

# MONITORING THE IMPLEMENTATION OF THE INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS: EU JULE POLICY BRIEF NO.3

June 2020



EU JULE

**THE INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS (ICCPR)** is a human rights treaty that came into force in 1966. Countries that have ratified the treaty are required to protect and promote a wide range of rights, including: the right to life and human dignity; equality before the law; freedom of speech, peaceful assembly, association, belief and opinion; the right to a fair trial; minority rights; and freedom from torture, ill-treatment, and arbitrary detention. 173 countries have agreed to be bound by the Covenant, including Viet Nam, which ratified the Covenant in 1982.

**THE HUMAN RIGHTS COMMITTEE** is the body responsible for monitoring whether countries that have ratified the ICCPR are fulfilling their obligations. Through a system of periodic reviews, the Committee examines the situation in each country and recommends – in Concluding Observations – measures that each State should take to protect the rights enshrined in the Covenant and to provide an effective remedy to victims of violations.

**VIET NAM AND THE ICCPR** Since ratifying the ICCPR, Viet Nam has submitted three reports to the Human Rights Committee describing how it has implemented the Covenant, in 1989, 2001 and 2017. Civil society organisations and other stakeholders have also made submissions to inform the reviews undertaken by the Committee. Based on these documents and a constructive dialogue between the Human Rights Committee and the Government in Viet Nam, the Committee then issued Concluding Observations with recommendations on steps (e.g. administrative, judicial, legislative, etc) Viet Nam should take to improve its compliance with the ICCPR.

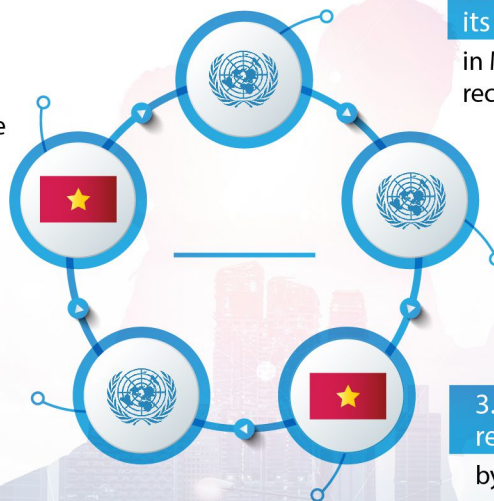
In the 2019, the Human Rights Committee issued its Concluding Observations in Viet Nam's third periodic review. It welcomed progress, such as legislative reforms in relation to trafficking, citizenship rights and due process, as well as the inclusion of human rights in the 2013 Constitution. The Committee also identified a number of areas where Viet Nam needs to take action to better fulfil its obligations under the ICCPR, in some instances reiterating previous Concluding Observations. Recommendations on the death penalty, freedom of expression and human rights defenders were identified as priorities that Viet Nam is expected to report on by 29 March 2021 (follow-up recommendations.)

## 5. Viet Nam submits its 'Periodic Report'

Viet Nam submits its 'Fourth Periodic Report' by March 2023 on its compliance with ICCPR and implementation of the Concluding Observations

## 4. Committee adopts a 'Progress Report'

analysing the level of implementation



## 1. Human Rights Committee adopts its Concluding Observations

in March 2019, identifying priority recommendations

## 2. Viet Nam submits a 'Follow-up Report'

by March 2021 on its implementation of the follow-up recommendations

## 3. Human Rights Committee may request more information

by a new deadline, or in the next periodic report



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Implementation of the Human Rights Committee's recommendations will enhance Viet Nam's implementation of other human rights recommendations, accepted Universal Periodic Review (UPR) recommendations and Sustainable Development Goal (SDG) commitments. It will also promote the advancement of respect for and protection of human rights.

In its Progress Report, the Human Rights Committee will assess the level of implementation of the priority recommendations, taking into account the degree of Viet Nam's collaboration and the nature and impact of the measures taken on implementation.

Four areas of recommendations which will support all efforts to ensure compliance with ICCPR were identified: **(1) the death penalty (2) reviewing legal gaps or conflicts with ICCPR and promoting awareness and understanding of civil and political rights; (3) preventing discrimination, especially against vulnerable groups; and (4) enhancing independent judiciary and ensuring fair trials.** These recommendations overlap substantially with the SDGs, which shows the clear interlinkage between human rights and development.

In September 2019, the Prime Minister adopted Decision No.1252/QD-TTg approving the National Action Plan (NAP) to enhance the effective implementation of the ICCPR and recommendations of the Human Rights Committee, including of the follow-up recommendations. The Decision identifies key tasks, measures, timeframes and expected outcomes for effective implementation. The NAP aims to:

- **Promote and monitor** the implementation of recommendations;
- **Establish** the role of the Ministry of Justice as the focal point in charge of advising and assisting the Prime Minister in organizing and monitoring the NAP's implementation nationally;
- **Provide** guidance to the responsible ministries, agencies and localities on how to report on NAP implementation to the focal point, which will help Viet Nam prepare for the next reporting cycle.



## RECOMMENDATIONS

- To implement the priority recommendations, Viet Nam will need the substantive involvement and clear assignment of responsibilities, tasks and close coordination among all ministries and branches. Each responsible agency should **IDENTIFY** measures to implement the recommendations, with realistic indicators and timeframes for each indicator.
- The Government will also need to **DETERMINE** a suitable implementation roadmap, as well as link the activities of related sectors and mobilize the strength of the entire political system. The role of the Ministry of Justice as an effective and active focal point is thus critical.
- Full implementation of the priority recommendations is not likely within two years, for example because some recommendations suggest amendments of newly adopted laws. Viet Nam should still significantly **PROGRESS** towards achieving these recommendations, thereby demonstrating the country's commitment to better protect and promote civil and political rights.
- Many of the recommendations by the Human Rights Committee are the same or similar to recommendations that Viet Nam received under the UPR or from other human rights treaty bodies. As a result, coordination is crucial to set cross-cutting priorities and avoid duplication of efforts and missed opportunities. In addition, Viet Nam should continue to **MAINTAIN** dialogues with all relevant stakeholders (e.g. non-governmental organisations, development partners, etc) and incorporate learnings and best practices from other countries' experience in implementation.

