

ANNEX VI
VULNERABLE GROUPS

I. CHILDREN

1. Relevant Legal Documents

- Article 65 of the 1992 **Constitution** stipulates that “Children enjoy protection, care and education by the family, the State and society”
- The 2004 amended **Law on the Protection, Care and Education of Children** specifies 10 groups of fundamental rights of Viet Nameese children, including: the right to birth registration and nationality; the right to care and nurture; the right to live with parents; the right to respect, protection of life, body, dignity and honor; the right to health care; the right to learn; the right to healthy entertainment and to participate in cultural and artistic activities as well as physical education, sports and tourism; the right to develop talents; the right to own property; the right to access information, express views and participate in social activities. This law also provides regulations on the protection, care and education of children with special circumstances.
- The **Civil Code** stipulates civil capacity of juveniles.
- The **Penal Code** provides instruments to strictly punish sex offenders against juveniles.
- The 2003 **Criminal Procedure Code** expands the scope of application of special procedures for both arrested and temporarily detained juveniles.
- The 2005 **Civil Procedure Code** provides specific regulations to ensure legitimate interests of women and children.
- The 2003 Law on Land reserves land for the construction of playgrounds and recreation areas for children.
- The 2005 **Education Law** provides regulations on the content of education at all levels and on the prohibition of ill-treatment toward pupil as well as regulations on the creating of children-friendly learning environment.
- The 2006 **Law on HIV/AIDS Prevention and Control** specifies measures to prevent and control HIV/AIDS as well as to care for, to treat and support HIV-infected children.
- The 2007 **Infectious Diseases Prevention Law** specifies measures to prevent and control infectious diseases from affecting children.
- The 2006 **Law on Gender Equality** ensure the non-discrimination against girl children.
- The 2006 **Law on Legal Aid** provides regulations on free legal aid for children with special circumstances.
- The 2007 **Law on Domestic Violence Prevention and Control** specifies measures to prevent and control violence against children.
- The 2007 **Law on Legal Assistance** specifies principles, authority, hierarchies and procedures in exercising legal assistance regarding civil, criminal fields and extradition of criminals between Viet Nam and foreign countries, including children related crimes.

- The 2003 **Ordinance on Prostitution Prevention and Combat** stipulates the prevention and handling of child prostitute related crimes.

2. Achievements in exercising the right of women

2.1. Healthcare

Free health check-up and treatment for children less than six years of age at public clinics and hospitals have been put in place since 2005. Each year, the State invests millions of US dollars in such activities. Many children from poor families, who are with fatal diseases including inborn heart disease, blood related diseases, joint defects, etc. have been treated and provided with high-tech medical treatments for free.

The extended vaccination program has been implemented nationwide to provide vaccines for tuberculosis, diphtheria, tetanus, pertussis, measles, polio, Japanese encephalitis, hepatitis B. This is the top priority of the health agencies at all levels, especially at ward and commune level. The ratio of children less than one year of age fully vaccinated with all the six basic vaccines was 95.7% in 2006. Blind, exophthalmia and Vitamin A deficiencies, polio and infant tetanus have been eliminated nationwide.

The rate of children less than five years of age suffering from weight-for-age malnutrition has been reduced from 30.1% in 2002 to 21.2% in 2007. Height-for-age malnutrition has been reduced from 34.8% in 2001 to 31.9% in 2006. Under-5 mortality rate has been reduced from 58 deaths per 1000 live births in 1990 to 25.9 in 2007 while under-1 mortality rate has been cut from 31 deaths per 1000 live births in 2001 to 16 in 2007.

Viet Nam has reinforced communication outreach programs aimed at improving public awareness of the injury prevention and control for children. Models of injury prevention and control for children including “safe house”, “safe commune”, “safe school” have been implemented and proliferated nationwide. At present, hundreds of communes have adopted the model of “safe house” and nearly one hundred schools have piloted the “safe school” model.

HIV/AIDS prevention and combat among children has gained more attention through communication outreach and education programs on reproductive health, and HIV/AIDS prevention and combat at schools. The prevention of mother-to-child HIV infection has been implemented nationwide along with the development of a community-based HIV/AIDS prevention and combat model for children as well as care for abandoned newly-born children infected with HIV/AIDS and encouragement of caring methods applied for children infected with HIV/AIDS. By September 2007, among 14,180 people treated with ARV, nearly 800 of them are children.

2.2. Education

The Government has introduced many measures aiming at increasing the schooling rates at all levels. Compared to 2000, on average, in 2005-2006 the number of children going to kindergartens increased 3.88% per annum and nursery schools up 2.47% per annum. Also in 2005-2006, the pre-schooling rate stood at 77.3% of schooling age children. The rate of primary school age children also reached 95.04% in 2005-2006. The rate of junior secondary school age children was 80.3% in 2006. The proportion of repeater students and drop-outs has been reduced. In 2005-2006, grade progression rate at primary level was 95.97%, repeater proportion was 1.02% and drop-out was 3%. At junior secondary level, the rates were respectively 92.81%, 1,20% and 5.93%. By December 2007, there

were 42 out of 64 cities and provinces recognized of completion of junior secondary education universalization.

The integration education system for disabled children has been expanded to 64 cities and provinces with steering committees on education for disabled children deployed down to district level. Currently, there are over 7,000 disabled pupils learning at nearly 100 specialized education establishments. The number of disabled children participating in integration sessions has increased from 70,000 children in 2003 to 230,000 children in 2006, i.e. 24.22% of the total disabled children; 100% of orphans and disabled children are exempted from tuition fees and other financial contributions.

The State has passed various policies for ethnic children to attend boarding and semi-boarding schools. The gap of education access between groups of ethnic pupils, therefore, has been gradually narrowed. The schooling rate of ethnic children has increased annually: at pre-schooling level it increased from 12.4% in 2001-2002 to 13.74% in 2005-2006; at primary level, from 17.2% to 18.5% and at junior secondary level from 12% to 14.36%.

At present, there are 248 universities, colleges and vocational training schools; 40 colleges specializing in vocational training; 232 secondary equivalent schools specializing in vocational training and 556 vocational training centers; 224 generic technical training and employment orientation; 8,359 community learning centers; 636 continuing education centers; 27 continuation schools; 849 foreign language and computer skills training centers. Viet Nam is implementing the Project “Support for Youth’s Vocational Training and Job Creation” for the period of 2008-2015 with a view to making a breakthrough in terms of quality and quantity of vocational training and job creation for youth.

2.3. Recreation and Entertainment

The number of playgrounds and recreation centers equipped with merry-go-rounds, children’s slides, etc. at provincial, district, ward and communes level has gradually increased. In 2001, there were 261 facilities, and in 2005 the number was 534 - accounted for 80.3% of total districts. In addition, many localities have included community-based children’s recreation and entertainment facilities in their land planning. The system of children’s recreation facilities such as children’s palaces, children’s cultural houses, libraries, public playgrounds, parks, cinemas, etc. has been built. As of 2005, there were 224 children’s cultural houses and children’s houses nationwide. Children’s books are available at almost all ward/commune libraries and equipped children’s spaces are built within city/province and district parks as well as schools’ playgrounds. Children’s movies are available at cinemas especially during children’s festival occasions as well as the action months for children. Localities have invested in building recreation facilities for children and introduced such facilities into schools.

Annually, the State spends 15% of the total budget of the National Target Program on Culture to buy children’s books for use in public libraries; giving preferences to publications and communication and media agencies for children; investing in children’s recreation and entertainment facilities. In 2006 alone, the central government had allocated funding for 64 provincial mobile libraries and 419 district mobile libraries, assisted in the building of cultural houses in 150 villages and 30 communes; provided culture and information publications for 2,495 communes and 195 ethnic boarding schools for children in difficult, remote and ethnic areas.

Movies, TV channels, radio stations, newspapers, musical and artistic shows, school theatres, etc. for children have increased rapidly in both quantity and quality, attracting further investment to improve their contents to be more interesting, enjoyable and appropriate for children. Up to now, all five Viet Nam Television channels and city/provincial channels have programs for children, providing information on children including TV and radio programs broadcast exclusively for children of ethnic minorities.

So far, Viet Nam has 700 national and local newspapers with columns and pages dedicated for exemplary people and action regarding the protection and care of children. In all TV and radio stations, there are children's sections and divisions making and supplying fascinating programs for children. At central level, there are four newspapers for children and over 10 other newspapers reserving special columns and pages for children related contents.

Traditional and modern recreation and entertainment activities have been introduced to suit children's needs according to age. The library system, including the reading rooms for children is expanding. Up to now, 100% of provincial libraries and 30% of district and commune have mobile libraries for children. The number of publications for children is increased both in quantity and quality, increase 66% in 2005 compare to 2001. The proportion of publication for children increased from 48,1% in 2001 to 63,2% in 2005. On average, 15% of new publications is published for children each year.

Viet Nam has always created favorable condition for children to have access to updated and suitable information. Cultural publications have been made available in various ethnic languages appropriate for ethnic children. A large range of foreign publications for children has been translated into Viet Nameese. Besides, Viet Nam has also facilitated children's access to internet to look for updated information and materials suitable for their age.

III. DISABLED PERSONS

1. Legal documents

- Article 67 of **the 1992 Constitution** affirms that disabled people are supported by the State and society.
- **The Labor Code** has specific provision on workers with disability.
- The 2006 **Law on Vocational Training** stipulates the vocational training for disabled persons.
- The 1998 **Ordinance on Disabled Persons** clearly specifies the responsibilities of the family, State and society towards disabled people as well as the rights and responsibilities of disabled persons in all areas of healthcare, disability allowance, schooling, vocational training and employment, cultural-physical education and sport activities as well as public utilities for disabled persons.
- Additionally, there are other documents that shape the policy framework for disabled persons regarding cultural-physical education and sport activities, healthcare and free medical check-up, etc. which are issued by ministries of Labor, Invalids and Social Affairs, Finance, Home Affairs, Health, Education and Training, Construction, Transport and Communication and etc.

2. Achievements in exercising the rights of disabled persons

- *Healthcare*: Community-based rehabilitation network has been set up in 46 out of 64 provinces, 215 districts and 2,420 communes; 74.1% families with disabled persons has been trained and 42.2% disabled persons has integrated in the community. Rehabilitation divisions are available at almost all provincial and central hospitals. The rate of disabled persons accessible to health service is about 63%.

- *Vocational training and job creation*: the Viet Nameese Government has allocated hundreds of billion VND from the budget of the National Target Programme on education and training for the procurement of vocational training equipments for disabled persons. Vocational institutions nationwide offer courses for about 10,000 disabled students per year on average. There are 54 out of 203 institutions of the Viet Nameese Business Association of the Disabled licensed for vocational training. These institutions offer courses for thousands of disabled students per year and arrange employment for over 60% of the graduates. Apart from setting up an Employment Fund for the disabled people, the State has allocated part of its National Employment Fund for the disabled people, mainly through the Viet Nam Association of the Blind. The Association was provided with over VND 34 billion so that it can create jobs and offer concessional loans to about 13,000 of its members to start up or expand their businesses. As a result, many blind people were able to improve their living standards and get out of poverty.

- *Access to public buildings*: Since 2002, Viet Nam has introduced the Code of standards for public buildings for the convenience of the disabled persons. Many buildings have been built and upgraded to meet these standards.

- *Access to transport vehicles and facilities*: Major airports in Viet Nam are properly equipped for the convenience of the disabled persons. A number of rail stations upgraded their ticket booths and restrooms to improve the accessibility for the disabled persons. Radio systems were installed in trains to keep the passengers informed of their position on the route. Several high-class train coaches installed electronic notice boards and restrooms designed for the disabled. Large pavements with slopes were built for wheelchair users. In Hanoi, a number of traffic lights were embedded with pedestrian crossing button.

- *Access to cultural and sports activities*: Sports events were held for the disabled persons in order to improve their physical fitness, overcome the inferiority complex and to better integrate into the community. The sports and physical training movements for the disabled have strongly grown and attracted a large number of participants. During the past years, the number of provinces launching sports movements has increased from 10-15 to 40. Some cities and provinces like Hanoi, Ho Chi Minh city and Quang Tri province are even maintaining district-level movements.

III. WOMEN

Viet Nam's strong support for women and gender equality is reflected throughout its legal system. The provisions on equality between men and women were even enshrined in the 1946 Constitution, the first Constitution of the Socialist Republic of Viet Nam.

1. Legal documents on the rights of women:

- *Law on Gender Equality and the Law on Domestic Violence Prevention*: The Law on Gender Equality was adopted at the XI National Assembly of the Socialist Republic of Viet Nam on November 29, 2006 and entered into force on July 1, 2007 with an aim to

protect the legitimate rights and interests of both male and female citizens. The law demonstrates Viet Nam's strong determination to fully comply with its obligations under international conventions on human rights and gender equality to which it is a party.

- *The Law on Domestic Violence* was adopted at the XII National Assembly of the Socialist Republic of Viet Nam on November 21, 2007 and entered into force on July 1, 2008.

2. Achievements in exercising the rights of women:

The National Strategy for the Progress of Women to 2010 has been actively carried out nationwide. Gender dimension was, for the first time, introduced into important documents like the Strategy on Growth and Poverty reduction, the Social and Economic Development Plan 2005-2010, and Strategies for the Development of different industries. And also for the first time, the Ministry of Labour, Invalids and Social Affairs (MOLISA) is developing the Strategy on Gender Equality for the period 2011-2020.

To that end, apart from improving its legal framework, Viet Nam is also making efforts to improve the institutional settings to manage, oversee and assess the exercise of women's rights in practice. The national setting for the advancement of women is composed of the National Committee for the Advancement of Women, MOLISA and the Viet Nam Women Union. These three agencies are present at both central and local levels throughout the country. The National Committee for the Advancement of Women serves as an inter-ministerial coordinator and is tasked with assisting the Prime Minister in coordinating with relevant agencies to address issues related to women's advancement nationwide. According to the Law on Gender Equality, MOLISA is the government agency responsible for regulating the gender equality. The Viet Nam Women Union, a large socio-political organisation, coordinates with relevant government agencies and other social and economic organisations to promote and protect women's rights. The agency also takes part in the management of state and social affairs and oversees the enforcement of laws and policies related to women issues.

During the past decades, Viet Nam has attained encouraging results in terms of women's participation in political and economic life, healthcare, education and poverty reduction. Women's representation at the National Assembly in the term 2007-2009 is 25.76%, ranking 4th in the Asia-Pacific region. In the term 2004-2009, the representation of women at the People's Committees is 23.8% at provincial level, 23.2% at district level and 20.1% at communal level, a higher number compared to that of the previous terms. There is an increasing number of women holding management positions at both people's councils and people's committees.

Viet Nam is one of the countries with highest ratio of women participating in economic activity. The rate of employment among women at the working age is 83%, comparing to 85% of men. Women are present at all government agencies and State-owned enterprises, accounting for 68.7% of public servants and 32.4% of entrepreneurs. Viet Nameese women are also active participants in political and social organisations and make up 30% of the members of Executive boards at all levels.

Due to new laws and policies, the rate of women entering into civil contracts is increasing. According to a sociological survey conducted with 1000 interviewees, over 76% of women living in cities and 51.2% of women living in rural areas claimed that they were economically independent and entered into civil contracts by themselves. The

new regulations permitting wives to have their names on the certificates for land usage rights or house ownership has enabled women to mortgage their houses or land to enter into guaranteed civil agreements. Women also enjoy rights to apply for or decide to maintain or alter their nationality or the nationality of their children. The nationality of a Viet Nameese woman is not automatically revoked due to her marriage, divorce or the change of her husband's nationality during the marriage.

The rate of literacy among female adult is 91%, comparing to 96% of male adult. Viet Nam also exceeds the goal of 30% female college graduates. Several funds, most notably the Viet Nam Awarding Fund for Women, were established to encourage Viet Nameese women pursue education and capacity building courses. Some provinces even encourage female government officials to pursue higher education by granting allowances at a rate equivalent to 150% of the amount given to male officials.

Improved healthcare services for women are reflected in increased life expectancy, which is 73 years old compared with 70 of men. Each woman has 2.28 babies on average. The maternal mortality rate is 95 deaths per 100,000 live births. The mortality rate of the less than one-year-old baby is 3.67%, (4.02% and 3.29% for male and female babies respectively). The mortality rate of the less than five is recorded at 4.2%.

The Viet Nameese Government has issued several policies to facilitate the access to education services for women and young girls. This resulted in narrowed gap in the enrolment rate between boys and girls at all levels of education. The rate of female teachers also increased.

The employment rate and income of women have improved over the last 5 years. Every year, 48% of the newly employed is women. The unemployment rate among women at working age in urban areas decreased to 5.29% in 2007. The rate of working hours for women in rural areas increased to over 80%.

New policies on granting credit accompanied by poverty reduction schemes have laid legal foundation for women to better access capital sources. According to a report of the State Bank of Viet Nam, by 2005, about 70% women-led poor households had benefited from these incentive policies. About 40-45% of the lending of the Viet Nam Social Policy Bank goes to women.

IV. ETHNIC MINORITY GROUPS

1. Legal documents related to the rights of the ethnic minorities.

a. The 1992 Constitution of the Socialist Republic of Viet Nam affirms that The Socialist Republic of Viet Nam is the unified State of all nationalities living on the territory of Viet Nam. The State carries out a policy of equality, solidarity and mutual assistance among all nationalities, and forbids all acts of national discrimination and division. Every nationality has the right to use its own language and system of writing, to preserve its national identity, and to promote its fine customs, habits, traditions and culture. The State carries out a policy of comprehensive development and gradually raises the material and spiritual living conditions of the national minorities (Article 5). The State carries out a policy of priority for the development of education in mountainous regions, ethnic minority areas and extremely difficult areas (Article 36). The State grants priority to the implementation of the healthcare programme for mountain inhabitants and ethnic minority groups (Article 39). The People's Court shall ensure the

citizens of all ethnic nationalities in the Socialist Republic of Viet Nam the rights to their own tongue and writing before the Courts (Article 133).

b. Related legal documents:

Law on the Election of National Assembly Deputies determines the number of deputies of ethnic minority background to ensure the appropriate representation of ethnic minority groups.

Laws on Nationality stipulates that citizens of all ethnic groups living in Viet Nam is equal and has the rights to the Viet Nameese nationality.

Law on Domestic Investment Promotion creates favourable conditions for investors to build industrial zones or join investment projects in extremely difficult localities.

Law on Education creates favourable conditions for ethnic minority groups to learn and use their tongue and writing so as to preserve and build on their cultural identities. This has facilitated the students of ethnic minority background in studying at school.

Law on People's Healthcare has allocated proper share of the state budget for improving and expanding the network of healthcare institutions for the ethnic minority groups, especially those living in remote and mountainous areas.

2. Achievements in exercising the rights of ethnic minorities:

Various incentive programmes and policies have been issued, reflecting the special support of the Viet Nameese Government for the ethnic minority groups.

a. Programme 135 (The Social and Economic Development Programme targeting poor communes): The Programme budget is VND 16,700 billion. For the last 10 years, 2500 communes of 52 provinces have each benefited VND 1 billion. Thanks to the Programme; 37,000 infrastructure facilities and 500 communal centres were constructed. Among these structures, 35,000 basic infrastructure facilities and nearly 300 communal centres were put into operation. The second phase of the Programme began in 2006. At present, 1,841 poor communes and 3,149 extremely difficult villages are benefiting from the Programme. In 2006-2007, the State has allocated VND 3,482 billion to extremely difficult communes of 50 provinces. The total investment for the second phase was nearly USD 1 billion.

b. Programme 134 (Programme to support ethnic minority groups by providing them with land for production, housing and clean water): The total budget for the Programme for the period of 2004-2008 is VND 4,473 billion, provided housing assistance to nearly 340,000 households: 62,000 households received land for housing. 69,000 households received land for farming, 153,000 households enjoyed clean water supplies, more than 3,000 public clean water stations were built. The goal of housing and clean water for the ethnic minorities is expected to be completed by the end of 2008, together with other projects in providing lands for housing and farming to ethnic minorities. Where land funds are limited, land allocation for the ethnic minorities can be replaced by vocational training and job creation.

c. Credit policies for especially difficult ethnic minority households for production development: Since 2007, the support policies for especially difficult ethnic minority people have been deployed with the provision of interest-free loans to help them develop production. Each household is entitled to a loan of VND 5 million. In 2007-2008, the

Viet Nam Bank for Social Policies has provided VND 214 billion of credit lines to 28,000 ethnic minority households for this purpose.

d. Settlement policies for ethnic minority people for 2007-2010: The Commission on Ethnic Minorities had designed a project for settlement for the ethnic minorities in the period of 2007-2010. The project was approved by the Prime Minister on March 5, 2007 and has been implemented since 2008. The total estimated investment for this project for the period of 2008-2010 is VND 2,895 billion, of which VND 2,481 billion would come from the Central budget (86%) and VND 414 billion from integrated sources (14%) aiming at helping 64,000 ethnic minority households (with approximately 300,000 people) to settle their livelihood and agricultural production.

e. Policies to support ethnic minority groups having extremely small population: To the ethnic minorities having extremely small population (under 1,000), the Government has invested more than VND 60 billion in production support for the 5 communities of Si La, Pu Peo, O Du, B'rau and R'mam in the provinces of Lai Chau, Dien Bien, Ha Giang, Nghe An and Kontum. After 3 years of operation, their material and spiritual life has been considerably improved.

The outcomes of such programmes and policies have actively contributed to improving the material and spiritual life of the ethnic minorities.

In regard to poverty reduction and economic life improvement: the rate of poor households has dropped rapidly over the years at an average pace of 3-5% per annum, thus helping control to a certain extent the widening of the rich-poor gap in the difficult areas and among ethnic groups. The average grain per capita had been increased from 250kg/head/year in 2003 to 350kg/head/year in 2007. Motor roads have been built to communal centres of 1,814 especially difficult communes (98.5%). Investment has made in the expansion of the national power network to the especially difficult communes. To date, 100% of districts and 95% of communes have access to electricity. Due attention has been paid to the development of micro-hydropower, wind power, solar energy. More than 70% of households have access to electricity and in many provinces, 100% of the communes have access to electricity.

In regard to political participation: Ethnic representation in People's Councils in the 2004-2009 tenure for provincial level is 20.53%, 20.18% for district level and 24.4% for commune level. In the People's Committees, the number of ethnic minority members is 10.9% for provincial level, 11.32% for district level and 17.9% for commune level. There are 5 provinces where more than 50% of members of the People's Committee are ethnic minority people (Cao Bang, Bac Kan, Lang Son, Son La and Ha Giang). Cao Bang province in particular has 100% of its Provincial People's Committee members being ethnic minority people. There are 73% of members of the provincial People's Committees having graduate degrees and 14.36% having post-graduate degrees. In the provincial People's Councils, the figures are 66.77% and 10.49% respectively. Those figures for the district level are 44.25% and 1.38% respectively. Similarly, at commune level, the figures are 5.87% and 0.11% respectively.

In regard to education: By the end of 2007, 100% of the especially difficult communes have primary schools, kindergartens and people-supported semi-boardings classes. 90-95% of school age children are enrolled. 90% of especially difficult communes have adequately built junior secondary schools. Most schools are equipped with material infrastructure to ensure the quality of teaching and learning. 100% of districts have senior

secondary schools. In a number of remote and mountainous communes, there are boarding and semi-boarding ethnic schools for clusters of communes. After 17 years of implementation of the policy on nominated enrolment in educational institutions (1990-2007), nearly 25,000 ethnic minority students have been admitted to universities, colleges and professional schools. To date, 51 of the 54 ethnic groups have got their children benefited from this policy.

In regard to healthcare: By the end of 2007, 100% of communes has health clinics, doctors and medical personnel. Most of the especially difficult communes have their own health clinics and medical personnel. Most of villages and hamlets have primary healthcare personnel. Most the ethnic minority population have received regular supply of iodised salt to prevent goitre. Malaria in the ethnic minority regions has been prevented.

In regard to culture: Some 25 newspapers and magazines have been distributed free of charge to the ethnic minority and especially the difficult regions. The preservation and conservation of their culture and traditions and the abolishment of backward customs have been stipulated by the provinces in the regulations for a cultural village. By the end of 2007, 85% of the communes have cultural post-offices. 95% of the especially difficult communes have radio stations and many of them broadcast in their respective ethnic languages, hence the sound reception of the population. The rate of households following the radio and TV broadcasts in the ethnic minority communities is increasing and some 90% of communes have telephone connection, thus ensuring smooth communication.

In regard to freedom of religions and beliefs: The local administrations have proactively designed policies to ensure the right to the freedom of religion and belief in ethnic minority areas. The administrations at various levels have provided favourable conditions for religious followers to conduct their rituals and masses and encouraged clergymen and followers to participate in the building a life of culture in their living quarters.