



# General Assembly

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## Human Rights Council

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9 September–9 October 2024

Agenda item 6

Universal periodic review

## Report of the Working Group on the Universal Periodic Review\*

### Viet Nam

### Addendum

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

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\* The present document is being issued without formal editing.



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 4<sup>th</sup> cycle review, especially in the dialogue held in May 2024 during the 46<sup>th</sup> 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:

<i>No.<sup>1</sup></i>	<i>Response and remark</i>
42.1	Accepted
42.2	Partially accepted <sup>2</sup>
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
42.14	Accepted
42.15	Not accepted
42.16	Not accepted
42.17	Accepted
42.18	Not accepted
42.19	Not accepted
42.20	Accepted
42.21	Accepted

<i>No.<sup>1</sup></i>	<i>Response and remark</i>
42.22	Accepted
42.23	Not accepted
42.24	Accepted
42.25	Accepted
42.26	Accepted
42.27	Accepted
42.28	Accepted
42.29	Accepted
42.30	Not accepted
42.31	Not accepted
42.32	Accepted
42.33	Accepted
42.34	Not accepted
42.35	Accepted
42.36	Accepted
42.37	Accepted
42.38	Accepted
42.39	Accepted
42.40	Accepted
42.41	Accepted
42.42	Accepted
42.43	Accepted
42.44	Not accepted
42.45	Accepted
42.46	Accepted
42.47	Accepted
42.48	Not accepted
42.49	Not accepted
42.50	Not accepted
42.51	Not accepted
42.52	Not accepted
42.53	Accepted
42.54	Accepted
42.55	Not accepted

<i>No.<sup>1</sup></i>	<i>Response and remark</i>
42.56	Not accepted
42.57	Not accepted
42.58	Not accepted
42.59	Not accepted
42.60	Accepted
42.61	Accepted
42.62	Accepted
42.63	Accepted
42.64	Accepted
42.65	Accepted
42.66	Accepted
42.67	Accepted
42.68	Accepted
42.69	Accepted
42.70	Accepted
42.71	Accepted
42.72	Not accepted
42.73	Not accepted
42.74	Not accepted
42.75	Partially accepted <sup>3</sup>
42.76	Not accepted
42.77	Not accepted
42.78	Not accepted
42.79	Not accepted
42.80	Accepted
42.81	Not accepted
42.82	Not accepted
42.83	Accepted
42.84	Partially accepted <sup>4</sup>
42.85	Accepted
42.86	Partially accepted <sup>5</sup>
42.87	Accepted
42.88	Accepted
42.89	Accepted

<i>No.<sup>1</sup></i>	<i>Response and remark</i>
42.90	Not accepted
42.91	Accepted
42.92	Accepted
42.93	Accepted
42.94	Accepted
42.95	Not accepted
42.96	Accepted
42.97	Accepted
42.98	Accepted
42.99	Accepted
42.100	Accepted
42.101	Accepted
42.102	Accepted
42.103	Accepted
42.104	Accepted
42.105	Accepted
42.106	Accepted
42.107	Accepted
42.108	Accepted
42.109	Accepted
42.110	Partially accepted <sup>6</sup>
42.111	Accepted
42.112	Accepted
42.113	Not accepted
42.114	Not accepted
42.115	Not accepted
42.116	Not accepted
42.117	Accepted
42.118	Accepted
42.119	Accepted
42.120	Accepted
42.121	Accepted
42.122	Partially accepted <sup>7</sup>
42.123	Accepted

<i>No.<sup>1</sup></i>	<i>Response and remark</i>
42.124	Not accepted
42.125	Not accepted
42.126	Not accepted
42.127	Not accepted
42.128	Partially accepted <sup>8</sup>
42.129	Not accepted
42.130	Accepted
42.131	Accepted
42.132	Partially accepted <sup>9</sup>
42.133	Partially accepted <sup>10</sup>
42.134	Partially accepted <sup>11</sup>
42.135	Not accepted
42.136	Accepted
42.137	Accepted
42.138	Accepted
42.139	Partially accepted <sup>12</sup>
42.140	Accepted
42.141	Accepted
42.142	Accepted
42.143	Accepted
42.144	Accepted
42.145	Accepted
42.146	Accepted
42.147	Partially accepted <sup>13</sup>
42.148	Not accepted
42.149	Accepted
42.150	Not accepted
42.151	Not accepted
42.152	Partially accepted <sup>14</sup>
42.153	Accepted
42.154	Accepted
42.155	Accepted
42.156	Accepted
42.157	Accepted

<i>No.<sup>1</sup></i>	<i>Response and remark</i>
42.158	Accepted
42.159	Accepted
42.160	Accepted
42.161	Accepted
42.162	Accepted
42.163	Accepted
42.164	Accepted
42.165	Partially accepted <sup>15</sup>
42.166	Accepted
42.167	Accepted
42.168	Accepted
42.169	Accepted
42.170	Accepted
42.171	Accepted
42.172	Accepted
42.173	Accepted
42.174	Accepted
42.175	Accepted
42.176	Accepted
42.177	Accepted
42.178	Accepted
42.179	Accepted
42.180	Accepted
42.181	Accepted
42.182	Accepted
42.183	Accepted
42.184	Accepted
42.185	Accepted
42.186	Accepted
42.187	Accepted
42.188	Accepted
42.189	Accepted
42.190	Accepted
42.191	Accepted

<i>No.<sup>1</sup></i>	<i>Response and remark</i>
42.192	Accepted
42.193	Accepted
42.194	Accepted
42.195	Accepted
42.196	Accepted
42.197	Accepted
42.198	Accepted
42.199	Accepted
42.200	Accepted
42.201	Accepted
42.202	Accepted
42.203	Accepted
42.204	Accepted
42.205	Accepted
42.206	Accepted
42.207	Accepted
42.208	Accepted
42.209	Accepted
42.210	Accepted
42.211	Accepted
42.212	Accepted
42.213	Accepted
42.214	Accepted
42.215	Accepted
42.216	Accepted
42.217	Accepted
42.218	Accepted
42.219	Accepted
42.220	Accepted
42.221	Accepted
42.222	Accepted
42.223	Accepted
42.224	Accepted
42.225	Accepted



<i>No.<sup>1</sup></i>	<i>Response and remark</i>
42.226	Accepted
42.227	Accepted
42.228	Accepted
42.229	Accepted
42.230	Accepted
42.231	Accepted
42.232	Accepted
42.233	Accepted
42.234	Accepted
42.235	Partially accepted <sup>16</sup>
42.236	Partially accepted <sup>17</sup>
42.237	Accepted
42.238	Accepted
42.239	Accepted
42.240	Accepted
42.241	Accepted
42.242	Accepted
42.243	Accepted
42.244	Accepted
42.245	Accepted
42.246	Accepted
42.247	Accepted
42.248	Accepted
42.249	Accepted
42.250	Accepted
42.251	Accepted
42.252	Accepted
42.253	Accepted
42.254	Accepted
42.255	Accepted
42.256	Accepted
42.257	Accepted
42.258	Accepted
42.259	Accepted

<i>No.<sup>1</sup></i>	<i>Response and remark</i>
42.260	Accepted
42.261	Accepted
42.262	Accepted
42.263	Accepted
42.264	Accepted
42.265	Accepted
42.266	Accepted
42.267	Accepted
42.268	Accepted
42.269	Accepted
42.270	Accepted
42.271	Accepted
42.272	Accepted
42.273	Accepted
42.274	Accepted
42.275	Accepted
42.276	Accepted
42.277	Accepted
42.278	Accepted
42.279	Accepted
42.280	Accepted
42.281	Accepted
42.282	Accepted
42.283	Accepted
42.284	Accepted
42.285	Accepted
42.286	Accepted
42.287	Accepted
42.288	Accepted
42.289	Accepted
42.290	Partially accepted <sup>18</sup>
42.291	Accepted
42.292	Accepted
42.293	Accepted

<i>No.<sup>1</sup></i>	<i>Response and remark</i>
42.294	Accepted
42.295	Accepted
42.296	Accepted
42.297	Accepted
42.298	Accepted
42.299	Accepted
42.300	Accepted
42.301	Accepted
42.302	Accepted
42.303	Accepted
42.304	Accepted
42.305	Accepted
42.306	Accepted
42.307	Accepted
42.308	Accepted
42.309	Not accepted
42.310	Accepted
42.311	Partially accepted <sup>19</sup>
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, ICCPED 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 1<sup>st</sup> 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<sup>20</sup>. 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

- <sup>1</sup> As appeared in the Report A/HRC/57/7 of the Working Group on the Universal Periodic Review of the Human Rights Council.
- <sup>2</sup> *The accepted element is “Ratify pending international human rights treaties”.*
- <sup>3</sup> *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”.*
- <sup>4</sup> *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.*
- <sup>5</sup> *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.*
- <sup>6</sup> *The accepted element is “Provide an enabling, safe and secure environment for journalists and media workers”.*
- <sup>7</sup> *The accepted element is “Revise Decree 80/2020/ND-CP and Decision 06/2020/QĐ-TTg to make them consistent with Articles 19 and 22 of the International Covenant on Civil and Political Rights”.*
- <sup>8</sup> *The accepted element is “Take steps to guarantee and protect the right to freedoms of expression, association, and religion”.*
- <sup>9</sup> *The accepted element is “Guarantee the right to freedom of expression, both through traditional and online media”.*
- <sup>10</sup> *The accepted element is “Strengthen its legal framework to protect freedom of expression both offline and online”.*
- <sup>11</sup> *The accepted element is “Guarantee the exercise of the rights to freedom of expression and assembly”.*
- <sup>12</sup> *The accepted element is “Ensure freedom of speech as provided for in the International Covenant on Civil and Political Rights”.*
- <sup>13</sup> *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”.*
- <sup>14</sup> *The accepted element is “Advance full equality for LGBTIQ+ people”.*
- <sup>15</sup> *The accepted element is “Guarantee workers the right to strike”.*
- <sup>16</sup> *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”.*
- <sup>17</sup> *The accepted element is “Ensure that social organisations can engage fully in the green transition”.*
- <sup>18</sup> *The accepted element is “Criminalize the grooming of children on the Internet for sexual purposes”.*
- <sup>19</sup> *The accepted element is “Guarantee the human rights of minorities, particularly the right to non-discrimination”.*
- <sup>20</sup> Official Dispatch No. 4132/BYT-PC by the Ministry of Health dated 3 August 2022.