

THE RIGHT TO INVISIBILITY OF LIFE, BODY, HONOR AND DIGNITY OF THE ACCUSED PERSON IN THE CONSTITUTION AND CRIMINAL LAW OF VIETNAM

O DIREITO À INVISIBILIDADE DA VIDA, DO CORPO, DA HONRA E DA DIGNIDADE DO ACUSADO NA CONSTITUIÇÃO E NO DIREITO PENAL DO VIETNÃ

HUYNH TRUNG TRUC

PhD Student, University of Law, Vietnam
National University, Hanoi
144 Xan Thuy, Cau Giay, Hanoi,
Vietnam
huyhtrungtruc@gmail.com

NGUYEN VINH HUNG

Doctor in law. Lecturer, Vietnam National
University, Hanoi, University of Law.
Address: 144 Xuan Thuy, Dich Vong Hau,
Cau Giay, Ha Noi,
Vietnam
nguyenvinhhung85@gmail.com

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Corresponding author:

nguyenvinhhung85@gmail.com



e julgar casos criminais, os acusados são vulneráveis a violações de seus direitos e interesses legítimos por autoridades competentes que conduzem processos e pessoas competentes que conduzem processos, especialmente a inviolabilidade da vida, corpo, honra e dignidade. O artigo se concentra em esclarecer os poderes legais do acusado conforme estipulado na Constituição de 2013, incluindo o direito à vida, o direito à inviolabilidade do corpo e o direito à proteção legal da saúde, honra e dignidade; bem como a concretização desses direitos constitucionais no Código Penal de 2015 (alterado em 2017), o Código de Processo Penal de 2015 e outros documentos legais.

Palavras-chave: Constituição. Direito penal. Acusado. Direito à vida. Inviolabilidade do corpo. Honra. Dignidade.

Abstract: The accused are the participants in criminal proceedings, holding a central position in the process of resolving criminal cases. During the process of initiating, investigating, prosecuting and trying criminal cases, the accused are vulnerable to violations of their legitimate rights and interests by competent authorities conducting proceedings and competent persons conducting proceedings, especially the inviolability of life, body, honor and dignity. The article focuses on clarifying the legal powers of the accused as stipulated in the 2013 Constitution, including the right to life, the right to inviolability of the body and the right to legal protection of health, honor and dignity; as well as the concretization of these constitutional rights in the 2015 Penal Code (amended in 2017), the 2015 Criminal Procedure Code and other legal documents.

Keywords: Constitution. Criminal law. Accused person. Right to life. Inviolability of body. Honor. Dignity.

Resumo: Os acusados são os participantes em processos criminais, ocupando uma posição central no processo de resolução de casos criminais. Durante o processo de iniciar, investigar, processar

1. Introduction

In the Vietnamese rule of law state, human rights in general and the rights of the accused in particular are guaranteed by law to be implemented and protected from being violated. These rights are stipulated in the constitution, laws and in the political declarations of the State. In the field of criminal justice, the protection of the rights of the accused is of particular importance, because in this field, human rights are easily violated, damaged and the consequences are also very serious because it affects the right to life and freedom of each individual. When exercising state power through preventive measures, the agencies conducting the proceedings are very likely to violate the rights of the accused. Therefore, the rights of the accused become the subject of protection in legal recognition, in law enforcement activities and in handling violations of the law by the State. The 2013 Constitution of Vietnam and the criminal law stipulate many rights of the accused, including the right to life, the right to inviolability of the body and the right to protection of health, honor and dignity. These are the most basic and essential rights associated with human existence, freedom and dignity. However, in the process of resolving criminal cases and handling crimes, these basic rights of the accused are often violated by the prosecution agencies for many objective and subjective reasons. Therefore, the study and analysis of the rights to life, physical freedom, health, honor and dignity of the accused in the Constitution and the criminal law are very important and necessary, contributing to the improvement of regulations on protecting the rights of the accused in the process of judicial reform and the trend of international legal integration of Vietnam.

2. Theoretical framework and literature review

The right to inviolability of life, body, honor, and dignity of the accused are constitutional rights that directly impact criminal justice activities. These rights are the legal foundation for agencies conducting proceedings to properly carry out professional activities to protect justice, human rights, and the rights of the accused throughout the entire process of resolving cases and handling crimes. Over the years, there have been many diverse and rich research works on the right to inviolability of life, body, honor, and dignity of the accused; notably: Nguyen Phuong Anh (2018), *Ensuring the right to*

inviolability of body, honor, and dignity of the accused when conducting investigation activities” (Hanoi Law University); Ministry of Justice - Institute of Legal Science (2014), *“Human rights in the 2013 Constitution, new perspectives, new approaches and new regulations”* (National Political Publishing House, Hanoi); Le Van Cam, Huynh Trung Truc (2024), *“Basic categories of criminal responsibility with the protection of human rights in criminal law science”* (Procuracy Journal, No. 07/2024); Nguyen Ngoc Chi (2015), *“Human rights in the field of criminal justice”* (Hong Duc Publishing House, Hanoi); Hanoi National University, Faculty of Law (2015), *“Constitutional protection and the issue of protecting human rights”* (Justice Publishing House, Hanoi); Nguyen Tien Dat (2006), *“Ensuring human rights in arrest, detention and temporary detention”* (Journal of Legal Science, No. 3 (34)/2006); Nguyen Van Dong (2005), *“Human rights, civil rights in the Vietnamese Constitution”* (Social Sciences Publishing House, Hanoi); Vu Cong Giao, Nguyen Minh Tam (2015), *“Human rights and the protection and guarantee of the implementation of human rights under the 2013 Constitution”* (Journal of Legislative Studies, No. 11/2015); Vu Cong Giao (2017), *“Right to life and death penalty in international law and Vietnamese law”* (Faculty of Law, Vietnam National University, Hanoi); Vu Cong Giao, Nguyen Quang Duc (2021), *“Advantages and challenges to the abolition of the death penalty in Vietnam”* (Journal of Legislative Studies, No. 06 (430)/2021); Tran Thi Thu Hien (2020), *“Ensuring human rights of defendants during the investigation phase of criminal cases”* (Hanoi Law University); Pham Van Hung (2014), *“The 2013 Constitution with the regime of ensuring human rights in criminal justice”* (Journal of Legislative Studies, No. 15(271)/2014); Dinh Hoang Quang (2018), *“Ensuring the right to protection of the accused against arbitrary arrest and detention in criminal proceedings”* (Hanoi Law University); Luong Thi My Quynh (2014), *“Ensuring the human rights of the accused in international legal documents on human rights”* (German Academy of Justice and Federal Institute for Economic Studies, December 2014); Le Huu The, Nguyen Thi Huong (2017), *“Provisions of the 2013 Constitution on the rights of the accused in criminal proceedings”* (Journal of Procuracy, No. 18/2017); Hoang Thi Minh Son (2011), *“Ensuring human rights of arrested, detained and imprisoned persons in Vietnamese criminal proceedings”* (Journal of Law, No. 03/2011); Le Thu Thao (2021), *“Human rights in preventive measures as prescribed by Vietnamese criminal procedure law”* (Journal of People's Court, No. 12/2021); Nguyen Tat Vien (2020), *“Ensuring human rights in judicial activities”* (Justice Publishing House, Hanoi). The above research works mainly focus on human rights and civil rights in general without specifically mentioning the rights of the accused. Therefore, this article focuses on researching and analyzing in depth the rights to life, inviolability

of body, honor, and dignity of the accused in the 2013 Constitution of Vietnam and the concretization of these rights in Vietnamese criminal law as well as the inheritance of the criteria on the rights of the accused in the international conventions of the United Nations.

3. Methodology

In this article, the author has used a combination of traditional research methods of social sciences and legal sciences such as the method of studying historical origins, the method of legal analysis and the method of legal comparison, referring to research works of domestic scientists and international conventions of the United Nations to analyze in depth the inviolability of life, body, honor and dignity of the accused.

In general, the above research methods are used closely and harmoniously to achieve the research objective of the article, which is to affirm that the inviolability of life, body, honor and dignity of the accused are the most basic and essential rights that must be guaranteed by the state to be implemented and protected from being violated through legal recognition as well as practical law enforcement activities of the prosecution agencies.

4. Results and discussion

4.1. *Right to life*

The right to life is one of the most sacred human rights officially recognized in many international documents. Article 3 of the Universal Declaration of Human Rights 1948 (UDHR) affirms that "*Everyone has the right to life, liberty and security of person*". The International Covenant on Civil and Political Rights 1966 (ICCPR) further affirms in Clause 1, Article 6: "*Everyone has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life*".

The right to life is a natural, fundamental, and supreme human right, but it is not an absolute right, according to current international human rights standards. The right to life is not only related to the protection of individuals from being arbitrarily deprived of their lives, but is also associated with material and social conditions that ensure human existence and security.

In the Constitutions of Vietnam in 1946, 1959, 1980, 1992, the right to life is only expressed through the inviolable rights to the body, life, health, honor, and dignity of citizens, but is not mentioned

as a specific right. It was not until the 2013 Constitution that the right to life was directly stipulated and associated with legal protection of life: "Everyone has the right to life. Human life is protected by law. No one shall be deprived of life illegally".

Since 1985, Vietnamese criminal law has undergone three codifications with three Penal Codes in 1985, 1999 and 2015, with the number of crimes subject to the highest penalty of death gradually decreasing compared to the increase in the total number of crimes in the Penal Code. Specifically, in the 1985 Penal Code (with four amendments and supplements in 1989, 1991, 1992 and 1997), the number of crimes with the highest penalty of death was 44/218 specific crimes (accounting for 20.18%). By the 1999 Penal Code, the number of crimes subject to the death penalty had dropped sharply to 29/263 crimes (accounting for 11%) and after the amendment and supplement to the Penal Code in 2009, it had dropped to 22/272 crimes (accounting for over 8%). In the 2015 Penal Code (amended and supplemented in 2017), the death penalty was only applied to 18/314 crimes (accounting for 5.7%). Thus, the number of crimes subject to the highest penalty of death through the amendments, supplements and replacements of the Penal Code has tended to decrease over time.

However, according to Amnesty International, Vietnam is still among the 56 countries that maintain the death penalty (at the end of 2018) (Vu Cong Giao, Nguyen Quang Duc, March 2021). The viewpoint of the Party and State of Vietnam is to maintain the death penalty but limit its application. Because the death penalty is not only a criminal legal issue but also an economic, political, social issue and is influenced by factors such as history, culture, religion, ethics and public opinion. Resolution No. 08/NQ-TW dated January 2, 2002 of the Politburo of the Communist Party of Vietnam on a number of central tasks of judicial work in the coming time has clearly stated: "Limit the number of death penalties in the penalty structure of the Penal Code". Next, Resolution No. 49/NQ-TW dated June 2, 2005 of the Politburo of the Communist Party of Vietnam on the Judicial Reform Strategy to 2020 also continued to emphasize the viewpoint on the death penalty: "Limit the application of the death penalty to only apply to a few types of particularly serious crimes". This policy is consistent with the spirit of the ICCPR of which Vietnam is a member, and at the same time consistent with the general trend of the world. Clause 2, Article 6 of the ICCPR also does not prohibit the application of the death penalty: "In countries where the death penalty has not been abolished, the death penalty may only be applied to the most serious crimes based on the law in force at the time of the crime and must not be contrary to the provisions of this Convention and the Convention on the Prevention of the Crime of Genocide".

In addition, the 2015 Penal Code (amended and supplemented in 2017) of Vietnam also stipulates that the death penalty is only applied to particularly serious

crimes, including: Crimes against national security or treason, murder, child rape, drug crimes, corruption and war crimes. Offenders commit violent, savage, brutal crimes, causing public discontent, or commit large-scale organized crimes, with close collusion between criminal gangs and groups in committing crimes, causing damage to many people, the perpetrators are masterminds, leaders, commanders, stubborn opponents, hooligans, dangerous recidivists, and professional criminals. However, the following subjects shall not be subject to the death penalty: Persons under 18 years of age when committing a crime, pregnant women, women raising children under 36 months of age, or persons 75 years of age or older when committing a crime or at trial. The following cases shall not be subject to the death penalty for convicted persons: Pregnant women or women raising children under 36 months of age; persons 75 years of age or older; persons sentenced to death for embezzlement or bribery who, after being sentenced, have actively returned at least three-quarters of the embezzled or bribed property and actively cooperated with the authorities in detecting, investigating, and handling the crime or have made great achievements.

In addition to the provisions on the death penalty, the 2015 Penal Code (amended and supplemented in 2017) also stipulates the following crimes to protect the right to life of people and the accused: Murder (Article 123), the highest penalty is death; Murder or abandonment of a newborn child (Article 124), the highest penalty is 03 years in prison; Murder in a state of extreme agitation (Article 125), the highest penalty is 07 years in prison; Murder due to exceeding the limits of legitimate defense or exceeding the necessary level when arresting the offender (Article 126), the highest penalty is 15 years in prison; Murder causing death while performing official duties (Article 127), the highest penalty is 15 years in prison; Involuntary manslaughter (Article 128), the highest penalty is 10 years in prison; Crime of unintentionally causing death due to violation of professional or administrative rules (Article 129), the highest penalty is 12 years in prison; Crime of forcing someone to commit suicide (Article 130), the highest penalty is 12 years in prison; Crime of inciting or helping another person commit suicide (Article 131), the highest penalty is 07 years in prison; Crime of threatening to kill someone (Article 133), the highest penalty is 07 years in prison.

Thus, Vietnamese criminal law is compatible with international human rights law in the basic principles of the right to life. The above amendments and supplements to the Criminal Code on the death penalty are the core issues of the right to life. However,

to approach the general trend in the world today, Vietnamese criminal law still needs to be amended and supplemented to improve and be compatible at a higher level with international standards on this right, in line with the orientation of the Strategy for judicial reform and perfecting the socialist rule of law state of Vietnam in the new period.

4.2. Right to inviolability of the body

Inviolability of the body is one of the most important personal freedoms of human beings stipulated in the Constitution and criminal law of many countries as one of the most basic principles, guiding the thinking for all criminal proceedings. This principle requires competent agencies to conduct proceedings, competent persons to conduct proceedings when performing their professional activities during the proceedings must have the responsibility to respect and apply necessary measures to ensure the physical freedom of the accused at the highest level. Those who are arrested, detained, accused, and defendants, although committing acts with signs of crime but have not yet been convicted by a court with legal effect, their right to inviolability of the body must be respected and guaranteed throughout the entire process of resolving the case.

The 1948 Universal Declaration of Human Rights affirms in Article 1: *“All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.”* Articles 3 and 9 of the UDHR also stipulate: *“Everyone has the right to life, liberty and security of person”*; *“No one shall be subjected to arbitrary arrest, detention or exile.”* Article 9, paragraph 1 of the ICCPR also recognizes the principle: *“Everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention.”*

With the ideology of promoting and protecting human rights, and being a member of international conventions on human rights, the 2013 Constitution of Vietnam stipulates: *“Everyone has the right to inviolability of the body, to be protected by law in terms of health, honor and dignity; not to be tortured, subjected to violence, persecution, corporal punishment or any other form of treatment that violates the body, health, or insults honor and dignity. No one shall be arrested without a decision of the People's Court, a decision or approval of the People's Procuracy, except in cases of flagrante delicto. The arrest, detention and custody of people are prescribed by law.”* (Clause 1 and Clause 2, Article 20). This constitutional right has been specified in the 2015 Criminal Procedure Code with the principle of ensuring the right to inviolability of the body: *“Everyone has the right to inviolability of the body. No one shall be arrested without a*

decision of the Court, a decision or approval of the Procuracy, except in cases of flagrante delicto. The detention of persons in emergency cases, the arrest, temporary detention or temporary imprisonment of persons must comply with the provisions of this Code. Torture, forced confession, physical abuse or any other form of treatment that violates the body, life or health of a person is strictly prohibited” (Article 10).

In the content of the right to inviolability of the person, there is the right to be protected from arbitrary arrest and detention. According to Article 9 of the ICCPR, this right includes the following contents: *“Everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedures as are established by law. Anyone who is arrested shall be informed, at the time of arrest, of the reasons for his arrest and shall be promptly informed of any charges against him. Anyone who has been the victim of unlawful arrest or detention shall have the right to compensation”*.

Vietnam's 2015 Criminal Procedure Code stipulates five cases of arrest: 1) Arrest of a person detained in an emergency; 2) arrest of a person caught red-handed; 3) arrest of a wanted person; 4) arrest of a suspect or defendant for temporary detention; 5) arrest of a person requested for extradition. The measure of temporary detention and temporary detention directly affects the right to personal freedom of a person, so it is strictly regulated in the Criminal Procedure Code and related laws. Accordingly, temporary detention can be applied to a person detained in an emergency, a person arrested in a case of a crime caught red-handed, a person who confesses or surrenders, or a person arrested under a wanted decision (Article 117) to prevent crime, prevent the arrested person from avoiding investigation to verify the crime and prosecute them for criminal liability. Temporary detention is the most severe preventive measure prescribed in the Criminal Procedure Code, applied by the Investigation Agency, the Procuracy or the Court to the accused or defendant to prevent crime or when there is evidence that the accused or defendant will cause difficulties for the investigation, prosecution, trial or will continue to commit crimes and to ensure the execution of the sentence. Temporary detention can be applied to accused or defendants for particularly serious crimes, very serious crimes, or can be applied to accused or defendants for serious crimes, less serious crimes for which the 2015 Criminal Code prescribes a prison sentence of more than 02 years when there is evidence as prescribed in Article 119 of the 2015 Criminal Procedure Code (Nguyen Tat Vien, 2019, p.70).

When applying preventive measures (according to Articles 110, 111, 112, 113, 117 and 119 of the 2015 Criminal Procedure Code), competent authorities may only proceed within the scope, limits and procedures prescribed by the 2015 Criminal Procedure Code. Any act of applying preventive measures to the wrong subjects, authorities, powers, bases and procedures is considered a violation of the law. Depending on the nature and severity of the violation, disciplinary action may be taken or criminal prosecution may be initiated for the crime of illegal arrest, detention or imprisonment as prescribed in Article 157 of the 2015 Criminal Code, with the maximum penalty being 12 years in prison.

In addition to the right to be protected from arbitrary arrest and detention, the law also stipulates: *“It is strictly forbidden to torture, force confessions, use corporal punishment or any other form of treatment that violates the body, life and health of a person”*. Torture, force confessions, and use of corporal punishment not only seriously harm the body, life, health, honor and dignity of the accused but also distort the proceedings and affect the resolution of the case. In the process of resolving the case, competent authorities conducting the proceedings are entitled to apply preventive measures such as arrest, detention, temporary detention, temporary detention and investigative activities to collect evidence such as interrogation, confrontation... However, when applying these measures and activities, the 2015 Criminal Procedure Code strictly prohibits torture, force confessions, and use of corporal punishment to violate the body, life and health of the accused. Any person with the authority to conduct proceedings who violates this prohibition shall be held criminally liable under Article 373 (Crime of torture) and Article 374 (Crime of forcing confession) of the 2015 Penal Code (amended and supplemented in 2017).

The provision on ensuring freedom from torture, violence, persecution and corporal punishment in criminal justice has great constitutional significance and is a basis for handling violations of the rights of the accused in criminal justice activities. On the other hand, this provision also demonstrates the Vietnamese State's dedication to international conventions on human rights that Vietnam has joined, especially the 1984 Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Vietnam joined in 2013).

4.3. The right to legal protection of health, honor and dignity

Article 5 of the UDHR states: *“No one shall be subjected to torture or to cruel, inhuman*

or degrading treatment or punishment". The ICCPR also stipulates: "No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. In particular, no one shall be subjected without his free consent to medical or scientific experimentation" (Article 7) and "All persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person" (Article 10, paragraph 1). Accordingly, everyone has the right to the protection of the law against attacks on health, honor and dignity. The accused when subjected to preventive measures is aimed at clarifying the case, not at punishing or torturing them. Humane treatment and respect for the dignity of detainees is a fundamental principle of human rights in criminal proceedings that member states must apply as a minimum requirement, regardless of the available resources of the country and without discrimination in any form (Nguyen Ngoc Chi, 2018, p.160).

Reflecting the spirit and criteria of the above-mentioned International Human Rights Law, the 2013 Constitution of Vietnam stipulates: "Everyone has the right to inviolability of the body, to be protected by law in terms of health, honor and dignity; not to be tortured, subjected to violence, persecution, corporal punishment or any other form of treatment that violates the body, health, or offends honor and dignity. Medical, pharmaceutical, scientific testing or any other form of testing on the human body must have the consent of the person being tested" (Clause 1 and Clause 3, Article 20). The 2015 Criminal Procedure Code of Vietnam has specified the principle of protection of health, honor and dignity in Article 11 as follows: "Everyone has the right to be protected by law in terms of life, health, honor, dignity and property. Any act of unlawfully infringing upon the life, health, honor, dignity and property of an individual; Any violation of the honor, reputation, or property of a legal entity shall be handled according to the law. Vietnamese citizens cannot be expelled or handed over to another state". The orientation of this principle is reflected in the provisions of the 2015 Criminal Procedure Code, as well as detailed in the 2015 Law on Temporary Detention and Imprisonment as follows:

- Detainees and prisoners have the right to have their lives, bodies and property protected, their honor and dignity respected; to be informed of their rights and obligations, and of the regulations of the detention facility (Point a, Clause 1, Article 9).
- Ensure humanity; do not torture, persecute, use corporal punishment or any other form of treatment that violates the legitimate rights and interests of detainees and prisoners. Ensure that detainees and prisoners exercise their human rights, citizens' rights

and obligations if not restricted by this Law and other relevant laws. The application of detention management measures must be based on the nature and severity of the crime, age, gender, health; ensure gender equality, the rights and legitimate interests of women, children and other personal characteristics of detainees and prisoners. (Clause 3, 4, 5, Article 4).

- The following acts are strictly prohibited: Torture, persecution, corporal punishment; cruel, inhumane, humiliating treatment or punishment or any other form that violates the legitimate rights and interests of detainees and prisoners. Failure to comply with orders or decisions of competent agencies or persons on detention, temporary detention, or release. Illegal detention; violation of regulations on management, guarding, and escorting detainees and prisoners. Obstructing detainees and prisoners from exercising their rights to visit relatives, the right to defense, legal aid, consular access, complaints, denunciations, human rights, and other rights and obligations of citizens as prescribed in this Law and other relevant laws. (Clause 1, 2, 3, 4, Article 8). - Detainees and prisoners are entitled to medical examination, treatment, and disease prevention and control. In case of illness, disease or injury, the detainee shall be examined and treated at the medical facility of the detention facility; if the illness is serious or the injury is beyond the capacity of the detention facility, the detainee shall be transferred to a medical facility at the district or provincial level, a military hospital or a central hospital for examination and treatment. The detention facility must notify the relative or legal representative of the person concerned to coordinate care and treatment. Diet, medication and nutrition shall be prescribed by the medical facility. Detainees and prisoners may receive medication from relatives and must have a doctor's prescription and be subject to inspection by the detention facility (Clause 1, Article 30).

In addition, the 2015 Penal Code (amended and supplemented in 2017) also stipulates the following crimes to protect the right to protection of health, honor, and dignity of the accused: Crime of intentionally causing injury or harm to the health of another person (Article 134), the highest penalty is life imprisonment; Crime of intentionally causing injury or harm to the health of another person due to exceeding the limits of legitimate defense or due to exceeding the necessary level when arresting the offender (Article 136), the highest penalty is 03 years in prison; Crime of causing injury or harm to the health of another person while performing official duties (Article 137), the highest penalty is 07 years in prison; Crime of unintentionally causing injury or harm

to the health of another person (Article 138), the highest penalty is 03 years in prison; Crime of unintentionally causing injury or harm to the health of others due to violation of professional or administrative rules (Article 139), the highest penalty is 05 years in prison; Crime of torturing others (Article 140), the highest penalty is 03 years in prison; Crime of rape (Article 140), the highest penalty is life imprisonment; Crime of rape of a person under 16 years old (Article 142), the highest penalty is death penalty; Crime of rape (Article 143), the highest penalty is 18 years in prison; Crime of obscenity against a person under 16 years old (Article 146), the highest penalty is 12 years in prison; Crime of using a person under 16 years old for pornographic purposes (Article 147), the highest penalty is 12 years in prison; Crime of transmitting HIV to others (Article 148), the highest penalty is 07 years in prison; Crime of intentionally transmitting HIV to others (Article 149), the highest penalty is life imprisonment; Crime of human trafficking (Article 150), the highest penalty is 20 years in prison; Crime of trafficking in persons under 16 years old (Article 151), the highest penalty is life imprisonment; Crime of appropriating persons under 16 years old (Article 153), the highest penalty is 15 years in prison; Crime of buying, selling, appropriating human tissues or body parts (Article 154), the highest penalty is life imprisonment; Crime of humiliating others (Article 155), the highest penalty is 05 years in prison; Crime of slander (Article 156), the highest penalty is 07 years in prison.

The accused who suffers damages due to illegal activities of the prosecution agency will be compensated. The State is responsible for compensating for damages and restoring the honor and rights of those detained in emergency cases, those arrested, detained, temporarily detained, prosecuted, investigated, prosecuted, tried, or sentenced unjustly or illegally by the agency or person with authority to conduct the prosecution. The Law on State Compensation Liability 2017 stipulates the agency responsible for compensating for damages in criminal proceedings as follows:

- 1) The investigation agency or the agency assigned to conduct certain investigation activities is the agency that settles compensation in cases where orders and decisions have been issued as prescribed in Article 34 of the 2017 Law on State Compensation Liability;
- 2) The Procuracy is the agency that settles compensation in cases prescribed in Article 35 of the 2017 Law on State Compensation Liability;
- 3) The Court is the agency that settles compensation in cases prescribed in Article

36 of the 2017 Law on State Compensation Liability.

Thus, the Constitution and criminal law of Vietnam have many specific and detailed provisions on the right to be protected by law regarding the health, honor, and dignity of the accused. In addition to handling violations of the law by the prosecution agency, there are also provisions on compensation for damages to the accused when their health, honor, and dignity are violated. This provision demonstrates the convergence of Vietnamese law with international law in the current trend of global integration and crime prevention.

5. Conclusion

The accused are the participants in criminal proceedings, holding a central position in the process of resolving criminal cases. They are suspected of committing acts with signs of crime or criminal acts, so criminal proceedings are closely related to the rights of the accused. During the process of initiating, investigating, prosecuting and trying criminal cases, the accused are susceptible to having their rights and legitimate interests violated by the competent authorities conducting the proceedings and the competent persons conducting the proceedings. In order to avoid injustice, mistakes or violations of the rights and legitimate interests of the accused, it is necessary to clearly establish the principles on the rights of the accused as stipulated in the Constitution and criminal law, thereby helping the competent authorities conducting the proceedings and the competent persons conducting the proceedings as well as the accused themselves to have a comprehensive and complete understanding of the legal powers of the accused when participating in criminal proceedings; At the same time, it clarifies the theoretical relationship between the rights of the accused and the responsibility of the competent authorities to prosecute and the competent persons to prosecute in the process of resolving criminal cases, helping the subjects of prosecution to fully perceive and seriously implement the rights of the accused, especially in the trend of judicial reform and international legal integration.

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