

# **VCHR & FIDH Joint Submission for the adoption of the List of Issues for the United Nations Human Right Committee**

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**FIDH – International Federation for Human Rights**

**Vietnam Committee on Human Rights (VCHR)**

**United Nations Human Right Committee (CCPR) – 123rd Session**

**Joint Submission for the adoption of the List of Issues**

## **VIETNAM**

### ***Article 2 (Implementation of the covenant at the national level)***

#### **Domestic legislation inconsistent with ICCPR obligations**

Human rights are guaranteed in the Vietnamese Constitution, which was last amended in 2013, and other domestic laws. However, the enjoyment of these rights is restricted by vaguely worded 'national security' provisions in the Constitution, Criminal Code, and other legislation that are incompatible with the International Covenant on Civil and Political Rights (ICCPR). Despite pledges made during its second Universal Periodic Review (UPR) in 2014 to amend or repeal these provisions, in 2015 Vietnam adopted an amended Criminal Code (that came into effect in January 2018) which not only failed to amend these clauses, but added new restrictive provisions, such as criminalizing the "preparation" of, or intent to commit a crime.

Moreover, given the Constitutional provisions enshrining the political monopoly of the Communist Party over state institutions (Article 4), the existence of a single, state-controlled trade union, and the absence of a national human rights institution and independent human rights NGOs, citizens are deprived of mechanisms which would allow them to seek remedy for violations of their human rights, in violation of Article 2(3) of the ICCPR.

#### **Questions:**

- *Clarify the status of the ICCPR in relation to domestic law and explain whether its provisions can be invoked directly before the courts, and provide examples.*
- *Provide statistics about the list of individuals who are currently detained on charges of crimes against 'national security'.*
- *Explain how Vietnam ensures that the national security provisions in its domestic legislation are not used to stifle legitimate and peaceful dissent.*

### ***Article 6 (Right to life)***

#### **Use of the death penalty in breach of ICCPR**

Vietnam retains the death penalty for offenses that cannot be considered as "the most serious crimes" under Article 6 of the ICCPR. Following the entry into force of the amended

**Quê Me**

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