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## Human Rights Council

Forty-first session

24 June–12 July 2019

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 was not edited before being sent to the United Nations translation services.

1. The Government of Viet Nam fully supports and attaches great importance to the UPR process. Viet Nam welcomes the open, frank and constructive participation of many countries and other stakeholders in its 3<sup>rd</sup> cycle review, especially during the 32<sup>nd</sup> session of the Working Group on UPR of UN-HRC in January 2019, where we had the opportunity to engage in dialogue with 122 countries and received 291 recommendations for consideration.
2. Viet Nam appreciates the careful study and objective recognition by many countries of the efforts and achievements of Viet Nam in the field of human rights. This exercise produced recommendations spreading over a large spectrum, from rule-of-law reinforcement, legal reform, anti-corruption, strengthening sustainable development, human rights education and awareness-raising, to promoting human rights dialogue and cooperation, undertaking obligations under international human rights conventions and considering the possibility of and preparing for adherence to other conventions on human rights. There are also many thoughtful and action-oriented recommendations related to poverty reduction, bridging inequalities and climate change adaptation. Effectively, this spectrum covers all Viet Nam's human rights endeavours 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 291 recommendations and solemnly announces its acceptance of 241 recommendations, of which 220 are fully accepted and 21 are accepted in part.
4. These accepted recommendations correspond to Viet Nam current commitments and circumstances, including the 2013 Constitution, current legal framework and the 2016-2021 Action Plan of the Government. Many of the accepted recommendations will be realised by measures set out in Viet Nam's National Action Plan for implementing Agenda 2030 for Sustainable Development. The examination also shows that accepted recommendations can be efficiently integrated in numerous respective policies, National Strategies and Target Programmes, including those on Sustainable Poverty Reduction, New Rural Development, Providing Care and Improving Public Health, Gender Equality, Preventing Domestic Violence, Rehabilitation Development, etc.
5. Measures in accepted recommendations on promoting international dialogue and cooperation on human rights, including further contributing to the discussion on climate change and human rights at the UN-HRC and considering adherence to more international legal instruments on human rights are also complementary to the continued efforts of Viet Nam in this regard.
6. Based on good practice of previous cycles, a National Plan of Action would be endorsed to ensure the effective implementation of the accepted recommendations. It should also be noted that some steps in accepted recommendations may actually require further reviewing, amending or newly adopting laws. Their implementation will be in line with Viet Nam's current effective legal framework and plans for legal reform.
7. As per recommendations or elements that did not enjoy Viet Nam's acceptance in this cycle, the examination shows some similarities among them that hinder acceptance and implementation.
8. A little number of recommendations, including No.55, 175, 177, 211, 209, 216, 278 (or some parts of recommendations No. 80, 194, 202, 214) use contentious terms that do not reflect the consensus of UN Member States, or imply assessments that are inaccurate or alien to the reality in Viet Nam, or being improper *vis-à-vis* the right of self-determination enshrined in the ICCPR<sup>1</sup>, by the virtue of which the people of Viet Nam freely determined their political status.

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<sup>1</sup> Article 1.1 of the ICCPR: "All peoples have the right to self-determination. By the virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development."

9. Another small number of recommendations (including No. 46, 98, and 183) are not practical for setting prohibitively impossible “deadline” for measures that require a lot of time, efforts and resources.

10. Along that line, as always being careful when considering and firm when committing, at this cycle Viet Nam regrettably cannot accept several recommendations suggesting immediate adherence to additional international human rights instruments, including the Rome Statue, UNESCO Convention 1960, ICPPED and ICRMW, etc. The completion of study and preparation for adhering to them may be expected beyond the 4<sup>th</sup> UPR cycle. However, if circumstances allow within this UPR cycle, adherence to some of them will be advanced.

11. On the contrary, few recommendations (such as No. 167, 193, 204, and 208) suggest amendments of newly adopted laws, including Laws on belief and religion, cyber-security and the Penal Code whose drafts had been consulted extensively with the public. As possible revision of these laws has yet been planned, Viet Nam finds these recommendations impractical for the moment and does not accept them.

12. With regards to the recommendations related to NHRI, Viet Nam cannot accept recommendations or elements that prejudge the outcome and put undue pressure to the ongoing study and preparation for the possibility of establishing an NHRI of Viet Nam.

13. For recommendations related to capital punishment, Viet Nam’s position on specific recommendations varies (as shown below) as it needs to be placed in the country’s legal context where the Penal Code has just been newly revised and implemented. At the same time, it is Viet Nam’s firm commitment that the application of this punishment in reality will strictly be in conformity with the ICCPR, and therefore, Viet Nam only accepts relevant recommendations or elements along that line.

14. Viet Nam is fully committed to exerting continued efforts for better protection and promotion of human rights. Viet Nam wishes to continue engage in genuine dialogue and effective cooperation with Member States in the UPR process and would do it best to implement accepted recommendations which are considered supportive to and reinforcing Viet Nam’s priorities in this field and taking into account Viet Nam’s existing circumstances, particularities and resources.

15. The response to each and every received recommendations is as following:

<i>No.<sup>2</sup></i>	<i>Response</i>	<i>Remark</i>
1.	<b>Accepted</b>	
2.	<b>Not accepted</b>	
3.	<b>Accepted</b>	
4.	<b>Not accepted</b>	
5.	<b>Not accepted</b>	
6.	<b>Accepted in part</b>	Viet Nam will implement CAT’s recommendations that suit the country’s circumstances.
7.	<b>Accepted</b>	
8.	<b>Accepted</b>	Viet Nam will enhance its continued cooperation with all special procedures. Invitations will be extended to special procedures as long as there is a schedule workable for both sides.
9.	<b>Accepted in part</b>	The accepted element of the recommendation is “Continue efforts to adhere to international human rights instruments to which it is not party”. The consideration and preparation for adherence to specific instruments will depend on the country’s

<sup>2</sup> As appeared in the Report A/HRC/41/7 of the Working Group on the Universal Periodic Review of Viet Nam.

<i>No.<sup>2</sup></i>	<i>Response</i>	<i>Remark</i>
		circumstances and respective roadmaps.
10.	<b>Accepted</b>	
11.	<b>Accepted in part</b>	Viet Nam will enhance its continued cooperation with all special procedures. Invitations will be extended to special procedures as long as there is a schedule workable for both sides.
12.	<b>Accepted</b>	Viet Nam will enhance its continued cooperation with all special procedures. Invitations will be extended to special procedures as long as there is a schedule workable for both sides.
13.	<b>Accepted</b>	During special procedures' visit to Viet Nam, the Government consistently commits to facilitate their activities of special procedures in the mutually agreed schedule, in conformity with their functions and mandates.
14.	<b>Not accepted</b>	
15.	<b>Not accepted</b>	
16.	<b>Accepted</b>	Viet Nam will consider adhering to ICPPED and ICRMW in line with the country's laws and circumstances.
17.	<b>Accepted in part</b>	Viet Nam has been cooperating with the Special Rapporteur on the rights to freedom of opinion and expression, and keeps considering some requests of the Special Rapporteur.
18.	<b>Accepted</b>	
19.	<b>Accepted</b>	
20.	<b>Accepted</b>	
21.	<b>Accepted</b>	
22.	<b>Accepted</b>	
23.	<b>Not accepted</b>	
24.	<b>Accepted</b>	
25.	<b>Accepted</b>	
26.	<b>Accepted</b>	Viet Nam will consider adhering to CPED and CRMW in line with the country's laws and circumstances.
27.	<b>Accepted in part</b>	The accepted element of the recommendation is "Strengthen its cooperation with the bodies of the Council and the various international instruments, including the special procedures".
28.	<b>Accepted</b>	
29.	<b>Not accepted</b>	
30.	<b>Accepted</b>	
31.	<b>Accepted</b>	
32.	<b>Accepted in part</b>	Viet Nam is reviewing all the CAT's recommendations; an action plan will be developed to implement accepted recommendations.
33.	<b>Accepted</b>	Viet Nam commits to thoroughly study and consider the possibility of additional adherence to international human rights instruments, in line with the country's legal and practical circumstances.
34.	<b>Accepted in part</b>	Viet Nam will enhance its continued cooperation with all special procedures. Invitations will be extended to special procedures as long as there is a schedule workable for both

<i>No.<sup>2</sup></i>	<i>Response</i>	<i>Remark</i>
		sides.
35.	<b>Accepted</b>	
36.	<b>Accepted</b>	
37.	<b>Accepted</b>	
38.	<b>Not accepted</b>	
39.	<b>Not accepted</b>	
40.	<b>Accepted</b>	
41.	<b>Accepted</b>	
42.	<b>Accepted</b>	
43.	<b>Not accepted</b>	
44.	<b>Accepted in part</b>	The accepted element of this recommendation is “Reinforce protection of workers by ratifying and implementing the ILO Right to Organise and Collective Bargaining Convention, 1949 (No.98) and the ILO Abolition of Forced Labour Convention, 1957 (No.105)”.
45.	<b>Accepted</b>	
46.	<b>Not accepted</b>	
47.	<b>Accepted in part</b>	The accepted element of this recommendation is “Complete the required ratification procedure of ILO conventions No. 98 and No. 105 as soon as possible”.
48.	<b>Accepted in part</b>	The accepted element of this recommendation is “Ratify ILO core conventions No. 98 and No. 105.
49.	<b>Accepted in part</b>	The accepted element of this recommendation is “Adopt ILO conventions No. 98 and No. 105”.
50.	<b>Accepted</b>	
51.	<b>Accepted in part</b>	Among the remaining core ILO conventions, Viet Nam prioritizes considering adherence to Conventions No.98 and No.105 in the coming time.
52.	<b>Accepted in part</b>	The accepted element of this recommendation is “Ratify the ILO Right to Organise and Collective Bargaining Convention, 1949 (No.98) and the ILO Abolition of Forced Labour Convention, 1957 (No.105)”.
53.	<b>Accepted</b>	
54.	<b>Accepted</b>	
55.	<b>Not accepted</b>	
56.	<b>Accepted</b>	
57.	<b>Accepted</b>	
58.	<b>Accepted</b>	
59.	<b>Accepted</b>	
60.	<b>Accepted</b>	
61.	<b>Accepted</b>	
62.	<b>Accepted</b>	

<i>No.</i> <sup>2</sup>	<i>Response</i>	<i>Remark</i>
63.	<b>Accepted</b>	
64.	<b>Accepted</b>	
65.	<b>Accepted</b>	
66.	<b>Accepted</b>	
67.	<b>Accepted</b>	
68.	<b>Not accepted</b>	
69.	<b>Accepted</b>	
70.	<b>Accepted</b>	
71.	<b>Not accepted</b>	
72.	<b>Accepted</b>	
73.	<b>Not accepted</b>	
74.	<b>Accepted</b>	
75.	<b>Accepted</b>	This recommendation is accepted with the understanding that the current competent institutions, with their mandates clearly defined, will continue to be enhanced for better protection and promotion of human rights. Viet Nam will continue to consider the possibility of establishing a national human rights institution.
76.	<b>Accepted</b>	
77.	<b>Accepted</b>	
78.	<b>Accepted</b>	
79.	<b>Accepted</b>	
80.	<b>Not accepted</b>	
81.	<b>Accepted</b>	
82.	<b>Accepted</b>	
83.	<b>Accepted</b>	
84.	<b>Accepted</b>	
85.	<b>Accepted</b>	
86.	<b>Accepted</b>	
87.	<b>Accepted</b>	
88.	<b>Accepted in part</b>	Viet Nam will continue studying and considering the possibility of establishing a national human rights institution.
89.	<b>Accepted</b>	
90.	<b>Accepted</b>	
91.	<b>Accepted</b>	
92.	<b>Accepted</b>	
93.	<b>Accepted</b>	This recommendation will be implemented in line with Viet Nam's circumstances, including its legal reform plan.

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<i>No.<sup>2</sup></i>	<i>Response</i>	<i>Remark</i>
94.	<b>Accepted</b>	
95.	<b>Accepted</b>	
96.	<b>Accepted</b>	
97.	<b>Accepted</b>	Additional steps in identifying and protecting vulnerable groups will be undertaken in accordance with Viet Nam's legal framework and its legal reform plan.
98.	<b>Not accepted</b>	
99.	<b>Not accepted</b>	
100.	<b>Accepted</b>	
101.	<b>Accepted</b>	
102.	<b>Accepted</b>	
103.	<b>Accepted</b>	
104.	<b>Accepted</b>	
105.	<b>Accepted</b>	
106.	<b>Accepted</b>	
107.	<b>Accepted</b>	
108.	<b>Accepted</b>	
109.	<b>Accepted</b>	
110.	<b>Accepted</b>	
111.	<b>Accepted</b>	
112.	<b>Accepted</b>	
113.	<b>Accepted</b>	
114.	<b>Accepted</b>	
115.	<b>Accepted</b>	
116.	<b>Accepted</b>	
117.	<b>Accepted</b>	
118.	<b>Accepted</b>	
119.	<b>Accepted</b>	
120.	<b>Accepted</b>	
121.	<b>Accepted</b>	
122.	<b>Accepted</b>	
123.	<b>Accepted</b>	
124.	<b>Accepted</b>	
125.	<b>Accepted</b>	
126.	<b>Accepted</b>	
127.	<b>Accepted</b>	

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<i>No.<sup>2</sup></i>	<i>Response</i>	<i>Remark</i>
128.	<b>Accepted</b>	
129.	<b>Accepted</b>	
130.	<b>Accepted</b>	
131.	<b>Accepted</b>	
132.	<b>Accepted</b>	
133.	<b>Accepted</b>	
134.	<b>Not accepted</b>	
135.	<b>Accepted</b>	
136.	<b>Accepted</b>	
137.	<b>Accepted</b>	
138.	<b>Accepted</b>	
139.	<b>Accepted</b>	
140.	<b>Not accepted</b>	
141.	<b>Not accepted</b>	
142.	<b>Not accepted</b>	
143.	<b>Not accepted</b>	
144.	<b>Not accepted</b>	
145.	<b>Not accepted</b>	
146.	<b>Accepted</b>	
147.	<b>Accepted</b>	
148.	<b>Accepted</b>	
149.	<b>Not accepted</b>	
150.	<b>Accepted</b>	
151.	<b>Accepted</b>	
152.	<b>Accepted</b>	
153.	<b>Accepted</b>	
154.	<b>Accepted</b>	
155.	<b>Accepted</b>	
156.	<b>Accepted</b>	
157.	<b>Accepted</b>	This recommendation will be implemented in line with Viet Nam's circumstances, including current legal framework.
158.	<b>Accepted</b>	
159.	<b>Accepted</b>	
160.	<b>Accepted</b>	
161.	<b>Accepted</b>	



<i>No.</i> <sup>2</sup>	<i>Response</i>	<i>Remark</i>
162.	<b>Accepted</b>	
163.	<b>Accepted</b>	
164.	<b>Accepted</b>	
165.	<b>Accepted</b>	
166.	<b>Not accepted</b>	
167.	<b>Not accepted</b>	
168.	<b>Accepted</b>	
169.	<b>Accepted</b>	
170.	<b>Accepted</b>	
171.	<b>Not accepted</b>	
172.	<b>Accepted</b>	
173.	<b>Accepted</b>	
174.	<b>Accepted</b>	
175.	<b>Not accepted</b>	
176.	<b>Accepted</b>	
177.	<b>Not accepted</b>	
178.	<b>Accepted</b>	
179.	<b>Accepted</b>	
180.	<b>Not accepted</b>	
181.	<b>Accepted</b>	
182.	<b>Accepted</b>	
183.	<b>Not accepted</b>	
184.	<b>Accepted</b>	
185.	<b>Not accepted</b>	
186.	<b>Accepted</b>	Freedom of association is inscribed in Viet Nam's Constitution and relevant laws, in line with the ICCPR and the country's circumstances. Endeavours to implement this recommendation, including the process for reviewing current regulations and drafting a law on association will remain in that direction.
187.	<b>Not accepted</b>	
188.	<b>Not accepted</b>	
189.	<b>Accepted</b>	
190.	<b>Not accepted</b>	
191.	<b>Not accepted</b>	
192.	<b>Accepted</b>	
193.	<b>Accepted in part</b>	The accepted element of the recommendation is "Ensure full implementation of its international human rights obligations regarding freedom of religion and belief". The 2016 Law on Belief and Religion is compatible with international human rights

<i>No.<sup>2</sup></i>	<i>Response</i>	<i>Remark</i>
		instruments to which Viet Nam is a party. The legal review would be undertaken when required and in accordance with Viet Nam's legal reform plan.
194.	<b>Accepted in part</b>	The accepted element of this recommendation is "Abolish prior censorship in all fields of cultural creation and other forms of expression, both online and offline".
195.	<b>Accepted</b>	
196.	<b>Not accepted</b>	
197.	<b>Accepted</b>	This recommendation will be implemented in line with Viet Nam's circumstances, including its current legal framework and legal reform plan.
198.	<b>Accepted in part</b>	The accepted element of this recommendation is "Adopt measures in line with international standards to guarantee freedom of association, opinion and expression, including online".
199.	<b>Accepted</b>	
200.	<b>Accepted</b>	This recommendation will be implemented in conformity with Viet Nam's circumstances, including its current legal framework and legal reform plan.
201.	<b>Accepted</b>	
202.	<b>Accepted in part</b>	The accepted element of this recommendation is "Guarantee fully freedom of speech, the rights of peaceful assembly and association as well as the safety of journalists".
203.	<b>Accepted</b>	This recommendation will be implemented in conformity Viet Nam's circumstances, including its current legal framework and legal reform plan.
204.	<b>Not accepted</b>	
205.	<b>Accepted in part</b>	The accepted element of this recommendation is "Ensure consistent implementation of the law on belief and religion, particularly at the local level, including with respect to registration of Protestant groups and other groups in Northwest Highlands provinces".
206.	<b>Accepted</b>	
207.	<b>Accepted</b>	
208.	<b>Not accepted</b>	
209.	<b>Not accepted</b>	
210.	<b>Accepted</b>	
211.	<b>Not accepted</b>	
212.	<b>Not accepted</b>	
213.	<b>Accepted</b>	
214.	<b>Accepted in part</b>	The accepted element of this recommendation is "Nurture a culture of free expression online and offline".
215.	<b>Accepted</b>	Freedom of association is inscribed in Viet Nam's Constitution and relevant laws, in line with the ICCPR and the country's circumstances. Endeavours to implement this recommendation, including the process for reviewing current regulations and drafting a law on association will remain in that direction.
216.	<b>Not accepted</b>	
217.	<b>Accepted</b>	This recommendation will be implemented in conformity Viet Nam's circumstances, including its current legal framework and legal reform plan.

<i>No.<sup>2</sup></i>	<i>Response</i>	<i>Remark</i>
218.	<b>Accepted</b>	
219.	<b>Accepted</b>	
220.	<b>Accepted</b>	
221.	<b>Accepted</b>	
222.	<b>Accepted</b>	
223.	<b>Accepted</b>	
224.	<b>Accepted</b>	
225.	<b>Accepted</b>	This recommendation will be implemented in line with Viet Nam's circumstances, including currently effective legal framework and established plans for legal reform.
226.	<b>Accepted</b>	
227.	<b>Accepted</b>	
228.	<b>Accepted</b>	
229.	<b>Not accepted</b>	
230.	<b>Not accepted</b>	
231.	<b>Not accepted</b>	
232.	<b>Accepted</b>	
233.	<b>Accepted</b>	
234.	<b>Accepted</b>	
235.	<b>Accepted</b>	
236.	<b>Accepted</b>	
237.	<b>Accepted</b>	
238.	<b>Accepted</b>	
239.	<b>Accepted</b>	
240.	<b>Accepted</b>	
241.	<b>Accepted</b>	
242.	<b>Accepted</b>	
243.	<b>Accepted</b>	
244.	<b>Accepted</b>	
245.	<b>Accepted</b>	
246.	<b>Accepted</b>	
247.	<b>Accepted</b>	
248.	<b>Accepted</b>	
249.	<b>Accepted</b>	
250.	<b>Accepted</b>	
251.	<b>Accepted</b>	

<i>No.<sup>2</sup></i>	<i>Response</i>	<i>Remark</i>
252.	<b>Accepted</b>	
253.	<b>Accepted</b>	
254.	<b>Accepted</b>	
255.	<b>Accepted</b>	
256.	<b>Accepted</b>	
257.	<b>Accepted</b>	
258.	<b>Accepted</b>	
259.	<b>Accepted</b>	
260.	<b>Accepted</b>	
261.	<b>Accepted</b>	
262.	<b>Accepted</b>	
263.	<b>Accepted</b>	
264.	<b>Accepted</b>	
265.	<b>Accepted</b>	
266.	<b>Accepted</b>	
267.	<b>Accepted</b>	
268.	<b>Accepted</b>	
269.	<b>Accepted</b>	
270.	<b>Accepted</b>	
271.	<b>Accepted</b>	
272.	<b>Accepted</b>	
273.	<b>Accepted</b>	
274.	<b>Accepted</b>	
275.	<b>Accepted</b>	
276.	<b>Accepted</b>	
277.	<b>Accepted</b>	
278.	<b>Not accepted</b>	Viet Nam spares no efforts in protecting minority groups, including women of ethnic minority communities. As employing inaccurate terms that are alien to the reality in Viet Nam, this recommendation does not enjoy the country's acceptance.
279.	<b>Accepted</b>	
280.	<b>Accepted</b>	
281.	<b>Accepted</b>	
282.	<b>Accepted</b>	
283.	<b>Accepted</b>	
284.	<b>Accepted</b>	

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<i>No.<sup>2</sup></i>	<i>Response</i>	<i>Remark</i>
285.	<b>Accepted</b>	
286.	<b>Accepted</b>	
287.	<b>Accepted</b>	
288.	<b>Accepted</b>	
289.	<b>Accepted</b>	
290.	<b>Not accepted</b>	
291.	<b>Accepted in part</b>	The accepted element of this recommendation is “Ensure that death penalty does not apply to offences other than the ‘most serious’ crimes, in accordance with the International Covenant on Civil and Political Rights”.

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