**REPORTS ON DISCRIMINATION, SEGREGATION AND THE RIGHT TO ADEQUATE HOUSING**

QUESTIONNAIRE

**BASIC INFORMATION**

1. Name of Individual, Organization, Institution, Agency or State: **Habitat for Humanity Vietnam**

Type of Entity\*

[ ]  National Government or federal governmental ministry/agency

[ ]  Inter-governmental organization or UN agency

[ ]  Local or regional government, agency, representative or mayor

[ ]  Association, tenant union or housing cooperative

[ ]  NGO network, umbrella organization

[x]  **Community-based NGO**

[ ]  Academia

[ ]  Foundation

[ ]  National human rights organization, ombudsperson

[ ]  Real estate, urban planning or construction

[ ]  Real estate investor or investment fund

[ ]  Trade Union

[x]  **Other: Global non-profit housing organization**

2. Categorization of your Work

Please select one or more responses, as appropriate.

[ ] Public administration

[x] **Advocacy**

[ ] Funding

[ ] Legal Assistance

[ ] Networking

[ ] Policy

[ ] Research

[x] **Technical Assistance**

[x] **Training**

[ ] N/A

[x] **Other: Community development, housing products and support services**

3. City/Town: **Ho Chi Minh city**

4. State/Province: **Ho Chi Minh**

5. Country (please indicate your region or “international” if focus the work of your organization covers multiple countries); **Vietnam**

**HOUSING DISCRIMINATION**

7. What specific forms of de facto or legal discrimination or barriers towards equal enjoyment of the right to adequate housing do the following groups face in your country (please provide evidence with examples, studies, reports and relevant statistical information):

* People of African Descent, or Roma
* Racial, caste, **ethnic**, religious **groups/minorities** or other groups
* **Migrants**, foreigners, refugees, **internally displaced persons**
* **Women, children or older persons**
* **Indigenous peoples**
* **Persons with disabilities**
* LGBTQ persons
* **Low-income persons, including people living in poverty**
* **Residents of informal settlements; persons experiencing homelessness**
* Other social groups, please specify

**In Vietnam, ethnic minorities and migrant workers are more likely to be poor or more vulnerable to falling back into poverty, excluded and to face the most discrimination from housing-related services.**

**As published in various institutional reports, there are significant disparities between ethnic groups, with the Kinh majority and Hoa (Chinese) having better living standards than other ethnic groups (53 out of 54 ethnic groups) that have disproportionately high levels of poverty. These ethnic groups comprise less than 15% of the population in which 70% are part of the extreme poor. Although Vietnam voted in favour of UNDRIP, the government does not recognize ethnic minorities as indigenous people. The government uses the term “ethnic minority” to refer to everyone but the Kinh majority, and supports the framing with the promotion of the principle of “unity in diversity.” This fundamentally sets the barriers to the enjoyment of rights including that of adequate housing.**

**Ethnic minority groups are concentrated in the mountainous and in rural regions of Vietnam. They largely work as subsistence farmers. Although their geographic location is a key part of their cultural norms, it also negatively impacts access to infrastructure and services. (Overview of Social Economic Situation – Results from Analyses of Survey on the Socio-Economic Situation of 53 Ethnic Minorities in 2015, PhD. Phung Duc Tung, PhD. Nguyen Viet Cuong, PhD. Nguyen Cao Thinh, Nguyen Thi Nhung, and Ta Thi Khanh Van, 2017)**

**The Constitution of Vietnam guarantees the same rights to all Vietnamese citizens, including ethnic minorities. However, the country does not have specific laws on ethnic minorities but has agencies like the Committee for Ethnic Minority Affairs (CEMA) responsible for issues concerning them. In the period of 2011-2015, Vietnam issued 180 legal documents referencing the rights and legal interests of ethnic minorities, included were pro-poor policies impacting ethnic minorities i.e., Resolution No. 30a/2008/NQ-CP on Sustainable Poverty Reduction and Housing Support Policies for Poor Households. However, despite this significant development in legal framework inclusion, ethnic minorities remain vulnerable and disproportionately excluded from adequate housing.**

**Resources for policy implementation are not sufficient, resulting in poorly coordinated and ineffective implementation. According Duc Tung, Viet Cuong, Cao Thinh, Thi Nhung and Khanh Van, land development and in-migration exacerbate barriers faced by ethnic minorities.**

**The 53 ethnic minority groups need policies that address specific needs, and with the governance context of the country, not enough policies are developed using the participatory bottom-up approach.**

**Ethnic minority women experience increased barriers to housing. Although there are significant efforts in closing the gender gap, it remains an issue among ethnic minority women.**

8. Discrimination in housing can affect various dimensions of the right to adequate housing and other human rights. Could you provide more details regarding the specific areas in which housing discrimination is experienced? Below are examples of various forms of discrimination that can be experienced in relation to different dimensions of the right to adequate housing:

*Accessibility*

* Discrimination in relation to access to land, including water and natural resources essential for habitation;
* Discrimination in relation to housing for rental or for acquisition or in accessing public or social housing;
* Access to emergency and/or transitional housing after disaster, conflict related displacement or in case of homelessness, family or domestic violence;
* Accessibility of housing for persons with disabilities or older persons, including access to housing for independent living or to care homes;
* data collection or requirements to furnish certain certifications resulting in the exclusion of particular persons from accessing housing;

*Habitability*

* discrimination in relation to housing conditions, overcrowding or housing maintenance;
* Exposure to health risks within the home, including lack of ventilation, heating or insulation, exposure to fire or housing collapse risk, unhealthy building materials, or other unhealthy housing covered by the WHO Guidelines on housing and health;
* Exposure to other risks which render housing uninhabitable, including sexual or gender-based violence, interference with privacy and physical security in the home and neighbourhood;
* Discrimination in relation to housing renovation or permission of housing extension;

*Affordability*

* Discrimination in relation to access to public benefits related to housing;
* Lack of equal access to affordable housing;
* Discrimination in public and private housing financing;
* Discrimination related to housing and service costs, housing related fees, litigation or taxation;

*Security of tenure*

* Discrimination in relation to ownership or inheritance of housing and land and related natural resources including water including on the basis of a distinction between formal and informal tenure arrangements;
* Discrimination in relation to evictions, resettlement and compensation for loss or damage of housing, land or livelihoods;
* Differential treatment in land or title registration, permission of housing construction;

*Availability of services, materials, facilities and infrastructure*

* Discrimination in relation to access to work, schooling, health care or public benefits based on the residential address or related to a lack of an official address;
* Public transportation services and transportation costs;
* Provision of water, sanitation, energy, waste collection and other utility services; their quality or cost, including interruptions/blackouts including policies relating to disconnection from utility services;
* spatial disparities in access to health care, education, child care, cultural and recreational facilities;

*Location*

* Discrimination in relation to freedom of choice of the place of residency within the country, within a particular region or location;
* Discrimination based on place of residence or address, such as exclusion from invitation to job interviews or access to credit;
* Exposure to environmental health risks, such as external air quality, flooding, toxic ground exposure; noise; risk of landslides etc.;
* Living quality and physical security in the neighbourhood, including geographical disparities in policing and law enforcement;

*Cultural adequacy*

* Discrimination in relation to the recognition of culturally adequate dwellings as housing as well as equal access to public space;
* Prohibition of accessing, maintaining or constructing culturally adequate housing;
* Lack of recognition of mobile forms of residency.

**Access to basic infrastructure where ethnic minorities live remain poor – 72% lack access to latrines and more than one quarter households do not have access to safe water.**

**The country development agendas have put ethnic minorities’ housing resilience to disasters because of forced resettlements, and the projects are mainly connected to strengthening economic development and competitiveness. An example of this is resettled ethnic groups impacted by floods and landslide in the north-western and the south-central parts of Vietnam. Some are connected with hydropower projects. Despite their own show of resilience, the displacement inhibits ethnic minorities from establishing their pathway to permanence as they tend to immediately clean up, recover and reuse materials and try to rebuild their lives without guarantee as to how they will fare when the next disaster strikes.**

**Cultural norms and mentality serve as barriers to housing for ethnic minority women lack confidence in knowing about the laws, their rights (to secure viable land, housing and other services, sanitation and disease prevention communication). This can be addressed through the provision of accessible formats, reliable tailored information and language, particularly as many ethnic minority adults do not speak Vietnamese and ethnic minority women are less likely to be literate than ethnic minority men.**

**In some project areas for ethnic minorities particularly in the North, it is rigorously observed that ethnic minorities experience discrimination in habitability. They live in poorly built, unsafe, unhealth housing conditions with poor insulation. They have unsafe living practices and make use of unsafe construction materials such as those containing asbestos.**

**In terms of affordability, the housing market in Vietnam has a surplus of mid and high-end units but a significant shortage in the affordable segment despite large demand. According to a report by the Ministry of Construction, only about 30% can afford the highly available 25 million VND ($1,080) while about 70% demands affordable housing. About 221 social housing projects around the country have been delayed or scrapped as of 2020.**

**To this end, the definition and parameters for social housing also remains vague as observed in different engagements with local developers promoting to having social housing projects as well through project visits through provincial governments.**

**To demonstrate, a 33-year-old with a monthly income of around 25 million VND ($1,080) has been able to save about 700 million VND since early twenties. He/she is still 50% shy of affording the cheapest apartment in a project he aspires.**

**These developments have made it even more challenging for low-income people to afford an adequate, safe housing.**

**Other responses to this are cited in other sections of this questionnaire.**

9. Are there any particular current laws, policies or practices in your country, region or town/community that contribute to or exacerbate discrimination in relation to the right to adequate housing?

**The Government of Vietnam has applied the multi-dimensional poverty measures since 2016 which includes income and non-income indicators such as accessing to housing, water and others. However, the indicators to assess if the house is adequate or not is not practical. Specifically, if the house has hard wall, hard floor and hard ceiling, it will be considered at a standard house without consider if these houses are safe for people to live during disaster, extreme weather scenario etc., This way of measuring has helped to increase percentages of households living with decent house in Vietnam significantly but these houses are not decent at all. This practice somehow ignores the fact that millions of people are still living in housing poverty and the Government needs to realise and allocate resources to help them improve housing standards and enjoy their rights to adequate housing.**

**The Household Registration System (“ho khau”) is one of the most important factors determining a household’s access to social services and utilities and their access to land and housing. Migration was strictly controlled by the government through this system as wells as employment policies. However, in the1990s the rules began to allow greater mobility to meet labour demands. Although this development enabled movement, it does continue to create barriers to non-residents (such as migrants) to access essential services and basic rights (Anh 2009) - both unregistered and temporary migrants.**

10. Can you explain exemptions in national law that allow (certain) public, private or religious housing providers to give preferential or exclusive access to housing to members of a particular group, for example based on membership, employment contract, public service, age, disability, civil status, sex, gender, religion, income or other criteria?

**According to World Bank, the Vietnam government has started to increase flexibility for self-builders, taking into account sector needs. For example, Decree No. 64/2012/ND-CP allows for exemptions on construction permits for small projects, which also reflects the government’s willingness to support this sector. The self-built or incremental housing sector is identified as an important source of affordable housing supply and an eligible product for social housing support, such as tax exemptions and credit at preferential terms.**

**The implementation of Vietnam Social Housing Program in some cities such as Ho CHi Minh City, Ha Noi provided preferential access to housing to low-income government officials and staffs, workers and employees of state-own enterprises, veterans and people with meritorious services. Hence, the migrant workers and local low-income residents who work in private enterprises and other business sectors are not able / hard to access to affordable housing from Social Housing Program.**

11. In case there may be differential treatment of particular groups in relation to housing, please explain why such treatment could be justifiable according to international human rights standards - for example positive measures benefiting a particular group to overcome systematic discrimination or disadvantage-or if it would amount to discrimination?

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**SPATIAL AND RESIDENTIAL SEGREGATION**

12. What forms of spatial segregation along racial, caste, ethnicity, religion, nationality, migration status, heritage, economic status/income or other social grounds can be observed in urban and urban-rural contexts in your country?

**Among Vietnam’s ethnic groups, poor minorities are heavily concentrated in the East and West Northern Mountains, upland areas in the North Central Coast, and the Central Highlands. However, urban young ethnic minority migrants (YEMMs) in Northern Vietnam. They face structural and interpersonal barriers while working and living in the urban setting i.e., in forming social networks, integrating into urban social fabric, sustaining cultural practices. When migrating out of their hometowns, YEMMs are typically employed in physically demanding, low-income jobs. Their jobs in the informal sector lack upward mobility, long-term security, worker’s compensation, and corresponding social status. They are vulnerable to poverty/falling back into poverty as they are not eligible for social assistance and cannot access social insurance. According to Oxfam in 2017, Social discrimination also prevents YEMMs from claiming their economic and social rights.**

**The Report on Urban Poverty Assessment in Ha Noi and Ho Chi Minh City (UNDP 2010) indicated that most migrants are relatively young: approximately 72% of migrants in Ha Noi are aged from 15 to 39. According to the 2004 Viet Nam Migration Survey (GSO and UNFPA 2006), about 42 percent of migrants are unmarried and single; almost 38% of respondents moved with their families. The 2004 inter-censal survey of Ho Chi Minh City showed that women tend to migrate at slightly younger ages than men, and that the number of female migrants is increasing (Anh 2006). Women make up 53% and 59% of the total migrants in age groups**

**Migrant women, on the other hand, are spatially segregated due to their place of work. Many live in remote and isolated areas because they get cheaper rates than safer housing near main roads, markets and services.**

**Law on Residence in Vietnam – No.81/2006/QH11 dated November 29, 2006 provides for citizens’ right to freedom of residence in the territory of Vietnam.**

**Interest groups enjoy preferential privileges related to housing and land. For example, when there is a new urban planning project in a town, the interest group has the planning information and buys houses and land before the planning project is announced, when the residents know project information no longer has houses or land to buy, or has to buy back from others at a higher price.**

13. What impacts do these forms of spatial and residential segregation have on affected communities? Please point to indicators such as rates of poverty, un-employment and under-employment; prevalence rates of malnutrition; disparities in access to services and facilities (such as access to schooling, health care or other public benefits); disparities in access to infrastructure (lack of and/or poor quality provision of water, sanitation, transportation, energy, waste collection and other utility services); rates of exposure to environmental health risks (poor air quality, flooding, toxic ground exposure, etc).

**For migrants, Housing conditions for migrants in urban areas are often precarious, as many live in crowded boarding houses without basic facilities and infrastructure.**

**In a 2010 assessment by Haugton et al, below is a summary of living conditions of migrants in Hanoi and Ho Chi Minh.**

**The average living area per person in Ha Noi and Ho Chi Minh City is 17 square meters/person; whereas more than 61% of migrants have an average living area under 6 square meters/person and one third of migrants are living in space that amounts to less 4 square meters/person. Poor housing conditions are widespread among migrants. Only 8.7% of migrants own their dwellings, so more than 90% of migrants are living in rented housing, temporary shelter, construction sites or in workshops. More than 30% of migrants in Ha Noi and Ho Chi Minh City need to buy water from cans or bottles. Most migrants use electricity provided by the national grid; however only 51% of migrants have a direct connection to the grid, 17.6% share a meter with other households, and 31.5% do not connect directly but use electricity through other households, which usually costs more than having a direct connection. The research in Ha Noi and Ho Chi Minh City showed that for any given age, a lower proportion of migrants attend school than do residents. Similarly, the proportion of migrants with health insurances is 43.4% while this proportion for residents is 66.2% and just 53.6% of migrants’ children have health insurance compared to 85.5% for residents.**

**In addition to these, if the migrant family does own a house in the city, their children cannot access to public school or health care services which is more affordable than services provided by private sector.**

14. Have any particular historical or current laws, policies or practices in your country, region or town/community caused or exacerbated segregation?

**As mentioned above, resettlement projects linked with the country’s development programs cause and/or exacerbates the segregation among ethnic minority groups.**

**Policies and practices tend to favour the Kinh group over ethnic minority groups. For example, with a rapid in-migration of lowland Vietnamese or Kinh (the largest of 54 ethnic groups) and of northern mountain people of different ethnicities, the ethnic composition of the Central Highlands in Viet Nam has changed substantially over the past 40 years. The ethnic minorities who lived in the area had to secure their livelihoods often by moving into more marginal areas, where they are more exposed to climatic variations (Winkels 2008). A World Bank report showed that Kinh migrants had better access to land compared to minority migrants.**

**To meet the increasing goal on economic competitiveness, increasing urban infrastructure programs and projects are underway. However, the National Urban Law continues to be unpassed, and instead approximately 800 cities refer to the current Master Plan, which is outdated along with the Land Use Plan - also equally outdated.**

15. In your view, what factors (current or historical) are the principal *drivers* of spatial and residential segregation in urban and urban-rural contexts in your country?

**There are still gaps to be addressed in current social policies targeting the most vulnerable and disadvantaged populations. There is a significant gap in deeper understanding of the experiences of ethnic minorities (YEMMs in particular), which should inform more inclusive and targeted policy interventions.**

**In addition, the recent fast industrialization and urbanization in Vietnam will contribute to increase inequality of accessing to adequate housing in urban and rural as well. As more and more people migrate to urban but the supply of affordable housing is inadequate. While in the rural, they cannot enjoy better income generation status and they continue live in sub-standardized housing.**

16. Are there examples in your country of where spatial and residential clustering has been a result of voluntary choices of residence by members of particular groups?

**Historical and cultural voluntary choices of ethnic groups to live in highland areas (H’mong people usually live in the highest, most remote mountains). Voluntary choices of migrant workers to live away from their homeland for work. Depending on types of work or availability of housing conditions, migrant workers can be accommodated in the dormitories of the factories or rented houses in the nearby areas. Most of seasonal (sometimes even long-term) vendors, porters, recyclable collectors stay in cheap rented houses and thus in bad living conditions. Large manufacturing parks (e.g., Samsung Park in Thai Nguyen province in the North provide accommodation workers. The service, according to these manufacturers, follow corporate guidelines thereby providing decent living conditions and allowing for a voluntary choice for the workers.**

17. The preservation of cultural identity, the right to self-determination of indigenous peoples and the protection of minority rights are examples of grounds for which groups may choose to live separately. Can you comment on how these forms spatial/territorial separation are evidenced in your country, if these communities they are subject to discrimination and suffer adverse consequences from spatial segregation such as through disparities in access to services, infrastructure, living conditions, etc.?

**A large number of ethnic minorities are subsistence farmers bound by cultural norms including farming traditions, they are then bound to live in the highlands despite facing precarious living conditions along with precarious weather conditions. Their geographic location impacts their lack in knowledge and access to climate smart housing and farming techniques.**

18. In your view, are certain forms of observed residential separation/voluntary clustering compatible with human rights law and if so why? (for example to protect rights of minorities or to respect the freedom of choice of individuals to decide with whom to live together).

**To protect the rights of ethnic minorities to access land, housing, voluntary resettlement services and programs. To promote improved access to reliable information about their rights and the available services.**

19. Are there any laws or policies requiring certain individuals (and their families) to live in particular housing provided to them or in a particular geographical area (e.g. asylum seekers, migrants, IDPs, refugees, ethnic, religious, linguistic or other minorities, indigenous peoples, persons with disabilities, public service and military personnel)?

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20. In your view, what are the principal *barriers* to diminishing spatial, including residential segregation?

**In Vietnam, despite significant improvement in decreasing poverty, inequalities still persist, and this is seen in the inconsistent interpretation and implementation of laws and services that are intended to help diminish spatial segregation. Segregation persists due to socioeconomic differences, residential preferences and housing market discrimination.**

**There is also little effort to consolidate or deepen the understanding of the processes that lead people live where they are. Indeed, physical barriers within urban spaces also contribute to segregation and prevent integration.**

**Socio-economic plans and country strategies are somehow barriers to diminishing spatial segregation, as there is lack in equity in government prioritization and investment between regions.**

**MEASURES AND GOOD PRACTICES TO CURB DISCRIMINATION AND REDUCE SEGREGATION**

21. What laws, policies or measures exist at national or local level to prevent or prohibit discrimination in relation to the right to adequate housing?

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22. Have your State, regional or local Government adopted any positive measures, such as measures of affirmative action, to reduce discrimination, segregation or structural inequality in relation to housing? To what extent have such initiatives been successful to address housing discrimination and segregation?

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23. Have any particular laws, policies or measures been implemented to limit or reduce residential segregation? To what extent have such policies raised human rights concerns?

Click here to enter text.

24. What is the role of the media, as well as other non- governmental organizations, of religious and governmental institutions, in fostering a climate that reduces or exacerbates discrimination in relation to housing and segregation?

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25. Which institutional mechanisms exist to report, redress and monitor cases of discrimination or segregation in relation to the right to adequate housing and how effective have they been to address discrimination?

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26. In your view, what are the principal barriers to seek justice for discrimination/segregation in relation to the right to adequate housing?

27. Can you specify how individuals and groups subject to structural discrimination or experiencing segregation can submit complaints to administrative, non-judicial or judicial bodies to seek relief? Please share any leading cases that have been decided by your courts or other agencies in this respect.

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**DATA ON DISCRIMINATION IN HOUSING AND SPATIAL/RESIDENTIAL SEGREGATION**

28. Is any data on housing disparities, housing discrimination and spatial segregation collected and publicly available? If so where can it be accessed? Are there any practical or legal barriers to collect and share such information in your country?

**Disparity: Ho Chi Minh city has nearly 476,000 families, or 25 per cent of the total number, that do not own homes and live with relatives. Of them, more than 20,000 live along and near canals and 35,000 in old apartment buildings that need to be renovated. Next year the city is expected to have 20,000 units of social housing, a very small number compared with the demand.**

**The reason is that social housing brings little profit to developers, meaning they are reluctant to undertake them unless there are subsidies and support policies from the government.**

[**https://vietnaminsider.vn/hcm-city-plagued-by-serious-shortage-of-social-housing/**](https://vietnaminsider.vn/hcm-city-plagued-by-serious-shortage-of-social-housing/)

29. Can you kindly share any studies or surveys by local, regional or national Governments or by other institutions to understand better housing disparities, housing discrimination and spatial segregation and how it can be addressed (e.g. title and link, or kindly submit document).

**The General Statics Office of Vietnam shared the result of 2019 Population and Housing Census. The title of the report is “Completed Result of the 2019 Viet Nam Population and Housing Census”. The report does not analyse on housing disparity but from data, we can observe housing disparity between ethnic groups or by geography regions. Please access to the publication via** [**https://www.gso.gov.vn/en/data-and-statistics/2020/11/completed-results-of-the-2019-viet-nam-population-and-housing-census/**](https://www.gso.gov.vn/en/data-and-statistics/2020/11/completed-results-of-the-2019-viet-nam-population-and-housing-census/)

30. Can you provide information and statistics related to complaints related to housing discrimination, how they have been investigated and settled, and information on cases in which private or public actors have been compelled successfully to end such discrimination or been fined or sanctioned for non-compliance?

Click here to enter text.