

Human Rights Watch Submission to the European Union
ahead of the EU-Vietnam Human Rights Dialogue

May 15, 2024

Overview

Vietnam's government severely restricts basic civil and political rights in violation of the International Covenant on Civil and Political Rights (ICCPR), which Vietnam ratified in 1982. These include the rights to freedom of expression, association, peaceful assembly, movement, and religion and belief. It prohibits the formation and operation of any organization or group the Vietnamese Communist Party deems threatening to its monopoly on power. Authorities block access to websites and require social media and telecommunications companies to remove content deemed to be politically sensitive. Those who criticize the one-party state, including on social media, face police harassment, restricted movement, physical assault, arbitrary arrest and detention, and prosecution. Police detain political activists for months without access to legal counsel and subject them to abusive interrogations and in some cases, torture. Party-controlled courts convict bloggers and activists on bogus national security charges and impose lengthy prison sentences.

The EU and Vietnam have engaged in human rights [discussions since the 1990s](#) and approximately 20 formal human rights dialogues since 2002. In this period, however, **Vietnam has made almost no progress on the numerous issues raised by EU officials.**

Despite that, the EU has remained reluctant to link the ratification of the EU-Vietnam trade deals (EVFTA and IPA) to specific benchmarks measuring human rights progress in Vietnam, missing an opportunity to affect positive change and emboldening the Vietnamese government's sense of impunity. Its **repression has only intensified since the EVFTA came into force in 2020**. Human Rights Watch and other human rights organizations have [repeatedly anticipated](#) this, which is why we called for more explicit linkages.

Some of the abuses and shortcomings in Vietnam are also linked to the EVFTA. Notably, activists [Mai Phan Loi](#) and [Dang Dinh Bach](#) were [arrested as they tried to](#) join the [Domestic Advisor Group](#) (DAG) tasked with monitoring the implementation of the EU-Vietnam Free Trade Agreement (EVFTA). Mai Phan Loi was later released in September 2023, but Dang Dinh Bach is still serving a five-year prison sentence. Activist [Pham Chi Dung](#) remains behind bars, serving a 15-year sentence for his

peaceful advocacy urging the EU to leverage Vietnam's desire for trade deals to secure human rights progress in the country. The Vietnamese government is yet to ratify International Labour Organization (ILO) Convention No. 87 on Freedom of Association and Protection of the Right to Organize, despite its specific pledge to do so by 2023, ahead of the European Parliament's February 2020 vote on the EVFTA.

The European Union regularly raises concerns on the situation in Vietnam in [statements](#) at the UN Human Rights Council, as well as during yearly human rights dialogues, but neither has proven capable of leading to tangible human rights progress.

Human Rights Watch urges the EU to seriously reconsider its approach to Vietnam's human rights abuses.

Persistent lack of progress on the issues raised during the dialogue should be linked to **concrete consequences for bilateral relations**. Options include:

- The **threat of suspension** of or other consequences under the bilateral **Partnership and Cooperation Agreement (PCA)**, and/or of the related **Free Trade Agreement**, pursuant to [Article 1 of the PCA](#) which identifies the “respect for democratic principles and human rights” as an “essential element” of the agreement;
- The adoption of **targeted sanctions** against Vietnamese officials and entities responsible for the systematic repression in the country;
- Leading on actions on Vietnam, such as cross-regional joint statements or the adoption of resolutions, at the **UN Human Rights Council**.

On substantive areas of concern for the dialogue, Human Rights Watch recommends that the EU focus on six priority areas regarding the dire human rights situation in Vietnam: 1) political prisoners and detainees; 2) environmental activists; 3) repression of labor rights; 4) unfair legal treatment for criminal suspects and defendants; 5) restrictions on freedom of movement; and 6) repression of the right to freely practice religion and belief.

These issues should be **thoroughly articulated in the press release** following the human rights dialogue, along with **measures under consideration** should Vietnamese authorities once again refuse to release of human rights defenders and political prisoners and to commit to reform abusive legislation and to open civic and political space.

Failure to do so will result in this year's dialogue amounting yet again to a box-ticking exercise, in which the EU will continue to serve only as a bystander to Vietnam's intensifying repression.

1. Political Prisoners and Detainees

The Vietnamese government frequently uses vaguely worded and loosely interpreted provisions in Vietnam's [penal code](#) and other laws to prosecute and imprison peaceful political and religious activists. These include “making, storing, disseminating or propagandizing information, materials and products that aim to oppose the State of the Socialist Republic of Vietnam” (article 117) and “abusing the rights to democracy and freedoms to infringe upon the interests of the State, the legitimate rights and interests of organizations, individuals” (article 331).

Vietnam currently holds more than 160 people in prison for peacefully exercising their basic civil and political rights. Since the last human rights dialogue between the EU and Vietnam in June 2023, the Vietnamese authorities convicted and sentenced to prison at least eight people for criticizing the government including pro-democracy campaigners Phan Tat Thanh, Duong Tuan Ngoc, Nguyen Van Lam, Phan Van Loc, Do Minh Hien, Nguyen Hoang Nam, Nguyen Minh Son, and Phan Son Tung, to between six and eight years in prison, all under article 117 of the penal code. Between June 2023 and May 2024, police arrested at least eight other activists under the same article, including prominent bloggers [Nguyen Vu Binh](#), [Nguyen Chi Tuyen](#), and Phan Van Bach, and democracy campaigners Le Quoc Hung, Phan Dinh Sang, Hoang Viet Khanh, Tran Van Khanh, and Pham Van Cho.

Many people who voice grievances against local governments for various issues including land confiscation, corruption, and police brutality have also been arrested and sentenced to prison. Between June 2023 and May 2024, local authorities convicted and sentenced at least 23 people to many years in prison under article 331 of the penal code, including reformist NGO activist Nguyen Son Lo, and former political prisoner [Le Minh The](#). Police also arrested at least 12 other people during the same period, all under article 331 of the penal code.

The EU should publicly and privately call on the Vietnamese government to:

- Immediately release all [political prisoners](#) and detainees held for exercising their basic civil and political rights;
- Amend or repeal penal code articles 117 and 331 in conformity with Vietnam's obligations under the ICCPR.

2. Environmental Activists

Despite Vietnam government assurances on addressing global climate change, Vietnam has systematically arrested and prosecuted [environmentalists](#) engaged in combatting production and use of fossil fuels, especially coal. During the preparation for EU-Vietnam human rights dialogue in May 2023, the authorities [released](#) prominent environmentalist Nguy Thi Khanh five months earlier than her prison sentence. But three weeks later, police arrested [Hoang Thi Minh Hong](#), another

prominent national environmental activist. In September, Vietnam released environmental campaigner Mai Phan Loi 18 months earlier than his prison sentence. But a week later, police arrested yet another prominent environmental activist, [Ngo Thi To Nhlen](#), the executive director of the Vietnam Initiative for Energy Transition, and her colleague Duong Duc Viet on bogus charge of “appropriating documents” from the state-owned Vietnam Electricity enterprise (EVN) under article 342 of the penal code.

The environmental campaigner [Dang Dinh Bach](#), who was sentenced to prison in January 2022 on politically motivated tax evasion charges, remains behind bars. In August 2023, he was reportedly hit on the head from behind for trying to tell his family on a phone call how he was being treated. Dang Dinh Bach dedicated his life to protecting communities from pollution, phasing out plastic waste, and supporting the Vietnamese government’s transition to clean energy.

Dang Dinh Bach was also an active leader of the NGO trade agreement network that civil society groups created to promote their participation in the Domestic Advisory Group, which, under the EU-Vietnam Free Trade Agreement, was supposed to promote the participation of independent civil society groups in overseeing the implementation of the trade and sustainable development chapter of the agreement.

In May 2023, the United Nation Human Rights Council’s Working Group on Arbitrary Detention adopted an [opinion](#) that the arrest and imprisonment of Dang Dinh Bach was arbitrary, and that Vietnamese government should “release Mr. Bach immediately and accord him an enforceable right to compensation and other reparations.”

The EU should publicly and privately call on the Vietnamese government to:

- Immediately release environmentalist activists Hoang Thi Minh Hong, Dang Dinh Bach, Ngo Thi To Nhlen and Duong Duc Viet, and drop all charges against them;
- End restrictions on environmentalist organizations in violation of international law.

3. Repression of labor rights

Vietnam does not allow independent unions to represent workers. The Vietnam government continues to call the government-led Vietnam General Confederation of Labor (VGCL) a “labor confederation” of enterprise-level “labor federations.” But the VGCL is led by Vietnamese government appointees. The “unions” and “federations” that exist under the VGCL are almost all led by people appointed by management at the enterprise level. Workers or labor leaders do not choose leaders or representatives who can bargain to set wages on their behalf. In so far as the VGCL does bargain with management or at the state-wide level, it does so in the interests of the government and the Vietnamese Communist Party, not on behalf of workers and not in a representative capacity.

The dynamic of state control of the VGCL has been further demonstrated by a recent directive issued by the Communist Party of Vietnam, "[Directive 24](#)," which orders enhanced scrutiny of labor groups, civil society, and foreign organizations, specifically in the context of Vietnam's implementation of new trade agreements with other countries and with the International Labour Organization.

In late April, Vietnamese police arrested [Nguyen Van Binh](#), a senior official in Vietnam's labor ministry who had advocated for more meaningful labor reforms and some independence of trade unions.

Numerous articles in state-run media reflect the Vietnam government's hostility to independent labor organizations or unions, [calling them](#) "hostile forces" that use "plots and tricks" to "oppose the Party and the State... causing social disorder and hindering the lives of laborers in our country," or [arguing that](#) the purpose of "so-called independent trade unions" is to "form a domestic oppositional political force, proceeding to carry out a 'color revolution' or 'street revolution' to overthrow the Communist Party and eliminate the political regime in Vietnam."

The EU should publicly and privately call on the Vietnamese government to:

- Immediately allow independent labor unions to be formed and ensure no retaliation against workers organizers outside government-controlled mechanism;
- Ratify ILO 87 and for the already ratified ILO 98, engage with the ILO to ensure that the convention is implemented with rules and laws consistent with its goals and international standards it is meant to uphold.

4. Unfair Legal Treatment for Criminal Suspects and Defendants

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

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

For politically motivated cases:

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

For non-political cases:

Vietnam frequently carries out what they call "mobile trials" (xet xu luu dong), using makeshift courts in public spaces such as a sports stadium, local community space, schools or universities, or the headquarters of the government in a local ward to hold trials of criminal suspects. The authorities claim that such "mobile trials" are used to "educate" people about law and set an example for the public. Such mobile trials are usually conducted in areas where the defendants live, causing public embarrassment and shame for the defendant and their family.

Between 2019 and 2023, Vietnam carried out such "[mobile trials](#)" in at least 55 different provinces (95 percent of the country's provinces) and all five main cities (Hanoi, Hai Phong, Can Tho, Ho Chi Minh City, and Da Nang) in the country.

The EU should publicly and privately call on the Vietnamese government to:

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

5. Restrictions on Freedom of Movement

Vietnamese authorities routinely violate the right to [freedom of movement](#) and other basic rights by subjecting activists, dissidents, human rights defenders, and others to indefinite house arrest, harassment in public, and other actions that restrict their ability to travel. The authorities frequently detain activists just long enough to prevent them from attending public protests, trials of fellow activists, meetings with visiting foreign diplomats, and other human rights-related events.

The government also systematically blocks rights activists, bloggers, dissidents, and their family members from domestic and international travel, including by stopping them at airports and border gates, and denying them passports or other documents that would allow them to leave or enter the country.

In April, police at Moc Bai international border gate in Tay Ninh prohibited Ms. Pham Thi Lan, the wife of political prisoner Nguyen Tuong Thuy from leaving Vietnam for a personal trip to Cambodia, citing “security” as a reason. In September 2023, police prohibited Cao Dai religious activist Nguyen Xuan Mai from leaving Vietnam for the United States to attend a religious freedom event in Texas. In October 2023, police prohibited pro-democracy activist Ngo Thi Oanh Phuong from leaving Vietnam for a personal trip to Japan.

In December 2023 and April 2024, police of An Giang province placed many independent Hoa Hao Buddhist followers under house arrest and erected barriers on the road to prevent them from gathering to commemorate the birth and death anniversary of Hoa Hao Buddhist founder Huynh Phu So.

Democracy campaigner Duong Van Thai, who was a UNHCR recognized refugee in Thailand, [disappeared](#) in Bangkok on April 13, 2023, only for it to be announced that he was [in Vietnamese police custody](#) on April 16. As of May 2024, Duong Van Thai has remained in police custody pending investigation and trial.

The EU should publicly and privately call on the Vietnamese government to:

- Immediately end arbitrary restrictions on the right to freedom of movement, including house arrests, arbitrary detention, harassment, surveillance, and domestic and international travel bans, that are imposed against activists and other critics of the government;
- Repeal or amend article 14(2) and article 15(4) of the Constitution, which allow for restrictions on human rights for reasons of national security that go beyond what is permissible under international human rights law;
- Repeal or amend provisions of the Law on Immigration that allow the authorities to arbitrarily ban Vietnamese citizens from traveling abroad or returning to Vietnam on the basis of vaguely defined national security provisions.

6. Repression of the Right to Freely Practice Religion and Belief

The Vietnamese government restricts religious practice through legislation, registration requirements, harassment, and surveillance. Religious groups are required to gain approval from and register with the government as well as operate under government-controlled management

boards. While authorities allow many government-affiliated churches and pagodas to hold worship services, they regularly ban religious activities they arbitrarily deem to be contrary to the “national interest,” “public order,” or “national unity.” The government labels Dega Protestant, Ha Mon Catholic, Falun Gong and other religious groups as ta dao (“evil religion”) and harasses those who practice those beliefs.

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

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

Between June 2023 and May 2024, authorities convicted and sentenced Y Krec Bya, Thach Cuong, To Hoang Chuong, Danh Minh Quang, Nay Y Blang, and Rlan Thih to many years in prison for being affiliated with independent religious groups that the government does not approve.

In May 2024, the US Commission on International Religious Freedom published its 2024 [report](#) in which it recommended that the US government “designate Vietnam as a “country of particular concern,” or CPC, for engaging in systematic, ongoing, and egregious violations of religious freedom, as defined by the International Religious Freedom Act (IRFA).

The EU should publicly and privately call on the Vietnamese government to:

- Allow all independent religious organizations to freely conduct religious activities and govern themselves. Churches and denominations that do not choose to join one of the officially authorized religious organizations with government-appointed boards should be allowed to operate independently;
- End government harassment forced denunciations of faith, arrests, prosecutions, imprisonment, and ill-treatment of people because they are followers of disfavored religions, and release anyone currently being held for the peaceful exercise of their rights to freedom of religion, belief, expression, assembly and association;
- Permit outside observers, including United Nations agencies, NGOs, and foreign diplomats, to have unhindered and unaccompanied access to the Central Highlands, including specifically to communes and villages inhabited by Montagnards and other marginalized groups. Ensure there is no retribution or retaliation against anyone who speaks to or otherwise communicates with such outside observers.