



**Vietnamese
Legal
Reform in
relationship
with SDG 16**

Direction:
VIETNAM

Hanoi Law University
Vo Phuong Thao
Nguyen Dang Kien



Table of contents

- I - Introduction**
- II - SDG 16 Targets and Vietnam Action Plan**
- III - Legal reform in Vietnam and results regarding SDG 16 Targets**

2

Introduction

- Legislation is the most important source of law;
- Courts are subordinate to the legislature and must make decisions based on legislation;
- Policies are set out by the Communist Party and the National Assembly, which can lead to changes in legislation in the future.



Constitution and laws

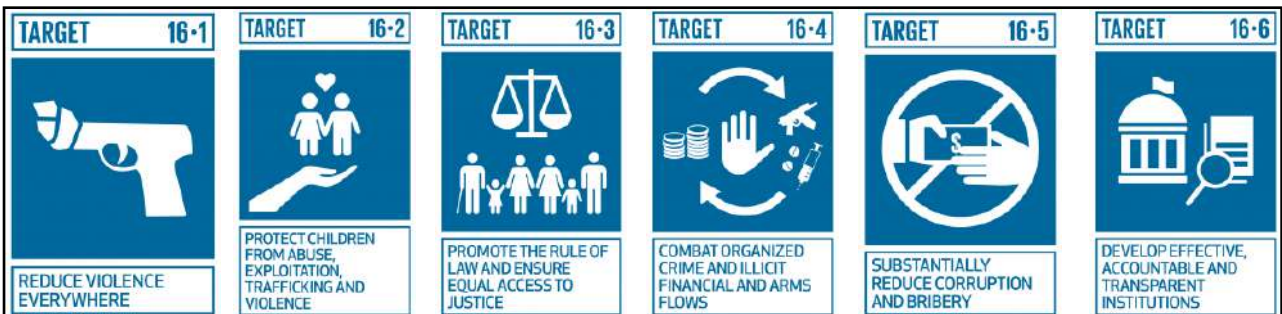
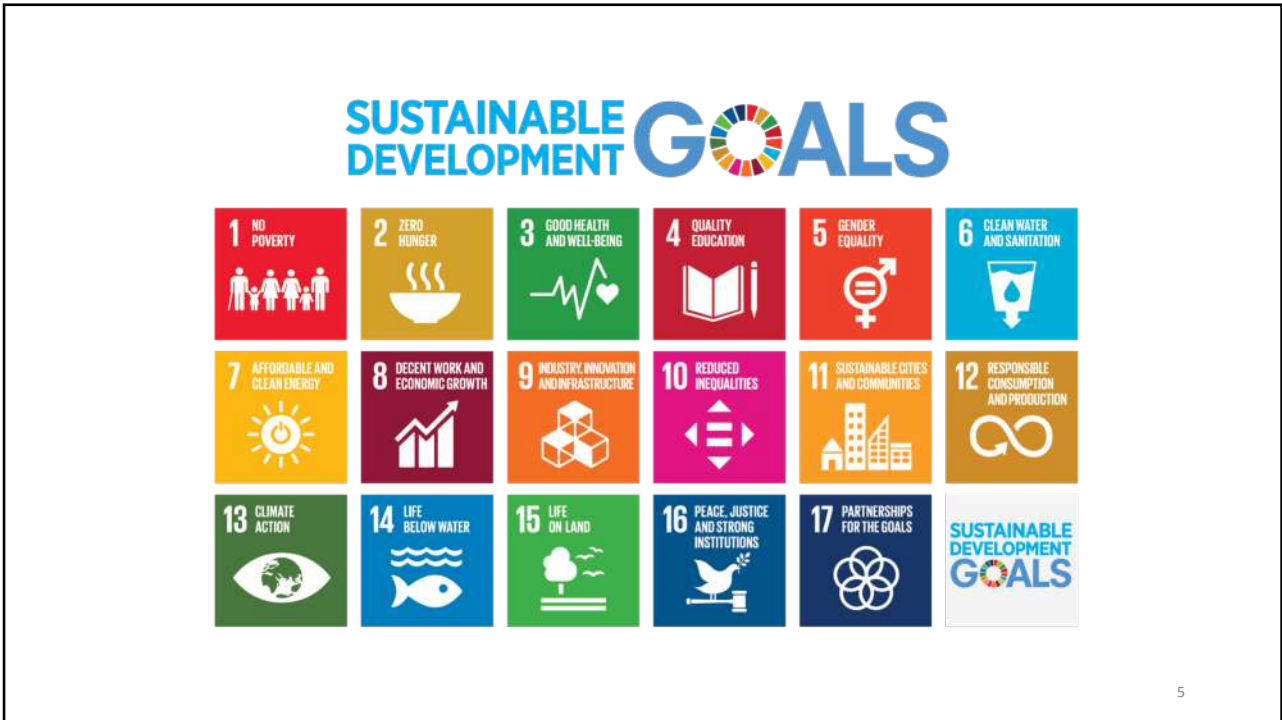
Ordinances and resolutions

Decrees

Decisions issued by the Prime Minister

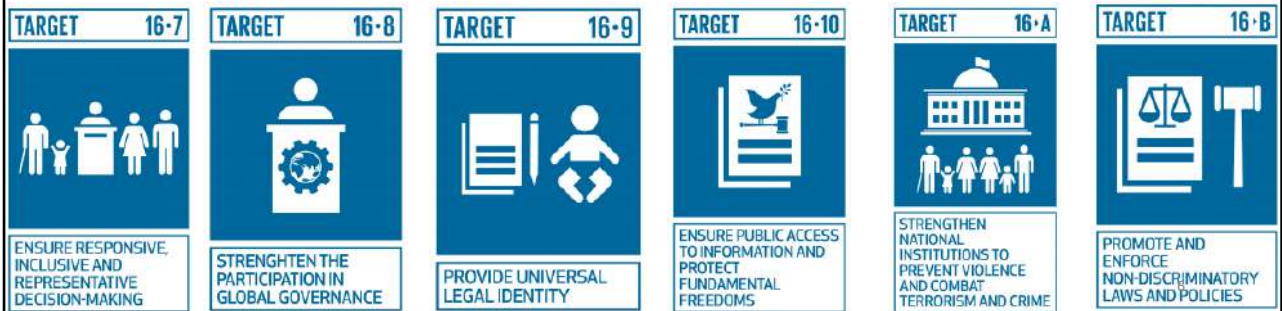
Circulars and Joint Circulars issued by ministers

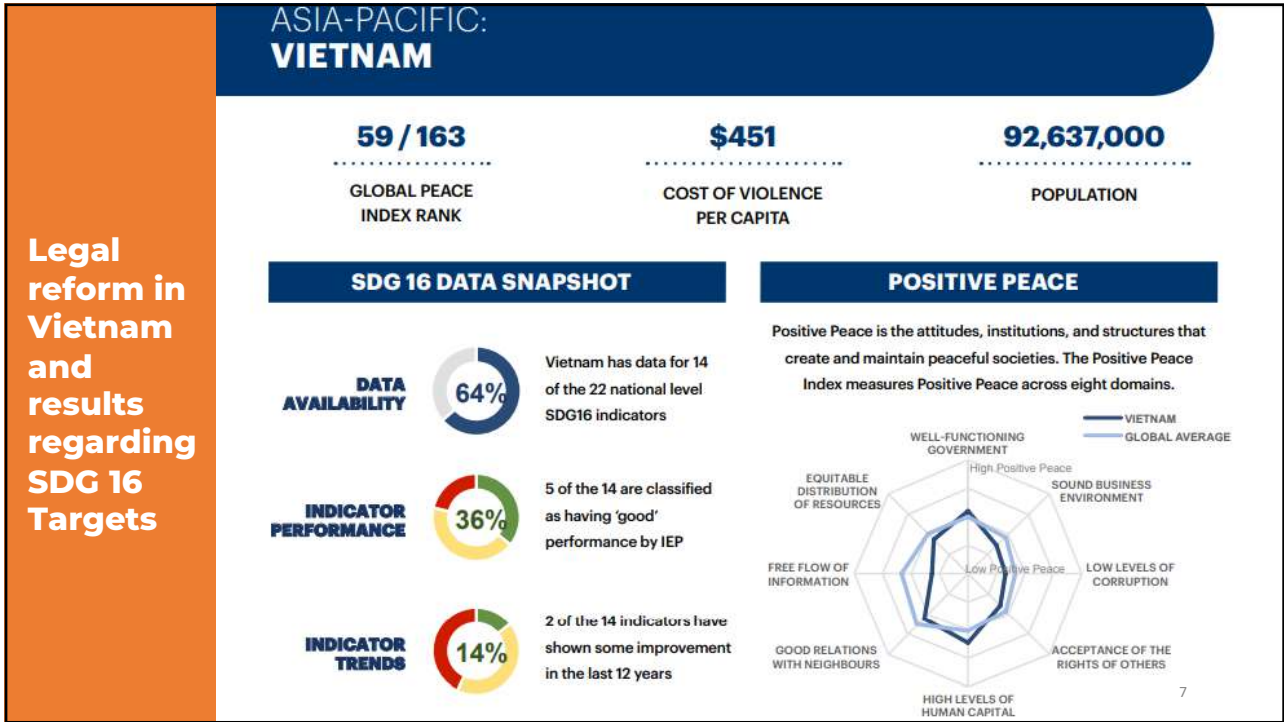
The legal system is organized in a hierarchy in which higher-ranking legal instruments set out general rules and lower-ranking legal instruments provide the details.



SDG 16 Targets and Vietnam Action Plan

Source: United Nations





Legal reform in Vietnam and results regarding SDG 16 Targets

#	INDICATOR	DENOMINATOR	VALUE	RATING	LATEST YEAR	TREND
16.1.1	Intentional Homicide	per 100,000	1.52	●	2011	↓
16.1.2	Conflict Related Deaths	Total	0	●		
16.1.3	Victims of Violence	%	*			
16.1.4	Safe Walking Alone	%	61	●	2014	↓
16.2.1	Violence Against Children	%	68	●	2014	↓
16.2.2	Human Trafficking	per 100,000	0	●	2014	↓
16.2.3	Sexual Violence Against Girls	%	*			
16.3.1	Underreporting of Violence	%	*			
16.3.2	Unsentenced Prisoners	%	17.6	●	2015	↓
16.4.1	Illicit Financial Flows	US\$ (Millions)	*			
16.4.2	Arms Tracking	per 100,000	*			
16.5.1	Government Corruption (Citizens)	%	30	●	2013	
16.5.2	Government Corruption (Business)	%	21.7	●	2015	
16.6.1	Responsible Budget Spending	Score (1-4)	3	●	2013	
16.6.2	Satisfaction with Public Services	%	76	●	2015	↑
16.7.1	Representative Politics	Score (0-1)	0.60	●	2016	↓
16.7.2	Inclusive Decision Making	Score (0-1)	0.33	●	2016	↑
16.9.1	Birth Registration	%	96	●	2014	
16.10.1	Violence Against Journalists	Total	*			
16.10.2	Public Access to Information	Score (0-1)	0.31	●	2016	↓
16.a.1	Human Rights Institutions	Score (1-3)	*			
16.b.1	Discrimination	%	*			

INDICATOR PERFORMANCE


● Good

● Fair

● Poor

*Comparable data not available for this indicator, however, country specific data may be available from the National Statistical Office or other sources


8



Significantly reduce all form of violence and violence-related death rates everywhere

- International Convention ratification: CAT, CEDAW,... has created an international legal framework
- Vietnam Constitution 2013
- The Criminal Code 2015
- Law on Domestic Violence Prevention and Control 2007

9



Prevent and substantially reduce abuse, exploration, trafficking and all forms of violence and torture against children and adolescents

- Vietnam Criminal Code 2015
- Law on Legal Aid 2017 – all children can receive legal aid
- Children Law 2016
- Labor Code 2012
- In May 2017, the “Action Month for Children” was implemented nationwide with the theme “Enforcement of the Law on Children and preventing as well as combating violence against children and child abuse”. In 2017, the Prime Minister decided to formulate the National Committee on Children and national hotline 111 for children.
- Law on Human Trafficking Prevention and Combat and Program for Human Trafficking Prevention and Combat in 2016-2020

10

Promote the rule of law and ensure equal access to justice for all citizens



- Rule of law index (2019): score 0.49 - rank: 81/126
- Law on legal aid 2017
- In particular, as required by proceeding-conducting agencies, 100 per-cent of criminal cases had lawyers and legal aid-providers.
- Media outlets have dramatically developed and become a forum for social organizations and people, a tool to protect people’s rights, benefits society, and support the enforcement of legislation and policy.


Significantly reduce the trade in illicit arms and financial flows; strengthen the recovery and return of stolen assets; and combat all forms of organization crime



- Vietnam Criminal Code 2015
- Law on Prevention of Money Laundering 2012
- Law on Management and Use of Weapons, Explosives and Combat Gear 2017

Sustaintially reduce corruption and bribery in all forms

TARGET 16-5



SUBSTANTIALLY
REDUCE CORRUPTION
AND BRIBERY

- Several directives have been issued such as:
 - Directive No. 05-CT/TW dated May 15th, 2016 of the Politburo on "promoting learning and following Ho Chi Minh's ideology, morality and style";
 - Directive No. 12/CT-TTg dated April 28th, 2016 of the Prime Minister on strengthening the detection, handling of cases and corruption cases;...
- The new Anti-Corruption Law has been issued on Nov 20th 2018 and taken effect from July 1st, 2019. In accordance with the new law, there are three new points that are of great interest, including dealing with corruption in the non-state sector, handling of unidentified assets, and controlling the income and assets of civil servants.
- In 2018, Corruption Perception Index of Transparency International for Vietnam was 33/100, ranking 117th out of 180 countries in the list.

13

The investigating agency has prosecuted 214 new cases, 487 accused of corruption (decrease of 18 cases, rise of 56 defendants over the same period in 2018); damage of over 1,028 billion and 22,069 m2 of land; recovered of VND 615.06 billion and 11,867 m2 of land; distrained on 795 billion VND.


Concluded investigation proposed prosecuting 217 cases, 653 defendants.
37th session of the Vietnam National Assembly, report of the Government on the prevention of corruption in 2019

People's Courts at all levels accepted the procedures for first instance 344 cases, 849 defendants (an increase of 31 cases compared to 2018); tried first instance 240 cases, 517 defendants on charges of corruption. 9 defendants were sentenced to death sentences, life imprisonment

* 37th session of the Vietnam National Assembly, report of the Government on the prevention of corruption in 2019

14


TARGET 16-6



DEVELOP EFFECTIVE, ACCOUNTABLE AND TRANSPARENT INSTITUTIONS

- In the 37th session of Vietnam National Assembly (2019/9), the draft of Law on Promulgation of legal documents (amended) has been submitted to the Standing Committee of the National Assembly.
- Purpose of this request is to meet practical requirements in order to further improve the quality and efficiency of law construction work, thus, contributing to the construction of a unified, feasible, open, transparent, stable, and accessible legal system with low compliance costs and suitable to socio-economic development objectives.
- Develop and implement operating principles on the division, coordination, and control of State powers; increase governance effectiveness; increase openness, transparency, and accountability in the organization and operation of State agencies and other institutions of the country's political system.


TARGET 16-7



ENSURE RESPONSIVE, INCLUSIVE AND REPRESENTATIVE DECISION-MAKING

15

TARGET 16-7




ENSURE RESPONSIVE, INCLUSIVE AND REPRESENTATIVE DECISION-MAKING

Provide legal identity for all citizens, including birth registration

- 3 main documents: Vietnam Constitution 2013, Law on Vietnam Fatherland Front 2015, and Law on Promulgation of legal documents 2015.
- Regarding to the Vietnam Fatherland Front 2015, the Vietnam Fatherland Front shall represent and protect the legitimate rights and interests of the citizens, promptly detect and propose to handle violations and shortcomings; propose amendments and supplements to policies and laws; promoting people's participation, contributing to developing the Party and creating a clean and strong State.
- According to the report of the Presidium of the Central Committee of the Vietnam Fatherland Front at the meeting of the General Secretary, President of Vietnam on April 10th, 2019: "The Presidium of the Central Committee of the Vietnam Fatherland Front collected 6,943 opinions, recommendations of the voters and the citizens all around the country reported at the 5th and 6th session of the 14th National Assembly.

16

TARGET
16-9




PROVIDE UNIVERSAL
LEGAL IDENTITY

- Decision No. 622 / QD-TTg dated May 10, 2017 of the Prime Minister promulgating the National Action Plan to implement the 2030 Agenda for Sustainable Development;
- Decision No. 667 / QD-BTP dated April 9, 2018, issuing the action plan of the Ministry of Justice to implement the 2030 agenda for sustainable development.
- Viet Nam has made effort in ensuring access to justice for all children related to legislation. The percentage of under-five children with birth registration has continuously risen and there is no considerable difference of birth registration between girls and boys.
- The percentage of under-five children with birth registration rose from 87.6 percent in 2006 to 94.6 percent in 2011 and 96.1 percent in 2014 (MICS).

17

TARGET
16-10




ENSURE PUBLIC ACCESS
TO INFORMATION AND
PROTECT
FUNDAMENTAL
FREEDOMS

- Human rights and freedoms of Vietnamese citizens prescribed by law include: Equal in respect of the law, freedom of business, freedom of movement, freedom of belief, freedom of speech and press, access to information, freedom of research, writing, freedom to choose a livelihood and marriage ... According to the Chapter 2 “HUMAN RIGHTS AND CITIZENS’ FUNDAMENTAL RIGHTS AND DUTIES”, THE CONSTITUTION OF THE SOCIALIST REPUBLIC OF VIETNAM (2013)
- Besides that, Law on Access to Information 2016 has been issued (taken effect since 2019/7/1) and it specified that “All citizens are equal and free to access information”.
- Media outlets have dramatically developed and become a forum for social organizations and people, a tool to protect people’s rights, benefits society, and support the enforcement of legislation and policy. As of December 2017, Viet Nam had 849 press agencies, and 20 foreign press agencies had their permanent reporters in Viet Nam. The rapid development of the internet is helping people access information, supporting social, economic and cultural development, and assisting administration reform. Currently Viet Nam has about 58 million facebook accounts.

*VIET NAM’S VOLUNTARY NATIONAL REVIEW ON THE IMPLEMENTATION OF THE SUSTAINABLE DEVELOPMENT GOALS, Hanoi June 2018

18



- **CPTPP Agreement:**
 - The CPTPP proposes to create favorable conditions for businesses such as providing services via the internet and e-commerce services. According to article 14.13, the CPTPP does not allow member states to require a foreign enterprise to place server systems on their territory as a condition of doing business in those territory
 - Article 26 of the Law on Cyber Security requires domestic and foreign service providers on telecom networks and on the Internet and other value added services in cyberspace in Vietnam [cyberspace service providers] carrying out activities of collecting, exploiting [using], analysing and processing data [being] personal information, data about service users' relationships and data generated by service users in Vietnam to store such data in Vietnam for a [specified] period [to be] stipulated by the Government.

19

References:

- The United Nations in Viet Nam: <http://www.un.org.vn/en.html>
- Viet Nam Action Plan 2015-2030
- Viet Nam's voluntary national review on the implementation of sustainable development goals
- SDG 16 report 2017

Thank you for your kind attention!