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Committee on Economic, Social and Cultural Rights Fifty-third session

Summary record of the 42nd meeting

Held at the Palais Wilson, Geneva, on Monday, 10 November 2014, at 3 p.m.

Chairperson: Mr. Kedzia

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Combined second to fourth periodic reports of Viet Nam

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The meeting was called to order at 3.05 p.m.

Consideration of reports

(a) Reports submitted by States parties in accordance with articles 16 and 17 of the Covenant

Combined second to fourth periodic reports of Viet Nam (E/C.12/VNM/2-4; E/C.12/VNM/Q/2-4 and Add.1)

1. *At the invitation of the Chairperson, the delegation of Viet Nam took places at the Committee table.*

2. **Mr. Nguyen Chi Dung** (Viet Nam) said that Viet Nam had accepted the 65 recommendations relating to economic, social and cultural rights made in February 2014, during the most recent universal periodic review of the human rights situation in Viet Nam. A new Constitution had been adopted in 2013, with the entire second chapter being devoted to human rights and the fundamental rights and obligations of citizens. Many laws had been promulgated or amended since 2009, including legislation on land, trade unions, disseminating legal information and law education, persons with disabilities and public investments. Viet Nam, now a middle-income country, was in the process of implementing a socioeconomic strategy for 2011 to 2020, with a view to becoming a modern industrial nation by 2020. In 2013, GDP per capita was US\$ 1,908 compared with US\$ 100 in 1990. The percentage of poor households was 9.6 per cent in 2012, compared with 58.1 per cent in 1993. Viet Nam had already attained the Millennium Development Goals (MDGs) on poverty reduction, universal primary education and gender equality, and expected to achieve the five remaining goals by 2015. While the Vietnamese economy had not been spared by the global crisis in recent years, the Government continued to give high priority to social security issues and improving people's living conditions, especially those of disadvantaged groups. Concerning social security, 29 million people had enrolled for health insurance coverage since 2011. With respect to support for the most disadvantaged, 19,000 poor households had received housing assistance by the end of 2012.

3. Regarding employment, the 2012 Labour Code ensured equal employment opportunities and working conditions for all. The 1.58 million jobs created each year had reduced the unemployment rate to 3.7 per cent in 2013. Numerous efforts had been made in the areas of education, health and sanitation, including to reduce the infant mortality rate, which was currently one of the lowest among the member States of the Association of Southeast Asian Nations (ASEAN), and to increase the proportion of the population with access to clean drinking water (in 2013, the rate was 82 per cent in rural areas).

4. The Vietnamese Government had adopted a programme to preserve and promote the cultural identity of minorities, which would run through 2020. Minorities throughout the country could freely engage in cultural activities. As for the use of new technologies, by 2014 there were 98 online newspapers and magazines, 1,600 information websites and 31 million Internet users.

5. The Vietnamese Government expected to ratify the Convention on the Rights of Persons with Disabilities and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in 2014. It intended to ratify the International Convention for the Protection of All Persons from Enforced Disappearance and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. Discussions were ongoing with development partners, international organizations, domestic and international non-governmental organizations and civil society on matters such as combating poverty and corruption.

Articles 1 to 5

6. **Mr. Schrijver** (Country Rapporteur) requested further details on the difficulties that had delayed the submission of the periodic report for almost 20 years. While noting with satisfaction that Viet Nam had become a middle-income country, he observed that the 2012 World Bank report on poverty reduction in Viet Nam, entitled *Well Begun, Not Yet Done: Vietnam's Remarkable Progress on Poverty Reduction and the Emerging Challenges*, showed that the country still had a long way to go, including to ensure the enjoyment of economic, social and cultural rights.

7. He welcomed the significant progress made in legislation during the period under review, but regretted that not all the rights set out in the Covenant had been incorporated into domestic law, and that the rights enshrined in the Constitution were accompanied by restrictions granting broad discretionary powers to the authorities. He also regretted the lack of a national human rights institution in line with the Principles relating to the Status of National Institutions for the Promotion and Protection of Human Rights ("Paris Principles"), and was concerned about restrictions targeting organizations, journalists and persons involved in defending economic, social and cultural rights. He also asked how much instruction about the independence of the judiciary and human rights was provided to judges and magistrates in their professional training, and whether corruption in the judiciary was a problem.

8. **Ms. Bras Gomes** asked whether civil society organizations had been consulted during the preparation of the report, and whether the State party ensured adherence to the principle of self-identification with respect to indigenous groups.

9. **The Chairperson**, speaking as a Committee member, said he wished to know whether persons who reported acts of corruption committed by public officials faced intimidation, and what steps were being taken by the State party to protect them.

10. **Ms. Le Thi Kim Dung** (Viet Nam) said that many lessons on ethics and human rights were included in training programmes for judges, and that they were expected to use their judgement and act responsibly when handing down their rulings.

11. **Mr. Tran Quoc Phuong** (Viet Nam) said that corruption had a significant impact on the functioning of the judiciary and, as a consequence, on human rights. Persons subjected to harassment and bullying for reporting acts of corruption received protection, and the competent authorities sought to identify the authors of any anonymous threatening letters and intimidating text messages that were sent to those persons. In addition, dissuasive sentences were provided for to punish the perpetrators of such threats.

12. **Mr. Ha Dinh Bon** (Viet Nam) said that Viet Nam did not have a specific law prohibiting discrimination because it was already enshrined in the Constitution and other legislation.

13. **Ms. Tran Nu Ngoc Anh** (Viet Nam) said that the State party had ratified the Convention on the Elimination of All Forms of Discrimination against Women and spared no effort in protecting women's rights, including those of minorities and vulnerable groups.

14. **Mr. Tran Chi Thanh** (Viet Nam) said that civil society played an important role in the country, and that thousands of associations existed at the local level, working in the areas of environmental protection, education, health and sports. Civil society organizations were routinely consulted during the preparation of the reports on human rights submitted by the Vietnamese Government. Lastly, there was no need to ensure adherence to the principle of self-identification of indigenous peoples, since there were no such groups in Viet Nam.

15. **Ms. Shin** asked why the Vietnamese authorities did not consider the Khmers to be an indigenous population, given that was how the Khmers described themselves. She

requested information on legislation prohibiting and punishing discrimination and on compensation granted to victims. She also asked whether the State party intended to ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights and to amend legislation to remove any potentially discriminatory provisions.

16. **Mr. Ribeiro Leão** requested information on how individuals could defend their economic, social and cultural rights in the courts.

17. **Mr. Dasgupta** asked whether the State party intended to withdraw the declaration it had made with respect to article 26, paragraph 1, of the Covenant.

18. **Ms. Bras Gomes** asked whether the legislation on disseminating legal information and law education included instruction on economic, social and cultural rights.

19. **Mr. Atangana** requested the delegation to provide specific examples of instances where the courts had applied the provisions of the Covenant. He wished to know what measures had been adopted to promote the independence of the judiciary and to combat corruption.

20. **Mr. Abdel-Moneim** said that he would have liked to see more statistics in the State party's periodic report on public expenditure on ensuring the enjoyment of economic, social and cultural rights. He would be interested to hear the delegation's views on the conclusions of the report of the Special Rapporteur on extreme poverty and human rights (A/HRC/17/34/Add.1), and the report of the Independent Expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights (A/HRC/17/37/Add.2).

21. **The Chairperson**, speaking as a member of the Committee, enquired about the impact of corruption on the enjoyment of economic, social and cultural rights. He asked whether protection would be afforded to human rights defenders and other persons who reported cases of corruption and who could be at risk of reprisals as a consequence.

Articles 6 to 9

22. **Mr. Ribeiro Leão** asked whether the guidelines on preventing industrial accidents and occupational diseases, outlined in paragraph 170 of the report, had yielded practical results. With regard to trade union rights, he wished to know whether the legislation mentioned in paragraph 173 of the report was being put into practice and whether workers were free to form unions.

23. **Ms. Bras Gomes** asked whether targeted measures were being adopted for persons aged 15 to 24, who were particularly affected by unemployment. She also enquired about steps taken to address underemployment, especially in rural areas. She requested more details on how the law guaranteed just and favourable working conditions for workers in the informal sector, as mentioned in the State party's written replies. She noted that women were only offered stereotypical vocational training, which did not help them secure employment in the formal sector. She requested an initial overview of progress made and challenges encountered in implementing the 2011–2020 social security strategy. What measures were planned to guarantee access to health care for the most disadvantaged groups? Lastly, she asked whether the State party intended to set the same retirement age for men as for women, given that the difference currently affected pension rights and the amount of pension received.

24. **Mr. Martynov** asked the State party to explain why almost 80 per cent of young people had no qualifications, despite the numerous vocational training centres in the country. He requested more recent statistics on informal employment, which represented around 85 per cent of total employment in 2007, and asked whether specific measures were planned to formalize the informal sector. He commended the State party on its commitment

to ratifying the Convention on the Rights of Persons with Disabilities in the near future. He asked how the policy on setting quotas for employing persons with disabilities was implemented, whether it applied to both the public and private sectors and how the employment of persons with disabilities had changed since 2007, the year when Viet Nam had signed the Convention. He requested more details on the measures planned to expand access to unemployment benefits.

25. **Mr. Schrijver** (Country Rapporteur) enquired about the legal basis for restrictions on the right to strike, and whether, in the delegation's view, they were compatible with the Covenant.

The meeting was suspended at 4.10 p.m. and resumed at 4.40 p.m.

26. **Mr. Nguyen Chi Dung** (Viet Nam) reaffirmed the commitment of Viet Nam to incorporating the provisions of the Covenant and the other international instruments to which it was a party into its legislation. Viet Nam had already made significant progress in that direction, but it needed more time and resources.

27. **Ms. Le Thi Kim Dung** (Viet Nam) said that the purpose of the law on disseminating legal information and law education was to raise public awareness of national legislation, in particular the provisions of the Constitution and laws on parity, land and property, education, training, marriage, military service, the duties of public officials and the country's international commitments.

28. **Ms. Tran Nu Ngoc Anh** (Viet Nam) said that there was no discrimination against members of ethnic minorities, who were all equal before the law. Minority rights were recognized in the Labour Code, Criminal Code and Civil Procedure Code and in legislation on elections and health care, and were protected and promoted by National Assembly decrees. At the national level, an ethnic affairs committee submitted bills and implemented programmes to promote the economic, social and cultural development of ethnic minorities. There were also steering committees in the provinces. Following its ratification of the International Convention on the Elimination of All Forms of Racial Discrimination in 1982, Viet Nam had enshrined in its Constitution and legislation the principle of equal justice for all ethnic minorities, without distinction as to race, sex or religion.

29. **Mr. Tran Quoc Phuong** (Viet Nam) said that Viet Nam had ratified the United Nations Convention against Corruption, and had devised a strategy to combat corruption through the year 2020. It recognized that corruption had economic repercussions, including a direct impact on the public sector (reducing the number, quality, effectiveness and accessibility of services), as well as social repercussions, in that it undermined traditional values. Persons reporting cases of corruption and their families were protected by law, the level of protection of their physical integrity and identity varying according to the seriousness of the reported acts.

30. **Mr. Le Quang Manh** (Viet Nam) said that the use of official development assistance was governed by special rules, particularly with regard to infrastructure and social development. Specifically, the assistance received was used to build schools and health facilities and to provide medical equipment in poor provinces and isolated communities.

31. **Mr. Ha Dinh Bon** (Viet Nam) said that the Constitution prohibited forced labour. Employers must pay employees a fair and appropriate wage, promote health and safety in the workplace and ensure that the equipment used complied with national safety standards.

32. The Constitution guaranteed the independence of the judiciary. Judges were appointed by the President and they had no links to the Government.

33. **Mr. Tran Chi Thanh** (Viet Nam) said that Viet Nam was prepared to review its declarations on and reservations to the Covenant and withdraw them if they were contrary

to the spirit and purpose of the Covenant. However, it felt that was not the case with its declaration with respect to article 26, paragraph 1, which stated that the Covenant must be open for signature by any State member of the United Nations, without discrimination or restriction. As for human rights institutions, it took time to establish them, and the form they took depended on the situation and history of each country. In that regard, Viet Nam modelled itself primarily on Austria and Switzerland. For Viet Nam, it was difficult to accept the concept of indigenous peoples, which set up a distinction between population groups that harked back to its past as a French colony. The Khmers and other communities were an integral part of its population and had contributed to its development for several centuries. Viet Nam was a State that enforced the rule of law and guaranteed that all its citizens were protected by and equal before the law.

Articles 10 to 12

34. **Ms. Shin** enquired about the number and percentage of Vietnamese women who married abroad, and whether awareness-raising measures had been implemented by the State party to prevent young women from falling into the hands of marriage agencies or unscrupulous intermediaries who exploited them and facilitated their marriage with foreigners. Such marriages often ended in violence. She asked whether the State party intended to ensure that children born of such unions no longer became stateless if the parents divorced. She also asked if it ensured that the land rights of widows were protected when their husbands died and, in general, whether women had access to property, either in their own name or in joint ownership with their husband. Lastly, she asked for details of the budgetary funds allocated to health, and what steps the authorities had taken to guarantee the right to health of ethnic minorities and people living in remote areas.

35. **Mr. Ribeiro Leão** requested more precise details about the poverty reduction programmes and projects outlined in paragraphs 347 to 349 of the report under review, and what results had been achieved.

36. **Mr. Atangana** asked what had been the impact of the action programme for preventing domestic violence, how many cases had resulted in conviction and what sentences had been handed down.

37. **Mr. Abashidze** asked whether the chemical weapons that had been dumped over a third of the country during the war had caused health problems and whether the State party had managed to clean up the soil.

38. **Mr. Pillay** asked whether the State party planned to raise the level of social benefits, which currently failed to provide enough for the poor, the elderly and ethnic minorities to live decently. He wished to know whether persons registered under the household registration system were at an advantage when it came to access to housing, what criteria were used in allocating social housing and whether all social housing was located in areas with sewerage systems and clean drinking water. Lastly, he asked whether the State party had taken steps to put an end to the confiscation of agricultural land and the forced eviction of occupants without any form of compensation or resettlement.

39. **Mr. Martynov** asked what measures the State party intended to adopt to combat inequalities between regions due to poverty, which was particularly marked in the mountainous regions and the northern highlands.

40. **Mr. Schrijver** (Country Rapporteur) enquired about the Vietnamese Government's stance on corporal punishment.

41. **Mr. Abdel Moneim** asked whether the sharp increase in growth had been reflected in increased budget allocations to the protection of economic, social and cultural rights, and

whether the State party had adopted a fiscal policy to ensure the fair distribution of national wealth.

Articles 13 to 15

42. **Mr. Kerdoun** enquired about the impact of steps taken by the State party to improve access to education, particularly in remote areas. He requested further information on the content of and results achieved by the Education Development Strategy for 2001–2010. He wished to know whether education on environment-related issues was included in school curricula, or whether the topic was addressed in separate awareness-raising campaigns targeting the whole population. He asked whether the State party had succeeded in its goal of ensuring that all persons living in rural areas had access to 60 litres of water per day.

43. **Mr. Marchán Romero** asked whether the State party recognized the existence of the different ethnic minorities within the country and ensured that the rights, including cultural rights, of members of those minorities were respected. He expressed concern about Decision No. 25/2004 by the Prime Minister, which stated that “The aims of the project are to preserve selectively, safeguard and promote values of traditional culture and typical cultural values, phase out the obsolete” (para. 555 (a) of the report). That was contrary to the right of minorities to participate in cultural life. He requested more information on steps taken by the State party to safeguard the traditional knowledge of the country’s peoples and to protect the followers of religions that were not officially recognized in the country, who were often victims of persecution.

44. **Mr. Mancisidor**, pointing out that a number of consistent and reliable sources described the State party as one of the most restrictive countries in terms of access to the Internet, asked the Vietnamese delegation to comment.

45. **Ms. Bras Gomes**, referring to paragraph 30 of the report, asked for the State party’s assessment of the 2007–2010 policy to support the sedentarization of ethnic minorities, which could deprive ethnic minorities of their right to observe their traditional practices.

The meeting rose at 6 p.m.