



**International covenant
on civil and
political rights**

Distr.
GENERAL

CCPR/CO/75/VNM/Add.1
5 August 2002

Original: ENGLISH

HUMAN RIGHTS COMMITTEE
Seventy-fifth session

**CONSIDERATION OF REPORTS SUBMITTED BY STATES
PARTIES UNDER ARTICLE 40 OF THE COVENANT**

Concluding observations of the Human Rights Committee

VIET NAM

Addendum

**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.
