

PERMANENT MISSION OF THE
SOCIALIST REPUBLIC OF VIETNAM
to the United Nations Office,
the World Trade Organization
and Other International Organizations at Geneva



MISSION PERMANENTE DE LA
REPUBLIQUE SOCIALISTE DU VIETNAM
auprès de l'Office des Nations Unies,
de l'Organisation Mondiale du Commerce
et des autres Organisations Internationales à Genève

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Geneva, 26 December 2011

Excellency,

I have pleasure to transfer to you the response of the Government of Viet Nam to the questionnaire on the right to enjoy the benefits of scientific progress and its applications.

I would like also to take this opportunity to assure you that the Government of Viet Nam will closely and constructively cooperate with the Human Rights Council's mechanisms on human rights' fields, including those of culture rights.

Please accept, Excellency, the assurances of my highest consideration.

A handwritten signature in blue ink, appearing to read 'Vu Anh Quang'.

Vu Anh Quang
Minister, Chargé d'affaires

Ms. Farida SHAHEED
Independent Expert on the field of culture rights
Human Rights Council

OHCHR REGISTRY

28 DEC 2011

Recipients : SPD.....

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VIET NAM'S RESPONSE TO THE QUESTIONNAIRE ON THE RIGHT TO ENJOY THE BENEFITS OF SCIENTIFIC PROGRESS AND ITS APPLICATIONS

Accessing the benefits of science and its applications

1. What legal, administrative and policy measures exist or are planned in your country?

a. To ensure that marginalized groups benefit from scientific progress and its applications, including, women, persons with disabilities, minority groups, rural communities and indigenous peoples?

The Prime Minister issued Decision No. 975/QĐ-TTg on 20 July 2006 to support and provide telecommunication services to ethnic minority, mountainous, disadvantaged areas, as well as Decision No. 191/2004/QĐ-TTg stipulating the establishment, organization and operation of Viet Nam's Fund for Public Benefit Telecommunication Services in order to assist entitled persons.

The Government issued Circular No. 28/2009-TT-BTTTT stipulating the application of standards and technologies assisting people with disabilities in using Information and Communication Technology. In 2011, in co-ordination with the Bill & Melinda Gates Fund, the Ministry of Information and Communications implemented the expanded "Enhancing computer literacy and Internet capabilities in Viet Nam", building on a programme of Viet Nam's Fund for Public Benefit Telecommunication Services since 2008.

In addition, based on the initiative of the Ministry of Science and Technology, the Prime Minister issued Decision No. 1831/QĐ-TTg on 1 October 2010 approving the programme on assistance for the application and transfer of technological advances for socio-economic development in rural and mountainous areas for the 2011-2015 period.

c. To ensure and facilitate broad access to information and communication technologies (e.g. computers, internet and mobile phones)?

The National Target Programme on "Information coverage in mountainous, remote, border areas and islands" was approved by the National Assembly in 2010 aiming at enhancing access to information, internet and other modern media for people living in remote areas and with disadvantaged conditions. In 2011, the Ministry of Information and Communications implemented this Programme in 8 provinces.

"The Plan to transform Viet Nam into an ICT-strong country" was approved by the Government in 2010 with a view to building and implementing adequate support solutions to make information available to every household, expanding the coverage areas of Viet Nam's Fund for Public Benefit Telecommunications

Services and utilizing financial contributions from telecommunications enterprises.

The Prime Minister issued Decision No. 199/QĐ-TTg approving “The Plan to develop information and communications in rural areas in 2011-2012” aimed at developing infrastructure and modern ICT networks, ensuring a two-way information flow between the central and grass-roots levels, thus enabling residents in rural areas to quickly access information.

d. To identify and develop the scientific applications necessary for sustainable solutions to ensure the right of everyone to have access to safe and nutritious food, access to potable water and sanitation, and to address climate change?

In the meetings of the UN Framework Convention on Climate Change (UNFCCC) and the Kyoto Protocol, Viet Nam has raised the questions of socio-economic and environmental impacts of response measures, and the necessary actions to meet the demands and specific concerns of developing countries arising from the consequences of other countries’ implementing their own response measures.

2. What are the key challenges faced in your country in undertaking research at the domestic level and ensuring access to scientific developments and its applications, particularly for marginalized groups?

Viet Nam has adopted laws and plans on the development and enhancement of information technology. However, to ensure access to scientific achievements and applications, in particular for disadvantaged groups, remains a challenge. Viet Nam is a developing country with limited resources and technical infrastructure in ICT. Per capita income is still low. There are many ethnic minorities who live in scattered, difficult-to-access locations, making it difficult to develop telecommunication technologies.

Particularly in the midst of the global economic crisis, Viet Nam also faces financial difficulties, hindering the implementation of projects aimed at expanding information access for all rural and remote areas.

Scientific responsibility, safeguards and remedies

3. What legal, administrative and policy mechanisms exist or are planned in your country?

a. To regulate and monitor scientific research and its applications in the private and public sector so as to provide safeguards against any infringement upon the full enjoyment of human rights? In particular, to safeguard the human rights of participants in research activities and applications by public and private scientific institutions (e.g. rights to information, free and informed consent)?

Existing and future legal, administrative and policy frameworks are aimed at regulating and monitoring of scientific researches and applications in both

private and public sectors, safeguarding human rights in research and application activities carried out by private and public research institutions. These are stipulated in the Law on Science and Technology, Law on Technological transfer and in the documents providing guidelines on their implementation such as the Decree on administrative sanctions for violations in the field of science and technology, the Decision on the Provisional regulations on developing and managing science and technology projects, the Regime on assessment of focus laboratories.

b. To protect the rights of indigenous peoples and local communities whose traditional knowledge is utilized, in the development, dissemination and commercialization of scientific information and knowledge?

Regulation on the protection of rights of ethnic minorities and local communities in the dissemination and commercialisation of technology, information knowledge, including the utilization of their knowledge is stipulated in the Law on Intellectual Property, Law on Technological Transfer and the documents guiding their implementation, such as Decree no. 103/2006/ND-CP of the Government on detailed stipulations and guidelines on the implementation of certain articles of the Law on Intellectual property on industrial property, Decree 105/2006/ND-CP of the Government on detailed stipulations and guidelines on the implementation of certain articles of the Law on Intellectual Property on ownership and state management of intellectual property, regulations on geographical indications. For example, Article 10.3 of the Law on Technological Transfer stipulates the restriction of transfer of some technology in order to protect national cultural values.

c. To provide effective remedies and safeguards for any human rights violation related to scientific research or the applications of science or technology? (e.g. judicial review, national human rights institutions or ombudspersons, and other administrative arrangements).

According to the Law on Science and Technology (Articles 34 to 41), the State of Viet Nam has mechanisms and measures to protect against human rights violations related to science and technology research or applications. These articles stipulate the rights, obligations of individuals and organizations engaged in science and technology activities, measures to ensure the training of human resources and fostering talent as well as utilization of human resources and investment in science and technology.

In addition, Viet Nam has a National Science & Technology Development Fund and encourages individuals and organizations to set up their respective funds in accordance with the Law on Science and Technology. Every year, the State allocates budget for training of human resources in science and technology in Viet Nam and overseas, focusing on training, fostering talent, highly skilled technicians and workers.

The rights of scientists and collaborative work

4. What measures have been put in place to recognize, respect and protect the rights of

scientists?

a. To freedom of expression, information and association?

Viet Nam's law recognizes and protects the rights of scientists to freely conduct scientific research activities, express opinions, information and participate in scientific groups for the purpose of national development, benefiting the community. Under the Scientific and Technology Law (Article 17), any science and technology organization or individual with enough expertise and equipments are eligible to conduct specified research, scientific - technological task. Media Law (Article 4) regulates freedom of press, freedom of speech on the press. Publication Law (Article 5) provides that scientists or individuals have the right to publish their work, the State guarantees the right to disseminate the work in form of publications through publisher and protects their copyrights.

On freedom of association, Viet Nam's law stipulates for the operation, registration procedures of associations and other organizations which are handled by the focal point Ministry of Home Affairs. At the moment, profession-oriented associations are encouraged and facilitated in their operations. For example, in the communications sector, there are 11 unions/associations: Viet Nam Journalist Association, Viet Nam Informatics Association, Viet Nam Radio-Electronics Association, Viet Nam Publication Association, Viet Nam Electronic Industries Association, Viet Nam Software Enterprises Association, Viet Nam Stamps Association...

Article 129 of the Penal Code provides that those who obstruct citizens from exercising their rights to assembly and/or to association, and have been disciplined or administratively sanctioned for such acts but continue to commit further violations shall be subject to warning, non-custodial reform for up to one year or imprisonment between three months and one year.

Article 130 of the Penal code stipulates that those who use violence or commit serious acts to prevent women from participating in political, economic, scientific, cultural and social activities shall be subject to warning, non-custodial reform for up to one year or imprisonment between three months and one year.

5. What legal, administrative, policy or other measures have been adopted are under consideration to eliminate barriers to scientific communication and collaboration, such as censorship, restrictions on access to the internet or on free availability of scientific literature and journals?

Viet Nam's law creates favorable conditions for internet and information technology users and also prevents the misuse and abuse that affect the national security, laws, morals and adversely impact adolescents.

Viet Nam encourages internet usage for socio-economic and cultural development, administrative reform and improvement of quality of life for the people. According to the 2011 International Telecommunication Union (ITU)

report, Viet Nam ranked third on the Information and communications technology development index (IDI) for the 2008-2010 period and ranked first in the IDI access sub-index. ITU report credited the Vietnamese Government's active role in the success.

Participatory decision – making and transparency

6. What measures are put in place to ensure dissemination of information about ongoing scientific research and its applications, including potentially adverse effects of emerging areas of research and its applications to the public at large?

The Ministry of Information and Communication facilitates licensing for magazines, specialized newspapers of agencies and other social and advances professional organizations. The press agencies publish scientific knowledge, the specialized journals share scientific researches from various industries and sectors. The media also have sections for comments, feedbacks from readers.

7. What opportunities exist for meaningful public participation in decision-making about existing and new developments in science and technology?

Measures to ensure public information sharing on on-going scientific research and its application are specified in the Scientific and Technology Law and documents guiding its implementation such as provisions on the proposal and selection of organizations and individuals in charge of implementing the scientific and technology tasks, the regime on registration, storage and usage of research's outcome, scientific and technology tasks management, scientific and technology reporting system...

The Scientific and Technology Law also specifies that individuals and organizations are entitled to participate in identifying, selecting and implementing the scientific and technology tasks, to be consulted on draft normative acts in the field of science and technology as are published on the websites of the Ministry of Science and Technology and the Government (in accordance with the Law on the Promulgation of Normative Acts).

8. What steps have/are being taken to promote quality science education at all levels for all in particular for girls, rural populations and the poor?

The Ministry of Education and Training has been implementing changes to promote quality of science education at all levels, especially for the poor and rural populations. Document No. 872/CP-KG on 2 July 2003 by the Prime Minister approved a National Action Plan on education for All. The Plan stipulated concrete targets and criteria for literacy work, especially for women and other vulnerable groups and ensured that these people have access to this Plan.

Document No. 112/2005/QD/TTg on 18 May 2005 by the Prime Minister approved the Project of developing a learning society (period 2005-2010) to improve literacy results and ensure equal ratio of literacy between men and women. Literacy work has achieved good results. Over 85% of workers in the

agriculture and fishery accessed and benefited from the training programs in order to enhance their knowledge, working capacity and quality of life.

The Ministry of Education and Training is completing Literacy Project (period 2011-2020), giving priority and specific targets on literacy work for women, girls, the poor, ethnic minorities and disadvantaged areas. The Ministry of Education and Training has developed solutions to improve the effectiveness of this work: promoting the dissemination of information about the purpose and benefits of lifelong learning in order to build a learning society; strengthening the facilities and equipment to consolidate and develop the network of educational institutions; intensifying support measures for learners to improve the quality and effectiveness of learning; strengthening international cooperation on financial support, technical assistance, organizing conferences and seminars on the role and significance of learning.

International cooperation, achievements and challenges

9. Is the development and application of science and technology integrated in international cooperation policies, such as direct development assistance programs? If so, please provide details.

Viet Nam has cooperation in science and technology with about 70 countries and international organizations at different levels, including most of developed countries, countries in the region, especially the ASEAN countries.

International cooperation in science and technology contributes significantly to absorbing and updating new knowledge, enhancing science and technology potential, modernizing equipment for science and technology institutions, exchanging information and experience... Therefore, international cooperation in science and technology has helped Viet Nam solve pressing issues and actively contribute to the industrialization and modernization of the country.

The Vietnamese Government has priority policies on development and application of science and technology in international cooperation. Article 3 of the Regulation on management and usage of official development assistance (ODA), issued together with Decree No. 131/2006/ND-CP dated 9 November 2006 stipulates that the development and application science and technology are the priority areas for ODA.

In addition, the Ministry of Planning and Investment has been coordinating with relevant agencies in order to develop the "Orientation to attract, manage and utilize ODA and other preferential loans from sponsors (period 2011-2015)". Accordingly, the policies on development and application of science and technology in international cooperation are concretized in the orientation and specific tasks.

In 2011, the Prime Minister approved the Project on strengthening international integration in science and technology. Currently, the Ministry of Science and Technology is implementing this Project for the period until 2020.

10. *What are the key obstacles and challenges to international cooperation and what steps have been taken to address these? Please provide details.*

Difficulties and challenge:

- The capacity of workers on science and technology is still limited to effectively participate in the activities of science and technology at regional and international levels; scientific and technological contributions to the activities of regional and international science and technology have not matched expectation.
- Scientific research and technological development organizations, universities are still lack of capacity and conditions to expand international integration activities on science and technology due to unharmonized facilities, inadequate work environment, lack of lead researchers, highly qualified staff to meet integration requirements ...;
- Most of the international cooperation activities on science and technology in recent years have only been implemented in the framework of bilateral or multilateral agreements.
- The pressure and competitiveness of other countries in the development of science and technology impact on the work, including in selection of partners, technology transfer, nomination of candidates to international organizations, hosting international events on science and technology, etc.
- The technology transfer activities in enterprises are primarily limited to receiving through direct investment or foreign aid projects. There are still no research investment, ownership and technology innovation. Enterprises usually lack of science and technology information both within and from outside the country.
- Funds invested in science and technology remain limited, mainly from the state budget. Investment from businesses and other sources does not meet requirements. There is shortage of strategies to mobilize capital from external sources, including investment loans from international financial institutions for science and technology activities. A stable funding source to support the international integration activities has not been established. The lack of counterpart funding can result in dependence on foreign partners.

The Project on international integration in science and technology until 2020 approved by the Prime Minister on 18 May 2011 with specific solutions and tasks is a critical step for Viet Nam in addressing difficulties and challenges in international cooperation on science and technology in particular, and international integration on science and technology in general.

The Project aims to achieve specific targets in 2015: Vietnamese scientific personnel is capable of directly engaging in scientific research and technological development of the region and the world in some priority areas. By 2020, scientific organizations and Vietnamese enterprises in some priority

areas are capable of cooperating with foreign partners, learning, mastering, innovating, and inventing new technologies. In addition, some results of scientific research and technological development in Viet Nam's priority areas shall establish their standing in regional and international markets.

To achieve the above goals, the first task is to improve the quality of scientific and technological and managerial staffs. Specifically, it is necessary to link with potential foreign partners on science and technology in order to implement training programs in some priority areas to form strong scientific and technological groups and collectives. Moreover, it is essential to facilitate staffs to participate in scientific research and technological development programs and projects, international organizations of the United Nations system, APEC, ASEM, ASEAN, regional and international professional associations...

In addition, projects on human resources training (including science and technology staffs) such as Project of training, fostering leadership, management abroad by the state budget (Project 165), projects on implementation of adopted laws on science and technology, project of development of science and technology market, National Scientific and Technological Development Fund, National Innovation Fund ... are some of the solutions to overcome the difficulties encountered in Viet Nam in international cooperation on science and technology.