

MINISTRY OF EDUCATION & TRAINING MINISTRY OF JUSTICE

HANOI LAW UNIVERSITY

NGUYEN ANH HOANG

**ENSURING HUMAN RIGHTS OF DEFENDANTS
IN FIRST INSTANCE TRIALS OF CRIMINAL CASES IN VIETNAM**

SUMMARY OF DOCTORAL DISSERTATION IN LAW

Hanoi – 2026

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SUMMARY OF DOCTORAL DISSERTATION IN LAW

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INTRODUCTION

To supplement the theoretical treasury and perfect the law on criminal procedure; to improve the quality, capacity of adjudication and the status of Judges and People's Assessors; to ensure the independence of Judges and Assessors in adjudication; to ensure fairness and equality between the prosecution and defense; ensuring the rights of the accused in general and the defendant in particular as well as concretizing the Party's views on judicial reform and building a socialist rule-of-law state and approaching the provisions of international law on human rights in the trend of globalization integration that the author chose the topic "*Ensuring the human rights of the defendant in the first instance trial of criminal cases in Vietnam*" to carry out doctoral thesis.

The purpose of the thesis is to study theoretical and practical issues of ensuring the human rights of the defendant in the first instance trial of criminal cases and from the analysis and assessment of practice, the thesis proposes a few specific solutions to strengthen the ensuring of the human rights of the defendant in the first instance trial of criminal cases.

The thesis has the task of clarifying a number of theoretical issues on ensuring the human rights of the defendant in the first instance trial of criminal cases; analyze and evaluate the provisions of the Vietnamese Criminal Procedure Code and the practice of

ensuring the human rights of defendants in the first instance trial of criminal cases and propose solutions to enhance the protection of human rights of defendants in the first instance trial of criminal cases.

The research object of the thesis is determined to be the protection of human rights of defendants in the first instance trial of criminal cases.

The scope of the thesis is carried out from the perspective of the specialization of the Law on Criminal Procedure on ensuring human rights of defendants in the first instance trial of criminal cases; the defendant studied here is only an individual who commits a crime.

The thesis is meaningful for the improvement of the law in general and the law on criminal proceedings in particular, contributing to the theoretical development of the law on criminal proceedings in ensuring human rights in criminal proceedings in general and the human rights of defendants in the first instance trial of criminal cases in particular. In addition, the thesis can be used as a reference for legislative bodies in the improvement of the law on criminal proceedings and can also be used as a reference for research and teaching in law training institutions in Vietnam.

CHAPTER 1

THEORETICAL ISSUES ON ENSURING THE HUMAN RIGHTS OF THE DEFENDANT IN THE FIRST-INSTANCE TRIAL OF CRIMINAL CASES

1.1. Concept, characteristics and significance of ensuring the human rights of the defendant in the first-instance trial of criminal cases

1.1.1. Concept, characteristics of ensuring the human rights of the defendant in the first-instance trial of criminal cases

“Ensuring is make sure that what is needed can be done, maintained or fully implemented”. From the analyzed concept of ensuring, when placed in the subject of human rights, the concept of ensuring human rights is approached as follows: *Ensuring human rights are activities that create necessary conditions and premises to ensure that the human rights of subjects are fully realized.*

From the above approaches, ensuring human rights when associated with the subject of the defendant in the first instance trial of a criminal case, the researcher believes: *"Ensuring the human rights of the defendant in the first instance trial of a criminal case is a systematic synthesis of the necessary conditions and premises to fully legally recognize the human rights of the defendant in the first instance trial of a criminal case and the obligations and*

responsibilities of other subjects in implementing the recognized human rights to make sure that these rights are complied with and implemented accurately, fully and effectively in the first instance trial of a criminal case".

The content of ensuring the human rights of the defendant in the first instance trial of a criminal case includes the following characteristics:

Regarding the scope: The thesis determines the time when it is necessary to ensure the human rights of the defendant in the first instance trial of a criminal case, starting from when the presiding judge decides to bring the case to trial until the first instance court issues a verdict or decides to suspend the case.

Regarding the contents: Ensuring the human rights of the defendant in the first instance trial of a criminal case are ensuring the human rights of the defendant as recognized in international conventions and national laws such as the right to a fair trial, the right to a speedy trial, the right to be tried by an independent and objective court, the right to equality before the court, the right to defense, the right to be presumed innocent....

Regarding the form of expressions: The human rights of the defendant must be expressed and recognized in common international documents, followed by the Constitution and criminal procedure laws of each country.

Regarding the subjects: The subject of ensuring the human rights of the defendant in the first instance trial of a criminal case is divided into the subject responsible for ensuring the rights and the subject whose rights are ensuring, including the Court, the Procuracy and the defendant's defense attorney. From the perspective of the subject whose human rights are ensuring in the first instance trial of a criminal case, that is the defendant.

Regarding the ensuring objects: the human rights of the defendant, which are the civil-political rights of individuals when they participate in the trial process.

1.2. Methods of ensuring the human rights of defendants in the first-instance trial of criminal cases in Vietnam

In the field of first-instance trial of criminal cases, ensuring the human rights of defendants is implemented by many different methods, some of which can be mentioned as ensuring by ideology, ensuring by law; ensuring by organization, ensuring by material and technical conditions. In which, the most effective method is the method of ensuring by law, which is expressed through the recognition and legal recognition of the rights and obligations of subjects in the trial activities.

1.2.1. Ensuring the human rights of defendants in the first instance trial of criminal cases through the Party's viewpoints and policies

To perfect the legal system towards building a socialist rule-of-law state, ensuring maximum human rights and civil rights, in recent years, our Party has continuously issued policies and resolutions, including Resolution No. 48-NQ/TW, Resolution No. 49-NQ/TW, Resolution No. 27-NQ/TW and Resolution No. 66-NQ/TW. These can be considered as directions and goals to perfect the legal system in order to build a socialist rule-of-law state in general and to ensure human rights in the first instance trial of criminal cases in particular.

1.2.2. Ensuring the human rights of the defendant in the first instance trial of a criminal case by legal provisions

Ensuring the human rights of the defendant in the first instance trial of a criminal case by legal provisions on criminal procedure is demonstrated through the following aspects: a) Recording by legal provisions on the human rights of the defendant during the trial; b) Recording by legal provisions on the general principles of criminal procedure to ensure the human rights of the defendant during the trial; c) Recording by legal provisions on the responsibilities of the subjects conducting the proceedings, participants in the proceedings when participating in the trial; d) Recording by legal provisions on procedures, order of conducting the first instance trial; regulations on evidence and the process of evaluating evidence, proving; regulations on complaints, denunciations, etc.

1.2.3. Ensuring the human rights of the defendant in the first instance trial of criminal cases through the correct and full implementation of the obligations and responsibilities of the subjects

Obligations and responsibilities of the subjects conducting the proceedings in the stage of preparing for the trial. The Criminal Procedure Code stipulates that the subjects conducting the proceedings must perform the following obligations: Apply, change, cancel preventive measures, coercive measures (if necessary); resolve requests and proposals of the Prosecutor and participants in the proceedings before opening the trial; deliver and send the Court's decisions to the defendant or their representatives and defense attorneys; summon those who need to be questioned to the trial.

Obligations and responsibilities of the subjects conducting the proceedings at the beginning of the trial. The Presiding Judge is responsible for disseminating the rights and obligations of those presenter at the trial; checking that the defendant has received and the time of receiving the decision to bring the case to trial and the indictment; ask those presenter at the trial about the request to change the litigants and other responsible persons, ask about the request to summon witnesses or provide additional evidences, documents and request to postpone the trial when someone is absent (if any)...

Obligations and responsibilities of the subjects conducting the proceedings at the debate stage at the trial. The panel of judges must fully determine the details of each incident, each crime in the case and each person, and must examine the relevant evidence in the case. The Presiding Judge must be responsible for creating the maximum conditions for the debate and must not use subjective will to limit the debate. In addition to the provision that the Presiding Judge is responsible for ensuring the debate, the Criminal Procedure Code also requires the panel of judges to listen to fully record the debate opinions and must consider and evaluate objectively, fairly and comprehensively the truth of the case....

Obligations and responsibilities of the subjects conducting the proceedings at the deliberation and sentencing stages. In the deliberation room, the Presiding Judge is responsible for identifying and presenting each issue of the case for discussion by the Panel of Judges. The Panel of Judges is responsible for considering, evaluating and analyzing each issue raised by the presiding judge to decide by voting according to the majority principle, objectivity and independence.... When announcing the verdict, the Presiding Judge must publicly announce and announce the entire verdict (except in the case of a closed trial). In addition to the subjects conducting the proceedings, the ensuring of the human rights of the defendant in the first instance trial of a criminal case is also carried out by the defense subject. This form of ensuring

is carried out through the participation of the defense counsel in the proceedings, through the full implementation of the responsibilities, obligations and powers of the defense counsel as recognized by law.

1.2.4. Ensuring the human rights of defendants in the first-instance trial of criminal cases through supervision of the implementation of the subjects

Firstly, supervision by state power agencies.

Secondly, supervision by specialized agencies.

Thirdly, supervision by social organizations.

Fourthly, supervision by the People.

Fifthly, internal supervision of the competent agency conducting the proceedings.

1.3. Contents, mechanism and affecting factors to the ensuring of human rights of defendants in the first instance trial of criminal cases

1.3.1. Contents of ensuring the human rights of the defendant in the first instance trial of a criminal case

The first, determining the human rights of the defendant in the first instance trial of a criminal case must be ensuring

Human rights are a whole that includes many rights in all fields from civil - political, economic, cultural and social; however in within the scope of the first instance trial of a criminal case, the

human rights of the defendant are stipulated in international legal standards including the following specific rights:

- The right to equality before the Court and the judicial agencies, to be tried by a competent, independent, and impartial Court

The contents of the right to equality before the Court is expressed in the following two basic contents:

Firstly, the right to equality before the Court and the judicial agencies is a manifestation of the principle of non-discrimination.

Secondly, the right to be tried by a competent, independent and impartial Court.

- The right to be presumed innocent

The right to be presumed innocent is recognized in international law in Article 14, paragraph 2 of the ICCPR and is further affirmed in paragraph 30 of General Comment No. 32 of the United Nations Human Rights Council. The contents of the right to be presumed innocent in the provisions of international law includes the following aspects:

Firstly, the presumption of innocence.

Secondly, the burden of proof.

Thirdly, any doubt about the defendant's guilt must be interpreted in favor of the defendant.

- The right not to be forced to testify against oneself or to admit guilt

This right is recognized in international law in Point g, Clause 3, Article 14 of the ICCPR, according to which the right not to be forced to testify against oneself or to admit guilt is understood as not

being forced to testify or answer facts or questions that are detrimental to them when being questioned or questioned by any agency or entity.

- Right to defense

The right to defense is reflected in most international legal documents such as UDHR (Article 11, paragraph 1); ICCPR (Article 14, paragraph 3); Rome Statute (Article 55, paragraph 2c, Article 67) and Basic Principles on the Role of Lawyers (Basic Principles on the Role of Lawyers, 1990). The content of the right to defense is reflected through related rights such as: the right to ensure time and conditions to prepare a defense and contact a defense counsel of one's own choice, the right to defend oneself or through legal assistance of one's own choice, the right to free legal aid in cases where justice requires, the right to be present during the trial, the right to question or request to question witnesses who accuse ones and to invite witnesses who defend one to the trial and question them in court....

- The right to be tried under special procedures for accused juveniles

The United Nations Convention on the Rights of the Child (1989) at Point b, Clause 2, Article 40 stipulates the special rights of children when they are suspected or accused of committing a crime. It can be seen that for the accused subject who is a minor, the law has more special "favours" when the law is not only recognizes all the rights as a normal defendant but also has other special provisions such as the right to be tried under special procedures, the right to be

appointed a free defense counsel, the right to keep personal secrets, the right to have a representative, etc.

- The right to use the language and writing of one's own people, the right to free interpretation

International law, especially the International Covenant on Civil and Political Rights has affirmed the right of the accused to free interpretation assistance if they do not understand and cannot speak the language used in court in Article 14, paragraph 3 of the ICCPR. This means that the accused is allowed to use the language of their own people, if they do not understand the language used in court, the prosecuting authorities must be responsible for appointing a free interpreter for them.

The second, develop regulations on ensuring the human rights of defendants in first-instance criminal trials

The development of legal regulations, especially the Criminal Procedure Code needs to fully record the regulations on: procedural principles (including principles on first-instance trial activities), the rights of defendants; procedures and order of conducting proceedings; rights and responsibilities of persons and agencies conducting proceedings; inspection and supervision mechanisms... In addition to the provisions of the Criminal Procedure Code, the development of regulations on the organization and operation of agencies conducting proceedings; forms and measures for handling violations... in other

relevant legal documents is also a requirement for the implementation process to be synchronous and comprehensive.

The third, enforcement of legal provisions on ensuring human rights of defendants in first-instance criminal trials

Law enforcement is essentially the use of rights and obligations prescribed by law by the prosecution agency, the prosecutor and the participants in the proceedings to implement them in practice. The law enforcement activities of the participants in the proceedings, their representatives or their defenders based on the provisions of the law to carry out their actions.

The fourth, supervision of the enforcement of human rights of defendants in first-instance criminal trials

Currently, supervision is carried out through 05 main forms: (a) supervision through state power agencies; (b) supervision by specialized agencies; (c) supervision by social organizations; (d) supervision by citizens; (e) supervision by the internal agencies. In the field of criminal procedure, more specifically in the first instance trial of criminal cases, supervision activities are regulated by the Criminal Procedure Code in 2015 in Article 33 of the 2015.

1.3.2. Mechanisms for ensuring the human rights of defendants in the first instance trial of criminal cases

1.3.2.1. International mechanisms

1.3.2.2. Regional mechanisms

1.3.2.3. National mechanisms

***1.3.3. Factors affecting the ensuring of human rights of
defendants in the first instance trial of criminal cases***

1.3.3.1. Factors related to the Party's policies and guidelines

1.3.3.2. Legal factors

*1.3.3.3. Factors related to the organizational model and
operation of competent agencies in criminal cases*

*1.3.3.4. Factors related to facilities and equipment serving
the trial of criminal cases by the People's Court*

1.3.3.5. Human factors

CHAPTER 2
PROVISIONS OF VIETNAMESE CRIMINAL PROCEDURE
CODE AND PRACTICE OF ENSURING HUMAN RIGHTS
OF DEFENDANTS IN FIRST-INSTANCE TRIAL OF
CRIMINAL CASES

2.1. Provisions of Vietnamese criminal procedure code related to ensuring human rights of defendants in first-instance trial of criminal cases

2.1.1. Provisions on basic principles in criminal proceedings related to ensuring human rights of defendants in first-instance trial of criminal cases

2.1.1.1. Principles of recognizing, respecting, protecting and ensuring human rights

The first, the principle of respecting and protecting human rights, the rights and legitimate interests of individuals (Article 8 of the Criminal Procedure Code in 2015). The content of this principle is reflected in the following aspects:

Firstly, this principle has determined the objects to be respected, protected and ensured in criminal proceedings, which are human rights, rights and legitimate interests of all individuals who are participating in criminal proceedings, including defendants.

Secondly, the responsibility to respect, protect and ensure human rights, rights and legitimate interests of individuals belong to the competent agencies and people conducting the proceedings.

The second, the principle of ensuring equality before the law (Article 9 of the 2015 Criminal Procedure Code). The content of this principle is expressed through the following contents:

Firstly, criminal proceedings must be conducted according to the principle that everyone is equal under the law, which means that everyone with the same procedural status and legal status when participating in the proceedings is equal in their rights and obligations.

Secondly, all ethnicities, genders, beliefs, religions, social classes and statuses when participating in criminal proceedings are not discriminated against.

Thirdly, anyone who commits a crime is dealt with according to the law.

2.1.1.2. Principles of timely, fair, public trial and ensuring the inseparability between human rights, citizen rights and obligations to the state and society, citizen obligations

The first, the principle of the Court's timely, fair, and public trial (Article 25 of the Criminal Procedure Code in 2015). This principle includes the following contents:

Firstly, the Court conducts timely trials within the time limit prescribed by law.

Secondly, the Court conducts fair trials.

Thirdly, the Court conducts public trials.

The second, the principle of presumption of innocence (Article 13 of the Criminal Procedure Code in 2015). The content of this principle is expressed in the following aspects:

Firstly, the principle of presumption of innocence is only applied to the accused and implemented within the scope of the Criminal Law and Criminal Procedure Code.

Secondly, the accusation must be made in accordance with the order and procedures prescribed by law. If the accusation does not follow the order and procedures of law, the accusation is invalid.

Thirdly, an act is considered a crime when and only when it is clearly recorded in the Court's judgment that has come into legal valid.

Fourthly, in cases where all measures have been applied but the evidence and circumstances of the accusation have not yet been clearly determined, it must be understood in a way that is favorable to the accused.

The third, the principle of determining the truth of the case (Article 15 of the Criminal Procedure Code in 2015). The content of this principle is expressed in the following aspects:

Firstly, the object of proof in the proceedings is the truth of the case.

Secondly, proving the crime activities of the accused is the responsibility of the competent authority conducting the proceedings.

The fourth, the principle of responsibility of the agency and person with authority to conduct proceedings (Article 17 of the Criminal Procedure Code in 2015)

The content of responsibility is quite fully regulated by the Criminal Procedure Code in 2015 from Article 36 to Article 48 in the direction of increasing the power and responsibility of Investigators, Prosecutors and Judges. At the same time, this principle is also a requirement that when performing procedural acts or decisions, the subjects with authority to conduct proceedings must consider the necessity, reasonableness and legality of their acts or decisions.

The fifth, the principle of ensuring the impartiality of persons with authority to conduct proceedings and participants in proceedings (Article 21 of the Criminal Procedure Code in 2015)

The Criminal Procedure Code in 2015 clearly stipulates cases that may lead to the lack of impartiality when participating in proceedings of persons with authority to conduct proceedings and participants in proceedings in Articles 49, 50, 51, 52, 53 and 67 (Clause 2), Article 68 (Clause 5), Article 69 (Clause 5), Article 70 (Clause 5) to force them not to participate in proceedings to ensure impartiality when carrying out proceedings.

The sixth, the principle of Judges and Jurors being independent and only obeying the law (Article 23 of the 2015

Criminal Procedure Code). The content of this principle is expressed as follows:

Firstly, the internal independence of the Trial Panel.

Secondly, Judges and Jurors must be independent of the administrative management mechanism within the Court.

Thirdly, Judges and Jurors must be independent of those conducting the proceedings, those participating in the proceedings and other subjects.

Fourthly, Judges and Jurors must only comply with the law in the trial.

The seventh, the principle of litigation in the trial is ensuring (Article 26 of the Criminal Procedure Code in 2015). This principle includes the following contents:

Firstly, all subjects participating in the proceedings at all stages of the proceedings have equal rights without any other distinction.

Secondly, create conditions to ensure that the litigation activities are objective and equal.

Thirdly, the evidence, relevant situation and provisions applied to resolve the issues of the case must be presented, debated and clarified at the trial.

Fourthly, the results of the litigation activities at the trial must be the basis for issuing judgments and decisions.

2.1.2. Provisions on the human rights of defendants in the first-instance trial of criminal cases

2.1.2.1. Groups of defense rights

Firstly, the right to receive procedural decisions (Point a, Clause 2, Article 61 of the Criminal Procedure Code in 2015)

Regulating the defendant's right to receive procedural decisions not only helps them understand the procedural process but also helps them have the conditions to exercise the right to defense. In addition to recognizing the right to receive procedural decisions, the Criminal Procedure Code also stipulates the time of delivery or the conditions and reasons for applying these decisions. If these rights are not ensuring, the defendant also has the right to request a postponement of the trial.

Secondly, the right to participate in the trial (Point b, Clause 2, Article 61 of the Criminal Procedure Code in 2015)

Participating in the trial is not only a right but also an obligation of the defendant; the defendant must participate in the trial except in special cases prescribed by law. The defendant's right to attend the trial is the basis for the defendant to exercise the right to self-defense, the right to debate and other rights recognized by law.

Thirdly, the right to self-defense and to have a defense attorney (Point g, Clause 2, Article 61 of the Criminal Procedure Code in 2015)

The right to defense is exercised throughout the proceedings from the time a person becomes the subject of the accusation, but

it is most clearly demonstrated at the trial. The defendant has the right to defend himself or herself or to have someone else defend him or her, or both. It can be said that the effectiveness of the defense is the result of ensuring the full implementation of all the defendant's rights as stipulated in Article 61 of the Criminal Procedure Code in 2015.

Fourthly, the right to present statements, opinions and not be forced to testify against oneself or to admit guilt (Point h, Clause 2, Article 61 of the Criminal Procedure Code in 2015)

Similar to the right to present opinions, the defendant's right to present statements can also help clarify the truth of the case and also help the defendant exercise their right to defense. Allowing the defendant the right to present statements and opinions also demonstrates the principle of equality between the parties participating in the proceedings in the trial, ensuring the correct, objective and comprehensive resolution of the case.

Fifthly, the right to ask or request questions through the presiding judge; The right to debate equally at the trial (Point i, clause 2, Article 61 of the Criminal Procedure Code in 2015)

The Criminal Procedure Code grants the defendant the right to question himself or to request the presiding judge to question the participants in the trial if the presiding judge agrees, which increases the defendant's initiative and helps them exercise their right to defense better, while ensuring the principle of litigation as well as the

principle of determining the truth of the case. In addition to the right to question as stated, the Criminal Procedure Code also grants the defendant the right to debate, to present his or her opinions, arguments and views to counter the opinions that he or she disagrees with or that are disadvantageous to him or her from other subjects at the trial.

Sixthly, the right to have the last word before the deliberation (Point k, Clause 2, Article 61 of the 2015 Criminal Procedure Code)

This right creates conditions for the defendant to have the opportunity to present his/her attitude and wishes to the panel of judges and also helps them to request the panel of judges to pay attention to the details and evidence that are favorable to them during the deliberation so that a well-founded and legal verdict can be issued. It can be said that the right to have the last word is also a form of defense to re-emphasize the defendant's defense and to evaluate the case from a personal perspective in order to present details that are favorable to them.

2.1.2.2. Equal rights before the Court and Judicial authority

Firstly, the right to be informed and explained about rights and obligations as prescribed (point c, Clause 2, Article 61 of the 2015 Criminal Procedure Code)

Secondly, the right to make one's own proposals (point d, Clause 2, Article 61 of the 2015 Criminal Procedure Code)

Thirdly, the right to present evidence, documents, objects, and requests (point d, Clause 2, Article 61 of the 2015 Criminal Procedure Code)

Fourthly, the right to present opinions and the right to request inspection and evaluation of relevant evidence, documents, and objects (point e, Clause 2, Article 61 of the 2015 Criminal Procedure Code)

Fifthly, the right to be tried under special procedures for people accused of committing crimes who are minors (Chapter XXVIII of the 2015 Criminal Procedure Code)

Sixthly, the right to use the language and writing of one's own ethnic group, the right to receive free interpretation (Article 29 BLTTHS 2015)

2.1.3. Regulations on the duties and powers of the Court and competent people in ensuring the human rights of the defendant in the first-instance trial of criminal cases

Firstly, regarding the right to receive procedural decisions. The responsibility for delivering these decisions belongs to the Court. In addition to the responsibility for delivering procedural decisions to the defendant or their representative and sending them to the defense attorney, the victim, and the litigant, the person who issues, delivers, or transfers procedural decisions, must make a record and must have the signature of the person receiving the

decision. In addition, the Court must be responsible for delivering and sending the decision within the prescribed time limit.

Secondly, regarding the right to participate in the trial. The Court's responsibility is to check the presence of the defendant at the trial and can only try the defendant in absentia in specific cases specified in Clause 2, Article 290 of the 2015 Criminal Procedure Code, while in other cases the Court must postpone the trial.

Thirdly, regarding the right to be notified and explained about the rights and obligations as prescribed. The Law on Criminal Procedure stipulates that the defendant's right to be notified and explained also means assigning the responsibility to ensure the implementation of these rights to the person and agency with authority to conduct the proceedings. Specifically, the 2015 Law on Criminal Procedure stipulates the responsibilities and obligations of the agencies with authority to conduct the proceedings in Clause 2, Article 279, Clause 3, Article 301, Clause 3, Article 298, Clause 5, Article 326, etc.

Fourthly, regarding the right to make his/her own proposals. The Law on Criminal Procedure stipulates that the defendant has the right to make his/her own proposals to request the agencies conducting the proceedings to check and evaluate the accuracy of each incident; the right to make proposals to change the person with authority to conduct the proceedings, the expert, the interpreter, and the right to make proposals for the Panel of Judges to summon

relevant persons to clearly determine the truth of the case. The rights of defendants to make requests to the prosecuting agencies recognized by law also mean recognizing the responsibilities and obligations of the prosecuting agencies in ensuring the implementation of these rights.

Fifthly, regarding the right to present evidence, documents, objects and present opinions or request competent people to conduct the proceedings to examine and evaluate the evidence, documents, and objects presented for consideration at the trial.

The responsibility of the Court is to consider and resolve the above requests. In the case of evidence, documents, and objects provided by the defendant, upon receipt, the competent authority conducting the proceedings must make a record of delivery and receipt in accordance with the provisions of the Criminal Procedure Code (Clause 4, Article 88 of the 2015 Criminal Procedure Code) and must examine, verify, and evaluate fully, objectively, and comprehensively those documents and objects to see whether they are evidence in the case or not and their value in determining the truth of the case (Clause 2, Article 108 of the 2015 Criminal Procedure Code).

Sixthly, regarding the right to self-defense and to have a defense attorney. To ensure the defendant's right to defense, the Criminal Procedure Code has provisions requiring those with the authority to conduct proceedings to respect and create conditions for the defendant, the defendant's representative and the defendant's

defense attorney to exercise the right to defense, specifically as stipulated in Clause 1, Article 76, Article 79...

Seventhly, regarding the right to have the last word before deliberation. The responsibility of the panel of judges in creating conditions for the defendant to exercise the right to have the last word is stipulated in Article 324 of the 2015 Criminal Procedure Code.

2.1.4. Regulations on trial procedures to ensure the human rights of the defendant in the first instance trial of criminal cases

The first, the procedure for starting the trial

Starting the trial is when the competent authorities check the presence and absence of those summoned by the Court, check their backgrounds and disseminate the court rules and the rights and obligations of the participants in the proceedings. The presiding judge must ask to confirm the receipt and time of receipt of the indictment and decide to bring the case to trial. The presiding judge must explain the rights and obligations of the defendant as prescribed in Article 61 of the 2015 Criminal Procedure Code and must inform them of the additional provisions of Article 256 of the 2015 Criminal Procedure Code. Next, the panel of judges must proceed to resolve requests and proposals from the participants in the proceedings regarding the change of those conducting the proceedings as prescribed in Article 302 of the 2015 Criminal Procedure Code. Before concluding the procedure for starting the trial, the presiding judge must also resolve requests from the

participants in the proceedings regarding the examination of evidence, the summoning of additional witnesses, or requests to postpone the trial.

The second, the procedural part of the trial

The procedural part of the trial is prescribed in the 2015 Criminal Procedure Code, including the following contents:

Firstly, the commencement of the procedural part is when the prosecutor assigned to exercise the right to prosecute announces the indictment and presents additional opinions but must not worsen the defendant's situation.

Secondly, during the questioning process, the presiding judge asks first and then decides who asks first and who asks later in a reasonable order. In addition, to ensure the right to ask and the right to a fair trial, the current Criminal Procedure Law also expands the factors ensuring in Article 308 of the 2015 Criminal Procedure Code, Clause 2 of Article 309 of the 2015 Criminal Procedure Code and Article 315 of the 2015 Criminal Procedure Code...

The third, the deliberation and sentencing part

The deliberation must be conducted in a separate deliberation room, no one has the right to enter the deliberation room except the members of the panel of judges to avoid influencing them, the deliberation must only be based on evidence and documents that have been examined at the trial on the basis of a full and comprehensive review of the evidence of the case and the

opinions of the participants in the proceedings at the trial. Regarding sentencing, the Law on Criminal Procedure stipulates that the verdict must be announced publicly, and the entire content of the verdict must be announced, except for some other special cases as prescribed.

2.1.5. Regulations on supervision of the implementation of human rights of defendants in the first instance trial of criminal cases

Supervision of the implementation of human rights of defendants in the first instance trial of criminal cases is carried out through many forms, but in general, there are two forms of supervision: supervision by state agencies and supervision by social organizations.

Subjects of supervision by state agencies over the trial activities of the Court include the National Assembly, the People's Council and the People's Procuracy. Subjects performing the function of supervision by social organizations over the trial activities of the Court include the Fatherland Front and its member organizations.

2.2. Practice in ensuring the human rights of defendants in the first instance trial of criminal cases

2.2.1. Achievements

The trial of criminal cases in general and the first instance trial of criminal cases in particular have achieved more positive

results than before. The rights of defendants at court are expanded and more ensuring, and the ensuring of these rights help defendants better exercise their right to defend at court; in addition, the litigation activities at court are also increasingly more substantial and of higher quality. This result has led to the Court's first-instance judgments being increasingly objective, fair, and lawful, ensuring the human rights of the defendants, as demonstrated by the very small proportion of defendants whose first-instance judgments were (and were) annulled or amended compared to the total number of defendants brought to trial each year, and the very small proportion of first-instance criminal judgments and decisions annulled or amended due to subjective errors of the Judges, from 0.18% to 0.65%. The number of cases that must be tried at the appeal level tends to decrease and accounts for a small proportion compared to the number of cases tried at trial, demonstrating that the quality of first-instance criminal trials is increasingly ensuring.

2.2.2. Limitations and obstacles

2.2.2.1. Limitations in implementing the basic principles of criminal proceedings on ensuring the human rights of defendants in first-instance criminal trials

In some trials, in the questioning part, many panels of judges, especially the presiding judge, still conduct the trial in an interrogative manner, with a bias towards accusation and imposing viewpoints based on the investigation records. During the debate

with the accused, many panels of judges are the main subjects acting on behalf of the Procuracy to conduct the debate. In some first-instance criminal trials, ensuring the principle of litigation has not been fully implemented, and listening to and recording the opinions of lawyers has not been fully respected.

2.2.2.2. Limitations in the performance of duties and powers of the Court and competent persons in the first instance trial of criminal cases

Firstly, limitations and difficulties in returning additional files to the Court. In many cases, due to the large number of cases that need to be tried, the Court does not have enough time to carefully study the case, so there is a situation of "abusing" the regulation on returning files to ensure the time limit for proceedings. In some cases, the Court does not return the files to the Procuracy to request additional evidence (including evidence to exonerate the defendant) when it discovers that the files are incomplete, lack evidence or lack the conditions to initiate a prosecution or trial, but the Court still issues a decision to try.

Secondly, the quality of the Prosecutor's practice of the right to prosecute still has limitations, especially in questioning and debating, sometimes the role of the Prosecutor in providing viewpoints to defend the accusation is very vague while these tasks are performed by the Panel of Judges.

Thirdly, the quality of defense in some trials is still low, mostly due to the awareness and responsibility of the defense attorney, especially in cases of assigned defense, leading to the defense not being thorough and not accurate, the content of the defense is still long-winded, scattered, superficial and general, not going into the analysis and evaluation of the details and evidence of the case in favor of the defendant in a specific way.

Fourthly, the People's Jurors have not shown their responsibility when assigned to participate in the trial.

2.2.2.3. Limitations in the implementation of the defendant's human rights in the first instance trial of criminal cases

Firstly, the practice of the right to defense. The implementation of the defendant's right to defense in the first instance trial of criminal cases still has violations, especially the right to have someone else defend him.

Secondly, the practice of the right to equality before the Court and the judicial body, to be tried by a competent, independent, and impartial Court

Through a survey of Judges, the results showed that 35.6% of opinions still believed that there was a certain bias, especially in important cases that received public attention, and the lack of impartiality and sympathy of the Panel of Judges was different between defendants with good personal records and defendants with bad personal records as well as between the prosecution and

the defense, and 48.8% of opinions believed that there was no independence in the trial.

Thirdly, the practice of implementing the right to be presumed innocent

In practice at some first-instance criminal trials, the panel of judges sometimes takes the principle of presumption of innocence too lightly and instead heavily relies on the "presumption of guilt" mindset, leading to asking questions that confirm the defendant's guilt. There are also cases where the panel of judges relies too much on the case file to convict the defendant from the beginning, even though the defendant did not plead guilty at the first-instance trial.

Fourthly, the practice of implementing the right to be tried under special procedures for minors accused of crimes

Currently, some Family and Juvenile Courts have inadequate facilities and have not yet built friendly courtrooms, so most cases involving minors are still tried in regular courtrooms. Although some courts have friendly courtrooms, the arrangement does not ensure friendliness according to the instructions. There is no team of Lawyers, Legal Aid Officers, People's Defenders trained, coached, and educated in psychology, educational science for minors... Besides, the establishment of Courts for minors and specialized Judges to conduct trials has only been carried out at the

Court without synchronization from the Procuracy and Investigation Agency.

Fifthly, the practice of implementing the right to a timely and public trial

There are still many years when the backlog of unresolved cases is quite high. In addition, the rate of courts returning files for further investigation is still high, at least over 1,000 cases/year. The right to a public trial, but in reality, there are still restrictions on the number of people and subjects who can attend directly for security reasons or because the courtroom has limited seating, so not everyone has the right to attend directly, especially in major cases, cases with many defendants and some cases that are of special public interest.

Sixthly, the status of regulations on the right to use one's own language and writing, the right to free interpretation

Currently, there is no specific method or regulation to determine the language ability of defendants and those attending the trial, so in practice, the provision of free interpretation for them at the trial has not been implemented uniformly. At the same time, the Law on Criminal Procedure has no regulations or sanctions to ensure that interpreters must fully translate all content exchanged at the trial.

2.2.2.4. Limitations in monitoring the implementation of human rights of defendants in the first instance trial of criminal cases

The inspection and monitoring mechanisms of our country are multi-layered but have not brought about the desired results.

2.2.2.5. Other limitations in ensuring the human rights of defendants in the first instance trial of criminal cases

Currently, there are still some limitations in the human resources and organization of judicial agencies that have not been overcome, such as the independence of judges and assessors in trials has not been ensuring, the influence of agencies in the political system on the Court still exists, a small number of judges and prosecutors have not yet met the requirements of their tasks, the organizational structure and operation of the Courts at all levels have not truly ensured that the team of judges is "public, law-abiding, impartial".

2.2.3. Causes of limitations and difficulties

Firstly, the author approaches the causes of limitations in the exercise of the right to defense from many different aspects, which are the causes from the provisions of the law, the causes from the responsibilities of the defense counsel and those conducting the proceedings.

Secondly, the causes of limitations in the exercise of the right to equality before the Court and the judicial body, the right to be tried by a competent, independent and impartial Court. The cause of this problem comes from the situation of pre- and post-trial reporting that still exists in some Courts. In addition, factors

affecting the assurance of the independence and impartiality of the Court also come from public opinion, the media and other agencies in the political system as well as the lack of a mechanism to protect Judges as well as the mechanism for selecting and appointing Judges that still have many shortcomings.

Thirdly, the causes of limitations in the exercise of the right to be presumed innocent. According to the author, the main causes come from the agencies, the people conducting the proceedings and from the provisions of the law.

Fourthly, the causes of the limitations in implementing the right are to be tried under special procedures for people accused of committing crimes who are minors. Due to the different material conditions in some localities, especially in remote areas at the district level, there are no conditions to establish specialized courts as well as a lack of specialized human resources to carry out this activity.

Fifthly, the causes of the limitations in implementing the right to be tried promptly and publicly. The number of trials is increasing, in which some cases have many files, complicated details... leading to backlog and delay in accepting cases. Also, due to the large number of complicated cases, the work of reviewing and evaluating the files of each case is not thorough and detailed and there are still some shortcomings leading to having to return the files many times.

Sixthly, the causes of limitations in the implementation of the right to use spoken and written languages, and the right to free interpretation. The main cause comes from legal regulations, specifically the current Law on Criminal Procedure, which has not fully regulated the cases that can limit the right to use spoken and written languages, and the right to interpretation.

Seventhly, the causes of limitations in supervising the implementation of human rights of defendants in the first instance trial of criminal cases. Some Court units, Party committees, and Court leaders have not really paid attention to and promptly directed the inspection work at agencies and units; have not considered inspection as a management function, an important method to improve the effectiveness of management, direction, and operation activities; especially measures to strengthen discipline and public service discipline.

Eighthly, the causes of other limitations. The forms of commendation, discipline, transfer, and dismissal of judges still have many shortcomings; Awareness and sense of responsibility of some officials and civil servants of the Court sector is not high.

CHAPTER 3

REQUIREMENTS AND SOLUTIONS TO STRENGTHEN THE ENSURING OF THE DEFENDANT'S HUMAN RIGHTS IN THE FIRST-INSTANCE TRIAL OF CRIMINAL CASES IN VIETNAM

3.1. Requirements for solutions to strengthen the ensuring of the defendant's human rights in the first-instance trial of criminal cases

3.1.1. Appropriate to the Party's policy on human development strategy and the goal of building a socialist rule-of-law state on ensuring human rights

3.1.2. Appropriate to international standards on human rights

3.1.3. Appropriate to practice, feasible and clear, unified

3.1.4. Appropriate to the task of building and perfecting the organization and operation of the Court

3.2. Solutions to enhance the protection of human rights of defendants in first-instance criminal trials in Vietnam

3.2.1. Solutions to improve the Vietnamese criminal procedure law

3.2.1.1. Improve the provisions on human rights of defendants in first-instance criminal trials

The first, improve the provisions on the right to defend defend defendants in first-instance criminal trials

Firstly, it is necessary to add the right to access case files in the rights of defendants. The author suggests adding point 1, clause 2, Article 61 of the Criminal Procedure Code in 2015 to expand the right to request copies of reports, documents and digitization to serve the purpose of evaluating documents and evidence in more detail. On the other hand, further research is needed to allow defense counsel to access case files earlier when start investigation stage for crimes which are against national security if there is a basis to believe that this access does not affect the investigation and does not pose a risk of affecting the evidence and the nature of the case.

Secondly, it is necessary to expand the subjects who can participate in defense to attract many people with professional qualifications to participate in the criminal procedure.

Thirdly, it is necessary to improve the regulations on defense counsel appointed at the trial. The author believes that if the regulation requires both the defendant and the defense counsel to agree to the trial in absentia of the appointed defense counsel, it will better ensure the defendant's right to defense in cases when the defendant is coerced, persuaded or the defendant is under 18 years old with limited awareness. From the above analysis, the author proposes to amend Article 291 of the Criminal Procedure Code in 2015 as follows:

Article 291. Presence of defense counsel

1. Remain and unchanged

2. In case a defense counsel is appointed... but the defense counsel is absent, the panel of judges must adjourn the trial, except in cases where the defendant and the defendant's representative agree to the trial in the absence of the defense counsel.

The second, perfect the provisions on the right to equality before the Court and the judicial authority, to be tried by a competent, independent and impartial Court

The author proposes that Article 290 of the Criminal Procedure Code in 2015 should be amended as follows: “In case the defendant has absconded and remains elusive despite the wanted notice or the defendant is on foreign soil and cannot be summoned to the court; *it is necessary to separate the responsibility of the absent defendant into a separate case after the conclusion that the the defendant cannot delivered by force to the court*”.

The third, perfect the provisions on the right to be presumed innocent.

The author recommends that the content of Article 13 of the Criminal Procedure Code in 2015 should be supplemented as follows:

Article 13. Presumption of innocence

An accused person is deemed innocent until.....

When there is insufficient *or* it is impossible to clarify the basis for accusation and conviction according to the order and procedures prescribed by this Code.... *Any doubt or ambiguity must be interpreted and applied in favour of the accused. All charges must be proven in accordance with the procedure until there is no further doubt.*

The fourth, perfect the regulations on the right to use the language and writing of one's own ethnic group and the right to receive free interpretation support

The author proposes to amend and supplement Article 70 of the Criminal Procedure Code in 2015 as follows:

Article 70. Interpreters and translators

1. Interpreters and translators... in cases when a participant in the proceedings *does not understand* or does not use *proficient* in Vietnamese or has procedural documents dose not presented in Vietnamese.

2. Remain

3. Interpreters and translators have the obligation to:

a) Remain

b) Interpret and translate truthfully and *completely*. If the interpretation or translation is fraudulent or *incomplete*, the interpreter or translator must be held responsible

At the same time, it is necessary to add this provision to the defendant's right in Article 61 of the Criminal Procedure Code in 2015 that the defendant provided with free interpretation support in case he or she does not understand or dose not use proficient in Vietnamese or has procedural documents that are not in Vietnamese.

3.2.1.2. Perfecting the provisions of the Criminal Procedure Law on the principles of debate at court to ensure the human rights of the defendant in the first instance trial of a criminal case

The author recommends that Clause 3, Article 322 of the Criminal Procedure Code in 2015 be added as follows:

Article 322. Debate at court

1. Remain
2. Remain
3. The Presiding Judge of the trial shall not limit the time and *number of debates* and shall....
4. *Participants in the debate have the right to request the Presiding Justice or the Presiding Justice himself to request the Prosecutor to respond to opinions... that have not been debated by the Prosecutor.*

5. Maintain

3.2.1.3. Perfecting the provisions of the Criminal Procedure Code on the duties and powers of the Court in ensuring the human rights of the defendant in the first instance trial of criminal cases

Firstly, it is necessary to limit the provisions on cases in which the Court returns additional files. The author recommends removing points b and c, Clause 1, Article 280 of the Criminal Procedure Code in 2015 and only allowing the Court to return files in specified cases in clauses a and d of Article 280.

Secondly, it is necessary to amend the provisions on the Court's proof of crime. In order to return the Court to its proper function and ensure the principle of litigation in trials, the author believes that it is necessary to remove the provisions on the Court's

responsibility to prove the crime. If the Court's responsibility to prove is stipulated, the Court is only responsible for proving the basis and reasons when making its judgment. At the same time, to clearly define the responsibilities of the Court in the group of prosecution agencies in Article 15 of the Criminal Procedure Code in 2015, it is necessary to divide the subjects participating in the proceedings according to their functions such as the prosecution subject, the defense subject and the trial subject instead of Article 34 of the Criminal Procedure Code in 2015.

3.2.2. Solutions to improve other legal provisions

3.2.2.1. Improve the provisions of the Organization of the Courts Code in 2024 on ensuring the independence of the People's Jury in the first-instance trial of criminal cases

Firstly, it is necessary to supplement the provisions on assignment and selection of People's Jury. There should be specific studies on the provisions on the Chief Justice's authority in assigning and randomly selecting People's Jury in Article 44 of the Criminal Procedure Code in 2015 and Article 135 of the Organization of People's Courts Code in 2024.

Secondly, it is necessary to study the reasonable time for People's Jury participating in the trial to have sufficient conditions to study the case file. According to the author, it is necessary to specify the time for the Jury to study the case file before opening the trial and at least the time of the Jury must be equal to the time

for the Judge to study according to Clause 1, Article 277 of the Criminal Procedure Code in 2015.

3.2.2.2. Perfecting the regulations on supervision and monitoring of the implementation of human rights of the defendant in the first instance trial of criminal cases

Regarding the regulations on supervision by the Procuracy, the author suggests that legislators need to conduct more in-depth studies on the supervision authority of the Procuracy. In addition, it is also necessary to clearly define the scope of supervision of the Procuracy in the Criminal Procedure Code to be consistent with the provisions of the current Constitution when "The People's Procuracy exercises the right to prosecute and supervise judicial activities" instead of "The Procuracy supervises compliance with the law in criminal procedures" as stipulated in the Criminal Procedure Code in 2015.

Regarding the supervision regulations of the National Assembly, the Fatherland Front Committee and other organizations: It is necessary to clearly define the scope of supervision of the National Assembly, only macro-level supervision and not deeply interfere in the professional activities of the Court and the principle of adjudication independent. At the same time, it is necessary to ensure the supervision activities of social organizations and media agencies, and to consider the supervision of the press and media as a means to strengthen the activities of judicial agencies and enhance the ensuring of human rights.

3.2.2.3. Need guiding documents for the provisions of the Juvenile Justice Law after the law comes into valid on the rights of minors in the first instance trial of criminal cases.

The author recommends should have provisions on the responsibilities and obligations of each subject in the litigation activities regarding the protection of personal information of minors in specific cases and there should be a mechanism to handle the responsibility of each subject for violations. At the same time, there should be public of the judgment decision in the case of a closed trial that does not lead to the identification of the defendant.

3.2.3. Some other solutions

The first, solutions to ensure the implementation of the right to be tried by an independent, objective, fair and impartial Court

Firstly, there must be solutions to ensure the independence of Judges and Jurors, which are: i) Affirming the special status and position of Judges, Judges, should not be considered them as ordinary civil servants but need to have separate regulations on judicial official ranks; ii) Perfecting the mechanism for selecting and appointing Judges to ensure publicity, fairness, objectivity and avoiding the influence of individual leaders or superior Courts; iii) Fundamentally improving the salary, bonus, allowance and working conditions for Judges and Jurors; iv) Limiting and gradually eliminating the influence of administrative relationships between Court leaders and Judges.

Secondly, clearly defining the relationship between the Court and other agencies in the political system. In order for the Court's activities to be independent in relation to other agencies in the same political system, it is necessary to determine the scope of supervision of the legislative agency (National Assembly) and the People's Council over the activities of the Court. Supervision by the National Assembly and the People's Council should only be on a macro level, reviewing and evaluating the annual trial activity report of the Chief Justice of the Supreme Court/Chief Justice of the local Court, without requiring explanations or questioning about a specific case.

The second, solutions to ensure the right to a public, prompt, timely trial without unreasonable delay

Firstly, it is necessary to limit cases in which the trial must be postponed. In the immediate future, the Court needs to limit cases in which the trial must be postponed many times by monitoring and promptly grasping information about the presence or absence of the defendant, witnesses, victims, etc. to have solutions to ensure their presence. At the same time, it is also necessary to clearly understand that a timely trial is an immediate trial without delay when all necessary conditions are met, meaning that the trial should not be too slow to affect the right to a timely trial or too fast to affect the defendant's right to defense.

Secondly, it is necessary to expand the rights to full participation of the people throughout the trial at the court. To ensure supervision from the people and society, especially in trials of major cases and cases of special public interest, the Court needs to arrange and set up courtrooms; seating areas; isolation areas; equip a screen system to share sound and images directly, fully and clearly to ensure the monitoring of those who need to attend the trial. It is recommended to limit the number of people attending the trial only when necessary or when the participants violate the regulations on court rules.

The third, solutions to ensure the implementation of the right to defense, the right to equal litigation, the right to a fair trial

Ensuring the recording and information search of the defendant at the trial, such as arranging a writing table, paper, and pen for the defendant, is an effective basis for the defendant to fully exercise his or her rights, especially the right to defense.

It is necessary to create an equal mechanism for the parties when conducting litigation and exercising their rights; at the same time, during the trial, the panel of judges must be neutral, not imposing subjective will or presuming guilt on the defendant, and not limiting the time to present the defense.

Building a court culture, a spirit of respect and compliance with the law, building a cultured, civilized and respectful behavior between those conducting the proceedings and those participating

in the proceedings. The defendant at the trial must be considered a person who is not guilty, so he or she must behave in a truly civilized manner, avoiding fatigue and contempt.

At the same time, it is necessary to improve the quality and responsibility of those conducting the proceedings, especially the team of Judges and Prosecutors.

The fourth, solutions to ensure the implementation of the rights to be tried under special procedures for accused juveniles

Firstly, focus on improving the quality and increasing the number of judges of the Family and Juvenile Court. In addition to improving the quality and quantity of judges, it is also necessary to simultaneously build a team of specialized Prosecutors and Investigators at the investigation and prosecution stage for juvenile defendants.

Secondly, it is necessary to promptly establish specialized Courts in localities, especially the establishment of Family and Juvenile Courts; At the same time, with the increase in the number of newly established Family and Juvenile Courts, the establishment process must ensure the standards of these courts according to Circular No. 01/2017/TT-TANDTC dated July 28, 2017 of the Chief Justice of the Supreme People's Court.

CONCLUSION

The thesis has summarized and analyzed to clarify some modest contents as follows:

1. The thesis has raised theoretical issues on ensuring the human rights of the defendant in the first instance trial of criminal cases, pointing out the content of ensuring the human rights of the defendant in the first instance trial of criminal cases. From clearly identifying the content of the human rights of the defendant in the first instance trial of criminal cases, the thesis continues to determine the content of ensuring these human rights of the defendant. At the same time, analyzing and evaluating the mechanism for ensuring the human rights of the defendant in the first instance trial of criminal cases.

2. The thesis has analyzed and evaluated the practice of ensuring the human rights of the defendant in the first instance trial of criminal cases in Vietnam. The thesis has summarized the provisions of the Vietnamese Criminal Procedure Code on ensuring the human rights of the defendant in the first instance trial of criminal cases. From the above provisions, the thesis analyzes and evaluates the practice of ensuring the human rights of defendants in the first-instance trial of criminal cases to point out the achieved results; the limitations, difficulties and their causes.

3. The thesis has proposed requirements to ensure the human rights of defendants in the first-instance trial of criminal cases and proposed solutions to enhance the ensuring of human rights of defendants in the first-instance trial of criminal cases. Within the scope of the thesis, the author focuses on solutions to improve the provisions of the current Criminal Procedure Code. In addition, the author also recommends a number of other solutions that also have an impact on ensuring the human rights of defendants in the first-instance trial of criminal cases, such as improving the capacity of judicial staff; innovating the organization and operation of prosecution agencies; strengthening facilities and equipment for trial activities./.