



**International Covenant on  
Civil and Political Rights**

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**Human Rights Committee**

**Fourth periodic report submitted by Viet Nam  
under article 40 of the Covenant, due in 2023\*\* \***

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\* The present document is being issued without formal editing.

\*\* The annexes to the present report may be accessed from the web page of the Committee.



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## List of abbreviations

No.	Abbreviation	Definition
1	AICHR	ASEAN Intergovernmental Commission on Human Rights
2	CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
3	CC	Civil Code
4	CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women
5	CERD	<i>International Convention on the Elimination of All Forms of Racial Discrimination</i>
6	CPC	Civil Procedure Code
7	CRC	Convention on the Rights of the Child
8	CrPC	Criminal Procedure Code
9	CRPD	<i>Convention on the Rights of Persons with Disabilities</i>
10	DAG	Domestic Advisory Group
11	EVFTA	European – Viet Nam Free Trade Agreement
12	ICCPR	International Covenant on Civil and Political Rights
13	ILO	International Labor Organization
14	ILO	International Labor Organization
15	IRZ	German Foundation for International Legal Cooperation
16	LAT	Law on Anti-Terrorism
17	LBR	Law on Belief and Religion
18	LC	Labor Code
19	LCS	Law on Civil Status
20	LDVPC	Law on Domestic Violence Prevention and Control
21	LECiJ	Law on Enforcement of Civil Judgments
22	LECrJ	Law on Execution of Criminal Judgments
23	LEEVC	Law on Entry and Exit for Vietnamese Citizens
24	LGE	Law on Gender Equality
25	LHAV	Law on Handling Administrative Violations
26	LIDGL	Law on Implementation of Democracy at Grassroots Level
27	LoC	Law on Cybersecurity
28	LOPP	Law on the Organization of the People’s Procuracy
29	LP	Law on Publication
30	LPCID	Law on Prevention and Control of Infectious Diseases
31	LPNLD	Law on the Promulgation of Normative Legal Documents

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<i>No.</i>	<i>Abbreviation</i>	<i>Definition</i>
32	LSA	Law on Special Amnesty
33	LTDC	Law on Temporary Detention and Custody
34	PAPI	Provincial Governance and Public Administration Performance Index
35	PC	Penal Code
36	SPC	Supreme People's Court
37	SPP	Supreme People's Procuracy
38	UN	United Nations
39	UNDP	United Nations Development Programme
40	UPR	Universal Periodic Review of the United Nations Human Rights Council
41	WHO	World Health Organization

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## Introduction

1. Viet Nam's fourth periodic Report is hereby submitted in accordance with Article 40 of the United Nations' International Covenant on Civil and Political Rights (ICCPR – “the Covenant”), and covers the implementation of the Covenant from January 2019 to December 2022, with a focus on the recommendations of the Human Rights Committee (HRC) following the review of Viet Nam's third periodic Report on the implementation of the Covenant (Report [CCPR/C/VNM/2017/3](#)) in March 2019, and the Report on the monitoring of the implementation of the HRC's recommendations (Report [CCPR/C/136/2/Add.4](#)). This Report has been prepared on the basis of the Guidelines for the treaty-specific document to be submitted by State parties under Article 40 of the Covenant (Document [CCPR/C/2009/1](#)).
2. To facilitate the full consideration of the Report, reference is made in appropriate places to, inter alia, Report [CCPR/C/VNM/2017/3](#) and other relevant national Reports, including Viet Nam's combined fifth and sixth Reports on the implementation of the CRC, the ninth periodic Report on the implementation of the CEDAW, the combined fifteenth to seventeenth periodic Reports on the implementation of the CERD, the Report on the implementation of the CAT, and the National report under the third cycle of the UPR.
3. The Report entails Part I “General information” and Part II “Report on specific articles”. In addition, the Report comprises 05 Annexes, including:
  - Annex 1: Implementation Plans for the ICCPR;
  - Annex 2: List of relevant laws and resolutions of the National Assembly (for 2019–2022);
  - Annex 3: List of conferences, seminars, workshops, and training programs to raise awareness about laws on civil and political rights (for 2019–2022);
  - Annex 4: Relevant National Targeted Programs (for 2021–2025);
  - Annex 5: Information on legal documents pertaining to information and communication work.

## Part I General Information

4. Viet Nam is a unitary state of 54 ethnic groups, located in Southeast Asia with a total area of 331,212 km<sup>2</sup>, and a population of 99.5 million (2022). Viet Nam is divided into 63 provinces and cities.

### State agency system

5. Viet Nam's state agency system is stipulated in the Constitution and relevant laws, and elaborated in detail from paragraph 5 to 13 in Report [CCPR/C/VNM/2017/3](#).

### National legal framework on human rights

6. Viet Nam's national legal framework on human rights is mentioned in detail from paragraph 14 to 17 in Report [CCPR/C/VNM/2017/3](#). Human rights and citizens' rights have always been recognized in every iteration of Viet Nam's Constitution, which is the supreme law of the land. On the basis of the 2013 Constitution, laws and other pieces of legislation pertaining to human rights and citizens' rights have been enacted, amended and supplemented in order to further promote and safeguard these rights.
7. Viet Nam issued Resolution No. 27-NQ/TW dated 09 November 2022 on the continued building and improvement of the socialist rule-of-law state of Viet Nam in a new era. Accordingly, the specific goals until 2030 are: fundamentally improving mechanisms to ensure the mastery of the people, guarantee as well as protect human rights and citizens' rights. Strict compliance with the Constitution and the law has become the behavioural norm

for every actor in the society. Viet Nam has a democratic, fair, humane, comprehensive, uniform, consistent, timely, feasible, open, transparent, stable, and accessible legal system that can pave the way for innovation and sustainable development, and an apparatus and arrangements conducive to the stringent and consistent enforcement of the law. Viet Nam has also improved mechanisms for the distribution of responsibilities, coordination, and management among state bodies in exercising the legislative, executive, and judicial powers, so as to ensure that the state power is united and effectively managed. Viet Nam has continued to pursue organizational structure reform and improve the quality of the National Assembly's performance to the effect that the National Assembly truly acts as the highest representative body of the people and the agency holding the highest state authority, and better fulfils its responsibilities and mandates in accordance with the Constitution. In addition, Viet Nam has fundamentally completed the establishment of a professional, modern, just, and stringent justice system that upholds integrity, effectively serves the country and its people, administers justice, and safeguards human rights and citizens' rights, etc.

8. From January 2019 to December 2022, the National Assembly of Viet Nam adopted 56 laws and resolutions pertaining to human rights and citizens' rights,<sup>1</sup> which have contributed to the implementation of the 2013 Constitution and the international treaties on human rights to which Viet Nam is a party, such as the 2019 Labor Code (LC), the 2020 Youth Law, the 2019 Law on Education, the 2020 Law on Residence, the Law on Entry and Exit for Vietnamese Citizens (LEEVC), the 2020 Law on Mediation or Dialogue at Court, the 2020 Law on Vietnamese Guest Workers, the 2021 Law on Amending and Supplementing a Number of Articles of the Criminal Procedure Code (CrPC), the 2021 Law on Drug Prevention and Control, the 2022 Law on Implementation of Democracy at Grassroots Level (LIDGL), the 2022 Law on Inspection, and the 2022 Law on Domestic Violence Prevention and Control (LDVPC). Under the Law-making Program of the 15th National Assembly (2021–2026), many other laws pertaining to human rights are expected to be adopted, namely: the Law on Occupation (with amendments), the Law on Health Insurance (with amendments), the Law on Social Insurance (with amendments), the Law on Trade Union (with amendments), the Law on Demography, among others.

### **Implementation of international commitments/undertakings on human rights**

9. This item should be reviewed in association with Viet Nam's earnest fulfilment of its accepted recommendations under the UPR of the UN Human Rights Council, and the implementation of the Conventions concerning human rights to which Viet Nam is a party, such as CAT, CEDAW, CPRD, CRC, and CERD.

10. Following Viet Nam's successful membership at the UN Human Rights Council for the term 2014–2016, Viet Nam was once again elected to the Council for the term 2023–2025. Viet Nam, together with Bangladesh and the Philippines, were initiators of the Resolution on Human rights and climate change at the UN Human Rights Council. Viet Nam has also made active contributions to ASEAN's mechanisms pertaining to human rights, such as the ASEAN Intergovernmental Commission on Human Rights (AICHR), and remained proactive in stepping up discussions and dialogues on the promotion and protection of human rights with many partners in the region and the world.

11. From 2019 to 2022, Viet Nam joined Convention no. 98 of the ILO on the Right to Organize and Collective Bargaining (2019) and Convention no. 105 of the ILO on Abolition of Forced Labor (2020).

12. Based on the careful consideration of the HRC's recommendations, on 26 September 2019, Viet Nam issued the National Plan on Strengthening the Effectiveness of the Implementation of the ICCPR and the HCR's recommendations (Decision No. 1252/QĐ-TTg). As of the end of December 2022, numerous Ministries, agencies, and localities each have drafted their own plan to implement the recommendations under their areas of

<sup>1</sup> See Annex 2

management.<sup>2</sup> The HRC's recommendations have been effectively incorporated into socio-economic development strategies and programs and national target programs in relevant areas. These include: the National Target Program on the Socio-economic Development of Ethnic Minorities and Mountainous Areas for 2021–2030, Phase I: from 2021 to 2025 (Decision No. 1719/QĐ-TTg dated 14 October 2021), the National Target Program on Sustainable Poverty Reduction for 2021–2025 (Decision No. 90/QĐ-TTg dated 18 January 2022), and the National Target Program on New Rural Areas Development from 2021 to 2025 (Decision no. 263/QĐ-TTg dated 22 February 2022).<sup>3</sup> A number of recommendations which involve reviewing and improving Viet Nam's legal framework have also been implemented, as evident via Viet Nam's promulgation of the LC, the Law on Execution of Criminal Judgments (LECrJ), the LEEVC, and the Law on Handling Administrative Violations (LHAV).

### **Challenges to the implementation of the Covenant, and a number of measures to overcome the COVID-19 pandemic**

13. A number of challenges occurring in the implementation of the Covenant have been identified from paragraphs 24 to 29 in Report CCPR/C/VNM/2017/3. These obstacles continue to linger, and have tangibly hindered the effective implementation of the Covenant.

14. In 2020 and 2021, amid the COVID-19 outbreak and the severe consequences of climate change, all facets of the lives of the people in many countries, including Viet Nam, have been adversely affected. Due to the unprecedented impacts of the pandemic, resources were allocated mainly to activities that had either direct impact or direct connection with the protection of the people's rights during the pandemic, instead of other mandates. Thus, a number of plans and measures to implement the ICCPR have their slower progress witnessed, or have not lived up to expectations.

15. With the lives and health of the people given the top priority, Viet Nam has actively made flexible responses, taking into account the pandemic's developments in the world and Viet Nam, and the recommendations of the World Health Organization. Viet Nam's policies all entail fair and just access to healthcare facilities, services, and supplies for every citizen. Focus was particularly given to those suffering hardships caused by the pandemic. In particular:

(i) Viet Nam adopted a multitude of bold and timely policies and instructions to adapt to the new context amid the pandemic, such as Resolution No. 30/2021/QH15 dated 28 July 2021 of the National Assembly, and Resolution No. 21/NQ-CP dated 26 February 2021 of the Government on the procurement and use of COVID-19 vaccines.<sup>4</sup>

(ii) Viet Nam vigorously pursued its vaccination strategy, which included the establishment of the vaccine fund and the largest-ever vaccination campaign. Viet Nam mobilized a large number of personnel, with around 300,000 officials at both the central and local level to support Ho Chi Minh City, Ha Noi, and other localities suffering from outbreaks. Viet Nam also provided a support package worth VND 62 trillion (which is equivalent to USD 2.7 billion) to those facing significant hardships due to the pandemic. They were primarily women, people belong to ethnic minorities, and poor and near-poor households.<sup>5</sup>

(iii) Viet Nam stepped up the use of information technology, provided online services, and reduced telecommunication costs to aid the people during the pandemic, so as to ensure the consistent flow of information, uphold the right to access information, maintain a healthy cyberspace, and prevent fake news seeking to cause

<sup>2</sup> See Annex 1

<sup>3</sup> See Annex 4.

<sup>4</sup> Section III of Annex 1.

<sup>5</sup> Section III of Annex 1.

confusions among the public on the Internet.<sup>6</sup> Viet Nam also strived to narrow the information consumption gap among regions and groups nationwide, enhance communication work on human rights, and raise awareness to promote civil and political rights. A notable example was the “Coverage and Computer for You” Program, which was launched on 12 September 2021. It attracted the participation of network providers in increasing network capacity and coverage for “hard-to-access areas” nationwide. By 15 October 2021, the Program donated over VND 89 billion and more than 103,000 school supplies for 52 out of 63 provinces and cities; 43,000 schools with 25 million teachers had free access to virtual learning systems; 14 television channels broadcasted lessons under the general education system; over 7,000 virtual lectures for general education were accessible for free; etc.

16. Online trials were held on the basis of Resolution No. 33/2021/QH15 dated 12 November 2021 of the National Assembly, which enabled the litigants and criminal defendants residing or being held in temporary detention in areas affected by the pandemic or natural disasters, or remote and isolated areas, or areas inhabited by ethnic minorities to easily participate therein. This trial has also contributed to protecting the rights and interests of individuals and organizations. To implement the aforementioned Resolution, Viet Nam issued Inter-Agency Circular No. 05/2021/TTLT-TANDTC-VKSNDTC-BCA-BQP-BTP dated 15 December 2021 detailing and guiding the organization of the online trial. The organization of an online trial must observe the law, safeguard the rights and legitimate interests of the parties at the trial, ensure cybersecurity and safety, provide sufficient facilities, and ensure the solemnity of the court hearing. By the end of 30 September 2022, Viet Nam had held 3,614 online trials. This demonstrates Viet Nam’s determination to overcome challenges to ensure justice without delay and organize timely trials without interruption despite the pandemic, natural disasters or other challenging circumstances. This also guarantees the rights and legitimate interests of the accused, defendants, litigants, and organizations and individuals participating in trials.

17. Providing online public services is considered a key and pivotal step in the process of administrative reform and e-Government building. Online public services have contributed to reducing travel time and costs for organizations and individuals’ submission of dossiers and reception of results. They have also enhanced the accessibility and transparency of administrative procedures. Viet Nam has issued a Plan to develop the application of demographic data, identification and electronic authentication for the national digital transformation for the period 2022–2025, with a vision to 2030, under Decision No. 06/QĐ-TTg dated 6 January 2022 with a view to making people and businesses centered in the digital transformation, and targeting human development, insurance and improvement of people’s livelihood as the goal. It is also aimed at enhancing transparency and increasing the participation of people and businesses in the activities of state agencies. After one year of implementation of this Plan, positive achievements have been recorded in the legislative and policy improvement, thereby creating a legal environment conducive to the digital transformation. In 2022, 16 important legal documents, including 04 Decrees and 01 Resolution of the Government, and 10 Decisions and 01 Directive of the Prime Minister were issued in this domain. Notably, in 2022, the National Population Database has been connected and linked with 47 Ministries, agencies, local governments, and state-run corporations and groups. The National Public Service Portal has provided nearly 4,400 online public services at level 3 and 4 (tripled the figure in 2021), and synchronized the processing status of over 154 million dossiers (1.7 times the number in 2021). A large number of digital services for individuals and businesses were provided in a timely and effective manner (registration for exams and admission to universities and colleges; online procedure for passport issuance, and successfully-implemented 02 pilot connected public services for registration of birth – registration of permanent residence – issuance of health insurance cards for children under 6

<sup>6</sup> The Government issued Decree no. 14/2022/NĐ-CP dated 27 January 2022 amending Decree no. 15/2020/NĐ-CP dated 03 February 2020 on handling administrative violations in postal, telecommunication, and radio services, information technology, and digital transactions and Decree no. 119/2020/NĐ-CP dated 07 October 2020 on handling administrative violations in press and publishing activities.  
The Prime Minister issued Decision no. 830/QĐ-TTg dated 01 June 2021 approving the National Program on child online protection for 2021–2025.



years old, and registration of death – deletion of permanent residence registration – funeral allowance, among others).

### **Drafting of the report**

18. The Report was compiled by an Inter-Ministerial Drafting Committee composed of 23 members who are representatives from different Ministries and agencies directly involved in the content of the International Covenant on Civil and Political Rights. The Ministry of Justice (MOJ) of Viet Nam is the focal body for drafting the Report.

19. The Report was made with the comments, views and inputs from agencies at both central and local levels, socio-political organizations, socio-professional associations and the people at large. The draft Report was publicized on the website of the MOJ for public opinions. Many workshops were organized to provide open and straightforward dialogues between the Drafting Committee and other related parties. All comments and opinions were collected and studied by the Drafting Committee for finalizing the Report.

## **Part II**

### **Report on specific articles**

#### **Article 1**

20. The goal of the State of Viet Nam is to consolidate the great national unity based on the principles: “all ethnic groups are equal and united, mutually respect and help one another to develop” and “the State implements policies of all-round development and facilitates ethnic minorities to maximize their internal resources for development together with the country” (2013 Constitution, Article 5). Specific information on exercising the rights of ethnic minorities should be fully considered in connection with the combined 15th to 17th Periodic Country Report on the Implementation of the Convention on the Elimination of All Forms of Racial Discrimination (CERD) and briefly stated in Paragraphs 127–134 of this Report.

#### **Articles 2, 26 and Paragraphs 6, 8, 14, 18 of the Committee’s Concluding Observations**

21. The civil and political rights of all persons under the Covenant are fully provided for in the 2013 Constitution, and further specified in the laws adopted by the National Assembly and in sub-law documents toward ensuring further improvement and better implementation thereof in Viet Nam. Human rights and civil rights shall only be restricted by law promulgated by the National Assembly in case of necessity for the reasons of national defense, national security, social order and safety, social ethics and community well-being (Article 14, 2013 Constitution).

22. On the basis of Decision 1252/QĐ-TTg, Ministries and agencies at central and local levels have given priority to strengthening communication, dissemination and training on the Covenant, as well as laws and regulations on civil and political rights for public officials and state employees working in many areas. Programs and plans have also been implemented to provide training for students and trainees at educational, research and training institutions, and for the entire people, as follows:

- (i) Viet Nam has promulgated Programs and Plans on law dissemination and education, grassroots medication, and legal access standards<sup>7</sup> to implement the Project on “Promoting the dissemination of fundamental contents of the ICCPR and Viet Nam’s law on civil and political rights for public officials, state employees, civil servants and the people”.<sup>8</sup> The dissemination is conducted under various formats, such

<sup>7</sup> Section III, Annex 1.

<sup>8</sup> Section III, Annex 1.

as: organizing dissemination workshops; sharing information on mass media; drafting and publishing documents on law dissemination and education<sup>9</sup>; training for law reporters and disseminators; annual celebration of the “Law Day”; and organizing contests on understanding of the law. Notably, the people’s civil and political rights are also safeguarded through the implementation of Decision No. 25/QĐ-TTg dated 22 July 2021 stipulating communes, wards and townships that meet the access-to-law standards with 05 criteria and 20 indicators. This has laid an important legal foundation for reviewing and evaluating the fulfillment of responsibilities of commune-level authorities in performing assigned tasks, including criteria for publicizing information timely, accurately, comprehensively and in accordance with the law on access to information and exercise of democracy at the commune level, whereby strictness, exemplarity, and rule of law in the state management and the social management of the commune-level authorities are ensured, and the roles and responsibilities of the administrative bodies that are closest to the people and understand them best are enhanced to better serve the people’s needs.

(ii) Training for delegates to the National Assembly, procurators, judges, investigators, and officials performing legal work related to human rights has always been given priority through training courses on new provisions of the law, especially those related to human rights in the 2013 Constitution and such laws as the CrPC, the Penal Code (PC), the LECrJ, the 2018 Law on Special Amnesty (LSA), the Civil Code (CC), and the Civil Procedure Code (CiPC). In addition, Viet Nam has organized a series of training courses for judicial and legal professions (lawyers, notaries public, forensic experts, arbitrators and legal aid-providing persons).<sup>10</sup>

(iii) To further strengthen the inclusion of human rights content in the curricula of the national education system and after nearly 5 years of implementing the Project on the inclusion of human rights content in the curricula of the national education system (“Project”) under Decision No. 1309/QĐ-TTg dated 5 September 2017, the Prime Minister issued Directive No. 34/CT-TTg dated 21 December 2021 on strengthening the implementation of the Project. Viet Nam has effectively implemented the Project, contributing to raising social awareness of the importance of human rights education, especially for officials, leaders as well as teachers and students in educational and training institutions under the national education system. In addition, scientific research projects on the Covenant in education and training institutions have also been conducted, e.g. a Ministerial-level scientific research on law improvement to implement the Human Rights Committee’s recommendations on the implementation of the Covenant in Viet Nam.

(iv) Viet Nam issued Decision No. 1079/QĐ-TTg dated 14 September 2022 approving the Project on Communication on Human Rights in Viet Nam for the period 2023–2028 (Project 1079). The solutions and tasks set out in Project 1079 contribute to raising awareness of the people, thereby improving the quality of people’s enjoyment of rights under the core international conventions on human rights of the United Nations.

23. On adequate and effective protection against all forms of discrimination in all areas:

(i) “No one shall be discriminated in his or her political, civic, economic, cultural, and social life”; this is the constitutional principle of Viet Nam (Article 16, the 2013 Constitution). Many pieces of legislation stipulate anti-discrimination measures and solutions, prohibit discriminatory behavior, and have measures to balance interests and positions of the parties in legal relations.<sup>11</sup> In the coming time, Viet Nam will continue to improve, in forms of communication and implementation, the

<sup>9</sup> See Annexes 1 and 3.

<sup>10</sup> See Annex 3.

<sup>11</sup> Articles 1, 3 of the CC; Articles 4, 7, 8 of the LC; Articles 2, 5 of the Law on Marriage and Family; Articles 1, 4, 6, 7 of the 2006 LGE; Article 9 of the 2009 Law on the Elderly; Articles 5, 7, 14 of the 2010 Law on Persons with Disabilities, among others.

effectiveness of anti-discrimination measures in various areas, as well as learn from other countries' experience on the development of a law on anti-discrimination.

(ii) Some progress in ensuring the rights of homosexual and transgender people has been recorded in Viet Nam. Homosexual and/or transgendered people living together and organizing their weddings are not considered violations of the law and will not be handled for administrative violations. Researches on international experience<sup>12</sup>, and workshops on the rights of homosexual, bisexual and transgender people have been conducted by many agencies and organizations<sup>13</sup> with a view to establishing appropriate law provisions to ensure equality, harmony and convenience for individuals in life. Viet Nam is studying and developing a policy on gender transition to further specify the provisions of the CC in this regard.

(iii) Viet Nam has issued a Communication Program on Gender Equality until 2030 (Decision No.790/QĐ-TTg dated 23 October 2021). This is the first time a dedicated National Communication Program on Gender Equality has been launched. The Program aims at promoting gender equality and raising awareness of the whole society on this issue, thereby helping to prevent commonly-seen risks for genders, especially women and girls.

24. Regarding further efforts to protect persons with disabilities from discrimination and ensure their full access to public services:

(i) Viet Nam has been a State Party to the Convention on the Rights of Persons with Disabilities (CRPD) since 2015. Viet Nam also issued the Plan on Implementation of the CRPD (Decision No. 1100/QĐ-TTg dated 21 June 2016) to clearly define the responsibilities of agencies in implementing the Convention, thereby ensuring the right of persons with disabilities to participate equally in the society and integrate into the community.

(ii) Viet Nam has always paid due attention to the policies for persons with disabilities. Viet Nam issued Directive No. 39-CT/TW dated 1 November 2019 and Decision No. 753/QĐ-TTg dated 3 June 2020 on the Plan for the implementation of Directive No. 39-CT/TW; Decision No. 112/QĐ-TTg dated 22 January 2021 on the Social Work Development Program for the period 2021–2030 and Decision No. 1929/QĐ-TTg dated 25 November 2020 on the Social Assistance and Community-Based Rehabilitation Program for Persons with Mental Disorders, Children with Autism and Mentally-Disturbed Persons in the Period of 2021–2030.

(iii) Decree No. 74/2019/NĐ-CP dated 23 September 2019 amending and supplementing a number of articles of Decree No. 61/2015/NĐ-CP dated 9 July 2015 on policies to support job creation and the National Fund for Employment was issued. It stipulates loan applications to support job creation. In particular, manufacturing and business establishments whose employees with disabilities account for 30% or more of the total employees are entitled to a loan with an interest rate equal to 50% of the regular loan interest rate. The program to assist persons with disabilities for the period 2021–2030 was launched under Decision No. 1190/QĐ-TTg dated 5 August 2020. Accordingly, by 2025, 80% of new constructions and 30% of old constructions, namely working offices of state agencies, train stations, bus stations, medical examination and treatment establishments, educational and vocational institutions, cultural and sports facilities, and apartment buildings must ensure accessibility for persons with disabilities. The above percentage will increase by 100% of new constructions and 50% of old constructions by 2030.

(iv) Viet Nam has Inter-Agency Circular No. 42/2013/TTLT-BGDĐT-BLDTBXH-BTC dated 31 December 2013 stipulating policies on education for persons with disabilities, including priority admission and enrollment, exemption or reduction of certain subject contents, certain subjects or educational activities in the curriculum, assessment of educational outcomes, tuition fee policy, policies on scholarships and provision of school supplies and materials. Circular No. 03/2018/TT-

<sup>12</sup> Section III Annex 1.

<sup>13</sup> See Annex 3.

BGDĐT dated 29 January 2018 stipulates inclusive education for persons with disabilities, including organization and activities of inclusive education for persons with disabilities, and rights and obligations of teachers, trainers, educational support staff and persons with disabilities.

(v) In 2022, Viet Nam deposited an instrument of accession to the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired or Otherwise Print Disabled of the World Intellectual Property Organization. The Treaty entered into force for Viet Nam as of 6 March 2023.

25. Viet Nam continues to proactively review its laws and regulations, and study the possibility of establishing a national human rights body according to the recommendations of the HRC, taking into consideration its suitability with the socio-economic development, legal and judicial reform, and guarantee conditions of Viet Nam.

26. Competent agencies for ensuring human rights in Viet Nam are stated in Paragraphs 5–13 of the [CCPR/C/VNM/2017/3](#) Report. Depending on their severity, acts of infringing upon civil and political rights will be strictly handled in accordance with law. Methods of protecting civil and political rights are prescribed in pieces of legislation, such as: the CC, the CiPC, the PC, the CrPC, the 2015 Law on Administrative Procedures, the Law on Temporary Detention and Custody (LTDC), the LECrJ, the 2008 Law on Enforcement of Civil Judgments (LECiJ) (with amendments in 2014), the LHAV, Law on State Compensation Liability<sup>14</sup>, the 2011 Law on Complaints and the 2018 Law on Denunciations, among others.

### **Article 3 and Paragraphs 20, 22 of the Committee’s Concluding Observations**

27. Regarding the legislative improvement, including the LC and measures to promote and increase the participation of women in all fields:

(i) The LC stipulates the concept of discrimination in labor in Paragraph 8, Article 3 and clearly stipulates that acts of discrimination in labor are prohibited acts (Paragraph 1, Article 8). The LC also has specific provisions on ensuring non-discrimination as well as enhancing the participation of women, ensuring gender equality as stated in Article 5(1)(a); Article 8(1) and Chapter X (Special Provisions Concerning Female Employees and Ensuring Gender Equality). Article 169 of the LC stipulates that the retirement age of employees under normal working conditions shall be adjusted according to the roadmap until they reach the age of 62 for male employees in 2028 and 60 for female employees in 2035.

(ii) Viet Nam has Decision No. 681/QĐ-TTg dated 4 June 2019 on the Roadmap for the implementation of Viet Nam’s Sustainable Development Goals by 2030, including Goal 5, “*Achieving gender equality, empowering and creating opportunities for women and girls*”.

(iii) For ethnic minority areas and mountainous areas, Viet Nam has Resolution No. 88/2019/QH14 dated 18 November 2019 approving the Master Plan on Socio-Economic Development for the Ethnic Minority and Mountainous Areas for the Period of 2021–2030; Decision No. 719/QĐ-TTg dated 14 October 2021 on the *National Target Program for Socio-economic Development in Ethnic Minority and Mountainous Areas for the Period of 2021–2030*, with 10 component projects, including the 8th component project “*Implementing gender equality and addressing urgent issues for women and children*”.

(iv) To continue raising awareness of gender equality, Viet Nam organized a contest on “Understanding policies and laws on gender equality” on a nationwide scale, receiving up to 700,000 entries. Viet Nam also organized awareness raising

<sup>14</sup> Section III Annex 1.

activities about the Law on Gender Equality (LGE) and its implementing decrees for key officials of provincial departments and agencies.

(v) Regarding the proportions of delegates to the National Assembly, 15<sup>th</sup> Legislature: 151 delegates are female (30.26% of the total number of delegates, an increase of 3.54% compared to the 14th Legislature).

(vi) The results of the latest Population and Housing Census in 2019 have shown that the overall school attendance rate by gender, at the early educational stages (primary and lower secondary school), did not record an outstanding gap between boys and girls. At primary school level, the overall attendance rate of boys is 101.1%, and 100.8% for girls. The attendance rates at lower secondary school are 92.2% and 93.5% for boys and girls respectively, and at secondary school, the overall attendance rate of boys is 7.1% lower than that of girls.<sup>15</sup>

(vii) The literacy rate of men and women between the ages of 15–60 reaches 98.16%. This rate at the age of 15–35 is 99.3%; for the provinces in the Northwest, the Central Highlands, and the Southwest region, this rate of men is 94.7% and women is 97.8%, respectively, having reached and exceeded the target. The Gender Parity Index (GPI) among literate people aged 15–35 and 15–60 is close to maximum value (99.5%).

(viii) For ethnic minorities, the aggregated results for the 2019–2020 school year have shown the literacy rate of ethnic minority women aged 15–60 years old in 2020 in different regions as follows: 98.699% in the Red River Delta, 92.93% in the Northeast, 89.71% in the Northwest; 96.83% in the North Central, 86.88% in the South Central; 91.23% in the Central Highlands; 87.38% in the Southeast, and 88.72% in the Southwest. There remain a number of provinces whose literacy rate of females between 15–60 years old is lower than 82.5%, for example Ha Giang with 77.17%, Quang Binh with 81.2%, Ninh Thuan with 82.45%, An Giang with 75.89%, and Vinh Long with 82.1%.

28. Stepping up the prevention and control of all forms of gender-based violence:

(i) In 2022, Viet Nam adopted the LDVPC (to replace the 2007 LDVPC). The 2022 Law clearly defines acts of domestic violence, including forced sex against the will of either the wife or husband. In addition, other new fundamental points include (i) adopting an approach based on human rights, putting the domestic violence victims at the center, and amending and supplementing new acts of domestic violence; broadening the scope of subjects to be protected (victims of domestic violence, and other subjects entitled to analogous application); adding new law provisions to strengthen the implementation of the LDVPC with regard to foreigners residing in Viet Nam; (ii) proactively preventing and controlling domestic violence; (iii) amending and supplementing measures for protection, assistance and handling of violations in the prevention and control of domestic violence in order to remove the inadequacies in the 2007 LDVPC, meeting the practical needs<sup>16</sup>; (iv) encouraging the entire society's participation in the domestic violence prevention and control, enhancing the responsibilities of the State in allocating resources for the prevention and control of domestic violence so that facilities to support the prevention and control of domestic violence can be established, developed and effectively operated in a professional manner<sup>17</sup>; (v) amending and supplementing legal provisions concerning the responsibilities of the Government, the state management agencies with regards

<sup>15</sup> Section III Annex 1.

<sup>16</sup> For example, law provisions on monitoring the implementation of decisions on forbidden contacts; educational measures, assistance to change behavior of domestic violence; measures to protect people participating in the domestic violence prevention and control and people reporting and denouncing acts of domestic violence, etc.

<sup>17</sup> For example, law provisions on establishments on assistance and provision of assistance services to the domestic violence prevention and control; new law provisions added to ensure the implementation of the domestic violence prevention and control, such as funding, database for domestic violence prevention and control, skills for taking part in domestic violence prevention and control, etc.

to domestic violence prevention and control, as well as relevant offices and organization in this domain.

(ii) The LHAV stipulates that any person who has committed acts of domestic violence and violates the decisions of forbidden contact under the LDVPC shall be subjected to temporary detention in accordance with the administrative procedure. Such legal provisions aim at stopping immediately acts that can affect the health or lives of other people (Article 120(1)(d)). In addition, Decree No. 144/2021/NĐ-CP dated 31 December 2021 of the Government prescribing the handling of administrative violations in the fields of social safety, security, order, prevention and control of social evils, firefighting, relief and rescue, and domestic violence prevention and control, has a dedicated section (administrative violations in the field of domestic violence prevention and control) specifying acts of administrative violations in the field of domestic violence.

(iii) 2019–2022 data on number of cases of domestic violence show a gradual decline over the years in the following charts:

**Chart 1**

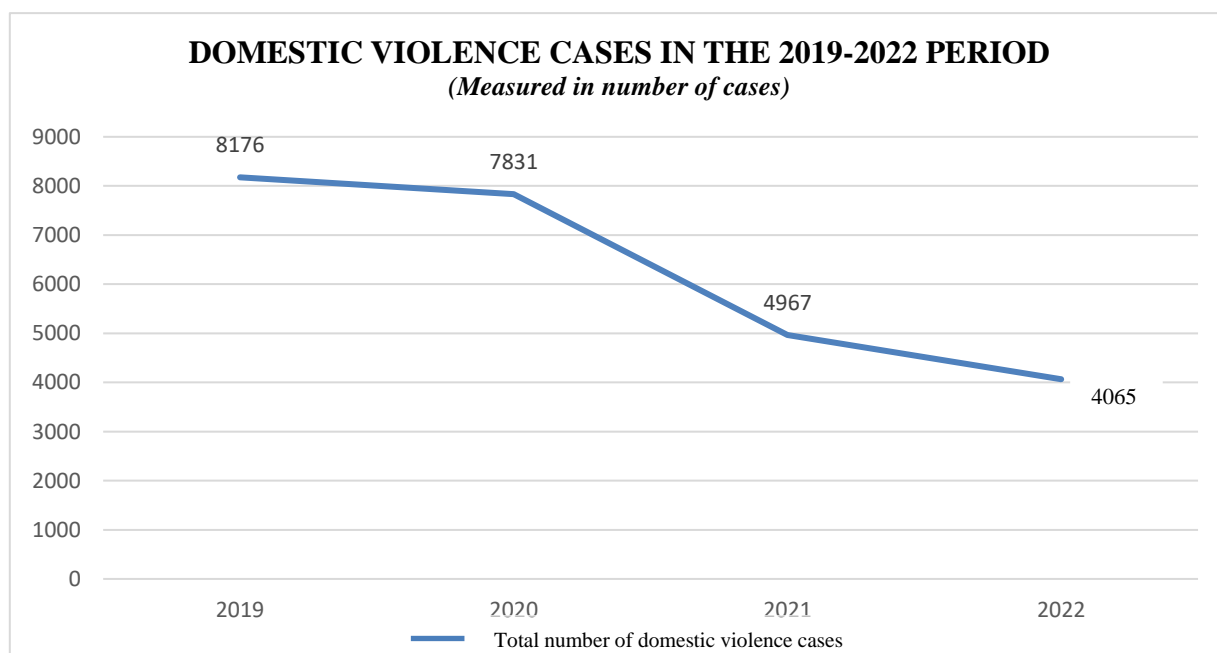


Chart 2

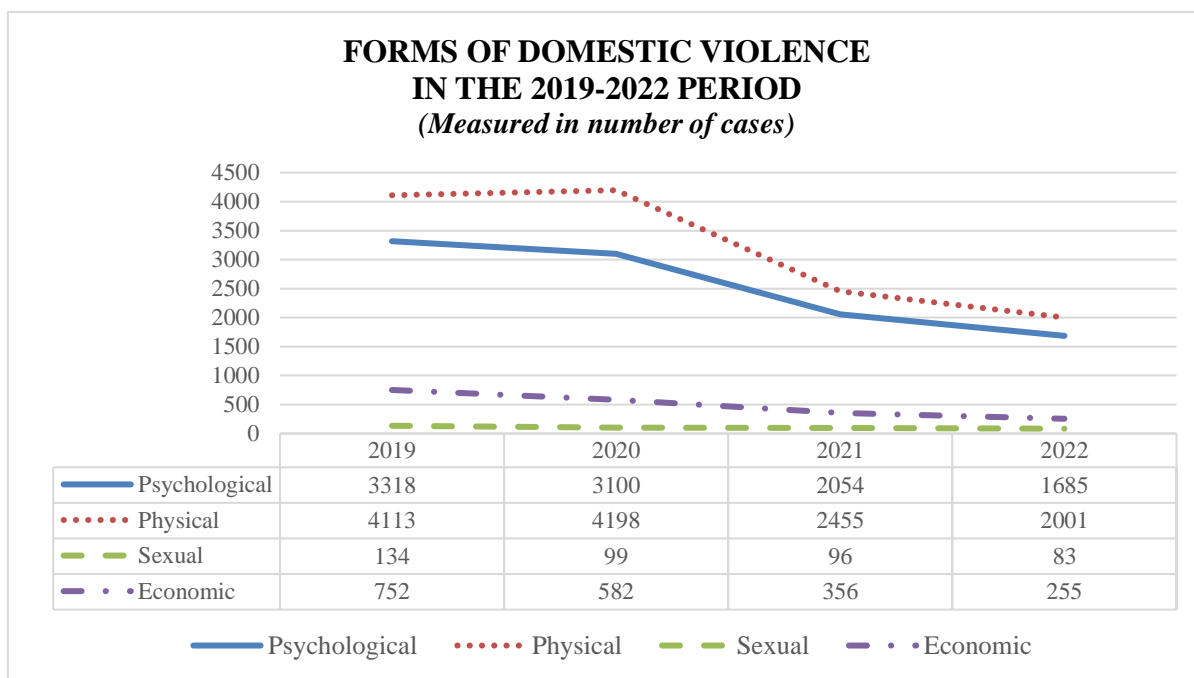


Chart 3

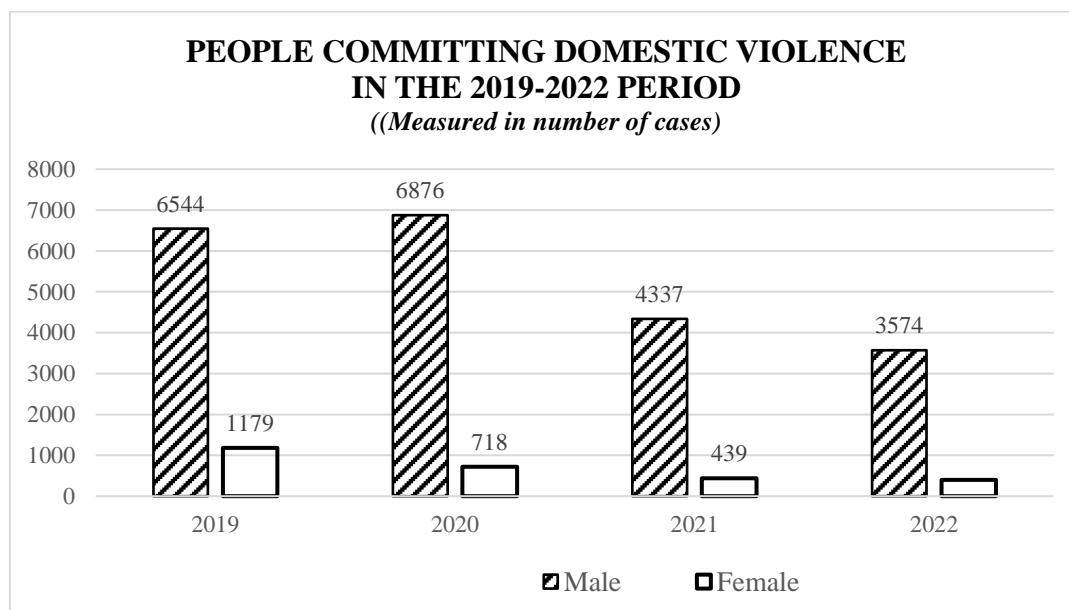
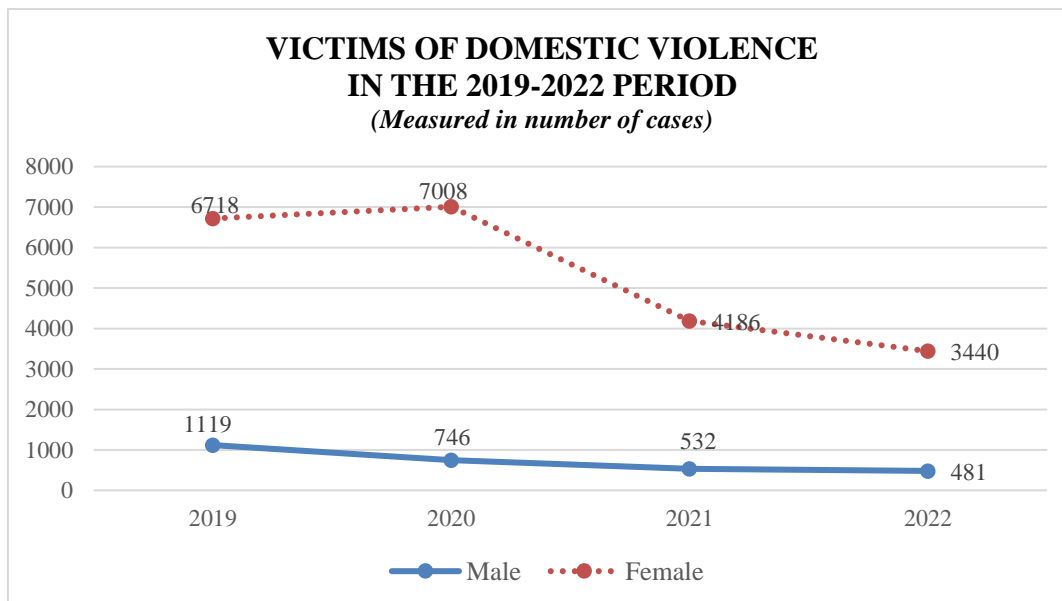


Chart 4



(iv) Viet Nam already promulgated Decision No. 2238/QĐ-TTg, dated 30 December 2021, approving the Strategy for Family Development in Viet Nam up to 2030, which aims at, *inter alia*, providing 100% of families with information, knowledge on behavioral culture, skills and education on morality, lifestyle, love, national traditions and fine cultural values, and on prevention and control of risks, social ills and domestic violence; paying due attention to socially-underprivileged, poor and near-poor households, families of ethnic minorities; striving to annually handle 90% of cases of domestic violence in accordance with the law; providing 100% of domestic violence victims with essential services; 100% of localities applying models to intervene, prevent and control domestic violence in an attempt to reduce adverse harms caused by domestic violence, particularly with regard to women, vulnerable people and children.

(v) Establishments on support for the domestic violence prevention and control are set up to provide care, counseling, temporary accommodations and essential assistance to domestic violence victims, and the children of whom the victims are responsible for taking care of the children, and to help change behaviors regarding domestic violence.<sup>18</sup>

#### Article 4 and Paragraphs 10, 12 of the Committee's Concluding Observations

29. The 2013 Constitution provides for the declaration and lifting of a state of emergency in the entire country or in each locality by the Standing Committee of the National Assembly (Article 74(10)); and pursuant to the resolution of the Standing Committee of the National Assembly, the State President shall declare and lift the state of emergency (Article 88(5)); the Government implements the order declaring a state of emergency (Article 96). Specialized laws relating to the state of emergency (the 2004 Law on National Security, the

<sup>18</sup> For example, "trusted community addresses", "Peaceful House" provide comprehensive assistance (shelter, necessities, psychological assistance, legal assistance, knowledge, skills, etc.) to women and children who are victims of domestic violence and sexual abuse, victims of human trafficking who returned home, so that they can have temporary accommodations, can get rehabilitated and reintegrate into the community. These models have received and assisted about 400 victims of human trafficking to return home; some 1,800 women and children to have medical checks and treatment relating to consequences caused by human trafficking; nearly 3,400 people to get psychological counseling and treatment.



2013 Law on Prevention and Control of Natural Disasters (LPCND), the 2013 Law on Anti-Terrorism (LAT), the 2007 Law on Prevention and Control of Infectious Diseases (LPCID) and etc.) specifically provide for restriction on and temporary suspension of human rights which are applied in the case of state of emergency. During the 2019–2022 period, Viet Nam did not declare any state of emergency.

30. The 2013 LAT stipulates that the prevention and combat against terrorism must guarantee the rights and legitimate interests of state institutions, organizations and individuals as well as protect the life and health of the people. This Law applies to Vietnamese citizens, state institutions and organizations; international and foreign organizations, and foreigners residing and working on the territory of Viet Nam, unless otherwise stipulated by the international treaties to which the Socialist Republic of Viet Nam is a party. The concept “terrorism” is also defined in Article 3 (1) of this Law.

31. Viet Nam promulgated Decree No. 02/2019/NĐ-CP, dated 02 January 2019 on civil defense which stipulates that civil defense covers anti-war and war prevention measures; preventing, controlling and overcoming consequences of disasters, incidents, epidemic; safeguarding the people, state institutions, organizations and the national economy.

32. COVID-19 pandemic prevention and control measures are applied in accordance with, *inter alia*, the 2007 LPCID, Decision No. 02/2016/QĐ-TTg dated 28 January 2016 stipulating conditions for declaring the outbreak and the end of infectious diseases; and Decision No. 447/QĐ-TTg dated 01 April 2020 on declaring the COVID-19 pandemic.

### **Article 6 and Paragraph 24 of the Committee’s Concluding Observations and the Report [CCPR/C/136/2/Add.4](#)**

33. This section should be fully considered in conjunction with the Mid-term Report that was submitted in March 2021.

(i) Human rights values are global and universal, but each country has its own mechanisms to apply them appropriately and effectively. Similar to other countries in the world, Viet Nam still applies death penalty in conformity with provisions in Article 6 of the Covenant. Viet Nam considers death penalty as the last resort and applies to a very few extremely serious crimes in certain categories of crimes provided for in the PC, such as crimes infringing upon human life; drug-related crimes, crimes of infringing upon the national security and other extremely serious crimes. As the penalty is related to the right to life of the convicted, the protocols and procedures therefore must be very strictly observed, ranging from investigation, prosecution, trial to judgment enforcement. The rights and obligations of, and the regimes for persons sentenced to death are guaranteed in accordance with Articles 9 and 37 of the 2015 LTDC. The execution of the death sentence is carried out in accordance with the protocols and procedures provided for in Article 367 of the CrPC, and Articles 77, 78, 79, 80, 81,82 and 83 of the LECrJ.

(ii) The procedures for reviewing death sentence before execution are stipulated in Article 367(1) of the CrPC. In particular, after the death judgment takes effect, the case file shall be immediately sent to the Chief Justice of the Supreme People’s Court (SPC) and the judgment shall be sent to the Procurator-General of the Supreme People’s Procuracy (SPP) for consideration before the execution of the death sentence.

(iii) Within a 7-day time limit, starting from the date that the death judgement takes effect, the convicted person is entitled to file a request for commutation and/or clemency with the State President. This power of the State President demonstrates the humanity of the State towards offenders of extremely serious crimes, thus opening up another door for any person sentenced with a death penalty to have an opportunity to continue his/her live.

34. Reducing the application of death penalty constitutes a long-term and humanitarian policy of the State of Viet Nam. The reduction of such application is realized in various ways, for instance, (i) reducing the crimes subjected to death penalty, from 44 crimes as included

in the 1985 PC to 29 in the 1999 PC, then further reduced to 22 in the 2009 PC and then to 18 in the 2015 PC (with amendments in 2017); (ii) death penalty is not applied to people under 18 years old when committing such crimes, to pregnant women or women nursing under-36-month babies, or to people of 75 years old or over at the time of committing crimes or when being tried at the court; (iii) death sentence shall not be executed in a number of cases as provided in Article 40(3) of the PC; (iv) review of death sentence shall not be subjected to any limits in accordance with the procedures for reviewing death sentence before its execution, as stipulated in Article 367 of the CrPC. Viet Nam does not allow execution of death penalties without judicial decision.

35. For a very small number of extremely serious crimes applicable by death penalty as the highest punishment, the PC also prescribes sanctions other than death penalty, such as termed imprisonment or life imprisonment. Such stipulation allows the trial panel to consider, select and decide the penalty on the basis of full and comprehensive review of the case, making sure that it conforms to the circumstances, conditions and the severity of the crime.

36. The study for possibility of accession to the Optional Protocols to the ICCPR (the first Protocol and the second Protocol) has been stated in Decision No. 1252/QĐ-TTg. In the 2019–2022 period, with the support of the UNDP and IRZ, a number of in-depth studies on death penalty were conducted or announced, such as the Report on Viet Nam’s possibility of accession to the Second Optional Protocol to the ICCPR, aiming at the abolition of the death penalty, the Report on the process of forming, maintaining and abolishing the death penalty in a number other countries in the world and recommendations for Viet Nam. These Reports have thoroughly examined and analyzed the HCR’s recommendations, and taken into consideration for reference how other countries with similar social and economic conditions with Viet Nam stipulate death penalty. Viet Nam also sent representatives to attend a number of international conferences to learn and share relevant experiences.

37. On the basis of the National Action Plan on Sexual and Reproductive Health Care for Juveniles and Young People in the 2019–2025 Period (Decision No. 3781/QĐ-BYT dated 28 August 2020), central and local agencies have collaborated with each other in establishing and implementing pilot models for reproductive health care for juveniles and young people; the pilot model on combination between communication, counseling and provision of friendly services for reproductive health care for young working people in provinces with many industrial parks. The percentage of abortions has continuously declined over the last years, from 37/100 live births in 2005, to 12.28/100 live births in 2021. Regarding the situation of pregnancy and abortion among juveniles, the number of pregnancies among them was decreased from 78,000 (2018) to some 35,000 cases (2021). The percentage of pregnancies among the juveniles against the total number of pregnancies was reduced accordingly, from 3% to 2.35% (2021). The number and percentage of abortions among the juveniles was also decreased, from some 9,100 cases in 2010 (2.2% in the total number of abortions), to about 2,000 cases in the 2019–2021 period (about 1%). The National Strategy on Gender Equality for the Period 2021–2030 sets out the target of reducing the percentage of maternal mortalities relating to maternity to 42/100,000 live births by the year 2030.

Table 1

**Data on pregnancies of juveniles in the 2019–2021 period**

<i>Items</i>	<i>2019</i>	<i>2020</i>	<i>2021</i>
1 Pregnancies in female juveniles and young people	41 336	38.122	35 221
2 Percentage of pregnancies by female juveniles and young people (%)	2.31	2.39	2.35
3 Percentage of abortions against 100 live births	13.0	12.34	12.28
4 Percentage of abortion by female juveniles (%)	1.82	1.3	1.0

38. Viet Nam promulgated Decision No. 1679/QĐ-TTg dated 22 November 2019, approving the Population Strategy of Viet Nam to 2030, and Decision No. 1848/QĐ-TTg

dated 19 November 2020, endorsing the Program on Strengthening, Developing and Enhancing Family Planning Services.<sup>19</sup>

### **Article 7 and Paragraph 28 of the Committee’s Concluding Observations**

39. This section of the Report should be considered fully in the context of its relevance to the National Report on the implementation of the CAT. On 14 February 2023, Viet Nam issued the Decision No. 87/QĐ-TTg, approving the Plan to effectively implementing the CAT and the relevant recommendations of the Committee against Torture (Decision No. 87/QĐ-TTg).

40. The PC stipulates 3 crimes relating to torture as defined by the CAT, namely the use of brutal treatment (Article 373), obtainment of testimony by duress (Article 374) or bribing or forcing another person in declaring or providing documents (Article 384). At the same time, the PC also contains provisions on other relevant crimes, such as deliberate infliction of bodily harm by a law enforcement officer in performance of their official duties (Article 137), abusive act against other persons (Article 140), insults against other persons (Article 155), abuse of position or power to hold a person in temporary detention or custody against the law (Article 377), insulting companions (Article 397) and assaulting companions (Article 398). Hence, the PC ensures that acts of torture are handled in line with the concept in the CAT. Nonetheless, taking into consideration of the recommendations in paragraph 28, Viet Nam has included the task of continuing the study on the possibility of criminalizing acts of torture and relevant issues in Decision No. 1252/QĐ-TTg and Decision No. 87/QĐ-TTg.

41. To raise the awareness of the people and state agencies on anti-torture-related issues, many conferences, many seminars and training courses,<sup>20</sup> lectures on radio, TV and other mass media means and the Internet have been organized at the central and local levels. In 2019, Viet Nam published a booklet “Viet Nam’s First National Report on the Implementation of the Convention against Torture” that provides the full text of the Report in Vietnamese and English. The project on communication and dissemination of the CAT content to the public officials, state employees, civil servants and people, and the project on communication and dissemination of the CAT content to the people’s public security forces and the people’s army have been endorsed and implemented. Decision No. 87/QĐ-TTg specifies the work items needed to be fulfilled in order to continue the dissemination, education and training on the CAT and Viet Nam’s laws and regulations on the prevention and fight against torture, on the efforts and achievements of Viet Nam in implementing the CAT and the relevant recommendations of the Committee against Torture.

### **Article 8 and Paragraph 40 of the Committee’s Concluding Observations**

42. On the prevention and combat against forced labor, and the prevention of human trafficking in the area of employment and of sending Vietnamese workers to work abroad under contracts, in 2019, Viet Nam promulgated the LC with various specific stipulations in an attempt to prevent and combat forced labor, in line with the principles and guidelines of ILO. Viet Nam already ratified its accession to the 2020 ILO Convention No. 105 on the Abolition of Forced Labor. Viet Nam also promulgated the Law on Contract-Based Vietnamese Overseas Workers and Decree No. 112/2021/NĐ-CP, dated 10 December 2021 detailing a number of articles and measures for the implementation of the Law and ensuring the rights and benefits of the workers. Decree No. 12/2022/NĐ-CP of 17 January 2022 stipulates the handling of administrative violations in the areas of labor, social insurance and Vietnamese people working abroad on contracts. Circular No. 21/2021/TT-LĐTBXH of 15 December 2021 sets the ceiling rates of service charges for a number of specific industries, trades and jobs with a view to avoiding the collection of such charges by businesses in contraction with the law. Additionally, the PC also stipulates acts of human trafficking, such

<sup>19</sup> Section III, Annex 1.

<sup>20</sup> Annex 3.

as transfer and reception of persons for the purposes of sexual exploitation, forced labor, recruitment, transportation and harboring of other people to carry out the transfer or reception of people for the purpose of sexual exploitation, forced labor that constitute crime of human trafficking (Article 150) and crime of trafficking in persons under 16 years old (Article 151).

43. Viet Nam continues to develop and improve its policies and law enforcement in preventing and combating human trafficking and protecting victims of human trafficking.<sup>21</sup> These include the Program against Human Trafficking for 2021–2025 with a Direction until 2030, issued under Decision No. 193/QĐ-TTg dated 9 February 2021; and Decree No. 144/2021/NĐ-CP dated 31 December 2021 regulating the handling of administrative violations in the fields of public order, security and safety, social ills, fire prevention and fighting, disaster relief and rescue, and of prevention and combat against domestic violence (this Decree provides sanctions applicable to acts of provision of business and service as a front for prostitution, thereby contributing to combating social ills in the fields where human trafficking is likely to occur). Viet Nam is also looking into drafting the amended Law on Human Trafficking Prevention and Combat.

44. From 2019 to 2022, Viet Nam continued to effectively prevent and combat human trafficking in persons:<sup>22</sup>

(i) The Plan of the Steering Committee 138/CP on Implementation of the Program on Combating Human Trafficking was implemented through a cohesive mix of measures to prevent and suppress human trafficking nationwide. International cooperation to combat human trafficking was given proper attention and strengthened through a wide range of bilateral and multilateral cooperation activities, thereby resulting in good results. For example, between 2020 and 2022, Viet Nam conducted a series of activities to combat human trafficking and ensure the safety of Vietnamese people manipulated, groomed and forced to labor, such as communicating with Cambodian, Chinese and Laotian authorities, enhanced implementation of the MOU between Viet Nam and the UK on cooperation in combating human trafficking, the UN Convention against Transnational Organized Crime and the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, and, collaborating with international organizations in holding various seminars, workshops and short training courses targeting hundreds of public officials and civil servants on topics and matters related to the prevention and combat against human trafficking.

(ii) Relevant public services (People's Procuracies at all levels, Public Security Forces, Border Guard Forces, and etc.) worked in close concert to gain information, administer and supervise the processing of complaints and information on criminal activities, and detect, investigate and punish human trafficking in a timely and effective manner.

(iii) Between 2019 and 2022, every year, Viet Nam organized events in support of the International Day and the National Day against Human Trafficking (30 July) in tangible formats, such as community-based information campaigns, seminars, workshops, round-tables, exhibitions, media campaigns and marches of solidarity. These events aimed to raise awareness on and hone skills to combat human trafficking for the public and uphold the public service's responsibility at various levels of government.

(iv) Between 2019 and 2021, criminal proceedings were initiated against 191 cases of human trafficking or trafficking in persons under 16 years old (involving 371 criminal defendants). Lao Cai, Lai Chau, Quang Ninh, Nghe An, Ha Giang, Lang Son, Dien Bien and Ha Noi are the provinces/cities where many cases of human trafficking were detected, initiated with criminal proceedings and investigated. People's Procuracies at all levels received 242 cases (involving 430 criminal defendants). People's Courts at all levels received 240 cases (involving 419 criminal defendants) and tried 267 cases of human trafficking and/or trafficking in persons under 16

<sup>21</sup> Section III Annex 1.

<sup>22</sup> Section III Annex 1.

(involving 495 criminal defendants) during the period. Between 2019 and 2021, 100% of cases requiring legal aid for victims of human trafficking in difficult financial situations, mostly women and children, were provided with legal aid by province-level Legal Aid Centers free of charge; 96% of these cases required legal aid during the criminal proceedings.

### **Article 9 and Paragraphs 26, 32 of the Committee’s Concluding Observations**

45. Article 31(4) of the 2013 Constitution stipulates that any person arrested, under temporary detention or custody, being prosecuted, under trial or serving their sentences may defend themselves or have lawyers or other persons to defend them on their behalf. The CrPC holds that the accused has the right to defend him/herself or has a lawyer or another person to defend on his/her behalf; and organizations and/or persons with litigation-conducting authority have the responsibility to inform the accused, the victim and other involved persons of, clearly explain, and ensure that they fully exercise, their rights to a defense and other rights and legitimate interests they are entitled to under the Code (Article 16). In addition, the CrPC and the LTDC fully elaborate the rights the defense enjoys and the time at which the defense may participate in the criminal proceedings (for instance, Articles 72, 73, 74, 76, 78, and 79 of the CrPC; and Articles 9, 22 and 34 of the LTDC).

46. Vietnamese law explicitly provides for circumstances, requirements, time limits, and protocols and procedures applicable to temporary detention and custody (Articles 109 to 119 under the CrPC). Temporary detention or custody shall apply only to cases where such measures are permitted under the law. Within a 12-hour time limit following the issuance of the decision for temporary detention, the issuer of that decision must send the decision and necessary supporting document to the Procuracy of the same level, or a Procuracy with the competence. If it is deemed that there is no ground or necessity for the detention, the Procuracy shall issue a decision to abolish the detention decision, and the issuer of the latter decision must at once free the person under detention. A temporary detention order must be approved by the Procuracy of the same level before its enforcement. Within a three-day time limit as of the date of reception of the detention order, the request for approval thereof, complete with relevant supporting documents, the Procuracy must issue a decision to approve or deny that order. As such, temporary detention and custody are not applied regularly, or widespread, prior to trial.

47. Article 107 of the 2013 Constitution and Article 3 of the Law on the Organization of People’s Procuracies (LOPP) stipulate that People’s Procuracies are responsible for safeguarding the law, human rights, citizen rights, the socialist regime, the interest of the State, and the rights and legitimate interests of organizations and individuals, to contribute to the consistent and strict observance of the law. The CrPC provides for the competence and time limits applicable to temporary detention and custody for investigative purposes. The time limits for temporary detention and custody are clearly provided for under Articles 118 and 173 of the CrPC.

48. There is no such thing as prolonged incarceration without trial, arbitrary imprisonment, or solitary confinement in Viet Nam. The term “solitary confinement” is not defined in Vietnamese law. Any person who is under detention and violates the regulations of the detention facility may be subjected to disciplinary measures, the nature, time limits and degree of which are clearly stipulated (Article 43, CrPC). Such disciplinary measures are absolutely not of a torturous, cruel, inhumane or degrading nature. Monitoring to ensure that the rights of persons under arrest and/or temporary detention or custody are conducted meticulously by various bodies representing the people, especially the direct and comprehensive monitoring and supervision by People’s Procuracies at all levels, ranging from the arrest, temporary detention and/or custody, to the enforcement of the criminal judgment.

49. The 2021 Law on amending and supplementing a number of articles of the CrPC has amendments to better ensure human rights, especially the rights of persons under arrest or temporary detention, and accused persons.<sup>23</sup>

50. To implement the CrPC's provisions on audio recording and video recording with sound, Viet Nam has Decision No. 1172/QĐ-TTg dated 11 September 2019 approving the Plan for the arrangement of facilities, organizational structure of agencies, and personnel according to a concrete roadmap to perform audio recording and video recording with sound of the taking of the accused's testimony. Inter-Agency Circular No. 03/2018/TTLT-BCA-VKSNDTC-TANDTC-BQP dated 1 February 2018 specifies the protocols and procedures for performing audio recording or video recording with sound, and the use and storage of audio recordings or video recordings with sound in the process of investigation, prosecution and trial.<sup>24</sup> Audio recording and video recording with sound have been performed in practice in Vietnam, e.g. rooms for audio and video recording with sound established, and provision of equipment for the taking of testimony with audio recording or video recording with sound.<sup>25</sup>

51. The LHAV provides for the holding of persons in temporary custody according to the administrative procedures (Article 122) as a measure to deter administrative violations and ensure the handling thereof. Such stipulation solely aims at preventing or stopping any acts of administrative violation harmful to the health or life of others (which are not yet determined to be criminal offenses for which the criminal proceedings would apply) – in other words, violations of the civil and political rights under the Covenant. As the nature of such measure is to ensure that appropriate measures are applied, the LHAV, in addition to stipulating the limited circumstances under which the holding of persons in temporary custody shall apply, sets out the protocols and procedures for implementation of this measure. This measure may be used for a period of no more than 24 hours from the beginning of the temporary custody, or, in the circumstance the measure is taken in a remote or mountainous place, from the moment the violator is taken to the place of temporary custody. Accordingly, citizens' rights and legitimate interests are guaranteed.

52. The LHAV provides for four measures to handle administrative violations which shall apply to an individual who commits a violation of the laws and regulations on public security, safety and order that does not constitute a criminal offense. These include: (i) commune-based education; (ii) institutionalization at a rehabilitation facility; (iii) institutionalization at a compulsory educative facility; and (iv) institutionalization at a compulsory drug rehabilitation facility. Three measures (institutionalization at a rehabilitation facility, institutionalization at a compulsory educative facility, and institutionalization at a compulsory drug rehabilitation facility) may restrict the freedom of the person in question. As such, the LHAV clearly specifies to whom these measures shall apply, and the requirements and competence on application thereof. These measures shall only be decided on by a district-level People's Court, in accordance with the legally-prescribed protocols and procedures. This contributes to the openness, transparency, objectiveness and accuracy of these measures and protects to the greatest extent the rights and legitimate interest of the citizen.

<sup>23</sup> For example: amendments that allow initiation of criminal proceedings, investigation and prosecution in case of force majeure due to natural disaster or epidemic (Under paragraphs 2, 5 and 6 of Article 1, "force majeure due to natural disaster and epidemic" is the ground for suspension of the resolution of denunciations and information on crimes, of petitions for prosecution, and of the investigation and of the case as stipulated in Article 148(1), Article 229(1) and Article 247(1) of the CrPC respectively); strengthen the responsibility of the commune-level police force in receiving denunciations and information on crimes.

<sup>24</sup> The Procurator-General of the Supreme People's Procuracy issued Decision No. 202/QĐ-VKSTC dated 5 June 2020 on temporary regulations of performing audio or video recording with sound in the stage of prosecution and investigation by the investigating agencies of the SPP, and Decision No. 264/QĐ-VKSTC dated 21 July 2020 on the temporary regulations of monitoring audio recording or video recording with sound by the investigating authorities; directly performing audio or video recording with sound when interrogating the accused, taking testimonies in the stages of prosecution and investigation.

<sup>25</sup> For example, at the headquarters of the Supreme People's Procuracy, 02 rooms for audio recording and video recording with sound have been set up.

53. Under Article 90(5) of the LHAV, educative measures in communes or townships shall apply to any person of 14 years of age and over (with a stable place of residence), who has been sanctioned for administrative violations twice and has had the third administrative violation related to illegal drug use recorded within six months. Any such person between 14 to under 18 years of age without a stable place of residence shall be institutionalized at a social protection institution or child support institution for management and education during his/her undergoing the educative measure in the commune/township.

54. In addition, the LHAV also stipulates the application of management at home as an alternative measure to illegal drug users of 14 to under 18 years of age if the conditions for the application set forth in Article 140(1) of this Law are met. Diversionary measures for juveniles in conflict with law are always in the first priority in the handling of administrative violations. Management at home is a society-based approach, in which education and monitoring of juveniles are reliant on the juveniles themselves, their community and their family. This measure applied does not count as having been administratively handled in the record.

55. In addition, the LHAV stipulates “community-based education” as an alternative measure for handling administrative violations under Article 140a. This alternative method applies to any person between 12 and under 14 years of age, who would otherwise be subjected to institutionalization in a corrective facility, who has a stable place of residence, is currently attending an educational institution, and whose parents and/or legal guardian have made a written commitment to monitor and educate that person. This community-based education measure will be applied under a decision of the People’s Court. This is a new diversionary measure stipulated in the LHAV, aiming to cut down on the separation of juveniles from their family and the society, instead educating and managing them within their family and community. This measure applied does not count as having been administratively handled in the record.

### **Article 10 and Paragraph 30 of the Committee’s Concluding Observations**

56. Following the adoption of the LECrJ, there have been a wide range of pieces of legislation providing guidelines for the implementation of this Law issued for application to inmates regardless of offense. For example: Decree No. 59/2020/NĐ-CP dated 27 May 2020 regulating the database on the enforcement of criminal judgments; Decree No. 133/2020/NĐ-CP dated 9 November 2020 regulating in details a number of articles in the LECrJ, which generally increases the interests of persons serving criminal sentences; Circular No. 12/2020/TT-BCA dated 7 February 2020 regulating forms and records on the service of prison sentences, service of education at a corrective institution, and monitoring and management of persons at accommodation establishments; Circular No. 17/2020/TT-BCA dated 18 February 2020 on the issuance of internal regulations at detention facilities; Circular No. 45/2020/TT-BCA dated 15 May 2020 regulating the standards and quotas of medical supplies at healthcare facilities for prisoners, inmates, corrective students, and persons under temporary detention or custody.

57. Detention facilities have been seriously observing the laws and regulations on entitlements for prison inmates. Each inmate is guaranteed more than two-meter square of space. Their property and belongings are kept under records and administered according to regulations. Viet Nam has made various efforts to build, repair and upgrade detention facilities. Cells are well-lit, ventilated and kept clean. Diets are provided in sufficient quantity and quality appropriate to each case in accordance with the law. Diet, clothing, living space, and healthcare entitlements for inmates are stipulated by law and strictly observed in Vietnam.

58. Provisions on the delivery and reception of presents to inmates and their meeting with families are fully observed. Inmates may spend leaves with their spouse in a private room for no more than 24 hours (called “the room of joy”). Inmates’ families are informed of the place where they serve their sentences, and of the status of their sentence, in accordance with the law. Inmates may make phone calls, send letters to their family, and every month may meet

their family members once, for no longer than an hour, and may receive gifts and money from their family.

59. From the first day of admission to a detention facility, 100% of inmates are given health examination, entered into a health record and their records are maintained according to regulations. If sick, an inmate is entitled to diagnosis and over-the-counter medicines, and are treated at the clinic. An inmate infected with transmissible diseases are provided treatment and quarantined at the clinic, and those whose severe illness are beyond the treatment capability of the clinic are transferred to a higher-level medical facility for treatment. Every year, facilities organize regular anti-pathogenic sprays. Proper landscaping is conducted in incarceration facilities, the environment kept clean, and plans actively developed to prevent seasonal epidemics. In addition, as part of its National Program to Combat Tuberculosis, inmates are given early screening for tuberculosis (TB) and multidrug-resistant tuberculosis (MDR-TB), and inmates with MDR-TB are given additional food allowance. Facilities are equipped with X-ray scanners for early TB screening, and diagnosis, counseling, and ARV treatment are given to inmates. This treatment for inmates with TB and/or HIV/AIDS has helped to improve their health.

60. Inmates who are foreign nationals or Vietnamese holding foreign nationalities are entitled to consular meetings and visits as per regulations, to be held in a private room. Their entitlements and condition of incarceration, rehabilitation and everyday life are guaranteed according to Vietnamese law. Viet Nam has organized many prison visits for Vietnamese and international journalist delegations to meet with and have access to information from Vietnamese and foreign inmates serving their sentences.<sup>26</sup>

61. All detention facilities are to open inmate files for each inmate as per regulations, which would include the arrest warrant, detention or custody order, transfer orders and notices, and court orders. At the same time, inmates are given initial health checks, informed of the rules of the institution and their rights and obligations. On a regular basis inmates are appraised according to their behavior for the purpose of evaluating eligibility for conditional early release, sentence commutation, or amnesty.

62. In Viet Nam, there is no such thing as repeatedly moving prisoners from one place of incarceration to another in order to separate inmates from their families. Only a minority of extremely dangerous offenders who would organize into gangs and pose a threat to safety and security would be considered by the detention facility for transfer to another facility to separate them from other repeat rule-breakers. This aims to better supervise them and prevent complex incidents arising in the interest of security for other inmates.

63. Viet Nam has established a system of independent supervisory institutions, such as the inspection and supervision mechanism under the National Assembly, the People's Councils and Viet Nam Fatherland Front, and most importantly the People's Procuracy's supervision of the observance of the law by authorized agencies and persons, and other agencies, organizations or persons involved in every stage, from the reception of denunciation and information on criminal acts, recommendation for initiation of criminal proceedings and throughout the criminal case, to the administration and implementation of temporary detention and custody and the enforcement of criminal judgments (Article 7 of the LTDC, Article 6 of the LECrJ, and Article 3 of the Law on the Organization of People's Procuracies (LOPP). Viet Nam also has Directive No. 06/CT-VKSNDTC dated 18 June 2019 on innovating and enhancing the quality and efficiency of procuratorial supervision over temporary detention and custody and the enforcement of criminal judgments; and Directive No. 06/CT-VKSTC dated 28 June 2021 on heightening responsibility and effectiveness in exercising the prosecutorial power and performing supervision over the execution of compulsory medical treatment as a judicial measure in the process of criminal investigation, prosecution, trial and criminal judgment enforcement.

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<sup>26</sup> For example, in December 2019, Viet Nam organized a visit for foreign journalists residing in Viet Nam to Thu Duc prison in Binh Thuan Province. This has enabled journalists to further understand the implementation of incarceration policies, education and rehabilitation, the living conditions and the life of inmates whose rights are fully ensured according to the provisions of law.



64. Viet Nam is looking into and taking note of international experiences for the purpose of acceding to the Optional Protocol to the CAT.

## Article 11

65. Non-criminalization of economic and civil relationships while at the same time strictly sanctioning all violations of the law is one of Viet Nam's major policies. Everyone is entitled to the freedom of enterprise, business and investment in all trades not forbidden under the law (Article 33 of the 2013 Constitution, Article 5 of the 2020 Investment Law, and Article 7 of the 2020 Enterprise Law). The CC holds that any party with an obligation and violates such an obligation has a civil liability to the party to which that obligation is owed (Article 351). At the same time, only those who have committed an offense under the PC shall be held with criminal liability (Article 2). The PC stipulates that certain risks in the process of conducting studies, experiments, or applying scientific, technical and technological advancements, shall not constitute a criminal offense (Article 25).<sup>27</sup>

## Article 12 and Paragraph 42 of the Committee's Concluding Observations

66. In Viet Nam, freedom of movement is provided for in the 2013 Constitution and set out in detail in various specific pieces of legislation, in line with the standards for freedom of movement under international law. Travel restrictions imposed by Vietnamese law enforcement agencies in certain cases are in observance of existing laws, and are consistent with Paragraph 3, Article 12 of the Covenant. Viet Nam is looking into acceding to the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention Against Transnational Organized Crime.

67. Regarding Vietnamese nationals, the LEEVC regulates the entry and exit process for citizens of Viet Nam, and the responsibility of the state authorities for immigration and other relevant agencies, organizations and individuals. This Law sets out nine groups that are subject to temporary suspension from exiting Viet Nam, most strikingly being (i) criminal defendants, accused persons, denounced persons and/or persons for whom initiation of criminal proceedings was requested, upon whom, following examination and evaluation, action were deemed necessary to prevent their escape from justice or destruction of evidence in accordance with the CrPC; (ii) persons granted prison sentence postponement or prison sentence suspension, or conditional release, during the length of their parole, persons given a suspended sentence during their probation period, and persons with suspended sentences during period of that sentence, in accordance with the LECrJ; (iii) persons having legal obligations in civil lawsuits, if there is grounds to believe that the resolution of their lawsuit is relevant to their obligations to the State or any agencies, organizations or individuals, and that their exit may affect the resolution of the case or the interest of the State and/or the rights and legitimate interests of any agency, organization or individual, or that it would ensure that the award is duly carried out; (iv) persons whose exit affects the national security as determined by the authority and on the basis of sufficient grounds (Article 36).

68. With respect to foreigners, Viet Nam promulgated the Law on amending and supplementing a number of articles in the Law on Entry, Exit, Transit, and Residence of Foreigners in Viet Nam in 2019, which introduces multiple new provisions on the entry and exit of foreigners, namely the protocols and procedures for granting electronic visa; cases eligible for visa repurposing; the conditions for entry and exit; cases of foreigners eligible for

<sup>27</sup> In addition, the LHAV clearly stipulates that "all administrative violations must be sanctioned in a timely manner" (Article 3). For cases accepted for handling by criminal procedure-conducting agencies for which decisions not to institute criminal cases, decisions to cancel decisions to institute criminal cases, decisions to suspend investigation or decisions to suspend criminal cases are issued later, if acts of violation show signs of administrative violation, these agencies shall, within 3 days after issuing these decisions, transfer such decisions together with the case files, material evidences and means of the violations (if any) to persons competent to sanction administrative violations and request the latter to administratively sanction these violations (Article 63).

temporary residence certificates; cases eligible for visa exemption when entering coastal economic zones as specified in the Government's decisions.

### **Article 13**

69. Expulsion is either principal or supplementary sanction under the LHAV (Articles 21 and 27). It may also be determined either principal or supplementary punishment under the PC (Article 32). Accordingly, expulsion shall apply only to foreigners committing any administrative violations in Viet Nam or criminally sentenced by the court.

70. The LHAV mandates the Government to specify the application of expulsion. On 31 December 2021, the Government promulgated Decree No.142/2021/NĐ-CP on expulsion forms, temporary detention and escort measures of violators under administrative procedures, and management of foreigners violating Vietnamese law whilst expulsion procedure is in progress. The Decree provides for protocols and procedures, and competence to apply expulsion under administrative procedures. Article 7 of Decree No.142/2021/NĐ-CP stipulates that expelled persons have the right to know the cause of expulsion; receive the expulsion decision in writing no less than 48 hours prior to the expulsion time, request interpretation services whilst working with competent authorities and officials, be eligible for entitlements specified in Decree No.65/2020/NĐ-CP dated 10 June 2020 on the organization of stay for pending exit and entitlements for persons staying in residence facilities while pending for exit; take one's lawful property out of Viet Nam's territory; lodge complaints or denunciations in accordance with relevant laws and regulations on handling complaints and denunciations.

71. From 01 November 2018 to 31 December 2022, the competent authorities of Viet Nam deported 378 persons who had committed violations of the entry and exit laws and regulations, in accordance with the administrative procedures. Expelled foreigners were mainly those that had illegal entry to Viet Nam, had no lawful place of residence, and violated Vietnamese law.

### **Article 14 and Paragraphs 34, 36 of the Committee's Concluding Observations**

72. In Viet Nam, every person is equal before the law and entitled to the equal exercise of procedural rights and obligations before the Court as specified in the 2013 Constitution (Article 16), the CiPC (Article 8), the CrPC (Article 9). The independence and impartiality of judges in the trial panel and at the court hearing is clearly guaranteed in such principles as: judges are independent and only comply with law in the trial; impartiality must be ensured among the persons competent to conduct legal proceedings or in cases persons competent to conduct legal proceedings are rejected or replaced (to ensure the competent persons' impartiality and objectiveness on duty). All such principles are specified in the 2013 Constitution (Article 103), the CrPC (Articles 21, 23, 49), the CiPC (Article 12), the 2014 Law on the Organization of People's Courts, Ordinance No. 02/2022/UBTVQH15 dated 18 August 2022 on administrative sanctioning for acts obstructing legal proceedings, and other related instruments. Viet Nam is now drafting a project on "*Judicial reforms at people's courts by 2030 with a direction to 2045*".

73. Based on the Resolution of the National Council for Judge Selection and Supervision, and the proposal of the Chief Justice of the SPC, from 2019 to 30 September 2022, the State President appointed 1,736 judges (including 08 SPC judges, 104 senior judges, 847 mid-ranking judges and 1,409 inferior judges); re-appointed 35 senior judges, 437 mid-ranking judges and 2,043 inferior judges; dismissed 20 judges (including 05 mid-ranking judges and 15 inferior judges).

74. The Ordinance on the protocols and procedures for considering and deciding on administrative handling measures at the People's Courts was approved by the National Assembly on 13 December 2022. The Ordinance prescribes the protocols and procedures for the People's Courts to consider and decide on the application of such administrative handling measures as sending persons to reformatories, sending persons to compulsory education

institutions, sending persons to compulsory detoxification establishments; the protocols and procedures for considering and deciding on postponement or exemption from execution, reduction of execution time period, suspension or exemption from execution for the remaining period of the applied administrative handling measures; and complaints, requests, petitions, and settlement of complaints, requests, petitions in the application of administrative handling measures.

75. With respect to the independence, transparency and impartiality of the Procurator, the 2013 Constitution stipulates that the People's Procuracy exercises the power to prosecute and supervise judicial activities (Article 109(2)). The People's Procuracy has the duty to protect the law, human rights and citizens' rights (Article 107). The CrPC specifies the principles enshrined in the 2013 Constitution (Articles 49, 52). As stipulated in the LOPP, procurators must meet general qualifications (Article 75) and specific qualifications for their respective ranks (Articles 77, 78, 79, 80, 81). The appointment of inferior, mid-ranking and senior procurators is decided based on the results of entrance exams. The Procurators of the Supreme People's Procuracy are selected by the Council of Selection of Procurators of the SPP. The Chairman of the Council is the Procurator-General of the SPP; the members of the Council are representatives of the leadership of the Ministry of National Defense, the Ministry of Home Affairs, the Central Committee of the Viet Nam Fatherland Front, and the Central Committee of the Viet Nam Bar Association. The list of members of the Council of Selection of Procurators of the SPP shall be decided by the Standing Committee of the National Assembly at the proposal of the Procurator-General of the Supreme People's Procuracy. The Council for Selection of Procurators of the SPP works on a collective basis; the decision of the Council must be approved by more than half of the total number of members (Article 86, LOPP).

76. Legal proceedings-conducting agencies shall appoint defense counsels for 100% of defendants in cases where a defense counsel is required but the defendants do not request defense counsels in the following cases: defendants charged with crimes punishable by the highest penalty, namely 20-year imprisonment, life imprisonment, or death penalty according to the PC; the accused who have physical disabilities and cannot self-defend; the accused who are mentally handicapped or under 18 years of age. For the accused or defendant who is unable to pay the defense counsel, he or she shall be entitled to defense free of charge if he or she is entitled to legal aid under the Law on Legal Aid. The litigation agencies pay 100% of the interpretation service fee during the case-handling process. In the 2019–2021 period, for criminal cases, there were 8,593 lawyers and 11,228 defense counsels who participated in the first-instance court proceedings; 2,838 and 217 respectively in the appellate court proceedings. For civil cases, there were 2,346 lawyers and 738 counsels in the first-instance court proceedings; 2,535 lawyers and 148 counsels in the appellate court proceedings. The number of cases entitled to legal aid during legal proceedings had increased constantly since 2019 and reached 68,826 cases/total 112,067 cases (61.4%) in 2022. Within 2022, the total number of litigating cases that ended in 2022 was 21,276 (an increase of 18.4% from 2021). The number of cases where the accused were defended was on the increase (in 2019: 8,210 cases; in 2020: 9,827 cases; in 2021: 11,821 cases; in 2022: 13,951 cases).

Table 2

**Number of lawyers/collaborators under contract with Legal Aid Centers, and number of legal aid officers**

<i>Year</i>	<i>Legal aid officers</i>	<i>Lawyers under contract with Legal Aid Centers</i>	<i>Collaborators under contract with Legal Aid Centers</i>	<i>Total</i>
2019	645	533	132	1 310
2020	630	645	41	1 316
2021	666	663	38	1 367
2022	688	630	38	1 356

Table 3  
**Provision results of legal aid to vulnerable groups from 01 January 2019 to 31 December 2022**

<i>Vulnerable groups</i>	<i>Cases provided with legal aid</i>
Contributors to the Revolution	12 964
Poor households	15 316
Ethnic minorities	34 202
Poor households and ethnic minorities	975
Children	13 175
Accused persons from full 16 to under 18 years of age	15 702
Accused persons from near-poor households	5 658
Persons with disabilities and financial difficulties	6 677
The elderly with financial difficulties	4 880
Others with financial difficulties	2 532
<b>Total</b>	<b>112 081</b>

## Article 15

77. Retroactive criminal law applies only to cases in favor of the offender, namely abolition of a crime, a sentence or an aggravating factor, or providing for a less severe penalty, a new mitigating factor, or increasing the possibility of probation, exemption or exclusion of criminal liability, exemption from sentence, commutation, conditional release, or conviction expungement and other provisions which favor offenders. If any, this shall apply to criminal offences committed before the law come into force (Article 7.3 of the PC). Any law provisions on a new crime, a more severe sentence, an aggravating factor or decrease of the possibility of probation, exemption or exclusion of criminal liability, exemption from sentence, commutation, conviction expungement, or any other provisions which do not favor offenders shall not be applied to criminal offences committed before such provisions come into force (Article 7.2 of the PC).

78. In implementation of Resolution No. 41/2017/QH14 dated 20 June 2017 on the implementation of the PC with regard to the application of law provisions in favor of offenders, from 01 October 2018 to 30 September 2022, the Courts converted the death penalty to lifetime imprisonment in 12 cases; exempted 524 cases from pending penalties; exempted 183 cases from serving all penalties; expunged criminal records for 126 cases.<sup>28</sup>

## Article 16

79. The CC provides that individuals from birth have the right to have their birth registered; individuals at death have the right to have their death registered; the registration of birth and death is stipulated by the Law on Civil status (Article 30). The civil legal capacity of an individual is the ability of the individual to have civil rights and obligations, established from the time the individual was born and terminated when he or she dies (Article 16).

80. The Project “National Electronic Civil status Database” is built and implemented based on the electronic civil status registration and management software carried out since

<sup>28</sup> For example, Defendant D.X.L, born on 20 December 1944 in Nghe An province, was sentenced to death by the Court of Nam Dinh province for illegal trading in narcotics (Appellate Criminal Judgment No. XYZ dated 29 October 2015). The Chief Justice of the Supreme People’s Court and the Procurator-General of the Supreme People’s Procuracy did not protest against the above-mentioned appellate criminal judgment. As of 20 December 2020, D.X.L, who was sentenced to death, was 75 years old. Pursuant to Article 40(3)(b) of the PC, and Article 367(2) of the CPC, the Supreme People’s Court requested to convert the death penalty for D.X.L. to lifetime imprisonment and the State President issued a Decision approving such.

the Law on Civil Status (LCS) came into effect on 01 January 2016. After 6 years of the operation of the software by all civil status registration and management agencies nationwide, ranging from the Ministry of Justice to the commune-level government bodies, with nearly 20,000 accounts used daily, it has brought about fundamental changes in civil status work, met the people's great demands for civil status registration, actively supported the State management in this area, and gradually connected and shared with the National Population Database (with respect to birth registration) and Viet Nam Social Insurance to streamline the birth registration and insurance procedures. At the same time, the software has been made ready to connect and share with other State databases in accordance with the Government's Decree No. 47/2020/NĐ-CP dated 9 April 2020 on management, connection and sharing of government agencies' digital data.

81. The implementation of Decision No. 06/QĐ-TTg as mentioned in Paragraph 17 includes the connection and sharing of data between the "National Electronic Civil Status Database" and the "National Population Database"; development of a process for granting personal identification numbers to citizens who register their births at Vietnamese diplomatic missions abroad; standardization and restructuring of processes, reduction and streamlining of the essential administrative procedures in the field of civil status (including birth registration, death registration, marriage registration); sharing data from the National Population Database, among others. The implementation has contributed to fulfilling the tasks and duties as prescribed by the LCS, particularly the application of information technology in the civil status work and promoting online civil status registration, creating favorable conditions, minimizing administrative costs and travel time for the people, promoting administrative reforms, improving responsibility and dedication in serving the people among public officials and civil servants in charge of judicial and civil status work.

## **Article 17**

82. The right to privacy is a constitutional right provided for in the 2013 Constitution (Article 21), the CC (Article 38), the LHAV, the PC (Articles 158, 159, 289), the CrPC (Articles 8, 11, 12) and multiple other relevant laws. The protection of the right to privacy is stated in Paragraphs 161–165 in the [CCPR/C/VNM/2017/3](#) Report.

83. From July 2020 to February 2022, telecommunications businesses blocked 268,575 numbers suspected of making spam calls, detected and prevented 87,048,297 calls suspected as fraudulent, thereby ensuring safety, security and social order as well as the rights of service users. In 2022, Viet Nam detected and handled 05 cases of using fake BTS stations to send fraudulent messages via mobile telecommunications networks.

## **Article 18 and Paragraph 44 of the Committee's Concluding Observations**

84. Viet Nam is a multi-religious country (Buddhism, Catholicism, Protestantism, Caodaism, Hoa Hao Buddhism, Pure Land Buddhist Association, Four Debts of Gratitude Buddhism, Islam, among others). It is currently estimated that 95% of Viet Nam's population have a religious and belief-based life. With respect to religion, there are 43 organizations under 16 religions that have been recognized by the State as religious organizations and granted certificates of registration of religious activities; there are about 26.5 million followers (accounting for 27% of the population), 54,125 dignitaries, 135,561 sub-dignitaries, and 29,658 places of worship. By the end of December 2022, the whole country has 50,703 belief establishments, of which 15,205 belief establishments have been classified as relics or included in the local inventory of relics at all administrative levels.

85. Viet Nam has promulgated the Law on Belief and Religion (LBR) and its implementing legislation in accordance with Article 18 of the Covenant. In order to ensure people's right to freedom of belief and religion, the PC provides for specific crimes to handle acts infringing upon people's right to freedom of belief and religion, particularly in Article 164 on crime of infringement upon the freedom of belief or religion of other people. Moreover, the PC also stipulates that acts of abusing freedom of belief and religion to infringe

upon the interests of the State, the rights and legitimate interests of organizations and individuals shall be prosecuted for penal liability for crime of abusing democratic freedoms to infringe upon the interests of the State, the rights and legitimate interests of organizations and individuals in Article 133. Viet Nam is in the process of studying and drafting amendments to a number of articles of Decree No. 162/2017/NĐ-CP dated 30 December 2017 detailing a number of articles and measures of implementation in the LBR.

86. Religious organizations have full financial autonomy in their operation. The State does not interfere in financial matters under the purview of religious organizations and competent religious dignitaries and sub-dignitaries who bear financial management and utilization responsibility in accordance with respective charters, statutes, regulations and internal rules, the LBR and related laws.

87. According to the applicable 2013 Law on Land and the 2010 Law on Non-agricultural Land Use Tax (LNALUT), religious establishments may use non-agricultural land that is eligible for land allocation by the State without collection of land use tax and is not subject to non-agricultural land use tax (except for the case of land use for business purposes), or land used for religious purposes allocated by the State that is not subject to land use tax. The granting of certificates of land use rights, ownership of houses and fixtures on the land to religious establishments in recent years has received due attention by the authorities and achieved positive results. As of November 2022, the number of religious establishments nationwide that have been granted land use right certificates accounts for about 70%. Many religious establishments have been granted scores of hectares of land for religious practice to meet the spiritual and religious needs of believers.

88. In recent years, notably after the LBR came into effect, international relations activities of religious organizations and individuals have taken place with vigor and diversity in terms of scale, quantity and scope of activities.<sup>29</sup> In October 2019, the competent authorities of Viet Nam organized a recognition event where a decision of recognition was granted to 01 religious organization (Viet Nam Pentecostal Gospel Church), a certificate of registration of religious activities was granted to 01 religious organization (Church of Jesus Christ of Latter-day Saints), bringing the total number of state-recognized religious organizations to 43 under 16 religions. The State ensures and creates favorable conditions for religious organizations to set up religious training institutions. Currently, Viet Nam has 62 religious training institutions in 36 provinces and cities. In 2020, 01 training facility of the Catholic Church of Viet Nam was established (Sacred Tam Thai Binh Seminary).

### **Articles 19, 20 and Paragraphs 46, 52 of the Committee's Concluding Observations and Report CCPR/C/136/2/Add.4**

89. This issue needs to be fully reviewed in relation to the mid-term Report submitted in March 2021.

90. Ensuring freedom of speech, freedom of the press and the right to information for all is a consistent policy of the State of Viet Nam. These rights are protected by: (i) supporting the development of journalism, publishing industries; (ii) creating favorable conditions for the people to freely search, access, express and exchange information, and (iii) implementing necessary and appropriate management measures to prevent acts of exploiting freedom of speech, freedom of the press to infringe upon the rights and legitimate interests of organizations and individuals or damage a healthy online environment.

91. As of 30 December 2022, Viet Nam has had 06 major multimedia agencies, 127 news agencies, 670 magazine agencies, 72 radio and television broadcasting agencies, including 67 radio stations of both central and local levels, 05 television units that do not have their

<sup>29</sup> Many major international religious activities, such as the United Nations Vesak Day in 2014, 2019, the General Assembly of the Dominican Sister International... have been successfully hosted and organized in Viet Nam. Viet Nam creates favorable conditions for foreigners lawfully residing in Viet Nam to partake in religious activities, invite foreign dignitaries or Vietnamese dignitaries to preach, bring religious publications and religious paraphernalia from abroad to Viet Nam for religious practice in accordance with Vietnamese laws.

own broadcasting infrastructure; 77 radio channels, 194 television channels, 57 foreign television channels provided on Viet Nam-paid televisions; 9,792 commune-level radio stations (including 634 radio stations with information and telecommunications technology applied).

92. The PC protects and strictly handles acts that infringe upon the rights to freedom of speech, freedom of press, access to information (Article 167 – crimes of infringement upon the rights to freedom of speech, freedom of press, access to information, and the right to protest of people).

93. Viet Nam has conducted a preliminary review and assessment of the implementation of the 2016 Law on Press and the 2012 Law on Publication (LP) in order to continue to improve the laws and regulations in this area and meet the practical needs of journalism activities. It is now proposed that these Laws be included in the National Assembly’s Law-making Program for the 2023–2025 period. Amendments to the Press Law are being proposed towards expanding the Law’s scope of application in line with the current development pace of science, technology and communication. This will be an important step that helps to clarify the concepts and promote the development of the press complex, journalism ecosystem, and data journalism.

94. The issue of information freedom and transparency is highly regarded by the State. The responsibility of state administrative agencies in stating or providing information to the press is upheld. This creates favorable conditions for the activities of mass media such as radio and live telecast of debates between members of the Government and the National Assembly, regular press conferences by the Government, the National Assembly, Ministries and localities in accordance with regulations on state administrative agencies’ responsibility in stating or providing information to the press. On 24 November 2022, the Prime Minister hosted a virtual nationwide conference on policy communication under the theme “Awareness – Action – Resources”, discussing the responsibilities of state administrative agencies, measures to enhance the effectiveness of policy communication and policy debate, from proposing policies to monitoring the implementation of policies that greatly affect the people and society at large.

95. On promoting private communication, the 2016 Press Law prescribes that businesses and organizations permitted to publish newsletters in accordance with Paragraph 18 of Article 3 and Article 34, tertiary education institutions in accordance with the Law on Higher Education, scientific research and technological development institutions organized in the form of academy or institute prescribed in the Law on Science and Technology, and hospitals at provincial, equivalent or higher level may publish scientific journals (Paragraph 2 Article 14). All citizens have the right to create journalistic works, to provide information to the press, and to provide feedback to information in the press. (Article 10). The press in Viet Nam is permitted to operate freely, the press shall not be censored before being printed, transmitted or broadcast in accordance with Article 13 of the 2016 Press Law and Paragraph 2 Article 5 of the 2012 LP.

96. The State invests in and supports the development of cellular, internet and social media infrastructure to facilitate the people’s search for, access to, expression and exchange of information in a free and easy manner. After 25 years since the Internet first became available, Viet Nam has become a powerhouse in telecommunications and internet with modern technology and high internet universality. As of December 2022, Viet Nam has more than 72.1 million Internet users (accounting for 73.2% of the population), ranking 13<sup>th</sup> worldwide in number of users. There are 94.2 million registered numbers associated with smart phones, and 82.2 million broadband numbers, accounting for 74.3% of the population. Telecommunications networks have continued to be modernized and widely developed, with coverage reaching 99.73% of all villages nationwide. Among this, 3G and 4G networks are providing service to 98% of the population. 19.79 million households have fiber-optic cable, accounting for 72.4% of the population. Fiber-optic cables have been provided to 100% of communes, districts and towns, 91% of villages, and 100% of schools. The State allocates resources based on National Target Programs and the Public Utility Telecommunications Program to equip telecommunications infrastructure and narrow the gap in information access between regions and ethnicities nationwide.

97. To ensure a safe and healthy information landscape, and to combat fake and malicious news, Viet Nam is continuously working to improve the legal framework on information and cybersecurity. The legislative drafting process in this area has consulted with other countries for the latter's experiences, and referred to the relevant international agreements of which Viet Nam is a member. On numerous occasions, opinions from relevant agencies, organizations, domestic and foreign businesses and the people have been collected for the purpose of promulgating appropriate laws and regulations. Viet Nam has Decree No. 15/2020/NĐ-CP dated 3 February 2020 (amended and supplemented by Decree No. 14/2022/NĐ-CP dated 27 January 2022) stipulating the handling of administrative violations in the fields of post, telecommunications, radio frequency, information technology and electronic transactions, and further specifying violations of terms of use of social media and information security, etc. At the same time, Viet Nam has also proactively participated in and had a close watch on the progress of the negotiation for a Comprehensive International Convention on Countering the Use of Information and Communications Technologies for Criminal Purposes. During the 2019–2022 period, Viet Nam concluded a number of international agreements on cooperation in cybersecurity, such as the Memorandum of Understanding between the Ministry of Defense of Viet Nam and the Ministry of Defense of Japan on cybersecurity cooperation in 2021, and the Memorandum of Understanding between the Ministry of Public Security of Viet Nam and the Ministry of Communications and Information of Singapore on cybersecurity, cybercrime prevention, and personal data protection in 2022. In addition, regarding documents on the right to freedom of expression that the HRC mentioned in Report CCPR/C/136/2/Add.4, see Annex 5 for more details.

98. Since the 2018 Law on Cybersecurity came into effect, violations of the law in the cyberspace have been detected and strictly handled, contributing to the national security and social order, and safeguarding the lawful interests of organizations and individuals. According to the Report on Global Cybersecurity Index (GCI) in 2020 published by the International Telecommunication Union (ITU), Viet Nam has moved up 25 ranks in 2 years, rising to rank 25<sup>th</sup> out of 194 countries and territories, 7<sup>th</sup> in the Asia-Pacific region and 4<sup>th</sup> in the Association of Southeast Asian Nations. Viet Nam has Decree No. 53/2022/NĐ-CP dated 15 August 2022 which specifies in detail a number of articles in the 2018 Law on Cybersecurity (LoC).

99. The 2018 LoC neither obstructs nor restricts the freedom of expression in the cyberspace. On the contrary, the principle and purpose of this Law is to safeguard the national security, social order and safety, the rights and legitimate interests of agencies, organizations and individuals in the cyberspace (the right to life, the right to freedom, the right to non-interference in private life, the right to not be infringed upon their personal honor or reputation, protection of personal secrets, family secrets, confidential correspondence, protection of children's rights...), and this has been further elaborated in specific articles in the Law. From a broader perspective, the 2018 LoC aims at establishing a safe and healthy cyberspace, and through that, ensure that all citizens can live and work in a stable social environment that is conducive to development. Articles 8 and 18 of this Law only specify prohibited conduct in the cyberspace that may threaten the national security, social order and safety, the rights and legitimate interests of organizations and individuals, and further specify acts of violation of the law in accordance with the PC, the 2013 Constitution and paragraph 3 of Article 19 of the Covenant.

### **Article 21 and Paragraph 48 of the Committee's Concluding Observation**

100. All individuals are equal before the law and enjoy all constitutional rights, which include the right to freedom of peaceful assembly. These rights need to be exercised on the basis of the law, with respect to the rights and interests of the community and may be restricted in certain necessary circumstances in accordance with the requirements set forth in the 2013 Constitution, including "social order and safety" reasons. No individual and organization in Viet Nam are to suffer threats, attacks or retaliation for participating in activities within their rights and in accordance with the law, particularly in interacting or cooperating with UN agencies.



101. In Viet Nam, marches and meetings to commemorate cultural, economic, or social events or to express opinions on relevant issues peacefully and in accordance with the law are respected and ensured by the State, such as the Pride parade of the LGBT community in Ha Noi (September 2022), the climate change marches in Quang Ninh province (July 2021), and the annual activities commemorating the Human Rights Day (10 December) in various localities nationwide. However, a few individuals and organizations have taken advantage of issues pertaining to religion, labor rights, land acquisition and environmental pollution to gather, coax and incite the people into disorderly conduct, seriously affecting the social order and safety. Those participating in protests mentioned in observations in Paragraph 47 committed vandalism, attacked the police, and obstructed the authorities, which seriously affected the social order and safety in many localities such as Ho Chi Minh City and Binh Thuan. Therefore, Viet Nam enacted necessary and appropriate measures in accordance with Article 21 of the Covenant, to prevent actions that take advantage of the right to freedom of assembly and the right to protest in order to destabilize the social order and safety, disrupt the national unity, breaching the rights and legitimate interests of the State and people. The measures taken are not oppressive and always respect the principles of legitimacy, necessity and proportionality.

102. The PC has criminalized acts of excessive violence committed by law enforcement while on duty, specifically in Article 127 (Voluntary manslaughter by a law enforcement officer in performance of his/her official duties) and Article 137 (Deliberate infliction of bodily harm by a law enforcement officer in performance of his/her official duties). Every year, officers in armed forces are provided with military training to train their disciplines and to prevent the use of excessive force by officers while performing their duty.

### **Article 22 and Paragraph 50 of the Committee’s Concluding Observations**

103. The right to association is citizens’ fundamental right, acknowledged by the 2013 Constitution. To exercise the right to association, immediately after the founding of the Democratic Republic of Viet Nam, President Ho Chi Minh issued Order No. 52 dated 22 April 1946 on Associations and Order No. 102/SL/L004 dated 20 May 1957 on the Law on the Right to Association. To date, Order No. 102/SL/L004 is still in effect. However, a number of provisions in this Law now need to be amended and supplemented to be more pragmatically suitable to the organization and operation of associations. While a proposed Law on Associations is being examined, Viet Nam is formalizing a Decree to replace Decree No. 45/2010/NĐ-CP dated 21 April 2010 on the organization, operation and management of associations.

104. As of December 2022, Viet Nam has had 93,438 associations, including 584 associations that operate nationwide or inter-provincially and 92,854 associations that operate locally. There are 124,889 grassroots trade unions nationwide, with a total number of 11,071,635 union members. The average percentage of union members out of total workers at agencies, organizations and businesses with trade unions is 93.1%.

105. Application dossiers for the establishment of associations are made in accordance with the law, and processed by competent authorities accordingly. As of December 2022, there has not been any single case where an application dossier for establishment of an association was denied.

106. The LC prescribes workers’ representative organizations at the grassroots level in Chapter XIII, which specifies the rights and obligations of workers’ representative organizations at the grassroots level in labor relations (Article 178) and ensures that workers’ representative organizations are not influenced by the employer, namely (i) prohibited conduct by the employer relating to the establishment, joining and operation of the workers’ representative organization (Article 175), (ii) rights of members of the management boards of the workers’ representative organizations at the grassroots level and (iii) obligations of the employer in relation to the workers’ representative organizations at the grassroots level (Article 177).

107. Workers' representative organizations at the grassroots level include the trade union and the workers' organization at the business. These two organizations are equal in rights and obligations relating to representing the rights and legitimate interests of the workers in labor relations. Other rights relating to trade unions include the right to strike, which is specified in Articles 198 and 199 of the LC. From March 2019 to the end of December 2022, there have been no cases where an application for registration of a trade union was denied.

### Article 23

108. The rights to marriage, family life and equality in marriage have been stated in paragraphs 202–210 in the [CCPR/C/VNM/2017/3](#) Report.

109. The Project “Reducing child marriage and consanguineous marriage in ethnic minority and mountainous areas in the period 2015–2025” continues to be effectively implemented. 48 out of 51 provinces in ethnic minority and mountainous areas have issued the Implementation Plan for the Project for the period 2021–2025 (phase 2). Local agencies specialized in ethnic work have organized 120,774 activities to raise awareness on child marriage and consanguineous marriage, with 4,070,148 participants.

110. The percentage of child marriages in ethnic minority areas is gradually decreasing (21,9% in 2019, a 4.7% decrease from 2015, equivalent to the average decrease of around 1% per year). Consanguineous marriages between ethnic minority people in 2019 was 5.6 ‰, a 0.9‰ decrease compared to 2015 (6.5‰). A number of ethnic minorities have high percentages of consanguineous marriages in 2015, and by 2019 the phenomenon had ceased, such as Mạ, Mảng, Cơ Ho, Kháng, Chút.

111. The National Plan for Socio-economic Development in Ethnic Minority and Mountainous Areas for the Period 2021–2030 has been adopted by the National Assembly, in which Sub-project 2 of Project 8 are dedicated to minimizing child marriages and consanguineous marriages in ethnic minority and mountainous areas. The Prime Minister has approved the Viet Nam Population Strategy 2030, which includes the targets “Fundamentally preventing child marriage in ethnic minority areas” and “Reducing the number of child marriages by 50%”.

### Article 24 and Paragraph 38 of the Committee's Concluding Observations

112. This item should be fully reviewed in connection with the 5th and 6th Periodic Country Reports on the implementation of the CRC and the National Report on the Implementation of Human Rights in Viet Nam under the UPR cycle III.

113. A Law on Juvenile Justice is currently being proposed by the SPC to the Standing Committee of the National Assembly to be included in the Law-making Program in 2024. Currently, the competent authorities of Viet Nam are continuing to study and amend the current laws and regulations on the definition of a child's age that “*a child is a person under the age of 18*” which is in line with the CRC, the recommendations of the HRC and the Committee on the Rights of the Child. Viet Nam also has Circular No. 43/2021/TT-BCA dated 22 April 2021 stipulating the responsibilities of the People's Public Security Forces in implementing a number of friendly criminal procedures and protocols in the process of receiving and dealing with denunciations and information on crimes, petitions for prosecution and investigation of cases of abuse of persons under 18 years of age.

114. The results of the 2019 Population and Housing Census have shown that the rate of children under 5 years old with their birth registered has reached 98.8%. This result has exceeded the goal of birth registration in Decision No. 681/QĐ-TTg dated June 4, 2019 (the goal is that by 2020, 97% of children under 5 years old will have had their birth registered).

In the period from 2019 to 2022, Viet Nam will continue to make great efforts to ensure the right to birth registration and limit the statelessness of children through many measures.<sup>30</sup>

115. To date, there are 38 Family and Juvenile Courts under the high, provincial- and district-level people's courts. The right to equality before law of the accused persons and defendants, including juveniles, and presumption of innocence in criminal procedures have been recognized and guaranteed in judicial activities.

116. Training courses for investigators, procurators and judges at different levels provide information on new laws and regulations, especially law provisions on human rights as stated in the 2013 Constitution, the CrPC, the PC, the LECrJ, the LSA, the CC, and the CiPC. In addition to these courses, investigators, procurators and judges dealing with cases of juvenile offenders are also equipped with skills and knowledge of juvenile justice. Affiliated training institutions under the Public Security Force, the People's Procuracy, and the People's Court annually develop short-term training courses exclusively for investigators, procurators and judges directly dealing with cases of juvenile offenders.

117. Juvenile inmates (under 18 years old) shall be detained in separate areas in accordance to the LECrJ. Juvenile inmates, once aged full 18, shall be detained and treated under the regime for inmates of full 18 years of age and over. Inmates under 18 shall be eligible for compulsory primary education, universal secondary education and other education services on weekdays (excluding weekends and holidays). They shall be provided with education in moral standards and basic life skills, and be updated on news, policies, laws and civic education, as well as provided with mental health counseling and necessary educational, legal assistance to better re-integrate into the community. They shall be given the chance to participate in vocational training and skill-enhancement courses that suit their age, health, education level, gender and the conditions of the detention facilities.

118. In addition, on returning to the community, any inmate under 18 after having completed his/her sentence shall be given the opportunity to take vocational courses and receive loans to get a job. The State considers providing financial support and encouragement for individuals and organizations to participate in counseling, vocational training, and employment services. To facilitate inmates' re-integration into the community, the State also assists inmates who have completed their sentences to access employment in business organizations and manufacturing facilities, house renting and accommodations in state-owned infrastructure in accordance with the law.

### **Article 25 and Paragraph 54 of the Committee's Concluding Observations**

119. All Vietnamese citizens have the constitutional right to actively and proactively participate in the country's political, economic and social life, thereby allowing them to perform their mastership and contribute effectively to the implementation of policies and laws in their localities (Article 28(1) of the 2013 Constitution). In the legislative drafting and promulgation, agencies that draft laws shall collect opinions on the drafted pieces of legislation or legal normative documents from affected groups and other stakeholders. The 2015 Law on the Promulgation of Legal Normative Documents (with amendments in 2020) stipulates social debate performed by the Viet Nam Fatherland Front on draft legal normative documents (Article 6).

120. Viet Nam has the 2022 LIDGL in order to institutionalize the motto of "The people know, the people do, the people monitor, the people supervise, and the people enjoy." This law governs what and how to enforce grassroots democracy, citizens' rights and duties in implementing grassroots democracy as well as the responsibilities of agencies, organizations and individuals in implementing grassroots democracy to demonstrate the mastership of the people.

121. In implementing the European – Viet Nam Free Trade Agreement (EVFTA), Viet Nam has set up the Domestic Advisory Group (DAG) Viet Nam. DAG members include

<sup>30</sup> Section III Annex 1.

associations and non-profitable NGOs that have been legally established and run in Viet Nam in the areas of trade and sustainable development. DAG members' operations are independent from state-owned agencies. The DAG's function is to provide feedback and recommendation on the implementation of the EVFTA's Chapter on Trade and Sustainable Development, including the matters of labor and environment in relation with the rights stated in the Covenant.

122. According to Viet Nam's law, all violations against the citizens' right to self-nomination and vote shall be dealt with in accordance with the relevant law. Specifically, Article 160 (Infringement upon citizens' right to vote or self-nominate, or vote upon referendum) and Article 161 (Falsification of election or referendum result) of the PC deal with two offences directly related to the abovementioned violations. The election of delegates to the 15th National Assembly and the 2021–2016 People's Councils at all levels had a voter turnout of 69,243,939 (or 99.60%), showing the people's strong political will and civic responsibility, especially in the challenging and complex context of the COVID-19 pandemic.

123. The number of self-nominated delegates to the 2021–2026 National Assembly doubled from the previous term (2016–2021), clearly highlighting the principle of democracy in nomination and self-nomination. Any citizen who fully meets the qualifications for a National Assembly delegate will be trusted and elected by voters to become a member of the National Assembly.

124. According to the findings of a survey on the Provincial Governance and Public Administration Performance Index (PAPI) in May 2022 conducted by the United Nations in coordination with the Viet Nam Fatherland Front, despite COVID-19 impacts on the local administration, significant improvement has been recorded in terms of infrastructure, security and order as local people have expressed a high level of satisfaction toward the quality of roads, access to clean water, waste collection, and a decreasing rate of crimes. The number of people satisfied with public services fundamentally remained significant. These positive results are attributed to drastic reforms in public administration services through the application of technology and the implementation of level-3 and level-4 administrative reforms.

125. Viet Nam has launched the National Digital Transformation Program to 2025, toward 2030 with the view of "putting the people at the center of digital transformation" (Decision No.749/QĐ-TTg dated 3 June 2020). The Program's vision to 2030 means Viet Nam aims to become a stable and prosperous digital nation pioneering new technologies and models. This also means Viet Nam's objective is to experience fundamental and comprehensive reforms in the government's management and administration, corporate business and manufacturing, the people's way of life and work as well as to develop a safe, humane and far-reaching digital environment. One of the basic goals of 2025 is that "100% of the national database for the foundation of e-government is linked to the national databases on demography, land, corporate registration, finance and insurance. This system will be completed, connected and shared nationwide. The aim is to gradually develop a database of state agencies to provide timely public services with single registration and life-time services for the people and for the socio-economic development." With that, the people will benefit from social services and necessities thanks to digital technologies so that no one is left behind.

126. Viet Nam has Decision No.407/QĐ-TTg dated on 30 March 2022 approving the Project on communication on policies with important social impacts in the legislative drafting in the 2022–2027 period. The Decision contributes to achieving high degree of coherence between the legislative drafting and the law implementation and dissemination as well as encouraging feedback and debate from the people, organizations and businesses on policy and legislative recommendations and proposals. All these shall be achieved with putting the people at the center, enhancing democracy, promoting human rights and citizens' rights in the state management and social management, therefore building a socialist rule-of-law state of the people, by the people and for the people.

## Article 27 and Paragraph 56 of the Committee's Concluding Observations

127. This item needs to be fully reviewed in connection with the 15th and 17th Periodic Report on the implementation of the CERD.

128. The Vietnamese Government always gives priority to investment and support for the socio-economic development of ethnic minority and mountainous areas. Ethnic minority people are considered primary beneficiaries of National Targeted Programs. Programs and policies on ethnic minorities focus on the fields of social security, sustainable poverty reduction, demographic planning and allocation, as well as coherent development of inter-regional socio-economic infrastructure. Other areas of priority include education, training, health and cultural development, quantitative and qualitative development of ethnic personnel, gender equality and the resolution of urgent issues faced by women and children. Viet Nam has adopted Resolution No. 120/2020/QH14 dated 19 June 2020 approving the Master Plan on Socio-economic Development of Ethnic Minority and Mountainous Areas in 2021–2030 Period with an aim of promoting sustainable development and unleashing regional advantages and potential as well as fostering the sense of resilience of ethnic minority people. On 14 October 2021, the Prime Minister issued Decision No. 1719/QĐ-TTg approving the National Target Program on Socio-economic Development of the Ethnic Minority and Mountainous Areas in 2021–2030 Period with Phase I from 2021 to 2025.<sup>31</sup>

129. According to the Multi-dimensional Poverty Index, the poverty rate among the ethnic minorities has reduced by over 3%/year and this figure within poor districts has also dropped by 4%–5%/year. Targeted policies, laws and regulations of Viet Nam have allowed ethnic minorities to access services more effectively and sufficiently. Special attention has been paid to developing essential infrastructure. In particular, 98.6% of ethnic minority households have had access to electricity and 93.5% provided with health insurance. Intensified communication nationwide has helped increasing awareness and changing rural people's behavior of using clean water,<sup>32</sup> hygienic latrines,<sup>33</sup> and having practices of hygiene and environmental protection.

130. Viet Nam has carried out activities and tasks of collecting, studying, preserving and promoting typical values of cultural heritage of ethnic minorities in Viet Nam. A number of important projects and plans have also been developed and implemented to support ethnic minority people in preserving and promoting traditional cultural values.<sup>34</sup> Notably, Viet Nam has actively finalized dossiers to be submitted to UNESCO and to support the Action Plan on safeguarding intangible cultural heritage recognized by UNESCO as Intangible Cultural Heritage of Humanity.<sup>35</sup>

131. Viet Nam has included ethnic minority languages of Ba Na, Chăm, Ê Đê, Gia Rai, Khmer, Mông in the secondary educational curriculum, and other languages, including Hoa, Thái, Cơ Tu, Tà Ôi, PaKo, among others, as an optional subject in pilot teaching programs. Currently, 23 provinces and cities are running teaching and learning programs of ethnic languages in secondary schools. These provinces and cities are Soc Trang, Tra Vinh, Binh Phuoc, Tay Ninh, Kien Giang, Ca Mau, Can Tho, An Giang, Bac Lieu, Vinh Long, Hau Giang, Ninh Thuan, Binh Thuan, Dak Lak, Dak Nong, Gia Lai, Kon Tum, Nghe An, Lao Cai, Yen Bai, Son La, Dien Bien, and Ho Chi Minh City.

132. Radio and television programs in ethnic languages have increased in terms of quantity and frequency. Ethnic minority audience can now enjoy broadcast programs in various ethnic languages featuring local culture. Programs and productions in 22 ethnic minority languages are now broadcast exclusively on VTV5 of the Viet Nam Television.

<sup>31</sup> Annex 4.

<sup>32</sup> In 2019, the rate of ethnic minority households having access to clean water reached 88.6%.

<sup>33</sup> In 2019, the rate of ethnic minority households having access to hygienic latrines reached 59.6%.

<sup>34</sup> Section III, Annex 4.

<sup>35</sup> Some typical cultural heritages of ethnic minorities in Viet Nam have been inscribed by UNESCO as Intangible Cultural Heritage of Humanity such as: Practices of Then by Tày, Nùng, and Thái ethnic groups in Viet Nam (December 2019), Art of Xoe Thai Dance (December 2021), Art of pottery-making of Chăm people (November 2022).

133. Religious dignitaries, sub-dignitaries, monks and other religious followers, including ethnic minority believers, are entitled to the right to freedom of belief and religion in accordance with the laws and regulations on belief and religion. The Vietnamese State's policy on religion guarantees religious diversity, harmonization and equality without discrimination against the followers, either ethnic minority or Kinh people. Group religious activities are facilitated. Religious organizations are allowed to open training schools and classes to serve religious followers and activities. The publication of holy texts and introduction of religious equipment are supported. Ethnic minority religious followers are encouraged to participate in international activities. Many Buddhist monks and bhikkhus have studied in Thailand, Cambodia, Myanmar, Sri Lanka and India. A number of Châm Muslims have competed in International Qu'ran Recital Contest in Thailand, Brunei, Malaysia, and Indonesia as well as international Muslim conferences and workshops and studied Muslim doctrine in Muslim countries.

134. The rate of ethnic minorities in politics has continued to grow. The number of elected ethnic minority delegates to the National Assembly for the 2021–2026 term has reached a record high in over the past 15 years of the National Assembly terms. While ethnic minority groups account for only 14% of Viet Nam's total population, ethnic minority delegates make up 17.84% of the total National Assembly delegates. In particular, in the 2021–2026 term, two more representatives of the least populated ethnic minorities – Lự and Brâu, for the first time, have been elected to the National Assembly. Up to 2020, the number of ethnic minority public officials, state employees and civil servants in provinces and centrally-run cities accounts for 13% of the total payroll. This figure in the People's Councils was 16.91% at the provincial level, 18.29% at the district level and 22.14% at the communal level, respectively. Many important positions are held by ethnic minority members, namely President of the Viet Nam Fatherland Front, Chairperson of the National Assembly Ethnic Council, Minister and Chairperson of the National Assembly Committee on Ethnic Affairs, Deputy Minister and Vice Chairperson of the National Assembly Committee on Ethnic Affairs, among others. People of ethnic minority origin participate in activities of the state management and social management either directly or through representation in conformity with specific and clear laws and regulations.

135. This report constitutes official source of information of the Socialist Republic of Viet Nam. It represents Viet Nam's development and efforts in respecting, protecting, guaranteeing and promoting civil and political rights. Viet Nam requests that the HRC review, assess and acknowledge in an objective manner the achievements that Viet Nam has attained in the reporting phase.

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