

Universal Periodic Review Submission: Vietnam

May 8, 2009

Summary of main issues of concern

Although Vietnam has made important strides in poverty reduction and economic reforms, the country remains a one-party state that denies its citizens the freedoms of speech, press, assembly, and religion, as well as the right to form independent trade unions and political parties. Domestic legislation effectively criminalizes peaceful dissent and unsanctioned religious activities, resulting in people imprisoned under harsh conditions for peaceful expression of their political and religious views. Vietnam is party to nine major international human rights instruments. Vietnam has not extended invitations to any of the UN special procedures since 1998.

This submission focuses on six core areas on which Human Rights Watch has conducted extensive research: criminalization of peaceful dissent, detention and mistreatment of detainees, freedom of religion; media and internet restrictions; labor rights violations; and freedom of assembly.

1. Criminalization of Peaceful Dissent

Vaguely-worded and loosely-interpreted national security crimes in Vietnam's penal code and other laws are used to imprison political and religious dissidents. These include conducting propaganda against the government (penal code article 88); "abusing democratic freedoms" of speech, press, belief, religion, assembly, and association to "infringe upon the interests of the State" (article 258); "undermining the unity police" (article 87) "disrupting security" (article 89); "causing public disorder" (article 245), and spying (article 80).

Other legislation, such as Ordinance 44, "Regulating Administrative Violations," authorizes local officials to arrest and detain in compulsory Social Protection Centers (*Trung Tam Bao Tro Xa Hoi* in Vietnamese), rehabilitation camps, psychiatric facilities, or under house arrest persons deemed to have violated national security laws, without going through a judicial process. For example, in March 2008, police arrested Bui Kim Thanh, an activist who defended victims of land confiscation, and involuntarily committed her to a mental hospital for the second time in two years.

Vietnam has not revised or repealed national security laws that criminalize peaceful expression of political views and independent religious activities, despite appeals to do so by the UN Human Rights Committee (2002), the UN Working Group on Arbitrary Detention (1995) and the UN Special Rapporteur on Freedom of Religion and Belief (1998). Vietnamese officials continue to publicly assert that there are no political trials or prisoners of conscience in Vietnam and that the only people who are arrested are those who have violated Vietnamese laws.

2. Detention and mistreatment of detainees

Vietnam has more than 400 political and religious prisoners. They include those who refuse to join state-controlled churches, members of opposition political parties, human rights defenders, independent trade union activists, cyber-dissidents, journalists, and land rights

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activists. Human Rights Watch has compiled compelling evidence of torture and ill-treatment of political and religious prisoners, including beatings and electric shock, and punitive placement of prisoners in solitary confinement in dark, cramped, and unsanitary cells.

Police are also authorized to arrest and detain people without warrants in Social Protection Centers when they are deemed to be "social evils", including street children, sex workers, trafficking victims, and street peddlers. Such detainees are also subject to harsh treatment and physical abuse. For example, in 2006 Human Rights Watch has documented serious mistreatment of street children arbitrarily detained at Dong Dau Social Protection Center near Hanoi-including instances of corporal punishment, collective punishment, placement in isolation, deprivation of food and medical treatment, and denial of family contact.

3. Freedom of Religion

As a result of international pressure regarding its violation of religious freedom, since 2004 Vietnam has released a handful of religious prisoners and implemented some reforms, such as directives that expedite church registration requirements and forbid forced recantations of faith. However, Vietnam's 2004 Ordinance on Beliefs and Religions requires that all religious groups register with the government and bans any religious activity deemed to cause public disorder, harm national security and national unity, or "sow divisions." Those groups that do not join one of the officially-authorized religious organizations whose governing boards are under the control of the government are considered illegal. Authorities harass and arrest church leaders campaigning for rights or choosing not to affiliate with state-controlled religious oversight committees. Some examples include:

For decades, Buddhist monk Thich Quang Do, now Supreme Patriarch of the banned Unified Buddhist Church of Vietnam, has either been in prison, internal exile, or under house arrest for publicly protesting government policies.

Five ethnic Khmer Buddhist monks were imprisoned in Soc Trang province in 2007 after participating in a peaceful protest in 2007 calling for greater religious freedom. On June 28, ethnic Khmer monk Tim Sakhorn was released from one year's imprisonment in An Giang province. Although a recognized citizen of Cambodia, Vietnamese authorities have prohibited from returning to Cambodia since his release by placing him under constant police surveillance.

Authorities beat and arrest ethnic minority Christians in remote areas such as Montagnards for refusing to join state-sanctioned church organizations, protesting land confiscation, making contact with relatives or Montagnard groups abroad, or trying to seek political asylum in Cambodia. In April 2008 Montagnard Christian Y Ben Hdok was beaten to death while in police custody in Dak Lak after other Montagnards in his district tried to flee to Cambodia to seek political asylum.

4. Media and Internet Restrictions

The Vietnamese government strictly controls the media. Criminal penalties apply to authors, publications, websites, and internet users that disseminate information that in the eyes of the leadership opposes the government, threatens national security, reveals state secrets, or promotes "reactionary" ideas. The government controls internet use by monitoring online activity, harassing and arresting cyber-dissidents, and blocking websites covering human rights, religious freedom, democracy groups, and independent media. Instances of cyber-dissidents and journalists sentenced to prison in 2008 include:

In July 2008, the Kien Giang People's Court upheld a five year prison sentence for internet reporter and land rights activist Truong Minh Duc, a member of *Dang Vi Dan* (Vietnam Populist Party) for "abusing democratic freedoms".

In September 2008, prominent internet writer and democracy activist Nguyen Hoang Hai (or Dieu Cay), was sentenced to 30 months in prison.

In October 2008, the Hanoi People's Court sentenced two reporters from state-controlled newspapers, Nguyen Viet Chien and Nguyen

Van Hai, to two-years imprisonment and two year's "re-education", respectively for "abusing democratic freedoms" after they exposed a major corruption scandal in 2005.

5. Freedom of Association and Labor Rights

The government bans all political parties, unions, and human rights organizations that are independent of the government or the Party. Decree 88 provides for strict government control of associations, which effectively serve as agencies of government ministries or the Vietnamese Communist Party. Vietnamese workers are forbidden from organizing unions independent of the government-controlled labor confederation. Government regulations impose fines on workers who participate in "illegal" strikes not approved by the government, enable local officials to force striking workers back to work, and ban strikes in 54 "strategic" sectors. Activists who announced formation of independent trade unions in Vietnam were arrested, imprisoned, harassed, intimidated, and "disappeared," with at least ten members of independent trade unions arrested since 2006. The whereabouts of Le Tri Tue, one of the founders of the Independent Workers' Union, remains unknown since his "disappearance" in May 2007.

6. Freedom of Assembly

Decree 38 bans public gatherings in front of places where government, party, and international conferences are held, and requires organizers of public gatherings to apply for and obtain government permission in advance. The government has forcefully dispersed peaceful public protests over land confiscation, corruption, religious persecution and confiscation of church property. Instances include:

In September 2008, police used tear gas and electric batons to disband prayer vigils conducted by thousands of Catholics in Hanoi calling for return of government confiscated church property. Authorities detained both protesters as well as journalists covering the vigils, and bulldozed properties considered sacred to Vietnamese Catholics.

In February 2008, police used dogs and electric batons to break up a land rights protest by ethnic Khmer farmers in An Giang province, injuring several protesters and arresting two women on charges of causing public disorder.

In 2001, 2004 and 2008, police and soldiers forcibly dispersed Montagnard Christians demonstrating in the Central highlands, arresting hundreds of Montagnards for their involvement in the protests and killing as many as ten Montagnards during a protest in April 2004.

Human Rights Watch's Recommendations.

1. Regarding criminalization of peaceful dissent, the Vietnamese government should:

Amend or repeal provisions in the Ordinance on Religion, penal code, and other domestic laws that criminalize peaceful dissent and certain religious activities on the basis of imprecisely defined "national security" crimes, including penal code articles 80, 87, 88, 89, 245 and 258.

Repeal Ordinance 44, which authorizes administrative detention, house arrest, or detention in Social Protection Centers and psychiatric facilities for two year renewable periods, without trial, for individuals deemed to have violated national security laws.

2. Regarding Detention and mistreatment of detainees, the Vietnamese government should:

Immediately release and exonerate all people imprisoned, detained, or placed under house arrest, administrative detention, or involuntary commitment to mental hospitals or Social Protection Centers for the peaceful expression of political or religious beliefs. Investigate allegations of physical abuse and corporal punishment of children in police detention and government detention facilities, including Social Protection Centers; enforce the absolute prohibition on such abuses of children by police, security officials, staff and other detainees; and end the practice of arbitrary arrests, roundups, and detention of street children and others in Social Protection centers, and ensure that any detentions are in full compliance with both the ICCPR and CRC.

Provide unrestricted access to UN human rights officials to all regions, including the central and northern highlands, where they should

be allowed to conduct confidential interviews in individual homes, pagodas, prisons, police stations, Social Protection Centers, rehabilitation camps, mental institutions and other places where political and religious dissidents are detained or imprisoned.

3. Regarding Freedom of Religion, the Vietnamese government should:

Allow independent religious organizations to freely conduct peaceful religious activities in accordance with international legal standards. End the restrictions on peaceful gatherings or activities by religious groups that are not registered with the government; pressure to join government-authorized churches, and abusive police surveillance and harassment of religious leaders and followers. Allow these religious organizations to obtain legal status and operate independently of already-registered religious organizations if they choose to do so.

Cease repression of ethnic minority Christians in the Northern and Central Highlands and ethnic Khmer Buddhists in the Mekong Delta and allow independent NGOs, UN officials, and international observers to freely monitor conditions in these areas.

4. Regarding Controls over Freedom of Expression and the Internet, the Vietnamese government should:

Bring press laws into compliance with Article 19 of the ICCPR.

Authorize the publication of independent, privately-run newspapers and magazines

Remove filtering, surveillance and other restrictions on Internet usage and release people imprisoned for peaceful dissemination of their views over the Internet.

5. Regarding Restrictions on Freedom of Assembly, the Vietnamese government should:

Bring legislation regulating public gatherings and demonstrations into conformity with the rights of free assembly in the ICCPR.

Address rural grievances about land rights and local corruption without resorting to excessive use of force or other human rights violations by strengthening the legal system and the independence of the judiciary, and making legal services available to the rural poor. Investigate and bring to justice government security officials and civilians working on their behalf in using excessive force in suppressing protests in the Central Highlands in April 2004, in which at least ten demonstrators were killed.

6. Regarding Freedom of Association and Labor Rights, the Vietnamese government should:

Permit individuals the right to associate freely and peacefully with others of similar views regardless of whether those views run counter to the political or ideological views approved by the Party and state.

Immediately and unconditionally release all persons detained for peaceful activities to promote the rights of workers to freely associate, including the right to form and join trade unions of their own choice; to peacefully assemble to protect and advance their rights; and to exercise their right to freedom of expression on behalf of workers and their concerns.

Recognize independent labor unions.

Provide information about the whereabouts of labor activist Le Tri Tue who "disappeared" in May 2007 after claiming political asylum in Cambodia.

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