



General Assembly

Distr.: General
26 June 2019

Original: English

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

* 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 3rd cycle review, especially during the 32nd 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 ICCPR¹, by the virtue of which the people of Viet Nam freely determined their political status.

¹ 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 4th 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.²</i>	<i>Response</i>	<i>Remark</i>
1.	Accepted	
2.	Not accepted	
3.	Accepted	
4.	Not accepted	
5.	Not accepted	
6.	Accepted in part	Viet Nam will implement CAT’s recommendations that suit the country’s circumstances.
7.	Accepted	
8.	Accepted	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.	Accepted in part	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

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

<i>No.²</i>	<i>Response</i>	<i>Remark</i>
		circumstances and respective roadmaps.
10.	Accepted	
11.	Accepted in part	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.	Accepted	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.	Accepted	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.	Not accepted	
15.	Not accepted	
16.	Accepted	Viet Nam will consider adhering to ICPED and ICRMW in line with the country's laws and circumstances.
17.	Accepted in part	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.	Accepted	
19.	Accepted	
20.	Accepted	
21.	Accepted	
22.	Accepted	
23.	Not accepted	
24.	Accepted	
25.	Accepted	
26.	Accepted	Viet Nam will consider adhering to CPED and CRMW in line with the country's laws and circumstances.
27.	Accepted in part	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.	Accepted	
29.	Not accepted	
30.	Accepted	
31.	Accepted	
32.	Accepted in part	Viet Nam is reviewing all the CAT's recommendations; an action plan will be developed to implement accepted recommendations.
33.	Accepted	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.	Accepted in part	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.²</i>	<i>Response</i>	<i>Remark</i>
		sides.
35.	Accepted	
36.	Accepted	
37.	Accepted	
38.	Not accepted	
39.	Not accepted	
40.	Accepted	
41.	Accepted	
42.	Accepted	
43.	Not accepted	
44.	Accepted in part	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.	Accepted	
46.	Not accepted	
47.	Accepted in part	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.	Accepted in part	The accepted element of this recommendation is “Ratify ILO core conventions No. 98 and No. 105.
49.	Accepted in part	The accepted element of this recommendation is “Adopt ILO conventions No. 98 and No. 105”.
50.	Accepted	
51.	Accepted in part	Among the remaining core ILO conventions, Viet Nam prioritizes considering adherence to Conventions No.98 and No.105 in the coming time.
52.	Accepted in part	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.	Accepted	
54.	Accepted	
55.	Not accepted	
56.	Accepted	
57.	Accepted	
58.	Accepted	
59.	Accepted	
60.	Accepted	
61.	Accepted	
62.	Accepted	

<i>No.²</i>	<i>Response</i>	<i>Remark</i>
63.	Accepted	
64.	Accepted	
65.	Accepted	
66.	Accepted	
67.	Accepted	
68.	Not accepted	
69.	Accepted	
70.	Accepted	
71.	Not accepted	
72.	Accepted	
73.	Not accepted	
74.	Accepted	
75.	Accepted	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.	Accepted	
77.	Accepted	
78.	Accepted	
79.	Accepted	
80.	Not accepted	
81.	Accepted	
82.	Accepted	
83.	Accepted	
84.	Accepted	
85.	Accepted	
86.	Accepted	
87.	Accepted	
88.	Accepted in part	Viet Nam will continue studying and considering the possibility of establishing a national human rights institution.
89.	Accepted	
90.	Accepted	
91.	Accepted	
92.	Accepted	
93.	Accepted	This recommendation will be implemented in line with Viet Nam's circumstances, including its legal reform plan.

<i>No.²</i>	<i>Response</i>	<i>Remark</i>
94.	Accepted	
95.	Accepted	
96.	Accepted	
97.	Accepted	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.	Not accepted	
99.	Not accepted	
100.	Accepted	
101.	Accepted	
102.	Accepted	
103.	Accepted	
104.	Accepted	
105.	Accepted	
106.	Accepted	
107.	Accepted	
108.	Accepted	
109.	Accepted	
110.	Accepted	
111.	Accepted	
112.	Accepted	
113.	Accepted	
114.	Accepted	
115.	Accepted	
116.	Accepted	
117.	Accepted	
118.	Accepted	
119.	Accepted	
120.	Accepted	
121.	Accepted	
122.	Accepted	
123.	Accepted	
124.	Accepted	
125.	Accepted	
126.	Accepted	
127.	Accepted	

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

<i>No.²</i>	<i>Response</i>	<i>Remark</i>
162.	Accepted	
163.	Accepted	
164.	Accepted	
165.	Accepted	
166.	Not accepted	
167.	Not accepted	
168.	Accepted	
169.	Accepted	
170.	Accepted	
171.	Not accepted	
172.	Accepted	
173.	Accepted	
174.	Accepted	
175.	Not accepted	
176.	Accepted	
177.	Not accepted	
178.	Accepted	
179.	Accepted	
180.	Not accepted	
181.	Accepted	
182.	Accepted	
183.	Not accepted	
184.	Accepted	
185.	Not accepted	
186.	Accepted	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.	Not accepted	
188.	Not accepted	
189.	Accepted	
190.	Not accepted	
191.	Not accepted	
192.	Accepted	
193.	Accepted in part	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.²</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.	Accepted in part	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.	Accepted	
196.	Not accepted	
197.	Accepted	This recommendation will be implemented in line with Viet Nam's circumstances, including its current legal framework and legal reform plan.
198.	Accepted in part	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.	Accepted	
200.	Accepted	This recommendation will be implemented in conformity with Viet Nam's circumstances, including its current legal framework and legal reform plan.
201.	Accepted	
202.	Accepted in part	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.	Accepted	This recommendation will be implemented in conformity Viet Nam's circumstances, including its current legal framework and legal reform plan.
204.	Not accepted	
205.	Accepted in part	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.	Accepted	
207.	Accepted	
208.	Not accepted	
209.	Not accepted	
210.	Accepted	
211.	Not accepted	
212.	Not accepted	
213.	Accepted	
214.	Accepted in part	The accepted element of this recommendation is "Nurture a culture of free expression online and offline".
215.	Accepted	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.	Not accepted	
217.	Accepted	This recommendation will be implemented in conformity Viet Nam's circumstances, including its current legal framework and legal reform plan.

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

<i>No.²</i>	<i>Response</i>	<i>Remark</i>
252.	Accepted	
253.	Accepted	
254.	Accepted	
255.	Accepted	
256.	Accepted	
257.	Accepted	
258.	Accepted	
259.	Accepted	
260.	Accepted	
261.	Accepted	
262.	Accepted	
263.	Accepted	
264.	Accepted	
265.	Accepted	
266.	Accepted	
267.	Accepted	
268.	Accepted	
269.	Accepted	
270.	Accepted	
271.	Accepted	
272.	Accepted	
273.	Accepted	
274.	Accepted	
275.	Accepted	
276.	Accepted	
277.	Accepted	
278.	Not accepted	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.	Accepted	
280.	Accepted	
281.	Accepted	
282.	Accepted	
283.	Accepted	
284.	Accepted	

<i>No.²</i>	<i>Response</i>	<i>Remark</i>
285.	Accepted	
286.	Accepted	
287.	Accepted	
288.	Accepted	
289.	Accepted	
290.	Not accepted	
291.	Accepted in part	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”.
