

UNIVERSAL PERIODIC REVIEW OF VIETNAM

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Joint submission by



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1. At its second Universal Periodic Review (UPR) in 2014, Vietnam accepted 182 out of the 227 recommendations it received from United Nations (UN) member states. However, progress in implementing many of these recommendations over the last four years has been extremely limited. This lack of progress was accompanied by the authorities' prolonged crackdown on freedom of expression, religion, and peaceful assembly.

2. Between February 2014 and July 2018, FIDH and VCHR compiled cases of 160 human rights defenders (HRDs) and peaceful activists condemned to prison sentences ranging from two to 15 years, in addition to years of house arrest to be served following the completion of the jail terms. Many other activists and HRDs remain detained awaiting trial. In the ongoing crackdown, peaceful activists and HRDs have been subjected to unprecedented police brutality, beatings, harassments, and arbitrary detention without charge.

3. Almost all of the charges against activists, HRDs, and government critics were brought under vaguely-worded 'national security' provisions in the Criminal Code that make no distinction between violent acts (such as terrorism) and the peaceful exercise of the right to freedom of expression. These clauses are inconsistent with the rights enshrined in the International Covenant on Civil and Political Rights (ICCPR), to which Vietnam acceded in 1982.

4. Since its previous UPR, Vietnam has also introduced extensive legislative measures that have imposed restrictions on the exercise of human rights. These include reforms of key legislation, such as the Constitution, the Criminal Code, and the Criminal Procedure Code. New decrees and regulations also resulted in further restrictions on the rights to freedom of expression, freedom of religion or belief, and freedom of peaceful assembly.

Repressive legislation fuels crackdown on civil society

5. Human rights are guaranteed in the Vietnamese Constitution. However, amendments to the Constitution adopted in November 2013 have significantly weakened human rights protections. Article 15 specifies that "the practice of human rights and citizen's rights must not infringe upon national interests" and Article 14 provides restrictions for vaguely defined reasons that are inconsistent with the limits set out under the ICCPR, to which Vietnam is a state party.

6. Article 4 of the Constitution enshrines the political monopoly of the Communist Party of Vietnam (CPV). The Constitution is a major impediment to the exercise of human rights because it excludes pluralism of opinion, expression and belief, and subjugates human rights enjoyment to the control of the one-party state.

7. Extensive domestic legislation that prohibits the "abuse" of rights that infringe on "state interests and policies" also enables authorities to imprison HRDs and to claim that Vietnam has no "prisoners of conscience," nor individuals arrested for having expressed their opinions.¹

8. Restrictions on the enjoyment of human rights are reinforced by Communist Party of Vietnam (CPV) directives. For example, in November 2017, the CPV issued Regulation 102 which states that any party member who advocates for "the separation of powers," "independent

civil society,” or “multi-party democracy” will be immediately expelled. In Vietnam’s one-party state, expulsion from the CPV is a serious sanction. Party membership opens doors to job opportunities, connections, influence, access to university, and a range of financial privileges and prerogatives.

Unsatisfactory cooperation with UN human rights mechanisms

9. Vietnam’s cooperation with UN human rights mechanisms remains unsatisfactory. Vietnam is a state party to seven core UN human rights treaties. However, it has not signed or ratified any of the Optional Protocols or complaint mechanisms of these treaties, and has systematically rejected recommendations to do so during the two previous UPR cycles. As a result, Vietnamese people are deprived of alternative mechanisms to seek remedies to violations of their rights.

10. The Vietnamese government submitted several important reports to UN treaty bodies many years after the deadline. Vietnam’s periodic report to the Committee on Economic, Social and Cultural Rights (CESR) was 21 years late, and its periodic report to the Human Rights Committee (CCPR), presented in 2018, was 14 years overdue. It covered the period from 2002 to 2017, making it extremely difficult for UN experts to effectively evaluate its implementation. Vietnam also submitted its most recent report to the Committee on the Elimination of Discrimination against Women (CEDAW) almost two years late, in 2013.

11. Since its previous UPR, the Vietnamese government has failed to positively respond to requests for official country visits by four UN special procedures (Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; Special Rapporteur on the situation of human rights defenders; Special Rapporteur on the rights to freedom of peaceful assembly and of association; and the Working Group on Arbitrary Detention). In 2014, Vietnam invited the UN Special Rapporteur on freedom of religion or belief Heiner Bielefeldt for an official country visit. However, the visit was marred by intrusive police surveillance, harassment, intimidation, and physical assault against members of non-recognized religious groups who sought to meet the Special Rapporteur, causing him to cancel several field trips. Mr. Bielefeldt said he was “concerned and outraged” by these incidents, which violated the terms of reference of country visits agreed upon by the government prior to his visit.²

12. Although the Vietnamese government accepted UPR recommendations to foster a safe and enabling environment for all civil society actors, including those who cooperate with the UN, authorities subjected many HRDs to reprisals for activities connected to Vietnam’s UPR in 2014. For example, Buddhist Youth Movement (BYM) leader Lê Công Cầu was interrogated and placed under house arrest for sending an audio message to a side-event describing the harassment of BYM members.³

Unfair trials, lengthy pre-trial detention

13. The lack of an independent judiciary system is an issue of serious concern. Many of the recommendations Vietnam received during its previous UPR in 2014 concerned improvements

to the justice system. However, the government has failed to make improvements to the justice system.

14. In Vietnam, courts are not independent and trials are routinely unfair. Justice is administered through the People's Courts, the People's Office of Supervision and Control, and Military Tribunals, which have a constitutional mandate to "safeguard the socialist regime and the interests of the state" (Article 102.3). Although trials are generally open to the public, the Constitution provides for closed trials in "special cases" to protect "state secrets" or the "fine customs and traditions of the nation." These overly broad definitions are regularly invoked to hold trials of HRDs behind closed doors. In February 2018, medical doctor Hồ Văn Hải was sentenced to four years in prison during a secret, closed-door trial for denouncing the toxic effects of the Formosa industrial waste spill.

15. Since Vietnam's previous UPR, a number of high-profile political trials have taken place, which contravened standards of fairness and impartiality. Detainees were held virtually incommunicado during pre-trial detention, often far beyond the legal limits. With little access to legal counsel, they were unable to prepare their defense. In many cases, defendants were not allowed to call their witnesses, and the presumption of innocence was undermined by smear campaigns in the state-controlled media. Defense lawyers were not given access to the full file of accusations against their clients, and were often not notified of trial dates until the last minute. These trials normally lasted only a few hours. According to a judge in Ho Chi Minh City who spoke to members of the local legal community on condition of anonymity, judgments are decided in advance by the Ministry of Public Security, People's Procuracy, and the court. If they disagree on the sentence, pre-trial detention is prolonged until they can reach an agreement.⁴ The trial of six members of the "Brotherhood of Democracy" in April 2018, which resulted in very heavy prison sentences, lasted only one day. The People's Procuracy did not reply to questions asked by the defendants' lawyers and produced no substantial evidence to justify the harsh sentences.

16. Lawyers who defend rights activists are often subjected to threats and harassment, or disbarred by the local Bar Associations, which are not independent. In November 2017, the Bar Association in Phú Yên Province revoked the license of lawyer Võ An Đôn, just three days before the appeal trial of his client, blogger Nguyen Ngoc Nhu Quynh (aka 'Mẹ Nấm'). He was unable to defend her, and the Appeal Court upheld her conviction and 10-year prison sentence.

17. Despite recommendations received during Vietnam's second UPR to bring the Criminal Procedure Code into line with international standards, the amended 2017 Criminal Procedure Code provides for virtually unlimited pre-trial detention in cases of 'national security.' After an initial period of four months which may be extended three times, "in special cases of extremely severe crimes or breaches of national security," the head of the Supreme People's Procuracy can decide to extend detention until the investigation closes. Human rights lawyer Nguyen Van Dai and his assistant Le Thu Ha, who were arrested in December 2015, were detained for 825 days before being tried in April 2018. They were often detained incommunicado and deprived of access to their lawyers and families.

Amended Criminal Code retains repressive provisions, adds new ‘national security’ offense

18. During the first two UPR cycles, Vietnam received numerous recommendations to amend the Criminal Code to bring it into line with international standards. In 2015, Vietnam’s National Assembly adopted an amended Criminal Code that was revised in 2017 and came into effect in January 2018. The amendments did not repeal vaguely worded ‘national security’ provisions of the Criminal Code, which explicitly breach Vietnam’s international legal obligations. Instead, a new national security crime, ‘terrorism against the state’ (Article 113), which carries the death penalty, was added.

19. In some cases, the amendments imposed even harsher restrictions on the right to freedom of opinion and expression. Article 88 (now Article 117) ‘conducting propaganda against the Socialist Republic of Vietnam’ now criminalizes “causing, storing and distributing information and documents against the State of the Socialist Republic of Vietnam,” a clause that is open to wider interpretation. Restrictive provisions criminalizing the “preparation” of, or intent to commit a crime were added to Article 79 (now 109) ‘activities aimed at overthrowing the people’s administration,’ Article 87, and Article 88.

20. Since Vietnam’s previous UPR, authorities have intensified arrests of civil society activists, bloggers, and HRDs under ‘national security’ offenses in the Criminal Code, particularly for ‘abusing democratic freedoms to encroach on the interests of the state’ (Article 258, now 331), ‘undermining national solidarity, sowing divisions between religious and non-religious people’ (Article 87, now 116), and ‘anti-state propaganda’ (Article 88, now 117). Convictions for ‘subversion’ under Article 79 (now 109), which carries the death penalty, have also escalated. In December 2017, a court in Binh Dinh Province sentenced nine people to a total of 83 years in prison for distributing leaflets perceived to be “anti-state.” In April 2018, six members of the “Brotherhood for Democracy” received a total of 66 years in prison and 17 years of house arrest for peaceful pro-democracy activities. All were accused of “activities aimed at overthrowing the people’s administration.”

Number of executions rises, torture and ill-treatment of prisoners widespread

21. Vietnam retains the death penalty for a wide range of offenses that do not meet the threshold of “the most serious crimes” under Article 6 of the ICCPR. Following the entry into force of the amended Criminal Code in January 2018, the number of crimes punishable by death was reduced from 22 to 18. However, no ‘national security’ offenses were removed from this list, and one new crime was added [see above, *para. 18*].

22. During Vietnam’s second UPR, the government rejected recommendations to publish statistics on the death penalty, which the authorities continue to classify as “state secrets.” However, according to a report posted on the Ministry of Public Security’s website in March 2017, the number of executions has risen sharply since 2013, when Vietnam adopted Decree 47/2013/ND-CP that legalized the use of “domestic poisons” in the administering of the lethal injection during executions. Between August 2013 and June 2016, a total of 429 prisoners were

executed. As of June 2016, 81 prisoners were awaiting execution, 80 had been granted a stay of execution and retrial because of wrongful convictions, and 36 had committed suicide or died while on death row between 2011 and 2016. To cope with the large number of executions, five new execution compounds have been built at unspecified locations to supplement those currently operational in Hanoi, Ho Chi Minh City, Nghệ An, Sơn La, and Đắk Lắk.

23. Although Vietnam became a state party to the Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment in 2015, it has failed to improve detention conditions in prisons, and reports of torture, ill-treatment, and deaths in police custody are widespread. In addition, the government has targeted those who speak out about the issue. Blogger Nguyen Ngoc Nhu Quynh (aka 'Me Nam') compiled a list of 31 cases of torture and deaths in police custody based on reports in the official press. Police used this as evidence to arrest her for 'spreading anti-state propaganda' under Article 88 (now Article 117) of the Criminal Code and sentenced her to 10 years in prison in June 2017.

24. Prisoners detained on 'national security' charges, most of whom are political prisoners, reported that they were subjected to a harsher prison regime than common criminals. They were granted fewer family visits, had smaller food rations, and were under greater surveillance. They were detained separately, forced to wear clothes and use utensils stamped with the letters 'CT' ("political"), and suffered frequent punishments, including long periods in solitary confinement without any light or ventilation, and with their feet shackled.

25. Political prisoners are frequently detained incommunicado during their pre-trial detention, which may last for two years or more. After being convicted and sentenced, many are transferred to prisons far away from their homes and thus effectively deprived of visits from their families. In 2018 alone, this has been the case for prisoners of conscience Nguyen Ngoc Nhu Quynh and Tran Thi Nga (both mothers of young children), Nguyen Van Hoa, Nguyen Van Oai, and Phan Kim Khanh.

26. "Quản chế," or "probationary detention" (Article 43 of the Criminal Code) is an additional punishment inflicted on political prisoners. It enables the state to place 'national security' offenders "under the supervision and re-education of the local authority" for a period ranging from one to five years after they have completed their prison sentences. During this time, they are forbidden from leaving their homes, deprived of civic rights, and kept under constant police surveillance.

27. Political prisoners are often denied medical treatment. Dinh Nguyen Kha, serving a six-year prison term for distributing leaflets critical of Vietnam's response to China's territorial claims in the region, was denied follow-up treatment after an operation to remove a stomach tumor. Hoa Hao Buddhist Tran Thi Thuy has been denied treatment for her serious medical conditions since April 2015.

28. Conditions for death row prisoners are particularly inhumane. According to the Ministry of Public Security, suicides of death row prisoners are high. Prisoners are not informed of their

execution date, and many prefer to kill themselves rather than live with the terror of waiting for an unknown execution day.

Crackdown on freedom of expression intensifies

29. Since Vietnam's second UPR, violations of the right to freedom of opinion and expression increased dramatically. The government increased legal restrictions on freedom of expression and heavily cracked down on journalists, netizens, and bloggers. Between January 2017 and April 2018, at least 59 individuals, including 12 women, were arbitrarily detained or sentenced to prison terms ranging from one to 15 years for the peaceful exercise of their right to freedom of opinion and expression.

30. Constitutional guarantees of freedom of expression and the press (Article 25) are nullified by many domestic laws and regulations that prohibit all forms of expression that are deemed to "threaten the interests of the State." In addition, there is no privately-run, independent media in Vietnam. The press, radio, and television stations are government or CPV-controlled agencies.

31. The amended Press Law, which came into force in January 2017, has significantly reduced the already limited space for press freedom and has placed wide-ranging restrictions on the media. Banned activities include publishing "distorted information" that is perceived to "defame the people's government," "run contrary to the country's international unity policies," "cause alarm amongst the people," or "sow division between the people and State authorities." The diffusion of "confidential information" and "state secrets," neither of which are clearly defined, is banned. Contrary to recommendations accepted by the government during Vietnam's second UPR, the amended Press Law contains no provisions for independent or privately-owned newspapers and continues to criminalize a wide range of activities which are left solely to the appreciation of the state, such as "propagating depraved lifestyles," "violating the country's traditions and values," or "distorting history, denying revolutionary achievements or offending the nation or its heroes."

32. A new Law on Access to Information, which took effect in July 2018, raises serious concerns about the right to freedom of expression. The law restricts access to information deemed to be "state secrets," which are not defined, or for reasons of "state security" and "interests of the nation, people and state." Citizens who seek to access information must explain why they need it, and provide their names, addresses, and ID. The authorities may refuse to provide information without providing an explanation, and any "wrongful use of information" by those who make the request is subject to sanctions. This new law is particularly dangerous in view of Vietnam's digitalization of the "hộ khẩu," or household registration system [see below, *para. 49*].

33. Internet freedom has been seriously undermined by draconian government censorship and controls, as well as new legislation that criminalizes online expression. Decree 72 on "Management, Provision, and Use of Internet Services and Information Content Online," adopted in 2013, remains on the books and is inconsistent with international standards.⁵ The

Law on Cybersecurity, which was adopted by the National Assembly in June 2017 and will come into force in January 2019, deals a severe blow to internet freedom. It grants the government sweeping powers to monitor the online activity of Vietnam's 60 million internet users and requires social media platforms such as Google and Facebook to store the personal data of its users in Vietnam, as well as remove content deemed "offensive" by the government within 24 hours. The Law strictly prohibits the use of social networks or the internet to "infringe upon state interests" or spread "false information." Foreign companies operating in Vietnam will also be required to share the personal data of their clients, including bank accounts, hotel bookings, travel itineraries, or online purchases if requested by the authorities.

34. The government has also stepped up its online censorship efforts. Following a CPV drive aimed at "controlling information and propaganda, shaping opinion and struggling to counter all wrong or hostile views, especially on the internet,"⁶ the Ministry of Public Security announced that in May 2017 alone it had "successfully blocked thousands of websites and blogs that posted wrongful, reactionary contents."⁷ A 10,000-strong military cyber unit named Force 47 has been set up under the Ministry of Defense to work alongside the Ministry of Public Security's Department of Cybersecurity to fight "wrongful views" on the internet. Force 47's aim is to target and denounce online critics, launch smear campaigns against them, and manipulate public opinion by spreading government propaganda. The government also pays 'opinion shapers' and bots to advance anti-democratic agendas and disseminate them on a massive scale.

35. Bloggers and cyber-dissidents who use the internet to peacefully express critical views are a target of fierce government repression. The authorities have stepped up practices such as house arrest, enforced disappearances, beatings, intimidation, and pervasive surveillance by police. Netizens have also been denied the right to freedom of movement without justification, often to prevent them from meeting diplomatic delegations in Vietnam or from travelling abroad. Since January 2016, scores of Vietnamese HRDs have faced travel restrictions under Decree 136/2007 which allows the authorities to bar citizens from leaving Vietnam for reasons of "national security, social order and safety."

36. Over the past few years, the government has increasingly forced political prisoners into exile by releasing them early from prison on condition they immediately leave the country. Since Vietnam's second UPR, at least seven high-profile religious and political dissidents were forced to leave the country. They have not been granted amnesties, and would have to return to prison if they ever return to Vietnam. In May 2017, a dissident blogger with dual French-Vietnamese nationality was deported to France after being stripped of his Vietnamese citizenship.

Right to freedom of religion or belief repressed

37. Since its second UPR, Vietnam has made no progress in protecting the right to freedom of religion or belief. The government has failed to implement the recommendations it had accepted during the first two UPR cycles that called for the removal of bureaucratic and administrative obstacles that hinder the enjoyment of the right to freedom of religion or belief and for the amendment of domestic legislation to bring it into line with Article 18 of the ICCPR.

38. Vietnam's very first Law on Belief and Religion, which came into force in January 2018, marked a significant step backwards for freedom of religion or belief. The law reinforces state management of religions and legalizes intrusive state interference into religious affairs. Religious groups must follow a cumbersome process of registration and recognition to be able to conduct their activities. No legal status is provided for religious groups that cannot, or choose not to register with the authorities. The authorities can also refuse applications for registration without explanation, and there is no right of appeal. Members of non-registered religious groups and communities, such as the Unified Buddhist Church of Vietnam (UBCV), Khmer Krom Buddhists, various Protestant house churches, and Hoa Hao and Cao Dai followers have suffered increased repression since the law has come into force.

39. A draft decree on "Administrative sanctions in the domain of belief and religion," prepared by the Ministry of the Interior, the Government Committee for Religious Affairs, and the CPV's Central Mobilization Department, provides for fines of up to US\$1,322 for individuals and US\$2,650 for organizations who conduct activities deemed to "abuse the right to freedom of religion to infringe upon the interests of the state or engage in fabrication or slander under any form aimed at opposing the Socialist Republic of Vietnam" (Article 6). Religious groups organizing activities without obtaining the registration certificate stipulated in the Law on Belief and Religion risk similar fines (Article 7).

40. The situation of the UBCV is of particular concern. Effectively banned in 1981 following the creation of the state-sponsored Vietnam Buddhist Church, its leaders and members have been subjected to detention, intimidation, and constant harassment. Since Vietnam's previous UPR, the authorities have intensified their repression of UBCV members. Authorities barred UBCV members from celebrating key Buddhist festivals, subjected its leaders to house arrest and surveillance, and harassed followers who frequent UBCV pagodas.

41. UBCV leader Thich Quang Do, 90, remains under house arrest without charge at the Thanh Minh Zen Monastery in Ho Chi Minh City. He is under constant police surveillance. Thich Quang Do has spent over 30 years in detention for his advocacy on religious freedom and human rights. Members of the BYM, an educational organization affiliated with the UBCV, have also been harassed, prevented from travelling, and subjected to intimidation, police interrogation, and threats.

42. Since Vietnam's previous UPR, authorities have constantly persecuted members of religious minorities, including Christian Montagnard and Hmong, who peacefully resisted assimilation policies, practiced their faith outside state-sponsored churches, refused to recant their faith, and advocated for political and economic rights for their communities. They have been routinely subjected to threats, harassments, fines, arbitrary expulsion from their homes, and public denunciation sessions organized by the military, police, and local authorities. In January and February 2018, 10 Hoa Hao Buddhists were sentenced to prison terms ranging from two to 12 years on baseless charges of disrupting public order. In February 2018, 24 Hmong suffered beatings and threats from local officials who pressured them to renounce their faith. Khmer Krom Buddhists in southern Vietnam have also suffered religious persecution and

land confiscation. Buddhist monks have been subjected to defrocking, arrest, and enforced disappearances.

Rights to freedom of association and peaceful assembly heavily restricted

43. Despite being guaranteed by the Constitution, the right to freedom of association is significantly restricted in Vietnam. All associative activity is controlled by the CPV and the Vietnamese Fatherland Front (VFF), an umbrella of mass organizations that has a constitutional mandate to oversee the implementation of CPV policies at the grassroots level. The Constitution recognizes only one political party (the CPV) and one trade union (the Vietnam Confederation of Labor). In January 2018, CPV General-Secretary Nguyen Phu Trong commended the police for “preventing the establishment of political opposition groups.”⁸

44. There is no Law on Associations in Vietnam. Associations are regulated by a series of decrees that are inconsistent with Article 22 of the ICCPR. A draft bill on associations presented to the National Assembly in 2016 was rejected by its members because of its restrictive contents. Thousands of informal groups, associations, clubs, and charities have formed in recent years, but there is no legal framework to protect them, and they are not allowed to receive funding from outside Vietnam. Their members risk harassment, travel bans, and detention at any moment.

45. The right to freedom of peaceful assembly is severely restricted. Police and plainclothes security agents have routinely repressed peaceful demonstrations. Vietnam has no law on public assemblies and the introduction of a draft law on demonstrations in the National Assembly has been repeatedly delayed because of disagreements over the text.

46. Decree 38/2005 prohibits gatherings outside state agencies and public buildings and bans all protests deemed to “interfere with the activities” of CPV leaders and state organs. Circular 09/2005/TT-BCA, issued by the Ministry of Public Security to implement Decree 38/2005, prohibits gatherings of more than five people without obtaining prior permission from the authorities. These anti-demonstration regulations were widely invoked in 2017 to quell protracted nationwide peaceful protests against the industrial pollution caused by the Taiwanese steel conglomerate Formosa, as well as demonstrations protesting a draft Law on Special Economic Zones (SEZs) and the Cybersecurity Law in June 2018.

47. Ministry of Public Security Circular 13/2016/TT-BCA, which came into effect in April 2016, contains instructions on the policing of “gatherings causing public disorder in the vicinity of trials.” In such instances, Circular 13 authorizes police to “immediately deploy forces to prevent the disturbance of public order, isolate and arrest opposition elements, instigators and leaders of the disturbance.” Police have frequently invoked Circular 13 to violently attack and detain activists and HRDs who protested against unfair trials or gathered outside the courts to express solidarity with fellow activists.

48. In many cases, authorities used Article 245 of the Criminal Code (now Article 318 – ‘causing public disorder’) to arrest, prosecute, and imprison high-profile activists and HRDs for

exercising their right to freedom of peaceful assembly. On 20 September 2016, land rights activist Can Thi Theu was sentenced to 20 months in prison under Article 245 for leading protests outside various government offices in Hanoi against land confiscation.

Violations of economic, social, and cultural rights persist

49. Vietnam made no progress in implementing recommendations since its previous UPR to reduce the social and wealth disparities. Government policies have led to serious violations of economic, social, and cultural rights and increased social and wealth disparities. The Vietnamese government's policy of forcing families to share costs such as tuition fees, school maintenance and repair, teaching materials and food has seriously restricted access to education.⁹ This has disproportionately penalized poor families and forced many children, especially girls, to drop out of school at a very early age.

50. Discrimination based on economic and social status is perpetuated by the system of the "hộ khẩu," or household registration cards. This is an obligatory permit that gives access to housing ownership, healthcare, education, and other key public social services. The hộ khẩu is issued by local security officials, who can confiscate or refuse it at will. Parents who are refused hộ khẩu cannot obtain birth certificates, and thus cannot register their children for schooling or obtain subsidies for health and education. In 2017, the government announced it was abolishing the hộ khẩu and replacing it with a digital ID number and an online personal file. To obtain this number, however, citizens must provide police with 22 information points, including their religion and ethnicity. This new digital system discriminates on social, economic, and political grounds. Rural-to-urban migrants, members of non-recognized religions or ethnic and religious minorities will continue to risk denials of their rights in all aspects of their daily lives.

51. Pollution and environmental degradation resulting from unchecked investment and infrastructure projects have seriously impacted rural populations. In 2016, thousands of fishermen were deprived of their livelihood after Taiwanese steel conglomerate Formosa spilled cyanide and toxic waste into the sea, causing massive fish deaths along Vietnam's central coast provinces of Hà Tĩnh, Quảng Bình, Quảng Trị, and Thừa Thiên–Huế. Victims who sought to seek compensation for the negative effects of the environmental disaster were subjected to intimidation, reprisals, and arbitrary arrest.

Recommendations

- Immediately and unconditionally release all HRDs, journalists, and religious and political dissidents detained for the peaceful expression of their political and other opinions or religious beliefs.
- End censorship, mass surveillance, and all acts of harassment, including at the judicial level, against all HRDs, including those using the internet and information and communication technologies for their human rights work, and comply with the provisions of the 1998 UN Declaration on Human Rights Defenders.

- Implement the recommendations made by the CCPR by bringing domestic legislation into line with international human rights law and immediately repealing all legislation restricting the exercise of internationally recognized human rights.
- Review the Constitution to ensure it conforms to Vietnam's obligations under the ICCPR, the International Covenant on Economic, Social and Cultural Rights (ICESCR), and other key international human rights standards.
- Implement provisions in Vietnamese legislation to ensure the harmonization of laws with international treaties, so that the provisions of international treaties take precedence in cases where there are discrepancies between domestic laws and international treaties to which Vietnam is state party.
- Guarantee the right to due process of law, including the right to a fair trial: defendants should be able to meet their lawyers to adequately prepare their defense, defense lawyers must be ensured the right to present relevant evidence in court, and defendants should be allowed to speak in their own defense.
- Conform to the UN Standard Minimum Rules on the Treatment of Prisoners, and abolish forced labor and end practices of torture and ill-treatment of prisoners.
- Re-establish the legitimate status of the UBCV and all other non-recognized religious organizations and allow them full freedom of religious activity. Cease the harassment and detention of UBCV members and other religious followers, revise the Law on Religion and Belief, and repeal all legislation that restricts the right to freedom of religion or belief.
- Guarantee freedom of the media by authorizing the publication of independent newspapers and ceasing legal sanctions against, and harassment of journalists and citizens expressing peaceful views through print media, internet, or on the radio.
- Adopt a Law on Associations that guarantees the right to form associations outside the framework of the CPV in order to foster the emergence of independent civil society.
- Issue standing invitations to UN special procedures, notably the UN Special Rapporteur on the promotion and protection to the right to freedom of opinion and expression, the UN Working Group on Arbitrary Detention, and the UN Special Representative on the situation of human rights defenders.
- Establish a moratorium on the death penalty as a first step towards the abolishment of capital punishment under all circumstances. In the meantime, review 'national security' provisions in the Criminal Code to ensure that no one can be sentenced to death for expressing views opposing those of the CPV, and lift the classification of "state secrets" on information on capital punishment.
- Allow unhindered access to the country by international human rights NGOs.

¹ Vietnamese Foreign Ministry Spokesman Le Thi Thu Hang comments on prison sentences imposed on the “Brotherhood for Democracy”, 5 April 2018. <https://en.vietnamplus.vn/vietnam-affirms-consistent-policy-of-ensuring-human-rights/129107.vnp>

² Dr. Heiner Bielefeldt, 2015, [Report of the Special Rapporteur on freedom of religion or belief - Mission to Viet Nam \(A/HRC/28/66/Add.2\)](https://www.unhcr.org/refugees/2015/04/2015-04-20-report-of-the-special-rapporteur-on-freedom-of-religion-or-belief-mission-to-vietnam)

³ Cooperation with the UN, its representatives and mechanisms in the field of human rights, Report of the Secretary-general https://www.ohchr.org/EN/HRBodies/HRC/.../Session27/.../A_HRC_27_38_ENG.doc

⁴ “Ministry of Public Security proposes heavy prison sentence for members of the Club of Free Journalists”, April 2012, Dân Lâm Báo Blog, <http://danlambaovn.blogspot.fr/2012/04/cong-a-inh-muc-nang-ne-oi-voi-cac-thanh.html#more>; Reading Orwell in Hanoi, Vo Van Ai, Asian Wall Street Journal, 23 April 2018, <http://online.wsj.com/article/SB10001424052702303425504577358892665142470.html>

⁵ Government Decree 92 tightens controls of religions in Vietnam, IBIB, 29.11.2012 http://www.queme.net/eng/news_detail.php?numb=1955

⁶ Nguyễn Phú Trọng, Opening speech at the 73rd National conference of Public Security, Hanoi, 15.1.2018, Ministry of Public Security Online Newsletter, http://mps.gov.vn/web/guest/ct_trangchu/-/vcmsviewcontent/GbkG/2004/2102/39530

⁷ “Ministry of Public Security destroys thousands of reactionary websites”, VTC News, 18.5 2017. <https://vtc.vn/ngan-chan-kip-thoi-hang-nghin-trang-web-phan-dong-d323767.html>

⁸ Nguyen Phu Trọng, *Opening speech at the 73rd National Conference of Public Security, Hanoi*, 15 January 2018, available at: http://mps.gov.vn/web/guest/ct_trangchu/-/vcmsviewcontent/GbkG/2004/2102/39530 [in Vietnamese]

⁹ World Bank Report: <http://documents.worldbank.org/curated/en/563561468329654096/2012-Vietnam-poverty-assessment-well-begun-not-yet-done-Vietnams-remarkable-progress-on-poverty-reduction-and-the-emerging-challenges>