



**Submission to the Universal Periodic Review of Vietnam**

Human Rights Watch

**October 2023**

## **Introduction**

This submission highlights Human Rights Watch's concerns regarding the human rights situation in Vietnam. Since its third Universal Periodic Review (UPR) in January 2019, Vietnam's human rights situation deteriorated significantly. The Communist Party of Vietnam seeks to maintain its monopoly of power by arbitrarily arresting and prosecuting people in unfair trials for publishing or posting critical views of the government, joining independent organizations, and advocating for political reforms. Beyond criminalizing free speech and peaceful public assembly, and severely restricting other political and civil rights, the authorities also tightly regulate religious groups and prohibit independent media and other publications.

Vietnam is a party to the International Covenant on Civil and Political Rights (ICCPR) and other core international human rights treaties. However, the government's laws, policies, and practices systematically violate the rights of the Vietnamese people.

Between 2019 and 2023, Vietnam expanded its repression of political activists to activists associated with mainstream civil society organizations. In May 2023, police arrested leading national environmentalist [Hoang Thi Minh Hong](#) on bogus tax evasion charges. Hoang Thi Minh Hong was a 2018 Obama scholar, and former US President Barack Obama recognized her environmental leadership in a [tweet](#) at that time. In August 2023, climate change campaigner [Dang Dinh Bach](#), who has been serving a five-year prison sentence since July 2021 on politically motivated tax evasion charges, was [reportedly](#) assaulted by prison guards for trying to tell his family about prison conditions during a brief phone call. In September, the police arrested yet another prominent environmental researcher, [Ngo Thi To Nhien](#), the Executive Director of the Vietnam Initiative for Energy Transition.

## **Criminalization of Freedom of Expression, Association, and Religion**

The Vietnamese authorities frequently use vaguely worded and loosely interpreted provisions in Vietnam's [penal code](#) to prosecute and imprison peaceful political and religious activists. These include "carrying out activities aimed at overthrowing the people's administration" (article 109), "making, storing, disseminating or propagandizing information, materials and products that aim to oppose the State of the Socialist Republic of Vietnam" (article 117), "conducting propaganda against the state" (article 88 of the 1999 penal code), and "abusing the rights to democracy and freedoms to infringe upon the interests of the State, the legitimate rights and interests of organizations, individuals" (article 331).

During the previous UPR for Vietnam in January 2019, the government rejected all recommendations to repeal or amend these rights-abusing articles in its penal code, including recommendations from France,<sup>1</sup> Switzerland,<sup>2</sup> Finland,<sup>3</sup> Netherlands,<sup>4</sup> New Zealand, Sweden, Austria, Canada,<sup>5</sup> and Norway.<sup>6</sup> It also rejected all recommendations related to human rights defenders, including those from the United States,<sup>7</sup> Germany,<sup>8</sup> Iceland,<sup>9</sup> Poland,<sup>10</sup> and Czechia.<sup>11</sup>

Between January 2019 and August 2023, the Vietnamese authorities prosecuted and convicted at least 139 people and sentenced them to many years in prison for criticizing the government, or joining pro-democracy groups under articles 88, 109, 117, and 331 of the penal code. Among them are prominent bloggers Pham Doan Trang, Pham Chi Dung, Nguyen Tuong Thuy, Pham Chi Thanh, Pham Van Diep, and Nguyen Lan Thang. At

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<sup>1</sup> A/HRC/41/7, Recommendation 38.55.

<sup>2</sup> A/HRC/41/7, Recommendation 38.73.

<sup>3</sup> A/HRC/41/7, Recommendation 38.167.

<sup>4</sup> A/HRC/41/7, Recommendation 38.183.

<sup>5</sup> A/HRC/41/7, Recommendation 38.187.

<sup>6</sup> A/HRC/41/7, Recommendation 38.188.

<sup>7</sup> A/HRC/41/7, Recommendation 38.145.

<sup>8</sup> A/HRC/41/7, Recommendation 38.171.

<sup>9</sup> A/HRC/41/7, Recommendation 38.175.

<sup>10</sup> A/HRC/41/7, Recommendation 38.191.

<sup>11</sup> A/HRC/41/7, Recommendation 38.214.

this time, there are at least 166 political prisoners in the country. The authorities are holding at least 17 other people in pre-trial detention on similar charges.

**Recommendations:**

- Repeal articles 109, 117 and 331 of the penal code that seriously infringe on people's basic rights to freedom of expression and association.
- Quash sentences and immediately release all human rights activists imprisoned for exercising their rights to freedom of expression, association, peaceful assembly, and other civil and political rights. Among those imprisoned are Tran Huynh Duy Thuc, Pham Doan Trang, Le Dinh Luong, Pham Chi Dung, Nguyen Tuong Thuy, Pham Chi Thanh, Can Thi Theu, Dinh Van Hai, Le Trong Hung, and Hoang Duc Binh.

**Unfair Legal Treatment for Criminal Suspects and Defendants**

The Vietnamese government uses a double-standard to treat citizens suspected of criminal violations. In cases involving what the authorities consider politically motivated offenses, the government curbs the rights of suspects by denying them access to legal counsel for months, or even years; preventing visits by family members while the accused are in pre-trial detention; and blocking family members, activists, and friends from attending their trials.

In direct contrast, for some non-political criminal cases in which authorities want to send a message to communities, prosecutors and courts stage public trials to name and shame the defendants (and indirectly, their families), and "educate" the public. In many cases, the courts already predetermined the defendants were guilty even before such public court spectacles began. In both political and non-political cases, the police, prosecutors, and courts violate the most central legal principles: a presumption of innocence in a fair trial before an independent court.

**For politically motivated cases:**

Vietnam's [criminal procedure code](#) stipulates that the procurator of the People's Supreme Procuracy can hold a person suspected of violating national security in detention until the investigation is concluded (article 173(5)), and can restrict the detainee's access to legal counsel until after investigation is concluded (article 74). In practice, this means that those who are suspected of violating national security offenses are regularly held in police custody without access to a lawyer for as long as the investigating officials deem appropriate.

For example, prominent rights activist [Bui Tuan Lam](#) was held in police detention from September 2022 to May 2023 without access to his lawyers. Officials in the case lied to his lawyers by claiming that Bui Tuan Lam had voluntarily waived his rights to be represented by counsel. Only when his wife, Le Thanh Lam, demanded to meet and hear that claim directly from her husband did the authorities yield, and cease blocking access for his lawyers. Officials then [retaliated](#) against the family's activism to help Bui Tuan Lam by refusing to allow his family inside the court to attend his trial on May 25, 2023. When his wife appeared outside the court with her relatives, police manhandled her and detained her for several hours, and beat up some of her relatives. Inside the court, the judge expelled one of the defense lawyers before he could even finish his oral argument. In August, defense lawyer Le Dinh Viet [requested](#) to meet Bui Tuan Lam before his appeal trial, but the authorities rejected his request outright.

Similarly, authorities arrested Facebook user [Nguyen Minh Son](#) on September 28, 2022, for posting his critical views about Communist Party leaders on Facebook. They charged him under article 117 of the penal code. As of September 14, 2023, almost a year later, authorities had still not allowed him to receive any visit from family members or meet with his defense lawyer.

**For non-political cases:**

Vietnam frequently carries out what they call "mobile trials" (*xet xu luu dong*), using makeshift courts in public spaces such as a sports stadium, local community space, school or university, or the headquarters of the government in a local ward to hold trials of criminal suspects. The authorities claim that such "mobile trials"

are used to “educate” people about law and set an example for the public. Such mobile trials are usually conducted in areas where the defendants live, causing public embarrassment and shame for the defendant and their family.

For example, on April 19, 2023, the court of Muong Lat district in Thanh Hoa province put [Sung Ly Po](#), an ethnic minority man who lives in Muong Lat district, in a “mobile trial” for causing injuries to another person. The trial was conducted at Muong Lat High School. The court convicted and sentenced Sung Ly Po to 26 months in prison.

Similarly, on June 29, 2023, the court of Ba Be district in Bac Kan province put [Trieu Chan Ghuyen](#) on “mobile trial” for possessing illegal drugs at the Ha Hieu commune where he lives. The court convicted and sentenced him to 15 months in prison.

On November 9, 2022, the People’s Court of Quang Tri district put [Ho A Ran, Ho A Khay, Ho Van Long, and Ho A Liem](#) on “mobile trial” for transporting illegal drugs at the headquarters of the People’s Committee of Thuan commune where all four defendants live. The court convicted and sentenced Ho A Ran, Ho A Khay, and Ho Van Long to death, and Ho A Liem to a life sentence. The full trial of these four defendants lasted just one day.

Between 2019 and 2023, Vietnam carried out such “mobile trials” in at least 55 different provinces (95 percent of the country’s provinces) and all five main cities (Hanoi, Hai Phong, Can Tho, Ho Chi Minh City, and Da Nang) in the country. In 2022, the province of Thai Nguyen alone carried out 105 “mobile trials” in public spaces. During the first nine months of 2023, the province of Nghe An carried out 51 “mobile trials.”

During the previous UPR in January 2019, Vietnam accepted recommendations to “abolish immediately at all levels the practice of outdoor trials to ensure the right to presumption of innocence, effective legal representation and fair trials”<sup>12</sup>, “ensure that fair trials guarantees and due process rights, as provided in international law and standards, are respected and upheld in all cases,”<sup>13</sup> “continue efforts to guarantee the right to equality before the law for all,”<sup>14</sup> and “amend the Criminal Procedure Code so that persons are represented by a lawyer immediately following their arrest and to guarantee their rights to a fair trial.”<sup>15</sup> Vietnam did not implement any of these accepted recommendations.

#### Recommendations:

- Repeal article 74 and article 173 of the Criminal Procedure Code and allow all people detained for any alleged violations, including national security crimes, to have immediate and regular access to legal counsel upon being arrested and throughout their pre-trial detention.
- Immediately end the practice of conducting “mobile trials.”
- Amend the Criminal Procedure Code to allow all suspects to have unhindered access to defense lawyers in private, for as long and as frequently as the lawyers and their clients require it, and respect lawyer-defendant confidentiality.

#### **Repression of the Right to Freely Practice Religion**

The Vietnamese government restricts religious freedom and practice through legislation, registration requirements, harassment, and surveillance. Religious groups are required to gain approval from and register with the government, as well as operate under government-controlled management boards. While authorities allow many government-affiliated churches and pagodas to hold worship services, they regularly ban religious activities they arbitrarily deem to be contrary to the “national interest,” “public order,” or “national unity.” The government labels Dega Protestant, Ha Mon Catholic, Falun Gong and a few other religious groups as *ta dao* (“evil religion”) and harasses those who practice those beliefs.

As of September 2021, Vietnam [acknowledged](#) that it had not officially recognized about 140 religious groups with approximately one million followers.

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<sup>12</sup> A/HRC/41/7, Recommendation 38.150 (Denmark).

<sup>13</sup> A/HRC/41/7, Recommendation 38.158 (Slovakia).

<sup>14</sup> A/HRC/41/7, Recommendation 38.163 (Bolivia).

<sup>15</sup> A/HRC/41/7, Recommendation 38.164 (Canada).

In August 2021, the police of Chu Prong district in Gia Lai province held a public criticism of “[21 subjects](#)” who follow Dega Protestantism. At this public criticism, the authorities acted to ensure “these subjects acknowledged their wrongdoing, and signed commitments to abandon Dega Protestantism.”

In January 2022, the local authorities of Lao Cai province boasted that “[with persistence](#)” they have persuaded “many families to voluntarily sign commitments to abandon evil religion and turn to religions permitted by the law; to seriously obey the guidelines and policies of the Party, and the State’s law on religion.”

In September 2023, the police claimed they had used various “[methods](#)” to “eliminate the United Montagnard Church of Christ” (Tin Lanh Dang Christ Tay Nguyen) in Phu Yen province. Also in September, the Ministry of Interior Affairs issued [correspondence](#) to the People’s Committees in all provinces and cities, requesting them to “fight and eliminate the World Mission Society of God organization” (Hoi thanh Duc Chua troi me), a religious group that “originated from South Korea and came to Vietnam in 2001.”

The police monitor and sometimes violently crack down on religious groups operating outside government-controlled institutions. Unrecognized independent religious groups face constant surveillance, harassment, and intimidation, and their followers are subject to public criticism, forced renunciation of faith, arbitrary detention, abusive interrogation, torture, and imprisonment.

Between 2019 and 2022, courts convicted and sentenced at least five people to prison for being associated with independent religious groups outside of Vietnamese government control: Rah Lan Rah, Siu Chon, Ro Mah Them, Rah Lan Hip, and Ksor Ruk.

In 2023, police arrested Y Krec Bya (known as Ama Guon) in April, and Nay Y Blang (known as Ma Tuong) in May, also for being affiliated with independent religious groups.

During the previous UPR review in 2019, Vietnam rejected Canada’s recommendation to “review the law on religion and belief to enable religious groups to practice freely.”<sup>16</sup> Vietnam accepted recommendations “to safeguard freedom of religion and belief for all in Vietnam,”<sup>17</sup> and “protect religious and ethnic minorities, and refrain from imposing legal restrictions on them.”<sup>18</sup> But Vietnam failed to implement both of these accepted recommendations in practice.

#### Recommendations:

- Repeal, or substantially amend, the Law on Religion and Belief to allow all independent religious organizations to freely conduct religious activities and govern themselves. Churches and denominations that do not choose to join one of the officially authorized religious organizations with government-appointed boards should be allowed to operate independently.
- End all forms of government harassment, forced denunciations of faith, arrests, prosecutions, imprisonment, and ill-treatment of people because they are exercising their right to freedom of religion and belief and following religions outside government-affiliated structures.
- Quash all convictions and immediately release all people currently being imprisoned for the peaceful exercise of their rights to freedom of religion and belief.

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<sup>16</sup> A/HRC/41/7, Recommendation 38.212.

<sup>17</sup> A/HRC/41/7, Recommendation 38.210.

<sup>18</sup> A/HRC/41/7, Recommendation 38.277.