

HUMAN RIGHTS

SITUATION IN VIETNAM



#ICHOOSEFISH



2017 - 2018 REPORT
OFFICE OF SENATOR THANH HAI NGO



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THE ARTWORK FEATURED ON THE COVER PAGE OF THIS REPORT WAS INSPIRED BY THE STORY OF CAN THI THEU, A PROMINENT LAND RIGHTS ACTIVIST SENTENCED TO PRISON FOR SPEAKING UP AGAINST THE COMMUNIST PARTY OF VIETNAM

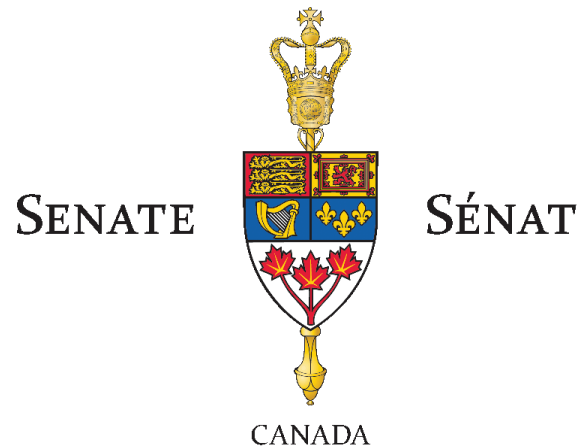
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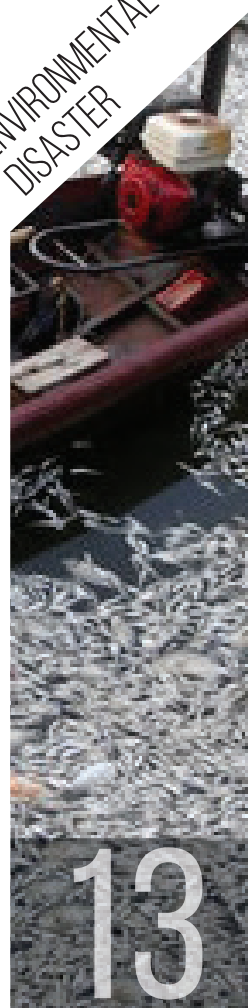
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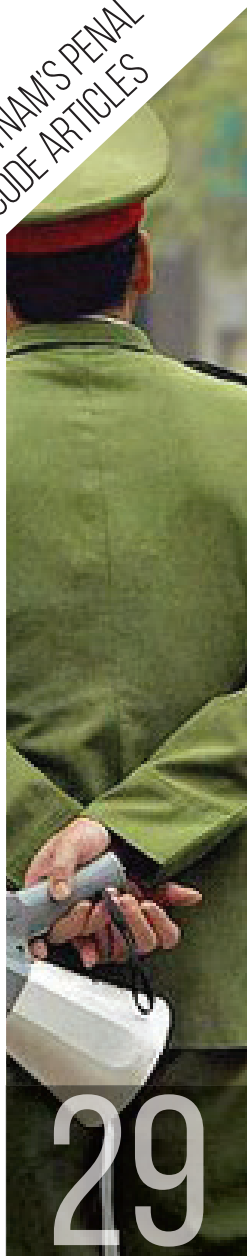
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A MESSAGE FROM SENATOR THANH HAI NGO

April 30, 1975 marked the end of the Vietnam War when Saigon fell under Communist rule. For millions of people, this day not only signified the end of the War, but also fueled their pursuit for freedom and democracy. They fled into the open ocean in small, unseaworthy boats with many falling victim to violent pirate attacks, drowning, starvation and being sold into prostitution. Behind them, their home fell in the grip of an authoritarian regime that suppressed the very people they espoused to help.

As the Vietnamese exodus became an international humanitarian crisis, Canada not only opened its doors to those in their greatest time of need, but also inspired international communities to offer compassion towards refugees everywhere. By 1980, Canada stunned the world by welcoming over 60,000 Vietnamese refugees.

Over the years, Vietnamese-Canadians have made great contributions to Canada's prosperity and diversity. In 2015, I was proud to represent our community in introducing Bill S-219, *Journey to Freedom Day Act*, commemorating the perilous exodus of the Vietnamese refugees and acknowledging the immeasurable efforts that Canadians made to welcome them to their new home.

This year, in spirit of Canada's 150th anniversary and for the first time in the 42-year history of the Vietnamese-Canadian community,

the Vietnamese Heritage and Freedom Flag was raised both at the Legislative Assembly of Ontario and on Parliament Hill. During these historic events, Senators, Ministers, Members of Parliament and Provincial Parliament and city officials wore the Vietnamese Freedom Scarves in honour of Journey to Freedom Day.

While Canada has certainly set an example of openness and compassion in the past, it must once again reclaim that leadership role to ensure that foreign nationals are held accountable for gross violations of international human rights standards. Vietnam continues to field one of the poorest human rights records in the world, as the Communist Party of Vietnam continues to oppress ethnic, religious and political groups and attack those who dare to criticize government policies. In recent years, plainclothes police officers have also been reported to be increasingly dispatched to violently stifle dissenting voices.

Canada must assert its commitment to promoting international justice and human rights by joining many of our close allied countries in publicly and systematically condemning the harsh treatment of peaceful activists and bloggers. Arbitrary detention, unfair sentences and lack of due process are incompatible with our democratic values and are contrary to our foreign affairs priorities. Canada's current unofficial disapproval of the Vietnamese

government's actions hampers the positive momentum of the growing rights movement in Vietnam, which has been escalating in light of recent events such as the Formosa environmental disaster.

With this in mind, I am proud to present you with the latest edition of my office's 2017 Human Rights Report, the result of the hard work and passion of my team of student research assistants from across the country: Vy Huynh, Kim Anh Khong, Nathan Tinh Bang Ly, Kim Nguyen, Amy Phi Au Tran and Vinh Tran. It is my sincerest hope that by providing a comprehensive report on the current human rights situation in Vietnam, the young generation of Canadians will be inspired to advocate for rights in Vietnam and around the world.



A handwritten signature in black ink, reading "Thanh Hai Ngo".

Senator Thanh Hai Ngo

INTRODUCTION

Human rights ensure that everyone, regardless of race, sex, language, religion or other status, is entitled to fundamental freedoms and human dignity without prejudice or discrimination.¹ Universal human rights set forth obligations and standards to which governments should be held accountable, outlining the basic freedoms that must be respected and protected at domestic and international levels.²

Unfortunately, in countries such as Vietnam, legal proceedings fail to uphold human rights standards. Because of the single-party system, the Vietnamese Communist Party (VCP) is able to maintain full control over the country's laws, regulations and policies without opposition. Candidates for political office are vetted and appointed by the party, resulting in all officials in positions of power having views that align with the VCP.³

Vietnam has ratified several international treaties with respect to human rights, such as the *International Covenant on Civil and Political Rights* and the *International Covenant on Economic, Social and Cultural Rights*.^{4,5}

Despite Vietnam's duty to its citizens and its obligations to honour international agreements, the country has fallen far behind in its commitments and currently holds one of the poorest human rights records in the world.⁶

This report will draw attention to the mounting human rights abuses and violations in Vietnam through academic research, comparative analyses, observations made by NGOs, foreign parliamentarians and active case studies of current prisoners of conscience. Each chapter will focus on recent rights violations and movements aimed at exposing the dire humanitarian situation in Vietnam. Ongoing social injustices covered within the report include: religious oppression, internet restrictions, the Formosa environmental disaster, labour disputes, as well as land and property seizures. The report will also be highlighting key advocacy strategies and emphasizing opportunities that international communities could take to urge Vietnam to uphold its obligations with respect to human rights.

KEY VIOLATED FREEDOMS IN VIETNAM

FREEDOM OF EXPRESSION



The right to express one's opinions and ideas verbally and online is heavily regulated in Vietnam through methods such as censorship.⁷ This has led to numerous arrests and violent assaults aimed specifically at Vietnamese bloggers and journalists in order to silence citizens and control online media content.⁸

FREEDOM OF ASSEMBLY



The right to collectively gather and defend a common interest is limited in Vietnam. Peaceful protests often result in police crackdowns as authorities use violence to suppress nonviolent dissidents who repeatedly demand for accountability, responsibility and transparency from the government.⁹

FREEDOM OF RELIGION



The right to support, practice and worship a belief or religion is stringently controlled by the state. The VCP does not recognize unregistered religious minorities due to strict legislations for religions.¹⁰ Suppression of religious freedom occurs regularly by punishing worshippers and expropriating their land.¹¹

FREEDOM OF ASSOCIATION



The right to form unions and groups have always been interfered with by the state, not allowing independent organizations from forming.¹² This prevents the VCP from losing their power to dictate and control the people. Vague laws are used to arrest and detain organizations such as web associations and religious minorities.¹³

PLAINCLOTHES OFFICERS



Over the last few years, rights activists and internet bloggers have suffered severe physical assaults from unidentifiable individuals wearing civilian clothes. Countless threats and attacks have been systematically made against peaceful political dissidents. These “thugs” have been reported to be tacitly acting on behalf of the VCP as “plainclothes officers”.^{14,15,16}

The alleged plainclothes officers have been observed to target only specific cases of interest, with most of them involving attacks that target prominent internet bloggers and activists. Many social injustices have been speculated to have emanated from the decisions made by government officials in Vietnam, sparking numerous protests and rights movements for various issues across the country.¹⁷ The 2017 Human Rights Watch report on democracy campaigners in Vietnam states that there were at least 21 activists who have been convicted. More than 50 campaigners have been physically assaulted over 20 times.^{18,19} It is believed that the VCP is employing these “thugs” to incite fear in political dissidents with the aim to silence anyone who opposes the regime. Vietnam has been publicly condemned on several occasions for

their harsh sentences of activists. The National Endowment of Democracy believes that attacking protesters instead of incarcerating them is a ploy to avoid unwanted international diplomatic attention.²⁰

What’s more, uniformed officers have been reported to not intervene in the attacks, and in some cases, will arrest and detain the victim instead of the assailant. However, the link between the attacks and government planned terrorism is impossible to detect.^{21,22,23} The brutal repression, both verbal and physical, has deterred many people in Vietnam from activism.

DID YOU KNOW?

The Vietnamese judiciary exercises “rule by law”, in which the VCP denies constitutional rights at will and manipulates its legal system in order to meet their objectives.²⁴



CHAPTER 1

RELIGIOUS OPPRESSION

Vietnam is home to a wide variety of religious beliefs and traditions that all play an important role in the lives of its citizens and contribute to the rich history of the country. However, the Socialist Republic of Vietnam has renewed fears of further state religious repression by introducing the new *Law on Belief and Religion*.²⁵

Vietnam's *Law on Belief and Religion* was approved on November 18, 2016 and will be enacted on January 1, 2018. As it requires mandatory registration of religious groups, it allows the government to excessively interfere with the internal affairs of religious communities. The legislation has received international criticism by parliamentarians, human rights activists and religious groups, who described it as a form of "imprisonment for religions and a step backwards".²⁶

The law's registration requirement ignores religious minority groups who wish to remain independent of VCP control, while prohibiting groups from practicing until approval is granted. Vietnamese officials also pressure unregistered religious leaders to renounce their faith in public if they do not comply with their demands.²⁷ The VCP may guarantee religious freedom in its Constitution, but fails to comply with its own laws and uphold international standards to improve conditions for religious organizations in the country.

HARASSMENT, ABUSE AND DISRUPTION

The Vietnamese government uses vaguely worded legislation on belief and religion and discriminatory language to exploit ethnic minorities and religious groups, such as Montagnard Christians, Hoa Hao Buddhists, Khmer Krom Buddhists and Cham Muslims.²⁸ In addition, the VCP silences anyone who challenges its authority, targeting those who advocate for democracy, human rights and religious freedom.

Particularly, religious and pro-democracy activists Ngo Hao and Nguyen Cong Chinh were subject to abuse by prison officials, being held in solitary confinement and tortured for prolonged periods.²⁹ The VCP also prohibited the activists from attending meetings with United States Consulates, which further threatened their freedom of expression.

Similarly, Vietnamese officials deliberately target the communities of religious activists who provide support for demonstrators. Catholic priest and supporter of victims of the Formosa environmental disaster, Father Nguyen Dinh Thuc, was attacked after Mass for his peaceful activism. Terror attacks spread to families from his parish, who were confronted by plainclothes officers who damaged their homes, smashed their possessions and destroyed their worshipping altar.³⁰ In another incident, a bible teacher from Father Thuc's church community, Terexa Nguyen Thi Tra, was also attacked by police, who confiscated her belongings, assaulted her and forced her to slander Father Thuc in exchange for her release.³¹

DID YOU KNOW?

The VCP routinely changes the prisons in which inmates are kept in an effort to purposely deny them familial support and confuse human rights activists regarding their current status and health. This also makes it difficult for the prisoner to attain a legal representative who they are familiar with.

“

THE ISSUE HERE IS WE HAVE A
GOVERNMENT THAT NURTURES AND
SUPPORTS VIOLENCE, THAT INSTIGATES
VIOLENCE AGAINST CATHOLICS AND
EVEN A PRIEST WHO IS GOING TO
MASS... BY ATTACKING ME, THIS
GOVERNMENT IS **VIOLATING MY FAITH**
AND MY **FREEDOM OF RELIGION.**

”

- FATHER NGUYEN DINH THUC,
CATHOLIC PRIEST

Religious organizations also continuously report government threats of eviction or demolition of their religious properties. In March 2016, officials seized the An Ninh Tay Cao Dai Temple after their followers refused to join the government-registered Cao Dai Church, forcing them to abandon their temple. Likewise, in June 2016, officials invaded the Thien An Catholic monastery, desecrated their cross and vandalized their property after accusations of illegal deforestation.³² These cases are among many that are directed toward unregistered religious groups, leaving them vulnerable with no legal protection for conducting their religious practices.³³

“They prevented us from putting [the cross] back, and priests held on to the cross while police tore at their shirts and dragged them by their hair.”

- Father Khoa Cao Duc Loi,
Catholic Priest

ETHNIC MINORITIES

Vietnamese authorities regularly harass ethnic minorities who face numerous restrictions and oppression for practicing without government approval.³⁴ For example, the Christian Montagnards have been subject to arbitrary arrests, mistreatment in custody, severe detention periods and rampant property seizures. The maltreatment and violence have forced many of them to seek asylum in Cambodia and Thailand. In June 2017, sixteen Montagnards had their asylum appeals rejected and were forced to return to Vietnam. The fugitives are apprehensive of being heavily persecuted by the VCP for escaping.³⁵



Persecuted Montagnards hiding in a Cambodian forest



Hoa Hao Buddhists stage a protest against local authorities in An Giang province

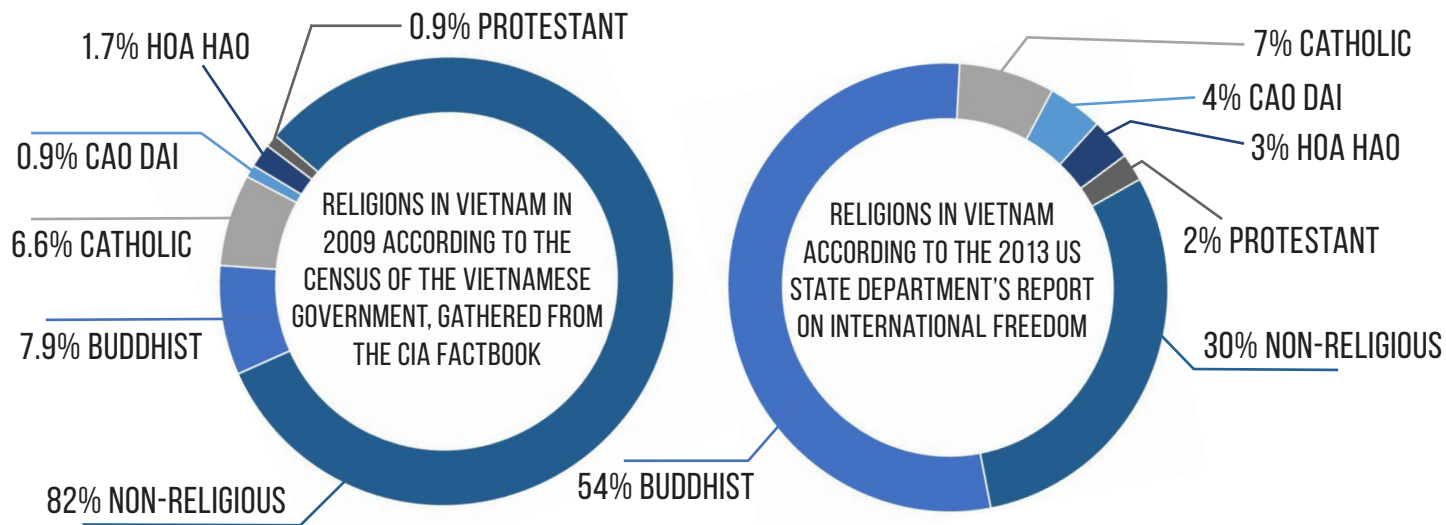
MOVING FORWARD

Vietnam's current policy of requiring religious groups to register with the state can result in the discrimination of religious minorities and inequality. The first step towards religious freedom would be to discontinue the process of registration and to allow people to practice their own religions without intervention from the government.

As a result of Vietnam's dependency on foreign investment and international trade, partners such as Canada and the United States can urge the VCP to improve their laws and policies. Additionally, more pressure must be placed on the Vietnamese government to halt unlawful detention of ethnic minorities and members of religious organizations.

Foreign governments should always bring the issue of human rights and religious freedom to the table when discussing bilateral relations and trade to hold the VCP accountable for its policies and actions.

Pressure from the international community collectively may have more of an impact in generating change. The United Nations and various human rights organizations have unceasingly continued to condemn Vietnam's *Law on Belief and Religion* as well as demanding accountability for government authorities.³⁶ Condemning alone, however, is proving to not be very effective in mitigating the rights violations in Vietnam.



As the graphs indicate, official statistics are difficult to record due to the lack of transparency within the VCP. By comparing data gathered from the Vietnamese government and from the US Department's Report on International Freedom, it is clear how the VCP can inaccurately disclose the religious realities of its people.

POLITICAL PRISONERS

**BUI
VAN TRUNG**

OCCUPATION:	HOA HAO BUDDHIST MONK
CONVICTED PURSUANT TO:	ARTICLE 245 - "CAUSING PUBLIC DISORDER"
DATE OF CONVICTION:	N/A
SENTENCE:	N/A
CURRENT STATUS:	IN DETENTION, AWAITING TRIAL

Bui Van Trung is an independent Hoa Hao Buddhist activist who campaigned for religious freedom and protested against local authorities who prevented followers from worshipping their religion.³⁷ He was a former prisoner of conscience in 2012, but after serving 4 years in jail, he was arrested again in June 2017. The charges against him are related to "causing public disorder" and "resisting on-duty state officials."³⁸

Months before his detention, a group of Hoa Hao followers would gather to pray at his home and would get harassed severely by police. Mr. Trung told reporters, "Five policemen followed Teo to a deserted place and beat him. Teo was among the group of 11 motorbikers leaving my house after prayers."³⁹ Traffic police officers would continuously stop fellow Hoa Hao Buddhists from going to his house by confiscating their motorbike registration papers, disrupting their prayer services. Both he and his son currently are detained in An Giang province and have sent a letter to his family requesting defense lawyers.⁴⁰

**NGUYEN
CONG CHINH**

OCCUPATION:	MENNONITE PASTOR
CONVICTED PURSUANT TO:	ARTICLE 87 - "UNDERMINING THE UNITY POLICY"
DATE OF CONVICTION:	MARCH 2012
SENTENCE:	11 YEARS
CURRENT STATUS:	IN PRISON

Pastor Chinh was arrested in April 2011 in Pleiku, Gia Lai province. Prior to his arrest, he and his family were constantly harassed by authorities for his work in helping minority groups within the area.⁴¹ He was on a hunger strike in August 2016 to protest the abusive treatment he received while in prison. He has also been denied basic rights and has not received any response to his complaints from the officials. Mr. Nguyen is currently in poor health and his wife was not allowed to visit him for 18 months after his arrest.⁴² He is now detained at An Phuoc Prison in Binh Duong Province and it was reported that he has been beaten because he refused to "confess".⁴³

CHAPTER 2

INTERNET RESTRICTIONS AND REGULATIONS

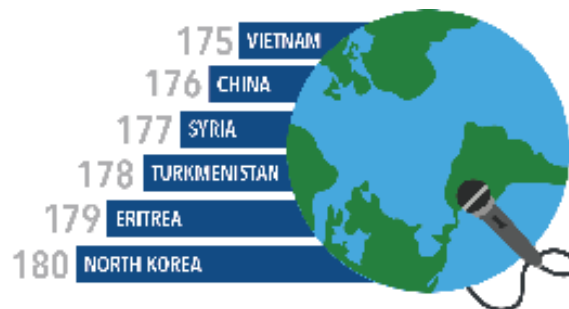
In recent years, technology has made it easier for Vietnamese citizens to access more information and share their interests with domestic and international audiences.⁴⁴ In order to prevent people from questioning their authority, the VCP has set out to control and prevent citizens from expressing their opinions through media censorship. The government enforces vague and strict laws to restrict the access and release of online content. The abuse of authority goes beyond online censorship, as they use violence and police brutality against activists and bloggers in an attempt to silence them.

STATE CONTROL OF THE MEDIA AND PRESS



In Vietnam, there is no form of independent or privately-run media.⁴⁵ All news platforms and media outlets are owned and heavily influenced by the state, which allows the VCP to effectively censor all news publications as well as online material. As a result, these strict regulations make it difficult for media platforms to freely disseminate information to the public.

In 2017, Vietnam ranked **175 out of 180** countries in the world rankings for media freedom.



Government-mandated internet service providers (ISPs) have established a filtering system for both domestic and international online content.⁴⁶ All ISPs must install the *Internet Service Retailers Management Software*, which has been compared to China's Green Dam internet censorware.⁴⁷ As a result, ISPs filter out and censor popular websites that contain material considered to be threatening to the VCP – this includes blogs expressing political dissent, advocating for human rights and democracy in Vietnam, as well as content that criticizes the government's handling of international and domestic disputes.⁴⁸ Overall, websites that are critical of the Vietnamese government have restricted access in Vietnam, including overseas domains such as Human Rights Watch, Radio Free Asia and Dan Luan.⁴⁹

ABUSE OF LEGAL AUTHORITY

Vietnamese authorities use vaguely worded laws in the *Penal Code* to prosecute bloggers. In November 2015, the Vietnamese National Assembly made amendments to the *Penal Code* that gave the government additional grounds to detain online activists, further restricting the freedom of expression. Of significance, several articles adopted a new punishment that states: "The person [that] takes action in preparation of committing this crime shall be subject to between 1 and 5 years of imprisonment".⁵⁰ In other words, the amendments not only forbid *actual* anti-State activities, but also criminalize acts that the government perceives as *preparatory* in committing those activities.

In 2016, the trials of bloggers and rights activists in Vietnam consistently failed to meet international fair standards.⁵¹ At least 19 bloggers were convicted in the first 9 months of 2016, which nearly tripled from the previous year.⁵² Other online activists continue to be detained without trial. In addition, human rights bloggers are often physically assaulted by “anonymous men who appear to be acting with [the] state”.⁵³

“MOTHER MUSHROOM/ME NAM” (NGUYEN NGOC NHU QUYNH)



Nguyen Ngoc Nhu Quynh, known by her online pen name “Mother Mushroom” (“Me Nam” in Vietnamese), is a human rights activist, prominent blogger and a single mother of two. She was known to write on social media addressing political issues including land confiscation, environmental violations, police brutality and

freedom of expression. In 2010, she received a Hellman Hammett grant from Human Rights Watch as a writer defending free expression.⁵⁴ She

was also named the 2015 Civil Rights Defender of the Year by Civil Rights Defenders and was honoured with the International Women of Courage Award by the U.S. government for her work highlighting rights abuses and providing a platform for peaceful dissent in Vietnam.⁵⁵

In October 2016, Mother Mushroom was arrested for criticizing the government.⁵⁶ Following her one-day trial in June 2017, she was found guilty of spreading “anti-state propaganda” and was sentenced to 10 years in prison.⁵⁷ According to her lawyer, Mother Mushroom maintained her innocence throughout her trial, citing her freedom of expression.⁵⁸

Mother Mushroom’s harsh sentence has drawn widespread criticism from around the world from both foreign democracies and international institutions. The United States, Human Rights Watch, Amnesty International and Sweden-based Civil Rights Defenders have all condemned the VCP’s abuse of authority and called for her immediate release.⁵⁹ However, despite international denunciation, Vietnam’s government continues to maintain that Mother Mushroom’s trial was fair and was “held in accordance with Vietnamese Law”.⁶⁰

“ I HOPE THAT EVERYONE WILL **SPEAK UP** AND **FIGHT**, OVERCOME THEIR OWN FEARS TO BUILD A BETTER COUNTRY.

- “MOTHER MUSHROOM” (NGUYEN NGOC NHU QUYNH),
BLOGGER

MOVING FORWARD

As of July 1, 2016, the number of internet users in Vietnam was estimated to be 52% of the country's population (over 49 million users).⁶¹ Considering the ever-growing and expansive reach of the internet in Vietnam, online media platforms can have the potential to impact political space.⁶² However, due to the high levels of internet surveillance and censorship of online material sanctioned by the VCP, the impact of the internet on political mobilization in Vietnam is crippled. Evidently, the extent of the internet's political influence is dependent on the state's repressive capacity towards both online and offline activists.⁶³



As the Vietnamese government continues to act on undemocratic and authoritarian grounds that cripple bloggers' freedom of expression, international communities continue to denounce and criticize the VCP. Moreover, the government's strict censorship of online content fails to deter all bloggers from expressing their views – many online activists still publish blogs that are critical of the state, despite being well aware that they can be prosecuted for their writings.⁶⁴



In addition, access to the internet provides communities in Vietnam with networks and connections that otherwise would not be as easily accessible.⁶⁵ As international criticism intensifies and rights bloggers persist in their online advocacy, the VCP faces increased pressure to weaken its tight censorship of internet content, which would be the first steps in restoring the people's freedom of expression.

FREEDOM FIGHTER

REVOKED CITIZENSHIP

Vietnam's current laws allow government officials to revoke the citizenship of people who have "conducted propaganda against the state" (Article 88) and have "[fled] abroad or defected to stay overseas with a view opposing the people's administration" (Article 91). On May 17, 2017, Pham Minh Hoang, a dual French-Vietnamese citizen, university professor and former political prisoner, was informed of the official decision to be revoked of his nationality and the pending exile from his homeland. A month after the notification, Mr. Pham was deported and forced to board a flight to Paris, leaving behind his wife and daughter.



Who is Pham Minh Hoang?

Mr. Pham is a blogger and a member of the pro-democracy organization Viet Tan under the pen name "Phan Kien Quoc". He was previously imprisoned for 17 months in 2011 for his commentaries on human rights, the environment, health issues and corruption. Once he was released, Mr. Pham mentored youth in Vietnam regarding human rights and Vietnamese Law.

POLITICAL PRISONERS



OCCUPATION:	ENTREPRENEUR, SOCIAL AND ECONOMIC REFORM ACTIVIST
CONVICTED PURSUANT TO:	ARTICLE 88 - "CONDUCTING PROPAGANDA AGAINST THE SOCIALIST REPUBLIC OF VIETNAM" ARTICLE 79 - "CARRYING OUT ACTIVITIES AIMED AT OVERTHROWING THE PEOPLE'S ADMINISTRATION"
DATE OF CONVICTION:	MAY 24, 2009
SENTENCE:	16 YEARS
CURRENT STATUS:	IN PRISON

Mr. Tran is the founder and president of EIS, an international internet and telephone provider. He is a human rights activist, blogging under the pen name "Tran Dong Chan" when the VCP did not address his human rights concerns.⁶⁶ He started co-writing for "The Path of Viet Nam" which expressed recommendations for governance reform and human rights.⁶⁷

He was initially arrested for "theft of telephone wires" but was charged under Article 88 for "conducting propaganda" against the state. He is currently being held in conditions that do not meet international standards where his health and well-being are of concern.⁶⁸ He has been repeatedly transferred to different prisons. The cells that he has been kept in do not have sufficient light, leading to problems with his eyesight for which he has not yet had treatment for. His nephew, Alex Truong, has been actively advocating for Mr. Tran's release, but has had his passport confiscated and is banned from travelling abroad.⁶⁹



OCCUPATION:	LAWYER
CONVICTED PURSUANT TO:	ARTICLE 88 - "CONDUCTING PROPAGANDA AGAINST THE SOCIALIST REPUBLIC OF VIETNAM"
DATE OF CONVICTION:	N/A
SENTENCE:	N/A; UP TO 20 YEARS
CURRENT STATUS:	IN DETENTION, AWAITING TRIAL

Nguyen Van Dai is a lawyer and co-founder of the Vietnam Human Rights Committee, an activist group coordinating human rights efforts across Vietnam. He is also a pro-democracy activist and has provided legal assistance to citizens who speak up about rights violations and the oppression of religious minorities.⁷⁰

In 2015, after a rights workshop, Mr. Nguyen was severely beaten by masked men in unmarked vehicles. Shortly after, he was arrested in his home by uniformed police and charged under Article 88 of the *Penal Code*. If convicted, he could face up to 20 years in prison.⁷¹

The arrest of Mr. Nguyen has been widely condemned by foreign nations and international agencies, calling for his immediate release as he only exercised his right to freedom of expression. He is currently being detained without access to a trial or legal representation and without proper medical attention.⁷² It has also been recently reported that he is on a hunger strike to protest his detention.

CHAPTER 3

ENVIRONMENTAL DISASTER

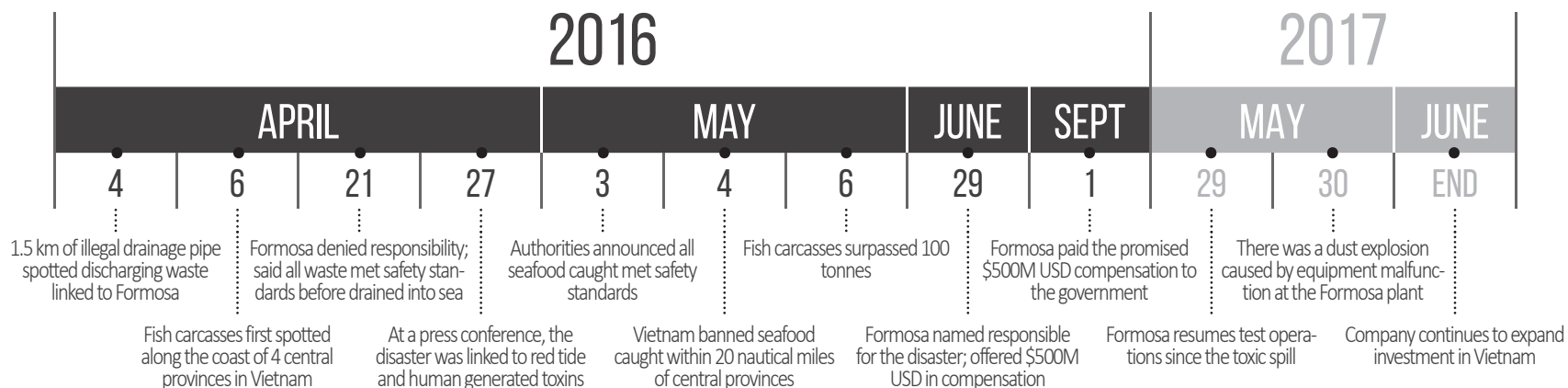
In 2016 alone, Vietnam faced at least 50 toxic waste scandals within the country.⁷³ Most notably, the worst ecological disaster ever recorded in Vietnam's history was caused by one of the country's largest investors, Formosa Ha Tinh Steel, an \$11 billion USD steel plant.⁷⁴ This incident is a leading example of the VCP valuing foreign investment without concern for its people or environmental protection.⁷⁵

The single-party regime annually registers foreign industries that may generate hazardous waste, accepting it as an ordinary consequence of economic growth.⁷⁶ However, due to the lack of technology and innovation for proper waste treatment, toxic material is often stored where it is generated.⁷⁷ With Vietnam's environmental laws and policies for businesses improperly regulated, companies may not be held accountable for violations and manmade environmental disasters that may occur.⁷⁸



A villager shows dead fish on a beach in Thua Thien Hue province

FORMOSA DISASTER TIMELINE



FORMOSA TOXIC SPILL

Formosa Ha Tinh Steel discharged toxic industrial waste into the ocean through illegally built drainage pipes, polluting more than 200 km of coastline and killing more than 80 tonnes of fish in April 2016.⁷⁹ This catastrophic spill devastated marine life and local economies dependent on fishing and tourism.

Vietnamese authorities denied all responsibility and defended the foreign corporation, which prompted widespread public uproar and civil unrest.⁸⁰ This led to a series of harsh crackdowns on peaceful protests resulting in the arrest of protesters and bloggers.⁸¹ Human rights activists were targeted for so-called offences such as Article 88 for “disseminating propaganda against the communist state” or Article 258 for “abusing democratic freedoms”. These articles are used by the Vietnamese government to silence those who bring attention to the Formosa disaster. The VCP actively controls people’s freedom to collectively express, promote, pursue and defend their ideas through means such as censorship, restricted access and violence.



Dead fish caused by Formosa along the central coastal region in Vietnam



Formosa protesters in Vietnam holding a banner that reads “Fish need clean water. People need the Truth”

After months of mounting local and international scrutiny, Formosa paid \$500 million USD to the Vietnamese government to compensate for the effects of the spill and admitted to breaching 53 environmental regulations.⁸² Slow and uneven payouts to the affected citizens by the state has prompted continuous protests demanding further compensation, now more than a year later.⁸³

Despite ongoing protests, Formosa has decided to further expand its investment in Vietnam and is expected to start production at the end of June 2017.⁸⁴ Long term projects includes port and power plant facilities, scheduled to be completed by the end of 2020.⁸⁵ Hence, the paid-in capital of the joint steel plant is expected to rise from the current \$4.5 billion to \$5.5 billion USD.⁸⁶ The Formosa incident is a sensitive topic for the Vietnamese government as it trades political stability, economic growth and foreign investments at the expense of environmental protection.

SOCIAL IMPACTS

The mass killing of fish has not only caused long-term harm on Vietnam's ecosystem, but has also affected the survivability of close to 200,000 locals and those dependent on the fishing industry.⁸⁷ With over 80 tonnes of potential food stock completely wasted, fishermen in the four most affected provinces are now dealing with a seafood safety scare as the toxic spill contained harmful chemicals such as phenol, cyanide and iron hydroxide.⁸⁸ Since customers still refuse to buy seafood due to health concerns, many villagers are forced to find new employment opportunities in different fields and overseas.⁸⁹ More notably, cultural and fishing traditions that have been developed for centuries are now at risk.⁹⁰ The tourism industry has also steeply declined with occupancy rates in hotels falling by almost 50% and nearly half of the booked trips to the affected areas being cancelled.⁹¹ In accordance with the Environmental Ministry's probe into the case in collaboration with over 100 national and foreign scientists, it will take more than a decade for Vietnam to recover from this disaster.^{92,93}

MOVING FORWARD

Environmental sustainability practices are crucial in maintaining natural land resources and systems. It is important to consider the ecological impacts and consequences when building infrastructure for industrial purposes.⁹⁴ As we have seen with the Formosa disaster, the cost of rectifying poorly constructed buildings proves to be very costly both financially and environmentally.

“ Vietnam's greenhouse gas emissions have grown the fastest in the region, while the environmental quality of its air, land, and water has deteriorated considerably ”

- World Bank and Vietnam's Ministry of Planning and Investment

Formosa Ha Tinh Steel must continue to address the waste treatment system issues or halt production until all violations and illegal infrastructure is corrected. The VCP had previously stated that they will not grant licences to any projects with a high pollution risk and yet have not been assertive with ensuring that companies are abiding by the rules, policies and regulations tabled by the state.⁹⁵ Policies and procedures must be affixed in order to protect the interests of both the community and the businesses through maintaining good practices. It should also enforce annual environmental assessment reports, intensify inspections and supervision of all projects and restrict illegal waste disposals for all industries.

MORE ON FORMOSA

#ICHOOSFISH

- A Formosa communications official stated that Vietnam has to choose between either keeping the steel industry or the fishing industry after constant protest. In response, the hashtag #toichonca, or “I choose fish” became a social media slogan⁹⁶
- Formosa was reported to have deliberately made many illegal changes violating the agreements in two environmental impacts assessment reports approved in 2008⁹⁷
- One major cause of the disaster and violation was using a ‘wet’ coking system instead of a ‘dry’ one⁹⁸
- Wet coking generates more CO₂ emissions in which leads to thermal energy loss, more pollution and water waste containing cyanide
- Dry coking, though more costly, is cleaner and more widely used in modern plants, with less hazards and waste⁹⁹

POLITICAL PRISONERS



OCCUPATION:	CATHOLIC PRIEST
CONVICTED PURSUANT TO:	N/A
DATE OF CONVICTION:	N/A
SENTENCE:	N/A
CURRENT STATUS:	IN HIDING

Father Nam played a key role in helping locals who were affected by the Formosa environmental disaster. He was charged under Article 88 for “conducting propaganda against the Socialist Republic of Vietnam”. In 2016, he led thousands of families, both religious and nonreligious, to sign a petition that called for more transparency from the Vietnamese government.¹⁰⁰ This petition was quickly rejected and shortly afterwards, assailants started to target members of his parish. Demands were made that everyone in the parish must slander Father Nam or else they would be physically beaten.¹⁰¹ He is currently in hiding from Vietnamese authorities.

“Formosa acknowledged the mistake, the government received the money, the people were left with the disaster, the freedom fighters got the persecution, the patriots got the imprisonment, and the priests got the denunciation!”

- Father Dang Huu Nam



OCCUPATION:	JOURNALIST AND BLOGGER
CONVICTED PURSUANT TO:	N/A
DATE OF CONVICTION:	N/A
SENTENCE:	N/A
CURRENT STATUS:	IN DETENTION, AWAITING TRIAL

Nguyen Van Hoa is known as a youth activist and was a contributing journalist and videographer for Radio Free Asia, sharing media content of public outcries and protests in wake of the chemical spill. He actively campaigned and assisted families affected by the Formosa disaster, demanding compensation and voicing justice for the people.¹⁰²

Mr. Nguyen was beaten by police and had his filming equipment confiscated including his mobile phone. On January 11, 2017, he was arrested for allegedly “abusing democratic freedoms” under Article 258 with a penalty of up to 7 years of imprisonment.¹⁰³ However, on June 15, 2017, his charge was changed from Article 258 to Article 88, “conducting propaganda against the Socialist Republic of Vietnam”, which is considered more severe. If convicted, he could face up to 20 years of imprisonment instead of 7.

CHAPTER 4

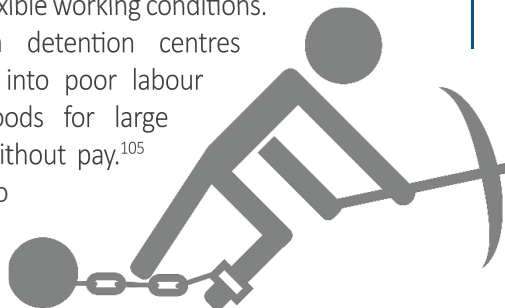
LABOUR DISPUTES

In Vietnam, the rapid growth of multinational corporations have led to an increased demand of labourers. A large contributing factor to the growth in demands is caused by China's diminishing reputation as a leading supplier of cheap labour. Producers are motivated to find lower production costs elsewhere.¹⁰⁴ Vietnam has seized this opportunity, emerging as the newest hub of foreign investment.

VIETNAM'S TEXTILE AND GARMENT INDUSTRY

Producers often search for countries with the cheapest labour, fastest production and flexible working conditions. Suspected state offenders in detention centres have increasingly been forced into poor labour conditions to manufacture goods for large companies in Vietnam, often without pay.¹⁰⁵

This is due to the VCP's policies to boost foreign investment by offering the cheapest labour costs and minimizing industry regulations.



Since more and more detention centre inmates have been forced into labour, they contribute to a high population of large industries such as textiles and technologies. As a result, Vietnam has become an increasingly popular producer for foreign investors such as Nike and Canon.¹⁰⁶ According to a 2015 report by Fair Wear Vietnam, the garment and textile industry is now the country's leading export sector, followed by electronics.¹⁰⁷

LABOUR SITUATION IN VIETNAM

There are approximately 6,000 textile and garment companies in Vietnam, employing over 2.5 million workers.¹⁰⁸ However, in order to attract the most investment for the economy, basic labour rights are often violated as many workers are forced to work long hours in unsafe conditions while facing impossible production quotas.¹⁰⁹

DRUG DETENTION CENTRES

Struggling drug addicts in Vietnam are admitted into detention centres where they receive treatment through "labour therapy".¹¹⁰ "Labour therapy" is where forced unpaid labour, torture and gross human rights violations occur regularly disguised as treatment.¹¹¹ Most detainees are forced into these centres, many of whom are merely suspected of being drug users without evidence.

Upon arrival, inmates have no opportunity to leave or appeal their detention because they do not have access to a lawyer or a trial.¹¹² Denial of food, water and breaks are also regular disciplinary acts used by the guards to keep the production line moving.¹¹³

“ In the centres, there is no word 'refuse'.
You work or you are beaten. ”

- Thanh Le, who spent 2 years making stone trinkets in a Hanoi drug detention centre⁸

SUB-CONTRACTUAL WORK IN THE GARMENT INDUSTRY

Employees who are subcontracted by the manufacturer typically concede to lower wages and benefits than regular employees. This is often the result of having to go through a recruiting company in order to acquire a job. These wages are often not enough to cover expenses. Moreover, individuals employed on a subcontractual basis are often not employed as permanent staff, but rather, may continue to have a temporary contract renewal at the end of each term.



Detention centre inmates forced to produce goods for export

OVERTIME HOURS

The current legal limit of overtime hours for Vietnam is up to 300 hours per year.¹¹⁴ However, it has been reported that 100-200 overtime hours have been clocked by a single employee within a month.¹¹⁵ Due to low wages and precarious work, employees feel pressured into working as many overtime hours as possible to afford living costs. In other cases, requests for fewer overtime hours resulted in termination of employment.¹¹⁶ Exhaustion, fatigue and pregnancy are not valid excuses to reduce work hours.

GARMENT INDUSTRY VIOLATIONS

The Vietnamese government had revised its labour laws to comply with the international trade standards set in 2012, yet many manufacturing facilities continue to take advantage of many companies in Vietnam today:

- Freedom of association and collective bargaining
- Forced labour
- Child labour
- Gender discrimination
- Health and safety hazards
- Excessive working hours
- Unstable work
- Non-enforcement of labour laws and “wage theft”



FREEDOM OF ASSOCIATION

The Vietnamese Labour Law enforces restrictions on workers' rights to form or join an independent union through the country's monopoly of Vietnam's General Confederation of Labour (VGCL). Anyone who joins or attempts to establish an independent union can be targeted and prosecuted under Vietnam's laws. Conflicts of interest are evident within a factory's managerial structure, where union officials are chosen by the factory managers themselves without any input from the workers. As a result, workers can receive unfair and harsh treatment.¹¹⁷

MOVING FORWARD

Without the freedom of association, expression and peaceful assembly, workers are unable to defend and protect themselves from unfair and potentially unsafe practices from their employers. As we have seen in Vietnam's garment and textile sector, many changes can be suggested to help improve the work environment for everyone. Many recommendations have been made by organizations (CNV International, Fair Wear Foundation Vietnam, Worker's Rights Consortium, Oxfam Vietnam and the International Labour Rights Forum) to improve the labour-management in Vietnam.¹¹⁸

ABOLISH FORCED LABOUR

As long as drug detention centres exist in Vietnam, the practice of forcing accused drug addicts into "labour therapy" will inevitably continue. Here, the detention of drugs users is succeeded without trial and is not an ethical practice for treating individuals suffering from an addiction.^{119,120,121} Additionally, an article by Professor Wayne Hall from the Australian National Drug and Alcohol Research Centre claims that compulsory detention and forced detoxification have been shown to not be an ethical or effective method of ensuring that the addict gets proper and lasting treatment.¹²² The Vietnamese government should consider implementing a more socially and psychologically conscious treatment process.

Medical supervision from a doctor, proper documentation of programs, and progress reports of treatments for each individual addict must be appropriately recorded. Individuals who have previously been sent to forced labour centres should be adequately compensated for their work.

TRADE DEALS

There should not be greater market access until human rights violations are appropriately addressed. Moreover, the international community should pressure the VCP to release all political prisoners who have not committed any crime other than exercising their right to freedom of expression and peaceful protest to close all forced labour camps and drug detention centres.¹²³ There is currently an absence of international trade negotiation that ensures a greater record of human rights amongst the TPP members. Greater market access to trading stock should be limited to countries who comply with international rights standards.¹²⁴

“ THERE HAS TO BE RECOGNITION THAT VIETNAM AND ITS LAWS AND PRACTICES ARE TOTALLY OUT OF COMPLIANCE WITH BASIC INTERNATIONAL LABOR STANDARDS. IF YOU TRY TO FORM AN INDEPENDENT UNION, YOU CAN BE THROWN IN JAIL. ”

- US CONGRESSMAN SANDER LEVIN,
MICHIGAN

POLITICAL PRISONERS



**NGUYEN
HOANG QUOC HUNG**

OCCUPATION: LABOUR ACTIVIST
CONVICTED PURSUANT TO: ARTICLE 89 - "DISRUPTING SECURITY"
DATE OF CONVICTION: OCTOBER 28, 2010
SENTENCE: 9 YEARS
CURRENT STATUS: IN PRISON

Mr. Nguyen assembled workers together at the My Phong shoe factory where he worked. He distributed a leaflet outlining the striking workers' demands. Authorities held him for eight months before he was charged and was not allowed to access legal counsel or the opportunity to speak in his own defense. Mr. Nguyen was permitted to appeal the ruling, however, his sentence was affirmed by the very same court in another closed proceeding.^{125,126}

Mr. Nguyen has been subjected to serious mistreatment and abuse before and after the arrest. The government held him in solitary confinement for months once he was arrested. He has been beaten repeatedly, which often occurs after being relocated from prison to prison. According to the 88 Project, recurring prison transfers are used to confuse and deter family members and community support from being able to locate prisoners. This also makes it more difficult to attain a familiar legal representative.



**TRAN
THI NGA**

OCCUPATION: MEMBER OF VIETNAMESE WOMEN FOR HUMAN RIGHTS
CONVICTED PURSUANT TO: ARTICLE 88 - "CONDUCTING PROPAGANDA AGAINST THE SOCIALIST REPUBLIC OF VIETNAM"
DATE OF CONVICTION: JANUARY 21, 2017
SENTENCE: N/A; UP TO 20 YEARS
CURRENT STATUS: IN DETENTION, AWAITING TRIAL

Ms. Tran is an adamant supporter of democratic reform and a prominent labour rights activist. She is a member of Vietnamese Women for Human Rights, a group that includes "overseas Vietnamese wishing to lend support, training and encouragement to those who stand up to defend human rights in Vietnam".¹²⁷ She has protested against the state's decision to confiscate land from individuals and families, which ultimately resulted in her arrest.

Ms. Tran was beaten in 2015 for celebrating the release of a political prisoner. On June 16, 2017, Ms. Tran was finally allowed to meet with her lawyer for the second time (the first time being May 12, 2017). Her lawyer claims that her health is deteriorating in detention. She was denied treatment for a mucosal injury that she sustained during her campaigning in 2014. Ms. Tran can no longer eat anything other than rice soup.¹²⁸

CHAPTER 5

PROPERTY SEIZURES



Private land ownership does not exist under the Communist administration. Citizens only have a right of usage as the VCP retains control over the management of all lands.¹²⁹ According to the country's recently revised land law, the land collectively belongs to "the entire people" but the VCP remains the ultimate proprietor in its quality of "representative" of the people.¹³⁰ By doing so, Vietnam's one-party regime creates an illusion of legitimacy in which it appears as an extension of the people's will.

LAND MANAGEMENT IN VIETNAM

The Vietnamese state has complete dominion over land pricing and allocation, yielding almost no proprietary rights to its citizens. To use a parcel of land, people have to register their assets and obtain a temporary land-use right certificate.¹³¹ Even so, no one is immune to the

State's power of appropriating land for national defense or public interest – or more controversially for "socio-economic development".¹³² The latter being a term purposely left ambiguous in order to make seizures on behalf of private entrepreneurs or other commercial parties that have financial ties with corrupt officials.



HOW CORRUPT IS VIETNAM?

As reported by Transparency International, Vietnam was ranked 113 out of 176 countries on the 2016 Corruption Perception Index.

Although the precise wording of the law suggests that land users are entitled to compensation when faced with expropriation, practice reveals serious encroachment of this right.¹³³ Vietnamese legislations appear to be an apparatus used to deceive and obscure the international community from the truth. With the courts acting as instruments of the legislature rather than independent enforcers of the rule of law, nothing safeguards the people from abuse and exploitation.¹³⁴

CORRUPTION AND UNFAIR COMPENSATION

Over the past several years, Vietnam has been dealing with a substantial amount of public outcry against widespread corruption and unfair compensation. In 2011, The World Bank reported that the presence of fraud is discernible in every aspect of the VCP's management of land.¹³⁵ To begin, the complex and biased nature of the application process is heavily burdensome for citizens. Thus, officials often take advantage of people's confusion to obtain unwarranted benefits. One recurrent technique is to illegally impose supplemental documentation or delay the process beyond its lawfully mandated period unless they pay bribes.¹³⁶ Similarly, investors can promise state officials a share of the rents, profits or a favourable price in their upcoming endeavor in exchange for preferential treatment. This practice has led to a tendency of land planning being implicitly subordinated to investors' undue influences.¹³⁷

Furthermore, when forcibly deprived of their land, citizens usually receive compensation at rates far below the market value of their property.¹³⁸ Many end up bribing state officials in hopes of receiving a higher amount of restitution.¹³⁹ Regrettably, nothing prevents district authorities from pocketing a portion of the payment, leaving affected citizens with an unfair reward for their loss. Therefore it does not come as a surprise that land disputes within the country now constitutes over seventy percent of all petitions and official complaints.¹⁴⁰

THE AFTERMATH OF LAND SEIZURES ON FARMERS

With rising demands for urbanization, lands are devastated to make way for industrial expansion. Farmers who are at the receiving end of such perversion of justice are the most adversely affected as their lands are the bedrock of their livelihood. Just in the span of the past decade, provincial authorities have seized over one million hectares of farmland.¹⁴¹

One million hectares is roughly the size of Jamaica



When stripped away of their land, farmers face immediate instability and unrest even if given decent compensation. Resettlement is next to impossible without land available for lease and the lack of others willing to sell their plot.¹⁴² Farmers are then forced into different career paths for which they are unqualified and inexperienced.¹⁴³

DID YOU KNOW?

Based on statistics gathered by the Food and Agriculture Organization of the United Nations, 62% of Vietnam's population depends on agriculture for their subsistence.



Vietnamese officials in the Province of Binh Dinh dragging a villager

EXPROPRIATION: TARGETING ETHNIC AND RELIGIOUS MINORITIES

A piece of land cannot simply be reduced to its financial dimension. For many, land withholds the most profound link to their cultural and ancestral identity. For over 54 ethnic groups residing in different remote regions of Vietnam, land is sacrosanct and embodies the essence of their own existence.¹⁴⁴ Therefore, when the VCP arbitrarily deprives people of their property, it disregards the emotional value of the land and constitutes an affront to human dignity.

PROPERTY SEIZURES

CHAPTER 5

Ethnic minorities have faced unending persecution by the VCP, who have used land and property seizures to advance their agenda. For instance, between 2004 and 2009 alone, approximately 91,000 indigenous people were displaced for the development of the Som La hydropower project, which sparked the largest forced resettlement of people in Vietnam's history.¹⁴⁵

Moreover, the VCP often suppresses unregistered religious communities by tearing down houses or places of worship. In September 2016, authorities destroyed the Lien Tri Pagoda, a key centre for the Unified Buddhist Church of Vietnam – and consequently evicted all the monks to clear the path for a development project.¹⁴⁶



Buddhist monks of Lien Tri Pagoda were forcibly evicted by authorities

DONG TAM STANDOFF: OPPRESSION LEADS TO REBELLION

On April 15, 2017, disgruntled farmers of Dong Tam village, located south-west of Hanoi, rose in open defiance against the Communist Party to protest disputed land evictions and alleged corruption of state officials. Villagers held 38 police and state authorities hostage for nearly a week after four land rights activists were arrested earlier that month.¹⁴⁷

The conflict however dates back to 2014 when the Vietnamese government appropriated 50 hectares of agricultural land for Viettel Group, a telecommunication giant owned by the Ministry of Defence, which has General Ngo Xuan Lich at its helm.^{148,149}

Remaining faithful to their ways, the Vietnamese state responded to the residents' distress call with smear campaigns, calling them "extremists" and "trespassers" and cutting off their electricity and internet connection.¹⁵⁰ Despite the threats, the people of Dong Tam were determined not to succumb to the government's mistreatment until their concerns were genuinely addressed. To this end, the residents utilized social media outlets to mobilize the support of human rights advocates, political activists, international news and independent bloggers in an effort to counter the State's propaganda.

As a result, the case attracted a substantial amount of public awareness, leading to the personal intervention of the mayor of Hanoi who finally decided to engage in dialogue with the villagers. A written hostage-release agreement was reached in exchange for a guarantee that none of the villagers would be criminally prosecuted and that an investigation would be launched for the police brutality that occurred during the dispute. That being said, on June 13, 2017, the VCP broke its promise and began a criminal investigation against the farmers.¹⁵¹



Released policemen walk out from the communal house at Dong Tam commune

At the time, it was mutually understood by the community that the seizure of their estate possessions were a form of corruption, camouflaged as a “defense project”.¹⁵² The exposure of corrupt activities in Vietnam accelerated rights movements across the country and created international awareness. Social media users and bloggers took advantage of the online narrative to seek assistance in pressuring the VCP for justice, as they reached out to other political activists, independent bloggers and human rights advocates.¹⁵³ The people in future rights movements may likely follow the same path of assertion by coming together and not allowing the VCP to simply exploit their authority upon the people. It is a path in the right direction to internally addressing the human rights violations within the country.

MOVING FORWARD

On November 28, 2013, Vietnam’s National Assembly adopted an amendment to its constitution for the fifth time after months of national consultation.¹⁵⁴ The reform process was truly unique for Vietnam as the government displayed a glimpse of transparency by urging members of the public to make suggestions.

By displaying good faith and willingness to engage in constructive discourse with its citizens, the VCP attracted an unprecedented amount of civil participation.¹⁵⁵ From that came “Petition 72”, a comprehensive list of recommendations spearheaded by the former Minister of Justice, Mr. Dinh Loc Nguyen, and signed by seventy-two high-ranking party officials, scholars and veterans.¹⁵⁶ One crucial component of that petition was to advance a constitutional recognition of multiple forms of land ownership. Regrettably, the VCP showed a total disregard for public opinion as none of the propositions were implemented.¹⁵⁷ Rather, the VCP took that opportunity to play theater politics and reinforce its grip on the nation’s institutions of governance.¹⁵⁸

While the big-picture of private land ownership seems inconceivable under the VCP, subtle changes can be embraced to strengthen the integrity of land management. Indeed, the aim to increase the transparency of the land allocation system is not one that requires great institutional changes. By removing the complexity of the application process; giving people access to important information such as land pricing; and better regulating the discretionary power of state officials as well as their accountability, Vietnam would at least rid itself gradually from the illness of corruption.¹⁵⁹

“ **THEY [THE COMMUNIST GOVERNMENT] CAN KILL ALL FIVE OF MY FAMILY MEMBERS. BUT I THINK, YOU LIVE ONLY ONCE AND YOU DIE ONLY ONCE. SO I WILL LIVE IN A WAY THAT THEY WILL SEE THAT THEIR BRUTALITY WILL NEVER THREATEN OUR WILL TO FIGHT. WE LAND PETITIONERS WILL HOLD ON TO OUR LAND UNTIL THE END.** ”

- CAN THI THEU,
LAND RIGHTS ACTIVIST

POLITICAL PRISONERS



OCCUPATION:	LAND RIGHTS ACTIVIST
CONVICTED PURSUANT TO:	ARTICLE 245 - "CAUSING PUBLIC DISORDER"
DATE OF CONVICTION:	SEPTEMBER 20, 2016
SENTENCE:	20 MONTHS
CURRENT STATUS:	IN PRISON

After her family was expropriated from their farm in 2007, Mrs. Theu began her activism work by organising peaceful demonstrations and documenting land seizures in Vietnam.

In April 2014, Mrs. Theu was detained for 15 months along with her husband for using a camera to record the police brutality that occurred during a land confiscation episode in Ha Dong district. Throughout the events leading to her arrest, she was severely beaten by the police.¹⁶⁰

On June 10, 2016, several dozen police officers raided Mrs. Theu's residence and confiscated her mobile phone. She was subsequently detained and charged for her involvement in organising a protest calling for the release of detained human rights lawyer, Mr. Nguyen Van Dai.¹⁶¹ Following her imprisonment, Mrs. Theu staged a 13 days' hunger strike, but had to cease on advice of her lawyer as a result of her deteriorating health.¹⁶²



OCCUPATION:	LAND RIGHTS ACTIVIST
CONVICTED PURSUANT TO:	ARTICLE 79 - "CARRYING OUT ACTIVITIES AIMED AT OVERTHROWING THE PEOPLE'S ADMINISTRATION"
DATE OF CONVICTION:	MAY 30, 2011
SENTENCE:	8 YEARS IN PRISON, 5 YEARS HOUSE ARREST
CURRENT STATUS:	IN PRISON

Ms. Thuy is a member of the independent Hoa Hao Buddhist church, a religious minority group heavily prosecuted by the Communist Party of Vietnam. She was arrested without warrant in August 2010 for her land rights activism on accusations of being affiliated with Viet Tan, a California-based organisation peacefully advocating for democracy.¹⁶³

While detained, Ms. Thuy was frequently beaten by police, which resulted in her suffering from medical complications sustained to her stomach, in addition to a tumor in her uterus. She has also been subjected to forced manual labor with workloads usually assigned for male prisoners.¹⁶⁴ Despite her deteriorating health, the activist has been denied medical treatment unless she confesses to the charges. In fact, Ms. Thuy has told her family that she was in severe physical pain and felt on the verge of death at several points.

CONCLUSION

The 2017 Human Rights Report serves to provide valuable information on some of the most prominent human rights issues and violations in Vietnam. It also offers advocacy strategies and opportunities to not only bring attention to the situation in Vietnam, but to urge the government to uphold its obligations to its citizens.

The Vietnamese Communist Party (VCP) frequently uses vaguely worded penal code provisions to crackdown on dissent, including “undermining national unity,” “conducting propaganda against the state,” and “abusing the rights to democracy and freedom to infringe upon the interests of the state.” By implementing the “rule by law” method, the government manipulates its legal system to punish those who challenge its monopoly power.


Authorities restrict basic rights and fundamental freedoms, which includes freedom of expression, assembly, religion and association. Bloggers, religious minorities and labour activists face daily harassment and injustices by officers and plainclothes security. Moreover, political dissidents and peaceful protesters frequently face arbitrary house arrest, restricted movement and physical assaults. The state silences any rights movements from those who have been affected by everything from environmental disasters to large-scale property seizures.

With hopes, this report will urge readers to advocate for freedom, democracy and human rights for the people of Vietnam. This serves to remind the VCP of its obligations to the *International Bill of Human Rights* and to hold them accountable for their actions. By promoting human rights, transparent governance and democracy, these values will bring forth an essential foundation of stability and security to improve the situation in Vietnam.

Although this report has discussed primarily about the government of Vietnam and its current actions, the future of the country lies in the hands of the people. The rise of oppression, brutality and imprisonment are met with rises in protests, civil unrest and the demands for transparency. The VCP, a relatively small group, have long been controlling the rights and freedoms of over 90 million people. Whether it is the mobilization of the international community through social media, as seen during the Formosa environmental disaster, or the stand against government authority during the Dong Tam Standoff, the citizens of Vietnam are starting to resist the authoritative power of the Vietnamese government. International agencies and governments can always put external pressure on Vietnam, through condemnation or trade sanctions, but the most effective driver for change is always the people. We are starting to see more and more Vietnamese citizens speak up for what is right through their active demands for equality, democracy and human rights – this is truly the first step towards significant change.

“ IT FALLS UPON ALL CANADIANS TO ACTIVELY DEFEND THE SAME VALUES THAT MAKE CANADA A SHINING DEMOCRATIC BEACON OF HOPE, EQUALITY AND PEACE ALL OVER THE WORLD. ”


- SENATOR THANH HAI NGO



PRISONERS OF CONSCIENCE

<div>A TACH</div> <div>(AKA BA HLOJ)</div> <div>  <div>MONTAGNARD CHRISTIAN</div> </div> <div>CHARGE: ARTICLE 87</div>	<div>BACH</div> <div>HONG QUYEN</div> <div>  <div>RIGHTS ACTIVIST, BLOGGER</div> </div> <div>CHARGE: ARTICLE 245</div>	<div>BUI</div> <div>THI MINH HANG</div> <div>  <div>HUMAN RIGHTS ACTIVIST</div> </div> <div>CHARGE: ARTICLE 245</div>	<div>BYUK</div> <div></div> <div>  <div>MONTAGNARD CHRISTIAN</div> </div> <div>CHARGE: ARTICLE 87</div>	<div>CAN</div> <div>THI THEU</div> <div>  <div>LAND RIGHTS ACTIVIST</div> </div> <div>CHARGE: ARTICLE 245</div>	<div>DANG</div> <div>HUU NAM</div> <div>  <div>PASTOR, SOCIAL ACTIVIST</div> </div> <div>CHARGE: ARTICLE 88</div>	<div>DANG</div> <div>XUAN DIEU</div> <div>  <div>ACTIVIST, BLOGGER</div> </div> <div>CHARGE: ARTICLE 79</div>	<div>DINH</div> <div>NGUYEN KHA</div> <div>  <div>ACTIVIST, COMPUTER TECHNICIAN</div> </div> <div>CHARGE: ARTICLE 88</div>	<div>DINH</div> <div>NHAT UY</div> <div>  <div>BLOGGER</div> </div> <div>CHARGE: ARTICLE 258</div>
<div>HO</div> <div>DUc HOA</div> <div>  <div>CATHOLIC ACTIVIST, BLOGGER</div> </div> <div>CHARGE: ARTICLE 79</div>	<div>HUYEN</div> <div>THUC VY</div> <div>  <div>BLOGGER</div> </div> <div>CHARGE: ARTICLE 88</div>	<div>JONH</div> <div>(AKA CHINH)</div> <div>  <div>MONTAGNARD CHRISTIAN</div> </div> <div>CHARGE: ARTICLE 87</div>	<div>KPUIL</div> <div>LE</div> <div>  <div>DEGAR MONTAGNARD CHRISTIAN</div> </div> <div>CHARGE: ARTICLE 87</div>	<div>KPUIL</div> <div>MEL</div> <div>  <div>DEGAR MONTAGNARD CHRISTIAN</div> </div> <div>CHARGE: ARTICLE 87</div>	<div>LA</div> <div>VIET DUNG</div> <div>  <div>ONLINE ACTIVIST</div> </div> <div>CHARGE: --</div>	<div>LE</div> <div>DUc DONG</div> <div>  <div>RELIGIOUS ACTIVIST</div> </div> <div>CHARGE: ARTICLE 79</div>	<div>LE</div> <div>DUY LOC</div> <div>  <div>MEMBER OF AN UNSANCTIONED BUDDHIST ORGANIZATION</div> </div> <div>CHARGE: ARTICLE 79</div>	<div>LE</div> <div>PHUC</div> <div>  <div>RELIGIOUS ACTIVIST</div> </div> <div>CHARGE: ARTICLE 79</div>
<div>NGO</div> <div>HAO</div> <div>  <div>FORMER SOLDIER, ACTIVIST</div> </div> <div>CHARGE: ARTICLE 79</div>	<div>NGUYEN</div> <div>CONG CHINH</div> <div>  <div>PASTOR, ACTIVIST</div> </div> <div>CHARGE: ARTICLE 87</div>	<div>NGUYEN</div> <div>DANG MINH MAN</div> <div>  <div>JOURNALIST, YOUTH ACTIVIST</div> </div> <div>CHARGE: ARTICLE 79</div>	<div>NGUYEN</div> <div>DANG VINH PHUC</div> <div>  <div>FACTORY WORKER, TOOK PART IN TRAINING WORKSHOP</div> </div> <div>CHARGE: ARTICLE 79</div>	<div>NGUYEN</div> <div>DANG VU</div> <div>  <div>HUMAN RIGHTS ACTIVIST</div> </div> <div>CHARGE: ARTICLE 79</div>	<div>NGUYEN</div> <div>DINH</div> <div>  <div>RELIGIOUS ACTIVIST</div> </div> <div>CHARGE: ARTICLE 79</div>	<div>NGUYEN</div> <div>DINH</div> <div>  <div>COUNCIL OF THE LAWS AND PUBLIC AFFAIRS OF BIA SON</div> </div> <div>CHARGE: ARTICLE 79</div>	<div>NGUYEN</div> <div>DINH CUONG</div> <div>  <div>CATHOLIC ACTIVIST</div> </div> <div>CHARGE: ARTICLE 79</div>	<div>NGUYEN</div> <div>DINH NGOC</div> <div>  <div>BLOGGER FOR RADIO FREE ASIA</div> </div> <div>CHARGE: ARTICLE 88</div>
<div>NGUYEN</div> <div>QUAN LAP</div> <div>  <div>BLOGGER, WRITER</div> </div> <div>CHARGE: ARTICLE 88</div>	<div>NGUYEN</div> <div>THAI BINH</div> <div>  <div>AN DAN DAI DAO BUDDHIST ACTIVIST</div> </div> <div>CHARGE: ARTICLE 79</div>	<div>NGUYEN</div> <div>THI BICH TRANG</div> <div>  <div>INDUSTRIAL HOLDING COMPANY EMPLOYEE</div> </div> <div>CHARGE: ARTICLE 258</div>	<div>NGUYEN</div> <div>THI THUY QUYNH</div> <div>  <div>ACTIVIST</div> </div> <div>CHARGE: ARTICLE 245</div>	<div>NGUYEN</div> <div>TRUNG LINH</div> <div>  <div>LAWYER, BLOGGER</div> </div> <div>CHARGE: --</div>	<div>NGUYEN</div> <div>VAN DAI</div> <div>  <div>HUMAN RIGHTS LAWYER</div> </div> <div>CHARGE: ARTICLE 88</div>	<div>NGUYEN</div> <div>VAN DUYET</div> <div>  <div>CATHOLIC ACTIVIST</div> </div> <div>CHARGE: ARTICLE 79</div>	<div>NGUYEN</div> <div>VAN HOA</div> <div>  <div>JOURNALIST, BLOGGER</div> </div> <div>CHARGE: ARTICLE 258, 88</div>	<div>NGUYEN</div> <div>VAN LIA</div> <div>  <div>HOA HAO BUDDHIST, ACTIVIST</div> </div> <div>CHARGE: ARTICLE 258</div>
<div>TA</div> <div>PHONG TAN</div> <div>  <div>FORMER POLICEWOMAN, BLOGGER</div> </div> <div>CHARGE: ARTICLE 88</div>	<div>TACH</div> <div>THOUI</div> <div>  <div>KHMER KROM MONK</div> </div> <div>CHARGE: --</div>	<div>TAI</div> <div>VAN DUNG</div> <div>  <div>CATHOLIC ACTIVIST</div> </div> <div>CHARGE: ARTICLE 79</div>	<div>TRAN</div> <div>ANH KIM</div> <div>  <div>FORMER LIEUTENANT COLONEL, WRITER</div> </div> <div>CHARGE: ARTICLE 79</div>	<div>TRAN</div> <div>HUYNH DUY THUC</div> <div>  <div>ENTREPRENEUR, ENGINEER, ACTIVIST</div> </div> <div>CHARGE: ARTICLE 79</div>	<div>TRAN</div> <div>PHI DUNG</div> <div>  <div>AN DAN DAI DAO BUDDHIST ACTIVIST</div> </div> <div>CHARGE: ARTICLE 79</div>	<div>TRAN</div> <div>QUAN</div> <div>  <div>COUNCIL OF THE LAWS AND PUBLIC AFFAIRS OF BIA SON</div> </div> <div>CHARGE: ARTICLE 79</div>	<div>TRAN</div> <div>THI NGA</div> <div>  <div>LAND RIGHTS ACTIVIST</div> </div> <div>CHARGE: ARTICLE 88</div>	<div>TRAN</div> <div>VU ANH BINH</div> <div>  <div>ACTIVIST, MUSICIAN</div> </div> <div>CHARGE: ARTICLE 88</div>

DINH VAN NHUONG LAND RIGHTS CAMPAIGNER  CHARGE: ARTICLE 88	DO THI HONG RELIGIOUS ACTIVIST  CHARGE: ARTICLE 79	DO VAN HOA LAND RIGHTS ACTIVIST  CHARGE: ARTICLE 88	DOAN DINH NAM RELIGIOUS ACTIVIST  CHARGE: ARTICLE 79	DOAN HUY CHUONG LABOUR RIGHTS ACTIVIST  CHARGE: ARTICLE 89	DOAN VAN CU RELIGIOUS ACTIVIST  CHARGE: ARTICLE 79	DOAN VAN SINH FARMER, LAND ACTIVIST  CHARGE: ARTICLE 93	DOAN VAN VUON DISSIDENT ACTIVIST, FARMER  CHARGE: ARTICLE 93	DUONG KIM KHAI PASTOR, LAND RIGHTS ACTIVIST  CHARGE: ARTICLE 79
LE QUOC QUAN LAWYER, BLOGGER, RIGHTS ACTIVIST  CHARGE: ARTICLE 79	LE THANH TUNG FORMER SOLDIER, JOURNALIST, ACTIVIST  CHARGE: ARTICLE 88	LE THU HA HUMAN RIGHTS ACTIVIST  CHARGE: ARTICLE 88	LE TRI TUE ACTIVIST, FOUNDER OF INDEPENDENT WORKERS UNION  CHARGE: --	LE TRONG CU RELIGIOUS ACTIVIST  CHARGE: ARTICLE 79	LE XUAN PHUC COUNCIL OF THE LAWS AND PUBLIC AFFAIRS OF BIA SON  CHARGE: --	LIEU NY KHMER KROM MONK  CHARGE: --	LO THANH HAO RIGHTS ACTIVIST  CHARGE: ARTICLE 88	LUONG NHAT QUANG RELIGIOUS ACTIVIST  CHARGE: ARTICLE 79
NGUYEN DINH THUC PASTOR, CATHOLIC ACTIVIST  CHARGE: --	NGUYEN HOANG QUOC HUNG LABOUR UNION ACTIVIST  CHARGE: ARTICLE 89	NGUYEN HUU TAN HOA HAO BUDDHIST, ACTIVIST  CHARGE: ARTICLE 88	NGUYEN HUU VINH (BA SAM) DISSIDENT ACTIVIST  CHARGE: ARTICLE 89	NGUYEN KIM NHAN LAND RIGHTS ACTIVIST  CHARGE: ARTICLE 88	NGUYEN KY LAC AN DAN DAI DAO BUDDHIST ACTIVIST  CHARGE: ARTICLE 79	NGUYEN MAI TRUNG TUAN 15 Y/O STUDENT, LAND ACTIVIST  CHARGE: ARTICLE 104.3	NGUYEN NGOC NHU QUYNH (ME NAM) HUMAN RIGHTS ACTIVIST, BLOGGER  CHARGE: ARTICLE 88	NGUYEN PHUONG UYEN STUDENT, BLOGGER  CHARGE: ARTICLE 88
NGUYEN VAN MINH HOA HAO BUDDHIST, ACTIVIST  CHARGE: ARTICLE 245	NGUYEN VIET DUNG BLOGGER  CHARGE: ARTICLE 245	PHAM MINH HOANG PROFESSOR, BLOGGER, RIGHTS ACTIVIST  CHARGE: ARTICLE 79	PHAM THANH NGHIEN RIGHTS ACTIVIST  CHARGE: ARTICLE 88	PHAM VIET DAO FORMER PARTY OFFICIAL, BLOGGER  CHARGE: ARTICLE 258	PHAN THANH TUONG AN DAN DAI DAO BUDDHIST ACTIVIST  CHARGE: ARTICLE 79	PHAN THANH Y AN DAN DAI DAO BUDDHIST ACTIVIST  CHARGE: ARTICLE 79	PHAN VAN THU RELIGIOUS FOLLOWER, LEADER OF POLITICAL GROUP  CHARGE: ARTICLE 79	TA KHU AN DAN DAI DAO BUDDHIST ACTIVIST  CHARGE: ARTICLE 79
TRUONG NGOC QUANG DISSIDENT ACTIVIST  CHARGE: ARTICLE 79	TU THIEN LUONG HOI DONG CONG LUAT CONG AN BIA SON FOUNDER & CHAIRMAN  CHARGE: ARTICLE 79	VO MINH TRI (VIET KHANG) SONGWRITER, ACTIVIST  CHARGE: ARTICLE 88	VO NGOC CU RELIGIOUS ACTIVIST  CHARGE: ARTICLE 79	VO THANH LE AN DAN DAI DAO BUDDHIST ACTIVIST  CHARGE: ARTICLE 79	VO THI THU THUY CATHOLIC ACTIVIST  CHARGE: ARTICLE 88	VO TIET AN DAN DAI DAO BUDDHIST ACTIVIST  CHARGE: ARTICLE 79	VO VIET DZIEN FISH FARMER, DISSIDENT ACTIVIST  CHARGE: ARTICLE 79	VUONG TAN SON AN DAN DAI DAO BUDDHIST ACTIVIST  CHARGE: ARTICLE 79



IN VIETNAM, OVER 200 CITIZENS ARE IMPRISONED FOR NONVIOLENTLY EXPRESSING BELIEFS THAT ARE NOT TOLERATED BY THE GOVERNMENT

HERE IS A NON-EXHAUSTIVE LIST OF POLITICAL PRISONERS

VIETNAM'S PENAL CODE

*In June 2017, Vietnam's National Assembly passed a revised penal code that is slated to take effect on January 1, 2018. The revisions set out to further threaten the fundamental freedoms of the people. Here is Vietnam's 1999 penal code currently in effect. This is a non-exhaustive list of the articles that the Vietnamese courts use to legitimize the incarceration of peaceful political dissidents.¹⁶⁵

ARTICLE 79

CARRYING OUT ACTIVITIES AIMED AT OVERTHROWING THE PEOPLE'S ADMINISTRATION

Those who carry out activities, establish or join organizations with intent to overthrow 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 12-20 years of imprisonment, life imprisonment or capital punishment;
- Other accomplices shall be subject to between 5-15 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 5-15 years of imprisonment.

Other accomplices shall be sentenced to between 2-7 years of imprisonment.

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 5-15 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 case of committing less serious crimes, offenders shall be sentenced to between 2-7 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 3-12 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, the offenders shall be sentenced to between 10-20 years of imprisonment.

ARTICLE 91

FLEEING ABROAD OR DEFECTING TO STAY OVERSEAS WITH A VIEW TO OPPOSING THE PEOPLE'S ADMINISTRATION

Those who flee abroad or defect overseas with a view to opposing the people's administration shall be sentenced to between 3-12 years of imprisonment.

- Organizers, coercers and instigators shall be sentenced to between 5-15 years of imprisonment
- In the case of committing particularly serious crimes, the offenders shall be sentenced to between 12-20 years of imprisonment or life imprisonment.

ARTICLE 93 MURDER

Those who commit murder in one of the following cases shall be sentenced to between 12-20 years of imprisonment, life imprisonment or capital punishment:

- Murder of more than one person;
- Murder of women who are known by the offender to be pregnant;
- Murder of children;
- Murder of persons being on public duties or for reason of the victims' public duties;
- Murder of one's grand father, grand mother, father, mother, fosterer, and/or teachers;
- Murder of people in order to carry out or conceal other crimes;
- Committing dangerous recidivism;

- Murder of people just before or after which a serious crime or a particularly serious crime is committed by the offender;
- Murder of people in order to take organs from the victims' bodies;
- Committing crimes in a barbarous manner;
- Committing crimes by abusing their profession;
- Committing crimes by methods, which may cause death to more than one person;
- Hiring murderers or murdering persons for hiring;
- Committing crimes in a hooligan manner;
- Committing crimes in an organized manner;
- Murder of people for despicable motivation.

Those committing crimes which do not fall into those cases stipulated in Clause 1 of this Article, shall be sentenced to between 7-15 years of imprisonment.

Offenders may be banned from holding certain posts, practicing certain occupations or doing certain jobs for between 1-5 years, subject to probation or residence ban for between 1-5 years.

ARTICLE 104

INTENTIONALLY INFLECTING INJURY ON OR CAUSING HARM TO THE HEALTH OF OTHER PERSONS

Those who intentionally injure or causes harm to the health of other persons with an infirmity rate of between 11% and 30%, or under 11% but in one of the following circumstances, shall be sentenced to non-custodial reform for up to three years or between six months and three years of imprisonment:

- Using dangerous weapons or tricks, causing harm to more than one person;
- Causing minor permanent maim to the victims;
- Committing the crime more than once against the same person or against more than one person;
- Committing the crime against children, pregnant women, old and weak or sick persons or other persons incapable of self-defense;
- Committing the crime against their own grand fathers, grand mothers, fathers, mothers, fosterers, teachers;
- Committing the crime in an organized manner;
- Committing the crime during time of custody, detention or whilst resident at re-education establishments;
- Hiring other persons to cause injury or being hired to cause injury;
- Being of hooligan character or dangerous recidivism;
- In order to obstruct the person performing official duty or for the reasons of the victim's official duty.

VIETNAM'S PENAL CODE (CONTINUED)

Committing the crime of inflicting injury on or causing harm to the health of, other persons with an infirmity rate of between 31% and 60%, or 11% and 30% but in one of the cases defined at Points from a to j, Clause 1 of this Article, the offenders shall be sentenced to between 2-7 years of imprisonment.

Committing the crime of injuring or causing harm to the health of other persons with an infirmity rate of 61% or higher or leading to human death, or from 31% to 60% but in one of the cases defined at Points from a to j, Clause 1 or this Article, the offenders shall be sentenced to between 5-15 years of imprisonment.

Committing the crime, thus leading to the death of more than one person or in other particularly serious cases, the offenders shall be sentenced to between 10-20 years of imprisonment or life imprisonment.

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 warning, non-custodial reform for up to 3 years or a prison term of between 6 months and 3 years.

Committing the offense in serious circumstances, the offenders shall be sentenced to between 2-7 years of imprisonment.

ARTICLE 230

ILLEGALLY MANUFACTURING, STOCKPILING, TRANSPORTING, USING, TRADING IN OR APPROPRIATING MILITARY WEAPONS AND/OR TECHNICAL MEANS

Those who illegally manufacture, stockpile, transport, use, trade in or appropriate military weapons and/or technical means shall be sentenced to between 1-7 years of imprisonment. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 5-12 years of imprisonment:

- In an organized manner;
- Objects involved in the offense are in great quantity;
- Conducting cross-border transport or trading;
- Causing serious consequences;
- Dangerous recidivism.

Committing the crime in one of the following circumstances, the offenders shall be sentenced to between ten years and fifteen years of imprisonment:

- The objects involved in the offense are in very great quantity;
- Causing very serious consequences.

Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 15-20 years of imprisonment or life imprisonment:

- The objects involved in the offense are in particularly great quantity;
- Causing particularly serious consequences.

The offenders may also be subject to a fine of between five million dong and fifty million dong, to probation or residence ban for 1-5 years.

ARTICLE 245

CAUSING PUBLIC DISORDER

Those who foment public disorder, causing serious consequences or who have been already administratively sanctioned for such act or sentenced for such offense, not yet entitled to criminal record remission but continue to commit such act, shall be sentenced to a fine of between one million dong and ten million dong, non-custodial reform for up to 2 years or between 3 months and 2 years of imprisonment.

Committing the offense in one of the following circumstances, the 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 cessation of public activities;
- Inciting other persons to cause disorder;
- Assaulting persons who intervene to keep the public order;
- Dangerous recidivism.

ENDNOTES

¹ UN General Assembly, *Universal Declaration of Human Rights*, 10 December 1948, 217 A (III). Retrieved from: <http://www.refworld.org/docid/3ae6b3712c.html>

² The Human Rights-Based Approach (n.d.). *United Nations Population Fund*. Retrieved from: <http://www.unfpa.org/human-rights-based-approach>

³ Government and Society: Constitutional Framework (2017). *Encyclopedia Britannica*. Retrieved from: <https://www.britannica.com/place/Vietnam/Government-and-society#ref509905>

⁴ UN General Assembly, *International Covenant on Economic, Social and Cultural Rights*, 16 December 1966, United Nations, Treaty Series, vol. 993, p. 3.

⁵ UN General Assembly, *International Covenant on Civil and Political Rights*, 16 December 1966, United Nations, Treaty Series, vol. 999, p. 171.

⁶ Country Reports: Human Rights in Vietnam. (2016) *Human Rights Defenders*. Retrieved from: <https://www.civilrightsdefenders.org/country-reports/human-rights-in-vietnam/>

⁷ Ibid.

⁸ Vietnam Country Profile (2016) *Freedom House*. Retrieved from: <https://freedom-house.org/report/freedom-net/2016/vietnam>

⁹ Human Rights Watch World Report 2017 – Vietnam, Events of 2016. (2017) Human Rights Watch.

¹⁰ Hunt, L. “People in Vietnam think a controversial new law is just a smokescreen for government repression”. *Business Insider*. 2016, December 03

¹¹ Ibid.

¹² Country Reports: Human Rights in Vietnam. (2016) *Human Rights Defenders*. Retrieved from: <https://www.civilrightsdefenders.org/country-reports/human-rights-in-vietnam/>

¹³ Persecuting “Evil Way” Religion. (2016) *Human Rights Watch*. Retrieved from: <https://www.hrw.org/report/2015/06/26/persecuting-evil-way-religion/abuses-against-montagnards-vietnam>

¹⁴ Nhan, Q. and Le, Q. Q. (2017) Hanoi threatens family of prominent dissident. *Defend the Defenders*. Retrieved from: <http://www.vietnamhumanrightsdefenders.net/2017/06/09/hanoi-thugs-threatens-family-of-prominent-dissident-le-quoc-quan>

¹⁵ Doan, H. (2017). Catholic priest Nguyen Dinh Thuc and a Catholic community under siege. *Dan Lam Bao*. Retrieved from: <http://www.sbtn.tv/con-an-thang-tay-khung-bo-linh-muc-nguyen-dinh-thuc-va-giao-dan-song-ngoc-trong-luc-thu-tuong-csvn-phuc-gap-tong-thong-trump/>

¹⁶ Sifton, J. (2017). Don’t roll out the carpet for Vietnam’s Autocratic Leader. *Human Rights Watch*. Received from: <https://www.hrw.org/news/2017/05/30/dont-roll-out-red-carpet-vietnams-autocratic-leader>

¹⁷ No Country for Human Rights Activist. (2015) *Human Rights Watch*. Retrieved from: <https://www.hrw.org/report/2017/06/18/no-country-human-rights-activists/assaults-bloggers-and-democracy-campaigners>

¹⁸ Ibid.

¹⁹ Vietnam: End Waves of Brutal Attacks Against Human Rights Defenders (2015). *Amnesty International*. Retrieved from: <https://www.amnesty.org/en/latest/news/2015/12/vietnam-end-wave-of-brutal-attacks-against-human-rights-defenders/>

²⁰ Abuza, Z. (2015). Stifling the Public Sphere: Media and Civil Society in Vietnam. *National Endowment for Democracy*. Retrieved from: <http://www.ned.org/wp-content/uploads/2015/10/Stifling-the-Public-Sphere-Media-Civil-Society-Vietnam-Forum-NED.pdf>

²¹ Nhan, Q. and Le, Q. Q. (2017) Hanoi threatens family of prominent dissident.

²² Doan, H. (2017).

²³ Sifton, J. Don’t roll out the carpet for Vietnam’s Autocratic Leader.

²⁴ Nicholson, P. and Nguyen, Q. H. (2007). Vietnamese Law: A Guide to Sources and Commentary. *Journal of Comparative Law*, Vol. 2, No. 1. Retrieved from: https://papers.ssrn.com/sol3/papers.cfm?abstract_id=1126905

²⁵ Hunt, L. (2016). People in Vietnam think a controversial new law is just a smokescreen for government repression. Retrieved from: <http://www.businessinsider.com/vietnam-religion-law-government-repression-2016-12>

²⁶ Ibid.

²⁷ “Vietnam’s New Religion Decree Termed a Step Backward,” *Morning Star News*. 24, January 2013. Retrieved from: <http://morningstarnews.org/2013/01/vietnams-new-religion-decree-termed-a-step-backward/>

²⁸ U.S. Commission on International Religious Freedom Annual Report 2017. (2017) *U.S. Commission on International Religious Freedom*. Retrieved from: <http://www.uscirf.gov/sites/default/files/2017.USCIRFAnnualReport.pdf>

²⁹ Sifton, J. (2017) Don’t roll out the carpet for Vietnam’s Autocratic Leader. *Human Rights Watch*.

³⁰ Nguyen, M. “LM Nguyen Dinh Thuc va giao dan dang bi de đoạ tinh mang”. 2017, May 31. Retrieved from: <http://danlambaovn.blogspot.com/2017/06/lm-nguyen-inh-thuc-va-giao-dan-ang-bi-e.html#more>

³¹ Baimoi. “Tuong thuat cua chi Nguyen Thi Tra: Toi bi danh dap tan nhan va nhuc ma”. *Dan Lam Bao*. 2017, May 28. Retrieved from: <http://danlambaovn.blogspot.com/2017/05/tuong-thuat-cua-chi-nguyen-thi-tra-toi.html>

³² U.S. Commission on International Religious Freedom Annual Report 2017. (2017) *U.S. Commission on International Religious Freedom*.

³³ Ibid.

³⁴ Persecuting “Evil Way” Religion. *Human Rights Watch*.

³⁵ Nhan Q. “Montagnards Handed Back to Vietnamese Officials”. *Defend The Defenders*. 2017, June 9.

³⁶ Hunt, L. (2016). People in Vietnam think a controversial new law is just a smoke-screen for government repression. Retrieved from: <http://www.businessinsider.com/vietnam-religion-law-government-repression-2016-12>

³⁷ Nhan, Q., “Vietnam Human Rights Defenders’ Weekly June 26-July 2, 2017”. *Defend The Defenders*. 2017, July 2. Retrieved from: <http://www.vietnamhuman-rightsdefenders.net/2017/07/02/vietnam-human-rights-defenders-weekly-june-26-july-2-2017-human-rights-defender-mother-mushroom-sentenced-to-10-year-in-unfair-trial/news/vietnam/hoa-hao-buddhists-protest-04192017135408.html>

³⁸ Ibid.

³⁹ Gerin, R. Hoa Hao Buddhists Protest Against Harassment, Beatings in Vietnam’s An Giang. *Radio Free Asia*. 2017, April 19. Retrieved from: <http://www.rfa.org/english/news/vietnam/hoa-hao-buddhists-protest-04192017135408.html>

⁴⁰ Ibid.

⁴¹ Thanh, T. “Toa phuc tham y an tu Muc su Nguyen Cong Chinh”. *Radio Free Asia*. 2012, July 31. Retrieved from: http://www.rfa.org/vietnamese/in_depth/verdict-for-past-chinh-07312012053813.html

⁴² Vietnam: Detained Pastor on hunger strike since 8 August: Pastor Nguyen Cong Chinh. (2015). *Amnesty International*. Retrieved from: <https://www.amnesty.org/en/documents/asa41/4759/2016/en/>

⁴³ Gerin, R. Hoa Hao Buddhists Protest Against Harassment, Beatings in Vietnam’s An Giang. *Radio Free Asia*. 2017, April 19.

⁴⁴ Front Line Defenders : #VIETNAM – Vietnamese Laws. Retrieved from: <https://www.frontlinedefenders.org/en/location/vietnam>

⁴⁵ Ibid.

⁴⁶ Freedom House – Vietnam Country Profile.

⁴⁷ McMillan, R. (2010, June 04). Activists Worry About a New ‘Green Dam’ in Vietnam. *PC World*. Retrieved from: <http://www.pcworld.com/article/198064/article.html>

⁴⁸ Freedom House – Vietnam Country Profile.

⁴⁹ Ibid.

⁵⁰ Human Rights Watch (2015) - Vietnam’s Proposed Revisions to National Security Laws. Retrieved from: <https://www.hrw.org/news/2015/11/19/vietnams-proposed-revisions-national-security-laws>

⁵¹ Human Rights Watch World Report 2017 - Vietnam, Events of 2016. Page 4.

⁵² Human Rights Watch World Report 2017 - Vietnam, Events of 2016. Page 1.

⁵³ Human Rights Watch World Report 2017 - Vietnam, Events of 2016. Page 2.

⁵⁴ “Vietnam: Writers Honored for Commitment to Free Speech” (2010). *Human Rights Watch*. Retrieved from: <https://www.hrw.org/news/2010/08/04/vietnam-writers-honored-commitment-free-speech>

⁵⁵ “First Lady Melania Trump and Under Secretary of State for Political Affairs Thomas A. Shannon Honor 13 Women of Courage” (2017). *US Department of State*. Retrieved from: <https://www.state.gov/r/pa/prs/ps/2017/03/269225.htm>

⁵⁶ “Urgent Action: Vietnamese Human Rights Blogger Arrested,” 13 Oct 2016. *Amnesty International*. (ASA 41/4979/2016). Retrieved from: <https://www.amnesty.org.uk/resources/urgent-action-vietnamese-human-rights-blogger-arrested>

⁵⁷ “Vietnam blogger ‘Mother Mushroom’ jailed for 10 years,” 29 June 2017, *The Nation*. Retrieved from: http://www.nationmultimedia.com/news/Startup_and_IT/30319496

⁵⁸ “Blogger gets 10-year prison term for defaming Vietnam govt,” *ABC News*, Jun 29 2017. Retrieved from: <http://abcnews.go.com/International/wireStory/vietnam-puts-prominent-blogger-trial-anti-state-acts-48343017>

⁵⁹ Ibid.

⁶⁰ Ibid.

⁶¹ Freedom House – Vietnam Country Profile.

⁶² Internet Freedom and Political Space, Chapter Two: The Internet and Political Process in Different Regimes, page 18, Retrieved from: http://www.rand.org/content/dam/rand/pubs/research_reports/RR200/RR295/RAND_RR295.pdf

⁶³ Internet Freedom and Political Space, Chapter Two: The Internet and Political Process in Different Regimes, page 19.

⁶⁴ “With Social Media, Vietnam’s Dissidents Grow Bolder Despite Crackdown,” *The New York Times*, July 2 2017. Retrieved from: <https://www.nytimes.com/2017/07/02/world/asia/vietnam-mother-mushroom-social-media-dissidents.html>

⁶⁵ Ibid.

⁶⁶ Van. H. “Tran Huynh Duy Thuc nhát dinh không chịu lưu vong”. *Bao Tre Online*. 2017, February 01. Retrieved from: <http://baotreonline.com/tran-huynh-duy-thuc-nhat-dinh-khong-chiu-luu-vong/>

⁶⁷ Vietnam: Open letter on prisoner of conscience Tran Huynh Duy Thuc. (2010). *Human Rights Watch*.

⁶⁸ Van. H. “Tran Huynh Duy Thuc nhát dinh không chịu lưu vong”. Retrieved from: <http://baotreonline.com/tran-huynh-duy-thuc-nhat-dinh-khong-chiu-luu-vong/>

⁶⁹ Vietnam: Open letter on prisoner of conscience Tran Huynh Duy Thuc. (2010). *Human Rights Watch*. Retrieved from: <https://www.amnesty.org/en/documents/asa41/6234/2017/en/>

⁷⁰ Vietnamese jailed blogger moved to distant province, wages hunger strike. (2016, June 21). *CJP*. Retrieved from: <https://cpj.org/blog/2016/06/vietnamese-jailed-blogger-moved-to-distant-provinc.php>

⁷¹ Vietnamese jailed blogger moved to distant province, wages hunger strike. (2016, June 21). *CJP*.

⁷² Nhan, Q. “Imprisoned Vietnamese Human Rights Attorney Refuses Monthly Food Supplement, Likely Conducting a Hunger Strike to Protest Extended Pre-trial Detention”. *Defend The Defenders*. 2017, May 06. Retrieved from: <http://www.vietnamhumanrightsdefenders.net/2017/05/06/imprisoned-vietnamese-human-rights-attorney-rejects-monthly-supplement-likely-conducting-hunger-strike-to-protest-extended-pre-trial-detention/>

⁷³ Van, H. T. “Tình hình quản lý chất thải rắn tại Việt Nam. Đề xuất các giải pháp tăng cường hiệu quả công tác quản lý chất thải rắn chất thải”. 2015, November 5. Retrieved from: <https://moitruongviet.edu.vn/tinh-hinh-quan-ly-ran-tai-viet-nam-de-xuat-cac-giai-phap-tang-cuong-hieu-qua-cong-tac-quan-ly-chat-thai-ran-chat-thai/>

⁷⁴ The Ministry of Natural Resources and Environment - Circular No. 1212011/TT-BTNMT of April 14, 2011, stipulating hazardous waste management. (2011) p. 29-55. Retrieved from: <http://extwprlegs1.fao.org/docs/pdf/vie105094.pdf>

⁷⁵ VnExpress. “Vietnam suffers 50 major toxic waste scandals in 2016”. *VN Express International*. 2016, December, 30. Retrieved from: <http://e.vnexpress.net/news/news/vietnam-suffers-50-major-toxic-waste-scandals-in-2016-3521238.html>

⁷⁶ Van, H. T. “Tình hình quản lý chất thải rắn tại Việt Nam. Đề xuất các giải pháp tăng cường hiệu quả công tác quản lý chất thải rắn chất thải”.

⁷⁷ The Ministry of Natural Resources and Environment - Circular No. 1212011/TT-BT-NMT of April 14, 2011, stipulating hazardous waste management. (2011) p. 29-55.

⁷⁸ Nguyen, M., and Pham, M. “Vietnam says recovery from Formosa industrial disaster could take a decade”. *Reuters*. 2016, December 24. Retrieved from: <http://www.reuters.com/article/us-vietnam-environment-formosa-plastics-idUSKBN14C1F5>

⁷⁹ VnExpress. (2016, December, 30). Vietnam suffers 50 major toxic waste scandals in 2016. *VN Express International*.

⁸⁰ Ha, V. “Algae and Toxins, Not Steel Mill Waste, Blamed for Vietnamese Fish Kill”. *Radio Free Asia*. 2016, April 27. Retrieved from <http://www.rfa.org/english/news/vietnam/algae-and-toxins-04272016160930.html>

⁸¹ Ibid.

⁸² Vietnam: Fish deaths blamed on Formosa Plastics put fisherfolk out of work, spark rare protests. (2016). *Business & Human Rights Resource Centre*. Retrieved from <https://business-humanrights.org/en/vietnam-fish-deaths-blamed-on-formosa-plastics-put-fisherfolk-out-of-work-spark-rare-protests>

⁸³ Ibid.

⁸⁴ Ha, V. “Formosa Steel Owns Up to Toxic Spill, Agrees to Pay Vietnam \$500 Million”. *Radio Free Asia*. 2016, July 26. Retrieved from <http://www.rfa.org/english/news/vietnam/formosa-steel-owns-up-06302016142903.htm>

⁸⁵ Ibid.

⁸⁶ Ibid.

⁸⁷ VnExpress. “Vietnam suffers 50 major toxic waste scandals in 2016”. *VN Express International*. 2016, December, 30.

⁸⁸ Sands, G. “The Company Behind Vietnam’s Largest Environmental Disaster”. *Foreign Policy Association*. 2016, July 14. Retrieved from: <https://foreignpolicyblogs.com/2016/07/14/company-vietnam-environmental-disaster/>

⁸⁹ Vietnam promises to find overseas jobs for fishers affected by toxic spill disaster”. *Thanh Nien News*. 2016, July 07. Retrieved from: <http://www.thanhniennews.com/society/vietnam-promises-to-find-overseas-jobs-for-fishers-affected-by-toxic-spill-disaster-63897.html>

⁹⁰ Ibid.

⁹¹ Vo, V. T. “Toxic disaster from Taiwanese company affects 200,000 people: Vietnam gov’t”. 2016, July 29. Retrieved from: <http://e.vnexpress.net/news/news/toxic-disaster-from-taiwanese-company-affects-200-000-people-vietnam-gov-t-3443951.html>

⁹² “Some 100 scientists helping Vietnam crack fish death mystery: environment ministry”. *Thanh Nien News*. 2016, May 5. Retrieved from: <http://www.thanhniennews.com/society/some-100-scientists-helping-vietnam-crack-fish-death-mystery-environment-ministry-61858.html>

⁹³ Nguyen, M., and Pham, M. “Vietnam says recovery from Formosa industrial disaster could take a decade”. *Reuters*. 2016, December 24.

⁹⁴ What Is Sustainability and Why Is It Important. (2017). *Environmental Science*. Retrieved from: <http://www.environmentalscience.org/sustainability>

⁹⁵ Quang. T. “Anger burns on Vietnam’s poisoned coast a year after spill”. *Reuters*. 2017, April 04. Retrieved from: <http://www.reuters.com/article/us-formosa-plastics-vietnam-idUSKBN1760FH>

⁹⁶ Valentine, B. “Vietnamese Artists Respond to Marine Disaster Through #IChooseFish”. 2016, June 27. Retrieved from: <https://hyperallergic.com/305568/vietnamese-artists-respond-to-marine-disaster-through-ichoosefish/>

⁹⁷ “Vietnam says recovery from Formosa industrial disaster could take a decade”. *VBN*. 2016, December 23. Retrieved from: <https://m.vietnambreakingnews.com/2016/12/vietnam-says-recovery-from-formosa-industrial-disaster-could-take-a-decade/>

⁹⁸ Nguyen, M., and Pham, M. “Vietnam says recovery from Formosa industrial disaster could take a decade”. *Reuters*. 2016, December 24.

⁹⁹ Ibid.

¹⁰⁰ Tran, V. "Fr Dang Huu Nam, the 'voice of justice' against the environmental disaster, receives threats, risks arrest". *Asia News*. 2016, October 18. Retrieved from: <http://www.asianews.it/news-en/Fr-%C4%90%E1%BA%B7ng-H%E1%BB%AFu-Nam,-the-voice-of-justice-against-the-environmental-disaster,-receives-threats,-risks-arrest-38880.html>

¹⁰¹ Catholic Priest Responds to Nghe An Province (2017). *RFA*. Retrieved from: <http://www.rfa.org/vietnamese/news/vietnamnews/catholic-priest-responds-to-nghe-an-province-03202017082538.html>

¹⁰² Our Journalist Under Threat: Nguyễn Văn Hoá. (May 03, 2017). *Broadcasting Board of Governors*. Retrieved from: <https://www.bbg.gov/threats-to-press/nguyen-van-hoa/>

¹⁰³ Ibid.

¹⁰⁴ Das, M. and N'Diaye, P. (2013) The End of Cheap Labour. Finance and Development. 50:2. *International Monetary Fund*. Retrieved from: <http://www.imf.org/external/pubs/ft/fandd/2013/06/das.htm>

¹⁰⁵ Vietnam's Forced Labour Centres. (2014) *International Labour Rights Forum Online*. Retrieved from: <http://www.laborrights.org/our-work/forced-labor-vietnam>

¹⁰⁶ Phan, D. (2016, June 29) Vietnam: Time to stop the delusion of cheap labour. *ASEAN Today Online*. Retrieved from: <https://www.aseantoday.com/2016/06/vietnam-time-to-stop-the-delusion-of-cheap-labour/>

¹⁰⁷ Do, Q. C. (2016) Vietnam Country Study: Labour Standards in the Garment Industry. *CNV International*. Retrieved from: https://www.cnvinternationaal.nl/_Resources/Persistent/c693cde01921991a984c192d70c887f75412dcdc/CNV-Vietnam-Garment-Supply-Chain-web%20clickable%20ENG%20DEF.pdf

¹⁰⁸ Ibid.

¹⁰⁹ Vietnam's Forced Labour Centres. (2014) *International Labour Rights Forum Online*.

¹¹⁰ Human Rights Watch World Report 2017 – Vietnam, Events of 2016. *Human Rights Watch*.

¹¹¹ Csete, J. and Pearshouse, R. (2016). Detention and Punishment in the Name of Drug Treatment. *Open Society Foundations*.

¹¹² Vietnam's Forced Labour Centres. (2014) *International Labour Rights Forum Online*.

¹¹³ Human Rights Watch World Report 2017 – Vietnam, Events of 2016. *Human Rights Watch*.

¹¹⁴ Vietnam Country Study. (2015). *Fair Wear Foundation*. Retrieved from: https://www.fairwear.org/wp-content/uploads/2011/12/Country-Study-Vietnam-FINAL_web.pdf

¹¹⁵ Theuws. M. (2015) Fact Sheet: Hidden subcontracting in the garment industry. *Stichting Onderzoek Multinationale Ondernemingen*. Retrieved from: <https://www.somo.nl/wp-content/uploads/2015/09/Hidden-subcontracting.pdf> <https://www.somo.nl/wp-content/uploads/2015/09/Hidden-subcontracting.pdf>

¹¹⁶ Phan, D. (2016, June 29) Vietnam: Time to stop the delusion of cheap labour. *ASEAN Today Online*. Retrieved from: <https://www.aseantoday.com/2016/06/vietnam-time-to-stop-the-delusion-of-cheap-labour/>

¹¹⁷ Labor Rights Violations in Vietnam's Export Manufacturing Sector. (2013). *Workers Rights Consortium Online*. Retrieved from: [http://www.workersrights.org/linkeddocs/WRC_Vietnam_Briefing_Paper.pdf](http://www.workersrights.org/linkedddocs/WRC_Vietnam_Briefing_Paper.pdf)

¹¹⁸ Hall, W., Babor, T., Edwards, G., Laranjeira, R., Marsden, J., Miller, P., Obot, I., Petry, N., Thamarangsi, T., & West, R. (2012). Compulsory detention, forced detoxification and enforced labour are not ethically acceptable or effective ways to treat addiction (Editorial). *Addiction*, 107, 1891-1893.

¹¹⁹ Do, Q. C. (2016) Vietnam Country Study: Labour Standards in the Garment Industry. *CNV International*.

¹²⁰ Vietnam Country Study. (2015). *Fair Wear Foundation*.

¹²¹ Vietnam's Forced Labour Centres. *International Labour Rights Forum Online*.

¹²² Hall, W., Babor, T., Edwards, G., Laranjeira, R., Marsden, J., Miller, P., Obot, I., Petry, N., Thamarangsi, T., & West, R. (2012). Compulsory detention, forced detoxification and enforced labour are not ethically acceptable or effective ways to treat addiction (Editorial). *Addiction*, 107, 1891-1893.

¹²³ Vietnam's Forced Labour Centres. *International Labour Rights Forum Online*.

¹²⁴ Theuws. M. (2015) Fact Sheet: Hidden subcontracting in the garment industry. *Stichting Onderzoek Multinationale Ondernemingen*.

¹²⁵ Van Hollen, Chris. (n.d.). Nguyen, Hoang Quoc Hung. *Tom Lantos Human Rights Commission United States Congress*.

¹²⁶ Nguyen, H. (2016) Collected Hunger Strike at Xuyen Moc Prison. Translation: Nguyen Van Huynh. *The 88 Project*. Retrieved from: <https://the88project.com/2016/03/15/collective-hunger-strike-at-xuyen-moc-prison/>

¹²⁷ Tran Thi Nga (2017). *Frontline Defenders*. Retrieved from: <https://www.frontlinedefenders.org/en/profile/tran-thi-nga>

¹²⁸ Ibid.

¹²⁹ Vietnam Land Law 2013 - LAW NO. 45/2013/QH13. (29 November, 2013). Vietnam Law in English. Retrieved from: <http://vietnamlawenglish.blogspot.ca/2013/11/vietnam-land-law-2013-law-no-452013qh13.html>

¹³⁰ Ibid.

¹³¹ Alvarado, G. et al. – Land Law and Gender in Vietnam. *International Center for Research on Women (ICRW)*, p. 15.

¹³² Vietnam Land Law, art. 21.

¹³³ Vietnam Land Law, art. 39.

¹³⁴ 2013 Report on Human Rights in Vietnam: The court as henchmen of the communist party of Vietnam in the report on human rights in Vietnam. (2013). *Vietnam Human Rights Network*. p. 12.

¹³⁵ World Bank Vietnam, Embassy of Denmark, and Embassy of Sweden. Recognizing and Reducing Corruption Risks in Land Management in Vietnam. Hanoi: 2013. Retrieved from: http://recoftc2.dev.dotography.net/sites/default/files/old/uploads/wysiwyg/docs/Vietnam_Briefs_Eng_PDF/RECOFTC_21July10_B5_web.pdf

¹³⁶ Hansen. K. Land Law, Land Rights, and Land Reform in Vietnam: A Deeper Look into “Land Grabbing” for Public and Private Development. (2013). Independent Study Project (ISP) Collection. Paper 172.

¹³⁷ Ibid, p. 22.

¹³⁸ Losing the plot: Anger rises over corrupt local officials. (2013, May 16) *The Economist*. Retrieved from: <https://www.economist.com/news/asia/21573611-anger-rises-over-corrupt-local-officials-losing-plot>

¹³⁹ Hansen, K. Land Law, Land Rights, and Land Reform in Vietnam: A Deeper Look into “Land Grabbing” for Public and Private Development. p. 22.

¹⁴⁰ United States Department of State , Bureau of Democracy, Human Rights and Labor – Country Reports on Human Rights Practices for 2015, p.20.

¹⁴¹ Hansen, K. Land Law, Land Rights, and Land Reform in Vietnam: A Deeper Look into “Land Grabbing” for Public and Private Development. p. 1.

¹⁴² Ibid, p. 15.

¹⁴³ Ibid.

¹⁴⁴ Truong, L. T., and Genotiva, O. M. (2010). Recognizing Ethnic Minorities Customary Land Rights in Vietnam and the Philippines. Retrieved from: http://recoftc2.dev.dotography.net/sites/default/files/old/uploads/wysiwyg/docs/Vietnam_Briefs_Eng_PDF/RECOFTC_21July10_B5_web.pdf

¹⁴⁵ A Work in Progress: Study on the Impacts of Vietnam’s Son La Hydropower Project. International Rivers. (2016, January 1). *Vietnam Union of Science and Technology Associations*. Retrieved from: <https://www.internationalrivers.org/resources/a-work-in-progress-study-on-the-impacts-of-vietnam%E2%80%99s-son-la-hydropower-project-2607>

¹⁴⁶ Petition in protest of the forced expropriation of Lien Tri Pagoda, Vietnam. (2016). *Vietnam Human Rights Network*. Retrieved from: <https://www.change.org/p/petition-in-protest-of-the-forced-expropriation-of-lien-tri-pagoda-vietnam>

¹⁴⁷ Le. T. “Lessons Learned From Vietnam’s Dong Tam Standoff”. *The Diplomat*. 2017, April 24. Retrieved from: <http://thediplomat.com/2017/04/lessons-learned-from-vietnams-dong-tam-standoff/>

¹⁴⁸ “Why Vietnamese villagers are holding police hostage”. *BBC News*. (April 21, 2017) Retrieved from: <http://www.bbc.com/news/world-asia-39666114>

¹⁴⁹ Wong. C., and Huang. K. Top Chinese general cuts short Vietnam trip amid South China Sea tensions. *South China Morning Post*. 2017, June 22. Retrieved from: <http://www.scmp.com/news/china/diplomacy-defence/article/2099560/pla-general-skipped-south-china-sea-meeting-during>

¹⁵⁰ Le. T. Lessons Learned From Vietnam's Dong Tam Standoff.

¹⁵¹ Ibid.

¹⁵² The VCP's money-laundering scheme and its cohorts. (2011). *Nam Viet News*. Retrieved from: <https://namvietnews.wordpress.com/the-vcps-money-laundering-scheme-its-cohorts/>

¹⁵³ Le. T. Lessons Learned From Vietnam's Dong Tam Standoff.

¹⁵⁴ Bui N. S., and Nicholson. P. (2015, June 15). Vietnam moves cautiously on constitutional reform. *Asian Studies Association of Australia*.

¹⁵⁵ Vietnam: Amended Constitution a Missed Opportunity on Rights. (2013, December 2). *Human Rights Watch*.

¹⁵⁶ Bui. N. S. (2013, March 28). Petition 72: The Struggle for Constitutional Reforms in Vietnam, Int'l J. Const. L. Blog. Retrieved from : <http://www.iconnectblog.com/2013/03/petition-72-the-struggle-for-constitutional-reforms-in-vietnam/>

¹⁵⁷ Office of Senator Thanh Hai Ngo, Human Rights Report 2014, p. 12.

¹⁵⁸ Bui N. S., and Nicholson. P. Vietnam moves cautiously on constitutional reform. Retrieved from: <http://asaa.asn.au/vietnam-moves-cautiously-on-constitutional-reform/>

¹⁵⁹ World Bank Vietnam, Embassy of Denmark, and Embassy of Sweden. Recognizing and Reducing Corruption Risks in Land Management in Vietnam. Hanoi: 2013. p. 60-67.

¹⁶⁰ Can Thi Theu (2017). *Frontline Defenders*.

¹⁶¹ Ibid.

¹⁶² Vietnamese Land Activist Cấn Thị Thêu Has Braved Violence, Arrest and Prison. (2016, September 28). Retrieved from: <https://globalvoices.org/2016/09/28/vietnamese-land-activist-can-thi-theu-has-braved-violence-arrest-and-prison/>

¹⁶³ RFA. (2017, February 17). An xa Quoc te len tieng tinh trang tu nhan Tran Thi Thuy. *Radio Free Asia*. Retrieved from: <http://www.rfa.org/vietnamese/news/vietnamnews/grow-health-fear-f-prisoner-of-conscience-02172017121435.html>

¹⁶⁴ Tran Thi Thuy. (2013, July 18). *Civics*. Retrieved from: <http://www.civics.org/index.php/media-resources/news/take-action/1087-tran-thi-thuy>

¹⁶⁵ Vietnam's Proposed Revisions to National Security Laws. (2015, November 15). *Human Rights Watch*. Retrieved from: <https://www.hrw.org/news/2015/11/19/vietnams-proposed-revisions-national-security-laws>

APPENDIX OF PHOTOS AND FIGURES

TABLE OF CONTENTS

Message from the Senator	Gable, B. (2016). Charles Lamoureux cleans the Senate chamber on Parliament Hill in Ottawa Retrieved from: http://www.macleans.ca/politics/ottawa/how-to-modernize-the-senate-in-21-steps/
Introduction	[Freedom for Vietnam]. Retrieved from: http://www.vietnamhumanrightsdefenders.net/2013/09/25/vietnam-programmed-death-of-freedom-of-information/
Religious Oppression	Nguyen, H. K. (2007). Thich Nhat Hanh at Non Nuoc pagoda north of Hanoi [Online image]. Retrieved from: http://blogs.reuters.com/faith-world/2009/10/05/vietnams-not-so-simple-eviction-of-buddhist-monks-and-nuns/
Internet Freedom	Nguyen, K. (2013). No Free Press in Vietnam [Online image]. Retrieved from: https://www.flickr.com/photos/38928609@N02/9829752243/in-photo-stream/
Environmental Disaster	Reuters (2016). Workers collect dead fishes floating in the polluted West Lake in Hanoi, Vietnam [Online image]. Retrieved from: http://tvtonline.com.au/en/news/vietnam-news/vietnam-punishes-four-officials-formosa-environmental-disaster/
Labour Dispute	[Labor Law in Vietnam]. Retrieved from: https://www.linkedin.com/pulse/labor-law-vietnam-oliver-massmann
Property Seizure	[Cuong che dat dai]. (2010) Retrieved from: http://www.bbc.com/vietnamese/lg/pictures/2010/02/100203_ugc_phuoclong.shtml
Conclusion	Senate of Canada. Senator Thanh Hai Ngo [Digital image]. Retrieved from: http://senatorngo.ca/media-item/flag-raising-on-the-hill/
List of POC	[Gathered prisoners]. Retrieved from: http://www.showkhao.com/29237/
Vietnam Penal Code	RFA. (2014). Police on the street. Retrieved from: http://www.rfa.org/vietnamese/in_depth/who-realy-harm-country-08182014060529.html
Endnotes	[Protesters walk with banner demanding help to sue Formosa]. (2016). Retrieved from: https://dathanhdson.com/2017/02/15/police-forces-throw-rocks-and-fire-bullets-at-song-ngoc-parish-protestors-as-they-march-to-file-a-lawsuit-against-formosa/
Appendix	Setboun, M. (1982). SOUTH CHINA SEA, CHINA - 1982: Boat people leaving the Viet-Nam in South China Sea are rescued by Medecins du Monde, Doctors Of The World onboard the Goelo boat [Online image]. Retrieved from: http://www.gettyimages.ca/license/72103425

INTRODUCTION

Nicholson, P. and Nguyen, Q. H. (2007). Vietnamese Law: A Guide to Sources and Commentary. Journal of Comparative Law, Vol. 2, No. 1. Retrieved from: https://papers.ssrn.com/sol3/papers.cfm?abstract_id=1126905

CHAPTER 1

Van. H. "Tran Huynh Duy Thuc nhât dinh khong chiu luu vong". Bao Tre Online. 2017, February 01. Retrieved from: <http://baotreonline.com/tran-huynh-duy-thuc-nhat-dinh-khong-chiu-luu-vong/>

[Cambodia's adherence to the UN Refugee Convention questioned after deal with Australia to take in refugees]. Retrieved from: http://www.sligotoday.ie/details.php?id=34105
[Vietnamese Hoa Hao Buddhists stage a protest against local authorities in Phuoc Hung village, Phuoc Hoa commune, of An Phu district in southwestern Vietnam's An Giang province]. Retrieved from: http://www.rfa.org/english/news/vietnam/hoa-hao-buddhists-protest-04192017135408.html
[Vietnam]. Retrieved from: https://www.cia.gov/library/publications/the-world-factbook/geos/vm.html
Encyclopædia Britannica Online. (2009). "Vietnam" Map. Retrieved from: http://www.britannica.com/media/full/61748
[Bui Vang Trung]. Retrieved from: http://www.sbs.com.au/yourlanguage/vietnamese/en/content/bui-van-trung-arrested-way-back-home
[Nguyen Cong Chinh]. Retrieved from: http://www.rfa.org/english/news/vietnam/letter-05302014165358.html

CHAPTER 2

2017 World Press Freedom Index. (2017). Reporters Without Borders. Retrieved from: https://rsf.org/en/ranking
[Nguyen Ngoc Nhu Quynh, who through her writings helped expose a April 2016 fish kill scandal] (2016). Retrieved from: https://www.voanews.com/a/vietnam-blogger-me-nam-mother-mushroom/3789488.html
Pham, M. H. (2017). Pham Minh Hoang with a sign declaring "I am Vietnamese." Retrieved from: http://www.loa.fm/our-stories/pham-minh-hoang
[Tran Huynh Duy Thuc] Retrieved from: http://huynhngocchenh.blogspot.ca/2014/07/la-thu-moi-nhat-cua-tran-huynh-duy-thuc.html
[Nguyen Van Dai] Retrieved from: https://veto-network.org/news/g20-summit-40-ngo-call-for-release-of-3-vietnamese-human-rights-defenders.html

CHAPTER 3

AFP. (2016). A villager shows dead sea fish he collected on a beach in Phu Loc district, in the central province of Thua Thien Hue [Online image]. Retrieved from: http://www.straitstimes.com/asia/se-asia/taiwan-firm-formosa-under-fire-over-allegations-of-pollution-in-vietnam-mass-fish
Asia Times. (2016). Dead fish in Vietnam's central coastal region [Online image]. Retrieved from: http://www.atimes.com/vietnams-mass-fish-kill-isnt-simply-an-environmental-disaster/
Reuters. (2016). Vietnamese protesters hold a banner reading "Fish need clean water. People need the truth" during a rally denouncing recent mass fish deaths in Vietnam's central province, in Hanoi, Vietnam [Online image]. Retrieved from: http://tvtonline.com.au/en/news/vietnam-news/vietnam-punishes-four-officials-formosa-environmental-disaster/
[Interview with LM Dang Huu Nam]. Retrieved from: Saigon Broadcasting Television Network Online.
[Nguyen Van Hoa]. Retrieved from: http://www.bbc.com/vietnamese/vietnam-38857778


APPENDIX OF PHOTOS AND FIGURES (CONTINUED)

CHAPTER 4

[Vietnam Detention Center]. Retrieved from: http://old.laborrights.org/creating-a-sweatfree-world/changing-global-trade-rules/state-sponsored-forced-labor-in-vietnam-drug-
Labour Rights Violations in Vietnam's Export Manufacturing Sector. (2013). Worker's Rights Consortium. Retrieved from: http://www.usfashionindustry.com/pdf_files/WRC-Report-Vietnam.pdf
Thang, N. [Inmates working at the Nam Ha Prison in Ha Nam Province. Unable to import the lethal injection cocktail mandated by Vietnamese law for almost two years, the government has approved the use of locally-produced drugs, but new unnamed problems have emerged, prompting yet another delay]. Retrieved from: http://www.thanhniennews.com/society/vietnams-death-row-inmates-enduring-a-wait-worse-than-death-1953.html
[Nguyen Hoang Quoc Hung]. Retrieved from: http://www.freedom-now.org/campaign/doan-huy-chuong-do-thi-minh-hanh-and-nguyen-doan-quoc-hung/
[Tran Thi Nga]. Retrieved from: http://danlambao.vn.blogspot.com/2017/01/tran-thi-nga-va-dang-ung.html
[Nguyen Cong Chinh]. Retrieved from: http://www.rfa.org/english/news/vietnam/letter-05302014165358.html

CHAPTER 5

Corruptions Perception Index (2016) Transparency International. Retrieved from: https://www.transparency.org/news/feature/corruption_perceptions_index_2016
Jamaica Administrative Map. (n.d.) Jamaica Map. Retrieved from: http://jamaicamap.facts.co/jamaicamapof/jamaicamap.php
Dien, An. (3 February, 2012) Major Land Crisis Looms Large". Retrieved from: http://www.thanhniennews.com/index/pages/20120203-major-land-crisislooms-large.asp&xt
[Religious figure holding incense]. Retrieved from: https://www.change.org/p/petition-in-protest-of-the-forced-expropriation-of-lien-tri-pagoda-vietnam
AFP. (2017).Released policemen (wearing dark uniforms) walk out from the communal hours at Dong Tam commune, My Duc district in Hanoi on Saturday after being freed by irate villagers who took them hostage. Retrieved from: http://www.arabnews.com/node/1088611/world#photo/0
[Bat nguoi - Cuop dat]. (2017). Retrieved from: https://www.facebook.com/photo.php?fbid=815411521950717&set=a.317674971724377.1073741828.100004456304777&-type=3&theater
[Can Thi Theu]. Retrieved from: https://www.frontlinedefenders.org/en/profile/can-thi-theu
RFA. (2017).Tran Thi Thuy, a follower of Hoa Hao Buddhism, was brought to trial with six other activists in the Ben Tre province court in May 2011. Retrieved from: http://www.rfa.org/vietnamese/news/vietnamnews/grow-health-fear-f-prisoner-of-conscience-02172017121435.html



THIS REPORT WAS COMPLETED BY THE STUDENT RESEARCH
ASSISTANTS FROM THE OFFICE OF SENATOR THANH HAI NGO

VY HUYNH
KIM ANH KHONG
NATHAN TINH BANG LY
KIM NGUYEN
AMY PHI AU TRAN
VINH TRAN

CALGARY, AB
LONDON, ON
TORONTO, ON
VANCOUVER, BC
TORONTO, ON
MONTREAL, QC

OFFICE OF SENATOR THANH HAI NGO

309 EAST BLOCK
111 WELLINGTON STREET
OTTAWA, ON. K1A 0A4

E: NGOTH@SEN.PARL.GC.CA
T: 613-943-1599
F: 613-943-1592