

Comments of Viet Nam
on the draft report “Anti-Corruption and Human Rights in ASEAN:
Areas of Overlap based on the UNCAC Implementation Review Mechanism
and UN Human Rights Mechanisms Recommendations”

1. Viet Nam notes, with regret, that the Office of the High Commissioner for Human Rights did not undertake consultations with ASEAN Member States, including Viet Nam, prior to the preparation of the draft report. The absence of a clear mandate, rationale, and explanation of the necessity and urgency for such a report, especially given there was no clarification as to why this subject was prioritized over other issues, raises further concern. This is particularly important in the current liquidity crisis context, given the already limited resources affecting OHCHR’s ability to implement many activities mandated by the Human Rights Council through its resolutions.

2. Regarding the content of the draft report

a) Reference to Viet Nam in relation to corruption and the death penalty

- The draft report (page 25) states: “At the time of this paper, the death penalty may apply to corruption in ... Viet Nam.”

- Page 26 states: “In Viet Nam, the death penalty was imposed for acts of corruption, ...”

- Page 29, in the table “Convergence of recommendations,” classifies “Corruption and the death penalty” under key themes, stating: “In three States (... Viet Nam), the death penalty may apply to corruption-related crimes.”

Viet Nam wishes to clarify that, on 25 June 2025, the National Assembly of Viet Nam adopted the Law amending and supplementing several articles of the Criminal Code, effective from 1 July 2025. The amended Criminal Code abolishes the death penalty for eight offences, including corruption-related crimes. The death penalty is strictly applicable only to the most serious crimes under Vietnamese law. Considering these legislative updates, Viet Nam respectfully requests the deletion of all references associating Viet Nam with the application of the death penalty for corruption-related crimes in the above-mentioned sections of the draft report (pages 25, 26, and 29).

b) Reference to Viet Nam in relation to human rights defenders

- The draft report (page 11) states: "... Viet Nam received recommendations from UN human rights bodies on protecting human rights defenders...", without indicating the sources of the recommendations.

- On page 12, it is stated: "... Viet Nam also received recommendations to uphold the rule of law, protecting human rights defenders from unlawful prosecution, and release imprisoned human rights defenders." The source is cited as the report of the Working Group on the Universal Periodic Review (A/HRC/57/7, 2024, p. 13).

Viet Nam wishes to emphasize that all recommendations on these matters were "noted" by Viet Nam, as reflected in document A/HRC/57/7/Add.1 (Addendum - Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review).

The "noted" recommendations in the UPR mechanism do not constitute Viet Nam's policy commitments or obligations. References to "noted" recommendations in this OHCHR report create a misleading equivalence and risk misrepresenting Viet Nam's actual international commitments. Human Rights Council practice purposefully distinguishes "noted" recommendations in official UPR outcome documents and does not include such recommendations in State compliance monitoring. Presenting these "noted" recommendations in the draft report as recommendations of the UPR mechanism is misleading and risks undermining the integrity of the UPR process.

For the integrity of the UPR process, as well as the accuracy of this OHCHR report, Viet Nam respectfully requests deletion of all references to Viet Nam in these sections on pages 11 and 12, and in the table "Convergence of recommendations" under the theme of "Whistle-blowers, witnesses and human rights defenders" on page 28.