



## Security of Human Rights in Implementation of Criminal Some Theoretical and Practical Issues in Vietnam Now

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**Abstract.** Human rights, as well as the protection of human rights in criminal justice in general and in the field of criminal judgment enforcement in particular, are issues attracting the attention of many scientists around the world. including Vietnam. In this article, the author focuses on clarifying the content of the concept of security (which is not protected) and the mechanism to ensure human rights in the execution of criminal sentences, thereby applying to practice in Vietnam. Male to recommend some solutions to enhance the effectiveness of this guarantee mechanism in Vietnam today.

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### 1. Introduction:

Human rights in criminal judgment enforcement are a special group of rights and need to be secured by a mechanism that includes many different measures. In Vietnam, there has been a mechanism to ensure human rights in criminal judgment enforcement, which has significantly promoted human rights in this area, making human rights of judgment executives. Crime is enforced in practice. However, the mechanism still needs to be continuously improved to ensure uniform and efficient operation.

### 2. The Concept and Meaning of Ensuring Human Rights in Criminal Judgment Execution:

#### 2.1. Human Rights in Criminal Judgment Enforcement:

Human rights in the criminal justice field are defined as the noble social values that are generally recognized by human civilization and the natural characteristic inherent to respect and cannot be deprived of period of individuals who are born on the earth and at the same time must be protected by law in the field of criminal justice (criminal law, criminal procedure law, criminal and legal enforcement law) organization law of criminal justice agencies) by United Nations-member states, as well as by the international community when the individual faces criminal proceedings of the authority state force (Chi, 2016).

Judgment execution is the final step of the criminal justice process to resolve a criminal case, which is the period in which the criminal liability of the offender is carried out in actual social life (Vietnam

National University, 2019). Therefore, human rights in criminal justice are not outside the scope of human rights in the criminal justice field, but narrower because the criminal judgments and decisions of the Court have deprived some of the rights. certain of the executor because they have violated the prohibition of criminal law. Human rights in criminal execution will be the remaining rights among human rights groups in general that are not removed by the judgment or decision of the Court, including the following rights groups: 1) Group the right of the person to be sentenced to death: the right of the person to be sentenced to death for grace or to change the penalty level or not to be executed a death sentence if it is a pregnant woman, raising a child or being sick mental health (ICCPR, 1966; ECOSOC, 1984); be executed in a way that minimizes pain in the State's possible conditions; 2) The rights group is physically safe and respectful of dignity; 3) The right group meets the minimum needs of life; 4) The right to appeal and to resolve complaints when their rights are violated; Other groups of civil and political rights such as labor rights, learning, entertainment, sports, beliefs, meeting relatives within a certain scope and duration, access to information, rights to secure food conditions , living, studying and living for children living with their mothers in prison or the right to help reintegrate into the community ...

Offenders who perform their criminal responsibilities will be restricted or deprived of some human rights, but not arbitrarily but on the basis of the decisions of the legally enforceable judgment. the law.

Therefore, in the process of executing criminal sentences, in addition to the rights and benefits deprived or restricted according to the criminal judgments that the Court has declared, the other human rights of the executors must still be respected, and secured. That is to say, no matter how harshly condemned or forced to abide by strict punishment, they are still human and must enjoy human rights that criminal convictions for them do not deprive or deny. limited - especially the right to respect human dignity and the right to be protected against all forms of torture and humiliation in any form (of the right to body safety and respect for dignity). These rights are human rights in criminal justice enforcement.

However, human rights in criminal sentence enforcement cannot be fully guaranteed without being recognized by law, so that through it, the obligation to respect and enforce the rights becomes a common code of conduct, enforceable for all subjects (especially the subjects granted the right to enforce the sentence by the State), not just moral rules or slogans chanting innocuous punishments. From a legal perspective, the provisions of the law on criminal judgment execution are the existence of human rights in criminal judgment execution, and human rights in criminal judgment execution are only enforced when Criminal enforcement law is strictly followed. For this reason, the international community and countries around the world regulate human rights in the criminal enforcement law to recognize and ensure these rights of those who are subject to punishment are carried out. Exam (Chi, 2016).

With this approach, the author gives the concept of human rights in criminal judgment enforcement as follows: Human rights in criminal judgment execution are a part of human rights in the field of criminal justice, including the natural needs and interests of the judgment executor who are not deprived by the criminal judgment or decision of the Court that the agency or person competent to administer and enforce the judgment is obliged to respect, assurance and protection when there is any abuse.

## 2.2. Ensuring Human Rights in Criminal Judgment Enforcement:

The capital guarantee is explained as "making sure it can be done, preserved or sufficiently necessary" (Institute of Linguistics, 1998); similarly, the Cambridge Dictionary (2019) also explains that "guarantee" is "make certain". Since then, ensuring human rights in criminal judgment execution can be interpreted as making the inherent natural needs and interests of the executor without being stripped of the legal sentence in force. good law because the provisions of law must be fully enforced in practice. To do this, the State will play a key and decisive role. In order for human rights to enforce criminal sentences not to be violated by arbitrary or abusive power of any subject, the State must build and

formulate a system of synchronous operational measures to create an environment. (conditions) are appropriate to make the inherent natural needs and interests of the judgment executor in practice. Thus, ensuring human rights in criminal justice enforcement needs to fully meet the following contents:

Firstly, the Entity responsible for ensuring human rights in the execution of criminal sentences is the State. In principle, all subjects in society are obliged to respect and protect the legitimate and legitimate rights and interests of other members of society. However, the subjects do not always comply voluntarily and absolutely this principle. Therefore, only the State with legal instruments in hand can adjust the social relations to develop in a certain order. The State promulgates mandatory rules for all members of society if certain members disobey rules will be subject to coercive measures by the State, while the State is also the organizers implement those principles. In particular areas such as criminal sentence enforcement in particular and criminal justice in general, the right of the executor is easily compromised or hindered, leading to inadequate enforcement. Therefore, the State is both the subject of criminal justice enforcement based on the provisions of the law to ensure human rights and both the subject will apply coercive measures against the invasion or remove barriers that impede the enforcement of human rights in criminal justice enforcement.

Secondly, ensuring human rights in criminal justice requires the State to create a "friendly" environment with favorable conditions so that those rights are easily implemented without any obstacles. The state with a key role in ensuring the human rights of criminal justice executives must promulgate and organize the implementation of rules of oriented nature, promoting the exercise of this right, above, In that case, human rights in criminal judgment execution are realized in life.

Third, ensuring human rights in criminal justice requires the State to implement measures against factors that tend to infringe upon this right. The countermeasures expressed through the method of handling subjects who violate the human rights of the executors. The mechanism of handling violations must be strictly and thoroughly enforced, ensuring the legal spirit of supremacy in the socialist rule of law state.

Fourth, ensuring human rights in criminal justice requires supervision of the exercise of this right by a specialized and independent agency. Whether human rights in criminal judgment are guaranteed depends largely on the role of the State. The state will use power through legislation and its apparatus to enforce this right. However, state power always tends to be corrupt, especially when the State is both the subject of criminal judgment execution and the subject who plays a key role in ensuring human rights in criminal justice

enforcement. - therefore, controlling state power is always an urgent requirement (Mai, 2017). The supervising entity will work effectively when it is allowed to operate independently, with a dedicated and responsible staff.

### 2.3. The Meaning of Ensuring Human Rights in Criminal Judgment Enforcement:

Criminal judgment execution is a stage that occupies an important position in the process of resolving issues related to the criminal responsibility of a guilty person. The implementation of the effective judgments and decisions of the Court is to show fairness in society. Anyone who commits crimes in principle is also discovered, dealt with strictly and subject to punishment. Through the execution of the judgment not only to educate and reform the convicted but also to contribute to educating the people in the sense of complying with the common law, encouraging them to actively participate in the struggle. Crime Prevention. In addition, the strict observance of the court's effective judgments and decisions has important implications for ensuring socialist legislation in criminal proceedings.

Realizing decisions, judgments of the Court that have taken legal effect, in reality, are regaining fair order in society, specifically that the forced conviction must be condemned of the State, of society; must be educated and reformed to become a useful person for society. This is extremely reasonable, meeting the requirements of protecting the basic rights and interests of the State as well as the majority of the masses without any need to discuss. However, considering the perspective of human rights protection, it is easy to see that the convicted are among the vulnerable groups in society. They need to be more attentive to protect their rights more specifically than others because they are less politically and socially; they are faced with harsh condemnation and discrimination at different levels from the community and face before the criminal judgment enforcement system with a strong, strong mechanism and Strict to ensure judgment execution. And because of that, they are at higher risk of human rights infringement; they can easily be neglected in tasks, activities or movements to promote human rights; they are even more likely to be victims of dignity or cruel torture. Violation of human rights is particularly likely to occur in prison environments (often referred to as miniature criminal societies), where many people who have committed crimes have been committed, these people have been degenerating on their own. the way, and also where the authorities must be directly exposed to external physical temptations. Therefore, the issue of ensuring human rights in criminal judgment execution is important in promoting human rights in our country, changing the perception of judgment executives and the whole society

about Human character of those who are serving criminal sentences.

According to the law of development, criminal laws of the world today stipulate that the penalty system is no longer revenge, harsh punishment with the purpose of causing physical and mental pain like those past periods. The purpose of the penalty is determined not to revenge or trampling the dignity, honor, and health of the guilty person. Besides punishment, the purpose of punishment is education and prevention, in which education, renovation, and prevention are more and more focused. And thus, ensuring human rights in criminal justice is also important in ensuring the purpose and meaning of penalties in criminal law are not altered or distorted (Chi, 2016).

Like many other countries in the world, Vietnam is now facing human rights challenges, highlighting the issue of the rights of vulnerable groups, in particular, issues. Human rights in criminal judgment enforcement are a spearhead used by hostile forces against our Party and State. Therefore, ensuring human rights in criminal judgment execution has great significance in affirming to the international community about Vietnam's development, civilization and willingness to integrate with the world on all field.

### 3. The mechanism to Ensure Human Rights in Criminal Judgment Enforcement:

On the basis of the approach on the mechanism to ensure human rights: "is a synthesis of measures such as completing institutions, building a system of legal documents, establishing independent agencies with home agencies. country to supervise and enforce human rights "(Cong, 2018), and at the same time the definition of human rights in criminal judgment execution was analyzed above, the author conceived the concept of human rights. The regime of ensuring human rights in criminal justice enforcement is the overall measures to make human rights of criminal justice executives always practiced. This mechanism includes the following components:

#### 3.1. Legal Mechanism:

Although the law is not the only tool to enforce human rights in the field of criminal sentence execution, it is the most important measure that must be used by both the international community and every country.

From the international perspective, international law recognizes human rights in criminal justice enforcement in a series of important international human rights documents such as minimum standard rules for treating prisoners in the year. 1955; International Convention on Civil and Political Rights in 1966; Resolution 1984/50 on May 25, 1984 of the United Nations Economic and Social Council on Assurances to protect the rights of those facing death penalty; The code

of ethics for law enforcement officers in 1978, medical codes of ethics of medical staff, especially doctors, in protecting prisoners and detainees from torture, cruel, inhuman and degrading treatment and punishment in 1982; Convention against Torture and the use of punishments, cruel, inhuman or humiliating treatment in 1984; Minimum UN standard rules for judicial activities for minors in 1985; The set of principles for protecting all people imprisoned or imprisoned in any form 1988; Basic principles for treating prisoners in 1990; Standard, minimum United Nations rules on non-custodial measures in 1990 (Tokyo Rules); Bangkok rules in 2010 ... These international documents are the basis for member states to internalize laws in domestic legal documents to fulfill international obligations and commitments.

From the perspective of a country, in a rule of law state, the law is always placed in the supreme position, so to use measures to ensure human rights of the executors, the State must rely on clear legal grounds. Therefore, the promulgation of legal documents for the purpose of enforcement and protection is a premise, the foundation of ensuring human rights in the field of criminal judgment execution. Developing a legal framework to ensure human rights in criminal judgment execution is often expressed specifically through the provisions of the Constitution, the content law, the formal law and other legal documents in criminal justice field. The content requirements of these legal provisions are not only formal and complete recognition of rights but also a responsibility and obligation of entities exercising rights; is the responsibility and obligation of the subjects to solve cases of violation; At the same time, there are forms of dealing with those who have violated rights.

### 3.2. Enforcement Mechanism:

If only by legal documents, human rights in the field of criminal judgment execution have not been realized in social life - in other words, only enforce rights in theory. People are the subjects that implement the law, so human rights in the execution of criminal sentences can only be enforced through the acts of law enforcement of the staff working in the field of judgment execution. Criminal. That means that this staff needs to be trained in a professional, professional and legal sense, sufficient in quantity, good in quality, deservedly paid will be the things important facts in ensuring the enforcement of human rights in the field of criminal judgment execution. In addition to human factors, facilities also contribute significantly to ensuring the enforcement of human rights of criminal justice executives. The quality of the detention facilities and working offices of modern officials and equipment in service of professional work ... are important conditions to ensure the realization of human rights of criminal judgment executor.

In addition, criminal judgment executives should be facilitated to understand and fully understand how their rights and obligations are recognized and protected by the law. The beneficiary of the right must know the provisions of the law in order to have the right to enforce the right or require the State to protect when their rights are violated.

### 3.3. Protection Mechanism:

Referring to the mechanism to protect human rights in criminal justice enforcement is to talk about measures of how to handle against and repel the causes of this right to be hindered, abused or annihilated. Specifically, it is the measures to resolve the legal responsibilities of those who violate human rights in the field of criminal judgment execution, provided that violators are always able to easily exercise their rights. complaints and denunciations when mistakes occur.

On the basis of the legal regulations to ensure human rights in the field of criminal judgment execution, any entity who has committed an abuse of power, infringement of rights, and inadequate enforcement of the rights has legal basis. reason to solve. The task of the State is to organize the implementation of the law based on the spirit of resolving to thoroughly handle all violations in the field of criminal judgment execution and this is also an important content of the protection mechanism as well as security assuring human rights in criminal justice enforcement. Handling measures should be strictly enforced, right people and right acts of violation are aimed at the ultimate effect of stopping, pushing away and neutralizing negative elements that are invading the rights people of those who are serving criminal sentences.

## 4. Practices of Human Rights Assurance in Criminal Judgment Enforcement in Vietnam Today and Some Recommendations:

### 4.1. The Reality of Human Rights Protection in Criminal Judgment Enforcement in Vietnam Today

In 2010, the Law on Criminal Enforcement for the first time was codified and an important legal basis for criminal judgment execution to be implemented effectively, ensuring the strictness of the law. and implement the Party's and State's leniency and humanitarian policies in education and rehabilitation of offenders. The practice of criminal justice also shows that since the implementation of this Law until the previous Law on Criminal Enforcement was passed, human rights in general, human rights in criminal justice enforcement in particular in Vietnam Men are made relatively well. This is demonstrated through the achievements of law and criminal justice enforcement to ensure human rights. Achievements of human rights protection in criminal judgment execution are very comprehensive, requirements to ensure human rights in

criminal judgment enforcement - especially the requirements of complying with Party and State views on ensuring human rights, the humanitarian requirement for ensuring human rights in criminal judgment execution has been properly complied with, making human rights in criminal judgment enforced really come to life (Phuc, 2018).

In addition, the 2013 Constitution of Vietnam, which was established as a supreme effective legal document, stipulates: "The State guarantees and promotes the people's mastery; recognizes, respects and protects protecting and ensuring human rights and civil rights ... "(National Assembly of Vietnam, 2013); This constitution also affirms that human rights can only be limited in accordance with the law in necessary cases. In particular, Article 20 of the Constitution clearly states in paragraph 1: "Everyone has the right to physical inviolability, protected by law for health, honor, and dignity; no torture and violence. force, prosecution, corporal punishment or any other form of physical, health, insulting honor and dignity ". These provisions of the Constitution are particularly important for the majority of those serving criminal sentences, namely those who are serving imprisonment sentences in detention facilities - where rights people of the most vulnerable executor. Since then, the State of Vietnam is very interested and focused on ensuring and protecting human rights in general and human rights in the execution of criminal sentences in particular.

Although the 2013 Constitution of Vietnam has made outstanding and humanitarian progress provisions on human rights protection, however, from a legislative point of view, the Law on Criminal Execution of 2010 has been issued before. institutionalize the progressive ideas of the 2013 Constitution. In order to overcome this inadequacy, the National Assembly of Vietnam has discussed and enacted the Law on Criminal Execution of 2019, in which the issue of securing rights Criminal judgment executives are particularly focused on expressing and expressing debate among delegates at the National Assembly sessions as well as academic circles at scientific fora. That once again affirmed: the legalization of criminal law enforcement is one of the important measures to ensure human rights in criminal sentence enforcement. The State determines the purpose of building and promulgating the Law on Criminal Execution of 2019 to improve the legal basis for criminal judgment execution, ensuring the strictness of criminal judgments and decisions of the Court. , ensuring the consistency of criminal policy and showing humanity; combining punishment and education to improve criminals, contributing to preventing and combating crimes, protecting national security, ensuring social order and safety, promoting prevention effectiveness and good orientation in handling offenders, protecting human rights, civil rights, protecting the interests of

organizations and individuals (Vietnamese Government, 2018).

The Law on Criminal Enforcement in 2019 was enacted to overcome most of the disadvantages of the Law on Criminal Enforcement in 2010, previously lacking some regulations that could lead to the human rights of the acceptors. the sentence is not respected and protected in the practice of criminal justice, for example: no specific provisions on the rights and obligations of offenders - the majority of those who serve criminal sentences - while the subjects who are serving other penalties all have corresponding provisions; There is a lack of regulations on dietary standards for children under 36 months of age, care and medical treatment for these subjects, a complete lack of regulations on management and supervision of previous prisoners. conditional term or regulations relating to criminal judgment enforcement for commercial legal entities (Vietnamese Government, 2018).

However, in addition to the achievements achieved in legislative activities and the application of laws in criminal judgment enforcement in Vietnam, there are still some problems that affect the implementation of human rights. in criminal judgment execution as follows: Firstly, the Law on Criminal Enforcement in 2010 (still in effect) and the Law on Criminal Execution in 2019 were passed by the National Assembly of the Socialist Republic of Vietnam, Session X, on the 14th day. 6 years of 2019 (which will officially take effect from January 1, 2020) are not yet specified as an important criminal enforcement principle to ensure the most basic human rights, that is the principle of respect. the executor's right to safety for the purpose of protecting the offenders from torture or inhuman treatment (Hanh & Lan, 2015), despite paragraph 8 of Article 10 of the Law Criminal judgment execution in 2019 has added prohibited types of torture and other forms of cruel, inhuman or humiliating treatment or punishment. execution of judgments and judicial measures (Vietnam National Assembly, 2019). Meanwhile, the situation of criminal judgment execution reflects cases of violation of criminal judgment discipline leading to infringement of dignity, health, the honor of executives of complicated developments and no dimension. declining direction. Besides, there are still cases of prisoners who died from suicide or were beaten to death by other prisoners still going on (Phuc, 2018).

Secondly, the level of awareness of criminal justice executives is still limited, leading to violations of human rights of judgment executives such as: still having the phenomenon of labor arrangement not suitable to the degree of age and health of prisoners; working time, rest time is not guaranteed; not ensuring the quantitative ration for prisoners in accordance with regulations, even the prison does not allow prisoners to eat because of disciplinary violations; not yet distributing clothes,

blankets and other daily-life necessities to prisoners ... (Phuc, 2018).

Third, prisons have not been fully invested in facilities, so most of the detention facilities are degraded and overloaded to meet the provisions of the law on the minimum area ... (Phuc, 2018).

It can be seen that, since the Law on Criminal Enforcement in 2010, criminal judgment execution has been implemented relatively methodically and effectively, contributing to ensuring the strictness of the law and implement the Party's and State's leniency and humanitarian policies in education and reform of offenders. However, in addition, the practice of criminal judgment shows that the qualifications of the staff and the investment in the facilities of the State have not yet met the requirements of ensuring human rights of 2013 Constitution. On the other hand, despite the newly promulgated Law on Criminal Judgment Enforcement in 2019, most of the inadequacies of the Law on Criminal Execution in 2010 have been overcome, but also need to be further studied to finalize. more technically good, and also need to be applied in a certain period of time to have a practical basis to confirm the effectiveness of this Law in ensuring human rights in judgment execution Criminal.

#### 4.2. Some Petitions Strengthen the Guarantee of Human Rights in Criminal Judgment Enforcement:

##### 4.2.1. *The solution continues to improve criminal law enforcement*

In the socialist rule of law state, the law is placed in the highest position that no other subject can overcome. Therefore, the human rights of criminal executors will be best guaranteed through the legal mechanism. With this view, the author falsely believes that the Criminal Law Enforcement Act of 2019 will ensure better human rights in criminal justice enforcement if the principle of respecting the right to safety of the body is recognized. executor (in the sense of respecting the health and life of the executor) in addition to the principle stipulated in clause 3 of Article 4 on "Ensuring humanitarian socialism; honoring honor and honor products, rights and legitimate interests of judgment executors, judicial executors, lawful rights and interests of commercial executing legal entities ". Or simply by adding in paragraph 3 of Article 4 the word "health" right before the word "dignity" and separating it from a comma as follows: "3. Ensuring socialist humanitarianism; respect the health, honor, dignity, legitimate rights and interests of the judgment executors, judicial executors, legal rights and interests of commercial legal entities to execute sentences" (Lan, 2015).

A specific provision when recognized as a principle of criminal judgment execution will become a dominant thought, throughout the entire criminal

judgment execution activity, clearly reflecting the criminal judgment enforcement policy. of the State, causing entities to participate in criminal justice enforcement relations (at any stage of the criminal sentence enforcement process) must thoroughly grasp and have an absolute obligation to comply. Therefore, judging from the legislative perspective, the provision in the Law a principle of respect for the right to safety of the executor will promote effective assurance of human rights in the execution of criminal sentences better. compared to the way of prohibiting torture and other forms of cruel, inhuman or humiliating treatment or punishment of executors, judicial measures as provided in Clause 8 Article 10 of the Law on Criminal Execution of 2019.

On the other hand, a thorough study of Articles 4 and 10 of the Law on Criminal Enforcement in 2019 shows that: the content ensures the right to respect for dignity of the person who has served the sentence just as stipulated in Article 4 as a criminal judgment enforcement principle, which is also stipulated in Article 10 in a form is a prohibition in criminal judgment enforcement. Meanwhile, the content of the judgment executor's right to safety is only defined in Article 10 in a form that is a prohibition in criminal judgment execution that is not stipulated in Article 4 with eligibility is a principle of criminal sentence enforcement. The author believes that the absence of the principle of respect for the right to safety of the judgment executor partly reduces the preeminence of the Law on Criminal Execution of 2019 due to the inadequate institutionalization of the provisions of the clause. 1 Article 20 of the 2013 Constitution: "Everyone has the right to physical inviolability, protected by law for health, honor, and dignity; no torture, violence, retribution, humiliation or any other form of physical, health, insulting honor, dignity ".

##### 4.2.2. *Some other solutions*

Minimize overcrowding and prevent serious degradation of detention facilities by measures to increase investment in facilities for these facilities. Accordingly, privatization or socialization of prisons is worth learning experiences from some developed countries in the world. In particular, the execution of a home imprisonment sentence is a bold idea that the author strongly supports. The application of this measure requires the application of new era science and technology achievements - the use of chips to monitor judgment executives will ensure the management and supervision of offenders' execution process; Concerns about the danger to society of prisoners who are executed in domestic imprisonment can be met by strict conditions when considering the person who is sent to the family to serve a prison sentence. On the other hand, the application of this measure will promote the role of the

family in reforming the executor into an honest person, while reducing the burden on the State and creating conditions for the executor to easily reintegrate. society after serving the sentence. Similar to this argument, the author also supports the view of sending prisoners to work outside the prison.

Fostering and raising the level of awareness and legal awareness and criminal judgment execution operations in order to minimize errors and affect human rights of judgment executioners; ensuring income for officials and soldiers involved in criminal judgment enforcement process to foster the love of job, sense of responsibility and enthusiasm for work, contributing to ensuring the human rights of executive's project.

Form a specialized agency to supervise criminal judgment execution. The specialized supervisory agency will operate regularly, independently with the judgment enforcement agency, independent of the Procuracy and not only include members of the specialized parliament but also members. belongs to the Vietnam Fatherland Front. This agency, besides its supervision function, can perform both the task of directly receiving complaints and denunciations related to human rights violations in criminal judgment execution. The reduction of a clue to receiving complaints will make victims vulnerable to easy access and be guided to exercise the right to complain and denounce in a timely manner and create conditions for employers. It is possible to settle complaints and denunciations that can be solved quickly for each case.

Strictly and thoroughly dealing with violations of human rights of the executors, especially dealing with joint responsibility for case-by-case cases, covering people who commit wrongdoing, leading to rights people in criminal judgment execution are abused or prevented from exercising human rights in the execution of criminal sentences.

### 5. Conclusion:

The Vietnamese Constitution in 2013 has outstanding progress regulations on ensuring human rights in general, including human rights in criminal justice enforcement. This is a very important foundation for human rights in criminal justice enforcement in real life. However, the provisions of the law on criminal judgment enforcement (which does not rule out the Law on Criminal Judgment Enforcement in 2019) and the practical application of the law still have some problems, problems affecting directly to Human rights in criminal justice enforcement. Therefore, the State should continue to improve the mechanism to ensure human rights in the execution of criminal sentences with effective, direct and synchronous measures.

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