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Held at the Palais Wilson, Geneva, on Monday, 11 March 2019, at 3 p.m.

Chair: Mr. Shany (Vice-Chair)

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Mr. Shany (Vice-Chair) took the Chair.

The meeting was called to order at 3 p.m.

Consideration of reports submitted by States parties under article 40 of the Covenant
(continued)

Third periodic report of Viet Nam (CCPR/C/VNM/3; CCPR/C/VNM/Q/3 and CCPR/C/VNM/Q/3/Add.1)

1. *At the invitation of the Chair, the delegation of Viet Nam took places at the Committee table.*

2. **Mr. Nguyen** Khanh Ngoc (Viet Nam), introducing his country's third periodic report (CCPR/C/VNM/3), said that, as a nation that had gone through many wars, Viet Nam understood the true value of peace, self-determination, equality and justice and had worked hard to promote and protect human rights as part of its national development process.

3. The Ministry of Justice had recently been designated as the lead coordinating agency for making sure that the Covenant was reflected in the domestic legal system. The provisions of the Covenant and the Committee's concluding observations had been carefully studied and used in the law-making process. In 2013, the National Assembly of Viet Nam had adopted a new Constitution containing a number of provisions on the promotion and protection of human rights and fundamental freedoms. Under the new Constitution, human rights could only be restricted by laws enacted by the National Assembly and only on specific, limited grounds. Steps had also been taken to increase the transparency and efficiency of the law-making process. Bills had to be posted on government websites for at least 60 days for comments, must include a gender perspective and were subject to a socioeconomic impact assessment. In all, over 100 laws had been revised and enacted since 2013.

4. In order to strengthen the implementation of domestic law, the Government had undertaken a reform of the court system, which had resulted in better working conditions, improved training for judges and the introduction of measures to ensure the uniform application of law. The rules on court procedure had also been revised to ensure compliance with constitutional requirements. It was a legal requirement for courts to post judgments issued over the previous two years on their website. Legal aid could be provided free of charge to persons in need. The Law on Legal Dissemination required the public dissemination of all legal and treaty rules, especially those concerning the promotion and protection of human rights. The Government was also working to incorporate human rights education into the curriculum of all educational institutions by 2025.

5. The goal of every nation's development process, namely the promotion and protection of human rights and fundamental freedoms, could not be achieved overnight. The Government would need the support of all relevant stakeholders to overcome the challenges in its path. Each year, Viet Nam concluded or acceded to around 100 international treaties, which were the legal foundation for its national development and international cooperation. It was currently considering acceding to the International Labour Organization (ILO) Right to Organise and Collective Bargaining Convention, 1949 (No. 98) and the Vocational Rehabilitation and Employment (Disabled Persons) Convention, 1983 (No. 159).

6. The recently adopted Law on Treaties provided that every treaty ratified by Viet Nam must be accompanied by an action plan setting out the measures necessary to ensure its effective implementation. Those action plans also addressed the implementation of the concluding observations issued by the United Nations human rights treaty bodies. In spite of the challenges that it faced, the Government remained committed to fulfilling its international obligations and to achieving its goal of having a prosperous people and a powerful nation with a democratic, just and civilized society.

7. **Ms. Kran**, noting with regret that the State party's third periodic report was 13 years overdue, said that reporting on time facilitated constructive dialogue, as it was easier to

focus on a shorter period and draw up more targeted concluding observations. She trusted that the State party would submit its next periodic report on time.

8. While the Committee welcomed the adoption of a new Constitution and other legislation concerned with the promotion and protection of human rights, it wished to focus on the practical steps that the State party had taken to implement the Covenant and to guarantee that people living in the country were able to exercise their Covenant rights.

9. The Constitution allowed for the restriction of Covenant rights for the purpose of safeguarding national security and the social order, while provisions of the Penal Code were often used to limit the rights of human rights defenders, political opponents of the Communist Party of Viet Nam and minority groups. The broad notion of national security was also often used to restrict the rights to liberty and security of the person, freedom of religion and conscience, and freedom of opinion and expression. Recalling that it was not possible to restrict or derogate from all Covenant rights and that blanket restrictions of rights on grounds of national security considerations were not permitted, she asked how the State party planned to address that major incompatibility. The delegation should also explain how the State party ensured that restrictions on Covenant rights were strictly necessary and proportional, and that laws concerning national security were not used to target political dissidents and minority groups.

10. Although the State party had ratified the Covenant in 1982, the resolution on its adoption was not available, raising doubts as to whether the Covenant had been incorporated into domestic legislation. She asked whether the Covenant was directly applicable in domestic law and, if not, whether the State party planned to update the resolution and make it available to the public. She would also appreciate examples of cases in which the Covenant had been directly invoked before the national courts and used as a basis for their decisions. Noting that the Ministry of Justice had been tasked with reviewing laws and regulations for compliance with the Covenant, she asked which laws it intended to revise, what amendments it was considering and when those amendments might be passed. She also wished to know whether the State party intended to amend the Law on the Organization of People's Courts to empower them to recommend amending legal documents that were inconsistent with the Covenant.

11. While it was commendable that the State party had provided a Vietnamese translation of the Covenant, she understood that the translation contained errors that could lead to a misinterpretation of Covenant rights and State obligations, and that the Covenant had not been translated into indigenous languages. She asked when the State party intended to correct the inaccuracies in the translation and whether it planned to have the Covenant translated into indigenous languages. She would also like to hear more about any training provided to government officials on the Covenant and any campaigns to raise public awareness of its provisions.

12. The Committee had received reports that only civil society organizations established under the umbrella of the Communist Party of Viet Nam had been invited to take part in the consultations on the State party's report. She asked whether the State party had plans to engage with a broader range of civil society organizations for the purpose of giving effect to the recommendations that would be contained in the Committee's concluding observations.

13. It would also be helpful to know whether the State party intended to establish a national human rights institution in accordance with the Paris Principles and whether it had sought advice from the Office of the United Nations High Commissioner for Human Rights (OHCHR) in that connection. Bearing in mind the obligations arising from Sustainable Development Goal 16, the delegation should explain why the indicators that it used to report on its progress towards achieving the 2030 Agenda made no reference to such an institution.

14. Although victims of violations of Covenant rights could seek redress through a number of official channels, they seemed to be largely ineffective. She would appreciate more information on the outcome of cases brought by victims of violations of Covenant rights under any law over the previous five years, on any remedies provided and on the State party's strategy for preventing impunity and holding perpetrators of violations of

Covenant rights accountable for their actions. She also wished to know whether the State party had taken any steps towards ratifying the Optional Protocol to the International Covenant on Civil and Political Rights, to enable the Committee to consider communications from individuals claiming to be victims of violations of Covenant rights by the State.

15. **Mr. Koita** said that he would be grateful if the delegation could explain the reasons behind the delay in adopting comprehensive anti-discrimination legislation, as a framework for enforcing the principle of non-discrimination enshrined in the Constitution and the Criminal Procedure Code, the Labour Code, the Law on Gender Equality and the Law on Persons with Disabilities and for defining, prohibiting, punishing and remedying all forms of direct and indirect discrimination. He asked whether deterrent sanctions had been imposed on perpetrators of acts of violence or discrimination against women and other vulnerable groups under those laws. It would also be useful to receive statistical data on discrimination cases brought before the national courts.

16. He wished to know whether the abolition of the prohibition on same-sex marriage and the related administrative fines provided for in the 2014 Law on Family and Marriage had enabled transgender persons to update their civil status records and to exercise their personal rights in accordance with article 37 of the Civil Code. He asked whether the bill on transgender rights had been adopted and whether those legislative advances had actually translated into greater tolerance towards transgender persons in Vietnamese society. He would appreciate receiving information on whether investigations had been opened into cases involving acts of violence, discrimination and stigmatization against same-sex couples and transgender persons, and whether penalties had been imposed on the perpetrators of those acts. The delegation should also describe the measures taken by the State party to put an end to the discrimination suffered by persons with HIV/AIDS in access to employment.

17. Although the principle of gender equality was enshrined in Vietnamese law, women continued to encounter discrimination in society, marriage and the workplace. Furthermore, despite the existence of legal provisions calling for affirmative action in their favour, women, particularly rural women, still did not enjoy equal treatment in matters of employment, education and accommodation. It was also his understanding that the vast majority of persons with disabilities still struggled to exercise their rights and to access public services, on account of social stigmatization and delays in implementing relevant policies. Discrimination against members of ethnic and religious minorities likewise persisted, despite such conduct being prohibited under Vietnamese law. Given the widespread prevalence of discrimination in Viet Nam, the State party should consider adopting comprehensive anti-discrimination legislation without further delay.

18. Notwithstanding the existence of legal provisions prohibiting discrimination on the grounds of belief or religion, Catholic communities had been the victims of terror attacks perpetrated by “Red Flag” activists for having criticized the Government’s response to the environmental disaster caused by the Formosa steel plant. He understood that any attempt by the victims to lodge a complaint had been blocked by the activists, and that the authorities had failed to protect the victims and to launch an investigation into the acts of violence against them. He asked what steps the State party had taken to conduct appropriate investigations into those acts, punish those responsible and provide reparation to the victims.

19. The scope of application of the death penalty as defined in article 40 of the Penal Code far exceeded that established in paragraph 35 of the Committee’s general comment No. 36 (2018) on the right to life. Recalling that States parties were under an obligation to review their criminal laws so as to ensure that the death penalty was not imposed for crimes which did not qualify as the most serious crimes, he asked whether the State party intended to amend its criminal legislation to ensure its alignment with general comment No. 36 and, if so, when. Did the State party foresee any obstacles to that process?

20. Statistical data on cases in which the death penalty had been imposed were not readily accessible and tended to be unreliable. According to information in the Committee’s possession, 429 prisoners had been executed between 8 August 2013 and 30 June 2016, and

as at February 2017 five new centres for the administration of lethal injections were under construction. A total of 85 executions had reportedly taken place in 2018, although there was no indication of the number of new penalties imposed. He asked whether those figures were accurate and, if not, whether the State party could provide detailed statistical data on the number of death sentences imposed and executions carried out, disaggregated by crime, region, sex and ethnic group. It would also be helpful to know whether there were specific legal provisions applicable to persons on death row.

21. He wished to know whether the legislative amendments commuting the death penalty to life imprisonment in certain circumstances might lead to the imposition of an official moratorium on capital punishment, the commutation of all death sentences to prison sentences and the ratification by the State party of the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty. The delegation should also comment on allegations that several cases where the death penalty had been imposed, such as those of Ho Duy Hai and Van Manh, had been marred by irregularities and procedural violations.

22. **Mr. Fathalla** asked whether, as part of its legislative reform package, the State party had taken steps to revise laws that discriminated against women and had adopted a definition of such discrimination. The delegation should outline the specific measures taken by the State party to combat discrimination against women and to punish perpetrators. He would also appreciate more information on the National Strategy on Gender Equality 2011–2020, how it was implemented and any plans to assess its impact. He asked whether the State party intended to amend the Law on Election of Deputies to the National Assembly and People's Council so that the 35 per cent quota for women (as set out in the National Strategy) applied not to electoral candidates but to the actual membership of those bodies or, better yet, to increase that quota. He also wished to hear more about the measures in place to combat gender stereotypes and to address local customs and societal biases favouring men over women. When would the amendment to the retirement age currently provided for in the Labour Code be adopted?

23. He would welcome further information on the measures that the State party had taken to combat violence against women, with particular regard to the contribution of the Law on Cyber Security. It would also be useful to have further information, including detailed statistical data, on the State party's efforts to encourage the reporting of cases of domestic violence and to remove barriers to such reporting. Moreover, he wished to know how many reported cases of domestic violence had been investigated, and he would appreciate more information on the remedies afforded to the victims of domestic violence. It would be useful to have a full account of the State party's efforts to raise public awareness of the provisions of the Penal Code criminalizing marital rape and to receive statistical data regarding the number of reported cases of marital rape, the investigations conducted in relation to those cases and the sanctions imposed on the perpetrators. A clarification of the criminal sanctions applicable to marital rape would also be welcome.

24. He would welcome further information regarding the specific circumstances under which abortion was criminalized and an explanation as to why women were prohibited from knowing the gender of their unborn child. Did the fact that no illegal abortions had been recorded between 2017 and 2018 mean that none had occurred or simply that none had been reported? Additional information regarding the steps that the State party had taken or planned to take to reduce the maternal mortality rate in all provinces of Viet Nam would also be welcome. Lastly, it would be useful if the State party could provide information on the measures that it had taken to address teenage pregnancy and to ensure access to adequate sexual and reproductive health education and services.

25. **Mr. Ben Achour** said that the current policy of Viet Nam vis-à-vis political freedom and human rights did not live up to the great expectations of social justice and individual liberty that it had aroused in many people throughout the world after its historical struggle against external oppression.

26. It would be useful to have a full account of the content of articles 21 and 22 of the Law on Defence and to know whether there was any specific legislation in Viet Nam that prohibited derogations from non-derogable rights under article 4 of the Covenant during a

state of emergency. He wished to know why a distinction was made in the Penal Code between the offence of terrorism against the State and that of terrorism in general. It would be interesting to learn whether the Government had plans to establish a clear definition of the concept of “national security”, and he would appreciate receiving a full list of the legislation criminalizing threats to national security. Moreover, he would be grateful if the State party could explain how criminalization of the preparation of an offence and the intent to commit an offence was consistent with the Covenant.

27. He wished to learn whether the State party had opened investigations into reports that the deaths of a number of detainees officially registered as suicides or deaths resulting from illness had in fact resulted from ill-treatment. If so, it would be useful to know whether the perpetrators of the ill-treatment had been sanctioned and whether the families of the victims had received reparations. He would be grateful if the delegation could provide examples of visits to detention centres undertaken by diplomatic missions or international organizations, and he would appreciate further information on the compensation law mentioned in paragraph 73 of the State party’s report. Lastly, the delegation should comment on reports alleging that, through a combination of provisions of the Penal Code and the Criminal Procedure Code, the duration of custody could be extended for far longer than the legal limit of nine days, as well as on allegations that pretrial detention was extended excessively, that the judiciary did not act independently and that detainees were not guaranteed all fundamental safeguards, including contact with their families and legal counsel.

28. **Mr. Santos Pais** said that he would be grateful if the State party could comment on allegations that a circular issued by the Ministry of Public Security in 2011, known as circular No. 37, allowed for the imposition of indefinite solitary confinement. He was particularly interested to know whether the circular was still in force and, if so, whether the State party had any plans to revoke it. He would also appreciate further information regarding the number of prisoners transferred between prison sub-camps pursuant to the provisions of circular No. 37 and the reasons for their transfer. Moreover, he would appreciate the State party’s comments on reports that it held prisoners of conscience, who were allegedly often arrested discreetly and without a warrant and subjected to physical and verbal abuse. It would be interesting to know more about how detainees could challenge the legality of their detention, the number of challenges lodged with the authorities and their outcomes. Moreover, it would be useful to know what measures the State party intended to take to ensure that persons were not held in custody without official charges being brought against them. He would like to know how many persons had been detained for national security offences, how many of those persons had been convicted over the previous five years and what sentences had been imposed on them. The delegation should also comment on reports of ill-treatment of leaders of religious minorities in detention. How many complaints had the State party had received in that regard, what had been the outcome of those complaints and what measures did the State party intend to take to prevent such ill-treatment in the future?

29. It would be useful to receive further information on the total prison population and the official prison capacity, including current statistical data disaggregated by type of facility. He wished to know whether the State party had considered transferring responsibility for the national prison system from the Ministry of Public Security to the Ministry of Justice, and whether it had plans to ratify the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and to set up an independent mechanism to monitor prison conditions. Further information on any steps that the State party had taken to implement the recommendations of the Committee against Torture regarding detention conditions would be welcome. He would also appreciate more information on the State party’s efforts to reform the juvenile justice system in line with the Law on Handling Administrative Violations. He was particularly interested to know how many provinces were currently covered by the juvenile court system and when all provinces would be covered. Had the State party considered raising the age of majority for criminal liability from 16 to 18 years?

30. It would be useful to know which authorities could impose forced labour on persons deprived of their liberty and under what circumstances. He would be grateful if the State

party could confirm whether all decisions related to compulsory drug treatment were taken by the courts, rather than by administrative authorities, indicating how many such decisions had been taken over the previous five years. He would also appreciate further information on the number of compulsory rehabilitation centres in Viet Nam, the number of adult and minor detainees held in such centres, the duration of their stay, their labour and health-care conditions, and the services provided to them. The delegation should provide specific information on the number of drug treatment centres in which persons were required to work, the number of persons residing in such centres and the treatment provided there. Information on the rate of relapse after drug treatment would also be welcome. It would be useful to know whether persons detained in drug treatment centres could refuse to work and could submit complaints regarding their treatment. If so, which authorities were competent to receive such complaints and to exercise oversight over the centres? Moreover, it would be interesting to receive more information regarding the State party's plans to close all compulsory rehabilitation centres by 2020, in order to provide for evidence- and community-based treatment. Had the State party implemented any protection, harm-reduction and monitoring measures in rehabilitation centres, in order to prevent forced labour and the denial of health care and communication with family and legal counsel?

31. He wished to know whether the provisions of the revised Penal Code related to human trafficking had been fully implemented. He would be grateful if the State party could comment on allegations that victims of human trafficking were discouraged from seeking protection as result of the stigma associated with victimhood and a fear of reprisals in their local communities, that social protection centres were under-resourced and understaffed, and that there were no shelters specifically for male and child victims. Lastly, he would welcome information on the steps that the State party had taken to ensure that the victims of human trafficking had access to health and social services, particularly in the event that they had no registered domicile.

The meeting was suspended at 4.20 p.m. and resumed at 4.40 p.m.

32. **Mr. Bach Quoc An** (Viet Nam) said that the rights protected under the Covenant were reflected in chapter 2 of his country's Constitution. Article 14 (2) of the Constitution did not restrict rights in any way; rather, it determined who had the power to restrict rights and in what circumstances. Rights could only be restricted by virtue of legislation adopted by the National Assembly. The Penal Code, the Criminal Procedure Code, the Civil Code and the Civil Procedure Code all promoted and protected human rights. There had been no cases in which the Covenant had been invoked by the domestic courts. The Law on State Compensation Liability provided that compensation must be paid to organizations and individuals who had suffered damages, including psychological and material damages, caused by public officials.

33. The Government had carried out a variety of activities to raise awareness of the Covenant. For example, it had published a number of information documents intended for both the general public and law enforcement officials. The rights protected under the Covenant were taught as part of school and university curricula. Between 2015 and 2018, 369 training courses and workshops on the implementation of the Covenant had been organized, 5,028 articles on the Covenant's provisions had been published and over 6,000 awareness-raising activities had been conducted. There were currently 152 training courses on human rights for prisoners, benefiting over 8,000 inmates. A national report on the implementation of the Covenant had been uploaded to the website of the Ministry of Justice and was available for public consultation. Two training courses on reporting had been organized, with the support of the United Nations Development Programme. A draft law on transgenderism was currently being prepared and would be made available for public consultation.

34. **Mr. Tran Van Dung** (Viet Nam) said that the number of crimes punishable by the death penalty had been significantly reduced, falling from 44 to 18 over the previous 30 years. The death penalty could only be imposed for the most serious crimes. For example, under the revised Penal Code, murder, sabotaging peace, war crimes and five different national security crimes were punishable by the death penalty. The offence of terrorism against the people's administration had been established in response to the country's long history of terrorist attacks targeting the Government, dating back to the

1970s. The National Assembly had decided to establish a separate, more general terrorism offence in the light of its reading of the Covenant, which had made it clear that terrorist attacks could also target the general population.

35. The provisions of the Penal Code criminalizing rape also criminalized marital rape. However, as a result of persisting traditional stereotypes, female victims of marital rape were often reluctant to report what had happened to them to the competent authorities. It was a criminal offence to perform a clandestine abortion that endangered the life or health of the pregnant women. Persons who underwent sex-selective abortions were liable for criminal prosecution. In the light of the Covenant and other international instruments, Vietnamese lawmakers had reduced the extent of criminal liability for minors aged between 14 and 16 years.

36. **Mr. Nguyen Van Binh** (Viet Nam) said that there was no specific law on equality and non-discrimination. However, discrimination was prohibited by the Constitution and various laws, such as the Labour Code and the Law on Family and Marriage. The Criminal Procedure Code and the Civil Procedure Code prohibited discrimination in relation to access to justice. The Government had launched various programmes and plans to promote non-discrimination, such as the National Strategy on Gender Equality 2011–2020, and had enacted a number of laws to promote the equality of vulnerable groups and protect them from discrimination, such as the Law on Disability and the Law on Children. The Law on Promulgation of Legal Normative Documents provided that a gender-sensitive approach must be adopted during the preparation of all new legislation. The Law on Administrative Procedure established sanctions for the commission of discriminatory acts and provided that the victims of discrimination could submit complaints.

37. The Law on Election of Deputies to the National Assembly and People's Council required that 30 per cent of candidates for seats in the National Assembly must be women, not that 30 per cent of the elected members should be women. It was up to the public to decide who was elected; the Government could not intervene in the result. Currently, only 26.8 per cent of seats in the National Assembly were held by women. A number of training programmes had been introduced under the National Strategy on Gender Equality 2011–2020 to help women improve their performance in future elections. The Government produced annual reports on the outcomes of the National Strategy. The 2018 edition of the report would be made available to the Committee after the current meeting. The report acknowledged that patriarchal stereotypes remained prevalent in Viet Nam, particularly in rural areas. Eliminating those stereotypes would take time.

38. The Government planned to narrow the gap between the retirement ages of men and women from five years to two years as part of its reform of the Labour Code. In 2021, the retirement age for men would increase to 62 years, while the retirement age for women would increase to 60 years. A road map had been adopted to help bring about that change.

39. The Government had enacted the Law on Domestic Violence and had adopted several national action plans to combat violence at home and in the workplace, including sexual harassment and abuse and gender-based discrimination. The number of reports of cases of domestic violence had increased, demonstrating that victims were increasingly willing to report their abuse. In 2018, a total of 10,300 cases of domestic violence had been recorded and 9,700 perpetrators had been identified. All victims of domestic violence received counselling: more than 8,500 victims had received legal support and around 1,600 had benefited from legal aid. Both the victims and the perpetrators of domestic violence could receive mental health support and, in some cases, employment and training opportunities were provided. Further amendments needed to be made to the Labour Code to prevent sexual harassment in the workplace.

40. The teenage pregnancy rate had decreased from 3 per cent in 2013 to 2.5 per cent in 2017. Teenage abortions were also decreasing and currently represented 2 per cent of all abortions. Those positive trends were a result of the Government's efforts to promote knowledge of reproductive and sexual health among women and young people. The number of pregnant women and adolescents with access to health checks was rising. The Government had drafted a bill to raise the age of majority for criminal liability from 16 to 18 years, but it had been rejected by the National Assembly.

41. All decisions regarding compulsory drug treatment were made by the courts. Persons subjected to compulsory drug treatment were guaranteed all fundamental safeguards, including access to legal counsel. The Government did not encourage the use of compulsory treatment, so only a small number of persons were admitted to compulsory rehabilitation centres. Those persons generally had a track record of relapsing after rehabilitation or were homeless or had no permanent or clear place of residence. Voluntary rehabilitation was encouraged, and more and more drug addicts were volunteering for treatment on the basis of contracts drawn up between their families and rehabilitation centres. The labour performed in drug treatment centres was imposed purely as a means of treatment and was limited to a fixed number of hours per week. No work was performed during the weekend. The Government had consulted with experts from ILO, who had come to the conclusion that the labour performed in such centres did not amount forced labour. In some cases, drug treatment centres entered into agreements with third-party organizations to generate work for addict internees, but that work was only ever entered into by addicts who had volunteered for treatment and with their consent. The number of persons residing in compulsory rehabilitation centres and the number of public drug treatment centres had fallen as result of the Government's policy of encouraging voluntary and community-based rehabilitation. In 2014, there had been 155 drug treatment centres nationwide, of which 123 were run by the State. By 2018, the total number of public drug treatment centres had fallen to 105. In 2018, the total number of persons residing in drug treatment centres was 6,048, of whom over 50 per cent were subjected to compulsory treatment.

42. Human trafficking was criminalized under the Law on Prevention and Combat of Human Trafficking and the 2015 Penal Code. Between 2011 and 2015, 934 cases of human trafficking, including human swaps and child kidnap, had been brought to court. The Government had allocated 5 billion dong to the provision of support for victims of trafficking, which included therapy, social reintegration programmes, job support, loans and health care. All women and child victims of trafficking received support.

43. **Mr. Hoang** Thanh Nam (Viet Nam) said that, under the Criminal Procedure Code, individuals could be held in temporary detention for a maximum of three days from the date on which they were placed under arrest or on which the investigating authority issued the temporary detention order. The period of temporary detention could be extended only once. Only a People's Procuracy had the authority to approve temporary detention requests, which had to be supported by evidence. In the case of extension requests, the Procuracy could visit the detainee if required and would deny the request if there were insufficient legal grounds. The Procuracy also supervised the detention process to ensure that detainees' rights were respected. Where a suspect was arrested at his or her place of residence, representatives of the community and of the suspect's employer must be present. Arrests could not be made at night.

44. Temporary detention was used only where necessary, such as to prevent the perpetrator committing further offences, destroying evidence or fleeing justice. In the case of national security offences, temporary detention was never used as a form of punishment, but rather only where additional time was required for the investigation. People's Procuracies came under the National Assembly and were the sole agencies authorized to supervise investigations and law enforcement activities. The rights of all detainees, such as the right to be informed of the charges against them and the right to defence, were protected under the Criminal Procedure Code.

45. **Ms. Hoang** Thi Thanh Nga (Viet Nam) said that human rights in Viet Nam were currently protected and promoted by State agencies at various levels. All discussions regarding the establishment of an independent human rights institution should take into account the political and cultural situation of the country. A joint steering committee had been created to examine the possibility of establishing such a body. Although the principles relating to the status of national institutions for the promotion and protection of human rights were not compulsory in Viet Nam, the Government was studying the experiences of countries that followed them, as well as the models used by countries that did not. It had conducted workshops with various agencies and research institutions to establish the most suitable form for an independent human rights institution in Viet Nam.

46. The Government had created favourable conditions to allow international organizations and diplomatic missions to visit prisoners and detainees. No complaints had been filed thus far following diplomatic visits to foreign citizens in detention. In 2018, more than 10 visits had been conducted.

47. **Mr. Chu Trung Dung** (Viet Nam) said that Viet Nam was currently reforming its judicial system, based on the experiences of other States and with the support of international organizations. The Law on Organization of the People's Courts provided for the establishment of juvenile courts at every level except that of the Supreme Court. Juvenile courts could be created in provinces that had a high number of juvenile cases and a sufficient number of qualified judges. They had been established in 38 of the 63 provinces, but none had yet been created at the district level owing to a lack of resources. Juvenile courts had jurisdiction over criminal offences involving persons under 18 years of age, in addition to issues of divorce, custody, surrogacy and matrimonial property. The courts had the authority to send juvenile offenders to reformatory schools.

48. Efforts were also being made to continuously improve judicial rules and procedures, in particular those related to children; in 2018, the Supreme Court had issued a circular on the rules and procedures applicable to persons under the age of 18 years who were involved in court cases. Training on those rules and procedures had been provided for judges and officials of the juvenile courts. Thanks to the support of the United Nations Children's Fund (UNICEF), the juvenile courts had been supplied with audiovisual technology for hearing testimonies. Efforts were also being made to raise awareness of best practices for caring for children and creating a healthy family environment with a view to reducing the number of cases.

49. **Mr. Pham Van Cong** (Viet Nam) said that, although Viet Nam had no designated legal provisions on torture, all forms of torture, including incitement to commit torture, were strictly prohibited by law.

50. Military personnel who committed an offence at the order of a superior officer were not held criminally responsible. Public security officers who committed an offence could be subjected to criminal or administrative sanctions, depending on the seriousness of the offence. The use of any form of corporal punishment or degrading treatment during prosecution or investigation proceedings was criminalized under the Penal Code. Viet Nam was also considering how to implement the recommendations made by the Committee against Torture.

51. Under the rule of law, all criminal offences, including those committed by law enforcement officers, were punished in Viet Nam. The Law on Execution of Criminal Judgments and the Law on Enforcement of Custody and Temporary Detention set out the conditions for detention and visitation rights. Persons in custody could submit complaints regarding law enforcement officers to the Viet Nam Fatherland Front and other agencies under the National Assembly, as well as to the Procuracy at all levels.

52. Persons found guilty of committing national security offences had the same rights as all other offenders. They were detained separately from other prisoners only if they had committed multiple violations of the prison rules or if they posed a threat to other prisoners. In accordance with circular No. 37, prisoners were separated according to their sentence and on the basis of gender, mental illness and communicable disease. Sentences could be reduced for good behaviour. Prisoners were never transferred to another establishment for discriminatory reasons. All prisoners had the right to receive visitors and to participate in education and work, regardless of their offence. The relocation of prisoners was governed by the Law on Enforcement of Custody and Temporary Detention.

53. All deaths in detention were publicly announced. There were various causes of death in detention, primarily disease, such as HIV/AIDS, tuberculosis and cancer, and suicide following mental instability. The procedures to be followed by the prison administrators in the event of a death were set out in article 26 of the Law on Enforcement of Custody and Temporary Detention. An autopsy should be carried out and the scene of the death examined. All deaths were investigated independently, under the oversight of the relevant Procuracy, and any person found to have physically or mentally abused the detainee was

punished. Vietnamese legislation also protected the right of family of the deceased to file a complaint and provided for the protection of witnesses and whistle-blowers.

The meeting rose at 6 p.m.