



General Assembly

Distr.
GENERAL

A/HRC/WG.6/5/VNM/2
16 March 2009

Original: ENGLISH

HUMAN RIGHTS COUNCIL
Working Group on the Universal Periodic Review
Fifth session
Geneva, 4-15 May 2009

**COMPILATION PREPARED BY THE OFFICE OF THE HIGH COMMISSIONER FOR
HUMAN RIGHTS, IN ACCORDANCE WITH PARAGRAPH 15 (B) OF THE ANNEX
TO HUMAN RIGHTS COUNCIL RESOLUTION 5/1 ***

Viet Nam

The present report is a compilation of the information contained in the reports of treaty bodies, special procedures, including observations and comments by the State concerned, and other relevant official United Nations documents. It does not contain any opinions, views or suggestions on the part of the Office of the United Nations High Commissioner for Human Rights (OHCHR), other than those contained in public reports issued by OHCHR. It follows the structure of the general guidelines adopted by the Human Rights Council. Information included herein has been systematically referenced in endnotes. The report has been prepared taking into consideration the four-year periodicity of the first cycle of the review. In the absence of recent information, the latest available reports and documents have been taken into consideration, unless they are outdated. Since this report only compiles information contained in official United Nations documents, lack of information or focus on specific issues may be due to non-ratification of a treaty and/or to a low level of interaction or cooperation with international human rights mechanisms.

Late submission.

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I. BACKGROUND AND FRAMEWORK

A. Scope of international obligations¹

<i>Core universal human rights treaties²</i>	<i>Date of ratification, accession or succession</i>	<i>Declarations /reservations</i>	<i>Recognition of specific competences of Treaty bodies</i>
ICERD	9 June 1982	Reservation to article 22 Declaration in respect of article 17 (1) and 18 (1)	Individual complaints (article 14): No
ICESCR	24 September 1982	Declaration in respect of article 26 (1)	-
ICCPR	24 September 1982	Declaration in respect of article 48 (1)	Inter-state complaints (article 41): No
CEDAW	17 February 1982	Reservation to article 29 (1)	-
CRC	28 February 1990	No	-
OP-CRC-AC	20 December 2001	Declaration made in relation to the recruitment of children under 18 years	
OP-CRC-SC	20 December 2001	Reservation to article 5 (1), (2), (3) and (4)	-
<i>Core treaties to which Viet Nam is not a party: OP-ICESCR³, ICCPR-OP 1, ICCPR-OP 2, OP-CEDAW, CAT, OP-CAT, ICRMW, CRPD (signed 22 Oct. 2007), CRPD-OP, CED.</i>			
<i>Other relevant main instruments</i>		<i>Ratification, accession or succession</i>	
Convention on the Prevention and Punishment of the Crime of Genocide		Yes	
Rome Statute of the International Criminal Court		No	
Palermo Protocol ⁴		No	
Refugees and Stateless Persons ⁵		No	
Geneva Conventions and their Protocols ⁶		Yes, except AP II and III	
ILO Fundamental Conventions Nos. 29, 105, 87, 98, 100, 111, 138 and 182 ⁷		Yes, except Convention Nos. 105, 87 and 98	
UNESCO Convention against Discrimination in Education		Yes	

- In 2007, the Committee on the Elimination of Discrimination against Women (CEDAW) encouraged the State to consider ratifying the Convention Against Torture (CAT) and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICRMW),⁸ to ratify the Optional Protocol-CEDAW and to accept, as soon as possible, the amendment to article 20, paragraph 1, of the Convention.⁹
- CEDAW and the Committee on the Rights of the Child (CRC) in 2006, urged the State to consider ratifying the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementary to the United Nations Convention against Transnational Organized Crime.¹⁰
- In 2003, CRC recommended that Viet Nam ratify the Hague Convention of 1993 on Protection of Children and Cooperation in respect of Intercountry Adoption.¹¹ In 2006 it recommended that Viet Nam ratify the Additional Protocol II to the Geneva Conventions relating to the protection of victims of non-international armed conflicts and encouraged it to become a party to the Rome Statute as soon as possible.¹²

4. In 2006 CRC welcomed the information that the reservation to article 5 of OP-CRC-SC made upon ratification had become unnecessary and would be withdrawn¹³ and consequently CRC recommended that Viet Nam speedily complete the withdrawal of the reservation to article 5 and use it, when necessary, as a legal basis for extradition in respect of all the offences covered by the Optional Protocol.¹⁴

5. CRC was concerned that, according to the State's declaration made upon ratification of OP-CRC-AC, those who are under the age of 18 shall not be directly involved in military battles (hostilities) "unless there is an urgent need for safeguarding national independence, sovereignty, unity and territorial integrity".¹⁵ CRC recommended that the State set a minimum age for voluntary recruitment of children in accordance with article 3, paragraph 2, of OP-CRC-AC and prevent the active participation of children in hostilities even in the presence of these exceptional situations.¹⁶

B. Constitutional and legislative framework

6. CEDAW welcomed the adoption of the Law on Gender Equality of November 2006, the 2003 amendment to the Land Law, the Law on Marriage and Family,¹⁷ and the Ordinance on the Prevention and Suppression of Prostitution.¹⁸ CEDAW also welcomed the recent adoption of the Law on Signing, Joining and Implementing International Conventions, which entered into force in January 2006.¹⁹ The United Nations country team (UNCT) noted that the law provides that provisions of treaties to which Viet Nam is a party, including a number of human rights treaties, prevail over conflicting national provisions.²⁰

7. CRC welcomed the amendment of the Vietnamese Criminal Code in 1997 and 1999 introducing new offences and more severe penalties for crimes related to the commercial sexual exploitation of children and other efforts to bring the legislation in line with OP-CRC-SC. CRC was concerned that some provisions in the Penal Code refer to children as those below the age of 16 only.²¹ Similarly, UNCT noted that domestic legislation still considers the child to be a person under the age of 16 years, rather than 18 years, as stipulated in the Convention on the Rights of the Child.²²

8. CRC was concerned that there are no provisions explicitly defining and sufficiently criminalizing child pornography in line with article 2 (c) and 3 (1) (c), of OP-CRC-SC,²³ and recommended amending the Penal Code and - where appropriate - other laws, in order to explicitly criminalize all acts listed in article 3 of OP-CRC-SC when committed against all persons below 18.²⁴

9. CRC also expressed concern about a legal vacuum in the legislation in the area of adoption which would impede the prosecution and punishment of persons acting as intermediary for the adoption of a child in violation of applicable international legal instruments, in accordance with article 3, paragraph 1 (a) (ii), of OP-CRC-SC.²⁵

C. Institutional and human rights infrastructure

10. As of 19 February 2008, Vietnam does not have a national human rights institution accredited by the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC).²⁶

11. In 2002, the Human Rights Committee (HR Committee) recommended Viet Nam establish a permanent independent human rights monitoring body to receive and investigate allegations of torture or other abuses of power by public officials, including members of the

security services, and to initiate criminal and disciplinary proceedings.²⁷ In 2008, UNCT noted that Viet Nam had not yet established a monitoring body on human rights, including a child rights monitoring body as recommended by CRC.²⁸

12. CRC noted the existence of a system of inspection as part of the National Committee on Population, Family and Children, and recommended that the State consider initiating a pilot project establishing an Ombudsman for Children.²⁹

13. CRC was concerned that programmes aimed at victim protection, by the Ministry of Labour, Invalids and Social Affairs, the Women's Union, the Youth Union and the Committee for the Population, Family and Children, lack adequate financial resources.³⁰

D. Policy measures

14. CEDAW commended the State for the adoption of its National Strategy for the Advancement of Women for 2001-2010, which was drawn up in accordance with the Beijing Platform for Action.³¹ CEDAW welcomed the Action Plan for the Prevention and Suppression of Trafficking in Women and Girls.³²

15. In 2008, the International Labour Organization (ILO) Committee of Experts on the Application of Conventions and Recommendations (ILO Committee of Experts) noted that the National Programme of Action for the Prevention and Elimination of Street Children, Child Victims of Sexual Abuse and Children in Hazardous and Dangerous Work aims to reduce the worst forms of child labour by 90 per cent by 2010.³³

16. CRC also welcomed the National Programme of Action for Children 2001-2010, the 2004-2010 National Plan of Action Against Trafficking in Women and Children, the 2006-2010 programme on the prevention of prostitution and the national programme on prevention and settlement of street children, sexually abused children and children working under hazardous and dangerous conditions, 2004-2010.³⁴

17. CRC welcomed the "Programme on hunger elimination, poverty reduction and job creation" and the attention given by the State to children in the implementation of socio-economic policies and programmes.³⁵ CRC encouraged the State to continue giving adequate importance, including at the financial level, to poverty reduction strategies.³⁶

II. PROMOTION AND PROTECTION OF HUMAN RIGHTS ON THE GROUND

A. Cooperation with human rights mechanisms

1. Cooperation with treaty bodies

<i>Treaty Body³⁷</i>	<i>Latest report submitted and considered</i>	<i>Latest concluding observations</i>	<i>Follow-up response</i>	<i>Reporting status</i>
CERD	July 2000	August 2001	December 2001	Combined tenth and eleventh reports overdue since July 2003 Twelfth and thirteenth reports overdue July 2005 and July 2007 respectively

<i>Treaty Body³⁷</i>	<i>Latest report submitted and considered</i>	<i>Latest concluding observations</i>	<i>Follow-up response</i>	<i>Reporting status</i>
CESCR	January 1992	June 1993	-	Second, third and fourth reports overdue since June 1995, June 2000 and June 2005 respectively
HR Committee	April 2001	August 2002	August 2002 Addendum: July 2003	Third report overdue since August 2004
CEDAW	June 2005	February 2007	-	Combined fifth and sixth reports overdue since March 1999 submitted June 2005 Seventh report overdue since March 2007 and scheduled for submission together with eighth periodic report as a combined report in March 2011
CRC	May 2000	March 2003	-	Combined third and fourth reports overdue since September 2007
OP-CRC- AC	November 2005	October 2006	-	Further information on the implementation of OP-CRC-AC to have been included in combined third and fourth reports under the CRC, overdue since September 2007
OP-CRC- SC	November 2005	October 2006	-	Second report overdue since September 2007

2. Cooperation with special procedures

<i>Standing invitation issued</i>	No
<i>Latest visits or mission reports</i>	Special Rapporteur on freedom of religion or belief (19 to 28 October 1998) ³⁸
<i>Visits agreed upon in principle</i>	N/A
<i>Visits requested and not yet agreed upon</i>	Special Rapporteur on the right to freedom of opinion and expression (requested in 2002), Special Rapporteur on extrajudicial, summary or arbitrary executions (2006), Special Rapporteur on freedom of religion or belief (2008), Special Rapporteur on the right to food (2008), independent expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights (2008) and independent expert on on the issue of human rights obligations related to access to safe drinking water and sanitation (2008).
<i>Facilitation/cooperation during missions</i>	-
<i>Follow-up to visits</i>	-
<i>Responses to letters of allegations and urgent appeals</i>	A total of 26 communications were sent during the period under review. In addition to communications sent for particular groups, 50 individuals, including 6 women, were covered by these communications. During the period under review, the Government has replied to all the communications sent by the special procedures mandate holders.
<i>Responses to questionnaires on thematic issues³⁹</i>	Viet Nam responded to none of the 13 questionnaires sent by special procedures mandate holders during the period under review, ⁴⁰ within the deadlines.

3. Cooperation with the Office of the High Commissioner for Human Rights

18. In October 2007, the Office of the United Nations High Commissioner for Human Rights (OHCHR) organized a regional workshop on the establishment of national human rights institutions (NHRIs) in Asia, which brought together representatives of countries, which do not yet have a NHRI, including Viet Nam. The concluding statement adopted by the participants stressed the importance of taking necessary measures in order to establish a NHRI in compliance with the Paris Principles.⁴¹ Viet Nam contributed financially to OHCHR in 2008.⁴²

B. Implementation of international human rights obligations

1. Equality and non-discrimination

19. UNCT noted that although Viet Nam has made formidable progress in its socio-economic development since the beginning of the *doi moi* (renewal) era in the mid 1980s, some parts of the population, such as ethnic minority women and children, continue to be particularly vulnerable to high levels of poverty and inequality.⁴³

20. The ILO Committee of Experts noted the Law on Gender Equality did not introduce a definition of discrimination in employment and occupation in accordance with article 1 of the ILO Discrimination (Employment and Occupation) Convention (No. 111).⁴⁴ The Committee also noted that this law fell short of fully applying the ILO Equal Remuneration Convention (No. 100). The Committee urged the Government to consider giving full legislative expression to the principle of equal remuneration for men and women for work of equal value.⁴⁵

21. UNCT noted that the gender division of labour based on traditional roles and beliefs effectively relegates women to a subordinate status in the labour market and therefore contributes to the 'feminization' of poverty.⁴⁶

22. CEDAW reiterated its concern about the persistence of patriarchal attitudes and deep-rooted stereotypes, including the preference for male offspring, regarding the roles and responsibilities of women and men within the family and society at large. Such stereotypes, inter alia, put women at a disadvantage in the labour market and in political and public life.⁴⁷ CEDAW recommended that the State take measures to bring about changes in traditional attitudes and in gender-role stereotyping.⁴⁸

23. CRC noted with concern that domestic legislation does not specifically prohibit discrimination based on all the grounds listed under article 2 of the Convention. In particular, discrimination against children with disabilities is not explicitly prohibited, and the lower level of development indicators for ethnic minorities appears to indicate the existence of some level of discrimination, specifically regarding to their access to health and education.⁴⁹ CRC recommended, inter alia, that Viet Nam amend its domestic legislation to ensure that it corresponds fully with all the provisions of article 2 of the Convention.⁵⁰

2. Right to life, liberty and security of the person

24. In the period considered, the Special Rapporteur on extrajudicial, summary or arbitrary executions transmitted a number of allegations concerning non-respect of international standards relating to the imposition of capital punishment.⁵¹ In 2002, the HR Committee recommended continuing to review the list of crimes for which the death penalty may be imposed, with a view to abolishing capital punishment in furtherance of article 6 of the Covenant.⁵² In its comments on the concluding observations of the HR Committee, the State indicated, inter alia, that

retaining or abolishing the death penalty is dependent “totally on practical conditions of a country.”⁵³

25. UNCT submitted that Viet Nam’s level of domestic violence is high and that women suffer severe stress.⁵⁴ Although CEDAW welcomed the drafting of a new bill on domestic violence, it continued to be concerned about the lack of information and data on all forms of violence against women and girls,⁵⁵ and reiterated its recommendation to give high priority to address all forms of violence against women and girls, including through the speedy adoption of the law on domestic violence.⁵⁶

26. The ILO Committee of Experts noted that the Law on Gender Equality does not explicitly address sexual harassment, and urged the Government to consider the inclusion of specific legislative provisions defining, prohibiting and preventing sexual harassment at the workplace.⁵⁷

27. The HR Committee recommended that Viet Nam ensure that no persons are subjected to arbitrary restriction of their liberty and that all persons deprived of their liberty are promptly brought before a judge or other officer authorized to exercise judicial power by law, and that they can only be deprived of their liberty on the basis of a judgement based on law, as required by article 9, paragraphs 3 and 4, of the Covenant.⁵⁸ Moreover, the HR Committee recommended providing information in respect of all the institutions in which persons are held against their will, the number and names of the institutions and the number of inmates in each and whether these are remand or convicted prisoners.⁵⁹

28. CRC was concerned that children are subject to various forms of violence and ill-treatment and corporal punishment,⁶⁰ and recommended, inter alia, that the State take all appropriate measures to establish a national system for receiving, monitoring, and investigating complaints of child abuse and neglect, and, when necessary, prosecuting cases in a child-sensitive manner.⁶¹

29. In 2008, the ILO Committee of Experts requested the Government to prohibit the use, procuring or offering of a child under 18 for the production of pornography, or for pornographic performances, and to adopt corresponding sanctions,⁶² and encouraged the Government to pursue its efforts to prevent the engagement of children in prostitution, and to indicate the results achieved.⁶³ The Special Rapporteur on the sale of children, child prostitution and child pornography transmitted allegations concerning routine and arbitrary round ups of poor children by police. These children are allegedly sent to Social Protection Centres where they are detained in harsh conditions.⁶⁴ -

30. In 2003, CRC noted with concern that a significant proportion of sex workers are under the age of 18,⁶⁵ and recommended, inter alia, that Viet Nam continue to strengthen national and sub-regional strategies and programmes on the prevention of sexual exploitation and trafficking.⁶⁶ In 2006, CRC expressed concern at the information that child prostitution and sex tourism are an increasing problem in the country and recommended that the State increase its efforts to combat child prostitution.⁶⁷

3. Administration of justice and the rule of law

31. In 2002, the HR Committee was concerned that the judicial system remains weak owing to the scarcity of qualified lawyers, lack of resources for the judiciary and its susceptibility to political pressure and recommended that the State take effective measures to strengthen the

judiciary and to guarantee its independence.⁶⁸ In comments on the concluding observations of the HR Committee, Viet Nam responded that “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.”⁶⁹

32. CEDAW expressed concern about the low rates of prosecution and conviction of traffickers and of others who exploit the prostitution of women. CEDAW was also concerned about reports that rehabilitation measures, such as administrative camps, may stigmatize girls and young women victims of prostitution and deny them due process rights.⁷⁰

33. CRC was concerned that the juvenile justice system is unable to cope effectively with increasing youth crime and that rehabilitation and reintegration services for young offenders are insufficient.⁷¹

4. Right to privacy, marriage and family life

34. CEDAW was concerned about the differential minimum legal age for marriage for women and men,⁷² and urged Viet Nam to set the same minimum age of marriage for women and men at 18 years and to take measures to prevent and stop underage marriages.⁷³ With regard to the Land Law, CEDAW called upon the State to remove any administrative obstacles that may prevent the issuance of joint land use certificates to husbands and wives, particularly in rural areas.⁷⁴

5. Freedom of religion or belief, expression, association and peaceful assembly, and right to participate in public and political life

35. In 2008, the ILO Committee of Experts reiterated a previous request for information on legislation regarding religious beliefs and religious organizations, which prohibits discrimination on religious grounds, indicating the manner in which it provides protection against religious discrimination in employment.⁷⁵

36. In the period considered, the Special Rapporteur on freedom of religion or belief transmitted allegations concerning arrest and detention of church followers (i.e. Mennonite Christian Church, Unified Buddhist Church of Viet Nam, and Christians belonging to the *Degar/Montagnard* ethnic group), other religious adherents, including allegations of torturing to death, and arbitrary killings by security forces.⁷⁶

37. In the light of information available indicating that certain religious practices are repressed or strongly discouraged in Viet Nam, in 2002 the HR Committee expressed serious concern that the practice of the State does not meet the requirements of article 18 of the ICCPR.⁷⁷ In 2001, the Committee on the Elimination of Racial Discrimination (CERD) expressed concern about reports of discrimination in the exercise of religious freedom by minority ethnic groups.⁷⁸

38. The Special Rapporteur on the right to freedom of opinion and expression transmitted allegations concerning imprisonment of authors of articles on democracy.⁷⁹ The Special Representative of the Secretary-General on human rights defenders transmitted allegations concerning attacks, arrests and imprisonment of pro-democracy and human rights activists, who were allegedly ill-treated while in detention.⁸⁰

39. In 2007, the Working Group on Arbitrary Detention found a case of arbitrary detention, motivated by an individual's peaceful dissemination through the Internet of ideas and opinions advocating political openness and democracy.⁸¹
40. The HR Committee was concerned at reports of the extensive limitations on the right to freedom of expression in the media and the fact that the Press Law does not allow the existence of privately owned media. It recommended Viet Nam to put an end to restrictions on freedom of expression and that the press laws should be brought into compliance with article 19 of the ICCPR.⁸²
41. While noting the explanations provided by the delegation of Viet Nam regarding the exercise of the right to freedom of association, the HR Committee was concerned at the absence of specific legislation on political parties and at the fact that only the Communist Party is permitted, and recommended enabling national and international non-governmental human rights organizations and political parties to function without hindrance.⁸³
42. UNCT noted that women make up approximately 26 per cent of National Assembly representatives, but only 8 per cent of Central Party Committee members, 12.5 per cent of Ministers and 9 per cent of Vice Ministers.⁸⁴ UNCT also stated that the 1998 grassroots democracy decree promotes more active participation in decision-making processes at the commune and village levels.⁸⁵

6. Right to work and to just and favourable conditions of work

43. In 2006, the ILO Committee of Experts requested the Government to take measures rapidly to amend legislation so as to empower inspectors to enter workplaces freely, in accordance with the requirements of article 12 of the ILO Labour Inspection Convention (No. 81).⁸⁶
44. CEDAW expressed concern at the concentration of women in the informal economy, and that insufficient information was provided about their de facto situation in the formal and informal labor markets,⁸⁷ and urged Viet Nam to eliminate occupational segregation and to close the wage gap between women and men in the labor market. CEDAW also encouraged the State to ensure the enforcement of regulations of the Labor Code for the benefit of women.⁸⁸

7. Right to social security and to an adequate standard of living

45. UNCT noted that despite the impressive range of Government plans and policies in the social services, the level of public expenditure in the social sector is still low. Low-income households often end up having to pay considerable user fees and other side payments to gain access to basic social services.⁸⁹ A 2008 UNCT report noted that poorer women and children are particularly at risk since higher food prices can worsen their already precarious nutritional status.⁹⁰
46. CEDAW expressed concern about women's limited access to sexual and reproductive health-care services, the very high rate of abortions, in particular among adolescent and young women, and the increase in HIV/AIDS infections among women.⁹¹ CEDAW urged the State to enhance women's access to health care, in particular to sexual and reproductive health services.⁹² CEDAW expressed its concern about the situation of women in rural and remote areas, as well as the situation of ethnic minority women, who lack sufficient access to adequate health services, education, employment and credit facilities.⁹³

47. UNCT noted that the highest infant and maternal mortality rates are in the mountainous regions and among ethnic minority groups. Viet Nam has one of the highest abortion rates in the region and recently sex-selective abortion appears to reflect son preference, with the rate of male babies as high as 120 to 100 in four provinces in 2007.⁹⁴ A 2008 UNFPA report referred to surveys indicating that the sex ratio at birth in 2007 was 112 baby boys for every 100 baby girls.⁹⁵

48. A 2005 World Health Organization report noted that the introduction of social insurance schemes for poor people has ensured access to maternal and newborn health services, but that there has been a perceived decline in quality in peripheral health services.⁹⁶

49. The Special Rapporteurs on adequate housing as a component of the right to an adequate standard of living and on the right to food transmitted allegations concerning inadequate resettlement plans for an expected 91,000 persons to be displaced by a hydropower project, thereby threatening their access to livelihood and food.⁹⁷

50. CRC was concerned at the poor environmental health conditions, in particular the low percentage of the population with access to safe drinking water and sanitation facilities, in particular in rural and mountainous areas, as well as the after-effects of Agent Orange and other chemical defoliants,⁹⁸ and made recommendations in this connection.⁹⁹

8. Right to education and to participate in the cultural life of the community

51. UNCT noted that although economic progress has meant that many more citizens benefit from access to basic services, access to quality education, for instance, remains difficult especially for the most vulnerable groups. The net primary school completion rate varies from 65.3 per cent in the Central Highlands region to 90.2 per cent in the Red River Delta region; similarly, the rate is 86.4 per cent for the majority Kinh population, compared to only 60.6 per cent for other ethnic groups.¹⁰⁰

52. CEDAW urged the State to take all appropriate measures to eliminate the disparity in school enrolment rates and to achieve universal primary education for girls in accordance with article 10 of the Convention, the strategic objectives and actions of the Beijing Declaration and Platform for Action, and Millennium Development Goals 2 and 3.¹⁰¹

53. CRC was very concerned at the high proportion of children with disabilities who do not attend school, do not have access to vocational training and have limited access to rehabilitation services, particularly in rural areas.¹⁰² While noting efforts to achieve universal enrolment at primary school level, CRC was also concerned that there are significant gaps in access to and quality of education between urban and rural or mountainous regions, and that the school system still suffers from a shortage of well-trained teachers and educational materials.¹⁰³

9. Minorities and indigenous peoples

54. In 2002, while noting that the State denies any violation of the Covenant rights in this respect, the HR Committee remained concerned at the abundance of information regarding the treatment of the *Degar (Montagnard)* indicating serious violations of articles 7 and 27 of the ICCPR.¹⁰⁴

55. In 2008, the ILO Committee of Experts requested the Government to provide more information on the programmes and projects implemented in ethnic minority areas, indicating the type of training provided and the kind of occupations and employment promoted.¹⁰⁵

56. UNCT referred to estimates that 20 per cent of ethnic minority young women have never attended school, and many ethnic minority communities are not provided with education programmes in their mother tongue.¹⁰⁶

57. CEDAW requested the State to assess the impact of economic restructuring processes on women, including women belonging to ethnic minorities and living in rural and remote areas.¹⁰⁷ CEDAW also requested to ensure that the draft law on ethnic minorities be passed as soon as possible and that it integrate the objectives of the Law on Gender Equality.¹⁰⁸ A 2006 United Nations Development Group report noted that ethnic minority groups have not profited proportionally from growth, and constitute 39 per cent of the poor, while representing 14 per cent of the population.¹⁰⁹

58. CRC noted with concern that the lower level of development indicators for ethnic minorities appears to indicate the existence of some level of societal and institutional discrimination, specifically with regard to their access to health and education.¹¹⁰

III. ACHIEVEMENTS, BEST PRACTICES, CHALLENGES AND CONSTRAINTS

59. In 2008, UNCT noted that the tremendous success in poverty reduction in the country has been accomplished without a major increase in inequality.¹¹¹ In many instances, Viet Nam has put in place the basic legislative framework for the realization of the right to health, to life and other rights granted in human rights treaties, but its implementation often remains rudimentary.¹¹² Access to justice has been progressively enhanced through the introduction of state-provided legal aid in 1997, as well as more recent provisions to enable non-state associations to offer free legal services.¹¹³

60. UNCT considered that the Government had done reasonably well in making health services available at central, provincial, district and community levels; health care for children under 6 years and for the poor is free of charge. Still, large geographical disparities exist between regions with inadequate distribution of health workers and medical equipment, and considerable variations in quality.¹¹⁴ While welcoming the State's many efforts in this regard, CRC recommended that Viet Nam continue and strengthen efforts to secure the registration at birth of all children, giving particular attention to children living in rural and mountainous areas.¹¹⁵

61. UNCT considered that an important challenge for Viet Nam in the short term will be improving and expanding its social protection system. While it is noteworthy that in June 2006 Viet Nam passed a new social insurance law that includes unemployment insurance for the first time, it will need to make greater efforts to ensure that mechanisms are in place to promote more equitable development for all.¹¹⁶

62. UNCT also noted that the growing role and influence of elected bodies, the National Assembly and People's Councils may help to increase government transparency and accountability.¹¹⁷ In 2001, CERD welcomed the presence of a significant number of representatives of minority groups in the State's parliament.¹¹⁸

63. CRC was concerned that a large part of Vietnamese territory is still affected by unexploded ordnances (UXO) and landmines from the past conflicts, causing serious danger for the population,¹¹⁹ and recommended, inter alia, that Viet Nam continue its landmine and UXO clearance and risk education activities.¹²⁰

64. CRC was also concerned that HIV/AIDS is spreading and increasingly affects children, either because they have been infected or because they may have lost parents to the disease.¹²¹

IV. KEY NATIONAL PRIORITIES, INITIATIVES AND COMMITMENTS

Specific recommendations for follow-up

65. In 2002, the HR Committee requested the State to forward information within 12 months on the implementation of the Committee's recommendations regarding paragraphs 7 (review of crimes for which the death penalty is applicable), 12 (number and location of detention centres and the conditions under which detainees are held), 14 (domestic violence and the impact of measures taken to address it), 16 (the number of individuals belonging to various religious communities, the number of places of worship, as well as the practical measures taken by the authorities to guarantee the freedom of exercise of religious practice), 19 (ensuring that the rights of members of indigenous communities are respected) and 21 (restrictions on public meetings and demonstrations) of the concluding observations.¹²² The Government replied to this request in July 2003.¹²³

V. CAPACITY-BUILDING AND TECHNICAL ASSISTANCE

66. The 2006-2010 United Nations Development Assistance Framework (UNDAF) lists, among the three UNDAF outcomes, policies, law and rights-based development support to governance structures to realize the values and goals of the Millennium Declaration.¹²⁴

67. UNCT noted that the One United Nations programme framework (One Plan) is the key UNCT framework for strengthening national capacities and supporting the implementation of the national socio-economic development plan.¹²⁵

68. CRC recommended that the State continue its landmine and UXO clearance and risk education activities seeking the necessary technical and financial support within a framework of international cooperation, including from United Nations agencies.¹²⁶

69. CRC recommended that the State request technical assistance from, inter alia, OHCHR and other members of the United Nations Coordination Panel on Technical Advice and Assistance on Juvenile Justice in relation to the ability of the juvenile justice system to cope effectively with increasing youth crime and the inadequacy of rehabilitation and reintegration services.¹²⁷

Notes

¹ Unless indicated otherwise, the status of ratifications of instruments listed in the table may be found in *Multilateral Treaties Deposited with the Secretary-General: Status as at 31 December 2006* (ST/LEG/SER.E.25), supplemented by the official website of the United Nations Treaty Collection database, Office of Legal Affairs of the United Nations Secretariat, <http://treaties.un.org/>.

² The following abbreviations have been used for this document:

ICERD	International Convention on the Elimination of All Forms of Racial Discrimination
ICESCR	International Covenant on Economic, Social and Cultural Rights
OP-ICESCR	Optional Protocol to ICESCR
ICCPR	International Covenant on Civil and Political Rights
ICCPR-OP 1	Optional Protocol to ICCPR

ICCPR-OP 2	Second Optional Protocol to ICCPR, aiming at the abolition of the death penalty
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
OP-CEDAW	Optional Protocol to CEDAW
CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
OP-CAT	Optional Protocol to CAT
CRC	Convention on the Rights of the Child
OP-CRC-AC	Optional Protocol to CRC on the involvement of children in armed conflict
OP-CRC-SC	Optional Protocol to CRC on the sale of children, child prostitution and child pornography
ICRMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families
CRPD	Convention on the Rights of Persons with Disabilities
OP-CRPD	Optional Protocol to Convention on the Rights of Persons with Disabilities
CED	International Convention for the Protection of All Persons from Enforced Disappearance

³ Adopted by the General Assembly in its resolution 63/117, in which it recommended that a signing ceremony be organized in 2009. Article 17, para 1 of OP-ICESCR states that “The present Protocol is open for signature by any State that has signed, ratified or acceded to the Covenant”.

⁴ Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.

⁵ 1951 Convention relating to the Status of Refugees and its 1967 Protocol, 1954 Convention relating to the status of Stateless Persons and 1961 Convention on the Reduction of Statelessness.

⁶ Convention (I) for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field; Convention (II) for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea; Convention (III) relative to the Treatment of Prisoners of War; Convention (IV) relative to the Protection of Civilian Persons in Time of War; Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II); Protocol additional to the Geneva Conventions of 12 August 1949, and relating to the Adoption of an Additional Distinctive Emblem (Protocol III). Source: Switzerland, Federal department of foreign affairs, <http://www.eda.admin.ch/eda/fr/home/topics/intla/intrea/chdep/warvic.html>.

⁷ International Labour Organization Convention No. 29 Concerning Forced or Compulsory Labour and Convention; Convention No. 105 concerning the Abolition of Forced Labour; Convention No. 87 concerning Freedom of Association and Protection of the Right to Organise; Convention No. 98 concerning the Application of the Principles of the Right to Organise and to Bargain Collectively; Convention No. 100 concerning Equal Remuneration for Men and Women Workers for Work of Equal Value; Convention No. 111 concerning Discrimination in Respect of Employment and Occupation; Convention No. 138 concerning Minimum Age for Admission to Employment; Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour.

⁸ CEDAW/C/VNM/CO/6, para 33.

⁹ Ibid., para 30.

¹⁰ Ibid., para 19 and CRC/C/15/Add.200, para 50 (d).

¹¹ CRC/C/15/Add.200, para 38.

¹² CRC/C/OPAC/VNM/CO/1, para 7.

¹³ CRC/C/OPSC/VNM/CO/1, para 14.

¹⁴ Ibid., para 15.

¹⁵ CRC/C/OPAC/VNM/CO/1, para 12.

¹⁶ Ibid., para 13.

¹⁷ CEDAW/C/VNM/CO/6, para 4.

¹⁸ Ibid., para 18.

¹⁹ Ibid., para 5.

²⁰ United Nations country team Viet Nam, submission to the UPR, pp. 2, 6-7.

²¹ CRC/C/OPSC/VNM/CO/1, para 10.

²² UNCT Viet Nam, submission to the UPR, p. 7.

²³ CRC/C/OPSC/VNM/CO/1, para 10(a).

²⁴ Ibid., para 11.

²⁵ Ibid., para 25.

²⁶ For the list of national human rights institutions with accreditation status granted by the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC), see A/HRC/10/55, annex 1.

²⁷ CCPR/CO/75/VNM, para 11.

²⁸ UNCT Viet Nam, submission to the UPR on Viet Nam, p. 2.

²⁹ CRC/C/15/Add.200Ibid., paras 12 and 13.

³⁰ CRC/C/OPSC/VNM/CO/1, para 18.

³¹ CEDAW/C/VNM/CO/6, para 6.

³² Ibid., para 18.

³³ ILO Committee of Experts on the Application of Conventions and Recommendations, doc. No. (ILOLEX) 092008VNM182, p. 2.

³⁴ CRC/C/OPSC/VNM/CO/1, para 4.

³⁵ Ibid., para 21.

³⁶ Ibid., para 22.

³⁷ The following abbreviations have been used for this document:

CERD	Committee on the Elimination of Racial Discrimination
CESCR	Committee on Economic, Social and Cultural Rights
HR Committee	Human Rights Committee
CEDAW	Committee on the Elimination of Discrimination against Women
CRC	Committee on the Rights of the Child

³⁸ E/CN.4/1999/58/Add.2

³⁹ The questionnaires included in this section are those which have been reflected in an official report by a special procedure mandate holder.

⁴⁰ See (a) report of the Special Rapporteur on the right to education (A/HRC/4/29), questionnaire on the right to education of persons with disabilities sent in 2006; (b) report of the Special Rapporteur on the human rights of migrants (A/HRC/4/24), questionnaire on the impact of certain laws and administrative measures on migrants sent in 2006; (c) report of the Special Rapporteur on trafficking in persons, especially women and children (A/HRC/4/23), questionnaire on issues related to forced marriages and trafficking in persons sent in 2006; (d) report of the Special Representative of the Secretary-General on human rights defenders (E/CN.4/2006/95 and Add.5), questionnaire on the implementation of the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms sent in June 2005; (e) report of the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people (A/HRC/6/15), questionnaire on the human rights of indigenous people sent in August 2007; (f) report of the Special Rapporteur on trafficking in persons, especially in women and children (E/CN.4/2006/62) and the Special Rapporteur on the sale of children, child prostitution and child pornography (E/CN.4/2006/67), joint questionnaire on the relationship between trafficking and the demand for commercial sexual exploitation sent in July 2005; (g) report of the Special Rapporteur on the right to education (E/CN.4/2006/45), questionnaire on the right to education for girls sent in 2005; (h) report of the Working Group on mercenaries (A/61/341), questionnaire concerning its mandate and activities sent in November 2005; (i) report of the Special Rapporteur on the sale of children, child prostitution and child pornography (A/HRC/4/31), questionnaire on the sale of children's organs sent on July 2006;

(j) report of the Special Rapporteur on the sale of children, child prostitution and child pornography (E/CN.4/2005/78), questionnaire on child pornography on the Internet sent in July 2004; (k) report of the Special Rapporteur on the sale of children, child prostitution and child pornography (A/HRC/7/8), questionnaire on assistance and rehabilitation programmes for child victims of sexual exploitation sent in July 2007; (l) report of the Special Representative of the Secretary-General on the issue of human rights and transnational corporations and other business enterprises (A/HRC/4/35/Add.3), questionnaire on human rights policies and management practices; (m) report of the Special Rapporteur on the right to education (A/HRC/8/10), questionnaire on the right to education in emergency situations sent in 2007.

⁴¹ A/HRC/7/69, para. 39.

⁴² OHCHR 2008 Report on Activities and Results (forthcoming).

⁴³ UNCT Viet Nam, submission to the UPR, p. 3.

⁴⁴ ILO Committee of Experts on the Application of Conventions and Recommendations, doc. No. (ILOLEX) 062008VNM111, para. 1.

⁴⁵ ILO Committee of Experts on the Application of Conventions and Recommendations, doc. No. (ILOLEX) 062008VNM100, para. 2.

⁴⁶ UNCT Viet Nam, submission to the UPR, p. 3.

⁴⁷ CEDAW/C/VNM/CO/6, para 12.

⁴⁸ Ibid., para 13.

⁴⁹ CRC/C/15/Add.200, para 22.

⁵⁰ Ibid., para 23.

⁵¹ E/CN.4/2006/53/Add.1, pages 301-303; A/HRC/4/20/Add.1, pages 372-374 ; A/HRC/8/3/Add.1, pages 418-421.

⁵² CCPR/CO/75/VNM, para 7.

⁵³ CCPR/CO/75/VNM/Add.2, para 1.

⁵⁴ UNCT Viet Nam, submission to the UPR, p. 5.

⁵⁵ CEDAW/C/VNM/CO/6, para 16.

⁵⁶ Ibid., para 17. See also CCPR/CO/75/VNM, para. 14

⁵⁷ ILO Committee of Experts on the Application of Conventions and Recommendations, doc. No. (ILOLEX) 062008VNM111, para. 4.

⁵⁸ CCPR/CO/75/VNM, para. 8

⁵⁹ Ibid., para. 12.

⁶⁰ CRC/C/15/Add.200, para 33.

⁶¹ Ibid., para 34.

⁶² ILO Committee of Experts on the Application of Conventions and Recommendations, doc. No. (ILOLEX) 092008VNM182, p. 1.

⁶³ Ibid., p. 3.

⁶⁴ A/HRC/4/31/Add.1, paras. 262-265.

⁶⁵ CRC/C/15/Add.200, para 49.

⁶⁶ Ibid., para 50.

⁶⁷ CRC/C/OPSC/VNM/CO/1, para 16.

⁶⁸ CCPR/CO/75/VNM, para 9.

⁶⁹ CCPR/CO/75/VNM/Add.1, para 8.

⁷⁰ CEDAW/C/VNM/CO/6, para 18.

⁷¹ CRC/C/15/Add.200, para 53.

⁷² CEDAW/C/VNM/CO/6, para 26.

⁷³ Ibid., para 27.

⁷⁴ Ibid., para 9.

⁷⁵ ILO Committee of Experts on the Application of Conventions and Recommendations, doc. No. (ILOLEX) 062008VNM111, para. 6.

⁷⁶ E/CN.4/2006/5/Add.1, paras. 457-484 and A/HRC/7/10/Add.1, paras. 310-319.

⁷⁷ CCPR/CO/75/VNM, para 16.

⁷⁸ A/56/18, para.420.

⁷⁹ E/CN.4/2006/55/Add.1, paras. 1110; A/HRC/7/14/Add.1, paras. 734-736 .

⁸⁰ E/CN.4/2006/55/Add.1, para. 1111; A/HRC/7/14/Add.1, paras. 737-741; E/CN.4/2006/95/Add.1, para. 597; A/HRC/4/37/Add.1, paras. 726, 729 and 730; A/HRC/7/28/Add.1, paras. 2015-2029.

⁸¹ A/HRC/7/4/Add.1, opinion No. 13/2007, pp. 92-96.

⁸² CCPR/CO/75/VNM, para 18.

⁸³ Ibid., para 20.

⁸⁴ UNCT Viet Nam, submission to the UPR, pp. 3-4.

⁸⁵ Ibid., p. 8.

⁸⁶ ILO Committee of Experts on the Application of Conventions and Recommendations, doc. No. (ILOLEX) 092006VNM081, para. 2.

⁸⁷ CEDAW/C/VNM/CO/6, para 22.

⁸⁸ Ibid., para 23.

⁸⁹ UNCT Viet Nam, submission to the UPR, p. 6.

⁹⁰ UNCT Viet Nam, Food prices, Vulnerability and Food Security in Viet Nam, Hanoi, 2008, available at http://www.un.org.vn/images/stories/news/unvn_food_security_paper_eng.doc (accessed on 9 December 2008).

⁹¹ CEDAW/C/VNM/CO/6, para 24.

⁹² Ibid., para 25.

⁹³ Ibid., para 28.

⁹⁴ UNCT Viet Nam, submission to the UPR, p. 4-5.

⁹⁵ UNFPA, Viet Nam Population 2007, Hanoi, 2008, pp. 19-20, available at http://vietnam.unfpa.org/documents/2008/Bien%20dong%20dan%20so_UNFPA_eng.pdf (accessed on 2 December 2008).

⁹⁶ World Health Organization, *The World Health Report 2005, Making Every Mother and Child Count*, Geneva, 2005, pp. 139-140.

⁹⁷ A/HRC/7/16/Add.1, para. 130-134.

⁹⁸ CRC/C/15/Add.200, para 41.

⁹⁹ Ibid., para 42.

¹⁰⁰ UNCT Viet Nam, submission to the UPR, p. 4.

¹⁰¹ CEDAW/C/VNM/CO/6, para 21.

¹⁰² CRC/C/15/Add.200, para 43.

¹⁰³ Ibid., para 47.

¹⁰⁴ CCPR/CO/75/VNM, para 19.

¹⁰⁵ ILO Committee of Experts on the Application of Conventions and Recommendations, doc. No. (ILOLEX) 062008VNM111, para. 5.

¹⁰⁶ UNCT Viet Nam, submission to the UPR, p. 4.

¹⁰⁷ CEDAW/C/VNM/CO/6, para 23.

¹⁰⁸ Ibid., para 29.

¹⁰⁹ UNDG, Annual report of the Resident Coordinator 2006, Hanoi, available at <http://www.undg.org/rcar.cfm?fuseaction=RCAR&ctyIDC=RVN&P=490> (accessed on 9 December 2008).

¹¹⁰ CRC/C/15/Add.200, para 22.

¹¹¹ UNCT Viet Nam, submission to the UPR, p. 7.

¹¹² Ibid., p. 8.

¹¹³ Ibid., p. 7.

¹¹⁴ Ibid., p. 4.

¹¹⁵ CRC/C/15/Add.200, paras. 31 and 32.

¹¹⁶ UNCT Viet Nam, submission to the UPR, p. 8.

¹¹⁷ Ibid., p. 9.

¹¹⁸ A/56/18, para. 413.

¹¹⁹ CRC/C/OPAC/VNM/CO/1, para 14.

¹²⁰ Ibid., para 15.

¹²¹ CRC/C/15/Add.200, para 45.

¹²² CCPR/CO/75/VNM, para 23.

¹²³ CCPR/CO/75/VNM/Add.2.

¹²⁴ United Nations Development Assistance Framework for the Socialist Republic of Viet Nam 2006-2010, Hanoi, 2005, pp. 3-4.

¹²⁵ UNCT Viet Nam, submission to the UPR, p. 9. For the One Plan, see http://www.undg.org/docs/9332/One-Plan_FINAL_eng.pdf.

¹²⁶ CRC/C/OPAC/VNM/CO/1, para 15.

¹²⁷ CRC/C/15/Add.200, para. 54 (f).
