

# VIETNAM AND THE IMPLEMENTATION OF INTERNATIONAL COMMITMENTS AND OBLIGATIONS ON HUMAN RIGHTS

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## ABSTRACT

*This original research paper's aim is to analyze and evaluate Vietnam's implementation of international commitments on human rights enshrined in international human rights treaties to which Vietnam is a state party, especially the obligation of fulfilling these commitments recommended by the United Nations Human Rights Council through its Universal Periodic Review mechanism for the promotion and protection of human rights worldwide. The paper points out the major obligations of which the state party shall be followed, as well as to identify the Vietnamese state's achievements in implementing, respecting for, fulfilling the human rights for all through analyzing Vietnam's measures in legislative, executive and judicial reforms in order for establishing a more effective, efficient mechanism for protection and promotion of those international commitments. The paper also proposes several better solutions to realize international human rights, of which include the reforming of Vietnam's legal, judicial and executive institutions. Especially, reforming the existing mechanisms for the implementation of human rights in Vietnam today, including the establishment of an independent national human rights institution.*

**Keyword:** Human Rights Treaties, International Commitments, Obligations, Universal Periodic Review, Vietnam.

## INTRODUCTION

### Overview of Vietnam's Membership to International Human Rights Treaties and Her Obligations

#### Vietnam and international human rights treaties

Protecting human rights has always been a consistent and top priority policy of the State of Vietnam. Vietnam has signed, ratified or acceded to more than 10 basic international human rights instruments so far (see table below). At the same time, Vietnam has been actively internalizing them into the national legal system that are respected, protected and implemented with constant progresses and achievements.

<b>Table 1</b> <b>INTERNATIONAL HUMAN RIGHTS TREATIES TO WHICH VIETNAM IS A STATE PARTY</b>			
<b>No.</b>	<b>Convention name</b>	<b>Date of adoption by the UN</b>	<b>Date of ratification / accession by Vietnam</b>
<b>1.</b>	International Covenant on Civil and Political Rights	16/12/1966	24/09/1982
<b>2.</b>	International Covenant on Economic, Social and Cultural Rights	16/12/1966	24/09/1982
<b>3.</b>	The UN Convention on the Rights of the Child	20/11/1989	28/02/1990
<b>4.</b>	Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW);	18/12/1979	17/02/1982
<b>5.</b>	International Convention on the Elimination of All Forms of Racial Discrimination	21/12/1965	09/06/1981
<b>6.</b>	International Convention on the Suppression and Punishment of the Crime of Apartheid	30/11/1973	09/06/1981
<b>7.</b>	Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes Against Humanity	26/11/1968	06/05/1983
<b>8.</b>	Convention on the Prevention and Punishment of the Crime of Genocide	09/12/1948	09/06/1981
<b>9.</b>	Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict	25/05/2000	20/12/2001
<b>10.</b>	Optional Protocol on the Trafficking of Children, Child Prostitution and Pornography	25/05/2000	20/12/2001
<b>11.</b>	Convention on the Rights of Persons with Disabilities	13/12/2006	28/11/2014
<b>12.</b>	The UN Convention against Torture	10/12/1984	28/11/2014

### **Vietnam's obligations to comply with international commitments and recommendations on human rights**

After concluding, ratifying or acceding to an international human rights convention, a member state is obliged to fully, conscientiously and in good faith implement the contents set out in such international treaty, or its political and legal commitments and statements, especially with regard to international treaties – an instrument that is international legally binding for member states. The performance of obligations derived from a convention or international treaty is a mandatory requirement of accession to an international convention. Hereunder are the obligations Vietnam needs to fully implement as a member of international human rights conventions (Dang & Hoang, 2014).

Firstly, internalizing international conventions into the national legal system: This obligation includes the incorporation of principles and norms of conventions into the legal system of Vietnam. For instance, with respect to International Covenant on Civil and Political

Rights, Vietnam has continuously internalized those rights into the national legal system. Constitutions of 1992 & 2013, Civil Code 2005 & 2015; Law on Criminal Procedure 2003 & 2015; Penal Code 1999 & 2015; Law on Complaints and Denunciations 1998, Press Law 1989 & 2016; Law on Vietnamese Nationality 1998, Marriage and Family Law 2000, 2014; Law on Access to Information (2015), Law on Anti-Corruption, Law on Reception of Citizen, Law on Civil Status 2016, ... have clearly demonstrated efforts to implement commitments of the Government of Vietnam. The contents of International Covenant on Economic, Social and Cultural Rights were included in the Constitution 1992, the & 2013, and the Labor Code 1994 & 2012; Civil Code 2005 & 2015; Land Law of Vietnam 1993, Enterprise Law 1999, Law on Education 1998,... In terms of children's rights, Vietnam has issued a separate Law on Child Care, Education and Protection (2004), Law on Children 2016,... Regarding women's rights, in addition to the supplementation of the Criminal Law, Civil Code, Labor Code, Law on Marriage and Family, and Inheritance Law, the State has also issued a separate Law on Gender Equality (2006), Law on Domestic Violence Prevention and Control (2007) (Nguyen et al., 2017).

The process of internalizing the provisions of international conventions to which Vietnam is a member has been carried out step by step and continuously supplemented and perfected in the national legal system. Vietnam has unceasingly improved her legislation and policies on human rights over the decades. Especially, the Constitution of 2013 provided several new rights, among them the right to life (Article 19), the right to access to information (Article 25), the right to social security (Article 34), the right to enjoy and access to cultural values (Article 41), the right to environment (Article 43), etc. (Vietnam, 2018).

The recent amendments, supplements and improvements of the national legal system have clearly shown the consistency in the viewpoints and general lines of the Party and State of Vietnam towards promoting the process of internalizing international human rights conventions into the national legal system. One of the most important rights of every human being is the right to life, the right to respect for human dignity and value, which has been internalized in Article 71 of the 1992 Constitution: 'Citizens have an inviolable right to body, protected by law in terms of life, health, honor and dignity, ... All forms of persecution, corporal punishment, offending the honor and dignity of citizens are strictly prohibited'; Article 52 prescribes equal right before the law; Article 53 stipulates the right to participation in the management and administration of society; Article 54 provides for the right to freedom of election and candidacy; Article 81 prescribes the protection of foreigners; Article 55 prescribes the right to work, the right to freely choose jobs in accordance with the abilities and aspirations of each person; Article 57 provides for the right to free business; Article 58 provides for ownership; Article 72 provide for the right to be considered innocent (until an effective court judgment proves guilty) and the right to honor, dignity and material compensation if wrongly arrested, detained, prosecuted and tried; Article 68 stipulates the right to freely travel and reside in the country, go abroad and return from abroad; Article 69 provides for the right to freedom of speech, freedom of the press, the right to be informed, the right to freedom of association and assembly; Article 63 stipulates on equal rights between men and women; children's rights to be cared for, protected and educated by family and society (Article 65); Article 67 prescribes the rights of the elderly, disabled and orphans. These rights were continuously reaffirmed in the 2013 Constitution.

Most prominently, for the first time, the concept of human rights was included in the highest legal document of the State of Vietnam — the 1992 Constitution, then the 2013

Constitution. The 1992 Constitution had an entire chapter (Chapter V) indicating basic rights and obligations of citizens. With 34 articles (more than the previous Constitution) clearly defining the rights and obligations of citizens, for the first time the basic concepts of human rights have been fully concretized in the supreme law of Vietnam. This is a strong step forward in the obligation to internalize International Human rights Conventions to which Vietnam is a member, especially International Covenant on Civil and Political Rights and International Covenant on Economic, Social and Cultural Rights. Article 50 affirms that in the Socialist Republic of Vietnam, all political, civil, economic, cultural and social human rights are respected, reflected in the civil rights and prescribed in the Constitution and law (Cao & Kinley, 2005).

The internalization into the provisions of the Constitution and the legal system is the most remarkable. Even in Article 14 (Clause 1) of the 2013 Constitution affirms *"In the Socialist Republic of Vietnam, human rights, civil rights on political, economic, cultural, and social terms are recognized, respected, protected and guaranteed according to the Constitution and law"*. Article 24 specifies the right to freedom of religion, which affirms the basic rights and freedoms of citizens to follow or not follow any religion or belief: *"1. everyone has the right to freedom of belief, religion, following or not following a religion, the right to the religious equality before the law. 2. The State respects and protects the right to freedom of belief and religion. 3. No one may violate the freedom of belief or religion or take advantage of beliefs or religions to violate the law"* (Vietnam, 2013).

The process of internalizing international law provisions into the Vietnamese legal system on the rights to religious freedom has been increasingly strengthened and expanded in relevant laws. For example, the rights to freedom of religion and belief have been internalized in the legal system of Vietnam, especially the Ordinance of Religions and Beliefs (2004) of Standing Committee of the National Assembly, which stipulates freedom of religion & beliefs; the freedom to follow or not follow any religion; All religions are equal before the law (Article 1). At the same time, the Ordinance also internalizes the limit of the right to freedom of religion and belief (referred to in Article 19 (3) of International Covenant on Civil and Political Rights of the United Nations), i.e. the rights to freedom of religion or belief are restricted in the following cases: 1. Infringing national security, public order or the environment; 2. Infringing people's solidarity, national cultural traditions; 3. Infringing upon the life, health, dignity, honor or property of others; 4. Other serious law violations (Article 15). However, the 2013 Constitution has many new points, especially regarding the provisions on the subject of human rights in general and the right to freedom of religion and belief in particular. While the 1992 Constitution and the 2004 Ordinance still limited the right holder to be "citizens", the revised 2013 Constitution affirmed that "everyone" has the right to freely follow or not follow religion & beliefs. This clearly indicates the responsibility of the State and the contingent of civil servants exercising state power to ensure the rights to freedom of religion and belief not only for Vietnamese citizens but for any individuals living in Vietnam or under its jurisdiction (Ta, 2015).

Demonstrating the compliance and serious respect as well as practice of international human rights conventions, the Ordinance clearly stipulates the need to prioritize the application of the provisions of the international conventions on rights to freedom of religion & beliefs: *"in case an international treaty which Vietnam has signed or acceded to contains provisions different from those of this Ordinance, the provisions of such international treaty shall be applied"* (Article 38 of the Ordinance).

The international legal provisions on the right to freedom of belief and religion stated in these international instruments have been expressed into the constitutional rights and the laws of Vietnam. Not until Vietnam became a member of the legally binding international human rights treaties, the first Constitution of the first People's Democratic State in Southeast Asia - the Democratic Republic of Vietnam, in 1946 defined the right to freedom of belief and religion as a constitutional right of the people. Article 10 of this Constitution affirmed that *"Vietnamese citizens have the rights: freedom of speech, freedom of publication, freedom of organization and assembly, freedom of belief, freedom of residence, freedom of movement within the country or going abroad"* (Vietnam, 1946). Citizens' right to freedom of belief and religion continued to be affirmed and continuously expanded the contents in the subsequent Constitutions (1959, 1980 and 1992) of Vietnam. In particular, the 1992 Constitution used the concept of human rights for the first time (in Article 50) and separated the two concepts of belief and religion as well as emphasized equal rights before the law of religions, and the State had an obligation to protect worship place of religious organizations. Article 70 of the 1992 Constitution affirmed that: *"Citizens have the right to freedom of belief and religion, to follow or not follow any religion. All religions are equal before the law. But the place of worship of all beliefs and religions is protected. No one is allowed to violate the freedom of belief or religion or take advantage of beliefs and religions to contravene the law and State policies"* (Vietnam, 1992).

Secondly: Obligation to implement all legislative, executive and judicial measures to ensure human rights: In parallel with the codification and internalization of the provisions of the International Human Rights Conventions, Vietnam has been implementing overall measures to reform and perfect the legal system, elected bodies and the National Assembly, to reform the administrative system, and especially the judicial system in order to promote the respect and ensure human rights expressed in the human rights international treaties to which Vietnam is a signatory.

Reform of the judicial, legislative and executive system needs to be carried out simultaneously, closely related. Therefore, the State of Vietnam has been accelerating the overall reform of these systems. Along with the strong development of the legal system, the judicial system has been continuously improved and improved in terms of effectiveness and efficiency. With reforms in the national legal system (a series of laws, laws and related legal documents that have been approved such as the revised Criminal Procedure Code (2003)), Civil Procedure Code, Law on Lawyers (2004), Law on Complaints and Denunciations (1998), Law on Organization of the People's Courts 1992, Law on Organization of the People's Procuracy), Vietnam's judicial system is being perfected in the direction of more effective activities in ensuring the legitimate rights and interests of citizens. Article 8 of the Law on Organization of the People's Courts states clearly that *"The Court conducts judgments on the principle that all citizens are equal before the law, regardless of men, women, nationality, beliefs, religion, and composition of the commune, social statuses. See database of Vietnamese Laws"* (Vietnam, 2014; Cao & Kinley, 2005).

The guarantee of human rights is not only in law, but also in practice. Therefore, the role of the judiciary and executive agencies is very important in promoting respect and ensuring the rights expressed in International Human Rights Conventions and expressed in the Constitution and laws of Vietnam. The State of Vietnam is step by step perfecting the judicial system, especially the system of courts and the People's Procuracy, to play a key role in the

implementation of the obligations of International Human Rights Conventions as well as to assure legitimate rights and interests of citizens (Dang et al., 2014).

In terms of the legislative reform activities, the National Assembly of the Socialist Republic of Vietnam has been constantly enhancing its role and promoting its supreme authority in the formulation and enactment of laws related to the implementation of obligations of the International Human Rights Conventions to which Vietnam has signed or acceded. Through supreme supervision (such as supervision of judicial activities, supervision of complaint & denunciation settlement of citizens ...). The National Assembly has made an important contribution to the assurance and implementation of the International Human Rights Conventions. For example, in the review and assessment of judicial activities of the judiciary (through reports of the Chief Justice of the Supreme People's Court, the Head of the Supreme People's Procuracy submitted to the National Assembly), activities of the Government (of the Executive) (through a report of the Prime Minister submitted to the National Assembly and report from Government's members (ministers) on compliance and law enforcement. The National Assembly has also strengthened the role and capacity of its standing agencies, specialized agencies of the National Assembly, members of the National Assembly and its delegations.

The State of Vietnam has also been constantly building and perfecting the legislative, judicial and executive apparatus to build a legitimate state of the people, by the people and for the people, laying the foundation for the law formulation and enactment activities, law enforcement and implementation activities are effective and better ensured the respect, guarantee and promotion of human rights and citizenship.

The reform of the legislature, judicial reform and the administrative-state reform have been widely and strongly implemented from the central to local levels. Vietnam has also developed long-term reform strategies for these agencies such as the legislative reform strategy up to 2010, judicial reform up to 2020, administrative reform up to 2020, ...

Along with the building and completion of the apparatus, organization and selection of full-time deputies to the National Assembly, the training of cadres, officials and civil servants for the judiciary and government agencies from the central to the local level is taken special interest. The team of judges, prosecutors, investigators, lawyers have been gradually being supplemented and constantly improved in terms of expertise and profession, as well as knowledge of international law and human rights...

Thirdly: Obligation to propagate, disseminate and educate the contents of human rights treaties: Especially, since 1994, with the establishment of the then Vietnam Center for Human Rights Studies (currently known as the Vietnamese Institute of Human Rights) in the Ho Chi Minh National Academy of Politics, aiming at propagating, disseminating and educating about national and international law on human rights, especially international treaties of human rights, which have been widely been deployed.

The Vietnamese authorities have closely and effectively coordinated in the propaganda, dissemination and education of the International Human Rights Conventions which Vietnam is a member. Along with closely coordinated activities between scientific agencies and relevant ministries and agencies, civil organizations and mass media have participated effectively and significantly contributed to this. Thereby, the awareness of human rights, the content of the International Human Rights Conventions of leaders, social managers, the team of legislators,

bookmakers, law enforcement officers, lawyers, scientists, and especially the people, have been markedly improved and enhanced. For example, before the 90s and earlier, the concept of human rights is rarely mentioned and is often understood either as a Western concept, alien to the Vietnamese social regime, or is simplified to and identified with the concept of civil rights. The transformation of awareness of the whole society around the concept of human rights has made a significant contribution to the propaganda, dissemination and education of international law, the International Human Rights Conventions.

Fourthly: Obligation to draft and submit national reports: One of the especially important obligations of member states in implementing international commitments of the International Human Rights Conventions is the preparation and submission of periodic national reports.

All ministries, departments, branches, agencies and relevant organizations are fully involved in drafting and building national reports on the implementation of obligations to the International Human Rights Conventions.

Reports on the implementation of the UN Convention on Women Rights and Children Rights submitted to the Convention's Sub-Committees are highly appreciated. For example, national report on the implementation of the UN Convention on the Rights of the Child is particularly prominent and exemplary for this Convention's member states.

One of the most outstanding points in the process of drafting, submitting and defending national reports on the implementation of International Human Rights Conventions recently is the participation of NGOs in Vietnam. For example, in parallel with the Commission for the Advancement of Women - the main authority responsible for the drafting of the CEDAW Convention report - submits the official report of the Government of Vietnam, The State of Vietnam has allowed the participation of a number of NGOs in the drafting and submission of independent reports. This report is also called the 'shadow' report. This shows the spirit of objectivity and learning of the Government of Vietnam in implementing obligations to International Human Rights Conventions.

Fifthly: Obligation of international cooperation in the implementation of human rights treaties: One of the important contents of the implementation of the obligation to cooperate closely with relevant Committees and sub-committees of International Human Rights Conventions is associated with submitting and defending national reports, as shown above, as well as receiving and responding to letters of appeal, receiving and processing general comments and recommendations from sessions of committees, sub-committees, etc. This spirit of international cooperation is also reflected in the general recommendations on the improvement and perfection of the judicial, executive and legislative system related to the obligations to Convention enforcement (Burdekin, 2007).

Along with the international cooperation in the implementation of International Human Rights Conventions is the promotion of propaganda, dissemination and education activities on the contents of these international Conventions. The development and dissemination of national reports are typical experiences. For example, a national report on the implementation of Vietnam's children's rights is used by other countries as a region's exemplary document,...

International cooperation in the implementation of International Human Rights Conventions also includes the research and development of mechanisms to monitor and enforce International Human Rights Conventions as well as national human rights agency.

Sixthly: Obligation to develop national programs to implement international human rights commitments: To fulfill this obligation, the State of Vietnam has developed and implemented many extensive national action programs and objectives to disseminate, propagate and educate about the basic contents of International Human Rights Conventions. For example, in relation to the implementation of the UN Convention on the Rights of the Child, there are national action programs on children's rights, expanded immunization program against hepatitis B, Japanese encephalitis, nutrition program for children, primary education universalization, primary health care program for mothers and children ... national targets (all children go to school at the right age, all infants drink vitamin A,...).

### **Obligations to Implement Recommendations on Human Rights Via the U.P.R. and Other Related Mechanisms**

#### **Implementation of recommendations from Universal Periodic Review (UPR)**

As a member of the UN since 1977, Viet Nam has been actively involved in the process of building and development of the UN in general, as well as its affiliated agencies, specialized agencies and functions including the Human Rights Committee (formerly) under the Economic & Social Council. Vietnam has acceded to almost all basic human rights instruments, including international conventions and related human rights Protocols. Vietnam has also tried its best to implement international commitments and obligations and has made great achievements in realizing international human rights standards in the policy, in legal system and in practice. Great achievements in securing civil & political rights (such as the right to life, the right to vote, to stand for election, the right to participate in socio-political life, etc.) and economic, social and cultural rights (such as the right to food, housing, a job, the right to education, ...), especially from the renovation era till now, have clearly demonstrated the high political determination of the Government of Viet Nam in realizing human rights as well as working closely with the international community in general and the UN's specialized or functional agencies of human rights in particular, including: Human Rights Council (Ta et al., 2016).

Vietnam has actively and constructively participated in both review cycles of the UPR mechanism.

In 2013, at the 68th session of the United Nations General Assembly on November 12, 2013, Vietnam was elected as a new member of the Human Rights Council, with a very high number of votes (184 votes in favor out of 192 votes, the highest among 14 new member states) for the term 2014-2016. As a member of the Human Rights Council, Vietnam fully implements international human rights commitments, continuously promotes and protects human rights not only within its jurisdiction but also in regional and international institutions, as well as making a positive and meaningful contribution to the promotion and protection of human rights on a global scale.

The reason Vietnam was elected to the Council with the highest number of votes is because of its great achievements in the field of human rights protection over the past decades, especially in the field of ensuring civil & political rights, economic, social and cultural rights. The international community highly appreciates the guarantee of human rights associated with the achievement of Vietnam's millennium goals. In particular, achievements in hunger



eradication and poverty reduction are associated with ensuring the right to get rid of poverty and the right to development; achievements in health care, HIV/AIDS prevention and control, etc are in parallel with ensuring the rights to health and the rights of vulnerable groups (eg: women's rights, children's rights, the rights of disable people, rights of people living with HIV/AIDS, etc.).

In the implementation of human rights under the Universal Periodic Review (UPR), in both Cycles (1 and 2), Vietnam not only successfully defended its report, but also absorbed constructive comments from other countries, as well as actively contributed ideas to other countries about the implementation of human rights in this cycle. For example, at the May 2009 session of the 1<sup>st</sup> Cycle (2008-2012), Vietnam received 123 recommendations from 60 countries and accepted 96 recommendations, of which 36 were related directly to the highest level of recommendation (level 5) in terms of the need to take concrete action to improve the respect and protection of human rights. At the same time, Vietnam also made 84 recommendations for 38 countries. The main issues that Vietnam gave recommendations were poverty, development and women's rights (Nguyen & Vu, 2016).

In the 18th Session of the UN Human Rights Council's 2<sup>nd</sup> Cycle (2012-2016) on February 5, 2014, Vietnam defended its human rights report under the Universal Periodic Review mechanism and received 227 recommendations from 106 countries participating in the dialogue. Vietnam is also reviewing and considering the reasonableness and feasibility of recommendations to respond to them. However, most of these comments were constructive. Many of the recommendations that countries offered to Vietnam were directly related to proposing Vietnam to improve its legal system and policies on human rights; to strengthen mechanisms to promote and protect human rights and promote education to raise human rights awareness for right executors (cadres, civil servants, officials ) as well as right holders (people in general). The issues Vietnam recommended the most were: women's rights, children's rights, development; and 8 of these recommendations were at a specific action level (level 5) (Nguyen & Vu, 2019).

The Universal Periodic Review mechanism has positive impact on the advancement of human rights practice in global area. Vietnam has been constantly improving the legal system & policies, developing and changing new institutions and mechanisms to ensure human rights as well as ratifying many national programs related to human rights. Achievements of nearly 30 years of innovation in all areas such as politics-economics, culture, social life have been making an important contribution to continuously improving the level and realization of human rights guarantee in the political-civil, socio-economic and cultural fields for all individuals and social groups.

### **Implementation of other international recommendations**

In addition to its obligation to implement recommendations through the Universal Periodic Review (UPR), Viet Nam is also responsible for implementing recommendations through other mechanisms, including those under international conventions, special procedural mechanisms, regional mechanisms and international institutions (such as ASEAN, APEC, ASEM, ILO, WTO, UNDP, UNESCO, UN Women, UNHCR,...).

Vietnam first implemented the Universal Periodical Review, the 1<sup>st</sup> Circle, in May 2009 and she was received with 123 recommendations, of which 96 were accepted. Many of these were related to the protection of human rights, awareness enhancing and capacity building, law enforcement, policies of the authorities, the responsibility to deal with subjects monitoring the implementation of socio-political organizations, social organizations on human rights. The substance of those recommendations included the right to life, individual freedom and personal security. The others recommendations were not accepted due to they were inappropriate or specific to Vietnamese circumstances and conditions. The implementations of the UPR proposals were accepted by the Prime Minister directly to the 17 ministries, branches and agencies governing the implementation of the proposals.

At the UPR's 2<sup>nd</sup> Cycle in 2014, Vietnam accepted 182 recommendations, and rejected the other 45. Vietnam has continuously strengthened the improvement of legislations and policies on human rights. These include the amendment of the 1992 Constitution, and adopted the 2013 Constitution, which sets the 2<sup>nd</sup> entire Chapter's provisions on human rights; Promulgating new laws such as Law on Health Examination and Treatment (2009), Law on Judicial Records (2009), Law on the Elderly (2010), Law on Persons with Disabilities (2010), Law on Adoption (2010), Law on Enforcement Criminal Judgments (2010), Law on Administrative Proceedings (2010), Law on Denunciation (2011), Law on the Prevention and Control of Human Trafficking (2011), etc. These newly adopted laws have further strengthened legal mechanisms to ensure the right to life and freedom and personal security, as well as human rights in general, Vietnam signed and ratified the Convention on the Rights of Persons with Disabilities (CRPD) in 2008; passed the 2010 Disability Law and is currently finalizing procedures for early ratification of the CRPD; accession to the Convention against Transnational Organized Crime and the Protocol on the Prevention, Suppression and Punishment of Trafficking in Persons, especially women and children (2012); International Labor Organization (ILO) Convention No. 122 on employment policy; Ratification of Convention No. 186 on Maritime Labor dated May 8<sup>th</sup>, 2013 (effective from May 8<sup>th</sup>, 2014).

Following the recommendations of the United Nations Human Rights Council in the Third Universal Periodic Review Mechanism, the Prime Minister issued Decision No. 1975 / QD-TTg on approving the Master Plan implementing the recommendations that Vietnam approved under the UPR's 3<sup>rd</sup> Cycle of the United Nations Human Rights Council. This decision takes effected from December 31<sup>st</sup>, 2019, to promote the implementation of the Party's guidelines and policies and the laws of the State of Vietnam in the field of human rights, including new related policies that are directly related to the implementation of recommendations on the promotion and enforcement of personal freedoms and security. Specifically, these are: a) to raise awareness of all levels, sectors and people about the significance and importance of human rights values in today's era; b) to ensure effective assignment of responsibility and effective coordination among relevant agencies in the implementation of the UPR recommendations that Vietnam had accepted; c) creating an overall framework, harmonious coordination within various agencies' specific plans for the implementation of UPR recommendations in their area of responsibility; d) to facilitate the processes of coordination, monitoring and reporting of the implementation of UPR recommendations, ensuring the implementation of UPR recommendations, ensuring an effective and on-time implementation, and serving the mid-term report and the process of reviewing of the 4<sup>th</sup> Cycle at the UNHRC; e) to promote dialogues,

international cooperation and external propaganda on human rights, and enlist the support of the international community in the implementation of UPR recommendations. At the same time, the Prime Minister sets out 06 main tasks and solutions to implement the Plan, including: i) improving human rights laws and institutions; policies on ensuring economic, social and cultural rights; policies to ensure civil, political, and rights of vulnerable groups; ii) enhancing education and raising awareness about human rights; iii) realizing international human rights commitments and strengthening international cooperation in this area. At the same time, it is required that ministries and branches actively implement recommendations, including through the development of plans and programs to implement recommendations within their functions and tasks and through report to the Ministry of Foreign Affairs after 02 years for midterm reporting.

The National Report on the protection and promotion of human rights in Vietnam under the UPR's 3<sup>rd</sup> Cycle, published by the Ministry of Foreign Affairs of Vietnam in 2018, has been statistic for only 4 years (2014-2018), Vietnam has supplemented, amended and issued 96 laws and ordinances related to the guarantee of human rights compatible with the 2013 Constitution and the recommendations of the Human Rights Council of United Nations on human rights in general and the right to life, freedom and security in particular. These include the Law on Organization of the People's Procuracy of 2014, the Law on Organization of the People's Courts of 2014, the Law on Housing of 2014, especially the Penal Code of 2015, the Criminal Procedure Code of 2015, and the Law on Organization of regulatory bodies. Criminal investigation 2015, Civil Code 2015, Law on Administrative Procedures of 2015, Law on Organization of Criminal Investigation Agencies of 2015, Law on Cyber Information Security of 2015, Law on Religious Beliefs 2016, Law on Children 2016, Press Law of 2016, Law on Access to Information of 2016, Law on State Compensation Responsibility of 2017, Law on Legal Aid of 2017, Law on Cyber Security of 2018, etc. As of October 2018, Vietnam has implemented 175 recommendations (accounting for 96.2%), of which 159 have been completely implemented, 16 have been partially implemented and are being continued; 07 recommendations are being made or considered implemented at the right time. There is no accepted recommendation that has not been considered for implementation.

## CONCLUSION

In response to Vietnam's implementation of the UPR and other related recommendations on human rights in particular, and international human rights mechanisms, Vietnam has been steadily and progressively improving its legal system for a better mechanism for the protection and promotion of human rights for all in the international integration, socio-economic development, the process in law and policy making, implementing, as well as the empowerment and enjoyment of human rights for all, especially the most vulnerable people who are the poor, children, women, ethnic minorities, the elderly, people with disabilities and living with HIV/AIDS. Vietnam's achievements in fulfilling the international commitments on human rights in over the last four decades have been remarkably significant and impressed. That is why Vietnam was elected to be a non-permanent member of the UN Security Council, the UN Human Rights Councils, as well as many other international and regional institutions. At the same time, Vietnam has been significantly contributing to further reforming international human rights institutions as well as ensuring better and better the enjoyment of human rights for all, making

peace, security, international cooperation, development and prosperity in the region and the world.

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