

**UNITED NATIONS DETAILED RECOMMENDATIONS AND COMMENTS ON
THE BILL OF THE LAW ON DRUG PREVENTION AND CONTROL (AMENDED)
AND THE LAW ON DRUG PREVENTION AND CONTROL (AMENDED AND SUPPLEMENTED IN 2008)**

Law on Drug Prevention and Control 2000 (amended and supplemented in 2008)	Bill of the Law on Drug Prevention and Control (amended)	UN's Comments and Recommendation
Chapter I GENERAL PROVISIONS	Chapter I GENERAL PROVISIONS	
General		See UN General Comments and Recommendations on terminology and definitions.
<p>Article 1. This Law stipulates the prevention and combat against drug-related evils; the control of lawful drug-related activities; and the responsibilities of individuals, families, agencies and organizations in drug prevention and combat.</p>	<p>Article 1. Scope of regulation This Law stipulates the prevention and combat against drug <i>crimes and</i> drug-related evils; control of lawful drug-related activities; <i>management of illegal users of narcotic substances</i>; drug <i>detoxification</i>, and the responsibilities of individuals, families, agencies and organizations in drug prevention and combat, <i>international cooperation and the State management of drug prevention and combat</i>.</p>	See UN General Comments and Recommendations on terminology and definitions.
	<p>Article 2. Scope and regulated entities <i>This Law applies to agencies, organizations, and individuals in drug prevention and combat.</i></p>	<p>The geographic scope of the Law should be clearly stated to avoid confusion on whether it would apply to international agencies, organizations and individuals, which might contradict some agreements and diplomatic immunities.</p> <p>The UN recommends the following amendment to this Article:</p> <p>Insert the following text after “<i>This Law applies to</i>”: “<i>national, regional and local</i>”.</p>

<p>Article 2. In this Law, the terms are interpreted as follows:</p> <ol style="list-style-type: none"> 1. Narcotic substances consist of addictive drugs and psychoactive drugs prescribed in the lists promulgated by the Government. 2. Addictive substances are neurogenic stimulants or inhibitors easily causing addiction to users. 3. Psychoactive substances are neurogenic stimulants, inhibitors, hallucinogens may lead to dependence to users if those are repeatedly consumed for many times. 4. Precursors are biochemical substances indispensable in the process of preparation and manufacture of drugs, specified in the lists promulgated by the Government. 5. Addictive drugs and psychoactive drugs are perceived as curative medicines prescribed in the lists promulgated by the Ministry of Health, which contain substances prescribed in the Clause 2 and the Clause 3 of this Article. 6. Plants bearing narcotic substances include opium (poppy), coca, marijuana or other kinds of plants bearing narcotic substances, prescribed by the Government. 7. Drug prevention and control means prevention, block, and combat against drug-related evils and control of relevant lawful activities. 	<p>Article 3. Explanation of terminology In this Law, the terms are interpreted as follows:</p> <ol style="list-style-type: none"> 1. Narcotic substances consist of addictive substances and psychoactive substances prescribed in the lists promulgated by the Government. 2. Addictive substances are neurogenic stimulants or inhibitors easily causing addiction to users. 3. Psychoactive substances are neurogenic stimulants, inhibitors, and hallucinogens that may lead to dependence to users if those are repeatedly consumed for many times. 4. Precursors are biochemical substances <i>essential</i> in the process of preparation and manufacture of drugs, specified in the lists promulgated by the Government. 5. Addictive drugs, psychoactive drugs, <i>drug precursors commercial combined drugs that contain addictive ingredients, commercial combined drugs that contain psychoactive ingredients, commercial combined drugs that contain drug precursors</i> are perceived as curative medicines prescribed in the lists promulgated by the Ministry of Health, which contain substances prescribed in the Clause 2, Clause 3, and <i>Clause 4</i> of this Article. 6. <i>Veterinary drugs containing narcotic substances and/or precursor are such prescribed in the lists promulgated by the Ministry of Agriculture and Rural Development, containing substances specified in the Clauses 2, Clause 3, and Clause 4 of this Article.</i> 7. Plants bearing narcotic substances include opium (poppy), coca, marijuana or other kinds of plants bearing narcotic substances, prescribed by the Government. 8. Drug prevention and combat means prevention, blocking, and combat against drug-related <i>crimes and evils</i>; control of relevant lawful activities. 9. <i>Drug crimes are offenses defined in the Chapter of Crimes of the Penal Code.</i> 10. <i>Drug-related evils refer to drug dependence status, illegal use of narcotic substances, and violations of drug</i> 	<p>The UN recommends the following amendments to this Article:</p> <p>See UN General Comments and Recommendations on terminology and definitions, especially for proposed Clauses 8, 10, 11, 14 and 15.</p> <p>Clause 8: Replace Clause with the following text: “<i>Drug prevention and control means prevention of the initiation of drug use as well as prevention of the development of drug use disorders. It seeks in particular to protect the healthy and safe development of children and youth of diverse genders, sexual orientations and status, in the prevention of drug-related harms and crimes and control of relevant lawful activities.</i>”</p> <p>Clause 10: Delete the proposed Clause.</p> <p>Clause 11: Include the text: “<i>prevention of the health and social consequences of drug use, including HIV and HCV prevention activities</i>” to the list of lawful activities. Replace “<i>detoxification</i>” with “<i>the treatment of drug use disorders</i>”.</p> <p>Clause 13: Replace the proposed Clause with the following text: “<i>Drug-dependent persons are those who use narcotic substances, addictive drugs, psychoactive drugs and have been diagnosed with drug use dependence or drug use dependence disorders</i>”</p> <p>Clause 14: Replace “<i>Illegal drug user</i>” by “<i>person who uses illicit drugs</i>”.</p> <p>Clause 15: Replace proposed Clause with the following text: “<i>Treatment of drug use disorder is the process of comprehensive implementation of psychological, cognitive, legal, social and health interventions and support in order</i></p>
---	--	--

<p>8. Drug-related evils refer to drug dependence situation, drug-related crimes and other illegal acts involving drug.</p> <p>9. Lawful drug-related activities include research, inspection, production, transport, preservation, storage, selling and buying, distribution, use, detoxification, exchange, import, export and/or transit of substances prescribed in the Clauses 1, Clause 4 and Clause 5 of this Article, permitted by the competent authorities pursuant to relevant regulations.</p> <p>10. Control of lawful drug-related activities refer to permission, monitoring, inspection, and supervision of activities prescribed in the Clause 9 of this Article and the prevention and block of abusing such activities for other purposes.</p> <p>11. Drug-dependent persons are those who use narcotic substances, addictive drugs, psychoactive drugs and become dependent on such substances.</p>	<p><i>regulations that are not serious enough or not subject to criminal liability.</i></p> <p>11. Lawful drug-related activities include research, inspection, production, transport, preservation, <i>stocking</i>, selling and buying, distribution, use, detoxification, exchange, import, export, transit, <i>temporary import for re-export, temporary export for re-import</i> of such substances prescribed in the Clauses 1, Clause 4, Clause 5, and Clause 6 of this Article, permitted by the competent authorities pursuant to relevant regulations.</p> <p>12. Control of lawful drug-related activities refer to permission, monitoring, inspection, and supervision of activities prescribed in the Clause 11 of this Article and the prevention and blocking of abusing such activities for other purposes.</p> <p>13. Drug-dependent persons are those who use narcotic substances, addictive drugs, psychoactive drugs and become dependent on such substances.</p> <p>14. <i>Illegal drug user refers to a person him/herself uses or allows other people to introduce narcotic substances into his/her body without legal permission of the competent professional authorities.</i></p> <p>15. <i>Drug detoxification is the process of comprehensive implementation of psychological, cognitive, legal, social and health interventions and support in order to raise drug-dependent individuals' awareness and help them stop being dependent on drugs.</i></p>	<p><i>to help persons with drug use disorders to stop or reduce drug use, improve health, wellbeing and social functioning and prevent future harms.¹ Owing to the chronic nature of drug dependence, appropriate treatment should be delivered repeatedly (as required) despite ongoing use or intermittent relapses in drug use. This is essential to guarantee an improved quality and duration of life in spite of the persistent and serious health problems, while minimizing harmful effects to both the person who uses drugs and the community, and maximizing the chances of a long and healthy life.</i></p> <p><i>The specific type of treatment or combination of treatments will vary depending on the patient's individual needs and, often, on the types of drugs they use and should be gender responsive."</i></p> <p><i>Add a Clause with the following text: "Drug dependence is a complex multifactorial social, biological and behavioral disorder. People with drug use disorders should be considered patients in need of health services or people with a chronic health disorder, rather than people in violation of the law."</i></p>
<p>Article 3. The following acts are strictly forbidden:</p> <ol style="list-style-type: none"> 1. Cultivation of all kinds of plants bearing narcotic substances; 2. Illegally production, storage, transport, preservation, buying, selling, 	<p>Article 4. Strictly forbidden acts</p> <ol style="list-style-type: none"> 1. Cultivation of all kinds of plants bearing narcotic substances; 2. Illegally production, storage, transport, preservation, buying, selling, distribution, inspection, processing, exchange, export, import; <i>temporary import for re-export, temporary export for re-import</i>; transit, research, 	<p>The UN recommends the following amendments to this Article:</p> <p>Clause 3: Delete "<i>usage and</i>". Add the following text at the end of the clause: "<i>Organisations or groups providing harm reduction services shall be excluded from liability for</i></p>

¹ WHO and UNODC, International standards for the treatment of drug use disorders (2020) available at: <https://www.who.int/publications/i/item/international-standards-for-the-treatment-of-drug-use-disorders>

<p>distribution, inspection, rehabilitation, exchange, export, import, transit, research, or appropriation of narcotic substances, precursors, addictive drugs, psychoactive drugs;</p> <p>3. Illegally usage and organization of drug consumption; incitement, coercion, inducement, harbour and/or support of illegal use of narcotic substances;</p> <p>4. Manufacture, storage, transport, buying and selling of means and tools for illegal production and/or use of narcotic substances;</p> <p>5. Legitimatization of money or property which is the proceeds of drug crimes committed by themselves</p> <p>6. Resistance to or obstruction of drug detoxification;</p> <p>7. Revenge against or obstruction of people in charge or those participating in drug prevention and control;</p> <p>8. Abuse of positions, powers, or professions to breach the regulations on drug prevention and control.</p> <p>9. Other illegal drug-related acts.</p>	<p>or appropriation of narcotic substances, precursors, addictive drugs, psychoactive drugs; <i>precursor drugs, commercial combined drugs that contain addictive ingredients, commercial combined drugs that contain psychotropic ingredients, commercial combined drugs that contain drug precursors; veterinary drugs containing narcotic substances and precursors.</i></p> <p><i>Violations against regulations on delivery and reception, management, control, storage, dispensing and permission for clients to use drugs, addictive drugs, or psychoactive drugs.</i></p> <p>3. Illegally usage and organization of drug consumption; incitement, coercion, inducement, harbour and/or support of illegal use of narcotic substances;</p> <p>4. Manufacture, storage, transport, buying and selling of means and tools for illegal production and/or use of narcotic substances;</p> <p>5. Legitimatization of money or property which is the proceeds of drug crimes committed by themselves</p> <p>6. Resistance to or obstruction of drug detoxification;</p> <p>7. Revenge against or obstruction of people in charge or those participating in drug prevention and control;</p> <p>8. Abuse of positions, powers, or professions to breach the regulations on drug prevention and control.</p> <p>9. Other illegal drug-related acts.</p>	<p><i>provision of information, facilities, goods, or services aimed at reducing harms associated with drug use.”</i></p> <p>Clause 4: Delete “<i>and/or use</i>” as this is very general, leaving for various interpretations. In addition, it is unclear on whom the burden of proof is and how they will undertake the collection and review of proof that this is or will be used for illegal production and/or use of narcotic substances.</p> <p>Clause 6: Delete this Clause.</p>
<p>Article 4.</p> <p>1. Drug prevention and control is the responsibility of individuals, families, agencies, organizations, and the entire society.</p> <p>2. The State adopts policies to encourage and protect individuals, families, agencies, and organizations to participate in prevention and control of drug-related evils; organizes activities against drug-related crimes and</p>	<p>Article 5. State’s policies on drug prevention and combat</p> <p>1. Drug prevention and combat is the responsibility of individuals, families, agencies, organizations, and the entire society.</p> <p>2. The State adopts policies to encourage and protect individuals, families, agencies, and organizations to participate in drug prevention and control; organizes activities against drug-related crimes and synchronously employ economic, legal, cultural, social and professional measures to communicate drug related issues and</p>	<p>The UN recommends the following amendments to this Article:</p> <p>Clause 1: Insert “<i>the State,</i>” after “<i>the responsibility of</i>”.</p> <p>Clause 2: Replace “<i>combines drug prevention and control with the prevention and control of crimes, HIV/AIDS and other social evils</i>” with the following text: “<i>combines drug prevention and control with the prevention and control of drug-related crimes and other health and social harms (e.g, HIV).</i>”</p>

<p>synchronously employ economic, legal, cultural, social and professional measures to communicate drug related issues and mobilize people, public servants, officers and soldiers of the people's armed forces to take part in drug-related evils prevention and control; combines prevention and control of drug-related evils with the prevention and control of crimes, HIV/AIDS and other social evils.</p>	<p>mobilize people, public servants, officers and soldiers of the people's armed forces to take part in drug prevention and control; combines drug prevention and control with the prevention and control of crimes, HIV/AIDS and other social evils.</p>	
<p>Article 5. 1. The State of Vietnam implements international agreements on drug prevention and control and other relevant international agreements which the Socialist Republic of Vietnam has signed or acceded to base on the principle of respect for national independence, sovereign equality, territorial integrity and mutual benefits; cooperates with other states, international organizations, foreign organizations and individuals in drug prevention and combat activities. 2. Foreign individuals and organizations entering, leaving, transiting, residing, and traveling on the Vietnamese territory shall have to comply with this Law and other relevant regulations of the Vietnam legislation on drug prevention and combat.</p>	<p>Article 6. Principles in international cooperation on drug prevention and combat 1. The Vietnamese State implements international agreements on drug prevention and control and other relevant international agreements which the Socialist Republic of Vietnam has signed or acceded to based on the principle of respect for national independence, sovereign equality, territorial integrity and mutual benefits; cooperates with other states, international organizations, foreign organizations and individuals in drug prevention and combat activities. 2. Foreign individuals and organizations entering, leaving, transiting, residing, and traveling on the Vietnamese territory shall have to comply with this Law and other relevant regulations of the Vietnam legislation on drug prevention and combat.</p>	
<p style="text-align: center;">Chapter II RESPONSIBILITIES FOR DRUG PREVENTION AND COMBAT</p>	<p style="text-align: center;">Chapter II RESPONSIBILITIES FOR DRUG PREVENTION AND COMBAT</p>	

<p>Article 6. Individuals and families shall have responsibilities to:</p> <ol style="list-style-type: none"> 1. Educate family members and relatives about harms caused by drug and the compliance with regulations on drug prevention and control; strictly supervise and prevent family members from involving in drug-related evils; 2. Strictly follow physicians' instructions regarding the use of addictive drugs and psychoactive drugs for medical treatment; 3. Object to drug-related illegal acts committed by relatives and other persons; 4. Participate in or support activities related to drug detoxification in drug detoxification and rehabilitation establishments and in communities; monitor and help drug-quitters with community integration; relapse prevention. 	<p>Article 7. Responsibilities of individuals and families</p> <ol style="list-style-type: none"> 1. Educate family members and relatives about harms caused by drug and the compliance with regulations on drug prevention and control; supervise and prevent family members from involving in <i>drug-related crimes and evils</i>; 2. Strictly follow physicians' instructions regarding the use of addictive drugs and psychoactive drugs for medical treatment; 3. <i>Cooperate with authorities in combating against drug crimes; support activities related to drug detoxification in drug detoxification and rehabilitation establishments and in communities; monitor and help drug-quitters with community integration; relapse prevention.</i> 4. <i>Promptly provide police departments or competent state authorities with information on drug related crimes and drug related evils, and the cultivation of plants bearing narcotic substances; participate in destroying plants bearing narcotic substances organized by local authorities.</i> 	<p>The UN recommends the following amendments to this Article:</p> <p>See UN General Comments and Recommendations on terminology and definitions.</p> <p>Clause 1: Replace “<i>drug-related crimes and evils</i>” by “<i>drug-related crimes and harms</i>”.</p> <p>Clause 1bis: Add an additional Clause with the following text: “<i>Provide care, support and respect as individuals, family and the wider community to people who use drugs and to people with drug use disorders as contributors to society.</i>”</p> <p>Clause 3: Replace the proposed Clause with the following text: “<i>Cooperate with authorities in drug prevention; support activities related to voluntary community-based drug use disorder treatment including treatment adherence and relapse prevention as well as reintegration when applicable.</i>”</p> <p>Clause 4: Delete the proposed Clause.</p>
<p>Article 7. Individuals, families, agencies, and organizations have responsibilities to detect and promptly provide information on drug-related evils to police departments or other competent authorities. The competent State authorities shall have to timely consider and address the information and denunciations regarding drug-related evils.</p> <p>Article 8.</p>	<p>Article 8: Responsibilities of the Vietnamese Fatherland Front and political, social, professional organizations</p> <ol style="list-style-type: none"> 1. Organize and coordinate with competent authorities in the communication and education among people about knowledge and legislation on drug prevention and control; and building a healthy and civilized social environment; 2. Prevent their personnel and all citizens from involving in <i>drug crimes and drug-related evils</i>; 3. Supervise drug prevention and combat activities in agencies, schools, other educational institutions, and localities; 	<p>The UN recommends the following amendments to this Article:</p> <p>Clause 1: Add the following sentence at the end of the proposed Clause: “<i>Implement evidence-based and gender responsive drug use prevention interventions that build resilience among children and youth.</i>”</p> <p>Clause 2: replace “<i>evil</i>” by “<i>harms</i>”.</p> <p>Clause 4: Replace the proposed Clause with the following text: “<i>Coordinate with the administrations at all levels and competent authorities in supporting people with drug use disorders in their treatment recovery plans; take part in</i></p>

<p>1. Individuals, families, agencies and organizations have the responsibility to detect and promptly report to the competent State authorities the cultivation of plants bearing narcotic substances; actively participate in the destruction of plants bearing narcotic substances organized by local authorities.</p> <p>2. In regions where plants bearing narcotic substances must be got rid of, the State authorities shall, within the scope of their respective tasks and powers, have the responsibility to organize the implementation of the State's guidelines and policies on the development of agricultural and forestry production to substitute the cultivation of plants bearing narcotic substances; appropriate structure planning of agriculture, forest, industry and services for people's effective shift of production.</p> <p>Article 9. The Vietnamese Fatherland Front and its member organizations along with other organizations shall, within the scope of their respective tasks and powers, have the responsibility to:</p> <p>1. Organize and coordinate with competent authorities in the communication and education among people about knowledge and legislation on drug prevention and control; and building a healthy and civilized social environment;</p>	<p>4. Coordinate with the administrations at all levels and competent authorities in mobilizing drug-dependent individuals to participate in drug detoxification; take part in providing education and vocational trainings and job-hunting for and helping drug-quitters with community integration; relapse prevention.</p>	<p><i>providing social support, including education and vocational trainings and employment, for sustained recovery management, including relapse prevention."</i></p>
---	---	--

<p>2. Prevent their personnel and all citizens from involving in drug- related evils;</p> <p>3. Supervise drug prevention and control activities in agencies, schools, other educational institutions and localities;</p> <p>4. Coordinate with the administrations at all levels and competent authorities in mobilizing drug-dependent individuals to participate in drug detoxification; take part in providing education and vocational trainings and job-hunting for and helping drug-quitters with community integration; relapse prevention.</p>		
<p>Article 10. Schools and other educational institutions have the responsibility to:</p> <p>1. Implement educational programs on drug prevention and control; to educate pupils, students and trainees on drug prevention and control legislation as well as a healthy lifestyle; strictly supervise and prevent their pupils, students and trainees from involving in drug-related evils;</p> <p>2. Coordinate with families, agencies, organizations, and local authorities in administrating and educating pupils, students and trainees about drug prevention and control;</p> <p>3. Coordinate with local health centres and authorities to conduct medical tests when necessary to detect drug-dependent persons among pupils, students, and trainees.</p>	<p>Article 9. Responsibilities of schools and other educational institutions</p> <p>1. Implement educational programs on drug prevention and control; to educate pupils, students and trainees on drug prevention and control legislation as well as a healthy lifestyle; strictly supervise and prevent their pupils, students and trainees from involving in <i>drug crimes and/or drug-related evils</i>;</p> <p>2. Coordinate with families, agencies, organizations and local authorities in administrating and educating pupils, students and trainees about drug prevention and control;</p> <p>3. Coordinate with local health centres and authorities to conduct medical tests when necessary to detect drug-dependent persons <i>or illegal drug users</i> among pupils, students, and trainees.</p>	<p>The UN recommends the following amendments to this Article:</p> <p>Clause 1: Replace the proposed Clause with the following text: <i>“Implement evidence-based educational programs on drug use prevention; to educate pupils, students and trainees using evidence-informed strategies on drug prevention and control as well as a healthy lifestyle; ensure care and support for prevention among their pupils, students and trainees from involving in drug crimes and/or drug-related harms;”</i></p> <p>Clause 2: Replace <i>“about drug prevention and control”</i> with the following text: <i>“using evidence-based methods of drug prevention and control;”</i></p> <p>Clause 3. Replace the proposed Clause with the following text: <i>“Coordinate with local health centres and authorities to ensure referrals for medical diagnosis in line with international standards and with respect for human rights on a case by case basis.”</i></p>

<p>Article 11. The State agencies and people’s armed force units shall, within the scope of their tasks and powers, have to implement drug prevention and control activities in their respective agencies and units; to prevent their officials, officers and soldiers of the people’s armed force units from involving in drug-related evils; to communicate and encourage their officials, officers, and soldiers along with citizens to detect, denounce and combat against drug-related evils.</p>	<p>Article 10. Responsibilities of the State agencies and people’s armed force units 1. State agencies and people’s armed force units shall, within the scope of their tasks and powers, have to implement drug prevention and control activities in their respective agencies and units; to prevent their officials, officers and soldiers of the people’s armed force units from involving in <i>drug related crimes and/or drug-related evils</i>; to communicate and encourage their officials, officers, and soldiers along with citizens to detect, denounce and combat against <i>drug-related crimes and evils</i>. 2. In regions where plants bearing narcotic substances must be got rid of, the State authorities shall, within the scope of their respective tasks and power, have the responsibility to implement relevant State’s guidelines and policies on the development of agricultural and forestry production to substitute the cultivation of plants bearing narcotic substances; provide an appropriate structure planning of agriculture, forest, industry and services for people’s effective shift of production.</p>	<p>The UN recommends the following amendment to this Article:</p> <p>Clause 1: Replace “<i>drug-related evils</i>” with the following text: “<i>drug-related harms</i>”.</p>
<p>Article 12. News and propaganda agencies have responsibilities to cooperate with agencies, organizations and people’s armed force units in organizing communication and education activities to raise people’s awareness of harms caused by drug; on the State’s guidelines, policies, legislation, and measures on drug prevention and combat.</p>	<p>Article 11. Responsibilities of news and communication agencies News and <i>communication</i> agencies have responsibilities to cooperate with agencies, organizations and people’s armed force units in organizing the communication and education activities to raise people’s awareness of harms caused by drug; on the State’s guidelines, policies, legislation, and measures on drug prevention and combat.</p>	<p>The UN recommends the following amendment to this Article:</p> <p>At the end of the proposed Clause, add the following sentence: “<i>All communication and education activities must be gender-responsive, and news and communication agencies will ensure that correct information is used, and that activities promote non-stigmatizing attitudes to reduce any potential discrimination, exclusion or prejudice which people who use drugs may encounter.</i>”</p>
<p>Article 14 1. Individuals, families, agencies, and organizations participating in drug prevention and combat activities shall be</p>	<p>Article 12. Policies for those participating in drug prevention and combat activities 1. Individuals, families, agencies, and organizations participating in drug prevention and combat activities shall be protected and strictly confidential by the State.</p>	<p>The “protection” referred to in proposed Clause 1 must not lead to impunity for violations of human rights.</p> <p>The UN recommends the following amendments to this Article:</p>

<p>protected and kept confidential by the State.</p> <p>2. In case individuals, families, agencies, and organizations participating in drug prevention and combat activities have to suffer from material losses, they shall be compensated therefore by the State; in case individuals get injured, damaged in health or lose their lives, they themselves or their families shall be entitled to special benefits and policies prescribed by the Government.</p> <p>3. Police departments, customs agents, border guards, coast guards, procuracies, courts and authorities at all levels shall, within the scope of their tasks and powers, implement the provisions in Clause 1 of this Article.</p>	<p>2. In case individuals, families, agencies, organizations participating in drug prevention and combat activities have to suffer from material losses, they shall be compensated therefore by the State; in case individuals get injured, damaged in health or lose their lives, they themselves or their families shall be entitled to special benefits and policies prescribed by the Government.</p> <p>3. Police departments, customs agents, border guards, coast guards, procuracies, courts and authorities at all levels shall, within the scope of their tasks and powers, implement the provisions in Clause 1 of this Article.</p>	<p>Clause 1: Add the following text as a new sentence at the end of proposed Clause 1: <i>“Such protection shall not extend to acts taken by individuals, families, agencies, and organizations in violation of domestic legislation and international human rights law.”</i></p> <p>Clause 2: Replace <i>“shall be compensated therefore by the State”</i> with the following text: <i>“shall be compensated fully and in a timely manner therefore by the State”</i></p>
<p>Article 13</p> <p>1. Prevention control agencies on drug crimes of the people’s public security force oversee the following activities:</p> <p>a. Preside over, cooperate with relevant authorities in implementing prevention and combat activities against drug-related crimes;</p> <p>b. Apply necessary surveillance measures to detect drug-related crimes;</p>	<p>Article 13: Responsibilities and powers of specialized forces on drug prevention and combat</p> <p>1. Specialized agencies on prevention and control of drug crimes under the people’s public security force oversee the following activities:</p> <p>a. <i>Be in charge of the implementation of prevention, blocking, and combat activities against drug-related crimes;</i></p> <p>b. Apply necessary surveillance and <i>technical</i> measures to <i>investigate</i> and detect drug-related crimes;</p>	<p>The UN recommends the following amendment to this Article:</p> <p>Clause 5: Add a new Clause with the following text: <i>“In the implementation of their responsibilities and powers, the specialized forces on drug prevention and combat and other relevant authorities shall ensure practical measures to uphold the prohibition of arbitrary arrest and detention and of torture and other cruel, inhuman or degrading treatment or punishment and to eliminate impunity.”</i>²</p>

² Outcome Document of the 2016 United Nations General Assembly Special Session on the World Drug Problem (2016), Operational recommendation 4(o), available at: <https://www.unodc.org/documents/postungass2016/outcome/V1603301-E.pdf>.

<p>c. Require referendums on forensic inspection of specimens, bio-product samples to detect drug-related crimes</p> <p>d. Require concerned individuals, families, agencies, and organizations to provide information, documents, financial records and bank accounts when there are grounds of committing offences prescribed in Clauses 1, Clause 2, Clause 3, Clause 4, Clause 5, and Clause 8 of Article 3 of this Law;</p> <p>đ. Require posting agencies to open parcels and mails for inspection purposes when there are grounds that such parcels or mails contain narcotic substances, precursor, addictive drugs, psychoactive drugs;</p> <p>e. Apply necessary measures to protect denouncers, witnesses, and victims in drug-related cases.</p> <p>2. Individuals, families, agencies, and organizations specified at Points d, đ and e of Clause 1 of this Article shall strictly abide by requirements of drug control agencies, if any.</p> <p>3. Drug control agencies of the Border Guard, Coast Guard force and Customs departments shall, as authorized and assigned, preside and cooperate with public security force and other relevant authorities in applying necessary</p>	<p>c. Require referendums on forensic inspection of specimens, bio-product samples to detect drug-related crimes</p> <p>d. Require concerned individuals, families, agencies, organizations, and <i>enterprises to cooperate</i>, provide information, documents, financial records and bank accounts when there are grounds of committing offences prescribed in Clauses 1, Clause 2, Clause 3, Clause 4, Clause 5, Clause 8, and Clause 9 of Article 3 of this Law;</p> <p>đ. Require <i>agencies, organizations, enterprises in the fields of posting and delivery services</i> to open parcels, mails, and goods for inspection purpose when there are grounds that such parcels, mails, and <i>goods</i> when there are grounds of those parcels, mails, and <i>goods</i> containing narcotic substances, <i>precursor drugs, addictive drugs, psychoactive drugs; commercial combined drugs that contain addictive ingredients, commercial combined drugs that contain psychoactive ingredients, veterinary drugs that contain narcotic substances, precursors.</i></p> <p>e. Apply necessary measures to protect denouncers, witnesses, and victims in drug-related cases.</p> <p>g) <i>Collaborate with anti-drug crime authorities of other countries and international anti-drug crime organizations to exchange information and co-operate in investigations of transnational drug crime cases.</i></p> <p>2. Individuals, families, agencies, and organizations specified at Points d, đ and e of Clause 1 of this Article shall strictly abide by requirements of drug control agencies, if any.</p>	
---	---	--

<p>measures as regulated by laws to prevent, block, and address illegal trade and transport of drugs, precursors, addictive drugs, psychoactive drugs in localities or under their management areas.</p> <p>4. The Government shall specify all conditions, procedures, competence, and responsibilities for specialized agencies on drug prevention and control in performing activities prescribed in Clause 1 and Clause 3 of this Article.</p>	<p>3. Drug prevention and control agencies of the Border Guard, Coast Guard and Customs shall, as authorized and assigned, preside over and co-operate with public security force and other relevant authorities in implementing necessary measures as regulated by laws to prevent, block, and handle any <i>violations of drug legislation</i> in localities or under their management areas.</p> <p>4. The Government shall specify all conditions, procedures, competence, and responsibilities for specialized agencies on drug prevention and control in performing activities prescribed in Clause 1 and Clause 3 of this Article.</p>	
	<p>Article 14. Handling of confiscated properties and means in cases of breaching drug legislation</p> <p>1. <i>Means and properties confiscated in cases of breaching drug legislation when the court's judgments or confiscation decisions are valid, are assigned to the drug prevention and combat specialized agencies for drug prevention and combat purposes.</i></p> <p>2. <i>The Government specifies necessary sequences and procedures of handling relevant means and properties stipulated in Clause 1 of this Article</i></p>	
<p style="text-align: center;">Chapter III CONTROL OF LAWFUL DRUG-RELATED ACTIVITIES</p>	<p style="text-align: center;">Chapter III CONTROL OF LAWFUL DRUG-RELATED ACTIVITIES</p>	
<p>Article 15 The research, inspection, manufacture, transport, preservation, storage, purchase and sale, distribution, use, processing, exchange, import, export, and transit of narcotic substances, precursors, addictive drugs, psychoactive drugs on the Vietnamese</p>	<p>Article 15. Control of lawful drug-related activities</p> <p>1. The research, inspection, manufacture, transport, preservation, <i>stocking</i>, purchase and sale, distribution, use, processing, exchange, import, export, <i>temporary import for re-export, temporary export for re-import</i>, and transit of narcotic substances, precursors, addictive drugs, psychoactive drugs, <i>precursor drugs, commercial combined drugs that contain addictive ingredients, commercial combined drugs that contain psychoactive</i></p>	

<p>territory must be strictly managed by law.</p>	<p><i>ingredients, commercial combined drugs that contain precursors; veterinary drugs contain narcotic substances, precursors on the Vietnamese territory must be strictly managed by law.</i></p> <p><i>2. The Government stipulates relevant contents, conditions, procedures, coordination mechanism, competence, and responsibilities of respective state management agencies regarding the implementation of the provisions specified in Clause 1 of this Article.</i></p>	
<p>Article 16 1. Individuals, agencies and organizations entitled to transport narcotic substances, precursors, addictive drugs, psychoactive drugs must pack and seal those substances in accordance with regulations of competent authorities, and take responsibility for the respective quantity and quality with necessary measures for their safely protection without loss. 2. The transport of such substances prescribed in Clause 1 of this Article by foreign agencies, organizations and individuals on the Vietnamese territory must be in pursuant to Vietnam laws.</p>	<p>Article 16. Management of transporting narcotic substances, precursors, addictive drugs, psychoactive drugs, precursor drugs, commercial combined drugs that contain addictive ingredients, commercial combined drugs that contain psychoactive ingredients, commercial combined drugs that contain precursors; veterinary drugs that contain narcotic substances, precursors</p> <p>1. Individuals, agencies and organizations entitled to transport narcotic substances, precursors, addictive drugs, psychoactive drugs, <i>precursor drugs, commercial combined drugs that contain addictive ingredients, commercial combined drugs that contain psychoactive ingredients, commercial combined drugs that contain precursors; veterinary drugs that contain narcotic substances, precursors</i> must pack and seal those substances in accordance with regulations of competent authorities, and take responsibility for the respective quantity and quality with necessary measures for their safety protection without loss. 2. The transport of such substances prescribed in Clause 1 of this Article by foreign agencies, organizations and individuals on the Vietnamese territory must be in pursuant to Vietnam laws.</p>	
<p>Article 17 The stocking, preservation, prescription and sale of addictive drugs and</p>	<p>Article 17. Management of addictive drugs, psychoactive drugs, precursor drugs, commercial combined drugs that contain addictive ingredients,</p>	

<p>psychoactive drugs for medical treatment in healthcare facilities must comply with regulations of the Ministry of Health.</p>	<p>commercial combined drugs that contain psychoactive ingredients, and commercial combined drugs that contain precursors at healthcare facilities <i>The stocking, preservation, prescription and sale of addictive drugs, psychoactive drugs, precursor drugs, commercial combined drugs that contain addictive ingredients, commercial combined drugs that contain psychoactive ingredients, and commercial combined drugs that contain precursors for medical treatment at healthcare facilities must comply with regulations of the Ministry of Health.</i></p>	
<p>Not specified</p>	<p>Article 18: Management of veterinary drugs containing narcotic substances, precursors <i>The manufacture, export, import, stocking, preservation, prescription, and sale of veterinary drugs that contain narcotic substances and precursors for treatment of animals at veterinary establishments must comply with regulations of the Ministry of Agriculture and Rural Development.</i></p>	
<p>Article 18 Individuals, agencies, and organizations carrying out activities prescribed in Article 15, Article 16, and Article 17 of this Law must compile dossiers of such activities pursuant to regulations of competent State management authorities and report to relevant agencies thereof, if requested, for a strict coordination and management.</p>	<p>Article 19. Documentation of lawful activities on drugs Individuals, agencies, and organizations carrying out activities prescribed in Article 15, Articles 16, Articles 17, and Articles 18 of this Law must compile dossiers of such activities pursuant to regulations of competent State management authorities and report to relevant agencies thereof, if requested, for a strict coordination and management.</p>	
<p>Article 19 Only agencies and organizations who completely meet the conditions prescribed by the Government can import and/or export narcotic substances, precursors, addictive drugs, psychoactive drugs.</p>	<p>Article 20. Import, export; temporary import for re-export, temporary export for re-import; transit of narcotic substances, precursors, addictive drugs, psychoactive drugs, precursor drugs, commercial combined drugs that contain addictive ingredients, commercial combined drugs that contain psychoactive ingredients, and commercial combined</p>	

<p>Article 20 1. For transit cases of narcotic substances, precursors, addictive drugs, and/or psychoactive drugs on the Vietnamese territory, it is a requirement for permits issued by the Minister of Vietnamese Ministry of Public Security for such transit. The organizations requesting the transit shall have to file their applications and dossiers for transit permits, enclosed with relevant permits of the exporting countries and the importing countries to the Vietnamese Ministry of Public Security for carrying out the procedures. The transit permits shall be sent to the applying organizations, to customs departments at the border-gates where the transit goods are transported through and other relevant authorities. A permit is valid for one transit within the period prescribed therein.</p> <p>2. The transit of substances prescribed in Clause 1 of this Article must strictly adhere to the itineraries described in the transit permits. The transporting organizations of those transit goods must carry out all procedures and be subject to inspection by customs and other competent authorities of Vietnam.</p> <p>Article 21 All cases of transporting narcotic substances, precursors, addictive drugs,</p>	<p>drugs that contain precursors, veterinary drugs that contain narcotic substances, precursors</p> <p>1. Only agencies and organizations who completely meet the conditions prescribed by the Government and <i>own permits issued by the State competent authorities</i> are allowed to import, export; <i>temporary import for re-export, temporary export for re-import</i>; transit of narcotic substances, addictive drugs, psychoactive drugs, <i>precursor drugs, commercial combined drugs that contain addictive ingredients, commercial combined drugs that contain psychoactive ingredients, and commercial combined drugs that contain precursors, veterinary drugs that contain narcotic substances, precursors.</i></p> <p>2. For transit cases of narcotic substances, precursors, addictive drugs, psychoactive drugs, <i>precursor drugs, commercial combined drugs that contain addictive ingredients, commercial combined drugs that contain psychoactive ingredients, and commercial combined drugs that contain precursors, veterinary drugs that contain narcotic substances, precursors</i> on the Vietnamese territory, it is a requirement for permits issued by the Minister of Vietnamese Ministry of Public Security for such transit. The organizations requesting the transit shall have to file their applications and dossiers for transit permits, enclosed with relevant permits of the exporting countries and the importing countries to the Vietnam Ministry of Public Security for carrying out the procedures. The transit permits shall be sent to the applying organizations, customs departments at border-gates where the transit goods are transported through and other relevant authorities. A permit is valid for one transit within the period prescribed therein. The transit of substances prescribed in Clause 1 of this Article must strictly adhere to the itineraries described in the transit permits. The transporting organizations of</p>	
---	---	--

<p>psychoactive drugs into, out of or transit on the Vietnamese territory without import, export, transit permits or not in compliance with other relevant provisions of Vietnam legislation on transport, import, export, and transit, shall be treated as illegal transportation.</p>	<p>those transit goods must carry out all procedures and be subject to inspection by customs and competent authorities of Vietnam.</p> <p>3. All cases of transporting <i>substances and drugs prescribed in Clause 1 of this Article</i>, into, out of or transit on the Vietnamese territory without suitable permits or not in compliance with other relevant provisions of Vietnam legislation on import, export; <i>temporary import for re-export, temporary export for re-import; transit</i>, shall be treated as illegal transportation</p>	
<p>Article 22 Delivery, receipt, transport, storage, preservation, utilization, import, export and/or transit of narcotic substances, precursors, addictive drugs, psychoactive drugs for defence or security purposes shall comply with regulations of the Government.</p>	<p>Article 21. Lawful drug-related activities for defence and security purposes Delivery, receipt, transport, storage, preservation, utilization, import, export , <i>temporary import for re-export; temporary export for re-import</i>, transit of narcotic substances, precursors, addictive drugs, psychoactive drugs for defence and security purposes shall comply with regulations of the Government.</p>	
<p>Article 23 1. Carriage of a limited quantity of reserve addictive drugs, psychoactive drugs for first-aid or emergency treatment in journeys or international tours on ships, airplanes, trains, cars or other vehicles shall not be considered the act of export, import or transit of goods on the Vietnamese territory. Commanders or operators of such transport means are responsible for carrying out declaration procedures with customs departments of Vietnam, justify the amount of drugs have been used and implement appropriate safety measures to prevent the abuse or illegal transport of such drugs. The Vietnamese competent authorities can conduct</p>	<p>Article 22. Carriage, stocking of reserve addictive drugs, psychoactive drugs, precursor drugs, commercial combined drugs that contain addictive ingredients, commercial combined drugs that contain psychoactive ingredients, commercial combined drugs that contain drug precursors for medical purposes 1. Carriage of a limited quantity of reserve addictive drugs, psychoactive drugs, <i>drug precursors, commercial combined drugs that contain addictive ingredients, commercial combined drugs that contain psychoactive ingredients, and commercial combined drugs that contain drug precursors</i> for first-aid or emergency treatment in journeys or international tours on ships, airplanes, trains, cars or other vehicles shall not be considered the act of exporting, importing, or transiting goods on the Vietnamese territory. Commanders or operators of such transport means are responsible for carrying out declaration procedures with</p>	

<p>inspection and examination on such transport means if necessary.</p> <p>2. Carriage of addictive drugs, psychoactive drugs for personal treatment while entering, exiting, or transiting on the Vietnamese territory must comply with regulations of Vietnam Ministry of Health and be subject to inspection by Vietnamese competent authorities.</p>	<p>customs departments of Vietnam, justify the amount of drugs have been used and implement appropriate safety measures to prevent the abuse or illegal transport of such drugs. The Vietnamese competent authorities can conduct inspection and examination on such transport means if necessary.</p> <p>2. The carriage of addictive drugs, psychoactive drugs, <i>drug precursors, commercial combined drugs that contain addictive ingredients, commercial combined drugs that contain psychoactive ingredients, and commercial combined drugs that contain drug precursors</i> for personal treatment while entering, exiting, or transiting on the Vietnamese territory must comply with regulations of Vietnam Ministry of Health and be subject to inspection by Vietnamese competent authorities.</p>	
<p>Article 24</p> <p>1. Narcotic substances, addictive drugs, and psychoactive drugs seized in criminal cases, must be destroyed except cases where those narcotic substances, addictive drugs, and psychoactive drugs utilized in lawful activities related to drugs appropriated that they must be returned to their owners.</p> <p>2. Handling of poor quality or expired addictive drugs, psychoactive drugs shall comply with regulations of the Ministry of Health.</p> <p>3. Handling of narcotic substances, addictive drugs, psychoactive drugs, which not prescribed in Clauses 1 and Clause 2 of this Article, and precursors shall comply with regulations of the Government.</p>	<p>Article 23. Handling of narcotic substances, precursors, addictive drugs, psychoactive drugs, drug precursors, commercial combined drugs that contain addictive ingredients, commercial combined drugs that contain psychoactive ingredients, and commercial combined drugs that contain drug precursors; and veterinary drugs that contain narcotic substances, precursors seized in cases of breaching drug legislation</p> <p>1. Narcotic substances, precursors, addictive drugs, psychoactive drugs, drug precursors, commercial combined drugs that contain addictive ingredients, commercial combined drugs that contain psychoactive ingredients, and commercial combined drugs that contain drug precursors; and veterinary drugs that contain narcotic substances, precursors in criminal cases, <i>administrative violations</i> must be seized and handled as follows:</p> <p>a) Return to their owners in cases where narcotic substances, precursors, addictive drugs, psychoactive drugs, <i>drug precursors, commercial combined drugs</i></p>	

	<p><i>that contain addictive ingredients, commercial combined drugs that contain psychoactive ingredients, and commercial combined drugs that contain drug precursors; and veterinary drugs that contain narcotic substances, precursors are utilized in lawful activities related to the appropriated drugs.</i></p> <p><i>b) Use for scientific research, health care, forensic inspection, traceability, training on drug prevention and control, training of professional animals</i></p> <p><i>c) Destroy in accordance with regulations in cases they are not prescribed in point a and point b of this Clause.</i></p> <p><i>2. The Government shall specify sequences and procedures for handling narcotic substances, precursors, addictive drugs, psychoactive drugs, drug precursors, commercial combined drugs that contain addictive ingredients, commercial combined drugs that contain psychoactive ingredients, and commercial combined drugs that contain drug precursors; and veterinary drugs that contain narcotic substances, precursors stipulated in Clause 1 of this Article.</i></p>	
<p>Clause 2 of Article 24</p>	<p>Article 24. Handling of poor quality or expired addictive drugs, psychoactive drugs, drug precursors, commercial combined drugs that contain addictive ingredients, commercial combined drugs that contain psychoactive ingredients, and commercial combined drugs that contain drug precursors; and veterinary drugs that contain narcotic substances, precursors</p> <p><i>1. Handling of poor quality or expired addictive drugs, psychoactive drugs, drug precursors, commercial combined drugs that contain addictive ingredients, commercial combined drugs that contain psychoactive ingredients, and commercial combined drugs that contain drug precursors; and veterinary drugs that contain narcotic substances, precursors not prescribed in Article 23 of this Law shall comply with regulations of the Ministry of Health.</i></p>	

	<i>2. Handling of poor quality or expired veterinary drugs that contain narcotic substances, precursors not prescribed in Article 23 of this Law shall comply with regulations of the Ministry of Agriculture and Rural Development.</i>	
Not stipulated	Chapter IV MANAGEMENT OF ILLEGAL USERS OF NARCOTIC SUBSTANCES	The UN recommends revising the title to: “PREVENTION AND MANAGEMENT OF ILLEGAL USE OF NARCOTIC SUBSTANCES”
Not stipulated	<p>Article 25. Identification of illegal users of narcotic substances</p> <p><i>1. Get caught while illegally using narcotic substances.</i></p> <p><i>2. Drug test with positive results and that person cannot prove their drug consumption is lawful.</i></p> <p><i>3. For persons who fail to comply with the requirement of drug test by an officer, the competent agencies are entitled to enforce them to conduct the testing.</i></p>	<p>The UN recommends the following amendments to this Article:</p> <p>Article title: Replace the name of the proposed Article with the following text: “<i>Identification of people using illegal narcotic substances</i>”</p> <p>Clause 2: Replace the proposed Clause with the following text: “<i>A person suspected of using an illicit substance may voluntarily engage in screening with trained staff for determining addiction severity using scientific tools.</i>”</p> <p>Clause 3: Replace the proposed Clause with the following text: “<i>For persons who choose not to undergo screening by persons trained to initiate said assessments, the competent agencies are entitled to refer them to a medical facility to conduct screening and testing by a trained healthcare professional.</i>”</p>
Not stipulated	<p>Article 26. State regulations on management of illegal drug users</p> <p><i>1. Illegal drug users are subject to administrative measures pursuant to provisions of the Law on Handling of Administrative Violations.</i></p>	<p>The UN recommends the following amendments to this Article:</p> <p>See UN General Comments and Recommendations on terminology and the internationally agreed definition of drug dependence.³</p>

³ UNODC, WHO, Principles of Drug Dependence Treatment (2008), available at: <https://www.unodc.org/documents/drug-treatment/UNODC-WHO-Principles-of-Drug-Dependence-Treatment-March08.pdf>.

	<p>2. <i>Supervise, manage, and educate illegal drug users for their quitting drugs and promptly prevent acts of causing negative effects on social security, order, and safety.</i></p>	<p>Article title: Replace the name of the proposed Article with the following text: “<i>State regulations on management of people who use illicit drugs</i>”</p> <p>Clause 1: Replace “<i>illegal drug users</i>” with the following text: “<i>people who use illicit drugs</i>”</p> <p>Clause 2: Replace the proposed Clause with the following text: “<i>Provide access to voluntary evidence-based treatment and care services for people who use drugs. Such treatment should include social support, psychological, medical interventions and other services required by specific groups, such as women and children.</i>”</p>
<p>Not stipulated</p>	<p>Article 27. Responsibilities of illegal drug users, families, agencies, and organizations</p> <p>1. <i>Illegal users of narcotic substances have following responsibilities:</i></p> <p>a) <i>Report by themselves the illegal use of narcotic substances to agencies and organizations where they work, to People's Committees of communes, wards or townships (hereinafter referred collectively to as the commune-level), or to the commune police department in their localities.</i></p> <p>b) <i>Illegal users of narcotic substances must comply with the commune police department’s requirement of testing for identifying of illegal use status of narcotic substances.</i></p> <p>c) <i>Illegal drug users who move to another residence shall notify the commune-police departments of both old and new living places for monitoring and management.</i></p> <p>2. <i>Families of illegal drug users have the responsibilities:</i></p> <p>a) <i>Monitor, manage, teach, and encourage illegal drug users to stop their illegal use of narcotic substances;</i></p> <p>b) <i>Promptly notify competent authorities when detecting their family members continuously commit illegal use of narcotic substances and prevent illegal drug users from causing negative effects on social security, order, and safety.</i></p>	<p>The UN recommends the following amendments to this Article:</p> <p>See general recommendation on replacing “<i>illegal drug users</i>” by “<i>people who use illicit drugs</i>”.</p> <p>Clause 1a: Delete the proposed Subclause.</p> <p>Clause 2a: Add “<i>prevent,</i>” after “<i>Monitor,</i>”</p> <p>Clause 2c: Replace the proposed Subclause with the following text: “<i>Assist competent authorities for the conduct of the testing, the costs of which will be covered by the State.</i>”</p>

	<p><i>c) Assist competent authorities and partly pay expenses to send illegal drug users for testing.</i></p> <p><i>3. Agencies, organizations, and individuals that detect persons illegally using of narcotic substances shall immediately notify the nearest police station.</i></p>	
Not stipulated	<p>Article 28. Documentation of illegal users of drug substances</p> <p><i>1. Commune-level police departments shall arrange documentation of illegal drug users living in their respective management localities.</i></p> <p><i>2. Within 1 year since the date being caught of illegal drug use, such persons shall be removed from the list if they no longer illegally use narcotic substances.</i></p> <p><i>3. The Ministry of Public Security shall inspect and guide the implementation of statistics documenting illegal drug users.</i></p>	<p>The UN recommends the deletion of this Article.</p> <p>If the proposed Article is retained, see UN General Comments and Recommendations on terminology, in particular on replacing “<i>illegal drug users</i>” by “<i>people who use illicit drugs</i>”.</p>
Chapter IV DRUG DETOXIFICATION	Chapter V DRUG DETOXIFICATION	<p>The UN recommends changing the name of this chapter from “<i>Drug Detoxification</i>” (Cai nghiện) to “<i>Drug use disorder treatment</i>” (Điều trị nghiện). Throughout Chapter V, the term “<i>drug detoxification</i>” (Cai nghiện) should be replaced by “<i>drug use disorder treatment</i>” (Điều trị nghiện). This is to ensure a more comprehensive and correct scope as explained in the UN General Comments and Recommendations.</p>
<p>Article 25</p> <p>The State’s policies on drug detoxification consist of the following acts:</p> <p>1. Implement drug detoxification measures for drug-dependent persons and encourage them to voluntarily participate in treatment programs;</p>	<p>Article 29: The State’s policies on drug detoxification</p> <p>1. Implement drug detoxification measures for drug-dependent persons and encourage them to participate in voluntary drug treatment programs;</p> <p>2. Organize compulsory drug detoxification and rehabilitation facilities;</p> <p>3. Encourage individuals, families, agencies and organizations to apply voluntary treatment measures for the drug-dependent persons, to provide assistance in drug treatment, <i>post- detoxification</i>, and relapse</p>	<p>The UN recommends the following amendments to this Article:</p> <p>See UN General Comments and Recommendations on terminology and definitions, in particular on replacing “<i>detoxification</i>” by “<i>drug use disorder treatment</i>” and “<i>drug dependent person</i>” by “<i>persons diagnosed with drug use dependence or persons with a drug use disorder</i>” and definition of drug dependence.</p> <p>Clause 1: Replace the proposed Clause with the following text: “<i>Ensure availability, accessibility, affordability, gender responsive, evidence-based and diversified</i>”</p>

<p>2. Organize compulsory drug detoxification and rehabilitation facilities;</p> <p>3. Encourage individuals, families, agencies, and organizations to apply voluntary drug detoxification measures for drug-dependent persons, to provide assistance in drug treatment, to post-detoxification management and relapse prevention; to conduct research, produce and applying new medications and methods of drug treatment;</p> <p>4. Provide funding for drug detoxification, post- detoxification management and relapse prevention;</p> <p>5. Domestic and foreign organizations and individuals who assist and invest in drug detoxification, post-detoxification management, and relapse prevention shall be entitled to preferential policies regulated by laws.</p>	<p>prevention; to conduct research, produce and applying new medications and methods of drug treatment;</p> <p>4. Provide funding for drug detoxification, and drug relapse prevention;</p> <p>5. Domestic and foreign organizations and individuals who help and invest in drug detoxification and relapse prevention shall be entitled to preferential policies regulated by laws.</p>	<p><i>treatment of and harm reduction including to reduce drug-related mortality due to opioid overdose for people with drug use disorders, and encourage the voluntary participation of these individuals in treatment.”</i></p> <p>Clause 2: Delete the proposed Clause.</p> <p>Clause 3: Replace the proposed Clause with the following text: <i>“Encourage individuals, families, agencies and organizations to support the person who is dependent on drugs or with drug use disorder, throughout their drug treatment and post- treatment, and to assist in relapse prevention;”</i></p> <p>Clause 4: Replace the proposed Clause with the following text: <i>“Ensure funding is allocated as needed for evidence-based prevention, harm reduction and voluntary treatment and to conduct research into the production and application of new medications and methods of voluntary drug treatment, in accordance with internationally accepted medical research principles.”</i></p> <p>Clause 6: Replace the proposed Clause with the following text: <i>“Provide essential internationally and nationally agreed overdose prevention medication (such as Naloxone) in every health facility, including treatment facilities in order to provide life-saving medication.”</i></p>
<p>Article 26</p> <p>1. A drug-dependent person is responsible for the followings:</p> <p>a. Report by himself/herself the status of drug dependence to companies or organizations where he/she works or to</p>	<p>Article 30. Responsibilities of drug-dependent individuals, families, and commune-level People’s committees</p> <p>1. A drug-dependent person is responsible for the followings:</p>	<p>The UN recommends against commune representatives compiling and maintaining a list of people who use drugs or who have a drug use disorder. As a health issue, this information should remain within a health system and treated as private, confidential information. It should solely be used for the purpose of advancing the health of the individual concerned.⁴</p>

⁴ WHO, UNDP, UNAIDS and International Centre on Human Rights and Drug Policy, International Guidelines on Human Rights and Drug Policy (2019), Guideline No. II.1.2, available at: https://www.undp.org/content/dam/undp/library/HIV-AIDS/HRDP%20Guidelines%202019_FINAL.PDF

<p>the People’s Committees of communes, wards, or towns (hereinafter referred to as "commune-level") of his/her residential place and voluntarily register for a form of drug detoxification;</p> <p>b. Strictly adhere to regulations on drug detoxification;</p> <p>2. The family of a drug-dependent person is responsible for the followings:</p> <p>a. Report of their family’s drug dependent persons to the commune-level People’s Committee and register for a form of drug detoxification for such members;</p> <p>b. Encourage, help and manage drug-dependent persons to participate in residential or community-based drug detoxification with guidance and supervision of healthcare staff and commune-level People’s Committee;</p> <p>c. Monitor, supervise, prevent or keep the drug-dependent person from causing negative effects for social order, security and safety;</p> <p>d. Support competent authorities in sending drug-dependent persons to drug detoxification and rehabilitation facilities and pay for rehabilitation costs in accordance with legal regulations.</p> <p>3. Commune-level People’s Committees shall enable drug-dependent persons and their families to report of drug dependence status and register for the forms of detoxification.</p>	<p>a. Report by himself/herself the status of drug dependence to companies or organizations where he/she works or to the People’s Committees of communes, wards, or towns (hereinafter referred to as "commune-level") of his/her residential place and voluntarily register for a form of drug detoxification;</p> <p>b. Strictly adhere to regulations on drug detoxification.</p> <p>2. Family of drug-dependent individuals is responsible for the followings:</p> <p>a. Report of their family’s drug dependent persons to the commune-level People’s Committee and register for the forms of drug detoxification for such members;</p> <p>b. Encourage, help and monitor drug-dependent persons in <i>drug rehabilitation facilities</i>, residential or community-based treatment with guidance and supervision of health staff and commune-level People’s Committee;</p> <p>c. Monitor, supervise, prevent, or keep drug-dependent persons from causing negative effects to social order, security and safety;</p> <p>d. Support competent authorities in sending drug-dependent persons to drug detoxification and rehabilitation facilities and pay for drug detoxification costs in accordance with legal regulations.</p> <p>3. Commune-level People’s Committees shall enable drug-dependent individuals and their families to report of drug dependence status and register for forms of drug detoxification.</p>	<p>The UN recommends the following amendments to this Article:</p> <p>See UN General Comments and Recommendations on terminology and definitions, in particular on replacing “<i>detoxification</i>” by “<i>drug use disorder treatment</i>” and “<i>drug dependent person</i>” by “<i>persons diagnosed with drug use dependence or persons with a drug use disorder</i>” and definition of drug dependence.</p> <p>Clause 1: Insert an additional Subclause before the proposed Subclause 1a with the following text: “<i>People diagnosed with drug dependence or with a drug use disorder shall select suitable drug treatment methods on a voluntary basis, with informed consent, after receiving relevant health and/or social information and counseling on evidence-based treatment options.</i>”</p> <p>Clause 1a: Delete the proposed Subclause.</p> <p>Clause 1b: Delete the proposed Subclause.</p> <p>Clause 2a: Delete the proposed Subclause.</p> <p>Clause 2c: Replace the proposed Subclause with the following text: “<i>Contribute to monitor, prevent and mitigate the harms related to the use of drugs to social order, security and safety.</i>”</p> <p>Clause 2d: Replace the proposed Subclause with the following text: “<i>Support competent authorities in referring people with drug use disorder to voluntary drug use disorder treatment and, when possible, pay for costs in accordance with legal regulations.</i>”</p> <p>Clause 3: Delete the proposed Clause.</p>
---	---	---

<p>Not stipulated</p>	<p>Article 31. Documentation of drug-dependent persons <i>1. Commune-level police departments shall prepare documentation, monitor, and update statistics of drug-dependent persons residing in their respective management localities.</i> <i>2. Drug-dependent persons shall be removed from the list if there is confirmation of their no longer illegal use of narcotic substances within 3 years after terminating a drug detoxification form.</i> <i>3. The Ministry of Health is responsible for the documentation of drug-dependent individuals participating in Opioid Substitution Therapy programs.</i> <i>4. The Ministry of Labor, War Invalids and Social Affairs is responsible for the documentation of drug-dependent individuals in drug detoxification and rehabilitation facilities.</i> <i>5. The Ministry of Public Security is responsible for the documentation of drug-dependent persons residing in localities, detention houses, pre-trial detention centres, prisons, rehabilitation centres, educational establishments and synthesizing figures of drug-dependent individuals nationwide.</i></p>	<p>See comment above on Article 30. The Ministry of Public Security should not be involved in treatment and rehabilitation of persons who use drugs/ persons with a drug use disorder, this is a health condition and should be managed by the Ministry of Health.</p> <p>The UN recommends the following amendments to this Article:</p> <p>Clause 1: Delete the proposed Clause.</p> <p>Clause 2: Delete the proposed Clause. If proposed Clauses 1 and 2 are retained, replace proposed Clause 2 with the following text: “As drug dependence is a multi-factorial health disorder that often follows the course of a relapsing and remitting chronic disease, a person who has started treatment or who is undergoing community-based treatment should be removed from the list.”</p> <p>Clause 3: Replace the proposed Clause with the following text: “The Ministry of Health is responsible for all persons who come into contact with authorities in relation to drug use and dependence including individuals participating in the Opioid Substitution Therapy programs and their supervision and health care.”</p> <p>Clause 5: Replace the proposed Clause with the following text: “The Ministry of Public Security is responsible for collection of data from several ministries that are responsible for the health and welfare of people who use drugs, including the Ministry of Health, Ministry of Labour, War Invalids and Social Affairs. This data includes documentation of drug-dependent persons residing their localities, detention houses, pre-trial detention centres, prisons, rehabilitation centres,</p>
------------------------------	---	--

		<i>educational establishments and synthesizing figures of drug-dependent individuals nationwide.”</i>
<p>Article 26a</p> <p>1. Methods of drug detoxification consist of:</p> <p>a. Voluntary drug detoxification;</p> <p>b. Compulsory drug detoxification;</p> <p>2. Forms of drug detoxification consist of:</p> <p>a. Residential detoxification;</p> <p>b. Community-based detoxification;</p> <p>c. Drug detoxification in drug detoxification and rehabilitation establishments.</p>	<p>Article 32. Methods and forms of drug detoxification</p> <p>1. Methods of drug detoxification consist of:</p> <p>a) Voluntary drug detoxification;</p> <p>b) Compulsory drug detoxification;</p> <p>2. Forms of drug detoxification consist of:</p> <p>a) Residential drug detoxification;</p> <p>b) <i>Voluntary</i> community-based drug detoxification;</p> <p>c) Drug rehabilitation in drug detoxification and rehabilitation establishments.</p>	<p>The UN recommends the following amendments to this Article:</p> <p>See UN General Comments and Recommendations on terminology and definitions, in particular the internationally agreed definition of drug use disorder treatment.</p> <p>Clause 1: Replace the Clause and Subclauses with the following text: “<i>Methods of drug use disorder treatment consist of:</i> a) <i>Voluntary, evidence-based, gender responsive drug treatment;</i>”</p> <p>Clause 1b: Delete the proposed Subclause.</p> <p>Clause 2: Replace the Clause and Subclauses with the following text: “<i>Forms of drug use disorder treatment consist of:</i> a) <i>Voluntary community-based treatment and care services</i> b) <i>Voluntary Short Term in-patient Treatment (1-4 weeks)</i> c) <i>Voluntary Long-Term Residential Treatment – (usually 3 months)</i> d) <i>Sustained Recovery Management.</i>”</p>
<p>Article 27</p> <p>1. Residential and community-based drug detoxification shall apply to drug-dependent persons who voluntarily participate in drug detoxification programs, except for those voluntarily participate in drug detoxification in drug detoxification and rehabilitation establishments.</p>	<p>Article 33. Voluntary drug detoxification</p> <p>1. <i>Voluntary drug detoxification is applied for drug-dependent persons with residential, community-based treatment, or in drug detoxification and rehabilitation facilities.</i></p> <p>2. <i>Drug-dependent persons and their families register for appropriate voluntary detoxification forms and pay for treatment costs. The expenses shall be partly</i></p>	<p>The UN recommends the following amendments to this Article:</p> <p>Clause 2: Replace the proposed Clause with the following text: “<i>People with a drug use disorder and their families register for appropriate voluntary drug user disorder treatment options based on needs. Such persons shall pay for treatment costs with some expenses partly supported by the State, as defined by the MOH.</i>”</p>

<p>In case a drug-dependent person fails to voluntarily participate in drug detoxification programs, compulsory community-based drug detoxification shall be imposed in accordance with commune-level People's Committee chairman's decision.</p> <p>2. Term of residential and community-based drug detoxification shall last from six months to twelve months.</p> <p>3. Commune-level Committees shall organize community-based drug detoxification and provide guidelines and assistance for residential drug detoxification.</p> <p>4. The Government shall specify the implementation of residential and community-based drug detoxification along with required sequences and procedures for compulsory community-based drug detoxification.</p>	<p><i>supported by the State for voluntary drug detoxification cases.</i></p> <p>3. Term of voluntary residential, community-based drug detoxification, and voluntary drug detoxification in drug detoxification and rehabilitation establishments shall last from six months to twelve months.</p> <p>4. Commune-level Committees shall organize <i>voluntary</i> community-based drug detoxification and provide guidelines and assistance for residential drug detoxification.</p> <p>5. <i>The Government shall specify the implementation of residential drug detoxification and voluntary community-based drug detoxification along with voluntary drug detoxification in drug detoxification and rehabilitation establishments.</i></p>	<p>Clause 3: Replace “<i>six months to twelve months</i>” with the following text: “<i>three months to six months.</i>”</p>
<p>Article 28</p> <p>1. Drug-dependent persons aged full 18 years or older, who have taken part in residential, community- based drug detoxification, or drug educational programs at commune, ward, town level for many times, but still being drug-dependent or have no settled residence places, shall be sent to compulsory drug detoxification and rehabilitation establishments.</p>	<p>Article 34. Compulsory drug detoxification</p> <p>1. <i>Compulsory drug detoxification shall be imposed</i> for drug-dependent persons aged full 18 years and older</p> <p>2. <i>Sequences, procedures, and subjects for imposing the measure of sending persons to compulsory drug detoxification and rehabilitation establishments shall be implemented according to the Law on Handling Administrative Violations.</i></p>	<p>The UN recommends the deletion of this Article.</p>

<p>2. Sending drug-dependent persons to compulsory drug detoxification and rehabilitation establishments shall be implemented in accordance with the chairman’s decision of the People’s Committees of rural districts, urban districts, provincial towns, and cities. Term of drug detoxification in compulsory drug rehabilitation facilities shall last from one to two years.</p> <p>3. Drug-dependent persons who voluntarily register for drug detoxification shall be admitted for compulsory drug detoxification and rehabilitation establishments and not be subject to administrative violations.</p> <p>4. Organization and operation of compulsory drug detoxification and rehabilitation establishments, compulsory drug treatment mechanism, and relevant procedures to send drug-dependent persons prescribed in Clause 1 of this Article to compulsory drug detoxification and rehabilitation establishments shall comply with the legal regulations on handling of administrative violations.</p>		
<p>Article 29</p> <p>1. Drug-dependent persons aged between full 12 years old and under 18 years old, who have participated in residential or community-based drug detoxification, or been educated many times in communes, wards or district towns but still being drug-dependent or had no fixed residence places, shall be sent to reserve compulsory drug</p>	<p>Article 35. Drug detoxification for persons aged full 12 years old to under 18 years old</p> <p><i>Management and drug detoxification for drug-dependent persons aged from full 12 years old to under 18 years old shall comply with the provisions of the Law on Handling of Administrative Violations.</i></p>	<p>The UN recommends the following amendments to this Article:</p> <p>Replace the proposed Article with the following text: “Article 35. Drug use disorder treatment for persons aged 12 years old to under 18 years old</p> <p><i>Management and drug use disorder treatment for persons diagnosed with drug dependence aged from 12 years old to under 18 years old shall comply with the provisions of the</i></p>

<p>detoxification and rehabilitation establishments establishments.</p> <p>2. Drug-dependent persons aged between full 12 years old and under 18 years old, either voluntarily register on their own or their families register for drug detoxification, shall be admitted into reserve compulsory detoxification and rehabilitation establishments.</p> <p>3. Drug detoxification applied for drug-dependent individuals defined in Clauses 1 and Clause 2 of this Article shall not be considered the handling of administrative violations.</p> <p>4. Organization and operation of compulsory detoxification and rehabilitation facilities, competence, terms, detoxification mechanism, procedures for consigning drug-dependent persons prescribed in Clause 1 and Clause 2 of this Article into compulsory rehabilitation establishments shall be stipulated by the Government.</p>		<p><i>Law on Handling of Administrative Violations and Law on Medical Examination and Treatment.”</i></p>
<p>Article 30 Drug-dependent individuals shall have following responsibilities during compulsory drug detoxification term: 1. Abide by internal rules and be subject to the management and education by the compulsory drug detoxification and rehabilitation establishments;</p>	<p>Article 36. Responsibilities of drug-dependent persons during compulsory drug detoxification term 1. Abide by internal rules, <i>mechanisms</i> and be subject to the management, education, and <i>drug treatment</i> by the compulsory drug detoxification and rehabilitation establishments;</p>	<p>See UN General Comments and Recommendations on compulsory drug treatment not being an evidence-based approach to drug treatment and on forced labour.⁵</p> <p>The UN recommends the deletion of this Article.</p>

⁵ Joint Statement: Compulsory drug detention and rehabilitation centres in Asia and the Pacific in the context of COVID-19, June 2020, available at: <https://vietnam.un.org/en/50410-joint-statement-compulsory-drug-detention-and-rehabilitation-centres-asia-and-pacific-context>, and UNODC, From Coercion to Cohesion: Treating drug dependence through health care, not punishment (2009), available at: https://www.unodc.org/documents/hiv-aids/publications/People_who_use_drugs/D03_DrugDependenceTreatmentHealthCare_2010_EN.pdf.

<p>2. Work, study, adhere to medical treatment for drug withdrawal and contribute to life during the detoxification term.</p>	<p>2. Occupational work, study, adhere to medical treatment for drug withdrawal and contribute to life during the detoxification term.</p>	
<p>Article 31</p> <p>1. The State shall apply appropriate measures of drug detoxification for drug-dependent persons who are detainees, prisoners or trainees of educational establishments, or offenders of reform schools. Supervisory boards of the aforementioned institutions shall closely cooperate with local healthcare centers to implement this provision.</p> <p>2. Wardens of prison and pre-trial detention centers, directors of educational establishments and principals of reform schools must notify commune-level People’s Committees regarding the drug detoxification of those drug-dependent individuals specified in Clause 1 of this Article when they return to their residences.</p>	<p>Article 37. Drug detoxification for detainees, prisoners, trainees of educational establishments, and offenders of reform schools</p> <p>1. The State shall apply appropriate measures of drug detoxification for drug-dependent persons who are detainees, prisoners or trainees of educational establishments or offenders of reform schools. Supervisory boards of the aforesaid institutions shall closely cooperate with local healthcare centers to implement this provision.</p> <p>2. Wardens of prison and pre-trial detention centers, directors of educational establishments, and principals of reform schools must notify commune-level People’s Committees regarding the drug detoxification of those drug-dependent individuals specified in Clause 1 of this Article when they return to their residences.</p>	<p>Any facilities operating in the context of drug treatment should be subject to effective and independent oversight.⁶</p> <p>The UN recommends the following amendments to this Article:</p> <p>Clause 3: Add a third Clause with the following text: <i>“Detainees and prisoners who have been receiving drug use disorder dependence treatment including Opioid Substitution Therapy before entering correctional facilities should be prioritized to ensure that suitable drug dependence treatment continues.”</i></p> <p>Clause 4: Add a fourth Clause with the following text: <i>“The State shall promote effective, independent oversight and encourage, as appropriate, self-assessments of the abovementioned facilities. The State shall provide capacity-building to relevant national authorities.”</i></p>
<p>Article 32</p> <p>1. In drug detoxification and rehabilitation establishments, the following drug-dependent persons must be arranged into areas isolated from other drug-dependent individuals for relevant management and medical treatment:</p>	<p>Article 38. Drug detoxification and rehabilitation establishments</p> <p><i>1. Drug detoxification and rehabilitation establishments are zoned as follows:</i></p> <p><i>a) Areas for persons participating in compulsory drug detoxification</i></p> <p><i>b) Areas for persons participating in voluntary drug detoxification</i></p>	<p>The facilities should be subject to effective and independent oversight.⁷</p> <p>The UN recommends the following amendments to this Article:</p> <p>Clause 1a: Delete the proposed Subclause.</p>

⁶ UN General Assembly, Outcome Document of the 2016 Special Session on the world drug problem, agreed and adopted by all Member States of the United Nations, 4(m), available at: <https://www.unodc.org/documents/postungass2016/outcome/V1603301-E.pdf>.

⁷ UN General Assembly, Outcome Document of the 2016 Special Session on the world drug problem, agreed and adopted by all Member States of the United Nations, 4(m), available at: <https://www.unodc.org/documents/postungass2016/outcome/V1603301-E.pdf>.

<p>a) Minors; b) Women; c) Persons with dangerous communicable diseases; d) Persons receiving drug detoxification for many times or causing adverse impacts to public order.</p> <p>2. Drug detoxification and rehabilitation establishments have the responsibility to strictly comply with the drug detoxification methods approved by competent authorities; and to organize the working, study, and medical treatment for those persons.</p> <p>3. Heads of drug detoxification and rehabilitation establishments may decide the imposition of enforcement measures prescribed by law to strictly manage, educate, and treat the drug-dependent persons; and request for assistance from local authorities and people’s armed forces when necessary.</p> <p>The local authorities and the people’s armed forces have the responsibility to coordinate with one another in implementing measures to protect the drug detoxification and rehabilitation establishments and assist these facilities’ personnel if requested.</p> <p>4. Personnel of drug detoxification and rehabilitation establishments must respect the honour, dignity, lives, health, and properties of drug-dependent persons participating in drug detoxification.</p>	<p><i>c) Accommodations for persons waiting for confirmation of their drug addiction status and record preparation for administrative handling measures by referring those people to compulsory drug detoxification and rehabilitation establishments.</i></p> <p>2. In drug detoxification and rehabilitation establishments, the following drug-dependent persons must be arranged into areas isolated from other drug-dependent individuals for relevant management and medical treatment: a) <i>Persons aged from full 12 years old to under full 18 years old;</i> b) Women; c) Persons with dangerous communicable diseases; d) Persons causing adverse impacts to public order.</p> <p>3. Drug detoxification and rehabilitation establishments have the responsibility to strictly comply with the drug treatment methods approved by competent authorities; and to organize the working, study, and medical treatment for those persons.</p> <p>4. Heads of drug detoxification and rehabilitation establishments may decide the imposition of enforcement measures prescribed by law to strictly manage, educate, and treat the drug-dependent persons; and request for assistance from local authorities and people’s armed forces when necessary; <i>administrative control of drug-dependent persons and objects in drug rehabilitation facilities when detecting any signs of hiding narcotic substances and banned objects inside their bodies or things.</i></p> <p>5. The local authorities and the people’s armed forces have the responsibility to coordinate with one another in implementing measures to protect the drug detoxification and rehabilitation establishments and assist these facilities’ personnel if requested.</p> <p>6. <i>Personnel of drug detoxification and rehabilitation establishments are entitled to use support tools and</i></p>	<p>Clause 2a: Delete the proposed Subclause.</p> <p>Clause 2b: Add the following text at the end of the Subclause: “, including transgender women;”.</p> <p>Clause 2c: Replace the word “dangerous” with the word “highly”.</p> <p>Clause 2d: Delete this Subclause, which is overly broad and vague, leaving room for various interpretations.</p> <p>Clause 3: Add the following text to the end of the Clause: “while fully respecting the ILO Convention 105 on Abolition of Forced Labor”.</p> <p>Clause 4: Trained medical professionals may recommend measures prescribed by law to strictly manage, educate, and treat people with drug use disorders;</p> <p>Clause 5: Replace the proposed Clause with the following text: “The local authorities and the people’s armed forces have the responsibility to ensure the safety of the community and individuals.”</p> <p>Clause 6: Replace the proposed Clause with the following text: “The State shall promote effective and independent oversight and encourage, as appropriate, self-assessments of detoxification and rehabilitation establishments, taking into consideration the United Nations standards and norms on crime prevention and criminal justice, including the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules). The State shall implement, where appropriate, measures aimed at addressing and eliminating overcrowding and violence, and provide capacity-building to relevant national authorities.”</p>
---	--	--

	<p><i>means to prevent disrupting acts of drug-dependent persons and carry out a search for drug-dependent individuals who escape from drug detoxification and rehabilitation establishments.</i></p> <p>7. Personnel of drug detoxification and rehabilitation establishments must respect the honour, dignity, lives, health, and properties of drug-dependent persons participating in drug detoxification.</p>	Clause 7: Delete the proposed Clause.
<p>Article 32a</p> <p>Persons who participate in compulsory treatment in drug detoxification and rehabilitation establishments but commit crimes shall be forced into such establishments after serving the imprisonment sentence in case the execution term of such sentence is shorter than the detoxification program; in case such person is given a probation or a suspended imprisonment sentence, he/she will be forced to take compulsory detoxification in compulsory drug detoxification and rehabilitation establishments.</p>	<p>Article 39. Execution of penalties during compulsory treatment</p> <p>Persons who participate in compulsory detoxification in drug detoxification and rehabilitation establishments but commit crimes shall be forced into compulsory treatment in such establishments after serving the imprisonment sentence in case the execution term of such sentence is shorter than the detoxification program.</p> <p>In case such person is given a probation or a suspended imprisonment sentence, he/she will be forced into compulsory treatment in compulsory drug detoxification and rehabilitation establishments.</p>	<p>The UN recommends the following amendments to this Article:</p> <p>Replace the proposed Clause with the following text: <i>“Article 39. Execution of penalties during voluntary drug disorder treatment</i></p> <p><i>Persons who participate in voluntary drug use disorder treatment but commit crimes under the Penal Code shall benefit from drug use disorder treatment while serving their imprisonment sentence.</i></p> <p><i>In cases where a person diagnosed with drug use disorder is given a probation or a suspended imprisonment sentence, the person will be medically referred for continued drug use disorder treatment and social reintegration with support from the Ministry of Health and the Ministry of Labour, War Invalids and Social Affairs.”</i></p>
<p>Article 33</p> <p>1. Drug-dependent persons after terminating a compulsory detoxification term in drug detoxification and rehabilitation establishments shall be subject to post- detoxification management between one to two years in one of the following forms:</p> <p>a. Residential supervision by commune-level People’s Committee applied to</p>	<p>Article 40. Community integration and relapse prevention</p> <p>1. Drug-dependent persons, after completing the compulsory detoxification term in drug detoxification and rehabilitation establishments, <i>shall be enabled for participating in activities to support community integration and in relapse prevention programs.</i></p> <p>2. <i>Commune-level People’s Committees shall organize community integration activities.</i></p> <p>3. <i>The Government shall specify activities in support of community integration, and relapse prevention programs.</i></p>	<p>The UN recommends the following amendment to this Article:</p> <p>Clause 1: Replace the proposed Clause with the following text: <i>“When possible, as part of or after their voluntary treatment adherence, people with drug use disorders shall have the right to participate in activities to support community integration, as well as in relapse prevention programs.”</i></p>

<p>persons not specified in Point b of this Clause;</p> <p>b. Management in a post-detoxification facility applied to persons with high risks of relapse.</p> <p>2. Post- detoxification management shall include:</p> <p>a. Management, instructions, and assistance in relapse prevention; support in vocational learning, job seeking and participation in social events for community integration given to persons under residential supervision.</p> <p>b. Supervision, counseling, education, vocational training, occupations, and preparation for community integration given to persons under supervision in a post-detoxification center.</p> <p>3. Persons given supervision in post-detoxification facilities participate in production processes shall be entitled to enjoy their achievements prescribed by the Government’s regulations.</p> <p>4. Heads of the post- detoxification facilities shall issue a search order if a persons under supervision in such facilities escapes; the public security force is responsible for cooperating with those facilities in searching and returning such person back for their</p>		
---	--	--

<p>implementation of the rest of compulsory detoxification program.</p> <p>5. Personnel of post-detoxification facilities must respect the honor, human dignity, life, health, and properties of persons under post- detoxification management.</p> <p>6. Persons who complete the post-detoxification management term specified in Point b Clause 1 of this Article shall be received and given conditions for vocational training, job seeking, loan request, and participation in social events by commune-level People’s Committees of their residence places as well as their families for their community integration and relapse prevention.</p> <p>7. The Government shall stipulate criteria for identifying persons with high risk of relapse specified in Point b Clause 1 of this Article; competence to issue decisions, sequences, and procedures for admitting into post-detoxification centers; supervision mechanism and support policies applied for persons after drug treatment; organization and operation of post- detoxification facilities.</p>		
<p>Article 34 People’s Committees at all levels where drug-dependent persons live shall plan the organization of local drug detoxification and relapse prevention;</p>	<p>Article 41. Responsibilities of People’s Committees at all levels where drug-dependent persons live People’s Committees at all levels where drug-dependent persons live shall plan the organization of voluntary drug detoxification, <i>community integration</i>, and relapse</p>	<p>The UN recommends the following amendment to this Article: Replace the Article with the following text: “<i>People’s Committees at all levels where people with drug use</i>”</p>

<p>direct the department of Labor, War Invalids and Social Affairs to preside and cooperate with the police department, health department, educational and training department at the same level along with relevant agencies and organizations in implementing drug detoxification, supervision and education for drug-dependent persons and drug-quitters; support and facilitate drug-quitters for their community integration.</p>	<p>prevention <i>in their management localities</i>; direct the department of Labor, War Invalids and Social Affairs to preside and cooperate with the police department, health department, educational and training department at the same level along with relevant agencies and organizations in implementing drug treatment, supervision and education for drug-dependent persons and drug-quitters; support and enable drug-quitters for their community integration.</p>	<p><i>disorders live shall plan the organization of voluntary drug treatment, community integration, and relapse prevention in their management localities; direct the Department of Health and Department of Labor, War Invalids and Social Affairs to preside and cooperate with the police department, educational and training department at the same level along with relevant agencies and organizations in implementing drug treatment, supervision and education for people which drug use disorder and people in recovery; support and enable people in recovery in their community integration.”</i></p>
<p>Article 34a</p> <p>1. Interventions to reduce harm of drug dependence refer to measures of reducing drug related risks or harm for individuals, families, and communities.</p> <p>2. Interventions to reduce harm of drug dependence shall be conducted among groups of drug-dependent persons through programs and projects suitable for socio-economic conditions.</p> <p>3. The Government shall specify intervention measures to reduce harm of drug dependence and adopt such measures.</p>	<p>Article 42. Interventions for reducing harm of drug dependence</p> <p>1. Interventions to reduce harm of drug dependence refer to measures of reducing drug related risks or harm for individuals, families, and communities.</p> <p>2. Interventions to reduce harm of drug dependence shall be conducted among groups of drug-dependent persons through programs and projects suitable for socio-economic conditions.</p> <p>3. The Government shall specify intervention measures to reduce harm of drug dependence and adopt such measures.</p>	<p>The UN recommends the following amendments to this Article:</p> <p>Replace the proposed Article with the following text: “Article 42. Interventions for reducing harms related to the use of drugs</p> <p><i>1. Interventions to reduce harms related to drug use refer to measures to prevent the spread of illnesses associated with the use of drugs. As examples, these measures include, among others, outreach and education, needle and syringe distribution programmes, prescription of medically assisted substitution therapy, interventions promoting non-injecting routes of drug administration (route-transition interventions), and overdose prevention practices. The primary purpose of harm reduction measures is to reduce the health and social consequences related to the use of drugs in order to protect the individual, their family and the society at large.</i></p> <p><i>2. Interventions to reduce harms related to drug use shall be conducted among groups of persons who use drugs through programs and projects suitable for socio-economic conditions.</i></p>

		<p>3. The Ministry of Health and the Ministry of Labour, War Invalids and Social Affairs shall specify comprehensive evidence-informed intervention measures to reduce the health and other harms related to drug use. The two Ministries shall adopt related guidelines and provide sufficient funding for implementation.”</p>
<p>Article 35 1. Fund for building facilities and organizing compulsory drug detoxification, post-detoxification management, and relapse prevention prescribed in Articles 27, 28, 29, 31 and 33 of this Law include the followings: a) State budget; b) Contributions from drug-dependent individuals and their families; c) Funding from domestic and foreign organizations and individuals. 2. Drug-dependent persons, their spouses, parents of juvenile drug-dependent persons shall pay for drug treatment costs in pursuant to regulations of the Government; those who face financial difficulties shall be considered for reduction or exemption from payment to drug treatment. 3. Drug detoxification and rehabilitation establishments may receive contributions, financial supports of domestic and foreign individuals, families, agencies and organizations to implement drug detoxification programs for drug-dependent individuals and have to manage and use such contributions and funds in accordance with legal regulations.</p>	<p>Article 43. Mobilization of social resources for organizing drug addiction treatment 1. Fund for building facilities and organizing compulsory drug addiction treatment, <i>community integration, intervention for harm reduction</i>, and relapse prevention prescribed in Articles 33, 34, 35, 37, 38, 40, and 42 of this Law include the followings: a) State budget; b) Contributions from drug-dependent individuals, family members, and their families; c) <i>Achievement from occupational therapy of drug-dependent individuals in drug rehabilitation facilities.</i> d) Funding from domestic and foreign organizations and individuals. 2. Drug-dependent persons, <i>their families</i> shall pay for drug treatment costs in pursuant to regulations of the Government; those who face financial difficulties shall be considered for reduction or exemption from payment to drug treatment. 3. Drug detoxification and rehabilitation establishments may receive contributions, financial supports of domestic and foreign individuals, families, agencies and organizations to implement drug treatment for drug-dependent individuals and have to manage and use such contributions and funds in accordance with legal regulations</p>	<p>The UN recommends the following amendments to this Article:</p> <p>Clause 1c: Delete the proposed Subclause.</p> <p>Clause 4: add a fourth clause with the following text: “<i>All patients, regardless of their gender or financial resources, shall be provided equal access to basic services in respect to their need for food, shelter, water, security and health services.</i>”</p>
Chapter V	Chapter VI	

STATE MANAGEMENT OF DRUG PREVENTION AND COMBAT	STATE MANAGEMENT OF DRUG PREVENTION AND COMBAT	
<p>Article 36 The content of State management of drug prevention and control include the followings:</p> <ol style="list-style-type: none"> 1. Develop and organize the implementation of strategies, guidelines, policies and plans on drug prevention and control; 2. Promulgate and organize the implementation of legal documents on drug prevention and control; 3. Organize the systems, trainings, and fostering staff on drug prevention and control; 4. Promulgate, amend, supplement and announce the lists of narcotic substances, precursors, addictive drugs, and psychoactive drugs; 5. Grant and withdraw permits for lawful drug-related activities; 6. Approve decisions of the establishment and dissolution of compulsory drug detoxification and rehabilitation establishments; grant and withdraw the certificate of business registration of other establishments on drug treatment; organize and manage drug treatment and community integration for drug-quitters; 7. Organize drug-related crime prevention and combat; 8. Conduct State documentation on drug prevention and combat; 	<p>Article 44. Content of State management of drug prevention and combat</p> <ol style="list-style-type: none"> 1. Develop and organize the implementation of strategies, guidelines, policies and plans on drug prevention and combat; 2. Promulgate and organize the implementation of legal documents on drug prevention and combat; 3. Organize the systems, trainings, and fostering staff on drug prevention and combat; 4. Promulgate, amend, supplement and announce the lists of narcotic substances, precursors, addictive drugs, and psychoactive drugs; 5. Grant and withdraw permits for lawful drug-related activities; 6. Approve decisions of the establishment and dissolution of compulsory drug detoxification and rehabilitation facilities; grant and withdraw the certificate of business registration of other establishments on drug treatment; organize and manage the drug treatment and community integration for drug-quitters; 7. Organize drug-related crime prevention and combat; 8. Conduct State statistics on drug prevention and combat; 9. Organize research and application of scientific and technological advances to drug prevention and combat; 10. Organize communication and educational activities of drug prevention and combat; 11. Undertake international cooperation in drug prevention and combat; 12. Examine, inspect, and address complaints and denunciations, and handle violations of drug prevention and combat legislation. 	<p>The UN recommends the following amendment to this Article:</p> <p>Clause 1: Replace the Clause with the following text: <i>“Implement evidence-based drug use prevention interventions. Develop and organize the implementation of strategies, guidelines, policies and plans on drug prevention and control;”</i></p>

<p>9. Organize research and application of scientific and technological advances to drug prevention and combat; 10. Organize communication and education on drug prevention and combat; 11. Undertake international cooperation in drug prevention and combat; 12. Examine, inspect, and address complaints and denunciations, and handle violations of drug prevention and combat legislation.</p>		
<p>Article 37 1. The Government unifies the State management of drug prevention and control. 2. The Ministry of Public Security takes responsibility before the Government for coordinating with the ministries, ministerial-level agencies, and Government agencies in performing the unification of State management of drug prevention and control. 3. The ministries, ministerial-level agencies, and Government agencies shall, within the scope of their tasks and powers, carry out and coordinate with relevant agencies in drug prevention and control. 4. The People’s Committees at all levels shall perform the State management of drug prevention and control in their respective localities; direct the communication and education, and implement activities of drug prevention and control in their localities; manage</p>	<p>Article 45. Division of responsibilities regarding the State management on drug prevention and combat 1. The Government unifies the State management of drug prevention and combat. 2. The Ministry of Public Security takes responsibility before the Government for coordinating with the ministries, ministerial-level agencies, and Government agencies in performing the unification of State management of drug prevention and combat. 3. The ministries, ministerial-level agencies, and Government agencies shall, within the scope of their tasks and powers, carry out and coordinate with relevant agencies in drug prevention and combat. 4. The People’s Committees of all levels shall perform the State management of drug prevention and control in their respective localities; direct the communication and educational activities, and implement activities of drug prevention and control in their localities; <i>manage the illegal users of narcotic substances, drug-dependent individuals, drug detoxification and community integration for drug-quitters</i></p>	<p>The UN recommends the following amendment to this Article:</p> <p>Clause 4: Replace “...<i>manage the illegal users of narcotic substances, drug-dependent individuals, drug detoxification and community integration for drug-quitters</i>” with the following text:“...<i>manage people who use illicit drugs and refer people for medical diagnostic for drug use disorder and related community-based treatment.</i>”</p>

<p>the drug addiction treatment and community integration for drug-quitters.</p>		
<p>Article 38 1. The Ministry of Public Security shall have the responsibility to: a) Develop and organize the implementation of strategies, guidelines, policies and plans on drug-related crime prevention and control; synthesize the implementation results of drug prevention and control of the ministries and branches for submission to the Government; b) Preside the cooperation with relevant State bodies on drug-related crime prevention and control; organize the reception and processing of information on drug-related crimes; c) Promulgate and organize the implementation of management mechanisms of narcotic substances and precursors for combating against drug-related crimes; d) Organize investigator forces on drug-related crimes, guide other agencies in conducting the preliminary investigation of such crimes in accordance with legislation; e) Organize the forensic inspection of narcotic substances and precursors; f) Organize the systems, trainings and fostering personnel engaged in drug-related crime investigation, prevention and control, as well as the forensic inspection of narcotic substances and precursors;</p>	<p>Article 46. Responsibilities of the Ministry of Public Security 1) Develop and organize the implementation of strategies, guidelines, policies and plans on drug-related crime prevention and control; synthesize the implementation results of drug prevention and combat of the ministries and branches for submission to the Government; 2) Preside and cooperate with relevant State bodies on drug-related crime prevention and control; organize the reception and processing of information on drug-related crimes; <i>control of lawful drug-related activities.</i> 3) Promulgate and organize the implementation of management mechanisms of narcotic substances and precursors for combating against drug-related crimes; 4) Organize investigator forces on drug-related crimes, guide other agencies in conducting the preliminary investigation of such crimes in accordance with legislation; 5) Organize the forensic inspection of narcotic substances and precursors; 6) Organize the systems, trainings and fostering personnel engaged in drug-related crime investigation, prevention and control, as well as the forensic inspection of narcotic substances and precursors; <i>control of lawful drug-related activities;</i> 7) Documentation of State statistics on drug prevention and control; manage the information on drug-related crimes; <i>supervise, manage, and monitor illegal users of narcotic substances.</i> 8) Coordinate with the Ministry of Labor, War Invalids and Social Affairs in directing the dossier preparation and organizing the admission of drug-dependent individuals in compulsory drug detoxification and rehabilitation establishments, maintain security and</p>	<p>The UN recommends the following amendment to this Article:</p> <p>Clause 7: replace “<i>illegal users of narcotic substances</i>” by “<i>people who use illegal substances</i>”.</p> <p>Clause 8: Replacing the proposed Clause with the following text: “<i>Coordinate with the Ministry of Labor, War Invalids and Social Affairs and the Ministry of Health in directing the dossier preparation and organizing the admission of people diagnosed with drug dependence or drug use disorder for community-based drug use disorder treatment.</i>”</p>

<p>g) Documentation of State statistics on drug prevention and control; manage the information on drug-related crimes;</p> <p>h) Coordinate with the Ministry of Labor, War Invalids and Social Affairs in directing the dossier preparation and organizing the admission of drug-dependent individuals in compulsory drug detoxification and rehabilitation establishments, maintain security and order in such establishments, regularly inspect the drug detoxification in communities and drug detoxification and rehabilitation establishments;</p> <p>i) Implement international cooperation on drug-related crime prevention and combat.</p> <p>2. The Minister of Public Security shall grant and withdraw transit permits regarding narcotic substances, precursors, addictive drugs, psychoactive drugs on Vietnamese territory; grant and withdraw permits for import and/or export of narcotic substances used for crime prevention and combat.</p>	<p>order in such establishments, regularly inspect the drug detoxification in communities and drug detoxification and rehabilitation establishments;</p> <p>9) Implement international cooperation on drug-related crime prevention and combat.</p> <p>10) The Minister of Public Security shall grant and withdraw transit permits regarding narcotic substances, precursors, addictive drugs, psychoactive drugs, <i>drug precursors, commercial combined drugs that contain addictive ingredients, commercial combined drugs that contain psychoactive ingredients, commercial combined drugs that contain drug precursors, veterinary that contain narcotic substances, precursors</i> on Vietnamese territory; grant and withdraw permits for import and/or export of narcotic substances used for crime prevention and combat.</p>	
<p>Article 38a</p> <p>The Ministry of National Defense shall:</p> <p>1. Develop and implement plans for drug prevention and control in land borders, maritime boundaries, contiguous zone, Exclusive Economic Zone, and continental shelf;</p>	<p>Article 47. Responsibilities of the Ministry of National Defense</p> <p>1. Develop and implement plans for drug prevention and control in land borders, sea borders, contiguous zone, Exclusive Economic Zone, and continental shelf;</p> <p>2. Cooperate with relevant agencies of other countries in detection and prevention of <i>drug-related violations, manage lawful drug-related activities in localities</i></p>	

<p>2. Cooperate with relevant agencies of other countries in detection and prevention of illegal trade and transport of narcotic substances, precursors, addictive drugs, psychoactive drugs through the borders under provisions hereof and other regulations of relevant laws;</p> <p>3. Provide trainings for officers in charge of drug-related crime prevention and control of the Border Guard and Coast Guard force.</p>	<p>prescribed in Clause 1 of this Article and other regulations of relevant laws;</p> <p>3. Provide trainings for officers in charge of drug-related crime prevention and combat of the Border Guard and Coast Guard.</p>	
<p>Article 38b</p> <p>The Ministry of Finance shall have the responsibility to</p> <p>1. Direct customs departments to implement drug prevention and control in compliance with provisions hereof and other regulations of relevant laws;</p> <p>2. Preside and cooperate with other ministries, branches, and local government authorities in planning budget estimate for drug prevention and control to submit to competent authorities for approval and implement thereof in accordance with legal regulations.</p>	<p>Article 48. Responsibilities of the Ministry of Finance</p> <p>1. Direct customs departments to implement drug prevention and combat in compliance with provisions hereof and other regulations of relevant laws;</p> <p>2. Preside and cooperate with <i>the Ministry of Public Security and</i> other ministries, branches, and local government authorities in planning budget estimate for drug prevention and combat to submit to competent authorities for approval and implement thereof in accordance with legal regulations.</p>	
<p>Article 39</p>	<p>Article 49. Responsibilities of the Ministry of Labor, War Invalids and Social Affairs</p>	<p>As a public health approach should be adopted in dealing with drug dependence issues, the UN recommends amending some of the responsibilities listed in this Article, and moving them to Article 50. In particular, Clauses 1 – 6</p>

<p>The Ministry of Labor, War Invalids and Social Affairs shall have the responsibility:</p> <ol style="list-style-type: none"> 1. Develop and implement strategies, policies and plans for organization of drug detoxification and post-detoxification management; provide guidelines for drug detoxification and post-detoxification management and address post-detoxification social issues; 2. Organize the systems, provide trainings for officers in charge of drug addiction treatment and post-detoxification management, and address post- detoxification social issues; 3. Preside and cooperate with relevant agencies and organizations and local government authorities in developing and providing guidelines for operation of drug detoxification and rehabilitation establishments and post- detoxification management facilities; provide vocational trainings, jobs, counseling and assistance, and create spiritual and material conditions to help drug-quitters with community integration and relapse prevention; 4. Prepare documentation and assess situation of drug detoxification t, post-detoxification management, and address post- detoxification related social issues; 	<ol style="list-style-type: none"> 1. Develop and implement strategies, policies and plans for organization of drug detoxification; provide guidelines for drug detoxification and post-detoxification management and address social issues <i>caused by drug dependence</i>; 2. Organize the systems, provide trainings for officers in charge of drug detoxification, and address social issues <i>caused by drug dependence</i>; 3. Preside and cooperate with relevant agencies and organizations and local government authorities in developing and providing guidelines for operation of drug detoxification and rehabilitation establishments; provide vocational trainings, jobs, counseling and assistance, and create spiritual and material conditions to help drug-quitters with community integration and relapse prevention; 4. Prepare documentation and assess situation of drug detoxification, and address post-detoxification related social issues; 5. Provide guidelines for establishment and dissolution of compulsory drug detoxification and rehabilitation establishments; grant and withdraw certificate of business registration of other establishments related to drug detoxification; 6. Cooperate with international entities in drug detoxification and addressing post-detoxification related social issues. 	<p>could be moved to Article 50 or duplicated in Article 50, providing for these duties to be shared by both Ministries (see comments below on Article 50).</p> <p>The UN recommends the following amendments to this Article:</p> <p>See UN General Comments and Recommendations on terminology.</p> <p>Clause 2: Replace the proposed Clause with the following text: “Organize the systems, provide trainings for officers in charge of drug user disorder treatment and, <i>address social issues leading to drug use disorder and social harms caused by drug use disorder</i>;”</p> <p>Clause 3: Replace the proposed Clause with the following text: “<i>Provide vocational trainings, jobs, counseling and assistance, and create spiritual and material conditions to help people in recovery with community integration and relapse prevention</i>;”</p> <p>Clause 4: Replace the proposed Clause with the following text: “<i>Prepare documentation and assess severity of drug dependency utilizing evidence-based tools, and address post-treatment related social issues</i>;”</p> <p>Clause 5: Replace the proposed Clause with the following text: “<i>Provide guidelines for establishment and dissolution of compulsory drug detoxification and rehabilitation establishments; grant and withdraw certificates of business registration of other establishments related to drug treatment and ensure their compliance with international standards on the treatment of drug use disorders and human rights</i>;”</p>
--	--	---

<p>5. Provide guidelines for establishment and dissolution of compulsory drug detoxification and rehabilitation establishments and post detoxification facilities; grant and withdraw certificate of business registration of other establishments related to drug detoxification;</p> <p>6. Cooperate with international entities in drug addiction treatment and addressing post- detoxification related social issues.</p>		<p>Clause 6: Replace the proposed Clause with the following text: <i>“Cooperate with international entities in addressing post-treatment related social issues.”</i></p>
<p>Article 40 1. The Ministry of Health shall have the responsibility to: a) Promulgate lists and regulations on management of addictive drugs, precursors, psychoactive drugs used for healthcare and organize the implementation of such regulations; promulgate and preside in coordinating with concerned agencies to implement management regulations on narcotic substances used for healthcare, scientific analysis, testing and research; b) Stipulate the research of substitution drugs and drug treatment methods; grant and withdraw permits for circulation of drugs, drug treatment methods; Instruct procedures for identifying drug-dependent individuals; provide human resources and medical technical assistance for drug treatment; c) Implement international cooperation in control of addictive drugs, precursors, psychoactive drugs used for healthcare, scientific analysis, testing, and research.</p>	<p>Article 50. Responsibilities of the Ministry of Health 1) Promulgate lists and regulations on management of addictive drugs, precursors, psychoactive drugs, <i>drug precursors, commercial combined drugs that contain addictive ingredients, commercial combined drugs that contain psychoactive ingredients, commercial combined drugs that contain drug precursors</i> used for healthcare and organize the implementation of such regulations; promulgate and preside in coordinating with concerned agencies to implement management regulations on management of narcotic substances used in health care, scientific analysis, tests and research; 2) Stipulate the research of substitution drugs and drug treatment methods; grant and withdraw permits for circulation of drugs, drug treatment methods; instruct procedures for identifying drug-dependent individuals; provide human and medical technical assistance for drug treatment; 3) Implement international cooperation in control of addictive drugs, precursors, psychoactive drugs, <i>drug precursors, commercial combined drugs that contain addictive ingredients, commercial combined drugs that contain psychoactive ingredients, commercial combined drugs that contain drug precursors</i> used for healthcare, scientific analysis, testing, and research.</p>	<p>The UN recommends assigning a number of the responsibilities that are included in Article 49 of this Law to the Ministry of Health, instead of the Ministry of Labor, War Invalids and Social Affairs (see comments above on Article 49).</p> <p>The UN recommends the following amendments to this Article:</p> <p>See UN General Comments and Recommendations on terminology and definitions.</p> <p>Add six additional Clauses after Clause 5, as set out in comments on Article 49.</p> <p>Clause 7: Add an additional Clause with the following text: <i>“Provide and ensure access to pharmacological interventions, including medication-assisted treatment as well as medication for overdose prevention.”</i></p>

<p>d) Direct healthcare centres to coordinate in testing, identifying, and providing drug detoxification for drug-dependent persons in communes, wards, and townships.</p> <p>2. The Minister of Health shall grant and withdraw permits for import and/or export of drug substitutions, addictive drugs, psychoactive drugs, narcotic substances, precursors used for healthcare, scientific analysis, testing, and research.</p>	<p>4) Direct healthcare centres to coordinate in testing, identifying <i>drug dependence status</i>, and providing drug detoxification for drug-dependent persons in communes, wards, and townships.</p> <p>5) The Minister of Health shall grant and withdraw permits for import and/or export of drug substitutions, addictive drugs, psychoactive drugs, <i>drug precursors, commercial combined drugs that contain addictive ingredients, commercial combined drugs that contain psychoactive ingredients, commercial combined drugs that contain drug precursors, narcotic substances, precursors</i> used for healthcare, scientific analysis, testing, and research.</p>	
<p>Article 41</p> <p>1. The Ministry of Industry and Trade shall have the responsibility to:</p> <p>a) Promulgate lists and management regulations on precursors used for industrial sector and organize the implementation of such regulations;</p> <p>b) Implement international cooperation in control of precursors used for industrial sector.</p> <p>2. The Minister of Industry and Trade shall grant and withdraw permits for import and/or export of precursors used for production, except for cases prescribed in Clause 2, Article 40 of this Law.</p>	<p>Article 51. Responsibilities of the Ministry of Industry and Trade</p> <p>Option 1.</p> <p>1) <i>Monitor, guide, and propose to the Government</i> in promulgating lists and management regulations on precursors used for industrial sector and organize the implementation of such regulations;</p> <p>2) Implement international cooperation in control of precursors used for industrial sector.</p> <p>3) The Minister of Industry and Trade shall grant and withdraw permits for import and/or export of precursors used for production, except for cases prescribed in Clause 2, Article 53 of this Law.</p> <p>Option 2. Removal of the Clause 1</p> <p>1) Implement international cooperation in control of precursors used for industrial sector.</p> <p>2) The Minister of Industry and Trade shall grant and withdraw permits for import and/or export of precursors used for production, except for cases prescribed in Clause 2, Article 53 of this Law.</p> <p>(According to the proposal of the Ministry of Industry and Trade: Clause 1 is no longer appropriate due to the</p>	

	<p>fact that: The Government has issued Decree No.113/2017/ND-CP specifying and providing guidelines for implementation of certain articles of the Law on Chemicals, based on the Law on Investment 2014, including provisions on conditions for manufacture and trade of industrial precursor chemicals; dossiers, sequences, and procedures for licensing the export and import of industrial precursor chemicals. Clause 5, Article 3 of the Circular 133/2017/ND-CP stipulates that industrial precursor chemicals are specified in the list issued by the Government. The Government issued Decree No.73/ND-CP, dated May 15, 2018, stipulating the list of narcotic substances and precursors. The Minister of Industry and Trade issued Circular No.49/2018/TT-BCT, dated November 21, 2018 abolishing Circular 42/2013/TT-BCT, dated December 31, 2013 regulating on management and control of precursor chemicals in industrial sector by the former Minister of Industry and Trade)</p>	
<p>Article 42 The Ministry of Education and Training shall have the responsibility to promulgate and organize the implementation of educational programs on drug prevention and combat; develop and organize the implementation of educational projects on drug prevention and combat in schools and other educational institutions.</p>	<p>Article 52. Responsibilities of The Ministry of Education and Training Promulgate and organize the implementation of educational programs on drug prevention and combat; develop and organize the implementation of educational projects on drug prevention and combat in schools and other educational institutions.</p>	
<p>Article 42a The Ministry of Information and Communications, and Ministry of Culture, Sports and Tourism shall have the responsibility to guide relevant agencies in communication,</p>	<p>Article 53. Responsibilities of the Ministry of Information and Communications Preside the cooperation with the concerned ministries, branches, <i>the Vietnam Television, and Voice of Vietnam</i>; direct news and press agencies to carry out the communication tasks on drug prevention and combat.</p>	

<p>dissemination and educational activities on drug prevention and combat.</p>		
	<p>Article 54. Responsibilities of the Ministry of Culture, Sports and Tourism <i>Preside and coordinate with concerned ministries and branches in combining contents of drug prevention and control with cultural, sports and tourist activities; guide and directly organize the management, inspection, control and guidance of cultural, services, sports and tourism activities without causing gaps for drug-related evils</i></p>	<p>The UN recommends the following amendment to this Article:</p> <p>Replace the proposed Article with the following text: <i>“Preside and coordinate with concerned ministries and branches in combining contents of evidence-based drug prevention with cultural, sports activities; guide and directly organize the management, inspection, control and guidance of cultural, services, sports and tourism activities ensuring the prevention of drug-related harms.”</i></p>
<p>Article 43</p> <p>The Ministry of Agriculture and Rural Development shall be in charge and cooperate with the Committee for Ethnic Minority Affairs and relevant agencies in communication, education, and elimination of plants bearing narcotic substances; implement assistance programs for effective production shifting and sustain people’s lives.</p>	<p>Article 55. Responsibilities of the Ministry of Agriculture and Rural Development</p> <ol style="list-style-type: none"> 1. Preside and cooperate with the Committee for Ethnic Minority Affairs and relevant agencies in communication, education, and elimination of plants bearing narcotic substances; 2. Implement assistance programs for effective production shifting and sustain people’s lives. 3. <i>Promulgate lists and management regulations on veterinary drugs containing narcotic substances and precursors, and organize the implementation of such regulations.</i> 4. <i>Implement international cooperation on control of precursor chemicals used for agricultural sector.</i> 5. <i>The Minister of Agriculture and Rural Development shall grant and withdraw permits for import and export of veterinary drugs containing narcotic substances and precursors.</i> 	

<p>Article 45 The agencies defined in Article 37 through Article 44 of this Law shall, within the scope of their respective tasks and powers, have the responsibility to:</p> <ol style="list-style-type: none"> 1. Examine and inspect the implementation of management regulations on lawful drug-related activities; prevention and combat against drug-related evils; drug detoxification and post- detoxification management; scientific research, professional training on drug prevention and combat; 2. Handle administrative violations according to legislation and require the investigation agencies to prosecute and to investigate acts showing signs of drug-related crimes. 	<p>Article 56. Examination and inspection in State management on drug prevention and control The agencies defined in Article 45 through Article 55 of this Law shall, within the scope of their respective tasks and powers, have the responsibility to:</p> <ol style="list-style-type: none"> 1. Examine and inspect the implementation of management regulations on lawful drug-related activities; prevention and combat against drug-related evils; drug detoxification; scientific research, professional training on drug prevention and combat; 2. Handle administrative violations according to legislation and require the investigation agencies to prosecute and to investigate acts showing signs of drug-related crimes. 	<p>See UN General Comments and Recommendations on terminology and definitions.</p>
	<p>Article 57. Funding guaranteed for drug prevention and combat <i>Funding for drug prevention and combat shall be guaranteed by the State budget in accordance with the Law on State Budget and other legal funding sources as prescribed by law.</i></p>	
<p style="text-align: center;">Chapter VI INTERNATIONAL COOPERATION IN DRUG PREVENTION AND COMBAT</p>	<p style="text-align: center;">Chapter VII INTERNATIONAL COOPERATION IN DRUG PREVENTION AND COMBAT</p>	
<p>Article 46 The State of Vietnam adopts the policy of multilateral and bilateral international cooperation in drug prevention and combat with respect for the principles of national independence and sovereignty of Southeast Asian and other countries in the world; encourage international</p>	<p>Article 58. Policies regarding international cooperation in drug prevention and combat The State of Vietnam adopts the policy of multilateral and bilateral international cooperation in drug prevention and combat with respect for the principles of national independence and sovereignty; encourage international organizations, foreign organizations and individuals to cooperate with Vietnamese agencies,</p>	

<p>organizations, foreign organizations and individuals to cooperate with Vietnamese agencies, organizations for mutual assistance regarding material facilities, strengthening of legal capacity, information, technology and training for drug prevention and combat activities.</p>	<p>organizations for mutual assistance regarding material facilities, strengthening of legal capacity, information, technology and training for drug prevention and combat activities.</p>	
<p>Article 47 On the basis of the provisions of this Law and relevant international agreements Vietnam has signed or acceded to, the competent authorities of Vietnam shall implement programs on drug prevention and control in cooperation with concerned agencies of other countries, international organizations, foreign organizations and individuals.</p>	<p>Article 59. Legal foundation for international cooperation in drug prevention and combat On the basis of the provisions of this Law and relevant international agreements Vietnam has signed or acceded to, the competent authorities of Vietnam shall implement programs on drug prevention and combat in cooperation with concerned agencies of other countries, international organizations, foreign organizations and individuals.</p>	
<p>Article 48 The coordination between the relevant agencies of Vietnam and those of concerned countries in dealing with specific drug cases must comply with the provisions of the international agreements which Vietnam and such concerned countries have signed or acceded to, or with the agreements directly signed between the Vietnamese Government and the governments of the concerned countries.</p>	<p>Article 60. International cooperation in dealing with specific drug cases The coordination between the relevant agencies of Vietnam and those of concerned countries in dealing with specific drug cases must comply with the provisions of the international agreements which Vietnam and such concerned countries have signed or acceded to, or with the agreements directly signed between the Vietnamese Government and the governments of the concerned countries.</p>	
<p>Article 49 1. The State of Vietnam shall give priority to countries who sign bilateral agreements with Vietnam on mutual legal assistance in investigation,</p>	<p>Article 61. Mutual legal assistance in drug prevention and combat 1. The State of Vietnam shall give priority to countries who sign bilateral agreements with Vietnam on mutual legal assistance in investigation, prosecution, and adjudication of drug-related crimes.</p>	

<p>prosecution, and adjudication of drug-related crimes.</p> <p>2. The State of Vietnam may refuse mutual legal assistance in the following cases:</p> <p>a) Requirement of mutual legal assistance that does not suit the international treaties on drug prevention and control, which Vietnam has signed or acceded to, and Vietnam laws;</p> <p>b) Fulfilment of mutual legal assistance requirements that causes harms to the national sovereignty, security, or other important interests of Vietnam.</p>	<p>2. The State of Vietnam may refuse mutual legal assistance in the following cases:</p> <p>a) Requirement of mutual legal assistance that does not suit the international treaties on drug prevention and control, which Vietnam has signed or acceded to, and Vietnam laws;</p> <p>b) Fulfilment of mutual legal assistance requirements that causes harms to the national sovereignty, security, or other important interests of Vietnam.</p>	
<p>Article 50</p> <p>In cases where Vietnam and the concerned countries do not accede to multilateral agreements or have not yet signed bilateral agreements, the judiciary bodies of Vietnam shall, within Vietnam’s legal framework and practical situation, negotiate directly with judiciary bodies of the concerned countries regarding the investigation, prosecution, and adjudication of drug-related crimes.</p>	<p>Article 61. Negotiation between judiciary bodies</p> <p>In cases where Vietnam and the concerned countries do not accede to multilateral agreements or have not yet signed bilateral agreements, the judiciary bodies of Vietnam shall, within Vietnam’s legal framework and practical situation, negotiate directly with judiciary bodies of the concerned countries regarding the investigation, prosecution, and adjudication of drug-related crimes.</p>	
<p>Article 51</p> <p>The State of Vietnam shall require controlled delivery based on international agreements which Vietnam has signed or acceded to detect and prosecute for criminal liability applied to persons committing drug-related crimes. Decisions to apply this measure shall be made according to agreements between competent bodies of Vietnam and those of the concerned countries.</p>	<p>Article 63. Controlled delivery</p> <p>The State of Vietnam shall require controlled delivery based on international agreements which Vietnam has signed or acceded to detect and prosecute for criminal liability applied to persons committing drug-related crimes. Decisions to apply this measure shall be made according to agreements between competent bodies of Vietnam and those of the concerned countries.</p>	

<p align="center">Chapter VII COMMENDATION, REWARD, AND HANDLING OF VIOLATIONS</p>	<p align="center">Chapter VIII COMMENDATION, REWARD, AND HANDLING OF VIOLATIONS</p>	
<p>Article 52 Individuals, families, agencies, and organizations that have recording achievements in drug prevention and control shall be commended and/or rewarded according to the provisions of law.</p>	<p>Article 64. Commendation and reward in drug prevention and combat Individuals, families, agencies, and organizations that have recording achievements in drug prevention and control, and <i>drug detoxification</i> shall be commended and/or rewarded according to the provisions of law.</p>	<p>See UN General Comments and Recommendations on terminology and definitions.</p>
<p>Article 53 1. All acts breaching the legislation on drug prevention and control shall be addressed in a prompt, strict and fair manner according to legal regulations; the handling must be resolute, open and notified to agencies, organizations or commune-level People’s committee where the violators work or reside. 2. Those who use their own properties and/or means to harbor or facilitate illegal drug-related activities; fail to meet or fully meet the requirements of competent bodies of drug prevention and control; obstruct, oppose, infringe upon lives, health, honour and dignity of denouncers, witnesses, victims, persons on official duty or commit other acts of violating provisions of this Law shall be, depending on the nature and seriousness of their offences, administratively handled or prosecuted for criminal liability; must pay compensations if cause any damages in pursuant to legislation.</p>	<p>Article 65. Handling of violations in drug prevention and combat 1. All acts breaching the legislation on drug prevention and control shall be addressed in a prompt, strict and fair manner according to legal regulations; the handling must be resolute, open and notified to agencies, organizations or commune-level People’s committee where the violators work or reside. 2. Those who use their own properties and/or means to harbor or facilitate illegal drug-related activities; fail to meet or fully meet the requirements of competent bodies of drug prevention and control; obstruct, oppose, infringe upon lives, health, honour and dignity of denouncers, witnesses, victims, persons on official duty or commit other acts of violating provisions of this Law shall be, depending on the nature and seriousness of their offences, administratively handled or prosecuted for criminal liability; must pay compensations if cause any damages in pursuant to legislation. 3. Those who abuse their positions and powers and breach the provisions of this Law while performing drug prevention and combat duties shall, depending on the nature and seriousness of their offences, be disciplined or prosecuted for criminal liability; must pay compensations if cause any damages as prescribed by law.</p>	<p>The Penal Code deals with the issues referred to in Clause 2.</p> <p>The UN recommends the following amendment to this Article:</p> <p>Clause 2: Delete the proposed Clause.</p>

<p>3. Those who abuse their positions and powers and breach the provisions of this Law while performing drug prevention and combat duties shall, depending on the nature and seriousness of their offences, be disciplined or prosecuted for criminal liability; must pay compensations if cause any damages as prescribed by law.</p>	<p><i>4. Heads of administrations at all levels and leaders of agencies and units shall take responsibility for their local drug situation and assigned agencies and units.</i></p>	
<p>Article 54 The complaints, denunciation, and the settlement of complaints, denunciations related to violations of drug prevention and control legislation shall comply with legislation on settlement of complaints and denunciations.</p>	<p>Article 66. Settlement of complaints and denunciations regarding drug prevention and combat The complaints, denunciation, and the settlement of complaints, denunciations related to violations of drug prevention and control legislation shall comply with legislation on settlement of complaints and denunciations.</p>	
<p>Chapter VIII IMPLEMENTATION PROVISION</p>	<p>Chapter IX IMPLEMENTATION PROVISION</p>	
<p>Article 55 This Law takes effect for implementation as from June 1st, 2001. The previous provisions contrary to this Law shall all be annulled.</p>	<p>Article 67. Validity This Law takes effect from ... month ... year Documents instructing the Law on Drug Prevention and Control 2000 (amended and supplemented in 2008) with contents not contrary to this Law shall be continuously effective until they are replaced. The content of the guidance documents regarding the Law on Drug Prevention and Control 2000 (amended and supplemented in 2008) contrary to this Law shall be invalid.</p>	
<p>Article 56 The Government shall specify and guide the implementation of this Law.</p>	<p>Article 68. Detailed regulations and implementation guidelines The Government shall specify and guide the implementation of provisions stipulated in this Law.</p>	