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For participants only

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COMMITTEE ON ECONOMIC, SOCIAL AND  
CULTURAL RIGHTS

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IMPLEMENTATION OF THE INTERNATIONAL COVENANT ON ECONOMIC,  
SOCIAL AND CULTURAL RIGHTS

List of issues to be taken up in connection with the  
consideration of the initial report of Viet Nam on  
articles 1 to 15 of the International Covenant on  
Economic, Social and Cultural Rights (E/1990/5/Add.10)

I. GENERAL FRAMEWORK WITHIN WHICH THE COVENANT IS IMPLEMENTED

1. Please provide further information as to whether there is a national entity or body which is in charge of direct monitoring of the implementation of human rights or which attends to this particular matter, in other words, a Human Rights Office or a special court to hear cases of possible violations (para. 13).
2. Please indicate the remedies not expressly mentioned in the report which exist so that someone who considers his human rights have been affected can apply to a court or body in order to safeguard his interests.
3. Similarly, please provide information on the provisions of the 1980 Constitution that relate to the national human rights system.
4. Please include information on persons held as prisoners of conscience and on the remedies available to them to defend themselves. In addition, please report on the possible application of the death penalty, whether this is allowed under Vietnamese law, in what circumstances, and whether it applies to economic offences.

5. Please indicate whether citizens can take court action to secure the application of constitutional guarantees.

II. RIGHT TO WORK (art. 6)

6. The report states that the Labour Law is being drafted for approval by the National Assembly. Has it already been submitted to the National Assembly? Have all the rules set out in international instruments been taken into consideration so as to maintain a policy that is in accord with them? (para. 29).

7. With reference to employment protection and safeguards against arbitrary dismissals, please indicate the provisions on dismissals or contract termination. Is the worker entitled to make a complaint and to state his position to the employer or to the enterprise's union executive board? (para. 35).

8. Similarly, please provide further information about the purchasing power of the average or minimum living wage.

9. What are the percentages of men and women in the main areas of production?

10. What are the minimum wages according to the degree of technical and professional complexity and who determines the degree?

III. RIGHT TO JUST AND FAVOURABLE CONDITIONS OF WORK (art. 7)

11. Please state whether, in addition to a higher wage or bonus, the right to prompt medical care exists in the case of heavy work or activities harmful to health.

12. Please indicate the measures adopted to set the maximum radiation levels for workers and whether special regulations are envisaged for persons under 18 years of age, and the way workers under 16 years of age are assigned to activities involving a danger of contamination or radiation.

13. Article 59 of the Vietnamese Constitution recognizes the right of workers to a period of rest and mentions the amount of holidays. Can a worker decide not to take these holidays and be paid compensation instead? What is the reason for the difference between the 10 and 12 days of annual leave? What criterion is used? (para. 52).

IV. TRADE UNION RIGHTS (art. 8)

14. Can trade unions organize marches or demonstrations or protests? Can they publish written material about the situation in the factory or workplace? (para. 55).

15. Please mention countries which have agreed to unions of Vietnamese citizens who work abroad. Do such agreements exist at the present time between the Government of Viet Nam and the host countries of such citizens? Are there any trade unions of foreigners who work in Viet Nam? (para. 56).

V. RIGHT TO SOCIAL SECURITY (art. 9)

16. How is the principle of obtaining social security benefits determined? (para. 57) In regard to age, what is the compulsory retirement age, if any, and are there ways and means of checking that it is respected?

VI. PROTECTION OF THE FAMILY, MOTHERS AND CHILDREN (art. 10)

17. Can the children of married couples with problems that affect them be taken in by State institutions for the purposes of better protection? Are there enough of these institutions and how many children do they look after?

18. What is the penalty under Vietnamese law for persons who leave their children without proper care?

19. What happens if a married couple, despite the vigorous, persuasive and non-coercive campaign to reduce the birth rate and limit the number of children, exceeds the limit? (para. 70).

20. Please provide information on the legislation relating to abortion and contraception.

21. Please provide information on national and inter-country adoption programmes?

22. Please provide data on percentages of divorces in relation to marriages and the trends in this regard (para. 75).

23. What steps has Viet Nam taken to combat the problem of juvenile delinquency?

24. Are there any social and employment reintegration programmes for juvenile delinquents?

25. Does the law provide for equality between children of married couples and those of unmarried couples? What measures were adopted to safeguard this equality?

26. If a child is abandoned, in what way are the parents punishable by law?

27. Please provide information on the number, composition and competence of the people's committees which organize child protection and care programmes (para. 81).

VII. RIGHT TO AN ADEQUATE STANDARD OF LIVING (art. 11)

28. With regard to the standard of living, please give figures for inflation rates and trends as well as for the population's wages and purchasing power.

29. Has Viet Nam received aid from developed countries for more effective production and marketing of its products?

30. Do any evictions occur and what remedies are available to the citizen in order to protest?

31. Which is the most unprivileged sector in obtaining housing? Does the State grant housing to the regime's high-ranking officials?

32. What initiatives have been taken to improve the housing situation, chiefly in the rural areas?

33. Is there any centralized planning of housing construction?

34. Is there any flight from the land or the interior to the cities, owing to housing problems?

35. What steps have been taken for homeless and marginalized people?

#### VIII. RIGHT TO PHYSICAL AND MENTAL HEALTH (art. 12).

36. Is account taken of the problem of AIDS, as one of the epidemics that afflict mankind, and what steps have been taken to educate the public? (para. 92).

#### IX. RIGHT TO EDUCATION (art. 13)

37. The report states that adult illiteracy remains a question of great concern. Have literacy campaigns been carried out for this sector of the population? (para. 111).

38. According to the report, equality and ability are the norms for selection for entry to higher and university education. Please indicate why your Government does not consider the preferential treatment given to girls, offspring of martyrs and decorated families and pupils belonging to ethnic minorities as not constituting a discrimination (para. 117).

39. What measures are taken to avoid emigration by professionals?

40. What is the unemployment level among graduates from universities and schools of higher education?

41. How are State scholarships selected, what are the criteria, and are scholarships received from other countries? Which ones? (para. 118).

42. Are there any education centres for handicapped persons?

43. Please indicate the problems arising for a religious freedom in the field of education.

X. RIGHT TO TAKE PART IN CULTURAL LIFE AND ENJOY THE BENEFITS OF SCIENTIFIC PROGRESS AND PROTECTION OF THE INTERESTS STEMMING FROM THE STATUS OF AUTHOR (art. 15)

44. To what extent is there interaction between the culture of the country's majority group and the other ethnic groups. Please describe whether those ethnic groups remained independent or have been integrated with one another?

45. To what extent has Viet Nam received economic assistance from developed countries to overcome the challenges of development and what proportion does it represent of the country's developmental efforts?

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