

REPORT

Results of the Workshop “Sharing experiences in building national report on the implementation of the International Covenant on Civil and Political Rights”

To: Minister Ha Hung Cuong

Implementing the Working Plan in 2013 within the framework of the project “Strengthening access to justice and protection of rights in Vietnam” funded by UNDP (hereinafter referred to as the Project) and the permission of the Prime Minister at the official Dispatch No. 1988/VPCP-NC dated 01.10.2013 of the Government Office, the Department of International Law in collaboration with the Project organized a workshop “Sharing experiences in building national report on the implementation of the International Covenant on Civil and Political Rights” in Hanoi on 11/12/2013. The Department of International Law reports the results of the workshop as follows:

1. The organization of the workshop

1.1 The time and venue of the workshop

The workshop was held at Hoa Binh Hotel, 27 Ly Thuong Kiet, Hanoi on 11/12/2013, at right time and place scheduled in organizing plan.

1.2 The agencies responsible for organizing the workshop

The Ministry of Justice in collaboration with the Project and related entities are jointly organizing the workshop.

The workshop was presided by the leader of Department of International Law.

1.3. Participants, the number and structure of Delegates

Participants are foreign experts, representatives from the ministries, central sectors and representatives from a number of localities participated in the review process of the civil and political rights. In addition, the workshop was

attended by delegates from the training base and institutes on human rights. Specifically, the delegates are as follows:

- Foreign experts: Mr. Victor Manuel Rodriguez Rescia, member of the Covenant Committee (agency supervises the implementation of the ICCPR), Mrs. Francesca Del Mese, Lawyer for International Human Rights and Criminal Law.

- Representatives from ministries including representatives of the Ministry of Foreign Affairs, Ministry of Public Security, the Office of the Permanent Steering Committee for Human Rights, the Committee on Ethnic Minority Affairs, the Supreme People's Procuracy,... representatives from the units of the Ministry of Justice.

- Representatives from the local judicial agencies like the Department of Justice of Nam Dinh, Lang Son, Dien Bien, Thanh Hoa, Thai Nguyen, Ha Tinh, Vinh Phuc, and Binh Dinh...

- Representatives from the teaching institutions of law as the Hanoi Law University, Faculty of Law, National University Hanoi, Ho Chi Minh National Academy of Politics and Public Administration...

1.4 Funding of the Workshop

Funding for the workshop was sponsored by the project.

2. The content of the workshop

The workshop aims to create opportunities for the agencies involved in the development and protection of the national report on implementation of the ICCPR to be equipped with the contents and requirements of the Convention to Vietnam, international experience as well as best practices in building reports as required by the Convention. In addition, the workshop will provide a forum to share experiences of some countries in the development and protection of the national report on implementation of the ICCPR as well as experience in building the national report in other international treaties on human rights. For such purposes, the workshop focused on the following main issues:

2.1. The process of reporting in front of the Covenant Committee and the authority of the Covenant Committee

The workshop had participation and sharing experience of an expert from the Covenant Committee (agency monitoring the implementation of the ICCPR), this expert is one of the independent members of the Covenant Committee

functionality consider the national report on implementation of the ICCPR by the member states. It can be said that the workshop attended by an expert from agency directly monitoring the implementation of the ICCPR is a very significant thing and bring valuable experience in preparation for Vietnam in constructing and protecting national report on implementation of the ICCPR. The specific content which the expert from the Human Rights Commission presented at the workshop is as follows:

a) Experience of reporting in front of the Covenant Committee

At the workshop, the expert presented the process of constructing and protecting national report on the implementation of the Covenant in front of the Committee. The specific problem of the construction of the National Report to the Covenant Committee has been guiding by a resolution. For the good construction and protection of the national report, the expert recommended member countries in the process of building report should consider the following issues:

- Avoid these brief and general reports
- Trying to pass the list of previous before
- No need to report everything of the Covenant
- The group in charge of building national report plays an important role
- Constructive dialogue
- Prepare and approve the list of issues
- Answer to the list of issues (focusing on issues which are considered by the Covenant Committee)

In addition, in order to make the national report reflect fully and comprehensively the implementation of the ICCPR in the member states, the expert also emphasized the role of civil society organizations participated in build national report. The civil society organizations should be involved in all stages of building national report as drafting and submitting national report, drafting and passing the list of issues, answers to questions list of issues...

b) The authority of the Covenant Committee

Besides sharing experiences from the perspective of the Covenant Committee relating to the construction and protection of the national report

implementation of the ICCPR, the expert also presented the structure and jurisdiction of the Convention Commission (Human Rights Commission) in monitoring the implementation of the Convention.

Organizational structure and composition of the Committee of the Convention are as follows:

- Includes 18 members who are citizens of member countries of the ICCPR with high moral standards, are recognized capacity in the field of human rights. They are not necessarily lawyers and work based on individual ability (independent experts)

- Members are equally distributed geographically, representing different civilizations of the legal system.

- Elected for a term of 04 years, may be re-elected. The Secretary General of United Nations will provide officials and conditions for the effective implementation of functions of the Commission on Human Rights.

The authority of the Covenant Committee: the authority of the Covenant Committee is based on the following main functions:

- For national report (Article 40 of the ICCPR)
- Contact with states (Article 41 of the ICCPR)
- Contact with individual (Article 1SS of the Protocol supplements the ICCPR)
- General comments (via comments, explanations of the ICCPR)
- Other issues

2.2. The experience of some countries in the development and protection of the national report on implementation of the ICCPR

The workshop was attended by an expert from the U.K.; this expert is a lawyer for International Human Rights and Criminal Law. At the workshop, the expert shared her experiences of some countries (the Philippines, Indonesia and Ethiopia) in the development and protection of the national report on the implementation of the ICCPR. In addition, the expert also gave some recommendations for Vietnam in building and protecting national report on implementation of the ICCPR, specific issues related to the participation of civil society, the anticipated questions from the Commission on Human Rights;

Provide practical and useful information: statistics, examples, explanation of the mechanism for accountability.

2.3. Vietnam's experience in building and protecting national report on implementation of other international treaties on human rights

Besides presenting and sharing the experience of international experts, the workshop also had participation and sharing experiences of experts from the Ministry of Foreign Affairs and Committee on Ethnic Minority Affairs for sharing of experiences in the development and protection of national reports on implementation of other international treaties on human rights, such as the Convention on the elimination of All forms of Racial Discrimination, UPR.

3. Evaluation of organizing the workshop

The workshop was held on time, venue, participants, experts and content presented at the workshop as planned. The workshop has achieved its intended purpose is to exchange and share the experience of international experts and relevant agencies of Vietnam in building and protecting national reports on implementation of the international treaties on human rights in general and the ICCPR in particular.

The Department of International law recognizes that organizing the workshop is a well prepared step for the Ministry of Justice to perform the tasks assigned by the Prime Minister in coordination with the ministries concerned to prepare the national report on implementation of the ICCPR. The workshop partly equipped to provide the basic knowledge about the process and how to build the national report to agencies, personnel-related tasks.

The workshop organized guarantees the security, political, speech and exchange content in accordance with the provisions of the law of Vietnam.

4. Proposals and recommendations

Since acceding to the ICCPR, Vietnam has built and protected only 02 national reports. Up to now, over 12 years, Vietnam has not yet constructed and submitted the national report on implementation of the ICCPR. Performing tasks assigned by the Prime Minister as the national focal agency on implementation of the ICCPR and coordinate with related ministries and agencies to develop national report on implementation this Covenant, in the coming time, the immediate priority task in the implementation of the Convention will be built ICCPR national report on implementation of the Convention in 2014. To

implement this task, the Department of International Law recommends to the Minister as follows:

- Continuing assign the Department of International Law to study about the process of developing national report on implementation of the ICCPR, the experience of countries in the world especially in countries with many similarities in economic, economic, social, cultural conditions to Vietnam.

- Assign the Department of International Law to coordinate with international agencies involved to prepare work necessary for the construction of national report such as the establishment of the drafting committee, assigning tasks to members of the drafting committee, the line units...

- Assign the Department of International Cooperation to seek foreign funding to support the Ministry of Justice in the building and protect the national report on implementation of the ICCPR which is expected to be deployed in 2014.

Above is the report of the Ministry of Justice on the outcomes of workshop “Sharing experiences in building national report on implementation of the International Covenant on Civil and Political Rights”, The Department of International Law respectfully reports to the Minister for the guidance./.

Recipients:

- As above ;
- Vice Minister Hoang The Lien (to report);
- Vice Minister Le Than Long (to report);
- Department of International Cooperation (to perform);
- Archives, Ministry of Justice's Office, Department of International Law (L).

GENERAL DIRECTOR

(signed)

Nguyen Khanh Ngoc