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Summary record of the 4245th meeting

Held at the Palais Wilson, Geneva, on Tuesday, 8 July 2025, at 10 a.m.

Chair: Mr. Soh

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The meeting was called to order at 10 a.m.

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

*Fourth periodic report of Viet Nam (continued) (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 took places at the Committee table.*
2. **A representative of Viet Nam**, resuming his delegation's replies to the questions raised at the previous meeting, said that transferring prisoners to facilities far from their home was not used as a punitive measure. Prison placement depended on factors such as prison capacity, with efforts being made to keep prisoners close to their families. Vulnerable groups, such as pregnant women, juveniles and foreign nationals, were given special consideration. For security reasons, dangerous criminals from the same criminal network were detained in separate facilities. Amendments to the Law on Execution of Criminal Judgments and the Law on Temporary Detention and Custody aimed to improve prison conditions, and digital technology was used to enhance both prison administration and human rights protection.
3. Regarding drug rehabilitation, compulsory treatment only applied to individuals who were officially deemed to be addicted and who had refused voluntary care, in accordance with the Law on Drug Prevention and Control. Court review was required before placement in drug rehabilitation centres. There was no forced labour; instead, labour therapy helped build life skills through activities such as cooking, farming, sports and cultural pursuits. The items thus produced were used within the centres only. Viet Nam had 97 rehabilitation centres with a capacity of 60,000. Juvenile reformatory schools were available for minors in need of additional support.
4. Viet Nam prioritized the response to climate change, particularly for vulnerable groups. Non-governmental organizations and civil society played an active role in developing policies. One key initiative was the programme to cultivate 1 million hectares of high-quality, low-carbon rice in the Mekong Delta, which had improved productivity, reduced emissions and protected livelihoods, especially those of ethnic minorities and women. The cultivation methods were more efficient and sustainable than the traditional methods used in the past.
5. With regard to the establishment of a national human rights institution, the existing mechanisms were already equivalent to such an institution. However, a new institution would require constitutional amendments, which would be time-consuming, and must avoid any overlap in functions. In the discussions in that regard, due consideration would be given to the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles). Meanwhile, efforts to promote human rights continued under Resolution No. 27-NQ/TW on the socialist rule of law.
6. Regarding corruption, Viet Nam had mechanisms in place for detection, inspection, monitoring and receipt of complaints from the public. Cases followed standard legal procedures. Since 2019, 321 cases involving over 500 defendants, including senior officials, had been investigated.
7. **Mr. Yigezu**, noting the State Party's assurances regarding legal safeguards, pointed out that article 173 of the Criminal Procedure Code allowed for the indefinite detention of persons accused of offences against national security without trial or judicial review and article 74 allowed for the unlimited restriction of access to legal counsel and family members while the investigation was ongoing, which appeared to contravene articles 9 and 14 of the Covenant. Between 2017 and 2023, the Working Group on Arbitrary Detention had issued 27 opinions on Viet Nam, citing violations such as the denial of family contact and of access to counsel and medical care, and restrictions on religious freedom. He wished to know whether the State Party would consider repealing those articles of the Criminal Procedure Code to end the use of extended pretrial detention without judicial oversight and ensure immediate access to counsel and lawyer-client confidentiality.
8. With regard to trafficking in persons, he expressed concern that children aged 16 and 17 were treated as adults and were required to demonstrate the means by which they had been

trafficked. There was also no clear framework in place to protect foreign victims, and no major reforms had addressed labour trafficking in the State-run labour export programme, which was reportedly more severe than trafficking in the private sector. Reports had highlighted the limited number of shelters, regional disparities, insufficient funding and a lack of specialized staff, particularly those providing psychological and long-term support. He would appreciate updates on efforts to revise anti-trafficking laws, enhance international cooperation, address the links between cybercrime, trafficking and migrant smuggling, improve cross-border access to support services and encourage social organizations to operate high-quality shelters.

9. **Ms. Bassim** said that, while the Committee welcomed the amendments introduced to the Law on Exit and Entry of Vietnamese Citizens, it remained concerned about the travel restrictions imposed on officials, party members and citizens for reasons of national security. The Committee also expressed concern that article 121 of the Criminal Code criminalized individuals who fled abroad to oppose the Government and that individuals were reportedly prevented from leaving Viet Nam to seek asylum, including members of ethnic and religious minorities and Indigenous Peoples. There were also reports of restrictions on the freedom of movement of religious activists, dissidents and human rights defenders, including house arrest, detention, surveillance, bans on international travel and passport confiscation. She would welcome the State Party's comments on those reports, details on any new measures to ensure freedom of movement, the legal criteria for travel bans and available appeals processes, and statistics on travel bans.

10. The Committee acknowledged the progress made in juvenile justice but noted that it was neither systematic nor comprehensive. Children aged 16 and 17 fell into a legal protection gap due to the inconsistency between the definition of the child and the age of majority. She would appreciate updates on legal reforms to address that gap, specialized courts, alternatives to detention and measures to ensure that detention was a last resort. Statistical data on the number of children under the age of 18 deprived of their liberty and the duration of and reason for their detention would be welcome. She would also appreciate more information on the status of the proposed law on juvenile justice and the impact of training provided to officials in the juvenile justice sector.

11. She would be grateful for a response by the delegation to allegations of the misuse of the "All People Protecting National Security" movement, particularly in areas with large worker populations. Under Decree No. 13/2023/ND-CP on the protection of personal data, basic personal data included nationality, ethnicity and data that reflected the activities or history of activities in cyberspace, while sensitive personal data included political and religious views, sexual orientation and gender identity. However, article 17 of the Decree allowed exceptions for processing personal data without prior notification or consent in cases involving national security, terrorism and crime prevention. She would appreciate the delegation's comments on alleged surveillance of political activists, journalists and human rights defenders, including through the use of technology, mail interception and communication disruptions without warrants. Further information on the Decree, in particular article 17, complaints of privacy violations, outcomes of investigations, penalties and available remedies would also be welcome.

12. **Mr. Ndiaye** said that, while the replies to the list of issues (CCPR/C/VNM/RQ/4) referred to new regulations to improve judicial independence and prevent undue interference, they did not provide concrete examples or evidence of reduced political influence, particularly by the ruling party, over the judiciary and procuracy. It would be useful to have specific examples of how the new laws and regulations, such as regulation No. 132-QĐ/TW and the 2024 Revised Law on the Organization of People's Courts, had reduced political or party influence over judicial appointments, decision-making and the functioning of the judiciary and procuracy in practice. While the replies mentioned improvements in due process and increased legal aid, they did not address how those guarantees were ensured in cases involving journalists, human rights defenders, political activists and persons accused of national security offences. He wondered what specific measures were in place to guarantee the presumption of innocence, access to a lawyer of one's choice and a trial within a reasonable time for those groups. The replies also stated that lawyers were supported and protected in their professional activities, but they did not address the Committee's concern

about threats, intimidation or legal proceedings initiated against lawyers representing sensitive cases involving human rights defenders, political activists or religious leaders, for example, or national security cases. He wished to know what concrete steps the State Party had taken to prevent and punish threats, intimidation or harassment with respect to lawyers for their work on such cases. Information on any investigations or disciplinary action taken in response to such incidents during the reporting period would be welcome.

13. The replies mentioned draft proposals to establish judicial oversight over legislative and executive agencies but did not clarify whether any such mechanisms were currently in place or how effective they were. He wondered whether any independent judicial oversight mechanisms had been established. If so, he wished to know how they protected the independence of the judiciary in practice and ensured accountability.

14. It would be useful to have disaggregated data on lawyers and legal aid cases by case type, involving for example national security or political cases, or by the profession of the accused, and on legal aid and outcomes of cases involving journalists, human rights defenders, political activists and those accused of national security offences. He would also welcome specific details on the measures taken to encourage and promote political pluralism, as requested by the Committee.

15. The replies stated that there were 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 and that many elected candidates were not party members. However, the process for candidate approval or selection was not explained. He would therefore appreciate clarification of that process. He wondered whether any conditions related to the Viet Nam Fatherland Front or political affiliation were applied in practice. Although it was stated that voters cast their votes in person and that election and candidacy activities were regularly monitored, it was unclear what steps had been taken to eliminate proxy voting in practice or to establish an independent electoral monitoring body.

16. Although it was stated in the replies that Viet Nam did not detain or penalize political dissidents, no comments had been made on the Committee's reference to reports of the arrest and detention of political opponents, including at least three independent candidates ahead of the 2021 elections. He would therefore be grateful if the delegation could respond to those reports. Lastly, he would like to know whether any steps had been taken to amend the laws that denied convicted prisoners the right to vote.

17. **Mr. Fernández Liesa** said that, although Decree No. 126/2024/ND-CP had been presented as a positive measure, the Committee had received reports that the Decree represented a step backwards in relation to the previous decree on associations. The discretionary administrative power given to the Government under the new decree had been used to hinder or eliminate organizations deemed not to be aligned with State objectives, in particular organizations dedicated to environmental advocacy, anti-corruption and minority rights.

18. There had also been reports of systematic repression of religious minorities practising their faith outside the control of State-recognized religious organizations. The Committee was particularly concerned about the criminalization of peaceful religious activities, illustrated by the sentencing of Y Krec Bya, a member of an unaffiliated evangelical church, to 13 years' imprisonment, with an additional sentence of 5 years' house arrest for undermining the unity of the church. Furthermore, the Committee noted with concern that the current legal framework imposed a prior authorization regime for the establishment of associations rather than a notification system. That requirement conferred an excessive margin of discretion on the authorities, without independent judicial mechanisms to ensure an effective and timely review of negative decisions. He therefore wished to know what measures had been taken to ensure that the right to freedom of association could be exercised without interference.

19. He wished to receive more information about the regulations governing associations that received international funding, including how the State Party ensured that those regulations were compatible with the Covenant and with the Committee's general comment No. 37 (2020) on the right of peaceful assembly.

20. He would appreciate comments from the delegation on the arrest and imprisonment of activists accused of tax evasion. The Committee was concerned about the extraterritorial dimension of restrictions on human rights defenders, such as arrest warrants issued in respect of activists who were living in exile, in particular Nguyen Thi Kieu Vien, the founder of a non-governmental organization focused on anti-corruption activities.

21. Given that the State Party made no distinction between the rights of ethnic minorities and the rights of Indigenous Peoples, he would be interested to know how many such minorities and Peoples were recognized by the authorities and would welcome information on the situation of, inter alia, the Khmer Krom Indigenous People.

22. In the light of reports of restrictions imposed on the Montagnard community and other religious minority groups, it would be helpful to learn how the authorities upheld, in respect of Indigenous Peoples, articles 1 and 27 of the Covenant and related rights, including the right to an identity, the right to be consulted about decisions affecting them and rights relating to territory. It would be useful to receive an account of the concrete measures that had been taken by the State Party in the spheres of education, employment and public services to eradicate systematic discrimination against minority groups and Indigenous Peoples.

23. He would be grateful for more information about the teaching of minority languages and about any measures in place to guarantee that Indigenous children attending part-time or full-time boarding schools were able to exercise their right to learn their own language and practise their own culture. In the light of alarming reports regarding limitations on property rights for ethnic minorities, he would appreciate a description of the mechanisms used to consult Indigenous communities before tourism, agro-industry or forestry projects were carried out in their territory and to guarantee fair compensation in cases of land expropriation.

24. **Mr. Teraya**, noting that Decree No. 95/2023/ND-CP had been adopted with the intention of ensuring better protection for the rights to freedom of belief and of religion, said that he wished to know how the provisions of that decree granting broad powers to central and regional authorities to suspend religious activities and requiring prior authorization for certain religious activities, including training and charitable donations, would help in achieving that aim and, furthermore, how they were compatible with article 18 of the Covenant. He would welcome details of the registration procedure for religious groups, including the time frame for the decision-making process, and of the grounds on which registration could be refused. How did the authorities justify their refusal to register the Cao Dai and Hoa Hao religious groups? In the light of allegations that members of registered groups, including the Montagnard community and Protestant groups, had been subjected to harassment and fines by local authorities, forced to denounce their faith and denied civil registration documents if they refused to renounce their beliefs, it would be helpful to learn about the measures that were in place to ensure that individuals were free to choose their religion, in accordance with article 18 of the Covenant. He wished to know whether there were any plans to introduce provisions concerning conscientious objection.

25. The Committee remained concerned that the Law on Cybersecurity, the Press Law, the Access to Information Law and certain provisions of the Criminal Code continued to unduly restrict freedom of expression. It would be useful to know about any plans to amend those laws and provisions.

26. In the light of reports of serious constraints on the exercise of freedom of expression in online settings and significant State control over Internet infrastructure, which had allegedly facilitated censorship, surveillance and shutdowns, he wished to know what legal safeguards existed to ensure that measures affecting freedom of expression in online settings were necessary and proportionate and did not violate article 19 of the Covenant. He would welcome details of any mechanisms in place to prevent and address harassment and intimidation, including of journalists and online activists who criticized the Government, and of any plans to revise the legal framework to bring it into line with international human rights standards on freedom of expression.

27. He would appreciate the delegation's response to allegations that cases of intimidation against civil society actors who engaged with the United Nations and its human rights mechanisms continued to arise. It would be helpful to receive more information about Decree No. 119/2020/ND-CP, which regulated the handling of administrative violations in

journalism, publishing and printing activities. In connection with concerns about transnational suppression, he would welcome clarification of which body had the authority to determine whether rights violations had occurred pursuant to that Decree, how such determinations were made and whether the provisions of the Decree applied to State institutions.

28. There were concerns that Mai Phan Lợi and four other environmental activists had been detained for political reasons, which might have a chilling effect on the exercise of freedom of expression. He therefore wished to know what measures the State Party was taking to address those concerns in a transparent manner that ensured respect for human rights.

The meeting was suspended at 11 a.m. and resumed at 11.20 a.m.

29. **A representative of Viet Nam** said that ethnic minorities in Viet Nam had the same rights as other citizens and were entitled to equal pay and equal access to public services. Since 2023, the National Assembly had adopted more than 30 laws concerning ethnic minorities, including regulations prohibiting discrimination on the basis of ethnicity. The Ministry for Ethnic and Religious Affairs had been established in March 2025, reflecting the Government's commitment in that sphere.

30. Members of ethnic minorities were entitled to stand for election, and more than 50 ethnic minority groups were represented in the National Assembly. In areas with large ethnic minority populations, local government agencies engaged in direct consultations with residents and performed monitoring and oversight functions to ensure that such populations' basic rights were respected. More than 80 heritage sites were owned by recognized ethnic minority groups, including 4 sites recognized by the United Nations Educational, Scientific and Cultural Organization (UNESCO).

31. The Khmer were among the 53 ethnic groups that were entitled to participate in the national education system. Programmes were in place to invest in school infrastructure and to ensure that children from ethnic minority groups were able to receive quality education.

32. **A representative of Viet Nam** said that under the Law on Belief and Religion, freedom of religion was guaranteed, and it was forbidden to force a person to follow or renounce a specific religion. The authorities monitored the application of the Law and had conducted 200 inspections and more than 1,000 other activities to ensure that it was being implemented correctly. In addition, 110 seminars had been held to disseminate the content of the Law to 24,000 participants.

33. Decree No. 95/2023/ND-CP had been introduced to facilitate the operation of religious organizations and ensure that detainees were permitted to practise their religion. There was no requirement for collective religious activities to be registered; the followers of a religion could request such registration if they so wished. Vietnamese or foreign nationals who were not members of a recognized religious organization could apply to register a collective religious activity, with the aim of ensuring that order and security were maintained. The registration process was intended as a protective measure rather than a legal barrier.

34. **A representative of Viet Nam** said that, pursuant to the Constitution, the People's Courts were responsible for exercising judicial power. The changes that had been introduced through the 2024 Revised Law on the Organization of the People's Courts included new provisions governing the appointment of judges, including the professional and moral requirements. Recommendations regarding applicants who had successfully met the requirements and passed the recruitment examination were referred to the Chief Justice by a national council, and appointments were approved by the President and the National Assembly. Judges maintained their independence and were appointed for an initial five-year term, following which they received a lifetime appointment. Justices of the Supreme People's Court were also appointed for life. The National Assembly and the Viet Nam Fatherland Front were responsible for oversight of the courts. Robust efforts were being made to combat corruption. A number of high-ranking officials had been convicted on corruption charges, and the cases had been widely reported in the media.

35. The Revised Law on the Organization of the People's Courts and the Criminal Procedure Code protected the rights of witnesses and victims, including the right to a defence. Under the Criminal Procedure Code, cases involving minor offences must be brought to trial

within 30 days and cases involving serious offences within two months. Extensions could be granted in certain circumstances. Trials before the appeals courts must begin within four months from the date of the decision to proceed. Courts adhered to the adversarial principle, and any activity that hindered judicial procedures would be punished. Legal aid services were available to certain categories of persons; the relevant regulations were due to be revised and updated.

36. The new law on juvenile justice adopted in November 2024 had been drafted in line with international standards and had introduced better protections and a more human approach to cases involving juveniles. Non-custodial measures, including fines, could be applied to juvenile offenders who met certain requirements. Juveniles were kept separate from other detainees, and prison guards received training on how to deal with juvenile inmates. There were 38 juvenile courts around the country, with more than 200 judges and court clerks.

37. **A representative of Viet Nam** said that the high rate of Internet use in Viet Nam meant that robust mechanisms were needed in order to preserve the confidentiality of personal data. The authorities had analysed input from national and international agencies to inform their approach to data protection and safeguards. Alongside the Law on Cybersecurity, Decree No. 13/2023/ND-CP, on personal data protection, had been adopted with a view to facilitating the development of eGovernment services. In addition, the Law on Personal Data Protection would take effect in 2026 and was aligned with international standards, including those set out in the Covenant. It established the right of data owners to withdraw agreement for the use of their data and the right to file complaints surrounding data use. The Law assigned monitoring and oversight functions to the appropriate State agency and required service providers to comply with the relevant legislation when handling personal data.

38. With regard to freedom of expression and freedom of speech, media outlets were not permitted to misuse those rights to violate the legitimate rights of individuals or organizations. To combat fake news and disinformation and protect national security, technical measures were sometimes applied to Internet portals and websites that disseminated distorted information about Viet Nam. Any exemptions outlined in the Law on Cybersecurity were in line with the international commitments of Viet Nam.

39. **A representative of Viet Nam** said that the right to freedom of association was provided for in a number of laws. More than 600 associations operated at the national level and almost 70,000 at the local level, in a wide range of sectors. Decree No. 126/2024/ND-CP regulated the operation and management of associations and was implemented in a transparent manner for the benefit of the people and the country. The requirements for registration and financial reporting were designed to prevent illicit activity such as money-laundering and the financing of terrorism. The provisions set out in the Decree did not discriminate against religious organizations and were aimed exclusively at administrative management.

40. Any violations that jeopardized the transparent and democratic nature of elections would be considered by the National Election Council and, if necessary, elections would be rerun and perpetrators would be held accountable. The Council was monitored by the National Assembly, in coordination with the Viet Nam Fatherland Front and other agencies. No serious violations had been detected. In terms of voting, voters must cast their own vote unless they were incapacitated, and measures were in place to support vulnerable persons in casting their vote. Candidates were subjected to strict scrutiny and were not required to be members of the Communist Party of Viet Nam.

41. In the area of trafficking in persons, the 2020 Law on Vietnamese Guest Workers had introduced measures aimed at better protecting Vietnamese guest workers abroad, inter alia through new regulations on recruitment fees and deposits. Communication campaigns had been organized to raise awareness of the risk of being trafficked while working abroad and of using unofficial channels to find employment overseas.

42. **A representative of Viet Nam** said that civil society organizations in Viet Nam operated freely, and their activities were facilitated by the Government so long as they were in accordance with the law. Such organizations played an important role in providing input on draft laws and policies and contributed to the socioeconomic development of the country.

Nobody was arrested or prosecuted simply for being a member of a civil society organization. Only those who violated the law were arrested and prosecuted. In recent years, there had been a number of cases in which members of civil society organizations, including environmental organizations, had been prosecuted because they had violated the Criminal Code or the country's tax regulations. All proceedings against them had been in accordance with the law. The persons concerned had admitted to having violated the law and had been granted clemency. Information on such cases was broadcast on public media channels. Mai Phan Lợi had been convicted on tax evasion charges; he had been granted clemency and released in September 2023.

43. **A representative of Viet Nam** said that Viet Nam was a Party to the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime. A new anti-trafficking law replacing the 2011 legislation had come into effect in January 2025 and was consistent with the Protocol. The definition of "trafficking in persons" had been brought into line with international standards. Under the revised law, a distinction was made between victims of trafficking who were over and under 18 years of age. In cases involving persons over the age of 18, for an offence to constitute trafficking, the victim had to be shown to have been deceived. However, that requirement did not apply to victims under the age of 18, which meant that even if a minor had willingly agreed to be transported, the trafficker would be prosecuted. Articles 150 and 151 of the Criminal Code on trafficking in persons would be amended and brought into line with the new law in due course. Under the new law, protection and support services, including medical and psychological care and interpretation services, were now available to victims of trafficking and to persons still in the process of being identified as victims. The law also contained provisions on rescue and support services for Vietnamese victims who had been trafficked abroad. A public awareness campaign aimed at combating trafficking in persons had been running since 2019, and more than 100,000 sets of training materials and 150,000 information leaflets had been distributed. The Vietnamese authorities also organized joint activities with the border authorities and police in neighbouring countries. In 2024, the Vietnamese authorities had investigated more than 160 cases. As of 2023, there were more than 400 social establishments, both public and private, that provided temporary accommodation and legal, medical and psychological assistance to victims of trafficking. Between 2012 and 2023, almost 8,000 victims had received support from agencies and organizations in Viet Nam.

44. The Government sought to ensure the maximum freedom of movement and residence for Vietnamese citizens, in accordance with article 23 of the Constitution and the Law on Exit and Entry of Vietnamese Citizens. Violations of that law were handled in accordance with their severity. In the event that a member of an ethnic or religious minority was prevented from leaving the country, it was because he or she had violated the Law on Exit and Entry of Vietnamese Citizens, the Law on National Security or tax regulations, and not because of ethnic or religious affiliation, which could never be grounds for restricting freedom of movement. All such decisions were taken in compliance with the Covenant and other international instruments. Freedom of movement could be restricted by the competent authority only on the basis of national security, national defence or public health concerns.

45. **A representative of Viet Nam** said that under Vietnamese criminal law, juveniles under the age of 18 were divided into three age categories: under 14 years old, from 14 to 16 years old, and from 16 to 18 years old. Appropriate policies and legal provisions were applied to the three categories of juveniles in accordance with their level of physical and psychological development. Offenders between the ages of 14 and 16 could only be held criminally liable for 28 specific offences; in the event that they committed an offence not on the list they would be referred to another mechanism. Offenders over the age of 16 were held criminally liable for any offences they committed. The Law on Juvenile Justice set out 11 diversion measures applicable to juvenile offenders as an alternative to criminal proceedings. Reviews to ascertain suitability for referral to a diversion programme were carried out by the court, the Procuracy and a social worker.

46. The Vietnamese criminal courts had established a very clear threshold regarding the exercise of the right to freedom of expression. Individuals would face criminal prosecution if, in the exercise of that right, they violated national security laws or the legitimate rights of

others. Of course, people were free to criticize the country's laws and policies, but anyone who defamed the Government, sought to create division among different groups or established or joined an organization with the purpose of overthrowing the people's administration would be prosecuted. The relevant laws were in line with article 19 of the Covenant, which established that the exercise of the right to freedom of expression could be subject to such restrictions as were provided by law and were necessary for respect of the rights or reputations of others and for the protection of national security or public order.

47. **A representative of Viet Nam** said that article 119 of the Criminal Procedure Code regulated the use of pretrial detention. Such detention was ordered only when necessary, for example when there were clear reasons to believe that the suspect or defendant was a flight risk, might hinder the judicial proceedings or might commit another crime, and when alternatives to detention, such as house arrest, were not feasible. In cases involving persons under the age of 18, the maximum duration of pretrial detention was no more than two thirds of the detention period applicable to adults. As soon as the grounds for pretrial detention were no longer valid, the detention must be ended and an alternative measure applied. Persons in pretrial detention were entitled to receive family visits and to have access to a defence lawyer from the outset of detention. However, in certain very specific cases related to national security or State secrets, the Prosecutor General could issue a decision allowing defence counsel to participate in the proceedings only following the conclusion of the investigation. That rule was in line with international standards. Article 173 of the Criminal Procedure Code regulated the duration of pretrial detention; it stipulated that, if necessary in certain cases involving national security, the Prosecutor General could extend the period of detention at the end of the initial investigation phase, as more time was sometimes required to ensure a thorough investigation in very complicated cases. Any such decision must be made in a transparent manner to safeguard the human rights of the persons concerned and ensure compliance with article 9 of the Covenant. Since 2019, there had been no cases in which that power had been abused and no cases of prolonged or arbitrary detention or extension of detention in violation of the law.

48. **Mr. Ndiaye** said that he would appreciate a reply to his questions on who oversaw disciplinary proceedings for judges and how judges' independence from the National Assembly and the ruling party was ensured, how the presumption of innocence and the right to have access to legal counsel were respected in sensitive cases and how lawyers working on such cases were protected against threats or possible reprisals. He would also be grateful for information on the procedure for candidates who were not members of the ruling party to stand for election and on how the independence of the National Election Council was guaranteed.

49. **Mr. Teraya** said that, while it was true that the right to freedom of expression was not absolute under article 19 (3) of the Covenant, the Committee was concerned about the breadth of the restrictions imposed on that freedom, including the expression of legitimate criticism of the Government. The Committee's general comment No. 34 (2011) on the freedoms of opinion and expression stated that restrictions must not be overbroad and that, when a State Party invoked a legitimate ground for restriction of freedom of expression, it must demonstrate in specific and individualized fashion the precise nature of the threat, and the necessity and proportionality of the specific action taken. The Committee would appreciate clarification as to how that requirement was applied in practice.

50. The Committee was concerned about whether the measures taken in cases involving environmental activists were proportionate, whether similar action had been applied consistently in comparable cases and whether there were any other forms of unjustified human rights violations, such as harassment of activists' families.

51. Lastly, on the question of religious freedom, he would appreciate more specific information on why two of the biggest religious groups in the country were not yet registered.

52. **Mr. Yigezu** said that he would welcome further clarification concerning articles 74 and 173 of the Criminal Procedure Code, which were apparently applied in exceptional cases involving national security, as the Committee had received reports that they were applied to conscientious objectors who were arrested on the basis of their religious beliefs, not because they posed a threat to national security. Even if a person was arrested for national security

reasons, it was not clear why he or she would be held in incommunicado detention and not granted access to a lawyer before the end of the investigation, which was not in line with article 9 of the Covenant. The delegation's claim that there were no cases of arbitrary detention in the State Party was at odds with the many opinions issued by the Working Group on Arbitrary Detention on cases in Viet Nam. He would therefore be interested to hear the delegation's comments on those opinions and on whether the authorities were considering implementing the recommendations contained therein.

53. **Mr. Fernández Liesa** said that he would like to know whether the Government was considering lifting the restrictions on the right to freedom of association and enacting a law on that right. He would also be interested to hear a response to his question concerning reports that associations representing the rights of minorities or Indigenous Peoples were not allowed to participate in international forums, including the Permanent Forum on the Rights of Indigenous Peoples, and that some of the rights of Indigenous Peoples and minorities under international law were not recognized in Viet Nam. He would welcome clarification of whether the State Party actually recognized the existence of Indigenous Peoples.

54. **Ms. Bassim** said that she would appreciate further clarification of the circumstances in which the Government interfered with the right to privacy by interrupting the telephone and Internet services of political activists and their family members. She also wished to know whether the Government was considering abolishing or amending Decree No. 147/2024/ND-CP, under which social media users were required to authenticate their accounts using their real names and telephone numbers.

55. **A representative of Viet Nam** said that the principle of the presumption of innocence was set forth in article 13 of the Criminal Procedure Code, which meant that defendants were presumed to be innocent at all stages of proceedings until declared guilty in a legally valid court judgment. While awaiting a judgment, defendants must be given the opportunity to defend themselves and to have access to a defence lawyer. Any reasonable doubt about the accused's guilt must be resolved in his or her favour, leading to an acquittal.

56. A number of mechanisms were in place to monitor the performance of judges, including an internal inspection department, which conducted annual inspections of the courts. There was also an investigation mechanism that was activated in the event that judges were alleged to have violated the Criminal Procedure Code or the Criminal Code. Judges had been prosecuted for such violations in the past.

57. **A representative of Viet Nam** said that the National Election Council operated independently without any interference by any individuals or organizations. In accordance with the electoral law, a quorum of two thirds of the Council's members was required for all meetings, and its decisions were only legally valid if approved by a simple majority of the members. Independent candidates wishing to stand for election must submit an application for review by the election authority in their place of residence; if the application met all of the legal requirements, the candidate's documents, including his or her curriculum vitae and declaration of assets, were submitted to the National Election Council. There was a very stringent procedure for the consideration of applications by independent candidates.

58. With regard to freedom of association, Decree No. 126/2024/ND-CP established favourable conditions for associations to operate within the law and ensure transparency in their management, without any discrimination against them. The number of associations operating in Viet Nam was increasing constantly. There were no plans to introduce any new legislation, as the current legal framework on associations was satisfactory.

59. **A representative of Viet Nam** said that the Government's objective was to promote the benefits of the Internet and ensure a healthy cyberspace that did not infringe on national security, national defence or the social order, while safeguarding the legitimate rights of individuals and organizations in a global context of increased serious cyberattacks. The Law on Cybersecurity had been developed on the basis of broad consultations and the experiences of other countries. The Ministry of Public Security and the Ministry of Justice had worked together to develop Decree No. 53/2022/ND-CP, which provided guidance on the implementation of the Law, including the requirement to take down content that threatened national security or violated the legitimate rights of individuals or organizations. The Law detailed the circumstances in which personal data could be collected in cases related to

national security. It did not restrict the rights of regular Internet users, but addressed cases involving misuse of the Internet in order to defame the ruling party or the Government. Decree No. 147/2024/ND-CP required social media users to provide their identity details in order to register. That practical requirement was aimed at reducing abuse of the Internet in order to violate the law, for example by committing acts of fraud, terrorism or slander. Work was under way on an amended Press Law that would be adapted to the current context.

60. **A representative of Viet Nam** said that Hoa Hao Buddhism and Cao Dai were officially recognized by the State. Religious groups wishing to register must submit an application, which would be evaluated to ascertain whether it met the criteria set forth in articles 16 and 18 of the Law on Belief and Religion. The right to freedom of belief and religion had been effectively protected since the Law had entered into force. Between 2018 and 2024, more than 900 religious groups had registered to organize collective religious gatherings.

61. **A representative of Viet Nam** said that the concept of “Indigenous People” was not recognized in Viet Nam. Instead, reference was made to “ethnic minorities”. Significant progress had been made in guaranteeing the rights of ethnic minorities in Viet Nam. Given that most ethnic minorities lived in mountainous areas, they continued to encounter certain difficulties in terms of infrastructure and access to services and thus received support to guarantee their rights.

62. **A representative of Viet Nam** said that article 74 of the Criminal Procedure Code, which provided that access to defence counsel could be denied until the end of the investigation phase, was applied only in limited cases involving violations of national security law. Only the Prosecutor General had the authority to take such a decision. The delegation was not aware of any cases of arbitrary extension of detention and would be grateful if the Committee could provide further details of the reports it had received.

63. **A representative of Viet Nam** said that the penalties applied for tax evasion in the State Party were similar to those applied in other countries and were not used as a punitive measure against activists, as was incorrectly alleged by many organizations. Court decisions in such cases could be appealed.

64. **A representative of Viet Nam** said that written replies would be provided to outstanding questions within 48 hours. Like all countries, Viet Nam had developed its own mechanisms for protecting the human rights of its citizens in line with its specific economic and social context. Viet Nam had continuously improved its legal system on the basis of a people-centred approach and had implemented a range of policies for women, children, persons with disabilities and ethnic minorities. The Committee’s recommendation regarding the need to further narrow the gap between policy formulation and implementation was a view shared by the Government. The delegation would promptly submit a proposal to the Prime Minister for the adoption of a national action plan to effectively implement the Committee’s recommendations.

65. **The Chair** said that the Committee commended the State Party for its progress in several areas. However, it remained concerned about a number of issues, including severe restrictions on fundamental freedoms, particularly the freedoms of expression, association and peaceful assembly, the persistent lack of judicial independence and fair trial guarantees, credible allegations of torture and ill-treatment, and the continued application of the death penalty. The Committee wished to reiterate that no individuals or organizations should face any form of intimidation or reprisals for cooperating with the Committee.

The meeting rose at 1 p.m.