

REPORT ON HUMAN RIGHTS IN VIETNAM - 2014



VIETNAM HUMAN RIGHTS NETWORK

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Cover page photo: Human rights activists in Vietnam with placards promoting the campaign “We want to know”

Introduction

Vietnam has become a member of the United Nations Human Rights Council in November 2013. In February 5, 2014, Vietnam participated in the Universal Periodic Review second cycle to report on the human rights situation in Vietnam and the achievements that the government has accomplished in this domain. Representatives of the Vietnamese government took advantage of this opportunity to claim that Vietnam always respects human rights to which it has been committed as a member of the United Nations, as well as a signatory of several international conventions on human rights. Vietnam accepted 182 of the 227 recommendations presented by member states attending the review.

Vietnamese authorities freed 12 political prisoners in 2014 while claiming there are no political prisoners in Vietnam. And also by an equally contradictory move, they allowed the rallies and festivals of lesbian, gay, bisexual, and transgender (LGBT) rights groups while harshly suppressing independent civil society organizations advocating for other civil and political rights.

Those half hearted promises as well as those contradictory acts have concealed the true picture of the human rights situation in Vietnam in 2014. For that reason, this report, a collaborative endeavor of Vietnam Human Rights Network (VNHRN) and a number of human rights activists inside Vietnam, has the purpose of presenting with accuracy and integrity the Vietnamese government's implementation of human rights obligations in the following areas:

- The right to life, liberty and security of person
- The right to a fair trial before an independent and impartial court
- The right to participate in political and public life
- The right to freedom of expression and freedom of speech
- The right to freedom of religion and worship
- The right to equal treatment and non-discrimination
- The right to work and to enjoy the fruit of labor
- The right to social security.

With this report, the VNHRN not only alerts world opinion to the deplorable human rights situation in Vietnam today, but also calls on the Hanoi government to end its violations that have gone on for too many years. At the same time, we demand that Vietnam deliver just compensations for the damages inflicted on the population and various communities. The VNHRN also expects freedom-loving and democratic governments and international human rights organizations to confront Vietnam with its bad-to-worse record on human rights; and especially to prevent the Vietnamese government from tarnishing the reputation of the United Nations Human Rights Council when it abuses its Council membership.

Vietnam Country Profile

A. Geography: The Socialist Republic of Vietnam is a country in Southeast Asia, which is bordered by China to the North, Laos and Cambodia to the West, the Gulf of Thailand to the Southwest, and South China Sea (Eastern Sea to Vietnam) to the East and South. It has a population of 90.5 million (as of Dec 2014), and is composed of the mainland area of 331 689 km² and more than 4,000 islands.

B. History: The 1954 Geneva Accords terminated the French presence in Vietnam and divided the country into two states with the 17th parallel as their common border: the Republic of Vietnam (South Vietnam) to the South and the Democratic Republic of Vietnam (North Vietnam) to the North. Shortly after the 1954 Geneva Accords, North Vietnam, under the dominance of the Communist Party, launched the Vietnam War to invade South Vietnam. In April 1975, the Democratic Republic of Vietnam became victorious in its invasion of South Vietnam and unified the two rival states into the new Socialist Republic Vietnam.

C. Politics: The Socialist Republic of Vietnam is a single-party regime. The Constitution, amended in 2013, assures the monopoly of the Communists through Article 4.1: “The Communist Party of Vietnam (CPV) [...] is the leading force of the State and society.” The Government consists of three branches: the Legislative (National Assembly), the Executive (Administration), and the Judiciary (People’s Courts). In practice, however, these branches are subject to the dominance of the CPV. The National Assembly and People’s Councils at all levels are elected by popular vote, yet candidates must be approved by the leading party. Every political organization unaffiliated with the Communist Party is prohibited.

D. Economy: Since the Doi Moi (Renovation) in the 80s, with foreign aids and investments, there have been changes in economic activities in Vietnam. Many state-owned and private production facilities and businesses have sprouted up. According to the International Monetary Fund, the GNP increased significantly; the GDP per-capita has risen to US\$ 2,072 in 2014. Vietnam has 116 super-rich people in 2014, 6 more than in 2013. In the next decade, Vietnam is predicted to have the highest rate of super rich people increase in the world. However, the rich – poor gap has widened significantly. In 2014 the gap between the poorest and the richest has increased 40 percent from two years ago.

E. Social: Vietnam has 54 ethnic groups, 87 % of which are the Viet (Kinh). The official language is Vietnamese. The vast majority of people have religious beliefs . Most are practitioners of ancestor worship; many are Buddhists, Christians, Muslims, Bahá’í faithful, and followers of indigenous religions such as Hoa Hao Buddhism and Cao-Daism.... A small number describe themselves as atheists, of whom most are CPV members. Although urban population has grown in the past decade, Vietnam is essentially an agricultural country with nearly 70% of the overall population still living in rural areas. Countryside inhabitants, especially those who live in remote areas are disadvantageous in many aspects such as income, education, and healthcare, etc.

I. The right to life, liberty and security of person

1. Death Penalty

Vietnam's 1999 Penal Code was last amended in 2010 but still consists of up to 22 articles stipulating offenses punishable by death. The offenses include not only felonies like murder or treason, but also economic transgressions such as fraudulent appropriation of property, production, warehousing, transportation, circulation of counterfeit money and counterfeit checks, assets embezzlement, and vague political crimes such as "activities aimed at overthrowing the people's government" (Article 79). The ambiguity of Article 79 allows the government to interpret nonviolent political remarks or activities as "carrying out activities aimed at overthrowing the people's administration," which may even lead to the death sentence.

In 2014 no one was sentenced to death on charges based on Article 79; however, the government has frequently made use of it as a sword of Damocles hanging over the heads of those who dare challenge the monopoly of the Communist Party of Vietnam. Most death penalties in 2014 were given to those charged with drug trafficking and murder. On January 20, 2014, the People's Court of Quang Ninh province sentenced to death 30 people for drug trafficking. This verdict involved the largest number of defendants sentenced to death in a single trial in the judicial history of Vietnam.

As in previous years, the authorities have never officially released the number of people sentenced to death or executed. However, based on internal exchanges between state agencies

during the first 9 months of 2014, 162 people were executed among a total of 742 on death row and awaiting execution, an increase of 58 people compared to last year's similar period.¹

Since September 2011, the government had ceased the enforcement of the death penalty by firing squad, pending the availability of lethal injection facilities. Because Western countries had refused to sell the poison to Vietnam, it was not until August 2013 that the first execution by lethal injection was carried out with poison produced in Vietnam.

Scientifically, there has never been any report about the effectiveness of Vietnam-made poisons for death execution, which means the reduction of suffering for the condemned is far from guaranteed. In spite of the state's recent building in 2014 of 5 national facilities to administer lethal injections, the number of death-awaiting prisoners kept increasing, prompting recommendations by security agencies that the firing squad be re-instated.²

There are concerns not only about the continued reliance on and the increase of death sentences, but also regarding flaws in criminal proceedings that led to unjust sentences. According to social

¹ Công thông tin điện tử Quốc hội Việt Nam. *ĐBQH Trần Thị Dung - Điện Biên: Tiến độ thi hành án chậm làm giảm hiệu quả răn đe, phòng ngừa tội phạm, gây sức ép cho công tác quản lý giam giữ.* <http://demo.quochoi.vn/hoatdongdbqh/Pages/tin-hoat-dong-dai-bieu.aspx?ItemID=28640>

² Báo Người Lao Động, *Bộ trưởng Trần Đại Quang đề nghị xử bắn tử tù tới hết năm 2015.* <http://nld.com.vn/phap-luat/bo-truong-tran-dai-quang-de-nghi-xu-ban-tu-tu-toi-het-nam-2015-20131107034740605.htm>

media in 2014, among the unjust cases there were two high profile death sentences deemed by lawyers and even by government officials to be based on insufficient evidence such as reliance on forced confessions under police torture; these confessions were subsequently contradicted by counter-confessions.³

2. Arbitrary Detention

In 2013, an investigative committee of the United Nations Working Group on Arbitrary Detention (UNWGAD) three times singled out the government of Vietnam for its violations of the terms in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights because of its arbitrary detention of citizens.

Nevertheless, these criticisms have not helped decrease the number of arbitrary and unlawful arrests and detentions. As in previous years, the authorities abused detention at will as a means of suppression of or retaliation against dissidents, justice and human rights activists, and victims of injustice, who could expose and prevent wrongdoing by party members and state officials. Among victims of these casual detentions were such bloggers as Mr. Nguyễn Hữu Vinh (aka Anh Ba Sàm) and Mrs. Nguyễn Thị Minh Thúy, arrested in May; Mr. Hồng Lê Thọ, arrested in November; Mr. Nguyễn Quang Lập (aka Bọ Lập) and blogger Nguyễn Ngọc Già, arrested in December; human rights activists Bùi Thị Minh Hằng, Nguyễn thị Thúy Quỳnh and Nguyễn Văn Minh, arrested in February, together with their 18 comrades; and Ms. Lê Thị Phương Anh, Mr. Phạm Minh Vũ and Mr. Đỗ Nam Trung, arrested in May. Other victims of injustice like Mrs. Cấn Thị Thêu, Mr. and Mr. Lê Văn Thanh were also detained in September, etc...

³ RFA. *Chịu án tử hình vì bị ép cung?* http://www.rfa.org/vietnamese/in_depth/being-victims-of-death-penalty-because-of-torture-ha-12032014134232.html

These are just some of the many cases involving human rights and political activists who were arbitrarily detained in 2013 [See Appendix for a list of prisoners of conscience]. The arbitrary detention was also aimed at other categories of activities and was carried out in various forms, such as “order of temporary detention,” or assignment to a “Dignity Restoration Center,” and/or “Drug Rehabilitation Center” etc.

Under the provisions of the current Criminal Procedure, the detention period may last up to 4 months. However, investigating agencies, the Procuratorate, and the court may extend the detention up to 3 times. In fact, there are many cases in which the suspects have been detained indefinitely without court rulings.⁴

Drug Rehab and Dignity-Restoration centers are a form of detention without trial and without the consent of the court. The victims are forced to do hard labor, are abused, and in some cases, forced to sexually serve prison guards.⁵

3. Police Brutality

On November 28, 2014, Vietnam’s National Assembly ratified the United Nations Convention against Torture and Other Cruel, Inhumane or Degrading Treatment or Punishment. However, use of violence continued to increase to suppress dissidents, human rights activists, and victims of injustice, or to force confessions during criminal investigation, or even to obtain bribes.

3.1. Violence against dissidents

Human rights violations in 2014 were especially outstanding with the government’s intensified

⁴ Người Đưa Tin. *Làm sao để không còn người bị bắt giam tùy tiện?* <http://www.nguoiduatin.vn/lam-sao-de-khong-con-nguoi-bi-bat-giam-tuy-tien-a69041.html>

⁵ VnExpress.net. *Đòn roi và nô lệ tình dục ở Trung tâm cai nghiện Bình Phước.* <http://vnexpress.net/tin-tuc/phap-luat/don-roi-va-no-le-tinh-duc-o-trung-tam-cai-nghien-binh-phuoc-1961766.html>



Former prisoners of conscience Lê Đông Phương, Nguyễn Tuấn Nam, Phạm Bá Hải and Trương Minh Đức. Photo FVPOC

use of the police and hooligans to attack and harass dissidents human rights activists. None of their gatherings, whether in their private homes or in public, escaped attack and disruptive surveillance by the police in uniform or disguised as hooligans.

Following are some of the most remarkable injurious attacks against human rights activists:

- In January: Mr. Lê Quốc Quyết of Hiệp Bình Chánh ward in Thủ Đức.
- In February: Ms. Bùi Thị Minh Hằng, Ms. Nguyễn thị Thúy Quỳnh, and Mr. Nguyễn Văn Minh together with their 18 companions in Long Hưng village, Lấp Vò district of Đồng Tháp province; Blogger Nguyễn Văn Thạnh in Đà Nẵng city; writer Huỳnh Ngọc Tuấn and his son, blogger Huỳnh Trọng Hiếu, in Tam Kỳ; and Mr. Nguyễn Bắc Truyền in Hanoi.
- In March: Mr. Trịnh Anh Tuấn (aka Gió Lang Thang) and Mr. Trương Văn Dũng in Hanoi; Mrs. Trần Thị Nga in the Quang Trung police station in Đống Đa district of Hanoi; Victims of injustice Trần Ngọc Anh in Saigon, Phạm Thị Huệ in Binh Dương; and Trần Thị Hoàng in Saigon.
- In April: Mr. Bùi Tuấn Lâm in Tam Kỳ of Quảng Nam province; Misses Nguyễn Ngọc Như Quỳnh, Trịnh Kim Tiên, and

Nguyễn Hồ Nhật Thành, Mr. Nguyễn Văn Hải in Nha Trang city; Mrs. Trần Thị Hải and Miss Nguyễn Ngọc Lụa, members of the Vietnam Human Rights Women Association at the Cái Khế police station in Cần Thơ city.

- In May: Lawyer Nguyễn Văn Đài in Hanoi; Mr. Nguyễn Năng Tĩnh in Vinh city; Miss Nguyễn Thị Ngọc Lụa, and Messrs. Nguyễn Thế Lữ, Huỳnh Trọng Hiếu, Võ Quốc Anh, and Trịnh Anh Tuấn in Saigon; Ms. Trần Thị Nga and her two young sons in Thanh Trì district of Hanoi.
- In August: Miss Nguyễn Ngọc Lụa in Cao Lãnh city; Mr. Nguyễn Bắc Truyền in Saigon.
- In September: Journalist Trương Minh Đức in Hanoi; Mr. Dương Âu in Đức Trọng district of Lâm Đồng province.
- In October: Messrs. Phạm Bá Hải and Lê Văn Sóc in Đà Lạt city, and some days afterward in Vinh city; Mr. Chu Mạnh Sơn at Yên Thành district police station in Vinh city.
- In November: Journalist Trương Minh Đức in Thủ Dầu Một city of Bình Dương province; Messrs. Lý Quang Sơn and Triệu Hồng Minh at Dịch Vọng ward police station in Cầu Giấy, Hanoi.
- In December: Ms. Nguyễn Hoàng Vi in Tân Phú district, Saigon; Mrs. Lê Thị Ngọc Đa in Long An city.

3.2. Violence against Civilians

Cases of public harassment and beatings, taking people to police station, and using corporal punishment resulting in death without legal sanctions against violators continue to rise. It is worth noting that most of those who died during detention had only been involved in minor offenses such as friction between neighbors, and petty theft, etc. Authorities attributed most of these detainees' deaths at police stations

to suicides. In reality, families of the victims usually found traces of abuse and torture on their bodies. In 2014, at least 24 deaths resulting from police and other security forces' brutality were revealed through social media, as follows:

January 03, Mr. Nguyễn Văn Pha, 60, a resident of Sơn Thành Tây village of Tây Hòa district, Phú Yên province, died a sudden death while in temporary detention at the Phú Yên police station, which was blamed on a heart attack and brain hemorrhage.⁶

January 04, Mr. Lầu Nguyên ông Sáu, 39, a resident of Tân Hòa hamlet, Bảo Bình village, was fatally hit by bullets from local police during their attack on a gambling party at Mr. Su A Mui's home in Tân Mũi hamlet of Bảo Bình village, Đồng Nai province.⁷

January 20, Mr. Nguyễn Văn Hải, 44, a resident of Thanh Hà, Hải Dương province, died during his temporary detention at the police station of Thanh Hà district for an investigation of his alleged "drug possession." According to the police, he had jumped down from a second story, while his relatives claimed his death was the result of police brutality based on bruises found on his body.⁸

February 07, Mr. Trịnh Hoàng Dương, 23, a resident of Đà Bắc, Hòa Bình province, was discovered dead in an upside-down hanging position, after his one-month temporary detention at the Hòa Bình city

police for alleged "drug possession."⁹

February 13, Mr. Huỳnh Nghĩa, 39, a resident of Quảng An hamlet, Đạo Nghĩa village, died of multiple injuries and respiratory and blood flow failure during local police investigation of his alleged conspiracy in a previous black pepper robbery. Three police agents had admitted guilt in his death from beatings with rubber batons; yet, they were punished on 3/12/2014 by Dak Nong provincial court only with sentences from 4.5 to 5 years of imprisonment.¹⁰

March 11, Mr. Huỳnh Nhật Trung, 20, a resident of Trần Quang Diệu ward in Quy Nhơn city, Bình Định province, was found dead from hanging after his 2-month temporary detention at the Văn Cảnh police station.¹¹

March 17, Mr. Lê Đức Thành, 19, a resident of Gia Lào of Suối Cao village, Xuân Lộc district, Đồng Nai province, was sprayed with pepper gas in his eyes by traffic police while he was driving his motorcycle, causing him to fatally hit a lamp post.¹²

March 18, Mrs. Bùi Thị Hương, 42, a resident of Biên Hòa city, was found dead hanging in the restroom of the Tân Đông quarter police, Đồng Xoài district, Bình Phước province, after her arrest for a police investigation on her alleged sale of fake gold several hours before. Her relatives claimed she must have been beaten to death

⁶ Citinews. *Phú Yên: Một bị can chết trong khi bị tạm giam*. <http://citinews.net/phap-luat/phu-yen--mot-bi-can-chet-trong-khi-bi-tam-giam-L6J5MSQ/>

⁷ Dân Trí. *Súng cướp cò khi vây bắt sông bạc, 1 người tử vong*. <http://dantri.com.vn/phap-luat/sung-cuop-co-khi-vay-bat-song-bac-1-nguoi-tu-vong-823805.htm>

⁸ Dân Trí. *Bị tạm giam 3 ngày rồi tự tử tại trụ sở công an?* <http://dantri.com.vn/su-kien/bi-tam-giam-3-ngay-roi-tu-tu-tai-tru-so-cong-an-830325.htm?mobile=true>

⁹ Zing.vn. *Phạm nhân lấy chân treo cổ trong buồng giam*. <http://news.zing.vn/Pham-nhan-lay-chan-treo-co-trong-buong-giam-post390460.html>

¹⁰ VOV. *Đắk Nông: 3 công an xã đánh chết người lĩnh án tù*. <http://vov.vn/phap-luat/dak-nong-3-cong-an-xa-danh-chet-nguoi-linh-an-tu-368783.vov>

¹¹ Tuổi Trẻ Online. *Một thanh niên treo cổ chết trong nhà tạm giam*. <http://tuoitre.vn/tin/chinh-tri-xa-tam-giam/20140312/mot-thanh-nien-treo-co-chet-trong-nha-tam-giam/597797.html>

¹² Đời sống và Pháp luật. *Công an xã bị tố dùng bình xịt hơi cay gây chết người*. <http://www.doisongphapluat.com/phap-luat/nghi-an-dieu-tra/cong-an-xa-bi-to-dung-binh-xit-hoi-cay-gay-chet-nguoi-a26431.html>

as bruises were found on her body.¹³

March 20, Mr. Lý Vị Hùng, 29, a resident of the 2nd ward of the 11th district, Saigon, died of brain damage after being ‘temporarily’ detained over a month for alleged robbery by the district police, who claimed he had fatally fallen while bathing. According to Mrs Lý Thu Vân, his mother, his body was full of injuries from beatings.¹⁴

April 14, Mr. Đỗ Văn Bình, 18, a resident of Đại Hiệp hamlet, Đại Lộc district in Quảng Nam province, had been led on April 8 by his family to Hoà Vang district police to conduct an investigation into an unlawful arrest in October 2013. However, on April 14, the police informed his family that he had hanged himself in detention, an explanation which failed to convince the family as they found many torture marks on his body.¹⁵

May 12, Mr. Nguyễn Đăng Cự, 42, a resident of Nam Hương hamlet, Thanh Ninh village, Phú Bình district of Thái Nguyên province, was discovered to have hanged to death in the Hiệp Hoà district police temporary detention center #2 in Bắc Giang province, for his alleged possession of drugs.¹⁶

June 14, Mr. Trần Đình Toàn, 54, a resident of Lộc Hạ ward of Nam Định city, was found dead in the Hạ Long ward also of Nam Định city for suspected possession of drugs. The police claimed the cause of his death was medicine overdose while his family found

questionable signs in the police report and torture marks on his corpse.¹⁷

June 17, Ms. Nguyễn Thị Gái, 30, a temporary resident of Bình Thạnh ward of Saigon city, was described by the 10th ward police in the 10th district to have fatally fallen down from a high story in her attempt to escape her detention for an investigation into a previous alleged act of pick-pocket. Her family claimed the police had actually concealed the truth about the cause of her tragic death.¹⁸

June 25, Mr. Nguyễn Văn Chín, 44, a resident of Gò Vấp district of Saigon city, died of a broken small intestine caused by a hooligan’s attack on the order of the traffic police of Tân Bình district after a dispute between the victim and the police on his blood alcohol level.¹⁹

July 04, Mr. Nguyễn Hữu Thâu, 43, a resident of Xuân Tây hamlet, Phú Xuân village in Đắk Lắk province, was severely beaten by a police official at the Xuân Hòa hamlet auditorium during a robbery investigation and subsequently died in the hospital. Follow-up investigation confirmed his fatal brain damage was caused by police beating.²⁰

August 04, Mr. Phạm Duy Quý, 20, a resident of Ngoại Đàm hamlet of Phụng Hoàng village in Thanh Hà district, Hải Dương province, was found hanged to death with a tulle fabric piece of mosquito net, in

¹³ Thanh Niên Online. *Một phụ nữ chết trong tư thế treo cổ tại trụ sở công an phường.* <http://www.thanhnien.com.vn/chinh-tri-xa-hoi/mot-phu-nu-chet-trong-tu-the-treo-co-tai-tru-so-cong-an-phuong-458447.html>

¹⁴ Báo Mới.com. *Bị đánh chết trong nhà tạm giữ.* <http://www.baomoi.com/Bi-danh-chet-trong-nha-tam-giu/104/14023398.epi>

¹⁵ Người đưa tin. *Bị can treo cổ chết, gia đình nghi công an dùng nhục hình.* <http://www.nguoiduat.in.vn/bi-can-treo-co-chet-gia-dinh-nghi-cong-an-dung-nhuc-hinh-a129928.html>

¹⁶ Báo Mới.com. *Thắt cổ tự sát trong nhà giam.* <http://www.baomoi.com/That-co-tu-sat-trong-nha-giam/104/11017138.epi>

¹⁷ Dân Việt. *Một người dân chết bất thường sau khi ở trụ sở công an.* <http://danhviet.vn/phap-luat/mot-nguoi-dan-chet-bat-thuong-sau-khi-o-tru-so-cong-an-447460.html>

¹⁸ Tuổi Trẻ Online. *Điều tra vụ người chết khi bị tạm giữ tại công an phường.* <http://tuoitre.vn/tin/phap-luat/20140619/dieu-tra-vu-nguoi-chet-khi-bi-tam-giu-tai-cong-an-phuong/613582.html>

¹⁹ Thanh Niên Online. *Bắt tạm giam nguyên thượng úy CSGT.* <http://www.thanhnien.com.vn/chinh-tri-xa-hoi/bat-tam-giam-nguyen-thuong-uy-csgt-509781.html>

²⁰ Đất Việt. *Chết sau khi làm việc với công an, nghi... lạm quyền?* <http://baodatviet.vn/chinh-tri-xa-hoi/tin-tuc-thoi-su/chet-sau-khi-lam-viec-voi-cong-an-nghilam-quyen-3046118/>



December 29, 2014, Mr. Trần Văn Tùng in Đà Nẵng City was found dead hanging from a window in a temporary detention center. Photo Báo Phụ Nữ TP HCM

the provincial police temporary detention center, during an investigation into a family murder to which he had allegedly pleaded guilty.²¹

August 06, Mr. Nguyễn Văn Tuấn, 39, a resident of Khe Thuyền 3 hamlet, Văn Phú village, Sơn Dương district, Tuyên Quang province, was so severely beaten with baton by the district traffic police that he lost control of his motorcycle and hit a bulletin board. He died on the way to emergency care.²²

August 14, Mr. Trần Giang Nam, 43, a resident of Quyết Tiến hamlet in the village of Hồng An, Hưng Hà district, Thái Bình province, was discovered dead on August 5 by hanging with a blanket piece from an iron window bar at the Hưng Hà police temporary detention center. He had been held for alleged chicken robbery during the previous night. His relatives had rejected the official report that he had taken his own life.²³

²¹ Zing.Vn. *Kẻ giết 4 người thân tự vẫn bằng màn tuyn*. <http://news.zing.vn/Ke-giet-4-nguoi-than-tu-van-bang-man-tuyn-post443786.html>

²² Người đưa tin. *CSGT bị tố đánh chết người: Lộ lời trăn trối của nạn nhân*. <http://www.nguoiduatin.vn/csgt-bi-to-danh-chet-nguoi-lo-loi-trang-troi-cua-nan-nhan-a143801.html>

²³ Người đưa tin. *Trộm 21 con gà. tự tử trong buồng tạm giam*. <http://www.nguoiduatin.vn/trom-21-con-ga-tu-tu-trong-buong-tam-giam-a149651.html>

August 18, Mr. Lê Hoài Thương, 21, a resident of residential unit 15 in the Phù Đổng ward of the Pleiku city, Gia Lai province, was driving his motorcycle next to his two friends when he was chased by special traffic police for his alleged violation of traffic laws. They caught up with him, used batons to beat him, and knocked him down on the road, causing him to sustain a skull fracture. Instead of

rescuing him, they left him to his fate; and he died later in hospital from the head injury.²⁴

September 17, Mr. Nguyễn Đình Tấn Sỹ, 46, a resident of Long Thành hamlet in Phước Mỹ ward of Quy Nhơn city, Bình Định province, was critically beaten by 7 people and a police officer for being suspected of dog robbery, and died later in a hospital.²⁵

October 17, Mr. Nguyễn Văn Sửu, 41, a resident of zone 1, Bình Ngọc ward, Móng Cái city, was found hanged to death in the police temporary detention center, following his arrest on October 11 for alleged use of a self-made gun to cause injury to others. His relatives refused to accept his death as a suicide and carried his casket around the city and to the local ward and city offices to demand justice.²⁶

²⁴ Tuổi trẻ Online. *Một thanh niên chết sau va chạm với cảnh sát cơ động*. <http://tuoitre.vn/tin/chinh-tri-xa-hoi/20140820/mot-thanh-nien-chet-sau-va-cham-voi-canhsat-co-dong%C2%A0/636061.html>

²⁵ Pháp luật. *Bắt giữ một công an xã đánh chết người nghi trộm chó*. <http://plo.vn/an-ninh-trat-tu/bat-giu-mot-cong-an-xa-danh-chet-nguoi-nghi-trom-cho-499438.html>

²⁶ Thanh Niên Online. *Nghi can chết trong phòng giam. người nhà mang quan tài điếu phở*. <http://www.thanhnien.com.vn/chinh-tri-xa-hoi/nghi-can-chet-trong-phong-giam-nguoi-nha-mang-quan-tai-dieu-pho-503679.html>

October 28, Mr. Nguyễn Văn Hạ, 47, a resident of Tân An hamlet, La Gi village, Bình Thuận province, was arrested the previous night by local police for allegedly having problems with his neighbors and then found to have hanged to death while in detention. His relatives confirmed to have discovered many bruises on his body at his corpse examination.²⁷

November 01, Mr. Nguyễn Tùng Lâm, 30, a resident of An Dương ward, Lê Chân district, Hải Phòng city, was discovered dead from hanging in the local administrative office, with his feet still touching the ground. He had been detained for alleged bicycle robbery. The authorities had successfully convinced his relatives to drop the case in return for a sum of money.²⁸

December 29, Mr. Trần Văn Tùng, 32, a resident of Phú Sơn Nam hamlet, Hòa Khương village, Hòa Vang district, Đà Nẵng city, was reported to have hanged to death in the temporary detention center of the Dai Loc district police, during an investigation on his alleged robbery. However, he was found sitting against a wall with his pants elastic band running around his neck and tied to the window pane, proving to his relatives that his death was not a suicide.²⁹

4. Human Trafficking

In the Walk Free Foundation's The Global Slavery Index 2014 published in October 2014, Vietnam was ranked 17th out of 167 countries that have large numbers of enslaved, about 322,000 people living in slavery, an increase

²⁷ Đất Việt. *Lại một trường hợp tử tử trong đồn công an*. <http://www.datviet.com/lai-mot-truong-hop-tu-tu-trong-don-cong-an/>

²⁸ Xaluan.com. *Nguyên nhân nam thanh niên trộm xe đạp tử tử tại UBND xã*. <http://www.xaluan.com/modules.php?name=News&file=article&sid=1017419>

²⁹ VnExpress.Net. *Nghi can trộm cắp chết trong tư thế ngổ tại nhà tạm giam*. <http://vnexpress.net/tin-tuc/phap-luat/nghi-can-trom-cap-chet-trong-tu-the-ngoi-tai-nha-tam-giam-3127460.html>

from 249,000 as of last year.³⁰ In fact, if “modern-day slavery” were understood in terms that include slavery-like practices such as taking advantage of people in detox and rehab centers, and hard labor camps, the actual number would be much higher.

According to a US State Department report on human trafficking in 2014, Vietnam was still on Tier 2 list, due to its being a major source country for “men, women, and children subjected to sex trafficking and forced labor internally and abroad.”

In Vietnam's current reality, human trafficking cases involve three main types of victims: young women and girls lured to serve as “sex slaves” in Vietnam and in neighboring countries, “brides” sent to foreign countries, and workers exported to foreign countries.

4. 1. Human Trafficking: Women and Children Tricked into Sex Slavery

Trafficking of women for use in prostitution are common forms of domestic as well as transnational trafficking. Vietnam's official statistics for the first 6 months of 2014 showed that nationwide, there were 301 cases with 651 victims, an increase of 16% for cases and 31% for victims over the same period last year.³¹

According to Deputy Minister of Labor, Invalids, and Social Affairs Nguyễn Trọng Đàm, the country has about 100,000 victims of women and children trafficking.³² It should be noted that the above statistics reflect only a

³⁰ Walk Free Foundation. *The Global Slavery Index 2014*. Hope for Children Organization Australia Ltd.

³¹ Nguyễn Tấn Dũng. *Bộ Công an trả lời về các giải pháp ngăn chặn tội phạm mua bán người*. <http://nguyentandung.org/bo-cong-an-tra-loi-ve-cac-giai-phap-ngan-chan-toi-pham-mua-ban-nguoi.html>

³² Tiên Phong. *Nạn buôn người khuấy đảo vùng cao*. <http://www.tienphong.vn/xa-hoi/nan-buon-nguoi-khuay-dao-vung-cao-664501.tpo>

fraction of the actual cases of trafficking due to the fact that the majority of these trafficking victims came from mountainous regions close to the border with China, where control and detection was difficult.

As in previous years, the number of women and children being trafficked northward to China increased in 2014, reaching 70 percent of the total victims. Cases of human trafficking into the EU also attracted specific public attention in 2014.³³

A cause for Vietnamese women and children being lured into sex slavery, domestically and transnationally, is poverty exaggerated by the Red Capitalists' unjust social policies. This sad situation has expanded significantly after Vietnam chose to follow the open trade system that facilitates corruption among the government cadres and criminals' illegal activities. Ill-planned urbanization, farmland expropriation, and the government's inability to create jobs have resulted in so many socio-economic difficulties for the families who have to flock to urban areas or emigrate abroad in the search for means of living.

4. 2. Human Trafficking: Selling of Vietnamese “Brides” to Foreigners

According to Vietnam's Ministry of Public Security, during the period from early 2008 to the end of the first semester of 2014, 115,675 Vietnamese citizens around the country (of which, 92.01% were females) got married to citizens of over 50 nations in the world, mainly Taiwan, China, Korea, US, and some parts of Europe. On an average, about 20,000 Vietnamese brides were exported yearly.

³³ The Straits Times. *Europe police arrest Vietnamese people smuggling gang*. <http://www.straitstimes.com/news/world/europe/story/europe-police-arrest-vietnamese-people-smuggling-gang-20141120>

One should be wary of the accuracy of the statistics by the Vietnamese government. According to the Government Inspectorate, statistics in the first months of 2013 for Kiên Giang province's 13 of the 15 administrative units showed that more than 1,000 women had been married to foreigners, but only about 17% of the marriages were properly registered.³⁴

As with the plight of young girls deceived and sold into prostitution, the primary cause leading to the selling of brides to foreign men has been the poverty brought on by the government's unjust social policies. Most of the victimized young girls came from the countryside and were lured by mediators into agreeing to “marry” certain men from Taiwan, South Korea, and China, and then follow them overseas, without love or even knowledge of their husbands' backgrounds. According to the director of the Bạc Liêu Justice Department, for instance, from March 1 to May 23, 2014, only 35 files were approved out of 179 ones that requested marital status confirmation prior to marriages with foreigners. To him, many cases “showed that the brides had known nothing about their future spouses' marital status and personality, and even their names.”³⁵

The majority of these hasty marriages were arranged by profit-making intermediary organizations. Based on social websites, the cost of a Vietnamese bride sold in China has increased significantly in 2014 compared to the previous year, from US\$5,700 to US\$11,800.³⁶

³⁴ Thanhtra.com.vn. *Chưa kiểm soát chặt hôn nhân có yếu tố nước ngoài*. http://thanhtra.com.vn/xa-hoi/doi-song/chua-kiem-soat-chat-hon-nhan-co-yeu-to-nuoc-ngoai_t114c1159n65676

³⁵ Bạc Liêu Online. *Xử lý nghiêm các trường hợp môi giới hôn nhân với người nước ngoài trái phép*. http://baobaclieu.vn/newsdetails/1D3FE182A2E/Xu_ly_nghiem_cac_truong_hop_moi_gioi_hon_nhan_voi_nguoi_nuoc_ngoai_trai_phep.aspx

³⁶ Havocscope. *Global black market Information. Price to Buy Vietnamese Wife Increasing in China*. <http://www.havocscope.com/price-to-buy-vietnamese-wife-increasing-in-china/>

In 2013, the government of Vietnam issued Decree No. 110/2013/ND-CP stipulating sanctions for administrative violations in the fields of marriage and family. The highest administrative penalties for acts such as brokering sham marriages for immigration purposes, profiteering marriage registrations, sexual abuse, and labor exploitation are 20 million to 30 million Vietnamese Dong (equivalent to \$940-1410 USD). In practice, however, such cases were rarely uncovered and punished, and almost never brought before the courts, since the state does not consider such behaviors as human trafficking.

4. 3. Human Trafficking: Exploitation of Export Workers

Doing manual labor in foreign lands is never a dream for the Vietnamese, especially for those who are naturally attached to their families and places of birth. However, leaving homes and families to find survival means is unavoidable when their farmlands are confiscated and the State cannot provide enough jobs. On the contrary, the State, excited with foreign remittances, not only encourages the export of workers, but also ignores brokerage companies' illegal conduct.

According to the Overseas Labor Management Department, there are about 500,000 workers currently working in over forty countries and territories, mostly in Taiwan, South Korea, Malaysia, Japan, and countries in the Middle East. In addition, according to this agency, in 2014, 106,840 went overseas to work, an increase of 18.7% over the 90,000 planned, the highest level in recent years.³⁷

³⁷ Cổng Thông tin điện tử Bộ LĐ-TBXH. *Xuất khẩu lao động Việt Nam đạt kỷ lục trong năm 2014*. <http://www.molisa.gov.vn/vi/Pages/chitiettin.aspx?IDNews=22296>



January 22, 2014, seven freed Vietnamese “brides” were sent home from China at border gate Đông Hưng, Quảng Tây Province. Photo BBC

However, these official statistics need reassessment. After 14 Vietnamese workers were burned to death in Russia, in September 2012, the chief of the village where the victims' families live admitted there were 600 export workers from the village, but only 10% of them were registered with government-approved agencies.³⁸ Of the 10,000 people working in Russia, only about 3,000 went through the official labor export process; the remaining 7,000 were tourists who overstayed their visa and worked illegally.³⁹ According to independent surveys, the “contraband” labor export is growing.⁴⁰ A 2014 survey of the northernmost provinces disclosed that there were nearly 200,000 clandestine workers going to work seasonally in China.⁴¹

The majority of these export workers were victims of illegal intermediary agencies that had

³⁸ Báo điện tử Công an Nghệ An. *Nỗi đau thân nhân xuất khẩu chui bỏ mạng xứ người*. <http://congannghedan.vn/gia-dinh-xa-hoi/201209/22933-noi-dau-than-nhan-xuat-khau-chui-bo-mang-xu-nguoi-395243/>

³⁹ BBC. *Nạn buôn người Việt vào nhà chứa ở Nga*. http://www.bbc.co.uk/vietnamese/vietnam/2013/04/130423_viet_russia_human_trafficking.shtml

⁴⁰ Vietinfo. *Xuất khẩu lao động chui ở Nghệ An (1): Khát vọng đổi đời*. <http://vietinfo.eu/tin-viet-nam/xu%E1%BA%A5t-khau-lao-dong-chui-o-nghe-an-1-khat-vong-doi-doi.html>

⁴¹ Báo Nhân Dân hàng tháng. *Xuất khẩu lao động “chui” - Hệ lụy khôn lường*. <http://www.nhandan.com.vn/hangthang/doisongxahoi/item/25050602-lao-dong-%E2%80%9Cchui%E2%80%9D-bai-toan-nan-giai.html>

links with corrupt state officials. The victims had to mortgage their properties to pay for the fees charged by the intermediary agencies. However, these greedy agencies often exploited and neglected them when their employers mistreated and forced them to work harder in exchange for pittance. In many instances, the bosses confiscated their passports and turned them into detainees living miserably under their strictest control. In addition to being robbed by intermediary agencies and employers, illegal workers also had to evade local authorities. They were often arrested, beaten, and sometimes even raped by security forces.⁴²

In recent years, another aspect of human trafficking that should be noted is the issue of youths being kidnapped or tricked into working as slaves in China's plantations and production factories, or forced into growing and selling marijuana (in Eastern Europe, Canada, United Kingdom, etc.). Particularly in the United Kingdom, according to the *Second Annual Report of the Inter-Departmental Ministerial Group on Human Trafficking for 2013*, since 2009 the number of Vietnamese victims of trafficked in the UK comes in second, behind only Nigeria. However, with regards to adolescent victims, Vietnamese victims stand at the head of the list. Most of the Vietnamese men illegally imported to the UK were exploited for cheap labor or forced into illegal businesses such as marijuana growing, while women were forced into prostitution.⁴³

Article 17 of the Socialist Republic of Vietnam's 2013 Constitution stipulates: "Vietnamese

citizens living abroad shall be protected by the State of the Socialist Republic of Vietnam." In reality, however, because of their collusion with intermediary companies and fears of losing clients and kickbacks, Vietnam's embassy officials not only have never offered any positive help to the victims, but also occasionally colluded with human traffickers.⁴⁴ A number of organizations run by overseas Vietnamese, such as the Committee to Protect Vietnamese Workers, Vietnamese Migrant Workers & Brides Office Taiwan Alliance to Combat Trafficking, the Coalition to Abolish Modern-day Slavery in Asia (CAMSA), and One Body Village Organization have made great efforts in rescuing victims. However, there is no measure to radically uproot this trafficking problem, which is mainly the result of collusion between state officials who provide cooperation and protection to the rogue operators, and the lack of official supervisory agencies for these activities.

What is serious is that despite serious consequences that the illegal export of workers has caused, the government still refuses to see it as an act of human trafficking. Even the March 2011 Law on Anti-Human Trafficking that has been in effect since May 1, 2012 stops short at the general concept of "forced labor," and does not recognize the deception and exploitation of people working abroad as a form of human trafficking. Meanwhile, the result of a survey of 350 legally exported workers in October 2012 revealed that 55 of these workers claimed themselves as victims of human trafficking.⁴⁵

⁴² Người Đưa Tin. *Ký ức kinh hoàng của những phụ nữ đi xuất khẩu lao động ở Ả-rập Xê-út*. <http://www.nguoiduatin.vn/ky-uc-kinh-hoang-cua-nhung-phu-nu-di-xuat-khau-lao-dong-o-arap-xe-ut-a166940.html>

⁴³ The Secretary of State for the Home Department. *Second annual report of the Inter-Departmental Ministerial Group on Human Trafficking*. Oct. 2013 (tr.21). https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/251487/9794-TSO-HMG_Human_Trafficking.pdf

⁴⁴ RFI. *Thêm một xưởng may VN ở Nga bóc lột công nhân như nô lệ*. http://www.rfi.org/vietnamese/in_depth/victori-copy-of-vina-08082012071733.html

⁴⁵ Báo Dân Việt. *Mặt trái hoạt động xuất khẩu lao động: Khó "chỉ mặt đặt tên" nạn buôn người*. <http://danviet.vn/109686p1c24/kho-chi-mat-dat-ten-nan-buon-nguoi.htm>

II. The right to a fair trial before an independent and impartial court

As with the other fundamental human rights, the Vietnamese Constitution guarantees that “all citizens are equal before the law” (Article 16, the amended VN Constitution of 2013), and that “during trials, judges and assessors must remain independent and shall only obey the law” (Article 31, the amended VN Constitution of 2013). In reality, however, anyone can be arbitrarily arrested, prosecuted, and sentenced in present-day Vietnam. The ultimate purpose of the Vietnamese court system is to serve the governing party’s interests, and thus the court’s dependence on the CPV is an inevitable consequence of the “People’s Democracy” concept. This concept is clearly reaffirmed in the 2002 Law on Organization of the People’s

Courts: “... The Courts have the task to protect the socialist legislation, the socialist regime, and the people’s mastery” (Article 1).

Despite recent requests from international organizations and donor countries that Vietnam reform its legal system, critical violations of human rights in the legal field continue to escalate. In 2013, those violations were typically identified by the following characteristics: criminalization of political activities, serious violations of criminal procedures, severe limitation of defense lawyers’ rights, and an inhumane prison system.

1. Criminalization of All Activities Detrimental to the CPV’s Interests

It is not surprising that Vietnam claims that it holds no political prisoners, because any legitimate political expression by the people, however peaceful, is always equated to crimes listed in the 1999 Vietnam Criminal Code, especially Article 79 (Activities aiming at overthrowing the people’s government), Article 87 (Undermining the unity policy), Article 88 (Conducting propaganda against the SRV), Article 245 (Disturbing public order), Article 257 (Resisting persons performing official duties), and Article 258 (Abusing democratic freedoms to infringe upon the interests of the State, the rights and legitimate interests of organizations and citizens). According to these Articles, any expression of opinions, even through peaceful means such as a debate, storage and distribution



Bùi Thị Minh Hằng, Nguyễn Văn Minh Nguyễn Thị Thúy Quỳnh in the Đồng Tháp first instance trial court, August 26, 2014. Photo Dan lam bao

of documents with contents contradicting the CPV's policies, is a "crime." "Offenders" can be sentenced to up to 20 years in prison (Article 88), or given the death penalty if found to have "carried out activities aiming at overthrowing the people's administration" (Article 79).

In 2014, at least 55 dissidents were indicted, including 44 who were given heavy sentences, 11 were awaiting trials. Following are some typical cases:

- On January 21, the People's Court of First Instance of Cờ Đỏ District, Cần Thơ City sentenced two victims of injustice Nguyễn Thị Ánh Nguyệt to three-years imprisonment and Nguyễn Thị Tuyền to 2 years and 6 months in prison for "Disturbing public order" (Article 245 of the Penal Code). On April 22, 2014, the Appellate Court upheld the sentence for Nguyễn Thị Ánh Nguyệt and reduced Nguyễn Thị Tuyền's sentence to a 2-year term.¹
- On April 3, Đà Nẵng City People's Court of First Instance sentenced Blogger Trương Duy Nhất to 2 years of imprisonment for "Abusing democratic freedoms to infringe upon the interests of the State, the legitimate rights and interests of organizations and/or citizens."² (Article 258 of the Penal Code)
- On March 19, Hanoi People's Court of First Instance sentenced writer Phạm Việt Đào to 15 months of imprisonment for "Abusing democratic freedoms to infringe upon the interests of the State, the legitimate rights and interests of organizations and/or citizens."³ (Article 258 of the Penal Code)

¹ VRNs. *Hai Dân oan Cần Thơ tiếp tục nhận những bản án oan sai*. <http://www.chuacuuthe.com/2014/04/hai-dan-oan-can-tho-tiep-tuc-nhan-nhung-ban-an-oan-sai/>

² RFA. *Phiên xử phúc thẩm Blogger Trương Duy Nhất*. http://www.rfa.org/vietnamese/in_depth/blog-tr-duy-nhat-ap-trial-06262014061401.html

³ BBC. *Blogger Phạm Việt Đào 'bị xử kín'*. http://www.bbc.co.uk/vietnamese/vietnam/2014/06/140614_phamvietdao_appeal_trial

- On March 20, the Court of First Instance of Hàm Yên District, Tuyên Quang Province sentenced Mr. Lý Văn Dinh to 15 months of imprisonment and Mr. Dương Văn Tu to 21 months in detention for "Abusing democratic freedoms to infringe upon the interests of the State, the legitimate rights and interests of organizations and/or citizens." (Article 258 of the Penal Code). The two men are H'mong ethnics. The May 27, 2014 Appellate Court upheld Mr. Lý Văn Dinh's sentence and reduced two months from Mr. Dương Văn Tu's prison term.⁴
- On March 27, the Court of First Instance of Hàm Yên District, Tuyên Quang Province sentenced Mr. Thảo Quán Mua of the H'mong Ethnic to 18 months in prison for "Abusing democratic freedoms to infringe upon the interests of the State, the legitimate rights and interests of organizations and/or citizens." (Article 258 of the Penal Code). The Appellate Court upheld the sentence.⁵
- On April 07, 2014, the People's Court of First Instance of Đông Hòa District, Phú Yên Province sentenced 4 members of the 'Hội Đồng Công Luật Công An Bia sơn' Group to probation terms, including 3 years for Mr. Nguyễn Văn Hữu, 2 years for Huỳnh Đức Minh, 2 years and 6 months for Võ Văn Phụng, and 1 year and 6 months for Phạm Văn Phong for "Illegally manufacturing, stockpiling, transporting, using, trading in or appropriating military weapons and/or technical means" (Article 230 of the Penal Code). The Appellate Court in August 2014 changed the probation verdict to imprisonment and increased the

⁴ VRNs. *Công an tỉnh Tuyên Quang bắt cóc hai thành viên của Hội PNNQVN*. <http://www.chuacuuthe.com/2014/05/cong-an-tinh-tuyen-quang-bat-coc-hai-thanh-vien-cua-hoi-pnnqvn/>

⁵ Đài Phát thanh và Truyền hình tỉnh Tuyên Quang. *TAND tỉnh xét xử phúc thẩm công khai 2 vụ án hình sự lợi dụng các quyền tự do dân chủ*. <http://tuyenquangtv.vn/tin-tuc/89/SZWO762529/TTV-TAND-tinh-xet-xu-phuc-tham-cong-khai-2-vu-an-hinh-su-loi-dung-cac-quyen-tu-do-dan-chu.html>

prison terms to 4 years for Nguyễn Văn Hữu, 3 years for Huỳnh Đức Minh, 3 years for Võ Văn Phụng, and 2 years for Phạm Văn Phong.⁶

- On May 06, 2014, the People's Court of First Instance of Cao Bằng sentenced Mr. Vừ A Sừ of the Hmong ethnic group to 24 months in prison for "Abusing democratic freedoms to infringe upon the interests of the State, the legitimate rights and interests of organizations and/or citizens."⁷ (Article 258 of the Penal Code)
- On July 30, 2014, the People's Court of First Instance of Ngân Sơn District, Bắc Kạn, sentenced Messrs Dương Văn Thành to 24 months in prison, Hoàng Văn Sừ to 18 months, and Hoàng Văn sinh to 15 months of imprisonment for "Abusing democratic freedoms to infringe upon the interests of the State, the legitimate rights and interests of organizations and/or citizens."⁸ (Article 258 of the Penal Code)
- On August 01, 2014, the Thuận Nam District People's Court of First Instance sentenced Mr. Dương Văn Phước to 22-month detention, Messrs Đỗ Văn Đức and Nguyễn Văn Song to 20-month probation, Mr. Dương Chí Dũng to 30-month probation, and Messrs Dương Thủ Đức and Dương Thủ Hiền to 5-month probation each for "Resisting persons performing official duties" (Article 257 of the Penal Code). They had been arrested for having called upon the local population to protest the Titanium mining and environmental destruction. Mr. Phước appealed, but the

⁶ Báo Phú Yên điện tử. *Cho hưởng án treo không đúng, bị kháng nghị*. <http://www.baophuyen.com.vn/164/119594/cho-huong-an-treo-khong-dung-bi-khang-nghi.html>

⁷ VRNs. *Một người dân tộc H'Mông bị kết án 24 tháng tù giam theo Điều 258 BLHS*. <http://www.chuacuuthe.com/2014/05/mot-nguoi-dan-toc-hmong-bi-ket-an-24-thang-tu-giam-theo-dieu-258-blhs/>

⁸ RFA. *Phiên tòa phúc thẩm ba người dân tộc H'mong*. http://www.rfa.org/vietnamese/in_depth/apel-court-for-3hmong-10152014070039.html

Ninh Thuận Appellate Court upheld the October 9, 2014 verdict.⁹

- On August 26, 2014, the People's Court of First Instance of Đồng Tháp Province sentenced Ms. Bùi Thị Minh Hằng to 3-year imprisonment, Mr. Nguyễn Văn Minh to 2 years and 6 months in prison, and Ms. Nguyễn Thị Thúy Quỳnh to 2 years in detention for "Disturbing public order" (Article 245 of the Penal Code). The three democracy activists had been arrested when they were on the way to visit a prisoner of conscience in Đồng Tháp. The Appellate Court upheld the verdicts on December 12, 2014.¹⁰
- On September 04, the Từ Sơn People's Court of First Instance imposed heavy penalties on 12 members of the Trịnh – Nguyễn village for "Disturbing public order" (Article 245 of the Penal Code) because they had fought the construction of a factory that might pose a health hazard. The sentences included a 28-month imprisonment for Đỗ Thị Thiêm, Đỗ Văn Quý, and Đỗ Văn Hào; a 26-month imprisonment for Ngô Thị Toan, Đặng Thị Mỹ and Ngô Thị Như; 28 months of probation for Ngô Thị Đức, and Đặng Văn Như; and 36 months of probation for Đỗ Thị Thiêm (aka Trinh), Nguyễn Thị Chiến, Vũ Thị Thảo, and Ngô Thị Thoa.¹¹
- On September 15, 2014, the People's Court of First Instance of Hà Đông, Hanoi, sentenced Mrs. Nguyễn Thị Ngân and Mrs.

⁹ Thanh Niên Online. *Hỗn loạn sau phiên tòa xử vụ 'chống người thi hành công vụ'*. <http://www.thanhnien.com.vn/chinh-tri-xa-hoi/hon-loan-sau-phiien-toa-xu-vu-chong-nguoi-thi-hanh-cong-vu-501839.html>

¹⁰ VRNs. *Tường thuật phiên tòa Phúc thẩm xử bà Bùi Thị Minh Hằng, cô Thúy Quỳnh và ông Văn Minh*. <http://www.chuacuuthe.com/2014/12/cap-nhat-phiien-toa-xu-ba-bui-thi-minh-hang-12-12-2014/>

¹¹ Cựu Tù Nhân Lương tâm Việt Nam. *Hội PNNQ và Hội CTNLT phản đối phiên tòa oan ức dành cho 12 dân oan Trịnh Nguyễn*. <http://fvpc.org/2014/09/05/hoi-pnnq-va-hoi-ctnlt-phan-doi-phiien-toa-oan-uc-danh-cho-12-dan-oan-trinh-nguyen/>

Nguyễn Thị Toàn to 6 months in prison for “Resisting persons performing official duties” (Article 257 of the Penal Code). They were part of the active petitioners for land expropriation victims of Dương Nội.¹²

- On September 19, the People’s Court of First Instance of Hà Đông District, Hanoi, sentenced Mrs. Cấn Thị Thêu to 15 months of imprisonment, and her husband, Mr. Trịnh Bá Khiêm, to 18 months in prison, and Mr. Lê Văn Thanh to 12 months of imprisonment for “Resisting persons performing official duties” (Article 257 of the Penal Code). The Appellate Court on November 25, 2014 reduced the prison terms for Lê Văn Thanh to 7 months, Trịnh Bá Khiêm to 15 months but upheld Cấn Thị Thêu’s sentence. They were the objectors to land expropriation at Dương Nội Ward, Hà Đông District.¹³
- On September 25, 2014, the People’s Court of First Instance of Hà Đông District, Hanoi City, sentenced Mr. Trần Văn Miên to 22 months in prison and Mr. Trần Văn Sang to a 20-month imprisonment for “Resisting persons performing official duties” (Article 257 of the Penal Code). They were participants in the protest against land expropriation at Dương Nội Ward. The Appellate Court upheld Mr. Trần Văn Sang’s sentence on November 25, 2014.¹⁴
- On December 15, 2014, the People’s Court of First Instance of Cẩm Lệ District, Đà Nẵng, sentenced Mr. Đỗ Đình Dũ, a victim of land expropriation, for “Abusing democratic freedoms to infringe upon the interests of the State, the legitimate

rights and interests of organizations and/or citizens” (Article 258 of the Penal Code).¹⁵

Following are the detainees awaiting trial, who are accused of:

- Violating Article 258 of the Penal Code: Mr. Nguyễn Hữu Vinh (blogger Ba Sàm), Mrs. Nguyễn Thị Minh Thúy, blogger Hồng Lê Thọ, and blogger Nguyễn Đình Ngọc..
- Violating Article 245 of the Penal Code: Mrs. Lê Thị Phương Anh, Mr. Phạm Minh Vũ, and Mr. Đỗ Nam Trung.
- Violating Article 88 of the Penal Code: Mrs. Nguyễn Thị Bé Hai, Mrs. Ngô Thị Minh Ước, Mrs. Nguyễn Thị Trí, and Mr. Nguyễn Quang Lập.

All these people were punished for having exercised their fundamental rights stipulated in the Universal Declaration of Human Rights as well as the Constitution of Vietnam. Clearly, the government arbitrarily applied vaguely worded security crimes of the Penal Code as well as fabricated evidence on the dissidents, human rights activists, and victims of injustice. The Courts are only the means for the CPV to impose its will as the sole governors of the country.

2. Violations of Basic Principles of the Criminal Procedure Code

In its National Report on the Promotion and Protection of Human Rights before the Human Rights Council in February 2014, Vietnam declared, “In Viet Nam, legal procedures are conducted in conformity with a principle that

¹² VRNs. *Phiên tòa “xử kín” dân oan Dương Nội*. <http://www.chuacuuthe.com/2014/09/phiên-toa-xu-kin-dan-oan-duong-noi/>

¹³ BBC. *Tòa Hà Nội ra án tù 4 nông dân Dương Nội*. http://www.bbc.co.uk/vietnamese/vietnam/2014/11/141125_duongnoi_apel_court

¹⁴ BBC. *Ibid.*

¹⁵ Thanh Niên Công Giáo. “*Người Nhà Của Tôi Đâu?*”: *Người Thứ Hai Ở Đà Nẵng Bị Kết Án “258”*. <http://thanhnienconggiao.blogspot.com/2015/01/nguoi-nha-cua-toi-au-nguoi-thu-hai-o.html>

rights and obligations of the persons taking part in litigations are fully guaranteed in a fair and democratic manner. As in a rule-of-law State, adjudication is carried out publicly, transparently, and judgments must be made against the right offense and the right offender in accordance with the laws.”

In reality, continual violations of the procedural principles throughout the criminal proceedings, from arbitrary arrest to fabrication of evidence, forcible testimony, obstruction of lawyers, and cursory trials with predetermined verdicts etc. have made a mockery of such procedures. Suspects are often tortured during interrogations and isolated from their families and lawyers. Most court trials are summarily carried out within less than one day, sometimes lasting only a few hours. The presence of a lawyer, if any, is just for embellishment, since the time for deliberation is usually shorter than the time for verdict reading, meaning the verdict had already been prepared ahead of time.

As for political cases, violations of criminal proceedings are particularly egregious. In all criminalized political cases, basic principles of criminal procedure are violated at every possible stage: arrest without court warrants, absence of local authorities and acquaintance during the apprehension process, detention beyond the lawful limit without indictment, no introduction of evidence and witnesses, and prevention of contact with lawyer and family. In many court sessions, lawyers are either disallowed or restricted in their defense; relatives are not allowed to attend.

Many events that took place in 2014 have exposed the judiciary vices in Vietnam in general and in criminal proceedings in particular.

There were cases that attracted public concern such as the death sentences of Messrs Hồ Duy



December 2014, Mr. and Mrs. Nguyễn Trường Chinh staged a sit-in demonstration claiming justice for their son, death convict Nguyễn Văn Chương. Photo Việt Nam thời Báo

Hải,¹⁶ Nguyễn Văn Chương,¹⁷ and Hàn Đức Long.¹⁸ In all three cases, the court had decided on the verdicts before the trials. The court had based its decision on confessions obtained by physical and mental torture, and disregarded rebuttal evidence, the accused’s retraction, and witnesses’ persuasive counter-arguments.

According to the Vietnam Bar Association’s Report to the Congress Justice Committee, from October 1, 2011 to September 30, 2012, there were 82 cases where signs of wrongful application of criminal law and legal proceeding were apparent.¹⁹ Even just within Bình Thuận Province, the presiding judge of the provincial People’s Court admitted that by early December 2014, 80 cases had been overturned because of faulty judgments. But it is ironic when he

¹⁶ Báo Đời sống và Pháp luật. *Tại sao hàng loạt chứng cứ ngoại phạm của Hồ Duy Hải bị bỏ quên?* <http://www.doisongphapluat.com/phap-luat/ho-so-vu-an/tai-sao-hang-loat-chung-cu-ngoai-pham-cua-ho-duy-hai-bi-bo-quen-a73598.html>

¹⁷ RFA. *Vụ Tử tù Nguyễn Văn Chương: Kỳ 1. Xác định tội ngay khi bắt đầu giai đoạn điều tra* <http://www.rfa.org/vietnamese/blog/nguyen-tuong-thuy-blog-1206-12062014085434.html>

¹⁸ Báo Đời sống và Pháp luật. *Vụ Hàn Đức Long: Sẽ là vụ “Nguyễn Thanh Chấn” tiếp theo?* <http://www.doisongphapluat.com/phap-luat/nghi-an-dieu-tra/vu-han-duc-long-se-la-vu-nguyen-thanh-chan-tiep-theo-a34810.html>

¹⁹ Thời báo Tài chính Việt Nam. *82 vụ án có dấu hiệu oan sai trong 3 năm qua*. <http://thoibaotaichinhvietnam.vn/pages/thoi-su-chinh-tri/2015-01-17/82-vu-an-co-dau-hieu-oan-sai-trong-3-nam-qua-17240.aspx>

continued, “Although the number of overturned cases remains high, it does not exceed the statutory limitation.”²⁰

Infringements on legal proceedings are more common in administrative court cases, in which people have to confront the public authorities. At a conference of lawyers participating in administrative proceedings in 2013, lawyer Ngô Tất Hữu, Councilor of the Commendation and Discipline Council of the Hanoi Bar Association, commented that most of the administrative cases in which lawyers participated at the local court proceedings had violated the procedural law. Judges not only hushed up the complaints, but at times also returned them to the plaintiff.²¹

One other equally serious crime is the “buying off of the court.” This is a very common phenomenon in Vietnam, especially in the last decade when the economic reform policy laid grounds for corruption. Buying off the court is judicial corruption that results in an unusually high number of probation sentences for corruption offenses. For example, one provincial court, for two and a half years, sentenced 8 out of the 9 people accused of corruption to probation; another court tried 10 persons accused of corruption and sentenced all 10 of them to the lowest possible penalties.²²

At a Conference in Đà Nẵng in August 2014, Mr. Nguyễn Chí Công, representing the People’s Supreme Court, said, “Corruption and abuse of power by judiciary officials and the police are

showing signs of increase.”²³ The President also acknowledged, “Buying the outcome of trials is very rampant, and the number of overlooked crimes is overwhelming.”²⁴

Vietnam’s Constitution stipulates: “The People’s Courts shall hold hearings in public” (Article 103). However, most political cases were hastily tried, and security forces, of sometimes up to 1,000 people, were mobilized to set up barriers to prevent relatives and reporters from attending. There were cases where trials were conducted in closed-door sessions and without prior notice, such as the June 19, 2014 Appellate Court trial of blogger Phạm Việt Đào.²⁵

Contrary to the aforementioned closed political trials, the outdoor trials by the circuit courts resemble public denunciations during the Land Reform Era but without any legal sanction. At such circuit court trials, defendants do not have the opportunity to defend themselves while the judges are under tremendous mob pressure. The courts usually return the verdicts with sentences incommensurate with the offenses after just a few hours of deliberation—even for cases resulting in the death penalty. Defendants are victims of the court system even before they are put on trial.

3. The Perfunctory Presence of Lawyers

An accused’s right to defense is one the fundamental rights clearly stated in the International Covenant on Civil and Political

²⁰ Báo Thanh Niên. *Án oan, sai làm ‘nóng’ nghị trường*. <http://www.thanhvien.com.vn/chinh-tri-xa-hoi/an-oan-sai-lam-nong-nghi-truong-514185.html>

²¹ Dân trí, *Nhiều vụ án hành chính ở địa phương đều vi phạm tố tụng*, <http://dantri.com.vn/phap-luat/nhieu-vu-an-hanh-chinh-o-dia-phuong-deu-vi-pham-to-tung-803713.htm>

²² VietNamNet, *Xử 9 người tội tham nhũng thì 8 hưởng án treo*, <http://vietnamnet.vn/vn/chinh-tri/150357/xu-9-nguoi-toi-tham-nhung-thi-8-huong-an-treo.html>

²³ VnExpress.net. *Tham nhũng và lạm quyền trong ngành tư pháp có dấu hiệu gia tăng*. <http://vnexpress.net/tin-tuc/phap-luat/tham-nhung-va-lam-quyen-trong-nganh-tu-phap-co-dau-hieu-gia-tang-3036786.html>

²⁴ Báo Mới. *Chủ tịch nước: ‘Chạy án rất ghê gớm!’* <http://www.baomoi.com/Chu-tich-nuoc-Chay-an-rat-ghê-gom/144/15420946.epi>

²⁵ BBC. *Blogger Phạm Việt Đào ‘bị xử kín’*. http://www.bbc.co.uk/vietnamese/vietnam/2014/06/140614_phamvietdao_appeal_trial

Rights (Article 14-d). The Criminal Procedure Code of Vietnam also guarantees the right to defense for accused persons (Articles 12 and 36). In practice, however, the right to self-defense and the right to legal counsel have been constantly violated.

According to the Vietnam Bar Association, there were 8701 lawyers with working permits,²⁶ whose principal activities involve procedural law. Only about 20% of the criminal cases are represented by defense attorneys. In 2011, the Ministry of Justice announced plans to improve the legal profession by 2020, with the target of 50% of the criminal cases to be represented by lawyers.²⁷

Vietnam's judicial system has been crippled not only by the very small number of lawyers, their low level of occupational awareness and unsatisfactory professional skills, but also by the government's unfriendly attitude toward them.

The government, especially the police, always regard lawyers as opposition elements dangerous to the regime. For that reason, they consistently seek ways to intervene and hinder lawyers' activities which in principle are the latter's prerogative. On July 07, 2014, the Ministry of Public Security issued Circular No. 28/2014/TT-BCA allowing police investigator to take photos, wiretap, and use other means to monitor contacts between counselors and their clients. Lawyers have criticized the Circular. They protested that the regulations clearly showed police bias against lawyers and placed

lawyers under police control.²⁸ A workshop on Circular No. 28 that the Hanoi Bar Association had planned was later canceled due to the Ministry of Public Security's intervention.²⁹

In addition to Circular 28, the government regularly controls the operation of the Bar Associations and their members' legal profession rights. The case that attracted public attention in 2014 was the Ho Chi Minh City Party Committee's expulsion of Mr. Nguyễn Đăng Trùng from his chairmanship of the City's Bar Association and his Party's membership for "taking lightly the Party's leadership role in the Bar's operations".³⁰ Lawyer Lê Thúc Anh, the Secretary of the Party Group, is now the Chairman of Bar Association of Vietnam. Another prominent case involved lawyer Võ An Đôn, whom the Phú Yên provincial government threatened to disbar because he had actively defended the family of Mr. Ngô Thanh Kiều, who had been beaten to death by 5 policemen.³¹

In the daily operation of their business, lawyers in Vietnam today are confronted with obstructions from the investigative police, the Procuracy, and even the Trial Panel. In order to defend an accused, a lawyer must have the court's permission, which is rarely granted in a timely fashion. In addition, even with court authorizations, lawyers still have to seek consent from investigating agencies even to meet only briefly with their clients. Aside from being

²⁶ Liên đoàn Luật sư Việt Nam. *Thông báo Hoạt động của Liên đoàn Luật sư Việt Nam (Quý II/2014)*. <http://liendoanluatsus.org.vn/vi/news/Thong-bao/Thong-bao-Hoat-dong-cua-Lien-doan-Luat-su-Viet-Nam-quy-II-2014-727/>

²⁷ *Quyết định 1072/QĐ-TTg năm 2011 phê duyệt Chiến lược phát triển nghề luật sư đến năm 2020 do Thủ tướng Chính phủ ban hành*. <http://thuvienphapluat.vn/archive/Quyết-dinh-1072-QĐ-TTg-phe-duyet-Chien-luoc-phat-trien-nghe-luat-su-vb126206.aspx>

²⁸ Pháp Luật Việt Nam. *Giới Luật sư phản đối Thông tư của Bộ Công an*. <http://baophapluat.vn/trong-nuoc/gioi-luat-su-phan-doi-thong-tu-cua-bo-cong-an-194491.html>

²⁹ BBC. *Công an ngăn hội thảo của đoàn luật sư?* http://www.bbc.co.uk/vietnamese/vietnam/2014/08/140819_public_security_lawyer_meeting

³⁰ Báo Người Lao Động. *Khai trừ đảng ông Nguyễn Đăng Trùng - Chủ nhiệm Đoàn Luật sư TP HCM*. <http://nld.com.vn/chinh-tri/khai-tru-dang-ong-nguyen-dang-trung-chu-nhiem-doan-luat-su-tp-hcm-2014073115495098.htm>

³¹ Vietnam News Express. *Luật sư Võ An Đôn lại bị "soi"*. <http://vnewsexpress.net/doi-song/luat-su-v-an-dn-lai-bi-soi/>

harassed when applying for defense certificates, lawyers have to repeat the procedure before each stage of the proceedings in order to obtain new certification for that period.³² According to Mr. Đỗ Ngọc Thịnh, Vice President and Secretary General of the Vietnam Bar Association, “it is very difficult for the lawyers to part take in the course of the investigation, and it is even more difficult for them to meet the defendants.”³³

At the court, the jury rarely pays attention to lawyers’ arguments, while the latter often would not dare to refute the prosecutors. In most cases, the lawyers’ only duty is to ask for leniency.³⁴ Worse are situations where an attorney, especially an appointed one, sides with the prosecutor to convict the very person he is defending. An example of such unprofessional affiliation was Mr. Võ Thanh Quyết’s defense of the accused Hồ Duy Hải that resulted in the latter’s death penalty. It is worth noting that Mr. Võ Thanh Quyết had been former Chief of the Provincial Police.³⁵ The Chairman of the Hanoi Bar Association also confessed that, “in many cases, the presence of a lawyer is perfunctory, a kind of ‘decoration’ during the proceedings.”³⁶

³² Báo điện tử Người đưa tin, *Luật sư mệt mỏi khi xin gặp thân chủ trong trại giam*, <http://www.nguoiduatin.vn/luat-su-met-moi-khi-xin-gap-than-chu-trong-trai-giam-a95318.html>

³³ Báo đại biểu nhân dân, *Nâng cao hơn nữa vai trò của luật sư*, <http://daibieunhandan.vn/default.aspx?tabid=81&NewsId=294828>

³⁴ An Ninh Thủ Đức, *Luật sư chỉ định, có cho đủ... thủ tục*, <http://www.anninhthudo.vn/Ky-su-phap-dinh/Luat-su-chi-dinh-co-cho-du-thu-tuc/487759.antd>

³⁵ Vietbao.vn, *Luật sư “hai mạng” trong vụ án tử tù Hồ Duy Hải*, <http://vietbao.vn/An-ninh-Phap-luat/Luat-su-hai-mang-trong-vu-an-tu-tu-Ho-Duy-Hai/2147521754/301/>

³⁶ VnExpress.net, *Vai trò của luật sư trong phiên tòa rat mô nhạ*, <http://vnexpress.net/tin-tuc/phap-luat/vai-tro-cua-luat-su-trong-phiên-toa-rat-mo-nhat-2077980.html>

4. An Inhumane Prison System

In the National Report on Implementation of Human Rights in Vietnam submitted to the UN Human Rights Council’s 2014 Universal Periodic Review, Vietnam claims that it “always respects detainees’ basic human rights [...]; some of the inmates’ civil rights are suspended while they serve the sentences, but their other rights and freedoms are still ensured and protected.”

As far as the detainees are concerned, this report mentions a number of typical cases of human rights violations in the Police Brutality section. For prisoners and those who were locked in the “Drug Rehab Centers” and “Human Dignity Restoration Camps,” violations of their human rights regularly happened. First, all prisoners were forced to work hard all day, but were not entitled to the fruits of their labor. The work that the prisoners were often forced to do was very heavy and dangerous, such as stone crushing, timber logging, farming, and brick casting, etc. Second, despite strenuous work, prisoners had to live in deplorable conditions in all aspects: shelter, food, sanitation, and health, etc. However, worst of all was the harsh treatment by prison wardens and staff personnel who could use any public humiliation and psychological or physical torture imaginable. The purposes of the punishments were: first, to dispirit the prisoners and make them submissive to their jailers; second, to enact revenge on the prisoners who dared to demand the right to be treated in accordance with the law.

As for political prisoners, many forms of harsh treatment have been used to pressure them to plead guilty pursuant to judgments imposed by the court. In 2014, reports from the prisoners who were recently released and people who visited their relatives in prison revealed that various forms of inhumane treatment are still applied to political prisoners:

- Being moved to remote areas for the purpose of torture and revenge. Typical examples include Journalist Tạ Phong Tần, musician Việt Khang Võ Minh Trí, Mrs. Mai Thị Dung, Messrs. Đặng Xuân Diệu, Lê Quốc Quân, Trần Huỳnh Duy Thức, Mrs. Hồ Thị Bích Khương, Mr. Đoàn Huy Chương, Pastor Nguyễn Công Chính, Mr. Phan Ngọc Tuấn, Mrs. Bùi Thị Minh Hằng, Mr. Nguyễn Văn Minh, and Ms. Nguyễn Thị Thúy Quỳnh...
- Relatives' visits being denied: Messrs. Bùi Văn Trung, Nguyễn Kim Nhân, Đặng Xuân Diệu, and Ms. Lê Thị Kim Thu.
- Disciplinarily confined: Mrs. Hồ thị Bích Khương, Ms. Tạ Phong Tần, Ms. Nguyễn Đặng Minh Mẫn, Messrs Trần Huỳnh Duy Thức, Nguyễn Hoàng Quốc Hùng, Nguyễn Ngọc Cường, and Phan Ngọc Tuấn.
- Being beaten by the police and criminal prisoners incited by the police: Mrs. Hồ thị Bích Khương, journalist Tạ Phong Tần, Pastor Nguyễn Công Chính, and Mr. Lê Văn Sơn.
- Being denied treatment for severe illness: Messrs. Đinh Đăng Định, Huỳnh Anh Trí, Nguyễn Văn Lía, Mrs. Hồ Thị Bích Khương, Mrs. Trần Thị Thúy, Mrs. Mai Thị Dung, Mr. Nguyễn Tuấn Nam, Pastor Nguyễn Công Chính, and Mr. Nguyễn Văn Hoa.
- Being kept with HIV-infected prisoners: Mrs. Cán Thị Thêu and Mr. Đỗ Quang Thái; or with dangerous criminals: blogger Nguyễn Hữu Vinh..



After 14 years in prison, Mr. Huỳnh Anh Trí died on July 5, 2014, because of HIV infection incurred during his detention. Photo Dân Luận

including Messrs. Đinh Đăng Định, Nguyễn Hữu Cầu, Nguyễn Tiến Trung, Vi Đức Hồi Dr. Cù Huy Hà Vũ, Ms. Đỗ Thị Minh Hạnh, Messrs. Trần Tư, Nguyễn Tuấn Nam, Trần Hoàng Giang, Nguyễn Long Hội, Lê Văn Tính, journalist “Điều Cày” Nguyễn Văn Hải, and Mr. Giàng A Chừ. Some of these former prisoners had served their sentences, but most of them were released for political reasons. In response to international pressure, the Vietnamese Government used political prisoners as bargaining chips for economic and diplomatic favors. This is a new form of government-sanctioned human trafficking. It is also noteworthy that in 2014 two former political prisoners died shortly after their release because of the severe illness they had contracted in prison: Mr. Huỳnh Anh Trí died 6 months after his release because of HIV infection incurred during his detention;³⁷ and Mr. Đinh Đăng Định, died 14 days after his release because of stomach cancer.³⁸

³⁷ RFI. *Cựu tù nhân lương tâm Huỳnh Anh Trí qua đời do nhiễm HIV trong tù?* <http://vi.rfi.fr/vietnam/20140705-cuu-tu-nhan-luong-tam-huynh-anh-tri-qua-doi-it-thang-sau-khi-ra-tu/>

³⁸ VOA. *Nhà bắt đồng chính kiến Đinh Đăng Định qua đời.* <http://www.voatiengviet.com/content/nha-bat-dong-chinh-kien-dinh-dang-dinh-qua-doi/1886284.html>

In 2014 the state released 13 political prisoners,

III. The right to participate in political and public life

The 1992 Constitution, as amended and supplemented in 2013 stipulates, “Citizens have the rights to participate in the management of state affairs through elections” (Article 27 and 28)¹, “and the rights to freedom of speech, assembly, association and demonstration” (Article 25). However, Article 4 of this very Constitution asserts the absolute leadership role of the Communist Party of Vietnam (CPV) overall national activities.² Due to this contradiction and the intention to maintain political monopoly at all costs, all provisions on political rights stated in Articles 20, 21 of the Universal Declaration of Human Rights and Articles 21, 22 of the International Covenant On Civil and Political Rights which Vietnam was committed to upholding, are nullified. People

¹ Article 27: “Every citizen who reaches the age of eighteen has the right to vote. Every citizen who reaches the age of twenty-one has the right to stand for election to the National Assembly or People’s Councils. The exercise of those rights shall be prescribed by a law.”

Article 28: “1. Citizens have the right to participate in the management of the State and management of society, and to discuss and propose to state agencies issues about their base units, localities and the whole country. 2. The State shall create the conditions for citizens to participate in the management of the State and society; and shall publicly and transparently receive and respond to the opinions and petitions of citizens.”

² “The Communist Party of Vietnam - the Vanguard of the working class, concurrently the vanguard of the labouring people and Vietnamese nation, faithfully representing the interests of the working class, labouring people and entire nation, and acting upon the Marxist-Leninist doctrine and Ho Chi Minh Thought, is the force leading the State and society.” (Article 4 of the Constitution of the Socialist Republic of Vietnam 2013)

are deprived of their rights to choose political systems and representatives peacefully, and the rights to have political views that are different from those of the CPV. All opposition groups are persecuted and outlawed.

1. National Affairs Are the Privilege of the CPV

Like many countries in the world, Vietnam regularly organizes elections for various government posts at all levels. The Constitution and the Law on Organization of the National Assembly, promulgated in November 2014, specify that the National Assembly is the highest institution with the power to represent the people, appoint government officials, and make laws. Currently, however, with the existing electoral and parliamentary processes, it is merely an instrument of the CPV. Elections of the National Assembly and People’s Councils at all levels for the 2011-2016 terms in May 2011 clearly proved just that. No candidates other than those of the CPV and independents approved by the CPV are allowed to run. All applicants must be screened by the Fatherland Front, a front organ of the CPV, through the “Consultative Conferences” and the “Voter Conferences” at central and local levels.

Article 70 of the Constitution and the Law on Organization of the National Assembly (Articles 8 and 9) stipulate that the National Assembly must approve candidates to the state apparatus’ important positions, but, in reality, the CPV Central Committee picks out the candidates and

the National Assembly only rubberstamps the selections.

In the course of legislative work, all bills originate from the CPV Central Office. In recent years, to burnish the image of the National Assembly, the National Assembly's CPV Office has allowed a number of hearings where ministers and even the prime minister could be questioned. These measures gave domestic public opinion watchers, especially observers from democratic countries outside Vietnam, the illusion that the National Assembly had real power. In reality, those scripts had been agreed upon in advance between party officials and the National Assembly operatives. The Party still controls the National Assembly, with 91.6% of the representatives being party members and the rest being a mere decorative appendage to the ruling Party's apparatus.

During the November 2014 session, the National Assembly, once again, was allowed to provide confidence ratings for 50 officials holding key positions in the National Assembly and the Government. This did not represent a procedure of National Assembly oversight of the government because 18 of the 50 positions being rated were themselves held by members of the National Assembly. According to the statement by Mr Nguyen Hanh Phuc, Director of the National Assembly Office,³ the procedure was just "the implementation of the Party Central Committee's Resolution, and a consultative channel enabling agencies to prepare human resources for the coming term." The procedure allowed only three categories of ratings: high confidence, confidence, and low confidence; a "no-confidence" option was not available. The ratings were given by secret ballot, and official results were released to the media. In addition to the limitation that no-confidence ratings could

³ Báo Lao Động. *Kỳ họp thứ 8, Quốc hội khóa XIII: Lấy phiếu tín nhiệm 50 cán bộ*. <http://laodong.com.vn/chinh-tri/ky-hop-thu-8-quoc-hoi-khoa-xiii-lay-phieu-tin-nhiem-50-can-bo-258345.blđ>

not be given, the vote of confidence is now further reduced in its occurrence to only once every five years, in other words only once every National Assembly term.⁴ The dependence of the National Assembly on the government is also evident in the number of the members of the National Assembly (MNAs) concurrently holding positions of the executive apparatus from central to local levels. At present, only 28% of the members of the National Assembly are not simultaneously holding other bureaucratic positions.⁵ The 2014 National Assembly Law on Organization anticipates the number of MNAs not concurrently holding governmental jobs to increase to 35%.⁶ That means the future National Assembly will have at least 65% of the MNAs serving under the executive sway.

In short, the people have no voice in the governmental apparatus, from central to local levels. These institutions are not representative of the people, but just the Communist Party's tools to carry out totalitarian policies. In 2014, the Government submitted the Bill on Election of Deputies to the National Assembly and People's Councils for discussion and comment and expected it to be adopted in 2015. The Bill held no groundbreaking article in the direction of democratization. It is still based on the principle of "the Party nominates and the People votes" which selects candidates through consultative meetings and constituency conferences at all levels and in all sectors.

To increase the political control of the Communist

⁴ Báo Công An Nhân Dân. *Chỉ lấy phiếu tín nhiệm 5 năm 1 lần*. <http://cand.com.vn/thoi-su/Be-mac-ky-hop-thu-8-Quoc-hoi-khoa-Xiii-dau-an-lap-phap-va-tin-nhiem-332677/>

⁵ VOV. *Để Quốc hội mạnh lên: Tăng chuyên trách và chuyên nghiệp*. <http://vov.vn/binh-luan/de-quoc-hoi-manh-len-tang-chuyen-trach-va-chuyen-nghiep-359117.vov>

⁶ Nhân Dân. *Tỷ lệ đại biểu Quốc hội chuyên trách ít nhất là 35%*. <http://www.nhandan.com.vn/phapluat/thoi-su-phap-luat/item/24880902-ty-le-dai-bieu-quoc-hoi-chuyen-trach-it-nhat-la-35.html>



May 8, 2014, lawyer Nguyễn Văn Đài of Brotherhood for Democracy was attacked by police disguised as thugs in Hanoi.

Party at local levels, in 2008, the Politburo issued Resolution No. 22/NQ-TW stipulating “a model that calls for the secretary of the party committee to concurrently serve as chairman of the People’s Committee of commune and ward.” The *Xay Dung Dang*

(Party Building) Journal claimed the model would “enhance the leadership of the Party (giving the CPV secretary more rights), and efficiently implement the CPV’s resolutions at the ward level, enabling the centralization and unification of grassroots power.”⁷ By the end of 2013, 638 communes, wards, and towns of the 63 provinces and cities under the Central Government’s direct control have adopted that model. The figure represents 5.7% of the nationwide communes, wards, and towns.⁸ In preparation for the Twelfth Party National Assembly in 2016, the Politburo issued Directive No. 36, dated 05/30/2014 asking party committees at all levels to develop this model to accomplish a “total political leadership task.”⁷

2. Stamping out Opposition

In 2014, there were noticeable disturbances

⁷ Báo điện tử Đảng Cộng sản Việt Nam. *Chỉ thị số 36-CT/TW, ngày 30/5/2014 của Bộ Chính trị về đại hội đảng bộ các cấp tiến tới Đại hội đại biểu toàn quốc lần thứ XII của Đảng.* http://123.30.190.43/tiengviet/tulieuvankien/vankiendang/details.asp?topic=191&subtopic=279&leader_topic=592&id=BT2291460121

in the CPV’s internal activities because of competition between powerful individuals and factions.⁸ However, to ensure the ruling party’s survival, the criticism within the party to some extent had to be more forthright than in previous years. Meanwhile, to protect the Party’s political security, the government still did not tolerate any outside dissent and criticism. On 12/30/2014, speaking at the 70th national security conference, President Truong Tan Sang warned the state “not to allow the formation of illegal associations, groups, and domestic political opposition organizations.”⁹

Thus, democracy and human rights promotion organizations that had previously formed, including Bloc 8406, the People’s Action Party, the Democratic Party of Vietnam, the Vietnam Progress Party, the Populist Party, the Việt Tân Party, the High Tide of Humanism Movement, the Committee for Human Rights, the United Workers-Farmers Association, the Free Journalists Club, the Vietnamese Political and Religious Prisoners Friendship Association, the Patriotic Youth, The Vietnam Path Movement, the Brotherhood For Democracy... continued to be prohibited. Many members of these organizations were tracked down, assaulted, and detained. For example, as of December 2014, eight of the 49 Bloc 8406 members who had been arrested and sentenced to imprisonment were still under detention, including Father Nguyễn Văn Lý, Bloc 8406 founder. Mr. Trần Huỳnh Duy Thức, leader of the Vietnam Path Organization, was still serving his 16-year imprisonment on charges of “activities aimed at overthrowing the people’s government” under Article 79 of the Penal Code. Dr. Nguyễn Đan

⁸ Dân Làm Báo. *Phe Nguyễn Tấn Dũng thắng thế trong kỳ hội nghị TƯ 10.* <http://danlambaovn.blogspot.com/2015/01/phe-nguyen-tan-dung-thang-trong-ky-hoi.html>

⁹ Báo điện tử Đảng Cộng sản Việt Nam. *Bài phát biểu của Chủ tịch nước tại Hội nghị Công an toàn quốc lần thứ 70.* http://dangcongsan.vn/cpv/Modules/News/NewsDetail.aspx?co_id=28340692&cn_id=693350

Quế, the founder of the Humanist Movement, was also under house arrest.

By means of criminalization of citizens' legitimate political activities, the government arrested and convicted 46 political, religious, and ethnic rights activists of various crimes:

- Four persons were accused of conducting propaganda against the Socialist Republic of Vietnam (Article 88).
- Three persons were charged with illegally manufacturing, stockpiling, transporting, using, trading or appropriating military weapons and/or technical means (Article 230).
- Eighteen persons were indicted for causing public disorder (Article 245).
- Thirteen persons were cited for resisting officers performing their duties (Article 257).
- Eight persons were arraigned for abusing democratic freedoms to infringe upon the interests of the State, the legitimate rights and interests of organizations and/or citizens (Article 258).

Also in 2014, under the pressure of world opinion and the needs for foreign aid, Vietnam released 12 political prisoners, including well known dissidents such as Dr. Cù Huy Hà Vũ and freelance journalist Điều Cày Nguyễn Văn Hải. However, as a condition to be free, those two dissidents had to leave Vietnam once out of jail. Some others were released in deteriorated health condition, as in the case of blogger Đinh Đăng Định and Mr. Huỳnh Anh Trí. Blogger Đinh Đăng Định was set free on his hospital bed on March 21 when his stomach cancer was in the final stage, and passed away two weeks later. Mr. Huỳnh Anh Trí was released on December 29, 2013 after 14 years in prison, and died 6 months later as a result of the fatal AIDS disease he had contracted while incarcerated.

A comparison of the number of released prisoners and the number of people arrested and convicted in 2014 clearly shows that there was no compromise with dissident voices. The release of political prisoners was in fact just a bargain in which political prisoners were used as bribing commodities for the ruling party's political and economic benefits.

In summary, from central to local levels, only about 3 million CPV members out of nearly 90 million Vietnamese citizens are entitled to political activities. The rest were deprived of the right and opportunity to participate in national leadership and administration. Therefore, the Freedom House Organization's *2013 Report on Political Rights Civil Liberty in the World* ranked Vietnam seventh on a scale of 1 to 7 for political rights, and fifth for civil liberties.¹⁰

3. The Rights to Freedom of Association, Freedom of Peaceful Assembly, and Freedom of Movement

Article 25 of the Constitution specifies, "Citizens have the right to freedom of speech and freedom of the press, and the right of access to information, the right to assembly, the right to association, and the right to demonstrate. The Law shall prescribe the exercise of those rights." Because of the essential character of the right to freedom of speech, freedom of the press, and the right to information in the context of today's Vietnam, this report has a separate section for this issue [See Chapter IV Freedom of Speech].

3.1. The Right to Freedom of Association

Since 2005, the government had announced a Bill on Association, but until 2014, and after

¹⁰ Freedom House. *Freedom in the World 2014*. <https://freedomhouse.org/report/freedom-world/2014/vietnam#.VRXhSo7LJvA>

11 amendments, the National Assembly has yet to put the bill up for discussion and votes. Early in 2015, the National Assembly Standing Committee once again discussed the postponing of consideration of the Bills on Organizations and Demonstrations until 2016.

The unusual delay confirmed the government's fear of people's possible use of this law as a legal means to bypass the state control in the formation of independent organizations. So far, the right of association was determined by the April 21, 2010 Decree No.45/2010/ND-CP on Organization, Operation, and Management of Associations, which was amended and supplemented by Decree No. 33/2012/ND-CP of April 13, 2012. In the legal context of this Decree, no entity outside the government

Giang Foundation, the Vietnamese Women for Human Rights, the Vietnamese Redemptorist Communications, the Independent Journalists Association of Vietnam, and Viet Labor...

Of these organizations, only the Campaigning Board for the Victims of Land Injustice Association followed the procedures set forth by the State and applied for operational permits. However, in a letter dated February 28, 2014, the Interior Ministry turned down the request for reasons of legal noncompliance and unsuitable purposes.¹¹

The case of the Vietnamese Scout Association is also a typical one. As a youth educational organization, the Vietnamese Scout Association had been present in Vietnam since the 1940s.

It was prohibited in the North after 1954 and likewise in the South after 1975 when the Communists took power in the whole country. There has been since an effort to revive the Scouts' activities in the South but until 2013, the organization has yet to be allowed to operate as a legal entity although the state recognizes the positive educational aspects of this organization to the youth.¹²

The Communist government is always fearful of the advent of civil society organizations. They are afraid that these organizations would "evolve from 'counter argument' to 'protest' and finally 'reactionary opposition' to the Communist Party and the socialist state."¹³

control is allowed to exist and operate legally.

In recent years, many civil society organizations were formed and have been operating "illegally," such as: Bloc 8406, the Civil Society Forum, the Association of Former Vietnamese Prisoners of Conscience, the Vietnam Blogger Network, the Brotherhood For Democracy, the Bầu Bí Trưng Thân Association, the Peasant Petitioners Association, the Vietnamese Political and Religious Prisoner Friendship Association, the Vietnam Path Movement, the Bạch Đằng



The Independent Journalists Association of Vietnam officially launched operations on July 4, 2014. Photo RFA

¹¹ Dân Luận. *Thông báo số 9 của những người định thành lập Hiệp hội Dân Oan Việt Nam*. <http://danluan.org/tin-tuc/20140228/thong-bao-so-9-cua-nhung-nguoi-dinh-thanh-lap-hiep-hoi-dan-oan-viet-nam>

¹² RFI. *Hướng đạo Việt Nam cần được chính thức phục hồi hoạt động trên toàn quốc*. <http://vi.rfi.fr/vietnam/20110516-huong-dao-viet-nam-can-duoc-chinh-thuc-phuc-hoi-hoat-dong-tren-toan-quoc/>

¹³ Viện Khoa học tổ chức nhà nước. *Một số vấn đề cần lưu ý về xã hội dân sự*. <http://isos.gov.vn/Thongtinchitiet/tabid/84/ArticleId/331/language/vi-VN/M-t-s-v-n-d-c-n-l-u-y-v-xa-h-i-dan-s.aspx>

However, since the initiation in the mid-80's of the Renovation Policy (Đổi Mới), and faced with the need for foreign aid, Vietnam has somewhat loosened its strict control over society by allowing the formation of civil society organizations in specified areas, such as science, health, environment, and charity. Organizations with funding from international organizations or foreign countries are relatively independent in their operations while organizations that receive funding from the government are entirely subject to state control and influence in both operation and policy areas. As a result, so far no independent civil society organization can exist and operate in Vietnam.

3.2. The Right to Freedom of Peaceful Assembly

By the end of 2014, the National Assembly still had not passed, nor had it put in the 2015 Legislative Agenda, the Demonstration Bill that Prime Minister Nguyễn Tấn Dũng had proposed in November 2011.

The National Assembly Legal Committee cited the fact that they had not received any document for not passing the Bill on Demonstration and Organization.¹⁴ Prime Minister Nguyễn Tấn Dũng, on the other hand, said he did not agree with the withdrawal of the Demonstration Bill.¹⁵ The contradictions and confusion clearly showed the government's unwillingness to accept the people's right to speak out.

However, 2014 was marked by mass protests in



May 11, 2014, an anti-China protester stands in front of policemen blocking a street leading to the Chinese consulate during a rally in downtown Ho Chi Minh city. Photo Getty

many locations due to different causes: Victims of land expropriation demanding justice; exploited workers demanding wage and working condition improvement; religious followers demanding freedom; people rising against the Chinese encroachment of the national waters and islands, police violence and advocating for the rights of lesbian, gay, bisexual, and transgender groups (LGBT)...

The demonstration of the petitioners for justice continued actively in 2014. Some rallies attracted up to thousands of people. The demonstrations on the first day of 2014 at the headquarters of the Party Central Committee Headquarters and around Saigon Notre-Dame Cathedral Park attracted people from provinces in Southern Vietnam like Vũng Tàu, Tiền Giang, Long An, Đồng Tháp, Bình Dương, etc. The protests on June 7 and 17, 2014 at the headquarters of the Vietnam Fatherland Front located at 46 Tràng Thi Hanoi also attracted thousands of Victims of Injustice from various localities in the North, such as Văn Giang, Dương Nội, Hải Phòng, Thái Nguyên, Quảng Ninh, Thanh Oai, Phú Xuyên, etc. Rallies at Mai Xuân Thưởng Flower Garden and Lý Tự Trọng Park near Hồ Tây Lake in Hanoi that have lasted for weeks and months are still ongoing, and often subject to brutal repression by security forces and police masquerading as thugs.

¹⁴ VietnamNet. *Lại luật Biểu tình sang 2016*. <http://vietnamnet.vn/vn/chinh-tri/225921/lai-lui-luat-bieu-tinh-sang-2016.html>

¹⁵ Đất Việt. *Thủ tướng không đồng ý rút Luật Biểu tình*. <http://baodatviet.vn/chinh-tri-xa-hoi/tin-tuc-thoi-su/thu-tuong-khong-dong-y-rut-luat-bieu-tinh-3222854/>

Particularly, the Chinese move to install its oil-drilling rig in Vietnam's continental shelf in early May, 2014 prompted strong reactions and popular protests in many parts of the country. Some demonstrations attracted up to one thousand people while others turned into deadly riots destroying many foreign industrial establishments.

Repression is the way the government deals with people who gather to express their aspirations. With respect to demonstrations against the Chinese oil-drilling platform, the government's attitude varied depending on the political needs at the time. At first, the government allowed and even encouraged the demonstrations, such as the one organized by the Hồ Chí Minh Communist Youth Union.¹⁶ Nevertheless, just a short time later, the government forcefully cracked down on protests by independent civil society groups.

In 2014, Vietnamese authorities also took advantage of gay and lesbian rallies and festivals in Hanoi, Saigon, and several other provinces and cities to impress world opinion with a tolerant facade while firmly increasing control and repression over the independent civil society organizations that dare to challenge the ruling party's policies.

In summary, the government "arbitrarily and selectively used the right to protest" as a political tool to benefit the ruling party.¹⁷

¹⁶ RFA. *Nơi nào có quốc doanh, nơi đó có phá hoại.* http://www.rfa.org/vietnamese/in_depth/whr-r-state-whr-it-damage-05132014063552.html

¹⁷ BBC. *Vì sao VN vẫn trì hoãn kiện TQ?* http://www.bbc.co.uk/vietnamese/vietnam/2014/05/140527_vn_legal_action_delayed

3.3. The right to Freedom of Movement and Residence

Pursuant to Article 13 of the Universal Declaration of Human Rights, the 2013 Constitution of Vietnam stipulates, "Citizens have the right to free movement and residence within the country, and the right to leave the country and to return home from abroad." (Article 23). Freedom of movement and freedom of habitation are not only essential personal rights, but more than that; they are the prerequisite for political rights of the citizens. Thus, the level of political rights enforcement can be measured by the respect of people's freedom of dwelling and freedom of movement, especially those of the dissenting elements.

In addition to detention and imprisonment, the government may restrict people's right to habitation and movement in a variety of



November 25, 2014, Pro LGBT youths attended the festival "Honoring diversity" organized by the Center ICS at Ho Ch Minh City Labor Culture Palace. Photo Bao Moi.com

administrative measures. The most common is the regular household registration system, a form of population control being applied only in China, North Korea, and Vietnam. Vietnam has employed the household registration system since the 50s. Although it has caused many negative consequences in economic and

societal areas,¹⁸ the government refuses to give it up because this is one of the most effective means of political and security control.

Another form of control is “administrative detention” regulated by Decree 31/CP, which Mr. Võ Văn Kiệt issued in 1997. The Administrative decree enables the Provincial People’s Committee chairman to decide the citizens’ dwelling location, restrict their professional practices, movement, and contact with the public. It also prevents people from being interviewed and participating in government affairs if they are deemed to have infringed on national security, but not to the extent that they can be prosecuted. Most dissidents in Vietnam have been punished in this manner. Currently, the leading opposition figures such as the Supreme Patriarch Thích Quảng Độ and Dr. Nguyễn Đan Quế are still being kept under house arrest by this measure.

In 2014, in addition to maintaining the above measures, the government blatantly continued to use security forces to carry out acts of interference and arrest, passport confiscation, and home and land eviction on the vague grounds of “protecting national security, social order, and safety”, all in pursuance of the 7/17/2007 Decree No. 136/2007/ND-CP. On February 3, 2014, the Independent Association of People Banned from Traveling Abroad¹⁹ was founded. According to the group, the government has denied applications for exit visas or confiscated the passports of at least forty individuals for political reasons and their dissension. Following are some typical cases:

¹⁸ Thanh Niên Online. *Đoạn trường hộ khẩu*. <http://www.thanhnien.com.vn/chinh-tri-xa-hoi/doan-truong-ho-khau-479596.html>

¹⁹ Hội Những Người Việt Nam Bị Xâm phạm Trái phép Quyền Tự do Đi lại và Cư trú. <https://www.facebook.com/tudodilai>

- On January 15, blogger Nguyễn Hồ Nhật Thành (aka Paulo Thành Nguyễn) was prevented from going abroad because of his collaboration with US-based NGOs campaigning for human rights in Vietnam.

- On February 01, at Tan Son Nhat Airport, independent journalist Phạm Chí Dũng was prevented from flying to Switzerland to take part in the Human Rights Seminar sponsored by UN Watch.

- On April 13, Tan Son Nhat Airport security prevented Reverend Antony Lê Ngọc Thanh of the Redemptorist Order from boarding the airplane and confiscated his passport.

- On April 13, Tan Son Nhat Airport security stopped reporter Anna Huyền Trang of the Redemptorist Order’s Communication Office from going abroad and placed her in detention.

- On April 16, Tan Son Nhat Airport security confiscated the passport of Mr. Nguyễn Thanh Thủy, the son of writer Nguyễn Xuân Nghĩa, for no valid reason.

- On May 06, Noi Bai Port security stopped Messrs. Lê Phúc Hiệp and Đinh Xuân Thi when they were on the way to the Philippines to learn English.

- On May 24, Noi Bai Airport security prevented Blogger Nguyễn Chí Tuyên (Anh Chí) from leaving for Norway for the Internet Seminar per that country embassy’s invitation.

- On July 09, Airport security stopped two students, Nguyễn Văn Tráng and Phạm Đắc Đạt, when they were preparing to board the plane for Australia to attend the Australian Student Association Conference in Melbourne.

- On July 09, police forced former prisoner of conscience Phạm Bá Hải to abandon his involvement in independent civil society organizations in order to have his passport returned.

- On September 09, Noi Bai airport security detained and confiscated the passport of former prisoner of conscience Đỗ Thị Minh Hạnh when she was preparing to go to Austria to see her ailing mother.

- On November 14, the border gate officers at Dinh Bà, Đồng Tháp confiscated the passports of two human rights activists Hoàng Văn Dũng and Nguyễn Nữ Phương Dung to prevent them from exiting the country.

- On November 16, Tan Son Nhat Airport security stopped and confiscated the passport of Facebook activist Lê Đức Triết while he was filing exit procedures to go to Myanmar.

- On November 17, Noi Bai Airport security confiscated the passport of Facebook activist Dustin Tý (Hoàng Tuấn Nam) as he was preparing to leave for Myanmar.

- Domestically, the government regularly monitors and prevents the movement of the people who are deemed dangerous to political security. These measures are applied specifically to the gathering of human rights activists as well as human rights sessions with foreign embassies and international human rights organizations. Following are some cases of across-the-board travel restrictions applied to members of independent civil society organizations and religious representatives in 2014:

- From July 21 to 31, 2014, Mr. Heiner Bielefeldt, the UN Special Rapporteur on freedom of religion or belief, paid a visit to Vietnam to assess the status of religious activities. His prearranged consultation with representatives of the Original Hoa Hao Buddhist Church was canceled because the security forces had prevented the church authorities from attending the meeting. The local police also prevented his meetings with other human rights activists such as Dr. Nguyễn Đan Quế, independent journalist Phạm Chí Dũng, Mrs. Dương Thị Tân, former prisoner of conscience Phạm Bá Hải, and two

Protestant Pastors Nguyễn Hoàng Hoa and Nguyễn Mạnh Hùng.²⁰

- On July 30, representatives from several countries held a seminar on “Non-state Media in Contemporary Vietnam” at the Australian Embassy. Despite the invitations from the Organizing Committee, representatives of independent civil society organizations could not take part in the roundtable because the government had intervened. Many invitees were stopped on their way to the seminar, including former prisoners of conscience Phạm Bá Hải, Blogger Nguyễn Ngọc Như Quỳnh, Dr. Phạm Hồng Sơn, Lawyer Nguyễn Văn Đài, and two members of the Women for Human Rights in VN, Trần Thị Nga and Huỳnh Phương Ngọc.²¹

- On August 05, a meeting of civil society groups was held at the Redemptorist Church – Kỳ Đồng. However, on August 4 security forces had stationed sentries in front of many houses, and sent out summons to individuals demanding them to attend “working sessions” at the police stations on the morning of August 5. Individuals who could not attend the meeting included Nguyễn Ngọc Như Quỳnh (Blogger Mẹ Năm), the Most Venerable Thích Thiện Minh, Dr. Phạm Chí Dũng, former prisoners of conscience Phạm Bá Hải, Lu Văn Bẩy, Nguyễn Bắc Truyển, and Ms. Nguyễn Nữ Phương Dung.²²

²⁰ BBC. *Phái viên LHQ kể việc bị ‘cản trở’ ở VN*. http://www.bbc.co.uk/vietnamese/vietnam/2014/08/140805_un_rapporteur_disrupted

²¹ VRNs. *An ninh cấm các blogger tham dự hội thảo về truyền thông do Úc tổ chức*. <http://www.chuacuuthe.com/2014/07/an-ninh-cam-cac-blogger-tham-du-hoi-thao-ve-truyen-thong-do-uc-to-chuc/>

²² Mạng lưới Blogger Việt Nam. *Buổi họp của các hội nhóm Xã hội dân sự độc lập tại Sài Gòn ngày 05.08.2014*. <http://mangluoiblogger.blogspot.com/2014/08/buoi-hop-cua-cac-hoi-nhom-xa-hoi-dan-su.html>

IV. The right to freedom of expression and freedom of speech

Vietnam's Constitution, as amended in 2013, stipulates: "Citizens have the right to freedom of speech and freedom of the press, and have the right of access to information, the right to assembly, the right to association, and the right to demonstrate. The exercise of those rights shall be prescribed by law" (Article 25). However, the above stipulation rang hollow to the mass media and Internet activists as the authorities kept violating the people's freedom of speech by:

- Continuing to monopolize the media
- Continuing to block unfavorable information for the regime, and
- Continuing to suppress dissidents who hold opposing views or advocate for victims of injustice.

1. Speech Is the Vietnamese Communist State's Monopoly

The recent amendments to the legal system mainly aimed to strengthen the CPV's monopoly of speech and the reinforcement of its propaganda machinery with no concession whatsoever to the people's freedom of expression. Decree No. 37/CP of 29 November 2006, signed into law by Prime Minister Nguyen Tấn Dũng and still effective in 2014, firmly states "no private press under any form, or any organization or individual, is permitted to take advantage of the press to serve personal interests while undermining the state's interests." This means the mass media are owned or led by the state. Nevertheless, the partial acceptance of a market

economy combined with the Internet explosion has turned the control of speech even within the now commercialized state information agencies into a challenge for the authorities.

Therefore, in order to strengthen the control of public opinion and eliminate the people's right to know and to express themselves, in addition to vigorously enforcing existing laws like Decree No. 02/2011/ND-CP regarding punishments for activities considered administrative violations in the press, Decree No. 72/2013/ND-CP on the management, provision, and use of Internet services and online information, and Decree No.174/2013/ND-CP regulating the handling of administrative violations in the domain of post, telecommunications, technology and radio frequency bands, in 2014, the Ministry of Information and Communications issued Circular No. 09/2014/TT-MIC dated 08-19-2014 providing details about the management, provision and use of the information on websites and social networking.

In sum, the objective of these severe laws was nothing but an effort to consolidate the state monopoly over mass media activities. This was a matter of life and death for the regime; as a result, the 10th Central Conference of the CPV 11th Central Executive Committee early in 2015 focused on the planning for the development and management of the press nationwide through 2025. It was re-affirmed that "the press is the party's and state's information means, propaganda tool, as well as critical ideological weapon, while social and political organizations together with professional ones are the people's

forum, must be placed under the direct and comprehensive leadership of the party and the state's management to ensure all their activities take place in a lawful framework.”¹

Since the objectives and uses of the media were so explicitly articulated by the authorities, oft-cited statistics by the government about Internet users, web pages, press pages, TV stations and licensed journalists hold little value as proof of the government's respect for freedom of speech.²

2. Government blocking of alternative information continues

In addition to enacting laws limiting freedom of speech, the government continued to strengthen deterrent and regulatory measures such as the maintenance of an army of Internet Police and so-called “government internet commentators.” As Internet Police increase the techniques to control information network like setting up firewalls and intruding into dissidents' computers,³ the government internet commentators protect the Party's policies against opposing views.

¹ Báo Lao Động. *Thông báo Hội nghị Trung ương 10 Ban Chấp hành Trung ương Đảng khóa XI*. <http://laodong.com.vn/chinh-tri/thong-bao-hoi-nghi-trung-uong-10-ban-chap-hanh-trung-uong-dang-khoa-xi-287758.bld>

² According to Mr. Nguyen Bac Son, Minister of Information and Communications, by 2014 the MI&C is managing and directing 845 press agencies, 1,118 publications, with 199 print papers, strong TV network with about 200 channels, about 100 radio channels, 98 electronic newspapers and magazines, more than 1,116 registered e-portals.

(Báo Mới. “*Báo chí phải là bộ lọc, thanh lọc đấu tranh chống thông tin mạng sai trái*”). <http://www.baomoi.com/Bao-chi-phai-la-bo-loc-thanh-loc-dau-tranh-chong-thong-tin-mang-sai-trai/122/15872139.epi>

³ PEN International, English PEN, ARTICLE 19 and Access, *Submission to the UN Universal Periodic Review of Viet Nam for consideration at the 18th session of the UN working group in 2014*, https://s3.amazonaws.com/access.3cdn.net/ccd086a9cc3a49064c_dzm6i6feg.pdf

To strengthen the Internet information control force, the Cyber Security Service was established on 8-28-2014 by the government in the Police Ministry.⁴ In 2014, the level of intrusive sabotage against dissidents' blog and Facebook webpages increased alongside with important political and social events. An example was the presence of China's oilrig in Vietnam's waters in May 2014, when many bloggers and Facebookers posted their criticism of Vietnam's weak official reaction. To silence these opposing voices against the CPV, cyber police shut down at least 30 blogs and Facebook pages of dissidents, among which were familiar names such as Human Rights Women's Association, Ms. Phạm Thanh Nghiên, Ms. Đoàn Trang, Messrs. Nguyễn Tường Thụy, Quê Choa, JB Nguyễn Hữu Vinh, Nguyễn Lân Thắng, Đinh Nhật Uy, etc.

According to the Vietnam Path Movement, thousands of ‘inappropriate’ or ‘rancorous’ reports were sent in 2014 by government Internet commentators to Facebook Management Agency to slander dissidents, for the purpose of eliminating voices hostile to the government. A petition was submitted by the Vietnam Path Movement to request Facebook Company to properly react to any plots aimed at destroying freedom of speech, and was posted on Change.org website under the title “To stop shutting down dissident Facebook pages based on fake reports from cyber trolls paid by Vietnamese government.”⁵

Not only has it aimed to suppressing independent voices in the country, the government also continued to prevent its people from having

⁴ Dân Trí. *Thành lập Cục An ninh mạng trực thuộc Bộ Công an*. <http://dantri.com.vn/suc-manh-tri-thuc/thanh-lap-cuc-an-ninh-mang-truc-thuoc-bo-cong-an-936620.htm>

⁵ Con Đường Việt Nam. *Hãy ngừng đóng các trang FB vì những báo cáo nguy tạo từ dư luận viên Việt Nam*. <https://www.change.org/p/facebook-to-stop-shutting-down-dissidents-facebook-pages-based-on-fake-reports-from-cyber-trolls-paid-by-vietnamese-government>

access to independent and objective sources through its use of jamming techniques against overseas radio stations broadcasting in Vietnamese and of firewalls to obstruct the so-called ‘reactionary’ websites of overseas Vietnamese and international human rights organizations. The technique of using harmful codes to infiltrate human rights activists’ computers for supervision purposes continued to be used by the cyber police in 2014.⁶

3. Suppression of Opinions Contrary to CPV Policies

Accredited journalists have often been reminded to keep to the “right lane,” meaning to respect the one-way, truth-twisting information provided by the state. Disobedient ones among them have been arrested, fired, or detained because of their different views from those of the communist state on serious issues related to the policies of the CPV as well as to the corruption of officials at all levels.

Particularly in 2014, the Ministry of Information and Communications decided to revoke 79 licenses for professional journalists.⁷ A special case that seriously upset the public was its closure of the ‘Seniors Magazine,’ removing Mr. Kim Quốc Hoa from his editor-general post and taking legal action against him. The senior journalist was widely believed disciplined for his anti-corruption articles, especially those that exposed the huge properties of former Government Inspector General

Trần Văn Truyền.⁸

For dissident journalists, bloggers or Facebookers, the level of oppression was much tougher. Secret police agents were sent out to harass them along with the application of vague restrictions of the 1999 Penal Code to take them to court and imprison them.

3.1 Suppression with police violence

No bloggers and Facebookers who published articles or re-published copies against government policies could avoid surveillance and harassment, either by disguised police “guards” around their homes or by having their phone lines tapped or cut. Stronger measures included their being prevented from moving around, vandalizing their residences with



May 25, 2014, blogger Trần Thị Nga was attacked and seriously injured by 5 police agents disguised as thugs. Photo RFA

improvised projectiles or dirty substances, unlawful intrusions, or even forced interrogation at police stations without court orders, and assaults causing injury. Following are some of the best known reported injuries suffered by

⁶ EFF. *Vietnamese Malware Gets Very Personal*. <https://www.eff.org/deeplinks/2014/01/vietnamese-malware-gets-personal>

⁷ VietnamPlus. *Sửa đổi Luật Báo chí, xiết quản lý hoạt động thông tin điện tử*. <http://www.vietnamplus.vn/sua-doi-luat-bao-chi-xiet-quan-ly-hoat-dong-thong-tin-dien-tu/301643.vnp>

⁸ RFA. *Tại sao khởi tố Tổng biên tập Kim Quốc Hoa?* http://www.rfa.org/vietnamese/in_depth/y-treat-anti-corrup-edi-in-chf-02092015052749.html

bloggers and Facebookers in 2014:

- On February 20, writer Huỳnh Ngọc Tuấn and his son, blogger Huỳnh Trọng Hiếu, were attacked by 8 thugs on the street in Quảng Nam after they returned from a ceremony in Bình Định.⁹

- On March 20, blogger Trịnh Anh Tuấn (aka Gió Lang Thang – Wandering Wind) was attacked by police disguised as thugs after participating in a human rights cafe meeting held by Vietnam Bloggers Network in Hanoi.¹⁰

- On April 19, bloggers Nguyễn Ngọc Như Quỳnh (Mẹ Nấm), Phạm Văn Hải, Nguyễn Hồ Nhật Thành (Paulo Thành Nguyễn) and Trịnh Kim Tiến were ruthlessly and brutally attacked when they were about to hold in Nha Trang the 3rd Vietnam Bloggers Network human rights cafe meeting about “The Anti-torture Convention and the intractable problem of citizens found dead in police custody.”¹¹

- On May 08, lawyer blogger Nguyễn Văn Đài was attacked by a group of thugs when he was sitting in a coffee shop near his house in Hanoi, and had to undergo 5 stitches for his head injuries in a hospital.¹²

- On May 25, blogger Trần Thị Nga was attacked by 5 police agents disguised as thugs who brutally beat her with metal bars causing fractures to her left arm and right leg. She was then taken to the emergency by several activists

to Ngọc Hồi Agricultural Hospital in Hanoi.¹³

- On September 8, freelancer Mr. Trương Minh Đức, together with labor union activist Ms. Đỗ Thị Minh Hạnh, Ms. Trần Thị Nga and Mr. Trương Văn Dũng, took a taxi to the Police Ministry in Hanoi to inquire about a government order that refused to let Ms. Đỗ Thị Minh Hạnh go overseas. Mr. Trương Minh Đức was assaulted and seriously injured by a number of strangers and had to be taken to the emergency at the Vietnamese-French hospital.¹⁴

- On October 29, former prisoner of conscience and blogger Mr. Phạm Bá Hải and Mr. Lê Văn Sóc, a Hòa Hảo Buddhist, went from Saigon to Đà Lạt to visit former prisoner of conscience Dương Âu. On their return, both were ruthlessly attacked by a group of men who Mr. Hải believed were from the secret police.¹⁵

- On November 02, Mr. Trương Minh Đức suffered again at the hands of thugs who on motorcycles tried to push him and knock him over. He fled to a coffee shop but they caught up with him and inflicted severe injury on him. He was taken to the emergency at Hoàn Mỹ hospital in Saigon for treatment.¹⁶

- On December 09, blogger Nguyễn Hoàng Vi (aka An Đỗ Nguyễn) was attacked by 3 women in civilian clothes when she was walking near her home. Witnesses claimed that the incident occurred in front of police agents who remained

⁹ Dân News . *Công an lại tấn công gia đình ông Huỳnh Ngọc Tuấn*. <http://dannews.info/2014/02/21/cong-an-lai-tan-cong-gia-dinh-ong-huynh-ngoc-tuan/>

¹⁰ RFA. *Blogger bị công an tấn công sau khi tham dự cafe nhân quyền*. <http://webwarper.net/ww/~av/www.rfa.org/vietnamese/vietnamnews/blogger-attacked-by-police-03202014140629.html>

¹¹ VietInfo.eu. *Cà phê nhân quyền ở Nha Trang, bắt cả người lớn và trẻ nhỏ*. <http://vietinfo.cz/tin-viet-nam/ca-phe-nhan-quyen-o-nha-trang-bat-ca-nguoi-lon-va-tre-nho.html>

¹² RFA. *Luật sư Nguyễn Văn Đài bị hành hung*. <http://www.rfa.org/vietnamese/vietnamnews/lawyer-nguyenvandai-attacked-05082014152111.html>

¹³ Dân Làm Báo. *Chị Trần Thị Nga bị côn an giả dạng côn đồ truy sát, đánh vỡ xương tay và chân*. <http://danlambaovn.blogspot.com/2014/05/chi-tran-thi-nga-bi-con-o-truy-sat-anh.html>

¹⁴ RFI. *Nhà báo Trương Minh Đức bị hành hung tại Hà Nội*. <http://vi.rfi.fr/viet-nam/20140909-nha-bao-truong-minh-duc-bi-hanh-hung-tai-ha-noi/>

¹⁵ Dân Làm Báo. *Cựu tù nhân lương tâm bị côn an hành hung dã man*. <http://danlambaovn.blogspot.com/2014/10/cuu-tu-nhan-luong-tam-bi-con-hanh-hung.html>

¹⁶ RFA. *Ký giả Trương Minh Đức bị đánh trọng thương*. http://www.rfa.org/vietnamese/in_depth/repro-tr-m-duc-was-beat-11022014105829.html

indifferent.¹⁷

3.2. Abuse of Criminal Laws to Condemn Bloggers

The vague Article 258 of the 1999 Penal Code “Abusing democratic freedoms to infringe upon the interests of the State, the legitimate rights and interests of organizations and/or citizens” was often applied to crush and bring to court many free journalists in 2014.

- On March 04, the People’s Court of Đà Nẵng city sentenced blogger Trương Duy Nhất to two years in prison for his alleged violation of article 258 of the Penal Code. On June 26, the sentence was confirmed by the Court of Appeal. Victim Trương Duy Nhất used to be a government press employee who was arrested by the security police in May of 2013.¹⁸

- On March 09, the Hanoi People’s Court sentenced blogger Phạm Viết Đào to fifteen months in prison for his alleged violation of Article 258 of the Penal Code in articles that he posted on his own blog. The trial of the Court of Appeal, held in secret on September 6, retained the same sentence. Mr. Đào was arrested on June 13, 2014 while he was an official of the Culture Ministry in Hanoi.¹⁹

- On May 05, bloggers Nguyễn Hữu Vinh (aka Ba Sàm) and Nguyễn Thị Minh Thuý of Hanoi were arrested in urgency by the Police Ministry following an urgent house search, allegedly due to their articles posted on Ba Sàm Blog with “bad” content and misinformation that undermined the prestige of government



June 26, 2014, the Đà Nẵng Court of Appeal confirmed 2-year prison the sentence for blogger Trương Duy Nhất for violating article 258 of the Penal Code. Photo Zing.vn

agencies and caused the people to lose faith in them.²⁰

- On November 29, Mr. Hồng Lê Thọ, a Vietnamese who had returned home from Japan to live in Saigon, and the owner of blog Người Lót Gạch (brick layer), was detained for his violation of Article 258 of the Penal Code allegedly for his news comments and reports posted on his blog.²¹

- On December 06, writer Nguyễn Quang Lập, owner of blog Quê Choa, was arrested at home in Saigon for his violation of Article 258 of the Penal Code. He used to be a member of the Vietnam Writers, Journalists, Stage and Movie Artists Association.²²

- On December 27, Mr. Nguyễn Đình Ngọc, also known as Nguyễn Ngọc Già on his blog, was arrested at home in Saigon. He used to write for the Dân Luận paper for many years before switching to Dân Làm Báo, with many

¹⁷ RFI. Ngày Quốc tế Nhân quyền : Blogger bị hành hung ở Việt Nam. <http://vi.rfi.fr/20141210-dan-ap-blogger/>

¹⁸ Dân Làm Báo. Phiên phúc thẩm vụ án Trương Duy Nhất xử nhanh như chớp- Y án! <http://danlambaovn.blogspot.com/2014/06/phien-phuc-tham-vu-truong-duy-nhat-xu.html>

¹⁹ BBC. Blogger Phạm Viết Đào ‘bị xử kín’. http://www.bbc.co.uk/vietnamese/vietnam/2014/06/140614_phamvietdao_appeal_trial

²⁰ InfoNet. Bắt khẩn cấp Nguyễn Hữu Vinh (blogger Anh Ba Sàm). <http://infonyet.vn/bat-khan-cap-nguyen-huu-vinh-blogger-anh-ba-sam-post128944.info>

²¹ RFA. Một Giáo sư Việt kiều bị bắt về tội danh “tuyên truyền chống chế độ” http://www.rfa.org/vietnamese/in_depth/1-mr-blog-arres-258-11302014050249.html

²² RFI. Nhà văn Nguyễn Quang Lập, chủ blog Quê Choa bị bắt. <http://vi.rfi.fr/viet-nam/20141206-nha-van-nguyen-quang-lap-chu-blog-que-choa-bi-bat/>

of his articles posted on the Radio Free Asia.²³

4. Various Activities for Rights to Freedom of Speech and Information

As a result of the establishment of various independent civil society organizations in 2014,²⁴ though unrecognized by the Vietnamese government, the struggle for freedom of speech in Vietnam went beyond individual work to evolve into joint undertakings.

First, there have been numerous joint campaigns launched by civil society organizations focusing on international human rights organizations and foreign governments.

- In January, a delegation of many independent civil society organizations came from Vietnam to discuss Vietnam's overall human rights situation with the U.N. Commissioner on Human Rights and other international human rights organizations in New York as well as with representatives of the European Parliament in Brussels.²⁵

- In April 2015, on the occasion of the World Free Press Day, a delegation of Vietnamese independent journalists and bloggers held a hearing at the U.S. Congress on the violations of freedom of speech in Vietnam.²⁶

- In June, a delegation representing ten independent civil society organizations in Vietnam attended the UPR conference in Geneva that reviewed Vietnam's human rights record in front of the U.N. Human Rights Council, and engaged in human rights discussions with a number of European countries.²⁷

Independent civil society organizations also had meetings with embassy personnel as well as international human rights organizations in Hanoi and Saigon to provide information on the actual situation of human rights in general and freedom of speech in particular.

Besides external activities, the struggle for freedom of speech in 2014 was noticeable in terms of three following significant events:

- The Vietnam Bloggers Network, an independent civil society organization formed in 2013, had the initiative of organizing "Human Rights Cafe" seminars to discuss critical human rights issues. The first such event was held in Saigon on March 01, 2014 about freedom of movement.²⁸ The second was on March 20, 2014 in Hanoi and also dealt with freedom of movement, with around 30 participants, including representatives from the embassies of Germany, Australia, and European Union.²⁹ The third human rights cafe was in Nha Trang on April 19, 2014 on the Convention against Torture and the issue of deaths in police custody. The police interfered this time, with beatings of

²³ RFA. *Công an VN lại vừa bắt thêm một blogger*. <http://www.rfa.org/vietnamese/vietnamnews/one-more-blog-arrest-12282014112808.html>

²⁴ Dân Làm Báo. *16 tổ chức họp mặt tại Sài Gòn: Bước tiến mới của Xã hội Dân sự Việt Nam*. <http://danlambaovn.blogspot.com/2014/06/16-to-chuc-hop-mat-tai-sai-gon-buoc.html>

²⁵ Dân Làm Báo. *Phái đoàn dân sự độc lập Việt Nam tiếp xúc với Tổ chức Theo dõi Nhân quyền và chính giới Âu châu*. <http://danlambaovn.blogspot.com/2014/01/phai-oan-dan-su-oc-lap-viet-nam-tiep.html>

²⁶ RFA. *Điều trần về tự do báo chí ở Việt Nam tại Hạ viện Hoa Kỳ*. http://www.rfa.org/vietnamese/in_depth/toward-a-media-freedom-in-vn-tt-04292014223540.html

²⁷ VOA. *Giới hoạt động trong nước sang Châu Âu vận động nhân quyền cho VN*. <http://www.voatiengviet.com/content/gioi-hoat-dong-trong-nuoc-sang-chau-au-van-dong-nhan-quyen-cho-vietnam/1941431.html>

²⁸ Bauxite Việt Nam. *Tường thuật buổi Cafe Nhân Quyền của Mạng Lưới Blogger Việt Nam*. <http://boxitvn.blogspot.com/2014/03/tuong-thuat-buoi-cafe-nhan-quyen-cua.html>

²⁹ RFA. *Cà phê nhân quyền lần II*. http://www.rfa.org/vietnamese/in_depth/discu-hrig-at-cafe-03202014071625.html

participants and arrest of three of them.³⁰

- The Vietnam Independent Journalists Association, an independent professional press society was formed on July 04, 2014 for the “implementation of the freedom of expression and freedom of press.” At its founding, there were 42 members and 4 area offices in Vietnam and overseas.³¹ Earlier on March 03, 2014, writer Nguyễn Ngọc also announced his plan to form the Vietnam Independent Writers Association, “a civil society organization and a professional network, completely independent of all organizational systems and institutions in Vietnam and overseas.”³²

- The campaign “I Want To Know,” formed by the Vietnam Bloggers Network on September 02, 2014 and joined by many civil society organizations, aims at requesting the Vietnamese government to show transparency in its negotiations with China regarding Vietnam’s national independence and territorial integrity. The authorities responded with a series of harsh measures against the key organizers.³³

For their serious violations of Freedom of Expression and Information, the Vietnam government, in 2014, repeatedly received negative reviews and warnings from national and international human rights organizations:

- Reporters Without Borders placed Vietnam near the bottom of its 2014 World Press Freedom

³⁰ Chính Luận. *CA phá buổi cà phê Nhân Quyền tại Nha Trang, 3 người bị bắt*. <http://www.chinhluanvn.com/2014/04/ca-pha-buoi-ca-phe-nhan-quyen-tai-nha.html>

³¹ Ba Sàm. *Tuyên bố thành lập Hội Nhà báo độc lập Việt Nam*. <https://anhbasam.wordpress.com/2014/07/04/2734-tuyen-bo-thanh-lap-hoi-nha-bao-doc-lap-viet-nam/>

³² Văn đoàn độc lập Việt Nam. *Tuyên bố Vận động thành lập Văn đoàn độc lập Việt Nam*. <http://vandoandoclapvietnam.org/>

³³ Dân Làm Báo. *Người khởi xướng chiến dịch Chúng Tôi Muốn Biết liên tục bị CA gia tăng khủng bố*. <https://dlb1.global.ssl.fastly.net/2014/10/nguoi-khoi-xuong-chien-dich-chung-toi.html>

Index, 174th out of 180 countries.³⁴

- Freedom House, in its Freedom of the Press Index, put Vietnam in the Not Free category, with a score of 84/100 points.³⁵ For Internet freedom, Vietnam was scored 76 points for 2014.³⁶ (0 = best, 100 = worst)

- The Committee to Protect Journalists ranked Vietnam among the world’s top five jailers of journalists in 2014, behind only Red China, Iran, Eritrea, and Ethiopia.³⁷

- Human Rights Watch reported on the freedom of speech in Vietnam in 2014 as follows: “The Vietnamese government strictly controls freedom of speech and freedom of association. Bloggers, human rights activists, activists for labor and land rights, as well as those for freedom of religion and democracy, keep being harassed, menaced, attacked, and imprisoned.”³⁸

- PEN International, in its Resolution on Vietnam passed by its 80th Congress in Bishkek, Kyrgyzstan in October of 2014, asserted that, “Freedom of expression in the Socialist Republic of Viet Nam remains dire as the brutal persecution of dissenting views and free speech persists with impunity.”³⁹

³⁴ Reporters Without Borders. *2014 World Press Freedom Index*. https://rsf.org/index2014/data/index2014_en.pdf

³⁵ Freedom House. *Freedom of the Press 2014*. <https://freedomhouse.org/report/freedom-press/2014/vietnam#.VRJSnY7LJvA>

³⁶ Freedom House. *Freedom on the Net 2014*. <https://freedomhouse.org/sites/default/files/resources/Vietnam.pdf>

³⁷ CPJ. *2014 prison census: 221 journalists jailed worldwide*. <https://cpj.org/imprisoned/2014.php>

³⁸ HRW. *Vietnam: Tight Control of Critics, Democracy Advocates in 2014*. <http://www.hrw.org/news/2015/01/29/vietnam-tight-control-critics-democracy-advocates-2014>

³⁹ PEN. *Resolution on the Socialist Republic of Vietnam*. <http://www.pen-international.org/wp-content/uploads/2014/10/6.-RESOLUTION-Vietnam.pdf>

V. The right to freedom of religion and worship

It is well-known that Vietnam's many religions play an extremely important role in the life of the country's 90 million people. The Government also admitted that "in Vietnam, 80% of the population hold spiritual beliefs."¹ Yet, since taking control of the country, the Vietnamese Communist Government, with the aim of eliminating religions to pave the way to socialism, has consistently sought to restrict the people's religious freedoms by various means:

- Legal prohibition,
- Organizational control, and
- Violent suppression.

1. Legal Prohibition

Although Vietnam's 1992 Constitution, as amended in 2013, guarantees the right to Freedom of Belief for all, (Art. 24²) the 2004 Ordinance on Religion and Belief and Decree No.92/2012 (replacing Decree No.22/2005) provide stricter conditions and regulations for registration, training, appointment, and renovation of religious buildings, etc.

¹ Embassy of Vietnam in the US, *Về vấn đề tôn giáo ở Việt Nam*, <http://viet.vietnamembassy.us/tintuc/story.php?d=20050803170205>

² Article 24 of the Constitution the SRV:

1. Everyone has the right to freedom of belief and religion, and has the right to follow any religion or to follow no religion. All religions are equal before law. 2. The State shall respect and protect the freedom of belief and religion. 3. No one may violate the freedom of belief and religion, nor may anyone take advantage of a belief or religion in order to violate the law.

In early 2014, the government issued a draft ordinance amending and supplementing a number of articles of the 2004 Ordinance on Belief and Religion for public comment.³ This draft, which still maintained the strict ask-and-give provisions, was no better than the 2004 Ordinance. By May 2014, however, the Government proposed to withdraw the draft Ordinance from the 13 National Assembly's 2014 legislative agenda, and to replace it with the draft Ordinance on Belief and Religion for the Congress to discuss in 2015 and make it into law in 2016.

So far, religious undertakings in Vietnam are still under the control of the 2004 Ordinance and Decree No.92/2012. In short, Decree 92/2012, with 5 chapters and 46 articles, details more meticulous limitations than those prescribed by previous legislations, especially in the areas of "Religious Organizations" (Chapter III), and "Religious Activities" (Chapter IV). To be in compliance with the law, religious organizations must register, must have 20 years of "stable religious operation" and must not have "violated the provisions of law specified in clause 2 of Art. 8 and Art. 15 of the Ordinance on Beliefs and Religion" (Art. 6 of Decree 92/2012).

Such regulations imply that the state can arbitrarily approve or disapprove, disband, and prosecute any religious organization that it deems to be "violating national security,"

³ Báo điện tử Chính phủ. *Đề xuất sửa đổi Pháp lệnh tín ngưỡng, tôn giáo*. <http://baodientu.chinhphu.vn/Chinh-sach-moi/De-xuat-sua-doi-Phap-lenh-tin-nguong-ton-giao/191818.vgp>



March 18, 2014, Hmong Christians from four northern provinces paraded to the Hàm Yên district court in Tuyên Quang province to demand for Mr. Thào Quán Mua's release. Photo VRNs

“sowing division among the people,” “causing public disorder,” and “disseminating information against the state’s prevailing laws and policies” as specified in the current criminal code.

Under such strict legal conditions, many churches and religious organizations such as the Unified Buddhist Church of Vietnam (UBCV), the Orthodox Hòa Hảo Buddhist Church, the Traditional Cao Đài, and many Protestant denominations have been outlawed, made illegal and further suppressed in many different ways.

Even with the state-approved religious organizations, the government is still ambiguous about their legal status in order to put in place legal barriers to their social activities, especially their land and property undertakings.

Annually, local religious organizations must submit the list of people on the executive boards and the expected annual activities to local authorities (Article 3). All religious associations, as well as monasteries, must comply with registration procedures, which include the declaration of purpose, personnel, organization, assets, and international relations, if any. The government has full discretion to allow or prohibit such activities (Article 12 & 13). The government reserves the right to authorize or prohibit religious institutions from the construction of training facilities and to control recruits and teachings at these facilities (Article 14 & 15). Ordination, appointment, and transfer of clerics at all levels must have the consent of the relevant authorities

depending on their titles (Articles 19, 20, 21 & 22). Religious conferences and plenum, ceremonies, evangelical work outside religious establishments, construction, upgrading of existing structures, and fundraising must have official approvals (Article 31-36).

In addition to binding laws meant to restrict religious activities, the government also abuses the notorious articles of the 2009 Criminal Code; especially Article 258 of the Penal Code: “Abusing democratic freedoms to infringe upon the interests of the State,” to penalize those who struggle for religious freedom. Following are typical cases in 2014:

- On March 20, the People’s Court of First Instance of Hàm Yên District, Tuyên Quang Province, sentenced Mr. Lý Văn Dinh to 15 months in prison and Mr. Dương Văn Tu to a 21-month prison term for violation of Article 258 of the Penal Code. Both are ethnic H’Mong and followers of the Dương Văn Minh Cult.⁴ On May 27, the Appellate Court upheld Mr. Lý Văn Dinh’s sentence and reduced two months from Mr. Dương Văn Tu’s verdict.⁵
- On March 27, the People’s Court of First Instance of Hàm Yên District, Tuyên Quang Province, sentenced Mr. Thào Quán Mua, an ethnic H’Mong follower of the Dương Văn Minh Cult, to 18 months of imprisonment for violation of Article 258 of the Penal Code. On May 27, the Appellate Court upheld the sentence.⁶

⁴ RFA. *Tại sao chính quyền tiếp tục sách nhiễu Dương Văn Minh và tín hữu H’mong?* http://www.rfa.org/vietnamese/in_depth/wh-authority-harass-dvm-ml-02142014100511.html

⁵ VRNs. *Công an tỉnh Tuyên Quang bắt cóc hai thành viên của Hội PNNQVN.* <http://www.chuacuuthe.com/2014/05/cong-an-tinh-tuyen-quang-bat-coc-hai-thanh-vien-cua-hoi-pnnqvn/>

⁶ Đài Phát thanh và Truyền hình tỉnh Tuyên Quang. *TAND tỉnh xét xử phúc thẩm công khai 2 vụ án hình sự lợi dụng các quyền tự do dân chủ.* <http://tuyenquangtv.vn/tin-tuc/89/SZWO762529/TTV-TAND-tinh-xet-xu-phuc-tham-cong-khai-2-vu-an-hinh-su-loi-dung-cac-quyen-tu-do-dan-chu.html>

- On April 7, the People's Court of First Instance of Đông Hòa district, Phú Yên Province, sentenced to probation four members of the Ân Đàn Đại Đạo Sect, also known as the Hội đồng Công luật Công án Bia Sơn. The convicts included Nguyễn Văn Hữu (3 years), Huỳnh Đức Minh (2 years), Võ Văn Phụng (2 years and 6 months), and Phạm Văn Phong (1 year and 6 months) for "Illegally manufacturing, stockpiling, transporting, using, trading in or appropriating military weapons and/or technical means". (Article 230 of the Penal Code). The Appellate Court on May 8, reversed the probation verdicts to prison sentences and increased the serving time to 4 years for Nguyễn Văn Hữu, 3 years for Huỳnh Đức Minh and Võ Văn Phụng, and 2 years for Phạm Văn Phong.⁷
- On May 6, the People's Court of First Instance of Cao Bằng Province sentenced Mr. Vũ A Sử, an ethnic H'Mong and follower of the Dương Văn Minh Sect, to 24-month detention for his violation of Article 258 of the Penal Code.⁸
- On 07/30/2014, the People's Court of First Instance of Ngan Son District, Bắc Kạn, sentenced Messrs. Dương Văn Thành to 24 months in prison, Hoàng Văn Sử to 18-month imprisonment, and Hoàng Văn Sinh to 15-month detainment for violation of Article 258 of the Penal Code. All three of them are ethnic H'Mong followers of the Dương Văn Minh Sect. On October 15, 2014, the Appellate Court upheld the sentences of Messrs. Thành and Sinh and reduced three months from Mr. Sử's

imprisonment verdict.⁹

Furthermore, to limit the activities and influences of religious organizations, the government resorted to the 2003 Land Law to permanently take away the churches' properties including schools, infirmaries, and social service offices. After taking complete control of South Vietnam, the Communist Government confiscated all land property, education establishments, social and healthcare facilities, and some of the religious monasteries. So far, a number of the appropriated establishments still operate in their previous capabilities; however, a large number of them are being exploited by the government for profits. They are turned into discos, hotels, or condominiums for state officials. The expropriation of religious institutions as means of limiting religious activities continues until recent years. Following are typical cases the public paid particular attention to in 2014:

- In March 2014, the government of Da Nang decided to reclaim the land of An Cư temple in Sơn Trà District, Da Nang City.¹⁰
- In August 2014, authorities of District 2, Ho Chi Minh City, proceeded to destroy Abbot Thích Không Tánh's Liên Trì Temple in Thủ Thiêm.¹¹
- In May 10/2014, Hanoi authorities seized the land at Ba Giang Lake belonging to the

⁷ Báo Phú Yên điện tử. *Cho hương án treo không đúng, bị kháng nghị*. <http://www.baophuyen.com.vn/164/119594/cho-huong-an-treo-khong-dung-bi-khang-nghi.html>

⁸ VRNs. *Một người dân tộc H'Mông bị kết án 24 tháng tù giam theo Điều 258 BLHS*. <http://www.chuacuuthe.com/2014/05/mot-nguoi-dan-toc-hmong-bi-ket-an-24-thang-tu-giam-theo-dieu-258-blhs/>

⁹ RFA. *Phiên tòa phúc thẩm ba người dân tộc H'mong*. http://www.rfa.org/vietnamese/in_depth/apel-court-for-3hmong-10152014070039.html

¹⁰ VRNs. *Chính sách đàn áp tôn giáo và chiến dịch trấn áp Tăng Đoàn GHPGVNTN*. <http://www.chuacuuthe.com/2014/09/ chinh-sach-dan-ap-ton-giao-va-chien-dich-tran-ap-tang-doan-ghepgvntn/>

¹¹ VRNs. *Chùa Liên Trì trong chính sách đàn áp tôn giáo của cộng sản Việt Nam*. <http://www.chuacuuthe.com/2014/09/chua-lien-tri-trong-chinh-sach-dan-ap-ton-giao-cua-cong-san-viet-nam/>

Redemptorist convent in Thái Hà.¹²

The Redemptorist convent in Thái Hà and Liên Trì Temple (Ho Chi Minh City) are the two locations where strong voices demanding religious freedom initiate, and that the government has sought to extinguish.

2. Organizational Control

In 2014, the government tightened the grip on religious activities with measures to enforce provisions restricting religious activities stipulated by Decree 92/2012/ND-CP and the maintaining of the Chief of Religious Affairs position of Police General Phạm Dũng, who is a member of the Party Central Committee of Public Security and former Chief of the General Directorate of Security II.

The government still continued the policy of “activity registration” and “certification” toward all religious organizations. All religious activities such as practice sessions, retreats, processions, etc. must receive previous government approval. The government still continued its “divide and conquer” policy toward religion. To each religion, there is always a “state-imposed committee” under the permanent supervision of the “Fatherland Front” to coordinate activities “in compliance with the official policy of the regime.” As for Buddhism, the government only recognizes the state-run Buddhist Church of Vietnam (formed in 1981¹³), while outlawing the Unified Buddhist Church of Vietnam (formed much earlier as a legitimate heir to the various traditional Buddhist sects of Vietnam) and keeping it under permanent surveillance

¹² VRNs. *19 tổ chức Tôn giáo và XHDS đồng lên tiếng việc nhà nước chiếm đất DCCT Hà Nội – Giáo xứ Thái Hà*. <http://www.chuacuuthe.com/2014/10/18-to-chuc-ton-giao-va-xhds-dong-len-tieng-viec-nha-nuoc-chiem-dat-dcct-ha-noi-giao-xu-thai-ha/>

¹³ Đỗ Trung Hiếu. *Hồ sơ “Thống Nhất Phật Giáo”*. <http://phatgiaokhongcongsan.blogspot.com/2011/05/ho-so-thong-nhat-phat-giao-o-trung-hieu.html>

and oppression. In the case of the Hòa Hảo Buddhist Church, the State disallowed the Orthodox Hòa Hảo Buddhist Church leadership, and installed a pro-government Hòa Hảo Buddhist Representative Board unrecognized by most Hòa Hảo followers. As for the Cao Đài Church, with the 2007 Charter, the government set up the state-sanctioned church ruled by the Executive Council of the Cao Đài Tây



November 22, Venerable Thích Thiên Tâm was assaulted by police at Phước Bửu Temple in Bà Rịa, Vũng Tàu.

Photo RFA

Ninh Church which other Cao Đài traditionalists do not support. As for Khmer-Krom Buddhists, the government dispersed the Khmer-Krom Theravada Buddhist Associations, and forced Khmer-Krom Buddhist monks to join the Patriotic United Buddhist Association. With respect to the Vietnamese Catholic Church, the communists diminished the role of the Vietnam Catholic Conference of Bishops by fostering the Vietnam Committee for Catholic Solidarity.

The recruitment, training, ordainment, appointment, and transfer of religious officials all require the sanction in advance of the state. The training programs for seminarians and other grassroots cadres must be reviewed by the state. Programs must include such subjects as Marxist/Leninist ideology, Ho Chi Minh thought, history of the CPV, and the SRV legal system that are taught by state instructors.

Candidates to high-ranking positions in any religion must be vetted and approved by the state’s central level before they can be

accepted. Worse still, police agents disguised as “clergymen,” particularly Buddhist monks, are trained to secretly infiltrate temples and religious institutions both at home and abroad, including the United States, Australia and elsewhere, in order to cause disruptions within the religious rank and file.

Traveling for religious purposes is also restricted. Following are some typical cases:

- On January 10, the Most Venerable Thích Như Đạt, the Abbot of the Unified Buddhist Church of Vietnam (UBCV) was to hold a ceremony at Long Quang Monastery in Hue. It was the commemoration of past Buddhist Masters, deserving Elders, and the religious Martyrs. The invited guests comprised some three hundred people, including the Buddhist Church representatives and Buddhist Families nationwide. The government, however, prevented the participation of delegations from southern provinces of monks, nuns, and Buddhist Family from reaching Hue. The government also expelled the most Venerable Thích Chơn Tâm from the Long Quang Monastery and forced him to return to Saigon on January 9. Meanwhile, the Buddhist Family Elder was ordered to attend the police “working session” and then put under house arrest since January 7.¹⁴
- On June 05, the government officials and police dispersed a group of 17 Caodaists attending Superior Hứa Phi’s preaching at the residence of Chief Superior Nguyễn Kim Lân in Vĩnh Long City. The 20 government officials participating in the harassment included Deputy Chief of Security Forces and Deputy Chief of Religious Section of Vĩnh Long Province, along with other government dignitaries and representatives from the government-

sanctioned Caodai Organization.¹⁵

- On August 3, Đồng Tháp province authorities harassed and prevented the Delegation of the Original Hòa Hảo followers from going to Saigon to attend the extraordinary meeting called for by the Original Hòa Hảo Central Church.¹⁶
- On December 22, Bishop Hoàng Đức Oanh of Kontum Diocese, in his Christmas Pastoral Letter, said that many local authorities in Kontum had not allowed clergies to perform their pastoral services during Christmas. Especially, Đắk Tô District Administration had prevented him from conducting Christmas Mass in Đắk Kang Pênh for nearly nine hundred parishioners of which nearly half were of the Hà Môn denomination, and many lepers.¹⁷

Except for worshipping, catechism instruction, and clergy training, all other religious activities such as opening schools, hospitals, and charity facilities (in response to disasters or social problems) are still restricted. In education, for instance, the various churches can only open kindergartens, but not elementary or secondary schools, colleges or universities (as was the case in South Vietnam before 1975). Thousands of pre-1975 facilities devoted to such activities have been confiscated and put to other uses for decades, with almost none of them returned to their rightful owners.

¹⁴ RFA. *Công an ngăn cản phật tử dự lễ tại Tu viện Long Quang ở Huế*. http://www.rfa.org/vietnamese/in_depth/interview-thich-nhu-dat-yl-01102014113320.html

¹⁵ VNRs. *Công an tỉnh Vĩnh Long xâm phạm quyền tự do tôn giáo*. <http://www.chuacuuthe.com/2014/06/cong-an-tinh-vinh-long-xam-pham-quyen-tu-do-ton-giao/>

¹⁶ VNRs. *Công an Đồng Tháp ngăn không cho tín đồ PGHH đi Sài Gòn*. <http://www.chuacuuthe.com/2014/08/cong-an-dong-thap-ngan-khong-cho-tin-do-pghh-di-sai-gon/>

¹⁷ GiaoPhanKonTum. *Thư Mục Vụ Giáng Sinh 2014 Của Đức Giám Mục Giáo Phận*. <http://giaophankontum.com/Tin-Tuc-Bai-Viet-20XX297gpkt-Thu-Muc-Vu-Giang-Sinh-2014-Cua-Duc-Giam-Muc-Giao-Phan.shtml>



June 9, 2014, the security forces assaulted Mennonite Church Headquarters in Bến Cát, Bình Dương Province, arrested 76 people and took them to the police station. Photo RFA

3. Violent Suppression

Together with sophisticated measures of prevention, restriction, and control, the Vietnamese Communist Government has always been ready to resort to armed violence to suppress religious organizations when necessary; violence often serves as a measure of threat, or is also used when an event escapes government control. In 2013, the use of violence to suppress religious activities continued throughout the year. Following are some typical cases that attracted great public concern:

- On February 11, 2014, police beat and arrested many Hòa Hảo Buddhists and Mrs. Bùi Thị Minh Hằng, a human rights activist, when they were visiting the wife of human rights activist Nguyễn Bắc Truyển, also a persecuted Hòa Hảo follower, at the village of Hung Nhon, Lập Vò district, Đồng Tháp province. At least five people were beaten unconscious. Everyone was bound and taken to the Lập Vò District Police Headquarters. Mrs. Bùi Thị Minh Hằng and two others, Mr. Nguyễn Văn Minh and Ms. Nguyễn Thị Thúy Quỳnh were prosecuted on charges of “disturbing public order,” and sentenced to substantial prison terms. Security forces continually harassed the eighteen Hòa Hảo followers

who had been released.¹⁸

- On March 21, over 300 security personnel, riot police, and organized crime elements burst into the home of Mr. Nguyễn Văn Vinh. They used fire hose spray to suppress and beat the Hòa Hảo Buddhists who were attending the Memorial of His Holiness Huỳnh Phú Sổ. Police also raided and took away all ceremonial items. Some followers were injured; some others were hospitalized at Châu Thành District Clinic, An Giang.¹⁹

- Since June 2014, the government has continually mobilized hundreds of security personnel and thugs to harass Pastor Nguyễn Hồng Quang’s Mennonite Church Headquarters in Bến Cát City, Bình Dương Province. Following are the two most serious attacks:

- In the evening of June 9, five hundred security personnel and thugs attacked and smashed the Church Headquarters, battering the pastors and the faithful attending the Summer Bible course. Then the security forces arrested 76 people, including 29 pastors and preachers and 47 Mennonite theology students and took them to the police station. Once there, those arrested continued to be assaulted during interrogation; at least 20 were injured.²⁰
- On November 2, hundreds of armed young gangsters suddenly attacked the

¹⁸ VNRs. *HDLT: Tuyên bố về các vụ vi phạm quyền tự do tôn giáo gần đây của nhà cầm quyền Cộng sản.* <http://www.chuacuuthe.com/2014/03/hdlt-tuyen-bo-ve-cac-vu-vi-pham-quyen-tu-do-ton-giao-gan-day-cua-nha-cam-quyen-cong-san/>

¹⁹ Hội Cứu Tù Nhân Lương Tâm. *Công an đàn áp tín đồ Phật Giáo Hòa Hảo.* <http://fvpc.org/2014/03/22/cong-an-dan-ap-tin-do-phat-giao-hoa-hao/>

²⁰ Thanh Niên Công Giáo. *Bình Dương: CA Tấn Công Đàn Áp Lớp Đào Tạo Thần Học Hội thánh Tin Lành Mennonite.* <http://thanhniengonggiao.blogspot.com/2014/06/binh-duong-ca-tan-cong-ap-lop-ao-cao-tao.html>

chapel while a group of pastors and the faithful, most of whom were workers and students of ethnic Hmong temporary lodgers, was preparing Sunday prayer ritual. They kicked down the doors, stormed into the oratory, beat and seriously injured many followers.²¹

- On July 29, 2014, security police disguised as thugs blocked and attacked Fr. Trương Văn Vút when he was on his way to a sermon, seriously wounding him. According to witnesses, the individual who attacked and punched the priest in the face was a local police officer named Nguyễn Văn Hiến.²²
- On November 22, the police forces of Xuyên Mộc District and Phước Thuận Village assaulted many Buddhists at Phước Bửu Temple in Bà Rịa Vũng Tàu, when the latter tried to prevent government officials from using the Temple's gate to hang their banners. The security police severely beat the Venerable Thích Thiên Tâm, then arrested and took him away together with two of his disciples, Hà Phi Cường and Nguyễn Văn Thuận.²³

4. Activities For Religious Freedom

In dealing with the government's refusal to carry out provisions stipulated in the Constitution and its commitments to the international community, the people have persistently fought for the right to religious freedom. Following are some

²¹ Dân News. *Chính quyền khủng bố đã man các tín đồ Tin Lành Mennonite*. <http://dannews.info/2014/11/04/chinh-quyen-khung-bo-da-man-cac-tin-do-tin-lanh-mennonite/>

²² Dân Lâm Báo. *Quảng Bình: Dân nổi lửa đốt đường, chặn xe phân phối CA đánh linh mục*. <http://danlambao.vn.blogspot.com/2014/08/quang-binh-dan-noi-lua-ot-uong-chan-xe.html>

²³ GHPGVNTN. *Công an đánh đập tàn bạo Đại đức Thích Thiên Tâm – tu sĩ trực thuộc TDGHPGVNTN*. <http://www.ghpvntn.net/cong-an-danh-dap-tan-bao-dai-duc-thich-thien-tam-tu-si-truc-thuoc-tdgphpvntn/>

typical activities for religious freedom in 2014:

- The Association to Protect Freedom of Religion (APFOR) was founded in early 2014 for the purpose of “helping all citizens exercise their right to freedom of religion and fight against all action restricting or hindering this right.” Although not legally recognized, the Association has members operating openly in many places in Vietnam. In 2014, the Association issued 4 quarterly reports on the violation of religious freedom and especially raised the issue of religious freedom for citizens in military services.²⁴
- Religious rights of prisoners were raised with the authorities. In March 2014, prisoners of conscience Trần Minh Nhật, one of the 14 Catholic youths sentenced to prison on charges of “propaganda and subversive activities against the Socialist Republic of Vietnam,” secretly sent a letter to Bishop Nguyễn Văn Nhơn, former Chairman of the Catholic Bishops' Conference of Vietnam, denouncing the Communist Regime's deprivation of prisoners of “the right to observe their faith.” On April 2, 2014, four of the 14 prisoners were freed, including Chu Mạnh Sơn, Nguyễn Xuân Anh, Hồ Văn Oanh, and Nguyễn Văn Thanh. After their release, the four sent out a letter calling for support of the petition for freedom of religion in prison.²⁵
- The US Commission on International Religious Freedom, in its annual report published on April 30, 2014, commented that the U.S. State Department's decision to remove Vietnam from the list of “countries of particular concern” (CPC) in 2006 was premature. The Commission again asked

²⁴ VNRs. *Quân nhân có quyền thực hành lễ nghi tôn giáo trong quân ngũ*. <http://www.chuacuuthe.com/2014/10/quan-nhan-co-quyen-thuc-hanh-le-nghiton-giao-trong-quan-ngu/>

²⁵ RFA. *Bản Kiến Nghị Đòi Được Hưởng Quyền Tự Do Tôn Giáo Trong Nhà tù*. http://www.rfa.org/vietnamese/in_depth/fre-reli-in-prison-04052014114859.html

the State Department to put Vietnam back on the CPC list because the Vietnamese Government continued to violate its citizens' religious freedom.²⁶

contained in State Department's 2013 International Religious Freedom Report released on July 28, 2014. The VNHRN urged the U.S. State Department to consider putting Vietnam back on the CPC list for its violations of religious freedom.²⁸



Dr. Heiner Bielefeldt, the UN Special Rapporteur on freedom of religion or belief met with the dignitaries of the unrecognized Orthodox Cao Dai Church in Vinh Long on July 27, 2014.

- The Interfaith Council of Vietnam, on the International Human Rights Day, December 12, 2014, issued a statement condemning religious persecution and government intervention in religious organizations by Communist authorities.²⁹

- Mr. Bielefeldt, UN Special Rapporteur on freedom of religion or belief visited Vietnam in response to Vietnamese Government's invitation in July 2014. In his preliminary report dated July 31, 2014, Mr. Bielefeldt observed, "Without prejudice to the accuracy of all specific facts of all individual cases brought to my attention, I am convinced that serious violations of freedom of religion or belief are a reality in Viet Nam – in particular, but not only, in rural areas."²⁷
- In a letter to U.S. Secretary of State John F. Kerry dated August 08, 2014, the Vietnam Human Rights Network protested what it saw as an untruthful assessment of the religious freedom situation in Vietnam

²⁶ USCIRF. *USCIRF's 2014 Annual Report*. <http://www.uscirtf.gov/sites/default/files/USCIRF%202014%20Annual%20Report%20PDF.pdf>

²⁷ OHCHR. Press Statement on the visit to the Socialist Republic of Viet Nam by the Special Rapporteur on freedom of religion or belief. <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=14914&LangID=E>

²⁸ VNHRN *Letter to Secretary of State John F. Kerry*. <http://www.vietnamhumanrights.net/english/documents/Letter%20to%20Kerry-2013.pdf>

²⁹ VRNs. *Hội Đồng Liên Tôn: Lên án Cộng sản Việt Nam đàn áp tự do tôn giáo*. <http://www.chuacuuthe.com/2014/12/hoi-dong-lien-ton-len-an-cong-san-viet-nam-dan-ap-tu-do-ton-giao/>

VI. The right to equal treatment and non-discrimination

In addition to signing the Universal Declaration of Human Rights, the International Covenant on Economic Social and Cultural Rights, and the International Covenant on Civil and Political Rights, Vietnam has also participated in many other conventions on anti-discrimination such as the International Convention on the Elimination of All Forms of Racial Discrimination (1981), the International Convention on the Elimination of All Forms of Discrimination against Women (1982), and the Convention on the Rights of Persons with Disabilities (2008). Vietnam's Constitution, as amended in 2013, also expressly states that "all people are equal before the law" and that "no one is subject to discriminatory treatment in the political, civil, economic, cultural, or social life" (Article 16).

During the 25th session of the UN Human Rights Council on March 24, 2014, Mr. Nguyễn Trung Thành, the Ambassador Extraordinary and Plenipotentiary of Vietnam, once again stated that in Vietnam people are equal and the government strives to promote human rights and ensure everyone can enjoy them, regardless of race, national origin, religion, and gender. To show off the government's achievements in the implementation of non-discrimination policy, the Ambassador firmly urged the international community to actively protect the rights of lesbian, gay, bisexual, and transgender groups (LGBT).¹ On September 26, 2014, in opposition to its two big allies Red China and

Russia, Vietnam voted in favor of a resolution of the UN Human Rights Council to promote the rights of this group (Russia voted against, and China abstained). By allowing massive and colorful rallies of LGBT groups on the streets of Hanoi and Saigon in 2014, Vietnam is widely regarded as a pioneer of LGBT movement in Asia.² Several international human rights organizations recognized this change, but they have also expressed doubts about Vietnam's willingness to lessen the control over a group of people who has no ability to challenge the totalitarian leadership of the Communist Party, while maintaining and strengthening the oppression over other civil and political rights advocates.³

The Vietnamese authorities are exploiting the rights of lesbian, gay, bisexual, and transgender groups as a cover-up to conceal the worst record of social, economic, and political inequalities they have created.

The main reason for the inequality and discrimination in every aspect of social life is the CPV's monopoly of governing power. Thus, this report only mentions some existing inequalities and discriminations due to this CPV's fundamental refusal to share power with anyone.

² *Ibid.*

³ The Diplomat. *Leading the Way: Vietnam's Push for Gay Rights*. <http://thediplomat.com/2014/04/leading-the-way-vietnams-push-for-gay-rights/>

¹ Báo Mới. *Việt Nam kêu gọi bảo vệ quyền đồng tính ở Hội đồng nhân quyền*. <http://www.baomoi.com/Viet-Nam-keu-goi-bao-ve-quyen-dong-tinh-o-Hoi-dong-nhan-quyen/122/13446250.epi>

1. Discrimination against Supporters of the Old Regime

Although the war ended four decades ago, Vietnam is still pursuing a policy of discrimination and stigma against supporters of the old regime as if the war is still going on. It categorizes people as “meritorious” or “puppets,” which dictates how their lives will be lived out, depending on which side with which they were associated during the war.

In 2014, the government set aside a 32,390 billion VND (equivalent to \$1.5 billion USD) budget for “meritorious people,” meaning the officers and communist troops who had participated in the war and their families. The government also provide preferential bank loans and job support, housing, healthcare, and education for the veterans and their children. Currently, there are about 1.5 million people receiving this kind of preferential monthly pension for the “meritorious.”⁴ According to the Inter-ministerial Circular dated June 03, 2014, those who had contributed to the Revolution and their relatives will be entitled to rehabilitation services delivered to their home or provided by nursing institutions up to 2,220,000 VND per person annually.

In the meanwhile, the government has employed a completely different policy toward those on the losing side of the war. Most tragic is the plight of disabled veterans of the former Armed Forces of the Republic of Vietnam (ARVN), the less fortunate who have lost their body parts during of the war.

On November 28, 2014, the Vietnamese National Assembly passed a resolution on the ratification of the UN Convention on the Rights of Persons with Disabilities which they had

⁴ Báo Tin tức. *Thực hiện tốt chính sách với người có công*. <http://baotintuc.vn/chinh-sach/thuc-hien-tot-chinh-sach-voi-nguoi-co-cong-20140726054044516.htm>



Mr. Nguyễn Văn Quang, a South Vietnamese Army disabled veteran is selling lottery tickets in Ho Chi Minh City streets. Photo ACAN

signed in 2008. In Vietnam’s National Report on the Promotion and Protection of Human Rights for the UPR 2nd Cycle Review on February 5, 2014, Vietnam boasted that from 2010-2013, the government issued 13 sub-law documents relating to persons with disabilities in the areas of communication, sports, travel, and social security and, “the overall policy of the State is to encourage, create favorable conditions for persons with disabilities to exercise, on equal basis with others, their political, economic, cultural and social rights and promote their ability to stabilize their life, integrate into the community, and participate in social activities.” In reality, the figure of approximately 6.7 million people with disabilities reported by the current state statistics does not include hundreds of thousands of disabled veterans of the former Republic of Vietnam who have been abused by the victors in the last 40 years. Some of these people have had to live the remainder of their life in the streets begging for alms. Until recent years, especially since 2014, in parallel with human right movements, and with the help of their compatriots all over the world, some disabled veterans of the Army of the Republic of Vietnam disabled veterans have come together and spoken to the world that they have been stigmatized, discriminated against, and marginalized by their own government. The state, however, responded to these complaints with arrests and suppression

of these humanitarian assemblies.⁵

2. Discrimination against Religious People

Vietnam's 2013 Constitution stipulates: "Everyone has the right to freedom of belief and religion, and the right to follow or not follow any religion. All religions are equal before the law" (Article 24). Ideologically, however, the CPV is an atheist organization. Candidates to the CPV must abandon their faiths, except for some rare exceptions for the purpose of propaganda. Thus, in the course of building and strengthening the government, the relationship between the CPV and religious organizations is always mutually exclusive. For that reason, people of faith, be it Christianity, Buddhism, Hoa-Hao Buddhism, or Cao-Daism, etc., are regarded as second-class citizens. They are discriminated against in every aspect of life, especially in education and politics.

2. 1. Discrimination against Religious People: No Equal Opportunities in Education

As in the case of children of former RVN officials, "profiling" is also applicable to religious believers who apply for higher college entrance exams. In the standard questionnaire for pupils and students, the question of religion is an important factor that determines their future education and career paths. Pupils and students who declare that they are religious will not be favored in their choice of curricula, scholarships, and other benefits despite scoring higher aptitude tests.

⁵ Vietnam Exodus, *Police harassment of RVN disabled veterans' appreciative gathering*. <http://exodusforvietnam.wordpress.com/2015/02/08/cong-an-sach-nhieu-thuong-phe-binh-viet-nam-cong-hoa-hop-mat-tri-an/>

2. 2. Discrimination against Religious People: No Equal Political Opportunities

Religious followers do not have equal rights and opportunities in public life. To join the police or army, candidates must undergo preliminary background checks, and must not have any "religious affiliation."⁶ For elected offices, the government usually sets a certain quota for religious candidates who meet the CPV's loyalty standard to be elected to the National Assembly. In essence, the CPV never trusts people of faith. No religious believer is allowed to hold any important national or local position of real authority. Even in areas where Catholics make up a majority of the demographics, such as in Thái Bình and Đồng Nai, the highest positions given to Catholics are village chiefs.⁷

3. Discrimination against Ethnic Minorities

Vietnam's population comprises of 54 ethnic groups, of which the Lowlanders (the Kinh) account for 87%. Except for the Chinese, who are mostly entrepreneurial and living in the metropolitan areas, the rest of the ethnic groups live in remote mountainous areas in the Central Highlands and Northwestern part of Vietnam. A large number of ethnic groups have their own languages and customs. The policy prohibiting discrimination and divisive acts between the races is stipulated in Article 5 of the 2013 Constitution: "All ethnicities are equal and shall unite, respect and assist one another for mutual development; all acts of discrimination and division of ethnicities are prohibited." In

⁶ Thanh Niên Online, *Thi công an, quân đội nên lưu ý những gì?* <http://www.thanhnien.com.vn/giao-duc/thi-cong-an-quan-doi-nen-luu-y-nhung-gi-87764.html>

⁷ Rev. Peter Nguyễn Văn Khải, CSsR, *Status of religious freedom in Vietnam: The Catholic Church's situation*, <http://www.chuacuuthe.com/2011/10/status-of-religious-freedom-in-vietnam-the-catholic-church%E2%80%99s-situation/>

actuality, however, racial discrimination is still a grave concern of ethnic minorities. Discrimination against ethnic minorities is particularly prominent in the areas of the economy, education, and politics.

3. 1. Discrimination against Ethnic Minorities: Economic Inequality

A vast majority of the ethnic minorities depends on husbandry as their main livelihood. Land is the primary, if not the only, source of life for the ethnic minorities. After 1975, with the population relocation and deforestation policy in favor of industrial plantation, the Highlanders' living space has dwindled. The official figures show that the population in these areas has increased from 1.5 million in 1975 to about 6 million people in 2010.⁸ Most of the increase are newcomers consisting of families of Northern officials. State agricultural development policies encouraging large-scale agricultural farming and rubber production for export have pushed the natives farther into remote, infertile lands. According to the Forest Trends Organization in Vietnam, currently forestry companies manage over 2 million hectares; each forestry site, on average, occupies 100 hectares of arable land. Meanwhile, nationwide there are still 327,000 ethnic minority households lacking land for housing and tillage. The 16 ethnic groups of smaller populations (less than 10,000 people) own an average land acreage of only about 0.1 Ha per person, while the Pà Thẻn own the least, at 0.04 Ha/person.⁹ Even though they have put up resistance to this brutal invasion, these ethnic groups are unable to deter those who



A threadbare classroom for ethnic minority youths in Muong Nhe district, Điện Biên Province. Photo Hồng vân, VnExpress.net

have political power, money, and guns from violating their rights.

The “Hunger Elimination and Poverty Reduction Programs,” established after the Economic Reforms, have helped increase the average income per capita. The increase, however, is primarily dependent on the amount of foreign investments and aids. Furthermore, the increase in gross national product (GNP) has also widened the rich-poor gap. A report by the World Bank in 2013 shows that 53 ethnic minority groups, which account for less than 15% of the total population, account for about 50% of the poor population nationwide.¹⁰ The gap has not decreased as the state claims. On the contrary, according to the results of an independent study, the proportion of poor ethnic minorities has increased steadily from 18% in 1990 to 56% recently.¹¹

⁸ Vu Quoc Ngu, *Land Ownership in Vietnam and Land Seizure in One-party State*, http://www.spidh.org/fileadmin/spidh/FMDH_2013/Appel/Intervenants/Land_Grabbing_VU_Quoc_Ngu_Full_Report.pdf

⁹ Báo Đại Đoàn Kết, *Giải quyết tranh chấp đất đai giữa người dân và lâm trường: Tạo cơ chế để người dân không thiếu đất sản xuất*, <http://daidoanket.vn/PrintPreview.aspx?ID=63251>

¹⁰ The World Bank Group, *Poverty Reduction in Vietnam: Remarkable Progress, Emerging Challenges*, <http://www.worldbank.org/en/news/feature/2013/01/24/poverty-reduction-in-vietnam-remarkable-progress-emerging-challenges>

¹¹ Hung Pham Thai et al., *Poverty of the Ethnic Minorities in Vietnam: Situation and Challenges from the Poorest Communes*, MPRA Paper No. 50372, posted 4. October 2013 12:52 UTC, <http://mpra.ub.uni-muenchen.de/50372/>

3. 2. Discrimination against Ethnic Minorities: Education and Health Care Inequalities

An inevitable corollary of poverty is lack of education. The Syracuse University's 2010 study on the educational status of the J'rai in Gia Lai and the Chăm in An Giang shows a huge education gap between the Kinh and ethnic minorities.¹²

In its National Report on the Promotion and Protection of Human Rights for the UPR 2nd Cycle Review on February 05, 2014, the Vietnamese regime boasted that 80% of young girls in rural areas and ethnic minorities were sent to school at the right age. However, it also acknowledged that only about 17.5% of ethnic Khmer children over 5 years of age were in school; and about 34.4% of all children of ethnic minorities never attended school beyond 6th grade.¹³

All studies on education in Vietnam show that ethnic minority children have higher dropout rates. The number of ethnic minorities attending high school and college is very modest compared to that of the Kinh population.¹⁴ An equally important factor that causes the ethnic minority students' high dropout phenomenon, especially during the first years of school, is the language barrier.¹⁵ In recent years, Vietnam has experimented with bilingual teaching for a

number of primary schools in areas with large ethnic populations. The result, however, is very modest because of the scarcity of teachers who are bilingually capable. The report by the Council of Indigenous Peoples in Today's Vietnam, submitted to the UN Human Rights Council in June 2013, also pointed to the education policy that discriminates against ethnic minorities who want to study abroad. According to the report, of the 15,000 students that the government of Vietnam allowed to study in the United States in 2012, none was of ethnic minority background.¹⁶

Concerning health care for ethnic minorities, Article 58 of the Constitution specifies: "State policy prioritizes health care for ethnic minorities, people living in mountainous areas, on islands, and in areas that have extremely difficult socio-economic conditions." However, according to the 2013 study on the health care of ethnic minorities in Vietnam by a group of international experts from universities, ethnicity, far more than income and education levels, is the major factor that causes discrepancy in health care among the peoples.¹⁷ In the 2013 report, the Norwegian Agency for Development Cooperation Norway (NORAD) also confirmed that the likelihood of dying before the age of five is almost four times greater for children of ethnic minorities than for other children in Vietnam.¹⁸

¹² Hong Anh Vu, *Hiện trạng Bất Bình Đẳng Giới trong cộng đồng người dân tộc thiểu số*, Syracuse University, 29/09/2010

¹³ VinaCapital Foundation, *Issues in Education for Vietnamese Children*, http://vinacapitalfoundation.org/wp-content/uploads/2014/05/VCF-Research_Issues-in-Education-for-Vietnamese-Children_20140523_V1_GV.pdf

¹⁴ Le Thuc Duc and Tran Ngo Minh Tam, *Why Children in Vietnam Drop out of School and What They Do After That*, http://www.younglives.org.uk/files/working-papers/yl-wp102-lethucduc_why-do-children-leave-school-early

¹⁵ Le Thuc Duc and Tran Ngo Minh Tam, *ibid.*

¹⁶ The Council of Indigenous Peoples in Today's Vietnam, *Joint Submission to the Universal Periodic Review of the Socialist Republic of Vietnam*, <https://democraticvoicevn.files.wordpress.com/2013/07/council-of-indigenous-peoples-of-todays-vietnam-upr-joint-submission-vietnam-jan-2014.pdf>

¹⁷ Mats Målqvist et al., *Ethnic minority health in Vietnam: a review exposing horizontal inequity*, *Glob Health Action* 2013, 6: 19803, <http://dx.doi.org/10.3402/gha.v6i0.19803>

¹⁸ Norad, <http://www.norad.no/en/countries/asia-and-oceania/vietnam--405965>

3. 3. Discrimination against Ethnic Minorities: Political Inequalities

Vietnam now boasts that the ratio of ethnic minority representatives in the National Assembly exceeds the ethnic composition of the general population and that that is the result of the political exercise by ethnic groups.¹⁹ As with the proportion of religious or female representatives in the National Assembly, however, this quota is but a façade put up by the CPV. In Vietnam’s one-party regime, the purpose of elections is only to strengthen the power of the ruling party. The so-called ethnic representatives are people whom the central government selects for the task of conveying orders from above. Ethnic minorities in villages and communes have no self-governed mechanism to represent their interests. The only means left for them to express their aspirations is through fleeing abroad, rallies, or other forms of protest, which have led to mass crackdowns or individual persecutions that ethnic minorities have had to endure.

In 2014, there were many legal cases against ethnic minorities because of activities that promote their wellbeing:

- On March 14, Mr. Hoàng Văn Sang was sentenced to 18 months in prison for his campaign to build a morgue for ethnic Hmong.²⁰

- On March 20, Hàm Yên District People’s courts sentenced Messrs. Dương Văn Tu and Lý

Văn Dinh of Hàm Yên District, Tuyên Quang Province to 3 years and 2 months in prison for committing acts of “abusing democratic freedoms to infringe upon the interests of the State, the legitimate rights and interests of organizations and/or citizens” when they built the morgue without permission.²¹

- On May 6, the Provincial People’s Court, in a trial without the defense lawyer, sentenced Mr. Vừ A Sừ of ethnic Hmong of Cao Bằng Province to 24 months in prison under Article 258 of the Penal Code: “Abusing democratic freedoms to infringe upon the interests of the State” for his defense of the morgue.²²

- On July 30, the People’s Court of Ngân Sơn District, Bắc Cạn Province sentenced three ethnic Hmong followers of the Dương Văn Minh Religious Sect, Messrs. Hoàng Văn Sự, Hoàng Văn Sinh và Dương Văn Thành, to a total of 57 months in prison under Article 258 of the Penal Code.²³

- On September 8, the People’s Court of Gia Lai sentenced two ethnic persons, A Kuin to 9 years 6 months in prison, and Ngu to 7 years 6 months in prison for “undermining the unity policy” as defined in Article 87 of the Penal Code because they had joined the “Heathen Hà Môn.”²⁴

¹⁹ Bộ ngoại giao Việt Nam, *Báo cáo Quốc gia về thực hiện quyền con người ở Việt Nam theo cơ chế kiểm định kỳ phổ cập (UPR) chu kỳ II (Phần 3)*, <http://uprvietnam.vn/&op/detailsnews/278/94/bao-cao-quoc-gia-ve-thuc-hien-quyen-con-nguoi-o-viet-nam-theo-co-che-kiem-dinh-ky-pho-cap-%28upr%29-chu-ky-ii-%28phan-3%29.html>

²⁰ Tuyên Quang Online, *Vụ xây dựng “nhà đôn” trái phép Ở Hùng Lợi: Tuyên phạt 1 năm 6 tháng tù cho kẻ cầm đầu*, <http://www.baotuyenquang.com.vn/phap-luat/an-ninh-trat-tu/vu-xay-dung-nha-don-trai-phep-o-hung-loi-tuyen-phat-1-nam-6-thang-tu-cho-ke-cam-dau-37013.html>

²¹ Tuyên Quang Online, *Xét xử công khai vụ xây dựng “nhà đôn” trái phép ở Yên Lâm*, <http://www.baotuyenquang.com.vn/phap-luat/an-ninh-trat-tu/xet-xu-cong-khai-vu-xay-dung-nha-don-trai-phep-o-yen-lam-37172.html>

²² VRNS, *Một người dân tộc H’Mông bị kết án 24 tháng tù giam theo Điều 258 BLHS*, <http://www.chuacuuthe.com/2014/05/mot-nguoi-dan-toc-hmong-bi-ket-an-24-thang-tu-giam-theo-dieu-258-blhs/>

²³ VRNS, *57 tháng tù giam cho 3 người dân tộc H’Mông*, <http://www.chuacuuthe.com/2014/07/57-thang-tu-giam-cho-3-nguoi-dan-toc-hmong/>

²⁴ Công An Kontum, *Xét xử vụ án phá hoại chính sách đoàn kết*, <http://www.congankontum.gov.vn/hdccc/bao-dam-trat-tu-xh/52505-xet-xu-vu-an-pha-hoai-chinh-sach-doan-ket.html>

VII. The right to work and to enjoy the fruit of labor

Vietnam is a member of the International Labor Organization (ILO) since 1980, and it has ratified most of the ILO's international conventions on labor.¹ However, in practice Vietnam continues to violate the rights of workers on various aspects of the law, especially the right to organize unions and the right to strike throughout the year 2014.

1. Violations of Workers' Rights in Labor Legislation

Vietnam amended the 1994 Labor Law and the 1990 Trade Union Act in 2012. The 2012 Trade Union Act came into effect on January 1, 2013 and the Labor Law on January 5, 2013. Despite these amendments, both Laws still maintain the positions and functions of trade unions as the Communist Party's peripheral organizations.² It is illegal to establish workers organizations outside of the Vietnam General Confederation of Labor (VGCL). The 2012 Labor Law also

stipulates restrictive conditions to nullify workers' right to strike. Article 210 specifies: "Legal strikes must be organized and led by Trade Union Executive Committees." In reality, however, 70% of the strikes that occurred at business sites with trade union establishments from 1995 to 2013 were not organized by the VGCL.³

Article 213 of the 2012 Labor Act stipulates: "When more than 50% of those consulted agreed with the union executive committee's plan, the committee shall have the decision to strike in writing." However, no one could hold a roll call or would dare to go around collecting signatures, for doing so would result in arrest. Mr. Mai Duc Chinh, Vice President of the VGCL, even admitted that these conditions were not realistic as they are hardly feasible.³

Article 215 of the 2012 Labor Law specifies cases where striking is considered illegal when it is carried out at premises of companies that are on the no-strike list prescribed by the Vietnamese government.

Government Decree 122/2007/NĐ-CP details cases on the no-strike list that includes industries or companies involving "national interests." This list comprises of not only airlines and railways, but also environmental, irrigation, and town-planning companies, which are commonly owned by the Communist Party of

¹ Vietnam has ratified 21 conventions of the ILO, including five important Conventions (C.29 on forced or compulsory labor, C.100 on Equal Remuneration for Men and Women Workers, C.111 on Discrimination (Employment and Occupation), C.138 on the minimum age for admission to employment and work, and C.182 on the Worst Forms of Child Labor (Source: ILO, *Ratifications for Viet Nam*, http://www.ilo.org/dyn/normlex/en/f?p=1000:11200:0::NO:11200:P11200_COUNTRY_ID:103004)

² Article 1. Law on Trade Union 2012: "Trade Union means a great socio-political organization of the working-class and laborers. Trade Unions are founded on a voluntary basis and are a component part of the political system of the Vietnamese society, placed under the leadership of the Communist Party of Vietnam."

³ Tien Phong Online. *Cho phép đình công để bảo vệ công đoàn*. <http://www.tienphong.vn/Kinh-Te/574966/Cho-phiep-dinh-cong-de-bao-ve-cong-doan-tp.html>

Vietnam (CPV) or its officials.

On January 12, 2015, Decree No. 05/2015/NĐ-CP was issued, containing details and guidance for the implementation of some parts of the Labor Law, by which wages and other benefits of unauthorized participants in a labor strike would be legally denied for the whole strike period. Meanwhile, according to Mr. Mai Đức Chính, Vice Chairman of Vietnam Federation of Labor, there were in 2014 up to 293 strikes none of which were legally permitted.⁴ This means that under the current law, the right to strike is merely non-existent as its requirements are all too demanding for the workers to meet.

In addition, to further obstruct the workers' right to strike, the Federation itself has suggested to the communist party secretary general that the police be ordered to suppress strike starters and supporters, as they were "organized crime gangs that operate to incite workers to go on strike."⁵

With regards to the labor-related age limit, although Vietnam has signed on to Convention 138 on the minimum working age, and Convention 182 on prohibition and urgent measures to eliminate child labor abuses, the 2012 Labor Law still allows employers to hire even children under 15 years of age,⁶ as long as these jobs are not on the list issued by the Ministry of Labor, War Invalids and Social

⁴ Xaluan.com. *Đình công thế nào là hợp pháp?* <http://www.xaluan.com/modules.php?name=News&file=article&sid=1080121>

⁵ Tổng Liên Đoàn Lao Động Việt Nam. *Đề xuất, kiến nghị của Đoàn Chủ tịch TLD với Đảng, Nhà nước nhằm xây dựng giai cấp Công nhân vững mạnh.* <http://www.congdoanvn.org.vn/details.asp?l=1&c=248&m=5074>

⁶ Article 163 of the 2012 Labor Law: "The working hours of the underage employee from full 15 years of age to under 18 years must not exceed 08 hours in 01 days and 40 hours in 01 week."

"The working hours of person under 15 years must not exceed 4 hours in 01 day and 20 hours in 01 week without working overtime and at night."

Affairs.⁷

2. Violations of Workers' Rights in Practice

In addition to controlling workers through labor legislation to consolidate the communist regime, the government also violates workers' rights through the following practices:

- Increasing state control over labor unions' activities
- Continuing the state-sanctioned policy of labor exploitation
- Continuing the state-sanctioned forced labor policy
- Continuing the state's labor export policy without regard to human rights and dignity
- Continuing the state's suppression of workers' rights advocates.

2.1. Increasing State Control over Labor Unions' Activities

Vietnam General Confederation of Labor (VGCL), the sole legal labor union organization in Vietnam today, was established by the communist party of Vietnam (CPV) 85 years ago along with the party's coming into existence, purporting to unite workers to support its policies and programs of action. No change has taken place regarding the CPV policies and programs of action until present, with VGCL members have reached around 8.5 million in about 120 basic unions. LFDVN core members are all Communists, from its top leader, a CPV Central Committee member, down to all its basic union chairmen who, to keep its control over union activities, have to "carry out the CPV's platform

⁷ Article 164 of the 2012 Labor Law: "The employer is only entitled to employ the person from full 13 years and under 15 years to perform light job under the list prescribed by the MLWI&SA."

and policies...”⁸ The unions also serve as training ground for CPV prospective members. In 2014, 91,000 of these were introduced of which 63,000 became party members.⁹

Along with carrying out their duties to the VGCL, workers are supposed to pay their annual budget contribution, fixed in previous years at 2% of wages for in-country firms and 1% for those with foreign investments. However, as of 2014, all firms must set aside 2% of their workers’ wages for the VGCL; yet, with workers who are union members, an extra 1% of their salary is forcibly taken.

Despite enjoying the powers granted by the CPV and taking advantage of workers’ contributions, VGCL has achieved nothing for labor rights except limited aid that the Ministry of Labor, War Invalids, & Social Welfare is responsible for. Workers’ attempts to demand legitimate rights for them have received neither sympathy nor support from VGCL. On the contrary, VGCL members always side with company bosses in trying to suppress and neutralize labor strikes as well as labor rights defense organizations. From 2009 to 2014 nationwide, there were 3,104 collective work stoppages, on an average of 300-450 labor strikes annually, mostly self-initiated and not led by VGCL.¹⁰

To deal with the situation, on June 08, 2014, 17 civilian societies and religious representatives from Catholicism, Buddhism, Protestantism, Caodaiism, and HoaHao Buddhism jointly



December 26, 2014, factory workers at Hyundai Vinashin went on strike, demanding higher wages. Photo Dân Trí

made a public call to the workers to form real labor unions to protect their own rights.¹¹

On June 09, 2014, the Free Viet Labor Federation (FVLF, or Viet Labor for short), consisting of three organizations formed previously in Vietnam, namely the Vietnam Independent Union, the United Worker-Farmer Association of Vietnam, and the Viet Labor Movement, along with the Committee to Protect Vietnamese Workers, an overseas Vietnamese organization, publicly announced to begin their activities in Vietnam.¹² Labor union activist Đỗ Thị Minh Hạnh, freshly out of jail, immediately declared her adherence in Viet Labor. Although they publicly announced to carry out their activities, Viet Labor leaders are still hesitant to come out into the open due to the prospects of facing suppression they have already experienced.¹³

Due to the state’s decreasing role related to the workers’ life in firms, especially private ones, as of 2009, a project called Better Work

⁸ TaiLieu.VN. *Tài liệu bồi dưỡng cán bộ Công đoàn cơ sở*. <http://tailieu.vn/doc/tai-lieu-boi-duong-can-bo-cong-doan-co-so-37547.html>

⁹ Tổng Liên Đoàn Lao Động Việt Nam. *Năm 2014, hoạt động công đoàn có nhiều chuyển biến, năng động, hiệu quả, đồng hành cùng doanh nghiệp*. <http://www.congdoanvn.org.vn/details.asp?l=1&c=1&m=8449>

¹⁰ Báo Mới. *Khó đình công hợp pháp*. <http://www.baomoi.com/Kho-dinh-cong-hop-phap/144/15850287.epi>

¹¹ RFI. *Công đoàn độc lập : Nhu cầu bức bách của công nhân Việt Nam*. <http://vi.rfi.fr/viet-nam/20140609-cong-doan-doc-lap-nhu-cau-buc-bach-cua-cong-nhan-viet-nam/>

¹² Lao Động Việt. *Tuyên cáo của Liên Đoàn Lao Động Việt Tự Do*. <http://laodongviet.org/2014/06/12/tuyen-cao-cua-lien-doan-lao-dong-viet-tu-do-communicue-of-the-free-viet-labor-federation/>

¹³ RFA. *Lao Động Việt hoạt động bán công khai tại Việt Nam*. http://www.rfa.org/vietnamese/in_depth/vn-free-labor-operates-semi-official-06112014162750.html

Vietnam was formed in cooperation with the International Labor Organization, International Finance Corporation, and the state of Vietnam, to provide a dialog environment between workers and bosses of production firms, notably in the apparel sector, to improve their working conditions and the business competition. It was financed by some foreign governments and firms in Australia, Switzerland, Holland, Canada, and the U.S. According to its report, nearly 300,000 workers from 200 firms have joined it, together with over 50 foreign clients.

Though not a formal labor union, the Better Work Vietnam project aims at providing dialogs between workers and their employers in factories. After 5 years of existence, the project has had some accomplishments in assessment, advisory service, and training. Its influence on workers' benefits, however, is still very limited. For instance, the content of training courses covered only management technique, occupational safety, increased productivity, etc... A sole training class was held on labor laws but merely those of Vietnam. As for trainees, most were firm managers and labor union cadres, and included very few workers. The project could benefit workers better if the union cadres' role was significantly reduced.

2. 2. Violations of Workers' Rights in Practice: Worker Exploitations

As in previous years, the underlying causes for the strikes were factory owners' failure to fulfill their social responsibility to workers, which include wage issues, benefits, working hours, break time, labor safety, and hygiene practices, etc. In recent years, 85-90% of the number of strikes was triggered by wage disputes.¹⁴ According to a study by the Institute

¹⁴ Báo Lao Động, 85 - 90% số vụ đình công có nguyên nhân từ yếu tố tiền lương. <http://laodong.com.vn/cong-doan/85-90-so-vu-dinh-cong-co-nguyen-nhan-tu-yeu-to-tien-luong-137037.bld>

for Workers - Trade Unions, even when the current minimum wage was increased to more than 30%, it would only meet 77-84% of the minimum living standards for workers.¹⁵

In 2014, according to a report from ILO and the Asian Development Bank, the minimum wage in Vietnam has only slightly changed, from US\$90.15 to \$128.11. Compared to nations in the region, it is higher than the minimum wage found in Cambodia and Laos only.¹⁶ In a November 2014 seminar, the VGCL representative himself asserted that the current minimum wage can only provide for 60% of the workers' minimal needs.¹⁷

Usually, the number of strikes peaks around the Lunar New Year Day (Tết), when employers fail to repay the wage withholdings known as the "Tết Bonuses."¹⁸ Actually, this is a tactic employers use to exploit their employees. Each month, they unilaterally hold back 1/12 of the workers' salary, use this huge amount as an interest-free loan, and repay the debt right before the Lunar New Year Day as "Tết bonuses," or in a more polished way, the "13th month salary." The failure to repay the debt by some employers in the month leading to Tết triggers the traditional pre-Tết wave of strikes. It is noteworthy that workers who take leave before Tết will involuntarily forfeit the money employers "borrowed" from them. To put in

¹⁵ Báo Mới. *Việt Nam tăng tỷ lệ người siêu giàu: Khoảng cách giàu - nghèo cũng gia tăng?* <http://www.baomoi.com/Viet-Nam-tang-ty-le-nguoi-sieu-giau-Khoang-cach-giau--ngheo-cung-gia-tang/45/11946633.epi>

¹⁶ ADB and ILO (2014). *Report on ASEAN Community 2015: Managing integration for better jobs and shared prosperity*, ILO: Bangkok

¹⁷ VnExpress.net. *Lương tối thiểu chỉ đáp ứng 60% nhu cầu tối thiểu*. <http://vnexpress.net/tin-tuc/thoi-su/luong-toi-thieu-chi-dap-ung-60-nhu-cau-toi-thieu-3111997.html>

¹⁸ Việt Báo Online. *Đình Công Xây Ra Nhiều Nơi Vì Bớt Lương, Quên Tiền Tết; Tổng kết Sài Gòn 2012: Có 103 Trường Hợp Đình Công, Đa Số Vì Nợ Lương...* http://vietbao.com/D_1-2_2-282_4-202009/

numerical terms, if each year 1,000 employees left before Tết, and on average each employee worked for 6 months before taking their leaves, an employer would pocket the interest-free loan amounting to the yearly wages of 500 employees.

On top of that, workers have to work in unsafe conditions. According to the Ministry of Labor, War Invalids, & Social Welfare, the number of work-related accidents in 2014 is 6709, an increase of 14 cases compared with 2013, resulting in 6,941 victims, an increase of 56 people compared with 2013. However, according to Mr. Hà Tất Thắng, Director of the Department of occupational safety, this is only the reported statistics; the actual number of work-related accidents resulting in deaths and injuries could be three or four times the reported number.¹⁹

The labor accidents of particular interest are those in the coal mining industry and construction. In the past 10 years, the number of accidents, deaths, and injuries due to accidents in the coal industry has almost doubled.²⁰ The number of labor accidents in the construction industry accounts for approximately 30% of all the accidents, and is increasing by the day.²¹

As to why labor accidents are increasing, the Minister of Labor, War Invalids, and Social Affairs admits that “the high numbers of labor accidents is primarily caused by employers’ lack of responsibilities in implementing plans to protect working conditions and ensure

¹⁹ Báo Tin tức. *Tai nạn lao động năm 2014 tăng cả về số vụ và số người chết*. <http://baotintuc.vn/van-de-quan-tam/tai-nan-lao-dong-nam-2014-tang-ca-ve-vu-va-so-nguoi-chet-20150303162819295.htm>

²⁰ Báo Lao Động. *Tai nạn lao động ngành than: SOS*. <http://laodong.com.vn/xa-hoi/tai-nan-lao-dong-nganh-than-sos-174711.blđ>

²¹ Báo điện tử Xây dựng. *Tai nạn lao động trong xây dựng chiếm 30%*. <http://www.baoxaydung.com.vn/news/vn/xa-hoi/tai-nan-lao-dong-trong-xay-dung-chiem-30.html>

safety.”²²

Workers have to worry about not only insufficient wages and occupational safety, but also the working site hygiene condition and safety of food at the workshops. Food poisoning has become a constant concern for workers and their families.

The press reported thousands of such cases in 2014. There were cases of large-scale food poisoning involving more than a thousand employees, such as the incident at the footwear companies Hong Fu and Hồng Mỹ 1 in Thanh Hóa city on May 15 and 19 leaving 1,000 workers hospitalized,²³ and the mass poisoning case at the Oriental Garment Co. in An Giang province on March 21 resulting in more than 360 workers requiring emergency care.²⁴

According to a survey of the health sector, the poor quality of food is the main cause of food poisoning. The meager standard meals (at about 7000-12000 Dong, or \$0.33-\$0.57 USD) not only adversely affect workers’ productivity, but also weakens the physical and intellectual well-being of future generations. According to Dr. Đỗ Thị Ngọc Diệp, director of the Ho Chi Minh City Nutrition Center, nearly 30% of workers in Ho Chi Minh City are undernourished.²⁵

²² VnExpress.net. *Tai nạn lao động tăng do sử dụng máy móc lạc hậu*. <http://vnexpress.net/gl/xa-hoi/2012/12/tai-nan-lao-dong-tang-do-su-dung-may-moc-lac-hau/>

²³ Báo Người Lao Động. *Hơn ngàn công nhân ngộ độc ở Thanh Hoá: Do hít phải khí độc*. <http://nld.com.vn/thoi-su-trong-nuoc/hon-ngan-cong-nhan-ngo-doc-o-thanh-hoa-do-hit-phai-khi-doc-20140521091206825.htm>

²⁴ VOV. *An Giang: 360 công nhân bị ngộ độc thực phẩm*. <http://vov.vn/doi-song/an-giang-360-cong-nhan-bi-ngo-doc-thuc-pham-316804.vov>

²⁵ Báo Người Lao Động. *Ngộ độc thực phẩm đang giết người*. <http://nld.com.vn/suc-khoe/ngo-doc-thuc-pham-dang-giet-nguoi-20131008095021941.htm>



Children in Sa Binh Commune, Kon Tum province work as gold partner.
VNA/VNS Photo Phuong Hoa

2. 3. Violations of Workers' Rights in Practice: State-Sanctioned Forced-Labor Policy

Undoubtedly, all prisons and correctional camps, and even some social and labor education centers in Vietnam, are forced-labor camps.

Human Rights Watch made public consecutively in 2011 and 2012 two reports on forced labor in drug rehabilitation centers in Vietnam.^{26 27}

In July 2012, the Germany-based International Society for Human Rights (IGFM in its German acronym) also launched a campaign to boycott cashews produced by forced labor camps in Vietnam.²⁸ According to IGFM's report, Prison Camp Z30A at Xuân Lộc in South Vietnam's Đồng Nai province, with its roughly 7,000 inmates, was the primary facility of Thanh Binh Cashew Export Company owned by the Vietnamese People's Army. Some former political prisoners told IGFM that they had been forced to produce up to 32 kg of grade-

²⁶ Human Rights Watch. *The Rehab Archipelago: Forced Labor and Other Abuses in Drug Detention*. Tháng 9 2011.

²⁷ Human Rights Watch. *Torture in the Name of Treatment: Human Rights Abuses in Vietnam, China, Cambodia, and Lao PDR*. Tháng Bảy 2012.

²⁸ GFM. *Boykott gegen Blut-Cashewnüsse aus Vietnam - "Weiße Liste" deutscher Firmen*. <http://www.igfm.de/Vietnam-Boykott-gegen-Blut-Cashewnuesse.3211.0.html>

B cashew per day. Prisoners who refused to work or did not meet production targets were put in solitary confinement.

The Vietnamese government consistently denied the denunciations from HRW and other human rights organizations about abuses of detainees in drug rehabilitation camps as slaves. However, according to the International Labor Rights Forum in its 2014 report titled *Vietnam's Forced Labor Centers*, the situation still existed in those camps. Based on disclosures

from recently freed victims, the camps were reported to keep using tough measures to force detainees to overwork to increase production with no adequate compensation and worse, with beatings for failure to fulfill required production targets.²⁹

In September of 2014, there were nationwide 142 drug rehab centers, of which 123 under state control and 19 formed by organizations and individuals with 32,000 inmates.³⁰ An important concern is that all detainees were forced into rehab centers by administrative decisions; none went through any judicial procedures.³¹ Recently, the Vietnamese government has to admit that those drug rehab centers have been ineffective and costly, and should officially be closed soon.³²

²⁹ International Labor Rights Forum. *Vietnam's Forced Labor Centers*. <http://www.laborrights.org/publications/vietnams-forced-labor-centers>

³⁰ Tiengchuong.vn. *Thêm 7.000 người nghiện ma túy mỗi năm*. <http://tiengchuong.vn/Ma-tuy/Them-7000-nguoi-nghien-ma-tuy-moi-nam/11577.vgp>

³¹ VietNamNet. *Mỗi năm có thêm 6.400 người nghiện ma túy*. <http://vietnamnet.vn/vn/chinh-tri/199395/moi-nam-co-them-6-400-nguoi-nghien-ma-tuy.html>

³² Thanh Nien News. *Deputy PM calls Vietnam's drug rehab programs a 'failure', calls for revoking them*. <http://www.thanhniennews.com/society/deputy-pm-calls-vietnams-drug-rehab-programs-a-failure-calls-for-revoking-them-37968.html>



*Prisoners are compelled to labor without compensation.
Photo Lai Châu Online*

Another aspect of forced labor is the mistreatment of children and forcing them to work in dangerous conditions. In its National Report on the implementation of human rights for the Vietnamese people according to the UPR presented to the UN Human Rights Commission on February 05, 2014, Vietnam claimed that, “Viet Nam is the first country in Asia and second in the world to join the Children’s Rights Convention (CRC), along with the Protocol Supplements No. 1 and 2. The Government of Viet Nam has been making great efforts to carry out its completion of a legal policy, while trying to incorporate into the national legal system the regulations on children’s rights from international law and apply them in reality to best protect their rights and interests.”

Nevertheless, based on a report of the International Labor Organization and the Ministry of Labor, War Invalids, & Social Welfare made public in March 2014, about 1.72 million children aged between 5 and 17 were regarded as child labor according to international labor standards. Those below 15, the youngest age under Vietnam’s law, account for 40% of them.³³

In September 2012, the U.S. Government added Vietnam to its list of 74 countries where

³³ International Labour Organization. *Viet Nam National Child Labour Survey 2012*. http://www.ilo.org/hanoi/Whatwedo/Publications/WCMS_237833/lang--en/index.htm

children as young as 5 years old were subjected to serious labor abuses and human trafficking. According to the document, the two fields that employ child labor in Vietnam are the garments and brick making industries.³⁴ However, the most common “professions” for children in Vietnam are serving as domestics to wealthy families, selling small items in public places such as lottery tickets, shining shoes etc. During the June 23, 2013 World Day against Child Labor in Hanoi, the MLWI&SA and ILO called for special attention to children’s domestic labor. The Conference, however, did not give any specific figure of domestic children, nor did it recommend any possible solution to mitigate this situation.³⁵

2. 4. Violations of Workers’ Rights in Practice: Labor Export Policy without Regard to Human Rights and Dignity

There are at the present time half a million or so Vietnamese workers in Malaysia, Taiwan, the Middle East, and elsewhere. In 2014, the number of exported labor reached 160 thousand, an increase of 19.1% as compared with 2013.³⁶ Many of them are victims of human trafficking and are exploited by recruitment agencies owned by state agencies or government officials. Typically, recruiting agents would visit poor villages and promise good overseas employment contracts to lure unsuspected job seekers. Once at the destination airport, the agents would confiscate the workers’ passports and hand them to the employers. By the time

³⁴ United State Department of Labor. *2012 List of Goods Produced by Child or Forced Labor*. September 2012.

³⁵ ILO. *Ngày Thế giới Phòng Chống Lao động Trẻ em 12/6/2013: Không có lao động trẻ em làm thuê giúp việc gia đình!* http://www.ilo.org/hanoi/Informationresources/Publicinformation/Pressreleases/WCMS_215735/lang--en/index.htm

³⁶ Báo Giao Thông. *Xuất khẩu lao động vượt ngưỡng 100 nghìn người*. <http://www.baogiaothong.vn/xuat-khau-lao-dong-vuot-nguong-100-nghin-nguoi-d94730.html>

the workers discover that the good conditions vaunted in the contracts were just lies or misrepresentations, they would have no passport or money to return to their country. Contracts between workers and the recruitment agencies carry clauses stipulating that upon their arrival in the host countries, workers “must not join the unions” and “must not go on strike.” [Copies of contracts are available on request]. A significant number these victims have become prey to human trafficking. (Please refer to the Human Trafficking section in this report).

In 2014, hundreds of Vietnamese export workers in Malaysia were taken into custody for not being able to present their passports. Some of them were rescued by Viet Labor. Under such circumstances, some women have become sex workers.³⁷

2. 5. Violations of Workers’ Rights in Practice: Suppression of Workers’ Rights Advocates



Lê Trí Tuệ, one of the founders of the Independent Trade Union went missing in May 2007 while being pursued by Vietnamese law enforcement. Photo RFA

In tandem with the monopoly of labor unions and restriction on strikes, the state ruthlessly

³⁷ Lao Động Việt. *Mã Lai, một năm nhìn lại*. <http://laodongviet.org/2015/02/18/ma-lai-mot-nam-nhin-lai/>

suppresses individuals and movements fighting for workers’ rights and/or trying to form independent labor unions. Since 2006, along with the participation in strikes around the country, especially in the South, many individuals have come together to demand the government to ameliorate the workers’ life, particularly to allow the formation of free labor unions according to the International Human Rights Law and International Labor Standards.

As of the end of 2014, a number of leading workers’ rights advocates were still imprisoned, including Nguyễn Hoàng Quốc Hùng (9-year sentence), Đoàn Huy Chương (7-year sentence each), Phan Ngọc Tuấn and Lê Thanh Tùng (5-year sentence each). These prisoners of conscience have been frequently beaten and tortured, continually moved from one prison camp to another in remote and nearly inaccessible areas.

In mid-January 2015, on the occasion of the New Year, Mr. Đoàn Huy Chương’s wife was not allowed to visit him because, according to the warden, he was punished for violating the prison regulations. Mr. Nguyễn Hoàng Quốc Hùng’s health condition is very worrying because he was holding a hunger strike to protest the warden’s mistreatment.³⁸

The circumstances in which Mr. Lê Trí Tuệ, one of the founders of the Independent Trade Union who went missing in May 2007 after he had escaped to Kampuchea to seek political asylum, are still an issue that must be raised with the Vietnamese security agencies.

³⁸ Lao Động Việt. *Thành viên Lao Động Việt bị cầm thăm nuôi và không cho gói quà trong những ngày tết nguyên đán!* 17/02/2015 <http://laodongviet.org/2015/02/17/thanh-vien-lao-dong-viet-bi-cam-tham-nuoi-va-khong-cho-goi-qua-trong-nhung-ngay-tet-nguyen-dan/>

VIII. The right to social security

I. Inequality in Living Standards and Social Services among Social Classes

In its National Report on the Promotion and Protection of Human Rights, 2nd Cycle Universal Periodic review, Vietnam asserted that poverty reduction was the government's top priority in ensuring human rights. When it comes to human rights violations, Vietnam always refers to "poverty reduction" and the growth in average income per capita as indications of improvements in human rights.¹

According to the Vietnamese government's report, the percentage of poor families dropped from 7.8% to 5.8% in 2014.² In other words, only about 5 million out of 90 million people in the country remained poor. Meanwhile, according to the International Labor Organization 2013 Independent Report, there were up to 17 million Vietnamese workers living under the national poverty line of 400,000 VND per person per month (equivalent to \$19 USD); another 23 million people were borderline poor and were more likely to drop below that level if economic fluctuations happened.³ An independent study

¹ Báo điện tử Đảng Cộng sản Việt Nam. *Quyền con người ở Việt Nam bắt nhịp cùng xu thế tiến bộ của thời đại*. http://dangcongsan.vn/cpv/Modules/Preview/PrintPreview.aspx?co_id=10094&cn_id=689933

² Báo điện tử Chính phủ. *Thủ tướng chủ trì Hội nghị về công tác giảm nghèo bền vững*. <http://baodientu.chinhphu.vn/Thong-cao-bao-chi/Thu-tuong-chu-tri-Hoi-nghi-ve-cong-tac-giam-ngheo-ben-vung/219971.vgp>

³ ILO. *17M Vietnamese Laborers Living Under Poverty Line*. <http://www.ngocentre.org.vn/news/17m-vietnamese-laborers-living-under-poverty-line-ilo>

also showed that the proportion of the poor had not changed from 2010 to 2012, and the median monthly income for a farmer family was 1.46 million Vietnam Dong (U.S. \$70)⁴. This was significant because farmers account for about 68% of the nationwide population.



Youth between life and slogans. Photo Sông Thơ

Many international NGOs have expressed doubts about the reliability of the statistics of the "Hunger Eradication - Poverty Reduction" Program.⁵ Falsifying the achievement of preset targets is Vietnam's chronic bureaucratic disease. According to *Người Lao Động* ("The Laborer")

⁴ The China Post. *Vietnam's rural incomes fall, poverty rate unchanged*. <https://www.chinapost.com.tw/asia/vietnam/2013/08/18/386685/Vietnams-rural.htm>

⁵ The VUFO-NGO Resource Centre. *Vietnam Spends \$3.6B on Poverty Reduction Programs Yearly*. <http://www.ngocentre.org.vn/news/vietnam-spends-36b-poverty-reduction-programs-yearly>

newspaper, the practice of pursuing better records has forced government officials to make many poor households look better on paper. Moreover, the criteria to be considered poor is very strict. If the current standard were applied to Tay Ninh, for example, there would be only a few poor households left in the whole province.⁶

The growth in GNP has only further enriched a small number of people. According to the report by consulting firm Wealth-X (Singapore) and UBS Bank (Switzerland), there were 195 Vietnamese millionaires with total assets of U.S. \$20 billion in 2013. In that same year, Vietnam ranked second in the world in the number of new millionaires (up 14.7 % from 2012).⁷ Meanwhile, the Ministry of Labor, War Invalids, and Social Affairs documents showed that, within eight years, the gap between the poorest 20% and the richest 20% had increased from 4.2 to 8.9 times.⁸ Even the CPV Secretary General also admitted at the 8th Conference of the Party Central Committee “The rich – poor divide... shows signs of getting worse.”⁹

Victims of the rich - poor disparity are nationwide. However, the most disadvantaged segments of the population were the ethnic minorities in the Highlands’ remote villages and the peasants living in the countryside, especially those whose farms have been confiscated to make space for state economic development

⁶ Báo Người Lao Động. *Bi hài chuyện “thoát nghèo trên giấy”*. <http://nld.com.vn/dia-phuong/bi-hai-chuyen-thoat-ngheo-tren-giay-20140722093637374.htm>

⁷ Vietnam Bridge. *Vietnamese income “average”, spending “extravagant.”* <http://english.vietnamnet.vn/fms/business/91128/vietnamese-income--average---spending--extravagant-.html>

⁸ Báo mới.com. *Chỉ có phần lớn người Việt nghèo*. <http://www.baomoi.com/Chi-co-phan-lon-nguoi-Viet-ngheo/45/11186694.epi>

⁹ Tạp chí Xây Dựng Đảng. *Cán bộ lãnh đạo, quản lý nêu cao tinh thần trách nhiệm, gương mẫu thực hiện Nghị quyết Hội nghị Trung ương 8* <http://www.xaydungdang.org.vn/Home/PrintStory.aspx?distribution=6699&print=true>



April 22, 2014, security forces forcibly confiscated farmers’ land in Dương Nội; several farmers were beaten down and injured, four were convicted under VN Criminal Code. Photo VRNs

projects. The disparity was not only evident in income, but also in terms of necessities such as electricity, water, medical care, educational opportunities, and especially opportunities for career advancement.

Even though the Vietnamese Constitution stipulates that “Everyone has the right to health protection and care, and to equality in the use of medical services and has the obligation to comply with regulations on the prevention of disease and medical examination or treatment” (Article 38), in reality, however, the inequality in health services between rich and poor, and between different racial and ethnic groups is worsening.

Statistically, the poor were twice as likely to suffer illnesses compared to the wealthy elite.¹⁰ In terms of healthcare, the national press in recent years reflected fairly enough about deteriorating aspects of the healthcare system, from the quality of service, facility, to personnel, especially the discrimination favoring the rich over the poor. A well-known medical service documentary gave full descriptions of different services in public hospitals. Wealthy patients could choose different levels of amenities called “A, B, C voluntary treatments” while poor patients had no such choice. One should note the hypocrisy in the following statement: “The introduction of the service sector represents the Party and the

¹⁰ Báo Lao Động. *Khoảng cách ghê gớm*. <http://laodong.com.vn/su-kien-binh-luan/khoang-cach-ghe-gom-87166.blđ>

State's socialization of healthcare.”¹¹

Mismanagement along with medical practitioners' ethical deterioration has put Vietnam's healthcare in an alarming situation. According to a study in Ho Chi Minh City, 76% of respondents said they had given “envelopes” to health care workers. Previous studies in Hanoi also recorded approximately 70% of the patients giving similar responses.¹²

Healthcare disparities between urban residents and minorities in remote villages have not improved. According to the World Bank, the rate of malnutrition among children of ethnic minorities was twice that of the rest of the population.¹³ Recent independent studies showed that minorities do not receive equality in healthcare services, from preventative care to medical treatment opportunities.¹⁴ According to the Save the Children Organization, the mortality rate of ethnic children under the age of five accounts for 54% of all deaths in the same age group across the country,¹⁵ while ethnic minorities account for only about 13% of the total population. Organizations for ethnic minorities have also sounded the alarm on the status of this unequal treatment in a 2014

report.¹⁶

Educational opportunities, an advantage for the advancement of individuals and families, are still scarce for ethnic minorities. As reported by the World Bank in 2014, the inequality of educational opportunities remains a major concern in Vietnam. Poor children, especially minority children, have less opportunity than do other children.¹⁷ Only 13% of the H'mong and the Dao children attend secondary schools, versus 65% of the Kinh and the Chinese.¹⁸

2. Corruption: the Cause of Human Rights Violations

Corruption not only has an impact on political and economic fields, but first and foremost, it makes possible human rights violations in almost all aspects of life, from politics to judicial, to social safety such as food, housing, health, education, etc. The degree of human rights violations is proportional to the level of government corruption.

2014 was marked by the government's moves to deal with corruption. Organizationally, a year after its establishment, the Party Central Internal Affairs Commission (PCOAC), whose task was to help prevent and fight corruption,

¹¹ Báo VietNamNet. *Phân biệt giàu nghèo trong bệnh viện công*. <http://www.tintucngaynay.com/tintuc/vietnamnet.vn/vn/xa-hoi/83441/phan-biet-giau-ngheo-trong-benh-vien-cong.htm>

¹² Báo Người Lao Động Điện Tử. *“Phong bì” và quyền của bệnh nhân*. <http://suckhoedinhduong.nld.com.vn/suc-khoe/phong-bi-va-quyen-cua-benh-nhan-20130223092112307.htm>

¹³ The World Bank Group. *Các phát hiện chính của báo cáo Điểm lại: Trọng tâm đặc biệt về bất bình đẳng ở Việt Nam (Tháng 7/2014)*. <http://www.worldbank.org/vi/news/feature/2014/07/08/inequality-in-vietnam-a-special-focus-of-the-taking-stock-report-july-2014>

¹⁴ Mats Målqvist et al. *Ethnic minority health in Vietnam: a review exposing horizontal inequity*. <http://www.ncbi.nlm.nih.gov/pmc/articles/PMC3589437/#CIT0036>

¹⁵ Save the Children in Vietnam. *Disadvantaged children struggle in 'lottery of birth'* <https://savethechildrenvietnam.wordpress.com/2015/02/05/disadvantaged-children-struggle-in-lottery-of-birth/>

¹⁶ UNPO. *Alternative Report submitted to the UN Committee on the Economic, Social and Cultural Rights for the consideration of the Combined Second to Fourth Reports of the Socialist Republic of Viet Nam during the 53rd Pre-Sessional Working Group*. March 2014. http://www.ecoi.net/file_upload/1930_1396516552_int-cescr-ngo-vnm-16883-e.docx

¹⁷ World Bank. *Skilling up Vietnam: Preparing the workforce for a modern market economy - Vietnam Development Report 2014*. http://www-wds.worldbank.org/external/default/WDSContentServer/WDSP/IB/2013/11/26/000461832_20131126115640/Rendered/PDF/829400AR0P13040Box0379879B00PUBLIC0.pdf

¹⁸ The World Bank Group. *Inequality in Vietnam: A Special Focus of the Taking Stock Report July 2014 - Key Findings*. <http://www.worldbank.org/en/news/feature/2014/07/08/inequality-in-vietnam-a-special-focus-of-the-taking-stock-report-july-2014>

was essentially paralyzed by the infighting between individual members and factions within the CPV. Such infighting reached the apex with the death of Nguyễn Bá Thanh, Director of the Internal Affairs Committee.

Furthermore, the investigation and prosecution of corrupt suspects were purely for show. According to the Government Inspectorate Report summarizing the work against corruption in 2014, of the 46 heads of state agencies accused of corruption, only one was criminally charged. As for the rest of the accused, 25 were administratively disciplined while the other 10 were still under disciplinary consideration.¹⁹ Even the Parliament Judicial Committee admits that “State officials still cover up and condone their subordinates’ corruption.”²⁰

According to Inspector General Huỳnh Phong Tranh, “Uncovering corruption is low, and the number of corruption cases identifying inspectors, auditors, and investigators are few. The confiscation rate of corrupt officials’ assets is very low. The implementation of inspection reviews and audits lacks specific sanctions and is not strong enough to force organizations and individuals to abide by them.”²¹

According to the Transparency International Corruption Perceptions Index (CPI), Vietnam ranked 119 out of 175 countries and territories. It is notable that Vietnam’s CPI has not changed in three continuous years, from 2012 to 2014, and public sector corruption is still a national concern.

Another World Bank 2014 Report also points

¹⁹ Dân trí. *Xử lý 46 người đứng đầu vì để xảy ra tham nhũng*. <http://dantri.com.vn/xa-hoi/xu-ly-46-nguoi-dung-dau-vi-de-xay-ra-tham-nhung-1022136.htm>

²⁰ VnEconomy. “*Xử lý tham nhũng chưa tạo được niềm tin của dân*”. <http://vneconomy.vn/thoi-su/xu-ly-tham-nhung-chua-tao-duoc-niem-tin-cua-dan-2014102003382882.htm>

²¹ XaLuan.com. *Đối tượng tham nhũng thường có chức, liên kết thành nhóm lợi ích*. <http://www.xaluan.com/modules.php?name=News&file=article&sid=998601>



September 19, 2014, Mrs. Cấn Thị Thêu, a victim of injustice of Dương Nội was sentenced to 15 months of imprisonment by the Hà Đông People’s Court on charge of “Resisting persons in the performance of their official duties” under the Criminal Code. Photo Phạm Kiên - TTXVN.

out that Vietnam ranked second on the list of corruption complaints among its member countries.²²

Corruption in Vietnam is no longer just a matter of individual cases, but it has become systematic. Corruption manifests itself in different forms, from demanding and accepting bribes, embezzlement of public funds, abuse of power, kickbacks, extortion, to grand and petty corruption, etc..., which have penetrated all public arenas. It has even corroded areas that had traditionally enjoyed respect and reverence such as healthcare and education. Offering money for admissions to prestigious schools, for good grades, and for diplomas has become popular. The phenomenon of patients slipping “envelopes” to doctors for more attentive care has become the unwritten law in most public hospitals.

²² XaLuan.com. *Đối tượng tham nhũng thường có chức, liên kết thành nhóm lợi ích*. <http://www.xaluan.com/modules.php?name=News&file=article&sid=998601>

The fact that corruption increases under the Communist Party's absolute control over all social aspects can only be explained by the fact that it is the very *raison d'être* of the CPV. It is through corrupt practices that the current Vietnamese Government remains in power. This is the very source of many Human Rights violations in Vietnam today.

3. Victims of Injustice: Land Ownership Unfairly Expropriated

In recent decades, Vietnam has undertaken many programs to build infrastructures such as roads, industrial parks, eco-tourism zones, and other public utilities. One of the key factors in the economic plan was land. In the past decade, the land area acquired from farmers has amounted to a million hectares, more than the area of land distributed to farmers during the Socialist Land Reform Campaign in the 50s of the last century (810 thousand hectares).²³

Although urbanization has accelerated in the past decade, Vietnam today is still an agricultural country, where the rural labor force accounts for about 68% of the total population.²⁴ Land is the farmers' main livelihood. Thus, forced land confiscation was a tragedy for tens of millions of farmers, who became "victims of injustice" deprived of the land and the livelihood it provides. Nominally, the Government does provide compensation, but it does so at such incredibly low and merely symbolic rates that, instead of helping farmers rebuild their lives, such measures pushed them into dead ends.

²³ East Asia Forum. *Vietnam's land law reforms: radical changes or minor tinkering?* <http://www.eastasiaforum.org/2013/05/14/vietnams-land-law-reforms-radical-changes-or-minor-tinkering/>

²⁴ Tổng Cục Thống kê Việt Nam. *Dân số trung bình phân theo giới tính và thành thị, nông thôn.* <http://www.gso.gov.vn/default.aspx?tabid=387&idmid=3&ItemID=14631>

It is worth noting that while conducting land expropriation activities, government cadres often deliberately exaggerate the planned requirement in order to grab as much land as possible. They then take hold of the extra land and resell it to developers willing to pay the highest price (usually ten times more than the reimbursement rates or even higher), and pocket the difference. A recent survey by the World Bank and the Government Inspectorate reveals that land management is the most corrupt of all sectors, with the number of cases of corruption in land management accounting for 60% of all cases.²⁵

Land expropriation continued at many different levels in 2014. There were cases where the government mobilized thousands of police and civil defense forces to suppress the opposition of victims of land expropriation (also known as "Victims of Injustice"), as at Quỳnh Lưu, Nghệ An on March 28th, and in Dương Nội, Hà Đông district, Hanoi, on April 25, 2014. Particularly at Dương Nội, about ten petitioners were arrested, and many more were severely beaten. On November 25, 2014, the Appellate Court sentenced seven of the arrestees to 6 to 22 months in prison for "crimes against officers on duty or disturbing public order."

To oppose the unfair predatory policy, Victims of Injustice gathered around government offices, especially in Hanoi and Saigon, to protest the unfair compensation for the appropriated lands. Some rallies attracted up to thousands of people. The demonstrations on the first day of 2014 at the headquarters of the Party Central Committee Headquarters and around Saigon Notre-Dame Cathedral Park attracted people from provinces in Southern Vietnam like Vũng Tàu, Tiền Giang, Long An, Đồng Tháp, and Bình Dương, etc. The protests on June 7 and 17, 2014 at the headquarters of the Vietnam

²⁵ VietNamNet. *Đất đai đình đầu danh sách tham nhũng.* <http://vietnamnet.vn/vn/tuanvietnam/193380/dat-dai-dung-dau-danh-sach-tham-nhung.html>



March 26, 2014, victims of injustice gathered near Notre Dame Cathedral -Saigon to protest the unfair compensation for their expropriated lands. Photo VNWHR

Fatherland Front located at 46 Tràng Thi Hanoi also attracted thousands of Victims of Injustice from various localities in the North, such as Văn Giang, Dương Nội, Hải Phòng, Thái Nguyên, Quảng Ninh, Thanh Oai, Phú Xuyên, etc. Rallies at Mai Xuân Thưởng Flower Garden and Lý Tự Trọng Park near Hồ Tây Lake in Hanoi that have lasted for weeks and months are still ongoing, and often subject to brutal repression by security forces and police masquerading as thugs.

According to Inspector General Huỳnh Phong Tranh, the number of land expropriation complaints has increased steadily. In 2014, complaints of land expropriation accounted for 68.7% of all complaints, an increase of 12.3% over the previous year.²⁶

On November 29, 2013, the National Assembly passed the Land Act of 2013 that took effect on January 7, 2014. Fundamentally, the 2013 Land Law, incorporated into the earlier amended Constitution under Article 53, only reiterates Article 5 of the 2003 Land Law that stated, “Land

is public property, owned by all the people and represented and uniformly managed by the State.” The similarity of these two articles has turned the 2013 Land Law into “old wine in a new bottle.”²⁷ In their comments on the drafted amendments to the 2013 Constitution and the Land Law of 2013, many scholars and organizations warned the government of the abuse of the “public land ownership” concept, which was the root cause of public property abuse and Human Rights violations. So long as the authorities keep disregarding the farmers’ right to land ownership, human rights will continue to be denied.

²⁶ CafeF. *Tổng thanh tra Chính phủ: “Khiếu nại tố cáo về đất đai ngày càng phức tạp”*. <http://cafef.vn/bat-dong-san/tong-thanh-tra-chinh-phu-khieu-nai-to-cao-ve-dat-dai-ngay-cang-phuc-tap-2014092914131235013.chn>

²⁷ Đặng Hùng Võ. *Luật Đất đai 2013: Nhiều điểm mới vẫn còn “vênh”*. <http://www.vietnamplus.vn/luat-dat-dai-sua-doi-nhieu-diem-moi-van-con-venh/238127.vnp>

RECOMMENDATIONS

In light of the evidence of egregious and systematic violations of human rights which have occurred for many years and still are going on in Vietnam, the Vietnam Human Rights Network earnestly presents the following recommendations for:

The Government of Vietnam:

- To impose at once a moratorium on the death penalty with a view to its definitive abolition; to terminate all forms of torture and arbitrary detention, and to implement specific measures to end human trafficking under the disguised forms of “brides” to foreigners and export workers.
- To immediately put an end to the criminalization of Vietnamese people’s legitimate political activities by abolishing all the vaguely-worded security crimes of the current Penal Code, particularly Articles 79, 87, 88, 89 and 258; to abide by the internationally recognized standards of criminal justice; to comply fully with the United Nations Basic Principles on the Role of Lawyers; to improve the current prison regimes; and to immediately and unconditionally release all prisoners of conscience and detained “victims of land injustice.”
- To remove Article 4 of its Constitution that allows the CPV to monopolize the national leadership; and to guarantee the citizens’ rights to freedom of association and peaceful assembly as explicitly recognized by the International Covenant on Civil and Political Rights.
- To cease legal sanctions and persecution against journalists and citizens peacefully expressing their opinions through the printed media, radio and Internet.
- To respect the freedom of religion by repealing all legislation that are intended to restrict the people’s religious practices; not to interfere with the internal activities of all religions, and to stop the persecution of clergy and faithfuls.
- To end all forms of discrimination based on political backgrounds, religious beliefs, and ethnic origins. The first step is to adopt an Anti-Discrimination Law.
- To amend the Labor Code guaranteeing the right to establish independent trade unions; to improve living and working conditions for working class; to eliminate of all forms of forced labor – especially with regards to prisoners of conscience; to strictly prohibit child labor, and to immediately release all worker rights activists.
- To move more resolutely against the pervasive corruption in view of minimizing social

injustice; to restore the people's private property rights of land; to put an immediate end to forced evictions carried out in contradiction with international human rights laws; and to return government-confiscated real estate properties to their legitimate owners.

Democracy-and- Freedom-Loving Governments:

- To strongly raise concrete violations of human rights in their human rights dialogues with Hanoi, forcefully bring up specific cases of human rights violations, and demand concrete resolutions before proceeding to other general matters.
- To consider Vietnam's achievements in the realm of human rights as a prerequisite condition for aid as well as economic investment projects.
- Especially for the U.S. Government:
 - o The U.S. Congress and Senate to support legislative initiatives to combat human rights violations in Vietnam.
 - o The U.S. Administration to consider placing Vietnam back on the CPC list, as repeatedly recommended by the U.S. Commission on International Religious Freedom and other non-governmental organizations, as well as by U.S. members of Congress. In the context of ongoing negotiations for a Trans-Pacific Partnership (TPP) trade agreement, the U.S. Administration should require Vietnam to make verifiable improvement of its dismal human rights record as a necessary condition of joining the pact.

International Human Rights Organizations:

- To continue to monitor closely the human rights condition in Vietnam, and raise their voice to forcefully condemn instances of grave human rights abuses committed by the Vietnamese authorities.
- To remove Vietnam from international human rights organizations unless it ceases to disregard cited warnings.

International Business Companies Operating in Vietnam:

- To ensure workers rights and international core labor standards be fully respected in the workplace and where the workers are living.

The Vietnamese Community Abroad:

- To make forceful representations in parliaments of their countries of resettlement and in the court of world public opinion about Hanoi's lapses in this area, which qualify it as among the most egregious violators of human rights among civilized nations on earth.
- To continue to provide spiritual and material support to human rights activists in Vietnam.

APPENDIX I

List of Prisoners of Conscience Currently in Jail* Updated 2015/04/14

ORDER NUMBER	NAME	BIRTH YEAR	BACKGROUND	ARREST DATE	ACCUSED OF (Article of Vietnam Criminal Code)**	TRIAL DATE	SENTENCE (Prison years)	PROBATIONARY DETENTION / HOUSE ARREST (years)	DETENTION / PRISON CAMP
1	A Hyum (Bả Kôl)	1940	Montagnard Christian (H'mong, Hà mòn)	2012/04/23	87	2013/05/28	8	-	Gia Lai, MăngYang prison camp
2	A Tách (Bả Hlôl)	1959	Montagnard Christian (H'mong, Hà mòn)	2012/04/23	87	2013/05/28	11	-	Gia Lai, MăngYang prison camp
3	A Thiên	1983	Montagnard Christian, Vietnamese People Love The Vietnamese Party	2010/11/20	91	N/A	N/A	-	Gia Lai prison camp - B20
4	Amlinh (Bá Blung)	1943	Degar Montagnard Christians & FULRO. Association of Montagnards in the USA	2009/02/04	87	2009/09/08	8	-	Gia Lai prison camp - B20
5	Bùi Ngọc Cường	1977	Demonstrating in Vũng Án-Hà Tĩnh against Chinese aggression (HD-981 oil rig)	2014/05/14	245 + 257	2014/11/12	2,5	-	Hà Tĩnh prison camp
6	Bùi Tấn Vũ	1991	Demonstrating in Nhơn Trạch-Đồng Nai against Chinese aggression (HD-981 oil rig)	2014/05/13	245	2014/09/29	12 months	-	Đồng Nai prison camp
7	Bùi Thị Minh Hằng	1964	Land rights / Pro-democracy activist	2014/02/11	245	2012/12/12	3	-	Gia Lai, Gia Trung provincial prison
8	Bùi Thúc Nhu	1950	Great Vietnamese Nationalist Party. Indochinese Federation Front	1989	79	N/A	Life-time	-	Phú Yên, Xuân Phước, A20 prison camp (Ministry of Public Security)
9	Bùi Văn Trung	1964	Hoa Hao Buddhist activist	2012/10/30	257	2013/01/23	4	-	Đồng Nai, Xuân Lộc, Z30A prison camp
10	Byuk	1945	Montagnard Christian (H'mong, Hà mòn)	2012/05/08	87	2013/05/28	8	-	Gia Lai, Măng Yang prison camp
11	Cần Thị Thêu	1962	Land rights activist	2014/04/25	257	2014/09/19	15 months	-	Hà Đông provincial prison

12	Chi	1984 Montagnard Christian, religious activist (H'mong, Hà mòn)	2012/09	87	2013/11/18	8	-	Gia Lai provincial prison
13	Đặng Thị Mi	1955 Land rights activist	2014/09/04	245	2014/09/04	26 months	-	Bắc Ninh provincial prison
14	Đặng Xuân Diệu	1977 Catholic Youth activist, Blogger. Redemptorist News Information Network	2011/07/30	79	2013 /01/09	13	5	Vũng Tàu, Xuyên Mộc prison camp
15	Danh Đứng	1995 Demonstrating in Nhơn Trạch-Đồng Nai against Chinese aggression (HD-981 oil rig)	2014/05/13	245	2014/09/29	12 months	-	Đồng Nai prison camp
16	Danh Hưởng	1961 Ethnic Khmer, Government of Free Vietnam	1999/07/19	84	2001/05/16-29	18	-	Đồng Nai, Xuân Lộc, Z30A prison camp, K2
17	Đình Hrôn	1981 Montagnard Christian (H'mong, Hà mòn)	2012/04/23	87	2013/05/28	7	-	Gia Lai, MăngYang prison camp
18	Đình Lứ	1976 Montagnard Christian (H'mong, Hà mòn)	2012/04/23	87	2013/05/28	7	-	Gia Lai, MăngYang prison camp
19	Đình Lý	1979 Montagnard Christian, religious activist (H'mong, Hà mòn)	2012/09	87	2013/11/18	7,5	-	Gia Lai provincial prison
20	Đình Ngo	1987 Montagnard Christian, religious activist (H'mong, Hà mòn)	2012/09	87	2013/11/18	7,5	-	Gia Lai provincial prison
21	Đình Nguyên Kha	1988 Pro-democracy activist, student, Patriotic Youth Group. Distributing anti-government leaflets	2012/10/14	88	2013/05/16	4	3	Vũng Tàu, Xuyên Mộc prison camp
22	Đình Tuấn Vũ	1983 Demonstrating in Nhơn Trạch-Đồng Nai against Chinese aggression (HD-981 oil rig)	2014/05/13	245	2014/09/29	12 months	-	Đồng Nai prison camp
23	Đình Văn Nhượng	1958 Land rights activist	2011/06/07	88	2012 /07/16	4	3	Bắc Giang provincial prison
24	Đỗ Đình Dũ	1959 Land rights activist	2014/06/25	258	2014/12/15	3	-	Đà Nẵng provincial prison
25	Đỗ Hưởng (aka Đoàn Hùng)	N/A Former Captain of RVA, Alliance of Vietnamese Revolutionary Parties.	1993/03/05	79	1996	Life-time	-	Hà Nam, Phú Lý, Ba Sao prison camp
26	Đỗ Nam Trung	1981 Labor rights, democracy activist	2014/05/15	258	2015/02/12	14 months	-	Đồng Nai prison camp, B5
27	Đỗ Thanh Nhân	1926 Government of Free Vietnam	1999	91	2001/05/16-29	20	-	Đồng Nai, Xuân Lộc, Z30A prison camp, K2
28	Đỗ Thanh Vân	N/A Ethnic Khmer, Government of Free Vietnam	1999/06/18	84	2001/05/16-29	20	-	Đồng Nai, Xuân Lộc, Z30A prison camp, K2
29	Đỗ Thị Hồng	1957 Religious activist, Hội đồng công luật công án Bia Sơn.	2012/02/14	79	2013/01/28	13	5	Đồng Nai, Xuân Lộc, Z30A prison camp, K5
30	Đỗ Thị Thiêm	1959 Land rights activist	2014/09/04	245	2014/09/04	28 months	-	Bắc Ninh provincial prison
31	Đỗ Văn Hào	1961 Land rights activist	2014/09/04	245	2014/09/04	28 months	-	Bắc Ninh provincial prison
32	Đỗ Văn Hoa	1966 Land rights activist	2011/06/07	88	2012 /07/16	4	3	Hà Nam, Phú Lý, Ba Sao prison camp

33	Đỗ Văn Quý	1965 Land rights activist	2014/09/04	245	2014/09/04	28 months	-	Bắc Ninh provincial prison
34	Đỗ Văn Thái	1960 Ethnic Khmer, Government of Free Vietnam	2000/02/27	84 + 88	2001/05/16-29	18	-	Đồng Nai, Xuân Lộc, Z30A prison camp, K2
35	Đoàn Đình Nam	1951 Religious activist, Hội đồng công luật công án Bia Sơn .	2012/02/06	79	2013/01/28	16	5	Vũng Tàu, Xuyên Mộc provincial prison
36	Đoàn Huy Chương	1985 Labour rights activist, United Workers-Farmers Organization (UWFO)	2010/02/13	89	2010/10/26	7	-	Đồng Nai, Xuân Lộc, Z30A prison camp, K2
37	Đoàn Văn Cư	1962 Religious activist, Hội đồng công luật công án Bia Sơn	2012/02/10	79	2013/01/28	14	5	Vũng Tàu, Xuyên Mộc provincial prison
38	Đoàn Văn Quý	1966 Farmer, Land rights activist	2012/01/05	93	2013/04/05	5	-	Hải Phòng, Trần Phú Prison
39	Đoàn Văn Sinh	1957 Farmer, Land rights activist	2012/01/05	93	2013/04/05	3,5	-	Hải Phòng, Trần Phú Prison
40	Đoàn Văn Vươn	1963 Land rights activist. Agricultural engineer	2012/01/05	93	2013/04/05	5	-	Hải Phòng, Trần Phú Prison
41	Dư Quốc Kỳ	1992 Demonstrating in Nhơn Trạch-Đồng Nai against Chinese aggression (HD-981 oil rig)	2014/05/13	245	2014/09/29	12 months	-	Đồng Nai prison camp
42	Dương Kim Khải	1958 Cow Shed Menonite home church Pastor, Vietnam Reform Party	2010/08/10	79	2011/05/30	6	5	Đồng Nai, Xuân Lộc, Z30A prison camp, K2
43	Dương Thị Tròn	1947 Hoa Hao Buddhist activist	2006/10/02	245 + 257	2007/05/03	9	-	Đồng Nai, Xuân Lộc, Z30A prison camp, K5
44	Dương Văn Phước	1962 Environmental activist	2014/03/20	257	2014/10/09	22 months	-	Bình Thuận provincial prison
45	Dương Văn Thả	1960 Hoa Hao Buddhist activist	2012/11/06	121	N/A	3	-	Vũng Tàu, Xuyên Mộc prison camp
46	Dương Văn Thành	1982 H'Mông, "Dương Văn Minh" religious community	2014/02/14	258	2014/07/30	2	-	Bắc Cạn, Ngân Sơn prison camp
47	Dương Văn Tu	1967 H'Mông, "Dương Văn Minh" religious community	2013/10/10	258	2014/03/20	21 months	-	Tuyên Quang provincial prison
48	Giàng A Chứ	1989 Ethnic Christian Montagnard (H'mong, Hà mòn)	2012/05/23	88	2013/09/26	3	-	Điện Biên, Mường Nhé prison camp
49	Giàng A Lồng (Nhè Chỉnh)	1974 Ethnic Christian Montagnard, H'Mông	2012	79	2012/12/12	3	-	Lai Châu provincial prison
50	H Lun	1968 Degar Montagnard Christians & FULRO	2004	87	2005/01/25	11	-	Gia Lai prison camp - B20
51	Hầu A Giàng	1974 Montagnard Christian, H'Mông	2012	79	2012/12/12	3	-	Lai Châu provincial prison
52	Hồ Đức Hòa	1974 Catholic Youth activist, Blogger	2011/07/30	79	2013 /01/09	13	5	Hà Nam, Phú Lý, Ba Sao prison camp
53	Hồ Long Đức	1953 Government of Free Vietnam	1999/11/25	84 + 90	2001/05/16-29	20	-	Bình Dương, An Phước prison camp
54	Hồ Thị Bích Khương	1967 Land rights activist, Bloc 8406	2011/01/15	88	2011/12/29	5	3	Hà Nội, Thanh Xuân prison camp

55	Hoàng Minh Khải	1995 Demonstrating in Nhon Trạch- Đồng Nai against Chinese ag- gression (HD-981 oil rig)	2014/05/13	245	2014/09/29	12 months	-	Đồng Nai prison camp
56	Hoàng Văn Sinh	1986 H'Mông, "Dương Văn Minh" religious community	2014/02/14	258	2014/07/30	15 months	-	Bắc Cạn, Ngân Sơn prison camp
57	Hoàng Văn Sự	1989 H'Mông, "Dương Văn Minh" religious community	2014/02/14	258	2014/07/30	1,5	-	Bắc Cạn, Ngân Sơn prison camp
58	Huỳnh Đức Minh	1958 Hội đồng công luật công án Bia Sơn, Religious activist	2012	232	2014/07/17	3	-	Phú Yên provincial prison
59	Huỳnh Văn Sang	1995 Demonstrating in Nhon Trạch- Đồng Nai against Chinese ag- gression (HD-981 oil rig)	2014/05/14	245	2014/12/05	12 months	-	Đồng Nai prison camp
60	Huỳnh Văn Trí	1996 Demonstrating in Nhon Trạch- Đồng Nai against Chinese ag- gression (HD-981 oil rig)	2014/05/14	245	2014/12/05	12 months	-	Đồng Nai prison camp
61	Jonh (Chỉnh)	1952 Montagnard Christian (H'mong, Hà môn)	2012/05/08	87	2013/05/28	9	-	Gia Lai, Măng Yang prison camp
62	Kpã Sinh	1959 Degar Montagnard Christians & FULRO	2010/08/28	87	2011/04/05	8	-	Gia Lai prison camp - B20
63	Kpa Thom	N/A Degar Montagnard Christians & FULRO	2010/08/25	87	N/A	N/A	-	Gia Lai, Chu Prong
64	Kpuih Bô	N/A Degar Montagnard Christians & FULRO	2010	87	2010	10	-	Gia Lai prison camp - B20
65	Kpuih Do	N/A Degar Montagnard Christians & FULRO	2010/08/25	87	N/A	N/A	-	Gia Lai prison camp - B20
66	Kpuil Lẽ	Degar Montagnard Christians & FULRO	2011/11/22	87	2012/06/06	8	-	Gia Lai prison camp - B20
67	Kpuil Mel	Degar Montagnard Christians & FULRO	2011/11/22	87	2012/06/06	9	-	Gia Lai prison camp - B20
68	Ksor On	1977 Degar Montagnard Christians & FULRO	2008	87	2009/01/06	7	-	Gia Lai prison camp - B20
69	Ksor Y Dú	1963 Montagnard Christian, Vietnam Good News Mission (VGNM) church	2010/01/27	87	2010/11/15	6	-	Phú Yên provincial prison
70	Lê Đức Động	1983 Hội đồng công luật công án Bia Sơn, Religious activist	2012/02/05	79	2013/01/28	12	5	Phú Yên provincial prison
71	Lê Duy Lộc	1956 Hội đồng công luật công án Bia Sơn, Religious activist	2012/02/05	79	2013/01/28	17	5	Phú Yên provincial prison
72	Lê Kim Hùng	1968 Government of Free Vietnam	1999/06/18	84 + 88	2001/05/16- 29	20	-	Đồng Nai, Xuân Lộc, Z30A prison camp, K2
73	Lê Phúc	1951 Hội đồng công luật công án Bia Sơn, Religious activist	2012/02/05	79	2013/01/18	15	5	Phú Yên provincial prison
74	Lê Quốc Quân	1971 Human rights lawyer, Pro-de- mocracy activist, Vietnam Solu- tions - Director	2007/03/19 2012/12/30	88 161	No trial 2013/10/02	4 months 2,5	- -	Hà Nội, Thanh Xuân prison camp
75	Lê Thanh Sang	1992 Demonstrating in Nhon Trạch- Đồng Nai against Chinese ag- gression (HD-981 oil rig)	2014/05/14	245	2014/12/05	12 months	-	Đồng Nai prison camp

76	Lê Thanh Tùng	1968 Freelance journalist, pro-democracy activist, Bloc 8406	2011/12/01	88	2012/08/10	4	4	Hà Nội, Thanh Xuân prison camp
77	Lê Thị Phương Anh	1984 Labor rights, democracy activist	2014/05/15	258	2015/02/12	1	-	Đồng Nai provincial prison
78	Lê Trọng Cư	1966 Hội đồng công luật công án Bia Sơn, Religious activist	2012/02/05	79	2013/01/28	12	5	Vũng Tàu, Xuyên Mộc prison camp
79	Lê Văn Dũng	1995 Demonstrating in Nhơn Trạch-Đồng Nai against Chinese aggression (HD-981 oil rig)	2014/05/13	245	2014/09/29	12 months	-	Đồng Nai prison camp
80	Lê Văn Nghiêm	1991 Demonstrating in Bến Cát-Bình Dương against Chinese aggression (HD-981 oil rig)	2014/05/13	245	2014/05/25	3	-	Bình Dương, An Phước prison camp
81	Lê Văn Sang	1990 Demonstrating in Nhơn Trạch-Đồng Nai against Chinese aggression (HD-981 oil rig)	2014/05/13	245	2014/09/29	12 months	-	Đồng Nai prison camp
82	Lê Văn Sơn (Paulus)	1985 Catholic Youth activist, Blogger. Redemptorist News Information Network	2011/08/03	79	2013/01/09	4	2	Hà Nam provincial prison
83	Lê Văn Thanh	1965 Land rights activist	2014/04/25	257	2014/09/19	12 months	-	Hà Đông provincial prison
84	Liêu Ny	1986 Khmer Krom monk	2013/05	91	2013/09/27	4	-	Vũng Tàu, Xuyên Mộc prison camp
85	Lương Nhật Quang	1987 Hội đồng công luật công án Bia Sơn, Religious activist	2012/02/10	79	2013/01/28	12	5	Vũng Tàu, Xuyên Mộc prison camp
86	Lường Văn Cha	1988 Demonstrating in Vũng Án-Hà Tĩnh against Chinese aggression (HD-981 oil rig)	2014/05/14	245 + 257	2014/11/12	15 months	-	Hà Tĩnh prison camp
87	Lý A Dí	1980 Montagnard Christian, H'Mông	2012	79	2012/12/12	3	-	Lai Châu provincial prison
88	Lý Hữu Trọng	1988 Demonstrating in Nhơn Trạch-Đồng Nai against Chinese aggression (HD-981 oil rig)	2014/05/13	245	2014/09/29	12 months	-	Đồng Nai prison camp
89	Lý Văn Dinh	1963 H'Mông, "Dương Văn Minh" religious community	2013/11/19	258	2014/03/20	15 months	-	Tuyên Quang provincial prison
90	Lý Văn Hậu	N/A H'Mông, "Dương Văn Minh" religious community	2013/10/14	258	2014/03/20	3	-	Tuyên Quang provincial prison
91	Mai Thị Dung	1969 Hoa Hao Buddhist activist, Hoa Hao Buddhist women League - leader	2005/08/05	245 + 257	2005/09/19	11	-	Đồng Nai, Xuân Lộc, Z30A prison camp
92	Nay Krong	N/A Montagnard Christian, religious activist	N/A	87	N/A	9	-	Bình Dương, An Phước prison camp
93	Nay Toa	N/A Montagnard Christian, religious activist	N/A	87	N/A	8	-	Bình Dương, An Phước prison camp
94	Nay Y Nga	1979 Degar Montagnard Christians & FULRO	2011	87	2012/04/12	5	-	Phú Yên provincial prison
95	Ngô Hào	1948 Pro-democracy activist	2013/02/08	79	2013/09/11	15	-	Phú Yên provincial prison

96	Ngô Thị Minh Ước	1957	Land rights activist, demonstrating for freedom against government	2014/07/08	88	No trial yet	N/A	-	Saigon, Phan Đăng Lưu Detention Center
97	Ngô Thị Như	1950	Land rights activist	2014/09/04	245	2014/09/04	26 months	-	Bắc Ninh provincial prison
98	Ngô Thị Toan	1965	Land rights activist	2014/09/04	245	2014/09/04	26 months	-	Bắc Ninh provincial prison
99	Nguyễn Bích Thủy	1971	Land rights activist	2012	258	2012/03/14	3	-	Tây Ninh provincial prison
100	Nguyễn Công Chính	1969	Pastor, Lutheran church - head of Gia Lai	2011/04/28	87	2012/03/26	11	-	Bình Dương, An Phước prison camp
101	Nguyễn Đăng Minh Mẫn	1985	Catholic Youth activist	2011/08/02	79	2013/01/09	8	4	Nghệ An provincial prison
102	Nguyễn Đình	1968	Hội đồng công luật công án Bia Sơn, Religious activist	2012/02/10	79	2013/01/28	14	5	Đồng Nai, Xuân Lộc, Z30A prison camp, K2
103	Nguyễn Đình Cương	1985	Catholic Youth activist, Blogger	2011/08/02	79	2013/01/09	4	3	Hà Nam, Phú Lý, Ba Sao prison camp
104	Nguyễn Đình Ngọc (aka Nguyễn Ngọc Già)	1966	Blogger, writer	2014/12/27	258	No trial yet	N/A	-	Saigon, Phan Đăng Lưu Detention Center
105	Nguyễn Đình Thuận	1977	Demonstrating in Vũng Án-Hà Tĩnh against Chinese aggression (HD-981 oil rig)	2014/05/14	245 + 257	2014/11/12	15 months	-	Hà Tĩnh prison camp
106	Nguyễn Duy Hưng	1975	Head of Representative Office of Saigon Invest Group in Hanoi, accused of "Appropriating State secret documents".	2012/09/07	263	N/A	N/A	-	Hà Nội Detention Center
107	Nguyễn Hoàng Quốc Hùng	1981	Labour rights activist, United Workers-Farmers Organization (UWFO)	2010/02/24	89	2011/03/18	9	-	Vũng Tàu, Xuyên Mộc prison camp
108	Nguyễn Hữu Cảnh	1950	Fleeing abroad to opposing the state	2005/09	91	N/A	13	-	Bình Dương, An Phước prison camp
109	Nguyễn Hữu Chiến	1996	Demonstrating in Vũng Án-Hà Tĩnh against Chinese aggression (HD-981 oil rig)	2014/05/14	245 + 257	2014/11/12	33 months	-	Hà Tĩnh prison camp
110	Nguyễn Hữu Đức	1993	Demonstrating in Nhơn Trạch-Đồng Nai against Chinese aggression (HD-981 oil rig)	2014/05/13	245	2014/09/29	12 months	-	Đồng Nai prison camp
111	Nguyễn Hữu Vinh	1956	Blogger "Anhbasam", journalist	2014/05/05	258	No trial yet	N/A	-	Hà Nội Detention Center
112	Nguyễn Kim Nhân	1949	Land rights activist, hanging anti-China & anti-government banners	2011/06/07	88	2012/07/16	5,5	4	Nghệ An, Thanh Chương prison camp
113	Nguyễn Kỳ Lạc	1951	Hội đồng công luật công án Bia Sơn, Religious activist	2012/02/06	79	2013/01/28	16	5	Đồng Nai, Xuân Lộc, Z30A prison camp, K2
114	Nguyễn Lộc Phước (aka Pe Vi Chet)	1981	Pro-democracy activist, Vietnamese People Love The Vietnamese Party	2010/11/20	N/A	N/A	N/A	-	Gia Lai prison camp - B20

115	Nguyễn Minh Luận	1995	Demonstrating in Nhơn Trạch-Đồng Nai against Chinese aggression (HD-981 oil rig)	2014/05/14	245	2014/12/05	12 months	-	Đồng Nai prison camp
116	Nguyễn Ngọc Cương	1957	Land rights activist, distributing anti-government leaflets	2011/03/28	88	2012/20/05	7	-	Đồng Nai, Xuân Lộc, Z30A prison camp, K1
117	Nguyễn Quang Phi	1993	Demonstrating in Thủ Đức-Bình Dương against Chinese aggression (HD-981 oil rig)	2014/05/14	245	2014/08/22	2	-	Bình Dương, An Phước prison camp
118	Nguyễn Quốc Tuấn	1962	Pro-democracy activist, Head of Farmer association of Vinh Phu Ward	2012/20/07	88 + 230	N/A	N/A	-	Bình Dương, An Phước prison camp
119	Nguyễn Thái Bình	1986	Hội đồng công luật công án Bia Sơn, Religious activist	2012/02/10	79	2013/01/28	12	5	Phú Yên provincial prison
120	Nguyễn Thanh Phong	1993	Demonstrating in Nhơn Trạch-Đồng Nai against Chinese aggression (HD-981 oil rig)	2014/05/14	245	2014/12/05	12 months	-	Đồng Nai prison camp
121	Nguyễn Thanh Vân	1960	Ethnic Khmer, Government of Free Vietnam	2000/02/24	84 + 90	2001/05/16-29	18	-	Đồng Nai, Xuân Lộc, Z30A prison camp
122	Nguyễn Thị Ánh Nguyệt	1973	Land rights activist, Cần Thơ, H.Cờ Đỏ	2013/09/10	245	2014/01/21	3	-	Cần Thơ provincial prison
123	Nguyễn Thị Bé Hai	1952	Land rights activist, demonstrating for freedom against government	2014/07/07	88	No trial yet	N/A	-	Saigon, Phan Đăng Lưu Detention Center
124	Nguyễn Thị Bích Trang	1977	Employee of Tan Tao Investment & Industrial holding company	2012/09/07	258	N/A	N/A	-	Saigon, Phan Đăng Lưu Detention Center
125	Nguyễn Thị Hằng	1972	Demonstrating in Vũng Án-Hà Tĩnh against Chinese aggression (HD-981 oil rig)	2014/05/14	245 + 257	2014/11/12	2	-	Hà Tĩnh prison camp
126	Nguyễn Thị Minh Thúy	1980	Blogger Anhbasam assistant	2014/05/05	258	No trial yet	N/A	-	Hà Nội Detention Center
127	Nguyễn Thị Thúy Quỳnh	1986	Hoa Hao Buddhist activist	2014/02/11	245	2012/12/12	2	-	Đồng Tháp provincial prison
128	Nguyễn Thị Trí	1958	Land rights activist, demonstrating for freedom against government	2014/07/08	88	No trial yet	N/A	-	Saigon, Phan Đăng Lưu Detention Center
129	Nguyễn Thị Tuyền	1957	Land rights activist, Cần Thơ, H.Cờ Đỏ	2013/09/10	245	2014/01/21	2,5	-	Cần Thơ provincial prison
130	Nguyễn Trung Thành	1995	Demonstrating in Vũng Án-Hà Tĩnh against Chinese aggression (HD-981 oil rig)	2014/05/14	245 + 257	2014/11/12	2	-	Hà Tĩnh prison camp
131	Nguyễn Văn Bình	N/A	Ethnic Khmer, Government of Free Vietnam	1999	84	2001/05/16-29	16	-	Đồng Nai, Xuân Lộc, Z30A prison camp
132	Nguyễn Văn Cảnh	N/A	Anti-government fled abroad	2005/09	91	N/A	13	-	Bình Dương, An Phước prison camp
133	Nguyễn Văn Chung	1952	Accused of a member & collaborating with FULRO	1995/11/17	83 + 90	1996/06/13	20	-	Đồng Nai, Xuân Lộc, Z30A prison camp, K2

134	Nguyễn Văn Hoài Thương	1993 Demonstrating in Nhơn Trạch-Đồng Nai against Chinese aggression (HD-981 oil rig)	2014/05/14	245	2014/12/05	12 months	-	Đồng Nai prison camp
135	Nguyễn Văn Hữu	1957 Hội đồng công luật công án Bia Sơn, Religious activist	2012	232	2014/07/17	4	-	Phú Yên provincial prison
136	Nguyễn Văn Lía	1940 Hoa Hao Buddhist activist	2011/04/24	258	2012/03/02	4,5	-	Đồng Nai, Xuân Lộc, Z30A prison camp, K2
137	Nguyễn Văn Lý	1946 Catholic priest, Bloc 8406 & Vietnam Progressive Party founder	2007/02/18	87 + 89 87 + 269 88	1983/12 2001/10/19 2007/03/30	10 15 8	5	Hà Nam, Phú Lý, Ba Sao prison camp
138	Nguyễn Văn Minh	1980 Hoa Hao Buddhist activist	2014/02/11	245	2014/12/12	2,5	-	Bình Dương, An Phước prison camp
139	Nguyễn Văn Phương	1965 Government of Free Vietnam	1999/11/25	84 + 90	2001/05/16-29	16	-	Đồng Nai, Xuân Lộc, Z30A prison camp
140	Nguyễn Văn Răng	1951 Pro-democracy activist	2011/01/05	79	N/A	20	-	Đồng Nai, Xuân Lộc, Z30A prison camp
141	Nguyễn Văn Thắng	1988 Demonstrating in Vũng Án-Hà Tĩnh against Chinese aggression (HD-981 oil rig)	2014/05/14	245 + 257	2014/11/12	39 months	-	Hà Tĩnh prison camp
142	Nguyễn Văn Toàn	1985 Demonstrating in Vũng Án-Hà Tĩnh against Chinese aggression (HD-981 oil rig)	2014/05/14	245 + 257	2014/11/12	1,5	-	Hà Tĩnh prison camp
143	Nguyễn Văn Trí	1990 Demonstrating in Nhơn Trạch-Đồng Nai against Chinese aggression (HD-981 oil rig)	2014/05/13	245	2014/09/29	12 months	-	Đồng Nai prison camp
144	Nguyễn Văn Tuấn	1957 Head of public relation department of the provincial People's Committee Vung Tau	2012	258	2012/06/06	4	2	Vũng Tàu, Xuyên Mộc prison camp
145	Nguyễn Xuân Linh	1995 Demonstrating in Vũng Án-Hà Tĩnh against Chinese aggression (HD-981 oil rig)	2014/05/14	245 + 257	2014/11/12	15 months	-	Hà Tĩnh prison camp
146	Nhi (Bả Tiêm)	1958 Degar Montagnard Christians & FULRO	2008/12/28	87	2009/09/08	10	-	Gia Lai provincial prison
147	Noh	1959 Degar Montagnard Christians & FULRO	2008/08	87	2009/09/04	12	-	Gia Lai provincial prison
148	Nông Hùng Anh	1988 Christian Youth activist	2011/08/05	79	2013/01/09	5	3	Nghệ An provincial prison
149	Ông Bình Luận	1992 Demonstrating in Nhơn Trạch-Đồng Nai against Chinese aggression (HD-981 oil rig)	2014/05/14	245	2014/12/05	12 months	-	Đồng Nai prison camp
150	Phạm Minh Vũ	1992 Labor rights, democracy activist	2014/05/15	258	2015/02/12	1,5	-	Đồng Nai provincial prison, B5
151	Phạm Nguyễn Thanh Bình	1983 Blogger	2012	88	2013/04/17	3	3	Saigon, Phan Đăng Lưu Detention Center
152	Phạm Thành Công	1994 Demonstrating in Thủ Đức-Bình Dương against Chinese aggression (HD-981 oil rig)	2014/05/14	245	2014/08/22	2	-	Bình Dương, An Phước prison camp

153	Phạm Thị Lộc	1958 Land rights activist	2012	88	2012/11/29	3,5	3	Thanh Hóa provincial prison
154	Phạm Thị Phương	1945 Former Officer of RVA, Viet-Thalander Vietnam Populist Party	2010/04/21	79	2011/09/21	11	-	Đồng Nai, Xuân Lộc, Z30A prison camp, K4
155	Phạm Văn Thông	1962 Land rights activist, Viet Nam Reform Party, Cow Shed Menonite home church member	2010/08/10	79	2011/05/30	7	5	Đồng Nai, Xuân Lộc, Z30A prison camp, K1
156	Phạm Xuân Thân	1958 Alliance of Vietnamese Revolutionary Parties	1996/06/12	84	1996	Lifetime	-	Đồng Nai, Xuân Lộc, Z30A prison camp, K2
157	Phan Ngọc Tuấn	1959 Lutheran church missionary, distributing anti-government leaflets	2011/08/10	88	2012/08/29	5	3	Vũng Tàu, Xuyên Mộc prison camp
158	Phan Thanh Tường	1987 Hội đồng công luật công án Bia Sơn, Religious activist	2012/02/05	79	2013/01/28	10	5	Phú Yên provincial prison
159	Phan Thành Ý	1948 Hội đồng công luật công án Bia Sơn, Religious activist	2012/02/05	79	2013/01/28	14	5	Vũng Tàu, Xuyên Mộc prison camp
160	Phan Văn Bàn	1940 Pro-democracy activist, distributing anti-government leaflets	1978	88	1985/11/26	Lifetime	-	Hà Nam, Phú Lý, Ba Sao prison camp
161	Phan Văn Thu (Trần Công)	1948 Hội đồng công luật công án Bia Sơn. - founder & chairman	2012/02/05	79	2013/01/28	Lifetime	-	Bình Dương, An Phước prison camp
162	Phùng Lâm	1966 Pro-democracy activist, Democratic Party of Vietnam	2010/06/21	88	2011/01/18	7	-	Bình Phước provincial prison
163	Phùng Thanh Chương	1969 Demonstrating in Vũng Án-Hà Tĩnh against Chinese aggression	2014/05/14	245 + 257	2014/11/12	2	-	Hà Tĩnh prison camp
164	Pinh	1967 Degar Montagnard Christians & FULRO	2008/08	87	2009/09/04	9	-	Gia Lai provincial prison
165	Rah Lan Blom	1976 Degar Montagnard Christians & FULRO	2010/08/28	87	2011/04/05	9	3	Bình Dương, An Phước prison camp
166	Rah Lan Mlih	1966 Degar Montagnard Christians & FULRO	2010/08/28	87	2011/04/05	9	3	Gia Lai prison camp - B20
167	Rmah Hlach (Rơ Mah Hlach)	1968 Degar Montagnard Christians & FULRO	2009/07/23	87	2010/01/14-15	12	-	Hà Nam, Phú Lý, Ba Sao prison camp
168	Ro Cham Mangắk	N/A Montagnard Christian, religious activist	N/A	87	N/A	9	-	Bình Dương, An Phước prison camp
169	Ro Lah K'lan	N/A Degar Montagnard Christians & FULRO	2011/08/25	87	N/A	N/A	-	Gia Lai prison camp - B20
170	Rơ Lan Jú (Ama Suit)	1968 Degar Montagnard Christians & FULRO	2009/03	87	2009/07/21	9	-	Gia Lai prison camp - B20
171	Ro Mah Hit	N/A Montagnard Christian	2010/08/25	87	N/A	N/A	-	Gia Lai prison camp - B20
172	Ro Mah Klit	1946 Degar Montagnard Christians & FULRO	2010/08/28	87	2011/04/05	8	3	Gia Lai prison camp - B20
173	Rơ Mah Pôl	1953 Degar Montagnard Christians & FULRO	N/A	87	2009/03/27	7	3	Gia Lai prison camp - B20
174	Rơ Mah Pró	1964 Degar Montagnard Christians & FULRO	2010/08/28	87	2011/04/05	9	3	Gia Lai prison camp - B20

175	Rơ Mah Then	1985 Degar Montagnard Christians & FULRO	N/A	87	2009/03/27	8	3	Gia Lai prison camp - B20
176	Rôh	1962 Degar Montagnard Christians & FULRO	2008/08	87	2009/09/04	10	-	Gia Lai provincial prison
177	Run	1971 Montagnard Christian, religious activist (H'mong, Hà môn)	2012/08/05	87	2013/11/18	9	-	Gia Lai provincial prison
178	Runh	1979 Montagnard Christian, religious freedom activist (H'mong, Hà môn)	2012/08/05	87	2013/05/28	10	-	Gia Lai, Măng Yang prison camp
179	Siu Ben (Ama Yôn)	1975 Degar Montagnard Christians & FULRO	2009/03	87	2009/07/21	12	-	Gia Lai prison camp - B20
180	Siu Brom	1967 Degar Montagnard Christians & FULRO	2010/08/28	87	2011/04/05	10	3	Gia Lai prison camp - B20
181	Siu Glôl	1985 Montagnard (Jarai) Christian pastor in Chur Puh	2010/09/22	87	2010	10	-	Gia Lai prison camp - B20
182	Siu Hlom	1967 Degar Montagnard Christians & FULRO	2010/08/28	87	2011/04/05	12	3	Gia Lai prison camp - B20
183	Siu Jă (Ama Hyen)	1972 Degar Montagnard Christians & FULRO	2009/03	87	2009/07/21	7	-	Gia Lai prison camp - B20
184	Siu Kheh	Degar Montagnard Christians & FULRO	2010	87	2010	10	-	Gia Lai prison camp - B20
185	Siu Koch	1985 Degar Montagnard Christians & FULRO	2009/07/23	87	2010/01/14-15	10	3	Gia Lai prison camp - B20
186	Siu Lit	N/A Degar Montagnard Christians & FULRO	2010	87	2010	10	-	Gia Lai prison camp - B20
187	Siu Nheo	1955 Degar Montagnard Christians & FULRO	2010/08/28	87	2011/04/05	10	3	Gia Lai prison camp - B20
188	Siu Thái (Ama Thuong)	1978 Degar Montagnard Christians & FULRO	2011/04/07	87	2011/12/19	10	-	Gia Lai prison camp - B20
189	Siu Wiu	1978 Degar Montagnard Christians & FULRO	2008	87	2009/01/06	10	-	Hà Nam, Phủ Lý, Ba Sao prison camp
190	Son Nguyễn Thanh Điền	1972 Government of Free Vietnam	2000/08/17	84	2001/05/16-29	16	-	Đồng Nai, Xuân Lộc, Z30A prison camp, K2
191	Son Tâm	Ethnic Khmer, Government of Free Vietnam	1999	84	2001/05/16-29	15	-	Đồng Nai, Xuân Lộc, Z30A prison camp
192	Tạ Khu	1947 Hội đồng công luật công án Bia Son, Religious activist	2012/02/06	79	2013/01/28	16	5	Vũng Tàu, Xuyên Mộc prison camp
193	Tạ Phong Tần	1968 Blogger, former police officer, Free Journalists Club. Redemptorist News Information Network	2011/09/05	88	2012/12/28	10	5	Thanh Hóa, Yên Định prison camp, K5
194	Thạch Phum Rít	1989 Religious activist, Khmer	2013/05	91	2013/09/27	3	-	Vũng Tàu, Xuyên Mộc prison camp
195	Thạch Tha (Trà Quỳnh Tha)	1978 Religious activist, Khmer	2013/05	91	2013/09/27	2	-	Vũng Tàu, Xuyên Mộc prison camp
196	Thạch Thuol	1985 Khmer Krom monk	2013/05	91	2013/09/27	6	-	Đồng Nai, Xuân Lộc, Z30A prison camp, K2

197	Thái Văn Dung	1988 Engineer, Catholic Youth activist, Redemptorist News Information Network	2011/08/19	79	2013/01/09	4	4	Thanh Hóa provincial prison
198	Trần Hữu Cảnh	1952 Cao Dai follower, religious freedom activist	2005	91	2005/07/27	13	-	Bình Dương, An Phước prison camp
199	Trần Hữu Thọ	1978 Demonstrating in Nhơn Trạch-Đồng Nai against Chinese aggression (HD-981 oil rig)	2014/05/14	245	2014/12/05	12 months	-	Đồng Nai prison camp
200	Trần Huỳnh Duy Thức	1966 Pro-democracy activist, blogger, Chấn Sturdy group, owner of Internet company (OCI)	2009/05/24	79	2010/01/20	16	5	Vũng Tàu, Xuyên Mộc prison camp
201	Trần Minh Nhật	1988 Student, Catholic Youth activist, Redemptorist News Information Network	2011/08/27	79	2013 /01/09	4	3	Thái Nguyên, Phú Sơn provincial prison, K4
202	Trần Phi Dũng	1966 Hội đồng công luật công án Bia Sơn. - founder & chairman	2012/02/10	79	2013/01/28	13	5	Đồng Nai, Xuân Lộc, Z30A prison camp, K2
203	Trần Quân	1984 Hội đồng công luật công án Bia Sơn. - founder & chairman	2012/02/10	79	2013/01/28	12	5	Phú Yên provincial prison
204	Trần Thị Huệ	N/A Ethnic Khmer, Government of Free Vietnam	1999/04/20	84 + 88	2001/05/16-29	18	-	Đồng Nai, Xuân Lộc, Z30A prison camp
205	Trần Thị Thúy	1971 Land rights activist, Vietnam Reform Party, Hoa Hao Buddhist	2010/08/10	79	2011/05/30	8	5	Đồng Nai, Xuân Lộc, Z30A prison camp, K5
206	Trần Văn Khánh	1988 Demonstrating in Nhơn Trạch-Đồng Nai against Chinese aggression (HD-981 oil rig)	2014/05/13	245	2014/09/29	14 months	-	Đồng Nai prison camp
207	Trần Văn Miên	1960 Land rights activist	2014/03/26	257	2014/09/19	22 months	-	Hà Đông provincial prison
208	Trần Văn Sang	1975 Land rights activist	2014/03/26	257	2014/09/19	20 months	-	Hà Đông provincial prison
209	Trần Văn Tùng	1994 Demonstrating in Nhơn Trạch-Đồng Nai against Chinese aggression (HD-981 oil rig)	2014/05/14	245	2014/12/05	12 months	-	Đồng Nai prison camp
210	Trần Vũ Anh Bình	1974 Musician, Patriotic Youth Group, Redemptorist News Information Network	2011/09/19	88	2012/10/30	6	2	Bình Dương, An Phước prison camp
211	Tráng A Chớ	1985 Montagnard Christian, H'Mông	2012	79	2012/12/12	7	-	Lai Châu provincial prison
212	Trịnh Bá Khiêm	1958 Land rights activist	2014/04/25	257	2014/09/19	1,5	-	Hà Đông provincial prison
213	Trịnh Xuân Thủy	1996 Demonstrating in Vũng Án-Hà Tĩnh against Chinese aggression (HD-981 oil rig)	2014/05/14	245 + 257	2014/11/12	2	-	Hà Tĩnh prison camp
214	Trương Duy Nhất	1964 Journalist, Blogger	2013/05/26	258	2014/03/04	2	-	Nghệ An provincial prison
215	Trương Văn Duy	1964 Alliance of Vietnamese Revolutionary Parties	1996/06/12	84	1996	20	-	Bình Dương, An Phước prison camp
216	Từ Thiện Lương	1950 Hội đồng công luật công án Bia Sơn. - founder & chairman	2012/02/10	79	2013/01/28	16	5	Phú Yên provincial prison

217	Văn Ngọc Hiếu	1963 Ethnic Khmer, Government of Free Vietnam	2000/02/27	84 + 90	2001/05/16-29	20	-	Đồng Nai, Xuân Lộc, Z30A prison camp, K2
218	Viên Văn Man	1990 Demonstrating in Nhơn Trạch-Đồng Nai against Chinese aggression (HD-981 oil rig)	2014/05/13	245	2014/09/29	12 months	-	Đồng Nai prison camp
219	Võ Minh Trí (Việt Khang)	1978 Musician, Patriotic Youth Group	2011/12/23	88	2012/10/30	4	2	Đồng Nai, Xuân Lộc, Z30A prison camp, K2
220	Võ Ngọc Cư	1951 Hội đồng công luật công án Bia Sơn. - founder & chairman	2012/02/06	79	2013/01/28	16	5	Vũng Tàu, Xuyên Mộc prison camp
221	Võ Thành Lê	1955 Hội đồng công luật công án Bia Sơn. - founder & chairman	2012/02/05	79	2013/01/28	16	5	Vũng Tàu, Xuyên Mộc prison camp
222	Võ Thị Thu Thủy	1962 Pro-democracy activist, Catholic activist Distributing anti-government leaflets	2011/03/10	88	2012/03/06	5	-	Quảng Bình, Đồng Hới prison camp
223	Võ Tiết	1952 Hội đồng công luật công án Bia Sơn. - founder & chairman	2012/02/10	79	2013/01/28	16	5	Đồng Nai, Xuân Lộc, Z30A prison camp, K2
224	Võ Văn Phụng	1950 Hội đồng công luật công án Bia Sơn, Religious activist	2012	232	2014/07/17	3	-	Phú Yên provincial prison
225	Vừ A Sứ	1989 H'Mông, "Dương Văn Minh" religious community	2013/11/22	258	2014/05/06	2	-	Hà Nam, Phú Lý, Ba Sao prison camp
226	Vũ Đình Thụy	N/A Former officer of RVA, poet, writing anti-communist poetry sent abroad	N/A	79	N/A	30	-	Hà Nam, Phú Lý, Ba Sao prison camp
227	Vương Tấn Sơn	1953 Hội đồng công luật công án Bia Sơn - director of Quỳnh Long, LLC	2012/02/10	79	2013/01/28	17	-	Phú Yên provincial prison
228	Y Ang Knul	1964 Degar Montagnard Christians & FULRO	2005/01/08	87	2005/11/16-17	11	5	Daklak provincial prison
229	Y Ben Niê	1971 Montagnard Christian, religious freedom activist	2004/04/10	87	2005/07/05	14	-	Daklak provincial prison
230	Y Gyin	1942 Montagnard Christian (H'mong, Hà môn)	2012/12/19	87	2013/05/28	3	-	Gia Lai, Măng Yang prison camp
231	Y Hê ê ban	1946 Degar Montagnard Christians & FULRO	2003	87	2003/10/16	12	-	Hà Nam, Phú Lý, Ba Sao prison camp
232	Y Jim Eban	1973 Montagnard Christian, religious freedom activist	2004/07/18	87	2005/07/05	13	-	Daklak provincial prison
233	Y Jut E-Ban	1970 Montagnard Christian, religious freedom activist	2004/01/23	87	2005/07/05	11	-	Hà Nam, Phú Lý, Ba Sao prison camp
234	Y Kur B.Đáp	1971 Degar Montagnard Christians & FULRO	2004/07/28	87	2005/11/16-17	17	5	Hà Nam, Phú Lý, Ba Sao prison camp
235	Y Kur B.Ya	1956 Degar Montagnard Christians & FULRO	2002/12/19	87	2003/10/16	13	4	Hà Nam, Phú Lý, Ba Sao prison camp
236	Y Ngenh (Ma Đem)	1974 Degar Montagnard Christians & FULRO	N/A	87	2008/08/06	8	3	Daknong provincial prison
237	Y Nginh Nie	1974 Montagnard Christian, religious freedom activist	2004/04/23	87	2005/07/05	11	-	Bình Dương, An Phước prison camp

238	Y Ngun Knul	1968 Montagnard Christian, religious freedom activist	2004/04/29	87	2004/01	18	-	Hà Nam, Phú Lý, Ba Sao prison camp
239	Y Pher H'Druê	1979 Montagnard Christian, religious freedom activist	2004/07/31	87	2005/07/05	12	-	Daklak provincial prison
240	Y Rit Nie Kdam	1972 Montagnard Christian, religious freedom activist	2004/04/10	87	2004/01	12	-	Hà Nam, Phú Lý, Ba Sao prison camp
241	Y Ruih Êban	1960 Degar Montagnard Christians & FULRO	2005/02/19	87	2005/11/16-17	10	5	Daklak provincial prison
242	Y Tlúp Adrong (aka Ama Joel)	1959 Montagnard Christian, religious freedom activist	2003/10/21	87	2004/08/11-12	12	-	Hà Nam, Phú Lý, Ba Sao prison camp
243	Yuh (Bã Nar)	1962 Degar Montagnard Christians & FULRO	2009/02/04	87	2009/09/08	8	-	Gia Lai prison camp - B20

* This list represents only a small fraction of prisoners of conscience being held in Vietnam. A great number of prisoners have been detained without trial, especially minority ethnic people and followers of unrecognized churches in the Central Highlands. More details are available upon request.

****Articles of Vietnamese Criminal Code used to convict human rights activists**

- 79: Carrying out activities aimed at overthrowing the people's administration
- 83: Conducting banditry activities
- 84: Terrorism
- 87: Undermining the unity policy
- 88: Conducting propaganda against the Socialist Republic of Vietnam
- 89: Disrupting security
- 90: Destroying detention camps
- 91: Fleeing abroad or defecting to stay overseas with a view to opposing the people's administration
- 93: Murder
- 121: Humiliating other persons
- 143: Destroying or deliberately damaging property
- 161: Tax evasion
- 226: Illegally using information in computer networks
- 230: Illegally manufacturing, stockpiling, transporting, using, trading in or appropriating military weapons and/or technical means
- 232: Illegally manufacturing, stockpiling, transporting, using, trading or appropriating explosive materials
- 245: Causing public disorder
- 257: Resisting persons in the performance of their official duties
- 258: Abusing democratic freedoms to infringe upon the interests of the State, the legitimate rights and interests of organizations and/or citizens
- 275: Organizing and/or coercing other persons to flee abroad or to stay abroad illegally
- 289: Offering bribes
- 290: Acting as intermediaries for bribery.

APPENDIX II

List of Prisoners of Conscience in Probationary Detention/ House Arrest Updated 2015/04/14

ORDER NUMBER	NAME	BIRTH YEAR	BACKGROUND	ARREST DATE	ACCUSED OF (Article of VN Penal Code)	TRIAL DATE	SENTENCE (prison years)	PROBATIONARY DETENTION / HOUSE ARREST (Years)	DETENTION / PRISON CAMP
1	Cao Văn Tinh	1974	Land rights activist, Vietnam Reform Party	2010/08/10	79	2011/05/30	5	4	Đông Nai, Xuân Lộc, Z30A prison camp, K2
2	Chang A Dơ	1979	Ethnic Hmong Christian	2011/04	89	2012/03/13	2	2	Điện Biên, Mường Nhé prison camp
3	Chu Mạnh Sơn	1989	Catholic Youth activist. Redemptorist News Information Network	2011/08/03	88	2012/05/24	2,5	1	Nghệ An, Nghi Kim prison camp
4	Cư A Báo	1976	Montagnard Christian	2011/04	89	2012/03/13	2	2	Điện Biên, Mường Nhé prison camp
5	Đặng Ngọc Minh	1957	Catholic Youth activist	2011/08/02	79	2013 /01/09	3	2	Nghệ An provincial prison
6	Đặng Văn Nhu	1952	Land rights activist	2014/09/04	245	2014/09/04	2 suspended	5	At home
7	Đậu Văn Dương	1986	Catholic Youth activist, Redemptorist News Information Network	2011/08/02	88	2012/05/24	3,5	1,5	Nghệ An, Nghi Kim prison camp
8	Đỗ Thị Thiêm (tức Chinh)	1982	Land rights activist	2014/09/04	245	2014/09/04	2 suspended	5	At home
9	Đỗ Văn Đức	1952	Environmental activist	2014/03/20	257	2014/10/09	20 months suspended	-	At home
10	Dương Chí Dũng	1991	Environmental activist	2014/03/20	257	2014/10/09	30 months suspended	-	At home
11	Dương Thủ Đức	1988	Environmental activist	2014/03/20	257	2014/10/09	15 months suspended	-	At home
12	Dương Thủ Hiền	1990	Environmental activist	2014/03/20	257	2014/10/09	15 months suspended	-	At home

13	Giàng A Si	1979	Montagnard Christian, detained for participating in peaceful demonstrations	2011/04	89	2012/03/13	2,5	2	Điện Biên, Mường Nhé prison camp
14	Lê Công Định (aka Nguyễn Kha)	1968	Human rights lawyer, Pro-democracy activist, Former vice president of the Ho Chi Minh City Bar Association 2005-2008	2009/06/13	79	2010/01/20	5	3	Đồng Nai, Xuân Lộc, Z30A prison camp
15	Lê Thăng Long	1967	Pro-democracy activist, Blogger, businessman, Chân Sturdy group. VN Progressive Democratic Movement,	2009/06/04	79	2010/01/20	5	3	Đồng Nai, Xuân Lộc, Z30A prison camp
16	Lô Thanh Thảo	1977	Pro-democracy activist, Distributing anti-government leaflets	2012/03/26	88	2013/01/06	3,5	2	Saigon, Phan Đăng Lưu Detention Center
17	Lưu Văn Tùng	1996	Demonstrating in Vũng Án-Hà Tĩnh against Chinese aggression	2014/05/14	245 + 257	2014/11/12	2 suspended	-	At home
18	Mùa A Thắng	1980	Montagnard Christian, detained for participating in peaceful demonstrations	2012/04	89	2012/03/13	2	2	Điện Biên, Mường Nhé prison camp
19	Ngô Thị Đức	1941	Land rights activist	2014/09/04	245	2014/09/04	28 months suspended	5	At home
20	Ngô Thị Thoa	1975	Land rights activist	2014/09/04	245	2014/09/04	2 suspended	5	At home
21	Nguyễn Bá Đăng	1965	Former officer of VPA, People's Democratic Party of Vietnam, Bloc 8406	2010/01/22	88	2011/01/22	3	2	Nghệ An, Thanh Chương prison camp, section 6
22	Nguyễn Chí Thành	1973	Land rights activist, Vietnam Reform Party, Cow Shed Mennonite home church member	2010	79	2011/05/30	2	3	Đồng Nai, Xuân Lộc, Z30A prison camp
23	Nguyễn Đan Quế	1942	Pro-democracy activist, Medical doctor Nonviolent Movement for Human Rights in Vietnam, founder	1978 1991 2003	79		10 20 2,5		Released in a government amnesty in 1998 Released in 2005. Under house arrest without charge since then
24	Nguyễn Đặng Vĩnh Phúc	1980	Catholic Youth activist	2011/08/02	79	2013/01/09	3 suspended	3	At home
25	Nguyễn Đức Thoại	1990	Demonstrating in Vũng Án-Hà Tĩnh against Chinese aggression (HD-981 oil rig)	2014/05/14	245 + 257	2014/11/12	2 suspended	-	At home
26	Nguyễn Phong	1975	Pro-democracy activist, Technician, Vietnam Progressive Party, leader, Bloc 8406	2007/02/17	88	2007/03/30	6	3	Thanh Hóa, Yên Định - B11 Detention Center (Ministry of Public Security)
27	Nguyễn Phương Uyên	1992	Distributing anti-government leaflets	2011/10/14	88	2013/05/16	3 suspended	3	At home

28	Nguyễn Thành Tâm	1953	Land rights activist, Vietnam Reform Party, Cow Shed Mennonite home church	2010/07/18	79	2011/05/30	2	3	Ben Tre provincial jail
29	Nguyễn Thị Chiến	1961	Land rights activist	2014/09/04	245	2014/09/04	2 suspended	5	At home
30	Nguyễn Tiến Trung	1983	Pro-democracy activist, Engineer Democratic Party of Vietnam	2009/07/07	79	2010/01/20	7	3	Đồng Nai, Xuân Lộc, Z30A prison camp
31	Nguyễn Trung Tôn	1972	Pastor, Full Gospel Church. Block 8406	2011/11/15	88	2011/12/29	2	2	Nghệ An, Nghi Kim prison camp
32	Nguyễn Văn Duyệt	1980	Engineer, Catholic Youth activist. Redemptorist News Information Network	2011/08/07	79	2013/05/23	3,5	4	Hà Nội, Thanh Trì, Thanh Liệt - B14 Detention Center
33	Nguyễn Văn Oai	1980	Catholic Youth activist	2011/07/30	79	2013/01/09	3	2	Nghệ An provincial prison
34	Nguyễn Văn Song	1954	Environmental activist	2014/03/20	257	2014/10/09	20 months suspended	-	At home
35	Nguyễn Văn Tính	1942	Freelance journalist, Staff writer for the dissident newsletter To Quoc	2008/09/24	88	2009/10/09	3,5	3	Hà Nội, Thanh Trì, Thanh Liệt - B14 Detention Center
36	Nguyễn Văn Túc	1964	Land rights activist, Bloc 8406, Hanging anti-China & anti-government banners	2008/09/10	88	2009/10/09	4	3	Hà Nội, Thanh Trì, Thanh Liệt - B14 Detention Center
37	Nguyễn Xuân Anh	1982	Martial arts master, Catholic Youth activist	2011/08/07	79	2013 /01/09	3	2	Nghệ An provincial prison
38	Nguyễn Xuân Nghĩa	1949	Pro-democracy activist, writer, Bloc 8406 - Executive Board member, hanging anti-China & anti-government banners	2008/09/10	88	2009/10/09	6	3	Hà Nam, Phú Lý, Ba Sao prison camp
39	Phạm Minh Hoàng	1955	Pro-democracy activist, Vietnamese French, Professor, Vietnam Reform Party Saigon Polytechnic University	2010/08/13	79	2011/08/10	3	3	Sài gòn, Nguyễn Văn Cừ - B34 Detention Center (Ministry of Public Security)
40	Phạm Ngọc Hoa	1954	Land rights activist, Vietnam Reform Party, Cow Shed Mennonite home church	2010/08/10	79	2011/05/30	2	3	Đồng Nai, Xuân Lộc, Z30A prison camp, K2
41	Phạm Thanh Nghiê	1977	Labour rights activist, Bloc 8406	2008/09/18	88	2010/01/29	4	3	Thanh Hóa, Yên Định - B11 Detention Center
42	Phạm Văn Trội	1972	Human rights activist, Vietnam Human Rights Committee, Bloc 8406	2008/09/10	88	2009/10/08	4	4	Hà Nam, Phú Lý, Ba Sao prison camp
43	Phan Thanh Hải (anhbasg)	1969	Blogger, attorney, Free Journalists Club	2010/10/18	88	2012/09/24	5	3	Đồng Nai, Xuân Lộc, Z30A prison camp
44	Phan Văn Lợi	1951	Catholic priest, Bloc 8406 executive board member. "Freedom of expression" bi-weekly magazine editor in chief	1981/10/29	89	1982/11/20	7	N/A	Huế

45	Phùng Quang Quyền	1956 Land rights activist, Vietnam Populist Party	2006/11/15 2009/08/31	258 91	2007/12/10 2010/04/20	1,5 4	4	Đông Nai, Xuân Lộc, Z30A prison camp, K2
46	Thào A Khay	1986 Montagnard Christian, detained for participating in peaceful demonstrations	2011/04	89	2012/03/13	2	2	Điện Biên, Mường Nhé prison camp
47	Thào A Lâu	1978 Montagnard Christian, detained for participating in peaceful demonstrations	2011/04	89	2012/03/13	2	2	Điện Biên, Mường Nhé prison camp
48	Thích Quảng Độ (aka Đặng Phúc Tuệ)	1928 Patriarch of the Unified Buddhist Church of Vietnam	1995/08	258	1978/08/12 1995/08/15	5	N/A	Thanh Minh Zen Monastery.
49	Trần Anh Kim	1949 Former officer of VPA, Democratic Party of Vietnam	2009/07/07	79	2009/12/28	5,5	3	Hà Nam, Phú Lý, Ba Sao prison camp
50	Trần Hoài Ân	1953 Hoa Hao Buddhist activist	2011/07/02	258	2011/12/13	3	2	An Giang, Bằng Lăng prison camp
51	Trần Văn Thu	1997 Demonstrating in Vũng Án-Hà Tĩnh against Chinese aggression (HD-981 oil rig)	2014/05/14	245 + 257	2014/11/12	2 suspend- ed	-	At home
52	Trương Thị Tám	1963 Land rights activist, Vietnam Populist Party	2009/08/31	91	2010/04/20	3	3	Lâm Đồng
53	Trương Văn Kim	1951 Land rights activist, Vietnam Populist Party	2009/08/26	91	2010/04/20	3	3	Lâm Đồng
54	Vàng A Giảng	1980 Montagnard Christian, detained for participating in peaceful demonstrations	2011/04	89	2012/03/13	2,5	2	Điện Biên, Mường Nhé prison camp
55	Vàng Seo Phừ	1978 Montagnard Christian, detained for participating in peaceful demonstrations	2011/04	89	2012/03/13	2	2	Điện Biên, Mường Nhé prison camp
56	Vĩ Đức Hồi	1956 Pro-democracy activist, blogger, Bloc 8406, Former director of CPV school in Hữu Lũng, Lạng Sơn	2010/10/27	88	2011/01/28	6	3	Lạng Sơn, Yên Trạch prison camp
57	Võ Văn Phụng	1950 Hội đồng công luật công án Bia Sơn, Religious activist	N/A	143	2014/04/07	5		Phú Yên, Tuy Hòa
58	Võ Văn Thanh Liêm	1940 Hoa Hao Buddhist leader, Head of Quang Minh Tự temple in An Giang	2005/08/05	245 + 257	2005/09/19	7	3	Đông Nai, Xuân Lộc, Z30A prison camp
59	Võ Viết Dزيễn	1971 Pro-democracy activist, Vietnam Restoration Party	2012/04/03	79	2013/01/15	3	3	Tây Ninh provincial prison
60	Vũ Thị Thảo	1975 Land rights activist	2014/09/04	245	2014/09/04	2 sus- pended	5	At home
61	Y Bri E-Nuol	1958 Degar Montagnard Christians & FULRO	2003/01/27	87	2003/10/16	10	3	Hà Nam, Phú Lý, Ba Sao prison camp
62	Y Jon E-Nuoi	1976 Degar Montagnard Christians & FULRO	2003/01/29	87	2003/10/16	11	3	Hà Nam, Phú Lý, Ba Sao prison camp
63	Y Yoan Hmôk	1981 Degar Montagnard Christians & FULRO	2004/07/28	87	2005/11/16- 17	9	5	Daklak provincial prison

APPENDIX III

VIETNAM HUMAN RIGHTS AWARD 2014

Since 2002, the Vietnam Human Rights Network (VNHRN) has annually presented Vietnam Human Rights Award to the prominent human rights and democracy activists in Vietnam who have made their mark in the inexorable march towards freedom, human rights and democracy of the Vietnamese people. So far, these Vietnam Human Rights Awards have gone to a constellation of names easily recognized around the world:

- 2002: *The Most Ven. Thích Quảng Độ and Fr. Thaddeus Nguyễn Văn Lý*
- 2003: *Messrs. Nguyễn Vũ Bình, Lê Chí Quang, Nguyễn Khắc Toàn, and Dr. Phạm Hồng Sơn*
- 2004: *Mr. Phạm Quế Dương and Dr. Nguyễn Đan Quế*
- 2005: *Mr. Lê Quang Liêm, Fr. Phan Văn Lợi, and Ven. Thích Tuệ Sỹ*
- 2006: *Messrs. Đỗ Nam Hải and Nguyễn Chính Kết*
- 2007: *Mr. Hoàng Minh Chính, Atty. Nguyễn Văn Đài, and Atty. Lê Thị Công Nhân*
- 2008: *Ven. Thích Thiện Minh, Blogger “Điếu Cày” Nguyễn Văn Hải, and Tự Do Ngôn Luận Magazine*
- 2009: *Writer Trần Khải Thanh Thủy and Pastor Nguyễn Công Chính*
- 2010: *Journalist Trương Minh Đức Labor activist Đoàn Huy Chương*
- 2011: *Dr. Cù Huy Hà Vũ and Labor activist Đỗ Thị Minh Hạnh*
- 2012: *Ms. Phạm Thanh Nghiên. Blogger Tạ Phong Tần, and Ms. Huỳnh Thục Vy*
- 2013: *Atty. Lê Quốc Quân, Mr. Trần Huỳnh Duy Thức, and Mr. Nguyễn Hoàng Quốc Hùng*

This year, VNHRN is proud to present in San Jose, California, the 2014 Vietnam Human Rights Award to three more than deserving recipients: *The Vietnam Redemptorist Province, Mr. Nguyễn Bắc Truyển, and two Musicians Võ Minh Trí (Việt Khang) and Trần Vũ Anh Bình.*

THE VIETNAM REDEMPTORIST PROVINCE (VRP)



As a Catholic religious order, the VRP is a large organization with nearly 600 priests and seminarians. With 22 missionary establishments nationwide, the VRP operates throughout Vietnam; from North to South, from the plains to the mountains, and to remote and less well-known areas. With its commitment to bringing traditional religious ideals into all everyday activities, and particularly its emphasis on the socially marginalized people and the violations and unjust deprivation of human rights, the VRP has engaged for many years in diverse activities fighting for “Justice and Peace,” democracy, and human rights for Vietnam.

In addition to advocating for religious freedom, for the protection of life, combating human trafficking, defending victims of injustice, and helping poor ethnic minorities and former Army of the Republic of Vietnam disabled veterans, the VRP has also taken initiatives in independent/underground communications training and organizing seminars on human rights and democracy. The VRP’s communications division disseminates much literature and broadcasts that are rich and diverse in content, including special programs on human rights.

More importantly, the VRP is a vibrant civil society organization capable of linking efforts to protect and promote human dignity and fundamental human rights. It has provided various human rights activists with the opportunity to come together to share common concerns about the country, and cherish the dreams of a Vietnam where freedom flourishes and where human rights are respected.

HUMAN RIGHTS ACTIVIST NGUYỄN BẮC TRUYỀN



Even with his educational background in economics and law, and although he made a living as a businessman and in his capacity as an enterprise director, Mr. Nguyễn Bắc Truyền has been particularly interested in issues of social justice. He has devoted his time to guide and help victims of appropriated lands write and submit petitions, and does not hesitate to openly challenge the tyrannical regime and promote movements fighting for freedom, democracy, and human rights for Vietnam. He writes in newspapers and electronic media denouncing the corruption of the ruling regime and expressing the people's tribulations. In 2006, he was sentenced to 3 years and 6 months in prison plus two years of probation on charges of "propaganda against the State."

Since his release from prison, and though still on probation, he has resumed the struggle for freedom, and joined the People's Democratic Party and the Fellowship Association of Political and Religious Prisoners. He continues to provide legal advice for families whose relatives were arrested for participating in political activities in Vietnam. He fundraised for former political prisoners and their families. Due to this, he has been continuously watched by the police, and was assaulted numerous times. When asked about his feelings towards brutal acts of repression, his response was that since there was no means of self-defense, he had to live with it, but would not let it deter him from his activism.

MUSICIANS TRẦN VŨ ANH BÌNH AND VÕ MINH TRÍ (VIỆT KHANG)



Musician Trần Vũ Anh Bình, pen name Hoàng Nhật Thông , and musician Võ Minh Trí, aka Việt Khang, are symbols of the young generation’s maturity and commitment. The two are tied together by their love for the country, frustration towards repression, human rights violations, and conspiracy to sell national territories by the Vietnamese Communist rulers. They shared many common undertakings, specially composing music that touches the hearts of many people, especially the youth. They also participated in patriotic activities demanding democracy, human rights, and territorial integrity for the country.

Their compositions, especially the two masterpieces “Who are you?” and “Where is my Vietnam?” by Việt Khang, have become the driving force that helps Vietnamese youths overcome fear and stand up for the struggle demanding justice, democracy, human rights, and territorial integrity for Vietnam. Because of these songs, Mr. Trần Vũ Anh Bình was sentenced to a 6-year prison term and two years of probation, and Mr. Võ Minh Trí was sentenced to four years in prison and two years of probation by the court on October 30, 2012.

In addition to writing songs, Trần Vũ Anh Bình, along with a number of young students, also founded the Patriotic Youth group in April 2011, and created the Patriotic Youth website allowing young Vietnamese to exchange and disseminate ideas of democracy, human rights, and civil rights, and discuss other social problems, especially the invasion by their neighbor from the North.

Việt Khang and Trần Vũ Anh Bình also symbolize the freedom of composition and expression. Their influence has had a profound impact on the public and has aroused patriotism and awareness of other basic liberties. The fact that the Communist government had to mobilize hundreds of policemen and public security personnel to prevent people from attending the trials of Việt Khang and Trần Vũ Anh Bình proved that the tyrants were fearful of the combined power of music and the people’s patriotism and determination to fight for freedom and human rights.



The Vietnam Human Rights Network was established in 1997 as a consortium of individuals and organizations committed to the defense and promotion of human rights and civil liberties entitled to all Vietnamese citizens set forth by the Universal Declaration of Human Rights and subsequent international human rights instruments

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