

## ANNEX II

### INSTITUTIONS FOR THE PROTECTION AND PROMOTION OF HUMAN RIGHTS

1. Since its inception, the State of Viet Nam has unceasingly strengthened and consolidated the mechanism for protecting and promoting human rights. Therefore, Viet Nam currently has a nationwide network of State agencies and socio-political organizations responsible for the protection and promotion of human rights.

#### **Legislative Body (the National Assembly):**

2. The National Assembly is the most important organ representing the people. Regarding human rights protection and promotion, the National Assembly's task is to promulgate and amend the Constitution and laws; make decisions on the establishment of laws and ordinances; supervise the observance of the Constitution, laws and resolutions of the National Assembly; examine operational reports of the President, the Standing Committee of the National Assembly, the Government, the People's Supreme Court, and the People's Supreme Procuracy; put forward the national socio-economic development plan, financial and monetary policies, the State's policies on ethnic minority people, amnesty decisions, regulations on the state of emergency and other specific measures to ensure national defence and security; ratify or abrogate, at the request of the President, international conventions that Viet Nam has signed or acceded to; and make decisions on referendum.

#### **Executive Body (the Government):**

3. The Government manages the fulfilment of tasks in political, economic, cultural, social, defence, security and external affairs; ensures the effectiveness of the State agencies from central to grassroots levels; ensures the respect for and observance of the Constitution and laws; increases the mastership of the people; maintains stability and improves the material and cultural life of the people.

The following are government agencies in charge of protecting and promoting human rights:

4. **The Ministry of Foreign Affairs** is responsible for state management of foreign affairs, including diplomatic affairs, the work related to national territory and frontiers, overseas Vietnamese affairs, the conclusion and implementation of international conventions and agreements, the management of representative offices of the Socialist Republic of Viet Nam abroad, and the operation of foreign representative offices in Viet Nam.

5. **The Ministry of Justice** is responsible for establishing and implementing laws; guiding and examining the enforcement of legal normative documents; inspecting in general laws enforcement nationwide; organizing educational and communication campaign on laws; in charge of judicial administration and supplement and other judicial affairs across the country.

6. **The Ministry of Labour, Invalids and Social Affairs** is in charge of state management in such areas as employment, vocational training, labour, salary, wages, social insurance (compulsory and voluntary social insurance and unemployment insurance), labour safety, people with great contribution to the nation, social assistance, child care and protection, gender equality,

the prevention and control of social vices nationwide. The Ministry has several departments as follows:

- **Social Assistance Department** guides the implementation of legal regulations on poverty reduction and social assistance; organizes and instructs the implementation of the National Target Program on Poverty Reduction and social assistance programs; plans and instructs the planning of grassroots network on social assistance; defines conditions for the establishment, organization and operation of social assistance agencies; and defines procedures to admit people in social assistance agencies.

- **Child Care and Protection Department** implements laws and regulations on child care and protection within the powers and responsibilities of MOLISA; works with other ministries, local departments and socio-political organizations to realize the National Action Plan for Children, the Program for the Protection, Care and Education of Disadvantaged Children and other programs and plans to protect, take care of and educate children; and manages and uses the Children Assistance Fund of Viet Nam.

- **Gender Equality Department** implements laws and regulations on gender equality; assesses the mainstreaming of gender equality in legal normative documents; reviews and provides competent authorities with reports on gender equality in practice.

7. **Ministry of Planning and Investment** sets up strategies and overall planning on national socio-economic development and other socio-economic development plannings on a sectorial and territorial basis; and provides guidance on and examines the implementation of those strategies and plans.

8. **Ministry of Information and Communications** exercises state management on press, publication, telecommunications, internet, IT, electronics, radio, television and infrastructures for the national information and communications.

9. **Ministry of Culture, Sports and Tourism** exercises state management on culture, family, sport and tourism affairs nationwide as well as public services in these areas.

10. **Ministry of Education and Training** exercises state management on education and training under the national educational system and other educational units. The ministry focuses on such issues as the targets, programs, content, plans and quality of education and training; criteria for teachers and education managers; exam and recruitment procedures; certificates and degrees; and infrastructures and facilities for schools.

11. **Ministry of Health** exercises state management on the people's healthcare and protection, including preventive healthcare, health examination and treatment, rehabilitation, forensic examination, mental forensic, traditional medicine, pharmaceuticals, cosmetics, food safety and hygiene, medical equipment, medical insurance, population and family planning, and reproductive health.

12. **Ministry of Home Affairs** exercises state management on the organization of associations and NGOs, including religious organizations. In particular, the Ministry (i) guides the implementation of the government's regulations on the procedures, establishment, division,

unification, dissolution, rules, and license for associations and NGOs; (ii) guides and examines the implementation of such regulations and the rules of associations and NGOs in conformity with the laws.

**Government Committee on Religious Affairs** under the Ministry of Home Affairs is responsible for:

a) issuing or working with other ministries, departments, central agencies of the socio-political organizations and other related agencies to provide consultancy for competent authorities to issue and put in place policies and laws on religion and religious affairs;

b) providing skills and expertise on religious affairs for related departments and local agencies.

13. **Committee on Ethnic Minority Affairs** is a ministry-level agency of the Government, exercising state management on ethnic minority affairs nationwide. In particular, the committee submits the government legal documents, strategies, plans and plannings, programs and projects on ethnic minority affairs; guides and examines the implementation of programs and policies on socio-economic development in ethnic areas, policies on investment, assistance for living stability for ethnic minority people, policies and projects on maintaining and developing ethnic minorities; organizes educational and communication campaigns and encourages minority people to obey the State's policies, guidelines and laws.

14. **National Committee for the Advancement of Women** is a ministry-level agency of the Government, entrusted with the following functions: (i) Conduct research and raise proposals on measures to solve issues related to the advancement of women; (ii) Coordinate with ministries, other ministry-level agencies, government agencies, People's Committees at all levels and mass organizations to launch education and communication campaigns to encourage people's observance of the State's policies and laws on the advancement of women; (iii) Urge those above-mentioned agencies to implement the national targets for the advancement of women.

#### **Judicial Body (the People's Court and Procuracy)**

15. The People's Court and Procuracy have the responsibility to protect the mastership, life, property, freedom, reputation and dignity of every citizen. In particular, the People's Court is in charge of judging cases, and the People's Procuracy is responsible for examining the law observance of ministries, ministry-level agencies, other government agencies, local authorities, economic and social organizations, armed units and the citizens and exercises its rights of prosecutions to ensure that laws will be strictly observed.

16. Besides, Viet Nam has also set up an inter-ministerial human rights mechanism and established in each ministry and department a contact point to join in activities of the government in human rights protection.

*Apart from the State agencies, Viet Nam also has many socio-political organisations from central to grassroots level to participate in human rights protection. Some outstanding associations and mass organisations are as follows:*

17. **Vietnam Fatherland Front** is mainly responsible for strengthening all-people solidarity, consolidating political will and spirit among the people, participating in the establishment and strengthening of local authorities, joining the State efforts to ensure and protect legitimate interests of the people, encouraging the people to exercise their mastership and strictly observe the Constitution and laws, and supervising the activities of State agencies, elected delegates and civil servants.

18. **Advisory Council on Ethnic Affairs**, under the Central Committee of Viet Nam Fatherland Front, participates in the establishment and implementation of guidelines, policies and laws related to ethnic minority people, as followed: (i) conduct research and raise proposals on guidelines, policies and laws related to ethnic minority people; (ii) recommend relevant agencies to deal with legal proposals and legitimate aspirations of ethnic minority people, which are not in contrast of the laws and in accordance with their own customs; (iii) make proposals on the implementation of activities related to ethnic minority affairs and collect opinions of ethnic minority people.

19. **Vietnam Labour Confederation** is in charge of protecting legal interests of workers, civil servants and labour people; providing State managerial agencies with consultation on socio-economic development policies; participating in examining and supervising activities of State agencies and economic organisations; educating and encouraging workers, civil servants and labour people to increase their mastership and fulfil their citizenship responsibilities in national construction and protection.

20. **Vietnam Women's Association** is part of Viet Nam Fatherland Front, member of the International Democracy Women Association and ASEAN Women Union. The association is run for the sake of women's equality and development, protects legal and legitimate rights and interests of the women. The association functions as a representative, ensuring equality, democracy, legal and legitimate rights and interests of women, participating in the State management activities; strengthening solidarity; conducting education and communications campaigns; providing women with instructions on implementing the State policies and laws, thus contributing to the national construction.

21. **Vietnam Coordination Committee on Assistance for Disabled People** is established with the aim of (i) increasing the awareness of disabled people so that such people will receive equal treatment in their study, normal life and entertainment; (ii) increasing the awareness of disabled people themselves so that they can take care of themselves and their own family, become independent economically, culturally and spiritually, and integrate themselves into the community and society; (iii) intensifying activities of relevant agencies and organisations in order to create favourable conditions for disabled people to integrate into the community.

22. **Vietnam Business Association for Disabled People** has got several functions as followed: (i) represent its members to cooperate with foreign organisations and individuals; (ii) protect legitimate and legal interests of its members; (iii) reflect the desire, make recommendations and give opinions in drafting, amending, and supplementing the State policies, regulations and laws related to production, trading and services of disabled people.

23. **Vietnam Disabled Children Relief Association** is a charity NGO at the national scale. The subject of the association is disabled and disadvantaged children. The association protects, takes care of and educates disabled children and creates favourable conditions for them to work, afford themselves, be useful to their families and society and able to integrate well in the community; encourages and appeals for support, help and assistance from units, organisations and individuals to provide free healthcare, vocational training and employment for disabled children.

24. **Vietnam Association for the Protection of Children's Rights (VAPCR)** has the mandate of (i) overseeing state agencies, political and social organizations and businesses in the implementation of the rights of the child. Once evidence of violation is detected, the Association has the mandate of requesting relevant agencies to intervene in accordance with the laws. (ii) questioning policies, laws and projects related to the protection of the rights of the child. (iii) raising their own voice and proposing solutions to cases of violating or abusing the rights and interests of children, and requesting relevant agencies to intervene in accordance with the laws. (iv) preventing and stopping acts which cause damages to health, spiritual and emotional welfare of children.

25. **Vietnam Association for the Protection of the Disabled people and Orphans** adopted the guideline for their operation as to protect the legitimate rights and interests of the disabled people and orphans. The Association has the mandate of providing advice to relevant agencies in making and amending policies related to the rights of the disabled such as the right to study and travel, the right to vocational training, to employment, to access, to healthcare, and to respect and dignity without any discrimination. At present, the Association is providing many inputs on the implementation of the Ordinance on the Disabled and the Draft Law on the Disabled with a view to better ensuring the rights and interests of the disabled.

26. **Vietnam Association of Victims of Agent Orange (VAVA)** is a social – charity organization dedicated to Vietnamese victims of agent orange. The Association was established with an aim to mobilize available resources in the society and from generous individuals at home and from abroad, assisting the victims and their families in integrating into the community and society, as well as educating and spiritually supporting them to strive over their pains, fulfill their obligations as other citizens and help other victims so that they could contribute to the development of the country.

27. **Vietnam Association for the Elderly** is a member of Vietnam Fartherland Front with the mandate of (i) gathering the elderly in activities held by the Association, contributing to the implementation of social economic programmes, the establishment of culture lifestyles and families, the safeguarding of political security and social safety, the construction and defense of the fartherland; (ii) defending the legitimate rights and interests of the elderly and making proposals to administering agencies on how to care for and promote the role of the elderly; (iii) making proposals to the State agencies on matters related to the legitimate rights and interests of the elderly; (iv) representing the Vietnamese elderly in people-to-people international relations functions and international organizations for the benefits of the elderly.

28. **Vietnam Blind Association** is a mass organization established by the blind people in Vietnam and supported by the State. The Association is now a member of the International Association for the Blind and has the mandate of representing the blind people in Vietnam in relations with domestic and international organizations to provide better care to the blind in political, economic, social and cultural areas and help the blind fulfil the obligations of citizens.

29. **Vietnam Veteran Association** has the mandate of (i) implementing regulations on grassroots democracy, fighting bureaucracy, corruption, extravagance, and social vices, overseeing state agencies and civil servants in accordance with the laws; (ii) making suggestions to state agencies and local authorities on the promulgation and implementation of policies and laws related to veterans; (iii) gathering, uniting and encouraging veterans to best fulfill the duties of citizens; (iv) supporting the veterans in improving their material and spiritual life, enhancing the livelihood of their families, reducing poverty and creating wealth as allowed by laws; (v) defending the legitimate interests and rights of the veterans; updating their knowledge on legal documents; providing them with legal consultations and assistance.

30. **Vietnam Farmers' Association** has the mandate of organizing consultancy events and vocational training to help farmers improve their production and living conditions as well as protect the environment; representing farmers in constructing the State and defending the legitimate interests of the Vietnamese farmers.

31. **Vietnam Youth Association** is a large-scale social organization of young people, a member of the Vietnam Fatherland Front and the World Democratic Federation for Young People. The Association has the mandate of (i) encouraging and helping young people to make active participation in the industrialization and modernization of the country; (ii) launching activities to meet the demands of members and young people in general; (iii) representing and defending the legitimate rights of members, young people and member organizations before the laws and the press; (iv) cooperating with counterpart organizations in the region and the world for peace, national independence, democracy, social progress and for a civilized and happy life of young people.

32. **Vietnam Student Association** has the mandate of (i) uniting students and supporting them in their studies; (ii) educating students to strengthen their morale, adopt good lifestyles and comply with the laws; (iii) reflecting the expectations and aspirations of the students; making suggestions on policies related to students; launching activities to improve the spiritual and material welfare and defend the legitimate rights of the students; (iv) promoting friendship and cooperation with progressive organizations of students, young people and the people in the world for the sake of peace, democracy and social progress.

33. **Vietnam Association for Learning Promotion** is a non-governmental organization of political and social activists, culturalists, educators, scientists, and economists. The Association is a member of the Vietnam Fatherland Front. It has the mandate of implementing the policy of education socialization, developing a variety of private education models; establishing funds for education promotion, young talents and provision of access to education across Vietnam; proposing to the State policies and measures to reform and develop education, striving for social equality in education for individuals and regions across the country and preparing the labour force for the industrialization and modernization of the country.

34. **Vietnam Lawyers Association** is the largest political, social and professional organization in Vietnam in the field of legal assistance. The Association has the following functions: (i) providing inputs to draft laws; (ii) leading and mobilizing the participation of the members in legal and judicial reforms; (iii) improving the competence and skills of lawyers (iv) enhancing access to legal information and legal assistance services for the people.

35. **Vietnam Standard and Consumer Association** is non-profitable organizations with the mandate of (i) accelerating standardization of quality and protecting the interests of consumers

across the country; (ii) providing knowledge to the members on standardization of quality, consumption and protection of consumers with an aim to creating goods and services of high quality and improving the people's life, (iii) educating consumers on their rights and duties, improving people's knowledge on consumption, forming people's good consumption habits, and assisting consumers in protecting their interests; (iv) making proposals to State agencies on policies, laws, programmes and measures to promote standardization and quality and to protect the interests of consumers; (v) cooperating with agencies and organizations working in standardization, quality and protection of consumers as well as other domestic and international mass organizations on the basis of the Association's founding principles and the Vietnamese laws.

36. **Vietnam Red Cross** is a mass organization, member of the Vietnam Fatherland Front and member of the International Red Cross and Red Crescent Movement. It operates for humanity - peace - friendship with the following functions: (i) social relief and prevention of disasters; (ii) healthcare; (iii) development cooperation.

37. **Liaisons Association for Overseas Vietnamese** is a large social organization, operating on voluntary basis and acting as a bridge between Vietnamese fellows at home and overseas. The association creates favourable conditions for the Vietnamese overseas to update information on the country's situation as well as policies and laws of the Party and the State, preserve and promote national identities and maintain the bonds with their families in Vietnam and their homeland, and finally defend their interests in both their residential and homeland countries.

38. **Vietnam Journalist Association** is a political-social-professional organization of Vietnamese journalists and reporters. The Association has the following functions: (i) assists in press activities, formulates and supervises the implementation of State's policies and laws on information and press; (ii) makes recommendations for the State in formulation of mechanisms and policies for journalists, press agencies and helps the press improve its quality and efficiency; (iii) awards its members- journalists and press agencies to encourage the creativity in their professions; (iv) protects the legitimate rights of its members - journalists in their activities; (v) cooperates with regional and international partners in line with the foreign policy of the State.

39. **Vietnam Human Resources and Talents Development Association** is a social organisation with the objectives as follows: (i) unite and encourage the scientists and intellectuals to do researches on the theories and practices of development for human resources and talents; (ii) make consultations on solutions for developing human resources and talents as well as intellect for pupils, students and young employees; (iii) recommend the talents to the State and create favourable conditions for talents; (iv) cooperate with national and international organisations, institutions, universities and non-governmental organisations in training and development of human resources and talents.