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## ABBREVIATIONS AND ACRONYMS

AFTA	ASEAN Free Trade Area
APEC	Asia-Pacific Economic Cooperation
ART	Antiretroviral therapy
ASEAN	Association of Southeast Asian Nations
CAT	Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
CCA	Common Country Assessment
CDP	Commune Development Plan
CEDAW	Convention on the Elimination of all Forms of Discrimination Against Women
CESCR	Committee on Economic, Social and Cultural Rights
CPV	Communist Party of Viet Nam
CRC	Convention on the Rights of the Child
CSO	Civil Society Organisations
DaO	Delivering as One
ECD	Early Childhood Development
ECE	Early Childhood Education
ESCs	Employment Service Centres
EU	European Union
FAO	Food and Agriculture Organisation of the United Nations
FDI	Foreign Direct Investment
FII	Foreign Indirect Investment
FSW	Female Sex Worker
FTAs	Free Trade Agreements
GRDO	Grassroots Democracy Ordinance
GGAP	Green Growth Action Plan
GHGEs	Green House Gas emissions
GSO	General Statistics Office
HRBA	Human Rights Based Approach
HCMC	Ho Chi Minh City
HRC	Human Rights Council
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
ICRPD	Convention on the Rights of Persons with Disabilities
IDU	Injecting Drug User
ILO	International Labour Organisation
IMR	Infant Mortality Rate
INDC	Intended Nationally-Determined Contributions
IOM	International Organization for Migration
LGBT	Lesbian, Gay, Bisexual, Transgender
MARD	Ministry of Agriculture and Rural Development
MARP	Most-at-Risk Populations
MCH	Maternal and Child Health
MDG	Millennium Development Goals

MDP	Multidimensional Poverty
LMIC	Lower Middle Income Country
MMR	Maternal Mortality Ratio
MMT	Methadone Maintenance Therapy
MOET	Ministry of Education and Training
MOFA	Ministry of Foreign Affairs
MOHA	Ministry of Home Affairs
MOH	Ministry of Health
MOLISA	Ministry of Labour, Invalids and Social Affairs
MONRE	Ministry of Natural Resources and Environment
MoRES	Monitoring Results for Equity System
MPI	Ministry of Planning and Investment
MSM	Men who have Sex with Men
NA	National Assembly
NAPCC	National Action Plan on Climate Change
NGO	Non-Governmental Organization
NMR	Neonatal Mortality Rate
ODA	Official Development Assistance
ODS	Ozone Depleting Substances
OECD-DAC	Organization for Economic Cooperation and Development-Development Assistance Committee
OOP	Out of Pocket
PLHIV	People Living with HIV
PWID	People Who Inject Drugs
RCEP	Regional Comprehensive Economic Partnership
REDD+	Reducing Emissions from Deforestation and Forest Degradation
REBA	Rights/Equity Based Approach
SCP	Sustainable Consumption and Production
SDG	Sustainable Development Goals
SEDP	Secondary Education Development Programme
SEDS	Socio-Economic Development Strategy
SEEA	System of Environmental-Economic Accounting
SME	Small- and Medium-sized Enterprises
SOGI	Sexual Orientation and Gender Identity
SRB	Sex Ratio at Birth
SRH	Sexual and Reproductive Health
TPP	Trans-Pacific Partnership
U5MR	Under 5 Mortality Ratio
UN	United Nations
UNAIDS	Joint United Nations Programme on HIV/AIDS
UNCT	United Nations Country Team
UNDG	United Nations Development Group
UNDP	United Nations Development Programme
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNFCC	United Nations Framework Convention on Climate Change
UNFPA	United Nations Population Fund
UN-HABITAT	United Nations Human Settlements Programme
UNICEF	United Nations Children's Fund

UNIDO	United Nations Industrial Development Organization
UNODC	United Nations Office on Drugs and Crime
UN TBs	United Nations Treaty Bodies
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
VAW	Violence Against Women
VND	Viet Nam Dong
VDP	Village Development Plan
WB	World Bank
WHO	World Health Organization
WTO	World Trade Organization

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## DEFINITIONS

**CHALLENGE:** The gap existing between the present country situation and a specific SDG.

**BOTTLENECK:** A barrier or obstacle that hampers progress on a specific SDG.

**SYSTEM-WIDE BOTTLENECK:** A barrier or obstacle that recurs across different SDGs, when these are operationalized at the country level.

**DETERMINANT:** A determinant is a critical condition that either constrains or enables the achievement of desired results, or the cause of a bottleneck.

**DETERMINANT ANALYSIS:** Determinant analysis is a systematic approach to identify priority bottlenecks and barriers.

**DEPRIVATION:** The absence of the fulfilment of a human right.

**HUMAN RIGHTS BASED APPROACH (HRBA):** According to this UN programmatic approach, all programmes of development co-operation, policies and technical assistance should further the realisation of human rights as laid down in the Universal Declaration of Human Rights and other international human rights instruments. Embracing a HRBA implies identifying 'rights holders' and 'duty bearers' with the aim of contributing to the development of the capacities of latter to meet their obligations to the former, and/or of strengthening 'rights holders' capacities to claim their rights.<sup>1</sup>

**MONITORING RESULTS FOR EQUITY SYSTEM (MoRES):** A conceptual framework for effective planning, programming, implementation, monitoring and managing results developed and rolled-out by UNICEF between mid-2010 and 2012. MoRES offers the opportunity to operationalize a rights-based approach in a more evidence-based way, with an operational focus on equity. MoRES is based on the rationale that an equity-focused system is needed to resolve critical analytical, targeting, monitoring and decision-making shortcomings in programming.<sup>2</sup>

**LOWER MIDDLE INCOME COUNTRY (LMIC):** A country with per capita gross national income of USD 1,036 to USD 4,085 according to the World Bank's Income Classification.<sup>3</sup>

**PARIS PRINCIPLES:** A set of principles adopted by the United Nations Human Rights Commission by Resolution 1992/54 of 1992, and by the UN General Assembly in its Resolution 48/134 of 1993. They relate to the status and functioning of national institutions for the protection and promotion of human rights, including their institutional scope and their relations with domestic and regional/international institutions.

**EQUITY:** The principle for which every person ought to have an opportunity to fulfil their rights and reach their full potential, without discrimination, bias or favouritism in accessing resources

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<sup>1</sup> The Human Rights Based Approach to Development Cooperation: Towards a Common Understanding Among UN Agencies, available at <http://hrbportal.org/the-human-rights-based-approach-to-development-cooperation-towards-a-common-understanding-among-un-agencies>. Last Accessed 18.10.2015.

<sup>2</sup> UNICEF, *Formative evaluation of UNICEF's Monitoring Results for Equity System (MoRES)*, MoRES: From Evidence to Equity?, New York, August 2014, 1 and 7.

<sup>3</sup>[http://data.worldbank.org/about/country-and-lending-groups#Lower\\_middle\\_income](http://data.worldbank.org/about/country-and-lending-groups#Lower_middle_income) Last Accessed 15.10.2015.

or services. In practice, equity can mean different things for different groups of rights holders, based on their specific needs, capacities and aspirations.

**EQUALITY:** The principle for which every person is equal in status, rights, responsibilities and opportunities, irrespective of all others.

**CAPACITY:** Capacity is defined by the Organisation for Economic Co-operation for Development (OECD), Development Assistance Committee (DAC) as the ability of people, organisations and society as a whole to manage their affairs successfully; capacity development is understood as the process whereby people, organisations and society as a whole unleash, strengthen, create, adapt and maintain capacity over time.<sup>4</sup>

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<sup>4</sup> UNDG, *Capacity Assessment Methodology User Guide: for national capacity development*, February 2008.



## CHAPTER I. INTRODUCTION

### OBJECTIVES AND SCOPE OF THE CCA

In September 2015, the Sustainable Development Goals (SDGs) were officially adopted by the United Nations (UN) Member States. The SDGs succeed the Millennium Development Goals (MDGs) as reference goals for the international development community for the 2015-2030 period. The new framework puts forward 17 goals and 169 targets to guide governments, the donor community, civil society and the private sector in an ambitious joint effort to end the indignity of poverty and achieve sustainable development within a decade and a half. Just 15 years after the Millennium Declaration of September 2000, the world has a new agenda 'of unprecedented scope and significance', 'accepted by all countries and applicable to all',<sup>5</sup> for humanity and the planet.

Viet Nam has made remarkable progress toward achieving the MDGs and has been successful in meeting several goals – including MDG 1 on eradication of extreme hunger and poverty – ahead of the 2015 deadline.<sup>6</sup> In light of the country's rapid pace of socio-economic transformation, achieving the Agenda 2030 vision will require a broad, yet deliberate, shift to address rising disparities in public service delivery, marked changes in social and cultural norms that sustain inequality, and a data revolution for development.

As a common instrument of the UN system in Viet Nam, this Common Country Assessment (CCA) provides a situational analysis of the country as it prepares to operationalise and implement its commitment to realising the SDGs. The CCA is, therefore, a first attempt at organising the available official knowledge on Viet Nam's development progress as well as the remaining challenges, embracing the new conceptual framework of the SDGs.

This CCA is also the initial step in the planning process for the next UN Strategic Plan 2017-21. As the current One Plan nears its end, the UN Country Team (UNCT) has initiated the planning process for the 2017-2021 period, following the guidance of the United Nations Development Group (UNDG) and the in-country experience gained during the development of the Strategic Plan 2012-16. This process will mark the first time that UN agencies embrace the SDGs in planning their support, "as one", to the Government of Viet Nam.

The production of this CCA is timely, as it has been drafted as Viet Nam adopts a new Socioeconomic Development Plan (SEDP) for the coming five-year planning cycle, starting in 2016 (Viet Nam's planning framework is presented in detail in Chapter II). While independent from Government processes, this exercise is cognisant of the current direction of the Government's policies and identifies the Government as the primary external stakeholder for UN programming.

Based on a twin focus on rights and equity operationalised in an original methodology, with due emphasis on the remaining capacity gaps of key stakeholders, the systematic desk review conducted for this CCA provides a picture of Viet Nam's development trajectory. It identifies current development challenges and key bottlenecks against internationally agreed

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<sup>5</sup>United Nations General Assembly, *Draft outcome document of the United Nations summit for the adoption of the post - 2015 development agenda*, A/69/L.85, 'Transforming our World: the 2030 Agenda for Sustainable Development', 12 August 2015, 7.

<sup>6</sup> Socialist Republic of Vietnam, *Country Report: 15 Years Achieving the Viet Nam Millennium Development Goals, September 2015*; UN Viet Nam, *Delivering as One Annual Results Report 2014*, Ha Noi, August 2015.

development goals and the country's commitments under existing treaties. While acknowledging Viet Nam's significant progress, the CCA focuses on the challenges and opportunities that are specific to SDG implementation, in light of the commitment to leave 'no one behind' as the country works to accelerate progress toward sustainable development and leverages its recent graduation to the Lower Middle Income Country (LMIC) category.<sup>7</sup>

## ASSESSMENT METHODOLOGY

This CCA is the result of the joint and coordinated efforts of a team of External Consultants and the UN CCA Task Force for Viet Nam, under the general guidance of the UNCT. As the CCA is essentially a situation analysis, the primary methodology was desk review of materials in the public domain; unvalidated statements of opinion have deliberately not been sought, and unpublished or "grey" literature was not used. Thus, the CCA preparation was based primarily upon a systematic desk review of official documentation. The desk review was supplemented by a series of consultations with key stakeholders within and – to a limited extent – outside the UN system in Viet Nam. As such, the CCA is a desk review that has benefited from the clarifications and validation provided by the consultations.

## CONSULTATIONS

A first round of consultations focused on refining the methodology used for the CCA, based on a preliminary desk review conducted by the External Consultants on official documents and data provided by the CCA Task Force.<sup>8</sup>

Subsequently, following a more intensive desk review of the literature, a two-day consultation event was organised, during which input from more than 50 UN experts was sought in a workshop format. Several additional consultations were held with key experts from UN agencies on specific themes. These consultations were key to confirming and further substantiating the team's preliminary findings.

## DESK REVIEW METHODOLOGY

Compared to past iterations within and beyond Viet Nam, this CCA presents a particularly innovative methodology. In undertaking this methodology, the team embraced the imperative to apply a rights-based approach to all of the UN's development work, placing 'human rights up front'<sup>9</sup> as well as highlighting a clear concern for issues related to equity, equality, inclusion and vulnerability. Accordingly, the team adopted a hybrid approach to implementing this methodology, with a view to ensuring the greatest level of attention be devoted to issues affecting both equity and human rights across Viet Nam, per each SDG. The analysis relied

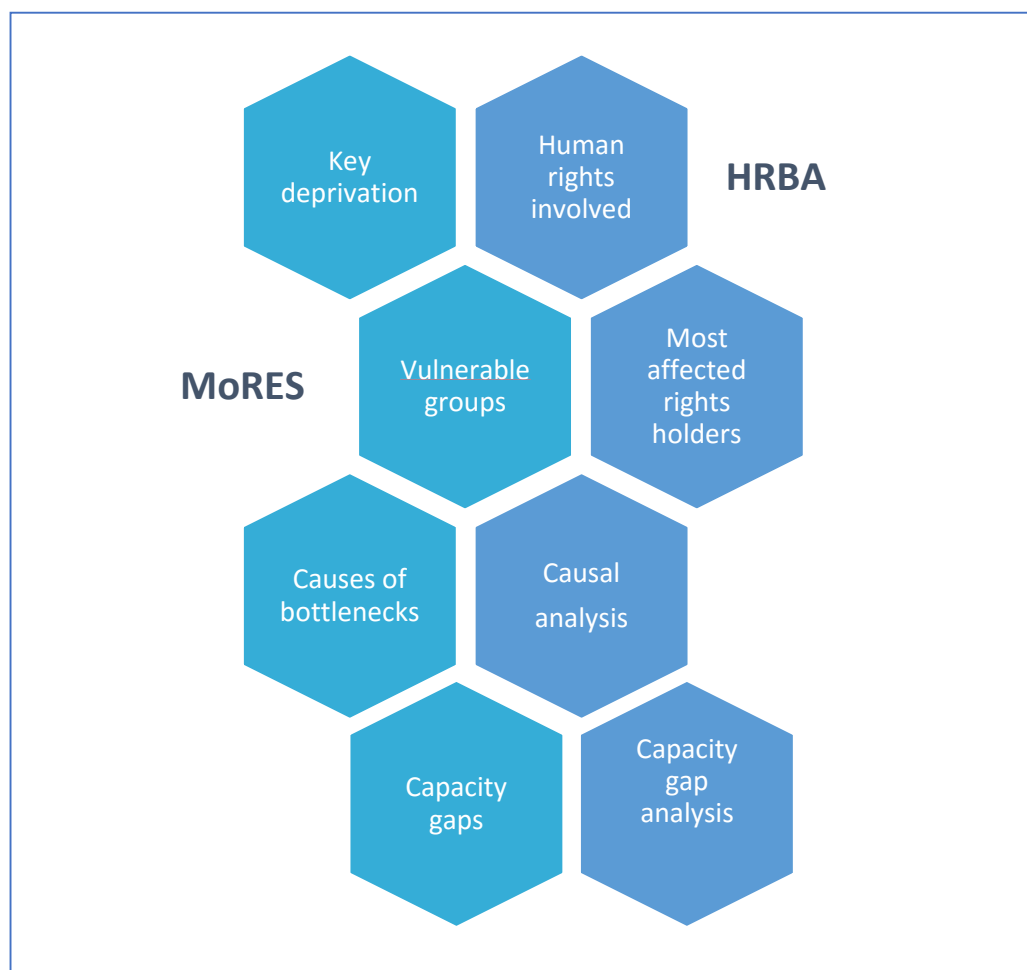
<sup>7</sup> UN Viet Nam, *Delivering as One Annual Results Report 2014*, Ha Noi, August 2015.

<sup>8</sup> A full list of documents consulted, including studies, evaluations and National Plans and policies of the Government of Viet Nam is available in Annex B.

<sup>9</sup> Secretary-General Ban Ki-moon, 'Renewing our commitment to the peoples and purposes of the United Nations', speech at UN Headquarters, 22 November 2013.

on an analytical tool that combines a Human Rights Based Approach (HRBA) with the MoRES/determinant analysis model,<sup>10</sup> with due attention to gaps and barriers to realising rights and promoting more inclusive and sustainable development. The conceptual combination of the two approaches, which translates into an evidence- and rights/equity-based approach (REBA), is presented graphically below.

**Figure 1 - The Rights/Equity-based approach (REBA)**



*Source: original graph by Tsamota CCA consulting team, 2015*

REBA starts by identifying challenges. This CCA looks at development challenges as manifestations of rights deprivations emerging from unmet demands of the people, with particular attention to those who are most affected or vulnerable groups. It is the obligation of the State as duty bearer to respond to such unmet needs under international human rights normative frameworks. To answer the question of “why” not all people are able to enjoy specific rights, REBA delves into an analysis of the ten inter-related determinants of the MoRES approach which, taken together, represent the ‘conditions’ needed to achieve results for the most affected and most vulnerable groups. The strategic advantage of this approach is that it allows for the identification, through an evidence-based approach, of shortcomings and deficiencies that are common across all sectors (*system-wide bottlenecks*), and whose

<sup>10</sup> UNICEF, *The Determinant Analysis for Equity Programming*, August 2014.

resolution would strategically benefit a number of SDGs and their respective challenges (thus serving as potential “game changers”). At the same time, it allows for analysis of the capacity gaps of both rights holders and duty bearers.

In sum, with significant flexibility of movement between the level of both goals and targets within the SDG framework, the REBA desk review tool employed for this CCA allowed for the systematic identification of challenges and bottlenecks as well as the specific causes of bottlenecks under each SDG. In practice, the tool prompts an analysis of the following dimensions, identified for each challenge under a specific SDG:

- a) Key rights-based deprivations and patterns of discrimination or exclusion;
- b) Groups (rights holders) and areas characterised by persistent deprivation, while also examining the issues faced by wider Vietnamese society and their associated priorities;
- c) System-wide bottlenecks that impede the achievement of desired outcomes and the analysis of their main causes (using the ten dimensions proposed by the determinant framework), with an emphasis on both demand and supply-side factors, i.e., shortcomings of dutybearers and ability of rights holders to claim their rights;
- d) Opportunities for high-impact interventions to prevent or mitigate these deprivations and challenges as well as fill the capacity gaps highlighted for both rights holders and duty bearers.

A detailed description, including an operational explanation, of the rights/equity-based analytical tool is presented in Annex A.

With this clearly defined scope in mind, the CCA identifies the challenges (discussed in Chapter III) and system-wide bottlenecks (discussed in Chapter IV) that are relevant for Viet Nam, in light of the SDGs and of the rapid and broad transformation currently taking place in Viet Nam (discussed in Chapter II).

Overall, what this CCA aims to achieve is an important deepening of the desk-based situational analysis that does not compromise its analytical and thematic width or the need for synthesis in a country-level assessment of rights deprivation and development progress. This exercise was guided by the awareness that CCAs need to engage increasingly deeper and wider to live up to the transformative nature and the comprehensive scope of the 2030 Agenda for Sustainable Development. In this sense, the modular and inductive logic employed by this hybrid methodology aims to make of the CCA a truly foundational step for SDGs-integrated programming in Viet Nam.

This body of evidence and analysis is meant to serve as the ground work to support UN agencies, the Government of Viet Nam, the wider donor community, the private sector and civil society, in their respective responsibilities and capacities, to consider how to implement the SDGs in Viet Nam. To this end, a number of preliminary considerations are presented at the end of the report (Chapter V).

## LIMITATIONS

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The REBA-based methodology, as well as the tool designed for this particular CCA, is not presented here as a universally or easily adapted and adopted approach. Whether at the agency or cross-agency level, the form and content of the methodology can be adapted to the context, particularly for programming and prioritising. In its present formulation, this

methodology is primarily a tool for synthesising the analysis of dozens of different reports and circulars by the Government of Viet Nam, UN agencies and organisations, and bilateral and multilateral agencies (i.e., the World Bank). Based on this documentation, the CCA's specific analytical purpose is to provide a strategic country-wide situational analysis. In doing so, however, this CCA showcases the scope of the determinant analysis within the human rights framework (the REBA), particularly in the context of the SDGs' operationalisation.

Beyond these general caveats, a number of contingent limitations in the application of the tool for the present CCA also apply. Limitations in terms of both time and access to data posed significant challenges to the analysis. A baseline for the SDGs in the context of Viet Nam (as in most Member States) is still not available, and Viet Nam's new SEDP was not yet finalised at the time the CCA was drafted. Consequently, descriptions of national priorities of the Government of Viet Nam are based only on the understanding of the consultant experts, the documents reviewed, and UN consultations. Most importantly, the evidence-based nature of this particular exercise called for the rigorous referencing of all data which, in turn, limited the inclusion of cutting-edge analysis and data not yet published or officially validated, not to mention relevant research in the final stages of completion.

## CHAPTER II. CONTEXT

Viet Nam stretches for over 3,000 kilometres in the shape of an S, with China to the north and Cambodia and Laos to the west. It has a widely diverse population of 90.5 million (Viet Nam has 54 different ethnic groups), out of which a large cohort consists of young people. The country is split between the coastal areas and a mountainous interior, with 63 provinces and the two largest urban centres – Ha Noi, the national capital, and Ho Chi Minh City (HCMC), the largest city - respectively in the north and in the south. Viet Nam is among the fastest developing nations in South East Asia, and after two decades of sustained high growth and development, has achieved the status of an LMIC.<sup>11</sup> This introduction provides an overview of the country in light of its recent development trajectory, its institutional and policy structure, and emerging trends in Viet Nam's socio-economic and environmental situation.

### THE GOVERNANCE FRAMEWORK OF VIET NAM

The Socialist Republic of Viet Nam is led by the Communist Party of Viet Nam (CPV), otherwise referred to as 'the Party'. The executive branch consists of a Prime Minister, who is head of government, and a President elected by the National Assembly (NA) as head of state. The President nominates the Prime Minister for approval by the NA. The Constitution and legislation provide for popular elections for members of the NA and the People's Councils. The country's governance structure includes four layers of political and administrative institutions: central, provincial, district and commune.

A National Congress of the CPV's 1,100 delegates is organised every five years (the Twelfth Party Congress was in early 2016). During this event, the Party appraises the implementation of CPV resolutions, elects the Party's Central Committee (with 175 full and 25 alternate members elected at the Eleventh Party Congress), and amends the CPV's Political Programmes. The Central Committee elects the Political Bureau (with 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 leadership over the CPV's daily affairs, monitors resolutions and centrally coordinates the Party's activities. The General Secretary of the Central Committee acts as the CPV's leader and is one of Viet Nam's top decision makers, sharing the highest ranks of the Party with Viet Nam's President and Prime Minister.

As Viet Nam's legislative body, the currently 500-member National Assembly (NA) is the highest organ of the State. It has a strong constitutional mandate to determine national policy, and has demonstrated a rising initiative and capacity to frame the debates on national issues. In recent years, the NA has become increasingly active and influential in setting national priorities. Its members -most of whom are also Party members -are increasingly open to criticising the Government and exercising their oversight mandate over the executive branch.

The Government is accountable to the NA and reports to it periodically. It is composed of the Prime Minister, Vice Prime Ministers, Ministers and other members.<sup>12</sup> With the exception of

<sup>11</sup>Viet Nam gained a LMIC status in 2009, with a CNI per capita of USD 1,120, which rose to USD 1,890 in 2014. World Bank data, available at: <http://databank.worldbank.org/data/reports.aspx?source=2&country=VNM&series=&period=Last> Accessed 26.10.2015

<sup>12</sup> Constitution of the Socialist Republic of Vietnam, 2013, art. 94.

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.

The four pivotal organs of the State (the NA, the Government, the judiciary, and the Fatherland Front) operate as individually managed institutions that are interlocked.<sup>13</sup> Courts are established in every district and at provincial levels under the ultimate authority of the Supreme People's Court (SPC), an agency officially regarded as equal to and independent from the Government.<sup>14</sup> The Constitution vests authority in the Supreme People's Procuracy to supervise judicial activities.<sup>15</sup>

Judges are appointed by a national judicial selection council for initial five-year terms with re-appointments for ten years. The judiciary has six specialised subject matter jurisdictions: the Criminal division, the Civil division, the Administrative division, the Economic division, the Labour division, and the newly created Family and Juvenile division. The new Constitution underscores judicial independence, the adversarial principles of justice, and the role of the courts in guaranteeing human rights. Nevertheless, these amendments require enabling legislation to be effective in practice.

Viet Nam has a long history of local government that dates back to the feudal times,<sup>16</sup> and various reforms have taken place even since the foundation of the Democratic Republic of Viet Nam in 1945. Each level of the local government in Viet Nam (province, district, commune) is composed of a representative organ (People's Council) and an executive organ (People's Committee), the latter of which is responsible for forwarding budget requests to higher levels, reviewing and approving local socio-economic development plans and executing the budget.<sup>17</sup>

The local authorities play a crucial role in providing key public services in the realms of education, health and sanitation as well as solid waste management. With a relatively large share of public expenditure concentrated at the local level, Viet Nam may be seen as a highly decentralised country. In a recent study, the World Bank confirmed that fiscal decentralisation in Viet Nam has had pro-poor effects, with the redistribution of revenues towards poorer provinces,<sup>18</sup> although this has not always translated into better service delivery.<sup>19</sup>

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<sup>13</sup>For a detailed analysis of the constitutional principles of parliamentary supremacy, peoples' sovereignty and Party leadership, see the Constitution of the Socialist Republic of Viet Nam, 2013; Law on Organization of the Supreme People's Court; To, V.H., *Judicial Independence: A Legal Research on Its Theoretical Aspects, Practices from Germany, the United States of America, France, Vietnam, and Recommendations for Vietnam*, PhD Thesis, Lund University, 2006, 366–70.

<sup>14</sup>Constitution of the Socialist Republic of Viet Nam, 2013; Law on Organization of the Supreme People's Court, 2015.

<sup>15</sup> Constitution of the Socialist Republic of Vietnam, 2013, art. 107.

<sup>16</sup> United Cities and Local Governments (UCLG), Nguyen Ngoc Hien, *Country Profile: Socialist Republic of Vietnam*, 2008, 1. Using data from the Northern and Southern Vietnam, Dell, Lane, & Querubin have demonstrated that the legacy of the local government tradition in the different areas of the country has an impact today in the participation pattern and in economic performance. In fact: citizens from Northern villages, exposed to the Chinese bureaucratic traditions, have been "better able to organize for public goods and redistribution through stronger local governments and civil society", if compared with those in the South. However, stronger state institutions at local level were also better able to protect local property rights and local interests, discouraging foreign investors. Dell, M., Lane, N. & P. Querubin, 'State Capacity, Local Governance, and Economic Development in Vietnam', Working Paper, March 2015, 1.

<sup>17</sup>Institute of Social Studies (ISS), De Wit, J., *Decentralisation, Local Governance and Community Participation in Vietnam*, The Hague, 2007, 5; UNPAN, DPADM & DESA, *The Socialist Republic of Vietnam: Public Administration Country Profile*, February 2004.

<sup>18</sup>World Bank, Allan, B. & Rab, H., *Vietnam Fiscal Transparency Review: Analysis and Stakeholder feedback on State Budget Information in the Public Domain*, Washington DC, 2014.

<sup>19</sup> OECD, *Structural Policy Country Notes - Viet Nam*, 2013; Harvard Kennedy School, Vu Thanh Tu Anh, *Restructuring of SOEs in Vietnam*, Ha Noi, 2012.



State-owned media as well as mass political organisations, such as the Viet Nam Fatherland Front and its member organisations, play important roles in public communication, with a strong focus on the protection and promotion of the culture, traditions and cultural identity of the Vietnamese people.<sup>20</sup>

A strong vertical hierarchy is maintained between the higher and lower levels of government; while the power remains at the central government level, functions and tasks are delegated to the lower level (deconcentration or administrative decentralisation). This system has created many overlaps in responsibilities and coordination issues between government levels, especially at district and commune levels. The local authorities play an important role within the annual planning process, with the socio-economic development plan first approved by the lower administrative level (e.g., the commune) and forwarded for approval to the higher levels. More recently, the central government has tried to enhance the devolution (political decentralisation) by supporting grassroots participation in the preparation of the socio-economic development plans at the commune level (Commune Development Planning, CDP).<sup>21</sup> The legislative framework has been strengthened through the approval of the Ordinance 34/2007 on 'exercise of democracy in communes, wards and townships'.<sup>22</sup> This particular ordinance established a list of content that must be 'discussed and decided' with the general public, through regular meetings with voters in villages and households.

Efforts to incorporate more grass-roots participation in national decision making continue, including efforts to create transparency and monitoring mechanisms for citizens to oversee implementation of policies and laws at the local level, though much work remains.<sup>23</sup> Changes in the political decentralisation are still ongoing, as demonstrated by the recent debate in the NA on revision of the constitutional provision on local governance and the proposal to abolish the elected People's Councils at the district level. Overall, however, central-local power relations remain an important determinant of day-to-day implementation of decentralisation policies.

## VIET NAM'S LEGAL FRAMEWORK

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Since the constitutional amendment of 1992, the country has made substantial efforts to develop its legal framework as well as to strengthen legal and judicial institutions. On 28 November 2013, the NA adopted a further revised Constitution, which reinforces its commitment toward a socialist law-based state, predicated on a unification of powers and strong political leadership under one political party, and toward the institutionalisation of human rights in conformity with the international human rights norms and instruments to which Viet Nam is a party. Many legal normative documents related to the implementation of the

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<sup>20</sup> OHCHR, Report of the Special Rapporteur in the field of cultural rights, Farida Shaheed, Visit to Viet Nam, A/HRC/28/57/Add.1, 28 January 2015.

<sup>21</sup> The first legal base for this participatory planning is the National Decree No.29/1998/ND-CP of May 11, 1998 (Regulation on the exercise of grassroots democracy).

<sup>22</sup> The Ordinance strengthens the obligation for local authorities to *exercise democracy at communal level* (art. 3), with emphasis on a participatory and democratic approach at local level, in order to include the citizens in the decision-making process and strengthen downwards accountability.

<sup>23</sup> UNDP-OXFAM, *Citizen Participation in Local Governance in Viet Nam*, Ha Noi, August 2015.



provisions of the 2013 Constitution are in the pipeline for review and endorsement by the Thirteenth NA (2011-2016).<sup>24</sup>

Viet Nam has made significant progress toward building a more effective and comprehensive legal framework that is adapted to the rapidly changing socio-political situation in an increasingly global context. Importantly, many measures have been introduced to realise civil, economic, social and cultural rights. In 2005, Viet Nam enacted two important strategies setting out the trajectory for the legal system and of the judiciary reform,<sup>25</sup> both of which are designed to bring the country closer to building a 'socialist rule of law' State.<sup>26</sup> Under the two strategies, the legal normative system is being reinforced, State governance is improving, and the court system is being restructured toward more efficiency and fairness. Despite challenges related to slow implementation, these two strategies are at the core of Viet Nam's partnership-building efforts with international development partners.<sup>27</sup>

The judiciary in Viet Nam applies laws, while the NA, the CPV, and the Government are vested with the power to interpret and implement laws.

In terms of international commitments, in some cases Viet Nam has amended existing laws and introduced new ones to align itself with international laws, including those on human rights which are described further under the next heading.<sup>28</sup> However, there are some national laws that still needs to be fully aligned to Viet Nam's obligations under international human rights treaty obligations.<sup>29</sup>

## VIET NAM'S DEVELOPING HUMAN RIGHTS FRAMEWORK

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The human rights agenda in Viet Nam continues to evolve toward a greater openness by the State to engage on specific rights issues and instruments. Viet Nam's accession to international conventions and periodic reporting on the Universal Periodic Review (UPR) and select covenants laid the foundation for subsequent remedial measures in law, policy and practice that can enforce and protect human rights. There are now higher education institutes offering master and doctoral degrees in human rights disciplines, annual bilateral meetings with other Member States to exchange best practices for protecting human rights, and more on-line media outlets that allow citizens to exchange certain politically sensitive opinions.<sup>30</sup>

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<sup>24</sup>Socialist Republic of Viet Nam, National Assembly's Resolution 07/2011/QH13 on Law Making Agenda 2012 and adjustment of the Law Making Agenda 2011, 2011; Socialist Republic of Viet Nam, National Assembly's Resolution 45/2013/QH13 on Adjustment of Law Making Agenda 2013 and the Law Making Agenda 2014, 2013; Socialist Republic of Viet Nam, National Assembly's Resolution 89/2015/QH13 on Adjustment of Law Making Agenda 2015 and the Law Making Agenda 2016, 2015.

<sup>25</sup>Socialist Republic of Viet Nam, Resolution 48-NQ/TW of the Central Committee of Communist Party approving Strategy for building and improving legal system of Viet Nam up to 2010 and vision toward 2020, 24 May 2005; Central Committee, Politburo of the Communist Party of Viet Nam, Resolution No. 49-NQ/TW on the Judicial Reform Strategy to 2020, 2 June 2005.

<sup>26</sup>The 'socialist rule of law' reference is used in the Constitution for Viet Nam to distinguish the current governing philosophy from more autocratic forms that allowed for actions by the State to be authorised without the passage of a law. The judiciary in Viet Nam only applies laws, while the National Assembly, the Communist Party of Viet Nam, and the Government are in charge of interpretation of law.

<sup>27</sup>Socialist Republic of Viet Nam, Resolution 48-NQ/TW of the Central Committee of Communist Party approving Strategy for building and improving legal system of Viet Nam up to 2010 and vision toward 2020, 24 May 2005; Central Committee, Politburo of the Communist Party of Viet Nam, Resolution No. 49-NQ/TW on the Judicial Reform Strategy to 2020, 2 June 2005.

<sup>28</sup>Viet Nam is increasingly aligning with international law as exemplified by some of the key newly established or amended laws include the Law on HIV Prevention of 2006, the Law on Gender Equality from 2006, the Law on Prevention and Control of Domestic Violence of 2007, the Law on Elders of 2009, and the Law on People with Disabilities in 2010, Law on Adoption in 2010, Anti-Human Trafficking Law in 2011.

<sup>29</sup>For example, despite accepting UPR recommendations to revise Penal Code provisions that criminalize non-violent speech and conduct (formerly Penal Code Article 258, now Penal Code Article 338), Viet Nam did not make the changes required to bring the law into conformity with ICCPR requirements when amending the Penal Code in 2015.

<sup>30</sup>National Report to Human Rights Council, Working Group on the Universal Periodic Review, 18<sup>th</sup> session, 27 January - 7 February 2014.

Recent amendments to the Penal Code and Criminal Procedure Code have enshrined a large number of due process requirements of the ICCPR and the Convention Against Torture, and amendments to the Law on the Organization of the National Assembly have introduced more democratic governance processes.

Viet Nam has received recognition internationally for its achievement of most of the Millennium Development Goals and, in particular, progress in hunger alleviation and poverty reduction. Viet Nam is also increasingly aligning its domestic laws to international standards in social, cultural and economic arenas, as demonstrated by newly established or amended laws on HIV prevention (2006), gender equality (2006), prevention and control of domestic violence (2007), protection of elders (2009), people with disabilities (2010), adoption (2010), and human trafficking (2011). A draft Law on Access to Information is under consideration in 2016, as well as a law on protection, care and education of children, the right of association, the right of demonstration, and the right to access of information. In addition, a draft population law under review in 2017 contains a new emphasis on population and development, rather than family planning. The 2013-2015 UPR reporting and action planning processes have seen more participation by some CSOs which bodes well for the subsequent implementation of rights commitments by the State in a more open and inclusive setting.<sup>31</sup>

Despite improvements made in the national legal framework regarding human rights, more progress needs to be made on some political, civil, cultural and religious rights – remains inconsistent as well as in efforts to ensure that rights contained in new or amended laws are respected and enforced at the local level.<sup>32</sup> Civil society, media, and other stakeholders can be better empowered to serve in a monitoring role to report on non-compliance with human rights laws and treaties. Specific training for police officers and other state agents is needed to ensure that they are aware of rights protected under revised or new legal frameworks and of the consequences for failing to respect and protect them.

Since the country's entry into membership on the UN Human Rights Council (HRC) for the term 2014-2016,<sup>33</sup> Viet Nam's NA has been increasingly engaged in following up on human rights-related recommendations with the Government, with support from the UN.<sup>34</sup> The 2013 Constitution indicates enhanced commitment to respect, protect and fulfil civil, political, economic, social and cultural rights; in particular, Chapter II of the 2013 Constitution is entirely dedicated to human rights and citizens' rights and duties.

With the recent ratification of the Convention on Rights of Persons with Disabilities (CRPD) and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) in February 2015, Viet Nam is now a State party to seven of nine major international treaties on human rights.<sup>35</sup> Viet Nam has also ratified 21 of 84 ILO Conventions. Following the increasing incidence of transnational crime, Viet Nam acceded to the International Convention on Transnational Organized Crime (UNTOC) and its supplementing

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<sup>31</sup>OHCHR UPR database on recommendations for Viet Nam, available at: [http://www.upr-info.org/database/?gclid=Cj49dC\\_jcACFZcRvQodsXEAzw](http://www.upr-info.org/database/?gclid=Cj49dC_jcACFZcRvQodsXEAzw) Last Accessed 04 11 2015.

<sup>32</sup>UPR database on recommendations for Viet Nam, available at: [http://www.upr-info.org/database/?gclid=Cj49dC\\_jcACFZcRvQodsXEAzw](http://www.upr-info.org/database/?gclid=Cj49dC_jcACFZcRvQodsXEAzw) Last Accessed 04 11 2015.

<sup>33</sup>Viet Nam membership of the HRC expires in 2016.

<sup>34</sup>In 2014, for example, the UN helped the Committee for Foreign Affairs to conduct a landmark legal review of the new provisions in the 2013 Constitution, as well as the international conventions on human rights to which Viet Nam is a party. This has provided NA members with the first-ever comprehensive picture of the international conventions that Viet Nam has signed, those it has ratified, and the gaps that need to be filled for Viet Nam's laws to meet international human rights standards.

<sup>35</sup>OHCHR Ratification status for Viet Nam available at: [http://tbinternet.ohchr.org/\\_layouts/TreatyBodyExternal/Treaty.aspx?CountryID=192&Lang=EN](http://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/Treaty.aspx?CountryID=192&Lang=EN)

Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children in 2012.<sup>36</sup> Viet Nam has also issued a Prime Minister-level Decision<sup>37</sup> to address the concluding remarks emanating from the combined third and fourth reports to the UN Child Rights Committee (in relation to the Convention on the Rights of the Child).<sup>38</sup>

To be directly enforceable, human rights treaties and their provisions need to be incorporated into national legislation. While recognising that the legislative reforms underway in this sense represent a lengthy and ongoing process, Treaty Bodies have expressed concern over unaddressed gaps in recent law amendments. Chapter III will examine the alignment of national legislations with international standards on human rights under each SDG. The implications of the delayed, limited or missing implementation of international human rights law on the country's development will be discussed further in Chapters IV and V.

### Focus on Human Rights reporting cycles

In the first UPR cycle in 2009, Viet Nam accepted 96 of 142 recommendations presented by Member States. During the second UPR cycle in 2014, Viet Nam accepted 182 of the 227 recommendations, with noted commitments to reduce the use of the death penalty and to improve substantive and procedural due process in criminal cases. A number of recommendations regarding freedom of expression were also accepted. Recommendations that were not accepted also included those that called for ratifying the Optional Protocols of human rights treaties, establishing a national human rights institution in accordance with the Paris Principles, and ending the death penalty and arbitrary detention.<sup>39</sup> To implement the accepted recommendations, the Ministry of Foreign Affairs (MOFA) has developed a national action plan, which has been endorsed by the Prime Minister.

Viet Nam's combined second to fourth periodic report to the Committee on Economic, Social and Cultural Rights (CESCR) were examined in 2014 and, in 2015, its combined seventh and eighth reports to the Committee on the Elimination of Discrimination against Women (CEDAW) were reviewed.<sup>40</sup>

A change in the political environment is evident in the new pace of Special Rapporteur visits related to special human rights procedures. The last visit of a Special Rapporteur took place in July 2014 (on freedom of religion and belief), with five other visits since 2010: the Independent Expert on minority issues (July 2010), the Independent Expert on extreme

<sup>36</sup> MOFA, *Report on Summary of Implementation of the Law on Conclusion, Accession to and Implementation of Treaties*, Ha Noi, 2015.

<sup>37</sup> Socialist Republic of Viet Nam, Decision No. 535 of the Prime Minister on actions related to the concluding observations of the UN Committee on the Rights of the Child, 14 April 2014.

<sup>38</sup> This decision calls upon 'Ministries, ministerial equivalent bodies and Government bodies, Chairpersons of People's Committees of provinces and cities under Central authority' to focus efforts on the implementation of key recommendations relating to various gaps including, inter alia, independent child rights monitoring, community-based child care solutions, ethnic minorities, prevention of stigma and discrimination against children with disabilities and allocation of increasing state resources for the implementation of child related laws and policies.

<sup>39</sup> OHCHR, *Report of the Working Group on the Universal Periodic Review, A/HRC/26/6*, April 2014. These consist of recommendations 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 on freedom of expression; 13 recommendations on freedom of religion or belief, association and peaceful assembly and rights to participate in public and political life; 26 recommendations are on the right to life, in particular on issues concerning the capital punishment 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 gender-based violence; 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.

<sup>40</sup> OHCHR Reporting status for Viet Nam (including official reporting documents), available at: [http://tbinternet.ohchr.org/\\_layouts/TreatyBodyExternal/Countries.aspx?CountryCode=VNM&Lang=EN](http://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/Countries.aspx?CountryCode=VNM&Lang=EN)

poverty and human rights (August 2010), the Independent Expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights (March 2011), the Special Rapporteur on the right to health (December 2011) and the Independent Expert in the field of cultural rights (November 2013). Viet Nam also extended invitations to some other international experts.<sup>41</sup> Although these visits reflect progress, challenges do remain as reported by the Special Rapporteur on freedom of religion and belief on his July 2014 visit.<sup>42</sup>

## GUARANTEE OF EQUALITY AND NON-DISCRIMINATION

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Although some discriminatory aspects remain, Viet Nam's legislative framework provides grounds for equal treatment and protection from discrimination for women and some other specific groups. More specifically, Article 5 of the 2013 Constitution stipulates that all ethnicities are equal, prohibiting all acts of discrimination against, or division of, particular ethnic groups. Despite the constitutional prohibition of discrimination on the basis of gender and ethnicity, the Committee on Economic, Social and Cultural Rights (CESCR) is concerned by the absence of an effective legislative framework for enforcing the non-discrimination provisions of the Constitution as well as international human rights laws, which Viet Nam has ratified and recommended that Viet Nam "adopt a comprehensive anti-discrimination law defining, prohibiting and sanctioning discrimination on all grounds. The said law should cover not only direct but also indirect discrimination and provide for the implementation of temporary special measures and remedies for victims".<sup>43</sup> Nine UPR recommendations specifically referred to non-discrimination, including in regard to women, girls, children, people with disabilities, ethnic minorities and sexual orientation and gender identity, and all 9 were accepted by Viet Nam, including the recommendation to remedy the lack of a legislative framework designed to guarantee non-discrimination'.<sup>44</sup>

Recommendations from the UPR included to 'Adjust the regulatory and legal framework to comply with international human rights standards in order to guarantee freedom of religion' and 'Reduce administrative obstacles and registration requirements applicable to peaceful religious activities by registered and non-registered religious groups in order to guarantee freedom of religion or belief', and were accepted by the Government of Viet Nam.<sup>45</sup> The Law on Religions and Beliefs has been scheduled for review by the National Assembly.

The 2013 Constitution stipulates that male and female citizens are equal in all fields, and the State is required to adopt policies to guarantee equal rights and opportunities and prohibit gender discrimination.<sup>46</sup> The Law on Gender Equality (GEL), adopted in 2006, also prohibits gender discrimination and further elaborates on equalities guaranteed in different aspects of life. The right to seek redress in cases of gender-based discrimination is referred to specifically in Articles 37 and 38 of the GEL, complemented by the 2009 Decree on Sanctioning of Administrative Violations of Gender Equality, which sets out the penalties that may be applied

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<sup>41</sup> Ibid.

<sup>42</sup> Special Rapporteur on freedom of religion or belief, Heiner Bielefeldt, Mission to Viet Nam (21 to 31 July 2014), A/HRC/28/66/Add.2, 2014.

<sup>43</sup> CESCR, Concluding observations on the second to fourth periodic reports of Viet Nam, E/C.12/VNM/CO/2-4, 2014.

<sup>44</sup> OHCHR, *Report of the Working Group on the Universal Periodic Review*, A/HRC/26/6, April 2014.

<sup>45</sup> OHCHR, *Report of the Working Group on the Universal Periodic Review*, A/HRC/26/6, April 2014.

<sup>46</sup> Constitution of the Socialist Republic of Vietnam, 2013, art. 26 Clauses 1 and 3.

in case of such violation.<sup>47</sup> However, the capacity of the State to impose sanctions and enforce these provisions remains largely limited by the lack of law enforcement officers, prosecutors and judges and legal aid workers trained in gender-based discrimination, in addition to the low demand for assistance due, in part, to a lack of awareness among women regarding existing remedial options.<sup>48</sup>

The Department of Gender Equality, under the Ministry of Labour, Invalids and Social Affairs (MOLISA), was established in 2008 to manage the implementation of the GEL. It has led the development of the National Strategy for Gender Equality 2011-2020 and the accompanying five-year programmes. While the most recent CEDAW review highlighted a crucial gap in the implementation of laws and policies that promote gender equality, the National Action Programme on Gender Equality for the 2011-2015 period was scaled down to the National Action Plan on Gender Equality 2016-2020.<sup>49</sup> A core part of the budget for the National Action Plan will be allocated through the Targeted Programme on Assisting the Development of Social Protection System 2016-2020.

The legislative framework to promote gender equality continue to be improved. Nevertheless, some provisions in laws such as the unequal retirement age for women and men under the Labour Code continues to exist. Women are also prohibited from pursuing certain types of jobs under the Labour Code while the legislation was aimed at protecting women. In addition, the minimum age for marriage under the Marriage and Family Law remains 18 for women but 20 for men.

Progressive steps were taken to uphold the rights of lesbian, gay, bisexual, transgender and intersex (LGBTI) people, particularly under the Marriage and Family Law and the Civil Code. However, same-sex couples are not yet entitled for marriage and there is no law to protect rights of people of sexual orientation or gender identity.<sup>50</sup>

The new law replaced the ban on marriage between two people of the same sex with a non-recognition clause, which, in practice, allows two people of the same sex to celebrate their wedding without any legal implications.<sup>51</sup> Under the revised Civil Code in 2015, transgender people who have undergone sex reassignment therapy can obtain new ID card and legal documents reflecting their gender identity. Currently, there is no protection of intersex children against involuntary medical and surgical interventions, including sterilisation, to change their sex.<sup>52</sup> One of the accepted UPR recommendations encourages the Government to establish an anti-discrimination law guaranteeing the equality of all citizens regardless of their sexual orientation and gender identity.

## ENVIRONMENT FOR CIVIL SOCIETY PARTICIPATION

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The 2007 Grassroots Democracy Ordinance (GRDO) sets out a framework for widening civic participation in local governance, which has been implemented to some extent. Its motto, *'people know, people discuss, people do, people verify'*, expresses the belief that citizens can

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<sup>47</sup>Socialist Republic of Viet Nam, National Decree No. 55/2009/ND-CP of 10 June 2009 on sanctioning of administrative violations of gender equality.

<sup>48</sup>UNODC/UN Women, *Assessment of the situation of women in the criminal justice system in Viet Nam*, 2013

<sup>49</sup> Socialist Republic of Viet Nam, Decision No. 1696/QĐ-TTg of the Vice Prime Minister dated 2 October 2015, approves the National Action Plan on Gender Equality 2016-2020 was signed by the Vice Prime Minister on 2 October 2015.

<sup>50</sup>Law on Family and Marriage amended in 2014, effective from 1 January 2015.

<sup>51</sup>Law on Family and Marriage amended in 2014, effective from 1 January 2015.

<sup>52</sup> Socialist Republic of Viet Nam, National Decree No. 88/2008/ND-CP of 5 August 2008 on sex reassignment.



play a critical role in improving public and private sector policies. Most recently, the Government has created various platforms to engage civil society actors in discussions on Viet Nam's compliance with international and national commitments as part of treaty review mechanisms. Despite these new spaces for dialogue, Viet Nam has yet to set a clear legal framework or officially define 'civil society' or 'Civil Society Organisations' (CSOs).

In recent years, in spite of political and regulatory constraints, Viet Nam has witnessed the emergence of new forms of civic engagement akin to 'civil society'. Both organised and informal expressions of civil society are increasingly active.<sup>53</sup> In effect, the spaces are opened up by civil society action in which non-State actors take advantage of opportunities for agency and policy entrepreneurship within or on the edges of the system's limits. In this context, donors and international NGOs have played an important role in supporting civil society's engagement with national and local government.<sup>54</sup> A draft Law on Associations is currently being debated by the NA: a report to the NA on the draft law notes that the right to establish associations is one of the fundamental rights of citizens provided by the Constitution.<sup>55</sup>

In the 2014 UPR, the international community acknowledged a number of positive steps made by Viet Nam, with regard to its acceptance of recommendations related to granting legal status to more NGOs and civil society groups.<sup>56</sup> Public consultations and participation in law making have improved, as evident in the recent process of amending the Land Law and the Constitution.<sup>57</sup>

Despite progress, the urgent need to expand grassroots participation in governance remains, including for vulnerable and marginalised groups such as women, children, ethnic, gender and sexual minorities, and migrants through enabling laws for NGO registration and operation.<sup>58</sup>

## VIET NAM'S PLANNING FRAMEWORK

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Viet Nam has several crucial planning instruments used to define and direct the country's development. Prominent among these is the Socio-Economic Development Strategy (SEDS) 2011-2020, a critical policy document that looks at structural reforms, environmental sustainability, social equity, and emerging issues of macroeconomic stability. In particular, the current SEDS identifies three 'breakthrough areas': (i) promoting human resources/skills development (particularly skills for modern industry and innovation), (ii) improving market institutions, and (iii) infrastructure development.

The actions needed to translate the SEDS into a reality are articulated in the constitutionally mandated SEDP 2011-2015 and five-year sectoral strategies. Together, these strategies set as objectives high quality and sustainable economic growth, improved living standards of ethnic minority populations, strengthened environmental protection, and mitigation and prevention of the adverse impacts of climate change. In addition to the three SEDS

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<sup>53</sup> Andrew Wells-Dang, *Civil Society Networks in China and Vietnam: Informal Pathbreakers in Health and the Environment*, Basingstoke: Palgrave Macmillan, 2014.

<sup>54</sup> UN Viet Nam, Gonzales, C., *Participatory Monitoring for Accountability in Viet Nam: Dialogue on 'Means of Implementation' for the Post-2015 Framework*, Ha Noi, July 2014.

<sup>55</sup> <http://vietnamnews.vn/politics-laws/276236/na-debates-new-law-on-civil-associations.html> Last Accessed 23.10.2015

<sup>56</sup> <http://www.vn.undp.org/content/vietnam/en/home/presscenter/pressreleases/2015/08/05/viet-nam-hosts-key-consultation-on-human-rights-action-plan.html> Last Accessed 17.10.2015.

<sup>57</sup> UNDP & Viet Nam Lawyers' Association, *Consultation with Social Organizations on Amendments of the 1992 Constitution, October 2012 – March 2013*, 2013.

<sup>58</sup> In July 2015, MOHA published a draft law on association for public consultation.

breakthrough areas, the SEDP 2011-2015 identified three critical areas – the banking sector, state-owned enterprises (SOEs) and public investment – that needed structural remodelling to enable national development objectives.<sup>59</sup>

The Government has taken steps to improve public investment management and increase community participation in public investment planning processes. A new law on Public Investment Planning was approved by the NA in 2014<sup>60</sup> and has been in force since January 2015. The new law provides for a shift to mid-term investment plans that must be approved by the NA as well as an increased role for local communities in all aspects of public investment planning, including in monitoring the outcomes of public investments. Lastly, the new law facilitates public-private partnerships. The consolidation of legal provisions in this respect has reduced inconsistencies and ambiguities and, ultimately, should strengthen accountability.

## VIET NAM AS A LOWER MIDDLE INCOME COUNTRY: SOCIOECONOMIC CONTEXT

### VIET NAM'S TRANSITION FROM CENTRAL PLANNING TO MARKET ECONOMY

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Following formal reunification in 1976, Viet Nam attempted to establish a centrally planned economy. During the period between 1980 and 1988, the national economy evolved toward a modified planned economy with the introduction of micro-reforms in agriculture and the SOE sector, though with no mention of real reforms to Viet Nam's macroeconomic management. Yet, the 1985 failure of the national price-wage-money reforms led to unprecedented macroeconomic instability, with hyperinflation and decelerated growth, which, in turn, heightened pressures for structural reforms. The Doi Moi (Renovation) Program, approved by the Sixth Congress of the CPV in December 1986, was considered as the turning point in the country's recent economic history, opening the door for limited private business and stressing the importance of expanding opportunities for people and consumer choices as a means to promote economic development and improve people's standards of living.

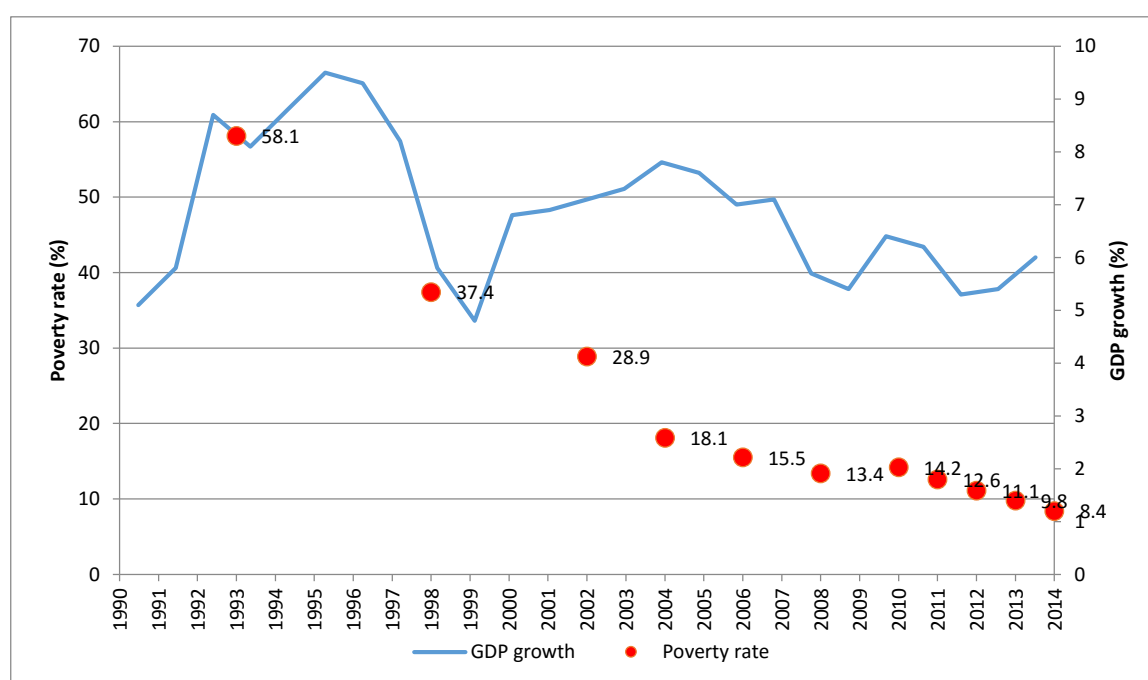
Viet Nam's phased transition to a market economy received a further push with agriculture land reforms in 1988 and market-based reforms during the late 1980s. Sustained reforms, including a gradual lifting of barriers to competitive private business activity, and Viet Nam's progressive integration with the global economy, translated into two decades of significant economic growth, averaging 7.3 percent per annum from 1990 to 2010. Amidst this transition, the structure of the economy shifted gradually from agriculture toward the manufacturing and service sectors, with agriculture accounting for 31.8 percent of the GDP in 1990, falling to 23.2 percent in 2000, and 18.4 percent in 2014. During the same period, domestic industry expanded from 25.2 percent to 35.4 percent in 2000 and to 38.5 percent in 2014.

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<sup>59</sup> According to the World Bank, a recent draft of the SEDP for the coming period 2016-2020 openly acknowledges the slow progress of these priorities as an obstacle to achieving the targets set in the national 10-year strategy, emphasizing the need to accelerate current efforts. The same document also acknowledges the challenges and opportunities associated with further deepening of economic integration regionally and globally, with almost all tariff lines planned to reach zero by 2020 as a means towards proactive integration and improved macroeconomic stability, in the next five-year period. World Bank, *Country Overview: Vietnam*, 2015, available at: <http://www.worldbank.org/en/country/vietnam/overview#1>, Last Accessed 05.10.2015.

<sup>60</sup> [www.fetp.edu.vn/attachment.aspx?ID=36693](http://www.fetp.edu.vn/attachment.aspx?ID=36693) Last Accessed 23.10.2015.

**Figure 2 - GDP growth and poverty reduction during the period 1990-2014 (%)**



Source: Compiled from GSO data<sup>61</sup>

Both regional and global integration have been pivotal elements of Viet Nam's economic reform process. The country has recently negotiated several ambitious Free Trade Agreements (FTAs) such as the Trans-Pacific Partnership (TPP), the EU-Viet Nam FTA,<sup>62</sup> and the Regional Comprehensive Economic Partnership (RCEP). The FTA with the EU and the TPP deal have been agreed pending ratification by parties concerned and the implementation of requisite readiness measures. Viet Nam also has signed an FTA with the Eurasian Economic Union,<sup>63</sup> and continues FTA negotiations with the Eurasian Economic Zone (Russia and several CIS countries) as well as the EFTA (Iceland, Liechtenstein, Norway and Switzerland).<sup>64</sup> The depth and scope of these FTAs have been continuously expanded, from trade in goods and services to trade and investment facilitation as well as intellectual property rights and competition policy. This has run alongside ongoing ASEAN integration (see box below). As with Viet Nam's general economic liberalisation, trade opening has generally taken place in a phased and managed way. However, the impact of trade liberalisation and economic integration on poor and vulnerable groups, remains to be further examined in light of the specific agreements and the trade-offs that each of the instruments will promulgate. A further issue is the importance of building competitiveness and productive capacity alongside trade opening and ensuring that liberalization also allows for this. Early assessments on the effect of FTAs on Viet Nam's economy are promising, while others point out that there will be winners

<sup>61</sup> Compiled using data from GSO, *Statistical Yearbooks* (Statistical Publishing House, various years); and data on GSO website, available at: <http://www.gso.gov.vn/Default.aspx?tabid=7> Last Accessed 17.10.2015.

<sup>62</sup> The EU and Vietnam reached an agreement in principle for a free trade deal on EU-Viet Nam On 4 August 2015. Negotiations for FTA were launched in June 2012 with a view to ensuring an effective environment for trade and investment relations. On 26 March 2015 The European Ombudsman found that 'The Commission wrongly refuses to carry out a human rights impact assessment as part of the preparations for an EU free trade agreement with Vietnam'. Available at: <http://www.ombudsman.europa.eu/en/cases/draftrecommendation.faces/en/59398/html.bookmark> Last Accessed 15.10.2015.

<sup>63</sup> WTO Negotiations Update, 1 June 2015, available at: <http://wtocenter.vn/other-agreement/vietnam-eurasia-economic-union-sign-free-trade-agreement>. Last Accessed 04 11 2015

<sup>64</sup> EFTA October 2015. <http://www.efta.int/free-trade/ongoing-negotiations-talks/vietnam>. Last Accessed 04 11 2015



as well as losers of the economic integration, and there is a need to ensure Viet Nam's economy is able to secure the maximum benefits.<sup>65</sup> The benefits and challenges linked to Viet Nam's increasing regional and global integration will be assessed in detail in Chapter III.

### Focus on Trade Agreements

Viet Nam signed a trade agreement with the European Union (EU) in 1992. The country became a member of the Association of South East Asian Nations (ASEAN) and the associated ASEAN Free Trade Area (AFTA) in 1995, before joining the Asia Pacific Economic Cooperation (APEC) forum in 1998. In 2000, Viet Nam and the United States signed a Bilateral Trade Agreement (VN-US BTA), a comprehensive trade agreement exposing Viet Nam to higher volumes of trade and investment liberalization. Viet Nam joined the WTO in 2007. As a member of ASEAN, Viet Nam has entered free trade agreements (FTAs) with ASEAN partners (ASEAN-China FTA, ASEAN-Korea FTA, ASEAN-Australia-New Zealand FTA, ASEAN-Japan Comprehensive Economic Partnership, and ASEAN-India FTA). Efforts have also been extended toward establishing the ASEAN Economic Community by 2015.

## THE ECONOMIC SITUATION AND CHALLENGES AHEAD

While the prospects in 2015 are positive, Viet Nam's economic growth decelerated considerably in the 1998-2000 period, as a result of the Asian financial crisis, and again in 2008 due to the global financial crisis (GFC). Several factors explain the external macroeconomic vulnerability of the country, namely: (i) Viet Nam's economy already relied heavily on exports (equivalent to 150 percent of GDP) and investment growth, rather than productivity growth, to drive economic growth; and, (ii) Viet Nam's accession to the World Trade Organization (WTO) in 2007 contributed to accelerated inflows of Foreign Direct Investments (FDI) and short-term portfolio investments that subsequently slowed following the onset of the GFC. This macroeconomic instability was precipitated by a strong policy push toward economic growth beginning in 2000. This instability was exacerbated by a failure to effectively manage a rapid expansion in domestic credit and rapidly growing current account deficit. Subsequent efforts to tighten credit growth and the fiscal deficit adversely impacted the domestic private sector, but FDI flows and growth remained resilient. Regardless of the abovementioned obstacles, Viet Nam's macroeconomic stability has improved remarkably in recent years, with an increasing policy focus on economic stability following the Eleventh Party Congress in 2011.

Given the prevalence of low value-added production, there is a risk that Viet Nam may fall into what some economists refer to as the 'Middle-Income Trap'. The core issue to evade this trap involves moving from extensive cheap labour- and capital-intensive growth to one based on productivity, innovation, and inclusiveness, which, in turn, would be more environmentally sustainable and generate more jobs.

<sup>65</sup> World Bank, Seshan G., *The Impact of Trade Liberalization on Household Welfare in Vietnam. Policy Research Working Papers*, March 2005; Tien Dung N., *Impacts of East Asian Integration on Vietnam: A CGE Analysis*, August 2011.

## EMPLOYMENT AND LIVELIHOODS

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A substantial and sustained inflow of foreign investment, associated with growth in trade and investment liberalisation, boosted industrial production and fostered exports over the last two decades. With a gradual shift from exports of raw agricultural products (rice, coffee, pepper, seafood) and labour-intensive manufacturing (clothing and footwear) to increasingly diversified and more sophisticated goods (mobile phones and computers), Viet Nam's integration into global production networks has been instrumental in generating jobs and employment for low- and semi-skilled workers.

The remarkable economic achievements of the past two decades have resulted in significant improvements in living standards. Despite being uneven, growth was sufficiently broad-based to rapidly reduce poverty<sup>66</sup> with relatively limited increases in income inequality. High economic growth has allowed an increase in public spending on important public goods such as infrastructure, education, and healthcare. Although Viet Nam has enjoyed a relatively successful transition from central planning, future challenges will be of a different nature. In addition to addressing deprivations and risk, policymakers will need to improve national competitiveness and increase domestic added value as the economy moves up the value chain to higher productivity activities. This transition will require a more skilled work force and, therefore, necessitates further investment in human capital. These issues will be addressed in Chapter III, under the relevant SDGs.

## DEMOGRAPHICS

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Viet Nam is currently experiencing a 'demographic bonus', with twice as many people of working age than dependents, which provides a large supply of labour for economic development. However, the country also experiences population ageing (currently, persons aged 60 and over account for approximately 10 percent of the population) and gender imbalances due to son preference at birth, all of which have serious economic and social consequences for the country. Among the most vulnerable groups are people with disabilities, who are between 7.8 percent of all persons aged five and above, according to the 2009 Census, but up to 15.3 percent according to the WHO's International Classification of Functioning, Disability and Health framework.<sup>67</sup>

Viet Nam is also urbanising rapidly, with the population of all urban areas at 33.12 million in June 2010, accounting for 38.6 percent of the total population, and the inner city population representing 30.5 percent of the national population.<sup>68</sup> Rural workers are moving at increasing rates to cities and industrial centres in search of higher-paid employment beyond the agricultural sector, including goods manufacturing and the service industry.

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<sup>66</sup>Poverty is understood as a multi-dimensional concept 'encompassing not only material deprivation (measured by an appropriate concept of income or consumption) but also low achievements in education and health [...] vulnerability and exposure to risk—and voicelessness and powerlessness'. World Bank, *World Development Report 2000/2001*, Washington DC, 2001, 15.

<sup>67</sup>National Coordinating Council on Disability (NCCD), *2010 Annual Report on Status of People with Disabilities in Viet Nam*, Hanoi, December 2010.

<sup>68</sup>This figure covers only registered migrants, and does not include those migrants working in the informal sector and seasonal migrants. The World Bank estimates a 2 percent increase in Viet Nam's 'urban population' between 2011 and 2014, but the figures are 31 percent and 33 percent, lower than government data, available at: <http://data.worldbank.org/indicator/SP.URB.TOTL.IN.ZS> Last Accessed 25 10 2015; GSO, *Migration and Urbanization in Vietnam: Patterns, Trends and Differentials* Prepared with support from UNFPA based on 2009 Housing and Population Census, 15 percent sample, Hanoi, 2010, 61.

Although not as severe as in some other countries, disparities in economic development, including the quality of basic service delivery, have emerged across several dimensions: regional, rural-urban, ethnicity, skilled and unskilled workers, and gender. More than 20 years after Viet Nam's first attempt to reduce income poverty, ethnic minorities are still lagging behind, with limited convergence, compared with the majority Kinh and the Hoa minority. In addition to the observed income gap, regional disparities have also been increasing. Poorer regions, such as the Northern Uplands, Central Highlands and Central Coastal areas, have insufficient roads, inadequate irrigation systems, and shortage of electricity, as well as endemic low quality education and healthcare. The support from the Government focuses on the income poor minority, but has proved to be insufficient even for these groups.

## MIGRATION

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Migration has steadily gained significance at the national level due to the growing volumes of both internal and international migration and the human rights implications this growth entails. Demand for foreign labour, coupled with income and living standard disparities between Viet Nam and other countries in the region, has stimulated Vietnamese nationals to migrate abroad to gain employment. The outward migration flow from Viet Nam over the past 25 years has involved a diverse spectrum of migrants, both in terms of reasons for migrating and types of profiles, with over 40 country destinations and a half million labour migrants leaving Viet Nam recorded by the government in 2012.<sup>69</sup> The growing rate of international migration has introduced the following new challenges: along with regular channels, Vietnamese rely increasingly on unofficial channels to migrate to other Asian countries and Africa; due to systemic issues, the formal recruitment system fails to adequately protect Vietnamese labour migrants from exploitation and abuse. In addition to these institutional challenges, there is a noted increase in human trafficking and marriage migration, with many destination countries expressing concern that incoming Vietnamese immigrants are forced into migration. In particular, the number of women and children who migrate has increased, often migrating for the sake of marriage, family reunion, to improve their economic wellbeing, or to improve life conditions. These groups are subjected to a disproportionate level of exploitation and abuse, which is further aggravated by the fact that their legal status in the receiving country is often dependent on the employer and the contract they migrated on.<sup>70</sup>

Internal migration has recently become a national phenomenon, with all of Viet Nam's provinces recording the internal movement of individuals to larger urban or industrial centres. Women tend to migrate internally more than men, and female migrants are younger in age compared to their male counterparts. Furthermore, the majority of women migrate for domestic care work or jobs in the manufacturing sector, with low skills and limited knowledge of their rights. Migrant workers in urban centres represent the largest share of the informal employment sector and are typically exposed to difficult and exploitative labour conditions. Women performing domestic work, in particular, are at a high risk of sexual exploitation. The existing household registration system prevents internal migrants from registering in their new or temporary destination, barring their access to important social and medical services. Internal migrants are in fact considered temporary visitors with *de facto* fewer rights and entitlements.<sup>71</sup>

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<sup>69</sup> MOFA, Consular Department, *Review of Vietnamese Migration Abroad*, ADN Company, Ha Noi, 2012.

<sup>70</sup> Ibid.

<sup>71</sup> CESCR, Concluding Observations on the second to fourth periodic reports of Viet Nam, E/C.12/VNM/CO/2-4, December 2014

The 2014 CESCRC concluding observations recommended that Viet Nam immediately lift the requirement of residential registration for accessing social benefits, housing, services, such as water and sanitation, and school registration, and that it modify the current residential registration system to make it fully compatible with human rights standards.<sup>72</sup>

In order to provide greater support to migrants to Viet Nam, the Government has amended laws and introduced safeguards, but the challenges and vulnerabilities emerging in relation to economic migration remain critical, as will be discussed further in Chapter III.

## GENDER INEQUALITY AND GENDER RELATIONS

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Gender equality in Viet Nam has improved over time; the country has been successful in meeting MDG 3 and, specifically, achieving the target of ‘Eliminating gender disparity in primary and secondary education’ (see Chapter III).<sup>73</sup> Representation of women in Viet Nam’s NA in the current term (2011–2016) stands at 24.4 percent – this is above the average rate of 19 percent for Asian countries and the global average of 21 percent.<sup>74</sup> Nevertheless, the overall proportion of women represented in decision-making positions in Viet Nam is still very low.<sup>75</sup> In addition, the preference for sons and male dominance is still a social fact that manifests in both the high prevalence of domestic violence as well as the imbalanced sex-ratio of newborns.<sup>76</sup> Barriers also exist in women’s access to resources and productive assets, and technical and vocational education and training. These obstacles create unfavourable patterns in women’s occupations, quality of working conditions and earnings.

While women’s labour participation is comparatively high, Vietnamese women continue to be unpaid and under-valued in the workforce, and are still considered to be responsible for the productive work for the household. This double burden drives many women to take informal jobs which have flexible hours, such as own-account employment. The Law on Marriage and Family, amended in 2014, calls for equality among family members, yet expects the Government to ‘support mothers to well perform their holistic motherhood functions’,<sup>77</sup> reserving for women the primary responsibility for parenting. Their earlier retirement age also limits the job and promotion opportunities for women. As a result, women’s monthly pensions are lower than men’s pensions.<sup>78</sup>

Gender stereotypes also strongly affect sexual minorities and individuals who do not conform to gender norms.<sup>79</sup> Consultations with the LGBTI community in 2013 revealed the occurrence

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<sup>72</sup>Ibid.

<sup>73</sup> Socialist Republic of Vietnam, *Country Report: 15 Years Achieving the Viet Nam Millennium Development Goals*, September 2015, 55.

<sup>74</sup>The representation rate has decreased over the last 10 years while the trend internationally is an increase in women’s political representation. In 2015, Viet Nam is ranked 53 out of 118 countries. In 1997, Viet Nam was ranked among the top ten countries in the world on the Inter-Parliamentary Union rankings of women in national parliaments. In 2002, Viet Nam was still ranked 18<sup>th</sup> out of 118 countries, by 2012, Viet Nam had dropped to 44<sup>th</sup> and in 2015, Viet Nam is ranked 53<sup>rd</sup>. When compared to other single party political systems, Viet Nam is behind Cuba (48.9 percent) and Lao (25 percent) and ahead of China (23.6 percent) and North Korea (16.3 percent). Current and historical statistics compiled by Inter-Parliamentary Union are available at Women in National Parliaments <http://www.ipu.org/wmn-e/world.htm>; Socialist Republic of Vietnam, *Country Report: 15 Years Achieving the Viet Nam Millennium Development Goals*, September 2015, 59.

<sup>75</sup> MOFA & UNDP, *Policy Brief: Comprehensive Leadership Capacity Building in Viet Nam – An Effective Way to Increase the Representation of Women*, September 2014.

<sup>76</sup> Such issues will be further examined under SDG 5 of Chapter III.

<sup>77</sup> Clause 4 of Article 2, Law on Marriage and Family No. 52/2014/QH13 of 19 June 2014.

<sup>78</sup> World Bank & ILSSA, *Women’s Retirement Age in Vietnam - Gender Equality and Sustainability of the Social Security Fund*, Ha Noi, 2009.

<sup>79</sup> USAID & UNDP, *Being LGBT in Asia: Vietnam Country Report*, 2014.

of so called “corrective rape” as an attempt to change the sexual orientation of bisexual and lesbian women.<sup>80</sup> Lesbian women are also more likely to lose their jobs when found to be in a relationship with a same-sex spouse.<sup>81</sup>

## HEALTH

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Viet Nam has met, and even exceeded, multiple health-related targets in recent years, making significant strides in the provision of healthcare for all. Employing multi-sectoral and crosscutting strategies, the Government has concentrated on leveraging the wellbeing of women and children, particularly for disadvantaged socio-economic groups and regions. A testament to recent healthcare reform is the landmark 2004 Law on Protection, Care and Education as well as the 2009 Health Insurance Law which stipulates free healthcare at public health facilities for children under the age of six, the elderly, the poor, and ethnic minorities.<sup>82</sup> While broad access to healthcare is available, the degree of access is still problematic for families in remote or rural areas, ethnic minorities and other vulnerable groups such as migrant children and women.<sup>83</sup> Equally, the increasing informalisation of healthcare provision and the persistence of transportation costs linked to poor infrastructure in rural and isolated areas, as well as a lack of awareness regarding healthcare standards and services, creates obstacles to vulnerable children’s basic right to health.<sup>84</sup> Under International Covenant on Economic, Social and Cultural Rights (ICESCR) Article 2 (1) Viet Nam has obligations to “take steps” to the maximum of its available resources, with a view to achieving progressively the full realization of Economic Social and Cultural Rights.<sup>85</sup>

Recently, Viet Nam’s health sector has shifted its focus from the centralised State provision of health-related services toward user charges as a form of financing and privatisation of healthcare provision. Otherwise referred to as ‘socialisation reforms’, these changes have major implications for both the equity and efficiency of the sector, informing access, affordability and drug usage. In addition, there is some evidence of over-prescription and consumption. While the poorest and most isolated populations are often covered by healthcare policies, they do not take full advantage of health services due to lack of access or awareness. As a result, the limited proportion of workers within the formal sector currently benefit disproportionately from the financial contributions to social insurance. The significance of these barriers has prompted some commentators to speak of a ‘*missing middle*’ in Vietnamese society, unable to fully access health services.<sup>86</sup> In the 2014 concluding observations, the CESCR noted concern ‘at the health protection divide in the society and at the adverse impact of privatization on the affordability of health care.’<sup>87</sup>

A more detailed analysis of current health trends and the health sector is included in Chapter III.

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<sup>80</sup> Ibid.

<sup>81</sup> Ibid.

<sup>82</sup> Law on Child Protection, Care and Education No. 25/2004/QH11 of 15 June 2004.

<sup>83</sup> Mälqvist M., Phuong Hoa D. T. and Thomsen S., *Causes and determinants of inequity in maternal and child health in Vietnam*. BMC Public Health, 2012, 12:641.

<sup>84</sup> Ibid.

<sup>85</sup> International Covenant on Economic, Social and Cultural Rights  
<http://www.ohchr.org/EN/ProfessionalInterest/Pages/CESCR.aspx>

<sup>86</sup> World Bank, *Moving toward universal coverage of social health insurance in Vietnam: assessment and options*, June 2014, 24.

<sup>87</sup> CESCR, Concluding observations on the second to fourth periodic reports of Viet Nam, E/C.12/VNM/CO/2-4, December 2014.



## SOCIAL PROTECTION REFORM

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Viet Nam's social security or social protection system has developed over a number of decades toward a system that aims to prevent and mitigate poverty and vulnerability at all life stages. As a LMIC country, Viet Nam is facing new challenges, including deceleration of economic growth, macroeconomic instability, emerging new forms of poverty and vulnerabilities, and increased inequality – all of which have a direct impact upon the national policies for social protection.

After the global financial crisis of 2008/9, the Government made a firm commitment to the development of a strong social welfare and social security system as part of both the ten-year SEDS for 2010-2020 and five-year SEDP for 2010-2015. In 2012, for the first time, the Party adopted a particular resolution on some major social policies for the period of 2012-2020,<sup>88</sup> asserting that it would establish a universal social protection system by 2020.<sup>89</sup>

Since adopting this resolution, and despite considerable efforts, Viet Nam's system has been criticised for under-serving and, consequently, giving rise to a '*missing middle*' of workers outside the formal sector. While overall social protection spending approximates over 5 percent of GDP (just below the regional average), State resources for social assistance amount to only 1.7 percent of GDP and regular social assistance for the poor amounts to only 0.3 percent of GDP. The most significant items are subsidies to the Social Insurance Fund and employer social insurance contributions (jointly amounting to 2.3 percent of GDP).<sup>90</sup>

In 2007, the Government introduced a number of limited social assistance benefits targeting vulnerable groups unable to enter the formal labour market—orphans, the elderly, the disabled and persons living with HIV. In a similar vein, the Government has embedded several social protection interventions within different National Target Programmes (NTPs) targeted to specific vulnerable groups, areas and sectors to provide access to basic social services.<sup>91</sup>

The social protection system in Viet Nam has not yet transitioned to meet the standards and demands of a LMIC. Investment in social protection is considered too low to anticipate any significant impact and is seen as 'expenditure', rather than investment in human/social capital development. Standards and review mechanisms for outsourced service delivery still have to be introduced to achieve a successful transition toward a system where care is provided also by third party contractors or community actors.<sup>92</sup>

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<sup>88</sup> Socialist Republic of Viet Nam, Resolution No. 15/NQ-TW of the 11th Party Central Committee on major social policies for the period of 2012 -2020, June 2012.

<sup>89</sup>*Ibid.* The envisaged system aims to provide people with employment and ensuring minimum levels of incomes; enable people to have social insurance; provide support to people in especially difficult circumstances, including those who are unable to earn income due to disability or live below the minimum living standard, or those with extreme disadvantages; ensure the minimum levels to basic social services (health care, education, housing, clean water and information), making contributions to the gradual enhancement of incomes, and ensuring a secure, equal and happy life for the people. To implement the Party's Resolution 15, the Government adopted the Resolution 70 on the Action Plan.

<sup>90</sup> *UN in Viet Nam Delivering as One 2014 Annual Report (2015)* [http://www.un.org.vn/en/publications/doc\\_details/453-delivering-as-one-annual-results-report-2014.html](http://www.un.org.vn/en/publications/doc_details/453-delivering-as-one-annual-results-report-2014.html)

<sup>91</sup> A number of reforms have been undertaken since 2010, including: the Employment Law adopted in 2014; the Social Insurance Law; the Law on Child Protection, Care and Education currently being amended, which will provide a comprehensive legal framework for development of a child protection system; the Master Plan for Social Assistance Reform initiated in 2014 which will provide the medium term strategic direction for social assistance, including social assistance transfers, social care and emergency release; and the MOLISA-led Strengthening Viet Nam Social Assistance Strengthening System Project (SASSP). ILO, Bonnet F., Cichon M., Galian C., Mazelkaite G. & Schmitt V., *Analysis of the Viet Nam National Social Protection Strategy (2011-2020) in the context of Social Protection Floor objectives. Global Campaign on Social Security and Coverage for All*, ESS Paper No.32, Geneva, 2012.

<sup>92</sup> Kidd et al (forthcoming), *Social Assistance in Viet Nam: a review and proposals for reform*, UNDP: Ha Noi

## EDUCATION

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Viet Nam is viewed as an international education sector success story, and Government support for education throughout the country has increased consistently over the past 25 years. The country's impressive progress in the education sector is evident in recent statistics: the net enrolment rate in primary school reached – for the first time – 99 percent; the literacy rate of persons aged 15 and older reached 94.7 percent; and the net enrolment rate at lower secondary education was 87.2 percent in 2012.<sup>93</sup> Viet Nam achieved universal primary education in 2000, and universal lower secondary education in 2010.<sup>94</sup> This progress attests to the Government's solid commitment to reforming and revitalising the national educational system. These efforts have also resulted in significant developments in terms of the quality of learning and teaching as well as improvements in school facilities and the overall learning environment. Meanwhile, the nation's literacy campaign has also been maintained and developed over the years.<sup>95</sup>

In addition to the statistics above, the national budget for education increased 1.5 times between 2008 and 2012, and the Government set itself a goal of bringing this figure to more than 20 percent of the total Government expenditure by 2020.<sup>96</sup> Moreover, Viet Nam has developed a strong legal framework to support inclusive education for all, including for children with disabilities.<sup>97</sup> This inclusive element is demonstrated by government representatives through numerous engagements and expressions of commitment to various conventions, declarations, and frameworks at the global, regional and local levels.<sup>98</sup> However, while the quality of primary education has been high over the years (with heightened enrolment as well as an annual increase in completion rates by 8.7 percentage points from 2003 to 2013) and the quality of education at all levels has improved,<sup>99</sup> disparities in educational attainment persist among several ethnic and socio-economic groups (ethnic minority children, children with disabilities,<sup>100</sup> migrant children, and those in remote and hard to reach areas). The CESCR noted concern “that access to and the quality of education remains limited in remote and mountainous areas and islands where ethnic minorities live, in spite of the notable achievements in education elsewhere in the State party”.<sup>101</sup>

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<sup>93</sup> Socialist Republic of Vietnam, *Country Report: 15 Years Achieving the Viet Nam Millennium Development Goals*, September 2015.

<sup>94</sup> MOET, *Viet Nam National Education for All 2015 Review*, Ha Noi, 2014.

<sup>95</sup> Ibid.

<sup>96</sup> Ibid.

<sup>97</sup> In addition to establishing a national day of people with disability on April 18, which can serve as a venue to increase disability awareness nationally, the Vietnamese government has undertaken a number of initiatives by developing national strategies that have an impact on the lives of boys and girls with disabilities and their ability to access education. Recent plans and projects include: i) The national 'Inclusive Education by 2015' plan, which aims to provide inclusive education for all children with disabilities by 2015; ii) The National Action Plan to Support Persons with Disabilities (2012-2020), approved under the Decision 1019/QĐ- TTg on 5 August 2012. The Plan aims to have 60 percent of children with disabilities accessing education by 2015 and 70 percent by 2020; iii) The Education Development Strategy 2011-2020; iv) National plan of community-based care of orphaned and destitute children, abandoned children, children with severe disabilities, children who are victims of toxic chemicals and children living with HIV/AIDS 2011-2020.

<sup>98</sup> UNICEF, *Readiness for Education of Children with Disabilities in Eight Provinces of Viet Nam*, 2015.

<sup>99</sup> OECD, *PISA 2012 Results in Focus: What 15-year-olds know and what they can do with what they know*, 2012. Viet Nam's 2012 OECD PISA ranking shows an average performance in mathematics, science, and reading higher than that of the average performance in OECD countries (ranking 17 out of 65 countries), with girls scoring significantly higher than boys in mathematics and reading. As this is measured by surveys of 15-year-old students, it clearly shows that the country has been on the right track for some time. However it should be noted that the PISA test selected 5,100 Vietnamese students aged 15, most of them in grade 10, from 162 high schools, continuing education centres and vocational training schools in 59 provinces/cities participated in this test.

<sup>100</sup> Only 10 percent of children with disabilities in Viet Nam complete secondary school.

<sup>101</sup> CESCR, Concluding observations on the second to fourth periodic reports of Viet Nam, Art. 15, E/C.12/VNM/CO/2-4, December 2014.

As with the health sector, socialisation reforms (resource mobilisation via user charges) have resulted in an expansion of fees that have affected low and middle-income families. At present, households are financing an increasing share of spending on schooling out-of-pocket.<sup>102</sup> The current system also suffers from a number of inefficiencies, and, as pointed out in a recent survey report: 'in general, poor quality teaching, bribery and irregular feedback from schools remain three key challenges that the education sector needs to address to satisfy users and to provide better quality primary education services.'<sup>103</sup> While considerable public and private resources are devoted to schooling, questions regarding quality and participation remain. The resource mobilisation model for the sector has resulted in suboptimal consumption and some degree of rent seeking.<sup>104</sup>

Despite Viet Nam's laudable achievements in the education sector, much is still to be achieved for the final 5 percent of children in disadvantaged circumstances.<sup>105</sup> Moreover, the speed of improvement in the education sector currently lags behind national economic growth and a rapidly changing society. Relatively less progress has been made in reforming education (especially vocational and higher education) to respond to current workforce needs.<sup>106</sup> Education sector considerations are more fully discussed in the context of the MDGs and SDGs in Chapter III.

## VIET NAM AS A LOWER MIDDLE INCOME COUNTRY: ENVIRONMENTAL SUSTAINABILITY AND CLIMATE CHANGE

### THE TWIN CHALLENGES OF ECONOMIC GROWTH AND ENVIRONMENTAL SUSTAINABILITY

Although Viet Nam's graduation to the LMIC category has entailed rapid economic growth, this development has also had negative implications for the environment. Today, the increase in energy demand, greenhouse gas (GHG) emissions, urban expansion, changing consumer consumption patterns, associated and environmental pollution and unsustainable use of natural resources constitute remarkably urgent concerns for the country.

Viet Nam's energy intensity, measured as energy use per unit of GDP, is the highest among major South East Asian economies. Since 2006, a Viet Nam Energy Efficiency Programme has been in place to achieve energy savings of 3 to 5 percent during the period 2006-2010 and a further 5 to 8 percent during the period 2011-2015.<sup>107</sup> Recent research indicates that if all coal-based plants put in operation, associated pollutions may cause the death of up to 25,000 people per year, from the current figure of 4,300 per year medical costs.<sup>108</sup>

Over-exploitation and unsustainable use of natural capitals contributes to the continued depletion of natural resources, including forestry and biodiversity. Several efforts have been made to increase forest areas in Viet Nam but, paradoxically, the quality of existing forests

<sup>102</sup>UNDP and VASS, *National Human Development Report 2015 – Inclusive Growth*, Ha Noi, (forthcoming).

<sup>103</sup>[http://papi.vn/documents/documents-and-data/2014/en/Fact\\_sheet\\_dimension\\_6.pdf](http://papi.vn/documents/documents-and-data/2014/en/Fact_sheet_dimension_6.pdf) Last Accessed 02 11 2015.

<sup>104</sup>UNDP and Viet Nam Academy of Social Sciences (VASS), *National Human Development Report 2015*, Ha Noi, (forthcoming).

<sup>105</sup>UNICEF and UIS, *Out of School Children: Viet Nam Country Study*, November 2011.

<sup>106</sup>UNDP and VASS, *National Human Development Report 2015*, Ha Noi, (forthcoming).

<sup>107</sup>Viet Nam National Energy Efficiency Program, available at: <http://mitigationpartnership.net/gpa/implementing-national-energy-efficiency-programme>. Last Accessed 02 11 2015.

<sup>108</sup>Harvard University, 'Study on Burden of disease from rising coal emissions in Southeast Asia' presented at Vietnam Sustainable Energy Alliance (VSEA) conference on 'Coal and coal power: The unknowns' in Ha Noi, Vietnam on September 29<sup>th</sup> 2015.



has declined.<sup>109</sup> Together with the abuse of chemicals in agricultural production, climate change threatens extinction of plant and animal species, with a projected decline in ecosystem-related services.<sup>110</sup> Water resources have also suffered increasingly from over-exploitation and climate change, with direct impacts on human, plant and animal life, as well as on the development of agriculture and industry.<sup>111</sup>

## CLIMATE AND NATURAL DISASTER VULNERABILITY

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Disasters and extreme climate events risk derailing well-deserved development gains. At a glance, Viet Nam's geomorphological and socio-economic features make it among the countries at 'extreme risk' for climate change and natural disaster impact, especially along the coast and in the mountainous regions.<sup>112</sup> According to the 2015 Global Risk Index, Viet Nam ranks among the top ten countries affected by weather-related loss events, for example, storms, floods, and heat waves.<sup>113</sup> Hazardous weather events in Viet Nam are becoming more frequent and intense, and are difficult to forecast due to climate change. Since the 1970s, natural disasters have caused more than 500 deaths annually in Viet Nam and amount to more than 1.5 percent of GDP in economic losses. Viet Nam's report on Intended Nationally-Determined Contributions (INDC), which was launched in October 2015, indicates that these costs could rise to 3-5 percent of GDP by 2030. However, Viet Nam has a strong track record of coping with natural disasters. The Central Committee for Flood and Storm Control was established in 1946. Since then, a number of key policies and programmes for responding to disasters have been implemented and have dramatically reduced disaster deaths per capita. Enacted in 2013, Viet Nam's first Law on Natural Disaster Prevention and Control is widely seen as an example of global good practice.<sup>114</sup> In conjunction with legislative developments, the Steering Committee for Natural Disaster Prevention and Control has replaced the Committee for Food and Storm Control for better inter-ministerial coordination and management of all types of natural disasters.

To ensure future national preparedness, the Government formulated climate change scenarios in 2009 and 2011,<sup>115</sup> subsequently updating these scenarios in early 2015.<sup>116</sup> Viet

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<sup>109</sup> MARD, *Vietnam National Report to the Fifth Session of the United Nations Forum on Forests*, January 2005; MARD, *Study on Reviewing 10 Year Implementation of Forest Protection and Development Law 2004*, 2013; Socialist Republic of Vietnam, *Implementation of Sustainable Development – National Report at the United Nations Conference on Sustainable Development (Rio+20)*, 2012.

<sup>110</sup> Socialist Republic of Vietnam, *Implementation of Sustainable Development – National Report at the United Nations Conference on Sustainable Development (Rio+20)*, 2012.

<sup>111</sup> World Bank – WSP, *Turning Finance into Services for the Future*, iv, 2014; JMP-UNICEF special tabulation per wealth quintile, using MICs 2010/11 data; UNDP, Fatherland Front, CECODES, *Papi 2014-The Vietnam Provincial Governance and Public Administration Performance Index*, 2015, 92; Socialist Republic of Vietnam, *Implementation of Sustainable Development – National Report at the United Nations Conference on Sustainable Development (Rio+20)*, 2012, 42; Socialist Republic of Vietnam, Decision No. 366/QĐ-TTg of the Prime Minister dated 31 March 2012 approving National Program on Clean water and Sanitation, Environment Protection in Rural Area in period 2012-2015; World Bank-Cities Alliance, *Vietnam Urbanization Review – Technical Assistance Report*, 2011, 81.

<sup>112</sup> MONRE, *National Target Program to Response to Climate Change*, 2007, I.1.1. Rationale; MONRE, *Climate Change, Sea Level Rise Scenarios for Vietnam*, 2009, 4; MONRE, *Viet Nam's Second National Communication to the United Nations Framework Convention on Climate Change*, 2010, 58; Socialist Republic of Viet Nam, Decision No. 2139/QĐ-TTg of the Prime Minister dated 5 December 2011, approves the National Strategy for Climate Change, Section I.

<sup>113</sup> The Notre Dame Global Adaptation Index (GAIN) puts Viet Nam at rank 92 (with Norway highest at 1 and Eritrea lowest at 180).

<sup>114</sup> <http://www.un.org.vn/en/un-speeches/3825-speech-by-ms-pratibha-mehta-un-resident-coordinator-viet-nam-on-the-international-day-for-disaster-reduction-2015.html> Last Accessed 24.10.2015.

<sup>115</sup> MONRE, *Climate Change, Sea Level Rise Scenarios for Vietnam*, 2009 and 2011.

<sup>116</sup> Climate Change Scenarios for Vietnam, available at <http://vnclimate.vn/en/about/> and [http://www.preventionweb.net/files/11348\\_ClimateChangeSeaLevelScenariosforVi.pdf](http://www.preventionweb.net/files/11348_ClimateChangeSeaLevelScenariosforVi.pdf) Last Accessed 30 10 2015.

Nam is also increasing its efforts in assessing climate risk and vulnerability in responding to climate change and natural disaster. It is essential to apply scientific information into planning and development processes to sustain economic, social, and environmental gains. The resilience of infrastructure, including rural infrastructure, transportation facilities and industrial zones, will need to be improved (in terms of design and construction) to withstand the effects of climate change.

## RESPONDING TO CLIMATE CHANGE AND PROMOTING GREEN GROWTH

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Viet Nam continues to make efforts to strengthen its national response to climate change and to pursue a transition to low-emission development through green growth in key areas such as transportation, energy efficiency, green city planning, and climate smart agriculture. In October 2015, Viet Nam submitted its INDC with a target to reduce its GHG emissions by 8 percent with its own resources and up to 25 percent with international support, compared with business as usual in 2030, and improve resilience of people and country capacity to adapt with climate change. The National Climate Change Strategy in 2011 to 2020, and the Viet Nam Green Growth Strategy<sup>117</sup> form the overarching policy frame<sup>118</sup> in relation to climate change mitigation and adaptation, and have been prioritized and operationalised in the National Action Plan on Climate Change (NAPCC) and the Green Growth Action Plan (GGAP), both of which are ongoing until 2020. Sector and provincial climate change response and green growth action plans have also either been completed or are being formulated. Additionally, other national programs and strategies have been set up for GHG emissions,<sup>119</sup> natural disaster prevention, response and mitigation,<sup>120</sup> forestry development,<sup>121</sup> biodiversity conservation, and energy efficiency and conservation.<sup>122</sup>

## ENVIRONMENTAL PROTECTION AND VIET NAM'S INTERNATIONAL ENGAGEMENTS

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Viet Nam has ratified numerous international conventions on environmental protection, climate change response and sustainable development, including the Convention on International Trade In Endangered Species of Wild Fauna and Flora, the United Nations Framework Convention on Climate Change (UNFCCC), the Convention on Biodiversity, the Nagoya Protocol on Access and Benefit-Sharing and Traditional Knowledge to the Convention on Biodiversity, the Convention for Protection of the Ozone Layer, the Kyoto Protocol to the United Nations Framework Convention on Climate Change, the Stockholm Convention on Persistent

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<sup>117</sup> Socialist Republic of Viet Nam, Decision No. 1393/QĐ-TTg of the Prime Minister approving National Green Growth Strategy, 2012.

<sup>118</sup> However, Viet Nam developed its first Climate Change Policy, National Target Program to Respond to Climate Change in 2008. Socialist Republic of Viet Nam, Decision No. 158/2008/QĐ-TTg of the Prime Minister on the approval of the National Target Programme to Respond to Climate Change, 2008; Socialist Republic of Viet Nam, Decision No. 1183/QĐ-TTg of the Prime Minister approved the National Target Programme on Climate Change period 2012-2020, 2012.

<sup>119</sup> Socialist Republic of Viet Nam, Decision No. 799/QĐ-TTg of the Prime Minister approving the national action program on "reducing green-house gas emissions through efforts to mitigate deforestation and forest degradation, sustainable management of forest resources, and conservation and enhancement of forest carbon stocks" during 2011-2020, 2012.

<sup>120</sup> Socialist Republic of Viet Nam, Decision No. 172/QĐ-TTg of the Prime Minister decision to approve the National Strategy for Natural Disaster Prevention, Response and Mitigation to 2020, 2012.

<sup>121</sup> Socialist Republic of Viet Nam, Decision No. 18/QĐ-TTg of the Prime Minister approving Viet Nam Forestry Development Strategy 2006-2020, 2007.

<sup>122</sup> Socialist Republic of Viet Nam, Decision No. 1247/QĐ-TTg of the Prime Minister National Target Program for Energy Efficiency and Conservation in 2012-2015, 2012.

Organic Pollutants, the Minamata Convention on Mercury, the Ramsar Convention on Wetlands, the Convention Concerning the Protection of the World Cultural and Natural Heritage, the Convention for the Safeguarding of the Intangible Cultural Heritage, the International Convention for the Protection of New Varieties of Plants, and the United Nations Convention to Combat Desertification.<sup>123</sup>

Many of these engagements have translated into new national legislation, including the Law on Natural Disaster Prevention and Control, the Law on Biodiversity, the Law on Sea, the Law on Environmental Protection, the Law on Water Resource, the Law on Forest Protection and Development and the Law on Cultural Heritage. While these moves are important, demonstrating political will and commitment, the translation of norms into a different approach to natural resource management and protection are still necessary in order to fully gain momentum.

## THE NEXUS OF POVERTY AND THE ENVIRONMENT

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The groups most affected by the combined effects of environmental degradation and climate change are Viet Nam's poor, whose lifestyles and economic practices contribute the least to aggravating the problem. Frequent natural disasters cause considerable damage to human lives and property across the country, but especially in the central coastal area. More than one million people require emergency relief each year. Experts estimate that climate change will cause the sea level to rise by 1 meter by 2100.<sup>124</sup> The damage to the Vietnamese economy will be USD 17 billion every year with 12 percent of the coastal area submerged and 23 percent of the population in these areas most likely to be affected.<sup>125</sup> In the central region, Viet Nam has experienced significant losses in productivity for food staples and continues to confront persistent rural poverty. Natural and other disasters are expected to push vulnerable families who have escaped poverty back into it. Small-scale farmers are the most vulnerable in these instances, as they benefit the least from post-disaster assistance policies.<sup>126</sup> An increasing trend in men's out-migration is resulting in the feminisation of small-scale farmers and increased female-headed household in sending communities. These sectoral developments are putting a higher burden on women left behind, who often have limited access to key livelihood resources.<sup>127</sup> Livelihood, health and children's education are among the rights most at risk.<sup>128</sup>

Infrastructure and people have been increasingly concentrated in vulnerable areas such as floodplains and coastal areas, suggesting that disaster-related losses will increase in the future. An estimated 70 percent of Vietnamese people are exposed to risks from natural

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<sup>123</sup> Viet Nam has also signed the Montreal Protocol to ban CFC and HCFC, the Minamata Convention to ban use of mercury, and will ratify the convention next year.

<sup>124</sup> Socialist Republic of Viet Nam, Resolution No. 60/2007/NQ-CP on National Target Program to Response to Climate Change, 2012, 7.

<sup>125</sup> Socialist Republic of Vietnam, *Implementation of Sustainable Development: National Report at the United Nations Conference on Sustainable Development (Rio+20)*, Ha Noi, 2012, 52; UNDP, *Viet Nam Special Report on Managing the Risks of Extreme Events and Disasters to advance climate change adaptation*, February 2015.

<sup>126</sup> OXFAM, Maerten, B. & Le Nguyet Minh, *Growing a Better Future: Expanding rights, voices and choices for small-scale farmers in Viet Nam*, October 2012.

<sup>127</sup> UN Viet Nam, *Migration, Resettlement and Climate Change in Viet Nam: Reducing exposure and vulnerabilities to climatic extremes and stresses through spontaneous and guided migration*, Ha Noi, March 2014.

<sup>128</sup> Socialist Republic of Vietnam, *Implementation of Sustainable Development: National Report at the United Nations Conference on Sustainable Development (Rio+20)*, Ha Noi, 2012, 52.

hazards—specifically in rural communities where livelihoods are most threatened.<sup>129</sup>

Equally, within cities, environmental damage is closely associated with poverty outcomes, especially multi-dimensional ones. Indeed, environmental issues rank highly within estimates of MDP in the major urban centres, notably Ho Chi Minh City (HCMC).<sup>130</sup> Pollution, traffic congestion and unsustainable forms of production and consumption undermine improvements to well-being and social equality, and act as a drag on the economy, thus contributing to instability.

As the nexus of poverty and the environment emerges as a compelling policy area, Viet Nam has started integrating an environmental protection lens in many of its initiatives, including the National Target Programs on poverty reduction (2006-2010), the 'Project on bio-fuel development until 2015, vision until 2025', the 'National Target Program on education and training till 2010', and the 'Program on support for rapid and sustainable poverty reduction in 61 poor districts'.<sup>131</sup>

While these efforts have progressively turned Viet Nam's commitment to tackling the intersection of growth, climate change and environmental degradation into an integral part of the country's broader development agenda, policy implementation remains a challenge, as will be discussed more fully in Chapter III.<sup>132</sup>

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<sup>129</sup> Viet Nam: Disaster Risk Management Project April 8, 2013, available

at:<http://www.worldbank.org/en/results/2013/04/09/vietnam-disaster-risk-management-project> Last Accessed 24.10.2015.

<sup>130</sup> UNDP, CECODES, VFF-CRT, *The Viet Nam Governance and Public Administration Performance Index (PAPI) 2014: Measuring Citizens' Experiences*, Ha Noi, 2015.

<sup>131</sup> Socialist Republic of Vietnam, *Implementation of Sustainable Development: National Report at the United Nations Conference on Sustainable Development (Rio+20)*, Ha Noi, 2012.

<sup>132</sup> Socialist Republic of Viet Nam, Decision No. 1393/QĐ-TTg of the Prime Minister dated 25 September 2012 approving the National Green Growth Strategy.

## CHAPTER III. RIGHTS/EQUITY-BASED ANALYSIS: MDG AND SDG STOCK-TAKING

### VIET NAM'S MDG ACHIEVEMENTS AND UNFINISHED MDG BUSINESS

Viet Nam's SEDS (2011-2020) and SEDP (2011-2015) set the main development objectives for the country, integrating the MDGs within the nationalised Viet Nam Development Goals (VDGs). The country has reached a number of goals and targets, including: (i) to eradicate extreme poverty and hunger; (ii) to achieve universal primary education; and (iii) to promote gender equality in education. Viet Nam is also on track to reach certain health-related targets and indicators, including the reduction of the maternal and child mortality ratios, although the disparities between regions and ethnic groups remain of serious concern. While Viet Nam also achieved the targets for malaria and tuberculosis control, in addition to making considerable strides in managing the spread of HIV and AIDS, heightened attention to HIV will be required to assure sustained progress.<sup>133</sup> Similarly, continuous and enhanced efforts toward environmental sustainability are required.

The table below provides an overview of Viet Nam's progress with regard to each MDG. The source is the Socialist Republic of Viet Nam's Country Report *15 Years Achieving the Viet Nam Millennium Development Goals* (September 2015).

**Figure 3 – Viet Nam's achievements and unfinished business concerning MDGs**

Indicators	Before 2000	2005	2010	2014	Outcome
<b>MDG 1: Eradicate Extreme Poverty and Hunger</b>					<b>Achieved</b>
Poverty rate (Expenditure-based)	58.1% (1993)	19.5% (2004)	14.5% (2008)	17.2% (2012)	
Poverty rate (Income-based)		18.1% (2004)	14.2% (*)	9.8% (2013)	
Poverty gap	18.4% (1993)	4.7% (2004)	5.9%	4.5% (2012)	
Under-5 malnutrition (underweight)	41% (1990)	23.3%	18.9% (2009)	15.3% (2013)	
<b>MDG 2: Achieve Universal Primary Education</b>					<b>Achieved</b>
Net primary enrolment rate	87% (1990)	95%	97% (2008-2009)	98.96%	
Primary completion rate		85.6%	88.5% (2008-2009)	92.2% (2012-2013)	
Net lower secondary enrolment rate		81%	83.1% (2008-2009)	87.24% (2011-2012)	

<sup>133</sup> Socialist Republic of Vietnam, *Country Report: 15 Years Achieving the Viet Nam Millennium Development Goals*, September 2015.

<b>MDG 3: Promote Gender Equality and Empower Women</b>					<b>Achieved</b>
Ratio of Female to Male primary enrolment	91.2% (1999-2000)	91.9%	92.1% (2008-2009)	91.3% (2013)	
Ratio of Female to Male lower secondary enrolment	88.5% (1999-2000)	92.3%	91.6% (2008-2009)	94.3% (2013)	
Ratio of Women's representatives in National Assembly of Viet Nam	18.48% (1992-1997)	27.3% (2003-2007)	25.76% (2007-2011)	24.4% (2011-2016)	
<b>MDG 4: Reduce Child Mortality</b>					<b>Nearly Achieved</b>
Under-5 mortality rate	58‰ (1999)	27.3‰	25‰ (2009)	22.4‰	
Under-1 mortality rate	44.4‰ (1999)	26‰	16‰ (2009)	14.9‰	
<b>MDG 5: Improve Maternal Health</b>					<b>Achieved</b>
Maternal mortality ratio per 100,000 live births	233 (1999)	80	69 (2009)	60	
Ratio of births attended by skilled medical staff		92.71% (2006)	94.48% (2009)	97.5% (2009)	
Ratio of pregnant women having at least 3 check-ups during pregnancy		84.3%	86.4% (2009)	89.6%	
<b>MDG 6: Combat HIV/AIDS, Malaria and Other Diseases</b>					<b>Partially Achieved</b>
HIV prevalence rate			0.28% (2011)	0.26% (2014)	
HIV prevalence rate per 100,000 people			187 (2009)	248	
Number of HIV-infected adults undergoing ARV		7,182 (2006)	36,008 (2009)	78,438 (2013)	
Number of HIV-infected children undergoing ARV		428 (2006)	1,987 (2009)	4,204 (2013)	
Number of malaria-infected cases	293,000 (2000)		60,867 (2009)	27,868	
Number of malaria-infected deaths	71 (2000)		27 (2009)	6	
Ratio of acid-fast bacilli (AFB) infected cases per 100,000 people		65 (2007)	46 (2009)	54	

<b>MDG 7: Ensure Environmental Sustainability</b>					<b>Partially Achieved</b>
Forest coverage	27.8% (1990)	37%	40%	40.7% (2013)	
Share of rural population having access to clean water	30% (1990)		87.4%	82.5% (2013)	
Share of rural households having sanitary toilets	20% (1990)		67.1%	60% (2013)	
Share of households living in temporary housing	22.7% (1999)		5.6%	5% (2012)	
<b>MDG 8: Global Partnership for Development</b>					<b>Partially Achieved</b>
Total imports and exports (million USD)		69,206	127,045 (2009)	297,236	
ODA commitment (million USD)	2,400 (2000)	3,748	8,064 (2009)	4397.61	
FDI implemented (million USD)	428.5 (1991)	3,300.5	10,046.6 (2012)	11,500 (2013)	
Internet subscription		210,024	2,048,953 (2008)	6,000,527	

(\*): Using national poverty line of 2011-2015 periods for calculation

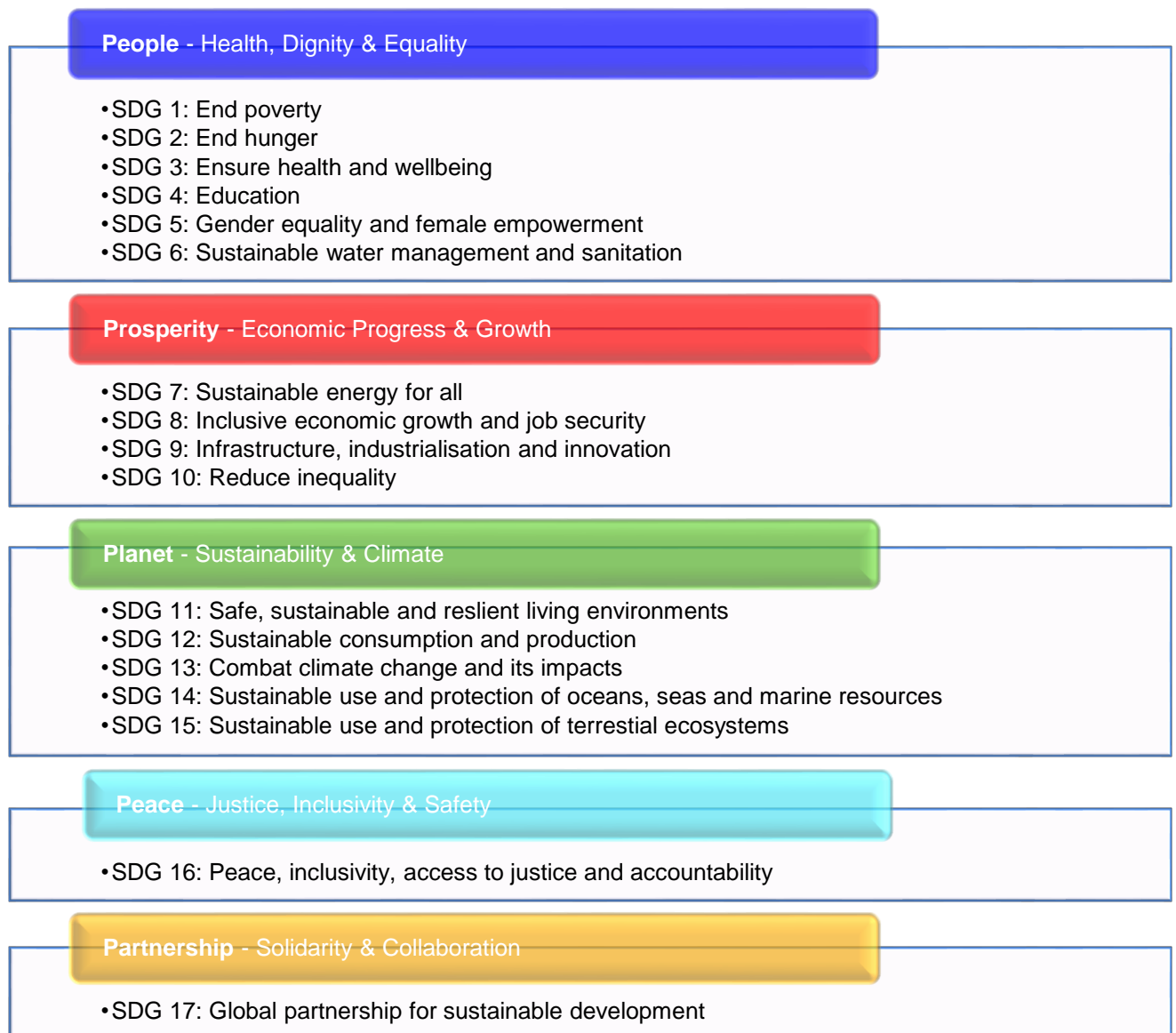
### OPERATIONALISING THE SUSTAINABLE DEVELOPMENT GOALS

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After two years of intensive public consultations and broad engagement, a final document titled *Transforming our world: the 2030 Agenda for Sustainable Development* was adopted at the UN Sustainable Development Summit September 25–27, 2015, in New York. The new framework, with its 17 Sustainable Development Goals and 169 targets, significantly changes the nature of the collective effort needed to meet the next major deadline in 2030. Most importantly, the close interconnection between the goals forces development actors – new and old, irrespective of their size – to think of innovative ways to work and collaborate. As a result of the new structure, prioritising among goals is likely to become less relevant at the country level, as most goals fall within the thematic scope of work among multiple agencies and actors. Conscious of the need to capture the broad scope of the 2030 Agenda, the SDGs have been described as encompassing five overlapping themes: People, Prosperity, Peace, Planet and Partnerships. This CCA embraces this editorial choice and groups the analysis of the 17 SDGs in Viet Nam under the five ‘Ps’. For each of the 17 SDGs, a summary of progress and challenges is provided, with a more detailed analysis of the specific rights-based challenges as well as the bottlenecks, which will influence Viet Nam’s ability to achieve each SDG. This analysis will be expanded in Chapter IV, with a discussion of system-wide bottlenecks.



**Figure 4 –The 5 Ps and the associated SDGs**



## 1) PEOPLE - HEALTH, DIGNITY AND EQUALITY

### GOAL 1. END POVERTY IN ALL ITS FORMS, EVERYWHERE

Viet Nam has made remarkable progress on poverty reduction as a result of rapid and broad-based economic growth, in addition to policies directly supporting the poor. Of all the MDG targets, Viet Nam has achieved the most success under MDG 1 on absolute poverty reduction. From a poverty rate of 58 percent in 1993, Viet Nam successfully reduced poverty to an estimated rate of 14.5 percent<sup>134</sup> in 2008 – a reduction of 75 percent over 15 years. By 2014, poverty had dropped to just over 8 percent. All demographic groups have made gains under this MDG in urban and rural areas as well as across geographical regions. However, the pace of change has been uneven and, in some cases, has deepened disparities. Although economic reforms and international integration have helped raise millions of Vietnamese citizens out of poverty, the current growth model poses new challenges. Increased internal economic migration and a growth of informal labour markets in urban and industrial areas is impacting on the country's large demographic 'middle', with growing evidence of multi-dimensional poverty and complex vulnerabilities (including multi-dimensional child poverty).

**Figure 5 - Poverty rate\* for the period 1993-2012 in Viet Nam (%)**

	1993	1998	2002	2004	2006	2008	2010**	2012
<b>National average</b>	<b>58.1</b>	<b>37.4</b>	<b>28.9</b>	<b>19.5</b>	<b>16.0</b>	<b>14.5</b>	<b>20.7</b>	<b>17.2</b>
<i>By area</i>								
Urban	25.1	9.2	6.6	3.6	3.9	3.3	6.0	5.4
Rural	66.4	45.5	35.6	25.0	20.4	18.7	26.9	22.1
<i>By ethnicity</i>								
Kinh	53.9	31.1	23.1	13.5	10.3	9.0	12.9	9.9
Non-Kinh	86.4	75.2	69.3	60.7	52.3	50.3	66.3	59.2
<i>By region</i>								
Red River Delta	61.4	28.6	22.4	12.1	8.8	8.1	11.4	7.4
North East	78.9	55.8	38.4	29.4	25.0	24.3	37.7	33.5
North West	81	73.4	68.0	58.6	49.0	45.7	60.1	58.7
North Central Coast	74.5	48.1	43.9	31.9	29.1	22.6	28.4	21.2
South Central Coast	47.2	34.5	25.2	19.0	12.6	13.7	18.1	15.3
Central Highlands	61.2	57.9	51.8	33.1	28.6	24.1	32.7	29.7
South East	40	13.5	10.6	5.4	5.8	3.5	8.6	5.8
Mekong River Delta	47.1	36.9	23.4	19.5	10.3	12.3	18.7	16.2

Source: Socialist Republic of Vietnam, Country Report Achieving the Viet Nam Millennium Development Goals (2015), 37

Note: \* Poverty line in this table is the income poverty line.

\*\* Indicators of the year 2010 onwards applied new poverty line.

<sup>134</sup> This figure is the expenditure poverty rate using the World Bank and GSO poverty line.

## RIGHTS-BASED CHALLENGES

**Economic growth is slowing down.** Economic growth, which has been a major driving force of poverty reduction in Viet Nam, decelerated since 2008 due to the global financial crisis and weaknesses within the national economy. The average annual growth rate for the period 2008-2014 was 5.8 percent, 2 percentage points lower than the rate during the period 2001-2007.<sup>135</sup> The intended target of the annual economic growth rate for the period 2016-2020 is set high, at 6.5-7 percent;<sup>136</sup> however, progress on structural reforms has been slow. There are also challenges related to weaknesses of the economy – namely, infrastructure as well as human resource and capital. These interconnected factors affect poverty reduction, slowing the country's progress rate.

**Poverty reduction gains remain fragile.** Rapid urbanisation has been accompanied by new forms of multi-dimensional poverty and Viet Nam 'faces the threat of replacing one form of poverty with another'.<sup>137</sup> Many of those living near the poverty line remain vulnerable to falling back into absolute poverty as a result of shocks at the micro and macro levels. These shocks can include job insecurity and health accidents as well as economy-wide shocks, extreme weather events associated with climate change, pandemics, and the affects of financial shocks such as the 2008-2009 global financial crisis. Amidst this global crisis, the slowdown in Viet Nam's economic growth adversely and disproportionately affected these vulnerable sections of the population, despite the new economic opportunities offered by increased internal migration and economic growth.<sup>138</sup> Largely due to lack of funds and focus, existing poverty reduction programmes do not address this emerging concern facing the most disadvantaged members of the population.<sup>139</sup>

Achievements under the MDG framework show that poverty and hunger eradication can only be accomplished by addressing poverty determinants in an interconnected way. This multidimensional approach should include various factors such as inclusive growth, livelihood and employment, access to basic infrastructure and services, food security, nutrition, health, education, and greater equality.<sup>140</sup>

**Chronic poverty persists, with only marginal declines, in selected areas and segments of the population.** Ethnic minorities – in particular ethnic minority women and girls – as well as communities in mountainous, remote and rural areas, persons suffering from disability, the elderly, orphans, migrants and workers in informal sectors, are still at a disproportionately higher risk of absolute income poverty in Viet Nam.<sup>141</sup> The poverty rate among ethnic

<sup>135</sup> Derived by author using data of Statistical Yearbook of Vietnam (various years).

<sup>136</sup> Government's report on socio-economic situation in 2015, five year period of 2011-2015, directions and missions for 2016 and five-year period of 2016-2020, presented 10th session of the 13th National Assembly (NA) on 10 October 2014. Available at: [http://news.xinhuanet.com/english/2015-10/20/c\\_134731524.htm](http://news.xinhuanet.com/english/2015-10/20/c_134731524.htm) Last Accessed 04 11 2015

<sup>137</sup> Socialist Republic of Vietnam, *Country Report: 15 Years Achieving the Viet Nam Millennium Development Goals*, September 2015, 129.

<sup>138</sup> World Bank, *2012 Vietnam Poverty Assessment - Well Begun, Not Yet Done: Vietnam's Remarkable Progress on Poverty Reduction and the Emerging Challenges*, 2012, 1.

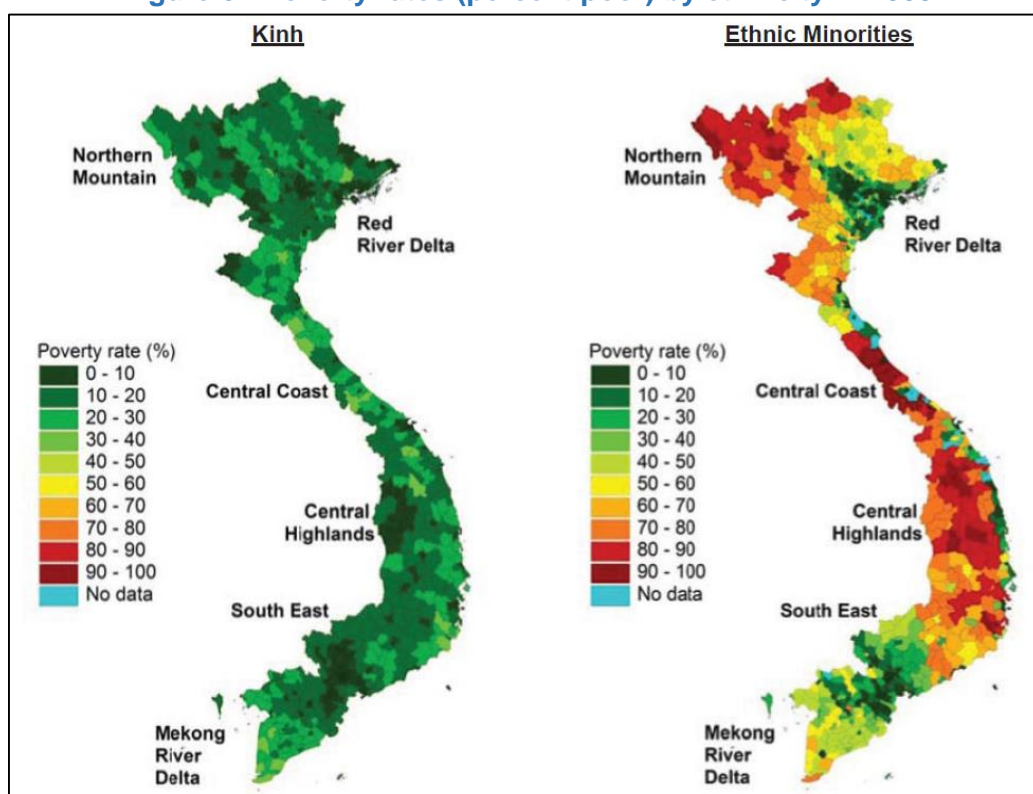
<sup>139</sup> World Bank, *2012 Vietnam Poverty Assessment - Well Begun, Not Yet Done: Vietnam's Remarkable Progress on Poverty Reduction and the Emerging Challenges*, 2012, 1; Socialist Republic of Viet Nam, Standing Committee of the National Assembly, *Supreme Oversight Report: The Implementation of Policies and Laws on Poverty Reduction in the Period 2005-2012*, 2014, 11.

<sup>140</sup> United Nations, Interactive Dialogue 1 - Ending Poverty and Hunger, available at: <http://webtv.un.org/meetings-events/conferencessummits/3rd-international-conference-on-financing-for-development-addis-ababa-ethiopia-13%E2%80%9316-july-2015/press-conferences/watch/ending-poverty-and-hunger-interactive-dialogue-1/4509981874001>

<sup>141</sup> Socialist Republic of Vietnam, *Country Report: 15 Years Achieving the Viet Nam Millennium Development Goals*, September 2015; World Bank, *2012 Vietnam Poverty Assessment - Well Begun, Not Yet Done: Vietnam's Remarkable Progress on Poverty*

minorities declined gradually from 86.4 percent in 1993 to 59.2 percent in 2012 (19 years), while the rate among Kinh and Hoa fell rapidly from 53.9 percent to 9.9 percent over the same period (Figure 5). Ethnic minority groups, which often live in uplands regions, make up less than 15 percent of the population, but accounted for 47 percent of the poor in 2010, compared to only 29 percent in 1998.<sup>142</sup> Comparably, the rate in the North West region only decreased from 81 percent to 58.7 percent, while the Red River Delta and South East regions experienced rapid reductions.<sup>143</sup> In 2012, in the poorest and ethnic minority areas, around 70 percent of children were living under multidimensional poverty conditions, of which 29 percent of Kinh ethnic children were reported to be poor while the majority of ethnic minority children (i.e. 81 percent) were poor.<sup>144</sup>

**Figure 6 - Poverty rates (percent poor) by ethnicity in 2009**



Source: World Bank, 2012.<sup>145</sup>

**The social assistance system is fragmented, with low coverage and low value of transfers.** Viet Nam's social protection system is not yet optimally effective and

*Reduction and the Emerging Challenges*, 2012; Socialist Republic of Viet Nam, Standing Committee of the National Assembly, *Supreme Oversight Report: The Implementation of Policies and Laws on Poverty Reduction in the Period 2005-2012*, 2014; CEMA, UNDP, Sub-PRPP Project Management Office CEMA, Irish Aid, & MOLISA, *Ethnic Minority 2007-2012 Poverty Summary Report*, 2014.

<sup>142</sup>World Bank, 2012 *Vietnam Poverty Assessment - Well Begun, Not Yet Done: Vietnam's Remarkable Progress on Poverty Reduction and the Emerging Challenges*, 2012, 2; Socialist Republic of Viet Nam, Standing Committee of the National Assembly, *Supreme Oversight Report: The Implementation of Policies and Laws on Poverty Reduction in the Period 2005-2012*, 2014, 11.

<sup>143</sup>World Bank, 2012 *Vietnam Poverty Assessment - Well Begun, Not Yet Done: Vietnam's Remarkable Progress on Poverty Reduction and the Emerging Challenges*, 2012; Socialist Republic of Viet Nam, Standing Committee of the National Assembly, *Supreme Oversight Report: The Implementation of Policies and Laws on Poverty Reduction in the Period 2005-2012*, 2014.

<sup>144</sup>Multidimensional Child Poverty of Ethnic Minority Children: Situation, Dynamics, and Challenges, CEM/UNICEF 2015

<sup>145</sup>World Bank, 2012 *Vietnam Poverty Assessment - Well Begun, Not Yet Done: Vietnam's Remarkable Progress on Poverty Reduction and the Emerging Challenges*, 2012, 7.

comprehensive in its provisions for those in need, particularly in terms of unemployment, the reduction of which is instrumental in poverty reduction. This ineffectiveness is further aggravated by reductions in informal or family-based social protection, as a result of changing family structures.<sup>146</sup>

The impact of current social assistance transfers on beneficiaries is minimal and, when compared to other developing countries, the scope and level of social assistance remains low. For instance, the average value of the over-80s social allowance is VND 116,000 per month; the base value of MOLISA's social assistance transfers was 270,000 VND per month. Social assistance beneficiaries are restricted and only receive higher amounts if they face multiple challenges, such as being an orphan or being elderly and disabled, in addition to living with HIV or AIDS.<sup>147</sup>

Some groups (such as self-employed and agricultural workers) are still excluded from social protection (insurance or assistance). Informal workers, who account for more than 70 percent of the total labour force, are more likely to have inadequate or non-existent social assistance and safety nets as well as other work benefits and rights (e.g., a pension or affordable quality healthcare).<sup>148</sup> While service coverage was recently extended to the informal workforce, enrolment of this population group is low, at approximately 10 percent.<sup>149</sup> Women account for 69 percent of all own-account and unpaid family workers, which are classified as the most vulnerable section of the workforce.<sup>150</sup>

The limitations in the social protection system were highlighted by the Independent Expert on Extreme Poverty, who recommended that social assistance mechanisms be regulated by law as a means to assuring long-term stability of the social protection system.<sup>151</sup>

***Official Development Assistance (ODA) targeted to social protection is decreasing.*** In the past, ODA has made an important contribution to improving social protection schemes for persons living in difficult, remote, isolated regions and areas largely populated by ethnic minority groups. In light of Viet Nam's status as an LMIC, major international donors have been reducing or withdrawing ODA programmes, and the government is unlikely to immediately or strategically compensate for ODA reductions.<sup>152</sup>

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<sup>146</sup> UN in Viet Nam *Delivering as One 2014 Annual Report* Outcome 2.1 page 50 (2015)

[http://www.un.org.vn/en/publications/doc\\_details/453-delivering-as-one-annual-results-report-2014.html](http://www.un.org.vn/en/publications/doc_details/453-delivering-as-one-annual-results-report-2014.html)

<sup>147</sup> Watson, C., *Assessing the Impact of Selected Social Assistance Programmes in Viet Nam*, 2015, 6.

<sup>148</sup> *Socialist Republic of Vietnam, Country Report: 15 Years Achieving the Viet Nam Millennium Development Goals*, September 2015, 46; UN Viet Nam, *Our Voices, Our Future: Consolidated Report on Viet Nam's Post-2015 Consultation Process*, June 2013, 5.

<sup>149</sup> MOH, *Report on Results of Feasibility Study for Implementing Universal Health Insurance*. Statistical Publishing House, Ha Noi, 2011.

<sup>150</sup> General Statistics Office of Viet Nam, *Report on Labour Force Survey 2013*, Ha Noi, 2014, 31.

<sup>151</sup> The independent expert urged the Government to adopt a law regulating all social assistance mechanisms in order to ensure accountability and long-term stability of the social protection system. The Expert further urged the country to take measures to ensure equitable and inclusive social and economic policies including the protection gaps faced by various vulnerable groups – such as ethnic minorities, women, children, older persons, persons with disabilities and internal migrants – and to design programmes to meet their specific needs. Human Rights Council (HRC) Universal Periodic Review Working Group, 'Compilation prepared by the Office of the United Nations High Commissioner for Human Rights in accordance with paragraph 15 (b) of the annex to Human Rights Council resolution 5/1 and paragraph 5 of the annex to Council resolution 16/21', A/HRC/WG.6/18/VNM/3, 4 November 2013; Report of the independent expert on the question of human rights and extreme poverty, Magdalena Sepúlveda Carmona Mission to Viet Nam A/HRC/17/34/Add.1.

<sup>152</sup> *Socialist Republic of Vietnam, Country Report: 15 Years Achieving the Viet Nam Millennium Development Goals*, September 2015.

***New forms of deprivation are emerging with multiple dimensions of poverty within cities.*** Ongoing migration from rural areas to urban areas and industrial zones has not been matched by improved service delivery or adaptations in formal social assistance and systems. Significant deprivations in a number of dimensions in the major cities have led to the emergence of a ‘new poor’, who often face multiple basic deprivations. Data suggest that multi-dimensional poverty (by Viet Nam’s own definition) is higher in the major cities, and the overlap with income poverty is limited to around 30 percent.<sup>153</sup>

## BOTTLENECKS

### Enabling Environment

- Economic growth policies at the macroeconomic level do not currently reflect in a systematic fashion the need to secure economic progress through efficient use of FDI and improvements in human capital as a means to bring the poor out of poverty, particularly with regard to ethnic minorities. With high dependence on agricultural activities,<sup>154</sup> land is the most important asset for ethnic minorities. However, the land available to most ethnic minority households shrunk over the 2007–2012 period due to hydropower construction or land acquisition for the production of industrial perennial crops such as rubber and coffee.<sup>155</sup>
- Existing social protection measures are insufficient to eradicate absolute poverty and are not tailored to the primary purpose of these systems – that of reducing vulnerabilities and management of risks. The youngest children aged 0–3 are missing in the current social assistance schemes. Less than 100,000 older persons aged between 60 and 79, accounting for 1.3 percent of the population in the age group, received monthly social allowances in 2012.<sup>156</sup> A significant proportion of ethnic minority households are unable to access benefits designed to support families in escaping poverty.<sup>157</sup> The funding for poverty reduction and social protection is not sufficient for the full coverage of the poor, including new poor in urban areas.<sup>158</sup> Moreover, social assistance transfers are too limited in scope to protect the vulnerable and build resilience to personal and economic/environmental shocks.
- Economic interventions often fail to recognise the cultural, social and economic conditions of poor groups and, in particular, the specific role of women (especially rural and migrant women). In fact, many women are excluded from training sessions and community meetings on agricultural development because of their household responsibilities.<sup>159</sup> The terms and conditions of preferential loan programmes are also

<sup>153</sup> UNDP, CECODES & VFF-CRT, *The Viet Nam Governance and Public Administration Performance Index (PAPI) 2014: Measuring Citizens’ Experiences*, Ha Noi, 2015.

<sup>154</sup> CEMA, UNDP, Sub-PRPP Project Management Office CEMA, Irish Aid, & MOLISA, *Ethnic Minority 2007-2012 Poverty Summary Report*, 2014, 9.

<sup>155</sup> CEMA, UNDP, Sub-PRPP Project Management Office CEMA, Irish Aid, & Ministry of Labour, Invalids and Social Affairs (MOLISA), *Ethnic Minority 2007-2012 Poverty Summary Report*, 2014, 10.

<sup>156</sup> ILO-UNFPA Policy Brief, Social Pension on Income security on older persons, August 2014

<sup>157</sup> CEMA, UNDP, Sub-PRPP Project Management Office CEMA, Irish Aid, & Ministry of Labour, Invalids and Social Affairs (MOLISA), *Ethnic Minority 2007-2012 Poverty Summary Report*, 2014, 7.

<sup>158</sup> Hoang Xuan Thanh, ‘Mid-Term Review on Selected Poverty Reduction Policies for Implementation of National Targeted Program on Sustainable Poverty Reduction’ in *The 2012-2015 Period and the Government’s Resolution 80/NQ-CP: Case Study in the Provinces of Bac Can, Ha Nam, Ha Tinh, Kon Tum and An Giang*, 2014, 3.

<sup>159</sup> UN Viet Nam, *Our Voices, Our Future: Consolidated Report on Viet Nam’s Post-2015 Consultation Process*, June 2013, 5.

not responsive to women's production and business needs,<sup>160</sup> limiting their access to credit and to alternative livelihood opportunities and more sustainable economic practices.<sup>161</sup>

- The low level of access to basic social services is a significant concern for ethnic minorities and migrants (including migrant children), impeding their economic opportunities and rights.<sup>162</sup> Despite 90 percent rates of health insurance enrolment among ethnic minority groups, these groups face obstacles to accessing such services.<sup>163</sup> Literacy rates remain especially low for a number of ethnic groups, especially those that have high poverty rates and reside in mountainous areas. For instance, only 35 percent of the Hmong aged 15 and older can read and write, with a considerably lower chance to earn decent employment.<sup>164</sup>
- Implementation of poverty-related policies has a low efficiency rate, with fragmentation of institutional responsibilities and lack of coordination between programmes and levels of government. Furthermore, local authorities face difficulties in implementing the full range of policies introduced centrally.<sup>165</sup>

## Supply

- The availability and quality of infrastructure (roads, electricity, irrigation, communication) and basic services (education, healthcare, sanitation) remains lower in poorer areas and uplands where ethnic minorities live, compared to the rest of the country,<sup>166</sup> thus failing to compensate for the harsher conditions they face. Limited availability of basic infrastructure increases the time that women and girls have to spend on household maintenance and care work (e.g., collection of firewood, child care) and limits their ability to engage in productive work or continue their education. Increasing urbanisation and informalisation of the labour market (in absolute terms) exerts strong pressure on city infrastructures and services, affecting poor migrants disproportionately.<sup>167</sup>
- Increasing reliance upon out-of-pocket financing for basic services (notably, in education and health) via the socialisation model has a particularly strong impact upon low- and middle-income families.
- Fully disaggregated and high-quality data is not available regarding new forms of poverty, including multi-dimensional poverty.

## Demand

- Those living under or near the poverty line have disproportionately limited access to productive assets and economic resources such as land (especially those living in

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<sup>160</sup> MOLISA, Government Review Report on 20-year Implementation of Beijing Platform for Action, 2014.

<sup>161</sup> UN Viet Nam, *Our Voices, Our Future: Consolidated Report on Viet Nam's Post-2015 Consultation Process*, June 2013, 5.

<sup>162</sup> *Ibid.*, 5.

<sup>163</sup> CEMA, UNDP, Sub-PRPP Project Management Office CEMA, Irish Aid, & Ministry of Labour, Invalids and Social Affairs (MOLISA), *Ethnic Minority 2007-2012 Poverty Summary Report*, 2014, 9.

<sup>164</sup> *Ibid.*, 9.

<sup>165</sup> Hoang Xuan Thanh, 'Mid-Term Review on Selected Poverty Reduction Policies for Implementation of National Targeted Program on Sustainable Poverty Reduction' in *The 2012-2015 Period and the Government's Resolution 80/NQ-CP: Case Study in the Provinces of Bac Can, Ha Nam, Ha Tinh, Kon Tum and An Giang*, 2014, 3.

<sup>166</sup> Socialist Republic of Viet Nam, Standing Committee of the National Assembly, *Supreme Oversight Report: The Implementation of Policies and Laws on Poverty Reduction in the Period 2005-2012*, 2014, 5.

<sup>167</sup> Socialist Republic of Vietnam, *Country Report: 15 Years Achieving the Viet Nam Millennium Development Goals*, September 2015.



highly populated lowlands or mountainous regions), capital/credit (including micro-finance) and technical training.<sup>168</sup>

- Lack of trust among poor households towards local authorities, in conjunction with recurrent institutional biases against the poor, hampers access to benefits while also affecting the demand for support, other than transfers, as a means to escape poverty.<sup>169</sup>

## GOAL 2. END HUNGER, ACHIEVE FOOD SECURITY AND IMPROVED NUTRITION, AND PROMOTE SUSTAINABLE AGRICULTURE

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At the national level, chronic hunger has been eradicated, while food poverty rates fell by more than two-thirds between 1993 and 2008, from 25 to 7 percent. Progress in reducing malnutrition has also been significant, with rates of malnutrition falling to just under 12 percent in 2011.<sup>170</sup> In 2008, Viet Nam had already achieved its national target to reduce malnutrition for children under the age of five. Despite this remarkable progress, seasonal hunger and chronic malnutrition is still a reality in provinces in the North West and North Central Coast, and some provinces of the Central Highlands.<sup>171</sup> The current scenario suggests that eradicating all types of hunger at the district level is within reach, particularly if new interventions are guided by rigorously disaggregated data. Improvement in the coordination of government policies and interventions to address the inter-linked determinants of access to sufficient and nutritious food is urgently needed.

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### RIGHTS-BASED CHALLENGES

***Malnutrition is still a problem for children under 5 years of age among specific population groups.*** The National Nutrition Survey 2010 revealed emerging disparities in relation to socio-economic status and among provinces and ethnic groups.

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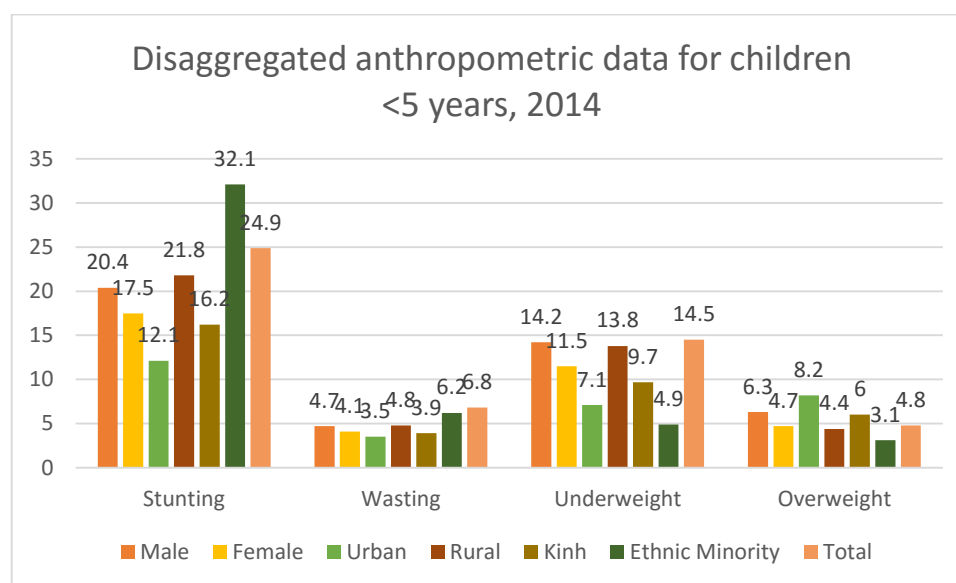
<sup>168</sup>CEMA, UNDP, Sub-PRPP Project Management Office CEMA, Irish Aid, & Ministry of Labour, Invalids and Social Affairs (MOLISA), *Ethnic Minority 2007-2012 Poverty Summary Report*, 2014.

<sup>169</sup>Hoang Xuan Thanh, 'Mid-Term Review on Selected Poverty Reduction Policies for Implementation of National Targeted Program on Sustainable Poverty Reduction' in *The 2012-2015 Period and the Government's Resolution 80/NQ-CP: Case Study in the Provinces of Bac Can, Ha Nam, Ha Tinh, Kon Tum and An Giang*, 2014, 4.

<sup>170</sup> Viet Nam and the MDGs, MDG 1 Factsheet for Viet Nam (2012), available at: [http://www.un.org.vn/images/stories/MDGs/2012/MDG\\_1.pdf](http://www.un.org.vn/images/stories/MDGs/2012/MDG_1.pdf) Last Accessed 07.10.2015

<sup>171</sup>Socialist Republic of Vietnam, *Country Report Achieving the Vietnam Millennium Development Goals* (2015), 43.

**Figure 7 - Percentage of children under 5 years of age who are undernourished by age in months, Viet Nam, 2014**



Source: National Nutrition Surveillance Report 2014

With around two million children under five years with stagnated height for their age (25 percent), Viet Nam is among the 34 countries in the world with the highest burden of stunting.<sup>172</sup> Recent evidence indicates a link between the frequent diarrhoea and chronic environmental enteropathy in children and poor sanitation and hygiene.<sup>173</sup> The level of stunting is approximately three times higher among children from the poorest households, compared to children from the wealthiest households. The Central Highlands and Northern Midlands and mountainous areas, where most ethnic minority groups live, are geographical zones with the highest prevalence of stunting. The Hmong people have the highest prevalence among the ethnic groups with 65 percent of their children being stunted. The stunting prevalence is above 40 percent in Kon Tum province, compared to less than 7 percent in HCMC.<sup>174</sup>

Each year more than 200,000 children under 5 years of age develop moderate or severe wasting in Viet Nam, manifested by low weight for height ratios – more commonly referred to as acute malnutrition. The geographical distribution of acute malnutrition follows the same pattern as stunting, and the latest nutrition survey shows that most of the ethnic minority groups have prevalence above internationally recognised emergency levels.<sup>175</sup> Although a lower percentage of children aged 0–11 months are undernourished, suggesting some efficacy of current interventions,<sup>176</sup> these findings indicate that acute malnutrition remains a serious threat to child survival and development in Viet Nam.

<sup>172</sup>Stunting is caused by prolonged insufficient nutrient intake and frequent infections and has a significant impact on childhood development. The practice of open defecation has a strong correlation to stunting. A potential explanation to high rate of stunting is a phenomenon known as Environmental Enteropathy, where constant ingestion of faecal contamination can infect the intestine reducing the absorption of nutrients without any symptoms of diarrhoea. This is a condition caused by constant faecal-oral contamination leading to blunting of intestinal villi resulting in the mal-absorption of nutrients. Korpe, P.S. & William A. Petri Jr., 'Environmental Enteropathy: critical implications of a poorly understood condition', *Trends in Molecular Medicine*, Vol. 18, No. 6, 328-336, June 2012.

<sup>173</sup> World Bank – WSP, *Research Brief. Investing in the Next Generation*, August 2014.

<sup>174</sup> UNICEF, *National Nutrition Surveillance Profiles*, Ha Noi, 2013.

<sup>175</sup> UNICEF, *National Nutrition Surveillance Profiles*, Ha Noi, 2014.

<sup>176</sup> GSO, UNICEF and UNFPA, *Monitoring the situation of children and women - Viet Nam Multiple Indicator Cluster Survey 2011*, Ha Noi, 2011, 53.

**Food production systems in many parts of Viet Nam are not yet sustainable and agricultural practices are not resilient.** Agricultural development in Viet Nam has been geared toward soil exploitation through the extensive use of fertilisers and basic technology. Current farming practices are linked to high post-harvest losses, inconsistent crop quality and unsafe agricultural products, with little to no investment in high value-added productions. The lack of investment in sustainable and resilient agriculture has also been aggravated by price volatility on agricultural markets, increasing competition, and a decline in market demand. Viet Nam ranks among the top three countries with the highest number of import rejections of fish and fishery products in Europe, the United States and Japan. These problems pose a considerable threat to sustainable development of the food production sector, weakening the prospects of rural development.<sup>177</sup> Given these observations, building resilience for agricultural production is an area of primary concern for the Government. Nevertheless, the outcomes of national initiatives and policies have not been satisfactory in curbing these challenges, especially in areas prone to economic, social and environmental shocks and disasters (mountainous, coastal areas, low lands).<sup>178</sup>

**Vulnerable groups still face barriers in accessing safe, nutritious and sufficient food all year round.** Food safety has recently become an issue in Viet Nam, with recurrent cases of food poisoning, especially for low-income workers in labour-intensive factories and poor households. The affordability of safe and nutritious staples, on a year-round basis and especially during the pre-harvest season, is a major obstacle to the successful promotion of the people's right to food. During times of food scarcity or disaster, women often eat less than men, since they prioritise other family members' nutrition.<sup>179</sup>

**Small-scale food producers have experienced only a marginal improvement in agricultural productivity and incomes.** Agricultural productivity<sup>180</sup> is currently below 20 million VND (at 2010 price levels) and grew at an annual average rate of 2.9 percent between 2006 and 2013, far below the SDG target for small-scale food producers. If agricultural productivity were to double every 15 years, the growth rate should be 4.7 percent – 1.6 times the current rate.<sup>181</sup> The average productivity of small-scale farmers is usually lower than the national average, especially for those in mountainous areas, as a result of limited access to land and other productive assets, knowledge, financial services, and markets. Although women are in the majority among small-scale farmers, they have significantly less access to land than men. Furthermore, women's land holdings are typically smaller than those of men.<sup>182</sup> Equal access to agricultural resources for women could increase production on women's farms by 20–30 percent and, ultimately, increase total agricultural production by 2.5–4 percent in developing countries.<sup>183</sup>

<sup>177</sup>Socialist Republic of Vietnam, *Country Report Achieving the Vietnam Millennium Development Goals* (2015), 117.

<sup>178</sup> Socialist Republic of Viet Nam, Standing Committee of the National Assembly, *Supreme Oversight Report: The Implementation of Policies and Laws on Poverty Reduction in the Period 2005-2012*, 2014.

<sup>179</sup>Hoang Xuan Thanh, Truong Tuan Anh, Luu Trong Quang, Dinh Thi Giang and Dinh Thi Thu Phuong, *Food Security in the Context of Vietnam's Rural-Urban Linkages and Climate Change*, 2013.

<sup>180</sup> Agricultural productivity is the agricultural GDP divided by the number of the agricultural workers.

<sup>181</sup>Data for calculating these figures are taken from GSO, Statistical Yearbooks, (Statistical Publishing House, various years); and data on GSO website [http://www.gso.gov.vn/Default\\_en.aspx?tabid=766](http://www.gso.gov.vn/Default_en.aspx?tabid=766).

<sup>182</sup> Hoang Cam, *In Exclusion of Women's Access to Land*, 2012.

<sup>183</sup> FAO, *The State of Food and Agriculture*, 2011.

## BOTTLENECKS

### Enabling Environment

- Land management practices in the agricultural sector and current food prices in the food markets inhibit universal access to safe and nutritious food among low-income households, with seasonal impact on hunger-related indicators. Policies do not offer incentives for the production of safe food, and abuse of fertilisers and pesticides is common. Small-scale food producers and farmers, women farmers, ethnic minorities, pastoralists and fishers have some access to finance development, but the application procedure is complicated. Support policies fail to attract private investments, resulting in low opportunities for job creation outside the agricultural sector.<sup>184</sup>
- Gender bias against women limits rural women's equal access to advanced technologies, resources, assets and services that would improve their productivity, despite their active contribution to food production.<sup>185</sup>
- Cultural norms dictate diets for children that are often poor in fruits, vegetables, cereals other than rice, and dairy products. Vulnerable populations are disproportionately unaware of basic nutritional requirements.
- Weaknesses in the system of land administration make it difficult for farmers to access formal systems of financing, and a lack of private financing affects negatively the opportunity for job creation outside the agricultural sector.
- Shortage of budgets earmarked for addressing food security shocks in disaster-prone areas limit food security within the most vulnerable groups.
- State regulatory restrictions on land areas for paddy production limit farmers' incentives to move out of rice cultivation to higher-value crops.<sup>186</sup>

### Supply

- Poor infrastructure does not support the expansion of the food market and distribution network equally across all provinces.
- Access to basic services is uneven across the country, and most vulnerable children are more likely to be malnourished and lack adequate access to basic healthcare and nutrition programmes.
- Lack of gender-sensitive agriculture extension services limits women's access to information and inhibits women's productivity in agriculture production.<sup>187</sup>
- The lack of reliable, disaggregated, transparent and up-to-date data to track disparities and address equity and poverty issues remains critical.

### Demand

- There is a shortage of knowledge on sustainable food production systems and resilient agricultural practices by farmers as well as an insufficient understanding of the different qualities and properties of fertilisers.

<sup>184</sup> Socialist Republic of Viet Nam, Standing Committee of the National Assembly, *Supreme Oversight Report: The Implementation of Policies and Laws on Poverty Reduction in the Period 2005-2012*, 2014, 5.

<sup>185</sup> FAO and UN Women, *Policy Brief and Recommendations on Rural Women in Viet Nam*, 2014.

<sup>186</sup> World Bank, *Vietnam Rice, Farmers And Rural Development From Successful Growth To Sustainable Prosperity*, 2012.

<sup>187</sup> FAO & UN Women, *Policy Brief and Recommendations on Rural Women in Viet Nam*, 2014.

### GOAL 3. ENSURE HEALTHY LIVES AND PROMOTE WELL-BEING ACROSS ALL AGES

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Sustained high economic growth over the past two decades has helped improve the population's health status, particularly for women and children. The Under-5 Mortality Rate (U5MR) dropped by 50 percent between 1990 and 2004, and the Infant Mortality Ratio fell by 2.5 times over the same period as a result of extended vaccination programs and policies to promote women and children's health.<sup>188</sup> Notwithstanding this significant progress, new challenges face Viet Nam as the country develops and its population structure changes. A growing reliance on private actors for health service delivery also poses a set of new challenges related to regulation and unequal access affecting a large portion of the population, including those most in need, and the increasing number of migrants and elderly persons, particularly women. Private investment in healthcare has yet to translate into an increased state capacity to spend more on targeted interventions for the long-standing and new poor. Data collection and use in the health sector present new areas for expansion: as an example, indicators on neonatal mortality rates are not yet collected by the national statistical system.<sup>189</sup> According to the report drafted by the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, Viet Nam faces a number of obstacles in achieving the full realisation of the right to health vis-à-vis its national goals.<sup>190</sup>

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#### RIGHTS-BASED CHALLENGES

***Shortcomings in the introduction of health insurance as a major health financing mechanism hinder the achievement of universal health coverage.*** Viet Nam's current strategy for ensuring the economic sustainability of the health system is shifting toward issuing government bonds and encouraging greater foreign and domestic private investment, including through public-private partnerships.<sup>191</sup> In 2008, the Health Insurance Law (HIL) was promulgated, creating the basis for a national Social Health Insurance (SHI) system and exceed the goal of achieving universal health coverage by 2014.<sup>192</sup>

The effects of the SHI have been largely positive, and the enrolment rate reached 64.8 percent of the population in 2011.<sup>193</sup> However, guaranteeing equity and financial protection to people when accessing the health system remains challenging.

Although the SHI requires all children under six years old, the elderly, the poor, and the near poor to be enrolled on a compulsory basis, and fully covered by the State under the health insurance premiums, the enrolment and utilization rates among those groups remain quite

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<sup>188</sup> Socialist Republic of Vietnam, *Country Report: 15 Years Achieving the Viet Nam Millennium Development Goals*, September 2015.

<sup>189</sup> Ibid, 62

<sup>189</sup> CESCR, Concluding observations on the second to fourth periodic reports of Viet Nam, E/C.12/VN/MO/2-4, December 2014.

<sup>190</sup> OHCHR, Hunt, P., Report of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, A/HRC/20/15/Add.2, May 2009.

<sup>191</sup> Joint Donor Report to the Vietnam Consultative Group Meeting, *Vietnam Development Report 2010: Modern Institutions*, Hanoi, 2009, 68.

<sup>192</sup> [http://www.who.int/health\\_financing/documents/oasis\\_f\\_11-vietnam.pdf](http://www.who.int/health_financing/documents/oasis_f_11-vietnam.pdf), p. 38.

<sup>193</sup> Somanathan A., et al., *Moving towards Universal Coverage of Social Health Insurance in Vietnam. Assessment and Options*, The World Bank, p. 12

low.<sup>194</sup> In 2014, the CESCR highlighted that 'in spite of the progress achieved in expanding enrolment in health insurance, its low coverage among workers in the informal economy as well as the co-payment requirement impedes access to healthcare among disadvantaged and marginalized groups'.

A further consideration is that 'socialisation policies' have increased the incidence of for-profit healthcare provision. The incidence of out-of-pocket health-related expenditure of Vietnamese households remains high, accounting for 55 percent of total health expenditure.<sup>195</sup> As early as 2008, private health expenditure totalled 57 percent of total health expenditure, and 92 percent of it was out-of-pocket at the time of service use. 39 percent of total out-of-pocket health-related expenditure was spent on drugs bought over the counter, with or without a doctor's prescription.<sup>196</sup> Since 2008, these figures have soared. The over-prescription and over-delivery, over-charging and a blurring between public and private healthcare has also been aggravated by the decentralisation in hospital management. The Government appears to be committed to expanding healthcare socialisation as a means of meeting the growing demand for health-related services and more efficient financing.<sup>197</sup>

Recent research shows that there are long-standing differences in coverage and use of health services between regions, between rural and urban areas, and among ethnic groups.<sup>198</sup> The inequities and the resulting disparities in health outcomes and service utilisation continue to persist and even to widen, particularly for ethnic minorities in the hard to reach areas. Key drivers of inequity in health remain ethnicity, residence, and income. For instance, in 2015 only 72.2 percent of the poorest and 69.4 percent non-Kinh children were fully immunized, as compared with 83.2 percent of the richest and 84.6 percent of Kinh children.<sup>199</sup> The CESCR also noted 'the limited availability of quality health-care services, particularly in remote areas' as well as 'the health protection divide in the society and the adverse impact of privatization on the affordability of health care.'<sup>200</sup> State policies regarding healthcare coverage of people in the informal sectors are not comprehensive, leaving this growing population in an extremely vulnerable position given a context of increasing reliance on out-of-pocket healthcare financing.<sup>201</sup> Equal access to health services remains a challenge also for other disadvantaged groups, such as people with mental disorders<sup>202</sup>.

***Increasing rates of non-communicable diseases are changing the nature of the demand on the health system.*** Viet Nam is experiencing a shift from communicable to non-communicable diseases. Growing numbers of tobacco and alcohol consumers, together with an increasingly sedentary lifestyle and unhealthy food consumption, have increased premature mortality: in 2014, non-communicable disease was 'estimated to have accounted for 73 per cent of total deaths'.<sup>203</sup> The aging population will also increase the burden of non-

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<sup>194</sup>Somanathan A., et al., *Moving towards Universal Coverage of Social Health Insurance in Vietnam. Assessment and Options*, The World Bank, p. 13.

<sup>195</sup> Van Tien Y. et al., *A health financing review of Viet Nam with a focus on social health insurance*, WHO, August 2011.

<sup>196</sup> UNICEF, 2008.

<sup>197</sup> World Bank, *Moving toward universal coverage of social health insurance in Vietnam: assessment and options*, 2014, 1.

<sup>198</sup>CEMA, MDRI and UNDP, *Ethnic Minority Poverty: What can be learnt from the success and failure cases?*, 2015.

<sup>199</sup> GSO and UNICEF, *Vietnam-Multiple Indicator Cluster Survey 2014*, Ha Noi, 2014.

<sup>200</sup>CESCR, Concluding observations on the second to fourth periodic reports of Viet Nam, E/C.12/VNM/CO/2-4, December 2014..

<sup>201</sup>ILO, Bonnet F. et al., *Analysis of the Viet Nam National Social Protection Strategy (2011-2020) in the context of Social Protection Floor objectives. Global Campaign on Social Security and Coverage for All*, ESS Paper No.32, Geneva, 2012.

<sup>202</sup> Vuong, D.A., et al., *Mental health in Vietnam: Burden of disease and availability of services*. Asian J. Psychiatry, 2011, doi:10.1016/j.ajp.2011.01.005.

<sup>203</sup> UN, *Delivering as one*. Annual Results Report 2014, United Nations in Vietnam, 2014, 54.

communicable diseases on the national health system, with growing demands for elderly care.<sup>204</sup> Finally, although Mental Health Services (MHS) have been included into the national priorities and some progress in the delivery of services in this area has been made over the last ten years, people with mental disorders experience limited access to health care services, and current mental health services are inadequate to meet the care demand.<sup>205</sup>

***Despite a sharp drop in maternal and child mortality at the national level, pockets of high mortality still exist.*** The Maternal Mortality Ratio (MMR) has declined considerably over the last two decades, from 233 per 100,000 live births in 1990 to just 69 by 2009,<sup>206</sup> with approximately two-thirds of this decrease closely related to improved pre-natal care. By 2014, the national MMR was 60, with the reported absolute number of maternal deaths remaining at around 580–660 cases a year.<sup>207</sup> However, discrepancies in MMR among different regions and socio-economic groups remain a major concern.<sup>208</sup> In 2008, the MMR for urban areas was 79, while that for rural areas was 145 per 100,000 live births – nearly double the ratio.<sup>209</sup> While the MMR has fallen continuously in 14 mountainous provinces over the years, it nonetheless remains higher than in other regions. Ethnic minority women often do not seek health care services due to the remote location of health centres, poor quality of healthcare, language barrier, and inability to pay for services or medicine and preference for female healthcare workers.<sup>210</sup> The MMR in 225 of the most remote and mountainous districts is a third higher than the national average, remaining at 104 per 100,000 live births. More specifically, the MMR among ethnic minority groups is four times higher than that of the majority Kinh ethnic group. Home-delivery rates remain higher among ethnic minority people in northern mountainous provinces, ranging from 40–60 percent.<sup>211</sup>

The 2014 micronutrient survey showed severe levels of micronutrient deficiencies among women. Anaemia prevalence among pregnant women was 33 percent, while zinc deficiency was very high at over 80 percent.<sup>212</sup>

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<sup>204</sup> UN, *Delivering as one*. Annual Results Report 2014, United Nations in Vietnam, 2014, 55.

<sup>205</sup> Vuong, D.A., et al., *Mental health in Vietnam: Burden of disease and availability of services*. Asian J. Psychiatry, 2011, doi:10.1016/j.ajp.2011.01.005.

<sup>206</sup> GSO, *The 2009 Viet Nam Population and Housing Census*, Hanoi, 2010.

<sup>207</sup> Socialist Republic of Vietnam, *Country Report: 15 Years Achieving the Viet Nam Millennium Development Goals*, September 2015.

<sup>208</sup> Ibid, 78.

<sup>209</sup> GSO, *Gender Statistics in Viet Nam 2000-2010*, Ha Noi, 2011.

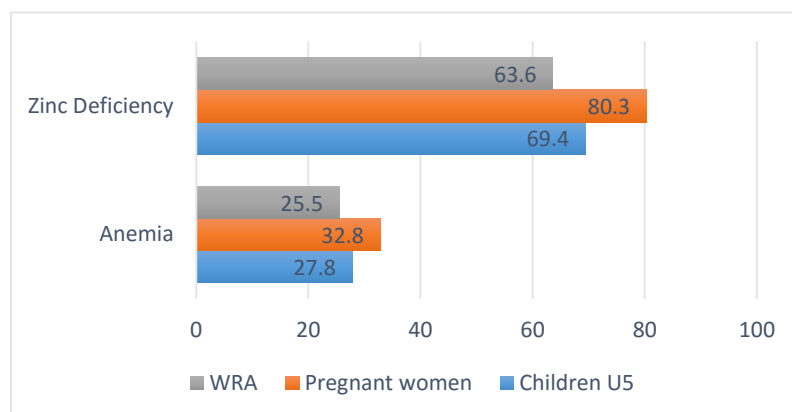
<sup>210</sup> Government review report on 20 year of Beijing Platform for Action, 2014

<sup>211</sup> Socialist Republic of Vietnam, *Country Report: 15 Years Achieving the Viet Nam Millennium Development Goals*, September 2015, 78; and <http://www.interaksyon.com/article/37172/maternal-mortality-rate-in-Viet-Nam-rapidly-decreasing>.

<sup>212</sup> National Institute of Nutrition, *National Micronutrient Survey*, Ha Noi, 2014.



**Figure 8 - Prevalence of anemia & zinc deficiency among target groups (national data)**



Source: National Institute of Nutrition, National Micronutrient Survey 2014<sup>213</sup>

Infant mortality rate (IMR) fell from 44.4 in 1990 to 15.3 in 2010 and 14.9 infants per 1,000 live births in 2014; the U5MR declined from 58 in 1990 to 23.8 in 2010 versus 22.4 per 1,000 live births in 2014.<sup>214</sup> The leading causes of child mortality are neonatal complications, following pneumonia and diarrhoea at early age. Neonatal, infant and under-five mortality are highest among children of ethnic minorities, poorest families and rural areas.<sup>215</sup> Despite remarkable advancements to date, the largest proportion of under-one mortality is neonatal mortality, which accounts for approximately 59 percent of all deaths in children under five, for either preterm birth complications or prematurity complications.

**Sexual and reproductive health needs and rights remain largely unmet.**<sup>216</sup> Individuals and families are legally required to limit births to one to two children through contraception and family planning.<sup>217</sup> The current policy infringes upon the right of women and men to freely and responsibly decide when and how many children to have, in conflict with the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW, art. 16e) and the 1994 Programme of Action of the International Conference on Population and Development (para 7.3). The unmet needs for sexual and reproductive health services are also significant. Provision of information about contraceptive methods and access to family planning services is limited, especially for young women, migrant women, and women in remote and mountainous regions.<sup>218</sup> Unmarried and young people are not targeted in provinces' Annual Action Plans on Family Planning Services and Logistics to implement the National Target Program on Population and Family Planning for 2012-2015. Sexual and reproductive health services for adolescents, including counselling, are not widely available, despite growing demand. In 2013, the unmet need for contraception was reportedly highest amongst the age

<sup>213</sup> Ibid.

<sup>214</sup> GSO, *Report on Major Findings from Midterm Population and Housing Census*, Ha Noi, 2014.

<sup>215</sup> GSO and UNICEF, *Vietnam-Multiple Indicator Cluster Survey 2014*, Ha Noi, 2014.

<sup>216</sup> According to article 16 e of the UN Convention on the Elimination of All Forms of Discrimination against Women, reproductive rights are internationally defined as the equal right of women and men "to decide freely and responsibly on the number and spacing of their children and to have access to the information, education and means to enable them to exercise these rights", UNGA, CEDAW 1979.

<sup>217</sup> Socialist Republic of Vietnam, Population Ordinance, No. 003/PL-UBTVQH11, 2003.

<sup>218</sup> UNFPA, *Advocacy Brief: Unmet need for contraception and implication for Viet Nam*, 2013.

group 15–19 (31.4 percent).<sup>219</sup> Over 6 percent of women aged 15 to 19 have had a child, despite known high health risks of early pregnancies.<sup>220</sup> Viet Nam currently has the highest adolescent abortion rate in South East Asia and the fifth highest in the world.<sup>221</sup> Traditional norms and behaviours around sex and sexuality are changing, yet more than one-third of Vietnamese youth lack access to appropriate information about sexuality, including contraception.<sup>222</sup>

***New patterns of HIV transmission and vulnerability are emerging.*** In 2012, Viet Nam adopted a new national HIV strategy that is aligned with global targets.<sup>223</sup> HIV and AIDS remain a major public health problem and AIDS, specifically, is responsible for a significant proportion of premature deaths in the country.<sup>224</sup> The number of people living with HIV in Viet Nam remains high, despite an apparent stabilisation in the rate of seroconversion among the general population. While HIV prevalence according to official statistics is among the lowest in the region, at 0.47 percent for people aged 15 to 49, the absolute number of affected individuals is significant, with official figures currently standing at 227,151 HIV positive individuals in 2015.<sup>225</sup> Patterns of transmission are also changing, with increasing numbers of infections being acquired through sexual contact. In view of the increased levels of transmission from most-at-risk populations (MARPs) to their spouses and other sexual partners, it is possible that HIV transmission will increasingly occur among lower risk populations.<sup>226</sup>

***Access to HIV prevention, testing and treatment-related services is inconsistent.*** The risk of resurgence in HIV infections and AIDS deaths is aggravated by a lack of focus and resources for high-impact prevention programs and insufficient availability of treatment.<sup>227</sup> HIV infections are increasing in remote and mountainous areas, where socio-economic development is lower, people's access to information about HIV and AIDS is limited, transportation is difficult, and there is limited access to HIV-related services.

In addition, persistent stigma and discrimination toward people living with HIV (PLHIV), people who inject drugs (PWID), female sex workers (FSW), and men who have sex with men (MSM) hampers progress in both prevention and treatment.<sup>228</sup> Confidentiality concerns are particularly challenging. A 2014 survey indicated that high levels of stigma and discrimination combined with low confidence in the confidentiality of HIV testing mean that many PLHIV only seek an HIV test after they become ill, which is generally several years after infection. The result is very late initiation of treatment, which is dangerous for the health of the patient, and reduces

<sup>219</sup> UNFPA, *Unmet needs for sexual reproductive health services and HIV/AIDS: Evidence from MICS 2011 analysis*, 2013.

According to this report the level of unmet need for contraception among unmarried sexually active women (34.3 percent) was about three times higher than that among married women (11.2 percent). The adolescent birth rate for the three years preceding Viet Nam MICS 2014 was 45 births per 1,000 women aged 15-19 years. Strikingly, the rate in rural areas (56 births per 1,000 women) was more than double that of urban areas (24 births per 1,000 women).

<sup>220</sup> GSO and UNICEF, *Vietnam-Multiple Indicator Cluster Survey 2014*, Ha Noi, 2014.

<sup>221</sup> VOV: 2003 / <http://english.vietnamnet.vn/fms/society/79001/abortion-rate-in-vietnam-highest-in-southeast-asia.html>

<sup>222</sup> UNFPA: 2013 / <http://vietnam.unfpa.org/public/pid/14588>

<sup>223</sup> UNDP, 'Combat HIV/AIDS, malaria and other diseases. Where we are?', available at:

<http://www.vn.undp.org/content/vietnam/en/home/mdgoverview/overview/mdg6.html> Last Accessed 18.10.2015

<sup>224</sup> MoH, *Optimizing Viet Nam's HIV Response: An Investment Case*, Ha Noi, 2014.

<sup>225</sup> UNAIDS & WHO, *Global Aids Response Progress Reporting 2015*, Geneva, December 2014.

<sup>226</sup> Ministry of Health, *Viet Nam HIV/AIDS Estimates And Projections 2011-2015*, Ha Noi, December 2012; and <http://asiapacific.unwomen.org/en/focus-areas/hiv-and-aids#sthash.tRfd8ihE.dpuf> Last Accessed 18.10.2015.

<sup>227</sup> MoH, *Optimizing Viet Nam's HIV Response: An Investment Case*, Ha Noi, 2014.

<sup>228</sup> Viet Nam Network of People Living with HIV (VNP+), *People living with HIV - Stigma Index in 2014 in Viet Nam*, Ha Noi, 2014.

the preventive benefits of antiretroviral therapy (ART).<sup>229</sup> Stigma and discrimination are also persistent barriers to the development and implementation of preventive measures tailored to the needs of vulnerable groups. For example, women who live with HIV are particularly vulnerable to social exclusion, including within their families, and are often neglected, abandoned or forced to remain isolated from their children.<sup>230</sup> The country has yet to optimally prioritise evidence-based HIV prevention for key populations, fully scale up access to treatment, and ensure the long-term sustainability of the national response to HIV.<sup>231</sup> This last will be particularly challenging due to the fact that international financing for HIV prevention and treatment in Viet Nam is rapidly dwindling as a result of the country's new LMIC status. In addition to challenges related to assuring adequate domestic financing to maintain an optimal response to HIV in the light of donor withdrawal from this area, the Government faces continuing challenges in resolving underlying inadequacies in the national healthcare system, including a severe lack of human resources as well as emerging global health risks.<sup>232</sup>

***The right to the highest attainable standard of health remains elusive for the most vulnerable.***<sup>233</sup> Access to medicine remains a challenge for the poor in Viet Nam, mainly because of affordability.<sup>234</sup> Health system decentralisation also influences access to medicine, with the recent shift of drug procurement to provincial and district-level authorities, along with other healthcare management responsibilities; this shift has fragmented the State's bargaining power as a bulk purchaser.<sup>235</sup> Further, criminalisation and stigmatisation associated with specific diseases have had a negative impact on the right to healthcare among sex workers and people who use drugs.<sup>236</sup> Sex work and drug use are classified as 'social evils' and are subject to administrative penalties.<sup>237</sup>

***Community and civil society participation in health-related decision-making is limited.*** The Special Rapporteur noted the crucial role of Government in encouraging and incorporating inputs from affected populations in the provision of healthcare services in order to effectively address the HIV epidemic in Viet Nam and improve the healthcare system at large.<sup>238</sup>

## BOTTLENECKS

### Enabling Environment

- Limitations in the health information system have a negative impact upon the country's ability to plan for and implement effective health services. Quality data collection and use is central to the evolving role and responsibilities of the MOH as a contractor and regulator, rather than as the exclusive national healthcare provider. Fully disaggregated data is currently not uniformly collected on health issues and

<sup>229</sup> Ibid.

<sup>230</sup> One UN Viet Nam, *HIV Transmission from Men to Women in Intimate Partner Relationships in Viet Nam: A Discussion Paper*, 2010.

<sup>231</sup> MoH, *Optimizing Viet Nam's HIV Response: An Investment Case*, Ha Noi, 2014.

<sup>232</sup> Socialist Republic of Vietnam, *Country Report: 15 Years Achieving the Viet Nam Millennium Development Goals*, September 2015, 73.

<sup>233</sup> CESCR, General Comment No. 14: The Right to the Highest Attainable Standard of Health, E/C.12/2000/4, 11 August 2000.

<sup>234</sup> Ibid.

<sup>235</sup> Ibid.

<sup>236</sup> OHCHR, Hunt, P., Report of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, A/HRC/20/15/Add.2, May 2009, par.45

<sup>237</sup> WHO, *Assessment of Compulsory Treatment of People Who Use Drugs in Cambodia, China, Malaysia and Viet Nam: An Application of Selected Human Rights Principles*, 2009, 21.

<sup>238</sup> OHCHR, Hunt, P., Report of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, A/HRC/20/15/Add.2, May 2009

service delivery, hampering the monitoring of different groups, and effective programmes and policy responses.

- The Government of Viet Nam has not yet formulated targeted policies to fully regulate the new system regarding the socialisation of healthcare provision. The socialisation policy's short-, medium- and long-term impact on people's access to healthcare, and the realisation of the right to health (for all, but particularly the most vulnerable), remains unclear, despite the goal to allow government a more targeted use of its resources. There is evidence that de-concentration, combined with greater unit changing, has driven inefficiencies, including rent-seeking.
- Cross-sector policy fragmentation results in a lack of systemic links between social protection and labour market policies in a general context of growing urbanisation and the informalisation of the labour force in main cities and industrial areas, with migrant women and children facing reduced access to quality healthcare.
- Inconsistent and informal implementation of healthcare policies has a significant impact on equity of access, highlighted by the case of the HIV response. Health services are not sufficiently user-friendly and discrimination-free (health personnel often lack skills in HIV counselling, testing and maintaining confidentiality), particularly towards highly vulnerable groups such as PLHIV, or members of those populations who are most vulnerable to HIV (PWID, sex workers, MSM).
- Financial resources are often not allocated optimally, nor are these allocations based upon sufficient consideration of evidence. For example, investment in HIV prevention has not been sufficiently targeted. According to the most recent expenditure analysis, 19.8 percent of HIV prevention expenditure in 2011 and 2012 went to programmes targeting PWID, 10.5 percent of expenditure was targeted at FSW and 1.4 percent targeted MSM, although these population groups accounted for an estimated 54 percent of new infections in 2013.<sup>239</sup> Severe funding gaps are expected to follow donors' withdrawal from the HIV response, as a function of Viet Nam's new LMIC status.<sup>240</sup>
- Lack of centralised procurement mechanisms has a negative impact on sustainability, quality control, and affordability of methadone for drug treatment therapy, antiretrovirals (ARVs), reagents and other HIV-related commodities.
- Social norms and stigma (including self-stigma) contribute to the spread of the HIV epidemic by deterring affected individuals from accessing such health services as HIV testing and treatment for fear of criminal sanctions, violence and discrimination (even within the healthcare system).<sup>241</sup>
- There is a lack of community participation for effective governance at every level of the healthcare system, including the collection of accurate data, the formulation of effective interventions, the successful implementation of those interventions, and the ongoing monitoring of their impact.

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<sup>239</sup>MoH, *Optimizing Viet Nam's HIV Response: An Investment Case*, Ha Noi, 2014. The report cites the IDS Epidemic Model, with PWID: 46 percent, MSM: 6 percent, FSW: 2percent.

<sup>240</sup> Ibid.

<sup>241</sup>MoH, *Viet Nam HIV/AIDS Estimates And Projections 2011-2015*, Ha Noi, December 2012.

## **Supply**

- The organisational structure of the health system is not optimal for meeting the requirements of changes in disease patterns, primary healthcare strengthening, and addressing inequity. Health facilities are organised by administrative division, rather than as integrated health systems, resulting in low continuity of care, weak coordination between units and costly inefficiencies due to duplicate services and inadequate capacity utilisation.
- 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.
- A lack of knowledge, skills and culture, age and gender-sensitive attitudes among service providers regarding sexual and reproductive health, maternal health and newborn care impedes access to information and quality services, particularly of adolescent and young women and in areas where geographical and cultural factors have a larger impact on healthcare-seeking behaviours.
- Insufficient or deficient healthcare infrastructure (e.g., a lack of centres that can provide comprehensive care), particularly in remote and mountainous areas, translates into frequent unavailability of services (including emergency obstetric and newborn care), a lack of qualified staff or medicines and prohibitive transportation costs, fostering the informalisation of service delivery, for example through unofficial payments. The participation of private health providers is still limited, and does not address these gaps.

## **Demand**

- Demand for reproductive health information and services is significant among the poor, ethnic minorities and those living in remote areas, but utilisation rates of health services remains low, even when they are covered by health insurance.

## **Quality**

- No adequate quality improvement mechanisms have been established to monitor the quality of healthcare services provided by both the public and private healthcare system.

## GOAL 4. EDUCATION

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Viet Nam has made impressive progress in achieving universal primary education. In 2014, the net enrolment rate in primary school reached – for the first time – 99 percent, the primary school completion rate was 92.2 percent, and the literacy rate of people aged 15 and older reached 94.7 percent.<sup>242</sup> Disaggregated data by region, ethnic group, gender and age, however, show that some groups are still lagging behind, particularly among vulnerable children and ethnic minorities who cannot access education in their native languages. More specifically, ethnic minority youths and children with disabilities face financial, social and cultural barriers to basic education, limited re-entry programmes for out-of-school youths, and unequal access to skills development programmes and higher education.

With the transition to SDGs, upholding these achievements while leaving no one behind, particularly children facing overlapping vulnerabilities linked to ethnic status, gender, migration, disability or geographic isolation, will require attention in several areas, particularly in terms of equity and the quality of education. As Viet Nam has made considerable efforts in terms of new policies, decrees and circulars to broaden access to quality lifelong learning opportunities for all, its educational institutions and curricula will also need to embrace a new focus on youth and their employability. Equally important is the pre-primary sector where participation is limited and socially stratified. In short, the education sector needs to expand beyond securing basic education to ensure cross-sector provision.

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### RIGHTS-BASED CHALLENGES

***The most vulnerable children face multiple financial, social, and cultural barriers to education, significantly limiting their opportunities.*** Viet Nam achieved national targets for universal primary education in 2012, with net enrolment rates reaching 97.7 percent, and has since moved to accomplish universal education at the lower secondary level. However, in disadvantaged regions such as the Mekong River Delta, Central Highlands, Northern Midlands and mountain areas, literacy rates for people aged 15 and above have increased at a relatively slower pace, lagging behind national averages by between 3 to 5 percentage points.<sup>243</sup> For example, the rate for primary school net enrolment among the poorest households was 88.9 percent, while the rate for the richest was 98.3.<sup>244</sup> Net enrolment rates for primary education have consistently been lower among the Hmong and Khmer ethnic minority groups: 72.6 percent and 86.4 percent, respectively.<sup>245</sup> In 2013, the percentage of Khmer and Hmong children not attending school was about 40 percent, while the out-of-school rate for Kinh children was only 9 percent.<sup>246</sup> Significant disparities in quality remain, especially between schools catering to ethnic minority populations or those located in isolated areas, and schools in major cities such as HCMC, Hanoi and Da Nang. Those who are ‘left behind’ in the Vietnamese national education plan include: ethnic minorities, especially smaller populations

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<sup>242</sup> Socialist Republic of Vietnam, *Country Report: 15 Years Achieving the Viet Nam Millennium Development Goals*, September 2015.

<sup>243</sup> Ibid; MOET, *Viet Nam National Education for All 2015 Review*, Ha Noi, 2014.

<sup>244</sup> MPI and GSO, *Vietnam Population and Housing Census 2009 – Education in Viet Nam: An Analysis of Key Indicators*, Ha Noi, 2011.

<sup>245</sup> MPI and GSO, *Vietnam Population and Housing Census 2009 – Education in Viet Nam: An Analysis of Key Indicators*, Ha Noi, 2011.

<sup>246</sup> MOET and UNICEF, *Global Initiative on Out-of-School children – Viet Nam Country Story*, 2013.

and those living in the highest and most remote areas; children suffering from extreme poverty or homelessness in big cities; children who do not possess birth certificates and other forms of identification; migrant children who remain mobile within Viet Nam; children affected by various types of disabilities; children coming from large families; children without sufficient and adequate parental care and attention; and children most vulnerable to the impacts of climate change.<sup>247</sup> It is also worth mentioning that illiteracy is prevalent within the female workforce.<sup>248</sup>

Evidence suggests that there is income-based social stratification outside basic education levels. This development is closely related to greater fee-charging and early expansion of the socialisation model. Reports show lower income quintiles are much less likely to participate in pre-primary and post-secondary schooling.

***In spite of the importance of early childhood development, access remains low, particularly in the most disadvantaged and vulnerable groups.***<sup>249</sup> The Education Law of 2005 defines Early Childhood Education (ECE) as a part of the national educational system. The MoET is the official body responsible for supervising and coordinating ECE, developing programming strategies, guidelines and standards, along with promoting parent awareness of Early Childhood Care and Education (ECCE). Despite recent commitments to early learning and efforts for expansion, governmental funding remains insufficient (in 2012, ECE received 11.32 percent of the total education budget, receiving even less than vocational training), with current resources meet only 40 percent of the amount required under the national ECE target programme. Despite the country's substantial progress especially in focusing on the quality and availability of ECE, the remaining challenge facing is to increase equal ECE opportunities for all and to improve the quality of Early Childhood Development (ECD) services for disadvantaged groups.<sup>250</sup> As estimated, 76.6 percent of children aged 3 months to 3 years, and 12.9 percent of children between the ages of 3 and 6 years do not have access to formal pre-learning programmes.<sup>251</sup> An analysis of how this challenge affects these groups is provided below:

a) *Ethnic Minorities*. In Viet Nam, 3,212,370 students (17 percent of the total) are ethnic minorities.<sup>252</sup> Social norms in some ethnic minority societies are correlated to higher drop-out rates, especially for girls. Whilst 44.6 percent of all Kinh and Hoa children who drop out of school are girls, the corresponding figure for children of other ethnicities is 59.9 percent. For instance, 20 percent fewer Hmong girls than boys attend primary school, and while 20 percent of Kinh women indicated that they had less than an elementary school education, this number rises from 41.9 percent to 75 percent among women from ethnic minorities.<sup>253</sup>

These percentage correlations are perhaps related, at least in part, to the lack of educational opportunities in ethnic minority languages and dialects. In 2012, the Committee on the Rights of the Child (CRC) concluding observations indicated appreciation of efforts to provide bilingual teaching for children belonging to ethnic minorities, but also noted concern with

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<sup>247</sup> UNICEF and UIS, *Out of School Children: Viet Nam Country Study*, November 2011.

<sup>248</sup> MOET, *Viet Nam National Education for All 2015 Review*, Ha Noi, 2014.

<sup>249</sup> UNICEF and UIS, *Out of School Children: Viet Nam Country Study*, November 2011.

<sup>250</sup> MOET, *Report at the International ECD Conference in Korea in 2013*, 5.

<sup>251</sup> Socialist Republic of Vietnam, *Country Report: 15 Years Achieving the Viet Nam Millennium Development Goals*, September 2015.

<sup>252</sup> MOET, *Statistical Yearbook 2013*, 6.

<sup>253</sup> CERD, *Consideration of reports submitted by States parties under article 9 of the Convention*, CERD/C/VNM/CO/10-14, 2012, para 14.



'Limited access to mother tongue-based education for ethnic minorities and indigenous groups; an insufficient number of ethnic minority and indigenous teachers and a lack of appropriate training for these teachers to teach in bilingual education, as well as the low quality of textbooks for children belonging to ethnic minorities or indigenous groups, which impedes the right of children belonging to such groups to learn adequately their distinctive language and preserve it'.<sup>254</sup> As a result, ethnic minority children struggle to understand their teachers and cannot participate in active learning.<sup>255</sup> Moreover, teachers from ethnic minority communities are at similar disadvantage and tend to be less qualified when compared to those at national level. Ethnic minority semi-boarding schools are insufficient in number, and often have infrastructure deficiencies.<sup>256</sup> Recent action research evidence points to an improvement in achievements in all subjects of instruction (including Kinh language) for ethnic minority children who have been pre-schooled in their mother tongue and continue the curriculum in primary school.<sup>257</sup>

A lack of parental education (mother's education in the early grades, father's education in secondary grades) means that a low value may be placed on schooling within the community. Furthermore, the opportunity costs of a child's contribution to family labour may strengthen the argument for dropping out of school, especially when children reach an age at which their labour is economically valuable to the family.

*b) Children with disabilities.* The education of children with disabilities remains an urgent challenge in Viet Nam.<sup>258</sup> Children with disabilities account for 1.18 percent of the population, while children with severe disabilities account for about 31 percent of total children with disabilities, and multi-handicapped children for 12.62 percent. The 2009 national census indicated that only 66.5 percent of primary school-aged children with disabilities attend school, compared to the national average of 96.8 percent, leaving around 700,000 children with disabilities behind.<sup>259</sup> Viet Nam's MoET lists the main reasons for this as: severe disabilities (36.20 percent); children without special learning needs (17.16 percent); children lacking confidence in learning (16.03 percent); community refusal to allow children with disabilities to enrol (9.56 percent); difficult family situations (5.34 percent); lack of familial awareness about enrolling children in school (4.93 percent); and 'complex' children (3.29 percent).<sup>260</sup>

*c) Children of migrants.* An increase in domestic short-term and long-term economic migration

<sup>254</sup>CRC, *Consideration of reports submitted by States parties under article 44 of the Convention*, Concluding Observations, CRC/C/VNM/CO/3-4, 2012

<sup>255</sup>Concern about the limited access to mother-tongue-based education for ethnic minorities was expressed by the Committee on Elimination of Racial Discrimination in that it contributes to low educational attainment and high dropout rates. CERD, *Consideration of reports submitted by States parties under article 9 of the Convention*, CERD/C/VNM/CO/10-14, 2012, para 14.

<sup>256</sup>MOET, *Annual Review Report on Ethnic Minority Education in 2013*, 3.

<sup>257</sup>MOET and UNICEF, *Action Research on Mother Tongue-based Bilingual Education*. Programme Brief, Ha Noi, 2011.

<sup>258</sup> CRC, *Consideration of reports submitted by States parties under article 44 of the Convention*, CRC/C/VNM/CO/3-4, 2012. Paragraph 54 of the document reads: "The Committee is highly concerned about the alarmingly disadvantaged position of children with disabilities with regard to their right to education, whereby 52 per cent of children with disabilities have no access to school, and the vast majority do not finish primary school. The Committee further notes with concern the lack of teachers trained to teach children with learning or developmental delays and the lack of adequate teaching equipment and materials, as well as the regional disparities in the provision of specialist teachers in schools. The Committee is moreover concerned that the barriers preventing children with disabilities from exercising their rights are regarded as a consequence of their disability, rather than an issue arising from the social and economic structure of the society that impedes their social inclusion, resulting also in a high rate of institutionalization of children with disabilities."

<sup>259</sup>UNICEF, *Readiness for Education of Children with Disabilities in Eight Provinces of Viet Nam*, 2015. The document states that Viet Nam has about 1.2 million children with disabilities (CWD), of which 27 per cent have intellectual disabilities, 20 per cent have movement disabilities, 19 per cent have language disabilities, 12.43 per cent have hearing impairment, 12 per cent have vision impairment and 7 per cent have other types of disabilities.

<sup>260</sup> MOET, *Viet Nam National Education for All 2015 Review*, Ha Noi, 2014, 29.

in Viet Nam is linked to a growing incidence in the interruption of education for children whose parents are mobile. For migrating children, the barriers to access to education are multiple: insecure accommodation; lack of paperwork, such as permanent resident certificates; late registration due to the timing of travel and temporary residence; and lack of adequate parental care.<sup>261</sup> Registration status is key, and while many cities (notably, HCMC) have accommodated migrant children in schools, many do not. Internal migration poses significant challenges when groups move from coastal to upland areas for economic development projects, resulting in changing their cultural and often linguistic environments. Schools in these new areas generally do not know the language of their students, and often ignore their basic needs.<sup>262</sup>

*d) Other groups excluded from education.* In addition to the above, other groups of children are emerging as being at disproportionate risk of exclusion from the education system: those living in remote areas, children of parents involved in river transportation and trade, children affected by HIV and AIDS, orphans, working children, street children, and children in detention or with parents who are in prison. Children who are victims of child trafficking, child prostitution and child pornography in Viet Nam are amongst the most vulnerable, and systematically lack access to the education system.<sup>263</sup>

***Many young people's qualifications are not well matched to the current demands of the job market.*** Many young people face a difficult transition from the classroom to the workplace. Despite 20 percent of the State budget being allocated to education, there is a strong need for more efficiently funded and modern policies and infrastructure, with curricula that match national development priorities and meet the needs of the most vulnerable. Low quality and limited relevance of education are thought 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, little emphasis on non-cognitive skills, and poor development of creative thinking and higher-order skills development.<sup>264</sup> Girls are segregated in traditional areas of study and technical and vocational trainings, affecting their future career prospects and earning potential.<sup>265</sup> Further, evidence shows that there are disparities between youth in rural and urban areas: in rural areas, young people tend to have fewer opportunities for education and training with 35.3 percent of rural youth receiving education to only primary level or below, compared to 22.2 percent of youth in urban areas.<sup>266</sup>

Moreover, the curriculum and a lack of independent, critical, creative and innovative thinking and learning for all which, as a result, limits the development of problem-solving skills and life skills. Assessment systems still focus heavily on academic knowledge, instead of on competencies. Moreover, education administrators lack sufficient capacity and autonomy – in terms of governance and resources – to take on substantive measures to improve the quality of education. Although the Government is moving toward requiring full-day schooling for primary schools, the current instruction time of less than 700 hours a year for primary school

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<sup>261</sup> UNICEF and UIS, *Out of School Children: Viet Nam Country Study*, November 2011.

<sup>262</sup> UNICEF and An Giang Provincial People's Committee, *An Analysis of the situation of children in An Giang Province*, 2012, 87.

<sup>263</sup> UNICEF and UIS, *Out of School Children: Viet Nam Country Study*, November 2011; UNDP & USAID, *Being LGBT in Asia: Viet Nam Country Report*, Bangkok, 2014.

<sup>264</sup> UNESCO, *Education Systems in ASEAN+6 Countries: A Comparative Analysis of Selected Educational Issues*, 2014.

<sup>265</sup> MOLISA, *20-Year Implementation of the Beijing Platform for Action and the Outcomes of the 23<sup>rd</sup> Special Session of the General Assembly in Viet Nam*, Ha Noi, 2014.

<sup>266</sup> ILO, *Labour market transitions of young women and men in Viet Nam*, Geneva, 2015, 11.

also contributes to limitations in quality of education.<sup>267</sup> Insufficient infrastructure, as well as the lack of an enabling learning environment, hinders both the consistency of quality of learning and that of learning outcomes under this MDG.

## BOTTLENECKS

### Enabling Environment

- The implementation and monitoring of existing legislation is severely hampered by a lack of consensus and coordination among ministries.<sup>268</sup> Weak sector management and governance is reflected in poor quality assurance standards in public and private education institutions. Complex and fragmented management in vocational training, and overly-centralised and rigid governance structures, pose an obstacle for progress in higher education. The national education system is not comprehensive and lacks strategic links between education levels, and between education and employability.
- Social norms influence family decisions regarding continued education, particularly for girls among some ethnic minorities, and for youth who are old enough to gain paid employment. Attitudinal barriers and prejudice against children with disabilities by society and teachers, and a poor awareness of national and international disability legislation and standards among government stakeholders, result in low expectations about the potential of children with disabilities and their capacity to learn. Parents appear to be more in favour of special education instead of inclusive education.<sup>269</sup>
- Lack of systematically disaggregated data collection and analysis hinders better targeting for improved equity in access to education. National indicators tend to mask regional disparities and particular disadvantages faced by certain groups such as ethnic minorities and internal migrants. A more evidence-based and comprehensive understanding of these disparities is needed to ensure an education of quality for all, taking into consideration local conditions and specificities.<sup>270</sup>
- There is inadequate financing for pre-primary, and higher vocational levels of the education system, particularly for skills programs and research and development in higher education. Insufficiently targeted financial resources constrain the availability of school materials for poor children in primary education, where even inappropriate clothing is an issue.<sup>271</sup>
- Poor regulation of socialisation policies limits participation, builds inequities and has driven inefficiencies. It is also a potential brake on social mobility.<sup>272</sup>
- Gender stereotyping persists in school textbooks, teaching materials and methodologies.<sup>273</sup> There is a gender bias in vocational training subjects encouraged

<sup>267</sup>World Bank, Belgian Development Cooperation &UKaid from the Department for International Development, *Vietnam: High Quality Education for All by 2020(Volume II)*, 2011.

<sup>268</sup>UNICEF, *Readiness for Education of Children with Disabilities in Eight Provinces of Viet Nam*, 2015.

<sup>269</sup> UNICEF and UIS, *Out of School Children: Viet Nam Country Study*, November 2011.

<sup>270</sup> Socialist Republic of Viet Nam, National Education for All (EFA) Action Plan 2003 -2015, Ha Noi, June 2003.

<sup>271</sup> Ibid.

<sup>272</sup>UNDP and Viet Nam Academy of Social Sciences (VASS), *National Human Development Report 2015 – Inclusive Growth*, Ha Noi, (forthcoming).

<sup>273</sup>CEDAW, *Concluding observations on the combined seventh and eighth periodic reports of Viet Nam*, CEDAW/C/VNM/CO/7-8, para. 26, 24 July 2015.

for women.<sup>274</sup> Resources dedicated for gender mainstreaming in learning programmes are limited, thus affecting the promotion of gender equality in education sector.

## Supply

- The quality of infrastructure in the education system is uneven, and often insufficient in remote and mountainous areas. Distances to and from school are high in a substantial percentage of cases, having a negative impact particularly on younger children's attendance. Physical and sensory access barriers remain common. A significant proportion of children do not have regular electricity supply at home, and the lack of heating in schools affects children's ability to learn, especially in northern ethnic minority areas. The lack of child-friendly infrastructure and the incidence of violence and bullying within and on the way to school contribute to drop-outs.
- Existing curricula have important gaps. Life skills are not considered a priority in the school curriculum. In particular, comprehensive sexuality education is not systematically implemented (mostly integrated into other subjects such as biology), and only some schools voluntarily offer focused programs as part of their out-of-school curriculum.<sup>275</sup>

## Quality

- The quality of teacher training is uneven, with lower achievements for teachers working in remoter ethnic minority areas. Teaching and learning methodologies are still teacher-centred, not matching the goal of education to empower learners with creativity, innovation and critical thinking.<sup>276</sup>
- Education management capacities will need to be largely improved to effectively and efficiently implementing the education policies, in line with the decentralization policies. This includes the extended participation of local communities in educational policy making and decision making, as well as the education monitoring and evaluation.<sup>277</sup>

## GOAL 5. ACHIEVE GENDER EQUALITY AND EMPOWER ALL WOMEN AND GIRLS

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Viet Nam has made good progress on its gender equality targets under MDG 3. The policy and legal framework to promote gender equality and empower women and girls is now stronger. The country has successfully increased girls' participation in education at primary and secondary levels. However, and in spite of progress in increasing their access to education, the majority of women remain employed in informal occupations.<sup>278</sup> The labour

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<sup>274</sup> Government report on 20 year implementation of Beijing Platform for Action, 2014

<sup>275</sup> Committee for Culture, Education, Youth, Adolescent and Children/National Assembly: *Assessment of Implementing Policies and Laws on Adolescent and Youth Sexual and Reproductive Health*. 2014

<sup>276</sup> UNESCO, *Transforming Teaching and Learning in Asia and the Pacific: Case Studies from Seven Countries*, Bangkok, 2015

<sup>277</sup> Ministry of Education and Training & UNESCO, *Primary Education Sub-Sector Joint Sector Review 2013-2014*, Ha Noi, 2014

<sup>278</sup> MOET, *Education Statistics Yearbook 2014*, Ha Noi, 2015. The report states that Viet Nam has achieved gender parity in access to all types of basic education (ECCE, primary and lower-secondary). The primary net enrolment rate is now 91.5 percent for girls and 92.3 percent for boys, and the lower secondary net enrolment rate 82.6 percent for girls and 80.1 percent for boys. However, at the regional level, gender disparities remain, particularly in areas with large ethnic minority groups and disadvantaged groups, including in the Northwest, Central Highlands, Southeast and the Mekong Delta. MOET Statistics Yearbook 2013 & 2014. The upper secondary net enrolment rate 63.1 percent for girls and 53.7 percent for boys, as there is a high rate of drop out from the lower to higher secondary of almost 50 percent and the NER for girls is higher, as shown by these figures.

force participation rate is 73 percent for women, compared to 82 percent for men.<sup>279</sup> According to data on employment trends, approximately 53 percent of all women employed are unpaid workers involved in family business, a figure that exceeds the number of men in this position (32 percent).<sup>280</sup>

Although SDG 5 is known as the 'stand-alone' gender goal, gender equality and women's empowerment is mainstreamed throughout the SDGs. Significant gender disparities remain in economic, social, civil and political rights, and will need to be addressed systematically if SDG 5 is to be met. While women are guaranteed formal equality in most areas of life, patriarchal attitudes and gender stereotypes prevent many women from fully enjoying their rights. High prevalence of, and impunity toward, violence against women and the increasing trend of son preference are manifestations of such harmful social norms. Women remain a minority at all levels of decision making in political, economic and public life, and representation in the NA is steadily decreasing. Women's double burden of unpaid and under-valued care work, as well as productive work for the household, is a particular concern, including in the context of an ageing society. Women have a critical role to play under all SDGs, with many targets specifically recognising gender and women's empowerment as both an objective and as part of the broader solution for the country's development.

## RIGHTS-BASED CHALLENGES

### ***Institutional mechanisms for gender equality are incoherent and fragmented.***

Coordination and division of responsibility for gender within government institutions is problematic in Viet Nam, creating incoherence and compartmentalisation. The Gender Equality Department of MOLISA is responsible for managing implementation of the Gender Equality Law and acts as the secretariat of the inter-ministerial National Council for the Advancement of Women (NCAFW) that advises the Prime Minister on gender equality policies. Although it performs an advisory role, the NCAFW does not hold the political power required to coordinate other ministries across Government. Furthermore, national responses to violence against women (VAW) are predominantly disjointed and, therefore, do not provide for effective, comprehensive interventions to combat VAW in all of its forms. For example, while domestic violence is under the remit of the Ministry of Culture, Sports and Tourism (MOCST), trafficking in persons falls under the purview of the MPS, with child marriage under the General Office for Population and Family Planning, and gender equality and gender-driven acts of violence under MOLISA. As a result of this uncoordinated division of responsibility with respect to gender-based violence (GBV), the causes of, as well as links between, various forms of GBV continue to be overlooked at the national level.<sup>281</sup>

***Prevalence of violence against women (VAW) remains high, yet it is still inadequately addressed.*** Despite adoption of the Gender Equality Law (2006) and the Law and Prevention and Control of Domestic Violence (2007), availability of remedy, coordinated services and sanctions to respond to VAW and efforts to prevent VAW comprehensively are yet insufficient compared to Viet Nam's laudable progress in other areas. A 2010 national study on the

<sup>279</sup> UN Viet Nam, *Achieving the MDG with Equity*, Ha Noi, 2012.

<sup>280</sup> MOLISA, *European Union and ILO, Viet Nam Employment Trends 2009*, Ha Noi, August 2009.

<sup>281</sup> UN Discussions Paper: From Domestic Violence to Gender Based Violence in Viet Nam: Connecting the Dots in Viet Nam, UN Viet Nam, 2015

incidence of domestic violence reported nearly 58 percent of ever-married women experiencing at least one form of violence by their intimate partner in their lifetime, while 87 percent of them never sought help from formal service or authority.<sup>282</sup> Women in Viet Nam are also three times more likely to have experienced violence perpetrated by intimate partners rather than by someone unknown. The consequences of domestic violence were estimated to cost 3.2 percent of Viet Nam's GDP by calculating the total productivity losses and potential opportunity costs.<sup>283</sup> At the same time, women who experience domestic violence earn on average 35 percent less than women who experience no violence.<sup>284</sup> Beyond domestic violence, violence against women in schools and public spaces is also a serious problem, although not yet fully understood and acknowledged. A survey conducted in Ha Noi and HCMC in 2014 found that 87 percent of the women and girl respondents confirmed that they have experienced sexual harassment in public places.<sup>285</sup> Yet, of those that had experienced sexual harassment, only 1.9 percent said that they would seek formal justice.<sup>286</sup> Female and male-to-female transgender sex workers reported high levels of violence. A 2012 study showed that 35.2% of female sex workers experienced psychological violence, 27.6% experienced sexual violence, and 20.6% were raped.<sup>287</sup> However, only 15.5% of female sex workers knew where to obtain legal advice. With low reporting and prosecution rates, limited availability of shelter, coordinated referral systems for health, counselling services, legal aid, high percentages of victims never receive assistance, protection and redress – even when formal rights are recognised.

**Trafficking is on the rise.** The Law on Human Trafficking adopted in 2012 does not establish new crimes nor does it as yet clarify any specific punishment (either criminally or administratively). There is no definition of 'trafficking in persons' contained in the Penal Code. A 2014 survey of victims in post-trafficking services in Viet Nam found that 18.8 percent of victims were forced into marriage.<sup>288</sup> These people face high risks of exploitation and abuse, finding themselves in an unfamiliar culture, unable to communicate due to language differences, and unable to rely on a social network.<sup>289</sup> The incidence of reported cases of trafficking of women for sexual exploitation, domestic servitude, or domestic violence at the hands of new husbands is on the rise.<sup>290</sup>

**Women's access to justice is jeopardised by gender stereotyping and emphasis on maintenance of family harmony, including in national legislation.** The possibility of VAW cases reaching conviction is extremely low. While only 43 percent of disclosed domestic violence cases came to the attention of the police, only 12 percent of reported cases resulted

<sup>282</sup> GSO, *Results from the National Study on Domestic Violence against Women in Viet Nam: Keeping silent is dying*, 2010.

<sup>283</sup> UN, *Estimating the Costs of Domestic Violence Against Women in Viet Nam*, 2012.

<sup>284</sup> Ibid.

<sup>285</sup> ActionAid International Viet Nam "Policy Brief" "Safe Cities for Women and Girls: Can Dreams Come True?", 2014.

<sup>286</sup> Baseline Report Safe and Inclusive City for Adolescent Girls (2014) Plan in Vietnam

<sup>287</sup> IOM/MOLISA, *Sex Work and Mobility from A Gender Perspective: Findings from Three Cities in Viet Nam*, 2012.

<sup>288</sup> US Department of State, *Trafficking in Persons Report*, 2015, 408; MOFA, Consular Department, *Review of Vietnamese Migration Abroad*, Hanoi, 2012, 21, 26.

<sup>289</sup> Ibid, 26,41;MMN & AMC, *Migration in the Greater Mekong Subregion—Resource Book: In depth Study: Border Economic Zones and Migration*, Chiang Mai,2013, 166.

<sup>290</sup> US Department of State, *Trafficking in Persons Report* 2015, 408;IOM, *Labor Migration in the Greater Mekong Sub-region*, November 2006, 41; MOFA, Consular Department, *Review of Vietnamese Migration Abroad*, Hanoi, 2012, 21, 26. According to the Ministry of Justice, 133,289 Vietnamese either married or registered for marriage with foreigners (91,210 married, 42,079 registered for marriage) between 2005 and 2010. Between 1990 and 2010, some 80,000 Vietnamese women migrated to Taiwan in order to marry Taiwanese men. Starting in 2004 and continuing to today, the trend shifted to South Korea, with more than 44,000 Vietnamese women marrying South Korean men between within a five-year period. With an estimated 24 million bachelors by 2020, China is increasingly becoming a major destination for Vietnamese brides.

in criminal charges, and only 1 percent of reported cases led to conviction.<sup>291</sup> Despite the 2007 Law on Domestic Violence Prevention and Control, prohibiting the use of reconciliation when offences are subject to administrative sanctions or of criminal nature, 61 percent of reported cases of domestic violence were diverted to reconciliation. The frequent recourse to family reconciliation procedures limits women's capacity to seek formal protection, redress or justice, leaving VAW survivors exposed to repeated violence during their lifetime. It is common for VAW survivors to be blamed for causing their partners to be violent.<sup>292</sup> Legislation on violence against women in public spheres is lacking and/or inadequate. Under the current Penal Code, rape and forcible sexual intercourse are defined narrowly. The range of sexual crimes for women and girls 16 years and above is limited to intercourse. Sexual molestation is only considered a crime if it is perpetrated against children under 16 years old.<sup>293</sup>

**Women's access to legal aid remains limited.** Research on the domestic violence response showed that 77 percent of cases were not brought to the attention of legal aid providers.<sup>294</sup> According to the Law on Legal Aid (2006), free legal aid is limited to women with a family income below the poverty line. This provision limits the capacity of a large portion of VAW victims and survivors to access legal advice, particularly in cases of domestic violence. The cross-cutting incidence of VAW across socio-economic groups makes this challenge one of sizeable proportion, particularly in light of recent poverty reduction achievements.

**Women's needs for sexual and reproductive health services remain unmet.** Many women — especially unmarried, young and migrant women, and women in remote and mountainous regions — are not able to access information about contraceptive methods and family planning services. In 2011, the level of unmet need for contraception among unmarried sexually active women (34.3 percent) was about three times higher than that among married women (11.2 percent).<sup>295</sup> In 2013 the unmet need for contraception was reportedly highest amongst the age group 15-19 (31.4 percent).<sup>296</sup> In 2011, the birth rate among adolescents (15-19 years of age) in Viet Nam was 45 per 1,000 women, higher than many Asian countries.<sup>297</sup> At the same time, Viet Nam reports a very high abortion rate, for adolescents and young women in particular. Vietnamese youth lack access to appropriate information about sexuality, including contraception.<sup>298</sup>

**Prenatal sex selection based on son preference is rising (and risks presenting significant social challenges by 2035).** Specific aspects of gender discrimination in Viet Nam are getting worse: sex ratio at birth (SRB) rose from 106.2 boys per 100 girls in 2000 to 112.6 in 2013.<sup>299</sup> Despite strong community awareness-raising efforts, the entrenched

<sup>291</sup> UN Women and UNODC, *Assessment of the Situation of Women in the Criminal Justice System in Viet Nam in support of the Government's Efforts towards Effective Gender Equality in the Criminal Justice System*, Ha Noi, 2013.

<sup>292</sup> UN Women, *Access to Justice in the Plural Legal System in Viet Nam: A Case Study of Women Domestic Violence Survivors*, 2015.

<sup>293</sup> Joint Recommendations on the draft amended Penal Code for strengthening effective response to violence against women (2015) UN Women and UNODC

<sup>294</sup> UNODC, *Research on Law Enforcement Practices and Legal Support to Female Victims of Domestic Violence in Viet Nam*, 2011

<sup>295</sup> UNFPA, *Unmet needs for sexual reproductive health services and HIV/AIDS: Evidence from MICS 2011 analysis*, 2013.

<sup>296</sup> Ibid. The 2013 report indicated that the level of unmet need for contraception among unmarried sexually active women (34.3 percent) was about three times higher than that among married women (11.2 percent). The adolescent birth rate for the three years preceding Viet Nam MICS 2014 was 45 births per 1,000 women aged 15-19 years. Strikingly, the rate in rural areas (56 births per 1,000 women) was more than double that of urban areas (24 births per 1,000 women).

<sup>297</sup> UNFPA, *Advocacy brief: Adolescent birth rate in Viet Nam*, Ha Noi, 2013.

<sup>298</sup> Ibid; UNESCO, MOET and CCIHP, *What do they need to know? "What do they know? What do they want to know? What do we think they need to know?"* (2012 Survey).

<sup>299</sup> UNFPA, *The Imbalanced Sex Ratio at Birth in Viet Nam: Connecting Research and Policy for Change* (Policy Brief), 2014.



cultural preference for sons, most prevalent in the Red River Delta areas, is shifting only slowly.<sup>300</sup> Abortion of female fetuses is justified by the need to leave ‘space’ for boys and male-oriented kinship systems,<sup>301</sup> with several additional non-cultural factors influencing the SRB imbalance, including declining fertility, the availability of sex-identification and sex-selection technology, and the two-child policy (now renamed as the “small family norm”). Sex selection is strongly correlated with socio-economic status, with much higher SRB values for better-off households, as opposed to lower SRB amongst poor and ethnic minorities. The current SRB imbalance will have implications also for the “marriage market”, with a potential increase in trafficking and sex work to compensate for what UNFPA estimates as a 10 percent ‘surplus’ of men building up towards 2035.<sup>302</sup>

**One-in-ten girls experience child marriage.**<sup>303</sup> Although the Law on Marriage and Family set the minimum age of marriage for women at 18, the number of young women aged 15-19 who are married or in union increased from 5.4 percent in 2006 to 10.3 percent in 2014.<sup>304</sup> The ratio of child marriage remains high among ethnic minorities and in mountainous areas.<sup>305</sup> Child marriage closely relates to dropping out of school, childbirth at an early age, premature births, prenatal death, and reproductive health complications. Seventy-three percent of women aged 15-19 years who are married or in union had no or only primary education. The practice of child marriage is tolerated due to the lack of economic and social opportunities for girls and the belief that young women are needed to undertake unpaid labour for household production and care work.<sup>306</sup>

**Women and girls bear the unequal burden of unpaid care and domestic work.** According to the Viet Nam Gender Assessment of 2011, 44 percent of men did not contribute to housework at all compared to just 21 percent of women.<sup>307</sup> As in many other parts of the world, water collection in Viet Nam is a female task: the person usually collecting water is a woman in 65 percent of cases and a girl in 2 percent of cases. The shares for ethnic minorities are higher than the national average: in their communities, the person collecting water is a woman in 74 percent of cases and a girl in 5 percent of cases.<sup>308</sup> Domestic women migrants are also disproportionately contribute to care professions in urban centres. The burden of unpaid care and domestic work is made more difficult by the fact that access to basic household infrastructure (such as better water and sanitation), which could reduce the drudgery of unpaid work, is limited among the poorest households and in rural areas.<sup>309</sup> Access to early childhood education and care, which could support mothers in their caring roles, is also less frequent among the poorest households and in rural areas. In 2014, the percentage of children aged 36-59 months attending an organized early childhood education programme varied from 85.7

<sup>300</sup>Overseas Development Institute (ODI), Jones, N., et al., *Early Marriage Among Viet Nam's Hmong: How Unevenly Changing Gender Norms Limit Hmong Adolescent Girls' Options In Marriage And Life*, 2014.

<sup>301</sup> UNFPA, *The Imbalanced Sex Ratio at Birth in Viet Nam: Connecting Research and Policy for Change* (Policy Brief), 2014, 2.

<sup>302</sup> UNFPA, *Son Preference in Viet Nam: Ancient Desires, Advancing Technologies*, Ha Noi, 2011.

<sup>303</sup> UNFPA, *Unmet needs for sexual reproductive health services and HIV/AIDS: Evidence from MICS 2011 analysis*, 2013. The report states that 11.1% of women aged 20-49 were married before their 18<sup>th</sup> birthday.

<sup>304</sup> GSO and UNICEF, *Vietnam-Multiple Indicator Cluster Survey 2010/2011*, Ha Noi, 2011; *Vietnam-Multiple Indicator Cluster Survey 2014*, Ha Noi, 2014.

<sup>305</sup> GSO and UNICEF, *Vietnam-Multiple Indicator Cluster Survey 2014*, Ha Noi, 2014. The report shows 29.5 percent for ethnic minorities and 6.5 percent for Kinh/Hoa; 22.6 percent and 14.8 percent for Northern Midlands and Mountain areas and Central Highlands area respectively.

<sup>306</sup> Out of School Children: Viet Nam Country Study, (2013) UNICEF

<sup>307</sup> World Bank, Viet Nam Country Gender Assessment, World Bank, 2011

<sup>308</sup> Viet Nam MICS 2014.

<sup>309</sup> GSO and UNICEF, *Vietnam-Multiple Indicator Cluster Survey 2014*, Ha Noi, 2014

among the richest households to 53.4 among the poorest.<sup>310</sup> Where this limited access to basic physical infrastructure and social infrastructure exist, they constrain women's ability to participate in public life and take advantage of more productive work opportunities.<sup>311</sup>

***Little social protection is offered for women and girls in the informal sector, where they predominate.*** Compared to men, women – especially those in the agricultural and informal sectors, elderly women, and women from ethnic minorities – have limited access to training opportunities which could lead to higher-income occupations, comprehensive social security such social insurance including maternity leave allowances and pension schemes, and financial resources such as formal credit. Women working as housemaids and caregivers, many of whom are migrants, and women in the sex and entertainment industry face disproportionate risks and very limited capacities to access social protection, even if not fully adequate for their specific situation. Women's right to work is impacted upon negatively by the restrictions on pregnancy and childbirth under contracts for overseas work, with the status of migrant and legal dependency on overseas employers significantly hampering women's access to social protection and legal support.<sup>312</sup> Current household registration restrictions affect migrant women in particular, who statistically migrate more than men, and who find themselves excluded from access to basic services at the location where they find work, away from their home.

***Women face barriers in access to ownership and control over land and other forms of property, financial services, inheritance, and productive resources.*** Although the revised *Land Law* of 2013 enforces the issuance of joint land use certificates and introduced restrictions for single nomination, women's access to land remains restricted.<sup>313</sup> While there has been a gradual increase in female-only and jointly-held land use certificates for agricultural and residential land, the rates remain low at 20 percent and 18 percent respectively, while male-only certificates accounted for 62 percent.<sup>314</sup> In patrilineal groups, especially in rural and mountainous areas, women face large obstacles in accessing their rights to land. Traditionally, family or committee-based mediation in land disputes involving women (for example, in cases of inheritance, or property division in divorce) represent the major obstacles women face in realising their rights.<sup>315</sup>

***Feminization of ageing in Viet Nam's rapidly aging population period is an emerging concern.*** Older persons aged 60 and above accounted for 10.5 percent of the population in 2013; 58.2 percent of these older persons were women, and 68.5 percent of those live in rural areas.<sup>316</sup> In 2011, 17 percent of older persons were living in poor households, and there was a larger percentage of older women living in poor households than men.<sup>317</sup> This 'feminisation of ageing' presents a challenge to meeting the needs of older and very old women. Elderly women tend to experience poor health in part due to gender discrimination throughout their life, resulting in low levels of literacy/lack of access to information, low participation in paid employment, poor access to resources, poor nutrition (making them vulnerable to acute and

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<sup>310</sup>Ibid.

<sup>311</sup>Ibid.

<sup>312</sup> UN Women, MOLISA & AUSTRALIA, *Summary of key findings of the National Report on Social Protection for women and girls in Vietnam*, Ha Noi, 2014.

<sup>313</sup> UNDP, *The Women's Access to Land in Contemporary Vietnam*, 2013.

<sup>314</sup> World Bank, *Viet Nam Country Gender Assessment*, 2011.

<sup>315</sup> UNDP, *The Women's Access to Land in Contemporary Vietnam*, Ha Noi, 2013.

<sup>316</sup> GSO, *Report on Major Findings from Midterm Population and Housing Census*, Ha Noi, 2014.

<sup>317</sup> MDRI, *Data from the Vietnam National Ageing Survey (VNAS 2011)*, 2013.

chronic health conditions), and social exclusion. Furthermore, increasing migration of younger people from rural to urban areas, combined with the high cost of childcare in cities means that many older women take the main responsibility for caring for children. The burden of unpaid care-work can lead to stress and deteriorating health among older women.<sup>318</sup>

***Equality in public, economic and political status between men and women remains elusive, and participation of women in leadership appears to be in decline.*** In terms of women's representation in civil service, there has been an overall decline of women in leadership positions, with those holding ministerial and equivalent posts down from 12 percent in 2007-2011 to 4.5 percent in 2011-2016.<sup>319</sup> Women's leadership is more prominent in traditionally "feminine" ministries such as health, education and training, and social affairs, and is low in "masculine" sectors such as transport, natural resources and environment, and construction. By December 2014, the percentage of People's Committees chaired by women was 1.6 percent at provincial level, 3.6 percent at district level, and 3.2 percent at commune level. In the Viet Nam National Assembly, the current percentage of women's representation (24.4 percent) is the lowest in the last four terms. This is less than the 2011 target of a minimum of 30 percent and of the 2016 target of a minimum of 35 percent.<sup>320</sup> The decline in female representation at the national parliamentary level contrasts against the global trend of increased proportions of seats held by women in national parliaments. In business, women account for only one quarter of the total owner/director positions in enterprises nationally. In agriculture, only 8.64 percent farm owners are women, but the number of women labourers increases with many men migrating to urban centres to find employment outside of agriculture.<sup>321</sup>

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## BOTTLENECKS

### Enabling Environment

- The implementation of supportive laws and policies remains weak due to weak institutional mechanisms, lack of accountability systems, insufficient human, technical and budgetary resources, and lack of awareness regarding the concept of substantive gender equality amongst government officials.
- A number of gaps remain in laws, limiting the understanding of duty bearers that VAW is a crime. The penal code does not explicitly criminalise different forms of VAW, particularly sexual violence, and fails to protect VAW survivors in a context where reporting and conviction of perpetrators of violence against women is already low. Tolerant attitudes toward domestic violence as a private matter prevail, particularly amongst law enforcement officers, including the belief that keeping the family together is a priority and that women cannot refuse their husbands' sexual demands.<sup>322</sup> Some discriminatory legal provisions still exist, such as an unequal retirement age in the

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<sup>318</sup>Dr. Ngo Thi Tuan Dung, *Elderly People in Vietnam: Some Issues of Concern from a Family and Gender Perspective* (Presentation at AASSREC Forum "Ageing in Asia Pacific: Balancing State and Family" Cebu, Philippines, 3-4 April, 2013); UNFPA, *The Aging Population in Viet Nam: Current status, prognosis, and possible policy responses*, 2011

<sup>319</sup>World Bank, *Vietnam Country Gender Assessment*, 2011, 78.

<sup>320</sup>National Strategy on Gender Equality and Resolution 11-NQ/TW of the Political Bureau of the Communist Party of Viet Nam dated 27/4/2007 on the Work for Women in the Period of Accelerating Industrialization and Modernization

<sup>321</sup>GSO, *Agriculture, Rural and Fishery Census*, Ha Noi, 2014.

<sup>322</sup>UNODC and RCGAD and HEUNI, *Research on the Quality of Criminal Justice Services available to Victims of Domestic Violence in Viet Nam*, 2010.

Labour Code with 55 years for women and 60 years for men, which restricts women's opportunities. Laws and policies contain vague language on inheritance and succession, leaving them open to interpretation by magistrates.<sup>323</sup>

- Pervasive social norms and gender stereotyping also define what are acceptable occupations for women.<sup>324</sup> The higher positions and sectors such as police, procurators and judges remain strongly male dominated.<sup>325</sup> Women are also vastly under-represented at the higher levels of management in the private sector.<sup>326</sup> Gender inequalities in the fields of study at the secondary and tertiary level, coupled with women's reproductive role and care burden may further restrict women's access to better paid, high-skilled and more stable jobs. Cultural and social norms determine the division of labour between women and men, particularly in rural areas. Women's access to assets, productive inputs and training is often limited because of these norms, which impacts on their productivity and livelihoods.<sup>327</sup>
- The effectiveness of basic legal services is hampered by language barriers, power differences, attitudes, costs, and bureaucratic procedures, all of which hinder women's access to justice and remedies.<sup>328</sup> The frequent use of reconciliation and mediation for dispute resolution privileges men over women.<sup>329</sup> Excessive use of family reconciliation procedures to address domestic violence and land disputes prevails. Women's capacities to uphold their rights and seek protection from violence and exploitation, particularly for violence perpetrated by family members, remains hampered by the Legal Aid Law (2006), which restricts access to free legal aid to women whose household income is above the poverty line.
- The lack of systematic collection of comprehensive sex disaggregated data hinders the inclusion of a gender-sensitive lens in policy/law making and implementation.<sup>330</sup>

## Supply

- Victim assistance and rehabilitation services are inadequate.<sup>331</sup>
- Important gaps in access to basic social services remain among ethnic groups and migrant women, particularly with reference to reproductive health care services,<sup>332</sup> and for elderly women, particularly in rural areas. Lack of adequate social care systems for the elderly and affordable early childhood education and care facilities for young children, in combination with gender stereotyping of roles for women, results in predominantly female family members being responsible for providing care for children and the elderly. This unpaid care burden deprives women of the opportunity to engage

<sup>323</sup> UNDP, *The Women's Access to Land in Contemporary Vietnam*, Ha Noi, 2013, 86.

<sup>324</sup> UN Women and UNODC, *Assessment of the Situation of Women in the Criminal Justice System in Viet Nam in support of the Government's Efforts towards Effective Gender Equality in the Criminal Justice System*, Ha Noi, 2013.

<sup>325</sup> Hunt, S., 'The critical role of women waging peace', *Columbia Journal of Transnational Law*, Vol. 41:3, 2003, 562.

<sup>326</sup> MOCST, GSO, UNICEF and Institute for Family and Gender Studies, *Result of nation- wide survey on the family in Viet Nam 2006: Key Findings*, Ha Noi, June 2008.

<sup>327</sup> SIDA-FAO, National Gender Profile of Agricultural Households, 2010.

<sup>328</sup> UNODC, *Assessment of the Situation of Women in the Criminal Justice System in Viet Nam In support of the Government's efforts towards Effective Gender Equality in the Criminal Justice System*, Ha Noi, July 2013.

<sup>329</sup> UNDP, *The Women's Access to Land In Contemporary Vietnam*, Ha Noi, July 2013.

<sup>330</sup> SIDA-FAO, National Gender Profile of Agricultural Households, 2010.

<sup>331</sup> CEDAW, *Concluding observations on the combined seventh and eighth periodic reports of Viet Nam*, CEDAW/C/VNM/CO/7-8, 24 July 2015, par. 18b.

<sup>332</sup> UN Women, MOLISA and AUSTRADE, *Summary of key findings of the National Report on Social Protection for women and girls in Vietnam*, Ha Noi, 2014.

in other income earning work, limiting their choices to informal and flexible work that affords them little security and benefits.

## Demand

- Low reporting rates of VAW are influenced by entrenched gender norms and stereotyping, with many victims reluctant to report because of feelings of shame, embarrassment or fear.<sup>333</sup> Patriarchal norms have created a society in which gender-based violence is often considered 'normal' and women are encouraged to deal with violence outside of the justice system to maintain a 'Happy Family'. As a result, rates of reporting violence against women are low, and victims are often referred to reconciliation facilitators within their local community to arrive at a solution within the family before involving the criminal justice system.<sup>334</sup>
- Traditionally, premarital sex is culturally unacceptable for women in Vietnamese society, and young women often face moral hazards in their decision to use contraception. The disagreement of male sexual partners may also prevent young women from using contraception, which increases the likelihood of unwanted pregnancy and abortion, and the exposure to sexually transmitted diseases.

## GOAL 6. ENSURE AVAILABILITY AND SUSTAINABLE MANAGEMENT OF WATER AND SANITATION FOR ALL

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From 2000 to 2010, Viet Nam completed two phases of its five-year National Target Programme on Rural Water Supply and Sanitation. National household living standard surveys show a positive trend between 2002 and 2012 in the reported proportion of households having access to clean water and hygienic toilets. According to the 2010 survey, 26.7 percent of the population had access to clean water from private taps in 2010, a figure that reached 30 percent in 2012.<sup>335</sup> The proportion of the population accessing clean sources of drinking water is increasing gradually.<sup>336</sup> However, disparities in access to safe and affordable drinking water still directly reflect broader inequalities, notably in terms of rural and urban areas, as well as between poorer and richer segments of society, with female migrants being one of the most affected groups.<sup>337</sup> The ongoing privatization of service and infrastructure provision with reference to water and sanitation poses important challenges in terms of monitoring, equity and the enforcement of quality standards.

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<sup>333</sup> UNODC and RCGAD and HEUNI, *Research on the Quality of Criminal Justice Services available to Victims of Domestic Violence in Viet Nam*, 2010. According to this study, the most common reason for not reporting was that victims preferred to deal with the problem themselves or within the family. They did not want anyone to know or belittle the incident as not being serious.

<sup>334</sup> UNODC - UN Women research "Assessment of the situation of women in the criminal justice system in Viet Nam" (2013)

<sup>335</sup> GSO, *Result of the Vietnam Household Living Standards Survey*, Ha Noi, 2010, 396; GSO, *Raw data of Result of the Vietnam Household Living Standards Survey 2012*, 2012.

<sup>336</sup> UNDP, CECODES, VFF-CRT, *The Viet Nam Governance and Public Administration Performance Index (PAPI) 2014: Measuring Citizens' Experiences*, Ha Noi, 2015, 93; MPI, *Draft of Country report achieving the Millennium Development Goals of Vietnam*, 2015; GSO & UNICEF, *Vietnam-Multiple Indicator Cluster Survey 2014*, Ha Noi, 2014, 6.

<sup>337</sup> UNICEF, *National Study on impact effects of poor school WASH services on children and teachers' absenteeism and dropout rate in Viet Nam*, 2011.

## RIGHTS-BASED CHALLENGES

**Access to safe and affordable drinking water is inequitable.** While 95 percent of the richest urban quintile has a piped water connection in their home yard, only 35 percent of the bottom quintile does so. In rural areas, just 3 percent of the poorest quintile had a house connection in 2014, while amongst the richest quintile the figure is 43 percent.<sup>338</sup> Regionally, the lowest level of access is in the Northern mountainous regions, the Mekong Delta and in the Central Highlands.<sup>339</sup> The North and the Central Highlands are home to the largest populations of ethnic minority households, where access is lowest and poverty is high. The CESCR concluding observations noted concern ‘at the limited access to sufficient and safe water and improved sanitation in rural areas, in spite of the progress made in the implementation of the National Target Programme on Rural Water and Sanitation by 2020. The Committee is also concerned about reports of water contamination due to mining and abuse of fertilizers and pesticides as well as in urban areas and industrial zones’.<sup>340</sup> Limited access to safe and affordable drinking water affects men and women disproportionately. Nationally, among households without water source on the premises, the majority of households (64.5 percent), an adult female was usually responsible for collecting drinking water. The percentage of households with adult women collecting water was higher for ethnic minorities (74.2 percent) than Kinh/Hoa (57.7 percent).<sup>341</sup> Moreover, ethnic minority women are in charge of the irrigation of fields and vegetables, which increases their work burden.<sup>342</sup> Most metropolitan cities have no wastewater treatment plants or sewer networks in place. Sanitation-related work is limited and mostly involves dealing with blockages, overflows and drain repairs.<sup>343</sup> Overall 8 percent of the country’s population consume water from unimproved sources. Some 15.3 percent of these do not use any point-of-use water treatment methods before drinking. The rate of consumption of untreated water is 25.9 percent in the Central Highlands, 26.2 percent in the southeast, and 31.4 percent in the Mekong River delta.<sup>344</sup> Existing policies have fallen short of addressing these gaps systematically.<sup>345</sup> The 2014 CESCR concluding observations recommended the Government to ‘(a) Allocate more resources for the provision of safe water and improved sanitation, particularly in rural areas, and ensure that direct and indirect costs, such as loans, associated with securing safe water and improved sanitation are affordable; (b) Enforce regulations on water treatment in industrial zones, take measures to protect water sources from contamination and ensure the safety of water supplied to the population.”

<sup>338</sup>World Bank WSP, *Turning Finance into Services for the Future*, 2014, 8.

<sup>339</sup>MICS 2014. P120

<sup>340</sup>CESCR, ‘Concluding observations on the second to fourth periodic reports of Viet Nam’, Art. 12, E/C.12/VNM/CO/2-4, 2014.

<sup>341</sup>MICS 2014. P121.

<sup>342</sup>Care International in Viet Nam, *Climate vulnerability and capacity of ethnic minorities in the northern mountainous region of Vietnam*, 2013, 16

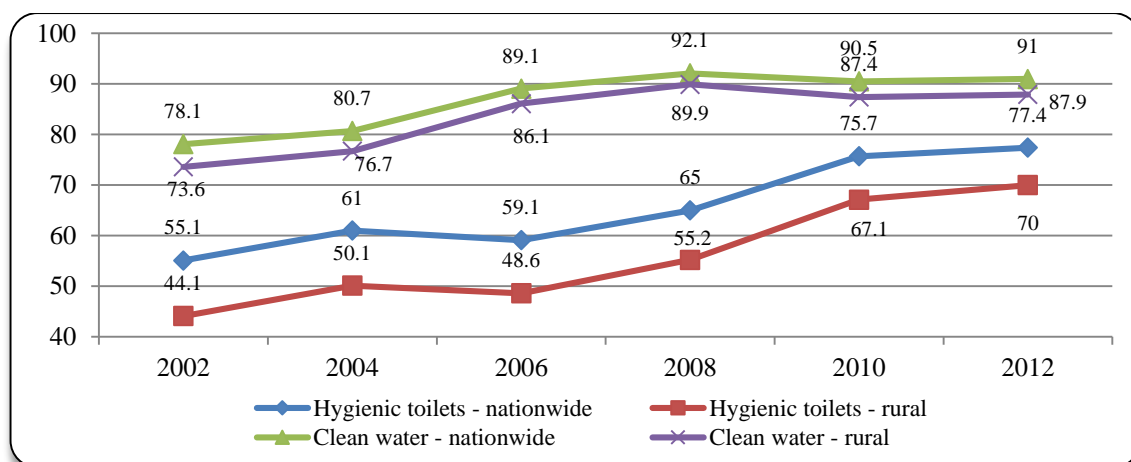
<sup>343</sup>MPI, *Draft of Country report achieving the Millennium Development Goals of Vietnam*, 2015.

<sup>344</sup>GSO and UNICEF, *Vietnam-Multiple Indicator Cluster Survey 2014*, Ha Noi 2014, 115.

<sup>345</sup>World Bank WSP, *Turning Finance into Services for the Future*, 2014, iv; UNDP, CECODES, VFF-CRT, *The Viet Nam Governance and Public Administration Performance Index (PAPI) 2014: Measuring Citizens’ Experiences*, Ha Noi, 2015, 92; Socialist Republic of Vietnam, *Implementation of Sustainable Development: National Report at the United Nations Conference on Sustainable Development (Rio+20)*, Ha Noi, 2012, 42; Socialist Republic of Viet Nam, *Decision No. 366/QĐ-TTg of the Prime Minister dated 31 March 2012, approving National Program on Clean Water and Sanitation, Environment Protection in Rural Area in period 2012-2015*; World Bank-Cities Alliance, *Vietnam Urbanization Review – Technical Assistance Report*, 2011, 81.

**Viet Nam remains highly dependent on external funding sources for rural water supplies.** Such assistance is expected to decrease, and the Government will need to step in with domestic investment in the subsector to prevent a deepening of the financing gap.<sup>346</sup>

**Figure 9 - Proportion of households using hygienic toilets and clean water resources**



Source: GSO<sup>347</sup>

Water quality remains low and service delivery problems persist (including low pressure and intermittent supply), despite provisions allowing contractors to claim maintenance expenses for drinking water infrastructure. Affordability remains a challenge, with low user fees affecting the commercial viability of contracted services. Clean water user fees, and wastewater user fees in particular, negatively affects the commercial viability of wastewater management for contractors when the two water streams are managed by different contractors.<sup>348</sup>

Decentralisation has failed to strengthen accountability of local government and service providers upwards in terms of compliance to agreed regulations and standards (which to date have not been vigorously enforced) and downwards to service users.<sup>349</sup>

**The majority of the rural population and urban migrants still lack access to adequate sanitation.** Only about 40 percent of the population could access garbage collection services in 2010 (79.6 percent in urban areas and 21.4 percent in rural, remote and mountainous areas). The divide between urban and rural areas further increased in 2012 to 80.8 percent,<sup>350</sup> while the proportion of the entire population with access to garbage collection service remained low.<sup>351</sup> Most urban towns in Viet Nam do have wastewater treatment plants, but disparities in access to sanitation facilities persist due to much greater improvement in big

<sup>346</sup>World Bank WSP, *Turning Finance into Services for the Future*, 2014, 16.

<sup>347</sup>Socialist Republic of Vietnam, *Country Report: 15 Years Achieving the Viet Nam Millennium Development Goals*, September 2015, 80.

<sup>348</sup>Ibid, 10.

<sup>349</sup>World Bank WSP, *Turning Finance into Services for the Future*, 2014, 10, 13.

<sup>350</sup>GSO, *Results of the Vietnam Household Living Standards Survey*, Ha Noi, 2010, 396; GSO, *DataResults of the Vietnam Household Living Standards Survey*, Ha Noi, 2012.

<sup>351</sup>GSO, *Results of the Vietnam Household Living Standards Survey*, Ha Noi, 2010, 396; GSO, *DataResults of the Vietnam Household Living Standards Survey*, Ha Noi, 2012; World Bank-Cities Alliance, *Vietnam Urbanization Review – Technical Assistance Report*, November 2011, 227 and 237.



cities compared with small urban cities and rural areas.<sup>352</sup> The disparities in access to garbage collection service reflect broader inequalities, particularly with regard to income, rural-urban divides, and social segregation, with migrants, especially female migrants,<sup>353</sup> living in areas with limited access to adequate sanitation. State agencies lack the capacity to implement effectively and monitor systematically existing policies in this area,<sup>354</sup> and people's awareness of solid waste management and public cleanliness is still low.<sup>355</sup> Moreover, solid waste treatment, as is the case with wastewater, is underdeveloped in Viet Nam. By 2009, only six cities had built wastewater treatment plants. This represents a total treatment capacity of less than 380,000 metres/day, compared to the 4.3 million cubic metres/day of water produced.<sup>356</sup>

**Nearly one-in-five people lack access to safe disposal of human excreta.** About 82.9 percent of the population uses improved sanitation (93.7 in urban and 77.7 percent in rural areas), but 5.8 percent of households defecate in the open. The variation across ethnicity is high, with 26.8 percent of ethnic minorities defecating in the open as against only 2.4 per cent Kinh/Hoa households. The prevalence of use of unimproved sanitation, such as open pit-latrines and latrines without slabs, is highest in northern mountainous areas at 10.7 percent, followed by the Central Highlands at 9.4 percent. The variation across ethnicity remains high, as 16.5 percent of ethnic minority households use open pit-latrines and latrines without slabs, as against 1.5 percent of the Kinh/Hoa majority. Over 36 percent of the households in the Mekong River delta use hanging latrines that release excreta directly to the water bodies.<sup>357</sup>

**Water-use efficiency remains low, increasing Viet Nam's dependence on neighbouring countries for a large part of its water supply.** The demand for water for production and living is increasing with demographic growth and changing lifestyles, as well as for the purpose of producing electricity for economic development. This changing demand conflicts with current practices in water use, with agriculture accounting for over 80 percent of the total water use. Viet Nam receives 60 percent of its water from upstream countries in the Mekong Basin, and mostly from China,<sup>358</sup> making it vulnerable (both for quantity and quality of water) to developments in neighboring countries' water policies and use.<sup>359</sup> This poses a serious threat, seasonally and in the long-term, for agricultural production and other economic activities.<sup>360</sup>

<sup>352</sup>World Bank-Cities Alliance, *Vietnam Urbanization Review – Technical Assistance Report*, November 2011, 199.

<sup>353</sup>UN Women, MOLISA & AUSTRALIA, *Summary of key findings of the National Report on Social Protection for women and girls in Vietnam*, Ha Noi, 2014, 17; World Bank, *Vietnam Country Gender Assessment*, 2011, 69.

<sup>354</sup>World Bank WSP, *Turning Finance into Services for the Future*, 2014, iv; UNDP, CECODES, VFF-CRT, *The Viet Nam Governance and Public Administration Performance Index (PAPI) 2014: Measuring Citizens' Experiences*, Ha Noi, 2015, 92; Socialist Republic of Vietnam, *Implementation of Sustainable Development: National Report at the United Nations Conference on Sustainable Development (Rio+20)*, Ha Noi, 2012, 42; Socialist Republic of Viet Nam, *Decision No. 366/QĐ-TTg of the Prime Minister dated 31 March 2012, approving National Program on Clean Water and Sanitation, Environment Protection in Rural Area in period 2012-2015*; UN Women, MOLISA & AUSTRALIA, *Summary of key findings of the National Report on Social Protection for women and girls in Vietnam*, Ha Noi, 2014, 17; World Bank, *Vietnam Country Gender Assessment*, 2011, 69.

<sup>355</sup>MONRE, *National State of Environment Report 2011 - Solid waste*, 2011, 132.

<sup>356</sup>World Bank-Cities Alliance, *Vietnam Urbanization Review – Technical Assistance Report*, November 2011, 199.

<sup>357</sup>GSO and UNICEF, *Vietnam-Multiple Indicator Cluster Survey 2014*, Ha Noi, 2014, 121.

<sup>358</sup>UNDP, CECODES, VFF-CRT, *The Viet Nam Governance and Public Administration Performance Index (PAPI) 2014: Measuring Citizens' Experiences*, Ha Noi, 2015, 93; Socialist Republic of Vietnam, *Country Report: 15 Years Achieving the Viet Nam Millennium Development Goals*, September 2015; GSO & UNICEF, *Vietnam-Multiple Indicator Cluster Survey 2014*, Ha Noi, 2014, 6; World Bank, 'Report No. 80951-VN: Project Appraisal Document on a Proposed Credit in the Amount of SDR 16.30 Million to the Socialist Republic of Vietnam', 2013.

<sup>359</sup>World Bank, 'Report No. 80951-VN: Project Appraisal Document on a Proposed Credit in the Amount of SDR 16.30 Million to the Socialist Republic of Vietnam', 2013.

<sup>360</sup>MPI, *Draft of Country report achieving the Millennium Development Goals of Vietnam*, 2015, 113; Socialist Republic of Viet Nam, *Decision No. 81/2006/QĐ-TTg of the Prime Minister on approving National Strategy on Water Resource up to 2020*, April 2006; World Bank, 'Report No. 80951-VN: Project Appraisal Document on a Proposed Credit in the Amount of SDR 16.30 Million to the Socialist Republic of Vietnam', 2013, 12; [www.icid.org/vietnam.pdf](http://www.icid.org/vietnam.pdf) Last Accessed 18.10.2015.

**Water resources management is fragmented.** According to current legislation, the Ministry of Agriculture and Rural Development (MARD) is responsible for water management in agricultural production and rural development,<sup>361</sup> the Ministry of Natural Resources and Environment (MONRE) oversees the overall water resource management in the country under the Law on Water Resource,<sup>362</sup> the Ministry of Industry and Trade (MOIT) manages the development of hydropower business,<sup>363</sup> and the Ministry of Construction (MOC) is the leading agency for both urban water and sanitation.<sup>364</sup> Cooperation in state sectorial management with regard to water resources and water use is weak and fragmented over different ministries, although the creation of a national council for water resource has been laid down in the Law on Water Resource and in the Government's decree for implementation.<sup>365</sup> The fragmentation of State initiative in this area poses an additional challenge as Viet Nam faces the imperative for international cooperation with upstream countries.<sup>366</sup>

**Water-related ecosystems are highly vulnerable to climate change.** Climate change has impacted upon river stream flows – with both increased incidence of floods and low flows – and sea levels are expected to rise by 28-33cm by 2050 and 65-100cm by 2100, compared to 1980-1990 levels. In the long term, this increases the risk of salinization of freshwater rivers and aquifers, with potential severe socio-economic implications.<sup>367</sup> Demographic growth is also expected to lead to overexploitation of groundwater reserves from 2020, which will be aggravated by increases in the amount of untreated waste entering rivers and water streams – less than 10 percent of urban wastewater is currently treated.<sup>368</sup> The development of hydropower projects without national strategic planning and comprehensive environmental risk-mitigation is posing a challenge to water resource and water-related ecosystems.<sup>369</sup>

**Poor water and sanitation in school impacts upon access to education, learning and health outcomes, especially for ethnic minority girls.** Although significant achievements were made in water supply targets from 2000 to 2010, only modest progress in water and sanitation occurred in schools; the absence of separate toilets for girls has contributed to high absenteeism amongst girls. Limitations in water and sanitation are primarily an issue in schools in remote commune villages, which often do not have safe water and sanitation facilities, resulting in low rates of basic hygiene practices and high rates of diarrhea. This has a knock-on effect on both health and learning outcomes, particularly among ethnic minority

<sup>361</sup>Socialist Republic of Viet Nam, Decree 80/2014/ND-CP of the Government on Sewerage and Waste water treatment, July 2014, art. 45.

<sup>362</sup>Ibid; Socialist Republic of Vietnam, *Law on Water Resources*, 2012, art. 70.

<sup>363</sup>Socialist Republic of Viet Nam, Law on Energy Saving and Efficiency, 2010, art. 25, 44; National Decree 137/2013/ND-CP of the Government providing guidelines for implementation of the Law on Electricity and the Law on amendment of Law on Electricity, 2013, art. 3, 39, 42.

<sup>364</sup>Socialist Republic of Viet Nam, Law on Energy Saving and Efficiency, 2010, art. 16; National Decree 80/2014/ND-CP of the Government on Sewerage and Waste water treatment, July 2014, art. 45.

<sup>365</sup>Socialist Republic of Viet Nam, Law on Water Resources, 2012, art. 74; National Decree 201/ND-CP of the Government providing guidelines for implementation of the Law on Water Resource, 2013, art. 4.

<sup>366</sup>World Bank, 'Report No. 80951-VN: Project Appraisal Document on a Proposed Credit in the Amount of SDR 16.30 Million to the Socialist Republic of Vietnam', 2013, 14; World Bank WSP, *Turning Finance into Services for the Future*, 2014, 13.

<sup>367</sup>MONRE, *Viet Nam's Second National Communication to the United Nations Framework Convention on Climate Change*, 2010, 69.

<sup>368</sup>World Bank WSP, *Turning Finance into Services for the Future*, 2014, 32; [Unknown] Report 'Research on improving Penal Code's provisions on Environmental Related Crimes', 2015, 11.

<sup>369</sup>Socialist Republic of Viet Nam, National Assembly's Resolution 62/2013/QH13 on Increasing management over the planning, investment, construction and operation of the hydropower projects, 2013; Nguyen Lap Dan et al, *Impact of hydropower projects to the water resources in Highland area*, The Earth Sciences Journal, Issue 35, 2013, 175-180.

children and girls, thus perpetrating the disparity gaps in education and health.<sup>370</sup>

## BOTTLENECKS

### Enabling Environment

- Fragmentation and lack of coordination between State agencies over water resource management and protected area systems is damaging water related ecosystems.<sup>371</sup>
- Lack of inclusion of civil society, including women, youth and indigenous communities in water resources management.
- There is lack of effective regional cooperation for water use in the Mekong region between the upstream countries and downstream countries.<sup>372</sup>
- Policy implementation suffers from a lack of capacities at the local level, and transparency in contracting and the regulatory framework for public private partnership affects equity in the delivery of services related to water and sanitation. A policy bias toward urban areas (especially in water supply) affects groups in rural areas and their wellbeing, and contributes to a lack of trust in community management of water resources.<sup>373</sup> Governmental capacity to effectively implement reform, however, is still hindered by the lack of an independent regulator and performance targets for basic utilities at the national level.<sup>374</sup>
- Lack of sector monitoring (water and sanitation) due to an absence of harmonised definitions and standards across fragmented mandates of various agencies weakens the capacity of the state to identify and target most excluded groups.<sup>375</sup>
- Weak private sector financing.
- A lack of public financial resources for the water supply of drinking water and sanitation provision<sup>376</sup> are aggravated by limited clear incentives for private investment in sanitation services or water treatment.<sup>377</sup> Budget availability for water services and infrastructure at the local level is not clearly identified and mostly inadequate.
- Policies do not currently address the key twin issues of sustainability and expansion of service provision, which is exacerbated by the lack of close cooperation between State sectoral management authorities from the central level to local level.<sup>378</sup>

<sup>370</sup> UNICEF, *National Study on impact effects of poor school WASH services on children and teachers' absenteeism and dropout rate in Viet Nam*, 2011.

<sup>371</sup> MARD and GIZ, 'Strengthening biodiversity conservation in Vietnam's Protected Area System: key issues to address in the governing, legal, institutional, and administrative frameworks', Policy Brief, 2012.

<sup>372</sup> MPI, *Draft of Country report achieving the Millennium Development Goals of Vietnam*, 2015, 113; Socialist Republic of Viet Nam, Decision No. 81/2006/QĐ-TTg of the Prime Minister on approving National Strategy on Water Resource up to 2020, 2006; World Bank, 'Report No. 80951-VN: Project Appraisal Document on a Proposed Credit in the Amount of SDR 16.30 Million to the Socialist Republic of Vietnam', 2013, 12; [www.icid.org/vietnam.pdf](http://www.icid.org/vietnam.pdf) Last Accessed 18.10.2015.

<sup>373</sup> World Bank WSP, *Turning Finance into Services for the Future*, 2014, 13.

<sup>374</sup> Socialist Republic of Viet Nam, National Assembly's Resolution 62/2013/QH13 on Increasing management over the planning, investment, construction and operation of the hydropower projects, 2013; Nguyen Lap Dan et al, *Impact of hydropower projects to the water resources in Highland area*, The Earth Sciences Journal, Issue 35, 2013, 175-180.

<sup>375</sup> World Bank WSP, *Turning Finance into Services for the Future*, 2014, 35.

<sup>376</sup> Socialist Republic of Viet Nam, Decision No. 366/QĐ-TTg of the Prime Minister dated 31 March 2012, approving National Program on Clean Water and Sanitation, Environment Protection in Rural Area in period 2012-2015.

<sup>377</sup> World Bank WSP, *Turning Finance into Services for the Future*, 2014, 22-27.

<sup>378</sup> MARD and GIZ, 'Strengthening biodiversity conservation in Vietnam's Protected Area System: key issues to address in the governing, legal, institutional, and administrative frameworks', Policy Brief, 2012.

- The lack of a national hydropower development plan in combination with a water use efficiency and regional cooperation strategy has negative impacts over the quality and quantity of water resources.<sup>379</sup>
- Lack of operational capacity and maintenance of existing school water and sanitation facilities.<sup>380</sup>

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<sup>379</sup>Socialist Republic of Viet Nam, National Assembly's Resolution 62/2013/QH13 on Increasing management over the planning, investment, construction and operation of the hydropower projects, 2013; Nguyen Lap Dan et al, *Impact of hydropower projects to the water resources in Highland area*, The Earth Sciences Journal, Issue 35, 2013, 175-180.

<sup>380</sup>UNICEF, *National Study on impact effects of poor school WASH services on children and teachers' absenteeism and dropout rate in Viet Nam*, 2011.

## 2) PROSPERITY - ECONOMIC PROGRESS AND GROWTH

### GOAL 7. ENSURE ACCESS TO AFFORDABLE, RELIABLE, SUSTAINABLE AND MODERN ENERGY FOR ALL

Viet Nam's energy sector is struggling to respond to growing energy demands from rising living standards that, at the same time, are fuelling industrial and commercial demands. While progress has been made with regard to sustainable electricity generation,<sup>381</sup> Viet Nam is becoming progressively more reliant on fossil fuels despite considerable potential to improve energy efficiency through adoption by industries of energy efficiency standards (such as ISO50001), and an increase in the use of solar, wind and hydroelectric power. Viet Nam's energy use and electricity intensity ratios are currently 13.9 and 75 percent higher than the global average respectively.<sup>382</sup> Despite remarkable improvements in ensuring the access of rural households to electricity (and the national goal to reach all households by 2020) – indeed, 96 percent of Vietnamese households had access in 2009 compared to 2.5 percent in 1975<sup>383</sup> – existing electricity delivering systems are unreliable and inefficient, exacerbating rural-urban disparities. Systematic data gaps severely impede both policy-making and efforts to improve energy efficiency. Additionally, an uncompetitive and distorted market, due to government subsidies and institutional weakness (including the lack of an independent regulator), discourages private sector involvement in the power sector.

#### RIGHTS-BASED CHALLENGES

***Affordable, reliable and modern energy services are still not accessible to all.*** About one million households, mainly in mountainous areas and on islands, still lack access to electricity.<sup>384</sup> A challenge for expanding electricity access to under- or un-served areas will be in identifying the most appropriate way of providing electricity to these remaining households.<sup>385</sup> The need for energy consumption for living is increasing with population growth and economic development, and rising temperatures.<sup>386</sup> Adapting to these circumstances is difficult in Viet Nam given its traditional dependence on biomass for domestic thermal energy use (cooking and heating).<sup>387</sup> There is no comprehensive plan for enhancing household access to alternative forms of thermal energy, to help further reduce pressure on forest resources, speed up the use of sustainable bio-fuels, and speed up the phasing out of the use of coal briquettes.<sup>388</sup>

With the gradual replacement of traditional biogas and increased energy consumption, the (commercial) energy intensity of the economy is increasing. Furthermore, there is still

<sup>381</sup><https://openaccess.adb.org/bitstream/handle/11540/963/rural-electrification-vie.pdf?sequence=1>. Last Accessed 04 11 2015

<sup>382</sup> World Bank, *World Development Indicators*, 2013.

<sup>383</sup><https://openaccess.adb.org/bitstream/handle/11540/963/rural-electrification-vie.pdf?sequence=1>, pp. 6-9; Last Accessed 04 11 2015 [http://eeas.europa.eu/delegations/vietnam/documents/eu\\_vietnam/20141113\\_mip\\_en.pdf](http://eeas.europa.eu/delegations/vietnam/documents/eu_vietnam/20141113_mip_en.pdf); Last Accessed 04 11 2015

<sup>384</sup> World Bank, *Vietnam State and People, Central and Local, Working Together - The Rural Electrification Experience*, (2011), 36; UNDP Viet Nam, *Papi 2014-The Vietnam Provincial Governance and Public Administration Performance Index*, (2015), 93.

<sup>385</sup> World Bank, *Vietnam State and People, Central and Local, Working Together - The Rural Electrification Experience*, (2011), 36; ADB, *Energy For All - Viet Nam's Success in Increasing Access to Energy through Rural Electrification*, (2011), 6.

<sup>386</sup> Socialist Republic of Vietnam, *Country Report: 15 Years Achieving the Viet Nam Millennium Development Goals*, September 2015.

<sup>387</sup> Sustainable Energy for All, *Viet Nam: Rapid Assessment and Gap Analysis*, 2012, 22.

<sup>388</sup> Sustainable Energy for All, *Viet Nam: Rapid Assessment and Gap Analysis*, (2012), 35.

substantial potential for improving energy efficiency, especially in the manufacturing industry, transport, and residential and commercial buildings. Renewable energy in Viet Nam's energy mix is still significant, but the potential for further expansion of hydroelectricity is limited. Viet Nam is in the early stages of developing wind and solar power, but there is substantial potential.<sup>389</sup>

Electricity prices are capped and prices are indirectly subsidized by the State, which is investing and covering losses of energy supply SOEs through, for example, low-interest loans. Moreover, the same ministry that owns the SOEs also regulates the power sector and the competition agency. This makes private sector investment in expansion of power production capacity unattractive.<sup>390</sup> However, the State is moving to end the subsidy regime and support low-income consumers via social protection transfers. Establishing a truly independent energy regulator could help address efficiency, competition and incentive issues in the energy sector.

Data gaps constrain policy making and implementation. For example, the actual use of biomass for thermal energy is currently based on crude estimates and requires improved monitoring. There is no capacity to accurately measure energy use and energy efficiency in industry, and limitations in efficiency technical expertise, are barriers to improved energy efficiency in facilities. Local manufacturers lack technical/technological information, lack of investment capital and training for supporting decisions to pursue energy efficiency improvements.<sup>391</sup>

Many of the small low-voltage (LV) systems developed in rural communes during the 1990s need rehabilitation to reduce losses and improve power reliability and quality. Bringing existing LV systems up to current Vietnamese standards may cost somewhere between two and three billion USD.<sup>392</sup> Increased demand in rural areas also means there will be need to improve the medium voltage (MV) distribution network over the medium term. MV systems are already a bottleneck in the power flow to LV systems in the some communes.<sup>393</sup>

The single greatest energy demand at household level is for cooking, but electricity is rarely used for cooking in Viet Nam.<sup>394</sup> The rate of rural households' dependence on biomass energy is 70 percent.<sup>395</sup> In rural locations where women are the main collectors of fuel for households, the work burden will decrease and household's economic opportunities increase if there is a shift away from traditional biomass. In addition, the use of traditional biomass may have negative impacts on the environment and health<sup>396</sup> especially for women and children. Furthermore, there is a potential for women to play a key role in increasing access to energy for the poor when they are empowered and involving them in the energy value-chain, i.e. women groups involved in selling, maintaining and financing energy products.<sup>397</sup>

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<sup>389</sup> Ibid; ADB, *Energy for All - Viet Nam's Success in Increasing Access to Energy through Rural Electrification*, 2011.

<sup>390</sup> Sustainable Energy for All, *Viet Nam: Rapid Assessment and Gap Analysis*, 2012.

<sup>391</sup> Sustainable Energy for All, *Viet Nam: Rapid Assessment and Gap Analysis*, 2012, 35.

<sup>392</sup> World Bank, *Vietnam State and People, Central and Local, Working Together: The Rural Electrification Experience*, 2011, 36.

<sup>393</sup> Ibid.

<sup>394</sup> Accenture, 2012 as cited in ODI 2014 Case Study Report *Turning the lights on sustainable energy and development in Viet Nam*.

<sup>395</sup> Sustainable Energy for All, *Viet Nam: Rapid Assessment and Gap Analysis*, 2012.

<sup>396</sup> Ibid.

<sup>397</sup> <http://www.snvworld.org/en/regions/asia/news/snv-renewable-energy-initiatives-showcased-at-the-asia-clean-energy-forum-2015> Last Accessed 26.10.2015.

***Viet Nam is becoming increasingly reliant on fossil fuels.*** While Viet Nam's population has traditionally depended on biomass, which makes up a large share of the country's primary energy mix, use of this energy source is declining. The contribution of hydropower is gradually decreasing, as it proves unable to meet rising energy demands. Therefore, the overall energy mix is becoming more reliant on fossil fuels.<sup>398</sup>

Renewable energy in the national energy mix is relatively substantial, and Viet Nam is currently in the early stages of developing wind and solar power, even though a lack of public and private investment is restricting such development.<sup>399</sup> Barriers for the private sector to invest in renewable energy sources include fragmented and unclear incentive policies for renewable energy development.<sup>400</sup> Costs for production of renewable energy remain high compared with conventional sources, and Viet Nam is lacking both public and private capital needed for modern energy development.

***Energy efficiency poses a major challenge.*** Viet Nam's economic growth remains heavily dependent on natural resources, and commercial energy intensity is increasing per GDP.<sup>401</sup> That is, the use of electricity, natural gas and coal, and petroleum products is increasing at a faster rate than GDP.<sup>402</sup> Viet Nam's energy intensity is poor by international standards: the ratio of energy use per USD 1,000 of GDP (in constant 2005 USD) is 237 kg (of oil equivalent), significantly higher than the world average of 208 kg. Electricity intensity (kWh per USD of GDP in constant 2000 USD) is 1.4, also higher than the global average of 0.8.<sup>403</sup> While energy efficiency of the economy is improving, annual improvements are modest, and insufficient to decouple growth from energy consumption.<sup>404</sup>

Businesses and individuals face inadequate incentives to change behaviours to improve energy use efficiency.<sup>405</sup> There remains substantial potential to improve energy efficiency, especially in manufacturing industries, transport, and residential and commercial buildings. Indirect subsidies on fossil fuels for power generation as well as transport will be challenges for the effort to enhance energy efficiency. Successfully mitigating GHG emissions will require energy sector reform, the promotion of energy efficiency, and increased investment in renewable energy.<sup>406</sup>

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<sup>398</sup> Sustainable Energy for All, *Viet Nam: Rapid Assessment and Gap Analysis*, 2012, 5.

<sup>399</sup> Ibid, 22; Hydroelectricity is included as renewable energy in the energy mix, and accounts for 40 percent. Other renewable energy sources (wind, solar power) are accounting for 3.1 percent only.

<sup>400</sup> Ibid, 35.

<sup>401</sup> Socialist Republic of Viet Nam, Decision No. 1393/QĐ-TTg of the Prime Minister approving National Green Growth Strategy, 2012; Sustainable Energy for All, *Viet Nam: Rapid Assessment and Gap Analysis*, 2012, 35; UNDP Viet Nam, *Green Growth and Fossil Fuel Fiscal Policies in Viet Nam: Recommendations on a Roadmap for Policy Reform*, 2014, 8.

<sup>402</sup> Sustainable Energy for All, *Viet Nam: Rapid Assessment and Gap Analysis*, 2012, 35.

<sup>403</sup> World Bank, *World Development Indicators*, 2013.

<sup>404</sup> UNDP, *Fossil Fuel Fiscal Policies and Greenhouse Gas Emissions in Viet Nam: Subsidies and Taxes in Viet Nam's Energy Sector, and Their Effects on Economic Development and Income Distribution in The Context of Responding to Climate Change*. Hanoi: United Nations Development Programme, 2012.

<sup>405</sup> World Bank, *Vietnam State and People, Central and Local, Working Together - The Rural Electrification Experience*, 2011; Sustainable Energy for All, *Viet Nam: Rapid Assessment and Gap Analysis*, 2012, 35.

<sup>406</sup> UNDP Viet Nam, *Green Growth and Fossil Fuel Fiscal Policies in Viet Nam: Recommendations on a Roadmap for Policy Reform*, 2014, 01; World Bank & UNDP & MPI, *Financing Viet Nam's Response to Climate Change: Smart Investment for a Sustainable Future*, 2015, 25.



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## BOTTLENECKS

### Enabling Environment

- Weak organizational structures and distribution management systems negatively affect local distribution utilities (LDUs). The institutional capacity of the People's Committees to manage and efficiently operate rural electricity networks is inadequate.<sup>407</sup> Local level understanding of renewable energy technologies is limited.<sup>408</sup>
- Private investment in energy infrastructure is limited, due to weak institutional structures and poor incentives, including a rigid tariff system. Requirements for establishing renewable energy capacity are cumbersome; supply chains are poorly developed and energy service provision, operation and maintenance of renewable energy equipment is limited.<sup>409</sup>
- There is no comprehensive policy or plan to enhance access to all forms of energy for households in order to reduce pressure on forest resources, speed up the use of sustainable bio-fuels, and phase out the use of coal briquettes, as well as to determine priority for rural electrification programmes.<sup>410</sup>
- There is a lack of community participation, including participation of women and women's organizations, in planning, distribution and maintenance of clean energy sources.

### Supply

- Limited technical knowledge on energy efficiency and system optimisation.

### Demand

- Limitations in affordability of electricity tariff that satisfies all (including the poorest) while encouraging private investment in the modern energy sector.<sup>411</sup>
- Limited demand for clean energy from households, because of indirect subsidies to power production from natural gas and coal.<sup>412</sup>

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## GOAL 8. PROMOTE SUSTAINED, INCLUSIVE AND SUSTAINABLE ECONOMIC GROWTH, FULL AND PRODUCTIVE EMPLOYMENT AND DECENT WORK FOR ALL

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<sup>407</sup>World Bank, *Vietnam State and People, Central and Local, Working Together - The Rural Electrification Experience*, 2011, 36; ADB, *Energy For All - Viet Nam's Success in Increasing Access to Energy through Rural Electrification*, 2011, 6.

<sup>408</sup>Sustainable Energy for All, *Viet Nam: Rapid Assessment and Gap Analysis*, 2012, 35.

<sup>409</sup>Ibid.

<sup>410</sup>World Bank, *Vietnam State and People, Central and Local, Working Together - The Rural Electrification Experience*, 2011; Sustainable Energy for All, *Viet Nam: Rapid Assessment and Gap Analysis*, 2012, 35.

<sup>411</sup>ADB, *Energy For All - Viet Nam's Success in Increasing Access to Energy through Rural Electrification*, 2011; Sustainable Energy for All, *Viet Nam: Rapid Assessment and Gap Analysis*, 2012; World Bank & UNDP & MPI, *Financing Viet Nam's Response to Climate Change: Smart Investment for a Sustainable Future*, 2015; Sustainable Energy for All, *Viet Nam: Rapid Assessment and Gap Analysis*, 2012, 35.

<sup>412</sup>ADB, *Energy For All - Viet Nam's Success in Increasing Access to Energy through Rural Electrification*, 2011; Sustainable Energy for All, *Viet Nam: Rapid Assessment and Gap Analysis*, 2012, 35; World Bank & UNDP & MPI, *Financing Viet Nam's Response to Climate Change: Smart Investment for a Sustainable Future*, 2015.

The transition from a planned to a market-oriented economy has generated many employment opportunities. However, equitable access to decent jobs, particularly in high productivity sectors and rural areas, is likely to remain a major challenge for the country beyond 2015. Improvements in the business investment environment to allow all potential entrepreneurs to establish formal business, regardless of their political connections, gender, and ethnicity, will be critical for sustained investment and the generation, of formal, and higher productivity, employment. Increased efforts to understand gender issues and make gender equality a concrete reality for all is essential to realising national economic potential and ensuring that both women and men, youth in particular, have decent opportunities in the national workforce.<sup>413</sup> Issues like child labour<sup>414</sup> in the formal and informal sectors, poor working conditions and limited labour safety and hygiene persist, despite recent legislation. As the formal labour sector expands, effectively resolving workplace conflicts, promoting dialogue between employers and employees and finding effective mechanisms to negotiate the increasing aspirations of the workforce on wages and working conditions will become more urgent, with direct implications for the country's productivity and investment climate. Moreover, despite an extensive set of social protection programmes in place, the working poor (especially migrant workers and informal workers including informally employed) remain excluded under the current social protection system.<sup>415</sup>

Viet Nam's labour force in 2014 was 53.7 million (2014 Labour Force Survey),<sup>416</sup> with 733.6 thousand internal migrants aged 15 and older. Nearly 82 percent of these migrants participated in the labour force.<sup>417</sup> Youth unemployment remains high, with 15 to 24 years olds accounting for 47.3 percent of total unemployed.<sup>418</sup>

## RIGHTS-BASED CHALLENGES

### ***School-to-work transition of young Vietnamese women and men remains difficult.***

Young men and women seeking their first jobs suffer from shortcomings in Viet Nam's education and vocational training system. The range and quality of the training offered prior to entering the workforce is generally low,<sup>419</sup> with curricula poorly aligned to labour market demands.

***While Viet Nam's economic growth has helped generate an increase in formal employment, women are not benefiting as much as men.*** Waged employees made up

<sup>413</sup> ILO GENPROM, *Report of survey on the school-to-work transition of young women and men in Vietnam*, Working Paper, Geneva, 2003.

<sup>414</sup> MOLISA, GSO & ILO *Viet Nam National Child Labour Survey 2012* [http://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/---ilo-hanoi/documents/publication/wcms\\_237833.pdf](http://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/---ilo-hanoi/documents/publication/wcms_237833.pdf), 2014.

<sup>415</sup> ILO, Bonnet F. et al., *Analysis of the Viet Nam National Social Protection Strategy (2011-2020) in the context of Social Protection Floor objectives. Global Campaign on Social Security and Coverage for All*, ESS Paper No.32, Geneva, 2012, 13.

<sup>416</sup> ILO, *Report on the 2014 Vietnam Labour Force Survey*, Ha Noi, 2015; *Labour market transitions of young women and men in Viet Nam*, Geneva, 2015. According to these sources, the labour force consisted of 52.7 million employed persons and 1.0 million unemployed persons, and 69.3 percent of the labour force is concentrated in rural areas. Young people (aged 15 to 24) account for one quarter of the total population. Only 1.9 percent of young males and 1.8 percent of young female are unemployed. In fact, 68.7 percent of young men are working as are 59.5 percent of young women. Unemployed youth – those aged 15-24 – accounted for 47.3 percent of total unemployed population of the country in 2014 and the youth unemployment rate was six times higher than the adult unemployment rate aged 25 and above.

<sup>417</sup> ILO, *Report on the 2014 Vietnam Labour Force Survey*, Ha Noi, 2015. According to this source, in 2014, the internal migrants' labour force participation rate was different between men, at 87 percent, and women, at approximately 78 percent, and these figures were uneven across different regions.

<sup>418</sup> CESCR, 'Concluding observations on the second to fourth periodic reports of Viet Nam', E/C.12/VNM/CO/2-4, 2014.

<sup>419</sup> World Economic Forum, *Global Competitiveness Report 2011–12*, 2012. This report ranked Viet Nam 103/142 in terms of higher education and training.

34.8 percent of total employment (18.2 million people) in 2013 of which 59 percent were male and 41 percent were female. Waged employment accounts for only 29.4 percent of total female labour, compared with nearly 40 percent of male labour. It is anticipated that waged employees may make up 44 percent of total workers (25 million people) by 2025.<sup>420</sup> Further, the Global Gender Gap Report suggests that the wage gap between women and men has been increasing, contrary to the trend in other countries,<sup>421</sup> and despite the Labour Code providing for equal pay for equal value. At the same time, women wage employees account for 94.1 percent of households' activities.<sup>422</sup> CESC is concerned that women are confined to the informal economy, where working hours are more flexible due to their roles as main caregivers in the family.<sup>423</sup> Women remain predominantly employed in informal occupations, where they earn on average 50 percent less than men and face higher job insecurity.<sup>424</sup> Moreover, the Labour Code requires women to retire five years earlier than men, consequently limiting women's opportunities for hiring, promotion and trainings.<sup>425</sup> In 2013, only 15.7% of the female labour force received technical training compared to 20.6% of their male counterparts. Women are over-represented in two of the three high-skill occupational groups: 57.8 percent of salaried technicians and associate professionals and 53.1 percent of salaried professionals are female. Women also predominantly work as plant and machine operators. Gender disparities exist also in other fields: women wage employees account for 94.1 percent of households' activities, 71.1 percent of wage employees in education and training and over 64 percent of waged workers in human health and social work; and hotels and restaurants. Men account for over 80 percent of wage employees in mining and quarrying, utilities, and transportation and more than 63 percent of wage employees in the Communist Party and other socio-political organizations, administration, technology and science, real estate, information and communications, and trade.<sup>426</sup>

***Skills shortages in the tourism and other service sectors mean that Viet Nam fails to seize opportunities arising from accelerated regional and global integration.*** Tourism is one of eight industries identified by mutual recognition arrangements within the ASEAN Economic Community, which will be introduced at the end of 2015. Workers with adequate skills and qualifications in this sector will be better positioned to serve the growing tourist industry within Viet Nam and elsewhere in the ASEAN region. With almost 3,300 kilometres of coastline and 7.8 million international visitors a year, the USD 10.7 billion tourism industry has been one of the driving forces of Viet Nam's development, stimulating income growth and job creation. The Viet Nam Administration of Tourism reports that tourism directly employs 550,000 workers and indirectly employs another 1.2 million.<sup>427</sup> However, tourism is still far from a sustainable industry today.<sup>428</sup>

<sup>420</sup> ILO, *Policy Brief: Who are Viet Nam's 18 million wage workers?*, Geneva, 2015.

<sup>421</sup> World Economic Forum, *The Global Gender Gap Report*, 2012; *ibid*, 2013; *ibid*, 2014.

<sup>422</sup> ILO, *Policy Brief: Who are Viet Nam's 18 million wage workers?*, Geneva, 2015.

<sup>423</sup> CESC, 'Concluding observations on the second to fourth periodic reports of Viet Nam', E/C.12/VNM/CO/2-4, 2014.

<sup>424</sup> USAID, *Women's Participation in Vietnam's Economy: Agenda for Action*, December 2010.

<sup>425</sup> Article 187 of the Labour Code, amended in 2012.

<sup>426</sup> ILO, *Policy Brief: Who are Viet Nam's 18 million wage workers?*, Geneva, 2015.

<sup>427</sup> <http://apskills.ilo.org/news/vietnam-needs-to-raise-workers-skills-to-promote-tourism-industry> Last Accessed 17 10 2015

<sup>428</sup> OHCHR, Report of the Special Rapporteur in the field of cultural rights, Farida Shaheed, Visit to Viet Nam, A/HRC/28/57/Add.1, 2015. Skills mismatches and relevance to businesses in Viet Nam and the region remain a problem within the tourism sector: in a survey of over 200 enterprises in the tourism sector in central Viet Nam, all employers stated that graduates from vocational schools did not fully meet their requirements. At the same time, the Special Rapporteur in the field of cultural rights has noted that, although tourism has provided a supplementary source of livelihood for the local people, unfortunately, they are not the

Viet Nam with its diverse natural and cultural resources spreading over the varied geographical areas has great potential to develop eco-friendly and cultural tourism activities. In many areas of high tourism throughout the country, the sustainability of the environment and biodiversity has been challenged, mainly due to the development of mass tourism, which focuses on large groups of tourists and mass consumption with little benefit for local residents. In particular, local people who are limited in both financial capacity and knowledge and skills, struggle to find their place in these tourism value chains.<sup>429</sup>

**Poor working conditions and the limited awareness of labour safety and hygiene make workers more vulnerable.** The CESCR expressed concern at the ‘persistence of poor working conditions in the State as well as at the limited awareness of labour safety and hygiene among workers and employers, exacerbated by the size of the informal economy’ and that ‘irregularities in the recruitment of Vietnamese migrant workers, the limited scope of the Law on Vietnamese People Working Abroad under Contracts, as well as the lack of access to tailored assistance, render Vietnamese migrant workers vulnerable to abuse and exploitation (art. 7)’.<sup>430</sup> Trade union rights and the right to strike were also raised by the Committee.

**Child labour persists, and legislation needs to be improved to meet international standards.** As many as 2.83 million Vietnamese children are engaged in some form of economic activity according to the 2012 Viet Nam National Child Labour Survey, which reveals that 15.5 percent of the child population are engaged in such activities, 57.4 percent being boys.<sup>431</sup> The survey further indicates that about one-third of child labourers (numbering 1,754 million) work on average for more than 42 hours per week. About 55 percent of child labourers do not attend school. The incidence of child labour is higher in rural areas, where they engage in agriculture as unpaid family workers. Approximately 11 percent of the child population in rural areas are in child labour.<sup>432</sup>

Although the Vietnamese Constitution specifically prohibits child labour (Article 37), in 2013 MOLISA issued Circular 11, which authorises what it refers to as ‘light work’ for children between 13 and 15 years old. The list of authorised work includes tasks such as ‘mat weaving, making incense, weaving net, making home appliances and fine art crafts from wicker, rattan and bamboo, rearing silk worms, [and] packing candy’.<sup>433</sup> Indeed, the CESCR is calling upon Viet Nam to bring provisions on permissible work for children including those of 2013 Circular 11 in line with international standards.<sup>434</sup>

## BOTTLENECKS

### Enabling Environment

primary beneficiaries of tourism-generated revenue. It was reported that local people of Sa Pa, Central Highlands and Mekong Delta Khmer faces difficulties in running their own businesses and in preserving their landscape and environment

<sup>429</sup> *Sustainable Development-based Ecotourism*, taken from Workshop on Role of Ecotourism in Sustainable Development in Viet Nam, Ha Noi, April 1998, available at: <http://www.mekonginfo.org/assets/midocs/0002357-environment-workshop-on-role-of-ecotourism-in-sustainable-tourism-development-in-vietnam-held-in-hanoi-april-1998.pdf> Last Accessed 04 11 2015

<sup>430</sup> CESCR, Concluding observations on the second to fourth periodic reports of Viet Nam, E/C.12/VNM/CO/2-4, 2014.

<sup>431</sup> MOLISA, GSO and ILO, *Viet Nam National Labour Survey 2012, Main Findings*, Ha Noi, March 2014.

<sup>432</sup> Ibid, 16.

<sup>433</sup> MOLISA, *Circular 11*, 2013.

<sup>434</sup> CESCR, Concluding observations on the second to fourth periodic reports of Viet Nam, E/C.12/VNM/CO/2-4, 2014.

- Gender stereotyping distorts access to training and employment opportunities, particularly in high productivity sectors. This translates into strong evidence of ‘gender streaming’ job preferences among young women and men.<sup>435</sup>
- Inconsistencies in the regulatory environment and administrative procedures constrain investment, encourage corruption, and discourage those less well connected to conduct business in the formal sector, and thus, deters growth in formal employment.<sup>436</sup>
- Information systems relating to labour markets are underdeveloped, failing to effectively link employers, labour administration, and employment policies.
- Weak national legislation, policies and enforcement mechanism: existing legislation fails to put the best interests of the child as a priority.<sup>437</sup>
- Weak labour market governance institutions hinder the development of sound industrial relations and restrict compliance with national and international standards due to inadequacies in the 2012 Labour Code and wage policy.<sup>438</sup> Policy and implementation gaps result in inadequate protection for workers against risks and vulnerabilities.
- There is a lack of support policies to the Community-run Cooperatives and SMEs in the tourism sector, which play a major role in generating jobs, reducing poverty, and empowering local communities in the transition of the informal sector to formal sector. These Cooperatives and SMEs have limited access to the public natural and cultural resources since they are not addressed in tourism development strategies and plans, which often focus on the high-yield tourism segment with favourable conditions for giant investors.

## Supply

- There is a lack of social protection and safety nets to guard against risks such as ill health and occupational accidents and vulnerabilities such as economic shocks, disasters and climate change. There is no clear or concrete linkage between social protection and measures to facilitate the insertion or reinsertion of beneficiaries in the labour market. Moreover, there is no maternity protection for workers in informal employment, leading to a lack of income replacement during periods of absence from work due to maternity.<sup>439</sup>

## Demand

- A lack of particular types of skilled and qualified labourers hampers Viet Nam’s development. The mismatch between education and vocational training curriculum and

<sup>435</sup> ILO GENPROM, *Report of survey on the school-to-work transition of young women and men in Vietnam*, Working Paper, Geneva, 2003.

<sup>436</sup> Mallon, Raymond. *Reforming Viet Nam’s Economic Institutions to Accelerate the Transition to a Market Economy*, RCV/CIEM, Hanoi. 2015 <http://en.rcv.gov.vn/Institutional-reform-in-Vietnam.htm>

<sup>437</sup> While the Government of Viet Nam with support from the ILO has drafted National Plan of Action (NAP) for the Prevention and Reduction of Child Labour 2015-2020, NAP is still waiting for Government’s adoption.

<sup>438</sup> ILO GENPROM, *Report of survey on the school-to-work transition of young women and men in Vietnam*, Working Paper, Geneva, December 2003, 40.

<sup>439</sup> ILO, Bonnet F. et al., *Analysis of the Viet Nam National Social Protection Strategy (2011-2020) in the context of Social Protection Floor objectives. Global Campaign on Social Security and Coverage for All*, ESS Paper No.32, Geneva, 2012, 13.

market demand for vocational skills means that potential labour market demand, especially for more skilled workers, is not being met.<sup>440</sup>

- Evasion, delay and default in payment of compulsory social insurance contributions is widespread. Complexity in the social insurance payment system that discourage compliance are being addressed, but more needs to be done.

### Quality

- Limitations in the relevance of general education and vocational training for employment makes school-to-work transitions challenging, with a lack of career advice opportunities and weak industry participation in training activities.<sup>441</sup> The education and training systems inadequately respond to the current demands of the labour market.

## GOAL 9. BUILD RESILIENT INFRASTRUCTURE, PROMOTE INCLUSIVE AND SUSTAINABLE INDUSTRIALISATION AND FOSTER INNOVATION

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Viet Nam's industrial competitiveness has improved significantly in the past two decades with the country now ranking in the middle quintile of UNIDO's Competitive Industrial Performance Index (CPI).<sup>442</sup> Trade liberalization in Viet Nam has been one of the driving forces of economic growth, but not a sufficient factor in triggering structural change.<sup>443</sup> As in other LMICs, Viet Nam faces the challenge of transitioning from a model of fast growth in which labour is underutilised and capital accumulated rather than reinvested, to one that revolves around high-productivity, quality human capital and innovation. So far, the economic system has not shown clear signs of leaping forward in terms of achieving higher productivity, with total factor productivity stagnating in the years since the financial crisis. Other key economic processes, such as industrial deepening, growing value added production and formalisation, in turn, are showing only limited improvement, with a possible mid-term negative impact on growth-driven inequality reduction.

The importance of infrastructure, particularly the transportation network, for creating a single national market and including disadvantaged communities is clearly reflected in important policy decisions: infrastructure development for isolated communities was one of Viet Nam's Millennium Development Goals from 2010, and sustainable, climate-proofed infrastructure is part of the Green Growth Strategy Framework for the Period 2011-2020 and Vision to 2050.<sup>444</sup> Viet Nam's infrastructure, especially its transportation network, is being affected by the country's recent 'socialisation policy'. An increased reliance on shared investment between State and non-State actors is leading to growing differences in infrastructure development, despite the modest successes of public-private partnerships.

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<sup>440</sup> ILO, *Viet Nam decent work country programme (2012-2016)*, Geneva, 2012, 8.

<sup>441</sup> ILO, *Tourism in need of skills reboot in the wake of ASEAN Economic Community* (Press release), 18 June 2015.

<sup>442</sup> UNIDO, *The Industrial Competitiveness of Nations: Looking back, Forging ahead. Competitive Industrial Performance Report 2012/2013*, Vienna, 2013, vi. Industrial competitiveness is defined as the capacity of countries to increase their presence in international and domestic markets whilst developing industrial sectors and activities with higher value added and technological content.

<sup>443</sup> UNIDO, *Vietnam Industrial Competitiveness Report 2011*, Hanoi, 2011.

<sup>444</sup> Socialist Republic of Vietnam, *Viet Nam Green Growth Strategy Framework for the Period 2011-2020 and Vision to 2050*, 2011, 9.



## RIGHTS-BASED CHALLENGES

**Infrastructure remains underdeveloped in remote, mountainous and rural areas, making populations in those regions more vulnerable to extreme natural events and poverty.** Insufficient infrastructure has been a traditional obstacle for the development of Viet Nam's isolated areas, remaining a constraint on poverty eradication.<sup>445</sup> Despite significant improvements in particularly disadvantaged communes, the Post-2015 consultations highlighted a sustained demand among the rural poor for better 'roads, electricity, schools and access to clean water.'<sup>446</sup> In coastal areas, low-quality infrastructure development and maintenance weaken the resilience of communities to extreme natural events, with a clear correlation between acute vulnerability to climate change and the lack of resilient infrastructure.<sup>447</sup>

**Investment in infrastructure often overlooks issues of inclusiveness and accessibility** for all social groups, including the most vulnerable segments of society such as the disabled and elderly people. There is a growing need to ensure the participation of all, and that the differentiated needs, responsibilities and constraints of men and women, but also of the elderly and disabled, is taken into account in infrastructure development projects.

**The existing industrialization model is unsustainable and not yet inclusive.** Viet Nam's intensified efforts at industrialisation are linked to significant and growing environmental degradation. The lack of systems and standards for treating liquid and solid waste, as well as gas pollution, remains a major concern. The introduction of laws and regulations to protect the environment (for instance, the Law on Environmental Protection Tax) has had limited impact. Current policies have also favoured the development of industrial centres and large urban settlements, to the disadvantage of the rest of the country.

With an increased competition among Industrial Zones (IZs), there is pressure on provincial authorities to reduce environmental standards, as well as fees and charges for parallel infrastructural investment. Environmental pollution significantly influences the health of people working in the IZs and those living in the surrounding areas.

**Agriculture still dominates the economic structure in remote, mountainous, and rural areas, which limits opportunities.** Rural populations still face the limited choice of seasonal employment in the farming sector or migration. The growth of industry and services has been minimal outside urban centres and large industrial areas, as a result of lack of incentives, policies and poor rural infrastructure.<sup>448</sup>

**Existing research in the fields of science and technology is not sufficient to support a transition to a more productive economy.** Investment in new platforms for innovation and new instruments that can respond to changing markets has been modest, at less than 2 percent of the government budget. The formal banking sector, education, healthcare and

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<sup>445</sup>CEMA, *Statement on the Issuance of the Decision on the Approval of the Action Plan for Acceleration of Millennium Development Goals Implementation in Ethnic Minority Areas in Close Link with the Post 2015 Sustainable Development Goal*, 2015, 2; World Bank, *2012 Vietnam Poverty Assessment - Well Begun, Not Yet Done: Vietnam's Remarkable Progress on Poverty Reduction and the Emerging Challenges*, 2012, 21.

<sup>446</sup>UN Viet Nam, *Our Voices, Our Future: Consolidated Report on Viet Nam's Post-2015 Consultation Process*, June 2013, 6.

<sup>447</sup>Socialist Republic of Vietnam, *Country Report: 15 Years Achieving the Viet Nam Millennium Development Goals*, September 2015, 115.

<sup>448</sup>CEMA, UNDP, Sub-PRPP Project Management Office CEMA, Irish Aid, & Ministry of Labour, Invalids and Social Affairs (MOLISA), *Ethnic Minority 2007-2012 Poverty Summary Report*, 2014, 9.



SMEs all suffer from a lack of focus on innovation and research, falling short of creating momentum for inclusive and diversified industrialisation in high-productivity sectors.

***Small- and medium-size enterprises (SMEs) have limited access to financial services and lack integration into larger value chains and the national markets.*** Shortages in cash flows and difficulties in accessing mainstream financial institutions remain endemic for SMEs, but particularly for those operating in remote locations, where the commercial bank network is sparse. Women's led SMEs may find it particularly difficult to sustain or expand their business, mainly due to domestic and family-related workload. In addition, limited financial literacy and lack of collateral may constitute an important barrier for women when applying for loan.<sup>449</sup> Supply chains related to FDI are not currently leveraged to increase the productive capacities and skillsets of domestic actors.

***Firms struggle to find qualified labour with the right skillsets.*** Limited interaction and collaboration between the formal education system and Viet Nam's economic actors (at the level of higher education and vocational training) results in low employability of graduates and shortages of labour in the industrial and services sectors.

***Slow progress on economic formalisation limits access to social protection.*** Credit supply and allocation, foreign investment, and the quality of local labour are affected by the trend toward informalisation of labour and the lack of adequate social protection to match the deep economic and social change Viet Nam is experiencing.

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## BOTTLENECKS

### Enabling Environment

- Current budget allocation policies are not equitable, with poorer provinces still receiving insufficient financial support from the central budget. Weak incentive structures hamper resource mobilisation, including targeted quality FDI, in particular for Industrial diversification into high value added products, human resource development, technology development.
- Policy processes suffer from lack of capable, qualified human resources for decision-making, implementation, decentralised management and coordination, especially in poor provinces, which lack capacities to develop appropriate local strategies for industrialisation, including the development of eco-industrial zones to enhance sustained and competitive growth throughout the country.
- An underdeveloped financial market further hampers efficient capital mobilisation and allocation.
- Industrial diversification calls for specific industrial policies that nurture private entrepreneurship and the development of new manufacturing activities, transforming strategic sectors that can support sustained growth and reap the benefits of technological change, innovation and learning.

### Supply

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<sup>449</sup> UNIDO, *Gender related Obstacles To Vietnamese Women Entrepreneurs*, 2010.

- Current investment patterns for infrastructural development do not reflect an analysis of Viet Nam's fast-changing social and economic circumstances.
- Supporting industries are generally underdeveloped, with negative impact on efforts to expand industrialisation.
- Employability remains limited for graduates from higher and vocational education, due to issues of relevance of the curricula, and little to no coordination between the education system and economic actors.
- Limited attention is being given to formalisation of an increasingly informal labour force, with existing social protection measures (e.g., Social Insurance) failing to reach a significant number of formal workers and the vast majority of informal workers. Targeted quality FDI for manufacturing are required to achieve sustainable and inclusive industrial development.

## GOAL 10. REDUCE INEQUALITY WITHIN AND AMONG COUNTRIES

*Note: Given the cross-cutting nature of SDG 10, the discussion of the different dimensions of inequality in Viet Nam, encompassed under targets 10.1 to 10.6, is largely addressed in the analysis of the other SDGs, notably SDGs 1, 5, 8, and 16. This section will focus on the analysis of Viet Nam's situation specifically on the issue of migration, i.e., target 10.7.*

Increasingly since the *Doi Moi*, Vietnamese nationals have had opportunities to work, study, visit or reside abroad. Labour migration with ASEAN countries is mainly dominated by low- and medium-skilled workers in manufacturing, construction, fishing and domestic work,<sup>450</sup> but migration categories are becoming increasingly diversified—and difficult to profile and quantify—as the scale of migration increases.<sup>451</sup> Currently, official estimates point to at least 500,000 Vietnamese working in more than 40 foreign countries and territories.<sup>452</sup> Economic migrants, whose decision to leave Viet Nam is closely linked to the country's international opening and people's changing aspirations, but is also a reflection of the quality and availability of desirable work and life opportunities at home (particularly with regard to irregular migration),<sup>453</sup> face very specific vulnerabilities. Overseas work is often correlated with difficult and exploitative labour conditions, particularly for women domestic workers (who face higher risk of sexual exploitation) and migrants in irregular situations, with limited means to protect and realise their rights as they depend for their legal status on overseas employers.<sup>454</sup> Frequent irregularities in the recruitment of Vietnamese migrant workers, the limited scope of the Law on contract-based Vietnamese workers working abroad, and other regulations pertaining to the management of international migration, as well as the lack of access to tailored assistance, make Vietnamese migrant workers vulnerable to abuse and exploitation.

## RIGHTS-BASED CHALLENGES

<sup>450</sup> ILO and ADB, *ASEAN Community 2015: Managing Integration for Better Jobs and Shared Prosperity*, 2015.

<sup>451</sup> MOFA, Consular Department, *Review of Vietnamese Migration Abroad*, ADN Company, Ha Noi, 2012, 15.

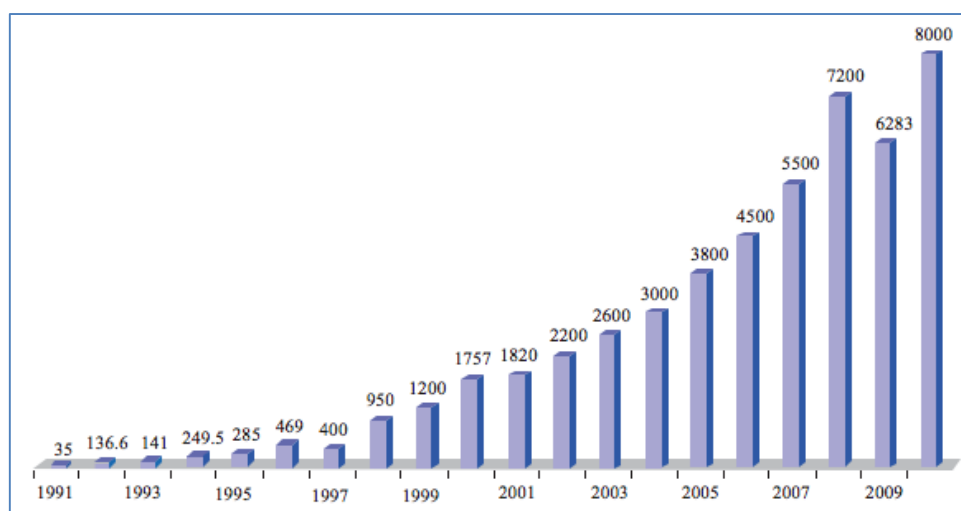
<sup>452</sup> Ibid.

<sup>453</sup> MOFA, Consular Department, *Review of Vietnamese Migration Abroad*, ADN Company, Ha Noi, 2012, 37.

<sup>454</sup> UN Women Viet Nam, Department of Overseas Labour & MOLISA, *Women in International Labour Migration from Viet Nam: A Situation Analysis*, Ha Noi, May 2012.

**Viet Nam lacks data on international migration.** It is a challenge for policy makers to create targeted policies and programmes that respond to the needs of migrants without comprehensive and sex-disaggregated data on international migration. A robust data collection system that captures all types of migration and return is needed. Presently, only the more easily documented forms of contract-based migration or assisted returns are collected. Based on enhanced data, returning migrant profiles can be developed to create programmes that respond to the needs of larger groups based on variables like mode of return (voluntary or involuntary), sectors of work (domestic workers or other), or intended duration of return (temporary or permanent).<sup>455</sup> For instance, there are currently no macro-statistics on the percentage of households receiving money from labour migrants working abroad, but most families whose relatives are working abroad confirm that they receive external support through remittances. The positive contribution of migrants to inclusive growth and sustainable development in Viet Nam is not valued proportionally, and public knowledge about it is scarce, despite Viet Nam ranking highly among South-East Asian remittance-receiving countries, and remittances approximately equalling the provincial general income in certain regions.

**Figure 10 - Remittances to Viet Nam through formal channels over the past 20 years**



Source: DilipRatha, *Migrant Remittance Flows: Findings from a Global Survey of Central Banks*. World Bank, Washington D.C., 2010.33

**Returning migrants face a lack of employment opportunities.** In addition to frequent debt, family conflicts and health issues, the lack of both a social safety net and support for sustainable reintegration into communities complicates the situation of returning migrants.<sup>456</sup> Some of these factors could also explain why many workers choose to overstay their visas and work illegally in their host countries. Both skilled and unskilled workers face months of unemployment upon their return, with local authorities and recruitment agencies failing to facilitate and leverage their reintegration into the local labour market.<sup>457</sup> The root of the problem is the fact that returned migrants are too often unemployed, underemployed, or forced

<sup>455</sup> UN Women and IOM, *Making the return of migrant workers work for Viet Nam: an issue in brief*, May 2014.

<sup>456</sup> DOLAB and IOM, *Returning Vietnamese Migrant Workers: Policy and Practice*, 2014.

<sup>457</sup> Ibid.

to take jobs far from home when they return to Viet Nam. There is a real need to focus on opportunities in rural areas where most Vietnamese migrants come from. Currently, Employment Service Centers (ESCs) have a key function in job-matching.<sup>458</sup> Accessible, individualised job counselling and placement is needed to address this challenge.<sup>459</sup> This issue is exacerbated by the limitations migrants face in accessing social security, further increasing their vulnerability: for instance, migrants face highly complex procedures for accessing compensation for unpaid wages or injury, with the burden of proof being on the migrants, while the practice of household registration regards migrants as temporary visitors with *de facto* fewer rights and entitlements.

***Adequate safeguards to protect women from statelessness in the context of marriage and divorce with foreign nationals are lacking.*** The numbers are significant, with more than 50,000 marriages contracted between Vietnamese women and foreign men from 1995 to 2002 and up to 10 percent of these marriages failing before the new nationality has been obtained. The government estimated that at least 3,000 women became stateless in these circumstances. The new nationality law passed in 2008 was designed to restore the citizenship of such women. Children of returning ‘marriage immigrants’ whose legal status is not resolved remain stateless, and cannot enrol in schools or access other social services.<sup>460</sup> Viet Nam’s laws on prevention of statelessness are some of the most advanced in the ASEAN; however, analyses indicate that challenges remain as the number and profile of persons who are stateless at present is unclear.

***Trafficking for labour exploitation has become a lucrative business.*** Viet Nam earns substantial revenues from the “export” of workers to countries such as the United Arab Emirates, Taiwan, Malaysia, Saudi Arabia, and South Korea. On arrival in these countries, workers are often compelled to work in substandard conditions for little pay and with no access to legal recourse. Vietnamese labour export companies, most of which are state-affiliated, often practice debt bondage.<sup>461</sup> In 2013, the US State Department put Viet Nam on its “Tier 2 Watch List” for human trafficking.<sup>462</sup>

## BOTTLENECKS

### Enabling Environment

- There is currently no overarching coherent policy and legal framework governing the management of international migration. Migration issues are regulated by a number of different laws and regulations that are partially overlapping and

<sup>458</sup> ILO, *The Role of Social Enterprise and Migrant Workers in the Social Solidarity Economy of Viet Nam*, (forthcoming).

<sup>459</sup> Ibid.

<sup>460</sup> CESCR, Concluding observations on the second to fourth periodic reports of Viet Nam, E/C.12/VNM/CO/2-4, December 2014.

<sup>461</sup> Unrepresented Nations and Peoples Organization, *Alternative Report on the Implementation of the UN International Covenant on Economic, Social and Cultural Rights for consideration of the Combined Second to Fourth Reports of the Socialist Republic of Viet Nam, Violations of Economic, Social and Cultural Rights in Viet Nam*, March 2014;

<sup>462</sup> US Department of State, *Trafficking in Persons Report*, 2013. The report noted that ‘some recruitment companies did not allow workers to read their contracts until the day before they were scheduled to depart the country, and workers also reportedly signed contracts in languages they could not read’. The report also stated that Viet Nam ‘did not provide adequate legal protection from forced labour or assistance to victims in Viet Nam or abroad’.

outdated. There is a limited focus on gender-specific protection issues and return migration for employment and social protection.<sup>463</sup>

- Mandates of different government agencies on the management of international migration are not clearly defined yet and there is absence of regular interagency coordination on the management of international migration, with regard to both regular and irregular migrants. While in the first case the relevant ministry is MOLISA, certain responsibilities are shared by MOFA, MPS, and MoJ depending on the form of irregular migration (e.g., human smuggling, marriage migration).<sup>464</sup>
- Migration law and policies lack a gender lens and focus on returning migrants for both employability and social protection.<sup>465</sup> The Law on Vietnamese People Working Abroad under Contracts has a limited scope.
- Implementation and monitoring of migration-relevant laws and regulations are weak. Local governments generally do not have policies supporting returnees or do not even know the number of returnees.<sup>466</sup> There have been significant gaps in the overall implementation of the 2006 Law, and no single agency has assumed responsibility for managing and supporting returning migrant workers, although MOLISA is responsible for the management of overseas employment according to the law.<sup>467</sup>
- Official data is limited to the departure situation of migrants, not including rate of completion of overseas contracts and employment situation upon return.<sup>468</sup>

## Supply

- The domestic labour market is unable to absorb returning migrants, particularly due to recruitment agencies' lack of focus on linking demand and supply of labour despite the critical shortage of qualified and technical workers in companies throughout Viet Nam and the presence of qualified job-seeking returnees.

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<sup>463</sup>MOFA, Consular Department, *Review of Vietnamese Migration Abroad*, ADN Company, Ha Noi, 2012, 59.

<sup>464</sup>Ibid.

<sup>465</sup>Ibid.

<sup>466</sup>Ishizuka F., *International labor migration in Vietnam and the impact of receiving countries' policies*, 2013, cited in UN Women & IOM, *Making the return of migrant workers work for Viet Nam: an issue in brief*, May 2014, 2, 6.

<sup>467</sup>Ibid.

<sup>468</sup>MOFA, Consular Department, *Review of Vietnamese Migration Abroad*, ADN Company, Ha Noi, 2012.

### 3) PLANET - SUSTAINABILITY AND CLIMATE

#### GOAL 11. MAKE CITIES AND HUMAN SETTLEMENTS INCLUSIVE, SAFE, RESILIENT AND SUSTAINABLE

The transition from a rural-based economy to higher-productivity urban-based society is one of three important underlying processes highlighted in this analysis, in addition to the transition from a central planning to market economy, and regional and global integration. Cities, especially secondary ones, are major drivers of economic development, and approximately 70% of the gross domestic product (GDP) is generated in urban areas.<sup>469</sup> Urbanization has been accelerating since Doi Moi, with average population growth of about 3.4 % annually<sup>470</sup>. In 1983, only 12 million Vietnamese people lived in cities, accounting for 19.3% of total population; the number of urban dwellers, however, reached nearly 30 million (33.6 %) in 2014. As of 2014, Vietnam has about 760 cities and towns, including two special cities (Ha Noi and Ho Chi Minh City), 12 class-I cities, 10 class-II cities, 51 cities of class III, 55 cities of class IV, and more than 600 class-V townships.<sup>471</sup> Over the next 5 years, it is estimated that there will be 1 or 2 cities/townships formed every month.<sup>472</sup>

However, urban demographic growth in the past two decades has not been matched by sustained or sufficient growth of basic infrastructure, decent housing, equitable transportation or basic service delivery. Most existing infrastructure was designed and built without adequately taking into account impacts of climate change, especially extreme climate events. This results in frequent floods in towns and cities throughout the country, disrupting livelihoods and threatening health and lives.<sup>473</sup> The growing pressure on existing infrastructure and services particularly affects the most vulnerable, including especially people with disabilities and migrant female workers and their children. That said, the ability of the general population to access basic services, decent work and housing, and essential infrastructure such as clean water, energy and sanitation is declining, leaving those who contribute to economic growth<sup>474</sup> most significantly without adequate safety nets and social protection cover. Sexual harassment remains a systemic issue for women and girls in public spaces and on public transportation.<sup>475</sup>

While many of these risks are already manifest and increasing rapidly, Viet Nam must be ready to employ urbanization as an instrument to sustain its economic growth and escape

<sup>469</sup>ADB, *Urban Sector Assessment, Strategy and Roadmap*, (2012).

<sup>470</sup>World Bank-Cities Alliance, *'Vietnam Urbanization Review – Technical Assistance Report'* (2011), xvi.

<sup>471</sup>Urban Development Agency - MoC, *'Vietnam National Urban Development Strategy (NUDS) for the period until 2020 with a vision to 2030'*, 2013.

<sup>472</sup>Decision No. 1659/QĐ-TTg dated November 07th 2012 by the Prime Minister on approving the National Program on Urban Development in Vietnam.

<sup>473</sup>Socialist Republic of Vietnam, *Country Report Achieving the Viet Nam Millennium Development Goals* (2015), 115.

<sup>474</sup>HCMC alone accounts for at least 20 percent of Viet Nam's Gross Domestic Product (GDP) and newest estimations show that the city's GDP per capita is about USD 5,100, almost three times higher than the country's average. Available at: <http://tuoitrenews.vn/business/25028/hcmcs-per-capita-income-reaches-over-5100-as-gdp-growth-edges-up>, Last Accessed 17.10.2015.

<sup>475</sup>According to a study conducted by Action Aid Viet Nam in 2014, 9 in 10 women in Ho Chi Minh and 8 in 10 women in Hanoi who participated in the study experienced sexual harassment in public places and 16 percent of them experienced sexual harassment on a regular basis. Lack of legal protection for survivors of violence against women in public spheres lead to impunity and victims remain in silence. Plan in Vietnam, *Baseline Report Safe and Inclusive City for Adolescent Girls*, 2014; ActionAid International Vietnam, *Policy brief For Women and Girls: Can dreams come true?*, Ha Noi, 2014.



from “the middle income trap”. Successful management of land, urbanization and job creation create desirable patterns of migration to cities. Mismanagement results in disease, misery and social unrest. A high quality of urbanization and urban job creation is one of the hallmarks of an equitable country.<sup>476</sup>

## RIGHTS-BASED CHALLENGES

***The lack of affordable housing and limited access to basic services is a growing problem in large cities, as well as in poorer provinces.*** Current social housing programs are not sufficient to cover the growing demand for housing in Viet Nam’s cities, with a growing number of people living in poor conditions and informal settlements.<sup>477</sup> Low income groups, in particular migrants, are particularly affected by soaring land prices and cumbersome procedures for obtaining the legal title on land, especially in the two largest cities, Hanoi and HCMC.<sup>478</sup> Time consuming and difficult procedures also limit poor households’ access to personal finance for house purchase and upgrades.<sup>479</sup> Public social services are provided unevenly across cities, and mostly to registered households. This especially affects migrants, including women and children, who have limited access to social services, such as educational and medical support, affordable early childhood daycare, and protection services.<sup>480</sup> This contributes to increasing the risk of abuse and exploitation, and making cities unsafe for migrant women and children. These weaknesses are also emerging in multi-dimensional poverty analyses, which show that deprivations are real in urban areas. Indeed, these issues form a dimension of Viet Nam’s three-way modern poverty problem, alongside widespread vulnerability and chronic ethnic minority deprivation.

In large cities, where recent infrastructural projects allow a higher percentage of people to access basic services, the affordability of piped water, sanitation system and electricity has become an issue.<sup>481</sup> Prices of utilities are high compared to international levels normalised for per capita GDP, and inefficient use and management of water and electricity make current production processes unsustainable for contractors.<sup>482</sup> Small and poor provinces lack the financial capacity to invest in infrastructure and provide better quality of basic services. An absence of transparency and efficiency in basic service provision discourages private sector investment, which could improve basic service delivery.<sup>483</sup>

***Investment in equitable and safe transportation systems remains minimal.*** Disparities persist with regard to access to safe, affordable, and sustainable transport systems, particularly in terms of rural-urban divides, with existing policies, implementation and

<sup>476</sup> Harvard University, ‘Choosing Success: The Lessons of East and Southeast Asia and Vietnam’s Future’ (2008), 15.

<sup>477</sup> There are about 15,000 poor households living along polluted canals in HCMC.

<sup>478</sup> In HCMC there are about 9 million people, 44 percent under the age of 25. [http://www.unicef.org/vietnam/media\\_24676.html](http://www.unicef.org/vietnam/media_24676.html). Last Accessed 17.10.2015.

<sup>479</sup> World Bank-Cities Alliance, *Vietnam Urbanization Review – Technical Assistance Report*, November 2011, 223.

<sup>480</sup> UN Women, MOLISA and AUSTRADE, *Summary of key findings of the National Report on Social Protection for women and girls in Vietnam*, Ha Noi, 2014, 17.

<sup>481</sup> World Bank-Cities Alliance, *Vietnam Urbanization Review – Technical Assistance Report*, November 2011, 196; UNDP, CECODES, VFF-CRT, *The Viet Nam Governance and Public Administration Performance Index (PAPI) 2014: Measuring Citizens’ Experiences*, Ha Noi, 2015, 93; MPI, *Draft of Country report achieving the Millennium Development Goals of Vietnam 2015*, 2015; General Statistics Office of Viet Nam and UNICEF, *Vietnam-Multiple Indicator Cluster Survey 2014*, Ha Noi, 2014, 6.

<sup>482</sup> World Bank-Cities Alliance, *Vietnam Urbanization Review – Technical Assistance Report*, November 2011, 215.

<sup>483</sup> Ibid.



monitoring efforts falling short of addressing this issue.<sup>484</sup> Groups who are particularly affected are people living with disabilities and the poor.<sup>485</sup> Investment in road infrastructure development is concentrated in large cities,<sup>486</sup> but no city in the country can yet count on a well-functioning public transportation system,<sup>487</sup> with inequity, weak enforcement of regulations and road safety remaining a big challenge (75 percent of people who are killed on the nation's roadways are motorcyclists). The existing road infrastructure will also not be able to sustain the emerging shift from two-wheel vehicles to four-wheel motorized vehicles.<sup>488</sup> Safety in transport system is also a gendered issue. One in three adolescent girls surveyed in Ha Noi in 2014 reported experiencing sexual harassment on public transportation, and only 13 percent of the girls surveyed felt safe when traveling on public transportation.<sup>489</sup>

***Inclusive and sustainable urbanisation and capacity for participatory, integrated and sustainable human settlement planning and management is lacking.*** Recent fact-finding with cities' leaders in Viet Nam has shown that the current urban planning process, which is based on insufficient disaggregated data and remains very much top-down with limited participation of key stakeholders, has led to inconsistencies in the planning of many Vietnamese cities. Urban planning is approached more on the basis of physical design rather than being a strategic tool and development control framework for urban management to deal with quickly changing socio-economic realities, with consequent insufficient planning in housing and transportation despite excessive capital expenditure across all provinces.<sup>490</sup> Demand for urban housing by migrants and the rural poor is high<sup>491</sup> and unpredictable,<sup>492</sup> even in cities with large migrant populations such as Ha Noi and HCMC, and the surrounding industrial areas.<sup>493</sup>

Regional territorial plans have been developed with a narrow focus on the specific responsibilities of respective provinces rather than as components of one, unified process. Consequently, there has been no investment plan for mobilizing resources to implement joint efforts in sustainable regional development. Many inter-regional planning are prepared in a format of a scientific report without priorities and evidence, which triggers the planning management agencies' steering and directing tasks.<sup>494</sup> Unclear management entities and organizational responsibility also lead to the failure in supporting regional cooperation to achieve the socio-economic development orientation.

***Cultural and natural heritage face new risks.*** The rapid economic development and urbanisation experienced by Viet Nam has created challenges to the conservation and

<sup>484</sup> World Bank-Cities Alliance, *Vietnam Urbanization Review – Technical Assistance Report*, November 2011, 228; ADB, *Viet Nam Socialist Republic: Transport Sector Assessment, Strategy and Road Map*, 2012; WHO & Global Road Safety Partnership, *Factsheet: Road Safety*, 2012.

<sup>485</sup> World Bank-Cities Alliance, *Vietnam Urbanization Review – Technical Assistance Report*, November 2011, 228, 2011.

<sup>486</sup> Ibid, 228.

<sup>487</sup> Ibid.

<sup>488</sup> WHO & Global Road Safety Partnership, *Factsheet: Road Safety*, 2012; World Bank-Cities Alliance, *Vietnam Urbanization Review – Technical Assistance Report*, November 2011.

<sup>489</sup> Plan in Vietnam, *Baseline Report Safe and Inclusive City for Adolescent Girls*, 2014.

<sup>490</sup> World Bank-Cities Alliance, *Vietnam Urbanization Review – Technical Assistance Report* (2011), 171 and 205.

<sup>491</sup> World Bank-Cities Alliance, *Vietnam Urbanization Review – Technical Assistance Report* (2011), 228; ADB, *Viet Nam-Transport Sector Assessment, Strategy and Road Map*, 2012; MONRE, *2013 National Report on Environment – Air environment*, (2013).

<sup>492</sup> World Bank-Cities Alliance, *Vietnam Urbanization Review – Technical Assistance Report* (2011), 171 and 228; ADB, *Viet Nam-Transport Sector Assessment, Strategy and Road Map*, 2012.

<sup>493</sup> 2 million migrants only in HCMC. HCMC GSO 2009.

<sup>494</sup> Vu Quang Cac, *Report of Department of Planning Management - MPI on Planning in Vietnam for the preparation of drafting the Planning Bill*, (2015).

sustainable use of natural resources, including species of wild fauna and flora. Viet Nam lost its last Javan rhino to poachers in 2011 and its elephant population has declined from about 2,000 in 1975 to less than 100 today. It is both a source and transit state for the illegal trade in Siamese rosewood and a major destination for illegally traded rhino horn.<sup>495</sup>

Degradation of natural habitats continues, partly due to lack of efficient management of marine, coastal, and wetland protected area systems. Illegal logging and wood trading are causing continued forest degradation and deforestation. In addition, invasive alien species (IAS) are a threat to certain ecosystems that require both targeted and systematic attention to be contained.

***Environmental risks in cities are on the rise.*** Air and noise pollution is a considerable problem in Hanoi and HCMC, with intense traffic aggravated by underdeveloped public transportation. Many urban areas do not have green belts in accordance with the national targets, and the ratio of urban green areas to built-up areas in Viet Nam is low when compared with international averages.<sup>496</sup> The amount of municipal solid wastes has reached around 19 million tonnes per year, with 15 to 17 percent of solid waste being dispersed in the environment rather than collected.<sup>497</sup> State management of solid waste in the cities is fragmented and overlapped in practice, while most provinces do not have solid waste management plans. At both the local and central levels, the availability of public finance for solid waste treatment is very limited.<sup>498</sup>

***Economic resources are being lost because of low urban and ecosystem resilience.*** Climate change is an emerging challenge for the largest cities, Ha Noi and HCMC,<sup>499</sup> as proved by prolonged or heavy local rain that reveal the ineffectiveness of urban water drainage systems.<sup>500</sup> Rainfalls, but also discharge from upstream dams, deforestation, irrigation canal systems as well as inappropriate urban development contribute to floods in the Mekong Delta. Coastal zones and deltas remain vulnerable to rising sea levels and especially storm surges associated with a combination of tropical storms and high tides.<sup>501</sup> Droughts impact upon economic development, especially agricultural production because Viet Nam still utilises various less advanced agricultural practices.<sup>502</sup>

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<sup>495</sup> CITES, *CITES Secretary-General's remarks at an event to celebrate the 20th Anniversary of Viet Nam becoming a Party to CITES*, Ha Noi, 27 May 2014. Available at: [https://cites.org/eng/20th\\_Anniversary\\_Viet\\_Nam\\_Party\\_to\\_CITES](https://cites.org/eng/20th_Anniversary_Viet_Nam_Party_to_CITES). Last Accessed 02 11 2015.

<sup>496</sup> MONRE, *2013 National Report on Environment – Air Environment*, 2013, 34.

<sup>497</sup> MONRE, *National State of Environment Report 2011 - Solid waste*, 2011, 9 and 31.

<sup>498</sup> Ibid, 120-124, 127, 132, 133 and 136.

<sup>499</sup> HCMC ranks as no 5 among the top 10 cities in the world with populations most likely to be severely affected by climate change, negatively impacting on the City's development and infrastructure. OECD, Nicholls, R.J., et al., 'Executive Summary', *Ranking of the worlds cities most exposed to coastal flooding today and in the future*, 2007.

<sup>500</sup> World Bank-Cities Alliance, *Vietnam Urbanization Review – Technical Assistance Report*, November 2011, 235; Socialist Republic of Vietnam, *Implementation of Sustainable Development: National Report at the United Nations Conference on Sustainable Development (Rio+20)*, Ha Noi, 2012, 52.

<sup>501</sup> MONRE, *Viet Nam's Second National Communication to the United Nations Framework Convention on Climate Change*, 2010; UNDP, *Viet Nam Special Report on Managing the Risks of Extreme Events and Disasters to Advance Climate Change Adaptation*, 2015; IPONRE, *Viet Nam Assessment Report on Climate Change*, Ha Noi, 2009.

<sup>502</sup> UNDP, *Viet Nam Special Report on Managing the Risks of Extreme Events and Disasters to Advance Climate Change Adaptation*, 2015.

## BOTTLENECKS

### Enabling Environment

- Lack of inclusive, evidence-based and systematic urban planning with regard to housing and infrastructure fails to tackle emerging trends such as migration and informalisation of urban economies, and compound issues of public safety. Socio-economic planning and implementation does not take into consideration inputs from the communities who live in, protect natural resources, and own traditional knowledge of these resources. This results in a lack of appreciation of the benefits biodiversity and diverse ecosystems bring for livelihoods, other social development and environmental management.
- Lack of institutional capacity to meet the demand of rapid urbanization process, including both urban planning and urban governance for the provision of social and physical infrastructure and housing, land use and transport, and environmental system.
- Lack of coordination to address urban and rural linkages and issues at regional level.
- Lack of disaggregated data, including age and sex disaggregated data, hampers informed urban planning.
- Fragmentation and inconsistencies in the legal framework with regard to waste management and pollution control in cities.
- Lack of legal framework to regulate VAW, including harassment, stalking, sexual assault and rape, and limited awareness of local governments of the magnitude of the issue of public safety that hold back women from freely traveling and enjoying public spaces without the fear leading to limited investment in public safety measures for women and girls.
- Lack of public incentives attracting private investment into environmental protection, biodiversity conservation and better service delivery, including by improving transparency<sup>503</sup>
- Local bodies lack capacity to design and implement plans systematically.
- Legislation on disaster risk management is complicated, based on more than 150 sources. This causes overlaps and gaps between regulations, such as the absence of regulations relating to hot waves, and sanctions on non-compliance with the instructions from disaster risk management authorities.<sup>504</sup>

### Supply

- There is lack of a mechanism to account for investment in biodiversity conservation from central Government, provincial and sub provincial government sources, and donors.

<sup>503</sup>World Bank-Cities Alliance, *Vietnam Urbanization Review – Technical Assistance Report*, November 2011, 199.

<sup>504</sup> UNDP, *Viet Nam Special Report on Managing the Risks of Extreme Events and Disasters to Advance Climate Change Adaptation*, 2015.

## GOAL 12. ENSURE SUSTAINABLE CONSUMPTION AND PRODUCTION PATTERNS

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Acknowledging environmental resilience as a key pillar of sustainable development, Viet Nam has consistently incorporated sustainability principles into its national development policies and programmes, while continuing to honour international commitments. However, the country is still plagued by multiple issues relating to chemical waste, food waste and industrial pollution, and faces urgent challenges in ensuring the sustainability of its consumption and production patterns. Although Viet Nam has developed a range of policies relating to Sustainable Consumption and Production (SCP) in recent years, conflicts exist between the intent of different ministries' policies and plans, and there is need for greater cooperation between ministries, and for a framework to link the various initiatives relating to SCP. Commonly cited barriers to the successful implementation of SCP include a lack of awareness and capital, limited information, few trained technical experts and poor enforcement of environmental regulations.<sup>505</sup> There is also a lack of awareness of potential savings as well as of available technologies, and an absence of well-defined incentives to participate.<sup>506</sup>

Though Viet Nam is a pilot country for the System of Environmental-Economic Accounting, legislative gaps, data-collection deficiencies and weak enforcement mechanisms still work against the government's commitment to a green economy. Failure to protect the ecosystem from chemical waste risks serious consequences, particularly from agricultural pesticides. Viet Nam also struggles to recycle municipal waste. In addition to the threat of long-term environmental damage, the lack of sustainability threatens Viet Nam's tourism industry, which is worth as much as 11.8 percent of the country's GDP. A set of data indicators on resource use and emissions that can help monitor patterns and rates of resource use and efficiency in Viet Nam is already available.<sup>507</sup>

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### RIGHTS-BASED CHALLENGES

***Sustainable management and efficient use of natural resources for production is urgently needed.*** Improving the quality of life in Viet Nam without increasing environmental degradation and compromising the resource needs of future generations will require a decoupling of economic growth from environmental degradation. This can be achieved by reducing the material/energy intensity of current economic activities and reducing emissions and waste from extraction, production, consumption and disposal processes. Government policy is needed to promote a shift of consumption patterns towards groups of goods and services that require lower energy and material intensity without compromising the quality of life for all Vietnamese.<sup>508</sup>

***Per capita food waste should be reduced at retail and consumer levels with loss of food, including post-harvest losses, reduced along both production and supply chains.***

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<sup>505</sup> Mitchell, C.L., *Beyond barriers: examining root causes behind commonly cited Cleaner Production barriers in Vietnam*, *Journal of Cleaner Production*, 2006 in UNEP and SWITCH-ASIA, Heinz S., et al., *Capacity Building and Policy Needs Assessment for Sustainable Consumption and Production*, 2013.

<sup>506</sup> UNEP & SWITCH-ASIA, Heinz S., et al., *Capacity Building and Policy Needs Assessment for Sustainable Consumption and Production*, 2013; MONRE, UNEP, KOICA, *National Programme on Sustainable Consumption and Production 2012-2020*, 2012.

<sup>507</sup> <http://uneplive.unep.org/country/index/VN#maps> Last Accessed 01 11 2015.

<sup>508</sup> Socialist Republic of Vietnam, *Country Report: 15 Years Achieving the Viet Nam Millennium Development Goals*, September 2015, 78.

Changing patterns of food consumption and consumer preferences, segmentation of supply chains, emergent actors, and investments in post-harvest storage and timely access to market each have an impact upon Viet Nam's progress. Reducing food losses and food waste requires consistent intervention across complex supply chains. While the issue of food losses has received much attention in many countries, including in Viet Nam, consistent data on the extent of national food loss and waste remains a challenge. Awareness of the need for action among State authorities and people remains low.

***Environmentally sound and integrated management of chemicals and other waste products are not yet achieved.*** In many urban and rural areas, the environment is faced with increasing pollution from domestic, industrial, husbandry and agricultural chemical waste.<sup>509</sup> The abuse of chemical pesticides in agricultural production is a significant problem in Viet Nam. It causes land degradation, affects land productivity, and impacts upon workers' health and safety. Coordination and enforcement among the relevant ministries and agencies in addressing chemical contamination and sustainable use of air, water, and land resources remains inadequate.<sup>510</sup>

Responsibilities of State agencies for urban air environment are overlapping. There is a lack of effort by State agencies to resolve this fragmentation, a lack of public investment in urban air environmental protection,<sup>511</sup> and significant investment gaps in water management and soil rehabilitation.

***Waste generation could be reduced through prevention, reduction, recycling and reuse.*** The volume of normal solid waste across the country is around 28 million tonnes per year, of which normal industrial solid waste contributes 6.88 million tonnes, municipal solid waste 19 million tonnes, and medical solid waste around 2.12 million tonnes, with 700,000 tonnes of this waste being classed as 'hazardous'.<sup>512</sup> Under current conditions, the volume of recycled waste accounts for only 8 to 12 percent of urban solid wastes collected.<sup>513</sup>

A central challenge preventing the reuse of solid waste to produce fertilizers from organic components of waste is the limited amount of technological equipment and know-how available to public and private Vietnamese actors. Recycling technologies are mainly manual and outdated, themselves causing serious environmental pollution.<sup>514</sup>

***Industrial production methods currently in use are environmentally unsustainable.*** Industrial production is a main cause for air pollution, especially where it concerns coal extraction and use, steel production, construction material, and thermal power production. A majority of companies doing business in these sectors are large, transnational corporations with relatively limited accountability, and most Vietnamese corporations are state owned

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<sup>509</sup> Socialist Republic of Vietnam, *Implementation of Sustainable Development: National Report at the United Nations Conference on Sustainable Development (Rio+20)*, Ha Noi, 2012, 41.

<sup>510</sup> Ibid, 42.

<sup>511</sup> Socialist Republic of Vietnam, *Implementation of Sustainable Development: National Report at the United Nations Conference on Sustainable Development (Rio+20)*, Ha Noi, 2012, 43; MONRE, *2013 National Report on Environment – Air Environment*, 2013.

<sup>512</sup> MONRE, *National State of Environment Report 2011 - Solid waste, 2011*, 9. Challenges facing urban solid waste collection include increasingly unmanageable quantities of waste; limited capacity of relevant service providers; a lack of equipment and personnel needed for solid waste treatment and sorting at sources; limited public awareness; and deficiencies in public investment in infrastructure and human resources. Urban solid wastes can be recycled and reused in a range of products: organics can be used to produce fertilizers and animal feed, for example, while paper, metals and plastics can be reused.

<sup>513</sup> MONRE, *National State of Environment Report 2011 - Solid waste, 2011*, 34.

<sup>514</sup> Ibid, 35.

enterprises that have not sufficiently invested in environmental protection measures.<sup>515</sup> Moreover, artisan production is also a considerable source for air pollution in rural areas.<sup>516</sup> There is scope, however, for assisting SMEs to implement eco-innovation to improve their sustainability performance.

***Sustainable/green public procurement practices are currently inconsistently enforced.***

The Law on Energy Efficiency and Effective Use is not well enforced, especially in public procurement practice. Prioritisation of lowest prices, as opposed to environmental specifications, generally takes precedence in public procurement. Green and low emission transportation and public transportation need to be promoted. Fast increase of private vehicles has been causing serious air pollution in towns and cities. Coupled with pollutions from industrial development, this is causing health effects and degradation of the environment.<sup>517</sup>

***Public awareness for sustainable development is limited.*** Public campaigns for sustainable development and environmental friendly lifestyles are few in number and limited in focus. Information dissemination about environmental performance standards, health hazards from air, water and land pollution, and effective behavioural change is weak.<sup>518</sup>

***The market for sustainable tourism is not yet fully developed.*** South East Asia has been identified as one of the regions of the world most vulnerable to the impacts of climate change on tourism.<sup>519</sup> The concept of sustainable tourism is new to Viet Nam, which still lacks a sufficient legal and policy-enabling environment. The coordination in this area between State agencies, from both central and local levels, remains weak, and market segmentation for sustainable tourism services is still under development.

***Alternatives to fossil fuel use remain unexploited.*** Viet Nam has traditionally depended on biomass for domestic thermal energy use (cooking and heating)<sup>520</sup> and is heavily dependent on coal-fired thermal power plants to meet its energy demands.<sup>521</sup> Willingness among the governing authorities to set a higher ratio for renewable energy in the national grid, to open new markets for 'green jobs' in renewable energy services, and to enact fossil fuel subsidy reform is not evident, and these remain key challenges.

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## BOTTLENECKS

### Enabling Environment

- Weak coordination between State agencies at both central and local levels in sustainable tourism and other areas.
- The lack of and/or poor enforcement of environmental standards and oversight of infractions further puts environmental health at risk.

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<sup>515</sup> Ibid, 130.

<sup>516</sup> MONRE, 2013 *National Report on Environment – Air Environment*, 2013.

<sup>517</sup> Nguyen-Viet H. and Le Thi Thanh H., 'Air pollution as a health issue in Hanoi, Vietnam: An opportunity for intensified research to inform public policy'. *Vietnamese Journal of Preventive Medicine*, 2013, 23(4): 67-76.

<sup>518</sup> Socialist Republic of Vietnam, *Implementation of Sustainable Development: National Report at the United Nations Conference on Sustainable Development (Rio+20)*, Ha Noi, 2012, 42.

<sup>519</sup> World Bank, *Turn Down The Heat: Climate Extremes, Regional Impacts, and the Case for Resilience*, 2013.

<sup>520</sup> Sustainable Energy for All, *Viet Nam: Rapid Assessment and Gap Analysis*, 2012, 22.

<sup>521</sup> UNDP, *Fossil Fuel Fiscal Policies and Greenhouse Gas Emissions in Viet Nam: Subsidies and Taxes in Viet Nam's Energy Sector, and Their Effects on Economic Development and Income Distribution in the Context of Responding to Climate Change*, Ha Noi, 2012.

- There is little transparency in public procurement systems and weak contract enforcement.
- Gaps in legislation and policy – which are not sufficiently informed by scientific research on sustainable development – hamper the implementation of the Government’s commitment to a green economy.
- Legal provisions on access to data are not clear, rendering it difficult for state agencies to supply information as required by the SEEA, for better policy-making and enforcement.
- Fossil fuel enterprises continue to enjoy privileged policy and pricing environments, and play an outsized role owing to the lack of diversification in Viet Nam’s energy mix.<sup>522</sup>
- There is an absence of regulatory requirements for corporate reporting on environmental performance.
- The lack of effective fiscal instruments to accommodate economic valuation of environmental externalities influence the low demand for green technologies by the industry.
- Low awareness levels in Government about the scale-up, demonstration and market effects of green public procurement.
- Insufficient public financial resources for regulatory environment.<sup>523</sup>

## Supply

- There is a lack of financial and human resources for independent applied research in sustainable consumption and production.
- Insufficient technological availability and know-how for sorting waste at source and reuse of the solid waste.<sup>524</sup>

## Demand

- Low awareness levels among agricultural workers about the impact of chemical fertilizers and pesticides on crops, waterways, land, and human health.

## GOAL 13. TAKE URGENT ACTION TO COMBAT CLIMATE CHANGE AND ITS IMPACTS

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Viet Nam is extremely vulnerable to natural disasters and the effects of climate change.<sup>525</sup> Over the past two decades, climate related disasters in Viet Nam have caused an average estimated annual loss of USD 1.8 billion, or 1.2 percent of GDP (in Purchasing Power Parity),

<sup>522</sup> UNDP, *Green Growth and Fossil Fuel Fiscal Policies in Viet Nam: Recommendations on a Roadmap for Policy Reform*, Ha Noi, 2014.

<sup>523</sup> World Bank - WSP, *Turning Finance into Services for the Future*, 2014, 22-27.

<sup>524</sup> MONRE, *2013 National Report on Environment – Air Environment*, 2013, 34.

<sup>525</sup> The *Global Climate Risk Index 2014* places Viet Nam as the 6<sup>th</sup> most vulnerable country; *Standard & Poor’s Climate Credit Risk Rating* places Viet Nam within the top 10 most affected; World Bank’s latest *Report on Vulnerability, Risk and Adaptation to Climate Change* placed Viet Nam within the top 5 countries most impacted by climate change; Maplecroft’s *Climate Change Vulnerability Index* places Viet Nam as the thirteenth country at most extreme risk. The Notre Dame Global Adaptation Index (GAIN), however, puts Vietnam somewhere in the mid-range in measuring the vulnerability to and capacity to adapt to climate change



and an average of 445 deaths.<sup>526</sup> The country is particularly vulnerable to coastal erosion as a result of processes associated with climate change, such as rising sea levels and storm surges, which can lead to land loss.<sup>527</sup> Climate change threatens the livelihoods as well as physical and social health of local communities, and risks unravelling Viet Nam's fragile development progress. Vulnerable groups, including the poor, women, children and the elderly are particularly sensitive to the stresses of climate change. The Government is now committed to pursue low-emission development by adopting of green growth targets,<sup>528</sup> as proved by the adoption of the National Green Growth Strategy for the period 2011-2020 with a vision to 2050 (2012) and an Action Plan (2014), which aims to (1) restructure the economy by greening existing sectors and encouraging the development of green economic sectors to reduce the intensity of greenhouse gas emissions; (2) efficiently use and increase investment in natural capital; and (3) promote environment-friendly lifestyles.<sup>529</sup>

## RIGHTS-BASED CHALLENGES

***Viet Nam is especially vulnerable to climate related hazards and natural disasters and urgently needs to build resilience and adaptive capacity.*** Agricultural production, particularly of rice in the Mekong Delta, is especially vulnerable to rising sea levels. The Mekong Delta accounts for approximately 50 percent of the country's agricultural production and contributes significantly to national rice exports. It has been estimated that a sea-level rise of 30cm, which could occur as early as 2040, would lead to a loss of about 12 percent of crop production due to inundation and salinity intrusion relative to current levels.<sup>530</sup> Harmful practices, such as habitat destruction and conversion, pollution and the abuse of chemicals in agricultural production, exacerbate the effects of climate change and are projected to cause a steep decline in ecosystem-related services as a result of biodiversity loss.<sup>531</sup>

Aquaculture contributes significantly to economic and human development (around 5 percent of Viet Nam's GDP in 2011), but is equally at risk from the impacts of climate change, especially through rising sea levels.<sup>532</sup> Fisheries, particularly coral reef fisheries, are expected to be affected by rising sea levels, warmer oceans and ocean acidification associated with rising atmospheric and oceanic CO<sub>2</sub> concentrations. Substantial reductions in catch potential are projected.<sup>533</sup> Viet Nam also has between 100,000 and 1 million reef fishers (excluding

<sup>526</sup><http://www.vn.undp.org/content/vietnam/en/home/mdgoverview/overview/mdg7.html> Last Accessed 15 10 2015

<sup>527</sup>World Bank, *Climate Risk and Adaptation Country Profile: Vulnerability, Risk Reduction and Adaptation to Climate Change-Vietnam*, April 2011; World Bank, *Turn Down The Heat: Climate Extremes, Regional Impacts, and the Case for Resilience*, 2013.

<sup>528</sup>This strategy demonstrates the Government commitment to pursue green development pathways, along with the Government 'Master plan on economic restructuring in association with conversion of the growth model towards improving quality, efficiency and competitiveness during the 2013-2020 period', which calls for 'harmoniously settling important and urgent issues and long-term fundamental ones for the sake of sustainable development; prioritizing mid- and long-term targets as well as growth quality; attaching economic growth to inflation curbing, macro-economic stability, social progress and equality, preservation of the nation's typical traditional cultural values, environment protection, green economic development, social order and safety, and national security and defense'. Socialist Republic of Vietnam, Decision No. 339/QĐ-TTg dated 19 February 2013 of the Prime Minister approving the Master Plan on economic restructuring in association with conversion of the growth model towards improving quality, efficiency and competitiveness during the 2013-2020 period; Socialist Republic of Vietnam, Directive No. 11/CT-TTg dated 19 June 2013 of the Prime Minister to implement the Master Plan.

<sup>529</sup>World Bank, *Turn Down The Heat: Climate Extremes, Regional Impacts, and the Case for Resilience*, 2013.

<sup>530</sup>Socialist Republic of Viet Nam, Decision No. 1393/QĐ-TTg of the Prime Minister approving National Green Growth Strategy, 2012.

<sup>531</sup>World Bank, *Turn Down The Heat: Climate Extremes, Regional Impacts, and the Case for Resilience*, 2013.

<sup>532</sup>Socialist Republic of Vietnam, *Implementation of Sustainable Development: National Report at the United Nations Conference on Sustainable Development (Rio+20)*, Ha Noi, 2012.

<sup>533</sup>*Ibid.*

<sup>534</sup>*Ibid.*

aquaculture activities), and the growing threat to coastal ecosystems means that communities dependent on them are likely to suffer major social, economic, and nutritional impacts as a result of climate change.<sup>534</sup>

Much of Viet Nam's 3,260 km coastline is exposed to typhoons, which strike the country an average of six to eight times per year. The storms bring strong winds, heavy rain and flooding, and result in human, economic and agricultural damage in coastal areas. Severe damage and losses have also occurred due to tropical cyclones in recent years, and storms are estimated to have caused nearly USD 4.5 billion in damage.<sup>535</sup> Rising sea levels will also threaten seaports, oilrigs, and dykes by eroding infrastructural foundations and increasing maintenance costs.<sup>536</sup> Water resources have suffered increasingly from the twin effects of over-exploitation and climate change (drying up and salinisation), with direct impacts on human, plant and animal life, as well as on the development of agriculture and industry.<sup>537</sup> Viet Nam is expected to lose 8,533 square kilometres of freshwater marsh (a 65 percent loss);<sup>538</sup> and of 68 major wetlands and 15 marine conservation areas, 36 are forecasted to be frequently flooded.

The impacts of rising sea levels, increased tropical cyclone intensity, coral bleaching and biodiversity loss can also have adverse effects on the tourism industry by damaging infrastructure and tourist appeal. In addition, tropical cyclones can have a negative impact on tourists' choice of destination comparable to other deterrents such as terrorist attacks and political crises. In Viet Nam, revenues from travel and tourism range from a direct contribution of 5.1 percent of 2011 GDP to a total contribution of 11.8 percent (World Travel and Tourism Council 2012).<sup>539</sup>

***The vulnerable, including women, youth, local and marginalised communities, need in particular to be protected from the impacts of climate change.*** The emerging threat of climate change has an adverse effect on the lives of people, especially women and girls, in terms of both productive and reproductive activities. In Viet Nam, the 'feminisation in agriculture' is clear in the statistics: 51 percent of women compared to 46 percent of men are working in the agricultural sector. However, most of these women are engaged in small-hold farming and subsistence agriculture. This puts women at a higher risk of losing income and productive sources due to storms, floods and drought. Less access to information, resources, credit, markets, vocational training and extension services seriously disadvantages women, especially those from poor and ethnic minority households, and limits their ability to adapt and build resilience to climate change. Moreover, because more men are employed in the formal sector than women, post-disaster compensation schemes, asset loss and livelihood restoration tend to focus solely on men's needs leaving women in a more vulnerable

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<sup>534</sup> MONRE, *Viet Nam's Second National Communication to the United Nations Framework Convention on Climate Change*, 2010; World Bank, *Turn Down The Heat: Climate Extremes, Regional Impacts, and the Case for Resilience*, 2013.

<sup>535</sup> World Bank, *Climate Risk and Adaptation Country Profile-Vulnerability, Risk Reduction and Adaptation to Climate Change-Vietnam*, 2011; World Bank, *Turn Down The Heat: Climate Extremes, Regional Impacts, and the Case for Resilience*, 2013.

<sup>536</sup> MONRE, *Viet Nam's Second National Communication to the United Nations Framework Convention on Climate Change*, 2010, 69.

<sup>537</sup> World Bank - WSP, *Turning Finance into Services for the Future*, 2014, (iv); JMP & UNICEF special tabulation per wealth quintile, using MICs 2010/11 data; UNDP, CECODES, VFF-CRT, *The Viet Nam Governance and Public Administration Performance Index (PAPI) 2014: Measuring Citizens' Experiences*, Ha Noi, 2015, 92; Socialist Republic of Vietnam, *Implementation of Sustainable Development –National Report at the United Nations Conference on Sustainable Development (Rio+20)*, 2012, 42; Socialist Republic of Viet Nam, Decision No. 366/QD-TTg of the Prime Minister dated 31 March 2012, approving National Program on Clean Water and Sanitation, Environment Protection in Rural Area in period 2012-2015; World Bank-Cities Alliance, *Vietnam Urbanization Review – Technical Assistance Report*, November 2011, 81.

<sup>538</sup> World Bank, *Turn Down The Heat: Climate Extremes, Regional Impacts, and the Case for Resilience*, 2013.

<sup>539</sup> Ibid.

position.<sup>540</sup> Climatic stress on water and forest resources often leads to women having to travel longer distances to fetch water or fuel wood, exposing them to various health risks and increasing the burden of unpaid care work on them. Since women tend to go without food in the event of shortages, women, especially those who are pregnant or breastfeeding, are more vulnerable to climate-induced shortages. Women's greater vulnerability will result in increasing need for social protection responsive to the needs of women and girls.

**Green innovation and growth.** Increasingly, how Viet Nam's economy grows will be as important as its rate of growth. Pollution will undermine Viet Nam's macro-economic stability, lower its export growth potential, and lessen its economic productivity per capita. Industrialization, urbanization, growing energy demand, extractive models of resource exploitation, and changing patterns of consumer consumption threaten to undermine the natural resources upon which Viet Nam's socio-economic development is dependent. Increasing levels of pollution and degradation of land, water, forests, and air, pose serious health risks, damage urban and rural livelihoods, and decrease Viet Nam's overall economic potential.<sup>541</sup>

**Shifting investment toward renewable energies will require price reform.** Viet Nam's electricity price is low, around 7.0 cents/kWh (average),<sup>542</sup> which, together with direct and indirect fossil fuel subsidies, continues to undermine incentives for public and private investment in energy efficiency and renewable energy. Phasing out fossil fuel subsidies could be effectively addressed as part of broader energy sector reforms.

**Climate change measures are not yet integrated into national policies, strategies, and planning.** Although Viet Nam committed to reduce GHG emission by 8 percent with its own resources compared current projections by 2030 in its submitted INDC to UNFCCC, GHGs are still increasing and, at the current rate of growth, the country will become a major GHG emitter.<sup>543</sup> Domestic financial resources and availability of local experts for the national GHG inventory are limited, meaning that Quality Assurance/Quality Control (QA/QC) is insufficient. Implementation of the GHG inventory is not comprehensive, and there is no dedicated database for monitoring the inventory periodically. Most of national GHG inventories are conducted primarily under programmes and projects funded by international donors; involvement of line ministries, sectors and stakeholders is limited.

Mitigation efforts in Viet Nam cannot be effective without energy sector reform, including phasing out indirect subsidies on fossil fuels for power generation as well as transport, accompanied by support measures for low-income households and certain businesses that must cope with short-term energy price increases. These reforms will promote energy efficiency and investment in renewable energy.<sup>544</sup> There remains insufficient public investment

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<sup>540</sup> World Bank, Trohanis, Z.E., Svetlosakova, Z., Carlsson-Rex, H., *Making Women's Voices Count in natural disaster programmes in east Asia and the pacific*, June 2011.

<sup>541</sup> Vietnam Environment Administration. 2010 *State of the Environment Report*. 2010

Asian Development Bank., *Country Environmental Analysis: Vietnam*. 2005

Vietnam – Country profile, Convention on Biological Diversity. 2014 <http://www.cbd.int/countries/profile/default.shtml?country=vn>

Vietnam Academy of Science and Technology, *State of the Environment and Natural Resources in Vietnam Journal of Vietnamese Environment*, 2014

<sup>542</sup> <http://vietnamnews.vn/economy/265858/power-tariffs-to-rise-95-per-cent.html> Last Accessed 02 11 2015.

<sup>543</sup> MONRE, *Viet Nam's Second National Communication to the United Nations Framework Convention on Climate Change*, 2010, 69; Socialist Republic of Vietnam, *Implementation of Sustainable Development – National Report at the United Nations Conference on Sustainable Development (Rio+20)*, 2012.

<sup>544</sup> MPI, *Financing Viet Nam's Response to Climate Change: Smart Investment for a Sustainable Future*, 2015.

in natural resource governance, valuation of ecosystem services, sector surveys and inventories, and activities to protect water, land and air quality and to promote environmental health. Similarly, there is insufficient environmental protection and pollution control. Awareness and management capacities remain weak.<sup>545</sup>

Under current international framework, Viet Nam is not yet legally obligated to reduce greenhouse gas emissions. Emissions per capita were just 1.46 metric tons CO<sub>2</sub> equivalent in 2008, which is much lower than in most other middle-income countries.<sup>546</sup> But Viet Nam's emissions are rising faster than all neighboring countries. The meeting of the UNFCCC conference of parties (COP21) in Paris in late 2015 aims to achieve a new legally binding and universal agreement on climate, from all the nations of the world.<sup>547</sup> Viet Nam submitted its INDC to commit to reducing its greenhouse gas (GHG) emissions and achieve its adaptation targets. As developed countries commit to binding GHG emission reductions, the contribution of MICs, such as Viet Nam, to these international efforts will continue to receive greater international attention over the next five years.

## BOTTLENECKS

### Enabling environment

- There is a lack of mechanisms and policies to encourage investment, price subsidization and greater localisation of technologies.
- Inadequate national policies to develop and implement NAMA/MRV (Nationally Appropriate Mitigation Action/Measurement, Reporting and Verification). Understanding of NAMA remains limited, and MRV systems at the national and sectorial levels are still in the research and development phase. Ministries, economic sectors, localities and the private sector face various difficulties with limited organisational capacity in applying environmentally sound technologies and implementing NAMA in a manner consistent with the requirements of MRV. NAMA developers face difficulties in accessing financial sources from both domestic and international sides.
- Effective coordination is needed among line ministries, economic sectors, localities, public and private sectors to develop and implement inter-sectorial NAMAs.
- Limited understanding of gender roles in the context of Climate Change Adaptation (CCA) and Disaster Risk Reduction (DRR). Women may perform all CCA/DRR tasks, especially when men migrate for additional work, and women's valuable role in providing support to those affected by disasters, for example, is not officially recognised.<sup>548</sup> Gendered stereotypes remain prevalent, meaning that women are often viewed merely as 'victims' and not as critical agents and that recovery and adaptation efforts, for example in agriculture, are mainly addressed to male household members in spite of the increased feminisation of agriculture in Viet Nam. Collection and collation of sex and age-disaggregated data relevant for CCA/DRR planning remains

<sup>545</sup> Socialist Republic of Vietnam, *Implementation of Sustainable Development – National Report at the United Nations Conference on Sustainable Development (Rio+20)*, 2012, 42.

<sup>546</sup> UNDP, *Mitigation, Resettlement and Climate Change in Viet Nam*, 2014.

<sup>547</sup> UNFCCC, available at: <http://www.cop21.gouv.fr/en> Last Accessed 04 11 2015

<sup>548</sup> UN Viet Nam and Oxfam, 'Policy Brief: Gender equality in climate change adaptation and disaster', 2012.

insufficient, and practical solutions and specific criteria to integrate gender mainstreaming into policies, strategies and plans are needed.

- The system for a national GHG inventory has not been officially established. The legal foundation for responsibilities of ministries, sectors and stakeholders in the GHG inventory is insufficient.<sup>549</sup>

## Supply

- Low public awareness of the benefits of environmentally sound technologies and a limited capacity to apply new technology, together with a long-standing tradition of using conventional technologies or practices, undermines efforts to reform food production in Viet Nam.
- The high costs of technologies, soil improvement and investment in new seeds to adapt to climate change, and lack of available technologies in aquaculture for different wetland conditions.

## GOAL 14. CONSERVE AND SUSTAINABLY USE THE OCEANS, SEAS AND MARINE RESOURCES FOR SUSTAINABLE DEVELOPMENT

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With some 3,260km of coastline, Viet Nam is highly dependent on maritime activities and marine resources to sustain its economic growth, leaving it highly susceptible to climate change manifesting as sea level rise, ocean acidification or increased storm intensity. The country's rapid growth has had an inevitable negative impact upon the environment, with the expansion of economic activities based in coastal regions, creating an increasing amount of waste and pollution. To this end, even industries reliant on the well-being of coastal and marine areas, such as the tourist and aquacultural industries, are contributing to future problems by disrupting the very local ecosystems and areas on which their well-being depends, with coral reefs being particularly vulnerable. The fishing industry, which has been made a governmental focal point for the elimination of hunger and reduction of poverty, is under threat of over-fishing and is also highly susceptible to climate change.

### RIGHTS-BASED CHALLENGES

**Levels of marine pollution from land-based activities are increasing.** As a result of Viet Nam's rapid economic growth, the amount of waste being produced is increasing at a considerable rate, strongly impacting upon the marine environment. Domestic and industrial waste generated from 29 coastal provinces and cities are released into the environment and discharged into the sea from rivers and water streams. Untreated wastewater both from tourism services and coastal industrial activities are one of the main causes of surface water pollution, with tourism contributing to the majority of coastal wastewater and accounting for one quarter of the country's total wastewater.<sup>550</sup> Equally, wastewater from open cast mines, especially coal mines, causes negative impacts on the coastal environment, including

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<sup>549</sup> World Bank, UNDP and MPI, *Financing Viet Nam's Response to Climate Change: Smart Investment for a Sustainable Future*, 2015.

<sup>550</sup> Socialist Republic of Vietnam, *Strategy for sustainable exploitation and utilization of marine natural resources and environment protection until 2020 and vision 2030*, Ha Noi, 2014; MONRE, *National State of Environment Report 2011 - Solid waste*, 2011, 99.

deposition, loss of aquatic life, and degradation of water quality. Wastewater from coal mining reaches up to 25-30 million m<sup>3</sup>/year, with a high acidity (pH of mine wastewater ranges from 3.1-6.5), threatening marine ecosystems and exacerbating coral reef loss via ocean acidification.<sup>551</sup> The impacts of ocean acidification will be particularly significant for fishery, aquacultural production and tourism in Viet Nam, with global climate change also likely to further contribute to ocean acidification.<sup>552</sup>

Symptomatic of Viet Nam's environmentally unsustainable growth model, aquacultural activities are also causing water pollution and the degradation of natural ecosystems such as mangrove forests, sea grass and tidal zones in coastal areas and rivers due to residues of feeds and antibiotics from rearing processes, wastewater and domestic solid waste.<sup>553</sup> Abuse of chemical fertilisers and pesticides in agricultural production increases risks of pollution on land and in marine environments, and concurrently threatens health standards.<sup>554</sup> Oil and gas exploitation also carries risks of oil spillage throughout the extracting, transferring, and transporting processes, and further increase the chances of toxic pollution.<sup>555</sup>

***The fishing industry is becoming increasingly unsustainable.*** Fishery exports in Viet Nam in 2004 amounted to USD 2.36 billion, with 90 percent of commercial landings coming from offshore fisheries. The fishery sector plays an important role in the national economy. Vietnamese fisheries have been growing considerably and have been promoted by the government, aimed at eliminating hunger and reducing poverty while increasing household incomes.<sup>556</sup> However, over-exploitation of selected species of fish is contributing to biodiversity losses in the country. Overfishing presents a growing threat to Viet Nam's freshwater diversity, with potentially significant indirect impacts on plant and animal species.<sup>557</sup> Climate change also impacts aquaculture farming, especially in the Mekong Delta, which accounts for two thirds of Viet Nam's fish from aquaculture systems. Increasing tropical cyclone intensity, salinity intrusion and rising temperatures may exceed the tolerance thresholds of regionally important farmed species.<sup>558</sup>

## BOTTLENECKS

### Enabling Environment

- Policies currently do not sufficiently regulate the linkages between economic growth, employment growth and environmental protection. Functional zoning of the seas has not been conducted, resulting in conflicts between economic development,

<sup>551</sup> Socialist Republic of Vietnam, *Strategy for sustainable exploitation and utilization of marine natural resources and environment protection until 2020 and vision 2030*, Ha Noi, 2014.

<sup>552</sup> MONRE, *The Initial Biennial Updated Report of Viet Nam to the United Nations Framework Convention on Climate Change*, Ha Noi, 2014.

<sup>553</sup> Socialist Republic of Vietnam, *Strategy for sustainable exploitation and utilization of marine natural resources and environment protection until 2020 and vision 2030*, Ha Noi, 2014.

<sup>554</sup> Socialist Republic of Vietnam, *Implementation of Sustainable Development – National Report at the United Nations Conference on Sustainable Development (Rio+20)*, 2012, 42; Socialist Republic of Vietnam, *Strategy for sustainable exploitation and utilization of marine natural resources and environment protection until 2020 and vision 2030*, Ha Noi, 2014.

<sup>555</sup> Socialist Republic of Vietnam, *Strategy for sustainable exploitation and utilization of marine natural resources and environment protection until 2020 and vision 2030*, Ha Noi, 2014.

<sup>556</sup> FAO, *Fishery and Aquaculture Country Profile – The Socialist Republic of Viet Nam*, 2005, available at: <http://www.fao.org/fishery/facp/VNM/en>

<sup>557</sup> World Bank, *Viet Nam Development Report*, 2011.

<sup>558</sup> World Bank, *Turn Down The Heat: Climate Extremes, Regional Impacts, and the Case for Resilience*, 2013.



exploitation, protection and conservation.<sup>559</sup> There has been a lack of master planning, and therefore spatial development in coastal areas is restricted with limited capability for seaward extension, and a concomitant lack of spatial connection with the outer seas, the region and the world.<sup>560</sup> There are considerable overlaps and disparities in the State's management of protected marine areas alongside a lack of integrated and unified governance over the sea and islands.<sup>561</sup>

- Marine areas are not well studied and hence suffer from deficiency of available, credible data about the marine environment that could assist effective policy, planning and decision-making.
- There is a lack of mechanisms to account for investment in biodiversity conservation both nationally from central government sources and locally from provincial and sub provincial government sources, as well as from donors. This is partly due to lack of proper valuation of biodiversity and ecosystems services in the marine environment and hence the lack of incentives for investment.

## Demand

- Low awareness levels among farmers about the environment impact of chemicals used in agricultural production.<sup>562</sup>
- Low awareness levels among fishers and other users of the marine environment about the environmental consequences of unsustainable marine resources management leads to over-fishing.

## GOAL 15. PROTECT, RESTORE AND PROMOTE SUSTAINABLE USE OF TERRESTRIAL ECOSYSTEMS, SUSTAINABLY MANAGE FORESTS, COMBAT DESERTIFICATION, HALT AND REVERSE LAND DEGRADATION, AND HALT BIODIVERSITY LOSS

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Viet Nam is one of the 16 most bio-diverse countries in the world, with rich and diverse habitats, species and genera.<sup>563</sup> In recent years, Viet Nam has been successful in minimising land and biodiversity loss - including forest area - in spite of rapid economic growth. Over a quarter of Viet Nam's population currently live in forests or forestry buffer zones and are reliant upon forest products to maintain their meagre standard of living. Government actions in mitigating climate change and limiting forest degradation are highly important. Yet, deforestation remains at unsustainable levels, with natural forests threatened by land conversion and logging. Current projections indicate that forest ecosystems will shrink in the coming decades as a result of climate change, resulting in a decrease in ecosystem services and consequences for economic growth and human well-being (e.g., through the provision of clean water).<sup>564</sup> The Vietnamese government is finding itself torn between the need to protect

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<sup>559</sup> Socialist Republic of Vietnam, *Strategy for sustainable exploitation and utilization of marine natural resources and environment protection until 2020 and vision 2030*, Ha Noi, 2014.

<sup>560</sup> Socialist Republic of Vietnam, *Strategy for sustainable exploitation and utilization of marine natural resources and environment protection until 2020 and vision 2030*, Ha Noi, 2014; Socialist Republic of Vietnam, *Implementation of Sustainable Development – National Report at the United Nations Conference on Sustainable Development (Rio+20)*, 2012, 43.

<sup>561</sup> Socialist Republic of Vietnam, *Implementation of Sustainable Development – National Report at the United Nations Conference on Sustainable Development (Rio+20)*, 2012, 42.

<sup>562</sup> *Ibid.*, 42.

<sup>563</sup> <http://www.vn.undp.org/content/vietnam/en/home/mdgoverview/overview/mdg7.html> Last Accessed 15 10 2015

<sup>564</sup> Asian Development Bank. *Environment and Climate Change Assessment*. 2013



forests and convert them into more economically-productive land. As a result, there is a risk that forestry concerns could be ignored at the expense of other development imperatives. Concurrently, deforestation risks further endangering impoverished forest-based communities and undercutting Viet Nam's progress in poverty alleviation efforts over the last two decades. Land is being degraded each year, more than two million hectares of degraded land is already scattered all over Viet Nam,<sup>565</sup> with consequential loss of agricultural productivity and biodiversity. Biodiversity loss continues unabated, mainly caused by habitat destruction and conversion, pollution, illegal capture and trafficking and invasive alien species.

## RIGHTS-BASED CHALLENGES

***Both terrestrial and inland freshwater ecosystems remain at risk from ongoing economic development and climate change.*** There are more than two million hectares of degraded land scattered all over Viet Nam. Soil fertility has declined seriously over large areas. Significant desertification has been sustained in Viet Nam since the 1960's, with every year, 10-20 ha of agricultural land lost due to encroachment by sand dunes. Likewise, soil erosion has become more serious with soil fertility has declined seriously over large areas.<sup>566</sup>

While forestry contributes about 1 percent of GDP in Viet Nam (or 5 percent if outputs from wood-based products are included), climate change will have numerous impacts on forest ecosystems and flora. By 2100, native forest cover, comprised of closed tropical moist semi-deciduous forests and closed evergreen forests amongst others, will decrease leading to habitat loss and ecosystem destruction.<sup>567</sup>

Approximately 25 million people are living within forests and forestry buffer zones in the country, and the poor are particularly dependent on forest products for meeting basic needs. Despite remarkable achievements in poverty reduction in the country in recent decades, poverty continues to be relatively high among communities living in forested lands, particularly in remote upland areas. All forests are managed by the State, although community-forest management projects are being piloted.<sup>568</sup>

Mirroring Viet Nam's rapid development, rates of deforestation have been high in recent decades and remain at unsustainable levels as environmental concerns fall to the wayside in favor of economic priorities. Major causes for this include conversion to agriculture, infrastructure development, commercial and illegal logging, over-exploitation, and forest fires. As a result, flash flooding and mudslides are posing increasingly serious risks. Given that climate change is projected to increase rainfall variability as well as rainfall intensity in Viet Nam, and to change temperature and humidity profiles, the risk of drought and forest fire may increase, as may the risk of pest and disease outbreaks that endanger the country's forests. Flood flows in most rivers are in line to increase while flows during dry seasons are declining. Annual potential evapotranspiration rapidly scales up in the South Central Coast and the

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Food and Agriculture Organization, *Land Use Degradation in Vietnam*. 2011

<sup>565</sup>UNDP and GEF Project Document: Enhancing implementation of Rio Convention, 2015; Viet Nam National Action Programme to combat desertification, 2002.

<sup>566</sup>Ibid.

<sup>567</sup>MONRE, *Viet Nam's Second National Communication to the United Nations Framework Convention on Climate Change*, 2010.

<sup>568</sup>World Bank, *Climate Risk and Adaptation Country Profile-Vulnerability, Risk Reduction and Adaptation to Climate Change-Vietnam*, 2011.

Mekong Delta regions, reflecting the highest level of increase. After 2020, the groundwater level may drop drastically.<sup>569</sup>

A 2010 estimate suggests three scenarios of forest area flooding by 2100: 204 km<sup>2</sup>, 320 km<sup>2</sup> and 778 km<sup>2</sup> with estimated losses of about VND 266.6 billion, 430.5 billion and 1,096.9 billion, respectively. Rising sea levels will likely reduce productivity and the area of cultivable land, thus increasing the need to convert forestlands to agricultural and aquacultural purposes.<sup>570</sup>

**Figure 11 - Changes of Forest Area and Coverage 2008-2012**

Unit: thousand ha

Year	Total of Forest Area	Including		Percentage of forest coverage (%)
		Natural forest	Plantation forest	
<b>2008</b>	13,118.8	10,348.6	2,770.2	38.7
<b>2009</b>	13,258.7	10,338.9	2,919.8	39.1
<b>2010</b>	13,388.1	10,304.8	3,083.3	39.5
<b>2011</b>	13,515.1	10,285.4	3,229.7	39.7
<b>2012</b>	13,862.0	10,423.8	3,438.2	40.7

Source: GSO<sup>571</sup>

Several efforts have been made to increase forest area in Viet Nam, but the quality of existing forests has declined.<sup>572</sup> The carbon content of much of the country's forests might be lower than that of natural forests, which continue to be threatened by economic development and policies targeting development, mainly through wooden product exports. Other policies affecting these factors are those that give preferential treatment to industries of national interest, such as the pulp and paper industry and hydropower plants, although these industries are, in reality, economically unsustainable.<sup>573</sup>

Viet Nam has shown great interest in climate change mitigation and future Reducing Emissions from Deforestation and Forest Degradation (REDD+) options, and has been involved in all relevant international discussions. In general, current policies in Viet Nam provide a good platform for REDD+ to develop, and REDD+ can potentially contribute significantly in implementing initiatives to tackle deforestation and forest degradation. However, these policies and programmes are still hampered by significant limitations, including limited participation of environmental service providers and the private sector, inconsistent data, ineffective benefit-sharing mechanisms, high transaction costs for REDD+ implementation, and a centralised budget.<sup>574</sup>

The underlying causes of deforestation are poor governance, corruption and poor coordination among ministries.<sup>575</sup> Forest governance has been decentralised to the lowest level and usage

<sup>569</sup> MONRE, *Viet Nam's Second National Communication to the United Nations Framework Convention on Climate Change*, 2010.

<sup>570</sup> Ibid.

<sup>571</sup> Available at: [https://www.gso.gov.vn/default\\_en.aspx?tabid=778](https://www.gso.gov.vn/default_en.aspx?tabid=778) Last Accessed 04 11 2015.

<sup>572</sup> MARD, *Vietnam National Report to the Fifth Session of the United Nations Forum on Forests*, January 2005; MARD, *Study on Reviewing 10-Year Implementation of Forest Protection and Development Law 2004*, 2013; Socialist Republic of Vietnam, *Implementation of Sustainable Development – National Report at the United Nations Conference on Sustainable Development (Rio+20)*, 2012.

<sup>573</sup> UNODC, *Criminal Justice Responses to the Illegal Trade in Timber in Vietnam*, December 2013, 10.

<sup>574</sup> UN Viet Nam, *Delivering as One Annual Results Report 2014*, Ha Noi, August 2015.

<sup>575</sup> Transparency International, Martini, M., *U4 Expert Answer: Overview of corruption and anti-corruption in Vietnam*, 27 Jan. 2012, 5; CIFOR, 'The context of REDD+ in Vietnam: Drivers, agents and institutions', *CIFOR Occasional Paper no. 75*, 2012, 67; MARD, *Study on Reviewing 10 Year Implementation of Forest Protection and Development Law 2004*, 2013, 67; UNODC,

rights over forest devolved to stakeholders outside the forest bureaucracy: private companies, communities, households and individuals. However, the final decision over forest allocation and use still rests with the government.<sup>576</sup> The Forest Protection and Development Law provides basic rights to access forest resources and reap their benefits,<sup>577</sup> although allocation has not been equitable, with better-off and better-informed farmers gaining the better and larger pieces of land. State agencies continue to manage the largest area, with households and individuals combined controlling less than 30 percent.<sup>578</sup>

**Environmental policy development lacks critical data.** Viet Nam is one of eight pilot countries to advance the System of Environmental-Economic Accounting (SEEA) in 2014,<sup>579</sup> but limited access to State and non-State information and data, as well as limited data management capacities, hamper progress and performance. Institutional overlap and policy inconsistencies need to be addressed to ensure proper use of data for consistent action on sustainable consumption and production.

Data resources for SEEA are split between various State agencies including the General Statistics Office (GSO) for general data; MONRE for data relating to natural resources, water and waste, land use and land cover, climate change and environment; MARD for data relating to forests and agriculture; MOIT for data relating to energy; Ministry of Construction for waste; and MOF for data on green taxation and fiscal tools. Improved coordination between such agencies is required for any meaningful application of the SEEA. Interventions to augment sustainable consumption and production patterns will require identification of feasible entry points across the supply chain of various sectors, coupled with consistent policy signals to incentivise action by stakeholders such as households, communities, provinces, central line ministries and private actors.

## BOTTLENECKS

### Enabling Environment

- There is an absence of updated biodiversity conservation priorities and targets, agreed by stakeholders across sectors.<sup>580</sup>
- Unclear policy and enforcement mandate and weak coordination at different levels of the government.<sup>581</sup>
- Inadequate capacity and commitment to integrate biodiversity conservation into development and land-use planning at provincial levels.<sup>582</sup>

*Criminal Justice Responses to the Illegal Trade in Timber in Vietnam*, December 2013, 20; Transparency International, *Safeguarding the Future of REDD+ Vietnam Risk Management*, 2013.

<sup>576</sup>MARD, *Study on Reviewing 10 Year Implementation of Forest Protection and Development Law 2004*, 2013, 67.

<sup>577</sup>Ibid.

<sup>578</sup>CIFOR, 'The context of REDD+ in Vietnam: Drivers, agents and institutions', *CIFOR Occasional Paper no. 75*, 2012, 67.

<sup>579</sup>UNSD, *United Nations Development Account project 2014-2015: Project synthesis and work plan*, 2014.

<sup>580</sup>MARD, *Study on Reviewing 10 Year Implementation of Forest Protection and Development Law 2004*, 2013.

<sup>581</sup>Ibid.

<sup>582</sup>Ibid.

- Protected areas are plagued by management problems, including low staff morale, lack of incentives for good performance, limited technical capacity, inappropriate budget allocations, and overemphasis on infrastructure development.<sup>583</sup>
- The absence of proper economic valuation of biodiversity and eco-systems, without taking into account provisioning, regulating and supporting services, causes false, short-sighted economic sustainable practices and negatively influences long-term policy-economics and decision-making.<sup>584</sup>
- The absence of clear property rights over lands and forests and ecosystems causes non-stewardship and unsustainable management by communities and state enterprises, leading to degradation of ecosystems.<sup>585</sup>
- Weak capacity and coordination of State and community management over land and forests.<sup>586</sup>
- Law enforcement on forest protection and illicit timber trade is weak and there is a lack of strong cooperation between State agencies in charge of forest protection, cross border timber trade and environmental protection.<sup>587</sup>
- Illicit timber trade is not recognised by criminal law as a form of organised crime,<sup>588</sup> and involves wide spread corruption in government departments.<sup>589</sup>
- There is competition between agricultural and other economic activities and forestry production, resulting in the degradation of forest quality and conversion of forestland for agricultural purposes.

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<sup>583</sup>Ibid.

<sup>584</sup>Ibid.

<sup>585</sup>World Bank, *Revising the Land Law to Enable Sustainable Development in Vietnam*. 2012.

<sup>586</sup>MARD, *Study on Reviewing 10 Year Implementation of Forest Protection and Development Law 2004*, 2013; UN Viet Nam, *Delivering as One Annual Results Report 2014*, Ha Noi, August 2015; CIFOR, 'The context of REDD+ in Vietnam: Drivers, agents and institutions', *CIFOR Occasional Paper no. 75*, 2012, 67.

<sup>587</sup>UNODC, *Criminal Justice Responses to the Illegal Trade in Timber in Vietnam*, 2013, 23; UN Viet Nam, *Delivering as One Annual Results Report 2014*, Ha Noi, August 2015.

<sup>588</sup>UNODC, *Criminal Justice Responses to the Illegal Trade in Timber in Vietnam*, 2013, 23.

<sup>589</sup>Ibid, 21.

## 4) PEACE - JUSTICE, INCLUSIVITY, AND SAFETY

### GOAL 16. PROMOTE PEACEFUL AND INCLUSIVE SOCIETIES FOR SUSTAINABLE DEVELOPMENT, PROVIDE ACCESS TO JUSTICE FOR ALL AND BUILD EFFECTIVE, ACCOUNTABLE AND INCLUSIVE INSTITUTIONS AT ALL LEVELS

*Goal 16 encompasses all SDG targets on civil and political rights, making the first explicit link between good governance - peace, justice and inclusive development - and fighting corruption.*

The transformative trends the country is experiencing in urbanisation, migration, and industrialisation are not yet matched by the dynamic and inclusive political decision-making process that Viet Nam aspires to. Recent efforts to strengthen agencies and organisations in the political system have yet to transform governance institutions into accountable and effective administrative bodies capable of facilitating inclusive growth. These institutions are also unable to fully meet the rising expectations of an increasingly integrated and prosperous citizenry for high quality public services. Many of the new trends that characterise Viet Nam as a LMIC are challenging the traditional structure of citizen input and involvement in national policy dialogues. This transformation requires political and governance institutions to adapt quickly to enable new forms of citizen participation.<sup>590</sup> The justice sector struggles to uphold the rule of law consistently across the country and to abide by international standards of due process and transparency. Constitutional mandates for the court to protect human life are undermined by the lack of an institutionally independent judiciary capable of serving as a check on the other branches of government. However, the Government recently strengthened its commitment to international human rights-related mechanisms, indicating a growing willingness to embrace principles of good governance and to promote and protect fundamental rights across the country more effectively.

#### RIGHTS-BASED CHALLENGES

***Citizens' political representation is currently limited.*** The Vietnamese Constitution identifies the Communist Party as the representative of the people and the nation (art.4) and attributes to the Viet Nam Fatherland Front the legal function of 'social supervision and criticism' (art. 9). Peoples' representation in political life is consequently achieved through pre-established structures of the Party rather than through liberal democratic institutions.<sup>591</sup> However, direct citizen participation in decision-making does occur on matters of public concern, primarily through formal and informal associations.<sup>592</sup>

Elections are considered as a tool to confirm the legitimacy of the ruling party by giving citizens a say in the selection of candidates.<sup>593</sup> For local level elections, the Governance and Public

<sup>590</sup> UNDP and Oxfam, *Citizen Participation in Local Governance in Viet Nam*, August 2015, 40.

<sup>591</sup> Ibid, 1.

<sup>592</sup> Ibid, 12.

<sup>593</sup> Ibid, 22.

Administration Performance Index (PAPI) data highlights proxy voting as a relevant issue.<sup>594</sup> Although disallowed in Article 49 of the Law on People's Council Elections, proxy voting is common in villages, where one person casts votes for everyone in the household.<sup>595</sup> Proxy voting is particularly problematic to reflect women's voices in election as usually a man will go and cast a vote for the whole family.<sup>596</sup>

**Citizen participation is currently low.** In 2007, Viet Nam's Ordinance on Grass-roots Democracy put in place the legal framework to expand citizen's participation in local government. The Ordinance established new mechanisms to enable citizens to exercise their rights to be informed of government activities that affect them, to discuss and contribute to the formulation of certain policies, to participate in local development activities and to supervise government performance. In addition, a number of related legal instruments have also been promulgated over recent years including the new Law on Complaints (2011), Law on Denunciation (2011), and the revised Law on Anti-corruption (2012). Public consultations and participation in law making have improved, notably in the recent process of amending the Land Law and the newly revised Constitution.<sup>597</sup>

Participation is generally understood in terms of mobilization of citizens to support policies already decided by higher-level officials, with a clear top-down pattern.<sup>598</sup> However, according to the 2013 Constitution, Vietnamese citizens are provided with numerous structured possibilities to participate in the decision-making system at village and commune levels.<sup>599</sup> Following the events in Thai Binh province in the late '90s<sup>600</sup>, the central government has tried to enhance citizen participation by pushing toward the creation of new spaces for popular participation in decision-making and downwards accountability, as a key policy to fight corruption. The Ordinance on Grassroots Democracy (Decree 79/2003), replaced by Ordinance 34/2007 on 'Exercise of Democracy in Communes, Wards and Townships', bases participatory democratic systems in the lowest tiers of the Vietnamese decentralised system, under the slogan *people know, people discuss, people execute, people supervise*.<sup>601</sup> However, communes may not have incentives to involve the grassroots population into the decision-making process. Sometimes, the importance of this democratic exercise is not well recognised, and local officials may not provide the tools and environment (e.g., space for debate, information) for the public to actually assess and supervise their work.<sup>602</sup>

<sup>594</sup> UNDP, CECODES, VFF-CRT, *The Viet Nam Governance and Public Administration Performance Index (PAPI) 2014: Measuring Citizens' Experiences*, Ha Noi, 2015, 37.

<sup>595</sup> UNDP and Oxfam, *Citizen Participation in Local Governance in Viet Nam*, August 2015.

<sup>596</sup> UNDP, *Women's representation in the National Assembly of Viet Nam - the way forward*, 2012.

<sup>597</sup> After the 1st public hearing in Autumn 2012, draft revisions of the 2003 Land Law were public for consultation.

<sup>598</sup> In Viet Nam 'participation' is still understood as '*mobilization*': "*fitting the people in development plan or policy which is more or less already decided upon by higher level officials*" in ISS, Dr.Joop de Wit, *Decentralisation, Local Governance and Community Participation in Vietnam*, The Hague, 2007, 14 and Trần ĐìnhHoành, *EU Project: 'Promoting people's participation and governance in Vietnamese cities through the Association of Cities of Vietnam (ACVN)'*, 2015.

<sup>599</sup> UNDP and Oxfam, *Citizen Participation in Local Governance in Viet Nam*, August 2015, 1.

<sup>600</sup> In the late '90s, massive peasant unrest started in Thai Binh province (Northern Viet Nam), targeting local government official and threatening the senior party leaders. Thayer, C.A., 'Political Legitimacy in Vietnam: Challenge and Response', *Politics & Policy*, 38:2 423-444, June 2010.

<sup>601</sup> Larsen, R.K., 'Reinventing rural development in Vietnam: Discursive constructions of grassroots democracy during the renovation reform', *Asia Pacific Viewpoint*, Vol. 52, No. 3, 316-332, December 2011.

<sup>602</sup> World Bank, *Local Governance. DOHA and VUSTA of Thai Binh Province*, 2009; Phan Thi Lan Huong, *Reforming Local Government in Vietnam: Lessons learned from Japan*, PhD Thesis, Nagoya University, Graduate School of Law, 2012.

Young people generally participate at a lower rate than older residents.<sup>603</sup> According to the research on youth and democratic citizenship in East and Southeast Asia, Vietnamese young women particularly feel that they are less able to sufficiently influence politics compared to male counterparts, most likely due to their lack of social capital and gender stereotypes.<sup>604</sup> Young people also often face challenges in citizen participation due to out-migration, as well as to social norms that expect them to follow the command of older people. Moreover, migrants are also excluded from social and political life in their places of destination.<sup>605</sup> Citizens with connections to governance institutions, including mass organisations and commune/village networks, show a much stronger level of participation.<sup>606</sup>

**Vertical accountability mechanisms are weak.** Although the current legal structure supports citizens' active participation in associations, informal social organisations and local groups, participation in socio-economic development, monitoring, and dispute resolution is still weak.<sup>607</sup> For instance, there is a misalignment between the powers delegated to the communes and the accountability mechanisms in place: although most authority is concentrated at the province level, recent reforms have strengthened accountability only at the commune level. Moreover, the 2015 Law on Local Government does not contain mechanisms for citizen feedback to local government, reserved exclusively as the legal role of the Fatherland Front. Furthermore, Decree 90/2013 on accountability requires leaders to explain policy implementation, but does not oblige them to gather any feedback.<sup>608</sup>

**The environment is not currently conducive for civil society organisations to participate fully.** The new draft Law on Association is currently under review at the NA.<sup>609</sup> The draft law appears to be motivated by the State's interest to promote sectoral associations dedicated to representing the interests of different industries or special interest groups rather than a desire to empower civil society organizations. If enacted, the current draft of the law will require redundant registration processes and government approval of key personnel of non-state associations, both of which would undermine the 2013 Constitutional right of the citizens to freely associate.<sup>610</sup> Currently, CSOs function mainly in humanitarian/charity or development programmes within the poverty reduction, healthcare, humanitarian relief, ethnic minorities, HIV and AIDS, gender equality, legal aid, disability, and education sectors. Many Vietnamese CSOs lack experience in development issues, are poorly organised, and possess few skills and capacities to implement programmes and projects.<sup>611</sup> At the same time, the economic downturn has put an even tighter squeeze on their already precarious financial positions, and organisations remain highly dependent on international grants. Over half receive international

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<sup>603</sup> UNDP. *Youth and Democratic Citizenship in East and South-East Asia Empowered lives. Resilient nations. Exploring political attitudes of East and South-East Asian youth through the Asian Barometer Survey*. 2014 [http://www.asia-pacific.undp.org/content/dam/rbap/docs/Research%20&%20Publications/democratic\\_governance/RBAP-DG-2014-Youth-n-Democratic-Citizenship-East-n-SE-Asia.pdf](http://www.asia-pacific.undp.org/content/dam/rbap/docs/Research%20&%20Publications/democratic_governance/RBAP-DG-2014-Youth-n-Democratic-Citizenship-East-n-SE-Asia.pdf)

<sup>604</sup> Ibid.

<sup>605</sup> UNDP and Oxfam, *Citizen Participation in Local Governance in Viet Nam*, August 2015, 18.

<sup>606</sup> Ibid, 18.

<sup>607</sup> Although, the Grassroots Democracy reforms were a reaction to the peasants' unrest, Larsen has shown that the *donors* have played a key role in the introduction of the new policies. Larsen, R.K., 'Reinventing rural development in Vietnam: Discursive constructions of grassroots democracy during the renovation reform', *Asia Pacific Viewpoint*, Vol. 52, No. 3, 316–332, December 2011.

<sup>608</sup> Acuña-Alfaro and Đỗ 2014 cited in UNDP & Oxfam, *Citizen Participation in Local Governance in Viet Nam*, August 2015, 39

<sup>609</sup> Vietnam News (no author), 'National Assembly Debates new Law on Civil Society' (25 Sept. 2015). Available at <http://vietnamnews.vn/politics-laws/276236/na-debates-new-law-on-civil-associations.html> Last Accessed 30 10 2015.

<sup>610</sup> Ibid.

<sup>611</sup> Rosa Luxemburg Stiftung, *A Baseline Desk Study on Policy Directions And Legal Framework In The RIs Area Of Social Justice in Vietnam 2015-2017*, July 2014.



funding, and over a third indicate that funding cuts would lead to serious consequences for their organisations.<sup>612</sup>

UPR recommendations regarding civil society highlight some of the issues currently faced and included: 'Facilitate the development of a safe and enabling environment for all civil society actors to freely associate and express their views by ensuring that national legislative provisions are not invoked to stifle legitimate and peaceful dissent'; 'Deepen grass-roots democracy and better facilitate the right of the people to participate in the formulation and implementation of policies, such as the participation of political and social organizations in the field of human rights'; 'Take concrete steps to create a friendly environment for NGOs, including by easing their registration requirements'; and 'Encourage strengthening of NGOs by promoting a legal, administrative and fiscal framework in which such institutions can be created and developed and perform their activities without any obstacles and with freedom of expression', all of which were accepted by the Government of Viet Nam.

The institutional challenges facing civil society at present can be summarised as follows:

- There is still considerable debate about how to define 'the CSO sector' in Viet Nam;
- The sector is growing rapidly and spontaneously but is underdeveloped, and frequently low 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, and to channel concerns of CSO constituents to Government and society in general; and,
- The working relationships and coordination between umbrella organisations, and with the Government, the CPV and the NA are unclear, as are the relationships with international NGOs and donors.<sup>613</sup>

The continued lack of a precise legal framework for civil society creates an uncertain operating environment, and reinforces the importance of personal and political networks in getting things done rather than a set of transparent public procedures applicable to all NGOs.<sup>614</sup> The CEDAW Committee has expressed concerns on the limited possibilities for CSOs, including women's rights organizations, to participate in the design, implementation, monitoring and evaluation of laws, policies and programmes.<sup>615</sup> While the number of CSOs has grown rapidly in the past decade, recent changes to the regulatory framework have made registering, operating and implementing programmes more difficult.

***Guarantee of freedom of religion or belief should be upheld by law and in practice.*** The Government invited the Special Rapporteur on freedom of religion or belief to visit the country in July 2014. In the report on his mission, the Special Rapporteur identified 'positive developments' but also a 'lack of clarity in the legal provisions that tend to give broad leeway to regulate, limit, restrict or forbid the exercise of freedom of religion or belief in the interest of "national unity and public order".' He also reported that 'Other challenges originate from the

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<sup>612</sup> Ibid.

<sup>613</sup> Ibid, 70.

<sup>614</sup> Taylor, W., et al., *Civil Society in Vietnam: A Comparative Study of Civil Society Organizations in Hanoi and Ho Chi Minh City*, Asia Foundation, 2012.

<sup>615</sup> CEDAW, *Concluding observations on the combined seventh and eighth periodic reports of Viet Nam*, CEDAW/C/VNM/CO/7-8, para. 24, 24 July 2015.

tight control that the Government exercises on religious communities'.<sup>616</sup> In addition, there were five UPR recommendations concerning religious freedom in 2014, and all five were accepted by the Government, including to 'Adjust the regulatory and legal framework to comply with international human rights standards in order to guarantee freedom of religion' and 'Reduce administrative obstacles and registration requirements applicable to peaceful religious activities by registered and non-registered religious groups in order to guarantee freedom of religion or belief'.<sup>617</sup> The Law on Religions and Beliefs has been scheduled for review by the National Assembly.

**Corruption and bribery still undermine the country's development potential.** Viet Nam has made fighting corruption a priority, ratifying international treaties and promulgating anticorruption legal reforms. Nonetheless, further improvement of legal policies and laws is needed. This has contributed to a lack of citizens' confidence in institutions and State management.<sup>618</sup> The 2014 PAPI survey shows that efforts to control corruption at the provincial level have had limited effect, and compared to the 2011 baseline improvement in the control of corruption has slowed down over the past four years.<sup>619</sup> Ongoing economic restructuring efforts would be strengthened by further enhancing the participation of citizens in policy-making processes, and improving transparency and accountability to help control corruption.

Private sector employees and civil servants who report cases of corruption are generally not protected from retaliation. Public procurement relies upon a multi-layered decision-making process that often lacks efficiency and transparency.<sup>620</sup> The legal system is insufficient and burdensome,<sup>621</sup> and companies see it as a major obstacle for business.<sup>622</sup>

Corruption in the public sector undermines human rights and limits access to essential services, while undermining the rule of law and eroding trust in public institutions. A 2012 survey revealed that bribe requests for public services impacted upon a significant portion of citizens, and that the amounts paid were substantial when compared to the costs of other activities related to accessing those services.<sup>623</sup>

The Government Inspectorate does not have powers to prosecute and must pass corruption cases on to the People's Procuracy. Specialised investigative agencies in Viet Nam do not have the necessary authority and capacity to conduct effective investigations of corruption-related crime.

**Viet Nam lacks an Independent Human Rights Institute (NHRI).** Despite on-going requests from the international community during bilateral human rights dialogues, UN committees, and more recently through recommendations made by Member States during the 2<sup>nd</sup> Cycle UPR, for Viet Nam to establish an independent human rights institution in compliance with

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<sup>616</sup>OHCHR, Special Rapporteur on freedom of religion or belief, Heiner Bielefeldt, Mission to Viet Nam (21 to 31 July 2014), A/HRC/28/66/Add.2, 2014

<sup>617</sup>OHCHR, *Report of the Working Group on the Universal Periodic Review*, A/HRC/26/6, April 2014.

<sup>618</sup> Socialist Republic of Viet Nam, Resolution No. 21/NQ-CP Promulgates National Anti-Corruption Strategy towards 2020, Hanoi, 12 May 2009.

<sup>619</sup> UNDP, CECODES, VFF-CRT, *The Viet Nam Governance and Public Administration Performance Index (PAPI) 2014: Measuring Citizens' Experiences*, Ha Noi, 2015.

<sup>620</sup> Ernst and Young Vietnam, *Doing Business in Vietnam*, 2013.

<sup>621</sup> US Department of State, 2013 Investment Climate Statement – Vietnam, February 2013. Available at: <http://www.state.gov/e/eb/rls/othr/ics/2013/204760.htm>.

<sup>622</sup>USAID, *Viet Nam Provincial Competitiveness Index*, 2013.

<sup>623</sup>Human Rights Council (HRC) Universal Periodic Review Working Group, 'Compilation prepared by the Office of the United Nations High Commissioner for Human Rights in accordance with paragraph 15 (b) of the annex to Human Rights Council resolution 5/1 and paragraph 5 of the annex to Council resolution 16/21', A/HRC/WG.6/18/VNM/3, 4 November 2013, par.48.

the Paris Principles,<sup>624</sup> such a body does not yet exist. Viet Nam accepted the recommendation made during the 2<sup>nd</sup> Cycle UPR to establish an independent NHRI, though rejected requests for the institution to comply with the Paris Principles. The establishment of an NHRI that does not conform to the Paris Principles will not address the serious constraints to Viet Nam's efforts to improve its human rights record. An independent, Paris Principles compliant NHRI is not only a central element of a strong national system to promote and protect human rights, but it could also be an effective communication bridge between rights holders and duty bearers. NHRIs link the responsibilities of the State to the rights of citizens, and have the power to connect national actors to regional and international human rights systems. NHRIs also afford a degree of protection to those who experience human rights violations, and often have the power to follow up on individual complaints, usually with national authorities.<sup>625</sup> Viet Nam is currently studying various models of NHRIs that might be suitable for the country's political framework, but few concrete steps towards its establishment have been taken.<sup>626</sup>

***There is a lack of access to international mechanisms of human rights defence.***

Currently, eight of the human rights Treaty Bodies<sup>627</sup> may, under certain conditions, receive and consider individual complaints or communications from individuals. However, at present the people of Viet Nam are not eligible to submit individual communication because the State is not party to the respective Optional Protocols for those treaty bodies. Consequently, access to international mechanisms of legal protection of human rights, for those seeking justice above the national justice system, does not exist.

***The justice system is not yet sufficiently independent, transparent and accountable.*** In spite of Viet Nam's laudable record with respect to ratifying international treaties to ensure legal protection of human rights, there are still gaps in the harmonisation of domestic legislation and in grassroots implementation of these commitments. The Vietnamese judicial system is, for instance, marked by a lack of judicial independence.<sup>628</sup> The overall progress of judicial reform has been slow and lagged behind other legislative changes and the simplification of public administrative procedures. Many tasks related to creating enabling conditions for the promotion and protection of human rights as set forth in the judicial reform strategy – such as the introduction of an adversarial system in court adjudication, and the strengthening of independent judicial adjudication – have not yet been sufficiently translated into concrete actions.<sup>629</sup> Judges still consult opinions of the relevant provincial Party Committee in specific cases.<sup>630</sup> Methods of promoting, rewarding, and disciplining judges could also be revised in order to encourage judicial impartiality and efficiency. Courts do not have jurisdiction to determine the constitutionality of laws passed by the NA or actions taken by the Government.<sup>631</sup>

<sup>624</sup>CERD/C/VNM/CO/10-14, para.11 and CRC/C/VNM/CO/3-4, para.16.

<sup>625</sup> UNDP-OHCHR, Toolkit For Collaboration with National Human Rights Institutions, 2010.

<sup>626</sup> Hanoi Law University, Ministry of Foreign Affairs, *International Models for National Human Rights Institutions*, September 2015.

<sup>627</sup>CCPR, CERD, CAT, CEDAW, CRPD, CED, CESC and CRC.

<sup>628</sup> UNHCR, *Compilation prepared by the Office of the United Nations High Commissioner for Human Rights in accordance with paragraph 15 (b) of the annex to Human Rights Council resolution 5/1 and paragraph 5 of the annex to Council resolution 16/21 - Viet Nam*, A/HRC/WG.6/18/VNM/2, par 46.

<sup>629</sup> Ibid.

<sup>630</sup>To V. H., *The independence of the Court-Legal research on theoretical and practical aspects in Germany, USA, France, Vietnam and recommendations for Viet Nam*, Labor Publishing House, 2007, 453.

<sup>631</sup>NHQuang and Associates, UNDP, *Report on the Survey of the Reality of Local Court Governance in Viet Nam*, 2014.

The current rewards mechanism is insufficient to encourage judges to improve their performance, but does apply substantial pressure on them. The mechanism of reappointment and the material sanctions for acts of judges (such as compensation for wrongful judgments under the Law on State Compensation) also merit a complete review to determine their effect on the quality of judicial performance. That review is needed to effectively regulate the administration of justice without impairing the impartiality of the judges themselves.<sup>632</sup>

***The rule of law is weak.*** Despite some significant legal reforms in the justice system, ensuring access to justice and the promotion and protection of human rights is still a challenge. This is particularly true with regard to the poor and vulnerable including children, women, and people with disabilities, LGBT, indigenous people and those living in remote areas, and migrant workers.<sup>633</sup>

Vulnerable groups still have difficulty accessing basic legal services, such as registration of marriage, residence and birth.<sup>634</sup> The absence of written contracts for short-term employment prevents employees from seeking protection for their economic rights and interests, leading to prolonged processing times.<sup>635</sup> The low level of satisfaction with settlement of conflicts results in a correspondingly low level of confidence or reliance in the formal justice process.<sup>636</sup> Protection for a number of fundamental rights such as freedom of the press, freedom to assemble and right to demonstrate is very limited, and arbitrary detention continues to undermine Viet Nam's full integration into the international human rights community. Viet Nam accepted the UPR recommendation to 'increase efforts to enhance people's awareness of their rights under the Vietnamese Constitution and the international treaties to which Viet Nam is signatory',<sup>637</sup> which is an indication of the country's recognition that people need to know more about the Constitution and their rights under it. In addition, efforts to build public trust, and to make the law work, especially for the poor and vulnerable groups, are equally important.

***Vulnerable groups have particularly low access to justice.*** Low levels of access to justice in Viet Nam especially affecting poor and marginalised groups have curtailed their access to effective judicial remedies. The right to counsel in criminal cases is poorly enforced in practice. According to statistics supplied by the Supreme Court, only around 9 to 11 percent of accused have been represented by counsel, whether paid for by the accused or appointed by justice agencies.<sup>638</sup> The model of state legal aid currently applied to the whole country is not equal across regions, resulting in bulky machinery in some localities with ineffective operation and making it difficult to mobilise a large number of lawyers and legal cadres to provide legal aid.<sup>639</sup> Capacities of legal aid organisations in respect to qualifications, skills and experience of providers is inconsistent. Authorities are currently considering a Law on Legal Aid for 2016 that will expand the categories of legal aid beneficiaries entitled to free or low cost legal services to cover additional marginalized and disadvantaged groups, though caution is needed to ensure that expanded legal aid guarantees are realistic and sustainably financed.

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<sup>632</sup> Ibid.

<sup>633</sup> Socialist Republic of Vietnam, Decision No. 678/QĐ-TTg of the Prime Minister dated May 10th, 2011 approving the Strategy for development of legal aid in Vietnam through 2020, with orientations toward 2030.

<sup>634</sup> Ibid, par. 28.

<sup>635</sup> Ibid at par F, 'Right to work and to just and favourable conditions of work'.

<sup>636</sup> UNDP, *The Women's Access to Land in Contemporary Vietnam*, Ha Noi, July 2013.

<sup>637</sup> OHCHR, *Report of the Working Group on the Universal Periodic Review*, A/HRC/26/6, April 2014.

<sup>638</sup> MoJ, Report No. 77/BC-BTP on 2-year Implementation of the Legal Aid Strategy to 2020, vision to 2030, 26 March 2014.

<sup>639</sup> Ibid.

**Vulnerabilities of children are complex.** Vietnamese children are among the most vulnerable groups in the country's rapid economic and social transformation. It is estimated that 18 percent (about 4.3 million) of Vietnamese children (as per national definition of people below 16 years of age) are living in a disadvantaged household: about 1.3 million children have a disability; 5,700 are HIV positive and 300,000 are affected in other ways by HIV and/or AIDS; 126,000 are orphaned without a primary caregiver or abandoned; 21,000 live in the streets; and 130,000 work in hazardous conditions.<sup>640</sup>

Recent research suggests that 68.4 percent of children have experienced violent discipline, and 10.3 percent of females aged 15 to 19 years old are currently married or in a union.<sup>641</sup> The risk of sexual abuse is highest among children living in rural areas, particularly those with a stepfather or whose parents fight with each other, are divorced, unemployed, and/or drug users. Child prostitution is also found more often among children living in poverty, violent households and households with members using drugs.<sup>642</sup> Unemployment, lack of employment opportunities, lack of education opportunities and lack of family support push boys to migrate into child labour in urban areas or abroad, with increasing vulnerability to trafficking.<sup>643</sup>

The UN Committee on the Rights of the Child has expressed concern regarding the situation of children deprived of their family environment in Viet Nam and the limited availability of alternative arrangements for children.<sup>644</sup> To date, residential/institutional care has been the main form of State-administered alternative care for children who do not have primary caregivers. Community-based alternate arrangements are limited, including the lack of a formal foster care system. Moreover, 96.1 percent of children under five years old have had their birth registered, with children in the Central Highlands, the Mekong River Delta and those from the poorest households being less likely to have their births registered.<sup>645</sup>

Children's access to the internet in Viet Nam is increasing in both urban (83.5 percent) and rural (58.8 percent) areas.<sup>646</sup> While the internet provides an important avenue for children to learn, connect, and express their views it also creates risks of exposure to cyberbullying, grooming, sexual abuse and exploitation, emotional abuse and cross border trafficking.

**There is a high incidence of human trafficking.** Viet Nam has made considerable progress in fighting human trafficking, introducing its first counter-trafficking law in January 2012, a National Action Plan for 2011-2015, and the ratification in June 2012 of the UN Convention against Transnational Organized Crime and its Supplementary Protocol to Prevent, Suppress and Punish Trafficking in Persons. Due to the transnational nature of human trafficking, Viet Nam has also signed bilateral agreements with Thailand, Lao PDR, Cambodia and China, and is also active in other multilateral treaties and initiatives.

Despite these achievements, Viet Nam remains both a source and a destination for the human trafficking of men, women, and children. The country is also a major destination for children

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<sup>640</sup> UNICEF, *Child protection: Overview*, available at: <http://www.UNICEF.org/vietnam/protection.html>. Last accessed on 06.10.2015.

<sup>641</sup> GSO and UNICEF, *Vietnam-Multiple Indicator Cluster Survey 2014*, Ha Noi, 2014.

<sup>642</sup> MOLISA and UNICEF, *An Analysis of the Commercial Sexual Exploitation of Children in selected Provinces and Cities of Viet Nam*, August 2011; UNICEF and UIS, *Out of School Children: Viet Nam Country Study*, November 2011.

<sup>643</sup> GSO, *Data Results of the Vietnam Household Living Standards Survey*, Ha Noi, 2012.

<sup>644</sup> CRC, *Consideration of reports submitted by States parties under article 44 of the Convention*, CRC/C/VNM//CO/3-4, 2012.

<sup>645</sup> Ibid.

<sup>646</sup> GSO and UNICEF, *Vietnam-Multiple Indicator Cluster Survey 2014*, Ha Noi, 2014.

trafficked into the sex industry. There are several different sub-regional patterns and forms of trafficking, including for sexual exploitation, forced begging, forced marriage, and sale of virginity.<sup>647</sup> The 2007 review on the implementation of the National Plan of Action against Trafficking in Women and Children (2004-2010) reported that 568 children were victims of trafficking cases.<sup>648</sup>

The UN Inter-Agency Project on Human Trafficking lists several socio-economic vulnerability factors that contribute to human trafficking in Viet Nam. These include poverty and indebtedness, lack of awareness and education, family breakdown, and external influences such as friends, consumer values, and peer pressure.

Vietnamese women and girls are generally considered more vulnerable to trafficking than males as a result of: unequal gender relations; discriminatory cultural practices and beliefs; lack of economic opportunities; an increasing demand for virgins and children in prostitution, due to the threat of HIV and AIDS; and an increase in demand for, and supply of, Vietnamese wives due to both demographic and economic demand and supply factors (such as China's 'female deficit' and the lure of promised bride prices).<sup>649</sup>

Child trafficking and exploitation in Viet Nam is a relevant concern. In 2014, there were an estimated 1.75 million child labourers, with an overwhelming 85 percent living in rural areas.<sup>650</sup> Sixty percent of these are boys. Evidence also exists which indicates that both boys and girls under 18 years of age are involved in commercial sexual activity.<sup>651</sup> It is estimated that 14 percent of sex workers are under 18 years old, with children entering prostitution at younger ages (12 years and younger), and that most child victims experience co-occurring and cumulative harm before they become involved in prostitution. Child prostitution is experienced more often among children living in poverty, violent households and households with members using drugs.<sup>652</sup>

Unemployment, lack of employment opportunities, lack of education opportunities and lack of family support push boys to migrate and into child labour in urban areas or abroad, with increasing vulnerability to trafficking.<sup>653</sup> Viet Nam lacks a national comprehensive study on child trafficking, especially domestic trafficking, and separate data on children that are trafficked is not yet collected regularly. That said, Government sources indicate that between 2011 and 2014, 3,717 Vietnamese people were trafficked across the borders to other countries (primarily to China), with many more thousands of people missing from their communities without explanation. According to the Ministry of Public Security, 20 percent of those who are trafficked are children under the age of 16. These children were trafficked mainly for the purposes of forced prostitution, marriage, labour exploitation and adoption. However the

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<sup>647</sup> [http://www.no-trafficking.org/vietnam\\_who.html](http://www.no-trafficking.org/vietnam_who.html) Last Accessed 18.10.2015.

<sup>648</sup> MOLISA and UNICEF, *An Analysis of the Commercial Sexual Exploitation of Children in selected Provinces and Cities of Viet Nam*, August 2011.

<sup>649</sup> UNIAP, *The Human Trafficking Situation in Vietnam*, available at: <http://www.humantrafficking.org/countries/vietnam> Last Accessed 04 11 2015.

<sup>650</sup> MOLISA, GSO & ILO, *Viet Nam National Child Labour Survey 2012, Main Findings*, Ha Noi, March 2014. The survey defines 'child labour' as only that work classified as having a negative impact on the physical and psychological development and the dignity of children. Again highlighting the difficulty with data collection, MOLISA child protection statistics states that in 2012 there were 30, 853 children involved in 'child labour in hard and risky labour'.

<sup>651</sup> MOLISA and UNICEF, *An Analysis of the Commercial Sexual Exploitation of Children in selected Provinces and Cities of Viet Nam*, August 2011.

<sup>652</sup> MOLISA and UNICEF, *An Analysis of the Commercial Sexual Exploitation of Children in selected Provinces and Cities of Viet Nam*, August 2011; UNICEF and UIS, *Out of School Children: Viet Nam Country Study*, November 2011.

<sup>653</sup> GSO, *DataResults of the Vietnam Household Living Standards Survey*, Ha Noi, 2012.

actual number of trafficked victims is likely to be much higher than these official statistics suggest, in part due to the fact that: (1) 60 percent of those trafficked are returned through unofficial channels and thus are excluded from official data;<sup>654</sup> and (2) Viet Nam lacks coordination mechanisms for the prevention of human trafficking with countries outside the region (e.g. Czech Republic, France, Russia, Sweden, Poland, the United Kingdom and the USA).

In recognition of the threats to the nation's citizens related to trafficking from and within Viet Nam, the Viet Nam Government introduced a cross-cutting anti-trafficking initiative called Programme 130. However, the reach of such initiatives is limited in those remote and rural areas in which children are most vulnerable.<sup>655</sup>

## BOTTLENECKS

### Lack of enabling environment

- Low level of incentives and quality control mechanisms do not facilitate citizen and civil society direct and effective participation in decision-making and monitoring processes. Responsibilities for monitoring local governance are not spread out or 'socialised' among multiple sectors of society.<sup>656</sup>
- Data and evidence on how Viet Nam is protecting and promoting human rights in the field is needed. Indeed, the State's reliance primarily on amendments to laws to demonstrate their fulfilment of international treaty obligations remains problematic.
- Long delays in the implementation of laws impede progress. Laws passed by the NA cannot be implemented until the decrees/implementing guidelines have been issued by the relevant ministries.
- There is a gap between the theoretical provisions of the relevant laws and their implementation in practice. In particular, sub-national level authorities often lack resources to implement laws, decrees or circulars decided at the central level.
- There are no regulations or standards for child protection undertaken by the informal sectors and legal reform is not measured through adequate result indicators within national policies and national plans.<sup>657</sup>
- Failure of the legal system to prosecute trafficking, money laundering and corruption, and to provide access to justice for the disadvantaged hinder systematic progress. There are significant gaps in legislation that undermine the ability of the State to protect children, to promote the rule of law, to provide due process according to international standards, to reduce corruption, to eliminate sanctioned discrimination, to enhance legal identity, and to protect fundamental freedoms.<sup>658</sup>

<sup>654</sup>The Department of Social Evils Prevention's Presentation at the Workshop on "Needs assessment and priorities for the implementation of the Anti-trafficking Plan of Action 2016-2020" on 18 March 2015 reported that 65% of 1868 victims of human trafficking during the period of 2011-2014 self-returned (unofficial channel), but they are included in the official data.

<sup>655</sup>Child Exploitation and Online Protection (CEOP), British Embassy in Ha Noi, *The trafficking of women and children from Vietnam 2011*, Ha Noi, 2011, supra note 9, 5.

<sup>656</sup>UNDP and Oxfam, *Citizen Participation in Local Governance in Viet Nam*, 2015; Socialist Republic of Viet Nam, Resolution No. 21/NQ-CP Promulgates National Anti-Corruption Strategy towards 2020, Hanoi, 12 May 2009, 3.

<sup>657</sup>NHQuang and Associates, UNDP, *Report on the Survey of the Reality of Local Court Governance in Viet Nam*, 2014.

<sup>658</sup>*Ibid.*



- Assessments of legal and judicial reform activities in the judicial system are only based on limited statistical data, self-assessment indicators, or statistics of issued legal normative documents.<sup>659</sup>
- There are significant limitations in data on the prevalence of child abuse, especially sexual abuse.
- Lack of official statistics or government records on trafficking in boys in most research locations, despite a wide occurrence of trafficking in boys for labour exploitation, street begging and vending, and sexual exploitation.<sup>660</sup>
- The implementation of guidelines, policies and solutions for preventing and combating corruption put forward during the past few years has not yet proven effective. There is not yet a comprehensive and long-term anti-corruption strategy.<sup>661</sup>
- The duplication and overlap of authorities and mandates among many state agencies hinders institutional change.<sup>662</sup>
- Understanding of child protection amongst the public remains limited with child neglect, abuse and exploitation considered private family matters and area of charity work.<sup>663</sup>
- Lack of a comprehensive system for prevention, identification and social welfare services for children in need of special protection and their families, including a referral mechanism to specialised services.<sup>664</sup>
- The limitations in the enabling environment for civil society to register, operate, and fundraise forces them to remain highly dependent on international donors, and undermines their ability to provide valuable services for vulnerable groups.
- A recent study indicates that 43 percent of surveyed CSOs identified improvements in management, governance, and strategic planning as key to their further development.<sup>665</sup>

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<sup>659</sup>Ibid.

<sup>660</sup> MOLISA and UNICEF, *An Analysis of the Commercial Sexual Exploitation of Children in selected Provinces and Cities of Viet Nam*, August 2011.

<sup>661</sup> Ibid.

<sup>662</sup> UNDP and Oxfam, *Citizen Participation in Local Governance in Viet Nam*, 2015.

<sup>663</sup> UNICEF, *An analysis of the situation of children in Viet Nam*, 2010, pp 260-263; Children's Legal Centre/UNICEF, *Analysis of the Child And Family welfare and protection services System in Vietnam*, 2010, pp22-23

<sup>664</sup> UNICEF, *An analysis of the situation of children in Viet Nam*, 2010, pp 219-222; Children's Legal Centre/UNICEF, *Analysis of the Child And Family welfare and protection services System in Vietnam*, 2010, pp78-94.

<sup>665</sup> Taylor, W., et al., *Civil Society in Vietnam: A Comparative Study of Civil Society Organizations in Hanoi and Ho Chi Minh City*, Asia Foundation, 2012.

## 5) PARTNERSHIP - SOLIDARITY AND COLLABORATION

### GOAL 17. STRENGTHEN THE MEANS OF IMPLEMENTATION AND REVITALIZE THE GLOBAL PARTNERSHIP FOR SUSTAINABLE DEVELOPMENT

Building on the significant progress made under all MDGs, Viet Nam is in a privileged position to share its success stories with other countries that are facing similar challenges. In line with SDG 17, Viet Nam has already committed, during the past few years, to strengthen the global partnership for sustainable development, engaging in a number of South-South and triangular cooperation initiatives. As a LMIC, Viet Nam is very well-placed to support regional and international effort toward South-South cooperation, particularly sharing key expertise and viable solutions to common challenges. In terms of the means of implementation, Viet Nam needs to enhance its capacity to collect, analyse and disseminate quality data, which is crucial for evidence-based policy making, monitoring and evaluation. There is an urgent need for Viet Nam to diversify its development financing options, strengthen its domestic resource mobilisation capacities as well as mobilising resources in partnership with the private sector.

Below, an overview of state revenues for development finance, according to sources. While revenue from the domestic sources (taxes and fees) has been a major source on the rise, earnings from crude oil and trade-related taxes declined as a result of trade liberalisation. Grants have been relatively small, through strategically targeted, and reduced gradually.

**Figure 12 - State budget revenue for the period 2006-2013 (%)**

	2006	2007	2008	2009	2010	2011	2012	2013
Domestic sources	52.03	55.17	55.76	61.59	64.07	61.47	64.92	62.90
Crude oil	29.82	24.37	20.81	13.44	11.76	15.27	19.07	18.85
Trade taxes and domestic taxes on imported goods	15.32	19.11	21.24	23.23	22.15	21.58	14.62	17.20
Grants	2.83	1.35	2.19	1.74	2.02	1.68	1.40	1.05
<b>TOTAL</b>	<b>100.00</b>	<b>100.00</b>	<b>100.00</b>	<b>100.00</b>	<b>100.00</b>	<b>100.00</b>	<b>100.00</b>	<b>100.00</b>

Source: GSO<sup>666</sup>

### RIGHTS-BASED CHALLENGES

**International trade presents both opportunities and risks to Viet Nam's economy.** Viet Nam's integration into the regional and global economies, with increased international trade agreements and foreign direct investments combined with improved IT and communication infrastructure, has strongly contributed to support the country's economic development.<sup>667</sup> Increased integration, combined with growing regional (ASEAN) and international trade

<sup>666</sup> <http://www.gso.gov.vn/default.aspx?tabid=715>. Last Accessed 30 10 2015.

<sup>667</sup> Socialist Republic of Vietnam, *Country Report: 15 Years Achieving the Viet Nam Millennium Development Goals*, September 2015, 88 – 95.

(boosted by recent trade agreements like the Trans Pacific Partnership (TPP), signed on 5 October 2015) may however pose equally opportunities and challenges to Viet Nam's economy. With regard to the imports, the removal of tariff lines could affect local firms, should they be not ready to compete with foreign and global enterprises with strong capacities and high technology. In terms of exports, Vietnamese products should be ready to meet the stricter standards of major foreign markets, such as compliance with environmental standards and social accountability requirements, International Organization for Standardization (ISO) standards and origin certifications.<sup>668</sup> This emerges as a major area requiring capacity support.

**Trade can either reduce or magnify existing gender inequalities.** With the expansion of some sectors and the contraction of others, trade brings about gendered impacts depending on which sectors employ a larger share of women. In Viet Nam, the export-oriented sectors are largely female intensive: women are especially clustered in the apparel production and an increasing number of female workers is employed in the electronics and motor vehicles sectors, which accounted for respectively 79 and 58 percent of female workers in 2013. Even when trade openness leads to the creation of employment opportunities for women, concerns arise over the quality of the newly created jobs, which often fall in the low-skilled and low-paid segments. If the specific impacts on women are not adequately assessed and taken into account into trade policy formulation and implementation, the country's greater trade openness may result in undesired outcomes in terms of gender equality.

**The risks of trade opening on longer-term structural change are significant.** *In addition to the above short run economic impacts, long-term economic development may be trumped by static one-off trade liberalisation gains. The IMF recently cautioned: "While economic prospects for Vietnam remain favourable, I encouraged the authorities to improve the country's fiscal and external positions. A growth friendly fiscal consolidation would reduce the public debt to GDP ratio, while supportive and appropriately flexible macroeconomic policies would help cushion external shocks and allow further accumulation of international reserves. Accelerating reforms to the banking and state-owned enterprise sectors will help achieve greater economic efficiency."*<sup>669</sup>

**Fiscal space becomes limited.** Financing resources for SDG realization may be more difficult than in the past in the context of rising public debt, budget deficits and the persistent high level of non-performing loans. Furthermore, although the absolute amount of ODA has increased in Viet Nam over the past decade, a declining trend was observed as a proportion of GDP due to Viet Nam joining the ranks of middle-income countries.

**Data quality and availability are one of the major challenges across sectors.** While the capacity of the General Statistics Office (GSO), under the Ministry of Planning and Investment (MPI), has been enhanced significantly over the past years, the issue of data quality and availability is often raised as a key concern in the process of evidence-based policy and program development. Limited availability of disaggregated data, especially on vulnerable and disadvantaged groups, and coordinated monitoring mechanism to track progress continue to be major challenges for cross-sectoral and local planning for human development and for

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<sup>668</sup> Socialist Republic of Vietnam, *Country Report: 15 Years Achieving the Viet Nam Millennium Development Goals*, September 2015, 91.

<sup>669</sup><https://www.imf.org/external/np/sec/pr/2015/pr15275.htm> Last Accessed 24.10.2015.

equity. A data revolution must bring about transparent, sex-disaggregated and widely accessible and disseminated data to all areas of policy intervention, and to both central and peripheral authorities and civil society actors. The independence of the GSO is often questioned by data users and development partners, and there is a clear need for data collected by the GSO to be shared more openly.

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## BOTTLENECKS

### Enabling Environment

- There is a lack of incentives to enhance the competitiveness of domestic firms.  
<sup>670</sup>Trade agreements may lack key asymmetric protections for nascent Vietnamese industries.
- Gender-blind trade policies negatively impacts gender equality.
- Burdensome bureaucratic procedures call for administrative reforms, with a view to reducing corruption as well as tax and customs burdens, which slow down business in the country. <sup>671</sup>
- Data management system both at national and sub-national level is not optimal. Quality and availability of data need further improvement.

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<sup>670</sup> Socialist Republic of Vietnam, *Country Report: 15 Years Achieving the Viet Nam Millennium Development Goals*, September 2015, 91.

<sup>671</sup> Ibid, 91.

## CHAPTER IV. SYSTEM-WIDE BOTTLENECKS OR POTENTIAL GAME-CHANGERS?

The analysis carried out in Chapter III of each SDG through the REBA lens reveals significant thematic overlaps and operational inter-linkages between the 17 goals. For example, poverty eradication, ecosystem services and clean energy production, while part of distinct goals, depend very closely on each other in the specific context of Viet Nam. Similarly, interventions on the quality of education, rural and urban infrastructure development, gender equality and the growth of the labour market are also closely linked.

The interconnectedness and interdependence of the SDGs is a reminder that sustainable development cannot be achieved without coordinated and coherent cross-cutting progress that transcends areas traditionally approached as distinct (if independent) from each other. Chapter III has further shown that this increasing interdependence is intrinsic in Viet Nam's progress as an LMIC, whether with regard to the development of a national heritage tourism industry that is sustainable, or the emergence of resilient agricultural practices in a sector that is increasingly reliant on women.

Important tensions and trade-offs emerge, however, in light of the double commitment to accelerate sustainable development, on one hand, and to leave no one behind, on the other. Symptomatic of this broader challenge is the imperative to balance the SDG's five 'Ps'—People, Prosperity, Planet, Peace and Partnerships. If merely addressed in parallel to one another, as opposed to being woven together organically in targeted but systematic interventions, national efforts to advance prosperity or people are likely to come into conflict with efforts to protect and sustain planet or peace, and vice versa. Different partnership configurations and new ways of work are instrumental in driving each of these efforts. Agenda 2030 compels key stakeholders to accelerate sustainable development efforts in innovative and more complex ways. In other words, the Agenda's operationalisation requires a holistic focus, not the mere identification of the SDGs that appear to be most relevant or most urgent in the short term.

With this in mind, the CCA analysis concludes not by ranking goals based on their relevance or urgency, but by identifying a number of system-wide bottlenecks. These are the bottlenecks that have emerged repeatedly across the analysis of individual SDGs. By systematically addressing these bottlenecks, the outputs of development priorities can be multiplied, helping to bring about the ambitious transformations envisaged under the SDG framework. In a reality of scarce resources and capacity gaps, smart identification of such 'game-changers' could hold the key to making the kind of high-impact progress required to meet the Agenda's tight 2030 deadline.

The following section describes emerging system-wide bottlenecks according to the analytical categories of the REBA's determinant analysis: the enabling environment, quality, supply and demand aspects. This categorisation method provides a clear illustration of the inter-linkages (and even overlap) among these various factors. Importantly, it also points to "game-changing" actions that could serve to accelerate progress toward the SDGs.

## ENABLING ENVIRONMENT

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The robust policy, legislative and regulatory frameworks in Viet Nam already provide a solid basis, or enabling environment, for accelerating sustainable development. The Government, as the nation's primary duty bearer, is accountable for delivering effective and equitable health, education, social protection, environment and property right protection to the nation's citizens. The emergence of actors independent (or partly independent) from the State (such as 'think tanks', civil associations, and the media) have potentially important roles to play in this regard. National institutions (political, social and economic) could be strengthened and made more inclusive to ensure equitable outcomes for all. There is also a need to provide the judiciary with a guarantor's role to serve as check and balance on Government action, as well as to enhance transparency and regulatory systems to curtail corruption.

However, it will not be enough to simply change laws, policies and institutions. Supporting progressive inter-generational change in social and political norms must also be a fundamental element of efforts to improve Viet Nam's enabling environment to implement the SDGs. Any social norms that favour men over women are counterproductive for reasons of basic equity, but they are also a major bottleneck to the realisation of social and economic goals. Supporting positive changes in social norms will help Viet Nam to better address, for example, the rapidly changing environmental pressures associated with climate change, economic growth, migration and urbanisation.

Despite the country's significant advances in the legal field, gaps remain with regard to: a) the formulation and b) implementation of national legislation, which create opportunities and incentives for mismanagement and corruption and undermine the capacity of the State to fully protect the well-being of all its people, including those who are most vulnerable. A key response to these gaps rests on strengthening national capacity to develop and implement policy and regulatory frameworks that are founded on evidence-based policy analysis and credible consultative processes. The need for independent policy, regulatory and judicial institutions is also a recurring theme in this analysis (for example, a food and health safety regulator, economic arbitration systems, independent utility regulators, competition agency, civil courts).

Another recurrent concern emerges with regard to revenue collection and public expenditure management. Despite recent changes in public investment and public procurement legislation, the analysis in this report highlights a continuing need to further strengthen accountability in this area.

The analysis also highlights the need for a fundamental review of existing mechanisms and scope for coordinated Government action, and their implications for accountability, service delivery and partnerships with other development actors. Most of the major bottlenecks identified in this report relate to the at times uncoordinated actions of multiple government agencies. For example, efforts to strengthen enforcement of more consistent food safety standards will need coordinated action to reform institutions presently controlled by the ministries of: agriculture and rural development; health; industry and trade, and; science and technology.

The potential "game-changers" identified by this analysis in support of the development of an optimally enabling environment include:

1. Enhanced accountability of State agencies, with regard to planning, implementation, revenue collection, and investment for development
2. Encouragement of more progressive social and political norms to optimally address continuing inequalities and inequities
3. Supporting the development of an independent system of checks and balances
4. Strengthened coordination mechanisms, platforms, and practices for Government action

## SUPPLY

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The analysis suggests that the governance of public services supply and infrastructure maintenance and development could be greatly strengthened through improvements in planning, implementation, monitoring and evaluation at both national and subnational levels.

The Government has succeeded in both increasing revenue collection and reducing its dependence on trade taxes and oil revenues in recent decades. Revenues (as a percentage of GDP) are now at the higher end of Southeast Asian levels. ODA now accounts for a very small share of national development financing, and is projected to further decline. The ongoing introduction of electronic and self-assessment tax systems should ensure continued improvements in revenue performance and in reducing corruption in revenue collection. This will help ensure more sustainable financing of future development needs.

In addressing supply bottlenecks, public sector expenditures also deserve cross-cutting attention. Budget allocations would optimally be based on objective and predictable criteria that reflect the different needs and costs of service provision and infrastructure building and maintenance in various areas, and would be further strengthened by a focus on vulnerable populations that are isolated or overexposed to environmental, economic and other shocks. Further, elements of gender-sensitive budgeting could be introduced to tackle the remaining gap in gender inequality. Stricter controls could assure that major public investments are based on rigorous socio-economic analysis to ensure quality and viability, aimed at equitable outcomes.

The analysis points to the need for greater public scrutiny of public expenditure practices, at all stages. Enhanced transparency and regularly published, high-quality data will be particularly important in this regard. Recent changes to public investment and public procurement legislation are steps forward in this direction, but consistent implementation of this legislation remains a challenge.

Public sector governance (at national and subnational levels) is constrained by limitations in planning and management capacity as well as in oversight of decentralised agencies. This constraint is particularly acute in the more isolated rural areas, with some subnational agencies finding it difficult to expand, improve and maintain minimum quality standards in the delivery of basic services and infrastructure. At the higher levels, governance is hampered by undue influence of vested interests and weaknesses in effective oversight and transparency that undermine the efficient delivery of public services and infrastructure.

The design of policies and programmes to effectively supply support services targeting poverty eradication, social protection and assistance is inhibited further by the limited supply and/or use of systematically disaggregated data collection (in particular, according to gender, ethnic group, formal/informal employment and residence status, and age). Although these initiatives



are intended to support economic development and redistribution, without adequate data there is a risk of increasingly uneven and inequitable support that could undermine stability and sustained socio-economic development.

Therefore, the potential “game-changers” identified by this analysis in support of optimizing supply-side factors include:

1. Strengthened monitoring and evaluation systems for basic service delivery
2. Targeted, evidence-based budget allocation systems
3. Capacity enhancement for both public sector governance as well as for high-quality basic services delivery
4. Improved data systems and evidence-based processes, in particular that required for collection and analysis of data to advance equality and equitable development, including access to essential services

## DEMAND

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The lack of public literacy in the fields of human, property and other legal rights, climate change and gender equality, often reinforced by social norms and social stereotyping, can undermine trust in institutions in key fields such as education, healthcare, and justice. Future development activities would optimally include strategies to engage and communicate with the broader society to help raise awareness and modify social norms to better protect fundamental rights, including by increasing availability of quality data on all aspects of government action in the public domain.

In addition to developing civil society organisations, strengthening the mass media presence and the use of social media and other internet technology platforms has the potential to accelerate and meet the growing public demand for more effective governance. This public engagement will also help the Government address the quality bottlenecks discussed in the next section.

The potential “game-changers” identified by this analysis in support of optimizing demand for sustainable development include:

1. Enhancing awareness/literacy among rights-holders regarding their rights and options for redress
2. Enhancing public trust in State institutions and service delivery
3. Supporting the engagement and capacity enhancement of civil society to optimally engage in public dialogue and debates, as well as in service provision partnerships with Government
4. Strengthen public demand for high quality and accessible basic service delivery and for more effective governance

## QUALITY

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The analysis has highlighted the continuing need to address quality issues at all levels and across sectors. At the highest level, there is a need to improve the quality of institutions to implement and oversee national planning, policymaking and regulatory functions. Current limitations in both quality and consistency undermine efficient supply of public services, and contribute to public indifference in demanding improvements. Efforts to improve the oversight

capacity at national (the NA, audit and anti-corruption institutions) and the subnational levels will be important to sustainable improvement in this area.

Limitations in the responsiveness of institutions serving the most vulnerable, and in addressing their specific needs in the field of health, education, social protection, employability, water and sanitation provision, including the question of affordability of essential utilities, affects a growing number of people. This number includes a large proportion of the economically active population at risk of falling back into poverty following shocks in health status or income. Mechanisms to make these institutions more inclusive and accountable for the provision of services and support would greatly enhance public responsiveness. Promoting transparency, via regularly published information, will also be important in developing more inclusive institutions.

The strengthening of existing monitoring and evaluation and strategic information systems will improve institutional accountability, initiating a framework to enforce public service and infrastructure quality standards in an equitable way. An increasing concern is the uneven enforcement of quality standards and weak regulation of basic service provision in areas where there is growing participation from non-State providers of primary social sector services and infrastructure. More regular and meaningful communication and consultation with the public (for example, via mass media and social media) on evaluation findings and recommendations will further enhance efforts to monitor and evaluate social services. There is potential to build on the UN-supported PAPI to increase public-private engagement on public service quality control. Innovative technologies will introduce new opportunities to help generate substantive improvements in public-private engagement to strengthen the proposed monitoring and evaluation systems.

The potential “game-changers” identified by this analysis in support of optimizing quality in governance and service delivery include:

1. Optimize responsiveness and “people-centeredness” in Government action, from planning to delivery to evaluation
2. Strengthen national capacities to rigorously monitor and evaluate development efforts
3. Establish a rigorous system for quality standard setting and enforcement across sectors

## CHAPTER V. THE WAY FORWARD

The SDGs, taken together, are more ambitious than the MDGs in setting out a vision of change that is *transformational, inter-generational, and absolute*. The SDGs embrace sustainable development as a complex challenge, moving away from short-listing a set of pressing development issues to emphasizing more flexible and dynamic alignments between targets and across goals. The SDGs are also strongly rooted in the spirit and word of the UN Charter, stressing the need to comprehensively address hard and persistent social inequities. Finally, although Governments are identified as the primary duty bearers under the SDG framework, it is acknowledged that they will be unable to achieve the ambitious new goals on their own. Strategic and inclusive partnerships will need to be forged with a wide range of actors – the private sector, civil society, and the international community.

Viet Nam is well-poised to embrace this new set of challenges, and to achieve the ambitions of the Agenda 2030. The country not only enjoys ongoing economic development, having managed to sustain growth and development over two decades; it is also an MDG success story, having met a number of goals and targets ahead of the 2015 deadline. These impressive achievements will provide a solid foundation for Viet Nam's efforts toward the Agenda 2030 goals.

The SDG-based desk review undertaken for this CCA reveals several important considerations as Viet Nam and her partners plan for the next phase of the country's development. It also provides insight into potential opportunities to accelerate progress toward achievement of the SDGs. In this final chapter, these considerations and preliminary thoughts on the way forward is presented.

### GENERAL CONSIDERATIONS EMERGING FROM THE ANALYSIS

#### THE INTERCONNECTED AND DYNAMIC NATURE OF THE SDGS

The starting point for this CCA was that because the new SDG framework was adopted by all UN Member States (including Viet Nam), and thus is a global framework, it would be important to 'localize' it—that is, to take stock not only of Viet Nam's significant MDG progress, but also of where the country stands with regard to each of the SDGs. For this reason, the analysis offers a preliminary review of each of the SDGs, to help build understanding of the basic situation under each of the 17 goals. The analysis has *confirmed the relevance* of all 17 SDGs to Viet Nam's continuing development. Further, while analysing the individual goals, the inter-related nature of the SDGs in the context of Viet Nam has become clear; perhaps one of the most significant findings of the analysis is its confirmation that prioritising *among goals* is likely to become less relevant than strategically addressing the synergies and tensions *between multiple goals*.

This suggests that Viet Nam and its development partners will need to engage effectively with the levers and triggers of change, making the shift from vertical or thematic interventions to more complex and integrated efforts that enhance the synergies and mitigate the tensions between the dynamic relationships between the five 'Ps' – People, Prosperity, Planet, Peace

and Partnerships. Such efforts will also need to retain a degree of flexibility to respond to changing development opportunities and emergent challenges.

## A MORE NUANCED UNDERSTANDING OF VULNERABILITY

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Despite the country's significant development success, the analysis highlights the nature and extent of continuing vulnerability, and illuminates the importance of developing a deeper understanding of the many different ways in which "vulnerability" is experienced in Viet Nam.

First, the analysis suggests that certain long-recognized vulnerabilities persist, even in areas of MDG success; this finding reinforces the need to continue to focus on the "unfinished business" of the MDGs. Continuing attention to the vulnerabilities of certain groups identified before or during the MDG era will be required in order to achieve the SDGs; these groups include ethnic minorities, and specific hard-to-reach populations (for example, those *most at risk for HIV* and other health conditions and deprivations of rights, including injecting drug users, men who have sex with men, and sex workers).

The analysis also exposes the importance of emerging vulnerabilities, and vulnerabilities of groups that have not yet benefited from focused and effective intervention. Going forward, it will be important to create a shared and much better understanding of the specific vulnerabilities of groups such as the '*missing-middle*', migrants, the elderly, and the disabled.

Importantly, a key finding of the analysis is the identification of the vulnerability of particular groups *across* multiple goals, which serves to illustrate the multi-dimensional aspects of poverty and deprivation. For example, an enhanced understanding of the multiple and specific vulnerabilities of sub-groups of women and children will be vital to success in achieving the SDGs. This success will depend on working across sectors to deliver people-centred policies and programmes that effectively and comprehensively serve the specific needs of these sub-groups.

Finally, the CCA analysis also illuminates new layers of vulnerability which are related to the nation as a whole. These layers are more "macro" in nature, and include environmental vulnerability, urban vulnerability, the vulnerability of governance and service delivery systems, and economic vulnerability and the associated potential risks to Viet Nam's LMIC status.

In summary, the goal-by-goal SDG analysis provides a more nuanced understanding of continuing and persistent fragility. It has highlighted continuing deprivations even in the areas of MDG achievement. This is in itself an important finding that helps to validate the greater sensitivity of the new SDG framework. It also helps to advocate for renewed national attention to the need to ensure inclusive and comprehensive sustainable development. The analysis has brought vulnerable groups, and a new understanding of the multiple forms of vulnerability, to the centre of the development agenda.

## NEED FOR A DATA REVOLUTION FOR DEVELOPMENT

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The CCA has highlighted the need for significantly enhanced data and knowledge systems across the SDGs, and therefore across sectors. The analysis has pointed to the importance of building evidence-based policy processes, with comprehensive, robust, and readily

implementable monitoring and evaluation and strategic information systems, and supported by disaggregated data, that reach the lowest levels of governance; this would facilitate the better monitoring of the delivery of quality public services and public expenditures, and will enhance transparency and accountability of the government. Further, innovative knowledge systems can be used to streamline the evolving role of private actors in key sectors such as health, education, the environment and infrastructure, including in the area of data collection and analysis, in order to point to emerging gaps and trends in equity and the protection of human rights.

In order to achieve an optimally responsive “data revolution” in Viet Nam, attention to the capacity needs for the generation, management, and use of data systems, of both State and non-State actors, will be necessary. Improvements in policy-making and evaluation capacity will be especially important as vested interests become stronger and better organised. New knowledge institutions (including “think tanks” and other private and civil society organizations) will be especially important in this regard. Empowering civil society and other non-State actors to engage in monitoring and evaluation of development efforts will be an important aspect of the general push to strengthen civil society engagement with policy-making and implementation processes.

## OPPORTUNITIES AND “GAME CHANGERS”: TACKLING SYSTEMIC BOTTLENECKS

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The analysis of each SDG carried out in Chapter III reveals significant thematic overlaps and operational inter-linkages between the 17 goals. The interconnectedness and interdependence of the SDGs is a reminder that sustainable development cannot be achieved without coordinated and coherent cross-cutting progress that transcends areas traditionally approached as distinct from each other. In keeping with this, the CCA analysis has identified a number of system-wide bottlenecks; these are the bottlenecks that have emerged repeatedly across the analysis of individual SDGs. By systematically addressing these bottlenecks, the outputs of development efforts could be multiplied, helping to bring about the transformations envisaged under the SDG framework; therefore, if effectively addressed across sectors, these “bottlenecks” can become “game-changers”, and could hold the key to accelerating the kind of high-impact progress required to successfully meet the Agenda’s ambitious 2030 deadline.

## OPPORTUNITIES TO ACHIEVE SDG SUCCESS

### THE CENTRALITY OF HUMAN RIGHTS

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The CCA analysis points clearly to the central importance of human rights to the achievement of sustainable development efforts. The recommendations of human rights treaty bodies and Special Rapporteurs proved crucial in the SDG analysis; this in itself is important in that it confirms the relevance of international human rights mechanisms to planning for, monitoring, and achieving the SDGs. Further, the analysis suggests that there is great potential to substantially improve access to essential State services – justice, infrastructure, health, education – by putting the rights and specific needs of all citizens ‘up front’, particularly for emerging and long-standing vulnerable groups.

The realisation of essential human rights in Viet Nam will require a new push to strengthen the capacities and human rights awareness of both duty bearers and rights holders. Similarly, enhanced effort toward a stronger rule of law and equitable access to justice will be required in order to assure the full realisation of rights. Responsible and accountable institutions will also be key to progress; strengthening public oversight and accountability mechanisms, including improved and rigorous outcomes monitoring and participatory evaluation of access to and quality of services, will be instrumental in holding official agencies more accountable. At the same time, aligning policies with international human rights standards will help to mitigate vulnerabilities emerging from economic integration by providing necessary protection.

## THE TRANSFORMATIONAL POTENTIAL OF GENDER EQUALITY

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While SDG 5 is a ‘stand-alone’ gender goal, gender equality and women’s empowerment is mainstreamed throughout the SDG framework. Women have a critical role to play under all of the SDGs, with many targets specifically recognising gender and women’s empowerment as both an objective and as part of the broader solution for the country’s development. The SDG framework recognizes the transformational potential of gender equality, and is absolute in its call for full achievement of this ambition.

The CCA analysis notes that Viet Nam has made good progress in the area of gender equality, and has achieved MDG 3 on the promotion of gender equality and empowerment of women, measured only by gender parity in primary and secondary education. That said, significant gender disparities persist, and restrictive gender norms and stereotypes continue to have negative implications not only for women, but for the economy, society and sustainable development in general. Women’s potential could be effectively championed through systematic and intensive efforts to remove gender biases in existing policies, programmes and the actual practices of how these are implemented, ensuring their safety in both their private and public lives, supporting women’s voice and agency through participation in decision-making at all levels, and challenging patriarchal social norms. An evidence-based analysis of gender differentiated needs as well as incomes, access to resources, and opportunities will serve to inform such improvements. Further, there is significant scope for improvement of discriminatory legislation in order to rectify the systemic barriers faced by women. Enhancing multisectoral coordination and building a stronger institutional mechanism for an optimally integrated policy response across sectors in addressing gender inequality will be especially important to the achievement of SDG 5, and to transforming Vietnamese society.

## THE IMPORTANCE OF INCLUSION AND PARTICIPATION FOR ENHANCED DEVELOPMENT OUTCOMES

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The CCA analysis suggests that improvements in the consistency and quality of policy-making processes (planning, implementing and monitoring) are critical to ensuring stronger and more equitable development outcomes. Strongly linked to this, and as noted above, is the need to enhance citizen participation in policy and decision-making processes, in order to assure that people are at the centre of development efforts. Empowering the nation’s citizenry, in all its diversity, to meaningfully participate in the decisions that affect them through deliberately creating opportunities for such participation will not only serve to strengthen policies and programmes, it will also accelerate overall development progress. This will require the creation



of space and the establishment of mechanisms to support the participation of independent civil society organizations and “think tanks”.

The analysis also indicates that policy development in all sectors would benefit from a more focused effort to create policy based on *evidence*; this effort could be further strengthened through the creation of a more enabling environment for independent actors to strengthen the evidence base to inform policy development, as well as to evaluate policy implementation. The establishment of formal quality control processes in policy-making and oversight functions, and a shift to more independent regulators (for example, of public service providers) could also help improve the quality of policy and programme outcomes. Here again, a strong, active and meaningfully engaged civil society will serve to enhance the accountability and transparency of both policy-making and service provision.

## ASSURING UNIVERSAL ACCESS TO ESSENTIAL SOCIAL SERVICES

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While Viet Nam has made impressive progress in many areas of social development, and indeed has achieved a majority of the MDG targets, the analysis indicates that there remains unfinished MDG business. This has two components: national underachievement on individual targets and goals, and underachievement linked with vulnerable groups such as remote and ethnic minority communities. Both need dedicated action. Further, the CCA analysis shows that it is not only in key communities that vulnerability persists; new forms of multidimensional poverty are emerging, particularly in urban areas. The unfinished MDG business will require continuing and focused effort; however, meeting the full SDG ambition will require a doubling-down on the systemic challenges of vulnerability and multi-dimensional poverty. Universal access to high quality basic social services will be required for SDG success.

As an example, the analysis indicates that enhanced and deliberate attention to the needs of children and young people, across multiple sectors, will be vital going forward. Unfinished and inter-related MDG business in the areas of nutrition, health, and water and sanitation means that persistent inequities experienced by children in the poorest households (in ethnic minority populations, and in some urban centres) result in high burdens of stunting and wasting; this continuing vulnerability, if effectively addressed through assuring universal access to high-quality basic social services, will not only assure health and well-being at the individual level, it will also accelerate progress of the nation’s human resource development. Similarly, the provision of high quality education (from early childhood education through pre-employment training) will serve not only to support individual preparedness, but will also maximise the benefits of Viet Nam’s ‘demographic bonus’ in support of higher productivity, and decent and dignified employment. The CCA indicates that a close monitoring of the effects of socialization on individual ability to pay for these essential services, and flexible adjustment of this policy as necessary, will be important to assuring universal access.

Further, the analysis suggests the need to enhance the social protection system so that it more effectively combats vulnerability, meets multifaceted needs, and builds the resilience of the nation’s citizens. Achieving the eradication of poverty will require a number of different approaches in order to remove the multiple vulnerabilities and deprivations experienced by the nation’s most vulnerable citizens, rather than focusing only on income. A new and more flexible approach to social protection is likely to be required in order to meet the persistent and evolving disparities illuminated in the CCA analysis.



## UNDERSTANDING AND RESPONDING TO DEMOGRAPHIC TRENDS

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Viet Nam is currently experiencing a ‘demographic bonus’, with twice as many people of working age than dependents, which provides a large supply of labour for economic development. At the same time, the country’s population is ageing, and gender imbalances persist. Viet Nam is also urbanising rapidly, and rural workers (both skilled and unskilled) are moving at increasing rates to cities and industrial centres in search of higher-paid employment. Migration to other countries is also significant.

The CCA illuminates the need to address a number of emerging issues related to these trends. For example, while remittances from both internal and external migrants are important for rural poverty mitigation, and internal migration to cities contributes to economic development in those cities, the analysis indicates that migrants of all types would benefit from enhanced efforts to protect individual rights, health, and well-being.

As earlier noted, the analysis also reflects the importance of strengthening the social protection system in order to meet the needs related to the trends toward greater vulnerability in Vietnamese society. The rights to decent housing, health, education and work will be critical in this regard. In extending the reach of social protection, the growing demand for urban infrastructure to mitigate urban poverty and environmental and other social costs associated with rapidly growing economies should also not be overlooked. While urbanisation has the potential to help generate higher productivity employment, it requires effective public investment and policies to avoid potential social and environmental costs.

It is also important to note that Viet Nam’s ‘demographic bonus’ period is unlikely to result in socio-economic benefit automatically. In fact, significant investments in young people will be required in order to support the nation’s future holistic development and increased productivity. This means investment in education and training, health (including sexual and reproductive health), and jobs creation in diversified industries. At the other end of the spectrum, attention to the country’s rapidly growing elderly population will be required in order to assure the services and protections they need to live out their lives in health, well-being, and dignity, especially as extended families begin to fragment as younger people move toward locations with greater employment potential. It is especially important that women and girls enjoy equal opportunities in education and employment, free of gender stereotypes, and that particular attention be paid to children and young people in ethnic minority communities, in order to address their specific and continuing vulnerabilities. Similarly, children and young people in urban environments have specific deprivations which require focused attention.

## THE URGENT NEED TO TACKLE ENVIRONMENTAL CONCERNS AND THE EFFECTS OF CLIMATE CHANGE

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The analysis highlights the extent to which loss of biodiversity and depletion of natural capital, high environmental pollution, and climate change all present major risks to Viet Nam’s continuing and sustainable development, and to the achievement of the cluster of SDGs related to protection of the Planet. But the analysis also points to ways that these threats may be mitigated. Such efforts include, but are perhaps not limited to: deepening the transition to low-carbon development and green growth; reversing biodiversity loss, degradation of natural

capital, and preventing environmental pollution; and enhancing the resilience of people, business and local economies to climate change disruption.

Viet Nam has already demonstrated its strong commitment to pursuing *greener development*. But the transition to low carbon development and green growth will require the nation to transform its economy, through the greening of its energy, construction, transportation, infrastructure, agriculture and industrial processes. Environmental protection will require much enhanced and sustainable financial flows, and a special focus on particularly vulnerable areas such as forests, wetlands and marine environments. The trafficking of endangered wildlife and illegal forest products must be addressed through both supply and demand factors. Strengthening the effectiveness of policy, laws and of the criminal justice system to enforce laws in this area will be essential to reverse current trends toward depletion. Advocacy and higher visibility will help to raise public awareness of the importance of these issues.

While the analysis highlights the fact that Viet Nam is particularly at risk from the impacts of climate change, it also points to the importance of public infrastructure planning, as well as both urban and rural development policies to address these risks. Resilient infrastructure and agricultural production systems, disaster preparedness, and recognition of women's critical role in strengthening climate change resilience, will all be important moving forward. Participation in planning processes of those communities that are most vulnerable to natural disaster, and businesses and industries that impact upon the natural environment, may foster a sense of shared responsibility, adoption of more sustainable practices, and greener social norms and behaviors.

## TOWARD ENHANCED PROSPERITY FOR ALL

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While Viet Nam is well-recognized as a global economic success story, economic momentum has slowed over the past decade. This reflects, to some extent, the aftermath of the global financial crisis, but it is also a reflection of weak productivity growth. In addition, while Viet Nam's growth has been broadly inclusive, entrenched disparities remain between central and remote areas. This imbalance has resulted in a multi-speed economy in which those who live in remote areas, particularly ethnic minority populations, enjoy fewer opportunities to participate and benefit from the growth process.

Another factor influencing Viet Nam's prosperity is its increasing regional and global integration through trade liberalization, greater capital flows and the increased mobility of migrant labour. The participation of Viet Nam in the ASEAN Economic Community (AEC), Trans-Pacific Partnership (TPP) and other free trade agreements reflects this important integration. With the benefits of such efforts toward fuller integration, however, comes a degree of risk: Viet Nam will face increasingly stronger international competition, and in the absence of investments to raise standards and enhance capacity, the country's economic success may experience further down-turn.

Moving forward, Viet Nam will benefit from both industrial policy improvement and the strengthening of labour productivity. The CCA analysis has identified skills shortages and mismatches that point to the inability of the education system to meet the demands of the modern labour market, and limitations in vocational training opportunities. It is also clear that more supportive State institutions and systems are needed to improve the business environment to further enhance progress in this area. The analysis suggests the need to make improvements in areas as varied as economic regulation, public health and food standards and testing, and

regional policies and decentralization. It has been observed that Gender biases in the labour market persist, particularly, but not exclusively, in the informal sector where women predominate. Investing in an enhanced social protection system, including protections related to informal labour, will help in this regard; in addition, investment in efforts to increase women's participation in medium-to high-value jobs, in social infrastructure such as child care facilities that will free women's time to engage in productive work, and ensuring equal opportunity in leadership for women will be vitally important to the achievement of prosperity as well as of the SDG agenda. Indeed, the assurance of economic opportunity for all of Viet Nam's citizens, in their full diversity, will be the key to economic and sustainable development success.

## CONCLUDING REMARKS

As Viet Nam continues to develop, the challenges and opportunities it faces are also evolving, and so too are its national, regional and global responsibilities in an integrated and interdependent global political economy. The country's economy is becoming increasingly integrated into the global economy, and its increasing linkages with global production chains are transforming not only production, employment, and patterns of settlement, but also social and political norms as well as individual and collective aspirations. With better technology and increased travel, more people have exposure to new ideas and opportunities, and their expectations are rising. Public demand for higher-quality services is increasing.

But Viet Nam is changing at an unprecedented pace in a regional and global context where growing wealth and opportunities exist in stark contrast with widespread vulnerability, pockets of seasonal hunger, gender inequality, and widening inequity in the provision of essential services. These contradictions – and the imperative need to tackle them – are at the root of the Agenda 2030. In light of the rapid pace of change experienced in Viet Nam, achieving the Agenda 2030 vision will require a broad but deliberate shift to address rising disparities in public service delivery, marked changes in social and cultural norms that sustain inequality, and a data revolution for development.

Achieving the Agenda 2030 vision will also require strategic and innovative partnerships. Government, civil society, the private sector, and international partners will need to work together to address the enduring shortcomings and emerging challenges that constrain development; these challenges will require innovative action, novel plans, and new forms of partnership, with an increasingly cross-cutting scope. After two decades of widely celebrated success in poverty reduction and economic growth, Viet Nam faces a watershed opportunity to embrace the visionary spirit of the Agenda 2030 – sustainable development within a decade and a half. Ultimately, this CCA calls for building upon Viet Nam's significant and impressive progress, and for a deeper, more integrated and system-wide approach to efforts to achieve the Agenda 2030's ambitious vision.

## ANNEX A – OPERATIONALIZING THE RIGHTS/EQUITY-BASED APPROACH

The Rights/Equity-Based Approach (REBA) – adapted to the specificities of the assessment exercise -was used by the team of External Consultants to carry out a systematic desk review of existing official secondary sources on Viet Nam’s development challenges and progress. The tool was instrumental in the creation of a full picture of current challenges and human rights violations per each SDG in Viet Nam, identifying the main causes and factors that are preventing adequate coverage of quality interventions for the most disadvantaged groups. Given the reliance of the tool on both the Human Rights-Based Approach and the UNICEF’s MoRES/determinant analysis, the tool proved particularly useful for analysis of existing shortcomings in Viet Nam’s human rights and development scenario. The findings of the analysis were then integrated within a broader narrative that sets a discussion of deprivations – both persistent and new – in the context of Viet Nam’s significant achievements of the past two decades, the country’s emerging socio-economic trends and its rapidly changing environmental situation.

The analysis proceeded, for each SDG, as explained in the table below:

<b>STEP 1: Identify main challenges per each SDG</b>	1.1 General description of the challenge
	1.2 Identifying key deprivations of rights/human rights implicated
	1.3 Identifying vulnerable groups (rights holders) and geographic areas where these deprivations persist
<b>STEP 2: Identify bottlenecks and causes</b>	2.1 Identifying system-wide bottlenecks that are impeding achievement of desired outcomes
	2.2 Analysing the main causes of each bottleneck (using the determinant framework below), identifying duty-bearers
<b>STEP 3: Identify required services/intervention</b>	3. Identifying high impact interventions/services/practices required to prevent or mitigate these deprivations – in relations to the identified causes – and fill the capacity gaps identified for both rights-holders and duty bearers

With regard to Step 2, in identifying the bottlenecks and barriers and main causes of a challenge, the team assessed the country situation through ten inter-related determinants, which represent ‘conditions’ that need to be fulfilled in order to achieve results for the most disadvantaged. The ten determinants are organised in four broad categories:

- a) Enabling environment (upstream social and economic conditions);
- b) Supply (availability of key supplies, capacity of relevant actors/institutions to deliver services/interventions or promote adequate practices);
- c) Demand (ability and willingness of specific population groups to use services or adopt behaviours); and

d) Quality (minimum standards for effectiveness), as described in the table below.<sup>672</sup>

It is worth noting that not all determinants can or must be identified for each bottleneck: the matrix is used as an analytical tool only.

	<b>DETERMINANTS</b>	<b>DEFINITIONS</b>
<b>ENABLING ENVIRONMENT</b>	Social Norms	Social rules of behavior which are mainly driven by social pressure
	Legislation/Policy	Adequacy of laws and policies at national and sub-national levels
	Budget/Expenditure	Allocation & disbursement of required resources at national and sub-national levels and efficiency of use
	Management /Coordination	Clarity of roles and accountabilities and mechanism for coordination/ partnership
<b>SUPPLY</b>	Availability of Essential Commodities/Inputs	Essential commodities/ inputs required to deliver a service or adopt a practice
	Access to Adequately Staffed Services, Facilities and Information	Physical access (services, facilities, information, human resources)
<b>DEMAND</b>	Financial Access	Ability to afford the direct and indirect costs of using services and adopting practices
	Social and Cultural Practices and Beliefs	Individual beliefs and practices of both providers and populations that may be widely shared but are not mainly driven by 'social pressure' or expectations
	Timing & Continuity of Use	Timeliness/completion/continuity in use of services and adoption of practices
<b>QUALITY</b>	Quality	Adherence to required quality standards (national or international norms)

Importantly, during this stage it is possible to highlight deprivations and inequities across sectors that affect the same groups, as well as main causes that are common across sectors, which can benefit from common approaches or contributions. This has informed the formulation of the broad recommendations (Chapter V) that, in turn, offer an evidence base for prioritization of issues and future programming by the UNCT at a later stage.

Below, a complete matrix with three interrelated targets under SDG 4 for Viet Nam is presented.

	<i>Goal 4. Ensure inclusive and equitable quality education and promote lifelong learning opportunities for all</i>
	4.3 By 2030, ensure equal access for all women and men to affordable and quality technical, vocational and tertiary education, including university
	4.4 By 2030, substantially increase the number of youth and adults who have relevant skills, including technical and vocational skills, for employment, decent jobs and entrepreneurship

<sup>672</sup> Adopted from UNICEF, *Briefing Note Accelerating Results for the Most Disadvantaged Children: Monitoring Results for Equity System (MoRES)*, January 2015.

	4.5 By 2030, eliminate gender disparities in education and ensure equal access to all levels of education and vocational training for the vulnerable, including persons with disabilities, indigenous peoples and children in vulnerable situations	
<b>STEP 1:</b> <b>Deprivations, patterns of inequities (main challenges)</b>	1.1 General description of the challenge	Disparities in access to and quality of education and education outcomes between majority Kinh and ethnic minority students, as well as high illiteracy and school dropout rates especially among ethnic minority women and girls. <sup>673</sup>  The quality of education remains limited in remote and mountainous areas and islands where ethnic minorities live, in spite of the notable achievements in education elsewhere in the country <sup>674</sup> .
	1.2 Identifying key deprivations of rights/human rights implicated	right to quality education, right to a decent job
	1.3 Identifying vulnerable groups (rights holders) and geographic areas where these deprivations persist	Sexual Minorities: LGBT people often face prejudices and are marginalized in schools. LGBT students have nowhere to turn to for assistance when they are victimized by assaults and discrimination. Many LGBT students drop out of school because of an insecure learning environment.  Ethnic Minorities: 44.6 percent of all Kinh and Hoa children, who drop out of school, are girls, compared to 59.9 percent of all children of other ethnicities. 20 percent fewer Hmong girls than boys attend primary school.  20 percent of Kinh women indicated that they had less than an elementary school education, whereas the number rises from 41.9 percent to 75 percent among the EM women.
<b>STEP 2:</b> <b>Priorities and causes of bottlenecks</b>	2.1 Identifying system wide bottlenecks that are impeding achievement of desired outcomes	MDG Goal 3 wasn't specifically mentioned in the National Action Plan for Education for All (2003-2015);  Low quality and relevance, inequity in access, weaknesses in sector management and governance, and inadequate financing and investment in education <sup>675</sup> .

<sup>673</sup>CERD, *Consideration of reports submitted by States parties under article 9 of the Convention*, CERD/C/VNM/CO/10-14, 9 2012, par. 14.

<sup>674</sup> OHCHR, 'International Covenant on Economic, Social and Cultural Rights: Concluding observations', E/C.12/VNM/CO/2-4, 2014.

<sup>675</sup> Rosa Luxemburg Stiftung, *A Baseline Desk Study on "Policy Directions And Legal Framework In The RLS Area Of Social Justice in Vietnam 2015-2017,"* July 2014.



(determinants analysis)	2.2 Analysing the main causes of each bottleneck and identifying duty-bearers, using the determinant framework below:	<p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p>
Determinant framework	Social Norms	
	Legislation/ Policy	<p>The Government of Viet Nam (GoV) has made considerable efforts in terms of new policy, decrees and circulars; however, there is a critical gap between policy and implementation.</p> <ul style="list-style-type: none"> <li>• National indicators tend to mask regional disparities and particular disadvantages faced by certain groups such as ethnic minorities and internal migrants.</li> <li>• Data collection and analysis must be better coordinated and improved if resources are going to be better targeted and have the most impact</li> </ul>
	Budget/ Expenditure	
	Management/ Coordination	A more evidence-based and comprehensive understanding of the components needed to ensure an education of quality is necessary, taking into consideration local conditions and specificities
	Availability of Essential Commodities/Inputs	The national education system is not comprehensive and lacks strategic links between education levels;



	Access to Adequately Staffed Services, Facilities and Information	<p>The curriculum and textbooks are over-crowded;</p> <p>The physical condition of facilities is poor, while the quality of education in remote and ethnic minority areas is below the national average;</p> <p>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</p> <p>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 .</p> <p>LGBT students at most schools are not provided with fundamental knowledge or support on SOGI (Sexual orientation and gender identity) issues either by their teachers or by school services such as school counselors and nurses, or through other resources<sup>676</sup>.</p>
	Financial Access	<p>Example:</p> <p>1) high fees</p> <p>2) lack of scholarships for disadvantaged groups</p>
	Social and Cultural Practices and Beliefs	<p>When both opportunity and actual costs are higher than a family can bear, if a child is to be sent to school in Hmong families, it is almost always that boys are prioritized.</p>
	Timing & Continuity of Use	
	Quality	<p>Sex education is rarely covered in academic curricula. Even if such subject is included, it is often ignored by educators<sup>677</sup>. Students are thus not taught about Sexual Orientation and Gender Identity (SOGI) or to respect diversity.</p>

<sup>676</sup> UNDP & USAID, *Being LGBT in Asia: Viet Nam Country Report*, Bangkok, 2014.

<sup>677</sup> Ibid.

<p><b>STEP 3:</b></p> <p><b>Services, practices to address the deprivations</b></p>	<p>3. Identifying high impact interventions/service s/practices required to prevent or mitigate these deprivations – in relations to the identified causes – and fill the capacity gaps identified for both rights-holders and duty bearers</p>	<p>Develop a comprehensive framework and allocate sufficient resources for the provision of quality education for ethnic minority children and children living in remote areas, as well as children of migrants. In that regard:</p> <ul style="list-style-type: none"> <li>(a) adequately plan educational personnel needs;</li> <li>(b) Increase investment in early education for those children;</li> <li>(c) Improve the system for tracking children dropouts and their reintegration in school;</li> <li>(d) Implement mother tongue-based bilingual education approaches;</li> <li>(e) Strengthen the decentralized management of education<sup>678</sup>.</li> </ul>
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<sup>678</sup> OHCHR, 'International Covenant on Economic, Social and Cultural Rights: Concluding observations', E/C.12/VNM/CO/2-4, 2014.

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