



# International Convention on the Elimination of All Forms of Racial Discrimination

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## Committee on the Elimination of Racial Discrimination 111th session

### Summary record of the 3035th meeting

Held at the Palais Wilson, Geneva, on Wednesday, 29 November 2023, at 3 p.m.

*Chair:* Ms. Shepherd

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Consideration of reports, comments and information submitted by States parties under article 9 of the Convention (*continued*)

*Combined fifteenth to seventeenth periodic reports of Viet Nam*

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*The meeting was called to order at 3 p.m.*

**Consideration of reports, comments and information submitted by States parties under article 9 of the Convention** *(continued)*

*Combined fifteenth to seventeenth periodic reports of Viet Nam*  
([CERD/C/VNM/15-17](#); [CERD/C/VNM/CO/10-14](#); [CERD/C/VNM/Q/15-17](#))

1. *At the invitation of the Chair, the delegation of Viet Nam joined the meeting.*
2. **Mr. Y Thong** (Viet Nam), introducing the periodic report ([CERD/C/VNM/15-17](#)), said that Viet Nam was a unified country with 54 ethnic groups, of which 53 were minorities, accounting for nearly 15 per cent of the total population. The terms “ethnic minorities” and “ethnic minorities with a particularly small population” were commonly used to refer to ethnic groups. The national language was Vietnamese, though some 30 of the ethnic groups had their own writing systems. The fact that none of the ethnic groups lived in separate, bounded areas reflected a long-standing history of harmony and common development.
3. The Constitution of 2013 recognized human rights, not only the rights of citizens, and affirmed the equality and unity of ethnic groups regardless of their size and level of development. The principles of non-discrimination and equality were at the core of the constitutional system and were being realized through legislative reforms. As most of the ethnic minorities lived in mountainous, remote and disadvantaged areas, where economic and social development was difficult, the Government, pursuant to article 5 (4) of the Constitution, prioritized those areas to create the conditions for ethnic minorities to unlock their potential and benefit from the gains of the country’s general development.
4. The prohibition of discrimination was also enshrined in a number of laws. Equality was a fundamental principle of the policy on the rights of ethnic minorities, as it was considered a means of ensuring the self-determination of ethnic groups and preserving and promoting their cultural identity, thus enriching the country’s diverse culture. Continuous efforts had been made since 2013 to develop, enhance and harmonize the national legal system and to align it with human rights principles. For example, the National Assembly had promulgated 125 laws containing over 350 articles establishing the rights and obligations of ethnic minorities. Viet Nam affirmed its stance against division, incitement of hatred and discrimination among ethnic and racial groups. Acts of racial discrimination and the promotion of racial division, prejudice and discrimination were strictly prohibited and severely punished under the law.
5. At the international level, Viet Nam participated actively in forums and conferences on human rights and the fight against racial discrimination and was committed to abiding by the international instruments it had signed, which took precedence over national legislation. Viet Nam had been elected to the Security Council for the 2020–2021 term and was currently a member of the Human Rights Council until 2025. Since its previous periodic report had been reviewed by the Committee, Viet Nam had ratified two additional human rights treaties, namely the Convention on the Rights of Persons with Disabilities and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. It had also ratified 25 conventions of the International Labour Organization.
6. Central and local government agencies, political, social and professional organizations, non-governmental organizations (NGOs), networks working in the fields of gender equality and human rights, national and international experts, as well as the public, were involved in the preparation of the country’s national reports, which were publicly available online. Viet Nam actively participated in dialogues with the treaty bodies, took seriously their recommendations and developed implementation plans to strengthen enforcement of the international treaties to which it was a party. Viet Nam was also a party to a number of regional human rights conventions.
7. At the bilateral level, Viet Nam had entered into official dialogues on human rights with countries and groups of countries, including the United States of America, the European Union and Australia. In addition, it used a range of unofficial channels to exchange views on human rights issues and took part in various relevant forums.

8. Legislation and policies on socioeconomic development had to be developed in consultation with the parties concerned, either directly or through the local authorities. Furthermore, for the promotion and realization of the rights of ethnic minorities, social criticism by the media and dialogue with civil society organizations were encouraged.

9. During the period under review, Viet Nam had made great strides in promoting the rights of ethnic minorities, especially their right to participate in political and public life. Favourable conditions were put in place to ensure equal rights in areas such as marriage and family law, protection before the law, citizenship and freedom of movement, speech and religion. The Government had introduced national targets for achieving the Sustainable Development Goals for ethnic minorities, and the programmes and policies introduced in favour of those groups and populations in mountainous areas were producing encouraging results. Specifically, ethnic minorities enjoyed preferential policies in education, health care, vocational training, employment and access to land, housing and credit, among others, and benefited from direct investment projects, for instance in infrastructure. To strengthen national unity and democracy, ethnic groups had the right to use their language and script, preserve their ethnic identity and promote their customs and traditions.

10. By the end of 2022, the Government had established relations with over 1,000 international NGOs and was gradually shifting from a donor/recipient relationship to partnerships, with a focus on capacity-building at the community level. Those relations had made positive contributions to socioeconomic development, especially in terms of poverty reduction.

11. A strict monitoring system consisting of the legislative and judicial branches and the Viet Nam Fatherland Front was in place to ensure government compliance with human rights instruments in general and respect for measures against racial discrimination in particular. Although an independent human rights body with the authority to address all forms of discrimination had yet to be established, there were sufficient resources and a sufficient legal basis for the judicial system to effectively address human rights violations.

12. **Ms. Ali Al-Misnad** (Country Rapporteur), reiterating the Committee's request for up-to-date, comprehensive statistics on the demographic composition of the State party's population disaggregated by race, colour, descent, language, ethnicity and national origin, said that it would be useful to know how such information was collected, especially in more remote areas where many minorities lived. It would be interesting to know whether the State party had taken measures to implement the Committee's previous recommendation to establish a national human rights institution.

13. She invited the delegation to inform the Committee about steps taken to incorporate all of the prohibited grounds of discrimination and to address direct and indirect discrimination in national law; plans to adopt a comprehensive anti-discrimination law; any barriers to that process; and the stage at which the public and civil society would be consulted. Information would also be welcome regarding the objective of the bill on ethnicity, the projected timeline for its adoption, including external consultations, and any resistance to its adoption.

14. She would appreciate it if the delegation could report specific examples of cases in which the Convention had been invoked before or directly applied by the national courts, court cases concerning violations of article 16 of the Constitution and cases involving complaints of racial discrimination in which the competent authorities had found a violation. She would also appreciate information on efforts to raise awareness of the Convention among judges, prosecutors and other judicial officials and on mechanisms, other than the courts, to which victims of racial discrimination could refer their claims. The delegation might comment on reports that access to justice was limited owing to persistent barriers, including excessive costs, a lack of awareness of rights, low confidence in the judiciary and a fear of reprisals, and on any steps taken to remove such obstacles.

15. The delegation was also invited to comment on reports that a disproportionately large number of persons sentenced to death and executed were members of ethnic or ethno-religious minorities. The Committee would like to receive official data on the number of persons sentenced to death, executed or on death row, disaggregated by age, sex, gender and ethnicity. Lastly, the Committee wished to hear about any recent cases in which

individuals had been sentenced to death or executed for committing one of the remaining capital offences, in particular the vaguely defined offences of treason, conduct of activities aimed at overthrowing the Government, spying, rebellion and terrorism.

16. **Ms. Chung** (Country Task Force) said that she wished to know whether there were any laws banning hate speech or incitement to hatred and violence and whether racial discrimination had been established by law as an aggravating circumstance for all offences. Noting that cadres and civil servants perpetuated negative stereotypes about ethnic minorities, which were also spread through the State-run media and the e-portals of State agencies, she wondered whether the State party acknowledged that situation and sought to correct it. It would be interesting to know whether any public officials had been prosecuted for hate speech or incitement to hatred or violence against ethnic or ethno-religious minorities, Indigenous Peoples or human rights defenders, and how the Government ensured that measures to protect individuals and groups against racist hate speech and crimes were not used to unnecessarily or disproportionately interfere with freedom of expression. The Committee would welcome further details about reports that government-funded task forces and steering committees were disseminating or promoting racial hatred and that Red Flag Associations actively worked against human rights defenders.

17. She would appreciate it if the delegation could provide official quantitative and qualitative information, including data on arrests, prosecutions and penalties, concerning counter-terrorism or national security cases in which the accused belonged to an ethnic or ethno-religious minority or Indigenous community. The Committee would like to see evidence that provisions of the Criminal Code pertaining to offences against national security were not being disproportionately applied in cases where persons belonging to ethnic minorities had been racially profiled as terrorists. What steps, such as training for law enforcement personnel, was the State party taking to prevent racial profiling?

18. The Committee would like to know whether, when the Government prepared the periodic report, it had issued an open call for input, what NGOs had made submissions and how they had been incorporated into the report.

19. The Committee had been informed about the detention of at least 57 individuals belonging to ethnic or ethno-religious minorities for peacefully exercising their fundamental freedoms; the alleged torture and ill-treatment of two activists from the Khmer Krom ethnic minority in police custody in Soc Trang Province in 2022; the death in custody in undetermined circumstances of three members of ethnic or ethno-religious minorities; and the arrest of 100 Montagnards in the weeks following the Ministry of Public Security investigation into the June 2023 attacks in Dak Lak Province. Accordingly, she was curious to hear what steps were taken to protect members of ethnic or ethno-religious minorities or Indigenous Peoples exercising their civil and political rights, as well as persons advocating against racial discrimination.

20. The Committee had received reports that an article of the Criminal Code addressed flight abroad and defection for the purpose of opposing the Government and that it was used to prevent members of ethnic or ethno-religious minorities or Indigenous Peoples experiencing racial discrimination from leaving the country, to confiscate their passports and to arrest and indict them. It would thus be interested to hear what steps were taken to ensure that the principles of proportionality, necessity and certainty were applied when placing limits on the rights of those individuals. What remedies were available, for example, to a Montagnard who had been jailed and tortured in June 2023 for attempting to flee to Thailand after refusing police pressure to join the local State church?

21. Lastly, she wished to know whether the legal provisions specifying content that was permissible on social media had been applied to members of ethnic minorities or Indigenous Peoples when they disseminated aspects of their cultures. Could the delegation reassure the Committee that a decree issued the previous month requiring technology companies to store user data would not undermine the freedom of speech of members of ethnic or ethno-religious minorities or Indigenous Peoples?

22. **Mr. Kut** (Follow-up Rapporteur) said that the Committee had adopted its concluding observations in 2012 (CERD/C/VNM/CO/10-14), following the previous review of the State party's periodic report. The State party had been expected to submit an interim report within

one year on its progress regarding the three recommendations identified by the Committee for follow-up. That report had never materialized.

23. None of the issues raised in the first follow-up recommendation issued in 2012 had been dealt with directly in the current periodic report. The Committee had concerns about paragraph 46 of that report, which suggested that any person belonging to an ethnic minority group who wished to air a grievance of discrimination could be charged and penalized for the serious crime of “sabotaging national unity policies”. The delegation was invited to clarify that paragraph’s inconsistencies with the preceding paragraph of the report, which stated that the State party had “always prioritized the development of ethnic minorities and the preservation of their cultural and traditional identity”.

24. The second follow-up recommendation, regarding the displacement of minorities and confiscation of ancestral land without prior consent and appropriate compensation, had been dealt with only tangentially in the periodic report. He wished to know whether there had been any further developments with the draft law on association and what its envisaged scope of application was.

25. **Ms. Esseneme** said that she would like to know what penalties were prescribed to civil servants who violated the 2008 Law on Cadres and Civil Servants or the 2010 Law on Public Employees, as well as to civil servants who performed discriminatory acts other than those relating to ethnicity, gender, social status, belief and religion, as cited in those laws. Such questions were particularly pertinent considering the large number of migrant workers in the country.

26. **Mr. Diaby** said that the Committee had received reports that human rights defenders were subjected to general harassment and digital surveillance. He would like to know what the nature of that surveillance was; whether the Government envisaged putting an end to it; and whether there were any plans to adopt legislation to protect those individuals against all threats, including the threat of execution.

27. **Mr. Payandeh** said that he would like to know whether the rights enshrined in the Constitution applied to undocumented migrants. He wondered whether the State party had discussed limiting the death penalty’s scope of application or introducing a moratorium abolishing the death penalty altogether.

28. **Ms. Tlakula** said that the Committee had received reports that Khmer Krom human rights activists had been held in police custody for translating the United Nations Declaration on the Rights of Indigenous Peoples and the International Covenant on Civil and Political Rights into Vietnamese and Khmer and for publishing the translations online. In that regard, she would like to know whether any measures were being taken to ensure that the Criminal Code, the Law on Cyberinformation Security and the Law on the Press were used to curtail the right to freedom of opinion and expression of ethnic minorities. Were any measures being taken to bring those laws into line with international human rights standards?

29. **A representative of Viet Nam** said that the national population database was being updated with information from the latest national census, which had consisted of surveys both at the household and commune levels. Data had been categorized by age and several other indicators. On average, 5,000 census forms had been distributed to each commune. Data on non-nationals were collected every 10 years. According to the 2019 census, the population of Viet Nam comprised more than 1 million Khmer people, including Khmer Krom, around 280,000 Bana people, nearly 400,000 Ede people and around 500 Jarai people, among other ethnic groups.

30. **A representative of Viet Nam** said that data were regularly collected on the situation of vulnerable and marginalized groups, and that specific surveys were conducted for people with disabilities, women and ethnic minority groups. National censuses were State-funded, and the latest one had been translated into five ethnic minority languages. In the northern mountains, the central highlands and the Mekong Delta provinces, the national census had been conducted at both the household and commune levels, as in other areas. In addition to awareness-raising meetings with local people, information had been broadcast on national radio and television before and after the census had been conducted. The results had been published in newspapers and in the magazine of the Ministry of Planning and Investment.

Officials involved in the monitoring and oversight of the census process had been required to have knowledge of ethnic minority languages and had been trained in data collection. Around 1,800 people had been employed at the commune level, and nearly 300 at the provincial level.

31. **A representative of Viet Nam** said that the State party had implemented all the recommended measures to bring the definition of discrimination in the Constitution and domestic law into line with article 1 of the Convention.

32. **A representative of Viet Nam** said that the Government planned to implement all of the Committee's recommendations on the establishment of a national human rights institution. The Ministry of Public Security, tasked by the Prime Minister with establishing the institution, had consulted national human rights organizations and was now looking at international practice. While there was no such institution yet in Viet Nam, a number of governmental ministries already monitored, protected and promoted human rights, including national committees for women, children, older persons and persons with disabilities. The Government needed to devise a suitable model and specific road map and consider the country's socioeconomic status in order to establish the institution.

33. The national legislation prohibited the use of the Internet and the dissemination of information online for the purpose of inciting hatred towards any ethnicity or disseminating distorted information. Products that might incite such hatred were also prohibited. The Government did not interfere in the establishment of associations; the Red Flag Associations were patriotic groups established in Nghe An Province to act against extremist Catholic priests who often distorted information and insulted the President. While those Associations had been involved in clashes, they had not yet been criminalized, and no related cases had been handled by the courts. However, the competent State authorities had met with members of the Associations and the priests concerned to raise awareness of State policies and laws and to prevent both from committing any offences. Measures had also been taken to ensure that the Associations would not act in a way that might lead to hatred between religious and non-religious persons.

34. There had been no cases of enforced disappearance or prolonged detention affecting people from ethnic minority groups. Any cases of violations of the rights of those individuals were handled by the courts in accordance with the Criminal Code, without discrimination. The competent authorities carried out thorough investigations for all alleged offences, and trial proceedings strictly complied with all national laws. An investigation into the events in Dak Lak Province in June 2023 had confirmed that there had been a terrorist attack; the list of offenders included persons from ethnic minority groups.

35. **A representative of Viet Nam** said that the article of the Penal Code which provided for the prosecution of persons fleeing abroad or defecting with a view to opposing the Government applied only to Vietnamese nationals. In 1999, an amendment to the Penal Code had reduced the maximum sentence to be handed down under that article to 20 years' imprisonment, meaning that offenders no longer faced the death penalty for that offence. A range of factors were taken into account when decisions were taken whether or not to charge individuals under that provision, including the age of offenders at the time they fled and their motivation for leaving the country; family reunification, for example, was not considered grounds for prosecution under the article. Persons would only be charged under that provision if their intention was to carry out activities that were detrimental to the Government. It was worth noting that under the country's national immigration law, individuals travelling abroad must carry adequate travel documentation. Many of the people prosecuted under the article were carrying counterfeit or falsified documents when they were arrested.

36. According to the Constitution, all people were equal before the law, and no one should experience discrimination on the basis of that person's political, civic, economic, cultural or social life. That principle had been incorporated into several laws, including the Code of Criminal Procedure and the 2015 Law on Election of Deputies to the National Assembly and to the People's Council. All people aged 21 and above were eligible to stand for public office and, under the 2015 Law on Promulgation of Legal Documents, were able to contribute to policymaking, decision-making and the drafting of bills. Ethnic minorities were afforded

equal status to the Kinh majority ethnic group in several laws on social, economic and political matters and the members of ethnic minorities received fair treatment in criminal proceedings. The contents of several international conventions to which Viet Nam was a signatory, including the International Covenant on Civil and Political Rights, had been incorporated into domestic law. Laws on the right to the correction of information and compensation for errors in court judgments applied to all people in Viet Nam, including ethnic minorities. Vietnamese civil law contained provisions on penalties to be applied when the rights of ethnic minorities were violated. Under the 2011 Law on Denunciations and Complaints and the provisions of the Constitution, people in ethnic minority groups had the right to file complaints in reference to actions of the State, and their rights to property, freedom of speech and freedom to marry were clearly provided for in the relevant laws. The Government had helped ethnic minority communities to learn more about their right to seek compensation under the 2017 Law on State Compensation Liability, including by translating relevant documents into three minority languages.

37. Mechanisms were in place to ensure that the death penalty was applied in conformity with domestic law and article 6 of the International Covenant on Civil and Political Rights. The Government continued to take steps to reduce the number of offences punishable by the death penalty, which was not applicable to people under 18 years or over 75 years of age, pregnant women and women caring for children aged under 36 months. The Penal Code had been amended in 2015 and 2017 following broad public consultations which had revealed that the public continued to support the death penalty.

38. Nonetheless, in the light of guidance from United Nations treaty bodies, the Government was examining the possibility of further reducing the number of offences for which the death penalty could be applied. A national plan had been established by the Prime Minister to that end, and in 2018 and 2019 the Ministry of Justice had carried out a number of activities in partnership with the United Nations Development Programme with the same aim. Vietnamese experts had explored the possibility of Viet Nam acceding to the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty. Representatives of ministries, State agencies and the judiciary had participated in a conference on the matter to gain insight into global trends regarding the application and abolition of the death penalty. The Government remained open to discussions on the subject.

39. **A representative of Viet Nam** said that there were plans to revise legislation on information and communications to bring it into line with the Convention, in particular article 5 (2). There were also plans to amend the 2016 Law on the Press to take into account advances in technology. The right to freedom of expression and press freedom were enshrined in the Constitution and other laws. The Government was taking steps to enhance the enjoyment of those rights, especially with regard to online communications, and to increase access to information among citizens, in particular in remote and mountainous regions where many ethnic minorities lived.

40. Measures had been taken to address online hate speech, in view of its close connection to misinformation and disinformation, which, if allowed to proliferate, could jeopardize national unity and undermine international solidarity. The 2016 Law on the Press prohibited the dissemination of information that could create divisions between people of different social strata, promote discrimination against people of different ethnicities or religions or infringe on the equal rights of the different communities living in Viet Nam. In addition, the 2012 Law on Publication prohibited the publication of printed works that incited hatred among people of different nationalities or ethnicities; the 2015 Law on Cyberinformation Security outlawed acts that threatened national customs and traditions; and the 2016 Law on Access to Information prohibited the dissemination and use of information with the intention of intimidating, humiliating or harassing individuals or organizations on certain grounds. The dissemination of information with the potential to sabotage national unity were prohibited under two decrees which also prohibited the use of the Internet to spread propaganda, incite hatred and threaten national customs and traditions.

41. The Ministry of Information and Communication was developing a code of conduct on the use of cyberspace, which would clearly state that social media must be used in line with Vietnamese customs and that users must avoid using language promoting discrimination

on the basis of location, ethnicity, language or religion. While most people abided by such principles, hateful language did continue to be used by some. For instance, the Ministry had brought legal proceedings against a national television station that had depicted Thai people in a negative manner. The Government strongly condemned any disrespect for the different dialects spoken across Viet Nam and taught all schoolchildren to respect regional dialects.

42. A cyberspace task force had been established to monitor the dissemination of information that could jeopardize national and international security. The Government had acceded to several regional and international conventions on cybersecurity and had recently joined other members of the Association of Southeast Asian Nations in launching a rapid response task force to promptly detect the dissemination of information with the potential to incite hatred. The purpose of the task force was not to restrict freedom of speech or freedom of access to information among the Vietnamese people but to protect national interests and security.

43. **A representative of Viet Nam** said that all acts with the potential to incite hatred and acts that promoted discrimination were strictly prohibited in domestic law and taken seriously by the judiciary. The Supreme People's Court had encouraged judicial officials working at all levels of the court system to apprise themselves of the Convention in order to ensure its application in legal proceedings concerning racial discrimination. The 2008 Law on Cadres and Civil Servants stipulated that public officials, which included judges operating at all levels, must not discriminate against individuals on the basis of their nationality, gender, social stratum, beliefs or religion. That law also established the conditions for the recruitment of civil servants, stating that all persons meeting certain criteria could register as a candidate for job vacancies, regardless of their nationality, gender, social stratum, beliefs or religion. Positions in the court system were publicly advertised online. To encourage applications from ethnic minorities, candidates from such groups received extra credit in public sector recruitment processes.

44. Courts at all levels were well informed about the legislation concerning the prevention of discrimination, which ensured consistency in its application. Court proceedings were always carried out in line with the principles of transparency, objectivity and fairness, to protect the legitimate interests and rights of all citizens, including ethnic minorities. The Government strived to provide free legal assistance to persons involved in court proceedings, including inhabitants of remote mountainous areas and members of ethnic minorities, for whom the cost was covered by the State. Members of ethnic minorities also had the right to use their own languages and writing systems, and the courts were obliged to appoint interpreters to assist them. There had been no recent complaints of discrimination against ethnic minorities in the context of the court system.

45. **Mr. Y Thong** (Viet Nam) said that the Government was still in the process of drawing up a standalone law on ethnicity, which would be promulgated when appropriate. As mentioned in the periodic report, there was already a decree that addressed work with ethnic minorities.

46. According to the 2013 Land Law, all the land in Viet Nam belonged to everyone. When land was reclaimed by the State, the Government was reclaiming the right to use the land in question rather than the ownership of that land. In all such cases, ethnic minorities were treated in the same way as the ethnic majority and were offered reasonable and appropriate compensation. The Government held consultations with local people before land was reclaimed for development projects.

47. **Ms. Ali Al-Misnad** said that, while the State party had mentioned a large number of plans, many were yet to be implemented and financed. Although it was encouraging to hear about the development of laws and policies, their provisions were often vague and open to interpretation, and could therefore be used to undermine the rights of ethnic minorities. She had been surprised to see references in the periodic report to perceived characteristics of ethnic minorities. The report apparently suggested that their attitudes had a significant impact on law enforcement and the implementation of the Convention and that their customs and practices prevented them from safeguarding their rights. The inclusion of such notions in the report seemed to indicate that such beliefs were widespread throughout State institutions, including among schoolteachers. She would be grateful for the delegation's comments.



48. **A representative of Viet Nam** said that recent efforts by the Government to implement policies to uphold the socioeconomic, political and civil rights of persons from ethnic minorities had led to rapid and robust infrastructural development in the areas inhabited predominantly by them. That could help improve their access to basic services, although the achievement of such goals had been hindered by climate change and the coronavirus disease (COVID-19) pandemic. The Government had held consultations on the implementation of the Convention with many NGOs. A working group including a number of such organizations led by the Committee for Ethnic Minorities Affairs had collaborated with relevant ministries and agencies on new terms and definitions related to their efforts, such as “multidimensional poverty reduction”. They now faced the challenge of popularizing such concepts in Viet Nam.

49. **Ms. Ali Al-Misnad**, noting that the delegation had said that it was an offence to insult or criticize famous people or celebrities online, said that she would like to have clarification of the meaning of such terms.

50. **A representative of Viet Nam** said that it was customary and a matter of national consensus in Viet Nam to treat the founders and prominent leaders of the nation, such as President Ho Chi Minh, with great respect. That tradition had been enshrined in the Constitution.

51. **A representative of Viet Nam** said that, as was the case in other countries, the time needed to establish a national human rights institution in Viet Nam would depend on the country’s specific national circumstances. It was not possible to say with certainty when that would happen. Appropriate steps needed to be taken in order to find the most suitable model for such an institution. Offending or insulting people online, regardless of how famous they were, violated their rights, including their right to privacy. There was no harassment of human rights defenders in Viet Nam; the Government prosecuted only persons who violated the law. Strict punishments for the ill-treatment of detainees by the police were set forth in the Penal Code. Twelve recent cases involving ill-treatment by the police had ended in the sentencing of the perpetrators to an average of between 3 and 5 years in prison.

52. **Ms. Chung** said that she would be interested to know how the State party determined whether persons fleeing abroad or defecting intended to overthrow or sabotage the Government. What happened when such persons were in possession of valid travel documents? There had been reports that persons who had defected to the Lao People’s Democratic Republic and to Thailand had been subjected in those countries to harassment, intimidation and even refoulement. The Committee was concerned that such persons, including those who had provided information to the Committee, could face reprisals.

53. **Mr. Kut** said that he wished to remind the delegation that the main task of the Committee was to evaluate the State party’s periodic report and that it drew upon a number of sources in order to check the veracity of the information provided to it. As the Committee had already considered a number of reports submitted by the State party, it was less interested in the content of constitutional or legal provisions relating to the Convention than in information as to how they were being applied by the relevant authorities, which would provide it with a more accurate appreciation of the situation in Viet Nam in relation to discrimination. The Committee would thus appreciate more information about victims of discrimination and the grievances of vulnerable groups.

54. **Ms. Stavrinaki** said that some of the statements regarding the challenges and difficulties of implementing the Convention, for example in paragraphs 21 and 22 of the periodic report, apparently stereotyped the ethnic groups concerned. Such statements made it appear as if the State party’s obligation to protect ethnic minorities rested instead upon those minorities themselves. The Committee would be interested to know how such language could assist the State party in implementing the Convention. The delegation might explain what the State party had done to address the customs and practices referenced in the report and whether it had discussed them with community leaders from the ethnic minorities in question. How could the Committee assist the State party in implementing the Convention?

55. **Mr. Payandeh** said that approval of the death penalty in public opinion was sometimes the result of misconceptions about its efficacy as a deterrent and a lack of awareness of the possibility of innocent people being executed or of discriminatory

application of the penalty. Human rights were in any case meant to protect individuals and vulnerable groups, even from supposedly popular policies. It was for the Government to show leadership and to convince the population of the right course of action.

56. A number of laws of the State party appeared to be worded in overly broad terms, which made it difficult to assess whether they could be used to suppress the rights of persons protected under the Convention. He would therefore appreciate more information on the meaning of the wording “opposing the people’s administration” in article 121 of the Penal Code. In practice, was it interpreted as referring to criticism of all forms?

57. **Ms. Esseneme** said that the definition of discrimination under the domestic law was not in keeping with the definition in article 1 of the Convention. The Committee would like to know what penalties were imposed when civil servants refused to provide services owing to discriminatory behaviour.

58. Noting that international instruments to which Viet Nam was a party prevailed over domestic law, she said that she would be grateful to know how judges applied such instruments in practice. Could they directly invoke the Convention when they believed it to be applicable, or did they first require the legal representatives of the parties involved in a case to do so?

59. **Ms. Tlakula** said that she would like the delegation to clarify its contention that speech that offended or insulted was not allowed under the terms of the Law on Cyberinformation Security. Such speech did not necessarily constitute hate speech. In her view, such a prohibition was not in line with the Convention.

60. **A representative of Viet Nam** said that she wished to assure the Committee that the Government had adequate laws and regulations in place to protect and promote the rights of ethnic minorities. The Law on State Compensation Liability, which was applicable to clearly defined violations committed by civil servants in the exercise of their duties, set forth the rights and obligations of victims and perpetrators and the nature of the redress that could be granted. A separate law on civil servants stipulated what such persons could and could not do.

61. **The Chair** said that the discussion with the State party would be resumed the following day.

*The meeting rose at 5.55 p.m.*