



Human Rights and Democracy: The 2012 Foreign & Commonwealth Office Report - Vietnam

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The lack of legal and political accountability in one-party state Vietnam remains a serious obstacle to progress on human rights. The main areas of concern relate to civil and political rights, in particular freedom of expression. In 2012, there has been little or no sign of improvement in these areas.

Although Vietnam is party to the International Covenant on Civil and Political Rights (ICCPR) and some specific rights, such as the right to freedom of expression, are enshrined in the Vietnamese constitution and domestic law, the authorities fail to live up to many of their domestic and international human rights obligations.

Nevertheless, rapidly increasing Internet penetration has enabled a steady rise in politically motivated or independent criticism of the government and its policies through blogs and other social media. The Communist Party has taken action throughout 2012 to try to smother any criticism which it views as a threat to Vietnam's stability or to its own control.

Lack of an independent and transparent judicial system enables the government to meet any perceived challenge to the status quo with arrest under Article 88 of the Penal Code – "conducting anti-state propaganda". The authorities continue to control traditional media and use national security laws and administrative sanctions to further the party's agenda. While the government tried to restrict the space in which the media operated, the other body with responsibility for oversight of the government, the National Assembly, gained credibility as a forum for debate, despite systemic constraints such as the large majority of its representatives being members of, and vetted by, the party.

In 2012, the UK's human rights activity focused on three areas: political engagement; promoting freedom of expression (including free speech, freedom of the media and the Internet and access to information); and working to promote openness and transparency, including in the fight against corruption. We continued to raise human rights concerns at the highest levels, including by the Foreign Secretary during his visit in April, by former Foreign Office Minister Jeremy Browne during his visit in July, and more frequently by our Ambassador in Hanoi. We also work with the

EU to promote human rights, more recently at the EU-Vietnam Human Rights Dialogue on in October. There is modest progress in our work with the media, government and civil society to support the development of an open and professional media sector in Vietnam. For example, the FCO funded a project which piloted a model to protect journalists from attacks and safeguard their rights. However, there are no clear signs that the Vietnamese authorities will adopt a more tolerant approach towards freedom of expression or other civil and political rights. We also expect land rights to be an issue in 2013.

In 2013, we will continue to engage politically on human rights with the Vietnamese, at ministerial and senior official levels, through the Vietnam-UK Strategic Partnership, which provides a comprehensive framework to develop the bilateral relationship. The UK and Vietnam will discuss possible UK help with technical assistance and practical support to prepare and follow up Vietnam's Universal Periodic Review. These are good opportunities for UK-Vietnam engagement on human rights and for Vietnam to take the first steps in the international arena embracing human rights.

In 2013, the UK will look to input comments into the United Nations Development Programme on the draft land rights law. We will use our lead role on anti-corruption to challenge the government and highlight the importance of this issue. The UK Chair, the government of Vietnam and the Communist Party will develop outcomes for the 12th Anti-Corruption Dialogue that supports increased private sector engagement in the anti-corruption agenda, including through a business forum, and grassroots action to tackle corruption.

Freedom of expression

Freedom of expression remains a problem as the Vietnamese authorities continue to use tough national security laws to punish critics of the regime.

A case which hit the headlines in foreign media and on the blogs but was unreported in the state-censored media is that of student Nguyen Phuong Uyen who, on 19 October, disappeared after being taken to a police station for questioning. Two weeks later she was officially arrested and charged for distributing anti-state leaflets and "security matters". As of February 2013, she remains in pre-trial detention.

The official media remained tightly controlled by government censorship and obstruction; an FCO-funded survey showed that nearly 88% of journalists in one province had experienced obstruction of some sort in their work. At the same time, the level of online criticism of the state by unofficial bloggers increased. The government's response also intensified with a crackdown on critical blogs and longer prison sentences for bloggers. In September, Prime Minister Nguyen Tan Dung ordered the police to take action against three popular bloggers: Dan Lam Bao, Quan Lam Bao and Bien Dong, who were critical of the government. Later that month, three high-profile bloggers, Nguyen Van Hai, Ta Phong Tan and Phan Thanh Hai, were sentenced to up to 12 years in prison for disseminating anti-state propaganda.

The UK and others raised their collective concerns via a démarche about the imprisonment of these five individuals. The UK also supported the EU High Representative's statement, which highlighted serious concern over the convictions.

At the same time, the UK continued to work with the media sector to enhance journalists' professional reporting skills through workshops with the BBC and ethical performance through development of a broadcasting code of practice. The NGO RED Communication (Centre for Research on Development Communication) in collaboration with Dak Lak provincial authorities set up a model to raise journalists' awareness of their rights and responsibilities under Vietnamese law. This was a success and created a safer working environment for journalists through better

engagement and understanding between the media and government authorities, including the police.

The UK frequently highlights our concerns about government-imposed media restrictions – for example Decision 20/2011, which required all foreign language content to be edited and translated, including live news channels. The UK with other EU member states lobbied the Vietnamese to withdraw this legislation because of our concerns about the effect this would have on the ability of news corporations such as the BBC to operate in Vietnam. As a result, implementation of the decree was postponed, for the second time, for six months.

Freedom of assembly

Restrictions on the freedom to assemble remain a problem in Vietnam. In April, police and security forces forcibly removed protesters from a site in Hung Yen province that had been authorised for commercial development. There were credible reports of some protesters being beaten, and the state-run media reported that there were more than 20 arrests and that two journalists were also attacked by police during the incident. In December, hundreds of people joined anti-China protests in Hanoi and Ho Chi Minh City. Initially, these demonstrations were tolerated but they were later stopped by the authorities. According to media reports and blogs, at least 20 people were detained in Hanoi after they refused to obey police instructions to disperse. They were all released later that day.

In 2011, the Vietnamese Prime Minister requested the National Assembly to issue a Law on Demonstration. Concerns remain that this law will suppress legitimate demonstrations rather than enable them.

Access to justice and the rule of law

Concerns remain over the lack of independence and transparency in the legal and judicial systems. There is poor coordination between the key agencies mandated with investigating, prosecuting and sentencing in criminal cases. Through the British Council's management of the Justice Partnership Programme (JPP) project, the UK is supporting judicial reform of the three main justice sector agencies: the Ministry of Justice, Supreme People's Court and the Supreme People's Procuracy. Progress, however, remains very slow and a number of cases in 2012 offer little evidence of the defendants being given a fair trial.

In late February, representatives from the Vietnamese National Assembly visited the UK to learn about the UK's experience of promoting accountability and transparency in law-making. During their visit, they held talks with UK parliamentarians seeing at first hand the workings of Parliament. The delegation also visited the Supreme Court and Transparency International. The findings of the visit have been reflected in the revision of the Law on Anti-Corruption led by the Committee on Justice and in a proposal on how to improve Deputies' meetings with voters.

Land-use rights in Vietnam, long a contentious issue domestically, came to international prominence following a land dispute in the Tien Lang District. Fish-farmer Doan Van Vuon and family members used shotguns and explosives to prevent the police from confiscating his smallholding. There was widespread public sympathy for the plight of Mr Vuon. On 10 February, the Vietnamese Prime Minister criticised the local authorities and praised the media for their coverage, ordering all provinces to review their land management practices. Land-use rights are an increasing source of tension amongst farming communities, who still form the majority of the population, and other groups that live close to major population centres. In particular, the issue of compensation for reclaimed land continues to dominate public discourse as the country becomes more urbanised, and more land is reclaimed by the government for industrial use. The government has recognised how sensitive this issue is and has opened public consultation on a draft of the new

land law. The UK has provided direct funding for public consultations across society to ensure that the consultation represents the broadest possible base of interests.

The Vietnamese government has acknowledged publicly that corruption is damaging the party and presents a major obstacle to economic growth. The National Assembly passed a revised law on anti-corruption, and the UK chairs the government's formal Anti-Corruption Dialogue on behalf of international donors. The focus of the 2012 high-level dialogue meeting in December was corruption at local and provincial level.

Death penalty

Figures on the death penalty officially remain a state secret, but figures from the Ministry of Public Services show an increase from 80 to 100 in the last year of the number of people sentenced to the death penalty. Since November 2011, policy has been to carry out the death penalty only by the administration of lethal drugs. Due to the limited supply of these drugs, there has been a *de facto* moratorium on the death penalty. This has led to a high number of prisoners on death row awaiting execution in poor conditions.

In November, the Vietnamese government abstained in a UN vote in the United Nations General Assembly's Third Committee on the resolution calling for a worldwide moratorium on the death penalty. Working with EU partners, we continued to urge the Vietnamese to introduce a moratorium on the use of the death penalty, and in the meantime to adopt a more transparent approach to its application.

Freedom of religion or belief

Religious freedom is allowed in Vietnam although in practice, the government restricts some religious worship on the grounds of interests of national security. Through the EU-Vietnam Human Rights Dialogue, the EU highlighted concerns about the reported harassment of religious groups, the delays in registering churches and the refusal of the authorities to allow churches to train pastors. Progress is being made, however, with the building of new places of worship, recognition of new religious groups and registering new congregations.

Women's rights

Human trafficking, particularly of young women from Vietnam to elsewhere in the region, remains a serious concern. Vietnam's anti-trafficking legislation, introduced in 2011, had led to a significant number of successful prosecutions of traffickers. Vietnam ratified the UN Convention against Transnational Organized Crime and acceded to the Palermo Protocol on Human Trafficking in June 2012.

The UK was part of a group of donors that carried out the Country Gender Assessment for Vietnam with the government. This showed a number of problems, including the need for better employment opportunities; improved political participation; reduction in domestic violence; and more effective implementation of the gender equality law and the domestic violence law. These were included in the government-approved National Strategy, and National Programme, for Gender Equality. Through FCO funding, the NGO Pacific Links Foundation has built a rehabilitation centre in Lao Cai for Vietnamese girls who are victims of human trafficking into China.

Children's rights

Vietnamese children are the most reported nationality of children trafficked to the UK, mainly for criminal and labour exploitation. Vietnam's anti-trafficking legislation, introduced in 2011, recognised the trafficking of children as well as of adults. UNICEF and Ministry of Labour,

Invalids and Social Affairs (MOLISA), released a hard-hitting report on Commercial Sexual Exploitation of Children (CSEC) in Vietnam in November.

In February, Vietnam became a State Party to the Hague Convention on Adoption. Vietnam has introduced a number of measures focusing on protecting children, including UNICEF's work with Vietnam to achieve a better social welfare structure. Close cooperation between the Vietnamese and UK authorities led to the removal from Vietnam of a number of UK-registered child sex offenders.

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