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Summary record of the 4244th meeting*

Held at the Palais Wilson, Geneva, on Monday, 7 July 2025, at 3 p.m.

Chair: Mr. Soh

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* No summary records were issued for the 4242nd and 4243rd meetings.

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

Consideration of reports submitted by States Parties under article 40 of the Covenant
(continued)

*Fourth periodic report of Viet Nam (CCPR/C/VNM/4; CCPR/C/VNM/Q/4;
CCPR/C/VNM/RQ/4)*

1. *At the invitation of the Chair, the delegation of Viet Nam joined the meeting.*
2. **The Chair**, welcoming the delegation, said that he wished to highlight the essential role played by all stakeholders in the State Party review process and to emphasize, in line with the zero-tolerance policy of the United Nations with respect to reprisals, that no person or organization should face threats, harassment or retaliation for cooperating with the Committee, whether in Geneva or in the State Party. It would be appreciated if the delegation could confirm the State Party's commitment to ensuring the protection of all individuals and organizations that engaged with the Committee.
3. **A representative of Viet Nam**, introducing his country's fourth periodic report (CCPR/C/VNM/4), said that Viet Nam had focused on people as both the driving force and the beneficiaries of development in its consistent efforts to promote and ensure the implementation of the Covenant. In the 2025 *Human Development Report* published by the United Nations Development Programme, Viet Nam had been classified as a high Human Development Index country and ranked ninety-third out of 193 countries and territories.
4. Since submitting its report, Viet Nam had amended and enacted a number of laws and National Assembly resolutions aimed at advancing civil and political rights, including by improving access to housing for low-income groups and providing persons under 18 and victims of trafficking with free legal aid. Under the amended Criminal Code, capital punishment had been abolished for eight offences, including illegal transportation of narcotic substances and some corruption-related crimes. Resolution No. 66 of 30 April 2025 provided that all legal bottlenecks, including in relation to human rights, were to be addressed by the end of 2025 and that protection of human and citizens' rights was to be guaranteed.
5. The Government was carrying out a comprehensive reform of its administrative apparatus, including by eliminating the district-level tier of local government in favour of a two-tier model, with a view to enhancing institutional capacities and the effectiveness of services and reducing costs. It had issued 28 decrees on decentralization and delegation of authority with a view to transferring the authority to carry out the majority of administrative procedures from the central to the local level. As part of efforts to enhance transparency, openness and efficiency in the implementation of laws and policies, the Government had launched a national legal portal that provided visitors with comprehensive access to the country's legal framework and facilitated the receipt and processing of petitions from citizens and businesses. The Supreme People's Court had developed an online platform for the publication of court judgments and a database of case law. Since 1 January 2022, more than 46,000 trials had been held online, an innovation that had enhanced public access to justice, particularly during the coronavirus disease (COVID-19) pandemic, while ensuring that proceedings were held within legally prescribed time limits and enabling victims to testify without being physically present in court; that had contributed to upholding human dignity, particularly in criminal cases involving sexual violence.
6. Human rights education had been integrated into the national curriculum at all levels. In December 2024, the Prime Minister had chaired a national conference on human rights education at which plans for future efforts in that area had been discussed. An annual human rights media award had been launched with a view to raising awareness of work done in that area. Tuition fees for children in preschool education and at all levels of general education were waived or subsidized, and school lunches were subsidized for children in mountainous and border areas and in areas with a significant ethnic minority population. A road map for exempting all persons from paying hospital fees was in development. As a result of the country's determination to leave no one behind in improving social welfare, according to the multidimensional poverty index, the national poverty rate had fallen from more than 58 per cent in 1993 to 1.93 per cent in 2024. In 2024, more than 76,000 makeshift or dilapidated homes had been demolished as part of efforts to eliminate all such housing by the

end of 2025. The Government had set the target of building 1 million affordable housing units by 2030.

7. Indicators showed that progress had been made in the areas of women's participation in economic activities and access to education. The Government had allocated 350 billion dong and distributed nearly 432,000 tons of rice to support communities affected by Typhoon Yagi. Investments made in national infrastructure included support for the expansion of the power grid and the deployment of networks employing the fourth- and fifth-generation (4G and 5G) mobile communications standards. Additional measures had been taken to promote universal access to smartphones and Internet connectivity. Viet Nam was currently recognized as one of the countries with the most affordable Internet access costs; as of early 2025, approximately 78 per cent of the population used the Internet and more than 75 per cent used social media. Such developments had contributed to the realization of the rights to freedom of the press, freedom of expression and access to information.

8. In 2025, Viet Nam had thus far participated in dialogues with a number of treaty bodies, including the Committee on the Rights of Persons with Disabilities and the Committee on the Elimination of Discrimination against Women. Despite the challenges that it faced in upholding human rights, including limited resources, shortcomings in the enforcement of laws in some cases, and the growing impact of external factors such as non-traditional security threats, the country remained committed to ensuring the enjoyment of civil and political rights in a manner consistent with national realities and international standards.

9. **Mr. Ndiaye** said it was important to ensure that civil and political rights were not only protected in law but also enjoyed fully by all individuals in practice. He wished to know how Directive 24, on ensuring national security in the context of comprehensive and deep international integration, whose implementation would lead to systemic restrictions on the freedoms of expression, association and movement, could be reconciled with articles 19, 21 and 22 of the Covenant, under which the freedoms of expression, peaceful assembly and association were subject only to such restrictions as were strictly necessary and proportionate. He would appreciate examples of ways in which the implementation of Directive 24 was consistent with the requirement that such restrictions should not undermine the essence of Covenant rights. He wondered what specific legal criteria and independent oversight mechanisms ensured that such restrictions met the Covenant's necessity and proportionality tests, as interpreted in the Committee's general comment No. 34 (2011).

10. He would welcome clarification as to whether the Covenant's provisions could be directly invoked in domestic courts and examples of cases in which individuals or organizations had successfully done so, particularly in challenges to restrictions imposed under Directive 24 or similar measures. It would be useful to know what steps the State Party had taken since 2019 to assess the compatibility of its legal system with the first Optional Protocol to the Covenant and when it planned to accede to that instrument. He wondered how the State Party justified the policy reversal reflected in its adoption of Directive 24 after the adoption, in 2019, of Decision No. 1252/QD-TTg, which provided for closer alignment with the Covenant. What action had it taken to prevent the directive from undermining progress under the decision?

11. He would be glad to know what steps the State Party had taken to implement a precautionary approach to environmental and climate risks and how vulnerable groups were identified and protected in the relevant policies. He would appreciate more information on measures taken to promote the sustainable use of natural resources, as requested by the Committee.

12. It would be helpful to know under what criteria offences had been removed from the scope of the death penalty and why the State Party had not yet abolished that sanction outright. He wondered exactly which offences continued to carry the death penalty and how the State Party could demonstrate that their nature was consistent with the requirement under the Covenant that the death penalty should be imposed only for the most serious crimes. He would be grateful to receive statistical data on the number of death sentences handed down, executions carried out by offence, pardons and commutations granted and persons held on death row, disaggregated by sex, age and ethnic origin, as requested by the Committee. He

wondered what measures were in place to ensure full respect for due process guarantees in death penalty cases, including advance notification of execution to death row inmates and their families, and to prevent the imposition of the death penalty as a result of forced confessions.

13. He wished to know whether all acts of enforced disappearance were defined and criminalized in accordance with international standards under Vietnamese law and what measures were in place to ensure that allegations of enforced disappearance and transnational repression were investigated promptly, thoroughly and impartially. The State Party had stated that no information was available regarding Dong Guangping and that the Canadian authorities had not provided relevant information about him. Could it provide any further information on his fate and whereabouts? What steps had been taken to clarify his situation?

14. **Mr. Yigezu** said that he would be glad to receive an update on progress made by the State Party towards establishing a national human rights institution, more detailed and concrete information on the status of the legislative review being conducted in that regard and an explanation of the reasons for the continued delays in establishing such an institution, including information on whether civil society was being consulted in the process and a possible timeline for the institution's establishment.

15. He wished to receive the delegation's comments on allegations that law enforcement officials had committed acts of torture and ill-treatment against four Khmer Krom activists in February 2022 and June 2023; at least six political and religious activists who had died in places of detention; the founder of the An Dan Dai Dao Buddhist group, who had died in detention in November 2022; land rights activist Trịnh Bá Tư and his brother Trịnh Bá Phuong; and jailed journalists, including Le Anh Hung and Huỳnh Thực Vy. He would like to know what steps the State Party was taking to ensure that all allegations of torture and ill-treatment, solitary confinement, incommunicado detention and forced commitment to psychiatric facilities were promptly and thoroughly investigated by an independent body, that perpetrators received appropriate penalties and that all cases of death in detention were investigated. He would welcome explanations of the discrepancy between the assurance given in the State Party's report that disciplinary measures were not cruel and inhumane and the allegations of torture and ill-treatment made by detainees, and of the difference between "disciplinary cells" and solitary confinement. He would appreciate disaggregated data for the reporting period on the number of complaints received on allegations of torture, how many had been investigated, how many investigations had led to criminal consequences and the remedies provided to victims.

16. He would be interested to know what steps the State Party would take to ensure that national legislation protecting the rights of detainees, particularly the right to medical care, was implemented in practice and to establish an independent national mechanism that regularly inspected all places of detention without prior notice, received complaints privately from detainees and issued public reports on its findings regarding detention conditions. He would be glad to receive the delegation's comments on allegations that political prisoners, including land rights activist Nguyen Thi Tam, journalists Pham Doan Trang, Nguyen Tuong Thuy and Truong Minh Duc and environmental activist Dang Dinh Bach, had been detained far from their homes, thus limiting access to visits from their families and others. What measures would the State Party take to prevent that practice?

17. **Mr. Teraya** said that he would be grateful if the delegation could explain which of the events listed in annex 3 of the State Party's report were particularly relevant to anti-corruption efforts and provide details of one or two initiatives in that area that it considered especially important. He would like to receive statistical data on the number of complaints of corruption received, particularly involving high-level public officials, judges, prosecutors and law enforcement officers, and the number of investigations and prosecutions conducted, convictions handed down and other measures taken in response, as requested by the Committee. He would welcome further details on the mandates, composition and appointment procedures of the agencies involved in anti-corruption efforts and on the safeguards in place to ensure their independence. It would be helpful to receive clarification as to the nature and outcomes of the country assessment in the second review cycle under the United Nations Convention against Corruption, particularly in the areas of preventive measures and asset recovery.

18. He wished to know whether the draft law on states of emergency was fully compatible with article 4 of the Covenant, including its substantive and procedural requirements, what the timeline was for the draft law's adoption and how likely it was to be adopted. He wondered exactly what the constitutional basis for the emergency measures taken during the COVID-19 pandemic had been; whether the restrictions imposed during the pandemic had been consistent with the substantive requirements of article 4, including the requirement that the situation should constitute a public emergency, and, if so, why no notification of derogation from the Covenant had been submitted to the other States Parties in accordance with article 4 (3); when the emergency measures had formally come to an end; and whether any of them were still in effect.

19. **Mr. Fernández Liesa** said that he would like to hear more about the results of the study undertaken on the possibility of adopting a general rule defining direct and indirect discrimination in the public and private spheres. He would appreciate an update on the number of complaints of discrimination received and investigations conducted, penalties handed down and awards of reparations made to victims in response. He would welcome more information on the status of persons with disabilities in the public and private sectors and on the existence of protection measures other than those set out in the report. He wondered whether the targets of making 80 per cent of new buildings and 30 per cent of old buildings accessible to persons with disabilities by 2025 had been met. He wished to hear details of any additional progress made in addressing the concerns raised by the Committee on the Elimination of Discrimination against Women, including any relevant statistics.

20. He would be interested to know whether the State Party planned to work towards the legalization of same-sex marriage or civil partnership. He would appreciate more information about the draft law on gender transition that had been pending adoption since 2016, including the reasons why it had not yet been adopted and an indication as to whether it would be, and about measures, if any, taken to address the issue of stigmatization, harassment, violence and discrimination against lesbian, gay, bisexual, transgender and intersex persons. It would be helpful to receive data on the progress of cases of violence or discrimination against LGTBQ+ persons and to hear whether mechanisms were in place for investigating and punishing perpetrators and providing redress to victims of violence based on sexual orientation or gender identity. Information on the situation of lesbian, gay, bisexual, transgender and intersex children and adolescents and on measures taken to protect them from bullying, family violence and educational exclusion would be appreciated. He wondered what measures the State Party had taken to prevent non-consensual surgical or medical interventions on intersex minors, particularly when medically unnecessary, and what plans, if any, the State Party had to eliminate mandatory medical or surgical requirements for legal gender recognition, in line with its obligations under articles 17 and 26 of the Covenant. What participatory mechanisms were in place for non-governmental organizations (NGOs) and community groups to contribute to the development and monitoring of equality and non-discrimination policies?

21. **Ms. Bassim** said that she wished to receive more details about the classification of Directive 24 as a legal instrument. The Committee was concerned about the situation of women in the State Party, in particular Khmer Krom women, and about the unequal treatment of women in employment and their underrepresentation in political life, and would welcome comments from the delegation on those matters. She would appreciate a description of the steps taken by the State Party to address concerns about the condition and situation of drug users confined to drug rehabilitation centres, where they were allegedly subjected to compulsory detoxification treatment and forced labour. She would welcome statistical data on the number of compulsory drug detoxification and rehabilitation centres currently in operation and the number of persons currently held in them. Did the State Party intend to close such centres and expand voluntary approaches to drug treatment, as outlined in the drug rehabilitation renovation plan, 2013–2020?

The meeting was suspended at 4.05 p.m. and resumed at 4.20 p.m.

22. **A representative of Viet Nam** said that the Vietnamese legal system was sufficiently comprehensive to permit effective implementation of the Covenant. The Constitution provided that any restrictions of human rights must be grounded in law and implemented in a transparent manner. No laws restricting human rights, including political rights, had been

enacted thus far. The compatibility of draft laws with the Constitution and other instruments, including the Covenant, was always given careful consideration as part of the lawmaking process. That process also required laws to be developed in consultation with other stakeholders, including people who would be affected by the draft law. The topic of human rights had been included in training curriculums for court, police and other officials. Frequent awareness-raising campaigns about human rights were conducted and materials on human rights were published online, including in the languages of ethnic minorities, and were distributed to students and people living in remote areas, among other users.

23. Viet Nam had consistently pursued a policy of active integration into the international community and strict fulfilment of its international commitments while also taking into consideration article 1 of the Covenant, which provided that all peoples had the right of self-determination and the right to freely determine their political status and pursue their development. Directive 24 was an example of a necessary legal and policy measure adopted by the Government in the light of complex regional and global developments with a view to protecting national and individual security and ensuring that the people of Viet Nam could lead peaceful, happy lives.

24. Although legislation such as the 2011 Law on Complaints and the 2018 Law on Denunciations already provided mechanisms for addressing individual communications, the Government was reviewing the compatibility of the first Optional Protocol to the Covenant with its legal system with a view to acceding to that instrument.

25. **A representative of Viet Nam** said that a number of the Covenant's provisions, such as the right to trial within a reasonable time, had been incorporated into Vietnamese laws such as the 2014 Law on the Organization of People's Courts. While the Covenant had not yet been directly applied in a court judgment, Vietnamese law provided that the application of international conventions, including the Covenant, was to be prioritized over that of domestic laws in the event of conflict. For example, in 2021, a local court in southern Viet Nam had applied the Convention on International Trade in Endangered Species of Wild Fauna and Flora in a judgment. Training programmes on the Covenant organized for court officials had included topics such as how to handle cases involving juvenile offenders, drug-related offences and corruption. Such programmes varied in length. Many training institutions, such as institutions providing legal training, now developed and provided their own instruction on human rights.

26. **A representative of Viet Nam** said that Viet Nam had been affected significantly by climate change, which presented considerable challenges for the country's socioeconomic development and that of ethnic minorities in particular, many of whom lived in mountainous and other areas that were prone to the effects of climate change and natural disasters. In 2024, there had been more than 1,300 incidents of natural disasters, which had seriously affected the lives of ethnic minorities and other groups. As part of efforts to protect the rights of such people, all economic development projects were required to be compatible with the country's strategy for sustainable and green economic development, including the strategy for building resilience to climate change. A national plan to address climate change up to 2050, adopted at the end of 2024 under Decision No. 1422/QD-TTg, included a number of measures for assisting ethnic minority groups, including by ensuring that mountainous, border and island areas had adequate clean water. In response to diseases related to climate change, a medical network that gave priority to members of ethnic minorities and vulnerable groups had been developed. The decision emphasized the importance of the role played by the media and political and social organizations in raising awareness among communities about how to respond to natural disasters and build resilience against climate change. A plan had been developed to build inland transportation, water and other infrastructure in areas prone to the effects of climate change, particularly in the delta region in the south, the mountainous region in the north and the central highlands, which were prone to landslides. Together with Mexico, Bangladesh and other countries, Viet Nam had recently co-hosted an international seminar on the transformation of sustainable food systems at which it had shared its experience in conducting a project to develop 1 million hectares for cultivating rice. The Government was committed to stepping up international cooperation with a view to better responding to climate change.

27. The principle of non-discrimination in social and political life was enshrined in the Constitution and other laws. In recent years, the Government had taken a number of steps to better protect the LGBTQI+ community and ensure that no one was discriminated against on the basis of sexual orientation or gender identity. Although same-sex marriage was not legally recognized, same-sex couples could live together and adopt children. Since 2015, provisions of the Criminal Code regarding sexual offences had been amended to better protect LGBTQI+ persons. The Law on Temporary Detention and Custody provided that LGBTQI+ persons in detention could be kept separate from other detainees. Vietnamese civil law provided that all individuals and legal entities were equal before the law and could not be subjected to discrimination. Transgender persons had been recognized under civil law in 2015; their gender was also legally recognized in the medical sector.

28. In 2022, the Ministry of Health had introduced guidelines stating that being LGBTQI+ was not a disease and prohibiting discrimination on that basis. No complaints of violations of the guidelines had been received. It was expected that 40 per cent of provinces and cities would meet the national target of having one LGBTQI+ service centre by the end of 2025.

29. Stakeholders including LGBTQI+ community representatives and United Nations agencies had provided input on the draft law on gender transition currently under consideration by the National Assembly. The draft included provisions on support services, the right to live in accordance with one's gender identity and the prohibition of gender identity discrimination. Viet Nam consistently supported human rights initiatives relating to gender at the international level, for example by voting in favour of Human Rights Council resolution 59/5 on renewal of the mandate of Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity.

30. **A representative of Viet Nam** said that the Government had amended a number of pieces of legislation to provide for preventive and remedial anti-corruption measures and assign the responsibilities to specific agencies. Investigation of corruption cases had been stepped up and the administrative apparatus had been streamlined to improve oversight. Digitalization had increased the efficiency of procedures. Over 460 prosecutors had received training on how to handle corruption cases and on the relevant legal and policy updates at the national Procuracy Academy. Further training had been held at the local level. Training courses on the valuation of assets in corruption cases were regularly organized.

31. Responsibility for anti-corruption efforts was shared by the Government Inspectorate, the Ministry of Public Security department for the investigation of smuggling, economic crimes and corruption cases and two departments of the Supreme People's Procuracy, including one dedicated to corruption in the judiciary. Since 2019, the national courts had heard over 4,000 corruption-related cases with more than 10,000 defendants and had ordered the seizure of assets worth over US\$ 270 million, while working with international partners to secure the recovery of assets worth over US\$ 70 million. In recent times, many high-profile perpetrators had been brought to justice, and the trials had been widely reported on in the media.

32. **A representative of Viet Nam** said that everyone enjoyed a constitutional right to equality before the law and protection from discrimination in civil, political, economic and cultural life. The Labour Code prohibited discrimination and forced labour. The Law on Vietnamese Guest Workers prohibited discrimination and mandated equal pay for men and women. The Law on Gender Equality included a definition of gender discrimination. The laws on education and medical services prohibited discrimination in those areas on the basis of ethnicity or social status. Anti-discrimination legislation provided for appropriate penalties. For example, employment discrimination was punishable by a fine of up to US\$ 500.

33. A number of programmes to promote women's participation in political life, including in leadership positions, had been implemented. A national strategy was intended to ensure gender equality in the civil service. Central and local government authorities conducted awareness-raising campaigns and capacity-building programmes to give women the skills to stand for public office. Such efforts had helped increase the number of female officials to almost 30 per cent at the local level. The ranking of Viet Nam in the Global Gender Gap Index of the World Economic Forum had improved in recent years.

34. Policies had been introduced to promote equal opportunities in business and equal access to healthcare for men and women and to allow for paternity leave. The difference in retirement ages for men and women had been reduced from five to two years. The Government would consider equalizing the retirement age in the future if a review showed that it would not have a negative impact on economic development.

35. To facilitate the employment of persons with disabilities, the Government provided vocational training for such persons in areas such as civil service and information technology; it also organized job fairs. The State bank offered loans at preferential interest rates to enable persons with disabilities to start their own businesses. Social organizations often had employees with disabilities. A number of successful awareness-raising campaigns had been conducted on topics such as the prevention of gender-based violence, the combating of stigma against persons with HIV/AIDS and the national strategy for persons with disabilities.

36. **A representative of Viet Nam** said that the Government was carefully considering the establishment of a national human rights institution. Currently, the People's Petitions Committee of the National Assembly received complaints of human rights violations and conducted research on human rights. The National Committee for the Advancement of Women, the National Committee for Children and the National Committee for Persons with Disabilities also helped to uphold human rights. Combining those functions into a single institution would require significant time and resources. Research was needed to find a model that was suited to national conditions and in line with international standards, including the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), while learning from the experience of other countries.

37. Enforced disappearance was punishable under article 157 of the Criminal Code, on unlawful arrest and detention, article 169 on kidnapping for ransom and article 377 on abuse of authority for the purpose of unlawful detention. The Code provided that all offences must be promptly investigated and prosecuted. However, no cases of enforced disappearance had been recorded in Viet Nam. The Government was considering the possibility of acceding to the International Convention for the Protection of All Persons from Enforced Disappearance. The Government had been unable to determine the whereabouts of Dong Guangping because the Canadian authorities had not replied to its request for information.

38. Prisoners were legally entitled to healthcare and regular medical examinations. When they could not be treated in the prison medical unit, they were transferred to hospital, with the justification duly recorded. Prisoners with signs of mental illness were examined and referred to a psychiatric institution if necessary. Solitary confinement, incommunicado detention and shackling were not used. Le Huu Minh Tuan had received medical treatment and had been transferred to hospital several times since 2023. He and his family had expressed gratitude to the authorities for facilitating the treatment.

39. A number of measures had been taken to prevent torture in places of detention. Various actors were responsible for monitoring such places, including a National Assembly mechanism, the Viet Nam Fatherland Front and the People's Procuracy. Foreign media representatives and consular officers had also frequently visited prisons and detention centres.

40. **A representative of Viet Nam** said that article 14 (2) of the Constitution allowed for the restriction of rights only when necessary to protect national security, social order or public health and only when prescribed by law. That meant that a state of emergency could only be declared by the National Assembly in public proceedings and not through sub-law documents. While that article did not explicitly mention non-derogable rights, other provisions ensured them, including article 19 on the right to life.

41. A draft law on states of emergency was expected to be adopted during the next session of the National Assembly. If adopted, the law would provide that only the President and the National Assembly could declare states of emergency, that they must be implemented consistently at all levels of government and that various stakeholders, including civil society organizations, should be consulted.

42. In its effective response to the COVID-19 pandemic, the Government had followed the Committee's recommendations relating to legality, proportionality and non-

discrimination, resulting in a death rate lower than that of comparable countries. It had adopted resolutions in a timely manner, providing for evidence-based measures such as social distancing, with different levels of restriction based on epidemiological severity. Free vaccinations had been offered to all without discrimination, with prioritization of vulnerable groups such as older persons. At the end of the pandemic, restrictions had been promptly withdrawn.

43. In line with the Covenant, the death penalty was applied only for the most serious crimes and never to persons under the age of 18, pregnant women or mothers of children under the age of 36 months, persons who had reached the age of 75 by the time of sentencing or persons diagnosed with a terminal illness.

44. **A representative of Viet Nam** said that the number of offences subject to the death penalty had decreased over the years, from 44 in 1985 to 10 following a recent amendment to the Criminal Code. Of the 10 offences, 8 involved intentional killing. The death penalty could be imposed in the event of aggravating circumstances such as the killing of more than one person. It could also be imposed for drug trafficking, subject to a quantity threshold. A review would be conducted with a view to further reducing the number of offences subject to the death penalty and introducing stricter criteria for its application. The National Assembly would ask the courts to work with the Ministry of Public Security to review death penalty cases and identify those eligible for commutation or amnesty under the newly amended Criminal Code.

45. The Government had adapted its legal framework to bring it into line with the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Harsh penalties of up to 15 years' imprisonment were imposed on any perpetrators of torture. Capacity-building for relevant professionals was another preventive measure.

46. Detention conditions were regulated by law. For example, the minimum space allocation was 2 m² per prisoner or 3 m² per prisoner with children. Prisoners must be provided with sufficient food and water and, for women, menstrual products. Persons convicted of drug use who failed to engage in voluntary detoxification schemes could be referred for compulsory drug addiction treatment by local authorities, with the final decision made by a court under the supervision of a prosecutor.

47. **Ms. Bassim** said that she would like to know more about the activities conducted under the national communication programme on gender equality and the results of the implementation of the national strategy on gender equality for the period 2011–2020. She wondered what had been done to address obstacles preventing the reporting of violence against women, including misconceptions about sexual violence, the wish to preserve family unity, the fear of retaliation and the mediation provisions in the Law on Domestic Violence Prevention and Control of 2022. Given concerns that the legal definition of rape included a minimum level of physical injury, she wished to know what steps had been taken to bring the legislation into line with the Covenant and other international standards. She would appreciate data on complaints, investigations, prosecutions and convictions regarding all forms of violence against women, the remedies offered to victims and the number of cases handled through alternative dispute resolution.

48. **Mr. Yigezu** said that it would be helpful to receive more specific information on the timeline for the establishment of a national human rights institution. He would like to have clarification as to whether existing human rights bodies were independent or reported to particular ministries. He wished to hear about any cases of torture found by the various oversight mechanisms and the outcomes of the investigations. He would appreciate a response to allegations that Le Anh Hung, Trinh Bá Phuong and others had been subjected to torture and that Nguyen Thi Tam, Pham Doan Trang and others had been incarcerated far from their homes.

49. **Mr. Teraya** said that it would be very helpful to receive the requested statistical data on complaints, investigations, prosecutions, convictions and disciplinary measures in corruption cases and other information about how anti-corruption legislation was applied in practice. It would be especially interesting to hear about cases involving high-ranking officials. He would also appreciate more details on how the draft law on states of emergency

would change the existing legal framework. He wondered whether the fact that the State Party had never submitted a notification under article 4 (3) of the Covenant indicated that it had never experienced a public emergency, including during the COVID-19 pandemic.

50. **Mr. Fernández Liesa** said that it would be useful to have clarification as to whether the State Party was considering adopting a comprehensive anti-discrimination law. He was interested to hear the delegation's views on whether the legal provisions providing for lesbian, gay, bisexual, transgender and intersex inmates to be kept separate from the general prison population were compatible with international human rights standards. He would appreciate an explanation of the State Party's response that same-sex couples could live together and adopt children, given that same-sex marriage was not recognized and only married couples or single persons could adopt. He wished to receive data on the number of persons with disabilities who had found employment through the Government's programmes.

51. **Mr. Helfer** said that he would like to know whether the State Party had a legal procedure allowing persons sentenced to death to seek a review of their convictions or sentences based on newly discovered evidence of their innocence and, if so, what remedies were provided to persons found to have been wrongfully convicted, and whether such compensation was in line with article 14 (6) of the Covenant.

52. **Mr. Ndiaye** said that he wished to know precisely which offences were still punishable by the death penalty and whether it could be imposed for drug trafficking in the absence of intentional killing. It would be helpful to have data on the number of persons on death row and the number of executions carried out. He would appreciate clarification as to whether enforced disappearance as defined in international standards constituted a specific criminal offence. It would be useful to have more details on the fate of Dong Guangping.

53. He wished to understand which mechanisms ensured that restrictions on the freedoms of association, assembly and expression were compatible with the principles of necessity and proportionality. He also wished to know the reasons for the adoption of Directive 24 on ensuring national security, which contradicted the commitments made in Decision No. 1252/QD-TTg on the implementation of the Covenant. He would like to understand the status of a directive in relation to other legal instruments. He wondered why the national courts had never invoked the Covenant.

54. He would like to know whether ethnic minorities had been consulted in the development of the national climate change response plan and whether it incorporated their experience of traditional farming methods. In particular, he wondered whether the plan to cultivate 1 million hectares of rice was compatible with a sustainable agriculture model based on traditional techniques.

55. **A representative of Viet Nam** said that, in case of a discrepancy, international treaties prevailed over national law. All legislation was reviewed for compatibility with international commitments as part of the drafting process.

56. **A representative of Viet Nam** said that, for victims over the age of 13 years, rape was defined as the use of force, the threat of force, deception or abuse of a vulnerable state to engage in non-consensual sexual intercourse or other sexual acts. All sexual intercourse or sexual acts with a person under the age of 13 years were considered rape, regardless of consent. Since 2015, the definition had covered acts other than sexual intercourse, such as oral penetration. A vulnerable state might mean illness or drunkenness. Accordingly, there was no requirement for physical injury. No distinction was made between marital and non-marital rape.

57. Under the draft law on states of emergency, the Standing Committee of the National Assembly would normally declare a local or national state of emergency. If that was not possible, the President could also make the declaration. The scope of a state of emergency could be extended according to the situation on the ground. The end of a state of emergency would be declared by the Standing Committee or, if necessary, the President. The draft law provided for new powers applicable under a state of emergency, including the ability to order evacuations and request businesses to manufacture essential items.

58. **A representative of Viet Nam** said that, despite a reduction in domestic violence, further efforts were required. Pursuant to ministerial circulars and a recent government

decree, a database on domestic violence would be established, allowing for the collection of more comprehensive statistics. A hotline for domestic violence victims was available. A network of local service providers offered support to victims. Shelters offered psychological and medical support. During a month-long awareness-raising campaign in 2023, more than 6,000 media and communication events had been held, at which over 30 per cent of the participants had been men. Thousands of seminars and conferences had been organized and tens of thousands of media reports had been published on the subject of domestic violence.

59. **A representative of Viet Nam** said that the offences subject to the death penalty were treason, rebellion, terrorism, murder, rape of children under the age of 16 years, crimes against humanity, war crimes, illegal production of narcotics and drug trafficking. Information on persons sentenced to death was considered a State secret, both because such offences were often related to national security and to protect the reputation of the perpetrator's family. Death sentences were subject to challenge by the prosecution or the defence. If new evidence came to light, a cassation review or retrial could be requested. If the defendant successfully proved a wrongful conviction, reparations were due in line with the Law on State Compensation Liability, including both financial compensation and other remedies such as a public apology.

60. Enforced disappearance was punishable under three different provisions of the Criminal Code prohibiting arrest without due process. Between 2019 and 2024, 13 complaints of torture had been received. Between 2019 and 2022, the courts had heard a number of criminal cases relating to corporal punishment, including torture and forced confession. Between 2022 and 2024, the courts had tried four cases involving torture. A prisoner's place of imprisonment was never decided on the basis of political motives, but only in accordance with the Law on Execution of Criminal Judgments, which expressly allowed for detention away from a person's home when capacity in the area was lacking. Great importance was attached to family visits, which helped promote greater compliance with prison rules.

The meeting rose at 6 p.m.