

# VIETNAM HUMAN RIGHTS NETWORK



## REPORT ON HUMAN RIGHTS IN VIETNAM

2015

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## INTRODUCTION

The government of Vietnam has extravagantly claimed that human rights are a “bright spot” in its 2013 amended Constitution. Not only has it explicitly stipulated that protection of human rights is an important task for all three branches of government and the People’s Procuracy, but it also goes further than that of many other countries by devoting an entire chapter (Chapter 2) to address human rights in details. To enforce the constitution and to meet the requirement for integration into the world community, the Government has carried out a number of legal reforms related to human rights. In 2015, the National Assembly amended the Penal Code and Penal Procedure Code, and passed the Law on Temporary Custody and Detention. Meanwhile, other bills are still in consultation or drafting stages, including The Draft Law on Belief and Religion, The draft Law on the Press, The Draft Law on Association, and the Draft Law on Demonstration.

Despite its inadequacy in protecting the citizens’ fundamental rights, the legal reform to date is a positive move expected from the government. Since the laws are necessary but never sufficient, it is only through a tight connection between law making and enforcement that citizens’ basic rights can be respected.

Unfortunately, in 2015, the gap between the formulation and execution of the laws was still very far away. Therefore this report, the result of a collaborative endeavor between Vietnam Human Rights Network (VNHRN) and a number of human rights activists in Vietnam, purports to present with accuracy and integrity the Vietnamese government’s implementation of human rights obligations as mentioned in the International Bill of Human Rights, specifically in the following areas:

- The right to live in liberty and with physical well being
- The right to fair trials by independent and impartial courts
- 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, and without discrimination
- The right to have social security.

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. It has a population of 91.7 million (as of Dec 2015), and is composed of the mainland area of 331 689 km<sup>2</sup> and more than 4,000 islands.

**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. The National Assembly and People's Councils at all levels are elected by popular vote, yet candidates must be approved by the leading party. Every political organization unaffiliated with the Communist Party is prohibited.

**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 GNP increased significantly; the GDP per-capita has been projected to rise to 2,109 USD in 2015, an increase of 57 USD from the previous year. 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, 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 those volunteered to return at least  $\frac{3}{4}$  of the gained treasure after being sentenced to death for property embezzlement and corruption.

Despite the removal of crimes eligible for 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), 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.

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 2015 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 2015 were given to those charged with drug trafficking and murder.

Like previous years, the government never officially disclosed the number of executed cases. The government considers them as national secrets. In 2015, the number of prisoners on the death list was 684,<sup>1</sup> a decrease from the previous year. This could be the result of a big increase in the execution process by the use in 2015 of poisonous injections produced by Vietnam itself, a change made late in 2013 from the use of firing squads.

Scientifically, there has never been any report about the effectiveness of Vietnam-made poisons for death execution, which means the reduction of suffering for the condemned is far from guaranteed. In spite of the state's recent building in 2014 of 5 national facilities to administer lethal injections, the transfer of death prisoners from provinces to the execution sites was so costly the government decided to resort to mobile execution.<sup>2</sup>

There are concerns not only about the continued reliance on and the increase of death sentences, but also regarding flaws in criminal proceedings

<sup>1</sup> Baotinnhanh. *Tội phạm giết người chiếm tỷ lệ cao, 684 tử tù chưa thi hành án*. <http://baotinnhanh.vn/chi-tiet/thoi-su/toi-pham-giet-nguoi-chiem-ty-le-cao-684-tu-tu-chua-thi-hanh-an-270-273175.htm>

<sup>2</sup> Trandaiquang.Net. *Nghiên cứu bố trí các xe thi hành án tử hình lưu động*. <http://trandaiquang.net/nghien-cuu-bo-tri-cac-xe-thi-hanh-an-tu-hinh-luu-dong.html>

that led to unjust sentences. According to social media in 2015, among the unjust cases, three high profile death sentences of Ho Duy Hai, Nguyen Van Chuong, and Le Van Manh were deemed by lawyers and even by government officials to be based on insufficient evidence such as reliance on forced confessions under police torture; these confessions were subsequently contradicted by counter-confessions. Owing to claims against injustice made by victim families and public opinion, three of the above death cases were postponed at the end of 2015.<sup>3</sup> The People's Supreme Procuracy, under pressure from internal as well as external public opinions, promised to review 16 improper cases of their special concern.<sup>4</sup>

With regard to public reaction to death sentences, 21 civil society organizations in and out of Vietnam issued on January 6, 2015 a common statement to demand the government to immediately stop carrying out death sentences and remove them from the Penal Code.<sup>5</sup>



December 17, 2015, Mr. Do Hoai Linh died in hospital after a "work session" with police on suspicion of stealing a mobile phone. Photo Baomoi

<sup>3</sup> Việt Nam Thời Báo. *Những bản án có dấu hiệu oan sai và giải pháp còn bỏ ngõ*. <http://www.ijavn.org/2015/10/vntb-nhung-ban-co-dau-hieu-oan-sai-va.html>

<sup>4</sup> VNExpress. *Rà soát hàng loạt vụ án tử tù kêu oan*. <http://vnexpress.net/tin-tuc/phap-luat/ra-soat-hang-loat-vu-an-tu-tu-keu-oan-3129802.html>

<sup>5</sup> BoxitVN. *Kháng thư phản đối án tử hình tại Việt Nam*. <http://boxitvn.blogspot.sg/2015/01/khang-thu-pham-oi-tu-hinh-tai-viet-nam.html>

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

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 occurred in the custody and detention centers across the country.<sup>6</sup> In 2015, at least 14 deaths resulting from police and other security forces' brutality were revealed through social media, as follows:

- On Jan 06: Mr. Le Van Luan, born in 1992 and a resident of Ea Wy hamlet of Ea H'Leo district in Daklak province, was found dead in the district police station after being held 3 months allegedly for property robbery. The police claimed he had died of heart attack; but his family confirmed that he had been normally healthy. The victim's relatives brought his coffin to the Ea Wy People's Committee to protest.
- On Feb 28: Mr. Nguyen Van Tinh, born in 1976 and a resident of Ky Van hamlet of Ky Anh district, died after being temporarily held in handcuffs at the hamlet's People's Committee, where his health deteriorated and he was taken

<sup>6</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>

to a local infirmary, then to Ky Anh general hospital. But he died on the way to the hospital. Injuries were found on his body and blood on his four limbs.

- On April 02: Mrs. Nguyen Hong Luong, born in 1953 and a resident of Ngoc Ha ward of Ba Dinh district in Hanoi, suddenly died at the Dien Bien ward office after she came there to report mistakes in her land use certificate. Local officials claimed she had died of self-immolation in a police restroom; yet, according to the treating physician, the victim suffered 5 broken ribs and a bleeding wound on her head.

- On April 08: Mr. Nguyen Duc Duan, born in 1982 and a resident of Dong Tao of Khoai Chau district in Hung Yen province, died at the district police station after being held one month there. Local officials claimed his death was a consequence of his mental and cold diseases. However, witnesses at the hospital found bruises on his body, swollen ears, and blue bruises on his chest.

- On April 12: Mr. Phan Duc Dua, born in 1984, died in Chi Hoa temporary detention in Ho Chi Minh city following his 3-month stay there. A prison officer claimed he had died from a heroin overdose shock; yet, no signs of heroin were found in the victim's blood by mortem inspection. Instead, many of his ribs were broken and his lung crushed.

- On July 20: Mr. Vu Nam Ninh, born in 1970 and a resident of Ngoc Khanh ward of Ba Dinh district in Hanoi, was reported dead during his temporary detention. At the 198 Hospital mortuary where he was kept, his family found serious wounds on his body, a deep cut on his left leg, and a bleeding nose.

- On August 03: Mr. Nguyen Quang Truong, born in 1972 and a resident of Du Nghe of Quoc Oai town, died after being detained over two days at Quoc Oai police station for his resistance against a land enforcement. Officials claimed he died of an artery rupture, but his family found

many bleeding injuries and bruises on his body.

- On Sept 19: Mr. Ho Hoan Dan, born in 1967 and a resident of My Phuoc of Ben Cat city in Binh Duong province, died after being held for 7 days following a police round-up of rooster fighting games. Medical examination proved the victim had died of brain injuries.

- On Sept 12: Mr. Nguyen Tien Th., born in 1944 and a resident of Thien Cam town of Cam Xuyen district in Ha Tinh province, was found hanging dead in the district police office. According to police records, the victim had been charged with rape, and during the investigation, he was freed to go home, but he voluntarily entered the police office to kill himself.

- On Oct 10: a youth named Do Dang Du, born in 1998, died after staying 6 days in the Bach Mai hospital following his transfer from his detention at the Chuong My district police office in Hanoi. He had been temporarily held there 2 months earlier for his alleged robbery of 1.2 million VN dong from his neighbor. On October 4, 2015, his family was notified of his coma in a hospital with his brain and nape swollen, his body purple, and huge swelling on both sides of his thighs. Forensic medicine reports concluded that "the victim's brain was injured by a hard object hitting the right area of his forehead, with blood masses found under his head skin..."

- On Nov 19: a youth named Trinh Xuan Quyen, born in 1999 and a resident of hamlet 15 of Tam Thang village, Cu Jut district, Dak Nong province, died in a district police temporary detention following his 15-day stay there. According to local officials, his death was due to his "collapse during physical education practice." His family found, instead, many bruises on his body.

- On Dec 11: Mr. Doan Thai Son, born in 1983 and a resident of Binh Thuan ward of Buon Ho city in Daklak province, died while being escorted to the province police office. He used



August 3, 2015, habitants of Quoc Oai paraded Mr. Nguyen Quang Truong's casket through streets demanding the clarification of suspected case of murder during temporary detention. Photo Dan Sinh

to be a bank employee who had been charged with taking his customers' property. After his surrender, the police took him to their office where he was said to have died of asthma.

- On Dec 13: Mr. Le Van Hai, born in 1993 and a resident of Dak R' hamlet of Dak Mil district in Dak Nong province, died during his temporary detention at the district police station for his alleged act of stoning passenger buses. His death was confirmed 6 hours after being taken to a hospital allegedly due to heart attack. According to his family, however, many bruises and abnormal injuries were found on his body.

- On Dec 17: Mr. Do Hoai Linh, a resident of Phuoc Long hamlet in Binh Phuoc province, died at the Binh Phuoc general hospital following his temporary detention at the hamlet police station, suspected for having robbed a cell phone. Three days later, his family was requested to come to a hospital to take care of his coma. The authorities said his death was caused by a kidney failure, while his family members disclosed that they had found many bruises on his body, including injuries on his knees and unusual swelling of his head.

### 3. Human Trafficking

In the Walk Free Foundation's The Global Slavery Index 2014 published in October 2014, Vietnam was ranked 17th out of 167 countries that have large numbers of enslaved, with about 322,000 people living in slavery, an increase from 249,000 as of the previous year. In fact, if "modern-day slavery" were understood in terms that include slavery-like practices such as taking advantage of people in detox and rehab centers, and hard labor camps, the actual number would be much higher.

According to a US State Department report on human trafficking in 2015, Vietnam was still on Tier 2 list, due to its being a major source country for "men, women, and children subjected to sex trafficking and forced labor internally and abroad."<sup>7</sup>

According to Gen. Ho Sy Tien, Director of the Crime Branch Police Department, human trafficking crimes in 2015 turned more complex and tended to increase.<sup>8</sup>

In Vietnam's current reality, except for a number of recently discovered cases of human internal organs trade,<sup>9</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.

<sup>7</sup> U.S. Department of State. *Trafficking in Persons Report 2015*. <http://www.state.gov/j/tip/rls/tiprpt/2015/>

<sup>8</sup> Thanh Nien News. *Human trafficking on the rise in Vietnam: police*. <http://www.thanhniennews.com/society/human-trafficking-on-the-rise-in-vietnam-police-52572.html>

<sup>9</sup> Nguyễn Tấn Dũng. *Đường dây bán nội tạng xuyên biên giới Việt*. <http://nguyentandung.org/duong-day-ban-noi-tang-xuyen-bien-gioi-viet.html>

### 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 Office of anti-crime guidance on April 21, 2015, disclosed that there were nearly 5 thousand Vietnamese women sent every year to Malaysia and Singapore to work as prostitutes.<sup>10</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 thousand Vietnamese women and young girls were suspected to have been sold there to do hard labor.<sup>11</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 came from mountainous regions close to the border with China, where control and detection was 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 instance, according to statistics of the Women Union of Con Cuong District in Nghe An province, during the first six months of 2015, a total of 1,521 residents of the district left to work in unknown places, of which over one hundred were suspected to have been sold to China.<sup>12</sup>

As in previous years, the number of women and

<sup>10</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>11</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>12</sup> tinmoi. *Một huyện có hơn 100 phụ nữ nghi bị bán sang Trung Quốc*. <http://www.tinmoi.vn/mot-huyen-co-hon-100-phu-nu-nghi-bi-ban-sang-trung-quoc-011364079.html>

children being trafficked northward to China increased in 2015, reaching 70 percent of the total victims; the rest went to Laos, Cambodia, Malaysia, Thailand,...<sup>13</sup> Human trafficking from Vietnam to Europe, especially to England, has also been of particular public opinion concern.<sup>14</sup>

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

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

According to Vietnam Security Ministry, an average of 20 thousand Vietnamese women got married annually during the past years, to men of over 50 countries in the world, mainly Taiwan, China, South Korea, the United States and European nations.<sup>15</sup> These were officially registered marriages, while in reality, the number of Vietnamese “brides” sent overseas was much higher.

For example, according to the Government Inspectorate, statistics in the first months of

<sup>13</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/>

<sup>14</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>15</sup> Vietnam.Net. *Buôn người qua môi giới hôn nhân nguy hiểm hơn ma túy*. <http://vietnamnet.vn/vn/xahoi/188826/buon-nguoi-qua-moi-gioi-hon-nhan-nguy-hiem-hon-ma-tuy.html>

2013 for Kien Giang province's 13 of the 15 administrative units showed that more than 1,000 women had been married to foreigners, but only about 17% of the marriages were properly registered.<sup>16</sup>

This means that the majority of those "marriages" were handled through intermediaries that have become a fat service for many individuals and organizations in Vietnam and abroad. Reports from social websites indicate that the cost of Vietnamese bride trafficking to China rose significantly in 2014 compared to 2013, from US\$5,700 to US\$11,800.<sup>17</sup> Shows to introduce 'bride candidates' to foreigners, usually held in previous years, were not uncovered in 2015; instead, more sophisticated forms of connection were used, including commercial web pages. China's 'Taobao', for example, has advertised a Vietnamese bride on sale for 9,998 yuan (roughly US\$1,500) on the occasion of "Single Day", Nov. 11, 2015.<sup>18</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 social policies. Most of the victimized young girls came from the countryside and were lured by middlemen into agreeing to "marry" certain men from Taiwan, South Korea, and China, and then follow them overseas, without love or even knowledge of their husbands' backgrounds. According to the director of the Bac Lieu Justice Department, for instance, from March 1 to May 23, 2014, only 35 files were approved out of 179 ones that requested

<sup>16</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>17</sup> Havocscope Black Market. *Price to Buy Vietnamese Wife Increasing in China*. <http://www.havocscope.com/price-to-buy-vietnamese-wife-increasing-in-china/>

<sup>18</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/>

marital status confirmation prior to marriages with foreigners. To him, many cases "showed that the brides had known nothing about their future spouses' marital status and personality, nor even their names."<sup>19</sup>

In conclusion, the plight of Vietnamese brides abroad has been sufficiently reported by Vietnamese as well as foreign media in past years. Many of them suffered torture, mistreatment, being passed on to other men, leading them to eventually escape then try to survive in a foreign country only to be recruited into brothels, risking to be killed or seeing no other options than to kill themselves.<sup>20</sup>

The Vietnamese government is well aware of the human trafficking nature of this illegal marriage trade. In a seminar held in Tien Giang province on July 30, 2015 on human trafficking and the illegal marriage trade, leaders of the General Police Department for Crime Prevention and Suppression had to admit that "human trafficking through marriage intermediaries is more dangerous than drug crimes."<sup>21</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 operationalize the new Family Law; prohibiting abuses of marriage and family counseling and support involving foreigners to generate profit; and assigning the counseling and support services to the state-sponsored Vietnam Women Union.

However, many people believe the Vietnam

<sup>19</sup> Bạc Liêu. *Xử lý nghiêm các trường hợp môi giới hôn nhân với người nước ngoài trái phép*. <http://m.baobac-lieu.vn/ban-doc-phap-luat/xu-ly-nghiem-cac-truong-hop-moi-gioi-hon-nhan-voi-nguoi-nuoc-ngoai-trai-phap-23758.html>

<sup>20</sup> Viet Báo.vn. *Thảm cảnh cô dâu Việt ở nước ngoài*. <http://vietbao.vn/tp/Tham-canhh-co-dau-Viet-o-nuoc-ngoai/2363246/>

<sup>21</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>

Women Union has failed in its counseling services for brides getting married to foreigners as it is incapable to compete against illegal intermediaries operating in a rampant manner throughout the country.<sup>22</sup>

*The direct and main cause for Vietnamese women and children being lured into sex slavery, domestically and transnationally, is poverty created by the Red Capitalists' unjust social policies.*

### 3. 3. Human Trafficking: Exploitation of Export Workers

According to a June 2015 research study by a group of Hanoi Law University students, 69% of those surveyed reported that the export labor system was often used to carry out the trafficking of women.<sup>23</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 homes and families to find survival means is unavoidable when their farmland is confiscated and the state cannot provide enough jobs. On the contrary, the state, driven by the prospects 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 working in over sixty countries and territories, mostly in Taiwan, South Korea, Malaysia, Japan, and countries in the Middle East. Also according to this agency, the number of workers exported in 2015 was 115,980, 108%

<sup>22</sup> Báo Phụ Nữ. *Môi giới kết hôn với người nước ngoài: hoạt động hợp pháp tự thua trên sân nhà?* <http://phunuonline.com.vn/thoi-su/xa-hoi/moi-gioi-ket-hon-voi-nguoi-nuoc-ngoai-hoat-dong-hop-phap-tu-thua-tren-san-nha-603/>

<sup>23</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>

higher than in 2014 with the majority of manual labor being women, at 33,3%. It was the highest number of exported labor in recent years.<sup>24</sup>

However, these official statistics need reassessment. After 14 Vietnamese workers were burned to death in Russia, in September 2012, the chief of the village where the victims' families lived admitted there were 600 export workers from the village, but only 10% of them were registered with government approved agencies.<sup>25</sup>

In recent years, the exporting of labor in secret has been on the increase due to such reasons as: up to 50 thousand legal workers abroad tried their best to stay and work underground after the expiry of their official contracts; those who want to go overseas through official channels but did not have enough money to complete legal paperwork, in particular making the required payment to the state before leaving; and the inability on the part of many to meet the minimum requirements in foreign languages.<sup>26</sup>

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

<sup>24</sup> Lao Động. *115.980 lao động Việt Nam đi làm việc ở nước ngoài trong năm 2015.* <http://laodong.com.vn/viec-lam/115980-lao-dong-viet-nam-di-lam-viec-o-nuoc-ngoai-trong-nam-2015-512930.bld>

<sup>25</sup> Báo mới.com. *Nỗi đau thân nhân xuất khẩu chui bỏ mạng xứ người.* <http://www.baomoi.com/Noi-dau-than-nhan-xuat-khau-chui-bo-mang-xu-nguoi/c/9330430.epi>

<sup>26</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>

were often arrested, beaten, and sometimes even raped by security forces.<sup>27</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 in China's plantations and production factories,<sup>28</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 2015* by England's National Crime Agency, the number of Vietnamese victims of human trafficking in England ranked second at 478, only behind Albanians, a 121.3% increase from 2014. Meanwhile, the number of adolescent victims topped the list with 248, an increase of 127.5% from the previous year.<sup>29</sup> There were about 3 thousand young Vietnamese victims of human trafficking to England in 2015. Most of the Vietnamese men illegally imported to the UK were exploited for cheap labor or forced into illegal business activities such as marijuana growing, while women were forced into prostitution.<sup>30</sup>

Article 17 of Vietnam's Constitution stipulates: "Vietnamese citizens living abroad shall be protected by the State of the Socialist Republic of Vietnam." In reality, however, because of their collusion with intermediary companies and fears of losing clients and kickbacks, Vietnam's embassy officials not only have never offered

<sup>27</sup> Người đưa tin. *Ký ức kinh hoàng của những phụ nữ đi xuất khẩu lao động ở Ả-rập Xê-út*. <http://www.nguoiduatien.vn/ky-uc-kinh-hoang-cua-nhung-phu-nu-di-xuat-khau-lao-dong-o-arap-xe-ut-a166940.html>

<sup>28</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>29</sup> NCA. *National Referral Mechanism Statistics, End of Year Summary 2015*, p.5

<sup>30</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>

any help to the victims, but also occasionally colluded with human traffickers.<sup>31</sup>

According to a report by the Anti-Human Trafficking Alliance, none of all 32 Vietnamese victims of human traffickers rescued by this organization and brought back home from Malaysia in 2015 had benefited from intervention by the Vietnamese government through its embassy.<sup>32</sup>

A number of organizations run by overseas Vietnamese, such as the Committee to Protect Vietnamese Workers, Vietnamese Migrant Workers & Brides Office Taiwan Alliance to Combat Trafficking, the Coalition to Abolish Modern-day Slavery in Asia (CAMSA), and One Body Village Organization have made great efforts in rescuing victims. However, no existing measure can eradicate this trafficking problem, which is mainly the result of collusion between state officials and the offending operators, and the lack of official oversight agencies to counter these activities.

What is of concern is that despite the serious consequences brought on by the illegal export of workers, the government still refuses to see it as an act of human trafficking. Even the March 2011 Law on Anti-Human Trafficking stops short at the general concept of "forced labor," and does not recognize the deception and exploitation of people working abroad as a form of human trafficking. Meanwhile, the result of a survey of 350 legally exported workers in October 2012 revealed that 55 of these workers claimed themselves as victims of human trafficking.<sup>33</sup>

<sup>31</sup> RFA. *Thêm một xưởng may VN ở Nga bóc lột công nhân như nô lệ*. [http://www.rfa.org/vietnamese/in\\_depth/victori-copy-of-vina-08082012071733.html](http://www.rfa.org/vietnamese/in_depth/victori-copy-of-vina-08082012071733.html)

<sup>32</sup> Anti Trafficking in Persons Alliance Vietnam. *Notice about Human Trafficking situation*. <http://allianceantitraffic.org/aatvietnam/>

<sup>33</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 BEFORE AN INDEPENDENT AND IMPARTIAL COURT

### 1. Legal Reform

The Vietnamese Constitution guarantees, along with other fundamental human rights, that “all citizens are equal before the law” (Article 16), and that “during trials, judges and assessors must remain independent and shall only obey the law” (Article 31).

In the 2<sup>nd</sup> cycle of the Universal Periodic Review (UPR) of the UN Human Rights Council in 2014, Vietnam accepted all 6 recommendations on judicial reform made by member nations. Its National Assembly also ratified the UN Convention Against Torture (CAT) on November 28, 2014. Meanwhile, in 2015, it had 3 basic judicial laws amended, including the Penal Code on November 27, 2015, the Penal Procedure Code on November 27, 2015, and the Law on Custody and Detention on November 25, 2015. These laws will come into effect in July 2016.

In general, the law on temporary custody/detention reflects the basic concepts of international human rights laws, namely protecting the victims from torture and other forms of inhumane treatment as well as preventing all obstruction against their contact with their relatives and obtainment of judicial assistance.

The amended Penal Code has removed the death sentence for 7 crimes, including:

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; noncompliance of orders; and surrender to the enemy. The death penalty will also not apply to criminals under 18 years of age at the time of the crimes; women who are pregnant or breastfeeding children under 36 months old; and people over 75 years of age when committing the crime or at the time of trial. The death penalty will be replaced by life imprisonment for those who are charged with corruption but proactively pay back three quarters of the corrupted assets.

However, the death sentence will still apply to vague political crimes mentioned in the old laws such as high treason, activities aimed at

*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 has been clearly reaffirmed in the 2002 Law on Organization of the People’s Courts: “... The Courts have the task to protect the socialist legislation, the socialist regime, and the people’s mastery” (Article 1).*

overthrowing the people’s government, espionage, rebellion, anti-government terrorism, and sabotage of the Socialist Republic of

Vietnam’s material-technical facilities. These are crimes that the government used in the past to suppress opposition activists. The penal code reform, therefore, is merely an effort to polish the current regime’s image while it continues to abuse the laws to silence opposing voices, contrary to Vietnam’s pledges 156 and 157 mentioned in the 2<sup>nd</sup> Cycle of the Universal Periodic Review of the UN Human Rights Council.

As for penal procedure code, those pertaining to some errors made by investigation officials in the past have been amended, such as audio-visual recordings being now required during interrogations; suspects having the right to make declarations, present their opinions, or be exempt from making self-incriminatory statements; and replacement of the requirement for lawyers to receive approval from police to defend the accused with just the requirement to register to defend.

However, audio-visual recording of interrogations is required only with certain investigative offices, not at all interrogative locations. Likewise, the suspects' right to refuse to self-incriminate is actually very restricted when compared to the "right to remain silent" in democratic judicial systems. Experts have expressed their concerns about the so-called reform, comparing it to "old wine in a new bottle." The replacement of approval certificates to defense lawyers—usually an ask-give practice between lawyers and polices—by a complicated registration procedure does not guarantee that the defense lawyers can fulfill their responsibilities to their clients.

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Thus, in practice, critical violations of human rights in the legal field continue to escalate. In 2015, those violations were typically identified by the following characteristics: criminalization of political activities, serious violations of criminal procedures, arbitrary detention, severe limitation of defense lawyers' rights, and an inhumane prison system.

## **2. 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 July 2016], especially the following Articles: 79 (Activities aimed at overthrowing the people's government), 87 (Undermining the unity policy), 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 in a debate, to store and to distribute documents with contents contradicting the CPV's 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 2015, despite the state's use of more violent measures than the court in its suppression of human rights activists, at least 28 dissidents were arrested and prosecuted according to the following vague articles of the Penal Code:

- Alleged violations of Article 79: former Lieutenant Colonel Tran Anh Kim and Mr. Nguyen Thanh Tung;
- Alleged violations of Article 88: Mr. Nguyen Huu Quoc Duy, Lawyer Nguyen Van Dai, and Ms. Le Thu Ha;
- Alleged violations of Article 104: Messrs. Mai Van Phong and Nguyen Trung Linh, 15-year-old Nguyen Mai Trung Tuan, related to an anti-land seizure case in Thach Hoa district of Long An province;

- Alleged violations of Article 245: college student Nguyen Viet Dung;

- Alleged violations of Article 257: 10 Victims of Injustice who were against land expropriation and inappropriate compensation in Thach Hoa district, Long An province, including Mrs. Mai Kim Huong, Phung Thi Ly, and Nguyen Thi Thang; Messrs. Nguyen Trung Can, Nguyen Trung, Mai Van Tung, Phung Van Tuan, Mai Van Dat, Mai Quoc Hen, and Nguyen Van Toi;

- Alleged violations of Article 258: Blogger Ba Sam Nguyen Huu Vinh, journalist Kim Quoc Hoa, Messrs. Pham Minh Vu and Do Nam Trung; Mrs. Nguyen Thi Minh Thuy and Le Thi Phuong Anh. Blogger Ba Sam Nguyen Huu Vinh and Ms. Nguyen Thi Minh Thuy were sentenced to 5 and 3 years in prison respectively on March 23, 2016. Mrs. Le Thi Phuong Anh, Mr. Pham Minh Vu, and Mr. Do Nam Trung were sentenced to 12-month, 18-month, and 14-month prison terms respectively; all three of them were released in 2015 after serving their sentences.

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 on the dissidents, human rights activists, and Victims of Injustice. The Courts are only the means for the CPV to impose its will as the sole governors of the country.

### 3. Arbitrary Detention

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

detention of citizens. Nevertheless, these criticisms have not decreased the number of arbitrary and unlawful arrests and detentions.

As in previous years, authorities abused detention at will as a means of suppression of or retaliation against dissidents, justice and human rights activists, and Victims of Injustice who were able to expose non-transparent illegal activities by party members and state officials.

The following are some typical cases of arbitrary detention in 2015:

- On February 26, the police seized several human rights logos and arrested Ms. Nguyen Thi Thu, owner of the Hoai Thu Nguyen Facebook page, at her boarding place and took her to the Vinh City police station without providing any warrants, summons, or reasons.

- On March 26, Blogger Pham Doan Trang was arrested by plainclothes police and taken to Trang Tien police station for interrogation while she was accompanying the family of death-row inmate Nguyen Van Chuong to a meeting at the US and the EU Embassies.

- On March 28, Khanh Hoa police intercepted, arrested and detained Mr. Vo Truong Thien and blogger Me Nam in order to prevent them from meeting with a delegation from the Federal Republic of Germany Parliament in Hanoi.

- On March 28, Student Tran Quang Son (Facebooker Tran Quang Son) was arrested by a group of plainclothes police and uniformed police without an arrest warrant. Mr. Trung is the member of a volunteer group that often helps Victims of Injustice.

- On March 30, Nam Ha police kidnapped and brutally assaulted human rights activist Tran Thi Nga and her two children while they were on their way to meet with a delegation from the Parliament of the Federal Republic of Germany.

- On April 12, student Nguyen Viet Dung and four of his friends were arrested while they took

part in “the march to protect the living trees” in Hanoi. The four were later released while Dung continued to be detained and indicted on charges of “disturbing public order”.

- On April 16, Mr. Luu Van Vinh (Facebooker Vinh Luu) was forcefully taken away from his home by the police of Thanh Hoa District, Long An Province. Mr. Vinh is a frequent participant in demonstrations protesting China’s invasions and in human rights picnics.

- On April 26, nineteen participants in a march protesting the cutting down of living trees by Hanoi authorities were arrested by the police and held, threatened, and falsely accused of accepting money from “bad people” to “disrupt public order”.

- On June 25, independent journalist Pham Chi Dung was arrested and detained at a police station for several hours. He was then demanded to terminate the Vietnam Times pages of the Independent Journalists’ Association of which he is the president.

- On June 26, three bloggers Pham Doan Trang, Pham Le Vuong, and Nguyen Hong Hai were taken to a police station to be heckled and assaulted merely to prevent them from attending that day’s event commemorating the International Day Against Torture.

- On July 11, Mr. Nguyen Van Phuoc (Facebooker Nguyen Phi) was arrested for his participation ten days earlier in a movement held by members wearing T-shirts imprinted with zombie pictures. Later that afternoon, many youths were also arrested and forced to “work” with the police until they were released after midnight.

- On July 29, the 80-year old mother of a Victim of Injustice and former prisoner of conscience Nguyen Van Thien, Mrs. Ha Thi Duc, was arrested by the police of Lien Cam District, Ha Nam Province and detained, resulting in her death on September 26, 2015.

- On August 28, Messrs. Nguyen Huu Thien An and Nguyen Huu Quoc Duy were summoned to the police station of Cam Ranh City to “work” on their articles posted on Facebook. Mr. Duy was released but then rearrested on November 27, 2015, while Mr. An continued to be imprisoned without his family’s knowledge of his detention location or charges.

- On September 2, Victim of Injustice Le Van Dai, organizer of a demonstration in which more than one hundred others participated to demand their rights and denounce corrupt authorities, was abducted for his involvement in the civil society’s activities.

- On September 21, former prisoner of conscience Tran Kim Anh was arrested at home, but it was not until October 1 when his family was verbally informed of his apprehension on charges of “activities aimed at overthrowing the People’s government” under Article 79 of the Penal Code.

- On September 23, six people who had participated in civil society activities and the Independent Media of the TV Conscience Program, were detained by Hanoi police, including Le Thi Yen, Le Thu Ha, Phan Dac Dat, Nguyen Manh Cuong, Tran Duc Thinh, and Nguyen Vu Binh.

- On November 4, blogger Me Nam and Mr. Vo Truong Thien were intercepted and apprehended by Khanh Hoa Provincial Police to prevent them from traveling to Saigon to partake in a demonstration to protest the visit of Mr. Xi Jinping, President of the People’s Republic of China.

- On November 12, lawyer Tran Vu Hai was dragged by plainclothes police onto their car and taken to the Xuan La Ward police station in Tay Ho District, Hanoi City with no arrest warrant.

- On December 13, former prisoner of conscience Nguyen Phuong Uyen and poet Nguyen Chieu

Anh were arrested by Ho Chi Minh City police at a café and taken to the Cau Kho police station in District 1, Ho Chi Minh City, without being given any reasons.

- On December 16, Mr. Nguyen Van Dai, a former prisoner of conscience and a lawyer, was arrested at his home and interned for 4 months for his alleged “propaganda against the state”. So far Mr. Dai has not been allowed to meet his relatives and lawyer. Also arrested was Ms. Le Thu Ha, an ardent human rights activist in Hanoi.

- On December 14 or 15, former prisoner of conscience Le Thanh Tung (penname Le Ai Quoc) was apprehended by Gia Lai Provincial security forces without informing his family in Thai Binh province. On December 24, 2015, the police ransacked his house and took away one phone and some of his papers. He has not been heard of since.

#### 4. 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 procedural principles throughout the criminal proceedings, from arbitrary arrest to fabrication of evidence, forcible testimony, obstruction of lawyers, and cursory trials with predetermined verdicts etc. have made a mockery of such procedures. Suspects are often tortured during interrogations and isolated from their families and lawyers.

Most court trials are summarily carried out within less than one day, sometimes lasting only a few hours. The presence of a lawyer, if any, is just for embellishment, since the time for deliberation is usually shorter than the time for verdict reading, meaning the verdict had already been prepared ahead of time.

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



*Sept 11, 2015, the People’s Court of Lang Son province opened a mobile trial in Bac Son Stadium, Lang Son Province. Photo: People’s Supreme Court*

Outstanding judicial events that took place in 2015 exposed many wrongdoings in Vietnam’s judiciary system in general and, in particular, prosecution procedures, involving such cases well concerned by the public, such as the death penalty of Ho Duy Hai for his alleged “murder and property robbery”, of Nguyen Van Chuong for “murder”, and of Han Duc Long for “statuory

rape and murder”, and the life sentence of Le Ba Mai allegedly for “statutory rape and murder”, and of Huynh Van Nen for “property robbery”, and so on.

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 accused’s retraction, and witnesses’ persuasive counter-arguments.

According to a Security Ministry report, during the three years between 2011 and 2014, 226 people died while in temporary detention. In a state report, 200 compensations were made by the government, of which 163 payments were related to criminal prosecution. Of course, these numbers are insufficient, yet, they show that the rate of unjust cases of forced interrogation and torture by the police was remarkable.

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

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 corruption and abuse of power criminals continues to rise.

Vietnam’s Constitution stipulates: “The People’s Courts shall hold hearings in public” (Article 103). However, most political cases were hastily tried, and security forces of sometimes up to 1,000 people were mobilized to prevent relatives and reporters from attending.

In 2015, sensitive cases such as that of three democracy activists Le Thi Phuong Anh, Do Nam Trung, and Pham Minh Vu, and that of student Nguyen Viet Dung, were conducted in secrecy under emergency conditions, with police agents barring all access to the trial.

Contrasting the aforementioned closed political trials, there are also outdoor trials by the mobile courts resemble public denunciations during the Land Reform Era that 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.

## 5. 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 March of 2015, there were 9,362 lawyers with working permits, whose principal activities involve procedural law.<sup>1</sup> Only about 20% of the criminal cases were represented by defense attorneys. In 2011, the Ministry of Justice announced plans to improve the legal profession by 2020, with the target of 50% of the criminal cases to be represented by lawyers.

Vietnam’s judicial system has been crippled not only by the very small number of lawyers, their low level of occupational awareness and

<sup>1</sup> TS. LS. Phan Trung Hoài. *Nâng cao chất lượng đào tạo đội ngũ luật sư đáp ứng yêu cầu cải cách tư pháp*. <http://liendoanluatsu.org.vn/vi/news/Su-kien-van-de/Nang-cao-chat-luong-dao-tao-doi-ngu-luat-su-dap-ung-yeu-cau-cai-cach-tu-phap-1075/>

unsatisfactory professional skills, but mostly by the government's unfriendly attitude toward them.

The totalitarianism of the communist regime always forces civil societies to obey the authorities' orders. Based on the Communist Party of Vietnam (CPV) Central Committee's Directive 56/CT-TW of 8-18-2000 on strengthening the party's leadership over activities of the Vietnamese Jurists Association, this body "is actually a professional organization of those lawyers deeply concerned about political and social issues."

The administration, especially the police, constantly regards lawyers as dangerous opponents to the regime. Thus, it continues to find ways to intervene and obstruct their activities that it deems unbeneficial to its regime and leadership. In 2015, public opinion was particularly concerned about the security of defenders of justice as many of them were harassed or injured by police agents disguised as thugs. Typical cases were when lawyers Tran Thu Nam and Le Van Luan were ruthlessly beaten by the hooligans on March 11, 2015, and when lawyer Tran Vu Hai was detained on December 11, 2015, and in particular when the Phu Yen province authorities requested lawyer Vo An Don's license to practice law be revoked because of his eager defense for the family of Mr. Ngo Thanh Kieu, who had been beaten to death by 5 police agents.

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

stage of the proceedings in order to obtain new certification for that period.<sup>2</sup> According to Mr. Do Ngoc Thinh, Vice President and Secretary General of the Vietnam Bar Association, "it is very difficult for lawyers to part take in the course of the investigation, and it is even more difficult for them to meet the defendants."<sup>3</sup>



*November 03, 2015, Lawyers Tran Thu Nam and Le Van Luan were attacked and seriously injured after advising the family of a young man who died in police custody. Photo ThanhNien News*

In court, the jury rarely pays attention to lawyers' arguments, while the latter often would not dare to refute the prosecutors. In most cases, the lawyers' only duty is to ask for leniency.<sup>4</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 affiliation was Mr. Vo Thanh Quyet's defense of the accused Ho Duy Hai that resulted in the latter's death penalty. It is worth noting that Mr. Vo Thanh Quyet is a former Chief of the

<sup>2</sup> VnExpress, *Luật sư một môi khi xin gặp thân chủ trong trại giam*, <http://vnexpress.net/tin-tuc/phap-luat/luat-su-met-moi-khi-xin-gap-than-chu-trong-trai-giam-2859891.html>

<sup>3</sup> Tư vấn pháp luật. *Nâng cao hơn nữa vai trò của Luật sư*. <http://tuvanphapluat.tinmoi.vn/kien-thuc-phap-luat/binh-luan/nang-cao-hon-nua-vai-tro-cua-luat-su-d4249.html>

<sup>4</sup> An Ninh Thủ Đô, *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>

Provincial Police.<sup>5</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>6</sup>

## 6. 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.”

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

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<sup>5</sup> Vietbao.vn. *Luật sư “hai mạng” trong vụ án tử tù Hồ Duy Hải*. <http://vietbao.vn/An-ninh-Phap-luat/Luat-su-hai-mang-trong-vu-an-tu-tu-Ho-Duy-Hai/2147521754/301/>

<sup>6</sup> VnExpress.net, *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>

In 2015, according to accounts from recently released political prisoners and their relatives during visits to them, the following inhumane measures were still used: moving to faraway locations, prohibition of supplying visits, disciplinary isolation, suspension of medical treatment, beatings by the prison police themselves or by criminal prisoners directed by the police, etc.

In 2015 the government released 30 political prisoners, namely Mr. Tran Anh Kim, Mr. Bui Van Tham, Mr. Nguyen Van Duyet, Mr. Cao Van Tinh, Ms. Mai Thi Dung, Mr. Dinh Van Nhung, Ms. Le Thi Phuong Anh, Ms. Pham Thi Loc, Journalist Truong Duy Nhat, Mr. Do Van Hoa, Mr. Trinh Ba Khiem, Lawyer Le Quoc Quan, Mr. Le Thanh Tung, Mr. Do Nam Trung, Ms. Can Thi Theu, Mr. Le Van Son, Mr. Nguyen Van Oai, Pastor Duong Kim Khai, Mr. Tran Minh Nhat, Mr. Thai Van Dung, Mr. Tran Van Mien, Mr. Doan Van Vuon, Mr. Doan Van Quy, Blogger Ta Phong Tan, Mrs. Duong Thi Tron, Mr. Nguyen Van Lia, Mr. Pham Minh Vu, Mr. Tran Van Sang, Mr. Nguyen Dinh Cuong, and Musician Viet Khang. Two of those released prisoners, Messrs. Tran Kim Anh and Le Thanh Tung, were arrested again in December, and blogger Ta Phong Tan was deported to the US. Most of those released political prisoners had already served their entire sentence time, while few of them were favorably released early due to the government’s political needs.

The Vietnamese government has used political prisoners as bargaining chips for economic and diplomatic favors. This is a new form of government-sanctioned human trafficking.

### III. THE RIGHT TO PARTICIPATE IN POLITICAL AND PUBLIC LIFE

The 1992 Constitution, as amended and supplemented in 2013, stipulates, “Citizens have the rights to participate in the management of state affairs through elections” (Article 27 and 28)<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,

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<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)

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 specify that the National Assembly is the highest institution with the power to represent the people, appoint government officials, and make laws. Currently, however, with the existing electoral and parliamentary processes, it is merely an instrument of the CPV. Elections of the National Assembly and People’s Councils at all levels for the 2011-2016 term in May 2011 clearly proved just that. No candidates other than those of the CPV and independents approved by the CPV are allowed to run. All applicants must be screened by the Fatherland Front, a front organ of the CPV, through the “Consultative Conference” and the “Voter Conference” at central and local levels.

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

In the course of legislative work, all bills

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

On June 25, 2015, the Assembly adopted the *Law on Election of the National Assembly and People's Council* for the 2016-2021 term. Except for the rigidly defined ratio of ethnic minority and female candidates for the sake of false diversity, the 2015 Election Law provides nothing essentially new. Candidates at all levels still have to go through the selection process administered by the Fatherland Front, the "Consultative Conference" and the "Voter Conference."

To prepare for the parliamentary election in July 2016, the National Assembly Standing Committee has decided on about 35 non-party candidates to be inducted into the Fourteenth National Assembly.<sup>3</sup> Early 2016, following the power struggle within the CPV, the National Assembly obediently carried out the directive to make abnormal changes in order to reflect the new power relationship within the Party.

At the local level, in order to increase the political control of the Communist Party, the Politburo issued Resolution No. 22 / N Q - T W in 2008 stipulating "a model that calls for the secretary of the party committee to concurrently

<sup>3</sup> VOV. *Tối thiểu 35 người ngoài Đảng sẽ tham gia Quốc hội khóa XIV*. <http://vov.vn/chinh-tri/quoc-hoi/toi-thieu-35-nguoi-ngoai-dang-se-tham-gia-quoc-hoi-khoa-xiv-490096.vov>

serve as chairman of the People's Committee of commune and ward." The *Xây Dựng Đảng* (Party Building) Journal claimed the model would "enhance the leadership of the Party (giving the CPV secretary more rights), and efficiently implement the CPV's resolutions at the ward level, enabling the centralization and unification of the grassroots power." By the end of 2013, 638 communes, wards, and towns of the 63 provinces and cities under the Central Government's direct control have adopted that model. The figure represents 5.7% of the nationwide communes, wards, and towns.<sup>4</sup> In preparation for the Twelfth Party National Assembly in 2016, the Politburo issued Directive No. 36, dated 05/30/2014 asking party committees at all levels to develop this model to accomplish a "total political leadership task."

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 just the Communist Party's tools to carry out totalitarian policies.

## 2. Stamping out Opposition

In 2015, there were noticeable disturbances in the CPV's internal activities because of competition between powerful individuals and factions. However, to ensure the ruling party's survival, the criticism within the party to some extent had to be more forthright than in previous years. Meanwhile, to protect the Party's political security, the government still did not tolerate any outside dissent and criticism.

On October 16, 2015, speaking at the Congress of the Party Organization of the Central Public Security Force, Prime Minister Nguyen Tan Dung once again reasserted, "[The police must] timely and effectively dispose of the oppositions to prevent them from catalyzing

<sup>4</sup> *Xây Dựng Đảng. 5 năm thực hiện thí điểm bí thư cấp ủy đồng thời là chủ tịch ủy ban nhân dân*. <http://www.xaydungdang.org.vn/Home/To-chuc/2013/6790/5-nam-thuc-hien-thi-diem-bi-thu-cap-uy-dong-thoi.aspx>

into organizations, and frustrate any hostile forces' conspiracy against the State."<sup>5</sup>



December 16, 2015, lawyer Nguyen van Dai was rearrested on charge of "propaganda against the State"

On November 16, 2015, speaking before the National Assembly, Minister of Public Security Tran Dai Quang said that in the past 3 years the police had handled 1,410 cases, arrested 2680 national security-infringing subjects, and timely prevented the formation of organizations opposed to the CPV. He said, "Since June 2012, the opposition has formed more than 60 illegal associations and groups in the name of democracy and human rights consisting of about 350 participants in provinces and cities."<sup>6</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

<sup>5</sup> Báo điện tử Chính phủ. *Toàn văn phát biểu của Thủ tướng tại Đại hội Đảng bộ Công an Trung ương*. <http://baohinhphu.vn/Cac-bai-phat-bieu-cua-Thu-tuong/Toan-van-phat-bieu-cua-Thu-tuong-tai-Dai-hoi-Dang-bo-Cong-an-Trung-uong/239052.vgp>

<sup>6</sup> Người Lao Động. *Bắt giữ, xử lý 2.680 đối tượng xâm phạm an ninh quốc gia*. <http://nld.com.vn/thoi-su-trong-nuoc/bat-giu-xu-ly-2-680-doi-tuong-xam-pham-an-ninh-quoc-gia-2015111608463095.htm>

for Human Rights, the United Workers-Farmers Association, the Free Journalists Club, the Vietnamese Political and Religious Prisoners Friendship Association, the Patriotic Youth, The Vietnam Path Movement, the Brotherhood For Democracy... continued to be prohibited. Many members of these organizations were tracked down, assaulted, and detained. For example, as of December 2015, eight of the 50 Bloc 8406 members who had been arrested and sentenced to imprisonment were still under detention, including Father Nguyen Van Ly, a co-founder of Bloc 8406. Mr. Tran Huynh Duy Thuc, the leader of the Vietnam Path Organization, was still serving his 16-year 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.

In 2015, by criminalizing citizens' legitimate political activities, the government arrested and convicted a number of political rights activists for alleged violations of the Penal Code:

- Violation of Article 79: former People's Army of Vietnam (PAVN) Lieutenant Colonel Tran Anh Kim and Mr. Nguyen Thanh Tung;

- Violation of Article 88: Mr. Nguyen Huu Quoc Duy, Lawyer Nguyen Van Dai, and Ms. Le Thu Ha;

- Violation of Article 245: college student Nguyen Viet Dung;

- Violation of Article 258: Blogger Ba Sam Nguyen Huu Vinh, journalist Kim Quoc Hoa, Messrs. Pham Minh Vu and Do Nam Trung; Mrs. Nguyen Thi Minh Thuy and Le Thi Phuong Anh. Blogger Ba Sam Nguyen Huu Vinh and Ms. Nguyen Thi Minh Thuy were sentenced to 5 and 3 years in prison respectively on March 23, 2016. Mrs. Le Thi Phuong Anh, Mr. Pham Minh Vu, and Mr. Do Nam Trung were sentenced to 12-month, 18-month, and 14-month prison terms respectively; all three of them were released in

2015 after fulfilling their sentences.

In summary, from central to local levels, only about 4.5 million CPV members out of nearly 92 million Vietnamese citizens are entitled to political activities. The rest are deprived of the right and opportunity to participate in national leadership and administration. Therefore, the Freedom House Organization's *2015 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.<sup>7</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 the right to information in the context of today's Vietnam, this report has a separate section for this issue [See Chapter IV Freedom of Speech].

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

Since 2005, the government had announced a draft Law on Association, but until 2014, and after 11 amendments, the National Assembly has yet put the draft up for discussion and votes.

By the end of 2015, National Assembly Chairman Nguyen Sinh Hung declared that the votes on the draft Law on Association would be postponed until the next Assembly;<sup>8</sup> and it

<sup>7</sup> Freedom House. *Freedom in the World 2015*. <https://freedomhouse.org/report/freedom-world/2015/vietnam>

<sup>8</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)

was possible that it would not be revisited until October 2016.

The unusual delay confirmed the government's fear of people's possible use of this law as a legal means to bypass the state control over the formation of independent organizations. So far, the right of association was determined by the 04-21-2010 Decree No.45/2010/ND-CP on Organization, Operation, and Management of Associations, which was amended and supplemented by the 04-13-2012 Decree No. 33/2012/ND-CP. In the legal context of this Decree, no entity outside the government's control is allowed to exist and operate legally.

In recent years, many civil society organizations were formed and have been operating "illegally," such as: Bloc 8406, the Civil Society Forum, the Association of Former Vietnamese Prisoners of Conscience, the Vietnam Blogger Network, the Brotherhood For Democracy, the Bầu Bí Tương Thân Association, the Peasant Petitioners Association, the Vietnamese Political and Religious Prisoner Friendship Association, the Vietnam Path Movement, the Bạch Đằng Giang Foundation, the Vietnamese Women for Human Rights, the Vietnamese Redemptorist Communications, the Independent Journalists Association of Vietnam, and Viet Labor...

The Communist government is always fearful of the advent of civil society organizations, and afraid that these organizations would "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**

By the end of 2015, the National Assembly still has not consider the draft Law on Demonstration that PM Nguyen Tan Dung submitted in November 2011. 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 2016).<sup>9</sup> It is noticeable that the Ministry of Public Security, the drafting agency of the Law, is the main force behind the delay of the legislative process.<sup>10</sup>

By 2015, gatherings to express views and aspiration were still governed by Decree 38/2005, which required advance permission from relevant People's Committee for any gathering of 5 people or more, and the disclosure of names of the participants, content, and date of the meeting.

However, 2015 was marked by mass protests in many locations for various reasons: victims of land expropriation demanding justice; exploited workers demanding wage and working condition improvement; religious followers demanding freedom; people rising against the Chinese encroachment of the national waters and islands, police violence and 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 ownership continued year-round across the country. There were cases attracting protesters from various regions such as the demonstration in Hanoi on September 8, 2015, that involved Victims of Injustice from Binh Duong, Dong Nai, Binh Dinh, An Giang, Vung Tau, Nghe An, Hai Phong, Bac Giang, and Hai Duong... The most momentous protest happened in December when Victims of Injustice from all three regions of the country gathered for several days to celebrate the International Human Rights Day

<sup>9</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>10</sup> VOA. *Ai 'đạo diễn' lùi Luật Biểu tình: Quốc hội có vượt trên Bộ Công an?* <http://www.voatiengviet.com/content/ai-dao-dien-lui-luat-bieu-tinh-quoc-hoi-co-vuot-tren-bo-cong-an/3204953.html>

in Hanoi.

In 2015, there were 245 nationwide strikes,<sup>11</sup> Compared to 2014, the number decreased by 24; however there are more strikes of greater scale, such as the one of about 90,000 workers of the Pou Yuen footwear company at Tan Binh District, Ho Chi Minh City on March 26 to protest against new regulations of the 2014 Social Security Law.<sup>12</sup>



*April 14, 2015, police repressed demonstrators at the rally against pollution from a coal power plant at Tuy Phong District, Binh Thuan Province. Photo tindachieu*

The year of 2015 also marked the people's increasing environmental awareness. For examples, on March 18, thousands of Hanoi residents marched against the cutting down of trees. On April 15, the inhabitants of Tuy Phong District, Binh Thuan Province garnered lots of attention when they took to the street to protest the smoke pollution from a local coal power plant.

The visit to Vietnam by China President Xi Jinping in November 2015 provided an opportunity for the Vietnamese People to

<sup>11</sup> VOV. *Năm 2015, cả nước xảy ra 245 cuộc đình công*. <http://vov.vn/tin-24h/nam-2015-ca-nuoc-xay-ra-245-cuoc-dinh-cong-464800.vov>

<sup>12</sup> RFA. *Tại sao công nhân Pou Yuen đình công?* [http://www.rfa.org/vietnamese/in\\_depth/y-do-pouyuen-wker-stike-03312015051500.html](http://www.rfa.org/vietnamese/in_depth/y-do-pouyuen-wker-stike-03312015051500.html)

express their opposition to Chinese invasions of Vietnam's land and waters. For three days, from November 3 to November 5, many anti-Xi Jinping demonstrations were held in Hanoi, Saigon, and Can Tho that attracted thousands of participants.<sup>13</sup>

To deal with the strife, the government used security forces in uniform and plainclothes to violently block and suppress the demonstrators. Meanwhile, to deceive the world opinion, the government eased restrictions on less sensitive events such as the LGBT Viet Pride Festival. Ho Chi Minh City's officials even went as far as allowing the Viet Pride Festival to be held in the Parliamentary guesthouse for 4 days.<sup>14</sup> The ease of some restrictions on harmless social groups, in reality, was smokescreens to cover up the violation of human rights of those whom the government considers 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 political rights of the citizens. Thus, the level of political rights enforcement can be measured by the respect of people's freedom of dwelling and freedom of movement, especially those of the dissenting elements.

In addition to detention and imprisonment, the government may restrict people's right to residence and movement in 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 50s of last century. Although such measure has caused many negative consequences in economic and societal areas, the government refuses to give it up because this is one of the most effective means of political and security control.

Another form of control is "administrative detention" regulated by Decree 31/CP, which Mr. Vo Van Kiet issued in 1997. The Administrative decree enables the Provincial People's Committee chairman to decide the citizens' dwelling location, restrict their professional practices, movement, and contact with the public. It also prevents people from being interviewed and participating in government affairs if they are deemed to have infringed upon national security, but not to the extent that they can be prosecuted. Most dissidents in Vietnam have been punished in this manner. Currently, the leading opposition figures such as the Fourth Supreme Patriarch Thich Quang Do and Dr. Nguyen Dan Que are still being kept under house arrest by this measure.

In 2015, in addition to maintaining the above measures, the government blatantly continued to use security forces to carry out acts of interference and arrest, passport confiscation, and home and land eviction on the vague grounds of "protecting national security, social order, and safety", all in pursuance of the 7/17/2007 Decree No. 136/2007/ND-

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<sup>13</sup> RFA. *Công an đàn áp dữ dội các cuộc biểu tình chống Chủ tịch TQ Tập Cận Bình*. [http://www.rfa.org/vietnamese/in\\_depth/anti-xi-protos-thwarted-11052015050314.html](http://www.rfa.org/vietnamese/in_depth/anti-xi-protos-thwarted-11052015050314.html)

<sup>14</sup> Một Thế Giới. *Khai mạc 'Ngày hội tự hào đồng tính 2015' tại Sài Gòn*. <http://motthegioi.vn/van-hoa-giai-tri-c-80/cau-vong-luc-sac-c-131/khai-mac-ngay-hoi-tu-hao-dong-tinh-2015-tai-sai-gon-27822.html>

CP. Followings are some typical cases of the government's violations of the right to freedom of movement and residence under the pretext of "national security":

- On April 3, Noi Bai Airport Security stopped Ms. Le Thu Ha, a member of the Democratic Brotherhood, when she was on her way to Sweden to attend the "Defender Day" Conference.

- On May 5, Mr. Nguyen Tuong Trong, the son of human right activist Nguyen Tuong Thuy, was stopped at Noi Bai Airport as he tried to go to the Philippines.

- On May 7, Mr. Le Anh Hung and Ms. Nguyen Thi Thuy (a.k.a. Maria Thuy) were detained at Noi Bai Airport for "reasons relating to National security."

- On the same day, Mrs. Nguyen Thi Nhung (Ms. Phuong Uyen's mother) was held at Tan Son Nhat Airport when she was on her way to Thailand.

- On May 18, the authorities seized the passport and prohibited Dr. Nguyen Hue Chi, co-founder of Beausite Vietnam, from visiting his daughter in the US.

- On July 11, Mr. Bui Quang Minh's passport was confiscated at Tan Son Nhat Airport upon his return from the Philippines for "national security reasons"

- On July 12, human rights activists Vu Quoc Ngu and Tran Thi To were held back at Noi Bai Airport as they were on the way to attend the Human Rights Training Course in Thailand.

- On July 12, security police stopped Ms. Huynh Thuc Vi at Tan Son Nhat Airport as she was about to depart to Bangkok, Thailand to attend a training course organized by Reporters Without Borders. On the same day, Tan Son Nhat Airport security prevented Ms. Nguyen Thi Hoang (Facebooker Hoang Ngoc) from going to Thailand; and at Noi Bai Airport

security held back activist Tran Thi To as she was on her way to Thailand to visit her fiancé.

- On May 18, 2015, Tan Son Nhat Airport security detained Messrs Vo Van Tao, Dung Mai, Khong Hy Thiem, and Uyen Thao Tran Le as they returned from a training session on communication techniques in Thailand.

- On September 1, Dr. Nguyen Quang A was detained at Noi Bai Airport for "national security reasons" when he returned from the overseas trip.

- On September 2, Tan Son Nhat Airport security stopped student Pham Ha Nam for "national security reasons" as he was on his way to Manila, the Philippines.

- On September 28, Tan Son Nhat Airport security prevented Mr. Hua Phi, Caodaist Chief Administrator and representative of the Inter-Faith Council of Vietnam, from going to Bangkok to attend the Asia-Pacific Region Conference on Religious Freedom.

- On November 12, human rights activist Nguyen Trang Nhung was banned from traveling overseas.

- On November 16, women's rights activist Nguyen Thi Ngoc Lua of Saigon was banned from traveling overseas.

- On December 6, writers Pham Thanh, Nguyen Tuong Thuy, and activists Truong Van Dung and Le Sy Binh of Hanoi were banned from traveling overseas.

Furthermore, using "national security reasons," the government refused to issue or confiscated passports of many dissidents such as Misses Ta Minh Tu, Tran Thi Nga, and Blogger Me Nam Nguyen Ngoc Nhu Quynh...

## 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 2015, 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 mainly aimed to strengthen the CPV's monopoly of speech and the reinforcement of its propaganda machinery with no concession whatsoever to the people's freedom of expression. Decree No. 37/CP of 29 November 2006, signed into law by Prime Minister Nguyen Tan Dung and still effective in 2015, firmly states "no private press under any form, or any organization or individual, is permitted to take advantage of the press to serve personal interests while undermining the state's interests." This means the mass media are owned or led by the state.

Nevertheless, the partial acceptance of a market economy combined with the Internet explosion has turned the control of speech even within

the now commercialized state information agencies into a challenge for the authorities. Therefore, in order to strengthen the control of public opinion and eliminate the people's right to know and to express themselves, in addition to vigorously enforcing existing laws,<sup>1</sup> in 2015 the government has proposed to supplement and amend the 1989 Law on the Press.

On November 4, 2015, the Government of Vietnam officially submitted the draft Law on the Press to the Parliament for reviews and comments. According to the Minister of Information and Communications' report on the revised draft Law on the Press presented to the 10<sup>th</sup> session of the National Assembly VIII, the goal of the Law is to guarantee freedom of the press<sup>2</sup>. Although the draft Law includes 30 new provisions and 29 amended clauses from the current Law, it provides nothing new to the core issues that panelists previously agreed to: "The Press in the Socialist Republic of Vietnam is the messenger of the Party organizations, state agencies, social organizations, and the forum of the people." Therefore, it must be

<sup>1</sup> The specific regulations of freedom of speech applied in 2015 include: the 1989 Press Law; Decree No. 02/2011/ND-CP regarding punishments for activities considered administrative violations in the press; Decree No. 72/2013/ND-CP on the management, provision, and use of Internet services and online information; Decree No. 174/2013/ND-CP regulating the handling of administrative violations in the domain of post, telecommunications, technology and radio frequency bands; and the Circular No. 09/2014/TT-MIC of the Ministry of Information and Communications about the management, provision and use of the information on websites and social networking.

<sup>2</sup> Infonet. *Xây dựng Luật Báo chí (sửa đổi) để đảm bảo quyền tự do báo chí*. <http://infonet.vn/xay-dung-luat-at-bao-chi-sua-doi-de-dam-bao-quyen-tu-do-bao-chi-post181219.info>

responsible for “propagating, disseminating, and contributing to the building and protection of the Party’s guidelines, policies, and State Laws...” (Articles 4 of the March 2, 2016 draft Law on the Press). Thus, the new law does not allow the sharing of the Party’s monopoly on freedom of expression with anybody, which is clarified by Minister Nguyen Bac Son when he spoke about the Politburo’s Resolution forbidding the privatization of the press.<sup>3</sup>

*The press must be responsible for “propagating, disseminating, and contributing to the building and protection of the Party’s guidelines, policies, and State Laws...” (Articles 4 of the March 2, 2016 draft Law on the Press).*

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.<sup>4</sup>

## 2. Governmental Obstruction of Alternative Information Continues

On January 1, 2015, speaking on the VTV1 “Dialogue and Policy” Program on the subject of “dealing with harmful information, Deputy Minister of Information and Communications Truong Minh Tuan affirmed that his Ministry would synchronously implement measures to prevent toxic and harmful information.<sup>5</sup>

<sup>3</sup> Công Thông Tin Điện Tử Quốc Hội Việt Nam. Ủy ban Thường vụ Quốc hội cho ý kiến về dự thảo Luật báo chí (sửa đổi). <http://quochoi.vn/tintuc/Pages/tin-hoat-dong-cua-quoc-hoi.aspx?ItemID=31015>

<sup>4</sup> According to the Ministry of Information and Communications (MI&C), in 2015 the MI&C is managing and directing 858 printing press agencies, 105 electronic press agencies, 207 general e-portals of press agencies, 66 radio, television channels, and 18,000 registered journalists working in Vietnam and abroad.

<sup>5</sup> Báo Mới. Bộ TT&TT sẽ chủ động ngăn chặn thông tin xấu, độc hại trên mạng. <http://www.baomoi.com/bo-tt-tt-se-chu-dong-ngan-chan-thong-tin-xau-doc-hai-tren-mang/c/15758149.epi>

In addition to the proposed measures such as enacting the Information Network Safety Law by the end of 2015, strengthening the screening of Internet information, and strict dealing with violations, other unpublished methods are being systematically carried out: Using technical means such as firewalls, hacking, and installing malicious codes on suspected objects.<sup>6</sup>

Organizationally, the government continues to increase the power and personnel of the control and

propaganda apparatus such as 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>7</sup> to counter human right activists’ street activities.<sup>8</sup> Officially, the Public Security Ministry’s Network Security Department (A68) is an agency responsible for the network information like those of most other countries. The difference is that Vietnam’s Network Security Department serves not the national security and public welfare, but the dominance of the CPV.<sup>9</sup>

Not only has it aimed to suppress independent voices in the country, the government also continued to prevent its people from having access to independent and objective sources

<sup>6</sup> Computerworld. *AusCERT 2015: How governments are using cyber crime tools to target activists.* <http://www.computerworld.com.au/article/576521/auscert-2015-how-governments-using-cyber-crime-tools-target-activists/>

<sup>7</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>8</sup> BBC. *‘Dự 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>9</sup> Báo Mới. *“Những việc cần làm ngay” của ngành Công an năm 2015.* <http://www.baomoi.com/nhung-viec-can-lam-ngay-cua-nganh-cong-an-nam-2015/c/15996797.epi>

through its use of jamming techniques against overseas radio stations broadcasting in Vietnamese and of firewalls to obstruct the so-called ‘reactionary’ websites of overseas Vietnamese and international human rights organizations.

### 3. Unsafe Environment For Professional Journalists

In 2015, the assault on licensed media professionals increased to an alarming rate. Although many beaten journalists did not speak out for various reasons,<sup>10</sup> there were at least 8 cases of assault being widely disseminated on the social network:

- On June 8, Vinh Phu and Linh Hoang, the two reporters of Giao Thong Newspaper, were attacked and robbed of a video camera by a group of thugs while they were collecting information concerning the sand carrying dump trucks that cause unsafe traffic in the area of Long Truong Ward in the 9<sup>th</sup> District of Ho Chi Minh City. They were later evacuated to the hospital as the result of injuries inflicted by the attack.<sup>11</sup>

- On June 17, a man named Le Kim Hung attacked reporter Duong Thanh Xuan of Phu Yen Newspaper with bricks and rocks while latter was taking pictures of the forest fire sentry-post at Cu Mong Pass (Song Cau Town), the attackers wanted to seize the pictures and pushed the reporter’s motorcycle against himself causing injury to the reporter’s arm.<sup>12</sup>

- On June 18, Mr. Tong Van Dat, a reporter of

<sup>10</sup> Dân Trí. “Nhiều phóng viên bị đe dọa, hành hung nhưng chỉ 1/5 số vụ có thông tin”. <http://dantri.com.vn/xahoi/nhieu-phong-vien-bi-de-doa-hanh-hung-nhung-chi-15-so-vu-co-thong-tin-1434872706.htm>

<sup>11</sup> Người Lao Động. *Phóng viên Báo Giao Thông bị côn đồ đánh đập dã man*. <http://nld.com.vn/thoi-su-trong-nuoc/phong-vien-bao-giao-thong-bi-con-do-danh-dap-da-man-20150608204346371.htm>

<sup>12</sup> Dân Trí. *Phóng viên Báo Phú Yên bị hành hung khi tác nghiệp*. <http://dantri.com.vn/xahoi/phong-vien-bao-phu-yen-bi-hanh-hung-khi-tac-nghiep-1435983792.htm>

the Tuoi Tre Thu Do Magazine, and two other reporters from the Tri Thuc Tre and Thuong Hieu va Cong Luan Magazines, Messrs Nguyen Hoang Long and Tran anh Duc, were hit on the heads with electric truncheons and repeatedly punched when they were investigating claims of improper handling of traffic violations by Van Quan Ward police.<sup>13</sup>



*Photos of some state-registered journalists seriously attacked in 2015-2016. Photos selected by laodong.com.vn*

- On August 28, a reporter from the Doi Song va Phap Luat (Life and Law) Magazine was attacked by dogs that were unleashed by employees of Thanh Do Garage at Nhat Tan Village, Binh Chanh District, Ho Chi Minh City, while he was investigating allegations of traffic police taking kickbacks to protect the operations of overloaded trucks.<sup>14</sup>

- On September 4, two men stopped Thai Nguyen TV and Radio Station’s reporter Nguyen Ngoc Quan and his wife at Gia Bay

<sup>13</sup> Đại Kỷ Nguyên. *Phóng viên bị hành hung khi đang ghi hình công an ngay tại chốt giao thông*. <http://www.dai-kynguyenvn.com/viet-nam/phong-vien-bi-hanh-hung-khi-dang-ghi-hinh-cong-an-ngay-tai-chot-giao-thong.html>

<sup>14</sup> Người Đưa Tin. *Vụ bắt báo kê xe tải: Gara Thành Đô thả chó tấn công phóng viên*. <http://www.nguoiduatin.vn/vu-bat-bao-ke-xe-tai-gara-thanh-do-tha-cho-tan-cong-phong-vien-a204046.html>

Bridge area. They then slashed the couple with knives, causing severe injuries. (Mr. Quang authored many articles revealing the illegal extraction of mineral in the province).<sup>15</sup>

- On October 28, police brutally attacked journalist Do Hoang Duy of Hai Phong News Paper when he was reporting the dispute between a number of material suppliers and Phuc An JSC located at Kien An, Hai Phong.<sup>16</sup>

- On November 3, Mr. Tran Cong Tuan, chief of the Nguoi Lao Dong News Papers Bureau in the Mekong Delta was attacked, punched in the face, scolded, and ripped of his camera by Mr. Tran Duy Long, a member of the Urban Infrastructure Development Corporation (UIDC), when he was investigating the dispute between the Corporation and its subcontractors.<sup>17</sup>

- On December 21, two men wearing guard uniforms assaulted reporter Le Thanh Hieu of Tri Thuc Online Media (Zing.com) when he was on a reporting trip at Xuan Phuong urban area.<sup>18</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 because their

<sup>15</sup> VietnamNet. *Phóng viên báo Hà Nội Mới tố bị hành hung khi tác nghiệp*. <http://vietnamnet.vn/vn/xa-hoi/261942/phong-vien-bao-ha-noi-moi-to-bi-hanh-hung-khi-tac-nghiep.html>

<sup>16</sup> Việt Báo. *Hải Phòng: Nhà báo bị công an hành hung khi tác nghiệp*. <http://vietbao.vn/Xa-hoi/Hai-Phong-Nha-bao-bi-cong-an-hanh-hung-khi-tac-nghiep/70028519/157/>

<sup>17</sup> Người Lao Động. *Không cấu thành tội hình sự nên chỉ xử hành chính*. <http://nld.com.vn/phap-luat/cong-an-tp-soc-trang-co-dung-tung-bao-luc-2016012015004306.htm>

<sup>18</sup> Pháp Luật. *Một phóng viên bị hành hung khi đang tác nghiệp*. <http://plo.vn/an-ninh-trat-tu/mot-phong-vien-bi-hanh-hung-khi-dang-tac-nghiep-602750.html>

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.

One typical case involved the Ministry of Information and Communication’s February 9, 2015 decision to take away the press pass from Mr. Kim Quoc Hoa, Editor-in-chief of the Elderly Magazine and revoke the license of the Magazine’s electronic pages and its domain [www.nguoi-caot-voi.org.vn](http://www.nguoi-caot-voi.org.vn). On May 12, 2015, the editor was indicted for having allegedly violated Article 258 of the Penal Code. It is widely believed that the elder journalist was disciplined because of his anti-corruption articles, especially the ones exposing the wide range of ill-gotten properties of former Government Inspector General Tran Van Truyen.<sup>19</sup>

Another case involved the Ministry of Information and Communication’s decision to take away the press pass from journalist Do Hung who had previously been dismissed from the position of Deputy General Secretary of the Tuoi Tre (Youth) Online Newspaper’s editorial office. Mr. Hung was dismissed because his articles were inconsistent with the CPV policy on issues such as the regime’s false democratic nature and encouragement of demonstrations against Chinese encroachment of the national seas and islands.

On the press issue, the government continues to take disciplinary measures such as fines or revocation of licenses as the means of control and deterrence. For examples, the *Doi song va Phap luat* (Life and Law Newspaper) was fined 30 million VND for having published an article about Defense Minister Phung Quang Thanh on its electronic pages; the *Nguoi Dua Tin* (the Messenger) online Media was levied 15 million VND for its July 24, 2015 article titled “China has gone too far in tensions in the South China Sea.”

<sup>19</sup> RFA. *Tại sao khởi tố Tổng biên tập Kim Quốc Hoa?* [http://www.rfa.org/vietnamese/in\\_depth/y-treat-anti-corrup-edi-in-chn-02092015052749.html](http://www.rfa.org/vietnamese/in_depth/y-treat-anti-corrup-edi-in-chn-02092015052749.html)

## 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 along with the application of vague restrictions of the 1999 Penal Code to take them to court and imprison them.

### 4.1 Criminalization of Bloggers

In 2015, 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 bloggers was still evident, as follows:

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

Mr. Le Thanh Tung, an independent journalist who was released in June 2015 after having served a three-and-a-half-year prison term on charges of violating article 79 of the Penal Code, was rearrested in December 2015.

Army veteran Lieutenant-Colonel Tran Anh Kim, a dissident who spoke out and wrote many articles demanding democracy for Vietnam, was sentenced to 5 years and 6 months in prison in 2009. He was released in January 2015 and rearrested in October the same year.

- Accused of violating Article 88 of the Penal Code, "Conducting propaganda against the Socialist Republic of Vietnam":

Khanh Hoa Province police arrested Mr. Nguyen Huu Quoc Duy for having spread "propaganda against the State" on social



*March 23, 2016, blogger Ba Sam Nguyen Huu Vinh and his assistant Nguyen Thi Minh Thuy stood trial at Hanoi People's Court. They were arrested in May 2014.*

networks.

Mr. Nguyen Van Dai, a lawyer and leading human rights activist in Vietnam with many articles advocating democracy-human rights, was released in March, 2011 after he had served a four-year prison term, was arrested again in December 2015 for the same alleged crime that he was said to have committed during his earlier detention.

Ms. Le Thu Ha is Lawyer Nguyen van Dai's colleague in the Brotherhood for Democracy.

- Accused of violating Article 245 of the Penal Code, "Causing public disorder":

Mr. Nguyen Viet Dung, a student nicknamed 'Dung Phi Ho' on social networks, was arrested in Hanoi in April 2015 while participating in the demonstration for the protection of live trees.

- 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 Ba Sam Nguyen Huu Vinh, owner of the Ba Sam Blog and Mrs. Nguyen Thi Minh

Thuy, his assistant, were arrested on May 5, 2014. On March 23, 2016, he and Mrs. Thuy were sentenced to 5 and 3 years in prison respectively. The webpage was famous for its articles exposing the true nature of the regime.

Three human rights activists Mrs. Le Thi Phuong Anh, Mr. Pham Minh Vu, and Mr. Do Nam Trung were arrested when they were taking pictures and filming the demonstration protesting China in May 2014. On December 2, 2015, the court sentenced Mrs. Le Thi Phuong Anh, Mr. Pham Minh Vu, and Mr. Do Nam Trung to 12-month, 18-month, and 14-month prison terms respectively. All three of them were released in 2015.

#### 4.2 Suppression with Police Violence

No bloggers and 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, vandalization of residences with improvised projectiles or dirty substances, unlawful intrusions, or even forced interrogation at police stations without court orders, and assaults causing injury.

In 2015, there were at least 36 violent attacks against human rights activists,<sup>20</sup> most of whom were bloggers. Following are illustrating cases:

- On January 26, two security police stormed the house and attacked blogger Huynh Cong Thuan as he opened the door to call for help to deal with police encirclement and intimidation which had started the day before. In September 2011, he was also a victim of violent attacks

<sup>20</sup> Civil Rights Defenders. *Assaults on Human Rights Defenders on the Rise in Vietnam*. <http://www.civilrights-defenders.org/news/assaults-on-human-rights-defenders-on-the-rise-in-vietnam/>

resulting in severe injuries.<sup>21</sup>



May 11, 2015, blogger and human rights defender Nguyen Chi Tuyen was brutally attacked by police disguised as thugs in Hanoi.

- On April 22, blogger Trinh Anh Tuan (a.k.a. Gio Lang Thang), a webpage administrator, was severely beaten by his watchers after he had called for transparency in the policy that authorized indiscriminate tree cutting in Hanoi.<sup>22</sup>

- On May 11, a group of security police disguised as thugs stopped and assaulted blogger Nguyen Chi Tuyen when he was on his way home after he had picked up his child from school. He had to be rushed to the hospital because of head injuries.<sup>23</sup>

- On May 19, two security personnel stopped and beat blogger Dinh Quan Tuyen (a.k.a. Tuyen

<sup>21</sup> Dân Làm Báo. *Mật vụ CS chặn cửa, hành hung anh Huỳnh Công Thuận*. <http://danlambaovn.blogspot.com/2015/01/mat-vu-cs-chan-cua-hanh-hung-anh-huynh.html>

<sup>22</sup> RFA. *Blogger Trịnh Anh Tuấn bị đánh hội đồng vỡ đầu*. <http://www.rfa.org/vietnamese/vietnamnews/activ-brut-beate-04222015095116.html>

<sup>23</sup> GNSP. *Dư luận phản nộ khi Blogger Nguyễn Chí Tuyền bị ‘côn đồ’ tấn công*. <http://www.tinmungchonguoingheo.com/blog/2015/05/11/du-luan-phan-no-khi-blogger-nguyen-chi-tuyen-bi-con-do-tan-cong/>

Xich Lo) and left him with a broken nose.<sup>24</sup>

- On September 23, five members of the TV Conscience, an Internet program advocating human rights, were arrested and their equipment seized. Many bloggers and supporters who gathered at the police station of Hai Ba Trung Ward demanding their release were chased away and assaulted. Blogger Doan Trang was hit in the face, resulting in bleeding from the mouth.<sup>25</sup>

- On December 6, security police disguised as thugs blocked the way, attacked, and injured lawyer/blogger Nguyen Van Dai and his three young friends Ly Quang Son, Vu Duc Minh, and Le Manh Thang who were on their way back to Hanoi after participating in a human rights seminar on the International Human Rights Day in Vinh.<sup>26</sup>

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

In 2015, 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, YouTube ... and 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 Chabrol.net, in 2015, up to 39.8 million people in Vietnam used the Internet, of which 28 million have social networking accounts.<sup>27</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 stature of the advocacy for human rights and democracy:

- The bimonthly Tu Do Ngon Luan Magazine, started out in April 2006, has regularly appeared on the Internet, which, by the end of 2015, has distributed 234 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 “We Are One” in 2015.

- The Independent Journalists Association of Vietnam, an independent and professional journalist organization that was launched in July 2014, has not stopped growing. After one year of existence, its membership has increased 200%, to 88 members.<sup>28</sup>

- The mass media skills training, which has been provided by the Redemptorist priests of Thai Ha Parish since 2011, is now moving to

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<sup>24</sup> Dân Lâm Báo. *Anh Đình Quang Tuyển bị côn an mật vụ đánh đổ máu*. <http://danlambaovn.blogspot.com/2015/05/anh-inh-quang-tuyen-bi-con-mat-vu-anh-o.html>

<sup>25</sup> RFA. *Các thành viên của chương trình ‘Lương Tâm TV’ bị sách nhiễu hăm dọa*. [http://www.rfa.org/vietnamese/in\\_depth/indepen-online-tv-ltam-harra-ss-09242015065943.html](http://www.rfa.org/vietnamese/in_depth/indepen-online-tv-ltam-harra-ss-09242015065943.html)

<sup>26</sup> Dân Luận. *Luật sư Nguyễn Văn Đài bị hành hung sau “Thảo luận nhân quyền*. <https://www.danluan.org/tin-tuc/20151206/luat-su-nguyen-van-dai-bi-hanh-hung-sau-thao-luan-nhan-quyen>

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<sup>27</sup> chabrol.net. *Internet statistics in Vietnam 2015 including Social media and Mobile*. <http://chabrol.net/2015/06/09/internet-statistics-in-vietnam-2015/>

<sup>28</sup> Vietnamdaily.com. *Số thành viên Hội Nhà Báo Độc Lập tăng gấp ba lần*. <http://www.vietnamdaily.com/?c=article&p=93870>

the provinces of Central Vietnam.<sup>29</sup>

For their serious violations of Freedom of Expression and Information, the Vietnam government, in 2015, repeatedly received negative reviews and warnings from national and international human rights organizations:

- Reporters Without Borders placed Vietnam near the bottom of its 2015 World Press Freedom Index, 175<sup>th</sup> out of 180 countries, down one place compared to 2014 (174<sup>th</sup>), and better only than China, Syria, Turkmenistan, North Korea and Eritrea.<sup>30</sup>

- Freedom House, in its Freedom of the 2015 Press Index, put Vietnam in the Not Free category, with a score of 86/100 points, down 2 points compared to 2014, and equal to China at 38<sup>th</sup> place out of 40 countries in Asia Pacific region (0 = best, 100 = worst).<sup>31</sup> For Internet freedom, Vietnam was scored 76 points for 2015 (no change compared to 2014).<sup>32</sup>

- The Committee to Protect Journalists ranked Vietnam the sixth most censored country in the world in 2015.<sup>33</sup>

- Human Rights Watch reported on the freedom of speech in Vietnam in 2015, as follows: “Basic rights, including freedoms of speech, opinion, press, association, and religion, are restricted. Rights activists and dissident bloggers face constant harassment and intimidation, including

physical assault and imprisonment.”<sup>34</sup>

- PEN International, in its Resolution on Vietnam passed by its Congress in Québec, Canada October of 2015, asserted that, “The Socialist Republic of Vietnam is a one-party authoritarian state where pervasive restrictions on freedom of expression exist.”<sup>35</sup>

<sup>29</sup> GNsP. *Linh mục Dòng Chúa Cứu Thế tổ chức khoá Truyền Thông khu vực Vinh*. <http://www.tinmungc-honguoiingheo.com/blog/2015/11/24/linh-muc-dong-chua-cuu-the-to-chuc-khoa-truyen-thong-khu-vuc-vinh/>

<sup>30</sup> Reporters Without Borders. *2015 World Press Freedom Index*. <https://index.rsf.org/#!/index-details/VNM>

<sup>31</sup> Freedom House. *Freedom of the Press 2015*. <https://freedomhouse.org/report/freedom-press/2015/vietnam>

<sup>32</sup> Freedom House. *Freedom on the Net 2015*. [https://freedomhouse.org/sites/default/files/FH\\_FOTN\\_2015Report.pdf](https://freedomhouse.org/sites/default/files/FH_FOTN_2015Report.pdf)

<sup>33</sup> CPJ. *10 Most Censored Countries*. <https://cpj.org/2015/04/10-most-censored-countries.php>

<sup>34</sup> HRW. *World Report 2016*. <https://www.hrw.org/world-report/2016/country-chapters/vietnam>

<sup>35</sup> EN. *Resolution #16: The Socialist Republic of Vietnam*. <http://www.pen-international.org/wp-content/uploads/2014/10/16.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 socialism, has consistently sought to restrict the people's religious freedoms by various means:-

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

### 1. Legal Prohibition

Although Vietnam's 1992 Constitution, as amended in 2013, guarantees the right to Freedom of Belief for all (Article 24<sup>1</sup>), the 2004 Ordinance on Religion and Belief and Decree No.92/2012 (replacing Decree No.22/2005)

<sup>1</sup> Article 24 of the Constitution of the Socialist Republic of Vietnam: 1) Everyone has the right to freedom of belief and religion, and has the right to follow any religion or to follow no religion. All religions are equal before law. 2) The State shall respect and protect the freedom of belief and religion. 3) No one may violate the freedom of belief and religion, nor may anyone take advantage of a belief or religion in order to violate the law.

provide stricter conditions and regulations for registration, training, appointment, and renovation of religious buildings, etc.

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

Such regulations imply that the state can arbitrarily approve or disapprove, disband, and prosecute any religious organization that it deems to be "violating national security," "sowing division among the people," "causing public disorder," or "disseminating information against the state's prevailing laws and policies" as specified in the current penal code.

Under such strict legal conditions, many churches and religious organizations such as the Unified Buddhist Church of Vietnam, the Orthodox Hoa Hao Buddhist Church, the Traditional Cao Dai, and many Protestant denominations have been outlawed, made illegal and further suppressed in many different ways.

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

Annually, local religious organizations must submit the list of people on their executive boards and the expected annual activities to local authorities (Article 3). All religious associations, as well as monasteries, must comply with registration procedures, which include the declaration of purpose, personnel, organization, assets, and international relations, if any. The government has full discretion to allow or prohibit such activities (Article 12 & 13). The government reserves the right to authorize or prohibit religious institutions from the construction of training facilities and to control recruits and teachings at these facilities (Article 14 & 15). Ordination, appointment, and transfer of clerics at all levels must have the approval of the relevant government authorities depending on their titles (Articles 19, 20, 21 & 22). Religious conferences and plenum, ceremonies, evangelical work outside religious establishments, construction, upgrading of existing structures, and fundraising must have official approvals (Articles 31-36).

On March 24, 2015, the Interior Ministry's draft Law on Belief and Religion No. 4 was sent to every local government and 62 religious organizations together with a memorandum requesting comments about the draft. Besides conventionalized opinions from local authorities and the Fatherland Front, the Ministry has also received a number of straightforward suggestions from the General Association of Protestants in North Vietnam, dioceses of Vinh, Kontum, Xuan Loc, and Bac Ninh, especially from the Catholic Bishops' Conference of Vietnam. Many religious organizations and civil society organizations in and outside of Vietnam also expressed their views. On August 4, 2015, the National Assembly received the draft Law on Belief and Religion No. 5 from

the government and on August 14, provided comments about it.

Despite it being more progressive than current law and previous drafts, such as giving religious organizations more rights related to education, health, social assistance, and prisoners' religion, etc., the latest draft still contains issues contrary to the spirit of the freedom of religion in the International Human Rights Law. Control mechanisms including procedures of registration and reporting internal activities of religious organizations as well as denying their legal entity, etc., are still used by the government. That was why, in the conclusion of its observations made on May 4, 2015, the Catholic Bishops' Conference stated that "the current draft law is a step backward from the 2004 Ordinance on Belief and Religion, as it contains too many cumbersome procedures, tough mechanisms and bounds for religious activities to operate."

Furthermore, to limit the activities and influences of religious organizations, the government resorted to the 2003 Land Law, amended several times, to permanently take away the churches' properties including schools, infirmaries, and social service offices. After taking complete control of South Vietnam, the Communist Government confiscated all land 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 capabilities; however, a large number of them are being exploited by the government for profits. They are turned into discos, hotels, or condominiums for state officials. The expropriation of religious institutions as means of limiting religious activities continues. Following are typical cases in 2015:

- The seizure of land from Thien An Monastery in Thuy Bang hamlet, Huong Thuy district of

Thua Thien province.<sup>2</sup>

- The ravage of Tuy An Cao Dai Monastery in An Cu hamlet, Tuy An district of Phu Yen province.<sup>3</sup>

- The decision made by Ho Chi Minh City District 2 to seize the land used by Lien Tri Temple, managed by Venerable Thich Khong Tanh.<sup>4</sup>

- The occupation by Khanh Hoa provincial government of the Nha Trang Redemptorist Monastery.<sup>5</sup>



October 23, 2015, Sisters of Holy Cross' Lovers in Thu Thiem staged a prayer vigil against the government's destruction of their facilities. Photo

<sup>2</sup> Dân Làm báo. *Nhà cầm quyền tiếp tục cướp đất dân viện Thiên An, Huế.* <http://danlambaovn.blogspot.com/2015/11/nha-cam-quyen-tiep-tuc-cuop-at-vien.html>

<sup>3</sup> GNsP. *Nhà cầm quyền tỉnh Phú Yên phá hủy Thánh thất Đạo Cao Đài.* <http://www.tinmungchonguoinhgo.com/blog/2015/04/26/nha-cam-quyen-tinh-phu-yen-pha-huy-thanh-that-dao-cao-dai/>

<sup>4</sup> GNsP. *Thông báo khẩn của Hội đồng Liên tôn Việt Nam về Chùa Liên Trì, Thủ Thiêm.* <http://www.tinmungchonguoinhgo.com/blog/2016/01/01/thong-bao-khan-cua-hoi-dong-lien-ton-viet-nam-ve-chua-lien-tri-thu-thiem/>

<sup>5</sup> Thanh Niên Công Giáo. *Khánh Hòa: Chính Quyền Chiếm Đoạt Và Tư Nhân Hóa Tu Viện DCCT Nha Trang.* <http://thanhnienconggiao.blogspot.fr/2015/04/khanh-hoa-chinh-quyen-chiem-oat-va-tu.html>

- The continuous terrorism by Dak To district authorities against faithfuls using their houses as places of worship.<sup>6</sup>

- The menace of a forceful takeover by Ho Chi Minh City District 2 against the Congregation of The Holy Cross' Lovers of Thu Thiem.<sup>7</sup>

## 2. Organizational Control

Since its takeover of power, the VCP has made the control of religions its 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>8</sup>

In 2015, the Government Committee for Religious Affairs was headed by police Major General Pham Dung, a member of the VCP Police Central Committee, formerly Head of the General Security Division II and Deputy Minister of the Interior. In late 2015, he was promoted to Lt-General and became a Police

<sup>6</sup> VRNs. *Chính quyền huyện Đắk Tô tiếp tục khủng bố giáo dân có nhà dùm làm nơi thờ phượng.* <https://chua-cuuthenews.wordpress.com/2015/04/14/chinh-quyen-huyen-dak-to-tiep-tuc-khung-bo-giao-dan-co-nha-dung-lam-noi-tho-phuong/>

<sup>7</sup> VOA. *Chính quyền Việt Nam đập phá cơ sở Dòng Mến Thánh Giá Thủ Thiêm.* <http://www.voatiengviet.com/content/chinh-quyen-viet-nam-dap-pha-co-so-dong-men-thanh-gia-thu-thiem/3019929.html>

<sup>8</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)

Deputy Minister. The position is, however, currently assumed by Mr. Le Vinh Tan, member of the CPV Central Committee and Deputy Minister of the Interior.

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.

Equipped with those powerful offices, the government in 2015 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, etc. must receive previous government approval. The government still 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>9</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 Buddhist Representative 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

<sup>9</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>



*July 3, 2015, Plain clothes police and thugs obstructed the Hoa Hao Buddhists to commemorate the anniversary of their religion founding day in district Cho Moi, An Giang. Photo: Defend the defenders*

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. With respect to the Vietnamese Catholic Church, the Communists diminished the role of the Vietnam Catholic Conference of Bishops by fostering the Vietnam Committee for Catholic Solidarity.

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

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

- On January 2, the Orthodox Hoa Hao Buddhist Church was prevented by Vinh Long province police from organizing the introduction of its 2014-2018 leadership in Dong Thanh hamlet of Binh Minh town in Vinh Long, and from its annual three-day solemn commemoration of Hoa Hao church founding day, its Founder Huynh's birthday, and the day he was assassinated by the Viet Minh (name of the CPV movement during 1945-1950).

- On May 6 and 16, Christians in Nam Po and Muong Nhe districts of Dien Bien province were forbidden by local authorities from holding the Feast of the Ascension, allegedly due to political security and social order.

- On May 27, the Nhon Sanh Bloc of the Tay Ninh Cao Dai Church was violently prevented by Tay Ninh provincial authorities, in collaboration with state-directed faithfuls, from organizing its Nhon Sanh Festival.

- On June 7, Archbishop Leopoldo Girelli, papal representative for Vietnam, and Bishop Hoang Duc Oanh, were obstructed by Gia Lai provincial authorities from paying their pastoral visit to a number of minority faithfuls in the diocese.

- On September 28, Executive Chief Hua Phi, Co-Chairman of the Interfaith Council of Vietnam, was prevented by the Tan Son Nhut airport police from leaving for Thailand to participate in the seminar on freedom of religion for Southeast Asia.

- On December 24, Catholic priests in Kontum were prevented by provincial authorities from offering Christmas celebration to their faithfuls in isolated areas of the Kontum parish.



*April 18, 2015, Pastor Nguyen Hong Quang was seriously injured by thugs' attack. Photo FM Huynh Trong Hieu*

### 3. Violent Suppression

Together with sophisticated measures of prevention, restriction, and control, the Vietnamese Communist Government has always been ready to resort to armed violence to suppress religious organizations when necessary; violence often serves as a measure of threat, or is also used when an event escapes government control.

In 2015, while lessening its use of criminalization of religious rights activists, the government relies more on violent suppression by security force, especially those disguised as thugs, for threat and domination purposes. Following are some typical well-known cases:

- On January 15, security forces, both in uniform and in plain clothes, tried to prevent Hoa Hao Buddhist Church faithfuls from gathering to celebrate their Founder Huynh's birthday at the Quang Minh Temple in Long Dien A hamlet of Cho Moi district in An Giang province, resulting in serious injuries.<sup>10</sup>

- On January 18, Pastors Nguyen Hong Quang and Huynh Thuc Khai were severely injured in an attack by a group of people in Thanh Loc ward, district 12 of Ho Chi Minh city.<sup>11</sup>

- In February 2015, a number of H'Mong Protestants in Dien Bien province, north-west of Vietnam, were forced by local officials, through harassment, beatings, property confiscation, and threats, to abandon their religion in exchange for residence in their tribes.<sup>12</sup>

- On March 22, a group of police agents disguised as thugs surrounded and threatened to attack Venerable Thich Khong Tanh and Father Phan Van Loi of the Interfaith Council of Vietnam when both met in a visit at a private house in Hue.<sup>13</sup>

- On May 27, about 200 Cao Dai faithfuls of the Nhon Sinh Bloc were gathering on the Tay Ninh Church premises to organize its congress when some 100 civilian security agents and police in uniform, mixed with a number of state-controlled Cao Dai faithful, tried to interfere.

Six victims were beaten.<sup>14</sup>

- On August 30, Mr. Ma Van Pa, a 30-year-old H'Mong follower of Duong Van Minh faith in Cao Bang province, was kidnapped by the police who ruthlessly tortured him for 2 days in a row, allegedly due to his meeting with the US Council of International Religious Freedom (USCIRF) in Hanoi on August 29, 2015.<sup>15</sup>

- On December 31, Father Dang Huu Nam, a devoted activist for religious freedom in the Vinh Diocese, was stopped and ruthlessly beaten by a group of villains. The attack took place under the eyes of the An Hoa hamlet police chief who stood watching coldly on the other side of the street.<sup>16</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 2015:

- The Interfaith Council of Vietnam, made up of representatives of independent religious organizations, has carried out many activities

<sup>10</sup> RFA. *Lễ Đản Sinh Đức Huỳnh Giáo Chủ bị ngăn cản*. [http://www.rfa.org/vietnamese/in\\_depth/hoa-hao-surro-suppr-01152015053319.html](http://www.rfa.org/vietnamese/in_depth/hoa-hao-surro-suppr-01152015053319.html)

<sup>11</sup> Việt Nam Thời Báo. *Mục sư Nguyễn Hồng Quang bị "côn đồ" hành hung đến thổ huyết*. <http://www.ijavn.org/2015/01/muc-su-nguyen-hong-quang-bi-con-o-hanh.html>

<sup>12</sup> RFA. *Người H'mong theo đạo Tin Lành ở Điện Biên lại bị sách nhiễu*. [http://www.rfa.org/vietnamese/in\\_depth/ethnic-christians-in-northwestern-vn-forced-to-abandon-their-belief-02282015073035.html](http://www.rfa.org/vietnamese/in_depth/ethnic-christians-in-northwestern-vn-forced-to-abandon-their-belief-02282015073035.html)

<sup>13</sup> Việt Nam Thời Báo. *Hòa thượng Thích Không Tánh đang bị 'côn đồ' bao vây hành hung tại Huế*. <https://www.facebook.com/ijavn.org/posts/341051812758174>

<sup>14</sup> *Tường trình riêng gửi Báo Cáo Viện Đặc Biệt của Liên Hiệp Quốc về Quyền Tự Do Tôn Giáo hoặc Tín Ngưỡng*. <http://dvov.org/wp-content/-Ba-Sanh-Hieu-Xuan-ver-025.pdf>

<sup>15</sup> Dân Làm Báo. *Tin đồ Hmông Ma Văn Pá bị công an Việt Nam bắt cóc và tra tấn*. [danlambao.vn.blogspot.com/2015/09/tin-o-hmong-ma-van-pa-bi-cong-viet-nam.html](http://danlambao.vn.blogspot.com/2015/09/tin-o-hmong-ma-van-pa-bi-cong-viet-nam.html)

<sup>16</sup> RFA. *Linh mục An Tôn Đặng Hữu Nam trả lời phỏng vấn việc bị hành hung*. [http://www.rfa.org/vietnamese/in\\_depth/Catholic-priest-attacked-by-thugs-01172016094353.html](http://www.rfa.org/vietnamese/in_depth/Catholic-priest-attacked-by-thugs-01172016094353.html)

in 2015 to advocate for freedom of religion, such as participating in hearings and meetings with international human rights organizations, denouncing religious oppression, and protesting against the draft Law on Belief and Religion.

- 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 4 quarterly reports on violations of religious freedom.

- At the 28<sup>th</sup> UN Human Rights Council meeting on March 10 and 11, 2015, the UN Special Rapporteur on Freedom of Religion or Belief, Prof. Heiner Bielefeldt, mentioned in his official report of his mission in Vietnam from July 21 to 31, 2014, that “religious life and religious diversity are a reality in Viet Nam today, autonomy and activities of independent religious or belief communities, so-called unrecognized ones, remain restricted and unsafe, with their rights to freedom of religion or belief grossly violated in the face of constant surveillance, intimidation, harassment and persecution.” This was the second time Vietnam allowed a UN Special Rapporteur on Freedom of Religion or Belief to visit Vietnam. The defunct Special Rapporteur Amor Abdelfatah’s report from his 1998 visit to Vietnam also had similar conclusions.<sup>17</sup>

- In its 2015 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”

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<sup>17</sup> Vietnam Human Rights Network. *Civil and Political Rights, including the Question of Religious Intolerance, Report submitted by Mr. Abdelfattah Amor, Special Rapporteur, in accordance with Commission on Human Rights resolution 1998/18*. <http://www.vietnamhumanrights.net/english/documents/amoren.htm>

(CPC) because “The Vietnamese government continues to control all religious activities through law and administrative oversight, restrict severely independent religious practice, and repress individuals and religious groups it views as challenging its authority, including independent Buddhists, Hoa Hao, Cao Dai, Catholics, and Protestants.” In June of 2015, USCIRF suspended a visit to Vietnam as Vietnam refused to issue an entry visa.

In a visit to Vietnam from October 4 to 11, 2015, a delegation of the US State Department’s Office of International Freedom of Religion met with a number of Vietnamese officials of the Ministry of Foreign Affairs, the Government Committee for Religious Affairs, several state-controlled as well as independent religious organisations to learn about religious life in the country.

- The Conference on Freedom of Religion or Belief in South-East Asia, held in Bangkok, Thailand, from September 29 to October 1, 2015, was attended by many human rights activists and members of religions and civil society organizations from 10 ASEAN countries and from other countries like Britain, France, Germany, United States, and Ireland. Representatives from Vietnamese organizations inside and outside of Vietnam also participated and raised concerns about freedom of religion in Vietnam.<sup>18</sup>

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<sup>18</sup> RFA. *Hội nghị tự do tôn giáo khu vực Đông Nam Á*. [http://www.rfa.org/vietnamese/in\\_depth/region-confession-free-of-religion-10012015121259.html](http://www.rfa.org/vietnamese/in_depth/region-confession-free-of-religion-10012015121259.html)

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

The rights of workers attracted more attention in 2015 when Vietnam was participating in the negotiation process of the Trans-Pacific Partnership Agreement (TPP). Many have advocated for the Agreement believing that workers' rights will be better promoted if the participating countries approve the Agreement. However, until the Vietnamese government accepts and follows through with the TPP Agreement clauses related to labor rights, the rights of workers, especially the right to organize unions and the right to strike, are still violated in legislation and in practice in 2015.

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

Vietnam amended the 1994 Labor Law and the 1990 Trade Union Act in 2012. Despite these amendments, both Laws still maintain the positions and functions of trade unions as the Communist Party's peripheral organizations. It is illegal to establish workers' organizations outside of the Vietnam General Confederation of Labor (VGCL).<sup>1</sup>

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

- Article 204 only allows strikes when there are interest-based collective labor disputes; for rights-based collective labor disputes, the

<sup>1</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."

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." However, no one could hold a roll call or would dare to go around collecting signatures, for doing so would result in arrest. Mr. Mai Duc Chinh, Vice President of the VGCL, even admitted that these conditions were not realistic as they are hardly feasible.<sup>2</sup>

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

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

On January 12, 2015, Decree No. 05/2015/NĐ-CP was issued, containing details and guidance for the implementation of some parts of the Labor Law, by which wages and other benefits of unauthorized participants in a labor strike

<sup>2</sup> Tiền Phong Online. *Cho phép đình công để bảo vệ công đoàn*. <http://www.tienphong.vn/Kinh-Te/574966/Cho-phiep-dinh-cong-de-bao-ve-cong-doan-tpp.html>

would be legally denied for the whole strike period.

With such strict conditions, no legal strikes can take place. In fact, after the 2012 Labor Law went into effect, there has been not a single legal strike organized and led by the Union in due process.

## 2. Violations of Workers' Rights in Practice

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

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

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

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 coming into existence, purporting to unite workers to support its policies and programs of action. No change has taken place regarding the CPV policies and programs of action to this day, with VGCL members having reached around 9 million in about 121,000 grassroots-level unions.<sup>3</sup> VGCL

<sup>3</sup> Tổng Liên Đoàn Lao Động Việt Nam. *Báo cáo kết quả hoạt động công đoàn năm 2015 - Nhiệm vụ năm 2016*, trang 2.

core members are all communists, from its top leader, a CPV Central Committee member, down to all its basic union chairmen who, to keep its control over union activities, have to "carry out the CPV's platform and policies..."<sup>4</sup> The unions also serve as training grounds for CPV prospective members. In 2015, 133,205 of them were introduced of which 76,530 became party members.<sup>5</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 must set aside 2% of their workers' wages for the VGCL; yet, with workers who are union members, an extra 1% of their salary is forcibly taken 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 Ministry of Labor, War Invalids, & Social Affairs is responsible for. Workers' attempts to demand legitimate rights for them have received neither sympathy nor support from VGCL. On the contrary, VGCL members always side with company bosses in trying to suppress and neutralize labor strikes as well as labor rights defense organizations.

### 2.2. Violations of Workers' Rights in Practice: Worker Exploitations

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

<sup>4</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>5</sup> Tổng Liên Đoàn Lao Động Việt Nam. *Op.cit.*

was triggered by wage disputes.<sup>6</sup> According to a study by the Institute for Workers - Trade Unions in 2015, the current minimum wage only meets 74-75% of the minimum living standards for workers.<sup>7</sup> In areas with high costs of living, such as in industrial and processing zones in Hanoi, minimum wage meets only 60 to 65% of the minimum living standard.<sup>8</sup>



March 26-27, 2015, about 90,000 workers of Pou Yuen footwear factory in Ho Chi Minh City went on strike peacefully against public insurance programs. Photo Reuters

Usually, the number of strikes peaks around the Lunar New Year Day (Tết), when employers fail to repay the wage withholdings known as the “Tết Bonuses.”<sup>9</sup> Actually, this is a tactic employers use to exploit their employees. Each month, they unilaterally hold back 1/12 of the workers’ salary, use this large amount as an interest-free loan, and repay the debt right before the Lunar New Year Day as “Tết bonuses,” or in a more polished way, the “13th

<sup>6</sup> Báo Lao Động. 85 - 90% số vụ đình công có nguyên nhân từ yếu tố tiền lương. <http://laodong.com.vn/cong-doan/85-90-so-vu-dinh-cong-co-nguyen-nhan-tu-yeu-to-tien-luong-137037.bld>

<sup>7</sup> Tuổi Trẻ Online. Lương tối thiểu phải đủ mức sống tối thiểu. <http://tuoitre.vn/tin/kinh-te/20150824/luong-phai-du-muc-song-toi-thieu/957294.html>

<sup>8</sup> Người Lao Động. Bao giờ người lao động sống “đủ” với lương tối thiểu? <http://nld.com.vn/cong-doan/bao-gio-nguoi-lao-dong-song-du-voi-luong-toi-thieu-2015082110033365.htm>

<sup>9</sup> Việt Báo Online. Đình Công Xây Ra Nhiều Nơi Vì Bớt Lương, Quên Tiền Tết; Tổng kết Sài Gòn 2012: Có 103 Trường Hợp Đình Công, Đa Số Vì Nợ Lương.... [http://vietbao.com/D\\_1-2\\_2-282\\_4-202009/](http://vietbao.com/D_1-2_2-282_4-202009/)

month salary.” The failure to repay the debt by some employers in the month leading to Tết triggers the traditional pre-Tết wave of strikes. It is noteworthy that workers who take leave before Tết will involuntarily forfeit the money employers “borrowed” from them. To put in numerical terms, if each year 1,000 employees left before Tết, and on average each employee worked for 6 months before taking their leaves, an employer would pocket the interest-free loan amounting to the yearly wages of 500 employees.

On top of that, workers have to work in unsafe conditions. According to the Ministry of Labor, War Invalids, & Social Affairs, the number of work-related accidents in 2015 is 7,620, an increase of 911 cases compared with 2014, resulting in 7,785 victims, an increase of 844 people (12.15%) compared with 2014.<sup>10</sup> However, according to Mr. Ha Tat Thang, Director of the Department of Occupational Safety, the numbers of accidents and the death toll cited in the Report on the Situation of Labor Safety and Fire Prevention reflect only one part of a larger whole. According to statistics, in 2015 only 18,375 out of 265,000 businesses (less than 10%) submitted reports on the situation of work accidents.<sup>11</sup>

The labor accidents of particular concern are those in construction work zones (35.2% of all fatal accidents and 37.9% of total deaths). The primary cause of work accidents was employers’ lack of responsibilities in implementing working process, safety equipments, and safety training. Those reasons have caused 52.8% of all fatal accidents.<sup>12</sup>

Workers have to worry not only about

<sup>10</sup> Bộ Lao Động - Thương Binh và Xã Hội. Thông báo tình hình tai nạn lao động năm 2015, Hà Nội, ngày 26 tháng 02 năm 2016

<sup>11</sup> Kinh tế và Dự báo. Thống kê tai nạn lao động 2015: Phần chìm của tảng băng còn rất lớn! <http://kinhtevuadubao.vn/chi-tiet/91-5483-thong-ke-tai-nan-lao-dong-2015--phan-chim-cua-tang-bang-con-rat-lon.html>

<sup>12</sup> Bộ Lao Động - Thương Binh và Xã Hội. *Op. cit.*

insufficient wages and work place safety, but also the working site hygiene conditions and food safety at the workshops. Food poisoning has become a constant concern for workers and their families. The press reported thousands of such cases in 2015. There were cases of large-scale food poisoning involving more than a thousand employees, such as the incidents at the underwear garment factory Regina Miracle in Hai Phong on December 28,<sup>13</sup> and at the shoe company Vinh Nghia in Binh Duong Province on October 21.<sup>14</sup>

According to a survey of the health sector, the poor quality of food is the main cause of food poisoning. The meager standard meals (at about 9 0 0 0 - 1 1 0 0 0

Dong<sup>15</sup> or \$0.40-\$0.50 USD) not only adversely affect workers' productivity, but also weakens the physical and intellectual well-being of future generations. According to Dr. Do Thi Ngoc Diep, director of the Ho Chi Minh City Nutrition Center, nearly 30% of workers in Ho Chi Minh City are undernourished.<sup>16</sup>

*The country has 2.83 million children participating in economic activity, accounting for 15.5% of the population of children, of which about 1.18 million children were out of school, accounting for 41.6%; and about 56,000 children, equivalent to 2%, have never attended school. Of particular concern are about 933,000 children working in areas exposed to the risk of being exploited and abused.*

### 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>17 & 18</sup>

In July 2012, the Germany-based International Society for Human Rights (IGFM in its German acronym) also launched a campaign to boycott cashews produced by

forced labor camps in Vietnam.<sup>19</sup> According to IGFM's report, Prison Camp Z30A at Xuan Loc in South Vietnam's Dong Nai province, with its roughly 7,000 inmates, was the primary facility of Thanh Binh Cashew Export Company owned by the Vietnamese People's Army. Some former political prisoners told IGFM that they had been forced to produce up to 32 kg of grade B cashews per day. Prisoners who refused to work or did not meet production targets were put in solitary confinement.

The Vietnamese government consistently denied the denunciations from HRW and other human rights organizations about abuses of detainees in drug rehabilitation camps as slaves. However, according to the International Labor

<sup>13</sup> Pháp Luật. *Vừa khai trương bếp ăn, hàng ngàn công nhân đã ngộ độc nhập viện.* <http://plo.vn/suc-khoe/vua-khai-truong-bep-an-hang-ngan-cong-nhan-da-ngo-doc-nhap-vien-603782.html>

<sup>14</sup> Báo Mới. *Hàng nghìn công nhân ở Bình Dương bị ngộ độc thực phẩm.* <http://www.baomoi.com/hang-nghin-cong-nhan-o-binh-duong-bi-ngo-doc-thuc-pham/c/17803807.epi>

<sup>15</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>16</sup> Báo Người Lao Động. *Ngộ độc thực phẩm đang giết người.* <http://nld.com.vn/suc-khoe/ngo-doc-thuc-pham-dang-giet-nguoi-20131008095021941.htm>

<sup>17</sup> Human Rights Watch. *The Rehab Archipelago: Forced Labor and Other Abuses in Drug Detention.* Tháng 9 2011.

<sup>18</sup> Human Rights Watch. *Torture in the Name of Treatment: Human Rights Abuses in Vietnam, China, Cambodia, and Lao PDR.* Tháng Bảy 2012.

<sup>19</sup> IGFM. *Boycott gegen Blut-Cashewnüsse aus Vietnam - "Weiße Liste" deutscher Firmen.* <http://www.igfm.de/Vietnam-Boycott-gegen-Blut-Cashewnuesse.3211.0.htm>

Rights Forum in its 2014 report titled *Vietnam's Forced Labor Centers*, the situation still exists in those camps. Based on disclosures from recently freed victims, the camps were reported continuing to use tough measures to force detainees to overwork to increase production with no adequate compensation and worse, with beatings for failure to fulfill required production targets.<sup>20</sup>

Another aspect of forced labor is the mistreatment of children and forcing them to work in dangerous conditions. In its National Report on the implementation of human rights for the Vietnamese people according to the UPR presented to the UN Human Rights Commission on February 05, 2014, Vietnam claimed that, “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. The Government of Vietnam has been making great efforts to carry out its completion of a legal policy, while trying to incorporate into the national legal system the regulations on children’s rights from international law and apply them in reality to best protect their rights and interests.”



Two fields that employ child labor in Vietnam are the garments and brick making industries. Photo Bao Moi

Nevertheless, based on a recent report of the Children Welfare and Protection Department of the Ministry of Labor, War Invalids, & Social Affairs, the country has 2.83 million children participating in economic activity, accounting for 15.5% of the population of children, of which about 1.18 million children were out of school, accounting for 41.6% and about 56,000 children, and of which 2% have never attended school. Of particular concern are about 933,000 children working in areas exposed to the risk of being exploited and abused.<sup>21</sup>

The *List of Goods Produced by Child or Forced Labor* by the United States Department of Labor published in 2014 indicates that the two fields that employ child labor in Vietnam are the garments and brick making industries.<sup>22</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 etc.

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

According to the Overseas Labor Management Department, there are about 500,000 workers currently working in over sixty countries and territories, mostly in Taiwan, South Korea, Malaysia, Japan, and countries in the Middle East. Also according to this agency, the number of workers exported in 2015 was 115,980, 108% higher than in 2014 with the majority of manual labor being women, at 33.3%. It is the highest number of exported labor in recent years.<sup>23</sup>

<sup>21</sup> Đại Đoàn Kết. *Nạn giải lao động trẻ em*. <http://daidoanket.vn/tieng-dan/nan-giai-lao-dong-tre-em/88415>

<sup>22</sup> United State Department of Labor. *List of Goods Produced by Child or Forced Labor - 2014*. [http://www.dol.gov/ilab/reports/pdf/TVPRA\\_Report2014.pdf](http://www.dol.gov/ilab/reports/pdf/TVPRA_Report2014.pdf)

<sup>23</sup> Lao Động. *115.980 lao động Việt Nam đi làm việc ở nước ngoài trong năm 2015*. <http://laodong.com.vn/viec-lam/115980-lao-dong-viet-nam-di-lam-viec-o-nuoc-ngoai-trong-nam-2015-512930.bld>

<sup>20</sup> International Labor Rights Forum. *Vietnam's Forced Labor Centers*. <http://www.laborrights.org/publications/vietnams-forced-labor-centers>

Many of them are victims of human trafficking and are exploited by recruitment agencies owned by state agencies or government officials. Typically, recruiting agents would visit poor villages and promise good overseas employment contracts to lure unsuspecting job seekers. Once at the destination airport, the agents would confiscate the workers' passports and hand them to the employers. By the time the workers discover that the good conditions vaunted in the contracts were just lies or misrepresentations, they would have no passport or money to return to their country. Contracts between workers and the recruitment agencies carry clauses stipulating that upon their arrival in the host countries, workers "must not join the unions" and "must not go on strike." A significant number these victims have become prey to human trafficking. [Please refer to the Human Trafficking section of chapter I of this report]

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

Since 2006, along with the participation in strikes around the country, especially in the South, many individuals have come together to demand the government ameliorate workers' life, particularly to allow the formation of free labor unions according to the International Human Rights Law and International Labor Standards.

On June 09, 2014, the Free Viet Labor Federation (FVLF, or Viet Labor for short), consisting of three organizations formed previously in Vietnam, namely the Vietnam Independent Union, the United Worker-Farmer Association of Vietnam, and the Viet Labor Movement, along with the Committee to Protect Vietnamese Workers, an overseas Vietnamese organization, publicly announced to begin their activities in

Vietnam.<sup>24</sup>

However, so far, with the totalitarian policies of the governing party, every endeavor to promote workers' rights has been prohibited. The government made every effort to suppress striking workers and obstruct the formation of independent trade unions.

According to the Ministry of Labor - Invalids and Social Affairs, there were 245 strikes nationwide in 2015.<sup>25</sup> Compared to 2014, the number decreased by 24; however there are more strikes of greater scale, such as the one of about 90,000 workers of the Pou Yuen shoe company at Tan Binh District, Ho Chi Minh City on March 26 to protest against new regulations of the 2014 Social Security Law.<sup>26</sup> It was the largest strike in Vietnam so far, not against the employers but against a state social security law.



*Nguyen Hoang Quoc Hung and Doan Huy Chuong, two advocates for workers' rights are still suffering in jail.*

As of the end of 2015, a number of leading workers' rights advocates are still imprisoned, including Nguyen Hoang Quoc Hung (9-year

<sup>24</sup> Dân Làm Báo. *Tuyên cáo của Liên Đoàn Lao động Việt Tự Do*. <http://danlambaovn.blogspot.com/2014/06/lao-ong-viet-cong-khai-su-hoat-ong-tai.html>

<sup>25</sup> VOV. *Năm 2015, cả nước xảy ra 245 cuộc đình công*. <http://vov.vn/tin-24h/nam-2015-ca-nuoc-xay-ra-245-cuoc-dinh-cong-464800.vov>

<sup>26</sup> RFA. *Tại sao công nhân Pou Yuen đình công?* [http://www.rfa.org/vietnamese/in\\_depth/y-do-pouyuen-wker-strike-03312015051500.html](http://www.rfa.org/vietnamese/in_depth/y-do-pouyuen-wker-strike-03312015051500.html)

sentence), Doan Huy Chuong (7-year sentence), Phan Ngoc Tuan (5-year sentence), and Le Thanh Tung (5-year sentence, released in June 2015 and rearrested in December 2015). These prisoners of conscience have been frequently beaten and tortured, continually moved from one prison camp to another in remote and nearly inaccessible areas.

In mid-January 2015, on the occasion of the New Year, Mr. Doan Huy Chuong's wife was not allowed to visit him because, according to the warden, he was punished for violating prison regulations. Mr. Nguyen Hoang Quoc Hung's health condition is very worrying because he was holding a hunger strike to protest the warden's mistreatment.<sup>27</sup>

On November 22, approximately 20 security officers in plainclothes and uniform attacked and arrested two worker rights activists, Ms. Do Thi Minh Hanh and Mr. Truong Minh Duc when they were providing legal support for employees in the city Bien Hoa, Dong Nai Province.<sup>28</sup>

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<sup>27</sup> Dân Làm Báo. *Thành viên Lao Động Việt bị cấm thăm nuôi và không cho gửi quà trong những ngày tết nguyên đán!* <http://danlambaovn.blogspot.com/2015/02/thanh-vien-lao-ong-viet-bi-cam-tham.html>

<sup>28</sup> Dân Làm Báo. *Đồng Nai: Công an hành hung, bắt giam 2 thành viên Lao Động Việt.* <http://danlambaovn.blogspot.com/2015/11/ong-nai-cong-hanh-hung-bat-giam-2-thanh-vien.html?m=0>

## 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 2015, except for the issue of lesbian, gay, bisexual, and transgender (LGBT) rights that 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 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.

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

*Forty years later, although the concentration camps have been closed, the profiling policy still creates great educational, political, and economic inequality gaps between the South Vietnamese People and those associated with the victors.*

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 been 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>

Subjects being singled out for discriminatory

<sup>1</sup> John Boudreau and K Oanh Ha. *In Vietnam, Wartime Pasts Haunt Young Workers' Economic Futures*. (The Washington Post). <http://washpost.bloomberg.com/Story?docId=1376-NZTZT16KLVR401-0CPATCGVLT-5G412R94EJC0V2PL>

treatment are disabled veterans of the former RVN. According to the report by the Ministry of Labor - Invalids and Social Affairs, there are 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. In 2015, these support allowances increased to 1.318 million VND per person from 1.22 million VND in 2014. Total funding for the implementation of the policies rewarding “deserving” people increased from 20 trillion VND in 2011 to nearly 32 trillion VND in 2015.<sup>2</sup> That’s not to mention the preferential bank loans and support for job creation, housing, health care, and education for communist veterans and their children.<sup>3</sup>

Meanwhile, the government has adopted an opposite policy towards the wounded veterans of the former Republic of Vietnam Armed Forces (ARVN). 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 6.7 million people with disabilities reported by the current state statistics does not include hundreds of thousands of disabled veterans of the former Republic of Vietnam who have been abused by the victors in the last 40 years. Some of these people have had to live the remainder of their 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 come together and publicized to the world the extent to which they have been stigmatized, discriminated against, and marginalized by their own government. The state, however, responded to these complaints with arrests and suppression of these humanitarian assemblies.

## 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 the party’s outsiders are. The discrimination against those who are not members of the CPV encompasses all aspects of life, from education, economic activities, and health service to public access.

On education, selection to universities is based on the student’s and his family’s profiles even if such educational institutes are not part of the public security system schools, which obvious only accept Communist Party members. In 2015, the Ministry of Labor, Invalids and Social Affairs issued Circular No. 36/2015/TT-MOLISA

<sup>2</sup> Bộ Lao động - Thương binh và Xã hội. *Những thành tựu nổi bật trong lĩnh vực lao động, người có công và xã hội giai đoạn 2011 – 2015*. <http://www.molisa.gov.vn/vi/Pages/chitiettin.aspx?IDNews=24052>

<sup>3</sup> Tạp Chí Cộng Sản. *Tăng cường và đa dạng hóa nguồn lực tài chính để thực hiện hiệu quả chính sách ưu đãi người có công với cách mạng*. <http://www.tapchicongsan.org.vn/Home/Quan-triet-thuc-hien-nghi-quyet-dai-hoi-dang-XI/2014/28664/Tang-cuong-va-da-dang-hoa-nguon-luc-tai-chinh-de-thuc.aspx>

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 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 reiterates that the selection and appointment of cadres and civil servants must pay special attention to the political standards.<sup>4</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 holding management roles. This is just a repeat of the immutable principle of “better Red than Expert” that all communist states revere.

In terms of social security, in principles, all citizens are entitled to 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 health care are delivered depending on the recipient's position in the party. Contrary to the treatment senior party members receive at magnificent clinics fully equipped with modern medical devices, the less privileged commoners have had to jostle for even vaccination coupons.<sup>5</sup>

With respect to civic duties, the 2013 Constitution affirms, “Every citizen who reaches the age of

*Even in areas where Catholics make up a majority of the demographics, such as in Thai Binh and Dong Nai, the highest positions given to Catholics are village chiefs.*

<sup>4</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>5</sup> Đời Sống Pháp Luật. “Vỡ trận” tiêm vaccine Pentaxim: Không lường được tình trạng quá tải. <http://www.doisongphapluat.com/tin-tuc/tin-trong-nuoc/vo-tran-tiem-vaccine-pentaxim-khong-luong-viec-qua-tai-a126076.html>

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. (Art. 27). In reality, the CPV, through the Fatherland Front, selects all candidates, most of whom are Party members. The few non-card-carrying candidates that are allowed to run are for the embellishment of the regime, but only with the Party's tacit approval.

### 3. Discrimination against Religious People

Vietnam's 2013 Constitution stipulates, “Everyone has the right to freedom of belief and religion, and the right to follow or not follow any religion. All religions are equal before the law” (Article 24). Ideologically, however, the CPV is an atheist organization. Candidates to the CPV must abandon their religious practices,

except for some rare exceptions for the purpose of propaganda. Thus, in the course of building and strengthening the government,

the relationship between the CPV and religious organizations is always mutually exclusive. For that reason, people of faith, be it Christianity, Buddhism, Hoa-Hao Buddhism, or Cao-Daism, etc., are regarded as second-class citizens. They are discriminated against in every aspect of life, especially in education and politics.

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

As in the case of children of former RVN officials, “profiling” is also applicable to religious believers who apply for higher college entrance exams. In the standard questionnaire for pupils and students, the question of religion

is an important factor that determines their future education and career paths. Pupils and students who declare that they are religious will not be favored in their choice of curricula, scholarships, and other benefits despite scoring higher aptitude tests.

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

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

## 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 the metropolitan areas, the rest of the ethnic groups live in remote mountainous areas in the Central Highlands and Northwestern 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 of 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 the average income per capita. The increase, however, is primarily dependent on the amount of foreign investments and aids. Furthermore, the increase in gross national product (GNP) has also widened the rich-poor gap between different strata of society.

According to the UN report, the rich-poor ratio is 5.1% among the Kinh (Lowlanders) and the Chinese ethnics, and 29.1% for all other minority groups, of which the Hmong Ethnics have the highest percentage of poor people, up to 61.5%.<sup>8</sup>

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 extreme poor.<sup>9</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

<sup>6</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>7</sup> Rev. Peter Nguyễn Văn Khải. 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>8</sup> UN Women, Viet Nam Country Office. *Briefing note on the Situation of Ethnic Minority women and girls in Viet Nam. United Nations Entity for Gender Equality and the Empowerment of Women.* Hanoi, 2015.

<sup>9</sup> World Bank. *Why is ethnic minority poverty persistent in Vietnam?* <http://blogs.worldbank.org/eastasiapacific/why-ethnic-minority-poverty-persistent-vietnam>

1990 to 56% recently.<sup>10</sup>

There are many interactive reasons that lead to the disparity, such as geographic location, level of education, and culture etc. Nevertheless, the most important reason is still the unfair policy towards these minority groups, especially the one concerning land ownership. A vast majority of the ethnic minorities depends on husbandry as their main livelihood. Land is the primary, if not the only, source of life for the ethnic minorities.



*From late 2014 through late June 2015, at least 54 Montagnards were denied refugee status and forcibly sent back to Vietnam from Cambodia. Photo VOA*

After 1975, with the population relocation and deforestation policy in favor of industrial plantation, the Highlanders' living space has dwindled. The official figures show that the 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>11</sup> Most of the increase are newcomers consisting of families of Northern officials. State agricultural development policies encouraging large-scale agricultural farming and rubber production for export have

<sup>10</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://mpra.ub.uni-muenchen.de/50372/>

<sup>11</sup> Vu Quoc Ngu. *Land Ownership in Vietnam and Land Seizure in One-party State*. <http://www.info-vietnam.de/VUQUOCNGU.pdf>

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 16 ethnic groups of smaller populations (less than 10,000 people) own an average land acreage of only about 0.1 Ha per person, while the Pà Thên own the least, at 0.04 Ha/person.<sup>12</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 Health Care 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 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>13</sup> Only 13 percent of the Hmong and Dao children attend upper secondary school, versus 65 percent of the Kinh

<sup>12</sup> Báo Đại Đoàn Kết. *Giải quyết tranh chấp đất đai giữa người dân và lâm trường: Tạo cơ chế để người dân không thiếu đất sản xuất*. <http://daidoanket.vn/PrintPreview.aspx?ID=63251>

<sup>13</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)

and the Chinese ethnics.<sup>14</sup>



Children in Trung Ly village, mountainous border district Muong Lat (Thanh Hoa) dropout of school to pick reeds to sell for their living. Photo Baomoi.com

An equally important factor that causes the ethnic minority students' high dropout phenomenon, especially during the first years of school, is the language barrier.<sup>15</sup> In recent years, Vietnam has experimented bilingual teaching for a number of primary schools in areas with large ethnic populations. The result, however, is very modest because of the scarcity of teachers who are bilingually capable. The report by the Council of Indigenous Peoples in Today's Vietnam, submitted to the UN Human Rights Council in June 2013, also pointed to the education policy that discriminates against ethnic minorities who want to study abroad. According to the report, of the 15,000 students that the government of Vietnam allowed to study in the United States in 2012, none was of

<sup>14</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>15</sup> Le Thuc Duc and Tran Ngo Minh Tam. *Why Children in Vietnam Drop out of School and What They Do After That*. <file:///C:/Users/Nguyen/Downloads/Young%20Lives%20Working%20Paper%20102.pdf>

ethnic minority background.<sup>16</sup>

Concerning health care for ethnic minorities, Article 58 of the Constitution specifies, "State policy prioritizes health care for ethnic minorities, people living in mountainous areas, on islands, and in areas that have extremely difficult socio-economic conditions." However, according to the 2013 study on the health care of ethnic minorities in Vietnam by a group of international experts from universities, ethnicity, far more than income and education levels, is the major factor that causes discrepancy in health care among the peoples.<sup>17</sup>

Figures from the General Office & UNICEF show infant mortality in ethnic minority groups is much higher than that of the Kinh group, standing at about 43.6% and 10.2% respectively.<sup>18</sup> The 2014 World Bank study also points out the malnutrition rates among ethnic minority children are double those of the Kinh majority.<sup>19</sup>

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

Vietnam now boasts that the ratio of ethnic minority representatives in the National Assembly exceeds the ethnic composition of the general population and that that is the result

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

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

<sup>18</sup> General Statistics Office & UNICEF. *Multiple Indicator Cluster Survey, 2014*. [http://www.unicef.org/vietnam/media\\_22994.html](http://www.unicef.org/vietnam/media_22994.html)

<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>

of the political exercise by ethnic groups.<sup>20</sup> As with the proportions of religious or female representatives in the National Assembly, however, this quota is but a façade put up by the CPV. In Vietnam's one-party regime, the purpose of elections is only to strengthen the power of the ruling party. The so-called ethnic representatives are people whom the central government selects for the task of conveying orders from above. Ethnic minorities in villages and communes have no self-governed mechanism to represent their interests. The only means left for them to express their aspirations is through fleeing abroad, holding rallies, or other forms of protest, which have led to mass crackdowns or individual persecutions that ethnic minorities have had to endure.

According to Human Rights Watch, from late 2014 through late June 2015, Cambodia forcibly repatriated at least 54 Montagnards without allowing them any opportunity to seek refugee status and had denied at least another 118 the possibility of registering in Cambodia as asylum seekers.<sup>21</sup>

The Government of Vietnam's continued discrimination and persecution of ethnic minorities in the Central Highlands region Vietnam are rooted in the suspicion of their loyalty to the current regime. Before 1975, these ethnic groups entertained ties with the South Vietnam Government and US forces. Since 1975, the government has always considered the Protestant Highlanders as a political threat to the regime.

<sup>20</sup> Bộ ngoại giao Việt Nam. *Báo cáo Quốc gia về thực hiện quyền con người ở Việt Nam theo cơ chế kiểm định kỳ phổ cập (UPR) chu kỳ II (Phần 3)*. <http://uprvietnam.vn/&op/detailsnews/278/94/bao-cao-quoc-gia-ve-thuc-hien-quyen-con-nguoi-o-viet-nam-theo-co-che-kiem-dinh-kypho-cap-%28upr%29-chu-ky-ii-%28phan-3%29.html>

<sup>21</sup> Human Rights Watch. *Vietnam: End "Evil Way" Persecution of Montagnard Christians*. <https://www.hrw.org/news/2015/06/26/vietnam-end-evil-way-persecution-montagnard-christians>

## 5. Discrimination Against Women

Vietnam has acceded to the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW) since 1982. In its Cycle II National UPR report, Vietnam claims to have strictly followed this International Convention both on the 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, from domestic, social, to public life.<sup>22</sup> In family life, violence has steadfastly increased. As many as 58% of women are victims of many forms of domestic violence.<sup>23</sup> The National Study on Domestic Violence reports that 87% of the women who had experienced violence never sought help from private services or official legal assistance agencies.<sup>24</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 would graduate from university.<sup>25</sup> The disparity is more pronounced

<sup>22</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>23</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>24</sup> VOV. *Nhiều phụ nữ bị bạo hành chưa được trợ giúp pháp lý*. <http://vovgiaothong.vn/xa-hoi/nhieu-phu-nu-bi-bao-hanh-chua-duoc-tro-giup-phap-ly-/183061>

<sup>25</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/Thong-tin-ly-luan/2015/35730/Binh-dang-gioi-trong-chinh-tri-o-Viet-Nam-Thuc-trang-va.aspx>

for minority girls because of discrimination. According to the General Statistics Office, the rates of Hmong and Ma 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 research by the ILO, however, from November 2014 to mid-January 2015, up to 20% of job advertisements demands gender clarification, of which up to 70% are reserved for male candidates.<sup>26</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 122 female MPs in the XIII National Assembly, which accounts for 24.40% of the total members. There are 25.17% of the People's Council deputies that are women at the provincial level and 21.7% at the communal level. In reality, however, these figures do not necessarily reflect the actual involvement of the women 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 three out of the 63 provincial-municipal party committee secretaries, the most powerful positions in Vietnamese communist government system, are

women.<sup>27</sup> Like participants from minority groups or in-the-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>26</sup> ILO. *Gender equality in recruitment and promotion practices in Viet Nam*. [http://www.ilo.org/hanoi/Whatwedo/Publications/WCMS\\_349666/lang--en/index.htm](http://www.ilo.org/hanoi/Whatwedo/Publications/WCMS_349666/lang--en/index.htm)

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<sup>27</sup> Vietnam.net. *Danh sách bí thư 61 tỉnh thành*. <http://vietnamnet.vn/vn/chinh-tri/270856/danh-sach-bi-thu-61-tinh-thanh.html>

## VIII. THE RIGHT TO SOCIAL SECURITY

### I. Social Security for a Few

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 Article 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>

The Government reported that, in 2015, the percentage of poor families was well below the 5% established by the 2011-2015 Poverty Standard.<sup>2</sup> However, when looking at the facts, many international observers have expressed doubts about the reliability of the statistics of the "Hunger Eradication - Poverty Reduction"

Program.<sup>3</sup> Falsifying the achievement of preset targets is Vietnam's chronic bureaucratic disease. According to *Người Lao Động* ("The Laborer") newspaper, the practice of exaggerating accomplishments has led government officials to make many poor households look better on paper. Moreover, the criteria to be considered poor are very conservative and therefore not easily met. If the current standard were applied to Tay Ninh, for example, there would be only a few poor households left in the whole province.<sup>4</sup>

From a human rights perspective, poverty does not indicate just low income, but also the absence of other factors safeguarding human dignity for individuals or groups such as education, healthcare, and housing, etc. According to the Multidimensional Poverty Index (MPI), 16.5 percent of Ho Chi Minh City residents lived under the poverty line in 2014.<sup>5</sup>

According to the 2015 UN Human Development Report, Vietnam only achieved 0.666 of the Human Development Index (HDI), which is lower than that of Thailand, the Philippines, and

<sup>1</sup> 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>

<sup>2</sup> Báo Điện tử Đảng Cộng sản Việt Nam. *Năm 2015, ước tỷ lệ hộ nghèo cả nước còn dưới 5%*. <http://dangcongsan.vn/chuong-trinh-135-va-cac-chuong-trinh-du-an-giam-ngheo/nam-2015-uoc-ty-le-ho-ngheo-ca-nuoc-con-duoi-5-350678.html>

[This poverty standards established by Decision No. 09/2011 / QĐ-TTg dated Jan 30, 2011, which considers poor households with incomes from 400,000 dong (US\$18) to 500,000 dong (US\$22.5) / person / month depending on rural or urban areas.]

<sup>3</sup> The VUFO-NGO Resource Centre. *Vietnam Spends \$3.6B on Poverty Reduction Programs Yearly*. <http://www.ngocentre.org.vn/news/vietnam-spends-36b-pov-erty-reduction-programs-yearly>

<sup>4</sup> Báo Người Lao Động. *Bi hài chuyện "thoát nghèo trên giấy"*. <http://nld.com.vn/dia-phuong/bi-hai-chuyen-tho-at-ngheo-tren-giay-20140722093637374.htm>

<sup>5</sup> Sài Gòn Giải Phóng. *16.5 percent of city residents live in poverty measured by MPI*. <http://www.saigon-gpdaily.com.vn/Hochiminhcity/2014/12/111908/>

other countries in East Asia and the Pacific.<sup>6</sup> When the value is adjusted for inequality, Vietnam's HDI falls to 0.549, a drop of 17.5 percent. This suggests an alarming degree of inequality among the social strata.

The increase in gross national product in recent years has made the small number of super-rich people richer. According to Knight Frank's Wealth Report, in 2015, Vietnam has 168 super rich people (owning more than 30 million USD), an increase of 12 people from 2014.<sup>7</sup>

Meanwhile, according to the General Statistics Office's Residential Living Standards and Household Survey, the income gap between the top 20% and the bottom 20% of the households tended to rise sharply, from 4.9 times in 1992 to 9.4 times in 2014.<sup>8</sup> Forty-seven percent of the people surveyed expressed dissatisfaction with this excessive rich-poor gap<sup>9</sup> because most of the rich obtained their wealth through illicit means such as sanctioned tax evasion, equitization of state-owned assets, privileged land-planning information, and corruption rather than enterprising skills.<sup>10</sup>

Victims of the rich - poor disparity could 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 necessities such as access to electricity, water, medical care, educational opportunities, and especially opportunities for career advancement.

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>11</sup>

In terms of health care, the national press in recent years reflected fairly enough about deteriorating aspects of the healthcare system, from the quality of service, facility, to personnel, especially the discrimination favoring the rich over the poor. A well-known medical service 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. One should note the hypocrisy in the following statement: "The introduction of the service sector represents the State's socialization of the healthcare."<sup>12</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

<sup>6</sup> UNDP. *Human Development Report 2015 - Vietnam*. [http://hdr.undp.org/sites/all/themes/hdr\\_theme/country-notes/VNM.pdf](http://hdr.undp.org/sites/all/themes/hdr_theme/country-notes/VNM.pdf)

<sup>7</sup> Knight Frank. *The Wealth Report*. <http://www.knightfrank.com/wealthreport>

<sup>8</sup> Tổng cục Thống Kê (2014), *Kết quả khảo sát mức sống dân cư Việt nam năm 2012*, Nxb Thống Kê, Hà Nội, tr.201.

<sup>9</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>10</sup> Lao Động. *Khoảng cách ghe-gom*. <http://laodong.com.vn/su-kien-binh-luan/khoang-cach-ghe-gom-87166.bld>

<sup>11</sup> *Ibid*.

<sup>12</sup> Báo VietNamNet. *Phân biệt giàu nghèo trong bệnh viện công*. <http://www.tintucngaynay.com/tintuc/vietnamnet.vn/vn/xa-hoi/83441/phan-biet-giau-ngheo-trong-benh-vien-cong.htm>

patients giving similar responses.<sup>13</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 was twice that of the rest of

the population.<sup>14</sup> Recent independent studies showed that minorities do not receive equality in healthcare services, from preventative care to medical treatment opportunities.<sup>15</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>16</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

*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 obesity rate in Ho Chi Minh City has risen by three times since 2001.*

do other children.<sup>17</sup> Only 13% of the H'mong and the Dao children attend secondary schools, versus 65% of the Kinh and the Chinese.<sup>18</sup>

Regarding the crucial need for a healthy environment such as 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>19</sup>. According to the Health Ministry's report, annually about 9 thousand people died as a result of unclean water and poor sanitary conditions.<sup>20</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."

<sup>13</sup> Báo Người Lao Động Điện Tử. "Phong bì" và quyền của bệnh nhân. <http://suckhoedinhuong.nld.com.vn/suc-khoe/phong-bi-va-quyen-cua-benh-nhan-20130223092112307.htm>

<sup>14</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>15</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>16</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>17</sup> World Bank. *Skilling up Vietnam: Preparing the workforce for a modern market economy - Vietnam Development Report 2014*. [http://www-wds.worldbank.org/external/default/WDSContentServer/WDSP/IB/2013/11/26/000461832\\_20131126115640/Rendered/PDF/829400AR0P13040Box0379879B00PUBLIC0.pdf](http://www-wds.worldbank.org/external/default/WDSContentServer/WDSP/IB/2013/11/26/000461832_20131126115640/Rendered/PDF/829400AR0P13040Box0379879B00PUBLIC0.pdf)

<sup>18</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>19</sup> Bộ Nông Nghiệp và Phát Triển Nông Thôn. *Môi 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)

<sup>20</sup> VnExpress. *Nước sạch và những con số biết nói*. <http://vnexpress.net/tin-tuc/khoa-hoc/moi-truong/nuoc-sach-va-nhung-con-so-biet-noi-2758848.html>

In reality, however, the 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, abuses, 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 obesity rate in Ho Chi Minh City has risen by three times since 2001.<sup>21</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>22</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 cold reception and inadequate treatment.<sup>23</sup> Regarding child labor, recent figures showed that one in five children in the ages of 5 to 17 have to join the labor force. This situation is more serious in North Central region and mountainous areas (36.2%) and the Highlands (25%).<sup>24</sup>

Crimes against children such as violence,



October 01, 2015, baby patients and their relatives were lying along the corridors of the Children's Hospital, Saigon. Photo Tuoi Tre online.

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 the 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>25</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>26</sup> Particularly in Da Nang, the latest document from the City's Centre of Forensic Medicine shows that children between the ages of 5 to 18 are at the highest risk, accounting for 90% of rape cases, of which 40% are between the ages of 5 to 13 years old.<sup>27</sup>

The trafficking of children has increased in forms and become more complex. They are sold

<sup>21</sup> TuoitreNews. *Vietnam has 2.2mn malnourished children*. <http://tuoitrenews.vn/society/21420/vietnam-has-22mn-stunted-children-but-obesity-rises-in-southern-hub>

<sup>22</sup> USAID. *Vietnam - Nutrition Profile*. <http://www.fantaproject.org/sites/default/files/download/Vietnam-Nutrition-Profile-Apr2014.pdf>

<sup>23</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>24</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>25</sup> Đại Kỳ Nguyên. *Bạo hành trẻ em đang có xu hướng tăng cao*. <https://daikynguyenvn.com/viet-nam/bao-hanh-tre-em-dang-co-xu-huong-tang-cao.html>

<sup>26</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/>

<sup>27</sup> VnExpress. *Thủ đoạn mới của tội phạm xâm hại tình dục trẻ em*. <http://vnexpress.net/tin-tuc/phap-luat/thu-doan-moi-cua-toi-pham-xam-hai-tinh-duc-tre-em-3343927.html>

in three main markets depending on age groups and gender: boys are taken across borders China to meet the need for male preference in family and slavery; girls are to 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 thousand enslaved Vietnamese children in England was admitted only after reports by the British Government and the Guardian newspaper.<sup>28</sup>

### **3. Victims of Injustice: Unfair Expropriation of Land and Violation of Ownership**

In recent decades, Vietnam has undertaken many programs to build infrastructures 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 thousand hectares).<sup>29</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 the land and the livelihood it provides. Nominally, the Government does provide compensation, but it does so at such

incredibly low and merely symbolic rates that, instead of helping farmers rebuild their lives, 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 of all sectors, with the number of cases of corruption in land management accounting for 60% of all the cases.<sup>30</sup>

On November 29, 2013, the National Assembly passed the Land Act of 2013 that took effect on January 7, 2014. Fundamentally, the 2013 Land Law, incorporated into the earlier amended Constitution under Article 53, only reiterates Article 5 of the 2003 Land Law that stated, "Land is public property, owned by all the people and represented and uniformly managed by the State." The 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 drafted amendments to the 2013 Constitution and the Land Law of 2013, many scholars and organizations warned the government of the abuse of the "public land ownership" concept, which was the root cause of public property abuse and human rights violations. So long as the authorities keep disregarding the farmers' right to land ownership, human rights will continue to be denied.

In 2015, land expropriations continued to increase across the country in many different levels. There were cases where the government

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<sup>28</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>29</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/>

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<sup>30</sup> VietNamNet. *Đất đai dùng đầu danh sách tham nhũng*. <http://vietnamnet.vn/vn/tuanvietnam/193380/dat-dai-dung-dau-danh-sach-tham-nhung.html>

mobilized hundreds of armed uniformed and plainclothes security officers to suppress landowners, such as the one in Ky Anh District, Ha Tinh Province.<sup>31</sup> Resented landowners resorted to self-immolation such as the case of Mrs. Pham Thi Le of Pho Nhon Commune, Duc Pho District, Quang Ngai Province.<sup>32</sup> In others cases, the victims fought back and suffered heavy punishment as in the case of the farmers in Thanh Hoa District, Long An Province, where Nguyen Mai Trung Tuan, only 15 years of age, was sentenced to 4 years and 6 months in prison.<sup>33</sup>



Dec 10, 2015, Victims of Injustice from all three regions of the country gathered in Hanoi to protest land expropriation. Photo Dan Lam Bao

To oppose such an unfair and predatory policy, Victims of Injustice gathered around government offices, especially in Hanoi and Saigon, to protest the unfair compensation for the appropriated lands. Persistent rallies at Mai

Xuan Thuong Flower Garden and Ly Tu Trong Park near Ho Tay Lake in Hanoi that lasted for weeks and months, and were often subject to brutal repression by security forces and police masquerading as thugs.

According to General Inspector Huynh Phong Tranh, in 2015, complaints and denunciations of land [expropriation] are still hot topics creating negative consequences in society. The number of land-related complaints accounted for 64.6% of citizen grievances.<sup>34</sup> Collective complaints have also increased. In the first 6 months of 2015, the number of group complaints increased 11.3% from the same period in 2014.<sup>35</sup>

#### 4. Corruption: the Cause of Social Security Rights Violations

Corruption not only impacts 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, education, etc.

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 have 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 2015, after stating several symbolic corruption cases symbolic, Mr. Trong, as chair of the 9th session of the Steering Committee,

<sup>31</sup> Youtube. *Cường Chế Di Dời Chợ Kỳ Anh 26/12/2015 Part1*. [https://www.youtube.com/watch?v=WT0Cqb-fC\\_Bs](https://www.youtube.com/watch?v=WT0Cqb-fC_Bs)

<sup>32</sup> Dân Làm Báo. *Quảng Ngãi: Một phụ nữ tự thiêu chống cường chế đất*. <http://danlambao.vn.blogspot.com/2015/08/quang-ngai-mot-phu-nu-tu-thieu-chong.html>

<sup>33</sup> RFA. *Bảo vệ Quyền Trẻ em: kết án nặng hơn người lớn*. <http://www.rfa.org/vietnamese/programs/ReviewOnlineDomesticPress/unbeliev-senten-to-lan-evilteen-11262015061321.html>

<sup>34</sup> VOV. *Tổng Thanh tra Chính phủ: Tổ cáo về đất đai vẫn còn là điểm nóng*. <http://vov.vn/xa-hoi/tong-thanh-tra-chinh-phu-to-cao-ve-dat-dai-van-con-la-diem-nong-438821.vov>

<sup>35</sup> Việt Báo. *Khiếu nại trong lĩnh vực đất đai chiếm tỉ lệ cao*. <http://vietbao.vn/Xa-hoi/Khieu-nai-trong-linh-vuc-dat-dai-chiem-ti-le-cao/410782252/157/>

admitted that the prevention of corruption was very difficult due to the tangled relationships between economic and political entities, and between entrepreneurs and the people in positions of authority.<sup>36</sup> According to Inspector General Huynh Phong Tranh, the corruption situation remains complicated in 2015, notably corruption through increasingly sophisticated tricks by interest groups in a number of areas. He also admitted that anti-corruption authorities are themselves corrupt.<sup>37</sup>

According to the 2015 Transparency International's Corruption Perceptions Index (CPI), Vietnam ranked 112th out of 168 countries and territories (119th out of 175 in 2014). It is notable that Vietnam's CPI has not changed in four continuous years, from 2012 to 2015, and public sector corruption is still perceived as serious. Transparency International maintains that Vietnam "has not addressed shortcomings in its anti-corruption work thoroughly and effectively."<sup>38</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, extortion, to grand and petty corruptions, etc..., which have penetrated all public areas. It has even corroded areas that had traditionally enjoyed respect and reverence such as healthcare and education. Offering money for admissions to prestigious schools, for good grades, and for diplomas has become conventional. The phenomenon of patients

slipping "envelopes" to bribe doctors for more attentive care has become the 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.

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<sup>36</sup> VietnamNet. *Chống tham nhũng khó vì lợi ích kinh tế, chính trị càng chịt*. <http://vietnamnet.vn/vn/chinh-tri/281494/chong-tham-nhung-kho-vi-loi-ich-kinh-te-chinh-tri-chang-chit.html>

<sup>37</sup> Người Lao Động. *Tổng Thanh tra thừa nhận: Cơ quan chống tham nhũng có tham nhũng!* <http://nld.com.vn/thoi-su-trong-nuoc/tong-thanh-tra-thua-nhan-co-quan-chong-tham-nhung-co-tham-nhung-20151224134526914.htm>

<sup>38</sup> Transparency International. *Corruption Perception Index*. <http://towardstransparency.vn/corruption-perception-index-2>

## RECOMMENDATIONS

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

### **The Government of Vietnam:**

With regard to the right to life, liberty and security of person: To impose at once a moratorium on the death penalty with a view to its definitive abolition; to terminate all forms of torture and arbitrary detention, and to implement specific measures to end human trafficking under the disguised forms of “brides” to foreigners and export workers.

With regard to the right to a fair trial before an independent and impartial court: To immediately put an end to the criminalization of Vietnamese people’s legitimate political activities by abolishing all the vaguely-worded security crimes of the 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 the 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 the freedom of religion by repealing all legislation that are intended to restrict the people’s religious practices; not to interfere with the internal activities of all religions, and to stop the persecution of clergy and faithfuls.

With regard to the right to work and to enjoy the fruit of labor: To amend the Labor Code guaranteeing the right to establish independent trade unions; to improve living and working conditions for working class; to eliminate of all forms of forced labor – especially with regards to prisoners of conscience; to strictly prohibit child labor, and to immediately release all worker rights activists.

With regard to the right to equal treatment and non-discrimination: To end all forms of discrimination

based on political backgrounds, religious beliefs, and ethnic origins. The first step is to adopt an Anti-Discrimination Law.

With regard to the right to social security: To move more resolutely against the pervasive corruption in view of minimizing social injustice; to restore the people's private property rights of land; to put an immediate end to forced evictions carried out in contradiction with international human rights laws; and to return government-confiscated real estate properties to their legitimate owners.

### **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 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. In the context of ongoing negotiations for a Trans-Pacific Partnership (TPP) trade agreement, the U.S. Congress and Senate should require Vietnam to make verifiable improvement of its dismal human rights record as a necessary condition of joining the pact.

### **International Human Rights Organizations:**

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

### **International Business Companies Operating in Vietnam:**

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

### **The Vietnamese Community Abroad:**

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

## Appendix I

### List of Prisoners of Conscience Currently in Jail \*

Updated 2016/04/19

| O.N | NAME              | BIRTH YEAR | BACKGROUND                                                                   | ARREST DATE | ACCUSED OF<br>(Article of Vietnam Penal Code)** | TRIAL DATE           | SENTENCE<br>(Prison years) | DETENTION / PRISON CAMP                                            |
|-----|-------------------|------------|------------------------------------------------------------------------------|-------------|-------------------------------------------------|----------------------|----------------------------|--------------------------------------------------------------------|
| 1   | A Hyum (Bả Kôl)   | 1940       | Montagnard Christian (H'mong, Hà môn)                                        | 2012/04/23  | 87                                              | 2013/05/28           | 8                          | Gia Lai, MangYang prison camp                                      |
| 2   | A Tách (Bả Hlôl)  | 1959       | Montagnard Christian (H'mong, Hà môn)                                        | 2012/04/23  | 87                                              | 2013/05/28           | 11                         | Gia Lai, Mang Yang prison camp                                     |
| 3   | 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                                                |
| 4   | Amlinh (Bá Blung) | 1943       | Degar Montagnard Christians & FULRO. Association of Montagnards in the USA   | 2009/02/04  | 87                                              | 2009/09/08           | 8                          | Gia Lai prison camp - B20                                          |
| 5   | Bùi Ngọc Cường    | 1977       | Demonstrating in Vũng Án-Hà Tĩnh against Chinese aggression (HD-981 oil rig) | 2014/05/14  | 245, 257                                        | 2014/11/12           | 2,5                        | Hà Tĩnh prison camp                                                |
| 6   | Bùi Thị Minh Hằng | 1964       | Land rights / Pro-democracy activist                                         | 2014/02/11  | 245                                             | 2012/12/12 (Appeal)  | 3                          | Gia Lai, Gia Trung provincial prison                               |
| 7   | Bùi Thúc Nhu      | 1950       | Great Vietnamese Nationalist Party. Indochinese Federation Front             | 1989        | 79                                              | N/A                  | Life                       | Phú Yên, Xuân Phước, A20 prison camp (Ministry of Public Security) |
| 8   | Byuk              | 1945       | Montagnard Christian (H'mong, Hà môn)                                        | 2012/05/08  | 87                                              | 2013/05/28           | 8                          | Gia Lai, Măng Yang prison camp                                     |
| 9   | Chi               | 1984       | Montagnard Christian, religious activist (H'mong, Hà môn)                    | 2012/09     | 87                                              | 2013/11/18           | 8                          | Gia Lai provincial prison                                          |
| 10  | Đặng Thị Mi       | 1955       | Land rights activist                                                         | 2014/09/04  | 245                                             | 2014/09/04           | 26 months                  | Bắc Ninh provincial prison                                         |
| 11  | Đặng Xuân Diệu    | 1977       | Catholic Youth activist, Blogger. Redemptorist News Information Network      | 2011/07/30  | 79                                              | 2013 /01/09 (Appeal) | 13                         | Vũng Tàu, Xuyên Mộc prison camp                                    |
| 12  | Danh Hường        | 1961       | Government of Free Vietnam. Ethnic Khmer                                     | 1999/07/19  | 84                                              | 2001/05/16-29        | 18                         | Đồng Nai, Xuân Lộc, Z30A prison camp                               |
| 13  | Đình Hrôn         | 1981       | Montagnard Christian (H'mong, Hà môn)                                        | 2012/04/23  | 87                                              | 2013/05/28           | 7                          | Gia Lai, Mang Yang prison camp                                     |
| 14  | Đình Lứ           | 1976       | Montagnard Christian (H'mong, Hà môn)                                        | 2012/04/23  | 87                                              | 2013/05/28           | 7                          | Gia Lai, Mang Yang prison camp                                     |

|    |                          |      |                                                                                               |            |        |                     |           |                                          |
|----|--------------------------|------|-----------------------------------------------------------------------------------------------|------------|--------|---------------------|-----------|------------------------------------------|
| 15 | Đình Lý                  | 1979 | Montagnard Christian, religious activist (H'mong, Hà mòn)                                     | 2012/09    | 87     | 2013/11/18          | 7,5       | Gia Lai provincial prison                |
| 16 | Đình Ngo                 | 1987 | Montagnard Christian, religious activist (H'mong, Hà mòn)                                     | 2012/09    | 87     | 2013/11/18          | 7,5       | Gia Lai provincial prison                |
| 17 | Đình Nguyên Kha          | 1988 | Pro-democracy activist, student, Patriotic Youth Group. Distributing anti-government leaflets | 2012/10/14 | 88     | 2013/05/16 (Appeal) | 4         | Vũng Tàu, Xuyên Mộc prison camp          |
| 18 | Đỗ Đình Dũ               | 1959 | Land rights activist                                                                          | 2014/06/25 | 258    | 2014/12/15          | 3         | Đà Nẵng provincial prison                |
| 19 | Đỗ Hường (aka Đoàn Hùng) | N/A  | Former Captain of RVA, Alliance of Vietnamese Revolutionary Parties.                          | 1993/03/05 | 79     | 1996                | Life      | Hà Nam, Phú Lý, Ba Sao prison camp       |
| 20 | Đỗ Thanh Nhân            | 1926 | Government of Free Vietnam                                                                    | 1999       | 91     | 2001/05/16-29       | 20        | Đồng Nai, Xuân Lộc, Z30A prison camp     |
| 21 | 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     |
| 22 | Đỗ Thị Hồng              | 1957 | Religious activist, Hội đồng công luật công án Bia Sơn.                                       | 2012/02/14 | 79     | 2013/01/28-02/04    | 13        | Đồng Nai, Xuân Lộc, Z30A prison camp, K5 |
| 23 | Đỗ Thị Thiêm             | 1959 | Land rights activist                                                                          | 2014/09/04 | 245    | 2014/09/04          | 28 months | Bắc Ninh provincial prison               |
| 24 | Đỗ Văn Hào               | 1961 | Land rights activist                                                                          | 2014/09/04 | 245    | 2014/09/04          | 28 months | Bắc Ninh provincial prison               |
| 25 | Đỗ Văn Quý               | 1965 | Land rights activist                                                                          | 2014/09/04 | 245    | 2014/09/04          | 28 months | Bắc Ninh provincial prison               |
| 26 | 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     |
| 27 | Đoàn Đình Nam            | 1951 | Religious activist, Hội đồng công luật công án Bia Sơn .                                      | 2012/02/06 | 79     | 2013/01/28-02/04    | 16        | Vũng Tàu, Xuyên Mộc provincial prison    |
| 28 | Đoàn Huy Chương          | 1985 | Labour rights activist, United Workers-Farmers Organization (UWFO)                            | 2010/02/13 | 89     | 2010/10/26          | 7         | Đồng Nai, Xuân Lộc, Z30A prison camp, K2 |
| 29 | Đoàn Văn Cư              | 1962 | Religious activist, Hội đồng công luật công án Bia Sơn                                        | 2012/02/10 | 79     | 2013/01/28-02/04    | 14        | Vũng Tàu, Xuyên Mộc provincial prison    |
| 30 | Hồ Đức Hòa               | 1974 | Catholic Youth activist, Blogger                                                              | 2011/07/30 | 79     | 2013/05/23 (Appeal) | 13        | Hà Nam, Phú Lý, Ba Sao prison camp       |
| 31 | Hồ Long Đức              | 1953 | Government of Free Vietnam                                                                    | 1999/11/25 | 84, 90 | 2001/05/16-29       | 20        | Bình Dương, An Phước prison camp         |
| 32 | Huỳnh Đức Minh           | 1958 | Hội đồng công luật công án Bia Sơn, Religious activist                                        | 2014       | 232    | 2014/07/17          | 3         | Phú Yên provincial prison                |
| 33 | Jonh (Chinh)             | 1952 | Montagnard Christian (H'mong, Hà mòn)                                                         | 2012/05/08 | 87     | 2013/05/28          | 9         | Gia Lai, Măng Yang prison camp           |
| 34 | Kpă Klek                 | 1972 | Ethnic Christian Montagnard                                                                   | 2015/02    | 275    | 2015/04/22          | 5         | Gia Lai prison camp                      |
| 35 | Kpă Sinh                 | 1959 | Degar Montagnard Christians & FULRO                                                           | 2010/08/28 | 87     | 2011/04/05          | 8         | Gia Lai prison camp - B20                |
| 36 | Kpuih Bô (Ơi Yu)         | 1942 | Degar Montagnard Christians & FULRO                                                           | 2010       | 87     | 2010                | 10        | Thái Nguyên, Phú Lương, Phú Sơn 4        |
| 37 | Kpuil Lễ                 | N/A  | Degar Montagnard Christians & FULRO                                                           | 2011/11/22 | 87     | 2012/06/06          | 8         | Gia Lai prison camp - B20                |
| 38 | Kpuil Mel                | N/A  | Degar Montagnard Christians & FULRO                                                           | 2011/11/22 | 87     | 2012/06/06          | 9         | Gia Lai prison camp - B20                |
| 39 | Lê Đức Động              | 1983 | Hội đồng công luật công án Bia Sơn, Religious activist                                        | 2012/02/05 | 79     | 2013/01/28-02/04    | 12        | Phú Yên provincial prison                |
| 40 | Lê Duy Lộc               | 1956 | Hội đồng công luật công án Bia Sơn, Religious activist                                        | 2012/02/05 | 79     | 2013/01/28-02/04    | 17        | Phú Yên provincial prison                |
| 41 | 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     |

|    |                                        |      |                                                                                              |                          |          |                                |              |                                                            |
|----|----------------------------------------|------|----------------------------------------------------------------------------------------------|--------------------------|----------|--------------------------------|--------------|------------------------------------------------------------|
| 42 | Lê Phúc                                | 1951 | Hội đồng công luật công án Bia Son, Religious activist                                       | 2012/02/05               | 79       | 2013/01/28-02/04               | 15           | Phú Yên provincial prison                                  |
| 43 | Lê Thanh Tùng                          | 1968 | Freelance journalist, pro-democracy activist, Bloc 8406                                      | 2015/12/14<br>2011/12/01 | 79<br>88 | Pending<br>2012/11/28 (Appeal) | N/A<br>4     | Just released 2015/06/29<br>Hà Nội, Thanh Xuân prison camp |
| 44 | Lê Thị Thu Hà                          | 1982 | Brotherhood For Democracy member - Attorney Dai's assistant                                  | 2015/12/16               | 88       | Pending                        | N/A          | Hà Nội Detention Center                                    |
| 45 | Lê Trọng Cur                           | 1966 | Hội đồng công luật công án Bia Son, Religious activist                                       | 2012/02/05               | 79       | 2013/01/28-02/04               | 12           | Vũng Tàu, Xuyên Mộc prison camp                            |
| 46 | Lê Văn Nghiêm                          | 1991 | Demonstrating in Bến Cát-Bình Dương against Chinese aggression (HD-981 oil rig)              | 2014/05/13               | 245      | 2014/05/25                     | 3            | Bình Dương, An Phước prison camp                           |
| 47 | Liêu Ny                                | 1986 | Khmer Krom monk                                                                              | 2013/05                  | 91       | 2013/09/27                     | 4            | Vũng Tàu, Xuyên Mộc prison camp                            |
| 48 | Lương Nhật Quang                       | 1987 | Hội đồng công luật công án Bia Son, Religious activist                                       | 2012/02/10               | 79       | 2013/01/28-02/04               | 12           | Vũng Tàu, Xuyên Mộc prison camp                            |
| 49 | Lý Văn Hầu                             | N/A  | H'Mông, "Dương Văn Minh" religious community                                                 | 2013/10/14               | 258      | 2014/03/20                     | 3            | Tuyên Quang provincial prison                              |
| 50 | Mai Thị Kim Hương                      | N/A  | Land right activist                                                                          | 2015/04/14               | 257      | 2015/11/25 (Appeal)            | 3,5          | Long An prison camp                                        |
| 51 | Nay Krong                              | N/A  | Montagnard Christian, religious activist                                                     | N/A                      | 87       | N/A                            | 9            | Bình Dương, An Phước prison camp                           |
| 52 | Nay Toa                                | N/A  | Montagnard Christian, religious activist                                                     | N/A                      | 87       | N/A                            | 8            | Bình Dương, An Phước prison camp                           |
| 53 | Nay Y Nga                              | 1979 | Degar Montagnard Christians & FULRO                                                          | 2011                     | 87       | 2012/04/12                     | 5            | Phú Yên provincial prison                                  |
| 54 | Ngô Hào                                | 1948 | Pro-democracy activist                                                                       | 2013/02/08               | 79       | 2013/09/11                     | 15           | Phú Yên provincial prison                                  |
| 55 | Ngô Thị Minh Uớc                       | 1959 | Land rights activist, demonstrating to wave Flags of Former South for freedom                | 2014/07/08               | 88       | 2016/03/30                     | 4 + 3 months | Saigon, Phan Đăng Lưu Detention Center                     |
| 56 | Ngô Thị Như                            | 1950 | Land rights activist                                                                         | 2014/09/04               | 245      | 2014/09/04                     | 26 months    | Bắc Ninh provincial prison                                 |
| 57 | Ngô Thị Toan                           | 1965 | Land rights activist                                                                         | 2014/09/04               | 245      | 2014/09/04                     | 26 months    | Bắc Ninh provincial prison                                 |
| 58 | Nguyễn Công Chính                      | 1969 | Pastor, Lutheran church - head of Gia Lai                                                    | 2011/04/28               | 87       | 2012/03/26                     | 11           | Bình Dương, An Phước prison camp                           |
| 59 | Nguyễn Đăng Minh Mẫn                   | 1985 | Catholic Youth activist                                                                      | 2011/08/02               | 79       | 2013/01/09                     | 8            | Yhanh Hóa, Yên Định, prison camp 5                         |
| 60 | Nguyễn Đình                            | 1968 | Hội đồng công luật công án Bia Son, Religious activist                                       | 2012/02/10               | 79       | 2013/01/28-02/04               | 14           | Đồng Nai, Xuân Lộc, Z30A prison camp, K2                   |
| 61 | Nguyễn Đình Ngọc (aka Nguyễn Ngọc Già) | 1966 | Blogger, writer "conducting propaganda against the Socialist Republic of Vietnam"            | 2014/12/27               | 88       | 2016/03/30                     | 4            | Saigon, Phan Đăng Lưu Detention Center                     |
| 62 | Nguyễn Hoàng Quốc Hùng                 | 1981 | Labour rights activist, United Workers-Farmers Organization (UWFO)                           | 2010/02/24               | 89       | 2011/03/18                     | 9            | Vũng Tàu, Xuyên Mộc prison camp                            |
| 63 | Nguyễn Hữu Cảnh                        | 1950 | Fleeing abroad to opposing the state                                                         | 2005/09                  | 91       | N/A                            | 13           | Bình Dương, An Phước prison camp                           |
| 64 | Nguyễn Hữu Chiên                       | 1996 | Demonstrating in Vũng Án-Hà Tĩnh against Chinese aggression (HD-981 oil rig)                 | 2014/05/14               | 245, 257 | 2014/11/12                     | 33 months    | Hà Tĩnh prison camp                                        |
| 65 | Nguyễn Hữu Quốc Duy                    | 1985 | Facebooker "conducting propaganda against the Socialist Republic of Vietnam" on social media | 2015/11/27               | 88       | Pending                        | N/A          | Khánh Hòa prison camp                                      |

|    |                                   |      |                                                                                                                                     |                          |                         |                                      |               |                                                               |
|----|-----------------------------------|------|-------------------------------------------------------------------------------------------------------------------------------------|--------------------------|-------------------------|--------------------------------------|---------------|---------------------------------------------------------------|
| 66 | Nguyễn Hữu Thiên An               | 1995 | Member of movement “Zombie” on social media against government                                                                      | 2015/08/28               | 258                     | Pending                              | N/A           | Khánh Hòa prison camp                                         |
| 67 | Nguyễn Hữu Vinh                   | 1956 | Blogger Anhasam, journalist                                                                                                         | 2014/05/05               | 258                     | 2016/03/23                           | 5             | Hà Nội Detention Center                                       |
| 68 | Nguyễn Kim Nhân                   | 1949 | Land rights activist, hanging anti-China & anti-government banners                                                                  | 2011/06/07               | 88                      | 2012/07/16                           | 5,5           | Nghệ An, Thanh Chương prison camp                             |
| 69 | Nguyễn Kỳ Lạc                     | 1951 | Hội đồng công luật công án Bìa Sơn, Religious activist                                                                              | 2012/02/06               | 79                      | 2013/01/28-02/04                     | 16            | Đồng Nai, Xuân Lộc, Z30A prison camp, K2                      |
| 70 | Nguyễn Lộc Phước (aka Pe Vi Chet) | 1981 | Pro-democracy activist, Vietnamese People Love The Vietnamese Party                                                                 | 2010/11/20               | N/A                     | N/A                                  | N/A           | Gia Lai prison camp - B20                                     |
| 71 | Nguyễn Ngọc Cường                 | 1957 | Land rights activist, distributing anti-government leaflets                                                                         | 2011/03/28               | 88                      | 2012/05/04 (Appeal)                  | 7             | Đồng Nai, Xuân Lộc, Z30A prison camp, K1                      |
| 72 | Nguyễn Quang Phi                  | 1993 | Demonstrating in Thủ Đức-Bình Dương against Chinese aggression (HD-981 oil rig)                                                     | 2014/05/14               | 245                     | 2014/08/22                           | 2             | Bình Dương, An Phước prison camp                              |
| 73 | 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                              |
| 74 | Nguyễn Thái Bình                  | 1986 | Hội đồng công luật công án Bìa Sơn, Religious activist                                                                              | 2012/02/10               | 79                      | 2013/01/28-02/04                     | 12            | Phú Yên provincial prison                                     |
| 75 | 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                          |
| 76 | Nguyễn Thị Ánh Nguyệt             | 1973 | Land rights activist, Cần Thơ, H.Cờ Đỏ                                                                                              | 2013/09/10               | 245                     | 2014/01/21                           | 3             | Cần Thơ provincial prison                                     |
| 77 | 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             | Saigon, Phan Đăng Lưu Detention Center                        |
| 78 | Nguyễn Thị Hằng                   | 1972 | Demonstrating in Vũng Án-Hà Tĩnh against Chinese aggression (HD-981 oil rig)                                                        | 2014/05/14               | 245, 257                | 2014/11/12                           | 2             | Hà Tĩnh prison camp                                           |
| 79 | Nguyễn Thị Minh Thúy              | 1980 | Blogger Anhasam, assistant                                                                                                          | 2014/05/05               | 258                     | 2016/03/23                           | 3             | Hà Nội Detention Center                                       |
| 80 | Nguyễn Thị Trí                    | 1958 | Land rights activist, demonstrating to wave Flags of Former South for freedom                                                       | 2014/07/08               | 88                      | 2016/03/30                           | 3             | Saigon, Phan Đăng Lưu Detention Center                        |
| 81 | Nguyễn Trung Can                  | N/A  | Land right activist                                                                                                                 | 2015/04/14               | 257                     | 2015/11/25 (Appeal)                  | 3             | Long An prison camp                                           |
| 82 | Nguyễn Trung Thành                | 1995 | Demonstrating in Vũng Án-Hà Tĩnh against Chinese aggression (HD-981 oil rig)                                                        | 2014/05/14               | 245, 257                | 2014/11/12                           | 2             | Hà Tĩnh prison camp                                           |
| 83 | Nguyễn Văn Cảnh                   | N/A  | Anti-government fled abroad                                                                                                         | 2005/09                  | 91                      | N/A                                  | 13            | Bình Dương, An Phước prison camp                              |
| 84 | Nguyễn Văn Đài                    | 1969 | Brotherhood For Democracy & Vietnam Human Rights Committee Founder & Chairman. Human rights lawyer, pro-democracy activist, blogger | 2015/12/16<br>2007/03/06 | 88<br>88                | P e n d i n g<br>2007/11/27 (Appeal) | N/A<br>4      | Hà Nội Detention Center<br>Hà Nam, Phú Lý, Ba Sao prison camp |
| 85 | Nguyễn Văn Hữu                    | 1957 | Hội đồng công luật công án Bìa Sơn, Religious activist                                                                              | 2014                     | 232                     | 2014/07/17                           | 4             | Phú Yên provincial prison                                     |
| 86 | Nguyễn Văn Lý                     | 1946 | Catholic priest, dissident. Bloc 8406 & Vietnam Progressive Party Founder                                                           | 2007/02/19<br>N/A<br>N/A | 88<br>87, 269<br>87, 89 | 2007/03/30<br>2001/10/19<br>1983/12  | 8<br>10<br>15 | Hà Nam, Phú Lý, Ba Sao prison camp<br>N/A<br>N/A              |
| 87 | Nguyễn Văn Minh                   | 1980 | Hoa Hao Buddhist activist                                                                                                           | 2014/02/11               | 245                     | 2014/12/12                           | 2,5           | Bình Dương, An Phước prison camp                              |

|     |                                   |      |                                                                                    |            |          |                     |           |                                          |
|-----|-----------------------------------|------|------------------------------------------------------------------------------------|------------|----------|---------------------|-----------|------------------------------------------|
| 88  | Nguyễn Văn Răng                   | 1951 | Pro-democracy activist                                                             | 2011/01/05 | 79       | N/A                 | 20        | Đồng Nai, Xuân Lộc, Z30A prison camp     |
| 89  | Nguyễn Văn Thắng                  | 1988 | Demonstrating in Vũng Án-Hà Tĩnh against Chinese aggression (HD-981 oil rig)       | 2014/05/14 | 245, 257 | 2014/11/12          | 39 months | Hà Tĩnh prison camp                      |
| 90  | Nguyễn Văn Tuấn                   | 1957 | Head of public relation department of the provincial People's Committee Vung Tau   | 2012       | 258      | 2012/06/06          | 4         | Vũng Tàu, Xuyên Mộc prison camp          |
| 91  | Nguyễn Việt Dũng<br>(Dũng Phi Hồ) | 1986 | Wearing military uniforms of former RV appearing in environmental protest          | 2015/04/13 | 245      | 2015/12/14          | 15 months | Hà Nội, Hoàn Kiếm Detention center       |
| 92  | Nhi (Bã Tiêm)                     | 1958 | Degar Montagnard Christians & FULRO                                                | 2008/12/28 | 87       | 2009/09/08          | 10        | Gia Lai provincial prison                |
| 93  | Noh                               | 1959 | Degar Montagnard Christians & FULRO                                                | 2008/08    | 87       | 2009/09/04          | 12        | Gia Lai provincial prison                |
| 94  | Phạm Thành Công                   | 1994 | Demonstrating in Thủ Đức-Bình Dương against Chinese aggression (HD-981 oil rig)    | 2014/05/14 | 245      | 2014/08/22          | 2         | Bình Dương, An Phước prison camp         |
| 95  | Phạm Thị Phương                   | 1945 | Former Officer of RVA, Viet-Thalander Vietnam Populist Party                       | 2010/04/21 | 79       | 2011/09/21          | 11        | Đồng Nai, Xuân Lộc, Z30A prison camp, K4 |
| 96  | Phạm Văn Phong                    | 1965 | Hội đồng công luật công án Bia Sơn, Religious activist                             | 2014       | 232      | 2014/07/17          | 2         | Phủ Yên provincial prison                |
| 97  | 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         | Đồng Nai, Xuân Lộc, Z30A prison camp, K1 |
| 98  | Phạm Xuân Thân                    | 1958 | Alliance of Vietnamese Revolutionary Parties                                       | 1996/06/12 | 84       | 1996                | Life      | Đồng Nai, Xuân Lộc, Z30A prison camp     |
| 99  | Phan Ngọc Tuấn                    | 1959 | Lutheran church missionary, distributing anti-government leaflets                  | 2011/08/10 | 88       | 2012/08/29          | 5         | Vũng Tàu, Xuyên Mộc prison camp          |
| 100 | Phan Thanh Tường                  | 1987 | Hội đồng công luật công án Bia Sơn, Religious activist                             | 2012/02/05 | 79       | 2013/01/28-02/04    | 10        | Phủ Yên provincial prison                |
| 101 | Phan Thành Ý                      | 1948 | Hội đồng công luật công án Bia Sơn, Religious activist                             | 2012/02/05 | 79       | 2013/01/28-02/04    | 14        | Vũng Tàu, Xuyên Mộc prison camp          |
| 102 | Phan Văn Thu<br>(Trần Công)       | 1948 | Hội đồng công luật công án Bia Sơn. - founder & chairman                           | 2012/02/05 | 79       | 2013/01/28-02/04    | Life      | Bình Dương, An Phước prison camp         |
| 103 | Phùng Lâm                         | 1966 | Pro-democracy activist, Democratic Party of Vietnam                                | 2010/06/21 | 88       | 2011/01/18          | 7         | Bình Phước provincial prison             |
| 104 | Phùng Thanh Chương                | 1969 | Demonstrating in Vũng Án-Hà Tĩnh against Chinese aggression                        | 2014/05/14 | 245, 257 | 2014/11/12          | 2         | Hà Tĩnh prison camp                      |
| 105 | Phùng Thị Ly                      | N/A  | Land right activist                                                                | 2015/04/14 | 257      | 2015/11/25 (Appeal) | 3         | Long An prison camp                      |
| 106 | Pinh                              | 1967 | Degar Montagnard Christians & FULRO                                                | 2008/08    | 87       | 2009/09/04          | 9         | Gia Lai provincial prison                |
| 107 | Rah Lan Blom                      | 1976 | Degar Montagnard Christians & FULRO                                                | 2010/08/28 | 87       | 2011/04/05          | 9         | Bình Dương, An Phước prison camp         |
| 108 | Rah Lan Mlih                      | 1966 | Degar Montagnard Christians & FULRO                                                | 2010/08/28 | 87       | 2011/04/05          | 9         | Gia Lai prison camp - B20                |
| 109 | Rmah Hlach<br>(Rơ Mah Hlach)      | 1968 | Degar Montagnard Christians & FULRO                                                | 2009/07/23 | 87       | 2010/01/14-15       | 12        | Hà Nam, Phú Lý, Ba Sao prison camp       |
| 110 | Ro Cham Mang'ak                   | N/A  | Montagnard Christian, religious activist                                           | N/A        | 87       | N/A                 | 9         | Bình Dương, An Phước prison camp         |
| 111 | Ro Lah K'lan                      | N/A  | Degar Montagnard Christians & FULRO                                                | 2010/08/25 | 87       | 2011/04/05          | N/A       | Gia Lai prison camp - B20                |

|     |                       |      |                                                                   |            |     |                  |     |                                      |
|-----|-----------------------|------|-------------------------------------------------------------------|------------|-----|------------------|-----|--------------------------------------|
| 112 | Rơ Lan Jú (Ama Suit)  | 1968 | Degar Montagnard Christians & FULRO                               | 2009/03    | 87  | 2009/07/21       | 9   | Gia Lai prison camp - B20            |
| 113 | Rơ Lan Nghin          | N/A  | Ethnic Christian Montagnard                                       | 2015/02/25 | 275 | 2015/07/17       | 3   | Gia Lai prison camp                  |
| 114 | Ro Mah Hit            | N/A  | Montagnard Christian                                              | 2010/08/25 | 87  | N/A              | N/A | Gia Lai prison camp - B20            |
| 115 | Ro Mah Klit           | 1946 | Degar Montagnard Christians & FULRO                               | 2010/08/28 | 87  | 2011/04/05       | 8   | Gia Lai prison camp - B20            |
| 116 | Rơ Mah Pôl            | 1953 | Degar Montagnard Christians & FULRO                               | N/A        | 87  | 2009/03/27       | 7   | Gia Lai prison camp - B20            |
| 117 | Rơ Mah Pró            | 1964 | Degar Montagnard Christians & FULRO                               | 2010/08/28 | 87  | 2011/04/05       | 9   | Gia Lai prison camp - B20            |
| 118 | Rơ Mah Then           | 1985 | Degar Montagnard Christians & FULRO                               | N/A        | 87  | 2009/03/27       | 8   | Gia Lai prison camp - B20            |
| 119 | Rôh                   | 1962 | Degar Montagnard Christians & FULRO                               | 2008/08    | 87  | 2009/09/04       | 10  | Gia Lai provincial prison            |
| 120 | Run                   | 1971 | Montagnard Christian, religious activist (H'mong, Hà môn)         | 2012/08/05 | 87  | 2013/11/18       | 9   | Gia Lai provincial prison            |
| 121 | Runh                  | 1979 | Montagnard Christian, religious freedom activist (H'mong, Hà môn) | 2012/08/05 | 87  | 2013/05/28       | 10  | Gia Lai, Măng Yang prison camp       |
| 122 | Siu Ben (Ama Yôn)     | 1975 | Degar Montagnard Christians & FULRO                               | 2009/03    | 87  | 2009/07/21       | 12  | Gia Lai prison camp - B20            |
| 123 | Siu Brom              | 1967 | Degar Montagnard Christians & FULRO                               | 2010/08/28 | 87  | 2011/04/05       | 10  | Gia Lai prison camp - B20            |
| 124 | Siu Glôl              | 1985 | Montagnard (Jarai) Christian pastor in Chur Puh                   | 2010/09/22 | 87  | 2010             | 10  | Gia Lai prison camp - B20            |
| 125 | Siu H'Chom            | 1975 | Ethnic Christian Montagnard                                       | 2015/02    | 275 | 2015/04/22       | 6   | Gia Lai prison camp                  |
| 126 | Siu Hlom              | 1967 | Degar Montagnard Christians & FULRO                               | 2010/08/28 | 87  | 2011/04/05       | 12  | Gia Lai prison camp - B20            |
| 127 | Siu Jă (Ama Hyen)     | 1972 | Degar Montagnard Christians & FULRO                               | 2009/03    | 87  | 2009/07/21       | 7   | Gia Lai prison camp - B20            |
| 128 | Siu Kheh              | N/A  | Degar Montagnard Christians & FULRO                               | 2010       | 87  | 2010             | 10  | Gia Lai prison camp - B20            |
| 129 | Siu Kơch              | 1985 | Degar Montagnard Christians & FULRO                               | 2009/07/23 | 87  | 2010/01/14-15    | 10  | Gia Lai prison camp - B20            |
| 130 | Siu Lit               | N/A  | Degar Montagnard Christians & FULRO                               | 2010       | 87  | 2010             | 10  | Gia Lai prison camp - B20            |
| 131 | Siu Nheo              | 1955 | Degar Montagnard Christians & FULRO                               | 2010/08/28 | 87  | 2011/04/05       | 10  | Gia Lai prison camp - B20            |
| 132 | Siu Thái (Ama Thương) | 1978 | Degar Montagnard Christians & FULRO                               | 2011/04/07 | 87  | 2011/12/19       | 10  | Gia Lai prison camp - B20            |
| 133 | Siu Wiu               | 1978 | Degar Montagnard Christians & FULRO                               | 2008       | 87  | 2009/01/06       | 10  | Hà Nam, Phù Lý, Ba Sao prison camp   |
| 134 | Sơn Nguyễn Thanh Điền | 1972 | Government of Free Vietnam                                        | 2000/08/17 | 84  | 2001/05/16-29    | 16  | Đồng Nai, Xuân Lộc, Z30A prison camp |
| 135 | Sơn Tâm               | N/A  | Government of Free Vietnam. Ethnic Khmer                          | 1999       | 84  | 2001/05/16-29    | 15  | Đồng Nai, Xuân Lộc, Z30A prison camp |
| 136 | Tạ Khu                | 1947 | Hội đồng công luật công án Bia Sơn, Religious activist            | 2012/02/06 | 79  | 2013/01/28-02/04 | 16  | Vũng Tàu, Xuyên Mộc prison camp      |
| 137 | Thạch Phum Rít        | 1989 | Religious activist, Khmer                                         | 2013/05    | 91  | 2013/09/27       | 3   | Vũng Tàu, Xuyên Mộc prison camp      |
| 138 | Thạch Thuở            | 1985 | Khmer Krom monk                                                   | 2013/05    | 91  | 2013/09/27       | 6   | Đồng Nai, Xuân Lộc, Z30A prison camp |

|     |                     |      |                                                                                     |                          |          |                       |            |                                          |  |
|-----|---------------------|------|-------------------------------------------------------------------------------------|--------------------------|----------|-----------------------|------------|------------------------------------------|--|
| 139 | Trần Anh Kim        | 1949 | Former officer of VPA, Democratic Party of Vietnam                                  | 2015/09/21<br>2009/07/07 | 79<br>79 | Pending<br>2009/12/28 | N/A<br>5,5 | Just released<br>2015/01/07              |  |
| 140 | Trần Hữu Cảnh       | 1952 | Cao Dai follower, religious freedom activist                                        | 2005                     | 91       | 2005/07/27            | 13         | Hà Nam, Phú Lý, Ba Sao prison camp       |  |
| 141 | Trần Huỳnh Duy Thức | 1966 | Pro-democracy activist, blogger, Chân Sturdy group, owner of Internet company (OCI) | 2009/05/24               | 79       | 2010/01/20            | 16         | Vũng Tàu, Xuyên Mộc prison camp          |  |
| 142 | Trần Phi Dũng       | 1966 | Hội đồng công luật công án Bia Sơn. - Founder & Chairman                            | 2012/02/10               | 79       | 2013/01/28-02/04      | 13         | Đồng Nai, Xuân Lộc, Z30A prison camp, K2 |  |
| 143 | Trần Quân           | 1984 | Hội đồng công luật công án Bia Sơn. - founder & chairman                            | 2012/02/10               | 79       | 2013/01/28-02/04      | 12         | Phú Yên provincial prison                |  |
| 144 | Trần Thị Huệ        | N/A  | Government of Free Vietnam. Ethnic Khmer                                            | 1999/04/20               | 84, 88   | 2001/05/16-29         | 18         | Đồng Nai, Xuân Lộc, Z30A prison camp     |  |
| 145 | Trần Thị Thúy       | 1971 | Land rights activist, Vietnam Reform Party, Hoa Hao Buddhist                        | 2010/08/10               | 79       | 2011/05/30            | 8          | Đồng Nai, Xuân Lộc, Z30A prison camp, K5 |  |
| 146 | Trần Vũ Anh Bình    | 1974 | Musician, Patriotic Youth Group, Redemptorist News Information Network              | 2011/09/19               | 88       | 2012/10/30            | 6          | Bình Dương, An Phước prison camp         |  |
| 147 | Tráng A Chớ         | 1985 | Montagnard Christian, H'Mông                                                        | 2012                     | 79       | 2012/12/12            | 7          | Lai Châu provincial prison               |  |
| 148 | Trịnh Xuân Thủy     | 1996 | Demonstrating in Vũng Án-Hà Tĩnh against Chinese aggression (HD-981 oil rig)        | 2014/05/14               | 245, 257 | 2014/11/12            | 2          | Hà Tĩnh prison camp                      |  |
| 149 | Trương Văn Duy      | 1964 | Alliance of Vietnamese Revolutionary Parties                                        | 1996/06/12               | 84       | 1 9 9 6 (Appeal)      | 20         | Bình Dương, An Phước prison camp         |  |
| 150 | Từ Thiện Lương      | 1950 | Hội đồng công luật công án Bia Sơn. - founder & chairman                            | 2012/02/10               | 79       | 2013/01/28-02/04      | 16         | Phú Yên provincial prison                |  |
| 151 | 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     |  |
| 152 | Võ Ngọc Cư          | 1951 | Hội đồng công luật công án Bia Sơn. - founder & chairman                            | 2012/02/06               | 79       | 2013/01/28-02/04      | 16         | Vũng Tàu, Xuyên Mộc prison camp          |  |
| 153 | Võ Thành Lê         | 1955 | Hội đồng công luật công án Bia Sơn. - founder & chairman                            | 2012/02/05               | 79       | 2013/01/28-02/04      | 16         | Vũng Tàu, Xuyên Mộc prison camp          |  |
| 154 | Võ Tiết             | 1952 | Hội đồng công luật công án Bia Sơn. - founder & chairman                            | 2012/02/10               | 79       | 2013/01/28-02/04      | 16         | Đồng Nai, Xuân Lộc, Z30A prison camp, K2 |  |
| 155 | Võ Văn Phụng        | 1950 | Hội đồng công luật công án Bia Sơn, Religious activist                              | 2014                     | 232      | 2014/07/17            | 3          | Phú Yên provincial prison                |  |
| 156 | Vũ Đình Thụy        | N/A  | Former officer of RVA, poet, writing anti-communist poetry sent abroad              | N/A                      | 79       | N/A                   | 30         | Hà Nam, Phú Lý, Ba Sao prison camp       |  |
| 157 | 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                |  |
| 158 | Y Ang Knul          | 1964 | Degar Montagnard Christians & FULRO                                                 | 2005/01/08               | 87       | 2005/11/16-17         | 11         | Daklak provincial prison                 |  |
| 159 | Y Ben Niê           | 1971 | Montagnard Christian, religious freedom activist                                    | 2004/04/10               | 87       | 2005/07/05            | 14         | Daklak provincial prison                 |  |
| 160 | Y Jim Eban          | 1973 | Montagnard Christian, religious freedom activist                                    | 2004/07/18               | 87       | 2005/07/05            | 13         | Daklak provincial prison                 |  |
| 161 | Y Kur B.Đáp         | 1971 | Degar Montagnard Christians & FULRO                                                 | 2004/07/28               | 87       | 2005/11/16-17         | 17         | Hà Nam, Phú Lý, Ba Sao prison camp       |  |
| 162 | Y Ngenh (Ma Đem)    | 1974 | Degar Montagnard Christians & FULRO                                                 | N/A                      | 87       | 2008/08/06            | 8          | Daknong provincial prison                |  |
| 163 | Y Ngun Knul         | 1968 | Montagnard Christian, religious freedom activist                                    | 2004/04/29               | 87       | 2004/01               | 18         | Hà Nam, Phú Lý, Ba Sao prison camp       |  |

|     |                |      |                                                  |            |    |            |    |                                    |
|-----|----------------|------|--------------------------------------------------|------------|----|------------|----|------------------------------------|
| 164 | Y Pher H'Druê  | 1979 | Montagnard Christian, religious freedom activist | 2004/07/31 | 87 | 2005/07/05 | 12 | Daklak provincial prison           |
| 165 | Y Rit Nie Kdam | 1972 | Montagnard Christian, religious freedom activist | 2004/04/10 | 87 | 2004/01    | 12 | Hà Nam, Phú Lý, Ba Sao prison camp |
| 166 | Yuh (Bă Nar)   | 1962 | Degar Montagnard Christians & FULRO              | 2009/02/04 | 87 | 2009/09/08 | 8  | Gia Lai prison camp - B20          |

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

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

- 79: Carrying out activities aimed at overthrowing the people's administration
- 83: Conducting banditry activities
- 84: Terrorism
- 87: Undermining the unity policy
- 88: Conducting propaganda against the Socialist Republic of Vietnam
- 89: Disrupting security
- 90: Destroying detention camps
- 91: Fleeing abroad or defecting to stay overseas with a view to opposing the people' 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 2016/04/19

| ON | NAME                     | BIRTH YEAR | BACKGROUND                                                                  | ARREST DATE        | ACCUSED OF<br>(Article of VN Penal<br>Code)** | TRIAL DATE             | SENTENCE<br>(Prison year) | PROBATIONARY<br>DETENTION/HOUSE<br>ARREST (years) |
|----|--------------------------|------------|-----------------------------------------------------------------------------|--------------------|-----------------------------------------------|------------------------|---------------------------|---------------------------------------------------|
| 1  | Cao Văn Tinh             | 1974       | Land rights activist, Vietnam Reform Party                                  | 2010/08/10         | 79                                            | 2011/05/30             | 5                         | 4                                                 |
| 2  | Đặng Ngọc Minh           | 1957       | Catholic Youth activist                                                     | 2011/08/02         | 79                                            | 2013 /01/09            | 3                         | 2                                                 |
| 3  | Đặng Văn Nhu             | 1952       | Land rights activist                                                        | 2014/09/04         | 245                                           | 2014/09/04             | 2 (suspended)             | 5                                                 |
| 4  | Đậu Văn Dương            | 1988       | Catholic Youth activist, Redemptorist News Information Network              | 2011/08/02         | 88                                            | 2012/05/24             | 3,5                       | 1,5                                               |
| 5  | Đình Văn Nhượng          | 1958       | Land rights activist                                                        | 2011/06/07         | 88                                            | 2012/07/16             | 4                         | 3                                                 |
| 6  | Đỗ Thị Thiêm (tức Chính) | 1982       | Land rights activist                                                        | 2014/09/04         | 245                                           | 2014/09/04             | 2 (suspended)             | 5                                                 |
| 7  | Đỗ Văn Hoa               | 1966       | Land rights activist                                                        | 2011/06/07         | 88                                            | 2012/11/02<br>(Appeal) | 4                         | 3                                                 |
| 8  | Dương Chí Dũng           | 1991       | Environmental activist                                                      | 2014/03/20         | 257                                           | 2014/10/09             | 30 months<br>(suspended)  | -                                                 |
| 9  | Dương Kim Khải           | 1958       | Cow Shed Menonite home church Pastor, Vietnam Reform Party                  | 2010/08/10         | 79                                            | 2011/05/30             | 6                         | 5                                                 |
| 10 | Giàng A Chứ (Giàng A Xà) | 1989       | Ethnic Christian Montagnard (H'mong, Hà mòn)                                | 2012/05/23         | 88                                            | 2013/09/26             | 3                         | 3                                                 |
| 11 | Hồ Thị Bích Khương       | 1967       | Land rights activist, Bloc 8406                                             | 2011/01/15         | 88                                            | 2011/12/29             | 5                         | 3                                                 |
| 12 | Lê Văn Sơn (Paulus)      | 1985       | Catholic Youth activist, Blogger, Redemptorist News Information Network     | 2011/08/03         | 79                                            | 2013/05/23<br>(Appeal) | 4                         | 4                                                 |
| 13 | Lô Thanh Thảo            | 1977       | Pro-democracy activist, Distributing anti-government leaflets               | 2012/03/26         | 88                                            | 2013/01/08             | 3,5                       | 2                                                 |
| 14 | Lư Văn Bày               | 1952       | Front of Vietnamese Inter-Religions, Cyber-dissident                        | 2011/03/26<br>1977 | 88<br>Re-<br>educate                          | 2011/08/22<br>N/A      | 4<br>6                    | 3                                                 |
| 15 | Lưu Văn Tùng             | 1996       | Demonstrating in Vũng Án-Hà Tĩnh against Chinese aggression                 | 2014/05/14         | 245 +<br>257                                  | 2014/11/12             | 2 (suspended)             | -                                                 |
| 16 | Mai Văn Tung             | n/a        | Land right activist                                                         | 2015/04/14         | 257                                           | 2015/11/25<br>(Appeal) | 3 (suspended)             | 5                                                 |
| 17 | Mùa A Thắng              | 1980       | Montagnard Christian, detained for participating in peaceful demonstrations | 2012/04            | 89                                            | 2012/03/13             | 2                         | 2                                                 |
| 18 | Ngô Thị Đức              | 1941       | Land rights activist                                                        | 2014/09/04         | 245                                           | 2014/09/04             | 28 months<br>(suspended)  | 5                                                 |

|    |                             |      |                                                                                                                         |                          |              |                          |                |   |
|----|-----------------------------|------|-------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------|--------------------------|----------------|---|
| 19 | Ngô Thị Thoa                | 1975 | Land rights activist                                                                                                    | 2014/09/04               | 245          | 2014/09/04               | 2 (suspended)  | 5 |
| 20 | Nguyễn Đình Cường           | 1985 | Catholic Youth activist, Blogger                                                                                        | 2011/08/02               | 79           | 2013/05/23<br>(Appeal)   | 4              | 3 |
| 21 | Nguyễn Phương Uyên          | 1992 | Distributing anti-government leaflets                                                                                   | 2011/10/14               | 88           | 2013/05/16               | 3<br>suspended | 3 |
| 22 | Nguyễn Thị Chiến            | 1961 | Land rights activist                                                                                                    | 2014/09/04               | 245          | 2014/09/04               | 2 suspended    | 5 |
| 23 | Nguyễn Tiến Trung           | 1983 | Pro-democracy activist, Engineer<br>Democratic Party of Vietnam                                                         | 2009/07/07               | 79           | 2010/01/20               | 7              | 3 |
| 24 | Nguyễn Văn Duyệt            | 1980 | Engineer, Catholic Youth activist,<br>Redemptorist News Information Network                                             | 2011/08/07               | 79           | 2013/05/23<br>(Appeal)   | 3,5            | 4 |
| 25 | Nguyễn Văn Oai              | 1980 | Catholic Youth activist                                                                                                 | 2011/07/30               | 79           | 2013/05/23<br>(Appeal)   | 3,5            | 4 |
| 26 | Nguyễn Xuân Anh             | 1982 | Martial arts master, Catholic Youth activist                                                                            | 2011/08/07               | 79           | 2013/05/23<br>(Appeal)   | 3              | 2 |
| 27 | Nguyễn Xuân Nghĩa           | 1949 | Pro-democracy activist, writer, Bloc 8406<br>- Executive Board member, hanging anti-<br>China & anti-government banners | 2008/09/10               | 88           | 2009/10/09               | 6              | 3 |
| 28 | Nông Hùng Anh               | 1983 | Christian Youth activist                                                                                                | 2011/08/05               | 79           | 2013/01/09               | 3              | 2 |
| 29 | Phạm Minh Hoàng             | 1955 | Pro-democracy activist, Vietnamese French,<br>Professor, Vietnam Reform Party<br>Saigon Polytechnic University          | 2010/08/13               | 79           | 2011/08/10               | 3              | 3 |
| 30 | Phạm Nguyễn Thanh Bình      | 1983 | Blogger                                                                                                                 | 2012                     | 88           | 2013/08/14<br>(Appeal)   | 2              | 3 |
| 31 | Phạm Thị Lộc                | 1958 | Land rights activist                                                                                                    | 2011/11/08               | 88           | 2012/11/29               | 3,5            | 3 |
| 32 | Phạm Văn Trội               | 1972 | Human rights activist, Vietnam Human<br>Rights Committee, Bloc 8406                                                     | 2008/09/10               | 88           | 2009/10/08               | 4              | 4 |
| 33 | Phan Thanh Hải<br>(anhbasg) | 1969 | Blogger, attorney, Free Journalists Club                                                                                | 2010/10/18               | 88           | 2012/09/24               | 5              | 3 |
| 34 | Phùng Quang Quyền           | 1956 | Land rights activist, Vietnam Populist Party                                                                            | 2006/11/15<br>2009/08/31 | 258<br>91    | 2007/12/10<br>2010/04/20 | 1,5<br>4       | 4 |
| 35 | Thái Văn Dung               | 1988 | Engineer, Catholic Youth activist,<br>Redemptorist News Information Network                                             | 2011/08/19               | 79           | 2013/05/23<br>(Appeal)   | 4              | 4 |
| 36 | Trần Hoài Ân                | 1953 | Hoa Hao Buddhist activist                                                                                               | 2011/07/02               | 258          | 2011/12/13               | 3              | 2 |
| 37 | Trần Minh Nhật              | 1988 | Student, Catholic Youth activist,<br>Redemptorist News Information Network                                              | 2011/08/27               | 79           | 2013/05/23<br>(Appeal)   | 4              | 3 |
| 38 | Trần Văn Thu                | 1997 | Demonstrating in Vũng Án-Hà Tĩnh against<br>Chinese aggression (HD-981 oil rig)                                         | 2014/05/14               | 245 +<br>257 | 2014/11/12               | 2 (suspended)  | - |
| 39 | Vì Đức Hồi                  | 1956 | Pro-democracy activist, blogger, Bloc 8406,<br>Former director of CPV school in Hữu<br>Lũng, Lạng Sơn                   | 2010/10/27               | 88           | 2011/01/28               | 6              | 3 |
| 40 | Võ Minh Trí<br>(Việt Khang) | 1978 | Musician, Patriotic Youth Group                                                                                         | 2011/12/23               | 88           | 2012/10/30               | 4              | 2 |
| 41 | Võ Viết Dzien               | 1971 | Pro-democracy activist, Vietnam<br>Restoration Party                                                                    | 2012/04/03               | 79           | 2013/01/15               | 3              | 3 |
| 42 | Vũ Thị Thảo                 | 1975 | Land rights activist                                                                                                    | 2014/09/04               | 245          | 2014/09/04               | 2 (suspended)  | 5 |
| 43 | Y Jon E-Nuoi                | 1976 | Degar Montagnard Christians & FULRO                                                                                     | 2003/01/29               | 87           | 2003/10/16               | 11             | 3 |
| 44 | Y Ruih Êban                 | 1960 | Degar Montagnard Christians & FULRO                                                                                     | 2005/02/19               | 87           | 2005/11/16-17            | 10             | 5 |
| 45 | Y Yoan Hmôk                 | 1981 | Degar Montagnard Christians & FULRO                                                                                     | 2004/07/28               | 87           | 2005/11/16-17            | 9              | 5 |

## APPENDIX III

### VIETNAM HUMAN RIGHTS AWARD 2015

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

2002: *The Most Ven. 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 two Musicians Vo Minh Tri (Viet Khang) and Tran Vu Anh Binh.*

This year, VNHRN is proud to present in Little Saigon, California, the 2015 Vietnam Human Rights Award to three more than deserving recipients: **The Most Venerable Thich Khong Tanh, Ms. Ho Thi Bich Khuong, and Ms. Bui Thi Minh Hang.**

## THE MOST VENERABLE THICH KHONG TANH



The Most Venerable Thich Khong Tanh, birth name Phan Ngoc An, is the Abbot of Lien Tri Temple, and concurrently Vice President of the Board of Executives of the Vietnamese United Buddhist Church Sangha and General Commissioner of the Buddhist Social Services and Charity. He is also one of the founders of the Vietnam Inter-faith Committee of which he is currently the representative for the Sangha.

As a monk, he has always been involved in the struggle for Human Rights and especially for religious Freedom. Consequently, he has been subject to Hanoi's continual repression and vengeance. He was arrested and imprisoned for ten years – from 1976 to 1986 – because he had sent a letter to the Vietnamese Prime Minister protesting the government's decision to negate the monk's deferment of military obligation that had been in existence since the Republic of Vietnam era.

In October 1992, Vietnamese police searched Most Ven. Khong Tanh's room in Lien Tri Temple and seized a diary of the Most Venerable Thich Huyen Quang. He was subsequently accused of "circulating anti-government literature" and sentenced to 5 years in prison, and 5 years of probation.

After his early release in October 1993, he again involved himself in the social services and charity works. In November 1984, the police arrested him when he was soliciting donations and distributing relief gifts to the flood victims in the Mekong Delta. In August 1995, he and the Most Venerable Thich Quang Do were accused of "undermining the policy of unity and abusing democratic freedoms to infringe upon the interests of the state," and were sentenced each to 5 years in prison.

Years after years, the Venerable has kept organizing charitable activities, distributing donated goods to disabled veterans of the former Republic of Vietnam and cancer-ridden children, and providing assistance to forced repatriated refugees. He also helped organizations of civil society find secure meeting places to promulgate their struggle for democracy and human rights. His efforts in inter-faith activities have given fresh vitality to the fight for religious freedom. Because of his activities, the government has continually harassed him and even threatened to confiscate the piece of land where his temple is located. Despite the government's deterring measures, The Most Venerable has never faltered in his struggle for democracy and human rights.

**MS. HO THI BICH KHUONG**

**M**s. Ho Thi Bich Khuong was twice a victim of injustice. Her land and property were confiscated, and her business destroyed by the local authorities. She made several petitions to no avail. Because of her difficult situation, Ms. Bich Khuong had to join the “labor export” to go work in Korea. Witnessing the repression and exploitation of her fellow workers, she encouraged them to protest such abuses and was mistreated by the Korean employers. She reported the abuses to the Vietnamese Representative Office, who, instead of looking into the grievances, colluded with the employers and asked the Korean police to forcibly repatriate her.

Returning to Vietnam in 1999, Ms. Bich Khuong actively took part in the sit-ins of many victims of injustice coming from many locals to Hanoi to petition the return of their land, denounce corruption, and demand the enforcement of civil and human rights. She was imprisoned without trials at Hoa Lo Prison from May 11, 2005 until November 11, 2015. A year after being released from prison, she joined Block 8406. She wrote about 30 articles challenging and denouncing communist totalitarianism. She has published voluminous literature promoting democracy and urging the population to join the struggle. She also helped victims of injustice write petitions or post their grievances on the Internet.

On May 26, 2007, she was arrested at Nam Dan City, Nghe An Province. In the face of brutal police torture during her detention, Ms. Bich Khuong steadfastly held on to her beliefs and exhibited a determination rarely seen in ordinary women. Her “courage under fire” is recorded in her book titled “My Journey of Struggle for Justice and Democracy”. After her second release from prison on April 26, 2009, she continued to fight for her cause. On June 15, 2010, she was arrested and severely injured by the Phu Nhuan police when she was on her way to visit her fellow advocates in Saigon. In early 2011, she was detained along with Pastor Nguyen Trung Ton when the two were copying the film “Loss of the Country - A Great Disaster” (Đại họa mất nước). She was sentenced to five years in prison and three years of probation for “propaganda against the State”. As of this moment, though still imprisoned, she is still fighting for her and her inmates’ rights to decent treatment and has been frequently beaten by her jailers.

Ms. Ho Thi Bich Khuong, a recipient of the 2011 Hellman/Hammett by Human Rights Watch, is a courageous fighter who has never wavered from her indomitable fight for freedom, democracy, and human rights despite arrests, imprisonments, and brutal beatings.

## MS. BUI THI MINH HANG



Although growing up in an influential communist family, Ms. Bui Thi Minh Hang became aware of the true nature of the Communists at an early age, when the local communist authorities appropriated the house she inherited from her father.

Since 2011, Ms. Minh Hang has enthusiastically taken part in demonstrations protesting China's aggression in Vietnam's territorial waters, and democracy and human rights movements. On November 27, 2011, she was arrested during the rally demanding that the Vietnamese National Assembly to pass the law on demonstration. She was put in Thanh Ha Education Center at Vinh Phuc Province for two years without any trials.

Owing to massive public pressure, Ms. Minh Hang was released after five months of detention. However, the police continued to follow and harass her with vile measures. She was nonetheless not deterred from pursuing her fight. Besides refusing to pay to the Defense Security Funds, she started a lawsuit against the Chairman of Hanoi People's Committee Nguyen The Thao, wrote to the US Secretary of State (July 5, 2012) and the U.S. Congress (July 10, 2012) denouncing the Vietnam Government's unlawful measures against her.

Seeing her as a thorn in their sides that must be removed, a determined victim of injustice that must be destroyed, the authorities staged a "public order incident" to detain her and several others when they visited the human rights activists who had been persecuted in Dong Thap Province. On August 26, 2014, disregarding public protests, the communist regime sentenced her to a 3-year prison term. Undeterred, Ms. Minh Hang continued her fight for justice in jail. She went on hunger strike for two months (starting April 2, 2015), and frequently communicated with other female inmates about human rights. As of today, she is still being held prisoner.

Ms. Bui Thi Minh Hang is a relentless fighter. From Hanoi to Saigon, when not being detained by the Communists, she was always at the forefront of demonstrations against China's aggression, illegal land/property appropriation, or gatherings demanding protection of her Fatherland and the release of detained activists.

COVER PAGE PHOTOS (FROM LEFT TO RIGHT):

1- Lawyer Tran Thu Nam and Lawyer Le Van Luan were attacked and seriously injured on Nov 3, 2015 after advising the family of a young man who died in police custody.

2- 15-year old Nguyen Mai Trung Tuan, a victim of land seizure, was sentenced to 4 years and 6 months in prison by the People's Court of Long An province on Nov 24, 2015.

3- A group of Montagnards fled from Vietnam to Rattanakiri forests in Cambodia are rescued by a U.N. team in December 2014



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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