

# REPORT ON HUMAN RIGHTS IN VIETNAM 2016-2017



VIETNAM HUMAN RIGHTS NETWORK

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#### COVER PHOTO

September 17, 2016, The Most Venerable Thich Khong Tanh amid the ruins of Lien Tri Pagoda. On September 8, 2016, Buddhist monks of Lien Tri Pagoda in Ho Chi Minh City were forcibly evicted by the authorities in preparation for the demolition of the structure, allegedly for urban development purposes.

# INTRODUCTION

The year 2016 was marked with a number of political and social events of note that affect the human rights situation in Vietnam. First of all, on the part of the government, the 12th National Congress of the Communist Party of Vietnam (CPV) in January and the elections of the National Assembly and the People's Councils at all levels in May reinforced the ruling party's tough and conservative stance. Secondly, the Vietnamese communist government's persistent policy mistakes and corrupt administration more than ever have pushed the people's indignation to the highest pitch.

On the other hand, thanks to global expansion of the social media revolution, people have more opportunities to access information and express their views on their problems and those of the country. They also have more opportunities to connect with each other; as a result, their voices became more and more collective.

To safeguard the monopoly of the ruling party and the interests of the cadres, the Vietnamese communist government does everything in its power to stifle the flow of information, and ruthlessly suppresses all dissent and counter-opinions. The human rights situation in 2016, therefore, has worsened; especially, the oppression of activists and human rights defenders has become more severe.

This report on human rights in Vietnam for the period 2016-2017 aims to present with accuracy and integrity the Vietnamese government's implementation of its human rights obligations as described in the International Bill of Human Rights, specifically in the following areas:

- The right to life, the right to liberty and security of person
- The right to a fair trial by an independent and impartial tribunal
- The right to participate in national political life
- The right to freedom of expression and freedom of speech
- The right to freedom of religion and worship
- The right to work and to enjoy the fruits of labor
- The right to equal treatment without discrimination
- The right to have social security.

The report was prepared by the Vietnam Human Rights Network in cooperation with several human rights activists in Vietnam. All information used in this report can be verified through open sources.

With this report, the VNHRN wishes both to alert the world community to the deplorable human rights situation in Vietnam today and to call on the Vietnam government to end its repeated violations throughout many years. At the same time, we demand that Vietnam deliver just compensations for the damages inflicted on its population and various communities. The VNHRN also calls on freedom-loving and democratic governments and international human rights organizations to confront Vietnam with its unacceptable record on human rights; and especially to prevent Vietnam from abusing its UN Human Rights Council membership.



# VIETNAM COUNTRY PROFILE

**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, and is composed of the mainland area of 331 689 km<sup>2</sup> and more than 4,000 islands. It has a population of 92.70 million (as of December 2016), an increase of 987.8 thousand, or 1.08% increase over the year before.

**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 of Vietnam, launched the Vietnam War to invade South Vietnam. In April 1975, the Democratic Republic of Vietnam's victory resulted in the dissolution of the Republic of Vietnam's government and the unification of the two rival states into the new Socialist Republic Vietnam.

**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, with about 4.5 million members. The National Assembly and People's Councils at all levels are elected by popular vote, yet candidates must be approved by the CPV. Every political organization unaffiliated with the CPV is prohibited.

**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 General Statistics Office Of Vietnam, the 2016 gross domestic product (GDP) increased significantly, 6.21% compared to 2015; the GDP per-capita is estimated at VND48.6 million, equivalent to USD2,215, up USD106 compared to 2015. However, the public debt also reached a record high of over 66 percent of the GDP; and the rich – poor gap has widened further in recent years.

**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, THE RIGHT TO LIBERTY AND SECURITY OF PERSON

### 1. Death Penalty

According to Vietnam's Penal Code, last modified in November 2015 and effective as of July 01, 2016, the list of crimes punishable by the death sentence is reduced from 22 to 15. Those removed are: property robbery; production and trade of fake cereals, foods, and food additives; illegal drug possession; drug appropriation; destruction of important structures, facilities, and means related to national security; disobedience of orders; and surrender to the enemy. Two other crimes were also removed, involving prisoners aged 75 and older, and officials convicted of corruption charges can be spared if they pay back at least 75% of the profits they illicitly obtained.

Despite the removal of crimes eligible for the death sentence, the amended Penal Code keeps applying the death sentence to vague political crimes listed in the former penal code, now being part of Chapter VIII under high treason (Article 108). These include activities aimed at overthrowing the people's administration (Art. 109), espionage (Art.110), rebellion (Art.112), anti-government terrorism (Art.113), and sabotage of the Socialist Republic of Vietnam's material-technical foundations of the Socialist Republic of Vietnam (Art. 114).

The vagueness about crimes in Chapter VIII 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 2016 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 2016 were given to those charged with drug trafficking and murder.

As in previous years, the government never officially disclosed the number of execution cases. The government considers them national secrets. However, according to Justice Minister Le Thanh Long, the number of inmates sentenced to prison terms and death has not decreased.<sup>1</sup> A document of the Ministry of Public Security indicates that in the five years ending June 2016, there were 1,134 people sentenced to death nation-wide; and 429 were executed by lethal injection within 3 years from August 2013 to June 30, 2016.<sup>2</sup>

<sup>1</sup> Dân Trí. *Án tử hình chưa giảm, án tham nhũng chưa thể thu hồi tiền.*

<http://dantri.com.vn/xa-hoi/an-tu-hinh-chua-giam-an-tham-nhung-chua-the-thu-hoi-tien-2016102811361039.htm>

<sup>2</sup> Việt Nam Mới. *Hơn 1.000 trường hợp bị tuyên tử hình trong vòng ba năm.*

<http://vietnammoi.vn/hon-1000-truong-hop-bi-tuyen-tu-hinh-trong-vong-ba-nam-19733.html>



*Dec 22, 2016, Seven convicts were sentenced to death by Hanoi People's Court for drug trafficking. Photo courtesy of Thoibao.today.*

One point of concern is that multiple death sentences by a single court session happen too frequently. For example, on August 9, 2016, the Lang Son People's Court issued 11 death penalties in a trafficking case involving illegal transportation of narcotics in large quantities (799 cakes of heroin).<sup>3</sup> On September 21, 2016, the People's Court of Bac Ninh Province dispensed nine sentences of capital punishment and three life sentences in the trial of a large drug-smuggling chain.<sup>4</sup>

On December 22, 2016, the Peo-

ple's Court of Hanoi sentenced to death seven people who had been involved in another illegal drug-running network.<sup>5</sup>

Since the end of 2013, Vietnam has replaced firing squads with lethal injections, using domestically-produced poison. Scientifically, there has never been any report about the effectiveness of Vietnam-made poisons for executions, which means the reduction of suffering for the condemned is far from guaranteed.

In spite of the state's construction in 2014 of five national facilities to administer lethal injections in Hanoi, Son La, Nghe An, Dak Lak, and Ho Chi Minh City, the transfer of death prisoners from provinces to the execution sites was so costly that the government has sought to develop mobile execution units.<sup>6</sup> In early 2017, the Ministry of Public Security announced plans to build five additional death row houses at other locations to relieve the overcrowding at the five existing facilities.<sup>7</sup>

There are concerns not only about the continued reliance on, and the increase of, death sentences, but also flaws in criminal proceedings that have led to unjust sentences. According to social media in recent years, among the unjust cases have been the three high-profile death sentences of Ho Duy Hai, Nguyen Van Chuong, and Le Van Manh. These were deemed by lawyers and even by government officials to be based on insufficient evidence and to have involved reliance on forced confessions under police torture, these confessions having been subsequently contradicted by retractions. However, so far the three unjust cases remain unresolved. In 2016, two wrongful death penalties were reversed: On August 9, the Supreme People's Court concluded that the death sentences twice

<sup>3</sup> Công an nhân dân. *11 án tử hình, 2 án chung thân cho đường dây mua bán trái phép 799 bánh heroin.*  
<http://cand.com.vn/ANTT/Xet-xu-so-tham-13-bi-cau-mua-ban-ma-tuy-trai-phep-799-banh-heroin-403599/>

<sup>4</sup> BBC. *Tòa Bắc Ninh xử Trảng A Tàng tội tử hình.*  
[http://www.bbc.com/vietnamese/vietnam/2016/09/160921\\_trang\\_a\\_tang\\_trial\\_verdict](http://www.bbc.com/vietnamese/vietnam/2016/09/160921_trang_a_tang_trial_verdict)

<sup>5</sup> Công an Nhân dân. *Tuyên 7 án tử hình trong đường dây ma túy liên tỉnh.*  
<http://cand.com.vn/ANTT/Tuyen-7-an-tu-hinh-trong-duong-day-ma-tuy-lien-tinh-422298/>

<sup>6</sup> Trandaiquang.Net. *Nghiên cứu bố trí các xe thi hành án tử hình lưu động.*  
<http://trandaiquang.net/nguyen-cuu-bo-tri-cac-xe-thi-hanh-an-tu-hinh-luu-dong.html>

<sup>7</sup> Pháp Luật. *Bộ Công an xây thêm 5 nhà thi hành án tử hình.*  
<http://plo.vn/phap-luat/bo-cong-an-xay-them-5-nha-thi-hanh-an-tu-hinh-681130.html>

imposed on Mr. Tran Van Them, in 1973 and 1974, were wrong.<sup>8</sup> On December 2, the People's Procuracy of Bac Giang Province suspended the investigation of the criminal case against Mr. Han Duc Long, who had been imprisoned for 11 years and sentenced to death four times.<sup>9</sup>

With regard to public reaction to death sentences, 21 civil society organizations in and outside of Vietnam on June 1, 2015, issued a common statement demanding that the government immediately stop carrying out death sentences and remove them from the Penal Code.<sup>10</sup>

## 2. 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, public harassment and beatings, removal of people to police stations, and corporal punishment resulting in death without legal sanction against violators continue to rise. It is worth noting that most of those who died during detainment had only been involved in minor offenses, such as friction between neighbors and petty theft. Authorities attributed most of these detainees' deaths at police stations to suicide. In reality, families of the victims usually found traces of abuse and torture on their bodies.

According to a report by the Ministry of Public Security in March 2015, during the period from October 2011 to September 2014, there were 226 deaths in custody and detention centers across the country.<sup>11</sup> In 2016 and the first quarter of 2017, at least 12 deaths resulting from police and other security forces' brutality were revealed through the social media:

- On January 15, 2016, Mr. Dang Van Hanh, 40 years old, died right after he had been transferred from the Nghe An public security detention center to the hospital for emergency care. According to his relatives, Mr. Hanh had been in normal health before he was arrested for an alleged property theft.<sup>12</sup>
- On January 16, 2016, 17-year old student Nguyen Tan Tam, a resident of Tinh Bac Village, Son Tinh District, Quang Ngai Province, killed himself with herbicide. His suicide note said that he had been interrogated and beaten by public security officials at their office.<sup>13</sup>
- On January 17, 2016, Mr. Luong Minh Tuan, 21 years old, died after he had been moved

<sup>8</sup> Thanh Niên. *Cụ ông 80 tuổi được minh oan sau 43 năm mang án giết người.*

<http://thanhnien.vn/thoi-su/cu-ong-80-tuoi-duoc-minh-oan-sau-43-nam-mang-an-giet-nguoi-732155.html>

<sup>9</sup> Luật Khoa. *Tiền lệ Hàn Đức Long: Không chứng minh được tội phạm thì phải tuyên vô tội.*

<http://luatkhoa.org/2017/01/tien-le-han-duc-long-khong-chung-minh-duoc-toi-pham-thi-phai-tuyen-vo-toi/>

<sup>10</sup> BoxitVN. *Kháng thư phản đối án tử hình tại Việt Nam.*

<http://boxitvn.blogspot.sg/2015/01/khang-thu-phan-oi-tu-hinh-tai-viet-nam.html>

<sup>11</sup> Thanh Niên. *Ba năm có tới 226 người chết trong trại tạm giam, tạm giữ.*

<http://thanhnien.vn/thoi-su/ba-nam-co-toi-226-nguoi-chet-trong-trai-tam-giam-tam-giu-542959.html>

<sup>12</sup> Người Việt. *Chết bất thường khi bị tạm giam ở Nghệ An.* <http://www.nguoi-viet.com/viet-nam/Chet-bat-thuong-khi-bi-tam-giam-o-Nghe-An-5143/>

<sup>13</sup> Dân Luận. *Nam sinh tự tử, để lại thư tuyệt mệnh bị công an đánh.*

<https://www.danluan.org/tin-tuc/20160116/nam-sinh-tu-tu-de-lai-thu-tuyet-menh-bi-cong-an-danh-dap>



from the public security detention center of Duc Hoa District, Long An Province, to a hospital in Hau Nghia. According to his relatives, there was blood coming out of his mouth, a telling sign of torture.<sup>14</sup>

- On March 25, 2016, Mr. Y Sik Nie, 37 years old, a resident of the Highland Trap Hamlet, Ea Hding Village, Cu M'gar District, Darlac Province, died after he had been detained for three months by the district security. His autopsy revealed blackened internal organs, black clogged blood in the heart, and no food in his stomach and intestines.<sup>15</sup>

- On April 20, 2016, Mr. Truong Van Ban, 58 years old, a resident of Xuan Dong Hamlet, Dai Thang Village, Dai Loc District, Quang Nam Province, took his own life and left a suicide note saying he had been beaten and humiliated by the chief of Dai Thang Village public security.<sup>16</sup>

- On July 3, 2016, Mr. Pham Quang Thien, 37 years old, a resident of Suoi Tre Village, Long Khanh City, Dong Nai Province, was found dead at the public security detention center of Thong Nhat District, Dong Nai Province. He was said to have hanged himself.<sup>17</sup>

- On August 29, Mr. Dinh Hong Quan, 56 years old, a resident of Dien Thai Village, Dien Chau District died while he was at the district security detention center. His relatives said he had been normal during their visit a day earlier.<sup>18</sup>

- On October 28, 2016, Mr. Nguyen Cao Tana, 45 years of age, a resident of Lang Cong Village, Song Lo District, Vinh Phuc Province, told his family that he had been summoned to the village security office where he had been beaten, resulting in numerous bruises. In the morning of the following day, his relatives found that he had died during the night.<sup>19</sup>

- On January 3, 2017, Mr. Pham Dang Toan, 29 years old, a resident of Phuoc Hung Village, Tuy Phuoc District, Binh Dinh Province fell to his death while being chased by public security during a gambling raid at a local market.<sup>20</sup>

- On January 4, 2017, Mr. Pham Minh The, 21 years of age, a tenant of Residential Area 9, Phu Trinh Ward, Phan Thiet City, was found dead at the City's detention center with many bruises on his body, suggesting he had been beaten. Public security claimed that his death

<sup>14</sup> Tuổi Trẻ. *Một thanh niên từ nhà tạm giam vào bệnh viện rồi chết.*

<http://tuoitre.vn/tin/chinh-tri-xa-hoi/20160117/mot-thanh-nien-tu-nha-tam-giam-vao-benh-vien-roi-chet/1039879.html>

<sup>15</sup> Pháp Luật. *Chồng bị bắt lên công an, vợ được mời đến bệnh viện... nhận xác.*

<http://baophapluat.vn/phong-su-dieu-tra/chong-bi-bat-len-cong-an-vo-duoc-moi-den-benh-vien-nhan-xac-269778.html>

<sup>16</sup> Phụ Nữ. *Tự tử để lại thư tố công an bạo hành: "...vì nhục quá..."*

<http://phunuonline.com.vn/xa-hoi/tu-tu-de-lai-thu-to-cong-an-bao-hanh-vi-nhuc-qua-73474/>

<sup>17</sup> Dân Lâm Báo. *Đồng Nai: Thêm một người "tự tử" trong trại tạm giữ.*

<http://danlambao.vn.blogspot.com/2016/07/ong-nai-them-mot-nguoi-tu-tu-trong-trai.html>

<sup>18</sup> VnExpress. *Người đàn ông trung niên tử vong trong lúc bị giam giữ.*

<http://vnexpress.net/tin-tuc/phap-luat/nguoi-dan-ong-trung-nien-tu-vong-trong-luc-bi-giam-giu-3460254.html>

<sup>19</sup> VietnamNet. *Khởi tố Trưởng Công an xã dùng dùi cui tấn công dân.*

<http://vietnamnet.vn/vn/phap-luat/ho-so-vu-an/khoi-to-truong-cong-an-xa-dung-dui-cui-tan-cong-dan-348557.html>

<sup>20</sup> Dân Lâm Báo. *Bình Định: CA đánh chết người, bị dân bắt quỳ mọp dưới xác nạn nhân để chịu tội.*

<http://danlambao.vn.blogspot.com/2017/01/binh-inh-ca-anh-chet-nguoi-bi-dan-bat.html>

had been caused by other detainees.<sup>21</sup>

- On January 16, 2017, Mr. Pham Ngoc Nhung, 26, was arrested at the Cau Ong Lanh Police Station in the morning of January 15, due to alleged fights. Nhung was rushed to Saigon Hospital the next morning, then transferred to the 115 Hospital and died in the evening of January 16. According to the police, the victim suffered a head injury due to falls. The autopsy results showed that the victim suffered broken jawbone, head fracture, fractured ribs, 9 wounds on his body, and his legs were scraped.<sup>22</sup>

- On February 6, 2017, Mr. Nguyen Thanh Ngon, 46 years old, a resident of Tho Thanh Village, Nghe An Province, was found hanged by his shoelace at the detention center. Mr. Ngon had been arrested and held at the village's detention center in the morning of the same day for alleged familial violence.<sup>23</sup>

### 3. Human Trafficking

In the Walk Free Foundation's The Global Slavery Index 2016 published in October 2016, Vietnam was ranked 47th out of 167 countries in numbers of enslaved, with about 139,000 people living in slavery. In fact, if "modern-day slavery" were understood in terms that included 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 2016 US State Department report on human trafficking, Vietnam was still on the 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."<sup>24</sup>

According to the government of Vietnam's official documents, in 2016, there were 383 cases of human trafficking nationwide encompassing 523 culpable subjects and 1,128 victims. Compared with 2015, the number of cases fell by six percent, but the number of victims increased 12.8 percent. In addition, there were about 200,000 people known to have been illegally exported to China, Laos, Cambodia, and Thailand as seasonal workers. These were feared to be at high risk of having been



*Oct 31, 2016, local authorities detained seven Vietnamese women for immigration offences after raiding a hotel in Jalan Tun Ali, Melaka, Malaysia. Photo courtesy of Malacca Historical City Council*

<sup>21</sup> RFA. *Thêm một thanh niên chết khi bị công an tạm giữ.*

<http://www.rfa.org/vietnamese/vietnamnews/prisoner-died-in-prison-01052017114754.html>

<sup>22</sup> RFA. *Chết trong đồn công an bao giờ được nhận xác?*

[http://www.rfa.org/vietnamese/in\\_depth/died-in-detain-police-station-when-released-f-funeral-ha-02242017104906.html](http://www.rfa.org/vietnamese/in_depth/died-in-detain-police-station-when-released-f-funeral-ha-02242017104906.html)

<sup>23</sup> Dân Luận. *Nạn nhân thứ 2 chết trong đồn công an trong năm 2017.*

<https://www.danluan.org/tin-tuc/20170208/nan-nhan-thu-2-chet-trong-don-cong-an-trong-nam-2017>

<sup>24</sup> U.S. Department of State. *Trafficking in Persons Report 2016 - Vietnam.*

<https://www.state.gov/j/tip/rls/tiprpt/countries/2016/258892.htm>

trafficked.<sup>25</sup> These numbers come from cases we are aware of; the actual number could easily be much higher.

In today's Vietnam, besides an increased trade in unborn fetuses and internal organs,<sup>26</sup> 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.

### **3.1. Human Trafficking: Women and Children Tricked into Sex Slavery**

Trafficking of women for prostitution is a common form of domestic as well as transnational trafficking. A report from a seminar on “Setting up a program against human trafficking for 2016-2020,” held by the government’s Office of Anti-crime Guidance on April 21, 2015, disclosed that nearly 5,000 Vietnamese women were sent every year to Malaysia and Singapore to work as prostitutes.<sup>27</sup> According to another report from a different seminar on human trafficking to Cambodia and Laos, held on Jan 14, 2016 in Ho Chi Minh city, up to 3,000 Vietnamese women and young girls were suspected of having been sold there to do hard labor.<sup>28</sup>

It should be noted that the above statistics reflect only a fraction of the actual cases of trafficking due to the fact that the majority of these trafficking victims come from mountainous regions close to the Chinese border, where control and detection are difficult. Many cases were not declared or were not discovered by law enforcement agencies, and most are not considered human trafficking, although in fact they are.

For example, in Mu Cang Chai district, Yen Bai Province, where there are fewer than 50,000 inhabitants, of whom 90 percent are ethnic minorities. But, there were over 300 cases of illegal export of women by the end of December 2016. In 2016 alone, there were 64 cases, of which 24 were believed to involve trafficking.<sup>29</sup>

As in previous years, the number of women and children being trafficked northward to China increased in 2016, reaching 70 percent of the total victimized; the rest went to countries like Laos, Cambodia, Malaysia, and Thailand.<sup>30</sup> Human trafficking from Vietnam to Europe, especially to

<sup>25</sup> Hải Quan. *1.128 nạn nhân bị mua bán qua biên giới*.

<http://www.baohaiquan.vn/Pages/1-128-nan-nhan-bi-mua-ban-qua-bien-gioi-trong-nam-2016.aspx>

<sup>26</sup> Đại Kỷ Nguyên. *VTV1 đưa tin: Tội phạm mua bán người lấy nội tạng sang Trung Quốc ngày một gia tăng*.

<http://www.daikynguyenvn.com/trong-nuoc/vtv1-can-hao-toi-pham-mua-ban-nguoi-lay-noi-tang-sang-trung-quoc.html>

<sup>27</sup> Thanh Niên. *Mỗi năm gần 5000 phụ nữ Việt Nam bị đưa sang Malaysia. Singapore bán dâm*.

<http://thanhnien.vn/thoi-su/moi-nam-gan-5000-phu-nu-viet-nam-bi-dua-sang-malaysia-singapore-ban-dam-554176.html>

<sup>28</sup> Tuổi Trẻ. *3.000 phụ nữ, trẻ em Việt nghi bị ép bán dâm, lao động khổ sai*. <http://tuoitre.vn/tin/chinh-tri-xa-hoi/20160114/3000-phu-nu-tre-em-viet-nghi-bi-ep-ban-dam-lao-dong-kho-sai/1038208.html>

<sup>29</sup> Pháp luật và Xã hội. *“Địa ngục trần gian” ám ảnh những phụ nữ bị bán sang Trung Quốc*.

<http://phapluatxahoi.vn/xa-hoi/dia-nguc-tran-gian-am-anh-nhung-phu-nu-bi-ban-sang-trung-quoc-129167>

<sup>30</sup> Báo Công an nhân dân điện tử. *Tội phạm mua bán người vẫn gia tăng*.

<http://cstc.cand.com.vn/Ho-so-interpol-cstc/Toi-pham-mua-ban-nguoi-van-gia-tang-380919/>

England, was also a particular public concern in 2016.<sup>31</sup>

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

### **3.2. Human Trafficking: Selling of Vietnamese “Brides” to Foreigners**

According to Vietnam's Security Ministry, an average of 20,000 Vietnamese women have married annually in recent years to men of other nationalities. These men were from over 50 countries, mainly Taiwan, China, South Korea, the United States and Europe.<sup>32</sup> These were officially-registered marriages; in reality, however, the number of Vietnamese “brides” sent overseas was much higher.

For example, according to the Government Inspectorate, statistics in the first months of 2013 for 13 of the 15 administrative units of Kien Giang province showed that more than 1,000 women had married foreigners, but only about 17 percent of the marriages were properly registered.<sup>33</sup>

This means that the majority of those “marriages” were handled through intermediaries, providing a lucrative income for many individuals and organizations in Vietnam and abroad.

According investigative reporting by the press, the price of a Vietnamese bride sold to China ranged from 50,000 to 80,000 Yuan (US \$7,000 to \$11,500) depending on age and countenance.<sup>34</sup>

Modern media, especially the Internet, have replaced exhibition shows to facilitate the sale of Vietnamese brides in recent years. China's *Taobao*, for example, advertised a Vietnamese bride for 9,998 yuan (roughly US\$1,500) on “Singles Day,” November 11, 2015.<sup>35</sup>

Another example is the “Buy a wife from Vietnam” website, which openly advertises its business in blatant language. “Within 90 days, the girl will be delivered to the future husband, and replaced for free in case she suddenly runs away.”<sup>36</sup>

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

<sup>31</sup> The Guardian. *3,000 children enslaved in Britain after being trafficked from Vietnam*.

<http://www.theguardian.com/global-development/2015/may/23/vietnam-children-trafficking-nail-bar-cannabis>

<sup>32</sup> Vietnam.Net. *Buôn người qua môi giới hôn nhân nguy hiểm hơn ma túy*.

<http://vietnamnet.vn/vn/xa-hoi/188826/buon-nguoi-qua-moi-gioi-hon-nhan-nguy-hiem-hon-ma-tuy.html>

<sup>33</sup> Thanh Tra. *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](http://thanhtra.com.vn/xa-hoi/doi-song/chua-kiem-soat-chat-hon-nhan-co-yeu-to-nuoc-ngoai_t114c1159n65676)

<sup>34</sup> Son Ha News. *Phụ nữ Việt bị bán “rẻ như bèo”, “sứt môi lõm rốn” có tiền có vợ*.

<http://soha.vn/phu-nu-viet-bi-ban-re-nhu-beo-sut-moi-loi-ron-co-tien-co-vo-20161014153521559.htm>

<sup>35</sup> Times Of News. *Vietnamese brides on sale on China's Taobao for US\$1,500 as part of Singles Day shopping festival*. <http://china.timesofnews.com/vietnamese-brides-on-sale-on-chinas-taobao-for-us1500-as-part-of-singles-day-shopping-festival/>

<sup>36</sup> *Buy a wife from Vietnam*. <https://prettyasianbrides.com/>



social policies. Most of the victimized young girls have come from the countryside and were lured by middlemen into agreeing to “marry” men from Taiwan, South Korea, and China -- without love or even knowledge of the backgrounds of their “husbands.”

A recent sociological survey showed that 31 percent of Vietnamese women wanted to marry Taiwanese so they could seek employment and income, and 15.6 percent wanted to marry wealthy foreigners to help their families.<sup>37</sup>

The plight of Vietnamese “brides” has been sufficiently reported by Vietnamese as well as foreign media in past years. Many of them suffered torture and other mistreatment before being passed on to other men, leading them eventually to escape and then try to survive in a foreign country, only to be recruited into brothels, either risking death or seeing no other option but to kill themselves.<sup>38</sup>

Since 2002, with Decree 68/2002/NDTV-714-625-2785, the government has prohibited all forms of marriage brokering for profit. In 2004, Decree 125/2014/NĐ-714-625-2785 was issued to implement the new Family Law, prohibiting foreigners’ abuse of marriage and family counseling and support for profit; and assigning the counseling and support services to the state-sponsored Vietnam Women’s Union.

However, many people believe the Vietnam Women’s Union has failed in its counseling services to brides marrying foreigners as it is incapable of competing with the illegal intermediaries, who operate rampantly throughout the country.<sup>39</sup>

### **3. 3. Human Trafficking: Exploitation of Exported Workers**

According to a June 2015 study by a group of Hanoi Law University students, 69 percent of those surveyed reported that the export labor system was often used to carry out the trafficking of women.<sup>40</sup>

Doing manual labor in foreign countries is never a dream among Vietnamese, especially not for those who are naturally attached to their families and places of birth. However, leaving home and family for survival is unavoidable when people’s farmland is confiscated and the government cannot provide enough jobs. On the contrary, the state, driven by the prospect of foreign remittances, not only encourages the export of workers, but also ignores the brokering companies’ illegal conduct.

According to the Overseas Labor Management Department, there are about 500,000 workers currently in over 40 countries and territories, mostly Taiwan, South Korea, Malaysia, Japan, and the Middle East. Also according to this agency, the number of workers exported in 2016 was 126,296, over 26 percent higher than the year’s plan, having risen almost 109 percent over the previous year. Besides the number of workers exported through government-licensed agencies in recent years,

<sup>37</sup> Viện Nghiên cứu Gia đình và Giới. *Hội nghị toàn quốc về hôn nhân và gia đình có yếu tố nước ngoài*. <http://ifgs.vass.gov.vn/Tin-hoat-dong/Hoi-nghi-toan-quoc-ve-hon-nhan-va-gia-dinh-co-yeu-to-nuoc-ngoai-100615.html>

<sup>38</sup> Viet Báo.vn. *Thảm cảnh cô dâu Việt ở nước ngoài*. <http://vietbao.vn/tp/Tham-can-cao-dau-Viet-o-nuoc-ngoai/2363246/>

<sup>39</sup> Báo Mới. *Môi giới kết hôn với người nước ngoài: hoạt động hợp pháp tự thua trên sân nhà?* <http://www.baomoi.com/Moi-gioi-ket-hon-voi-nguoi-nuoc-ngoai-hoat-dong-hop-phap-tu-thua-tren-san-nha/c/17076372.epi>

<sup>40</sup> Trường Đại học Luật Hà Nội. *Thực trạng và giải pháp công tác phòng chống tội phạm mua bán phụ nữ ở nước ta hiện nay*. <http://dhluat.blogspot.com/2015/06/thuc-trang-va-giai-phap-cong-tac-phong.html>

the export of labor in secret has been on the rise, for several reasons. Export workers try their best to stay in-country and work underground after their official contracts have expired. Export-worker candidates sometimes do not have enough money to complete their legal paperwork; in particular, to make the required payment to the state before leaving. And export-worker candidates sometimes do not meet the minimum requirements in foreign languages.<sup>41</sup>

The majority of export workers have been victims of illegal intermediary agencies with ties to corrupt state officials. Victims have had to mortgage their properties to pay intermediary-agency fees. Nonetheless, these greedy agencies have often exploited and neglected them when their foreign employers mistreated or forced them to work harder for pittance. In many instances, bosses confiscated their passports and turned them into detainees living miserably under their 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.<sup>42</sup>

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 on China's plantations and in factories,<sup>43</sup> or forced into growing and selling marijuana (in Eastern Europe, Canada, United Kingdom, etc.).

In England alone, according to *the National Referral Mechanism Statistics, End of Year Summary 2016* by England's National Crime Agency, the number of Vietnamese victims of human trafficking to England in 2016 ranked second, only behind Albanians, with 519 people, including 292 adults and 227 minors, a 8.6 percent increase from 2015.<sup>44</sup> There were about 3,000 young Vietnamese victims of human trafficking in England in 2015. Most of the Vietnamese men illegally imported in the UK were exploited for cheap labor or forced into illegal business activities, such as marijuana-growing, while women were forced into prostitution.<sup>45</sup>

What is of concern is that despite the serious consequences of the illegal export of workers, the Vietnamese government still refuses to see it as human trafficking. Even the March 2011 Law on Anti-Human Trafficking, 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 to be victims of human trafficking.<sup>46</sup>

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<sup>41</sup> Báo mới.com. *Xuất khẩu lao động "chui", rủi ro cao.*

<http://www.baomoi.com/Xuat-khau-lao-dong-chui-rui-ro-cao/c/16981810.epi>

<sup>42</sup> Người đưa tin. *Ký ức kinh hoàng của những phụ nữ đi xuất khẩu lao động ở Ảrập 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>

<sup>43</sup> Giáo Dục Việt Nam. *Có đường dây buôn bán đàn ông sang Trung Quốc làm lao động khổ sai.*

<http://giaoduc.net.vn/Xa-hoi/Co-duong-day-buon-ban-dan-ong-sang-Trung-Quoc-lam-lao-dong-kho-sai-post157158.gd>

<sup>44</sup> NCA. *National Referral Mechanism Statistics, End of Year Summary 2016.*

<http://www.nationalcrimeagency.gov.uk/publications/national-referral-mechanism-statistics/2016-nrm-statistics/788-national-referral-mechanism-statistics-end-of-year-summary-2016>

<sup>45</sup> The Guardian. *3,000 children enslaved in Britain after being trafficked from Vietnam.*

<http://www.theguardian.com/global-development/2015/may/23/vietnam-children-trafficking-nail-bar-cannabis>

<sup>46</sup> Tin Mới. *Khó "chỉ mặt đặt tên" nạn buôn người.*

<http://www.tinmoi.vn/kho-chi-mat-dat-ten-nan-buon-nguoi-011095838.html>

## II THE RIGHT TO A FAIR TRIAL BY AN INDEPENDENT AND IMPARTIAL TRIBUNAL

### 1. Legal Reform

In 2015, Vietnam amended three basic judicial laws, including the Penal Code (November 27), the Penal Procedure Code (November 27), and the Law on Custody and Detention (November 25). These laws were supposed to come into effect in July 2016.

However, the National Assembly, on June 29, 2016, decided to defer the implementation of the three sets of law to the next National Assembly because of post-approval discovery of mistakes. For example, the Penal Procedure Code alone was discovered to have contained 90 mistakes, even though it had been approved by 84 percent of the National Assembly in 2015. This clearly shows that the 2015 Revised Penal Code was passed not to reflect the government's desire for reform, but to gain favorable considerations in international transactions. These blunders also expose the institution's dependence on the Communist Party as well as the representatives' lack of legislative skills. Even former Minister of Justice Ha Hung Cuong had to confess: "I was also a representative. Looking back, I realize that the Code was hastily passed. My proposal to give it more time for consideration was not accepted"<sup>1</sup>

In October 2016, the National Assembly's Standing Committee met to make amendments to the 2015 Penal Code. According to estimates, the revised scope is not limited to 90 errors but also includes 141 articles of the Penal Code, including 18 articles of the "General provisions" and 123 articles of the "crimes" section.<sup>2</sup>

By the end of 2016, changes to the provisions of the Penal Code, the Penal Procedure Code, and the Law on Custody and Detention remained untouched even though they had been planned for in 2015.

During the criminal law reform in 2015, several experts expressed their concerns about the so-called reform, comparing it to "old wine in a new bottle."<sup>3</sup> This half-way legal reform is an inevitable consequence of the ultimate purpose of the Vietnamese judiciary system, which is to serve the interests of the ruling party. The dependence of the courts on the CPV is clearly acknowledged

<sup>1</sup> Tuổi trẻ Online. *Bộ luật hình sự sai sót nghiêm trọng, ai chịu trách nhiệm?* <http://tuoitre.vn/tin/chinh-tri-xa-hoi/20160628/bo-luat-hinh-su-sai-sot-nghiem-trong-ai-chiu-trach-nhiem/1126033.html>

<sup>2</sup> InfoNet. *Sửa đổi, bổ sung 141 điều của Bộ luật Hình sự 2015.* <http://infonet.vn/sua-doi-bo-sung-141-dieu-cua-bo-luat-hinh-su-2015-post210455.info>

<sup>3</sup> Công Lý. *Thủ tục đăng ký bào chữa: Cần quy định cụ thể để tránh "bình mới, rượu cũ"* <http://congly.vn/hoat-dong-toa-an/nghep-vu/thu-tuc-dang-ky-bao-chua-can-quy-dinh-cu-the-de-tranh-binh-moi-ruou-cu-129318.html>

in the Vietnamese Constitution “... The Courts have the task to protect the socialist legislation, the socialist regime, and the people’s mastery” (Article 126). Thus, in practice, critical violations of human rights in the legal field continue to escalate. In 2016, those violations were typically identified by the following characteristics:

- Arbitrary detentions and criminalization of political activities detrimental to the CPV’s interests,
- Serious violations of criminal procedures,
- Severe limitation of defense lawyers’ rights, and
- An inhumane prison system.

## 2. Arbitrary Detentions and Criminalization of All Activities Detrimental to the CPV’s Interests

It is not surprising that Vietnam continues to claim 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 Penal Code [applicable until now], especially the following Articles: 79 (activities aimed at overthrowing the people’s government), 87 (undermining the policy of unity), 88 (conducting propaganda against the SRV), 245 (disturbing public order), 257 (resisting persons performing official duties), and 258 (abusing democratic freedoms to infringe upon the interests of the State, the rights and legitimate interests of organizations and citizens). According to those Articles, it is a “crime” to express an opinion, even through peaceful means such as a debate; or to store and distribute documents with contents contradicting CPV policies. “Offenders” can be sentenced up to 20 years in prison (Article 88), or to death if found to have “carried out activities aimed at overthrowing the people’s administration” (Article 79).

In 2016 and the first quarter of 2017, despite the state’s use of more violent measures than the court in its suppression of human rights activists, at least 30 dissidents were arbitrarily arrested and prosecuted under to the following vague articles of the Penal Code:

### **Alleged violations of Article 79** (*carrying out activities aimed at overthrowing the people’s administration*):

- On December 16, 2016, two former political prisoners, Tran Anh Kim and Le Thanh Tung, were sentenced to 13 years and 12 years in prison, respectively.
- Democracy activists Luu Van Vinh and Nguyen Van Duc Do were arrested on November 6, 2016, but no court hearing date has been scheduled yet.

### **Alleged violations of Article 88** (*conducting propaganda against the Socialist Republic of Vietnam*):

- On March 30, 2016, Mrs. Ngo Thi Minh Uoc was sentenced to four years in prison and two-year probation; Mrs. Nguyen Thi Tri and Mrs. Nguyen Thi Be were each sentenced to three years in prison and two years of probation.
- On March 30, 2016, blogger Nguyen Ngoc Gia was sentenced to a four-year prison term,



which was reduced by one year on May 10, 2016.

- On August 23, 2016, Activists Nguyen Huu Thien An and Nguyen Huu Quoc Duy were sentenced to two and three years in prison, respectively.
- Lawyer Nguyen Van Dai and his assistant, Ms. Le Thu Ha, have been in detention without court appearance since their arrest on December 16, 2016.
- Blogger Me Nam Nguyen Ngoc Nhu Quynh, who was arrested on October 10, 2016, still awaits court appearance.
- Blogger Ho Hai, a.k.a. Doctor Ho Van Hai, has not had a court appearance since his arrest on November 2, 2016.
- Blogger Nguyen Danh Dung has not had his day in court since his arrest on December 16, 2016.
- Mrs. Tran Thi Nga still awaits her court appearance since her arrest on January 21, 2017.

**Alleged violations of Article 104** (*intentionally inflicting injury*):

- On March 2, 2016, the Appellate Court sentenced teenager Nguyen Mai Trung Tuan (15) to a two-year and six-month prison term for his involvement in a case against coercion in Thach Hoa District, Long An Province.

**Alleged violations of Article 245** (*causing public disorder*):

- On November 29, 2016, the Appellate Court sentenced Misses Hoang Thi Thai, Mai Thi Tiem, and Le Thi Thuy to six months of imprisonment for their participation in the demonstration against the Formosa Company in Ha Tinh.
- On November 30, 2016, an appellate court sentenced victim of injustice Can Thi Theu to 20 months' imprisonment.

**Alleged violations of Article 257** (*resisting persons in the performance of their official duties*):

- Former prisoner of conscience Nguyen Van Oai was arrested and detained on January 19, 2017; no court hearing date has been scheduled yet.

**Alleged violations of Article 258** (*abusing democratic freedoms to infringe upon the interests of the State, the legitimate rights and interests of organizations and/or citizens*):

- Victim of injustice Nguyen Van Thong was sentenced to three years and six months imprisonment on March 4, 2016.
- Anti-corruption activist Dinh Tat Thang was sentenced to seven months and 11 days imprisonment on March 24, 2016.
- Blogger Anh Ba Sam and his partner, Mrs. Nguyen Thi Minh Thuy, were sentenced to five and three years in prison, respectively, on September 22, 2016.
- Mr. Nguyen Van Hoa still awaits his court appearance since his arrest on January 11, 2017.
- Activists Vu Quang Thuan and Nguyen Van Dien were arrested and detained on March 2, 2017 for allegedly making and distributing several clips of bad contents on the Internet. No court hearing date has been scheduled yet.

Noted also should be the case of dentist Hoang Van Giang, who was sentenced in secret to three years of imprisonment on unknown charges. Giang, a member of the Brotherhood for Democracy, had been detained by Thanh Hoa police in a staged case of “illegal possession of narcotics” on October 14, 2015.<sup>4</sup>

All of the above-named were prosecuted for having exercised their fundamental rights stipulated in the Universal Declaration of Human Rights as well as in the Constitution of Vietnam. Clearly, the government arbitrarily applied vaguely worded security crimes of the Penal Code as well as fabricated evidence to these dissidents, human rights activists, and Victims of Injustice. The courts have become a means for the CPV to impose its will as the country’s sole seat of power.

### 3. 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 Vietnam, legal procedures are conducted in conformity with the principle that 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 principles of procedure throughout the criminal proceedings, from arbitrary arrest to fabrication of evidence, forcible testimony, obstruction of lawyers, and cursory trials with predetermined verdicts have made a mockery of such procedures. Suspects are often tortured during interrogation and isolated from their families and lawyers. Most court trials are summarily carried out within 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 needed to read the verdict, 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 close relatives during the apprehension process, detention beyond the lawful limit without indictment, no introduction of evidence or 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.



*Dec 20, 2016, Mr. Han Duc Long, sentenced to death four times, was released after 11 years in jail because the court does not have enough evidence to convict him. Photo courtesy of Vnexpress.*

<sup>4</sup> Hội Anh Em Dân Chủ. *Nha sỹ Giang Hoàng bị tuyên án 3 năm tù giam.*  
<https://haedc.org/2016/10/10/nha-sy-giang-hoang-bi-tuyen-an-3-nam-tu-giam/>

Outstanding judicial events that took place in 2016 exposed many wrongdoings in Vietnam's judiciary system in general and, in particular, prosecution procedures, involving cases that cause public concern, such as:

- Mr. Han Duc Long, sentenced to death four times because of wrongful accusations of “rape of a minor and murder.”<sup>5</sup>
- Mr. Huynh Van Nen, wrongfully imprisoned because of false accusations of “property theft and murder.”<sup>6</sup>
- Mr. Tran Van Them, twice sentenced to death because of false accusations of “property theft and murder.”<sup>7</sup>

In 2016 these victims were confirmed to have been unjustly sentenced as a result of duress, extortion, and the use of corporal punishment.

In all those cases, the verdicts had already been decided by the court before the trials, based on confessions obtained through physical and mental torture, in disregard of rebuttal evidence, the accuseds' retraction, and witnesses' persuasive counter-arguments.

The vindication of these victims was thanks to the guilty parties' confessions. However, other cases, despite the investigating agencies' admission of multiple procedural mistakes, still have not been redressed, e.g., the death penalties of Mr. Ho Duy Hai<sup>8</sup> and Mr. Nguyen Van Chuong,<sup>9</sup> and the life sentence of Mr. Le Ba Mai.<sup>10</sup>

One other equally serious crime is “corrupt bribery of the courts.” This is a very common phenomenon in Vietnam, especially in recent years when the economic reform policy provided grounds for corruption.

It is difficult to identify the primary culprits in cases of court bribery. The task is usually carried out by low-ranking subordinates, who, if caught, would be tried for “appropriating property through swindling,” while in reality it is judicial bribery.

The public is very indignant at the mild verdicts for serious cases. An example is the immunity granted to Mr. Phi Thai Binh, former Chairman of Vinaconex's Board of Directors and former Deputy Chief of the Hanoi People's Committee, whose criminal activities had caused the loss of public funds amounting to billions of dong.<sup>11</sup> Two teenagers, however, who, due to hunger, had

<sup>5</sup> BBC. *Tử tù Hàn Đức Long được trả tự do sau 11 năm tù*. <http://www.bbc.com/vietnamese/vietnam-38388343>

<sup>6</sup> Dân Trí. *Ông Huỳnh Văn Nén “vạch mặt” người gây oan sai cho mình*. <http://dantri.com.vn/xa-hoi/ong-huynh-van-nen-vach-mat-nguoi-gay-oan-sai-cho-minh-20151130181824595.htm>

<sup>7</sup> VnExpress. *Cụ ông ‘tử tù’ gần 80 tuổi hơn 40 năm kêu oan*. <http://vnexpress.net/tin-tuc/phap-luat/cu-ong-tu-tu-gan-80-tuoi-hon-40-nam-keu-oan-3450617.html>

<sup>8</sup> 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>

<sup>9</sup> 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>

<sup>10</sup> Một Thế Giới. *Bản án tù chung thân Lê Bá Mai đầy nghịch lý*. <http://motthegioi.vn/phap-luat/ky-2-ban-an-tu-chung-than-le-ba-mai-day-nghich-ly-116977.html>

<sup>11</sup> Thanh Niên. *Miễn xử lý hình sự lãnh đạo Vinaconex vì vi phạm lần đầu!* <http://thanhnien.vn/thoi-su/mien-xu-ly-hinh-su-lanh-dao-vinaconex-vi-vi-pham-lan-dau-723726.html>

stolen a couple of slices of bread, were sentenced to eight and ten months in prison for “property plunder.”<sup>12</sup>

In a hearing before the National Assembly Standing Committee in May 2015, the head of the People’s Supreme Court of Investigation, Nguyen Hoa Binh, had to admit that the number of criminals involved in corruption and abuse of power continued to rise.<sup>13</sup>

In early 2016, Mr. Nguyen Van Hien, Chairman of the National Assembly Justice Committee, also said that despite the prosecution of hundreds of cases involving judicial officials, the number falls far short of the actual violations.<sup>14</sup>

Vietnam’s Constitution stipulates: “The People’s Courts shall hold hearings in public” (Article 103). However, most political cases have been hastily tried, and security forces of sometimes up to hundreds of people have been mobilized to prevent relatives and reporters from attending.

In 2016, the sentencing in sensitive cases -- such as those of blogger Ba Sam Nguyen Huu Vinh and his colleague Nguyen Thi Minh Thuy, Nguyen Huu Thien An-Nguyen Huu Quoc Duy, and petitioner Can Thi Theu -- was carried out in closed sessions. People were prevented from attending; many were injured in assaults.

In contrast to these closed political trials, there are also outdoor trials by mobile courts that resemble the public denunciations of the Land Reform Era, which have no legal basis for existence. At such mobile 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.

## 4. 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 Rights (Article 14-d). The Criminal Procedure Code of Vietnam, amended in November 2015, also guarantees the right to defense for accused persons and their representatives (Articles 16 and 73). In practice, however, the right to self-defense and the right to legal counsel have been constantly violated.

According to the Vietnam Bar Association, up to 2016, there were about 10,000 licensed lawyers, whose principal activity is procedural law.<sup>15</sup> Only about 20 percent of defendants in criminal cases were represented by defense attorneys.<sup>16</sup>

Vietnam’s judicial system has been crippled not only by the very small number of lawyers, their

<sup>12</sup> VnExpress. *Cướp bánh mì khi đói, 2 thiếu niên lĩnh án.*

<http://vnexpress.net/tin-tuc/phap-luat/cuop-banh-mi-khi-doi-2-thieu-nien-linh-an-3439329.html>

<sup>13</sup> Nhân Dân. *Nhất trí lập đơn vị kiểm sát điều tra án tham nhũng trong hoạt động tư pháp.*

<http://www.nhandan.org.vn/chinhtri/item/26324002-nhat-tri-lap-don-vi-kiem-sat-dieu-tra-an-tham-nhung-trong-hoat-dong-tu-phap.html>

<sup>14</sup> Viet Times. *Khởi tố hàng trăm cán bộ tư pháp.* <http://viettimes.vn/khoi-to-hang-tram-can-bo-tu-phap-46057.html>

<sup>15</sup> Liên Đoàn Luật sư Việt Nam. *Nghề luật sư ở Việt Nam đã ra đời và hoạt động như thế nào?*

<http://liendoanluatsus.org.vn/web/Nghe-luat-su-o-Viet-Nam-da-ra-doi-va-hoat-dong-nhu-the-nao-205.html>

<sup>16</sup> Tạp chí Dân chủ và Pháp luật. *Vướng mắc cần tháo gỡ để nâng cao hoạt động tranh tụng của luật sư tại phiên tòa hình sự.* <http://tcdcpl.moj.gov.vn/qt/tintuc/Pages/dien-dan-cong-tac-tu-phap.aspx?ItemID=5>



low level of occupational awareness, and their unsatisfactory professional skills, but also by the government's unfriendly attitude toward them.

The totalitarianism of the communist regime always forces civil society to obey the authorities' orders. Based on the Vietnamese Communist Party (VCP) Central Committee's Directive 56/CT-TW of 8-18-2000 on strengthening the Party's leadership over the Vietnamese Jurists Association, which is actually "a profoundly political and social professional organization of people working in the legal field."

The administration, especially the police, regards lawyers as dangerous opponents to the regime. Thus, it continues to find ways to intervene and obstruct their activities, which it deems harmful to its regime and its leadership.

In recent years, public opinion has been particularly concerned about the security of defenders of justice, as many of them have been harassed or injured by police agents disguised as thugs. Typical cases involved the hooligans' ruthless beating of lawyers Tran Thu Nam and Le Van Luan in 2015,<sup>17</sup> and the assault of Attorney Vo Thi Tiet by the defendant's relatives during the Pleiku City People's Court session on December 20, 2016.<sup>18</sup>

In the daily operation of their business, lawyers in Vietnam today are confronted with obstruction from the investigative police, the Procuracy, and even the Trial Panel.

At the Vietnam Bar Federation Conference of March 14, 2016, many of the participants did not hesitate to point out numerous difficulties practicing lawyers had had to deal with, including harassment by judges and denial of access to records and evidence.<sup>19</sup>

In court, the jury rarely pays attention to lawyers' arguments, while the latter often do not dare to contradict the prosecutors. In most cases, the lawyers' only duty is to ask for leniency.<sup>20</sup> 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 conduct was Mr. Vo Thanh Quyet's defense of defendant Ho Duy Hai, which resulted in the latter's death sentence. It is worth



*Dec 20, 2016, Attorney Vo Thi Tiet was assaulted at the Pleiku City People's Court in the presence of the judge. Photo courtesy of Dân Trí.*

<sup>17</sup> Defend the defenders. *Luật sư Trần Thu Nam và Lê Luân bị công an giả danh côn đồ đánh đập dã man*. <http://www.vietnamhumanrightsdefenders.net/2015/11/04/luat-su-tran-thu-nam-va-le-luan-bi-cong-an-gia-danh-con-do-danh-dap-da-man/>

<sup>18</sup> Dân Trí. *Nữ luật sư bị đánh tại tòa chấn thương sọ não*. <http://dantri.com.vn/phap-luat/nu-luat-su-bi-danh-tai-toa-chan-thuong-so-nao-20161229083305344.htm>

<sup>19</sup> Tuổi trẻ Online. *Giới luật sư kêu bị làm khó khi hành nghề*. <http://tuoitre.vn/tin/phap-luat/20160315/gioi-luat-su-keu-bi-lam-kho-khi-hanh-nghe/1067302.html>

<sup>20</sup> 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>

noting that Mr. Vo Thanh Quyet is a former Chief of the Provincial Police.<sup>21</sup> 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.”<sup>22</sup>

## 5. 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.”

In reality, for criminal prisoners and those who locked up in “Drug Rehab Centers” and “Human Dignity Restoration Camps,” corporal punishment has been used to subdue inmates and save funds. First, inmates are forced to

Especially for political prisoners, the inhuman treatment is carried out even more systematically. They are usually subject to additional sanctions, such as transferal to faraway prison camps, prohibition of visits, disciplinary isolation, suspension of medical treatment, beatings by the prison police or by criminal prisoners directed by them, and so on.

work hard all day, but are not entitled to the fruits of their labor. The work is difficult and dangerous, and includes stone crushing, timber logging, farming, and brick-making. Second, despite strenuous work, prisoners must live in deplorable conditions in all aspects: shelter, food, sanitation, and health. Worst of all is the harsh treatment by prison wardens and staff, who are able to use any public humiliation and psychological or physical torture imaginable. The purposes of the punishments were: first, to leave the prisoners dispirited and make them submissive to their jailers; and second, to wreak revenge on prisoners who dare to demand treatment in accordance with the law.

Especially for political prisoners, the inhuman treatment is carried out even more systematically. They are usually subject to additional sanctions, such as transferal to faraway prison camps, prohibition of visits, disciplinary isolation, suspension of medical treatment, beatings by the prison police or by criminal prisoners directed by them, and so on.

Amnesty International identified these corporal punishments in its July 2016 report,<sup>23</sup> which was based on the interviews with 18 former Vietnamese prisoners of conscience released in the past five years.

In 2016, the public paid special attention to a number of prisoners of conscience being tortured

<sup>21</sup> Việt Báo. *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/>

<sup>22</sup> VnExpress. *Vai trò của luật sư trong phiên tòa rất mờ nhạt.*

<http://vnexpress.net/tin-tuc/phap-luat/vai-tro-cua-luat-su-trong-phiên-toa-rat-mo-nhat-2077980.html>

<sup>23</sup> Amnesty International. *Prisons within Prisons: Torture and ill-treatment of prisoners of conscience in Viet Nam.*

<http://www.amnestyusa.org/research/reports/prisons-within-prisons-torture-and-ill-treatment-of-prisoners-of-conscience-in-viet-nam>

in prison, including Mr. Tran Huynh Duy Thuc,<sup>24</sup> Pastor Nguyen Cong Chinh,<sup>25</sup> blogger Nguyen Ngoc Gia,<sup>26</sup> Ms. Tran Thi Thuy,<sup>27</sup> and Ms. Nguyen Dang Minh Man.<sup>28</sup>

In 2016 and the first quarter of 2017, a number of prisoners of conscience were released because they had served their sentences, or were allowed to depart to foreign countries because of pressure from countries with which Vietnam has trade relations. Among them:

- Mrs. Ho Thi Bich Khuong, released on January 15, 2016.
- Ms. Nguyen Thi Thuy Quynh, released on February 11, 2016, upon the completion of her two-year prison term.
- Mr. Nguyen Viet Dung, released on April 13, 2016, after 12 months in prison.
- Mr. Nguyen Van Phuong, released on April 20, 2016, after 17 years in prison.
- Father Nguyen Van Ly, released on May 20, 2016, after 7 years and 9 months in prison, about three months ahead of schedule.
- Mr. Nguyen Van Minh, released on August 11, 2016, after two years and six months in prison.
- Mr. Son Nguyen Thanh Dien, released on August 17, 2016, after 16 years in prison.
- Mrs. Vu Thi Hai, released on September 9, 2016, after 15 months in prison.
- Mr. Nguyen Kim Nhan, release on October 7, 2016, after five years and four months in prison, two months ahead of schedule.
- Mr. Dang Xuan Dieu, released on January 12, 2017, after four years in prison and taken to France for medical treatment. Mr. Dieu had been sentenced to 13 years in prison and five years of probation.
- Mrs. Bui Thi Minh Hang, released on February 11, 2017, after three years in prison.
- Mr. Doan Huy Chuong, released on February 13, 2017, after seven years in prison.

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<sup>24</sup> RFA. *Tù nhân chính trị Trần Huỳnh Duy Thức bị chuyển trại giam.*

[http://www.rfa.org/vietnamese/in\\_depth/tran-huynh-duy-thuc-moved-to-farther-jail-gm-05072016074323.html](http://www.rfa.org/vietnamese/in_depth/tran-huynh-duy-thuc-moved-to-farther-jail-gm-05072016074323.html)

<sup>25</sup> GNsP. *Ms Nguyễn Công Chính: Bị đối xử ngược đãi vì không nhận tội.*

<http://www.tinmungchonguongheo.com/blog/2016/02/21/ms-nguyen-cong-chinh-bi-doi-xu-nguoc-dai-vi-khong-nhan-toi/>

<sup>26</sup> RFA. *Ông Nguyễn Ngọc Già bị hành hạ trong tù.*

<http://www.rfa.org/vietnamese/vietnamnews/blogger-nngia-jailed-in-bad-conditions-12142016092432.html>

<sup>27</sup> RFA. *Ấn xá Quốc tế lên tiếng tình trạng tù nhân Trần Thị Thủy.*

<http://www.rfa.org/vietnamese/vietnamnews/grow-health-fear-f-prisoner-of-conscience-02172017121435.html>

<sup>28</sup> GNsP. *TNLT Đặng Minh Mẫn bị hành hung.* <http://www.tinmungchonguongheo.com/blog/2017/03/14/17240/>

### III

## THE RIGHT TO PARTICIPATE IN NATIONAL POLITICAL 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),<sup>1</sup> “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) over all national activities.<sup>2</sup> Because of this contradiction and the intention to maintain political monopoly at all costs, all provisions on political rights stated in Articles 20 and 21 of the Universal Declaration of Human Rights and Articles 21 and 22 of the International Covenant On Civil and Political Rights, which Vietnam was committed to upholding, are nullified. People are deprived of the right to choose their political systems and representatives peacefully, and the right 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, which has been effective as of January 1, 2016, 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.

In preparation for the election of the 14th National Assembly and nationwide People’s Councils for the 2016-2021 term, the Politburo of the Vietnamese Communist Party (CPV) on January 4, 2016, issued Directive No. 51-CT / TW establishing methods to keep loyal party members on the can-

<sup>1</sup> 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.”

<sup>2</sup> “The Communist Party of Vietnam - the Vanguard of the working class, concurrently the vanguard of the laboring people and Vietnamese nation, faithfully representing the interests of the working class, laboring 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)



didate list and eliminate “those who exhibit political opportunism and ambition for power,” and to prevent “abuses of democracy and violation of election laws.”

In the May 22, 2016 election, no one was eligible to stand for election other than the CPV’s members and a few number of individuals approved by the CPV. All applicants had to be screened by the Fatherland Front, a front organ of the CPV, through the “Consultative Conference” and the “Voter Conference” at central and local levels.

Of the 496 newly elected members of the National Assembly, there are 21 non-members of the ruling Communist Party. Compared with the 13th National Assembly with 42 non-members, the number of people outside the Party decreased by 50%. In fact, the 21 non-members are from the Vietnam Fatherland Front, an umbrella organization of the CPV.

According to official data published by the 13<sup>th</sup> National Assembly Standing Committee, there were 1209 candidates vying for 500 seats in the 14th National Assembly. Of these candidates, 197 submitted their application to the National Election Council, 1012 filed their candidatures with the Provincial Election Committee, and 162 self-nominated.<sup>3</sup> However, after considerations by “consultative conferences” and “constituent conferences,” the number of people nominated for the official list of candidates was 870, including 11 self-nominated candidates. Of these 11 candidates, three were local party secretaries, two of whom were the only two self-nominated candidates elected to the National Assembly.<sup>4</sup>

According to the results of the National Assembly election in May 2016, the national voter turnout rate was 99.35%; The CPV leaders obtained an absolute vote of confidence, registering 99.48% for Prime Minister Nguyen Xuan Phuc, 95.87% for Minister of Defense Ngo Quoc Lich, 95.55% for Minister of Finance Dinh Tien Dung, 95.32% for Deputy Prime Minister Vuong Dinh Hue, and 95.16% for Minister of Public Security To Lam.<sup>5</sup> Of the 496 newly elected members of the National Assembly, there are 21 non-members of the ruling Communist Party. Compared with the 13<sup>th</sup> National Assembly with 42 non-members, the number of people outside the Party decreased by 50%. In fact, the 21 non-members are from the Vietnam Fatherland Front, an umbrella organization of the CPV.

Like in any totalitarian regime, these unusual voter participation figures and confidence level serve nothing more than to underscore the nature and the breadth of the communist dictatorship in its intention to monopolize power. As a matter of fact, the current system of election in Vietnam is something that no Vietnamese citizens dare to reject, since abstaining or voting against the party line is synonymous with being seen as troublemakers and inviting harsh retaliatory measures in their daily life, such as difficulties when applying for civil status documents, building permits, and real property transactions.

Noteworthy in the 2016 National Assembly election was the “self-nominated movements” of dis-

<sup>3</sup> Trần Đại Quang. *Có 1 đơn tố cáo người ứng cử đại biểu Quốc hội thuộc diện Bộ Chính trị quản lý*. <http://trandaiquang.org/co-1-don-to-cao-nguoi-ung-cu-dai-bieu-quoc-hoi-thuoc-dien-bo-chinh-tri-quan-ly.html>

<sup>4</sup> VnExpress. *Danh sách 870 ứng viên đại biểu Quốc hội khóa 14*. <http://vnexpress.net/interactive/2016/dai-bieu-quoc-hoi>

<sup>5</sup> VnExpress. *Thủ tướng đạt trên 99% phiếu bầu vào Quốc hội*. <http://vnexpress.net/tong-thuat/thoi-su/thu-tuong-dat-tren-99-phiieu-bau-vao-quoc-hoi-3416887.html>

sidents, especially those of members of “underground” civil society organizations. At least 30 dissidents submitted their candidatures,<sup>6</sup> all of which were disqualified after going through the consideration process by consultative conferences and constituent conferences that were more like denunciation gatherings. Furthermore, the government sought to block the candidacy of dissidents with a number of tricks, from slandering to threatening personal safety.<sup>7</sup> The People’s Public Security Newspaper claimed that the “self-nominated candidacy movement” was the guise of hostile elements,<sup>8</sup> both domestic and foreign, whose attempt was to derail the election of the National Assembly and the People’s Councils at all 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 draft laws 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 National Assembly operatives. The Party still controls the National Assembly, with 96% of the representatives being party members and the rest being a mere decorative appendage to the ruling Party’s apparatus.

In short, through legislation and daily operations, the people have no voice in the governmental apparatus, from central to local levels. These institutions are not representative of the people, but are just the Communist Party’s tools for carrying out totalitarian policies.

## 2. Stamping out Opposition

To protect the Party’s political security, the government still did not tolerate any outside dissent or criticism. At the 72nd National Security Conference on December 26, 2016, Secretary General Nguyen Phu Trong instructed public security forces to actively prevent, detect, avert, and incapacitate reactionary plots. “Do not allow them to establish and publicize their political opposition organizations in the country.”<sup>9</sup>

Thus, organizations promoting democracy and human rights, such as 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, Viet Labor Movement, the Free Journalists Club, the

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<sup>6</sup> Trung Điền. *Hành trình của những ứng cử viên tự do*.

<https://doithoaonline.wordpress.com/2016/04/23/hanh-trinh-cua-nhung-ung-cu-vien-tu-do/>

<sup>7</sup> Đoàn Trang. *Ứng viên độc lập ‘bị sách nhiễu đồng loạt’*.

[http://www.bbc.com/vietnamese/forum/2016/03/160303\\_ung\\_vien\\_doc\\_lap\\_bi\\_sach\\_nhieu\\_dong\\_loat](http://www.bbc.com/vietnamese/forum/2016/03/160303_ung_vien_doc_lap_bi_sach_nhieu_dong_loat)

<sup>8</sup> Công an Nhân dân Online. *Sự thật về cái gọi là “phong trào tự ứng cử đại biểu Quốc hội”*.

<http://cand.com.vn/Chong-dien-bien-hoa-binh/Su-that-ve-cai-goi-la-phong-trao-tu-ung-cu-dai-bieu-Quoc-hoi-385400/>

<sup>9</sup> Tin Mới. *Tổng Bí thư: CAND phải là lực lượng nòng cốt giữ vững an ninh quốc gia*.

<http://www.tinmoi.vn/tong-bi-thu-cand-phai-la-luc-luong-nong-cot-giu-vung-an-ninh-quoc-gia-011440547.html>



*March 23, 2016, Mr. Nguyen Thien Nhan, a human rights activist and member of Brotherhood for Democracy was assaulted by police. Photo courtesy of Brotherhood for Democracy.*

Vietnamese Political and Religious Prisoners Friendship Association, the Patriotic Youth, The Vietnam Path Movement, the Brotherhood For Democracy, continued to be prohibited and persecuted. Many members of these organizations were tracked down, assaulted, and detained.

For example, as of December 2016, up to 50 members of Bloc 8406 have been arrested and sentenced to prison; five of them are still under detention. Father Nguyen Van Ly and Father Phan Van Loi, the main proponents of the organization, are under house arrest. Mr. Tran Huynh Duy Thuc, the leader of the Vietnam Path Organization, was still serving his 16 years of imprisonment on charges of “activities aimed at overthrowing the people’s government” under Article 79 of the Penal Code. Dr. Nguyen Dan Que, the founder of the Humanist Movement, was also under house arrest.

Nguyen Hoang Quoc Hung, one of the leaders of the Vietnamese Labor Movement, is serving a nine-year prison sentence. Councilor Nguyen Van Dai, the founder of the Democratic League, has been in detention since December 2015 without any visit from his lawyer or his family.

In 2016, in addition to using criminalization methods to arrest and prosecute dissidents (see Arbitrary Detention and Criminalization of Political Activities in nonconformance with the interests of the CPV in Chapter II of this report), the govern-

ment increased the dismantling of democratic activists with violent force. According to the Prisoners of Conscience Association of Vietnam’s report, the number of violent cases against dissidents increased from 152 in 2015 to 202 in 2016.<sup>10</sup>

Followings are some of the cases deserving our concern:

- On January 7, 2016, activist Nguyen Huy Tuan was assaulted and robbed by plainclothes public security police.<sup>11</sup>
- On February 22, 2016, former prisoner of conscience Tran Minh Nhat was beaten and injured by Lam Dong Province plainclothes police.<sup>12</sup>
- On March 23, 2016, journalist Nguyen Thien Nhan, a defender of the poor and of independent unions, was seriously wounded by the police.<sup>13</sup>

<sup>10</sup> Hội Cựu Tù Nhân Lương Tâm Việt Nam. *Báo cáo vi phạm nhân quyền Việt Nam 2015-2016*. <http://fvpoc.org/2017/02/27/hoi-ctnlt-bao-cao-vi-pham-nhan-quyen-viet-nam-2015-2016/>

<sup>11</sup> Nguyễn Tường Thụy. *Báo động về tình trạng người hoạt động xã hội dân sự bị đánh và bị cướp*. <http://www.rfavietnam.com/node/3003>

<sup>12</sup> RFA. *Cựu tù nhân lương tâm Trần Minh Nhật vỡ đầu vì mưa đá từ chính quyền*. [http://www.rfa.org/vietnamese/in\\_depth/tran-minh-nhat-received-stones-attacks-by-police-cn-02232016092147.html](http://www.rfa.org/vietnamese/in_depth/tran-minh-nhat-received-stones-attacks-by-police-cn-02232016092147.html)

<sup>13</sup> Hội Anh Em Dân Chủ. *Côn đồ nhà nước cộng sản hành hung nhà báo Nguyễn Thiện Nhân*. <https://haedc.org/2016/03/27/cong-an-nha-nuoc-cong-san-thue-con-do-hanh-hung-nha-bao-nguyen-thien-nhan/>

- On April 1, 2016, Mr. Nguyen Cong Thu, a member of the Human Rights Defenders, was assaulted and severely battered by An Giang Province plainclothes police.<sup>14</sup>
- On April 14, 2016, the wife of prisoner of conscience Pastor Nguyen Cong Chinh, Mrs. Tran Thi Hong, was beaten by Pleiku's public security police at Hoa Lu's police office.<sup>15</sup>
- On May 22, 2016, former prisoner of conscience Nguyen Viet Dung was beaten by Nghe An public security while he was in detention.<sup>16</sup>
- On June 5, 2016, Blogger Nguyen Van Thanh was brutally assaulted by public security disguised as hooligans in Da Nang.<sup>17</sup>
- On July 9, 2016, eight people, seven of whom were members of the Brotherhood for Democracy, were assaulted and robbed of their belongings by Nghe An public security disguised as hooligans.<sup>18</sup>
- On July 10, 2016, Human Rights Activist La Viet Dung was brutally attacked and wounded by secret police in Hanoi.<sup>19</sup>
- On July 13, 2016, plainclothes public security police caused an accident by swerving his motorbike into independent journalist To Oanh's motorcycle while the latter was on his way from Bac Giang to Hanoi.<sup>20</sup>
- On August 13, 2016, four bloggers, including Nguyen Ngoc Nhu Quynh, Bien Dinh Luat, Ton Nu Khiem Cung, and Nguyen Ba Vinh, were beaten by plainclothesmen in Khanh Hoa.<sup>21</sup>
- On September 19, 2016, former prisoner of conscience Nguyen Bac Truyen and his wife were assaulted by plainclothesmen disguised as hoodlums in Saigon.<sup>22</sup>
- On November 9, 2016, Mr. Do Phi Truong was arrested and beaten by public security police for suspicion of his involvement in the National Union for Self-Determination of

<sup>14</sup> Defend the Defenders. *Tuyên bố của Người Bảo vệ Nhân quyền về vụ tấn công thành viên Nguyễn Công Thu.*  
<http://www.vietnamhumanrightsdefenders.net/2016/04/03/tuyen-bo-cua-nguoi-bao-ve-nhan-quyen-ve-vu-tan-cong-thanh-vien-nguyen-cong-thu/>

<sup>15</sup> Dân Luận. *Tuyên Bố Chung Phái Điều Tra Cao Buộc Bị Tra Tấn Của Bà Trần Thị Hồng.*  
<https://www.danluan.org/tin-tuc/20160426/tuyen-bo-chung-phai-dieu-tra-cau-buoc-bi-tra-tan-cua-ba-tran-thi-hong>

<sup>16</sup> Defend The Defenders. *Địa ngục trần gian?*  
<http://www.vietnamhumanrightsdefenders.net/2016/05/25/dia-nguc-tran-gian/>

<sup>17</sup> Huỳnh Ngọc Chênh. *Blogger Nguyễn Văn Thanh lại bị hành hung tàn bạo tại Đà Nẵng.*  
<http://huynhngocchenh.blogspot.com/2016/06/blogger-nguyen-van-thanh-lai-bi-hanh.html>

<sup>18</sup> Hội Anh Em Dân Chủ. *Công an đánh dã man các nhà bất đồng chính kiến trên đường đi ăn cưới.*  
<https://haedc.org/2016/07/10/cong-an-danh-da-man-nguoi-dan-tren-duong-di-an-cuoi-ve/>

<sup>19</sup> Dân Lâm Báo. *Côn đồ ném đá vỡ đầu ông Lê Việt Dũng.*  
<http://danlambao.vn.blogspot.com/2016/07/con-o-nem-vo-au-anh-la-viet-dung.html>

<sup>20</sup> VNWHR. *Thầy giáo biểu tình Formosa bị “côn đồ” đâm xe phải vào cáp cứu.*  
<http://vnwhr.net/2016/07/16/thay-giao-bieu-tinh-formosa-bi-con-do-dam-xe-phai-vao-cap-cuu/>

<sup>21</sup> Dân Lâm Báo. *Nhiều người bị tấn công khi đến điều tra nhà máy xả thải nguy hại tại thôn Ninh Ích.*  
<http://danlambao.vn.blogspot.com/2016/08/nhieu-nguoi-bi-tan-cong-khi-i-ieu-tra.html>

<sup>22</sup> GNsP. *Cựu TNLT Nguyễn Bắc Truyển bị hành hung.*  
<http://www.tinmungchongguoingheo.com/blog/2016/09/19/cuu-tnlt-nguyen-bac-truyen-bi-hanh-hung/>

Vietnam.<sup>23</sup>

- On November 15, 2016, blogger Vu Dat Phong was tortured and assaulted in the office of Cam Ranh public security police.<sup>24</sup>
- On December 2, 2016, Human Rights activist Nguyen Thanh Huan was kidnapped and brutally beaten by Nghe An public security police.<sup>25</sup>
- On December 22, 2016, public security police of Ly Nhan District, Ha Nam Province sent their henchmen to stop activist Trinh Van Huong's car and assaulted him.<sup>26</sup>
- On December 23, 2016, activist Nguyen Van Dung (a.k.a. Dung Aduku) was kidnapped, beaten, and robbed of his belongings by Nghe An public security police.<sup>27</sup>
- On December 26, 2016, Civil Rights activist Nguyen Ho Nhat Thanh was assaulted by public security police because he had organized Civil Rights training classes for members of his organization.<sup>28</sup>
- On February 27, 2017, Pastor Nguyen Trung Ton, a leader of the Brotherhood for Democracy, and Mr. Nguyen Viet Tu were brutally assaulted while they were on their way from Thanh Hoa to Quang Binh.<sup>29</sup>

In addition to physical assault, the authorities also attempt to demoralize dissidents with other forms of harassment and sabotage, such as defamation, throwing dirt and bricks at people or their habitats, and destroying their means of living.

- **Defamation by the state media:** In addition to using the huge number of newspapers and radio stations, the government has also formed a large contingent of public opinion manipulators,<sup>30</sup> and taken advantage of community meetings and public loudspeakers to insult and denounce those whose voices are not in compliance with party lines.
- **Some typical victims of fetid materials or brick-throwing 2016:** Human rights activist Tran Thi Nga (02-21-2016),<sup>31</sup> supporters of parliamentary candidate Hoang Dung (03-28-

<sup>23</sup> RFA. *Thêm một công dân Việt Nam bị bắt với cáo buộc hoạt động chính trị.*

<http://www.rfa.org/vietnamese/vietnamnews/another-person-arrests-and-beaten-by-police-11112016083439.html>

<sup>24</sup> Dân Luận. *Blogger Vũ Đạt Phong bị công an bắt giữ trái phép và đánh đập.*

<https://www.danluan.org/tin-tuc/20161118/blogger-vu-dat-phong-bi-cong-an-bat-giu-trai-phep-va-danh-dap>

<sup>25</sup> GNsP. *Công an Nghệ An đánh dân tàn bạo, cướp tài sản, lột quần áo.*

<http://www.tinmungchonguoingheo.com/blog/2016/12/02/cong-an-nghe-an-danh-dan-tan-bao-cuop-tai-san-lot-quan-ao/>

<sup>26</sup> GNsP. *Đi khiếu nại và đồng hành với dân oan bị côn đồ hành hung.*

<http://www.tinmungchonguoingheo.com/blog/2016/12/22/di-khieu-nai-va-dong-hanh-voi-dan-oan-bi-con-do-hanh-hung/>

<sup>27</sup> SBTN. *Nhà hoạt động Dũng Aduku bị công an đánh đập cướp tài sản.*

<http://www.sbtn.tv/nha-hoat-dong-dung-aduku-bi-con-an-danh-dap-cuop-tai-san/>

<sup>28</sup> Hội Anh Em Dân Chủ. *Nguyễn Hồ Nhật Thành: “Bạo lực không làm ta khuất phục”.*

<https://haedc.org/2016/12/29/nguyen-ho-nhat-thanh-bao-luc-khong-lam-ta-khuat-phuc/>

<sup>29</sup> VOA. *MS Nguyễn Trung Tôn bị ‘mật vụ công an hành hung’.*

<http://www.voatiengviet.com/a/muc-su-nguyen-trung-ton-mat-vu-cong-an-hanh-hung-chung-toi/3745817.html>

<sup>30</sup> AFP. *Vietnam's propaganda agents battle bloggers online.*

<http://www.bangkokpost.com/tech/computer/331539/vietnam-propaganda-agents-battle-bloggers-online>

<sup>31</sup> Dân Luận. *Mắm Tôm: Vũ khí tối tân của công an nhằm tiêu diệt phụ nữ và trẻ con.*

<https://www.danluan.org/video/20160222/mam-tom-vu-khi-toi-tan-cua-cong-an-nham-tieu-diet-phu-nu-va-tre-con>



2016),<sup>32</sup> activist Nguyen Van Thanh (06-12-2016),<sup>33</sup> dignitaries of the Original Hoa Hao Buddhist Church Nguyen Ngoc Tan and Nguyen Van Hau (06-03-2016)<sup>34</sup>, Father Phan Van Loi (08-14-2016),<sup>35</sup> Blogger Nguyen Tuong Thuy (12-02-2016),<sup>36</sup> and democracy activist Pham Van Troi (12-20-2016).<sup>37</sup>

- **Destruction of means of livelihood:** Destroying the pepper and coffee orchards<sup>38</sup> of former prisoner Tran Minh Nhat's family, taking the property of ex-prisoners of conscience Le Thi Cong Nhan and Ngo Duy Quyen,<sup>39</sup> causing difficulties for Pastor Nguyen Trung Ton's family business.<sup>40</sup>

According to the International Human Rights Organization, Vietnam's Commission for the Protection of Human Rights, and the French Human Rights Society, Vietnam has the largest number of political prisoners in Southeast Asia.<sup>41</sup>

### 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 access to information in the context of today's Vietnam, this report has a separate section for this issue [See Chapter IV Freedom of Speech].

<sup>32</sup> Ba Sâm. *Những người ủng hộ ông Hoàng Dũng bị ném mắm tôm!*

<https://anhbasam.wordpress.com/2016/03/28/7650-nhung-nguoi-ung-ho-ong-hoang-van-dung-bi-nem-mam-tom/>

<sup>33</sup> Diễn đàn Xã hội Cấp tiến. *Đang mắm tôm tấn công Fb Nguyễn Văn Thanh.*

<https://www.facebook.com/diendandansu/posts/980258135414323>

<sup>34</sup> GNSP. *Các thành viên Trung ương GHPGHHTT bị hành hung và đe dọa.*

<http://www.tinmunchonguoiingheo.com/blog/2016/06/03/cac-thanh-vien-trung-uong-ghpgghhtt-bi-hanh-hung-va-de-doa/>

<sup>35</sup> Dân Lâm Báo. *Công an gia tăng khủng bố linh mục Phan Văn Lợi.*

<http://danlambaovn.blogspot.com.au/2016/08/cong-gia-tang-khung-bo-lm-phan-van-loi.html>

<sup>36</sup> Nguyễn Tường Thụy. *Thư ngỏ gửi ông Nguyễn Thế Hùng, Trưởng Công an Huyện Thanh Trì.*

<http://www.rfavietnam.com/node/3593>

<sup>37</sup> Hội Anh Em Dân Chủ. *Công an Hà Nội khủng bố nhà riêng anh Phạm Văn Trội.*

<https://haedc.org/2016/12/21/cong-an-ha-noi-khung-bo-nha-rieng-anh-pham-van-troi/>

<sup>38</sup> RFA. *Những cựu tù nhân lương tâm không có Tết.*

<http://www.rfa.org/vietnamese/programs/OverseasVietnamese/no-tet-for-former-prisoner-of-conscience-tt-01142016152657.html>

<sup>39</sup> Dân Lâm Báo. *Ông Ngô Duy Quyền - chồng luật sư Lê Thị Công Nhân bị bắt.*

<http://danlambaovn.blogspot.com/2016/02/ong-ngo-duy-quyen-chong-luat-su-le-thi.html>

<sup>40</sup> Hội Anh Em Dân Chủ. *Mục Sư Nguyễn Trung Tôn và gia đình luôn bị nhà cầm quyền Thanh Hóa khủng bố!*

<https://haedc.org/2016/10/14/muc-su-nguyen-trung-ton-va-gia-dinh-luon-bi-nha-cam-quyen-thanh-hoa-khung-bo/>

<sup>41</sup> Người Việt Online. *'Việt Nam có nhiều tù nhân chính trị nhất tại Đông Nam Á'.*

<http://www.nguoi-viet.com/viet-nam/viet-nam-co-nhieu-tu-nhan-chinh-tri-nhat-tai-dong-nam/>

### **3.1. The Right to Freedom of Association**

In 2005, the government announced a Draft Law on Association, but until 2014, and after 11 amendments, the National Assembly has yet put the draft law up for discussion and vote. At the end of 2015, National Assembly Chairman Nguyen Sinh Hung declared that the vote on the Draft Law on Association would be postponed until the next Assembly;<sup>42</sup> and it was possible that it would not be revisited until October 2016. However, in October of 2016, the vote on the Draft Law on Associations was withdrawn from the agenda of the National Assembly and postponed to the next session.

The unusual delay confirmed the government's fear of people's possible use of this law as a legal means of bypassing state control over the formation of independent organizations.

According to the Government's report to the National Assembly on the Law on Assembly, as of December 1, 2014, there were 52,565 associations in operation in Vietnam (483 nationwide and 52,082 local). These are peripheral organizations established by the Vietnamese Communist Party or groups controlled by the government. The national budget spent on these associations is about 68 trillion dong (US \$3 billion.)<sup>43</sup>

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 Bau Bi Tuong Than Association, the Peasant Petitioners Association, Movement for solidarity with Victims of Injustice, the Vietnamese Political and Religious Prisoner Friendship Association, the Vietnam Path Movement, the Bach Dang Giang Foundation, the Vietnamese Women for Human Rights, the Vietnamese Redemptorist Communications, the Independent Journalists Association of Vietnam, Viet Labor Movement, Green Trees, and the Association for the Support of Victims of Torture.

Although their activities are very limited, mostly through social media, and although they have always been persecuted, these associations have created a new spirit of freedom of association, a right specified in the Vietnamese Constitution. The Communist government is always fearful of the advent of civil society organizations, and afraid that these organizations will "evolve from 'counter-argument' to 'protest' and finally 'reactionary opposition' to the Communist Party and the socialist state."

### **3.2. The Right to Freedom of Peaceful Assembly**

Prime Minister Nguyen Tan Dung proposed the Draft Law on Demonstration in November 2011, but by the end of 2015, it had not yet been discussed by the National Assembly. In early 2016, Minister of Justice Ha Hung Cuong said, "Because opinions on the content of the draft Law are very different among the cabinet members," the Government has requested that the discussion on the draft Law should be postponed until the 2<sup>nd</sup> Session of the 14<sup>th</sup> National Assembly (the end of

<sup>42</sup> BBC. *Luật về Hội - phép thử bị trì hoãn?*

[http://www.bbc.com/vietnamese/vietnam/2015/09/150925\\_vn\\_draft\\_association\\_law\\_views](http://www.bbc.com/vietnamese/vietnam/2015/09/150925_vn_draft_association_law_views)

<sup>43</sup> Tuổi Trẻ Online. *Tổng chi phí cho các hội lên tới 68.000 tỉ đồng.*

<http://tuoitre.vn/tin/kinh-te/tai-chinh/20160707/tong-chi-phi-cho-cac-hoi-len-toi-68000-ti-dong/1133212.html>

2016).<sup>44</sup> However, as with the Draft Law on Associations, the Draft Law on Demonstration has been delayed until the end of 2017.<sup>45</sup>

So far, gatherings to express views and aspirations were still governed by Decree 38/2005, which required advance permission from relevant the People's Committee for any gathering of five people or more, and the disclosure of names of the participants, content, and date of the meeting.

However, 2016 was marked by mass protests in many locations for various reasons: victims of land expropriation demanding justice; exploited workers demanding improvement in wages and working conditions; religious followers demanding freedom; people rising against the Chinese encroachment on national waters and islands, police violence and environmental destruction, and advocating for the rights of lesbian, gay, bisexual, and transgender groups (LGBT).

The gatherings of victims of land expropriation demanding the return of their land continued across the country during all of 2016. There were cases attracting protesters from various regions, such as:

- The protest of victims of injustice from all three regions of the country at the Reception Center of the Party's Central Committee and the Government building at No. 1 Ngo Thi Nham, Hanoi, on January 19, 2016;
- Many protests in various places during the International Day of Companions with the Vietnamese Victims of Injustice on February 27, 2016;
- The demonstration of victims of injustice from Duong Noi, Thanh Oai and some other prefectures in front of the People's Committee Reception Office at No. 1 Ngo Thi Nham, Ha Dong District on March 31, 2016;
- The demonstrations demanding freedom for victim of injustice Can Thi Theu on June 13, 2016, at the Reception Office at Number 1 Ngo Thi Nham, Ha Dong Hanoi;
- The demonstrations of victims of injustice from Binh Duong, Dong Nai, Binh Dinh, An Giang, Vung Tau, Nghe An, Hai Phong, Bac Giang and Hai Duong in Ha Noi on September 8, 2016, and;
- The most exciting, the multi-day protests of victims of injustice from all three regions in Hanoi in December during the celebration of International Human Rights Day.



*July 7, 2016, a man injured during protests over a pollution disaster in central Vietnam's Quang Binh Province receives treatment. Photo courtesy of RFA*

<sup>44</sup> Tuổi Trẻ Online. *Chính phủ lại xin lùi dự án Luật biểu tình.*

<http://tuoitre.vn/tin/ chinh-tri-xa-hoi/20160217/ chinh-phu-lai-xin-lui-du-an-luat-bieu-tinh/1052683.html>

<sup>45</sup> VietnamNet. *Trình luật Biểu tình vào cuối năm 2017.*

<http://vietnamnet.vn/vn/thoi-su/quoc-hoi/trinh-luat-bieu-tinh-vao-cuoi-nam-2017-318373.html>

Especially with the case of Taiwan's Formosa metallurgical company discharging toxins and polluting the sea in the Central provinces, spontaneous large-scale protests attracting thousands of people have sprouted up across the country. The incident occurred in early April 2016 when hundreds of tons of dead fish drifted to the coast of Vung Ang (Ha Tinh) and then spread to the shorelines of Quang Binh, Quang Tri, and Thua Thien Hue. The incident has caused tens of thousands of fishermen to lose their livelihoods and permanently poisoned marine environments. Not only have local fishermen taken to the street to call for compensation, but people across the country have stood up to demand the closure of the Formosa plant. For example,

- On May 1, thousands of people marched in Hanoi, Saigon, Nha Trang and Vung Tau;
- On October 2, 2016, tens of thousands of people demonstrated at the front door of the Formosa plant (Ha Tinh);
- On December 12, 2016, thousands of people in the coastal villages of Ky Ha, Ky Van and Ky Tan of Ha Tinh Province marched on National Highway 1.

Demonstrations demanding compensations for the damages and the shutting down of the Formosa plant continued in many cities across the country, and still go on in the first quarter of 2017.

Anti-China protests, though not as intense as in 2014 when China laid its oil drilling rigs in Vietnam's territorial waters, continued in Hanoi and Saigon on the remembrance days of the Communist Chinese occupation of the Paracel Islands (January 19), the Johnson South Reef (March 14), the Sino-Vietnamese border war of 1979, especially after the Hague Tribunal's rulings on the suit brought by the Philippines against China for occupation of their islands in the South China Sea (07-17-2016).

To deal with the strife, the government used security forces in uniform and plainclothes to violently block and suppress the demonstrators. Meanwhile, to deceive world opinion, the government eased restrictions on less sensitive events such as the LGBT Viet Pride Festival with the participation of a number of foreign embassies in Vietnam.<sup>46</sup> The easing of some restrictions on harmless social groups, in reality, was a smokescreen to cover up the violations of the human rights of those whom the government considered a threat to its political monopoly.

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

### ***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 residence are not only essential personal rights but, more than that, they are the prerequisite for citizens' political rights. Thus, the level of enforcement of political rights can be measured by the respect given to people's freedom of dwelling and freedom of movement,

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<sup>46</sup> <http://www.vietpride.info/>

especially those of the dissenting elements.

In addition to detention and imprisonment, the government may restrict people's right to residence and movement via a variety of administrative measures. The most common method 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 1950s. Although this has caused many negative consequences in the area of the economy and in society, 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 the "administrative detention" regulated by Decree 31/CP, which Mr. Vo Van Kiet issued in 1997. This administrative decree enables the Provincial People's Committee chairman to decide where citizens dwell, and to restrict their professional practices, movement, and contact with the public. It also prevents people from being interviewed or participating in government affairs if they are deemed to have infringed upon national security, but not to the extent that they can be prosecuted. Most dissidents in Vietnam have been punished in this manner. Currently, leading opposition figures, such as Fourth Supreme Buddhist Patriarch Thich Quang Do and Fr. Nguyen Van Ly, are still under house arrest under this measure.

In 2016, in addition to maintaining the above measures, the government blatantly continued to use security forces to carry out acts of interference, arrest, and passport confiscation on the vague grounds of "protecting national security, social order, and safety," all in pursuance of Decree No. 136/2007/ND-CP of 7/17/2007. The following are typical cases of the government's violations of the right to freedom of movement and residence under the pretext of "national security."

- On January 31, 2016, Da Nang Airport security detained Human Rights activist Nguyen Anh Tuan upon his return after three years of schooling and participation in human rights activities overseas.
- On March 30, 2016, the wife of prisoner of conscience Pastor Nguyen Cong Chinh, Mrs. Tran Thi Hong, was prevented from meeting the Hon. David Saperstein, the US Ambassador at large for religious freedom.
- On April 4, 2016, Mr. Mai Van Tam, a member of the Brotherhood for Democracy, was arrested by Noi Bai Airport security upon his return from a trip to Thailand to attend the ASEAN Regional Civil Society conference in Bangkok.
- On April 17, 2016, journalists Pham Chi Dung, Doan Trang, Mr. Bui Minh Quoc, and independent journalist Nguyen Tuong Thuy were barred from attending the roundtable discussing President Obama's visit to Vietnam.
- On April 24, 2016, some members of the Brotherhood for Democracy were arrested while they were preparing the organization's third-anniversary celebration.
- On May 15, 2016, public security police prevented the Most Venerable Thich Thanh Quang, the Abbot of the Vietnam United Buddhist Church's Department of Buddhist-Truth Proclamation, and coreligionist Le Cong Cau, Secretary of the Department, from traveling to Saigon to help Buddhist Patriarch Thich Quang Do welcome a visiting delegate from Australia.
- On May 24, 2016, independent journalist Doan Trang and Dr. Nguyen Quang A were prevented from attending a meeting with President Obama and other representatives of civil



society organizations in Hanoi.

- On June 3, 2016, street artist Ta Tri Hai, who had taken part in demonstrations demanding Democracy and Human Rights, was arrested and taken to a social protection center in Hanoi.
- On June 11, 2016, An Giang public security police prohibited Human Rights activist Pham Ba Hai from joining the wedding party of a former prisoner of conscience.
- On July 1, 2016, An Giang public security police disguised as hooligans prevented Attorney Le Quoc Quan and journalist JB Nguyen Huu Vinh from attending a party at the US Embassy.
- On July 6, 2016, the wife of prisoner of conscience Nguyen Van Dai, Mrs. Vu Minh Khanh, upon her return from an overseas trip seeking help to free her husband, was detained at Noi Bai Airport.
- On July 30, 2016, Pastor Pham Ngoc Thach's passport was confiscated at Tan Son Nhat Airport, preventing him from traveling to Timor to attend the ASEAN Civil Society conference on religious freedom.
- On August 5, 2016, Dr. Nguyen Quang A was prevented from meeting foreign countries' diplomatic officials.
- On September 26, independent journalist Vu Quoc Ngu was detained at Noi Bai Airport while he was on the way to attend a Reporter without Borders' seminar in Paris, France.
- On November 8, 2016, Father Phan Van Loi was not allowed to leave his home by two plainclothesmen.
- On January 13, 2017, writer Nguyen Vien, Attorney Le Cong Dinh, and journalist Pham Chi Dung were prevented from meeting US Secretary of State John Kerry. Also on this day, former prisoner of conscience Pham Thanh Nghiem was prohibited from taking her father-in-law to Thailand for medical treatment.

Not only does the Vietnamese government violate the freedom of movement of dissidents, it also blocks the entry of foreign figures whom they consider detrimental to the ruling party. For example, in mid-January 2016, the authorities did not allow Cardinal Reinhard Marx, President of the German Bishops' Conference, to visit the Diocese of Vinh. They also prevented Taiwanese Legislator Su Chih-fen from visiting an orphanage operated by the Vinh Diocese on July 31, 2016.

In summary, from central to local levels, only about 4.5 million CPV members out of nearly 92 million Vietnamese citizens are entitled to engage in political activities. The rest are deprived of the right and opportunity to participate in national leadership and administration. Therefore, the Freedom House Organization's *2017 Report on Political Rights and Civil Liberty in the World* ranked Vietnam seventh on a scale of 1 to 7 for political rights and fifth for civil liberties, no progress compared to previous year.<sup>47</sup>

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<sup>47</sup> Freedom House. *Freedom in the World 2017*. <https://freedomhouse.org/report/freedom-world/2017/vietnam>

## 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, in 2016, 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 information unfavorable for the regime, and
- Continuing to suppress dissidents who unfold the truth or hold opposing views.

### 1. The State's Monopoly of Speech

The recent amendments to the legal system aimed mainly at strengthening the CPV's monopoly on speech and reinforcing its propaganda machinery, with no concession whatsoever to the people's freedom of expression.

On April 5, 2016, the 2016 Press Law was passed by the SRVN National Assembly in its 11<sup>th</sup> Session and will become effective as of Jan 1, 2017. Despite the state propaganda agency's effort at polishing some of its novel points as compared to the previous law, there was actually nothing new. Its Article 4 is merely a repetition of Article 6 of the 1999 Press Law with its reconfirmation that the duties of the press were "to propagandize, disseminate and contribute to the building and protection of Party guidelines and State policies and laws..."

The CPV role in regard to the press was clearly stipulated in the Report on the Government draft law on Press to the National Assembly on Oct 19, 2015; namely, "the press must be totally and directly controlled by the Party and administered by the State, and operating within the framework of the law." With the new 2016 Press Law, therefore, press ownership and management are still in the State's hands, or more precisely, in those of the CPV, while private people can own no press outlets at all.

Because of the explicit articulation of its objectives and manipulation of the media, the government's oft-cited statistics on Internet users, web pages, press pages, TV stations and licensed journalists hold little value as proof of its respect for freedom of speech. In fact, those numbers only

highlight the government's excessive control over its citizens.<sup>1</sup>

## 2. Governmental Obstruction of Alternative Information Continues

Along with the promulgation of the 2016 Press Law, Vietnam's National Assembly passed on April 6, 2016, the Law on Access to Information, which, unlike the 2016 Press Law (a modification of an old law), is a new law, according to the responsible agency, whose goals are to “expand democracy, guarantee the citizens' rights and human rights,” “provide means for the people to fully enjoy their mastership, especially their direct democracy,” “guarantee the citizens' right to access to information.”<sup>2</sup>

In most countries in the world, the purpose of the laws on free access to information is to protect the citizens' right to know, whatever means the state uses to disseminate its policies and decisions. Vietnam's 2016 Law on Access to Information, on the contrary, allows the people to know only what the authorities want to tell them, while legalizing their prohibition of information unfavorable to the Party. The government does this under vague concepts, copied from the Criminal Law, such as the state interests, national security, and destruction of unity policy (Article 6 & 11 of the Law on Access to Information).

For foreign information sources, the Ministry of Information and Propaganda issued on December 26, 2016, its Circular No.38 to give details about the supply of public cross-border information. According to this memorandum, the Vietnamese government will remove or restrict electronic information pages coming from foreign countries, prohibit users in Vietnam from accessing them if they deem them to be against the Vietnamese state and cause harm to national security, or misinterpret or distribute fake information.

In reality, the communist government has used various means to keep the people from accessing foreign sources of information. It censors so-called “poisonous” cultural products right at the border or via postal services; disturbs foreign Vietnamese radio broadcasting; builds Internet firewalls, or sabotages web pages and Facebook pages operated by dissidents.

Regarding Facebook in particular, the government prevented its access at least twice in May 2016:



*October 10, 2016, blogger Me Nam Nguyen Ngoc Nhu Quynh was arrested by police in Nha Trang, Khanh Hoa province. Photo courtesy of A.X*

<sup>1</sup> According to the Ministry of Information and Communications, the entire country has 859 newspapers and print magazines (199 newspapers, 660 magazines). With regard to electronic media, the whole country has 135 newspapers-magazines, mainly electronic newspapers of print media agencies. With regard to radio and television, the entire country has 67 radio stations, central and local television. *BTT&TT*. “Hội nghị báo chí toàn quốc triển khai nhiệm vụ năm 2017.” <http://mic.gov.vn/Pages/TinTuc/133693/Hoi-nghi-bao-chi-toan-quoc-trien-khai-nhiem-vu-nam-2017.html>

<sup>2</sup> *Tờ trình về dự án Luật tiếp cận thông tin của Chính phủ gửi Quốc hội khóa XIII, 10/2015.*

[http://duthaoonline.quochoi.vn/DuThao/Lists/DT\\_DUTHAO\\_LUAT/View\\_Detail.aspx?ItemID=448&TabIndex=2&TaiLieuID=2152](http://duthaoonline.quochoi.vn/DuThao/Lists/DT_DUTHAO_LUAT/View_Detail.aspx?ItemID=448&TabIndex=2&TaiLieuID=2152)

the first during President Obama's trip to Vietnam, from May 22 to 25, 2016,<sup>3</sup> and later during the two-week demonstrations against Formosa's polluting operations.<sup>4</sup>

Organizationally, the government continues to reinforce the power and personnel of the control and propaganda apparatus, including the Cyber Security Department (established in August 2014) and the system of public opinion-shapers (openly admitted in 2013). In 2015, the government expanded the scope of the opinion-shaper system<sup>5</sup> to counter human rights activists' street activities.<sup>6</sup> Officially, the Public Security Ministry's Network Security Department (A68) is an agency responsible for cyber-security like those of most other countries. The difference is that Vietnam's Network Security Department serves not national security and public welfare, but the dominance of the CPV.<sup>7</sup>

### 3. Unsafe Environment For Professional Journalists

In 2016, the assault on licensed media professionals increased at an alarming rate. Although many journalists who were assaulted did not speak out for various reasons,<sup>8</sup> there were at least 12 cases of assault in 2016 and four in the first quarter of 2017 widely disseminated on social networks:

- On March 18, 2016, EVTC News correspondent Nguyen Quang Hai was suddenly beaten by a group of people and detained for two hours in Hanoi.<sup>9</sup>
- On March 23, 2016, Lao Dong newspaper correspondent Do Doan Hung was brutally attacked by three strangers near the apartment complex Kim Lu in Hanoi.<sup>10</sup>
- On March 26, 2016, Justice Defense newspaper correspondent Quang Toi was abruptly beaten while doing his investigative report about the dredging of the Cau River in Bac Ninh and Bac Giang provinces.<sup>11</sup>
- On July 22, 2016, correspondents Nguyen Anh of VTC News and Khanh Hoa of the Lao Dong newspaper were obstructed and beaten by a group of people who claimed to be

<sup>3</sup> Reuters. *Vietnam restricted access to Facebook during Obama visit: activists*.  
<http://www.reuters.com/article/us-vietnam-obama-facebook-idUSKCN0YH2MZ>

<sup>4</sup> ValueWalk. *Environmental Protests Lead To A Ban On Facebook Inc In Vietnam*.  
<http://www.valuewalk.com/2016/05/protests-leads-ban-facebook-vietnam/>

<sup>5</sup> Infonet. *Cần có những phóng viên giỏi để đấu tranh trực diện trên mạng*.  
<http://infonet.vn/can-co-nhung-phong-vien-gioi-de-dau-tranh-truc-dien-tren-mang-post158786.info>

<sup>6</sup> BBC. *'Dư luận viên phá lễ tưởng niệm Gạc Ma'*  
[http://www.bbc.com/vietnamese/vietnam/2015/03/150314\\_gac\\_ma\\_commemoration](http://www.bbc.com/vietnamese/vietnam/2015/03/150314_gac_ma_commemoration)

<sup>7</sup> Dân Trí. *Chủ tịch nước kiểm tra công tác và chúc Tết Cục An ninh mạng*.  
<http://dantri.com.vn/chinh-tri/chu-tich-nuoc-kiem-tra-cong-tac-va-chuc-tet-cuc-an-ninh-mang-20170125221308964.htm>

<sup>8</sup> Dân Trí. *"Nhiều phóng viên bị đe dọa, hành hung nhưng chỉ 1/5 số vụ có thông tin"*.  
<http://dantri.com.vn/xa-hoi/nhieu-phong-vien-bi-de-doa-hanh-hung-nhung-chi-1-5-so-vu-co-thong-tin-1434872706.htm>

<sup>9</sup> Vietnam Plus. *Một phóng viên bị hành hung, giam lỏng khi đang tác nghiệp*.  
<http://www.vietnamplus.vn/mot-phong-vien-bi-hanh-hung-giam-long-khi-dang-tac-nghiep/376863.vnp>

<sup>10</sup> Công Lý. *Xác định 3 hung khí đánh nhà báo Đỗ Doãn Hoàng*.  
<http://congly.vn/an-ninh-hinh-su/xac-dinh-3-hung-khi-danh-nha-bao-do-doan-hoang-144014.html>

<sup>11</sup> Pháp Luật Việt Nam. *Nghi án phóng viên báo Bảo vệ Pháp luật bị đánh hội đồng?*  
<http://www.phapluatplus.vn/nghi-an-phong-vien-bao-bao-ve-phap-luat-bi-danh-hoi-dong-d9489.html>

guards at Phu Tho province's Phu Ha company (which has helped the Formosa factory to clear its 142 tons of garbage).<sup>12</sup>

- On August 4, 2016, correspondent Do Van Tuan of Van Hien Viet Nam magazine was stabbed by two strangers following his investigation into the forced clearance of land near national route 37 in Bac Giang province.<sup>13</sup>
- On August 6, 2016, correspondent Dinh Tiep of Tai Nguyen Moi Truong newspaper and many colleagues of his in other newspapers were obstructed and threatened by the Vice Chairman of Cam Muon village, Que Phong district in Nghe An province, during their investigation of illegal gold exploitation.<sup>14</sup>
- On Sept 21, 2016, correspondent Do Thanh Hai of VTC News was severely beaten by police and civil guards while, together with his colleagues, investigating erroneous enforcement in Cu Kpo village of Krong Buk district in Dak Lak province.<sup>15</sup>
- On Sept 23, 2016, correspondent Quang The of Saigon Tuoi Tre newspaper, while investigating a car accident on the Nhat Tan bridge, Hanoi, was obstructed and beaten by a group of people including plainclothes members of the Criminal Team of the Dong Anh district police.<sup>16</sup>
- On Nov 6, 2016, correspondent Nguyen Tung of the VTC digital TV station and his colleague Phạm Hien of the Phap Luat Viet Nam periodical were beaten in Hanoi by a group of hoodlums during their investigation at the centralized slaughterhouse in Thanh Oai district.<sup>17</sup>
- On the same day, correspondents Dang Van Nghinh and Nguyen Anh Tuan of the Thai Nguyen province TV station were brutally beaten with sticks by two men while investigating the illegal exploitation of sand from a river in Quan Chu village of Dai Tu district in Thai Nguyen province.<sup>18</sup>
- On Dec 23, 2016, correspondents Nguyen Duy Hoang and Nguyen Anh Tuan of Doanh Nhan periodical were beaten by a group of people while investigating pollution caused by the coal-grinding process of the Quang Vinh brick factory in Chi Linh town of Hai Duong province. Correspondent Hoang was so seriously injured he had to be sent to an emergency

<sup>12</sup> VietnamNet. *Phóng viên bị đánh khi tác nghiệp ở nhà máy xử lý chất thải.*

<http://vietnamnet.vn/vn/thoi-su/formosa-xa-thai-phong-vien-bi-danh-khi-tac-nghiiep-o-nha-may-xu-ly-chat-thai-317139.html>

<sup>13</sup> Bảo Vệ Pháp Luật. *Phóng viên Tạp chí Văn hiến bị chém trọng thương.*

<http://baobaovephapluat.vn/kiem-sat/201608/phong-vien-tap-chi-van-hien-bi-chem-trong-thuong-2503372/>

<sup>14</sup> Giáo dục Việt Nam. *Phó chủ tịch xã đòi hành hung phóng viên ngay trong trụ sở.*

<http://giaoduc.net.vn/Xa-hoi/Pho-chu-tich-xa-doi-hanh-hung-phong-vien-ngay-trong-tru-so-post148348.gd>

<sup>15</sup> Tuổi trẻ Online. *Phó chủ tịch xã chỉ đạo giật máy ảnh, khống chế phóng viên.* <http://tuoitre.vn/tin/chinh-tri-xa-hoi/20160921/pho-chu-tich-xa-chi-dao-giat-may-anh-khong-che-phong-vien/1175322.html>

<sup>16</sup> RFA. *Khi quyền lực tối thượng được nuôi dưỡng?*

[http://www.rfa.org/vietnamese/in\\_depth/police-vested-w-supreme-power-cl-10012016113751.html](http://www.rfa.org/vietnamese/in_depth/police-vested-w-supreme-power-cl-10012016113751.html)

<sup>17</sup> Công an Nhân dân. *Phóng viên VTC1 cùng đồng nghiệp bị hành hung khi đang tác nghiệp.*

<http://cand.com.vn/ANTT/Phong-vien-VTC1-cung-dong-nghiiep-bi-hanh-hung-khi-dang-tac-nghiiep-415783/>

<sup>18</sup> Đại Đoàn kết. *Thái Nguyên: Thêm 2 nhà báo bị hành hung khi tác nghiệp.*

<http://m.daidoanket.vn/giam-sat-phap-luat/thai-nguyen-them-2-nha-bao-bi-hanh-hung-khi-tac-nghiiep/132956>



room and hospitalized.<sup>19</sup>

- On Dec 26, 2016, correspondent Dinh Van Dung of the Phap Luat - Xa Hoi periodical was attacked and robbed of his professional equipment by guards of the VSIP 1 industrial complex in Binh Duong province, during his investigation of the guards' attack against two other people.<sup>20</sup>
- On Jan 6, 2017, correspondent Tran The Dung of Nguoi Lao Dong newspaper was attacked by a group of unidentified people during his investigation of the smuggling of poultry across the border at the Keo Kham village in Cao Loc district, Lang Son province.<sup>21</sup>
- On Jan 12, 2017, correspondent Nguyen Van Duan of the Doi Song Plus magazine was attacked while investigating the production of cheap soft drinks at Tho Tang town of Vinh Tuong district in Vinh Phuc province.<sup>22</sup>
- On Feb 28, 2017, correspondent Nguyen Van Thanh of Thanh Tra periodical was attacked by two youths of an illegal ore-mining team in Trieu Son district when he came to the district people's office to discuss how to deal with and prevent such illegal mining in the area.<sup>23</sup>
- On March 8, 2017, correspondent Pham Cong of Vietnamnet was beaten by a man dressed as a guard of the Saigontourist Co. during his investigation of disorderly conduct at the old Bai Chay ferry of Ha Long city in Quang Ninh province.<sup>24</sup>

The perpetrators in the above-mentioned cases were either police officers or people involved in shady enterprises.

Accredited journalists are often reminded to keep to the “right lane,” meaning to respect the one-sided, distorted information provided by the State. Disobedient ones among them have been arrested, fired, or detained



*September 21, 2016, correspondent Do Thanh Hai of VTC News was severely beaten by police and civil guards in Cu Kpo village of Dak Lak province. Photo courtesy of Tuổi trẻ Online.*

<sup>19</sup> Người Đưa Tin. *Hải Dương: 2 phóng viên bị hành hung khi tác nghiệp tại bãi than.*

<http://www.nguoiduatin.vn/hai-duong-2-phong-vien-bi-hanh-hung-khi-tac-nghiep-tai-bai-than-a311145.html>

<sup>20</sup> VietnamNet. *Nghi án bảo vệ khu công nghiệp hành hung phóng viên.*

<http://vietnamnet.vn/vn/thoi-su/bao-ve-khu-cong-nghiep-danh-nguoi-hanh-hung-phong-vien-348403.html>

<sup>21</sup> VTV. *Một phóng viên bị hành hung tại Lạng Sơn.*

<http://vtv.vn/trong-nuoc/mot-phong-vien-bi-hanh-hung-tai-lang-son-36712.htm>

<sup>22</sup> Đời sống Việt Nam. *Điều tra việc sản xuất hàng tiêu dùng Tết kém chất lượng, phóng viên bị hành hung.* <http://doisongvietnam.vn/dieu-tra-viec-san-xuat-hang-tieu-dung-tet-kem-chat-luong-phong-vien-bi-hanh-hung-15198-5.html>

<sup>23</sup> VietnamNet. *Thanh Hóa làm rõ vụ phóng viên báo Thanh tra bị đánh.*

<http://vietnamnet.vn/vn/thoi-su/tin-nong-thanh-hoa-lam-ro-vu-phong-vien-bao-thanh-tra-bi-danh-359138.html>

<sup>24</sup> Lâm Báo Online. *Phóng viên báo Vietnamnet bị hành hung khi đang tác nghiệp.*

<http://nguoiambao.vn/phong-vien-bao-vietnamnet-bi-danh-khi-tac-nghiep-n5031.html>

because their views were contrary to 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.

During 2016, the Information and Propaganda Ministry withdrew 13 journalists' cards; and the Vietnamese Journalists Association removed 313 names from its membership list for various reasons. Most of the disciplinary measures were against "politically insensitive information, unfit to national interest and that of the people..."<sup>25</sup> Journalist Phung Hieu of Cong Luan newspaper, for instance, was fired because of having called Fidel Cas-



*August 23, 2016, activists Nguyen Huu Thien An (left) and Nguyen Huu Quoc Duy (right) were sentenced to prison for 2 years and 3 years respectively. Photo courtesy of Hà Nội Mới*

tro "a conservative dictator." Journalist Mai Phan Loi of Phap Luat periodical lost his journalist card for his "serious violation of the honor of Vietnam People's Army with his terms 'thoroughly smashed' to describe its two military planes lost in the East Sea. The worst disciplinary measure of the year, however, was the closing of the new Petro Times for three months and the demotion of General Editor Nguyen Nhu Phong, who lost his journalist's card. No concrete reason was mentioned in the decision; however, news professionals believed the cause had been journalist Bui Thanh Hieu's overseas interview with Mr. Trinh Xuan Thanh, a high-ranking Vietnamese official currently on the run, who stated "his distrust in the leadership of the Secretary General."<sup>26</sup>

## 4. Suppression of Opinions Contrary to CPV Policies

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

### 4.1 Criminalization of Underground Journalists

In 2016, because of the need to take part in international economic and trade negotiations, especially to be admitted to the Trans-Pacific Strategic Economic Partnership Agreement (TPP), the GVN took a softer line in the criminalization of the right to freedom of expression and freedom of speech. However, the exploitation of the Penal Code's vague clauses to silence and prosecute dissident journalists and bloggers was still evident, as follows:

**a. Accused of violating Article 79 of the Penal Code** *"Carrying out activities aimed at overthrowing the people's administration":*

- Two former political prisoners, Tran Anh Kim, with 13 years in prison, and Le Thanh Tung,

<sup>25</sup> Lao Động. *13 nhà báo bị thu thẻ trong năm 2016*.

<http://laodong.com.vn/thoi-su-xa-hoi/13-nha-bao-bi-thu-the-trong-nam-2016-631463.bld>

<sup>26</sup> BBC. *Thu thẻ nhà báo của ông Nguyễn Như Phong*.

[http://www.bbc.com/vietnamese/vietnam/2016/10/161003\\_petrotimes\\_suspended\\_nguyen\\_nhu\\_phong\\_sacked](http://www.bbc.com/vietnamese/vietnam/2016/10/161003_petrotimes_suspended_nguyen_nhu_phong_sacked)

with 12 years in prison, sentenced on Dec 16, 2016.

- Two democracy activists, Luu Van Vinh and Nguyen Van Duc, arrested on Nov 17, 2016, waiting to go to court.

**b. Accused of violating Article 88 of the Penal Code “Conducting propaganda against the Socialist Republic of Vietnam”:**

- Blogger Nguyen Ngoc Gia, sentenced on March 30, 2016, to four years in prison (on 10-5-2016, the sentence was reduced one year).
- Activist Nguyen Huu Thien An, sentenced on August 23, 2016, to two years in prison along with activist Nguyen Huu Quoc Duy, three years.
- Lawyer Nguyen Van Dai and his assistant Le Thu Ha, arrested on Dec 16, 2015, awaiting trial.
- Blogger Me Nam Nguyen Ngoc Nhu Quynh, arrested on Oct 10, 2016, awaiting trial.
- Dr. Ho Van Hai, aka Blogger Ho Hai, arrested on Nov 2, 2016, awaiting trial.
- Blogger Nguyen Danh Dung, arrested on Dec 16, 2016, awaiting trial.
- Activist Tran Thi Nga, arrested on Jan 21, 2017, awaiting trial.
- Blogger Bui Hieu Vo, arrested on March 17, 2017, awaiting trial.
- Blogger Phan Kim Khanh, arrested on March 21, 2017, awaiting trial.
- Facebooker Nguyen Huu Dang (Dang Solomon), arrested on March 24, 2017, awaiting trial.

**c. Accused of violating Article 257 of the Penal Code (Resisting persons in the performance of their official duties):**

- Former political prisoner Nguyen Van Oai, arrested again on Jan 19, 2017, awaiting trial.

**d. Accused of violating Article 258 of the Penal Code “Abusing democratic freedoms to infringe upon the interests of the State, the legitimate rights and interests of organizations and/or citizens”:**

- Blogger Anh Ba Sam, five years in prison, and his co-operator Ms. Nguyen Thi Minh Thuy, three years in prison, sentenced on Sept 22, 2016.
- Mr. Nguyen Van Hoa, arrested on Jan 11, 2017, awaiting trial.
- Activists Vu Quang Thuan and Nguyen Van Dien, arrested on March 2, 2017, for producing and posting many unsuitable clips on the Net, awaiting trial.

## **4.2 Suppression with Police Violence**

As with accredited journalists, violence against underground journalists has increased. No bloggers or Facebookers who published articles or reprinted 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 prevention of movement, vandalism of residences with improvised projectiles or dirty substances, unlawful intrusions, or even forced interrogation at police stations without court orders, and assaults causing injury.

Most of the beatings were aimed at separate individuals by unknown people who have never been prosecuted, including cases where uniformed police were involved as instigators in such attacks on blogger Nguyen Van Thanh on June 05, 2016 in Da Nang;<sup>27</sup> or arrests of bloggers Truong Minh Tam and Chu Manh Son, who were then taken to a police station and beaten for their presence at the Formosa area in Ha Tinh province to record the consequences of the environment destruction there in May 2016.<sup>28</sup> There were also beatings of numerous people, such as the one against bloggers Nguyen Ngoc Nhu Quynh, Bien Dinh Luat, Ton Nu Khiem Cung and Nguyen Ba Vinh on August 13, 2016, for their effort to learn about the environment protection demonstrations by the residents of Ninh Hoa town, Khanh Hoa province.<sup>29</sup>

## 5. Various Activities for Rights to Freedom of Speech and Information

In 2016, the fight for Freedom of Speech and Freedom of Expression, despite government repression, fared better thanks to the development of modern media such as blogs, Facebook, Twitter, and YouTube as well as the connection to the online community.

Vietnam is a country where the number of people accessing the Internet has increased exponentially in recent years. According to statistics by Statista, in 2017, up to 52 million people in Vietnam used the Internet, of which 37 million have Facebook accounts.<sup>30</sup>

Personal websites and those of civil society organizations have gradually replaced state-controlled media as sources of credible and timely news and information. Independent sites such as Dan Lam Bao, Anh Ba Sam, Bauxite Vietnam, Vietnam Thoi Bao, and even the sites of unverifiable backgrounds such as Chan Dung Quyen Luc and Quan Lam Bao have attracted a very high number of visitors because of their uncensored news.

It is through these popular media that activists could easily make connections to raise the profile of their advocacy for human rights and democracy:

- The bi-monthly Tu Do Ngon Luan Magazine, started in April 2006, has regularly appeared on the Internet, and, by the end of 2016, had distributed 257 issues.
- Vietnam Blogger Network, born during the drive demanding the abolishment of Article 258 of the Penal code in 2013, continues to operate and is one of the key components of the campaign against the Formosa environmental disaster and other human rights activities in 2016.
- The Independent Journalists Association of Vietnam, an independent and professional journalists' organization that was launched in July 2014, has not stopped growing. After

<sup>27</sup> Dân News. *Công an mặc áo chống đạn trang bị vũ khí đánh kỹ sư Nguyễn Văn Thanh tại Đà Nẵng.* <http://dannews.info/2016/07/03/cong-an-mac-ao-chong-dan-trang-bi-vu-khi-danh-ky-su-nguyen-van-thanh-tai-da-nang/>

<sup>28</sup> GNsP. *Đưa tin về cá chết ở Miền Trung nhiều phóng viên bị bắt, tạm giữ, đánh đập.* <http://www.tinmungchonguo-ingheo.com/blog/2016/05/06/dua-tin-ve-ca-chet-o-mien-trung-nhieu-phong-vien-bi-bat-tam-giu-danh-dap/>

<sup>29</sup> Dân Lâm Báo. *Nhiều người bị tấn công khi đến điều tra nhà máy xả thải nguy hại tại thôn Ninh Ích.* <http://danlambao.vn.blogspot.com/2016/08/nhieu-nguoi-bi-tan-cong-khi-i-ieu-tra.html>

<sup>30</sup> Statista. *Vietnam: number of Facebook users 2015-2021.* <https://www.statista.com/statistics/369732/internet-users-vietnam/>

two years of existence, its membership has increased to 92 members.

- Most non-state-recognized civil society organizations have their own websites to convey their messages.

For their serious violations of Freedom of Expression and Information, the Vietnam government, in 2016, repeatedly received negative reviews and warnings from national and international human rights organizations:

- Reporters Without Borders placed Vietnam near the bottom of its 2016 World Press Freedom Index, 175<sup>th</sup> out of 180 countries, no change compared to 2015, and better only than China, Syria, Turkmenistan, North Korea and Eritrea.<sup>31</sup>
- Freedom House, in its 2016 Freedom of the Press Index, put Vietnam in the Not Free category, with a score of 85/100 points, down 1 point compared to 2015, and ranked 38th in 40 countries in the Asia Pacific region, better only than China and North Korea (0 = best, 100 = worst).<sup>32</sup> For Internet freedom, Vietnam scored 76 points for 2016, no change compared to 2015 (0 = best, 100 = worst), just over Cuba, Uzbekistan, Ethiopia, Iran, Syria, and China.<sup>33</sup>
- The Committee to Protect Journalists ranked Vietnam the sixth most censored country in the world in 2015.<sup>34</sup> Vietnam is also considered to have had the most imprisoned journalists in Southeast Asia in 2016.<sup>35</sup>
- Human Rights Watch reported on the freedom of speech in Vietnam in 2016, as follows: “The Communist Party of Vietnam (CPV) maintained its control over all public affairs and punished those who challenged its monopoly on power. Authorities restricted basic rights, including freedom of speech, opinion, association, and assembly.”<sup>36</sup>
- The Assembly of Delegates of PEN International, meeting at its 82nd World Congress in Ourense, Galicia (Spain), from 26th September to 2nd October 2016, has urged the Vietnamese authorities to release immediately and unconditionally all imprisoned writers, and cease all attacks, harassment and threats against individuals who hold dissenting views.<sup>37</sup>

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<sup>31</sup> Reporters Without Borders. 2016 *World Press Freedom Index*. <https://rsf.org/en/ranking/2016>

<sup>32</sup> Freedom House. *Freedom of the Press 2016*. <https://freedomhouse.org/report/freedom-press/freedom-press-2016>

<sup>33</sup> Freedom House. *Freedom on the Net 2016*. <https://freedomhouse.org/report/table-country-scores-fotn-2016>

<sup>34</sup> CPJ. *10 Most Censored Countries*. <https://cpj.org/2015/04/10-most-censored-countries.php>

<sup>35</sup> CPJ. *Worst year on record: 259 journalists jailed*. <https://cpj.org/asia/vietnam/>

<sup>36</sup> HRW. *World Report 2017*. <https://www.hrw.org/world-report/2017/country-chapters/vietnam>

<sup>37</sup> Pen International. *Resolution on the Socialist Republic of Viet Nam*.

<http://www.pen-international.org/wp-content/uploads/2016/10/RESOLUTION-ON-THE-SOCIALIST-REPUBLIC-OF-VIET-NAM-ENG.pdf>



## V

# THE RIGHT TO FREEDOM OF RELIGION AND WORSHIP

It is well known that religions in Vietnam play an extremely important role in the lives of the country's 90 million people. In its national report on the practice of human rights in Vietnam following the 2<sup>nd</sup> cycle of the Universal Periodic Review (UPR), Vietnam claimed that "95% of this population follows some belief or religion, with the majority of them practicing traditional beliefs and more than 24 million following different religions."

Yet, since taking control of the country, the Vietnamese Communist Government, with the aim of eliminating religions to pave the way to communist totalitarianism, has consistently sought to restrict the people's religious freedoms by various means:

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

### 1. Legal Prohibition

After more than two years since the Drafting Board of the Law on Belief and Religion was established, and after five amendments, the draft Law on Belief and Religion was passed by the National Assembly on November 18, 2016, and will go into effect on January 1, 2018. From the government's standpoint, the Law on Belief and Religion was promulgated to overcome the inadequacies of existing laws and to be in line with the Party's position and the 2013 Constitution regarding belief and religion.<sup>1</sup>

Compared with the current regulations, the 2016 Law on Belief and Religion has some changes that are considered positive; most notably, the State's recognition of the legal person of State-recognized religious organizations (Article 30), detainees' rights to use religious books and to express their religious faiths (Article 6), and the rights of religious organizations to participate in education, vocational training, healthcare and social services in accordance with the relevant regulations (Article 55).

However, fundamentally the Law on Beliefs and Religion 2016 has nothing new regarding state-religion relationships when compared with current regulations. First, religious organizations need the State's recognition (Article 2.12 and Chapter V, Section 1); next, their religious activi-

<sup>1</sup> Bộ Nội Vụ. *Phong vấn Bộ trưởng Lê Vĩnh Tân về Luật tín ngưỡng, tôn giáo*.  
<https://moha.gov.vn/tin-noi-bat/phong-van-bo-truong-le-vinh-tan-ve-luat-tin-nguong-ton-giao-28534.html>

ties must be registered - that means they may be rejected (Chapter IV); and finally the government continues to have the right to interfere in the internal affairs of religions (Chapter V, Sections 2 and 3). These rules completely go against the fundamental principles of religious freedom as outlined in Article 18 of the Universal Declaration of Human Rights and Article 18 of the International Covenant on Civil and Political Rights that Vietnam has committed to respect.

As a result, organizations and individuals inside and outside the country have

raised their protest. On October 6, 2016, 54 organizations, including globally known human rights organizations such as Amnesty International, Human Rights Watch, International Federation for Human Rights (FIDH), The Christian Solidarity Worldwide have sent to the President of the National Assembly of Vietnam a letter publicly requesting that the draft law be revised in accordance with international law.<sup>2</sup> However, there was no change in the text approved by the National Assembly. On October 20, 2016, in an open letter voicing their rejection of the Law on Belief and Religion, 27 representatives of the five major religions in the Vietnam Inter-faith Council stated that “Accepting the Law on Belief and Religion is to continue to foster the totalitarian atheist regime!”<sup>3</sup>

Furthermore, to limit the activities and influence of religious organizations, the government resorted to the 2003 Land Law, amended several times, to permanently take away church properties, including schools, infirmaries, and social service offices. After taking complete control of South Vietnam, the Communist Government confiscated all land properties, educational, social and healthcare facilities, and some of the religious monasteries. So far, a number of the appropriated establishments still operate in their previous capacities; however, a large number of them are being exploited by the government for profit. They have been turned into discos, hotels, or condominiums for state officials. The expropriation of religious institutions as means of limiting religious activities continues. Following are typical cases in 2016:

- The land grab of Vinh Luu parish, Phan Thiet Diocese on January 14, 2016.<sup>4</sup>
- The land grab of the Phu Phong Protestant Church in Binh Dinh on April 11, 2016.<sup>5</sup>



*June 20, 2016, a government official stamped on the holy cross during the land grab of the Benedictine monastery of Thien An, Hue. Photo courtesy of citizen photo.*

<sup>2</sup> FIDH. *Open Letter to the National Assembly President on the draft Law on Belief and Religion*.

<https://www.fidh.org/en/region/asia/vietnam/open-letter-to-the-national-assembly-president-on-the-draft-law-on>

<sup>3</sup> Defend the Defenders. *Kháng thư của Hội Đồng Liên Tôn Việt Nam: Bác bỏ hoàn toàn Luật Tín ngưỡng Tôn giáo*.

<http://www.vietnamhumanrightsdefenders.net/2016/10/22/khang-thu-cua-hoi-dong-lien-ton-viet-nam-bac-bo-hoan-toan-luat-tin-nguong-ton-giao/>

<sup>4</sup> GNSP. *Đất giáo xứ Vinh Lưu, Giáo phận Phan Thiết sẽ bị cưỡng chế?*

<http://www.tinmunchonguoingheo.com/blog/2016/01/14/dat-giao-xu-vinh-luu-giao-phan-thiet-se-bi-cuong-che/>

<sup>5</sup> RFA. *Cưỡng chế đất Hội Thánh để xây vườn hoa*.

<http://www.rfa.org/vietnamese/vietnamnews/land-of-baptist-church-coercion-04122016135455.html>

- The land grab of the Sisters of St. Paul of Chartres Convent in Hanoi on June 14, 2016.<sup>6</sup>
- The land grab of the Benedictine monastery of Thien An, Hue, on June 20, 2016.<sup>7</sup>
- The land grab of the Lien Tri Temple of Most Venerable Thich Khong Tanh in Lai Thieu, District 2, Saigon on August 9, 2016.<sup>8</sup>
- Vinh Long province authorities, in a letter dated October 3, 2016, firmly refused to return the Vinh Long seminary to Vinh Long Diocese.<sup>9</sup>
- The land grab of the cemetery belonging to Xuan Hoa Parish in Quang Trach District, Quang Binh Province on December 23, 2016.<sup>10</sup>
- For years, local authorities have constantly threatened to tear down Thu Thiem Catholic church, Sacred Heart Chapel and the Congregation of the Lovers of the Holy Cross of Thu Thiem for the construction of a modern town in District 2, Saigon City.<sup>11</sup>

## 2. Organizational Control

Since its takeover of power, the VCP has made the control of religions the top priority in its political stability policy. To maximize its efficiency, it has created two special central agencies along with other local subordinate units.

The Government Committee for Religious Affairs “maintains its state management of religions all over the country and establishes legal public religious services” (Decision No. 06/2015/QĐ-TTg of February 12, 2015 by the Prime Minister). Nationwide, all 64 provinces and 637 out of 670 districts have their local Religious Affairs Committees in charge of carrying out the state management of religions.<sup>12</sup>

The second office in charge of supervision and advice to the CPV Central Committee on religious policies is the Religious Affairs department of the Central Committee on Public Relations.

The control of religious organizations is also implemented by the Vietnamese Communist Party through the Vietnam Fatherland Front, whose membership includes a number of state-recognized religious organizations, such as the Buddhist Church of Vietnam, the Committee for Solidarity of

<sup>6</sup> GNSP. *Cơ sở tôn giáo của Dòng Phaolô bị đập phá.*

<http://www.tinmungchonguoingheo.com/blog/2016/06/15/nha-cam-quyen-ha-noi-dap-pha-co-so-ton-giao-cua-dong-phaolo/>

<sup>7</sup> FRA. *Đan viện Thiên An tố cáo chính quyền xúc phạm Thánh giá.*

[http://www.rfa.org/vietnamese/in\\_depth/update-thien-an-abbot-premise-encroached-gm-07062016083100.html](http://www.rfa.org/vietnamese/in_depth/update-thien-an-abbot-premise-encroached-gm-07062016083100.html)

<sup>8</sup> Dân Lâm Báo. *Chùa Liên Trì bị tấn công, hoà thượng Thích Không Tánh phải nhập viện cấp cứu.*

<http://danlambaovn.blogspot.com/2016/09/chua-lien-tri-bi-tan-cong-hoa-thuong.html>

<sup>9</sup> Conggiao.Info. *GP.Vĩnh Long: Thông báo về Vấn đề Đại chủng viện Vĩnh Long.*

<http://conggiao.info/gpvinh-long-thong-bao-ve-van-de-dai-chung-vien-vinh-long-d-38476>

<sup>10</sup> SBTN. *Bất chấp mùa Giáng Sinh, chính quyền Quảng Bình cưỡng chế đất nghĩa trang xứ Xuân Hòa.*

<http://www.sbtn.tv/bat-chap-mua-giang-sinh-chinh-quyen-quang-binh-cuong-che-dat-nghia-trang-xu-xuan-hoa/>

<sup>11</sup> VOA. *Tu viện cổ ở Thủ Thiêm vẫn bị ép phải di dời để xây khu đô thị mới.*

<http://www.voatiengviet.com/a/tu-vien-o-thu-thiem-van-bi-ep-phai-di-doi-de-xay-khu-do-thi-moi/3679669.html>

<sup>12</sup> Ban Tôn giáo Chính phủ. *Quá trình xây dựng và phát triển của Ban Tôn giáo Chính phủ - Bộ Nội vụ.*

[http://btgcp.gov.vn/Plus.aspx/vi/News/38/0/153/0/1062/Qua\\_trinh\\_xay\\_dung\\_va\\_phat\\_trien\\_cua\\_Ban\\_Ton\\_giao\\_Chinh\\_phu\\_Bo\\_Noi\\_vu](http://btgcp.gov.vn/Plus.aspx/vi/News/38/0/153/0/1062/Qua_trinh_xay_dung_va_phat_trien_cua_Ban_Ton_giao_Chinh_phu_Bo_Noi_vu)

Vietnamese Catholics, the Vietnamese General Protestant Church South.

Equipped with those powerful offices, the government in 2016 continued to control all religions with the same applicable procedures for “activities registration” and “confirmation certificate”. All religious activities such as practice sessions, retreats, processions, must receive previous government approval. The government continues its “divide and conquer” policy toward religion. For 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 1981),<sup>13</sup> while outlawing the Unified Buddhist Church of Vietnam (formed much earlier as a legitimate heir to the various traditional Buddhist sects of Vietnam). Furthermore, the Vietnamese Communists have kept the Church Head, Most Venerable Thich Quang Do, in prison or under house arrest over three decades. Moreover, they are currently keeping him isolated in the Thien Vien Zen Monastery in Saigon.

In the case of the Hoa Hao Buddhist Church, the State disallowed the Orthodox Hoa Hao Buddhist Church leadership, and installed a pro-government Hoa Hao Buddhism Central Managing Board unrecognized by most Hoa Hao followers. As for the Cao Dai Church, with the 2007 Charter, the government set up the state-sanctioned church ruled by the Executive Council of the Cao Dai Tay Ninh Church, which other Cao Dai 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 (PUBC). 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, ordination, appointment, and transfer of religious officials all require the prior approval of the state. The training programs for seminarians and other grassroots cadres must be reviewed by the state. Programs must include subjects such as Marxist/Leninist ideology, Ho Chi Minh thought, history of the CPV, and the SRV legal system, which are taught by state instructors. Candidates for 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 in the United States, Australia and elsewhere, in order to cause disruption within the religious rank and file.

The authorities often restrict the travels of religious dignitaries and prohibit religious festivals that they deem are not consistent with the interests of the ruling party. Following are some typical cases:

- On January 4, 2016, the police coordinated with traffic police and thugs to prevent Hoa Hao followers converging on Quang Minh Tu, An Giang Province to celebrate the 96th birthday of Patriarch Huynh Phu So.<sup>14</sup>
- On April 2, 2016, a delegation of the Orthodox Hoa Hao Buddhist Church of Vinh Long went by bus to Cho Moi, Hoi An Commune, An Giang Province to commemorate the 69th anniversary

<sup>13</sup> 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](http://phatgiaokhongcongsan.blogspot.com/2011/05/ho-so-thong-nhat-phat-giao-o-trung-hieu.html)

<sup>14</sup> Thanh niên Công giáo. *Cộng sản ngăn cản Giáo Hội Phật Giáo Hòa Hảo Thuận Tụy tổ chức đại lễ Dân sinh Đức Huỳnh Phú Sổ*. <http://thanhnienconggiao.blogspot.com/2016/01/cong-san-ngan-can-giao-hoi-phat-giao.html>

sary of the death of Patriarch Huynh Phu So, but they were forced to return home by public security.<sup>15</sup>

- On May 12, 2016, the Danang and Hue police forbade Venerable Thich Thanh Quang, Head of the Unified Buddhist Church of Vietnam (UBCV)'s Executive Institute, and Mr. Le Cong Cau, Secretary-general of the UBCV, from going to Saigon to assist Patriarch Thich Quang Do in welcoming a visiting delegation from the Australian Embassy.<sup>16</sup>

- On May 28, 2016, Lao Cai police prevented the faithful from attending Sunday Mass.<sup>17</sup>

- On June 12, 2016, Muong Khuong District authorities in Lao Cai Province assaulted and prevented Muong Khuong parishioners from attending mass.<sup>18</sup>

- On June 20, 2016, police in Long Hoa 2 hamlet, Long Dien A commune, Cho Moi District, An Giang Province attacked Hoa Hao followers and prevented them from attending the 77th anniversary of the Hoa Hao Buddhism Foundation.<sup>19</sup>

- On December 21, 2016, the authorities of Son Thanh Commune, Son Ha District, Quang Ngai Province prevented a group led by Most Venerable Thich Khong Tanh from distributing flood relief assistance to ethnic minority H're.<sup>20</sup>

- On December 22, 2016, police in Phu Yen District, Son La Province, threatened to expel Bishop Nguyen Huu Long on the grounds of celebrating mass "without permission" when he celebrated Christmas Mass with the H'mong people there.<sup>21</sup>

- On January 14, 2017, police barred pastor Nguyen Manh Hung, representing the Mennonite Protestant Church, and Le Van Soc, representing the peaceful Hoa Hao Buddhist Church, from meeting the US Ambassador-at-Large for International Religious Freedom, David Saperstein.<sup>22</sup>

- On February 2, 2017, Father Phan Van Loi was prevented by plainclothes police from attending (Lunar) New Year Mass.<sup>23</sup> This situation had happened many times with Fr. Loi in 2016.

<sup>15</sup> Dân Lâm Báo. *Hội đồng Liên tôn Việt Nam Kháng thư phản đối nhà cầm quyền CSVN đàn áp lễ tưởng niệm 69 năm Đức Huỳnh Giáo Chủ thọ nạn 06-04-2016.*

<http://danlambaovn.blogspot.com/2016/04/hoi-dong-lien-ton-viet-nam-khang-thu.html>

<sup>16</sup> Phòng Thông tin Phật giáo Quốc tế. *Phản đối chính quyền Việt Nam vi phạm quyền tự do đi lại.*

<http://pttpgqt.org/2016/05/13/thong-diep-phat-dan-cua-tong-thong-obama/>

<sup>17</sup> GNsP. *Công an Lào Cai ngăn tín hữu đi tham dự lễ Chúa Nhật.*

<http://www.tinmungchonguoingheo.com/blog/2016/05/30/11273/>

<sup>18</sup> GNsP. *Nhà cầm quyền Lào Cai gây khó khăn cho Giáo họ Mường Khuong.*

<http://www.tinmungchonguoingheo.com/blog/2016/06/13/nha-cam-quyen-lao-cai-gay-kho-khan-cho-giao-ho-muong-khuong/>

<sup>19</sup> Phật giáo Hòa Hảo. *Nhà cầm quyền ngăn cản tín đồ PGHH làm lễ tưởng niệm Ngày Khai sáng đạo (năm 2016) tại Quang Minh Tự.* <http://truyenthongphatgiaohoaoho.blogspot.com/2016/07/nha-cam-quyen-ngan-can-tin-o-pghh-lam.html>

<sup>20</sup> Vietnam Exodus. *Đoàn từ thiện của Tăng Đoàn bị sách nhiễu và ngăn cản cứu trợ tại tỉnh Quảng Nam.*

<https://exodusforvietnam.wordpress.com/2016/12/23/doan-tu-thien-cua-tang-doan-bi-sach-nhieu-va-ngan-can-cuu-tro-tai-tinh-quang-nam/>

<sup>21</sup> Dân Lâm Báo. *CA đòi trục xuất Giám Mục vì dâng lễ "không xin phép."*

<http://danlambaovn.blogspot.com/2016/12/ca-oi-truc-xuat-giam-muc-vi-dang-le.html>

<sup>22</sup> VOA. *Đại sứ Hoa Kỳ David Saperstein thăm Hội đồng Liên tôn.*

<http://www.voatiengviet.com/a/dai-su-hoa-ky-david-saperstein-tham-hoi-dong-lien-ton/3682627.html>

<sup>23</sup> Dân Lâm Báo. *Huế: Công an ngăn chặn Linh mục Phan Văn Lợi đi dự Thánh lễ đầu năm.*

<http://danlambaovn.blogspot.com/2017/02/hue-cong-ngan-chan-linh-muc-phan-van.html>



- On February 13, 2017, several members of the Inter-faith Council of Vietnam and religious dignitaries were assaulted by plainclothes and uniformed police, preventing them from visiting each other during (lunar) New Year.<sup>24</sup>

### 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 used when an event escapes government control.

In 2016, while lessening its use of criminalization of religious rights activists, the government relied more on violent suppression by security forces. Some typical well-known cases:

- On March 29, 2016, many strangers surrounded a Protestant group gathering at the house of Nguyen Thi Kim Lieu – village 7, Loc Ninh Commune, Dong Hoi City, Quang Binh Province. They stormed in and assaulted the faithful, throwing fermented shrimp sauce into the house.<sup>25</sup>

- On April 2, 2016, secret police attacked Mr. Nguyen Van Lia, a Hoa Hoa Buddhist dignitary, and many other followers as they were on their way to Quang Minh temple to commemorate the anniversary of the death of Patriarch Huynh Phu So. Many victims were sent to emergency facilities.<sup>26</sup>

- On April 6, 2016, hundreds of public security officers and mobile police armed with guns and grenades attacked Huong Phuong parishioners, Diocese of Vinh, injuring several people.<sup>27</sup>

- On April 14, 2016, Mrs. Tran Thi Hong, wife of prisoner of conscience Pastor Nguyen Cong Chinh, was beaten by police of Hoa Lu ward, Pleiku City, Gia Lai Province for refusing to re-



*April 4, 2016, Hoa Hao Buddhists in Cho Moi, An Giang Province commemorated the anniversary of the death of Patriarch Huynh. They hang banners protesting communist Vietnam's religious repression. Photo courtesy of Nguyen Bac Truyen.*

<sup>24</sup> Bauxite Việt Nam. *Hội đồng Liên tôn Việt Nam kháng thư phản đối vụ đàn áp tôn giáo ngày 13-02-2017 tại Vĩnh Long*. <http://boxitvn.blogspot.com/2017/02/hoi-ong-lien-ton-viet-nam-khang-thu.html>

<sup>25</sup> Exodus. *Khẩn cấp: Hội thánh tại Quảng Bình bị tấn công*. <https://vietnamexodusblog.wordpress.com/2016/03/29/khan-cap-hoi-thanh-tai-quang-binh-bi-tan-cong/>

<sup>26</sup> Ba Sàm. *Công an đàn áp tín đồ Phật giáo Hòa Hảo*. <https://anhbasam.wordpress.com/2016/04/02/7730-cong-an-dan-ap-tin-do-phat-giao-hoa-hao-pghh/>

<sup>27</sup> GNsP. *Quảng Bình: Công an đánh đập, dùng lựu đạn cay bắn giáo dân giáo xứ Hương Phương*. <http://www.tinmungchonguongheo.com/blog/2016/04/06/quang-binh-cong-an-danh-dap-dung-luu-dan-cay-ban-giao-dan-giao-xu-huong-phuong/>



*April 14, 2016, Mrs. Tran Thi Hong, wife of prisoner of conscience Pastor Nguyen Cong Chinh, was beaten by police of Hoa Lu ward, Pleiku City, Gia Lai Province. Photo courtesy of BáoNướcViệt.com*

port about her meeting with a U.S. human rights delegation on March 30, 2016.<sup>28</sup>

- On April 22, 2016, two Orthodox Hoa Hao Buddhist Church followers were injured in an attack by unidentified strangers in Binh Minh Commune, Vinh Long Province on their way home after a recitation session at another follower's home.<sup>29</sup>

- On May 7, 2016, Father Nguyen Van The of Bac Ninh Diocese was beaten with batons and iron pipes when he was on his way to celebrate Mass for ethnic minorities. He was seriously injured and was taken to Hung Vuong hospital emergency facilities, Phu Tho Province.<sup>30</sup>

- On February 27, 2017, Pastor Nguyen Trung Ton and Mr. Nguyen Viet Tu were

severely attacked and robbed by a group of strangers on their way from Thanh Hoa to Quang Binh.<sup>31</sup>

## 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, Vietnamese people and international human rights organizations have persistently advocated for the right to religious freedom.

Following are some typical activities for religious freedom in 2016:

- Many religious organizations have expressed their views on the draft law on religion and belief in 2016. In particular the Catholic Church in Vietnam, in addition to the comments of Vietnam Catholic Bishops' Conference,<sup>32</sup> which highlighted the positive points and shortcomings of the document, several dioceses also raised their own concerns on the flaws of the draft law.
- The Interfaith Council of Vietnam, made up of representatives of independent religious organizations, carried out many activities in 2016 to advocate for freedom of religion, such as par-

<sup>28</sup> RFA. *Vợ MS. Nguyễn Công Chính bị hành hung*. [http://www.rfa.org/vietnamese/in\\_depth/wife-of-dissident-pastor-attacked-after-an-us-delegate-visiting-her-ml-04142016145951.html](http://www.rfa.org/vietnamese/in_depth/wife-of-dissident-pastor-attacked-after-an-us-delegate-visiting-her-ml-04142016145951.html)

<sup>29</sup> RFA. *Tín đồ Phật giáo Hòa Hảo bị tấn công*. <http://www.rfa.org/vietnamese/vietnamnews/hoahao-followers-attack-by-plainclothes-policemen-04222016150028.html>

<sup>30</sup> Công Giáo Info. *GP.Bắc Ninh: Cha Giuse Nguyễn Văn Thế bị côn đồ đánh trọng thương*. <http://conggiao.info/gpbac-ninh-cha-giuse-nguyen-van-the-bi-con-do-danh-trong-thuong-d-35518>

<sup>31</sup> VOA. *MS Nguyễn Trung Tôn bị 'mật vụ công an hành hung'*. <http://www.voatiengviet.com/a/muc-su-nguyen-trung-ton-mat-vu-cong-an-hanh-hung-chung-toi/3745817.html>

<sup>32</sup> VietCatholic News. *Thư của Hội Đồng Giám Mục Việt Nam góp ý Dự thảo Luật Tín ngưỡng Tôn giáo*. <http://www.vietcatholic.net/News/Html/189905.htm>

ticipating in hearings and meetings with international human rights organizations, denouncing religious oppression, and protesting against the draft Law on Belief and Religion. Dignitaries in the Interfaith Council of Vietnam are routinely pursued and harassed by government authorities; many have been assaulted.

- The Association to Protect Freedom of Religion (APFOR) was founded in early 2014 with 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 2015, the Association issued four quarterly reports on violations of religious freedom.

- In its 2016 annual report, The United States Commission on International Religious Freedom (USCIRF) recommended that Vietnam be placed on top of the “list of countries of particular concern for freedom of religion” (CPC).<sup>33</sup> On February 8, 2017, marking the 10th anniversary of Vietnam’s removal from the list of Countries of Particular Concern (CPC), the USCIRF issued an assessment of change during the previous ten-year period. Rev. Thomas J. Reese, SJ, chair of the commission, said: “Ten years after the State Department’s removal of Vietnam as a CPC, religious freedom conditions in the country are at a pivotal moment. While these conditions have improved in some instances, severe religious violations continue that are inconsistent with international standards.”<sup>34</sup>

- The European Union Parliament, in its June 9, 2016 resolution on Vietnam, called on the Vietnamese government to end religious repression and amend the law to re-establish the legal status of the unrecognized religions, to rescind the fifth draft of the Law on Belief and Religion and replace it with a new draft that is consistent with Vietnam’s obligations under Article 18 of the International Covenant on Civil and Political Rights, and to release imprisoned religious activists.<sup>35</sup>

- The Conference on Freedom of Religion or Belief in South-East Asia, held in Dili, East Timor, from August 1 to 2, 2016, was attended by 85 members of religions and civil society organizations from 10 ASEAN countries and from other countries like France, United States, Canada, United Kingdom, and Norway. Representatives from Vietnamese religious and civil society organizations inside and outside of Vietnam also participated and raised concerns about the situation of religious freedom in Vietnam.<sup>36</sup>

<sup>33</sup> USCIRF. *USCIRF Issues its 2016 Annual Report*.

<http://www.uscirtf.gov/news-room/press-releases/uscirtf-issues-its-2016-annual-report>

<sup>34</sup> USCIRF. *VIETNAM: USCIRF Assesses State Department’s CPC Removal*.

<http://www.uscirtf.gov/news-room/press-releases/vietnam-uscirtf-assesses-state-department-s-cpc-removal>

<sup>35</sup> European Parliament. *European Parliament resolution of 9 June 2016 on Vietnam*.

<http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P8-TA-2016-0276+0+DOC+XML+V0//EN>

<sup>36</sup> Mach Sống. *Hội Nghị Tự Do Tôn Giáo hay Niềm Tin Ở ĐNÁ: Diễn đàn cho các tiếng nói độc lập*.

<http://www.machsongmedia.com/vietnam/nhanquyen/1139-2016-09-26-14-25-19.html>

## VI

# THE RIGHT TO WORK AND TO ENJOY THE FRUITS OF LABOR

The rights of workers attracted increased attention in 2015 when Vietnam was participating in the negotiation process for the Trans-Pacific Partnership Agreement (TPP). Many had advocated for the Agreement, believing that workers' rights would be better promoted if the participating countries approved the TPP Agreement and accepted the Agreement's clauses related to labor rights. The rights of workers, especially the right to organize unions and to strike, were still violated in legislation and in practice in 2016.

### 1. Violations of Workers' Rights in Labor Legislation

Despite Vietnam's participation in the International Labor Organization since 1992 with its pledge to respect the ILO's standards, Vietnam has not ratified the three basic documents, namely, Convention No.87 on the Freedom of Association and Protection of the Right to Organize Associations; Convention No. 98 on the Right to Organize and Bargain Collectively; and Convention No. 105 on the Abolition of Forced Labor.

Vietnam National Assembly's 2017 legislative agenda includes the discussion in October about the modification of the Labor Code; yet, with the Trump Administration's decision to stay out of the TPP, it is unknown what the future will be for that bill. Labor laws in use are still the 2012 Labor Code and the 2012 Labor Union Code.

In 2016, to meet the requirements for joining the Trans-Pacific Partnership Agreement (TPP), Vietnam began to modify its 2012 Labor Code. According to a draft report by the Ministry of Labor, War Invalids, and Social Welfare (MLWISW),<sup>1</sup> changes would be made to suit the socio-economic situation and new laws needed to implement the TPP, especially those allowing the right to form labor unions and to bargain collectively. However, based on the said MLWISW re-

port, Vietnam's worries about its political security put an end to changes in its labor code, stopping them right at the general principles and leaving the government to provide concrete applications.

Vietnam National Assembly's 2017 legislative agenda includes the discussion in October about the

<sup>1</sup> Bộ Lao động - Thương binh & Xã hội. *Dự thảo Tờ trình Chính phủ về dự án Luật sửa đổi, bổ sung một số điều của Bộ luật Lao động tháng 11, 2016.*

[http://duthaoonline.quochoi.vn/DuThao/Lists/DT\\_DUTHAO\\_LUAT/View\\_Detail.aspx?ItemID=1270&TabIndex=2&TaiLieuID=2508](http://duthaoonline.quochoi.vn/DuThao/Lists/DT_DUTHAO_LUAT/View_Detail.aspx?ItemID=1270&TabIndex=2&TaiLieuID=2508)



modification of the Labor Code;<sup>2</sup> yet, with the Trump Administration's decision to stay out of the TPP, it is unknown what the future will be for that bill. Labor laws in use are still the 2012 Labor Code and the 2012 Labor Union Code.

With those two laws, labor unions are considered to be peripheral organizations of the Communist Party.<sup>3</sup> It is illegal to establish workers' organizations outside of the Vietnam General Confederation of Labor (VGCL).

With regards to the right to strike, workers' ultimate bargaining weapon, the 2012 Labor Law stipulates restrictive conditions that nullify that right:

- Article 204 only allows strikes when there are interest-based collective labor disputes; for rights-based collective labor disputes, the settlement power goes to the chairperson of the district-level People's Committee.
- Article 210 specifies that a strike is legal only when it is organized and led by the executive committee of the grassroots-level trade union.
- Article 213 stipulates: "When over 50% of the consulted employees agree with the option suggested by the executive committee of the trade union, the executive committee of the trade union shall issue a decision to go on strike." It is impossible to implement this condition in the context of union activities under the strict control of the CPV. Mr. Mai Duc Chinh, Vice President of the VGCL, even admitted that these conditions were not realistic as they were hardly feasible.<sup>4</sup>
- Article 215 specifies cases where striking is considered illegal, i.e., 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 of industries or companies involved in "national interests." This list comprises not only airlines and railways, but environmental, irrigation, and town-planning companies, which are commonly owned by the Communist Party of Vietnam (CPV) or its officials.

On January 12, 2015, Decree No. 05/2015/NĐ-CP describes how wages and other benefits of unauthorized participants in a labor strike are to be legally denied for the whole strike period.

With such strict conditions, no legal strikes can take place. In fact, from 2013 to the end of June, 2016, the country had more than 1,000 strikes, but none complied with the regulations of the 2012 Labor Code.<sup>5</sup>

In summary, with the current legislation, the two fundamental rights of workers; right to freedom of trade unions and right to strike, are outlawed for the benefit of the ruling party.

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<sup>2</sup> Trung tâm Hỗ trợ Phát triển Quan hệ lao động. *Tháng 5/2017: Trình Quốc hội xem xét dự án Luật lao động sửa đổi*. <http://cird.gov.vn/content.php?id=1494&cate=21>

<sup>3</sup> 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."

<sup>4</sup> Tiền Phong Online. *Cho phép đình công để bảo vệ công đoàn*. <http://www.tienphong.vn/Kinh-Te/574966/Cho-phép-dinh-cong-de-bao-ve-cong-doan-tp.html>

<sup>5</sup> Lao động Thủ đô. *Để đình công đúng luật*. <http://laodongthudo.vn/de-dinh-cong-dung-luat-42210.html>



## 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

### 2.1. Increasing State Control over Labor Unions' Activities

The Vietnam General Confederation of Labor (VGCL), the sole legal labor union organization in Vietnam today, was established by the Communist Party of Vietnam (CPV) in 1929 along with the party's founding, purporting to unite workers in support of its policies and programs of action. No change has taken place regarding the CPV policies and programs of action to this day, with VGCL members having reached 9,646,417 across 125,561 grassroots-level unions.<sup>6</sup> VGCL core members are all communists, from the top leader, a CPV Central Committee member,<sup>7</sup> down to all its basic union chairmen, who, to keep control over union activities, have to "carry out the CPV's platform and policies..."<sup>8</sup> The unions also serve as training grounds for prospective CPV members. In 2016, 135,253 of them were introduced, of whom 82,916 became party members.<sup>9</sup>

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 had to set aside 2% of their workers' wages for the VGCL, whether the firm had a grassroots union or not. Yet, with workers who are union members, an extra 1% of their salary is forcibly taken as a trade union fee.

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



*March 18, 2016, More than 1,500 workers of Viet Pacific Garment Co., Ltd. (Mo Lao Ward, Ha Dong, Hanoi) were on strike in the rain fighting for their rights. Photo Internet.*

<sup>6</sup> Tổng Liên Đoàn Lao Động Việt Nam. *Báo cáo kết quả hoạt động công đoàn năm 2016 - Nhiệm vụ năm 2017, trang 11.* <http://www.congdoan.vn/FileManager/Files/vanphongtld/files/BC%20so%2012.PDF>

<sup>7</sup> The current President of the Vietnam General Confederation of Labor is Mr. Bui Van Cuong, Member of the Central Party, Party Committee Secretary.

<sup>8</sup> 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>

<sup>9</sup> Tổng Liên Đoàn Lao Động Việt Nam. *op. cit.* p. 9.

Ministry of Labor, War Invalids, and Social Affairs is responsible for. Workers' attempts to demand legitimate rights have received neither sympathy nor support from VGCL. On the contrary, VGCL members always side with government authorities and company bosses in trying to suppress and neutralize labor strikes as well as labor rights defense organizations.

At the same time, the Government has targeted independent labor organizations, such as Viet Labor and the Vietnam Independent Union, with prohibitive and oppressive measures.

Nevertheless, under the pressure of the TPP negotiations, it became possible in 2016 to discuss openly the formation of independent labor unions, even within public agencies. The problem that Vietnam must overcome to show that it would respect its pledges if it joined the TPP has been the conflict between the independent nature of the independent labor unions model and the totalitarianism of Vietnam's current state model. In 2017, the decision of the new U.S. president, Donald Trump, to withdraw from the TPP has caused labor activists to worry whether the government will continue to allow open discussion of independent labor unions.

## **2. 2. Violations of Workers' Rights in Practice: Worker Exploitation**

As in previous years, the underlying causes for the strikes were factory owners' failure to fulfill their social responsibilities to workers, which include wages, benefits, working hours, breaks, and wage disputes.<sup>10</sup> This failure did not change in 2016, as some companies cut their workers allowances before a statutory minimum wage increase was paid. This practice led to strikes.<sup>11</sup>

In 2016, a minimum wage increase of 12.4 percent, and 7.3 percent for 2017, was set by the government with no actual easing of workers' hardships. According to a survey by the Vietnam General Confederation of Labor, with the current wages, 20% of the labor force could not survive, 31% of them had to reduce their expenses, 41% would have just enough for their living costs, and a mere 8% could save.<sup>12</sup> That deficiency is even worse in some localities and professional areas; for instance, the Khanh Hoa Confederation of Labor stated that the workers' current wages could meet only 60-65% of the minimum living standard.<sup>13</sup> Similarly, the salaries of public employees, except those in favored positions, could only meet 50-60% of their minimal needs.<sup>14</sup>

In addition, the workers have to do their jobs with insufficient safety protections. According to the MLWISW, the number of labor accidents kept increasing during the last three years. In 2014, there were 6,700 accidents with 630 deaths, while in 2015, the number increased to 7,600 with 666

<sup>10</sup> Báo Lao Động. *85 - 90% số vụ đình công có nguyên nhân từ yếu tố tiền lương*. <http://laodong.com.vn/cong-don/85-90-so-vu-dinh-cong-co-nguyen-nhan-tu-yeu-to-tien-luong-137037.bld>

<sup>11</sup> Báo Lao Động. *Đình công tăng cao vì doanh nghiệp "né" điều chỉnh lương tối thiểu*. <http://laodong.com.vn/lao-dong-doi-song/dinh-cong-tang-cao-vi-doanh-nghiep-ne-dieu-chinh-luong-toi-thieu-548380.bld>

<sup>12</sup> VnExpress. *Tổng liên đoàn lao động: Công nhân đang sống lay lắt*. <http://vnexpress.net/tin-tuc/thoi-su/tong-lien-doan-lao-dong-cong-nhan-dang-song-lay-lat-3263406.html>

<sup>13</sup> Khánh Hòa Online. *Mức lương tối thiểu: Chưa đảm bảo mức sống của công nhân*. <http://www.baokhanhhoa.com.vn/xa-hoi/201608/muc-luong-toi-thieu-chua-dam-bao-muc-song-cua-cong-nhan-2446442/>

<sup>14</sup> Thanh Niên. *Lương công chức chỉ đủ sống... 50%*. <http://thanhnien.vn/doi-song/luong-cong-chuc-chi-du-song-50-754532.html>

deaths.<sup>15</sup> In 2016, there were 4,333 accidents nationwide with 506 deaths.<sup>16</sup> Those numbers were just the tip of the iceberg, since 90% of businesses failed to file accident reports.<sup>17</sup>

The primary cause of work accidents was employers' lack of responsiveness to their safety obligations in the areas of working conditions, safety equipment, and safety training. Those reasons have caused about 50% of all fatal accidents.<sup>18</sup> And it is worrisome to note that while more than 600 workers die each year from occupational accidents, only about 3-4% of such cases have been brought before a court of justice.<sup>19</sup>

Workers have to worry not only about insufficient wages and occupational safety, but also hygienic conditions at work sites and food safety at the workshops. Food poisoning has become a constant concern for workers and their families.

According to a survey of the health sector, the poor quality of food is the main cause of food poisoning.<sup>20</sup> The meager standard meals (at about 9000-11000 Dong<sup>21</sup> or \$0.40-\$0.50 USD) not only adversely affect workers' productivity, but also weaken the physical and intellectual well-being of future generations.

### **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 (HRW) released, in 2011 and 2012, two reports on forced labor in drug rehabilitation centers in Vietnam.<sup>22, 23</sup>

The Vietnamese government consistently denies the denunciations from HRW and other human rights organizations about abuses of detainees in drug rehabilitation camps as slaves. However, the situation still exists in those camps, according to the International Labor Rights Forum in its 2014 report titled *Vietnam's Forced Labor Centers*. Based on disclosures by recently freed victims, the camps were reportedly continuing to use tough measures to force detainees to overwork for higher production with no adequate compensation. Worse still, they suffered beatings for failure to fulfill

<sup>15</sup> ANTV. *Thiếu chính xác trong thống kê tai nạn lao động*.

<http://www.antv.gov.vn/tin-tuc/xa-hoi/thieu-chinh-xac-trong-thong-ke-tai-nan-lao-dong-184389.html>

<sup>16</sup> Tổng Liên Đoàn Lao Động Việt Nam. *op.cit. p..5*.

<sup>17</sup> An ninh Thủ đô. *90% doanh nghiệp không báo cáo về tai nạn lao động*.

<http://anninhthudo.vn/chinh-tri-xa-hoi/90-doanh-nghiep-khong-bao-cao-ve-tai-nan-lao-dong/667053.antd>

<sup>18</sup> Đại Đoàn Kết. *An toàn lao động: Người lao động cần ý thức quyền, nghĩa vụ của mình*.

<http://m.daidoanket.vn/tin-tuc/xa-hoi/an-toan-lao-dong-nguoi-lao-dong-can-y-thuc-quyen-nghia-vu-cua-minh-93191?view=mobile>

<sup>19</sup> Vì Công Lý. *Tai nạn lao động: 600 người chết, chỉ 12 vụ bị khởi tố mỗi năm?*

<http://vicongly.com/xem/9340/tai-nan-lao-dong-600-nguoi-chet-chi-12-vu-bi-khoi-to-moi-nam.html>

<sup>20</sup> Tổng Liên đoàn Lao Động Việt Nam. *Đáng lo ngại an toàn thực phẩm bữa ăn ca công nhân trong các khu công nghiệp, khu chế xuất hiện nay*. <http://congdoan.vn/tin-tuc/chuyen-de-509/dang-lo-ngai-an-toan-thuc-pham-bua-an-ca-cong-nhan-trong-cac-khu-cong-nghiep-khu-che-xuat-hien-nay-136990.tld>

<sup>21</sup> Giáo dục Việt Nam. *Khẩu phần ăn chỉ 9.000-11.000 đồng là nguyên nhân ngộ độc thực phẩm*.

<http://giaoduc.net.vn/Kinh-te/Khau-phan-an-chi-900011000-dong-la-nguyen-nhan-ngo-doc-thuc-pham-post162852.gd>

<sup>22</sup> Human Rights Watch. *The Rehab Archipelago: Forced Labor and Other Abuses in Drug Detention*.

<https://www.hrw.org/report/2011/09/07/rehab-archipelago/forced-labor-and-other-abuses-drug-detention-centers-southern>

<sup>23</sup> Human Rights Watch. *Torture in the Name of Treatment: Human Rights Abuses in Vietnam, China, Cambodia, and Lao PDR*.

<https://www.hrw.org/report/2012/07/24/torture-name-treatment/human-rights-abuses-vietnam-china-cambodia-and-lao-pdr>

required production targets.<sup>24</sup>

A Viet Labor study in 2016 on forced labor situations in Vietnam prisons disclosed that between 100,000 and 200,000 prisoners in roughly 60 prisons were forced to work from 40 to 50 hours a week, without pay, to produce cashew nuts, garments, rubber, bricks, rocks, rice, sugar cane, and other products.<sup>25</sup>

Another huge portion of the forced labor victims includes exported workers who have to work over their sustainment. Another study by the Verité organization in 2014 proved that up to 40 per cent of Vietnamese electronic workers in Malaysia were categorized as forced labor.<sup>26</sup> The situation persisted until 2016, especially in various Middle East nations,<sup>27</sup> in Red China, with illegally exported workers, and in England, with Vietnamese children being forced to enter the country illegally.<sup>28</sup>

Another aspect of forced labor is the mistreatment of children, including forcing them to work in dangerous conditions. In its National Report on the implementation of human rights for the Vietnamese people according to the Universal Periodic Review (UPR) national report presented to the UN Human Rights Council on February 5, 2014, Vietnam claimed, “Vietnam 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. On April 5, 2016, the XIII National Assembly adopted the Children’s Law No. 102/2016 / QH13 which specifies child rights and protections.”



*Poor children in alluvial areas of Lạc Hòa village in Sóc Trăng province have to go catching crabs and sea snails every day to make money for food instead of going to school. Photo courtesy of Tuổi Trẻ.*

Nevertheless, based on a recent report of the *Children Welfare and Protection* Department of the Ministry of Labor, War Invalids, and Social Affairs, the country has 2.83 million children participating in economic activity, accounting for 15.5 percent of the child population, of which about 1.18 million were out of school, accounting for 41.6 percent, and about 56,000 children have never attended school, accounting for nearly 2 percent. Of particular concern are about 933,000 children working in areas exposed to the risk of being exploited and abused.<sup>29</sup>

<sup>24</sup> International Labor Rights Forum. *Vietnam’s Forced Labor Centers*. <http://www.laborrights.org/publications/vietnams-forced-labor-centers>

<sup>25</sup> Lao Động Việt. *Bản tường trình của Lao Động Việt về tù lao động*. <https://laodongviet.org/2016/05/17/tu-nhan-an-don-lao-dong-nha-nuoc-an-loi-quat-roi/>

<sup>26</sup> Verité. *Forced Labor in the Production of Electronic Goods in Malaysia, A Comprehensive Study of Scope and Characteristics*. <https://www.verite.org/wp-content/uploads/2016/11/VeriteForcedLaborMalaysianElectronics2014.pdf>

<sup>27</sup> Lao động Thủ đô. *Lao động tại Ả-rập Xê-út mòn mỏi ngóng chờ người thân*. <http://laodongthudo.vn/lao-dong-tai-a-rap-xe-ut-mon-moi-ngong-cho-nguoi-than-41118.html>

<sup>28</sup> Asia Jack. *3,000 Vietnamese children are in forced labor in the U.K.* <http://asiajack.news/2017/02/10/3000-vietnamese-children-forced-labor-u-k/>

<sup>29</sup> Đại Đoàn Kết. *Nạn giải lao động trẻ em*. <http://daidoanket.vn/tieng-dan/nan-giai-lao-dong-tre-em/88415>



A report by the US Department of Labor on goods produced by children or forced labor published in 2016 expanded the list of the occupational sectors employing children in Vietnam by three additional sectors: footwear, leather, and textiles.<sup>30</sup> 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, and other services. Those components are not included in the aforementioned reports.

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

There are about 500,000 Vietnamese export workers currently working in over 40 countries and territories, mostly in Taiwan, South Korea, Malaysia, Japan, and the Middle East. The number of workers exported in 2016 was 126,296, an increase of 8.89 percent compared to 2015, and exceeded the projected plan by 26 percent. It is the highest number of exported workers in recent years.<sup>31</sup>

Many of them are victims of human trafficking and are exploited by recruitment agencies owned by state agencies or government officials. Typically, recruiting agents visit poor villages and promise good overseas employment contracts to lure unsuspecting job-seekers. Once at the destination airport, the agents confiscate the workers’ passports and hand them to the employers. By the time the workers discover that the good conditions described in the contracts were lies or misrepresentations, they 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.” A significant number these victims have become prey to human trafficking. [Please refer to the Human Trafficking section of chapter I of this report]

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<sup>30</sup> US Department of Labor. *List of Goods Produced by Child or Forced Labor*, Washington DC, 2016, p. 21 [https://www.dol.gov/sites/default/files/documents/ilab/reports/child-labor/findings/TVPRA\\_Report2016.pdf](https://www.dol.gov/sites/default/files/documents/ilab/reports/child-labor/findings/TVPRA_Report2016.pdf)

<sup>31</sup> Hiệp hội xuất khẩu lao động Việt Nam. *Tổng quan thị trường tiếp nhận lao động Việt Nam năm 2016*. [http://vamas.com.vn/tong-quan-thi-truong-tiep-nhan-lao-dong-viet-nam-nam-2016\\_t221c655n44422.html](http://vamas.com.vn/tong-quan-thi-truong-tiep-nhan-lao-dong-viet-nam-nam-2016_t221c655n44422.html)



## VII

# 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 2014 Cycle II Universal Periodic Review (UPR) for 2012-2016, Vietnam accepted the UN Human Rights Council's 182 recommendations for the advancement of the human rights situation, including 9 recommendations relating to the elimination of all forms of discrimination based on ethnicity, gender, and age.

In reality, however, stigmatization and unequal treatment, in general, still did not improve in 2016, except for the issue of lesbian, gay, bisexual, and transgender (LGBT) rights, which the government of Vietnam has played up to mask an otherwise deplorable record of social and economic inequality and political discrimination.

### 1. Discrimination against Supporters of the Old Regime

Although the war ended more than four decades ago, Vietnam is still pursuing a policy of discrimination and stigma against supporters of the old regime, as if the war were still going on. Its categorization of people as “having contributed to the revolution” versus “being part of the puppet regime” dictates how people's lives will unfold, depending on which side they were associated with during the war.

Subjects being singled out for discriminatory treatment are disabled veterans of the former Republic of Vietnam Armed Forces (ARVN). Shortly after 1975, in addition to putting tens of thousands of military officers and civil servants of the former Republic of Vietnam (RVN) in concentration camps, looting their properties and sending hundreds of thousands of families who had had connections with the losing side to new economic zones, the Communist government also applied profiling measures to prevent their children from achieving a meaningful future. Forty years later, although the concentration camps have closed, the profiling policy still creates great educational,

political, and economic inequality gaps between the South Vietnamese people and those associated with the victors.<sup>1</sup>

Meanwhile, the government has adopted an opposite policy towards communist cadres and veterans and their families. According to the report by the Ministry of Labor, Invalids and Social Affairs, there are more than 1.4 million “deserving” people, i.e., Communist cadres and veterans and their families, who regularly receive financial support and preferential allowances from the government.<sup>2</sup> In 2016, the government spent more than VND30



*December 27, 2016, hundreds of disabled veterans of the former Republic of Vietnam were welcome to celebrate 2017 New Year at the Redemptorist Congregation in Saigon.*

*Photo courtesy of GNSP.*

trillion (US \$1,320,000,000) on benefits for people with meritorious services.<sup>3</sup> At present, 98% of those people are living at or above the average living standard of the general population. Currently, 363,437 families of people with meritorious services have received government-subsidized housing, of which 116,636 units were newly built and 153,281 were refurbished.<sup>4</sup>

On November 28, 2014, the Vietnamese National Assembly passed a resolution ratifying the UN Convention on the Rights of Persons with Disabilities, which they had signed in 2008. In its National Report on the Promotion and Protection of Human Rights for the 2nd Cycle UPR 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 6.1 million people with disabilities reported by the current state statistics does not include about 200,000 disabled veterans of the former Republic of Vietnam.<sup>5</sup> Some of these people have had to live the remainder of their lives in the streets begging for handouts. Until recent years, especially since 2014, in parallel with human rights movements, and with the help of their compatriots all over the world, some of the ARVN disabled veterans have

<sup>1</sup> RFA. *Ngược đãi sau 30/4 là bi kịch lịch sử.*

[http://www.rfa.org/vietnamese/in\\_depth/discr-after-fall-saigon-04222015080143.html](http://www.rfa.org/vietnamese/in_depth/discr-after-fall-saigon-04222015080143.html)

<sup>2</sup> Tin tức. *Chăm lo cho cuộc sống của người có công.*

<http://baotintuc.vn/xa-hoi/cham-lo-cho-cuoc-song-cua-nguoi-co-cong-20160724213230900.htm>

<sup>3</sup> Tin tức. *Ibid.*

<sup>4</sup> Bộ Lao động - Thương binh và Xã hội. *Cục Người có công tổ chức Hội nghị tổng kết công tác năm 2016 và phương hướng nhiệm vụ năm 2017.* <http://www.molisa.gov.vn/vi/Pages/chitiettin.aspx?IDNews=26044>

<sup>5</sup> Hội HO Cứu Trợ TPB & QP. *Chuyện người thương binh.*

<http://tpbvnh.blogspot.com/2016/10/chuyen-nguoi-thuong-binh.html>

come together and publicized to the world the extent to which they have been stigmatized, discriminated against, and marginalized by their own government.

In addition to two religious organizations, the Lien Tri Pagoda of the most Venerable Thich Khong Tanh and the Justice and Peace Office of the Vietnam Redemptorist Congregation, many overseas Vietnamese groups have also lent a helping hand to partly redress the humiliation and suffering of those marginalized. Since 2014, through the Gratitude to Republic of Vietnam War Invalids Program, the Redemptorist Congregation in Saigon has provided disabled vets of the former ARVN with medical examination and necessary items such as push-pull and regular wheelchairs and crutches.

## 2. Discrimination Against Non-Communist Party Elements

At the time of the 12th Party Congress in 2016, the Communist Party of Vietnam (CPV) has about 4.5 million members in a country with a population of about 94 million. Under the current Constitution, the only political party allowed to operate is the CPV, whose members are more privileged than outsiders. The discrimination against non-members of the CPV not only limits their participation in government areas but also encompasses all other social activities, including education, economic life, and health care.

On education, selection to universities is based on the student's and his or her family's profiles, even if such educational institutions are not part of the public security system schools, which explicitly only accept Communist Party members. In 2015, the Ministry of Labor, Invalids, and Social Affairs issued Circular No. 36/2015/TT-MOLISA setting guidance for the implementation of preferential policies in education and training for those who had contributed to the revolution and their children. After graduation, a graduate's job and placement depend on his or her status in a Communist organization or the Communist Party. On August 18, 2014, the CPV Politburo issued Directive No. 39-CT/TW on strengthening internal political protection, which reiterates that the selection and appointment of cadres and civil servants must pay special attention to political standards.<sup>6</sup> This means those who are not members of the Communist Party or the Ho Chi Minh Communist Youth Union cannot be employed as civil servants in management roles. This is just a repeat of the immutable principle of "better red than professional" that all communist states revere.

In 2016, for the first time, a non-party member was appointed to a middle-management position. That is the case of the French-educated Dr. Le Nguyen Minh, who was appointed head of the Urban Railway Management Board of Ho Chi Minh City.<sup>7</sup>

In terms of social security, in principle, all citizens are beneficiaries of the State's social welfare policies (Article 34 of the 2013 Constitution). In practice, however, the current remuneration policy decides how services such as housing and healthcare are delivered, depending on the recipient's position in the party.

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<sup>6</sup> Xây Dựng Đảng. *Hội nghị cán bộ toàn quốc quán triệt, triển khai Chỉ thị số 39-CT/TW ngày 18-8-2014 của Bộ Chính trị về tăng cường công tác bảo vệ chính trị nội bộ trong tình hình hiện nay*. <http://www xaydungdang.org.vn/Home/toisu/2014/7823/Hoi-nghi-can-bo-toan-quoc-quan-triet-trien-khai-Chi-thi.aspx>

<sup>7</sup> Dân Trí. "Tuyển chọn nhân tài không nhất thiết phải là đảng viên". <http://dantri.com.vn/xa-hoi/tuyen-chon-nhan-tai-khong-nhat-thiet-phai-la-dang-vien-20160629110715403.htm>

For example, in the healthcare sector, while most hospitals in the country are generally in a state of overload and degradation that seriously affect the quality of public health services,<sup>8</sup> each province, city, and district has built its own hospital or set-aside areas in the hospitals to care for senior officials and high-ranking party members. At the Central Level, the Central Committee for Healthcare and Protection provides medical care for central cadres. At province, district, town,

In the healthcare sector, while most hospitals in the country are generally in a state of overload and degradation that seriously affect the quality of public health services, each province, city, and district has built its own hospital or set-aside areas in the hospitals to care for senior officials and high-ranking party members.

and city levels, healthcare committees provide medical care for local party members. Support and care regimes are also divided, depending on a member's position in the Party. On January 18th, 2016, the Central Committee for Healthcare and Protection held a conference to review its work in 2016 and highlighted some typical achievements, such as, "Implementing the 2016 plan for periodical health screening for senior officials and spouses of the most senior comrades," "organizing 11 rest breaks combined with pathological treatment for 118 high-ranking comrades, 105 former senior members of the Central Committee, former Ministers and Deputy Ministers and those of equivalent rank."<sup>9</sup>

### 3. Discrimination against Religious People

Although Article 5 of the Law on Belief and Religion adopted by the National Assembly on November 18, 2016 explicitly forbids "discrimination, stigmatization against Beliefs and Religion," discrimination and stigmatization of religious people remains unchanged in 2016. In fact, the Communist Government still regards religions as a threat to the existence of the regime. Religious followers are therefore often treated as second-class citizens in all social areas, especially in the areas of public services and education.

#### 3. 1. Discrimination against Religious People: No Equal Political Opportunities

For elected offices, the government usually sets a certain quota for religious candidates who meet the CPV's loyalty standard for election to the National Assembly. During the 2016 election of the 14th National Assembly, the government arranged for six religious dignitaries to serve as representatives.<sup>10</sup> This melodramatic performance, however, could not cover up the reality whereby people with religious faith are generally treated when they want to showcase their talents in the public sphere. For example, to become an officer in the army, candidates must pass a screening examina-

<sup>8</sup> RFA. *Thực trạng bệnh viện công hiện nay.*

[http://www.rfa.org/vietnamese/in\\_depth/overloaded-public-hospitals-in-vn-av-12222016095151.html](http://www.rfa.org/vietnamese/in_depth/overloaded-public-hospitals-in-vn-av-12222016095151.html)

<sup>9</sup> Trung tâm Truyền thông - Giáo dục sức khỏe Trung ương. "Huy động được sức mạnh của toàn hệ thống trong công tác chăm sóc sức khỏe cán bộ." <http://t5g.org.vn/huy-dong-duoc-suc-manh-cua-toan-he-thong-trong-cong-tac-cham-soc-suc-khoe-can-bo>

<sup>10</sup> Trần Đại Quang. *Danh sách Đại biểu Quốc hội khóa 14.*

<http://trandaiquang.org/danh-sach-dai-bieu-quoc-hoi-khoa-14.html>

tion, and must confirm that they are not associated with any religion.<sup>11</sup>

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, such as Thai Binh and Dong Nai, the highest positions given to Catholics are village chiefs.<sup>12</sup>

### **3. 2. 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 in determining their future education and career paths.<sup>13</sup> 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 in aptitude tests.

## **4. Discrimination against Ethnic Minorities**

Vietnam’s population comprises 54 ethnic groups, of which the Lowlanders (the Kinh) account for 87%. Except for the Chinese, who are mostly entrepreneurial and living in metropolitan areas, the rest of the ethnic groups live in remote mountainous areas in the Central Highlands and north-western parts 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 actuality, however, racial discrimination is still a grave concern for ethnic minorities. Discrimination against ethnic minorities is particularly prominent in the areas of the economy, education, and politics.

### **4. 1. Discrimination against Ethnic Minorities: Economic Inequality**

The “Hunger Elimination and Poverty Reduction Programs,” established after the Economic Reforms, have helped increase average per capita income. The increase, however, is primarily dependent on the amount of foreign investment and aid. Furthermore, the increase in gross national product (GNP) has also widened the rich-poor gap in society.

A recent study by the World Bank shows that members of ethnic minority groups make up 15 percent of the country’s population, but account for 70 percent of the extremely poor.<sup>14</sup> 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%

<sup>11</sup> 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>

<sup>12</sup> Rev. Peter Nguyễn Văn Khai. CSsR. *Status of religious freedom in Vietnam: The Catholic Church’s situation.*

<http://dvov.org/wp-content/uploads/2014/07/status-of-catholic-church-in-vietnam-by-rev-nguyen-van-khai.pdf>

<sup>13</sup> hoc.vtc.vn. *Sơ yếu lý lịch tân sinh viên điền như thế nào?*

<http://hoc.vtc.vn/so-yeu-ly-lich-tan-sinh-vien-dien-nhu-the-nao-pt5985>

<sup>14</sup> World Bank. *Why is ethnic minority poverty persistent in Vietnam?*

<http://blogs.worldbank.org/eastasiapacific/why-ethnic-minority-poverty-persistent-vietnam>



recently.<sup>15</sup>

There are many interactive reasons that lead to the disparity, such as geographic location, level of education, and culture. Nevertheless, the most important reason is still unfair policy towards these minority groups, especially the policy on land ownership.

Although the 2013 Land Law states that “During the process of land allocation or land lease, ethnic minority households and individuals in the locality that have no land or lack productive land, shall be prioritized (Art. 133).” Racial discrimination against ethnic minority ownership and use of land remains a thorny issue.



*Highland children - Photo by journalist Vo Van Tao*

The vast majority of the ethnic minorities depend 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 plantations, the Highlanders' living space has dwindled. The official figures show that the number of people who have political power, money, and guns in these areas has increased from 1.5 million in 1975 to about 6 million people in 2010.<sup>16</sup> Most of the newcomers are 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, forestry companies currently manage over 2 million hectares; each forestry site, on average, occupies 100 hectares of arable land. Meanwhile, there are still 327,000 ethnic minority households lacking land for housing and tillage nationwide. The smallest of the 16 ethnic groups (fewer than 10,000 people) own an average of only about 0.1 ha. per person, while the Pà Thẻn own the least, at 0.04 ha. per person.<sup>17</sup> Even though they have put up resistance to this brutal invasion, these ethnic groups are unable to deter those who have political power, money, and guns from violating their rights.

#### **4. 2. Discrimination against Ethnic Minorities: Education and healthcare Inequalities**

An inevitable corollary of poverty is lack of education. In its National Report on the Promotion and Protection of Human Rights for the second Cycle UPR Review on February 05, 2014, the

<sup>15</sup> 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://mpa.ub.uni-muenchen.de/50372/>

<sup>16</sup> Vu Quoc Ngu, *Land Ownership in Vietnam and Land Seizure in One-party State*. <http://www.info-vietnam.de/VUQUOCNGU.pdf>

<sup>17</sup> Bảo 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>

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.<sup>18</sup> Only 13 percent of the Hmong and Dao children attend upper secondary school, versus 65 percent of the Kinh and the Chinese ethnicities.<sup>19</sup>

An equally important factor in the ethnic minority students' high dropout rate, especially during the first years of school, is the language barrier.<sup>20</sup> 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.<sup>21</sup>

Concerning healthcare for ethnic minorities, Article 58 of the Constitution specifies, "State policy prioritizes healthcare for ethnic minorities, people living in mountainous areas, on islands, and in areas that have extremely difficult socio-economic conditions." However, according to a study on the healthcare of ethnic minorities in Vietnam in 2016, there is no fairness in health services between the Kinh and ethnic minorities, resulting in disparities in health status between these two groups.<sup>22</sup> For example, the under-five-year-old mortality rate for ethnic minority groups was 3.9%, while the Kinh / Chinese ratio was 1.2%. The number of children under five with symptoms of malnutrition and stunted growth in ethnic minority households is more than double that of Kinh households.

#### **4. 3. Discrimination against Ethnic Minorities: Political Inequalities**

In the 2016 election of the 14th National Assembly, the VCP arranged for 86 people of ethnic minorities to be elected to the Assembly. This figure, according to the report, is four less than the projected number.<sup>23</sup> These projections indicate that, as with the proportion of religious or female representatives in the National Assembly, the quota is only a façade put up by the CPV for demonstrative purposes. 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-government mechanism to represent their interests. The only means left for them to express their aspirations are fleeing abroad, holding rallies, or engaging in other forms of protest, a situation that has led to mass crackdowns or individual persecutions that ethnic mi-

<sup>18</sup> 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](http://vinacapitalfoundation.org/wp-content/uploads/2014/05/VCF-Research_Issues-in-Education-for-Vietnamese-Children_20140523_V1_GV.pdf)

<sup>19</sup> The World Bank. *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>

<sup>20</sup> 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/content/why-children-vietnam-drop-out-school-and-what-they-do-after>

<sup>21</sup> Bình Phước Online. *Gian nan dạy - học tiếng Việt, tiếng dân tộc thiểu số*. <http://baobinhphuoc.com.vn/Content/gian-nan-day---hoc-tieng-viet-tieng-dan-toc-thieu-so---bai-1-54840>

<sup>22</sup> Nguyễn Thị Mai Hương, Nguyễn Chí Trung, Đặng Thu Trang, Phạm Thái Hằng. *Công bằng sức khỏe - Những vấn đề của người dân tộc thiểu số ở Việt Nam*. Nxb Hồng Đức, Hà Nội, 2016. p. 56

<sup>23</sup> VOV. *Chính thức công bố 496 đại biểu Quốc hội khóa XIV*. <http://vov.vn/chinh-tri/quoc-hoi/chinh-thuc-cong-bo-496-dai-bieu-quoc-hoi-khoa-xiv-518820.vov>

norities have had to endure.

According to the Montagnard Foundation, an organization for the protection of the Central Highland Montagnards, over 300 Highlanders were imprisoned in 2016.<sup>24</sup> These people had been hunted and arrested because of their demands for the freedom to worship and land for cultivation.

## 5. Discrimination Against Women

Vietnam acceded to the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW) in 1982. In its Cycle II National UPR report, Vietnam claims to have strictly followed this International Convention, both in its legislative aspect and on implementation.

In the legislative field, Vietnam, has enacted many laws relating to women's rights, such as Law on Gender Equality (2006), Law against Domestic Violence (2008), and resolutions and policies for women. In reality, however, discrimination against women has reached alarming levels in every aspect of life, from domestic to social to public life.<sup>25</sup>

In family life, violence has steadfastly increased. As many as 58% of women are victims of different forms of domestic violence.<sup>26</sup> According to the statistics of the Department of Familial Affairs (Ministry of Culture, Sport, and Tourism), in the last 5 years, domestic violence was recorded at 20,000 cases per year, which has tended to get worse.<sup>27</sup> The National Study on Domestic Violence reported that 87% of the women who had experienced violence never sought help from private services or official legal assistance agencies.<sup>28</sup>

In the field of education, the disparity in opportunities for boys and girls at the primary level is negligible (enrollment rates for boys and girls are 92.3% and 91.5%, respectively). However, the disproportion becomes clearer as students get to higher levels, where only 36.24% of female students graduate from university.<sup>29</sup> The disparity is more pronounced for minority girls because of discrimination. According to the General Statistics Office, the rates of Hmong and Ba Na girls going to school are 41.5% and 57.8%, respectively.

Concerning the labor market, Vietnam has ratified many international conventions of the World Labor Organization (ILO) in relation to employment equality.

According to a study by the United Nations Entity for Gender Equality and the Empowerment of Women (UN Women), although the women's labor force has increased significantly over the past

<sup>24</sup> RFA. *Tại sao người Thượng vẫn tiếp tục bỏ trốn?*

[http://www.rfa.org/vietnamese/in\\_depth/WhyMontagnardsStillFleeingVietnam\\_Khanh-20060118.html](http://www.rfa.org/vietnamese/in_depth/WhyMontagnardsStillFleeingVietnam_Khanh-20060118.html)

<sup>25</sup> FIDH. *Vietnam: UN committee review unmasks grave violations of women's rights.*

<https://www.fidh.org/en/region/asia/vietnam/vietnam-un-committee-review-unmasks-grave-violations-of-women-s>

<sup>26</sup> Vietnam Plus. *Hơn một nửa phụ nữ Việt Nam là nạn nhân của bạo lực gia đình.*

<http://www.vietnamplus.vn/hon-mot-nua-phu-nu-viet-nam-la-nan-nhan-cua-bao-luc-gia-dinh/293337.vnp>

<sup>27</sup> Quân đội Nhân dân. *Số vụ bạo lực gia đình tại Việt Nam vẫn gia tăng.*

<http://www.qdnd.vn/xa-hoi/y-te/so-vu-bao-luc-gia-dinh-tai-viet-nam-van-gia-tang-493733>

<sup>28</sup> VOV. *Phụ nữ bị bạo lực gia đình được trợ giúp pháp lý rất hạn chế.* <http://vov.vn/phap-luat/phu-nu-bi-bao-luc-gia-dinh-duoc-tro-giup-phap-ly-rat-han-che-568047.vov>

<sup>29</sup> Tạp chí Cộng sản. *Bình đẳng giới trong chính trị ở Việt Nam: Thực trạng và giải pháp.*

<http://www.tapchicongsan.org.vn/Home/PrintStory.aspx?distribution=35730&print=true>

decade, the earning gap between genders has widened, with women's earnings declining from 87 percent of male earnings in 2004 to 80 per cent of male earnings in 2012.<sup>30</sup>

Discrimination and gender inequality in employment result in cases where young women who, because of economic circumstances, have to sell themselves to brothels or become brides in foreign lands (see Human Trafficking section in this report).

In the public sector, Vietnam often prides itself upon the number of women entering politics. There are 133 female MPs in the XIV National Assembly, elected in 2016, which accounts for 26.80% of the total members. There are 26.46% of the People's Council deputies that are women at the provincial level, and 26.70% at the communal level. In reality, however, these figures do not necessarily reflect women's actual involvement because the communist electoral mechanism controls the selection process. Candidates at all levels must be nominated by the Communist Party or approved by the Fatherland Front. Furthermore, the representative apparatus has no real power in the current political system, because Party committees must hand down all important decisions. In fact, only 3 out of the 63 provincial-municipal party committee secretaries, accounting for 4.76% of the most powerful positions in the Vietnamese communist local government system, are women.<sup>31</sup> Like participants from minority groups or in-name-only religious organizations, most of the women in the People's Councils and the National Assembly are only decorative tools for a false democracy.

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<sup>30</sup> UN Women. *Towards gender equality in Viet Nam: Making inclusive growth work for women*. [http://www.un.org.vn/en/publications/doc\\_details/504-the-study-towards-gender-equality-in-viet-nam-making-inclusive-growth-work-for-women.html](http://www.un.org.vn/en/publications/doc_details/504-the-study-towards-gender-equality-in-viet-nam-making-inclusive-growth-work-for-women.html)

<sup>31</sup> Lý luận Chính trị. *Nữ trí thức và bình đẳng giới ở Việt Nam*. <http://lyluanchinhtri.vn/home/index.php/thuc-tien/item/1430-nu-tri-thuc-va-binh-dang-gioi-o-viet-nam.html>

## VIII

# THE RIGHT TO SOCIAL SECURITY

Vietnam's 2013 amended Constitution, for the first time, asserts the people's basic social security rights: "Citizens have the right to social security," and "The State shall create equal opportunities for citizens to enjoy social welfare, develop the social security system, and adopt policies to support elderly people, people with disabilities, poor people, and other disadvantaged people" in Articles 34 and 59, respectively.

When it comes to human rights, Vietnam always refers to "poverty reduction" as a priority, and growth in income per capita as an indication of state policy success.<sup>1</sup> Based on this per capita income, Vietnam's government claimed that the country had made human rights progress with regards to its poverty reduction program. Within 5 years, the proportion of poor households nationwide had reportedly dropped from 14.2% in 2010 to 4.25% in 2015.<sup>2</sup>

However, at the end of 2015, Vietnam's Prime Minister signed directive 59/2015/QĐTTg whereby poverty was to be measured based on multiple dimensions, including income, quality of life, health services, education, and housing. On the basis of this multidimensional measure, the Ministry of Labor, War Invalids, and Social Affairs reported that in 2016 the country had more than 2.31 million poor households (representing a proportion of 9.79%). Thus, the use of multidimensional criteria of poverty raised the percentage of poor households from under 5% in 2015 to almost 10% in 2016.<sup>3</sup>

This approach to understanding and addressing poverty on the basis of multiple dimensions allowed a more realistic capture of existing social conditions; it is also more in line with human rights demands in the area of social security. Nonetheless, when one looks at the situation on the ground in Vietnam to assess the extent to which Vietnam has fulfilled all its citizens' rights to social security, what becomes evident is the gap between claims of accomplishments and the people's actual living conditions.

1 Tạp chí Quốc phòng toàn dân. *Thành tựu xóa đói, giảm nghèo - một điểm sáng trong bảo đảm quyền con người ở Việt Nam*. <http://tapchiquptd.vn/zh/an-pham-tap-chi-in/thanh-tuu-xoa-doi-giam-ngheo-mot-diem-sang-trong-bao-dam-quyen-con-nguoi-o-viet-nam/2561.html>

2 Lao Động. *Tỷ lệ hộ nghèo giảm chỉ còn 4,25%*. <http://m.laodong.com.vn/thoi-su-xa-hoi/ty-le-ho-ngheo-giam-chi-con-425-601543.bld>

3 Bộ Lao động - Thương binh và Xã hội. *Cả nước vẫn còn hơn 2,3 triệu hộ nghèo*. <http://www.molisa.gov.vn/vi/Pages/chitiettin.aspx?IDNews=24957>



## 1. Social Security for a Few

According to the UNDP 2017-2021 Country Program document for Viet Nam completed in July 2016, “Disparities by ethnicity, gender and locality, unequal access to services and growing vulnerability prevent full realization of Viet Nam’s development potential and the Sustainable Development Goals.”<sup>4</sup>

Also according to this document, poverty among ethnic minorities, especially in remote areas, remains more than three times the national rate (multidimensional poverty headcount of 21.3 per cent versus 50.9 per cent for ethnic minorities). Sizeable regional differences remain; the Mekong River Delta has the highest multidimensional poverty headcount of 41.6 per cent versus 5.7 per cent in the Red River Delta.<sup>5</sup> The discrepancy is ironic and speaks to the government’s policy of discrimination when we all know the Mekong Delta has always been known as a much more plentiful region compared to the Red River Delta!

Another study, by Oxfam, revealed that economic inequality has been on the rise in the last two decades in Vietnam.<sup>6</sup> The survey, carried out in 2016 in the three provinces of Lao Cai, Nghe An and Dak Nong, showed that income disparity between the richest 20 percent of households (Lao Cai, Nghe An, Dak Nong) and the poorest 20 percent, was 21 times.

There is nevertheless a small group of extremely wealthy individuals that are politically well-connected and who are clearly distinguishable from the masses living in misery. The Wealth Report 2017 by Knight Frank showed that in 2016 Vietnam had 200 super-rich individuals (owning \$ 30 million or more), an increase of 32 against 2015 and 50 against 2014. This super-rich group has increased by 320 per cent since 2006; the fastest in the world and outpacing India’s 290 per cent and China’s 281 per cent.<sup>7</sup>

Forty-seven percent of the people surveyed expressed dissatisfaction with this excessive rich-poor gap<sup>8</sup> because most of the rich obtained their wealth through illicit means, such as sanctioned tax evasion, privatization of state-owned assets, privileged land-planning information, and corruption rather than enterprising skills.<sup>9</sup>

According to Le Dang Doanh, Ph.D., former head of the Central Institute for Economic Management (CIEM) and current member of the United Nations Development Policy Committee, this group of super-rich can only come about as “a product of the existing regime and of an unbridled brand of capitalism.”<sup>10</sup>

<sup>4</sup> UNDP. *Country programme document for Vietnam (2017-2021)*, Second regular session 2016, 6-9 September 2016, New York. <http://undocs.org/DP/DCP/VNM/2>

<sup>5</sup> UNDP. *ibid.*

<sup>6</sup> Oxfam. *Even it up - How to tackle Inequality in Vietnam*. <https://www.oxfam.org/en/research/even-it-how-tackle-inequality-vietnam>

<sup>7</sup> Vietnam Economic Times. *Super-rich in Vietnam number 200*. <http://vneconomictimes.com/article/society/super-rich-in-vietnam-number-200>

<sup>8</sup> Tuổi trẻ Online. *Dân bức xúc với khoảng cách giàu nghèo tăng*. <http://tuoitre.vn/tin/chinh-tri-xa-hoi/20150724/dan-buc-xuc-voi-khoang-cach-giau-ngheo-tang/782142.html>

<sup>9</sup> Lao Động. *Khoảng cách ghê gớm*. <http://laodong.com.vn/su-kien-binh-luan/khoang-cach-ghe-gom-87166.bld>

<sup>10</sup> VOA. *2016 - năm các triệu phú Việt lộ diện*. <http://www.voatiengviet.com/a/nam-2016-cac-trieu-phu-viet-lo-dien/3661332.html>

On February 24, 2016, at a Cabinet hearing, the Chairman of the Ethnic Council, Ksor Phuoc, warned that the gap between the rich and the poor had reached alarming proportions and risked triggering social instability.<sup>11</sup>

Victims of the rich-poor disparity can be found in all regions of the country. 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 room for state economic development projects. The disparity was not only evident in income, but also in terms of lack of necessities, such as access to electricity, water, medical care, educational opportunities, and especially opportunities for career advancement.

Regarding healthcare services, even though the Vietnamese Constitution stipulates, "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, the inequality in health services between the rich and the poor, and between different racial and ethnic groups, is worsening.

Statistically, the poor were twice as likely to suffer illnesses as the wealthy did.<sup>12</sup> The national press in recent years has reflected fairly enough the deteriorating aspects of the healthcare system, from the quality of service, adequacy of facilities, qualifications of personnel, and especially discrimination favoring the rich over the poor. A well-known medical services document 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. It is worth mentioning that the implementation of different service sectors is to implement the policy of socialization of the state healthcare.<sup>13</sup>

The report by Oxfam drew attention to the unique phenomenon of "socialization" of social policies in Vietnam. This is simply a euphemism for the unofficial but very common taxes and fees that people have to pay to access public services to help absorb costs for the state, in the process generating revenue for so-called third party "service providers." In other words, "socialization" amounts to a means of extorting the people as they access basic services which appear free of charge to outside observers, and which have the most severe impact on the poor and those with low incomes.<sup>14</sup>

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.<sup>15</sup>

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

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<sup>11</sup> VnExpress. *Lo ngại bất ổn xã hội vì khoảng cách giàu nghèo*. <http://vnexpress.net/tin-tuc/thoi-su/lo-ngai-bat-on-xa-hoi-vi-khoang-cach-giau-ngheo-3359924.html>

<sup>12</sup> Lao Động. *Khoảng cách ghê gớm*. <http://laodong.com.vn/su-kien-binh-luan/khoang-cach-ghe-gom-87166.bld>

<sup>13</sup> Báo VietNamNet. *Phân biệt giàu nghèo trong bệnh viện công*. <http://vietnamnet.vn/vn/thoi-su/83441/phan-biet-giau-ngheo-trong-benh-vien-cong.html>

<sup>14</sup> Oxfam. *op. cit.*

<sup>15</sup> Báo Người Lao Động Điện Tử. *"Phong bì" và quyền của bệnh nhân*. <http://nld.com.vn/suc-khoe/phong-bi-va-quyen-cua-benh-nhan-20130223092112307.htm>

was twice that of the rest of the population.<sup>16</sup> Recent independent studies showed that minorities do not receive equality in healthcare services, from preventative care to medical treatment opportunities.<sup>17</sup> 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,<sup>18</sup> while ethnic minorities account for only about 13% of the total population.

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.<sup>19</sup> Only 13% of the H'mong and the Dao children attend secondary schools, versus 65% of the Kinh and the Chinese.<sup>20</sup>

A more recent study by UNICEF revealed the average figure of children between the ages of five and 17 who had never attended school was 2.57 per cent. Among the H'Mong, this figure was 23.02 per cent. In other words, almost one quarter of all school-age H'Mong children had never had any form of schooling.<sup>21</sup>

## 2. Children's Welfare

Vietnam was the first country in Asia and the second country in the world to have joined the Convention on the Rights of the Child. In its National Report on Cycle II Universal Periodic Review, Vietnam even confirms that efforts have been made “to protect their rights and best interests.” In 2016, the National Assembly approved a law on child protection (number 102/2016/QH13) to address gaps in a similar law passed in 2004 dealing with the protection and care of children as well as their education. This move was a sign of commitment to the UN Convention on the Rights of the Child.

In reality, however, children's well-being is anything but rosy as painted by the report. A large number of Vietnamese children still face many dangers in their lives: starvation, lack of education, abuse, hard labor, and human trafficking.

According to the report by a Seminar on Nutrition convened in 2015, as many as 2.2 million children nationwide suffer from stunted growth due to malnutrition, while the childhood obesi-

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<sup>16</sup> 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>

<sup>17</sup> Mats Målqvist et al. *Ethnic minority health in Vietnam: a review exposing horizontal inequity*. <http://www.ncbi.nlm.nih.gov/pmc/articles/PMC3589437/#CIT0036>

<sup>18</sup> 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/>

<sup>19</sup> World Bank. *Vietnam Development Report 2014*. <http://documents.worldbank.org/curated/en/610301468176937722/pdf/829400AR0P13040Box0379879B00PUBLIC0.pdf>

<sup>20</sup> 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>

<sup>21</sup> UNICEF. *Out-of-school Children in Viet Nam*. [http://www.un.org.vn/en/publications/doc\\_details/448-out-of-school-children-in-viet-nam.html](http://www.un.org.vn/en/publications/doc_details/448-out-of-school-children-in-viet-nam.html)



*Children cannot attend school because they have to help their parents with work in the rice fields.  
Photo courtesy of Bao Moi.*

ty rate in Ho Chi Minh City has risen by three times since 2001.<sup>22</sup> Of the 7.2 million children under 5 years of age in Vietnam, approximately 1.6 million (23%) are stunted, and 45% of the deaths among children are attributable to various forms of malnutrition.<sup>23</sup> The highest rate of malnutrition occurs in the Central Highlands, with weight-related malnutrition at 22% and stunting at 34%. In the northern and mountainous parts of Northern Vietnam, weight-related malnutrition is near 20% and stunting is over 30%.<sup>24</sup>

According to the current Health Insurance Law, all children under the age of six are entitled to free medical care. However,

rampant corruption has made the law ineffective. Poor children whose parents have no means to bribe doctors and hospital staff are pushed aside as care and treatment are primarily provided to those whose parents are capable of bribing. What is left for the poorer children is a cold reception and inadequate treatment.<sup>25</sup>

Regarding child labor, recent figures showed that one in five children aged 5 to 17 have to join the labor force. This situation is more serious in the North Central region and mountainous areas (36.2%) and the Highlands (25%).<sup>26</sup>

Crimes against children, such as violence, sexual abuse, and human trafficking, remain a burning social wound. Concerning violence against children, according to a joint survey by the General Statistics Office (GSO) and UNICEF, more than 80% of Vietnamese children two to fourteen years of age suffer violent punishment by their parents, caregivers or other family members.<sup>27</sup>

The increasing number of sexually abused children accounts for 65% of all the rape cases, and a growing number of victims are at younger ages.<sup>28</sup> For example, in Da Nang City, a report from the City's Centre of Forensic Medicine shows that children between the ages of 5 to 18 are at the

<sup>22</sup> Tuoitre News. *Vietnam has 2.2mn malnourished children.*

<http://tuoitrenews.vn/society/21420/vietnam-has-22mn-stunted-children-but-obesity-rises-in-southern-hub>

<sup>23</sup> USAID. *Vietnam - Nutrition Profile.*

<http://www.fantaproject.org/sites/default/files/download/Vietnam-Nutrition-Profile-Apr2014.pdf>

<sup>24</sup> Tuổi Trẻ Online. *Làm sao cải thiện tình trạng thấp còi ở trẻ em VN?*

<http://tuoitre.vn/tin/song-khoe/20160811/lam-sao-cai-thien-tinh-trang-thap-coi-o-tre-em-vn/1152688.html>

<sup>25</sup> RFA. *Thực tế chương trình bảo hiểm y tế trẻ em ở vùng núi.*

<http://www.rfa.org/vietnamese/reportfromvn/how-vnese-children-treated-in-hospital-09262015121326.html>

<sup>26</sup> UNICEF - Việt Nam. *Hàng triệu trẻ em nghèo không được hưởng lợi từ những tiến bộ mà Thế giới đạt được, theo báo cáo mới nhất của UNICEF.* [http://www.unicef.org/vietnam/vi/media\\_24331.html](http://www.unicef.org/vietnam/vi/media_24331.html)

<sup>27</sup> Đại Kỷ Nguyên. *Bạo hành trẻ em đang có xu hướng tăng cao.*

<https://daikynguyen.vn/viet-nam/bao-hanh-tre-em-dang-co-xu-huong-tang-cao.html>

<sup>28</sup> Báo Phụ Nữ. *Phòng chống xâm hại tình dục trẻ em.*

<http://phunuonline.com.vn/lam-me/phong-chong-xam-hai-tinh-duc-tre-em-68106/>



highest risk, accounting for 90% of rape cases, of which 40% are between the ages of 5 to 13 years old.<sup>29</sup>

In 2016 and beginning of 2017, child sexual abuse became a major concern for the public. According to the authorities, within the 5 years between 2012 to 2016, 8,200 cases of child abuse were reported nationwide, with almost 10,000 victims involved, an increase of 258 of victims compared to the previous five-year period. Among the cases, there were 5,300 cases involving sexual abuse, making up 65%. But this figure was only the tip of the iceberg, due to censorship and under-reporting.<sup>30</sup>

The trafficking of children has increased in form and become more complex. They are sold in three main markets, depending on age and gender: boys are taken across the border to China to meet the need for the male preference in families and for slavery; girls are put into prostitution. Although there have been many investigative reports on child trafficking on social networking sites, the actual number of victims, like the underwater portion of an iceberg, remains unknown. The presence of 3,000 enslaved Vietnamese children in England was admitted only after reports by the British Government and the Guardian newspaper.<sup>31</sup>

### 3. Victims of Injustice: Unfair Expropriation of Land and Violation of Ownership

In recent decades, Vietnam has undertaken many programs to build infrastructure, such as roads, industrial parks, eco-tourism zones, and other public facilities. One of the key factors in the economic plan was land. In the past decade, the land acquired from farmers has amounted to a million hectares, more than the acreage distributed to farmers during the Socialist Land Reform Campaign in the 1950s (810,000 hectares).<sup>32</sup>

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. Land is the farmers' main livelihood. Thus, land confiscation was a tragedy for millions of farmers, who became "victims of injustice" deprived of 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, has pushed them into dead ends.

It is worth noting that while conducting land expropriation, government cadres often deliberately exaggerate the planned requirements 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 or even higher than the reimbursement rates), and pocket the difference. A recent survey by the World Bank and the Government Inspectorate reveals that land management is the most corrupt

<sup>29</sup> VnExpress. *Trẻ trên 5 tuổi đã phải đề phòng nguy cơ xâm hại tình dục.*

<http://giadinh.vnexpress.net/tin-tuc/to-am/tre-tren-5-tuoi-da-phai-de-phong-nguy-co-xam-hai-tinh-duc-2275033.html>

<sup>30</sup> Bộ Lao động - Thương binh và Xã hội. *Đấu tranh phòng, chống tội phạm xâm hại tình dục trẻ em.*

<http://www.molisa.gov.vn/vi/Pages/chitiettin.aspx?IDNews=26274>

<sup>31</sup> The Guardian. *3,000 children enslaved in Britain after being trafficked from Vietnam.*

<http://www.theguardian.com/global-development/2015/may/23/vietnam-children-trafficking-nail-bar-cannabis>

<sup>32</sup> 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/>



of all sectors, with the number of cases of corruption in land management accounting for 60% of all the cases.<sup>33</sup>

On November 29, 2013, the National Assembly passed the Land Act of 2013, which 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, which stated, “Land is public property, owned by all the people and represented and uniformly managed by the State.” The similarities between these two provisions made clear the 2013 Land Law was just another “old wine served in new bottle” phenomenon. In their comments on the draft 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.



*February 27, 2016, Victims of Injustice gathered in front of the Party's Central Reception Center in Hanoi to protest the government's land grab on the “Hand-in-Hand with Dân Oan” International Day. Photo from Youtube video.*

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The gatherings of victims of land expropriation demanding the return of their land continued across the country in 2016. Cases attracted protesters from various regions, such as:

- The protest of victims of injustice from all three regions of the country at the Reception Center of the Party's Central Committee and the Government building at No. 1 Ngo Thi Nham, Hanoi, on January 19, 2016;
- Many protests in various places on the International Day of Companions with the Vietnamese Victims of Injustice on February 27, 2016;
- The demonstration of victims of injustice from Duong Noi, Thanh Oai and other prefectures in front of the People's Committee Reception Office at No. 1 Ngo Thi Nham, Ha Dong District on March 31, 2016;
- The demonstrations demanding freedom for victim of injustice Can Thi Theu on June 13, 2016, at the Reception Office at Number 1 Ngo Thi Nham, Ha Dong Hanoi;
- The demonstrations of victims of injustice from Binh Duong, Dong Nai, Binh Dinh, An Giang, Vung Tau, Nghe An, Hai Phong, Bac Giang and Hai Duong in Ha Noi on September 8, 2016, and
- The multi-day protests of victims of injustice from all three regions in Hanoi in December during the celebration of International Human Rights Day, the most prominent protests of all.

<sup>33</sup> VietNamNet. *Đất đai đứng đầu danh sách tham nhũng*.  
<http://vietnamnet.vn/vn/tuanvietnam/193380/dat-dai-dung-dau-danh-sach-tham-nhung.html>

## 4. Corruption: the Cause of Social Security Rights Violations

Corruption not only impacts the political and economic spheres, but first and foremost it makes possible human rights violations in almost all aspects of life, from political to judiciary activities to social safety, such as food, housing, health, and education.

The degree of social security rights violations is proportional to the level of government corruption, because the bulk of the national budget and foreign aid that should have benefited the citizens has ended up in the pockets of government officials.

To deal with the worsening corruption situation, in 2013, the CPV established the Central Steering Committee for Anti-Corruption headed by Secretary General Nguyen Phu Trong. In late 2016, after calling several corruption cases symbolic, Mr. Trong, as chair of the 11th session of the Steering Committee, admitted that the prevention of corruption was very difficult due to the tangled relationships between economic and political entities.<sup>34</sup>

According to General Inspector Phan Van Sau, in 2016, the state of corruption is still “evolving in a complex manner, and corruption has yet to be stopped in multiple areas, levels, domains at a high level of pervasiveness and severity. Anti-corruption activities have overall not met expectations and objectives and are limited and ineffective.”<sup>35</sup>

According to Transparency International’s 2016 Corruption Index (CPI), Vietnam’s rank was 113th out of 176 countries, compared to a ranking of 112th out of 168 countries in 2015. It is noteworthy that Vietnam’s CPI finally improved by 2 percentage points in 2016 after four years when it remained unchanged (from 2012 to 2015).

This modest and unimpressive improvement called attention to the continued severity of corruption in the public sector. Transparency International highlighted the need for greater efforts on Vietnam’s part to make its anti-corruption campaigns more far-reaching and effective.<sup>36</sup>

In a special report by Transparency International in March 2017, Vietnam ranked second in Asia in terms of corruption and bribing, losing only to India. The report was based on an 18-month-long survey involving interviews with citizens in 16 countries dealing with the experience of bribing to access services.

In a special report by Transparency International in March 2017, Vietnam ranked second in Asia in terms of corruption and bribing, losing only to India. The report was based on an 18-month-long survey involving interviews with citizens in 16 countries dealing with the experience of bribing to access services. The bribery rate for Vietnam was 65%, compared to Thailand at 41%, Pakistan at 40%, and Myanmar at 40%. Broken down into areas in Vietnam, bribery was experienced 57% of the time in accessing education, 59% of the time for accessing health services, and 61% of those interviewed reported having

<sup>34</sup> Tuổi Trẻ. *Tổng Bí thư: chống tham nhũng phải quyết liệt hơn nữa*.

<http://tuoitre.vn/tin/chinh-tri-xa-hoi/20161228/tong-bi-thu-chong-tham-nhung-phai-quyet-liet-hon-nua/1243636.html>

<sup>35</sup> Báo Mới. *Tham nhũng diễn biến phức tạp, xảy ra ở nhiều ngành, nhiều cấp*.

<http://www.baomoi.com/tham-nhung-dien-bien-phuc-tap-xay-ra-o-nhieu-nganh-nhieu-cap/c/20688443.epi>

<sup>36</sup> Transparency International. *Corruption Perception Index*.

<http://towardstransparency.vn/corruption-perception-index-2>



May 4, 2016, Dead fish in massive numbers drifted to shore of Nhan Trach commune, Bo Trach district (Quang Binh). Photo by Nguyen Anh.

to bribe the police.<sup>37</sup>

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, and extortion to grand and petty corruption, and has penetrated all areas of public life.

The Viet Nam Provincial Governance and Public Administration Performance Index, or PAPI, for 2016 was released

in April 2017. According to this report, 54% of the people surveyed indicated bribery was required to obtain employment in the public sector. This percentage was higher than that found in 2015, at 51%, and 2011, at 46%.<sup>38</sup>

It has even corroded areas that had traditionally enjoyed respect and reverence, such as healthcare and education. Offering money for admission to prestigious schools, for good grades, and for diplomas has become conventional. The phenomenon of patients slipping “envelopes” to bribe doctors for more attentive care has become unwritten law in most public hospitals.

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.

## 5. The right to a clean environment

In 2016, the environment and environmental rights took on prominence due to events related to the steel plant belonging to Taiwanese corporation Formosa. These events also brought into focus the lack of responsibility on the Vietnamese authorities’ part in guaranteeing a clean environment for the people. The crisis started in Central Vietnam in April as people in the provinces of Ha Tinh, Nghe An and Quang Tri discovered thousands of tonnes of dead fish washing ashore. The cause of these large-scale fish deaths was initially suspected and later confirmed to be hundreds of tonnes of untreated toxic chemical waste released into the sea by the Formosa plant. Scientists believed the chemicals to be highly toxic, considering the extent of the fish deaths.<sup>39</sup> In addition to contaminat-

<sup>37</sup> Transparency International. *People and Corruption: Asia Pacific - Global Corruption Barometer*. [https://www.transparency.org/whatwedo/publication/people\\_and\\_corruption\\_asia\\_pacific\\_global\\_corruption\\_barometer](https://www.transparency.org/whatwedo/publication/people_and_corruption_asia_pacific_global_corruption_barometer)

<sup>38</sup> Centre for Community Support and Development Studies (CECODES), Centre for Research and Training of the Viet Nam Fatherland Front (VFF-CRT), and United Nations Development Programme (UNDP). *PAPI 2016 - The Viet Nam Provincial Governance and Public Administration Performance Index*. [http://congbo2016eng.papi.org.vn/wp-content/uploads/2017/04/PAPI2016\\_Report\\_Final\\_ENG-1.pdf](http://congbo2016eng.papi.org.vn/wp-content/uploads/2017/04/PAPI2016_Report_Final_ENG-1.pdf)

<sup>39</sup> BBC. *Vụ Formosa: ‘Cần điều chỉnh quy chuẩn xả thải’* <http://www.bbc.com/vietnamese/vietnam-37772557>





Activist Tran Thi Nga with a banner “Fish need clean water, people need transparency, Formosa out of Vietnam.” Ms. Tran was arrested on January 21, 2017 for allegedly “Conducting propaganda against the Socialist Republic of Vietnam”. Photo by Nga Tran.

ing a key source of food, the environmental disaster practically destroyed the livelihood of tens of thousands in the fishing communities of the impacted provinces.

Local and central authorities were particularly incoherent in their response to the crisis as well as lacking in transparency. More than two months after the beginning of the disaster, on June 30, 2016, the government held a press conference to announce the cause of the mass fish deaths, pointing the finger at Formosa, but at the same time deciding not to take legal action against this company. Formosa accepted responsibility and announced it would pay a modest \$500 million in compensation. There was no damage assess-

ment conducted by either the government or the corporation before a decision was made regarding compensation. Furthermore, there was no consultation of civil society or of any of the victims of this environmental disaster prior to the compensation decision.

Aside from pollution of the sea, air quality in many cities is also alarmingly impacted by pollution. According to the WHO, Vietnam experiences poor air quality 50% of the days in a year. In Hanoi, NO<sub>2</sub> levels reached 1.3 times the acceptable limit, and District 1 of Ho Chi Minh City reached twice the acceptable limit. Nitrogen dioxide is known to be the cause of many respiratory conditions. Furthermore, the PM<sub>10</sub> index deemed dangerous for lung functioning exceeded the acceptable limit 1.4 times in Hanoi.<sup>40</sup>

Regarding the crucial need for a healthy environment, including clean water and air, the Standing National Bureau of Environment and Clean Water admits that only 40% of the rural population have access to water sources compliant with the Health Ministry’s standard.<sup>41</sup>

In addition to the above, food safety and food poisoning have become a constant fear for families in Vietnam. According to the National Institute for Food Control, reporting on a food inspection carried out in 2016, 40 of 120 vegetable samples were found to have excessive levels of chemical pesticides, and 455 of 735 samples of meat products were unsafe for consumption. Because of profit, producers as well as merchants will stop at nothing to produce or sell food at low prices where processing involves toxic chemicals. Research shows that Vietnam imports 4,100 types of pesticides and 1,643 different chemical ingredients, 90 percent of which come from China.<sup>42</sup>

40 VnExpress. *Air pollution in Vietnam cities hit unhealthy levels: government study.*

<http://e.vnexpress.net/news/news/air-pollution-in-vietnam-cities-hit-unhealthy-levels-government-study-3476529.html>

41 Bộ Nông Nghiệp và Phát Triển Nông Thôn. *Mới có 40% dân số nông thôn được dùng nước sạch.*

[http://www.mard.gov.vn/pages/news\\_detail.aspx?NewsId=13896](http://www.mard.gov.vn/pages/news_detail.aspx?NewsId=13896)

42 VnExpress. *Vietnamese government fails to get a grip on food safety.*

<http://e.vnexpress.net/news/news/vietnamese-government-fails-to-get-a-grip-on-food-safety-3457814.html>

## RECOMMENDATIONS

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

### **For The Government of Vietnam:**

- ♦With regard to the right to life, liberty and security of persons: 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 exported workers.
- ♦With regard to the right to a fair trial before an independent and impartial court: To immediately put an end to the criminalization of legitimate political activities by abolishing all the vaguely-worded security crimes of the newly-amended Penal Code, particularly Articles 109, 116, 117, 118, and 331, which are copied from articles 79, 87, 88, 89, and 258 of the previous Penal Code; 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.”
- ♦With regard to the right to participate in political and public life: To remove Article 4 of its Constitution that allows the CPV to monopolize the national leadership; and to guarantee citizens’ rights to freedom of association and peaceful assembly as explicitly recognized by the International Covenant on Civil and Political Rights.
- ♦With regard to the right to freedom of expression and freedom of speech: To cease legal sanctions and persecution against journalists and citizens peacefully expressing their opinions through the printed media, radio and Internet.
- ♦With regard to the right to freedom of religion and worship: To respect freedom of religion by eliminating all forms of religious intolerance; not to interfere with the internal activities of any religion, and to stop the persecution of clergy and faithful; specifically, to replace the 2016 Law on Religion and Belief with a new law that is consistent with international human rights laws.
- ♦With regard to the right to work and to enjoy the fruits of one’s labor: To amend the Labor Code guaranteeing the right to establish independent trade unions; to improve living and working conditions for the working class; to eliminate all forms of forced labor; to strictly prohibit child labor, and to immediately release all worker-rights activists.
- ♦With regard to the right to equal treatment and non-discrimination: To end all forms of discrim-



ination based on political background, religious belief, and ethnic origin. The first step is to adopt an anti-discrimination law.

♦With regard to the right to social security: To move more resolutely against pervasive corruption with a view to minimizing social injustice; to restore people's private property rights with regard to land; to put an immediate end to forced evictions that contradict international human rights laws; and to return government-confiscated real estate properties to their legitimate owners.

### **For Democratic 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 to 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:

- The U.S. Congress and Senate to support legislative initiatives to combat human rights violations in Vietnam.
- 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.

### **For International Human Rights Organizations:**

- To continue to monitor closely the human rights condition in Vietnam, and to raise their voices 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.

### **For International Companies Operating in Vietnam:**

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

### **For The Vietnamese Community Abroad:**

- To make forceful representations to the governments of their countries of resettlement and to the court of world public opinion concerning 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 Vietnamese Prisoners of Conscience Currently in Jail

Updated 2017/03/30

O.N.	NAME	BIRTH YEAR	BACKGROUND	ARREST DATE	ACCUSED OF (Article of VN Penal code)*	TRIAL DATE	SENTENCE (Prison years)	HOUSE ARREST (years)	DETENTION / PRISON CAMP
1	A Đào	1981	Christ Evangelical Church (Pastor)	2016/09	257	Awaiting trial	N/A	-	Gia Lai prison camp
2	A Hyum (Bã Kôl)	1940	Montagnard Christian (H'mong, Hà mồn)	2012/04/23	87	2013/05/28	8	-	Kontum prison camp
3	A Tách (Bã Hlôl)	1959	Montagnard Christian (H'mong, Hà mồn)	2012/04/23	87	2013/05/28	11	-	Kontum prison camp
4	A Thiên (Kpă Mon)	1983	Montagnard Christian, Vietnamese People Love The Vietnamese Party	2015/02/25	275	2015/07/17	5	-	Gia Lai prison camp
				2010/11/20	91	N/A	4	-	Gia Lai prison camp
5	Bùi Hiếu Võ	1962	Facebooker	2017/03/17	88	Awaiting trial	N/A	-	Saigon, Phan Đăng Lưu Detention Center
6	Byurk	1945	Montagnard Christian (H'mong, Hà mồn)	2012/05/08	87	2013/05/28	8	-	Gia Lai, Măng Yang prison camp
7	Cần Thị Thêu	1962	Land rights activist	2016/06/11	245	2016/11/30	30 months	-	Gia Lai, Gia Trung prison camp
8	Chi	1984	Montagnard Christian, religious activist (H'mong, Hà mồn)	2012/09	87	2013/11/18	8	-	Gia Lai provincial prison
9	Danh Hưởng	1961	Government of Free Vietnam. Ethnic Khmer	1999/07/19	84	2001/05/16-29	18	-	Đồng Nai, Xuân Lộc, Z30A prison camp
10	Đinh Hrôn	1981	Montagnard Christian (H'mong, Hà mồn)	2012/04/23	87	2013/05/28	7	-	Gia Lai, Măng Yang prison camp
11	Đinh Lứ	1976	Montagnard Christian (H'mong, Hà mồn)	2012/04/23	87	2013/05/28	7	-	Gia Lai, Măng Yang prison camp
12	Đinh Lý	1979	Montagnard Christian, religious activist (H'mong, Hà mồn)	2012/09	87	2013/11/18	7,5	-	Gia Lai provincial prison
13	Đinh Ngo	1987	Montagnard Christian, religious activist (H'mong, Hà mồn)	2012/09	87	2013/11/18	7,5	-	Gia Lai provincial prison
14	Đinh 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
15	Đỗ Đình Dũ	1959	Land rights activist	2014/06/25	258	2014/12/15	3	-	Đà Nẵng provincial prison

16	Đỗ Hường (aka Đoàn Hùng)	N/A	Former Captain of RVA, Alliance of Vietnamese Revolutionary Parties.	1993/03/05	79	1996	Lifetime	-	Hà Nam, Phú Lý, Ba Sao prison camp
17	Đỗ Thanh Vân	N/A	Government of Free Vietnam. Ethnic Khmer	1999/06/18	84	2001/05/16-29	20	-	Đồng Nai, Xuân Lộc, Z30A prison camp
18	Đỗ Thị Hồng	1957	Religious activist, Hội đồng công luật công án Bia Sơn.	2012/02/14	79	2013/01/28- 02/04	13	5	Đồng Nai, Xuân Lộc, Z30A prison camp, K5
19	Đỗ Văn Thái	1960	Government of Free Vietnam. Ethnic Khmer	2000/02/27	84 + 88	2001/05/16-29	18	-	Đồng Nai, Xuân Lộc, Z30A prison camp
20	Đoàn Đình Nam	1951	Religious activist, Hội đồng công luật công án Bia Sơn .	2012/02/06	79	2013/01/28- 02/04	16	5	Vũng Tàu, Xuyên Mộc provincial prison
21	Đoàn Văn Cư	1962	Religious activist, Hội đồng công luật công án Bia Sơn	2012/02/10	79	2013/01/28- 02/04	14	5	Vũng Tàu, Xuyên Mộc provincial prison
22	Hồ Đức Hòa	1974	Catholic Youth activist, Blogger	2011/07/30	79	2013/05/23	13	5	Hà Nam, Phú Lý, Ba Sao prison camp
23	Hồ Long Đức	1953	Government of Free Vietnam	1999/11/25	84 + 90	2001/05/16-29	20	-	Bình Dương, An Phước prison camp
24	Hồ Văn Hải	1959	MD., blogger/facebooker	2016/11/03	88	Awaiting trial	N/A	-	Saigon, Phan Đăng Lưu Detention Center
25	Huỳnh Đức Minh	1958	Hội đồng công luật công án Bia Sơn, Religious activist	2014	232	2014/07/17	3	-	Phú Yên provincial prison
26	Jơnh (Chinh)	1952	Montagnard Christian (H'mong, Hà môn)	2012/05/08	87	2013/05/28	9	-	Gia Lai, Măng Yang prison camp
27	Kpă Klek	1972	Ethnic Christian Montagnard	2015/02	275	2015/04/22	5	-	Gia Lai prison camp
28	Kpă Sinh	1959	Degar Montagnard Christians & FULRO	2010/08/28	87	2011/04/05	8	-	Gia Lai prison camp - B20
29	Kpuih Bô (Ơi Yu)	1942	Degar Montagnard Christians & FULRO	2010	87	2010	10	-	Thái Nguyên, Phú Lương, Phú Sơn 4
30	Kpuil Lễ	N/A	Degar Montagnard Christians & FULRO	2011/11/22	87	2012/06/06	8	-	Gia Lai prison camp - B20
31	Kpuil Mel	N/A	Degar Montagnard Christians & FULRO	2011/11/22	87	2012/06/06	9	-	Gia Lai prison camp - B20
32	Lê Đức Động	1983	Hội đồng công luật công án Bia Sơn, Religious activist	2012/02/05	79	2013/01/28- 02/04	12	5	Phú Yên provincial prison
33	Lê Duy Lộc	1956	Hội đồng công luật công án Bia Sơn, Religious activist	2012/02/05	79	2013/01/28- 02/04	17	5	Phú Yên provincial prison
34	Lê Kim Hùng	1968	Government of Free Vietnam. Ethnic Khmer	1999/06/18	84 + 88	2001/05/16-29	20	-	Đồng Nai, Xuân Lộc, Z30A prison camp
35	Lê Thanh Tùng	1961	Freelance journalist, pro- democracy activist, Bloc 8406	2015/12/14	79	2016/12/16	12	5	Hà Nội, Thanh Xuân prison camp
36	Lê Thị Thu Hà	1982	Brotherhood For Democracy member - Attorney Dai' s assistant	2011/12/01	88	2012/11/28	4	4	
37	Lê Trọng Cư	1966	Hội đồng công luật công án Bia Sơn, Religious activist	2015/12/16	88	Awaiting trial	N/A	-	Hà Nội Detention Center, B14
38	Lê Văn Nghiêm	1991	Demonstrating in Bến Cát- Bình Dương against Chinese aggression (HD-981 oil rig)	2012/02/05	79	2013/01/28- 02/04	12	5	Vũng Tàu, Xuyên Mộc prison camp
39	Lê Xuân Phúc	1951	Hội đồng công luật công án Bia Sơn, Religious activist	2014/05/13	245	2014/05/25	3	-	Bình Dương, An Phước prison camp
40	Liêu Ny	1986		2012/02/05	79	2013/01/28- 02/04	15	5	Phú Yên provincial prison
41	Lương Nhật Quang	1987	Khmer Krom monk	2013/05	91	2013/09/27	4	-	Vũng Tàu, Xuyên Mộc prison camp
42	Lưu Văn Vĩnh	1967	Hội đồng công luật công án Bia Sơn, Religious activist	2012/02/10	79	2013/01/28- 02/04	12	5	Vũng Tàu, Xuyên Mộc prison camp
43	Mai Thị Kim Hương	N/A	National self-determination coalition	2016/11/06	79	Awaiting trial	N/A	-	Saigon, Phan Đăng Lưu Detention Center
44	Mai Văn Đạt	1980	Land right activist	2015/04/14	257	2015/11/25	3,5	-	Long An prison camp
45	Mai Văn Phong	1978	Land right activist	2015/04/15	257	2015/11/25	2	-	Long An detention center
46	Nay Krong	N/A	Land right activist	2015/04/15	257	2015/11/25	3,6	-	Long An detention center
			Montagnard Christian, religious activist	N/A	87	N/A	9	-	Bình Dương, An Phước prison camp

47	Nay Toa	N/A	Montagnard Christian, religious activist	N/A	87	N/A	8	-	Bình Dương, An Phước prison camp
48	Ngô Hào	1948	Pro-democracy activist	2013/02/08	79	2013/09/11	15	5	Phú Yên provincial prison
49	Ngô Thị Minh Ước	1959	Land rights activist, demonstrating to wave Flags of Former South for freedom	2014/07/08	88	2016/03/30	4 + 3 months	2	Saigon, Phan Đăng Lưu Detention Center
50	Nguyễn Công Chính	1964	Pastor, Lutheran church - head of Gia Lai	2011/04/28	87	2012/03/26	11	-	Bình Dương, An Phước prison camp
51	Nguyễn Đăng Minh Mẫn	1985	Catholic Youth activist	2011/08/02	79	2013/01/09	8	5	Thanh Hóa, Yên Định, prison camp 5
52	Nguyễn Danh Dũng	1987	Blogger, admin of Youtube "ThienAn TV"	2016/12/14	258	Awaiting trial	N/A	-	Thanh Hóa detention center
53	Nguyễn Đình	1968	Hội đồng công luật công án Bia Sơn, Religious activist	2012/02/10	79	2013/01/28-02/04	14	5	Đồng Nai, Xuân Lộc, Z30A prison camp, K2
54	Nguyễn Đình Ngọc (aka Nguyễn Ngọc Già)	1966	Blogger, writer "conducting propaganda against the Socialist Republic of Vietnam"	2014/12/27	88	2016/10/05	3	3	Saigon, Phan Đăng Lưu Detention Center
55	Nguyễn Hoàng Quốc Hùng	1981	Labour rights activist, United Workers-Farmers Organization (UWFO)	2010/02/24	88	2011/03/18	9	-	Vũng Tàu, Xuyên Mộc prison camp
56	Nguyễn Hữu Cảnh	1950	Fleeing abroad to opposing the state	2005/09	91	N/A	13	-	Bình Dương, An Phước prison camp
57	Nguyễn Hữu Quốc Duy	1985	Facebooker "conducting propaganda against the Socialist Republic of Vietnam" on social media	2015/11/27	88	2016/12/26	3	-	Khánh Hòa prison camp
58	Nguyễn Hữu Thiên An	1995	Member of movement "Zombie" on social media against government	2015/08/28	258	2016/12/26	2	-	Khánh Hòa prison camp
59	Nguyễn Hữu Vinh	1956	Blogger Anhasam, journalist	2014/05/05	258	2016/09/22	5	-	Hà Nội Detention Center
60	Nguyễn Kỳ Lạc	1951	Hội đồng công luật công án Bia Sơn, Religious activist	2012/02/06	79	2013/01/28-02/04	16	5	Đồng Nai, Xuân Lộc, Z30A prison camp, K2
61	Nguyễn Mai Trung Tuấn	1990	Land rights activist	2015/08/06	257	2016/03/02	2,5	-	Bến Lức, Long An prison camp
62	Nguyễn Ngọc Cường	1957	Land rights activist, distributing anti-government leaflets	2011/03/28	88	2012/05/04	7	-	Đồng Nai, Xuân Lộc, Z30A prison camp, K1
63	Nguyễn Ngọc Như Quỳnh (aka Mẹ Năm)	1979	Blogger, Vietnam Blogger Network	2016/10/10	88	Awaiting trial	N/A	-	Khánh Hòa prison camp
64	Nguyễn Quốc Tuấn	1962	Pro-democracy activist - spreading anti-communist party documents via post	2012/07/20	88 + 230	N/A	N/A	-	Bình Dương, An Phước prison camp
65	Nguyễn Thái Bình	1986	Hội đồng công luật công án Bia Sơn, Religious activist	2012/02/10	79	2013/01/28-02/04	12	5	Phú Yên provincial prison
66	Nguyễn Thanh Vân	1960	Government of Free Vietnam. Ethnic Khmer	2000/02/24	84 + 90	2001/05/16-29	18	-	Đồng Nai, Xuân Lộc, Z30A prison camp
67	Nguyễn Thị Bé Hai	1958	Land rights activist, demonstrating to wave Flags of Former South for freedom	2014/07/07	88	2016/03/30	3	2	Saigon, Phan Đăng Lưu Detention Center
68	Nguyễn Thị Minh Thúy	1980	Blogger Anhasam's assistant	2014/05/05	258	2016/09/22	3	-	Hà Nội Detention Center
69	Nguyễn Trung Can	N/A	Land right activist	2015/04/14	257	2015/11/25	3	-	Long An prison camp
70	Nguyễn Trung Linh	1994	Land right activist	2015/04/14	257	2015/11/25	3,5	-	Long An prison camp
71	Nguyễn Trung Tài	1966	Land right activist	2015/04/14	257	2015/11/25	3	-	Long An prison camp
72	Nguyễn Văn Cảnh	N/A	Anti-government fled abroad	2005/09	91	N/A	13	-	Bình Dương, An Phước prison camp

73	Nguyễn Văn Đài	1969	Brotherhood For Democracy & Vietnam Human Rights Committee Founder & Chairman. Human rights lawyer, pro-democracy activist, blogger	2015/12/16	88	Awaiting trial	N/A	-	Hà Nội Detention Center, B14
				2007/03/06	88	2007/11/27	4	4	Hà Nam, Phủ Lý, Ba Sao prison camp
74	Nguyễn Văn Điển	1983	Viet Restoration Movement	2017/03/02	88	Awaiting trial	N/A	-	Ha Noi, B14 detention center
75	Nguyễn Văn Đức Độ	1975	National self-determination coalition	2016/11/06	79	Awaiting trial	N/A	-	Saigon, Phan Đăng Lưu Detention Center
76	Nguyễn Văn Hóa	1995	Broadcasting demonstrations protesting against Formosa	2017/01/08	258	Awaiting trial	N/A	-	Hà Tĩnh Detention Center
77	Nguyễn Văn Hữu	1957	Hội đồng công luật công án Bia Sơn, Religious activist	2014/07/17	232	2014/07/17	4	-	Phủ Yên provincial prison
78	Nguyễn Văn Oai	1981	Catholic Youth activist, former POC	2016/01/19	257	Awaiting trial	N/A	-	Nghệ An Detention Center
79	Nguyễn Văn Răng	1951	Pro-democracy activist	2011/01/05	79	N/A	20	-	Đồng Nai, Xuân Lộc, Z30A prison camp
80	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	3 months	9	- Hà Tĩnh prison camp
81	Nguyễn Văn Thông	N/A	Land rights activist	2015/02/03	258	2016/03/04 (trial 2)	3,5	-	Tây Ninh provincial prison
82	Nhi (Bả Tiêm)	1958	Degar Montagnard Christians & FULRO	2008/12/28	87	2009/09/08	10	-	Gia Lai provincial prison
83	Nơh	1959	Degar Montagnard Christians & FULRO	2008/08	87	2009/09/04	12	-	Gia Lai provincial prison
84	Phạm Thị Phượng	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
85	Phạm Văn Thông	1962	Land rights activist, Viet Nam Reform Party, Cow Shed Mennonite home church member	2010/08/10	79	2011/05/30	7	5	Đồng Nai, Xuân Lộc, Z30A prison camp, K1
86	Nguyễn Thị Trí	1958	Land rights activist, demonstrating to wave Flags of Former South for freedom	2014/07/08	88	2016/03/30	3	2	Saigon, Phan Đăng Lưu Detention Center
87	Phạm Xuân Thân	1958	Alliance of Vietnamese Revolutionary Parties	1996/06/12	84	1996	Lifetime	-	Đồng Nai, Xuân Lộc, Z30A prison camp
88	Phan Kim Khánh	1993	Blogger	2017/03/21	88	Awaiting trial	N/A	-	Thái Nguyên
89	Phan Thanh Tường	1987	Hội đồng công luật công án Bia Sơn, Religious activist	2012/02/05	79	2013/01/28-02/04	10	5	Detention Center
90	Phan Thành Ý	1948	Hội đồng công luật công án Bia Sơn, Religious activist	2012/02/05	79	2013/01/28-02/04	14	5	Phủ Yên provincial prison
91	Phan Trung (aka Thích Nhật Huệ)		National self-determination coalition	2016/01/11	79	Awaiting trial	N/A	-	Vũng Tàu, Xuyên Mộc prison camp
92	Phan Văn Thu (Trần Công)	1948	Hội đồng công luật công án Bia Sơn. - founder & chairman	2012/02/05	79	2013/01/28-02/04	Lifetime	-	Saigon, 4 Phan Dang Luu detention center
93	Phùng Lâm	1966	Pro-democracy activist, Democratic Party of Vietnam	2010/06/21	88	2011/01/18	7	-	Bình Dương, An Phước prison camp
94	Phùng Thị Ly	1963	Land right activist	2015/04/14	245 + 257	2015/11/25	3	-	Bình Phước provincial prison
95	Pinh	1967	Degar Montagnard Christians & FULRO	2008/08	87	2009/09/04	9	-	Long An prison camp
96	Rah Lan Blom	1976	Degar Montagnard Christians & FULRO	2010/08/28	87	2011/04/05	9	3	Gia Lai provincial prison
97	Rah Lan Mlih	1966	Degar Montagnard Christians & FULRO	2010/08/28	87	2011/04/05	9	3	Bình Dương, An Phước prison camp
98	Rmah Hlach (Rơ Mah Hlach)	1968	Degar Montagnard Christians & FULRO	2009/07/23	87	2010/01/14-15	12	-	Gia Lai prison camp - B20
99	Ro Cham MangẮk	N/A	Montagnard Christian, religious activist	N/A	87	N/A	9	-	Hà Nam, Phủ Lý, Ba Sao prison camp
100	Rơ Lan Jú (Ama Suit)	1968	Degar Montagnard Christians & FULRO	2009/03	87	2009/07/21	9	-	Bình Dương, An Phước prison camp
101	Rơ Lan Nghin	N/A	Ethnic Christian Montagnard	2015/02/25	275	2015/07/17	3	-	Gia Lai prison camp - B20



102	Ro Mah Klit	1946	Degar Montagnard Christians & FULRO	2010/08/28	87	2011/04/05	8	3	Gia Lai prison camp - B20
103	Rơ Mah Pôl	1953	Degar Montagnard Christians & FULRO	N/A	87	2009/03/27	7	3	Gia Lai prison camp - B20
104	Rơ Mah Pró	1964	Degar Montagnard Christians & FULRO	2010/08/28	87	2011/04/05	9	3	Gia Lai prison camp - B20
105	Rơ Mah Then	1985	Degar Montagnard Christians & FULRO	N/A	87	2009/03/27	8	3	Gia Lai prison camp - B20
106	Rôh	1962	Degar Montagnard Christians & FULRO	2008/08	87	2009/09/04	10	-	Gia Lai provincial prison
107	Rưn	1971	Montagnard Christian, religious activist (H'mong, Hà mồn)	2012/08/05	87	2013/11/18	9	-	Gia Lai provincial prison
108	Runh	1979	Montagnard Christian, religious freedom activist (H'mong, Hà mồn)	2012/08/05	87	2013/05/28	10	-	Gia Lai, Măng Yang prison camp
109	Siu Ben (Ama Yôn)	1975	Degar Montagnard Christians & FULRO	2009/03	87	2009/07/21	12	-	Gia Lai prison camp - B20
110	Siu Brôm	1967	Degar Montagnard Christians & FULRO	2010/08/28	87	2011/04/05	10	3	Gia Lai prison camp - B20
111	Siu Glôi	1985	Montagnard (Jarai) Christian pastor in Chư Puh	2010/09/22	87	2010	10	-	Gia Lai prison camp - B20
112	Siu H'Chom	1975	Ethnic Christian Montagnard	2015/02	275	2015/04/22	6	-	Gia Lai prison camp
113	Siu Hlôm	1967	Degar Montagnard Christians & FULRO	2010/08/28	87	2011/04/05	12	3	Gia Lai prison camp - B20
114	Siu Kheh	N/A	Degar Montagnard Christians & FULRO	2010	87	2010	10	-	Gia Lai prison camp - B20
115	Siu Kơch	1985	Degar Montagnard Christians & FULRO	2009/07/23	87	2010/01/14-15	10	3	Gia Lai prison camp - B20
116	Siu Lit	N/A	Degar Montagnard Christians & FULRO	2010	87	2010	10	-	Gia Lai prison camp - B20
117	Siu Nheo	1955	Degar Montagnard Christians & FULRO	2010/08/28	87	2011/04/05	10	3	Gia Lai prison camp - B20
118	Siu Thái (Ama Thương)	1978	Degar Montagnard Christians & FULRO	2011/04/07	87	2011/12/19	10	-	Gia Lai prison camp - B20
119	Siu Wiu	1978	Degar Montagnard Christians & FULRO	2008	87	2009/01/06	10	-	Hà Nam, Phủ Lý, Ba Sao prison camp
120	Tạ Khu	1947	Hội đồng công luật công án Bia Sơn, Religious activist	2012/02/06	79	2013/01/28-02/04	16	5	Vũng Tàu, Xuyên Mộc prison camp
121	Thạch Thuở	1985	Khmer Krom monk	2013/05	91	2013/09/27	6	-	Đồng Nai, Xuân Lộc, Z30A prison camp
122	Trần Anh Kim	1949	Former officer of VPA, Democratic Party of Vietnam	2015/09/21	79	2016/12/16	13	5	Hà Nội Detention center
123	Trần Hữu Cảnh	1952	Cao Dai follower, religious freedom activist	2009/07/07	79	2009/12/28	5,5	3	Hà Nam, Phủ Lý, Ba Sao prison camp
124	Trần Huỳnh Duy Thức	1966	Pro-democracy activist, blogger, Chấn Sturdy group, owner of Internet company (OCI)	2005	91	2005/07/27	13	-	Bình Dương, An Phước prison camp
125	Trần Phi Dũng	1966	Hội đồng công luật công án Bia Sơn. - Founder & Chairman	2009/05/24	79	2010/01/20	16	5	Vũng Tàu, Xuyên Mộc prison camp
126	Trần Quân	1984	Hội đồng công luật công án Bia Sơn. - founder & chairman	2012/02/10	79	2013/01/28-02/04	13	5	Đồng Nai, Xuân Lộc, Z30A prison camp, K2
127	Trần Thị Huệ	N/A	Government of Free Vietnam. Ethnic Khmer	2012/02/10	79	2013/01/28-02/04	12	5	Phú Yên provincial prison
128	Trần Thị Nga	1977	Land rights activist	1999/04/20	84 + 88	2001/05/16-29	18	-	Đồng Nai, Xuân Lộc, Z30A prison camp
129	Trần Thị Thúy	1971	Land rights activist, Vietnam Reform Party, Hoa Hao Buddhist	2017/01/21	88	Awaiting trial	N/A	-	Hà Nam detention center
130	Trần Vũ Anh Bình	1974	Musician, Patriotic Youth Group, Redemptorist News Information Network	2010/08/10	79	2011/05/30	8	5	Đồng Nai, Xuân Lộc, Z30A prison camp, K5
131	Tráng A Chớ	1985	Montagnard Christian, H'Mông	2011/09/19	88	2012/10/30	6	2	Bình Dương, An Phước prison camp
132	Trương Văn Duy	1964	Alliance of Vietnamese Revolutionary Parties	2012	79	2012/12/12	7	-	Lai Châu provincial prison
				1996/06/12	84	1996	20	-	Bình Dương, An Phước prison camp

133	Từ Thiện Lương	1950	Hội đồng công luật công án Bia Sơn. - founder & chairman	2012/02/10	79	2013/01/28-02/04	16	5	Phú Yên provincial prison
134	Văn Ngọc Hiếu	1963	Government of Free Vietnam. Ethnic Khmer	2000/02/27	84 + 90	2001/05/16-29	20	-	Đồng Nai, Xuân Lộc, Z30A prison camp
135	Võ Ngọc Cư	1951	Hội đồng công luật công án Bia Sơn. - founder & chairman	2012/02/06	79	2013/01/28-02/04	16	5	Vũng Tàu, Xuyên Mộc prison camp
136	Võ Thành Lê	1955	Hội đồng công luật công án Bia Sơn. - founder & chairman	2012/02/05	79	2013/01/28-02/04	16	5	Vũng Tàu, Xuyên Mộc prison camp
137	Võ Tiết	1952	Hội đồng công luật công án Bia Sơn. - founder & chairman	2012/02/10	79	2013/01/28-02/04	16	5	Đồng Nai, Xuân Lộc, Z30A prison camp, K2
138	Võ Văn Phụng	1950	Hội đồng công luật công án Bia Sơn, Religious activist	2014	232	2014/07/17	3	-	Phú Yên provincial prison
139	Vũ Đình Thụy	N/A	Former officer of RVA, poet, writing anti-communist poetry sent abroad	N/A	79	N/A	30	-	Hà Nam, Phủ Lý, Ba Sao prison camp
140	Vũ Quang Thuận	1966	Viet Restoration Movement	2017/03/02	88	Awaiting trial	N/A	-	Ha Noi, B14 detention center
141	Vương Tấn Sơn	1953	Hội đồng công luật công án Bia Sơn - director of Quỳnh Long, LLC	2012/02/10	79	2013/01/28-02/04	17	-	Phú Yên provincial prison
142	Y Ben Niê	1971	Montagnard Christian, religious freedom activist	2004/04/10	87	2005/07/05	14	-	Daklak provincial prison
143	Y Jim Eban	1973	Montagnard Christian, religious freedom activist	2004/07/18	87	2005/07/05	13	-	Daklak provincial prison
144	Y Kur B.Đáp	1971	Degar Montagnard Christians & FULRO	2004/07/28	87	2005/11/16-17	17	5	Hà Nam, Phủ Lý, Ba Sao prison camp
145	Y Ngun Knul	1968	Montagnard Christian, religious freedom activist	2004/04/29	87	2004/01	18	-	Hà Nam, Phủ Lý, Ba Sao prison camp

#### \*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 2017/03/30

O.N.	NAME	BIRTH YEAR	BACKGROUND	ARREST DATE	ACCUSED OF (Article of Vietnam Criminal Code)**	TRIAL DATE	SENTENCE (Prison years)	PROBATIONARY DETENTION / HOUSE ARREST (years)
1	Cao Văn Tĩnh	1974	Land rights activist, Vietnam Reform Party	2010/08/10	79	2011/05/30	5	4
2	Đặng Văn Nhu	1952	Land rights activist	2014/09/04	245	2014/09/04	2	5
3	Đinh Văn Nhượng	1958	Land rights activist	2011/06/07	88	2012/07/16	4	3
4	Đỗ Thị Thiêm (tức Chinh)	1982	Land rights activist	2014/09/04	245	2014/09/04	2	5
5	Đỗ Văn Hoa	1966	Land rights activist	2011/06/07	88	2012/11/02	4	3
6	Dương Kim Khải	1958	Cow Shed Menonite home church Pastor, Vietnam Reform Party	2010/08/10	79	2011/05/30	6	5
7	Giàng A Chứ	1989	Ethnic Christian Montagnard (H'mong, Hà môn)	2012/05/23	88	2013/09/26	3	3
8	Hồ Thị Bích Khương	1967	Land rights activist, Bloc 8406	2011/01/15	88	2011/12/29	5	3
9	Lê Văn Sơn (Paulus)	1985	Catholic Youth activist, Blogger. Redemptorist News Information Network	2011/08/03	79	2013/05/23	4	4
10	Lô Thanh Thảo	1977	Pro-democracy activist, Distributing anti-government leaflets	2012/03/26	88	2013/01/08	3,5	2
11	Lư Văn Bảy	1952	Front of Vietnamese Inter-Religions, Cyber-dissident	2011/03/26 1977	88 Re-educate	2011/08/22	4 6	3
12	Mai Quốc Hẹn	1986	Land right activist	15/4/2015	257	2015/09/15	2	-
13	Mai Văn Tung	1955	Land right activist	2015/04/14	257	2015/11/25	3	5
14	Ngô Thị Đức	1941	Land rights activist	2014/09/04	245	2014/09/04	28 months	5
15	Ngô Thị Thoa	1975	Land rights activist	2014/09/04	245	2014/09/04	2	5
16	Nguyễn Đình Cường	1985	Catholic Youth activist, Blogger	2011/08/02	79	2013/05/23	4	3
17	Nguyễn Kim Nhân	1949	Land rights activist, hanging anti-China & anti-government banners	2011/06/07	88	2012/07/16	5,5	5
18	Nguyễn Phương Uyên	1992	Distributing anti-government leaflets	2011/10/14	88	2013/05/16	3	3
19	Nguyễn Thị Chiến	1961	Land rights activist	2014/09/04	245	2014/09/04	2	5

20	Nguyễn Tiến Trung	1983	Pro-democracy activist, Engineer	2009/07/07	79	2010/01/20	7	3
21	Nguyễn Văn Duyệt	1980	Democratic Party of Vietnam Engineer, Catholic Youth activist. Redemptorist News Information Network	2011/08/07	79	2013/05/23	3,5	4
22	Nguyễn Văn Lý	1946	Catholic priest, dissident. Bloc 8406 & Vietnam Progressive Party Founder	2007/02/19	88	2007/03/30	8	5
				unknown	87 + 269	2001/10/19	10	-
				unknown	87 + 89	1983/12	15	-
23	Nguyễn Văn Tôi	1939	Land right activist	2015/04/14	257	2015/09/15	2	4
24	Nguyễn Văn Tuấn	1957	Head of public relation department of the provincial People's Committee Vung Tau	2012	258	2012/06/06	4	2
25	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
26	Phạm Nguyễn thanh Bình	1983	Blogger	2012	88	2013/8/14	2	3
27	Phạm Thị Lộc	1958	Land rights activist	2011/11/08	88	2012/11/29	3,5	3
28	Phan Ngọc Tuấn	1959	Lutheran church missionary, distributing anti-government leaflets	2011/08/10	88	2012/08/29	5	3
29	Phan Thanh Hải	1969	Blogger, attorney, Free Journalists Club	2010/10/18	88	2012/09/24	5	3
(anhbasg)								
30	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
31	Thái Văn Dung	1988	Engineer, Catholic Youth activist, Redemptorist News Information Network	2011/08/19	79	2013/05/23 (Appeal)	4	4
32	Trần Minh Nhật	1988	Student, Catholic Youth activist, Redemptorist News Information Network	2011/08/27	79	2013/05/23 (Appeal)	4	3
33	Vi 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
34	Võ Minh Trí (Việt Khang)	1978	Musician, Patriotic Youth Group	2011/12/23	88	2012/10/30	4	2
35	Võ Viết Dziễn	1971	Pro-democracy activist, Vietnam Restoration Party	2012/04/03	79	2013/01/15	3	3
36	Vũ Thị Thảo	1975	Land rights activist	2014/09/04	245	2014/09/04	2	5
37	Y Ruih Êban	1960	Degar Montagnard Christians & FULRO	2005/02/19	87	2005/11/16-17	10	5
38	Y Yoan Hmôk	1981	Degar Montagnard Christians & FULRO	2004/07/28	87	2005/11/16-17	9	5

### APPENDIX III

#### VIETNAM HUMAN RIGHTS AWARD 2016

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

- 2002: *The Most Ven. Thich Quang Do and Fr. Thaddeus Nguyen Van Ly*
- 2003: *Messrs. Nguyen Vu Binh, Le Chi Quang, Nguyen Khac Toan, and Dr. Pham Hong Son*
- 2004: *Mr. Pham Que Duong and Dr. Nguyen Dan Que*
- 2005: *Mr. Le Quang Liem, Fr. Peter Phan Van Loi, and Ven. Thich Tue Sy*
- 2006: *Messrs. Do Nam Hai and Nguyen Chinh Ket*
- 2007: *Mr. Hoang Minh Chinh, Atty. Nguyen Van Dai, and Atty. Le Thi Cong Nhan*
- 2008: *Ven. Thich Thien Minh, Blogger “Dieu Cay” Nguyen Van Hai, and Tu Do Ngon Luan Magazine*
- 2009: *Writer Tran Khai Thanh Thuy and Pastor Nguyen Cong Chinh*
- 2010: *Journalist Truong Minh Duc and Labor activist Doan Huy Chuong*
- 2011: *Dr. Cu Huy Ha Vu and Labor activist Do Thi Minh Hanh*
- 2012: *Ms. Pham Thanh Nghien, Blogger Ta Phong Tan, and Ms. Huynh Thuc Vy*
- 2013: *Atty. Le Quoc Quan, Mr. Tran Huynh Duy Thuc, and Mr. Nguyen Hoang Quoc Hung.*
- 2014: *The Vietnam Redemptorist Province, Mr. Nguyen Bac Truyen, and Musicians Vo Minh Tri (Viet Khang) and Tran Vu Anh Binh.*
- 2015: *The Most Venerable Thich Khong Tanh, Ms. Ho Thi Bich Khuong, and Ms. Bui Thi Minh Hang.*

This year, VNHRN is proud to present in Boston, Massachusetts, the 2016 Vietnam Human Rights Award to these more than deserving recipients: Vietnam Bloggers’ Network, Lawyer Vo An Don, Ms. Tran Ngoc Anh, and Ms. Can Thi Theu.



## THE VIETNAMESE BLOGGERS' NETWORK



With its formal introduction to the public in Vietnam on the 65th anniversary of International Human Rights Day, Dec 10, 2013, the Vietnamese Bloggers Networks (VBN), an assemblage of many bloggers linked together in an “open” network, has made significant contributions to the fight for democracy and human rights, especially freedom of speech in Vietnam during the last four years.

Following are some of the VBN’s activities:

In 2013: Circulating its “258 Declaration” to call on the world to work for the abolition of Vietnam’s Criminal Law Article 258, “Abusing democratic freedoms to infringe upon the interests of the State,” starting the practice of flying human rights balloons, and especially distributing on the street the “Human Rights Hand-

book” to people nationwide.

In 2014: Starting the campaign “We Want To Know” to demand that the State inform its citizens of their fate following the 1990 Vietnam-China Thanh Do Conference; organizing demonstrations against the threat from Communist China; and opening Human Rights Coffee talks to discuss human rights issues.

In 2015: Together with other civil society groups, starting the Human Rights campaign “We Are One” to call on Vietnamese in and out of Vietnam to participate. One of the remarkable activities of this campaign was the “Global hunger strike for prisoners of conscience in Vietnam,” with the united support of thousands of Vietnamese in cities around the world.

In 2016: Joining in the fight against the “poison-releasing Formosa group,” along with other environmental-protection activities; distributing the “Vietnam Bloggers Network’s sentiments and appeals” to call on all the people to protect the environment, demand that Formosa leave Vietnam, and prosecute the responsible elements.

Many VBN members have been repeatedly arrested and tortured, including bloggers Nguyen Hoang Vi, Nguyen Ngoc Nhu Quynh, Pham Thanh Nghien, Duong Dai Trieu Lam, Trinh Kim Tien, and many others. The most current suppression of VBN was the detention of blogger Me Nam Nguyen Ngoc Nhu Quynh on Oct 10, 2016, allegedly for “conducting propaganda against the Socialist Republic of Vietnam.” The detainee was regarded as VBN’s most critical figure, a brave and persistent human rights female fighter, and a recipient of the “2015 Civil Rights Defender” prize of the Swedish Civil Rights Defenders.

For its effective, nonviolent activities, the Vietnam Bloggers Network, a noble assembly of human rights fighters, deserves the Vietnam Human Rights Award 2016.

## LAWYER VO AN DON



Lawyer Vo An Don was born in 1977 in Phu Yen Province. After graduating from university in law and social sciences, he first worked for Internal Affairs of the Provincial Communist Party Committee of Phu Yen. He realized that the work he had to perform did not align with his aspirations or expertise, and enrolled in the study of law. He subsequently opened a private law office in his hometown, Phu Thu, Tay Hoa District, Phu Yen Province.

As a young man filled with enthusiasm and idealism for social justice, lawyer Vo An Don used his expertise and professional status to provide legal support to hundreds of disadvantaged people without charge, while he was himself leading a modest life. He showed particular courage in confronting communist authorities in sensitive court cases; namely, the Ngo Thanh Kieu police brutality

case, where the victim was beaten to death by Phu Yen police in 2012, and the case of 14 year-old Tu Ngoc Thach, also beaten to death by police, in 2013. Furthermore, he did not hesitate to take on the defense of victims in political cases, among them student Nguyen Viet Dung, accused of causing public disorder, land-expropriation victim Nguyen Van Thong, accused of abusing democratic freedoms, and land-expropriation victim Can Thi Theu, also accused of causing public disorder.

For his persistent pursuit of justice, especially justice for the disadvantaged, lawyer Vo An Don has encountered difficulties caused by the government as well as threats that have ranged from anonymous insults to attempts by the police, the prosecutor's office, and the courts to revoke his lawyer's license.

Aside from his human rights activism as a lawyer, Mr. Vo An Don also showed courage through his public involvement by asserting his civil and political rights and twice running for office, in the National Assembly and the People's Council of Phu Yen Province. The first time was in 2011; the second, in 2016. Lawyer Vo An Don was subjected to government-orchestrated denunciations by his neighborhood's Voter Conference and the Phu Yen Province lawyer association, which declared him unfit to run for office due to his Facebook postings, his interviews with overseas media, and his lack of participation in local and workplace duties.

His actions have mobilized the support of those concerned about human rights. In December 2014, a number of domestic and overseas websites launched a "Letter of Support for Lawyer Vo An Don" that received hundreds of signatures from human rights activists in Vietnam.

The young lawyer's deeds, abilities, fearlessness, and in particular his devotion to human rights and human dignity have attracted affection and admiration from victims of government abuses as well as from all individuals committed to justice. The Vietnam Human Rights Network solemnly honors lawyer Vo An Don with the 2016 Vietnam Human Rights Award.

## MS. TRAN NGOC ANH



After 1975, Ms. Tran Ngoc Anh and her family was forcibly relocated to the unexplored region of Xuyen Moc, of Ba Ria province, under the guise of a plan dubbed “New Economic Zones.” After 17 years of hard work, sweat and tears, her family has turned 10 acres of wasteland into arable land. By 1993, the local government decided to forcibly confiscate the land of 294 households in the area with armed public security agents. Her family’s 10-acres land was taken and turned into private properties for officials. She instantly became an employee of the new owner of the land that her family had owned not long before.

Faced with this absurdity and injustice, Ms. Tran Ngoc Anh decided to peacefully protest and complain to authorities. For the last 23 years, from 1993 to date, she has traveled from South to North along with the other land-grab victims, held several collective petitions and taken to the streets, at times with hundreds of participants petitioning for their cause. She was arrested and beaten by police several times and is now suffering from injuries caused by police violence. In January 2010, a Vietnamese court sentenced her to a 15-month in prison on charges of “causing public disorder.”

After her release from prison, she continued her work to achieve justice and basic rights. In December 2013, she founded and led the Solidarity Movement of Land-grab victims in a fight for genuine justice and for a society with full respect for human rights in Vietnam. In addition to organizing complaints and protests, she also regularly posts her own writings on these themes on her personal Facebook page.

Starting as a land-grab victim, Ms Tran Ngoc Anh has looked beyond her own interests to become a symbol not only for land-grab victims but also for Vietnamese people as a whole in their quest for freedom and democracy from authoritarian oppression.

## MS. CAN THI THEU



In 2007 and 2008, the Ha Tay provincial government initiated a forced land expropriation of farmers for new urban development projects. The impacted farmers were enraged because they were deprived of their only means of livelihood, without adequate compensation. As a resident of Duong Noi Ward, Ha Dong District, Ms. Can Thi Theu gathered the victims of unlawful land acquisition to petition for their legitimate rights and to dialogue with the government.

The government, however, blatantly disregarded justice and the law by ignoring the farmers' legitimate demands. In early 2010, the government sent thousands of public security agents, military personnel, and hooligans to bulldoze crops and graves in Duong Noi Ward and seize the land in Area B of Le Trong Tan Urban Project. They also used gangsters to threaten the families of the victims. In April 2014, the second illegal encroachment continued on a larger scale, involving thousands of security agents. Many people were beaten and arrested, including Ms. Theu and her husband Trinh Ba Khiem.

In September 2014, Ms. Theu and Mr. Khiem were sentenced to 15-month and 18-month prison terms, respectively, on charges of "resisting officials on duty." Since her release from prison in July 2015, undeterred, Mrs. Theu continued her fight for the victims of land expropriation against the abusive government's oppression. Along with fellow petitioners and human rights advocates, Mrs. Can Thi Theu joined lawsuits and protests against land confiscations, unfair trials, and governmental collusion with the Formosa steel plant, which had been polluting the environment and endangering the livelihoods of the people in the Central Vietnam provinces. As a result of her actions, she has been frequently pursued, assaulted, and arrested by the police.

On June 10, 2016, Mrs. Theu, once again, was detained and indicted on charges of "disturbing public order." On September 20, 2016, the Dong Da District Court sentenced her to 20 months in prison. Currently, she is detained in Area No. 1 of Hoa Lo Detention Center and has not been allowed to receive medication or visits from relatives.

While starting out as a petitioner trying only to reclaim her family's land, Ms. Can Thi Theu, like Ms. Tran Ngoc Anh, moved beyond her personal interests to fight for all exploited farmers and peasants. Given her record of perseverance in the face of frequent imprisonment, continuous persecution and beatings by the communist regime, Ms. Can Thi Theu deserves to be cited as an example of the peaceful but firm struggle for the victims of land expropriation, in particular, and for the Vietnamese people in general.



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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