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Joint submission

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Failure to implement accepted recommendations

1. At Vietnam's third UPR in 2019, the Vietnamese government fully or partially accepted 241 out of the 291 recommendations it received from United Nations (UN) member states. However, over the last four years, progress in implementing many key accepted recommendations has been extremely limited or non-existent.

2. In particular, the government has failed to implement recommendations it accepted in the following areas: human rights defenders and civil society; ratification of certain international human rights treaties; cooperation with UN special procedures; fair trials and the administration of justice; the use of the death penalty; and the protection of the rights to freedom of expression (including online), freedom of peaceful assembly, freedom of association, and freedom of religion or belief. This joint FIDH-VCHR submission details such failure.

Repressive legislation fuels crackdown on civil society

3. Several provisions of Vietnam's Constitution significantly undermine the exercise of human rights. For example, Article 14 provides restrictions on the exercise of human rights on vaguely defined grounds of "national security, social order and security, social morality and community well-being." Article 15 specifies that "the practice of human rights and citizen's rights must not infringe upon national interests." Since the Constitution takes precedence over international human rights treaties to which Vietnam is a state party, these provisions seriously compromise the guarantee of human rights enshrined in these treaties.

4. Article 4 of the Constitution, which enshrines the political monopoly of the Communist Party of Vietnam (CPV), is a major impediment to the exercise of many fundamental human rights because it excludes political plurality and subjugates human rights enjoyment to the control of the one-party state.

5. Extensive national legislation that prohibits the "abuse" of rights that infringe on "state interests and policies" enables authorities to imprison activists, human rights defenders, and government critics and to claim that Vietnam has no prisoners of conscience and that there are no individuals deprived of their liberty for having expressed their opinions.

6. The government has consistently failed to revise vaguely worded "national security" provisions of the 2015 Criminal Code that have been often used to convict human rights defenders and peaceful civil society activists. These include Article 109 on "activities aimed at overthrowing the people's administration;" Article 116 on "undermining unity policies;" Article 117 on "making, storing, disseminating information, document, materials, items against the Socialist Republic of Vietnam;" and Article 118 on "disrupting security." Individuals who take part in peaceful demonstrations or publicly express dissenting views are frequently prosecuted under Article 331 on "abusing democratic freedoms to infringe upon the interest of the state, the legitimate rights and interests of organizations and/or citizens" and Article 318 on "disrupting public order." These

national security offenses, six of which carry the death penalty, make no distinction between violent acts and the peaceful and legitimate exercise of freedom of expression.

Unsatisfactory cooperation with UN human rights mechanisms

7. The government's cooperation with UN human rights mechanisms remains unsatisfactory. Vietnam is a state party to seven core international human rights treaties. However, it has not signed or ratified the Optional Protocols or complaint mechanisms of six them,[1] and has systematically failed to accept recommendations to do so during the three previous UPR cycles. As a result, individuals are deprived of important international avenues to seek remedies to the violations of their rights.

8. Since Vietnam's third UPR, the government has failed to positively respond to requests and reminders for official country visits by 10 UN special procedures, including the Special Rapporteurs on: human rights defenders; extrajudicial, summary or arbitrary executions; contemporary forms of slavery; and human rights and toxic waste.[2] There have been no official country visits since that of the Special Rapporteur on the right to food in 2017.

Crackdown on human rights and environmental rights defenders and government critics

9. Since Vietnam's third UPR, the government has failed to implement recommendations to ensure an enabling environment for human rights defenders and civil society. On the contrary, the government has pursued an unabated crackdown, subjecting civil society activists and human rights defenders to physical attacks, arbitrary arrest, imprisonment, intimidation, and threats.

10. Between January 2019 and September 2023, at least 154 activists, government critics, human rights defenders, and member of ethnic and religious minorities (including 28 women) were arrested. During the same period, 145 (including 22 women) were sentenced to prison terms of up to 15 years.

11. In an ongoing and highly disturbing trend, the authorities have begun targeting environmental rights defenders. Since January 2021, at least five leaders of registered environmental non-governmental organizations (NGOs) were convicted of "tax evasion" (Article 200 of the Criminal Code) and sentenced to prison terms ranging from two to five years. Two of the defendants were given early release in 2023 after paying the alleged tax money and serving half their sentences. Environmental lawyer Đặng Đình Bách, who refused to plead guilty, was sentenced to five years in prison in January 2022. He is currently detained in Prison No. 6 in Nghe An, where conditions are particularly harsh. 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. On 28 September 2023, award-winning environmentalist Hòang Thị Minh Hồng was sentenced to three years in prison, also for "tax evasion." A sixth person, Ngô Thị Tố Liên, CEO of the climate change think tank Vietnam Initiative for Energy Transition, was arrested on 25 September 2023 on politically motivated charges of "appropriating documents" belonging to the

state-owned conglomerate Vietnam Electricity under Article 342 of the Criminal Code.

12. Several respected academics and intellectuals have also been arrested for criticizing the CPV and advocating for political reforms. Hoàng Ngọc Giao, Director of the Institute for Policies and Law and Development, was arrested in December 2022. Initial charges of "tax evasion" were changed to "providing classified information to foreign entities" (i.e. "espionage") (Article 110 of the Criminal Code), which carries penalties ranging from 20 years in prison to the death penalty. Nguyễn Sơn Lộ, former Director of the think-tank Southeast and North Asia Institute of Technology Research and Development, was arrested in February 2023 on charges of "abusing democratic rights" (Article 331 of the Criminal Code). He published several books with recommendations to the CPV leadership on politics, economy, and culture. The authorities have also announced that his institute will be closed down.

Unfair trials, unlimited and incommunicado pre-trial detention

13. The lack of an independent judiciary remains an issue of serious concern. Eleven of the recommendations that the government accepted during Vietnam's third UPR concerned the administration of justice. However, the government has taken no steps to improve the justice system.

14. 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 are regularly invoked to hold trials of human rights defenders behind closed doors.

15. Under the 2015 Criminal Procedure Code, persons charged with national security offenses are subjected to special protocols that undermine their right to a fair trial. The Code authorizes 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 reported to 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. Journalists Phạm Đoan Trang, Phạm Chí Dũng, Nguyễn Tường Thụy, Le Hưu Minh Tuấn, and land rights defenders Cấn Thị Thêu, Nguyễn Bá Phuong, and Nguyễn Bá Tư were all subjected to incommunicado pre-trial detention of over one year.

16. Since Vietnam's third UPR, numerous high-profile politically motivated trials have taken place, which contravened standards of fairness and impartiality. 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 the state-controlled media, as in the case of the defendants from Dong Tam Village in 2020, which led to two death sentences and one of life imprisonment. Defense lawyers were not given access to the full file of accusations against their clients and were often not notified of trial dates until the last minute. In May 2023, one defense lawyer, Ngô Anh Tuấn, was expelled from the court room before he finished pleading the case.

17. These politically motivated trials often last only a few hours, which suggests that verdicts may be decided in advance. 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.[3] Police barred his wife from attending the appeal trial, although she had a permit delivered by the court. Diplomatic representatives from the United States (US), Germany, and the European Union were also refused entry.

18. Lawyers who defend human rights defenders are often subjected to threats and harassment, or disbarred by the local Bar Associations, which are not independent from the government. In September 2022, lawyer Võ An Đôn, whose license was revoked in 2019 after he defended clients against police brutality, was prevented from travelling to the US, where he planned to seek asylum. In June 2023, at least three prominent defense 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 into alleged violations of Article 331 of the Criminal Code.[4]

19. 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 state to place national security offenders "under the supervision and re-education of the local authority" for a period ranging from one to five years after they have completed their prison sentences. During this time, they are forbidden from leaving their homes, deprived of certain civic rights, and kept under constant police surveillance.

Inhumane detention conditions, deaths in custody, police brutality

20. The government has failed to improve detention conditions and prosecute officials who used torture. During Vietnam's third UPR cycle, reports of torture, ill-treatment, lack of medical care in prisons, and deaths in police custody remained widespread.

21. Prisoners have been frequently kicked and beaten by prison authorities to extract "confessions," held in shackles, and subjected to solitary confinement. In 2019, Nguyễn Văn Hóa, 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. Phạm Chí Dũng, Đặng Đình Bách, Trịnh Bá Tư, and many other political prisoners have staged hunger strikes to protest poor detention conditions.

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. Recent cases include Phạm Đoan Trang, Nguyễn Tường Thùy, Trương Minh Đức, and Nguyễn Thị Tâm, who were all detained over 1,000 km from their homes.[5]

23. During Vietnam's third UPR cycle, the government has increased the disturbing practice of interning human rights defenders in pre-trial detention in psychiatric institutions, even if most of them did not have any history of mental illness. Their families had no information about their condition or what medication they received. In 2021, land rights activist Trịnh Bá Phương was interned 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 and human rights defenders Nguyễn Thị Thúy Hạnh and Lê Anh Hùng. The latter spent four years in Hanoi Psychiatric Hospital before his trial in August 2022. Released in July 2023, he said the psychiatric ward was "more terrifying than prison."

24. 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. In many cases, prisoners have died under tragic circumstances due to lack of medical care. Recent cases include environmentalists Phan Văn Thu and Đoàn Đình Nam, human rights defender Đào Quang Thục, and respected land rights activist Đỗ Công Đương. Detained in Prison No. 6 in Nghe An Province since 2018, Đỗ Công Đương was serving an eight-year sentence. When his health began to fail, his family repeatedly urged the authorities to allow him medical treatment, but they systematically refused, only admitting him to hospital days before he died in August 2022.

25. Brutality in police stations is also 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, 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.[6] In the same month, a man who had been hospitalized in a coma after two days of police interrogations died in Hai Phong.

The death penalty and conditions on death row

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

27. Contrary to the government's assertion at Vietnam's third UPR that information on executions in the country has "always been transparent and public," data on death sentences and executions remains a state secret under the 2018 Law on State Secrets.

28. Despite the secrecy of official statistics, internal government reports revealed an increase in the number of death sentences during Vietnam's third UPR cycle. A government report to the National Assembly on 16 October 2020 revealed that the number of death sentences had "increased rapidly" by over 34%, with 440 more death sentences imposed in comparison to 2019.[7] The report also revealed that facilities for prisoners sentenced to death were grossly 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."

29. Although the government accepted a recommendation at the third UPR to limit the use of capital punishment to crimes that meet the threshold of the "most serious crimes" under international law, death sentences have continued to be imposed for offenses that do not fall under this category. These include drug-related offenses and economic crimes, such as embezzlement or taking bribes. In 2020, at least 47 persons were sentenced to death for drug-related crimes, and two for embezzlement. Capital punishment is also prescribed for six "national security" crimes.[8] The wording of these offenses in the 2015 Criminal Code is extremely vague. Article 109, for example, carries the death penalty for individuals who "establish or join organizations with intent to overthrow the people's administration [...] or cause serious consequences." Under this broad language, individuals can be sentenced to death for the mere "intent" to criticize the government or form opposition movements. There is also no legal definition of what constitutes "causing serious consequences."

30. 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,[9] 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.[10] 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.

31. Conditions on death row are particularly inhumane. Under the Ministry of Public Security's (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 arrested in 2007 and sentenced to death for murder in 2008, has been in chains on death row for the past 16 years. During the first years, the chain was too short. He could not rest his leg on the floor and suffered from cramps and severe pain. After several years of complaints from his family, the prison authorities finally agreed to add some links to the chain.

32. 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.[11]

33. 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 16 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. 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.

Crackdown on freedom of expression and freedom of the press

34. Since Vietnam's third UPR, violations of the right to freedom of expression have continued unabated. Not only has the government failed to implement recommendations to uphold freedom of expression and the press, but it has increased legal restrictions and repression of journalists, bloggers, and internet users.

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

36. Since Vietnam's third UPR, the government has also increased censorship and controls over 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 reorganize the entire media landscape, in an attempt to further limit the circulation of information and suppress news unfavorable to the government. The MIC declared that the new rules would be implemented to prevent the media from "delving into political and social issues, and reporting on negative phenomena."[12] Under Decision 362, the MIC is empowered to revoke or modify press licenses at will, with a total lack of transparency or accountability.

37. The implementation of Plan 2025 has already led to a drastic reduction in the number of state-controlled newspapers. Immediately after Plan 2025 came into effect in 2019, the MIC reclassified

19 newspapers as "magazines," thus prohibiting them from publishing news. In June 2023, authorities suspended the license of *Zing News*, one of Vietnam's most popular online news sites, for three months and fined it 243.5 million VND (9,700 EUR) for non-compliance with Plan 2025.

38. Further restrictive legislation on freedom of expression adopted since Vietnam's third UPR applies to publications both online and offline. For instance, Decree 119/2020/ND-CP on "Penalties for Administrative Violations in Journalistic and Publishing Activities" imposes fines of up to 200 million VND (approximately 8,350 EUR) 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 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 2,940 EUR) for vaguely worded violations 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."

Restrictions on Internet freedom

39. Internet freedom has been seriously undermined by draconian government censorship and controls, as well as laws and regulations that criminalize online expression. The Law on Cybersecurity, which came into force 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, as well as remove content deemed "offensive" by the government within 24 hours. The Law strictly prohibits the use of social networks or the internet to "infringe upon state interests" or spread "false information." Foreign companies operating in Vietnam are required to share the personal data of their clients, including bank accounts, hotel bookings, travel itineraries, or online purchases, if requested by the authorities. In 2023, during just one month, at the request of the government, YouTube, Facebook, and TikTok removed or blocked nearly 800 videos, posts, or links containing "false and negative content against the Party and state […] and slandering the leadership."[13]

40. Authorities routinely blocks access to overseas websites. In 2022, over 1,000 websites were blocked, 48% of which related to politics and human rights.[14] In June 2023, when FIDH and VCHR published a joint report on the systematic violations of the right to freedom of peaceful assembly in Vietnam, access to the report on the FIDH website was immediately blocked in the country.

41. In July 2023, the MIC announced a draft decree on Internet management and online information that would require Internet Service Providers to expel users who "commit violations online." Telecoms firms, web storage companies, and data centers would be responsible for refusing or suspending telecom and Internet services, upon the MIC's request.

42. Amendments to the Telecommunications Law proposed by the MIC in 2023 require social media users to verify their accounts by using Vietnamese phone numbers. Social media platforms must block the accounts of all those who refuse to comply. Given Vietnam's repressive "national security" legislation, and in the absence of independent judicial oversight and effective legal provisions safeguarding the right to privacy, phone number registration could easily be used as a tool of repression. By obliging internet users to reveal their identity, these rules present a real threat to freedom of expression online.

Rights to freedom of association and freedom of peaceful assembly severely restricted

43. Despite being guaranteed by the Constitution, the right to freedom of association is significantly restricted. All associative activity is controlled by the CPV and the Vietnamese Fatherland Front, an umbrella of mass organizations that has a constitutional mandate to oversee the implementation of CPV policies at the grassroots level. The Constitution recognizes only one political party (the CPV) and one trade union (the Vietnam Confederation of Labor).

44. Thousands of associations were formed in recent years, but there is no legal framework to protect them because there is no law on associations. Associations are regulated by a series of decrees that unnecessarily and disproportionately limit associative activity, in violation of Article 22 of the ICCPR. Prohibitory regulations adopted since Vietnam's third UPR include Decrees 56 and 80, adopted on 25 May and 8 July 2020, respectively, on the activities and funding of national and international NGOs. In addition, Prime Minister's Decision 06/2020/QD-Ttg, adopted on 21 February 2020, which amends a previous decision of 2010, imposes undue restrictions on the organization of international conferences and seminars, notably on issues such as religious freedom and human rights. For example, the amended Decision does not provide for a time frame for the Prime Minister to reply to the application for an event, thus jeopardizing the organization of time-sensitive events.

45. The right to freedom of peaceful assembly is also severely restricted. Following a wave of nationwide protests against controversial draft laws on Cybersecurity and Special Economic Zones in 2018, the government stepped up controls at a local level to prevent similar large-scale demonstrations from happening again. Scores of demonstrators arrested in the aftermath of the 2018 protests were prosecuted and sentenced to long prison terms.

46. Vietnam has no law on public assemblies and the introduction of a draft law on demonstrations in the National Assembly has been delayed for over a decade because of disagreement over the text. There was no mention of a draft law on demonstrations on the agenda of the National Assembly's session for 2024.

47. Legislation used to restrict 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).

48. In addition, MPS Circular 13 of 2016 contains instructions on the policing of "gatherings causing public disorder in the vicinity of trials." It authorizes police to "immediately deploy forces to prevent the disturbance of public order, isolate and arrest opposition elements, instigators and leaders of the disturbance." Police have frequently invoked Circular 13 to violently attack and detain human rights defenders who have often gathered outside the courts to protest unfair trials or express solidarity with fellow activists.

49. The government has also set up specialized units of riot police all over 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." Since there is no law on demonstrations, the definition of "illegal" is extremely vague, and could be used to justify suppression of worker protests, religious assemblies, or legitimate peaceful demonstrations of any kind. The mission to "prevent" protests is also disturbing. It reflects the CPV's determination to "early detect and timely deal with adverse factors"[15] at the grassroots level.

Right to freedom of religion or belief repressed

50. Since Vietnam's third UPR, the government has made no progress in protecting the right to freedom of religion or belief. On the contrary, religious freedom conditions have worsened during this period.

51. The government has failed to implement recommendations accepted during the third UPR to remove bureaucratic and administrative obstacles that hinder the enjoyment of the right to freedom of religion or belief, and to revise the Law on Belief and Religion to harmonize it with international standards. The law, which came into force in January 2018, legalizes intrusive state interference into religious affairs. Religious groups must follow a cumbersome process of registration and recognition to be able to conduct their activities. No legal status is provided for 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, Khmer Krom Buddhists, independent Protestant house churches, Pure Hoa Hao, and Cao Dai followers, have suffered serious repression under this law.

52. In June 2022, the Government Committee for Religious Affairs (GCRA) published a draft to replace Decree 162/2017/ND-CP on implementing the Law on Belief and Religion, which will create

additional burdens on religious activities, if approved as such. It has been called “the punishment decree” because it imposes a host of fines, sanctions, and criminal penalties for violations of “prohibited acts.” In September 2022, the GCRA in Hanoi established an “Office of Belief and New Religious Phenomena” to increase state management of religious activities.

53. The government has also failed to implement recommendations accepted at the third UPR to protect religious and ethnic minorities and refrain from imposing legal restrictions against them. Christian Montagnards, Hmong, 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 organized by the military, police, and local authorities.

Recommendations

- 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 all human rights defenders, including those using the Internet and communication technologies for their human rights work.
- Bring domestic legislation into line with international human rights treaties to which Vietnam is a state party and repeal all legislation restricting the exercise of internationally recognized human rights.
- Review the Constitution to ensure it conforms to Vietnam’s obligations under the seven human rights treaties to which Vietnam is a state party, as well as other key international human rights standards.
- Urgently repeal or revise “nation security” provisions in the Criminal Code to bring them into line with international human rights law.
- Revise provisions in the Criminal Procedure Code on the pre-trial detention of suspected national security offenders 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 defense; defense lawyers have the right to present relevant evidence in court; and defendants are allowed to speak in their own defense.
- Improve prison conditions to comply with the UN Standard Minimum Rules on the Treatment of Prisoners, including by ending practices that amount to torture or ill-treatment and guaranteeing access to medical care for all persons deprived of their liberty.
- Recognize the right to existence of non-registered religious organizations 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 authorizing 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.
- 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 a 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.

[1] Vietnam has ratified the two Optional Protocols on the Convention on the Rights of the Child (in 2001 and 2015).
[2] The Special Rapporteurs on: Human Rights Defenders (reminder sent in 2023); contemporary forms of slavery, including its causes and consequences (2020 and 2022); extrajudicial, summary or arbitrary executions (2022); toxics and human rights (2019 and 2021); the sale, sexual exploitation and sexual abuse of children (2020); and the rights of indigenous peoples (2019). The Working Group on Arbitrary Detention also requested to visit Vietnam in June 2018, and reiterated this request in an Opinion in 2023 (A/HRC/WGAD/2023/22).
[3] Stand with Bach, https://www.standwithbach.org/dang-dinh-bach
[4] 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
[5] FIDH-VCHR, *A history of violence: repression of the right to peaceful assembly in Vietnam*, June 2023.
[6] Facebook Đặng Thu Hoài, wife of Nguyễn Văn Hưng, the man beaten to death; RFA, *Man dies in police custody in Ha Giang, Police say committed suicid*e [in Vietnamese], 21 August 2023.
[7] 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
[8] The six capital national security crimes are: high treason (Article 108); carrying our activities aimed at overthrowing the people's administration (Article 109, formerly Article 79); spying (Article 110, formerly Article 80); rebellion (Article 112); terrorist activities aimed at opposing the people's administration (Article 113); and sabotaging the material-technical foundations of the Socialist Republic of Vietnam (Article 114).
[9] *Decree 43/2020/NĐ-CP on the execution of death sentences by lethal injection* [in Vietnamese]; https://luatvietnam.vn/hinh-su/nghi-dinh-43-2020-nd-cp-thi-hanh-an-tu-hinh-bang-hinh-thuc-tiem-thuoc-doc-182316-d1.html
[10] Department of Justice, *Questions and Answers on executions by lethal injection*, 18 April 2022, [in Vietnamese]; https://stp.thuathienhue.gov.vn/?gd=12&cn=28&tc=6840
[11] 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
[12] *Decree 23, Minutes of the monthly Meeting of the SRV Government*, 10 April 2019.
[13] Le Figaro, *Vietnam: environ 800 publications "fausses" ou hostiles à l'Etat supprimés par les réseaux sociaux*, 6 October 2023 [in French]; https://www.lefigaro.fr/flash-actu/vietnam-environ-800-publications-fausses-ou-hostiles-a-l-etat-supprimees-des-reseaux-sociaux-20231006
[14] Study by the Open Observatory of Network Interference, 2023.

[15] CPV, *Resolution to the 13th National Party Conference*, 1 February 2022; https://lawnet.vn/en/vb/Resolution-2022-13th-National-Congress-7D534.html