



VIET NAM 2022

A crackdown on both online and offline dissent raised concerns about a new wave of repression against civil society. Independent journalists, activists, religious practitioners and other government critics were arrested and charged under repressive laws. Human rights defenders were subjected to widespread harassment, digital surveillance, arbitrary arrest and politically motivated prosecution. Torture and other ill-treatment continued to be reported at an alarming rate.

Background

The sixth meeting of the Central Committee of the Communist Party of Viet Nam (CPV) in October further cemented General Secretary Nguyễn Phú Trọng's grip on power, signalling continued control and repression of civic space. Viet Nam was elected to the UN Human Rights Council despite a requirement that elected members uphold the highest human rights standards. The government made several pledges on human rights but, after declaring Viet Nam's candidacy for the Council, it detained, arrested or sentenced at least 48 journalists, activists and NGO leaders. Viet Nam updated its NDC to tackling climate change in October with higher emissions reduction targets but arrested several leading climate observers and activists, putting into question its commitment to addressing the climate crisis.

Freedom of expression

Intolerance of dissent continued throughout 2022 with the right to freedom of expression continually restricted. Articles 117 and 331 of the 2015 Criminal Code continued to be used to arbitrarily detain and prosecute human rights defenders, journalists, religious practitioners and others who criticized the government or the CPV.¹ Fears of further imminent crackdowns were raised in August with the publication of Decree 53 which, among other provisions, ordered tech companies to store users' data and, potentially, share it with investigating authorities. It created a cyber security taskforce to help ensure

implementation of these and other repressive measures enacted in the 2019 Law on Cybersecurity.

Six practitioners of the Tịnh Thất Bồng Lai temple were arrested under Article 331 of the Criminal Code and charged with “abusing democratic freedoms” for posting videos deemed to have “published false information” and “defamed the dignity” of local police and a monk from a government-controlled Buddhist Sangha. On 21 July, the six received prison sentences ranging from three to five years.

Husband and wife, Nguyễn Thái Hưng and Vũ Thị Kim Hoàn, were also arrested under Article 331 after criticizing the government on a livestream video. They were sentenced in November to four years’ and two and a half years’ imprisonment respectively.

In July, prominent activist and independent journalist Nguyễn Lân Thắng was arrested under the vaguely defined Article 117 offence of “making, storing or spreading” information “against the Socialist Republic of Viet Nam”. Three more activists – Bùi Tuấn Lâm, Đặng Đăng Phước and Phan Sơn Tùng – were arrested in September on the same charge. Facing up to 20 years’ imprisonment if convicted, all four remained in pretrial detention at year’s end.

In August, three people were each fined VND 7.5 million (approximately USD 300) for comments posted on Facebook – one for commenting about police activities, the other two for “sharing fake, untrue, slanderous, information that offends the reputation of agencies and organizations, honour and personal dignity”. A total of 35 fines for Facebook posts were reported by state media over the course of the year.

Human rights defenders

Prolonged sentences were used as a tactic to silence the country’s most prominent activists. An appeals court upheld journalist Phạm Đoan Trang’s nine-year prison sentence,² as well as the sentences of four land rights activists ranging from six to 10 years’ imprisonment and three to five years’ probation. The activists had spoken out about a high-profile land dispute in Dong Tam village near the capital, Hanoi, in which a clash during a police raid in January 2020 resulted in the deaths of an 84-year-old village leader and three police officers.

Two other activists – human rights defender Đỗ Nam Trung and journalist Lê Văn Dũng – convicted under Article 117 for reporting and sharing information about human rights abuses and corruption on social media, lost appeals against their prison sentences of 10 and five years respectively and probation periods of four and five years.

In April 2022, Nguyễn Thuý Hạnh, a prominent human rights defender who founded the 50K Fund to support families of unlawfully detained people in Viet Nam, was transferred from prison to a mental health hospital for forced treatment a year after her arrest under Article 117, while still awaiting notice of a date for her trial.

Freedom of association

The arrest of the leaders of three key environmental NGOs demonstrated active undermining by the authorities of the right to freedom of association.³ Legislation also signalled the government’s intention to further restrict or close down the activities of NGOs.

On 31 August, the authorities introduced Decree 58 to regulate foreign NGOs. Regulations on the organization, operation and management of domestic NGOs were also drafted. Both sets of regulations would allow for the termination of NGOs on vague grounds, such as the protection of “national interest” and “social order”, providing the authorities with almost indefinite scope to silence their critics and those engaging in non-approved activities. Another decree was drafted to prohibit “undermining” of the state by local NGOs.

Torture and other ill-treatment

Reports of torture and other ill-treatment of prisoners and detainees remained widespread.

In September, land rights activist Trịnh Bá Tư reported being beaten, placed in solitary confinement and shackled for days while serving part of an eight-year sentence for spreading “propaganda against the state”.⁴ Despite calls by NGOs, no independent investigation took place. Tư’s family visited him in No 6 prison and reported that he was recovering after having been on a hunger strike for 22 days. Journalist Huỳnh Thục Vy also reported being beaten and

choked in detention while serving a two years and nine months' sentence under Article 276 of the Criminal Code for defacing a national flag.

Right to health

On 9 August, days after the death in detention of journalist Đỗ Công Dương, who was reportedly healthy before his conviction for “disturbing public order”, family members of 24 prisoners wrote an open letter to the authorities raising concerns over prisoner treatment. Despite recurring requests from his family, Dương was denied timely access to healthcare while in prison. His cause of death remained unknown.

Nguyễn Tường Thụy, a 72-year-old journalist sentenced in 2020 to 11 years' imprisonment for “conducting propaganda against the state”, was refused medical treatment by prison authorities despite being reportedly in poor health. Similarly, Lê Hữu Minh Tuấn, a member of the Association of Independent Journalists convicted of the same charge, was reported to be in poor health. His sister, who had been unable to visit him in prison for more than two years due to Covid-19 restrictions, reported in May that Tuan had suffered hearing loss and was malnourished. Activist Trần Văn Bang, who had been detained under Article 117 since March, awaiting trial, was denied healthcare despite fears that he had developed a large tumour.

1. ***Viet Nam: UN Human Rights Council candidacy demands progress on human rights, 10 October***
2. ***“Viet Nam: Immediately release journalist and human rights defender Pham Doan Trang”, 24 August***
3. ***Vietnam: Joint Letter to call on the Vietnamese government to release the four environmental human rights defenders, 20 October***
4. ***“Viet Nam: Imprisoned activist ‘beaten and shackled’”, 23 September***