



HUMAN RIGHTS

SITUATION IN VIETNAM

2015 - 2016 REPORT

OFFICE OF THE HONOURABLE SENATOR THANH HAI NGO

TABLE OF

THIS REPORT WAS COMPLETED BY THE
INTERNS OF SENATOR NGO'S OFFICE

CAM CHAU	MISSISSAUGA, ON
THUY-DAN DANG	KINGSTON, ON
MANCINI HO	OTTAWA, ON
CHI-LAN NGUYEN	OTTAWA, ON
JULIA NGUYEN	MONTREAL, QC
JULIE NGUYEN	MISSISSAUGA, ON
LILY NGUYEN	VANCOUVER, BC
MELINDA JULIE PHUONG	MARKHAM, ON

OFFICE OF SENATOR THANH HAI NGO
314, VICTORIA BUILDING
140 WELLINGTON ST.
SENATE OF CANADA
OTTAWA, ON K1A 0A4

EMAIL: NGOTH@SEN.PARL.GC.CA

TEL: 613-943-1599
TOLL-FREE: 1-800-267-7362
FAX: 613-943-1592

Cover: "Vietnamese Police officer arresting a non-recognized religious monk."

Source: Khai Nguyen. <https://www.flickr.com/photos/38928609@N02/9829749524/>

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A MESSAGE FROM SENATOR NGO

April 30, 1975, marked a turning point in the lives of the Vietnamese people. The communist regime of North Vietnam defeated the American-backed South Vietnam, triggering a series of life-changing events. Countless Vietnamese were stripped of their dignity, possessions, and freedom, and were faced with a very difficult decision: whether to stay or leave their beloved home country. If they stayed, they would be suppressed under the communist regime and would suffer through cruel punishments, including imprisonment, re-education camps, and ethnic discrimination. If they left, they would risk all that they knew to brave dangerous storms, pirates, disease, and starvation on small, rickety boats across the South China Sea. Neither choice was ideal, but only one choice gave them the possibility of freedom. If they chose to leave and were fortunate enough to make it to another shore alive- if they were persistent enough to survive in densely populated refugee camps- if they had the strength to start their lives all over again in a new country- they could find freedom. These people, who would later come to be known as the Boat People, found refuge in various countries, including Australia, Europe, and North America. Canadians from all walks of life joined together to help find safe havens for over 60,000 Vietnamese refugees. Since then, the Vietnamese-Canadian community has become an integral part of the Canadian cultural mosaic; its members continue to contribute and thrive in Canadian society today.

Back in Vietnam, however, a very different picture has emerged. Those still living in Vietnam continue to be suppressed by the single-party authoritarian regime: the Vietnamese Communist Party. Human rights standards have continued to deteriorate. On its face, the Vietnamese Constitution seems to address the basic human rights of its citizens. However, upon closer inspection, its inherent vagueness actually deprives Vietnamese citizens of many basic freedoms, including the freedoms of expression, peaceful assembly, and religion.

As the first Canadian senator of Vietnamese descent, I am tremendously grateful to Canada for its efforts in raising awareness about human rights violations in Vietnam. As a refugee myself and as an advocate for human rights, I want to ensure that today's youth and future generations are aware of what happened after the Fall of Saigon. This is why I was proud to introduce Bill S-219, which has since received Royal Assent and is now known as the Journey to Freedom Day Act. Celebrated every year on April 30, its purpose is to commemorate the perilous journey that many Vietnamese refugees took in order to find freedom, and to acknowledge the immense efforts that Canadians made to help these refugees resettle in their new home. In addition, we must not forget those in Vietnam who are still fighting injustice and struggling to live in a free and democratic country. This is why I am proud to present to you the Vietnamese Human Rights

Report, put together by my dedicated team of interns: Cam Chau, Thuy-Dan Dang, Mancini Ho, Chi-Lan Nguyen, Julia Nguyen, Julie Nguyen, Lily Nguyen, and Melinda Julie Phuong. They have worked enthusiastically and diligently on this booklet. It is my sincerest hope and belief that providing a simple, comprehensive booklet on the current human rights situation in Vietnam will inspire Canadians to rise up and advocate for human rights.



A handwritten signature in cursive script, reading "Thanh Hai Ngo", written in dark ink.

The Honourable Senator Thanh Hai Ngo

INTRODUCTION

The purpose of the Vietnam Human Rights Report is two-fold: first, to inform readers from all backgrounds and levels of expertise on Vietnam as it currently exists in 2015; and second, to inspire readers to help improve Vietnam's human rights situation. Information is presented through academic research and active case studies, and comparisons are made using concrete examples from Canada.

While recent socio-economic development has improved Vietnam's GDP, on the human rights front, there seems to be little overall improvement. Since the Fall of Saigon on April 30, 1975, the Vietnamese Communist Party (VCP) has maintained control over its citizens through acts of cruelty, thereby violating both basic human rights and personal dignity.

Three key aspects of human rights violations will be highlighted in this booklet, along with an explanation as to why such violations continue to persist. This will be achieved by looking at the nature of the judicial system in Vietnam. While Vietnam has signed the Universal Declaration of Human Rights, the VCP's actions have demonstrated that it does not intend to uphold its obligations to protect the Vietnamese people. A contributing factor is that Vietnamese citizens are governed by ambiguous laws. An overview of the function (or rather, the dysfunction) of the judicial system in Vietnam is the first aspect of human rights violations that this booklet will present.

To further illustrate how the judicial system affects citizens, three freedoms will be analyzed:



FREEDOM OF EXPRESSION

The VCP continues to exert control by censoring those who want to express their thoughts and ideas peacefully. In recent years, technology has made it easier for Vietnamese citizens to connect with others and to share their opinions with a wider audience. This has led the VCP to detain bloggers and journalists, thereby preventing citizens from exercising their freedom of expression online.



FREEDOM OF ASSEMBLY

Workers who are forced to work in terrible conditions are coming to realize that it is possible to form a union, and that collectively their voice would be stronger. However, if the VCP were to allow such assemblies to take place, it would have less power to dictate what workers can or cannot do. As a result, the VCP interferes when workers wish to form assemblies such as unions; this prevents citizens from exercising their freedom of assembly.



FREEDOM OF RELIGION

Vietnam officially restricts its citizens from practicing the religion of their choice. The VCP does not recognize religious minorities; worse, worshipers are often punished for their beliefs. Detaining key individuals and expropriating land are some of the ways that the VCP controls the masses. This prevents citizens from exercising their freedom of religion.

VIETNAM'S JUDICIAL SYSTEM

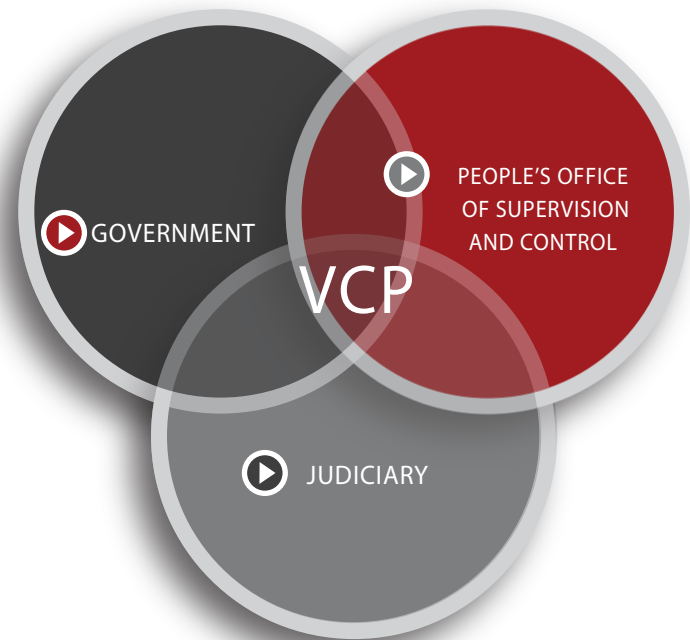
OVERVIEW

Vietnam is a socialist, single-party republic, led by the Vietnamese Communist Party (VCP).¹ Established in 1930, the VCP was eventually recognized as Vietnam's sole political party. Today, it enjoys complete control over the country, with its laws and policies being viewed as supreme.²

Vietnam's government can be described as entirely convoluted. Despite being divided into three branches – the government, the People's Office of Supervision and Control, and the Supreme People's Court – there is no actual division of power. The VCP delegates some of its power to two entities: the Vietnamese Fatherland Front (VFF) and the National Assembly.³

The VFF is a political coalition whose official function is to represent Vietnamese citizens' views. However, this role is entirely superficial because the VCP controls the VFF.

The National Assembly supervises the Vietnamese government's three branches but, because the VCP controls the National Assembly, no part of the government has any independence from the VCP.⁴



DISTRIBUTION OF POWER IN VIETNAM

JUDICIAL SYSTEM

There are three levels of courts in Vietnam: district courts, provincial people's courts, and the Supreme People's Court.⁵ The Supreme People's Court is Vietnam's highest court. It is similar to the Supreme Court of Canada in that it is the final court of appeal for the entire country and has the authority to overturn the lower courts' decisions. However, unlike Canada, Vietnam's judicial system does not look to legal precedents. This means that previous rulings do not bind future court decisions.⁶

To become a judge in Vietnam, one must be appointed by the President of the State.⁷ Incumbents are also supposed to have the educational equivalent of an LL.B. degree. However, because trained lawyers are so scarce throughout the country, especially in rural areas, this requirement is often not met. As a result, those who are appointed to the judiciary are often unqualified for the position.



Father Ly being restrained at his court trial <https://www.hrw.org/news/2010/03/23/vietnams-human-rights-defenders>

VIETNAM'S LAW

Vietnam's legal system is based on civil law. Although the primary source of law in Vietnam is the Constitution of the Socialist Republic of Vietnam, there are other sources of law. These sources fall into two main groups: (1) VCP policy, economic policies and legal philosophy; and (2) general legal principles, written legal documents, international treaties, customary regulations and judicial decisions.⁸

Vietnam's Penal Code, which is one of the country's most authoritative and often-cited pieces of legislation, gives government officials the power to arrest, detain, and imprison anyone who openly criticizes the VCP.⁹ Those who are arrested for denouncing the VCP are routinely subjected to unwarranted, excessively harsh and violent treatment. These prisoners are often forced to endure manipulated trials, lengthy detention in solitary confinement, and intimidation and torture in prison.¹⁰

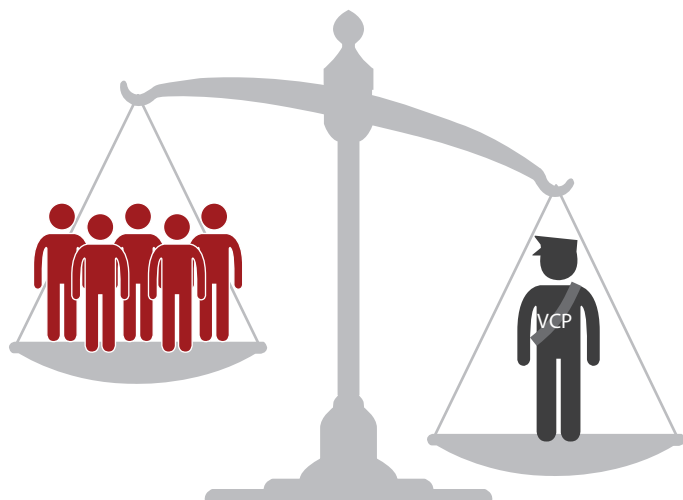
Many of Vietnam's laws are notoriously vague and overbroad. It has been argued that this lack of specificity is intentional: the Vietnamese government can interpret the law in whichever way best suits its purposes.¹¹ This is further corroborated by the fact that Vietnam's judiciary practices "rule by law,"¹² which maintains that the government is above the law, and that the law is its instrument to serve its purpose.



JUDICIAL INDEPENDENCE

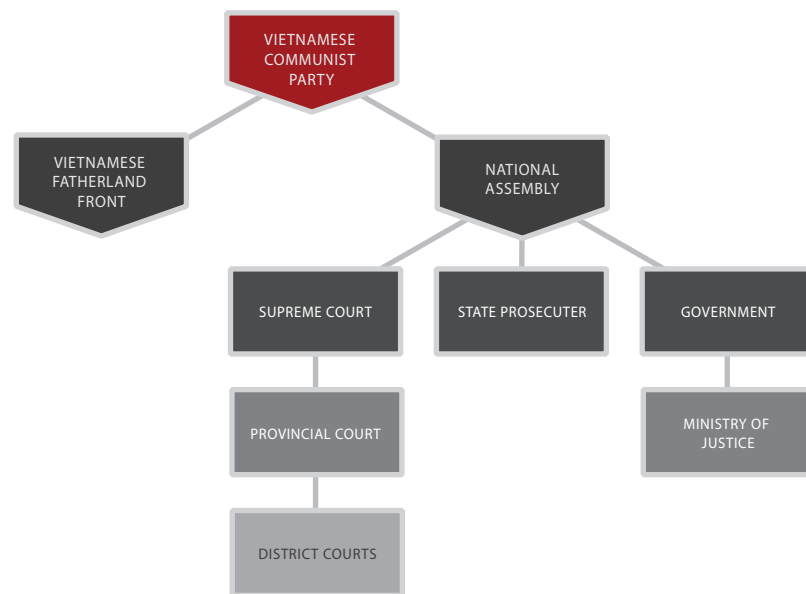
Whereas Canada's judiciary enjoys complete independence from the country's other branches of government, there is absolutely no judicial independence between Vietnam's judiciary and the rest of its government. Vietnam's judiciary does not have the authority to act on its own; it is nominally accountable to the National Assembly. Moreover, the VCP has a direct line on authority and influence to Vietnam's judiciary because it controls the National Assembly.¹³

This lack of judicial independence means that judges in Vietnam, who are already often unqualified to be judges, do not have any discretion over court decisions. Judges are entirely at the mercy of the VCP and must decide cases in accordance with the VCP's demands. Consequently, the VCP can use the judicial system to imprison anyone it chooses to, and for any reason that it wants.¹⁴ For example, in Vietnam, one of the most serious "crimes" that a person can commit is to speak out against the VCP.¹⁵ Because of its complete control over the judiciary and its vague laws, it is easy for the VCP to imprison dissidents so that the party can continue to maintain its dominance.



As it currently exists, Vietnam's judicial system makes a mockery of what an actual judiciary is meant to accomplish. A country's judicial system is supposed to uphold justice and ensure that transgressors are properly dealt with while the innocent maintain their freedom and human dignity. The current structure of Vietnam's judicial system, with its complete lack of independence, accomplishes the exact opposite. Without an accountable judicial system, those who oppose the VCP are routinely robbed of their dignity. There is no legitimate legal platform through which they can voice their opinions and be guaranteed a fair trial. Without judicial independence, the preservation of human dignity is impossible.

For more information about Vietnam's administrative decrees and penal code, please see the appendix at the end of this booklet.



HIERARCHY OF THE VIETNAMESE GOVERNMENT

FREEDOM OF EXPRESSION



OVERVIEW

Freedom of expression is the fundamental core of the Universal Declaration of Human Rights. Article 19 of the UDHR states that “everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.”¹⁶ A free press is essential to democracy. “Informed people are empowered people; their knowledge shapes their actions and decisions.”¹⁷

The flow of information in Vietnam is elusive, and public opinion is repressed under the Vietnamese Communist Party (VCP).¹⁸ All print, broadcast, and electronic media are controlled. Independent or privately owned domestic media outlets are banned. Journalists and print media outlets in Vietnam are subjected to strict laws that are heavily regulated.¹⁹ Vietnam ranked 175th out of 180 countries in the 2015 World Press Freedom Index in terms of press freedom.²⁰ A 2015 survey indicated that 42.97% of the country’s population uses the Internet;²¹ it is a standard source for information. In 2013, Prime Minister Nguyen Dung signed Decree 72 to further tighten control over Internet usage in Vietnam. It restricts blogs and social websites, which can only be used to provide and exchange personal information. It also prohibits online publication of material that “opposes” the Vietnamese government or “harms national security.”²² Decree 72 bans Internet users from discussing or sharing news about politically critical current affairs.²³ As of May 2014, there is an estimated 400 prisoners of conscience in Vietnam.²⁴



All news publications in Vietnam are owned and controlled by the government. (AP/Chitose Suzuki)

CASE STUDIES



TRAN HUYNH DUY THUC

Occupation: Entrepreneur
Convicted pursuant to: Article 79 (carrying out activities aimed at overthrowing the people's administrator)
Conviction date: Unknown
Anticipated release: 2026, followed by 5 years of house arrest
Sentence: 16 years in prison and 5 years house arrest

Tran Huynh Duy Thuc was a successful entrepreneur who founded a major Internet provider and regularly blogged about the poor social, political, and economic conditions and issues in Vietnam. In May 2009, he was charged and arrested for supposedly participating in the theft of telephone wires. However, because no evidence was found to support these allegations, authorities decided to charge Mr. Tran under Article 79 for his alleged attempts to overthrow the government.²⁵

Mr. Tran was sentenced to 16 years in prison and 5 years of house arrest in January 20, 2010, along with three other democracy advocates. His appeal was upheld in May 11, 2010.²⁶ As a result, Mr. Tran's IT company was forced to file for bankruptcy.²⁷

The UN Working Group on Arbitrary Detention adopted Mr. Tran's case in 2012. Amnesty International also recognizes his case. His family is advocating for his release, especially his 77 year old father, who travels the world seeking justice.²⁸



NGUYEN QUANG LAP

Occupation: Blogger / Writer
Convicted pursuant to: Arrested under Article 258, but prosecuted under Article 88
Conviction date: December 6, 2014
Anticipated release: Unknown
Sentence: Prison

Nguyen Quang Lap was the deputy editor-in-chief of the popular Cua Viet (the Door of Viet) magazine from 1990–1992. The Vietnamese government shut down the magazine because it contained pro-democracy content.²⁹ He started the Que Choa blog in 2007; in 2014, it received more than 100 million views, despite the intermittent attacks and firewalls. In June 2014, in a blog entry, Mr. Nguyen wrote, "I have never nor will I ever follow or oppose anyone because this is not the job of a writer. I will always be a small boat person, carrying the boat of TRUTH to the people and nothing else."³⁰ He was arrested under Article 258 ("abusing democratic freedoms against the interests of the state") but prosecuted under Article 88 ("conducting propaganda against the state of the Socialist Republic of Vietnam"), with a maximum sentence of 7 years.³¹

Blogger Pham Manh Hung mentioned Mr. Nguyen in his testimony before the House of Commons Subcommittee on International Human Rights on May 12, 2015.



**MINH TRI VO
(VIET KHANG)**

Occupation: Songwriter and artist
Convicted pursuant to: Article 88 (conducting propaganda against the Socialist Republic of Vietnam)
Conviction date: December 6, 2014
Anticipated release: 2016, followed by 2 years of probation
Sentence: Prison (Tai tam giam Cong)

Minh Tri Vo (Viet Khang) is a singer/songwriter from the province of Tien Giang, Vietnam. He travels to various cities throughout Vietnam to perform and support his family. He established the Patriotic Youth League to promote public awareness of human rights violations.³²

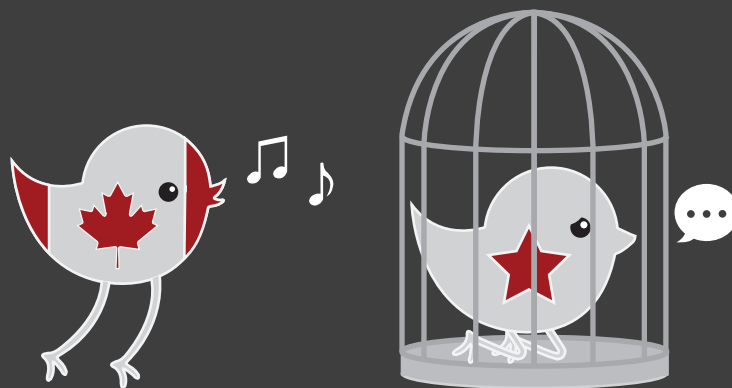
In 2012, Viet Khanh wrote and posted a number of songs criticizing the Vietnamese government. These songs, entitled “An La Ai” (Who are you) and “Nuoc Toi Dau” (Where is my country), speak about the conflict with China regarding the territory in the East Sea/South China Sea.³³ The videos quickly went viral. In early 2012, Viet Khang and another musician, Anh Binh Tran, were sentenced to four years in prison for disseminating anti-state propaganda by posting their songs on the Internet via the “Patriotic Youth” website. Viet Khang’s conviction provoked a US-based petition, which called on the Vietnamese government to release him and Vu Anh Binh Tran.

WHAT’S NEXT ?

Canadians are protected under the Charter of Rights and Freedom. We can voice our thoughts and opinions without fear of government reprisal. Unfortunately, this cannot be said for those living in Vietnam. The cases in this book offer only a brief glimpse into the horrendous treatment and suffering of Vietnam citizens at the hands of their own government.

It is reported that there are over 100 individual documented cases of imprisonment for the peaceful exercise of democratic rights in Vietnam. Canadians can pledge to protect human rights for all. We must lend our voices to those who have none.

To learn more about the current prisoners of conscience in Vietnam, please see the Appendix of this booklet. For information on how to help them, go to <http://the88project.com/take-action/>. Visit <https://cpj.org/-campaigns/pressuncuffed/index.php> to read about imprisoned journalists around the world.



FREEDOM OF ASSEMBLY



OVERVIEW

Freedom of assembly is commonly understood as the individual right or ability to come together and collectively express, promote, pursue, and defend one's ideas in public places. It is an integral part of liberal democracies, whereby citizens may gather to express themselves and protest without government interference.³⁴ Freedom of association entails the right to meet with people individually; to form, join, or leave an association without government restriction. This right is necessary to establishing and maintaining a society in which diverse beliefs and practices can coexist peacefully.



"Vietnamese police officers drag an anti-China protester during a demonstration Sunday, July 17, 2011 in Hanoi, Vietnam." Source: Asian Correspondent

In Vietnam currently, political parties, labour unions, and human rights organizations independent of the Vietnamese Communist Party (VCP) are discouraged and systematically prohibited. Public gatherings require official approval and public meetings, marches, or protests thought to be politically unacceptable are often denied permission. When unsanctioned events do move forward, participants are frequently punished and imprisoned. In May 2013, peaceful "human rights picnics," where activists intended to publicize and discuss the Universal Declaration of Human Rights and other human rights standards in Vietnam, were met with violence, temporary arrests, and intensive harassment as a form of deterrence. Critics have difficulty travelling outside Vietnam. Citing "national security reasons," the Vietnamese government usually prevents them from leaving the country.³⁵

CASE STUDIES



DOAN HUY CHUONG

Occupation: Labour activist
Convicted pursuant to: Article 89 (disrupting security through public gatherings and protests)
Conviction date: 2010
Anticipated release: 2017
Sentence: Prison

Doan Huy Chuong is an independent labour activist and a founding member of the United Farmers and Workers Organization. He was sentenced to seven years in prison under Article 89 for “disrupting security³⁶ by organizing workers at the My Phong Enterprise shoe factory. He was tried behind closed doors; his right to a fair trial with equal standards was violated. He was denied a lawyer during the closed-door trial and prevented from speaking in his own defence during the proceedings.³⁷ The UN Working Group on Arbitrary Detention found the arrest and detention to be unreasoned and in violation of international law regarding freedom of association and expression.³⁸ He was and may still be subjected to prolonged solitary confinement with poor food and sleeping conditions, forced labour, and repeated beatings, all of which have resulted in serious health problems.

Mr. Doan’s case was mentioned in Do Thi Minh Hanh’s testimony before the House of Commons Subcommittee on International Human Rights on May 14, 2015.



DO THI MINH HANH

Occupation: Labour activist
Convicted pursuant to: Article 89 (disrupting security through public gatherings and protests)
Conviction date: 2010
Anticipated release: 2017 (released early)
Sentence: Prison

Do Thi Minh Hanh is an independent labour activist and a member of Victims of Injustice, a group that advocates on behalf of victims of land confiscation. She was sentenced to seven years in prison under Article 89 for distributing leaflets to help organize a strike of 10,000 workers at the My Phong Enterprise shoe factory.³⁹ While in prison, she was tortured and beaten so badly that she became deaf in one ear. She was denied access to health care and deprived of medical services for suspected breast cancer.⁴⁰ Fortunately, she was released from prison on June 26, 2014, and continues to advocate for awareness of prison conditions and labour rights.⁴¹

On May 14, 2015, Ms. Do made an appearance before the House of Commons Subcommittee on International Human Rights.

WHAT'S NEXT ?

The impact of low income labour and its effects on human rights and the environment must be understood. For example, in the past two decades, clothing consumption has increased by 500%. This phenomenon is called “fast fashion,” with large corporations looking for cheap labour, usually in countries with little to no regulations to protect workers. Governments tolerate this misconduct for economic reasons and as a means to create employment. If governments did not permit this practice, large corporations would simply go elsewhere for business.

Vietnamese companies have a reputation for abusing these opportunities by refusing the right of workers to form unions, treating them poorly, and subjecting them to long hours of labour (12-15 hours per day) with meagre pay (US \$70 per month). Employees are often subjected to managers' abusive behavior.

Please see the Appendix of this booklet for a more comprehensive list of Vietnamese prisoners of conscience who were imprisoned for exercising their freedom of assembly and association. Visit this link to learn more about imprisoned human rights activists in Vietnam: <https://www.fidh.org/International-Federation-for-Human-Rights/asia/vietnam/vietnam-at-least-200-political-prisoners-behind-bars>.

“
They [police] usually say to the victims ‘Your death only costs us one piece of paper.’
”

- Mr. Dieu Cay, Blogger
(HoC HR Committee Evidence: June 4, 2015)



“Vietnamese police officer blocks photographers at an anti-China protest in front of Hanoi’s Opera House on July 22, 2012.” Source: Committee to Protect Journalists

WHAT DOES THAT \$14 SHIRT REALLY COST?



SOURCE: O'ROURKE GROUP
PARTNERS LLC. APRIL 2011
MACLEANS.CA

FREEDOM OF RELIGION



OVERVIEW

According to the Universal Declaration of Human Rights (UDHR), religious freedom is defined as “the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance”.⁴² In other words, for there to be true freedom of religion, individuals must have the right to practise their religion or belief in the manner that they so choose, within reason, without state interference.

ARTICLE 24 OF VIETNAM’S NEWLY-AMENDED CONSTITUTION READS

01

Everyone has the right to freedom of belief and religion, and has the right to follow any religion or to follow no religion. All religions are equal before law.

02

The State shall respect and protect the freedom of belief and religion.

03

No one may violate the freedom of belief and religion, nor may anyone take advantage of a belief or religion in order to violate the law.⁴³

However, despite Article 24, there is a distinct lack of religious freedom in Vietnam. The Vietnamese government uses a legal document known as the Ordinance on Belief and Religion (Ordinance 21) to regulate religious beliefs and practices throughout the country. In particular, Decree 92 gives the Vietnamese government full authority to enforce Ordinance 21 and regulate religious groups.⁴⁴

Ordinance 21 and Decree 92 are comprised of overly vague clauses that make it easy for the Vietnamese government to exercise excessive and unjustified control over any religious group it wants. Its ambiguous wording allows the Vietnamese government to use Decree 92 as a “sifting tool” to ensure that only religious communities that it approves of will be recognized. By contrast, unrecognized religious groups are those that failed to comply with the Vietnamese government’s standards for practising religion. Members of unrecognized religious communities are routinely subjected to unwarranted police interrogation, arbitrary arrest and detention, long-term imprisonment and land confiscation.⁴⁵

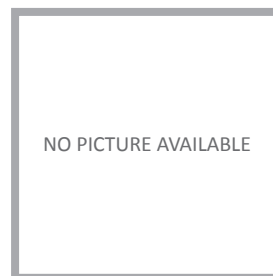
CASE STUDIES



VAN LY NGUYEN

Occupation: Priest
Convicted pursuant to: Article 88 (propaganda against the government). for organizing a mass boycott of the Vietnamese elections in 2007
Conviction date: Unknown
Anticipated release: 2016, followed by 5 years of house arrest
Sentence: Prison and house arrest

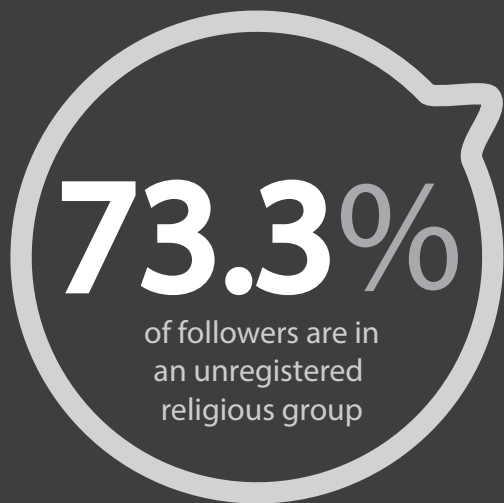
Father Van Ly Nguyen is a Roman Catholic priest known for openly advocating democracy and religious freedom. He established the Vietnam Progression Party (VNPP), which calls for democracy and the respect of human rights in Vietnam. In 2007, he was sentenced to eight years in prison for attempting to organize a mass boycott of the Vietnamese elections. Vietnamese prison guards routinely brutally tortured and inflicted cruel punishments on Father Ly during his time in prison. He was held in solitary confinement for extensive periods of time and suffered serious health problems, including strokes, for which he received absolutely no medical attention. Father Ly's followers were also arrested and charged under Article 88.⁴⁶



VAN MINH NGUYEN

Occupation: Activist
Convicted pursuant to: Article 245: causing public disorder by creating a "serious obstruction to traffic"
Conviction date: February 2014
Anticipated release: 2016-2017
Sentence: Prison

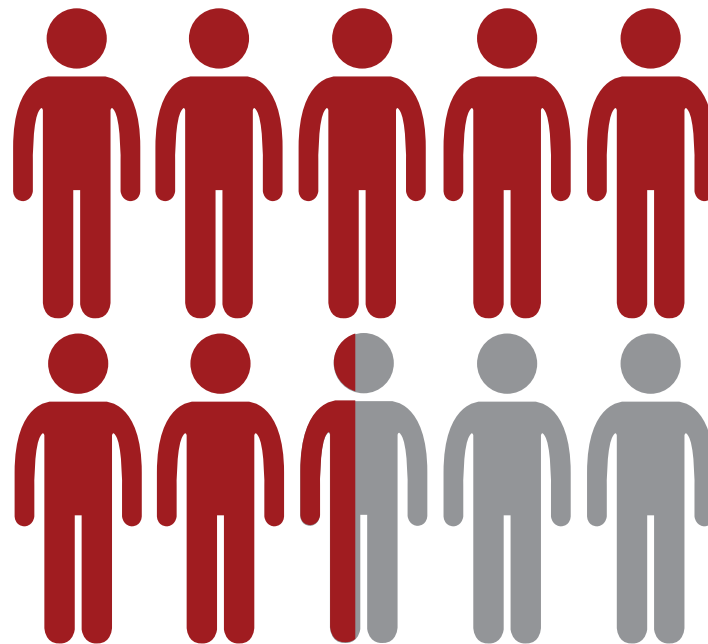
Van Minh Nguyen is an independent Hoa Hao Buddhist activist who campaigned for freedom of religion and freedom of conscience. In February 2014, he was arrested and charged with "causing public disorder" by creating a "serious obstruction to traffic". Both his father-in-law and brother-in-law are currently serving prison sentences for "resisting persons in the performance of their official duties". The Human Rights Watch believes that the two men were persecuted because Mr. Nguyen and his family follow and support an independent Hoa Hao Buddhist group.⁴⁷



WHAT'S NEXT ?

In Canada, religious freedom is a recognized protected right under the Canadian Charter of Rights and Freedoms. Under the Charter, it is possible to practice one's religion without state interference, within reason. If Vietnamese citizens are to be able to exercise religious freedom, the Vietnamese government must amend its ordinances and decrees regarding the practice of religion so that government officials cannot abuse these laws and use them to suppress the religious communities it is prejudiced against.

For a more comprehensive list of Vietnamese prisoners of conscience who were imprisoned for exercising their religious rights, please see Appendix 1 of this booklet. For more information, visit the following link: Human Rights Watch: <https://www.hrw.org/asia/vietnam>.



Vietnamese Buddhist monks practicing their religion despite being under persecution since 1975. <http://www.vrnews.org/2014/03/recent-violations-of-religious-freedom.html>

ENDNOTES

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APPENDIX

Appendix: Vietnam's Administrative Decree and Penal Code

Below is a list of the most common administrative decrees and articles from Vietnam's Penal Code that the Vietnamese government uses to suppress dissidents.

ADMINISTRATIVE DECREES

Decree 72

- Limits the use of blogs and social media to only “providing or exchanging personal information”.
- Also prohibits blogs and social media from being used to disseminate news or information from government websites.

For the full text and more information:

http://www.itpc.gov.vn/investors/how_to_invest/law/Decree_No.72_2013/mldocument_view/?set_language=en

Decree 92

- Gives Vietnamese authorities broader leeway to sanction and restrict religious activities.

For the full text and more information: http://reachingvietnam.com/wp-content/uploads/2013/03/ND92_EnglishTranslation.pdf

Decree 174

- Follow-up to Decree 72: people who post “propaganda against the state” or “reactionary ideology” on social media channels will be fined up to US\$5,000.

For the full text and more information: <https://www.techinasia.com/internet-fines-vietnam/>

PENAL CODE

Article 79: Carrying out activities aimed at overthrowing the people's administration

Those who carry out activities, establish, or join organizations with the intent of overthrowing the people's administration shall be subject to the following penalties:

- Organizers, instigators, and active participants, or those who cause serious consequences, shall be sentenced to between twelve and twenty years of imprisonment, life imprisonment, or capital punishment;
- Other accomplices shall be subject to between five and fifteen years of imprisonment.

Article 84: Terrorism

Those who intend to oppose the people's administration and infringe upon the life of officials, public employees, or citizens shall be sentenced to between twelve and twenty years of imprisonment, life imprisonment, or capital punishment. In the case of committing crimes by infringing upon physical freedom and/or health, offenders shall be sentenced to between five and fifteen years of imprisonment.

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⁴⁷ Human Rights Watch. “Vietnam: Activists Face Trial on Bogus Traffic Offense.”

In the case of committing crimes by threatening to infringe upon life or committing other acts of moral intimidation, offenders shall be sentenced to between two and seven years of imprisonment.

Those who terrorize foreigners in order to cause difficulties to the international relations of the Socialist Republic of Vietnam shall also be penalized according to this Article.

Article 85: Sabotaging the material-technical foundations of the Socialist Republic of Vietnam

Those who intend to oppose the people's administration by sabotaging the material-technical foundations of the Socialist Republic of Vietnam in the political, security, defence, scientific-technical, cultural, or social fields shall be sentenced to between twelve and twenty years of imprisonment, life imprisonment, or capital punishment.

Article 87: Undermining the unity policy

Those who commit one of the following acts with a view to opposing the people's administration shall be sentenced to between five and fifteen years of imprisonment:

- Sowing division among people of different strata, between people and the armed forces or the people's administration or social organizations;
- Sowing hatred, ethnic bias and/or division, infringing upon the rights to equality among the community of Vietnamese nationalities;
- Sowing division between religious people and non-religious people, division between religious believers and the people's administration or social organizations;
- Undermining the implementation of policies for international solidarity.

In the case of committing less serious crimes, offenders shall be sentenced to between two and seven years of imprisonment.

Article 88: Conducting propaganda against the Socialist Republic of Vietnam

Those who commit one of the following acts against the Socialist Republic of Vietnam shall be sentenced to between three and twelve years of imprisonment:

- Propagating against, distorting, and/or defaming the people's administration;
- Propagating psychological warfare and spreading fabricated news in order to foment confusion among people;
- Making, storing, and/or circulating documents and/or cultural products with contents against the Socialist Republic of Vietnam.

In the case of committing less serious crimes, offenders shall be sentenced to between ten and twenty years of imprisonment.

Article 89: Disrupting security

Those who intend to oppose the people's administration by inciting, involving, and gathering many people to disrupt security, oppose officials on public duties, obstruct

activities of agencies and/or organizations, which fall outside the cases stipulated in Article 82 of this Code, shall be sentenced to between five and fifteen years of imprisonment. Other accomplices shall be sentenced to between two and seven years of imprisonment.

Article 245: Causing public disorder

Those who foment public disorder, causing serious consequences, or who have already been administratively-sanctioned for such an act or sentenced for such an offence, not yet entitled to criminal record remission but continuing to commit such an act, shall be sentenced to a fine of between one million dong and ten million dong, non-custodial reform for up to two years, or between three months and two years of imprisonment. In committing the offence in one of the following circumstances, offenders shall be sentenced to between two and seven years of imprisonment:

- Using weapons or committing acts of devastation;
- In an organized manner;
- Causing serious obstruction to traffic or cession of public activities;
- Inciting other persons to cause disorder;
- Assaulting persons who intervene to keep the public order;
- Constituting a case of dangerous recidivism.

Article 257: Resisting persons in the performance of their official duties

Those who use force, threaten to use force, or use other tricks to obstruct persons in the performance of their official duties, or coerce them to perform illegal acts, shall be sentenced to non-custodial reform for up to three years or between six months and three years of imprisonment.

In committing the offence in one of the following circumstances, offenders shall be sentenced to between two and seven years of imprisonment:

- In an organized manner;
- Committing the offence more than once;
- Instigating, inducing, involving, inciting other persons to commit the offence;
- Causing serious consequences;
- Constituting a case of dangerous recidivism.

Article 258: Abusing democratic freedoms to infringe upon the interests of the State, the legitimate rights and interests of organizations and/or citizens

Those who abuse the rights to freedom of speech, freedom of press, freedom of belief, religion, assembly, association and other democratic freedoms to infringe upon the interests of the State, the legitimate rights and interests of organizations and/or citizens, shall be subject to a warning, non-custodial reform for up to three years, or a prison term of between six months and three years. In committing the offence in serious circumstances, offenders shall be sentenced to between two and seven years of imprisonment.

Appendix 1: Prisoners of Conscience in Vietnam Cases - Freedom of Expression

NAMES	OCCUPATION	CONVICTION DATE	ANTICIPATED RELEASE DATE	FORM OF SENTENCE	VIOLATION
Phan Ngoc Tuan	Dissident Activist / Human Rights and Social Justice Activist	6-Jun-12	2017	5 years imprisonment	Article 88
Tran Vu Anh Binh	Musician	2012	2018	6 years imprisonment + 2 year under house arrest	Article 88
Vo Minh Tri (Viet Khang)	Musician	30-Oct-12	2016	4 years imprisonment + 2 years of probation	Article 88
Doan Van Vuon	Dissident Activist / Framer	5-Apr-13	2018	5 years imprisonment	Article 93
Ta Khu	Dissident Activist	1-Feb-12	2028	16 years imprisonment	Article 79
Lo Thanh Thao	Rights Activist	6-Jan-13	2016	3.5 years imprisonment	Article 88
Nguyen Trung Linh	Blogger	6-Mar-12	XXX	Missing	XXX
Nguyen Van Khuong	Reporter	7-Sep-12	2016	4 years imprisonment	Article 289
Ta Phuong Tan	Former Policewoman / Blogger	24-Sep-12	2020	10 years imprisonment	Article 88
Hu Duc Hoa	Businessman	9-Jan-13	2026	13 years imprisonment	Article 79
Le Van Son	Blogger	9-Jan-13	2017	4 years imprisonment	Article 79
Huyen Thuc Vy	Blogger	XXX	XXX	XXX	Article 88
Nguyen Phuong Uyen	Student / Right Activist	16-May-13	XXX	Release but under probation	Article 88
Dinh Nguyen Kha	Computer Technician	16-May-13	2017	4 years imprisonment	Article 88
Dinh Nhat Uy	Blogger	XXX	XXX	XXX	Article 258
Pham Viet Dao	Former Party Official / Blogger	XXX	XXX	XXX	Article 258
Dinh Nguyen Kha	Pro-democracy activist; student, member of Patriotic Youth Group	2013	2017	4 years imprisonment + 3 house arrest	Article 88
Hong Le Tho	Labor activists	2010	2017	7 years imprisonment	Article 89
Nguyen Huu Vinh	Human Right Activist	May-14	XXX	XXX	Article 258
Nguyen Dinh Ngoc	Blogger	27-Dec-14	XXX	Imprisonment	XXX
Nguyen Quang Lap	Blogger / Writer	6-Dec-14	XXX	Imprisonment	Arrested under Article 258, but prosecuted under Article 88
Nguyen Viet Dung	Blogger	20-Apr-15	XXX	XXX	Article 245
Tran Huynh Duy Thuc	Entrepreneur / Blogger	2010	2026	16 years imprisonment	Article 79

* This is a non-exhaustive list.

** XXX Indicates no data or information available.

Appendix 2: Prisoners of Conscience in Vietnam Cases – Freedom of Religion

NAMES	OCCUPATION	CONVICTION DATE	ANTICIPATED RELEASE DATE	FORM OF SENTENCE	VIOLATION
Le Duc Dong	Dissident Activist	28-Jan-13	2025	12 years imprisonment	Article 79
Le Duy Loc	Member of a unsanctioned Buddhist organization	28-Jan-13	2030	17 years imprisonment	Article 79
Le Phuc	Dissident Activist	18-Jan-13	2028	15 years of imprisonment	Article 79
Le Trong Cu	Dissident Activist	28-Jan-13	2025	12 years imprisonment	Article 79
Phan Thanh Y	Religious Activist	28-Jan-13	2027	14 years imprisonment	Article 79
Phan Van Thu	Religious Activist	28-Jan-13	N/A	Lifetime sentence	Article 79
Vo Than Le	Dissident Activist	28-Jan-13	2029	16 years imprisonment	Article 79
Doan Dinh Nam	Dissident Activist	28-Jan-13	2029	16 years imprisonment	Article 79
Vo Ngoc Cu	Dissident Activist	28-Jan-13	2029	16 years imprisonment	Article 79
Nguyen Ky Lac	Dissident Activist	28-Jan-13	2029	16 years imprisonment	Article 79
Luong Nhat Quang	Religious Activist	28-Jan-13	2025	12 years imprisonment	Article 79
Nguyen Dinh	Religious Activist	28-Jan-13	2027	14 years imprisonment	Article 79
Nguyen Thai Binh	Religious Activist	28-Jan-13	2025	12 years imprisonment	Article 79
Tu Thieng Luong	Hoi Dong Cong Luat Cong An Bia Son Founder & Chairman	28-Jan-13	2029	16 years imprisonment	Article 79
Vo Tiet	Hoi Dong Cong Luat Cong An Bia Son Founder & Chairman	28-Jan-13	2029	16 years imprisonment	Article 79
Doan Van Cu	Dissident Activist	28-Jan-13	2027	14 years imprisonment	Article 79
Tran Phi Dung	Dissident Activist	28-Jan-13	2026	13 years imprisonment	Article 79
Tran Quan	Dissident Activist	28-Jan-13	2025	12 years imprisonment	Article 79
Vuong Tan Son	Dissident Activist	28-Jan-13	2030	17 years imprisonment	Article 79
Do Thi Hong	Religious Activist	28-Jan-13	2026	13 years imprisonment + 5 years of probation	Article 79
Truong Ngoc Quang	Dissident Activist	6-Jan-13	XXX	XXX	Article 79
Phan Thanh Tuong	Dissident Activist	28-Jan-13	2023	10 years imprisonment	Article 79
Kpuil Le	Degar Montagnard Christian	6-Jun-12	2020	8 years imprisonment	Article 87
Kpuile Mel	Degar Montagnard Christian	6-Jun-12	2021	9 years imprisonment	Article 87

Vo Thi Thu Thuy	Catholic Activist	7-Mar-12	2017	5 years imprisonment	Article 88
Nguyen Cong Chinh	Mennonite Clergyman	27-Mar-12	2023	11 years imprisonment	Article 897
Dang Xuan Dieu	Catholic Activist	9-Jan-13	2026	13 years imprisonment	Article 79
Ho Van Oanh	Catholic Student	9-Jan-13	2016	3 years imprisonment	Article 79
Nguyen Dang Minh Man	Catholic Activist	9-Jan-13	2020	8 years imprisonment	Article 79
Nguyen Dinh Cuong	Catholic Activist	9-Jan-13	2017	4 years imprisonment	Article 79
Nguyen Van Duyet	Catholic Activist	9-Jan-13	2019	6 years imprisonment	Article 79
Nguyen Van Oai	Catholic Activist	9-Jan-13	2016	3 years imprisonment	Article 79
Nguyen Xuan Anh	Catholic Activist	9-Jan-13	2016	3 years imprisonment	Article 79
Tai Van Dung	Catholic Activist	9-Jan-13	2018	5 years imprisonment	Article 79
Tran Minh Nhat	Catholic Activist	9-Jan-13	2017	4 years imprisonment	Article 79
Byuk	Cristian Activist	XXX	XXX	XXX	Article 87
Runh	Montagnard Christian	XXX	XXX	XXX	Article 87
John	Christian Activist	XXX	XXX	XXX	Article 87
Nguyen Ky Lac	Council of the Laws and Public Affairs of Bia Son	4-Feb-13	XXX	10-17 years imprisonment	Article 79
Lieu Ny	Khmer Krom Monk	XXX	XXX	XXX	XXX
Tach Thuoi	Khmer Krom Monk	XXX	XXX	XXX	XXX
Ta Klu	Council of the Laws and Public Affairs of Bia Son	4-Feb-13	XXX	10-17 years imprisonment	Article 79
Le Trong Cu	Council of the Laws and Public Affairs of Bia Son	4-Feb-13	XXX	10-17 years imprisonment	Article 79
Nguyen Dinh	Council of the Laws and Public Affairs of Bia Son	4-Feb-13	XXX	10-17 years imprisonment	Article 79
Duong Kim Khai	Mennonite Church Pastor Pastor / Land Rights Activist	2011	2017	6 years imprisonment + 5 years house arrest	Article 79
Ho Duc Hoa	Catholic Youth activist, Blogger	2013	2016	3 years imprisonment + 5 years house arrest	Article 79
Nguyen Van Minh	Hoa Hao Buddhist Activist	Feb-14	2017	3 years imprisonment	Article 245
Nguyen Van Ly (Father Ly)	Vietnamese Roman Catholic Priest	2007	2016	8 years imprisonment + 5 years of house arrest	Article 88

* This is a non-exhaustive list.

** XXX Indicates no data or information available.

Appendix 3: Prisoners of Conscience in Vietnam Cases – Freedom of Assembly

NAMES	OCCUPATION	CONVICTION DATE	ANTICIPATED RELEASE DATE	FORM OF SENTENCE	VIOLATION
Do Van Hoa	Land Rights Activist	16-Jul-12	2019	4 years imprisonment + 3 years house arrest	Article 88
Nguyen Kim Nhan	Land Rights Activist	16-Jul-12	2020	5.5 years imprisonment + 3 years house arrest	Article 88
Dinh Van Nhung	Land Rights Campaigner	14-Jul-12	2016	4 years imprisonment	Article 88
Nguyen Dang Vinh Phuc	Factory Worker / Participate in Training Workshop	9-Jan-13	2016	3 years imprisonment	Article 79
Vo Viet Dzien	Fish Farmer /Dissident Activist	15-Jan-13	2016	3 years imprisonment	Article 79
Nguyen Quoc Tuan	Head of Farmer associa-tion of Vinh Phu Ward	XXX	XXX	XXX	Article 88 and 230
Nguyen Thi Bich Trang	Industrial Holding Company Employee	XXX	XXX	XXX	Article 258
Vo Thi Hanh	Council of the Laws and Public Affairs of Bia Son	XXX	XXX	XXX	Article 258
Doan Van Vuon	Former Solider / Farmer	5-Apr-13	2018	5 years imprisonment	Article 93
Doan Van Sinh	Farmer	5-Apr-13	2016	3 years imprisonment	Article 93
Bui Thi Minh Hang	Activists	Aug-14	2016-2017	3 years imprisonment	Article 245
Doan Huy Chuong	Labor activists	2010	2017	7 years imprisonment	Article 89
Ho Thi Bich Khuong	Land Right Activist	2010	2015	5 years imprisonment + 3 years house arrest	Article 88
Le Tri Tue	Activists for the Independent Worker's Union of Vietnam	XXX	XXX	Missing	MXXX
Nguyen Hoang Quoc	Labor Union Activist	18-Mar-11	2022	9 years imprisonment	Article 89
Nguyen Thi Thuy Quynh	Activist	Aug-14	2016	4 years imprisonment	Article 245

* This is a non-exhaustive list.

** XXX Indicates no data or information available.

POSTCARD FOR CHANGE



Please follow these steps to raise your concerns on the human rights violations in Vietnam with your Member of Parliament:

01

Go to www.parl.gc.ca

02

Type in your postal code when prompted to find out who your MP is.

03

Write the name of your MP on the line provided above the given address.

Sign Here!

Please cut along the dotted line



When mailing to your MP, no postage is required!

Dear M.P. _____

I would like to urge you to communicate with the government of the Socialist Republic of Vietnam about its deteriorating human rights situation.

Despite being a member of the United Nations Human Rights Council, the Vietnamese government continues to undermine their obligation to protect human rights. Police brutality and torture are common occurrences, journalists and online bloggers are imprisoned for dissenting against the Vietnamese Communist Party, and members of religious minorities are persecuted without the right to a fair trial. The Vietnamese government must be held accountable to the highest standards of international human rights.

As a Canadian who is fortunate enough to live in a free and democratic country, it is my duty to ensure that those who are suffering under an oppressive regime have their voices heard and their dignity protected. It is my hope that Canadians will come together and advocate for the rights of those who have been oppressed in Vietnam.

Yours sincerely,



(Your MP's Name)

House of Commons

Ottawa ON, K1A 0A4

CANADA

Photo: On March 30th, 2007, Father Thadeus Nguyen Van Ly stood trial in the province of Hue. A security officer clamped his hand over Father Ly's mouth to silence his protests against of the Vietnamese Communist Party .

“

I am troubled by how the Vietnamese Communist government exploits their power and believes that their actions are justifiable. The Communist Party claims to take action to 'protect' their citizens, but in reality, they're criminalizing peaceful expression, association and assembly.

”

- Senator Thanh Hai Ngo



On March 30th, 2007, Father Thadeus Nguyen Van Ly stood trial in the province of Hue. A security officer clamped his hand over Father Ly's mouth to silence his protests against of the Vietnamese Communist Party .

Help political prisoners like Father Ly and mail this post-card to your MP!



OFFICE OF SENATOR THANH HAI NGO
314, VICTORIA BUILDING
140 WELLINGTON ST.
SENATE OF CANADA
OTTAWA, ON K1A 0A4

EMAIL: NGOTH@SEN.PARL.GC.CA

TEL: 613-943-1599
TOLL-FREE: 1-800-267-7362
FAX: 613-943-1592