



International Covenant on Civil and Political Rights

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Human Rights Committee

List of issues in relation to the fourth periodic report of Viet Nam*

Constitutional and legal framework within which the Covenant is implemented (art. 2)

1. In view of the Committee's concluding observations on the third periodic report of the State party (paras. 5 and 6)¹ and the information provided by the State party in its fourth periodic report,² please provide additional information on the measures taken to ensure that all Covenant rights are given full effect in domestic legal order and that any restrictions to the exercise of Covenant rights are clear and specific, ensuring that they are necessary and proportionate and in compliance with the Covenant, including information on Directive 24, on ensuring national security in the context of comprehensive and deep international integration, issued in July 2023. Please comment on the status of the Covenant in relation to the Constitution and domestic laws and explain whether the provisions of the Covenant and other international treaties can be invoked directly before the courts, including by providing any examples. Please indicate any steps taken towards ratifying the first Optional Protocol to the Covenant, on individual communications, and provide information on the availability and accessibility of remedies for individuals claiming violations of the rights enshrined in the Covenant.

2. With reference to the Committee's most recent concluding observations (para. 8) and the information provided by the State party,³ please provide additional information on the specific steps taken to establish an independent human rights institution that is fully in compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles). Please provide in particular further information on the status of the ongoing legislative review to determine the possibility of the establishment of a national human rights institution, the reasons for the continued delays in the establishment of such an institution, whether civil society consultations on this process have taken place and when the State party envisages that such an institution will be in place.

Anti-corruption measures (arts. 2 and 25)

3. Please provide information on specific measures taken by the State party to address corruption, including any preventative measures that are in place. Please provide statistical data on the number of complaints, investigations, prosecutions, convictions and other disciplinary measures taken during the reporting period under the State party's anti-corruption legislation, in particular cases involving corruption by high-level public officials, judges, prosecutors and law enforcement officers and any action taken against them.

* Adopted by the Committee at its 140th session (4–28 March 2024).

¹ Unless otherwise indicated, paragraph numbers in parentheses refer to the Committee's concluding observations on the third periodic report of the State party ([CCPR/C/VNM/CO/3](#)).

² [CCPR/C/VNM/4](#).

³ *Ibid.*, para. 25.



Please also describe the mandates of the State party's anti-corruption bodies and the steps taken to ensure their independent, impartial and effective operation, guaranteeing that such bodies are not instrumentalized for political purposes or used to target political opponents of those in power.

States of emergency (art. 4)

4. In the light of the Committee's most recent concluding observations (para. 10), please provide information on the steps taken during the reporting period to bring existing legislation and regulations governing states of emergency into line with article 4 of the Covenant, in particular with regard to the non-derogable provisions of the Covenant. Please provide information about the measures taken by the State party to address the coronavirus disease (COVID-19) pandemic. Please specify whether the measures taken were strictly required by, and proportional to, the exigencies of the situation and limited in duration, geographical coverage and material scope, as outlined by the Committee in its statement on derogations from the Covenant in connection with the COVID-19 pandemic.⁴

Non-discrimination (arts. 2, 19, 20 and 26)

5. In view of the Committee's most recent concluding observations (para. 14), please describe the measures taken during the reporting period to adopt comprehensive anti-discrimination legislation prohibiting all forms of discrimination, including direct, indirect and multiple discrimination, in all spheres, in both the public and the private sectors, on all the grounds prohibited under article 26 of the Covenant and measures providing for access to effective remedies in judicial and administrative proceedings for victims of discrimination.

6. Please describe the measures taken by the State party to address social stigmatization, harassment, violence and discrimination against lesbian, gay, bisexual, transgender and intersex persons effectively. Please report on, in particular: (a) the impact of the instructions issued by the Ministry of Health in August 2022 affirming that homosexual, bisexual and transgender patients are not to be treated as having an illness that needs to be "cured"; (b) the progress made in the development of a policy and procedure for legal gender recognition, without a medical requirement, that is compatible with the Covenant; and (c) the efforts made in educational settings to implement sex education programmes that provide students with comprehensive, accurate and age-appropriate information regarding sexuality and diverse gender identities. With reference to the Committee's most recent concluding observations (para. 16), please report on the steps taken to prohibit unnecessary medical interventions and genital surgery on intersex children under 16 years of age, ensuring that infants and children born with intersex variations do not undergo irreversible medical interventions for the purposes of gender assignment before the children concerned are able to provide their free and informed consent.

Gender equality and violence against women and domestic violence (arts. 2, 3, 6, 7 and 26)

7. With reference to the Committee's most recent concluding observations (paras. 20 and 22) and the information provided by the State party,⁵ please provide additional information on the activities carried out under the national communication programme on gender equality and the impact that they have had on promoting and raising awareness of gender equality as well as on the implementation and impact of the national strategy on gender equality, 2011–2020, specifically with regard to the provisions included in the national strategy on gender equality, 2021–2030, to prevent and address all forms of gender-based violence. Please also describe the steps taken during the reporting period: (a) to increase the participation of women, especially ethnic minority women and women in rural areas, in all spheres, including within the private and public sectors, in particular in high-level decision-making positions and political life, including any temporary special measures in this regard; (b) to address factors that contribute to the reluctance of victims of violence, including

⁴ CCPR/C/128/2.

⁵ CCPR/C/VNM/4, para. 23.

domestic violence to report abuse, including the approach to conciliation measures included in the Law on the Prevention of Domestic Violence, 2022; and (c) to align the legal definition of rape with the provisions of the Covenant and other international standards. Please also provide disaggregated data on the number of complaints and investigations of, and prosecutions and convictions for, all forms of violence against women, as well as the remedies offered to victims during the reporting period, and indicate the number of cases that were referred to alternative dispute-resolution processes.

Right to life (arts. 6 and 14)

8. In the light of the Committee's general comment No. 36 (2018) on the right to life (para. 62), please provide information on efforts to prevent and mitigate the effects of climate change and environmental degradation, including on the right to life, and on efforts to promote the sustainable use of natural resources. Please also share any information regarding measures taken to adopt a precautionary approach in order to protect persons, including those who are most vulnerable, from the negative impact of climate change and natural disasters.

9. In view of the Committee's most recent concluding observations (para. 24) and the information in the State party's report,⁶ and bearing in mind the Committee's general comment No. 36 (2018), please report on the legislative and other measures taken during the reporting period to further reduce the number of crimes subject to the death penalty and ensure that such punishment is retained only for crimes of extreme gravity involving intentional killing. Please provide information on the legislative and other measures taken to ensure full respect for due process guarantees in death penalty cases, including giving advance notice of execution to death row inmates and their families and ensuring that the death penalty is not imposed as a result of forced confessions. Please also provide statistical data, disaggregated by sex, age and ethnic origin, on the number of: (a) death sentences imposed; (b) executions carried out, specifying the offences for which the sentences were imposed; (c) death penalty cases in which a pardon or commutation was granted; and (d) persons held on death row during the reporting period.

10. Please describe the relevant legal framework in place and clarify whether relevant criminal legislation defines and criminalizes all acts of enforced disappearance and provides for penalties commensurate with the seriousness of the offence, in accordance with international human rights standards. Please respond to allegations of enforced disappearance and transnational repression during the reporting period, including through extraordinary rendition and the misuse of Red Notices of the International Criminal Police Organization, specifically targeting dissenting voices, such as bloggers, journalists and human rights defenders, and report on measures taken to conduct prompt, thorough and impartial investigations into such cases and to bring those responsible to justice. Please also provide information on the fate and whereabouts of Chinese refugee and human rights defender, Dong Guangping, who was reportedly detained arbitrarily by Vietnamese police in Hanoi on 24 August 2022 while awaiting resettlement in Canada.

Prohibition of torture and other cruel, inhuman or degrading treatment or punishment and treatment of persons deprived of their liberty (arts. 2, 6–8, 10 and 24)

11. Please respond to allegations of torture and ill-treatment in places of detention, leading to death in many cases, against, among other, journalists, human rights defenders and members of ethnic and religious minority groups. Please provide information on the specific steps taken to introduce and explicitly criminalize acts of torture in domestic legislation, ensuring that the definition of torture is in conformity with article 7 of the Covenant and other international standards. Please indicate any measures taken to establish an independent mechanism to promptly, thoroughly and impartially investigate all allegations of torture and ill-treatment, and provide information on the number of complaints filed, investigations carried out, prosecutions conducted and convictions handed down concerning such cases, as well as the remedies provided for victims and their families, including rehabilitation and compensation. Please provide updates on the investigation, prosecution and convictions in

⁶ Ibid., paras. 33–36.

the cases concerning the reports of torture of land rights activist, Trịnh Bá Tư, and journalist, Huỳnh Thục Vy.

12. With reference to the Committee's most recent concluding observations (para. 30), please provide up-to-date data, disaggregated by facility, on the official and actual capacities of places of detention and specify what measures have been taken to reduce overcrowding, including the use of any non-custodial alternative measures to detention, and any measures taken to improve prison conditions, including addressing reports of, *inter alia*, inadequate health care, insufficient and unclean food, lack of access to potable water, excessive heat during the summer and poor sanitary conditions, in accordance with the Covenant and the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules). Please respond to reports of inadequate measures to prevent prisoner on prisoner violence and of solitary confinement being routinely used for extended periods. Please respond to allegations that prisoners of conscience are often: (a) subjected to harsher conditions, including solitary confinement; (b) held in detention centres and prisons far from their homes, limiting, for example, the possibility of family visits; and (c) interned in pretrial detention in psychiatric institutions. With reference to the information provided by the State party,⁷ please describe the existing mechanisms for monitoring conditions in places of detention and clarify whether these mechanisms conduct independent, effective and regular monitoring and inspection without prior notice.

13. In the light of the Committee's most recent concluding observations (para. 32), please provide information on measures taken to ensure that all legislation concerning drug detoxification and rehabilitation centres, including the Law on Drug Prevention and Control, 2021, and the provision retaining compulsory drug treatment, including for children between 12 to 18 years of age, is in line with the Covenant. Please describe the measures taken during the reporting period to address concerns regarding the conditions and situation of drug users who are allegedly subjected to compulsory detoxification treatment and forced labour while confined in drug rehabilitation centres. Please provide disaggregated statistical data on the number of compulsory drug detoxification and rehabilitation centres that are still operational and the number of persons currently held in such facilities and clarify whether the State party intends to close such centres and expand voluntary approaches to drug treatment, as outlined in the drug rehabilitation renovation plan, 2013–2020.

Liberty and security of persons (arts. 2 and 9)

14. Bearing in mind the Committee's general comment No. 35 (2014) on liberty and security of person, and with reference to the Committee's most recent concluding observations (para. 26) and the information provided by the State party,⁸ please provide information on the measures taken to ensure that all fundamental legal safeguards, including contact with family and access to counsel, are guaranteed, in law and in practice, for all detained persons from the outset of their detention. Please respond to reports of arbitrary arrests, detention and incommunicado detention, in particular of human rights defenders, activists, environmental rights defenders and religious leaders, including statistical data on the number of investigations, prosecutions and convictions in cases of use of such practices and measures taken to prevent such cases. Please provide information on the measures taken, and their impact, to reduce the use and duration of pretrial detention, including disaggregated data on the number of persons held in pretrial detention, indicating their charges and the duration of their detention, describe all non-custodial alternatives to detention available and provide statistical data on their use during the reporting period.

Elimination of slavery, servitude and trafficking in persons (arts. 2, 7, 8 and 26)

15. With reference to the most recent concluding observations (para. 40) and the information provided in the State party's report,⁹ please elaborate on the steps taken to address all forms of exploitation within the State party, including trafficking in persons, in particular of victims recruited domestically, forced labour and exploitation in criminal

⁷ *Ibid.*, para. 63.

⁸ *Ibid.*, paras. 45–52.

⁹ *Ibid.*, paras. 42–44.

activities. Please report on the efforts made to enhance the availability and accessibility of shelters and other protection services for victims of trafficking, including for non-Vietnamese nationals, and provide statistical data in this regard. Please provide more detailed information about the number of complaints, investigations, prosecutions and convictions in cases of trafficking in persons and forced labour during the reporting period, including information about the severity of penalties, whether of a criminal or an administrative nature, imposed on perpetrators and the remedies, including compensation, provided to victims, indicating the protection guaranteed for children of 16 and 17 years of age who have been victims.

Freedom of movement (art. 2, 9 and 12)

16. Please provide information on measures taken to guarantee freedom of movement and that any restriction imposed is compatible with the Covenant, including article 12 thereof, and the Committee's general comment No. 27 (1999) on freedom of movement. With reference to the information provided by the State party,¹⁰ please provide disaggregated statistical data on travel bans issued during the reporting period and provide information on the legal grounds for such bans and whether an appeal process is available. Please comment on reports that members of ethnic and religious minority groups and Indigenous Peoples have been prevented from leaving Viet Nam to seek asylum and that human rights defenders and religious activists are routinely subjected to discriminatory restrictions on their freedom of movement, such as international travel bans, house arrest, abduction, other forms of unlawful detention and the confiscation of or refusal to issue passports.

Access to justice, independence of the judiciary and fair trial (arts. 2, 9 and 14)

17. Bearing in mind the Committee's most recent concluding observations (paras. 34 and 36) and the information provided by the State party,¹¹ please provide information on the efforts made to improve, in law and in practice, the independence and overall functioning of the judicial system, in particular with regard to the political influence of the ruling party on the procuracy and the judiciary. Please describe the measures taken to ensure the due process guarantees set forth under article 14 of the Covenant, including the presumption of innocence, the right to legal assistance, access to a lawyer of the accused's choice and holding a trial within a reasonable time, in particular in cases involving journalists, human rights defenders, political activists and individuals accused of crimes related to national security. Please provide information on measures taken to prevent and punish threats or acts of intimidation and harassment aimed at lawyers, including through legal proceedings initiated against them, for their work representing human rights defenders, political activists, religious leaders and individuals accused of crimes related to national security.

18. With reference to the Committee's most recent concluding observations (para. 38), please describe the progress made in: (a) amending legislation to address the protection gaps for children between 16 and 17 years of age and to define the age of a child as a person up to 18 years of age; (b) strengthening the juvenile justice system by setting up additional specialized courts, designating trained specialized judges and improving community-based diversion; and (c) ensuring that children are not deprived of liberty and that alternatives to detention are available and, if detained, that detention and incarceration are only used as a last resort and for the shortest period of time. Please provide disaggregated statistical data on the number of children under the age of 18 deprived of their liberty during the reporting period, also indicating the duration of and reason for their detention. Please provide further information on the proposed law on juvenile justice and on the impact of the training provided to officials in the juvenile justice sector, as indicated in the State party's report.¹²

¹⁰ Ibid., para. 67.

¹¹ Ibid.

¹² Ibid., paras. 113 and 116.

Right to privacy (art. 17)

19. Please indicate the legal safeguards applied to the State party's surveillance regime and any existing independent oversight mechanisms in this regard. Please comment on allegations of targeted surveillance to arbitrarily conduct surveillance on political activists, journalists and human rights defenders, including: (a) through the use of technology, such as the Predator spyware; (b) through the censoring, opening and confiscation of private mail; and (c) through interrupting phone and Internet service without legal warrants. Please provide information on Decree No. 13/2023/ND-CP and its compatibility with the Covenant, in particular with regard to article 17 of the Decree providing for exceptions whereby personal data can be processed without prior notification and consent of the data subject. In that regard, please provide up-to-date statistics on the number of complaints alleging violations of the right to privacy that have been received during the reporting period and information on the legal basis and outcomes thereof, the sanctions imposed and any remedies provided to the victims.

Freedom of conscience and religious belief (arts. 2, 18–20 and 26)

20. In the light of the information provided in the State party's report,¹³ please provide further information on the draft decree set to replace Decree No. 162/2017/ND-CP and comment on the draft decree on administrative sanctions on belief and religion, indicating how they are in line with article 18 of the Covenant and how restrictions in the decrees are in compliance with the limitations permitted in the Covenant. Please report on measures taken to address and prevent discrimination and restrictions on religious practices, in particular those faced by unregistered religious groups, such as Cao Dai and Hoa Hao, and by Christian and Buddhist denominations practising among the Montagnard, Hmong and Khmer Krom communities, ensuring their protection from restrictive registration requirements, surveillance and imprisonment. Please comment in particular on the alleged suppression of the right to freedom of religion or belief through: (a) the criminalization of religious activities; (b) the prevention of gatherings for religious activities; (c) the infringement upon religious organizations' properties; (d) the forced renunciation of religion; and (e) the rejection of applications to register religious organizations as legal entities.

Freedom of expression (arts. 9, 14, 19 and 20)

21. Bearing in mind the Committee's general comment No. 34 (2011) on the freedoms of opinion and expression, the Committee's most recent concluding observations (para. 46) and the evaluation of the information on follow-up to the concluding observations on the report of the State party,¹⁴ please inform the Committee of the measures taken to revise or repeal legislation pertaining to the freedom of expression, including articles 109, 116, 117 and 331 of the Penal Code, the Law on Cybersecurity, the Press Law, the Access to Information Law and the related decrees, such as Decree No. 119/2020/ND-CP, Decree No. 15/2020/ND-CP and Decree No. 72/2013/ND-CP, to ensure compliance with the right to freedom of expression, offline and online, and ensure that restrictions do not go beyond the strictly defined limitations set forth in article 19 of the Covenant. Please provide information on the steps taken to promote pluralistic media free from State interference, and please comment on the reports of: (a) violations of online freedom of expression, such as the blocking of websites, social media pages and content that are critical of the Government; (b) the harassment and intimidation of online activists and the threat and use of criminal charges as punishment for online content; (c) total Internet shutdowns in targeted areas, at certain times; and (d) pressure on social media and telecommunications companies to remove or restrict content critical of the Government.

22. Please describe the steps taken by the State party to safeguard civic space, including the measures taken to protect human rights defenders and civil society actors, including environmental rights defenders and land rights activists, leaders and members of ethnic and religious communities, journalists and political dissidents, and their families, against physical attacks, threats, intimidation and harassment. Please provide disaggregated statistical data

¹³ Ibid., para. 85.

¹⁴ CCPR/C/136/2/Add.4.

and elaborate on the investigations conducted into such cases, including the cases involving the five environmental rights defenders, Mai Phan Lợi, Bạch Hùng Dương, Đặng Đình Bách, Nguyễn Thị Khanhhand and Hoàng Thị Minh Hong, and on any remedies provided to victims. Please respond to allegations of cases of intimidation and reprisals against civil society actors for engaging with the United Nations and its human rights mechanisms, and indicate the measures taken to allow human rights defenders and civil society actors to carry out their activities, including engaging with the United Nations, without fear of restrictions, violence or reprisals. Please also provide information on the steps taken to ensure that those who are imprisoned or convicted for peacefully exercising their civil and political rights have access to avenues for redress.

Right of peaceful assembly and freedom of association (arts. 21 and 22)

23. In the light of the Committee's general comment No. 37 (2020) on the right of peaceful assembly, and with reference to the Committee's most recent concluding observations (paras. 48 and 50) and the information provided by the State party,¹⁵ please provide updated information on the progress and status of the draft law on demonstrations and the draft law on associations, clarifying when it is envisaged that those laws will be enacted, and comment on the compatibility of Decree No. 06/2020/QĐ-TTg, Decree No. 56/2020/ND-CP and Decree No. 114/2021/ND-CP with articles 21 and 22 of the Covenant. Please respond to the reports of: (a) unjustifiable police interference in and disproportionate police presence at peaceful demonstrations; (b) increased monitoring of and restrictions for associations, in particular with regard to registration and foreign funding; and (c) arrests and detention of members of associations, including leaders of environmental non-governmental organizations. Please provide information on the legal regulation of the use of force by the police, including during demonstrations, and describe the measures taken to strictly circumscribe in practice the use of force through the principles of legality, necessity, proportionality, precaution and non-discrimination when policing assemblies in order to minimize the potential for injury to participants.

Participation in public affairs (arts. 2, 10 and 25)

24. With reference to the Committee's most recent concluding observations (para. 54), please report on the measures taken: (a) to encourage and promote political pluralism; (b) to ensure free, transparent and genuine elections, including any steps taken to eliminate in practice proxy voting and establish an independent electoral monitoring body; and (c) to ensure that the right of citizens to stand for election is not made conditional on approval from the Fatherland Front or on political affiliation with the Communist Party of Viet Nam, including through the revision of relevant legislation. Please comment on reports indicating the arrest and detention by police of political opponents of the ruling party, including at least three independent candidates, ahead of the 2021 elections to the National Assembly. Please indicate the steps taken to revise legislation denying convicted prisoners the right to vote.

Rights of minority groups (arts. 1, 14 and 27)

25. Please indicate the legislative and other measures taken during the reporting period to address discrimination against and promote and protect the rights of persons belonging to ethnic and religious minority groups and Indigenous Peoples. In this regard, please report on the steps taken to engage in open and inclusive dialogue with persons belonging to minority groups concerning the recognition of ethnic minorities as Indigenous Peoples, including those who self-identify as such, and of their specific rights. Please provide information on the response to the attack in Dak Lak province on 11 June 2023, which led to the arrest and trial by mobile court of almost 100 Indigenous Peoples who were mostly sentenced for terrorism and who, reportedly, did not have access to due process guarantees.

26. Bearing in mind the Committee's most recent concluding observations (para. 56), please provide information regarding: (a) efforts to protect persons belonging to minority groups and Indigenous Peoples from discrimination, ensuring effective access to public services, including education, employment and other public services; (b) efforts to protect

¹⁵ CCPR/C/VNM/4, paras. 100–107.

and ensure the rights of persons belonging to minority groups and Indigenous Peoples to own and occupy their traditional and ancestral lands, including by guaranteeing the communities' participation in the relevant decision-making processes; and (c) efforts to promote economic growth in areas populated by persons belonging to minority groups and Indigenous Peoples without negatively affecting them, including by ensuring meaningful consultations with such communities for development projects that have an impact on their livelihood, lifestyle and culture.
