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Replies of Viet Nam to the list of issues in relation to its fourth periodic report^{*, **}

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* The present document is being issued without formal editing.

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



Foreword

In March 2023, Viet Nam submitted its fourth periodic report on the implementation of the International Covenant on Civil and Political rights (ICCPR) to the Human Rights Committee (HRC or Committee), providing a comprehensive overview of the country's efforts and achievements in implementation of the ICCPR during the period 2019–2022. Viet Nam is requested by the Committee to provide additional information based on the List of 17 issues (LOIs) in relation to the implementation of the Covenant and following is its written replies.

Article 2

Constitutional and legal framework within which the Covenant is implemented

1. Right after the review of Viet Nam's third periodic report and based on the recommendations of the HRC, Viet Nam has promulgated and strictly implemented the Decision No. 1252/QĐ-TTg dated 26 September 2019 of the Prime Minister on approving the plan to enhance the effective implementation of the ICCPR and the Committee's recommendations. This has resulted in many positive outcomes. The Constitution (Article 14) affirms that human rights on civil and political matters should be recognized, respected, protected, and guaranteed by Constitution and the law. Human rights shall only be restricted by law in cases of necessity for national defense, national security, social order and safety, social morality, or public health. These constitutional principles are further specified in legislation and strictly enforced. The Vietnamese Government consistently reviews and improves the legal framework while enhancing the effectiveness and efficiency of the law enforcement, and streamlining the administrative procedures. These efforts have provided a solid foundation for the full realization of human rights, especially civil and political rights. On 14 August 2023, the Government issued Resolution No. 126/NQ-CP, detailing measures to improve the quality of legislative formulation and law implementation to prevent corruption, group interests, and partiality. From October 2023 to August 2024, the Government reviewed and provided comments for 24 proposals for legislative formulation, 21 draft laws and resolutions, submitted 44 draft laws and resolutions to the National Assembly for approval. These include several laws related to civil and political rights, such as the Law on Identity Cards, the Law on Water Resources, the Law on Telecommunications, the Law on Consumer Rights Protection, and the Law on amending and supplementing a number of articles in the Law on Exit and Entry of Vietnamese Citizens, the Law on Entry, Exit, Transit, and Residence of Foreigners in Viet Nam, etc. Viet Nam also continues to address conflicting or overlapping legal provisions and legal deficiencies. In 2023, Viet Nam reviewed over 33,000 legal documents, an increase of nearly 4,000 compared to 2022. On 8 July 2024, the Prime Minister issued Decision No. 603/QĐ-TTg establishing a Steering Committee led by the Prime Minister for reviewing and addressing challenges in the legal system to enhance the quality and efficiency of the review.

2. The Constitution (Article 12) affirms that Viet Nam complies with the United Nations Charter and international treaties to which the Socialist Republic of Viet Nam is a party. One of the principles, which is also a requirement for legislative drafting and promulgation, as stipulated in the Law on Promulgation of legal normative documents, is that the legislative promulgation shall not hinder the implementation of international treaties to which Viet Nam is a party. Legislative Proposals shall be based on commitments in relevant international treaties to which Viet Nam is a party. Regarding the relationship between international treaties and the domestic law, the Law on International Treaties (Article 6) explicitly states: "In case where a domestic piece of legislation and an international treaty to which the Socialist Republic of Viet Nam is a State party provide differently for the same matter, the international treaty shall prevail, except for the Constitution." In addition, it also stipulates that when concluding or acceding to an international treaty, Viet Nam's competent authorities shall, depending on the requirements, substantive contents and nature of the treaty, decide on the direct or partial application of the treaty if its provisions are sufficiently clear and detailed for implementation; they also decide or propose amendments and/or supplements to or repeal specific domestic legal documents, or issue new one to implement the treaty. These legal provisions have been implemented in a timely manner.

3. According to the Law on International Treaties, the First Optional Protocol to the ICCPR is treated as an international treaty. The required steps for accession to the Protocol are fully stipulated in this Law. As stated in the CCPR/C/VNM/4 Report (Paragraph 26), mechanisms for protecting civil and political rights are fully and explicitly stipulated in Viet Nam's legal documents and its implementation is ensured by the State. There have been an increasing number of handled complaints and denunciations year by year. The results of the citizen reception and the handling of complaint and denunciation have significantly contributed to strengthening public trust in the State, ensuring the political stability, security, and order, and fostering the socio-economic development to improve people's livelihoods.

During the reporting period, the responsible authorities have implemented various measures to enhance the effectiveness of the complaint and denunciation handling, as well as the quality and accountability of the state compensation for individuals and organizations whose civil and political rights were violated. Compensation includes material and moral damages.¹ Several complex, long-standing compensation cases were successfully resolved.²

Results on the state compensation resolution

<i>Year</i>	<i>2021</i>	<i>2022</i>	<i>2023</i>
New cases under processing	106	103 ³	92 ⁴
Cases have been resolved with final and binding decisions	17	41	44
Cases have been suspended	7	10	6
On-going cases	82	52	42
Total amount of compensation (thousand VND)	5 922 655	26 303 338	24 177 706

4. From 2023 to July 2024, administrative agencies at all levels resolved 27,088 out of 31,971 complaints within their jurisdiction, safeguarding the rights of 25 organizations and 420 individuals. This included the payment of VND 157.3 billion and the allocation of 9.7 hectares of land. Additionally, 72 officials and civil servants who violated the law were strictly disciplined, including six cases referred to criminal investigation authorities.

5. Viet Nam is intensifying efforts to review and streamline its system of state organs to make it well-structured, stronger, and more efficient to better serve the country and its people. Concretely, the Prime Minister of Viet Nam signed Decision No. 1403/QĐ-TTg, dated 16 November 2024, establishing a Steering Committee for streamlining the state organs chaired by the Prime Minister and its Members comprising the Deputy Prime Ministers and several Ministers.

Articles 2 and 25

Anti-corruption measures

6. The Constitution (Art. 8) stipulates that state agencies, officials, civil servants, and public employees must resolutely combat corruption and wastefulness. Viet Nam has strengthened measures to prevent and combat corruption, focusing on the legislative drafting and improvement. In 2023 and 2024, the National Assembly of Viet Nam passed Resolution No. 104/2023/QH15, which provides for, inter alia, salary reform for officials, civil servants, and public employees. The Government issued three decrees, the Prime Minister issued one decision, and various Ministries issued numerous circulars to provide detailed regulations and implementation guidance for related laws, such as the Law on Anti-Money Laundering and the Law on Inspection. These efforts include decentralization, delegation of authority, individual accountability of leaders tied to resource allocation, capacity building for implementation, enhanced inspection, supervision of power, and measures to combat corruption, negativity and wastefulness.⁵

7. The Vietnamese anti-corruption agencies include: (1) Anti-Corruption Steering Committees, (2) specialized anti-corruption units and inspection agencies, and (3) other agencies with anti-corruption function. The Government has implemented a range of measures to ensure the independence, impartiality, and effectiveness of these agencies. This

¹ Annex 2.

² Annex 2.

³ Received 26 new cases, with 77 cases carried over from the previous period.

⁴ Received 38 new cases, with 54 cases carried over from the previous period.

⁵ Annex 3.

has been achieved by monitoring to ensure law compliance, enhancing resources, improving professional expertise, and fostering public service ethics in task execution.⁶

8. All acts of embezzlement and corruption are handled strictly according to the law, with no discrimination or exceptions in dealing with legal violations. Anti-corruption agencies operate in accordance with law and are subject to public oversight and other mechanisms as prescribed by law. These include supervision by the National Assembly and its agencies and directives from the Politburo of Viet Nam, such as Regulation No.114-QĐ/TW dated 11 May 2023, Regulation No.132-QĐ/TW dated 27 October 2023, and Regulation No.178-QĐ/TW dated 27 June 2024, which focus on controlling power and combating corruption and negativity in various areas such as personnel work, investigation, prosecution, adjudication, and law-making. Viet Nam has successfully completed the second UNCAC review cycle, covering Preventive Measures (Chapter II) and Asset Recovery (Chapter V).⁷

Article 4 **States of emergency**

9. The 2013 Constitution stipulates the authority to declare and lift a state of emergency either nationwide or in specific localities.⁸ Based on this, relevant legal provisions on a state of emergency clearly define: (1) conditions for declaring a state of emergency; (2) measures to ensure human rights and citizens' rights during a state of emergency, aligning with the Constitution (Art. 14) and the ICCPR (Art. 4).⁹ Currently, the draft Law on the State of Emergency has been included in the 2025 Legislative Agenda of the National Assembly.

10. During the global COVID-19 pandemic, Viet Nam adopted comprehensive and adaptable measures to effectively address the crisis. The country has been internationally recognized as a model for its effective pandemic response. Confronted with the pandemic's complex dynamics, widespread transmission, and severe impacts, Viet Nam, like many other nations, implemented necessary restrictions¹⁰ to mitigate risks. These measures were grounded in medical expertise and carefully balanced the protection of human rights with the imperative to safeguard public health and safety. They adhered to Viet Nam's Constitution, relevant laws and regulations, and the provisions of the ICCPR regarding permissible restrictions and derogations in public health emergencies.

Articles 2, 3, 6, 7, 20, and 26 **Non-discrimination, gender equality, and violence against women and domestic violence**

11. The Constitution (Article 26) stipulates that male and female citizens are equal in all respects, and the State adopts policies to ensure people's rights, gender equality and equal opportunities. Viet Nam has made significant efforts to promote gender equality and combat discrimination against women and vulnerable groups, as detailed in CEDAW/C/VNM and CCPR/C/VNM/4 (Paragraphs 23 and 207).

12. While Viet Nam has not enacted a dedicated law addressing anti-discrimination, its existing legal framework is comprehensive and consistent in incorporating anti-discrimination principles that are enshrined in the Constitution and detailed across various laws, ensuring effective implementation of Article 26 of the ICCPR. Viet Nam regularly reviews and improves its policies and laws to uphold non-discrimination and gender equality in all aspects of economic and social life. Gender mainstreaming is integrated into the

⁶ Annex 3.

⁷ See more at <https://www.unodc.org/unodc/treaties/CAC/country-profile/CountryProfile.html?code=VNM>.

⁸ Articles 74, 88 and 96.

⁹ Annex 2.

¹⁰ Report No. 1381/BC-BYT dated 27 October 2023 summarizing the COVID-19 Prevention and Control Efforts.

development of legal documents, and socio-economic programs and strategies. Gender equality assessment and gender mainstreaming are among the key criteria for assessing draft legal documents. Recently, Viet Nam amended, supplemented, and enacted several legal documents to enhance gender equality and prevent gender-based violence, including the 2022 Law on Domestic Violence Prevention and Control, the 2024 Law on Social Insurance, and decrees on handling administrative violations that provide detailed sanctions for discriminatory actions in all forms.¹¹

13. Viet Nam has also developed and implemented programs and initiatives to promote gender equality and prevent and respond to gender-based violence, such as the Gender Equality Communication Program to 2030 and the Program on Preventing and Responding to Gender-Based Violence 2021–2025. Communication methods have become increasingly diverse and tailored to different target groups, with leveraging information technology and digital tools to ensure faster and easier access to information. These efforts have spread the message of gender equality and gender-based violence prevention and response, and the empowerment of women and girls. In 2023 alone, 57,683 news articles were produced and disseminated through various media platforms, along with over 1.4 million leaflets and communication products. Additionally, 32,294 conferences, workshops, seminars, training sessions, and communication events were held, engaging more than 10 million participants and spreading key messages about gender equality and gender-based violence prevention. Currently, Viet Nam has around 6,000 models and facilities providing prevention and response services to deal with gender-based violence and domestic violence. These facilities offer practical support to victims, such as Peace Houses in Ha Noi, Quang Binh, and Can Tho, and Sunshine Houses in Quang Ninh and Thanh Hoa, gradually meeting the needs of victims. Furthermore, Viet Nam launched the National Action Program on Women, Peace, and Security for 2024–2030. By the end of 2023, 11 out of 20 targets in the National Strategy on Gender Equality for 2021–2030 had been achieved or exceeded the goals set for 2025.

14. The participation of Vietnamese women in management and leadership positions has increased, gradually narrowing the gender gap in politics. In the 15th Legislature of the National Assembly, there are 151 female deputies (accounting for 30.26% of the total deputies, an increase of 3.54% compared to the previous term). As of August 2024, Viet Nam has 01 female State Vice President, 01 female Deputy Chair of the National Assembly, 03 female chairs out of 12 chairs of committees or equivalent agencies in the National Assembly, 04 female Ministers out of 30 Ministers or equivalent positions, and 14 out of 30 ministries and equivalent government agencies with key female leaders. Additionally, 74.6% of provincial -level local governments (47 out of 63 provinces and centrally managed cities) have key female leaders.

15. According to the Global Gender Gap Report 2024 by the World Economic Forum, Viet Nam ranked 72nd out of 146 countries, climbing 11 positions compared to 2022. The Report highlights significant progress in women's economic participation and education. By the end of 2023, 11 out of 20 targets in the National Strategy on Gender Equality 2021–2030 were achieved or exceeded the goals set for 2025.

16. As stated in Paragraph 28 of CCPR/C/VNM/4, in 2022, Viet Nam passed the Law on Domestic Violence Prevention and Control (replacing the 2007 Law). The new Law introduces numerous new and progressive provisions, placing victims of domestic violence at the center of all domestic violence prevention and response policies, ensuring the rights and interests of victims of domestic violence, etc.

17. Viet Nam is currently implementing a comprehensive plan to enforce the Law on Domestic violence Prevention and Control,¹² with a focus on strengthening communication, public awareness, and legal education about domestic violence prevention and control. These efforts aim to provide victims with full access to information about their rights and the mechanisms available to protect them. This also helps address and mitigate factors contributing to victims' hesitation in reporting abuse, including access to mediation measures

¹¹ Annex 2.

¹² Attached to Decision 428/QĐ-TTg dated 18 May 2024.

as outlined in the Law on Domestic Violence Prevention and Control.¹³ Between 01 October 2022, and 30 June 2024, People's Courts at all levels have received and have been processing 2,104 divorce lawsuits related to domestic violence.

18. Marital rape is prosecuted as rape under Article 141 of the 2015 Penal Code (PC), provided the act fulfills all constituent elements of rape. There is no distinction between marital and non-marital rape, nor are the perpetrators limited to a husband or wife. The Law on Domestic Violence Prevention and Control broadens the definition of domestic violence to include consequences “that may cause sexual harm” as a manifestation of domestic violence.¹⁴ Viet Nam is currently exploring the possibility of criminalizing marital rape and sexual abuse as separate crimes.¹⁵

19. Viet Nam strongly supports the elimination of violence and discrimination based on gender identity and sexual orientation. The country is gradually revising laws and regulations to be more inclusive of the LGBT community. A draft Law on Gender Transition is being developed, including proposed provisions on the right to change gender identity, the requirement to determine a gender identity different from the one assigned at birth, and the right to choose medical interventions for gender reassignment surgery. The draft Law is being assigned to the Government for further study and will be submitted to the National Assembly for consideration when it meets the required conditions.

20. The Ministry of Health, through its Document No. 4132/BYT-PC dated 03 August 2022, affirmed that homosexuality, bisexuality, and transgender are not illnesses. The document instructs healthcare facilities to refrain from discrimination, forced interventions or “treatment” while providing psychological support if necessary and conducted by professionals specializing in gender identity. These policies align Viet Nam's healthcare approach with global standards on health and human rights.

Articles 6 and 14

Right to life

21. Article 19 of Viet Nam's Constitution affirms that everyone has the right to life, and human life is protected by law. No one may be unlawfully deprived of their life. The issues raised in Paragraphs 8 and 9 of the LOIs should be thoroughly considered in connection with the reports CCPRVNM/FCO/3 and CCPR/C/VNM/4.¹⁶

22. As stated in CCPR/C/VNM/4 (Paragraphs 33 and 35), Viet Nam retains the death penalty as a necessary measure to prevent particularly serious crimes, in compliance with Article 6(2) of the ICCPR. The execution of the death penalty follows a highly stringent process, from investigation, prosecution, and trial to enforcement.¹⁷ Throughout these procedures, the Supreme People's Procuracy and related agencies maintain close oversight. Viet Nam strictly prohibits the execution of the death penalty outside of judicial proceedings. Procedures for reviewing death sentences before enforcement are specifically stipulated in Article 367 of the Criminal Procedure Code (CPC). Within a seven-day time limit as of the date a death sentence becomes legally effective, the person sentenced has the right to submit a petition for clemency to the President.

23. Reducing the use of the death penalty is a consistent and humane policy of the State of Viet Nam. In recent years, Viet Nam has made significant efforts to limit the death penalty through various measures, such as reducing the number and types of crimes punishable by the death penalty, and non-execution of the death penalty applicable to certain cases. Viet Nam is currently reviewing and addressing shortcomings in the PC and the CPC related to the enforcement of the death penalty, including reducing the number of crimes subject to the death penalty and increasing the use of alternative punishments, such as life imprisonment,

¹³ Articles 17 and 18.

¹⁴ Article 2.

¹⁵ Point 2.2b of Decision 1252/QĐ-TTg.

¹⁶ Annex 3.

¹⁷ The CPC (Article 367); the Law on Civil Judgment Enforcement (Articles 77, 78, 79, 80, 81, 82, and 83).

particularly for economic and property-related crimes.¹⁸ Additionally, the study of the possibility of acceding to the ICCPR Optional Protocols is placed in the broader context of Vietnamese criminal justice policy.

24. Responding to climate change and protecting the environment are among Viet Nam's key priorities. Viet Nam is committed to environmental protection¹⁹ and continues to take concrete actions to achieve this goal. In September 2024, Typhoon Yagi caused devastating damage in Viet Nam, resulting in 334 deaths and missing persons, 1,979 injuries, and substantial property losses. The total estimated economic loss was approximately VND 81 trillion (equivalent to USD 3.151 billion). To address the aftermath of Typhoon Yagi, Viet Nam mobilized nearly 700,000 personnel and 9,000 vehicles for response efforts, proactively implementing measures to ensure the safety and lives of its citizens. The Prime Minister issued seven decisions to allocate funds from the central budget reserves and release rice from national reserves to assist families and individuals affected by the disaster. On September 17, 2024, the Government issued Resolution No. 143/NQ-CP, outlining key tasks and solutions to recover from Typhoon Yagi. These measures focus on protecting lives, health, and safety, supporting the restoration of social activities, and preparing for future natural disasters, storms, floods, and landslides. Additionally, the Prime Minister launched a national campaign titled "Join hands to eliminate temporary and dilapidated housing nationwide by 2025" and issued Decision No. 656/QĐ-TTg dated 16 July 2024, establishing a fund to support the campaign. Furthermore, Decision No. 1234/QĐ-TTg dated 22 October 2024, established a Central Steering Committee to implement the campaign, aiming to eliminate all temporary and dilapidated housing for poor and near-poor households across the country by the end of 2025.

25. Viet Nam is one of the first developing countries in the world to incorporate obligations and commitments to reduce greenhouse gas emissions into its domestic legal framework.²⁰ Government agencies, academics, and non-governmental organizations have collaborated to develop materials, disseminate knowledge, and build skills to raise public awareness and responsibility for addressing climate change. Conferences and training sessions have been organized to share knowledge and skills on climate change adaptation with local governments, socio-political organizations, mass organisations and youth groups.

26. In accordance with Interpol Constitution²¹ and the principles of the Universal Declaration of Human Rights, Viet Nam ensures full compliance with human rights and Interpol Constitution when assessing and guiding local police in requesting Interpol to issue Red Notices (international arrest warrants).

27. In Viet Nam, there is no practice of enforced disappearances or transnational repression.²² In April 2024, Viet Nam responded to a communication from the Working Group on Enforced or Involuntary Disappearances, affirming that no information was available regarding Dong Guangping.²³ Viet Nam's competent authorities consistently cooperate responsibly in resolving cases upon request. However, Canada has not so far provided relevant information thereof to Viet Nam.

Articles 2, 6–8, 10, and 24

Prohibition of torture and other cruel, inhuman, or degrading treatment or punishment, and treatment of persons deprived of liberty, including prisoners of conscience

28. The Constitution of Viet Nam (Article 20) guarantees the right to physical inviolability, prohibiting torture, violence, coercion, or degrading treatment. The PC criminalizes all acts constituting torture. Issues related to torture should be considered

¹⁸ Plan 131/KH-VKSNDTC dated 12 June 2024 of the Supreme People's Procuracy.

¹⁹ COP 26 and 27.

²⁰ Law on Environment protection 2020.

²¹ Interpol Constitution, Articles 2 and 3.

²² See more at Paragraph 39.

²³ Information on entry, residence or personal identity.

alongside Reports CAT/C/VNM/2 and CCPR/C/VNM/4 (Paragraphs 39 and 40). Viet Nam has adopted a National Action Plan and rigorously implemented measures to enhance the effective enforcement of the Convention Against Torture (CAT) and relevant recommendations from the CAT Committee.²⁴

29. In Viet Nam, there are no prisoners of conscience. Detention and imprisonment regimes are applied equally to all individuals convicted of crimes without discrimination for any reason. All allegations of torture or cruel treatment leading to deaths in detention facilities are promptly investigated and handled in accordance with the law.²⁵

30. Since 2019, Viet Nam has received, processed, and resolved 13 complaints related to acts of torture, providing compensation for damage as stipulated by law. In five cases tried for the offense of coercion or degrading treatment, the perpetrators were required to compensate the victims and their families with a total of VND 333,820,000.

31. Regarding the cases of Trịnh Bá Tư and journalist Huỳnh Thực Vy, legal enforcement agencies conducted investigation, prosecution, and trial in strict compliance with the PC and the CPC. There were no occurrences of coercion or degrading treatment during the proceedings.²⁶

32. Monitoring and supervision in the enforcement of criminal sentences are strictly specified in specialized legal documents.²⁷ Viet Nam has approved investment projects to enhance infrastructure and technology for audio and video recording during interrogations, as required by the CPC. The Ministry of Public Security (MPS) has strengthened oversight mechanisms in criminal procedural activities, ensuring that audio and video recordings of suspect interrogations are conducted in full compliance with the law.

33. To date, the MPS has successfully installed audio and video recording equipment in 204 interrogation rooms nationwide, established 25 monitoring and data storage rooms in detention and custody facilities, and provided thousands of audio and video recording devices and storage cabinets for CDs/VCDs to police units at various levels. 100% of local police units have implemented audio and video recording during suspect interrogations.

34. Viet Nam has established various mechanisms for inspecting and supervising detention facilities, ensuring independence, effectiveness, and regularity, including both scheduled and ad-hoc inspections. These mechanisms involve various institutions, such as the National Assembly and its Judicial Committee, its delegations of deputies as well as its individual deputies, the Viet Nam Fatherland Front, inspection agencies, the media, and, most notably, the continuous, direct, and comprehensive supervision by People's Procuracies at all levels. Between 2023 and August 2024, Viet Nam organized numerous inspection, monitoring, and evaluation delegations to detention facilities. The Judicial Committee of the National Assembly conducted six field surveys on the compliance with legal regulations regarding the enforcement of imprisonment sentences in seven prisons under the management of the MPS, reformatory schools, and compulsory education institutions.

35. Higher-level agencies, which oversee custody, detention and criminal sentence enforcement, regularly issue annual inspection plans on facilities under their jurisdiction. Any violation discovered is strictly handled. The MPS's Inspectorate conducted 31 inspections involving 32 subjects related to custody, detention, criminal sentence enforcement, and reintegration programs, as well as three in-person surveys in detention facilities, custody facilities, and reformatory schools in the northern, central, and southern regions. The Ministry of National Defense conducted 120 inspections of detention and custody facilities. Since early 2023, the MPS's Inspectorate organized 13 theme-specific inspections at 14 detention facilities under its management, and carried out four reviews to assess the implementation of theme-specific inspection conclusions. Viet Nam has also prioritized investment in improving infrastructure for detention management, integrating medical care and enhancing the mental well-being of detainees. The MPS approved a

²⁴ Decision 87/QĐ-TTĐ dated 14 December 2023.

²⁵ CPC (Article 143); PC (Articles 373 and 374).

²⁶ See more at Paragraph 40.

²⁷ Law on Criminal judgment enforcement (Articles 6 and 7); Law on the National Assembly's organization (Article 6); Law on Organization of the Supreme People's Procuracy (Article 25).

comprehensive project for the construction, renovation, and upgrading of detention facilities for 2018–2020 under Decision No. 6885/QĐ-BCA-H02 dated 31 October 2018. Furthermore, on 15 July 2021, the Prime Minister signed Decision No. 1228/QĐ-TTg, authorizing the third phase of a comprehensive investment project to build and improve detention and custody facilities under the MPS, with a total investment of hundreds of billions Vietnamese Dongs.

36. Vietnamese laws and regulations do not include the concept of “solitary confinement”. The current laws and regulations provide for disciplinary measures against detainees who violate facility regulations. These disciplinary measures are clearly and specifically defined in terms of forms, duration, and severity, and are designed to avoid any characteristics of torture, cruel treatment, inhumane or degrading punishment.

37. Viet Nam affirms that drug users are not detained in drug rehabilitation centers and continues to implement numerous measures to combat drugs effectively. The Government has issued the National Strategy for Drug Prevention and Control until 2020 with orientations toward 2030, along with decrees guiding the implementation of the Law on Drug Prevention and Control. It also launched a Program to prevent and control drug use among youth until 2030, emphasizing communication efforts targeted at high-risk and complex areas and groups. Specialized anti-drug forces, including the police, border guards, coast guards, and customs agencies, have coordinated comprehensive measures to fight drug-related crimes. In 2023, the MPS’s specialized forces addressed 226 cases of organized, transnational, and foreign-related drug trafficking, arresting numerous offenders and seizing significant quantities of drugs. Currently, Viet Nam has approximately 444 facilities in 36 provinces and cities qualified to provide voluntary drug rehabilitation services at home or in the community, an increase of 401 facilities compared to 2022. Several localities have adopted innovative approaches to overcome challenges, such as assigning healthcare centers to provide rehabilitation services or establishing community-based counseling and support centers for drug rehabilitation. Mandatory drug rehabilitation is only applied when individuals are determined by competent authorities to be addicted to drugs, and they do not voluntarily participate in drug rehabilitation or opioid substitution treatment. This measure applies only to individuals aged 18 and above under conditions specified by the Law on Handling Administrative Violations and the Law on Drug Prevention and Control. It is an administrative measure aimed at treatment of drug addiction in forms of labor, cultural education, and vocational training under the management of mandatory rehabilitation facilities.

38. Viet Nam consistently respects and safeguards the life, health, honor, dignity, and property of individuals undergoing drug rehabilitation. Mandatory rehabilitation measures shall be decided by a court under the legal proceedings. Vietnamese law clearly defines the conditions, authority, and procedures for applying rehabilitation measures, as well as the operations and standards of rehabilitation facilities, to ensure the rights of individuals in rehabilitation. Therapeutic labor is one of the stages in the drug rehabilitation process.

Articles 2 and 9

Liberty and security of persons

39. The Constitution and relevant laws guarantee Vietnamese citizens’ right to freedom of movement and residence. As stated in CCPR/C/VNM/4 (Paragraph 45), any individual under arrest shall have his/her rights guaranteed by law, including prompt access to his/her family members and legal counsel as soon as he/she arrives at the office of the investigation agency or agency assigned to conduct specific investigation, or upon the issuance of a detention order. Viet Nam has issued legal regulations guiding the implementation for the Law on Criminal Sentence Enforcement, the Law on Detention and Temporary Custody, which specify the rights and obligations of detainees, including provision of food, clothing, accommodation, medical care, and treatment; as well as regimes for labor, education, recreation, visitation, and family meetings.²⁸

²⁸ Circular 33/2017/TT-BCA dated 19 September 2017 of the Ministry of Public Security on receiving, managing and detaining detainees.

40. In Viet Nam, no one is subjected to arbitrary arrest, detention, or incommunicado detention, as alleged in some claims regarding so-called “defenders or activists for human rights, environmental rights,²⁹ land rights, ethnic minorities, dissidents, etc.” or “religious leaders”. All cases involving violations of the law are handled strictly in accordance with Vietnamese law.³⁰ The CPC strictly stipulates the authority and time limits for detention and temporary custody during investigations. The duration of detention and custody is specifically defined in the CPC (Articles 118 and 173), ensuring that there is no prolonged detention without trial.

41. Any legal violation by officials performing their duties will be strictly handled through complaints and denunciations filed by detainees and through independent oversight by organizations, such as the Viet Nam Fatherland Front, the National Assembly’s bodies, and particularly People’s Procuracies at all levels.

42. Information on the conditions, duration, procedures, and grounds for detention and custody has been provided in detail in CAT/C/VNM/2, CCPR/C/VNM/4 (Paragraphs 37, 47 and 48), and Paragraphs 29–36 above.

Articles 2, 7, 8, and 26

Elimination of slavery, servitude, and trafficking in persons

43. As mentioned in CCPR/C/VNM/4 (Paragraphs 42, 43, and 44), Viet Nam has prioritized and enhanced efforts to prevent and combat forced labor and human trafficking while protecting victims of human trafficking, including through the continued issuance of policies and legal documents.

44. Viet Nam has passed the revised Law on Prevention and Combat against Human Trafficking in November 2024 and is considering revising the definition on the age of a child to align with the Convention on the Rights of the Child (CRC).

45. Ministries, agencies, and local government bodies in Viet Nam actively implement Decision No. 2234/QĐ-TTg, which approves the Plan for Implementing ILO Convention No. 105 on the Abolition of Forced Labor, the Program for Preventing and Combating Human Trafficking for 2021–2025 with orientations toward 2030,³¹ and the Scheme on Reception, Verification, Protection, and Support for Victims of Trafficking. Central agencies have issued interagency coordination regulations to improve the effectiveness of victim reception, protection, and support.³²

46. Viet Nam has strengthened assistance channels, including the National Child Protection Hotline, and has actively identified, received, and provided initial support and safety measures for victims of trafficking. Vietnamese nationals and stateless individuals being victims of human trafficking and residing in Viet Nam may receive assistance depending on their circumstances, including essential needs, travel expenses, psychological and medical support, legal aid, education, vocational training, and initial financial aid. Victims can also stay in social assistance centers for up to 90 days.

47. From 01 January 2022 to 30 June 2024, Vietnamese authorities received and verified 809 cases, identifying 464 victims of trafficking and providing assistance to 479 victims (including those returning from previous years). This includes provision of essential needs for 353 victims, travel expenses for 308 victims, medical support for 182 victims, psychological support for 270 victims, legal aid for 118 victims, and initial financial aid for 56 victims, all in accordance with laws and regulations.

²⁹ See more at Paragraph 26 CCPR/C/VNM/4.

³⁰ Cases of arrest and temporary custody are specifically stipulated in the CPC and the Law on Handling Administrative Violations (Article 122), No. 15/2012/QH13 dated 20 June 2012, as amended and supplemented by Law No. 67/2020/QH14 dated 13 November 2020, which governs temporary custody according to the administrative procedures.

³¹ Decision 193/QĐ-TTg dated 21 February 2021 of the Prime Minister.

³² Inter-agency Coordination Regulation No.2548/QCPH-LDTBXH-CA-QP-NG.

48. Women's Unions across various levels continue to maintain communication models and activities³³ for human trafficking prevention and support for victims of trafficking. Complaints and reports of human trafficking or forced labor cases abroad can be directed to Vietnamese diplomatic missions for support and coordination, in accordance with law.

49. The Peaceful Homes (Ngôi nhà bình yên) model, has been operating since 2007, saw a significant milestone in December 2023 with the establishment of the Social Assistance Center – Peaceful Homes. This marks a crucial step in providing comprehensive services for women and children victims of violence. Peaceful Homes offer timely, urgent, and holistic support for victims, enabling safe and sustainable reintegration through a free assistance service package.³⁴

50. Annually, the MPS launches intensive campaigns to combat human trafficking crimes nationwide and along border areas.³⁵ In 2023, the competent authorities detected and investigated 147 cases involving 365 offenders, with 311 victims of trafficking (an increase of 57 cases, or 63.3%, compared to the same period in 2022). Among these, 72 cases involved 152 offenders of trafficking in persons, and 75 cases involved 213 offenders of trafficking in persons under 16. In the first half of 2024, the competent authorities investigated 98 cases involving 234 offenders and 246 victims, including 50 cases involving 120 offenders and 125 victims of trafficking in persons, and 48 cases involving 114 offenders and 121 victims of trafficking persons under 16.

51. From December 2022 to May 2024, People's Procuracies at all levels handled 147 cases involving 425 defendants and prosecuted 135 cases involving 375 defendants related to human trafficking and forced labor. The breakdown is as follows:

- Trafficking in persons (Article 150 of the PC): handled 77 cases involving 191 defendants, prosecuted 69 cases involving 160 defendants.
- Trafficking in persons under 16 years old (Article 151 of the PC): handled 67 cases involving 226 defendants, prosecuted 63 cases involving 210 defendants.
- Violation of regulations on the use of under-16 laborers (Article 296 of the PC): handled 3 cases involving 5 defendants, prosecuted 3 cases involving 5 defendants.

52. From December 2022 to August 2024, People's Courts at all levels processed 210 cases involving 599 defendants under first-instance procedures for human trafficking and related crimes (Articles 150, 151, 152, 153, and 154 of the PC). Of these, 194 cases involving 542 defendants were resolved, 158 cases involving 409 defendants were adjudicated, with the following outcomes: 1 defendant sentenced to life imprisonment, 403 defendants received fixed-term imprisonment (43 defendants: 15–20 years, 225 defendants: over 7–15 years, 115 defendants: over 3–7 years, 17 defendants: 3 years or less). The remaining cases resulted in other forms of punishment.

Articles 2, 9, and 12

Freedom of movement

53. As stated in Paragraphs 66–68 of CCPR/C/VNM/4, Viet Nam respects and guarantees the right to freedom of movement without discrimination. Restrictions on freedom of movement only in certain cases are applied in accordance with current laws and regulations, consistent with Article 12 of the ICCPR and General Comment No. 27 (1999) of the HRC regarding freedom of movement.

54. On 24 June 2023, during the 5th plenary session of the 15th National Assembly, the National Assembly passed the Law on Amending and Supplementing a Number of Articles of the Law on Exit and Entry of Vietnamese citizens. The Law introduced new provisions to facilitate administrative procedures related to passports and exit/entry processes for citizens, such as allowing electronic submission of application for ordinary passport, reducing the

³³ Annex 2.

³⁴ Annex 2.

³⁵ In coordination with bordering countries (China, Laos, Cambodia, etc.).

paperwork required for passport application, and removing the requirement that passport must have more than six months of validity to exit the country. This change particularly benefits citizens with passports valid for less than six months who hold foreign entry visas or have already settled abroad. In cases where individuals have violated the law, certain restrictions may be imposed in accordance with law to ensure the proper handling of cases. These restrictions are applied solely for legal reasons and are not related to ethnicity or religion.

55. From 2023 to June 2024, more than 400 religious' dignitaries, officials, and clergy traveled abroad for religious activities, including studies, conferences and seminars.

Articles 2, 9, and 14

Access to justice, independence of the judiciary and fair trial

56. As outlined in Paragraphs 72–75 of CCPR/C/VNM/4, Viet Nam continues to achieve significant progress in the judicial reform, enhancing the judicial independence, fair trials under the law, and guaranteeing the right to justice. Viet Nam has enacted the Ordinance on Handling Administrative Violations, which deals with any obstruction of judicial activities,³⁶ and the 2024 Revised Law on Organization of People's Courts, which introduced new provisions on judge classifications, terms, and appointment criteria. Additionally, the Politburo of Viet Nam issued Regulation No. 132-QĐ/TW dated 27 October 2023, which focuses on controlling power and combating corruption and negativity in investigative, prosecutorial, judicial, and enforcement activities. The Regulation strengthens the principle of judicial independence, clarifies judicial roles, and expands the application of independence in adjudication activities to administer justice and protect the rights and interests of the State and its people.

57. Draft proposals are being developed to “improve mechanisms to prevent, deter, and handle undue interference in judicial activities”, “establish systems for judicial oversight over legislative and executive agencies”, and “enhance the efficiency of simplified judicial procedures and integrate non-judicial methods of dispute resolution”.

58. From October 01, 2021 to 30 September 2024, the National Council for the Selection and Supervision of Judges appointed 1,268 judges, reappointed 1,393 judges and dismissed 20 judges.

59. The performance of prosecutorial function and supervision of criminal case resolution has significantly improved, reducing wrongfulness in criminal proceedings. The Supreme People's Procuracy regularly compiles statistics on prosecutorial activities and judicial oversight according to approved templates,³⁷ ensuring the protection of civil and political rights and addressing complaints and lawsuits related to violations of these rights.³⁸

60. Viet Nam ensures that lawyers are enabled and supported in their professional activities, prohibiting any interference by organizations or individuals.³⁹ Lawyers are involved in 100% of cases requiring legal representation, ensuring compliance with legal procedures. Their participation plays a crucial role in safeguarding the rights of the accused, reducing wrongfulness in criminal proceedings, uncovering truths, and ensuring proper adjudication. Viet Nam fosters the development of the legal profession through its policies, laws and regulations. The Viet Nam Bar Federation (VBF) receives government funding for office leases, while local bar associations are provided with facilities or initial infrastructure support. Courts and Procuracies at all levels actively collaborate with the VBF and local bar associations by signing cooperation mechanisms with Departments of Justice and bar associations to enhance legal aid in judicial activities. Specific results are as follows:

- By 31 July 2024, Viet Nam has 18,749 lawyers practicing in over 5,900 law practicing organizations. Since 2021, lawyers have handled an average of 100,000 cases

³⁶ Ordinance 02/2022/UBTVQH dated 18 August 2022.

³⁷ Attached to Decision 560/QĐ-VKSTC dated November 13, 2019.

³⁸ Annex 2.

³⁹ Article 9 of the Law on Lawyers.

annually, including 14,800 criminal cases and 11,675 civil, administrative, and labor cases out of 107,000 cases in 2023 alone.

- Viet Nam has issued and implemented effectively two national programs for legal aid provision during court trial and criminal investigation⁴⁰. In 2023, 38,371 legal aid cases were received, of which 33,013 cases were completed, benefiting 33,013 individuals (an increase of 19% compared to 2022). Of these, 25,506 cases involved litigation (accounting for 77% of total cases and a 19% increase from 2022). All evaluated cases met quality standards, and 8,124 litigation cases were successfully resolved (a 10% increase from the same period in 2022).

61. In cases where lawyers violate the code of ethics and professional conduct, their respective bar associations review and impose disciplinary measures.⁴¹ Lawyers have the right to appeal disciplinary decisions to the Viet Nam Bar Federation for general disciplinary actions, or to the Minister of Justice for penalties such as “suspension of membership for 6 to 24 months” or “removal from the bar association’s membership list.”

62. On 30 November 2024, the National Assembly of Viet Nam passed the Juvenile Justice Law, introducing provisions aimed at protecting the rights and best interests of juveniles who violate the law. Viet Nam has strengthened its system of family and juvenile courts, with 41 family and juvenile courts established across 39 provincial-level People’s Courts and 2 high-level People’s Courts.⁴² The organizational structure of these courts has been enhanced,⁴³ and judges and court clerks receive regular training on juvenile-related knowledge and skills through workshops, seminars, and professional development activities. Additionally, Viet Nam has set up 33 child-friendly investigation rooms in 30 localities to handle cases involving individuals under 18 years old, and investigators have been trained to apply child-friendly techniques during investigations.

63. Alternatives to detention for individuals aged 14 to under 18 are outlined in Paragraphs 52–55 of CCPR/C/VNM/4. The Juvenile Justice Law incorporates numerous community-based diversion measures tailored to juveniles. This Law was approved by the National Assembly during the 8th session of the 15th National Assembly in 2024.⁴⁴

Article 17

Right to privacy

64. The State of Viet Nam consistently recognizes and protects the right to private life, personal secrets, and family secrets, as enshrined in the Constitution and current legal documents. There is no arbitrary surveillance of political activists, journalists, or human rights defenders, as alleged in Paragraph 19 of the LOIs.

65. The Constitution of Viet Nam guarantees everyone the right to confidentiality of correspondence, telephone conversations, telegrams, and other forms of private communication. Legal documents ensure the safety and confidentiality of correspondence, telephone communication, electronic data, and other private exchanges. The opening, inspection, or seizure of correspondence, telephone communication, telegrams, electronic databases, or other private communication of individuals is permitted only under circumstances prescribed by law.⁴⁵

66. Cases of personal data processing without the data owner’s consent, as stipulated in Decree No. 13/2023/ND-CP (Article 17), are limited to urgent situations. These include scenarios where immediate processing of personal data is required to protect the life or health of the data owner or others. Entities involved in such data processing must demonstrate the

⁴⁰ National Programs No. 1603/CTPH-BTP-TANDTC and No. 5789/CTPH-BTP-BCA.

⁴¹ Law on Lawyers (Article 18).

⁴² Hanoi and Ho Chi Minh city.

⁴³ 207 personnel, 98 judges, 107 clerks and 2 court examiners.

⁴⁴ Annex 2.

⁴⁵ Civil Code, CPC, Law on Press, Law on Post, Law on Telecommunications, Law on Information Technology, Law on Electronic Transactions, Law on Cyber Information Security.

necessity and appropriateness of their actions, as specified in Article 17. The provisions of this Decree fully comply with Article 14.2 of the Constitution and the ICCPR.

Articles 2, 18–20, and 26

Freedom of conscience and religious belief

67. The Constitution and the Law on Belief and Religion guarantee everyone the right to freedom of belief and religion, including the right to follow or not follow any religion. During the reporting period, Viet Nam enhanced measures to ensure religious freedom. Legitimate religious and belief-related needs were addressed by authorities, as outlined in Paragraphs 84–88 of CCPR/C/VNM/4.

68. Viet Nam has actively implemented the Law on Belief and Religion,⁴⁶ improving administrative procedures and revising relevant legal documents. Decree No. 95/2023/ND-CP, detailing the implementation of the Law on Belief and Religion, ensures better protection of freedom of belief and religion and aligns fully with Article 18 of the ICCPR.

69. All religions are equal before the law, and the State does not discriminate based on belief or religion.⁴⁷ Recognition of religious organizations is carried out per Articles 19 and 22 of the Law on Belief and Religion. In cases where registration or recognition is denied, authorities clearly explain the reasons. Between December 2023 and April 2024, two additional religious organizations were recognized by the State.⁴⁸ To date, Viet Nam has recognized 39 religious organizations and issued registration certificates to one organization and one religious practice affiliated with 16 religions.

70. The right of religious followers to practice their faith, organize religious activities, and participate in religious events is respected and guaranteed. Religious organizations have conducted various activities both within and outside places of worship with support from local authorities. In 2023, approximately 40 Protestant organizations collaborated to organize the “Spring of Love” program in Ho Chi Minh City, which saw about 20,000 participants. The Pentecostal Evangelical Church of Viet Nam was permitted to host the “Love Season Gospel Music Program” in Can Tho, with an estimated attendance of 10,000 people planned for December 2024.

71. Followers of religions are free to express their faith at home, in places of worship, or at registered group gathering points. Groups that have not been recognized as religious organizations or have not registered for religious activities may lack official recognition due to not meeting conditions or failing to complete registration under the Law on Belief and Religion. Currently, Viet Nam has about 5,000 religious group gathering points, of which over 3,700 are officially registered, more than 60 groups of foreign nationals lawfully residing in Viet Nam, and several groups affiliated with unrecognized religious organizations, such as Buddhist Dharma Viet Nam (Pháp Tạng Việt Nam) with 08 gathering points, and over 400 groups belonging to 56 Protestant churches.

72. Religious organizations are financially independent and operate under their charters, regulations, and relevant laws and regulations. Under the 2024 Revised Land Law, the State allocates land for worship places and religious organization offices without charging land use fees. Religious organizations using land for other purposes must pay rent like other entities. Local governments facilitate land allocation for religious facilities in accordance with the law. Currently, most newly built places of worship have been granted land use right certificates, with over 70% of religious facilities having received these certificates. Many provinces and cities have allocated substantial land areas for religious facilities.⁴⁹

73. Viet Nam does not criminalize religious activities. Administrative or criminal actions are taken only in cases where individuals or organizations violate the laws and regulations and the PC, such as exploiting religion to incite violence or disrupt public order. Religious

⁴⁶ Annex 2.

⁴⁷ Annex 2.

⁴⁸ Full Gospel Church of Viet Nam, Viet Nam United Gospel Mission Church.

⁴⁹ Annex 2.

individuals and organizations have the right to file complaints when their rights and legitimate interests are violated, as stipulated by the Law on Complaints and other relevant legal documents.

Articles 9, 14, 19, and 20

Freedom of expression

74. The Constitution (Article 25) stipulates that citizens have the right to freedom of expression, freedom of the press, and access to information. Viet Nam continues to improve its legal framework to (1) ensure freedom of the press, expression, and information exchange in the digital and transitioning society; raise public and professional awareness to prevent violations and ensure a healthy internet environment; (2) prevent and strictly address abuses of freedom of expression and the press that infringe on the rights and legitimate interests of others. Current legislation meets these objectives and aligns with Articles 19 and 20 of the ICCPR. Viet Nam is also considering amendments to the Law on Press.

75. Media in Viet Nam operates freely in accordance with law. Press and publishing agencies are not subject to pre-print, transmission, or broadcast censorship. The rights to freedom of expression, press, and information have improved significantly due to the rapid, diverse, and rich development of mass media.

76. By July 2024, in Viet Nam, there are 6 key multimedia agencies, 126 newspapers, 671 press agencies, 72 radio and television stations, 78 radio channels, 192 television channels, and 57 foreign channels available via paid TV, 10,070 local radio stations across 10,598 communes, wards, and towns, and 666 district-level broadcasting facilities out of 705 districts, towns and cities.

77. The State allocates resources through programs, such as the National Target Program on Sustainable Poverty Reduction (with a component of information for poverty reduction) and the National Target Program for Socio-Economic Development in Ethnic Minority and Mountainous Areas (2021–2030). In 2024, a budget of VND 338 billion was allocated for the Communication and Information for Poverty Reduction Project. Initiatives like the Universal Telecommunication Program aim to develop communication infrastructure, bridge information access gaps between regions and ethnicities, and promote telecommunications, internet, and social media, enabling free and easy information exchange.

78. After 27 years of its connection to the internet, Viet Nam has become a leader in telecommunications and internet development, with modern technology and high internet penetration. By 2024, Viet Nam had over 78.44 million internet users, accounting for 79.1% of the population, 101.12 million smartphone users, and 91.311 million mobile broadband subscribers. The telecommunications network continues to expand, covering 99.73% of villages nationwide, with 80.2% of households using fiber optic connections. Infrastructure has reached 100% of communes, wards, towns, and schools, and 91% of villages.

79. Viet Nam actively participates in regional and global forums on human rights,⁵⁰ strengthens cooperation with the United Nations and its Special Procedures to review Viet Nam's human rights situation,⁵¹ and promotes engagement with mass organizations and professional organizations to contribute to the socio-economic development. Viet Nam facilitates cooperation with international organizations, UN entities, and NGOs working in civil protection in general and environmental protection in particular, ensuring favorable conditions for their activities.⁵²

80. Many legal documents have been issued to facilitate the operations of foreign NGOs and UN organizations in Viet Nam.⁵³ Currently, 15 UN organizations and over 400 foreign

⁵⁰ At multilateral forums such as the United Nations General Assembly (UNGA), the United Nations Human Rights Council (UNHRC), and ASEAN.

⁵¹ The Special Rapporteur on the Right to Development visited Viet Nam in November 2023 at the invitation of the Vietnamese government.

⁵² See more at Paragraph 26.

⁵³ Annex 2.

NGOs are registered and collaborating with Vietnamese organizations and citizens to promote and protect human rights.

81. The State of Viet Nam is consistent in its policy to protect and maximize citizens' freedoms while strictly prohibiting abuse of power to infringe on personal freedoms or citizens' democratic rights. Decree No. 119/2020/ND-CP regulates the handling of administrative violations in journalism, publishing, and printing activities, introducing provisions to protect journalists in their work. It also increases penalties for actions, such as verbal or physical threats against journalists that do not amount to criminal liability, destroying or damaging journalists' equipment or documents, using altered or falsified press cards for journalistic activities, impersonating journalists, or abusing the status of a journalist to interfere with lawful activities of organizations or individuals.

82. Viet Nam arrested and brought to trial five individuals (Mai Phan Lợi, Bạch Hùng Dương, Đặng Đình Bách, Nguyễn Thụy Khanh, and Hoàng Thị Minh Hồng) for violations of the Vietnamese PC, not for exercising civil or political rights or for environmental protection activities. The arrest, investigation, prosecution, and trial were conducted in accordance with Vietnamese laws and regulations. Their trials were held publicly, with information disseminated through the media.⁵⁴ All five individuals have since been released, either through presidential pardons, early release, or upon completion of their prison sentences.

Articles 21 and 22

Freedom of peaceful assembly and freedom of association

83. In Viet Nam, the rights to peaceful assembly, gatherings, parades, and demonstrations are enshrined in the Constitution and various legal documents, and they are safeguarded in practice. The State implements measures to ensure that these activities can take place safely. The 2022 Law on Grassroots Democracy guarantees citizens' rights to participate in and propose initiatives to state agencies, monitor and inspect activities, make recommendations, lodge complaints, file lawsuits, and report violations of law. In 2024, the Government issued Decree No. 126/2024/ND-CP, facilitating the establishment, organization, operation, and state management of associations duly formed and operating in Viet Nam.⁵⁵ The procedures for establishment are publicly listed and processed through the One-Stop Shop and the National Online Public Service Portal. By 31 December 2023, Viet Nam has 71,891 associations, including 603 local associations. Vietnamese authorities have taken into serious consideration the drafting and promulgation of laws on demonstrations and associations to ensure that such future laws align with Viet Nam's specific context and conditions.

84. Decision No.06/2020/QĐ-TTg, Decree No.56/2020/ND-CP, and Decree No.114/2021/ND-CP govern state management in specific fields. These regulations, like those in other countries, align fully with Articles 21 and 22 of the ICCPR. They aim to better organize international conferences and workshops in Viet Nam without restricting the right to freedom of assembly and to effectively manage and utilize official development assistance (ODA) and concessional loans for their intended purposes, ensuring efficiency and resource optimization.

85. Between 2020 and 2023, Viet Nam hosted 4,836 international conferences and workshops, including 2,544 organized by ministries and agencies and 2,292 by local authorities. Due to the COVID-19 pandemic, many events were interrupted, canceled, or held online, with 1,578 events organized during 2020–2021. The number of events increased significantly after the pandemic, with 3,258 events attracting hundreds of thousands of participants. Most events were funded by international organizations, agencies, companies, and foreign businesses in Viet Nam, supplemented by state budget contributions. Topics covered a wide range of issues, including human rights.⁵⁶

86. The Constitution, laws and regulations of Viet Nam ensure the lawful exercise of the rights to assembly, association, and protest while strictly prohibiting the use of force, threats,

⁵⁴ See more at Paragraph 54.

⁵⁵ This Decree replaces Decree 45/2010/ND-CP.

⁵⁶ Annex 3.

obstruction, or coercion to prevent or compel others to exercise these rights.⁵⁷ However, these rights are not absolute and may be restricted under specific circumstances as prescribed by law, in line with Article 14.2 of the Constitution. Dissolution of gatherings, arrests, or trials of individuals in certain situations is necessary⁵⁸ and carried out in accordance with the law. Vietnamese laws and regulations specify the conditions under which force may be used to perform official duties or suppress criminal acts.⁵⁹ Any person who uses force unlawfully while performing official duties, causing injury or harm to others, is subject to penalties under the PC.⁶⁰

Articles 2, 10, and 25

Participation in public affairs

87. In Viet Nam, the people's choice of the political system fully complies with Article 25 of the ICCPR. Active and proactive participation in the political, economic, and social life of the country is a constitutional right of all Vietnamese citizens, as outlined in Paragraphs 119–126 of CCPR/C/VNM/4.

88. Viet Nam conducts elections based on the principles of universal suffrage, equality, direct voting, and secret ballot, in accordance with the law. Voters shall cast their votes in person. The Law on Election of Deputies to the National Assembly and People's Councils specifies voting principles.⁶¹

89. Viet Nam ensures the electoral and candidacy rights of its citizens are increasingly protected, guided by democracy, transparency, and legality. There are no legal requirements for candidacy or elections to be subject to the conditions of the Viet Nam Fatherland Front or the approval of the Communist Party of Viet Nam. Many elected candidates are not party members. For example, in the 15th National Assembly, 14 elected deputies were not party members.

90. Viet Nam does not detain or penalize political dissidents.⁶² All citizens participating in elections or exercising their right to stand as candidates must comply with the law without discrimination. Election and candidacy activities are regularly monitored and supervised, and complaints or denunciations related to elections are addressed promptly and lawfully.

91. Any actions, such as deception, bribery, or coercion to obstruct citizens' voting or candidacy rights, violations of election campaigning regulations, forgery of documents, vote fraud, or other misconduct that distorts election results, are subject to disciplinary actions, administrative penalties, or criminal prosecution, depending on the severity of the violation.⁶³

92. The 15th National Assembly election recorded the highest voter turnout in Viet Nam's history. Despite being held during the COVID-19 pandemic, voters nationwide participated in elections at 841,914 polling stations. For those undergoing treatment in hospitals, isolation centers, or at home, election teams equipped with protective gear brought mobile ballot boxes to ensure voters exercised their rights in accordance with the law.

93. The total number of registered voters nationwide was 69,523,277, of which 69,243,939 participated, achieving a turnout rate of 99.60%. Provinces with high voter turnout included Hậu Giang: 99.99%, Lạng Sơn: 99.99%, Lào Cai: 99.98%, Trà Vinh: 99.97%, Bình Phước: 99.97%, Vĩnh Long: 99.96%, Bến Tre: 99.96%, Hà Giang: 99.96%, Yên Bái: 99.96%, Quảng Ngãi: 99.95%.

⁵⁷ Constitution 2013 (Article 25) and PC (Articles 163 and 167).

⁵⁸ Abusing the rights to democracy, freedom of expression, protest, and assembly to disrupt public order, use violence against law enforcement officers, and destroy private and state property.

⁵⁹ The Law on People's Public Security (Article 16), Law on Management and use of weapons, explosives, and supporting tools (Article 22).

⁶⁰ The PC (Article 137).

⁶¹ The Law on Election of deputies to the National Assembly and People's Councils (Article 60).

⁶² See more at Paragraph 40.

⁶³ Article 95 of the Law on Election of deputies to the National Assembly and People's Councils.

Articles 1, 14, and 27

Rights of minorities

94. The Constitution and legal documents of Viet Nam provide for and ensure the implementation of comprehensive development policies to facilitate ethnic minorities' thriving in all aspects. Specific implementation measures and guarantees for the rights of ethnic minorities are outlined in CERD/C/VNM/15-17 and Paragraphs 127–134 of CCPR/C/VNM/4.

95. In Viet Nam, the concept of “indigenous peoples” is not used. Instead, the terms “ethnic minorities” and “very small ethnic minorities” refer to groups that make up a smaller proportion (53 groups accounting for 14.68% of the total population)⁶⁴ compared to the majority ethnic group, the Kinh, in a multi-ethnic nation.

96. During the reporting period, 188 policies were implemented in ethnic minority and mountainous regions, with 136 of these specifically addressing the socio-economic difficulties faced by ethnic minorities.⁶⁵ These policies have significantly contributed to improving access to public services, such as healthcare, education, clean water, sanitation, and cultural preservation while ensuring greater realization of human rights, the right to work, and the freedom to choose an occupation.

97. Viet Nam continues to prioritize the National Target Program for Socio-economic Development in Ethnic Minority and Mountainous Areas (2021–2030) with a budget exceeding VND 137 trillion (approximately USD 5.6 billion) for projects and sub-projects.⁶⁶ Material and spiritual living standards for ethnic minorities have improved significantly. By the end of 2022, the poverty rate in ethnic minority and mountainous regions was 21.02% (down 4.89 percentage points compared to 2021) and further decreased to 16.5% by the end of 2023 (a reduction of 4.52 percentage points from 2022).

98. Viet Nam continues to ensure social security for ethnic minorities, particularly in economically disadvantaged areas. The State budget covers health insurance for key groups, including children under six and individuals over 80 years old.

99. The implementation of the National Target Program for Socio-economic Development in Ethnic Minority and Mountainous Areas (2021–2030), Phase I (2021–2025), aims to achieve targets, such as “100% of schools, classrooms, and health stations built to solid standards.” Efforts are being made to enhance healthcare services so that ethnic minorities can access modern healthcare. Progress includes controlling and moving toward eliminating diseases in ethnic minority regions. Currently, 98% of ethnic minorities participate in health insurance, and over 80% of pregnant women receive education, regular prenatal check-ups, and give birth at medical facilities or with the assistance of healthcare staff. The proportion of malnourished children (underweight) has been reduced to below 15%.

100. Ethnic minorities are guaranteed the right to work, freedom to choose an occupation, and equal, fair, and reasonable wages. Ethnic minorities who wish to work abroad are supported by the State with vocational training, foreign language education, and specialized skills to meet the requirements of host countries.

101. Viet Nam has made significant efforts to ensure the political rights of ethnic minorities, including their rights to vote and stand for election, ensuring adequate and appropriate representation in the National Assembly and People's Councils at all levels. Each National Assembly term includes representatives from 28 to 32 ethnic groups. Larger ethnic groups, such as the Tày, Thái, Mường, Khmer, Hmong, and Nùng, have consistently had significant representation across National Assembly terms. Smaller groups, including those with populations below 10,000 (and even fewer than 1,000) living in remote mountainous areas, have also been represented. To date, 51 out of 53 ethnic groups have had representatives in the National Assembly.

⁶⁴ Results of the 2019 Socio-economic Survey on 53 ethnic minorities.

⁶⁵ Annex 2.

⁶⁶ Annex 2.

102. Viet Nam has increasingly focused on promoting gender equality in ethnic minority communities. Ethnic minority women now participate more actively across all areas of social life. The proportion of female National Assembly deputies from ethnic minority groups has steadily increased. In the 14th National Assembly, 41 out of 133 female deputies were ethnic minorities, representing a 3.8% increase compared to the 9th term. Female ethnic minority deputies nearly equaled their male counterparts (e.g., 42 females vs. 45 males in the 12th term, 39 females vs. 39 males in the 13th term, and 41 females vs. 45 males in the 14th term). In the 15th National Assembly, the proportion of female deputies from ethnic minority groups further increased to 8.8% (44 female deputies out of 89 ethnic minority deputies, out of a total of 499 deputies). This ratio of female to male ethnic minority deputies (44 females vs. 45 males) reached 49.43%.

103. The State enables ethnic minorities to learn their native languages and scripts to preserve and promote their cultural heritage.⁶⁷ Policies have been issued to strengthen and develop education in ethnic minority and mountainous areas. All provinces in these regions have achieved universal preschool education for five-year-olds. 100% of ethnic minority and mountainous regions have primary and secondary schools, with most communes having preschools.

104. The State has established boarding schools, semi-boarding schools, and preparatory colleges for universities for ethnic minority children and those in mountainous areas or families residing in economically disadvantaged regions. These institutions aim to create a pool of trained personnel for these areas.

105. The 2024 Land Law⁶⁸ introduces new provisions to ensure land access for ethnic minorities. These include community land, housing, agricultural land, and non-agricultural production and business land. The law outlines support policies for ethnic minorities, poor households, and near-poor households in ethnic minority and mountainous regions. It also details the responsibilities of state agencies to develop and implement land policies and secure resources and land funds to support ethnic minorities.⁶⁹

106. Legal proceedings against individuals violating the law in Đắk Lắk province were conducted in accordance with Vietnamese law. The court's judgments complied with the law and demonstrated the State's leniency (none of the defendants received death penalty, even though their offenses were punishable by death penalty as the most severe penalty). Following the trial, there were no appeals or protests by the defendants.

⁶⁷ Law on Education 2019.

⁶⁸ Law 31/2024/QH15 replacing Law on Land 45/2013/QH13.

⁶⁹ The Land Law 2024 (Article 16).