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

Summary record of the 43rd meeting

Held at the Palais Wilson, Geneva, on Tuesday, 11 November 2014, at 10 a.m.

Chairperson: Mr. Kedzia

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The meeting was called to order at 10 a.m.

Consideration of reports *(continued)*

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

Combined second to fourth periodic reports of Viet Nam (continued)
(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. Ha Dinh Bon** (Viet Nam), responding to questions put by Committee members at the previous meeting, said that the 2012 Labour Code contained a chapter that addressed health and safety at work, explaining the rights and duties of both employers and employees and the regulations intended to prevent accidents at work and occupational diseases. The National Assembly was considering a bill on occupational health and safety that would apply to both the formal and the informal sectors, extending social insurance coverage even to workers with contracts of less than three months.
3. Unemployment rates in Viet Nam were generally low, with underemployment a particular issue in rural areas because of the farming calendar. Appropriate training courses had been organized, notably in crafts for women, and employment counselling centres had been established across the country. The vocational training strategy aimed to help young people acquire skills and to expand labour opportunities in all sectors through a network linking schools, universities and the business community. Workers should be taught skills of use both in the country and on the labour market abroad.
4. Viet Nam had signed the Convention on the Rights of Persons with Disabilities in 2007 and a bill on its approval was currently before the National Assembly. The 2011 Act on Persons with Disabilities and other instruments made provision, in compliance with the Convention, for persons with disabilities to access social and other public services. In the light of the lack of success of the previous Labour Code in obliging businesses to take on employees with disabilities, the new Code now offered tax incentives to firms where persons with disabilities constituted 30 per cent of the workforce. Workers with disabilities also enjoyed allowances and other benefits, depending on their level of disability.
5. The Labour Code established a retirement age of 55 for women and 60 for men working in the public sector, but did not set any maximum working age. In 2012, the National Assembly had passed an Act on trade unions to encourage businesses to allow trade unions to protect workers' rights. It was currently considering a bill on associations likely to enter into force in 2015–2016.
6. **Mr. Nguyen Manh Cuong** (Viet Nam) said that the Ministry of Health had submitted draft legislation on the goals of the health-care services to 2020 and beyond and was considering amendments to other related legislation. To improve transparency in the process, the proposed bills were being published on the Ministry's website. Members of the public were asked for input and could submit complaints and requests for information using telephone hotlines to the Ministry and its regional departments. The Ministry was also encouraging private sector involvement in health-care provision.
7. Health-care facilities were organized on four levels, from national to commune level. Figures for 2011 show that a total of 96 per cent of hamlets had doctors and other health-care staff, and obstetricians were available in 90 per cent of communes. Capacity was being built up through the provision of training, including in mental health care, and young doctors were offered incentives to work at local level. Government and official

development assistance was being invested in improving local health-care facilities, where the funding coefficient was 1.7 times that for towns. With the adoption of the Act amending the health insurance system, progress was being made towards universal coverage, with free services provided to the poor, children under the age of 6 and persons who had made a particular contribution to the revolution, and subsidies for students. The populations of remote and island areas received heavily subsidized treatment and check-ups, as well as help with accommodation and transport costs.

8. **Mr. Le Quang Manh** (Viet Nam), responding to questions put by Committee members at the previous meeting, said that Viet Nam had an estimated 4.6 million unregistered businesses, employing 7.8 million workers. Their working conditions were less good than in the formal sector and the Government was well aware of the need to improve the situation. Because of the importance of job creation to the economy, companies that employed 10 or more workers were being encouraged, although not forced, to register, with the incentive of microcredit being made available to small and medium-sized enterprises.

9. **Mr. Sadi** asked whether policymakers were aware of the State party's obligations under the Covenant. He wished to know how many of the recommendations that Viet Nam had accepted during the universal periodic review concerned areas covered by the Covenant. Noting that the State party was intending to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, he asked whether migrant workers were an issue in the country.

10. **Ms. Bras Gomes** asked why the retirement age for women was different from that of men. She said she would welcome information on any vocational training provided for persons whose right to land use had been revoked, given that, without it, those who then moved to urban areas would have problems finding employment.

11. **Mr. Martynov** asked whether the national data system made it possible to collect data on the employment of persons with disabilities disaggregated by age, sex and level of disability.

12. **Mr. Ha Dinh Bon** (Viet Nam) said that Viet Nam had committed itself to acceding to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and was currently examining the compatibility of its domestic legislation with that instrument. Foreign migrant workers were already covered by the Labour Code and enjoyed employee benefits. Trade unions played an important role in protecting workers' rights and tripartite consultation mechanisms existed in all businesses.

13. Retirement ages for men and women were a historical legacy. The new Labour Code allowed exceptions to be made for managers and other highly skilled professionals and the Government was proposing to adopt a new decree to protect women's right to retirement. The Act on Persons with Disabilities gave them access to affordable housing and social, health and other public services, and ensured that roads and public transport facilities catered for their needs. Data for 2014, disaggregated by age, sex and level of disability, showed a total of 7 million persons with disabilities in Viet Nam, representing 7 per cent of the population. Work on the national database was ongoing, and the communal authorities would be contributing data on the employment of persons with disabilities at local level.

14. In recent years, the Government had acquired land from individual farmers and communities for economic development. It had offered free counselling and vocational training to those affected and had required industrial parks to provide employment for local workers. Property rights in marriage were equal for both partners, and single women and widows had the same rights as men.

15. **Mr. Nguyen Chi Dung** (Viet Nam) said that the lower retirement age for women had been based on their traditional role in taking care of the household and children in addition to their paid employment. Discussions now taking place in the National Assembly showed that some women were in favour of raising the retirement age while others were against it for health reasons.

16. **Ms. Shin**, noting that the State party's legislation on marriage and the family placed the responsibility for household tasks and child rearing exclusively on women, said that an equal society could only be achieved if all such work was shared by both men and women. There was thus a need for a change in the law.

17. **Mr. Nguyen Chi Dung** (Viet Nam) agreed with that statement and said that Viet Nam was trying to align itself with the rest of the world in respect of gender equality.

18. **Ms. Nguyen Minh Phung** (Viet Nam) said that more than 260,000 Vietnamese women had married foreigners between 1995 and 2010, with a further 60,000 marriages taking place between 2010 and 2014, 95 per cent of them involving Vietnamese women. Most of the foreign men were Korean or from Taiwan Province of China. The figures did not appear to be rising. Since the introduction of Decree 24, it had been illegal to use brokerage services for purposes of human trafficking, and legally recognized counselling centres existed throughout the country to provide advice and legal services, including background information about the other country for each partner. Children of such marriages and children born out of wedlock were protected in legislation from birth and enjoyed the rights to education and free health care up to the age of 6. Those born in Viet Nam could be registered in the country.

19. **Mr. Nguyen Manh Cuong** (Viet Nam) said that State spending on health care had increased to around 7 per cent of the total national budget. The Government had taken steps to improve access to health care for persons in remote and rural areas as well as persons from minority backgrounds, including through the provision of free health-care cards and subsidized hospital transport for poor and disadvantaged families and the introduction of an incentive scheme to attract doctors to work in poorly staffed hospitals. Efforts had also been made to enhance women's access to maternal health care, particularly women from minority backgrounds. The Government had substantially increased national spending on maternal health and had organized a series of training schemes for midwives in order to improve their home birth skills and ensure the best maternity and neonatal care for women in rural areas. It had also established a maternal health strategy which contained specific provisions aimed at strengthening reproductive health care and family planning services in both urban and rural areas.

20. **Mr. Le Quang Thanh** (Viet Nam) said that the Government had devised a national poverty reduction plan which offered persons from poor and disadvantaged backgrounds the tools required to escape poverty and access employment. The country had made significant progress towards achieving the Millennium Development Goals, in particular goal 1 to eradicate extreme poverty and hunger, and had incorporated poverty reduction measures in all its economic, cultural and social policies. Steps had been taken to guarantee the sustainability of national poverty reduction efforts and close the income gap between rural and urban areas. The Government had also introduced several measures to support the large number of low-income households and prevent their descent into poverty. Nevertheless, despite its best efforts, time would be needed to eradicate poverty completely, and the continued technical and financial assistance of the international community would be essential to the country's success.

21. **Mr. Le Hong Phong** (Viet Nam) said that the Act on Domestic Violence Prevention provided for the investigation, prosecution and punishment of cases of domestic violence against women. The Act had given rise to a sharp increase in the number of cases brought

before the courts and had led to a 10 per cent reduction in the annual number of domestic violence cases. The Government had also taken steps to prevent and combat corporal punishment of children and had established a national action plan to strengthen child support and counselling services.

22. **Mr. To Viet Chau** (Viet Nam) said that specific regions in Viet Nam had been contaminated by chemical weapon use during the war, but stressed that the arable crops grown in the Mekong and Red River Deltas remained unaffected. The Government had already taken numerous measures to repair the environmental damage wrought by chemical weapons, but would require additional international financial and technical assistance to assess and decontaminate the affected areas effectively. As for the State's land acquisition policy, he explained that Viet Nam was an agricultural country, which at some points in its history had experienced food shortages. In an effort to support national food production and encourage agricultural self-sufficiency, the Government had therefore devised a national policy on food security which would make 9 million hectares of land available for rice and maize cultivation by 2030. The Constitution and the Land Act clearly defined the State's obligations in regard to land acquisition for national purposes and regulations had been introduced which set forth specific rates of compensation for landowners. The compensation provided covered property and housing as well as livestock and crops. The Government had also launched a vocational training programme and a careers advisory service for farmers affected by the national land acquisition policy to enable them to find suitable alternative employment.

23. **Ms. Shin** asked whether the new marriage counselling centres offered human rights training to Vietnamese women marrying foreign men. Noting that Vietnamese women often married men from the Republic of Korea and Taiwan Province of China, she urged the State party to strengthen its cooperation with neighbouring countries on economic, social and cultural rights for women. She also called on the State party to increase its existing efforts to prohibit and prosecute illegal marriage brokers.

24. **Mr. Sadi** requested additional information on the rights of children born to Vietnamese women and foreign men. He also asked whether investigations had been conducted to establish which parties were criminally responsible for the environmental damage caused by chemical weapon use during the war.

25. **Mr. Abdel-Moneim** welcomed the State party's efforts to reduce extreme poverty, but stressed that the Government's ultimate aim should be to eradicate all forms of poverty. Noting the country's transition to a free market economy and the challenges that entailed, he urged the State party to continue its efforts to uphold economic, social and cultural rights, with specific regard to education and health care.

26. **Mr. Nguyen Chi Dung** (Viet Nam) said that the two wars in Viet Nam had gravely affected national development and had seriously damaged the environment. The Government had made every effort to contain the contamination caused by chemical weapons, but it would require long-term technical and financial assistance from the international community in order to adequately tackle the environmental damage. The three national airports had been particularly badly affected by chemical weapons. Agricultural land had not been contaminated. The Government regularly tested agricultural products for signs of chemical contamination and considered the parties that had deployed chemical weapons in Viet Nam as responsible for the grave consequences.

27. As for marriages between Vietnamese women and foreign men, the Government would incorporate modules on human rights and international and domestic legal protection provisions for women into the courses offered by the marriage counselling centres. Children born to Vietnamese mothers and foreign fathers had full access to their economic, social and cultural rights on an equal basis with other citizens.

28. Lastly, he stressed that the main objective of the national poverty reduction strategy was to promote personal development and self-sufficiency. The Government remained committed to eradicating all forms of poverty and would make every effort to realize that goal. It would continue its focus on creating new jobs, including in rural and remote areas, and providing vocational training and careers advice to persons living below the poverty line. Efforts would also continue to address the difficulties faced by low-income households in order to prevent their descent into poverty.

29. **Ms. Le Thi Kim Dung** (Viet Nam) said that the Government had taken steps to improve access to education, including through the introduction of free school lunches, scholarships and grants for children from disadvantaged, poor and minority backgrounds. It had also established a number of boarding schools for children living in rural and remote areas. A national education strategy had been devised for 2012–2020 with a view to reforming and modernizing the educational system in the country. Under the strategy, 19 out of 63 provinces had so far provided preschool places to all children under the age of 5. As for national awareness-raising campaigns on environmental issues, she confirmed that the Government had conducted several awareness-raising events for the general public and had incorporated modules on environmental protection into the national curriculum and teacher training courses.

30. **Mr. To Viet Chau** (Viet Nam) said that Viet Nam suffered greatly from the effects of climate change, which made it difficult to manage national water resources. The Government, however, remained committed to providing clean water to all its citizens and had adopted a law on water resources and water management in 2012 which guaranteed water safety and promoted water savings. National strategies had been put in place to ensure clean water supplies in rural and remote areas and efficiently manage water resources in urban areas. As of 2012, 82 per cent of persons in rural areas had access to clean water, compared to 90 per cent of persons in urban areas. The Government had also taken steps to increase access to sanitation facilities and, as of 2013, over 60 per cent of households in rural areas had access to toilets.

31. **Mr. Le Hong Phong** (Viet Nam) said that, in terms of cultural rights, all citizens were equal before the law. The Government sought to promote and protect the rights of ethnic minorities and facilitate their inclusion in the global community. Despite budgetary constraints, it had steadily increased spending to promote cultural rights in mountainous and remote areas between 2011 and 2015, allocating over 1 trillion dong per year. It had conducted a campaign to restore more than 4,000 heritage sites, including 30 villages and hamlets. He mentioned two important sites, the My Son sanctuary and the space of gong culture, that had been recognized by the United Nations Educational, Scientific and Cultural Organization.

32. In 2011, the Government had adopted a master plan on the preservation of the cultural identity of ethnic minorities and was currently developing action plans to protect the scripts, traditions and costumes of such groups, particularly those with fewer than 5,000 members. It was also helping minorities to formalize their festivals and celebrations with a view to introducing them to the wider public. Outdated values that were incompatible with modern society and social development tended to die out naturally, and minority groups themselves played a key role in deciding which values to preserve.

33. **Mr. Tran Chi Thanh** (Viet Nam) said that the Constitution explicitly provided for the promotion of mass media, including the Internet, which citizens were encouraged to use in order to boost living standards. At the end of 2013, there had been more than 33 million Internet users in Viet Nam, equal to around 30 per cent of the population. The cost of Internet access was the lowest in the world and Viet Nam had one of the highest Internet penetration rates and number of bloggers in South-East Asia. The Government had allocated 2.7 trillion dong to expanding high-speed Internet coverage to remote areas and

had contributed US\$ 17 million to a rural Internet expansion project launched by the Bill and Melinda Gates Foundation. A plan was in place to develop 2,000 public libraries and post offices to disseminate information and educational material on Internet use.

34. The aim of Decree 72 was to create an environment conducive to Internet use. Its development had been based on the principles of transparency, accountability and legitimacy, and it complied fully with international laws, including articles 19 and 20 of the International Covenant on Civil and Political Rights. No one had been arrested or detained for accessing the Internet. Some individuals had, however, been prosecuted for sparking social unrest and plotting attacks against the Government. Independent observers had been invited to attend the subsequent court proceedings, all of which had been carried out in compliance with relevant domestic and international laws.

35. **Ms. Tran Nu Ngoc Anh** (Viet Nam) said that, when deciding whether to accede to international treaties, the Government always took into account Asian values and Vietnamese traditions and customs to ensure that they were compatible. It gave high priority to the economic, social and cultural rights of ethnic minorities, as reflected, *inter alia*, in the Law on Cultural Heritage, and continuously approved plans and programmes to preserve cultural heritage.

36. **Ms. Bras Gomes** said that she had asked about Asian values to determine any inconsistency with international standards and recalled that, when States ratified international treaties, they became bound by a set of standards that superseded all other values.

37. **The Chairperson**, supported by **Mr. Tirado Mejía**, invited the delegation to clarify the concept of Asian values by providing an example of a case in which they had informed or influenced the application of a provision of the Covenant.

38. **Mr. Marchán Romero** said that he was concerned by some of the answers received on efforts taken to bring customs viewed as outdated into line with the international parameters for social development. Ancestral rites and ceremonies were part and parcel of the identity of ethnic minorities and, with the exception of those that clashed with human dignity, should be borne in mind in laws and policies to protect minority rights.

39. **Mr. Schrijver** (Country Rapporteur) asked what policies were in place to combat child labour and invited the delegation to provide data on school absences that were due to the practice. Noting that it was not for any one person to determine which customs and traditions were outdated, he asked how the State party ensured that ethnic minorities were treated not as objects but as actors in the preservation of their culture and in the decision-making processes affecting them.

40. **Mr. Mancisidor** asked whether it was true that article 20 of Decree 72 imposed restrictions on the content of blogs and social networks, prohibiting all information that was not of a strictly personal nature. He said that he would appreciate information on the bloggers who had been arrested in connection with Internet-based activities, as Amnesty International had stated that the individuals in question had not engaged in or advocated acts of violence.

41. **Mr. Abdel-Moneim** noted the importance of striking a balance between the universality of human rights and national values, whether Asian or not.

42. **Mr. Tran Chi Thanh** (Viet Nam) said that, under domestic law, restrictions on fundamental freedoms were permissible in certain cases to safeguard national security and maintain social order. The Government encouraged free and equal access to the Internet, where content that was not libellous or inflammatory could be uploaded without restriction. The imprisoned bloggers had been arrested for violating the law and not because of their chosen activity.

43. **Mr. Nguyen Chi Dung** (Viet Nam) said that Viet Nam was governed by the rule of law and that all citizens were expected to abide by national legislation. While individual rights and freedoms were upheld, the actions of a handful of individuals could not be allowed to infringe the rights of the population as a whole.

44. **Mr. Ha Dinh Bon** (Viet Nam) said that, in 2014, the Government had conducted a national survey on child labour, the results of which had been translated into English and published online. It had been estimated that, of the 18.3 million children in Viet Nam, 1 in 6 was engaged in an economic activity and 9.6 per cent were in employment. Almost 85 per cent of child labourers lived in rural areas and most were aged 15 to 17. Of the 1.75 million children in employment, 67 per cent were employed in the agricultural sector, mainly on farms, and 34 per cent worked, on average, more than 42 hours per week, causing some of them to drop out of school. The Government had taken steps to reduce child labour and support dropout recovery programmes in accordance with international treaties.

45. **Mr. Nguyen Chi Dung** (Viet Nam) said that the Government did not base its approach to the implementation of human rights treaties on Asian values, instead focusing on the universality and interconnectivity of such treaties and the specific conditions in Viet Nam. No restrictions were placed on the promotion of cultural values. The Government did, however, discourage unhealthy practices, such as leaving dead bodies to decay in households or rice fields, celebrating lavish weddings over several months or giving birth at home and shunning modern medicine.

46. It was difficult to preserve certain values unless the cultures to which they belonged were reinvigorated. Cultural tourism, which was often a key source of income that helped to create jobs and reduce poverty, did not necessarily entail the loss of cultural values or prevent traditions and customs from retaining their authenticity.

47. He thanked the Committee for the open and constructive dialogue with his delegation. Viet Nam was united in its commitment to guarantee the enjoyment of economic, social and cultural rights, which it sought to institutionalize through its legal system. The Government was setting ever higher goals with regard to sustainable development and socioeconomic growth and its achievements to date were a testament to its determination and political will. Despite the progress made, the Government was aware of the challenges that remained. It would study the Committee's concluding observations carefully and cooperate closely with the international community to address outstanding issues.

48. **Mr. Schrijver**, noting that there had been a significant reduction in poverty in the State party, welcomed the steps taken to institutionalize rights and develop multi-year plans, which it was hoped would reach citizens in remote areas of the country. He emphasized the importance of having a fully equipped, independent and competent judiciary that was capable of applying human rights standards and recommended giving full recognition to minority groups and more space to civil society.

49. **The Chairperson** said that the Committee appreciated the impressive composition of the delegation, which included representatives of all relevant branches of government. Noting that the Niger had recently become the seventeenth State to ratify the Optional Protocol to the Covenant, he expressed the hope that it would not be too long before Viet Nam followed suit.

The meeting rose at 1 p.m.