

**Universal Periodic Review (32nd session, January-February 2019)  
Contribution of UNESCO**

**Viet Nam**

**I. Background and framework**

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

<i>Title</i>	<i>Date of ratification, accession or succession</i>	<i>Declarations /reservations</i>	<i>Recognition of specific competences of treaty bodies</i>	<i>Reference to the rights within UNESCO's fields of competence</i>
<i>Convention against Discrimination in Education 1960</i>	Not a State Party to this Convention	Reservation to this Convention shall not be permitted		Right to education
<i>Convention on Technical and Vocational Education 1989</i>	Not a State Party to this Convention			Right to education
<i>Convention concerning the Protection of the World Cultural and Natural Heritage 1972</i>	19/10/1987 Acceptance			Right to take part in cultural life
<i>Convention for the Safeguarding of the Intangible Cultural Heritage 2003</i>	20/09/2005 Ratification			Right to take part in cultural life
<i>Convention on the Protection and Promotion of the Diversity of Cultural Expressions 2005</i>	07/08/2007 Ratification	<i>The instrument of ratification was accompanied by the following declaration:  "In ratifying the convention, the Socialist Republic of Viet Nam, pursuant to paragraph 4 of Article 25 of</i>		Right to take part in cultural life

		<p><i>the Convention, declares that the Socialist Republic of Viet Nam does not consider itself bound by the provisions of paragraph 3 of Article 25 of the Convention” [Original : English]</i></p>	
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## Right to education

### II. Promotion and protection of human rights on the ground

1. The **Constitution of the Socialist Republic of Viet Nam of 2013**<sup>1</sup> contains provisions on education but does not explicitly enshrine the right to education. **Article 37** states that children enjoy education by the state and **Article 61** states that “development of education is a primary national policy” and that “the state shall prioritise investment in and attraction of other investment sources for education; take care of pre-school education; guarantee **compulsory** primary education which is **free of charge**; gradually universalize secondary education (...)”. **Article 61** guarantees equality before the law and asserts that “no one shall be discriminated against based on his or political, civic, economic, cultural or social life”. The **Education Law of 2005**<sup>2</sup>, **as amended in 2009**<sup>3</sup>, guarantees that “learning is the right and obligation of every citizen” and ensures **equal access** to learning opportunities of every citizen under **Article 10**.
2. In terms of reporting to UNESCO, Viet Nam did not submit national reports within the framework of the **8th** (2011-2013) and **9th** (2016-2017) Consultations of Member States on the measures taken to implement the UNESCO 1960 Recommendation against Discrimination in Education. Similarly, Viet Nam did not report on the measures taken to implement the UNESCO 1974 Recommendation concerning Education for International Understanding, Co-operation and Peace and Education relating to Human Rights and Fundamental Freedoms for the **5th** (2012-2013) and **6th** (2016-2017) Consultations.

## Freedom of opinion and expression

### ➤ Constitutional and Legislative Framework:

3. Article 69 of the Constitution of the Socialist Republic of Viet Nam guarantees that citizens are entitled to freedom of the press, and they have the right to receive information.<sup>4</sup>

<sup>1</sup> <http://www.ilo.org/dyn/natlex/docs/ELECTRONIC/94490/114946/F114201808/VNM94490%20Eng.pdf>

<sup>2</sup> <http://www.unesco.org/education/edurights/media/docs/7886a5a6cd47d0e47e3c747ff84b6a482865f6f9.pdf>

<sup>3</sup> <http://www.unesco.org/education/edurights/media/docs/edeb9ad4a4fd16cb9965671b30e6a9424e65c7a9.pdf>

<sup>4</sup> <http://www.vietnamlaws.com/freelaws/Constitution92%28aa01%29.pdf>

4. On April 5 2016 the legislative body passed a Press Law (No. 103/2016/QH13). The new law expanded the list of prohibited acts. In particular it prohibits “distorting history; negating revolutionary achievements; offending the nation and national heroes”, or “propagating depraved lifestyles <...> publishing information that violates the country’s traditions and values”, or “distorting, defaming or negating the people’s administration”.<sup>5</sup>
5. Although the Press Law does not prescribe prison terms for defamation, various other speech-related offenses provide for jail time under the Criminal Code. Article 117 provides with up to 15 years’ in jail for producing and disseminating distorted information, aimed to oppose the State. Article 116 provides with up to 15 years’ in jail for sabotaging solidarity policies of the government, which includes sowing division, causing hostility, etc.<sup>6</sup>
6. A Law on Access to Information exists in Viet Nam since 2016.

➤ Implementation of legislation:

7. Article 7 of the Press Law states that the Ministry of Information and Communications is responsible for performing the state management of the press. Provincial-level People’s Committees are responsible for management of the press in their localities.<sup>7</sup>
8. Most of the broadcasting entities are state owned but some are joint ventures with private enterprises. All broadcasters have to get a license from Ministry of Communication and Information as per Decision 20 (2011)<sup>8</sup>, without which they could not provide broadcasting services.

Safety of journalists

9. Since 2008, UNESCO has condemned the killing of one journalist in Viet Nam. The Government has responded to UNESCO requests and the case has been resolved.

### III. UPR Recommendations

#### Right to education

10. **Below are the recommendations made within the framework of the 2nd cycle of the Working Group on the Universal Periodic Review (February 2014)<sup>9</sup>:**
  - 143.58. *Continue raising the awareness of the population through human rights education programmes*
  - 143.59. *Continue supporting human rights education at all level of the education system through the appropriate measures and content*

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<sup>5</sup> [http://www.wipo.int/wipolex/en/text.jsp?file\\_id=447052](http://www.wipo.int/wipolex/en/text.jsp?file_id=447052)

<sup>6</sup> <http://www.wipo.int/wipolex/en/details.jsp?id=17225>

<sup>7</sup> [http://www.wipo.int/wipolex/en/text.jsp?file\\_id=447052](http://www.wipo.int/wipolex/en/text.jsp?file_id=447052)

<sup>8</sup> [http://english.mic.gov.vn/Pages/VanBan/11281/No.20\\_2011\\_QD-TTg.html](http://english.mic.gov.vn/Pages/VanBan/11281/No.20_2011_QD-TTg.html)

<sup>9</sup> <http://www.ohchr.org/EN/HRBodies/UPR/Pages/VNIndex.aspx>

- 143.60.** *Further enhance efforts to develop the human rights education system and to strengthen a culture of human rights*
- 143.62.** *Continue work on introducing awareness-raising and educational programmes on human rights into the curricula of schools and universities and on organizing relevant programmes for civil servants*
- 143.63.** *Strengthen human rights education to ensure that the population is better informed*
- 143.64.** *Increase education on human rights to raise public awareness and the capacity of relevant legal agencies to better ensure the rights and basic freedoms of the people within the nation's rule of law*
- 143.65.** *Strengthen human rights education by providing special programmes for law enforcement officials and the judiciary*
- 143.86.** *Continue implementation of policies to combat discrimination against people from disadvantaged groups, including providing them with access to social security, health services, education and housing*
- 143.182.** *Study and develop a more effective and convenient public service system, especially in social insurance, education and training, health care and legal assistance*
- 143.188.** *Continue its efforts to improve access to education, housing and health-care services*
- 143.189.** *Focus on mitigating income inequalities, providing equal opportunities in education and employment, and improving social security and health services for all segments of the population*
- 143.190.** *Continue to take measures to guarantee poverty reduction and universal access to health services and education*
- 143.193.** *Ensure education free of charge in practice*
- 143.194.** *Improve its efforts on educational reform towards a comprehensive education policy with a particular focus on vulnerable groups, including children, person with disabilities and minorities*
- 143.195.** *Further develop the quality of education and health-care policies in the country*
- 143.196.** *Further expand efforts to provide all its citizens with access to school and to ensure equal enjoyment of the right to education, and increase bilingual education programmes*
- 143.197.** *Strengthen activities in favour of rural areas by focusing on education and on preventing disadvantaged children from dropping out of school*
- 143.198.** *Continue increasing investment in education and health through its successful social policies*
- 143.199.** *Continue intensifying efforts to provide high quality education and medical services to the population, including in remote rural areas*
- 143.200.** *Continue its efforts to reduce inequality in education, particularly the quality gap in education between urban and rural areas*
- 143.201.** *Continue to improve access to education in rural areas*
- 143.202.** *Increase investments aimed at closing the quality gap between education in urban and rural, remote areas or those with ethnic minorities, as well as investments aimed at increasing education on the content of the Universal Declaration of Human Rights and core international human rights instruments*
- 143.203.** *Continue to improve the quality of education in rural and mountainous areas, and consider increasing the subsidy allocated to education in those areas*
- 143.204.** *Pursue efforts to overcome challenges relating to improvement of the quality of education and to close the gap between urban, rural and remote areas*

**143.206.** *Continue efforts to adopt the requisite measures to enable people with disabilities, especially children, to have access to the necessary education and health care, and to combat any discrimination against them*

**143.212.** *Take more adequate measures to provide education to ethnic minorities*

**143.224.** *Reduce the disparities in the quality of education between urban, rural, remote areas or areas inhabited by ethnic minorities*

#### **IV. Review and specific recommendations**

11. A number of recommendations was addressed to Viet Nam during the last UPR cycle concerning the necessity to strengthen the national education system and improve access and quality education as well as human rights education for all. Recommendations also encouraged Viet Nam to continue its efforts to address discrimination against people of disadvantaged groups including people living in rural areas, people from ethnic minorities and people with disabilities.
12. In the context of Sustainable Development Goal 4 on education, it should be noted that ratifying the Convention would provide Viet Nam with a supportive legal environment for all efforts made towards providing and ensuring “inclusive and equitable quality education and lifelong learning opportunities for all”. In this respect, Viet Nam should be encouraged to engage actively in the process of ratification of UNESCO’s Convention against Discrimination in Education and, if needed, to seek UNESCO’s assistance.
13. Moreover, the **new Constitution of Viet Nam**, adopted in 2013<sup>10</sup>, does not explicitly enshrine the right to education. On the other hand, added provisions on non-discrimination should be welcomed.
14. That said, Viet Nam has made significant progress in the field of education. Over the past decades, Viet Nam has managed to reduce its out of school population by at least 85%<sup>11</sup>. In addition to this, the **quality of education** in the country is good. Students perform well while curriculum focus on foundation skills that closely match with what children are able to learn<sup>12</sup>.
15. Among the measures adopted, the Decree 116/2016 on financial support for students and secondary schools at communes and villages in extremely disadvantage areas and the Decree 57/2017 on financial support for kindergarden children and students of rare ethnic minority groups should be welcomed.
16. With regard to the future work, removal of tuition for pre-school education for 5-year-old children and for public lower secondary education is under discussion.
17. In spite of Viet Nam’s achievements, **significant challenges** however persist in the field. Among them, the issue of **discrimination in education** is a major one. In this respect, Viet Nam should be strongly encouraged to adopt a comprehensive antidiscrimination law defining, prohibiting and sanctioning discrimination on all grounds. On the same line, Viet Nam should be strongly encouraged to enforce such a law and ensure that everyone enjoys the right to education in accordance with the principle of non-discrimination.

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<sup>10</sup> [http://www.constitutionnet.org/sites/default/files/tranlation\\_of\\_vietnams\\_new\\_constitution\\_enuk\\_2.pdf](http://www.constitutionnet.org/sites/default/files/tranlation_of_vietnams_new_constitution_enuk_2.pdf)

<sup>11</sup> EFA Global Monitoring Report, Teaching and Learning: Achieving quality for all, p2.  
<http://unesdoc.unesco.org/images/0022/002256/225660e.pdf>

<sup>12</sup> EFA Global Monitoring Report, Teaching and Learning: Achieving quality for all, p281.  
<http://unesdoc.unesco.org/images/0022/002256/225660e.pdf>

18. More precisely, **access to and quality of education** remains especially limited in **remote and mountainous areas and islands where ethnic minorities live**<sup>13</sup>. One particular challenge at stake here is the issue of the language used to teach in schools. In this process, Viet Nam should be strongly encouraged to adequately plan educational personal needs and implement mother tongue-based bilingual education approaches for children of ethnic minorities. Moreover, Viet Nam should be strongly encouraged to launch public awareness raising campaigns in order to address the negative views against ethnic minorities that are persistent in Vietnamese society.
19. In terms of **gender equality in education**, Viet Nam should be strongly encouraged to take additional measures in order to ensure that every woman are provided with quality educational services, with a particular attention to women in vulnerable situations such as women in rural areas. Moreover, Viet Nam could be encouraged to launch public awareness-raising programmes, including campaigns with a view to eliminating all forms of discrimination against girls, focusing on school dropout, on girls' engagement in early marriage, especially in mountainous areas and ensure gender mainstreaming in all anti-discrimination policies and programmes. Viet Nam should also be encouraged to increase its efforts to eliminate pervasive gender-based stereotypes and patriarchal attitudes that have a discriminatory effect against women.
20. Regarding **education for persons with disabilities**, Viet Nam should be strongly encouraged to take the necessary measures to enforce the Law of 2010 on Persons with Disabilities, including through the allocation of sufficient resources for the implementation of the 2012-2020 National Action Plan on Disability, and ensure that persons with disabilities are provided with educational services. In doing so, Viet Nam should be strongly encouraged to ensure that a rights-based approach is integrated into policies and programmes related to children with disabilities, with an emphasis on fostering inclusive education as a priority. Moreover, Viet Nam should be strongly encouraged to provide all schools with sufficient numbers of teachers who have skills in inclusive education to so that all children with disabilities are provided with high quality inclusive education. Finally, Viet Nam should be strongly encouraged to undertake awareness-raising campaigns to eliminate cultural barriers and prejudices against persons with disabilities.

➤ **Specific recommendations:**

1. Viet Nam should be strongly encouraged to ratify UNESCO 1960 Convention against Discrimination in Education and eventually to seek UNESCO's support in this process.
2. Viet Nam could be encouraged to enshrine the right to education in its Constitution.
3. Viet Nam should be strongly encouraged to intensify efforts to combat and eliminate discrimination of vulnerable groups. In line with this, Viet Nam should be encouraged to adopt a comprehensive antidiscrimination law defining, prohibiting and sanctioning discrimination on all grounds.
4. Viet Nam should be encouraged to take necessary measures to ensure that children from minority groups are provided with quality education, including through the development and implementation of mother tongue-based bilingual education approaches for children of ethnic minorities.

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<sup>13</sup> Ibid, p10.

5. Viet Nam should be encouraged to increase its human rights education including through the development of public awareness raising campaigns aimed at combating stereotypes and discriminatory attitudes against vulnerable groups.
6. Viet Nam should be encouraged to submit more regularly national reports for the periodic consultations on UNESCO's education-related standard-setting instruments.
7. Viet Nam should be encouraged to share with UNESCO any relevant information to update its country profile on UNESCO's Observatory on the Right to Education<sup>14</sup>.

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### **Freedom of opinion and expression**

21. The Government is encouraged to foster a more pluralistic and independent media environment in accordance with international standards.
22. The Government is encouraged to introduce an independent broadcast regulator to award and administer broadcast licenses.
23. The Government may wish to consider taking advantage of the UN Plan of Action on the Safety of Journalists and the Issue of Impunity as a means to strengthen protection of journalists and freedom of expression.

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### **Right to culture**

24. As a State Party to the Convention concerning the Protection of the World Cultural and Natural Heritage (1972)<sup>15</sup>, the Convention for the Safeguarding of the Intangible Cultural Heritage (2003)<sup>16</sup> and the Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005)<sup>17</sup>, Viet Nam is encouraged to fully implement the relevant provisions that promote access to and participation in cultural heritage and creative expressions and, as such, are conducive to implementing the right to take part in cultural life as defined in article 27 of the Universal Declaration of Human Rights and article 15 of the International Covenant on Economic, Social and Cultural Rights. In doing so, Viet Nam is encouraged to give due consideration to the participation of communities, practitioners, cultural actors and NGOs from the civil society as well as vulnerable groups (minorities, indigenous peoples, migrants, refugees, young peoples and peoples with disabilities), and to ensure that equal opportunities are given to women and girls to address gender disparities.

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<sup>14</sup> <http://www.unesco.org/education/edurights/index.php?action=home&lng=en>

<sup>15</sup> Periodic Report available at: <http://whc.unesco.org/document/116967>

<sup>16</sup> Periodic Report not available

<sup>17</sup> Periodic Report available at: <http://en.unesco.org/creativity/monitoring-reporting/periodic-reports/available-reports/viet>

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**Freedom of scientific research and the right to benefit  
from scientific progress and its applications**

25. Viet Nam has not submitted its National Report on the implementation of the Recommendation on the Status of Scientific Researchers (1974) for the Second Consultation covering the period from 2013 to 2016 (<http://unesdoc.unesco.org/images/0025/002592/259256e.pdf>). Therefore **Viet Nam** is encouraged to report to UNESCO in future on the implementation of the revised 1974 Recommendation, which is now entitled Recommendation on Science and Scientific Researchers (2017), on any legislative or other steps undertaken by it with the aim to ensure the application of this international standard-setting instrument, paying particular attention to the legal provisions and regulatory frameworks which ensure the implementation of human rights of scientific researchers, as well as human rights obligations related to the Right to Science, the principle of non-discrimination, including urging active promotion of women and girls entering scientific careers, as well as scientists' rights of autonomy, freedom of research, expression and publication.