



Human Rights and Democracy Report - Vietnam

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In 2014, Vietnam's membership of the UN Human Rights Council (HRC) and engagement with the Universal Periodic Review (UPR) process provided an opportunity to show its commitment to improving human rights. The National Assembly ratified two UN conventions: the Convention against Torture and the Convention on the Rights of Persons with Disabilities. Progress was also achieved on LGB&T rights. However, significant concerns remained in the UK's priority areas for engagement in Vietnam: freedom of expression and the death penalty. Lack of transparency and accountability continued to impede serious progress. Legal instruments such as Articles 79, 88 and 258 of the Penal Code were used arbitrarily to restrict the exercise of civil and political rights. We encouraged the Vietnamese authorities to make early progress in bringing such laws, and their use, into line with the new constitution.

Vietnam participated in the UPR during 2014. They received 227 recommendations and accepted 182, including those on: creating an independent national human rights institution; granting legal status to non-governmental organisations (NGOs) and civil society groups; and allowing more room for non-state media. They rejected UK recommendations to issue a standing invite to all UN Special Rapporteurs and to reduce the number of crimes subject to the death penalty by December 2014. Vietnam's mainly positive engagement with the UPR process was not matched by efforts to follow it up. Some events were stopped, some moved venue due to pressure from authorities, and others took place without official participation. The UK welcomed Vietnam's invitation to the UN Special Rapporteur on freedom of religion or belief, but was concerned at the intimidation and surveillance of individuals he had planned to meet during his visit.

The UK, working with the EU and like-minded countries, had some success in lobbying for the release of political prisoners, including human rights defenders (HRDs) Dinh Dang Dinh and Cu Huy Ha Vu. We also lobbied for the release of HRD Mai Thi Dung on humanitarian grounds, but she remains in detention.

2015 will begin with the EU-Vietnam Human Rights Dialogue in January and continue with further UPR follow-up events. The UK will work with the Vietnamese authorities and wider civil society to generate public, media and parliamentary debate on the death penalty. This will be timely as Vietnam is undertaking a revision of its Penal Code.

Freedom of Expression and Assembly

Freedom of expression and assembly continued to be a major concern. We assess that both political and human rights activists continued to be arrested and sentenced for expressing peaceful opinions.

In January 2014, HRD Dinh Dang Dinh was released on compassionate grounds after lobbying by the UK, the EU and other like-minded countries. With EU member states, the UK also supported representations by the EU Delegation to the Ministry of Public Security on the case of HRD Cu Huy Ha Vu. We believe this contributed to Vu's release in April.

We welcomed the release of 12 political prisoners in 2014, which included high-profile cases such as the blogger Nguyen Van Hai, also known as "Dieu Cay". He was immediately deported to the US on his release in October.

However, 55 prisoners remained on the EU's "persons of concern" list, with combined sentences totalling 295 years, whilst arrests of political and human rights activists continued. Prominent bloggers Nguyen Huu Vinh, also known as "Anh Ba Sam", and Hong Le Tho were arrested in May and November respectively. In December, two bloggers, Nguyen Quang Lap and Nguyen Dinh Ngoc, were arrested. Lap, also known as "Bo Lap", whose blog "Que Choa" contained articles criticising the government, was arrested under Article 258, which criminalises the "misuse of democratic freedoms to attack state interests and the legitimate rights and interests of collectives and citizens". The reasons for the arrest of Nguyen Dinh Ngoc, also known as Nguyen Ngoc Gia, have not been made public, but he was a frequent contributor to human rights blogs.

There were examples throughout the year of official interference in civil society-led UPR events, set up to discuss how Vietnam could implement the UPR recommendations it had accepted. Invitees were blocked from attending some events, HRDs were harassed, and one venue was forced to cancel an event. Some examples of intimidation include separate attacks in May on two HRDs: Nguyen Van Dai was attacked with glass in a cafe, and Tran Thi Nga was attacked by five assailants with iron bars in Hanoi. The EU lobbied strongly on both cases and, as a result, there was an investigation by the Ministry of Public Security.

The UK supported a media project by The Asia Foundation through the FCO Human Rights and Democracy Programme. The aim of the project was to improve investigative journalism and public debate by discussing and assessing infrastructure projects and their impact on the environment. The project, currently in its final year, has already resulted in the publication of over 100 reports in the media, including a news article on prime-time national television.

Access to Justice and the Rule of Law

There is a lack of transparency and accountability throughout the legal system. We are concerned that the state uses the courts to punish dissidents by prosecuting them on unrelated matters. For example, in the case of Le Quoc Quan, whose sentence to 30 months in prison for tax evasion was upheld in February, the UK assessed that he was imprisoned for voicing his opinions on religion, corruption and land reform, and that his trial was unfair.

In the wake of Le Quoc Quan's trial, the UK issued a statement reminding Vietnam of its obligations to uphold freedom of expression. We will continue to monitor the situation closely and lobby the Vietnamese authorities throughout 2015.

Death Penalty

There was no substantial progress in reducing the use of the death penalty in Vietnam during 2014, although there was an encouraging willingness to allow public debate on the issue. Death sentences continued to be imposed and carried out, following the lifting of a de facto moratorium

in 2013. The UK remains concerned at the range of crimes punishable by death and the number of death sentences imposed.

Accurate information about the number of executions that take place and the number of people awaiting execution remains scarce, since such information is treated as a state secret. At the beginning of 2014, 30 individuals were sentenced to death following a single trial for smuggling drugs. The UK supported an EU statement condemning the outcome and calling for a moratorium on executions to be reinstated.

The UK lobbied Vietnam to reduce the number of offences punishable by death. In February the Vice-Chair of the All-Party Parliamentary Group for the Abolition of the Death Penalty, Lord Dubs, visited Vietnam. He was able to speak to a wide range of interlocutors, from civil society to government, prompting several lively debates on the death penalty and on the scope for reducing the number of crimes that warrant a death sentence. In September, the UK participated in a conference on the death penalty involving national and international experts, the Vietnamese authorities, including the National Assembly, and civil society groups.

A potential miscarriage of justice case sparked public debate in 2014. Ho Duy Hai was convicted in 2008 for the murder of two post office workers. However, his supporters claimed that he was innocent and that the evidence presented, including fingerprints found at the scene, was inconclusive and did not incriminate him. The case received national media interest as an apparent miscarriage of justice. This is an encouraging development, as such subjects are not usually discussed openly in Vietnam. The case is now being reviewed by the Vietnamese authorities.

In 2015, Vietnam is due to revise its Penal Code, which represents an opportunity to revisit sentencing policy and the number of crimes that attract the death penalty. The UK and international partners will continue to make the case for abolition of the death penalty or, failing that, a moratorium on executions and a reduction in the number of crimes that attract the death penalty.

Freedom of Religion or Belief

Most people in Vietnam are able to practise their religion of choice, or none. Freedom of assembly or expression, or political issues, such as land rights, can be a cause of tensions between some religious organisations and the authorities.

We had concerns, however, about an increasing number of anecdotal reports of intimidation of religious minorities in rural areas by local authorities.

The invitation by the Vietnamese Ministry of Foreign Affairs to Heiner Bielefeldt, UN Special Rapporteur on freedom of religion or belief, to visit Vietnam in July was a welcome move. He underlined the progress that Vietnam had made to ensure there was space for religious groups to practise, and recognised that the problems that do exist are often linked to other issues. However, intimidation of activists seeking to meet the Special Rapporteur disrupted his visit, and meant that he was unable to complete planned field visits to certain areas to investigate reports on the harassment of ethnic minorities for practising their religion.

British Embassy officials met religious leaders before the Special Rapporteur's visit to discuss problems in rural areas; they will continue to meet a broad section of religious groups as part of their wider human rights work.

Women's Rights

In many respects, Vietnam made excellent progress in implementing the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). However, in 2014, women continued to face unofficial discrimination or disadvantage in multiple aspects of daily life, ranging from son-preference, lower representation in politics and decision-making, unequal access to educational and economic opportunities, and high rates of gender-based violence. The UK provided a range of support, including a focus on job creation and support to victims of violence.

Minority Rights

Though Vietnam's record on economic growth and poverty reduction over the last two decades has been remarkable, ethnic minority groups have not benefited proportionately. Although these groups make up less than 15% of the population, they accounted for 47% of the poor and 68% of the extreme poor in 2010 – and the gap between minority populations and the ethnic majority continues to widen. The UK included a particular focus on minorities in its development programmes, including efforts to monitor and increase awareness about the remaining challenges, as well as support to the education and social assistance system.

LGB&T Rights

In general there was encouraging progress in respect of LGB&T rights in Vietnam, a trend which seems set to continue in 2015. Although they did not grant official permission, the authorities allowed the Gay Pride event in Hanoi in August to go ahead, as well as similar activities in May to celebrate the LGB&T community in the Association of Southeast Asian Nations. Vietnam voted in support of a resolution on "sexual orientation and gender identity" at the 27th session of the HRC in September. However, they did not include recognition of same-sex cohabitation and joint custody for children in the Draft Law on Marriage and Family Law.

The UK supported civil society action in support of LGB&T rights and Embassy representatives attended a popular civil society event celebrating International Day Against Homophobia and Transphobia in Hanoi. The UK will continue to encourage Vietnam to permit the community to hold events and press for a greater extension of freedoms in law.

Children's Rights

In terms of its legal framework, Vietnam covers most of its commitments as a party to the Convention on the Rights of the Child well. However, implementation remains poor. In December, the Ministry of Labour, War Invalids and Social Affairs submitted a proposal for better child protection, care and education. Vietnam signed up to the Statement of Action of the #WePROTECT Children Online summit in London in December, thereby committing to developing its own version of the Child Abuse Image Database, or contributing to an international database, such as that run by Interpol.

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