

VIET NAM

CCPR A/45/40 (1990)

455. The Committee considered the initial report of Viet Nam (CCPR/C/26/Add.3) at its 982nd, 983rd, 986th and 987th meetings, held on 10 and 12 July 1990 (CCPR/C/SR.982, SR. 983, SR. 986 and SR. 987).

456. The report was introduced by the representative of the State party who, after describing her country's difficult history during the past 45 years, stated that the Socialist Republic of Viet Nam had very recently embarked on an extensive movement of renovation and radical reform aimed at liberalizing the economy and democratizing the political system; that created obligations with regard to the respect and promotion of human rights, both for individuals and for the Government.

457. The representative drew the attention of the members of the Committee to the disastrous consequences for Viet Nam of the war of aggression waged against it in defiance of international opinion. She also drew attention to the fact that in 1985 the Vietnamese National Assembly had adopted the country's first modern Penal Code which, *inter alia*, made provision for measures to punish crimes against peace, crimes against humanity, war crimes and the recruitment of mercenaries.

458. Members of the Committee noted with appreciation that the initial report of Viet Nam was concise and had been prepared in accordance with the Committee's guidelines and that it dealt with all the articles of the Covenant with the exception of article 4. At the same time, they requested more information on the *de facto* situation prevailing in the country and on the difficulties encountered by the Government in implementing all the provisions of the Covenant.

459. With regard to article 2 of the Covenant, members of the Committee inquired about the rank of legal provisions in general and more specifically about the position of the Covenant in the internal legislation of Viet Nam; whether it could be invoked and whether it had to be applied by the courts; whether the text of the Covenant had been published and disseminated throughout the country; and whether the ratification of the Covenant had led to changes in certain laws and customs. Having noted with satisfaction the ratification by Viet Nam of a very large number of international human rights instruments, they asked which institutions guaranteed Vietnamese the possibility of enforcing the rights set forth in those instruments.

460. Members of the Committee also asked for more detailed explanations on the classification of fundamental rights in the report and on the problem of conformity of articles 2 and 4 of the Constitution of Viet Nam with the provisions of the Covenant. They also asked for further information on the ongoing process of renovation in Viet Nam and its possible repercussions on respect for the human rights proclaimed in the Covenant. In addition, members of the Committee noted that no mention was included, either in the Constitution or the report, of the right to non-

discrimination on grounds of political opinion, which was guaranteed under article 2, paragraph 1, of the Covenant, and wished to know what remedies were available to victims of such discrimination. Members also expressed concern about the stress placed consistently in the report on the sovereign right of the State over the individual, who was required to be in the service of society, pointing out that such an attitude was in implicit contradiction with the Covenant.

461. In connection with article 1 of the Covenant, members of the Committee, having stated that the atrocities committed by the Pol Pot regime in Cambodia should be condemned, went on to say that internal problems should be resolved by the populations themselves and that intervention by Viet Nam in the affairs of Cambodia was not desirable. In this context, they inquired whether all Vietnamese troops had been withdrawn from Cambodia. They also requested clarification of Viet Nam's reservation to article 48, paragraph 1, of the Covenant on the grounds that "all sovereign States are not permitted to adhere to the Covenant on a basis of equality".

462. With regard to article 3 of the Covenant, members of the Committee asked which inequalities had existed between men and women before the 1986 Law on Marriage and the Family had been amended and revised; which amendments it had been necessary to defer and whether they would be taken into account when preparing the new civil code. Detailed information was also requested about the percentage of women who were members of the National Assembly, the State Council, the Council of Ministers, the Supreme People's Court and the Supreme People's Control Commission.

463. With regard to article 4 of the Covenant, members of the Committee had asked whether the protracted periods of struggle experienced by Viet Nam had not left after-effects, even 15 years after the unification of the country; which rights had not been restored and which rights had been suspended since the entry into force of the Covenant; whether the Constitution made provision for martial law or any other state of emergency; and what were the enforcement procedures and which rights could be suspended in such an eventuality.

464. With reference to article 5 of the Covenant, members observed that while the war was no doubt responsible for many of the difficulties faced by Viet Nam in applying the provisions of the Covenant, that fact should not become a justification for non-respect of certain fundamental rights for placing impermissible limitations on the rights and freedoms recognized in the Covenant.

465. Regarding article 6 of the Covenant, members wished to know which crimes were subject to the death penalty and requested statistics for the last five years on the number of persons sentenced to death, the number executed and the crimes involved. Having noted that the Vietnamese Penal Code stipulated an excessive number of offences, some of which were political or economic in character which could lead to the death sentence, members of the Committee inquired whether the Vietnamese authorities were considered reducing the number of offences of this kind. They also asked for details of family planning policies and on the provisions regulating abortion, particularly for married women.

466. With regard to article 7 of the Covenant, members of the Committee requested more detailed

information on the situation of persons detained in re-education camps and on the measures taken by the Vietnamese authorities to improve the situation. They also wished to know whether measures had been taken to provide training for members of the police and the armed forces on the rights of individuals recognized in national legislation and in international instruments; whether investigations had been opened to shed light on the cases of death and brutality and, if the answer was yes, what the outcome had been.

467. Concerning article 8 of the Covenant, members asked for information about forced labour and asked how that practice fitted in with the policy to rehabilitate those sentenced to prison. More detailed information was requested on how the re-education camps functioned; on the reasons for which a person was sent to a camp; on the possibility of challenging an order concerning detention in a re-education camp; and on the compatibility of national legislation with the provisions of article 8, paragraph 3, of the Covenant.

468. With regard to article 9 of the Covenant, members of the Committee requested clarifications on the role of the People's Control Commissions; the procedures for electing their members; the conditions which members of People's Control Commissions should satisfy; the procedure and functioning of the People's Control Commissions; the remedies available to the individual who believed that the Control Commission had committed an abuse against him, and the authorities who mentioned the People's Control Commissions in order to prevent abuses. Information was also requested on the system of bail; the compensation to which victims of unlawful detention and condemnation were entitled and the procedure to be followed in order to obtain it; as well as the maximum period for the possible extension of custody.

469. Concerning article 10 of the Covenant, members of the Committee raised the question of what was meant by the expression "socio-political education" and whether a convicted person could refuse to submit to this practice. They asked whether there were differences between penal establishments and re-education establishments and about the grounds on which individuals could be confined in them. Members of the Committee pointed out that re-education camps were a form of detention without a hearing and that such a measure was incompatible with the new Penal Code and, in any case, contrary to the provisions of the Covenant. The question was also raised of whether solitary confinement existed in Viet Nam and in which cases it was applied; of the age to which the legislation on juvenile delinquents was applied and that of the majority for the purposes of criminal law.

470. With regard to article 12 of the Covenant, members of the Committee requested clarification of the term "limitations established by law for reasons of security and public order" and wished to know what restrictions were placed on foreign travel by public employees. Members also asked for further information on the procedure for departure from and return to Viet Nam and whether any discriminatory measures could be taken against people returning if they had left the country illegally. Members of the Committee asked whether residence papers existed in Viet Nam; whether these documents constituted a limitation on freedom of movement inside the country; and whether non-possession of such a document could lead to prosecution. Having raised the issue of the "boat people", members of the Committee asked what measures were being taken by the Vietnamese

authorities, internally, to restrict or to prevent this exodus.

471. With reference to article 14 of the Covenant, members of the Committee asked for information on the structure on the judiciary and the extent to which the independence of the judiciary was guaranteed. Clarification was requested as to the authority which appointed the members of courts, the guarantees of independence, the measures provided to ensure that external bodies, such as the People's Control Commissions, did not intervene in the activities of the courts, and the procedure for settling the conflict of competence between a court and a People's Control Commission. Further information was requested on the procedure and all the steps to be taken in a case where the defendant or his defender requested more time if they were short of time to prepare the defence. The question was also asked whether the right to use their own spoken language and scripts granted to citizens belonging to the different minorities also applied to foreigners. The opinion was expressed that the principle of the presumption of innocence did not appear to be fully respected in Viet Nam and that the rules concerning the handing down of the final sentence appeared to be at odds with the provisions of article 14 of the Covenant.

472. Concerning article 15 of the Covenant, members of the Committee asked for an assurance that non-retroactivity of the law was still the rule in Viet Nam. They commented that unlike Vietnamese legislation, article 15 of the Covenant did not provide for any possibility of awarding a heavier penalty for an offence committed before the adoption of a new law.

473. Concerning article 18 of the Covenant, members of the Committee, having noted that certain abuses of the right of religious freedom have occurred in Viet Nam, asked in what circumstances the authorities considered that there was an abuse of the right of religious freedom and requested specific examples of such abuses. They also asked whether measures had been taken against the perpetrators of such abuses. Members also wished to know whether the right to freedom of religious belief was extended to all creeds or whether there were some that were subject to restrictions.

474. With respect to article 19 of the Covenant, members expressed the view that article 67 of the Constitution considerably restricted the scope of the rights contained in article 19 of the Covenant and requested clarification in that regard. Clarifications were requested on temporary censorship and on what was meant by "the case of emergency and if it is necessary". Members also asked whether censorship had been applied in practice; whether foreign newspapers could be obtained in Viet Nam, and whether the activities of foreign correspondents were subject to any restrictions.

475. In connection with article 22 of the Covenant, members of the Committee asked whether there were independent trade unions in Viet Nam other than the Viet Nam Trade Union Confederation and, if so, whether they had the same rights as the Confederation. They also asked for more information on the legal procedure for forming trade unions. With regard to the reference to persons who have been "deprived of citizens' rights or are being prosecuted before the courts", they asked in which circumstances one could be deprived of these civic rights.

476. With regard to articles 23 and 24 of the Covenant, members of the Committee wished to have further details about coercive marriage; on the effects of religious marriage vis-à-vis civil marriage;

on de facto marriage; and on the rights of children born out of wedlock, particularly from the viewpoint of inheritance. Members also asked whether there was any discrimination among children, in actual practice, on the basis of the political background of their parents.

477. With regard to article 25 of the Covenant, the question was raised of the leading role of the Communist Party and the compatibility of this situation with respect for the political rights protected by the Covenant.

478. Concerning article 26 of the Covenant, members wondered whether contact had been fully restored between North and South and whether tension and recrimination had abated; and asked specifically whether people in the South who had taken part in the armed struggle enjoyed the same rights as those who had served in the armed forces of the North. Members also wished to know whether Communist Party members were privileged, in fact if not in law, as far as the enjoyment of specific social and economic rights was concerned; whether the purpose of the identity cards delivered to citizens was simply to provide them with a document to prove their identity or whether certain rights and privileges were extended to holders of such documents depending upon their nature; how and when the identity documents were issued; on what grounds they could be refused; and the extent to which such a refusal could be considered as tantamount to the deprivation of civil rights. Members also asked what the Government of Viet Nam was doing to improve the reportedly very bad situation of large numbers of Vietnamese workers who were working outside the country, especially in Eastern Europe.

479. With reference to article 27 of the Covenant, members sought clarification of the term □backward customs□, used in the report, and asked how the distinction was made between good and bad customs and how the latter had been abolished. They also wished to be provided with examples of what measures had actually been taken in respect of minorities so as to be able to ascertain whether their treatment had been consistent with the protections stipulated in article 27 of the Covenant.

480. Replying to questions asked by members of the Committee, the representative of the State party said that as far as the relationship between international instruments and domestic legislation was concerned, the Vietnamese authorities recognized that the application of those instruments did not depend solely on constitutional or legislative provisions, which generally speaking were not enough in themselves. Viet Nam appreciated the assistance that the Committee rendered to States parties by reminding them energetically of their obligations under the Covenant. Just recently a decree-law had been adopted on the signature, ratification and application of international instruments, which would need to be followed henceforth by all State organs. Viet Nam certainly intended to move ahead with the implementation of the Covenant, but it was faced with immeasurable difficulties, due among other things to the fact that it was isolated and without resources. The representative expressed the hope that United Nations bodies would help Viet Nam to continue to progress along its chosen path, without having to suffer any interference in its internal affairs.

481. The representative described different aspects of the process of renovation on which Viet Nam

had embarked, and in particular renovation in the economic and legislative fields. As far as the economy was concerned, since the Sixth Congress of the Communist Party, the State and collective enterprises were no longer the only two constitutionally recognized economic sectors; private, mixed and family enterprises and foreign partners were also acknowledged as economic sectors. As far as the legislative field was concerned, all laws now required a two-thirds majority and no longer had to be adopted unanimously.

482. On the question of the partition of the country into North Viet Nam and South Viet Nam, she stressed that reunification was a great blessing for the country, since far from engaging in fratricidal strife, the citizens of the former halves of the country lived together in harmony and co-operation. With regard to the role of the Communist Party, she said that it must be realized that the introduction of a multiparty system, which some thought desirable, would take a great deal of time and was not in any case in keeping with the Vietnamese mentality. The Communist Party remained, but the only organ vested with constitutional and legislative powers was the National Assembly, in which the Party did not intervene.

483. With regard to the incompatibility some members of the Committee had found between certain constitutional provisions and those of the Covenant, the representative explained that most of those provisions no longer existed. A new constitution was being drawn up in Viet Nam, essentially with the aim of establishing a new balance of power in favour of the National Assembly, in which there was the fullest possible popular participation.

484. Replying to questions asked by members of the Committee in connection with article 8 of the Covenant, the representative of the State party observed that re-education was indispensable as part of efforts to promote national reconciliation. She stressed that once a person came out of a re-education camp, he became an ordinary citizen again, who no longer needed to be ashamed of his past and did not carry any stigma as a result.

485. In reply to questions asked by members of the Committee about article 9 of the Covenant, the representative of the State party said that directive No. 49 on administrative detention was not in any way illegal, but derived from a decree of the State Council. The Legislative Commission had admittedly asked for some provisions of the legislation in that field to be amended or abrogated in order to ensure greater respect for genuine guarantees in accordance with the law, but it remained the case that administrative detention was a necessary measure. It was not applied arbitrarily, but in strict compliance with the law.

486. With reference to questions asked by members of the Committee on article 12 of the Covenant, the representative of the State party said that there were three types of procedures regulating exercise of the right to leave the country and return there. As far as the "boat people" were concerned, the Vietnamese Government had stated that voluntary repatriation from the countries of first asylum would take place in conditions guaranteeing the safety and dignity of the persons concerned in accordance with domestic and international law and would not be accompanied by any oppressive or discriminatory measures. The people repatriated would be authorized to return to their place of origin or to go to another place of their choice, and the Government would facilitate their

reintegration into everyday life. As regards the freedom of movement and residence, she explained that Vietnamese citizens had the right to choose their place of residence freely and were free to come and go. There were certain restrictions on those rights, applying essentially to persons who had been convicted, and that was for reasons of law and order and security, and not for economic reasons. Every Vietnamese citizen held both an identity card and a residence card. The latter, which did not confer any particular privilege, was intended to serve as evidence of the holder's place of domicile and was issued by the local police authorities. The system of residence cards had not been thought up in order to prevent citizens from choosing to live wherever they saw fit, but in order to maintain a balance in the distribution of the population between town and country.

487. In answer to the questions asked by members of the Committee on article 18 of the Covenant, the representative of the State party pointed out that the great majority of the Vietnamese people traditionally practised the Buddhist religion, which was more a way of life than a religion in the strict sense of the term. She considered accusations made by foreign organizations concerning alleged arbitrary arrests of members of religious communities to be entirely without foundation. No one had been arrested in Viet Nam, she said, because of his religious convictions.

488. Regarding the questions raised by members of the Committee on article 22, the representative of the State party said that the law of 20 May 1957 on freedom of association no longer current needs and that a new law was in the process of being drafted. As soon as it came into force, the Vietnamese authorities would inform members of the Committee of the conditions that had been to be fulfilled in order to set up an association.

489. Finally, the representative of the State party, on behalf of the Vietnamese delegation, invited the Committee, together with non-governmental organizations, such as Amnesty International, to find out about the true situation in Viet Nam for themselves and to see the real nature of the efforts being made in the country to ensure respect for justice and humanitarian laws.

General observations

490. The members of the Committee thanked the Vietnamese delegation for providing the Committee with further information in addition to that in the initial report, particularly with regard to the process of renovation. Finding that the Vietnamese delegation had thrown much light on the situation in Viet Nam from various angles, they observed that it had not provided enough information on the practical implementation of the Covenant. The members of the Committee drew attention to a number of fields which continued to give grounds for concern and raised points to which replies had not been given during the discussion.

491. Members of the Committee made a number of specific observations and comments in the foregoing regard. It was noted, for example, that real pluralism had not yet been introduced in Viet Nam and that problems still remained in providing for the exercise of political rights. In many of the areas that had been touched upon, it was clear that Vietnamese law and practice were far from being in conformity with the Covenant. Concerning the practice of re-education, members wondered whether concrete evidence of criminal conduct was available in respect of all detainees

in re-education camps and which courts had decided such cases; and when such trials had taken place. It was not clear what specific restrictions were contained in legislation relating to the right to study, travel or reside abroad and whether such restrictions were compatible with article 12, paragraph 3, of the Covenant. Regarding administrative detention, the question was not whether that practice was legal under domestic legislation but whether the relevant law was compatible with the international obligations assumed under the Covenant. The same question applied to legislation under which the members of certain religious sects were detained, freedom of expression was restricted, or persons were assigned to house arrest without trial. Concern was also expressed that recent administrative decrees were incompatible with the more liberal measures introduced under the new Penal Code.

492. Noting that new legislation in the area of freedom of association was under consideration, members stressed the importance of not leaving large discretionary powers in that regard to administrative authorities. In that connection, particular reference was made to the important role of private human rights groups in informing the population of their rights, a vital function that could not be performed if such groups were not authorized. Members also called special attention to the fact that while national practices had to be examined in the light of each country's history and culture, it was important to realize that the basic purpose of providing for the international protection of human rights was to establish certain universal norms that were recognized by all States.

493. The members of the Committee expressed the hope that on returning to their country the members of the Vietnamese delegation would bring to the attention of their authorities the summary records of the meetings at which the Committee had considered Viet Nam's initial report. They trusted that needed changes would be introduced and that the State party would provide in its next report the type of information the Committee needed in order to be able to help it in its important programme of renovation.

494. The representative of the State party said that the delegation appreciated the frank suggestions made by the members of the Committee. Viet Nam fully realized the need for change and in fact was already changing, and she hoped that, by the time the second periodic report was submitted, she would be able to identify many improvements. The delegation would be happy to return to the Committee to continue the dialogue that had been initiated. In concluding the consideration of the initial report of Viet Nam, the Chairman thanked the Vietnamese delegation for its willingness to co-operate with the Committee in a constructive dialogue. He said that the Committee would appreciate it if the Government of Viet Nam would in due course provide answers to the questions raised by members, and also give information on any possible difficulties encountered in implementing laws and judicial procedures designed to ensure the enjoyment of the rights recognized under the Covenant.

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(82) Viet Nam

(1) The Committee considered the second periodic report of Viet Nam (CCPR/C/VNM/2001/2) at its 2019th, 2020th and 2021st meetings (CCPR/C/SR.2019-2021), held on 11 and 12 July 2002, and adopted the following concluding observations at its 2031st meeting (CCPR/C/SR.2031), held on 19 July 2002.

Introduction

(2) The Committee welcomes Viet Nam's second periodic report, which contains detailed information on domestic legislation in the area of civil and political rights, and the opportunity to resume the discussion with the State party. The Committee welcomes the State party's decision to send a strong delegation from its capital, composed of representatives of various government authorities, for the examination of the report. The Committee regrets, however, the considerable delay in the submission of the report which was due in 1991. It also regrets the lack of information on the human rights situation in practice, as well as the absence of facts and data on the implementation of the Covenant. As a result, a number of credible and substantiated allegations of violations of Covenant provisions which have been brought to the attention of the Committee could not be addressed effectively and the Committee found it difficult to determine whether individuals in the State party's territory and subject to its jurisdiction fully and effectively enjoy their fundamental rights under the Covenant.

Positive aspects

(3) In this regard, the Committee has noted developments within the State party that reflect some relaxation of the political restraints that have raised serious questions of gross violations of rights protected by the Covenant.

(4) The Committee takes note of the efforts which are being made by the State party to reform its domestic legal order, to comply with its international, in particular human rights, commitments.

Principal areas of concern and recommendations

(5) The Committee is concerned about the status under domestic law of the rights provided for in the Covenant, which remains unclear. It is also concerned that certain constitutional provisions would appear to be incompatible with the Covenant and that the Vietnamese Constitution does not enumerate all Covenant rights, nor the extent to which they may be limited and the criteria used. The Committee is concerned that according to Vietnamese law the Covenant rights must be interpreted in a way that may compromise the enjoyment of these rights by all individuals.

The State party should guarantee the effective protection of all rights enshrined in the Covenant and ensure that they are fully respected and enjoyed by all (art. 2).

(6) The Committee is concerned about the statement of the delegation that because persons under the jurisdiction of the State party have recourse to national mechanisms, the State party does not need to accede to the Optional Protocol.

The State party should consider acceding to the Optional Protocol in order to enhance the protection of human rights afforded to persons under its jurisdiction.

(7) Notwithstanding the reduction in the number of crimes that carry the death penalty from 44 to 29, the Committee remains concerned about the large number of crimes for which the death penalty may still be imposed. The penalty does not appear to be restricted only to those crimes that are considered as the most serious ones. In this respect, the Committee considers that the definition of certain acts such as opposition to order and national security violations, for which the death penalty may be imposed, are excessively vague and are inconsistent with article 6, paragraph 2, of the Covenant.

The State party should continue to review the list of crimes for which the death penalty may be imposed in order to reduce and limit these to crimes which may be strictly considered as the most serious crimes, as required by article 6, paragraph 2, and with a view to abolishing capital punishment in furtherance of article 6 of the Covenant.

(8) Notwithstanding the information provided by the delegation that only three persons were currently subject to administrative detention, referred to as probation by the delegation, the Committee remains concerned about the continued use of this practice as prescribed under decree CP-31, since it provides for persons to be kept under house arrest for up to two years without the intervention of a judge or a judicial officer. The Committee is equally concerned at the provisions of article 71 of the Code of Criminal Procedure, pursuant to which the Principal Prosecutor may prolong the duration of the preventive detention of an individual without time limits, "if required and for serious offences against national security".

The State party should 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.

(9) The Committee is concerned that the judicial system remains weak owing to the scarcity of qualified, professionally trained lawyers, lack of resources for the judiciary and its susceptibility to political pressure. The Committee is also concerned that the Supreme People's Court is not independent of government influence. It is further concerned that the judiciary seeks the opinion of the National Assembly's Standing Committee in regard to the interpretation of laws and that the Standing Committee is responsible for setting criteria and instructions which are binding for the judiciary.

In order to implement article 14 of the Covenant, the State party should take effective

measures to strengthen the judiciary and to guarantee its independence, and ensure that all allegations of undue pressure on the judiciary are dealt with promptly.

(10) The Committee is concerned about the procedures for the selection of judges as well as their lack of security of tenure (appointments of only four years), combined with the possibility, provided by law, of taking disciplinary measures against judges because of errors in judicial decisions. These circumstances expose judges to political pressure and jeopardize their independence and impartiality.

The State party should enact procedures to be applied in appointing and assigning judges in order to safeguard and ensure the independence and impartiality of the judiciary in line with article 14 of the Covenant. It must ensure that judges may not be removed from their posts unless they are found guilty by an independent tribunal of inappropriate conduct.

(11) The Committee is concerned that the State party has not yet established an independent, legally constituted body with power to oversee and investigate complaints of human rights violations, including complaints against members of the police and the security services and prison guards. This fact may account for the small number of recorded complaints, in contrast to the information about large numbers of violations received from non-governmental sources (arts. 2, 7 and 10).

The State party should establish, by legislation, a permanent independent human rights monitoring body with adequate powers and resources 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 against those found responsible.

(12) The Committee regrets the lack of precise information provided by the delegation with respect to the number and location of all the detention centres or institutions in which persons are held against their will, and the conditions under which such persons are held (art. 10).

The State party should provide 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.

(13) The Committee is concerned that the legal right of detainees to access to counsel, medical advice and members of the family is not always respected in practice.

The State party should ensure scrupulous respect for these rights by its law enforcement agencies, the procuracy and the judiciary.

(14) The Committee is concerned that the State party asserts that domestic violence against women is a new phenomenon and that, although some efforts have been made, there is no comprehensive approach to preventing and eliminating it and punishing the perpetrator (arts. 3, 7,

9 and 26).

The State party should assess the impact of measures already taken to address the incidence of domestic violence against women. It should strengthen and improve the effectiveness of legislation, policies and programmes aimed at combating such violence. The State party should further implement training and sensitization programmes for the judiciary, law enforcement officials and members of the legal profession, as well as awareness-raising measures, to ensure zero tolerance in society of violence against women.

(15) The Committee is concerned that the State party has not undertaken adequate measures to help women prevent unwanted pregnancies and to ensure that they do not undergo life-threatening abortions (art. 6).

The State party should take adequate measures to help women prevent unwanted pregnancies and avoid resorting to life-threatening abortions, and adopt appropriate family planning programmes to this effect.

(16) The Committee notes that the information provided by the delegation was insufficient for the Committee to have a clear view of the situation in Viet Nam with regard to religious freedom. In the light of information available to the Committee that certain religious practices are repressed or strongly discouraged in Viet Nam, the Committee is seriously concerned that the State party's practice in this respect does not meet the requirements of article 18 of the Covenant. The Committee is deeply concerned by allegations of harassment and detention of religious leaders and regrets that the delegation failed to provide information relating to such allegations. In this context, the Committee is concerned at the restrictions placed on outside observers who wished to investigate the allegations.

The State party is requested to provide the Committee with up-to-date information about the number of individuals belonging to various religious communities and 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.

(17) The Committee takes note of the fact that the law makes no provision for the status of conscientious objector to military service, which may legitimately be claimed under article 18 of the Covenant.

The State party should ensure that persons liable for military service may claim the status of conscientious objector and perform alternative service without discrimination.

(18) The Committee is 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 is also concerned at the press laws which impose restrictions on publications which, inter alia, are said to cause harm to political stability or insult national institutions. These broadly defined offences are incompatible with paragraph 3 of article 19 of the Covenant.

The State party should take all necessary measures to put an end to direct and indirect restrictions on freedom of expression. The press laws should be brought into compliance with article 19 of the Covenant.

(19) While noting that the State party denies any violation of the Covenant rights in this respect, the Committee remains concerned at the abundance of information regarding the treatment of the Degar (Montagnard) indicating serious violations of articles 7 and 27 of the Covenant. The Committee is concerned at the lack of specific information concerning indigenous peoples, especially the Degar (Montagnard), and about measures taken to ensure that their rights under article 27 to enjoy their cultural traditions, including their religion and language, as well as to carry out their agricultural activities, are respected.

The State party should take immediate measures to ensure that the rights of members of indigenous communities are respected. Non-governmental organizations and other human rights monitors should be granted access to the central highlands.

(20) While noting the explanations provided by the delegation regarding the exercise of the right to freedom of association, the Committee is concerned at the absence of specific legislation on political parties and at the fact that only the Communist Party is permitted. The Committee is concerned at reported obstacles imposed on the registration and free operation of non-governmental human rights organizations and political parties (arts. 19, 22 and 25). It is especially concerned about obstacles placed in the path of national and international non-governmental organizations and special rapporteurs whose task it is to investigate allegations of human rights violations in the territory of the State party.

The State party should take all the necessary steps to enable national and international non-governmental human rights organizations and political parties to function without hindrance.

(21) The Committee is concerned about the restrictions on public meetings and demonstrations (art. 25).

The State party should provide additional information on the conditions for public assemblies and, in particular, to indicate whether and under what conditions the holding of a public assembly can be prohibited and whether such measures can be appealed.

(22) The State party should make public the present examination of its second periodic report by the Committee, the written answers it has provided in responding to the list of issues drawn up by the Committee and, in particular, these concluding observations.

(23) The State party is requested, pursuant to rule 70, paragraph 5, of the Committee's rules of procedure, to forward information within 12 months on the implementation of the Committee's recommendations regarding paragraphs 7, 12, 14, 16, 19 and 21 above. The Committee requests that information concerning the remainder of the recommendations be included in the third periodic report, to be submitted by 1 August 2004.