



**Convention against Torture
and Other Cruel, Inhuman
or Degrading Treatment
or Punishment**

Distr.: General
19 April 2024

Original: English
English, French and Spanish only

Committee against Torture

**Second periodic report submitted by Viet Nam
under article 19 of the Convention, due in 2024^{*}, ^{**}**

[Date received: 25 March 2024]

* The present document is being issued without formal editing.

** The annex to the present document may be accessed from the web page of the Committee.



Abbreviations

UNCAT	Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
CAT 1 Report	Viet Nam's first National Report on the Implementation of the UNCAT
CAT 2 Report	Viet Nam's second National Report on the Implementation of the UNCAT
Mid-term Report	The report in response to the Committee Against Torture's comments and recommendations on the CAT 1 Report
UPR Mid-term	Viet Nam's voluntary mid-term report on the implementation of the Report recommendations adopted under the Universal Periodic Review Mechanism
CAT	Committee Against Torture
ICCPR	International Covenant on Civil and Political Rights
LC 2011	2011 Law on Complaints
LHAV 2012	2012 Law on Handling Administrative Violations (Amended and supplemented in 2020)
PC 2015	2015 Penal Code (Amended and supplemented in 2017)
CPrC 2015	2015 Criminal Procedure Code (Amended and supplemented in 2021)
LDC 2015	2015 Law on Temporary Detention and Custody
LSCL 2017	2017 Law on State Compensation Liability
LD 2018	2018 Law on Denunciations
LECJ 2019	2019 Law on Execution of Criminal Judgments
Decision	Decision No. 87/QĐ-TTg dated 14 February 2023 of the Prime Minister
No. 87	Approving the Plan to enhance the effective implementation of the UNCAT and appropriate recommendations of the CAT Committee
MPS	Ministry of Public Security
PPSF	People's Public Security Forces
MND	Ministry of National Defense
PA	People's Army
MOJ	Ministry of Justice
SPP	Supreme People's Procuracy
PP	People's Procuracy
SPC	Supreme People's Court
PC	People's Court
IA	Investigative Agency
UN	United Nations

I. General information

Updates on the economic, political, and social situation, and the promotion and protection of human rights in Viet Nam

1. Paragraphs 6, 7, 10, 12, 14, 15, 16, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 32, 33, 34 in the CAT 1 Report remain relevant (CAT/C/VNM/1). The CAT 2 Report has integrated and referenced many contents and results in Viet Nam's recent reports on the implementation of international treaties on human rights, such as: the Mid-term Report CAT/C/VNM/FCO/1, the Report on the implementation of the ICCPR (CCPR/C/VNM/FCO/3; CCPR/C/VNM/4), the UPR Report for the 3rd Cycle (March 2022), 5th and 6th Reports of the Convention on the Rights of the Child (CRC), the Convention on the Rights of Persons with Disabilities (CERC), and the International Convention on the Elimination of All Forms of Racial Discrimination (January 2021), etc.

2. Viet Nam is located in Southeast Asia and covers an inland area of about 331,212 square kilometers and 1 million square kilometers of seas and islands with a population of 99.46 million in 2022. Viet Nam is a united country of 54 ethnic groups, including 53 ethnic minorities, with 14.119 million people across 3.6 million households residing together in 63 provinces and cities. Ethnic groups have the right to use their own languages and writings, to preserve their unique identities, to promote their good customs, traditions, and culture, so as to together build an independent, united, democratic, free, and prosperous country.

3. Viet Nam has issued a Resolution on further efforts to build and improve the law-governed socialist state of Viet Nam in the new phase with specific goals toward 2030. These include fundamentally improving mechanisms to ensure the mastery of the people and ensure and protect human rights and citizen's rights. The respect for the Constitution and the law is considered the standard of conduct for all actors in the society. The legal system has become democratic, fair, humane, comprehensive, synchronized, unified, timely, feasible, open, transparent, stable, and accessible, which can pave the way for innovation and sustainable development, and lay the groundwork for the stringent and consistent enforcement of the law.

4. Viet Nam has adopted the National Target Program on sustainable poverty reduction for 2021–2025 and the National Target Program on socio-economic development of ethnic minorities and mountainous areas for 2021–2030, with many comprehensive policies and measures. Viet Nam's human development index (HDI) has been constantly improving, reaching 0.703 in 2021, and was thus ranked 115th out of 191 countries and territories in the list of countries with high human development index. The average income of poor households has increased, while the living conditions of poor households and social protection beneficiaries has been gradually improving. The health insurance coverage rate has increased from 81.7% in 2016 to 92.04% of the population by the end of 2022. Policy beneficiaries such as people with meritorious services to the revolution, the poor, and ethnic minorities in socially and economically disadvantaged areas, children under 6 years old, and people over 80 years old, among others, are supported by the state budget to buy health insurance.

5. Viet Nam was among the countries that have fulfilled the Millennium Development Goal on gender equality and women empowerment ahead of schedule and is actively striving to implement the 2030 Agenda on Sustainable Development, which includes goals of promoting gender equality and empowering women and girls. Viet Nam has put in place a national strategy on gender equality for 2021–2030, with a view to further closing gender gaps, encouraging women and men to equally enjoy the fruits of social progress, and contributing to the country's sustainable development.

6. Viet Nam has also recorded remarkable achievements in expanding the people's access to information, especially those in remote, disadvantaged, and border areas or islands. The State has invested in and supported the development of cellular, internet and social media infrastructure to facilitate the people's search for, access to, and expression and exchange of information in a free and easy manner. After 25 years of internet access, Viet Nam has become a country with high internet popularization. The number of internet users in Viet

Nam reached 72.1 million (accounting for 73.2% of its population), ranking 13th in the world. The number of smart phone users totaled 94.2 million, while the number of mobile broadband subscribers was 82.2 million, accounting for 74.3% of the population. The telecommunications network continues to be modernized and widely developed, covering 99.73% of Viet Nam's villages, of which 3G and 4G networks are available for 98% of the population; 19.79 million households have fiber optic cable, totaling 72.4% of the population. The fiber optic cable system has been deployed to 100% of communes, wards, and townships, 100% of schools, and 91% of villages.

7. Viet Nam has accelerated the application of information technology, provided online services, and reduced telecommunications fees to support the people amid the COVID-19 pandemic, thereby ensuring a consistent flow of information and access to information, maintaining a healthy cyberspace, combating fake news and disinformation that may confuse public opinion on the Internet. Viet Nam has also strived to narrow the gap in information enjoyment between regions and actors nationwide, promote communication work on human rights, and raise awareness to promote civil and political rights. One of the typical examples is the "Internet and computers for children" program launched on 12 September 2021, which has attracted the participation of network operators to increase capacity and better cover "disadvantaged areas" nationwide. At the 1-year review of the Program in January 2022, it has donated more than 510 billion VND and nearly 300,000 learning devices in 52 out of 63 provinces and cities; 43,000 schools with 25 million teachers have free access to the online learning system; 14 television channels broadcast general education lectures; over 7,000 electronic lectures in general education, among others, are provided and can be used for free.

8. Viet Nam has 06 key multimedia agencies; 127 newspaper agencies; 670 magazine agencies; 72 agencies operating radios and televisions; 77 radio channels; 194 TV channels; 57 foreign TV channels provided on pay TV in Viet Nam; and 9,792 commune-level radio stations.

9. Viet Nam has 93,439 associations categorized as political-social organizations, socio-professional organizations, and social organizations (excluding the Viet Nam Fatherland Front, Viet Nam General Confederation of Labor, Ho Chi Minh Communist Youth Union, Viet Nam Farmers' Association, Viet Nam Veterans Association, and Viet Nam Women's Union). Among those there are 585 associations operating nationwide or inter-provincially and 92,854 associations operating locally.

10. Viet Nam currently is home to 16 religions with 36 organizations recognized as religious organizations by competent state agencies; 04 organizations and 01 practice granted certificates of religious activity registration with about 26.5 million followers (accounting for about 27% of the country's population). There are thousands of group locations registered for religious activities; 62 religious training establishments belonging to Buddhism, Catholicism, Protestantism, Cao Dai and Hoa Hao Buddhism.

11. Viet Nam is one of the 15 leading countries in the Global Alliance 8.7 to eliminate child labor in line with the Sustainable Development Goals and is promoting the implementation of the Global Compact for Safe, Orderly and Regular Migration. Viet Nam has stepped up the effective implementation of its national programs and plans, integrating relevant contents to prioritize addressing the vulnerabilities and needs of women, children and vulnerable groups, including migrants. Viet Nam is also continuing to implement the Law on Gender Equality, the Law on Children, the Law on People with Disabilities, and the Youth Law, and is actively researching, amending, and improving the legal system on these issues.

12. Viet Nam always promotes efforts to prevent and combat human trafficking; and has actively been investigating, prosecuting and adjudicating human trafficking crimes and assisting victims to recover and reintegrate into the community. The Government's anti-trafficking program for 2016–2020 has reduced the number of human trafficking cases by over 40% compared to the previous period. Viet Nam continues to promote the implementation of the Program on prevention and combat of human trafficking for the period of 2021–2025, with orientations toward 2030, entailing groups of solutions and tasks suitable to the situation and requirements in the prevention and combat of human trafficking. In

addition, Viet Nam has continued to effectively implement the United Nations Convention against Transnational Organized Crime (UNTOC), the Protocol to Prevent, Suppress and Punish Trafficking in Person, Especially Women and Children, the ASEAN Convention Against Trafficking in Persons, Especially Women and Children, as well as signed Memorandums of Understanding, Agreements, and Plans on bilateral cooperation in this field.

13. Viet Nam is interested in promoting the signing of bilateral international treaties on mutual legal assistance in criminal matters, and on extradition and transfer of sentenced persons. Viet Nam is also actively participating in the negotiation of the ASEAN Extradition Treaty. Viet Nam has completed the dossier to submit to the Government on the accession to the Protocol Against the Smuggling of Migrants by Land, Sea and Air, Supplementing the UNTOC, after having joined ILO Convention No. 98 concerning the Application of Principles of the Right to Organize and Collective Bargaining in 2019 and ILO Convention No. 105 on the Abolition of Forced Labor in 2020. Currently, Viet Nam has joined 7/9 core international human rights treaties: 25 ILO Conventions, including 9 out of 10 Basic Labor Conventions.

14. Viet Nam has always actively and responsibly participated in human rights promotion activities and was elected as a member of the Human Rights Council for the second time for the term 2023–2025. Viet Nam was also, together with Bangladesh and the Philippines, a member of the Core Group that introduced the Annual Resolution on Climate Change and Human Rights at the UN Human Rights Council and has actively contributed to ASEAN human rights mechanisms (such as AICHR). In addition, Viet Nam has actively engaged in exchanges and dialogues on the promotion and assurance of human rights with many partners in the region and around the world.

15. Viet Nam has approved the Master Plan on the inclusion of human rights contents into educational programs in the national education system, and the Project on communication work regarding human rights.

16. However, this reporting period saw the abrupt outbreak of the COVID-19 pandemic, followed by extremely complicated developments that affected people's lives and all aspects of the society. At the same time, the serious impacts of climate change have also negatively affected people's lives and are still hindering the implementation of the Convention. In this context, Viet Nam has regarded the protection of people's health and lives a key priority in its pandemic prevention and control efforts, as the country strived to minimize the number of newly contracted and worsening cases and deaths due to COVID-19. With the efforts of the entire political system and the unanimous consensus of the people, as well as the cooperation and support of international partners, Viet Nam has launched the largest vaccination campaign in history. Viet Nam has administered 265,498,695 doses of COVID-19 vaccines to its population; and is one of 06 countries with the highest vaccination coverage rate in the world (with over 97% of its citizens over the age of 18 and nearly 90% of its children having been vaccinated).

17. Viet Nam submitted its first National Report on the implementation of the Convention against Torture (hereinafter referred to as CAT 1 Report) in 2017; presented said report and engage in dialogue with the CAT Committee in November 2018; and submitted the first Mid-Term Report on the recommendations of the CAT Committee in October 2020 (hereinafter referred to as Mid-Term Report).

18. The CAT 2 report was created by a 48-member Inter-agency Drafting Committee with the MPS serving as the focal point. Various meetings, seminars and discussions have been organized to create opportunities for open and frank dialogue between the Drafting Committee and relevant parties. The report was developed and completed on the basis of comments from agencies at both central and local levels, socio-political organizations, socio-professional organizations and the people. The Report has been publicly posted on the MPS's Web Portal for public comments. The comments on the draft Report were compiled and studied by the Drafting Committee. The report comprised 189 paragraphs and was divided into 05 parts: General Information, CAT Implementation Results, Additional Information on CAT Committee comments and recommendations, Conclusions and 10 Appendixes.

II. Results of the implementation of the Convention against torture

Updating changes in the legal system and practical activities carried out to implement the Convention

Article 1 of the UNCAT and comment 6, recommendation 7 of the CAT Committee (Concept of Torture)

19. Paragraphs 41, 43, and 44 of the CAT 1 Report and the Response to Comment 6 and Recommendation 7 of the CAT Mid-term Report remain valid.

20. On the basis of Recommendation 7 of the CAT Committee, Viet Nam's MOJ has been assigned to lead:

- (i) The research into the possibility of developing a concept and definition of torture under Article 1 of the UNCAT in order to provide a simpler, clearer, and more direct provision for the prosecution of torture;
- (ii) The review and proposals of improvements of criminal laws on anti-torture, taking into account the possibility of separately criminalizing acts of torture.

Article 2 Clause 1: Measures to prevent acts of torture Update legislative measures

21. Paragraphs 46 and 47 of the CAT 1 Report remain valid.

22. Having thoroughly studied the Committee's recommendations, Viet Nam has issued a National Action Plan to enhance the effective implementation of the UNCAT and appropriate recommendations of the CAT Committee nationwide under Decision No. 87.

23. During the reporting period (from 01 November 2018 to 31 December 2022), Viet Nam enacted over 56 laws and other legal documents to better ensure human rights in general and prevent and punish torture-related acts related in particular, such as (1) LECJ 2019; (2) the Law on amendments and supplements to certain articles of the 2019 Law on the Management and Use of Weapons, Explosives and Combat Gears; (3) the Law on amendments and supplements to certain articles of the 2020 Law on Judicial Expertise; (4) the 2020 Residence Law; (5) the Law on amendments and supplements to certain articles of LHAV 2020; (6) the Law on amendments and supplements to certain articles of the 2020 Law on Prevention and Control of HIV/AIDS; (7) the Law on amendments and supplements to certain articles of CPrC 2021; (8) the 2022 Law on Mobile Police; and (9) the 2022 Law on Implementation of grassroots-level Democracy.

24. To implement these laws, Viet Nam continues to issue more than 100 guiding documents to standardize processes, publicize norms, and supplement regulations to prevent acts of torture and protect people at risk of torture as well as better support victims of torture throughout the process of complaint settlement, denunciation, investigation, custody enforcement, detention, prosecution, trial, enforcement of criminal judgments, and reparation.

25. Regarding investigation, prosecution and adjudication: Viet Nam has issued 34 implementation documents, including the Joint Circular guiding the implementation of online court hearings; the Circular stipulating the responsibilities of the PPSF in implementing a number of friendly criminal proceedings and procedures in the process of receiving and resolving information and denunciations about crimes and recommendations for prosecution, and investigating cases of abuse of persons under 18 years of age; and the Regulations on the exercise of the right to prosecution, supervision of prosecution, investigation and prosecution.

26. Regarding audio or video recordings with sound in criminal proceedings: Viet Nam has issued 09 implementation documents, such as the Project on facilities, apparatus, and staff according to a specific roadmap to carry out audio and video recording of interrogations according to the provisions of the PC 2015; the Decision on the process of audio or video recording with sound of the interrogation of the accused according to the provisions of the CPrC 2015 of the PPSF; and the Plan on a program to improve skills, manners, and attitudes

for officers who interrogate and take testimonies when performing their functions with audio or video recording.

27. Regarding the enforcement of custody and temporary detention: Viet Nam has issued 08 implementation documents, namely the Circular stipulating the principles, order, procedures, authority, responsibility, and manner of cooperation when performing the task of arresting, escorting, and extradition of the force in charge of judicial support in the PPSF.

28. Regarding the execution of criminal judgments: Viet Nam has issued 38 implementation documents, including the Decree regulating the database on criminal judgment execution; the Circular regulating the reporting and statisticizing of criminal judgment execution in the community; the Circular stipulating forms and books on the execution of prison sentences, enforcement of educational judicial measures at reformatories, and monitoring and management of people at accommodation establishments; the Circular promulgating internal regulations in detention facilities of the PPSF; the Circular promulgating the Internal Regulations of detention facilities of the PA; the Joint Circular regulating the coordination in implementing the provisions of the Criminal Judgment Execution Law relating to criminal judgment execution in the community.

29. Regarding medical examination and treatment in detention facilities: Viet Nam has issued 04 implementation documents, for example, the Circular stipulating standards and norms of medical equipment at medical facilities for medical examination and treatment for prisoners, inmates, and people detained or temporarily detained; the Guidance on periodic medical examination and treatment for detainees, inmates and prisoners; and the Instructions on arranging separate treatment rooms for detainees, inmates and prisoners at military hospitals. Thus, Viet Nam has specifically regulated the medical examination and treatment protocol for prisoners, inmates, and detainees.

30. Regarding amnesty: Viet Nam has issued 05 implementation documents, particularly including the Decree detailing a number of articles of the Amnesty Law; the Decision promulgating the Plan to implement the 2018 Special Amnesty Law; and the Decision promulgating various forms of amnesty.

31. Regarding complaints and denunciations: Viet Nam has issued 25 implementation documents, such as the Decree regulating denunciations and denunciation settlement in the PPSF; the Decree regulating denunciations and denunciation settlement in the PA; the Circular regulating the authority, order, procedures, and measures to protect the life, health, property, honor, and dignity of whistleblowers about acts of corruption; the Circular regulating the recipient of citizens' complaints, denunciations, petitions and reports in the PPSF; regulations on procedures for resolving complaints and denunciations, affirming the legally effective complaint settlement decisions, and supervising the settlement of complaints and denunciations in judicial activities; the Guidance on the supervision and resolution of complaints and denunciations in judicial activities; and the Directive on further enhancing the effectiveness and efficiency of citizen reception and settlement of complaints and denunciations in the People's Court.

32. Regarding legal defense and legal aid: Viet Nam has issued 06 implementing documents, for example, the Circular to promulgate professional rules on legal aid; the Circular to amend and supplement a number of articles of Circular No. 08/2017/TT-BTP detailing a number of articles of the Law on Legal Aid and guiding documents in legal aid activities; the Circular stipulating the responsibilities of the PPSF in implementing the provisions of the CPPrC 2015 pertaining to ensuring the right to defense of persons detained in emergency cases, persons arrested in flagrante delicto according to a wanted decision, detainees, suspects; and protecting the legitimate rights and interests of victims, involved parties, persons concerned, denounced persons and persons proposed for prosecution.

33. Regarding compensation for damage: Viet Nam has issued 09 implementation documents, most notably including: the Circular regulating measures to support and guide persons suffering loss or damage to file claims for state compensation; the Circular stipulating the process of settlement of the State's compensation claims in criminal procedure activities, criminal judgment enforcement activities, administrative management activities in the People's Public Security Force; the Guidance on "the management of the settlement of damage claims in criminal proceedings in the responsibility of the PP"; and the Decision

promulgating the Set of Criteria to evaluate the effectiveness of state management in state compensation work.

34. Regarding the code of professional ethics: Viet Nam has issued 12 documents regulating professional ethics and responsibilities of officials and civil servants, and what officials and civil servants are prohibited from doing to enhance the sense of responsibility and standards of ethics for public representatives. Notably, these include the Code of Conduct for officials, civil servants and employees of the PP, the Code of ethics and professional conduct for Vietnamese lawyers; the Professional Code of Legal Aid; Regulations on the culture of communication and behavior of officers and soldiers in dealing with prisoners and their relatives and the Code of Conduct of the PPSF.

35. Regarding disciplining officers, soldiers, civil servants, and public employees: Viet Nam has issued 6 documents detailing relevant regulations, such as: the Decree on disciplinary actions against officials, civil servants, and public employees; the Circular regulating disciplinary actions in the PPSF; and the Directive on strengthening order and discipline towards public services in people's courts.

36. Regarding democracy at the grassroots: Implementing democracy at the grassroots level is a way to promote the people's mastery, so that citizens, civil servants, public employees and laborers can be informed and exercise the freedom to express their will, aspirations and political opinions by partaking in discussions, giving opinions, and joining in the decision-making, inspection, and supervising processes at the grassroots level in accordance with the Constitution and the law. Viet Nam attaches great importance and attention to democracy in investigation, custody, and temporary detention, in the enforcement of administrative handling measures such as consignment to compulsory education institutions or reform schools, and in the enforcement of sanctions, thereby contributing to the effective prevention, detection, and investigation of acts of torture. Viet Nam has issued the Law on Implementing Democracy at the grassroots level in 2022 and 18 implementation documents, notably: the Circular regulating the implementation of democracy in prison facilities, compulsory education facilities, and reform school under the MPS; the Circular regulating the implementation of democracy in the enforcement of detention and temporary detention by the PPSF; the Circular regulating the implementation of democracy in investigation activities of the PPSF; the Circular regulating the implementation of democracy in conducting inspection work, resolving complaints and denunciations, receiving citizens, and preventing and combating corruption of the PPSF.

37. Regarding judicial reforms: Viet Nam has issued 05 detailed regulatory documents, such as the Directive on strengthening the investigation work of the IA of the SPC; the Directive on innovating and improving the quality and efficiency in supervision of detention, temporary detention, and execution of criminal judgments.

38. Regarding administrative reforms and simplification of administrative procedures: Viet Nam has issued 24 implementation documents, notably: the Decree regulating the provision of online information and public services by state agencies in cyberspace; the Decree on the implementation of administrative procedures in the electronic environment in the PPSF; the "National digital transformation program towards 2025, with a vision towards 2030" with specific goals on the percentage of public services provided virtually at all levels by 2025 and 2030; the e-Government development strategy for the period of 2021–2025, with a vision towards 2030; the Master Program on State administrative reforms for the period of 2021–2025; the Plan to review and simplify internal administrative procedures in the state administrative system for the period of 2022–2025; and a set of indicators to direct, operate and evaluate the quality of services for people and businesses in implementing administrative procedures and public services in the electronic environment.

39. Regarding access to information: Viet Nam has adopted: the Project to support information and communication work on ethnicities and religions; the Program to protect and support children in terms of healthy and creative interactions in cyberspace; the Project on awareness enhancement, capacity building, and human resource development for national digital transformation towards 2025, with a vision towards 2030; the Project on human rights communication in Viet Nam, with a view to promoting information dissemination regarding

international law on human rights, with focus given to 07 core international human rights treaties to which Viet Nam is a party, including the UNCAT. Update administrative measures.

40. Viet Nam has implemented various measures to simplify administrative procedures, thereby creating favorable conditions for the people and increase the responsibility of those performing public duties. Viet Nam has implemented a one-stop shop mechanism at state administrative agencies, built a national database on population, a national database with openly publicized administrative procedures, established a hotline feedback system, expedited the application of information technology, and promoted the use of online transactions. Such efforts helped limit public direct contact with officials, thereby contributing to preventing acts related to torture and harassment by state officials.

41. Viet Nam has issued the National Digital Transformation Program towards 2025, with a vision towards 2030 and an underlying principle of “people-centered digital transformation”. One of the basic goals by 2025 is that “100% of national databases will create the foundation for e-Government development, including the completion of national databases on Population, Land, Business Registration, Finance and Insurance that will be shared nationwide; step by step open the data of state agencies to provide timely public services, once declared, for the whole life of serving the people and for socio-economic development”. Viet Nam is rapidly expediting the development of its e-Government, towards a digital government to ensure good national governance, improve the management and administration capacity of the Government and government agencies at all levels; and is providing people and businesses with public services, creating easy access for people nationwide; and implementing a modern, effective and transparent Government:

- Viet Nam has: (i) Basically completed the construction of the National Population Data Center system and built a system for producing, issuing and managing citizen identification cards; (ii) Completed the collection and supplementation of population information across the country, filtered the data, synchronized it into the system, and issued identification codes to citizens nationwide; (iii) Completed the design and production of the new chip-based citizen identification card; (iv) Completed the issuance of more than 82 million chip-mounted citizen ID cards; (v) Officially put into operation the National Population Data Center system, the Citizen Identification Production, and the Issuance and Management system from 01 July 2021; Successfully connected the National Population Database for 13 ministries and branches; 04 state-owned enterprises; and 63 localities;
- Viet Nam has implemented the National Public Service Portal at: www.dichvucong.gov.vn to carry out administrative procedures, make online payments, reflect on recommendations, and evaluate the Service Indicators of ministries, branches, and localities. In the field of law, Viet Nam has built a national database of legal documents at the address: www.vbpl.vn;
- All state agencies from central to local levels have the responsibility to establish, implement and use the agency’s electronic information page or electronic information portal as a unified and centralized information provision channel in cyberspace. State agencies must disclose information to organizations and individuals according to the provisions of the Law on Access to Information and the Law on Information Technology.

42. Viet Nam has implemented a one-stop shop mechanism at state administrative agencies at four levels (ministerial level, provincial level, district level, commune level) to receive dossiers, process and deliver results through the One-Stop shop mechanism.

43. Viet Nam has implemented democracy at the grassroot level, especially in MPS-run correctional, penitentiary facilities, compulsory education facilities, and reformatories; in the enforcement of custody and temporary detention by the PPSF; in the investigation activities of the PPSF; in conducting inspection work, resolving complaints and denunciations, receiving citizens and preventing and combating corruption of the PPSF. Viet Nam has also specified the information to be made public for the people; the means of publicity; the issues that need the people’s comments and opinions, the means of receiving opinion; and the means of supervision; hence contributing to preventing and limiting negativity, bureaucracy, and harassment and better ensuring human rights and people’s rights, including the right not to

be tortured with the motto “People know, people discuss, people do, people inspect, people monitor, people enjoy”.

44. Viet Nam has established a hotline system for feedback and petition, especially the MPS’s hotline for receiving crime information reports and denunciations via phone number 113 or 0692326555, a hotline for receiving information and denunciations of crimes of the Police of provinces and central-level cities and a hotline for child protection via phone number 111.

Updates on judicial or other measures

45. Viet Nam has established the Judicial Reform Steering Committee at both central and provincial levels nationwide to build a clean, strong, democratic, and strict judiciary system, and to protect justice, pursue gradual modernization, serve the people, and safeguard the people’s right, including the right not to be tortured. The Central Steering Committee for Judicial Reform has held many meetings to discuss and consider many important projects and reports such as: (i) the Project on “Building a mechanism to develop lawyers, enhance capacity and performance of lawyers” (2019); (ii) the Project on “Building a set of indicators for people’s evaluation on judicial activities” (2019); (iii) the Project on “Innovating and rearranging the organization and apparatus of the People’s Court to ensure streamlining, effective and efficient operations according to the Party’s Resolution 6 of the 12th Central Committee” (2019); (iv) the Project on “Innovating and perfecting the mechanism for people to participate in trials at Court to meet judicial reform requirements” (2021); (v) the Project “On facilities, apparatus, staff and roadmap for implementing audio or video recording with sound in the interrogation of suspects according to the provisions of the CPrC 2015” (2022); and (vi) the Project on “Developing a Law on Juvenile Justice”.

46. Viet Nam has established a Steering Committee to develop the Project on “Continuing to build and perfect the socialist law-governed Vietnamese state in the new period” in May 2021. Based on the research results, it has promulgated Resolution no. 27-NQ/TW dated 09 November 2022 on continuing to build and perfect the socialist law-governed State of Viet Nam in the new period, which defines “Promoting judicial reform, ensuring the independence of the court according to its jurisdiction, judges and jurors are independent and only obey the law” is one of the three focuses that need to be implemented.

47. Viet Nam has built a friendly investigation room model to resolve cases related to people under 18 years old and abuse of people under 18 years old. The “Friendly Investigation Room” model is designed and decorated similarly to a working room, creating a comfortable and close mentality, and helping victims reduce guilt and fear. Investigators are trained with friendly investigation skills, having knowledge of science and education for children, and statements taking is limited within 2 hours per time and twice a day as regulated and always with the guardian’s presentation during the testimony process. To date, Viet Nam has set up 33 friendly investigation rooms at the Criminal Police Department, the People’s Police Academy and 30 local police stations.

48. Viet Nam strives to further ensure the judicial independence of the Court and the right to a fair trial in accordance with international standards. From late 2018 to date, the SPC has issued many guiding documents on the process of selecting, publishing, and applying precedents; and on trials of sexual abuse cases of people under 18 years old. In November 2021, Viet Nam passed a Resolution allowing the People’s Court to hold online first-instance and appellate for criminal, civil and administrative cases with simple details and nature and clear evidence, creating favorable conditions for trials to be conducted on schedule in the context of the Covid-19 pandemic.

49. People’s Courts have now been authorized to consider and decide whether to send drug addicts from 12 to under 18 years old to compulsory rehabilitation establishments. Accordingly, the decision to send drug addicts to compulsory rehabilitation facilities is made by the People’s Courts through friendly and humane procedures and can best ensure the benefits for people from 12 to under 18 years old entering compulsory drug rehabilitation facilities.

50. Viet Nam has piloted a model of organizing career guidance and vocational training activities for prisoners outside prisons. This is a new rule with principles as follows: ensuring

security and safety during the process of organizing labor activities, career guidance and vocational training for prisoners outside prisons; effectively serving the work of reformative education and community reintegration for prisoners; and creating conditions to help prisoners find jobs after serving their prison sentences. Inmates participating in labor, vocational guidance and vocational training activities outside of prison must be on a voluntary and equal basis, receive a partial payment for their labor, and exercise their rights and obligations under the provisions of the PC.

51. Viet Nam has organized and implemented thousands of classes of legal education, general education, literacy eradication, vocational training, communication, anti-drug, and HIV and AIDS prevention and control for thousands of prisoners every year. In 2022 alone, Viet Nam had organized 2,255 legal education classes for 713,856 prisoners; 153 classes for general education and illiteracy eradication for 3,688 inmates and issue literacy certificates to 685 inmates; 237 vocational training classes for 7,539 inmates; 660 classes on promoting communication on and combating the harmful effects of drugs and HIV/AIDS prevention and control for 142,147 prisoners (See details in Appendix 1.3.b).

52. Viet Nam has issued a Project on organizing policy communication that has a major impact on society in the process of developing legal documents for the period 2022–2027. This is to ensure a close connection between law-making agencies with law enforcement organizations, law dissemination and education; and create favorable conditions for people, organizations, and businesses to give comments and criticisms to draft documents in the process of proposing policies and developing legal documents in a people-centered manner, strengthening democracy and promoting human rights and citizen rights in state governance and social management.

Clause 2

Update legal provisions to ensure that the right to freedom from torture is not violated even during a state of emergency or counter-terrorism

53. Paragraphs 60, 61, 62, 63 of the CAT 1 Report remain relevant. Paragraph 3 of Article 2 of the UNCAT and comment 12, recommendation 13 of the CAT Committee.

Update regulations related to the execution of orders of superiors in public agencies

54. The response in the Mid-term Report to comment 12 and recommendation 13c on the orders of superiors is still valid. Thus, the executor's exemption from liability is only applied if this person has reported to the commanding level before executing the order and is still required to do it (receiving the same order twice); at the same time, the exemption from liability is only applied to the armed forces in the performance of national defense and security duties, not otherwise.

Article 3 of the UNCAT and comment 38, recommendation 39 of the CAT Committee

Update deportation and repatriation regulations and practices

55. Deportation or repatriation is applied by the Court as the main penalty or additional penalty in each specific case, as stipulated in Article 37 of the PC 2015 and in Chapter VII of the LECJ2019, including provisions on the order and procedures, and the authority to execute the sentence of expulsion.

56. In addition, deportation is also a form of sanction for administrative violations specified in Article 27 of LHAV 2012. Viet Nam issued Decree no. 142/2021/ND-CP dated 31 December 2021 detailing such regulations, including Subjects of application, application procedures; rights and obligations of the person subjected to the penalty of deportation; and responsibilities of agencies and organizations in implementation. Viet Nam also promulgated a Law to amend and supplement a number of articles of the Law on entry, exit, transit and residence of foreigners in Viet Nam in 2019, in which Article 30 provides for forced exit.

57. The establishment of a national asylum system and the designation or establishment of a Governmental Authority responsible for receiving and processing the requests of asylum seekers should be based on the needs and practical situation of Viet Nam. Currently,

Viet Nam has no need to put in place a national refugee system and has not joined the 1951 Convention relating to the Status of Refugees and its 1967 Protocol, so there is no basis for integration into the country's legal system. However, Viet Nam has joined the Global Compact on Refugees (GCR-2018) and is studying the possibility of implementing this Agreement in accordance with the Vietnamese laws and conditions. In 2022, Viet Nam provided humanitarian assistance to 303 Sri Lankan citizens in distress at sea and continued to facilitate the efforts of the Office of the United Nations High Commissioner for Refugees (UNHCR) in carrying out screening and granting refugee status.

58. Viet Nam has ordered the deportation for 378 non-Vietnamese nationals via administrative procedures due to violations of immigration laws, and there have been no deportation cases related to torture. The People's Court of First Instance has imposed deportation penalties on 116 defendants.

Update regulations and practices on extradition

59. From 01 November 2018 to 31 December 2022, Viet Nam has signed 02 extradition treaties, both of which clearly stipulate that extradition requests will be refused if the Requested Party has reasonable grounds to believe that the requested person shall be subjected to torture and cruel, inhuman or degrading treatment or punishment in the Requesting Party.

60. 100% of extradition requests sent by Viet Nam to other countries feature Viet Nam's commitments that the person requested for extradition will not be subjected to torture or cruel, inhuman or degrading treatment or punishment. Viet Nam also requests that countries sending extradition requests to Viet Nam must also commit to the same content.

Update regulations and practices on transfer and return

61. Paragraphs 78, 79, 80, 81 of the CAT 1 Report remain valid.

62. The Prime Minister has issued a Plan for the Implementation of the UN Global Agreement on Legal, Safe and Orderly Migration, in which the Agreement calls for countries not to return migrants if they are at risk of torture (Goal No. 21).

63. From 01 November 2018 to 31 December 2022, Viet Nam signed 04 treaties on the transfer of sentenced persons, which clearly stipulate that transfer requests will be declined when there are grounds to believe that the sentenced persons may be subjected to torture, reprisal, cruel and inhuman treatment or punishment in the Receiving Party.

64. Viet Nam has transferred 10 persons from Viet Nam to other countries to continue serving sentences, and there has been no transfer case related to torture.

65. Update training/education for officers dealing with deportation, repatriation or extradition of foreigners.

66. Viet Nam pays attention to providing human rights training to public officials, particularly those in charge of executing deportation, repatriation or extradition work (See more Article 10). Viet Nam has organized 08 professional consular training courses for diplomats before going on postings at Vietnamese diplomatic missions, including regulations related to the handling of deportation, repatriation or extradition of foreigners.

Article 4 of the UNCAT and comment 8, recommendations 9 (Punishment for the crime of torture and impunity); comment 10 and recommendation 11 (Statute of limitations for criminal prosecution for the crime of torture); comment 12 and recommendation 13 (Complicity) of the CAT Committee

Update the provision that affirms all acts of torture as a crime under national criminal law in accordance with the concept in Article 1 of the Convention

67. The PC 2015 is still in effect. Therefore, paragraphs 84, 85, 86, 87, 89, and 90 of the CAT 1 Report and Response to comments 8 and 10 and recommendations 9a and 11 in the Mid-term Report are still valid.

68. Prohibition of torture is one of the principles stipulated in many different laws in the Vietnamese legal system: CPrC 2015 (Article 10); LECJ 2019 (Clause 8, Article 10); Law on Organization of Criminal Investigation Agencies 2015 (Clause 2, Article 14); and LDC 2015 (Clause 3, Article 4).

69. We would like to emphasize that the PC 2015 has increased the penalties for acts related to torture, especially in articles 373 and 374, specifically: The PC 1999 stipulates that the highest penalty for the crime of using corporal punishment is 12 years in prison and 10 years in prison for coercion. However, the PC 2015 stipulates that the maximum penalty for these two crimes is imprisonment from 12 to 20 years or life imprisonment.

70. According to the provisions of Clause 3, Article 27 of the PC 2015, the statute of limitations will not be applied in cases where a person who commits a crime related to torture deliberately fled and an arrest warrant has been issued, the time limit will be counted again when he/she turns himself/herself in or gets arrested.

71. Persons who commit crimes in general and crimes related to torture in particular, if they fall into one of the cases specified in Article 12 of the Law on Amnesty 2018, are not entitled to request amnesty.

Updates on liability for accomplices or participation in torture or related crimes

72. Paragraph 91 of the CAT 1 Report and Response to comment 6 and recommendation 7 on accomplices in the Mid-term Report are still valid. Thus, the person who is an accomplice or participate in a crime of a tortures nature and related crimes must be criminally responsible for his/her criminal act, depending on the nature and degree of involvement.

Updated regulations on disciplinary measures during the investigation of a torture case against law enforcement officers accused of committing acts of torture

73. Paragraphs 94, 97, and 98 of the CAT 1 Report and Responses to Recommendation 15c, 15d, and 15e in the Mid-term Report remain valid.

74. To prevent law enforcement officer from violating the law, all branches and sectors at all levels have issued regulations on codes of conduct, professional ethics and regulations on disciplinary action in the case of officials and public employees, civil servants, police, soldiers, and non-commissioned officers who violate the law and their professional rules, especially for doctors and medical staff.

75. Viet Nam has amended and supplemented regulations (i) on disciplinary actions to officials and civil servants, which has increased the disciplinary time up to 90 days and 150 days (previously 60 days and 90 days) and stipulated that the time limit for investigation, prosecution, and trial according to criminal proceedings shall not be included in the disciplinary time; and (ii) on publicizing the results of evaluation of cadres and civil servants in the workplace (Clause 3, Article 1 of the Law on amendments and supplements to certain articles of the Law on Cadres and Civil Servants and the Law on Public Employees).

76. The 2018 Law on People's Public Security stipulates that police officers, non-commissioned officers, soldiers and public security workers who commit disciplinary or legal violations shall, depending on the nature and seriousness of their violations, be disciplined administratively or prosecuted for criminal liability; if they have caused damages to the health and life of other people, property or lawful interests of agencies, organizations or individuals, they must compensate and reimburse according to the provisions of law (Clause 1, Article 44).

77. Viet Nam issued Circular No. 38/2022/TT-BCA dated 14 October 2022 regulating disciplinary action in the PPSF. Accordingly, all acts that violate the law; violate internal rules, regulations, working procedures, assigned responsibilities, tasks, and powers according to the provisions of law and MPS's regulations; violate provisions on responsibilities of officials and party members; violate the PPSF's code of conduct; violate the moral qualities and character of People's Public Security officers and soldiers are subject to disciplinary review and handling according to the law. Officers and soldiers are in the period of review and disciplinary action, but if they continue to work, it will be difficult to verify and conclude violations or they may continue to commit acts of misconduct. Violators will be temporarily

suspended from work; Officers and soldiers showing signs of violating criminal law are suspended from work to serve the investigation. Thus, if officers and soldiers show signs of committing acts of torture or violating crimes related to torture in the PC 2015, they will automatically be suspended from duties to serve the investigation conducted by the SPP.

Update statistics on the number of cases related to torture

78. The Court of First Instance does not accept any cases related to the crime of Obtainment of testimony by duress, or Bribing or forcing another person to give testimony or provide documents (Articles 374 and 384 of the PC 2015). The Court of First Instance has accepted 06 criminal cases against 15 defendants for the crime of using corporal punishments prescribed in Article 373 of the PC 2015, of which 05 criminal cases with 12 defendants have been tried, 01 case with 03 defendants pending trial.

79. Among these 5 trialed cases, the Court of First Instance issued verdicts finding 12 defendants guilty of using corporal punishment and sentenced the defendants to imprisonment for the following terms: 1 defendant for prison from over 7 years to 15 years; 3 defendants with prison terms from over 3 years to 7 years; 8 defendants with a prison term of 3 years or less.

Article 5

Updated measures to establish jurisdiction of Viet Nam

80. The PC 2015 and the Law on Organization of People's Courts 2014 remain in effect. Therefore, paragraphs 103 and 104 of the CAT 1 Report remain valid.

Update on possible measures to establish jurisdiction in the event of non-extradition of offenders to another country

81. Paragraphs 105, 106, 107, 108 and 109 of the CAT 1 Report remain valid. Thus, in case of refusal of extradition, Viet Nam is responsible for considering criminal prosecution or for enforcement of judgments and decisions of foreign courts at the request of foreign competent authorities.

Article 6

Updated Viet Nam's legal provisions related to the arrest and detention of foreigners or other measures to ensure the presence of foreigners accused of torture

82. Paragraphs 110 and 112 of the CAT 1 Report are still valid as the relevant Vietnamese laws remain in effect. The application of preventive measures to foreigners committing crimes on the Vietnamese territory is the same as for Vietnamese citizens committing crimes. In order to promptly prevent crimes or when there are grounds to prove that the accused will cause difficulties in the investigation, prosecution, adjudication, or will continue to commit crimes or to ensure the execution of judgments, competent procedural authorities and persons within their powers can implement measures of emergency custody, arrest, temporary detainment, detention, bail, residential confinement, exit restriction. Situations where arrest is applied include emergency custody, arrest of perpetrators of crimes in flagrante delicto; apprehension of wanted persons; apprehension of suspects and defendants for detention; arrest for extradition requests.

83. Competent agencies of Viet Nam can submit requests for the presence of witness testifiers, expert witnesses and persons serving criminal sentence abroad to foreign competent authorities for settling of a criminal case (Article 496 of the CPc 2015).

84. Viet Nam has issued Joint Circular No. 01/2020/TTLT-BCA-BQP-TANDTC-VKSNDTC dated 17 June 2020 stipulating the coordination relationship between MPS, MND, SPC, SPP in implementing the order and procedures for extracting prisoners from prisons, detention camps, detention houses; students who are serving educational judicial measures at reformatories leave the reformatories to serve the investigation, prosecution, adjudication and management and detention regimes for inmates, students during their extraction time; and Circular No. 47/2020/TT-BCA dated 15 May 2020 stipulating the

principles, order, procedures, authority, responsibility and coordination relationship when performing the task of arresting, escorting and extradition of the force in charge of judicial support in the PPSF, clearly defining responsibilities, processes and procedures between agencies.

Updated regulations related to procedures, order and competence to notify other countries; visit, consular contact

85. Paragraphs 112 and 114 of the CAT 1 Report remain still valid. Visits to foreign nationals held in custody or temporary detention shall be done in compliance with the provisions of Clauses 1, 2, 3 and 4, Article 22 of the LDC 2015. Consular contact with foreign detainees or arrestees is carried out in accordance with Decree No. 120/2017/ND-CP dated 06 November 2017 detailing some articles of the LDC 2015 (in Chapter IV). Contact with consulates and humanitarian organizations is also carried out according to international treaties to which Viet Nam is a member or according to international agreements or agreements on specific case between Viet Nam and the country where the person is citizen or between Viet Nam and humanitarian organizations. Contacts and visits may involve representatives of Vietnamese diplomatic agencies or representatives of the Viet Nam Red Cross Society (Clause 5, Article 22 of the LDC 2015).

86. On June 14, 2019, Viet Nam approved the LECJ 2019, which includes procedures for consular visits and contacts with prisoners in Article 53. Coordination between competent agencies in the holding Consular visits and contacts with prisoners and people sentenced to death as well as procedural instructions for foreign representative agencies are still implemented according to Joint Circular No. 03/2012/TTLT-BCA-BQP-BNG dated 13 February 2012 guiding the consular visit and contact for prisoners.

87. From 2019 to 2022, Viet Nam has arranged consular 1,428 visits and contacts for foreigners who are being detained, custody or serving imprisonments in Viet Nam (See details in Appendix 2). These visit and contact activities are only organized when all conditions of pandemic prevention and control are ensured and suitable with relevant regulations of Viet Nam. Viet Nam has flexibly arranged for diplomatic missions to do their consular contact online at some detention facilities during the period of Covid-19 in 2021.

Article 7

Update measures to ensure that if the person is not extradited, the case must be transferred to the competent authorities for prosecution

88. CPrC 2015 stipulates the handling of cases when refusal to extradite Vietnamese citizens as follows: competent Vietnamese agencies are responsible for considering and prosecuting criminal liability for these people at the request of a foreign competent authority (Article 498). At the same time, Article 499 of the CPrC 2015 also stipulates the sequence and procedures for considering and handling this matter.

89. To ensure the consideration of the extradition request or the enforcement of the extradition decision, the CPrC 2015 stipulates five preventive measures: arrest, temporary detainment, residential confinement, surety or exit restriction.

90. CPrC 2015 also stipulates the conditions for the execution of criminal judgments and decisions of foreign courts against Vietnamese citizens whose extradition is refused in Article 500 and the order and procedures for considering requests for enforcement of such criminal judgments and decisions of foreign courts in Article 501.

Updating measures to ensure fair treatment of suspects at all stages of the proceedings

91. Paragraphs 116, 118 of the CAT 1 Report remain relevant. Accordingly, everyone is equal before the law, regardless of ethnicity, gender, belief, religion, class and social status. A person suspected of committing acts of a torture nature enjoys the same rights as those suspected of committing other crimes.

92. Viet Nam upholds the principle that the court is independent and only obeys the law; the principle that the Court conducts collective trials and decides by majority; the principle

of public trial; the principle of ensuring equality of all citizens before the law; the principle of presumption of innocence; litigation principles; the principle of ensuring the accused person's right to defense; and the principle of ensuring equal rights before the Court.

93. Investigators, prosecutors, accused persons, defense counsel and other participants in the proceedings all have the rights in presenting evidence, evaluating evidence, and making requests to clarify the truth of the case.

94. The defendant has the right to present testimony and is not forced to present evidence against him or to plead guilty. The defendant has the right to inquire and request Court presidents to question courtroom participants with the Court president's consent; engage in oral arguments in court; The defendant has the right to see the minutes of the trial, to request amendments and supplements to the minutes of the trial.

95. From 01 January 2018 to 31 December 2022, Viet Nam provided legal aid to 162,628 people. Of which, in 2018, legal aid was provided to 50,547 people; in 2019, legal aid was provided to 37,139 people; in 2020, legal aid was provided to 24,566 people; in 2021, legal aid was provided to 22,799 people; and in 2022, legal aid was provided to 27,577 people.

Updated regulations on evidence

96. Paragraphs 121, 122, and 123 of the CAT 1 Report remain valid.

97. CPrC 2015 has made important innovations when it comes to providing evidence and proof, that is: the defense has the right to collect evidence, the accused has the right to present evidence; specifying how the defense will collect evidence; specifying responsibilities, order and procedures for the proceeding authorities to receive and evaluate evidences provided by participants; adding to the system of evidence sources: electronic data, property valuation results; specify the order and procedures for collecting and recovering electronic data in order to ensure the objectivity, integrity and verifiability of this particular type of evidence.

98. Viet Nam has organized many conferences, seminars, and training classes on electronic evidence in resolving criminal cases such as: 02 symposiums on "Skills for collecting, managing, using, and evaluating electronic evidence"; the training workshop on "Practical electronic evidence for Procuracy and Court officers"; the Conference on "Strengthening supervision of collection, evaluation and use of electronic evidence in resolving criminal cases"; the Conference on "Evidence as electronic data in human trafficking cases; and the Conference on "Electronic data evidence in criminal proceedings, some experiences from Japan".

Article 8

Updated legal framework of extradition in Viet Nam

99. Paragraphs 124 and 125 of the CAT 1 Report are still valid. See also Article 3 of this Report.

100. Viet Nam has signed 02 extradition treaties with Mongolia and Mozambique (See details in Appendix 3.1).

101. Viet Nam is studying the possibility of gradually withdrawing extradition-related reservations in multilateral international treaties to which Viet Nam is a state party. On 06 May 2022, the President of the Socialist Republic of Viet Nam ratified Decision No. 544/2022/QĐ-CTN withdrawing reservations of Article 36.2.b on the extradition of the 1961 Single Convention on Narcotic Drugs, amended by the 1972 Protocol, Article 22.2.b on the extradition of the 1971 Convention on Psychotropic Substances, and Article 6 on the extradition of the 1988 UN Convention against Illicit Traffic in Narcotics Drugs and Psychotropic Substances. Viet Nam is drafting a legislative act on extradition that is to be submitted to the National Assembly for approval in 2025.

Updated practice of handling extradition requests, including extraditing people who commit acts of torture

102. Viet Nam received 16 extradition requests from and sent out 29 extradition requests to other countries. Viet Nam has not received any request nor made any extradition requests pertaining to torture-related offences.

Article 9

Update the legal basis for mutual legal assistance in criminal matters in Viet Nam

103. See also Paragraphs 127 and 128 of CAT 1 Report.

104. Viet Nam has signed 04 treaties on mutual legal assistance in criminal matters with the Republic of Mozambique, Lao PDR, Japan and Uzbekistan (See details in Appendix 4).

Updated practice of handling requests for criminal legal assistance, including requests for criminal legal assistance related to torture

105. Viet Nam received and dealt with 442 mutual legal assistance requests in criminal matters from abroad and sent 1,558 mutual legal assistance requests in criminal matters overseas. Viet Nam has not received nor implemented any requests for criminal mutual legal assistance related to torture.

Article 10 of the UNCAT and comment 40, recommendation 41 of the CAT Committee

Updated legal regulations related to the dissemination and promulgation of legal normative documents and international treaties in general and related to torture in particular

106. Paragraph 130 of the CAT 1 Report and the Response to Comment 40 and Recommendation 41 of the Mid-term Report remain valid.

107. On 12 January 2018, Viet Nam issued a project to promulgate and disseminate to officials, civil servants, public employees and the people about the content of the UNCAT for implementation nationwide. On that basis, Vietnamese agencies have also issued a series of dissemination plans and projects related to the content of the UNCAT and the Vietnamese law on torture prevention and control such as: the Project on disseminating the content of the UNCAT to the PPSF in 2020.

108. On 14 September 2022, Viet Nam issued a Communication Project on human rights with the content of promoting information dissemination of international law on human rights for implementation nationwide, paying special attention to 07 Conventions being basic international human rights conventions to which Viet Nam is a member, including the UNCAT.

109. In particular, on 14 February 2023, Viet Nam issued Decision No. 87, in which the task to “Continue to strengthen popularization, dissemination, education and training about the UNCAT and the Vietnamese law on prevention of torture, about Viet Nam’s efforts and its achievements in implementing the UNCAT and appropriate recommendations of the CAT Committee” has received due attention.

110. In addition to in-depth plans and projects on the dissemination of the UNCAT, a number of Vietnamese ministries, agencies and localities have integrated the content of the UNCAT and the Vietnamese law on torture prevention and control into their plans and projects. Project popularization of documents with content directly related to the implementation of the UNCAT such as the PC 2015, the CPrC 2015, the LDC 2015, the LECJ 2019, and international treaties on human rights to which Viet Nam is a member.

Update training, promulgation and dissemination programs with content related to anti-torture conducted in practice

111. Viet Nam has organized hundreds of conferences, seminars, training classes, teaching programs, news, articles on the UNCAT and the Vietnamese law on prevention and control of torture through billboards, posters, radio, television and internet programs at the Government, ministerial, sectoral, and local levels and even with foreign partners for thousands of public officials and all people. The content of the UNCAT and Vietnamese law on torture prevention and combat have been regular disseminated along with newly promulgated legal documents, for example: PC 2015, CPrC 2015, LDC 2015, LSCL 2017, LECJ 2019, LC 2011, LD 2018, and the Law on legal aid and international treaties on human rights.

112. Regarding activities of publishing books, documents, teaching and disseminating programs:

- Viet Nam has completed the development of a set of documents to popularize and disseminate the contents of the UNCAT and the provisions of the Vietnamese law on prevention and combat of torture among cadres, civil servants, public employees and the people and publicly uploaded on the electronic information portal of ministries, branches and 63 localities (February 2020);
- Viet Nam has released 10,000 books titled “Viet Nam’s first national report on the implementation of the UNCAT” (2019) and a series of books on human rights such as: Protection of Children’s human rights by Viet Nam’s criminal law (2020), inmates’ rights and obligations under Viet Nam’s Criminal Judgment Execution Law (2021); Basic international documents on human rights; International mechanism for ensuring and promoting human rights; Mechanism to ensure human rights in Viet Nam; Laws and mechanisms to protect human rights in some countries around the world;
- Viet Nam regularly updates training curriculum, especially university training curriculum (Bachelor of Law), provides investigative skill training as well as updates subjects such as “Human rights in the contemporary world”, “Human rights and factors ensuring human rights”; Viet Nam is implementing a project to incorporate human rights content into the educational program in the national education system, including the right not to be tortured and the right to reparation. Up to now, Viet Nam has coordinated with the Netherlands to develop teaching and training materials on the UNCAT and sent such materials to training institutions for reference in the development of contents for relevant documents and textbooks.

113. The Ho Chi Minh National Academy of Politics is an institution for training and fostering high-ranking officials and civil servants of Viet Nam, and has integrated the content of the UNCAT into lectures in the subject of Vietnamese State and Law (specialized in topic 2: The relationship between national law and international law); International Public Law (belonging to the master’s training program) and a number of training and fostering topics at the Institute of Human Rights under the Ho Chi Minh National Academy of Politics. These are very practical activities, contributing to disseminating, popularizing and enhancing awareness of leadership and management staff at all levels about the content, spirit and values of the Convention.

114. Regarding training activities, conferences, seminars and talks: Viet Nam has organized hundreds of training classes, conferences, seminars, discussions, and competitions to learn about the UNCAT and Vietnamese law on torture prevention and control, notably:

- Viet Nam has cooperated with the Kingdom of the Netherlands to organize many training courses on the UNCAT for investigators, lecturers and legal rapporteurs in the PPSF; cooperated with UNODC to organize 01 conference and 01 training course on the UN’s Standard Minimum Rules for the Treatment of Prisoners (Nelson Mandela Rules), 02 conferences on security assurance and prevention extremist violence in detention facilities; in collaboration with the Global Fund to organize a conference on “Strengthening connectivity, examining HIV/AIDS prevention, care and treatment activities in prisons” for medical staff, doctors in detention facilities;

- Viet Nam organizes monthly press conferences to provide information on human rights and foreign affairs to press agencies, including many topics related to the UNCAT and Viet Nam's laws and practices on human rights; Organized a disseminating video contest for the UNCAT and Vietnamese law on torture prevention and control with 2,530 works and activities through theater; 03 conferences for about 500 reporters, newspaper editors, information and communication managers of the provinces on human rights, including the UNCAT. A group of 30 Vietnamese press reporters went on a field trip to write about ensuring the rights of inmates at Prison No. 6 (Nghe An Province).

115. Regarding press and communications: Viet Nam has opened many columns, posted hundreds of news, articles, and reports to propagate, disseminate, and answer laws related to the content of the UNCAT and Vietnamese law on preventing and combating torture in various forms. media, radio and television programs, and the internet, notably:

- Viet Nam has posted many reports and video clips on torture prevention and control such as: "Prisoners' rights" at: antv.gov.vn; "How two former district police officers used corporal punishment, leading to defendant's death" at: www.thanhnien.vn; "Z30D Detention Center police captain arrested for using corporal punishment" at: vtcnw.vn;
- Viet Nam has posted hundreds of news and articles on torture prevention and control such as: "Improving responsibility in implementing the UNCAT", "Viet Nam affirms its commitment to effectively implement the UNCAT", "IA of the SPP prosecuted and detained a prison guard officer of Z30D Prison". Many news and stories about compensation for damages, fighting against injustice, and the omission of criminals such as: "Fighting against injustice, wrongdoing, and omission of criminals is the number one request of every Procurator"; "Resolutely do not let criminals and do not unjustly blame innocent people"...

Update training, education, propaganda, and dissemination programs to ensure appropriate and respectful treatment for women, minors and ethnic, religious or other groups, contributing to the prevention of torture

116. The Prime Minister has approved the Project on facilitating information sharing and communication about ethnic and religious affairs, the National Target Program for socio-economic development of ethnic minority and mountainous areas in the period of 2021–2030, National action program for children for the period of 2021–2030. On the basis of this Project and Program, Viet Nam's ministries, branches and local authorities have developed the communication infrastructure, fostered communication skills for grassroot-level media personnel, produced and provided official documents written in Vietnamese and ethnic minority languages serving ethnic minorities; support the application of information technology for officials working in the political system at the grassroot level and reputable individuals in the community.

117. Viet Nam has organized hundreds of conferences, seminars, seminars, contests, and training classes for knowledge improvement, capacity building and experience sharing; Compiled, published, and posted books, communication materials, and teaching materials; news, articles, reports, columns on human rights including the right to combat torture of women, ethnic minorities and religious groups, including:

- Viet Nam has organized more than 800 contests, seminars, conferences, training sessions to provide information and integrate communication contents on child marriage, consanguineous marriage, gender equality, strengthening participation of women in ethnic minority areas with the participation of about 80,000 people; organized 02 seminars on "Improving the effectiveness of exercising power of prosecution, supervision and adjudication over cases of violence against women and girls";
- Viet Nam has released 08 columns on the Voice of Viet Nam to provide information about child marriage, consanguineous marriage, gender equality, and increase the participation of women in ethnic minority areas; columns providing information about the implementation of gender equality advocacy tasks in ethnic minority and

mountainous areas in the Ethnic Minorities and Development Newspaper; supplementary issues for communication and dissemination of law and policies in the Journal of Ethnic Minorities Research;

- Viet Nam has released more than 200,000 leaflets, flyers, posters providing information on gender equality and minimization of child marriage and consanguineous marriage; issued 1500 handbooks with information on the law on gender equality in ethnic minority areas; issued “Guidelines for officers of Vietnamese missions abroad on supporting Vietnamese citizens experiencing gender-based violence and trafficking” with specific notes and instructions for diplomats when engaging with and supporting citizens experiencing violence and trafficking, especially women, children and ethnic minority individuals, to minimize their vulnerability and prevent the risk of torture.

Article 11 of the UNCAT and Comment 16, Recommendation 17 (Basic legal protection measures); Comment 22 and Recommendation 23 (Inappropriate detention for members of ethnic minorities and religious communities); Comment 24 and Recommendation 25 (Pre-trial detention); Comment 30 and Recommendation 31 (Conditions of Detention); Comment 34 and Recommendation 35 (Monitoring of detention facilities) of the CAT Committee

Update the system of principles, directives, methods and practices as well as arrangements for detention and treatment of persons arrested, held in custody, held in detention, or imprisoned

118. Paragraphs 146, 149, 150, 153 of CAT Report 1 and Responses to Comment 16 and Recommendation 17; Comment 22 and Recommendation 23; Comment 24 and Recommendation 25 in the Mid-term Report remain valid.

119. Viet Nam amended the LHAV in 2020, in which the measure of “temporarily detaining people according to administrative procedures” is only applied in absolute emergencies according to the provisions of the law on handling administrative violations, with strict conditions, principles, and procedures, ensuring the true spirit of Clause 2, Article 14 of the 2013 Constitution (Article 122). The administrative detention house or administrative detention room must ensure lighting, airiness, hygiene and fire safety conditions... People detained overnight must be given beds, mats, blankets, and mosquito nets; the minimum sleeping area for each person is 2m².

120. Viet Nam has promulgated the LECJ 2019, which amended and supplemented many regulations to best ensure human rights in the process of serving sentences. Viet Nam has added regulations on the rights and obligations of prisoners (Article 27), in which prisoners have the following 10 groups of rights: (1) Have their lives, health, assets, and dignity protected and respected; be informed of their rights and obligations as well as regulations in places of detention; (2) Receive accommodations, clothes, personal care, health care as prescribed; send and receive letters, receive gifts, money; read books, newspapers, listen to the radio, watch television in conformity with regulations of the place where they serve the sentence; (3) Participate in physical exercise and sports activities, cultural and performing activities; (4) Be able to work, study and receive vocational education; (5) Meet and contact with relatives, representatives of agencies, organizations, and individuals; or have consular visits and contact in case of foreign inmates; (6) Conduct civil transactions as per the law by themselves or via their representatives; (7) Have their rights for complaints and denunciation ensured; request amnesty or claim damages as per the law; (8) Participate in voluntary social insurance, enjoy social insurance benefits as per the law; (9) Use prayer books, express religious belief and faiths as per the law; (10) Receive commendation upon their good behaviors during their serving time.

121. Viet Nam has supplemented regulations on arranging separate detention for inmates residing in prison with their children under 36 months of age, and inmates who are homosexual, transgender, and those whose gender are unidentified (Article 30 LECJ 2019). Thus, according to current regulations, a total of 07 subjects are held in segregation, including: female inmates; inmates under 18 years of age; foreign inmates; inmates suffering from a group A infectious disease according to the Law on Prevention and Control of Infectious

Diseases; inmates with signs of mental illness or other diseases that cause them to lose their cognitive ability or ability to control their behavior while waiting for the Court's decision; inmates residing in prison with their children under 36 months of age; inmates with regular violations of the regulations of imprisonment facilities, and 01 subject may be detained separately (homosexual inmates, transgender inmates, inmates whose gender is unidentified).

122. Viet Nam has supplemented regulations on community reintegration (Article 45 LECJ 2019), which stipulates reintegration tasks, funding, and security measures. The tasks to prepare for community reintegration include Psychological counseling, support for legal procedures; career orientation, job search; partial funding from the prison's Community Integration Fund. The State encourages agencies, organizations, units and individuals to create favorable conditions for and assist persons who have completed their prison sentences, those who are granted amnesty, or those who are released from prison ahead of time to reintegrate into the community by the following measures: Information-sharing, communication, education on community reintegration; vocational training, job provision and job-seeking support; psychological counseling and support in legal procedures; other supportive measures. State agencies have coordinated with Viet Nam Lawyers' Association, Youth Confederation, Women's Union, HIV/AIDS Prevention Center, Employment Service Center, local businesses... to provide community reintegration counseling and support for prisoners.

123. Viet Nam has added regulations to solve difficulties and obstacles in the practice of prison sentence execution related to regulations on postponement of serving prison sentences; reduction of imprisonment term; temporary suspension of the serving of prison sentences; inmate transfer; management and detention of inmates. Accordingly, the amended and supplemented articles are prescribed in a more specific manner, contributing to solving difficulties and problems from the actual implementation of the above regulations.

124. After the LECJ 2019 had been issued, Viet Nam issued dozens of guiding instruments on the regulations of the LECJ 2019 (See details in Appendix 1.1.d). Many regulations on preventing and punishing acts related to torture stated in the recommendations of the CAT Committee have also been specified in these documents, especially: (i) Decree of Government on database on execution of criminal judgments, including regulations on building, collecting, storing, processing, protecting, exploiting, and using the database on criminal judgment execution; responsibilities and powers of relevant agencies, organizations and individuals in developing, managing and using the database on criminal judgment execution; (ii) Circular of the Minister of MPS regulating forms and records on the execution of prison sentences, enforcement of educational judicial measures at reformatories, monitoring and management of people in accommodation establishments; (iii) Circular of the Minister of MPS regulating standards and norms of medical equipment at medical facilities for medical examination and treatment for prisoners, inmates and detained persons.

125. Many regulations on executing criminal judgments in the community, on implementing judicial measures of education at reformatories, on implementing administrative measures of sending people to compulsory educational establishments... have also been drafted and amended Viet Nam, including: The Government's Decree stipulating the application of administrative measures of sending violators to reformatories and compulsory education establishments; Circular of the Minister of MPS stipulating the execution of criminal judgments in the community; Circular of the Minister of MPS stipulating the enforcement of educational judicial measures in reformatory schools.

126. Viet Nam has established a National Steering Committee for COVID-19 Prevention and Control, developed and promulgated plans and programs for pandemic prevention and control, and provided guidance on quarantining and treating people in close contact and Covid-19-infected cases, guidelines for pandemic prevention in the new situation; set up checkpoints to measure body temperature at prison gates, sprayed disinfectant in all relevant areas, and provided masks and antiseptic hand sanitizer. In addition to implementing pandemic prevention and control measures, vaccination is also a very important measure. Accordingly, all resources have been mobilized to vaccinate officers and soldiers in the establishment, custodians, detainees and prisoners; established temporary medical isolation areas for officers and soldiers, temporary medical isolation areas for custodians, detainees

and prisoners. As a result, nearly 100% of the detainees received the 3rd vaccine shot, the 4th dose injection coverage was 46.3%.

127. Viet Nam has organized examinations and given medicine to 20,892,742 prisoners; provided on-site treatment at the infirmary for 251,910 prisoners; provided hospital treatment for 17,594 prisoners.

128. During this time, Viet Nam also provided 17 books, including 09 scriptures, 08 religious publications with 4,418 copies, for use in 54 prisons, meeting the needs of using scriptures, religious books and publications of prisoners who are dignitaries and religious followers.

Update regulations on professional ethics codes of relevant sectors

129. Paragraphs 161 and 162 of the CAT 1 Report remain valid. See also Clause 1, Article 2 of the CAT 2 Report.

130. Viet Nam has continued to amend, supplement and promulgate a series of new documents regulating professional ethics in fields at risk of torture, notably: Professional conduct of legal counseling; Code of conduct for officials, civil servants, and public employees in the inspection sector and officials, civil servants receiving citizens; Code of conduct for officials, civil servants and employees of the PP; Code of ethics and professional conduct for Vietnamese lawyers; Regulations on communication culture and behavior of officers and soldiers working with prisoners and prisoners' relatives. Previously, in 2018, the National Judge Supervision and Selection Council issued the Code of Ethics and Conduct of Judges. Article 10 of this Code prohibits Judges from forcing or coercing suspects, defendants, litigants, other participants in proceedings and those conducting proceedings to provide documents, declare and present information that is not objective or truthful. The regulations are intended to ensure that lawyers, doctors, and family members are promptly notified, approached, and informed by consular authorities in cases of foreign nationals.

131. Paragraph 169 of the CAT 1 Report and the Response to Comment 16 and Recommendation 17a of the Mid-term Report remain valid. See also Article 6 of this Report on consular notifications. Viet Nam always promptly notifies foreign representative agencies in Viet Nam when there are incidents related to their citizens such as accidents, arrests, trials, completion of prison sentences... to take support measures when necessary. Independent agencies or mechanisms are established to inspect and monitor prisons and detention facilities.

132. Paragraphs 173, 174, 175, 176, 177 of the CAT 1 Report and Responses to Recommendations 17c and 25, Comment 34 and Recommendation 35b of the Mid-term Report remain valid. Viet Nam has established a system of different inspection and supervision mechanisms that are independent, effective, regular and extraordinary applied to all detention facilities, including: the National Assembly, the National Delegation Congress, National Assembly Delegates, Judicial Committee of the National Assembly, Viet Nam Fatherland Front, Inspection Agency, Press and media agencies, and especially with regular, continuous, direct and comprehensive control from the Procuracy at all levels.

133. Viet Nam has organized many delegations to inspect, supervise, monitor and directly survey the law enforcement work at detention facilities. MPS Inspectors conducted 31 inspections related to detention, temporary detention, criminal judgment execution and community reintegration with 32 inspected subjects; 03 Working Groups paid survey visits to prisons, Detention camps and reformatories in three regions: the North, the Central, and the South. The Judiciary Committee of the National Assembly conducted 06 working groups to directly survey the observance of the legal provisions on the execution of prison sentences in 07 prisons under the MPS; Working delegations worked directly at reformatories and compulsory education establishments. The MND paid 120 inspection, supervision and monitoring visits to prisons and detention camps. During the implementation process, no cases related to torture were discovered. In 2023, MPS Inspectorate continued to carry out inspections with 09 inspections in 12 units with 02 topics "Inspecting some aspects of the work of MPS Prisons" and "Inspecting management and enforcement of custody, temporary detention and investment in the construction of detention facilities in the PPSF".

Update legal regulations and actual conditions of detention facilities

134. The response to Comment 30 and Recommendation 31 on detention conditions in the CAT 1 Mid-term Report remains valid.

135. Viet Nam has paid special attention to investing, repairing, upgrading, and improving facilities and technical equipment to serve the work of state agencies, especially agencies that directly resolve complaints and denunciation, investigate, prosecute, adjudicate, enforce custody, temporary detention, and execute criminal judgments.

136. Viet Nam has approved and implemented the Master Project on investment in construction, renovation and upgradation of detention houses and detention camps under the management of MPS in 2018; approved a number of construction, renovation and upgrading projects for 134 district-level Police detention houses; 13 detention centers belonging to police units and local authorities in 2019 and 2020; approved the Master project on investment in construction of temporary detention houses, detention centers and prisons under the management of the MPS in 2021, including the investment project for detention centers under 25 police departments of central municipalities; investment projects for 84 temporary detention houses belonging to 37 MPS Departments of central municipalities. At the local level, 100% of the Police of provinces and central cities carry out activities to renovate, upgrade, repair, and perfect facilities and technical equipment for professional service at local authorities' prisons, detention camps, detention houses, compulsory education establishments, reformatories.

137. Viet Nam has focused on developing technical infrastructure for audio or video recording during interrogation of the accused, therefore, contributing to preventing acts of torture. Viet Nam has approved the project on developing facilities, apparatus, staff and roadmaps for audio recording or video recording the interrogation of the accused in accordance with the provisions of the CPrC 2015; approved in principle the investment in the project "Developing material and technical infrastructure for audio recording and video recording in accordance with the provisions of the CPrC 2015". Based on the approved projects and policies, Viet Nam has completed the installation of built-in audio and video recording equipment in 204 interrogation rooms nationwide, and established 25 monitoring and data storage rooms at 25 detention camps and detention houses; equipped thousands of audio and video recording equipment sets and CD/CVC storage cabinets for police departments and local police forces.

Monitoring mechanisms of officials responsible for interrogating and guarding detainees

138. Paragraphs 181, 182, 183, 184 of the CAT 1 Report remain valid.

Article 12*Update regulations on fair and expeditious investigation when there is reason to believe that an act of torture or cruel, inhuman, or degrading treatment or punishment has been committed*

139. Paragraphs 186, 187, 188 of the CAT 1 Report are still valid.

Update the organizational structure, functions, mandates and authorities of Viet Nam's litigation agencies and related data

140. Paragraphs 190, 191, 192, 193 of the CAT 1 Report remain valid.

141. The IA of the SPP has the authority to investigate crimes infringing on judicial activities, crimes related to corruption and power positions specified in Chapter XXIII and Chapter XXIV of the PC 2015 that occurred during judicial activities in which the offender was officers and civil servants of the IA, People's Court, the PP, judgment enforcement agencies, and persons with authority to conduct judicial activities when such crimes fall under the jurisdiction of the People's Court, including investigation of related crimes to torture such as: Use of corporal punishment (Article 373), Obtainment of testimony by duress (Article 374), Bribing or forcing another person to give testimony or provide documents (Article 384). If those crimes fall under the jurisdiction of the Military Court, the IA of the Central Military

Procuracy will investigate those crimes (Clause 2, Article 31 of the Law on Organization of Criminal Investigation Agencies 2015).

Update procedures and measures that may be applied for suspects and victims during the investigation

142. Section 195 of the CAT 1 Report remains valid.

143. On October 10, 2019, Circular No. 46/2019/TT-BCA was issued, stipulating the responsibilities of the PPSF in implementing the provisions of the CPrC 2015 related to ensuring the defense rights of a person held in custody in case of emergency, a person arrested in the act or under a wanted decision, a person held in custody or a suspect; protecting the legitimate rights and interests of victims, relevant parties, denounced persons and persons proposed for prosecution.

144. On May 25, 2021, Circular No. 03/2021/TT-BTP was issued which amended and supplemented a number of articles of Circular No.08/2017/TT-BTP dated November 15, 2017 of the Minister of MOJ detailing a number of articles of the Law on Legal Aid and guiding documents in legal aid activities; Circular No. 12/2018/TT-BTP dated August 28, 2018 of the Minister of MOJ guiding a number of legal aid professional activities and quality management of legal aid cases.

Update the reasons for prosecution of a case according to Vietnamese law

145. Section 196 of the CAT 1 Report remains valid.

146. The CPrC 2015 has revised the regulations on prosecuting criminal cases at the request of victims (Article 155). Accordingly, criminal cases regarding crimes specified in Clause 1, Articles 134, 135, 136, 138, 139, 141, 143, 155 and 156 of the PC 2015 can only be initiated at the request of the victim or the representative of a victim under 18 years old, a victim with mental or physical weakness, or a deceased victim. In case the person who filed for prosecution withdraws the request, the case must be discontinued, except in cases where there are reasons to determine that the requesting person withdrew the prosecution request against their will due to coercion. In such cases, although the person who requested the prosecution has withdrawn the request, the People's Court, the PP, and the People's Court will continue to conduct proceedings for the case. The victim or the victim's representative who has withdrawn the request for prosecution does not have the right to request again, except in cases where the request is withdrawn due to coercion.

Data and summary, evaluation of some prominent cases related to torture

147. The investigation, prosecution and trial of torture-related acts are considered and handled by the IA of the SPP, IA of the Central Military Procuracy and the competent People's Courts at all levels in a strict and public manner in accordance with the provisions of law.

148. The Court of First Instance does not accept any cases related to the crime of Obtainment of testimony by duress, Bribing or forcing another person to give testimony or provide documents (Articles 374 and 384 of the PC 2015). The Court of First Instance has accepted 06 criminal cases against 15 defendants for the crime of using corporal punishment prescribed in Article 373 of the PC 2015, of which 05 criminal cases have been tried against 12 defendants, 01 case has yet to be tried with 03 defendants (See also Article 4 of CAT 2 Report and Appendix 7).

Summary of information about some typical cases

149. Around 7:00 a.m. of 14 March 2018, inmate Cam Van Chun, while assigned to labor duties, consumed alcohol, resulting in a breach of prison regulations that was filed in his record. Later that morning, at 10:45 am, as Cam Van Chun and fellow inmates were returned to Thanh Xuan Prison. It was observed by Nguyen Van Bao, officer of the Prison that Cam Van Chun displayed signs of intoxication. When cautioned by Nguyen Van Bao, Cam Van Chun responded incoherently with disrespect. In response, Nguyen Van Bao gave Chun a slap on the left cheek, causing Chun to stumble backwards and strike his head against the

ground, leading to back head injury and subsequent bleeding. Can Van Chun was transported to Ha Dong General Hospital for medical intervention but succumbed to his injuries at approximately 5:55 a.m. on 16 March 2018. In the judgment of the First Instance Criminal Court, No. 37/2018/HSST dated 14 November 2018 Nguyen Van Bao was convicted and sentenced to nine years of imprisonment for the offence of “Using corporal punishment.” Additionally, Nguyen Van Bao provided compensation amounting to 115,000,000 VND to the victim’s family in recognition of civil liability.

Article 13

Update provisions of Vietnamese law on the right to complain and denounce and measures to protect complainants, denouncers and witnesses

150. Paragraphs 201, 203, 205, 206 of the CAT 1 Report remain valid.

151. Viet Nam has issued the LD 2018 to replace the LD 2011 to create a more comprehensive and complete legal basis for exercising the right to denounce and protect whistleblowers. This law has added provisions on anonymous denunciations in Article 25; shortened the procedure for resolving denunciations (from 05 steps to 04 steps) in Article 28; shortened the time to resolve denunciations in Article 30; and especially provided clear regulations on protecting whistleblowers from Article 47 to Article 58. Accordingly, protecting whistleblowers means protecting the confidentiality of whistleblowers’ information; protect the work positions, jobs, lives, health, property, honor and dignity of the whistleblower and of his/her wife, husband, biological father, biological mother, adoptive father, adoptive mother, biological children and adopted children. When there is evidence that the work position, job, live, health, property, honor, dignity of the whistleblower or of his/her wife, husband, biological father, biological mother, adoptive father, adoptive mother, biological or adopted children are being abused or are at immediate risk of being abused or are being oppressed or discriminated against due to the denunciation, the person handling the denunciation and other competent agencies must apply necessary protective measures.

152. The LD 2018 also defines more clearly the rights of whistleblowers, notably the right to be notified of the acceptance or non-acceptance of the denunciation, the transfer of the denunciation to competent agencies, organizations, and individuals to resolve, the extension of the deadline for resolving denunciations, the suspension and the temporary suspension of denunciation settlement, the continuation of resolving denunciations, the conclusion of denunciations, the withdrawal of denunciations; clearly stipulates the form of denunciation, reception, and initial processing of denunciation information to support individuals when exercising their right to denounce.

153. After the LD 2018 had been issued, Viet Nam issued a series of specialized guiding documents, notably: Decree regulating denunciations and denunciation settlement in the PPSF and in the PA; Circular of the Government Inspectorate regulating the process of handling complaints, denunciations, petitions and reports; The Circular of the Minister of MPS regulating the authority, order, procedures, and measures to protect the lives, health, property, honor, and dignity of those who denounce acts of corruption and waste; Circular of the Minister of Home Affairs regulating the authority, order, procedures, and measures to protect the work position of whistleblowers who are officials, civil servants, and public employees.

154. Viet Nam also issued Decree No. 124/2020/ND-CP dated October 19, 2020 on a number of articles and measures to implement LC 2011 including: forms of complaints, order and procedures for resolving complaints and handling violations.

Update data on complaints and denunciations related to torture; summarize some specific past incidents and the effectiveness of the above regulations

155. Viet Nam pays due attention to receiving and handling reports, accusations, complaints and denunciations related to torture. During the reporting period, Viet Nam received, processed, resolved and issued responses to 13 complaints and denunciations related to torture (see details in Appendix 8).

156. Mr. NVK accused Mr. LTL, LQL, NHT, NTH... of obtaining confession by duress and using corporal punishment on Mr. NTK (Mr. NVK's son), leading to a broken finger and serious health deterioration on 25 February 2019 at H District Police, H City. Regarding this matter, the H District Police, H City verified and concluded that there is no basis to reach a conclusion and issued a Notice to the accuser regarding this result. To date, no more complaints or denunciations have been received from the accuser regarding the above incident. The police of HBT district, Hanoi city have verified and concluded that there is no basis for this conclusion and issued a Notice to the whistleblower about this result. To date, no more complaints or denunciations have been received from the accuser regarding the above incident.

157. Mr. NMT accused the T District Police, Q province, of arresting Mr. NMT on March 13, 2020, then using corporal punishment to force him to confess committing a crime. In response, the Q Provincial Police issued Document No.3077 dated October 15, 2020, that Mr. NMT has withdrawn all denunciations.

Article 14

Update the legal framework for remedies and compensation for victims of torture

158. Paragraphs 212, 213, 215, 217, 218, 219, 222 of the CAT 1 Report remain valid.

159. Viet Nam issued LSCL 2017 to protect the rights of victims in case they suffer from damage caused by people performing their official public duties. Viet Nam also issued a Decree No. 68/ND-CP dated May 15, 2018 detailing a number of articles and measures to implement the LSCL 2017; Circular No. 04/TT-BTP dated May 17, 2018 on a number of forms in State compensation and many documents of direction and guidance such as: Instruction No. 34/HD-VKSTC dated October 25, 2019 guiding "The management of resolving damage compensation claims in criminal proceedings under the responsibility of the PP"; Directive No.08/CT-VKSTC dated November 26, 2021 on "Strengthening the responsibility of managing the settlement of damage compensation claims in criminal proceedings under the responsibility of the PP".

Update Viet Nam's reintegration programs for victims of torture

160. Paragraph 226 of the CAT 1 Report remains valid.

Update information and data on redress and compensation for victims of torture

161. Viet Nam has compensated victims of torture-related acts in accordance with the law. Accordingly, in 05 cases brought to trial related to the crime of using corporal punishment, the criminals compensated the victims and the victims' families with a total amount of: 337,820,000 VND (See details at Appendix 9).

Article 15 of the UNCAT and Comment 28, Recommendation 29 of the CAT Committee

Update regulations to ensure information/reports as a result of torture will not be used as evidence in any legal proceedings, unless used as evidence against a person accused of carrying out torture

162. Paragraphs 121, 122, 123, 229 of the CAT 1 Report and Responses to Comment 28 and Recommendation 29 in the Mid-term Report are still valid. Thus, the testimonies obtained as a result of torture will not be accepted, has no legal value and cannot be used as a basis for settling criminal cases.

Article 16

Update on regulations on preventing acts of cruel, inhuman or degrading treatment or punishment that do not amount to torture as defined in Article 1 of the Convention

163. Paragraphs 232, 233 of the CAT 1 Report remain valid.

III. Additional information to the CAT committee's comments and recommendations (not mentioned in the Midterm Report)

164. Closely following the appropriate recommendations of the CAT Committee, Decision No. 87 has assigned Viet Nam's ministries, branches and local authorities to strengthen and promote the effective implementation of the recommendations by specific activities such as to review and evaluate the compatibility in the process of developing legal documents; continue to propagate, disseminate information and provide training on the Convention.

165. MOJ presides over the implementation of Recommendation 7 on the definition and criminalization of torture in national law in section A.II.1 of the Appendix attached to Decision No. 87.

166. SPC presides over the implementation of Recommendation 29 on not accepting testimony obtained as a result of torture in section A.II.2.1 of the Appendix attached to Decision No. 87.

167. Vietnamese ministries, branches and agencies implement Recommendation 31 on upgrading, renovating, repairing and improving detention conditions in sections B.I and B.II of the Appendix attached to Decision No. 87.

168. MOJ and MPS preside over the implementation of Recommendations 17, 21, 31 on basic legal protection measures in section B.III of the Appendix attached to Decision No. 87.

169. The SPP presides over the implementation of Recommendations 17 and 42 on complaints in section B.IV of the Appendix attached to Decision No. 87.

170. The SPP and the SPC preside over the implementation of Recommendations 15, 21, 23, 29 on investigation, prosecution, and trial in the section B.V of the Appendix attached to Decision No. 87.

171. All relevant Vietnamese ministries, branches and agencies implement Recommendations 17, 21, 25, 35 on inspection, examination and supervision of detention facilities in section B.VI of the Appendix attached to Decision No. 87.

172. MOJ and the Ministry of Labor, War Invalids and Social Affairs assume the prime responsibility for implementing Recommendations 15 and 21 on compensation and support for victims of torture in section B.VII of the Appendix attached to Decision No. 87.

173. The MPS, MOJ, SPC and SPP preside over the implementation of Recommendations 21 and 42 on collating information and data related to torture in Sections B.VIII and B.IX of the Appendix attached to Decision No. 87.

174. All relevant ministries, branches and agencies of Viet Nam must implement Recommendations 19, 21, 41, 49 on propaganda, information dissemination, education, and training on the UNCAT in section C of the Appendix attached to Decision No. 87, which focuses on the following 8 main groups of activities: (i) Develop propaganda plans and schemes; (ii) Organize propaganda activities; (iii) Complete the set of propaganda materials for the public; (iv) Complete the set of training materials for propagandists and rapporteurs; (v) Develop a set of teaching materials on anti-torture in training institutions; (vi) Diversify forms of propaganda; (vii) Strengthen communication about Viet Nam's efforts to implement the UNCAT; (viii) Promote the dissemination of the contents of Decision No. 87.

IV. Conclusion

175. Viet Nam's policy perspectives on and commitments to the implementation of the Convention.

176. Viet Nam has set out a vision and orientation for national development in the period of 2021–2030, which defines the goal of building and improving a law-governed socialist state, improving people's lives and rights for the people as well as promoting and protecting human rights in Viet Nam.

177. Viet Nam has been and will continue to pay attention to, direct and carry out the work of ensuring human rights, especially in rigorously implementing the UNCAT and the other basic human rights conventions of which Viet Nam is a member.

178. The effective participation and implementation of the UNCAT also affirms Viet Nam's consistent policy in respecting, protecting and promoting human rights as well as creating a basis for increased dialogue and exchange with other countries and international human rights organizations.

179. Summary of some difficulties and challenges in the process of implementing the UNCAT and appropriate recommendations of the CAT Committee.

180. In addition to the serious impact of climate change and natural disasters, the COVID-19 pandemic has created great pressure on Viet Nam's socio-economy, deeply affected all aspects of social life, as well as the Government's efforts in ensuring human rights of the people, especially vulnerable groups and detained persons.

181. Viet Nam also acknowledged that a number of technical difficulties and challenges as recommended by the Committee are macro, long-term, and inter-sectoral in nature, requiring careful research and a suitable implementation roadmap with appropriate considerations of the actual situation and conditions of the country.

182. Viet Nam still has a number of internal problems that need to be addressed: the organizational structure and public officials, especially grassroot-level officials, have certain limitations in capacity and awareness that hinder their fulfillment of requirements of some new situations; the coordination between relevant ministries and branches in the development of legal documents on human rights and anti-torture has not been timely and rigorous, causing prolonged drafting processes and reduced content quality.

183. Viet Nam is promoting the execution of criminal sentences in the community and community reintegration, but there are still some limitations so the coordination to carry out responsibilities and powers in supporting people in need is yet to be effective and the synergy of the political system and the participation of the community in this work has not yet fully mobilized.

184. The development of science and technology has a direct impact on all aspects of social life, but it also affects people's privacy and personal rights. Uneven public awareness, educational level and access to science and technology applications is one of the hinderances to communication of human rights protection, especially in cyberspace.

185. The sense of compliance with the law of a part of the public also significantly affects the implementation of the law and the implementation of the Convention, not only affecting people in using their rights but also challenging state agencies in developing and implementing policies to improve people's material and spiritual lives and ensure people's rights according to international conventions on human rights.

Direction of implementation of the UNCAT and recommendations of the CAT Committee in the coming time

186. Continue to promote and effectively implement the tasks and requirements stated in the UNCAT Implementation Plan; Propaganda and information dissemination Project among officials, civil servants, public employees and the people about the content of the UNCAT and Vietnamese law on torture prevention and combat, especially on the Decision No. 87.

187. Continue to organize and diversify forms of propaganda, information dissemination, education and training on the UNCAT and Vietnamese law on torture prevention and combat as well as on the appropriate recommendations of the CAT Committee for officials, soldiers, civil servants, public employees and the people.

188. Conduct screening, preliminary reviews, final reviews, and assessments of the implementation of Vietnamese legal regulations and the provisions of the Convention and the requirements of the CAT Committee to compile statistics on gaps and inadequacies of the relevant laws, especially the provisions in the PC 2015, CrPC 2015, LDC 2015, LECJ 2019, LC 2011, LD 2018, LSCL 2017, thereby proposing competent authorities to consider amending, supplementing or promulgating new legal documents to enhance the

compatibility of Vietnamese law with the provisions of the UNCAT and appropriate recommendations of the CAT Committee; and at the same time ensuring the comprehensiveness, objectivity and fairness in judicial activities.

189. Strengthen training activities for judicial officers, especially investigators, procurators, investigation officers on prevention of torture and other forms of cruel, inhuman or degrading treatment or punishment in the performance of judicial activities.

190. Continue to strictly, publicly and transparently implement legal regulations on reception and handling of information, complaints and denunciations; investigation, prosecution, trial; enforcement of custody and temporary detention; execution of criminal judgments; compensation for damages, especially cases related to torture, forced confessions, use of corporal punishment, causing death while performing official duties, causing injury or harming the health of others while performing official duties, bribing or forcing others to give out or provide documents.

191. Promote regular, periodic or irregular inspection, testing, guidance, monitoring, survey and evaluation of law enforcement by functional units of ministries, branches and local authorities to combat torture, especially cases with signs of injustice and wrongdoing; cases involving suspects and defendants who are former officers, soldiers, civil servants, and public employees prosecuted for acts of torture, forced confession, use of corporal punishment, causing death while performing official duties, causing injuries or damaging the health of others while performing official duties, bribing or forcing others to give out or provide documents.

192. Strengthen coordination in implementing the UNCAT and Vietnamese law on torture prevention and control among ministries, branches and local authorities, ensuring harmony and consistency.

193. Continue to research, invest, repair, upgrade and improve facilities and technical equipment to serve the functioning of state agencies, especially citizen reception headquarters; prisons, detention centers, custody houses, compulsory education establishments, reform schools; equipment for storage of personal records, medical records and medical examination and treatment for detained persons. Strengthen the application of science and technology in judicial activities to better protect human rights as well as prevent and punish acts of torture and other forms of cruel, inhuman or degrading treatment or punishment.

194. Proactively promote and strengthen international cooperation activities, diversify forms and contents of cooperation. Especially strengthen international cooperation in exchanging experiences, training and fostering capacity building on torture prevention and control.

V. Appendix (data from November 1, 2018, to December 31, 2022)

- Appendix 1 (regarding the implementation of Article 2);
- Appendix 2 (regarding the implementation of Article 6);
- Appendix 3 (regarding the implementation of Article 8);
- Appendix 4 (regarding the implementation of Article 9);
- Appendix 5 (regarding the implementation of Article 10);
- Appendix 6 (regarding the implementation of Article 11);
- Appendix 7 (regarding the implementation of Article 12);
- Appendix 8 (regarding the implementation of Article 13);
- Appendix 9 (regarding the implementation of Article 14);
- Appendix 10 (Plan to enhance effective implementation of the UNCAT and appropriate recommendations of the CAT Committee, issued together with Decision No. 87/QĐ-TTg dated February 14, 2023, of the Prime Minister).