

Vietnam's reforms toward fulfilling SDG no 16



Overview

- Anti-Corruption
- Anti-Trafficking in Persons
- Institutional and Judicial Reforms towards rule of law
- Legal identity
- Violence against children
- Peace and Security



Anti-Corruption

Pros

Anti-Corruption Law 2005 entry into effect 2006

Ratify UNCAC 2009; the New Penal Code 2015

To combat "Trivial Corruption"

> New anti-corruption Law 2018; Decree 59/2019/ND-CP with many new points

Prohibition to receiving gift from individuals, agencies, organizations or units under their management in connection to their public duties;

Report and disclose gift in all case;

Prescribing cases of conflict of interests;

Prescribing an obligation of non-state entity to prevent and self-resolve conflict of interest



Anti-Corruption

ĐƯỜNG DÂY ĐÁNH BẠC

92 người
 bị đề nghị truy tố

 <p>Phan Sào Nam Cựu Chủ tịch hội đồng quản trị VTC Online</p> <div style="border: 1px solid red; padding: 2px; font-weight: bold; color: red;">TỔ CHỨC ĐÁNH BẠC VÀ RỬA TIỀN</div>	 <p>Nguyễn Văn Dương Cựu Chủ tịch HĐQT Công ty TNHH đầu tư phát triển an ninh công nghệ cao - CNC</p> <div style="border: 1px solid red; padding: 2px; font-weight: bold; color: red;">TỔ CHỨC ĐÁNH BẠC, RỬA TIỀN VÀ ĐƯA HỒ LỘ</div>	 <p>Ông Phan Văn Vĩnh Cựu trung tướng Cựu Tổng cục trưởng Tổng cục Cảnh sát</p>	 <p>Ông Nguyễn Thanh Hoá Cựu thiếu tướng Cựu trưởng Cục Cảnh sát phòng chống tội phạm Công nghệ cao (C50)</p>
LỢI DỤNG CHỨC VỤ QUYỀN HẠN TRONG KHI THI HÀNH CÔNG VỤ			

ĐẤT VIỆT

Anti-Corruption

Both state and non-state entity (public companies, credit institutions, fundraising charities) must ensure and establish regulations on methods to ensure openness and transparency with specific sanctions provided therein;

Oversee the conduct of public officials, cadres and public organs is ensure;

Circulate Cadres is carried out on a regular basis.

Cons

The notion of State secret is too broad

More corruption case demonstrates that corruption is a grave concern within the context of Vietnam

5

Anti-Trafficking in Persons

Pros

National Plan of Action I (NPA) (2006 – 2010) and II (2011 – 2015);

Coordinated Mekong Ministerial Initiative against Trafficking (COMMIT) Task Force (2005), MoUs signed with Lao PDR, Thailand, China and recently with UK;

National Steering Committee on Counter Human Trafficking, the Social Evils Department of the Ministry of Labour, Invalids and Social Affairs (MOLISA)

The 2006 Law on Employer working abroad, the 2011 Law on anti-human trafficking and the 2015 Penal Code amended 2017.

Resolution 02/2019/NQ-HĐTP by Panel of justices guiding on the crime of trafficking in persons

6

Anti-Trafficking in Persons

Cons

Shocking cases occurred in the past years

Lack of awareness, shortage of resources and cooperation between law enforcers

Corruption and lack of enforcement

Discrimination against victims

Lack of concrete data and solid body of research

Current laws is inconsistent with the understanding of international law

7

Institutional and Judicial and Reforms

Pros

2002 Resolution 49-NQ/TW of the Communist Party on judicial reform strategy to 2020

The Central Steering Committee on Judicial Reform

2013 New Constitution that technically protects better fundamental rights

2014 Law on Organization of People's Court; 2014 Law on Organization of People's Procuracies; 2015 Law on Criminal Investigation Bodies

4-level-Court (Procuracy) System

8

Institutional and Judicial and Reforms

2014 Civil Procedure Code; 2015 Civil Code, 2015 Criminal Code, 2015 Criminal Procedure Code

Directive 04/2016/CT-CA

The establishment of case law system with 29 cases in total

Cons

Different branches of power are sometimes not independence,

Very few cases (law) with limited impact

Torture cases scatteredly occurred

9

Legal identity

Pros

Constitution of the Socialist Republic of Vietnam: "Every individual after birth have the right to register birth".

Article 15 of the Vietnam Civil Status Law 2014 stipulates that within the period of 60 days.

Article 27 of 110/2013 of The Government Decree (110/2013/ ND-CP): after the period of 60 days

Clause 3, Article 30 of the Civil Code 2015: "Children who were born and lived only in 24 hours or more before dying must also register birth and death registration"¹⁰

Legal identity

Pros

Decision 681 / QD-TTg of the Prime Minister: set the target on register birth for children under 5 years old will reach the peak at 100% by 2030.

The percentage of children under 5 years old who have been registered for birth registration:

Implementation schedule:

2020: 97%

2025: 98.5%

2030: 100%

Cons

Vietnam Civil Status Law does not allow to reissue original birth certificate.

11

Violence against children

Pros

Follows all the programs of United Nations International Children's Emergency Fund (UNICEF).

“Understanding Children’s Experiences of Violence in Viet Nam: Evidence from Young Lives” Study

Child Law came into effect in 2017

Days for Children

Cons

No certain measure to help children be fully informed

12

Peace and Security

UNSC for the 1st time (tenure 2008-2009)

Non-permanent member of the UN Security Council (tenure 2020-2021)

Important multilateral organisations and forums with policy of peace

Deployed a level-2 field hospital to South Sudan for the UN peacekeeping mission (October 2018)

Mediator: DPRK-USA Summit in February 2019

13

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