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## مجلس حقوق الإنسان

### الدورة الأربعون

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البند ٣ من جدول الأعمال

تعزيز وحماية جميع حقوق الإنسان، المدنية والسياسية والاقتصادية والاجتماعية والثقافية، بما في ذلك الحق في التنمية

## زيارة إلى فييت نام

### تقرير المقررة الخاصة المعنية بالحق في الغذاء\*

موجز

في تقرير المقررة الخاصة المعنية بالحق في الغذاء عن زيارتها إلى فييت نام، تستنتج المقررة أن التنمية التي تحققت في البلد على مدى السنوات الثلاثين الماضية رائعة حقاً. فبفضل الإصلاحات الاقتصادية والسياسية، تحولت فييت نام من بلد يعد من أفقر الأمم إلى بلد متوسط الدخل. وقد يسر هذا النمو الاقتصادي انخفاضاً كبيراً في الفقر والجوع. بيد أنه على الرغم من نهج البلد سياسة تنمية اقتصادية قائمة على الاحتياجات، لا يزال التقدم المحرز متفاوتاً فيما يتعلق بالأشخاص الذين يعيشون في المناطق النائية، ولا سيما الأقليات الإثنية. ويأمل المقرر الخاص أن تولي الحكومة الأولوية لوضع وتنفيذ سياسات فعالة يشارك فيها جميع أصحاب المصلحة المعنيين، وترمي إلى ضمان الحق في الغذاء الكافي.

\* يعمم موجز هذا التقرير بجميع اللغات الرسمية. أما التقرير نفسه، الوارد في مرفق هذا الموجز، فيُعَمَّمُ باللغة التي قُدِّمَ بها فقط.



الرجاء إعادة الاستعمال

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## Annex

### Report of the Special Rapporteur on the right to food on her visit to Viet Nam

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## I. Introduction

1. The Special Rapporteur conducted an official visit to Viet Nam at the invitation of the Government from 13 to 23 November 2017. The objective of the mission was to evaluate the progressive realization of the right to food in Viet Nam. The Special Rapporteur would like to thank the Government of Viet Nam for the invitation to visit the country. The Ministry of Foreign Affairs was key throughout the preparations and during the visit itself. Its warm hospitality made the trip safe, comfortable and pleasurable.
2. The visit of the Special Rapporteur to Viet Nam was the first visit in over three years by an independent expert appointed by the Human Rights Council. Based on the experience of this visit, the Special Rapporteur believes that the door will remain open for visits by other United Nations independent experts. Country visits enhance the relationship between the Government of Viet Nam and the mechanisms established by the Council.
3. The Government of Viet Nam is in the process of preparing its report for the third universal periodic review of the Council, to take place in January/February 2019, with a focus on the implementation of the recommendations made during the two previous cycles. This process is a significant indication of the country's firm commitment to human rights.
4. During her visit, the Special Rapporteur met with high-level government representatives from the Ministry of Foreign Affairs, the Ministry of Agriculture and Rural Development, the Ministry of Industry and Trade, the Ministry of Natural Resources and Environment, the Ministry of Labour, Invalids and Social Affairs, the Ministry of Health and the Central Committee on Ethnic Minority Affairs. She also met with the Committee on Science, Technology and Environment of the National Assembly and the Government Office of Human Rights. She further met with representatives from international organizations, academia and development agencies and with a small group of civil society actors.
5. During the mission, she had the opportunity to visit the provinces of Bac Can in the north of the country and Quang Binh in the centre, and the city of Can Tho in the south. During these visits she met with representatives of the local People's Committee and conducted field visits during which she spoke to people about their livelihoods and challenges.
6. The Special Rapporteur visited Viet Nam immediately following Typhoon Damrey, which had a devastating impact. She expressed her condolences to the people of Viet Nam for the loss of life, mostly in coastal areas, among poor fisherfolk and farmers. She was impressed by the efficient relief responses by the Government, including the participation of unions of women and young people who, with the support of United Nations agencies, helped to minimize the social impact and the human suffering in the aftermath of this natural disaster. In the view of the Special Rapporteur, Viet Nam deserves international recognition for its resilience and mitigation measures in the face of climate change, particularly in relation to extreme weather events and sea-level rise.
7. In Bac Can Province, the Special Rapporteur visited a small Dao-minority resettlement community; in Quang Binh Province she visited a fishing village; and in Can Tho Province she met with a women's cooperative and with rice farmers. The Special Rapporteur had limited opportunity for unsupervised contact with witnesses and representatives of the poorest and most vulnerable communities, in particular in Quang Binh; nevertheless, it was a very valuable experience to understand the general situation in rural communities.
8. The Special Rapporteur is grateful to the United Nations Resident Coordinator and his staff for their useful support both prior to the visit and during her time in Viet Nam. Finally, the Special Rapporteur would like to express her sincere gratitude for the willingness of all those who took the time to meet with her and share their experience and knowledge, including central and provincial officials as well as village people and fisherfolk in Viet Nam.

## II. General situation

9. The development of Viet Nam over the past 30 years has been truly remarkable. Economic and political reforms under *Đổi Mới* (the renovation project), launched in 1986, have transformed Viet Nam from one of the world's poorest nations into a middle-income country. According to the World Bank, since 1990 its gross domestic product (GDP) per capita growth has been among the fastest in the world, averaging 6.4 per cent a year in the last decade, largely due to robust domestic demand and a successful export-oriented manufacturing plan.<sup>1</sup> Even more remarkable than this growth record is a needs-based economic development policy that accords with the spirit and substance of economic and social rights.

10. This economic growth has facilitated dramatic reductions in poverty and hunger. In 1993, over 50 per cent of the population lived on less than \$1.90 a day. The current rate of such extreme poverty has fallen to 3 per cent.<sup>2</sup> The broader achievements in reducing poverty have also been quite extraordinary, with the overall poverty rate falling from 58.1 per cent in 1993 to 7 per cent in 2015.<sup>3</sup> This achievement has had an overwhelmingly positive impact on food security, especially in meeting the needs of the poor.

11. Poverty reduction has been accompanied by strategies to boost rice production in order to provide for domestic consumption and to permit exports. Viet Nam currently produces enough rice to feed its own population and to maintain reserves for natural disasters, as well as unforeseen events. It is also currently the world's third largest rice exporter, annually exporting some 6 million tonnes of rice.<sup>4</sup>

12. Despite the country's needs-based economic development policy, progress has been uneven in relation to those people who live in remote areas, particularly ethnic minorities, who face persistent poverty and inequalities compared to the circumstances of the majority Kinh population.<sup>5</sup> This has adverse impacts on the right to adequate food of people living in poorer regions and remote parts of the country, including the Northern Uplands, the Central Highlands and Central Coastal areas. This aspect will be further analysed in the section on ethnic minorities below.

## III. Legal and institutional structure of public policies

### A. Legal framework

13. The Special Rapporteur would like to offer some observations on the national legislation pertaining to the right to food. As a State party to the International Covenant on Economic, Social and Cultural Rights, Viet Nam has a duty to respect, protect and fulfil the right to food of its citizens. It is also committed to undertake the appropriate steps, with due consideration given to its available resources, to ensure the realization of the right to an adequate standard of living, including access to adequate food, as articulated in articles 2 (1) and 11 of the Covenant.

14. Viet Nam is also party to other core international human rights treaties, including the Convention on the Elimination of All Forms of Discrimination against Women, the

<sup>1</sup> See [www.worldbank.org/en/country/vietnam/overview](http://www.worldbank.org/en/country/vietnam/overview).

<sup>2</sup> Ibid.

<sup>3</sup> General Statistics Office of Viet Nam, *Statistical Yearbooks* (Statistical Publishing House, various years) and data on the General Statistics Office website ([www.gso.gov.vn/Default.aspx?tabid=515](http://www.gso.gov.vn/Default.aspx?tabid=515)).

<sup>4</sup> See <https://apps.fas.usda.gov/psdonline/circulars/grain-rice.pdf>.

<sup>5</sup> *One Strategic Plan 2017–2021 Between the Government of the Socialist Republic of Viet Nam and the United Nations in Viet Nam*, p. 21. Available at [http://www.un.org.vn/en/publications/doc\\_details/542-one-strategic-plan-2017-2021.html](http://www.un.org.vn/en/publications/doc_details/542-one-strategic-plan-2017-2021.html).

Convention on the Rights of the Child and the Convention on the Rights of Persons with Disabilities, all of which contain provisions explicitly linked to the right to adequate food.

## 1. Constitution

15. While these widely ratified international instruments are sources of binding law in Viet Nam, the right to food is only implicitly enshrined in the Constitution. The right to food is protected in connection with the right to life (art. 19) and the right to health (art. 38).<sup>6</sup> This provides the possibility – but only indirectly and with uncertainty – of the right to food to be adjudicated by the courts and otherwise protected by legal mechanisms.

16. Justiciability of economic, social and cultural rights, including the right to food, entails the legal capacity of potential victims of violations of these rights to file formal complaints before an independent and impartial body, including the opportunity to request adequate remedies and their prompt implementation. The Special Rapporteur recommends that, in order to protect human rights, an effective judicial remedy be made available to all citizens and permanent residents within the Vietnamese judicial system, as this is essential to the full enjoyment of the right to food by all individuals. As a positive step in this area, the Special Rapporteur reiterates the recommendation, made by the Human Rights Council in 2013, that Viet Nam ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (see A/HRC/26/6).

## 2. Framework law

17. Although the right to food is not directly mentioned in the Constitution, Viet Nam has a rather comprehensive legal framework on the right to food, food security and related sectors such as nutrition, health, women, the environment and trade. At the domestic level, decrees and regulations to enhance food security and agricultural activities such as resolution No. 63/NQ-CP of 2009 on national food security, the Law on Food Safety, the Law on Health Insurance, the Law on the Protection of Public Health, the Law on Environmental Protection and the Law on Gender Equality aim at the protection of the right to food.

18. The right to food is also mainstreamed in a great number of policies, including the policies on poverty reduction, food security, improvement of nutritional standards and health care, which comply with the International Covenant on Economic, Social and Cultural Rights and the country's related international commitments. However, there is no overarching framework law that includes all relevant sectors. Such a legal framework, together with strong central institutions to coordinate various policy sectors, is recommended at the global level by the Voluntary Guidelines to Support the Progressive Realization of the Right to Adequate Food in the Context of National Food Security (2004). Also relevant are recommendations by the Committee on World Food Security, a global policymaking body concerned with all facets of food security and the right to food.

19. In this connection, the Special Rapporteur strongly encourages the establishment of a comprehensive legal framework on the right to adequate food, with clear guidelines on the promotion, implementation and monitoring of this right, as well as participation in decision-making processes.

## B. Institutional and public-policy structure

20. The Government has taken important steps to address poverty through its 2011–2020 socioeconomic development strategy and its 2016–2020 socioeconomic development

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<sup>6</sup> The text of the Constitution is available at <https://vietnamnews.vn/politics-laws/250222/the-constitution-of-the-socialist-republic-of-viet-nam.html#K2vGWhwk6GMUT8xd.97>.

plan, with both documents containing a beneficial focus on social equity and sustainability.<sup>7</sup>

21. The United Nations supports the Government of Viet Nam through its One Strategic Plan 2017–2021. This plan represents the programmatic and operational framework for delivering a human rights-based approach on the basis of United Nations support.

22. The Special Rapporteur is encouraged to see that the Sustainable Development Goals are a key priority of the Government of Viet Nam, a position also being expressed by the commitment of Viet Nam to the voluntary national review process. She was informed during the visit that a participatory process for the preparation of its report had been initiated by the Government. The Special Rapporteur offers to assist in any way that might be helpful, if necessary, to the development of policies in relation to food security and the right to food as expressed in Sustainable Development Goal 2 and other relevant goals.

23. All development strategy plans should adopt a definite human rights-based approach articulated as “no one left behind”, which ensures that priority will be given to the needs of the most vulnerable and disadvantaged, while at the same time making a maximum effort to promote sustainable growth that does not compromise environmental protection in favour of economic growth.

#### IV. Agricultural policy

24. Since the economic reform, the Government of Viet Nam has taken measures to strengthen its agricultural sector. As mentioned above, it has gone from a net importer of food to a large-scale exporter. Agricultural production more than tripled in terms of volume in the period between 1990 and 2013. Viet Nam is currently one of the world’s largest exporters of cashews and black pepper, the second largest exporter of coffee and cassava and the third largest exporter of rice, fish and seafood.<sup>8</sup>

25. According to the General Statistics Office, Viet Nam has more than 26 million ha of agricultural land, i.e. land used for agricultural, forestry and aquaculture purposes.

26. The Government of Viet Nam has launched many policies to support the agricultural sector to achieve the goal of food security that involve all relevant ministries, agencies and local authorities in order to ensure consistency with the Five-Year Socio-Economic Development Plan 2011–2020,<sup>9</sup> looking forward to 2030.

27. The Vietnamese economy is gradually shifting away from agriculture as it increases its manufacturing and service sectors. This development process in Viet Nam has recently put significant pressure on the agricultural sector in terms of land conversion (see section on access to land below), where significant areas of land have been converted from agricultural and rural land to urban and non-agricultural land.

28. In recent years the proportionate contribution of agriculture to overall GDP has been declining. For instance, the agricultural sector accounted for 17 per cent of GDP in 2015, a dramatic drop from 31.8 per cent in 1990.<sup>10</sup> However, its role in job creation and food production for the poorer populations in rural areas remains a vital contribution to overall food security. This suggests that people in rural areas are producing for their own consumption but their income is not increasing, and this might become problematic in the

<sup>7</sup> National Assembly of Viet Nam, resolution No. 142/2016/QH13 of 12 April 2016 on the five-year socioeconomic development plan 2016–2020.

<sup>8</sup> Organization for Economic Security and Cooperation, *Agricultural Policies in Viet Nam 2015*, p. 72.

<sup>9</sup> See <http://pubdocs.worldbank.org/en/839361477533488479/pdf/Vietnam-SEDP-2016-2020.pdf>.

<sup>10</sup> *One Strategic Plan*, p. 21.

future. Nevertheless, the agricultural sector provides employment for about 24 million people, accounting for approximately 46 per cent of total employment.<sup>11</sup>

29. According to the Food and Agriculture Organization of the United Nations (FAO) and the Government, in the near future it will be difficult for the agricultural sector to maintain its current growth rate if it continues to rely on its existing development model based on resource-based production growth and intensive use of capital inputs and raw-material export.<sup>12</sup>

30. The agricultural sector also faces certain difficulties. For instance, the food-processing industry is not proportional to the production capacity, the management of agricultural inputs remains inadequate, the agricultural export market is not stable and the mobilization of resources from the private sector in agriculture and rural development is insufficient.

31. With the conclusion of free trade agreements, such as the European Union-Viet Nam Free Trade Agreement, the country's economy is expected to add 6.5 million additional jobs by 2030, most of them linked to export-manufacturing industries. However, there is a concern about the competitiveness of the agricultural sector and of small and medium-sized enterprises. This means that there is a need for an integrated and comprehensive agricultural, industrial and labour market policy package to promote structural transformation.<sup>13</sup>

## A. Rice production

32. Rice production in Viet Nam is now at record levels, reaching three harvests a year in some provinces of the Mekong Delta while most other provinces remain at a maximum of two harvests. Rice plays a key role in the country's economic development and the livelihoods of the people. For this reason, the Government of Viet Nam has implemented policies aimed at maintaining and protecting rice paddies in order to ensure rice quantity and food security. A key policy is the strategy on the development of the Vietnamese rice export markets in the period 2017–2020. Further, decision No. 63/2009/NQ-CP on ensuring food security adopted by the Government stipulates that the area under rice cultivation must be maintained at 3.8 million ha to meet the demand for rice of 4 million tonnes per year.<sup>14</sup>

33. Research has indicated that policies focusing on too high quantities of rice are unsuitable. Since Viet Nam exports 5–7 million tonnes of rice per year at a much lower price than is available domestically, it is unnecessary to maintain the above-mentioned 3.8 million ha of rice-growing areas. Research also shows that rice production and consumption could remain stable at 120 kg/person/year even if rice cultivation areas were reduced to 3 million ha.

34. Current policies on rice production are based on the historical background of extreme hunger in Viet Nam. However, at present the quantity of rice produced may become excessive, causing prices to decline, with negative consequences for the agricultural sector.<sup>15</sup>

35. Therefore, despite recently declared intentions to diversify agricultural production, the Special Rapporteur observed that rice production still remains central to agricultural

<sup>11</sup> Ministry of Planning and Investment ([www.mpi.gov.vn/en/Pages/cnnv.aspx](http://www.mpi.gov.vn/en/Pages/cnnv.aspx)).

<sup>12</sup> See [www.fao.org/3/a-bt730e.pdf](http://www.fao.org/3/a-bt730e.pdf).

<sup>13</sup> Ministry of Labour, Invalids and Social Affairs, Draft Master Plan for Social Assistance Reform 2016; and Stephen Kidd and others, *Social Assistance in Viet Nam: A Review and Proposals for Reform* (Hanoi, United Nations Development Programme, 2016), available at [www.vn.undp.org/content/vietnam/en/home/library/poverty/social-assistance-in-viet-nam.html](http://www.vn.undp.org/content/vietnam/en/home/library/poverty/social-assistance-in-viet-nam.html).

<sup>14</sup> Input from the National Assembly in follow-up to the mission.

<sup>15</sup> Ibid.

production in Viet Nam. Diversification helps to build resilience, including to economic and climate change-related shocks. The Special Rapporteur therefore supports the Government in its strategy to intensify efforts to diversify agricultural production and to support other agricultural sectors. The Government is sensitive to these considerations, and it would be beneficial to implement policy adjustments at the earliest possible time.

## **B. Livestock**

36. Livestock production has achieved positive results, showing growth of 4.5–5 per cent a year from 2011 to 2016, a major contribution to the overall growth of the agricultural sector. Some locally produced livestock products have been able both to meet domestic demand and still be available for export. Milk production especially has been supported by government policies and has attracted foreign investment. Complete value chains have been developed, particularly for pork, egg and dairy products. Over time, the negative impacts of livestock upon the environment should be carefully considered and appropriate regulations should be adopted.

## **C. Fisheries**

37. Fisheries and aquaculture, representing between 4 and 5 per cent of GDP, ranking fifth among export commodity groups, contributes over 50 per cent of dietary protein and provides employment for approximately 10 per cent of the population. However, overfishing and harmful fishing practices in certain national settings, poor planning and inadequate regulation cause not only environmental harm but also produce social conflicts and economic losses. During the country visit the Special Rapporteur listened to various fishery workers, especially women, who raised concern about the negative impact on their livelihood and food security in case of natural disasters, extreme weather events and industrial pollution. The Master Plan on Fisheries Development of Viet Nam to 2020 with vision to 2030 sets forth the development objectives for the sector in the direction of industrialization and modernization to increase income and living standards of fisherfolk, both women and men.<sup>16</sup> This is a good plan for the future, if implemented with a human rights-based approach.

# **V. Impact on the right to food**

## **A. Availability**

38. According to the right to adequate food, everyone should be able to obtain sufficient food of good quality, either through market systems or produce from the land and other resources such as water and seeds. Therefore, access to land is the most important element for the production of food and the elimination of hunger.

### **1. Land reform and disputes**

39. The Land Law of 1998, which amends and supplements some articles of the 1993 Land Law and its key implementation directive, resolution No. 10, changed Vietnamese agriculture from a collectivized system to one where individual farm households had responsibility for production.

40. The 2013 Constitution of Viet Nam (art. 53) and the 2013 Land Law (art. 4) state that land is “owned by all the people, and represented and uniformly managed by the State”. The State shall grant “land use rights certificates” to users.

41. While ownership of land remains with the State, the revisions have changed incentives for land use rights so that they are increasingly similar to private property land

<sup>16</sup> See [www.fao.org/3/a-bt730e.pdf](http://www.fao.org/3/a-bt730e.pdf).



use rights. The Government still makes a significant number of production decisions and there are significant limitations on how land is used and allocated, for example, limitations on how much land a household or individual can use and how much of it must be dedicated to rice cultivation.

42. The redistribution of agricultural land was the main element behind poverty reduction in Viet Nam. One reason for success was the egalitarian nature of the land reforms. Land was distributed according to the number of family members, in order to ensure that each household had enough land to meet its subsistence requirements. There were restrictions on the maximum amount of land that could be held by households. The land reform created a social safety net guaranteeing livelihoods for the rural population.<sup>17</sup>

This is a notable experience as compared with many other countries facing challenges similar to those in Viet Nam.

43. In recent years, however, there has been increased pressure on the conversion rate of agricultural land to urban and industrial uses, at approximately 70,000 ha per year. This land conversion is accompanied by an increasing number of allegations of disputes over land and reports of clashes between local residents and authorities, especially in the geographical areas where Hmong and other ethnic minorities live.

44. Viet Nam has laws (including the 2013 Land Law) and policies on compensation, assistance and resettlement for people whose land is revoked by the State, with a view to serving the best interests of their livelihood and production areas and ensuring that the compensation process is carried out in a democratic, fair and transparent manner, in accordance with relevant regulations.

45. However, during the visit the Special Rapporteur received information that in some cases of land dispute, the compensation received by farmers and their families was not considered by them as adequate and to be below the market price of the land. In some locations that were the subjects of land disputes due to the expansion of socioeconomic development projects, local residents protested as they felt that the Government had forcibly seized their land.

46. The Special Rapporteur was also informed that authorities have arrested and convicted land rights protesters. According to the Government Human Rights Office under the Ministry of Public Security, the number of complaints filed over land disputes has increased dramatically in the last decade, constituting around 70 per cent of all petitions and complaints. It is important to resolve land disputes in a peaceful manner that satisfies people through a transparent process and just/reasonable compensation.

47. Current legal documents assert the equal rights of women and men in the determination of jointly held properties, including the inclusion of both the husband's and the wife's names on the certificate of land use rights and titles to ownership of houses and other land-attached assets (article 98 of the 2013 Land Law).

48. Despite the egalitarian legal structure, fewer women have access to land than men due to customary practices. For example, on average 13 per cent more men than women have their names on land certificates in Viet Nam in general, and in rural areas this increases to 16 per cent.<sup>18</sup> Moreover, there is a lack of information on homeownership by women who are heads of household.

## 2. Rural development programmes

49. Agriculture constitutes the main source of income in rural Viet Nam and the restructuring of the agricultural sector is expected to increase rural incomes.

<sup>17</sup> Mark Curtis/Curtis Research, *Country Successes in Reducing Hunger: How They Did It, and Why Other Donors and Governments Should Change Policy* (ActionAid International, 2011). Available at [www.actionaid.org/sites/files/actionaid/country\\_successes\\_in\\_reducing\\_hunger\\_mark\\_curtis\\_nov\\_2011\\_0.pdf](http://www.actionaid.org/sites/files/actionaid/country_successes_in_reducing_hunger_mark_curtis_nov_2011_0.pdf).

<sup>18</sup> See [http://papi.org.vn/eng/wp-content/uploads/2017/04/PAPI2016\\_Infographics\\_ENG.pdf](http://papi.org.vn/eng/wp-content/uploads/2017/04/PAPI2016_Infographics_ENG.pdf).

50. In 2016, the Government issued two key programmes, namely the National Target Programme for Sustainable Poverty Reduction for the period 2016–2020 and the National Target Programme for New Rural Development for the period 2016–2020.

51. Rural development programmes have brought positive results, including policies to support investment in high-technology agricultural development and clean agriculture. The income and living standards of the rural population have been improved, with per capita income increasing from 18.6 million dong in 2012 to about 32 million dong in 2017. Labour productivity in the agriculture, forestry and fishery sectors has gradually increased over the years. In the period 2005–2016, productivity increased approximately 4.5 times, from 7.5 million dong per person (2005) to 32.9 million dong per person (2016).

52. The transfer of scientific knowledge and technology in the agricultural sector in Viet Nam has grown in recent years. The Prime Minister issued a decision to approve the master plan on high-tech agricultural parks and zones through 2020, with a vision towards 2030.<sup>19</sup>

Ten high-tech agricultural areas are to be developed by 2020. Provincial committees decided on the areas and on the focus, which is on the following commodities: vegetables, flowers, coffee, tea, dragon fruit, dairy, beef, poultry and shrimp. The committees are also involved in planning, organizing and developing human resources for the management and administration of the high-tech areas.

53. The Government is committed to continue to improve agricultural production and the efficiency of cooperatives in line with the 2012 Law on Cooperatives, by establishing 15,000 effective agricultural cooperatives.<sup>20</sup>

54. There are, however, shortcomings in the implementation of the various programmes. There is a significant regional difference in terms of results. Agricultural production has improved but remains fragmented. Sustainable production value chains have not been formed and the income of rural people remains insecure. Many localities have identified key products to focus on, but face difficulties in finding a market during the harvest period.<sup>21</sup>

55. The storage infrastructure in Viet Nam is underdeveloped. In 2009, the grain storage capacity was 1.5 million tonnes, only approximately 7.5 per cent of the annual rice harvest of 20 million tonnes. Of the rice that is stored, only one third is ultimately used; the rest deteriorates and becomes unusable. To improve the storage system, the Ministry of Agriculture and Rural Development has adopted a decision to approve a new mechanized and automated system in Dong Cuu Long to preserve 4 million tonnes of rice.<sup>22</sup>

## **B. Accessibility**

56. Food should be physically accessible to everyone, including persons living in remote areas and physically vulnerable persons such as older persons or persons with disabilities. It should also be possible to purchase food for an adequate and culturally acceptable diet without compromising any other basic needs, such as education, health or housing.

### **1. Poverty and social protection**

57. Under international human rights law, States are obliged to establish social protection systems to protect individual women, men and children against the risks of impoverishment in situations of sickness, disability, maternity, employment injury,

<sup>19</sup> Decision No. 575/QĐ-TTg of 5 April 2015.

<sup>20</sup> Inputs from the Ministry of Agriculture and Rural Development.

<sup>21</sup> Ibid.

<sup>22</sup> Decision No. 3242/QĐ-BNN-CB 2010; and inputs from the Ministry of Agriculture and Rural Development in follow-up to the mission.

unemployment, old age, death of a family member, high health-care or childcare costs, and general poverty and social exclusion.<sup>23</sup>

58. The right to social security in Viet Nam is enshrined in the 2013 Constitution, in article 34 stating: “Citizens are guaranteed the right to social security.”

59. The Social Insurance Law, adopted in June 2006 and amended in 2014, provides for compulsory coverage for public and private employees in the event of disability, sickness, maternity, work injury, unemployment insurance and old age.

60. The country’s social security or social protection system has developed over a number of decades towards a system that aims to prevent and mitigate poverty and vulnerability at all stages of life. Currently, Viet Nam is facing emerging challenges, including new forms of poverty and vulnerabilities and increased inequality. All of these challenges have a direct impact on the national policies for social protection.<sup>24</sup> In 2012, for the first time, the Communist Party adopted a resolution on several major social policies for the period 2012–2020, asserting that it would establish a universal social protection system by 2020.<sup>25</sup>

61. Since adopting this resolution, and despite considerable efforts, the social protection system in Viet Nam is still fragmented and underserves certain groups, such as vulnerable pregnant women and children who are not sufficiently protected. This gives rise to a middle class of informal workers who have difficulties in accessing contributory social insurance, but at the same time are not poor enough to be eligible for basic social protection measures.<sup>26</sup>

62. Since 2008, informal sector workers are eligible, on a voluntary basis, for the retirement and survivor pension schemes. As of December 2016, at most 12.9 million workers were covered by the compulsory social insurance schemes and 203,000 workers by the voluntary social insurance schemes, which accounts for merely 24 per cent of the total labour force.

63. The coverage remains particularly low in small and medium enterprises and among workers with short-term contracts and workers eligible for the voluntary affiliation.<sup>27</sup> The size of the informal sector of the economy is an issue as in 2016, 74.1 per cent of workers, including agricultural workers, were employed in that sector.<sup>28</sup> In 2012, for the first time, the Government adopted a resolution aimed at the establishment of a universal social protection system by 2020.<sup>29</sup>

64. While overall social protection spending is some 5 per cent of GDP, just below the regional average, the Government’s resources for social assistance amount to only 1.7 per cent of GDP and regular social assistance for poor people amounts to only 0.3 per cent of GDP.<sup>30</sup>

<sup>23</sup> See [www.ohchr.org/Documents/Issues/EPoverty/HumanRightsApproachToSocialProtection.pdf](http://www.ohchr.org/Documents/Issues/EPoverty/HumanRightsApproachToSocialProtection.pdf).

<sup>24</sup> See *One Strategic Plan*.

<sup>25</sup> Resolution No. 15/NQ-TW of the 11th Central Committee of the Communist Party of Viet Nam on major social policies for the period 2012–2020, June 2012.

<sup>26</sup> Ministry of Labour, Invalids and Social Affairs; and Kidd and others, *Social Assistance in Viet Nam*.

<sup>27</sup> See *One Strategic Plan*.

<sup>28</sup> See Nicola Jones and Tran Thi Van Anh with Maria Stavropoulou, *The Role of Social Protection in Tackling Food Insecurity and Under-nutrition in Viet Nam, and its Gendered Dimensions* (London, Overseas Development Institute, 2011), available at [www.odi.org/sites/odi.org.uk/files/odi-assets/publications-opinion-files/7519.pdf](http://www.odi.org/sites/odi.org.uk/files/odi-assets/publications-opinion-files/7519.pdf).

<sup>29</sup> Resolution No. 15/NQ-TW.

<sup>30</sup> See *One Strategic Plan*.

## 2. Fisherfolk

65. Fisherfolk, in particular those on the Central Coast, are among the poorest in Viet Nam, with insecure incomes exacerbated by vulnerability to climate change and natural disasters. During her visit, the Special Rapporteur visited Quang Binh Province on the Central Coast. Most fishing households in this area are poor and highly dependent upon ocean resources. The poorest near-shore fishing households are among the most vulnerable segments of the population of Quang Binh.<sup>31</sup> Considering the long shoreline of the country and the traditional lifestyle of the Vietnamese people, who rely on the ocean for their livelihood and protein-rich food sources, the Government should in particular protect the livelihood of people in coastal areas against development-oriented industrial and tourism projects.

## 3. Internal migration

66. Viet Nam is urbanizing rapidly, with the urban population at 33.1 million in June 2010, accounting for 38.6 per cent of the total population.<sup>32</sup> Internal migration has become a national phenomenon, with all Vietnamese provinces recording internal movement of individuals to larger urban or industrial centres. Rural workers are moving at increasing rates to cities and industrial centres in search of higher-paid employment beyond the agricultural sector, such as in goods manufacturing and the service industry, as well as social services such as schools. It is important to ensure that internal migrants can access the full suite of social services and job possibilities so that they can be food secure. Moreover, rural development policies should focus on keeping farmers where they are by offering incentives to avoid migration from villages to cities.

## C. Adequacy: all forms of malnutrition

67. To be considered adequate, food must meet a person's dietary needs, depending on his or her age, living conditions, health, occupation and gender, among other factors. To be adequate, food should also be safe for human consumption, free of harmful substances, culturally acceptable and nutritious.

68. Viet Nam has issued the National Nutrition Strategy for the period 2011–2020 with a vision toward 2030, the National Nutrition Action Plan and, most recently, resolution No. 20-NQ/TW on the protection, care and improvement of people's health. All these policies, which focus on nutrition and the allocation of necessary resources, are closely monitored and periodically evaluated by nutrition experts. Implementation in areas with difficulties is always placed among the top priorities. These are all good policies for providing nutritious and diversified diets for all. Despite the successful policies on reducing stunting and wasting, in recent years Viet Nam has been dealing with overweight and obesity problems, especially among middle-income families in cities.

### 1. Stunting and wasting

69. The progress made by Viet Nam in combating undernourishment has been remarkable. The proportion of undernourished in the total population fell from 46 per cent

<sup>31</sup> International Centre for Environmental Management, *Strategic Mainstreaming of Ecosystem-based Adaptation in Vietnam: Vulnerability Assessment for Ecosystem-based Adaptation*, Report 2 – *Quang Binh Provincial Level Vulnerability Assessment for Ecosystem-based Adaptation*, 2016. Available at [www.climatechange.vn/en/wp-content/uploads/sites/2/2017/04/VA-Report2\\_ENG.pdf](http://www.climatechange.vn/en/wp-content/uploads/sites/2/2017/04/VA-Report2_ENG.pdf).

<sup>32</sup> This figure only covers registered migrants and does not include those migrants working in the informal sector and seasonal migrants. General Statistics Office, *Migration and Urbanization in Vietnam: Patterns, Trends and Differentials*, based on the 2009 Housing and Population Census and prepared with support from the United Nations Fund for Population Activities (Hanoi, 2011).

in the period 1990–1992 to 13 per cent in the period 2012–2014.<sup>33</sup> The Global Food Security Index currently ranks Viet Nam as sixty-fourth in the world in terms of achieving food security.<sup>34</sup>

70. According to the most recent General Nutrition Survey (2009–2010), one in three children under the age of 5 suffered from stunting, defined as being too short for their age in the first 1,000 days of their life. According to more recent government figures, in 2015 the stunting rate of children under 5 years was 24.3 per cent.<sup>35</sup> Since 2000, this rate has decreased nationwide by 0.8 per cent per year on average, with a more marked decrease in remote areas.

71. The General Nutrition Survey revealed emergent socioeconomic disparities as well as regional disparities: stunting rates among children in remote and inaccessible areas, affecting certain minority groups in particular, were twice as high as among their peers in areas where normal conditions prevail.<sup>36</sup>

72. Stunting results in an irreversible outcome due to chronic nutritional deficiency and negatively affects the development of a child's brain. The Special Rapporteur was therefore pleased to see that the 2011–2012 National Nutrition Strategy focuses on reducing stunting.

73. The Special Rapporteur was also informed during her visit that the Government has an ambitious plan to increase the average height of the Vietnamese people by 2013. Great caution should be used with regard to such projects. This one, approved by the Government in 2011, is estimated to cost about \$287 million and covers studies and action programmes that will increase awareness and encourage exercise and other healthy habits. It has a particular focus on milk consumption.

74. The Special Rapporteur would like to recall that it is crucial that nutrition policies are comprehensive with an eye towards a diversified and healthy diet targeting all forms of malnutrition, including obesity and micronutrient deficiency. Reaching these ambitious goals depends on making sure that they are adequately supported financially and supervised by independent experts from a health perspective, as well as monitoring private sector involvement.

## 2. Increases in levels of obesity and unhealthy eating habits

75. Unbalanced nutrition is the result of eating too many carbohydrates, eating inappropriate food or not taking enough exercise; it leads to excess weight and, ultimately, obesity. Overweight in Viet Nam is emerging as an issue among the population in urban areas due to changing lifestyles, coupled with diets high in sugar and maize, placing this segment of the population at risk of a variety of obesity-related diseases.

76. Although it is not a key issue in terms of the number of people affected, overweight rates for children in Viet Nam are on the rise: the General Nutrition Survey showed that nationally, close to 6 per cent of children under 5 years are overweight or obese. In Ho Chi Minh City and Hanoi, this figure rises to 12–15 per cent. The national rates are six times higher than in 2000, putting an increasing number of children at risk of contracting a variety of obesity-related diseases. The trend is disturbing, and should be addressed at an early time as a high policy priority.

77. In 2015, the Ministry of Health of Viet Nam cooperated with the World Health Organization (WHO) in conducting a national survey on factors causing non-communicable

<sup>33</sup> Luu Ngoc Luong, "Overview of agricultural development in Vietnam", in Elizabeth Petersen, ed., *Vietnam Food Security Policy Review*, monograph No. 196 (Canberra, Australian Centre for International Agricultural Research, 2017).

<sup>34</sup> See <http://foodsecurityindex.eiu.com/Country/Details#Vietnam>.

<sup>35</sup> See [www.unicef.org/vietnam/resources\\_21138.html](http://www.unicef.org/vietnam/resources_21138.html).

<sup>36</sup> *Ibid.*

diseases, working towards solutions to prevent and mitigate negative effects for the period 2015–2025.

### 3. Breastfeeding practices

78. The World Health Organization recommends breastfeeding in the first hour after birth and continued exclusive breastfeeding during the first six months of life. Once that stage has been passed, appropriate supplementary foods should be introduced in conjunction with breastfeeding, and that practice should continue until a child is at least 2 years of age.

79. According to the most recent General Nutrition Survey, somewhat less than 20 per cent of infants in Viet Nam were exclusively breastfed until the age of 6 months; during the same period 35 per cent of children were bottle-fed before the age of 2, which involves the introduction of a corporate baby formula into the early diet.<sup>37</sup> Breastfeeding is not only beneficial to the child's health and develops healthy immune systems, but also provides immediate and, over time, health protection benefits for the mothers.

80. The Special Rapporteur was impressed to observe that the 2012 Labour Code increased maternity leave from four to six months, one of the longest maternity leave periods in Asia. Longer maternity leaves encourage mothers to attend to the health and nutrition of their children and offer enhanced opportunities for breastfeeding. She strongly encourages Viet Nam to maintain and protect breastfeeding, and especially to resist pressure from either private or public sector employers.

81. The Special Rapporteur was pleased to learn that the Government of Viet Nam supports the most recent relevant recommendations of WHO through the 2012 Law on Advertising and Decree No. 100/2014/ND-CP 2014 on the trading in and use of nutritious products for infants, feeding bottles and teats, which, inter alia, prohibits the advertisement of breast-milk substitute for children under 24 months old and dietary supplements for children under 6 months old, and strictly regulates the use of artificial feeding bottles and teats.

### 4. School feeding

82. The Special Rapporteur was informed during the visit of a lack of a complete government school feeding programme; such programmes are important in ensuring children's access to nutritional food. On the other hand, she received information about the Milk Programme. This raised several concerns related to the lack of alternatives for children, in particular in relation to lactose intolerance but also due to the fact that there seem to be vested interests on behalf of the corporate sector, in particular the milk and packaging industries.<sup>38</sup>

### 5. Food safety

83. Food safety has been a priority in Viet Nam since the 1990s, but the number of food poisoning outbreaks has not diminished. In 2017, there were 148 recorded cases of food poisoning, affecting 4,087 people and claiming 24 lives. These numbers are on a downward trend compared with those of previous years. Food safety issues are of great concern to the people in Viet Nam, in the cities and in the rural areas, both with regard to local produce but also with respect to imported products.

84. Viet Nam has a thriving street-food tradition, which also is an important source of income as well as a way for people to access nutritious, varied food at an affordable price. However this sector, due to its size and relative informality, remains difficult to oversee and the quality of the food served cannot be guaranteed to be safe.

<sup>37</sup> See [www.unicef.org/vietnam/resources\\_21138.html](http://www.unicef.org/vietnam/resources_21138.html).

<sup>38</sup> See [www.tetrapak.com/sustainability/cases-and-articles/supporting-schoolchildren-in-vietnam](http://www.tetrapak.com/sustainability/cases-and-articles/supporting-schoolchildren-in-vietnam).

85. According to the Viet Nam Food Administration, traditional practices of preparing food are usually not hygienic and the lack of refrigeration limits the ability of many vendors and consumers to store food at safe temperatures. In the more remote areas the lack of clean water for cooking and for properly washing kitchen utensils is a major problem that leads to the spread of food-borne pathogens. The Ministry of Health further notes the difficulty in guaranteeing hygiene in food processing establishments, especially small or household ones.<sup>39</sup>

86. The Ministry of Health also informed the Special Rapporteur of a lack of labelling. For example, most fresh foods, such as vegetables, fruits, meat and seafood, are not labelled or their origins identified, causing difficulties in detecting sources of food poisonings and handling violations. There is also a problem of food smuggling across the borders of neighbouring countries.

#### *Law and policy*

87. The Law on Food Safety of 2010 divides the responsibility for food safety between three different ministries: the Ministry of Health, the Ministry of Agriculture and Rural Development and the Ministry of Industry and Trade, depending on the category of food and type of industry.<sup>40</sup>

88. Since the Special Rapporteur's visit to Viet Nam, government agencies have drafted relevant legal documents on food hygiene and safety to overcome recent shortcomings in the management of this area.<sup>41</sup>

89. The National Strategy on Food Safety for 2011–2020 sets the general objectives for implementing the global plans on food safety, from production to consumption, by 2015, and for ensuring food safety in the entire food supply chain by 2020.<sup>42</sup>

#### *Standards*

90. Viet Nam has actively developed national standards and regulations on food safety. It has issued 365 national standards on food safety and 29 national technical guidelines.<sup>43</sup> Viet Nam also participates in developing international and regional standards and regulations on food safety.

91. Relevant ministries and authorities implement policies and regulations on food safety in the production, trade, delivery and preservation of fresh and raw food; food imports and exports; food production and trade; and management and control of genetically modified food. Viet Nam also manages risk of food contamination through a system of rapid warning and risk analysis.<sup>44</sup>

92. Regarding the inspection and handling of food safety violations, in the period 2011–2016, 153,493 intersectional inspection teams were established and examined 3,350,035 establishments, 20.3 per cent of which were detected as violating food safety provisions. Cases of violations are detected and handled in strict compliance with the law (fining, disposing of contaminated food, withdrawing licences, etc.) and made public in the mass media.

<sup>39</sup> Inputs from the Ministry of Health.

<sup>40</sup> Input from the Ministry of Health in follow-up to the mission.

<sup>41</sup> Ibid.

<sup>42</sup> Details of the Strategy provided by the Government in written comments following the mission.

<sup>43</sup> Inputs from the Ministry of Health in follow-up to the mission.

<sup>44</sup> Regarding food poisoning and food-borne diseases, there was a statistical average of 167.8 cases per year from 2011 to 2016, with 5,065.8 patients and 27.3 deaths. The causes of food poisoning are primarily microorganisms (40.2 per cent), natural poisons (27.9 per cent), chemicals (4.3 per cent) and unidentified agents (26.6 per cent). See decision No. 518/QĐ-TTg of 27 March 2013.

93. The Vietnamese legal framework is comprehensive and based on international standards.<sup>45</sup> The Penal Code contains a provision on breaching regulations on food hygiene and safety.<sup>46</sup> The Special Rapporteur remains concerned, however, that the responsibility for overseeing food safety is divided between three different ministries, and that this might reduce the reliability and efficiency of oversight mechanisms and control procedures. The lack of effective monitoring and sufficient resources for supervision is a weakness that could be addressed by imposing more severe fines for food safety breaches. If well implemented, a system of fines and penalties will improve food safety for the Vietnamese people.

94. The excessive and, to a certain extent, unregulated use of pesticides and other chemicals in the production chain is another important food safety issue. It leads to contamination of food, which is very dangerous for consumers as well as agricultural workers. Contaminants in food include non-food colouring additives, pesticides and fungicides, antibiotics and heavy metals such as cadmium and mercury. The Ministry of Health highlights that monitoring the use of banned substances, chemicals, antibiotics, veterinary drugs, preservatives and food additives in preliminary processing and processing of food is becoming increasingly complicated.<sup>47</sup>

#### **D. Sustainability: risks associated with rapid economic growth, industrialization and climate change**

95. Owing to a fast-growing economy and industrialization, environmental pollution and resource depletion have become important problems in Viet Nam. There has been an increase in the use of pesticides and growth stimulants in the agricultural sector, which pollutes land and water.

96. The rapid economic development of Viet Nam should never occur at the expense of human rights, food security, and depleting or destroying the country's rich natural resources. The sea, rivers, streams, ponds and lakes are becoming increasingly polluted from factories in industrial zones, either as a result of their regular functioning or accidents. Such contamination has a direct impact on the access to safe drinking water and the fish population, and an indirect impact on the livelihood of fisherfolk. As a result of urbanization, domestic users discharge water without proper waste management systems, which has the effect of contaminating agricultural land.<sup>48</sup>

97. In the context of industrial development, it is vital that development plans and policies take into account the true cost of export-oriented farming methods on human health, soil and water resources as well as the impact of environmental degradation on future generations, rather than basing policy only on short-term profitability and economic growth.

##### **1. Impact of the "Formosa incident" on fisherfolk and the environment**

98. According to information received and testimonies, on 4 April 2016, during the pilot operation of the Formosa steel production factory, located on the coast in Ha Tinh Province, north of Quang Binh, a local diver and a group of fishermen discovered an underground pipe near the plant leaking dark yellow water.

<sup>45</sup> Viet Nam is a member of a number of international organizations involved with food safety, such as WHO, FAO and the Codex Alimentarius Commission. In the period 2011–2016, 123 legal documents (including laws, ordinances, decrees, circulars and regulations) were promulgated.

<sup>46</sup> This is contained in the 1999 Penal Code. The 2015 Penal Code includes five further crimes relating to food hygiene and safety (arts. 317, 190, 191, 193 and 195).

<sup>47</sup> Inputs received from the Ministry of Health.

<sup>48</sup> Luu, "Overview of agricultural development in Vietnam".



99. Two days later, tons of dead fish began washing up along the coasts of the four provinces of Ha Tinh, Quang Tri, Quang Binh and Thua Thien-Hue. Seafood catches dropped dramatically as all fishing activities had to be suspended, with direct effects on people's livelihoods for months.

100. Following an investigation and, later, an official apology on behalf of the Formosa Company in June 2016, the Prime Minister decided to grant compensation to the inhabitants of seven affected sectors in the four provinces.<sup>49</sup> The total amount paid by the foreign company was \$500 million, divided among 510,000 individuals in 22 coastal districts in the four affected provinces. In Quang Binh local authorities confirmed that they had received \$140,000 dollars that were distributed among victims.

101. During both her visit to Quang Binh and in analysing an impact assessment conducted by the United Nations Development Programme (UNDP) in collaboration with the local government, the Special Rapporteur received information that compensation had not been distributed in a completely transparent manner. Further, it seemed insufficient in relation to the long-term impact on the fishermen and their families' livelihoods.<sup>50</sup>

102. The Special Rapporteur was told by several individuals that they had found themselves obliged to eat the contaminated fish, due to the drastic income reduction from being unable to fish. In the affected region, internal and international migration has become more widespread as people look for new work opportunities. She encourages the Government to be more transparent regarding the scheme to compensate families for the severe impacts on their livelihoods as there have been large numbers of claims of discriminatory practices.

103. In follow-up to the visit, the Special Rapporteur received detailed information on important complementary compensation schemes put in place on behalf of the Government that also address the long-term impacts of the incident on the people.

## 2. Increased and uncontrolled use of pesticides

104. Pesticides have a dangerous impact on human health, especially for children and pregnant women, who are particularly vulnerable to their long-term effects. Toxic chemicals that remain in products purchased by consumers also have detrimental health impacts. Unfortunately, it has been extremely difficult to directly and scientifically link a variety of serious health issues to a particular pesticide. Moreover, many countries, including Viet Nam, lack effective monitoring systems to regulate the pesticide industry, supervise their use by farmers, monitor the use of protective equipment and effectively control illegal traffic of the pesticides into the country (A/HRC/34/48).

105. The Government of Viet Nam has expressed its commitment to limit the use of pesticides and states that chemical pesticides are now, to a certain extent, being replaced by biological pesticides, which are safer for the environment, the people and food safety.

106. It is important to highlight the dangers of pesticide exposure for human health, as well as for soil, air and water. The Special Rapporteur is concerned about the increasing use of pesticides in Viet Nam and the lack of effective monitoring systems.

107. In view of the indivisibility of human rights, the adverse effect of pesticides, in addition to violating the right of access to safe and adequate food, violates other human rights. Article 12 of the International Covenant on Economic, Social and Cultural Rights provides for the right to the highest attainable standard of health (para. 1) and requires States to take measures to improve all aspects of environmental and industrial hygiene (para. 2 (b)). Exposure to pesticides, whether at the farm, school, workplace or home or as residue in food or water, would violate a person's right to the highest attainable standard of health. The Special Rapporteur expresses her concern that shifting to an industrial

<sup>49</sup> Decision No. 1880/QD-TTg of 29 September 2016.

<sup>50</sup> The report on the livelihood impact assessment of 16 coastal communes and townships of Quang Tri Province, produced by UNDP and provincial authorities, was received in hard copy during the mission.

agricultural system while modernizing it would have a detrimental impact on environmental and human health in the long term.

### 3. Impact on agriculture of the use of dioxin (“Agent Orange”)

108. During the war with the United States, some 20 million gallons of the herbicide known as “Agent Orange” were sprayed over vast areas in the centre and south of Viet Nam in order to clear away foliage for targeted bombing. Agent Orange contains the highly toxic chemical dioxin. Scientific research has demonstrated that even small amounts of dioxin may cause various diseases, birth defects and other disabilities.

109. Since the war, the dioxin concentration of the soil in the sprayed areas has diminished, yet it remains dangerous in highly contaminated hotspots, mostly located in the vicinity of former military airbases and warehouses. Dioxin seeps into the soil slowly; it eventually affects groundwater resources and food chains, contributing to continued exposure of nearby communities through their dependence on local fish and crops.

110. The Special Rapporteur had the chance to visit and speak to children with disabilities in Can Tho, some of them directly affected by Agent Orange. She remains concerned about their well-being and their families’ livelihoods, and also the continuing impact of Agent Orange on agricultural land with its potentially harmful effects on the right to food in Viet Nam, as well as long-term birth defects that are passed on from generation to generation.

### 4. Genetically modified organisms

111. Since 2006, the Prime Minister has approved two key programmes for biotechnology in agriculture (for maize, soybeans, sweet potatoes and cotton products, among others) and fisheries.<sup>51</sup> This is part of the Government’s general effort to increase productivity along with a number of technological improvements in the country’s agricultural sector. In this process it is important to take into account the food sovereignty of farmers and their freedom to use and exchange seeds freely, as well as to preserve indigenous seeds and the valuable associated traditional knowledge. Moreover, genetically modified organisms are not attractive in some otherwise promising potential export markets such as Europe. Such concerns should be carefully assessed before expanding the use of genetically modified organisms within the Vietnamese agricultural sector.

### 5. Climate change and disaster management

112. The Asia-Pacific region is among those deeply affected by natural disasters and climate change, making food security one of the main issues. Viet Nam itself is one of five countries most vulnerable to climate change and for this reason Viet Nam has chosen food security and promotion of sustainable agriculture as a topic of discussion at the 2017 meeting of the Asia-Pacific Economic Cooperation forum, emphasizing the need for all countries in the region to work together in finding a group of comprehensive solutions – not just in the agricultural sector – for achieving food security for the people.<sup>52</sup>

113. Disasters and extreme climate events such as drought, flooding and salinity intrusion are common in Viet Nam, especially in the Mekong Delta, the Central Highlands and the Southern Central provinces.

114. Hazardous weather events in Viet Nam are now more frequent, intense, longer and difficult to forecast due to climate change. Since the 1970s, natural disasters have caused more than 500 deaths annually in Viet Nam and amount to more than 1.5 per cent of GDP in economic losses. The report of Viet Nam on its intended nationally determined contribution, which was launched in October 2015 for the Conference of the Parties to the United Nations Framework Convention on Climate Change, indicates that these costs could rise to 3–5 per cent of GDP by 2030.

<sup>51</sup> Decision No. 97/2007/QĐ-TTg of 28 June 2007.

<sup>52</sup> Inputs from the National Assembly in follow-up to the mission

115. Extreme climate events such as typhoons, of which Typhoon Damrey, one of the worst storms to hit Viet Nam in years, is a recent example, typically sweep through largely poor, rural areas of Viet Nam with deadly force. According to the United Nations Children's Fund (UNICEF), Damrey hit poor communities where the nutritional status of children was already of concern due to malnutrition rates above the national average.<sup>53</sup>

Populations in that region rely heavily on agriculture and fish farming for their livelihood and the storm caused extensive damage to infrastructure, which is seriously reducing the capacity of poor families to earn a sufficient income to care for their children properly.

116. The Special Rapporteur was encouraged by the steps taken by Viet Nam to mitigate these impacts, and she also takes this opportunity to urge the Government to undertake all necessary measures in this regard, based on a human rights approach and placing women and girls in particular at their heart.

## VI. Population groups requiring special attention: ethnic minorities

117. There are about 13 million persons belonging to ethnic minorities in Viet Nam, living mainly in remote and mountainous areas. The poverty rate among ethnic minorities stands at 23 per cent, four times higher than the national average. Over the years, the Government has implemented a number of policies to speed up socioeconomic development in ethnic minority areas.

118. The Government has issued a number of decisions to boost landownership and facilitate farming and settlement, access to clean water and employment for ethnic minorities, such as decision Nos. 33/2013, 755/2013 and 29/2013 of the Prime Minister. Additionally, the Government has implemented decision Nos. 54/2012 and 2085/2016 on financing for farming production and assistance on poverty reduction.

119. The decisions and policies allow for the construction of infrastructure, educational facilities and irrigation systems and further provide financial support, loans, capacity-building and investment in science and technology to improve the livelihood of ethnic minorities. Members of ethnic minorities are assisted with arable and residential land. In areas where there is not enough land, they are provided vocational training to help secure decent employment. Each eligible family is entitled to receive up to 30 million dong for the purchase of residential land. In-kind support is also provided in the form of agricultural seeds and equipment, livestock and veterinary services.

120. The Ministry of Education and Training has specific policies in place for ethnic minorities. It issued decree No. 116/2016 with a view to supporting ethnic minority students and education in communes facing serious difficulties. The decree allows for subsidies for rice, other food and housing for ethnic students. Specifically, each student gets 15 kg of rice each month free of charge for up to nine months per school year; for other food, each student receives assistance equivalent to 40 per cent of the baseline salary for up to nine months per school year; and for housing, students not living in school-provided dormitories each receive an amount equivalent to 10 per cent of the baseline salary for up to nine months per school year.<sup>54</sup>

## VII. Conclusions and recommendations

121. **In concluding, the Special Rapporteur notes that human rights are of central importance to the success and achievements of the sustainable development efforts of Viet Nam, which are closely connected with achieving high levels of food security and self-sufficiency. The Special Rapporteur's recommendations are made in a spirit of**

<sup>53</sup> UNICEF, "150,000 children in Viet Nam are still at risk of malnutrition more than a week after Typhoon Damrey", press release, 13 November 2017.

<sup>54</sup> Inputs from the Committee on Ethnic Minority Affairs.

admiration for the progress that Viet Nam has made in recent years with respect to poverty reduction and improving food security and nutritional standards.

122. Viet Nam is clearly committed to the implementation of the Sustainable Development Goals and submitted its Voluntary National Review report in July 2018.<sup>55</sup> The Special Rapporteur encourages Viet Nam to continue to ensure full and meaningful participation by civil society during the consultation period.

123. The Special Rapporteur strongly encourages Viet Nam, in line with a number of recommendations made in the framework of the universal periodic review process, to consider the establishment of an independent national human rights institution in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles).

124. The Special Rapporteur trusts that the Government will give priority to designing and implementing effective policies with the participation of all relevant stakeholders aimed at ensuring the right to adequate food. She is convinced that Viet Nam could further improve the current situation and make impressive strides in attaining food and nutrition security for everyone in the future, while at the same time working towards achieving the Sustainable Development Goals.

125. Finally, the Special Rapporteur wishes to reiterate her commitment to continue the dialogue initiated during her visit. She looks forward to working with the Government in a spirit of cooperation on the implementation of her recommendations.

126. In order to meet its human rights obligations, especially the right to food, Viet Nam should:

(a) Ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights;

(b) Implement the voluntary guidelines issued by FAO on activities relating to the establishment of national agricultural policies, specifically the Voluntary Guidelines to Support the Progressive Realization of the Right to Adequate Food in the Context of National Food Security; the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security; and the Principles for Responsible Investment in Agriculture and Food Systems;

(c) Guarantee the inclusion of an explicit recognition in the country's Constitution of the right to adequate food;

(d) Prepare and adopt a human rights-based national framework law on the right to food, with effective benchmarks and implementation plans for each region. The framework law should: (a) include a financial structure that contains the necessary budgetary and taxation measures for support to smallholder farmers, as well as gender-sensitive budgeting; (b) protect long-term sustainability for agricultural production; (c) establish authorities and agencies responsible for implementation; (d) provide for the proper supervision and accountability mechanisms to promote the full and active participation of all interested parties, including those most vulnerable;

(e) Ensure the application of the basic principles and guidelines on development-based evictions and displacement (A/HRC/4/18, annex I), which constitute a practical tool to assist States and agencies in developing policies, legislation, procedures and preventive measures to ensure that forced evictions do not take place, that violence is prevented and that effective redress is provided for persons whose human rights have been violated;

<sup>55</sup> Available at [https://sustainabledevelopment.un.org/content/documents/19967VNR\\_of\\_Viet\\_Nam.pdf](https://sustainabledevelopment.un.org/content/documents/19967VNR_of_Viet_Nam.pdf).

(f) In case of industrial accidents that are harmful to the environment and human health, inform the public in a timely manner and make available a transparent compensation system to avoid a severe impact on local people;

(g) Create and ensure the proper functioning of an independent institution to oversee human rights, in accordance with the Paris Principles.

(h) Continue its agricultural policy in the direction of diversifying agricultural production and support other agricultural sectors besides rice production;

(i) Promote organic farming and agroecology and provide them with support, including financial mechanisms, and introduce training programmes for agroecological practices;

(j) Legislate to limit the excessive and dangerous use of toxic agrochemicals, establish monitoring systems, provide appropriate enforcement of the law and adequate compensation for affected persons;

(k) Reform the school feeding programme to ensure that it has national coverage and that it contains all the elements of a nutritious diet, avoiding corporate influence;

(l) Develop properly financed, comprehensive nutrition policies aimed at dealing with stunting and wasting of children, micronutrient deficiency and obesity. Their impact should be monitored and assessed on the basis of the relevant human rights indicators;

(m) Mainstream a gender perspective in the institutional and legislative framework in order to enhance access to adequate food and nutrition for women and girls. Additional incentives should be developed for rural women to access land, credit and other productive resources.

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