

Viet Nam
Stakeholder Report for the United Nations Universal Periodic Review:
The Death Penalty

Submitted by The Advocates for Human Rights,
a non-governmental organization in special consultative status
and
The World Coalition Against the Death Penalty

for the 46th Session of the Working Group on the Universal Periodic Review
April–May 2023

Submitted 11 October 2023

Founded in 1983, **The Advocates for Human Rights** (The Advocates) is a volunteer-based non-governmental organization committed to the impartial promotion and protection of international human rights standards and the rule of law. The Advocates conducts a range of programs to promote human rights in the United States and around the world, including monitoring and fact finding, direct legal representation, education and training, and publication. The Advocates is the primary provider of legal services to low-income asylum seekers in the Upper Midwest region of the United States. In 1991, The Advocates adopted a formal commitment to oppose the death penalty worldwide and organized a death penalty project to provide pro bono assistance on post-conviction appeals, as well as education and advocacy to end capital punishment. The Advocates currently holds a seat on the Steering Committee of the World Coalition Against the Death Penalty.

The World Coalition Against the Death Penalty (WCADP), an alliance of more than 150 NGOs, bar associations, local authorities, and unions, was created in Rome on 13 May 2002. The aim of the World Coalition is to strengthen the international dimension of the fight against the death penalty. Its ultimate objective is to obtain the universal abolition of the death penalty. To achieve its goal, the World Coalition advocates for a definitive end to death sentences and executions in those countries where the death penalty is in force. In some countries, it is seeking to obtain a reduction in the use of capital punishment as a first step towards abolition.

EXECUTIVE SUMMARY

1. This report addresses Viet Nam’s compliance with its international human rights obligations with respect to the death penalty, prohibition of torture and other forms of cruel, inhuman, or degrading treatment or punishment, and administration of justice and the right to a fair trial.
2. Since its 2019 Universal Periodic Review, Viet Nam has not abolished the death penalty or implemented a moratorium on executions, nor has it limited the application of the death penalty to the most serious crimes.
3. This report examines the current state of the death penalty in Viet Nam and recommends Viet Nam (1) abolish the death penalty and ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights. This report also recommends, in the meantime, that Viet Nam: (2) introduce a moratorium on executions, (3) limit the death penalty to the most serious crimes in which the defendant kills with the intent to kill, (4) take comprehensive steps to eliminate the use of torture, and (5) ensure that authorities respect and fulfill fair trial guarantees and due process rights.

I. IMPLEMENTATION OF INTERNATIONAL HUMAN RIGHTS OBLIGATIONS

A12 Acceptance of international norms

Status of Implementation: Partially Accepted; Not Implemented

4. In its Third Cycle Review, Viet Nam received nine recommendations to: accede to the Second Optional Protocol to the International Covenant on Civil and Political Rights (Second Protocol), aiming at the abolition of the death penalty; implement the recommendations contained in the Committee Against Torture’s 2018 Concluding Observations; strengthen dissemination of fundamental provisions of the Convention Against Torture and of Viet Nam’s regulations for preventing torture; draw up and publish a national plan of action, implementing recommendations from the Committee Against Torture; and further consider accession to the human rights conventions to which Viet Nam is not a party.¹ Viet Nam accepted three of the recommendations fully, two partially, and did not accept four recommendations.² To date, Viet Nam has not ratified the Second Optional Protocol or the Optional Protocol to the Convention Against Torture.³
5. In response to recommendations regarding adherence to “additional international human rights instruments,” Viet Nam reasserted its policy of “always being careful when considering and firm when committing,” voicing concerns that to adhere to these additional instruments would take time and effort, and that these recommendations may “use contentious terms.”⁴
6. Further, in the specific context of the death penalty, Viet Nam stated that such recommendations should be “placed in the country’s legal context where the Penal Code has just been newly revised and implemented,” and asserted that, in practice, Viet Nam will “strictly be in conformity with the ICCPR.”⁵

7. Viet Nam passed amendments to its Penal Code that, among other things, purport to reduce the scope of the application of the death penalty by clarifying the “criteria for the crimes that are punishable by death penalty,” reduce the number of crimes punishable by death (18 in 2017, compared to 29 in 1985), increase the circumstances for “non-execution of [the] death sentence,” and abandon the need for execution immediately after trial.⁶

D23 Death penalty

Status of Implementation: Not Accepted, Not Implemented

8. In its Third Cycle Review, Viet Nam noted 26 recommendations to: abolish the death penalty; introduce a national moratorium on the death penalty; reduce the number of crimes for which capital punishment can be imposed; restrict the use of the death penalty to crimes that meet the threshold of “most serious crimes” under international law; ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty; and provide official figures regarding death sentences and executions.⁷
9. Viet Nam partially accepted Sweden’s recommendation to “[i]ntroduce a national moratorium on the death penalty, aiming at complete abolition. Until then, reduce the number of crimes subject to the death penalty, ensuring that it does not apply to offences other than the ‘most serious’ crimes, in accordance with International Covenant on Civil and Political Rights.”⁸ The government of Viet Nam has not yet implemented this recommendation.
10. Viet Nam remains a retentionist country. Authorities have classified the use of the death penalty as a state secret. This secrecy as well as other restrictive state practices continue to impede an accurate assessment of the country’s death penalty practices. Authorities have made partial disclosures suggesting that courts continue to sentence hundreds of people to death yearly, with a 30% increase recorded between 1 October 2020 and 31 July 2021. Authorities also confirmed that Viet Nam has put to use 11 lethal injection execution facilities, and that officials were transferring people from other locations to those facilities for their death sentences to be implemented.⁹ As at the end of 2022, there were 1200+ people known to be under the sentence of death.¹⁰
11. The Government of Viet Nam, in its Voluntary Mid-Term Report on the Implementation of the Third Cycle Accepted Recommendations, stated that: “Viet Nam only applies the death penalty for the most serious crimes as set out in provisions of the Penal Code, the Criminal Procedure Code and related legal documents.”¹¹
12. The laws of Viet Nam continue to authorize the death penalty for crimes that do not involve intentional killing, and therefore do not meet the threshold of the “most serious crimes.” Article 40.1. of the Penal Code currently states that the “death sentence is a special sentence imposed upon people committing extremely serious crimes that infringe national security, human life, drug-related crimes, corruption-related crimes and some other extremely serious crimes defined by this document.”¹² This provision authorizes the death penalty for offenses that do not meet the threshold of “most serious crimes” within the meaning of the ICCPR Article 6(2).¹³

13. Courts sentence people to death for crimes that do not meet the “most serious” threshold. In 2021, 93 out of at least 119 (78%) new death sentences were imposed for drug-related offences.¹⁴ In 2022, 80 out of at least 102 (78%) new death sentences were known to have been imposed for drug-related offences.¹⁵ It has also been reported that in 2022, courts sentenced people to death for economic crimes.
14. With respect to economic crimes, Viet Nam adopted more lenient sentencing guidelines on 30 December 2020. But these guidelines apply only to cases in which defendants have actively returned at least three-quarters of the embezzled assets and actively cooperated with the authorities in the detection and investigation of the offence.¹⁶
15. The Government of Viet Nam in its Mid-Term Report stated that authorities are “implementing various measures to improve people’s legal accessibility, ensuring due criminal procedures and access to lawyers. International cooperation related to research on the death penalty and the possibility of ratifying the Second Optional Protocol to the International Covenant on Civil and Political Rights on the abolition of death penalty have also been effectively conducted with the participation of legal scholars, NGOs, international partners, and with the support from the United Nations Development Programs and relevant stakeholders.”¹⁷
16. The Research Study on the Application of Alternatives to Capital Punishment and the right to Defense Through Self-Representation in Criminal Proceedings provided a number of recommendations on the gradual abolition of the death penalty. This research followed an earlier study on the possibility of Viet Nam ratifying the Second Optional Protocol.¹⁸ This earlier study found that “Viet Nam does not meet the PART IV 39 requirements for accession to the Second Optional Protocol to the ICCPR . . . notably in the definition of what constitutes a ‘most serious crime’ as stipulated by the Human Rights Committee.”¹⁹

D25 Prohibition of torture and cruel, inhuman or degrading treatment

Status of Implementation: Partially Accepted, Not Implemented

17. In its Third Cycle Review, Viet Nam accepted four recommendations to: strengthen the dissemination of fundamental provisions of the Convention Against Torture and of Viet Nam’s regulations for preventing torture; take steps to prohibit harassment and torture during the investigation process and detention; ensure that evidence obtained through torture is inadmissible in trial; and ensure prompt, impartial, independent, and effective investigations, including through full cooperation with third countries, into reports of unnecessary or excessive use of force in the police as well as violations of human rights by official authorities, and bring perpetrators to justice.²⁰
18. Viet Nam partially accepted Switzerland’s recommendation to “strengthen its cooperation with the bodies of the Council and the various international instruments, including special procedures, notably by accepting the visit of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment.”²¹
19. Viet Nam noted six recommendations to ratify the Optional Protocol to the Convention Against Torture, end impunity for all perpetrators of torture, and draw up and publish a national plan of action, implementing the Committee Against Torture’s

2018 Concluding Observations and Recommendations.²²

20. The Government of Viet Nam, in its Mid-Term Report, stated that: “Viet Nam has submitted the 5th National Report on the implementation of CERD (January 2021) and the Mid-term Reports on the Implementation of the Recommendations of the Committee Against Torture (October 2020) and the Human Rights Committee (March 2021). Viet Nam is now preparing the 9th National Report on the implementation of CEDAW.”²³ The report also stated that Viet Nam always values “dialogues and cooperation with other countries and partners in protecting and promoting human rights.”²⁴
21. On 11 September 2020, in responding to the Committee Against Torture’s Concluding Observations,²⁵ the Government of Viet Nam highlighted that:
 - a. “Viet Nam’s consistent policy is to strictly punish anyone who commits acts of torture and ill-treatment on detainees”;²⁶ and
 - b. “There have been allegations of the widespread use of torture and ill-treatment, particular in police stations, and in certain places where persons are deprived of their liberty. These are all unsubstantiated and inaccurate claims, presenting non-objective perspectives about the situation in Viet Nam. Viet Nam resolutely punishes all acts of torture, obtainment of testimony by duress and use of corporal punishment.”²⁷
22. Despite Viet Nam’s asserted commitment to prohibiting acts of torture and ill-treatment and holding perpetrators accountable, reports in 2023 highlight that torture and other ill-treatment of prisoners and detainees remain widespread.²⁸
23. Authorities use torture to extract confessions, including in capital cases. For example, in 2007 a court convicted Nguyen Van Chuong of the robbery and murder of a police officer and sentenced him to death. His execution is imminent; in August 2023 he confirmed to his family that he had been informed that his execution was to take place, but authorities did not give him a specific date. He denies the charges and in letters written to his family sets out that he was “subjected to torture and other ill-treatment” while in police custody to make him “confess” to the murder. He stated that he was “stripped naked, hung, and beaten during police interrogation.”²⁹

D51 Administration of justice and fair trial

Status of Implementation: Accepted; Not Implemented

24. In its Third Cycle Review, Viet Nam accepted 13 recommendations to: expedite the legal reform process and the process to establish the rule of law; continue to strengthen the rule of law; ensure that fair trial guarantees and due process rights are respected and upheld; and strengthen efforts to provide legal aid in compliance with international standards.³⁰
25. The Government of Viet Nam in its Mid-Term Report stated that: “The government is also implementing various measures to improve people’s legal accessibility, ensuring due criminal procedures and access to lawyers.”³¹
26. Despite Viet Nam’s acceptance of recommendations to ensure fair trial guarantees and due process rights, judicial oversight of deprivation of liberty is often absent and

authorities partially or totally ignore international norms relating to the right to a fair trial.³² Chan Van Kham, an Australian citizen, entered Viet Nam on 13 January 2019 and reportedly met with a member of a pro-democracy organization.³³ On the same day, Mr. Van Kham was arrested for “terrorism to oppose the people’s government” and reportedly had been held in pretrial detention for 10 months.³⁴ His trial reportedly lasted only four and a half hours and prosecutors did not advise Mr. Van Kham of the evidence against him before the trial.³⁵ Mr. Van Kham was not able to meet his defense lawyer for the first 10 months after his arrest, and police officers were present for the two conversations he had with his lawyer.³⁶ Authorities never informed Mr. Van Kham or his lawyer of the specific charges against him or of the evidence supporting those charges.³⁷

II. RECOMMENDATIONS

27. The authors of this joint stakeholder report suggest the following recommendations for the Government for Viet Nam:

- Abolish the death penalty and replace it with a fair and proportionate sentence aligned with international human rights standards.
- Ratify the Second Optional Protocol to the ICCPR.
- In the meantime, establish an official moratorium on executions.
- In the meantime, amend the Penal Code of Viet Nam to limit the death penalty to the most serious crimes, limited to crimes in which the defendant had the intent to kill, and did in fact kill, to comply with Article 6 of the ICCPR.
- On at least an annual basis, publish official data on the use of the death penalty in Viet Nam, including the number of sentences imposed and executions carried out, disaggregated by gender, nationality, ethnicity, crime of conviction, relationship to any codefendants or victims, date and court of sentencing, current location (if applicable), date of execution (if applicable), and status of any appeals or requests for clemency.
- Extend an invitation to the Special Rapporteur on torture, and facilitate her visit by authorizing confidential and unsupervised contacts with witnesses and other private individuals, including persons deprived of their liberty.
- Ratify the Optional Protocol to the Convention Against Torture.
- End impunity for all perpetrators of torture.
- Draw up and publish a national plan of action aimed at continuing to implement the Committee Against Torture’s 2018 recommendations.
- Direct law enforcement to provide all persons accused of a crime with timely access to counsel, prior to any interrogation, including any person suspected of having committed a capital crime.
- Conduct credible, independent, and impartial investigations into all allegations of torture, prioritizing allegations raised by persons who are charged with crimes that are eligible for the death penalty.

- Ensure judicial oversight of deprivation of liberty and the right to a fair trial.
- Collaborate with civil society to ensure that all attorneys providing legal services to people at risk of being sentenced to death have comprehensive training on capital defense and mitigation as well as gender sensitization regarding coercive control, gender-based violence, and women in conflict with the law.
- Create a mechanism by which defendants may raise prior to trial the issue of inadmissibility of evidence obtained through torture, and ensure that all judicial actors have adequate training and capacity to bar consideration of such evidence.
- Collaborate with civil society to provide training to all judges overseeing criminal proceedings to ensure that no court admits into evidence any statements obtained through torture, except to prove that a person committed torture.

¹ Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Viet Nam*, (28 March, 2019), U.N. Doc. A/HRC/41/7, ¶38.5 Accede to the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty (El Salvador); Ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty (Montenegro); Ratify, without reservations, the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty (Slovenia); Ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty (Croatia); ¶38.6 Implement the recommendations contained in the concluding observations of the Committee Against Torture of December 2018 (France); ¶38.18 Strengthen dissemination of fundamental provisions of the Convention Against Torture and of Viet Nam's regulations for preventing torture (Mongolia); ¶38.30 Further consider accession to the human rights conventions to which it is not a party (Turkmenistan); ¶38.32 Draw up and publish a national plan of action, implementing recommendations from the Committee Against Torture in 2018 (United Kingdom of Great Britain and Northern Ireland); ¶38.35 Consider acceding to international human rights treaties to which Viet Nam is not yet party (Uzbekistan).

² Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Viet Nam – Addendum*, (26 June, 2019), U.N. Doc. A/HRC/41/7/Add.1, ¶38.5 Not accepted; ¶38.6 Accepted in part; ¶38.18 Accepted; ¶38.30 Accepted; ¶38.32 Accepted in part; ¶38.35 Accepted.

³ United Nations Office of the High Commissioner of Human Rights, *Ratification of 18 International Human Rights Treaties*, available online at: <https://indicators.ohchr.org/>.

⁴ Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Viet Nam – Addendum*, (26 June, 2019), U.N. Doc. A/HRC/41/7/Add.1, ¶¶8 – 10.

⁵ Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Viet Nam – Addendum*, (26 June, 2019), U.N. Doc. A/HRC/41/7/Add.1, ¶13.

⁶ Study On the possibility of Viet Nam ratifying the Second Optional Protocol to the International Covenant on civil and political rights aiming at the abolition of the death penalty, 24 June 2019. Available online at: <https://www.undp.org/vietnam/publications/study-possibility-viet-nam-ratifying-second-optional-protocol-iccpr-aiming-abolition-death-penalty>.

⁷ Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Viet Nam*, (28 March, 2019), U.N. Doc. A/HRC/41/7, ¶38.5 Accede to the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty (El Salvador); Ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty (Montenegro); Ratify, without reservations, the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty (Slovenia); Ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty (Croatia);

¶38.140 Initiate a moratorium on the imposition of capital punishment, especially for non-violent crimes (Finland);

Consider implementing a full moratorium on the death penalty (Georgia); Impose a moratorium on executions and abolish the death penalty (Iceland); Establish a de facto moratorium on the death penalty with a view to its abolition (Portugal); Establish a moratorium on the application of the death penalty as a step towards its definitive abolition and modify the Penal Code to reduce the number of crimes for which capital punishment can be imposed (Spain); Impose a moratorium on executions with the goal of abolishing the death penalty (Albania); Establish a moratorium on the death penalty as a step towards the complete abolition of this practice (Australia); Immediately adopt a moratorium on the death penalty with a view to ultimately abolishing it (Austria); Take the necessary measures to establish a moratorium on executions of death row prisoners as well as to repeal the death penalty in national legislation (Argentina); ¶38.141 Abolish definitively the death penalty and ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty (Luxembourg); Abolish the death penalty for all crimes, and consider ratifying the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty (Uruguay); ¶38.142 Further reduce the list of offences punishable by death, eliminate the death penalty for “activities against the people’s government”, “espionage”, “embezzlement”, and “taking bribes” as well as for serious drug offences (Germany); Continue to reduce the number of crimes subject to the death penalty and consider introducing a de facto moratorium on its application (Mexico); Continue to reduce the scope of crimes subject to the death penalty to only the “most serious crimes” and consider introducing a moratorium (Norway); Continue the process of reducing offences subject to the death penalty until the abolition of capital punishment and publish statistics on the use of the death penalty in Viet Nam (Romania); Further reduce the offences punishable by the death penalty, provide official figures regarding death sentences and executions and consider introducing a moratorium on the death penalty (Italy); ¶38.143 Reduce further the list of crimes punishable by the death penalty, in particular economic crimes and drug-related offences, and envisage a complete moratorium on the application of the death penalty (Switzerland); ¶38.144 Assist the process of national discussion on the death penalty with a view to its eventual abolishment (Ukraine); ¶38.146 Restrict the use of the death penalty to crimes that meet the threshold of “most serious crimes” under international law (Belgium); ¶38.290 Cease applying the death penalty for non-violent crimes, including drug offences (Australia);

⁸ Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Viet Nam*, (28 March, 2019), U.N. Doc. A/HRC/41/7, ¶38.291 Introduce a national moratorium on the death penalty, aiming at complete abolition. Until then, reduce the number of crimes subject to the death penalty, ensuring that it does not apply to offences other than the “most serious” crimes, in accordance with International Covenant on Civil and Political Rights (Sweden).

⁹ Amnesty International Global Report – Death Sentences and Executions 2021, May 2022, Index: ACT 50/5418/2022, available online at: https://www.amnesty.org.uk/files/2023-04/Amnesty%20International%20Global%20Report%20Death%20Sentences%20and%20Executions%202021.pdf?VersionId=XMhTmnITWvkWb2LhSTM3_5MYt46knhWh.

Committee for HIV/AIDS Prevention and Control and the Prevention and Control of Drugs and Prostitution, “Nhiều khó khăn trong thi hành án tử hình”, 11 September 2021, tiengchuong.chinhphu.vn/nhieu-kho-khan-trong-thi-hanh-an-tu-hinh-11335972.htm

¹⁰ Amnesty International Global Report – Death Sentences and Executions 2022, 16 May 2023, Index Number: ACT 50/6548/2023, available online at: <https://www.amnesty.org/en/documents/act50/6548/2023/en/>.

¹¹ Viet Nam’s Voluntary Mid-Term Report on the Implementation of the UPR Third Cycle Accepted Recommendations, available online at: https://www.ohchr.org/sites/default/files/2022-04/VietNam_Implementation_Third_Cycle.pdf.

¹² Available online at: Law No. 100/2015/QH13 dated November 27, 2015, criminal code – LawNet.

¹³ Available online at: <https://www.ohchr.org/en/documents/general-comments-and-recommendations/general-comment-no-36-article-6-right-life>.

¹⁴ Amnesty International Global Report – Death Sentences and Executions 2021, May 2022, Index: ACT 50/5418/2022, available online at:

https://www.amnesty.org.uk/files/2023-04/Amnesty%20International%20Global%20Report%20Death%20Sentence%20and%20Executions%202021.pdf?VersionId=XMhTmnITWvkWb2LhSTM3_5MYt46knhWh.

¹⁵ Amnesty International Global Report – Death Sentences and Executions 2022, 16 May 2023, Index Number: ACT 50/6548/2023, available online at: <https://www.amnesty.org/en/documents/act50/6548/2023/en/>.

¹⁶ Council of Judges of the Supreme People's Court, Resolution 03/2020/NQ-HDTP, 30 December 2020, thuvienphapluat.vn/van-ban/Trach-nhiem-hinh-su/Nghi-quyet-03-2020-NQ-HDTP-ap-dung-quy-dinh-cua-Bo-luat-Hinh-su-ve-toi-pham-tham-nhung-449286.aspx

¹⁷ Viet Nam's Voluntary Mid-Term Report on the Implementation of the UPR Third Cycle Accepted Recommendations, available online at: https://www.ohchr.org/sites/default/files/2022-04/VietNam_Implementation_Third_Cycle.pdf ; Research Study on the Application of Alternatives to Capital Punishment and the right to Deference Through Self-Representation in Criminal Proceedings, 21 February 2023. Available online at: <https://www.undp.org/vietnam/publications/application-alternatives-capital-punishment-and-right-defence-through-self-representation-criminal-proceedings>.

¹⁸ Study On the possibility of Viet Nam ratifying the Second Optional Protocol to the International Covenant on civil and political rights aiming at the abolition of the death penalty, 24 June 2019. Available online at: <https://www.undp.org/vietnam/publications/study-possibility-viet-nam-ratifying-second-optional-protocol-iccpr-aiming-abolition-death-penalty>.

¹⁹ Study On the possibility of Viet Nam ratifying the Second Optional Protocol to the International Covenant on civil and political rights aiming at the abolition of the death penalty, 24 June 2019. Available online at: <https://www.undp.org/vietnam/publications/study-possibility-viet-nam-ratifying-second-optional-protocol-iccpr-aiming-abolition-death-penalty>.

²⁰ Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Viet Nam*, (28 March, 2019), U.N. Doc. A/HRC/41/7, ¶38.18 Strengthen dissemination of fundamental provisions of the Convention Against Torture and of Viet Nam's regulations for preventing torture (Mongolia); ¶38.147 Ensure that evidence obtained through torture is inadmissible in trial in keeping with Viet Nam's obligations under the Convention Against Torture (New Zealand); ¶38.148 Take steps to prohibit harassment and torture during the investigation process and detention, and punish perpetrators (Togo); and ¶38.157 Ensure prompt, impartial, independent and effective investigations, including through full cooperation with third countries, into reports of unnecessary or excessive use of force by the police as well as violations of human rights by official authorities, and bring the perpetrators to justice (Slovakia).

²¹ Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Viet Nam*, (28 March, 2019), U.N. Doc. A/HRC/41/7, ¶38.27 Strengthen its cooperation with the bodies of the Council and the various international instruments, including the special procedures, notably by accepting the visit of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment (Switzerland);

²² Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Viet Nam*, (28 March, 2019), U.N. Doc. A/HRC/41/7, ¶38.2 Ratify the Optional Protocol to the Convention Against Torture (Denmark); Ratify and implement the Optional Protocol to the Convention Against Torture, including by establishing a national preventive mechanism in accordance with the Protocol (Hungary); Ratify the Optional Protocol to the Convention Against Torture (Ukraine); Strengthen protection against torture by, inter alia, ratifying the Optional Protocol to the Convention Against Torture and stepping up efforts to end impunity for all perpetrators of torture (Czechia); ¶38.32 Draw up and publish a national plan of action, implementing recommendations from the Committee Against Torture in 2018 (United Kingdom of Great Britain and Northern Ireland); and ¶38.6 Implement the recommendations contained in the concluding observations of the Committee Against Torture of December 2018 (France).

²³ Viet Nam's Voluntary Mid-Term Report on the Implementation of the UPR Third Cycle Accepted Recommendations, available online at: https://www.ohchr.org/sites/default/files/2022-04/VietNam_Implementation_Third_Cycle.pdf, ¶ 31.

²⁴ Viet Nam's Voluntary Mid-Term Report on the Implementation of the UPR Third Cycle Accepted Recommendations, available online at:

https://www.ohchr.org/sites/default/files/2022-04/VietNam_Implementation_Third_Cycle.pdf, ¶ 32.

²⁵ United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment Committee Against Torture: Concluding Observations on the Initial Report on Viet Nam, CAT/C/VNM/CO/1, 07 December 2018, available online at:

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/TBSearch.aspx?Lang=en&TreatyID=1&CountryID=192.

²⁶ United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment Committee Against Torture, State Party report on Follow-up to Concluding Observations, CAT/C/VNM/FCO/1, 11 September 2020, available online at:

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CAT%2FC%2FVNM%2FFCO%2F1&Lang=en, ¶ 177

²⁷ United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment Committee Against Torture, State Party report on Follow-up to Concluding Observations, CAT/C/VNM/FCO/1, 11 September 2020, available online at:

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CAT%2FC%2FVNM%2FFCO%2F1&Lang=en, ¶ 27

²⁸ Amnesty International Report 2022/23: The state of the world's human rights - Amnesty International, Index Number: POL 10/5670/2023, March 27, 2023. Available online at: <https://www.amnesty.org/en/documents/pol10/5670/2023/en/>.

²⁹ Viet Nam: Execution Imminent in Torture Tainted Case - Amnesty International, Index Number: ASA 41/7111/2023; 15 August 2023. Available online at: <https://www.amnesty.org/en/documents/asa41/7111/2023/en/>.

³⁰ Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Viet Nam*, (28 March, 2019), U.N. Doc. A/HRC/41/7, ¶38.60 Expedite the legal reform process and the process to establish the rule of law in order to consolidate the institutional, legal and political framework in line with human rights (Mali); ¶38.155 Continue to strengthen the rule of law, including further development of the criminal justice system taking into account the human rights of suspects and inmates and promotion of impartial and transparent administration of justice (Japan); ¶38.158 Ensure that fair trial guarantees and due process rights, as provided in international law and standards, are respected and upheld in all cases (Slovakia); and ¶38.161 Strengthen measures to provide legal aid to people, in particular the poor and members of ethnic minorities (Yemen).

³¹ Viet Nam's Voluntary Mid-Term Report on the Implementation of the UPR Third Cycle Accepted Recommendations, available online at: https://www.ohchr.org/sites/default/files/2022-04/VietNam_Implementation_Third_Cycle.pdf ¶ 21.

³² Human Rights Council, *Opinions adopted by the Working Group on Arbitrary Detention at its ninety-third session, 30 March—8 April 2022*, (7 June 2022), U.N. Doc. A/HRC/WGAD/2022/13, ¶ 13.

³³ Human Rights Council, *Opinions adopted by the Working Group on Arbitrary Detention at its ninety-third session, 30 March—8 April 2022*, (7 June 2022), U.N. Doc. A/HRC/WGAD/2022/13, ¶ 5.

³⁴ Human Rights Council, *Opinions adopted by the Working Group on Arbitrary Detention at its ninety-third session, 30 March—8 April 2022*, (7 June 2022), U.N. Doc. A/HRC/WGAD/2022/13, ¶ 7.

³⁵ Human Rights Council, *Opinions adopted by the Working Group on Arbitrary Detention at its ninety-third session, 30 March—8 April 2022*, (7 June 2022), U.N. Doc. A/HRC/WGAD/2022/13, ¶ 8.

³⁶ Human Rights Council, *Opinions adopted by the Working Group on Arbitrary Detention at its ninety-third session, 30 March—8 April 2022*, (7 June 2022), U.N. Doc. A/HRC/WGAD/2022/13, ¶ 10.

³⁷ Human Rights Council, *Opinions adopted by the Working Group on Arbitrary Detention at its ninety-third session, 30 March—8 April 2022*, (7 June 2022), U.N. Doc. A/HRC/WGAD/2022/13, ¶ 10.