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**Human Rights Council**

**Fifty-seventh session**

9 September–9 October 2024

Agenda item 6

**Universal periodic review**

 **Report of the Working Group on the Universal Periodic Review**[[1]](#footnote-2)\*

 **Viet Nam**

 **Addendum**

 **Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review**

1. Viet Nam fully supports and highly values the Universal Periodic Review (UPR) process, guided by the principles of objectivity, transparency, dialogue, and cooperation. Viet Nam welcomes the open, frank, and constructive participation of countries and other stakeholders in its 4th cycle review, especially in the dialogue held in May 2024 during the 46th session of the Working Group on UPR of the United Nations Human Rights Council (UNHRC), where 320 recommendations were raised for Viet Nam’s consideration.

2. Viet Nam appreciates the recognition by many countries of its efforts and achievements in the promotion and protection of human rights. The recommendations cover a large spectrum, from the reinforcement of rule-of-law state, legal reform, sustainable development, poverty eradication and inequality reduction, human rights education, to human rights dialogue and cooperation and consideration of the accession to and the implementation of international human rights treaties. Most of the recommendations align with Viet Nam's human rights priorities and commitments in the coming time.

3. With that in mind, the Government of Viet Nam, with the engagement of all relevant agencies, has thoroughly examined all 320 recommendations and declares its acceptance of 271 recommendations, of which 253 are fully accepted and 18 are partially accepted. Following good practice of previous cycles, a National Action Plan is to be adopted to ensure the effective implementation of the accepted recommendations.

4. The response to each and every received recommendation is as follows:

| *No.[[2]](#endnote-2)* | *Response and remark* |
| --- | --- |
|  |  |
| 42.1 | Accepted |
| 42.2 | Partially accepted[[3]](#endnote-3) |
| 42.3 | Not accepted |
| 42.4 | Accepted |
| 42.5 | Not accepted |
| 42.6 | Accepted |
| 42.7 | Accepted |
| 42.8 | Not accepted |
| 42.9 | Not accepted |
| 42.10 | Accepted |
| 42.11 | Accepted |
| 42.12 | Accepted |
| 42.13 | Accepted |
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| 42.75 | Partially accepted[[4]](#endnote-4) |
| 42.76 | Not accepted |
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| 42.83 | Accepted |
| 42.84 | Partially accepted[[5]](#endnote-5) |
| 42.85 | Accepted |
| 42.86 | Partially accepted[[6]](#endnote-6) |
| 42.87 | Accepted |
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| 42.92 | Accepted |
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| 42.108 | Accepted |
| 42.109 | Accepted |
| 42.110 | Partially accepted[[7]](#endnote-7) |
| 42.111 | Accepted |
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| 42.115 | Not accepted |
| 42.116 | Not accepted |
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| 42.119 | Accepted |
| 42.120 | Accepted |
| 42.121 | Accepted |
| 42.122 | Partially accepted[[8]](#endnote-8) |
| 42.123 | Accepted |
| 42.124 | Not accepted |
| 42.125 | Not accepted |
| 42.126 | Not accepted |
| 42.127 | Not accepted |
| 42.128 | Partially accepted[[9]](#endnote-9) |
| 42.129 | Not accepted |
| 42.130 | Accepted |
| 42.131 | Accepted |
| 42.132 | Partially accepted[[10]](#endnote-10) |
| 42.133 | Partially accepted[[11]](#endnote-11) |
| 42.134 | Partially accepted[[12]](#endnote-12) |
| 42.135 | Not accepted |
| 42.136 | Accepted |
| 42.137 | Accepted |
| 42.138 | Accepted |
| 42.139 | Partially accepted[[13]](#endnote-13) |
| 42.140 | Accepted |
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| 42.143 | Accepted |
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| 42.148 | Not accepted |
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| 42.165 | Partially accepted[[16]](#endnote-16) |
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| 42.236 | Partially accepted[[18]](#endnote-18) |
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| 42.289 | Accepted |
| 42.290 | Partially accepted[[19]](#endnote-19) |
| 42.291 | Accepted |
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| 42.305 | Accepted |
| 42.306 | Accepted |
| 42.307 | Accepted |
| 42.308 | Accepted |
| 42.309 | Not accepted |
| 42.310 | Accepted |
| 42.311 | Partially accepted[[20]](#endnote-20) |
| 42.312 | Accepted |
| 42.313 | Accepted |
| 42.314 | Accepted |
| 42.315 | Accepted |
| 42.316 | Accepted |
| 42.317 | Not accepted |
| 42.318 | Accepted |
| 42.319 | Accepted |
| 42.320 | Accepted |

5. Viet Nam would like to provide some further clarifications as follows.

6. During the review process, certain aspects or elements of some recommendations demonstrate inconsistency with Vietnamese laws and circumstances, which hinder their acceptance and implementation. In this context, certain recommendations that do not reflect the reality in Viet Nam, or contains inaccurate and groundless assessments of the situation in Viet Nam do not enjoy our support (including No. 34, 113, 114, 115, 116, and 148). Viet Nam urges Member States to adopt an objective approach based on respect, good will, and verified information.

7. Viet Nam has always been facilitating the activities of non-governmental organisations, associations, funds, social funds and charities, as well as ensuring the rights and obligations of individuals, groups, and organs of society to promote and protect human rights, in accordance with the law and without infringing upon the rights and legitimate interests of others. In that spirit, several recommendations (including No. 110, 111, 112, 118, 119, 121, 123, 189, etc.) enjoyed Viet Nam’s acceptance in part, although they employ terminologies that have yet to be specifically defined in Vietnamese law.

8. Viet Nam accepted recommendation No. 4. Viet Nam has ratified the ICCPR and will continue to fulfill its obligations under this Covenant.

9. At this cycle, Viet Nam is regrettably not yet able to accept several recommendations suggesting immediate accession to additional international human rights related treaties and optional protocols, including the Rome Statue, 1960 UNESCO Convention, ICPPED and ICRMW, and the Optional Protocols of ICCPR, CEDAW and CRC, as the study and preparation for their potential adherence and implementation are still ongoing. At the same time, it is Viet Nam’s strong commitment to continuing its study and preparation with a view to adhering to international human rights treaties to which it is not yet a party in line with Vietnamese law and circumstances. Therefore, Viet Nam accepted the recommendations reflecting this commitment.

10. Regarding recommendations on ratifying ILO Convention No. 87 (including No. 20, 21 and 22), Viet Nam has been thoroughly studying and assessing its compatibility with related Vietnamese laws. The study must be conducted in a thorough, cautious and systematic manner, especially ensuring consensus among relevant ministries and agencies. Therefore, it is imperative to allocate sufficient time for the involved authorities to engage in comprehensive study and discussions, ensuring agreement is reached before submitting the proposal for consideration by the competent authorities.

11. Viet Nam will continue to strengthen cooperation with Special Procedures. Invitations will be extended to them at appropriate time.

12. With regard to recommendations related to the NHRI, Viet Nam cannot accept recommendations or elements that put undue pressure on the ongoing study on the possibility of establishing an NHRI aligning with Vietnamese law and circumstances.

13. Recommendations related to capital punishment must be considered in the context that there was no plan for reviewing or amending the Penal Code during this cycle. Viet Nam has implemented numerous reforms aimed at limiting the application of this penalty, reserving it only for a very few cases of particularly serious crimes. At the same time, it is Viet Nam’s firm commitment that the application of this punishment in reality always strictly conforms with ICCPR, and hence, Viet Nam accepted recommendations or elements that are along that line.

14. Regarding the acceptance of recommendation No. 61, Viet Nam has established inter-agency coordination mechanisms to ensure effective collaboration in the implementation of UPR recommendations (since the 1st cycle) and international human rights treaties to which Viet Nam is a party. Each mechanism, coordinated by a respective focal agency, facilitates the reporting and monitoring of these processes. These mechanisms are currently operating effectively with clearly assigned duties and responsibilities and continue to be reinforced to better ensure human rights.

15. Viet Nam is rigorously implementing the provisions of CAT, except those Viet Nam has made declarations on. Viet Nam affirms that its existing legal frameworks and institutions, which have clearly defined functions and responsibilities, have been and continue to be strengthened to effectively oversee and prevent torture and mistreatment in all forms.

16. Viet Nam promulgated the 2013 Anti-Terrorism Law and attaches great importance to institutionalizing and incorporating anti-terrorism regulations into relevant legal documents, in accordance with the UN Charter, international law as well as Vietnamese laws and circumstances.

17. Viet Nam accepted recommendation No. 101 and affirms that Viet Nam's legal and institutional framework guarantees the widespread participation of the people in both candidacy and voting processes.

18. Viet Nam accepted recommendation No. 120 in full and recommendation No. 122 in part. In Viet Nam, public and transparent regulations are in place for the management of both domestic and international non-governmental organizations operating within its borders, including regulations on financial matters. Viet Nam plans to strengthen and update these regulations when necessary to meet the needs in practice as well as in line with Viet Nam’s legislative development program.

19. Viet Nam accepted recommendation No. 189 and reaffirms its commitment to ensuring the rights and equality of all vulnerable communities. In Viet Nam, no community should be seen as marginalized.

20. Viet Nam accepted recommendation No. 316 and emphasizes that Vietnamese laws and policies ensure freedom of religion or belief, without imposing any restrictions or discrimination against ethnic and religious minority groups.

21. With regards to recommendations No. 150, 151, 152, and 317, Viet Nam affirms its non-discrimination approach in relation to sexual orientation and gender identity (SOGI). For long, Viet Nam has abolished administrative sanctions against same-sex marriage. Viet Nam will further study possible addition or amendment of legal provisions in line with its legislative development programme and Viet Nam’s circumstances.

22. Viet Nam accepted recommendations No. 318, 319 and underscores that Viet Nam has issued guidance documents on the principle of non-discrimination based on SOGI within the healthcare sector[[21]](#endnote-21). In that spirit, and with a commitment to ensuring the best interests of the child, Viet Nam accepted these recommendations and will implement them in accordance with its laws and circumstances.

23. Viet Nam accepted recommendation No. 245 and partially accepted recommendation No. 311. Viet Nam highlights that its 54 ethnic groups coexist and thrive in harmony, contributing to the national development throughout history. The development and implementation of legal and policy frameworks always involve the participation, consultation, and supervision of the public, including ethnic minority communities. It is also important to clarify that in Viet Nam, there are no indigenous peoples as defined in certain international documents and treaties.

24. Viet Nam’s law encompasses provisions for the criminal prosecution of offenses such as rape and gender-based violence against women, without differentiating whether the crime occurs within or outside of marriage. The ongoing development and amendment of legal documents will be conducted in line with the legislative development programmes and circumstances in Viet Nam.

25. The provisions of the Penal Code, particularly Articles 109, 117, and 331 do not restrict the rights to freedom of expression, association, assembly, and religious or belief. Rather, they are designed to protect national security, maintain public order, and ensure the rights and legitimate interests of agencies, organisations, and individuals, while also safeguarding human rights and citizens' rights.

26. Some recommendations proposing legal reforms or amendments that Viet Nam has no plan to review before the next cycle, or that are deemed unsuitable (including No. 95, 124, 125, 126, 127, 129, 135, 150, 151, etc.) therefore did not enjoy Viet Nam’s support.

27. Some accepted recommendations suggest the consideration of enacting new laws or amending existing laws and regulations (including No. 26, 62, 63, 64, 65, 66, 87, 128, 132, 133, 134, 139, 145, 147, 152, 161, 165, 290, etc.). As mentioned above, the implementation of these recommendations will be assessed in line with the situation in Viet Nam, taking into account the current legal framework and legal reform plans.

28. In conclusion, Viet Nam is fully committed to exerting continued efforts for better promotion and protection of human rights. Viet Nam looks forward to continuing to engage in candid dialogue and effective cooperation with Member States in the UPR process and would make every effort to implement the accepted recommendations, thus supporting and reinforcing Viet Nam’s priorities in this field while taking into account the country's circumstances, particularities, and available resources.

Notes

1. \* The present document is being issued without formal editing. [↑](#footnote-ref-2)
2. As appeared in the Report A/HRC/57/7 of the Working Group on the Universal Periodic Review of the Human Rights Council. [↑](#endnote-ref-2)
3. *The accepted element is “Ratify pending international human rights treaties”.* [↑](#endnote-ref-3)
4. *The accepted element is “Adopt active measures to limit the number of offences subject to the death penalty by restricting it only for the most serious crimes*”. [↑](#endnote-ref-4)
5. *The accepted element is “Implement the provisions of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, in particular for persons in detention”, in accordance with Viet Nam's declaration upon accession to CAT.* [↑](#endnote-ref-5)
6. *The accepted element is “Incorporate in law the absolute prohibition of torture”. Viet Nam will continue to seriously implement CAT, and will further review the feasibility of other elements within this recommendation.* [↑](#endnote-ref-6)
7. *The accepted element is “Provide an enabling, safe and secure environment for journalists and media workers”.* [↑](#endnote-ref-7)
8. *The accepted element is “Revise Decree 80/2020/ND-CP and Decision 06/2020/QD-TTg to make them consistent with Articles 19 and 22 of the International Covenant on Civil and Political Rights”.* [↑](#endnote-ref-8)
9. *The accepted element is “Take steps to guarantee and protect the right to freedoms of expression, association, and religion”.* [↑](#endnote-ref-9)
10. *The accepted element is “Guarantee the right to freedom of expression, both through traditional and online media”.* [↑](#endnote-ref-10)
11. *The accepted element is “Strengthen its legal framework to protect freedom of expression both offline and online”.* [↑](#endnote-ref-11)
12. *The accepted element is “Guarantee the exercise of the rights to freedom of expression and assembly”.* [↑](#endnote-ref-12)
13. *The accepted element is “Ensure freedom of speech as provided for in the International Covenant on Civil and Political Rights”.* [↑](#endnote-ref-13)
14. *The accepted element is “Allow all independent religious institutions to freely practice their religion in compliance with Article 18 of the International Covenant on Civil and Political Rights”.* [↑](#endnote-ref-14)
15. *The accepted element is “Advance full equality for LGBTIQ+ people”.* [↑](#endnote-ref-15)
16. *The accepted element is “Guarantee workers the right to strike”.* [↑](#endnote-ref-16)
17. *The accepted element is “Ensure the effective and inclusive participation of socio-political organizations, NGOs and communities in policy making processes, at national, provincial and local level, including on environmental issues”.* [↑](#endnote-ref-17)
18. *The accepted element is “Ensure that social organisations can engage fully in the green transition”.* [↑](#endnote-ref-18)
19. *The accepted element is “Criminalize the grooming of children on the Internet for sexual purposes”.* [↑](#endnote-ref-19)
20. *The accepted element is “Guarantee the human rights of minorities, particularly the right to non-discrimination”.* [↑](#endnote-ref-20)
21. Official Dispatch No. 4132/BYT-PC by the Ministry of Health dated 3 August 2022.

 [↑](#endnote-ref-21)