

## VIET NAM

### Follow-up - State Reporting

#### Action by Treaty Bodies, Including Reports on Missions

CCPR A/58/40 vol. I (2003)

### CHAPTER VII. FOLLOW-UP to CONCLUDING OBSERVATIONS

#### Overview of the application of the follow-up procedure

1. At its seventy-first session, in March 2001, the Committee began its routine practice of identifying, at the conclusion of each set of concluding observations, a limited number of priority concerns that had arisen in the course of the dialogue with the State party. The Committee has identified such priority concerns in all but one of the reports of States parties examined since the seventy-first session. Accordingly, it requested that State party to provide, within one year, the information sought. At the same time, the Committee provisionally fixed the date for the submission of the next periodic report.
2. As the Committee's mechanism for monitoring follow-up to concluding observations was only set up in July 2002, this chapter describes the results of this procedure from its initiation at the seventy-first session in March 2001 to the close of the seventy-eighth session in August 2003. These are described session by session, but in future reports this overview will limit itself to an annual assessment of the procedure.

<u>State party</u>	<u>Date information due</u>	<u>Date reply received</u>	<u>Further action</u>
...			
<i>Seventy-fifth session (July 2002)</i>			
...			
Viet Nam	25 July 2003	29 July 2002(partial reply);23 July 2003(further reply)	At its seventy-eighth session, the Committee decided to take no further action.

**Follow-up - State Reporting  
Action by State Party**

CCPR CCPR/CO/75/VNM/Add.1 (2002 )

Comments by the Government of Viet Nam on the concluding observations of the Human Rights Committee

1. The Government of Viet Nam wishes to reaffirm that it has always paid special attention to the realization and protection of all the rights contained in the Covenant. This has been proved not only by our heroic struggle against the deprivation of our people of all the fundamental civil and political rights by foreign aggressors in the past, but also by our tremendous efforts during the last two decades to realize such rights in every aspect of our people's life.
2. Regarding paragraph 2, the words "credible and substantiated" (line 9) should be deleted to reflect the Committee's objective attitude relating to information received. Paragraph 3 is not a "positive" statement, but in fact a distorted and irresponsible observation. This observation offers a biased picture of the situation, in clear disregard of the reality and the achievements recorded by the people and Government of Viet Nam in relation to the implementation of the rights contained in the Covenant.
3. In paragraph 4, the Committee "takes note" of the efforts by Viet Nam "to reform its domestic legal order", which is insufficient to underline our tremendous efforts, commended by the world during the last decades, in establishing a comprehensive legal framework for the protection of the civil and political rights of individuals in Viet Nam; more than 13,000 legal acts have been promulgated. Many similar positive aspects compared to other countries' cases are unfortunately also not reflected.
4. Despite the Committee's explanation that its questions and observations are not of critical nature, in our view the Committee's approach to human rights issues and consideration of country reports should be reviewed to achieve its mandated objectives to promote constructive dialogue and to bring into effect the stringent implementation of the Covenant's rights by States parties. The Committee members should refrain conscientiously from taking position in regard to biased information or distorted allegations they have received. Besides the attitude reflected in the above observations, another example can be cited in regard to paragraph 19 where the word "Degar" is officially used (our delegation has already clearly pointed out that there is no such minority in Viet Nam, and that this term is only used by a group claiming to have been recruited by the Central Intelligence Agency during the Viet Nam war and now based in Colorado, United States of America, to continue to disseminate fallacies against our country). This is indeed not in conformity with the Committee's mandate. Human rights protection should also be examined in close consideration of the economic and social progress in each country, and in full recognition of the right to development of developing countries.

5. Regarding the observation in paragraph 5, our Constitution as well as other basic laws clearly specify that the State should guarantee effective protection of all rights enshrined in the Covenant, and that those rights are respected and enjoyed by all.

6. The observation in paragraph 6 presents a wrong interpretation of our delegation's statement. Accession to the Optional Protocol is the discretionary right of a State party, and Viet Nam will be considering its accession in due course.

7. Paragraph 8 contains a misleading observation with regard to the essence of Decree 31/CP and a wrong interpretation of article 71 of the Code of Criminal Procedures: in no case may the Principal Prosecutor prolong the duration of preventive detention without time limits; even in extremely serious cases, the maximum duration is limited to 16 months in total.

8. As for paragraph 9, the relative lack of professionally trained lawyers in the country does not by any means relate directly to their susceptibility to political pressure and the independence of the court system. The observation in this paragraph is perceived as a prejudicial conclusion against developing countries. The same conclusion is applied to the observation in paragraph 10.

9. As regards paragraphs 11 and 12, these are not obligations required by the Covenant.

10. The observation in paragraph 13 is not accurate. The legal right of detainees to access to counsel and medical advice and members of the family is always respected.

11. With regard to paragraph 15, our country has undertaken all possible measures to help women prevent unwanted pregnancies and to provide almost free of charge other appropriate family planning methods to this effect. In fact, Viet Nam has received an award from the United Nations Population Fund for its efforts.

12. With regard to paragraph 16 of the Committee's observations, our delegation has unequivocally responded to the Committee that all religious practices are free in Viet Nam, and on the two cases related to religious organizations raised by the Committee, we have also pointed out clearly that they are not Vietnamese religious organizations but are all established in the United States and claimed to be legitimate religious organizations in Viet Nam. This is not normal. The up-to-date information on numbers of individuals belonging to various religious communities and the number of places of worship, can be found in our addendum to the second periodic report.

13. In regard to paragraph 18, all the restrictions in our law on the right to freedom of expression in the media and on publication are similar to other countries' practice. We do allow privately owned media, but on the basis of a private entity other than an individual in accordance with the law on private enterprise. One can see among the 600 newspapers and magazines in existence at present only 150 Government-owned newspapers compared to 450 which are non-governmental, including many foreign privately owned ones.

14. As to paragraph 20, our Government would like to express its serious reservation as to the

Committee's approach which is contrary to the right to self-determination and freedom of choice of political system clearly set forth in article 1 of the Covenant. Here again we would like to remind the Committee of its constituted mandates. Viet Nam always welcomes international non-governmental human rights organizations which play a constructive role in the development and protection of human rights in our country and does not welcome those deliberately trying to disseminate false allegations to interfere in our domestic affairs and impose their own ideology.

15. Relating to paragraph 21, it is not correct to say that we are restricting public meetings and demonstrations.

16. As regards paragraphs 22 and 23, in accordance with the rules of procedure, Viet Nam will take appropriate steps to make public all issues relating to the second periodic report. This reply by our Government should be taken as part of our answers to the Committee pursuant to rule 70, (para. 5) of the Committee's rules of procedure.

17. We would request that this communication be included in the annual report of the Committee.

## **CCPR CCPR/CO/75/VNM/Add.2 (2003)**

### Comments by the Government of Viet Nam on the concluding observations of the Human Rights Committee

#### Death penalty

1. Whether to retain or abolish the death penalty depends totally on practical conditions of a country. A State of Rule of law must have an appropriate system of laws stipulating penalties rightly for criminals to ensure a peaceful life for the people. None of the countries in the world allows itself to give light punishments to persons committing serious crimes. A large number of countries still retain the death penalty and this is in the interest of the majority of the people. In Viet Nam, over the last years, the death penalty has been mostly given to persons engaged in drug trafficking since it has become a very serious problem for the development of Viet Nam and has posed a direct threat to every family. (According to incomplete statistics, by the end of 2000, the number of drug addicts throughout the country reached 101,036, of whom 2,000 addicts are school pupils and students, 4,799 are children.) Yet, Viet Nam is of the view that the death penalty should be applicable only to persons committing particularly serious crimes. Therefore, in the 1999 Revised Penal Code, the death penalty charges were reduced from 44 to 29 as compared with the 1985 Penal Code (reduced by 15 charges). The death penalty shall not apply to juvenile offenders (aged from full 14 to under 18), to pregnant women and women nursing children under 36 months old at the time of committing crimes or being tried.

#### Violence against women

2. The State of Viet Nam has promulgated policies and laws aimed at ensuring gender equality and banning violence against women, and severely dealing with acts infringing upon life, health, human dignity or violating right to freedom, right to family member equality. Viet Nam is strongly against the idea that family violence is a private matter. Article 52 of the Constitution stipulates: "to prohibit torture, inhuman treatment, violations of honour, dignity in all forms ...". The Penal Code of Viet Nam has provisions related to the offence of forced suicide (art. 100), the offence of intentionally causing injury to others (art. 104), the offence of inhuman treatment (art. 121), considering all of them as violations of human rights.

3. Viet Nam has been promoting cooperation within ASEAN and with other countries in implementing projects to prevent family violence against women and has achieved good results. However, family violence still exists worldwide and tends to increase. This may result from local old customs and practice, and even this is, somewhere, regarded as religious faith. In remote and mountainous areas, family violence is viewed as a private matter, which draws no attention from local authorities and community (a woman beaten by her husband dares not report to local authorities as she thinks that it may make both her husband and herself ashamed).

4. To solve that problem, Viet Nam is of the view that:

- (a) To further enhance international and regional cooperation in preventing violence;
- (b) To strengthen the national legal system to prevent and combat violence against women; raise women's position by ensuring gender equality; step up legal propaganda and education on rights of women;
- (c) To strongly combat acts of violence against women.

#### Policies of the State of Viet Nam towards and achievements obtained in the Central Highland

5. The Central Highland holds a particularly important position in economic-social and defence-security fields, with the population of 4.5 million of which ethnic minority people account for one third. The Government of Viet Nam pays much attention to the Central Highland and has been adopting policies and measures to facilitate development in this potential region and to provide assistance for ethnic groups.

6. The State of Viet Nam advocates that socio-economic development in the Central Highland lies in the framework of the national and regional socio-economic development master plans; economic development in the region should be linked to social progress and justice; adequate attention be paid to the improvement of the people's life, poverty alleviation and hunger eradication, especially for remote area inhabitants and ethnic minority people; solution be found for local people who have no cultivable land and no jobs; socio-economic development should go in line with the State nationality policy; a contingent of cadres of ethnic minority be formed in conformity with geographic, historic, cultural, social particularities of the Central Highland; socio-economic development be obtained in consistence with the policy on national solidarity.

#### Some main solutions

##### *In economic development*

7. To give priority to investment for development in remote areas inhabited by ethnic minority people; create conditions for the State owned enterprises to develop production, generate jobs, increase incomes, raise material and cultural living for ethnic minority; put forth appropriate policies to enable ethnic people to live on forestry; readjust the fund of the State land to allot land to landless farmers, first of all those of ethnic minority; work out measures aimed at preventing unlawful sale and transfer of land, especially farming land of ethnic people, helping them to lead a sedentary life; create favourable conditions for scientists and technicians to come to work in the region for technological transfer to farmers of ethnic groups; make efforts to build road networks, especially networks to remote areas.

##### *Fast social and cultural development*

8. In the next five years, make great efforts to improve the material and spiritual life of over

1.3 million ethnic inhabitants, mostly eradicate hunger and abolish poverty, ensure provision of farming land and jobs for inhabitants; provide support in housing for poor households. Strive to enable the population in the Central Highland by the year 2010 to have solid houses, have access to clean water and primary health care. Try to ensure sufficient classrooms and teachers in ethnic inhabited areas to enable their children to go to school to learn both Vietnamese and their own languages and scripts. Make efforts to preserve cultural heritages of ethnic groups in the Central Highland. Try to establish television and radio networks of ever better quality throughout the region; increase time of radio transmission in languages of ethnic minorities. Strive to ensure freedom of religious belief and religious activities in accordance with the law. The consistent policy of the State is to respect religious freedom and freedom of religious belief as well as freedom of non-religious belief.

### Achievements obtained

#### *Economy*

9. Annual average GDP growth rate (the period 1996-2000) reached 12.5 per cent, up by 1.78-fold as compared with that of the whole country. In 2000, GDP in the region increased by 2.33 times as compared with that of 1990. Total export value rose from US\$ 124 million in 1990 to US\$ 376 million in 2000. Proportion of industry and service sectors increased. Per capita income rose up by 2.5-fold. Remarkable improvement was seen in livings of local inhabitants. Rate of poor households decreased from 50 per cent in 1990 to 17 per cent by 2000 (according to previous poverty rating norms).

#### *Agricultural production expanded.*

10. Areas specialized in growing industrial plants such as coffee, rubber, sugarcane, tea, mulberry, cotton, cashew nuts were set up thus facilitating a large scale development of commodity economy linked with the processing industry and improving the life of a large section of the population (as compared with that in 1990, food output in 2000 rose up by 1.4-fold; coffee growing area up by 5.5-fold; area of rubber by 3.2-fold; tea by 1.55-fold; area of cotton rose from 12 ha to 12,000 ha, accounting for 56 per cent of the total area and 70 per cent of the total output.

#### *Industrial production*

11. There have emerged some new industries changing the face of the Central Highland such as hydropower industry, processing industry for agricultural and forestry produce. Over the past 10 years, 41 industrial establishments were built including 4 sugar mills, 5 rubber processing plants, 9 coffee processing mills, 3 tea plants, 14 wood processing factories, 2 cement factories. Yaly hydropower plant with a capacity of 720 MW, Ham Thuan-Da My hydropower plant of 450 MW came into operation in 2001.

#### *Infrastructure*

12. By the year 2000, nearly 2,000 km of highways, over 3,000 km of inter-provincial roads, over 4,000 km of district linking roads and 5,000 km of rural roads had been built and expanded; airports upgraded and flights to Hanoi, Danang and Ho Chi Minh city increased. Big investments were put in the irrigation service, 910 irrigation works built. The electricity network was expanded to supply power for 100 per cent of districts and 40 per cent of households. Six hundred and fifty-six postal establishments were set up by the year 2000.

#### *In cultural-social fields*

13. Noticeable developments have been seen. Priority has been given to health care for the local people, especially in remote and mountainous areas. There are sufficient provincial, district and regional hospitals and clinics. Most of the communes have health stations, 39 per cent of which with medical doctors; over 90 per cent of communes have health workers. Every commune has a primary school; 60 per cent of communes have a basic education school. Districts and towns have secondary schools, boarding schools. University, colleges, technical schools in the region have been upgraded thus helping build up human resources. By 2000, all provinces in the Central Highland had been recognized for universalization of general education and eradication of illiteracy. The number of people having access to television and radio service is growing. Good results have been achieved in implementing national programmes for poverty alleviation, job generation, socio-economic development for particularly difficult villages (Note: Programme 135).

#### Freedom of religious belief

14. In the framework of the consistent policy of the State namely to respect religious freedom, religious activities are normally undertaken by Central Highland inhabitants, including Protestantism believers. In recent years, the number of Protestantism believers has been increasing. Viet Nam Protestantism Association (in the South) held its Congress in 2001 and now has its branches in 30 southern provinces (including Central Highland provinces) with the number of believers and clerks accounting for 80 per cent of that in the whole country.

#### Visits to the Central Highland

15. In 2002, a number of international delegations were allowed to visit the Central Highland: a Danish press team visited Daklak, Lam Dong provinces; 15 teams of 38 nationals from Britain, Switzerland, the Philippines, France, Germany ... had working visits to Daklak to monitor project implementation and explore investment opportunities; the UNDP Coordinator had a working visit there. The United States General Consul in HCM city and a diplomat from the United States Embassy in Hanoi made a visit to Daklak. Since early 2003, more foreigners could visit the Central Highland such as foreign press teams, and an EU team from Hanoi.

#### Some figures about the Central Highland



16. (a) Average per capita GDP rose from 2.1 million Dong in 1999 to 2.9 million Dong in 2000;
- (b) Poverty rate (according to previous poverty rating norm) reduced by 4 per cent a year;
- (c) Development investment capital increased from 5,900 billion Dong in 1999 to 6,000 billion Dong in 2000;
- (d) Traffic: By 2001, 97.42 per cent of villages had roads to village centres;
- (e) Education: in the school year 2000/01, rate of school graduates in the region was 89.22 per cent (primary education) as compared with the rate of 94.04 per cent of the whole country; 86.18 per cent (basic education) as compared with that of 91.22 per cent of the whole country and 87.57 per cent (secondary education) as compared with that of 92.47 per cent of the whole country;
- (f) Total investment capital (period 1996-2000) reached 24,000 billion Dong, 4-fold increase over the period 1991-1995;
- (g) Food output of 2000 up by 1.4-fold over that of 1990.