Universal Periodic Review

(18th session, January – February 2014)

Contribution of UNESCO to Complication of UN information

(to Part I. A. and to Part III F, J, K, and P)

Viet Nam

I. BACKGROUND AND FRAMEWORK

A. Scope of international obligations: Human rights treaties which fall within the competence of UNESCO and international instruments adopted by UNESCO

I.1. Table:

Title	*Date of ratification, accession or succession*	*Declarations /reservations*	*Recognition of specific competences of treaty bodies*	*Reference to the rights within UNESCO's fields of competence*
Convention against Discrimination in Education (1960)	Not state party to this Convention	*Reservations to this Convention shall not be permitted*		Right to education
Convention on Technical and Vocational Education. (1989)	Not state party to this Convention			Right to education
Convention concerning the Protection of the World Cultural and Natural Heritage (1972)	Acceptance 19/10/1987			Right to take part in cultural life
Convention for the Safeguarding of the Intangible Cultural Heritage (2003)	Ratified 20/09/2005			Right to take part in cultural life
Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005)	Ratified 07/08/2007			Right to take part in cultural life

II. Input to Part III. Implementation of international human rights obligations, taking into account applicable international humanitarian law to items F, J, K, and P

Right to education

Normative Framework:

2. Constitutional framework: The Constitution of the Socialist Republic of Vietnam (1992) as amended in 2001[1] enshrines the right to education. In Chapter V on Basic Rights and Obligations of Citizens, Article 59 provides that "Education is a right and obligation of citizens. Primary education is to be compulsory and free of charge. Citizens have the right to general and vocational education in various forms. The State and society encourage gifted pupils and students in their studies with the view to develop their talents. The State is to adopt policies on tuition fees and scholarships. The State and society are to provide conditions for handicapped and other specially disadvantaged children to enjoy appropriate general and vocational education." Article 65 adds that "The State, society and the family are responsible for the protection, care and education of children."

3. In Chapter III on Culture, Education, Science and Technology, Article 35 stipulates that "Education development is a primary national policy. (…)" According to Article 36 "(…) The State shall ensure the balanced development of the education system comprising the pre-school education, general education, vocational education, university and post graduate education, universalisation of secondary education; the development of various types of schools, state-run, private and other. The State gives priority to investment in education and encourages other sources of investment therein. The State carries out a policy of priority for development of education in the mountainous regions, ethnic minority areas and especially difficult areas. (…)"

4. Regarding physical education, Article 41 provides that "The State and society are to develop physical culture and sports in Vietnam with a national, scientific and popular character" and it (…) "determines requirements for compulsory physical education at schools; encourages and assists in the development of various forms of popular voluntary physical culture and sports, creates necessary conditions to constantly expand broad-based popular physical and sports activities; attach special importance to professional physical and sports activities, train and foster sport talents." Article 43 also specifies that "The State expands international exchanges and cooperation in the fields of culture, information, literature, art, science, technology, education, health care, physical culture and sports."

5. Regarding gender equality, Article 63 states that "All citizens regardless of their sex have equal rights in all respects, political, economic, cultural, social and in family life. Any discrimination against women and violation of women's dignity are strictly prohibited."

6. Legislative framework: The Law on Universal Primary Education (UPE) was adopted by the National Assembly (VIII Legislature) on 12 August 1991. Article 1 provides as follows: "The

[1] http://www.vietnamlaws.com/freelaws/Constitution92(aa01).pdf (Accessed 20/04/11)

State implements the policy of compulsory universal primary education (UPE) for all children aged 6-14."[2]

7. The Law on Education was adopted by the fourth session of the National Assembly (X Legislature) on 2 December 1998 and entered into force on 1 June 1999.[3]

8. On 14th June 2005, at the 7th session the National Assembly of the Socialist Republic of Vietnam, Legislature XI approved the Amended Education Law 38/2005/QH11. On 27th June 2005, the President signed the order to promulgate the Law. The Education Law comprises of 9 Chapters, 120 Articles and comes into effect from the 1st January 2006, replacing the 1998 Education Law[4]. In accordance with this law, primary education (Grades I-V) is compulsory for all children aged 6-14. The admission age is 6. The law also contains provisions concerning pre-school care and education, and non-formal education.

9. Article 7 regarding "Languages used in schools and other educational institutions; teaching and learning of spoken and written languages of ethnic minorities; teaching of foreign languages" provides that "2. The State shall enable ethnic minority people to learn their spoken and written languages in order to preserve and develop their ethnic cultural identity, helping pupils from ethnic minorities easily absorb knowledge when they study in schools and other educational institutions."

10. Article 10 regarding citizens' Rights and Obligations to Learn, states that "Learning is the right and obligation of every citizen. Every citizen, regardless of ethnic origins, religions, beliefs, gender, family background, social status or economic conditions, has equal rights of access to learning opportunities. The State shall undertake social equity in education and enable everyone to get access to education. The State and the community shall help the poor have access to education, enabling gifted people to develop their talents. The State shall give priority in enabling children of ethnic minorities, children of families in areas with special socio-economic difficulties, targeted groups of socially prioritized policies, disabled and handicapped persons and beneficiaries of other social policies to realize their learning rights and obligations.

11. Article 11 regarding Universalization of Education, provides that "1. Primary education and lower secondary education are universal education levels. The State shall make decisions on plans of universal education; shall assure conditions to implement the universalization of education throughout the country. 2. All citizens within the defined age group shall have the obligation to learn in order to obtain the level of universalized education. 3. Families shall have the responsibilities of facilitating or their members in the defined age group to pursue learning in order to obtain the level of universalized education."

12. According to Article 19, there shall be "no religious propagating in schools and other educational institutions. Neither religious propagating nor religious rituals are to be conducted in schools and other educational institutions of the national educational system, of the State

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[2] World Data on Education, VI Edition 2006-07, http://www.ibe.unesco.org/fileadmin/user_upload/archive/Countries/WDE/2006/ASIA_and_the_PACIFIC/Viet_Nam/Viet_Nam.pdf

[3] World Data on Education, VI Edition 2006-07, http://www.ibe.unesco.org/fileadmin/user_upload/archive/Countries/WDE/2006/ASIA_and_the_PACIFIC/Viet_Nam/Viet_Nam.pdf

[4] http://en.moet.gov.vn/?page=8.8&view=5101

agencies, of political organizations, of socio-political organizations and of the people's armed forces."

13. In conformity with Article 21, early childhood education comprises the nurturing of, caring for and educating "children from three months to six years of age".

14. Law 44/2009/QH12 revising 38/2005/QH11 on Education, dated 25 November 2009. It amends certain provision of the 2005LMaw on Education. It was supposed to take effect in 2010.[5] Among other new provisions, it would place greater emphasis on a more practical and international focus for Vietnamese schools, by providing that educational programs and textbooks should be both practical and work toward international integration.

15. Compulsory education and school attendance: Besides, the Law on Universal Primary Education (UPE), adopted on 12 August 1991, provides in Article 1 that, "The State implements the policy of compulsory universal primary education (UPE) for all children aged 6-14."

16. In accordance with the Law on Education 38/2005/QH11, primary education (Grades I-V) is compulsory for all children aged 6-14. The admission age is 6. The law also contains provisions concerning pre-school care and education, and non-formal education.

17. Non-discrimination and gender equality: However, minority groups in Viet Nam do not enjoy the same opportunities in access to education. Since the early 1990s, poverty in Viet Nam has been cut by two-thirds, far surpassing the Millennium Development Goal target. Despite the gains, however, the average poverty rate among the country's 10 million ethnic minority people is 52%, compared with 10% for the majority Kinh (World Bank, 2009). Minorities also have lower health, nutrition and education indicators, and less access to basic services. Partly because of these inequalities, the benefits of rapid economic growth have trickled down more slowly to ethnic minority groups. The wider social and economic inequalities driving group-based marginalization in Viet Nam have important consequences for education. While education figures for ethnic minority groups are improving, they still lag far behind those of the Kinh majority population. One-quarter of minority children enter school late, compared with 5% for Kinh children. Around 30% of minority households report at least one child dropping out of primary school, double the Kinh share (World Bank, 2009). Two of the four top reasons for dropping out – inability to afford school fees and need for child labour at home – are directly related to poverty.[6]

18. However, Viet Nam has developed some financial stipend programmes for identifiably marginalized groups which can help provide incentives for education and enhance affordability.[7] Viet Nam has also introduced a range of financial support mechanisms targeting ethnic minority students. However, school costs are still cited as a significant cause of children dropping out of school. Under Programme 135, a poverty reduction strategy targeting 2,100 communes with very low human development scores, the government provides children attending semi-boarding schools with a monthly stipend. Those who do not live in communes covered by Programme 135

[5] http://www.vietnamlaws.com/vlu/jan_2010.pdf (Accessed 20/04/11)
[6] EFA Global Monitoring Report 2010, p. 171, http://unesdoc.unesco.org/images/0018/001866/186606E.pdf
[7] EFA Global Monitoring Report 2010, p. 12, http://unesdoc.unesco.org/images/0018/001866/186606E.pdf

but are poor or live in a 'commune with extreme difficulties' receive lower stipends. Everywhere, ethnic minority students receive free textbooks and notebooks.[8]

19. Language is also a problem in term of minority groups education. Language, ethnicity and regional factors can combine to produce complex patterns of disadvantage. In Viet Nam, a large-scale survey of grade 5 students in 2001 found strong disparities in achievement among provinces, with school location and students' socio-economic background and ethnicity also having a strong influence (World Bank, 2004). Ethnic minority students who spoke no Vietnamese at home are much less likely to read 'independently' than students whose home language is Vietnamese.[9] In addition, minority language groups and indigenous people often register far lower levels of literacy. In Viet Nam, the literacy rate is 94% among the majority Kinh population, but only 72% for ethnic minorities.[10]

20. The government of Viet Nam recognizes that problems facing ethnic minorities are a major barrier to universal primary education. It has established an extensive system of financial transfers targeted at households and communes with large minority populations. While ethnic minority children account for 18% of the primary school age population, ethnic minority teachers make up just 8% of the teaching force. Moreover, few of these teachers are posted to ethnic minority areas. And not all have the training or experience to teach bilingual education.[11]

21. Teachers: The 1999 education Law allowing minority languages to be used in education recognizes the importance of home language. Implementing that law has proved difficult, however. Part of the problem is a serious shortage of ethnic minority teachers.

Policy measures[12]:

22. Major policy measures: **The Education Development Strategic Plan for 2001-2010**: The Ninth Congress of Vietnam Communist Party had affirmed the overall goals of the socio-economic strategic plan for 2001-2010 as follows: "To bring our country out of an under-developed situation, to increase significantly the level of material, cultural and spiritual life of people, to lay down the foundation for our country to become basically an industrialized, modernized nation by 2020".

23. To achieve these goals, the role of education and science and technology has to become decisive and the requirements for the development of education must become urgent.

24. After 15 years of renovation, Vietnam's education has made important progress but is still facing weaknesses and shortage.

25. The Education Development Strategic Plan for 2001-2010 identifies the goals, measures and steps in the direction of diversification, standardization, modernization and social participation to build up the practical and effective education, to create the radical change in qualitative aspect, to make education catch up with developed countries in the region, to enhance

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[8] EFA Global Monitoring Report 2010, p. 190, http://unesdoc.unesco.org/images/0018/001866/186606E.pdf
[9] EFA Global Monitoring Report 2010, p. 154, http://unesdoc.unesco.org/images/0018/001866/186606E.pdf
[10] EFA Global Monitoring Report 2010, p. 99, http://unesdoc.unesco.org/images/0018/001866/186606E.pdf
[11] EFA Global Monitoring Report 2010, p. 174, http://unesdoc.unesco.org/images/0018/001866/186606E.pdf
[12] World Data on Education, VI Edition 2006-07, http://www.ibe.unesco.org/fileadmin/user_upload/archive/Countries/WDE/2006/ASIA_and_the_PACIFIC/Viet_Nam/Viet_Nam.pdf

mass knowledge, to train manpower, to nurture talent and to take active part in the implementation of the goals of the Ten-Year Socio-Economic Development Strategy 2001-2010.

26. Human Rights Education: Within the framework of the Universal Periodic Review (5th session May 2009), Viet Nam was recommended to "continue providing and expanding human rights education and training for all relevant Government authorities to build capacities of officials, and ensure effective implementation of human rights-related laws (Thailand)", to "Reinforce advocacy and information measures through specific human rights education and training programmes (Morocco)", to "Develop a national strategy to include in the school system at all levels appropriate measures in the field of human rights education in accordance with the Plan of Action 2005-2009 of the World Programme for Human Rights Education (Italy)." Vietnam accepted those three recommendations.

27. Curriculum: The school system in Viet Nam should be reassessed to avoid overlap in curricula at various levels and meet children's changing needs. According to some professors, the current training regime is based on the needs of children in the last two decades and is, thus, no longer suitable. The new curriculum should focus on self-learning and application and should teach children how to think, create, calculate, read, write, solve problems, and self-assess. The Ministry of Education and Training is currently working with the Institute to restructure the school system and is soliciting opinions from scientists and experienced teachers for the purpose. At the high-school level, the curriculum should also provide career orientation. To this end it is important that the Government allocates sufficient funds to restructure the system by 2015.[13]

28. **Cooperation**: Viet Nam is not party to the 1960 UNESCO Convention against Discrimination in Education. Since the Democratic Republic of Viet Nam and the Republic of South Viet Nam (the latter having replaced the Republic of Viet Nam) united on 2 July 1976 to form a new State, the Socialist Republic of Viet Nam (Viet Nam), the Government of Viet Nam has not yet made known its position regarding any succession. It did not report on the implementation of the Recommendation against Discrimination in Education within the framework of the:

i. Sixth Consultation of Member States (covering the period 1994-1999)

ii. Seventh Consultation of Member States (covering the period 2000-2005)

iii. Eight Consultation of Member States (covering the period 2006-2011)

29. Viet Nam did not report within the framework of the Fourth Consultation of Member States on the measures taken for the implementation of the 1974 UNESCO Recommendation concerning Education for International Understanding, Co-operation and Peace and Education relating to Human Rights and Fundamental Freedoms (covering the period 2005-2008). It has not yet reported within the framework of the Fifth Consultation of Member States on the measures taken for the implementation of the 1974 UNESCO Recommendation (2013).

30. Viet Nam reported within the framework of the Second Consultation (2011) on the measures taken for the implementation of the 1976 Recommendation on the Development of Adult Education. However, it did not report for the First Consultation (1993).

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[13] Vietnews, *Revamp of school curriculum debated*, 31 March 2011, http://www.dztimes.net/post/social/revamp-of-school-curriculum-debated.aspx, (Accessed 20/04/11)

31. Viet Nam is not party to the 1989 UNESCO Convention on Technical and Vocational Education.

Freedom of opinion and expression

32. Constitutional and Legislative Framework: Freedom of expression and press freedom are guaranteed under Article 69 of the Constitution of the Socialist Republic of Vietnam (1992). These rights are further protected under Article 2 of the Law on Media (1999).

33. However, the Law on Media (1999) also contains provisions that limit freedom of expression. Specifically, Article 10 prohibits media from reporting on matters that would incite fellow citizens to rebel against the state. Article 15 of the Law on Media requires journalists to "protect the guidelines and policies of the Party and the laws of the State, and fight against wrong ideology and wrongful conduct" (Article 15, 2, b). Journalists critical of government actions are exposed to harassment by police, detention without legal counsel, and imprisonment for violating national security.

34. The 1986 Penal Code sets severe limits to the freedoms and rights guaranteed in the 1992 Constitution.

35. Decree No.2: Sanctions for Administrative Violations in Journalism and Publishing" came into force on 25 February 2011. The decree provides fines from 1-4 million dongs (US$ 50 – 2,000) for journalists and newspapers that violate the decree's provisions, such as failing to abide by the requirements of the Law on Media to "report truthfully domestic and world current affairs in conformity with the interest of the country and its citizens" (Article 15, 2, a). Decree No.2 prohibits bloggers from using nicknames, and imposes fines on journalists who fail to disclose their sources of information (Article 7). This new Decree contradicts the 1990 Press Law which states (Article 7) "the press has the right and duty not to disclose the names of those who provide information if it is harmful to them, unless requested by the Head of the People's Procuracy or the Judge of the People's Court at the provincial and equivalent level or higher, for investigation and trial of serious criminal cases". Under Directive 71 (2004) Internet café owners are responsible for their customers' on-line activities, and must keep records of users' identities.

36. Media Self-Regulation: Media self-regulatory mechanisms exist in the country through such organizations as the Vietnam Journalists Association (VJA). Moreover, major media institutions have also developed their own self-regulatory mechanism such as the Code of Practice of Vietnam Television and Code of Conduct of Radio Voice of Vietnam. However, the use of codes of ethics and editorial guidelines in media outlets is not guaranteed in practice and especially with the ownership of the media concentrated in the government.

37. Safety of Journalists: In 2011, UNESCO recorded the murder of journalist Le Hoang Hung in Vietnam[14]. The Director-General of UNESCO condemned the killing and called on the country to inform UNESCO, on a voluntary basis, of the actions taken to prevent the impunity of

[14] UNESCO's Director-General's public statements of killings of journalists (www.unesco.org/webworld/condemnation)

the perpetrators and to notify the Director-General of the status of the judicial inquiries conducted on each of the killings condemned by UNESCO[15].

Right to development and environmental issues

38. There are currently 5 Biosphere Reserves in Vietnam[16], where sustainable development, conservation and cultural socio-economic activities in sylvo-forestry and fishery management systems can be tested, refined, demonstrated and implemented. In 2013, the Viet Nam component of the Asia-Pacific Regional Biosphere Reserves for Environmental and Economic Security Programme (BREES), funded through the UNESCO/Japan Funds-in-Trust, is implemented in the Red River Delta Biosphere Reserve. The project is a joint effort between the Continuing Education Department (CED) and the Department of Technology and Education Administrators (DTEA) under the Ministry of Education and Training, the Viet Nam National Man and Biosphere Programme Committee (MAB), FAO and UNESCO. It includes four training programmes: (i)Training of Community Learning Centre (CLC) facilitators on climate change and biodiversity conservation; (ii) delivery of a lesson plan developed by CLC facilitators to local community members; (iii) a three-day teacher training workshop to build teachers' capacities to enhance students' knowledge on key sustainability challenges; and (iv) orientation sessions with students on the process of developing their own projects to respond to climate change with practical activities in their schools and communities.[17]

Cultural rights

39. Institutional framework: The Law on Cultural Heritage, 2001, establishes a National Heritage Council under the Prime Minister, and a Cultural Heritage Department under the Ministry of Culture & Information.

40. Policy measures: Viet Nam has played a lead role in safeguarding its intangible heritage and was elected for a four-year term on the Intergovernmental Committee for the 2003 Convention for the Safeguarding of the Intangible Cultural Heritage. Two Vietnamese elements have been integrated into the Representative List of the Intangible Cultural Heritage, attesting to the country's rich intangible heritage and its relevance for the Vietnamese people. UNESCO has supported both policy and key pilot projects related to inventorying, language preservation, community cultural mapping and implementation of national safeguarding action plans for the above-mentioned intangible heritage elements. The World Heritage List has high visibility in Viet Nam, and UNESCO's expertise is frequently sought to support the sustainable management and preservation of its five World Heritage Sites. The Management Bodies of World Heritage

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[15] Decision on the Safety of Journalists and the Issue of Impunity. Adopted by the IPDC Intergovernmental Council at its 27th Session (available at http://www.unesco.org/new/fileadmin/MULTIMEDIA/HQ/CI/CI/pdf/ipdc2010_safety_decision_final.pdf)

[16] http://portal.unesco.org/science/en/ev.php-URL_ID=5792&URL_DO=DO_TOPIC&URL_SECTION=201.html.

[17] http://www.unesco.org/new/en/natural-sciences/about-us/single-view/news/moet_mab_fao_and_unesco_support_student_climate_change_and_biodiversity_conservation_initiatives_in_red_river_delta/.

Sites have gradually increased national capacities with support from UNESCO to ensure enhanced protection of theses properties. Viet Nam is experiencing rapid economic growth and significant increases in tourism, especially at World Heritage sites. The country therefore also faces increasing challenges in terms of sustainable tourism planning, balancing preservation and development, and controlling the rapid urban development in and around heritage sites[18].

III. RECOMMENDATIONS

Right to education

41. Viet Nam should be encouraged to ratify the 1960 UNESCO Convention against Discrimination in Education.

42. Viet Nam should be encouraged to submit state reports for the periodic consultations of UNESCO's education related standard-setting instruments.

43. Viet Nam could be encouraged to intensify its efforts to provide access to education especially in mountainous regions, ethnic minority areas and difficult areas.

44. Viet Nam could be encouraged to intensify its efforts to eliminate discrimination in education.

Freedom of opinion and expression

45. Viet Nam is encouraged to implement reforms to its laws and practices in line with international standards for press freedom and freedom of expression and bring to an end state censorship of newspapers and other media.

46. Viet Nam is encouraged to decriminalize defamation, and move towards incorporating it into the civil code in accordance with international standards.

47. Viet Nam is encouraged to establish an independent and transparent regulatory body responsible for promoting pluralist broadcasting media.

48. Viet Nam is encouraged to review the pending executive decree on internet services, which would make it illegal to maintain an anonymous identity online and would require foreign Internet companies to host their servers in Vietnam, and repeal existing laws and policies that restrict Internet freedom.

49. Viet Nam is encouraged to release imprisoned journalists and bloggers.

50. Viet Nam is encouraged to investigate the reported cases of attacks on journalists and to ensure that perpetrators are brought to justice.

51. Viet Nam must ensure that journalists and media workers are able to practice their profession in free and safe environment as part of their fundamental human rights.

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[18] UNESCO Country Programing document http://unesdoc.unesco.org/images/0015/001546/154681E.pdf

52. UNESCO recommends developing the independence of the media self-regulatory mechanisms, and there extension to all media institutions.

Right to development and environmental issues

53. With regard to contribution of science and technology to development, Viet Nam is encouraged to report to UNESCO within the framework of the on-going consultations with Member States on the monitoring of the implementation and a possible revision of the 1974 Recommendation on the Status of Scientific Researchers, in particular on the measures undertaken in the country to implement such principles of the Recommendation as the obligation of state authorities to ensure that scientific researchers have the responsibility and the right to work in a spirit of intellectual freedom; to participate in the determination of the aims, content and methods of research, which should be compatible with respect for universal human rights and fundamental freedoms, as well as ecological and social responsibility; to creativity, occupational mobility, international cooperation for furtherance of international peace, cooperation and understanding, etc.

Cultural rights

54. The 2003 Periodic report for the 1972 World Heritage Convention, submitted by Viet Nam, noted that action was taken to encourage the participation of local communities including indigenous peoples, women and youth in the management of World Heritage sites. The report also noted that maintaining this co-operation is a challenge to be addressed. The report underlined the need for specialized training for staff, and post-graduate education in heritage management[19]. Viet Nam is encouraged to undertake measures to face the identified challenges and goals.

55. Viet Nam is encouraged to continue strengthening the Vietnamese capacity for safeguarding cultural resources;

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

[19] 2003 Periodic report for the 1972 Convention