

VIETNAM

Joint submission to the United Nations (UN) Human Rights Committee 144th Session (23 June - 25 July 2025)

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Introduction

FIDH and its member organisation Vietnam Committee on Human Rights (VCHR) are extremely disappointed by Vietnam's fourth periodic report on the implementation of the International Covenant on Civil and Political Rights (ICCPR).¹

The contents of the report have a distinct air of *déjà vu*. As in the past, the Vietnamese government lists numerous laws, resolutions, decrees, ordinances and regulations “pertaining to human rights and citizens’ rights in Vietnam” (para. 8) with little or no information as to their implementation. This demonstrates once again the government’s total disregard of the UN Human Rights Committee’s repeated insistence since 2002 on the importance of the implementation and the practical effects of laws and reforms on the people’s lives.

In addition, in its reply to the List of Issues,² the government responded to concerns on arbitrary detention, torture, and ill-treatment of human rights defenders with blanket denials: “In Vietnam there are no prisoners of conscience” (para. 29); “there is no practice of [...] transnational repression” (para. 27); “Vietnamese laws do not include the concept of ‘solitary confinement’” (para. 36); “in Vietnam, no one is subjected to arbitrary arrest, detention or incommunicado detention [...] there is no prolonged detention without trial” (para. 40); “there is no arbitrary surveillance of political activists, journalists or human rights defenders” (para. 64).

These claims are belied by ample evidence in testimonies by current and former political prisoners, the findings of UN human rights monitoring mechanisms, including Special Procedures, and the texts of Vietnamese laws themselves. Solitary detention and shackling of prisoners for up to 10 days in “disciplinary cells” for violations of prison rules is permitted under the 2019 Law on Execution of Criminal Judgements (Article 43). Virtually unlimited pre-trial detention is provided for in the 2015 Criminal Procedure Code for “special cases,” including “national security” (Article 173). The practice of arbitrary detention is undeniable. Since the UN Human Rights Committee’s review of Vietnam’s third periodic report in March 2019, the UN Working Group on Arbitrary Detention issued 21 Opinions concerning journalists, political and religious dissidents, human rights defenders, and climate change activists, finding their deprivation of liberty arbitrary, in violation of international law. These cases all include descriptions of harassment and surveillance, as well as prolonged incommunicado pre-trial detention.

¹ UN Human Rights Committee, *Fourth periodic report submitted by Viet Nam under article 40 of the Covenant, due in 2023*, 27 April 2023; UN Doc. CCPR/C/VNM/4

² UN Human Rights Committee, *Replies of Viet Nam to the list of issues in relation to its fourth periodic report*, 17 February 2025; UN Doc. CCPR/C/VNM/RQ/4

With regard to other issues raised by the UN Human Rights Committee, the Vietnamese government simply ignored specific requests to provide information, such as data on death sentences and executions, the location and number of detention centres and prisoners, and the incarceration of prisoners in psychiatric facilities or in prisons far from their homes.

Worse still, Vietnam provides blatantly false information to the UN Human Rights Committee. In its reply to the List of Issues, dated November 2024, on the detention of five prominent environmental rights defenders, the government claimed that all five had been released (para. 82). In fact, lawyer Đặng Đình Bách is still serving a five-year prison sentence under extremely harsh conditions in the notorious Prison No. 6 in Nghe An, located a six-hour journey away from his home [See map in Annex].

According to FIDH-VCHR's documentation, between January 2019 and March 2025, at least 209 individuals, including activists, government critics, human rights defenders, and member of ethnic and religious minorities (including 35 women), were arrested on politically motivated charges. During the same period, at least 177 (including 28 women) were sentenced to prison terms of up to 15 years on such charges.

In addition, FIDH and VCHR remain deeply disturbed that, more than four decades after Vietnam's accession to the ICCPR, the government continues to adopt restrictive legislation to limit the exercise of human rights and reduce civil society space, in violation of its international human rights obligations. Of particular concern is the new Decree 126/2024/ND-CP on Associations [See below, *Article 22 - Right to freedom of association*].

Article 2 (Implementation of the covenant at the national level)

Domestic legislation inconsistent with ICCPR obligations

Constitution

Human rights are guaranteed in the Vietnamese Constitution. However, amendments to the Constitution adopted in 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 (2) provides restrictions for vaguely defined reasons, including "national security," which are incompatible with the limits set out under the ICCPR.

In its reply to the List of Issues (para. 2), the Vietnamese government said that the Covenant has primacy over national law "except for the Constitution." This means that rights enshrined in the Covenant may be restricted if they are deemed to "infringe upon the national interests" (Constitution, Article 15). This is incompatible with Vietnam's obligations as a state party to the ICCPR. This also explains why violations of the ICCPR cannot be invoked before the courts, because the Constitution prevails over international human rights law.

Domestic legislation

The Vietnamese government stated that it had "implemented in a timely manner" provisions of the Law on International Treaties requiring the amendment or repeal of domestic legislation that impedes implementation of international treaties (para. 2). On the contrary, not only has the government failed to revise relevant domestic legislation, but has also continued to adopt restrictive laws and regulations that are inconsistent with the rights enshrined in the ICCPR.

Extensive domestic legislation criminalises the “abuse” of rights that infringe on “state interests and policies,” thus enabling the authorities to imprison activists, human rights defenders, and government critics while claiming that “there are no prisoners of conscience in Vietnam, only people who violate the law.” Legitimate criticism of government and Communist Party of Vietnam (CPV) leaders is further criminalised by vaguely worded provisions in virtually all domestic legislation prohibiting “defaming the people’s government,” “offending national heroes” (Press Law, Article 9), or “denying revolutionary achievements” (Cybersecurity Law, Article 8) that are inconsistent with the ICCPR.

The current Criminal Code, which was adopted in 2015 and came into effect in January 2018, is the most serious impediment to the enjoyment of civil and political rights in Vietnam. Despite recommendations to amend or repeal vaguely worded “national security” provisions in the Criminal Code by the UN Human Rights Committee in 2002 and 2019 and during four UPR cycles, the government simply changed the numbers of these articles in the 2015 amended Criminal Code without revising their content.

The Criminal Code’s provisions that have been most frequently used to convict human rights defenders, pro-democracy advocates, and civil society activists are: Article 109 on “activities aimed at overthrowing the people’s administration;” Article 117 on “making, storing, disseminating information, document, materials, items against the Socialist Republic of Vietnam;” and Article 331 on “abusing democratic freedoms to infringe upon the interests of the state, the legitimate rights and interests of organisations and/or citizens.” Other provisions frequently used to detain members of religious minorities and persons participating in demonstrations are: Article 116 on “undermining unity policies;” Article 118 on “disrupting security;” and Article 318 on “disrupting public order.” These national security offences, six of which carry the death penalty, make no distinction between violent acts and the peaceful and legitimate exercise of the right to freedom of expression.

Article 109 on “activities aimed at overthrowing the people’s administration” has been frequently used to sanction peaceful advocacy of political pluralism and multi-party democracy. In the government’s view, advocating pluralism, democracy, and the separation of powers challenges the political monopoly of the CPV, and is therefore tantamount to sedition. In 2024, two persons were sentenced to 12 and 14 years in prison under Article 109 for the simple possession of 1,000 “anti-state” leaflets that they intended to distribute on Vietnam’s National Day, and for receiving US\$400 from overseas.³

In addition, Articles 109, 116, 117, and 118 include vague provisions on the “preparation” of, or intent to, commit a crime, and prescribe up to five years in prison for violators. “Preparation” could mean anything from mere speculation to the physical preparation to commit an act. These vaguely defined provisions give the authorities broad discretion to arrest and detain individuals on the basis of mere suspicion, in gross violation of the ICCPR.

Restrictions on human rights are further reinforced by Directives issued by the CPV. In July 2023, the CPV issued Directive 24 on “ensuring national security in the context of comprehensive and deep international integration.”⁴ Directive 24 warns that international cooperation and trade agreements create new threats to national security by favouring the development of “reactionary ideas” and opinions diverging from party

³³ Vietnamese Government Portal, *2 individuals arrested and placed under investigation for participating in terrorist activities aimed at overthrowing the people’s administration*, 21 September, 2024;

<https://xaydungchinh sach.chinhphu.vn/khoi-to-bat-giam-2-doi-tuong-tham-gia-to-chuc-khung-bo-hoat-dong-lat-do-chinh-guyn-nhan-dan-119240920094916395.htm> [in Vietnamese]

⁴ 88 Project, *Vietnam’s Leaders Declare War on Human Rights as a Matter of Official Policy*, 29 February 2024; <https://the88project.org/vietnams-leaders-declare-war-on-human-rights/>

lines. It highlights the development of civil society and independent trade unions as a key threat. Directive 24 opposes the emergence of trade unions outside the state-controlled Vietnam General Confederation of Labour (VGCL) and instructs the government to take “active initiative” in “piloting” labour organisations and in implementing labour standards, especially regarding participation in ILO Conventions to “ensure the ongoing leadership of the CPV, leadership of party cells, and government management at all levels.”

National security provisions

The government states that the national security provisions in domestic legislation are “fully in line with the Covenant.” In reality, many citizens incarcerated for alleged national security breaches engaged in legitimate and peaceful human rights advocacy. Moreover, the definition of acts violating national security in the 2004 Law on National Security (32/2004/QH11) is overly broad. It includes “organising, operating, colluding with, instigating, controlling, inciting, buying off, deceiving or dragging other persons to oppose the people’s administration, abolish the leadership role of the Communist Party of Vietnam, divide the country, disrupt the national unity bloc” (Article 13.1). This definition is inconsistent with the Siracusa Principles on the Limitation and Derogation Provisions in the ICCPR, which state that national security cannot be misused as a pretext to impose “vague and arbitrary limitations.”⁵

Lack of remedy for human rights violations

Given the constitutional provisions that enshrine the CPV’s political monopoly over state institutions (Article 4), the existence of a single state-controlled trade union, the absence of a national human rights institution, the lack of a free press and independent human rights non-governmental organisations (NGOs), citizens are deprived of mechanisms that would allow them to seek remedy for violations of their human rights, in a manner that is inconsistent with the letter of Article 2(3) of the ICCPR.

Article 6 (Right to life)

Use of the death penalty in breach of ICCPR

The use of the death penalty in Vietnam continues to be characterised by a systematic lack of due process of law and a lack of transparency concerning the imposition of death sentences, executions, and conditions for death row inmates.

Vietnam retains the death penalty for 18 crimes, at least six of which do not meet the threshold of the “most serious crimes” under Article 6(2) of the ICCPR. They include: drug-related offences, such as drug production and trade (Articles 250 and 251 of the Criminal Code); economic crimes, such as embezzlement and receiving bribes (Article 353 and 354); and national security crimes, including “activities aiming to overthrow the people’s administration” (Article 109), “espionage” (Article 110), and “terrorist activities aimed at opposing the people’s administration” (Article 113).

In April 2025, the Ministry of Public Security (MPS) submitted a proposal to remove the death penalty for eight crimes and replace it with life imprisonment without parole.⁶ The draft is expected to be examined by

⁵ Siracusa Principles on the Limitation and Derogation of Provisions in the International Covenant on Civil and Political Rights; UN Doc. E/CN.4/1985/4, Annex, para. 31.

⁶ These eight crimes are: 1) activities aimed at overthrowing the people’s administration; 2) destruction of state production or technical infrastructure; 3) manufacturing and trading counterfeit medicines; 4) illegal transportation of narcotic

the National Assembly in October 2025. Deputy Prime Minister Nguyễn Hòa Bình explained that in cases involving economic crimes, such as embezzlement or taking bribes, “the goal should be to recover all embezzled or bribed money, rather than focusing solely on capital punishment.”⁷ Currently, defendants may be exempted from the death penalty if they repay 75% of the embezzled assets. The MPS’ draft proposes delaying executions for up to two years after the death sentence is pronounced to give the condemned persons sufficient time to repay the 75% and be eligible for sentence reduction.⁸

Despite the classification of data on the death penalty as “state secrets” since 2004, official statistics revealed in internal government reports indicate a rise in death sentences since 2019. A report to the National Assembly in October 2020 revealed that death sentences had “increased rapidly” by over 34%, with 440 more death sentences imposed in comparison to 2019.⁹ The report also revealed that facilities for prisoners sentenced to death were severely overcrowded, especially in Cao Bang, Son La, Thanh Hoa, Lang Son, Dien Bien, Ha Tinh, and Hanoi, and delays in carrying out executions were “extremely long.” In May 2024, the Chief Justice of the Supreme People’s Procuracy told the National Assembly that 338 death sentences had been imposed between 1 October 2023 and 31 March 2024.¹⁰

There are serious concerns about the method of the executions, which are carried out by lethal injection. Under the government’s Decree 43, which came into effect in April 2020,¹¹ executions are conducted by the administration of three drugs: one that causes unconsciousness; another that paralyzes the musculoskeletal system; and another that stops the heart from beating. Three doses of each drug are prepared for the execution, two of which are back-ups. If the convict’s heart is still beating 10 minutes after the first dose, a second dose is administered, and a third dose if the second dose fails. If the person is still alive 10 minutes after the third dose of the final drug, the execution will be temporarily suspended.¹² The amount of time that the execution could take denotes the impossibility of carrying out a death sentence in a humane manner and may amount to torture or other cruel, inhuman, or degrading treatment.

Conditions on death row are particularly inhumane. Under the MPS’ Circular 39 of 2012, prisoners on death row are detained alone in a small cell, with one leg in a shackle chained to a wall. The shackle is removed for only 15 minutes per day to allow the prisoner to wash. Because of the long delays in executions, prisoners awaiting execution may spend years shackled in these solitary cells. Nguyễn Văn Chưởng, who was sentenced to death for murder in 2008, has been in chains on death row for the past 17 years. According to the MPS, many prisoners have been awaiting execution for over 10 years and, as of 2025, at least 17 had been on death row for over 15 years.¹³ The Chairman of the National Assembly’s Committee

substances; 5) acts that destroy peace or provoke aggressive war; 6) espionage; 7) embezzlement of property; and 8) taking bribes.

⁷ Voice of Vietnam, *Vietnam to replace death penalty with life imprisonment without parole*, 13 April 2025; <https://english.vov.vn/en/politics/domestic/vietnam-to-replace-death-penalty-with-life-imprisonment-without-parole-post1191703.vov>

⁸ Vietnamnews, *Proposal to remove death penalty for eight crimes in Penal Code*, 8 April 2025; <https://vietnamnews.vn/society/1695403/proposal-to-remove-death-penalty-for-eight-crimes-in-the-penal-code.html>

⁹ Pháp Luật (Law), *Directives on the death penalty remain insufficient*, 16 October 2020; <https://plo.vn/quy-dinh-ve-thi-hanh-an-tu-hinh-con-bat-cap-post597361.html> [in Vietnamese]

¹⁰ Pháp Luật (Law), *Supreme Procuracy calls on the President to abrogate death sentences of 31 persons*, 10 May 2024; [in Vietnamese]

¹¹ Vietnam Law, *Decree 43/2020/NĐ-CP on the execution of death sentences by lethal injection*; <https://luatvietnam.vn/hinh-su/ngchi-dinh-43-2020-nd-cp-thi-hanh-an-tu-hinh-bang-hinh-thuc-tiem-thuoc-doc-182316-d1.html>

¹² Department of Justice, *Questions and Answers on executions by lethal injection*, 18 April 2022; <https://stp.thuathienhue.gov.vn/?gd=12&cn=28&tc=6840> [in Vietnamese]

¹³ Voice of Vietnam, *Ministry of Public Security: Proposal to reduce death sentence to life imprisonment after statute of limitations expires*, 4 April 2025; <https://vov.vn/phap-luat/bo-cong-an-de-xuat-het-thoi-hieu-thi-hanh-an-tu-hinh-duoc-xuong-an-chung-than-post1189619.vov> [in Vietnamese]

on Defence and Security said this was because the President was “too busy” to sign the execution orders, without which executions cannot take place.¹⁴

Prisoners on death row are not informed in advance of their execution date. Since executions take place at dawn, they stay awake all night in fear of being called, only sleeping at 6:00 am when they know their turn has not come. According to the MPS, suicide rates on death row are high. Many prefer to kill themselves rather than live with the terror of waiting for an unknown execution day. The government reported 33 suicides on death row between October 2020 and July 2021.¹⁵

Wrongful convictions are frequent. Several prisoners on death row have claimed that their “confessions” were extracted under torture and petitioned for a retrial. For example, Nguyễn Văn Chưởng said he was stripped naked, suspended, and beaten during police interrogations. His lawyers and family have unsuccessfully appealed for a retrial for the past 17 years. On 4 August 2023, the Hai Phong People’s Court notified Chưởng’s parents that Chưởng was about to be executed and told them to apply to receive his remains. To date, he has still not been executed, and the family does not know when the execution will take place. Lê Văn Mạnh, who was also sentenced to death on confessions he claimed had been obtained under torture, was executed on 22 September 2023 after 18 years on death row. At his trial in 2005, the court refused his lawyers’ request to examine Mạnh for traces of beatings. Hồ Duy Hải is another death row prisoner who claims his innocence and that he was convicted following a confession obtained through torture.

Article 7 (Prohibition of torture or other cruel, inhuman or degrading treatment or punishment)

Torture and deaths in custody

FIDH and VCHR have extensive evidence of torture and ill-treatment of political prisoners, deaths in police custody resulting from torture, and physical attacks against human rights defenders and their families.

Although ill-treatment is specifically forbidden in Vietnam’s 2019 Law on Execution of Criminal Judgements, which came into effect on 1 January 2020, detainees are frequently beaten by prison authorities to extract “confessions,” held in shackles, and subjected to solitary confinement. In 2019, Nguyễn Văn Hóa, who was serving a seven-year prison sentence for protesting the Formosa chemical waste spill, was shackled and detained in solitary confinement for four months for denouncing ill-treatment of prisoners. Detained land rights activist Trịnh Bá Tư told his father during a prison visit that he had been beaten by prison guards and shackled by his legs for 10 days in September 2022,¹⁶ forced to urinate and defecate on the spot, as a “disciplinary measure” to punish him for writing letters of complaint. Tư’s brother, Trịnh Bá Phương, also imprisoned for advocating for land rights, was frequently beaten and kicked by the authorities to extract confessions during his pre-trial detention in Hanoi Detention Centre in 2020.¹⁷ On his release from prison in 2024, land rights activist Lê Đình Quân, sentenced to five years in prison for resisting forced eviction by

¹⁴ Pháp Luật (Law), *The number of prisoners awaiting execution is still high*, 14 September 2023; <https://plo.vn/so-tu-tu-chua-duoc-thi-hanh-an-con-nhieu-post751319.html> [in Vietnamese]

¹⁵ Pháp Luật (Law), *Directives on the death penalty remain insufficient*, 16 October 2020; <https://plo.vn/quy-dinh-ve-thi-hanh-an-tu-hinh-con-bat-cap-post597361.html> [in Vietnamese]

¹⁶ Thu Đỗ’s Facebook, 20 September 2022; https://m.facebook.com/story.php?story_fbid=pfbid0TQ35fyRmbpwbUtC5UrtKScXcfk3846jodxa7112iAi1besX6Qapq66nvQjM92EXI&id=100008236984260 [in Vietnamese]

¹⁷ BBC, *Sentences of Trịnh Bá Phương and Nguyễn Thị Tâm upheld on appeal*, 18 August 2022; <https://www.bbc.com/vietnamese/vietnam-62587199> [in Vietnamese]

police in Dong Tam Village, where his father was killed, said he was gravely assaulted in pre-trial detention by officers conducting his interrogation. They kicked him and beat him with truncheons, breaking all his teeth. He also said that almost all the 19 villagers arrested in the Dong Tam incident suffered similar beatings prior to their trial to extract confessions.

Disturbingly, prisoners may be prosecuted on additional politically motivated charges for the exercise of their rights while in detention. In May 2025, Trịnh Bá Phương was charged under Article 117 of the Criminal Code after wardens found a document in his cell in which he wrote “down with communism” and denounced harsh conditions in An Diem Prison, where he is currently detained. Phương is serving a 10-year prison sentence for denouncing violations of land rights, also under Article 117.¹⁸

Since the previous review by the UN Human Rights Committee in March 2019, the government has increased the disturbing practice of interning human rights defenders in pre-trial detention in psychiatric institutions, even if many had no history of mental illness. Their families had no information about their condition or what medication they received. In March 2021, land rights activist Trịnh Bá Phương was interned for a month in Hanoi National Psychiatric Hospital. The prison authorities said he was “abnormal” because he refused to answer their questions or look his interrogators in the eye. Other interned prisoners include: writer Phạm Thành (interned briefly at the Central Institute of Forensic Mental Health in Van Dien although he had no history of mental illness); human rights defenders Nguyễn Thị Thúy Hạnh (released in October 2024 after three years in pre-trial detention/internment); and civil society activist Lê Anh Hùng. The latter spent four years in Hanoi Central Psychiatric Hospital before his trial in August 2022. Released in July 2023, he said the psychiatric ward was “more terrifying than prison.”

Brutality in police stations is rampant. In 2023, several people died in police custody. Their bodies all bore bruises and traces of beatings, but police systematically denied allegations of torture, and no adequate investigations were carried out into those deaths. In August 2023, a man died in custody in a police station in the city of Ha Giang. Police claimed he had “committed suicide” by tying up his own legs and hands and dipping his head into a water tank.¹⁹ In the same month, a man who had been hospitalised in a coma after two days of police interrogations, died in Hai Phong.

Article 10 (Humane treatment of persons deprived of their liberty)

Detention conditions far below international minimum standards

Human rights defenders and civil society activists in Vietnam are frequently mistreated in custody, including by being subjected to torture and ill-treatment, detained under appalling conditions, and denied access to medical care.²⁰

Such treatment is not only inconsistent with relevant international human rights law and standards but also in violation of Vietnam’s legislation, namely the 2019 Law on Execution of Criminal Judgments.²¹

¹⁸ RFA, *Imprisoned Vietnam activist charged for writing “down with communism”*, 7 May 2025; <https://www.rfa.org/english/vietnam/2025/05/07/vietnam-activist-charged/>

¹⁹ RFA, *Man dies in police custody in Ha Giang, Police say committed suicide*, 21 August 2023; <https://www.rfa.org/vietnamese/news/vietnamnews/ha-giang-man-died-in-police-custody/> [in Vietnamese]

²⁰ RFA, *Scores of families call on prisons to provide timely healthcare for prisoners of conscience*, 10 August 2022; <https://www.rfa.org/vietnamese/news/vietnamnews/families-of-prisoners-of-conscience-request-vietnamese-government-to-provide-adequate-medical-services-for-prisoners-08102022085059.html> [in Vietnamese]

²¹ Library of Laws (official), *Law on Execution of Criminal Judgments, 41/2019/QH14*; <https://thuvienphapluat.vn/van-ban/Trach-nhiem-hinh-su/Luat-Thi-hanh-an-hinh-su-2019-387991.aspx> [in Vietnamese]

Article 4 of this law pledges to “guarantee socialist humanity; respect the dignity, rights, and legitimate interests of prisoners.” Under Article 27, these rights include “protection and respect of their lives, health, assets, and dignity [...], the right to receive healthcare, send and receive letters [...], [and] to receive visits from families.” Under Article 55, prisoners who fall ill are entitled to receive medical examinations and healthcare in prison or at the nearest state facility.

Prisoners have inadequate access to medical care. Those who are in critical condition or need surgery are often not treated until the last minute, despite appeals by their families. Independent journalist Lê Hữu Minh Tuấn is currently seriously ill in Bo La Prison in Binh Duong Province, where he is serving an 11-year sentence for “anti-state propaganda” (Article 117 of the Criminal Code). His condition has worsened significantly over the past year, with severe weight loss, indigestion, chest pain, and difficulty breathing. His family said he is only “skin and bone.” In October 2024, in a phone call to his family, he reported a further decline in his health and his inability to eat solid food. Despite repeated appeals to the prison medical officer, Tuấn’s requests for medical treatment have been denied.

Several political prisoners have died under tragic circumstances due to lack of medical care, including: environmentalists Đoàn Đình Nam and Phan Văn Thu in October 2019 and November 2022, respectively; human rights defender Đào Quang Thục in December 2019; and respected land rights activist Đỗ Công Dương in August 2022. Detained in the notorious Prison No. 6 in Nghe An Province since 2018, Đỗ Công Dương was serving an eight-year sentence. When his health began to fail, his family repeatedly urged the authorities to allow him medical treatment, which was systematically refused, only to allow his admission to hospital days before he died. In March 2025, high-ranking Tibetan Buddhist monk Tulku Hungar Dorje died in custody only a few days after his arrest in Ho Chi Minh City in an operation coordinated by Vietnamese police and Chinese secret agents. Dorje had fled China to escape persecution for his support of Tibetan culture. Monks who came to take his body back to Tibet found that he had been secretly cremated.²²

Political prisoners are frequently transferred to prisons far away from their homes after being convicted, making it extremely difficult for their families to visit them. This policy is not due to a shortage of prisons (there are at least 153 prisons across Vietnam). It is rather a deliberate strategy to psychologically abuse prisoners and reduce the possibilities of family visits. Recent cases include Phạm Đoan Trang, Nguyễn Tường Thù, Trương Minh Đức, and Nguyễn Thị Tâm, who were all detained over 1,000 km from their homes [See map in Annex].²³

Contrary to Vietnam’s affirmations (para. 36), disciplinary measures for perceived breaches of prison rules are often inhumane and amounting to torture. Whereas the 2019 Law on Execution of Criminal Judgments provides for solitary detention in shackles in “disciplinary cells” for up to 10 days, prisoners are often held for much longer. Political prisoner Nguyễn Đức Hùng has been held in solitary confinement for more than 18 months in Nam Ha Prison in Ha Tinh Province, where he has been serving a five-year sentence since July 2022. A fellow inmate said he was disciplined for receiving noodles from a fellow political prisoner. According to prison rules on disciplined prisoners, Hùng is only allowed a brief visit from his family once every two months. He is near-sighted, but the prison authorities refuse to let him have the spectacles sent by his parents. Former political prisoner Nguyễn Việt Dũng, who was held in solitary confinement for more than two years at Nam Ha Prison, said that each individual disciplinary sentence had a duration of three months. However, the prison can consecutively apply disciplinary sentences to a prisoner.

²² Vietnamese, *Tibetan Lama died and was secretly cremated in Vietnam*, 22 May 2025

²³ FIDH-VCHR, *A history of violence: repression of the right to peaceful assembly in Vietnam*, June 2023

In October 2024, political prisoners Trịnh Bá Tư and Bùi Văn Thuận went on hunger strike in Prison No. 6 in Nghe An Province to protest incarceration of political prisoners in “tiger cages” – one square-meter cells with iron bars, separated from the common exercise yard. They ceased their hunger strike after 21 days, when the prison wardens accepted to open the cages for several hours per week.

Article 14 (Right to equality before courts and right to a fair trial)

Harsh sentences, unfair trials, and systematic denial of legal defence

In Vietnam, courts are not independent from the executive and trials are routinely unfair. Justice is administered through the People’s Courts and the People’s Office of Supervision and Control, 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” (Article 103). These overly broad definitions have been regularly invoked to hold trials of human rights defenders behind closed doors.

In its reply to the List of Issues, the government stated that “detention and imprisonment regimes are applied equally to all individuals convicted of crimes without discrimination for any reason” (para. 29). This is not true. Under the 2015 Criminal Procedure Code, persons charged with “national security offences” are subjected to discrimination via special protocols that violate their rights and undermine their right to a fair trial. The Code authorises virtually unlimited pre-trial detention, giving the Supreme People’s Procuracy full authority to extend pre-trial detention of national security suspects “until the investigation closes” (Articles 172 and 173), which, in many cases, has meant a deprivation of liberty of up two years or more. Suspected national security offenders are detained incommunicado and denied family visits and access to their lawyers “to keep the secrets of the investigation” (Article 74). Former political prisoners told VCHR that incommunicado pre-trial detention is a deliberate policy to “break” detainees and induce them to make statements they would never have made if a lawyer had been present to advise them. Since the previous review of Vietnam by the UN Human Rights Committee in March 2019, journalists Phạm Đoan Trang, Phạm Chí Dũng, Nguyễn Tường Thụy, and Le Hữu Minh Tuấn, and land rights defenders Cấn Thị Thêu, Nguyễn Bá Phương, and Nguyễn Bá Tư were all subjected to incommunicado pre-trial detention of over one year.

In addition, numerous high-profile politically motivated trials have taken place in contravention of fair trial standards. In many cases, defendants were not allowed to call their witnesses, and the right to the presumption of innocence was undermined by smear campaigns in state-controlled media. This was the case of the defendants from Dong Tam Village in 2020, which led to two death sentences and one of life imprisonment. Defence 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. In May 2023, one defence lawyer, Ngô Anh Tuấn, was expelled from the court room before he finished pleading the case.

Politically motivated trials have typically lasted only a few hours. The trial of environmental rights defender Đặng Đình Bách in January 2022, and his appeal trial in August 2022, are clear examples of this flawed judiciary process. The court ignored evidence presented by his lawyers, and the prosecution failed to present any compelling evidence.²⁴ Police barred his wife from attending the appeal trial, although she had a permit issued by the court. Diplomatic representatives from the United States (US), Germany, and the European Union were also refused entry.

²⁴ Stand with Bach, <https://www.standwithbach.org/dang-dinh-bach>

Lawyers who defend human rights defenders have often been subjected to threats and harassment, or disbarred by the local Bar Associations, which are not independent from the government. In June 2023, three prominent defence lawyers fled to the US to escape prosecution after defending members of the Bông Lai Buddhist temple in 2022. They had been summoned for investigation for alleged violations of Article 331 of the Criminal Code.²⁵ A fourth lawyer, Võ An Đôn, whose license was revoked in 2019 after he defended clients against police brutality, also left Vietnam in October 2023 to seek asylum in the US.

Political prisoners who have completed their prison sentences must serve a second punishment on their release. “Quản chế,” or “probationary detention” (Article 43 of the Criminal Code) enables the authorities 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 must live and work within a defined area, are deprived of certain civic rights, and kept under constant police surveillance. Probationary detention should normally occur in one’s place of residence. However, released prisoners have been sometimes arbitrarily detained elsewhere, causing great difficulties in their daily lives. In March 2022, after his release from prison for participating in demonstrations, Trần Thanh Phương was sent to serve his probationary detention in Hue, over 1,000 km from Ho Chi Minh City, where he had lived with his wife and children for almost 30 years. He could find no job or lodgings in Hue and was unable to support his wife and children who were also living in extreme hardship. He filed numerous appeals with the Ho Chi Minh City’s People’s Procuracy and the MPS’ Department of Prison Management but never received a reply.²⁶

Article 18 (Right to freedom of religion or belief)

Registration, recognition, and repression: Religions under state control

Article 24 of the 2013 Vietnamese Constitution guarantees freedom of religion or belief, but it also states that “no one may violate freedom of belief and religion, nor take advantage of a belief or religion in order to violate the law.” This vague language, coupled with provisions in the Criminal Code that criminalise “sowing division between religion followers and non-followers, between religions, between religion followers and people’s government or socio-political organisations” (Article 116.1.c) virtually gives the authorities *carte blanche* to arbitrarily arrest and detain religious followers engaged in legitimate, peaceful activities. VCHR has received reports of violations against all the major religious communities, including Buddhists, Protestants, Catholics, Cao Dai, Hoa Hao Buddhists, and Muslims.

Vietnam has consistently failed to remove bureaucratic and administrative obstacles that hinder the enjoyment of the right to freedom of religion or belief, and to revise the 2016 Law on Belief and Religion to bring it into line with international standards. The law, which came into force in January 2018, legalises 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 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,

²⁵ RFA, *Fleeing Vietnam, human rights lawyers arrive in US following police summons*, 23 June 2023; <https://www.rfa.org/english/news/vietnam/lawyers-flee-06232023144453.html>

²⁶ RFA, *Prisoner of conscience Trần Thanh Phương is “exiled” on release from prison 1,000 km from his family*, 5 August 2022; <https://www.rfa.org/vietnamese/news/vietnamnews/former-prisoner-of-conscience-forced-to-live-far-from-his-family-during-probation-period-08052022064702.html> [in Vietnamese]

independent Protestant house churches, Pure Hoa Hao, and Cao Dai followers, have suffered serious repression, including arbitrary detention, harassment, and intimidation.

In April 2024, a new implementation decree on the Law on Belief and Religion came into force, increasing state oversight of religious bodies. Decree 95/2023/ND-CP imposes stricter controls than the previous Decree 162 by including requirements for receiving and reporting donations, including from foreign sources. It also allows local government officials to shut down religious groups or suspend their activities for unspecified “serious violations.” Decree 95 places unreasonable burdens on religious groups, especially those not registered with the state. Without legal status, religious groups cannot open bank accounts and all their transactions are done in cash. Unlike in countries where donations are tax-deductible, such frameworks and practices are non-existent in Vietnam.

In September 2022, the Government Committee on Religious Affairs established an “Office of Belief and New Religious Phenomena” to further increase state management of religious activities.

Since the previous review by the UN Human Rights Committee in March 2019, the government has continued to repress religious and ethnic minorities. Christian Montagnards, Hmong, Khmer Krom Buddhists, Hoa Hao followers, and members of the Duong Van Minh faith who peacefully practiced their religion outside state-sponsored churches, refused to recant their faith, or advocated for political and economic rights for their communities, have been subjected to threats, harassments, fines, arbitrary expulsion from their homes, and public denunciation sessions organised by the military, police, and local authorities.

In March 2025, three Khmer Krom Buddhists, including one monk, were arrested in Tra Vinh Province and charged with “abusing democratic freedoms” (Article 331 of the Criminal Code) for posting articles on social media accusing the local authorities of “violating human rights.”²⁷ In 2024, at least four other Khmer Krom Buddhists were arrested and condemned to prison terms of up to four and a half years for circulating documents on human rights and the rights of indigenous peoples – a term that is not accepted by the government.²⁸

Article 19 (Right to freedom of opinion and expression)

Dissent heavily repressed amid tighter media and internet controls

Violations of the right to freedom of opinion and expression are rife in Vietnam. The government is intolerant of all forms of dissent and has routinely used repressive provisions of the Criminal Code that are incompatible with Article 19 of the ICCPR to arrest, prosecute, and imprison human rights defenders, activists, bloggers, and journalists who criticise the authorities or express support for democracy and human rights.

Some of Vietnam’s most prominent dissidents have been imprisoned in a relentless crackdown, including Nguyễn Chi Tuyển (Anh Chí), Nguyễn Vũ Bình, Hoàng Việt Khánh, and Nguyễn Lân Thắng, sentenced to prison terms ranging from five to eight years, and Huy Đức Osin, who is still awaiting trial. Nguyễn Chi

²⁷ RFA, *Four individuals arrested in Tra Vinh for accusing local authorities of violating human rights*, 27 March 2025, <https://www.rfa.org/vietnamese/trong-nuoc/2025/03/27/khmer-viet-nam-bat-giu-nhan-quyen/> [in Vietnamese]

²⁸ UN CERD, *Combined 15 – 17 periodic reports submitted by Vietnam under Article 9 of the Convention on the Elimination of all forms of Racial Discrimination*, 20 December 2021; UN Doc. CERD/C/VNM/15-17, para. 5

Tuyến and his three colleagues were accused of mobilising fellow activists to provide humanitarian assistance to impoverished people in rural areas and victims of natural disasters.

In an ongoing and highly disturbing trend, the government has broadened the range of offences used to stifle freedom of opinion and expression, by increasingly invoking charges of “tax evasion” (Article 200 of the Criminal Code) and “appropriation and sharing of documents of a state agency or organisation” or of “classified information” (Articles 342 and 337 of the Criminal Code, respectively) to silence individuals calling for reforms of government policies and practices. These include environmental rights defenders, climate change leaders, government officials pressing for labour reforms, and members of the Vietnam Domestic Advisory Group (DAG), a body established to monitor implementation of the EU-Vietnam Free Trade Agreement (EVFTA).

Between 2021 and 2023, at least five prominent climate change activists and leaders of registered environmental NGOs were convicted of “tax evasion” and sentenced to prison terms ranging from two to five years. Their organisations were also closed down. Mai Phan Lỗi, Bạch Hùng Dương, and award-winning environmentalists Ngụy Thị Khanh and Hoàng Thị Minh Hồng were all released after serving time in prison and paying the alleged tax money. Environmental lawyer Đặng Đình Bách, who refused to plead guilty, was sentenced to five years in prison in January 2022. The authorities have threatened to expel his wife and baby from their Hanoi home to retrieve the alleged tax money.

Despite international condemnation, arrests have continued. In September 2023, Ngô Thị Tố Liên, CEO of the climate change think tank Vietnam Initiative for Energy Transition Social Enterprise (VIETSE), was arrested on charges of “stealing, buying, selling, or destroying the seal or documents of a state agency or organisation” (Article 342 of the Criminal Code) and sentenced to three and a half years in prison at a secret trial in Hanoi on 27 June 2024. Two of her colleagues, Lê Quốc Anh and Dương Việt Đức, who worked for the state-owned electricity utility EVN and were hired as consultants by VIETSE, were also arrested. Their current situation is unknown. Police raided VIETSE’s offices in Hanoi and later forced the organisation to close down.

In 2024, authorities also arrested labour reformists Nguyễn Văn Bình and Vũ Minh Tiến. They are presumably still awaiting trial, since no information on their situation has been published in the official media. Both were playing key roles in pressing for labour law reforms in Vietnam, including successful ratification of ILO Conventions 98 and 105 on collective bargaining and forced labour.

Prior to his arrest, Nguyễn Văn Bình was preparing a dossier for the ratification of ILO Convention 87 on the right to establish independent trade unions. He was arrested under Article 337 of the Criminal Code for “deliberate disclosure of classified information; appropriation, trading, destruction of classified document.” There is no clear legal definition of what constitutes “classified information” and “classified document.”

Vũ Minh Tiến is the head of policy and legal affairs at the state-controlled Vietnam General Confederation of Labour (VGCL) and director of the Institute for Workers and Trade Unions (IWTU), which is a member of the Vietnam DAG. At the time of his arrest he was working on amendments to the Trade Union Law that was adopted in November 2024, notably the issue of independent trade unions.

Citizens who expose instances of corruption in Vietnam do so at their own risk, despite the government's claims that anti-corruption efforts are made "in accordance with the law."²⁹ In December 2024, Trần Cao Long was arrested after he filed complaints of corruption among local police and officials in charge of the City Development Investment Fund in Can Tho Province. Police accused him of "slandering and defaming the honour of others."³⁰ In January 2025, Phạm Xuân Thời and Đào Công Hiến were arrested in Dong Nai Province for posting comments on social media about corrupt local officials. They were accused of "abusing the right to complain" and "discrediting the Party, state and officials at all levels." They risk up to seven years in prison under Article 331 of the Criminal Code on "abusing democratic freedoms to infringe upon the interests of the state."³¹

Harassment of former political prisoners, families

Former political prisoners have been routinely subjected to intimidation, intrusive surveillance, and judicial harassment after their release. In May 2022, Y Vô Niê, a member of the Ede ethnic community, who had served a nine-year prison sentence for participating in protests by Montagnards in the Central Highlands in 2005, was arrested again and sentenced to four years in prison for "abusing democratic freedoms to infringe upon the interests of the state" (Article 331 of the Criminal Code). He was prosecuted for producing three handwritten reports on religious freedom violations against the Ede people and sending them via WhatsApp to "reactionary forces overseas." According to his lawyer, the "reactionary forces" concerned were the UN Human Rights Committee and the US Commission on International Religious Freedom (USCIRF).³²

Police harassment of the families of political prisoners is also a widespread phenomenon. In a crackdown in February and March 2024, the wives of Bùi Văn Thuận, Đặng Đăng Phước, Trịnh Bá Phương, and Nguyễn Năng Tĩnh, and the daughter of land rights activist Nguyễn Thị Tâm were summoned for interrogation at different locations by local police. Several were accused of circulating on social media a petition calling for the release of human rights defender Nguyễn Thị Thúy Hạnh.

Acts of transnational repression

Transnational repression of Vietnamese political activists and dissidents abroad is a serious concern, despite the government's claims that this practice does not exist (para. 27).

In April 2023, blogger Dương Văn Thái, who had been living in Thailand since 2019 and had obtained refugee status from the UNHCR, was abducted by Vietnamese intelligence agents in Bangkok and forcibly returned to Vietnam. On 30 October 2024, he was sentenced to 12 years in prison and three years probationary detention at a closed trial in Hanoi under Article 117 of the Criminal Code.

²⁹ UN Human Rights Committee, *Replies of Viet Nam to the list of issues in relation to its fourth periodic report*, 17 February 2025; UN Doc. CCPR/C/VNM/RQ/4, para. 8.

³⁰ RFA, *Arrested for slander after denouncing official corruption*, 7 December 2024;

<https://www.rfa.org/vietnamese/news/vietnamnews/to-cao-tham-nhung-bi-bat-12072024120636.html> [in Vietnamese]

³¹ RFA, *Two men in Dong Nai province arrested under Article 331 for "abusing the right to complain"*, 18 January 2025;

<https://www.rfa.org/vietnamese/news/vietnamnews/dieu-331-la-gi-nguoi-dan-bi-bat-livestream-facebook-01182025093628.html>

³² US Commission on International Religious Freedom, *Y Vô Niê*; <https://www.uscifr.gov/religious-prisoners-conscience/forb-victims-database/y-wo-nie>; RFA, *Vietnam ethnic minority activist jailed for 4 years for reporting abuse allegations*, 20 May 2022; <https://www.rfa.org/english/news/vietnam/y-wo-nie-sentence-05202022165050.html>

In April 2025, Vietnamese Buddhist monk Thích Minh Tuệ was intercepted by police in Sri Lanka and banned from continuing a barefoot pilgrimage through the country. They had received a letter from Vietnam's state-sanctioned Buddhist Sangha describing the monk as a "threat to public order and national reputation" because he was not a member of their religious organisation.³³

The Vietnamese government has also been targeting Y Quynh Bdap, a Montagnard human rights activist and co-founder of Montagnards Stand for Justice (MSFJ), after he fled Vietnam to seek refuge in Thailand in 2018. Bdap, a UNHCR-recognised refugee, was arrested by Thai authorities on 11 June 2024 in Bangkok, pursuant to an extradition request from the Vietnamese government.³⁴ Bdap was convicted in absentia in Vietnam in January 2024 and sentenced to 10 years in prison on politically motivated charges of "terrorism aimed at opposing the people's administration" under Article 113 of the Criminal Code. On 30 September 2024, the Bangkok Criminal Court ordered the extradition of Y Quynh Bdap to Vietnam, where he faces arbitrary detention and the risk of torture. The extradition's decision has been appealed by Bdap, who remains detained at the Bangkok Remand Prison.³⁵

Press freedom curtailed

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 deemed to "threaten the interests of the state." The press, radio, and television stations are all CPV-controlled agencies. There are no privately-owned independent media outlets in Vietnam.

The government has increased censorship and controls over these state-controlled news outlets, both print and online. On 3 April 2019, Prime Minister's Decision 362 approved the "Plan for national press development and management until 2025," also known as "Plan 2025," which gave the Ministry of Information and Communications (MIC) full authority to limit the circulation of information and suppress news unfavourable to the government. The MIC declared that Plan 25 would be implemented to prevent the media from "delving into political and social issues, and reporting on negative phenomena."³⁶ Under Decision 362, the MIC is empowered to revoke or modify press licenses at will, with a total lack of transparency or accountability.

Further restrictive legislation, adopted since the previous review of Vietnam by the UN Human Rights Committee in March 2019, applies to publications both online and offline. Decree 119/2020/ND-CP, dated 7 October 2020, on "Penalties for Administrative Violations in Journalistic and Publishing Activities," imposes fines of up to 200 million VND (approximately US\$7,700) for vaguely defined violations such as "posting news, photos that do not suit Vietnam's fine customs or information that encourages bad tradition, superstition; that is not suitable to the interests of the country and the people; that distorts history, denies revolutionary achievements, or offends the nation, national heroes; that affects the great national unity bloc." In addition, Decree 15/2020/ND-CP, dated 3 February 2020, imposes penalties against persons who post content on websites or social media containing diverging political views. Article 102 of the Decree imposes fines of up to 70 million VND (approximately US\$2,700) for vaguely worded violations

³³ RFA, *Vietnamese monk forced to cut short his walk through Sri Lanka, heads to India*, 24 April 2025; <https://www.rfa.org/english/vietnam/2025/04/24/vietnam-buddhist-monk-india-barefoot-pilgrimage/>

³⁴ FIDH, *Thailand: Arbitrary arrest and imminent risk of extradition of Vietnamese human rights defender Y Quynh Bdap*, 4 July 2024; <https://www.fidh.org/en/issues/human-rights-defenders/thailand-arbitrary-arrest-and-imminent-risk-of-extradition-of>

³⁵ RFA, *Thai authorities detain 68 Montagnards during raid on funeral service*, 25 February 2025; <https://www.rfa.org/english/vietnam/2025/02/26/vietnam-thailand-montagnards-arrested/>

³⁶ *Decree 23, Minutes of the monthly Meeting of the SRV Government*, 10 April 1919 [in Vietnamese]

such as “disseminating reactionary information; providing information/images infringing upon national sovereignty; distorting history, denying revolutionary achievements; offending the nation, famous persons, or national heroes.”

New restrictions on internet freedom

Internet freedom has been seriously undermined by draconian government censorship and controls, as well as legislation that criminalises online expression. The Law on Cybersecurity, which came into effect in January 2019, has dealt a severe blow to internet freedom. It grants the government sweeping powers to monitor the online activity of Vietnam’s 80 million internet users and requires social media platforms such as Google and Facebook to store the personal data of their users and to 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 are required to share the personal data of their customers, including bank accounts, hotel bookings, travel itineraries, or online purchases - if requested by the authorities. During just one month in 2023, the government demanded that YouTube, Facebook, and TikTok remove or block nearly 800 videos, posts, or links containing “false and negative content against the Party and state [...] and slandering the leadership.”³⁷

Restrictive decrees and regulations on the internet issued since the previous review of Vietnam by the UN Human Rights Committee in March 2019 include: 1) Decree 147/2024/ND-CP, on “Management, provision, and use of internet services and information content online,” which came into effect on 25 December 2024 and replaces Decree 72/2013/ND-CP, seriously impacts internet freedom and the privacy rights of internet users. Provisions include the obligation for social media platforms to: store users’ personal data and provide them to state authorities upon request; monitor and remove “anti-state” content and block users on demand of state authorities within 48 hours; and cooperate with state authorities, in particular the MPS, to block user accounts and community groups that post “infringing” content; 2) Decree 53/2022/ND-CP, dated 15 August 2022, on “Elaborating a number of articles of the Law on Cybersecurity,” which introduces requirements for data localisation and sets out the legal basis for authorities to act against illegal online activities. Measures include issuing takedown requests, requesting data disclosure, or terminating operations of information systems; 3) Decree 15/2020/ND-CP, which imposes fines for vaguely-worded “violations against regulations on postal services, telecommunications, radio frequencies, information technology and electronic transactions;” and 4) Decree 119/2020/ND-CP, on “Penalties for administrative violations in journalistic and publishing activities,” which provides for new and increased penalties for journalists and media outlets who publish any content deemed “detrimental to the nation” on their news websites.

Article 21 (Right to freedom of peaceful assembly)

Peaceful assemblies suppressed amid legislative vacuum

The right to freedom of peaceful assembly is unduly restricted, in breach of Article 21 of the ICCPR. Police and government-backed thugs 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 disagreement over the text.

³⁷ Figaro, *Vietnam: environ 800 publications “fausses” ou hostiles à l’Etat supprimés par les réseaux sociaux*, 6 October 2023; <https://www.lefigaro.fr/flash-actu/vietnam-environ-800-publications-fausses-ou-hostiles-a-l-etat-supprimees-des-reseaux-sociaux-20231006> [in French]

Legislation used to restrict the right to freedom of peaceful assembly includes Decree 38 of 2005, which 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 9 of 2005, issued by the MPS, prohibits gatherings of more than five people without permission from the authorities. Under Circular 9, the authorities may refuse permission for vaguely defined reasons, such as “gatherings that negatively impact the people’s solidarity, undermine solidarity between ethnic or religious communities, and impede the implementation of the social policies of the Communist Party and the state” (Article 7.4).

In addition, MPS Circular 13 of 2016 contains instructions on the policing of “gatherings causing public disorder in the vicinity of trials.” It authorises 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 human rights defenders who have often gathered outside the courts to protest unfair trials or express solidarity with fellow activists.

The government has also set up specialised units of riot police across the country to suppress protests and demonstrations. Since October 2021, regiments and battalions have been set up in at least 20 provinces and cities. These police units are held in reserve, trained, and ready to intervene rapidly at a local level to “prevent and suppress cases of public disorder and illegal demonstrations.”³⁸ As the term “illegal” has no clear definition in Vietnamese law, these units could be used to suppress worker protests, religious assemblies, or legitimate peaceful demonstrations of any kind.

In many cases, authorities used Article 318 of the Criminal Code on “causing public disorder” to arrest, prosecute, and imprison activists and human rights defenders for the mere exercise of their right to freedom of peaceful assembly. Activists still detained for their participation in demonstrations against the Formosa Steel Plant’s pollution disaster in 2016 include: 1) Lê Văn Dũng; 2) Nguyễn Trung Trục; 3) Đặng Đăng Phước; 4) Bùi Văn Thuận; 5) Nguyễn Năng Tĩnh; 6) Cấn Thị Thêu (F); 7) Nguyễn Trung Tôn; 8) Trương Minh Đức; 9) Nguyễn Tường Thụy; 10) Trần Văn Bang; 11) Nguyễn Lâm Thắng; 12) Bùi Tuấn Lâm; 13) Trương Văn Dũng; 14) Đinh Văn Hải; 15) Lưu Văn Vịnh; 16) Nguyễn Văn Đức Độ; 17) Đỗ Nam Trung; 18) Lê Trọng Hùng; 19) Phạm Chí Dũng; 20) Phạm Đoàn Trang (F); 21) Hoàng Đức Bình; and 22) Lê Đình Lượng.

Article 22 (Right to freedom of association)

Little space and no protection for civil society

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, an umbrella of mass organisations that has a constitutional mandate to oversee the implementation of CPV policies at the grassroots level. The Constitution recognises only one political party - the CPV - and one trade union - the VGCL.

Thousands of associations have been formed in recent years, but there is no legal framework to protect them. There is no law on associations, and no clear definition of the statute of “non-profit organisation” (NPO), which enables the authorities to arbitrarily change their appraisal of associations and impose corporate income tax and VAT any time for their operations. Associations are regulated by a series of

³⁸ RFA, *Vietnam sets up specialized police units to suppress protests across the country*, 12 August 2022; <https://www.rfa.org/english/news/vietnam/vietnam-sets-up-specialized-police-units-08122022012127.html>

decrees that unnecessarily and disproportionately limit associative activity, in violation of Article 22 of the ICCPR.

Most disturbing is Decree 126/2024/ND-CP (“Decree 126”), on “Regulating the organisation, operation and management of associations,” which came into force on 26 November 2024 and constitutes a grave backslide in protection of the right to freedom of association in Vietnam. Decree 126, which replaces Decree 45/2010/ND-CP, not only retains restrictive provisions of the former text, but also imposes stricter conditions for the creation, reporting, and activities of associations, and legalises intrusive state control at every level. Decree 126 grants the authorities broad powers to intervene in all stages of an association’s operations, veto membership, impose members of their own choice, and suspend or dissolve NGOs deemed to “violate national interests” – with no clear definition of the term. Under Decree 126, the charter of associations operating nationwide must be approved by the Prime Minister, instead of the Ministry of Home Affairs as before. Associations must have assets to ensure their operations before applying to register and are required not only to observe the Constitution and the law, but also “comply with the Party’s policies and guidelines” (Article 5.5), “propagate and popularise the Party’s guidelines” (Article 24.6), and have leaders with “good political qualities” (Article 11.4).

Decree 126 also includes 52 pages of annex documents, including 17 different forms that associations must fill in and submit to state authorities regarding the creation of establishment committees, application to register associations, requirements for the content of charters, and names and resumés of officials and members. For example, Document 17 on Personal Curriculum Vitae requires all prospective officers of associations, including the President, Vice-President, members of the executive or standing committees to answer 30 questions, which include: information about their ethnicity, religion, state of health, degree of political instruction, and extensive details on their current and past activities, as well as those of all members of their families (parents, siblings, spouse, children, spouse’s families). Such detailed information was not required under the former regulations on associations (Decree 45/2010/ND-CP). On the basis of this information, the authorities could veto the participation of followers of non-recognised religious groups, activists who have been arrested - even briefly - for their exercise of the rights to freedom of expression, peaceful assembly, and association, former members of the military or administrative personnel of the former Republic of (South) Vietnam, or even persons whose family members have activities in Vietnam or overseas that displease the Vietnamese authorities. Moreover, given the insistence on a “good state of health,” persons with disabilities who seek functions in associations may also be liable to be vetoed by the authorities.

Alongside Decree 126, in 2020 and 2022, the government adopted several other decrees and decisions restricting the activities of associations and reducing civil society space.

Decrees 56 and 80, adopted on 25 May and 8 July 2020, respectively, provide for increased restrictions on civil society organisations’ ability to receive foreign funding. In December 2021, the UN Special Rapporteurs on the rights to freedom of peaceful assembly and of association and the promotion and protection of the right to freedom of opinion expressed concern that these decrees imposed on civil society “unreasonably burdensome requirements for their reporting, registration of funding and projects, meetings and other public activities, especially for issues related to human rights.”³⁹

In addition, Prime Minister’s Decision 06/2020/QD-Ttg, adopted on 21 February 2020, limits the organisation of international conferences and seminars, notably on issues such as religious freedom and

³⁹ OHCHR, *OL VNM 7/2021*, 10 December 2021; <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=26885>

human rights. For example, the Decision does not provide for a time frame for the Prime Minister to reply to the application for an event, thus jeopardising the organisation of time-sensitive events.

Lastly, Decree 58/2022/ND-CP, on the Registration and Management of Operations of Foreign Non-governmental organisations in Vietnam, dated 31 August 2022, prohibits foreign NGOs from carrying out fundraising activities in Vietnam, including the right to mobilise or receive funds from domestic individuals and organisations. It also empowers the authorities to close down foreign NGOs perceived to violate “national interests, social ethics, national traditions, identity or great national unity” of Vietnam.

Article 25 (Right to vote and to be elected)

Non-genuine elections under CPV’s political monopoly

Elections in Vietnam are not free, fair, transparent, or inclusive. Vietnam is a one-party state led by the CPV, which is mandated by the Constitution as the “force leading the state and society” (Article 4). No other political parties are allowed to exist. Since Vietnam’s reunification in 1976, the country has held 10 periodic (mostly every five years) elections for the National Assembly. The next elections for the 500-seat legislative body are scheduled for 15 March 2026.

Under the 2015 Election Law, a number of non-party members and self-nominated candidates are allowed to run for office alongside CPV members. However, the whole electoral process is strictly controlled by the CPV. It is overseen by the National Election Council, which is headed by the National Assembly President, who is a high-ranking CPV member. Candidates are subjected to a stringent vetting process led by the para-governmental mass organisation Vietnam Fatherland Front through several rounds of consultations. This opaque process enables the CPV to review and reject any candidates it deems unfavourable. In past elections, most independent candidates were disqualified after meetings with local constituents, since the CPV determined who may attend the meetings, and pressured attendees to vote for the CPV nominee.⁴⁰ In the previous elections for the National Assembly in May 2021, there were 77 self-nominated candidates. Of the nine who were finally approved as candidates, six were CPV members.⁴¹

Independent candidates not only risk disqualification, but also harassment, intimidation, and arrest. In the 2021 elections, Lê Trọng Hùng and Trần Quốc Khánh were arrested shortly after announcing their candidature⁴² and sentenced to five and six and a half years in prison, respectively. Khánh was accused of “providing an incorrect interpretation about the party’s guidelines and the state’s policies and laws.” In addition, the CPV has conducted massive disinformation campaigns to discredit independent candidates. Lương Thế Huy, Vietnam’s first openly gay candidate, was subjected to a massive smear campaign by government-backed cyber warriors called Force 47. As a result, he was not elected, despite being one of the most popular independent candidates in Hanoi.⁴³

⁴⁰ Vietnamese, *The odds against your favor: How does the National Assembly Election in Vietnam work?*, 21 May 2021; <https://www.thevietnamese.org/2021/05/the-odds-against-your-favor-how-does-the-national-assembly-election-in-vietnam-work/>

⁴¹ VietnamNet, *77 self-nominated candidates for 15th National Assembly*, 22 March 2021; <https://vietnamnet.vn/en/77-self-nominated-candidates-for-15th-national-assembly-721437.html>

⁴² Diplomat, *Vietnam’s National Assembly vote: a futile gesture*, 19 May 2021; <https://thediplomat.com/2021/05/vietnams-national-assembly-vote-a-futile-gesture/>

⁴³ Legal Initiatives for Vietnam, *Vietnam’s 2021 General Election: The Model of Disinformation*, May 2021, <https://fight-dis.info/Vietnams-2021-General-Election-The-Model-of-Disinformation.html>

Recommendations

FIDH and VCHR calls on the UN Human Rights Committee to recommend the Vietnamese government take all the necessary steps to:

- Release all human and environmental rights defenders, journalists, and dissidents detained for the legitimate and peaceful exercise of their fundamental human rights.
- End censorship, mass surveillance, and all acts of harassment against human rights defenders, including those using the internet and communication technologies for their human rights work.
- Bring domestic laws into line with the ICCPR and repeal all legislation unduly restricting the exercise of civil and political rights, in particular the “national security” provisions in the Criminal Code.
- Revise the Criminal Procedure Code’s provisions on the pre-trial detention of national security defendants that undermine their right to a fair trial.
- Guarantee the right to a fair trial, including by ensuring that: defendants are able to meet their lawyers to adequately prepare their defence; defence lawyers have the right to present relevant evidence in court; and defendants are allowed to speak in their own defence.
- Improve prison conditions, including for prisoners under the death penalty, to comply with the UN Standard Minimum Rules on the Treatment of Prisoners, particularly by ending practices that amount to torture or ill-treatment and guaranteeing access to medical care for all persons deprived of their liberty.
- Recognise the right to existence of non-registered religious organisations and allow them full freedom to carry out their religious activities.
- Cease the harassment and detention of members of non-registered religions, revise the Law on Religion and Belief, and repeal all legislation that unduly restricts the right to freedom of religion or belief.
- Guarantee freedom of the media by authorising the publication of independent newspapers and ceasing legal sanctions against, and harassment of, all individuals expressing peaceful views through print media, internet, or on the radio.
- Repeal Decree 126 and adopt a law on associations that guarantees the right to form associations outside the framework of the CPV.
- Adopt a law on public assemblies that complies with Vietnam’s obligations under international law, in particular Article 21 of the ICCPR.
- Issue a standing invitation to all UN Special Procedures.
- Establish an official moratorium on the death penalty as a first step towards the abolition of capital punishment for all crimes.
- Review “national security” provisions in the Criminal Code to ensure that no one can be sentenced to death for the peaceful and legitimate exercise of the right to freedom of expression.
- Lift the classification of “state secrets” on information on capital punishment.
- Allow unhindered access to the country for international human rights NGOs.
- Take measures to ensure competitive general elections that allow the registration and participation of other political parties and independent candidates.
- Establish an independent body tasked with the management of all electoral processes.

