

# HUMAN RIGHTS

## SITUATION IN VIETNAM

2020 - 2021



“Don’t let my passing be in vain”

“Hãy tận dụng sự ra đi của tôi”

~ Trần Huỳnh Duy Thức



OFFICE OF THE HONOURABLE  
SENATOR THANH HAI NGO

The photo on the cover page was originally photographed during a prison visit. The photo is courtesy of Mr. Thuc's family and was taken from the following website. Radio Free Asia. (2019). Jailed Vietnamese Activist Wins Short Stays Outside His Cell Following Hunger Strike. Available at: [https://](https://www.rfa.org/english/news/vietnam/strike-07082019154050.html)

The unprecedented and exceptional circumstances that have resulted from the COVID-19 pandemic this year have unfortunately, only further aggravated the Communist Party of Vietnam's tyrannical crackdown on the most basic of rights, such as freedom of speech and freedom of religion and belief.

As a Canadian Senator of Vietnamese heritage and an advocate of human rights, I strive to support and shed light on the issues that Vietnamese Canadians face as well as the insurmountable obstacles they have vanquished. In 2015, Journey to Freedom Day Act established April 30th of every year as the day that commemorates the incredible sacrifice and perilous journey that hundreds of thousands of Vietnamese 'Boat People' undertook as they fled communist persecution.<sup>1</sup> In a historic gesture of humanity, Canada graciously and generously welcomed these refugees with open arms, which garnered it the coveted United Nations High Commissioner for Refugees (UNHCR) Nansen Refugee Award.<sup>2</sup> It is considered an exemplary moment of humanitarianism in Canada's history. It was the first and only time that this prestigious medal was awarded to an entire nation.<sup>3</sup>

Every summer, my office welcomes interns from Vietnamese communities across Canada to publish this annual report on the human rights situation in Vietnam. This internship serves to encourage our youth to explore stories about their heritage, participate actively in politics, and promote awareness of human rights issues in Vietnam and around the world. This year, however, due to the COVID-19 pandemic, we were unfortunately unable to proceed with the internship program. As a result, this year's report was compiled by my office with the assistance of members from the Alliance for Democracy in Vietnam (ADV) as well as leaders of the Interfaith Council of Vietnam. These faith leaders have not only been subjected to oppression by the Communist Regime but have also witnessed first-hand numerous atrocities. I would like to thank both of these organizations for their dedication and hard work in providing us with the research, updated information and photos of specific cases on prisoners of conscience for this report. I am proud to present the 2020 - 2021 edition of the report on the Human Rights Situation in Vietnam.

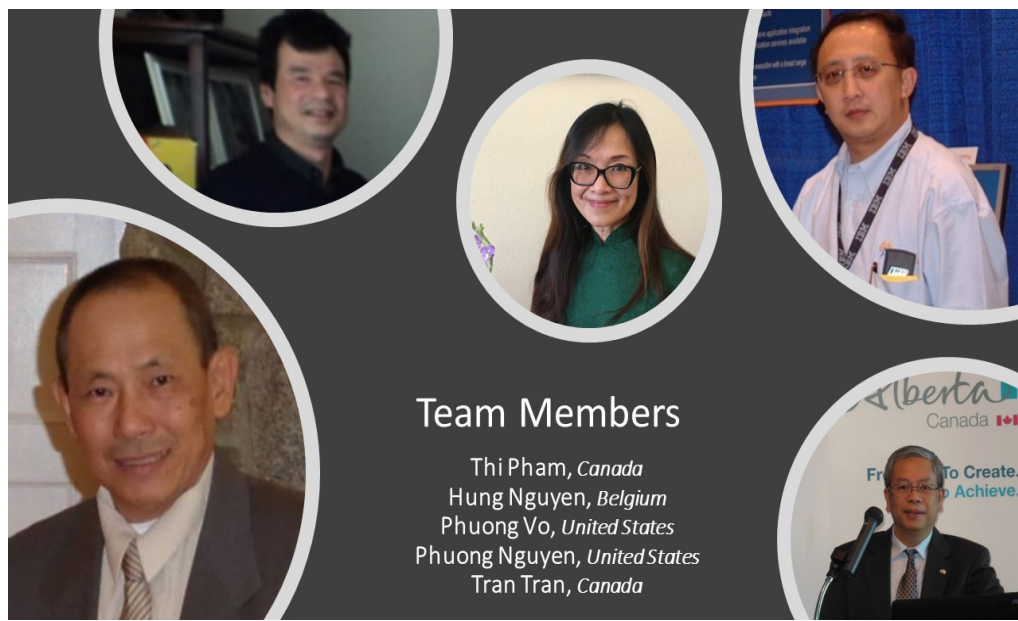
It is my sincere hope that this report will inspire you and many other Canadians to stand up for human rights both at home and around the world. All humans deserve the right to freedom and to live in dignity. Let us continue to work together in this noble pursuit.

## Message from the Senator



A handwritten signature in blue ink, which appears to read 'Thanh Hai Ngo'. The signature is fluid and cursive, with a horizontal line underneath it.

The Honourable Senator  
Thanh Hai Ngo



## Message from the Alliance for Democracy in Vietnam

*"All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood."*

Article 1 – The Universal Declaration of Human Rights

We were very excited and honoured to join the team that contributed to the 2020-2021 edition of the report on the Human Rights Situation in Vietnam. After a few months of hard work and dedication, working together with the staff in the office of the Honourable Senator Thanh Hai Ngo, we are delighted to officially announce the launch of the report.

We hope this report will help to enhance our awareness regarding the human rights issues in Vietnam. The Vietnam government did little to improve its situation in 2020. The government continues to engage in unlawful or arbitrary killings, arbitrary arrests and detentions, torture, forced disappearance of its people, and restricts all basic civil and political rights, including: significant problems with the independence of the judiciary, restrictions on free expression, the press, the internet, censorship, site blocking, and criminal libel laws.

The human rights situation in Vietnam requires attention at an international level. We call upon all parliamentarians, NGOs, and citizens of the world to take action to pressure the regime and provide support to the Vietnamese people to protect themselves against harassments or discrimination regarding equal rights and other fundamental rights such as: freedom of conscience and religion, freedom of thought, belief, opinion and expression, including freedom of the press and other media of communication, freedom of peaceful assembly, and freedom of association.

## The Interfaith Council of Vietnam

The Interfaith Council of Vietnam is comprised of faith leaders and high-ranking priests from the five main religious denominations in Vietnam, namely Cao Dai, Catholicism, Hoa Hao Buddhism, the Unified Buddhist Church of Vietnam, and also the Protestant church.<sup>4</sup> This independent body, composed of 27 members<sup>5</sup> continues to tirelessly advocate for religious freedom and human rights in general in Vietnam.

Their extensive report to the US State Department in 2020<sup>6</sup> outlines some of the latest cases of Communist persecution on peaceful believers simply for exercising their inalienable right to practice their religion or belief.

This submission has served as a vital reference for the section on ‘Freedom of Religion’ in this report. We commend them on their indispensable work as they are giving a voice to all those that cannot be heard. We also commend them on their contributions to this Human Rights report.



### CO-CHAIRS



Venerable Thich  
Khong Tanh



Reverend Nguyen Van  
Ly



First Master Hua Phi



Mr. Le Van Soc



Pastor Nguyen Hoang  
Hoa



## MEMBERS OF INTERFAITH COUNCIL OF VIETNAM

### CAO DAI

- Chánh Trị Sự Hứa Phi
- Chánh Trị Sự Nguyễn Kim Lân.
- Chánh Trị Sự Nguyễn Bạch Phụng.
- Chánh Trị Sự Nguyễn Đình Cúc.
- Chánh Trị Sự Lê Thị Nho.
- Thông Sự Đoàn Công Danh.
- Thông Sự Đặng Văn Đáo.
- Thông Sự Nguyễn Ngọc Lưu.

### BUDDHIST

- Hòa Thượng Thích Không Tánh.
- Thượng Tọa Thích Từ Giáo.
- Thượng Tọa Thích Đồng Minh.
- Thượng Tọa Thích Vĩnh Phước.
- Thượng Tọa Thích Đức Minh

### CATHOLIC

- Linh Mục Ta-đê-ô Nguyễn Văn Lý.
- Linh Mục Giu-se Đình Hữu Thoại.
- Linh Mục Phao-lô Lê Xuân Lộc.
- Linh Mục Giu-se Nguyễn Công Bình

### HOA HAO CHURCH

- Ông Nguyễn Văn Điền.
- Ông Lê Quang Hiển.
- Ông Lê Văn Sốc.
- Ông Phan Tấn Hòa.
- Ông Bùi Văn Luốt
- Ông Hà Văn Duy Hổ.
- Ông Trần Văn Quang.

### PROTESTANT CHURCHES

- Mục Sư Nguyễn Hoàng Hoa.
- Mục Sư Nguyễn Mạnh Hùng.
- Mục Sư Đoàn Văn Diên.



*Members of the Interfaith Council<sup>7</sup>*

*By USCIRF Commissioner James W. Carr and Congressman Glenn Grothman*



“During the 25 years since our two governments normalized diplomatic relations, the United States and Vietnam have developed close defense and economic ties. However, ongoing religious freedom and human rights violations prevent an even closer relationship. We look forward to the day when everyone in Vietnam can practice their faith without fear of harassment or retaliation.”<sup>8</sup>

## Message from the Staff

We are pleased to present the 2020-2021 report on the Human Rights Situation in Vietnam. The unprecedented circumstances of the COVID-19 pandemic made it such that we were unable to host interns to work on this project this year.

Our team would like to sincerely thank the dedicated members of the Alliance for Democracy in Vietnam (ADV) and the Interfaith Council of Vietnam, without whose contributions this booklet would not have been possible.

Given the importance of this booklet, we did our very best to ensure that this report was compiled and published again this year despite the challenges to juggle our office responsibilities and legislative work. As a result, we were able to complete this colossal task within a relatively short period of time.

We hope our sincere efforts and humble contributions in compiling this year's report can help build greater awareness on the extent of the dire human rights abuses that continue to take place in Vietnam.

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## Introduction

Human rights, which are fundamental and inalienable to each and every human being – continue to be gravely violated in Vietnam by the Communist government. Despite this severe repression, many Vietnamese citizens continue to peacefully advocate for these basic human rights that are intrinsic to the establishment of a society founded on freedom and justice.

Although the quality of life and economic prosperity have improved in recent years, the human rights conditions in Vietnam continue to drastically deteriorate, year after year.

This report opens with an exposé on the various international trade treaties and bilateral human rights dialogues that the Socialist Republic of Vietnam has engaged in, with the aim of emphasizing that human rights violations continue to be of grave concern despite improvements in economic conditions and international or bilateral commitments the government of Vietnam has made to respect them.

It goes on to explore some of the fundamental human rights and freedoms that are being violated, namely freedom of expression, freedom of assembly (i.e. Protest 99 and the South China Sea dispute), and freedom of religion and of belief.

This report also discusses some cases that exemplify and highlight the absolute cruelty and oppression of the Communist Party and its blatant disregard for basic human dignity.



# Major International Events





*Signing ceremony of EVFTA and IPA between the European Union and the Socialist Republic of Viet Nam/Photo credit: EU, 2019<sup>11</sup>*

## Major International Events

Over the course of last years, we have witnessed continued calls for Vietnam to improve its human rights record from the international community and rights groups, particularly in the context of multilateral trade agreements. In addition to the Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP), ratified by some countries in 2018-2019, the Socialist Republic of Vietnam also signed major trade agreements in 2019-2020 with the European Union (EU-Vietnam Free Trade Agreement and Investment Protection Agreement), a “Pan-Asia” trade deal, the Regional Comprehensive Economic Partnership (RCEP)<sup>9</sup> as well as continuity free trade agreement with the UK.<sup>10</sup> In addition to looking at the efficacy of these agreements in ensuring compliance to the various rights guarantees on the part of Vietnam, this chapter also discusses the Socialist Republic’s respective human rights dialogues with the EU and the United States of America.

## European Union–Vietnam Free Trade

Negotiations between the EU and Vietnam towards a Free Trade Agreement (EVFTA) have been ongoing from 2012 to 2015.<sup>12</sup> In August 2018, the EU and Vietnam agreed to split the agreement into a Free Trade Agreement (FTA) and a separate Investment Protection Agreement (IPA) to speed up ratification.<sup>13</sup> Both agreements were signed by both parties in Hanoi in June 2019.<sup>14</sup>

In September 2018, Members of the European Parliament (MEP) sent a letter calling for tangible and significant improvements regarding human rights in Vietnam prior to any vote on those deals by the Parliament.<sup>15</sup> In response to these calls from its members, the EU's official stance remained resolute in that “far more can be achieved with the ratified EU-Vietnam [FTA/IPA], than without them”.<sup>16</sup> Throughout negotiations, not only was a second letter<sup>17</sup> by MEPs sent days before the signing of the agreements, but also, the EU Parliament's Foreign Affairs Committee<sup>18</sup>, as well as several international human rights nongovernmental organizations (NGOs)<sup>19</sup> expressed concern over Vietnam's longstanding and deplorable track record of ongoing human rights violations and urged the EU to accordingly, make any potential trade agreements with Vietnam conditional on improvements on the country's human rights record. The NGOs forewarned that the EU would lose its leverage to secure concrete commitments from Vietnam to improve its human rights situation upon ratification of the agreement.<sup>20</sup> In February 2020, 28 NGOs once again exhorted the European Parliament to delay consent to the agreements until meaningful advances were made in the areas of labour rights and human rights situation in Vietnam.<sup>21</sup>

Regrettably, Vietnam did not heed these calls and continued their repression of human rights and crackdown on criticism. Vietnam also rejected<sup>22</sup> the recommendations that were put forward by the EU Parliament in its resolution from November 2018<sup>23</sup> as well as those detailed in the Universal Periodic Review (UPR) from March 2019<sup>24</sup> to amend or repeal problematic penal legislation and repressive laws such as its Criminal Code (that is in violation of Vietnam's international human rights commitments). Nonetheless, both agreements were signed by the EU and Vietnam in Hanoi on June 30, 2019. Subsequently, the FTA entered into force on August 1, 2020.<sup>25</sup>

Labour rights are addressed in the ‘Trade and sustainable development’ section of the FTA, in Chapter 13.<sup>26</sup> Human rights protections are incorporated in the opening of the FTA, which makes reference in its preamble to the United Nations (UN) Charter and the *Universal Declaration of Human Rights*.<sup>27</sup> The FTA also references the trading partners' 2012 Partnership and Cooperation Agreement (PCA) which allows for the possibility of partial or full suspension of the FTA and/or IPA, in the event of non-compliance to human rights commitments.<sup>28</sup> The effectiveness of such human rights clauses to meaningfully address breaches of human rights obligations, however, remains a matter of debate given the fact that in no instance to date, has the EU invoked this mechanism to enforce respect for human rights in bilateral free trade agreements.<sup>29</sup>

On January 21, 2021, the European Parliament adopted a resolution<sup>30</sup> asserting the importance of ‘respect for human rights’ as an essential element of successful bilateral relations, particularly the recently-ratified EU-Vietnam Free Trade Agreement. In a released statement, they condemned Vietnam's worsening human rights record and demanded the immediate and unconditional release of human rights defenders, Pham Chi Dung, Nguyen Tuong Thuy and Le Huu Minh Tuan (as well as all other prisoners of conscience).<sup>31</sup> Some EU lawmakers even called for tariffs between the EU and Vietnam to be restored.<sup>32</sup>

## 2020 EU-Vietnam Human Rights Dialogue

“The yearly Human Rights Dialogue allows for an in-depth discussion on all human rights matters”<sup>33</sup>; the 10th European Union-Vietnam Human Rights Dialogue was held on February 19, 2020 in Hanoi.<sup>34</sup>

Vietnamese activists, such as independent journalist, Pham Chi Dung, also raised their opposition to the agreement, urging the EU Parliament not to ratify the EU–Vietnam FTA (EVFTA)/IPA.<sup>35</sup> In a video message made prior to his arrest, he argued that through this trade deal, the EU is condoning Vietnam’s egregious human rights record (irrespective of the fact that Vietnam has more to gain from the agreement given the EU’s growing trade deficit with the socialist country). He urged the European Parliament to give careful consideration to Vietnam’s human rights record and only ratify the free trade agreement once Hanoi takes tangible steps toward improving its appalling human rights’ situation. He further stated that the Human Rights Dialogues have been “fruitless” so far. On November 21, 2019, Pham was arrested and charged with “conducting anti-state propaganda”.<sup>36</sup>

The arrest sparked the indignation in the EU Parliament, with President David Sassoli raising his case with the Vietnamese Ambassador. According to Human Rights Watch (after seeing the reply letter), the Vietnamese envoy shockingly alludes to Vietnam’s limitations on freedom of expression as comparable to those in western countries.<sup>37</sup>

In December of 2019, MEP Jan Zahradil, one of the MEPs spearheading trade negotiations with Vietnam, resigned from his role as rapporteur on the deal in response to allegations of his ties to a group linked to the Communist Party of Vietnam.<sup>38</sup>

Among several letters and petitions from concerned human rights groups and international NGOs, the Vietnamese community in Europe relayed a report (authored by Vietnamese journalist Pham Doan Trang and American-Vietnamese activist Will Nguyen) to EU Parliament entitled, “Fighting over the Senh Field”<sup>39</sup> which sheds light on the brutal attack by police forces on the villagers of Dong Tam.<sup>40</sup>

## CPTPP

The Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP), the free trade deal between Canada and 10 other Asia-Pacific countries<sup>41</sup> will encompass, once fully implemented, 500 million consumers and account for 13.5% of global GDP.<sup>42</sup> The CPTPP has been ratified by seven countries and entered into force in 2018 among six of them, and in 2019 for Vietnam.<sup>43</sup> Since taking effect, Canada has seen an increased of almost 3% in its bilateral merchandise trade with its CPTPP trading partners.<sup>44</sup> According to the General Department of Vietnam Customs, Vietnam achieved a trade surplus of over 1 Billion USD with its 10 other CPTPP partners, with exports to Canada rising to 546 million USD, within the first seven months of the deal coming into force.<sup>45</sup> The Third Meeting of the CPTPP Commission was held on August 5, 2020, where ministers and senior officials from all 11 countries met virtually to discuss opportunities for economic recovery and business growth during the COVID-19 pandemic.<sup>46</sup> There were also discussions amongst members on expanding the CPTPP to include new members.<sup>47</sup>

### Free Trade Agreements: A Tool for Economic Prosperity<sup>48</sup>

***“ ‘Canada is a trading nation’ is a phrase that resonates throughout the country. Although the phrase has become commonplace, its implications cannot be understated: the value of exports and imports of goods and services is equivalent to more than 60% of Canada’s gross domestic product (GDP); more than 43,000 Canadian companies export; and it is estimated that about one in five Canadian jobs are directly or indirectly related to exports. For Canada, trade is a crucial source of economic prosperity.”***



### What is a Side Letter?<sup>50</sup>

In annex to the multilateral agreement, the CPTPP side letters (also referred to as side instruments) constitute a mutual understanding between two countries on the implementation of specific chapters or sections of the agreement. It is also a legally binding agreement. Violations by either party are enforceable through a dispute settlement mechanism (Chapter 28 of the CPTPP). For example, on March 8, 2018, The Honourable Francois-Philippe Champagne, the Minister of International Trade of Canada accepted a side letter on Labour sent by Tran Tuan Anh, the Minister of Industry and Trade of Vietnam.

### Why can the Side Letters be Problematic?

One notable example is the Side Letter on Labour between Canada and Vietnam. For instance, Section 3 ultimately allows Vietnam to violate Chapter 19 (Labour) of the CPTPP without repercussions for up to three years, as well as refuse to implement the right to freedom of association, elimination of compulsory labour, abolition of child labour and elimination of discrimination for up to five years. This effectively gives Vietnam a 'free pass' on compliance to its labour rights commitments, while continuing to reap the economic benefits of multilateral trade. Arguably, this makes Canada complicit in the trade-off between economic gain and human rights.



*Graphic design of the side letters from the Human Rights Booklet 2019-2020.<sup>51</sup>*

## The Universal Periodic Review

Introduced after the 2005 reforms of the UN Human Rights Council, the Universal Periodic Review (UPR) serves to periodically scrutinize the human rights records of all 193 United Nations (UN) member states for the purpose of improving human rights and address violations.<sup>52</sup> The respective human rights record of each member state is reviewed once every four and a half year by all other member states. Vietnam's last UPR was conducted in January 2019.<sup>53</sup>

### Senator Ngo Statement

"Vietnam's upcoming Universal Periodic Review is a significant opportunity for Canada to take a stronger stance on the dire human rights situation in Vietnam. Basic civil and political rights, including freedom of expression, association, and peaceful public assembly, remain severely restricted in Vietnam. As early as 2018, over 100 known peaceful activists and human rights defenders were arrested and received lengthy jail sentences for exercising their freedom of expression."<sup>54</sup>

### What were Canada's Recommendations?

During the third cycle of Vietnam's UPR, which was conducted on January 22, 2019, the government "presented [a grossly] inaccurate picture of its human rights situation".<sup>55</sup> The Communist Regime falsely claimed that 159 recommendations were fully implemented while another 16 were partially implemented, stating that in total they had accepted 182 recommendations from cycle 2 (Vietnam's UPR conducted in 2014).<sup>56</sup> During the third cycle, UN members suggested 291 recommendations. In June of 2019, Vietnam accepted 241 recommendations, with 220 "fully accepted" and 21 "partially accepted".<sup>57</sup> Canada provided Vietnam during the third cycle with 6 key recommendations for improving human rights. Some areas of concern include the lack of transparency of the justice system in Vietnam, absence of freedom of religion and belief, absence of freedom of expression, association and assembly as well as lack of independent trade unions.

### Debbie Stoddard, FIDH<sup>58</sup> Secretary-General<sup>59</sup>

"As Vietnam begins another UPR cycle, the situation of civil and political rights in the country remains abysmal. Hanoi's lack of political will to undertake legal and institutional reforms, reflected by its ongoing refusal to accept important recommendations, calls for stronger international pressure."<sup>60</sup>



Table of Recommendations<sup>64</sup>

Recommendations	Response	Issue	Cycle
Review the Labour Code and the law on gender equality to include a detailed definition of sexual harassment.	Supported	Gender- sexual harassment	3 <sup>61</sup>
Amend the Criminal Procedure Code so that persons are represented by a lawyer immediately following their arrest and to guarantee their right to a fair trial.	Supported	Justice	3
Review the Penal Code and the law on cybersecurity to harmonize them with international standards related to the freedom of expression, association and assembly.	Noted	<ul style="list-style-type: none"> <li>Freedom of expression, association and assembly</li> <li>International standards</li> </ul>	3
Review the law on religion and belief to enable religious groups to practice freely.	Noted	Freedom of religion and of belief	3
Review the law on marriage and the family to guarantee equality to same-sex couples.	Noted	Equality to same-sex couples	3
Allow for the establishment of independent trade unions and recognize the right to organize.	Supported	<ul style="list-style-type: none"> <li>Labour rights</li> <li>Freedom of association</li> </ul>	3
Ensure in law and in practice the protection of women against all forms of violence.	Supported	Women’s rights	2 <sup>62</sup>
Take the necessary measures to guarantee its citizens’ right to equality before the law, to be presumed innocent until proven guilty, and to a fair and public trial, as well as the right to freedom from arbitrary arrest or detention.	Supported	<ul style="list-style-type: none"> <li>Detention</li> <li>Justice</li> </ul>	2
Reduce administrative obstacles and registration requirements applicable to peaceful religious activities by registered and non-registered religious groups in order to guarantee freedom of religion or belief.	Supported	Freedom of religion and of belief	2
Amend the provisions concerning offences against national security which could restrict freedom of expression, including on the Internet, particularly articles 79, 88 and 258 of the Penal Code, to ensure its compliance with Viet Nam’s international obligations, including ICCPR.	Supported	<ul style="list-style-type: none"> <li>Freedom of opinion and expression</li> <li>International instruments</li> </ul>	2
Explore the possibilities for technical support, for instance through the Working Group on Enabling and Protecting Civil Society of the Community of Democracies.	Noted	<ul style="list-style-type: none"> <li>Civil society</li> <li>Technical assistance and cooperation</li> </ul>	2
Introduce and seek prompt passage of access-to-information legislation.	Supported	Freedom of expression	1 <sup>63</sup>
Provide people detained under security or propaganda laws with fundamental legal safeguards, including representation by legal counsel of their choice throughout the proceedings and a public trial.	No clear position	Justice	1
Reduce the length of prison sentences for non-violent crimes.	No clear position	Detention	1
Adopt a whistleblower law so that those who identify corruption are protected from prosecution or harassment.	No clear position	Corruption	1
Increase the independence of media from the State, including by allowing privately-run media.	Rejected	Freedom of the press	1
Bring its press laws into compliance with article 19 of ICCPR.	Rejected	<ul style="list-style-type: none"> <li>Freedom of the press</li> <li>International instruments</li> </ul>	1
Reduce the use of security laws that limit public discussion about multi-party democracy or criticism of the Government, including by bringing security and propaganda laws into compliance with ICCPR.	Rejected	<ul style="list-style-type: none"> <li>Freedom of the press</li> <li>International instruments</li> </ul>	1
Register all individuals detained under security laws, make this information publicly available.	Rejected	Detention	1
Issue a standing invitation to all special procedures of the Human Rights Council.	Rejected	Special procedures	1
Issue a standing invitation to all special procedures of the Human Rights Council	Rejected	Special procedures	1



## **UK-Vietnam Free Trade Agreement<sup>65</sup>**

As the transition period between UK and the EU came to an end on December 31, 2020, UK secured trade deals globally. UK has signed continuity free trade agreements with CPTPP members, amongst others, with Singapore on December 10, 2020, and Vietnam on December 11, 2020.<sup>66</sup> These two continuity trade deals are basically replicating the trade agreements that UK had already signed with countries while it was still an EU member.<sup>67</sup> UK has a strong desire to join the CPTPP and these continuity agreements bring it closer to that goal, with Vietnam and Singapore showing publicly their support. According to the UK government, if UK joins the CPTPP, it is estimated that the total GDP will increase from 13% to 16%.<sup>68</sup>

## **2020 U.S.-Vietnam Human Rights Dialogue**

The 24th Annual U.S.-Vietnam Human Rights Dialogue, held virtually on October 6, 2020, touched on bilateral cooperation on the rule of law and on various human rights concerns, including religious freedom, freedom of expression and association, labour rights, as well as the rights of ethnic minorities and people with disabilities.<sup>69</sup>

Merely a few hours after this dialogue, prominent pro-democracy author and activist, Ms. Pham Doan Trang, was arrested by Hanoi Police on “anti-state propaganda” charges.<sup>70</sup>

## Key International Actors

**China**-Vietnam bilateral relations are complicated by maritime disputes in the South China Sea. The encroachment of a Chinese survey ship, *Haiyang Dizhi 8* into Vietnamese waters (near Vanguard Bank) resulted in protests in Hanoi. Despite these frictions, China, as of 2019, has become the single largest direct investor in Vietnam's economy (likely as a result from the China-United States trade war). Needless to say, the continued and significant influence over Vietnam's domestic and economic affairs by China, also a Communist regime, does little to advance the improvement of the human rights situation in Vietnam.<sup>71</sup>

Especially given the recently ratified **EU**-Vietnam free trade agreement, relations between the two parties seem to have improved. The EU continues to raise concerns in relation to the crackdown on rights activists.<sup>72</sup>

The **United States** continues to pursue opportunities to further its ties with Vietnam. This includes conducting joint maritime exercises in both countries.

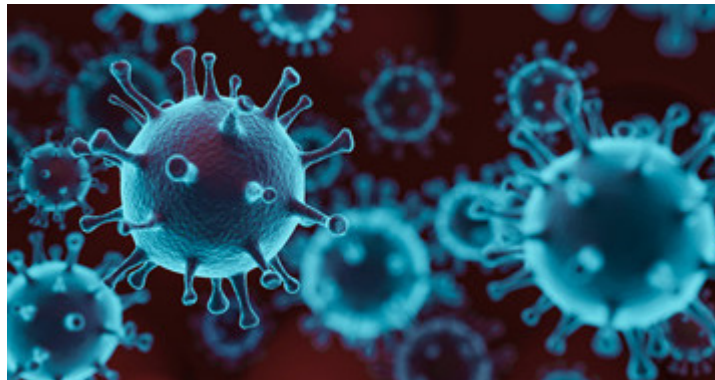
**Australia** also continues to explore possibilities to further develop its bilateral relationship with Vietnam. Australian Prime Minister, Scott Morrison's visit to Vietnam in the summer of 2019, failed to address human rights issues and its abysmal record with his counterparts in Hanoi. The human rights situation in the Communist country is discussed annually during the bilateral human rights dialogue between the two nations. Unfortunately, this exercise has done little to improve Vietnam's adherence to its international human rights commitments.<sup>73</sup>

**Japan** is similarly criticized for turning a blind eye to Vietnam's longstanding human rights transgressions, notwithstanding its status as Vietnam's prime bilateral donor.<sup>74</sup>

## COVID-19 Pandemic

With a relatively low case count of 1,405<sup>75</sup> cases up until December 15, 2020 and only 35 deaths<sup>76</sup> reported, Vietnam's response to the COVID-19 pandemic has been regarded as effective by global standards.<sup>77</sup> However, it can be argued that the very policies, which have been implemented to manage the public health situation, are also being employed by the authorities to persecute peaceful dissents.<sup>78</sup>

Over the course of this health crisis, there has been significant censorship in Vietnam of any views expressed online concerning the virus outbreak, criticism of the government in general as well as its response<sup>79</sup> (i.e. relating to the inaccuracy of the death rates or corruption).<sup>80</sup> According to government sources, from January to March 2020, 654<sup>81</sup> Facebook users have been called in for questioning over their posts<sup>82</sup> and made to attend “working sessions”, in which they were made to take them down.<sup>83</sup> Criminal sentences of up to nine months in prison were handed down as well as exorbitant fines over \$1,000 USD for some of them.<sup>84</sup>



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**Freedom of Expression**

## Freedom of Expression

In conjunction with the over-expansive and vague articles of the Penal Code, the 2016 Law on the Press and the 2018 Law on Cybersecurity serve to severely restrict all forms of expression (both online and offline) critical of the government.<sup>86</sup> This crackdown on legitimate freedom of expression makes it alarmingly clear that Vietnam's addition of a chapter on fundamental rights and human rights in the country's 2013 constitution<sup>87</sup> is nothing more than a 'cosmetic' revision – serving only to give the false impression that such rights are being taken seriously by the State.

In a recent report published by Amnesty International on November 30, 2020, and titled "Let us Breathe!": Censorship and criminalization of online expression in Viet Nam", we learned that Facebook and YouTube (Google) are "complicit in industrial-scale censorship and repression"<sup>88</sup> in Vietnam. Instruments in Vietnam's crackdown on freedom of expression online, Facebook is complying with 95% of the censorship demands by the Communist Regime, while YouTube is complying with 90% of the requests.<sup>89</sup>

The report further states that Facebook's revenues from Vietnam accounted for nearly US\$1 billion in the year 2018, representing close to a third of its total income from Southeast Asia. For Google, the profits amounted to US\$475 million for the same year. Considering these staggering profits, the access to Vietnam's market is of great importance for these tech giants<sup>90</sup>, who prefer to blatantly turn a blind eye on human rights violations in order to make a profit.

According to Amnesty International, out of the 170 prisoners of conscience imprisoned, 69 are detained for "peacefully exercising their right to freedom of expression online"<sup>91</sup> with some of them receiving sentences that range from 9 months to 11 years.<sup>92</sup>

Among the following cases, which will be presented in this section, some have been documented by Amnesty International in its report.<sup>93</sup>



*Dr. Pham Chi Dung*<sup>96</sup>

Dr. Pham Chi Dung, independent journalist, Ph.D. in Economics, and President of the Independent Journalists Association of Vietnam (IJAVN) was arrested on November 21, 2019 and charged with “conducting propaganda against the state” that carries a sentence of between 10 and 20 years<sup>94</sup>. Mr. Dung maintains that he committed no crime.<sup>95</sup>

Also arrested under the same charges, Mr. Dung’s colleagues, Vice-President of the IJAVN, Nguyen Tuong Thuy and independent journalist, Le Huu Minh Tuan, have been detained since May 2020 and June 2020, respectively.<sup>97</sup>



*From left to right: Nguyen Tuong Thuy and Le Huu Minh Tuan*<sup>98</sup>

On January 5, 2021, a court in Ho Chi Minh City sentenced these three dissident Vietnamese journalists with heavy sentences - a combined 37 years – simply for exercising their inherent and inalienable rights to freedom of expression: Mr. Pham Chi Dung was handed a 15-year prison term.<sup>99</sup> In a written statement released on January 18, 2021, Mr. Dung confirms his decision not to appeal his sentence. For him, there can be no justice when the courts issue and uphold pre-determined verdicts for the vast majority of cases concerning political dissidents. He stresses that his choice is in no way an acceptance of his harsh prison sentence, but rather, a recognition of the futility of such a pursuit, given the systemic tyranny and corruption that dominates the judicial system – and the rest of communist Vietnam’s institutions.<sup>100</sup> Mr. Dung’s IJAVN colleagues, Mssrs. Nguyen Tuong Thuy and Le Huu Minh Tuan, were also sentenced and both received 11 years imprisonment, under similar charges.<sup>101</sup> On January 21, 2021 the European Parliament adopted a resolution<sup>102</sup> asserting the importance of ‘respect for human rights’ as an essential element of successful bilateral relations, particularly the recently-ratified EU-Vietnam Free Trade Agreement. In a released statement, they condemned Vietnam’s worsening human rights record and demanded the immediate and unconditional release of these three journalists and human rights defenders, as well as all other prisoners of conscience.<sup>103</sup> Some EU lawmakers even called for tariffs between the EU and Vietnam to be restored.<sup>104</sup>

Trinh Ba Phuong along with, his mother Can Thi Theu, his brother Trinh Ba Tu and Nguyen Thi Tam, who are all land rights activists and have been victims of land grabbing, were all arrested on June 24, 2020 for posting information online criticizing the government for their heavy-handed response on January 9, 2020 in the longstanding clashes with villagers over land in Dong Tam commune.<sup>105</sup>



*From left to right: Can Thi Theu, Trinh Ba Phuong, Trinh Ba Tu<sup>106</sup> and Nguyen Thi Tam<sup>107</sup>*

During a telephone interview with Amnesty International in early 2020, Trinh Ba Phuong said:

*“Facebook has contributed to the making of a new era in Viet Nam. Our society has changed dramatically in the past six years because people can now access information to which they never had access in the past. I understand that Facebook has to care about profit, but I wish that Facebook could also maintain its operation in Viet Nam and continue to provide our people a platform where we can express ourselves freely. As for me, I will not back down even if I have to go to prison.”<sup>108</sup>*

Described as a “relentless crackdown” <sup>109</sup> on freedom of expression, five peaceful protesters (Luu Van Vinh, Nguyen Quoc Hoan, Nguyen Van Duc Do, Tu Cong Nghia, Phan Trung) allegedly belonging to the group, ‘Vietnam National Self-Determination Coalition’ were all convicted of the crime of ‘subversion’ (under Article 79 of the 1999 Penal Code). In October 2018, they all received sentences ranging from 8 to 15 years in prison.<sup>110</sup> The March 2019 appeal hearing of the Ho Chi Minh City’s High People’s Court, resulted in their sentences being upheld.<sup>111</sup>



*From left to right: Nguyen Quoc Hoan, Nguyen Van Duc Do, Phan Trung, Tu Cong Nghia, and Luu Van Vinh* <sup>112</sup>

Chau Van Kham, a Vietnamese-born Australian citizen, is a 72-year-old activist and member of the pro-democracy group, “Việt Tân”. Though confirmed to be “a peaceful organization advocating for democratic reform”<sup>113</sup> by the United Nations, since 2016, it has been officially listed as a terrorist organization by the Vietnamese Ministry of Public Security. In January 2019, Mr. Kham was apprehended (alongside Vietnamese citizens and alleged members of the same organization, Nguyen Van Vien and Tran Van Quyen).<sup>114</sup> After a 10-month detention, Mr. Kham received a 12-year sentence; his appeal to have this overturned was subsequently dismissed in March 2020.<sup>115</sup> His family is joined by lawyers and human rights advocates in condemning the charges against him as unsubstantiated and politically motivated. Mr. Kham may not survive the 12-year sentence given his ailing health.<sup>116</sup> On January 13, 2021, Australian news sources reported that Mr. Kham is allegedly subject to long hours of hard labour while in prison.<sup>117</sup>



*Chau Van Kham is escorted by police to his trial at a court in Ho Chi Minh City, Vietnam, on November 11, 2019*<sup>118</sup>

The International Publishers Association’s Freedom to Publish Committee awarded on June 3rd the coveted Prix Voltaire for 2020<sup>119</sup> to Vietnam’s Liberal Publishing House (known as “Nhà xuất bản Tự Do”<sup>120</sup> in Vietnamese). Founded in February 2019<sup>121</sup> by Vietnamese pro-democracy activist and author, Pham Doan Trang (arrested on October 6, 2020<sup>122</sup> – please see section on ‘Select Cases of Human Rights Violations’ for further details) this publisher of various genres of non-fiction books considered sensitive and in stark opposition to official state policy, has faced a recurring government-endorsed campaign of repression, which includes: multiple attempts by authorities to arrest employees, online harassment, cyber-attacks, and closure of its bank accounts.<sup>123</sup>



*Modified original photo taken by Khanh An<sup>124</sup>*

An illustration of a blue sea with wavy lines under a light blue sky with clouds. A wooden post in the water holds a white sign that reads "SOUTH CHINA SEA". A dashed line extends from the sign towards the bottom left. Five paper boats are on the water: a large red boat with five yellow stars (Chinese flag) on the right, and four smaller boats with the flags of the Philippines, Malaysia, Vietnam, and Indonesia on the left.

**SOUTH  
CHINA SEA**

**Protest 99 & South China Sea Dispute**

## What is Freedom of Assembly?

Freedom of assembly is the right or ability of people to collectively convey, endorse, and / or defend a view, position or idea shared with others.<sup>125</sup> Freedom of assembly is therefore closely linked to freedom of expression and no exception to strict repression by the Vietnamese Communist authorities.

Now considered a “thriving middle income economy”<sup>126</sup>, Vietnam is one of the “fastest growing economies in Southeast Asia”.<sup>127</sup> This can be credited, to a large extent, to the increase in international trade and foreign investments from within the Association of Southeast Asian Nations (ASEAN), the European Union, the United States of America and China. The complex relationship between Vietnam and China goes back thousands of years and is quite contradictory as they are “both friends and rivals”.<sup>128</sup> There are existing tensions and conflicts between them but they also manage to cooperate and work together, especially when it comes to the economy, with China said to be “Vietnam’s largest import market”.<sup>129</sup>

## What is the South China Sea and the dispute?

The South China Sea (SCS) is an economically lucrative trade hub and geopolitically significant sub-region of the Indo-Pacific,<sup>130</sup> accounting for an estimated 80 percent of global trade (by volume) and carrying one-third of global shipping.<sup>131</sup> In addition, it is also the site of rich fishing grounds as well as potential reserves of yet-undiscovered oil and gas. These factors have inevitably contributed to the longstanding tensions and territorial disputes between countries bordering the SCS<sup>132</sup>, particularly: Taiwan, Brunei, Malaysia, Philippines, Vietnam and China<sup>133</sup> – in which China continues to play an instigating and aggressive leading role. Despite its claims to the contrary<sup>134</sup>, its construction of military outposts on artificial islands<sup>135</sup> and growing military presence speak volumes to the reality of Chinese maritime hegemony in the region.

The United States and Australia have unequivocally rejected China's maritime claims in the South China Sea, in complete accordance with international law<sup>136</sup> - the 2016 Permanent Court of Arbitration's ruling<sup>137</sup>, which puts into question its expansive claims of land and features<sup>138</sup> that fall within its 'nine-dash line'.<sup>139</sup> Australia has also expressed its support for international law over China's claim in this dispute.<sup>140</sup> Although initially reserved in its approval of the United States and Australian stances, Vietnam is now trying to rally greater international awareness on the issue of Chinese aggression in the region, which continues to have devastating strategic and economic impacts for their country.<sup>141</sup> For instance, limitations to Vietnam's oil and gas exploration within exclusive economic zones claimed by Beijing have cost Vietnam an estimated \$1 billion.<sup>142</sup>

Vietnam continues to reiterate its sovereignty over the Paracel and Spratly islands, which are occupied and heavily militarized by China.<sup>143</sup> Tensions between China and Vietnam in this dispute escalated in 2014 after China's installation of an oil rig within an area to which Vietnam lays claim.<sup>144</sup>

As the dispute continues to escalate, the international community must support international law and promote peace in the region. Through a motion introduced by Senator Ngo on May 17, 2016, and adopted on April 24, 2018<sup>145</sup>, the Senate of Canada officially stated its concern on China's escalating and hostile behaviour in the South China Sea, and urged the Government of Canada to take a principled position on one of the biggest geopolitical conflicts of our time.<sup>146</sup>

### Senator Ngo

*"After two years of debate, the Senate is pronouncing a clear message to the House of Commons and exercising its role as the Chamber of sober second thought on a foreign affairs policy matter where China's challenge to the international order, the rule of law and the democratic world cannot be overlooked."*<sup>147</sup>



*Le Hoang (right) and fellow protesters make known their opposition to Chinese occupation of the disputed Paracel islands in the South China Sea, in Hanoi, January 19, 2014.<sup>155</sup>*

## What is Protest 99?

In 2017, the government of Vietnam, during the fourth session of its 14th National Assembly, outlined the possibility of a lease agreement which would provide Chinese investors with tax incentives and lower tariffs via ownership of three Special Economic Zones (SEZ) in Vietnam for 99 years.<sup>148</sup> In 2018, the government proposed a controversial SEZ draft law which sparked nation-wide outrage, with several protests taking place outside key government buildings. Protesters held banners and signs with messages condemning the 99-year land lease to China, such as “No leasing land to China even for one day.”<sup>149</sup> Although several protesters were harassed, detained, and even imprisoned (i.e. up to 118 were sentenced for ‘disrupting public order’)<sup>150</sup> – the protests were successful in – at the very least – inciting the government to postpone adoption of the bill until after 2020. Debate on this bill may be reopened once again at the 2021 National Party Congress.<sup>151</sup>

On November 14, 2019, the government approved a resolution establishing a management board to implement government objectives and oversee investment, production and business for investors in the SEZ of Van Don<sup>152</sup> (one of the three economic zones included in the draft bill, which also includes the SEZ of Bac Van Phong and Phu Quoc).<sup>153</sup>

Economic experts as well as members of the Vietnamese diaspora have questioned the government’s motivations in setting up this management board at a time of increased Chinese aggression in the South China Sea, with some having mixed opinions.<sup>154</sup> Some additional concerns revolve around whether the government of Vietnam would consult with experts and the public if discussions on the SEZ draft law are reinitiated.

## Economist Pham Chi Lan

*“In terms of geography, Van Don is at the heart of the Belt and Road [Initiative] that China still wants. Vietnam has participated in the Asian infrastructure bank that China initiated but has not really participated in the project. So China really wants to bring Vietnam in, especially when Vietnam is reviving from [...] Covid-19 [...]. But even if they put pressure, [...] [w]hat I hope is the leadership is wise enough to see. Shortcomings are unacceptable if the Van Don pilot economic zone is formed on the old ideas of the Special Zone Act, threatening Vietnam’s security and defense. [...] Recently, due to the focus on [the pandemic] the public paid little attention to other issues. I am sure now some interested experts will come back and speak up, analyze [...] the shortcomings of this [pilot] economic zone [of Van Don] [...].”<sup>156</sup>*

## Dr. Nguyen Tri Hieu

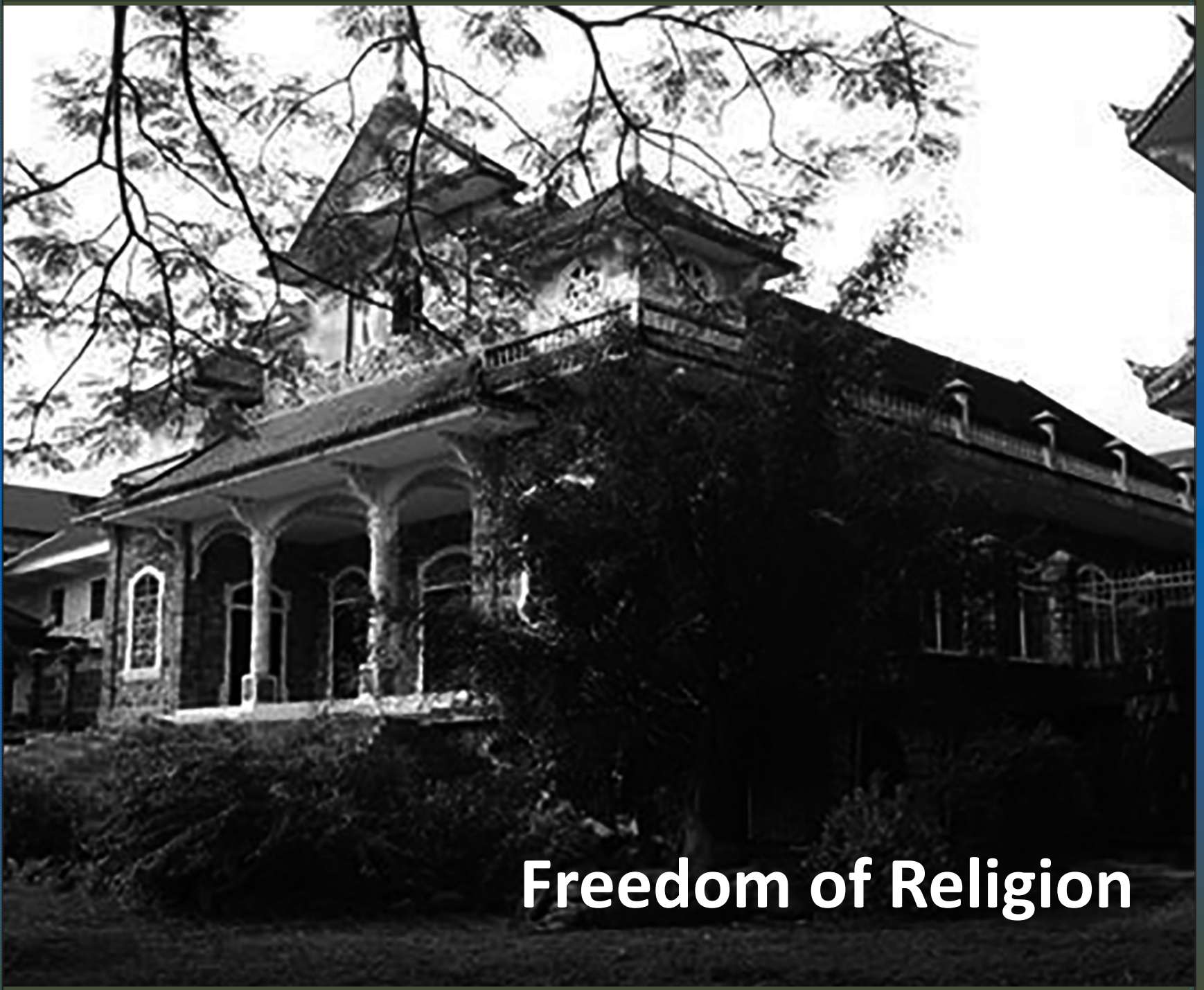
*“I do not know if the government has discussed this with the National Assembly or has a committee of Congress approved this project or not. [...]. But it is difficult to conclude this is a unilateral decision. If you don’t consult Congress and other actors, it means the government has put people in it already. But I’m not sure about this. I suggest that if the government has no plans yet, now is a good time to come up with [them]. The government needs to have specific guidance attached to the project being issued, so that people [...] know. Not only let the people know, but discuss it on the National Assembly forum. There is nothing we can do about it because we cannot ask the prime minister to withdraw his decision.”<sup>157</sup>*



*Regularly hosting ships of the China Coast Guard and People's Liberation Army Navy supply ships – Tree Island, in the Paracels, is one of the many Chinese outposts in the South China Sea.<sup>158</sup>*



*Signs of new housing, power supplies, cultivation and potentially a helipad can be seen on Drummond (Duy Mong), Tree (Cay) and West Sand (Con Cat Tay) islands of Vietnam's Hoang Sa (Paracel) archipelago via satellite imagery.<sup>159</sup>*



**Freedom of Religion**

## Freedom of Religion

Severe repression of the fundamental right of freedom of religion or belief has been a long-standing practice of the Communist Party of Vietnam via restrictive legislation, burdensome registration requirements and constant surveillance.<sup>160</sup> Religious groups must obtain state recognition (through registration) and are closely monitored and controlled by government-established management boards. Any religious groups or activities that do not fall within the purview of their narrow and arbitrary legislative requirements (i.e. deemed to pose a threat to “public order, national unity, or national interest”<sup>161</sup>) are banned outright.<sup>162</sup>

Religious groups unrecognized by the government (which also happen to constitute the five largest religious confessions in the country), include: The Unified Buddhist Church, the Catholic Church, the Cao Dai religion, the Hoa Hao Buddhist Church, and the Protestant Church.<sup>163</sup> These groups are subject to harassment, intimidation and continuous surveillance. Adherents are often forced to renounce their faith, interrogated, detained, imprisoned and tortured.<sup>164</sup> It is estimated that approximately a third of Vietnamese prisoners of conscience were targeted in whole or in part because of their religious beliefs or advocacy for freedom of religion or belief.<sup>165</sup>

*“We strongly condemn acts of religious persecution and human rights abuses in Vietnam.”*

– Interfaith Council of Vietnam



From the top left: Bui Van Trung, Bui Van Tham, and Le Yhi Hen.<sup>166</sup>

From the bottom left: Bui Thi Bich Tuyen, Nguyen Hoang Nam, and Le Hong Hanh.<sup>167</sup>

## State Oppression of ‘Unrecognized’ Religious Groups

### The Unified Buddhist Church of Vietnam (UBCV)

The Unified Buddhist Church of Vietnam’s very existence is threatened (today only a handful of small groups remain) as a result of almost half of century of persecution by the Communist government of Vietnam. Several pagodas have been destroyed (i.e. Lien Tri Pagoda in Thu Thiem; An Cu Pagoda in Da Nang; Son Linh Pagoda in Kontum).<sup>168</sup> Funeral and memorial services for the late Patriarch of the UBCV, the Venerable Thich Quang Do - Buddhist monk and outspoken dissident against the regime<sup>169</sup> - were shut down by authorities in Vietnam.<sup>170</sup>



*“Fig. Most Venerable Thich Khong Tanh at the site of Lien Tri Pagoda destroyed by government”.<sup>171</sup>*

## The Cao Dai Religion

Persecution of adherents of the Cao Dai faith have been severely restricted from practicing their faith by the Communist regime. In Tay Ninh, the state prohibits believers from being buried in their own cemeteries (a practice since 1926). As recently as March 2020, authorities harassed and denied members of this group from attending an event commemorating the 7th anniversary of the destruction of the Tuy An Holy Temple. On June 18, 2020 state forces stormed into the Hieu Xuong Holy Temple in Tuy Hoa Phu Yen. In addition, Cao Dai leader, Hua Phi's passport, confiscated in 2014, has yet to be returned.<sup>172</sup>



*"A dispute at Hieu Xuong Temple on June 18, 2020.  
Photo: Công Danhboy's Facebook account." <sup>173</sup>*

## The Catholic Church

Several Church properties, confiscated by the state after 1975, such as Hoan Thien Sub-Seminary (Hue) have yet to be returned. Others have been demolished, this includes: The Apostolic Nuncio and Archbishop's Land in Hanoi, Thu Thiem Parish and the Followers of the Cross, Tam Toa Parish Church in Quang Binh, and Loc Hung Parish in Saigon. Thien An Monastery has been the target of repeated attacks. Several Catholic clergy members (i.e. Father Dang Huu Nam) have been subjected to harassment, intimidation and assault by the government. Father Nguyen Van Ly, after over 22 years of imprisonment, remains indefinitely detained at the Huu Duong House of the Archdiocese of Hue.<sup>174</sup>

## Hoa Hao Buddhist Church

Assets confiscated after 1975 by the Communist regime have yet to be returned. The government has also effectively destroyed the last remaining holy site, An Hoa Tu, by gradually stripping it of its historical and cultural elements. Believers such as Bui Van Tham, Bui Van Trung, and Vuong Van Drop have been detained and denied visits from family. In February and May of 2020, adherents were prevented from attending religious celebrations. Members of the clergy are constantly harassed, prohibited from leaving their homes and interrogated by officials for voicing criticisms over the state's role in repressing their religious freedoms.<sup>175</sup>



*From top left: Bui Van Trung at his trial in February 2018<sup>176</sup>, Bui Van Tham<sup>177</sup>*

*From the bottom left: Nguyen Hoang Nam<sup>178</sup>*

## The Protestant Church

Protestant churches throughout the country are under constant surveillance, including ethnic churches in the Central Highlands (i.e. adherents are known as the 'Montagnard' people). Members of the clergy, such as Pastor Nguyen Trung Ton and Pastor Dinh Dien remain in prison. The state police still frequently monitor, stop and intimidate the adherents of the independent churches throughout the country, including the Ethnic Churches in the Central Highlands.<sup>179</sup> According to a statement released by the Vietnam Protestant Church on November 25, 2020, the 10th General Clergy meeting scheduled for December 1-3, 2020, could not be held due to licensing reasons (i.e. a license was not issued by the Government Committee for Religious Affairs).<sup>180</sup>



*H'Mong Protestant people persecuted<sup>181</sup>*



*Protestants protesting religious persecution<sup>182</sup>*

## The Case of Thien An Monastery

Established in 1940 by Father Romain and Father Corentin, Thien An monastery is located 10 km from Hue city Centre, in Thuy Bang, nestled in a pine forest.<sup>183</sup>



*Vietnam's Thien An monastery*<sup>184</sup>

Although the law of Vietnam recognizes the monastery, there has been a longstanding dispute between clergy and the state over the land on which the monastery is built. The Communist regime wishes to confiscate over 110 hectares of protected forest land that surrounds the monastery. After prohibiting monks from building a path, they launched a petition to bring international attention to this repression and 'land-grabbing' by the state. They fear the government may resort to 'manipulating the law' in their favour, thereby winning possession of the land. The many letters sent, and meetings held in an attempt to negotiate with authorities have been to no avail.<sup>185</sup>

The monastery continues to be the target of acts of aggression and even vandalism from the government, such as raids by police (even breaking in to the monastery, threatening to occupy the premises) and the desecration and destruction of the cross and statue of Jesus Christ, destroyed on multiple occasions throughout the years. More than 5 hectares of forest land have been burned since March 2018.<sup>186</sup>

The following photo was provided by ADV





*Statue of Christ's Cross destroyed last destroyed in August 2020.<sup>187</sup>*



# Prisoners of Conscience



## Prisoners of Conscience

This section is dedicated to the people who bravely dare to risk their safety and lives to speak up on human rights, democracy, sovereignty, environment and corruption. Despite their courageous efforts, they have been unfairly imprisoned, and their voices have been suppressed. As individuals that live in a free democratic society, we should bring light to their message and help amplify their voices.<sup>189</sup>

The following pages contain the names and faces of some prisoners of conscience that have been silenced behind prison bars. Though silenced, their message speaks loud and clear.<sup>190</sup>

***\*\*\*Some individuals may have been released, put under house arrest, or gone into hiding.***

*The list of prisoners of consciences was retrieved thanks to the following organizations: Alliance for Democracy in Vietnam (ADV), Bao Moi, British Broadcasting Corporation, Human Rights Watch, Radio Free Asia, Saigon Broadcasting Television Network, Special Broadcasting Service, Stop the Crackdown, The Seattle Times, The 88 Project, United States Commission on International Religious Freedom and Voice of America Vietnam.*<sup>191</sup>



Photos courtesy of the Alliance for Democracy in Vietnam (ADV)



The pictures of the following individuals could not be found online:

A Gyn	Kpuli Mel	Nguyen Thi Lien	Ta Tan Loc
A Hyum	Ksor Kam	Nguyen Thi Ngoc Hanh	Tang Thanh Thuan
A Quyn	Le Nhut Ban	Nguyen Thi Nham	Tran Ho
A Tach	Le Van Khien	Nguyen Toan Trung	Tran Hoang Phuc
A Tik	Le Van Liem	Nguyen Truong Vinh Phuc	Tran Long Phi
Bui Manh Tien	Le Van Tam	Nguyen Tuan Quan	Tran Minh Thien
Bui Thanh Tu	Ngo Duc Duyen	Nguyen Van An	Tran Thanh Phuong
Bui Van T.	Ngo Van Dat	Nguyen Van Hieu	Tran The Nghia
Byuk	Nguyen Chuong	Nguyen Van Hung	Tran Thi Mai Huong
Dan Van Tung	Nguyen Dinh	Nguyen Van Tan	Tran Van Cong
Dang Ngoc Tan	Nguyen Dinh D.	Nguyen Van Thuan	Tran Van Tuan
Dang Van Tuan	Nguyen Duy Sang	Nguyen Van Tien	Tran Van Xi
Dinh Ku	Nguyen Huynh D.	Nguyen Xi	Tran Vu Hai
Dinh Ngo	Nguyen Ngoc Binh	Pham Long Dai	Truong Cong Hieu
Dinh Nong	Nguyen Ngoc Qui	Pham Sang	Truong Minh Tai
Do Van Co	Nguyen Ngoc Sang	Pham Thanh	Truong Quoc Gia Huy
Do Van Ngoc	Nguyen Nhat Thuong	Pham Thanh Nam	Truong Thanh K.
Do Van Tai	Nguyen Nhat Truong	Pham Thi Phuong	Tu Cong Nghia
Do Van Thang	Nguyen Quang Hung	Pham Van Chung	Vo Men
Doan Thi Bich Thuy	Nguyen Quang Thanh	Pham Van Man	Vu Van Ha
Doan Thi Hong	Nguyen Quoc Hoan	Phan Van Lanh	Vuong Van Thuan
Dong Kim Hung	Nguyen Quoc Hue	Puhn Bop	Y Dim Nle
Ho Dang Van An	Nguyen Quy Lai	Rimah Hach	Y Hiam Kpa
Ho Thai Ha	Nguyen Quynh Phong	Ro Lan Kiy	Y Lao Mio
Ho Thanh Tam	Nguyen Tan Dong	Siu Ben	Y Ty Ksor
Huynh Hau Dat	Nguyen Tan Thong	Siu Bler	Y Yen Hwing
Huynh Van Su	Nguyen Tan Vu	Siu Hom	Y Yloh
Kinh Tan Hoach	Nguyen Thanh Phuong	Siu Thai	



## Villagers of Dong Tam

Photos courtesy of the Alliance for Democracy in Vietnam (ADV).



Bui,  
Thi Duc



Bui,  
Thi Noi



Bui,  
Van Nien



Bui,  
Van Tien



Bui,  
Van Tuan



Bui,  
Viet Hieu



Bui,  
Viet Tien



Dao,  
Thi Kim



Le,  
Dinh Quang



Le,  
Dinh Chuc



Le,  
Dinh Cong



Le,  
Dinh Doanh



Le,  
Dinh Hien



Le,  
Dinh Quan



Le,  
Dinh Uy



Le,  
Thi Loan



Mai,  
Thi Phan



Nguyen,  
Quoc Tien



Nguyen,  
Thi Bet



Nguyen,  
Thi Dung



Nguyen,  
Thi Lua



Nguyen,  
Van Due



Nguyen,  
Van Quan



Nguyen,  
Van Trung



Nguyen,  
Van Tuyen



Nguyen,  
Xuan Dien



Tran,  
Thi La



Tran,  
Thi Phuong



Trinh,  
Van Hai

## The Case of Tran Huynh Duy Thuc



“Don’t let my passing be in vain”

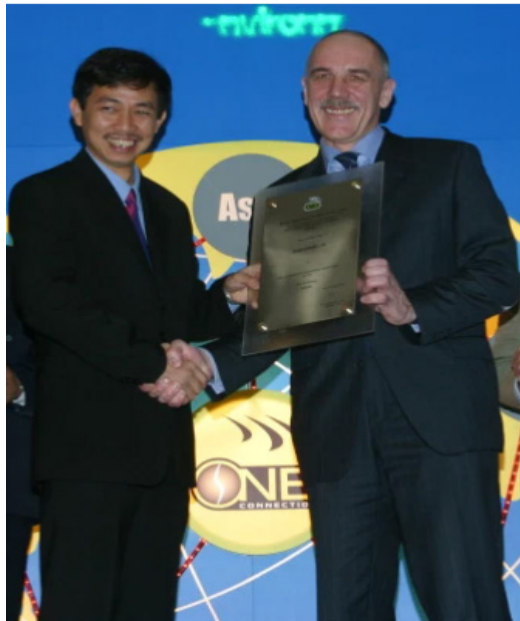
“Hãy tận dụng sự ra đi của tôi”

~ Trần Huỳnh Duy Thức

## The Case of Tran Huynh Duy Thuc

On January 14, 2021, Tran Huynh Duy Thuc was hospitalized after 50-days on a hunger strike. Mr. Thuc was admitted to the Vietnam-Poland Hospital in Nghe An, Vinh City. Despite complete silence (and in some cases, outright denial) by Vietnamese authorities and hospital staff, the U.S. Embassy in Vietnam as well as local friends and family residing in Nghe An, were able to confirm Mr. Thuc's emergency hospitalization.<sup>192</sup> Having already served almost 12 years of his 16-year sentence, he is urging the High Court to consider his request to have his sentence reduced in accordance with the 2015 *Penal Code* (which now carries a maximum term of 5 years in prison).<sup>193</sup>

This once successful engineer and entrepreneur was founder of an Internet phone service company (with branches in Vietnam, US and Singapore) as well as the 'Chan research group' which studies social, economic and political issues in his country and around the world. A peaceful advocate, he was known to blog about some of these issues under the pen name 'Tran Dong Chan'.<sup>194</sup>



*"Launching One-Connection Singapore"*<sup>199</sup>

He is one of the many prisoners of conscience that have been arbitrarily detained. On May 24, 2009, he was initially charged with 'theft of telephone wires', then later indicted under Article 79 of Vietnam's Penal Code for 'subversion' or 'activities aimed at overthrowing the people's administration' handing him a sentence of 16 years of imprisonment.<sup>195</sup>

Transferred to a prison that is over 3,000 km away from his family (Detention Centre No. 6 in Nghe An province), Mr. Thuc, who suffers from high blood pressure and high blood sugar is being denied even the most basic of prisoners' rights, such as access to boiled water (for instant noodles), reading lights, a blood pressure monitor and a glucose monitor. He also faces constant and ever-increasing abuse and threats from prison officials, determined to make him falsely confess to obtain parole.<sup>196</sup> Such deprivation and abuse is a blatant contravention of the United Nations (UN) Standard Minimum Rules for the Treatment of Prisoners (Nelson Mandela Rules), adopted unanimously by the UN General Assembly in December 2015.<sup>197</sup>

Mr. Thuc remains steadfast in his conviction that freedom of speech is not a crime and that his case should be reassessed under the updated provisions of the new Penal Code of 2015, which no longer considers his 'crime' as 'subversion'. It is evident that applying the law to Mr. Thuc's case would create a 'dangerous' precedent for many prisoners of conscience – one that Vietnam's Communist authorities would evidently not want to set.<sup>198</sup>

The Socialist Republic of Vietnam, having ratified the International Covenant on Civil and Political Rights (ICCPR) in 1982,<sup>200</sup> is obligated to respect and protect freedom of expression. It has also failed to uphold its international obligations under other key international human rights treaties, such as the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, ratified in 2015.<sup>201</sup>

Tran Huynh Duy Thuc has asked his family to make public his plight and relay the following message:

*“I’m sorry that I could not reach the end successfully with you all, but please keep moving forward on the path of enlightening our compatriots and the world, keep up the battles for Human Rights. Make the most use of my departure by pushing this struggle to its end by this year or the next.”*<sup>202</sup>



*Tran Huynh Duy Thuc during a prison visit.*<sup>203</sup>



Tran Huynh Duy Thuc arrested (above)<sup>204</sup>; Tran Huynh Duy Thuc at his trial (below)<sup>205</sup>





~~HUMAN RIGHTS~~

## Select Cases of Human Rights Violations

### Dong Tam Village

On the morning of January 9, 2020, at 4:00 am, an attack by Hanoi police and Government task forces, approximately 3,000 officers, was conducted on Dong Tam Village, where its Leader, Mr. Le Dinh Kinh, aged 84, was murdered and others severely injured, including women and the elderly.<sup>206</sup>

The Government of the Socialist Republic of Vietnam unfairly seizes lands all across Vietnam, sometimes compensation is “barely enough to buy a bowl of noodles”, resulting in some taking their lives.<sup>207</sup>

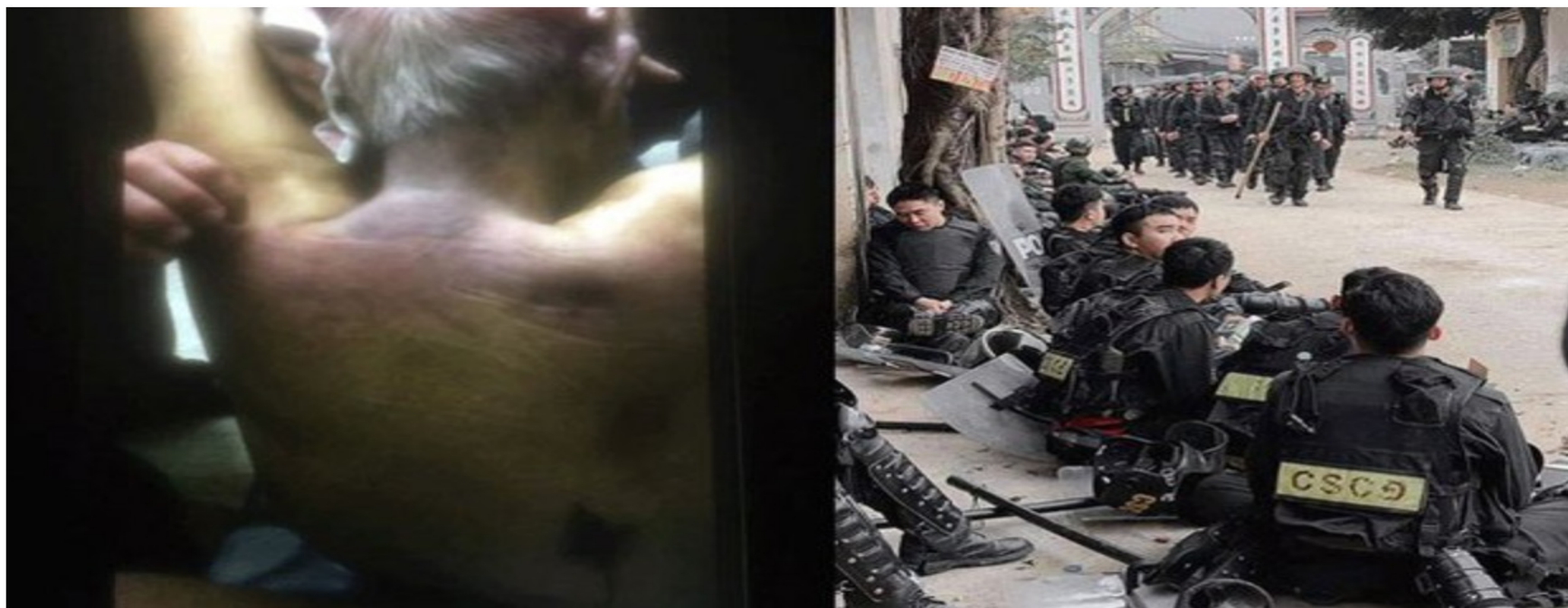
On September 14, 2020, twenty-nine residents of Dong Tam commune were arrested on trumped-up charges. A court in Hanoi sentenced Le Dinh Kinh’s sons to death, Messrs. Le Dinh Cong and Le Dinh Chuc, while the rest were handed down sentences ranging from life in prison, 2 to 18 years, and fifteen months’ probation, in the trial of the twenty-nine villagers<sup>208</sup>, whose only ‘crime’ was to defend their right to receive adequate compensation for their land. These deliberately exaggerated sentences (grossly disproportionate to the severity of the offences), are merely a ‘show of force’<sup>209</sup> by Vietnam’s ruling Communist party to dissuade future communities from expressing any form of objection to meagre compensation for the government’s regular land confiscations destined for lucrative real-estate projects.



*Riot police raiding Dong Tam Village in the early hours of the morning on January 9, 2020<sup>210</sup>*



*Le Dinh Kinh, the village leader, aged 84, was found dead inside a house.<sup>211</sup>*



*From left: Bruised body of the leader Le Dinh Kinh, who was brutally murdered by task forces (on the right) during the raid of Dong Tam village in January 2020<sup>212</sup>*



*Dong Tam Villagers awaiting their sentences on trumped-up charges, Hanoi, September 2020*<sup>213</sup>

## The Case of Pham Doan Trang



*Ms. Pham Doan Trang.*<sup>222</sup>

Pham Doan Trang is a prominent human rights defender, blogger and journalist. She is the co-founder of the *Liberal Publishing House* in Vietnam, a non-profit organization that was awarded the International Publishers Association's 2020 Prix Voltaire.<sup>214</sup> She is also the founder of "Luật Khoa", an online law and human rights magazine.<sup>215</sup> In addition to this, she is a member of the editorial board of The Vietnamese, an independent news website which raises public awareness about human rights and political issues in Vietnam.<sup>216</sup>

Ms. Pham Doan Trang was arrested and charged with "anti-state propaganda" merely a few hours after the annually held US-Vietnam Human Rights Dialogue on October 6, 2020. With these charges laid against her (which fall under article 117 of the Vietnamese Penal Code pertaining to the "making, storing, spreading information, materials, items for the purpose of opposing the State of Socialist Republic of Vietnam"), Ms. Trang could be sentenced up to 20 years in prison, if convicted. She faces imminent and near-certain risk of torture and ill treatment while in custody. Unfortunately, this is not the first time Ms. Trang has been targeted for her work by the Vietnamese authorities. An internationally recognized author, recipient of the Reporters Without Borders 2019 Press Freedom Prize, and ardent critic of the lack of democracy, press freedom and rule of law in Vietnam, she has faced harsh and continued persecution from the authorities since returning to the country in 2015.<sup>217</sup> In September 2020<sup>218</sup>, Ms. Trang, in collaboration with human rights defender, Will Nguyen, also published the third edition of the Dong Tam report<sup>219</sup>, which sheds light on the brutal attack by Vietnamese security forces against the villagers of Dong Tam.<sup>220</sup>

The fact that Ms. Trang had met with officials at the US Consulate in Ho Chi Minh City to discuss the ongoing human rights abuses in Vietnam only further casts into stark relief the iron-fisted desperation that characterizes the ruling Communist party's repression of basic human rights and universally enshrined fundamental freedoms, such as free speech. It is blatantly obvious that the arrest is nothing more than a "scorched earth response"<sup>221</sup> to silence and punish this brave dissident once and for all.



*Vietnamese refugees are transported during Operation Passage to Freedom in August 1954.<sup>226</sup>*

The Vietnamese people have undergone tremendous obstacles that have resulted in the displacement of millions throughout its tumultuous history marred with episodes of colonialism, war and Communist oppression. This section explores some of the events that define some of these periods.

## **Operation Passage to Freedom - 1954**

In 1954, an estimated total of one million<sup>223</sup> North Vietnamese refugees and military personnel as well as French, crossed into South Vietnam by sea, by air and by land, with the help of the US Navy and French military<sup>224</sup>. At the end of the First Indochina War, in accordance with the 1954 Geneva Accords, the governments of North and South Vietnam were accorded 300 days to resettle any of their citizens who wished to leave their homes.<sup>225</sup>

## Fall of Saigon in 1975 and Vietnamese Boat People

What followed the fall of Saigon on April 30, 1975, was the largest mass migration in modern history, with more than 2 million people leaving their war-torn country in search of freedom. These refugees became known as the “boat people”.<sup>227</sup>

Many Vietnamese refugees drew on their private resources to escape the advancing Communist armies, prompting the Hanoi government to seal the country’s borders. After the Vietnam War, 65,000 South Vietnamese people were executed and 1 million were sent to prison and re-education camps, where an estimated 165,000 died because of retribution from the Communist North.<sup>228</sup>

In order to flee racial, ethnic, religious and political persecution, many refugees had to escape in rickety, broken boats on the South China Sea, where they faced constant unimaginable peril. They faced not only deadly storms, but also disease and starvation. The primary causes of death for the boat people were drowning or attacks by pirates, who murdered them or sold them into slavery and prostitution. According to the United Nations High Commissioner for Refugees, over 250,000 perished on the seas in search of freedom and a brighter future. The lucky ones were able to land alive at refugee camps.<sup>229</sup>



*A U.S. member of the CIA assists citizens of South Vietnam flee Saigon in April 1975, shortly before its invasion by North Vietnam<sup>230</sup>*



*Vietnamese Boat People awaiting rescue<sup>231</sup>*

## 39 Victims, UK

On October 23, 2019, the world, shockingly and perplexedly learned about thirty-nine Vietnamese citizens found dead in a refrigerated container truck in Essex, in what was considered “one of UK’s deadliest human-trafficking disasters”.<sup>232</sup>

We know that this tragedy was treated as a human-smuggling incident, since the victims were illegally smuggled through a human-trafficking network. The victims, who froze to death in their quest to freedom, are 31 men and 8 women. Most were young adults and ten of them were teenagers.<sup>233</sup>

Vietnam's Communist Government is partly responsible. The situation in Vietnam has become so unbearable that people will resort to anything just to get out of the country in search for freedom and respect of human basic rights, even if it means putting their lives in the hands of criminals.

Because of the general climate of terror and fear that reigns in Vietnam, its citizens have become so desperate, that they will employ any means necessary to leave their country in hopes of attaining freedom. The iron-fisted repression and oppression by Vietnam’s ruling elite is characterized by gross human rights violations, arbitrary imprisonments, poor living standards (where the average Vietnamese citizen can barely put food on the table), and lack of employment opportunities (to name just a few). The Vietnamese Communist Government has created such deplorable conditions that ultimately forces people to seek freedom and hopes of a better life elsewhere.

Over the last months, the ongoing Essex Police investigation, with the help of “a trans-border investigation team co-ordinated by the EU crime agency Eurojust that included Belgium, France, the UK and Ireland”<sup>234</sup>, has resulted in several international arrests, charges laid, and sentencing of some of those involved in this human trafficking network<sup>235</sup>. On January 22, 2021 in London, four men were found guilty and were handed sentences ranging from 13 to 27 years in prison.<sup>236</sup>



These are some of the victims that we have the names for:

These photographs were obtained courtesy of the Alliance for Democracy in Vietnam (ADV).



Bui,  
Phan Than



Bui,  
Thi Nhung



Hoang,  
Van Tiep



Le,  
Van Ha



Nguyen,  
Dinh Luong



Nguyen,  
Dinh Tu



Nguyen,  
Duy Hung



Nguyen  
Huy Hung



Nguyen  
Van Hung



Pham,  
Thi Ngoc Anh



Pham,  
Thi Tra My



Tran,  
Ngoc Hieu



Tran,  
Thi Tho



Vo,  
Ngoc Nam



Vo,  
Nhan Du

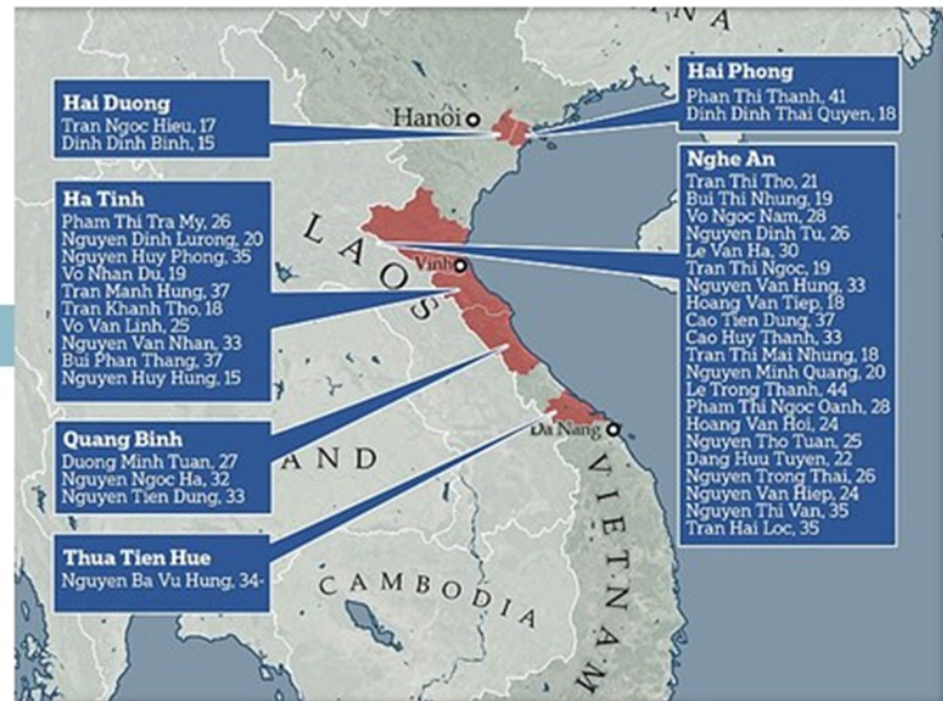


Vo  
Van Linh



Clockwise: Victims' bodies arrive at their villages for their funerals.<sup>238</sup>, Relatives are completely distraught as Nguyen Van Hung's body arrives home<sup>239</sup>, John Hoang Van Tiep's relatives overcome by grief as his casket arrives home<sup>240</sup>, Bodies of some of the victims arriving at the International Airport in Hanoi, November 27, 2019<sup>241</sup>  
Centre: Nguyen Van Hung's relatives paying their last respects<sup>242</sup>

These are the names of the victims of the Essex truck tragedy:



*Names and city of origin of the 39 victims of the Essex truck tragedy<sup>243</sup>*

# Penal Code



On December 21, 1999, the Code was passed by the National Assembly of Vietnam<sup>245</sup>

*Vietnam was elected to the UN Human Rights Council on November 12, 2013, accepting the obligation to “uphold the highest standards in the promotion and protection of human rights,” as set forth in United Nations General Assembly Resolution 60/251*

## 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:

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

## Article 87

### Undermining the unity policy

1. Those who commits one to the following acts with a view to opposing the people's administration shall be sentenced to between five and fifteen years of imprisonment
  - a) Sowing division among people of different strata, between people and the armed forces or the people's administration or social organizations;
  - b) Sowing hatred, ethnic bias and/or division, infringing upon the rights to equality among the community of Vietnamese nationalities;



# United Nations: Universal Declaration of HUMAN RIGHTS

General Assembly in Paris, France  
December 1948

## Article 1

All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.

## Article 2

Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty.

## Article 3

Everyone has the right to life, liberty and the security of person.

## Article 4

No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms.

## Article 5

No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

c) Sowing division between religious people and non-religious people, division between religious believers and the people's administration or social organizations;

d) Undermining the implementation of policies for international solidarity.

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

## Article 88

### Conducting propaganda against the Socialist Republic of Vietnam

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

a) Propagating against, distorting and/or defaming the people's administration;

b) Propagating psychological warfare and spreading fabricated news in order to foment confusion among people;

c) Making, storing, and/or circulating documents, and/or cultural products with contents against the Socialist Republic of Vietnam.

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

## Article 89

### Disrupting security

1. 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

2. Other accomplices shall be sentenced to between two and seven years of imprisonment

## Article 6

Everyone has the right to recognition everywhere as a person before the law.

## Article 7

All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.

## Article 8

Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law.

## Article 9

No one shall be subjected to arbitrary arrest, detention or exile.



## **Article 91**

### **Fleeing abroad or defecting to stay overseas with a view to opposing the people's administration**

1. Those who flee abroad or defect overseas with a view to opposing the people's administration shall be sentenced to between three and twelve years of imprisonment.
2. Organizers, coercers and instigators shall be sentenced to between five and fifteen years of imprisonment.
3. In the case of committing particularly serious crimes, the offenders shall be sentenced to between twelve and twenty years of imprisonment or life imprisonment.

## **Article 245**

### **Causing public disorder**

1. 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 two years or between three months and two years of imprisonment.
2. Committing the offense in one of the following circumstances, the offenders shall be sentenced to between two and seven years of imprisonment:
  - a) Using weapons or committing acts of devastation;
  - b) In an organized manner;
  - c) Causing serious obstruction to traffic or cessation of public activities;
  - d) Inciting other persons to cause disorder;
  - e) Assaulting persons who intervene to keep the public order;
  - f) Dangerous recidivism.

## **Article 10**

Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him.

## **Article 11**

1. Everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defense.
2. No one shall be held guilty of any penal offence on account of any act or omission which did not constitute a penal offence, under national or international law, at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time the penal offence was committed.

## **Article 12**

No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks.

## **Article 13**

1. Everyone has the right to freedom of movement and residence within the borders of each State.
2. Everyone has the right to leave any country, including his own, and to return to his country.

## **Article 14**

1. Everyone has the right to seek and to enjoy in other countries asylum from persecution.
2. This right may not be invoked in the case of prosecutions genuinely arising from non-political crimes or from acts contrary to the purposes and principles of the United Nations.

## Article 258

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

1. 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 three years or a prison term of between six months and three years.
2. Committing the offense in serious circumstances, the offenders shall be sentenced to between two and seven years of imprisonment.

## Article 15

1. Everyone has the right to a nationality.
2. No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality.

## Article 16

1. Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage and at its dissolution.
2. Marriage shall be entered into only with the free and full consent of the intending spouses.
3. The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.



**On November 27, 2015, the new Penal Code was passed by**

**the National Assembly of Vietnam <sup>246</sup>**

**Article 117 <sup>247</sup>**

**Making, storing, spreading information, materials, items for the purpose of opposing the State of Socialist Republic of Vietnam**

1. Any person, for the purpose of opposing the State of Socialist Republic of Vietnam, commits any of the following acts shall face a penalty of 05 - 12 years' imprisonment:

- a) Making, storing, spreading information, materials, items whose that contains distorted information about the people's government;
- b) Making, storing, spreading information, materials, items whose that contains fabricated information to cause dismay among the people;
- b) Making, storing, spreading information, materials, items to cause psychological warfare.

2. An extremely serious case of this offence shall carry a penalty of 10 - 20 years' imprisonment.

3. Any person who makes preparation for the commitment of this criminal offence shall face a penalty of 01 - 05 years' imprisonment.

**Article 157 <sup>248</sup>**

**Illegal arrest, detention, or imprisonment of a person**

1. Any person arrests, detains, or imprisons another person against the law, except for the cases specified in Article 377 hereof, shall face a penalty of up to three years community sentence or six to thirty-six months of imprisonment

2. This offence committed in any of the following cases shall carry a penalty of two to seven years of imprisonment:

- a) The offence is committed by an organized group;
- b) The offence involves abuse of the offender's her position or power;
- c) The offence is committed against a law enforcement officer in performance of his/her official duties;
- d) The offence has been committed more than once;

**Article 17**

1. Everyone has the right to own property alone as well as in association with others.

2. No one shall be arbitrarily deprived of his property.

**Article 18**

Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.

**Article 19**

Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

**Article 20**

1. Everyone has the right to freedom of peaceful assembly and association.

2. No one may be compelled to belong to an association.

**Article 21**

1. Everyone has the right to take part in the government of his country, directly or through freely chosen representatives.

2. Everyone has the right to equal access to public service in his country.

3. The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.

dd) The offence is committed against 02 or more people;

e) The offence is committed against a person under 18, a woman whose pregnancy is known by the offender, an elderly, sick, or defenseless person.

g) The offence results in the victim's extreme hardship or predicament;

h) The victim suffers from 11% - 45% mental and behavioral disability because of the offence;

3. This offence committed in any of the following cases shall carry a penalty of between five and twelve years of imprisonment:

a) The offence results in victim's death or suicide;

b) The victim is tortured or treated in a brutal and inhuman way, or the victim's dignity is destroyed;

c) The victim suffers from 46% mental and behavioral disability or over because of the offence

4. The offender might be forbidden from holding certain position for one to five years.

### **Article 330**

#### **Resisting a law enforcement officer in performance of his/her official duties**

1. Any person who uses violence or threat of violence or other methods to obstruct a law enforcement officer from performing his/her official duties or forces a law enforcement officer to act against the law shall face a penalty of up to three years community sentence or six to thirty six months of imprisonment:

2. This offence committed in any of the following cases shall carry penalty of two to seven years of imprisonment:

a) The offence is committed by an organized group;

b) The offence has been committed more than once;

c) The offender persuades or incites another person to commit the offence;

### **Article 22**

Everyone, as a member of society, has the right to social security and is entitled to realization, through national effort and international co-operation and in accordance with the organization and resources of each State, of the economic, social and cultural rights indispensable for his dignity and the free development of his personality.

### **Article 23**

1. Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment.

2. Everyone, without any discrimination, has the right to equal pay for equal work.

3. Everyone who works has the right to just and favourable remuneration ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection.

4. Everyone has the right to form and to join trade unions for the protection of his interests.



d) The offence results in property damage of  $\geq$  VND 50,000,000;

dd) Dangerous recidivism.

### **Article 331**

#### **Abusing democratic freedoms to infringe upon the interests of the State, lawful rights and interests of organizations and/or citizens**

1. Any person who abuses the freedom of speech, freedom of the press, freedom of religion, freedom of association, and other democratic freedoms to infringe upon the interests of the State, lawful rights and interests of organizations and/ or citizens shall receive a warning or face a penalty of up to 03 years' community sentence or 06 - 36 months' imprisonment.

2. If the offence has a negative impact on social security, order, or safety, the offender shall face a penalty of 02 - 07 years' imprisonment.

### **Article 377**

#### **Abuse of position or power to hold a person in detention or custody against the law**

1. Any person who abuses his/her position or power to commit any of the following acts shall face a penalty of 06 - 36 months' imprisonment:

a) Failure to issue a decision to release a person who is released as prescribed by law;

b) Issuing a decision to arrest or hold a person in detention or custody without any basis as prescribed by law;

c) Failure to implement the decision to release a person who is released as prescribed by law;

d) Arresting, holding a person in detention or custody without an order or decision as prescribed by law or under an order or decision which has not taken effect;

### **Article 24**

Everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay.

### **Article 25**

1. Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.

2. Motherhood and childhood are entitled to special care and assistance. All children, whether born in or out of wedlock, shall enjoy the same social protection.

### **Article 26**

1. Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.

2. Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace.

3. Parents have a prior right to choose the kind of education that shall be given to their children.

dd) Failure to issue an order or decision to extend the period of detention or custody; changing, cancelling the temporary detention method at the end of the temporary detention period causing the detainees to be held in detention behind schedule)

2. This offence committed in any of the following cases shall carry a penalty of 02 - 07 years' imprisonment:

a) The offence involves 02 - 05 people held in detention or custody against the law;

b) The offence results in 31% - 60% physical disability of the person held in detention or custody against the law;

c) The offence results in extreme hardship of the detainee or his/her family;

d) The offence is committed against a person under 18, a woman whose pregnancy is known by the offender, an old and weak person, or a person having a serious physical disability or extremely serious physical disability.

3. This offence committed in any of the following cases shall carry a penalty of 05 - 12 years' imprisonment:

a) The offence involves  $\geq 06$  people held in detention or custody against the law;

b) The offence results in  $\geq 61\%$  physical disability or death of the person held in detention or custody against the law;

c) The offence results in the suicide of the detainee;

d) The offence results in separation of the detainee's family.

4. The offender might also be prohibited from holding certain positions for 01 - 05 years

## **Article 27**

1. Everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits.

2. Everyone has the right to the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author.

## **Article 28**

Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized.

## **Article 29**

1. Everyone has duties to the community in which alone the free and full development of his personality is possible.

2. In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society.

3. These rights and freedoms may in no case be exercised contrary to the purposes and principles of the United Nations.

## **Article 30**

Nothing in this Declaration may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights and freedoms set forth herein.

## Conclusion

With the COVID-19 pandemic adding an additional layer of complexity to the plight of dissidents in Vietnam fighting for human rights, the number of prisoners of conscience languishing in prisons, arbitrarily and unjustly detained, only continues to grow.

Although Vietnam is flourishing economically, having signed and/or ratified several very lucrative bilateral and multilateral trade deals over the last few years, the material benefits have done nothing to alleviate the Communist Party of Vietnam's iron-fisted crackdown on human rights, persisting to violate their international human rights commitments with impunity. Calls from international rights groups and concerned stakeholders seem to have fallen on deaf ears. Economic interests, are as always, the primary consideration and base criteria by which bilateral and multilateral decisions are made. As a result of this and compounded by the global economic downturn in the aftermath of the COVID-19 pandemic, international intervention on Vietnam's poor human rights record has only been 'superficial' in some cases, while completely non-existent in others.

Former Prime Minister of Canada, The Right Honourable Stephen Harper captured the dilemma we often face whenever competing interests are at stake – especially as it pertains to the economy and our values:

*"I think Canadians want us to promote our trade relations worldwide, and we do that, but I don't think Canadians want us to sell out important Canadian values. They don't want us to sell that out to the almighty dollar."* <sup>244</sup>

Canada and the international community have an obligation to continue to condemn Vietnam's longstanding persecution against peaceful dissent and repression of human rights. We, as Canadians, need to ensure that our economic interests never trump our core values, basic human rights, universal freedoms, the rule of law, and democracy.

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