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Summary prepared by the Office of the High Commissioner for Human Rights in accordance with paragraph 15 (b) of the annex to Human Rights Council resolution 5/1 and paragraph 5 of the annex to Council resolution 16/21

Viet Nam*

The present report is a summary of 59 stakeholders' submissions¹ to the universal periodic review. It follows the general guidelines adopted by the Human Rights Council in its decision 17/119. It does not contain any opinions, views or suggestions on the part of the Office of the United Nations High Commissioner for Human Rights (OHCHR), nor any judgement or determination in relation to specific claims. The information included herein has been systematically referenced in endnotes and, to the extent possible, the original texts have not been altered. As provided for in Resolution 16/21 of the Human Rights Council, where appropriate, a separate section is provided for contributions by the national human rights institution of the State under review that is accredited in full compliance with the Paris Principles. The full texts of all submissions received are available on the OHCHR website. The report has been prepared taking into consideration the periodicity of the review and developments during that period.

* The present document was not edited before being sent to United Nations translation services.

I. Information provided by other stakeholders

A. Background and framework

1. Scope of international obligations

1. Amnesty International (AI) noted the national report submitted for the 2009 UPR, in which Viet Nam stated its commitment to consider accession to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. AI however stated that there appeared not to have made any progress in this regard.²

2. AI recommended the ratification of the First Optional Protocol to the International Covenant on Civil and Political Rights (ICCPR) to allow individuals to submit complaints to the Human Rights Committee of violations of the rights set out in the Covenant.³ Joint Submission 3 (JS3) strongly encouraged Viet Nam to ratify the Optional Protocol to the Convention on the Rights of the Child on a Communications Procedure as soon as possible.⁴ Joint Submission 6 (JS6) made similar recommendations.⁵

3. JS6 recommended that Viet Nam take all necessary measures to ensure that international human rights standards are fully recognized and applied by domestic legal instruments.⁶

2. Constitutional and legislative framework

4. Joint Submission 4 (JS4) noted that the protection of human rights was guaranteed by the 1992 Vietnamese Constitution. However, the exercise of these rights was severely curtailed by provisions in the Constitution and extensive domestic legislation that restricts human rights to compliance with “the policies and interests of the State”.⁷

5. According to AI, input to the consultation on the draft Constitution appears to be controlled by local authorities and Communist Party of Viet Nam (CPV)-affiliated mass organizations.⁸

6. According to AI, the draft Constitution generally protects the rights to freedom of expression, assembly and association. In addition, the right to freedom of expression is partially acknowledged through draft provisions that require government officials to collect and take people’s opinions into account in policy making. However, the draft new constitution also subjects these rights to limits that might be imposed by national legislation. These limits are too vague and broad and go beyond the restrictions set out under the ICCPR, to which Viet Nam is a state party.⁹ Joint Submission 1 (JS1) specified that the Draft Constitution contained broad and ill-defined restrictions on the “misuse” of religious freedom, human rights, and the right to lodge complaints against the state.¹⁰

7. AI further noted that a raft of laws and decrees circumscribed and restricted the right to freedom of expression, including, among others: Internet decrees, the Press Law (amended in 1999) and the January 2011 Decree No 01/2011 on administrative sanctions in the press and publication field, the Publishing Law, the State Secrets Protection Ordinance, and above all the 1999 Penal Code. Other provisions of these laws, such as articles on national security in the Penal Code, also explicitly breach Viet Nam’s international human rights commitments, including under the ICCPR.¹¹ JS1 expressed similar concerns.¹²

8. Institute for Studies of Society, Economy and Environment (iSEE) recommended that Viet Nam enact an anti-discrimination law that will ensure equality of all people regardless of sexual orientation and gender identity.¹³ JS6 recommended that Viet Nam revise legal framework, including the Civil Code and the Land Law, toward the recognition

of community as a legal entity, and community's collective ownership of their traditional land and natural resources.¹⁴

3. Institutional and human rights infrastructure and policy measures

9. AI noted that Viet Nam did have neither an independent national human rights institution nor other independent body¹⁵ recommending establishment of a National Human Rights Institution in accordance with the Paris Principles.¹⁶

10. JS6 recommended that Viet Nam actively participate in the Plan of Action for the World Programme on Human Rights Education, and take all necessary measures to implement human rights education programmes for the public and specific programmes for law enforcement officers and vulnerable groups.¹⁷ Joint Submission 12 recommended that Viet Nam train law enforcement and government officials to respect international religious freedom standards.¹⁸

11. Child Fund Australia stated that Viet Nam focused on the strengthening of monitoring rights implementing process as well as that of capacity building for different concerned government rights implementing agencies to ensure better implementation for people.¹⁹ However, the Sacerdotal Council of Cao Dai Tay Ninh Holy See (CAODAI) noted that the awareness of human rights by the public in general and by the Cao Dai followers in particular was low.²⁰

12. Vietnam Red Cross Society stated that the measures of community-based disaster management were still on relief-based rather than risk management with lack of disaster risk assessment and training approaches.²¹

B. Cooperation with human rights mechanisms

1. Cooperation with treaty bodies

13. JS4 noted that Viet Nam had not improved compliance with treaty body reporting mechanisms. Its periodic report to the ICCPR was overdue since 2004. It also failed to implement the recommendations of treaty bodies.²²

2. Cooperation with special procedures

14. Chinese Peoples Association for Peace and Disarmament noted that Viet Nam invited 4 special procedures from July 2010 to November 2011 to implement the accepted UPR recommendations.²³ AI however noted that a number of requests by the Special Procedures to visit Viet Nam were outstanding.²⁴ AI recommended issuing a standing invitation to the Special Procedures and facilitating visits by the Special Rapporteur on freedom of opinion and expression and the Special Rapporteur on the situation of human rights defenders.²⁵

C. Implementation of international human rights obligations

1. Equality and non-discrimination

15. Vietnam Women Union noted that rural and ethnic minority women lacked opportunities to get access to information, educational and healthcare services.²⁶

16. Care International stated that it worked with Vietnam Lawyers' Association to reduce stigma and discrimination against people living with HIV and reinforce the fulfilment of their rights in Ha Noi and Ho Chi Minh City.²⁷

17. JS6 noted that members of the LGBT community faced different types of discrimination including denial of services and discrimination in employment.²⁸

2. Right to life, liberty and security of the person

18. AI noted that since the previous review, Viet Nam has made some welcome progress in reducing the scope of the death penalty: the number of capital crimes is now 21, compared to 29 previously. AI expressed concern that there has been no change regarding the lack of transparency over the use of the death penalty, with statistics classified as a “state secret” since January 2004.²⁹

19. AI also noted that in July 2011, the authorities amended the Law for Enforcement of Criminal Verdict to change the method of execution from firing squad to lethal injection, on the grounds that it was more humane. A delay in implementation of the use of lethal injection, due to a 2011 EU ban on export of the required drugs, had resulted in no executions being carried out since January 2012. However, in May 2013, the law was amended to allow Viet Nam to source alternative drugs from elsewhere or to manufacture them in-country.³⁰ Similarly, JS4 noted that in May 2013, Vietnam adopted Decree 47/2013/ND-CP which legalizes the use of vaguely defined “domestic poisons” for execution, the effects of which are unknown. The Government announced it would begin the executions of 170 prisoners as soon as the law comes into effect on 27 June 2013.³¹

20. PeaceTrees Vietnam noted that over the last 35 years, more than 10,800 people in the Quang Tri Province had been killed or maimed by landmines and unexploded ordnance.³²

21. JS5 stated that the State had detained and/or imprisoned dissidents and activists without trial or legal reason.³³ Front Line Defenders (FLD) also stated that a number of cases were reported of human rights defenders being arbitrarily arrested, not informed of the reasons for the arrest, denied access to lawyers and families for several weeks, and denied bail.³⁴ Joint Submission 9 (JS9) and FLD noted that human rights lawyers who represented human rights defenders or communities affected by human rights violations had been harassed and disbarred from their bar associations.³⁵

22. JS5 stated that it was commonplace for political detainees to be held incommunicado with no access to legal representation in the first four months of detention. Additionally, in order to extract confessions, investigators sometimes resort to torture in the form of physical abuse, isolation, excessively lengthy interrogation sessions, sleep deprivation, and punitive placement of defendants in dark, airless, unsanitary, and solitary cells.³⁶ Joint Submission 11 recommended that Viet Nam halt all forms of mistreatment while in police custody and take all necessary steps to ensure the criminalization of torture and reparations for victims in line with international standards.³⁷

23. CIVICUS noted that dozens of human rights defenders, including civil society activists, land rights activists and religious advocates remained in prison and subjected to extrajudicial forms of detention for their political or religious views.³⁸ JS5 expressed concern that Viet Nam had failed to ensure that all persons deprived of liberty are brought before a judge without delay.³⁹

24. Boat People SOS stated that the practice of torture by police and security forces not only was pervasive but was a systematic and intrinsic part of the investigation and interrogation phase of detention. Torture was used to force the detainee to sign a confession or provide information, to punish detainee, or to intimidate the detainee from engaging in future acts of peaceful dissent or independent religious activity.⁴⁰

25. Human Rights Watch (HRW) recommended that Viet Nam release all people imprisoned, detained, or placed under house arrest, administrative detention, or involuntary

commitment to mental hospitals or Social Protection Centers for the peaceful expression of political or religious beliefs, for exercise of socio-economic or cultural rights, or for promoting or protecting the rights of journalists, lawyers, bloggers, religious believers, workers and other persons exercising their rights. It should also drop all charges against and put a stop to harassment or intimidation of all such people.⁴¹

26. Coalition to Abolish Modern-Day Slavery in Asia noted that the Viet Nam's National Assembly passed the anti-trafficking in persons (ATIP) law. CAMSA noted that the 2011 ATIP law was substantively flawed and fundamentally out of line with the Palermo Protocol as the definition of trafficking in persons in the law protects government-sanctioned labour export companies from being implicated in the act of labour trafficking.⁴²

27. According to JS4, victims of trafficking who escape and return to Vietnam have no legal protection. Many rural women find that their land has been confiscated during their absence. If they have children born overseas, the children are not entitled to the obligatory residence permit, or "hộ khẩu", and become illegal citizens, deprived of the right to education and health care.⁴³

28. CAMSA further stated that the Ministry of Labour War Invalids and Social Affairs (MOLISA) operated and managed the labour export programme, through which many Vietnamese had been trafficked. The Government had expressly suppressed the voice of those who expose labour trafficking under this government-run programme and demand justice, threatening them and their family members with punishment. State-owned labour export companies involved in human trafficking continued to operate with impunity. State-owned banks had placed many victims in debt bondage and held the titles of their homes and farmlands. More than being merely complicit, MOLISA ran a national programme that is a hotbed for labour trafficking.⁴⁴

29. JS3 recommended that Vietnam should amend its Penal Code to include specific provisions specifically prohibiting sexual exploitation of children in travel and tourism, making travel arrangements with the purpose of sexually exploiting children, printing or publishing information intended to promote child sex tours.⁴⁵

30. JS3 also recommended that the Government increase the capacity of public services to provide adequate care and protection for all child victims of commercial sexual exploitation, including children from foreign countries.⁴⁶

31. Global Initiative to End All Corporal Punishment of Children stated that in Viet Nam, corporal punishment of children was lawful despite the Government's stated intention to reform the law, and the repeated recommendations to prohibit corporal punishment by the Committee on the Rights of the Child.⁴⁷

3. Administration of justice, including impunity, and the rule of law

32. AI expressed concern that the justice system lacks independence and is used to repress perceived opposition to the government, its policies and practices.⁴⁸ Specifically, AI noted that trials of peaceful activists were routinely unfair falling far short of international standards of fairness. There was no presumption of innocence, and there was lack of effective defence and no opportunity to call witnesses. Attempts by defendants to make statements in court were often cut short. Judgements were apparently decided beforehand, and trials commonly lasted only a few hours.⁴⁹ JS4 stated that defence counsel could not sincerely defend prisoners without risking harassments, expulsion from the bar and even imprisonment themselves.⁵⁰

33. JS4 stated that since its last UPR, Viet Nam had conducted a series of major political trials which contravened standards of fairness and impartiality. Detainees were held virtually incommunicado during pre-trial detention, often beyond legal limits. With little

access to legal counsel, they were unable to prepare their defence. Trials were closed to the public and family members, and media and diplomatic observers were restricted or banned.⁵¹ JS5 and Norway Bar Association expressed similar concerns.⁵²

34. JS9 stated that the Viet Nam Bar Federation and the local Bar Associations were not independent noting that if a lawyer criticizes the Communist Party or the Government, the local Bar Association can expel the member on that basis.⁵³

35. JS1 expressed serious concerns about the ill-treatment of prisoners in detention, including orchestrated attacks, lack of medical care, and unfair trials. There was also widespread surveillance and harassment of dissident writers and their families, particularly whilst serving probationary sentences.⁵⁴ JS4 expressed similar concerns.⁵⁵

36. JS6 recommended that Viet Nam strengthen the monitoring mechanism on conditions of detentions; impartially investigate incidents of homicides or injuries in detention and disclose monitoring results, compensate for torture victims and their relatives, guarantee the right to meet and communicate with lawyers and family members of detainees and inmates, improve physical conditions of detention centres and prisons, and ensure effective trainings for law enforcement officers on national law and international human rights standards.⁵⁶

4. Right to privacy, marriage and family life

37. Centre for Community Development and Social Work (CODES) recommended that Viet Nam amend the current Press Law towards stricter regulations and procedures to collect private information published on electronic media with the permission of the individuals involved, especially the private information of children.⁵⁷

38. JS6 recommended that Viet Nam establish a national database on situation of orphans, abandoned and homeless children, develop an independent monitoring body for child rights, expand community-based child protection system and foster care, and develop comprehensive criteria for child care centres with special attention of children at risks.⁵⁸

39. JS6 and iSEE further recommended that Viet Nam ensure the equal right to marriage for all persons, regardless of their sexual orientation.⁵⁹

5. Freedom of movement

40. Bloc8406 and JS5 stated that there had been numerous incidents where Vietnamese citizens were denied to leave and return to Viet Nam.⁶⁰ JS4 noted that “netizens” had been denied the right to freedom of movement without justification. Several bloggers were prevented from travelling overseas.⁶¹ FLD noted that human rights defenders who are high profile or have been under surveillance were routinely prevented from going abroad. Human rights defenders who have served a jail sentence had also been prevented from travelling upon their release. Human rights defenders under probation could not travel outside of designated areas and are denied passports.⁶²

6. Freedom of religion or belief, expression, association and peaceful assembly, and right to participate in public and political life

41. Hoa Hao Buddhist Church National Board noted that the Constitution and laws of Viet Nam stipulated that all citizens have freedom of religion and belief.⁶³ However, JS5 stated that numerous State-imposed barriers remained on the free practice of religion, including restriction on registration, intervention in religious organizations’ internal affairs, State approval of appointments for church leadership, and restrictions on proselytizing.⁶⁴

42. Christian Solidarity Worldwide (CSW) and Joint Submission 10 (JS10) noted that a new “Decree” on religious organizations and religious activities which came into effect in

2013 added new obstacles to the process of registration for religious organizations and includes vague references to “national unity” which creates opportunities for officials to arbitrarily reject applications.⁶⁵

43. Jubilee Campaign stated that people of both registered and unregistered religious groups suffered from persecution. They often had their personal items/homes destroyed, property seized and were subjected to beatings, false arrests, sham trials and death.⁶⁶

44. Vietnam’s Interfaith Confederation recommended that Viet Nam respect the right of religious organizations to decide on internal matters, including the right to select trainee and train priests and monks, appoint office holders, the right to private property, the right to preach, to provide education, to carry out charity work, the right to liaise with fellow religious institutions overseas.⁶⁷ United Caodai Tayninh Holy See Overseas recommended that Viet Nam ensure that *Caodaist* followers are free to produce religious books.⁶⁸

45. JS4 stated that since the last UPR, the authorities had intensified repression against United Buddhist Church of Viet Nam (UBCV) members, subjecting UBCV leaders to beatings, house arrest and surveillance, harassing Buddhists who frequent “reactionary” UBCV Pagodas and smashing Buddha statues.⁶⁹

46. According to Bloc8406, religious activities deemed to threaten the authority of the Communist Party of Vietnam (CPV) are banned or carefully monitored and controlled.⁷⁰ According to CIVICUS, Viet Nam maintains one of the most restrictive media environments in the world. Dozens of journalists and “netizens” remain in prison for reporting on sensitive topics and questioning official government policy. Furthermore, the Government continues to drastically limit access to information in the country through widespread censorship of the internet and strict controls over domestic media outlets.⁷¹

47. According to AI, no discernible progress has been made in implementing recommendations to guarantee the right to freedom of expression.⁷² Joint Submission 8 (JS8) stated that to date, the Government had not implemented nor chosen to undertake any of the recommendations it had accepted in the field of freedom of expression in the country.⁷³ AI further stated that since the previous review, severe restrictions on freedom of expression continued, with those critical of government policies harshly sanctioned. Individuals at risk included pro-democracy activists, bloggers and those calling for social and economic reform or protesting about environmental issues, land confiscation and eviction, and for labour rights. According to AI, speaking out about sensitive issues such as corruption and Viet Nam’s relationship with China and territorial disputes is generally not tolerated.⁷⁴

48. JS8 noted that a complex screening mechanism involving the registration of publications with the authorities, the active role of the authorities in the editing process prior to publication (either directly or through the delegation of the editing to a government-approved chief-editor), the issuance of various permits, and the provision of copies of a printed work to the authorities for verification purposes severely restrict the freedom to publish in Viet Nam.⁷⁵ Reporters Sans Frontieres recommended that Viet Nam put an end to censorship, mass surveillance, and all acts of harassment, including at the judicial level, against all actors dealing with information.⁷⁶

49. HRW noted that the Government did not allow independent or privately owned media outlets to operate. It exerted strict control over radio and TV stations and written publications. Criminal penalties applied to those who disseminate materials deemed to oppose the Government, threaten national security, reveal state secrets, or promote “reactionary” ideas.⁷⁷

50. AI noted that vaguely-worded offences in the national security section of the Penal Code were used to criminalize peaceful political and religious dissent. AI cited three

examples of prominent bloggers, including Truong Duy Nhat, Pham Viet Dao and Dinh Nhat Uy, who were arrested on 26 May, 13 June and 15 June 2013 respectively, and charged under Article 258 for their criticism of the government in their writing. AI also stated that despite the criminalization of freedom of expression, bloggers and others continued to find ways to circumvent restrictions and to communicate amongst themselves and with their audiences. They were also using new ways to express their views, which had been met with equal intolerance by the authorities.⁷⁸ Freedom Now recommended that Viet Nam revise provisions of the Penal Code, specifically Articles 78 through 92 and Article 258 to specifically protect the right to peaceful freedom of expression, association, and religion.⁷⁹

51. JS4 noted that a draft Internet Decree under preparation was fatally flawed and inconsistent with international human rights law and standards. If adopted in its current form, the Decree would oblige Internet companies to cooperate with the Government in enforcing a range of vaguely-defined prohibited acts of expression.⁸⁰

52. JS1 recommended that Viet Nam: refrain from harassing, threatening, criminalising or arresting writers, journalists, bloggers, political activists and other human rights defenders for reasons connected to their peaceful activities, including the legitimate exercise of their freedom of expression rights; and release writers, journalists, bloggers, political activists and other human rights defenders currently in detention for reasons connected to their peaceful activities, including the legitimate expression of their views.⁸¹

53. According to JS1, there is complete government control over print and broadcast journalism as all news publications in Viet Nam are owned and controlled by the Government.⁸² CIVICUS expressed similar concerns.⁸³

54. AI expressed concern about laws and decrees on internet use, which served to encourage self-censorship and place practical obstacles in the way of free access to information and to the internet.⁸⁴ JS8 recommended that Viet Nam remove all restrictions and arbitrary interference on the operation and use of Internet that violate the right to freedom of expression and end practices such as censorship and surveillance.⁸⁵

55. JS4 noted that there were no independent local non-governmental organizations. All associative activity was strictly controlled by the CPV and the Vietnam Fatherland Front.⁸⁶

56. CIVICUS stated that in direct contrast to the privileges afforded to “associations with special characteristics,” civil society groups not under the auspices and control of the Government were subjected to discriminatory limitations on their activities, including blanket restrictions on conducting advocacy work.⁸⁷ CIVICUS also stated that registration requirements for civil society groups were patently discriminatory, providing the Government with undue discretion to preclude the establishment of civil society organizations with objectives perceived to contravene the interests of the state and the CPV.⁸⁸ JS5 expressed similar concerns.⁸⁹

57. JS6 recommended that Viet Nam develop a comprehensive legal framework which recognizes civil society and civil society organizations as official stakeholders in the public policy process through the promulgation and implementation of the Law on Association and Law on Demonstration, revise vague provisions in the Criminal Code which could impair the enjoyment of human rights and fundamental freedoms and remove limitations of areas of NGO operation.⁹⁰

58. CIVICUS noted that in practice, the threat of government reprisals greatly discouraged groups from holding demonstrations and protests. Moreover, the free exercise of the right to peaceful assembly was severely undermined by unwarranted disruptions and the use of excessive force by security officials. Government forces continued to utilize

various extra-legal measures to pre-emptively disrupt and prevent citizens and activists from holding public rallies and demonstrations.⁹¹

59. Bloc8406 stated that all National Assembly and Government offices' candidates were handpicked by the CPV through its subordinate the Vietnam Fatherland Front and people were asked to simply cast their votes.⁹² Bloc8406 called on the Government to hold free and fair general elections of the National Assembly and all government offices with international observers. It also recommended that the Government set up an independent Electoral Commission.⁹³ JS6 recommended that Viet Nam take concrete measures to facilitate women's political participation at all levels and reform election process to ensure equal opportunities for independent candidates and create democratic mechanism to engage civil society organizations in the monitoring of the electoral process.⁹⁴

7. Right to work and to just and favourable conditions of work

60. United Farmers and Workers Organization noted that the Government not only directly managed all labour unions formed in state-owned enterprises, corporations, economic or manufacturing consortiums but also pushed for the formation of labour unions in private or foreign-owned enterprises to control all workers.⁹⁵

61. According to CIVICUS, the right to freedom of association and to collective bargaining for unions remains severely curtailed. Workers are prohibited from establishing or joining unions not endorsed by and officially affiliated with the Vietnam General Confederation of Labour (VGCL). The right to strike is drastically limited. Strikes involving the public sector or directly impacting state-owned industries are strictly prohibited, while unions are banned from holding strikes pertaining to 54 sectors considered vital to maintenance of the economy and defence.⁹⁶ JS4 expressed similar concerns.⁹⁷

62. JS6 recommended that Viet Nam recognize the right to freely establish and join trade unions of workers, especially to implement collective bargaining mechanism, improve capacity of the labour inspection system, implement comprehensive programmes to raise awareness of all workers and employers about their rights and responsibilities, and engage with civil society organizations to monitor the implementation of labour rights.⁹⁸

8. Right to social security and to an adequate standard of living

63. JS4 noted that *hộ khẩu* was an obligatory permit which gives access to housing ownership, health care, education and other key public social services. People without permanent residence status ("temporary migrants" of KT3 and KT4 status) had to pay higher prices for electricity and pipe water consumption compared to local residents. The *hộ khẩu* was also required to obtain birth certificates for new-borns. Parents who are refused *hộ khẩu* cannot obtain birth certificates, and thus cannot register their children for schooling.⁹⁹ Vietnam Association of the Elderly noted that not much support services had been provided for the elderly especially in remote areas.¹⁰⁰

64. All India Peace and Solidarity Organisation stated that housing development policies and programmes had been designed for people with low income, especially for those working in industrial zones, students, the poor in rural or urban areas.¹⁰¹ However, JS5 noted that land evictions had been conducted by armed policemen, and even military troops, causing injuries and severe trauma among evictees.¹⁰² JS5 recommended that Viet Nam put in place appropriate procedural protection and due process in the event of forced evictions.¹⁰³

65. HRW noted that forced evictions had led to violent confrontations between people alleging violation of their land rights and the authorities.¹⁰⁴ Con Dau Parishioners' Association (CDPA) recommended that Viet Nam suspend all further expropriations of

lands so as not to violate the properties of additional foreign nationals, set up a transparent process for land expropriations, and allow sufficient time for land owners to verify and assert their ownership over the targeted real properties.¹⁰⁵

66. JS6 recommended that Viet Nam introduce a comprehensive national housing policy including social housing programmes to ensure for the access to such social housing programmes and the needs of disadvantaged groups, including the urban poor people.¹⁰⁶

9. Right to health

67. William J. Clinton Foundation noted that HIV/AIDS was a significant threat to the health and livelihoods of people in Viet Nam.¹⁰⁷

68. AAPSO referred to the Government efforts to provide facilities for the victims of Agent Orange to improve their health.¹⁰⁸ Similarly Vietnam Association for Victims of Agent Orange/Dioxin stated that Agent Orange victims' specific needs were immense, including conditions for healthy life, housing, money for daily food, medicine, medical examinations and treatment.¹⁰⁹

69. Khmers Kampuchea-Krom Federation (KKF) recommended that Viet Nam strengthen the pro-poor health policies to ensure that all Khmer-Krom people have access to quality health services.¹¹⁰

70. iSEE noted that in many cases, doctors denied medical care to patients who are gay or transgender because of their sexual orientation and gender identity.¹¹¹

10. Right to education

71. JS10 stated that the Government continued to exclude religious organizations from meaningful educational activities thus condemning future generations to ignorance and competitive disadvantage through the Party's control and disastrous education policy.¹¹²

72. International Network for Diplomacy Indigenous Governance Engaging in Nonviolence Organizing for Understanding & Self-Determination (INDIGENOUS) noted that Khmer Krom children were not able to learn in their mother tongue in schools of the state. There was no educational material in indigenous language of Khmer Krom. These state practices resulted in a higher rate of dropout of Khmer youth from school.¹¹³ KKF expressed a similar concern.¹¹⁴

11. Persons with disabilities

73. The Association of Supporting Viet Nam Handicapped and Orphans (ASVHO) stated that whereas favourable conditions were being created for voluntary social organizations to participate actively in ensuring human rights of people with disabilities, there existed many barriers affecting ensuring the human rights of people with disabilities.¹¹⁵

74. JS6 recommended that Viet Nam take all necessary measures to enable persons with disabilities to equally access education, vocational training and employment with special attention on capacity building for inclusive education and non-discrimination in employment.¹¹⁶

12. Minorities and indigenous peoples

75. Bangladesh Peace Council (BPC) and Vietnam Peace Committee noted that ethnic minorities were encouraged to participate in the political system, social administration and public management.¹¹⁷

76. Joint Submission 2 (JS2) noted that Viet Nam was among the nations endorsing the “UN Declaration on the Rights of Indigenous Peoples”, yet it had declared that there were “no indigenous peoples in Viet Nam,” and until today, no translation of the UN Declaration into Vietnamese or any indigenous languages had ever been made by the Vietnamese authorities. Few Vietnamese citizens knew anything about the UN Declaration.¹¹⁸ JS2 and Unrepresented Nations and Peoples Organization (UNPO) recommended that Viet Nam recognize the *Montagnards*, Khmer Krom, Cham and other indigenous peoples as indigenous with the rights accorded to them under the Declaration. JS2 recommended that the UN Declaration be translated on all Vietnam Government websites in the languages of indigenous peoples.¹¹⁹

77. JS2 stated that the Government continued to arrest, torture and jail *Montagnard* Christians. There were currently over 400 *Montagnard* Christians in prison for their religious or political beliefs. Between 2001 and 2004, over 400 *Montagnard* house churches were destroyed, and hundreds of *Montagnards* were arrested and imprisoned for their participation in demonstrations that objected to the policy of land confiscation and religious rights. Most of these house churches remained closed and practically all *Montagnard* prisoners remained in detention to date. *Montagnard* Christians were often forced to renounce their faith, and they were beaten. Many suffered solitary confinement and torture.¹²⁰ UNPO recommended that Viet Nam allow full, impartial and transparent investigations into reports of violence against indigenous and minority communities, and ensure that perpetrators of such violence are brought to justice.¹²¹

78. Joint Submission 7 (JS7) noted that lack of secure land tenure as well as unlawful appropriation of land by government officials and their associates had led to loss of farm land and increased poverty among the Hmong in their traditional home provinces in the Northern Highlands.¹²² JS7 recommended that Viet Nam create a process and mechanism to return the ancestral lands of the Hmong that have been confiscated against their will and without fair compensations.¹²³

Notes

¹ The stakeholders listed below have contributed information for this summary; the full texts of all original submissions are available at: www.ohchr.org:

*Civil society**Individual submissions*

AAPSO	AAPSO, (Cairo, Egypt);
AI	Amnesty International (London, UK);
AIPSO	All India Peace & Solidarity Organisation (New Delhi, India);
ASVHO	Association of Supporting Viet Nam Handicapped and Orphans (Hanoi, Viet Nam);
Bloc8406	Bloc8406 (Chipping Norton, NSW, Australia);
BPC	Bangladesh Peace Council (Dhaka, Bangladesh);
BPSOS	Boat People SOS (Falls Church, Virginia, USA);
CAMSA	Coalition to Abolish Modern-Day Slavery in Asia (Falls Church, Virginia, USA);
CAODAI	Cao Dai Holy See (Westminster, CA, USA);
CARE	Care International in Viet Nam (Hanoi, Viet Nam);
CDPA	Con Dau Parishioners Association (Cary, North Carolina, USA);
CFA	Child Rights Australia (Hanoi, Viet Nam);
CIVICUS	CIVICUS: World Alliance for Citizen Participation (Johannesburg, South Africa);
CODES	Centre for Community Development and Social Work (Hue, Viet Nam);
CPAPD	Chinese People's Association for Peace and Disarmament (Beijing, China);
CSVC	Committee for Solidarity of Vietnamese Catholics (Hanoi, Viet Nam);
CSW	Christian Solidarity Worldwide (New Malden, UK);
FN	Freedom Now (Washington DC, USA);
FLD	Front Line Defenders (Dublin, Ireland);
GIEACPC	Global Initiative to End All Corporal Punishment of Children (London, UK);
HHBC	Hoa Hao Buddhist Church (An Giang Province, Viet Nam);
HRW	Human Rights Watch (New York, USA);
INDIGENOUS	International Network for Diplomacy Indigenous Governance Engaging in Nonviolence Organizing for Understanding & Self-Determination (Honolulu, USA);
iSEE	Institute for Studies of Society, Economy and Environment (Hanoi, Viet Nam);
JC	Jubilee Campaign (Fairfax, USA);
KKF	Khmers Kampuchea-Krom Federation (Camden, USA);
NBA	Norwegian Bar Association (Oslo, Norway);
NNIA	National Network of Indochina Activists (New York, USA);
PeaceTrees	PeaceTrees Vietnam (Seattle, USA);
RSF	Reporters Sans Frontieres (Paris, France);
UCTHSO	United Caodai Tayninh Holy See Overseas (Dallas, USA);
UFWO	United Farmers and Workers Organization (Bangkok, Thailand);
UNPO	Unrepresented Nations and Peoples Organization (The Hague, the Netherlands);
VAE	Vietnam Association of the Elderly (Hanoi, Viet Nam);
VAVA	Vietnam Association for Victims of Agent Orange/Dioxin (Hanoi, Viet Nam);
VBS	Vietnam Buddhist Sangha (Hanoi, Viet Nam);
VFPC	Veteran For Peace Chapter #160 (Hanoi, Viet Nam);
VIC	Vietnam Interfaith Confederation (Essendon, Australia);
VJA	Vietnam Journalist's Association (Hanoi, Viet Nam);

VNRC	Vietnam Red Cross Society (Hanoi, Viet Nam);
VPAFW	Vietnamese Physicians Association of the Freeworld (Quebec, Canada);
VPC	Vietnam Peace Committee (Hanoi, Viet Nam);
VPDF	Vietnam Peace and Development Foundation (Hanoi, Viet Nam);
VVPI	Vietnam Veterans Peace Initiative (Fresno, CA, USA);
VWU	Vietnam Women's Union (Hanoi, Viet Nam);
WJCF	William J. Clinton Foundation (Hanoi, Viet Nam);
WPC	World Peace Council (Athens, Greece);
<i>Joint submissions</i>	
JS1	Joint submission 1 submitted by: Pen International, English Pen, Article 19 and Access;
JS2	Joint submission 2 submitted by: Council of Indigenous Peoples in Today's Vietnam (CIP-TVN), Montagnard Human Rights Organization (MHRO), Supreme National Council of Kampuchea-Krom (SNC-KK), and International Office of Champa;
JS3	Joint submission 3 submitted by: ECPAT International and Research Centre for Family Health and Community (CEFACOM) – Vietnam;
JS4	Joint submission 4 submitted by: FIDH (Paris, France) and Vietnam Committee on Human Rights (France);
JS5	Joint submission 5 submitted by: Vietnamese Overseas Initiative for Conscience Empowerment (VOICE) (Bangkok, Thailand), Freedom House, Vietnam Path Movement, Dong Chua Cuu The – Vietnamese Redemptorists News, and Dan Lam Bao (Citizen Journalism);
JS6	Joint submission 6 submitted by: GPAR, GENCOMNET and CIFPEN;
JS7	Joint submission 7 submitted by: Association of Hmong in Exile and Hmong National Development, Inc.
JS8	Joint submission 8 submitted by: International Publishers Association (Geneva, Switzerland) and PEN Norway
JS9	Joint submission 9 submitted by: Lawyers For Lawyers (L4L) (Amsterdam, The Netherlands), The Law Society of England and Wales (London, UK) and Lawyers' Rights Watch Canada (LRWC) (Vancouver, Canada);
JS10	Joint submission 10 submitted by: Nguyen Kim Dien Priests Group and Committee of Justice and Peace for the Vietnamese Catholic Community of Archdiocese of Galveston-Houston (USA);
JS11	Joint submission 11 submitted by: Vietnam Human Rights Network (VNHRN), Bloc8406, Vietnam Human Rights Committee (VNHRC), and Vietnamese Canadian Federation (VCF);
JS12	Joint submission 12 submitted by: World Evangelical Alliance (WEA), Aktion für verfolgte Christen (AVC), and International Institute for Religious Freedom (IIRF).

² AI, p. 2.

³ AI, p. 5.

⁴ JS3, p.1.

⁵ JS6, para. 1.

⁶ JS6, para. 2.

⁷ JS4, para. 5. See also WPC, p. 1.

⁸ AI, p. 2.

⁹ AI, p. 2.

¹⁰ JS1, para. 12. See also JS4, para. 6.

¹¹ AI, p. 2.

¹² JS1, para. 14.

¹³ iSEE, p. 2.

¹⁴ JS6, para. 6.

¹⁵ AI, p. 1.

- ¹⁶ AI, p. 5.
- ¹⁷ JS6, para. 28.
- ¹⁸ JS12, para. 25.
- ¹⁹ CFA, p. 1.
- ²⁰ CAODAI, p.3.
- ²¹ VNRC, p. 3.
- ²² JS4, para. 8.
- ²³ CPAPD, para. 8.
- ²⁴ AI, p. 2.
- ²⁵ AI, p. 5. See also JS1, para. 35., JS6, para. 3., and JS12, para. 28.
- ²⁶ VWU, para. 9.
- ²⁷ Care International, p. 1.
- ²⁸ JS6, para. 14.
- ²⁹ AI, p. 1.
- ³⁰ AI, p. 4.
- ³¹ JS4, para. 17.
- ³² PTV, p. 1. See also VFPC160, p. 1.
- ³³ JS5, para. 17.
- ³⁴ FLD, para. 9.
- ³⁵ JS9, para. 20., and FLD, para. 10.
- ³⁶ JS5, para. 22.
- ³⁷ JS11, p. 10.
- ³⁸ CIVICUS, para. 3.4.
- ³⁹ JS5, para. 21.
- ⁴⁰ BPSOS, para. 5.
- ⁴¹ HRW, p. 5.
- ⁴² CAMSA, paras. 4 and 10.
- ⁴³ JS4, para. 43.
- ⁴⁴ CAMSA, para. 8.
- ⁴⁵ JS3, p. 5.
- ⁴⁶ JS3, p. 6.
- ⁴⁷ GIEACPC, p. 1.
- ⁴⁸ AI, p. 1.
- ⁴⁹ AI, p. 4.
- ⁵⁰ JS4, para. 11.
- ⁵¹ JS4, para. 12.
- ⁵² JS5, paras. 9 – 16., and NBA, para. 19.
- ⁵³ JS9, para. 17.
- ⁵⁴ JS1, para. 29.
- ⁵⁵ JS4, para. 19.
- ⁵⁶ JS6, para. 22.
- ⁵⁷ CODES, para. 12.
- ⁵⁸ JS6, para. 9.
- ⁵⁹ JS6, para. 16., and iSEE, para. 23.
- ⁶⁰ Bloc8406, para. 5., and JS5, paras. 37 – 39.
- ⁶¹ JS4, para. 24.
- ⁶² FLD, para. 22.
- ⁶³ HHBC, p. 1. See also CAODAI, p. 2., CSVC, pps. 1 – 2., VBS, p. 2., VPDF, para. 5.
- ⁶⁴ JS5, para. 3.
- ⁶⁵ CSW, para. 3., and JS10, para. 1. See also JS5, para. 4.
- ⁶⁶ JC, para. 20.
- ⁶⁷ VIC, p. 8.
- ⁶⁸ UCTHSO, para. 19.
- ⁶⁹ JS4, para. 28.
- ⁷⁰ Bloc8406, para. 2.
- ⁷¹ CIVICUS, para. 4.1.

- 72 AI, p. 1.
- 73 JS8, para. 3.
- 74 AI, pp. 2- 3.
- 75 JS8, para. 11.
- 76 RSF, p. 4.
- 77 HRW, p. 1.
- 78 AI, p. 3. See also CIVICUS, paras. 4.2. – 4.3, JS4, para. 16., and VPAFW, paras. 14 – 19.
- 79 FN, para. 16.
- 80 JS4, para. 23.
- 81 JS1, para. 33. See also JS8, para. 34.
- 82 JS1, para. 5.
- 83 CIVICUS, para. 4.5.
- 84 AI, p. 4.
- 85 JS8, para. 35.
- 86 JS4, para. 32. See also VJA, pp. 1 – 8.
- 87 CIVICUS, para. 2.3.
- 88 CIVICUS, para. 2. 4.
- 89 JS5, para. 29.
- 90 JS6, para. 19.
- 91 CIVICUS, paras. 5.1. – 5.2.
- 92 Bloc8406, para. 6.
- 93 Bloc8406, para. 12.
- 94 JS6, para. 8.
- 95 UFWO, para. 6.
- 96 CIVICUS, para. 2.6.
- 97 JS4, para. 39.
- 98 JS6, para. 26.
- 99 JS4, para. 37.
- 100 VAE, p. 3.
- 101 AIPOS, p. 3.
- 102 JS5, para. 40.
- 103 JS5, para. 60.
- 104 HRW, p. 3.
- 105 CDPA, p. 5.
- 106 JS6, para. 25.
- 107 WJCF, p. 1.
- 108 AAPSO, p. 1. See also NNIA, p. 2., and VVPI, p. 1.
- 109 VAVA, p. 3.
- 110 KKF, p. 5.
- 111 iSEE, para. 12.
- 112 JS10, para. 11.
- 113 INDIGENOUS, p. 3.
- 114 KKF, p. 3.
- 115 ASVHO, pp. 4 – 5.
- 116 JS6, para. 11.
- 117 BPC, p. 5., and VPC, para. 9. See also VPDPF, para. 8.
- 118 JS2, para 15. See also INDIGEIOUS, p. 2.
- 119 JS2, paras. 61 – 62., and UNPO, p. 5.
- 120 JS2, para. 55.
- 121 UNPO, p. 5.
- 122 JS7, para. 16.
- 123 JS7, para. 57.