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Human Rights and Democracy: The 2010 Foreign & Commonwealth Office Report - Vietnam

Freedom of expression and political accountability did not improve in Vietnam in 2010. While the National Assembly played a more prominent role in holding the government to account, the authorities in this one-party state continued to target individuals who criticised the Communist Party and its policies. Freedom of expression and access to information were suppressed through a combination of stringent legislation, tight control of the state-run media, internet restrictions and the arrest and imprisonment of bloggers and political activists. These restrictions have tightened over the past year.

In the area of social and economic rights, Vietnam's performance was noticeably better. Vietnam's impressive record of socio-economic development was underscored by the country meeting or exceeding a number of the 2015 UN Millennium Development Goal targets in 2010, including alleviating extreme poverty and hunger.

Modest advances were made in freedom of religion, with the government continuing to promote compliance with its legal framework on freedom of religion, although concerns remained over implementation in some areas.

We were able to engage constructively with Vietnam in some areas during 2010. Our efforts focused on promoting political accountability and transparency, developing the media sector, and encouraging the application of international human rights standards in law enforcement. We successfully implemented a number of human rights projects in cooperation with the Vietnamese government and other agencies. At the same time we continued a frank and constructive dialogue with the government on issues of concern, both bilaterally and with EU partners, including through the biannual EU-Vietnam Human Rights Dialogue. Foreign Secretary William Hague, Minister of State Jeremy Browne and Minister of State for the Department for International Development Alan Duncan all raised human rights concerns during bilateral discussions with their Vietnamese counterparts. The UK-Vietnam Strategic Partnership, signed in September, included a commitment from both sides to uphold human rights. Human rights remained a key pillar of our annual bilateral discussions with the Vietnamese government under the Development Partnership Arrangement led by the Department for International Development (DFID).

As chair of the Association of South East Asian Nations (ASEAN) in April, Vietnam oversaw the inauguration of the ASEAN Commission on the Promotion and Protection of the Rights of Women and Children. Vietnam also chaired the ASEAN Intergovernmental Commission on Human Rights, which approved its first five-year work plan, to be taken forward under the Indonesian chairmanship of ASEAN in 2011. The establishment of the Commission is a welcome development and we hope that this body will, in time, establish powers to investigate and hold human rights violators to account.

In January 2011, the Communist Party will hold its 11th five-yearly Party Congress. This will elect new leaders to some of the Party's most senior posts. However, there is no indication that there will be a significant shift in approach to civil and political rights. The Communist Party is likely to continue to increase international engagement to promote economic growth and regional stability, but its priority will continue to be the maintenance of its own power. The space for open debate and discussion is unlikely to expand significantly in the short term.

National Assembly elections will be held in May 2011 and there will be a new intake of deputies. Given the role the National Assembly is developing in holding the government to account, we will continue to provide capacity-building support. We will continue to work with other key institutions, including the State Audit Office of Vietnam, the government inspectorate and the media, to help promote political accountability and fight corruption. We will also continue to focus on the development of the media sector, working with media practitioners and policy-makers through our memorandum of understanding with the Ministry of Information and Communications.

We will continue to work with our EU partners in Vietnam to raise issues of concern and to encourage the Vietnamese government to allow EU diplomats to attend trials and appeal hearings and to visit prisoners. Human rights will remain a key pillar of our annual bilateral discussion under the DFID-led Development Partnership Arrangement. We will raise human rights in bilateral exchanges under the UK-Vietnam Strategic Partnership. We will also agree a plan of action under the Strategic Partnership, of which concrete action on human rights will be a key element.

Access to justice

The Vietnamese authorities recognise the need to overhaul their judicial system, which lacks independence from the Communist Party and the government.

However, progress on implementing the Communist Party's Judicial Reform Strategy to 2020 has been slow, and we continue to have concerns about political interference in the judiciary and the failure of the authorities to respect citizens' legal rights. The judiciary faces a number of challenges, including a lack of trained court officials and the frequent turnover of politically appointed judges. There also remains a serious shortage of qualified lawyers.

This year the European Commission selected the British Council to manage a five-year capacity-building programme of support for the Ministry of Justice, Supreme People's Court and Supreme People's Procuracy, as part of the Justice Partnership Programme.

Rule of law

Corruption remains a considerable problem in Vietnam. Transparency International's Global Corruption Barometer, published in December, found that urban Vietnamese perceived corruption to be on the increase. The report also found that institutional and political limitations prevented ordinary citizens from becoming involved in anti-corruption efforts. The government struggled to implement a legal framework on anti-corruption but reviewed the effectiveness of existing measures, guided by the UN Convention against Corruption, which Vietnam ratified in 2009.

We pro-actively supported the strengthening of institutions such as the National Assembly and the State Audit Office of Vietnam, which can play a role in holding the government to account. The National Assembly developed a growing willingness to challenge government policy and in June National Assembly deputies took the unprecedented step of refusing to approve a government-backed proposal for a high speed rail link between Hanoi and Ho Chi Minh City. However, the Communist Party's influence on the National Assembly remains considerable; 90% of Deputies are also party members.

In 2010, we continued to support the National Assembly's efforts to engage directly with constituents through the on-line platform, Yoosk. We also provided support to Transparency International and to the Integrity and Transparency in Business Initiative, which helps Vietnamese and foreign businesses operating in Vietnam to work together to promote sustainable improvements in this field.

Death penalty

Figures on the death penalty remain a state secret in Vietnam, although the government claims that all death sentences are reported in the media. By December, state-controlled media sources had reported that at least 110 people had been sentenced to death in 2010, although the actual numbers may have been much higher. The overwhelming majority were convicted of murder or drug trafficking.

From January, the number of capital offences was reduced from 29 to 21, with crimes such as smuggling, hijacking of aircraft and ships, and bribery no longer carrying the death penalty. In May, the National Assembly approved a change in the method of execution from firing squad to lethal injection. This comes into effect in July 2011.

The Vietnamese authorities maintain that public opinion is against the complete abolition of the death penalty. In November, the Vietnamese government abstained in the UN General Assembly vote recommending all countries establish a moratorium on the use of the death penalty.

In 2010 the UK and our EU partners regularly urged the Vietnamese government to introduce a moratorium on the use of the death penalty and, in the meantime, to adopt a more open and transparent approach to its application.

Torture and other ill treatment

In 2010, the Vietnamese government reported that it was preparing to sign the UN Convention against Torture. This was one of the commitments made by the government in its 2009 report for the UN Human Rights Council's Universal Periodic Review of Vietnam. In September, Human Rights Watch published a disturbing report outlining 19 incidents of police brutality in the previous 12 months. The report was based on information gathered from the state-controlled press. There were also reports of detainees and prisoners being tortured to extract confessions or as punishment.

Through the EU, we raised our concerns about the treatment of detainees and prisoners with the Vietnamese government. We also continued to encourage them to ratify the convention and implement it effectively.

In 2010, the FCO's Strategic Programme Fund continued to support the Danish Institute for Human Rights' work with the People's Police Academy to promote human rights in law enforcement. This project will result in enhanced training methods for trainee and serving police officers on the application of international human rights standards in criminal investigations.

Prisons and detention issues

Prisons in Vietnam remain overcrowded. Inmates often share cells with up to 40 others and have limited access to recreational facilities. Inmates are forced to work and are punished if they refuse. Food rations are basic and prisoners rely on supplies brought in by family members to supplement their diet. There is no independent inspectorate of prisons. Any reported abuses are dealt with internally by the Ministry of Public Security.

In 2010, staff from our Embassy in Hanoi visited Hoang Tien prison in Hai Duong province with EU colleagues to monitor prison conditions. Separately, our consular staff visited two British prisoners being held at Thanh Xuan prison on the outskirts of Hanoi. Along with our EU partners, we continued to press the authorities to grant us access to prisoners included on the EU's list of persons and detainees of concern.

In September, 17,520 prisoners were released under a National Day amnesty, including 27 foreign nationals and 20 Vietnamese prisoners charged under national security laws. To be granted amnesty, prisoners had to meet criteria set down by the government, including paying an additional fine and expressing remorse for their crimes.

Human rights defenders

Over the course of the year, more than 20 peaceful activists, including bloggers, political campaigners and lawyers, were arrested, held in pre-trial detention or imprisoned following their trials. In most cases the individuals were charged under national security laws.

The EU maintains a list of persons and detainees of concern, which we share with the Vietnamese authorities in order to seek information about the welfare of the detainees. As of December, there were 44 detainees on the list. Throughout 2010, we and our EU partners continued to urge the Vietnamese authorities to allow EU diplomats to visit the listed detainees in prison. All our requests were refused.

In January, well-known human rights lawyer Le Cong Dinh and three other activists, Tran Huynh Duy Thuc, Nguyen Tien Trung and Le Thang Long, were convicted of attempting to overthrow the government and sentenced to between five and 16 years in prison. Immediately after their trial, we and our EU partners made strong representations to the Vietnamese government about the grounds for their conviction and the severity of the sentences. The EU was subsequently denied permission to attend the appeal hearings of three of the four activists in May. The appeal court upheld the five-year sentence of Le Cong Dinh and the 16 years for Tran Huynh Duy Thuc while Le Thang Long's sentence was reduced by 18 months to three-and-a-half years.

All four activists feature in the EU's list of persons and detainees of concern. The list also includes bloggers Pham Minh Hoang, charged in September with attempting to overthrow the government and being a member of a terrorist organisation for his alleged association with Viet Tan, an exiled political party critical of the government, and Cu Huy Ha Vu, who was charged with disseminating anti-state propaganda in December.

In March, the eight-year prison sentence of Father Ly, a Catholic priest and political activist, for disseminating anti-state propaganda was temporarily suspended for one year on medical grounds. He continues to be included on the EU's list of persons and detainees of concern.

Freedom of expression

The Vietnamese government does not tolerate political dissent or criticism of the Communist Party's role. Opposition political parties are illegal and dissidents expressing opinions about multi-party democracy risk imprisonment. In 2010, print and electronic media remained tightly controlled across Vietnam. Reporters Without Borders ranked Vietnam 165 out of 175 countries in their 2010 Press Freedom Index and classified Vietnam as one of 12 "Enemies of the Internet". The authorities used tight controls to censor online news, information and social networking sites and to monitor internet use and access. BBC Vietnamese was regularly targeted. At the end of 2010, Facebook remained blocked, preventing its Vietnamese users from establishing on-line groups. We and the EU continue to raise our concerns with the Vietnamese government

about this censorship, pointing out that freedom of expression underpins the development of a knowledge-based economy and that it is therefore vital to Vietnam's future prosperity.

The drafting of a revised press law and a new access to information law were delayed in 2010, and neither were submitted to the National Assembly for consideration. This was disappointing, as both laws remain potentially important tools for promoting freedom of expression and in the fight against corruption.

In March, our Embassy and the Vietnamese Academy of Journalism and Communications ran a conference on defamation and libel in the media. This exposed representatives from the Vietnam Journalists' Association, lawyers, editors and journalists to international experience in this field. In October, Vice Minister for Information and Communications Do Quy Doan visited the UK to learn about how media is managed in the UK. His visit included meetings with the BBC, Reuters, the Press Complaints Commission and Minister of State Jeremy Browne. During his visit Mr Doan announced that permission would be granted for Reuters to open a bureau in Ho Chi Minh City, which we welcomed. Also in October, the UK and Vietnam signed a memorandum of understanding to strengthen bilateral cooperation in the areas of information and communications, including within the media sector. This has already delivered results in the form of a spokespersons' training programme in November, which gave Vietnamese officials the opportunity to learn about international experience of encouraging transparency and enhancing communications between government officials and the media. Further activity is planned under this memorandum of understanding, including a press complaints workshop that will be held in Vietnam in February 2011. In November, the *Financial Times* opened a bureau in Vietnam.

We continued to support the British Council's MediaPro project which aims to enhance the teaching programme for Vietnamese university undergraduates studying journalism and to develop an ethics handbook for journalists.

Freedom of religion and belief

In 2010 the government continued to implement a legislative framework to protect freedom of religion. However, there were reports of harassment of religious groups by local government officials, as well as delays in approving the registration of religious groups. We and the EU continued to urge the government to ensure that religious freedoms were respected consistently across the country and to ensure that central government policy was understood and implemented appropriately by provincial and local authorities. We continued to encourage the Vietnamese government to invite the UN Special Rapporteur on freedom of religion or belief to visit the country.

Women's rights

The first-ever national study on domestic violence in Vietnam was completed in 2010. It reported that almost 35% of women who took part in the survey had experienced physical or sexual violence by their husbands and more than 50% reported emotional abuse. Although a Law on Prevention and Control of Domestic Violence was passed in 2007, implementation remained patchy.

Children's rights

Human trafficking from Vietnam is a growing concern. The Child Exploitation and On-line Protection Centre's 2010 report "Strategic Threat Assessment – Child Trafficking in the UK" identified Vietnam as the number-one source country for potential victims of child trafficking into the UK, and the trafficking of Vietnamese children into and within the UK as the largest and most significant trend during their reporting period. Vietnamese nationals, including children, are trafficked primarily for labour exploitation in cannabis-growing operations, but also for sexual exploitation and other crimes. We continued to urge the Vietnamese government to expedite the passage of new human trafficking legislation, which the National Assembly failed to pass in 2010.

Minorities and other discriminated groups

The Vietnamese government acknowledges that it needs to do more to close the gap in living standards between ethnic minorities and the Kinh majority. In July, the UN Independent Expert on Minority Rights visited Vietnam. The UN Independent Expert on Human Rights and Extreme Poverty visited in August. Both commended government initiatives to improve the socio-economic wellbeing of minorities in Vietnam, but highlighted that minority groups remained the poorest in society. The Independent Expert on Minority Rights underscored the importance of ethnic minorities having the right to participate fully and effectively in decision-making that affected their communities, including economic development projects and land re-settlement issues. The Independent Expert on the question of human rights and extreme poverty urged the government to strengthen and implement effective and accessible mechanisms for complaints and to guarantee access to information for citizens.

We played the lead bilateral role during the discussion on ethnic minority rights at the annual World Bank Consultative Group Meeting between the government of Vietnam, led by Deputy Prime Minister Pham Gia Khiem and international donors.

Other issues: Freedom of association

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There was no progress on freedom of association during 2010. In April, the government updated its regulations in Decree 45 which places limits on the establishment of associations, but this served only to maintain government control over the registration, monitoring and operation of associations. All trade unions must be approved by and affiliated with the Vietnam General Confederation of Labour.

The right to strike is recognised under Vietnamese law, but there are wide ranging restrictions on strike action. In October three labour-activists, Nguyen Hoang Quoc Hung, Doan Huy Chuong, and Do Thi Minh Hanh, were sentenced to up to nine years in prison for organising wildcat strikes and distributing anti-state leaflets in Tra Vinh and Ho Chi Minh City.

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