

Advance unedited version

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Human Rights Committee**Concluding observations on the fourth periodic report of Viet Nam***

1. The Committee considered the fourth periodic report of Viet Nam¹ at its 4244th and 4245th meetings,² held on 7 and 8 July 2025. At its 4259th meeting, held on 15 July 2025, it adopted the present concluding observations.

A. Introduction

2. The Committee welcomes the submission of the fourth periodic report of Viet Nam and the information presented therein. It expresses appreciation for the opportunity to renew its constructive dialogue with the State party's high-level delegation on the measures taken during the reporting period to implement the provisions of the Covenant. The Committee thanks the State party for its written replies³ to the list of issues⁴, which were supplemented by the oral responses provided by the delegation, and for the supplementary information provided to it in writing.

B. Positive aspects

3. The Committee welcomes the following legislative and policy measures undertaken by the State party:

- (a) The adoption of amendments to the Law on Prevention and Combat of Human Trafficking (2024);
- (b) The adoption of the Law on Justice for Minors (2024);
- (c) The adoption of the amendments to the 2019 Labour Code (2021);
- (d) The adoption of Resolution 27, Government Resolution No. 126/NQ-CP, and Prime Minister's Decision No. 603/QĐ-TTg modernizing the judicial system, including expanding legal aid services;
- (e) The adoption of the National Action Plan on Women, Peace, and Security (2024);
- (f) The adoption of the National Strategy on Gender Equality (2021-2030).

* Adopted by the Committee at its 144th session (23 June – 17 July 2025).

¹ CCPR/C/VNM/4.

² See CCPR/C/SR.4244 and CCPR/C/SR.4245.

³ CCPR/C/VNM/RQ/4

⁴ CCPR/C/VNM/Q/4

C. Principal matters of concern and recommendations

Constitutional and legal framework within which the Covenant is implemented

4. While noting the State party's efforts to ensure compliance of its national legislation with the provisions of the Covenant, the Committee is concerned that the Constitution does not fully implement the rights guaranteed in the Covenant and that national legislation and policies, including Directive 24, impose overly broad restrictions on the Covenant rights, in particular on the basis of national security. The Committee regrets that despite awareness-raising initiatives, the provisions of the Covenant have not been applied by national courts. It also regrets that the State party still has not ratified the First Optional Protocol to the Covenant (art. 2).

5. **The State party should ensure that all the provisions of the Covenant are given full effect in its national legal order. The State party should also ensure that national legislation is interpreted and applied in conformity with its obligations under the Covenant. In addition, the State party should raise awareness of the provisions of the Covenant among judges, lawyers and prosecutors and promote its application by the national courts. The State party should also consider ratifying the First Optional Protocol to the Covenant.**

National human rights institution

6. While acknowledging the information provided by the State party regarding the support for establishing an independent national human rights institution, the Committee regrets the continued postponement and lack of clear progress made towards establishing such an institution in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles) (art. 2).

7. **The Committee calls upon the State party to prioritize the establishment of an independent national human rights institution in accordance with the Paris Principles and to allocate adequate financial and human resources to the institution.**

Anti-corruption measures

8. The Committee notes the measures taken to address corruption, including a significant increase in indictments and prosecutions of former and sitting high-level officials. Nevertheless, the Committee is concerned about reports that accountability mechanisms for public officials are often selectively applied and politically motivated. The Committee regrets the lack of information received on the number of complaints, investigations, prosecutions, and convictions relating to corruption cases (arts. 2 and 25).

9. **The State party should enhance its efforts to prevent and eradicate corruption at all levels. In particular, it should:**

(a) **Increase its efforts to investigate allegations of corruption at all levels, transparently, promptly, thoroughly, independently and impartially and ensure that perpetrators are prosecuted and, if convicted, punished with penalties commensurate with the gravity of the offence and that victims are provided with reparation;**

(b) **Strengthen the transparency, independence, and accountability of all anti-corruption bodies and ensure their decisions are made public;**

(c) **Implement training and awareness-raising campaigns to inform public officials, politicians, the business community and the general public about the economic and social costs of corruption and the mechanisms in place to report it.**

States of emergency

10. The Committee is concerned that existing legislation and regulations governing the states of emergency do not define the scope of restrictions on human rights in the event of a public emergency, nor do they explicitly prohibit derogations from the non-derogable provisions of the Covenant. The Committee regrets that no notification of a declaration of a state of emergency was sent to the Secretary-General of the United Nations during the COVID-19 pandemic, notwithstanding the adoption of measures severe enough to constitute derogations within the meaning of article 4 (1) of the Covenant, including reports of limited access to food for vulnerable populations in Ho Chi Minh City and arrests of individuals who critiqued the State party's pandemic response online. The Committee reminds the State party that restrictions on human rights during states of emergency should be notified to the Secretary-General pursuant to article 4 (3). (art. 4).

11. In the light of the Committee's general comment No. 29 (2001) on derogations from provisions of the Covenant during a state of emergency, the State party should promptly amend legislation governing states of emergency in order to ensure their full compliance with the all the requirements of article 4 of the Covenant. In particular, the State should guarantee that any measures introduced in the context of a state of emergency, including pandemics, are temporary, proportionate, strictly necessary and subject to judicial review. Further, when adopting such measures the State party should inform the other States parties to the Covenant, through the intermediary of the Secretary-General of the United Nations, of the provisions from which it has derogated and the reasons therefor, in accordance with article 4 (3) of the Covenant.

Non-discrimination

12. While the Committee notes Article 16 of the Constitution, which guarantees equality before the law and freedom from discrimination, the Committee is concerned that the current legal framework does not afford comprehensive protection against discrimination on all the grounds prohibited under the Covenant (arts. 2 and 26). The Committee notes the existence of legislation to combat discrimination, such as the Social Work, Assistance and Rehabilitation of Persons with Mental Problems and Children with Autism (2021-2030). Nevertheless, the Committee regrets the lack of information regarding the employment of people with disabilities and their engagement in vocational training programs (arts. 2, 19, 20 and 26).

13. The State party should ensure that everyone enjoys the human rights enshrined in the Covenant without discrimination. In particular, the State party should:

(a) Adopt comprehensive anti-discrimination legislation that explicitly addresses all spheres of life and prohibits direct, indirect and intersectional discrimination in all spheres on all grounds prohibited by the Covenant, and ensure access to effective and appropriate remedies for victims;

(b) Continue combating stereotypes about, and negative attitudes towards, persons on the basis of their sexual orientation, gender, ethnic, or religious identities, including through public information campaigns;

(c) Ensure effective monitoring of discrimination cases through the systematic collection of data on related complaints and their outcomes;

(d) Take all measures necessary to effectively combat and eliminate discrimination faced by people with disabilities.

Sexual orientation, gender identity and intersex persons

14. The Committee is concerned about stigmatization, discriminatory attitudes and violence towards lesbian, gay, bisexual, transgender and intersex persons in the State party. It is also concerned about the lack of progress with the Gender Affirmation Law. In addition,

the Committee is concerned by reports that intersex children and adolescents are subjected to irreversible and invasive medical interventions. Moreover, while the Committee notes that same-sex relationships are decriminalized, it regrets the absence of legal recognition and protection of same-sex couples (arts. 2, 19, 20 and 26).

15. The State party should redouble its efforts to prevent and address all forms of discrimination and violence against lesbian, gay, bisexual, transgender and intersex persons. It should, in particular:

(a) Adopt a legal framework to explicitly prohibit and prevent discrimination, harassment, hate speech and hate crimes against lesbian, gay, bisexual, transgender and intersex persons;

(b) Ensure that all allegations of discrimination or violence motivated by the victim's actual or perceived sexual orientation or gender identity are promptly and effectively investigated, that perpetrators are prosecuted and, if convicted, punished with penalties commensurate with the gravity of the offence, and that victims are provided with effective access to judicial remedies, with full reparations and means of protection;

(c) Cease irreversible and invasive medical treatments and interventions, especially surgical operations, on intersex children who are not yet able to provide their fully informed and free consent, unless such interventions constitute an absolute medical necessity;

(d) Adopt or amend legislation to provide legal recognition of same-sex couples;

(e) Combat stereotypes and negative attitudes among the general public directed towards persons on the basis of their actual or perceived sexual orientation and gender identity.

Gender equality

16. While welcoming the various measures adopted by the State party to promote gender equality, the Committee is concerned by the continued low participation of women in political and public life, especially in high-level decision-making and leadership positions, including in government. The Committee is also concerned about the persistence of discriminatory stereotypes and entrenched patriarchal attitudes relating to the roles and responsibilities of women, which particularly affect women and girls from rural and impoverished areas, especially ethnic minorities such as the Khmer-Krom, Hmong and Montagnards (arts. 2, 3, and 25).

17. The State party should strengthen its efforts to ensure effective equality between men and women in all spheres. In particular, it should:

(a) Increase the proportion of women in political and public life, especially in high-level decision-making and leadership positions, including in government, with a view to achieving gender parity, including by adopting temporary special measures, such as statutory quotas and a gender parity system;

(b) Enhance civic education for young girls and women, and conduct awareness-raising activities on the importance of the participation of women in decision-making;

(c) Combat patriarchal attitudes and stereotypes about the roles and responsibilities of women and men in the family and in society at large, particularly regarding women and girls from rural and impoverished areas, especially ethnic minorities such as the Khmer-Krom, Hmong and Montagnards;

(d) Collect and make publicly available disaggregated data on the representation of women and men in public or political posts.

Violence against women, including domestic violence

18. The Committee notes the State party's implementation of the 2022 Law on Domestic Violence Prevention and Control. However, it is concerned about the legislation's focus on conciliation and mediation measures in cases of domestic violence, which may hinder access to justice and effective remedies. The Committee is also concerned that the definition of rape requires evidence of physical injury. Moreover, the Committee remains concerned about the persistence of high levels of violence against women and girls, including rape and domestic violence (arts. 2, 3, 6, 7 and 25).

19. **The State party should:**

(a) Ensure that the definition of rape is in line with the provisions of the Covenant;

(b) Guarantee that all cases of violence against women and girls are thoroughly and promptly investigated, that perpetrators are prosecuted and, if convicted, sanctioned with penalties commensurate with the gravity of the offence, and that victims have access to effective remedies, receive full reparation and also have access to adequate protection and assistance;

(c) Reinforce mechanisms to facilitate and encourage reporting of cases of violence against women and girls, including by ensuring that all women have access to information about their rights, protection measures and remedies;

(d) Refrain from requiring victims of domestic violence to resort to alternative dispute-resolution processes;

(e) Strengthen public education programmes aimed at raising awareness of the criminal nature of such acts and combatting stereotypes that normalize violence against women;

(f) Ensure that judges, prosecutors, law enforcement officials and health personnel receive appropriate training to enable them to deal with cases of gender-based violence in an effective and gender-sensitive manner;

(g) Collect and make publicly available disaggregated data on violence against women, including information on complaints, investigations, prosecutions, convictions and sentences related to gender-based violence.

Climate change and environmental degradation

20. The Committee acknowledges the steps taken by the State Party to prevent and mitigate the impacts of climate change and environmental degradation, including its response to Typhoon Yagi 2024. Nonetheless, it is concerned by the gravity of associated threats to lives, health and livelihoods. The Committee regrets the lack of sufficient information on sustainable policies adopted by the State party to protect persons, including the most vulnerable and minority groups, from the impact of environmental degradation and climate change (art. 6 and 27).

21. **In accordance with article 6 of the Covenant and in the light of the Committee's general comment No. 36 (2018) on the right to life, the State Party should take adequate steps to ensure the sustainable use of natural resources and to adopt a precautionary approach to protecting persons, including the most vulnerable and minority groups, from the negative impacts of climate change, environmental degradation and natural**

disasters, and enhance the ability of local communities and the general public to participate meaningfully in environmental decision-making and access to information.

Death penalty

22. While welcoming the recent abolition of the death penalty in the State party for eight specific offenses, the Committee is concerned that domestic legislation punishes with the death penalty ten different crimes, including non-violent offences that do not meet the threshold of the “most serious crimes” within the meaning of the Covenant, including drug trafficking. The Committee is also concerned at reports that persons belonging to ethnic and religious minorities are disproportionately affected by such sentences. Moreover, the Committee is concerned about the lack of information on the existence of a procedure enabling individuals sentenced to death to effectively seek a review of their convictions and sentences on the basis of newly discovered evidence of their innocence, and, if wrongfully convicted, to provide them with compensation. It further regrets the lack of information on the numbers of death penalties imposed, executions carried out, cases of pardon, and the number of persons held on death row (arts. 2, 6 and 14).

23. **Bearing in mind the Committee’s general comment No. 36 (2018) on the right to life, the State party should refrain from carrying out executions by maintaining a de facto moratorium, take specific steps towards adopting a de jure moratorium and consider abolishing the death penalty and acceding to the Second Optional Protocol to the Covenant, aiming at the abolition of the death penalty. If the death penalty is maintained, the State party should:**

(a) Ensure that it is provided only for the most serious crimes involving intentional killing and never imposed in violation of the Covenant, including in violation of fair-trial procedures or as a result of discriminatory bias;

(b) Guarantee that pardon or commutation of the sentence is available in all cases and develop comprehensive rules for submitting and reviewing mercy petitions that align with international standards, ensuring transparency, certainty, due process and objectivity;

(c) Ensure that all death sentences have access to a transparent, effective and independent review process on the basis of newly discovered evidence of innocence, adequate legal and financial assistance is provided to enable this review and, if wrongfully convicted, individuals have access to effective remedies, including compensation;

(d) Collect and make publicly available disaggregated data on the number of death sentences imposed, the gender and age of the defendants, the number of executions carried out, pardons and commutations requested and granted and the types of offence for which death sentences are imposed.

Enforced disappearances and transnational repression

24. The Committee is concerned about the allegations of enforced disappearances and extraterritorial enforced disappearances and other forms of repression by Vietnamese officials, including in Thailand. It expresses concern about allegations of the misuse of International Criminal Police Organization (INTERPOL) Red Notices against human rights defenders and about the use of politically motivated extradition processes. The Committee also regrets that the State Party has not provided information on cases and investigations of enforced disappearances and other forms of extraterritorial repression, or the measures taken to combat them, including the number of complaints received during the reporting period, investigations, prosecutions and redress provided to victims and their relatives (arts. 6, 7, 9 and 16).

25. The State Party should identify all cases of enforced disappearance and extraterritorial enforced disappearances and other forms of transnational repression. In particular, it should conduct impartial, thorough, timely, and transparent investigations and promptly inform victims and their relatives of the progress and results of the investigation. It should also identify those responsible and ensure that they are prosecuted and, if convicted, punished with appropriate penalties that are commensurate with the gravity of their crimes and that victims and their families are provided with full reparation. The State Party should also consider acceding to the International Convention for the Protection of All Persons from Enforced Disappearance.

Prohibition of torture and other cruel, inhuman or degrading treatment

26. The Committee is concerned by reports of torture and ill-treatment carried out to extract confessions during investigations, and that those confessions are later presented as evidence in court, including in cases involving the death penalty. The Committee is also seriously concerned by reports indicating that torture and ill-treatment is practiced in particular on human rights defenders, journalists, dissidents and ethnic and religious minorities, and that some victims are denied medical treatment. The Committee regrets the lack of information regarding any independent and impartial investigations that may have been conducted into deaths in custody as a result of torture or ill-treatment, on the outcome of any such investigations, on remedies provided to the victims and on perpetrators who may have been brought to justice. Moreover, the Committee is concerned by the credible reports on the State party's use of solitary confinement and leg shackling for ten days as a disciplinary measure (art. 7).

27. The State party should take all measures necessary to prevent and eradicate torture and inhuman or degrading treatment or punishment. In particular, it should:

(a) Conduct prompt, thorough and impartial investigations into all allegations of torture and inhuman and degrading treatment, ensuring that perpetrators are prosecuted and, if found guilty, punished with penalties commensurate with the gravity of the crime committed; and provide effective remedies for the victims, including physical and mental rehabilitation;

(b) Ensure that investigations into allegations of torture and inhuman and degrading treatment, including related medical examinations, are carried out in line with the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol) and the Minnesota Protocol on the Investigation of Potentially Unlawful Death;

(c) Strengthen the training on human rights provided to judges, prosecutors, and law enforcement officials, and including training on international human rights standards such as the Principles on Effective Interviewing for Investigation and Information-Gathering (the Méndez Principles);

(d) Ensure that confessions obtained through torture and ill-treatment in violation of article 7 of the Covenant are not accepted by courts under any circumstances, and that the burden of proving that the confession was made voluntarily falls upon the prosecution;

(e) Effectively limit the use of solitary confinement by imposing it only as a measure of last resort and for as short a time as possible and ensure that the use of solitary confinement is subject to judicial review; the use of shackling should also be effectively limited as a measure last resort, used only when absolutely necessary for safety or security, and never as a form of punishment or humiliation;

(f) Ensure that all persons deprived of their liberty have access to medical treatment and an independent and effective complaints mechanism for the investigation of allegations of torture and ill-treatment;

(g) Collect and make publicly available disaggregated data on the number of independent and impartial investigation that may have been conducted into allegations and complaints of ill-treatment, on the outcome of any such investigation, on remedies provided to the victims and on perpetrators who may have been brought to justice.

Treatment of persons deprived of liberty

28. The Committee notes that the authorities inspect prisons and detention centres. The Committee takes note of the implementation of the Master Plan on the Construction, Renovation and Upgrading of Custody and Detention Facilities, however it is concerned about the deterioration of the situation of persons deprived of their liberty in prisons and in other formal and informal places of detention, including with respect to overcrowding, unsanitary conditions, poor quality food and water, denial of medical care, and exposure to torture and ill-treatment, including prolonged solitary confinement. It is also concerned at reports of discriminatory treatment between regular prisoners and prisoners of conscience (arts. 9 and 10).

29. The State Party should ensure that the conditions of detention comply with relevant international human rights standards, including the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules) and the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules). It should, in particular:

(a) Take immediate measures to significantly reduce overcrowding in prisons, including through the wider application of non-custodial measures as an alternative to imprisonment, as outlined in the United Nations Standard Minimum Rules for Non-custodial Measures (the Tokyo Rules);

(b) Intensify its efforts to improve conditions of detention and ensure adequate access to food, clean water and healthcare for all persons held in detention facilities; and that prisoners of conscience are not discriminated against;

(c) Ensure that all persons deprived of their liberty have access to an independent and effective complaints mechanism for the investigation of allegations of torture and ill-treatment that guarantees prompt, effective and direct access to the monitoring bodies responsible handling such complaints and to effective remedies;

(d) Ensure that independent monitoring and oversight mechanisms are put in place and ensure regular and unhindered access to all places of deprivation of liberty, without prior notice and on an unsupervised basis.

Compulsory drug rehabilitation centres

30. The Committee remains concerned about the situation of persons confined to drug rehabilitation centres, who are subjected to compulsory detoxification treatment, forced labour, inadequate medical care and onerous work conditions. The Committee remains concerned at the introduction of Article 256a in the amended Criminal Code, criminalizing individuals for using drugs during or after treatment or rehabilitation. Moreover, it is concerned that the 2021 Law on Drug Prevention and Control allows for detention of children as young as age 12. The Committee regrets the lack of information on the number of people held in such facilities (arts. 8, 9, 10 and 24).

31. In line with the previous concluding observations, the State party should amend relevant laws, policies and practices vis-à-vis drug-dependent persons, particularly those deprived of their liberty in compulsory drug rehabilitation centres, with a view

to bringing them into full compliance with the Covenant, including by ending the use of forced labour.⁵ In particular, it should:

- (a) Consider the decriminalization of drug usage;
- (b) Ensure that drug-dependent treatment is voluntary and that informed consent is a precondition for any medical treatment or intervention, except in cases of urgent medical necessity;
- (c) Where compulsory drug rehabilitation centres exist, take immediate measures to close such centres, release those detained in such centres, and replace the facilities with voluntary, evidence-based care and support in the community;
- (d) Ensure that the treatment in the drug rehabilitation centres is in conformity with the Covenant and International Guidelines on Human Rights and Drug Policy, and that any restrictions are legal, necessary and proportionate to the individual circumstances and include guarantees of an effective remedy;
- (e) Strengthen independent monitoring of drug rehabilitation centres and strengthening complaints mechanisms, thoroughly investigating any allegations of abuse;
- (f) Strengthen independent monitoring of drug rehabilitation centres and strengthening complaints mechanisms, thoroughly investigating any allegations of abuse.

Liberty and security of person

32. The Committee is concerned about the use of prolonged pretrial detention, particularly for political dissidents, human rights defenders, journalists, and ethnic and religious minorities. It is also concerned that Article 173(5) of the Criminal Procedure Code allows for suspects accused of national security crimes to be detained for an indefinite period of time without judicial review and that Article 74 of the Criminal Procedure Code restricts access to legal counsel for those accused of national security crimes (arts. 9 and 14).

33. Bearing in mind the Committee's general comment No. 35 (2014) on liberty and security of person, the State party should significantly reduce the use of pretrial detention, including through the wider application of non-custodial measures as alternatives to incarceration, and ensure that all detained persons are afforded, in practice, all legal and procedural safeguards from the outset of their detention. In particular it should:

- (a) Ensure that pretrial detention is exceptional and imposed only when necessary, in a non-discriminatory manner, and for a period of time that is as short as possible and that statutory limits on detention are strictly enforced;
- (b) Guarantee that pretrial detention is subject to periodic by the relevant judicial authorities, including through the effective implementation of the right to habeas corpus, and that anyone detained arbitrarily is released without conditions and is adequately compensated;
- (c) Amend or repeal Article 173(5) and 74 of the Criminal Procedure Code to ensure that persons deprived of their liberty are guaranteed all legal and procedural safeguards from the very outset of their detention, including access to a lawyer.

Elimination of slavery, servitude, and trafficking in persons

⁵ CCPR/C/VNM/CO/3 para. 32

34. The Committee welcomes the amendment to the Law on Prevention and Combat of Human Trafficking. Nonetheless, the Committee remains concerned about the continued prevalence of trafficking in persons and forced labour, particularly through the state-run labour export program. It is also concerned that current legislation imposes a higher burden of proof in cases of trafficking of child victims aged 16 and 17 (arts. 2, 7, 8 and 26).

35. The State party should take all measures necessary to effectively prevent, combat and punish trafficking in persons and forced labour including ensure that the legislative framework to combat trafficking in persons is aligned with international standards and intensify its efforts to provide all victims effective remedies, including protection, rehabilitation and compensation.

Freedom of movement

36. The Committee remains concerned with Article 121 of the Criminal Code which criminalizes “fleeing abroad with view to opposing the people’s administration”. It is also concerned at the continued reports of persons belonging to ethnic minorities and Indigenous Peoples being prevented from leaving the State party’s territory to seek asylum. The Committee regrets the lack of information received on the number of travel bans imposed, the criteria for instituting travel bans, and disaggregated data on the application of such bans (arts. 2, 9 and 12).

37. Recalling its previous recommendations, article 12(4) of the Covenant and the Committee’s general comment No. 27 (1999) on freedom of movement, the State party should guarantee full respect for the freedom to leave one’s country, refrain from arbitrary imposing travel bans, ensure that any travel ban is justified under article 12(3) of the Covenant and lift bans that are not in compliance with that article.⁶

Access to justice, independence of the judiciary, and fair trials

38. The Committee welcomes the State party’s efforts to expand legal aid services. Recalling its previous concluding observations, the Committee remains concerned about the influence on the judiciary of the ruling party, thereby undermining their independence.⁷ Furthermore, it is concerned about the lack of judicial accountability and oversight, lack of due process in cases involving human rights defenders, journalists, and ethnic and religious minorities, and harassment of lawyers defending human rights defenders, journalists and ethnic and religious minorities. The Committee regrets the lack of information on the legal framework and institutional mechanisms to guarantee the independence of the judiciary (art. 14).

39. The State party should take immediate measures, in law and in practice, to ensure the full independence and impartiality of the judiciary and the functional autonomy of the prosecution service, and guarantee that judges, prosecutors and their staff are free to operate without any undue pressure or interference from the government. The State Party should also:

(a) Ensure that the procedures for the selection, appointment, promotion and removal of judges are transparent and impartial and comply with the Covenant and relevant international standards, including the Basic Principles on the Independence of the Judiciary. The State Party should also ensure that the appointment and exercise of the functions of prosecutors also follow the Guidelines on the Role of Prosecutors;

(b) Ensure that all judicial proceedings are conducted in accordance with the fair trial guarantees enshrined in article 14 of the Covenant, particularly concerning human rights defenders, journalists, and ethnic and religious minorities;

⁶ CCPR/C/VNM/CO/3 para. 42

⁷ CCPR/C/VNM/CO/3 para. 33

(c) Ensure that lawyers enjoy protection against any threat, intimidation or any form of undue interference or retaliation in connection with their professional activity, taking into account the provisions of the Covenant and the Basic Principles on the Role of Lawyers;

(d) Expand the provision of legal aid services by strengthening the financial and human capacity of the program to facilitate access to justice for all, including those living in rural areas and ethnic and religious minorities.

Juvenile justice

40. Recalling previous concluding observations, the Committee welcomes the large expansion of family and juvenile courts around Viet Nam.⁸ However, it remains concerned at the definition of the age of a child as a person under 16 years of age, creating a significant protection gap for children aged 16 and 17, particularly victims of child abuse, sexual exploitation, trafficking, and deprivation of liberty. The Committee is further concerned that, despite the adoption of alternative measures to deprivation of a child's liberty, detention of children in conflict with the law reportedly remains common (arts. 9, 14 and 24).

41. **The State party should:**

(a) Amend legislation to define the age of a child as a person up to 18 years of age, in line with international standards;

(b) Ensure that detention and incarceration are only used as a last resort and for the shortest period of time, and that detained children are separated from adult detainees;

(c) Take into account the Committee's general comment No. 35 (2014) and ensure that children deprived of their liberty are afforded all legal and procedural safeguards from the very outset of their detention, including in cases involving national security;

(d) Reinforce efforts to strengthen the juvenile justice system by setting up additional specialized courts, and provide them with adequate resources, including training for law enforcement officials, judges and prosecutors on child-sensitive investigations and interrogations.

Right to privacy

42. The Committee is concerned about allegations of unlawful surveillance, internet blackouts and cutting of telephone lines, particularly involving human rights defenders, journalists, and ethnic and religious minorities. The Committee is also concerned about the inadequacies of current legislation in protecting personal data such as Decree 13/2023 Art. 17, which allows personal data to be taken without prior notification and consent of the data subject, and Decree 147/2024, which requires users to verify their accounts using a phone number or ID card and requires social media platforms to remove content deemed illegal (art. 17).

43. **The State party should take all measures necessary to guarantee the full enjoyment by everyone of the right to privacy, including online. It should ensure that its legislation, including Decrees 13/2023 and 147/2024, and data protection and all types of surveillance activities, including online surveillance and the interception and retrieval of electronic communications and metadata, are in full conformity with the Covenant, in particular article 17 thereof, and the principles of legality, proportionality, necessity and transparency. It should also:**

⁸ CCPR/C/VNM/CO/3 para. 37

(a) Establish strict safeguards, and independent and effective oversight mechanisms, including judicial review of surveillance activity;

(b) Ensure that affected persons have access to effective complaint mechanisms and remedies in cases of abuse and that they are notified of the surveillance and interception activities to which they have been subjected, where possible.

Freedom of conscience and religious belief

44. The Committee is deeply concerned about reports of the increase in discrimination, harassment and intimidation against religious minorities, in particular the Montagnard and Hmong Protestants, Khmer-Krom Buddhists, Cao Dai and Hoa Hao. Recalling its previous concluding observations, it is concerned that the Law on Religion and Belief of 2016 and Decree 95/2023 unduly restrict the freedom of religion and belief, such as through the mandatory registration and recognition process for religious organizations and restrictions on religious activities based on vague and broadly interpreted legal provisions related to national security and social unity.⁹ The Committee is further concerned by the application of national security and counter-terrorism laws to target religious minorities (art. 18 and 19).

45. In line with the previous concluding observations, the State party should guarantee the effective exercise of freedom of religion and belief and ensure that any restrictions on that freedom fully comply with the strict criteria set forth in article 18 of the Covenant.¹⁰ It should also ensure that legislation and practices on the right to freedom of religion or belief conform to article 18 of the Covenant, taking into account general comments No. 22 (1993) on the right to freedom of thought, conscience and religion. The State party should also:

(a) Guarantee the right of everyone to have or adopt a religion or belief of their choice;

(b) Ensure the freedom to manifest this religion or belief, either individually or in community with others, and in public or private, without being penalized;

(c) Take measures to prevent and swiftly and effectively respond to all acts of undue interference with the freedom of religion, and any incidents of hate speech, incitement to discrimination, violence or alleged hate crime, and ensure that those responsible are brought to justice and that victims have access to adequate remedies;

(d) Ensure that the national security and counter-terrorism legislation is not applied arbitrarily to arrest, detain or target religious minorities; or to hinder freedom of religion;

(e) Ensure that the registration of religious organizations is based on clear and objective criteria that are compatible with the provisions of the Covenant.

Freedom of expression

46. Recalling its previous concluding observations and follow-ups, the Committee remains deeply concerned by continued reports indicating a further decline in freedom of expression in the State party, notably with regard to human rights defenders, journalists, political dissidents, and ethnic and religious minorities.¹¹ The Committee notes with concern the overly broad criminal law provisions, in particular articles 109, 116, 117, 331 of the Criminal Code, which are used to prosecute human rights defenders, journalists, political dissidents, and ethnic and religious minorities, noting the alleged at least 160 human rights

⁹ CCPR/C/VNM/CO/3 para. 43

¹⁰ CCPR/C/VNM/CO/3 para. 44

¹¹ CCPR/C/VNM/CO/3 para. 45

defenders and others currently incarcerated for peacefully exercising their freedom of expression. It is also concerned by reported cases of reprisals against human rights defenders and civil society actors for engaging with the UN and its human rights mechanisms. Furthermore, the Committee is concerned that the media is heavily restricted, especially in legislation such as the Press Law, Access to Information Law, the Law on Cybersecurity, and Decrees 147/2024, 53/2022, 15/2020 and 119/2020. It is also concerned by Internet disruptions and the removal of content on social media platforms perceived to be critical of the government. Although aware of the numerous media outlets in the State party, it observes that current legislation requires media outlets register with and allow oversight by the government, infringing media independence (art. 19).

47. The Committee reiterates its previous recommendations and urges the State party to guarantee that everyone, including human rights defenders, journalists, political dissidents, and ethnic and religious minorities, can exercise the right to freedom of expression in accordance with article 19 of the Covenant and the Committee's general comment 34 (2011) on the freedom of opinion and expression.¹² It should also:

(a) Take all necessary steps to end violations of 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;

(b) Amend or abolish its current and pending legislation, including the Criminal Code and the Press Law, Access to Information Law, and the Law on Cybersecurity, and Decrees 147/2024, 53/2022, 15/2020 and 119/2020, to avoid the use of vague terminology and overly broad restrictions that are incompatible with article 19 (3) of the Covenant;

(c) Take all necessary measures to enable human rights defenders, journalists, and other civil society actors to carry out their work safely, freely and independently, without fear of them and their family members' being subjected to persecution, intimidation, harassment, violence or reprisals, including in particular human rights defenders and civil society actors engaging with the UN and its human rights mechanisms;

(d) Ensure that all human rights violations and attacks against human rights defenders, journalists, other civil society actors and their family members, are transparently, thoroughly, impartially and independently investigated, that perpetrators are brought to justice and, if found guilty, duly punished, and that victims receive adequate reparation;

(e) Review the detention of journalist, media workers and human rights defenders and immediately release anyone detained contrary to the provisions of the Covenant, without conditions and provide adequate compensation to detainees;

(f) Take all measures necessary to support a genuinely pluralistic media landscape.

Right of peaceful assembly

48. Recalling its previous concluding observations, the Committee remains concerned about the excessive restrictions imposed on freedom of peaceful assembly and public meetings, including on events organized by religious minorities.¹³ It is particularly concerned about the application of Prime Minister's Decision 06/2020, requiring advance Government's approvals for public events on human rights. The Committee is also concerned by reports of the disproportionate use of force and arbitrary arrests by law

¹² CCPR/C/VNM/CO/3 para. 46

¹³ CCPR/C/VNM/CO/3 para. 47

enforcement officials in order to disperse peaceful assemblies, in particular those organized by religious minorities (art. 21).

49. **In line with the Committee's general comment No. 37 (2020) on the right of peaceful assembly, the State party should guarantee and protect the right of peaceful assembly and ensure that any restriction complies with the strict requirements of article 21 of the Covenant and the principles of proportionality and necessity, including by amending its legislative framework accordingly. It should also:**

(a) Ensure that all allegations of the excessive use of force or arbitrary arrest or detention in the context of peaceful assemblies are investigated promptly, thoroughly and impartially, that those responsible are brought to justice and, if found guilty, punished with appropriate sanctions and that victims obtain full reparation; and immediately release all those arbitrarily detained;

(b) Eliminate the requirement for prior authorization for peaceful assemblies and allow for a prior notification procedure, ensuring that any exceptions requiring authorization cannot be misused to stifle peaceful assemblies and that any decision regarding the prohibition of a peaceful assembly is subject to independent and impartial judicial control;

(c) Provide appropriate training to judges, prosecutors and civil servants on the right of peaceful assembly and to law enforcement officials on the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials and the United Nations Human Rights Guidance on Less-Lethal Weapons in Law Enforcement.

Freedom of association

50. Reiterating its concerns from previous concluding observations, the Committee is concerned by undue restrictions on the establishment, management and operation of public associations, including the requirement to obtain prior authorization from the State party.¹⁴ It is particularly concerned by newly adopted legislation, such as Decree 126/2024, which gives the State party powers to supervise, suspend and dissolve associations. The Committee remains concerned by restrictive regulations, such as Decree 114/2021, which give the State party oversight and control over funds, in particular foreign funds. The Committee notes with concern numerous reports of systematic repression of religious minorities practicing their faith outside of state-recognized religious organizations and the abuse of overbroad tax laws to penalize human rights defenders and ethnic and religious minorities associations (art. 22).

51. **The State party should take all steps necessary to guarantee, in law and in practice, the effective exercise of the right to freedom of association and to ensure that any restrictions imposed are in strict compliance with article 22 of the Covenant. In particular, it should:**

(a) Amend its legislation and practice governing the establishment, management and operation of associations so that they can register and carry out their activities free from undue State interference and without fear of harassment or reprisals, in a safe and enabling environment;

(b) Remove all undue restrictions and oversight on the ability of civil society organizations to receive international and domestic funding and refrain from using overbroad tax laws to penalise human rights defenders and ethnic and religious minorities associations.

Participation in public affairs

¹⁴ CCPR/C/VNM/CO/3 para. 49

52. Recalling its previous concluding observations, the Committee remains concerned by the prohibition of political parties other than the Communist Party of Viet Nam, and that independent candidates are required to go through multiple rounds of negotiations with the Fatherland Front, under the Communist Party of Viet Nam, in order to be listed as candidates.¹⁵ The Committee is also concerned by reports of arbitrary detention of political opponents, including at least three independent candidates prior to the 2021 election, as well as the continued prevalence in practice of proxy voting, disproportionately impacting women and chilling their participation in public affairs (art. 25).

53. The State party should ensure the enjoyment of the right to participate in public affairs and should bring its electoral regulations and practices into compliance with the Covenant, including article 25 thereof, and the Committee’s general comment No. 25 (1996) on participation in public affairs and the right to vote. It should also:

(a) Ensure transparent, fair and free elections; promote genuine political pluralism and debate; and ensure the freedom to engage in political activity individually or through political parties and other organizations, including those representing views critical of the Government, in an environment free from intimidation and the fear of reprisals;

(b) Ensure that no person eligible for election is excluded by unreasonable or discriminatory requirements;

(c) Guarantee the National Election Council operates with complete transparency, independence and impartiality;

(d) Redouble its efforts to combat proxy voting, particularly ensuring the political participation of women.

Rights of minorities and Indigenous Peoples

54. Recalling its previous concluding observations, the Committee remains concerned that the State party does not recognize the Indigenous Peoples in Viet Nam.¹⁶ The Committee is also concerned by restrictions on their political and social participation, and by the low number of members of minority groups in senior and decision-making positions in governmental bodies and public administration. The Committee is concerned by numerous reports of arbitrary detention of ethnic and religious minorities and Indigenous Peoples, including post-imprisonment mandatory “education” by local authorities for Montagnard prisoners. Furthermore, it is concerned that the land rights of Indigenous Peoples are often threatened by development projects and the activities of extractive and other industries, without proper consultation and obtaining their free, prior and informed consent (art. 25, 26 and 27).

55. The State party should:

(a) Establish a legislative framework that recognizes and protects the status and rights of all communities that self-identify as Indigenous Peoples in accordance with international standards, including the United Nations Declaration on the Rights of Indigenous Peoples;

(b) Ensure that ethnic and religious minorities and Indigenous Peoples are adequately represented in government bodies and public administration, including in senior and decision-making positions;

¹⁵ CCPR/C/VNM/CO/3 para. 53

¹⁶ CCPR/C/VNM/CO/3 para. 55

(c) Conduct appropriate consultations with Indigenous Peoples to obtain their free, prior and informed consent in relation to all decisions that affect them, in accordance with international standards.

56. While noting the adoption of various decrees and laws, including the Master Plan on Socio-Economic Development for the Ethnic Minority and Mountainous Areas for the Period of 2021–2030, the Committee is concerned at obstacles faced by ethnic and religious minorities and Indigenous Peoples, including women, to access public services, including education in their own language and enjoyment of their own culture and to practise their cultural traditions and customs. The Committee regrets the lack of information provided about the boarding and semi-boarding schools for ethnic and religious minority and Indigenous children, including the ability to learn and practice their own language and cultural traditions and customs (art. 3, 26 and 27).

57. The State party should ensure the rights of ethnic and religious minorities and Indigenous Peoples, in particular women, to access to all public services without discrimination including to access education in their own language.

D. Dissemination and follow-up

60. The State party should widely disseminate the Covenant, its fourth periodic and the present concluding observations, with a view to raising awareness of the rights enshrined in the Covenant among the judicial, legislative and administrative authorities, civil society and non-governmental organizations operating in the country, and the general public. The State party should ensure that the periodic report and the present concluding observations are translated into the official language of the State party.

61. In accordance with rule 75 (1) of the Committee's rules of procedure, the State party is requested to provide, by 18 July 2028, information on the implementation of the recommendations made by the Committee in paragraphs 7 (national human rights institution), 23 (death penalty) and 33 (liberty and security of person) above.

62. The Committee requests the State party to submit its next periodic report by 18 July 2031 and to include in that report specific up-to-date information on the implementation of the recommendations made in the present concluding observations and of the Covenant as a whole. The Committee also requests the State party, in preparing the report, to broadly consult civil society and non-governmental organizations operating in the country. In accordance with General Assembly resolution 68/268, the word limit for the report is 21,200 words.
