

2013

REPORT ON HUMAN RIGHTS IN VIETNAM



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EXECUTIVE SUMMARY

The human rights situation in Vietnam in 2013 was marked with a number of notable events. First, Vietnam was elected to the UN Human Rights Council on November 12th. This selection was not a surprise because there were only four Asian countries vying for four empty seats. However, this was an opportunity Vietnam made use of, through the words of Foreign Minister Pham Binh Minh, “to let the world know the reality of respecting and guaranteeing human rights in political, economic, social, cultural, and civil issues in Viet Nam.”¹ Second, on November 7th, Vietnam joined the UN Convention against Torture. Nevertheless, the event that attracted most attention was the introduction of human rights concepts into the Constitution, which was amended in November of the same year.

Vietnam pointed to the above developments as signs of its commitment to human rights as it had pledged to do on becoming a UN member and party to various international human rights conventions. In reality, however, the human rights situation in Vietnam took a turn for the worse in 2013. The number of people detained for political views contrary to those of the ruling party increased, unabated police violence was reflected in the still high number of deaths and injuries caused by such violence, and the number of farmers whose land was expropriated without adequate compensation was on the rise.

This report was made possible through the collaboration of many domestic and overseas Vietnamese to present to the world the human rights violations in Vietnam in 2013 in the following areas:

- Disregard of the rights to life, liberty, and security of persons,
- Use of the courts as the ruling party’s tools,
- Suppression of political rights,
- Trampling on the rights to freedom of expression and freedom of speech,
- Restrictions on religious activities and suppression of religious believers,
- Perpetuation of social inequalities and discrimination,
- Deprivation of workers’ basic labor rights,
- Welfare and social justice for the people remained unfulfilled promises.

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

¹ Vietnam Breaking News, *VN wins place on human rights body*, <http://www.vietnambreaking-news.com/2013/11/vn-wins-place-on-human-rights-body/>

VIETNAM COUNTRY PROFILE

A. Geography: The Socialist Republic of Vietnam is a country in Southeast Asia, which is bordered by China to the North, Laos and Cambodia to the West, the Gulf of Thailand to the Southwest, and South China Sea (Eastern Sea to Vietnam) to the East and South. It has a population of 89.71 million (as of Dec 2013), and is composed of the mainland area of 331 689 km² and more than 4,000 islands.

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

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

D. Economy: Since the Doi Moi (Renovation) in the 80s, with foreign aids and investments, there have been changes in economic activities in Vietnam. Many state-owned and private production facilities and businesses have sprouted up. According to government reports, the GNP increased significantly; the average per-capita income has risen to US\$ 1,960 by 2013. However, the gap between the rich and the poor has widened significantly. Vietnam ranks No. 2 out of the Southeast Asian countries that has the greatest increase of the super-rich people in 2013, while over 70% of the population struggle for their daily food and over 42% of the children under the age of 5 suffer malnutrition.¹

E. Social: Vietnam has 54 ethnic groups, 87 % of which are the Viet (Kinh). The official language is Vietnamese. The vast majority of people have religious beliefs². Most are practitioners of ancestor worship; many are Buddhists, Christians, Muslims, Bahá’í faithful, and followers of indigenous religions such as Hoa Hao Buddhism and Cao-Daism.... A small number describe themselves as atheists, of whom most are CPV members. Although urban population has grown in the past decade, Vietnam is essentially an agricultural country with nearly 70% of the overall population still living in rural areas. Countryside inhabitants, especially those who live in remote areas are disadvantageous in many aspects such as income, education, and healthcare, etc.

1 TuoiTreNews, *3.2 mln Vietnamese children suffer from malnutrition*, <http://tuoitrenews.vn/society/13954/32-mln-vietnamese-children-suffer-from-malnutrition>

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

I. LIMITED RIGHTS TO LIFE, LIBERTY, AND SECURITY OF PERSON

1. Death Penalty

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

In 2013 no one was sentenced to death on



After the first execution by lethal on August 06, 2013 in Hanoi, the body of the executed was transferred to his family, Photo VTC News

charges of Article 79; however, the government has frequently made use of it as a sword of Damocles hanging over the heads of those who dare challenge the monopoly of the Communist Party of Vietnam. Most death penalties in 2013 were given to for drug trafficking and murder. The four death sentences that attracted public attention were against four disgraced state employees who committed crimes of economic nature.¹

In previous years, statistics on the death penalty in Vietnam had always been considered "state secrets." However, according to Minister of Justice Ha Hung Cuong's disclosure, there are 684 people still on death row as of September 30, 2013, an increase of 174 people from the September 2012 figure.²

On January 20, 2014, the People's Court of Quang Ninh province sentenced to death 30 people for drug trafficking. This verdict involved the largest number of defendants sentenced to death in a single trial in the judicial history of Vietnam. In February 2014, three international human rights organizations including Harm Reduction International, Reprieve, and the World Coalition Against the Death Penalty requested the United Nations to stop funding for Vietnam's drug enforcement programs due to its abuse of the death penalty.

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

August to December 2013, 9 criminals were executed by lethal injection. Currently, the number of people on death row awaiting execution stands at 167.³

There are concerns not only on the continuation and the increase of death sentences, but also the flaws in the criminal proceedings that lead to capital punishment, which this Report will address in the Justice Section.

2. Arbitrary Detention

In 2013, an investigative committee of the United Nations Working Group on Arbitrary Detention (UNWGAD) thrice decided to cite the government of Vietnam for its violation of the terms in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights because of its arbitrary detention of citizens.

The first decision, issued on February 12, 2013, was for the arrest of three union activists, Mr. Nguyen Hoang Quoc Hung, Ms. Do Thi Minh Hanh, and Mr. Doan Huy Chuong.

The second decision, issued on November 28, 2013, was for the arrest and sentencing to prison terms in 2012 and 2013 of 16 social and political activists: Mr. Dang Xuan Dieu, Mr. Ho Duc Hoa, Mr. Nguyen Van Oai, Mr. Chu Manh Son, Mr. Dau Van Duong, Mr. Tran Huu Duc, Mr. Le Van Son, Mr. Nong Hung Anh, Mr. Nguyen Van Duyet, Mr. Nguyen Xuan Anh, Mr. Ho Van Oanh, Mr. Thai Van Dung, Mr. Tran Minh Nhat, Mrs. Ta Phong Tan, Mr. Tran Vu Anh Binh, and Mr. Nguyen Dinh Cuong.

The third decision, issued on December 2, 2013, was for the detention of Mr. Le Quoc Quan, a human rights activist who had been wrongfully accused of tax evasion.

These are just some of the many cases involving human rights and political activists who were arbitrarily detained in 2013 [See Appendix for a list of prisoners of conscience]. The arbitrary detention was also aimed at other categories of



The body of Hoang Van Ngai (Vam Ngaij Vaj), who died in police custody in Vietnam's Central Highlands on March 17, 2013. Photo Morning Star News

activities and was carried out in various forms, such as “order of temporary detention,” or assignment to a “Dignity Restoration Center,” and/or “Drug Rehabilitation Center” etc.

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

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

3. Police Brutality

Vietnam joined the UN Convention against Torture on November 7, 2013. However, use of coercive force during criminal investigations, suppression of individuals or organizations with opposing views to those of the Communist Party of Vietnam, and even demands for bribery have not been reduced with respect to the previous year.

Cases of public harassment and beating, taking people to police station, and using corporal punishment resulting in death without legal

sanctions against violators continue to rise. It is worth noting that most of those who died during detainment had only been involved in minor offenses such as friction between neighbors, and petty theft, etc. Authorities attributed most of the deaths of detainees being detained at police stations to suicides. In reality, families of the victims usually found traces of abuse and torture on their bodies. In 2013, at least 13 deaths resulting from police and other security forces' brutality were revealed through social media, as follows:

Mr. Tran Van Tan, 53, a resident of Kim Xuyen Commune, Kim Thanh District, Hai Duong Province was detained by police on suspicion of stealing a corrugated sheet from Thanh Cong Cement Company on January 1, 2013. The next day, his family received news of his self-strangulation at the police station. The family said there was no sign on his body to prove that Mr. Tan had committed suicide.⁶

Mr. Nguyen Van Ai, 42, a resident of Thai Hoa Town, Nghe An Province was assaulted by a group of police on January 16, 2013. He died two days later in the hospital due to injuries.⁷

Mr. Hoang Van Ngai, 39, a Minister of the Hmong Protestant Church at Quang Thanh Commune, Gia Nghia Town, Dak Nong Province was arrested along with several others on charges of deforestation that had occurred on March 14, 2013. He died from beating during police investigation on March 17, 2013.⁸

Mr. Nguyen Van Que, 47, of team 10, Chinh My Commune, Thuy Nguyen District, Hai Phong Province was arrested by police during a gambling raid on April 7, 2013. He died while he was being handcuffed. Police said he had died of heart failure. His family, however, said that police violence had led to his death.⁹

Mr. Tran Van Hien, 42, of Binh Hung Hoa

B Ward, Binh Tan District was stopped and fined by traffic police on April 9, 2013. Then, because of a heated exchange with the police, he was beaten to death by two other police associates.¹⁰

Mr. Nguyen Huy Duc, 20, of Truong Loc, Can Loc, Ha Tinh ran away with other participants in gambling when they were discovered by the police on April 11, 2013. According to the police, Mr. Duc fell and died while he was fleeing. However, the victim's family believed that police had killed the victim.¹¹

Mr. Nguyen Van Duc, 32, of neighborhood 3, Ward 5, City of Vinh Long, was arrested by Vinh Long City police on May 28, 2013 for being allegedly involved in a robbery. The next day, police reported that Duc had died from a fall in the investigation process. The autopsy showed Duc died from a brain injury.¹²

Mr. Cao Van Tuyen, 19, of Suoi Lach Hamlet, Khanh Trung Village, Khanh Vinh District, Khanh Hoa Province was ordered to report to Khanh Trung Hamlet's office by Hamlet police on July 5, 2013 because he was harboring a lost pig that he had caught about a month earlier. He was late in reporting to the office, and was beaten to death with sticks by the police.¹³

Mr. Vu Duc Hieu, 29, of Hau Bong hamlet, Quang Minh village, Gia Loc district, Hai Duong province, was clubbed to death by 3 staff officers of the Hai Duong Labor - Social Education Center on September 16, 2013 while on his drug rehabilitation program. He was deemed lazy and was said to have violated camp regulations. Autopsy showed that the victim was murdered. In addition to bruises on his body, the victim sustained five broken ribs and other injuries.¹⁴

Ms. Tran Thi Hai Yen, 31, of An Cu Commune, Tuy An District, Phu Yen Province was sentenced to a 30-month

prison term by the People’s Court of Tuy An District for “intentionally causing injury.” Believing she had been wrongfully sentenced, Ms. Yen appealed to the Phu Yen Provincial Appeal Court. On July 1, 2013 the Appeal Court reversed the ruling of the Court of First Instance, and returned the case to the Tuy An District People’s Procuratorate for further investigation. Ms. Yen died while being held at Tuy An District’s police detention center on October 17, 2013. The police said she died of “self-strangulation.” However, the autopsy report recorded many injuries and vaginal bleeding.¹⁵

Mr. Y Ket Bdap, 36, of Ea Kmar Hamlet, Ea Bhok Village, Cu Kuin District, Dak Lak Province was beaten to death on November 27, 2013 by Ea Bhok police while he was being investigated for his alleged theft of a cow, which he had denied. On December 9, 2013, Dak Lak police started to prosecute and detained two security police, Mr. Truong Trung Hieu and Mr. Y Phien Adrong, for 4 months for murder.¹⁶

Mr. Do Duy Viet, 47, of Luan Thanh Commune, Thuong Xuan District, Thanh Hoa Province was arrested by the police on December 21, 2013 for allegation of sexual violation. On December 24, the police announced that Mr. Viet had hanged himself. His family disputed the cause of death provided by the police because there was no trace of strangulation on his throat.¹⁷

Student Tu Ngoc Thach, 14, a 9th grade student of Luong The Vinh high school in Van Ninh, Khanh Hoa was arrested by Van Luong Commune police on December 28, 2013 for his involvement in the fighting with a group of other children. The next day, his family was allowed to take him home. On December 30, he fainted and his family brought him to the hospital for emergency treatment, where he died the next day. The hospital’s death notice specifies the victim died from a cracked skull.¹⁸



*Vietnamese brides in Taiwan street advertising 180,000 Taiwanese dollars (about US\$6,000)
Photo XINHUANET.com*

4. Human Trafficking

In the Walk Free Foundation’s The Global Slavery Index 2013, Vietnam was ranked 15th out of 160 countries that have large numbers of enslaved, with about 249,000 people.¹⁹ In fact, if “modern-day slavery” were understood in terms that include slavery-like practices such as taking advantage of people in detox and rehab centers, and hard labor camps, the actual number would be much higher. The following sections of this report demonstrate why Vietnam’s human trafficking is considered part of the “modern-day slavery.”

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

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

Trafficking of women for use in prostitution are common forms of domestic as well as transnational trafficking. According statistics by the Government of Vietnam, in 2013, authorities discovered 507 cases of selling people across the borders involving 679 objects and 982 victims, an increase of both the number of people and cases over 2012.²⁰ Deputy Minister of Labour, Invalids, and Social Affairs Nguyen Trong Dam

said that overall, there had been nearly 100,000 victims of women and children trafficking.²¹ It should be noted that the above statistics reflect only a fraction of the actual cases of trafficking. Many cases went unreported, undiscovered by law enforcement agencies, or simply were not considered human trafficking, though in essence that's what they are.

As in previous years, the number of women and children being trafficked northward to China increased in 2013, reaching 70 percent of the total victims. Cases of human trafficking into the UK also attracted specific public attention in 2013. According to an investigation by the Sunday Times, there are thousands of Vietnamese adults and children victims being trafficked into the UK and forced into illegal activities and prostitution every year.²²

A cause for Vietnamese women and children being lured into sex slavery, domestically and transnationally, is poverty exaggerated by the Red Capitalists' unjust social policies. This sad situation has expanded significantly after Vietnam chose to follow the open trade system that facilitates corruption among the government cadres and criminals' illegal activities. Ill-planned urbanization, farmland expropriation, and the government's inability to create jobs have resulted in so many socio-economic difficulties for the families who have to flock to urban areas or emigrate abroad in the search for means of living. In November 2013, the Lao Human Rights Council, Inc., and the Center for Public Policy Analysis voiced concerns about the involvement of Vietnamese and Laotian government officials' involvement in human trafficking in Vietnam, Laos, and Southeast Asia.²³

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

In 2013, the number of registered brides marrying foreigners was 12,580, an increase of 3% over 2012.²⁴ One should be wary of the accuracy of the statistics by the Vietnamese government. According to the Government Inspectorate,

statistics in the first months of 2013 for Kien Giang province's 13 of the 15 administrative units showed that more than 1,000 women had been married to foreigners, but only about 17% of the marriages were properly registered.²⁵ As with the plight of young girls deceived and sold into prostitution, the primary cause leading to the selling of brides to foreign men is the poverty created by the government's unjust social policies. Most of the victimized young girls came from the countryside and were lured by mediators into agreeing to "marry" certain men from Taiwan, South Korea, and China, and then follow them overseas, without love or even knowledge of their husbands' background. The majority of these hasty marriages were arranged by profit-making intermediary organizations. Based on a survey by the Institute of Labor and Social Sciences, only 7% of these foreign marriages were for love.²⁶

Initiated in China in 2009, the use of the Internet sites, newspapers, and the "buying Vietnamese wife" tour ads has grown significantly in 2013. In addition to advertisements such as "A Vietnamese bride for \$5,000, virginity guaranteed, delivery within 90 days, if runs away within a year, get another one for free"²⁷, certain websites even hold drawings offering prizes consisting of free wife-seeking trips to Vietnam.²⁸ The true nature of these marriage brokerage services was revealed when investigations showed that many Chinese men, through these websites, went to Vietnam to recruit Vietnamese brides not for themselves, but in order to "exchange" these women to others for commission.²⁹

In 2013, the government of Vietnam issued Decree No. 110/2013/ND-CP stipulating sanctions for administrative violations in the fields of marriage and family. The highest administrative penalties for acts such as brokering sham marriages for immigration purposes, profiteering marriage registrations, sexual abuse, and labor exploitation are 20 million to 30 million Vietnamese Dong (equivalent to \$940-1410 USD). In practice, however, such cases were rarely uncovered and punished, and almost never brought before the

courts, since the state does not consider such behaviors as human trafficking.

4. 3. Human Trafficking: Exploitation of Export Workers

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

According to the Overseas Labor Management Department, there are about 500,000 workers currently working in over forty countries and territories, mostly in Taiwan, South

Korea, Malaysia, Japan, and countries in the Middle East. In addition, according to this agency, 88,000 people went to work abroad in 2013.³⁰ However, these official statistics need reassessment. After 14 Vietnamese workers were burned to death in Russia, in September 2012, the chief of the village where the victims' families live admitted there were 600 export workers from the village, but only 10% of them were registered with government-approved agencies.³¹ Of the 10,000 people working in Russia, only about 3,000 went through the official labor export process; the remaining 7,000 were tourists who overstayed their visa and worked illegally.³² According to independent surveys, the "contraband" labor export is growing.³³

The majority of these export workers were victims of illegal intermediary agencies that had links with corrupt state officials. The victims had to mortgage their properties to pay for the fees charged by the intermediary agencies.

However, these greedy agencies often exploited and neglected them when their employers mistreated and forced them to work harder in exchange for pittance. In many instances, the bosses confiscated their passports and turned them into detainees living miserably under the strictest control. In addition to being robbed by intermediary agencies and employers, illegal workers also had to evade local authorities. They were often arrested, beaten, and sometime even raped by security forces.³⁴

In recent years, another aspect of human trafficking that should be noted is the issue of youths being kidnapped or tricked into working as slaves in China's plantations and production factories, or forced into growing and selling marijuana (in Eastern Europe, Canada, United Kingdom, etc.). Particularly in the United Kingdom, according to the *Second Annual Report of the Inter-*



Vietnamese export workers rally in front of the Vietnam Economic & Culture Office in Taipei on Dec. 08, 2013 to protest the Decree 95 that severely penalizes workers for leaving their jobs. Photo VOAtiengviet

Departmental Ministerial Group on Human Trafficking for 2013, since 2009 the number of Vietnamese victims of trafficked in the UK comes in second, behind only Nigeria. However, with regards to adolescent victims, Vietnamese victims stand at the head of the list. Most of the Vietnamese men illegally imported to the UK were exploited for cheap labor or forced into illegal businesses such as marijuana growing, while women were forced into prostitution.³⁵

Article 17 of the Socialist Republic of Vietnam's 2013 Constitution stipulates: "Vietnamese citizens living abroad shall be protected by the State of the Socialist Republic of Vietnam." In reality, however, because of their collusion with intermediary companies and fears of losing clients and kickbacks, Vietnam's embassy officials not only have never offered any positive help to the victims, but also occasionally colluded with human traffickers.³⁶ A number of organizations run by overseas Vietnamese, such as the Committee to Protect Vietnamese Workers, Vietnamese Migrant Workers & Brides Office Taiwan Alliance to Combat Trafficking, the Coalition to Abolish Modern-day Slavery in Asia (CAMSA), and One Body Village Organization have made great efforts in rescuing victims. However, there is no measure to radically uproot this trafficking problem, which is mainly the result of collusion between state officials who provide cooperation and protection to the rogue operators, and the lack of official supervisory agencies for these activities.

What is serious is that despite serious consequences that the illegal export of workers has caused, the government still refuses to see it as an act of human trafficking. Even the March 2011 Law on Anti-human trafficking that has been in effect since May 1, 2012 stops short at the general concept of "forced labor," and does not recognize the deception and exploitation of people working abroad as a form of human trafficking. Meanwhile, the result of a survey of 350 legally exported workers in October 2012 revealed that 55 of these workers claimed themselves as victims of human trafficking.³⁷

NOTES

- 1 Công Thông tin điện tử Chính phủ, *Tử hình 2 bị cáo trong vụ tham nhũng 531 tỷ đồng*, <http://baodientu.chinhphu.vn/An-ninh-trat-tu/Tu-hinh-2-bi-cao-trong-vu-tham-nhung-531-ty-dong/185876.vgp>
- 2 *Vụ Vinalines: Tử hình Dương Chí Dũng, Mai Văn Phúc* <http://baodientu.chinhphu.vn/An-ninh-trat-tu/Vu-Vinalines-Tu-hinh-Duong-Chi-Dung-Mai-Van-Phuc/188703.vgp>
- 3 Báo Mới, *Mới có 3 tử tù được chết bằng tiêm thuốc độc*, <http://www.baomoi.com/Moi-co-3-tu-tu-duoc-chet-bang-tiem-thuoc-doc/58/12278953.epi>
- 4 Báo Mới, *Không áp dụng xử bắn với các án tử hình*, <http://www.baomoi.com/Khong-ap-dung-xu-ban-voi-cac-an-tu-hinh/144/12531698.epi>
- 5 Người Đưa Tin, *Làm sao để không còn người bị bắt giam tùy tiện?* <http://www.nguoiduatin.vn/lam-sao-de-khong-con-nguoi-bi-bat-giam-tuy-tien-a69041.html>
- 6 VnExpress.net, *Đòn roi và nô lệ tình dục ở Trung tâm cai nghiện Bình Phước*, <http://vnexpress.net/tin-tuc/phap-luat/don-roi-va-no-le-tinh-duc-o-trung-tam-cai-nghien-binh-phuoc-1961766.html>
- 7 RFA, *Người đầu tiên chết tại đồn công an năm 2013*, http://www.rfa.org/vietnamese/in_depth/first-victim-suicide-in-police-station-ka-01162013172353.html
- 8 Người Việt, *Hàng trăm người biểu tình ở Nghệ An vì công an đánh chết người*, <http://www.nguoi-viet.com/absolutenm2/templates/viewarticlesNVO.aspx?articleid=160724&zoneid=1>
- 9 Morning Star News, *Hmong Christian Leader in Vietnam Beaten to Death in Police Custody, Sources Say*, <http://morningstarnews.org/2013/03/hmong-christian-leader-in-vietnam-beaten-to-death-in-police-custody-sources-say/>
- 10 Tiếng Chim Việt, *Cái chết bất thường và nhiều uẩn khúc của một người dân*, <http://www.tiengchimviet.com/2013/04/hai-phong-cong-anh-chet-con-bac-gia-inh.html>
- 11 Xahoi.com.vn, *Bị đánh chết sau khi cãi nhau với CSGT: Hung thủ chơi thân công an?* <http://xahoi.com.vn/an-ninh-hinh-su/tin-113/Bi-danh-chet-sau-khi-cai-nhau-voi-CSGT-Hung-thu-choi-than-cong-an-133295.html>
- 12 Dân Việt, *Một thanh niên tử vong nghi bị công an truy đuổi*, <http://danviet.vn/thoi-su/mot-thanh-nien-tu-vong-nghi-bi-cong-an-truy-duoi/133227p1c24.htm>
- 13 Tuổi Trẻ Online, *Vụ 1 người chết trong trại tạm giam: bị chấn thương sọ não*, <http://tuoitre.vn/chinh-tri-xa>

- hoi/phap-luat/552191/vu-1-nguoi-chet-trong-trai-tam-giam-bi-chan-thuong-so-nao.html
- 13 Người Lao Động, *Công an xã bị tố đánh chết người*, <http://nld.com.vn/phap-luat/cong-an-xa-bi-to-danh-chet-nguoi-20130707063638902.htm>
- 14 Tiền Phong, *Khởi tố ba cán bộ đánh chết học viên cai nghiện*, <http://www.tienphong.vn/phap-luat/khoi-to-ba-can-bo-danh-chet-hoc-vien-cai-nghien-648858.tpo>
- 15 Đất Việt, *Nữ bị can chết khi tạm giam trên người nhiều vết thương?* <http://www.baodatviet.vn/phap-luat/tin-tuc-phap-luat/nu-bi-can-chet-khi-tam-giam-tren-nguoi-nhieu-vet-thuong-2365053/>
- 16 Sài Gòn Giải Phóng, *Đắc Lắc: Tạm giữ 2 công an xã nghi đánh chết người*, <http://www.sggp.org.vn/thongtincanuc/2013/12/333972/>
- 17 VnExpress, *Nghi phạm chết trong nhà tạm giữ công an huyện*, <http://vnexpress.net/tin-tuc/phap-luat/nghi-pham-chet-trong-nha-tam-giu-cong-an-huyen-2928722.html>
- 18 Dân Trí, *Học sinh lớp 9 tử vong sau khi công an xã mời lên làm việc*, <http://dantri.com.vn/phap-luat/hoc-sinh-lop-9-tu-vong-sau-khi-cong-an-xa-moi-len-lam-viec-822090.htm>
- 19 Walk Free Foundation, *The Global Slavery Index 2013*, <http://www.globalslaveryindex.org/>
- 20 Báo Mới.com, *Phát hiện 507 vụ mua bán người qua biên giới*, <http://www.baomoi.com/Phat-hien-507-vu-mua-ban-nguoi-qua-bien-gioi/104/12902914.epi>
- 21 Tiền Phong, *Nạn buôn người khuấy đảo vùng cao*, <http://www.tienphong.vn/xa-hoi/nan-buon-nguoi-khuay-dao-vung-cao-664501.tpo>
- 22 Sunday Times, *Exposed: scandal of nail-bar slaves*, http://www.thesundaytimes.co.uk/sto/news/uk_news/Society/article1302165.ece
- Beaten. Raped. Starved. The Teenage 'Ghosts' Behind British Cannabis Trade*, <http://www.thesundaytimes.co.uk/sto/news/focus/article1304823.ece>
- The road to nowhere*, <http://www.thesundaytimes.co.uk/sto/Magazine/article1350723.ece>
- 23 Business Wire, *Vietnam, Laos: Officials Involved in Abduction, Trafficking, and Sex Slavery of Women, Children*, <http://www.businesswire.com/news/home/20131102005033/en/Vietnam-Laos-Officials-Involved-Abduction-Trafficking-Sex>
- 24 Báo Mới.com, *Năm 2013, hơn 900 trường hợp được nhập quốc tịch Việt Nam*, <http://www.baomoi.com/Nam-2013-hon-900-truong-hop-duoc-nhap-quoc-tich-Viet-Nam/144/12797273.epi>
- 25 Thanhtra.com.vn, *Chưa kiểm soát chặt hôn nhân có yếu tố nước ngoài*, <http://thanhtra.com.vn/chua-kiem-soat-chat-hon-nhan-co-yeu-to-nuoc-ngoai-t221c1159n65676.html>
- 26 Pháp Luật, *Chỉ 7% cuộc hôn nhân với người nước ngoài vì yêu*, <http://www.baomoi.com/Home/TinhYeu/www.phapluatvn.vn/Chi-7-cuoc-hon-nhan-voi-nguoi-nuoc-ngoai-vi-yeu/6124406.epi>
- 27 Eye Dr DeLengocky, *China is buying Vietnamese brides (Vietnam's mail-order bride)*, <http://eyedrd.org/2012/05/china-is-buying-vietnamese-brides-vietnams-mail-order-bride.html>
- 28 Chinadaily.com, *Website's Vietnam bride trip 'sheer publicity stunt'*, http://www.chinadaily.com.cn/china/2013-11/11/content_17096542.htm
- 29 Báo Mới.com, *Công nghệ vỗ béo gái Việt... đợi trai TQ 'lựa' của má mì online*, <http://www.baomoi.com/Cong-nghe-vo-beo-gai-Viet-doi-trai-TQ-lua-cua-ma-mi-online/76/8813993.epi>
- 30 Nhân Dân điện tử, *88 nghìn lao động đi làm việc ở nước ngoài*, http://www.nhandan.com.vn/mobile/_mobile_xahoi/_mobile_tintucxh/item/22094802.html
- 31 Báo điện tử Công an Nghệ An, *Nổi đau thân nhân xuất khẩu chui bỏ mạng xứ người*, <http://www.congannghean.vn/NewsDetails.aspx?NewsID=22933>
- 32 BBC, *Nạn buôn người Việt vào nhà chứa ở Nga*, http://www.bbc.co.uk/vietnamese/vietnam/2013/04/130423_viet_russia_human_trafficking.shtml
- 33 Vietinfo, *Xuất khẩu lao động chui ở Nghệ An (1): Khát vọng đổi đời*, <http://vietinfo.eu/tin-viet-nam/xu%E1%BA%A5t-khau-lao-dong-chui-o-nghe-an-1-khat-vong-doi-doi.html>
- 34 RFA, *Malaysia truy lùng lao động bất hợp pháp*, http://www.rfa.org/vietnamese/in_depth/malay-drive-out-illegal-workers-09252013143401.html
- 35 The Secretary of State for the Home Department, *Second annual report of the Inter-Departmental Ministerial Group on Human Trafficking*, Oct. 2013 (pg.21), https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/251487/9794-TSO-HMG_Human_Trafficking.pdf
- 36 RFI, *Thêm một xưởng may VN ở Nga bóc lột công nhân như nô lệ*, http://www.rfi.org/vietnamese/in_depth/victori-copy-of-vina-08082012071733.html
- 37 Báo Dân Việt, *Mặt trái hoạt động xuất khẩu lao động: Khó chỉ mặt đặt tên nạn buôn người*, <http://danviet.vn/109686p1c24/kho-chi-mat-dat-ten-nan-buon-nguoi.htm>

II. THE COURTS AS HENCHMEN OF THE COMMUNIST PARTY OF VIETNAM

As with the other fundamental human rights, the Vietnamese Constitution guarantees that “all citizens are equal before the law” (Article 16, the amended VN Constitution of 2013), and that “during trials, judges and assessors must remain independent and shall only obey the law” (Article 31, the amended VN Constitution of 2013). In reality, however, anyone can be arbitrarily arrested, prosecuted, and sentenced in present-day Vietnam. The ultimate purpose of the Vietnamese court system is to serve the governing party’s interests, and thus the court’s dependence on the CPV is an inevitable consequence of the “People’s Democracy” concept. This concept is clearly reaffirmed in the 2002 Law on Organization of the People’s Courts: “... The Courts have the task to protect the socialist legislation, the socialist regime, and the people’s mastery” (Article 1).

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

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

It is not surprising that Vietnam claims that it holds no political prisoners, because any legitimate political expression by the people, however peaceful, is always equated to crimes listed in the 1999 Vietnam Criminal Code, especially Article 79 (Activities aiming at overthrowing the people’s government), Article 87 (Undermining the unity policy), Article 88 (Conducting propaganda against the SRV), and Article 258 (Abusing democratic freedoms to infringe upon the interests of the State, the rights and legitimate interests of organizations and citizens). According to these Articles, any expression of opinions, even through peaceful means such as a debate, storage and distribution of documents with contents contradicting the CPV’s policies, is a “crime.” “Offenders” can be sentenced to up to 20 years in prison (Article 88), or given the death penalty if found to have “carried out activities aiming at overthrowing the people’s administration” (Article 79).



Dissident lawyer Le Quoc Quan was sentenced to 30 months’ imprisonment by the Hanoi People’s Court on Oct. 02, 2013. Photo RFA

In 2013, at least 70 dissidents were indicted, including 62 people who were given heavy sentences by the courts of first instance, and 8 who are awaiting trials. Following are some the typical cases:

- On January 9, 2013, the People's Court of First Instance of Vinh City tried 14 Christians, sentenced 13 of them to prison terms and 1 to probation for their alleged "conspiracy to overthrow the government." The three most severe sentences consisted of 13-year prison terms.
- On January 28, 2013, the People's Court of First Instance of Phu Yen tried 22 members of "The Hội đồng Công luật Công án Bia Sơn," a religious group, and sentenced them to prison terms ranging from 10 years to life in prison on charges of "activities aiming at overthrowing the government."
- On May 28, 2013, the Circuit Court of First Instance at Hra Commune, Mang Yang District, Gia Lai Province tried 8 ethnic minorities in the Central Highlands and sentenced them to a total of 63 years in prison on charges of "undermining the [state's] unity policy."
- On September 11, 2013, the provincial People's Court of Phu Yen sentenced Mr. Ngô Hao to 15 years in prison on charges of "attempting to overthrow the people's government."
- On October 2, 2013, the People's Court of Hanoi, after just a few hours of deliberation, sentenced dissident lawyer Le Quoc Quan to 30 months in prison on government-fabricated charges of "tax evasion."

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

2. Violations of Basic Principles of the Criminal Procedure Code

Although Vietnam's 2003 Criminal Procedure Code guarantees full judicial protection prescribed in the Universal Declaration of Human Rights, continual violations of the procedural principles throughout the criminal proceedings, from arbitrary arrest to fabrication of evidence, forcible testimony, obstruction of lawyers, and cursory trials with predetermined verdicts etc. have made a mockery of such procedures. Suspects are often tortured during interrogations and isolated from their families and lawyers. Most court trials are summarily carried out within less than one day, sometimes lasting only a few hours. The presence of a lawyer, if any, is just for embellishment, since the time for deliberation is usually shorter than the time for verdict reading, meaning the verdict had already been prepared ahead of time.

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

Many events that took place in 2013 have exposed the judiciary vices in Vietnam in general and in criminal proceedings in particular. The most significant event was the wrongful conviction of Mr. Nguyen Thanh Chan of Bac Giang Province. Mr. Chan had been taken in for investigation of a murder that had happened near his house. During the investigation, the police had used coercion to force Mr. Chan to admit his guilt. Despite his plea of innocence, the court still had sentenced Mr. Chan to life imprisonment in 2004. In 2013, however, the perpetrator of the crime surrendered to the authorities. What was significant about this wrongful conviction was not only the police coercion

by means of corporal punishment, but also the collusion of the jury and the investigating authorities to convict the victim without considering the evidences provided by the defense lawyers, and the acceptance of only fabricated evidences from the prosecutors¹. Both the police and the courts were vying for litigation achievement titles and commendation!

The wrongful conviction of Mr. Nguyen Thanh Chan, however, was not unique. Even Mr. Le Thanh Duong, Director of the 3rd Institute of Appeals, also confirmed that “in both Courts of First Instance and Appeals Courts, violations of procedural law on legal proceedings and time limits for case settlements are relatively common and have lasted for years.”²

Infringements on legal proceedings are more common in administrative cases, in which people have to confront the public authorities. At a conference of lawyers participating in administrative proceedings in 2013, lawyer Ngo Tat Huu, Councilor of the Commendation and Discipline Council of the Hanoi Bar Association, commented that most of the administrative cases in which lawyers participated at the local court proceedings had violated the procedural law. Judges not only hushed up the complaints, but at times also returned them to the plaintiff.³

One other equally serious crime is the “buying off of the court.” This is a very common phenomenon in Vietnam, especially in the last decade when the economic reform policy laid grounds for corruption. Buying off the court is judicial corruption that results in an unusually high number of probation sentences for corruption offenses. For example, one provincial court, for two and a half years, sentenced 8 out of the 9 people accused of corruption to probation; another court tried 10 persons accused of corruption and sentenced all 10 of them to the lowest possible penalties.⁴

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



Mr. Nguyen Thanh Chan was released from prison on Nov. 4, 2013 after serving 10 years of a life sentence for a murder he never committed. Photo VnMedia

1,000 people, were mobilized to set up barriers to prevent relatives and reporters from attending. Contrary to the aforementioned closed political trials, the outdoor trials by the circuit courts resemble public denunciations during the Land Reform Era but without any legal sanction. At such circuit court trials, defendants do not have the opportunity to defend themselves while the judges are under tremendous mob pressure. The courts usually return the verdicts with sentences incommensurate with the offenses after just a few hours of deliberation—even for cases resulting in the death penalty. Defendants are victims of the court system even before they are put on trial.

3. The Perfunctory Presence of Lawyers

An accused’s right to defense is one the fundamental rights clearly stated in the International Covenant on Civil and Political Rights (Article 14-d). The Criminal Procedure Code of Vietnam also guarantees the right to defense for accused persons (Articles 12 and 36). In practice, however, the right to self-defense and the right to legal counsel have been constantly violated.

The Department of Justice reports that in a population of 90 million there are 8,156 practicing lawyers in Vietnam⁵, whose principal activities involve procedural law. Only about

20% of the criminal cases are represented by defense attorneys. In 2011, the Ministry of Justice announced plans to improve the legal profession by 2020, with the target of 50% of the criminal cases to be represented by lawyers.⁶

Vietnam's judicial system has been crippled not only by the very small number of lawyers and their low professionalism, but also by the government's unfriendly attitude toward them. The police and courts systematically try to obstruct or derail the lawyers in legal cases. In order to defend an accused, a lawyer must have the court's permission, which is rarely granted in a timely fashion. In addition, even with court authorizations, lawyers still have to seek consent from investigating agencies even to meet only briefly with their clients. Aside from being harassed when applying for defense certificates, lawyers have to repeat the procedure before each stage of the proceedings in order to obtain new certification for that period.⁷ According to Mr. Do Ngoc Thinh, Vice President and Secretary General of the Vietnam Bar Association, "it is very difficult for the lawyers to part take in the course of the investigation, and it is even more difficult for them to meet the defendants."⁸

At the court, the jury rarely pays attention to lawyers' arguments, while the latter often would not dare to refute the prosecutors. In most cases, the lawyers' only duty is to ask for leniency.⁹ A Deputy Director of the People's Procuratorate in Vinh Phuc Province told a defendant's family, that "hiring lawyers will make the crime more serious."¹⁰ The Chairman of the Hanoi Bar Association also confessed that, "in many cases, the presence of a lawyer is perfunctory, a kind of 'decoration' during the proceedings."¹¹

4. An Inhumane Prison System

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

and freedoms are still ensured and protected."

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

In 2013, through a rare news slip-up, it became known that political prisoners continued to be inhumanely treated in many different ways while in detention. Following are some typical methods and their victims:

- Prohibition of relatives' visits: Mr. Bui Van Trung, journalist Nguyen Van Hai (a.k.a. Dieu Cay), Messrs. Nguyen Kim Nhan, Dang Xuan Dieu, and Ms. Le Thi Kim Thu.
- Being moved to remote areas for the purpose of torture and revenge: Journalist Ta Phong Tan, Journalist Nguyen Van Hai (a.k.a. Dieu Cay), writer Nguyen Xuan Nghia, musician Vo Minh Tri (a.k.a. Viet Khang), Mrs. Mai Thi Dung, Ms. Do Thi

Minh Hanh, and Mr. Dang Xuan Dieu.

- Solitary confinement: Journalist Nguyen Van Hai (a.k.a. Dieu Cay), Mr. Vi Duc Hoi, Mr. Tran Huu Duc, Mrs. Ho Thi Bich Khuong, Messrs. Tran Huynh Duy Thuc, Nguyen Hoang Quoc Hung, Nguyen Ngoc Cuong, Phan Ngoc Tuan Anh, and Huynh Tri.

- Beatings by prison police or by police-incited criminals: Mrs. Ho Thi Bich Khuong, Ms. Nguyen Phuong Uyen, Mr. Le Van Son, writer Nguyen Xuan Nghia, Ms. Do Thi Minh Hanh, and Pastor Nguyen Cong Chinh.

- No treatment for illness: victims included Messrs. Dinh Dang Dinh, Nguyen Van Lia, Mrs. Ho Thi Bich Khuong, Messrs. Nguyen Huu Cau, Nguyen Tuan Nam, Mrs. Mai Thi Dung, Pastor Nguyen Cong Chinh, Ms. Do Hi Minh Hanh, writer Nguyen Xuan Nghia, and Mr. Bui Dang Thuy (who died of serious illness on November 24, 2013 after 17 years in captivity at Xuan Loc prison, Dong Nai.)

In the face of the prison wardens' cruel abuse and infringement of people's dignity, some prisoners staged hunger strikes to protest. Among those prisoners were Mrs. Ho Thi Bich Khuong, Dr. Cu Huy Ha Vu, Messrs. Tran Minh Nhat, Ho Van Oanh, Chu Manh Son, Nguyen Van Thanh, Duong Au, Doan Huy Chuong, Son Nguyen Thanh Dien, Mrs. Mai Thi Dung, lawyer Le Quoc Quan, Messrs. Tran Huynh Duy Thuc, Nguyen Hoang Quoc Hung, musician Vo Minh Tri (a.k.a. Viet Khang), Messrs. Phan Ngoc Tuan, and Nguyen Ngoc Cuong.

On June 30, 2013, a number of prison inmates in Xuan Loc (Dong Nai) rebelled and held some prison guards hostages to demand a more humane treatment.¹² Six months later, on December 26, 2013, 18 prison inmates at Xuan Loc was tried and convicted on charges of "actions against officials on duty."¹³

NOTES

- 1 Tien Phong, *5 sai sót của tòa án khiến ông Chấn phải ngồi tù*, <http://www.tienphong.vn/phap-luat/5-sai-sot-cua-toa-an-khien-ong-chan-phai-ngoi-tu-655193.tpo>
- 2 Vietbao.vn, *Liệu còn bao nhiêu án oan như Nguyễn Thanh Chấn?* <http://vietbao.vn/An-ninh-Phap-luat/Lieu-con-bao-nhieu-an-oan-nhu-Nguyen-Thanh-Chan/67167655/218/>
- 3 Dân trí, *Nhiều vụ án hành chính ở địa phương đều vi phạm tố tụng*, <http://dantri.com.vn/phap-luat/nhieu-vu-an-hanh-chinh-o-dia-phuong-deu-vi-pham-to-tung-803713.htm>
- 4 VietNamNet, *Xử 9 người tội tham nhũng thì 8 hưởng án treo*, <http://vietnamnet.vn/vn/chinh-tri/150357/xu-9-nguoi-toi-tham-nhung-thi-8-huong-an-treo.html>
- 5 Bộ Tư Pháp, *Báo cáo tổng kết công tác tư pháp năm 2013 và phương hướng, nhiệm vụ, giải pháp chủ yếu công tác năm 2014*, <http://thuvienphapluat.vn/archive/Bao-cao-15-BC-BTP-2014-tong-ket-cong-tac-tu-phap-2013-phuong-huong-giai-phap-cong-tac-2014-vb220146.aspx>
- 6 *Quyết định 1072/QĐ-TTg năm 2011 phê duyệt Chiến lược phát triển nghề luật sư đến năm 2020 do Thủ tướng Chính phủ ban hành*, <http://thuvienphapluat.vn/archive/Quyết-dinh-1072-QĐ-TTg-phe-duyet-Chien-luoc-phat-trien-nghe-luat-su-vb126206.aspx>
- 7 Báo điện tử Người đưa tin, *Luật sư mệt mỏi khi xin gặp thân chủ trong trại giam*, <http://www.nguoiduatin.vn/luat-su-met-moi-khi-xin-gap-than-chu-trong-trai-giam-a95318.html>
- 8 Báo đại biểu nhân dân, *Nâng cao hơn nữa vai trò của luật sư*, <http://daibieunhandan.vn/default.aspx?tabid=81&NewsId=294828>
- 9 An Ninh Thủ Đô, *Luật sư chỉ định, có cho đủ... thủ tục*, <http://www.anninhthudo.vn/Ky-su-phap-dinh/Luat-su-chi-dinh-co-cho-du-thu-tuc/487759.antd>
- 10 Tạp chí Pháp Luật, *Mời luật sư, tội sẽ nặng thêm?!*, <http://phapluattp.vn/2012062911375624p0c1063/moi-luat-su-toi-se-nang-them.htm>
- 11 VnExpress.net, *Vai trò của luật sư trong phiên tòa rất mờ nhạt*, <http://vnexpress.net/tin-tuc/phap-luat/vai-tro-cua-luat-su-trong-phiên-toa-rat-mo-nhat-2077980.html>
- 12 RFA, *Tù nhân nổi dậy ở trại giam Z30A Xuân Lộc, Đồng Nai*, http://www.rfa.org/vietnamese/in_depth/rebel-prison-z30a-xl-06302013054152.html
- 13 Tuổi Trẻ Online, *Xét xử vụ phạm nhân gây rối ở trại giam Xuân Lộc*, <http://tuoitre.vn/Chinh-tri-xa-hoi/Phap-luat/587322/xet-xu-vu-pham-nhan-gay-roi-o-trai-giam-xuan-loc.html>

III. A SEMBLANCE OF POLITICAL RIGHTS

The 1992 Constitution, as amended and supplemented in 2013, stipulates that citizens have the rights to participate in the management of state affairs through elections (Article 27 and 28),¹ and the rights to freedom of speech, assembly, association and demonstration (Article 25). However, Article 4 of this very Constitution asserts the absolute leadership role of the Communist Party of Vietnam (CPV) over all national activities.² Due to this contradiction and the intention to maintain political monopoly at all costs that all provisions on political rights stated in Articles 20, 21 of the Universal Declaration of Human Rights and Articles 21, 22 of the International Covenant On Civil and Political Rights which Vietnam was committed to uphold, are nullified. People are deprived of their rights to choose political systems and representatives peacefully, and the rights to have political views that are different from those of the CPV. All opposition groups are persecuted and outlawed.

1. National Affairs Are the Privilege of the CPV

Like many countries in the world, Vietnam regularly organizes elections for various government posts at all levels. Of all the government branches, the Constitution grants the National Assembly the highest power to represent the people, appoint government officials, and make laws. Currently, however, with the existing electoral and parliamentary processes, it is merely an instrument of the CPV. Elections of the National Assembly and People's Councils at all levels for the 2011-2016 terms in May 2011 clearly proved just that. No candidates other than those of the CPV and independents approved by the CPV are allowed

to run. All applicants must be screened by the Fatherland Front, a front organ of the CPV, through the "Consultative Conferences" and the "Voter Conferences" at central and local levels.

Article 70 of the Constitution specifies the National Assembly must approve candidates to the state apparatus' important positions, but, in reality, the CPV Central Committee picks out the candidates and the Congress only rubberstamps the selections.

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

In the May 2013 session, for the first time, the National Assembly was allowed to rate 49 senior government officials in terms of three confidence categories: highly trustworthy, trustworthy, and low credibility. The rating had no practical impact on the senior figures in the government, and had absolutely no effect on the democratization process. Even so, in early 2014, the National Assembly's Standing Committee reported that the CPV Politburo had ordered a halt to this procedure.

Throughout 2013, during the debates over the amendments to the Constitution, the public, concerned over popular political rights, particularly focused its attention on the question of whether or not to remove the Constitution's Article 4, which grants the CPV the exclusive role in running the country. Many people suggested that Article 4 should be removed from the new Constitution. Most notably was the "Proposal on Amending the Constitution" by 72 notables and intellectuals, stating: "If the constitution is actually decided by the people, then preserving leadership roles on national and social affairs for a political organization or a class of people is contrary to the mastery of the people, human rights, civil rights, and the Rule of Law."³ More to the point, "the Letter of the Catholic Bishops' Conference of Vietnam to the Commission drafting amendments to the 1992 Constitution" states: "The Commission must overcome the irrational structure of the Constitution by removing privileges from any particular political party, while emphasizing the role of the Congress, which is elected and endowed with the highest authority by the people to be their true representatives, not a tool of the ruling party."⁴

Constructive as they were, these comments were rejected by Secretary General Nguyen Phu Trong when he issued warnings about "currents of ideas that can be considered political, ideological, and moral deterioration"⁵ despite the fact that earlier on, Phan Trung Ly, head of the drafting Commission, had clearly and specifically said: "You can give opinions on Article 4 of the Constitution, just as you do on all other contents in the draft, without any restriction."⁶

On November 28, 2013, with 486 members voting in favor, two abstentions, and no nay vote, the Vietnam National Assembly passed the amended Constitution and retained the content of Article 4 that reaffirms the CPV's monopoly of political leadership on National affairs.

Intervention by local party committees in governmental affairs was even more brutal. In 2008, the Politburo issued Resolution No.



*The Communist-dominated National Assembly always unani-
mously complies with the Party's direction. Photo bongbv.
blogspot.com/*

22/NQ-TW stipulating "a model which calls for the secretary of the party committee to concurrently serve as chairman of the People's Committee of commune and ward." The Xay Dung Dang (Party Building) Journal claimed the model would "enhance the leadership of the Party (giving the CPV secretary more rights), and efficiently implement the CPV's resolutions at the ward level, enabling the centralization and unification of grassroots power."⁷ By the end of 2013, 638 communes, wards, and towns of the 63 provinces and cities under the Central Government's direct control have adopted that model, representing 5.7% of the communes, wards, and towns nationwide.⁸

Furthermore, in order to consolidate its monopoly on the national leadership, the CPV has criminalized all legitimate political activities and bound them with vague laws of the 1999 Penal Criminal Code. In 2013, there were 70 political, religious, and ethnic rights activists convicted of various crimes, of whom 62 were sentenced to prison terms, and 8 are pending cases awaiting for a court hearing:

- Thirty-seven people were charged with "carrying out activities aimed at overthrowing the people's administration" (Article 79).
- Eight persons were accused of "undermining the unity policy" (Article 87).
- Five persons were charged with "conducting propaganda against the Socialist Republic of Vietnam" (Article 88).

- Three persons were charged with “fleeing abroad or staying behind in foreign countries with the intent to oppose the people’s government” (Article 91).
- One person was charged with “organizing and/or coercing other persons to flee abroad or to stay abroad illegally” (Article 275).
- One person was accused of “tax evasion” (Article 161).
- Six persons were charged with “causing public disorder” (Article 245).
- And nine persons were “charged with abusing democratic freedoms to infringe upon the interests of the State, the legitimate rights and interests of organizations and/or citizens” (Article 258).

In summary, from central to local levels, only about 3 million CPV members out of nearly 90 million Vietnamese citizens are entitled to political activities. The rest were deprived of the right and opportunity to participate in national leadership and administration. Therefore, the Freedom House Organization’s *2013 Report on Political Rights Civil Liberty in the World* ranked Vietnam at number 7 on a scale of 1 to 7 for political rights, and number 5 for civil liberties.⁹

2. The Rights to Freedom of Association and Freedom of Demonstration

Article 25 of the Constitution specifies, “Citizens have the right to freedom of speech and freedom of the press, and the right of access to information, the right to assembly, the right to association, and the right to demonstrate. The exercise of those rights shall be prescribed by law.” Because of the essential character of the right to freedom of speech, freedom of the press, and the right to information in the context of today’s Vietnam, this report has a separate section for this problem [See Chapter IV Freedom of Speech].

2.1 - On the right to freedom of association,

since 2005 the government had announced the Bill on Association, but until 2013, and after 11 amendments, the National Assembly has yet to put the bill up for discussion and votes. The delay confirmed the government’s fear of people’s possible use of this law as a legal means to bypass the state control in the formation of independent organizations. So far, the right of association was determined by the April 21, 2010 Decree No.45/2010/ND-CP on Organization, Operation, and Management of Associations, which was amended and supplemented by Decree No. 33/2012/ND-CP of April 13, 2012. In the legal context of this Decree, no entity outside the government control is allowed to exist and operate. Yet in the National Report submitted to the UN Human Rights Council’s 2014 UPR, Vietnam authorities still claimed: “In Viet Nam, there currently are 460 associations, social - professional organisations whose geographic scopes of activities are nation-wide or inter-provincial..., along with 20 profession-based trade unions; 36,000 associations, federations, and social organizations which are local and engaging in diverse aspects of social life.”

Since the initiation in the mid-80’s of the Renovation Policy (Đổi Mới), and faced with the need for foreign aid, Vietnam has somewhat loosened its strict control on society by allowing the formation of civil society organizations in specified areas, such as science, health, the environment, and charity. Organizations with funding from international organizations or foreign countries are relatively independent in their operations, while organizations that receive funding from the government are completely subject to state control and influence in both operational and policy areas. Currently, no independent civil society organization can exist and operate in Vietnam. For example, by the mid-80’s, the Vietnamese Scout Association, a youth educational organization that had been present in Vietnam since the 1940s, was prohibited in the North and after the 1975 Communist Party takeover in the South, had likewise been outlawed in the South. There has been since an effort to revive the Scouts’ activities in the South but until 2013, the organization has yet to

be allowed to operate as a legal entity.¹⁰

Currently, no popular organization that was not under the umbrella of the Fatherland Front, a front body of the CPV, can survive. However, many civil society organizations fighting for human rights came into existence and operated “illegally” in 2013, including the Brotherhood For Democracy (May), the Civil Society Forum (September), the Network of Vietnamese Bloggers (December), the Vietnamese Women for Human Rights (December), the Bau Bi Mutual Association (December), and the Campaigning Board for the Victims of Land Injustice Association (December). Of these organizations, only the Campaigning Board for the Victims of Land Injustice Association followed the procedures set forth by the State and applied for operational permits. However, in a letter dated February 28, 2014, the Interior Ministry turned down the request for reasons of legal noncompliance and unsuitable purposes.¹¹ While the state media smeared and condemned these spontaneous organizations,¹² a number of people involved were harassed by state security personnel and summoned to police “working sessions.”¹³

As for political organizations, on December 17, 2012 Prime Minister Nguyen Tan Dung especially instructed the 68th National Public Security Conference to be firm and “not to tolerate the formation of opposition political organizations that go against the interests of the country and of the people.”¹⁴ Thus, democracy promotion organizations that had previously formed, including Bloc 8406, the People’s Action Party, the Democratic Party of Vietnam, the Vietnam Progress Party, the Populist Party, the Viet Tan Party, the High Tide of Humanism Movement, the Committee for Human Rights, the United Workers-Farmers Association, the Free Journalists Club, the Vietnamese Political and Religious Prisoners Friendship Association, the Patriotic Youth, The Vietnam Path Movement, ... continued to be prohibited. Many members of these organizations were

tracked down, assaulted, and detained. As for Block 8406, 13 of its members were still imprisoned for sentences totaling 85 years



Vietnamese security forces broke up anti-china invasion protesters in Hanoi on June 02, 2013. Photo Doi Thoai

altogether. In the last decade, 40 members of this organization were sentenced to a total of 147 years in prison, and a large number of them are still under house arrest after their release.¹⁵

In mid-August 2013, Le Hieu Dang, a senior CPV member, quit the CPV and proposed the formation of a political party named “Social Democratic Party.” Although he only promoted the idea of pluralism, not overthrowing of the CPV, Mr. Dang was continually attacked and defamed by the Party’s mouthpieces in the media. Had he not been seriously ill and treated in the hospital, Mr. Dang would not have escaped more severe reprisals for his proposal.

2.2 - As for the freedom to demonstrate, by the end of 2013 the National Assembly still had not passed, nor has it put in the 2014 Legislative Agenda, the Demonstration Bill that Prime Minister Nguyen Tan Dung had proposed in November 2011.¹⁶ During a Parliamentary discussion, one representative even suggested that Vietnam did not need the demonstration law because, “since the beginning of time, all protests have been to denounce the government and the state policy.”¹⁷

The year 2013 was marked with mass demonstrations in many places for various purposes, from protestors denouncing the Chinese encroachments on the South China Sea and Vietnamese islands, expropriated landless people demanding justice, to religious people demanding freedom of religion, protesting police violence, and advocating for human rights... Some demonstrations attracted thousands of people such as the one at the Vinh Diocese after the government had cracked down on the flocks

of the My Yen Parish in September 2013.¹⁸ Most of the protests were stopped, and sometimes brutally suppressed by the police, such as the anti-China demonstration in Hanoi on June 2, 2013,¹⁹ the demonstrations of hundreds of ethnic H'Mong at the Ly Tu Trong Flower Garden in the night of October 23, 2013,²⁰ the Human Rights Picnics on May 5 in Saigon,²¹ Nha Trang, and Hai Phong, and the bloggers on the 2013 International Human Rights Day in Saigon.²²

NOTES

- 1 Article 27: "Every citizen who reaches the age of eighteen has the right to vote. Every citizen who reaches the age of twenty-one has the right to stand for election to the National Assembly or People's Councils. The exercise of those rights shall be prescribed by a law." Article 28: "1. Citizens have the right to participate in the management of the State and management of society, and to discuss and propose to state agencies issues about their base units, localities and the whole country. 2. The State shall create the conditions for citizens to participate in the management of the State and society; and shall publicly and transparently receive and respond to the opinions and petitions of citizens."
- 2 "The Communist Party of Vietnam - the Vanguard of the working class, concurrently the vanguard of the labouring people and Vietnamese nation, faithfully representing the interests of the working class, labouring people and entire nation, and acting upon the Marxist-Leninist doctrine and Ho Chi Minh Thought, is the force leading the State and society." (Article 4 of the Constitution of the Socialist Republic of Vietnam 2013)
- 3 Bauxite Việt Nam, *Kiến nghị về Sửa đổi Hiến pháp 1992*, <http://boxitvn.blogspot.com/2013/01/kien-nghi-ve-sua-oi-hien-phap-1992.html>
- 4 Trang tin của Hội đồng Giám mục Việt Nam, *Thư của Hội đồng Giám mục Việt Nam nhận định và góp ý sửa đổi Hiến pháp*, <http://www.hdgmvietnam.org/thu-cua-hoi-dong-giam-muc-viet-nam-nhan-dinh-va-gop-y-sua-doi-hien-phap/4750.116.3.aspx>
- 5 Dân làm báo, *Tổng Trọng răn đe về 'suy thoái chính trị'*, <http://danlambaovn.blogspot.com/2013/02/tong-trong-ran-e-ve-suy-thoai-chinh-tri.html>
- 6 Vietnam.net, *Không có cam kết khi góp ý sửa Hiến pháp*, <http://vietnamnet.vn/vn/chinh-tri/103205/khong-co-cam-ky-khi-gop-y-sua-hien-phap.html>
- 7 Báo điện tử Đảng Cộng sản Việt Nam, *Mô hình bí thư đảng ủy kiêm chủ tịch UBND phường*, http://www.cpv.org.vn/cpv/Modules/Preview/PrintPreview.aspx?co_id=0&cn_id=40705
- 8 Tạp chí Xây dựng Đảng, *5 năm thực hiện thi điểm bí thư cấp ủy đồng thời là chủ tịch ủy ban nhân dân*, <http://www.xaydungdang.org.vn/Home/Tochuc/2013/6790/5-nam-thuc-hien-thi-diem-bi-thu-cap-uy-dong-thoi.aspx>
- 9 Freedom House, *Freedom in The World 2013: Democratic Breakthroughs in the balance*, p. 18
- 10 RFA, *Phong Trào Hướng Đạo ở Việt Nam Sau Năm 1975*, <http://www.rfa.org/vietnamese/programs/OverseasVietnamese/scout-mov-in-vn-aft-1975-05052011124631.html>
- 11 Dân Luận, *Thông báo số 9 của những người định thành lập Hiệp hội Dân Oan Việt Nam*, <http://danluan.org/tin-tuc/20140228/thong-bao-so-9-cua-nhung-nguoi-dinh-thanh-lap-hiep-hoi-dan-oan-viet-nam>
- 12 Báo điện tử Quân đội nhân dân, *Không để các tổ chức xã hội dân sự bị lợi dụng*, <http://www.qdnd.vn/qdndsubsite/vi-vn/61/276945/print/Default.aspx>
- 13 Dân Làm Báo, *LS Đà bị thẩm vấn về 'Hội anh em dân chủ'*, <http://danlambaovn.blogspot.tw/2013/05/ls-ai-bi-tham-van-ve-hoi-anh-em-dan-chu.html#more>
- 14 Cổng Thông tin điện tử Chính phủ, *Thủ tướng chỉ đạo công tác Công an thời gian tới*, <http://baodientu.chinhphu.vn/Home/Thu-tuong-chi-dao-cong-tac-Cong-an-thoi-gian-toi/201212/156953.vgp>
- 15 Số liệu do Văn Phòng Khối 8406 ở Việt Nam cung cấp.
- 16 Vietnam.net, *2014 chưa xây dựng luật Biểu tình*, <http://vietnamnet.vn/vn/chinh-tri/122396/2014-chua-xay-dung-luat-bieu-tinh.html>
- 17 VnExpress, *Quốc hội tranh cãi gay gắt về luật biểu tình*, <http://vnexpress.net/gl/xa-hoi/2011/11/quoc-hoi-tranh-cai-gay-gat-ve-luat-bieu-tinh/>
- 18 Thanh Niên Công Giáo, *Hơn 7000 Anh Chị Em Thuộc Giáo Hạt Nhân Hòa ...*
- 19 RFA, *Hàng chục người bị bắt do biểu tình chống TQ tại Hà Nội*, http://www.rfa.org/vietnamese/in_depth/vn-detain-anti-cn-protester-06022013085800.html
- 20 VangAnhOnline, *Tin về người H'Mông: Một trận càn được chính quyền tính toán kỹ lưỡng*, <http://www.vanganh.info/2013/10/tin-ve-nguoi-h-mong-mot-tran-can-uoc.html>
- 21 Chính Luận, *Tường thuật việc CA đàn áp buổi dã ngoại nhân quyền*, <http://www.chinhluanvn.com/2013/05/tuong-thuat-viec-ca-ap-buoi-da-ngoai.html>
- 22 Dân Làm Báo, *Hà Nội - Sài Gòn: Blogger công khai các hoạt động chào mừng ngày Quốc Tế Nhân Quyền*, <http://danlambaovn.blogspot.com/2013/12/ha-noi-sai-gon-blogger-cong-khai-cac.html>

IV. FREEDOM OF EXPRESSION AND FREEDOM OF SPEECH: MOUTHS FORCIBLY SHUT

Vietnam's Constitution, as amended in 2013, stipulates: "Citizens have the right to freedom of speech and freedom of the press, and have the right of access to information, the right to assembly, the right to association, and the right to demonstrate. The exercise of those rights shall be prescribed by law" (Article 25). However, such stipulations remain dead words. The government's infringements on the freedom of the press in Vietnam come under two main categories: 1) the state's monopoly of information, and 2) suppression of dissidents daring to express opposing views to the Communist Party of Vietnam's (CPV) policies or trying to speak up on behalf of victims of abusive officials.

1. Speech Is the Vietnamese Communist State's Monopoly

In the report before the UN Human Rights Council's Universal Periodic Review in 2014, Vietnam presented impressive statistics related to the numbers of Internet users, electronic sites, newspapers, TV stations, and state-approved journalists to prove that the State respects the Freedom of Speech¹. Although these numbers had somewhat more substance than the statistics put forth on social security, health, and poverty alleviation that were also included in the report, the flip side of "the numbers that speak"² reveals the government's mendacity.

The recent amendments to the legal system mainly aimed to strengthen the CPV's monopoly of speech and the reinforcement of its propaganda machinery with no concession whatsoever to the people's freedom of expression. Decree No. 37/CP of 29 November 2006, signed into law by Prime Minister Nguyen Tan Dung and

still effective in 2013, firmly states "no private press under any form, or any organization or individual, is permitted to take advantage of the press to serve personal interests while undermining the state's interests." This means the mass media are owned or led by the state. On June 12, 2012, Minister of Information and Telecommunications (I&T) Nguyen Bac Son confirmed in his online dialogue with the people that, "to this day, there are no private newspapers in our society."³ Based on Decree number 02/2011/NĐ-CP issued in 2011 regarding punishments for activities of administrative violations in the press, the Prime Minister issued Directive 7169/VPCP - NC on September 12, 2012, ordering the Ministry of Public Security to coordinate with the I&T Ministry and other concerned agencies to investigate and deal with websites that posted information allegedly "defaming the national leadership and arousing anti-party and anti-state sentiments."

As for the online media, an area technically difficult to control, the government has come



The Phu Yen People's Court sentenced blogger Ngo Hao to 15 years of imprisonment and 5 years under house arrest for "carrying out activities aimed at overthrowing the people's administration" on Sept 11, 2013. Photo Diễn Đàn Công Nhân

up with even more stringent regulations in 2013. In a “Top secret” Letter No. 2545/VNPT-VT dated June 7, 2013 sent to the member companies of the VNPT Group, the government demanded urgent measures to prevent access to the Facebook sites that contain IP addresses considered problematic.⁴

On July 15, 2013, the Government issued Decree No. 72/2013/ND-CP on the management, provision, and use of Internet services and online information. The Decree specifies that personal electronic information pages, such as Facebook, Twitter, etc. are for exchange of personal information only, not for synthesized materials from the press and/or the state agencies. The Decree also requires network service providers to disclose the identity of those who violate these speech clauses. Many human rights organizations and governments around the world have spoken out against this Decree.⁵

On November 27, 2013, the government issued Decree No.174/2013/ND-CP regulating on handling administrative violations in the domain of post, telecommunications, technology and radio frequency bands. The Decree specifies fines from 70 to 100 million VND for non-criminal violations such as negative propaganda against the state, spreading reactionary ideology, denial of revolutionary achievements, and irreverence of ethnic and national heroes.

In addition to enacting laws limiting freedom of speech, the government continued to strengthen deterrent and regulatory measures such as the maintenance of an army of Internet Police and so-called “public opinion molders.” On January 9, 2013, the ‘Labor’ or Lao Dong daily newspaper reported an assertion by Mr. Ho Quang Loi, Head of the Hanoi Propaganda and Education Department, that 900 “internet propagandists” had been hired to improve the strength of propaganda teams.⁶ Also according to the same newspaper, there were nearly 80,000 public opinion agents.⁷ While the Internet Police strengthen control techniques such as building information network firewalls, breaking into dissidents’ computers,⁸ the public

opinion agents defended the CPV’s policies by rebutting challenges from dissidents or sowing disinformation.

As for foreign sources of information, the Vietnamese government continues to prevent its people from having access to independent and objective sources through its technique of jamming overseas radio stations broadcasting in Vietnamese and setting up firewalls to obstruct the so-called ‘reactionary’ websites.

Meanwhile, most blog pages operated by progressive activists in Vietnam have been blocked by government firewalls and are made hard to access, including the more popular ones, such as: Vietnam Bauxite, Dan Lam Bao, Quan Lam Bao, Anhbasam, Nguyen Xuan Dien, Nguoi Buon Gio, Dong Chua Cuu The, and so on.

2. Suppression of Opinions Contrary to CPV Policies

Accredited journalists have often been reminded to keep to the “right lane,” meaning to respect the one-way, truth-twisting information provided by the state. Disobedient ones among them have been arrested, fired, or detained because of their different views from those of the communist state on serious issues related to the policies of the CPV as well as to the corruption of officials at all levels. The case of journalist Nguyen Dac Kien of the newspaper Gia Dinh va Xa Hoi (Family and Society) is telling and attracted a lot of public attention: he was sacked on February 26, 2013, the day after he had criticized CPV Secretary General Nguyen Phu Trong.⁹ The sentencing of journalist Doan Huu Hau to 2 years in prison on April 8, 2013 for writing several news stories uncovering the plots of Kien Giang province’s officials in confiscating the farmers’ land is another case in point of repression against journalists.¹⁰

Not just independent bloggers, but even state journalists were regularly harassed when they carried out investigations of social vices as well as abuses by officials. Journalists continued to be met with a range of difficulties, from impediments to assaults by state officials.¹¹

This kind of suppression has been more brutal and aggressive in the cases of independent journalists and bloggers who have expressed opposing political views to the CPV. The followings are some typical cases:

- On January 24, 2013, Mr. Le Anh Hung, a blogger known to have written many articles commenting on the political situation in Vietnam, was arrested at the company in Hung Yen where he was working, by secret service personnel, and then placed in a psychiatric ward.
- On May 5, 2013, Saigon police brutally repressed human rights advocates at their picnics as they were distributing free copies of the “Universal Declaration of Human Rights (UDHR)” booklet to people. Bloggers Vo Quoc Anh, Sy Hoang Vu, and Nguyen Hoang Vi were arrested, beaten, and injured.
- On May 21, 2013, Nha Trang police illegally detained bloggers Me Nam (Mother of Mushrooms) Nguyen Ngoc Nhu Quynh, Nguyen Tien Nam, and Pham Van Hai for their parts in the distribution of the UDHR.
- On June 7, 2013, five police officers stopped and assaulted blogger Nguyen Hoang Vi and her friend, Mr. Pham Le Vuong The (blogger Cui Cac) at the To Ky intersection, District 12, Saigon.
- On September 25, 2013, police stormed the home of blogger Nguyen Tuong Thuy of Thanh Tri District, terrorized, arrested, and beat several human rights activists who were visiting with him.
- On December 8, 2013, police suppressed the International Day of Human Rights celebrations organized by the Vietnam Blogger Network in Hanoi and Saigon. Participants were savagely beaten by plain-clothes policemen.
- On December 10, 2013, while the Vietnam Blogger Network officially inaugurated with activities in honor of the International Human Rights Day, the police setup barricades and

beat and injured blogger Nguyen Hoang Vi, Nguyen Ngoc Nhu Quynh, Hoang Dung, and many others in Saigon.

To stifle the voices of those who have opposing views to those of the CPV, Vietnamese officials not only resort to using thugs in the beatings of dissidents, but they also apply maximum criminalization of people’s exercise of freedom of speech by using the 1999 Criminal Code’s Article 79 on “activities aimed at overthrowing the people’s government,” Article 88 on “propaganda against the Socialist Republic of Vietnam,” and specifically Article 258 of the 1999 Penal Code on “abusing democratic freedoms to infringe upon the interests of the State, the legitimate rights and interests of organizations and/or citizens.” Following are some remarkable cases:

- On January 9, 2013, the Nghe An People’s court, basing itself on Article 79 of the Penal Code, sentenced 14 Christians for their alleged “activities aiming at overthrowing the people’s government,” including Ho Duc Hoa, Dang Xuan Dieu, Paulus Le Van Son, Nguyen Dang Minh Man, Nguyen Dinh Cuong, Dang Ngoc Minh, Nguyen Van Duyet, Nguyen Van Oai, Nong Hung Anh, Nguyen Xuan Anh, Ho Van Oanh, Thai Van Dung, Tran Minh Nhat, and Nguyen Dang Vinh Phuc. Most of these young people were involved with the Redemptorist News Network. The three heaviest sentences were 13-year imprisonment, ten others ranged from 3 to 8 years in prison, followed by several years of house arrest.
- On April 17, 2013, Ho Chi Minh City People’s Court sentenced Pham Nguyen Thanh Binh to 3 years in prison and 3 years of probation on charges of “propaganda against the Socialist Republic of Vietnam.” According to the indictment, in 2012, Mr. Binh composed and sent 8 articles about the country’s current situation to Nguyen Xuan Chau for editing and uploading to the address <http://chauxuannguyen.org/page>
- On May 13, 2013, Ho Chi Minh City People’s Appellate Court sentenced Lo Thanh

Thao to a 2-year prison term on charges of “propaganda against the Socialist Republic of Vietnam.” According to the indictment, Ms. Thao had distributed leaflets with anti-state content, and taken pictures of land rights petitioners.

- On May 16, 2013, the Long An Province People’s Court sentenced students Dinh Nguyen Kha to 8 years in prison and 3 years probation, and student Nguyen Phuong Uyen to a 6-year prison term followed by 3 years of probation on charges of “propaganda against the Socialist Republic of Vietnam.” According to the indictment, these students had produced, stored, and circulated anti-Socialist Republic of Vietnam documents. The appeal court on August 16 reduced Kha’s punishment to 4 years in prison, and Phuong Uyen’s punishment to a three-year suspended sentence.
- On May 26, 2013, journalist Truong Duy Nhat was arrested for “abusing democratic freedoms to infringe upon the interests of the State, the legitimate rights and interests of organizations and/or citizens” under Article 258 of the Penal Code. Mr. Nhat was the owner of the “Another View” Blog that carried articles critical of the senior leadership of the Party and the State. He is currently detained and awaiting trial.
- On June 13, 2013, blogger Pham Viet Dao was arrested allegedly for “abusing democratic freedoms to infringe upon the interests of the State, the legitimate rights and interests of organizations and/or citizens” under Article 258 of the Penal Code. Mr. Dao himself had held several important positions in the state-run information and cultural network, and had been a member of the Vietnam Writers’ Association. He had written articles critical of the current political system. He is currently in custody, awaiting trial.
- On October 2, 2013, lawyer Le Quoc Quan, a persistent human rights and democracy advocate, was sentenced to 30 months in prison and fined 1.2 billion VND (equivalent to 62 thousand dollars) for tax evasion. He



Two patriotic songwriters Viet Khang and Tran Vu Anh Binh are still serving four years and six years in jail, respectively, for writing songs that are critical of the government and supportive of political activists. Photo Dan Lam Bao

had spoken out against cases of injustice, including that of Dr. Cu Huy Ha Vu, and had written numerous articles urging patriotism against the Chinese invaders (from the North). The Government fabricated tax evasion charges to undermine his dissident activities.

- On December 23, 2013, Phu Yen Province People’s Court upheld the Court of First Instance’s 15-year imprisonment sentence against Mr. Ngo Hao on charge of “activities aimed at overthrowing the people’s government.” Mr. Hao was accused of, during the period from 2008 to late 2012, having collected, written, and spread many articles vilifying the government and its leaders, and having sought to inspire an Arab Spring-type revolution using non-violent means.

For their serious violations of Freedom of Expression and Information, the Vietnam government, in 2013, repeatedly received negative reviews and warnings from national and international human rights organizations.

- On the World Day against Internet Censorship, March 12, 2013, Reporters Without Borders (RSF) published a special report on Internet monitoring and censorship worldwide, ranking five countries comprising Syria, China, Iran, Bahrain, and Vietnam as the worst offenders.
- On April 18, 2013, the European Parliament passed a resolution condemning intimidation, harassment, assault, arbitrary arrests of dissidents, journalists, human rights activists, bloggers, both on-and offline, as well as the imprisonment of 32 bloggers, especially the heavy sentences given to Dieu Cay, Phan Thanh Hai and Ta Phong Tan, and the recent harassment of Buddhist youth leader Le Cong Cau and writer Huynh Ngoc Tuan.

- Freedom House, in its October 3, 2013 report on ‘Freedom on the Net 2013,’ ranked Vietnam second (behind China) on the list of Asian countries with the worst record of suppression of Internet Freedom, and No. 7 on the list of 10 countries with the worst internet freedom infringements in the world.¹²
- The Southeast Asian Press Alliance on November 23, 2013 ranked Vietnam and the Philippines as the two worst countries that tolerate violence against journalists. The difference between these two “last on the list” countries, as the report points out, is that in the Philippines gangsters are the culprits while in Vietnam the state is the one which condones violence against journalists.¹³
- Ms. Shaheed, the United Nations Special Rapporteur on Cultural Rights, on November 29, 2013, after her first trip to Vietnam, called on the Government of Vietnam “to expand the space for people to articulate their views and to ensure they can contribute their knowledge, including their traditional knowledge, to the development of the country.”
- The Committee to Protect Journalists (CPJ), in its December 18, 2013 annual census of imprisoned Journalists warned that the year 2013 was about to end up as “the second worst year on record for jailed journalists” in the world. Vietnam was one of the 5 countries with the most imprisoned journalists.¹⁴

NOTES

1 “By March 2013, there are 812 print newspapers and 1,084 publications (compared to 676 and 700 respectively in 2009); nearly 17,000 registered journalists; 01 national news agency, 67 radio and television stations; 101 TV channels and 78 broadcasting channels, 74 electronic newspapers and magazines; 336 social networks and 1,174 registered e-portals (compared to 46 e-newspapers and 287 e-portals in 2011). The Voice of Viet Nam (VOV) Radio Station broadcasts cover 99.5% of Viet Nam’s territory and many other countries via satellite. Today, the VOV reaches more than 90% of all households in Viet Nam in comparison with 85% in 2008.” *National report submitted in accordance with*

paragraph 5 of the annex to Human Rights Council resolution 16/21.

2 nguyentandung.org, *Những con số biết nói về nhân quyền ở Việt Nam* (“Telling numbers on human rights in Vietnam”), <http://nguyentandung.org/nhung-con-so-biet-noi-ve-nhan-quyen-o-viet-nam.html>

3 Cổng Thông tin điện tử Chính phủ, *Bộ trưởng Bộ Thông tin và Truyền thông đối thoại trực tuyến với nhân dân*, <http://baodientu.chinhphu.vn/Home/Bo-truong-Bo-Thong-tin-va-Truyen-thong-doi-thoai-truc-tuyen-voi-nhan-dan/20126/140548.vgp>.

4 Người Việt Online, *Lộ văn bản công an CSVN ra lệnh chặn Facebook?* <http://www.nguoi-viet.com/absolutem2/templates/viewarticlesNVO.aspx?articleid=168416&zoneid=430#.UzhGialvBos>

5 BBC, *Nhiều nước phê phán Nghị định 72*, http://www.bbc.co.uk/vietnamese/vietnam/2013/08/130827_decree_72_criticism.shtml

6 Lao Động, *Tổ chức nhóm chuyên gia bút chiến trên Internet*, <http://laodong.com.vn/Chinh-tri/To-chuconhom-chuyen-gia-but-chien-tren-Internet/98582.bld>.

7 Lao Động, *Cả nước có gần 80.000 tuyên truyền viên miêng*, <http://laodong.com.vn/xa-hoi/ca-nuoc-co-gan-80000-tuyen-truyen-vien-mieng-99679.bld>

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

9 BBC, *Bị thôi việc vì phản đối TBT Trọng*, http://www.bbc.co.uk/vietnamese/vietnam/2013/02/130226_giadinhnet_editor_fired.shtml

10 Dân Làm Báo, *Kiên Giang: Dùng ngòi bút giúp dân oan khiếu kiện, một nhà báo bị 2 năm tù*, <http://danlambao.vn.blogspot.com/2013/04/kien-giang-dung-ngoi-but-giup-dan-oan.html>

11 [vtvcantho.vn](http://www.vtvcantho.vn), *Muôn kiểu cản trở tác nghiệp báo chí*, http://www.vtvcantho.vn/CVTV/Detail/34294?id_menu=67&act=News_Detail&contr=Content

12 Freedom House, *Freedom on the Net 2013*, <http://www.freedomhouse.org/report/freedom-net/freedom-net-2013>

13 The Southeast Asian Press Alliance, *States: A problem and a solution to impunity*, <http://www.seapa.org/wp-content/uploads/idei2013-28nov.pdf>

14 Committee to Protect Journalists, *Second worst year on record for jailed journalists*, <http://cpj.org/reports/2013/12/second-worst-year-on-record-for-jailed-journalists.php>

V. FREEDOM OF RELIGION IN AN ANTI-RELIGIOUS STATE

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

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

1. Legal Prohibition

Although Vietnam's 1992 Constitution, as amended in 2013, guarantees the right to Freedom of Belief for all,² the 2004 Ordinance on Religion and Belief and the subsequent Decree 22 enacted in 2005 still provide for many restrictive conditions amounting to a requirement for state recognition and approval for a religious organization to operate. In 2013, with the adoption of Decree No. 92/2012/ND-CP that superseded Decree No. 22 of 2005, the government further tightened the registration, training, and appointment of clergy, and restoration of religious structures, etc.

In short, Decree 92/2012, with 5 chapters and 46 articles, details more meticulous limitations than those prescribed by previous legislations, especially in the areas of "Religious Organizations" (Chapter III), and "Religious Activities" (Chapter IV). All religious

organizations must give advance notices to relevant administrative authorities for approval or disapproval of their activities. The decree specifies that a religious organization must have 20 years of "stable religious operation" and must not have "violated the provisions of law specified in clause 2 of Art. 8 and Art. 15 of the Ordinance on Beliefs and Religion" in order to be recognized by the Government (Article 6 of Decree 92/2012).

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

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

Even with the state-approved religious organizations, the government is still ambiguous about their legal status in order to put in place legal barriers to their social activities, especially their land and property undertakings.³

In addition to binding laws meant to restrict religious activities, the government also abuses the notorious articles 79, 87, 88, and 89 of the 2009 Criminal Code⁴ in prosecuting religious

freedom advocates. In 2013, the Government abused those articles in the following cases:

- ♦ On January 9, 2013, 14 young Catholics were brought to trial without any proof as to the illegality of their activities. Yet the Nghe An provincial court still pronounced 13 heavy prison sentences for their alleged “conspiracy to overthrow the government.” The three heaviest sentences involved 13-year prison terms; the other ten ranged from 3 to 8 years in prison followed by several years of house arrest. The real reason for these young people’s punishment was their participation in religious and social activities, and especially their exercise of their political rights to denounce inequality, demand justice, and to take part in peaceful political parties.
- ♦ On January 23, 2013, An Phu District Court, An Giang Province sentenced Mr. Bui Van Trung, a Hoa Hao Buddhist, for “resisting officials in the exercise of their duties.” Mr. Bui Van Trung was arrested on October 30 for having organized prayer sessions to the Buddha at his residence. His son, Mr. Bui Van Tham, was also sentenced to 2 years and 6 months in prison on November 23, 2012 for his religious activities.
- ♦ On February 04, 2013, the Court of First Instance of Phu Yen sentenced 22 persons of Hoi đong Cong luat Cong An Bia Son, a religious organization named “An Dan Dai Dao” founded in 1969, on charges of “activities aiming at overthrowing the People’s Government.” Mr. Phan Van Thu, considered the leader of the organization, was sentenced to life in prison. The remaining twenty-one people were sentenced to 10 to 17-year prison terms, for a total of 295 years. These people were arrested in February 2012.
- ♦ In March 2013, Hue City police summoned



November 21, 2013, security forces pulled down the ethnic H'Mong Christians funeral house and assaulted the faithful who tried to protect the place resulting in 36 injured. Photo Vietinfo

Mr. Le Cong Cau, Head of the Buddhist Youth Family Department of the UBCV, to a 3-day interrogation session, and accused him of propaganda against the state, and conspiracy to overthrow the government.

- ♦ On May 28, 2013, the Mobile Court of First Instance at Hra Village, Mang Yang District, Gia Lai Province sentenced 8 ethnic Central Highlanders, followers of the Ha Mon Religion Sect, to a total of 63 years in prison. Mr. A Tach, considered the leader of the group, received an 11-year prison term. The remaining defendants were sentenced to 3 to 10 years in prison. These people were convicted under Article 87 of the Penal Code, for “undermining the [state's] unity policy.”
- ♦ On September 27, 2013, Soc Trang Province People’s Court sentenced 4 ethnic Khmer monks, including the Venerable Thach Thuol to 6 years in prison, the Venerable Lieu Ny to 4 years in prison, Mr. Thach Phum Rich to 3 years in prison, and Mr. Tra Quanh Tha to 2 years in prison on charges of “fleeing abroad or defecting to stay overseas with the intent of opposing the People’s Administration.” Two of these monks had previously held peaceful protests demanding religious freedom and given press interviews on the religious oppression and human rights situation of the Khmer Krom [Vietnamese

nationals of Khmer descent] in Vietnam.

- ♦ On October 23, 2013, the People's Court of Nghe An tried Messrs. Ngo Van Khoi and Nguyen Van Hai of the Diocese of Vinh on charges of disturbing public order. The court sentenced Mr. Ngo Van Khoi to 7 months in prison and Nguyen Van Hai to 6 months in prison. These parishioners had resisted the secret police harassment of the parishioners.
- ♦ In October and November 2013, eight H'Mong, followers of Mr. Duong Van Minh's Christian Group, were detained and accused of "abusing democratic freedoms to infringe upon the interests of the State, the rights and interests of organizations and / or citizens" under article 258 of the Penal Code.

Furthermore, to limit the activities and influences of religious organizations, the government resorted to the 2003 Land Law to permanently take away the churches' properties including schools, infirmaries, and social service offices, properties that had been "borrowed," confiscated or requisitioned since the advent of communism both in North and South Vietnam. An example

of such action was the demolition of the church and the centuries-old Carmelite Monastery on 72 Nguyen Thai Hoc Street, Hanoi on January 3, 2013.⁵

2. Organizational Control

To facilitate its control of religious organizations, the CPV, for many years, has shown itself especially concerned with the control of various religious organizations and their personnel. In 2013, the CPV still continued the policy of "activity registration" and "certification" toward all religious organizations. All religious activities such as practice sessions, retreats, processions, etc, must receive previous government approval. The government still continued its "divide and conquer" policy toward religion. To each religion, there is always a "state-imposed committee" under the permanent supervision of the "Fatherland Front" to coordinate activities "in compliance with the official policy of the regime." As for Buddhism, the government only recognizes the state-run Buddhist Church of Vietnam (formed in 1981), while outlawing the Unified Buddhist Church of Vietnam (formed much earlier as a legitimate heir to the various traditional Buddhist sects of Vietnam) and keeping it under permanent surveillance and oppression. In

the case of the Hoa Hao Buddhist Church, the State disallowed the Orthodox Hoa Hao Buddhist Church leadership, and installed a pro-government Hoa Hao Buddhist Representative Board unrecognized by most Hoa Hao followers. As for the Cao Dai Church, with the 2007 Charter, the government set up the state-sanctioned church ruled by the Executive Council of the Cao Dai Tay Ninh Church which other Cao Dai traditionalists do not support. As for Khmer-Krom Buddhists, the government dispersed the Khmer-Krom Theravada



May 28, 2013, eight ethnic minority Montagnards affiliated with an unregistered Catholic church were sentenced to a total 63 years in prison for "sabotaging the policy on solidarity." Photo tingialai.vn

Buddhist Associations, and forced Khmer-Krom Buddhist monks to join the Patriotic United Buddhist Association. With respect to the Vietnamese Catholic Church, the communists diminished the role of the Vietnam Catholic Conference of Bishops by fostering the Vietnam Committee for Catholic Solidarity.

The government deliberately undermined religious organizations that it did not approve by supporting religious groups under its control and plundering the property of the disallowed organizations. For example, on May 14, 2013, the Patriotic United Buddhist Association in Soc Trang Province, pressured by the authorities, defrocked three Khmer monks, Lieu Ny, Thach Thuol and Ly Chanh Da of Vinh Chau District, Soc Trang Province for their campaign for religious freedom. Two of the three monks were later put on trial and sentenced to prison.⁶ On July 3, 2013, with the support of uniformed and plain-clothes police, the state-sanctioned Cao Dai Executive Board of Tien Giang, using weapons, attacked the Long Binh Cao Dai Temple of Go Cong, and wounded many followers in a takeover attempt of the property.⁷

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

Candidates to high-ranking positions in any religion must be vetted and approved by the state's central level before they can be accepted. Worse still, police agents disguised as "clergymen," particularly Buddhist monks, are trained to secretly infiltrate temples and religious institutions both at home and abroad, including the United States, Australia and elsewhere, in order to cause disruptions within the religious rank and file.



September 04, 2013, Nghe An Province authorities launched a large scale attack on My Yen parishioners resulting in 40 injured, including women and adolescents. Photo RFA

Traveling for religious purposes is also restricted. For example, on May 5, 2013 approximately 50 uniformed and undercover police blatantly surrounded Giac Hoa Pagoda of the UBCV and prevented the monks from going out on their teaching missions.⁸ A month earlier, in April 2013, during the remembrance of the Hoa Hao Buddhist Founder Huynh Phu So's disappearance (after he was invited to a meeting with Viet Minh leaders back in February 1947), the authorities mobilized security forces to surround many places where the memorials were to take place in the southern provinces of Dong Thap, Can Tho, An Giang, and Vinh Long to prevent the attendance of traditional Hoa Hao Buddhists.⁹ During the 2013 Christmas season, Father Tran Si Tin donated blankets to help the orphans in the Central Highlands. Due to his advanced age, the priest asked some of the parishioners to help him with the distribution. The local authorities, however, stopped and harassed the parishioners, and even beat a young J'rai Catholic so severely that he had to be hospitalized.¹⁰ These were but some of the many religious activities that were banned and impeded because they were not sanctioned by the government.

Except for worshipping, catechism instruction, and clergy training, all other religious activities such as opening schools, hospitals, and charity facilities (in response to disasters or social



June 25, 2013, about 100 security agents attacked a group of Hoa Hao Buddhists at Quang Minh temple during a religious ceremony. Senior clergy Vo Van Thanh Liem was seriously injured. Photo Vietinfo

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

3. Violent Suppression

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

- ♦ On March 17, 2013, the police of Gia Nghia town, Dak Nong Province beat Mr. Hoang Van Ngai (Vam Ngaij Vaj), a H'Mong Christian church leader, to death while he was detained at the police station. Mr. Ngai and his brother had been arrested two days earlier and accused of illegal destruction of the forest. Police later claimed that he had put his hand into the electrical socket and died of electrocution. However, the families were not allowed to observe

the postmortem examination. Autopsy pictures revealed multiple wounds and signs of ubiquitous beating on the victim's body. The Christian Solidarity Worldwide has asked the GVN to investigate these suspicious deaths and simultaneously apply the necessary measures to prevent violence against religious personnel.¹¹

- ♦ On June 24, 2013, during the anniversary of the Patriarch Huynh Phu So's establishment of Hoa Hao Buddhism at Quang Minh Temple, Cho Moi District, An Giang, about 100 public security, secret police, and civil defense personnel attacked the faithfuls' procession. They also beat clergyman Vo Van Thanh Liem and about 20 other Hoa Hao believers, including women and children. Many female devotees fainted from the beatings, while the enforcers sprayed water at the wounded lying on the road. As for clergyman Vo Van Thanh Liem, about 20 assailants took turns hitting him in the abdomen, the chest, and the head until he collapsed.
- ♦ On September 4, 2013, a number of My Yen parishioners gathered at the People's Committee office of Phuong Nghi Commune, Nghi Loc District, Nghe An, to pick up two parishioners who had been illegally arrested and later promised to be released by the authorities. However, when the parishioners arrived, the police and soldiers severely beat them up and took away many people. As a result, more than 20 parishioners were beaten and seriously wounded. In this crackdown, security forces used dogs, explosives, tear gas, smoke grenades, and thugs masquerading as Catholics causing disturbances, a pretext for the police to attack. Security forces broke into many homes in the parish, smashed up houses, assaulted people, and smashed religious statues.
- ♦ On September 12, 2013, some Cao Dai traditionalists, along with several dignitaries and followers, gathered at the house of

Ms. Ta Thi Thu Nga in the Hamlet of An Ninh, Bau Nang Village, Duong Minh Chau District, Tay Ninh Province to hold a ceremony to install the statue of the Supreme Being. The authorities sent thugs to disturb the ceremonial rituals and assault the faithful.¹²

- ♦ On November 21, 2013, the police pulled down the ethnic H'Mong Christians funeral house, an initiative by Mr. Duong Van Minh. They also assaulted the faithful who tried to protect the place, injured 36 people, and took away 17 others. The funeral house was a small facility that the H'Mong followers of the Duong Van Minh Sect had built to conduct the new funeral rituals that replaced the old custom of hanging the body from the rafter for seven days and nights, and killing a buffalo or cow to give offerings to the dead's ghost.
- ♦ As reported by the Falun Gong in Vietnam, out of 13 cases of persecution in 2013, there were 7 cases where security forces assaulted practitioners in public parks and coercively took them to police stations for interrogation, 6 cases of home intrusions where police ransacked the houses and confiscated the practitioners' documents.¹³

NOTES

- 1 Embassy of Vietnam in the US, *Về vấn đề tôn giáo ở Việt Nam*, <http://viet.vietnamembassy.us/tintuc/story.php?d=20050803170205>
- 2 Article 24 of the Constitution of SRVN: “a. Everyone has the right to freedom of belief and religion, and has the right to follow any religion or to follow no religion. All religions are equal before law. b. The State shall respect and protect the freedom of belief and religion. c. No one may violate the freedom of belief and religion, nor may anyone take advantage of a belief or religion in order to violate the law.”
- 3 Ban Tôn giáo Chính phủ, *Về pháp nhân của tổ chức tôn giáo trong khuôn khổ pháp luật Việt Nam hiện hành*, http://btgcp.gov.vn/Plus.aspx/vi/News/38/0/241/0/1370/Ve_phap_nhan_cua_to_chuc_ton_giao_trong_khuon_kho_phap_luat_Viet_Nam_hien_hanh

4 Art. 79: “Carrying out activities aimed at overthrowing the people’s administration; Art. 87: Undermining the unity policy; Art. 88: Conducting propaganda against the Socialist Republic of Vietnam; and Art. 89: Disrupting security.”

- 5 AsiaNews, *Hanoi Carmelite monastery under government bulldozers. Appeal of the Catholics*, <http://www.asianews.it/news-en/Hanoi-Carmelite-monastery-under-government-bulldozers.-Appeal-of-the-Catholics-26841.html>
- 6 RFA, *Buộc hoàn tục 3 vị sư Khmer Krom vì có liên quan với nước ngoài?* http://www.rfa.org/vietnamese/in_depth/defrock-3-kh-kr-monk-05172013133027.html
- 7 Bản Tin Cao Đài Hải Ngoại, *Nhà nước CS yểm trợ Cao Đài quốc doanh Đàn áp TT Long Bình - Gò công Tây*, <http://bantin.caodaihaingoi.org/news/tindaosu/nhanuoccsyemtrocaodaiquocdoanhghanapttlongbinh-gocongday>
- 8 Quê Mẹ, *Công an bao vây chùa Giác Hoa ở Saigon không cho chư Tăng di chuyển*, http://www.queme.net/vie/news_detail.php?numb=2064
- 9 Tiếng Chim Việt, *Về Đại Lễ 25/2 Âm (2013) Kỷ Niệm ngày Đức Huỳnh Giáo Chủ thọ nạn*, <http://www.tiengchimviet.com/2013/04/phat-giao-hoa-hao-thuan-tuy-ban-tin-ky.html>
- 10 RFA, *Một hình thức khác của đàn áp tôn giáo*, http://www.rfa.org/vietnamese/in_depth/anoth-form-reli-perse-12262013054234.html
- 11 Christian Solidarity Worldwide, *Vietnam: Fresh reports shed light on death of church leader in police custody*, <http://dynamic.csw.org.uk/article.asp?t=press&id=1520>
- 12 VRNs, *Tường trình lễ Thượng Tọa bị đàn áp tại Tây Ninh*, <http://chuaacuthenews.wordpress.com/2013/09/15/>
- 13 Dân Quyền, *Hồ sơ nhân quyền: Đàn áp Pháp Luân Công tại Việt Nam là có hệ thống*, <http://diendanxahoidansu.wordpress.com/2014/01/04/ho-so-nhan-quyen-dan-ap-phap-luan-cong-tai-viet-nam-la-co-he-thong/>

VI. SOME ARE “MORE EQUAL THAN OTHERS”: SOCIAL INEQUALITY AND DISCRIMINATION

In addition to signing the Universal Declaration of Human Rights, the International Covenant on Economic Social and Cultural Rights, and the International Covenant on Civil and Political Rights, Vietnam has also participated in many other conventions on anti-discrimination such as the International Convention on the Elimination of All Forms of Racial Discrimination (1981), the International Convention on the Elimination of All Forms of Discrimination against Women (1982), and the Convention on the Rights of Persons with Disabilities (2008). Vietnam’s Constitution, as amended in 2013, also expressly states that “all people are equal before the law” and that “no one is subject to discriminatory treatment in the political, civil, economic, cultural, or social life” (Article 16). Throughout the history of Vietnam, however, the society had never been as fragmented as it has been under the current rule of the Communist Party of Vietnam (CPV).

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

1. Discrimination against Adherents of the Old Regime

In recent years, in order to attract manpower and financial resources from the overseas Vietnamese communities, the Vietnamese Government once again dusted off the “reconciliation” slogan which they had once

used on the constituents eager to stop the war at all costs before 1975. But after 1975, however, the government has employed a completely different policy toward those who had lost the war. Hundreds of thousands of soldiers, officers, and civil servants of the former Republic of Vietnam (RVN) were sent to prisons disguised as “re-education camps.” Thousands of people died of starvation and abuses. Homes were appropriated. Many families were deported to new economic zones. Children were deprived of the right to go to school. Although the war ended nearly four decades ago, soldiers and officials of the RVN and their offsprings are still being treated as colonial citizens.



“Do not help disabled veterans of the puppet regime. They are traitors.” A disabled veteran of South Vietnam Army is begging for survival in a Saigon street. Photo Hoa Lai Saigon

Most tragic is the plight of disabled veterans of the former Armed Forces of the Republic of Vietnam (ARVN). In 2013, in addition to increasing monthly benefits for the 1,470,000 people with meritorious services to the regime and their family members, the government spent trillions of Vietnamese Dong to support housing, healthcare incentives, education, investment loans for this group of privileged people.¹ Meanwhile, the government has not only refused to help, but also took vengeance against the less fortunate citizens who happened to be on the opposite side of the Vietnam War and who had even lost parts of their bodies. One typical case involved the government's attempt to prevent the Most Venerable Thich Khong Tanh from helping wounded veterans of the ARVN at the Lien Tri Temple.² The other case involved Mr. Pham Ba Hai, a founding member of the Bach Dang Giang Foundation, who was sentenced to 5 years in prison in 2006 only because he had wanted to help the wounded veterans of ARVN. Government security agents even told Mr. Hai: "Do not help disabled veterans of the puppet regime. They are traitors."³

The government discriminates not only against the living, but also against the dead. In recent years, the government has spent trillions of Dong to find the remains of Communist soldiers missing in action and building hundreds of martyrs' cemeteries across the country. At the same time, it has leveled a good part of the 50 ARVN military cemeteries that had been built during the war. One particular graveyard, the Bien Hoa Military Cemetery where 16,000 ARVN soldiers had been laid to rest, had been left in ruins until 2006, when Prime Minister Nguyen Tan Dung signed Decree #1568/QD-TTg annexing it to Binh Duong Province "for civilian use in economic and social development."

2. Discrimination against Religious People

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

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

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

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

For embellishment, the government usually sets a certain quota for religious candidates who meet the CPV's loyalty standard to be elected to Parliament. In essence, the CPV never trusts people of faith. No religious believer is allowed to hold any important national or local position of real authority. Even in areas where Catholics make up a majority of the demographics, such as in Thai Binh and Dong Nai, the highest positions given to Catholics are village chiefs.⁴

3. Discrimination against Ethnic Minorities

Vietnam's population comprises of 54 ethnic groups, of which the Lowlanders (the Kinh) account for 87%. Except for the Chinese, who are mostly entrepreneurial and living in the metropolitan areas, the rest of the ethnic groups live in remote mountainous areas in the Central Highlands and Northwestern part of Vietnam. A large number of ethnic groups have their own languages and customs. The policy prohibiting discrimination and divisive acts between the races is stipulated in section 5.2, Article 5 of the 2013 Constitution: "All ethnicities are equal, and shall unite, respect and assist one another for mutual development; all acts of discrimination and division of ethnicities are prohibited." In reality, however, racial discrimination is still a grave concern of ethnic minorities. Discrimination against ethnic minorities are particularly prominent in the areas of the economy, education, and politics.

3. 1. Discrimination against Ethnic Minorities: Economic Inequality

A vast majority of the ethnic minorities depends on husbandry as their main livelihood. Land is the primary, if not the only, source of life for the ethnic minorities. After 1975, with the population relocation and deforestation policy in favor of industrial plantation, the Highlanders' living space has dwindled. The official figures show that the population in these areas has increased from 1.5 million in 1975 to about 6 million people in 2010.⁵ Most of the increase consist of newcomers who are families of Northern officials. State agricultural development policies encouraging large-scale agricultural farming and rubber production for export have pushed the natives farther into remote, infertile lands. According to the Forest Trends Organization in Vietnam, currently forestry companies manage

over 2 million hectares; each forestry site, on average, occupies 100 hectares of arable land. Meanwhile, nationwide there are still 327,000 ethnic minority households lacking land for housing and tillage. The average land acreage of the 16 ethnic groups of smaller populations (less than 10,000 people) is only about 0.1 Ha/person, of which that of Pa` Then is the lowest, at 0.04 Ha/person.⁶ Even though they have put up resistance against this brutal invasion, these ethnic groups are unable to deter those who have political power, money, and guns from violating their rights.

The "Hunger Elimination and Poverty Reduction Programs," established after the Economic Reforms, have helped increase the average income per capita. The increase, however, is primarily dependent on the amount of foreign investments and aids. Furthermore, the increase in gross national product (GNP) has also widened the rich-poor gap. A report by the World Bank in 2013 shows that 53 ethnic minority groups, which account for less than 15% of the total population, account for about 50% of the poor population nationwide.⁷ The gap has not decreased as the state claims. On the contrary, according to the results of an independent study, the proportion of poor ethnic minorities has increased steadily from 18% in 1990 to 56% recently.⁸



The proportion of poor ethnic minorities has increased steadily from 18% in 1990 to 56% recently. Photo TuoitreNews

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

An inevitable corollary of poverty is lack of education. The Syracuse University's 2010 study on the educational status of the J'rai in Gia Lai and the Cham in An Giang shows a huge education gap between the Kinh and ethnic minorities.⁹ Ethnic minority children have higher dropout rates. The number of ethnic minorities attending high school and college is very modest compared to that of the Kinh population. An equally important factor that causes the ethnic minority students' high dropout phenomenon, especially during the first years in school, is the language barrier.¹⁰ In recent years, Vietnam has experimented with bilingual teaching for a number of primary schools in areas with large ethnic populations. The result, however, is very modest because of the scarcity of teachers who are bilingually capable. The report by the Council of Indigenous Peoples in Today's Vietnam, submitted to the UN Human Rights Council in June 2013, also pointed to the education policy that discriminates against ethnic minorities who want to study abroad. According to the report, of the 15,000 students that the government of Vietnam allowed to study in the United States in 2012, none was of ethnic minority background.

Concerning health care for ethnic minorities, Article 58 of the Constitution specifies: "State policy prioritizes health care for ethnic minorities, people living in mountainous areas, on islands, and in areas that have extremely difficult socio-economic conditions." However, according to the 2013 study on the health care of ethnic minorities in Vietnam by a group of international experts from universities, ethnicity, far more than income and education levels, is the major factor that causes discrepancy in health care among the peoples.¹¹ In the 2013 report, the Norwegian Agency for Development Cooperation Norway (NORAD) also confirmed that the likelihood of dying before the age of five is almost four times greater for children



How to go to school in this situation? Ethnic minority children are wading through a jungle stream to school in Gia Lai Province. Photo tingialai.vn

of ethnic minorities than for other children in Vietnam.¹²

3. 3. Discrimination against Ethnic Minorities: Political Inequalities

Vietnam now boasts that the ratio of ethnic minority representatives in the National Assembly exceeds the ethnic composition of the general population, and that that is the result of the political exercise by ethnic groups.¹³ As with the proportion of religious or female representatives in the National Assembly, however, this quota is but a façade put up by the CPV. In Vietnam's one-party regime, the purpose of elections is only to strengthen the power of the ruling party. The so-called ethnic representatives are people whom the central government selects for the task of conveying orders from above. Ethnic minorities in villages and communes have no self-governed mechanism to represent their interests. The only means left for them to express their aspirations is through rallies or other forms of protest, which have led to mass crackdowns or individual persecutions that ethnic minorities have had to endure. In 2013, there were numerous crackdowns against ethnic minorities in the Northern Highlands, the Central Highlands, and the Mekong Delta. For example, on May 28, 2013, eight ethnic followers of the Hà Môn

Religious Sect were sentenced to a total of 63 years in prison in Mang Yang district, Gia Lai Province, on charges of “undermining the [state’s] unity policy.” On September 25, 2013, a group of 9 Khmer Krom in Soc Trang was sentenced to 10 months to 1 year in prison for “causing public disorder.” In October 2013, a group of Hmong petitioners from the four Northern provinces who gathered at Mai Xuan Thuong Flower Garden was suppressed and forcefully sent back to their native lands by Hanoi police.

NOTES

- 1 VOV.VN, *Rà soát công tác thực hiện chính sách ưu đãi người có công*, <http://vov.vn/Xa-hoi/Ra-soat-cong-tac-thuc-hien-chinh-sach-uu-dai-nguoi-co-cong/294418.vov>
- 2 VRNs, *Công an tấn công chùa Liên Trì vì phát quà Noel cho Thương phế binh*, <http://www.chuacuuthe.com/2012/12/cong-an-tan-cong-chua-lien-tri-vi-phat-qua-noel-cho-thuong-phe-binh/>
- 3 Phạm Bá Hải - *Thư Gửi Hội H.O. Cứu Trợ Thương Phế Binh và Quà Phụ VNCH*, <https://danluan.org/tin-tuc/20111029/pham-ba-hai-thu-gui-hoi-ho-cuu-tro-thuong-phe-binh-va-qua-phu-vnch#comment-96317>
- 4 Rev. Peter Nguyễn Văn Khải, CSsR, *Status of religious freedom in Vietnam: The Catholic Church’s situation*, <http://www.chuacuuthe.com/2011/10/status-of-religious-freedom-in-vietnam-the-catholic-church%E2%80%99s-situation/>
- 5 Vu Quoc Ngu, *Land Ownership in Vietnam and Land Seizure in One-party State*, http://www.spidh.org/fileadmin/spidh/FMDH_2013/Appel/Intervenants/Land_Grabbing_VU_Quoc_Ngu_Full_Report.pdf
- 6 Báo Đại Đoàn Kết, *Giải quyết tranh chấp đất đai giữa người dân và lâm trường: Tạo cơ chế để người dân không thiếu đất sản xuất*, <http://daidoanket.vn/PrintPreview.aspx?ID=63251>
- 7 The World Bank Group, *Poverty Reduction in Vietnam: Remarkable Progress, Emerging Challenges*, <http://www.worldbank.org/en/news/feature/2013/01/24/poverty-reduction-in-vietnam-remarkable-progress-emerging-challenges>
- 8 Hung Pham Thai et al., *Poverty of the Ethnic Minorities in Vietnam: Situation and Challenges from the Poorest Communes*. MPRA Paper No. 50372, posted 4. October 2013 12:52 UTC. <http://mpa.ub.uni-muenchen.de/50372/>
- 9 Hong Anh Vu, *Hiện trạng Bất Bình Đẳng Giới trong cộng đồng người dân tộc thiểu số*, Syracuse University,

29/09/2010

- 10 Le Thuc Duc and Tran Ngo Minh Tam, *Why Children in Vietnam Drop out of School and What They Do After That*. Young Lives, Oxford Department of International Development (ODID), University of Oxford, Queen Elizabeth House, 3 Mansfield Road, Oxford OX1 3TB, UK
- 11 Mats Målqvist et al., *Ethnic minority health in Vietnam: a review exposing horizontal inequity*, *Glob Health Action* 2013, 6: 19803 - <http://dx.doi.org/10.3402/gha.v6i0.19803>
- 12 Norad. <http://www.norad.no/en/countries/asia-and-oceania/vietnam--405965>
- 13 Báo điện tử Đảng Cộng sản Việt Nam, *Các dân tộc bình đẳng, đoàn kết, tôn trọng và giúp nhau cùng tiến bộ*, http://dangcongsan.vn/cpv/Modules/Preview/PrintPreview.aspx?co_id=20207&cn_id=634220

VII. SEVERE RESTRICTION OF WORKERS' RIGHTS

Vietnam is a member of the International Labor Organization (ILO) since 1980, and it has ratified most of the ILO's international conventions on labor.¹ However, in practice Vietnam continues to violate the rights of workers on various aspects of the law, especially the right to organize unions and the right to strike throughout the year 2013.

1. Violations of Workers' Rights in Labor Legislation

Vietnam amended the 1994 Labor Law and the 1990 Trade Union Act in 2012. The 2012 Trade Union Act came into effect on January 1, 2013 and the Labor Law on January 5, 2013. Despite these amendments, both Laws still maintain the positions and functions of trade unions as the Communist Party's peripheral organizations². It is illegal to establish workers organizations outside of the Vietnam General Confederation of Labor (VGCL). The 2012 Labor Law also stipulates restrictive conditions to nullify workers' right to strike. Article 210 specifies: "Legal strike must be organized and led by Trade Union Executive Committees." In reality, however, 70% of the strikes that occurred at business sites with trade union establishments from 1995 to 2013 were not organized by the VGCL.³

Article 213 of the 2012 Labor Act stipulates: "When more than 50% of those consulted agreed with the union executive committee's plan, the committee shall have the decision to strike in writing." However, no one could hold a roll call or would dare to go around collecting signatures,

for doing so would result in arrest. Mr. Mai Duc Chinh, Vice President of the VGCL, even admitted that these conditions were not realistic as they are hardly feasible.⁴ Article 215 of the 2012 Labor Law specifies cases where striking is considered illegal when it is carried out at premises of companies that are on the no-strike list prescribed by the Vietnamese government.

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

On May 10, 2013, the Government issued Decree 46/2013/NĐ-CP providing guidance for the Labor Code on labor disputes. Under this decree, the right to strike is actually a boon that local governments grant to workers. In addition to the wide range of restrictions on professions, place and time of the strike, workers who take part in strikes are threatened with withholding pay and "disciplinary measures in accordance with labor regulations and other provisions of the law" if they do not return to work at the request of the government. In reality, the validity of these regulations is only on paper. So far, as mentioned above, there has never been any "legal strike"—that is, strikes organized by the local trade unions, with the government's consent.

During negotiations on the Transpacific Partnership Free Trade Agreement (TPP), the Vietnamese Communist Government always tries to resist terms allowing independent unions

sponsored by the United States—despite the support for these terms from the International Trade Union Confederation (ITUC) and seven major unions of the TPP member countries.⁵

With regards to the labor-related age limit, although Vietnam has signed on to Convention 138 on the minimum working age, and Convention 182 on prohibition and urgent measures to eliminate child labor abuses, the 2012 Labor Law still allows employers to hire even children under 15 years of age,⁶ as long as these jobs are not on the list issued by the Ministry of Labor, War Invalids and Social Affairs.⁷

2. Violations of Workers' Rights in Practice

In addition to seeking ways to prohibit the formation of independent trade unions and prevent strikes by legislation, Vietnam, in 2013, violated the rights of workers in many ways, most notably in the continuation of:

- Worker Exploitations
- State-Sanctioned Forced Labor Policy
- Labor Export Policy without Regard to Human Rights and Dignity
- Suppression of Workers' Rights Advocates

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

The number of spontaneous strikes in 2013 was significantly lower than that of 2012. According to government reports, there were 355 strikes overall, down 151 from 2012.⁸

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



Food poisoning has become a constant concern for workers and their families. Workers affected by food poisoning were given care at District 12 Hospital in Ho Chi Minh City on March 5, 2013. Photo Báo Người Lao Động

In recent years, 85-90% of the number of strikes was triggered by wage disputes.⁹ According to a study by the Institute for Workers - Trade Unions, even when the current minimum wage was increased than 30%, it would only meet 77-84% of the minimum living standards for workers.¹⁰ This estimate was consistent with the results of the Vietnam Labor Organization's 2013 study showing workers' average monthly wage of \$110 USD while the livable minimum wage was \$150 USD.¹¹

Usually, the number of strikes peaks around the Lunar New Year Day (Tet), when employers fail to repay the wage withholdings known as the "Tet Bonuses."¹² Actually, this is a tactic employers use to exploit their employees. Each month, they unilaterally hold back 1/12 of the workers' salary, use this huge amount as an interest-free loan, and repay the debt right before the Lunar New Year Day as "Tet bonuses," or in a more polished way, the "13th month salary." The failure to repay the debt by some employers in the month leading to Tet triggers the traditional pre-Tet wave of strikes. It is noteworthy that workers who take leave before Tet will involuntarily forfeit the money employers "borrowed" from them. To put in numeric terms, if each year 1,000 employees left before Tet, and on average each employee worked for 6 months before taking their leaves, an employer would pocket the interest-free loan amounting to the yearly wages of 500

employees.

On top of that, workers have to work in unsafe conditions. Each year, approximately 6,000-7,000 labor-related accidents are reported across the country. The actual number could be up to 40,000 as revealed by Deputy Minister of Labor, War Invalids, and Social Affairs Bui Hong Linh. The reason for this disparity is because 95% of the accidents go unreported.¹³ The labor accidents of particular interest are those in the coal mining industry and construction. In the past 10 years, the number of accidents, deaths, and injuries due to accidents in the coal industry has almost doubled. The number of labor accidents in the construction industry accounts for approximately 30% of all the accidents, and is increasing by the day.

As to why labor accidents are increasing, the Minister of Labor, War Invalids, and Social Affairs admits that “the high numbers of labor accidents is primarily caused by employers’ lack of responsibilities in implementing plans to protect working conditions and ensure safety.”¹⁴

Workers have to worry about not only insufficient wages and occupational safety, but also the safety of food at the workshops. Food poisoning has become a constant concern for workers and their families. The press reported thousands of such cases in 2013. There were cases of large-scale food poisoning involving more than a thousand employees, such as the incident on April 10, 2013 at Wondo Vina Company (based at Long Binh Dien Commune, Cho Gao District, Tien Giang Province) in which 1,200 workers were sent to the hospitals.¹⁵

According to a survey of the health sector, the poor quality of food is the main cause of food poisoning. The meager standard meals (at about 7000-12000 Dong, or \$0.33-\$0.57 USD) not only adversely affect workers’ productivity, but also weakens the physical and intellectual well-

being of future generations. According to Dr. Do Thi Ngoc Diep, director of the Ho Chi Minh City Nutrition Center, nearly 30% of workers in Ho Chi Minh City are undernourished.¹⁶

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

Undoubtedly, all prisons and correctional camps, and even some social and labor education centers in Vietnam, are forced-labor camps. In 2011, the forced labor regime in Vietnam drew worldwide attention through a report by Human Rights Watch entitled “*The Rehab Archipelago: Forced Labor and Other Abuses in Drug Detention Centers in Southern Vietnam*,”¹⁷ that exposed the true face of the so-called “rehab centers,” which, in reality, were concentration camps where drug addicts’ labor was exploited for profits. According to the Ministry of Labor, War Invalids and Social Affairs’ 2013 report, nationwide there were 123 Social Labor and Education Centers and 20 state-managed post treatment centers entrusted with the custody and rehabilitation of 37,605 inmates.¹⁸



Prisoners at Ba Sao prison in Nam Hà province are forced to work hard without any pay. Photo Báo Đại Đoàn Kết

In July 2012, Human Rights Watch published a new report entitled “*Torture in the Name of Treatment: Human Rights Abuses in Vietnam, China, Cambodia, and Lao PDR.*” According to this document, ‘labor therapy,’ as the governments of those countries call it, is essentially forced labor.¹⁹ In July 2012, the Germany-based International Society for Human Rights (IGFM) also launched a campaign to boycott cashews produced by forced labor camps in Vietnam.²⁰ According to the IGFM’s report, Prison Camp Z30A at Xuan Loc in South Vietnam’s Dong Nai province, with its roughly 7,000 inmates, was the primary facility of Thanh Binh Cashew Export Company owned by the Vietnamese People’s Army. Some former political prisoners told IGFM that they had been forced to produce up to 32 kg of grade-B cashew per day. Prisoners who refused to work or did not meet production targets were put in solitary confinement.

Another aspect of forced labor is the mistreatment of children and forcing them to work in dangerous conditions. Even though the government, with the assistance of international child-protection agencies, has had ambitious plans to end this practice within 4 years (2010-2015),²¹ millions of children still have to work to increase their families’ income. A number of them work and go to school at the same time, but many others in the countryside do not even know what schooling is. Many have to work in handicraft factories or sewing firms. In September 2012, the U.S. Government added Vietnam to its list of 74 countries where children as young as 5 years old were subjected to serious labor abuses and human trafficking. According to the document, the two fields that employ child labor in Vietnam are the garments and brick making industries.²² Another report by the U.S. Government in 2013 also confirmed that U.S. Department of Labor’s staff had discovered children being forced to work in some garments factory during their visits to Vietnam.²³ The 2013 on-the-spot study by the

International Labor Organization (ILO) showed cases in which children as young as 14 worked in factories and that factory owners did not have the necessary procedures to check the age of workers before hiring.²⁴

However, the most common “professions” for children in Vietnam are serving as domestics to wealthy families, selling small items in public places such as lottery tickets, shining shoes etc.



Millions of children still have to work to increase their families’ income. This girl child is working in stone quarry Ru Moc, Ha Tinh for family food. Photo Dantri.com.vn

During the June 23, 2013 World Day against Child Labor in Hanoi, the MLWI&SA and the ILO called for special attention to children’s domestic labor. The Conference, however, did not give any specific figure of domestic children, nor did it recommend any possible solution to mitigate this situation.²⁵

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

There are at the present time half a million or so Vietnamese workers in Malaysia, Taiwan, the Middle East, and elsewhere. In 2013, the total number of Vietnamese sent abroad as export laborers was 88,155. Many of them are victims

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

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

In tandem with the monopoly of labor unions and restriction of strikes, the state ruthlessly suppresses individuals and movements fighting for workers' rights and/or trying to form independent labor unions. Since 2006, along with the participation in strikes around the country, especially in the South, many individuals have come together to demand the government to ameliorate the workers' life, particularly to allow the formation of free labor unions according to the International Human Rights Law and International Labor Standards. As of 2013, a number of leading workers' rights advocates were still imprisoned, including Nguyen Hoang Quoc Hung (9-year sentence), Doan Huy Chuong and Do Thi Minh Hanh (7-year sentence each), Phan Ngoc Tuan and Le Thanh Tung (5-year sentence each). These prisoners of conscience have been frequently beaten and tortured, continually moved from one prison camp to the other in remote and nearly inaccessible areas. The circumstances in

which Mr. Le Tri Tue, one of the founders of the Independent Trade Union who went missing in May 2007 after he had escaped to Kampuchea to seek political asylum, is still an issue that must be raised with the Vietnamese security agencies.

NOTES

- 1 Vietnam has ratified 22 conventions of the ILO, including five important Conventions (C.29 on forced or compulsory labor, C.100 on Equal Remuneration for Men and Women Workers, C.111 on Discrimination (Employment and Occupation), C.138 on the minimum age for admission to employment and work, and C.182 on the Worst Forms of Child Labor (Source: MLWI&SA, *Convention of the international labor Organization (ILO) Viet Nam has ratified*, <http://www.molisa.gov.vn/news/detail/tabid/75/newsid/55722/seo/Cong-uoc-cua-To-chuc-lao-dong-quoc-te-ILO-Viet-Nam-da-phe-chuan/language/vi-VN/Default.aspx>)
 - 2 Article 1. Law on Trade Union 2012: "Trade Union means a great socio-political organization of the working-class and laborers. Trade Unions are founded on the voluntary basis and are a component part of the political system of the Vietnamese society, placed under the leadership of the Communist Party of Vietnam."
 - 3 Báo Lao Động, *Vì sao hơn 5.000 cuộc đình công không do công đoàn lãnh đạo?* <http://laodong.com.vn/cong-doan/vi-sao-hon-5000-cuoc-dinh-cong-khong-do-cong-doan-lanh-dao-129494.bld>
 - 4 Tiền Phong Online, *Cho phép đình công để bảo vệ công đoàn*, <http://www.tienphong.vn/Kinh-Te/574966/Cho-phep-dinh-cong-de-bao-ve-cong-doan-tpp.html>
 - 5 Phòng Thương mại và Công nghiệp Việt Nam, *Dự thảo Chương lao động trong đàm phán Hiệp định TPP - Thách thức lớn cho Việt Nam?* <http://trungtamwto.vn/tpp/du-thao-chuong-lao-dong-trong-dam-phan-hiep-dinh-tpp-thach-thuc-lon-cho-viet-nam>
- Teamster raises Vietnam's labor rights with US Trade Representative* <http://protectvietworkers.wordpress.com/2013/08/27/teamster-raises-vietnams-labor-rights-with-us-trade-representative/>
- 6 Article 163 of the 2012 Labor Law: "The working hours of the underage employee from full 15 years of age to under 18 years must not exceed 08 hours in 01 days and 40 hours in 01 week."
- "The working hours of person under 15 years must not exceed 4 hours in 01 day and 20 hours in 01 week without working overtime and at night."

- 7 Article 164 of the 2012 Labor Law: “The employer is only entitled to employ the person from full 13 years and under 15 years to perform light job under the list prescribed by the MLWI&SA.”
- 8 Tạp chí Lao động và Xã hội, *Triển khai trực tuyến công tác lao động, người có công và xã hội năm 2014*, <http://tcldxh.vn/ArticlesDetail/tabid/193/cateid/3/id/11062/language/vi-VN/Default.aspx>
- 9 Báo Lao Động, *85 - 90% số vụ đình công có nguyên nhân từ yếu tố tiền lương*, <http://laodong.com.vn/cong-doan/85-90-so-vu-dinh-cong-co-nguyen-nhan-tu-yeu-to-tien-luong-137037.bld>
- 10 Báo Mới, *Việt Nam tăng tỷ lệ người siêu giàu: Khoảng cách giàu – nghèo cũng gia tăng?* <http://www.baomoi.com/Viet-Nam-tang-ty-le-nguoi-sieu-giau-Khoang-cach-giau--ngheo-cung-gia-tang/45/11946633.epi>
- 11 Lao Động Việt, *Working And Living Conditions For Workers In Vietnam's Seafood Cannery Factories*
- 12 Việt Báo Online, *Đình Công Xây Ra Nhiều Nơi Vì Bớt Lương, Quên Tiền Tết; Tổng kết Sài Gòn 2012: Có 103 Trường Hợp Đình Công, Đa Số Vì Nợ Lương...*, http://vietbao.com/D_1-2_2-282_4-202009/
- 13 Báo Mới, *Mỗi năm cả nước xảy ra 40.000 vụ tai nạn lao động*, <http://www.baomoi.com/Moi-nam-ca-nuoc-xay-ra-40000-vu-tai-nan-lao-dong/144/10590729.epi>
- 14 VnExpress.net, *Tai nạn lao động tăng do sử dụng máy móc lạc hậu*, <http://vnexpress.net/gl/xa-hoi/2012/12/tai-nan-lao-dong-tang-do-su-dung-may-moc-lac-hau/>
- 15 Báo VietNamNet, *Gần 1.200 công nhân nhập viện do ngộ độc thực phẩm*, <http://vietnamnet.vn/vn/xa-hoi/143348/gan-1-200-cong-nhan-nhap-vien-do-ngo-doc-thuc-pham.html>
- 16 Báo Người Lao Động, *Ngộ độc thực phẩm đang giết người*, <http://nld.com.vn/suc-khoe/ngo-doc-thuc-pham-dang-giet-nguoi-20131008095021941.htm>
- 17 Human Rights Watch, *The Rehab Archipelago: Forced Labor and Other Abuses in Drug Detention Centers in Southern Vietnam, September 2011.*
- 18 Lao Động, *Một năm tăng thêm gần 13.000 người nghiện ma túy*, <http://laodong.com.vn/Xa-hoi/Mot-nam-tang-them-gan-13000-nguoi-nghien-ma-tuy/82666.bld>
- 19 Human Rights Watch, *Torture in the Name of Treatment: Human Rights Abuses in Vietnam, China, Cambodia, and Lao PDR.* July 2012.
- 20 IGFM, *Boykott gegen Blut-Cashewnüsse aus Vietnam - “Weiße Liste” deutscher Firmen*, <http://www.igfm.de/Vietnam-Boykott-gegen-Blut-Cashewnuesse.3211.0.html>
- 21 Tạp chí Cộng Sản, *Về công tác bảo vệ và chăm sóc trẻ em*, <http://www.tapchicongsan.org.vn/Home/>
- Nghiencuu-Traodoi/2009/766/Ve-cong-tac-bao-ve-va-cham-soc-tre-em.aspx
- 22 United State Department of Labor, *2012 List of Goods Produced by Child or Forced Labor*, September 2012.
- 23 Federal Register /Vol. 78, No. 141 /Tuesday, July 23, 2013 /Notices p. 44159
- 24 *Better Work Vietnam: garment industry 6th compliance synthesis report.* International Labour Office; International Finance Corporation. - Geneva: ILO, 2013
- 25 ILO, *Ngày Thế giới Phòng Chống Lao động Trẻ em 12/6/2013: Không có lao động trẻ em làm thuê giúp việc gia đình!*, http://www.ilo.org/hanoi/Informationresources/Publicinformation/Pressreleases/WCMS_215735/lang--en/index.htm

VIII. DISMAL RECORDS ON SOCIAL JUSTICE AND WELFARE RIGHTS

1. Inequality in Living Standards and Social Services

With the help of many countries and international organizations as well as remittances from a good number of more than 4.5 million Vietnamese expatriates,¹ Vietnam's economy, according to government estimates, has seen significant growth. Average income per capita has risen from U.S \$140 in 1992 to U.S \$1,960 in 2013. The government often boasts that the growth was the result of its Doi Moi ("Economic Renovation"), especially its "Hunger Eradication - Poverty Reduction" policies.

According to the Minister of Labor, Invalids and Social Affairs Pham Thi Hai Chuyen, the country poverty rate over 20 years, from 1993 to late 2013, has gone down from 58 % to 7.8%.² In other words, only about 7 million out of 90 million people in the country remained poor. Meanwhile, according to an independent report by the International Labor Organization (ILO) for the same time period, up to 17 million Vietnamese workers live under the poverty line as set by the state – less than U.S. \$2 a day. There were also another 23 million people who were borderline poor, and were more likely to drop below that level if economic fluctuations happened.³ An independent study also showed that the proportion of the poor had not changed from 2010 to 2012, and the median monthly income for a farmer family was 1.46 million Vietnam Dong (U.S. \$70). This was significant because farmers account for about 68% of the national population.⁴

Many international NGOs have expressed doubts about the reliability of the statistics of the "Hunger Eradication - Poverty Reduction" Program.⁵

The growth in GNP has only further enriched a small number of people. According to the report by consulting firm Wealth-X (Singapore) and UBS Bank (Switzerland), there were 195 Vietnamese millionaires with total assets of U.S. \$20 billion in 2013. In that same year, Vietnam was ranked second in the world in the number of new millionaires (up 14.7 % from 2012).⁶ Meanwhile, the Ministry of Labor, Invalids and Social Affairs documents showed that, within 8 years, the gap between the poorest 20% and the richest 20% had increased from 4.2 times to 8.9



The growth in GNP has only further enriched a small number of people. A poor street vendor walks by the Louis Vuitton shop in the French quarter in Hanoi. Photo Paula Bronstein

times.⁷ Even the CPV Secretary General also admitted at the 8th Conference of the Party Central Committee “The rich - poor divide... shows signs of getting worse.”⁸

Victims of rich - poor disparities could be found across the country. However, the most disadvantaged segments of the population were the ethnic minorities in the Highlands’ remote villages, and the peasants living in the countryside, especially those whose farms have been confiscated to make space for state economic development projects. The disparities were not only evident in income, but also in terms of basic necessities such as electricity, water, medical care, and educational opportunities, etc.

Statistically, the poor were twice as likely to suffer illnesses compared to the wealthy elite. The number of children of the poor who had intermediate vocational or higher education was 11 times less than that of the children of the rich.⁹ A UN study showed that 27% of the children living in the Mekong River Delta did not finish primary school. The number of ethnic minority children falling into this situation was even higher: 35 % in the Central Highlands and 50% in the Northwest part of Vietnam. [Regarding discrimination against ethnic minorities, please read part VI.3: *Discrimination against Ethnic Minorities Discrimination against Ethnic Minorities* of this report]. Vietnam is a land of many rivers. Eighty percent of diseases come from dirty water, and only 39% of the rural population has access to safe and clean water sources.¹⁰

In terms of healthcare, in 2013, the national press reflected fairly enough about deteriorating aspects of the healthcare system, from the quality of service, facility, to personnel, especially the discrimination favoring the rich over the poor. According to a study in Ho Chi Minh City, 76% of the respondents said patients had to give bribe envelopes to the medical staff in order to get treatment. A previous study in Hanoi also noted that about 70% of patients



Poor patients have no choice, they are packed two and three to a bed at a hospital. Photo Báo Đất Việt

had to adopt the same bribing practice.¹¹ A documentary about medical services gave full descriptions of different services in public hospitals. The wealthy patients got to choose different levels of amenities called “voluntary treatments A, B, C,” while poor patients had no such choice. One should note the hypocrisy in the following statement: “The introduction of the service sector represents the Party and the State’s socialization approach to healthcare.”¹²

2. Corruption: the Cause of Human Rights violations

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

The year 2013 was marked by the government’s moves to deal with corruption. First, in terms of the law, the National Assembly in November 2012 passed the Corruption Prevention Legislation and amended the 2005 Anti-Corruption Law, which became effective on February 1, 2013. Then, the government issued four decrees detailing the implementation of the laws. In terms of organization, also since February 1, 2013, CPV Secretary

General Nguyen Phu Trong has wrested the Central Steering Committee on Corruption Prevention from Prime Minister Nguyen Tan Dung. Since then, the Party's Central Internal Affairs Commission has taken direct command and control of the fight against corruption, established seven task forces, and 63 Provincial and Municipal party anti-party committees. Several corruption cases involving some mid-level officials were cited as government anti-corruption achievements in 2013.¹³

Although the rules have been changed and anti-corruption mechanisms enhanced by direct intervention from the highest powers of the Party, corruption has been more intensely rife. Even Vice President Nguyen Thi Doan, on September 11, 2013, admitted, "Now they siphon everything from the people, from allowances for the dead and wounded soldiers, to the money for ethnic children, and the poor..., they 'eat' them all."¹⁴ Mr. Nguyen Van Hien, Chairman of the Legislature's Judiciary Committee, during the National Assembly meeting on October 22, 2013, noted: "In fact, although many prevention measures have been implemented, corruption remains serious, complex, more and more sophisticated and cunning, and there was no sign of subsiding."¹⁵ As for the people, according to the results of Transparency International's 2013 study, up to 55 % of the respondents said corruption had increased in the past two years, and 60% said the state anti-corruption job was not effective.¹⁶

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

has become the unwritten law in most public hospitals.

According to Transparency International's 2013 Corruption Perceptions Index, Vietnam was ranked 116 out of 177 countries. Also according to Transparency International, traffic police were thought to be the most corrupt, followed by land management and healthcare providers. In terms of money, however, bribes for traffic police and "envelopes" for medical staff were "petty corruptions" as compared with the billions of Vietnam Dong that high-ranking officials pocketed from negotiations with contractors, monopolistic companies, or service providers. However, abuses of power by the police or medical personnel were first perceived as human rights violations because people had to personally deal with them every day.

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

3. Victims of Injustice: Land Ownership Unfairly Expropriated

In recent decades, Vietnam has undertaken many programs to build infrastructure such as roads, industrial parks, eco-tourism zones, and other public utilities. One of the key factors in the economic plan was land. In the past decade, the land area acquired from farmers has amounted to a million hectares, more than the area of land distributed to farmers during the Socialist Land Reform Campaign in the 50s of the last century (810 thousand hectares).¹⁷

Although urbanization has accelerated in the past decade, Vietnam today is still an agricultural country, where the rural labor force accounts for about 68% of the total population.¹⁸ Land is

the farmers' main livelihood. Thus, forced land confiscation was a tragedy for tens of millions of farmers, who became "victims of injustice" deprived of the land and the livelihood it provides. Nominally, the Government did provide compensation, but does so at such incredibly low and merely symbolic rates that, instead of helping farmers rebuild their lives, such measures pushed them into dead ends.

It's worth noting that while conducting land expropriation activities, government cadres often deliberately overestimate the needs of the plan in order to grab as much land as possible, take hold of the extra land, and resell it to developers willing to pay the highest price (usually 10 times more than the reimbursement rates, or even higher), and pocket the difference.

These victims of unbearable injustice had no choice but to stand up and protest nationwide. One such demonstration that occurred at the end of 1996 attracted thousands of participants from Thai Binh Province, which eventually turned into a series of uprisings for over several months in 1997, attracting tens of thousands of farmers from five of the seven districts of Thai Binh: Quynh Phu, Hung Ham, Tien Hai, Dong Hung, and Thai Thuy. Those were followed by two other uprisings involving tens of thousands

of the Central Highlands ethnic people in 2001 and 2003, then by a demonstration that lasted twenty seven full days and nights in 2007 by thousands of farmers from Southern Vietnam's 19 provinces: Tien Giang, An Giang, Kien Giang, Binh Duong, Binh Phuoc, My Tho, Ben Tre, Long An, Can Tho, Dong Thap, Ba Ria-Vung Tau, Binh Dinh, Binh Thuan..., and nine districts of Saigon.

The injustice and iniquitousness had gone on year after year, and have become more serious and marred in impasse. Not only do the victims rarely receive satisfactory settlements for their legitimate demands, they are instead suppressed with violence and brute force. In 2013, land expropriation continued nationwide, and the outraged people continued their resistance and complaints in many different forms. There were cases involving large numbers of people such as at Duong Noi village, Ha Dong district, Hanoi: On January 17, 2013, the government sent in 200 police officers, civil defense members, and thugs using force to evict the villagers, who in turn fiercely resisted the evictors. In addition, on December 12, 2013, 15 farmers were arrested for having resisted the confiscation of their land for a golf course development, on charges of "opposition to officials on duty."



December 10, 2013, Ha Tinh Province authorities mobilized security forces to illegally confiscate farm lands for a planned golf course. Fifteen farmers were taken in custody. Photo BBC Tieng Viet

Scenes of thousands of landless farmers who did not know where to get help flocking to Hanoi, Saigon and other major metropolises across the country to demand compensations for land that the authorities had seized for 'development purposes' continued in 2013. The dispossessed farmers staged long-running protests outside public buildings, such as the National Assembly in Hanoi or other local government offices, to denounce corruption and injustice, and to ask for fair compensation. The victims had to try to survive in the open, in harsh weather at the Mai Xuan

Thuong or Ly Tu Trong parks located near the West Lake in Hanoi, as they pursued their legal demand for justice.¹⁹ In addition, the authorities often sent in police and thugs to chase them away, suppress, and brutally attack them.

Cases in which frustrated people violently reacted against the government's oppression like that of the Doan brothers in 2012 in Tien Lang, Hai Phong continued to occur in 2013. On November 22, 2013 Mr. Van Ngo Hao and his son, Mr. Ngo Van Hieu, with their knives, fiercely fought off and injured 6 civil defense agents who had come to dismantle their house in Ninh Kieu District, Can Tho.²⁰ Some victims sought death to expose the injustice. Mr. Dang Ngoc Viet of Thai Binh Province, choked with anger because of the confiscation of his land, went on a rampage and after having fired at officials in charge of land management, took his own life on September 11, 2013;²¹ or the case of Mr. Nguyen Viet Thanh of Da Nang city, who hanged himself because local authorities had taken his land without fair compensation.²²

According to the Government Inspectorate's 2013 report, nearly 80% of the complaints came from the housing and land sector.²³ The Justice and Peace Bureau of the Redemptorist Church in Saigon, from March 24, 2013, to April 12, 2013, received a total of 511 documents denouncing individuals and groups, including 477 documents involving land issues, a rate of 93.35%.²⁴ Because an amendment to the Land Law was urgently needed, it was included in the National Assembly's 2013 legislative agenda. On November 29, 2013, Congress passed the Land Act of 2013 which took effect on January 7, 2014. Fundamentally, the 2013 Land Law, incorporated into the earlier amended Constitution under Article 53, only reiterated Article 5 of the 2003 Land Law that stated: "Land is public property, owned by all the people, and represented and uniformly managed by the State."



July 4, 2013, Victims of injustice from Văn Giang rallied in front of Vietnam Fatherland Front Office, 46 Tràng Thi – Hà Nội.
Photo xuandienhannom

It is the sameness of these two articles that has turned the 2013 Land Law into "old wine in new bottle."²⁵ In their comments on the draft-amendments to the 2013 Constitution and the Land Law of 2013, many scholars and organizations had warned the government about using the notion of "public land ownership," which was the cause of public property abuse and Human Rights violations against the people. As long as the authorities do not respect the farmers' ownership of land, the latter's human rights are still being denied.

NOTES

- 1 BBC, *Việt Nam xếp thứ 9 thế giới về kiều hối*, http://www.bbc.co.uk/vietnamese/business/2013/10/131004_vn_remittances_ranking.shtml
- 2 Báo điện tử Đảng Cộng sản Việt Nam, *Năm mới, nỗ lực thực hiện giảm nghèo bền vững*, http://dangcongsan.vn/cpv/Modules/News/NewsDetail.aspx?co_id=28340759&cn_id=633173
- 3 ILO, *17M Vietnamese Laborers Living Under Poverty Line*, <http://www.ngocentre.org.vn/news/17m-vietnamese-laborers-living-under-poverty-line-ilo>
- 4 The China Post, *Vietnam's rural incomes fall, poverty rate unchanged*, <https://www.chinapost.com.tw/asia/vietnam/2013/08/18/386685/Vietnams-rural.htm>
- 5 The VUFO-NGO Resource Centre, *Vietnam Spends*

- \$3.6B on Poverty Reduction Programs Yearly*, <http://www.ngocentre.org.vn/news/vietnam-spends-36b-poverty-reduction-programs-yearly>
- 6 Vietnam Bridge, *Vietnamese income “average”, spending “extravagant”*, <http://english.vietnamnet.vn/fms/business/91128/vietnamese-income--average--spending--extravagant-.html>
- 7 Báo mới.com, *Chỉ có phần lớn người Việt nghèo*, <http://www.baomoi.com/Chi-co-phan-lon-nguoi-Viet-ngheo/45/11186694.epi>
- 8 Tạp chí Xây Dựng Đảng, *Cán bộ lãnh đạo, quản lý nêu cao tinh thần trách nhiệm, gương mẫu thực hiện Nghị quyết Hội nghị Trung ương 8*, <http://www.xaydungdang.org.vn/Home/thoisu/2013/6699/Can-bo-lanh-dao-quan-ly-neu-cao-tinh-than-trach-nhiem.aspx>
- 9 Báo Lao Động, *Khoảng cách ghê gớm*, <http://laodong.com.vn/su-kien-binh-luan/khoang-cach-ghê-gom-87166.bld>
- 10 The Water Project, *Water in Crisis – Vietnam*, <http://thewaterproject.org/water-in-crisis-vietnam.php>
- 11 Báo Người Lao Động Điện Tử, *“Phong bì” và quyền của bệnh nhân*, <http://suckhoedinhduong.nld.com.vn/suc-khoe/phong-bi-va-quyen-cua-benh-nhan-20130223092112307.htm>
- 12 Báo VietNamNet, *Phân biệt giàu nghèo trong bệnh viện công*, <http://www.tintucngaynay.com/tintuc/vietnamnet.vn/vn/xa-hoi/83441/phan-biet-giau-ngheo-trong-benh-vien-cong.htm>
- 13 Báo mới.com, *Xét xử 2 “đại án” tham nhũng nổi bật 2013 với 4 án tử*, <http://www.baomoi.com/Xet-xu-2-dai-an-tham-nhung-noi-bat-2013-voi-4-an-tu/58/12765727.epi>
- 14 Tiền Phong, *10 phát ngôn ‘đáng suy nghĩ’ năm 2013*, <http://www.tienphong.vn/xa-hoi/10-phat-ngon-dang-suy-nghi-nam-2013-665409.tpo>
- 15 Dân Trí, *Minh bạch tài sản mà không phát hiện “sếp” công ích nhận lương khủng*, <http://dantri.com.vn/chinh-tri/minh-bach-tai-san-ma-khong-phat-hien-sep-cong-ich-nhan-luong-khung-792674.htm>
- 16 Transparency International, *2013 Global Corruption Barometer - Views and Experiences from Vietnamese Citizens*, http://archive.transparency.org/regional_pages/asia_pacific/transparency_international_in_vietnam
- 17 East Asia Forum, *Vietnam’s land law reforms: radical changes or minor tinkering?* <http://www.easiaforum.org/2013/05/14/vietnams-land-law-reforms-radical-changes-or-minor-tinkering/>
- 18 Tổng Cục Thống kê Việt Nam, *Dân số trung bình phân theo giới tính và thành thị, nông thôn*, <http://www.gso.gov.vn/default.aspx?tabid=387&idmid=3&ItemID=14631>
- 19 Lê Hiền Đức, *Công an dân phòng đánh dân oan nhập viện!* http://lehienduc2013.blogspot.com/2013/10/cong-dan-phong-anh-dan-oan-nhap-vien_4.html
- Xuân Việt Nam, *Dân oan bị đàn áp tại trụ sở thanh tra chính phủ!* <http://danoan2012.blogspot.com/2013/08/dan-oan-bi-ap-tai-tru-so-thanh-tra.html>
- Xuân Việt Nam, *Tin nóng : công an và côn đồ đánh dân oan tại vườn hoa Mai Xuân Thưởng!* <http://danoan2012.blogspot.com/2013/01/tin-nong-cong-va-con-o-anh-dan-oan-tai.html>
- 20 Dân Trí, *Phản đối cưỡng chế nhà, hai cha con chém 6 người bị thương*, <http://dantri.com.vn/xa-hoi/phan-doi-cuong-che-nha-hai-cha-con-chem-6-nguoi-bi-thuong-806374.htm>
- 21 RFA, *Máu đã đổ, người đã chết... vì cưỡng chế đất*, <http://www.rfa.org/vietnamese/blog/09182013-blogs-menam-09182013140710.html>
- 22 Báo Đất Việt, *Treo cổ vì chưa nhận được tiền đền bù đất*, <http://www.baodatviet.vn/chinh-tri-xa-hoi/tin-tuc-thoi-su/treo-co-vi-chua-nhan-duoc-tien-den-bu-dat-2354817/>
- 23 Baomoi.com, *Gần 80% vụ khiếu nại đến từ lĩnh vực nhà đất*, <http://www.baomoi.com/Gan-80-vu-khieu-nai-den-tu-linh-vuc-nha-dat/144/12417217.epi>
- 24 RFI, *Luật mới vẫn cho Nhà nước Việt Nam quyền định đoạt đất đai của dân*, <http://www.viet.rfi.fr/vietnam/20131207-luat-moi-van-cho-nha-nuoc-viet-nam-quyen-dinh-doat-dat-dai-cua-dan>
- 25 Đặng Hùng Võ, *Luật Đất đai 2013: Nhiều điểm mới vẫn còn “vênh”*, <http://www.vietnamplus.vn/luat-dat-dai-sua-doi-nhieu-diem-moi-van-con-venh/238127.vnp>

RECOMMENDATIONS

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

The Government of Vietnam:

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

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

Democracy-and- Freedom-Loving Governments:

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

International Human Rights Organizations:

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

International Business Companies Operating in Vietnam:

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

The Vietnamese Community Abroad:

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

APPENDIX I

List of Prisoners of Conscience Currently in Jail*

Updated 2014/04/16

O.N	NAME	BIRTH YEAR	BACKGROUND	ARREST DATE	ACCUSED OF (Article of Vietnam Criminal Code)**	TRIAL DATE	SENTENCE (Prison years)	DETENTION / PRISON CAMP
1	A Hyum (Bả Kôl)	1940	Montagnard Christian (H'mong, Hà mồn)	2012/04/23	87	2013/05/28	8	MăngYang, Tỉnh Gia Lai
2	A Tách (Bả Hlôl)	1959	Montagnard Christian (H'mong, Hà mồn)	2012/04/23	87	2013/05/28	11	MăngYang, Tỉnh Gia Lai
3	A Thiên	1983	Montagnard Christian, Vietnamese People Love The Vietnamese Party	2010/11/20	N/A	N/A	N/A	Gia Lai prison camp - B20
4	Amlinh (Bá Blung)	1943	Degar Montagnard Christians & FULRO. Association of Montagnards in the USA	2009/02/04	87	2009/09/08	8	Gia Lai prison camp - B20
5	Bùi Tấn Nhã	1943	Hoa Hao Buddhist activist, former Treasurer	1997/07/13	79	N/A	Lifetime	Dong Nai, Xuan Loc, Z30A prison camp
6	Bùi Thị Minh Hằng	1964	Land rights / Pro-democracy activist	2014/02/11	245	No trial yet		Đồng Tháp provincial prison
7	Bùi Thúc Nhu	1950	Great Vietnamese Nationalist Party. Indochinese Federation Front	1989	79	N/A	Lifetime	Phú Yên, Xuân Phước, A20 prison camp (Ministry of Public Security)
8	Bùi Văn Thâm	1987	Hoa Hao Buddhist activist	2012/07/29	257	2012/09/21	2,5	Phú Yên, Xuân Phước A20 prison camp
9	Bùi Văn Trung	1964	Hoa Hao Buddhist activist	2012/10/30	257	2013/01/23	4	Dong Nai, Xuan Loc, Z30A prison camp
10	Byuk	1945	Montagnard Christian (H'mong, Hà mồn)	2012/05/08	87	2013/05/28	8	Gia Lai, Măng Yang prison camp
11	Cao Văn Tinh	1974	Land rights activist, Vietnam Reform Party	2010/08/10	79	2011/05/30	5	Dong Nai, Xuan Loc, Z30A prison camp, K2
12	Chăn Khuru	N/A	Ethnic Khmer, Government of Free Vietnam	1999	84	2001/05/16-29	13	Dong Nai, Xuan Loc, Z30A prison camp
13	Chi	1984	Montagnard Christian, religious activist (H'mong, Hà mồn)	2012/09	87	2013/11/18	8	Gia Lai provincial prison
14	Đặng Ngọc Minh	1957	Catholic Youth activist	2011/08/02	79	2013 /01/09	3	Nghệ An provincial prison
15	Đặng Xuân Diệu	1977	Businessman, Catholic Youth activist. Redemptorist News Information Network	2011/07/30	79	2013 /01/09	13	Hà Nội, Thanh Trì, Thanh Liệt - B14 Detention Center
16	Danh Hường	1961	Ethnic Khmer, Government of Free Vietnam	1999/07/19	84	2001/05/16-29	18	Dong Nai, Xuan Loc, Z30A prison camp, K2
17	Đậu Văn Dương	1986	Catholic Youth activist, Redemptorist News Information Network	2011/08/02	88	2012/05/24	3,5	Nghệ An, Nghi Kim prison camp
18	Điều Loại (Điều Quay)	1983	Montagnard Christian	N/A	87+275	2010/08/06	5	Daknong provincial jail
19	Đình Hrôn	1981	Montagnard Christian (H'mong, Hà mồn)	2012/04/23	87	2013/05/28	7	Gia Lai, MăngYang prison camp

20	Đình Lứ	1976	Montagnard Christian (H'mong, Hà mồn)	2012/04/23	87	2013/05/28	7	Gia Lai, MăngYang prison camp
21	Đình Lý	1979	Montagnard Christian, religious activist (H'mong, Hà mồn)	2012/09	87	2013/11/18	7,5	Gia Lai provincial prison
22	Đình Ngo	1987	Montagnard Christian, religious activist (H'mong, Hà mồn)	2012/09	87	2013/11/18	7,5	Gia Lai provincial prison
23	Đình Nguyên Kha	1988	Pro-democracy activist, student, Patriotic Youth Group. Distributing anti-government leaflets	2012/10/14	88	2013/05/16	4	Bình Dương, Xuyên Mộc prison camp
24	Đình Văn Nhượng	1958	Land rights activist	2011/06/07	88	2012 /07/16	4	Bắc Giang provincial prison
25	Đỗ Hường (aka Đoàn Hùng)	N/A	Former Captain of RVA, Alliance of Vietnamese Revolutionary Parties.	1993/03/05	79	1996	Lifetime	Hà Nam, Phú Lý, Ba Sao prison camp
26	Đỗ Thanh Nhân	1926	Government of Free Vietnam	1999	91	2001/05/16-29	20	Dong Nai, Xuan Loc, Z30A prison camp, K2
27	Đỗ Thanh Vân	N/A	Ethnic Khmer, Government of Free Vietnam	1999/06/18	84	2001/05/16-29	20	Dong Nai, Xuan Loc, Z30A prison camp, K2
28	Đỗ Thị Hồng	1957	Religious activist, Hội đồng công luật công án Bia Son.	2012/02/14	79	2013/01/28	13	Phú Yên provincial prison
29	Đỗ Thị Minh Hạnh	1985	Labour rights activist, United Workers-Farmers Organization (UWFO)	2010/02/23	89	2010/10/26	7	Biên Hòa, Thủ Đức prison camp, section 2
30	Đỗ Văn Hoa	1966	Land rights activist	2011/06/07	88	2012 /07/16	4	Bắc Giang provincial prison
31	Đỗ Văn Thái	1960	Ethnic Khmer, Government of Free Vietnam	2000/02/27	84 + 88	2001/05/16-29	18	Dong Nai, Xuan Loc, Z30A prison camp, K2
32	Đoàn Đình Nam	1951	Religious activist, Hội đồng công luật công án Bia Son .	2012/02/06	79	2013/01/28	16	Phú Yên provincial prison
33	Đoàn Huy Chương	1985	Labour rights activist, United Workers-Farmers Organization (UWFO)	2010/02/13	89	2010/10/26	7	Trà Vinh provincial prison
34	Đoàn Văn Cư	1962	Religious activist, Hội đồng công luật công án Bia Son	2012/02/10	79	2013/01/28	14	Phú Yên provincial prison
35	Đoàn Văn Quý	1966	Farmer, Land rights activist	2012/01/05	93	2013/04/05	5	Trần Phú Prison, Hải Phòng
36	Đoàn Văn Sinh	1957	Farmer, Land rights activist	2012/01/05	93	2013/04/05	3,5	Trần Phú Prison, Hải Phòng
37	Đoàn Văn Vươn	1963	Agricultural engineer, Land rights activist	2012/01/05	93	2013/04/05	5	Trần Phú Prison, Hải Phòng
38	Dương Âu	1955	Land rights activist, Vietnam Populist Party	2009/08/26	91	2010/04/20	5	Bình Dương, An Phước prison camp
39	Dương Kim Khải	1958	Cow Shed Menonite home church Pastor, Vietnam Reform Party	2010/08/10	79	2011/05/30	6	Ben Tre provincial prison
40	Dương Thị Tròn	1947	Hoa Hao Buddhist activist	2006/10/02	245 + 257	2007/05/03	9	Dong Nai, Xuan Loc, Z30A prison camp
41	Dương Văn Minh	1961	H'Mông, "Dương Văn Minh" religious community	1990.04.30	258	N/A	5	In custody at Hà Nội 198 hospital
42	Dương Văn Thả	1960	Hoa Hao Buddhist activist	2012	121	N/A	3	An Giang provincial prison
43	Dương Văn Tu	1967	H'Mông, "Dương Văn Minh" religious community	2013/10/10	258	2014/03/20	21 months	Tuyên Quang provincial prison
44	Giàng A Chứ	1989	Ethnic Christian Montagnard (H'mong, Hà mồn)	2012/05/23	88	2013/09/26	3	Điện Biên, Mường Nhé prison camp

45	Giàng A Lồng (Nhè Chinh)	1974	Ethnic Christian Montagnard, H'Mông	2012	79	2012/12/12	3	Lai Châu provincial prison
46	H Lum	1968	Degar Montagnard Christians & FULRO	2004	87	2005/01/25	11	Gia Lai prison camp - B20
47	Hầu A Giàng	1974	Montagnard Christian, H'Mông	2012	79	2012/12/12	3	Lai Châu provincial prison
48	Hồ Đức Hòa	1974	Businessman, Catholic Youth activist	2011/07/30	79	2013 /01/09	13	Hà Nội, Thanh Trì, Thanh Liệt - B14 Detention Center
49	Hồ Long Đức	1953	Government of Free Vietnam	1999/11/25	84 + 90	2001/05/16- 29	20	Bình Dương, An Phước prison camp
50	Hồ Thị Bích Khương	1967	Land rights activist, Bloc 8406	2011/01/15	88	2011/12/29	5	Nghệ An, Nghi Kim prison camp
51	Hồ Thị Huệ	1966	Land rights activist	2012	258	2012/03/14	3	Tây Ninh provincial prison
52	Hồ Văn Oanh	1985	Catholic Youth activist, Redemptorist News Information Network	2011/08/27	79	2013/01/09	3	Sài gòn, Nguyễn Văn Cừ - B34 Detention Center
53	Hoàng Văn Páo	N/A	H'Mông, "Đương Văn Minh" religious community	2013/10/14	258	No trial yet		Tuyên Quang provincial prison
54	Hoàng Văn Sang	1964	H'Mông, "Đương Văn Minh" religious community	2013/10/10	258	2014/03/14	1,5	Tuyên Quang provincial prison
55	Jonh (Chinh)	1952	Montagnard Christian (H'mong, Hà mồn)	2012/05/08	87	2013/05/28	9	Gia Lai, Măng Yang prison camp
56	K Khiệp	N/A	Montagnard Christian, Vietnamese People Love The Vietnamese Party	2010/12/11	N/A	N/A	N/A	Gia Lai prison camp - B20
57	K Theo	N/A	Montagnard Christian, Vietnamese People Love The Vietnamese Party	2010/12/10	N/A	N/A	N/A	Gia Lai prison camp - B20
58	Kpã Sinh	1959	Degar Montagnard Christians & FULRO	2010/08/28	87	2011/04/05	8	Gia Lai prison camp - B20
59	Kpa Thom	N/A	Degar Montagnard Christians & FULRO	2010/08/25	87	N/A	N/A	Gia Lai, Chu Prong
60	Kpã Y Cồ	1980	Montagnard Christian, Vietnam Good News Mission (VGNM) church	2010/01/27	87	2010/11/15	4	Phú Yên provincial prison
61	Kpuih Bô	N/A	Degar Montagnard Christians & FULRO	2010	87	2010	10	Gia Lai prison camp - B20
62	Kpuih Do	N/A	Degar Montagnard Christians & FULRO	2010/08/25	87	N/A	N/A	Gia Lai prison camp - B20
63	Kpuil Lẽ		Degar Montagnard Christians & FULRO	2011/11/22	87	2012/06/06	8	Gia Lai prison camp - B20
64	Kpuil Mel		Degar Montagnard Christians & FULRO	2011/11/22	87	2012/06/06	9	Gia Lai prison camp - B20
65	Ksor On	1977	Degar Montagnard Christians & FULRO	2008	87	2009/01/06	7	Gia Lai prison camp - B20
66	Ksor Thúp	1952	Degar Montagnard Christians & FULRO	2004	87	2005/01/25	10	Gia Lai prison camp - B20
67	Ksor Vung	1969	Degar Montagnard Christians & FULRO	2004	87	2005/01/25	10	Gia Lai prison camp - B20
68	Ksor Y Dú	1963	Montagnard Christian, Vietnam Good News Mission (VGNM) church	2010/01/27	87	2010/11/15	6	Phú Yên provincial prison
69	Lâm Thị Loan	1957	Religious activist	N/A	245	2013/09/25	1	Sóc Trăng Vĩnh Châu prison

70	Lê Đức Động	1983	Hội đồng công luật công án Bia Sơn, Religious activist	2012/02/05	79	2013/01/28	12	Phú Yên provincial prison
71	Lê Duy Lộc	1956	Hội đồng công luật công án Bia Sơn, Religious activist	2012/02/05	79	2013/01/28	17	Phú Yên provincial prison
72	Lê Kim Hùng	1968	Government of Free Vietnam	1999/06/18	84 + 88	2001/05/16-29	20	Dong Nai, Xuan Loc, Z30A prison camp, K2
73	Lê Phúc	1951	Hội đồng công luật công án Bia Sơn, Religious activist	2012/02/05	79	2013/01/18	15	Phú Yên provincial prison
74	Lê Quốc Quân	1971	Human rights lawyer, Pro-democracy activist, Vietnam Solutions - Director	2007/03/19 2012/12/30	88 161	No trial 2013/10/02	4 months 2,5	Hà Nội, Thanh Tri, Thanh Liệt - B14 Detention Center
75	Lê Thanh Tùng	1968	Freelance journalist, pro-democracy activist, Bloc 8406	2011/12/01	88	2012/08/10	4	Hà Nội, Thanh Tri, Thanh Liệt - B14 Detention Center
76	Lê Thị Kim Thu	1968	Land rights activist, Bloc 8406	2012/07/06	85	2013/05/16	2	Đồng Nai provincial prison
77	Lê Trọng Cư	1966	Hội đồng công luật công án Bia Sơn, Religious activist	2012/02/05	79	2013/01/28	12	Phú Yên provincial prison
78	Lê Văn Sơn	1938	Hoa Hao Buddhist activist	1982	79	N/A	Lifetime	Thanh Hóa, Thanh Cẩm prison camp - T5
79	Lê Văn Sơn (Paulus)	1985	Blogger, Catholic Youth activist. Redemptorist News Information Network	2011/08/03	79	2013/01/09	4	Hà Nội, Thanh Tri, Thanh Liệt - B14 Detention Center
80	Lê Văn Tính	1940	Hoa Hao Buddhist activist, People's Action Party of Vietnam, member of former RVN National Assembly	1995/01/25	91	1999/09/8-10	10 20	Bình Dương, An Phước prison camp
81	Liêu Ny	1986	Khmer Krom monk	N/A	91	2013/09/27	4	Sóc Trăng provincial prison
82	Lô Thanh Thảo	1977	Pro-democracy activist, Distributing anti-government leaflets	2012/03/26	88	2013/01/06	3,5	Saigon, Phan Đăng Lưu Detention Center
83	Lư Văn Bảy	1952	Front of Vietnamese Inter-Religions, Cyber-dissident	1977 2011/03/26	Re-ed 88	2011/08/22	6 4	Kiên Giang, An Biên prison camp
84	Lương Nhật Quang	1987	Hội đồng công luật công án Bia Sơn, Religious activist	2012/02/10	79	2013/01/28	12	Phú Yên provincial prison
85	Lý A Dí	1980	Montagnard Christian, H'Mông	2012	79	2012/12/12	3	Lai Châu provincial prison
86	Lý Minh Hải	1978	Religious activist	N/A	245	2013/09/25	11	Vĩnh Châu Sóc Trăng
87	Lý Thị Danh	1970	Religious activist	N/A	245	2013/09/25	1 months	Vĩnh Châu Sóc Trăng
88	Lý Văn Dinh	1963	H'Mông, "Dương Văn Minh" religious community	2013/11/19	258	2014/03/20	15	Tuyên Quang provincial prison
89	Lý Văn Hầu	N/A	H'Mông, "Dương Văn Minh" religious community	2013/10/14	258	No trial yet	months	Tuyên Quang provincial prison
90	Mai Thị Dung	1969	Hoa Hao Buddhist activist, Hoa-Hao Buddhist women League - leader	2005/08/05	245 + 257	2005/09/19	11	Dong Nai, Xuan Loc, Z30A prison camp
91	Nay Krong	N/A	Montagnard Christian, religious activist	N/A	87	N/A	9	Bình Dương, An Phước prison camp
92	Nay Toa	N/A	Montagnard Christian, religious activist	N/A	87	N/A	8	Bình Dương, An Phước prison camp
93	Nay Y Nga	1979	Degar Montagnard Christians & FULRO	2011	87	2012/04/12	5	Phú Yên provincial prison

94	Ngô Hào	1948	Pro-democracy activist	2013/02/08	79	2013/09/11	15	Phu Yen provincial prison
95	Ngô Văn Khởi	N/A	Religious activist	2013/06/27	245	2013/10/23	7 months	Nghệ An provincial prison
96	Nguyễn Bích Thủy	1971	Land rights activist	2012	258	2012/03/14	3	Tây Ninh provincial prison
97	Nguyễn Công Chính	1969	Pastor, Lutheran church - head of Gia Lai	2011/04/28	87	2012/03/26	11	Bình Dương, An Phước prison camp
98	Nguyễn Đăng Minh Mẫn	1985	Catholic Youth activist	2011/08/02	79	2013/01/09	8	Nghệ An provincial prison
99	Nguyễn Đình Sơn	1968	Hội đồng công luật công án Bia Sơn, Religious activist	2012/02/10	79	2013/01/28	14	Phú Yên provincial prison
100	Nguyễn Đình Cương	1985	Blogger, Catholic Youth activist	2011/08/02	79	2013/01/09	4	Nghệ An provincial prison
101	Nguyễn Duy Hưng	1975	Leaking secrets	2012/09/07	263	N/A	N/A	Hà Nội jail
102	Nguyễn Hoàng Quốc Hùng	1981	Labour rights activist, United Workers-Farmers Organization (UWFO)	2010/02/24	89	2010/10/26	9	Trà Vinh provincial prison
103	Nguyễn Kim Nhân	1949	Land rights activist, hanging anti-China & anti-government banners	2011/06/07	88	2012/07/16	5,5	Bắc Giang provincial prison
104	Nguyễn Kỳ Lạc	1951	Hội đồng công luật công án Bia Sơn, Religious activist	2012/02/06	79	2013/01/28	16	Phú Yên provincial prison
105	Nguyễn Lộc Phước (aka Pe Vi Chet)	1981	Pro-democracy activist, Vietnamese People Love The Vietnamese Party	2010/11/20	N/A	N/A	N/A	Gia Lai prison camp - B20
106	Nguyễn Long Hội	1940	Pro-democracy activist	1997	79	1997	Lifetime	Dong Nai, Xuan Loc, Z30A prison camp, K2
107	Nguyễn Ngọc Cương	1957	Land rights activist, distributing anti-government leaflets	2011/03/28	88	2011/10/21	7	Dong Nai, Xuan Loc, Z30A prison camp, K1
108	Nguyễn Quốc Tuấn	1962	Pro-democracy activist, Head of Farmer association of Vinh Phu Ward	2012/20/07	88 + 230	N/A	N/A	Bình Dương provincial prison
109	Nguyễn Sĩ Bằng	N/A	Alliance of Vietnamese Revolutionary Parties	1996/06/12	84	1996	Lifetime	Dong Nai, Xuan Loc, Z30A prison camp
110	Nguyễn Tấn Hồng	1968	rebelling to protest police who murder people	2009/09/17	245	2010/05/28	5,5	Gia Lai, An Khê
111	Nguyễn Thái Bình	1986	Hội đồng công luật công án Bia Sơn, Religious activist	2012/02/10	79	2013/01/28	12	Phú Yên provincial prison
112	Nguyễn Thanh Vân	1960	Ethnic Khmer, Government of Free Vietnam	2000/02/24	84 + 90	2001/05/16-29	18	Dong Nai, Xuan Loc, Z30A prison camp
113	Nguyễn Thị Ánh Nguyệt	1973	Land rights activist, Cần Thơ, H.Cờ Đỏ	2013/09/10	245	2014/01/21	3	Cần Thơ provincial prison
114	Nguyễn Thị Bích Trang	1977	Tan Tao Investment & Industrial holding company employee	2012/09/07	258	N/A	N/A	Saigon, Phan Đăng Lưu Detention Center
115	Nguyễn Thị Thúy Quỳnh	N/A	Hoa Hao Buddhist activist	2014/02/11	245	No trial yet		Đồng Tháp provincial prison
116	Nguyễn Thị Tuyền	1957	Land rights activist, Cần Thơ, H.Cờ Đỏ	2013/09/10	245	2014/01/21	2,5	Cần Thơ provincial prison
117	Nguyễn Tuấn Nam (aka Bảo Giang)	1936	Former officer of VPA, People's Action Party of Vietnam	1996/11/28	91	1999/09/8-10	20	Dong Nai, Xuan Loc, Z30A prison camp
118	Nguyễn Văn Bình		Ethnic Khmer, Government of Free Vietnam	1999	84	2001/05/16-29	16	Dong Nai, Xuan Loc, Z30A prison camp

119	Nguyễn Văn Cảnh	N/A	Anti-government fled abroad	2005/09	91	N/A	13	Binh Duong An Phuoc provincial prison
120	Nguyễn Văn Cương	N/A	N/A	N/A	79	2013/01/09	4	N/A
121	Nguyễn Văn Duyệt	1980	Engineer, Catholic Youth activist. Redemptorist News Information Network	2011/08/07	79	2013 /01/09	6	Hà Nội, Thanh Trì, Thanh Liệt - B14 Detention Center
122	Nguyễn Văn Hải (aka Điếu Cày)	1952	Blogger, Free Journalists Club founder	2008/04/20 2010/10/19	161 88	2008/09/10 2012/09/24	2,5 12	Dong Nai, Xuan Loc, Z30A prison camp
123	Nguyễn Văn Hữu	1957	Hội đồng công luật công án Bia Sơn, Religious activist	N/A	143	2014/04/07	3	Phú Yên, Tuy Hòa
124	Nguyễn Văn Lía	1940	Hoa Hao Buddhist activist	2011/04/24	258	2011/12/13	5	Dong Nai, Xuan Loc, Z30A prison camp
125	Nguyễn Văn Lý	1946	Catholic priest, Bloc 8406 & Vietnam Progressive Party founder	2007/02/18	87 + 89 87 + 269 88	1983/12 2001/10/19 2007/03/30	10 15 8	Hà Nam, Phú Lý, Ba Sao prison camp
126	Nguyễn Văn Minh	N/A	Hoa Hao Buddhist activist	2014/02/11	245	No trial yet		Đồng Tháp provincial prison
127	Nguyễn Văn Oai	1980	Catholic Youth activist	2011/07/30	79	2013/01/09	3	Nghệ An provincial prison
128	Nguyễn Văn Phương	1965	Ethnic Khmer, Government of Free Vietnam	2000	84 + 88	2001/05/16- 29	17	Dong Nai, Xuan Loc, Z30A prison camp, K1
129	Nguyễn Văn Răng	1951	Pro-democracy activist	2011/01/15	79	N/A	4,5	Dong Nai, Xuan Loc, Z30A prison camp
130	Nguyễn Văn Tư (Tư Hồng)	1949	Land rights activist, Hoa Hao Buddhist activist	2012/06/28	258	2012/04/17	2,5	Cần Thơ provincial prison
131	Nguyễn Văn Tuấn	1957	Head of public relation department of the provincial People's Committee Ba Ria - Vung Tau	2012	258	2012/06/06	4	Vũng Tàu prison camp
132	Nguyễn Xuân Anh	1982	Martial arts master, Catholic Youth activist	2011/08/07	79	2013 /01/09	3	Nghệ An provincial prison
133	Nguyễn Xuân Nghĩa	1949	Pro-democracy activist, writer, Bloc 8406 - Executive Board member, hanging anti-China & anti-government banners	2008/09/10	88	2009/10/09	6	Hà Nam, Phú Lý, Ba Sao prison camp
134	Nguyễn Xuân Nô	1945	Cao Dai follower, religious freedom activist	2005	91	2005/07/27	9	Dong Nai, Xuan Loc, Z30A prison camp
135	Nhi (Bá Tiêm)	1958	Degar Montagnard Christians & FULRO	2008/12/28	87	2009/09/08	10	Gia Lai
136	Noh	1959	Degar Montagnard Christians & FULRO	2008/08	87	2009/09/04	12	Gia Lai
137	Nông Hùng Anh	1988	Christian Youth activist	2011/08/05	79	2013/01/09	5	Nghệ An provincial prison
138	Phạm Nguyễn Thanh Bình	1983	Blogger	2012	88	2013/04/17	3	Saigon, Phan Đăng Lưu Detention Center
139	Phạm Thị Phương	1945	Former Officer of RVA, Viet-Thalander Vietnam Populist Party	2010/04/21	79	2011/09/21	11	Dong Nai, Xuan Loc, Z30A prison camp, K4
140	Phạm Văn Thông	1962	Land rights activist, Viet Nam Reform Party, Cow Shed Mennonite home church member	2010/08/10	79	2011/05/30	7	Dong Nai, Xuan Loc, Z30A prison camp, K1
141	Phạm Việt Đào	1952	Writer, Blogger	2013/06/13	258	2014/03/19	15 months	Hà Nội, Thanh Liệt prison
142	Phạm Xuân Thân	1958	Alliance of Vietnamese Revolutionary Parties	1996/06/12	84	1996	Lifetime	Dong Nai, Xuan Loc, Z30A prison camp, K2

143	Phan Ngọc Tuấn	1959	Lutheran church missionary, distributing anti-government leaflets	2011/08/10	88	2012/06/06	5	Ninh Thuận provincial prison
144	Phan Thanh Tường	1987	Hội đồng công luật công án Bia Sơn, Religious activist	2012/02/05	79	2013/01/28	10	Phú Yên provincial prison
145	Phan Thành Ý	1948	Hội đồng công luật công án Bia Sơn, Religious activist	2012/02/05	79	2013/01/28	14	Phú Yên provincial prison
146	Phan Văn Bàn	1940	Pro-democracy activist, distributing anti-government leaflets	1978	88	1985/11/26	Lifetime	Hà Nam, Phú Lý, Ba Sao prison camp
147	Phan Văn Thu (Trần Công)	1948	Hội đồng công luật công án Bia Sơn. - founder & chairman	2012/02/05	79	2013/01/28	Lifetime	Bình Dương, An Phước prison camp
148	Phùng Lâm	1966	Pro-democracy activist, Democratic Party of Vietnam	2010/06/21	88	2011/01/18	7	Bình Phước provincial prison
149	Pinh	1967	Degar Montagnard Christians & FULRO	2008/08	87	2009/09/04	9	Gia Lai
150	Rah Lan Blom	1976	Degar Montagnard Christians & FULRO	2010/08/28	87	2011/04/05	9	Bình Dương, An Phước prison camp
151	Rah Lan Mlih	1966	Degar Montagnard Christians & FULRO	2010/08/28	87	2011/04/05	9	Gia Lai prison camp - B20
152	Rmah Hlach (Rơ Mah Hlach)	1968	Degar Montagnard Christians & FULRO	2009/07/23	87	2010/01/14-15	12	Hà Nam, Phú Lý, Ba Sao prison camp
153	Ro Cham Mangắk	N/A	Montagnard Christian, religious activist	N/A	87	N/A	9	Bình Dương, An Phước prison camp
154	Ro Lah K'lan	N/A	Degar Montagnard Christians & FULRO	2011/08/25	87	N/A	N/A	Gia Lai prison camp - B20
155	Rơ Lan Jú (Ama Suit)	1968	Degar Montagnard Christians & FULRO	2009/03	87	2009/07/21	9	Gia Lai prison camp - B20
156	Ro Mah Hit	N/A	Montagnard Christian	2010/08/25	87	N/A	N/A	Gia Lai prison camp - B20
157	Ro Mah Klit	1946	Degar Montagnard Christians & FULRO	2010/08/28	87	2011/04/05	8	Gia Lai prison camp - B20
158	Rơ Mah Pôl	1953	Degar Montagnard Christians & FULRO	N/A	87	2009/03/27	7	Gia Lai prison camp - B20
159	Rơ Mah Pró	1964	Degar Montagnard Christians & FULRO	2010/08/28	87	2011/04/05	9	Gia Lai prison camp - B20
160	Rơ Mah Then	1985	Degar Montagnard Christians & FULRO	N/A	87	2009/03/27	8	Gia Lai prison camp - B20
161	Rôh	1962	Degar Montagnard Christians & FULRO	2008/08	87	2009/09/04	10	Gia Lai
162	Run	1971	Montagnard Christian, religious activist (H'mong, Hà mòn)	2012/08/05	87	2013/11/18	9	Gia Lai provincial prison
163	Runh	1979	Montagnard Christian, religious freedom activist (H'mong, Hà mòn)	2012/08/05	87	2013/05/28	10	Gia Lai, Măng Yang prison camp
164	Siu Ben (Ama Yôn)	1975	Degar Montagnard Christians & FULRO	2009/03	87	2009/07/21	12	Gia Lai prison camp - B20
165	Siu Brom	1967	Degar Montagnard Christians & FULRO	2010/08/28	87	2011/04/05	10	Gia Lai prison camp - B20
166	Siu Glôl	1985	Montagnard (Jarai) Christian pastor in Chư Puh	2010/09/22	87	2010	8-10	Gia Lai prison camp - B20
167	Siu Hlôm	1967	Degar Montagnard Christians & FULRO	2010/08/28	87	2011/04/05	12	Gia Lai prison camp - B20
168	Siu Jă (Ama Hyen)	1972	Degar Montagnard Christians & FULRO	2009/03	87	2009/07/21	7	Gia Lai prison camp - B20

169	Siu Kheh	Degar Montagnard Christians & FULRO	2010	87	2010	10	Gia Lai prison camp - B20
170	Siu Koch	1985 Degar Montagnard Christians & FULRO	2009/07/23	87	2010/01/14-15	10	Gia Lai prison camp - B20
171	Siu Lit	N/A Degar Montagnard Christians & FULRO	2010	87	2010	10	Gia Lai prison camp - B20
172	Siu Nheo	1955 Degar Montagnard Christians & FULRO	2010/08/28	87	2011/04/05	10	Gia Lai prison camp - B20
173	Siu Thái (Ama Thung)	1978 Degar Montagnard Christians & FULRO	2011/04/07	87	2011/12/19	10	Gia Lai prison camp - B20
174	Siu Wiu	1978 Degar Montagnard Christians & FULRO	2008	87	2009/01/06	10	Hà Nam, Phú Lý, Ba Sao prison camp
175	Son Nguyễn Thanh Điền	1972 Government of Free Vietnam	2000/08/17	84	2001/05/16-29	16	Dong Nai, Xuan Loc, Z30A prison camp, K2
176	Son Tâm	Ethnic Khmer, Government of Free Vietnam	1999	84	2001/05/16-29	15	Dong Nai, Xuan Loc, Z30A prison camp
177	Tạ Khu	1947 Hội đồng công luật công án Bia Sơn, Religious activist	2012/02/06	79	2013/01/28	16	Phú Yên provincial prison
178	Tạ Phong Tần	1968 Blogger, former police officer, Free Journalists Club. Redemptorist News Information Network	2011/09/05	88	2012/09/24	10	Dong Nai, Xuan Loc, Z30A prison camp
179	Tăng Pho La	1976 Religious activist	N/A	245	2013/09/25	10	Vĩnh Châu Sóc Trăng prison months
180	Thạch Phum Rít	1989 Religious activist	N/A	91	2013/09/27	3	Vĩnh Châu Sóc Trăng prison
181	Thạch Thuol	1985 Khmer Krom monk	N/A	91	2013/09/27	6	Sóc Trăng provincial prison
182	Thái Văn Dung	1988 Engineer, Catholic Youth activist, Redemptorist News Information Network	2011/08/19	79	2013/01/09	5	Nghệ An provincial prison
183	Thào Quán Mua	H'Mông, "Đương Văn Minh" religious community	2013/10/12	258	2014/03/27	1,5	Tuyên Quang provincial prison
184	Trà Quỳnh Tha	1978 Religious activist		275	2013/09/27	2	Sóc Trăng prison camp
185	Trần Anh Kim	1949 Former officer of VPA, Democratic Party of Vietnam	2009/07/07	79	2009/12/28	5,5	Hà Nam, Phú Lý, Ba Sao prison camp
186	Trần Hoài Ân	1953 Hoa Hao Buddhist activist	2011/07/02	258	2011/12/13	3	An Giang, Bằng Lăng prison camp
187	Trần Hoàng Giang	1980 Ethnic Khmer, Government of Free Vietnam	2000/02/27	84 + 88	2001/05/16-29	16	Dong Nai, Xuan Loc, Z30A prison camp, K1
188	Trần Hữu Cảnh	1952 Cao Dai follower, religious freedom activist	2005	91	2005/07/27	13	Bình Dương, An Phước prison camp
189	Trần Hữu Đức	1988 Student, Catholic Youth activist	2011/08/02	88	2012/05/24	3,5	Nghệ An, Nghi Kim prison camp
190	Trần Huỳnh Duy Thức	1966 Pro-democracy activist, blogger, Chấn Sturdy group, owner of Internet company (OCI)	2009/05/24	79	2010/01/20	16	Dong Nai, Xuan Loc, Z30A prison camp, K1
191	Trần Minh Nhật	1988 Student, Catholic Youth activist, Redemptorist News Information Network	2011/08/27	79	2013 /01/09	4	Sài gòn, Nguyễn Văn Cừ - B34 Detention Center
192	Trần Phi Dũng	1966 Hội đồng công luật công án Bia Sơn. - founder & chairman	2012/02/10	79	2013/01/28	13	Phú Yên provincial prison
193	Trần Quân	1984 Hội đồng công luật công án Bia Sơn. - founder & chairman	2012/02/10	79	2013/01/28	12	Phú Yên provincial prison

194	Trần Thị Huệ	N/A	Ethnic Khmer, Government of Free Vietnam	1999/04/20	84 + 88	2001/05/16-29	18	Dong Nai, Xuan Loc, Z30A prison camp
195	Trần Thị Thúy	1971	Land rights activist, Vietnam Reform Party, Hoa Hao Buddhist	2010/08/10	79	2011/05/30	8	Dong Nai, Xuan Loc, Z30A prison camp, K5
196	Trần Tư	1941	Former officer of RVA, Viet-American Alliance of Vietnamese Revolutionary Parties	1993/03/28	79	1996	Lifetime	Hà Nam, Phú Lý, Ba Sao prison camp
197	Trần Văn Thiệp	1963	Hoa Hao Buddhist activist	2007/08/04	245 + 257	N/A	10	Đồng Tháp, Láng Biên
198	Trần Vũ Anh Bình	1974	Musician, Patriotic Youth Group, Redemptorist News Information Network	2011/09/19	88	2012/10/30	6	Bình Dương, An Phước prison camp
199	Tráng A Chớ	1985	Montagnard Christian, H'Mông	2012	79	2012/12/12	7	Lai Châu provincial prison
200	Trương Duy Nhất	1964	Journalist, Blogger	2013/05/26	258	2014/03/04	2	Hà Nội, Thanh Liệt prison
201	Trương Văn Duy	1964	Alliance of Vietnamese Revolutionary Parties	1996/06/12	84	1996	Lifetime	Bình Dương, An Phước prison camp, K2
202	Từ Thiện Lương	1950	Hội đồng công luật công án Bia Sơn. - founder & chairman	2012/02/10	79	2013/01/28	16	Phú Yên provincial prison
203	Văn Ngọc Hiếu	1963	Ethnic Khmer, Government of Free Vietnam	2000/02/27	84 + 90	2001/05/16-29	20	Dong Nai, Xuan Loc, Z30A prison camp, K2
204	Võ Minh Trí (Việt Khang)	1978	Musician, Patriotic Youth Group	2011/12/23	88	2012/10/30	4	Nguyễn Văn Cừ - B34 Detention Center, Saigon
205	Võ Ngọc Cư	1951	Hội đồng công luật công án Bia Sơn. - founder & chairman	2012/02/06	79	2013/01/28	16	Phú Yên provincial prison
206	Võ Thành Lê	1955	Hội đồng công luật công án Bia Sơn. - founder & chairman	2012/02/05	79	2013/01/28	16	Phú Yên provincial prison
207	Võ Thị Thu Thủy	1962	Pro-democracy activist, Catholic activist Distributing anti-government leaflets	2011/03/10	88	2012/03/06	5	Quảng Bình, Đồng Hới prison camp
208	Võ Tiết	1952	Hội đồng công luật công án Bia Sơn. - founder & chairman	2012/02/10	79	2013/01/28	16	Phú Yên provincial prison
209	Võ Viết Diễm	1971	Pro-democracy activist, Vietnam Restoration Party	2012/04/03	79	2013/01/15	3	Tây Ninh provincial prison
210	Vừ A Sứ	1989	H'Mông, "Duơng Văn Minh" religious community	2013/11/22	258	No trial yet		Tuyên Quang provincial prison
211	Vũ Đình Thụy	N/A	Former officer of RVA, poet, writing anti-communist poetry sent abroad	N/A	79	N/A	30	Hà Nam, Phú Lý, Ba Sao prison camp
212	Vũ Quang Thuận	1966	Pro-democracy activist, businessman, Vietnam Progressive Democratic Movement	2011/02/02	91	No trial yet		Sài gòn, Nguyễn Văn Cừ - B34 Detention Center (Ministry of Public Security)
213	Vương Tấn Sơn	1953	Hội đồng công luật công án Bia Sơn - director of Quỳnh Long, LLC	2012/02/10	79	2013/01/28	17	Phú Yên provincial prison
214	Y Ang Knul	1964	Degar Montagnard Christians & FULRO	2005/01/08	87	2005/11/16-17	11	Daklak provincial prison
215	Y Ben Niê	1971	Montagnard Christian, religious freedom activist	2004/04/10	87	2005/07/05	14	Daklak provincial prison
216	Y Bhem Hpor	1962	Montagnard Christian, religious freedom activist	2004/07/19	87	2005/07/05	10	Daklak provincial prison

217	Y Bông Ayun	N/A	Montagnard Christian, religious freedom activist	2004/04/10	87	2005/07/05	8-13	Daklak provincial prison
218	Y Chon Nie	N/A	Montagnard Christian, religious activist	N/A	87	N/A	9	Bình Dương, An Phước prison camp
219	Y Dhiam	1966	Montagnard Christian, religious freedom activist	2004/04/15	87	2005/07/05	10	Hà Nam, Phú Lý, Ba Sao prison camp
220	Y Gyin	1942	Montagnard Christian (H' mong, Hà mòn)	2012/12/19	87	2013/05/28	3	Gia Lai, Măng Yang prison camp
221	Y Hê ê ban	1946	Degar Montagnard Christians & FULRO	2003	87	2003/10/16	12	Hà Nam, Phú Lý, Ba Sao prison camp
222	Y Jim Eban	1973	Montagnard Christian, religious freedom activist	2004/07/18	87	2005/07/05	13	Daklak provincial prison
223	Y Jon E-Nuoi	1976	Degar Montagnard Christians & FULRO	2003/01/29	87	2003/10/16	11	Hà Nam, Phú Lý, Ba Sao prison camp
224	Y Jut E-Ban	1970	Montagnard Christian, religious freedom activist	2004/01/23	87	2005/07/05	11	Hà Nam, Phú Lý, Ba Sao prison camp
225	Y Kur B.Đáp	1971	Degar Montagnard Christians & FULRO	2004/07/28	87	2005/11/16-17	17	Hà Nam, Phú Lý, Ba Sao prison camp
226	Y Kur B.Ya	1956	Degar Montagnard Christians & FULRO	2002/12/19	87	2003/10/16	13	Hà Nam, Phú Lý, Ba Sao prison camp
227	Y Nghenh (Ma Đem)	1974	Degar Montagnard Christians & FULRO	N/A	87	2008/08/06	8	Daknong provincial prison
228	Y Nginh Nie	1974	Montagnard Christian, religious freedom activist	2004/04/23	87	2005/07/05	11	Bình Dương, An Phước prison camp
229	Y Ngun Knul	1968	Montagnard Christian, religious freedom activist	2004/04/29	87	2004/01	18	Hà Nam, Phú Lý, Ba Sao prison camp
230	Y Pher H'Druê	1979	Montagnard Christian, religious freedom activist	2004/07/31	87	2005/07/05	12	Daklak provincial prison
231	Y Rit Nie Kdam	1972	Montagnard Christian, religious freedom activist	2004/04/10	87	2004/01	12	Hà Nam, Phú Lý, Ba Sao prison camp
232	Y Ruih Êban	1960	Degar Montagnard Christians & FULRO	2005/02/19	87	2005/11/16-17	10	Daklak provincial prison
233	Y Thot	1962	Montagnard Christian, religious freedom activist	2004	87	2004/01	10	Hà Nam, Phú Lý, Ba Sao prison camp
234	Y Tlúp Adrong (aka Ama Joel)	1959	Montagnard Christian, religious freedom activist	2003/10/21	87	2004/08/11-12	12	Hà Nam, Phú Lý, Ba Sao prison camp
235	Y Yăn Byă (aka Ama Nong)	1966	Montagnard Christian, religious freedom activist	2003/10/22	87	2004/08/11-12	11	Hà Nam, Phú Lý, Ba Sao prison camp
236	Y Yem H Wing	N/A	Montagnard Christian, religious activist	N/A	87	N/A	9	Bình Dương, An Phước prison camp
237	Yuh (Bă Nar)	1962	Degar Montagnard Christians & FULRO	2009/02/04	87	2009/09/08	8	Gia Lai prison camp - B20

APPENDIX II

List of Prisoners of Conscience in Probationary Detention/ House Arrest Updated 2014/04/16

O.N.	NAME	BIRTH YEAR	BACKGROUND	ARREST DATE	ACCUSED OF (Article of Vietnam Criminal Code)	TRIAL DATE	SENTENCE (prison years)	DETENTION / PRISON CAMP
1	Chang A Dơ	1979	Ethnic Hmong Christian	2011/04	89	2012/03/13	2	Điện Biên, Mường Nhé prison camp
2	Chu Mạnh Sơn	1989	Catholic Youth activist. Redemptorist News Information Network	2011/08/03	88	2012/05/24	2,5	Nghệ An, Nghi Kim prison camp
3	Cư A Báo	1976	Montagnard Christian	2011/04	89	2012/03/13	2	Điện Biên, Mường Nhé prison camp
4	Đình Nhật Uy	1983	Blogger	2011/10/29	258	2013/06/05	3	Long An
5	Đoàn Văn Vệ	1974	Farmer, Land rights activist	2012/01/05	93	2013/04/05	2	Trần Phú Prison, Hải Phòng
7	Giàng A Si	1979	Montagnard Christian, detained for participating in peaceful demonstrations	2011/04	89	2012/03/13	2,5	Điện Biên, Mường Nhé prison camp
7	H Thuỷ Ya	1962	Montagnard Christian, religious freedom activist	2008	87	2008	5	Hà Nam, Phú Lý, Ba Sao prison camp
8	Hoàng Phong	1985	Catholic Youth activist	2011/12/29	88	2012/05/24	1,5	Nghệ An provincial prison
9	Huỳnh Anh Trí	1971	Ethnic Khmer, Government of Free Vietnam	1999/12/29	84	2001/05/16-29	14	Dong Nai, Xuan Loc, Z30A prison camp, K4
10	Huỳnh Anh Tú	1968	Ethnic Khmer, Government of Free Vietnam	1999/12/29	84	2001/05/16-29	14	Bình Dương, An Phước prison camp
11	Huỳnh đức Minh	1958	Hội đồng công luật công án Bia Sơn, Religious activist	N/A	143	2014/04/07	5	Phú Yên, Tuy Hòa
12	Ksor Alik		Degar Montagnard Christians & FULRO	2005	87	2005/05/30	8	Gia Lai prison camp - B20
13	Ksor Senat		Undermining the unity policy		87		5	Daklak prison camp
14	Lâm Quang Hải	N/A	Ethnic Khmer, Government of Free Vietnam	2000	79	2001/05/16-29	13	Dong Nai, Xuan Loc, Z30A prison camp
15	Lê Công Định (aka Nguyễn Kha)	1968	Human rights lawyer, Pro-democracy activist, Former vice president of the Ho Chi Minh City Bar Association 2005-2008	2009/06/13	79	2010/01/20	5	Dong Nai, Xuan Loc, Z30A prison camp
16	Lê Nguyên Sang	1959	Pro-democracy activist, Medical doctor People's Democratic Party of Vietnam - leader	2006/08/14	88	2007/05/10	5	Dong Nai, Xuan Loc, Z30A prison camp
17	Lê Thân		Ethnic Khmer, Government of Free Vietnam	2000/03	84	2001/05/16-29	13	Dong Nai, Xuan Loc, Z30A prison camp

18	Lê Thăng Long	1967	Pro-democracy activist, Blogger, businessman, Chân Sturdy group. VN Progressive Democratic Movement,	2009/06/04	79	2010/01/20	5	Dong Nai, Xuan Loc, Z30A prison camp
19	Lê Thị Công Nhân	1979	Human rights lawyer, Pro-democracy activist, Vietnam Progressive Party spokesperson, Bloc 8406, Vietnam Human Rights Committee	2007/03/06	88	2007/05/11	4	Thanh Hóa, Yên Định - B11 Detention Center (Ministry of Public Security)
20	Lê Văn Sóc	1956	Hoa Hao Buddhist activist	2006/11/04	245 + 257	2007/05/03	6,5	Dong Nai, Xuan Loc, Z30A prison camp
21	Mùa A Thắng	1980	Montagnard Christian, detained for participating in peaceful demonstrations	2012/04	89	2012/03/13	2	Điện Biên, Mường Nhé prison camp
22	Ngô Quỳnh	1984	Pro-democracy activist, student, Bloc 8406. Hanging anti-China & anti-government banners	2008/10/01	88	2009/10/09	3	Hà Nội, Thanh Trì, Thanh Liệt - B14 Detention Center (Ministry of Public Security)
23	Nguyễn Bá Đăng	1965	Former officer of VPA, People's Democratic Party of Vietnam, Bloc 8406	2010/01/22	88	2011/01/22	3	Nghệ An, Thanh Chương prison camp, section 6
24	Nguyễn Bình Thành	1955	Pro-democracy activist, Electrician, Vietnam Progressive Party, Bloc 8406	2007/02/17	88	2007/03/30	5	Hà Nam, Phú Lý, Ba Sao prison camp
25	Nguyễn Chí Thành	1973	Land rights activist, Vietnam Reform Party, Cow Shed Mennonite home church member	2010	79	2011/05/30	2	Dong Nai, Xuan Loc, Z30A prison camp
26	Nguyễn Đan Quế	1942	Pro-democracy activist, Medical doctor, Nonviolent Movement for Human Rights in Vietnam, founder	1978 1991 2003	79		10 20 2,5	Released in a government amnesty in 1998 Released in 2005. Under house arrest without charge since then
27	Nguyễn Đăng Vĩnh Phúc	1980	Catholic Youth activist	2011/08/02	79	2013/01/09	3	Nghệ An provincial prison
28	Nguyễn Hoàng Sơn	1960	Ethnic Khmer, Government of Free Vietnam	2000	84	2001/05/16-29	13	Dong Nai, Xuan Loc, Z30A prison camp, K1
29	Nguyễn Hữu Cầu	1947	Former officer of RVA, Front of unified national liberation forces in Vietnam	1983/10/09	87	1983/05/19-23	Death	Dong Nai, Xuan Loc, Z30A prison camp, K3
30	Nguyễn Mạnh Sơn	1943	Retired cadre, Hanging anti-China & anti-government banners	2008/05/08	88	2009/10/09	3,5	Hà Nam, Phú Lý, Ba Sao prison camp
31	Nguyễn Ngọc Phương	1977	Ethnic Khmer, Government of Free Vietnam	2000	84	2001/05/16-29	13	Dong Nai, Xuan Loc, Z30A prison camp, K2
32	Nguyễn Ngọc Tương Thi	1986	Land rights activist, distributing anti-government leaflets	2011/04/02	88	2011/10/21	2	Dong Nai, Xuan Loc, Z30A prison camp, K1

33	Nguyễn Phong	1975	Pro-democracy activist, Technician, Vietnam Progressive Party, leader, Bloc 8406	2007/02/17	88	2007/03/30	6	Thanh Hóa, Yên Định - B11 Detention Center (Ministry of Public Security)
34	Nguyễn Phuong Uyên	1992	Distributing anti-government leaflets	2011/10/14	88	2013/05/16	3	Long An
35	Nguyễn Thành Tâm	1953	Land rights activist, Vietnam Reform Party, Cow Shed Mennonite home church	2010/07/18	79	2011/05/30	2	Ben Tre provincial jail
36	Nguyễn Thị Thương	1970	Land rights activist		257	2013/04/05	15 months	Converted to probation status
37	Nguyễn Tiến Trung	1983	Pro-democracy activist, Engineer Democratic Party of Vietnam	2009/07/07	79	2010/01/20	7	Dong Nai, Xuan Loc, Z30A prison camp
38	Nguyễn Trung Tôn	1972	Pastor, Full Gospel Church. Block 8406	2011/11/15	88	2011/12/29	2	Nghệ An, Nghi Kim prison camp
39	Nguyễn Văn Chung	1952	Former officer of RVA, FULRO	1995/11/17	83 + 90	1996/06/13	20	Dong Nai, Xuan Loc, Z30A prison camp, K2
40	Nguyễn Văn Đài	1969	Human rights lawyer, Pro-democracy activist, Vietnam Human Rights Committee, founding chairman	2007/03/06	88	2007/05/11	5	Hà Nam, Phú Lý, Ba Sao prison camp
41	Nguyễn Văn Ngọc	1959	Pro-democracy activist, Engineer, Patriotic Vietnamese Group	2007/03/01	258	2007/12/11	4	Dong Nai, Xuan Loc, Z30A prison camp
42	Nguyễn Văn Thanh	1984	Pro-democracy activist, Distributing anti-government leaflets	2011/03/10	88	2012/03/06	3	Quảng Bình, Đồng Hới prison camp
43	Nguyễn Văn Tính	1942	Freelance journalist, Staff writer for the dissident newsletter To Quoc	2008/09/24	88	2009/10/09	3,5	Hà Nội, Thanh Trì, Thanh Liệt - B14 Detention Center
44	Nguyễn Văn Túc	1964	Land rights activist, Bloc 8406, Hanging anti-China & anti-government banners	2008/09/10	88	2009/10/09	4	Hà Nội, Thanh Trì, Thanh Liệt - B14 Detention Center
45	Phạm Anh Tuấn		Ethnic Khmer, Government of Free Vietnam	1999	84	2001/05/16-29	13	Dong Nai, Xuan Loc, Z30A prison camp
46	Phạm Bá Hải	1968	Pro-democracy activist, Bach Dang Giang group leader, Bloc 8406	2006/09/07	88	008/04/25	5	Dong Nai, Xuan Loc, Z30A prison camp
47	Phạm Minh Hoàng	1955	Pro-democracy activist, Vietnamese French, Professor, Vietnam Reform Party Saigon Polytechnic University	2010/08/13	79	2011/08/10	3	Sài gòn, Nguyễn Văn Cừ - B34 Detention Center (Ministry of Public Security)
48	Phạm Ngọc Hoa	1954	Land rights activist, Vietnam Reform Party, Cow Shed Mennonite home church	2010/08/10	79	2011/05/30	2	Dong Nai, Xuan Loc, Z30A prison camp, K2
49	Phạm Thanh Nghiên	1977	Labour rights activist, Bloc 8406	2008/09/18	88	2010/01/29	4	Thanh Hóa, Yên Định - B11 Detention Center

50	Phạm Thị Báu	1982	Land rights activist		257	2013/04/05	18 months	Converted to probation status
51	Phạm Văn Phong	N/A	Hội đồng công luật công án Bia Sơn, Religious activist	N/A	143	2014/04/07	2	Phú Yên, Tuy Hòa
52	Phạm Văn Trội	1972	Human rights activist, Vietnam Human Rights Committee, Bloc 8406	2008/09/10	88	2009/10/08	4	Hà Nam, Phú Lý, Ba Sao prison camp
53	Phan Thanh Hải (aka AnhBaSG)	1969	Blogger, attorney, Free Journalists Club	201/10/18	88	2012/09/24	5	Dong Nai, Xuan Loc, Z30A prison camp
54	Phan Văn Lợi	1951	Catholic priest, Bloc 8406 executive board member. "Freedom of expression" bi-weekly magazine editor in chief	1981/10/29	89	1982/11/20	7	Huế
55	Phùng Quang Quyền	1956	Land rights activist, Vietnam Populist Party	2006/11/15 2009/08/31	258 91	2007/12/10 2010/04/20	1,5 4	Dong Nai, Xuan Loc, Z30A prison camp, K2
56	Rah Lan Dang	1979	Montagnard Christian, religious freedom activist	2003	87	N/A	10	Hà Nam, Phú Lý, Ba Sao prison camp
57	Thào A Khay	1986	Montagnard Christian, detained for participating in peaceful demonstrations	2011/04	89	2012/03/13	2	Điện Biên, Mường Nhé prison camp
58	Thào A Lôu	1978	Montagnard Christian, detained for participating in peaceful demonstrations	2011/04	89	2012/03/13	2	Điện Biên, Mường Nhé prison camp
59	Thích Quảng Độ (aka Đặng Phúc Tuệ)	1928	Patriarch of the Unified Buddhist Church of Vietnam	1995/08	258	1978/08/12 1995/08/15	5	Thanh Minh Zen Monastery.
60	Tô Văn Hồng	1950	Ethnic Khmer, Government of Free Vietnam	2000/02/27	84	2001/05/16-29	13	Dong Nai, Xuan Loc, Z30A prison camp
61	Trần Đức Thạch	1952	Poet, Pro-democracy activist, Bloc 8406 . Land rights activist	2008/09/10	88	2009/10/08	3	Hà Nội, Cầu Diễn, Hỏa Lò prison camp
62	Trần Văn Thiêng	1936	Pro-democracy activist, Catholic activist, Former Lieutenant of Republic of Vietnam's Special Police	1991/02/14	79	unknown	20	Đồng Tháp, Láng Biên
63	Trương Minh Đức	1960	Freelance journalist, Vietnam Populist Party, Bloc 8406	2007/05/05	258	2008/03/28	5	Dong Nai, Xuan Loc, Z30A prison camp
64	Trương Minh Nguyệt	1946	Pro-democracy activist, professor, Vietnamese Political Prisoner Friendship Association	1981 2007/06/04	79 258	unknown 2007/12/11	15 4	Dong Nai, Xuan Loc, Z30A prison camp
65	Trương Thị Tám	1963	Land rights activist, Vietnam Populist Party	2009/08/31	91	2010/04/20	3	Lâm Đồng
66	Trương Văn Kim	1951	Land rights activist, Vietnam Populist Party	2009/08/26	91	2010/04/20	3	Lâm Đồng
67	Vàng A Giàng	1980	Montagnard Christian, detained for participating in peaceful demonstrations	2011/04	89	2012/03/13	2,5	Điện Biên, Mường Nhé prison camp

68	Vàng Seo Phừ	1978	Montagnard Christian, detained for participating in peaceful demonstrations	2011/04	89	2012/03/13	2	Điện Biên, Mường Nhé prison camp
69	Vi Đức Hồi	1956	Pro-democracy activist, blogger, Bloc 8406, Former director of CPV school in Hữu Lũng, Lạng Sơn	2010/10/27	88	2011/01/28	6	Lạng Sơn, Yên Trạch prison camp
70	Võ Văn Phụng	1950	Hội đồng công luật công án Bia Sơn, Religious activist	N/A	143	2014/04/07	5	Phú Yên, Tuy Hòa
71	Võ Văn Thanh Liêm	1940	Hoa Hao Buddhist leader, Head of Quang Minh Tự temple in An Giang	2005/08/05	245 + 257	2005/09/19	7	Dong Nai, Xuan Loc, Z30A prison camp
72	Vũ Văn Hùng	1966	Pro-democracy activist, blogger, Teacher, Bloc 8406	2008/09/18	88	2009/10/07	3	Hà Nội, Thanh Trì, Thanh Liệt – B14 Detention Center
73	Y Blik Ksor		Propaganda against the state		88		4	Daklak
74	Y Bri E-Nuol	1958	Degar Montagnard Christians & FULRO	2003/01/27	87	2003/10/16	10	Hà Nam, Phú Lý, Ba Sao prison camp
75	Y Đhăm Êban	1961	Montagnard Christian, religious freedom activist	2004/04/15	88	2005/07/05	9	
76	Y Don B.Ya	1971	Montagnard Christian, religious freedom activist	2003	87	2003/01	10	Hà Nam, Phú Lý, Ba Sao prison camp
77	Y Hai Knul		Propaganda against the state		88		4	Daklak
78	Y Hoang BKrôn	1973	Montagnard Christian, religious freedom activist	2003/10/17	87	N/A	10	
79	Y Kim Euôl		Propaganda against the state		88		4	Daklak
80	Y Krôi B' Krông		Propaganda against the state		88		4	Daklak
81	Y Lia Niê		Propaganda against the state		88		4	Daklak
82	Y Mun Niê H' Rah		Propaganda against the state		88		5	Daklak
83	Y Phu Ksor	1980	Montagnard Christian, religious freedom activist	2004/07/06	88		9	Hà Nam, Phú Lý, Ba Sao prison camp
84	Y Sa Muel Mlô	1971	Montagnard Christian, religious freedom activist	2004/08/07	87	2005/07/05	9	Daklak provincial prison
85	Y Tuân H'đok	1967	Montagnard Christian, religious freedom activist	2004/10/31	87	2005/07/05	8	Daklak provincial prison
86	Y Vô Niê	1970	Montagnard Christian, religious freedom activist	2004/08/10	87	2005/07/05	9	Daklak provincial prison
87	Y Yoan Hmôk	1981	Degar Montagnard Christians & FULRO	2004/07/28	87	2005/11/16-17	9	Daklak provincial prison

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

****Articles of Vietnamese Criminal Code:**

79: Carrying out activities aimed at overthrowing the people's administration

83: Conducting banditry activities

84: Terrorism

87: Undermining the unity policy

88: Conducting propaganda against the Socialist Republic of Vietnam

89: Disrupting security

90: Destroying detention camps

91: Fleeing abroad or defecting to stay overseas with a view to opposing the people's administration

93: Murder

121: Humiliating other persons

143: Destroying or deliberately damaging property

161: Tax evasion

226: Illegally using information in computer networks

245: Causing public disorder

257: Resisting persons in the performance of their official duties

258: Abusing democratic freedoms to infringe upon the interests of the State, the legitimate rights and interests of organizations and/or citizens

275: Organizing and/or coercing other persons to flee abroad or to stay abroad illegally

290: Acting as intermediaries for bribery

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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