

## Responses to Recommendations

### VIET NAM

Review in the Working Group: 8 May 2009  
 Adoption in the Plenary: 24 September 2009

#### Viet Nam's responses to recommendations:

In the Report of the Working Group:	In the Addendum:	During the plenary:	Recommendations pending responses:	Summary:
93 REC accepted; 45 rejected; 5 commented (noted and pertaining to measures already or currently implemented); 2 pending	The delegation comments the 5 REC noted and commented as well as some issues raised in the rejected ones	Out of the 2 REC pending, the delegation accepted one part of the first REC and rejected the other part but did not mention the second REC	1 REC	Accepted: 94 Rejected: 46 No clear position: 5 Pending: 1

#### List of recommendations contained in Section II of the Report of the Working Group A/HRC/12/11:

“99. The recommendations formulated during the interactive dialogue have been examined by Viet Nam and the recommendations listed below enjoy the support of Viet Nam:

A - 1. Continue fulfilling its obligations under the international treaties to which it is a party (Algeria);

A - 2. Consider ratifying the Convention on the Rights of Persons with Disabilities (South Africa) (Azerbaijan) (Nigeria) and put in place in timely fashion the draft law on people with disabilities (Nigeria)

A - 3. Accede to CAT in a timely manner (Australia) (Sweden) (Nigeria); as recommended by the Committee on the Elimination of Discrimination against Women in 2007(Nigeria); consider acceding to CAT (Algeria); consider ratifying CAT (Chile)

A - 4. Consider accession to the United Nations Convention on Transnational Organized Crime (Malaysia) and its Protocol to prevent, suppress and punish trafficking in persons, especially women and children (Malaysia) (Argentina) (Turkey)

- A - 5. Consider ratifying the International Convention for the Protection of All Persons from Enforced Disappearance, the Conventions relating to the Status of Refugees and the Status of Stateless Persons and the Rome Statute of the International Criminal Court (Argentina)
- A - 6. Consider ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Azerbaijan)
- A - 7. Continue to accede to international human rights instruments and the regular reporting system attached thereto (Belarus)
- A - 8. Consider ratifying other remaining core human rights conventions (Indonesia)
- A - 9. Develop its domestic legal system and ensure the appropriate implementation and execution of the law towards the implementation of the international human rights instruments to which it is a party (Japan)
- A - 10. Speed up the law reforms and public administration programmes aimed at deepening and broadening democratic norms, principles and standards (Malaysia)
- A - 11. Engage in dialogue with international experts on legal developments, including on the review of its Penal Code to allow less scope for open interpretation of these provisions by judges and courts (United Kingdom); continue to work to ensure key pieces of national legislation, including the 1999 Penal Code and 2003 Criminal Procedures Code, are consistent with its international human rights treaty commitments (Australia)
- A - 12. Strengthen its institutional mechanisms for the promotion and efficient protection of human rights by implementing the various international conventions to which it is party and call upon the international community to back it in this endeavour (Burkina Faso)
- A - 13. Continue efforts aimed at the promotion and protection of human rights (Benin); take concrete measures for future promotion and protection of economic, social and cultural rights, including the right to development for better realization of the MDGs (Islamic Republic of Iran)
- A - 14. Continue efforts to improve all political as well as economic, social and cultural rights in conformity with the universally agreed human rights standards and norms (Egypt)
- A - 15. Further efforts to engage all appropriate social and political organizations in the promotion and protection of human rights (Democratic People's Republic of Korea) (Russian Federation)
- A - 16. Give due attention to reconciling the universal values of human rights with the specific circumstances of Vietnam (Algeria)
- A - 17. Continue providing and expanding human rights education and training for all relevant Government authorities to build capacities of officials, and ensure effective implementation of human rights-related laws.(Thailand); continue to undertake comprehensive training programmes for local officials, monitor progress on implementation of legislation(United Kingdom)
- A - 18. Reinforce advocacy and information measures through specific human rights education and training programmes (Morocco)
- A - 19. Develop a national strategy to include in the school system at all levels appropriate measures in the field of human rights education in accordance with the Plan of Action 2005-2009 of the World Programme for Human Rights Education (Italy)
- A - 20. Accomplish progressively human rights goals as set forth in resolution 9/12 (Brazil)
- A - 21. Pursue its work, with the proper perspective it shows continuously, particularly in the training of its government staff (Palestine)
- A - 22. Enhance cooperation with the United Nations special procedures (Germany) (Mexico)

A - 23. Reengage with Special Rapporteur on freedom of religion (United Kingdom)

A - 24. Continue to uphold the promotion of human rights and fundamental freedoms, particularly for the exercise by people under foreign occupation of their right to self-determination (Algeria)

A - 25. Devise plans and strategies enabling it to reach out to remote areas and members of the population and hence improve their living conditions and ensure the protection of their rights (Egypt)

A - 26. Continue paying attention to equality of opportunities and creating favourable conditions of people residing in rural and mountainous areas (Morocco)

A - 27. Continue efforts to inform the wider society about the laws concerned and about the rights of women in general, and widely use the mass media to raise awareness of gender equality and publish the appropriate documents in ethnic minority languages (Russian Federation); take further action to enforce and implement the laws that have been passed and take measures to ensure that women are informed of their rights (Sweden)

A - 28. Strengthen its efforts in generating social awareness of positive gender roles, targeting particularly alleviation of existing gender-based disparities in education and the labour market (Bangladesh)

A - 29. Continue to make further efforts to advance the human rights of socially vulnerable people, including persons with disabilities (Democratic People's Republic of Korea) (Japan) ethnic minorities, women, children, persons with HIV/AIDS and victims of human trafficking (Japan)

A - 30. Continue its efforts to promote and protect the rights of persons with disabilities, and share its experiences in this regard (Cuba)

A - 31. Make the necessary efforts to improve the specific conditions of persons with disabilities in order to improve their life, stability and integration within society (Libyan Arab Jamahiriya)

A - 32. Revise its legislation on the death penalty bearing in mind existing international standards on the subject, especially concerning transparency (Switzerland)

A - 33. Fulfil the Government aim of limiting the use of capital punishment promptly by reducing the scope of crimes subject to the death penalty (Norway); reduce the number of offences punishable by the death penalty (Germany)

A - 34. Cooperate with the international community and neighbouring countries particularly in the fight against transborder organized crime, and fight against trafficking in women and children (Islamic Republic of Iran)

A - 35. Intensify its efforts to combat child prostitution, provide effective support to the children affected and sensitize its police forces to this problem in particular through adequate training courses (Austria)

A - 36. Strengthen efforts in fighting against corruption, which negatively affects the enjoyment of human rights by everyone (Islamic Republic of Iran)

A - 37. Continue national efforts aimed at combating forced labour and taking necessary measures to prevent, suppress and punish trafficking in persons, particularly women and children (Morocco)

A - 38. Continue to improve its legal system and give particular attention to its human rights laws and regulations in order to make them more mutually cohesive (Indonesia); continue its judicial reforms towards a healthy, strong, democratic and efficient juridical system which is necessary as an enabling condition for the promotion and protection of human rights (Islamic Republic of Iran)

A - 39. Continue with the reform of the judiciary and civil service and build a State based fully on the rule of law (Côte d'Ivoire); pursue the judicial and administrative reforms with a time-bound action plan to build an effective, open and transparent legal system based on the rule of law (Turkey); enhance

effectiveness of its legal, executive judiciary and law enforcements reforms, in line with international human rights standards (Pakistan)

A - 40. Continue ongoing legal reforms and seek technical assistance from relevant international partners, if deemed necessary (Bangladesh)

A - 41. Take concrete action to strengthen the legal basis for the accountability of State authorities and improvement of judicial scrutiny over their activities (Turkey)

A - 42. Take the necessary steps to comply with ICCPR and make sure the right to a fair trial based in law is guaranteed (Argentina)

A - 43. Take concrete steps to effectively ensure that all persons deprived of their liberty are brought before a judge without delay (Austria)

A - 44. Take the necessary steps to ensure that citizens can fully enjoy the rights to freedom of expression and freedom of religion (Argentina)

A - 45. Fully guarantee the right to receive, seek and impart information and ideas in compliance with article 19 of ICCPR (Italy)

A - 46. Introduce and seek prompt passage of access-to-information legislation (Canada)

A - 47. Take steps to ensure that full respect for the freedom of expression, including on the Internet, is implemented in current preparations for media law reform (Sweden)

A - 48. Consider strengthening press freedom protections contained in the 1999 press law (Australia); ensure that the review of the press law follows the international standards on this subject, particularly with respect of the protection of journalists (Switzerland); ensure that press laws are in compliance with article 19 of ICCPR (Netherlands)

A - 49. Adopt appropriate measures to disseminate widely and ensure full observation of General Assembly resolution 53/144 (Norway)

A - 50. Uphold the progress it has achieved in ensuring religious freedom for the different communities and ensuring that religious and belief activities continue to be an enriching feature of Vietnamese society (Lebanon)

A - 51. Continue to maintain and strengthen the economic, political and social model of Viet Nam to guarantee the full participation of the population in public and security affairs (Lao People's Democratic Republic)

A - 52. Strengthen efforts in the areas of civil and political freedoms, including freedom of expression and the press and freedom of religion (Republic of Korea)

A - 53. Continue efforts in its current economic and political platform that aim at protecting and guaranteeing people's rights, namely religious freedom (Cambodia)

A - 54. Continue to pay special attention to the disadvantaged sections of the society, in particular ethnic minorities and persons with disabilities, so as to ensure their fuller participation in the socio-political life of the country (India)

A - 55. Continue to implement credit-for-jobs projects and to promote labour market development (Algeria)

A - 56. Continue its socio-economic development plans and take targeted measures to ensure active participation of women in the labour market (Turkey)

A - 57. Continue its programme of building affordable housing for low-income families aimed at promoting broader enjoyment of the right to adequate housing by 2020 (Philippines)

- A - 58. Enhance women's access to health care, in particular to sexual and reproductive health services (Brazil)
- A - 59. Adopt various measures for prevention and early diagnosis of transmissible diseases and pandemics, notably HIV/AIDS, by giving priority to vulnerable groups, particularly national minorities, the poor and sex workers (Benin)
- A - 60. Continue efforts aimed at improving social security in the country, especially at this time of economic and financial crisis (Egypt)
- A - 61. Continue to implement the poverty reduction strategy to further lower the rate of poverty (Algeria)
- A - 62. Continue its poverty reduction efforts as a means of laying the groundwork for the further enhancement of the human rights of its people (Thailand)
- A - 63. Continue the momentum on the provision of quality goods and services, especially in education and health and in the disadvantaged areas that are difficult to access and those with a high preponderance of minorities (Zimbabwe)
- A - 64. Participate actively in international cooperation to encourage and protect economic, social and cultural rights and to share positive experiences with other countries (Russian Federation)
- A - 65. Continue with its very successful and socially-oriented economic policy, including by for example providing proper drinking water to poor households and to special hardship regions (Russian Federation)
- A - 66. Continue to bring down poverty in urban and rural areas along with the maintenance of peace and stability and protection of the environment to boost up the country's socio-economic development, industrialization and modernization to achieve the MDGs (Lao People's Democratic Republic)
- A - 67. Take active measures to close the gap between rich and poor and between the mountainous and urban areas (China)
- A - 68. Continue to take measures to provide education and health care, especially in mountainous areas and for ethnic minorities and with their involvement (Cuba)
- A - 69. Maintain its commitment to striking a balance between the opening up of its economy and minimizing the adverse impacts on the most vulnerable and disadvantaged groups in the society (Lebanon)
- A - 70. Continue and enhance efforts to reduce the poverty level, especially for vulnerable groups, so as to boost employment, improve access to health and increase available social housing (Côte d'Ivoire)
- A - 71. Continue and enlarge social security networks for the poor, vulnerable and other disadvantaged groups, improving their well-being and their participation in social associations and social groups (Cambodia)
- A - 72. Fully implement the land law passed (Switzerland)
- A - 73. Continue to improve in the following areas: poverty eradication, rights of the child, women's rights and rights of persons with disabilities (Singapore)
- A - 74. Continue its efforts in poverty reduction paying particular attention, inter alia, to vulnerable groups such as children, women, persons with disabilities and ethnic minorities (Azerbaijan)
- A - 75. Continue to help ethnic groups to increase awareness of their rights and responsibilities so that they can improve their living conditions and better enjoy their rights (China)

- A - 76. Continue its efforts to preserve the languages and culture of ethnic minorities(Nepal) (India)
- A - 77. Give priority and pay special attention to the problems faced by different minority groups, in particular their student communities (Pakistan)
- A - 78. Further increase the use of ethnic languages in schools and the mass media (Philippines)
- A - 79. Take supplementary measures to support access of minority children to education by helping them maintain and develop their traditions and languages (Morocco)
- A - 80. Share experiences in promoting agricultural productivity and sustainability, local development and good governance with other developing countries (Philippines)
- A - 81. Share its experiences and lessons learned with other developing countries (Yemen)
- A - 82. Continue the reforms under way, notably the attention to the promotion of the rights of women and children, providing for the necessary protection and their personal development (Tunisia)
- A - 83. Continue its efforts to meet the development challenges in such areas as vocational training, improving natural disaster management and protection of vulnerable groups, achieve sustainable development and enhance the State's capacities to protect rights and fundamental freedoms of all Vietnamese citizens; share the five lessons included in its national report with developing countries (Syrian Arab Republic)
- A - 84. Share best practices and experience in the field of MDG 1 with interested countries, inter alia by contributing actively to the strengthening of South-South cooperation in this regard (Algeria)
- A - 85. Continue its sustainable efforts and share its experiences and best practices in the area of poverty reduction with other developing countries, especially through the programme of South-South cooperation, along with its participation in international efforts to promote the right to development (Cambodia)
- A - 86. Further intensify its engagement with the international community, especially with developing countries, to exchange and share its best practices relating to the efforts on strengthening the rule of law and socio-economic development (Myanmar)
- A - 87. Share with other countries its experiences in poverty reduction and agricultural development (Democratic People's Republic of Korea) (Nepal) (Bangladesh), education and health care (Bangladesh)
- A - 88. Share and exchange its experiences with other nations, especially developing ones, in legal system reforms (Zimbabwe)
- A - 89. Continue its efforts to promote and protect the economic, social and cultural rights of its people and share its experience in poverty reduction and agricultural development (Nepal)
- A - 90. Share its experiences and best practices, especially on how to achieve the MDGs, with other countries (Lao People's Democratic Republic)
- A - 91. Disseminate the five lessons contained in the national report and their rich experience globally as much as possible (Sri Lanka)
- A - 92. Share with other countries its successes and good practices on the guiding principles of solidarity and socialism (Venezuela)
- A - 93. Expedite implementation of its voluntary commitments (Pakistan).

**100. The following recommendations will be examined by Viet Nam which will provide responses in due time. The response of Viet Nam to these recommendations will be included in the outcome report adopted by the Human Rights Council at its twelfth session.**

A - 1. Consider accession to the ILO Forced Labour Convention (Malaysia); continue the process of acceding to the appropriate ILO conventions (Belarus);

R - favourably consider the ratification of ILO Convention No. 169 concerning Indigenous and Tribal Peoples in Independent Countries. (Mexico)

P - 2. Consider positively extending an invitation to visit the country to the Working Group on Arbitrary Detention (Mexico).

**101. Viet Nam noted the following recommendations and indicated that they pertain to measures which have been implemented or are currently being implemented.**

NC - 1. Provide people detained under security or propaganda laws with fundamental legal safeguards, including representation by legal counsel of their choice throughout the proceedings and a public trial (Canada);

NC - 2. Reduce the length of prison sentences for non-violent crimes (Canada);

NC - 3. Adopt a whistleblower law so that those who identify corruption are protected from prosecution or harassment (Canada);

NC - 4. Step up efforts to ensure the full respect of freedom of religion and worship, including by reviewing laws and provisions at all levels related to the freedom of religion, in order to align them with article 18 of ICCPR (Italy) (Poland),

NC - 5. Take further measures to prevent violence and discrimination against ethnic minorities (Sweden).

**102. The recommendations noted in the report in paragraphs 35 (a), (b), (e) and (g) (i); 41 (b), (d) and (e); 44 (a) and (b); 47 (b), (c) and (d), 51 (a) and (b); 55 (a); 56 (c); 59 (a), (b), (c), and (d); 60 (b) and (c); 61 (d); 63 (a), (b), (c) and (d); 64 (b), (c), (d) and (e); 66 (a),(b), (c) and (d); 83 (c) and (d); 85 (a), (b) and (c); 87 (b); 89 (b); and 90 (a) and (c) above did not enjoy the support of Viet Nam.”**

R - Paragraph 35 (a) (Canada) “Increase the independence of media from the State, including by allowing privately-run media\*”

R - Paragraph 35 (b) (Canada) “Bring its press laws into compliance with article 19 of ICCPR”

R - Paragraph 35 (e) (Canada) “Reduce the use of security laws that limit public discussion about multi-party democracy or criticism of the Government, including by bringing security and propaganda laws into compliance with ICCPR”

R - Paragraph 35 (g) (Canada) “Register all individuals detained under security laws, make this information publicly available”

R - Paragraph 35 (i) (Canada) “Issue a standing invitation to all special procedures of the Human Rights Council”

R - Paragraph 41 (b) (Norway) “Give individuals, groups and organs of society the legitimacy and recognition to promote human rights and to express their opinions or dissent publicly”

R - Paragraph 41 (d) (Norway) “Ensure that the media can operate freely and independently”

R - Paragraph 41 (e) (Norway) “Ensure that the amended press law complies with ICCPR and that the legal framework allows the existence of privately owned media”

R - Paragraph 44 (a) (Brazil) “Establish a permanent independent human rights monitoring body”

R - Paragraph 44 (b) (Brazil) “Review the list of crimes for which the death penalty is imposed, with a

view to abolishing capital punishment”

R - Paragraph 47 (b) (The Netherlands) “Authorize independent and privately-run newspapers and magazines”

R - Paragraph 47 (c) (The Netherlands) “Lift restrictions on Internet usage such as filtering and surveillance”

R - Paragraph 47 (d) (The Netherlands) “Consider issuing a standing invitation to all United Nations special procedures”

R - Paragraph 51 (a) (United Kingdom) “Engage substantively with international experts on the development of its media law and work to increase the independence of media institutions”

R - Paragraph 51 (b) (United Kingdom) “Continue to build policy dialogue between the Government and independent civil society organizations”

R - Paragraph 55 (a) (Mexico) “Recommended taking necessary measures to establish a national human rights institution in accordance with the Paris Principles”

R - Paragraph 56 (c) (Azerbaijan) “Establish a national human rights institution in accordance with the Paris Principles”

R - Paragraph 59 (a) (New Zealand) “Issue a standing invitation to all special procedures and, in particular, that it seeks visits by the Special Rapporteurs on freedom of religion or belief, freedom of expression, torture and violence against women”

R - Paragraph 59 (b) (New Zealand) “Permit independence of the media, improves its implementation article 19 of ICCPR and allow the establishment of privately-run media organizations”

R - Paragraph 59 (c) (New Zealand) “Take steps to abolish the death penalty and increase transparency around its use”

R - Paragraph 59 (d) (New Zealand) “Establish a national human rights institution, in accordance with the Paris principles”

R - Paragraph 60 (b) (Austria) “Provide public information on how many detention camps the police and military have in fact set up and how many persons are detained therein”

R - Paragraph 60 (c) (Austria) “Ensure unhindered access to legal representation by persons detained in such facilities”

R - Paragraph 61 (d) (Switzerland) “To issue a standing invitation to all special procedures”

R - Paragraph 63 (a) (Finland) “Recommended allowing media to take their watchdog role in society”

R - Paragraph 63 (b) (Finland) “Recommended amending its press law to comply with ICCPR”

R - Paragraph 63 (c) (Finland) “Recommended repealing or amending its Penal Code to ensure that it cannot be applied in an arbitrary manner to prevent the freedom of expression”

R - Paragraph 63 (d) (Finland) “Recommended imposing a moratorium on executions immediately with the ultimate goal of abolishing the death penalty altogether”

R - Paragraph 64 (b) (Germany) “Recommended inviting and facilitating the visit of the Special Rapporteur on freedom of religion and belief”

R - Paragraph 64 (c) (Germany) “Recommended establishing a national human rights institution in accordance with the Paris Principles”

R - Paragraph 64 (d) (Germany) “Recommended taking all necessary measures to end restrictions on the rights to freedom of expression and peaceful assembly”

R - Paragraph 64 (e) (Germany) “Recommended publishing all information about the imposition and use of the death penalty, including information on executions carried out”

R - Paragraph 66 (a) (United States) “Demonstrate its commitment to article 69 of its Constitution, article 19 of ICCPR and article 19 of the Universal Declaration of Human Rights by ensuring freedom of expression for members of the press without fear of arbitrary arrest or prosecution, provide for the free flow of information on the Internet and abolish restrictive regulations on blogging and the media”

R - Paragraph 66 (b) (United States) “Demonstrate its commitment to articles 50 and 69 of the Constitution, articles 19, 21, and 22 of ICCPR and article 20 of the Universal Declaration by allowing individuals to speak out on the political system and by releasing all prisoners of conscience, such as Father Nguyen Van Ly, Nguyen Van Dai Le Thi Cong Nhan, and abolish vague “national security” provisions such as articles 84, 88, and 258 used to convict those who voice dissent against the Government or its policies”

R - Paragraph 66 (c) (United States) “In accordance with article 70 of the Constitution, speed the process for the local registration of churches and religious organizations as mandated under the framework on religion and allow for an equitable resolution of property disputes as required under the Constitution and the Prime Minister’s decree on religious property”

R - Paragraph 66 (d) (United States) “Recognize the United Buddhist Church of Vietnam and allow it to function independently of the Vietnamese Buddhist Sangha as well as allow multiple branches of the Hao Hao and Cao Dai faiths”

R - Paragraph 83 (c) (Argentina) “Consider the possibility of inviting the Special Rapporteurs on freedom of expression and freedom of religion to visit the country”

R - Paragraph 83 (d) (Argentina) “Recommended ratification of the second Optional Protocol to ICCPR to abolish the death penalty; until this happens it commends the reduced number of crimes to which this penalty is applicable and hopes that this will be done in accordance with international standards and in full transparency”

R - Paragraph 85 (a) (France) “Take measures advocated by the Human Rights Committee to bring to an end restrictions to freedom of expression and opinion and to end, notably, restrictions on the creation of private media at the same time”

R - Paragraph 85 (b) (France) “Set up a national human rights institution in accordance with the Paris Principles”

R - Paragraph 85 (c) (France) “Sign and ratify the Rome Statute”

R - Paragraph 87 (b) (Italy) “Recommended giving a positive reply to the request to visit the country made by the Special Rapporteur on freedom of religion in 2008”

R - Paragraph 89 (b) (Chile) “Consider ratifying the Optional Protocol to CAT as soon as possible”

R - Paragraph 90 (a) (Poland) “Recommended establishing a permanent independent human rights monitoring body, including child rights monitoring body”

R - Paragraph 90 (c) (Poland) “Recommended repealing ordinance 44 on regulating administrative justice, which authorizes administrative detention, house arrest or detention in special protection centre and psychiatric facilities for two-year renewable periods without trial”

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