

ADVANCE QUESTIONS TO VIET NAM-ADD 1

GERMANY

- Vietnam has returned to carrying out the death penalty in 2013. Reports say that domestically produced lethal substances (poison) do not lead to immediate death or do so only after extensive suffering. Germany would like to receive information by the government on whether these reports are true and how many persons in Vietnam's prisons are awaiting execution.
- Requests by the international community to visit prisons in Vietnam are frequently denied by the authorities. Under which conditions does Vietnam allow for members of the international community to visit prisons, prisoners and trials?
- Decree 72 limits freedom of expression on the internet. Decree 174 defines sentences for violations of decree 72. In addition to sentences in prison, fines of up to 100 Mio Dong can be imposed. On what basis are decisions on the degree of penalty taken and how many people have been sentenced to penalties under decree 72 so far?
- How does the government ensure that representatives of civil society can effectively participate in the UPR process, including by exercising their human right to leave their own country to attend the Working Group session in Geneva?

CZECH REPUBLIC

- Vietnam signed the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. According to its National Report, Vietnam has been taking final legal steps towards its ratification. Does the Government of Vietnam consider also accession to the Convention's Optional Protocol?
- What steps has the Government taken to guarantee freedom of expression and information, both online and offline, as pledged at its previous UPR? In this regard, will the Government revise Decree 72 on Internet use and management and Decree 174 and lift Internet censorship?
- Are there any measures planned to ensure the protection of human rights defenders and to facilitate their work?
- Does Vietnam envisage easing the registration of civil society organizations and creating enabling conditions for their operation?
- In the context of resumption of executions in 2013, does the Government intend to further revise the list of crimes for which the death penalty is imposed?
- Does the Government of Vietnam intend to issue a standing invitation to the Special Procedures of the United Nations Human Rights Council?
- The Czech Republic recognizes the dedication of Vietnam to the process of amending the 1992 Constitution. Could you elaborate on how the broad public consultative

process and the respective submissions are reflected in the final version of the new Constitution which entered into force on 1 January 2014?

BELGIUM

- Is the Government of Vietnam considering issuing a standing invitation to the special procedures?
- Does the Government of Vietnam intend to respond positively to the special rapporteurs that have requested to visit the country, like the Special rapporteur on Freedom of opinion, the Special rapporteur on Extrajudicial, summary or arbitrary executions, and the Special rapporteurs on Torture, Human Rights Defenders and the Sale of children?
- Is the Government of Vietnam considering accepting the individual complaints procedure under the human rights conventions to which it is already a State party?
- During the last cycle of the UPR, the Government of Vietnam had accepted to consider accession to the International Convention for the protection of all persons from enforced disappearance, the Rome Statute of the International criminal court and the Convention relating to the status of refugees. Could the Government of Vietnam explain what follow-up was given to this point?
- Is the Government of Vietnam considering removing its reservations to articles 29(1) of CEDAW and 22 of ICERD?
- When will the Government of Vietnam present the overdue report to the HR Committee?
- The CERD and CRC have expressed concern about ethnic discrimination, the socio-economic gap between the majority population and disadvantaged ethnic minorities and restriction on religious practices by minorities in Vietnam. Which concrete steps have been taken by the Government of Vietnam to address these concerns?
- The discrimination against girls was identified by the CRC as a cause of early marriage, high levels of school drop-outs and female foetus abortion. What has the Government of Vietnam done to eliminate all forms of discrimination against girls and to ensure gender mainstreaming in all anti-discrimination policies and programmes, as advised by the CRC?
- How many individuals are currently on death row? Of those, how many are foreign nationals? And how many are juvenile offenders?
- Do family members have the right to be informed of an execution before it takes place? If so, how are they informed and what is the notice period? Do children and other family members of a person sentenced to death have the right to a final meeting before an execution is carried out?

- During the first cycle of the UPR, the Government of Vietnam agreed to take the necessary steps to ensure that citizens can fully enjoy the rights to freedom of expression, including on the internet, and freedom of religion. Could the Government of Vietnam explain what effective steps it took to implement this recommendation?
- During the first cycle of the UPR, the Government of Vietnam agreed to consider strengthening press freedom protections contained in the 1999 press law and ensure that any review of the press law would follow the international standards on this topic. Could the Government of Vietnam explain what effective steps it took to implement this recommendation?

MEXICO

- How will Viet Nam ensure that articles in its Constitution which talk of abuse of human and civic rights in detriment to the interests of the State do not become an undue restriction of basic individual rights as defined by the ICCPR and what measures is it specifically taking for revising national security provisions contained in the Penal Code?
- Is Vietnam considering to revise legislation such as the Press Law and Internet Decree 72 in order to guarantee the full enjoyment of freedom of expression and freedom of information both online and offline?
- What are the reasons why statistics relative to the number of executions derived from sentences carrying the death penalty are classified and kept as State secrets?

UNITED STATES OF AMERICA

- **International Obligations:** In 2009, Vietnam agreed to align its press laws with its obligations under Article 19 of the International Covenant on Civil and Political Rights (ICCPR); however, Vietnam continues to restrict freedom of expression both in law and practice. As a newly-seated member of the UN Human Rights Council, will Vietnam agree to align all national laws, including those falling under national security provisions, with its international obligations and commitments on human rights, including those under the ICCPR, and the Universal Declaration of Human Rights? Will Vietnam release those citizens who are imprisoned for exercising their human rights?
- **Undue Restrictions on Internet Activity:** The government of Vietnam employs a variety of means to censor content on the Internet and television broadcasts. Will Vietnam commit to relaxing its control over the Internet and website content? Will Vietnam suspend implementation of Decree 72, thereby allowing Internet users to exercise their freedom of expression on line?
- **Religious Freedom:** Despite laws protecting religious freedom, and increased registrations of religious organizations, some officials at local and national levels harass and punish individuals and groups, usually with impunity, for engaging in religious activity. Will Vietnam commit to facilitating the expeditious registration of

those religious organizations seeking such status and establish a mechanism to receive and investigate complaints against any official who harasses or punishes any member of a religious group engaging in lawful religious activity?

- **Labor:** We welcome the gains Vietnam has made economically. However, we note our concern regarding protection of workers' rights. The current law on trade unions establishes the Vietnam General Confederation of Labor as the *de facto* sole trade union federation. What legislative and other measures does the Vietnamese government plan to implement to ensure it meets internationally recognized standards on freedom of association, collective bargaining, forced labor, child labor and employment non-discrimination? What steps has the government taken to implement these provisions?
- **Prison Conditions:** The United States welcomes Vietnam's decision to sign the Convention Against Torture in November and looks forward to Vietnam's ratification of the Convention. Nevertheless, prison conditions remain harsh, including credible reports of physical abuse and denied or inadequate medical care, in particular for prisoners convicted under national security laws. Will Vietnam commit to a timeline for ensuring that all prisoners are detained in a manner consistent with Vietnam's obligations under the International Covenant on Civil and Political Rights as well as the requirements of the Convention Against Torture?
- **The Rights of Defense Lawyers:** Under the Vietnamese criminal code, defense lawyers have the right to review government evidence, the right to access clients in prison, and the right to equal physical and technical accommodations with the Procuracy during trial. However, some defense lawyers, in particular those representing clients charged with crimes under national security provisions of the law, are unable to exercise those rights. Will Vietnam commit to ensuring that the rights of defense lawyers are implemented fully and that everyone charged with a crime is accorded all fair trial guarantees required by the International Covenant on Civil and Political Rights as well as Vietnamese law?
- **Access to Lawyers on Appeal:** Currently, defendants in Vietnam do not have the right to legal representation on appeal. In fact, they are not allowed legal representation until after the defendants have written their own appeals and filed them with the Court of Appeals. This provision undermines the ability of defendants to obtain adequate legal assistance and counsel when seeking to appeal a conviction. It is inconsistent not only with the International Covenant on Civil and Political Rights, but also with the minimum procedural guarantees that apply throughout the criminal justice process. These include the right to communicate with counsel of one's own choosing, to mount one's defense in person or through legal assistance of one's choosing, and, in the absence of such counsel, to have legal assistance assigned whenever the interests of justice require. Will Vietnam commit to addressing this gap in procedural rights within the year?
- **Freedom of Assembly:** The ability to gather peacefully is an important bedrock of political life in a stable country, but one that Vietnamese authorities have not consistently respected, in particular when individuals come together to protest sensitive issues. Article 21 of the International Covenant on Civil and Political Rights, to which Vietnam is a party, underscores this right. Will Vietnam extend an

invitation to the UN Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association in the coming year to evaluate the government's efforts on this front?