



HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS

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Excellency,

I have been following the third cycle of the Universal Periodic Review (UPR) of the Socialist Republic of Viet Nam and welcome the constructive engagement of your Government during the 32nd session of the UPR Working Group in January 2019.

As the final outcome report on the review of Viet Nam has been recently adopted by the Human Rights Council at its 41st session, I would like to take this opportunity to follow up on a number of areas raised in the two reports that my Office had prepared for the review of Viet Nam – the Compilation of United Nations information and the Summary of Stakeholders' submissions – which I consider in need of particular attention over the next four and a half years, until the next cycle of the UPR. In identifying those areas, I have considered the statements and/or recommendations made by 120 delegations and the presentation made and responses provided by the delegation of Viet Nam. I have also considered the actions taken by the Government to implement the 182 recommendations supported during the second cycle of the UPR. The aforementioned areas cover a range of issues, which appear in the annex to this letter.

I appreciate Viet Nam's efforts in mainstreaming human rights in its socio-economic development strategies and policies, and hope they will be continued in the new Socio-Economic Development Strategy (2021-2030) and Plan (2021-2025), as well as efforts in the judicial reform through the adoption of numerous laws and ordinances related to human rights. I also appreciate Viet Nam's ratification of the Convention on the Right to Organise and Collective Bargaining, 1949 (No. 98) of the International Labour Organization (ILO) on 5 July 2019. Progress has been made on reducing poverty and on the protection of the rights of vulnerable people, particularly regarding access to health-care, education and food security.

I encourage Viet Nam to pursue the implementation of voluntary commitments made during the session, namely to foster dialogue and cooperation with United Nations mechanisms on human rights; to fulfil its international human rights obligations and to examine the possibility of ratifying other international human rights conventions, and consider accession to more fundamental conventions of the ILO; and to review relevant laws to ensure freedom of the press and public access to information.

I welcome the adoption of the National Action Plan for the implementation of the 2030 Sustainable Development Agenda and encourage Viet Nam to implement the plan effectively in order to achieve concrete results in the areas highlighted in the annex to this letter and to facilitate the preparations for Viet Nam's fourth cycle of the UPR. My advice to all Member States is to implement national action plans in close consultation and cooperation with all stakeholders, in particular civil society organizations and, where necessary, with the support of international organizations, including the Office of the United Nations High Commissioner for Human Rights (OHCHR) and other United Nations entities, under the leadership of the United Nations Resident Coordinator.

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H.E. Mr. Pham Binh Minh
Minister of Foreign Affairs
Socialist Republic of Viet Nam



I also encourage Viet Nam to establish a national mechanism for comprehensive reporting and follow-up in relation to recommendations received from all international and regional human rights mechanisms and to treaty obligations, linking this to the Sustainable Development Goals. I strongly recommend the use of the OHCHR practical guide on this topic, which is available at:

http://www.ohchr.org/Documents/Publications/HR_PUB_16_1_NMRF_PracticalGuide.pdf.

Please, kindly note that I am sharing my advice with all Member States as they go through the third cycle of the UPR with a view to assisting them with the implementation of the recommendations, following the review. An important measure that can contribute positively to follow-up action is voluntary mid-term reporting. Therefore, I strongly encourage all Member States to submit a voluntary mid-term report two years after the adoption of the UPR outcome report. In this regard, I welcome the practice of Viet Nam to submit mid-term reports and encourage the Government to do so again on follow-up to the third cycle of the review, by 2021.

As stated by the Secretary-General in his 2017 report on the work of the Organization (A/72/1, paragraph 98): *"The Human Rights Council's universal periodic review process is now entering a new cycle, with every Member State scheduled for a third round of scrutiny. We will work to strengthen the relevance, precision and impact of the Council's recommendations, including by providing better support to Member States in implementation, stronger collaboration with United Nations country teams and the establishment of national mechanisms for human rights reporting and follow-up to link the universal periodic review to the implementation of the Sustainable Development Goals."*

I look forward to discussing with you ways in which my Office may assist Viet Nam in relation to the areas identified in this letter and its annex.

Please, accept, Excellency, the assurances of my highest consideration.

Michelle Bachelet
High Commissioner for Human Rights

cc: H.E. Mr. Le Hoai Trung
Deputy Minister of Foreign Affairs
Socialist Republic of Viet Nam

Annex

Scope of international obligations and cooperation with international human rights mechanisms and bodies

- Ratifying the international human rights instruments that have not yet been acceded to, among them: the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families; the International Convention for the Protection of All Persons against Enforced Disappearance; the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women; the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty; the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87) of the International Labour Organization (ILO); the ILO Indigenous and Tribal Peoples Convention, 1989 (No. 169); the Convention relating to the Status of Stateless Persons; the Rome Statute of the International Criminal Court; and the United Nations Educational, Scientific and Cultural Organization (UNESCO) Convention against Discrimination in Education.
- Extending a standing invitation to all Special Procedures mandate holders of the Human Rights Council and answering positively to their pending visit requests.

National human rights framework

- Speeding up the process of the creation of a national human rights institution in accordance with the Paris Principles, and providing it with sufficient financial resources and infrastructure to function properly.
- Consolidating the legal, institutional and policy frameworks, through the development of a comprehensive national action plan on human rights, including implementation of the national gender equality strategy 2011–2020.
- Putting into place a national mechanism for implementation, reporting and follow-up of recommendations stemming from human rights mechanisms.

Implementation of international human rights obligations, taking into account applicable international humanitarian law

A. Cross-cutting issues

Equality and non-discrimination

- Taking steps to ensure protection of the rights of all vulnerable groups in society, including disabled persons, children, rural women, the elder, LGBTI persons, and people living with HIV.

Development, the environment, and business and human rights

- Pursuing efforts to: achieve Sustainable Development Goals, reduce poverty and socioeconomic inequalities, prevent corruption, improve quality of life and accessibility of services, and reduce gaps in income, employment and living conditions between urban, rural and remote areas.

- Strengthening efforts to reduce the adverse environmental effects of industrialization and ensuring the right to safe water, including access to drinking water and sanitation in rural areas of the country, and investment for enhancing the treatment of waste.

B. Civil and political rights

Right to life, liberty and security of person

- Initiating a moratorium on the imposition of capital punishment, especially for non-violent crimes.
- Abolishing the death penalty and, in the meantime, reducing the number of offences punishable by the death penalty.
- Ensuring that evidence obtained through torture is inadmissible in trial in line with Viet Nam's obligations under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.
- Taking steps to prohibit harassment and torture during the investigation process and detention, and punishing perpetrators.
- Abolishing immediately at all levels the practice of outdoor trials to ensure the right to presumption of innocence, effective legal representation and fair trials.

Administration of justice, including impunity, and the rule of law

- Consolidating the rule of law, including further development of an impartial and transparent criminal justice system.
- Ensuring independent and effective investigations into reports of unnecessary or excessive use of force by the police as well as violations of human rights by official authorities, and bringing the perpetrators to justice.
- Providing access for independent monitoring bodies to all detention centres and prisons.

Fundamental freedoms

- Reviewing legislation on freedom of opinion and expression, freedom of association, freedom of assembly, and freedom of religion or belief to ensure compliance and harmonization with international standards.
- Taking steps to guarantee freedom of opinion and freedom of expression on the Internet, and to ensure the protection and safety of human rights defenders and journalists, in particular by reviewing cases of persons convicted for having freely expressed their opinion, and investigating threats and reprisals against them.

Prohibition of all forms of slavery

- Revising the Penal Code and the Criminal Procedure Code in order to criminalize all forms of violence against women, combat discrimination against women and girls, and prevent and combat human trafficking, especially of women and children.

C. Economic, social and cultural rights

Right to work and to just and favourable conditions of work

- Assessing labour laws and introducing appropriate amendments, based on applicable ILO and human rights standards, to ensure better working conditions and protection of workers, including against threats of forced labour.
- Allowing for the establishment of independent trade unions and recognizing the right to organize.

Right to an adequate standard of living

- Promoting further measures to strengthen livelihoods, increase people's incomes, and improve living conditions and access to essential services.
- Continuing efforts to provide housing support to the poor and low-income people in line with the targets under the national housing development strategy.

Right to education

- Continuing efforts in ensuring people's access to quality education and culture, including in rural areas, mountainous and remote regions.

D. Rights of specific persons or groups

Women

- Adopting a national plan of action to prevent all forms of violence against women with sufficient resources for its implementation.
- Implementing a policy on promoting gender equality and bridging the gender gap, which focuses on enhancing the role of women in the political, economic and social spheres.
- Promoting women's empowerment and stepping up efforts for the participation of women in public life and their representation in decision-making bodies.

Children

- Taking further measures to strengthen the implementation of the rights of the child and considering the establishment of an independent child rights monitoring mechanism.
- Changing the definition of the child to all persons under 18 years of age, in line with the Convention on the Rights of the Child.

Persons with disabilities

- Continuing the improvement of the quality and accessibility of services, including health-care services, for persons with disabilities and taking measures to ensure integration and mobility of persons with disabilities, especially children.



Minorities

- Protecting further religious and ethnic minorities, and refraining from imposing legal restrictions on them.
- Strengthening actions to reduce illiteracy and dropout among girls belonging to ethnic minorities and to increase their access to secondary and tertiary education.
- Undertaking efforts to develop infrastructure in remote areas and areas where ethnic minorities live.
- Continuing the implementation of measures aimed at creating favourable conditions for ethnic minorities.

Migrants

- Pursuing efforts to adopt national legislation to ensure further respect for the rights of migrants and to prepare the ground for the ratification of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

Stateless persons

- Pursuing efforts to prevent and reduce statelessness through, among others, enabling reacquisition of Vietnamese nationality, and preventing children's statelessness.