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Viet Nam

Compilation of information prepared by the Office of the United Nations High Commissioner for Human Rights*

I. Background

1. The present report was prepared pursuant to Human Rights Council resolutions 5/1 and 16/21, taking into consideration the outcome of the previous review.¹ It is a compilation of information contained in relevant United Nations documents, presented in a summarized manner owing to word-limit constraints.

II. Scope of international obligations and cooperation with human rights mechanisms

2. The United Nations country team reported that Viet Nam had not extended a standing invitation to the special procedures of the Human Rights Council and that several requests for country visits remained pending.² The Special Rapporteur on the right to development had visited Viet Nam from 6 to 15 November 2023.³

3. Several treaty bodies recommended that Viet Nam become a party to the International Convention for the Protection of All Persons from Enforced Disappearance, the Optional Protocol to the Convention on the Rights of the Child on a communications procedure, the two Optional Protocols to the International Covenant on Civil and Political Rights and the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.⁴ The Committee against Torture encouraged Viet Nam to consider making the declarations under articles 21 and 22 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and to consider withdrawing any declaration that limited the scope of the Convention.⁵

4. The United Nations country team recommended that Viet Nam ratify the International Labour Organization Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), Migration for Employment Convention (Revised), 1949 (No. 97), Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143), Private Employment Agencies Convention, 1997 (No. 181), and Protocol of 2014 to the Forced Labour Convention, 1930 (No. 29) and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.⁶

* Agreement was reached to publish the present report after the standard publication date owing to circumstances beyond the submitter's control.



5. The Office of the United Nations High Commissioner for Refugees (UNHCR) recommended that Viet Nam accede to the Convention relating to the Status of Stateless Persons, the Convention on the Reduction of Statelessness and the Convention Relating to the Status of Refugees and the Protocol thereto.⁷ The United Nations Educational, Scientific and Cultural Organization (UNESCO) encouraged Viet Nam to ratify the Convention against Discrimination in Education.⁸

6. The United Nations country team reported that cases of intimidation and reprisals against civil society actors who engaged with the United Nations and its human rights mechanisms, including treaty bodies, special procedures and the universal periodic review, continued to be recorded; and that Viet Nam had been included since 2014 in the Secretary-General's annual report on cooperation with the United Nations, its representatives and mechanisms in the field of human rights, with regard to intimidation and reprisals against individuals for their cooperation with the United Nations.⁹

III. National human rights framework

Institutional infrastructure and policy measures

7. The Committee for the Elimination of Racial Discrimination recommended that Viet Nam accelerate, with a clear time frame, the establishment of a well-financed and adequately staffed independent human rights institution, in compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), with a broad human rights mandate and a specific mandate to address all forms of discrimination.¹⁰

8. The Committee against Torture recommended that Viet Nam establish a national mechanism that independently, effectively and regularly monitored and inspected all places of detention without prior notice, was able to meet in private with detainees and receive complaints, and had institutional independence.¹¹

IV. Promotion and protection of human rights

A. Implementation of international human rights obligations, taking into account applicable international humanitarian law

1. Equality and non-discrimination

9. The Human Rights Committee recommended that Viet Nam consider adopting a comprehensive anti-discrimination law, to ensure that its legal framework provided for full and effective protection against all forms of discrimination in all spheres, and a comprehensive list of grounds for discrimination, including race, colour, national or social origin, birth, disability, age, sexual orientation and gender identity and any other status. Viet Nam should also ensure that reported acts of discrimination were effectively addressed and victims were provided with full reparation.¹²

2. Right to life, liberty and security of person, and freedom from torture

10. The United Nations country team reported that the death penalty remained in place for 18 offences, including drug-related offences not meeting the threshold of the most serious crimes, and that data on death sentences and executions were considered to be State secrets. It recommended that Viet Nam impose a moratorium on capital executions and amend the Criminal Code to further reduce the number of offences for which the death penalty could be imposed, with a view to abolishing the death penalty for all offences. It further recommended that the country collect and make public data on all capital crimes, including charges, convictions, sentences and executions, disaggregated by gender, age, nationality, ethnic origin, social origin and other relevant demographics.¹³

11. According to the United Nations country team, at least 150 independent journalists, human rights defenders, and pro-democracy, land and religious activists remained in

detention for peacefully exercising their fundamental rights on issues related to environmental protection, minority rights and democratic development. Many had been detained and sentenced to long prison terms under vague and broadly formulated provisions of the Criminal Code. Since June 2021, six prominent environmental human rights defenders and experts had been arrested, five on charges of tax evasion, with five of the six sentenced for up to five years in prison. Three had been released and one was awaiting trial. The United Nations country team recommended that Viet Nam repeal articles of the Criminal Code and Criminal Procedure Code that were not in line with international human rights standards and immediately release all those arbitrarily detained for peacefully exercising their fundamental freedoms.¹⁴

12. The Committee against Torture recommended that Viet Nam: (a) urgently take all measures necessary to improve material conditions, including overcrowding, in all places of deprivation of liberty, in keeping with the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules), and consider using alternatives to imprisonment in conformity with the United Nations Standard Minimum Rules for Non-custodial Measures (the Tokyo Rules) in order to decrease the prison population; (b) abolish the practice of using poor conditions of detention as an additional punishment for inmates, and ensure that death row prisoners were subjected to the same regime as other inmates; (c) establish strict rules for the use of “security rooms” and “disciplinary rooms”, refrain from corporal punishment, shackling and harsh disciplinary measures and inform prison staff that they and prisoners acting under their instructions would be held accountable for committing acts of ill-treatment and torture; (d) avoid using punitive transfers to separate prisoners from their families; (e) ensure sufficient numbers and capacity of prison staff to manage penitentiary institutions; (f) ensure by means of rigorous stock management that prison staff did not steal food and personal items sent to prisoners by their families, and that prisoners received adequate medical care and medication; (g) ensure that prison medical staff did not deliberately withhold medical treatment or act negligently, and ensure the independence of the doctors employed by penitentiary institutions; (h) prevent prisoners from contracting infectious diseases during their imprisonment, including by separating healthy prisoners from those suffering from severe contagious diseases; (i) introduce health screening of inmates upon admission to places of detention, including ensuring the early identification of cases of ill-treatment and torture, and take steps to provide adequate treatment to persons infected with HIV/AIDS, hepatitis and tuberculosis and also to persons with psychosocial disabilities; and (j) ensure that no prisoners, including dissident prisoners, were subjected to torture or the administering of unspecified drugs and medication that had adverse effects on their health.¹⁵

13. According to the United Nations country team, there were 120 compulsory and mixed drug detoxification and rehabilitation centres in Viet Nam. Concerns remained about the working and health-care conditions in compulsory facilities and their compliance with international human rights law. The Law on Drug Prevention and Control of 2021 retained compulsory drug treatment as a central element, foreseeing detention from six months to one year, including for children between 12 and 18 years of age. The United Nations country team recommended that Viet Nam amend the Law on Drug Prevention and Control to exclude children between 12 and 18 years of age; set a firm timetable for closing all compulsory drug detoxification and rehabilitation centres; and ensure that voluntary, evidence-informed and rights-based health and social services, including integrated services for people who used multiple drugs, were provided in the community as alternatives to detention.¹⁶

14. The Human Rights Committee recommended that Viet Nam take vigorous measures to eradicate torture and ill-treatment and, more specifically, inter alia: (a) amend the Criminal Code and other legislation to explicitly criminalize acts of torture, with a definition of torture in conformity with article 7 of the International Covenant on Civil and Political Rights and other international standards, preferably by codifying torture as an independent crime that was not subject to a statute of limitations and stipulating sanctions commensurate with the gravity of the crime; and (b) ensure that all allegations of torture and ill-treatment and deaths in custody were promptly and thoroughly investigated by an independent and impartial body, that perpetrators were prosecuted and, if convicted, were punished with sanctions consistent with the gravity of the crime, and that victims and, where appropriate, their families were provided with full reparation, including rehabilitation and adequate compensation.¹⁷ The

Committee against Torture expressed grave concern about reports of the widespread practice of torture and ill-treatment, in particular during pretrial detention, sometimes resulting in death in custody, and formulated similar recommendations.¹⁸

3. Human rights and counter-terrorism

15. The Human Rights Committee expressed concern about the use of unclear terminology in the counter-terrorism legal framework, specifically the offence of “terrorism to oppose the people’s Government” under article 113 of the Criminal Code, which was broad and could lend itself to arbitrary and abusive implementation. The Committee recommended that Viet Nam ensure that counter-terrorism legislation was in full conformity with international standards and was limited to crimes that would clearly qualify as acts of terrorism and define such acts in a precise and narrow manner.¹⁹ The Committee for the Elimination of Racial Discrimination recommended that Viet Nam amend article 3 of the Law on Counter-Terrorism, as well as other relevant laws and regulations, in order to ensure a sufficiently narrow definition of “terrorism” that prohibited specific acts and prevented interpretation and application that constituted profiling or discrimination on the grounds of race, colour, descent, nationality, ethnicity or ethno-religious identity.²⁰

4. Administration of justice, including impunity, and the rule of law

16. The United Nations country team reported that, while the independence of judges was guaranteed in law, the position of Chief Justice of the Supreme People’s Court was given to a member of the Communist Party’s Central Committee, while the Deputy Chief Justice and Judges of the Supreme People’s Courts were nominated by the Communist Party.²¹ The Human Rights Committee recommended that Viet Nam take immediate steps to protect the independence and impartiality of the judiciary and the procuracy, guarantee that they were free to operate without interference and ensure transparent and impartial processes for appointments to the judiciary and the procuracy.²²

17. The Committee on the Rights of the Child urged Viet Nam to bring its child justice system fully into line with the Convention on the Rights of the Child and to consider developing and adopting a comprehensive child justice law that provided a legal framework for its child justice system. The Committee also urged Viet Nam to expedite the establishment of family and juvenile courts in all districts and, until that was achieved, designate specialized judges and prosecutors for children and provide them with special training in all courts on child-friendly court procedures.²³

18. The United Nations country team reported that, while the Criminal Procedure Code contained principles such as presumption of innocence, access to counsel, double jeopardy and adversarial process in trials, the judicial system remained inquisitorial overall. The Criminal Procedure Code also limited due process, allowing for prolonged periods in incommunicado detention, without trial or access to defence counsel for individuals accused of national security crimes. There was no provision allowing suspects to appeal pretrial detention decisions or have the legality of such decisions reviewed by a court of law. The United Nations country team recommended that Viet Nam repeal articles of the Criminal Procedure Code that were not in line with international human rights standards and strengthen the rule of law and the criminal justice system to ensure compliance with international standards, including by enhancing the transparency of laws, policies, court cases and other dispute resolution processes.²⁴

5. Fundamental freedoms and the right to participate in public and political life

19. According to the United Nations country team, freedom of expression and freedom to seek, receive and impart information remained restricted. Various speech-related offences were subject to long prison terms under the Criminal Code. The Law on the Press of 2016 kept the press under State management and the Law on Access to Information of 2016 limited the information accessible to citizens. The Law on Cybersecurity of 2018 restricted freedom of expression online through vague and overbroad provisions, not clearly defining what could violate “national interests” or “good traditions”. Decree 53/2022/ND-CP introduced requirements for “data localization” and set out the legal basis for authorities to act against illegal online activities, with potential negative impacts on online freedom of expression and

the right to privacy. Furthermore, Decrees 15/2020/ND-CP and 119/2020/ND-CP provided for new and increased penalties for individuals who disseminated content such as “diverging political views” or “reactionary ideologies” on social media platforms. Similarly, Decree 72/2013/ND-CP, through its list of prohibited acts, imposed restrictions on the type of information that could be shared and accessed online. The decrees did not comply with the principles of legal certainty, necessity and proportionality.²⁵ The United Nations country team recommended that Viet Nam repeal provisions of the Criminal Code, Law on Cybersecurity, Law on the Press, Law on Access to Information and related decrees that curtailed freedom of expression and opinion and the right to privacy; and review all convictions based on laws restricting freedom of expression and opinion, particularly articles 117 and 331 of the Criminal Code.²⁶

20. The United Nations country team reported that restrictions on the time, place and manner allowed for persons to assemble peacefully remained in place, thereby preventing demonstrations on arbitrary grounds. Neither the Law on Associations nor the Law on Demonstrations had been finalized. The Prime Minister’s Decision of 2020 on international conferences and seminars was interpreted and applied strictly, resulting in restrictions on organizing events on human rights-related issues. The conditions and procedures for establishing associations and civil society organizations not affiliated with State mass organizations remained complicated. Following the adoption of Decrees 56/2020/ND-CP and 114/2021/ND-CP, on official development assistance, associations and civil society organizations had faced even tighter monitoring and increased restrictions on their activities and their ability to receive foreign funding. The aforementioned legislative developments, together with arrests and sentencing of leaders of registered civil society organizations, had discouraged civil society engagement in human rights activities. The United Nations country team recommended that Viet Nam create an enabling environment for independent civil society and ensure that laws and decrees facilitated the registration, work and funding of civil society organizations.²⁷

21. The Human Rights Committee recommended that Viet Nam bring its legislation into conformity with article 18 of the International Covenant on Civil and Political Rights and refrain from any action that might restrict the freedom of religion or belief beyond restrictions permitted under that article. Viet Nam should also 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 were brought to justice.²⁸ The Committee for the Elimination of Racial Discrimination recommended that Viet Nam ensure that all incidents of hate speech were effectively investigated and prosecuted and that those found guilty were punished, regardless of their official status; and ensure that the public authorities, including high-level public officials, distanced themselves clearly and explicitly from all incidents of hate speech and that they formally and publicly rejected and condemned hate speech and the dissemination of racist ideas.²⁹

22. The Human Rights Committee recommended that Viet Nam adopt an electoral system that guaranteed equal enjoyment of the rights of all citizens, in compliance with the International Covenant on Civil and Political Rights, including article 25 by, *inter alia*, ensuring fully transparent and genuine elections and a pluralistic political order, refraining from using criminal law provisions to effectively exclude opposition candidates from electoral processes and revising legislation denying convicted prisoners the right to vote.³⁰

6. Prohibition of all forms of slavery, including trafficking in persons

23. The United Nations country team reported that trafficking in persons continued to be a serious concern. The *modus operandi* of criminal networks had become more complex in response to socioeconomic conditions and the coronavirus disease (COVID-19) pandemic. Domestic trafficking was on the rise and the rapid pace of digital expansion had exacerbated the problem, with deceptive recruitment activities for trafficking in persons increasingly taking place in cyberspace, where there was no or limited regulatory framework or resources available to allow authorities to intervene.³¹

24. The United Nations country team recommended that Viet Nam review and revise the anti-trafficking laws and Criminal Code in consultation with whole-of-society

anti-trafficking actors and communities to ensure their compliance with international standards, especially in the identification of the crime of trafficking in persons, and to extend full protection for victims between 16 and 18 years of age; enhance inter-agency cooperation between relevant stakeholders to identify and provide support to victims, including during the criminal justice process; and strengthen international legal cooperation and national law enforcement capacities to investigate and respond to the linkages between cybercrime, trafficking in persons and smuggling of migrants.³²

7. Right to work and to just and favourable conditions of work

25. According to the United Nations country team, gaps in social protection coverage and adequacy remained. In 2022, social insurance coverage had been 38 per cent of the working age population, significantly behind the target of 60 per cent coverage by 2030. In addition, gender gaps in coverage and benefit adequacy remained. The United Nations country team recommended that Viet Nam improve implementation and enforcement of the Labour Code and formalize the informal economy to provide better protection and full coverage by the Labour Code.³³

8. Right to social security

26. The United Nations country team reported that around 16 per cent of women aged 65 or over received a pension from social insurance, as opposed to 27.3 per cent of men in the same age bracket. The gender gap widened with age, with only 6.9 per cent of women aged 80 or over receiving a pension, as opposed to 25.9 per cent of men in that age bracket. Cash assistance was only available for 10 per cent of children and less than 1 per cent of those under 36 months of age. The United Nations country team recommended that Viet Nam adopt a life cycle approach and consider intergenerational solidarity when reforming social protection, ensuring protection to all citizens from birth through to old age; take actions towards an integrated, inclusive and gender-equitable social insurance system and revise the Law on Social Insurance and Law on Social Assistance; and expand maternity benefit to all women and compensate for career breaks associated with having a child beyond the periods of paid maternity leave (such as through care credits).³⁴

9. Right to an adequate standard of living

27. According to the United Nations country team, poverty reduction had been uneven across population groups and regions. High levels of chronic poverty persisted among ethnic minorities and groups such as children, older persons, persons with disabilities and non-registered migrants. Despite accounting for only 15 per cent of the population, ethnic minorities comprised more than 50 per cent of the country's poor, and while the multidimensional poverty rate was 9.35 per cent in 2022, the average poverty rate among ethnic minorities was 35.5 per cent. A high proportion of the population remained just above the poverty line, with almost 75 per cent in the near-poor and low-middle-income groups. New forms of urban poverty had emerged among migrants and informal sector workers, owing to rapid urbanization and social change. Child poverty was mostly concentrated among ethnic minority children (46.4 per cent in 2018) and the youngest children, up to 4 years of age. The United Nations country team recommended that Viet Nam increase its focus on vulnerable groups of the population (such as persons with disabilities, ethnic minorities and migrants) to ensure that no one was left behind.³⁵ The Committee for the Elimination of Racial Discrimination recommended that Viet Nam continue to implement measures aimed at addressing socioeconomic disparities between ethnic groups, carry out regular evaluations of their implementation, measure their impact according to outcomes and indicators, and make adjustments where targets were not met.³⁶

10. Right to health

28. The United Nations country team reported that primary health care remained limited in quality, access and affordability, owing to a lack of incentives for health service delivery at the grass-roots level.³⁷

29. According to the Committee on the Rights of the Child and the United Nations country team, although Viet Nam had reduced maternal and child mortality incidence rates, they

remained high. Access to services remained lower among rural and remote populations, the poorest wealth quintile and ethnic minorities. Child malnutrition remained of concern, with a high prevalence of child stunting and rapid increases in child obesity. Access to quality sexual and reproductive health services also remained unequal across population groups.³⁸

30. The United Nations country team reported that the number of HIV infections among men who had sex with men and transgender women had increased. In addition, access to, and the sustainability of, HIV prevention services, remained a concern.³⁹

31. The United Nations country team recommended that Viet Nam: (a) expand primary health-care capacity and its functions and regulate the growing hospital sector to ensure more equitable health outcomes and sustainable financing; (b) continue to pursue the goal of ending AIDS by 2030; (c) ensure the availability of comprehensive and integrated prevention and harm-reduction services to meet the emerging needs of people at higher risk of HIV infection, especially men who had sex with men, transgender women, people who used drugs, young male and female sex workers, and their intimate partners; (d) invest in evidence-informed, comprehensive and sustainable prevention and treatment programmes for all persons living with and affected by HIV; and (e) strengthen legal and policy support to provide a more enabling environment for community-led organizations to sustainably provide HIV services.⁴⁰

11. Right to education

32. The United Nations country team reported that, while school enrolment at the aggregate level was high, variation across marginalized populations was significant. Household socioeconomic status contributed to educational disparities, especially in terms of the resources that households devoted to tutoring, study support and extra payments, placing poor children at a disadvantage. There remained clear disadvantages for children with disabilities in education, such as very low participation rates, for reasons including discriminatory behaviour and attitudes towards children with disabilities, a narrow conceptualization of inclusive education, incompatible existing legislation and a lack of monitoring and evaluation of legislative implementation. The United Nations country team recommended that Viet Nam accelerate improvements in access to quality education, especially for people from disadvantaged and vulnerable backgrounds, including by investing in facilities and teaching and learning aids for children with disabilities. The Committee on the Rights of the Child and UNESCO shared similar concerns and made recommendations on expanding access to quality and inclusive education, with a focus on ethnic minority groups children with disabilities, children living in poverty, children belonging to ethnic or religious minority or Indigenous groups, and migrant children.⁴¹

12. Development, the environment, and business and human rights

33. The Special Rapporteur on the right to development recommended that Viet Nam improve the existing approval processes for projects, including those funded by development partners and international non-governmental organizations, aimed at implementing the Sustainable Development Goals, to ensure that people in need in different provinces were benefiting further. The Special Rapporteur stated that, in order to ensure sustainable development, the Government would need to do more to respond to the triple planetary crisis of climate change, environmental pollution and biodiversity loss. Genuinely participatory approaches to development – which integrated principles of intersectionality, intergenerational equity, fair distribution and self-determination – should be adopted to achieve a just transition to a green economy. Moreover, non-governmental organizations and human rights defenders should be central to such a transition to ensure that it was just.⁴²

B. Rights of specific persons or groups

1. Women

34. The United Nations country team asserted that closing gender gaps should address the barriers and biases related to women's empowerment, participation and security. The participation of women at the highest levels of leadership had fallen, with only one woman

in the Politburo, and women no longer occupied any of the four highest leadership positions in the country. Social and cultural beliefs remained one of the major obstacles to expanding women's participation at the village and provincial levels, where voters still preferred male candidates with families over female candidates with families. In addition, women delegates were being siloed into certain areas of public policy, such as education, health care and employment. The United Nations country team recommended that Viet Nam build the capacity of potential female candidates and support them in the People's Council and National Assembly elections to be held in 2025 and 2026; prioritize women's participation and leadership in all branches of government and revise the Gender Equality Law; and introduce clear gender quota mechanisms for both Party and government leadership, including appointing responsible agencies and monitoring and evaluation schemes.⁴³

35. Despite measures taken to address gender-based violence, the Human Rights Committee expressed concern that domestic violence against women persisted. It also expressed concern that the Criminal Code, while establishing rape as a crime, did not explicitly provide for marital rape. It further expressed concern over reports of frequent use of reconciliation and mediation in cases of domestic violence, which might favour men and hinder women's access to justice and effective remedies. It recommended that Viet Nam: (a) redouble its efforts to prevent and address all forms of gender-based violence; (b) explicitly criminalize marital rape and sexual abuse; (c) intensify awareness-raising measures on domestic violence and its detrimental impact on the lives of victims; (d) address factors that contributed to victims' reluctance to report abuse; (e) ensure that cases of violence were investigated, perpetrators were prosecuted and, if convicted, punished, and victims were compensated; and (f) refrain from pressuring victims to resort to alternative dispute-resolution processes.⁴⁴

2. Children

36. Noting with concern that laws concerning children – including the Law on Children, adopted in 2016 – defined a child as a person under 16 years of age, the Committee on the Rights of the Child and the United Nations country team urged Viet Nam to harmonize the definition of the term “child” in all national legislation in accordance with the Convention of the Rights of the Child, and ensure that the definition of the child, including in the Law on Children, included all persons under 18 years of age.⁴⁵

37. The Committee on the Rights of the Child recommended that Viet Nam explicitly prohibit in law, as a matter of priority, corporal punishment in all settings, including in the home, alternative care settings, and day care; enforce the prohibition of corporal punishment in schools, and provide children with a complaints mechanism in schools to safely and confidentially report teachers and others who used corporal punishment; and strengthen awareness-raising programmes for parents and professionals working with and for children to promote attitudinal change concerning corporal punishment within the family, schools and communities, and to promote positive, non-violent and participatory forms of child-rearing.⁴⁶

38. The same Committee urged Viet Nam: (a) to amend the relevant articles of the Criminal Code, the Criminal Procedure Code and other relevant legislation to explicitly criminalize online grooming and to protect all boys and girls, including those who were 16 and 17 years of age, from all forms of violence, including sexual abuse and exploitation, trafficking and child sexual abuse material; (b) to establish mechanisms, procedures and guidelines to ensure mandatory reporting and intersectoral, child-sensitive intervention in cases of violence against children, including support for child victims to reunite with their families; (c) to ensure that all cases of violence, including sexual exploitation and abuse of children in and outside the home and in the digital environment, were effectively investigated, using a child-friendly and multisectoral approach to prevent revictimization of the child; and (d) to ensure that perpetrators were prosecuted and punished with penalties commensurate with the gravity of their acts and that comprehensive support and reparations were provided to child victims.⁴⁷

39. The same Committee recommended that Viet Nam take all the measures necessary to eliminate child marriage, including forced marriage, including by designating a government agency to take the lead in preventing and addressing child marriage, in cooperation with relevant ministries, agencies, civil society organizations and children.⁴⁸

3. Persons with disabilities

40. Despite efforts to advance the rights of persons with disabilities, the United Nations country team and the Human Rights Committee expressed concern about discrimination faced by persons with disabilities, including in accessing public services. They recommended that Viet Nam intensify its efforts to protect persons with disabilities from discrimination, ensure that they had full access to public services, including education, employment and public transportation, and raise awareness of the rights of persons with disabilities, including among government officials, health workers and the general public.⁴⁹ The United Nations country team recommended that Viet Nam amend the Law on Persons with Disabilities and relevant policies to align with the Convention on the Rights of Persons with Disabilities and a human rights-based approach.⁵⁰

4. Indigenous Peoples and minorities

41. The Committee for the Elimination of Racial Discrimination recommended that Viet Nam recognize Indigenous Peoples in accordance with the principle of self-identification.⁵¹

42. The Human Rights Committee recommended that Viet Nam: (a) adopt laws and measures to fully promote and protect the rights of persons belonging to minorities and Indigenous Peoples, including the right to enjoy their own culture, to profess and practise their own religion and to use their own language; (b) implement plans for economic growth in areas populated by persons belonging to minorities and Indigenous Peoples without negatively affecting them, take all steps necessary to ensure meaningful consultations with such communities for development projects that had an impact on their livelihood, lifestyle and culture, and carry out consultations with Indigenous Peoples with a view to obtaining their free, prior and informed consent; and (c) take measures to ensure effective access to public services without discrimination for persons belonging to ethnic or religious minorities and Indigenous Peoples, including in relation to the issuance of the household registration card (*Hộ khẩu*).⁵²

43. The Committee for the Elimination of Racial Discrimination urged Viet Nam to guarantee the rights of people working on the rights of ethnic minorities, Indigenous Peoples and non-citizens and to end the systematic practice of violence, intimidation, surveillance, harassment, threats and reprisals.⁵³

5. Lesbian, gay, bisexual, transgender and intersex persons

44. The Human Rights Committee expressed concern that lesbian, gay, bisexual, transgender and intersex persons continued to face discrimination on the grounds of their sexual orientation and gender identity. It also expressed concern at the absence of legal recognition and protection of same-sex couples, and that infants and children under the age of 9 born with intersex variations might undergo irreversible medical interventions for purposes of gender assignment that were performed before the children concerned were able to provide free and informed consent. The Committee recommended that Viet Nam: (a) intensify its efforts to eradicate all forms of discrimination and violence against and social stigmatization of persons based on their sexual orientation, gender identity or HIV status, and provide access to effective remedies for victims of such acts; (b) establish a procedure for legal gender recognition without a medical requirement that was compatible with the International Covenant on Civil and Political Rights; (c) consider providing legal recognition of and protection for same-sex couples; and (d) take measures to end irreversible medical treatment of intersex children who were not yet able to provide fully informed and free consent, unless such procedures constituted an absolute medical necessity.⁵⁴

45. According to the United Nations country team, while the Criminal Code recognized the right of persons to change their legal gender marker, it seemed that the draft law on gender affirmation constrained the right to legal recognition of self-defined gender by requiring applicants to have undergone medical interventions and psychological assessment, and to be single and over 18 years old. The United Nations country team recommended that Viet Nam adopt the law on gender affirmation and enable transgender persons to change their legal gender marker based on self-determination.⁵⁵

6. Migrants, refugees and asylum-seekers

46. The United Nations country team recommended that Viet Nam enforce the Law on Vietnamese Guest Workers to make the migration process more transparent and beneficial for migrant workers and implement the principle of zero recruitment fees for workers.⁵⁶

47. UNHCR recommended that Viet Nam establish domestic refugee legislation and administrative policies that would ensure that the country was in full compliance with international standards of treatment and protection of refugees; and continue to accept technical support from UNHCR in drafting national refugee legislation and developing a national refugee status determination procedure.⁵⁷

7. Stateless persons

48. UNHCR recommended that Viet Nam establish a statelessness determination procedure and ensure that the country was in full compliance with international standards relating to the identification, prevention and reduction of statelessness and protection of stateless persons.⁵⁸

49. UNHCR also recommended that Viet Nam continue efforts to analyse the legal framework and implement reforms to guarantee the right to a nationality and to provide safeguards to prevent statelessness from occurring.⁵⁹

Notes

- ¹ [A/HRC/41/7](#), [A/HRC/41/7/Add.1](#) and [A/HRC/41/2](#).
- ² United Nations country team submission for the universal periodic review of Viet Nam, para. 2. See also [CAT/C/VNM/CO/1](#), para. 46.
- ³ Office of the United Nations High Commissioner for Human Rights (OHCHR), “Viet Nam: UN expert commends economic development but urges action to ensure participation and green economy”, 15 November 2023.
- ⁴ [CRC/C/VNM/CO/5-6](#), paras. 55 and 56; [CCPR/C/VNM/CO/3](#), paras. 6 (c) and 24 (a); and [CAT/C/VNM/CO/1](#), para. 35 (a).
- ⁵ [CAT/C/VNM/CO/1](#), para. 44.
- ⁶ United Nations country team submission, paras. 40 and 119. See also [CERD/C/VNM/CO/15-17](#), para. 42; and [CRC/C/VNM/CO/5-6](#), para. 56.
- ⁷ UNHCR submission for the universal periodic review of Viet Nam, p. 3.
- ⁸ UNESCO submission for the universal periodic review of Viet Nam, para. 21 (i).
- ⁹ United Nations country team submission, para. 7. See also [CCPR/C/136/2/Add.4](#); and [A/HRC/54/61](#), paras. 117–119 and annex I, paras. 124 and 125.
- ¹⁰ [CERD/C/VNM/CO/15-17](#), para. 9. See also [CCPR/C/VNM/CO/3](#), para. 8.
- ¹¹ [CAT/C/VNM/CO/1](#), para. 35 (b). See also [CCPR/C/VNM/CO/3](#), para. 30 (f).
- ¹² [CCPR/C/VNM/CO/3](#), para. 14. See also [CERD/C/VNM/CO/15-17](#), para. 7; and United Nations country team submission, para. 108.
- ¹³ United Nations country team submission, paras. 4, 8 and 9. See also [CCPR/C/VNM/CO/3](#), paras. 24–27; [CCPR/C/136/2/Add.4](#); [CERD/C/VNM/CO/15-17](#), para. 12 (b); and OHCHR, “UN expert appalled by execution in Viet Nam”, 2 October 2023.
- ¹⁴ United Nations country team submission, paras. 5, 6 and 10. See also [CAT/C/VNM/CO/1](#), paras. 22 and 23.
- ¹⁵ [CAT/C/VNM/CO/1](#), para. 31. See also *ibid.*, para 33; and [CCPR/C/VNM/CO/3](#), para. 30 (a)–(e).
- ¹⁶ United Nations country team submission, paras. 17, 18 and 20–22. See also [CRC/C/VNM/CO/5-6](#), para. 27; and [CCPR/C/VNM/CO/3](#), paras. 31 and 32.
- ¹⁷ [CCPR/C/VNM/CO/3](#), para. 28.
- ¹⁸ [CAT/C/VNM/CO/1](#), paras. 14, 25, 25 and 28. See also https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2FCAT%2FFUL%2FVNM%2F43400&Lang=en.
- ¹⁹ [CCPR/C/VNM/CO/3](#), paras. 11 and 12.
- ²⁰ [CERD/C/VNM/CO/15-17](#), para. 23.
- ²¹ United Nations country team submission, para. 11.
- ²² [CCPR/C/VNM/CO/3](#), para. 34.
- ²³ [CRC/C/VNM/CO/5-6](#), para. 52 (a) and (b). See also [CCPR/C/VNM/CO/3](#), paras. 37 and 38 (b).
- ²⁴ United Nations country team submission, paras. 12, 14 and 15. See also [CAT/C/VNM/CO/1](#), paras. 16, 17, 24 and 25.

- ²⁵ United Nations country team submission, paras. 29–31.
- ²⁶ Ibid., paras. 32 and 33. See also [CCPR/C/VNM/CO/3](#), paras. 45 and 46; [CCPR/C/136/2/Add.4](#); [CRC/C/VNM/CO/5-6](#), para. 23; [CERD/C/VNM/CO/15-17](#), paras. 20 and 21; and UNESCO submission, para. 22.
- ²⁷ United Nations country team submission, paras. 34–37. See also [CCPR/C/VNM/CO/3](#), paras. 47–50; [CRC/C/VNM/CO/5-6](#), para. 23; and [A/HRC/54/61](#), paras. 117–119 and annex I, paras. 124 and 125.
- ²⁸ [CCPR/C/VNM/CO/3](#), para. 44. See also [CERD/C/VNM/CO/15-17](#), para. 29; and [CRC/C/VNM/CO/5-6](#), para. 24.
- ²⁹ [CERD/C/VNM/CO/15-17](#), para. 15 (d) and (g).
- ³⁰ [CCPR/C/VNM/CO/3](#), para. 54.
- ³¹ United Nations country team submission, para. 23.
- ³² Ibid., para. 25. See also [CCPR/C/VNM/CO/3](#), para. 40; [CERD/C/VNM/CO/15-17](#), para. 37; and [CRC/C/VNM/CO/5-6](#), paras. 50 and 53.
- ³³ United Nations country team submission, paras. 39, 41 and 42.
- ³⁴ Ibid., paras. 46, 47, 49 and 50.
- ³⁵ Ibid., paras. 43–45 and 48.
- ³⁶ [CERD/C/VNM/CO/15-17](#), para. 31.
- ³⁷ United Nations country team submission, para. 54.
- ³⁸ Ibid., para. 55 and [CRC/C/VNM/CO/5-6](#), para. 38.
- ³⁹ United Nations country team submission, paras. 57 and 58.
- ⁴⁰ Ibid., paras. 60–64.
- ⁴¹ United Nations country team submission, paras. 73–75; [CRC/C/VNM/CO/5-6](#), paras. 43 and 44; and UNESCO submission, para. 21.
- ⁴² OHCHR “Viet Nam: UN expert commends economic development but urges action to ensure participation and green economy”, 15 November 2023. See also United Nations country team submission, paras. 69–72; and [CRC/C/VNM/CO/5-6](#), para. 41 (a) and (b).
- ⁴³ United Nations country team submission, paras. 78–80 and 83–85.
- ⁴⁴ [CCPR/C/VNM/CO/3](#), paras. 21 and 22. See also United Nations country team submission, paras. 81, 82 and 86–88.
- ⁴⁵ [CRC/C/VNM/CO/5-6](#), para. 15; and United Nations country team submission, paras. 89 and 93.
- ⁴⁶ [CRC/C/VNM/CO/5-6](#), para. 28. See also [CAT/C/VNM/CO/1](#), paras. 36 and 37.
- ⁴⁷ [CRC/C/VNM/CO/5-6](#), para. 30. See also United Nations country team submission, paras. 91 and 95.
- ⁴⁸ [CRC/C/VNM/CO/5-6](#), para. 31 (a). See also United Nations country team submission, para. 92.
- ⁴⁹ [CCPR/C/VNM/CO/3](#), paras. 17 and 18; and United Nations country team submission, paras. 96–99.
- ⁵⁰ United Nations country team submission, para. 101.
- ⁵¹ [CERD/C/VNM/CO/15-17](#), para. 35.
- ⁵² [CCPR/C/VNM/CO/3](#), para. 56. See also [CERD/C/VNM/CO/15-17](#), paras. 15 (h), 19 and 35; and United Nations country team submission, paras. 102–107.
- ⁵³ [CERD/C/VNM/CO/15-17](#), para. 25.
- ⁵⁴ [CCPR/C/VNM/CO/3](#), paras. 15 and 16. See also United Nations country team submission, paras. 108–111.
- ⁵⁵ United Nations country team submission, paras. 109 and 112.
- ⁵⁶ Ibid., para. 118.
- ⁵⁷ UNHCR submission p. 3. See also [CAT/C/VNM/CO/1](#), paras. 38 and 39 (a)–(c); and [CRC/C/VNM/CO/5-6](#), para. 21 (b).
- ⁵⁸ Ibid.
- ⁵⁹ UNHCR submission, p. 4. See also [CRC/C/VNM/CO/5-6](#), para. 21.