

2016 - 2017 REPORT
OFFICE OF SENATOR THANH HAI NGO



HUMAN RIGHTS
SITUATION IN VIETNAM

THIS REPORT WAS COMPLETED BY THE INTERNS
FROM SENATOR THANH HAI NGO'S OFFICE

NICHOLAS DANG	LONDON, ON
KHIEM HOANG	MISSISSAUGA, ON
ELLIOT HON YUAN NG	MONTREAL, QC
NINA NGUYEN	CALGARY, AB
STEPHEN TRAN	TORONTO, ON
ANNIE VANG	MISSISSAUGA, ON

IN COLLABORATION WITH:
DAVID NGUYEN

OFFICE OF SENATOR THANH HAI NGO
314 VICTORIA BUILDING
140 WELLINGTON ST.
SENATE OF CANADA
OTTAWA, ON K14 0A4

EMAIL: THANHHAHAI.NGO@SEN.PARL.GC.CA

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

TABLE OF CONTENTS

03 MESSAGE FROM THE SENATOR

19 WHAT'S NEXT

04 INTRODUCTION

23 CONCLUSION

05 VIETNAMESE POLITICS

25 APPENDIX

07 FREEDOM OF EXPRESSION

30 CASE STUDIES

11 FREEDOM OF ASSEMBLY

34 ADMINISTRATIVE DECREES

15 FREEDOM OF RELIGION

35 PENAL CODE OF CANADA

MESSAGE FROM SENATOR NGO

April 30, 1975 is widely known as the day when communist forces marched on Saigon, thereby ending the Vietnam War. However, for many Vietnamese, this day marked the beginning of a long and arduous journey to freedom. The fall of Saigon sparked an exodus that saw millions of Vietnamese refugees fleeing their homeland on rickety boats in search of freedom. While at sea, these men, women and children of all ages faced challenges, such as starvation, disease, murder, stormy weather, and even pirate attacks. Those who survived the perilous sea voyage were transferred from overloaded boats to overcrowded refugee camps, uncertain of what the future held for them. Those who were fortunate enough to be resettled abroad faced the ordeal of building a new life in a foreign land. These refugees are commonly referred to as boat people, and Canada graciously accepted over 60,000 of them in their time of great need. Since then, the Vietnamese-Canadian community has flourished. It has become a great contributor to Canadian society and a vital part of Canada's rich cultural mosaic, never failing to advocate for the rule of law, democracy and human rights.

Today, Vietnam is ruled by the Vietnamese Communist Party, a single-party communist regime that came to power in the post-war period and brought many

hardships upon the Vietnamese people. Under the communist regime, many people have had their property seized.

Their views have been stifled and their loved ones have been imprisoned. The human rights violations committed by the Vietnamese Communist Party remain a matter of great concern in 2016, as citizens are continually deprived of their basic freedoms.

Although the Vietnamese government claims to be concerned about the rights of its citizens, the overly vague laws and policies created under the constitutional framework enable the Vietnamese Communist Party to maintain control over its citizens. The latest trends in human rights abuses in 2016 include continued media surveillance by government, abuse of protesters by plainclothes police, and no promise of judicial reform following the Party convention.

Canada is in a position to demonstrate that it is a leader in upholding human rights standards both domestically and internationally. I am therefore pleased to present you with the latest edition of my office's annual Vietnam Human Rights Report, which is the work of my team of interns from across the country. They are Nicholas Dang, Khiem Hoang, Elliot Hon Yuan Ng, Nina Nguyen, Stephen Tran and Annie Vang.

As in years past, this year's team of interns has worked tirelessly to produce a booklet that clearly and succinctly explains the human rights situation in Vietnam. My hope is that this booklet will be able to inform readers of the urgent need for action in Vietnam and inspire Canadians to advocate for the human rights of those who are unable to advocate for themselves.



Handwritten signature of Senator Thanh Hai Ngo.

Senator Thanh Hai Ngo

INTRODUCTION

Human rights ensure that all citizens of the world enjoy fundamental universal freedoms, that should be upheld at both the international and domestic levels. Unfortunately, there are places around the world where people are unable to fully enjoy their fundamental rights. Despite the obligations Vietnam has to its citizens and to honour international agreements, the country falls under the international radar because of its poor human rights record.

Although the ruling government has ratified several international treaties, including the United Nations Convention Against Torture, the human rights situation in Vietnam remains dire. This report will draw attention to the human aspect of the escalating human rights abuses in Vietnam by looking at case studies of prisoners of conscience and recent events that shed light on the human rights situation in Vietnam. The numerous cases of media censorship, police brutality and discrimination against unregistered religious groups will also be examined in the broader context of human rights violations. Each chapter in this report will identify upcoming opportunities for Vietnam to uphold human rights or highlight key advocacy strategies that the international community could use to strengthen its international human rights policy.

This report will also look at how the country's legal system and the way it is used by the state to deprive citizens of their basic freedoms is contributing to the dire human rights situation in Vietnam. A pamphlet at the end of the report comparing the human rights situation in Vietnam to that in Canada also reaffirms the urgent need for action.

THE 3 FREEDOMS



FREEDOM OF EXPRESSION

The freedom to freely express oneself without constraints. Strict laws and regulations have been put in place to silence criticism against the ruling Government. Its tight grip on the country's media outlets allows it to control the flow of information, allowing them to release only information they deem to be suitable.



FREEDOM OF ASSEMBLY

The freedom to gather in groups with a purpose. The authorities require citizens to seek approval to be able to hold public gatherings, and maybe be denied permission for events that the Government deems to be unacceptable, politically or otherwise. In addition, all independent political parties, labor unions, and human rights organizations are also banned by the Government.



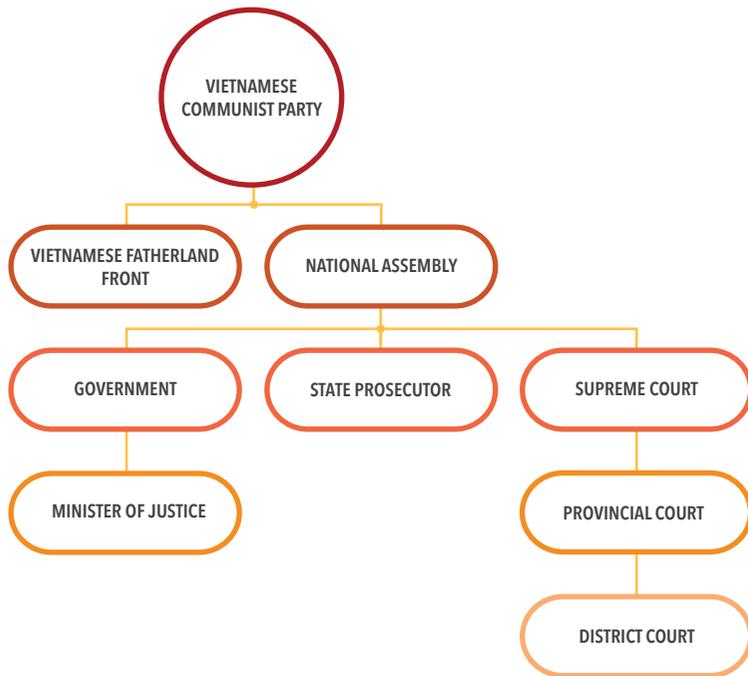
FREEDOM OF RELIGION

The freedom to practice one's spiritual beliefs. Religious activities are heavily regulated by the Government and all religious groups must register with the Government to be able to practice. Harsh crackdowns are often initiated on unregistered religious groups whose beliefs and practices touch upon matters considered sensitive to the Government.

VIETNAMESE COMMUNIST PARTY

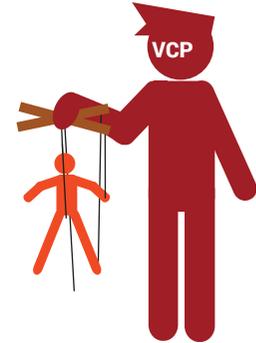
The Socialist Republic of Vietnam is a single-party state, in which the president is the head of state and the prime minister is the head of government. This one-party system is led by the Communist Party of Vietnam. The executive power is exercised by the government and the president of Vietnam. The legislative power is vested in the National Assembly of Vietnam, the Quốc hội. Leaders are nominated and elected by the state through a process controlled by the Communist Party and influenced by the Vietnamese Fatherland Front. This nomination process prevents Vietnamese citizens from choosing their leader of choice. The Communist Party also controls the judicial system by creating very broad laws, which are used as a means of oppressing individuals who oppose the state's views.

STRUCTURE OF VIETNAMESE GOVERNMENT



LAST WORD

Despite the semblance of division, the bulk of the power remains with the VCP, who ultimately decides which candidates are eligible to run for political office.



The Vietnamese state is divided into three branches: the government, the People's Office of Supervision and Control, and the Supreme People's Court.² A limited amount of power is also delegated to the Vietnamese Fatherland Front and the National Assembly, two entities whose role is to supervise the government's activities.³

Despite this semblance of division, the bulk of the power remains with the VCP, which ultimately decides which candidates are eligible to hold political office.

The three dominant figures in Vietnam's government are the general secretary, the president, and the prime minister. The general secretary holds the highest office in the Vietnamese political system and presides over various matters, such as the chairing of meetings.⁴ The president appoints the prime minister, vice president and other officials under the supervision of the National Assembly.⁵ The prime minister acts as the head of government, oversees the National Assembly and implements orders given by the president.⁶ Although members are appointed for five-year terms, reforms are unlikely since all candidates for political office are vetted by the VCP. As a result, everyone who holds a political office has views aligned with those of the VCP.

The Socialist Republic of Vietnam is currently controlled by the Vietnamese Communist Party (VCP), which, in a single-party system, maintains full control of the country's laws and policies. Its dominance of the Vietnamese political sphere is asserted in article 4.1 of the Vietnamese constitution, which states that "the Communist Party of Vietnam...is the leading force of the State and society."¹

VIETNAMESE JUDICIAL SYSTEM

The Vietnamese court system is composed of the Supreme People’s Court, provincial people’s courts, and district people’s courts. The district courts are the lowest level of judiciary and rule on criminal, civil, administrative and economic cases.⁷

Hierarchy of the Vietnamese Court System



The Vietnamese judiciary exercises a “rule by law”, in which the Government in power denies constitutional rights at will and manipulates the law in order to meet their objectives.⁸ The Vietnamese legal system itself is a system based on civil law that follows no legal precedents. Without any law of precedence⁹, this can cause inconsistencies in court rulings with outcomes varying depending on the specific case or incident. Rampant inconsistencies can be observed in the use of Vietnam’s Penal Code, one of the country’s most cited pieces of legislation. The Penal Code is often criticized for being too vague, a problem that allows authorities to use it to crackdown on dissenters who speak out against the VCP’s actions and policies.¹⁰

VIETNAM’S CORRECTIONAL SYSTEM

In its most recent report, the World Prison Brief indicated that Vietnam is home to 53 correctional institutions that hold approximately 136,245 prisoners.¹¹ According to Amnesty International, 84 of these detainees are prisoners of conscience who were sent to prison for opposing the VCP.¹² Every year, Vietnam releases some prisoners on national holidays, such as Tết (Vietnamese New Year) or Vietnam Independence Day. In 2015, Vietnam released over 18,000 prisoners who had been convicted of crimes such as murder, drug and human trafficking, and bribery.¹³ However, no political prisoners were released.¹⁴



Vietnam's Secretive Communist Party Congress Meets to Pick New Leaders
<http://www.bloomberg.com/news/articles/2016-01-19/vietnam-set-for-new-era-as-communist-party-picks-new-leaders>

Many international organizations have expressed concern over the generally poor conditions faced by the people being held in Vietnamese prisons, and numerous cases of harassment and torture have been reported.¹⁵

According to a report released by Amnesty International, former prisoners reported that they had spent “lengthy periods of time in solitary confinement in dark, fetid cells without access to fresh air, clean water and sanitation. Some were frequently beaten in clear contravention of global and national prohibitions on torture.”¹⁶

Human Rights Watch has also commented on the treatment of Vietnamese prisoners. The organization’s main concern is the treatment of those being held in police custody. Phil Robertson, the deputy director of the Asia division of Human Rights Watch spoke about the situation in a press conference in Bangkok saying, “What we have uncovered is a human rights crisis in the daily operations of the Vietnam police.”¹⁷ Detainees have also reported being beaten in police custody as the police attempted to extract confessions or for criticizing or trying to reason with officers.¹⁸

“ WHAT I LEARNED WAS THAT THE MORE YOU ANSWERED, THE MORE YOU TALKED, THE MORE BEATINGS YOU GOT. IF YOU ARE IGNORANT YOU MIGHT TALK TOO MUCH AND HAVE TO ENDURE MORE BEATINGS. IT’S BETTER IF YOU TALK LESS. MANY PRISONERS DIE DURING TORTURE BY THE POLICE. OTHER PRISONERS TOLD ME TO ENDURE THE BEATINGS SAYING ‘DON’T TALK BACK OR THEY WILL KILL YOU.

- Chau Hen, a Khmer Krom land rights activist and former prisoner of conscience¹⁹

FREEDOM OF EXPRESSION

The United Nation's Universal Declaration of Human Rights defines freedom of expression as the ability to "...hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers."²⁰ In Vietnam, however, authorities regulate, control and restrict communication at every level under vague and strict laws.

At the same time, the Vietnamese Communist Party is intensifying its efforts to control speech and information through censorship, restrictions on access, and violent acts directed against those whose views or queries are seen as dangerous or wrong.

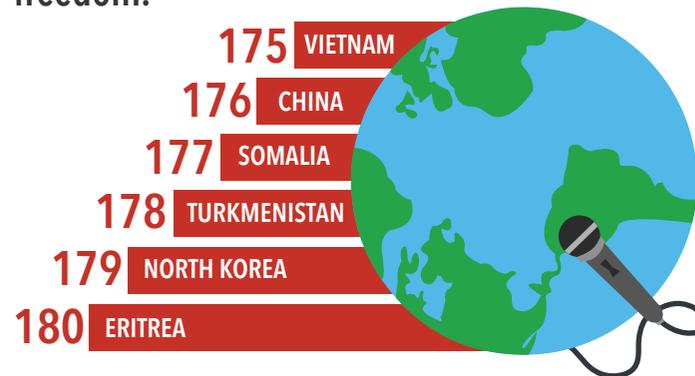
Although freedom of expression is guaranteed under article 25 of Vietnam's constitution, the Vietnamese government consistently fails to guarantee its citizens access to information and freedom of expression, and continues to control the media.



Public Insecurity: A Vietnamese police officer makes an announcement over a crowd with a megaphone.

Asian Correspondent; <https://asiancorrespondent.com/2014/09/police-brutality-pervasive-in-vietnam-says-hrw/>

In 2016, Vietnam ranked **175 out of 180** countries in the world rankings for media freedom.²¹



STATE CONTROL OF THE MEDIA

In Vietnam, all media outlets are owned and controlled by the government, which allows the VCP to heavily censor the content produced. Media outlets in Vietnam operate under strict laws and regulations, making it difficult for them to freely disseminate information to the public.

The government has also created laws and regulations in response to the rise of social media use in the country in order to tighten its control over the flow of information.²² One such measure taken by the government is the amendment of article 117. Vietnamese citizens are unable to fully enjoy their fundamental right to freedom of expression because they fear further retribution from the government as a result of these additional limitations.

In its constitution, the Vietnamese Government guarantees the freedom of expression. However, it consistently fails to uphold it for its citizens.

WHAT'S HAPPENING NOW

Vietnam recently made amendments to its Penal Code to further restrict expression under article 117. Vietnam continues to violate its citizens' freedom of expression through the use of the Green Dam, an internet surveillance system. Over 29 netizens have been imprisoned as a result of the Vietnamese government's surveillance efforts, making Vietnam one of the worst jailers of bloggers in the world.²⁴

2015 REVISION OF THE VIETNAM PENAL CODE

The government enacted laws and regulations to limit and restrict the growing use of online social media.²³ On November 27, 2015, the Vietnamese National Assembly adopted a revised version of the penal code, which includes amendments that further target activists and critics of the government.²⁵ These amendments align with the views of the VCP, which has publicly vowed to crack down on dissent.²⁶ Article 117, which is scheduled to take effect on July 1, 2016, expands on article 88 by adding clauses that impose harsher punishments for infringements. For example, one clause prohibits citizens from spreading propaganda and from "tak[ing] action in preparation of committing this crime." This offence is punishable by law and the punishment ranges from one to five years in prison.²⁷ This clause is problematic because it can be loosely interpreted to punish dissenters who have yet to commit any crimes.

“ The more countries speak up in unity, the more Vietnam will feel compelled to change. ”

- Vu Minh Khanh, Human Rights Activist

GREEN DAM

The Green Dam is the Vietnamese equivalent of China's Great Firewall. It is a state-operated online surveillance system created to monitor and restrict civilians' use of the Internet to ensure that they do not oppose the government.²⁸ Amendments have been made to articles 25 and 117 of the Penal Code to ensure that those who express their views against the government online will be punished. These measures include enforcing registration and licensing requirements for new social media sites, as well as intermediary liability for third-party content.²⁹ Recently the Vietnamese government has been forcing retail Internet locations to install questionable server applications in order to make it easier to monitor what information is produced, stored and shared.³⁰

VU MINH KHANH



Mrs. Vu Minh Khanh, the wife of human rights lawyer Nguyen Van Dai, has been advocating for her husband's release since his second arrest in December of 2015 pursuant to article 88 of the Vietnam Penal Code. Vu has still not been able to contact her husband since he was detained. After Nguyen's first arrest in 2007, Vu submitted over 100 petitions and complaints to various Vietnamese news outlets and government officials, including the Prime Minister and National Assembly leaders, asking for her husband's release, but to no avail. In early 2016, Vu went overseas to raise awareness of her husband's case, and she has testified before the European Parliament, Australian Parliament, United States House of Representatives, and the Senate of Canada. Vu submitted over 100 petitions and complaints to various Vietnamese news outlets and government officials, including the Prime Minister and National Assembly leaders, asking for her husband's release, but to no avail.³¹ In early 2016, Vu went overseas to raise awareness of her husband's case, and she has testified before the European Parliament, Australian Parliament, United States House of Representatives, and the Senate of Canada.³²

CASE STUDIES



NGUYEN VAN DAI



Occupation: Human rights lawyer, founder of the Vietnam Human Rights Centre and the Brotherhood for Democracy

Convicted pursuant to: Article 88 of the Penal Code: “Conducting propaganda against the state”

Conviction date: December 16, 2015

Anticipated release: N/A

Sentence: Prison (approx. 20 years, awaiting trial)

Mr. Nguyen Van Dai is a lawyer and human rights activist who founded the Vietnam Human Rights Centre in 2006 and the Brotherhood for Democracy in 2013. He was arrested for the first time in 2007 and charged under article 88 of the Penal Code for “conducting propaganda against the state”.³³ He was sentenced to five years in prison and four years of house arrest but was released in 2011.

During his detainment, Mr. Nguyen’s law office was shut down and his licence to practise law was revoked.³⁴ He was arrested for the second time under article 88 on December 16, 2015, when returning from a human rights workshop in Nghe Anh province.³⁵ Mr. Nguyen is currently awaiting trial and is facing a sentence of three to 20 years in prison. He has not had contact with his family and friends since he was detained.³⁶



TRAN HUYNH DUY THUC



Occupation: Entrepreneur, engineer, activist

Convicted pursuant to: Article 79 of the Penal Code: “Carrying out activities aimed at overthrowing the people’s administration”

Conviction date: 2010

Anticipated release: 2016

Sentence: Prison (16 years), followed by 5 years of probation

Mr. Tran Huynh Duy Thuc is a successful entrepreneur and famous blogger who founded a major Vietnamese Internet provider. He often posted about the poor social, political and economic conditions in Vietnam. In May 2009, he was arrested and charged with the theft of telephone wires and was later charged under article 79 of Vietnam’s Penal Code for an alleged attempt to overthrow the government.³⁷ As a result, his IT company went into bankruptcy.

More recently, in May 2016, Mr. Tran went on a hunger strike to draw attention to the environmental fish disaster in Vietnam in April 2016 and demand a referendum about democratic political institutions. It ended after 15 days.³⁸ Mr. Tran’s case was adopted by the UN Working Group on Arbitrary Detention in 2012.³⁹ Mr. Nguyen is still in jail awaiting trial and facing a sentence of 3 to 20 years.⁴⁰

“

ARTICLE 88 EFFECTIVELY MAKES IT A CRIME FOR ANY VIETNAMESE CITIZEN TO ENJOY THE FUNDAMENTAL FREEDOM TO EXPRESS AN OPINION, TO DISCUSS OR TO QUESTION THE GOVERNMENT AND ITS POLICIES.

”

*-UN HUMAN RIGHTS COMMISSIONER,
ZEID RA'AD AL HUSSEIN*

FREEDOM OF ASSEMBLY

The United Nations Declaration of Human Rights defines freedom of assembly as “the individual right or ability of people to come together and collectively express, promote, pursue, and defend their ideas...”⁴¹

Article 25 of Vietnam’s constitution guarantees freedom of assembly by stating that its citizens “shall enjoy the right to freedom of opinion and speech, freedom of the press, to access to information, to assemble, form associations and hold demonstrations. The practice of these rights shall be provided by the law.”⁴²

Strict laws and policies coupled with the political dominance of the VCP prevent Vietnamese citizens from exercising their constitutional and international right to assemble. The government has banned all independent political parties, labour unions and human rights organizations. Anyone who wishes to hold a public gathering must apply for a permit, which can be denied by authorities without explanation.

Only those arranging public gatherings to discuss sensitive matters appear to require permits since authorities often refuse to grant permission for meetings, marches or protests they deem politically or otherwise unacceptable. Vietnamese authorities are known to routinely inhibit assembly.

For example, on January 26, 2016, blogger Huynh Cong Thuan and activist Nguyen Bac Truyen reported that Ho Chi Minh City police prevented them from attending a civil society gathering to discuss the country’s use of the death penalty. Both reported that local police surrounded their homes and prevented them from traveling.

WHAT’S HAPPENING NOW

The evidence presented earlier in this chapter indicates that citizens are unable to fully enjoy their constitutional and international right to freedom of assembly. These violations are evident in the events surrounding the mass fish deaths in 2016.



Long exposure of dead fish on lake in Asia

<http://www.activistpost.com/2016/05/all-of-a-sudden-fish-are-dying-by-the-millions-all-over-the-planet.html>

#ICHOOSFISH

In April 2016, the Vietnamese police cracked down on a series of peaceful protests prompted by an environmental disaster that affected the country's fisheries. Residents and fishermen in a number of Vietnam's central provinces reported the mass death of fish along vast stretches of the coast.

Tons of dead fish and other marine animals had washed up on beaches, and many parties, including the state media, were accusing the Formosa steel plant of causing the disaster by dumping toxic waste into the ocean.⁴³



Vietnamese "Fish" protesters display a banner that reads "Fish need clean water, citizens need transparency."

<http://www.saigontin.us/bai-viet/cong-san-tiep-tuc-choi-bo-bao-cao-nhan-quyen-cua-lien-hiep-quoc/>

The situation caused a major controversy because Vietnam's central provinces are heavily dependent on the seafood industry. As the scandal unfolded, a Formosa communications official was heavily criticized for saying that Vietnam needed "to choose whether to catch fish and shrimp or to build a state-of-the-art steel mill."⁴⁴

This statement sparked a notable online reaction as the hashtag #toichonca (#ichoosefish) became a social media slogan.

Citizens rallied together to voice their concerns about this issue and peacefully protest against Formosa and the Vietnamese government's inaction. The authorities then initiated a series of harsh crackdowns on these demonstrations, which resulted in the arrest of many protesters. Access to social-media platforms, including Facebook and Instagram, was blocked for the duration of the protests, and many people blamed authorities.⁴⁵

The authorities also ran a propaganda campaign to discredit the protesters, saying that they were exploited by "reactionary forces" bent on overthrowing the government.

In June 2016, Formosa officially admitted that its steel plant was the cause of the mass fish death and offered \$500 million in damages. More protests were organized in response to this, which led to another crackdown by the Vietnamese government.⁴⁶



Roger Mathisen @MathisenRoger · May 1

#Formosa: make a choice - either to catch and sell fish, or to develop the steel industry. We cannot have both. #toichonca #vietnam #taiwan



Ed Joyce @EdJoyce · May 4

Millions of dead fish are washing up on #Vietnam's shores, raising industrial pollution fears lat.ms/1TIEJYe #oceans #ichoosefish



Alix de Noray @AlixdeNoray · Jun 4

#ichoosefish protests happen again today in Vietnam, and guess what? Social networks are blocked again. Careful Gov, it becomes a habit.



Vi K. Tran @vi_k_tran · Jun 30

#Formosa admitted they caused the massive fish deaths in #Vietnam #environment disaster #ichoosefish



Steven Pass @PassSteven · Jun 30

@nytimesworld
Willingness of the Vietnamese people subject to beatings Won!! Proud of you!
#ichoosefish #vietnam

Netizens took to social media to voice their displeasure in the Vietnamese government and the Vietnamese fish crisis.

Twitter; <http://twitter.com/search?q=%23toichonca%20OR%20%23ichoosefish%20since%3A2016-04-01%20until%3A2016-05-31&src=typd>

CASE STUDIES



DOAN HUY CHUONG



Occupation: Founder of the United Farmers and Worker's Organization

Convicted pursuant to: Article 89.1 of the Penal Code: "Those who intend to oppose the people's administration by inciting, involving and gathering many people to disrupt security"⁴⁷

Conviction date: October 27, 2010

Anticipated release: 2017

Sentence: Prison (7 Years)

Doan Huy Chuong is an independent labour activist with the United Workers-Farmer Organization. He was convicted under Article 89 of the Penal Code for organizing worker strikes against the My Phong Enterprise Company for unfair pay and poor working conditions.⁴⁸ Doan Huy Chong was convicted in a closed-door trial that violated many fair trial standards. For example, he was denied a lawyer and was prevented from speaking in his own defense during the court proceeding.⁴⁹ The UN Working Group on Arbitrary Detention found his arrest and detention to be arbitrary and in violation of international law regarding freedom of association and expression.⁵⁰

It was reported that Mr. Doan Huy Chuong was subjected to prolonged solitary confinement, poor sleeping conditions, and was forced into free labour. Mr. Doan Huy Chuong was repeatedly beaten, which resulted in severe health problems.



BUI THI MINH HANG



Occupation: Blogger and activist

Convicted pursuant to: Article 245.2(c): "causing public disorder by creating 'serious obstruction to traffic'"

Conviction date: August 26, 2014

Anticipated release: 2016-17

Sentence: Prison (3 Years)

Bui Thi Minh Hang is an advocate for religious freedom and land rights and an activist in the territorial disputes between China and Vietnam. Hang and two co-defendants, Nguyen Van Minh and Nguyen Thi Thuy Quynh, as well as 20 other activists, were detained on February 11, 2014 following their visit to former prisoner of conscience, Mr. Nguyen Bac Truyen.

On August 26, 2014, Hang was convicted for violating Article 245 for "causing public disorder" and was sentenced to three years in prison. In spring of 2015, Hang underwent a hunger strike to protest the inhumane conditions she was facing in prison. Hang was previously under Article 245 arrested in November 2011 after participating in a protest in Hanoi.⁵¹

“

WE URGE THE VIETNAMESE AUTHORITIES TO
ADOPT **LEGAL** AND **INSTITUTIONAL**
FRAMEWORKS THAT PROTECT AGAINST
ENVIRONMENTAL HARM THAT INTERFERES
WITH THE ENJOYMENT OF HUMAN RIGHTS...

”

*-ZEID RA'AD AL HUSSEIN,
UN HUMAN RIGHTS COMMISSIONER*

FREEDOM OF RELIGION

The Universal Declaration of Human Rights defines freedom of religion as “the right to freedom of thought, conscience and religion...and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship, and observance.”⁵²

Human rights violations in Vietnam have escalated over the past year. VCP authorities impose excessive administrative requirements on targeted religious and faith groups, requiring them to register under ambiguous guidelines, report all religious activities, obtain approval from the state, and operate under government-controlled management boards.

Freedom of religion should be guaranteed under article 24 of Vietnam’s constitution, which states that:

1. Everyone has the right to the freedom of belief and religion, and to follow any religion or to follow none. All religions are equal before the law.

2. The State respects and protects the right to freedom of belief and of religion.

3. No one has the right to infringe on the freedom of belief and religion or to take advantage of belief and religion to violate laws.⁵³

GOVERNMENT REGULATION OF RELIGIOUS ACTIVITIES

The Vietnamese government’s official stance on freedom of religion is inconsistent with its policies on faith and its treatment of religious groups. The Vietnamese government strictly controls and oversees religious activities and its involvement in the religious lives of

citizens even extends to the leadership of religious congregations, among other things. The Vietnamese government’s stance on religion is excessively restrictive and hinders its citizens’ enjoyment of religious freedoms.

The VCP has many strict regulations set out in Ordinance 21 and Decree 92 that work to its benefit and to the detriment of religious minorities. Ordinance 21 outlines the government’s policy for regulating religious activities, and Administrative Decree 92 gives the government free reign to enforce Ordinance 21 at its discretion.⁵⁴ Ordinance 21 and Decree 92 are problematic because the wording is ambiguous, which makes them highly susceptible to abuse.



A plain-clothed Vietnamese police officer strikes a Christian civilian.

http://www.tdngonluan.com/tailieu/tl_csvnbatgiumsquang.htm

“ THE VIETNAMESE GOVERNMENT HAS THE OBLIGATION TO RESPECT THE RIGHT OF RELIGIOUS COMMUNITIES TO ORGANIZE THEMSELVES AS INDEPENDENT COMMUNITIES AND TO APPOINT THEIR OWN LEADERS.

”

*-Special Reporter on Religious Freedom,
Mr. Heiner Bielefeldt*

WHAT'S HAPPENING NOW

The strict regulations that the government has imposed on religious groups and activities, such as registration requirements, are often interpreted to the authorities' liking and unfairly applied. Vietnamese authorities systematically persecute, harass and criminalize religious leaders and human rights advocates, women's rights advocates and members of their families. This most often happens to members of unrecognized religious groups, such as the Montagnards from the Central Highlands who are constantly persecuted by local officials.



Vietnam Christians protest government persecution.
<https://johnib.wordpress.com/tag/pakistani-christians/>

GOVERNMENT CRACKDOWN ON UNREGISTERED RELIGIOUS GROUPS

The Vietnamese government closely monitors the activities of religious groups, especially unregistered groups that have been deemed to be a threat to national security.⁵⁵ Some groups, such as

the Montagnards, Cao Dai, and Hoa Hao, are of particular concern to the Vietnamese government because their religious practice has a political component that promotes democracy and human rights.⁵⁶ These groups are subject to frequent harassment and harsh crackdowns from the authorities. This harassment can involve acts such as the scattering of meetings, harming of practitioners and vandalism of property.⁵⁷

DRAFT LAW ON RELIGION AND BELIEF

The Vietnamese National Assembly's draft law on religion and belief proposes stricter regulation of religion by the government. Vietnamese officials have told the United States Commission on International Religious Freedom (USCIRF) that this law will have positive outcomes for religious group in the country.⁵⁸ Nevertheless, several human rights organizations, notably Amnesty International and Freedom House, have expressed their concern over the ambiguity of the language used in the draft law and the proposed level of government interference.⁵⁹

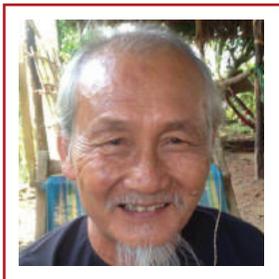
FATHER THADEUS VAN NGUYEN LY



One of Vietnam's most prominent religious figures is Father Nguyen Van Ly, a Roman Catholic priest who has been arrested and charged by the government multiple times for openly advocating for democracy and religious freedom in Vietnam.⁶⁰ While in prison, Father Ly was subject to many forms of torture and mistreatment, including forced labour, gang beatings and solitary confinement. He was recently released on

May 20, 2016, before Obama's visit to Vietnam as a show of the VCP's benevolence. This is an example of how the VCP uses prisoners of conscious as bargaining chips to gain leverage in bilateral negotiations.^{61,62}

CASE STUDIES



NGUYEN VAN LIA



Occupation:	Hoa Hao teacher
Convicted pursuant to:	Article 257 and 258: “resisting arrest”, “circulating anti-state propaganda” and “abusing democratic freedoms to infringe upon the interests of the state”
Conviction date:	2003 and 2011
Anticipated release:	2017
Sentence:	Prison (5 years) Reduced to 4.5 due to old age

Nguyen Van Lia was first arrested in 2003 for attending a ceremony to commemorate the disappearance of the Hoa Hao founder. He was then sentenced to three years in prison under article 257 for resisting arrest. He was arrested again in 2011 on his way to the funeral of Cai Nai-Mo Ba, one of the Hoa Hao’s most prominent advocates.

During his detention, the authorities searched Mr. Nguyen and discovered that he was in possession of anti-governmental DVDs and sentenced him to 4.5 years in prison.⁶³ While in prison, he has been denied access to any medical treatment for his blood pressure. Mr. Nguyen has gone almost completely deaf because of the routine beatings he has experienced while in custody.⁶⁴



NGUYEN CONG CHINH



Occupation:	Pastor
Convicted pursuant to:	Article 87: “undermining unity policy”
Conviction date:	April 28, 2011
Anticipated release:	2022
Sentence:	Prison (11 years)

Pastor Nguyen Cong Chinh founded the Vietnamese People’s Evangelical Fellowship (VPEF) in 2006. The purpose of the organization is to do charity work in the countryside and support minority prisoners and their families.

In 2008, police interrogated Pastor Nguyen every day for 50 days. On April 28, 2011, Pastor Nguyen was arrested at his home in Plei Ku, Gia Lai under article 87 for “undermining unity policy”.⁶⁵ His religious activities as director of the Vietnam-U.S. Lutheran Alliance Church were considered “anti-government” and “anti-communist” by the authorities.⁶⁶

He was accused of sowing seeds of distrust toward the state among the people and destabilizing the local security situation. During his trial, the pastor was denied a lawyer and was not allowed to speak in his own defence. While he was in jail, the guards regularly ordered other inmates to beat him.⁶⁷ Mrs. Tran, his spouse, was also arrested and tortured for engaging in activities that promote freedom of religion.⁶⁸

“

...ALL CHURCHES, REGISTERED OR NOT, CURRENTLY REMAIN UNDER CLOSE SCRUTINY BY VIETNAM'S **LARGE RELIGION MANAGEMENT BUREAUCRACY**. VIETNAM'S CHRISTIANS AFFIRM THAT INTERNATIONAL ADVOCACY WAS THE BIGGEST CONTRIBUTOR TO POSITIVE CHANGES. THEY PLEAD FOR IT TO CONTINUE.

”

*-REG REIMER,
MISSIONARY*

MOVING FORWARD

There are important opportunities on the horizon that will allow Vietnam to significantly improve its human rights record. Similarly, the international community has various means at its disposal to hold Vietnam to higher human right standards. Take for example the Universal Periodic Review. This branch of the United Nations Human Rights Council evaluates the human rights records of individual states and provides them with suggestions for improvement. More recently, the Paris Agreement—an agreement previously cultivated for the purpose of climate change initiatives—has been amended to include human rights in its preamble.

UNIVERSAL PERIODIC REVIEW

The Universal Periodic Review (UPR) is a unique process that involves a review of the human rights records of all UN member states.⁶⁹ It provides all member states with the opportunity to declare what actions they have taken in their respective countries to improve the state of human rights and fulfil their human rights obligations.⁷⁰



The United Nations Human Rights Council Chamber during the 2015 Universal Periodic Review

<https://76crimes.com/2015/04/02/group-calls-irans-unhcr-response-hypocritical-irresponsible/>

Vietnam has undergone two Universal Periodic Reviews before the United Nations Human Rights Council. During the most recent review in 2014, Vietnam was given 227 recommendations that focused on creating conditions favourable to freedom of opinion, expression and association; allowing civil society and NGOs to carry out their work freely and without fear of prosecution; and proposing, and revising national security laws used to suppress universal human rights.⁷¹ Vietnam accepted 182 of the 227 recommendations it received.⁷² The 45 recommendations that Vietnam rejected pertained to several key issues, such as the unconditional release of political prisoners, the ratification of the Convention Against Torture, and the reform of the single-party system to a multi-party system.⁷³ The implementation of the 182 accepted recommendations will be scrutinized when Vietnam undergoes its third UPR in January of 2019.⁷⁴

Despite the country's international obligations, people in Vietnam who exercise their civil and political rights to defend human rights and to voice criticism of power often face harassment, intimidation, persecution and imprisonment.⁷⁵

“

COMPARED TO ANY TIME IN THE PAST, ACCOMPLISHING A WORLD OF DIGNITY, A WORLD OF PEACE, A WORLD OF FAIRNESS, A WORLD OF JUSTICE MAY REMAIN A FAR CRY IF WE FAIL TO FACTOR IN INNOVATIVE WAYS TO PROVISIONING HUMAN RIGHTS OF THE CLIMATE-AFFECTED PEOPLE.

”

- Nahida Sobhan, Delegation to Bangladesh

PARIS AGREEMENT

In early July 2016, the United Nations Human Rights Council adopted a new resolution on Human Rights and Climate Change, which emphasized the links between UN climate negotiations and the protection of human rights.

This addition to the climate change discussion was added to the preamble of the Paris Agreement in 2015 to ensure that the 2015 to ensure that the promotion and protection of human rights can be included when engaging in climate policy.⁷⁶ This new agreement represents an opportunity to uphold the highest human rights standards since it is a multilateral framework under which human rights are a priority.

“ FOLLOWING THE INCLUSION OF HUMAN RIGHTS LANGUAGE IN THE PREAMBLE TO THE PARIS AGREEMENT, THERE IS NO LONGER ANY ROOM FOR ARGUING THAT HUMAN RIGHTS DO NOT FALL SQUARELY WITHIN THE CLIMATE DISCUSSION. ”

- Ben Schachter, from the Office of the High Commissioner for Human Rights (OHCHR)

ECONOMIC LEVERS

In addition to the work done by international organizations, individual states are also able to influence human rights abroad through the use of economic levers. This gives countries a financial incentive to improve. Citizens are also able to influence the human rights situation in their respective countries and voice their concerns through engagement with civil society.

Economic levers are one method individual states can use to influence human rights on an international level. Canada has used this method in the past by imposing sanctions on foreign states or

individuals in order to condemn human rights violations and possibly provoke changes in behaviour or policies. These sanctions can be imposed on offending states until improvements in human rights become apparent.

Examples of sanctions can include a wide variety of measures, such as the prohibition of trade, financial transactions and/or other economic activity. Canada can also apply a number of sanctions under the Exports and Imports Permits Act (EIPA). An important aspect of the Act is the Area Control List (ACL), which contains the names of countries for which export permits are required on any and all goods.⁷⁷



American President Barak Obama meets with recently sworn-in Vietnamese Prime Minister Nguyen Xuan Phuc during a presidential visit to Vietnam in May 2016.

http://a.abcnews.com/images/International/Gty_obama_vietnam_er_160524_16x9_992.jpg

This aspect of the EIPA can be used to improve human rights abroad. The Governor-in-Council can add a country to the ACL to prevent the export of goods and technology, if that country violates the human rights of its citizens. For example, Canada imposed sanctions on Belarus in 2006 because of its poor human rights record.⁷⁸

CIVIL SOCIETY

Civil society is defined as “non-governmental and not-for-profit organizations that have a presence in public life, expressing the interests and values of their members or others, based on ethical, cultural, political, scientific, religious or philanthropic considerations. Civil Society Organizations (CSOs) therefore refer to a wide of array of organizations: community groups, non-governmental organizations (NGOs), labor unions, indigenous groups, charitable organizations, faith-based organizations, professional associations, and foundations.”⁷⁹



“ The determination and integrity of civil society actors working for human rights bring me, and perhaps bring to you, a sense of humility, a feeling of a great and powerful debt being owed, and the will to continue working for the equal and inalienable dignity and rights of every human being. ”

- Zeid Ra'ad Al-Husein, United Nations High Commissioner for Human Rights

CIVIL SOCIETY AND HUMAN RIGHTS IN VIETNAM

In Vietnam, there is currently a small but active community of non-governmental organizations that promote environmental conservation, land rights, women’s development and public health. However, human rights organizations and other private groups with rights-oriented agendas are banned by the law.⁸⁰ Vietnam’s civil society has the potential for growth since it is currently not strong enough to freely advocate for its own issues of interest. The state must loosen its control over Vietnam’s civil society in order for citizens to be able to properly voice their concerns.

The development of a strong civil society in Vietnam is crucial to ensuring that the values of human rights and democracy take hold in the country. Vietnamese civil society plays a key role in human rights advocacy because of its ability to exert pressure on the government to improve the country’s human rights situation.



Global leaders Christiana Figueres, Ban Ki Moon, Lauren Fabius and Francois Hollande celebrate after the signing of the Paris Agreement.
<http://www.un.org/apps/news/story.asp?NewsID=53749#.V5gSjl-cGUc>

“

**CIVIL SOCIETY ACTIVISTS, BLOGGERS,
INDEPENDENT JOURNALISTS AND OTHER
CRITICS OF THE GOVERNMENT STILL TOO
OFTEN FACE HARASSMENT, THREATS AND EVEN
VIOLENCE FOR EXERCISING **WHAT OUGHT TO**
BE THEIR INTERNATIONALLY RECOGNIZED
HUMAN RIGHTS.**

”

*-TOM MALINOWSKI,
U.S. ASSISTANT SECRETARY OF STATE*

IN CONCLUSION

The goal of this report was to provide an overview of the most recent major events related to the dire human rights situation in Vietnam, while offering a general understanding of universal human rights and how these freedoms are not guaranteed.

The report began with an examination of Vietnam's political structure and judicial system, which showed that there is a lack of judicial independence in Vietnam. The "rule by law" approach allows the VCP to manipulate the legal system to achieve its own ends. Vietnam's overly ambiguous Penal Code allows the VCP to easily persecute those whom it considers to be a threat to its political supremacy. The correctional system is also used in the same manner, since prisoners are often subject to poor conditions in police custody and in prison.

The examination of freedom of expression focused on the VCP's tight grip on the media, which gives the party full control of the flow of information. The ongoing media censorship and suppression of critical viewpoints through measures such as the harsh Penal Code and the Green Dam is indicative of an ongoing effort by the VCP to further silence opposing viewpoints. This trend will continue as long as people such as bloggers are punished for speaking their mind.

The report then examined the freedom of assembly. The VCP regularly infringes upon this freedom by requiring citizens to request approval to hold public gatherings and by cracking down on gatherings it deems to be unacceptable. The most prominent case of this in recent years was when the police beat and arrested peaceful protesters who were voicing their concerns about the environmental disaster at the #toichonca (#ichoosefish) demonstrations.

The last freedom explored in this report was the freedom of religion. The VCP heavily regulates and interferes in the religious lives of its citizens, requiring them to register their groups and activities with the government before they are permitted to





practise. Certain groups, especially those with political leanings, are often denied approval by the authorities. They are also often made the targets of discrimination, which manifests itself in acts ranging from vandalism to violence. The National Assembly's draft law on religion and belief proposes even stricter regulations to govern religious activities in Vietnam, signalling a bleak future for religious freedom in the country.

Following the overview of the freedoms, the report discussed what actions have been or could be taken to improve the human rights situation in Vietnam. Special attention was paid to the United Nations Universal Periodic Review and the Paris Resolution on Climate Change in order to highlight the role that international organizations can play in improving Vietnam's human rights situation. The role foreign and domestic actors play in exerting pressure on the Vietnamese government was also discussed. Foreign actors are able to use economic levers to give the country an additional incentive to improve its human rights situation. If Vietnam's civil society were strengthened, domestic actors would be better able to properly voice their concerns to government.

Clearly, there is still much work to be done to improve the human rights situation in Vietnam. It is unrealistic to expect change to happen overnight as there is no easy solution to this issue. A possible first step would be to pressure Vietnam to reform its political system to allow for free and fair democratic elections and to reform its court system to allow for judicial independence. It is also crucial that other countries keep human rights at the forefront of bilateral negotiations with Vietnam in order to ensure that citizens' fundamental freedoms are not being sacrificed for the sake of economic gain. Generally speaking, Vietnam's existing institutions are hindering its ability to create change and improve its human rights record.

Human rights should be important in and of themselves, regardless of international expectations, economic incentives or political pressure to incite change. These are fundamental rights that should be enjoyed by all citizens of the world, including citizen of Vietnam.

¹ Vietnam Human Rights Network, *Report on Human Rights in Vietnam 2015* (Westminster, CA: The Vietnam Human Rights Network), 3.

² Brian Quinn, *Legal Reform and its Context in Vietnam* (Newton, MA: Columbia Journal of Asian Law, 2002), 221.

³ Ibid.

⁴ *Vietnam Political Hierarchy*, 2013, <http://www.hierarchystructure.com/vietnam-political-hierarchy/>.

⁵ Ibid.

⁶ Ibid.

⁷ “Vietnamese Legal System,” *ASEAN Law Association*, 2015, http://www.aseanlawassociation.org/papers/viet_chp2.pdf.

⁸ Charles Lugosi. “Rule of Law or Rule by Law: Detention of Yaser Hamdi.” *American Journal of Criminal Law*, no. 30 (2003): 225-278.

⁹ Asean Law Association, (n.d). The Vietnamese Judicial System. http://www.aseanlawassociation.org/papers/viet_chp2.pdf.

¹⁰ “Freedom of Press-Vietnam,” *FreedomHouse.org*, accessed July 14, 2016, <https://freedomhouse.org/print/47211>.

¹¹ Institute for Criminal Policy Research, *World Prison Brief Vietnam*. London, UK: U.S. Dept. of Commerce, National Oceanic and Atmospheric Administration.

¹² Coughlan, John. “Ending Torture of Prisoners of Conscience in Vietnam.” *Amnesty International*. July 12, 2016. <https://www.amnesty.org/en/latest/news/2016/07/ending-torture-in-vietnam>.

¹³ <http://www.channelnewsasia.com/news/asiapacific/vietnam-to-free-18-200/2082274.html>.

¹⁴ “Vietnam to free 18,200 prisoners to mark National Day” *Channel News Asia*, August 28, 2015. Mediacorp News Group.

¹⁵ Ibid.

¹⁶ “Inside Viet Nam’s secretive and torturous world of ‘prisons within prisons’” *Amnesty International*. July 12, 2016. <https://www.amnesty.org/en/latest/news/2016/07/the-secretive-world-of-viet-nam-torturous-prisons/>.

¹⁷ Boudreau, John and Blake, Chris. “Vietnam Police Regularly Abuse Detainees: Rights Group.” *Bloomberg*. September 16, 2014. <http://www.bloomberg.com/news/articles/2014-09-16/vietnam-police-use-torture-to-extract-confessions-hrw-says>.

¹⁸ “World Report 2015: Vietnam.” *Human Rights Watch* (2014). <https://www.hrw.org/world-report/2015/country-chapters/vietnam#a31581>.

¹⁹ “Inside Viet Nam’s secretive and torturous world of ‘prisons within prisons’” *Amnesty International*. July 12, 2016. <https://www.amnesty.org/en/latest/news/2016/07/the-secretive-world-of-viet-nam-torturous-prisons/>.

²⁰ <https://www.amnesty.org/en/latest/campaigns/2016/05/detained-for-defending-human-rights-in-viet-nam/>.

²¹ United Nations, *The Universal Declaration of Human Rights*. Article 19. December 10, 1948.

²² “Bloggers Under Fire.” *Reporters Without Borders*. 2016. March 24, 2016, <https://rsf.org/en/vietnam>.

²³ Freedom House. *Vietnam*. June 19, 2016. <https://freedomhouse.org/report/freedom-net/2015/vietnam>.

²⁴ “Vietnam.” *Freedom House*. 2015. <https://freedomhouse.org/report/freedom-net/2015/vietnam>.

²⁵ “Widespread ‘National Security’ Arrests”, *Human Rights Watch*, November 19, 2015. <https://www.hrw.org/news/2015/11/19/vietnam-widespread-national-security-arrests>.

²⁶ Ibid.

²⁷ “Vietnam’s Proposed Revisions to National Security Laws”, *Human Rights Watch*, November 2015. <https://www.hrw.org/news/2015/11/19/vietnams-proposed-revisions-national-security-laws>.

²⁸ Fayette, Alex. Vietnam’s New Green Dam. Open Initiative. June 8, 2010. <https://opennet.net/blog/2010/06/vietnams-new-green-dam>.

²⁹ Ibid.

³⁰ Ibid.

³¹ Amnesty International. Detained for defending human rights in Vietnam. May 19, 2016. <https://www.amnesty.org/en/latest/campaigns/2016/05/detained-for-defending-human-rights-in-vietnam>.

³² Radio Free Asia. Dai is a Symbol for Generations Who Fight For Human Rights. April 18, 2016. <http://www.rfa.org/english/news/vietnam/interview-dai-is-a-symbol-04182016170022.html>.

³³ Nguyen, Huong. Tran Huynh Duy Thuc. The 88 Project. June 19, 2016. <http://the88project.com/2014/09/08/profile-of-tran-duy-t>.

³⁴ “Ông Duy Thức ‘sẽ dừng tuyệt thực’?”, BBC Vietnamese, June 1, 2016. http://www.bbc.com/vietnamese/vietnam/2016/06/160602_tranhuynh_duythuc_stop_striking.

³⁵ Chacko, Leila. Father Demands Justice for Son Spending his 5th Consecutive Birthday in Prison. Amnesty International. December 5, 2014. <http://blog.amnestyusa.org/asia/father-demands-justice-for-son-spending-his-5th-consecutive-birthday-in-prison/>.

³⁶ Ibid.

³⁷ Worldwide Movement For Human Rights. Arrest and Arbitrary detention of Mr. Nguyen Van Dai, a Human Rights Lawyer and well Known Defender of Religious Freedom. December 18, 2015. <https://www.fidh.org/en/issues/human-rights-defenders/arrest-and-arbitrary-detention-of-mr-nguyen-van-dai-a-human-rights>.

³⁸ United States. Committee of Foreign Affairs: U.S House of Representatives. Testimony of Ms. Vu Minh Khanh. May 10 2016. <http://docs.house.gov/meetings/FA/FA16/20160510/104899/HHRG-114-FA16-Wstate-KhanhV-20160510.pdf>.

³⁹ Lawyers for Lawyers. Nguyen Van Dai. June 16, 2016. <http://www.advocatenvooradvocaten.nl/lawyers/nguyen-van-dai/>.

⁴⁰ Nguyen, Trung. Vietnamese Activists Inspired by Myanmar Vote. Voice of America. November 10, 2015 <http://www.voanews.com/content/vietnamese-activists-inspired-by-myanmar-vote/3052276.html>.

⁴¹ United Nations General Assembly, *Universal Declaration of Human Rights*, (Paris, 1948), Article 25, <http://www.un.org/en/universal-declaration-human-rights/>.

⁴² International Institute for Democracy and Electoral Assistance, *The Constitution of the Socialist Republic of Vietnam*, November 28, 2013, <https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/94490/114946/F114201808/VNM94490%20Eng.pdf>.

⁴³ Tharoor, Ishaan. “In shadow of Obama’s visit, Vietnam cracked down on protests over dead fish.” *The Washington Post*, May 23, 2015. <https://www.washingtonpost.com/news/worldviews/wp/2016/05/23/in-shadow-of-obamas-visit-vietnam-cracked-down-on-protests-over-dead-fish/>.

⁴⁴ “Vietnam police break up protest over fish deaths.” *Al Jazeera*, May 9, 2016. <http://www.aljazeera.com/news/2016/05/vietnam-protest-fish-deaths-160509041334507.html>.

⁴⁵ Hookay, James. "Vietnam's Dead Fish Breathe Life Into Protest Movement." *Wall Street Journal*, May 19, 2016. <http://www.wsj.com/articles/vietnams-dead-fish-breathe-life-int-o-protest-moveme-nt-1463692409>.

⁴⁶ Nguyen, Mai. "Formosa Unit Offers \$500 million for causing toxic disaster in Vietnam." Reuters. June 30, 2016. <http://in.reuters.com/article/us-vietnam-environment-idINKCNOZG1F5>.

⁴⁷ *Australia – Vietnam Human Rights Dialogue*. (2014, July 24). Retrieved May 22, 2015, from <http://www.hrw.org/news/2014/07/24/australia-vietnam-human-rights-dialogue>.

⁴⁸ Genser, J., & Greg, M. (2013, December 13). *Time for Serious Approach to Vietnam Human Rights*. Retrieved May 22, 2015.

⁴⁹ Ibid.

⁵⁰ Ibid.

⁵¹ "VIET NAM: Drop trumped-up charges against human rights defenders Bui Thi Minh Hang, Nguyen Thi Thuy Quynh and Nguyen Van Minh." FIDH: *Worldwide Movement for Human Rights*. August 25, 2014. <https://www.fidh.org/en/region/asia/vietnam/15929-viet-nam-drop-trumped-up-charges-against-human-rights-defenders-bui-thi>.

⁵² United Nations General Assembly, *Universal Declaration of Human Rights*, (Paris, 1948), Article 18, <http://www.un.org/en/universal-declaration-human-rights/>.

⁵³ National Assembly of Vietnam, *The Constitution of the Socialist Republic of Vietnam*, (Hanoi, 2013), Chapter 2, Article 24, <http://www.chinhphu.vn/portal/page/portal/chinhphu/Nuoc-CHXHCNVietNam/ThongTinTongHop/hienphapnam2013>.

⁵⁴ Human Rights Council, "Report of the Special Rapporteur on freedom of religion or belief, Heiner Bielefeldt: Mission to Viet Nam (July 21 to 31, 2014)," Office of the United Nations High Commissioner for Human Rights, accessed July 14, 2015, http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session28/Documents/A_HRC_28_66_Add.2_E.doc.

⁵⁵ "Vietnam," *United States Citizenship and Immigration Services*, (2016), http://www.uscirf.gov/sites/default/files/USCIR-F_AR_2016_Tier1_2_Vietnam.pdf.

⁵⁶ Ibid.

⁵⁷ Ibid.

⁵⁸ Ibid.

⁵⁹ Altsean Burma et al., "Joint Statement of Concern on Vietnam's Draft Law on Religion," *Freedom House*, November 9, 2015. <https://freedomhouse.org/article/joint-statement-concern-vietnam-s-draft-law-religion>.

⁶⁰ <https://www.hrw.org/news/2011/07/26/vietnam-father-nguyen-van-ly-should-remain-free>.

⁶¹ "Vietnam: torture and abuse of political and religious prisoners", Sara Colm, January 2014, <https://democraticvoicevn.files.wordpress.com/2014/01/vietnam-torture-and-abuse-01-16-2014.pdf>.

⁶² "Veteran Vietnam dissident Nguyen Van Ly released ahead of Obama visit," *South China Morning Post*, May 20, 2016, <http://www.scmp.com/news/asia/southeast-asia/article/1948651/veteran-vietnam-dissident-nguyen-van-ly-released-ahead>.

⁶³ Shetty, Shalil. "Letter to His Excellency Truong Tan Sang, President of the Socialist Republic of Viet Nam: Call for Release of Prisoners of Conscience". Amnesty International, August 28, 2015,

⁶⁴ “Buddhist activist gets five-year jail term in Vietnam”. (2011, December 13). Retrieved July 15, 2016 from <http://www.bbc.com/news/world-asia-16162686>.

⁶⁵ “Mục sư Nguyễn Công Chính bị 11 năm tù”, BBC, March 23rd, 2012 http://www.bbc.com/vietnamese/vietnam/2012/03/120326_pastor_sentence.shtml.

⁶⁶ Statement- GENEVA (2 June 2016) “UN experts urge Viet Nam to stop the persecution and torture of religious leaders and rights defenders”, <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=20054&LangID=E#sthash.Jp2goaq1.dpuf><http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=20054&LangID=E#sthash.Jp2goaq1.dpuf>.

⁶⁷ “Vietnam’s Religious Leaders highlight Harassment of Pastor in Prison”, *Radio Free Asia*, (May 30th, 2014) <http://www.rfa.org/english/news/vietnam/letter-05302014165358.html/>.

⁶⁸ Statement- GENEVA (2 June 2016) “UN experts urge Viet Nam to stop the persecution and torture of religious leaders and rights defenders”, <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=20054&LangID=E#sthash.Jp2goaq1.dpuf><http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=20054&LangID=E#sthash.Jp2goaq1.dpuf>.

⁶⁹ United Nations Human Rights: Office of the High Commissioner. “Universal Periodic Review.” <http://www.ohchr.org/EN/HRBodies/UPR/Pages/UPRMain.aspx>.

⁷⁰ Ibid.

⁷¹ Human Rights Watch. *Vietnam Universal Periodic Review Submission 2013*. January 7, 2014. <https://www.hrw.org/news/2014/01/07/vietnam-universal-periodic-review-submission-2013>.

⁷² Ibid.

⁷³ “Report of the Working Group on the Universal Periodic Review: Vietnam.” *Universal Periodic Review*. June 20, 2014. http://lib.ohchr.org/HRBodies/UPR/Documents/Session18/VN/A_HRC_26_6_Add.1_VietNam_E.doc.

⁷⁴ “Vietnam.” Universal Periodic Review Info. September 19, 2014. <http://www.upr-info.org/en/review/Viet-Nam>.

⁷⁵ Civil Rights Defenders. Human Rights in Vietnam. July 7, 2015. <https://www.civilrightsdefenders.org/country-reports/human-rights-in-vietnam/>.

⁷⁶ Ibid.

⁷⁷ Global Affairs Canada. *Exports and Import Controls - About Us*. http://www.international.gc.ca/controls-controles/about-a_propos/index.aspx?lang=eng.

⁷⁸ Government of Canada, Global Affairs. *Canada to lift sanctions on Belarus*, Ottawa: ON: Global Affairs Canada. 2016. <http://news.gc.ca/web/article-en.do?nid=1062389>.

⁷⁹ World Bank “Defining Civil Society”. July 22, 2013, <http://web.worldbank.org/WBSITE/EXTERNAL/TOPICS/CSO/0,,contentMDK:20101499~menuPK:244752~pagePK:220503~piPK:220476~theSitePK:228717,00.html>.

⁸⁰ Freedom House, Freedom in the World 2015: Vietnam, <https://freedomhouse.org/report/freedom-world/2015/vietnam>.

⁸¹ Reimer, Reg. “Vietnam: Not an Accidental Advocate”. In *Sorrow and Blood: Christian Mission in Contexts of Suffering, Persecution, and Martyrdom*, edited by William D. Taylor, Antonia van der Meer, and Reg Reimer, 291–298. Pasadena, CA: William Carey Library, 2012.

CASE STUDIES

Name	Occupation	Conviction Date	Anticipated Release Date	Form of Sentence	Violation
Bui Thi Minh Hang	Human Rights Activist	26-Aug-14	2016-2017	2-3 Years of Imprisonment	Article 245
Dang Xuan Dieu	Blogger	Jan-13	2026	13 Years of Imprisonment	Article 79
Dinh Nguyen Kha	Student	16-Aug-13	2017	4 Years Imprisonment, 3 Years House Arrest	Article 88
Dinh Nguyen Kha	Computer Technician	16-May-13	2017	4 Years Imprisonment	Article 88
Dinh Nhat Uy	Blogger	XXX	XXX	XXX	Article 258
Dinh Van Nhung	Land Rights Campaigner	14-Jul-12	2016	4 Years Imprisonment	Article 88
Do Thi Hong	Religious Activist	28-Jan-13	2026	13 Years Imprisonment + 5 Years Of Probation	Article 79
Do Van Hoa	Land Rights Activist	16-Jul-12	2019	4 Years Imprisonment + 3 Years House Arrest	Article 88
Doan Ding Nam	Dissident Activist	28-Jan-13	2029	16 Years Imprisonment	Article 79
Doan Huy Chuong	Labour Union Activist	27-Oct-10	2017	7 Years of Imprisonment	Article 89
Doan Van Cu	Dissident Activist	28-Jan-13	2027	14 Years Imprisonment	Article 79
Doan Van Sinh	Farmer	5-Apr-13	2016	3 Years Imprisonment	Article 93
Doan Van Vuon	Dissident Activist/Framer	5-Apr-13	2018	5 Years Imprisonment	Article 93
Doan Van Vuon	Former Soldier/Farmer	5-Apr-13	2018	5 Years Imprisonment	Article 93
Duong Kim Khai	Land Rights Activist	2011	2017	6 years Imprisonment, 5 years house Arrest	Article 79
Ho Duc Hoa	Blogger	09-Jan-13	2026	Years of Imprisonment	Article 79
Hu Duc Hoa	Businessman	9-Jan-13	2026	13 Years Imprisonment	Article 79
Huyen Thuc Vy	Blogger	XXX	XXX	XXX	Article 88

Name	Occupation	Conviction Date	Anticipated Release Date	Form of Sentence	Violation
Kpuil Le	Degar Montagnard Christian	6-Jun-12	2020	8 Years Imprisonment	Article 87
Kpuile Mel	Degar Montagnard Christian	6-Jun-12	2021	9 Years Imprisonment	Article 87
Le Duc Dong	Dissident Activist	28-Jan-13	2025	12 Years Imprisonment	Article 79
Le Duy Loc	Member of an unsanctioned Buddhist organization	28-Jan-13	2030	17 Years Imprisonment	Article 79
Le Phuc	Dissident Activist	18-Jan-13	2028	15 Years Imprisonment	Article 79
Le Tri Tue	Activist for the Independent Workers Union	XXX	XXX	Missing	XXX
Le Trong Cu	Dissident Activist	28-Jan-13	2025	12 Years Imprisonment	Article 79
Le Trong Cu	Council of the Laws and Public Affairs of Bia Son	4-Feb-13	XXX	10-17 Years Imprisonment	Article 79
Lieu Ny	Khmer Krom Monk	XXX	XXX	XXX	XXX
Lo Thanh Hao	Rights Activist	6-Jan-13	2016	3.5 Years Imprisonment	Article 88
Luong Nhat Quang	Religious Activist	28-Jan-13	2025	12 Years Imprisonment	Article 79
Ngo Ha	Online Activist	11-Sep-13	2028	15 Years of Imprisonment	Article 79
Nguyen Cong Chinh	Pastor	2012	2023	11 Years of Imprisonment	Article 87
Nguyen Dang Minh Man	Youth Activist	2013	2022	8 Years of Imprisonment, 5 Years House Arrest	Article 79
Nguyen Dang Vinh Phuc	Factory Worker / Participate in Training Workshop	9-Jan-13	2016	3 Years Imprisonment	Article 79
Nguyen Dinh	Religious Activist	28-Jan-13	2027	14 Years Imprisonment	Article 79
Nguyen Dinh	Council of the Laws and Public Affairs of Bia Son	4-Feb-13	XXX	10-17 Years Imprisonment	Article 79
Nguyen Dinh Cuong	Catholic Activist	9-Jan-13	2017	4 Years Imprisonment	Article 79

CASE STUDIES

Name	Occupation	Conviction Date	Anticipated Release Date	Form of Sentence	Violation
Nguyen Dinh Ngoc	Blogger	27-Dec-14	XXX	Imprisonment	XXX
Nguyen Hoang Quac Hung	Labour Union Activist	18-Mar-11	2020	9 Years of Imprisonment	Article 89
Nguyen Huu Vinh	Activist, Blogger	23-Mar-13	2018	5 Years of Imprisonment	Article 89
Nguyen Kim Nhan	Land Rights Activist	16-Jul-12	2020	5.5 Years Imprisonment + 3 Years House Arrest	Article 88
Nguyen Ky Lac	Dissident Activist	28-Jan-13	2029	16 Years Imprisonment	Article 79
Nguyen Ky Lac	Council of Laws and Public Affairs of Bia Son	4-Feb-13	XXX	10-17 Years Imprisonment	Article 79
Nguyen Mai Trung Tuan	Student	24-Nov-15	2019-20	4.5 Years of Imprisonment	Article 104
Nguyen Ngoc Gia	Blogger	30-Mar-16	2020	4 Years of Imprisonment, 3 Years of Probation	Article 88
Nguyen Quan Lap	Blogger, Writer	06-Dec-14	2021	7 Years of Imprisonment	Article 88
Nguyen Quang Lap	Blogger/Writer	6-Dec-14	XXX	Imprisonment	Arrested under Article 258, but prosecuted under Article 88
Nguyen Quoc Tuan	Head of Farmer Association of Vinh Phu Ward	XXX	XXX	XXX	Article 88 and 230
Nguyen Thai Binh	Religious Activist	28-Jan-13	2025	12 Years Imprisonment	Article 79
Nguyen Thi Bich Trang	Industrial Holding Company Employee	XXX	XXX	XXX	Article 258
Nguyen Thi Thuy Quynh	Activist	Aug-14	2016	2 Years of Imprisonment	Article 245
Nguyen Trung Linh	Blogger	6-Mar-12	XXX	Missing	XXX
Nguyen Van Dai	Human Rights Lawyer	15-Dec-15	XXX	XXX	Article 88
Nguyen Van Duyet	Catholic Activist	9-Jan-13	2019	6 Years Imprisonment	Article 79
Nguyen Van Lia	Hoa Hao Teacher	2011	2017	5 Years of Imprisonment	Article 257, 258

PENAL CODE OF VIETNAM

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

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

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

Article 84: Terrorism

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

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

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

Article 87: Undermining the unity policy

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

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

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

Article 88: Conducting propaganda against the Socialist Republic of Vietnam

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

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

CASE STUDIES

Name	Occupation	Conviction Date	Anticipated Release Date	Form of Sentence	Violation
Tu Thieng Luong	Hoi Dong Cong Luat Cong An Bia Son Founder & Chairman	28-Jan-13	2029	16 Years Imprisonment	Article 79
Vo Minh Tri	Songwriter, Artist	30-Oct-12	2016	4 Years of Imprisonment, 2 Years House Arrest	Article 88
Vo Ngoc Cu	Dissident Activist	28-Jan-13	2029	16 Years Imprisonment	Article 79
Vo Than Le	Dissident Activist	28-Jan-13	2029	16 Years Imprisonment	Article 79
Vo Thi Hanh	Council of the Laws and Public Affairs of Bia Son	XXX	XXX	XXX	Article 258
Vo Thi Thu Thuy	Catholic Activist	7-Mar-12	2017	5 Years Imprisonment	Article 88
Vo Tiet	Hoi Dong Cong Luat Cong An Bia Son Founder & Chairman	28-Jan-13	2029	16 Years Imprisonment	Article 79
Vo Viet Dzien	Fish Farmer / Dissident Activist	15-Jan-13	2016	3 Years Imprisonment	Article 79
Vuong Tan Son	Dissident Activist	28-Jan-13	2030	17 Years Imprisonment	Article 79

ADMINISTRATIVE DECREES

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

Decree 72

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

For the full text and more information: http://www.itpc.gov.vn/investors/how_to_invest/law/Decree_No.72_2013/mldocument_view/?set_language=en

Decree 92

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

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

Decree 174

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

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

Name	Occupation	Conviction Date	Anticipated Release Date	Form of Sentence	Violation
Nguyen Van Minh	Religious Activist	26-Aug-14	2016-17	2.5 Years of Imprisonment	Article 245
Nguyen Van Minh	Hoa Hao Buddhist Activist	Feb-14	2017	3 years Imprisonment,	Article 245
Nguyen Viet Dung	Blogger	14-Dec-14	2016	1 Years of Imprisonment	Article 245
Nguyen Xuan Anh	Catholic Activist	9-Jan-13	2016	3 Years Imprisonment	Article 79
Pham Viet Dao	Former Party Official/Blogger	XXX	XXX	XXX	Article 258
Phan Thanh Tuong	Dissident Activist	28-Jan-13	2023	10 Years Imprisonment	Article 79
Phan Thanh Y	Religious Activist	28-Jan-13	2027	14 Years Imprisonment	Article 79
Phan Van Thu	Leader of Political Group	Apr-12	XXX	Life Time Imprisonment	Article 79
Ta Khu	Dissident Activist	1-Feb-12	2028	16 Years Imprisonment	Article 79
Ta Klu	Council of the Laws and Public Affairs of Bia Son	4-Feb-13	XXX	10-17 Years Imprisonment	Article 79
Ta Phuong Tan	Former Policewoman/Blogger	24-Sep-12	2020	10 Years Imprisonment	Article 88
Tach Thoui	Khmer Krom Monk	XXX	XXX	XXX	XXX
Tai Van Dung	Catholic Activist	9-Jan-13	2018	5 Years Imprisonment	Article 79
Tran Huynh Duy Thuc	Entrepreneur, Engineer, Activist	2010	2026	16 Years of Imprisonment, 5 Years of House Arrest	Article 79
Tran Phi Dung	Dissident Activist	28-Jan-13	2026	13 Years Imprisonment	Article 79
Tran Quan	Dissident Activist	28-Jan-13	2025	12 Years Imprisonment	Article 79
Tran Vu Anh Binh	Musician	30-Oct-12	2018	6 Years of Imprisonment, 2 Years House Arrest	Article 88
Truong Ngoc Quang	Dissident Activist	6-Jan-13	XXX	XXX	Article 79

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

Article 89: Disrupting security

Those who intend to oppose the people's administration by inciting, involving, and gathering many people to disrupt security, oppose officials on public duties, obstruct activities of agencies and/or organizations, which fall outside the cases stipulated in Article 82 of this Code, shall be sentenced to between five and fifteen years of imprisonment. Other accomplices shall be sentenced to between two and seven years of imprisonment.

Article 245: Causing public disorder

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

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

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

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

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

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

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

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