the current law or legal rights into consideration due to the limited legal knowledge at local level.

Special attention needs to be paid to those groups whose access to justice is especially constrained, such as the poor who cannot afford lawyers, those living in remote and mountainous areas (among them many ethnic minority communities) for whom access to legal advice is particularly difficult; and groups of rights-holders who rely upon the justice system to protect them against vulnerability, stigma, discrimination or other disadvantage such as women, children, LGBTs, people at risk of, affected by and living with HIV and workers (including migrant workers). For example, women experiencing domestic violence typically do not turn to formal authorities for assistance. Typically women will only seek redress if the violence is extremely severe, or if they are seeking a divorce. The response of the formal justice system, including police and courts is not sensitive to the needs of women experiencing violence, and often reinforces existing norms, encouraging women to accept the abuse.

Access to justice, promotion and protection of human rights also touch upon important cross-cutting issues with respect to the independence of the judiciary, the organization and operations of justice sector agencies, the role of judicial reform in Viet Nam's socio-economic development, and court management and performance. More coherent and comprehensive research, including comparative analysis, as well as creative initiatives from the grassroots as well as provincial and national agencies, organizations, and citizens, is needed to address these important issues. It is widely recognized that access to justice, promotion and protection of human rights will be strengthened by further development of the capacity of the legal and judicial institutions responsible for administration of and access to justice, promotion and protection of human rights. To this end, supporting the development of a new vision and mandate for state justice branch, strengthening the internal governance of judicial institutions including strategic planning and strengthening a new mandate of the justice sector in monitoring the implementation of law would essentially be desired.

The poor access to legal information and services is impeding effective implementation of women's rights. In many other countries including Viet Nam, laws and justice systems are not adequately working for women. Where justice systems reflect existing power imbalances that favor men's privilege, women's rights are less protected. Plural legal systems present challenges to women's access to justice because they often include strands of law that are based on custom, religion and traditional rules and values that restrict women's rights. When these traditional rules are incorporated into state and non-state legal and justice systems (such as village codes and rules) women's rights in the private and domestic sphere, including their rights to live free from violence and make decisions about their sexuality, marriage, divorce and reproductive health, can be limited. The plural legal systems may also limit women's economic rights including the right to decent work, inheritance and control of land and other productive resources. These legal systems are sometimes procedurally biased against women. Also there are confusions over jurisdictional boundaries, and under-resourced justice systems present barriers to justice for women, especially for those from excluded groups.

Many judges, prosecutors, lawyers and other legal professionals in general are not aware of their roles, responsibilities in implementing human rights and gender equality in protecting women's human rights as well as dealing with abuse, exploitation, domestic violence and discrimination against women in legal processes and procedures. Even women continue to suffer discrimination in those processes and procedures as victims on account of gender. This reality is even more pronounced in cases of violence against women where biases against women and gender stereotyping are most pronounced in the process of litigation and decision making by prosecutors and judges. As a result of gender discrimination, many women who are victims of violence do not file cases against their abusers due to lack of resources for litigation, the absence of a support system, and the perceived unreliability of the justice system. Poor women, in particular, are intimidated by the legal processes and procedures, which they view as unfriendly, complicated, lengthy, and expensive. Every year, tens of thousands of criminal cases involving women as victims, witnesses or offenders in Viet Nam are prosecuted or dismissed by the Procuracy at all levels.

The laws in Viet Nam provide that an organization of lawyers will be set up to help the defendant and other parties in a case to defend their rights and interests. A legal aid system was set up in 1997 to ensure the rights to access to legal aids of the poor, disadvantaged people, especially women victims of domestic violence, juveniles, ethnic minority people and preferential policy groups (heroic mothers, under 18-year old children of the war martyrs, war invalids, etc). Since then, the country has made great efforts to develop the system. The Law on Legal Aid (2006) created concrete basis to strengthen and sustain the legal aid system institutionally and financially. Institutionally, the National Legal Aid Agency (NLAA) under the MOJ, as well as provincial legal aid centres (PLACs) under the provincial departments of justice has been established. The staff members of the legal aid services and organizations are also predominantly male. Despite the efforts, the system needs to be considerably improved related of legal framework, and capacity to outreach its target groups. Donors have extensively supported the development of the system and the review of its legal framework. Continued donor support to this sector is warranted but must be strategically targeted given the challenges the system faces:

- Lack of knowledge of the needs of the different clienteles of legal aid.
- Lack of sufficient human resources (skills, knowledge) in government units and NGOs.
- Lack of diverse and efficient mechanisms to involve non-government entities in the delivery of services, particularly in remote areas.
- Lack of awareness among various clienteles of the services available to them.

The Law on Legal Aid provides general procedures for the provision of legal aid services. For example, it provides for legal aid counseling, participation in legal proceedings, representation beyond legal proceedings, and other legal aid services. The Law on Legal Aid does not, however, have specific provisions for provisional acceptance of cases for immediate assistance, especially in situations where there is imminent danger to the life or health of the applicant, pending verification of documents for eligibility. On this note, women victims of domestic violence, including those suffering from domestic violence, would benefit if there were procedures for a provisional acceptance of the case.

Provision of free legal aids is the responsibility of the State, and permits law firms and other NGOs to provide non-government legal aid service. It, however, does not guarantee state support for such a source of legal aid. In principle, non-government legal aid providers can have access to the legal aid fund. But it is not stated clearly as a legal right of those providers. In fact the legal aid fund is administered exclusively by the MOJ and every support derived from it is subject to the ministry's or its NLAA's approval.

The Law on Legal Aid provides a list of legal aid beneficiaries. Women are not explicitly included in the list of legal aid beneficiaries: (a) poor people; (b) people with meritorious services to the revolution; (c) lonely elderly people, disabled people and helpless children, and (d) ethnic minority people permanently residing in areas with exceptionally difficult socio-economic conditions.

In relation to the beneficiaries of legal aid in Article 10 of the Law on Legal Aid, it is suggested that, in assessing the application for legal aid, persons, especially women, who have no means of substantial income (even if the average family income is above the poverty line), be considered poor and eligible for legal aid in relation to cases where no family support can be expected or family support is difficult to attain, such as in cases of domestic violence or marital disputes. It is also suggested that the Law on Legal Aid, its decree or other legal documents identify discrimination cases explicitly as a priority area for legal aid work. In this regard, cases involving gender-based discrimination and gender-based violence, especially domestic violence and trafficking in women and children, will, therefore, be considered among its priority cases. Consequently, in case of conflict of interest that may arise where persons applying for legal aid are opposing parties, priority should be given to the person alleging gender-based discrimination and/or gender-based violence.

The overlaps and inconsistencies in Viet Nam's legal system are viewed by the Government itself as the main obstacle to the development of society and the exercise of human rights, but further challenges are faced in the implementation of laws. Full accountability under law also requires strengthening access to justice, particularly for those who depend on the law to protect them from discrimination, stigma and other disadvantages – such as women, youth people, children, the poor, ethnic minorities (especially in remote areas), migrant workers, LGBTs and those living with HIV.

5 HUMAN CAPABILITY DEVELOPMENT: HEALTH AND EDUCATION

5.1 Improving the quality, effectiveness and efficiency of healthcare

Health information is a critical component of the health system in Viet Nam. Currently, however, the health information system is fragmented across many different programmes and it lacks adequate, coordinated resources, ranging from infrastructure to qualified staff at all levels. Improving the health information system needs to be treated as a high priority in view of the existing and upcoming challenges in the sector, including the evolving role and responsibilities of the Ministry of Health (MOH). Appropriate disaggregated data must be collected to ensure that health issues and service delivery can be monitored for different population groups and more effective programmes and policy responses developed. Surveillance systems still need further strengthening, particularly below district level, to ensure that there is timely reporting and analysis of health threats (e.g. potential pandemics) for both animal and human health with timely sharing of information between the two sectors, that will enable an appropriate, timely response.

It is increasingly recognised that many health problems/issues in Viet Nam can only be prevented or addressed through intra- and inter-sectoral coordination and collaboration. It will be important to strengthen this, not only for broader issues that impact on health such as housing, but also to ensure effective responses in the event of pandemics, for example.

Quality of health workers is an issue, and there is no certification/registration system for all health professionals. The recently adopted Law on Examination and Treatment provides a key part of the solution to this problem, but many steps are still required to implement this Law effectively. This is essential for Viet Nam to meet its ASEAN commitments, on the mutual recognition of medical, dental and nursing practitioners. In terms of training quality, efforts have been made to update curricula and quality of training institutions, but a major effort is still needed to ensure that training is competence-based and that students have enough practice for essential skills. Implemen-

tation of effective continuing education is difficult due, for example, to a lack of quality assurance mechanisms and insufficient staff to replace staff on training.

While public spending on health has increased in the last decades, under-resourced areas (such as shortage and low capacity of local health staff, data collection, adolescent reproductive health, and sanitation and hygiene) remain. Another concern is the difference in coverage and use of health services between regions, between rural and urban areas, and between ethnic groups. Health services are sometimes not sufficiently user-friendly (health personnel often lack skills in counselling, testing and maintaining confidentiality), or are not sufficiently equipped to provide services at the level required by national standards.

As the public funding contribution to health is limited, the bulk of health costs usually end up being met by individual households. Private health expenditure in 2008 totaled 57 percent of total health expenditure, of which 92 percent was for out-of-pocket payments (OOP) at the time of service use, with 39 percent of total OOP spent on drugs bought over the counter, with or without a doctor's prescription (UNICEF, 2008).

During 2007-2011, total health spending was estimated to equal 3 percent of GDP per year or 5.58 percent of government budget in 2011. World Health Organization (WHO) statistics indicates health spending in Viet Nam is relatively high compared to other countries in the region. What is notable is that, in the country, the largest single source of health spending is OOP, estimated to account from between 60 and 75 percent of total health spending, disproportionately affecting the poor and rural populations. Financial barriers to accessing routine healthcare services, covering the costs of long-term childhood illnesses and catastrophic expenditure such as a cesarean section or surgery after an accident can bankrupt whole families, increasing inequities between rich and poor. The poor and children under six have been considered vulnerable groups in health financing policies in general, and in health insurance, in particular. More funding is needed along with the more efficient and effective use of both human and financial resources already available for multi-sector approaches to address the root causes of inequities (ADB, 2014).

At the same time, the emerging private health services are increasingly provided by modern medical practitioners who diagnose and treat patients, and prescribe and furnish medications through private pharmacies and clinics, home visits, and other services to fill the gaps left by public health care services throughout the country. Though increasing private services may be one measure to improve the availability and quality of health services, their service provision and possible impact on inequity in health access and outcomes requires attention and both private and public services, adequate monitoring, effective supervision and in-service capacity development are key issues of concern. There is also concern that they may also widen the gaps between the rich and the poor, who are largely unable to afford private health care.

Problems in Viet Nam's health system are most visible with respect to differentials in the quality and distribution of services as well as the payment for services. Quality issues range from disparities in the adequacy of health infrastructure and staffing to misallocation of resources owing to misaligned policies and perverse incentives. Generally, access to high quality services has become increasingly contingent on OPP, while well off Vietnamese increasingly seek treatment overseas.

5.2 Improving access to quality education

Since the ratification of the Convention on the Rights of the Child (CRC) in 1990 which ensures that all children have the right to education, Viet Nam has made remarkable progress towards ensuring that all children are able

to realize this right. The achievements are limited however by concerns about disparities in access, completion rates and in the overall quality of education Vietnamese children are receiving. In order for all children, girls and boys, to exercise their right to quality education and to fully meet MDG 2 and sustain achievements, the country needs to improve its education system to provide more diverse, relevant and flexible learning opportunities to better respond to all learners. More informed education planning, supported by updated, reliable and disaggregated data, is also required.

The Socio-Economic Development Plan for 2011–2015 identifies some of the constraints affecting the education system in Viet Nam:

- the national education system is not comprehensive and lacks strategic links between education levels;
- the curriculum and textbooks are over-crowded;
- the physical condition of facilities is poor, while the quality of education in remote and ethnic minority areas is below the national average;
- vocational training does not meet labour market demands, while private enterprises, industrial zones, and trade villages are not fully mobilized to provide vocational training; (v) the quality of science programmes is low, and few results of research are applied to economic production and social life; and
- too few private enterprises invest in advanced technology, capital investment in science and technology is inflexible, and working conditions at many research institutes are too poor to attract young and capable researchers.

Four main contributing factors are identified: (i) low quality and relevance, (ii) inequity in access, (iii) weaknesses in sector management and governance, and (iv) inadequate financing and investment in education. Low quality and relevance are considered to result in part from weak systems of curriculum development and student assessment, shortages of well-qualified teachers and instructors at all levels, weak links with industry in public vocational training and higher education, low enrolment in skill areas in high demand in the labour market, too little emphasis on non-cognitive skills throughout, and poor development of creative thinking and higher-order skills development. Inequity of access results partly from financial and cultural barriers to basic education for ethnic minority youth and disabled children, limited re-entry programmes for out-of-school youth, and unequal access to skills development programmes and higher education. Weak sector management and governance arise mainly from poor quality assurance in public and private institutions, complex and fragmented management in vocational training, and overly centralized and inflexible governance structures for higher education. Inadequate financing, particularly at higher levels of the system, reflects inadequate recurrent budget, unsuitable cost norms in skills programmes, limited budgets for research and development in higher education, low private responsibility for the cost of higher education, and limited private provision of training.

Higher education is provided by universities, polytechnics, colleges and teacher training colleges. Many institutions are specialised and are either under the control or have close connections with sector-specific ministries. Many reforms have been undertaken in recent years, aimed at narrowing the gaps between Vietnamese and regional higher education, and ensuring that the higher education system will be ready for an expansion in the number of students. In fact, the higher education system in Viet Nam has changed markedly since 1990. In 2009–2010, there were more than 1.79 million Vietnamese enrolled in 376 higher education institutions (HEIs), 150 of which award degrees, compared with just 162,000 students in 110 HEIs in 1993, showing significantly increased access to higher education. Other improvements to the higher education system include a shift from small specialized institutes toward larger multidisciplinary universities, better integration of research within universities, and

increased private financing and delivery of higher education. Despite these developments in increasing system capacity, the higher education system is ill-equipped to meet the needs of the fast-growing Vietnamese economy and the increasing need for innovation and higher-order skills (ADB, 2014).

Private universities have been allowed in Viet Nam since 1988. In 2009, there were 218,000 enrolments in the private higher education sector in Viet Nam, representing 13 percent of total enrolments and 81 private universities and colleges in Viet Nam, representing 22 percent of all HEIs in the country. The Government's Higher Education Reform Agenda (HERA) has established a target of 40 percent of higher education enrolments in the private sector by 2020.

The shortcomings of the Vietnamese higher education system are myriad, while the demands of the highly competitive global economy require a mix of knowledge, skills, and abilities that are not consistently being developed by Viet Nam's higher education system. Priority areas include more access for underserved and disadvantaged groups, improved quality of tertiary education and improved relevance and quality of work force development programmes. As the country's industrial economy grows, there is a clear need to develop an approach for a high quality, flexible, multi-tiered, and industry-driven training for young people in general skills and areas of specialization relevant to current industry needs, including opportunities for self-employment.

Although Viet Nam's stated objectives for the reform of the higher education sector are bold and far-reaching, its ability to operationalize its strategic goals by addressing broad governance issues (i.e. legal and financial frameworks, institutional capacity building, developing autonomous institutions and programmes, accreditation and testing, etc.) remains a challenge, especially while simultaneously promoting local higher education institution-level modernization. No matter what standard one applies – supporting the achievement of next-stage economic growth, meeting labour market needs, providing access to underserved populations, fostering valuable research, generating a culture of innovation, collaborating effectively with the private sector – the country's HEIs are inadequate and there are significant opportunities for educational development assistance.

The state budget for education and training has increased from 10.89 percent of total public expenditure in 2005 to 12.23 percent in 2009 and 14.98 percent in 2011. Public spending on education has grown significantly in both absolute terms and as a proportion of GDP, at 7 percent between 2007 and 2011 (ADB, 2014). Currently education stands as the largest single expenditure item in the regular budget. However, a significant portion of the cost of education is currently also borne by the community, mostly parents like in the health sector. Whilst primary education is nominally free, significant fees and charges are paid by parents at various times of the school year. Such private contributions include paying for maintenance fees, labour for construction purposes and purchase of textbooks. With a low average per capita income in the rural or remote areas, such expenses put a strain on the family budget.

6 VULNERABILITY AND SOCIAL PROTECTION

6.1 Changing patterns of mobility, vulnerability, poverty and social deprivation

Viet Nam's transition over the last five years from one of the developing world's most successful emerging economies to a country whose lack of progress on tackling its most pressing economic reforms has led to repeated bouts of high-inflation, a banking crisis that has dried up credit to the private sector and left the economy burdened by uncompetitive state-owned enterprises, as well as a public sector increasingly plagued by corruption issues, has created many new development challenges. For example, Viet Nam's growth in recent years has slowed from a ten year average of 7% to barely 5% in 2012-2013, revealing troubling underlying vulnerabilities and inequalities that threaten the sustainability of recent gains. Failure to make the kind of transformation in its economic governance worldview referred to above will leave Viet Nam vulnerable to further shocks, inflation, and growth that is insufficient to generate the necessary new employment opportunities for its young population, 14% of whom have not yet been lifted out of poverty (World Bank, 2012).

While the recent reforms have benefited a large number of people through offering new opportunities, rapid economic and social changes have also placed new pressures on the Vietnamese family. Traditional social and family values are likely to be challenged in the reform process. The poorest families are the first to be hit by the negative impact of reforms, and the economic crisis. Particularly for the remaining percentage of the population that continues to live in poverty, these pressures can threaten their economic survival and cohesion, undermining the family's role as the primary social institution. With the weakening of social welfare and traditional safety nets, the burden on families, especially women and children, has become heavier. Long an ideal of Vietnamese culture, family unity seems to have been strained by the adjustment process, with apparent increases in the number of family breakups and homeless or abandoned children and the incidence of alcoholism, drug use, domestic violence, street crime, begging and prostitution. Malnutrition, high maternal mortality, poor sanitation and hygiene remain main concerns for Vietnamese women and children, particularly those living in remote and disadvantaged areas. At the same time as economic reforms were pushed through, reforms were also implemented in social sectors such as health and education, allowing for some decentralization of these sectors, including through the introduction of user-pay services, a process which continues to be carried out today.

The disappearance of guaranteed housing, medical services, pensions, other basic services and the reform of the state-owned enterprise system are posing new kinds of economic and psychological stress, especially among disadvantaged families. Accelerating privatization of health and education services is also impacting on the poor and children. In the wake of greater overall prosperity, inequality and regional imbalances are growing rapidly, which in turns impact on access to justice, rights and gender equality. High inflation rates are impacting on the poorest households as food and energy costs rise. Divorced and single female headed households without adult males are likely to be particularly affected due to the wage gap and type of employment of the breadwinner. While Viet Nam has demonstrated its commitment in promoting gender equality and women empowerment through numerous initiatives, including the National Strategy and National Programme on Gender Equality for 2011-2020, women continue to face discrimination and are still underrepresented in positions of authority both in the private and public sectors.

According to the 2009 Census, there were 24.6 million people aged 10-24¹⁰ in Viet Nam, making up almost one-third of the total population. The figures translate into Viet Nam having entered a 'demographic bonus' period (ADB, 2014). During this unique period that will last for about 30 years, there are two or more economically productive persons for every dependent person. Such a period, if well managed, is a great opportunity to drive a nation's economic development. Young people are key contributors to the productivity and sustainable economic development of Viet Nam. Greater investment in human capital development including education, training and professional skills as well as healthcare for young people is needed. Young people dominate migration flows and more enter the workforce each year. Their success and well-being require targeted policies and services to allow young people to reach their full potential, enjoy fulfilling lives and secure Viet Nam's capacity to sustain future generations.

There are a number of factors that may increase young people's vulnerability. The most at risk groups include young people from poor families, young women, ethnic minority youth, young people living in remote areas, young migrants and young people with a physical or intellectual disability or those living with HIV/AIDS. The lack of a comprehensive social protection system to support the most vulnerable young people is also a significant problem.

The inadequacy of recreational space and facilities in rural and urban areas is already an issue for young people and with growing urban areas this has become an acute problem. The majority of them have easy access to cigarettes, and young women and men's use of alcohol is also increasing. Many studies show significant relationship between alcohol abuse or heavy use of alcohol and accidents/injuries, illegal motorbike racing, depression, and self-harm and other risk behaviours, including violence, unsafe sex, unwanted sexual intercourse and unwanted pregnancies while sex education is not given sufficient attention in the curriculum nor is it effectively taught.

Among young people, smoking and substance abuse is likely to increase as an outlet to cope with increasing pressures. The significantly higher rates of male drug and cigarette dependency is said to be linked to the traditional culture, male role modelling as well as peer influence. Data on drug injection, HIV/AIDS and young people provide serious cause for concern as drug abuse among young people is growing, and unsafe injecting drug use particularly put this group at risk of infection. The Government estimates that in 2012 there were about 180,000 people nationwide using drugs (83% of which injected drugs). There is a common concern that the number of drug addicts has increased rapidly in recent years and many drug users inject drugs and share needles, increasing the high risk of HIV/AIDS. Heroin remains the most commonly used illicit drug: around 75 percent of registered drug users use heroin, and 96 percent of them are male.

Though the overall infection of HIV/AIDS rate still remained low in 2012 as 0.4%, Viet Nam is witnessing a rapid increase in reported numbers of HIV infection. The official reported figure on the total infections in the country was 260,000, but could be much higher in 2015. The HIV prevalence was estimated at 3.9 percent among men who have sex with men, at 23 percent among men who inject drugs and 2.7 percent among female sex workers in 2013 (MOH, 2013).

More and more Vietnamese people migrate internally, into neighbouring countries and overseas. Mobility within and across borders will continue to be a feature of the Vietnamese development experience, with both positive

¹⁰ 2009 Population and Housing Survey, GSO. Unless otherwise specified, throughout this document the term "young people" refers to individuals aged 10–24 years. As per the WHO definitions: young people 10–24 years, youth 15–24 years, adolescents 10–19 years. The Vietnamese Youth Law defines youth as 16–30 years.

and negative consequences for individuals, households and communities. Migration offers a way out of poverty for many Vietnamese people. It has profound socio-economic impacts which are already transforming Vietnamese society. Increasingly, migration is driven by economic shocks and crisis, natural disasters and impacts of climate change, and in response to loss of local livelihoods due to resettlement and land conversion. Migration flows have increased over the past ten years with total internal migration rising from 4.5 million people in 1999 to 6.7 million in 2009. Women account for more than half the total migrant population, and migrants are also becoming younger. Rural-urban and urban-urban migration flows predominate, with women particularly likely to migrate from rural to urban areas. These trends have contributed to increasing urbanization over the past decade, with 29.6 percent of the population living in urban areas compared to 23.7 percent in 1999. Workers are moving out of agriculture into more highly paid employment in services, trade, and industry: in 2002, 56 percent of the labour force reported working in agriculture, almost exclusively on their own farms; by 2010 the share of labour force in agriculture had fallen to 41 percent. Approximately one million people annually are added to the urban population cities and it is projected that about 45% of the population will be living in urban areas by 2020. The urban sector is responsible for 70% of economic output; however, environmental quality, access to clean water and sanitation, the inability to afford decent housing (25% of urban housing is classified as sub-standard or temporary) and the traffic congestion in large cities are major urban problems. There are limited and inconsistent effective wastewater treatment facilities in industrial zones and poorly designed disposal facilities for solid waste and degraded drainage systems that cause flooding in the largest cities during the rainy season (ADB, 2014).

Viet Nam is undergoing one of the fastest urban transitions in the world. It is the main driving force for economic growth. Viet Nam is home to nearly 90 million people, 27% living in urban areas. That number is expected to increase to 45%, or 46 million people, by 2020 and to 50% by 2030. Cities already account for 70% of the gross national product. Aggregate population growth is not high, but people are moving rapidly into urban centers and leaving agriculture for industry and services. Urban sprawl for dwellings and industrial expansion covers lowland areas that are optimal for high-value agriculture. According to the Ministry of Agriculture and Rural Development (MARD), from 2001 to 2005 Viet Nam lost 336,000 hectares, or nearly 4% of total agricultural land affecting about 950,000 workers and about 2 million people (MARD, 2007).

The rapid growth of industry and urban expansion has meant that the absolute levels of land, water, and air pollution are rapidly increasing. Untreated domestic, hospital, and industrial wastewater; poor urban drainage; and the expanded use of rivers, lakes, and ponds as dumping grounds for solid waste have seriously affected water quality, increasing the concentration, toxicity, and variety of pollutants. Air pollution is worsening, with increasing costs and harm to public health and the environment. Some 667,000 tons of sulfur oxides, 618,000 tons of nitrous oxides, and 6.8 million tons of carbon monoxide are generated annually in Viet Nam. There is a strong correlation between the sharp rise in absolute levels of nitrous and sulfur oxide emissions and increased gross domestic product. Airborne particulates are a problem affecting public health. An initiative grading Asian cities for air quality ranks the problem of particulates in Ha Noi as worse than in Bangkok but better than in Jakarta and Manila (MONRE, 2011).

Household vulnerability is on the rise due to demographic changes and the recent period of economic turbulence and rising inflation. Farmers face volatile commodity prices, are exposed to frequent climate related shocks (floods, droughts, cold spells), and have been adversely affected by endemic animal diseases. Workers in urban areas, including many rural migrants, were hit by job losses and falling wages in late 2008 and 2009 as a result of the global financial crisis. While job opportunities have improved, fuel and food costs have risen sharply, and there are widespread concerns about potential increases in poverty in urban areas. Viet Nam has various targeted

poverty reduction and area-based infrastructure and livelihoods programs, some of which have remained unchanged for the last decade. As the country continues to grow and its economy changes, the measures included under these programs are at risk of becoming less relevant for addressing its changing poverty and vulnerability challenges. New solutions, including in social protection, will need to be developed, based on an updated understanding of Viet Nam's poverty situation.

An estimated 500,000 Vietnamese people are working overseas as temporary migrants in countries such as Japan, South Korea, Taiwan, Malaysia and the Middle East. Marriage migration has also emerged as a phenomenon, with Vietnamese women 'marrying out' to men from China, South Korea, Taiwan, Malaysia and Singapore. Many of these marriages expose the women involved to exploitation and servitude. While many Vietnamese people choose to migrate in search of better opportunities, population mobility also has an involuntary aspect. While estimates of trafficking vary widely, and trafficking is acknowledged to be difficult to monitor and measure, it is estimated that thousands of Vietnamese people are trafficked annually: the Vietnamese government reported around 4,000 recorded cases of trafficking between 2004 and 2009. Women and girls are considered to be more vulnerable to trafficking but men and boys are also trafficked including for labour exploitation, and the nature and scale of trafficking is increasingly sophisticated, well-organized and transnational. Hot points include cross-border trafficking of women and children to China, followed by trafficking to Cambodia and Laos, and often to further abroad for sex and labour exploitation. In part as a result of the unequal sex ratio at birth in China, trafficking of infants and babies appears to be increasing. Viet Nam has been very successful in addressing some aspects of mobility and demographic change; for example, government policy has clearly impacted on the birth rate, though with unintended consequences in terms of the rising sex ratio at birth, and Viet Nam has been very active in establishing policy frameworks and responses to human trafficking, most recently with the passage of the Law on Prevention of Human Trafficking. A set of policy imperatives relates to maximizing opportunities for migrant workers, while ensuring social and legal protections are in place, and more strongly combating trafficking. As Viet Nam is not alone in facing these challenges, looking to successful examples globally and in the region and strengthening regional institutions and bilateral cooperation will be critical (World Bank, 2011).

Poverty and social deprivation

The impressive national averages mask differences across regions and social groups, and an emerging issue is signs of rising inequality. Preliminary results from the 2010 Viet Nam Household Living Standard Survey (VHLSS) suggest continued progress at reducing poverty. Poverty reduction¹¹ has been accompanied by widespread access to basic services, including primary and lower secondary education, electricity, and clean water supply. There is a large and growing gap in income and non-income indicators of well-being between the poorest households and the better off, as well as a persistent gap between different regions of the country and between urban and rural households. The rich-poor gap (ratio of average income in the richest 20 percent of the population to the

¹¹ Viet Nam has had two different sets of poverty data and assessments based on different methodologies and issued by different government agencies. The first one is issued by MOLISA, which is responsible for formulating and implementing the government's poverty-reduction strategies and programmes and for proposing official baseline poverty rates for the SEDPs). MOLISA's methodology was originally based on rice equivalents but shifted to the cost of basic needs (CBN) in 2005. The other set, developed and used by GSO with the support of international partners including the World Bank, follows standard CBN with reference to a food basket for the poor and essential nonfood needs. Since MOLISA's adoption of CBN, the gap between poverty data from MOLISA and GSO has narrowed, and the two agencies have been working together to develop a common methodology for poverty lines and assessments.

poorest 20 percent of the population) has risen from 8.1 in 2002 to 9.2 in 2010 (World Bank, 2012). Opportunities for the rural population are diminished by their more limited access to basic services and to financial, land, and information resources. Rural-urban migration, an important source of growth as people shift from less to more productive employment, is expanding the pressures on urban infrastructure and services, while employment in urban and peri-urban areas creates new vulnerabilities with less stable jobs and a rapidly rising cost of urban living. A significant share of the poor and vulnerable today resides in and around Viet Nam's greater metropolitan areas. With rapid urbanization and a common use of eminent domain to meet the land demand for urban development, land acquisition and conversion can have considerable negative social impacts.

The poor account for large proportions of rural and ethnic minority populations and also have significantly lower average incomes than the poor in urban areas and among the ethnic majority Kinh. Most poor households are in rural and ethnic minority areas. In 2008, the poverty gap was 4.6% in rural areas and 15.1% among ethnic minorities, compared with 0.5% in urban areas and 1.7% among Kinh and ethnic Chinese. Ethnic minorities account for 47.1% of the chronic poor. Poverty also varies significantly across regions. Areas with some of the highest poverty rates are likely to have higher shares of ethnic minorities, which experience poverty reduction at rates below average. Vulnerability to poverty is high. The large difference between the proportion of the population living on less than \$2 per day and \$1.25 per day shows the near-poor accounting for a substantial proportion of the population. Data from MOLISA's 2011 national survey shows near-poor households accounting for 7.4%. A small external or internal shock and a moderate deterioration in economic circumstances may push many people into poverty. As the economy slowed sharply, unemployment and underemployment increased and more households, particularly in rural areas, fell into poverty in 2009 and the first half of 2010. Many people from rural areas who were employed in urban areas of Viet Nam or abroad lost their jobs and stopped remittances to their households. Some of them returned to their villages, despite there being few alternative sources of income (World Bank 2012).

Poverty reduction efforts must now focus on both the hardest to reach, and most entrenched forms of chronic poverty which are concentrated in remote areas and among ethnic minority groups; as well as new and emerging forms of poverty including among the near poor, urban poor, and migrant populations. Similarly, social protection services must shift from targeting the most disadvantaged to providing a comprehensive social protection system which supports people to cope with new and emerging forms of vulnerability and disadvantage as a result of shocks and crises including natural disasters, ill health, and economic change. Social welfare services, and a continuum of care that supports people throughout the life cycle, are an important part of, and complement to, such a social protection system.

Furthermore, drug and crime related problems and transnational organized crime, including human trafficking, smuggling of migrants, money laundering, corruption, and domestic violence, are closely linked to poverty and social policy issues for sustainable development. Pressure to create sustainable, productive and decent employment for all, especially for youth, remains high. Shortage of skilled workers for the burgeoning manufacturing and service sectors has already emerged as a serious bottleneck. As the economy continues to grow, manufacturing and service sectors will require a rapid transfer of workers from agriculture, and an increased demand of specialized skills. Gender sensitive human resource development, vocational and skills training are primary strategies to ensure progress. Helping people stay out of poverty will become increasingly important, as poverty reduction strategies will gradually give way to social policy strategies to address life cycle vulnerabilities and risks attached to ill health, disability, unemployment, maternity, old age and the costs of having and raising children.

Poverty rates are however still high and extreme poverty remains heavily concentrated in remote, isolated and ethnic minority regions, and in fact poverty has become increasingly concentrated among ethnic minorities, who make up nearly 15 percent of the population. In 2008, 50 percent of minorities lived below the poverty line, compared to only 9 percent of Kinh-Hoa majorities. By 2010, ethnic minorities accounted for 65 percent of individuals in the poorest welfare decile, up from 53 percent in 2006. According to the National MDG Report 2013, ethnic minorities still account for 50 percent of all households countrywide that are classified as being poor. In order to bridge the MDG gaps that remain, there is a need to accelerate efforts and develop culturally sensitive programmes to ensure progress towards all MDGs for ethnic minority groups (World Bank 2014).

The multi-dimensional poverty rate has consistently been reported as higher than income poverty, reflecting significant disparities. Growth has not been even across regions and income disparities within society have also increased. Ethnic minorities continue to be among the poorest and have benefited least from the country's economic growth. Reduced poverty and other aspects of social development have not benefited everyone equally. There are significant disparities between different groups of people in different parts of the country. Economic disparities, gender inequality and massive inequity between rural and hard-to-reach mountainous areas and the more affluent urban areas of the country are substantial. Access to adequate water and sanitation, to health services and to education, especially secondary education, are major issues. The drive towards globalization and the urgent need to achieve international competitiveness is another factor. Furthermore, in this rapid development process, children have become more vulnerable to and often the victims of different forms of neglect, abuse, violence and exploitation, and are now confronted with newly emerging social issues that they had never experienced before. In addition, it is increasingly common for communes to collect household contributions for roads, school and health clinic maintenance, electricity and water supply. Though such changes can result in greater popular participation in and oversight of local government, they severely strain the household economy of the poor and the near poor and undermine their capacity to provide for their children.

In Vietnamese society, many lesbian, gay, bisexual and transgendered (LGBT) children face challenges as they do not conform to traditional male and female roles. As a result of negative attitudes towards the families of LGBT, many are reluctant to 'come out' as they worry about the "ill reputation for their families" and violence against themselves. As a group, LGBTs have few to limited rights, face considerable gender inequalities, particularly in terms of access to health, social, economic and legal services and are targeted for stigma, discrimination and violence based on their sexual orientation and identity. Many of them are subjected to discrimination and humiliation or are forced by their parents or relatives to undergo "counseling" to change their sexual orientation or gender identities. Those children are very anxious and heavily depressed because they often cannot share their emotions and mental status with others. Therefore, many of them feel discouraged and leave their families to become wandering people, leave school to be at risk of alcohol abuse, cigarette smoking, drug use and sexual exploitations and abuse.

The inadequacy of recreational space and facilities in rural and urban areas is already an issue for many young people and with growing urban areas this has become an acute problem. Among young people, smoking and substance abuse is likely to increase as an outlet to cope with increasing pressures. The majority of young people have easy access to cigarettes and alcohol. The significantly higher rates of male drug and cigarette dependency is said to be linked to the traditional culture, male role modelling as well as peer influence. Drug abuse among young people is growing, and unsafe injecting drug use particularly put this group at risk of infection.

Young women and men's use of alcohol is also increasing. Many studies show significant relationship between alcohol abuse or heavy use of alcohol and accidents/injuries, illegal motorbike racing, depression, and self-harm and other risk behaviours, including violence, unsafe sex, unwanted sexual intercourse and unwanted pregnancies. Young people with heroin addictions therefore have very high risk for HIV infection due to the sharing of syringes for drug injections. And despite relatively low overall prevalence, the HIV epidemic among children is no longer confined to higher risk groups like child sex workers and drug users.

Among young people, smoking and substance abuse is likely to increase as an outlet to cope with increasing pressures. The significantly higher rates of male drug and cigarette dependency is said to be linked to the traditional culture, male role modelling as well as peer influence. Data on drug injection, HIV and young people provide serious cause for concern as drug abuse among young people is growing, and unsafe injecting drug use particularly put this group at risk of infection. MOLISA estimates that in 2012 there were about 170,000 people nationwide using drugs (83% of which injected drugs). There is a common concern that the number of drug addicts has increased rapidly in recent years and many drug users inject drugs and share needles, increasing the high risk of HIV/AIDS. Heroin remains the most commonly used illicit drug: around 81 percent of registered drug users use heroin, and 96 percent of them are male (MOH, 2013).

Young people with heroin addictions therefore have very high risk for HIV infection due to the early and unprotected sex which is on the rise, increasing the risk of HIV/AIDS while sex education is not given sufficient attention in the curriculum nor is it effectively taught. Teachers and parents are not well informed about these important but sensitive issues, nor are many teachers trained on how to teach such subjects. Young girls are especially vulnerable both because of unequal gender relationships that limit their decision making abilities, and also because they lack access to sex education and reproductive health services. Sexual abuse is on the rise and in addition to psychological trauma, children are at risk of sexually transmitted infections and HIV/AIDS. Other burning issues include access of adolescents and young people to health and education and employment opportunities. All these issues are having implications on children's rights and well-being. While adolescents' issues are of paramount importance, interventions and services for them remain inadequate. Life skills education for adolescents should be provided for both in-school and out-of-school adolescents to promote their healthy living. Adolescents need the accurate knowledge and practical skills to cope with risks of drugs and substance abuse, teenage pregnancy, HIV/AIDS and Sexually Transmitted Infection (STIs), stress, abuse and exploitation, prostitution and trafficking. Reproductive health education and availability of relevant youth-friendly services will strengthen their ability to take control over their own lives, particularly to prevent and cope with HIV/AIDS. Such services should include condom availability, anonymous and confidential treatment and counselling.

A technological trend that has been on the rise in recent years is the increased penetration of Internet access and mobile phone use in the country. The digital age has exacerbated the problem and created more vulnerability to young people using internet and other digital technologies in their daily activities. They are faced with an explosion of information right at their fingertips: information that does not go through the benefit of filtering for content. They may unknowingly expose themselves to danger such as involving in inappropriate or possibly illegal activities or being at risk of sexual exploitation. While advances in information and communications technologies (ICTs) have not necessarily given rise to entirely new forms of child abuse, they have in some cases changed the nature and dimension of the exploitation (MOH, 2013).

There are children who lack adequate parental supervision and spend long hours on the Internet at home and in cafes, risking exposure to various abuses, including online sexual exploitation. Internet addiction is also a potential cause for concern for these children. Through the Internet, online predators can gain access to children faster and in higher volumes, using chat rooms, emails, online games and social networking sites to find and groom victims. Cyberspace has also significantly increased the ability for offenders to access child sex abuse material. Children and young people are also adopting new technology and more often, and unwittingly exposing themselves to online child predators at an unprecedented rate. Sexual abuse for private and commercial purposes, child trafficking, cyber grooming and cyber bullying are just some of the risks the digital age has brought to children across the country. Better education and awareness are essential to protecting children and emphasized that parents must work to overcome the 'generational digital divide' and take a vested interest in the technology they give their children, educating them on their safe use and on the potential ramifications of careless online behaviour. Providing children and their parents with knowledge and skills on digital safety will help to protect them from the negative impacts of online behaviors (MPS, 2012).

6.2 The social stresses caused by natural hazards and environmental degradation

By 2010, agriculture's share of GDP was 20% but is declining, while output is expanding and the sector remains a key contributor to exports (accounting for 25% of export value) and employment (70% of rural households). Although agriculture is increasingly becoming a part-time activity, the sector continues to provide a safety net for rural people in Viet Nam. Rice continues to dominate production. From 1990 to 2008, the area under rice cultivation grew by about 20%, but national production almost doubled. By 2008, in addition to 6.6 million hectares (ha) of rice, over 3 million ha are planted in perennial crops, and over 2.1 million ha in annual crops. Farm incomes are often supplemented by livestock production, which may make up a large part of household incomes. Forestry accounts for only 1% of 2008 GDP, although it plays a crucial role in environmental stability and ecological sustainability. Fisheries constitute about 4% of GDP, with aquaculture production by the private sector growing rapidly. Agriculture trade growth has been substantial, but remains dominated by commodities (ADB, 2014).

There is significant regional diversity in the country's farming systems, and numerous resource-based challenges to production (including climate change). Rapidly emerging environmental problems are highly complex. Lowland challenges include floods, droughts and susceptibility to catastrophic weather events such as typhoons, while upland challenges include poor soils, difficult terrain and high levels of erosion. Conversion of land to urban and industrial uses further reduces the already limited amount of arable land (28% of the total) and contributes to small average farm sizes. Groundwater levels are declining, and industrial contamination of land and water resources is increasing. Despite a strong reforestation program, the remaining natural forests are being degraded and lost at a steady rate. Viet Nam's high level of biodiversity is threatened, and consequently the survival of many species may increasingly be at risk. Anticipated climate change impacts include:

- flooding and salinity intrusion in the lowlands, and increased droughts during the dry season;
- increased temperatures, leading to increased water needs for agriculture;
- variable stream flows;
- increased incidence and prevalence of pests and diseases;
- changes to planting patterns and cultivation calendars;
- increased forest fires; and
- rising sea levels, which may potentially reduce rice production by 7%, and will reduce mangrove areas.

Agriculture is the only production base available to the poor, and rural women are usually poorer than men, with the majority of rural women working as farmers. In addition, women are overwhelmingly responsible for the majority of housework tasks, typically working 10–12 hours more per week than men. The poorest people in Viet Nam tend to be: (i) members of ethnic minorities, whose livelihoods depend on both subsistence agriculture and forest resources; (ii) people living in remote, often upland, areas with increasingly degraded natural resources; (iii) people living in coastal areas, which are more prone to extreme climatic events; (iv) households headed by women or with disabled members; and (v) migrants or landless people without resources.

Major rural infrastructure problems remain. Only about 4.0 million ha of the 6.6 million ha of land under rice cultivation has operational irrigation facilities, and these often fail to operate at full efficiency. Most of the population lives along the coast and within the country's delta areas, which are continuously subject to floods, inundation, dry season drought, and salinity intrusion, highlighting the infrastructure deficiencies. This constitutes both a major challenge and a major development opportunity—with improved water resource infrastructure, agriculture production can be both intensified and diversified, leading to enhanced rural incomes and reduced poverty. In addition, only 28,000 kilometers (km) of approximately 104,000 km of rural roads are paved, and many of these roads are impassable at times during the rainy season, placing major constraints on (i) the marketing of agriculture produce, and (ii) access to modern inputs and other rural social and economic opportunities. The funding gap for rural roads and irrigation is estimated to be over \$2 billion for the SEDP for 2011–2015. A major challenge implicit in the upgrading of both water resource and rural transport infrastructure is efficient management of the expanding asset base. There is growing awareness of the seriousness of this issue on the part of both the government and development partners (ADB, 2014).

There is no system of private land ownership in Viet Nam. The state owns the land, and residents and investors buy and sell rights to use it with a type of freehold title. Land-use rights can be bought, sold, inherited, and used as collateral for loans, but the state can reclaim any land at any time. Land use is intense, with yields above the Asian mean and an average of nearly two rice crops per year. Much of this intensity depends on the heavy application of agricultural inputs. Pressure to develop land and the conversion of marginal lands previously regarded as unsuitable for agriculture, with consequent deforestation and over-intensive land utilization, worsens soil erosion and reduces soil fertility. Heavy rainfall, suboptimal irrigation techniques, and the lack of incentives for farmers to adopt sustainable natural resource management cause extensive soil loss and pesticide and fertilizer runoff, reducing input productivity and contaminating groundwater and surface water. Pressure builds to further intensify agricultural practices as land available for agriculture shrinks. Industrialization, urbanization, and agricultural encroachment have reduced forest cover and quality as demand grows for timber and land. Viet Nam has seen a total transformation of the forest landscape since the economic restructuring initiated in 1986. Intense exploitation and conversion shrank forest cover from 43% in 1943 to 27% in 1990. Forest cover approached 40% in 2009, but this official figure reflects expanded plantation and poor-quality secondary forest. The loss of mangrove forests is particularly acute, slashed from 400,000 hectares in 1943 to less than 60,000 hectares in 2008. Terrestrial and aquatic biodiversity continues to decline, hampering Viet Nam's options to maintain resilience under climate change (ADB, 2014).

Climate change is one of the main global challenges of the 21st century. Viet Nam is no exception as it is a major threat to achieving the MDGs, affecting women and men, boys and girls, communities, sectors, and growth. The financial cost of responding to climate change is high and likely to absorb significant ODA resources. Over the past last decade, Viet Nam has experienced rapid economic growth and has risen to the status of an emerging economy. Meanwhile increased pollution and unsustainable use of natural resources are important growing concerns for the country, intensified in the face of climate change. From the global perspective, Viet Nam is among

the five most vulnerable countries to climate change, and at the highest risk of facing flooding, sea level rise and food crisis. The country's large population centers and key agricultural sectors are exposed to rising sea levels and increased storm risks in low-lying deltas and on its long coastline. It is an emerging challenge that Viet Nam faces is its vulnerability to the adverse effects of climate change as it is a disaster prone country, with more frequent typhoons, storms, floods, droughts, mudslides, forest fires and salt-water intrusion presenting recurring risks, especially for children, women, and the elderly, and more generally the poorest in society who are also the most vulnerable. Natural and climatic stresses are increasing, and the country is facing a rapid increase in energy demand, greenhouse gas emissions, and associated pollution and costs. Logging and slash-and-burn agricultural practices have contributed to soil degradation and deforestation. Other environmental issues include water pollution, overfishing, contaminated potable water supplies, and urbanization. More than one million people require emergency relief each year. Immediate consequences as a result of global warming are apparent due to changes in rainfall, temperatures and the availability of water. As a result of regular flooding, particularly in the central region, Viet Nam has experienced great losses in productivity for food staples and thwarting efforts to cut rural poverty. Increasing temperature and worsening droughts and floods threaten food security, livelihoods, and lives. Climate change models predict that the situation will deteriorate and impact on the livelihoods of the poor, while rising sea levels will affect the country's rice producing deltas, affecting food security. Unexpected disasters may push families who escaped poverty back into it. And then children's health and education are jeopardized, which can have life-long developmental consequences. There is a real risk that the effects of climate change will slow down MDG progress in Viet Nam. Although necessary, adaptation and mitigation measures will be costly and could mean there is less available financing for overall MDG progress.

Viet Nam is a disaster prone country and particularly vulnerable to the effects of climate change. Over the past two decades, climate related disasters in Viet Nam have caused an average annual loss of USD 1.8 billion, or 1.2 percent of GDP (in Purchasing Power Parity), and an average of 445 deaths. Viet Nam is also rapidly increasing its greenhouse gas emissions (MONRE, 2011).

There is a real risk that the effects of climate change will slow down MDG progress in Viet Nam. More frequent floods, droughts and typhoons impact on the livelihoods of the poor, while rising sea levels will affect Viet Nam's rice producing deltas, affecting food security. Although necessary, adaptation and mitigation measures will be costly and could mean there is less available financing for overall MDG progress.

However, major climate action is possible and can bring many opportunities for further development. Along with environmental protection, climate change requires a concerted, cross-sectoral response, involving many different actors and agencies.

Actions to address climate change include:

- Effective implementation of a climate change strategy with long term goals on adaptation as well as greenhouse gas emissions;
- Mainstreaming climate change considerations in public and private sector plans;
- Strengthening urban and rural spatial planning, taking climate change into account;
- Large-scale infrastructure investment is needed, including expanded dykes, mangrove forests and storm surge barriers, major reservoirs to store fresh water, and roads and bridges need to be 'climate proofed';
- Planning for a low-carbon, primarily urban economy and improving energy efficiency;
- Expansion of renewable energy, especially wind and solar;
- Reform of fiscal policies related to fossil fuel use;
- Strengthening research and producing quality data to support policymaking; and

- Increasing public understanding of climate change as well as supporting behavior change initiatives.

Viet Nam has taken important steps towards establishing the legal and policy framework for environmentally sustainable development. Three examples are: (i) the Strategic Orientation for Sustainable Development (Viet Nam Agenda 21); (ii) the CPV Resolution on Environmental Protection in the Period of Intensive Modernization and Industrialization; and (iii) the revised Law on Environmental Protection. It is also making progress towards the MDG targets, including the target on water supply. However, much remains to be done to implement environmental laws, strategies and global conventions, and improve environmental governance, in order to ensure that fast economic growth will not lead to environmental degradation, greater health risks or rapid depletion of biodiversity and other natural resources. There is still limited capacity in adopting and spreading “win-win solutions” to environmental issues that contribute to poverty reduction. For example, rural sanitation is yet to improve for the majority of people in many parts of the country. There is much to be done to reduce vulnerabilities and minimize adverse impacts of natural disasters. Major climate action is possible and can bring many opportunities for further development. Along with environmental protection, climate change requires a concerted, cross-sectoral response, involving many different actors and agencies. Furthermore, increases in financial and technology transfer are also very much required. Adaptation and disaster risk reduction measures will be central to Viet Nam’s economic growth progress. Global climate change is thus increasing environmental stresses on Viet Nam. The country will need to continue to play an active part in international efforts to limit greenhouse gas emissions and to combat climate change effects. As climate change is a development challenge, the climate change response will require action on different fronts, across many sectors and localities. Enhanced global and regional cooperation, together with international finance will be critical to support Viet Nam to address the climate change challenge. At the same time, they also offer opportunities for economic, social and environmentally sustainable development.

Viet Nam has recently shown its preparedness and strong leadership which have both been key to minimizing the impact and number of lives lost. Continuous and participatory efforts are needed to ensure the country is prepared for the impacts of climate change. Implementation of the Climate Change Strategy and disaster risk management policies including the recently approved Law on Disaster Risk management will be key in this regard, while the establishment of a modern social protection system can help strengthen the resilience of vulnerable groups to climate-related shocks.

While progress on overall poverty reduction has been remarkable, significant disparities in the attainment of the MDGs persist at the sub-national level including for specific groups such as people living in rural areas, women, ethnic minorities and migrant workers. According to the National MDG Report 2013, ethnic minorities account for 50 percent of all households countrywide that are classified as being poor. In order to bridge the MDG gaps that remain, there is a need to accelerate efforts and develop culturally sensitive programmes to ensure progress towards all MDGs for ethnic minority groups. There is also a need to formulate and implement a results based acceleration plan with adequate financing using the national budget for reaching those MDG targets that are lagging behind, particularly for MDG 6 on HIV and MDG 7 on environmental sustainability.

Social protection systems

Tens of millions of Vietnamese, including unregistered migrants, rely on the informal sector as their primary or secondary source of income, yet the state’s policies toward regulating the sector are under-developed. Employment in the informal sector brings with it certain vulnerabilities from a social protection perspective: informal sector workers tend to be less protected from shocks (e.g. sudden loss of income, ill health) than formal sector workers. Informal sector workers are also unlikely to be covered by mandatory social security schemes (e.g. health insurance, employment insurance) and thus are more likely to rely on voluntary schemes which may be less effective, if they even have any coverage at all. Due to high out-of-pocket payments for some basic social services,

poor and near-poor households (and particularly women, children, ethnic minorities, and the chronically ill within these poor and near-poor populations) may not be able to access quality social services. This applies particularly to education and health.

Viet Nam has been experiencing a wide range of economic shocks, which have profound impacts on economic growth and lead to a dramatic decline in budget balance, however, increase special risks for vulnerable groups and beneficiaries of social assistance policies, mix up jobs and livelihoods, and will possibly decrease the pace of poverty reduction and human development. In the effort of avoiding high rates of inflation and macro imbalance in a long run (long-run budget deficits and trade deficits) at the beginning of 2011, the country has implemented a package of macroeconomic stabilization policies, which is well-known with Resolution 11 (including monetary tightening policy, fiscal tightening policy, and the implementation of a roadmap for removing energy subsidies) in order to stabilize the economy and strengthen social security. The aforementioned situation will possibly last for a medium term, therefore, it is necessary for the Government to have both medium-term and long-term solutions to strengthen Viet Nam's social security and social assistance systems in the period 2011-2020.

The social protection system in Viet Nam has three main components: social security, social assistance, and area-based programs, when listed in decreasing order of significance in terms of fiscal costs. In 2009, social security accounted for 47% of total government expenditures on social protection, followed by social assistance at 34% and area-based programs at 17%. Since 2009, the government has covered state budget transfers for pre-95 retirees, severance pay for workers, contributions to health insurance, and transfers for children under 6 and to support the near poor, including one-off handouts to the poor on New Year's Eve (ADB, 2014).

Under the National Social Protection Strategy for 2011-2020, social protection is a system of policies and programmes implemented by the State and social partners with the aim of ensuring a minimum level of income, universal health insurance and social welfare to enhance the capacity of individuals, households and communities in managing and controlling risks like unemployment, old age, sickness, and risks caused by natural calamities, restructuring or economic shocks that lead to income loss or declined access to basic social services, which is a system of service provision to meet the demands of (1) housing and land for production; (2) clean water and sanitary environment; (3) electricity; (4) schools; (5) health care facilities; (6) markets; (7) post and commune culture offices; (8) transportation roads; and (9) legal advice and consulting. In Viet Nam, the social protection system consists of three main elements: (i) active labour market; (ii) social insurance; and (iii) social assistance.

In June 2012, the CPV Committee - Section XI had promulgated the Resolution No.15-NQ/TW at the Fifth Conference on some issues of social protection in the period 2012-2020 (Resolution 15-NQ/TW). The Resolution 15-NQ/TW addresses issues of human rights in a more systematic manner to ensure the prevention of social risks and approach social protection coverage for all people. Resolution 15 covers the content of the previously proposed a social protection strategy, establishing a social protection policy system based on a minimum living standard to address development issues in a multi-dimensional approach. The key pillars of Resolution 15 include social insurance and health insurance, social assistance, labor market, income generation and poverty reduction, and basic social services.

Recognizing social assistance one of the four pillars in the social protection scheme, the Government has issued quite a number of policies and programmes to support social assistance target groups, support them to adapt to risks and damages, help them to catch up with overall development pace in the country. However, the current

Viet Nam's social assistance system is not coherent and unsustainable. In order to support arising targets (around 2.5 million people who needs monthly allowance under Decree 136/ND-CP in 2013), social assistance policies have been amended and added frequently when it is necessary over the last ten years. This intervention has created a system with many isolated and inconsistent policies, which leads to difficulty in management, monitoring and evaluating the efficiency of specific social assistance policies and their impact on poor and vulnerable groups with different needs and characteristics. Yet, critical elements like humanitarian standards in emergencies has not yet been reflected in current legal documents for social assistance policies, acknowledging that disaster has been a major cause of vulnerability in the country (ADB, 2014).

Aligned with the Resolution 15, MOLISA has been tasked with the development of the Government's Action-plan for implementation of the Resolution 15 issued under Resolution No.70/NQ-CP dated on 1st November 2012 and development of a Master Plan for Social Assistance Reform, as identified in the Decision 1791/QĐ-LĐTBXH dated 6th December 2012. The scope of the reform will address all existing social assistance schemes which are policies to ensure the minimum levels of income, health, education, housing and water, as defined in Resolution 15, towards all existing vulnerable groups (the disable, elderly, orphans, victims of natural disasters, poor children, people living with HIV, poor ethnic minorities, mental health patients living in community-based centres, etc.). What should be a concrete definition of social assistance system for Viet Nam in the future, against which the reform will lead to, is an open question that Viet Nam and development partners have been asking in the past few years.

Viet Nam has made significant efforts since Doi Moi to reform and modernize its policy development process and institutional framework, for example by embracing decentraliation and promoting more inter-sectoral programmes and policies such as Programme 135-II and the various national target programs. However, policy impact is constrained by low availability and poor use of relevant evidence, limited participation and representation of all stakeholders, and weak capacity and inter-sectoral coordination within and across Government agencies. Ineffective policy processes can lead to poor use of resources and budgets, contribute to rising inequity and diluted impact of policy interventions, and can act as a major obstacle to socio-economic development in Viet Nam across all sectors.

Systemic changes in the human development sectors are needed to address Viet Nam's poverty agenda, as are further efforts to improve livelihood opportunities. A renewed effort is necessary to promote equality in outcomes for all, and to close wide and growing attainment and learning gaps between the poor and non-poor and between ethnic minorities and the Kinh majority. A more results-oriented education system can equip Vietnamese workers with the skills to take advantage of the new opportunities and manage the employment risks that come with a changing labor market, while social and health insurance can help to shield people better from the worst shocks impacting employment.

Viet Nam currently lacks a basic cash transfer programme for the poor, which is an important gap in its poverty reduction and social assistance system. A strengthened social safety net can help the chronic poor, respond better to shocks (including natural hazards or shocks affecting domestic prices), and address household liquidity constraints that, inter alia, lead to early school drop-out. Cash transfers linked to education can thus be an important complementary tool to bridge the gaps in enrolment rates at every level. Moreover, further upgrades in basic infrastructure and public service delivery and access, including facilitating wider participation in labor and product markets, are needed to improve livelihood opportunities in rural areas and disadvantaged communities.

Social protection is an important pillar of an inclusive growth strategy, protecting people from risks to their living standards associated with old age, illness, raising children, unemployment and other idiosyncratic shocks. Social protection should also help reduce poverty, vulnerability to poverty and inequality.

The social protection scheme in Viet Nam comprises the following:

- active labour market programmes and policies (financed by contributions and tax);
- social insurance both compulsory (financed by contributions) and non-compulsory;
- social assistance; and
- others (financed by insurance fee or tax).

Elements of a social protection system should be:

- Social protection should take a 'life course' approach covering different stages of the life cycle and protecting against different risks and vulnerabilities.
- Social protection includes social insurance, social security and social safety-nets. They include both contributory and non-contributory schemes, and span both targeted programs and universal systems.
- The Government can design social protection systems according to national economic constraints, political dynamics and social aspirations.
- Social protection systems must have a "gender lens": women must become direct beneficiaries because they often remain unprotected as secondary beneficiaries.
- The most excluded groups should be the primary recipients of social protection programmes. – but programmes also must provide pathways ('models of graduation') from dependence.
- Effective social protection systems require coordination across all levels of government, and should be inclusive of other key stakeholders such as CSOs.
- Social protection systems should build a social protection staircase consisting of basic entitlements to at least a minimum level of benefits for all with additional contributory benefits and higher levels of income security.

A more progressive and inclusive universal social protection system for Viet Nam is needed, which can act as the foundation for future economic growth and prosperity, address persistent forms of poverty and emerging forms of vulnerability and disadvantage, and equip the country to effectively respond to rapid socio-economic and demographic change. The system of social services, including basic services such as health and education, also needs to rapidly modernize and evolve to meet changing needs and expectations and ensure equitable access to affordable, quality services for all citizens.

7 THE ISSUE OF PARTICIPATION

7.1 Strengthening citizens' voice and participation through social, professional and civil society organizations

Since the late 1980s in Viet Nam, the emergence of civil society has been noted as a new phenomenon along with the economic reform. Gradually, it has been expanded and developed. However, it should be noted that the concept of "civil society organization" (CSO) in the Vietnamese context is a relatively new one, and has not been officially used as there remains some confusion and disagreement of what can be actually be considered a Vietnamese CSO. Therefore, the term "social organization" has commonly been used in reference to the non-state sector, rather than CSOs or NGOs which were used to indicate international or foreign organizations.

In fact, those organizations or groups of more or less CSO nature have emerged or existed and they vary in how they are organized. Some are made up of solely of volunteers or staff members. Others have restricted membership. Generally speaking, there are four main types of organizations which make up CSOs in Viet Nam at present as follows:

- Socio-political and mass organizations;
- Academic or professional associations;
- Non-government organizations (NGOs); and
- Community-based organizations (CBOs).

Among the above four types, the biggest are socio-political and mass organizations that function under the umbrella of the Viet Nam Fatherland Front (VFF) such as the Viet Nam Women's Union (VWU), the Ho Chi Minh Communist Youth Union (HCYU), the Viet Nam Farmers' Association (VFA), the Viet Nam Red Cross (VRC), etc., which emerged in the first half of the last century together with the Communist Party. Well-organized with government funding, those organizations have their headquarters at the central level and networks and branches down to provincial, district and commune/urban ward levels and each has its own publications and direct access to local institutions and people. They all have nation-wide programmes in support of the Government's policies and programmes, and have more direct impact on national policies than other types of CSOs, though some of the large professional associations have recently been permitted to comment on laws passed by the National Assembly.

The CPV has used mass organizations, under the umbrella of the Fatherland Front, to mobilize different sections of society (women, youth, farmers etc.) in support of the implementation of government policies and programmes. The Fatherland Front is a key political actor, illustrated in its being given the podium in the opening session of the National Assembly. Mass organizations have members and cells in nearly every village and neighbourhood and often receive regular flows of finance from the state budget. Relations with the CPV remain close: Party leaders often head up various mass organizations and play a key role in local branches. However, reform has forced the Party to redefine the role of mass organizations in ways that emphasize their representative function. The Fatherland Front and its associated mass organizations have been legally mandated to articulate the interests of society during the formulation of policies and laws, in addition to generating support for their implementation. There is evidence of some mass organizations reorienting themselves from simply transmission belts to representative bodies such as the Women's Union, and units within mass organizations.

Grassroots-level mass organizations, particularly those in Ho Chi Minh City in the south, tend to have more autonomy than those located centrally, while they increasingly receive funding from various donors and international NGOs to implement programmes, making them less financially dependent on the state.

At the community level, socio-political and mass organizations constitute a very important organic link between the various administrative levels, from the centre to the communes and villages. This is particularly the case for the Viet Nam Women's Union (VWU) and the Ho Chi Minh Communist Youth Union (HCYU), which serve as means to promote activities, initiatives, funding and ideas at the grassroots level. They are already working with international NGOs and multinational and bilateral donors, *the Viet Nam Union of Literature and Arts Associations* on-ors. With some autonomy, they have less and less financial support and fewer subsidies from the Government due to the structural adjustment of the state and economy though they are well connected with the latter, partly for staff salaries and operational costs.

The academic or professional associations are formed for the professional benefits of their members such as such as the Viet Nam Lawyers Association (VLA), the Viet Nam Bar Federation (VBF) and others, which are mainly located in Ha Noi and Ho Chi Minh City. For a couple of years, a number of Vietnamese organizations or groups which are neither mass organizations or academic professional organizations have been allowed to be set up as local NGOs or CBOs is an accepted reality despite the absence of a national law on local NGOs which is being drafted by the Government. In fact, many Vietnamese belong to one or more of these organizations which have both political and mobilization and social service delivery. Most of them often have sponsorship from officially recognized parent organizations within the system of the Government, the Communist Party and mass organizations. At present, the Ministry of Home Affairs (MOHA) is the government body that oversees and regulates the sector. To meet the need of coordinating and bringing together people with similar professional interests in science, culture and solidarity, three professional unions were established during the 1980s, even before the reform process in the country started in 1986: the Viet Nam Union of Science and Technology Associations (VUSTA) for science and technology (VULAA) for culture, arts and literature and the Viet Nam Union of Friendship Organizations (VUFO) for friendship and peace.

Over the last two decades, Viet Nam's politics and society have gradually evolved towards greater openness and space for civil participation. The country is a one-party state which is led by the Communist Party. In its Eleventh National Congress in January 2011, the Communist Party called for a more comprehensive approach to the country's reform, decided to promote greater citizens' participation and unity within Viet Nam, and to engage proactively in international integration. The Party National Congress re-affirmed Viet Nam's approach to state-led development, but also revised key policy documents to place greater emphasis on market processes and non-state ownership of economic assets.

The legal framework for NGOs and CBOs remains relatively young and weak. The Law on Association, which defines their legal status, is still, after more than a decade, in draft form, making it difficult for NGOs and CBOs, especially the grassroots CBOs who face difficulties in obtaining formal registration due to a lot of restrictions in terms of resources, to optimize their operations in benefiting children, and the very long process of developing the Law indicates the difficulty that the Government is experiencing in finding comprehensive ways of dealing with the needs and responsibilities of a very diverse and rapidly non-profit sector. New laws and bureaucratic proce-

dures may help or hinder these conversions, exposing even more the difficulties the Vietnamese state is having coming to grips with the ideas of local CSOs and of the appropriate roles of civil society.

Citizens may establish CSOs, but they must register, for instance, with an umbrella organization or a government ministry, unions of associations or provincial/city people's committees, etc. The regulations pertaining to civil society illustrate that organizations cannot register easily. Rather, it is a fairly complicated and cumbersome process to obtain approval. Hence, the CSOs can often operate if the authorities accept, tolerate or endorse them, if their main role is to provide social assistance complementing public or government programmes. Maintaining relationships with government agencies is a critical component of CSO operations. In order to be successful, CSO workers adopt and promote an identity as "professionals," an identity which enables them to interact both with state officials and with international donors. They have started to use other channels, such as lobbying and pressuring individual members of the NA and high government officials, usually through personal connections. They do not consider their main purpose to be holding the state or state-owned enterprises accountable (and even less private corporations) because they do not pursue advocacy in the usual sense of the word. Many of them are headed by much influenced individuals who established them rather than by the CSO members. Others are often led by retired government or party officials with the objective of providing welfare services to vulnerable populations. Sometimes national CSOs have been born out of social consciousness and solidarity with children. Some of them are involved directly or indirectly in promoting children's rights, and there are examples of communities and workers raising their voices in response to unfair or unethical treatment of children or the exploitative child labour. Furthermore, Vietnamese and international NGOs support projects all over the country for disadvantaged groups, including children and communities.

According to Vietnamese government statistics, by June 2005 there had been 320 associations operating at national level and 2,150 associations at provincial and equivalent municipal level. At local levels, associations are also common. The database compiled by VUSTA alone in 2011 included 391 Vietnamese CSOs. Meanwhile, in 2013, VUFO kept a record of more than 950 international NGOs which had spent more than US\$2 billion on different projects and programmes in Viet Nam between 1989 and 2010. The international NGOs have been working in close partnership with local CSOs or Viet Nam's state agencies to deliver their projects (MPI, 2013).

Among them, VUSTA's overall responsibility is to contribute to the industrialization and modernization of the country, and has been traditionally realized by representing and coordinating Vietnamese scholars and experts in the area of science and technology, as well as through knowledge dissemination. In the 1990s, further legislation was enacted allowing individuals to establish their own science and technology organizations and providing for the operation of international NGOs (under the guidance and umbrella of VUFO), as well as legislation governing social and charitable funds. Since then, the legal framework governing VUSTA has been complemented with the revised Law on Science and Technology in 2013, which defines the rights and obligations of scientific and technological organizations and individuals, and government ministries on the organization, operation and management of Vietnamese associations, as well as the setting up of self-governing and self-financing non-state organizations working in the area of science and technology. Out of around 1,300 such organizations currently operating in the country, about a third is registered with VUSTA.

The issue of professionalism necessarily brings up questions about "appropriate" roles for civil society actors and organizations, a question which is normative in nature and fraught with political ramifications. The state would prefer that Vietnamese CSOs limit their activities to providing social services in line with official development

policy. Under the Vietnamese state's development agenda, CSOs are, for the most part, restricted in their activities to projects which are in line with these state development priorities, requiring the local CSOs to act as service providers and adopting the state's development goals while CSOs are often eager to adopt new practices and new forms of development projects that have been introduced by international development actors. They are also subject to the state for legitimacy, bureaucratic registration, and ultimately for their very existence. Another major obstacle to civil society participation and engagement in Viet Nam is the lack of transparency and information sharing. Even many foreigners hold the viewpoint that in Viet Nam, some of local CSOs are government-run, inspired or initiated. They are viewed as extensions of government, having been set up by government functionaries or institutions. They are semi-autonomous and seem to exist to take on projects which can provide work and salary to staff as well as support the operational costs of the departments/ministries or universities to which they are attached. Many of them are charity-focused organizations, or State-sponsored, development-focused groups, having contract work with international organizations to try to seek to their international counterparts for financial support and experience. Many other are largely dependent on donor agencies. Opportunism has resulted in the creation of some, perhaps several, indigenous "suitcase" NGOs that exist for reasons of individual self-enrichment. There are NGOs which are paper organizations that never operate or operated only one project, and then disintegrated. They see funding as a lucrative opportunity, and often package large and expensive proposals for donors.

Anyhow, the CSO sector in Viet Nam has experienced rapid growth in recent years. The National Socio-Economic Development Strategy (SEDS) for 2011-2020 states the need to "enhance capacity and establish mechanisms for the people to exercise adequately their right as the master, especially direct democracy, so as to promote vigorously all creative capabilities and guarantee high-degree consensus in society, generating thereby a driving force for national development." This development has been prompted by the establishment of a broad legal framework that reflects the importance of grassroots democracy, people's participation and contribution from CSOs for socio-economic development and equitable growth. The participation of various types of organizations in the delivery of public and social services is also encouraged in the in the national five-year Socio-Economic Development Plan (SEDP) for 2011-2015.

The CSOs are now involved in activities of various spheres, mainly in humanitarian/charity or development programmes and most springing out from milieu of scientists, social welfare workers and other professional groups, but also some spontaneous charity groups that might develop into more established CSOs with time. The common areas are poverty reduction, healthcare, humanitarian relief, ethnic minorities, HIV/AIDS, gender equality, legal aid, disability, education, etc. However, at present, many of those CSOs are generally still very young, weak, poorly organized and lack experiences in development work, and are at the level of volunteerism, with few skills and capacities to undertake programmes and projects. They need increased capacities in both organizational and programme management. Lack of a financial base is another important weakness as well as the lack of an information network and communication among themselves.

The institutional challenges facing the CSO sector at present can be summarized as follows:

- There is still considerable debate as to the definition itself of the CSO sector in Viet Nam.
- The sector is growing rapidly and spontaneously but is underdeveloped, frequently weak in capacity and not self sustainable.
- Networking and information sharing in the sector is generally weak.

- There is a lack of effective channels to respond to the many diverse needs and demands of the sector, bringing voice and concerns to Government and society in general.
- Working relationships and coordination in-between umbrella organizations, and with the Government, the CPV and the National Assembly are not clear, as are the relationships with international NGOs and donors.

The fact that more than 950 international NGOs with activities in Viet Nam could have a positive effect on the development of local CSOs. A number of international NGOs attempt to promote the NGO/CSO concept and development in their contacts with government officials, and some of them have made it an important part of their activity to support local newly-established CSOs working on children's rights. An interesting aspect of the professionalization of CSOs is the trend among several international NGOs to attempt to "localize" that is to convert themselves into Vietnamese NGOs. It is felt that local development should be Vietnamese-led; foreign managers and programme officers are not needed to direct Vietnamese development operations. This trend toward localization is meeting with a fair amount of bureaucratic resistance, but in general it fits with both state and donor ideal about development operations. Institutions that result from the coalescing of the Vietnamese staff on international NGOs are a potential source of future organizational development. These NGOs have been hiring and training local staff for several years and these staff is now well trained in development concepts and practice; have excellent language skills; have significant grassroots experiences; and increasingly have been exposed to experiences and realities outside Viet Nam. They will have contributions in developing truly indigenous movement when there are regulations for such organizations.

Emphasis is being placed on strengthened participation by all citizens to ensure better, more effective, and more accountable and transparent governance, so that all Vietnamese people have a voice in the decisions which affect them and are able to fully realize their choices and capabilities. A more supportive regulatory environment is required to support greater engagement of political, social, professional and mass organizations, and others in decision-making processes, service delivery and policy dialogue. Participation by citizens, media and CSOs in legislative and oversight processes has recently started to be systematically addressed and requires further development. The Law on the Promulgation of Legal Documents (2008) provides for an umbrella legal framework for agencies to consult relevant stakeholders in the process of drafting legislation. It also requires the publication of draft laws on the website of the relevant agency for at least sixty days to collect comments from the public. These provisions have been recently introduced, and so detailed procedures for a consistent practice and transparent public consultation have yet to be developed. Links between the NA, government ministries and CSOs, especially those with specific expertise and research capacity and CSOs representing children, women and ethnic minorities, need to be further developed.

For their part, CSOs have limited capacity and lack opportunities to advocate their views effectively to parliamentarians and government officials and participate in public consultations. An enabling space for conducting advocacy is still in the making, and many CSOs lack the skills for effective engagement. The practice of systematic public consultation is in a very early stage. As the opportunities expand for public participation in the law-making and other relevant legislative and oversight processes, CSOs would benefit from guidelines for public input into such processes. While the mass media is playing an increasingly influential role in Viet Nam, it will be important to further develop its relationship with the elected bodies and other state actors to bring the public closer to the legislative processes.

Today's young people are more formally educated, more empowered, more globally integrated and more consumer-minded than previous generations. Yet they also have a need for constructive outlets for self-expression and participation and engagement in political, social and economic life.

The 2006 Family Survey indicates that although the traditional norm of respect for elders is still present in Viet Nam, families are becoming more democratic, with more dialogue between young people and their parents. This may indicate that parents are becoming more willing and capable of listening to young people. It may also be caused by the smaller size of families, within which there is a potentially greater role for each member of the family, especially in urban areas.

Nonetheless, the Family Survey indicates that some children would not "dare to say directly" if they thought their parents were unfair.

According to the 2005 Survey Assessment of Vietnamese Youth (SAVY I), 68 per cent of young people aged 14-25 felt that they were listened to by their family. It should be noted that young people from the upper-middle class, as in other countries, tend to have more opportunities (in terms of channels, facilities and accessibility to seek information) to participate in more activities (including leisure, education and community activities) and in a more confident manner than those from lower social groups (ADB, 2014).

Life skills education piloted by MOET and mass organizations in schools and community-based youth clubs has helped adolescents develop the confidence and capacity to communicate more effectively with their parents. As a result, young people feel much more respected and confident. In places where both young people and parents have been provided with Convention on the Rights of the Child (CRC) training and awareness-raising, children and young people are consulted much more often.

Greater participation by all stakeholders and citizens in policy-making, planning and monitoring at all levels is much needed so that all Vietnamese people have a voice in the decisions that affect them and are able to fully realise their choices and capabilities. A more supportive regulatory environment is required to enable political, social, professional and mass organizations to engage effectively in policy and decision-making processes and service delivery. Access to justice for all citizens, in particular the most vulnerable and disadvantaged, together with increased engagement by Government in treaty implementation, will also contribute towards further strengthening the rule of law.

8 CONCLUSIONS

Although many MICs no longer see achieving the MDGs as a high or important priority for development, a number of them are not on track to meet the MDGs by 2015. Viet Nam stands among those countries likely to achieve a majority of the goals by 2015 at the national level. However, ongoing support is needed to ensure the MDGs are achieved for all Vietnamese people, including at the sub-national level and among vulnerable and disadvantaged groups, as well as to close the gap on those goals and indicators where Viet Nam is currently lagging behind. In addition, Viet Nam's shift to MIC status is expected to result in a decline in future aid. Already some donors have indicated that they intend to scale down or cease their assistance. However, the country would benefit from ongoing support from development partners if it is to continue to progress successfully and address the challenges ahead.

The contribution of RLS in Viet Nam has been recognised by its partners. However, the question is how can RLS now maximise its comparative advantage and inherent differentiation to provide the greatest value to Viet Nam? In this context, it is helpful to consider the competitive advantage of RLS if the support it has provided is relevant, unique, or sustainable as provided by other development partners. Two aspects of comparative advantage are relevant: cost, where the support provided is the most cost effective or least expensive; and differentiation, where the support provided is only available from a particular provider or development partner, ie it is unique in the field. Strategies to build competitive advantage typically include increasing cost efficiency; pursuing 'uniqueness' by focusing on developing excellence; and identifying and cultivating a 'niche' market. This framework provides a useful starting point for considering the RLS's comparative and competitive advantage vis a vis other development partners in the current context in Viet Nam.

Defining the RLS's competitive – and comparative – advantages is particularly critical in the context of the changing ODA environment. Several trends are key in this respect, overall declining ODA globally since 2009; climate change financing commitments made in Copenhagen which are set to affect overall ODA resources; and Viet Nam's shift to middle-income status, which will see a fall in future aid to Viet Nam. In this context, it is critically important that RLS defines its priorities, and its unique role, in support of national development priorities.

In terms of cost efficiencies, it is not yet clear whether RLS has an advantage over other development partners or its support has been efficient and effective. In terms of uniqueness and differentiation, the challenge is to clearly identify the specific comparative and competitive advantages of RLS in Viet Nam, including at a sectoral level. However, RLS is arguably not the only development partner that can effectively provide these kinds of support to Viet Nam: other development donors are also effectively contributing, for example, to building capacity or pioneering new approaches. In order to differentiate the RLS's specific contribution, the question is 'what are the roles that only RLS can play, or can play more effectively than other development partners in Viet Nam, including in specific sectors'? A smaller list emerges:

- Promoting global standards, norms, and commitments;
- Convening diverse actors together to dialogue around critical or sensitive issues;
- Inspiring trust for dialoguing on potentially sensitive issues;
- Influencing policy development and implementation;

- Accessing key decision-makers in many critical policy areas, e.g. legal and administrative reforms, social protection;
- Bringing a multilateral perspective to policy dialogue;
- Advocating for cross-cutting issues that are central to development: gender equality, human rights;
- Advocating on behalf of vulnerable and/or voiceless groups, such as the chronically poor, migrant workers, young people, women, people at higher risk of or living with HIV and ethnic minorities;
- Accessing international knowledge and networks and making these available to the Government;
- Building capacity of individuals, organizations/agencies, and systems over the long term.

9 LIST OF REFERENCES

- Socialist Republic of Viet Nam. (2008). *The Third and Fourth Country Report on Viet Nam's Implementation of the United Nations Convention on the Rights of the Child in the 2002-2007 Period*, Ha Noi.
- Socialist Republic of Viet Nam. (2009). National Report for the Universal Periodic Review (UPR), Ha Noi.
- Socialist Republic of Viet Nam. (2010). *Millennium Development Goal 2010 National Report: Viet Nam 2/3 of the Way Achieving the Millennium Development Goals and Towards 2015*, Ha Noi.
- Socialist Republic of Viet Nam. (2011). *Tenth to Fourteenth Periodic Reports on the Implementation of the International Convention on the Elimination of All Forms of Racial Discrimination (CERD)*, Ha Noi.
- Socialist Republic of Viet Nam. (2012). *Implementation of the Convention on the Rights of the Child (CRC) - List of issues concerning additional and updated information related to the consideration of the third and fourth combined periodic reports of Viet Nam*, Ha Noi.
- Socialist Republic of Viet Nam. (2012). *Seventh and Eighth Combined Periodic Report on the Implementation of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)*, Ha Noi.
- Socialist Republic of Viet Nam. (2014). National Report on the Promotion and Protection of Human Rights under the Universal Periodic Review of the United Nations Human Rights Council, Ha Noi.
- Ministry of Planning and Investment. (2013). Viet Nam's Socio-Economic Situations and the Coming Development Tasks in the Coming Period (paper prepared for the Third National Conference between Viet Nam and International NGOs organized by the Committee on International NGOs on 28-29 November in Ha Noi), Ha Noi.
- National Assembly Committee for Culture, Education, Youth and Children. (2012). Some Models of Child Participation, Ha Noi.
- Committee for Ethnic Minority Affairs, UNDP and Irish Aid. (2013). Poverty Situation Analysis of Ethnic Minorities in Viet Nam 2007-2012, Ha Noi.
- Central Population and Housing Census Steering Committee. (2010). The 2009 Viet Nam Population and Housing Census Expanded Sample Results, Ha Noi.
- MARD. Report on Land Situation (Communist Review). (2007). Impacts of the present land policy and management on rural development, Ha Noi.
- MONRE. (2011). Viet Nam Air Pollution Survey. Pollution Control Department under the General Department for Environment and the Japan International Cooperation Agency, Ha Noi, Viet Nam. <http://www.cleanairinitiative.org/portal/node/7170>, Ha Noi.
- Ministry of Health. (2013). Viet Nam HIV/AIDS 2011- 2015 - Estimates and Projections, Ha Noi.
- Ministry of Planning and Investment and UNICEF. (2008). *Public Expenditure Tracking Survey Report*, Ha Noi.
- Ministry of Labour, Invalids and Social Affairs and UNICEF. (2009). Creating a protective environment for children in Viet Nam: an assessment of child laws and policies, Ha Noi.
- Ministry of Labour, Invalids and Social Affairs, the General Statistical Office, and ILO (2014), Viet Nam National Child Labour Survey 2012 - Main Findings, Ha Noi.
- Ministry of Labour, Invalids and Social Affairs. (2010). Children Indicators in Viet Nam 2009-2010, Ha Noi.
- Ministry of Public Security Criminal Investigation Police Department (2012), *Report on the Situation of Juveniles in Conflict with the Law and Crimes against Children in 2011* (Report No. 310/BC-C45-P6 dated 12 Mar 2012), Ha Noi.
- General Statistical Office. (2010). *Viet Nam Household Living Standards Survey 2008*, Ha Noi.
- General Statistical Office. (2011). Viet Nam Multiple Indicator Cluster Survey (MICS) 2010-2011, Ha Noi.
- General Statistical Office. (2013). *Statistical Yearbook of Viet Nam 2012*, Ha Noi.
- United Nations in Viet Nam. (2011). Fact Sheet: Young People and Protection. Ha Noi.
- United Nations in Viet Nam. (2012). One Plan 2012-2016 between the Government of the Socialist Republic of Viet Nam and the United Nations in Viet Nam, Ha Noi.
- UN Women. (2009). CEDAW and the Law: A Gendered and Rights-Based Review of Vietnamese Legal Documents through the Lens of CEDAW, Ha Noi.

- United Nations Children’s Fund. (2008). *Health Equity Situation Analysis*, Ha Noi.
- United Nations Children’s Fund. (2010). *An Analysis of the Situation of Children in Viet Nam*, Ha Noi.
- United Nations Population Fund. (2010). *Sex Ratio at Birth Imbalance in Viet Nam: Evidence from the 2009 Census*, Ha Noi.
- United Nations Population Fund. (2011). *Son preference in Viet Nam - Ancient desires, advancing technologies*. Ha Noi.
- United Nations Development Programmes. (2007). *Filling the Gap: the Emerging Civil Society in Viet Nam*, Ha Noi.
- United Nations Development Programmes. (2011). *Human Development Report 2013*, Ha Noi.
- World Bank. (2009). *Country Social Analysis: Ethnicity and Development in Viet Nam*, Ha Noi.
- World Bank. (2011). *Viet Nam Country Gender Assessment*. Ha Noi.
- World Bank. (2012). *Poverty Assessment Report*, Ha Noi.
- World Bank. (2012). *Well Begun, Not Yet done: Vietnam’s Remarkable Progress on Poverty Reduction and the Emerging challenges - 2012 Viet Nam Poverty Assessment*, Ha Noi.
- World Bank. (2014). *Preserving Stability and Promoting Growth – East Asia Pacific Economic Update*, Washington, D.C.
- World Bank. (2014). *Taking Stock - An Update on Vietnam’s Recent Economic Developments*, Ha Noi.
- Asian Development Bank (2014). *Asian Development Bank and Viet Nam – Factsheets*, Ha Noi.
- Asian Development Bank (2012). *Country Partnership Strategy: Viet Nam, 2012–2015*, Ha Noi.
- *Country Partnership Strategy: Viet Nam, 2012–2015*
- Committee on the Rights of the Child. (2012). *Consideration of reports submitted by States parties under article 44 of the Convention - Concluding observations: Viet Nam (CRC/C/VNM/3-4)*, Geneva
- Vũ Ngọc Bình. (2012). *An Assessment of the 22-Year Implementation of the the Convention on the Rights of the Child in Viet Nam – Issues for Consideration in Preparation for Amending the Law on Protection, Care and Education of Children (an exclusive paper prepared for internal use by Members of the National Assembly of Viet Nam)*.
- Vu Ngoc Binh. (2013). *The international legal framework on women’s human rights and gender equality – Viet Nam’s participation and realization towards sustainable development* (paper presented at the Training Workshop on Gender Equality and Sustainable Development in Viet Nam by the Ho Chi Minh National Academy of Politics and Public Administration and the Government Steering Committee on Human Rights in Thanh Hoa province on 17-18 September 2013).
- Vu Ngoc Binh. (2013). *Issues to be Considered for Laws, Policies and Practices related to Sexual and Reproductive Health and Rights, and Prevention of HIV/AIDS for Young People* (paper presented at the three National Workshops on Policies on Sexual and Reproductive health and HIV Prevention for Young People organized by the National Assembly Committee on Culture, Education, Youth and Children in co-ordination with UNFPA on 8 March 2013 in Ha Noi, 12 March 2013 in Ho Chi Minh City and 13 March 2013 in Da Nang City).
- Vu Ngoc Binh. (2013). *Viet Nam’s experiences and practices in the internalization of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and the Convention on the Rights of the Child (CRC) in its national system of legislation* (paper presented at the National Consultation on the Codification of United Nations Conventions in Vietnamese Constitution and National Legislation: Experiences from Norway and Viet Nam, organized by the Viet Nam Academy of Social Sciences (VASS) and the Norwegian Centre for Human Rights, Oslo University in Ha Noi on 11-12 September 2013).

Internet

- <http://chinhphu.vn/portal/page/portal>
- <http://www.unicef.org/vietnam/>
- <http://www.vn.undp.org/content/vietnam/en>

Disclaimer

Rosa-Luxemburg-Stiftung supported this paper. However, the content of this document is the opinion of the author. It does not necessarily reflect the opinion of Rosa-Luxemburg-Stiftung. Rosa-Luxemburg-Stiftung takes no responsibility for the accuracy or legitimacy of the information or opinions provided here.