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**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

Report of the Independent Expert on the effect of foreign debt and other related international financial obligations of the states on the full enjoyment of all human rights, particularly economic, social and cultural rights, Mr. Cephas Lumina

Addendum

**Mission to Vietnam: comments by the State on the report of the
Independent Expert***

* Reproduced as received.

1. The Government of Viet Nam wishes to thank the Independent Expert on the effect of foreign debt and other related international financial obligations of the States on the full enjoyment of all human rights, particularly economic, social and cultural rights for his visit to Viet Nam from 23 to 29 March 2011, which provided an opportunity to have an open, candid and constructive dialogue between the Government and the Expert on his experience and knowledge in the effects of foreign debt on the enjoyment of human rights. The visit was also a useful occasion for Vietnamese agencies to share information and lessons learned in the said area, thus helping the Independent Expert have an in-depth understanding of the efforts, achievements and challenges in Viet Nam. The Government also thanks the Independent Expert for his efforts in reflecting in the current report the information received during the visit.

2. Viet Nam reaffirms its consistent policy to promote and protect human rights. The Government of Viet Nam is of the view that human being is at the heart of all its development policies and strategies, and economic development must be harmonized with cultural development, social justice and equity, and progressive improvement of the quality of life for all the people. To this end, Viet Nam has spared no efforts to continuously strengthen the legal and institutional framework, formulate and implement concrete policies and measures. A comprehensive system of legal documents has been developed, creating a favorable framework of socio-economic development. As a result, Viet Nam has recorded remarkable achievements, such as an average GDP growth of over 7%, a fourfold decrease of poverty rate from 1990 to 2010; human development index continues to improve. In the process, the Government has been paying particular attention to ensuring social justice and equity. At present, Viet Nam has achieved most of the Millennium Development Goals and is on track to meet the timeframes for the remaining ones. As a middle income country, Viet Nam will do its utmost to become an advanced and industrialized country in many major areas by 2020.

3. In the spirit of constructive dialogue and cooperation, the Government of Viet Nam wishes to make a number of comments and proposals on the draft report as follows.

4. The Draft Report, as it is now, is concise and comprehensive in reflecting the effect of foreign debt on the enjoyment of human rights in Viet Nam. It also contains good observation and insights relating to various aspects of the issue in question. On this basis, the Draft Report puts forward a number of helpful recommendations.

5. To further improve the Draft Report, it is kindly requested that the following amendments and additions should be made so as to insure the accuracy and relevance of the report:

Para. 10

6. The last sentence should be changed to “Some of these challenges were evident during the visit.”

Para. 12

7. Combine the first and second sentences into one as follows: “In the absence of an independent body dealing with human rights, the Independent Expert welcomes the ongoing consultations within the country on the creation of an independent national human rights institutions”.

Para. 13

8. To better describe the situation of corruption, the whole paragraph should be rephrased as follows: “Corruption in Viet Nam is a grave problem in many complex, sophisticated manifestations, posing a significant threat to the national socio-economic

development. In addition, corruption increasingly curtails people's access to basic services".

Para. 15

9. To make it more accurate and concrete, the following information should be taken into consideration: The Anti-Corruption Law in 2005 assigns 3 agencies specializing in anti-corruption: the Anti-Corruption Department of the Governmental Inspectorate; the Department for Prosecution and Supervision on Investigation of Corruption cases of the Supreme People's Procuracy of Viet Nam; the Police Department of Investigation on Corruption Crimes of the Ministry of Public Security (Article 75(1), the Anti-corruption Law).

10. The 2005 Anti-corruption Law and the Resolution 1039/2006/NQ-UBTVQH11 adopted by the Standing Committee of the National Assembly in 2006 provide for that the Steering Committee for Anti-Corruption, headed by the Prime Minister, is responsible for instructing, coordinating, monitoring nationwide corruption activities relating to preventing and combating corruption. The Office of the Steering Committee for Anti-Corruption is a specialized agency, which is tasked with advising, organizing the work of the Committee and the Chair.

Para. 16

11. This paragraph is not accurate and incomplete and should therefore be re-written as follows: "The Government Inspectorate exercises the function of state management over preventing and combating corruption. The Anti-corruption Department, which is a subsidiary organ of the Government Inspectorate, is tasked with assisting the Inspector General in exercising the function of state management over preventing and combating corruption; to perform its responsibilities of inspecting anti-corruption within the power of the Government Inspectorate. According to the current law and regulations, the Anti-corruption Department assumes no responsibility of investigating corruption cases"

Para. 19

12. This paragraph, as it is, has not covered clearly and completely the legal framework relating to financial management in general. It is, therefore, requested that it needs to further elaborate the objects or the areas of the legal framework that governs public financial management.

Para. 48

13. The debt of Vinashin is around VND 80,000 billion, an equivalent of USD 4 billion, not USD 45 billion as mentioned in the Draft report.

Para. 69

14. It should be emphasized that freedom of assembly, association is enshrined in the 1992 Constitution of Viet Nam (Art.69). Accordingly, everyone has the right to join or not join any association, organization on the voluntary basis to better protect their legitimate interest and rights in accordance with the national law. All the organizations, associations, regardless of NGO, mass-organization or professional organization are equally treated without discrimination on any grounds. Viet Nam has so far 450 professional organizations, 18 trade unions at national level and 6026 trade unions at local level, 350 social associations and organizations operating nationwide. Given the said information and the unreliability of the source cited, it is kindly requested that last sentences be deleted or re-written so as to reflect the situation on the ground.

Para. 71

15. The third sentence should be changed to “VUFO NGO Resource Centre to foster the dialogue between INGO and the country’s development partner” because the Centre, not the VUFO, is the one dealing with that matter.

Para. 75

16. The last sentence “Consequently, there is the Government to streamline the procedures for registration and operation of CSOs through the adoption of a comprehensive that establishes an enabling environment” is incomplete and needs to be re-written.

Para. 74

17. As the People’ Aid Coordinating Committee deals with aids from donors, the word “**funding**” in the first sentence should change to “**aids**”

Recommendations (part A)

18. The Government of Viet Nam thanks the Independent Expert for coming up with recommendations addressed to Viet Nam. It is of our view and in line with general practice that recommendations should be formulated in a suggestive manner which can provide room for more creative measures where possible to deal with the issues, challenges as identified in the Draft report. It is suggested that the phrase “**the Independent Expert urges the Government to**” should be added “**consider**” at the end to be “**the Independent Expert urges the Government to consider**”.

19. The Government of Viet Nam wishes to again express its sincere gratitude and appreciation to the Independent Expert for his effort to produce this report and to reiterate its readiness to continue this dialogue and cooperation in a constructive manner with a view to improving the enjoyment of human rights for all.
