

REPORT ON HUMAN RIGHTS IN VIETNAM 2017-2018



VIETNAM HUMAN RIGHTS NETWORK

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COVER PHOTO

Twelve activists who suffered long prison terms in 2017 and 2018 for exercising their freedom of speech

First row, from left to right: Nguyen Van Dai, Pham Van Troi, Nguyen Trung Truc, Nguyen Bac Truyen, Tran Thi Nga, Tran Hoang Phuc

Second row, from left to right: Nguyen Trung Ton, Le Dinh Luong, Nguyen Van Oai, Nguyen Van Hoa, and Nguyen Ngoc Nhu Quynh

INTRODUCTION

Human rights in Vietnam remains a topic of concern not only in Vietnam itself, but around the world. Human Rights Watch, Reporteurs Sans Frontière, Amnesty International, World Library Foundation, Oxford LibGuides, Samaritan's Purse Australia/ New Zealand – all monitor human rights in Vietnam. Human rights conditions are not looking better for 2017 or 2018; instead, they tend to be worse following the U.S. withdrawal from the Trans-Pacific Partnership Agreement (TPP), which many people believed would result in improvements enforced by its stipulations.

Since they are free to carry out their policies of arresting, sentencing, and detaining innocent Vietnamese people for their demands for human rights, Vietnamese Communist Party (VCP) authorities have been stepping up their oppression. Heavy sentences have been imposed on Vietnamese victims solely because of their struggle for a clean environment, freedom of expression and the right to their religious beliefs. Meanwhile, the authorities continue to claim before the world that Vietnam is a country of freedom of religion, in spite of their instigation of fake religion organizations, which encourage ceremony and superstition, to replace real ones, whose teachings they fear. 1

The government is quick to allow freedom of expression for young people crying for the death of a certain international singer or exposing their naked bodies to support the Vietnam U23 soccer team's drive to vanquish its competitors across Asia. What it really shows is that the national education is failing in its purpose. 2

Meanwhile, those who protest against social injustices or the VCP authorities' inconsistencies and demand freedom, democracy, and human rights, are not so nicely treated. The reasons are:

The VCP and the state rob the people of their land, but if the people tell the truth, they are imprisoned. The case of victim of injustice Can Thi Theu in Duong Noi, twice put into prison, is typical.

The VCP and the state claim the people have many freedoms and rights; yet, if these citizens are "invited to work" at a police station, they end up being beaten to death. That was the case of Nguyen Ngoc Nhan, who went missing after going to have some coffee. Police notified his family two days later that he had been sick at a police station. When his father came to take him home, he found his son had been fatally beaten a day earlier.

The VCP and the state prohibit the people from speaking or writing; stubborn violators have their legs broken, are continually harassed and interrogated, and have their phone and internet cut. Typical is the case of female independent journalist Doan Trang.

The VCP and the state prohibit people from talking about the environment, and violators are imprisoned. Nguyen Ngoc Nhu Quynh ("Mother Mushroom") was sentenced to 10 years in prison for her opposition to the Formosa firm's grave damage to Vietnam's environment.

The VCP and the state don't want the people to trust in anything but the authorities' lies, and any disobedience results in prison. That's the case of Pastor Nguyen Cong Chinh's wife, Mrs. Tran Thi Hong, mentioned in a U.S. report on freedom of religion. 3

The VCP and the state were very glad (and proud) to see Americans Open Wide their Arms to the Vietnamese people (through the visit of an “American aircraft carrier to Vietnam”). But the authorities don’t want to do the same for Vietnamese citizens, as they fear this will lead to demands for freedom, democracy, and human rights. All are sensitive issues to the officials.

Serious violations of human rights by the Vietnamese authorities are opposite with the Universal Declaration of Human Rights, of which Vietnam is a solemn signatory as of September 20, 1977, its date of application to join the United Nations. On January 9, 1992, they also signed two more International Covenants — on Civilian and Political Rights and on Economic, Social, and Cultural Rights.

In Part I of the Civilian and Political Rights Covenant, Article I stipulates: “All peoples have their own self-determination rights. With these rights, they are free to determine their political regime and pursue their economic, social, and cultural trends of development.” It is regrettable that in Vietnam, the Communist regime was not the choice of the people, though it has dominated the North for 65 years and the South for over 40 years (since April 1975). Under this authoritarian regime, all Vietnamese continue to be denied the rights proclaimed by the United Nations in its Universal Declaration of Human Rights.

The purpose of this human rights report on Vietnam for the period 2017-2018 is to present with accuracy and integrity the failure of the Vietnamese authorities in their implementation of human rights in the areas listed in the International Bill of Human Rights:

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

Through this report, the world community of free nations is urged to be especially concerned about the Vietnamese people, whose human rights are badly lacking.

Notes:

1. <https://www.rfa.org/vietnamese/news/vietnamnews/uscirf-releases-new-report-a-right-for-all-freedom-of-religion-and-belief-in-asean-09272017110704.html>
2. <http://www.doisongphapluat.com/tin-tuc/u23-viet-nam-dat-ca-chau-a-duoi-chan-bang-chien-thang-de-doi-a217105.html>
2. <https://www.rfa.org/vietnamese/news/vietnamnews/uscirf-releases-new-report-a-right-for-all-freedom-of-religion-and-belief-in-asean-09272017110704.html>

VIETNAM COUNTRY PROFILE

History: In 1954, Vietnam was divided into two at the 17th parallel by the Geneva Accords following the defeat of the French colonialists at Dien Bien Phu. While the South became the free Republic of Vietnam, the North turned into the Communist Democratic Republic of Vietnam, which soon, in 1959, started to invade South Vietnam.

Through a long, bloody war, with the significant assistance of the Soviet Union and Communist China, it eventually took over the South on April 30, 1975. The whole country was then unified under a Communist authoritarian regime.

Geography: As a Southeast Asian country, Vietnam is bordered by China to the north, Laos and Cambodia to the west, the Gulf of Thailand to the southwest, and the South China Sea, or Eastern Sea as it is called by Vietnamese, to the east and south. The country consists of a mainland of 331,689 km² and more than 4,000 islands. Its population was nearly 96 million at the end of 2017, and the country's population growth is generally less than one percent annually.

Politics: As a "socialist republic," Vietnam has a single-party regime, defined by Article 4.1 of its Constitution, amended in 2013, as follows: "The Vietnam Communist Party (VCP) [...] is the sole leader of the State and society." The so-called three branches of government, including the National Assembly (Legislative), the government (Executive), and the People's Courts (Judiciary), are a mere formality, since in practice all are totally dominated by the VCP. With about 4.5 million members, the VCP manipulates the country's general elections, since it pre-selects all the candidates. Similarly, no free political actors or organizations and or agencies are allowed to exist. Vietnam's "free" elections, therefore, are largely fraudulent.

Economy: Following the implementation of the Doi Moi (Renovation) policy in the 1980's to attract foreign aid and investment, Vietnam's economic activities began to change drastically, with the appearance of many state-owned firms and private businesses. According to a Vietnam General Statistics Office report of December 27, 2017, Vietnam's gross domestic product (GDP) gained its highest increase of the decade in 2017, estimated at 6.81%. This brought the per capita GDP to VND53.3 million or, in U.S. dollars, \$2,385, an increase of US\$170 from 2016. The 2017 public debt decreased to 62.6% of the 2016 level of the GDP, but is predicted to increase again to 66%, further widening the gap between rich and poor.

Society: There are 54 ethnic groups in Vietnam, 87% of which are the Kinh, and Vietnamese is the nation's official language. As for religious beliefs, a high portion of the people observe ancestor worship. Formal sects include Buddhists, Christians (including Catholics and Protestants), Muslims, and Hindus as well as the faithful of such regional sects as Cao Dai, Hoa Hao Buddhists and Bahai. A small number of people call themselves atheists, mainly Communist Party members. Due to urbanization in the last decade, Vietnamese society remains agricultural, with nearly 70% of the population living in rural areas. They are suffering, especially those residing in remote areas, from inequalities in income, education, health care, and particularly oppression by local Communist Party members, a main cause of their lives' extreme hardship.

I

FREEDOM OF EXPRESSION

The Universal Declaration of Human Rights (UDHR) was signed and ratified by many nations on December 10, 1948, and is now regarded as the basic standard for every nation. Although Vietnam is not one of the UDHR's 48 signatories, on November 12, 2013, Vietnam was elected to the UN Human Rights Council on condition that it uphold and defend human rights to the fullest extent as set down in General Assembly Resolution 60/25. 1 On November 7, 2013, Vietnam also signed the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

Even in December of that year, however, when intellectuals and others gathered in Hanoi and Saigon to commemorate the UDHR, police and plainclothesmen disbanded them, and arrested and tortured some. The Vietnamese government does not intend to comply with the UDHR.

In this chapter, we talk about the authorities' violations of freedom of expression of regular journalists, independent journalists (especially on the internet), and ordinary people in their peaceful demonstrations. Other UDHR violations are treated in separate chapters.

Article 19 of the UDHR: *Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.*

1. 2017 - Authorities take advantage of Article 88 of the penal code to repress journalists

In the first six months of 2017, Vietnam's Criminal Investigation Agency arrested four persons under Article 88 of the Penal Code for propaganda against the state. ^[1] The Vietnamese government also misapplies criminal code Article 79, imposing long sentences on dissidents out of fear that they might use their influence to form a movement.

This was the case of Attorney Nguyen Van Dai, accused of "overthrowing the government." Every Communist state comes to power by "hijacking the government" in the name of "proletarian revolution." Therefore, they are fearful of any non-communist party, since that threatens their ruling position. Groups of people – no matter how small – who gather to discuss a multi-party system or the Communist Party of Vietnam's removal from leadership are assumed to have formed or joined a political organization and to wish to overthrow the present government, a violation of Article 79. There is no presumption of innocence. The following are examples of citizens convicted under criminal codes 79 and 88:

1.1 In 2017, members of the Brotherhood For Democracy were brutally treated and arrested

The Brotherhood For Democracy advocates freedom, democracy, human rights, multi-party pluralism and a free civil society for Vietnam. Its members disseminate information on social issues, including corruption, and train people for future social reforms. The association was founded in 2013 by Lawyer Nguyen Van Dai (who was then arrested), but in 2017 members of the organization began to be suppressed, a move that coincided with U.S. President Donald Trump's decreasing attention to human rights in Vietnam. Because the Brotherhood is weak, the concern of the outside world is important for the security of its members.^[2] In August and September 2017, Vietnam prosecuted five members and one former member of the Brotherhood, accusing them, under Article 79, of "working to overthrow the government."^[3]

Members of the Brotherhood For Democracy

1. Attorney Nguyen Van Dai, born in 1970, is a prominent lawyer who has called for pluralism and respect for human rights. He served two prison terms for crimes like "propaganda against the Socialist Republic of Vietnam." In April 2017, while in prison, Mr. Dai became the first Vietnamese to be awarded the Human Rights Prize of the German Association of Judges. On April 5, 2018, he was sentenced, the third time, to 15 years in prison and five years of probation under Article 79.^[4]
2. Rev. Nguyen Trung Ton, born in 1972, has used the internet to speak about human rights and democracy. He was arrested for the second time on July 30, 2017, at his home in Thanh Hoa. On April 5, 2018, he was sentenced to 12 years in prison and three years of probation under article 79.^[5]
3. Truong Minh Duc, born 1960, is a freelance journalist. Arrested for the third time, he was sentenced on April 5, 2018, to 12 years in prison and three years of probation under article 79.^[6]
4. Pham Van Troi, born 1972, was arrested on July 30, 2017, for his protection of human rights. On April 5, 2018, he was sentenced to five years in prison and one year's probation.^[7]
5. Nguyen Bac Truyen, pastor and lawyer, was arrested on July 30, 2017 for helping families of prisoners of conscience, victims of land coercion, and prisoners. On April 5, 2018, he was sentenced to 11 years imprisonment and three years of probation under article 79.^[8]
6. Nguyen Trung Truc, born 1974, was the spokesperson for the Brotherhood for Democracy. He has not been able to meet with his lawyer since being arrested in August 2017. Mr. Truc faces charges under Article 79.^[9]
7. Nguyen Van Tuc, a teacher born in 1964, is another Brotherhood member. He was a prisoner of conscience for four years, and represents the people in Dong La Commune, Dong Hung District, struggling to recover land confiscated by local authorities. He was arrested on September 1, 2017.^[10]

1.2 Human rights activists arrested under article 88 (“propaganda against the state”)

1 - Dao Quang Thuc, teacher, born in 1960, was arrested on October 5, 2017, for online postings and peaceful participation in protests over the environment and territorial disputes with China. He was charged with activities aimed at overthrowing the people’s government, under Article 79, and detained in Hoa Binh Province. ^[11]

2 - Le Dinh Luong, born 1965, he has written on the environmental disaster perpetrated by the Taiwanese steel company Formosa, which caused massive marine damage by dumping toxic waste along the central coast of Vietnam in April 2016. He has also been targeted by authorities for calling for an election boycott and for connections to Viet Tan, an overseas pro-democracy group. On July 24, 2017, he was arrested, and he remains in pre-trial detention. ^[12]

3 - Nguyen Van Hoa, born 1995, is a Catholic activist from Ky Anh in Ha Tinh province, one of the areas most affected by the Formosa environmental disaster. A contributor to Radio Free Asia, Hoa’s live broadcast of peaceful protests in October 2016 outside the Formosa steel plant went viral. Ha Tinh police arrested him Jan. 11, 2017, for “motorbike theft and drug dealing.” On Nov. 27, 2017, in a secret trial without lawyer or family, Hoa was sentenced to seven years imprisonment and three years of probation. ^[13]

4 - Blogger Nguyen Ngoc Nhu Quynh, AKA Mother Mushroom, was sentenced to 10 years imprisonment under Article 88 of the Criminal Code for “propaganda against the state.” On Oct. 30, 2017, she was sentenced to 10 years. ^[14] (For more about her, see below.)

1.3 Bloggers active on the internet, Facebook or email

1 – Dr. Ho Van Hai (AKA Ho Hai), born 1957, called for clean government and was arrested on Nov. 2, 2016. On Feb. 1, 2018, in a secret trial unknown to other activists, Dr. Hai was sentenced to four years in prison and two years of probation in Ho Chi Minh City. He was tried under Article 88 for his on-line support for an election boycott and protests against the Formosa company. ^[15]

2 - Nguyen Ngoc Nhu Quynh (“Mother Mushroom”) was born in 1979 in Khanh Hoa province. She was arrested in Khanh Hoa province on Oct. 10, 2016, for “spreading propaganda” against the state. Ms. Quynh was awarded an International Woman of Courage Award from the U.S. State Department in 2017, which she was unable to accept in person, and was also given the 2015 Civil Rights Defender of the Year award. On June 29, 2017, she was sentenced to ten years in prison at a one-day trial. As of Feb. 2018, she is in poor health. ^[16]

3 - Tran Tuan Kiet, a university employee, was arrested on July 31 and Aug. 6, 2017, for activity concerning anti-corruption in schools, and sentenced to three years in prison. ^[17]

4 - Tran Hoang Phuc, born in 1994, has called for a multi-party system, human rights, and environmental protection. When President Obama visited Vietnam, Mr. Phuc was invited to meet with him, but prevented by police. Arrested on June 26, 2017, he was sentenced to six years imprisonment and four years of probation on Jan. 31, 2018. ^[18]

5 - Hoang Duc Binh, a 35-year-old activist who helped fishermen in Nghe An province sue the Formosa company for environmental pollution, was arrested along with Catholic priest Nguyen Dinh Thuc. Mr. Binh participated in several demonstrations, and used social networks to report information to the public. At an April 24, 2018, appeal hearing, he was sentenced to 14 years in jail for “action against law enforcement” and “abuse of democratic freedoms.”^[19]

6 - Phan Kim Khanh, born in 1993, was arrested when he was a senior at the Faculty of International Studies, Thai Nguyen University. In 2015, he received a scholarship from the Young Southeast Asian Leaders Initiative to attend a training course organized by the U.S. Embassy in Hanoi. Mr. Khanh was arrested in March 2017 for “propaganda against the Socialist Republic of Vietnam” under Article 88. He had started blogs called “Corruption Report” and “Weekly Vietnam.” On October 25, 2017, he was sentenced to six years in prison for “propaganda against the state.”^[20]

7 - Bui Hieu Vo was born in 1962. The government said he posted “fabricated, distorted and defamed information” against the government and incited the use of petrol bombs and acid to attack leaders of the Communist Party, the state and the police; that he used Facebook to communicate with the “terrorist organization” Viet Tan in Australia; and that he and Viet Tan co-administered the Facebook account “Hieu Bui.” He was arrested on March 17, 2017.^[21]

8 - Nguyen Van Dien, born 1983, was accused of producing YouTube clips criticizing corruption by government officials, the sale of state lands to China, and violations of human rights. He criticized the state as cowardly with the enemy and, in the Formosa case, evil with the people. Arrested on March 3, 2017, and on January 31, 2018, he was sentenced to six years, six months in prison and four years of probation,^[22]



Nguyen Van Dien and Vu Quang Thuan

9 - Vu Quang Thuan was born in 1966. He and Nguyen Van Dien were arrested for distributing 17 clips on social networks and YouTube that, according to a Vietnamese security agency, were critical of the Communist Party and the state of Vietnam. On Jan. 31, 2018, Vu Quang Thuan was sentenced to eight years in prison and five years of probation.^[34]

10 - Nguyen Van Oai, born 1982, is a long-time activist in the political, environmental, and labor areas, for which he spent time in prison. On Jan. 15, 2018, he was again sentenced, this time to five years in prison plus four years of probation, for his actions “against law enforcement,” because he went to meetings while on probation.^[23]

1.4 Protesters against corruption and land dispossession by the government

1 - Le Thu Ha, born 1982, was arrested with Attorney Nguyen Van Dai on Dec. 16, 2015. A member of the Brotherhood For Democracy, on Apr. 5, 2018, she was sentenced to nine years in prison and two years probation under article 79.^[24]

2 - Le Thanh Tung and Tran Anh Kim are former military officers and journalists with long histories of government opposition on human rights grounds. They were tried on December 16, 2016, in Thai Binh province, and sentenced to 12 and 13 years, respectively, under Article 79.^[38]

^[25]

3 - Tran Anh Kim, born in 1946, is former military officer, journalist and prisoner of conscience. Tran Anh Kim has long been a supporter of democracy and a critic of Communist Party corruption. Mr. Kim was arrested in 2009 and sentenced to 5½ years in prison and three years of probation. At the time of his second arrest, he was planning to establish a pro-democracy organization called the “National Force to Launch the Flag of Democracy” along with Le Thanh Tung and four others he had not met in person. Police arrested Kim at his home on Sept. 21, 2015. He was sentenced to 13 years in prison under Article 79 on December 16, 2016. His appeal was denied on May 26, 2017.^[26]

4 - Nguyen Viet Dung, born 1986, has protested Chinese activities in the East Sea and the destruction of trees in Hanoi. On September 27, 2017, he was convicted of “propaganda against the state.” During his detention, he was brutally beaten by the police. On April 12, 2018, he was sentenced to seven years in prison and five years of probation.^[27e]



Tran Thi Nga, has her arms, legs broken by police violence on the street

5 - Tran Thi Nga was born in 1977. Ms. Nga has engaged in protests against Chinese activities, police violence, the unjust application of capital punishment, the destruction of trees, and the Formosa company for its waste spill. While marching peacefully, she was beaten and had her arms and legs broken (see photo). On July 25, 2017, she was sentenced to nine years in prison and five years of probation.^[28]

2. Professional Journalists

According to the Vietnamese Journalists Association, there have been about 50 attacks on journalists in the past five years – even when the attackers knew the victims were journalists doing their jobs. Harassment of journalists dropped in 2017 from the previous year (12 known cases in 2017 versus 36 in 2016). However, harsher attacks, such as assaults, destruction of reporters’ gear, and threats of bodily injury reportedly increased.^[29]

- Journalist Duc Canh was beaten on Sept. 27, 2017, near the Tam Sinh Nghia garbage-processing plant, where he was investigating plant pollution.^[30]

- On Mar. 6, 2017, Pham Cong, a journalist from Vietnamnet, was assaulted in Quang Ninh by two men claiming to be security guards at the Saigontourist Hotel.^[31]

- On June 13, 2017, journalist Tran Thi Tuyet Mai and a Vietnam Television Station team went to Phu Lo commune, Soc Son district, to learn more about encroachment on ponds and lakes for personal gain. They were blocked and had their expensive video camera broken. ^[31]

On May 13, 2017, a group of reporters in Camau were cursed and threatened when they sought news about a fifth grader who had committed suicide after being raped. ^[31]

On Aug. 29, 2017, the family of reporter Hai Chau of Infonet was “terrorised” by poisonous snakes brought to their home. Mr. Hai Chau insisted his wife had no debts or personal grudges, leading him to believe the incident might have been retaliation for his press activities. ^[31]

On Aug. 31, 2017, journalists Nguyen Van Duan and Quang Khanh of Vietnamese Family Newspaper, who had come to investigate a clinic operating without a license, were assaulted after leaving the Nhat Tan Quarter People’s Committee’s office, causing Duan a bloody nose, swelling, and a wound on the corner of his mouth; ^[31]

- On Mar. 1, 2017, Van Thanh, a reporter at Thanh Tra newspaper, went to learn more about illegal mining in Thanh Hoa. On the way back, his car was followed and hit by a Toyota Camry. Two men from the Camry jumped out and attacked him. ^[32]



- On Mar. 25, 2017, when journalist Do Doan Hoang was beaten by three large men with clubs and his index finger was crushed, he shouted at them that they had hit the wrong person. The three replied, “Not wrong, just hit” ^[33]

Journalist Do Doan Hoang’s index finger crushed in an attack by three men; he lost his nail.

- Hoai Nam, a former journalist at Thanh Nien newspaper, said: “Most of the investigative reporters are threatened, but when there is an assault on a news reporter, the editorial staff of the newspaper or the Journalists’

Association only issues an official request for a police investigation. There is no law to protect them while they are working.”

3. Independent journalists

- On Apr. 18, 2017, Vietnamese authorities asked Google to remove more than 2,000 critical clips about the Party and government leaders from YouTube, and so far more than 1,000 clips have been deleted. ^[34]

- Google on May 26, 2017, confirmed that it would work closely with the Vietnamese side to remove information that violates Vietnamese law. ^[35]

- On April 27, 2017, Minister of Information and Communications Truong Minh Tuan boasted in congressional testimony that Google had withdrawn more than 1,200 “toxic” clips and would re-

move more, out of a total of more than 8,000 clips demanded by Hanoi. Now Facebook seems to be giving in to the same pressure. ^[36]

- On Jan. 16, 2018, Vietnam's Ministry of Public Security established a Network Security Department to protect the interests of the Party, that is, to oppress the opposition. ^[37]

- On Jan. 20, 2018, many activists lost their Facebook accounts. Among those affected besides journalist Huy Duc and lawyer Le Cong Dinh were Doan Trang, Nguoi Buon Gio, Mother Mushroom, Nguyen Tuong Thuy and Nguyen Lan Thang. ^[38]

4. International Advocacy for Freedom of Speech in Vietnam

- On Feb. 24, 2017, a European Parliament (EU) delegation visited Vietnam and criticized the human rights situation there. Human Rights Subcommittee Chair Pier Antonio Panzeri stated that the crackdown on free speech, the lack of transparency in the legal system and the limitation of human rights were obstacles to ratification of the EU-Vietnam Free Trade Agreement. ^[39]



Ms. Tran Thi Nga

“propaganda against the Socialist Republic of Vietnam.” ^[41]

- On Jan. 25, 2017, Reporters Without Borders condemned the arrest of three bloggers in Vietnam: Tran Thi Nga (“propaganda against the state”), Nguyen Van Oai (“crimes against persons on official duty”), and Nguyen Van Hoa (“abusing democratic freedoms to infringe upon the interests of the state”). ^[40]

- On Jan. 25, 2017, the UN High Commissioner for Human Rights stated: “We are concerned that another Vietnamese human rights activist, Tran Thi Nga (Thuy Nga), is arrested under Article 88 of the Penal Code for alleged

- On Feb. 22, 2017, Amnesty International (AI) spoke out about activists and critics of the government being put in prison for peaceful expression. This year's AI report also includes crackdowns on the right to freedom of association, suppression of the opponents of illegal land seizures, and torture and ill-treatment of prisoners. ^[42]

- On Mar. 8, 2017, AI honored Tran Thi Nga, who was abused when working in Taiwan and learned about human rights through her own experience. Back in Vietnam, she joined the Women's Human Rights Network, and worked ceaselessly to promote human rights. She was frequently mistreated by police, even in front of her children. ^[44]

- On Mar. 8, 2017, the U.S. released its Vietnam Human Rights Report 2016, which condemned the Vietnamese state police as “forbidding the people's political rights, especially the right to vote with freedom and justice, freedom of the citizen, freedom of assembly, protection of citizens, protection against arbitrary detention, arbitrary or unlawful murder.” ^[45]

- On Mar. 8, 2017, the UN Special Rapporteur for Human Rights condemned Vietnam for the solitary confinement of Nguyen Ngoc Nhu Quynh (“Mother Mushroom”). The Vietnamese Commu-



Nguyen Ngoc Nhu Quynh

nist authorities were urged to release her from solitary confinement, which she had suffered since October 2016. The document noted that, up to the present time, Mother Mushroom still did not have a lawyer, nor had she been visited and cared for by her family and relatives. ^[46]

- On Mar. 29, 2017, the U.S. State Department awarded Nguyen Ngoc Nhu Quynh (“Mother Mushroom”) its International Women of Courage Award, making her one of over 100 brave women in more than 60 countries so honored since the Award was launched in 2007. ^{[47] [47e]}

- Apr. 26, 2017 – According to Reporters Without Borders (RSF), “Vietnam is a big prison for bloggers.” Benjamin Ismail, head of RSF’s Asia-Pacific desk, said: “By adopting increasingly draconian laws, governments with authoritarian tendencies hope to justify their attempts to gag the media and critics. When this is not enough to ward off condemnation by the international community, these governments are quick to brandish the principles of non-interference, sovereignty or even national security in order to escape their international human rights obligations and their constitutional duty to protect freedom of the media and information.” ^[48]

- On May 12, 2017, Scott Busby, Deputy Assistant Secretary, Bureau of Democracy, Human Rights, and Labor, U.S. State Department, addressed concerns about beatings, harassments, and arrests of bloggers and activists who drew attention to the environmental disaster caused by the Formosa company. He said the U.S. would continue to pressure Vietnam on human rights. ^[49]

- On May 21, 2017, the Vietnam Human Rights Network published its Report for 2016-2017. Contrary to Vietnamese government propaganda that human rights are improving, the report outlines the slow progress in all human rights areas. ^[50]

- On May 23, 2017, AI criticized Vietnam’s treatment of Tran Huynh Duy Thuc, imprisoned in Nghe An province and transferred several times without notice to his family. According to AI, this was contrary to a UN-mandated provision that prisoners be detained near their families. ^[51]

- On May 25, 2017, a U.S. delegation told civil society representatives in Hanoi that, at the U.S.-Vietnam 21st human rights dialogue two days earlier, the U.S. had discussed standards for Vietnam to ensure freedom of association, freedom of expression and freedom of belief. One attendee said that the right to a peaceful gathering to support people affected by the Formosa disaster had not been honored, the government having arrested some people reporting on the disaster. ^[52]

- The Visual Artists Guild on May 27, 2017, awarded the Spirit of Tiananmen Award to the Vietnam Human Rights Network (VNHRNET). for its support of human rights in Vietnam over the last two decades. Three former political prisoners highlighted the similarly oppressive situations in Vietnam and China and calling on human rights activists in both countries to support each other. ^[53]

- On June 22, 2017, Human Rights Watch (HRW) said the new law for lawyers would force a lawyer to breach confidentiality between a defense counsel and a client, meaning a client would have no reason to trust his or her lawyer. On June 20, Lawyer Hoang Thi Hoa Thom had posted her reaction on Facebook. “My conscience does not allow me to denounce my client.”^[54]

- On June 22, 2017, PEN International demanded the release of Nguyen Ngoc Nhu Quynh (“Mother Mushroom”), accusing Vietnam of making her a target and exposing its entire system of repression.^[55e]

- On June 24, 2017, AI charged that Vietnamese police had threatened to kill lawyer Le Quoc Quan, who had disobeyed government warnings that he should not meet with international figures, including U.S. Senator John McCain.^[56]



Blogger Pham Minh Hoang

- On June 26, 2017, Reporters Without Borders (RSF) expressed concern for Pham Minh Hoang, a blogger and champion for free speech in Vietnam, whom the government had expelled from the country. “Stripping an opponent of the government of his nationality in order to expel and silence him is absolutely shocking,” said RSF secretary-general Christophe Deloire.^[57e]

- On June 26, 2017, the Former Prisoners of Conscience Association had workshops in Hanoi and Saigon. The Association said dissidents in Vietnam could be detained at any time and also faced violence from the authorities. It said 70-80 percent of dissidents and other pro-democracy activists in Vietnam had been beaten by police and by thugs directed by the police.^[58]

- On June 30, 2017, The UN High Commissioner for Human Rights, called for the release of “Mother Mushroom.” High Commissioner Zeid Ra’ad Al Hussein said, “Article 88 is very effective in turning into a criminal any Vietnamese citizen who exercises basic freedoms, such as expressing his views or discussing or questioning the government or its policies. This broad and vague scope of the law allows the government to easily prevent any dissent, and to arrest individuals who dare to criticize the government’s policies.”^[59]

- On July 25, 2017, international human rights organizations protested the verdict against Tran Thi Nga. AI said it was an inhumane sentence, and called on Vietnam to immediately end the case, since prisoner of conscience Tran Thi Nga had done nothing other than to peacefully protect human rights.^[61]

- On June 10, 2017, Human Rights Watch (HRW) called on Australia to urge Vietnam to improve human rights. HRW said it had submitted a document to the Australian government proposing areas where Vietnam needed improvement, such as justice for political prisoners and detainees, an end to harassment and violence against activists and dissidents, and respect for freedom of speech and religion.^[62]

- On August 25, 2017, Amnesty International (AI) called for urgent action on behalf of former detainee Nguyen Bac Truyen, who was missing, to include contacting the prime minister of Vietnam and the Vietnamese ambassador to the U.S. to urge the government to free him. ^[63]

- On September 14, 2017, Vietnam was placed on the list of human rights criminals proposed for punishment by the Magnitsky Law. Magnitsky's law allows the US government to refuse entry visas and impose economic sanctions such as freezing properties in the United States or transiting to the US of foreigners who violate human rights or serious corruptions in their countries. ^[64]

- On October 12, 2017, Civil Rights Defender called for the immediate and unconditional release of blogger Nguyen Ngoc Nhu Quynh ("Mother Mushroom") and an end to the widespread arrests of bloggers and journalists under Article 88 of the Penal Code of Vietnam. ^[65]

- "Stop the persecution in Vietnam" was a call by a coalition of 10 international human rights organizations in Vietnam to the Vietnamese government on Oct. 16, 2017. The coalition issued a press release saying that there had been an unprecedented crackdown on freedom of expression in the country. ^[66]



Activist Phan Kim Khanh

- On Oct. 24, 2017, Human Rights Watch called for "the abolishment of all charges against activist Phan Kim Khanh and the immediate release of this blogger." ^[67]

- On Nov. 1, 2017, the Committee for Human Rights in Vietnam, headquartered in Paris, France, called attention to the systematic repression of the basic rights of citizens by the Hanoi administration. ^[68]

- On Nov.1, 2017, over 60 Members of Australian Parliament signed a letter to the Vietnamese Ambassador in Australia regarding the dire human rights situation in Vietnam. It urged the Vietnamese government to honor its commitments under the International Covenant on Civil and Political Rights. ^[69e]

- On Oct. 4, 2017, 40 experts and social activists from all over the world wrote to Vietnamese leaders expressing concern over political prisoners Nguyen Ngoc Nhu Quynh ("Mother Mushroom") and Tran Thi Nga. The letter called for more people to sign. ^[70e]

- On Nov. 19, 2017, 15 civil society organizations and 38 individuals strongly condemned the "Party dictatorship" in Hanoi for having "kidnapped" three famous political dissidents: Pham Doan Trang, an independent journalist and well-known blogger, Dr. Nguyen Quang A, and pro-democracy activist Bui Thi Minh Hang. ^[71]

- On Nov. 28, 2017, Reporters Without Borders (RSF) condemned the sentence of activist Nguyen Van Hoa, who was arrested for reporting on protests against the Formosa company's discharge of toxic waste into the sea in central Vietnam. ^[72]

- On Nov. 28, 2017, the eve of the first European Union (EU)-Vietnam Human Rights Dialogue to

take place in Hanoi, Human Rights Watch recommended that the EU pressure the Vietnamese government to release political prisoners still in detention, ending the repression of freedom of speech, association, assembly, and religion, and stopping police violence. ^[73]

- On Nov. 30, 2017, the EU and the United States called again on Vietnam to release Nguyen Ngoc Nhu Quynh (“Mother Mushroom”) after her 10-year prison sentence. Amb. Bruno Angelet, EU Head of Delegation to Vietnam, said, “This judgment is completely contrary to the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights, to which Vietnam is a party.” The same day, Caryn McClelland, U.S. Charge’ d’Affaires in Hanoi, told the BBC, “I am deeply concerned that the Vietnamese court upheld 10 years in prison for the peaceful activist who received the International Women of Courage Award, blogger Nguyen Ngoc Nhu Quynh, with the vague accusation of “propaganda against the state.”^[74]

- On Dec. 2, 2017, the EU expressed deep concern about the widespread application of national security provisions in Vietnam’s criminal proceedings and noted the sharp increase in arrests, imprisonments and convictions of citizens in connection with the publication of their opinions. ^[75]

- On Dec. 5, 2017, Frank Schwabe, a Democratic Party member of the German Parliament, called for Vietnam to release blogger Nguyen Ngoc Nhu Quynh (“Mother Mushroom”). He said she had been sentenced to 10 years in prison even though she had only raised her voice for human rights and against the environmental disaster caused by the Formosa company. ^[76]

- On Dec. 9, 2017, Australian Parliament MPs expressed concern over the Vietnamese government’s increasingly violent crackdowns on peaceful voices since the beginning of 2017. ^[77e]



rights victims in Vietnam. ^[78]

- Dec. 11, 2017, was the occasion for the 2017 Vietnam Human Rights award ceremony and the 69th anniversary of international human rights day. The day before, hundreds from associations, the media and the community attended an award ceremony in Westminster, Calif., organized by the Vietnam Human Rights Network, which honored human

- On Dec. 9, 2017, International Human Rights Day was celebrated secretly in Hanoi. Vu Manh Hung said unhappiness in life comes from a society that does not respect human rights. Nguyen Thanh Ha said that, since Vietnam signed the convention on human rights, we should not be afraid to ask the Vietnamese Communist authorities to respect them. ^[80]

- On Dec. 13, 2017, U.S. Congressman Alan Lowenthal said, “Vietnam needs to do what it claims it is doing.” ^[81]

- On Dec. 14, 2017, the European Parliament (EP) demanded the release of citizen journalists, including Nguyen Van Hoa, sentenced to seven years in jail on Nov. 27 for “propaganda against the

state” The EP urged Vietnam to amend Articles 88 and 79 of the Criminal Code, which violate human rights. ^[82e]

- On Dec. 15, 2017, reacting to the EU condemnation of human rights abuses in Vietnam, RFA correspondent Tien Thien talked with local and foreign activists about their own reactions.

Mr. Ngo Duy Quyen, from the Bau Bi Tuong Than group in Hanoi, said that, since the Formosa environmental disaster April 2016, the whole Vietnamese government had been mobilized to shut down efforts to clarify information, and reporters and journalists were the most persecuted. ^[83e]

- On Dec. 15, 2017, in an EU Parliament resolution on freedom of speech in Vietnam, Mr Karmenu Vella of the Council of Europe said that, at the EU-Vietnam Human Rights Dialogue on Dec. 1 in Hanoi, the EU had again demanded the release of all Vietnamese citizens detained for their peaceful conduct of freedom of expression, mentioning specific cases. ^[84e]

- On Dec. 21, 2017, Human Rights Watch (HRW) called on the government to release Tran Thi Nga and drop all charges against her. “Instead of talking with critics, the government uses heavy sentences and forms of repression more and more often.” ^[85]

- On Dec. 31, 2017, HRW criticized Vietnamese military cyber warfare units. Shawn Crispin, CPJ’s representative for Southeast Asia, told AFP that this was the latest move by Vietnam in its to curb the internet. Others said it was part of Hanoi’s effort to stop criticism of the party and state. ^[86]

- On Jan. 5, 2018, Nguyen Tuong Thuy told Radio Free Asia that the number of innocent people sentenced, wanted, or deported HAD increased to at least 53. Especially egregious, in the country and internationally, were the long sentences meted out to two single women who WERE raising children — Tran Thi Nga and Nguyen Ngoc Nhu Quynh. The most widely publicized case was that of Attorney Nguyen Van Dai and five activists, who were given a total of 66 years ^{[87], [88]}

- On Jan. 6, 2018, the International Federation for Human Rights and the Vietnam Committee on Human Rights denounced Vietnam’s unprecedented crackdown on dissidents. They said Vietnam had detained or imprisoned at least 46 activists and human rights defenders, including seven women, for their exercise of freedom of expression and peaceful assembly. ^[89]

- On Jan. 14, 2018, Human Rights Watch (HRW) said Vietnam should drop charges against Nguyen Van Oai, 36, who had long participated in anti-China protests and protests against the imprisonment of other activists, and calls for labor rights. Since these protests were not a crime, and the authorities had sentenced him unreasonably, HRW called on Vietnam to drop the allegations and free him. ^[90e]

- On Jan. 17, 2018, Chris Hayes, an Australian MP, asked Australian Foreign Minister Julia Bishop to urge the Hanoi government to release Vietnamese activists Nguyen Ngoc Nhu Quynh, Tran Thi Nga, and Nguyen Van Oai. ^[91]

- On Jan. 17, 2018, Freedom House an independent U.S. watchdog group that publishes an annual Global Freedom Report, wrote that Vietnam remains a non-free country, with no sign of improvement. Of the 195 countries in the world, 88 are free, 58 relatively free, and 49 non-free, including Vietnam. ^[92]

- On Jan. 20, 2018, HRW said the U.S. withdrawal from Trans-Pacific Partnership (TPP) had given the green light to Vietnam to suppress human rights. [93]
- On Jan. 25, 2018 HRW called on Vietnam to drop the charges against human rights activists Hoang Duc Binh and Nguyen Nam Phong and release them. Hoang Duc Binh helped victims of Fomosa's environmental disaster petition for damages, and called for Formosa to stop operating in Vietnam. Nguyen Nam Phong was arrested for unclear reasons on November 28, 2017, and charged under Article 257 for activities "against officials in the course of their duty." [94]
- On Feb. 8, 2018, activists petitioned for the release of prisoners of conscience, saying there were currently more than 170 detained and convicted under Articles 79, 88, 258, and 241 of the Vietnam Penal Code solely because they expressed their views. They were charged with such crimes as "disturbing public order," "tax evasion," or even "sex trade," but in fact they were imprisoned for dissenting with the ruling party. [95]
- On Feb. 13, 2018, Australian Foreign Minister Chris Hayes said his government had regularly raised concerns with the Vietnamese government about restrictions on freedom of speech and assembly, human rights, harassment, threats and attacks. He demanded the release of Nguyen Ngoc Nhu Quynh, Tran Thi Nga and Nguyen Van Oai. [96]
- On Feb. 14, 2018, People in Need conferred the Homo Homini Award on freelance journalist Pham Doan Trang for her "courageous pursuit of a democratic transition for her country, despite being harassed and terrorized." "Despite repeated threats, she did not step back. [98]
- On Feb. 15, 2018 The Tom Lantos Human Rights Commission of the U.S. House of Representatives had a hearing on the Defending Freedoms Project (DFP) for prisoners of conscience, which mentioned 169 prisoners of conscience in Vietnam. [99e]
- On Feb. 21, 2018, Nguyen Trung Trong Nghia, son of Pastor Nguyen Trung Ton, spoke at the Geneva Summit for Human Rights and Democracy (GSHRD), which is funded by a coalition of 25 non-governmental human rights organizations around the world. Mr. Nghia recounted the terrible beating of his father in 2003 while he himself was a small boy, and vowed never to bow down before such people. Today, Pastor Ton is Chairman of the Brotherhood for Democracy and member of the Interreligious Council of Vietnam. He was sentenced to two years in prison under Article 88, and, on July 17, 2017, during his probation, Pastor Ton was arrested for an "attempt to overthrow the people's administration," under Article 79. On April 5, 2018, he was sentenced to 12 years in prison and 3 years of probation. [100][100e]
- On Feb. 23, 2018, the UN called on Vietnam to release environmentalists and bloggers who had been sentenced to prison recently. Hoang Duc Binh and Fr. Nguyen Nam Phong were jailed for protesting against the Formosa plant's release of toxic waste in 2016. On Feb. 6, 2018, the People's Court of Nghe An province sentenced Mr. Binh to 14 years in prison, and sentenced Nguyen Nam Phong to two years. Nguyen Ngoc Nhu Quynh was sentenced to 10 years in prison, and freelance journalist Nguyen Van Hoa was sentenced to seven years last November. Both had criticized the Formosa plant's environmental degradation. [101]

CHAPTER I NOTES

Chapter I notes or references are online from this address:
<http://www.vietnamhumanrights.net/2017/TDNLnotes.htm>

II

Right to Freedom of Religion and Freedom of Worship

Communist regimes exhibit many contradictions, including one that concerns religion and worship. Before 1975, the Communist Party in the North declared itself atheistic; the government took pains to suppress religions, and prohibited all forms of worship. It considered religion an opiate for the masses, a superstitious addiction. Churches, prayer houses, temples, pagodas, and shrines, which had existed long before the Communist party, were destroyed or used as premises for trade, warehousing, or entertainment.

However, when the communists took control of the whole country in 1975, they allowed the construction of pagodas everywhere (there are places in Dalat where a pagoda was built on one side of the road and another just few hundred yards away on the other side.) There are pagodas occupying large areas with monks whose origins are unknown. During Tet and other holidays, crowds of people, including high-ranking government officials, go there in all sincerity to pray and make offerings. Moreover, the government has set up its own religious institutions, which imitate the activities of the genuine religious establishments the government cannot control. The government also infiltrates its agents, disguised as monks, into these genuine institutions to manipulate them and monitor and report back on the monks' activities. In 2017, government suppression of the right to worship was more wide-spread than in the previous decade, taking the form of unjust laws and directives as well as concrete acts. ² Open Doors International on January 10, 2018, ranked Vietnam 18th among the 50 countries regarded as the worst with regard to the persecution of religion. ³

1. Religious suppression through legislation

The government legalizes religious discrimination with the following measures:

- “Luật Tin Nguong Ton Giao” (Law on Faith and Religion) was issued on Nov. 18, 2016 (9 chapters, 68 clauses, effective date from Jan. 1, 2018. ⁴
- Decree no. 162/2017/ND-CP, concerning the application of the above Law on Faith and Religion, was issued on Dec. 30, 2017 (with five chapters and 32 clauses) to be effective from Jan. 1, 2018. ⁵
- “Draft Decree Establishing punishment for administrative violations in the area of faith and religion” (with four chapters and 37 clauses) seeks the opinions of the public. If passed, the decree would be effective from the beginning of June 2018. ⁶

The overall goal of these measures is to classify religions that do not submit to the government as counter-revolutionary forces.⁷

In thus criminalizing all unauthorized religious activities, as well as such acts as demands for the

right to freedom of religion and denunciations of religious oppression, which the government labels anti-government propaganda that jeopardizes national security, the government creates a pretext for punishing those who engage in them. The government also uses these legislative measures to legitimize the “entreating process” that requires religions to apply to the authorities for permission to do almost anything, as if they were asking the government to grant them a favor.

Moreover, the government uses the law to justify religious persecution. It legalizes such acts of oppression as harassment, assault, arrest, jailing, liquidation, confiscation of properties, and administrative punishment toward religions not submitting to the government. The law also legitimizes oppression of those who demand the right to religious freedom; or who object to or denounce religious oppression.

The law also facilitates the government’s effort to transmute religions into innocuous entities that resemble a kind of opiate. The government fears religious leaders who are trusted by the faithful and able to gather large numbers of people in places of worship, where they can be transformed into a resistant force. The government would like to turn the religions away from their basic obligations — teaching the goodness of God, resisting evil, fighting injustice — and turn them instead into tools of the regime, promoting festivities, ceremonies and processions.

The government’s last goal is to dupe the international community. By accepting religious activities of a celebratory nature, the government showcases the superficial appearances of religion and promotes the fiction that religious freedom exists. In fact, the government rejects true religious activity — the forming of consciences, the development of the human spirit, the advocacy of good against evil, and the fostering of one’s duty toward the family, society and church. The government wants to be able to point to the shell of religion while opposing its essence.

2. Manipulation via state-run religions

State-sanctioned “religions” are totally submissive to the government, accepting its control and management. They are window dressing to give outsiders the appearance of freedom of religion.



State’s Buddhist monks

dorse the government’s policies; and, in particular, to remain silent in the face of injustice and of the authorities’ crimes.

They serve as the government’s eyes and ears, and report on the activities of religious figures who defy the authorities. To counter those religions that object to state control, the government establishes duplicate organizations bearing the same name, such as the Ủy ban Đoàn kết – Solidarity Committee - of the Catholic Church. ⁹

Those organizations:

— Undertake, on behalf of the regime, to convince genuine religious leaders to cooperate with and en-

- Report on the activities of religious leaders who dissent from government policy.
- Act as stooges of the regime.
- Use the internet to sway public opinion in the regime's favor when it oppresses human rights and degrades religious freedom, e.g., by establishing an internet police force ¹⁰, commentators ¹¹, the Red Flag club ¹², the 47 Force ¹³.
- Attack non-conforming religions and slander and revile those fighting for religious freedom.
- Remain silent when plainclothes police or government-paid hooligans beat and harass religious activists, using the slogan “nhân dân tự phát” (people rising up spontaneously).

3. Violent repression of the Cao Dai religion:

On Jan. 14, 2017, dignitaries of the Hoi Dong Lien Ton (Interfaith Council) were invited to meet the United States Ambassador-at-Large for International Religious Freedom. As the result of the meeting, the Caodaism Chief Administrator Hua Phi, became a victim of violence. His house and business establishments were attacked and damaged by the police. He refused seven summonses to appear at a police station to answer accusations of having made offensive statements against the country and having disseminated fake news, all of which he considered slander.^{14, 15}



Caodaism Chief Administrator Hua Phi, ill after “working with the police”, but not allowed to go to the hospital

When the Interfaith Council went to Binh Minh in Vinh Long province on the morning of Feb. 13, 2017, to visit a group of Hoa Hao Buddhists, members were intercepted, harassed and ejected; some were taken to a police station for interrogation, and some were assaulted and robbed.¹⁶

On Mar 23, 2017, a number of Cao Dai gathered at the site of their Tuy An temple, which had been razed to the ground on April 14, 2014, to commemorate their faith's crisis. They were harassed and robbed and then taken to the town hall for interrogation. A Cao Dai dignitary (Doan Cong Danh) was subsequently threatened by phone after he posted the news of that oppression on the Internet.¹⁷

On Jan. 29, 2018, the police of Hiep Thanh in Lam Dong forced Mr. Hua Phi and his wife to go to the police station for questioning with regard to his religious activities. He was released only after he fell ill, probably due to high blood pressure and a cerebral vascular incident; police, however, continued to question him at home and would not allow him to leave to seek medical help.^{18, 19}

4. Repression of the Hoa Hao

On Jan 13, 2017, police and other authorities of Dong Thanh A in Vinh Long came to the house of a high-ranking dignitary of the Hoa Hao (Le Van Soc) to tell him not to leave home on the 13th and 14th for a planned meeting with U.S. Ambassador-at-Large Saperstein.²⁰

On Jan 13, 2017, members of the Interfaith Council were forced by the police to walk three kilometers, instead of going by car, to Binh Minh, Vinh Long, to offer Tet [New Year's] wishes to the Hoa Hao Buddhists. The Hoa Hao devotees were not allowed to greet them with motorcycles. During lunch given by the committee chairman, police came to his house, required attendees to present their papers, and forced them to come to the police station.²¹

On Mar. 7 and 8, 2017, village authorities of Nhon Mỹ, Long Giang, Mỹ Hội Dong, and the police of Cho Mới district of An Giang

province summoned Ha Van Duy Ho, Phan Van Chung, and Nguyen Van Be Tu, members of a Hoa Hao directive committee, and ordered them not to organize a planned ceremony to commemorate the disappearance of the founder of the Hoa Hao religion on March 22, 2017. They were told that otherwise they would not be allowed to leave home. Several days earlier, on Feb. 25, police told Nguyen Van Vinh of Long Giang not to let his house be used for the ceremony.²²



Hoa Hao Buddhist Nguyen Huu Tan with his throat slit in a police station

On May 18, 2017, the authorities of Binh Minh district, Vinh Long province, mobilized some 200 police to arrest Nguyen Huu Tan, a Hoa Hao Buddhist, because he was suspected of plotting to overthrow the government and spreading anti-government rumors (under article 88 of the penal code) and because he made a flag of the former Republic of Vietnam. When his family enquired about him next day, they were told that he had used a paper knife to slit his throat, and they delivered his body to the family at 6:00 pm. Cuts were seen on his neck, which appeared to be almost severed from his body, and there were soft spots on his head.²³

On June 26, 2017, police using a fire hose assaulted the family of Vuong Van Tha, who had from his home advocated religious freedom, human rights and democracy. They then destroyed the house after having arrested Vuong, his son Vuong Thanh Thuan, and two fellow devotees, Nguyen Nhat Truong and Nguyen Nhat Thuong.²⁴

On Jun 26, 2017, the police of An Phu district of An Giang Province stopped Bui Van Trung, his son Bui Van Tham and daughter Bui Thi Tham on their way to a feast. They were beaten up. The daughter was sent home in an ambulance, and the father and son were arrested for the crime of “public disorder” under article 245 of the penal code. They were former Vietnamese Prisoners of Conscience and had established a Hoa Hao shrine in An Giang, but would not accept the state-sponsored Hoa Hao church,²⁵

On Nov. 27, 2017, the authorities of Cho Mới, An Giang, came to Ha Van Duy Ho, chairman of Hoa Hao church in An Giang, to inform him that the government forbade celebration of the birthday of the Hoa Hao founder (on the 25th of the 11th lunar month, Jan. 11, 2018) in any form, because the government did not recognize their religion. The organization had previously been allowed to celebrate locally. Police repeated this injunction again on Dec. 29, 2018, to Nguyen Van Dien, the chairman of Central Hoa Hao Buddhism, and placed him under house arrest.²⁶

On Dec. 29, 2017, a police major and two township officers interrogated chairman Nguyen Van Dien at home about his declaration in a video clip available on the internet. They accused him of having incited his followers to commit bloody violence.²⁷

On Jan. 23, 2018, 49-year old Vuong Van Tha, a Hoa Hao Buddhist, was sentenced to 12 years in prison under article 88 (“propaganda against the government”) and article 137 of the revised penal code by the People’s Court of An Giang. The court also sentenced his son (age 28, with a 7-12th grade education) to seven years’ imprisonment and his two nephews (both 33 and illiterate) to six years’ imprisonment.²⁸

On Jan. 8, 2018, the police established many traffic checkpoints to prevent Hoa Hao adherents from attending an anniversary celebration planned for Jan. 10 in Long Giang, An Giang.²⁹



Six Buddhist Hoa Hao believers sentenced to a total of 24 years in prison

On Feb. 9, 2018, Hoa Hao believers were convicted and sentenced to a total of 24 years in prison by the An Giang court. Four of them belonged to one family (Bui Van Trung, his wife Le Thi Hen, his son Bui Van Tham and his daughter Bui Thi Bich Tuyen 30; the other two were Nguyen Hoang Nam and Le Thi Hong Hanh. All four were convicted of “public disorder” under article 245 of the 1999 penal code. Bui Van Tham was also convicted of “resisting officials in the execution of their duties” under article 330 of the 2018 penal code. Trung and Tham had been imprisoned previously, having received 4 and 21/2 years, respectively, because of the crime of trying to protect a religious site during the 2012 religious oppression.³⁰

5. The Unified Buddhist Sangha of Viet Nam (UBSV)

Patriarch Thich Quang Do has been confined to Thanh Minh temple in Saigon for the last 10 years, with no contacts or visits by Buddhists allowed. The authorities lock him up on an upper floor, with a steel door blocking the staircase. Le Cong Cau, the secretary of Vien Hoa Dao, is hindered in his movements at the present time at Hue. Ms. Pamela Pontius, a political officer of the U.S. embassy, tried to visit him in Hue on Sept. 11, 2017, but was prevented by a street brawl in front

of his house staged by the local authorities . On May 4, 2017, Le Cong Cau was interrogated by security agents and was asked to terminate all relations with the UBSV.

UBSV pagodas, such as Phuoc Thanh in Hue, Thap Thap Di Da in Binh Dinh, and Giac Hoa in Saigon (the temporary refuge of Buddhist monk Thich Khong Tanh since his pagoda in Thủ Thiêm was razed to the ground by police on Sept. 9. 2016) have been monitored, followed, videotaped, and even disrupted violently during their celebrations and charitable activities.³¹



At An Cu pagoda, Monk Thich Thien Phuc, a three-hour resistance in the sun to protest the violent behavior of the police, who pulled out his running motorcycle

barricaded checkpoints at the pagoda entrance. Moreover, they mobilized many patrol vehicles, ambulances, trucks, fire trucks to be prepared for eventualities.³²

On Apr. 28, 2017, the police summoned two senior members of the UBSV in Hue (Ngo Duc Tien and Nguyen Van De) to the Phu Vang police station. The two were threatened with imprisonment if they continued to affiliate with the UBSV, which they were told was an illegal organization. The security apparatus regarded any participation in UBSV activities as a threat and prevented the two from attending the Vesak celebrations at Long Quang pagoda in Hue.³³

From Aug. 31 to Sept. 5, 2017, the annual Ghost Festival season, An Cu pagoda was continuously harassed. For six days, Da Nang authorities assembled a powerful force involving many government branches, including women, which circulated day and night and maintained a tight surveillance. They used motorcycles and other obstacles to create difficulties for the Buddhists who came to the pagoda to worship and to commemorate their deceased parents, whose mementoes were venerated there.³⁴

On Dec. 10, 2017, Buddhist monk Thich Khong Tanh was prevented from leaving Giac Hoa pagoda to join priest Nguyen Duy Tan at Tho Hoa parish in Xuan Loc, Dong Nai, to pray for human rights.³⁵

6. Against Protestants

In the late evening of Feb. 27, 2017, pastor Nguyen Trung Ton and his friend Nguyen Van Tu, while on their way to Con Se (the site of a recent demonstration to request compensation after the Formosa company disaster) to seek information on missing relatives. They were abducted by 7 or 8 strangers in a car that was on the way to a rubber plantation in Huong Khue, Ha Tinh. The two were stripped naked, tied up, blindfolded with their shirts, and beaten with metal bars. They were then left in the forest, and all their belongings were taken.³⁶

On July 30, 2017, pastor Nguyen Trung Ton, chairman of the Brotherhood for Democracy, was arrested together with two members of the organization, Truong Minh Duc and Pham Van Troi, for alleged “activities to overthrow the Vietnamese government” under article 79 of the penal code. At the beginning of November, when the pastor’s wife came to a bank to withdraw money sent by acquaintances to help their handicapped son, she was interrogated by the police who accused her of receiving contributions from terrorist organizations.³⁷

On Oct. 3, 2017, the police at Tan Son Nhat airport prevented Baptist pastor Than Van Truong from boarding the plane for a visit to the United States for “security reasons.” This was the second time he was not allowed to travel to foreign countries. His house was placed under constant surveillance, and meetings with other church members were prevented. Pastor Than presently practices his religion underground.^{37,38}

On Nov. 15, 2107, on the flimsy pretext of carrying out the province’s project no. 79, Dien Bien authorities shamefully obliterated the community and prayer center of a Protestant of Ta Phi Cha hamlet in Chung Chai, Muong Nhe. They also destroyed 71 houses in the hamlet. The authorities used a large force consisting of police, border guards, and mechanized units to clear the road right up to the hamlet. Hamlet residents were displaced to Yen Bai, Lai Chau, and Son La, and their phones were confiscated so they could not communicate with each other or with relatives and acquaintances.³⁹



The Protestants were expelled from the village

On the morning of Nov. 25, 2017, three communities at Hua Chan hamlet (Chieng Dong, Tuan Giao, and Dien Bien) consisting of 25 persons, including seven children from five months to nine years, were expelled from the hamlet without their belongings because they were Protestant.⁴¹

On Dec. 14, 2017, pastor Doan Van Dien, a member of the Interfaith Committee, was arrested by the security police of Dong Nai province. The pastor’s family was not shown any arrest order or summons, and the family could not see him or send him anything.

According to his eldest son, the police used his father as bait in a trap set up to arrest his younger son, Doan Huy Chuong, an activist for workers who had spent seven years in prison and was still at large. ⁴² This was a new and despicable tactic that the Vietnamese Communist authorities had learned from China, i.e., arresting activists' relatives to pressure them to appear, even though the relatives might not know their whereabouts or have any information about them.

7. Against Catholics

Around 10:00 pm on Jan. 19, 2017, Nghe An authorities used about 20 plainclothesmen and security police to ambush and arrest former prisoner of conscience Nguyen Van Oai, who had been given a four-year prison term and four years of house arrest in 2013 under article 79 of the penal code for an alleged plot to overthrow government. He was on his way home from working as a fisherman, his means of support. Nguyen is a Catholic activist for human rights and the environment. On Jan. 15, 2018, he was again sentenced, this time to five years' imprisonment and four years of house arrest for the alleged crime of acting to overthrow the regime ⁴³, under article 109 of the amended 2018 penal code.



On Feb. 2, 2017, plainclothes police of Hue blocked Father Phan Van Loi's way and prevented him from leaving home to celebrate mass.⁴⁴

On Feb. 14, 2017, local authorities assaulted a delegation of Song Ngoc parishioners at Quynh Luu, Nghe An, on its way to the court of Ky Anh, Ha Tinh, under the guidance of Father Nguyen Dinh Thuc to ask for compensation for damage caused by the company Formosa. The authorities initially prohibited bus companies from transporting the delegation. When the people decided to go by foot and motorcycle, the police force assaulted them, causing injuries to about 50 parishioners, and

robbed them and destroyed their recording instruments. *(See picture on left)* ⁴⁵

On April 16, 2017, the police of Muong Khuong, Lao Cai, interrupted the Easter celebration of the Muong Khuong parish (Hung Hoa diocese) to threaten and harass the priest and his parishioners, using abusive language. ⁴⁶

On Apr. 26, 2017, Nghe An authorities asked the dignitaries of Vinh diocese not to allow Father Nguyen Duy Tan of Tho Hoa church of Xuan Loc parish in Dong Nai to conduct any religious rites in Phu Yen parish, Nghe An.

On Apr. 30, 2017, Father Dang Huu Nam (who had led a demonstration and lawsuit against the Formosa company in 2016) organized a demonstration in Phu Yen, Nghe An, to remember "the day when the country lost its freedom, the people lost their human rights; the day that highlighted

the devastation and backwardness of the country.” Nghe An authorities reacted angrily with a barrage of the same aspersions aimed at Father Dang through their media. They staged a demonstration that involved paying local people to protest against Father Dang. From May 2, 2017, many protests from the people and the veterans association of Quỳnh Luu district staged by the authorities demanded the prosecution of Father Dang for his “calumny against the [Communist] party on the (celebration of) Apr. 30, 1975.”^{48,49}

On May 7, 2017, police arrested the religious and environmental activist Hoang Duc Binh at Dien Chau, Nghe An. Father Nguyen Dinh Thuc, who was with him at the time, reported that Hoang was not given any explanation or presented with any order of arrest.

He was subsequently charged with resisting the police “in the course of their official duties” and “taking advantage of democratic rights to violate state interests, the rights and legal interests of the organization, and people.” In July, he was also charged with the alleged crime of “destroying or willfully damaging properties.” Hoang is facing prosecution for alleged crimes under articles 257, 258, and 143 of the penal code.⁵⁰



Catholics in Quỳnh Luu were assaulted by local police forces, wounded severely

On May 27-28, 2017, Quỳnh Luu authorities reportedly conducted a military exercise (shooting and setting off land mines) close to Van Thai parish, where Father Nguyen Dinh Thuc, the priest who had witnessed the arrest of two activists reported above, was the pastor. Father Thuc and his parishoners objected to the exercise, and they were assaulted during the next three days by armed people identified by the parishoners as gamblers and drug addicts in the neighborhood. Dozens of people were injured, all the recording machines were destroyed, several houses and a store were damaged, and some residents had to take refuge elsewhere. The police were present during those days, but did not intervene.⁵⁰

During the night of June 6, 2017, dozens of thugs wearing red flag shirts (the Vietnamese version of the Chinese Red Guard) demonstrated at Van Thai parish and provoked the parishioners by yelling and throwing rocks at their houses. A police unit was stationed nearby but did nothing to protect the parishoners or restore order. The Van Thai parishioners felt they were being targeted and punished for their actions involving the environmental disaster caused by the Formosa company.⁵¹

Catholic Father Nguyen Ngoc Nam Phong, a member of Peace and Justice movement of Thai Hoa parish in Hà Nội, was not allowed to board an airplane at Noi Bai Airport for Australia on June 27, 2017. The reason cited was “protection of national security.”⁵²

On June 28-29, 2017, around 200 plain-clothes police disguised as thugs entered Thien An monastery, destroyed a crucifix on the hill and attacked the monks. The local government, having tried for years to take over the monastery’s land for tourism projects, accused the monks of having

illegally occupied and misused the public land. In a slanderous letter dated Dec. 23, the vice-chairman of the People's Committee even suggested to the Redemptorist leaders that Father Nguyen Van Duc, the superior of the monastery, be demoted and transferred.⁵³

On July 17, 2017, right in front of Duc Me Hang Cuu Giup, a Redemptorist church, a group of men identified as online commentators accompanied by members of the civil defense, in uniform and using a loudspeaker, urged the parishioners to object and denounced the Jesuit priests' efforts to help disabled veterans of the previous regime to express the gratitude to them. Although 128 veterans were receiving medical care, medical insurance, wheelchairs, blood pressure monitors, canes, crutches and eye glasses that morning at the church, the demonstrators accused the church leaders of using religion and politics to make money.⁵⁴

On Aug. 4, 2017, Vietnamese Communist authorities issued an arrest warrant for Catholic activist Tran Minh Nhat, who did not hear about the arrest warrant until two months later and only through the media. He was one of 14 Catholic and Protestant youths convicted in 2011 by the Communist regime and sentenced to four years in prison and three years probation for the crime of "plotting to overthrow the government." He was released on Aug. 27, 2015.⁵⁵

From Aug. 30 to Sept. 20, 2017, Catholic parishioners and Father Nguyen Ngoc Ngu of Dong Kieu parish in Nghe An suffered many assaults and were terrorized by red shirt thugs, the police turning a blind eye. They wanted to expel Father Nguyen from the town of Dien My.⁵⁶



The Red Flag Club, paid by the State. to brutalize Catholics.

On Sept. 4, 2017, a group of male and female Red Flag thugs armed with tear gas, pistols, stun guns, and loudspeakers invaded an abbey in Tho Hoa of Dong Nai province to threaten Father Nguyen Duy Tan, who had spoken out about the country, society, regime, freedom, democracy and human rights. He also posted these views online. The parishioners came to his rescue just in time.⁵⁷

On Nov. 1, 2017, independent reporter Huyen Trang for the dissenting online outlet "Tin Mung Cho Nguoi Ngheo" was assaulted by a group of people after she attended a commemoration of the late president Ngo Dinh Diem.⁵⁸

On Dec. 5, 2017, the Noi Bai airport security did not allow Father Luu Ngoc Quynh of the Ha Noi Redemptorists to leave for France on the grounds of "safeguarding the country's security and social order."⁵⁹

On Dec. 6 2017, Father Nguyen Dinh Thuc, a witness in the Formosa disaster, was prevented from boarding a plane for Australia at Tan Son Nhut airport to testify before the Australian Human Rights Commission.⁶⁰



Police destroyed two greeting gates and the Christmas grotto in Dien Chau, Nghe An

On Dec. 10, 2017, Redemptorist fathers in Saigon and Buddhist monk Thich Khong Tanh were prevented from attending a celebration of International Human Rights Day.⁶¹

On the morning of Dec. 13, 2017, the local authorities and police of Dien Chau, Nghe An province, demanded that a Christmas cave, on land they claimed to be under dispute, be removed. In fact, it was a private land donated to the parish. In the evening, plainclothes police armed with knives and machetes destroyed the welcoming arch and the partially-built grotto. The police also opened fire on parishioners to intimidate the

m and injured two with knives.⁶²

On the morning of Dec. 17, 2017, a number of parishioners of Ke Gai, Nghe An, were irrigating arable land already donated to the local parish to build a new church on that land. They were set upon violently by some 20 Red Flag members at the behest of the local authorities and police. About 20 parishioners were injured. On the same day, Nghe An newspapers accused the parish pastor, Nguyen Duc Nhan, of having “incited the parishioners to violate the law and attack government officials and cadres.” Father Nguyen provided the media with a different account of the incident, asserting that the peaceful parishioners had been victims of an aggravated assault.⁶³

On Dec. 21, 2017, the Christmas grotto that Phuc Lộc parishioners of Nghe An had taken a month to build was completely burned by those who did not want the Christians to celebrate Christmas.⁶⁴

On Jan. 15, 2018, the Court of Appeal in Nghe An upheld Nguyen Van Oai’s five-year prison sentence and four-year probation period.

Oai was a dissident, and he was sentenced by the lower court for “inobservance of the law and obstructing the officials on duty.”

Outside the court, many protested against the verdict. Their banners and placards with the slogan “Freedom for Nguyen Van Oai”

were destroyed by plainclothes police, and many protestors were assaulted and had their phones taken.⁶⁵

On Feb, 7, 2018, Bishop Nguyen Thai Hop at Nghe An issued a directive transferring Father Dang Huu Nam from Phu Yen parish to My Khanh parish. Although the bishop declared publicly that he had not been under governmental pressure to remove Father Đặng Huu Nam, he had received a written communication from the Nghe An People’s Committee demanding that he do so the previous October.⁶⁶

8. Activities in support of freedom of religion

A. In the country

On Dec. 6. 20-17, the Vietnamese Episcopal Conference commented on the “Laws of Religious Faith” as follows: ⁶⁷

- The Conference noted that regulations were vague on the rights of religions involved in medical and educational activities.
- It objected to the “entreating process,” which regards religion as a favor granted by the government, not as the people’s right.
- It objected to the notion of “Travelling together with the people,” which it said implied “Travelling together with the party and the state.”
- It denounced the fact that the laws of “Religious Faith” did not create suitable conditions for the religions to develop, but instead restrained and controlled their progress, putting them under the Party’s directives and causing them to fall into discord and disunity.



Bishop Nguyen Thai Hop, on the international trip for Formosan disaster, presented the petition to former mayor of Geneva, Michel Rosetti attention to the case of pastor Nguyen Cong Chinh and his wife in Vietnam. ⁶⁹

Letters of protest posted on the Internet by the Interfaith Committee, Father Nguyen Kim Dien’s group, the Hoa Hao Buddhists, and others

The Interfaith Council issued a protest on Feb. 24, 2017, against the suppression of religions on Feb. 13 in Vinh Long.⁶⁸

The Religious Prisoners of Conscience campaign convened on July 4, 2107, in Washington DC to call

A declaration of the clergy and parishoners at Thuan Nghia, Vang Mai of the Vinh diocese objected to the persecution of priests.⁷⁰

A letter from the Catholic community on Sept. 19, 2107, objected to the oppression of Fathers Đặng Huu Nam and Nguyen Dinh Thuc. ⁷¹

A letter from Father Ho Van Tuong and 1,795 parishoners of Yen Hoa, Nghe An, to the authorities of Nghe An objected to the unfair verdict imposed on activist Nguyen Van Oai.⁷²

On July 12, 2017, Father Nguyen Dinh Thuc made known that the authorities had arrested a parish environmental activist.⁷³

The Interfaith Council published a declaration on Nov. 13, 2017, concerning the religious planning of the Vietnamese government.⁷⁴

On Dec. 7, 2017, the Interfaith Council distributed a declaration objecting to the government's decision to forbid the commemoration of the Hoa Hao founder.⁷⁵

On Dec. 22, 2017, the Interfaith Council and the Nguyen Kim Dien group distributed a declaration on the authorities' conduct on International Human Rights Day and Christmas.⁷⁶

On Jan 3, 2018, Thien An monastery protested the conduct of the Hue People's Committee against the monastery, with the Interfaith Committee and the Nguyen Kim Dien group expressing their support for the protest.⁵³

On Jan. 10, 2018, the parishioners of Yen Hoa, Nghe An, demonstrated in support of activist Nguyen Van Oai in advance of the verdict of the court of appeal on Jan. 15.⁷⁷

B. Overseas

Campaigns in the international community

— On Jan. 20, 2018, Nguyen Trung Trong Nghia, son of imprisoned pastor Nguyen Trung Ton, spoke at the Geneva Summit for Human Rights and Democracy about violations of human rights and religious freedom in Vietnam.⁷⁸



— A number of political organizations in the Vietnamese community in Australia organized a 24-hour hunger strike on May 10, 2017, to show support for religious activists in Vietnam.⁷⁹

— Pastor Nguyen Cong Chinh and his wife campaigned for religious freedom at the Capitol, White House, Department of State, and the U.S. Commission for International Religious Freedom Oct. 23 to 26, 2017.⁸⁰

— With regard to the application of the United States' Global Magnitsky Act and the Frank R. Wolf International Religious Freedom Act for the freedom in Vietnam, BPSOS proposed sanctions against a list of 180 Vietnamese officials under the first act and, under the second act, requested U.S. intervention on behalf of a list of 98 religious prisoners.⁸¹

— On Apr. 3, 2017, BPSOS released the first of six files with the names of 168 Vietnamese officials and advocated sanctions against them under the United States' Global Magnitsky Act.⁸²

— On May 31, 2017, Nguyen Dinh Thang (chairman of BPSOS) and Nguyen Thi My Phuong from Georgia (the sister of Nguyen Huu Tan, whose neck was slashed in the police station, above) testified on human rights in Vietnam and violations of the right of religious freedom in Vietnam ahead of the visit to the United States by Premier Nguyen Xuan Phuc. ⁸³

— The most complete list of religious prisoners in Vietnam, with 98 names, was delivered to the U.S. Department of State and the Commission on International Religious Freedom on 6/29/2017.⁸⁴

— BPSOS released a list of 188 Vietnamese prisoners of conscience on Nov. 10, 2017.⁸⁵

— On Jan. 31, 2018, the United Council of Vietnamese in the Homeland and Overseas released a report about police in the homeland continuing to terrorize Hua Phi, of the Cao Dai religion, who was seriously ill.⁸⁶

- Demonstrations occurred against oppression of religions

— Many demonstrations by the Vietnamese diaspora against the Vietnam's policy of religious oppression occurred around the world.⁸⁷

- The Nguyen Kim Dien prize for Freedom of Religion, an annual award, was organized by the Movement of Overseas Vietnamese Christians.⁸⁸

— The 2017 prize was awarded to Fathers Dang Huu Nam and Nguyen Dinh Thuc in South California. ⁸⁹

- For the 2017 Human Rights Day, the Vietnam Human Rights Network awarded the Vietnam Human Rights prize to Protestant pastor Y Yich.⁹⁰

CHAPTER II NOTES

Chapter II notes or references are online from this address:

<http://www.vietnamhumanrights.net/2017/NCKnote.htm>

III

HUMAN RIGHTS IN THE ECONOMIC FIELD

1 General international regulations in Economic Human Rights

Article 22 of the Universal Declaration of Human Rights and the Preface of the International Covenant on Economic, Social, and Cultural Rights stipulate that “... the ideal of a person free from fear and miseries can only be achieved when convenient conditions are available for him to enjoy those rights.”

Human rights in the economic field are among man’s basic rights, since everyone is born to live and satisfy his own physical needs, including food and the right to have shelter, to work, to own property, and to enjoy a safe living environment. Corruption in the economic field is the cause of the most serious violations of human rights (see ‘Poverty and Human Rights,’ Amnesty International USA¹, of Dec. 8, 2017). Many human rights organizations have demanded action against countries that have abused their people’s rights by taking over the means of production and stealing from the system for private gain (Transparency International², the Anti-corruption Resource Center, and the article “Overview of Corruption and Anti-corruption in Vietnam,” 2012, at [www. U4Expert.com](http://www.U4Expert.com)). The UN Security Council in 2012 and its Advisory Committee in 2015 called for increased efforts against corruption as well as against violations in the economic field to protect human rights (Human Rights Council/Advisory Committee, Jan. 5, 2015, and the United Nations Convention against Corruption, Oct. 31, 2003).

Many developed countries, including the United States, Japan, European nations and other free economies have human rights-protection laws attached to their foreign trade and investment regulations (see³, Corporation’s Duty to Promote Human Rights, published on Oct. 11, 2017, and⁴, Free Trade and Human Rights).

Under their Communist regime, the Vietnamese authorities have violated economic human rights for the last 40 years, most seriously in three areas: land appropriation, corruption, and environmental damage. Below is a summary of typical and severe violations in those areas in 2017 and currently in Vietnam, resulting in the division of society into two classes. The first comprises high-ranking officials, who enjoy exorbitant living standards supported by corruption, stealth of national resources, illegal appropriation, and abuse of the substantial foreign humanitarian assistance meant for the Vietnamese people. The second class are the majority of the population, who live miserably while their children lack education and a secure future.

2 Appropriation of people’s lands by officials is a serious violation of human rights

Communist Vietnam is among the few countries that deny their people the right to own land. All land, including parcels officially registered by the former Republic of Vietnam, is confiscated.

Recommendations have long been made for the authorities to change this type of law; yet land stays under the state's management and use. As a result, Vietnam's government, by law, has the power to confiscate or take over any piece of land allegedly for security purposes or for public or economic interests.

In reality, the authorities nationwide have taken advantage of this land management power to appropriate and take away people's land by force, especially land under cultivation owned by poor

farmers, mainly to sell the land to businesses at a price ten times higher, or far above the official compensation offered to the victims.



People in Krong Pak district, Dak Lak province were forced out by the authorities who seized their land, bulldozed their properties (photo: Facebook Trinh Ho Van)

This involves three human rights violations. First, owners have no chance to agree to the confiscation of their land or disagree, even though they receive some compensation. Second, they have no freedom to negotiate the compensation, which is arbitrarily decided by the authorities. Third, many victims of land appropriation are moved to isolated areas with fewer amenities and, especially, without schools for their children.

2.1 The Dong Tam case:

In 2017, the most serious land-related human rights violation happened in Dong Tam village, My Duc district in Hanoi, where city authorities ordered about 36 acres of land confiscated on the excuse that it had long been owned by the Department of Defense (DOD) and now had to be returned for use by its owner's military telephone business. Meanwhile, the people claimed that the land had been in their use over the last 50 years, and, therefore, they firmly refused to give in. As they fought back against the government's use of force, they were detained on the spot as hostages by the police and enforcing units. To calm the situation, Hanoi officials negotiated and agreed to desist; however, they soon broke their promise by holding and prosecuting a number of villagers they considered anti-government elements. (See *The Economist* of Jan. 15, 2017, "Property disputes are Vietnam's biggest political problem," citing the Dong Tam case and that of Can Thi Theu.)

From the human rights standpoint, the Dong Tam case is of serious importance. Besides the people fighting for their land-owning rights against the government, there are two other considerations: people's solidarity in protecting their right to survive, and their firm and fearless struggle. The people's morale in the Dong Tam case, as well as in past land-confiscation instances, confirms once more the Communist authorities' chronic resort to treachery and oppression, for their own interests and those of crony interest groups. The case also proves the VCP's abuses of power in the taking of people's land for military interests to do business. This creates huge special and untouchable privileges for the powerful police and army.

According to the latest news, on April 1, 2018, the authorities have reportedly given in, in silence, to the Dong Tam people. Battallion 31, a military unit charged by the Ministry of Defense with managing the land in Dong Sach of Dong Tam village, has been assigned to digging trenches and building walls between the Defense Ministry zone (Mieu Mon airfield) and the agricultural land of the Dong Tam people (Senh Field), in accordance with the local residents' demands. Their success calls to mind the cooperation of the army and police in land appropriation, followed by the destruction of Mr. Doan Van Vuon's home and shrimp-growing facilities. Besides, Mr. Vuon was jailed together with his brother and cousin allegedly for their fight against the state's confiscation of their land and living means.

2.2 'Vu nhom' case:

Another important land-appropriation case concerned "Vu nhom," nickname of Phan Van Anh Vu, a high-ranking intelligence officer in Da Nang. City authorities abused their power in selling many valuable parcels of public land in Da Nang – in fact, the people's land — at very cheap prices. Anh Vu's companies were responsible for both obtaining land illegally and also the resale of land parcels soon afterward at very high prices. As a police major, he was in charge of making money for his superiors. It was a typical case, and it caused people tremendous damage. It both exposed the regime's abuse of power and brought to light an internal power struggle that allowed "Vu nhom" to flee to Singapore. At the end of 2017, on his way to Malaysia, he was arrested and is currently being held.⁵



Mr. Trinh Ba Phuong and the petitioners with the message for the innocent prisoner Can Thi Theu (photo: Facebook Trinh Ba Phuong)

2.3 The case of a victim of injustice Can Thi Theu:

Also related to the land appropriation was the case of Mrs. Can Thi Theu, a victim of forced land appropriation in Duong Noi hamlet of Co Nhue village, Tu Liem district in Hanoi. She was first arrested together with her husband, Mr. Trinh Ba Khiem, while she was recording a scuffle in 2014 between the victims of land confiscation and government forces. She was sentenced to 15 months in prison based on Article 257 for "acting against public enforcement." She was arrested again at 5:00 a.m. June 10, 2016 in Ngoc Luong village, Yen Thuy district of Hoa Binh province, allegedly for "creating public disorder," and was sentenced to 20 months in prison. She was freed on Feb. 10, 2018. (See⁶). The compensation set by the government for appropriated land is known to be "less than 1% of the market price, or VND\$201.600 per square meter, compared to the current sales price of VND\$31.500.000. Once released from prison, Mrs. Theu announced that she would continue to work with victims of injustice fighting to retake their

land, and hoped the entire population would unite behind her to win back properties stolen by the Vietnamese Communist regime⁷

2.4 The case of land appropriation and property destruction in Dak Lak:

Early on the morning of Jan. 26, 2018, dozens of families in Ea Phe village of Krong Pak district in Dak Lak province were totally distraught when they saw that thousands of their coffee plants had been demolished by the authorities during the night in the transfer of the families' land to the



Police ready to bulldoze the appropriated land of the people of Krong Pak district of Dak Lak province (Photo: Facebook Trinh Ho Van). Many such official land appropriations also took place elsewhere last year.

Dak Lak Office of Water Products. The landholders were said to have cleared it in the 1970's or had already registered it (with red books) as their inheritance from their ancestors.

In 2005, an official call for the donation of land to build the Krong Buk Ha dam was made via Krong Pak district Decision 1992/2005/QĐUB, signed by District Head Tran Ngoc Thanh on Aug. 1, 2005. Since the land was part of the project, the people were willing to donate it. However, when the construction was completed and the extra dry land was returned to the donors' families, only some of them received official documents about their portion though all of them needed the land to survive.

In 2014, a certain firm posted a sign on the land that said, "Nha Trang Water Products Company," a move that the people protested. In June, the company set up an altar of worship and started business, chasing the residents away. Through a decision of Dec. 12, 2015, conveyed in two red books (#821588 and #821589), Dak Lak province gave 16,620 square meters of land, including a portion owned by the people, to the provincial Agency of Water Products. Then, on Jan. 26, 2018, via its decision #33/QBND and without the people's agreement on compensation, Krong Pak district appropriated the land by force. Hundreds of uniformed and plainclothes police bulldozed people's properties to ready the land for use by the Dak Lak Water Products Agency, formerly a private firm.⁸

3. Corruption the most dire violation of human rights

Corruption has caused violations of human rights in Vietnam, including the illegal appropriation of both public and private property, or its legalization by officials under Communist laws. This occurs in every field and at every level of government.

In this report, only corruption in the economic field is explored. Often, one crime prepares the ground for another. First, Communist officials deliberately create plans that include mostly unpopular or unnecessary projects, which are then carried out via investment of public funds. The main purpose of these public investments is corruption, and corruption remains the direct or indirect cause of misery for many people. The huge amounts wasted on corrupt projects bring no economic benefit to the society; the funds could have been used to support prices or provide comfort to millions of farmers through schools and hospitals in rural areas (see World Bank 2014 Article “The Cost of corruption in Vietnam”).

Vietnamese corruption includes the invention of opportunities by Communist officials to enrich themselves, and collusion with interest groups to see that the resulting projects are implemented. The consequence is that corruption becomes unmanageable.

An anti-corruption campaign was opened last year by the VCP Politburo, primarily as an internal purge, but also as an external show to build trust in the Communist party. The campaign has exposed corruption within the VCP of various forms and on different scales. Corruption has been shown to sow distrust in the economy, discourage foreign investment, and increase dependency on China. Led by VCP Secretary General Nguyen Phu Trong, last year’s anti-corruption campaign has solved or exposed the following large-scale cases:

The government of Vietnam is responsible for too many serious corruption cases, typically its abuse of a huge budget (about US\$10 billion) to pay debts for its state firms, 70% of them involving losses in businesses or corruption. The money could have significantly helped in agriculture, health, and education where millions of poor people could benefit.



Dinh La Thang and Trinh Xuan Thanh

3.1 Dinh La Thang:

Dinh La Thang was a former member of the VCP Politburo, Secretary of Ho Chi Minh City, Secretary of the Communications Department, and Head of the Management Council of PetroVietnam (PVN). Although a very powerful high-ranking Communist party member, he was detained for corruption on Dec. 8, 2017, brought to court on Jan.

8, 2018, and, after 12 days, sentenced to 13 years in prison. He was accused of having disregarded state regulations on economic management with serious consequences, abusing his position, and authorizing rash expenditures under his state-controlled budget. He was recently brought back to court and accused of having wasted VND\$800 billion in PVN funds in an illegal move with partially-state-owned Ocean Bank (just when it suffered a heavy loss) that eventually led to heavy financial losses for the state. On March 29, 2018, he was sentenced to 18 more months in prison and told to reimburse the state VND\$600 billion (over US\$26,300,000).⁹

3.2 Trinh Xuan Thanh:

Trinh Xuan Thanh was the former Head of the Petrovietnam Construction (PVC, a PetroVietnam subsidiary), and Deputy Chairman of the Hau Giang Provincial People's Committee. The PVC, in projects of the Thai Binh electricity plant and many other construction works, caused the loss of hundreds of millions of U.S. dollars through its collusion with interest groups and Chinese companies. Thanh fled to Germany, but was kidnapped there by Vietnam's secret police in cooperation with the Vietnam Embassy in Berlin. Sent back to Vietnam, he was tried for acting illegally and for corruption involving the transfer of real estate shares out of the Nam Dan Plaza project of the Electric-Petrovietnam Real Estate Shares Corporation (PVP Land). In court, Thanh and seven other defendants were accused of having misappropriated VND\$49 billion from the transaction. Dinh Manh Thang (Dinh La Thang's brother) was sentenced to five years in prison for having received VND\$5 billion and given VND\$14 billion (in a suitcase) to Trinh Xuan Thanh, who himself received a second sentence of life in prison.¹⁰

Trinh Xuan Thanh's abduction in Berlin so infuriated the German government that it suspended its visa waiver agreement for diplomats with Vietnam and extradited a number of Vietnam's diplomats.

Both Dinh La Thang and Trinh Xuan Thanh together with their accomplices were said to be subordinates of former Premier Nguyen Tan Dung. Some believe that VCP Secretary General Nguyen Phu Trong is using his anti-corruption campaign to purge the protégé's of former Premier Dung and uproot his patronage network.

In the case of Trinh Xuan Thanh who was tried on charges of causing losses of more than 3000 trillion, the government did not mention anything about whether Mr. Nguyen Phu Trong would bring people being denounced by Trinh Xuan Thanh to

light those who have been selling offshore oil for 30 years are protected by three Prime Ministers: Vo Van Kiet, Phan Van Khai and Nguyen Tan Dung. No one knows how much national resources have been plagued by Central Committee members, the Politburo, the leaders at the Oil and Gas Corporation. As long as these corruptive people are free, Mr. Trong cannot claim he is anti-corruption. **As long as the following statement is still valid**, the fight against corruption can not be said to be effective:

“There was a verbal warning from the time when Vo Van Kiet was prime minister that the police or the press were not allowed to investigate all corruption cases in the oil and gas industry and the question of stealing oil from the sea was not allowed to mention..”.

3.3. About the Mobiphone :

Mobilphone is the name of the wholly state-owned communications general company that has 'secretly' bought 95% of the shares from the Share Audio-Visual Universal Group (AVG). This was a private company seriously suffering from heavy losses and debts. The purchase cost VND\$8.900 billion, ten times higher than the market price, and was made in absolute secrecy, causing the state to swallow a huge loss of about VND\$7,000 billion, and affecting not only the Mobilphone company but also such government agencies as the Departments of Information and Communications,

Planning and Investment, Finances, Police, as well as the Premier's Office, and Consulting Companies... All of them worked together to produce fake documents, false evaluations, and false agreements, approved by unauthorized individuals. The criminal transaction started in 2015, continued through 2016 and 2017, and was only recently discovered as 'a serious, complicated, sensitive scheme specially concerned by the public opinion. The investigation kept on until last March despite the fact that in 7-2017, the Central Direction of anti-corruption agencies listed this case among those 'emergency investigative cases.'¹¹

3.4. About the BOT implementation:

BOT is the abbreviation of Build, Operate, and Transfer, used for roads unruly created by the Traffic and Transportation Department in its many-billion-VND worth projects, instead of bidding publicly for private investors to participate. Public protests have occurred against the BOT exorbitant and unreasonable fee collections.¹²

BOT has been among the current worst corruption cases when the so-called construction agencies invested only from 10% to 15% of the total capital, loaned from a bank. Sometimes they perform light improvements of the roads under use, in spite of real ones, just to charge road users any kind of fees without biddings, under the support of invisible officials or powerful relatives. Bidders, if any, are currently both managers and implementors, and naturally enjoy 85% of the profit, or at least 50% if they had done 30-40% improvement. In case the fees collected were insufficient to repay the bank debt, the debt would become a bad one (unclaimable by the bank). BOT stations have become both a burden to the people and high risks for the state budget. The people and merchandise truck drivers, including passengers who used to pay nothing or some little fee for their road trips, now have to pay high to the BOT exploiters, up to 18 or 20 times more at some locations on National Route 6 in Huong Son, province of Hoa Binh). Protesters have been ruthlessly suppressed by police.

The Cai Lay BOT station in Tien Giang province is typical in that traffic problem, which so often kept being delayed that merchandise truck drivers constantly complained through their own tactics of using either very low denomination bills (VND\$100) or very high ones (VND\$500,000) to lengthen the passing time at the BOT station. Protests also occurred against the improper BOT locations, such as the one on the National Route 1 for no such BOT station is needed as it has already been paid for its improvement.

At the end of 2017, the Premier had to temporarily end the practice for a few months to solve the BOT problem but without results. According to Lawyer Nguyen Thanh Luong in Saigon, *"the core of the BOT trouble is the interest groups' huge profits they gain from their little capital and the people's huge hardship."* Engineer Nguyen Van Duc, owner of a construction company in Saigon, said, *"Those firms investing in BOT were possibly following the investment practice of using 'tiny capitals for huge profits', sometimes even 'almost no capital' when they keep 15% of the capital in a bank account next to a loan of 85%, maybe 30 to 50% of it would be used. It meant that they earn 50% profit just to agree to set up a BOT station."* To Duc, *"No bidder can win without some relations with officials, proving why no foreigners won any bid for BOT."*¹³

4/ Living environment and the right to live

The living environment in Vietnam is extremely bad, caused mainly by both the government and factories, and primarily by the collusion between officials and investment companies. The harmful environment affects people's health and life and causes severe damage to thousands of fishermen along the Central coast. It is a human rights violation, according to international conventions.

The worst and internationally known violation has been the Formosa disaster, lasting from 2015 until present, without a proper solution. Despite its agreement to compensate US\$500 million to the victims (according to Vietnam Law ¹⁴, on 7/28/2016), and the firing of a number of involved high ranking officials (such as the provincial party secretary of Ha Tinh, Secretary and Under-Secretary of the Environment Department, according to Reuters ¹⁵ on 2/22/2017 and the Foreign Policy Association's article 'One year of Vietnam's worst Environment Disaster' on 05/02/2017)

Researchers and ordinary people think the Formosa case was the result of serious violations, mainly neglected by the authorities, like: - the clear collusion between high ranking officials and Formosa, - Formosa's compensation too little (compared to real damage) and inappropriate, - the serious violation's nature of partly civil and partly criminal. Vietnam has only solved the civil and administrative parts. The case should be further fought against Formosa and made it an international case. Meanwhile, the authorities rudely suppressed anti-Formosa demonstrators and gave them heavy sentences in prison: - 5 years for Nguyen Van Hoa of Ha Tinh, allegedly for his making and dispatching video clips on Formosa, - 14 years for Hoang Duc Binh (Re: Asia & Pacific, www.sputniknews.com), and - 10 years for Nguyen Ngoc Nhu Quynh (Mushroom Mother)

Besides Formosa, among many human rights violations related to pollution during the last 5 years were: - the Steel Factory in Thai Nguyen of Cao Bang province, - the Lee & Man paper factory in Chau Thanh district of Hau Giang province (Re: Vietnamnet on 9-11-2017), and - the bauxite exploitation in Central Highlands (Re: Vietnam Express on 3-3-2018).

To conclude, the following part is about the serious human rights violations in Vietnam related to the economy. Thousands of cases have happened and kept happening, causing huge damage to the people and the nation. The main root of this situation is the officials' deliberate creation of opportunities for themselves to collude with their party peers to gain personal interests, as a consequence of the VCP standing above all national and international laws, especially above the right sense. Let's consider the salary of a worker at VND\$3,5 million/month (roughly US\$155) and just one bribery to Trinh Xuan Thanh of VND\$14 billion or US\$615,000. The corruption was equal to the worker's 4,000 months or 333 years of earnings. Nevertheless, Trinh Xuan Thanh was known not to be the only example, since a street police agent or a national leader, if communists, can ask for all kinds of bribery, anywhere, in any occasion and amount, depending on their ranks. They can steal millions of US dollars from oil in the ocean, or simply for a police agent to force a motorcycle driver on the road to give some little bribe for no reason. If the victim stubbornly refuses, he will have his day lost when the police orders him to go to his station to 'work' and, in worst case not unique, his life there during the night will mysteriously turn into a suicide case!

5/ Can international laws limit corruption?

It's necessary for the people and human rights fighting organizations in and out of Vietnam to keep fighting further and stronger, even coordinating and using international laws for better results. One such feasible law is the Global Magnitsky Act, promulgated by the US in December 2012, followed by other countries like Estonia on 12-8-2016, Britain on 2-21-2017, Canada on 12-19-2017, Luthuana on 11-9-2017, and most recently Latvia on 2-8-2018. The objective of the law is to prevent serious human rights violations from happening through huge corruption, by which "all individuals and officials of any country, including Vietnam, if listed as human rights violators, can be prohibited from entering the US, along with their properties being frozen. The law states that "the president can himself restrict the entry of anyone, based on obvious and reliable evidence about his illegal killing, torture, or any other serious violation of any national citizen's internationally accepted human rights." ¹⁶

The Magnitsky law was signed by US President Barack Obama on 12-14-2012. According to Dr. Nguyen Dinh Thang, Director General and Head of Boat People SOS Committee (BPSOS), there are three punishable subjects:

- Officials and their subordinates or non-government individuals working with them who seriously violate internationally accepted human rights.
- Officials who appropriate people's properties.
- Officials who get involved in huge corruption and suppression of related whistleblowers.
- The Vietnamese government, indeed, does not accept this law, clearly allowing its high ranking officials to keep being corruptionists.

CHAPTER III NOTES

1. <https://www.amnesty.org/en/>
2. <http://www.transparency.org>
3. <http://www.clsbluesky.law.Columbia.edu>
4. <http://www.cato.org/publication>
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IV THE RIGHT TO WORK AND TO ENJOY THE FRUITS OF LABOR

1. Violations of Workers' Rights in Labor Legislation

Article 23 of the Universal Declaration of Human Rights states clearly that everyone has the right to work, to free choice of employment, to just and favorable conditions of work, and to protection against unemployment. Everyone, without discrimination, has the right to equal pay for equal work, and the right to form and to join trade unions.

At present, there are around 12.3 million workers in Vietnam representing 21 percent of the population, but this workforce contributes some 60 percent of social productivity and more than 70 percent of the state budget.¹

In spite of the fact that workers have made a great contribution to the nation, their lives have not been given sufficient attention. Labor and food safety are not up to standards, the rights and interests of workers are not protected, and the workers are not treated with dignity and respect. Time and again workers have been physically and mentally abused and insulted; at Tet, the lunar new year celebration, for example, employers have often denied them the 13th month of pay to which they are entitled as their New Year bonus. Workers have suffered such abuses patiently even as their human rights and dignity have been badly compromised, often leaving them with nowhere to turn for help.

1.1 - Wages

Vietnamese Minimum Wages
2016 vs 2017

	Monthly Minimum Wage 2016	Monthly Minimum Wage 2017
Zone 1	VND 3,500,000 (~US\$156)	VND 3,750,000 (~US\$165)
Zone 2	VND 3,100,000 (~US\$139)	VND 3,320,000 (~US\$145)
Zone 3	VND 2,700,000 (~US\$120)	VND 2,900,000 (~US\$127)
Zone 4	VND 2,400,000 (~US\$110)	VND 2,580,000 (~US\$113)

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With the average wage for a worker *đồng* a month (around US\$155), workers become increasingly destitute, especially given inflation. According to a report by Jobstreet, an independent consultancy, 33 percent of workers complained that life was hard, and 34.4 percent said their wages could not pay their bills, requiring them to work extra hours to make ends meet. Worse, up to 46.7 percent

of workers had to work overtime without pay – an example of blatant exploitation by employers. Nearly 50% of all workers accept working overtime to improve their incomes. Up to 65% earn less than a million đồng a month on overtime.

Jobstreet also reported that 68 percent of workers cannot afford to live on their wages. In the countryside and the highland areas, wages are even lower. In Saigon, the average wage is about 7 million đồng, while the cost of living there requires at least 10 million đồng per month to get by. Thus, whether in the cities or in rural areas, the workers are struggling to live.

In addition, employers have often failed to pay their workers, or workers saw their wages delayed by many months. In many cases, employers have pocketed the insurance premiums paid by workers, causing the workers extra hardship if they fall ill or have serious accidents. Some companies have paid their workers in kind, sometimes in units to which they gave a value higher than the market cost.²

1.2 - Labor safety

According to Vietnam's Ministry of Labor, Invalids and Social Affairs, poor safety in the workplace stems from substandard protective equipment, lack of training, inadequate enforcement of safety



worker food poisoning

regulations, and inadequate sanctions for those who violate them. Because of these shortcomings, many workers have gotten food poisoning. In 2017, according to the Health Ministry, there were 139 cases of food poisoning in company canteens, causing 3,896 workers to suffer food poisoning, involving 24 deaths. Compared to the same period in 2016, food poisoning fell by 27 cases or 438 people, but the death toll doubled.

Occupational health and safety issues have not attracted much attention from the authorities. According to the Ministry of Labor, Invalids and Social Welfare, in 2017 there were 8,956 workplace accidents involving 9,173 people. These included 898 fatalities, 1,915 serious injuries, and 2,727 female victims. On a daily basis, there were 25 occupational accidents in 2017 involving 26 workers, three of whom died³.

1.3 - The Right to Strike

Strikes by workers jump every year. In 2017, there were 314 strikes, 28 more than in 2016, or a nearly 10 percent increase. The main cause is low wages. Other causes are:

- Delays in pay, as workers' debts pile up;
- Failure to grant pay increases as productivity rises;
- Forced overtime, with reduced pay rates;
- Disagreement over social insurance and Tet bonus.
- Poor attention to workplace safety and other workers' rights;
- Physical abuse and lack of respect by employers.

The situation has become increasingly tense. In the first two weeks of 2018, there were over 10

collective strikes. On Jan. 12, 2018, for example, more than 6,000 textile workers of the Panko-Tam Thang and Moong Chang companies staged a strike over excessive overtime, low Tet bonus, poor canteen food safety, and lack of health services.⁴

Most of the protests and strikes took place in a peaceful, non-violent manner, with workers requesting only that employers comply with their commitments and the law. There is no evidence, nor are employers suggesting, that Vietnamese workers are making unjustified demands or sabotaging company assets. At the same time, there are a few exceptional cases of brawls between workers and security forces, such as that which occurred at the Samsung factory in Bac Ninh in Feb. 2017.

Also in 2017, a protest staged by workers driving through the Cai Lay toll point could be called an example of civil disobedience. They paid their tolls with small change or large notes, causing such congestion that the authorities had to close the toll booths and let people pass free. (More detail on this in chapter VIII). Remarkably, all strikes to date have been organized by the workers themselves. All are considered illegal.

The only organization that lawfully represents Vietnamese workers is the Vietnam General Confederation of Labor, but it has never organized any demonstration or strike on their behalf. In all of 314 strikes in 2017, no one from Vietnam General Confederation of Labour was present. Only when the strike was at its height, usually after two or three days, a representative of the Confederation appeared and tried to conciliate, soothe the workers' anger, and persuade them to go back to work. It was very rare that an employer offered a satisfactory solution to the workers' reasonable demands. Generally, while a peaceful strike was proceeding in a manner in accordance with article 7 of the Vietnamese Labor Law recognised by the International Labor Organisation (ILO), Bui Van Cuong, President of the Vietnam General Confederation of Labor would deliver a political speech, saying "strikes and collective work stoppages affect good order and political security, social security, and workers' earnings, and they damage the company."

An independent union leader, Mr. Nguyen Hoang Quoc Hung, in 2010 helped the workers of the shoe company My Phong protest against the reduction, without any satisfactory explanation, of the workers' wages and bonus. He is still in prison serving a nine-year sentence. Another independent unionist, Mr. Hoàng Đức Bình, was sentenced to 14 years in prison under article 257 of the penal code for disseminating information about the Formosa company and demanding compensation for Vietnamese fishermen in central Vietnam. Formosa is the company that spewed toxic chemicals into the sea, destroying fishing in the four coastal provinces of Ha Tinh, Quang Binh, Quang Tri and Thua Thien Hue and affecting the lives of more than 510,000 people.

2. Violations of Workers' Rights in Practice

2.1. Vietnam's "labor export" policy

Before South Vietnam fell to the Communist side in 1975, Vietnam had no workers abroad, but since 1980 the Vietnamese authorities have been sending Vietnamese workers to other countries, normally to do the menial and often dangerous jobs the people in the receiving country do not want. In 2017 alone, almost 135,000 Vietnamese were sent abroad to work as servants, bringing the total number of "exported" Vietnamese laborers to half a

million people. Most work as “Osin,” a newly-created word meaning domestic servant.

Those who want to work abroad must pay a large amount of money (usually equivalent to a third of total earnings for a three-year contract) to broker firms that advertise an unrealistic salary, paid holidays, and other benefits. Many people have borrowed money to pay the brokers, even putting up their houses as collateral. In fact, most have found that the life of an “exported” laborer is miserably unbearable: 18-20 hour work days, inability to speak the local language, and escape impossible because their employer had confiscated their passport. Generally, Vietnamese embassies and consulates were of no help, and there were cases where workers died abroad but their families were not informed.⁵

The case of Ms. Tran Thi Nga exemplifies the Vietnamese government’s treatment of a person who tried to help. She was a migrant worker in Taiwan who witnessed the miseries suffered by the Vietnamese working there. Returning to Vietnam, she publicly denounced the irresponsible conduct of the Vietnamese broker that had recruited and sent the Vietnamese laborers to Taiwan and left them to fend for themselves. While working in Taiwan, Ms. Tran herself had had an accident and was completely ignored by the state-run agency responsible for the Vietnamese migrant workers’ welfare. Having learned from her own experience, she had worked to help other workers. (Ms. Tran also spoke at a Vietnamese farmers’ rally demanding the return of their land, and protested against Communist China’s violation of the Vietnamese islands and against the Formosa company’s pollution of the environment.) On July 25, 2017, Ms. Tran was convicted of propaganda against the state and sentenced to nine years in prison plus five years of probation, upheld later, by the People’s Court of Ha Tinh province.⁶

2.2. What Should be Done?

Briefly, the Vietnamese government should enact legislation to protect Vietnamese workers abroad. Vietnamese embassies should consider the welfare of the overseas Vietnamese workers as one of their responsibilities, and have effective plans to assist them when needed. Workers should be taught the language and customs of the country where they are to work. There should be strict control of the broker firms and real punishment for those that defraud their worker clients.

2.3. Problems of Child Labor

While many adult workers, in Vietnam and abroad, are maltreated and their rights abused, there are also many children who have been exploited. According to a national survey on child labor, there are at present 1.75 million child laborers in Vietnam between the ages of five and seventeen (as compared with 12.3 million workers overall), and 34 percent of them work over 42 hours a week. These data were made public at the Consultative Legislative Workshop co-organised by Vietnam’s Ministry of Labor, Invalids, and Social Welfare and the ILO on Mar. 21, 2018.⁷

Although Vietnam’s Children’s Law No. 102/2016/QH13 of June 6, 2017, specifies measures to safeguard children and prohibits child exploitation, such exploitation in fact continues, with 67 percent of child workers employed in agriculture, 16 percent in construction, 17 percent in the industrial sector. They receive low wages or are even unpaid if they work for their families. Sadly, the rate of illiteracy among children is still very high. Of the children surveyed, up to 52 percent



*Children working at a stone mine
in a northern province in Vietnam.*

had attended school; 45.2 percent were attending school now, and 2.8 percent had never been to school. Worryingly, around 1.3 million child laborers, over seven percent of whom are between 5 and 7, run the risk of working in jobs where minors are not allowed or under hazardous conditions. These children are forced to work hard too soon, when their bodies are not yet fully developed, and this will affect the status of the next generation.

It is hoped that, with the Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP) having been signed on May 3, 2018, by 11 countries, and with the possibility that the U.S. is again considering membership, working conditions for laborers in Vietnam and abroad will improve and child labor in Vietnam will greatly decrease so that children can go back to school and live out their childhood happily and meaningfully.

CHAPTER IV NOTES

¹<http://laodongthudo.vn/cong-nhan-lao-dong-thu-do-xung-dang-huong-nhung-thanh-qua-tot-nhat-36357.html>

²<https://www.baocalitoday.com/tieng-noi-tu-trong-nuoc/quang-ninh-bieu-tinh-vi-bi-ep-nhan-tien-lao-dong-bang-gach.html>

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⁵<https://nld.com.vn/cong-doan/lao-dong-giup-viec-nha-o-a-rap-saudi-gian-nan-duong-ve-20180406221308153.htm>

⁶http://www.womensrights.asia/rfa_tran_thi_nga.html

⁷<https://vov.vn/xa-hoi/viet-nam-hien-co-175-trieu-lao-dong-tre-em-742230.vov>

V THE RIGHT TO LIFE, LIBERTY, AND SECURITY

The right to life is the most basic human right. Every person deserves to be born into a decent life as a human being, and to have his or her life protected from physical threats. This right is affirmed in the International Declaration of Human Rights.

In cases where the most serious crimes are committed, the state has maintained the power of punishment by death. Even then, a fundamental principle remains: Do the offenses and consequences justify taking a person's life? While many countries have abolished the death penalty, it is still being used in Vietnam as the ultimate punishment.

1. Death Penalty

According to Vietnam's Penal Code, last modified in November 2015 and effective as of Jan. 1, 2018, the list of crimes punishable by death is reduced from 22 to 18. These offenses were removed from the list:

Robbery

Production and trade of harmful foods and food additives

Possession of illegal drugs

Destruction of important structures and facilities related to national security

The amended Code also granted leniency in two cases:

Prisoners age 75 and older

For officials convicted of corruption, those who return at least 75% of the illegal profits.

These changes are considered modest progress toward a more humane system of justice, but the death penalty continues to apply to certain political offenses, which are now codified in Chapter 8 of the Amended Penal Code. These include: treason (Article 108); conspiracy to overthrow the government (Article 109); espionage (Article 110); and sabotage of state property (Article 114).

These offenses are still broadly defined in the amended Code, which allows the government to interpret many nonviolent political activities as "crimes against the state," eligible for the death penalty. No one was sentenced to death for these offenses in 2017. Nevertheless, these articles were used as a deterrence against those who dared challenge the leadership of the Communist Party.

As in previous years, the government did not disclose the number of death sentences, or the number of executions, in 2017. These numbers are still considered state secrets. According to an official report from the Ministry of Security in February 2017, 429 people were executed in the three-year period from August 2013 to June 2016. By this accounting, an average of 145 people are put to death every year. ⁽¹⁾

In addition to the numbers of death penalties and executions, human rights advocates have been very concerned about serious problems within the criminal justice system that may have allowed innocent people to be wrongly convicted. In recent years, more and more cases have been brought to the public's attention. Three of the most well-known are Ho Van Hai, Nguyen Van Chuong, and Le Van Manh. Many attorneys and even government officials have questioned their convictions, which were decided mostly on confessions of the defendants during forced interrogation, without the presence of an attorney. By April 2018, these cases are still unresolved.

In January 2018, a death sentence was given in a high-profile case that attracted much attention in the national press. Pham Van Hien, a coffee farmer in Dak Nong Province, was convicted of murder in the shooting deaths of three employees of a private development company in a land dispute between the company and local farmers. Many attorneys and legal experts have questioned whether the death sentence was justified in this case, given that Mr. Hien and the other defendants might have acted in self-defense, and the incident itself was started by the company's actions. A petition was signed by five NGOs and hundreds of individuals in the same month, petitioning the president and Supreme Court of Vietnam to reconsider the case. ⁽²⁾

2. Police Brutality:

In November 2014, Vietnam's National Assembly ratified the United Nations Convention against Torture and Other Cruel or Inhumane Punishment. However, police and security forces continue to use heavy-handed tactics during arrests and interrogations. In the most severe cases, they caused the deaths of innocent people. It should be noted that most of those who died had been arrested for minor offenses, such as burglary or domestic disputes. In most cases, the official cause of death was suicide, although the victims' families reported signs of injuries on their bodies.

At least 12 deaths during arrest or detention were confirmed in 2017:

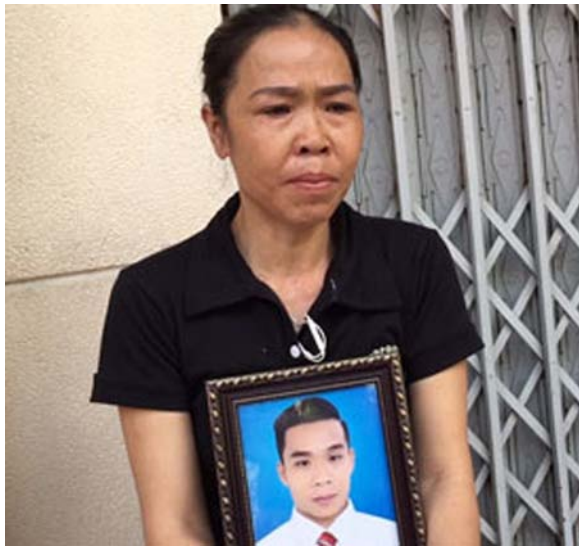
- Pham Dang Toan, age 29, died while being chased by the police in Binh Dinh Province on Jan. 2, 2017. Witnesses reported that he was beaten by two police officers during the arrest. The officers were held briefly by the crowd of people who witnessed the incident. ⁽³⁾

- Pham Minh The, age 21, died in a holding cell in Binh Thuan Province on Jan. 4, 2017. The police report said he was attacked by another inmate. ⁽⁴⁾

- Pham Ngoc Nhung, age 26, was arrested on Jan. 15, 2017, in Ho Chi Minh City for a minor dispute. The next morning, he was taken to the emergency room in Saigon Hospital, where he died on that day. An autopsy showed broken bones in his ribs and his head, which likely caused his death. (See picture on next page) ⁽⁵⁾

- Nguyen Thanh Ngon, age 46, died on Feb. 6, 2017 in a holding cell in Nghe An Province. The local police reported that he committed suicide by hanging himself with his shoe laces. ⁽⁶⁾

- Nguyen Huu Tan died in a holding cell in Vinh Long Province on May 3, 2017. Mr. Tan, a follower of the Hoa Hao Buddhist Sect, was arrested the previous day in a massive raid of his house by 200 police officers. He was suspected of “plotting against the state” and held at the police headquarters. The next day, the police notified his family that he had “committed suicide” by slashing his throat with a knife. His family still does not believe that it was a suicide. The case was widely reported in the press, and was brought up in a hearing of the US Congress in the summer of 2017. ⁽⁷⁾



Ms. Nguyen Thi Ai, with the picture of her son, Pham Ngoc Nhung, died in the police station

- Ngo Chi Tam, age 40, died in a holding cell in Ho Chi Minh City on June 14, 2017. The official cause of death was “suicide by hanging with a belt.” ⁽⁸⁾

- Hoang Van Long, age 27, died in a holding cell in Dak Lak Province on June 15, 2017. Again, the official cause of death was suicide. Official news reports did not explain how he was able to commit suicide in a holding cell. ⁽⁹⁾

- Luu Ngoc Hai, 29, died during detention in Gia Lai Province on July 18, 2017. He had been arrested two hours earlier. Police reported that he died of internal bleeding. His family published a photo of his body with three cuts on his throat, and bruises on his face. There was no explanation from the authorities. ⁽¹⁰⁾

- Huynh Thuy Hang, 39, died in a holding cell in An Giang Province on Sept. 6, 2017. Official cause of death was “drowning in a water tank.” ⁽¹¹⁾

- Vo Tan Minh, 25, was taken to the emergency room in Ninh Thuan Province on Sept, 8, 2017, where he died later that day. According to his sister, Vo Thu Thuy, an autopsy showed that he died of massive wounds in the head and lungs. ⁽¹²⁾

- Hoang Van Ka, 32, died of unknown causes in a detention center in Nghe An Province on Oct. 15, 2017. ⁽¹³⁾

- Nguyen Ngoc Nhan, 29, died in a holding cell in Tien Giang Province on Nov.17, 2017. His father reported that there were many signs of injury on his body, and deep bruises on his back that might have been caused by electricity. ⁽¹⁴⁾

3. Human Trafficking

In the latest report by Walk Free Foundation, in October 2016, Vietnam was 47th among 167 countries ranked by number of people in slavery-like conditions, estimated at around 140,000. The number may be much higher in reality. Human trafficking has become an epidemic throughout the country, with trafficking cases reported in all 63 provinces. The situation was confirmed by Nguyen Phong Hoa, Deputy Chief of Police in Vietnam, at a press conference on July 14, 2017. By official report, an average of 500 cases have been uncovered each year, with about 1,000 victims.⁽¹⁵⁾

In recent years, trafficking cases from Vietnam have been reported in several countries in Western and Eastern Europe, including England. However, the most severe problem has been in the border region between Vietnam and China. Most of the victims there were young women from ethnic minorities who live along the border. Many were lured by traffickers who promised good-paying jobs across the border. Once they crossed into China, they were held captive, and sold as brides or servants to Chinese buyers.⁽¹⁶⁾

CHAPTER V NOTES

Chapter V notes or references are online from this address:

<http://vietnamhumanrights.net/2017/Chapter5notes.htm>

VI

The Right to be treated equally, without discrimination

“My fellow countrymen, all men are created equal. They are endowed by their Creator with certain inalienable Rights; among these are Life, Liberty, and the pursuit of Happiness.”

That was the preamble to the Declaration of Independence delivered by Ho Chi Minh at Puginier Square, now Ba Dinh Square, to proclaim the Democratic Republic of Vietnam on 2nd September 1945.

Although the declaration is largely a reproduction of the United States Declaration of Independence, written by U.S. President Thomas Jefferson, it was only a cosmetic statement — made to win the people’s hearts and minds at that moment. In fact, Ho Chi Minh and his Communist party always have always done the opposite of what the Declaration of Independence affirms.

Since capturing the Republic of Vietnam in 1975, the Communists have treated the people of the South as if they were their enemies. The difference is that they have guns and authority, and the people of South Vietnam have nothing but their bare hands. In all areas, from the social and economic to the political fields, the Communist authorities from 1975 until now, 2018, have discriminated between the people of the South and those of the north, between the so-called ‘puppets’ and so-called ‘revolutionaries,’ between non-Communists and Communists, between religious worshipers and non-religious people, and between Vietnamese and the ethnic minorities. The Communist authorities also discriminate against women.

1. Discrimination against people belonging to the former regime of South Vietnam

Although nearly half a century has passed, the Communist government of Vietnam still distinguishes northerners from the people in the south. Most hurtful are the cases of the former soldiers of the Republic of Vietnam, especially the disabled veterans, those who unfortunately left parts of their bodies on the battlefield where, from 1954 to 1975, they fought against the aggression of the Communists. These veterans of South Vietnam have been treated harshly. The Communists have always appealed for national concord and reconciliation, but in reality that appeal is nothing more than the Communist leaders’ propaganda. In fact, the Vietnamese Communist regime is simply taking revenge against those associated with the South Vietnam government, with nearly all cadres, civil servants, soldiers, writers, and artists of the South having been put in concentration camps or in jail. Even in the cemetery, the dead have found no resting place.

The Communist authorities have lavished attention on innumerable cemeteries for their own soldiers, those who fell in their war of aggression against South Vietnam. At the same time, the cemetery in Bien Hoa where 16,000 South Vietnamese dead are buried, has been neglected and left to go to ruin by the Communist authorities. They have even decided to raze the cemetery and prevent its renovation by the families and friends of the fallen. There is a recent plan to clear the cemetery

for a new development. The government's purpose is to erase all memory of these soldiers, who once fought bravely against the Communists' aggression.

While the families of the Communists' "revolutionary martyrs" and the families of the Communist disabled veterans have been privileged and materially assisted, the families of those associated with the old regime of the Republic of South Vietnam have been mistreated and abandoned. On the 70th anniversary of Disabled Veterans and Martyrs Day (July 27, 1947 – July 27, 1977), the government "...searched and collected tens of thousands communist soldiers' remains in Laos and Cambodia. The investment and upgrading of DNA testing centers is focused on accelerating the identification of the Communist soldiers' remains." The government also organized "many activities honoring the sacrifice and devotion of heroic martyrs, war invalids, sick soldiers, martyrs' families, and people with meritorious service to the revolution." In other words, the government has shown gratitude to those who contributed to the killing of the soldiers, cadres and politicians of South Vietnam. "To date about nine million people have given meritorious service to the revolution¹, of which over 1.4 million have been granted monthly allowances. The preferential treatment of these people has been legalized and has become part of government policy for many aspects of life, including allowances, health care, housing improvement, education, training, employment and land."²



Overseas dinner to raise funds to help handicapped former soldiers of the RVN

NGO led by Lt. Col. Nguyen Thi Hanh Nhon, has helped some 6000 people, but it has also faced many difficulties.

Recently, Mrs Hanh Nhon passed away, and she was replaced by Mrs Nguyen Thi Thanh Thuy. In Vietnam, the Venerable Thich Khong Tanh has done every year a great deal to help the disabled. His pagoda, Lien Tri Pagoda, was reduced to rubble by the local authorities. The Redemptorist priests of Ky Dong street in Saigon were also smeared and insulted because they helped the disabled veterans through a program called "Deep Gratitude to the Disabled and Sick Veterans of the Republic of Vietnam."

On the morning of Monday, July 17, 2017, a mob of thugs who could have been authorized by the police went to the Saigon Redemptorists' House to harass and make trouble. Phan Hung, a gangster

apparently protected by the police viciously assaulted activist Le My Hanh, but he was allowed to escape. The thugs used loud-speakers to slander the reputation of the Republic of Vietnam government and its soldiers. Then they turned to the Redemptorists, using abusive language through the loudspeaker, insulting the priests, and chanting “Down with the Army of the Republic of Vietnam³, Down with the Wounded Warriors of the South.” Without the permission of the police, no one would dare have made such a disorderly display!

2. Discrimination against non-Party members

While wounded veterans of the communist regime receive monthly allowances, with free regular nursing care, free health insurance⁴ and free medical examinations and treatment, non-Party people, such as the disabled soldiers of the former army of the Republic of Vietnam, have to languish in misery. Disabled veterans sell lottery tickets on the street or even become beggars to survive. They don’t receive any help from the Communist government, let alone health insurance! In the fields of education and training, candidates who have relatives with meritorious service to the revolution pass the examinations easily, because they are awarded an extra 3.5 points; Because of this privilege, ordinary students scoring the maximum mark may still fail the exams, while someone who scored only 27.5 passes (something never seen before). As another example, in competitive entrance exams at the Faculty of Medicine, a student who scored 29.15 still failed, because another candidate, who only scored 25.75, gained an extra 3.5 marks because his family included a revolutionary. That made his final score 29.25, and he passed. In addition, those students associated with the revolution are entitled free tuition⁵. This is an obvious inequality in the admissions system, and it marginalizes more talented students; as a consequence, the country’s intellectual standards are increasingly falling behind those of neighboring countries.

The Programme for International Student Assessment (PISA) shows that the Vietnam’s PISA score is not especially low, but this does not reflect the whole picture. In fact, those who took the PISA test were not necessarily gifted students, but were well prepared by their teachers; moreover, they were selected from the top schools in the country.

In the legislative branch of the government, in 2017, there were only 19 non-Communist deputies, or four percent⁶ of the total. Also, of 470 Communist deputies, more than 100 were members of the Party’s Central Committee. Even the non-members had to be introduced by the Fatherland Front, an affiliate of the Communist Party.

3. Discrimination against religious people

Is there any country in the world where people have to declare their religion in their personal information documents? What is the purpose of the authorities wanting to know people’s religious tendencies? The Constitution of Vietnam says clearly that the state respects the right to freedom of belief. “Everyone has the right to freedom of belief and religion, to belong or not belong to a religion, the religious equality before the law. The State respects and protects the rights to freedom of belief and religion. No one can infringe freedom of belief.” The Constitution says so. But if people actually try to exercise their religious freedom, they will be persecuted by the government.

It is also clear that there is an inequality between the followers of the religion run by the state and those of religions that refuse to fall in line with the Party. Followers of the Buddhist Church of

Vietnam (the state-run Buddhist Church) are more likely to be living comfortably than those of the Unified Buddhist Church of Vietnam, which chooses not to be beholden to *the state*! Traditional Caodaism is quite different from state-sponsored Caodaism. Almost no one who is a real Catholic or a real Buddhist holds any high position. The Venerable Thich Quang Do, 90 years old, the fifth Sitong (patriarch) of the Unified Buddhist Church of Vietnam, has been imprisoned or under house arrest in Thanh Minh Monastery for 32 years. Those Buddhists who try to visit him are stopped and are watched.



Venerable Thich Thanh Son

of religious discrimination and is guilty of prejudice against the religious organizations it does not control. (See Chapter V on Freedom of Religion).

The Vietnamese authorities claim that they are not guilty of religious discrimination and that they comply with the Constitution to protect freedom of religion. But people could not help feeling bitter when the government awarded the Independence Order first class to the Venerable Thich Thanh Son, Deputy Patriarch of Buddhist Church of Vietnam (a state-run Church), who died in Vietnam. This monk had been a Communist agent since he was a 13-year old novice monk. This shows that the Communist Party of Vietnam intervenes openly in the matter

4. Discrimination against ethnic minorities

The ethnic minorities in the Central Highlands of Vietnam are threatened because they have a different life and customs from the Vietnamese majority. The Montagnards farm until the soil becomes infertile, and then move to another place. To alleviate overpopulation, the government has exhorted people from the poor provinces in the North and along the central coast to settle in the Central Highlands. It is clear that, under the auspices of the government, these calculating Vietnamese settlers have squeezed the ethnic minorities out of their fertile lands, pushed them deep into the forest, and then even deeper. The ethnic minorities face a more difficult life in all respects — from food to health to schooling for their children.

It is important to note that in the Central Highlands, such as the villages of Kontum and Pleiku, some Montagnard lepers have been living in extreme poverty because no one cares about them, including the government. Homeless (they live in a fragile, primitive shelter made up of plastic bags), without medical care, no hygiene and permanently hungry, they are dying slowly, in pain. Some Catholic charities are assisting them, but they, in turn, are having trouble with the authorities. An example is Son La, a province bordering Laos, where ethnic minorities, including Thai, Hmong, Muong, and Dao, are living in tragic circumstances. The government assesses the situation in Son La as follows:

(1) The system of essential socio-economic infrastructure has not been perfected. Many roads to the commune center are still scabrous, especially in the rainy season. Ethnic minority villages do not have an irrigation network, mainly dependent on natural water. Nearly 10% of the province has no electricity; number of villages without culture centres and community activities are high (30%), and households without telephones or connection to the internet are still common. (2) Economically, the lives of ethnic minorities are struggling, the gap between rich and poor is growing daily, and there are still 5 out of 12 districts in the province that remain poor, representing over 30% (2015) compared to 7% in the whole country. Ethnic minorities still have a high poverty rate of over 45%, e.g., the H'Mong, Kho Mu, XinhMun, Khang and La Ha ethnic groups, and there is even a shortage of rice in some areas.



The Vietnamese Communist Party (CPV) still strongly oppresses the Montagnard Christians

non of child marriage is still prevalent, and the rate is very high. In localities like H'Mong, XinhMun, and La Ha, the number of communal health stations having a doctor is low (less than 35%). The rate of under-five malnourished children is high compared to other regions; over 38% of ethnic minority households still keep animals and poultry under the floor, causing unsanitary conditions.

(6) Religious phenomena are also developing in a number of ethnic groups in the province, especially Protestantism among Hmong people; The activities of new religious phenomena such as "Duong Van Minh" in Tuyen Quang, Cao Bang (which the state tries to eliminate⁷) persist and affect social security and order.

(7) Since early 2017, in many highland regions, border guards have arrested thousands of criminals, and seized hundreds of kilograms of various drugs. The authorities also stop many cases of smuggling, trade fraud, and serious crimes such as murder, robbery; deforestation, logging, trading in illegal forest products, and land encroachment. Hostile forces exploit the issue of ethnicity and religion, and put pressure on the issue of human rights and the rights of ethnic minorities in Son La Northwest. They increase activities meant to destabilize the border region; propagandize the setting up of an autonomous state for the Mong people; and entice credulous people to migrate to Laos⁸.

(3) The area of residential land, cultivated land and the land used for community service is increasingly shrinking. This situation is leading to a shortage of land for cultivation and in some cases people are even entering into litigation. People are free to move around to find a "living space" to settle.

(4) The education quality is low, the proportion of children not in school at the right age is still high (11.2% primary level, secondary school 27.4%, and high school level 67.7%). Educational attainment of ethnic minority teachers is low, and the high school drop-out rate is high. (5) Traditional culture in some ethnic minority areas has eroded, the phenom-

While the ethnic minorities of Son La live in destitution, lacking hospitals and schools while their children suffer from malnutrition and illiteracy, there are state plans for extensive construction costing 1.400 billion VND, including a Ho Chi Minh statue at \$ 200 billion VND and a public square with capacity of 20,000 people. The local authorities said that this is according to the aspirations of the Son La people to express their profound gratitude to their “Uncle Ho.” And there are yet more Ho Chi Minh statues planned from now to 2030 in many other provinces, including Thai Binh, Son La, Kien Giang, Binh Dinh, Da Nang, Hai Phong and Quang Binh⁹.

5. Discrimination against women

Although accounting for more than half the population, Vietnamese women have always been discriminated against, in the family and in social settings. In 2006, Vietnam introduced the Law on Gender Equality, and, in 2008, the Law on Preventing and Combating Domestic Violence, along with many resolutions and policies in regard to women. Since 1982, Vietnam has signed the United Nations Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)¹⁰.

In reality, however, there is no change in the behavior of the Vietnamese government towards women. This stems from the old-fashioned Chinese concept of women’s role in society. The Vietnamese still favor boys over girls as described in the old Chinese saying, “One boy is worth 10 girls.” Therefore, in the family, boys have a better chance of pursuing higher education than girls. The man is invariably the head and master of the household, and has authority over his spouse, which may be the cause of domestic violence.



Violence against a schoolgirl without anybody coming to intervene

According to Vietnam’s General Statistics Office (GSO), the figures are alarming, e.g., 58% of women admit to having experienced violence in life; each year there are 1,000 cases of sex abuse against girls; 87% of victims of domestic violence have not sought assistance from the public services or authorized persons; 60% of women experiencing violence have no knowledge about the Law of Prevention and Combating Domestic Violence.

Apart from violence in the family, many women still face painful discrimination in public and private offices, being harassed or assaulted sexually. Men abuse their su-

perior positions to force themselves on female employees; if disobedient, the women can be fired. Polls show that in Vietnam the rate of women who have been harassed is up to 87 percent. In Vietnam and Cambodia, more than 40 percent of women do not feel safe in places where numbers of young people gather¹¹.

Schools are the places where female students are easy prey for their own teachers. Nine years ago, Sam Duc Xuong, former headmaster of the high school Vietnam Vinh, BacQuang district, Ha

Giang province, paid minor students for sex, then asked these underage students to introduce their friends to him. Finally, Sam passed these girls to others senior officials in Bac Giang for sex. This despicable case is the worst in the history of the education sector.

Unfortunately, many students have fallen into such situations, and provide concrete evidence of a morally bankrupt society. Women are seen, and see themselves, as toys for men,¹² demeaning their own dignity.¹³ Girls have been trafficked from Vietnam¹⁴ across China to work in the sex trade against their will, because they believed *wild promises about wages* and a good life in China. Only when they got there did they realize the brutal truth. Some managed to escape and return to Vietnam to tell their tales, but great damage had been done.

The government, for its part, flatters women, but in reality it despises them. For example, trainee teacher Phan Thi Hien (born in 1997 and working at Viet-Lao Kindergarten, Trung Do Ward, Vinh City, NgheAn Province) was assaulted March 22, 2017, by a pupil's parent, even though she was pregnant. She was forced to kneel down in front of the pupil and say she was sorry. In another case, a Party member named Vo Hoa Thuan forced a female teacher to kowtow to him in the presence of the head teacher and her colleagues at primary school Bình Chánh district, Long An province on Feb. 8, 2017.

These incidents show that women are not respected in a Communist country. An ordinary member of the Communist party, relying on the status of party membership, can manipulate the lives of others and make disadvantaged women suffer the most. If the teacher had been a man, he would not have faced that kind of treatment.

CHAPTER VI NOTES

Chapter VI notes or references are online from this address:

<http://vietnamhumanrights.net/2017/Chapter6notes.htm>

VII

THE RIGHT TO A FAIR TRIAL BY AN INDEPENDENT TRIBUNAL

1. Legal Reform

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

However, in June 2016 the National Assembly decided to defer the implementation of these laws to the next Assembly because of serious mistakes that were discovered after they were amended. For example, the Criminal Procedure Code alone was discovered to have 90 mistakes, even though it had been approved by 84 percent of the National Assembly in 2015. This seems to indicate that the Amended Code was passed not because of the government's desire for reform, but out of the need to improve Vietnam's image with the international community.

These mistakes seriously exposed the National Assembly's dependence on the Communist Party, and the lack of legislative experience of Assembly members. Ha Hung Cuong, a former minister of justice, admitted: "As a member of the Assembly, I realize that the (amended) Code was hastily passed. I requested more time for the Assembly to review and study, but they did not agree." (1) In October 2016, the National Assembly's Standing Committee met to further revise the 2015 Penal Code. The revisions were completed and approved by the National Assembly in June 2017 and became effective on January 1, 2018. (2)

Behind the troubles in legal reforms is a fundamental problem with the judicial system in Vietnam: it was designed to be a supporting organ, serving the interests of the ruling party. This supporting function is formally stated in the current Constitution: "The courts have a duty to protect the socialist rule of law, socialist government, and the rule of the people ..." (Article 126) When this goal is put into practice, the judicial system is used to suppress people's rights, especially in these areas:

Arbitrary detention and criminalization of political activities considered harmful to the Communist Party of Vietnam (CPV).

Serious violations of criminal procedures

Severe limitations on the rights of defense attorneys

2. Arbitrary Detention and Criminalization of Political Dissents

It is not surprising that Vietnam continues to claim that it holds no political prisoners, because many political activities, however peaceful, can be defined as crimes under the Penal Code of 1999, still in effect today. These offenses are covered in the following provisions:

Article 79: Conspiring to overthrow the government;

Article 87: Undermining national unity;

Article 88: Conducting propaganda against the state;

Article 245: Disturbing public order;

Article 257: Resisting or interfering with government officials on duty;

Article 258: Using personal rights to undermine the interest of the state and the people.

The most severe of these measures are Article 79, which can be punished by death, and Article 88, with a maximum sentence of 20 years in prison. The years 2017 and 2018 saw a severe crackdown on political dissent, leading to the following cases:

Prosecution under Article 79 (conspiring to overthrow the government):

Luu Van Vinh and Nguyen Duc Do, arrested on June 11, 2016, still awaiting trial.

On Dec. 28, 2017, nine people were convicted in Binh Dinh Province under Articles 79 and 88, and sentenced to a total of 83 years in prison. The most severe sentences were given to Nguyen Quang Thanh and Ta Tan Loc, with 14 years. Huynh Huu Dat was sentenced to 13 years. The others ranged from 3 to 12 years.

In April 2018, eight members of the Brotherhood for Democracy were convicted, also under Article 79:

Attorney Nguyen Van Dai, 15 years in prison;

Nguyen Trung Ton, 12 years;

Truong Minh Duc, 12 years;

Nguyen Bac Truyen, 11 years;

Pham Van Troi, 7 years;

Le Thu Ha, 9 years;

Nguyen Van Tuc, 13 years;

Tran Thi Xuan, 9 years.



Prosecution under Article 88 (conducting propaganda against the state):

A crackdown on dissident bloggers began in late 2016 and became a full-scale campaign in 2017 and early 2018. These are some of the best-known cases:

Nguyen Ngoc Nhu Quynh, also known under her pen name Me Nam (Mother Mushroom) was arrested on Oct. 10, 2016, and sentenced to 10 years in prison in June 2017.

Dr. Ho Van Hai was arrested in November 2016 and sentenced to 4 years in January 2018.

Nguyen Danh Dung, owner of Thien An TV, a channel on Youtube, was arrested in December 2016, and is still awaiting trial.

Tran Thi Nga was arrested in January 2017 and sentenced to 9 years in July 2017.

Phan Kim Khanh, a 24-year-old student at Thai Nguyen University, was arrested in March 2017, and sentenced to 6 years in October 2017.

Nguyen Van Hoa, a 22-year-old blogger, was sentenced to 7 years in November 2017. He was ar-

rested after a series of news reports about the massive chemical spill by the Formosa steel mill in Ha Tinh Province.

Vuong Van Tha, a Hoa Hao Buddhist and former political prisoner, was sentenced to 12 years in January 2018. His son Vuong Thanh Thuan was given 7 years, while his nephews Nguyen Nhat Truong and Nguyen Van Thuong were sentenced to 6 years each.

On Jan. 31, 2018, three people were convicted under Article 88: Vu Quang Thuan was sentenced to 8 years; Nguyen Van Dien, 6 and a half years; and Tran Hoang Phuc, 6 years. Tran Hoang Phuc, age 23, was a law student in Saigon and a founding member of Students for Human Rights in Vietnam.



Nguyen Viet Dung

On April 12, 2018, Nguyen Viet Dung was sentenced to 7 years.

In addition to Articles 79 and 88, which are the most severe, the government has been using other provisions in recent years to crack down on dissidents who are considered less serious. Article 257 (resisting and interfering with officials on duty) is usually used against those who take part in street protests. Article 258 is commonly used against bloggers and those who frequently speak out on government policies in the social media. These offenses often carry a lesser sentence, between 3 to 5 years, and can be used often without much outcry from the international community.

In 2017, these two provisions were used against Hoang Duc Binh, one of the organizers of mass protests against Formosa, who was convicted in February 2018 under Articles 257 and 258. He was given the maximum sentence of 14 years (7 for each offense).

Nguyen Van Oai, former political prisoner, was sentenced to 5 years in September 2017 under Article 257.

3. Violations of Basic Principles of the Criminal Procedure Code

In its National Report on the Protection of Human Rights before the UN Human Rights Council in February 2014, Vietnam declared: “In Vietnam, legal procedures are conducted in a manner which guarantees that every participant can exercise his or her rights in a fair and democratic process. It also ensures that trials are open and transparent, in accordance with due process and the rule of law.”

In reality, violations of due process have been the norm in Vietnam’s judicial system, and they can happen at every stage of the legal process, from arbitrary detention to forced interrogation, obstruction of lawyers, and cursory trials with predetermined verdicts. Suspects are often subject to forced interrogation, including torture, while isolated from their family and lawyers. Most trials take place in one day, sometimes only a few hours. The presence of defense lawyers, if any, is mostly a formality.

When it comes to political offenses, violations are even more common practice. In almost every case of individuals mentioned above, there had been violations of due process at every stage. Many were arrested without a court warrant. The Code of Criminal Procedure allows the police and security force to hold suspects for a maximum of four months without a court hearing or formal charge. Nevertheless, most of those dissidents were held for more than four months before trial.

During this period, they were isolated from family and lawyers. Prosecutors did not have to disclose any evidence they had against the defendant. Lawyers were allowed to participate in the trials, but were severely handicapped because they did not have enough time or resources to prepare for trial. During the trials, defendants were not allowed to call their witnesses to testify. While the trials were supposedly open to the public, not everyone could come into the court room. The security force was always present to screen out those who were seen as “trouble makers.”

Perhaps the most notable violations were in the cases of Nguyen Van Dai and Le Thu Ha. They were both arrested in December 2015 and were held in detention for two years and four months before their trial in April 2018. Blogger Ho Van Hai was held for 15 months before trial. Blogger Nguyen Danh Dung has been held for 16 months, since December 2016, and is still waiting for trial.

In another well-known case, Luu Van Vinh and four other defendants were arrested in November 2016 for “conspiring to overthrow the government.” They were held for more than a year, before formal charges were filed in November 2017. In February 2018, after three months of waiting, the case was sent back to the prosecutor’s office for “further investigation.” As of April 2018, there is still no trial after 18 months of detention. (3)

CHAPTER VII NOTES

1. Tuổi Trẻ Online: Bộ luật hình sự sai sót nghiêm trọng, ai chịu trách nhiệm?

<http://tuoitre.vn/tin/chinh-tri-xahoi/20160628/bo-luat-hinh-su-sai-sot-nghiem-trong-ai-chiu-trach-nhiem/1126033.html>

2. Thư Viện Pháp Luật: Luật sửa đổi Bộ luật Hình sự 2017

<https://thuvienphapluat.vn/van-ban/Bo-may-hanh-chinh/Luat-sua-doi-Bo-luat-Hinh-su-2017-354053.aspx>

3. RFA: Chưa có ngày xét xử đối với ông Lưu Văn Vĩnh;

<https://www.rfa.org/vietnamese/news/vietnamnews/no-date-set-for-another-dissident-s-trial-12182017085142.html>

VIII

RIGHT TO PARTICIPATE IN THE NATION'S POLITICAL LIFE

The Constitution of 2013 states that people have the right to participate in state management through elections and nominations (Articles 27 and 28), freedom of speech, gathering, association, and demonstration (article 25). However, Article 4 of the Constitution also affirms the absolute leadership of the Communist Party of Vietnam (CPV) in all activities of the country. In principle, the Constitution is higher than the law, which makes it easy to enforce the provisions of the Constitution, especially the meaning and spirit of the Constitution. But in Vietnam, the law limits the rights of the citizen that the Constitution wants to develop. It is in these contradictions, and in its intention to maintain a political monopoly at all costs, that Vietnam's behavior clashes with Articles 20 and 21 of the Universal Declaration of Human Rights; Articles 21 and 22 of the International Covenant on Civil and Political Rights; and Article 2 of the Constitution of 2013 concerning the Basic Rights and Obligations of the citizen. These provisions, which Vietnam committed itself to respect, have been suppressed. Citizens, in fact, are deprived of the options of choosing political institutions and representatives. People do not have the right to views and opinions different from the those of the Party. Opposition groups are suppressed and outlawed.

1. Governing: The Constitution is Inferior to the Principles of the Party

On Sept. 28, 2013, Party General Secretary Nguyen Phu Trong declared: “The Constitution is the most important political document after the Principles of the Party” (RFA Sept. 29, 2013).

Like most countries, Vietnam regularly organizes elections at various government levels. The Constitution of 2013 and the Law on Organization of the National Assembly, promulgated in November 2014 and come into force on January 1, 2016, stipulate that the National Assembly is the highest authoritative body, representing the entire people, with responsibility for lawmaking, and having the right to appoint and control the government. However, Vietnam's elections and parliamentary activities have been only the implementation of decisions by the Politburo, and the National Assembly is only a tool of the CPV.

At the highest level of the legislative instrument is the Party Platform, not the Constitution; at the highest institutional level, it is the Politburo, not the National Assembly; and at the highest level of local government, it is the Party, not the People's Committee.

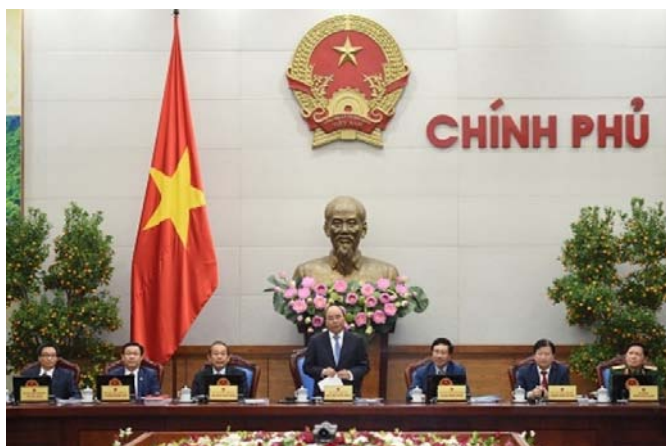
In preparation for the election of the 14th National Assembly and the People's Councils at all levels for 2016-2021, the Vietnamese Communist Party Politburo issued Directive No. 51-CT / TW , dated 04/01/2016, which aimed at keeping loyal party members as candidates and eliminating “those who exhibit political opportunism, power ambitions” from the nominations list and “preventing all activities that profit from democracy, violating the law on elections.”

In the May 22, 2016, election, no one could stand for election except members of the Communist Party and a very few non-party members chosen by the Party. All candidates were screened by the Fatherland Front - an affiliate of the Communist Party - through the “Consultative Conference” and the “Voters’ Conference” at the central and local levels.

According to the official figures of the Standing Committee of the 13th National Assembly, the election of 500 deputies to the 14th National Assembly involved 1,209 candidates (197 for the National Election Council and 1,012 for the provincial and municipal Election Committees), including 162 self-nominated dossiers.

However, after the “Consultative Conferences” and “Voters’ Conferences,” the number of people selected for official candidacy was 870, including 11 self-nominated candidates. Among these 11 self-nominated candidates were three party secretaries, two of whom were the only two self-appointed candidates to be elected to the National Assembly.

Out of 496 deputies, 21 are non-partisans. Compared to the 13th National Assembly, which had 42 people outside the Party, the non-Party contingent fell by 50 percent. And the 21 non-partisans of the 14th National Assembly are also members of the Vietnam Fatherland Front, a CPV affiliate.



Government meeting

and did not vote as instructed, they would be classified as problematic and face government sanctions in their daily lives, causing them problems in everything from acquiring civil-status documents to building permits, real estate records, and the like.

In the 2016 National Assembly elections, there was the phenomenon of “self-nominated” dissidents, especially from “informal” civil society organizations. At least 30 dissidents filed for candidacy, and all were disqualified after the consultative conferences and voters’ conferences. Moreover, the government sought to block self-nominating dissidents by any means, from defamation to threats. The People’s Police Newspaper said that the self-nominating movement for the National Assembly was one of the “guilty tactics” against the election of the National Assembly and the People’s Councils at all levels of the government by dissidents both inside and outside the country.

The Constitution of 2013 (Article 70) and the Law on Organization of the National Assembly (Articles 8 and 9) stipulate that the most important posts in the state apparatus are elected by the National Assembly; in fact, however, it is the Communist Party of Vietnam that selects — the National Assembly only rubber-stamps the selections.

In the legislative process in Vietnam, all bills come from the central office of the CPV. In recent years, in order to polish the role of the National Assembly, the Party members in the Congressional Secretariat have allowed several hearings with a number of ministers and even the prime minister. This gave the Vietnamese public and, especially, some observers outside Vietnam the illusion that the National Assembly had real power. The truth is that the hearings were pre-negotiated among the Party, the government, and the Congress. The Party still dominates the National Assembly, with almost 96% of its members being Party members, and the rest are used by the Party as decorations.

In short, through legal regulations and the practice of organizing and running the National Assembly and the local People's Councils, the people have no voice. These institutions are not representative of the people, but simply tools of the CPV to assure passage of the Party's policies and guidelines.

2. Destroying the Opposition

To protect the Party's political monopoly, the government does not tolerate any disagreement or criticism from the outside. On Dec. 26, 2016, at the 72nd National Security Conference, General Secretary Nguyen Phu Trong instructed the police to prevent, detect, block and disable Reactionary plots. "Do not let them set up or publicize political opposition organizations in the country."

Nonetheless, a number of prominent human rights and democracy groups have been formed. These include Bloc 8406, the People's Action Party, the Democratic Party, the Vietnam Progressive Party, the People's Party, the Viet Tan Party, the Human Rights Movement, the Human Rights Commission, the United Farm Workers Union, the Viet Nam Workers Movement, the Free Press Club, the Vietnamese Political and Religious Prisoners' Association, the Patriotic Youth League, the Vietnam Road Movement, the Brotherhood for Democracy, the Vietnam National Alliance for Self-Determination, and the Provisional National Government of Vietnam. But all are prohibited and suppressed. Many members of these organizations have been hunted down, attacked, and detained.

The Brotherhood for Democracy: By December 2017, at least 12 people were being detained (Dan Chim Viet 2/9/2017) and by April 2018 nine had been sentenced to prison, under Article 79, for "overthrowing the people's government." Most of the sentences were severe, including that of Nguyen Van Dai, with 15 years in prison and five years of house arrest. It can be said that, in the year 2017, the Brotherhood for Democracy was the organization the government feared most, and it mounted a large-scale crackdown to destroy the organization. The Brotherhood is a gathering of intellectuals, moderates, and internationally-known members from the north, center, and south of Vietnam.

Vietnam National Alliance for Self-Determination: Activist Luu Van Vinh was arrested on Nov. 6, 2016, and accused of "operating to overthrow the people's government" under Article 79 of the Penal Code. His offense was that he wanted to form a political organization, declaring the establishment of the "Vietnam National Alliance for Self-Determination" with the goal of requiring the Communist Party of Vietnam to hand over power to the people and solicit the people's opinions on national issues. Some members of the Vietnam National Alliance for Self-Determination were also arrested, including Nguyen Van Duc Do (see VOA of Nov. 7, 2016). He has not yet been tried, though more than a year has passed since his arrest.

Provisional National Government of Vietnam: Vuong Van Tha, a Hoa Hao Buddhist layman, was arrested along with his son and twin nephews on May 18, 2017. He had been sentenced to three years in jail in 2012 on charges of “abusing democratic freedoms” under Article 258 of the Criminal Code, and was released in October 2015. He was again convicted on Jan. 23, 2018, for propaganda,



under Article 88, with 12 years in prison. His son, Vuong Thanh Thuan, was sentenced to seven years in prison, along with his two nephews, Nguyen Nhat Truong and Nguyen Van Thuong, each for six years. They received severe sentences for their participation in the Provisional National Government of Vietnam, since the regime does not accept any political organization outside the Communist Party (RFA on Jan. 23, 2018).

Police arrested Vuong Van Tha on May 18, 2017

On Dec. 27, 2017, the Binh Dinh government sentenced nine people to a total of 83 years in jail for distributing leaflets calling for support for the “Provisional National Government of Vietnam.” They were convicted of two counts of “propaganda” (Article 88) and “Operation to overthrow” (Article 79). The heavy sentences under Article 79 included 13 years in prison and three of house arrest for Huynh Huu Dat; 14 years each in prison for Ta Tan Loc and Nguyen Quang Thanh; and 12 years in prison for Nguyen Van Nghia and Nguyen Van Tuan. Sentences under Article 88 included three to six years in prison for Doan Thi Bich Thuy, Truong Thi Bich Ngoc, Truong Thi Thu Hang, and Pham Long Dai (VOA on Dec. 29, 2017).

Bloc 8406: Bloc 8406 has had up to 50 members arrested and sentenced to prison. Father Nguyen Van Ly and Father Phan Van Loi, the main adherents, are under house arrest.

Vietnam Road: Tran Huynh Duy Thuc, leader of the Vietnam Road Association, is serving a sentence of 16 years in prison for “activities aimed at overthrowing the people’s administration” under Article 79 of the Penal Code.

High Tide of Humanism Movement: Doctor Nguyen Dan Que, founder of the High Tide of Humanism Movement, is under house arrest.

Vietnamese Labor Movement: Nguyen Hoang Quoc Hung, one of the leaders of the Vietnamese Labor Movement, has been sentenced to nine years in prison.

In 2017, in addition to criminalizing licit activities to arrest and prosecute dissidents, especially those belonging to organizations, whether acting personally or online, the government has increased its oppression of people engaged in pro-democratic activities, meting out typical sentences of more than ten years of imprisonment, instead of the sentences of three to seven years imposed a decade or so ago.

In the past, the government used Article 88 (“propaganda”) or Article 258 (“abusing democratic rights and freedoms”), but they now routinely apply the more serious Article 79 (“overthrow of

the regime”). to justify very severe convictions, albeit for the same moderate activities as before.

The following are cases of long sentences of nine years or more that attracted public attention:

Nguyen Ngoc Nhu Quynh, alias Blogger Mother Mushroom: On Nov. 30, 2017, the Da Nang People’s Supreme Court in Nha Trang re-affirmed the sentence of 10 years in prison for propaganda (Article 88) at her appeal trial (VOA of Nov. 30, 2017). Ms. Quynh was arrested on Oct. 10, 2016, in Nha Trang and sentenced on June 29, 2017 in a lower court.

Tran Thi Nga: On Dec. 22, 2017, the Supreme People’s Court denied her appeal and upheld her first-instance sentence of nine years in prison and five of probation for propaganda under Article 88 (vietnamnet of Dec. 23, 2017). Ms. Nga was arrested on Jan. 21, 2017, and sentenced on July 25, 2017.

Nguyen Van Dai: On April 5, 2018, Dai was sentenced to 15 years in prison and five years of probation for subversion (Article 79). Previously, in 2007, Mr. Dai was sentenced to four years and four years of probation for propaganda (Article 88). This time, the government punished him more severely for the same activities.

Truong Minh Duc: On April 5, 2018, Duc was sentenced to 12 years in prison and three years of probation for subversion (Article 79). Previously, on May 5, 2007, he was arrested and sentenced to five years in prison for “taking advantage of democratic freedoms” (Article 258), showing that the government was imposing a longer sentence for the same activities.

Nguyen Trung Ton: On April 5, 2018, Ton was sentenced to 12 years in prison and three years of probation for subversion (Article 79). Mr. Ton and Nguyen Viet Tu were brutally assaulted and seriously injured while on the road from Thanh Hoa to Quang Binh on Feb. 27, 2017 (VOA of Mar. 1, 2017). He was arrested on July 30, 2017. Ton is a pastor, and moderate in his activities.

Nguyen Bac Truyen: On April 5, 2018, Truyen was sentenced to 11 years in prison and three years of probation for subversion (Article 79). He was arrested on July 30, 2017. He had been captured before, on Nov. 17, 2006, and sentenced to three years and six months imprisonment on May 10, 2007, for propaganda (Article 88). The second, heavier condemnation showed that the government had increased its repression for the same activities.

Le Thi Thu Ha: On April 5, 2018, Ha was sentenced to nine years in prison and two years of probation for subversion (Article 79). Ha had also been arrested in December 2015. Before her “crime” of helping Nguyen Van Dai with translating reports of human rights violations, Ha was an English teacher in Quang Tri province. She was sentenced severely for moderate and peaceful activities.

Nguyen Van Tuc: On April 10, 2018, a Thai Binh Court sentenced him to 13 years in prison and five years under house arrest for overthrowing the government (Article 79). He had previously served four years in prison, from 2008 to 2012, and three years probation, on charges of propaganda (Article 88). His activities included taking part in land appeals, demonstrating about preserving

the islands, and supporting political pluralism. Comparing the previous and subsequent judgments shows that the government was more suppressive than before.

Tran Thi Xuan: On April 12, 2018, a Ha Tinh Court sentenced Xuan to nine years in prison and five years of probation for subversion (Article 79). Xuan was arrested on October 17, 2017, for joining the Brotherhood for Democracy and using her personal Facebook page to share articles, photos and videos of dissidents.

In addition to physical assaults, the authorities also attempted to demoralize dissidents with various forms of harassment and sabotage, such as smearing their honor, throwing dirt and bricks at them or their residences, and destroying their means of livelihood.



Gathering to ask for the release of Ms. Tran Thi Xuan Nguyen Trong Nghia, deputy director of the General Political Department of the People's Army of Vietnam, said Force 47 was a unit of the Army under the Army's General Political Department, and that the 47th Division (so called for the 47th decree) had more than 10,000 cyberspace fighters. Those people, who are "red and specialized", is steadfast in position, skilled in using high technology, used to fight against misconceptions and hostility with the Communist Party of Vietnam, was established on in early 2016. This force is present in all grassroots units, all regions, all sectors of the military (tuoitre 25/12/2017). Many Facebook pages or Youtube videos of activists closed due to Force 47 launching overwhelming reports to sabotage.

According to the International Union of Human Rights, the Vietnam Commission for the Protection of Human Rights and the French Human Rights Association, Vietnam is home to the most political prisoners in Southeast Asia.

3. Right To Association, Demonstration, Residence and Travel

Article 25 of the Constitution states: "Citizens have the right to freedom of speech, freedom of the press, access to information, meetings, associations and demonstrations. The exercise of these rights is governed by the law. "Because of the critical character of freedom of speech, freedom of the press, and the right to be informed in today's concrete circumstances, in this report There is a separate section for these issues [Chapter I - Freedom of Expression].

3.1. Freedom of Association

Since 2005 the government has announced the Bill on Associations. In 2014, after 11 amendments to the bill, it has not yet been submitted to Congress for discussion and voting. By the end of 2015, National Assembly Chairman Nguyen Sinh Hung announced that the National Assembly would transfer the vote on the Law on Associations to the next National Assembly; and it may be up to October 2016 to return to this law. However, in October, 2016, the vote on the Law on Associations was withdrawn from the working program of the National Assembly and transferred to the next session. By the end of 2017, the bill is still in the closet.

This extraordinary delay indicates that the state is still afraid that the people will use this law as a legal means to get through the control of the State in building independent organizations.

According to the report on Assembly of the Government sent to the National Assembly, as of December 2014, the country had 52,565 associations (483 nationwide associations and 52,082 local associations). The Vietnamese Communist Party (VCP) has established them as a peripheral organizations, or federally controlled groups. The national budget spent on these associations was about \$ 68 trillion (\$ 3 billion).

In recent years, many civil society organizations fighting for human rights have been formed and operated “unlawfully,” such as Bloc 8406, the Civil Society Forum, the Association of Former Prisoners, the Vietnam Blogger Network, the Brotherhood for Democracy, the Bau Bi Fraternity, the Petitioners Association, the Solidarity Movement of Petitioners, the Religious and Political Prisoners Association, the Vietnam Road, Bach Dang Giang Foundation, Human Rights Women’s Union, Redemptorist Communications, Vietnam Independent Press Association, Vietnamese Labor, Green Trees, Victim of Brutality Assistance, Vietnam National Alliance ...



The Bau Bi Fraternity

Although the activities are still limited, mostly through social networking, and are always repressed, these associations have created a new spirit of freedom of association, a right stated in the Constitution of Vietnam.

The communist government is frightened by the birth of civil society organizations because they are always haunted by the fact that these organizations will go “from ‘counter-criticism’ to ‘objection’ and eventually into organizations ‘reactionary, opposition’ the Communist Party and the socialist state.”

3.2. The right to Freedom of Demonstration

Demonstration law was proposed by Prime Minister Nguyen Tan Dung in November 2011, but by the end of 2015 has not been discussed by the National Assembly. At the beginning of 2016, Vietnam's Minister of Justice, Ha Hung Cuong said that "the opinions of the members of the Government are very different in terms of the content of the bill" so the Government proposed the National Assembly to allow the transfer of the Demonstration Law Project to the second session of the 14th National Assembly (late 2016). However, like the Law on Associations, the law of protest was postponed late in 2017 but then also was put in the pigeon-hole, without voting.

So far, the gathering to express the views and aspirations of the people is still regulated by Decree 38/2005 of the Government. According to this decree, if you want to congregate from 5 people or more, people have to register in advance with the competent People's Committee, and must state the names of participants, contents, date and time of the meeting.

In 2017, however, it was marked by mass protests in various places: from landless people claiming justice, exploited workers demanding improvements in wages and conditions. Workers, believers for religious freedom, nationalists against Chinese who invade the territorial sea and islands, people against the violence of the police, against the government's destructive habitat, and advocate for the right of gay, bisexual, and transgender (LGBT).

Gathering of land rights activists continues to happen in many parts of the country at different times in 2017. There are gatherings of protesters from different localities.

Especially with the incident that Taiwan's Formosa metallurgical company discharged toxins polluting the sea in Central Vietnam, large-scale spontaneous protests reached thousands of people in many parts of the country. The incident occurred in early April 2016 when hundreds of tons of fish died drifted to the coast of Vung Ang (Ha Tinh) and then spread to the waters of Quang Binh, Quang Tri, Thua Thien Hue. The fact that tens of thousands of fishermen's homes have lost their livelihoods and the marine environment has long been poisoned. Not only the local fishermen took to the streets to protest for damages but people across the country stood up demanding the closure of the Formosa plant.

Anti-China protests, though not as intense as in 2014 when China brought oil drilling rigs into Vietnam's territorial waters, continued in Hanoi and Saigon on the occasions of the Chinese Communist Party occupying the Paracel Islands (19 January), and the naval battle on Gac Ma Island (14 March), the war of the China-Vietnam frontier in 1979, and after the judgment of the Standing Arbitral Court in La Haye on the Philippines, China dispute on the South China Sea (17-7-2016).

In most of these protests, the government has used harsh security forces to halt and crack down. At the same time, in order to mislead the public, the government has facilitated the gay and lesbian LGBT celebration with the participation of some countries' embassies. This attitude of the government is intended to mask their human rights violations against those people they deem potentially dangerous for their political monopolies while being friendly with the groups of harmless civil society.

In short, the authorities arbitrarily used the right to protest as a political instrument in favor of the ruling party

3.3. Freedom of Moving and Residing

According to Article 13 of the Universal Declaration of Human Rights, the Constitution of Vietnam stipulates that “Citizens shall have the right to freedom of movement and residence in the country and shall have the right to go abroad and return home from abroad.” (Article 23). Freedom of movement and freedom of residence are not just important personal rights, but rather the prerequisites for citizens’ political rights. Thus, the degree to which political rights can be exercised can be measured by ensuring the freedom of residence and freedom of movement of people, especially dissidents.

Now, in addition to imprisonment, the government can limit the right to residence and travel rights of citizens through various administrative measures. The most common is the household registration system, a form of residential control that is only applicable in China, North Korea, and Vietnam. The household registration system has been used by the Vietnamese government since the 1950s and although it has caused many negative consequences in all areas from economy to society, the government has not given up. This is one of the most effective means of controlling political security.

Another form of control is the “administrative probation”, which is regulated by Decree 31 / CP issued by Mr. Vo Van Kiet in 1997. With an administrative detainment decision, the President of the Provincial People’s Committee have the right to order any resident of any nationality, prohibit them from practicing their profession, not moving, not being in contact with the public. They are not to be interviewed and can not work for the government when they are considered as having committed acts of infringing upon the national security prescribed in the Penal Code but not to the extent of being prosecuted. Most dissidents in Vietnam have suffered this punishment. At present, leading figures such as Venerable Thich Quang Do and Rev. Nguyen Van Ly are under house arrest with “administrative detention.”

In 2017, in addition to maintaining the above forms, the authorities are also using security to prevent, block and confiscate passports for a very vague reason “to protect national security and society order and security “Decree No. 136/2007 / ND-CP dated July 17, 2007 of the Government.

Not only violating the freedom of movement of dissidents, the Vietnamese government also blocks foreigners whom they consider detrimental to the ruling party.

In short, from the central to the local level, only 4.5 million Vietnamese Communist Party members, among the more than 96 million Vietnamese citizens, are entitled to political life. The rest have been stripped of their rights and opportunity to participate in leadership and management of the country. That’s why Freedom House, in its 2017 Report on Political Rights and Civil Liberties, ranks Vietnam at 7/7 in political rights on a scale of 1 to 7, and 5/7. about civil liberties.

Recommendations

Human Rights is a serious issue for all Vietnamese citizens who are not Party members, whether inside or outside the country, and who are still thinking about their country. Human rights are also a matter of concern for people around the world who know what is happening in Vietnam. In countries where human rights are respected, and all rights are guaranteed by a democratically-elected government, people may not be able to understand that, in a country like Vietnam, people might die at any time if an ordinary policeman is not happy with them.

Although the United Nations Convention against Torture (UNCAT) was signed by the Vietnamese government in 2013, the number of deaths in police stations after only hours or days of detention makes people uneasy about a police invitation to “come and work with us.” Brutal and sometimes lethal police violence is always covered up, and the deaths of the detainees are always disguised as suicide. Methods claimed include hanging by shoelaces, hitting one’s head against the wall, drugs, a heart problem, and using paper knives to cut one’s throat.

To the Vietnamese Communist government, Communism simply means enriching the Party by grabbing up private property and national resources. With intrigues and tricks, the Communist authorities seize land and loot people’s houses. They will not stop at anything, no matter how cruel, to plunder the nation’s wealth for the Communist Party and for themselves. They ignore the rights that people deserve to enjoy, and suppress those whose dare question the Party leadership or its management of the country. In response to criticism, the Communists point to Article 4 of the Constitution, and claim that the Party is the only force capable of leading the state and society.

As the sole party allowed to operate in Vietnam, its members can do whatever the Party instructs. To them, human rights are just an abstract concept. Therefore, despite the fact that many human rights documents have been signed, the Communist government does not consider it necessary to enforce them. Every year, human rights-abuse techniques become more and more sophisticated, whether in corruption, labor exploitation, or the labor export policy that facilitates the sending of workers overseas abroad. The party is ready to imprison anyone who speaks the truth or criticizes the Party, whether that person is a woman with a small child, a monk, or an ordinary citizen. In the April 25, 2018, report by Reporters Without Borders, it should come as no surprise, Vietnam ranks 175 out of 180 countries. The Constitution provides for religious freedom, but in fact the authorities only favor the religions that toe the Communist party line, not those that are independent.

For the Vietnamese people to escape from poverty, to suffer less from the injustices caused by Communist Party members, and to raise the country to the level of free nations, the Vietnam Human Rights Network makes the following recommendations:

For the Vietnamese Authorities:

Regarding the right to life, liberty, and bodily security:

Immediately postpone executions and consider the permanent abolition of the death penalty. Terminate torture and detention. Implement specific measures to stop human trafficking; Establish rules necessary to protect Vietnamese migrant workers.

Regarding the right to a fair trial by an independent and impartial court of justice: End the crimi-

nalization of legitimate political activities by abolishing all the vague rules of the criminal law as amended in 2015, in particular, Articles 109, 116, 117, 118, and 331, which were taken from Articles 79, 87, 88, 89, and 258 of the previous Criminal Code. Raise criminal proceedings to international standards. Recognize the fundamental role of the attorney in court. Release immediately and unconditionally the prisoners of conscience and those in prison for religious reasons.

Regarding the right to participate in national political activities: Abolish Article 4 of the Constitution and take away the Communist Party's presumption that it has the right to rule the country. Guarantee the right to form associations and to engage in peaceful protests, as prescribed by the International Covenant on Civil and Political Rights.

Regarding freedom of expression and freedom of speech: Stop the violence and persecution against journalists and against ordinary citizens who express their views peacefully through the press and the internet (YouTube, Facebook, blogs, and tweets).

Regarding freedom of religion and worship: Respect people's religious freedom by removing all restrictions and by ceasing to interfere in the internal affairs of religions. Stop persecuting clergy and faithful. The Law on Religion and Belief should be replaced by a new law that aligns with the international law that Vietnam has committed to respect.

Regarding the right to work and enjoy the fruits of one's labor: Amend the Labor Code to guarantee the freedom to establish truly independent unions. Improve workers' living and working conditions. Eliminate all forms of forced labor. Strictly prohibit child labor.

Regarding equal treatment and an end to discrimination: Stop discrimination on the basis of political background, religious belief, ethnic origin or sex. Enact laws against all these forms of discrimination.

Regarding corruption and misfeasance in public office. Enact and enforce serious measures to eliminate corruption among the citizenry and, especially, on the part of government officials.

For the democratic and freedom loving governments around the world:

Condition your assistance on the success of government measures to eliminate corruption, withholding such assistance when warranted..

The U.S. government and U.S. Congress need to tailor U.S. policies to the encouragement of respect for human rights in Vietnam. Apply the Magnitsky law to corrupt officials who abuse their power by repressing those who would apply for political asylum in the United States.

The U.S. Administration should consider putting Vietnam back on the list of Countries of Particular Concern (CPC), a move which the United States Commission on International Religious Freedom, many non-governmental organizations, and many members of the U.S. Congress have repeatedly requested.

For international human rights organizations:

Continue to monitor the human rights situation in Vietnam, and be strong in your criticism of serious violations of human rights by the government of Vietnam.

Exclude Vietnam from international human rights organizations if they continue to disregard the recommendations made.

For international trading companies in Vietnam:

Ensure that workers' rights and core labor-rights criteria are observed. Reject all forms of child labor. Pressure Vietnam to upgrade its observance of human rights, including the release of innocent prisoners.

To the overseas Vietnamese community: Make sure your governments understand that Vietnam is now one of the world's most serious human rights abusers. In its next meeting, on July 22, 2018, the United Nations Human Rights Commission will do a periodic review of Vietnam's implementation of the International Covenant on Civil and Political Rights (ICCPR); Impress upon your governments that this would be a good opportunity for Vietnam to release all innocent prisoners. Make the strong point that, in telling the truth about Vietnam's human rights inadequacies, you are seeking the good of the country and the good of the people of Vietnam.



Appendix I
List of Vietnamese Prisoners of Conscience
& Political Prisoners currently in Jail
Updated 2018/05/01

Please go to this webpage to see:
<http://vietnamhumanrights.net/2017/appendix1.pdf>

Appendix II
List of Prisoners of Conscience
in Probationary Detention/ House Arrest
Updated 2018/05/01

Please go to this webpage to see:
<http://vietnamhumanrights.net/2017/appendix2.pdf>

Appendix III

Vietnam Human Rights Award 2017

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

- 2002: The Most Ven. Thich Quang Do and Fr. Thaddeus Nguyen Van Ly
- 2003: Messrs. Nguyen Vu Binh, Le Chi Quang, Nguyen Khac Toan, and Dr. Pham Hong Son
- 2004: Mr. Pham Que Duong and Dr. Nguyen Dan Que
- 2005: Mr. Le Quang Liem, Fr. Peter Phan Van Loi, and Ven. Thich Tue Sy
- 2006: Messrs. Do Nam Hai and Nguyen Chinh Ket
- 2007: Mr. Hoang Minh Chinh, Atty. Nguyen Van Dai, and Atty. Le Thi Cong Nhan
- 2008: Ven. Thich Thien Minh, Blogger “Dieu Cay” Nguyen Van Hai, and Tu Do Ngon Luan Magazine
- 2009: Writer Tran Khai Thanh Thuy and Pastor Nguyen Cong Chinh
- 2010: Journalist Truong Minh Duc and Labor activist Doan Huy Chuong
- 2011: Dr. Cu Huy Ha Vu and Labor activist Do Thi Minh Hanh
- 2012: Ms. Pham Thanh Nghien, Blogger Ta Phong Tan, and Ms. Huynh Thuc Vy
- 2013: Atty. Le Quoc Quan, Mr. Tran Huynh Duy Thuc, and Mr. Nguyen Hoang Quoc Hung.
- 2014: The Vietnam Redemptorist Province, Mr. Nguyen Bac Truyen, and Musicians Vo Minh Tri (Viet Khang) and Tran Vu Anh Binh.
- 2015: The Most Venerable Thich Khong Tanh, Ms. Ho Thi Bich Khuong, and Ms. Bui Thi Minh Hang.
- 2016: Vietnam Bloggers’ Network, Lawyer Vo An Don, Ms. Tran Ngoc Anh, and Ms. Can Thi Theu

This year, VNHRN is proud to present in Westminster, California, the 2017 Vietnam Human Rights Award to these more than deserving recipients: The Brotherhood For Democracy, Mother Mushroom Nguyen Ngoc Nhu Quynh, Blogger Nguyen Huu Vinh, and Pastor Y Yich.



The Brotherhood for Democracy



The Brotherhood For Democracy (HAEDC) was established on April 24, 2013 on the social networking site of Facebook, not in accordance with the laws of the Socialist Republic of Vietnam. Therefore, HAEDC's activities are not subjected to current Vietnamese law.

Founded by lawyer Nguyen Van Dai and more than 40 former prisoners of conscience such as Engineer Pham Van Troi, Pastor Nguyen Trung Ton ...

HAEDC now has several hundred members enrolled. HAEDC members live in all three northern, center and southern provinces of Vietnam, and are often besieged, prevented from moving, harassed, attacked, assaulted, interrogated ... as public information is known.

Currently, HAEDC has 12 members being jailed for criminal investigations, or prosecuted under Article 79 and 88 of the Penal Code, although they only participated in peaceful and non-violent activities for civil rights. In addition, many members of HAEDC have been hiding, evading to avoid being chased, harassed.

HAEDC has the following main activities:

- Using the internet, blogs, social networking sites like Facebook; organizing classes ... to promote knowledge about human rights and human rights activities in Vietnam.
- Free legal aid, coordinating with human rights lawyers to protect human rights activists in their activities, as well as protect human rights activists when they are arrested and tried.
- Coordinating with other civil society organizations in signing and submitting petitions and human rights documents to Vietnamese government agencies and international organizations and governments.

Due to its wide range of activities, HAEDC is considered as the leading civil society organization in the country. HAEDC members have participated in or organized almost all events, civil society activities, people's demonstrations, land dispute petitioners, human rights, etc. of the movement in the country for many years. Many members of HAEDC have stood up for freedom and democracy in the struggle for the most basic human rights with their heart, brain, and life / security of the individual / family for the right to live for our People.

In order to curb the potential for development of HAEDC and its influence across all walks of life and to eradicate positive human rights-related activities, the government has made severe repression on HAEDC and HAEDC has suffered the most heavy losses ever.

HAEDC VIETNAM is a human rights organization that deserves to be awarded the Vietnam Human Rights Award 2017.

Nguyen Ngoc Nhu Quynh



Mother Mushroom Nguyen Ngoc Nhu Quynh, born in 1979 in Khanh Hoa, Vietnam, started blogging in 2006 when she visited a hospital and witnessed many poor people in the heat, desperate to wait for treatment, but were ignored because they lack the money to bribe the hospital officials.

On September 3, 2009, Mother Mushroom was detained by the Security Service for 10 days and questioned for printing and distributing 40 T-shirts protesting China's invasion of Paracel and Spratly Islands, and opposing the project of Bauxite mining in the Central Highlands for harms to the environment.

On May 21, 2013, Mother Mushroom together with blogger Binh Nhi Nguyen Tien Nam openly distributed to many people the Universal Declaration of Human Rights, then she was detained by the police in Khanh Hoa for several hours.

In 2014, Quynh collected the data on 31 people who died when called to “work” and was detained at police headquarters; Then she posted it on her Facebook page.

On July 25, 2015, Mother Mushroom and three bloggers were arrested and beaten at Nha Trang beach on a hunger strike for “prisoners of conscience” demanding “Freedom for Nguyen Ngoc Gia, Bui Thi Minh Hang and Tran Huynh Duy Thuc.

On May 15, 2016, Mother Mushroom protested in Ho Chi Minh City, against Formosa company, about the mass killing of fish in Central Vietnam, and she was arrested and brought to the police station.

Arrested and prosecuted in 2016

On October 10, 2016, Mother Mushroom accompanied Nguyen Huu Quoc Duy's mother to Song Lo Detention Center, Khanh Hoa Province to request a visit to that young man, and she livestreamed the event to Facebook. Nguyen Huu Quoc Duy was sentenced to three years in prison for “propaganda against the state” for sharing links on facebook. The police invited her to the detention center and kept her there.

Mother Mushroom wrote 400 personal Facebook articles (including 1,180 pages) and featured the document “Ending the situation of police killing civilians”

Quynh was arrested in October last year, and was not seen by family/relatives.

On June 29, 2017, the Khanh Hoa People's Court sentenced Mother Mushroom to 10 years imprisonment, for propaganda against the state, although she only exercised her freedom of speech.

She was praised by the President of the United States as “brave woman”. She is well-known to many American and German politicians.

The Vietnam Human Rights Network is very proud to present the award to Nguyen Ngoc Nhu Quynh because she is an example of sacrifice for the destiny of the country and the struggle for human rights of the Vietnamese people.

Blogger Nguyen Huu Vinh



Mr. Nguyen Huu Vinh, has the pen name Anh Ba Sam. He was born in 1956, and resides in Dong Da District, Hanoi.

The Anh Ba Sam Blog was established on Sept. 9, 2007, calling itself the Voice of the Sidewalk News Agency, now a well-known news site, with the goal of educating people and using the internet to bring knowledge to everyone. “For seven years, from 2007 to 2014 (he was arrested on May 5, 2014), Ba Sam Blog was one of the blogs with the highest number of viewers. With the slogan Breaking Slavery, Vinh’s blog has provided readers with useful, interesting knowledge, and changed the minds of many people interested in politics. Mr. Vinh also established the Civil Rights and Vietnamese History websites, including lots of information and many essays.

Since 2009, the anhasam website has posted a total of 7,450 articles. Mr. Vinh’s best known pieces include “Stopping the vote of confidence is a step backward/” “Trust, or Who will trust;” “Without the Party, we’ll die, without the Party, we’ll be alive,” “Commencing the construction of the second tomb for Ho Chi Minh;” and “Support the Prime Minister to change the institution.”

According to a Vietnamese court, Mr. Vinh’s internet articles have had “bad contents and false information that have reduced the prestige and increase distrust of government agencies, social organizations and among citizens violating Article 258 of the Penal Code of the Socialist Republic of Vietnam.” This is a scandalous law that the Hanoi government now uses to silence fighters, bloggers, and those who try to exercise their freedom of speech.

Human Right Watch has asked for the release of Mr Vinh, and considers his detention a violation of human rights, including freedom of speech. Since he was arrested, 51 people have signed a request to Public Security Minister Tran Dai Quang for his release. In 2014, the German Federal Human Rights Committee opened a hearing on the human rights situation in Vietnam and the case of Mr. Vinh.

Because of his personal sacrifices and his fight for social justice, Mr. Nguyen Huu Vinh deserves the Vietnam Human Rights Award for 2017. Despite his imprisonment and threats from the Communist regime, he has remained courageously committed to the ideals of human rights and democracy.

Pastor Y Yich



Y Yich was born in 1960, living in A Luk village, Gia Lai province. The Vietnamese communist government robbed the land of minorities and oppressed their religion because they were Protestants, so many montagnards had to flee to Cambodia and Thailand for refuge.

In 2007 Pastor Y Yich was arrested by the Gia Lai provincial government and sentenced to six years in jail for crimes together with other Montagnards asking to get their land back and for religious freedom.

In 2011 he was released from prison and continued to work for human rights and religious freedom; He organized a call for villagers to go to districts and provinces to protest, demanding the return of their land confiscated by the military and police, and the release of religious and political prisoners of conscience from prisons.

On September 27, 2013, he was arrested by the provincial government of Gia Lai for the second time and sentenced to 12 years in prison.

He is currently in solitary confinement at An Phuoc Camp, Binh Duong Province. He has high blood pressure, joint pains, hepatitis and kidney stones, and other health impairment, that could be fatal.

Pastor Nguyen Cong Chinh, a prisoner of conscience, recently received political asylum in the United States, said of him: “When I was in prison with Pastor Y Yich at An Phuoc camp, Binh Duong, for over 4 years, Pastor Y Yich participated in prison struggling for the right to life as well as the protection of political and religious prisoners of conscience at the An Phuoc prison. He and a number of other prisoners have made hunger strikes to protest against the tortures and mistreatments of prisoners. While some of the highland prisoners of conscience pleaded guilty to reduce their prison terms or to obtain certain benefits, such as being able to call home or to meet with family members, Pastor Y Yich bravely accepted martyrdom, did not plead guilty in order to go home early. “

In short:

Pastor Y Yich has been fighting for many years for religious freedom and human rights in the Central Highlands; he was sentenced to 18 years in prison for his struggle. With the unyielding spirit of continuing to struggle in prison, he has maintained his faith and political stance of a religious and political prisoner of conscience. He was honored and awarded the Human Rights Award in 2017.

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Le Minh Nguyen, Tieu Son, Do Thi Thuan, Chu Tat Tien,
Jackie Bong Wright.

Special thanks to

The Internet reporters, who provided us with data and information.



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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