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**Human Rights Council**  
**Working Group on the Universal Periodic Review**  
**Forty-sixth session**  
29 April–10 May 2024

## **Summary of stakeholders' submissions on Viet Nam\***

### **Report of the Office of the United Nations High Commissioner for Human Rights\*\***

#### **I. Background**

1. The present report was prepared pursuant to Human Rights Council resolutions 5/1 and 16/21, taking into consideration the periodicity of the universal periodic review and the outcome of the previous review.<sup>1</sup> It is a summary of 45 stakeholders' submissions<sup>2</sup> for the universal periodic review, presented in a summarized manner owing to word-limit constraints.

#### **II. Information provided by stakeholders**

##### **A. Scope of international obligations<sup>3</sup> and cooperation with human rights mechanisms**

2. WPC commended Viet Nam on being a party to almost all core international human right treaties.<sup>4</sup> HRF stated that, despite having accepted previous universal periodic review recommendations, Viet Nam had yet to ratify the ICPPED<sup>5</sup>, the ICCPR-OP,<sup>6</sup> the OP-ICESCR, the OP-CEDAW and the OP-CAT<sup>7</sup> while JS3 recommended that Viet Nam ratify ICMW.<sup>8</sup>

3. UNPO recommended to ratify Convention 169 of the ILO on Indigenous and Tribal Peoples, and to implement the content of the United Nations Declaration on the Rights of Indigenous Peoples of 2007.<sup>9</sup> JS3 recommended that Viet Nam accelerate the ratification and implementation of the ILO convention on Freedom of Association and Protection of the Right to Organize (C87) and optional protocols to ILO core human rights treaties.<sup>10</sup>

4. JS5 and JS8 recommended that Viet Nam extend a standing invitation to all United Nations Special Procedures mandate holders.<sup>11</sup>

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

\*\* Agreement was reached to publish the present report after the standard publication date owing to circumstances beyond the submitter's control.



## **B. National human rights framework**

### **1. Constitutional and legislative framework**

5. JS1 recommended that Viet Nam amend its Constitution to remove the Communist Party as the only leading political force in Viet Nam to guarantee all citizens democratic rights and fundamental freedoms.<sup>12</sup>

6. VPDF recommended to domesticate international conventions into the national legal system.<sup>13</sup>

7. JS21 called upon Viet Nam to initiate a transparent and consultative legal reform process to review and revise existing laws and regulations with a view to align them with the State obligations under international human rights law and standards, including Articles 117 and 331 of the Criminal Code that are reportedly used by the authorities to prosecute and imprison human rights defenders.<sup>14</sup> JS21 also called upon Viet Nam to review and revise Decree 80/2020/ND-CP on the management and use of grant aid, not in the form of official development assistance, of foreign agencies, organizations, and individuals, for Viet Nam, which is reportedly instrumentalized against civil society organisations and human rights organisations in Viet Nam.<sup>15</sup>

### **2. Institutional infrastructure and policy measures**

8. VPDF and JS14 recommended to speed up the establishment of a National Human Rights Institution in line with the principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles).<sup>16</sup>

## **C. Promotion and protection of human rights**

### **1. Implementation of international human rights obligations, taking into account applicable international humanitarian law**

#### *Equality and non-discrimination*

9. iSEE reported that sexual orientation and gender identity were not explicitly included under the definition of discrimination in Article 3.8 of the Labour Code (2019), despite the acceptance by Viet Nam of previous universal periodic review recommendations to amend it. iSEE recommended to include “sexual-orientation” and “gender identity” as grounds for protection from discrimination in relevant anti-discrimination acts, legislation, and policy. It also recommended to institute an effective monitoring and complaint mechanism to address discrimination against LGBTI people in recruitment and other workplace matters.<sup>17</sup>

10. JS14 recommended to amend the Law on Gender Equality to provide clear definitions of direct, indirect, and intersectional discrimination and to enact a comprehensive anti-discrimination law with clear definitions and an effective mechanism to redress discrimination.<sup>18</sup>

11. JS14 also recommended to give full effect to the Law on Advertisement and the Law on Gender Equality through providing training for press agencies and sanctioning products that reinforce gender stereotypes.<sup>19</sup>

#### *Right to life, liberty and security of person, and freedom from torture*

12. JS20 reported that Viet Nam remained a retentionist country, and that authorities had classified the use of the death penalty as a state secret.<sup>20</sup> JS6 recommended to restrict the use of the death penalty to crimes that meet the threshold of most serious crimes under international law.<sup>21</sup> JS12 and JS20 recommended to declare a full moratorium on capital punishment.<sup>22</sup> AI, ICJ and JS11 recommended that Viet Nam abolish the death penalty.<sup>23</sup> JS20 recommended to collaborate with civil society to ensure that all attorneys providing legal services to people at risk of being sentenced to death have comprehensive training on capital defence and grounds of mitigation as well as gender sensitization training regarding coercive control, gender-based violence, and women in conflict with the law.<sup>24</sup>

13. JS5 expressed deep concern at reported systematic attempts to silence human right defenders, journalists and bloggers, including through jailing under security laws and restrictions on their freedom of movement as well as the use of torture.<sup>25</sup> JS7 reported that, as of September 2023, at least 260 prisoners of conscience were detained in Viet Nam.<sup>26</sup> VAC further reported that human rights defenders under pre-trial detention often faced prolonged incommunicado conditions, and that at least four deaths of imprisoned human rights defenders had been recorded since 2019.<sup>27</sup> JS22 reported about unjust and arbitrary incarceration of environmental defenders as a new and emerging human rights concern since the previous universal periodic review.<sup>28</sup> AI, DTD, HRW, JS5 and JS22 recommended to immediately release all human rights defenders,<sup>29</sup> journalists and critics detained for exercising their fundamental rights to freedoms of association, peaceful assembly, and expression,<sup>30</sup> and to review their cases to prevent further harassment.<sup>31</sup> JS5 recommended that Viet Nam end the practice of incommunicado detention, solitary confinement, torture, ill-treatment, and punitive transfers of human rights defenders to prisons far from their homes, in accordance with the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Mandela Rules).<sup>32</sup> JS8 recommended that family members of detainees are swiftly informed of their whereabouts and the charges against them, in accordance with international standards.<sup>33</sup>

14. JS12 recommended to incorporate in the country's legislation the absolute prohibition of torture and the principle of command or superior responsibility for acts of torture committed by subordinates.<sup>34</sup>

15. JS20 stated that despite the Government's response to the Committee Against Torture that it was the consistent policy of Viet Nam to strictly punish anyone who commits acts of torture and ill-treatment against detainees, the torture and other ill-treatment of persons deprived of liberty remained reportedly widespread.<sup>35</sup> AI, HRF and JS20 reported that Viet Nam commonly used torture to extract confessions,<sup>36</sup> and other inhuman treatment against prisoners of conscience, specifically using forms of psychological abuse, placing prisoners of conscience in mental health institutions against their will, and subjecting them to solitary confinement and inhuman conditions.<sup>37</sup> VAC recommended to prohibit harassment and torture during investigation and detention, to punish perpetrators and ensure that evidence obtained through torture be inadmissible during trials, in line with obligations under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.<sup>38</sup> JS20 recommended that Viet Nam create a mechanism by which defendants may raise, prior to trials, the inadmissibility of evidence obtained through torture, and to provide training to all judges overseeing criminal proceedings to ensure that no court admits into evidence any statements obtained through torture, except to prove that a person committed torture.<sup>39</sup> JS8 recommended to ensure that all forms of torture and ill-treatment cease immediately.<sup>40</sup>

16. JS6 recommended that Viet Nam guarantee humane treatment for detainees and improve the conditions of detention facilities, especially temporary detention centres, and ensure the humane treatment of death row prisoners.<sup>41</sup> JS10 specifically recommended to provide appropriate medical treatment to inmates.<sup>42</sup> HRF recommended that Viet Nam extend a standing visit invitation to the United Nations Special Rapporteur on torture and other cruel, inhuman, or degrading treatment or punishment.<sup>43</sup>

17. ECP reported that the corporal punishment of children was lawful in the home, alternative care settings, and day care.<sup>44</sup> ECP recommended that corporal punishment be prohibited in all settings, including the home and in public institutions.<sup>45</sup>

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

18. JS15 reported that, in Viet Nam, courts were not independent from the executive, and trials were routinely unfair.<sup>46</sup> ICJ recommended that Viet Nam take immediate steps to ensure the full independence of the judiciary from any form of political pressure and influence, and ensure its impartiality.<sup>47</sup>

19. VAC reported that while the right to legal counsel was enshrined in Vietnamese laws, Article 74 of the Criminal Procedure Code stipulated that in cases pertaining to national security, the head of the Procuracy could defer access to lawyers until the conclusion of the

investigation. VAC also reported that Vietnamese authorities consistently infringed upon the right to counsel for human rights defenders.<sup>48</sup> HRW recommended that Viet Nam amend the Criminal Procedure Code to allow all suspects to have unhindered access to defence lawyers in private, for as long and as frequently as the lawyers and their clients require it, and respect lawyer-defendant confidentiality.<sup>49</sup>

20. JS20 reported that despite Viet Nam's acceptance of previous universal periodic review recommendations to ensure fair trial guarantees and due process rights, judicial oversight of deprivation of liberty was often absent and authorities partially or totally ignored international norms relating to the right to a fair trial.<sup>50</sup> JS20 recommended that Viet Nam provide all accused persons with timely access to counsel, prior to any interrogation, and ensure judicial oversight of deprivation of liberty and the right to a fair trial.<sup>51</sup> JS10 recommended to ensure that journalists are granted the right to a fair trial before an independent and impartial court in a timely manner and to ensure that their right to adequately prepare their defence is protected.<sup>52</sup>

*Fundamental freedoms and the right to participate in public and political life*

21. HRF called on Viet Nam to protect, respect, and promote, without reservation, the rights of all individuals to the freedoms of expression and association, and ensure that activists, journalists, and opposition groups can operate peacefully and safely within Viet Nam, without fear of retribution in the form of censorship, harassment, arbitrary arrest, and detention.<sup>53</sup> JS11 recommended to allow journalists to report on politically sensitive news and include perspectives that are critical of the State to produce balanced news articles.<sup>54</sup> JS5 recommended that Viet Nam publicly and unambiguously condemn physical assaults and other forms of harassment and retaliation against human rights activists, journalists, and bloggers, emphasising that such acts were illegal and that anyone involved in ordering or facilitating the attacks would be held responsible.<sup>55</sup>

22. VPC welcomed Viet Nam's efforts in effectively implementing the right of access to information,<sup>56</sup> JS5 was alarmed by strict control of the media in law and practice, online censorship, and controls on social media as well as ongoing restrictions of peaceful protests.<sup>57</sup> JS5 recommended that Viet Nam revise Decree 45 (2010) on the organization, operation, and management of associations, to ensure that undue restrictions on freedom of association, and particularly on the formation and operation of independent civil society organizations, are removed, to bring its provisions into compliance with ICCPR articles 21 and 22.<sup>58</sup> DTD recommended to ensure that freedom of expression is protected both offline and online by amending or removing vague national security and public order provisions in the Criminal Code and in other legislations, particularly the newly passed Cybersecurity Law, to make sure that limitations on freedoms of expressions are strictly in line with the ICCPR and all other human right treaties to which Viet Nam is a party.<sup>59</sup> AI recommended to amend the Cybersecurity Law.<sup>60</sup>

23. ADF reported that religious practice in Viet Nam was strictly regulated, including, *inter alia*, mandatory registration laws and intrusive surveillance of the activities of religious groups. Minority and unregistered religious groups reportedly routinely encountered targeting by State officials, including through the abuse of laws and reprisals.<sup>61</sup>

24. CAMSA reported that forced renunciation of faith and forced conversion of Montagnard Christians into the Evangelical Church of Viet Nam, continued in many northern provinces and recommended to end such practices as well as to sanction officials who enforced it.<sup>62</sup> JS16 reported that the authorities targeted Montagnard churches and their leaders, including their economic opportunities in villages, keeping the entire Montagnard ethnic group impoverished.<sup>63</sup> JS16 recommended that Viet Nam allow the practice of religion without any reporting application requirements and prosecute any government official, police officer, or member of the military, who arrested, detained, imprisoned, harassed, spied on, or otherwise impeded any person's ability to freely worship.<sup>64</sup> It also recommended that Viet Nam grant the Montagnard people the unrestricted right to freedom, equal citizenship rights, and provide them with such protections and provisions accorded to minority communities under international law.<sup>65</sup> Lastly, it recommended that the Special Rapporteur on freedom of religion or belief visit and interview Montagnard communities.<sup>66</sup>

25. JS4 expressed concern regarding Viet Nam's refusal to grant national registration to Jehovah's Witnesses, resulting in challenges for the local acknowledgment of their places of worship. It recommended that Viet Nam extend national registration to Jehovah's Witnesses in accordance with the new Law on Belief and Religion and to instruct central, provincial, and local authorities, facilitated by the National Committee of Religious Affairs, to issue recognition certificates to groups that have adhered to current regulations and submitted applications, to allow them to peacefully manifest their religious beliefs without interference.<sup>67</sup>

26. ECLJ recommended that Viet Nam reform its laws and practices to ensure that Christians practice their faith without fear of being arrested or harassed. It also recommended that Viet Nam take measures to protect religious minorities living in rural areas from being attacked and threatened for their religious beliefs.<sup>68</sup>

27. ADF recommended to repeal all criminal and other legal provisions that unduly restrict freedom of religion and to guarantee full respect both in law and in practice.<sup>69</sup> Similar recommendations were made by HRW and JS8.<sup>70</sup> JS1 recommended that Viet Nam return all buildings and lands confiscated from various religious and cultural organizations.<sup>71</sup>

#### *Right to privacy*

28. JS1 expressed deep concern about, and recommended against, adopting the July 2023 proposed legislation requiring social media users to register their names and telephone numbers to access and post views. This law would reportedly eliminate citizen online privacy and open their personal information for potentially adverse hacking activities and abuses.<sup>72</sup>

#### *Right to marriage and family life*

29. JS14 recommended that Viet Nam remove discriminatory provisions that reinforce gender stereotypes and stipulate an equal minimum age for marriage for both men and women in the Law on Marriage and Family 2014, to be in line with Article 16 of CEDAW and its General Recommendation No.21 on equality in marriage and family relations.<sup>73</sup>

30. KOCUN reported that Vietnamese women often migrated to other countries for marriage due to their hopes for better lives, or to escape economic poverty.<sup>74</sup> KOCUN recommended that Viet Nam strengthen the management of local illegal brokers.<sup>75</sup>

31. JS17 reported that although the Law on Marriage and Family 2014 removed the prohibition on same-sex marriage, Viet Nam still did not recognize or provide any forms of protection to the rights of same-sex couples during their cohabitation to create a shared life.<sup>76</sup>

32. JS17 indicated that same-sex couples were not entitled to common property rights, and the rights of inheritance law, and that the current legislation only allowed legally married couples to adopt children.<sup>77</sup> JS14 and JS17 recommended to review and amend the Law on Marriage and Family 2014 (Article 8), entitling people of the same sex to marriage and full equal rights and obligations.<sup>78</sup>

#### *Prohibition of all forms of slavery, including trafficking in persons*

33. JS12 reported that Viet Nam failed to demonstrate its political will to fight human trafficking by not protecting victims, prosecuting traffickers, and taking preventative measures.<sup>79</sup>

34. JS12 recommended to delineate a clear link between human trafficking and the migration of workers within Vietnamese law to tackle human trafficking under Viet Nam's labour export programme.<sup>80</sup> It also recommended to vigorously prosecute all forms of trafficking and convict and punish traffickers, including responsible government officials, labour export company executives, and recruiters in the state-run labour export programme.<sup>81</sup>

#### *Right to work and to just and favourable conditions of work*

35. JS3 reported on the widespread use of toxic chemicals and related environmental violations, specifically that 48% of the chemicals used in the factories had at least one ingredient that was carcinogenic, mutagenic, or toxic to reproduction.<sup>82</sup>

36. JS3 recommended that Viet Nam ensure that the identity and health and safety information about chemicals used by companies and factories are publicly available to ensure the rights of access to information of workers and the public, and develop programs to raise public awareness by providing comprehensive and systematic information for the media about the negative impact of the electronic industry on the environment and worker's health through using international research and experiences, and continuously collect evidence from companies in Viet Nam.<sup>83</sup>

37. JS3 further recommended that Viet Nam quickly complete the legal framework for sanctioning administrative violations that are strong enough to deter violations of labour, safety, and sanitation regulations and policies, and strictly apply the provisions of laws to handling companies who violate labour and environmental regulations and policies and to form a national standard for labour contracts.<sup>84</sup>

38. JS3 highlighted information indicating that female workers in the electronics industry reported working conditions that included alternating day and night shifts for periods of 3 days, standing for the entire 9–12-hour shift, fainting and feeling dizzy and a high noise level regularly exceeding Vietnamese legal limits, and that miscarriage was reported to be “very normal if they are young”.<sup>85</sup>

39. JS3 recommended that Viet Nam conduct in-depth research to identify the impacts of the working environment on the health of workers, particularly women workers, implement policies and actions that prevent harm to workers in the electronics industry and the surrounding environment, and develop programs to raise worker and public awareness about chemical and occupational health and safety in the electronics industry.<sup>86</sup> JS14 recommended to conduct comprehensive evaluation studies on the working environments in Viet Nam's electronics industry.<sup>87</sup>

40. JS3 reported that although Article 198 of the 2019 Labour Code allowed workers to strike, the State normative legal documents, including Decree 38/2005/NĐ-CP and Circular 09/2005/TT-BCA, imposed restrictions on organizing strikes and limited the worker's right to strike. According to those legal documents, gathering more than five persons in public spaces or at the headquarters of governmental or socio-political entities for presenting demands or petitions related to various issues, required prior registration with the relevant People's Committees. JS3 recommended that Viet Nam promulgate the Law on Strike and annul Decree 38/2005/NP-CP and Circular 09/225/TT-BCA to ensure the right to strike and the right of peaceful assembly of workers.<sup>88</sup>

41. JS5 recommended to revise existing labour laws to recognise the right to freedom of association and guarantee the effective and independent functioning of autonomous trade unions.<sup>89</sup>

#### *Right to an adequate standard of living*

42. BC reported that in the event of natural disasters, poor households struggled to maintain nutritious diets, and that families experiencing flooding were more likely to be affected by food insecurity with malnutrition causing severe long-term consequences to children and affecting their physical growth, cognitive skills, and progress in school.<sup>90</sup> BC encouraged Viet Nam to open more food banks in the areas most often affected by floods to ensure that no one goes hungry.<sup>91</sup>

#### *Right to health*

43. While reporting achievements in health service delivery, including eye health, through socio-economic development and strategic investments in health systems, FHFVN recommended that Viet Nam raise awareness among local people about utilizing services at their local District Health Center, to ensure better trust in primary health.<sup>92</sup>

44. ADF reported that, even though Article 7 of Vietnam's 2003 Ordinance on Population explicitly prohibited sex selection, Viet Nam was estimated to experience over 40,000 “missing” female births annually, owing to sex-selective abortion combined with excess female mortality stemming from postnatal sex selection.<sup>93</sup> ADF recommended that Viet Nam: a) ensure the effective enforcement of laws prohibiting prenatal sex selection, including by

adopting appropriate measures to counteract attempts to bypass these laws; b) further strengthen regulations regarding the performance of prenatal genetic testing for detecting the sex of the child; and c) redouble efforts to promote awareness-raising and educational initiatives to eliminate prejudices and harmful practices perpetuating the culture of son preference.<sup>94</sup> ADF further recommended that Viet Nam take measures to promote and protect the equal and inherent dignity of women and girls, including by addressing the root causes of son preference.<sup>95</sup> ECLJ expressed concerns about, and made recommendations on, Viet Nam's law on abortion and the Two-Child Policy for Communist Party members.<sup>96</sup>

#### *Right to education*

45. ABRAVIET reported that 99.9% of primary students continued to study at lower secondary school and that the unemployment rate in 2022 was 2.32%, a decrease from 3.2% in 2021.<sup>97</sup> VCF however, reported that in rural ethnic communities, poverty was endemic, and education was difficult to find.<sup>98</sup>

46. BC further reported that Viet Nam was the 6<sup>th</sup> most affected country by climate change globally, and consequently, school enrolments decreased, which could affect cognitive ability, hindering foundational learning, including basic literacy, numeracy, and socio-emotional skills.<sup>99</sup>

47. BC recommended that Viet Nam create at-home learning materials for when natural disasters occur, and when students cannot attend schools due to the destructions of schools,<sup>100</sup> provide a laptop for each student from the lowest income households to ensure they can access digital learning materials, and give all teachers training on the usage of modern technology.<sup>101</sup>

#### *Cultural Rights*

48. UNPO recommended that Viet Nam promote respect for the practice of Khmer-Krom's indigenous language in the community as well as ensure adequate Khmer instruction in schools, including multilingual language instruction in primary schools and within religious institutions.<sup>102</sup>

#### *Development, the environment, and business and human rights*

49. HFV reported that Hanoi was the most polluted city in Southeast Asia in 2019.<sup>103</sup> It also stated that massive amounts of untreated waste coming from major cities were reportedly directly causing communities living near landfills transgenerational environmental prejudices violating their fundamental rights.<sup>104</sup>

50. HFV reported that Viet Nam's current trajectory of sea-level rise and severe flooding up to 2050 would cause a massive wave of environmental migration, with an estimated number of 26 million people migrating.<sup>105</sup> HFV recommended to foster and initiate bilateral and multilateral collaborations for water management, as well as engage regional actors in preventing and tackling transnational climate change and natural disasters.<sup>106</sup>

51. HFV further reported that there was a lack of public awareness and participation in implementing climate and sustainable development goals.<sup>107</sup> In addition, at least 27 environmental human rights defenders had reportedly been arrested and imprisoned.<sup>108</sup> HFV recommended to that Viet Nam adopt and integrate the United Nations Guiding Principles on Business and Human Rights in the Law on Environmental Protection and the 2020 Law on Investment<sup>109</sup> and adopt the guidelines and frameworks of the upcoming legally binding 2024 Global Plastic Treaty into the Environmental Protection Law.<sup>110</sup>

## **2. Rights of specific persons or groups**

#### *Women*

52. JS14 reported that the media reinforced gender stereotypes through the newspapers and visual media, whereby men appeared in the roles of politicians and successful whereas women were depicted as being in poverty, in need of help, or as patients or victims.<sup>111</sup> JS14 further reported that gender stereotypes about women's participation in leadership and management were one of the challenges for promoting gender equality in politics.<sup>112</sup> JS14

highlighted that provisions such as the 2019 Labour Code that differentiated retirement ages between men and women, reinforced traditional gender roles in vocational trainings.<sup>113</sup> JS14 recommended that Viet Nam amend the Labour Code to ensure that it delivers an equal retirement age and does not reinforce traditional gender roles, review and adjust all government-funded projects, emulation movements, and media campaigns aimed at women to ensure the eradication of all gender stereotypes, and remove discriminatory provisions that reinforce gender stereotypes, such as depicting women's roles as "mothers".<sup>114</sup>

53. JS14 reported that 50% of women who experienced violence from their husbands did not report it, and 90.4% who experienced physical and/or sexual violence did not seek support from government agencies. JS14 highlighted that the lack of services made victims unwilling to speak up.<sup>115</sup>

54. JS14 recommended that Viet Nam encourage victims of gender-based violence to report and ensure that incidents are effectively investigated and appropriately handled and strengthen services to support victims of gender-based violence with medical, psychological, economic, legal and shelter service.<sup>116</sup>

55. JS14 recommended that Viet Nam clearly define acts of sexual harassment, sexual assault, and rape in the Penal Code.<sup>117</sup>

#### *Children*

56. JS9 and JS12 recommended that Viet Nam revise the definition of a child in Vietnamese law to be below 18 years old.<sup>118</sup>

57. While reporting positive developments since the last universal periodic review, specifically for the benefit of children, Saigon Children recommended to provide additional resources to relevant authorities, to accelerate the implementation of relevant policies on children and to increase the impact and volume of collaborative projects such as those with civil society organizations and businesses.<sup>119</sup>

58. HFV reported that minority children were at a great disadvantage to access education, including attending schools far from home, the distance varying from 10km to over 500km away from the child's house.<sup>120</sup> HFV recommended that Viet Nam increase the number of ethnic minority teachers in the national education system, and implement the recommendation of the Committee on the Rights of the Child on ensuring the availability of quality satellite schools in remote areas, with a view to phasing out boarding and semi-boarding schools.<sup>121</sup>

59. According to KOCUN, due to immigration, children reportedly often faced statelessness. To safeguard the fundamental rights of returnees' children, KOCUN recommended that Viet Nam, in the short term, allow all countries to issue long-term residence visas of one year or more to children of returnees, ensure widespread awareness of returnees' status, and consider dual citizenship in the long term.<sup>122</sup> KOCUN also recommended that Viet Nam ensure that children of returnees whose passports and visas had expired and who remained undocumented have access to public education and health care.<sup>123</sup>

#### *Indigenous peoples and minorities*

60. HFV reported that the dominant ideology had produced ethnic hierarchy and prevented social and political equality amongst ethnicities. Indigenous people were reportedly yet to be recognised, even though Viet Nam voted in favour of the Declaration on the Rights of Indigenous Peoples.<sup>124</sup> HFV indicated that the social structures, agricultural practices, as well as religious and cultural practices of ethnic minorities were frequently viewed as inferior and primitive. HFV recommended that Viet Nam remove racial languages and stereotypes against ethnic minorities from the 2013 Constitution, recognize indigenous people, and provide specific laws to support indigenous groups.<sup>125</sup>

61. CAMSA recommended to recognize the existence of indigenous peoples within the territory of Viet Nam. This recognition should encompass, but not be limited to, the Khmer Krom, the H'mong, and the Montagnard (Degar), populations.<sup>126</sup>



62. Referring to the Khmer Krom people reportedly concentrated in Viet Nam's Mekong River delta, KKF considered that realisation of their rights remained elusive.<sup>127</sup> JS2 recommended that Viet Nam strengthen policies to promote the communication skills, education, and capacity-building of law enforcement officers to better observe the rights of indigenous people.<sup>128</sup>

63. JS14 reported the low rate of ethnic minorities girls in schools and the difficulties female ethnic minority migrants faced, due to a lack of financial support, working conditions, and lack of stability.<sup>129</sup> JS14 recommended that Viet Nam strengthen the information technology capacity of ethnic minorities women and improve access to local public administration services to ensure ethnic minority women feel more confident to communicate with government officials and to access digital public administration services.<sup>130</sup>

#### *Lesbian, gay, bisexual, transgender and intersex persons*

64. iSEE reported that the current legal framework did not protect LGBTI people from discrimination on the explicit grounds of sexual orientation and gender identity.<sup>131</sup> For every 5 LGBTI people, one person had reportedly experienced severe discrimination and violence in the last 5 years. Amongst them, 9.3% reported being physically assaulted, 2.9% were sexually assaulted, and 13.9% were threatened with physical assault. Yet only 2.6% reported the incidents to the authorities.<sup>132</sup> iSEE recommended to define people of diverse sexual orientation, gender identity, gender expression, and sex characteristics in the Gender Equality Law and to expand the definitions of "gender equality", "gender-based violence" and "gender-based discrimination" provided in the law to recognise people of diverse SOGIESC.<sup>133</sup>

65. JS17 reported that one in every four people from sexual minorities experienced at least one type of sexual violence, however, when seeking help, they reportedly experienced being ignored by the police or asked for hospitalization in a medical facility.<sup>134</sup> JS17 recommended that State mechanisms provide education and training in gender and sexual diversity for officials who work directly with victims of sexual violence.<sup>135</sup>

66. JS17 recommended that Viet Nam add the term "Transgender" to the basic principles of gender equality in the process of amending the 2006 Gender Equality Law, ensuring that transgender people are not discriminated against based on gender and gender expression, and also include the principles of anti-discrimination based on sexual orientation, gender identity and gender expression in the 2019 Education Law to protect students with diverse gender expressions in the school environment.<sup>136</sup>

67. iSEE recommended to amend existing legislations to end non-consensual and non-medically necessary medical interventions carried out on intersex children under the Civil Code (Article 16) and Decree 88-ND-CP/2008 and guarantee intersex people their rights to bodily integrity and self-determination.<sup>137</sup>

#### *Migrants*

68. JS3 reported that the majority of female workers in the electronics industry were migrants. JS3 highlighted that women migrant workers were a missing group in important and relevant policies as they were not specified as a group with special needs in the Law on Legal Aid (2006). According to the 2014 Health Insurance Law, migrant workers reportedly had to pay higher fees for medical services than people with permanent residence. JS3 recommended that Viet Nam provide and implement specific policy measures to address the situation of migrant workers, especially in terms of social policies on health care and access to other social services.<sup>138</sup>

69. JS3 highlighted the intricacies of the Health Insurance and Social Insurance application process which reportedly posed challenges for migrants and their families in accessing medical services. Furthermore, migrant women workers with small children were reportedly compelled to live apart from them, leaving their children with grandparents due to logistical constraints. JS3 recommended that Viet Nam ensure the rights of migrant workers to equally access social protection by revising the Law on Social Insurance to include short-term benefit packages of maternity, illnesses and occupational accidents and diseases for informal workers.<sup>139</sup>

## Notes

<sup>1</sup> A/HRC/41/7, A/HRC/41/7/Add.1, and A/HRC/41/2.

<sup>2</sup> The stakeholders listed below have contributed information for this summary; the full texts of all original submissions are available at: [www.ohchr.org](http://www.ohchr.org) (one asterisk denotes a national human rights institution with A status).

*Civil society**Individual submissions:*

ABRAVIET	ABRAVIET, Brasilia (Brazil);
ADF International	ADF International, Geneva (Switzerland);
AI	Amnesty International;
AIPSO	All India Peace & Solidarity Organisation, New Delhi (India);
Broken Chalk	The Stitching Broken Chalk, Amsterdam (Netherlands);
CAMSA	Coalition to Abolish Modern-Day Slavery in Asia, Virginia (United States of America);
DTD	Defend the Defenders, Hanoi (Viet Nam);
ECLJ	The European Centre for Law and Justice, Strasbourg (France);
ECP	End Corporal Punishment, Geneva (Switzerland);
FHFVN	The Fred Hollows Foundation in Viet Nam, Da Nang (Viet Nam);
H.R.F.	Human Rights Foundation, New York (United States of America);
HFV	Hope for Viet Nam, Hanoi (Viet Nam);
HRW	Human Rights Watch, Geneva (Switzerland);
ICJ	International Commission of Jurists, Geneva (Switzerland);
iSEE	Institute for Studies of Society, Economy and Environment, Hanoi (Viet Nam);
KKF	Khmers Kampuchea-Krom Federation, Camdem (United States of America);
KOCUN	Korea Center for United Nations Human Rights Policy, Seoul, (Republic of Korea);
saigonchildren	Saigon Children's Charity CIO, HCMC, (Viet Nam);
UNPO	Unrepresented Nations and Peoples Organization, Brussels, (Belgium);
VAALA	Viet Nam Committee for Asian-Africa-Latin American Solidarity and Cooperation, Ha Noi (Viet nam);
VAC	Vietnamese Advocates for Change, Mississauga (Canada);
VCF	The VinaCapital Foundation, Ho Chi Minh City, (Viet nam);
VPC	Viet Nam Peace Committee, Ha Noi (Viet Nam);
VPDF	Viet Nam Peace and Development Foundation, Hanoi (Viet Nam);
WPC	World Peace Council, Athens (Greece).

*Joint submissions:*

JS1	<b>Joint submission 1 submitted by:</b> PEN International (London, UK), Vietnamese Abroad PEN Centre, (Toronto Canada) and PEN America (New York, USA);
JS2	<b>Joint submission 2 submitted by:</b> Khmer Kampuchea Krom for Human Rights and Development Association (KKKHRDA), Khmer Kampuchea Krom Community (KKKC), Friendship of Khmer Kampuchea Krom Association (FKKKA), Khmer Kampuchea Krom Cultural Center in Cambodia (KKKCCC), Khmer Fund for the Poor (KFP), Khmer Kampuchea Krom Women Association (KKKWA), Khmer Krom Youth Council (KKYC), Phnom Pehn, (Cambodia);
JS3	<b>Joint submission 3 submitted by:</b> Research Centre for Gender, Family and Environment in Development (CGFED) Supporters for the Health and Rights of Workers in the Semiconductor Industry (SHARPS) The International Pollutants Elimination Network (IPEN, Hanoi (Viet Nam);
JS4	<b>Joint Submission 4 submitted by:</b> Asia-Pacific Association of Jehovah's Witnesses and The European Association of

- Jehovah's Witnesses, Selters (Germany);
- JS5 **Joint submission 5 submitted by:** CIVICUS, Asia Democracy Network and Vietnamese Advocates for Change, Johannesburg, (South Africa);
- JS6 **Joint submission 6 submitted by:** Centre for Civil and Political Rights and Legal Initiatives for Viet Nam (LIV), Geneva, (Switzerland);
- JS7 **Joint submission 7 submitted by:** Defend the Defenders and Brotherhood for Democracy, Hanoi (Viet Nam);
- JS8 **Joint submission 8 submitted by:** Christian Solidarity Worldwide and Impulso18, New Malden, (United Kingdom of Great Britain and Northern Ireland);
- JS9 **Joint submission 9 submitted by:** Nguyen Kim Dien Group of Catholic Priests, and Committee of Justice and Peace for the Viet Nameese Catholic Community of Archdiocese of Galveston-Houston, Houston (United States of America);
- JS10 **Joint submission 10 submitted by:** Committee to Protect Journalists, Freedom House, and Robert F. Kennedy Human Rights, Washington (United States of America);
- JS11 **Joint submission 11 submitted by:** ACAT-France ACAT Germany Brotherhood for Democracy Reporters Without Borders Viet Tan, Sacramento (United States of America);
- JS12 **Joint submission 12 submitted by:** BPSOS, Viet Nam Coalition Against Torture (VN-CAT), Montagnards Stand for Justice, Campaign to Abolish Torture in Viet Nam (CATVN), Committee to Unite Cao Dai Disciples, and Coalition to Abolish Modern-day Slavery in Asia (CAMSA), Virginia (United States of America);
- JS13 **Joint submission 13 submitted by:** PEN International, Viet Nameese Abroad PEN Centre, and PEN America, London (United Kingdom of Great Britain and Northern Ireland);
- JS14 **Joint submission 14 submitted by:** Center for Education Promotion and Empowerment of Women and Research Center for Gender, Family, and Environment in Development (CGFED), Geneva (Switzerland);
- JS15 **Joint submission 15 submitted by:** International Federation for Human Rights (FIDH) Viet Nam Committee on Human Rights (VCHR), Paris (France);
- JS16 **Joint submission 16 submitted by:** Christian Church (Disciples of Christ) in the US and Canada and the United Church of Christ, Indianapolis, (United States of America);
- JS17 **Joint submission 17 submitted by:** Working Group for LGBTI Issues in Viet Nam, ICS Center, IT'S T TIME, Asexual in Viet Nam, Sunshine An Giang Social Enterprise, and NextGen Hanoi, Ha Noi, (Viet Nam);
- JS18 **Joint submission 18 submitted by:** JUBILEE CAMPAIGN and Boat People SOS (BPSOS), Virginia, (United States of America);
- JS19 **Joint submission 19 submitted by:** Viet Nam Human Rights Network (VNHRN) – Defend the Defenders, Westminster, (United States of America);
- JS20 **Joint submission 20 submitted by:** The Advocates for Human Rights World Coalition Against the Death Penalty (United States of America);
- JS21 **Joint submission 21 submitted by:** Front Line Defenders – The International Foundation for the Protection of Human Rights Defenders The 88 Project, Dublin (Ireland);
- JS22 **Joint submission 22 submitted by:** International Rivers, Environmental Law Alliance Worldwide, The 88 Project.

<sup>3</sup> The following abbreviations are used in UPR documents:

ICERD International Convention on the Elimination of All Forms of Racial Discrimination

ICESCR	International Covenant on Economic, Social and Cultural Rights
OP-ICESCR	Optional Protocol to ICESCR
ICCPR	International Covenant on Civil and Political Rights
ICCPR-OP 1	Optional Protocol to ICCPR
ICCPR-OP 2	Second Optional Protocol to ICCPR, aiming at the abolition of the death penalty.
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
OP-CEDAW	Optional Protocol to CEDAW
CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
OP-CAT	Optional Protocol to CAT
CRC	Convention on the Rights of the Child
OP-CRC-AC	Optional Protocol to CRC on the involvement of children in armed conflict
OP-CRC-SC	Optional Protocol to CRC on the sale of children, child prostitution and child pornography
OP-CRC-IC	Optional Protocol to CRC on a communications procedure
ICRMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families
CRPD	Convention on the Rights of Persons with Disabilities
OP-CRPD	Optional Protocol to CRPD
ICPPED	International Convention for the Protection of All Persons from Enforced Disappearance

<sup>4</sup> WPC, p. 4; See also AIPSO, p. 4.

<sup>5</sup> See also AI, p. 3, JS3, p. 1 and JS12, p. 4.

<sup>6</sup> See also AI, p. 5, JS11, p. 13 and JS20, p. 5 and JS18, p. 1.

<sup>7</sup> See also VAC, p. 6 and JS8, para. 35.

<sup>8</sup> JS3, p. 1.

<sup>9</sup> Unpointl, para. 9.

<sup>10</sup> JS3, p. 1.

<sup>11</sup> JS5, para. 16.5 and JS8, para. 45. See also AI, para. 7 and p. 4.

<sup>12</sup> JS1, para. 32.11.

<sup>13</sup> VPDF, para. 23.

<sup>14</sup> JS21 p. 11. See also JS15, p. 12.

<sup>15</sup> JS21 p. 11. See also JS15, p. 12.

<sup>16</sup> VPDF, para. 10 and JS14, paras. 61–62. See also AI, para. 10.

<sup>17</sup> iSEE, para. 21.

<sup>18</sup> JS14, para. 13.

<sup>19</sup> JS14, para. 18.

<sup>20</sup> JS20, para. 10. See also AI, para. 24 and p. 5.

<sup>21</sup> JS6, para. 47. See also AI, p. 5.

<sup>22</sup> JS12, p. 11 and JS20, para. 25. See also AI p. 5.

<sup>23</sup> AI, p. 5, ICJ, para. 30 and JS11, p. 13.

<sup>24</sup> JS20, para. 27. See also AI, p. 5.

<sup>25</sup> JS5, paras. 1.6 and 16.2. See also JS11, p. 10 and AI, para. 11.

<sup>26</sup> JS7, para. 7.

<sup>27</sup> VAC, pp. 3 and 5.

<sup>28</sup> JS22, p. 2.

<sup>29</sup> See also JS6 para. 20, JS7 para. 27; JS8 para. 37; JS9 p. 9; JS12, p. 4; JS13 para. 17; JS15 p. 12; JS21 p. 10 and JS19 para. 16.

<sup>30</sup> AI, p. 4, DTD, para. 28 and HRW, p. 4 and JS22, p. 14.

<sup>31</sup> AI, p. 4, JS5, paras. 1.6 and 16.2.

<sup>32</sup> JS5, para. 16.2.

<sup>33</sup> JS8, para. 44.

<sup>34</sup> JS12, p. 8.

<sup>35</sup> JS20, paras. 21–22.

<sup>36</sup> AI, paras. 6 and 18 and JS20, para. 23.

<sup>37</sup> HRF, paras. 17–33.

<sup>38</sup> VAC, p. 6. See also AI, p. 4.

<sup>39</sup> JS20, para. 27.

- 40 JS8, para. 38. See also HRF, para. 35(b).
- 41 JS6, para. 47.
- 42 JS10, para. 35.
- 43 HRF, paras. 35(c–d). See also JS20, para. 27.
- 44 ECP, p. 1.
- 45 ECP, para. 3.
- 46 JS15, para. 14.
- 47 ICJ, para. 32.
- 48 VAC, para. 5.
- 49 HRW, p. 3.
- 50 JS20, para. 27. See also AI, paras. 3, 15 to 17.
- 51 JS20, para. 27. See also AI, p. 4.
- 52 JS10, paras. 45–46.
- 53 HRF, para. 35(a). See also JS5, para. 16.1 and JS10, para. 58.
- 54 JS11, p. 11.
- 55 JS5, para. 16.2.
- 56 VPC, para. 9.
- 57 JS5, para. 16. See also JS11, paras. 8–9. See also AI, para. 12.
- 58 JS5, para. 16.1.
- 59 DTD, para. 27. See also AI, p. 4 and JS13, para. 7.
- 60 AI, para. 8 and p. 4.
- 61 ADF, para. 3.
- 62 CAMSA p. 8.
- 63 JS16, para. 4.
- 64 JS16, p. 4.
- 65 JS16, p. 4.
- 66 JS16, p. 4.
- 67 JS4, para. 2.
- 68 ECLJ, para. 26.
- 69 ADF, para. 38.
- 70 HRW, p. 4 and JS8, para. 34.
- 71 JS1, para. 32.9.
- 72 JS1, paras. 5 and 32.2.
- 73 JS14, para. 13.
- 74 KOCUN, p. 1.
- 75 KOCUN, p. 1.
- 76 JS17, p. 4.
- 77 JS17, p. 4.
- 78 JS14, para. 13 and JS17, p. 6.
- 79 JS12, pp. 11–12.
- 80 JS12, p. 17.
- 81 JS12, p. 17.
- 82 JS3, para. 11.
- 83 JS3, p. 5.
- 84 JS3, p. 4.
- 85 JS3, p. 4.
- 86 JS3, p. 4.
- 87 JS14, para. 51.
- 88 JS3, p. 7.
- 89 JS5, para. 16.1.
- 90 BC, para. 25.
- 91 BC, para. 42.
- 92 FHFVN, paras. 11–12.
- 93 ADF, paras. 22–23.
- 94 ADF para. 38(h–k).
- 95 ADF, para. 38(l).
- 96 ECLJ, paras. 22 and 27.
- 97 ABRAVIET, p. 4; See also VAALA, p. 2.
- 98 VCF p. 1.
- 99 BC, paras. 21–23.
- 100 BC, paras. 21–23.
- 101 BC, paras. 43–44.

- <sup>102</sup> Unpointl, paras. 9(v–vi).  
<sup>103</sup> HFV, para. 23.  
<sup>104</sup> HFV, para. 23.  
<sup>105</sup> HFV, para. 25.  
<sup>106</sup> HFV, p. 11.  
<sup>107</sup> HFV, pp. 10–11.  
<sup>108</sup> HFV, p. 11.  
<sup>109</sup> HFV, p. 11.  
<sup>110</sup> HFV, p. 11.  
<sup>111</sup> JS14, para. 14.  
<sup>112</sup> JS14, para. 15.  
<sup>113</sup> JS14, para. 13.  
<sup>114</sup> JS14, paras. 13, 17 and 18.1.  
<sup>115</sup> JS14, para. 27.  
<sup>116</sup> JS14, paras. 3, 30.2.  
<sup>117</sup> JS14, para. 13.  
<sup>118</sup> JS9, p. 9 and JS12, p. 17.  
<sup>119</sup> Saigon Children, pp. 1–2.  
<sup>120</sup> HFV, pp. 7–8. See also JS9, p. 2.  
<sup>121</sup> HFV, p. 8.  
<sup>122</sup> KOCUN, p. 3.  
<sup>123</sup> KOCUN, p. 3.  
<sup>124</sup> HFV, pp. 4–6.  
<sup>125</sup> HFV, pp. 6.  
<sup>126</sup> CAMSA, p. 12.  
<sup>127</sup> KKF, pp. 3.  
<sup>128</sup> JS2, p. 8.  
<sup>129</sup> JS14, paras. 52–53.  
<sup>130</sup> JS14, para. 55.  
<sup>131</sup> iSEE, para. 6.  
<sup>132</sup> iSEE, para. 6.  
<sup>133</sup> iSEE, para. 10.2.  
<sup>134</sup> JS17, p. 8.  
<sup>135</sup> JS17, p. 12.  
<sup>136</sup> JS17, pp. 8 and 15.  
<sup>137</sup> iSEE, para. 10.3.  
<sup>138</sup> JS3, p. 3.  
<sup>139</sup> JS3, p. 3.
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