

UN Universal Periodic Review

Questions for Vietnam

FREEDOM OF ASSOCIATION/ASSEMBLY

- 1.) Vietnamese citizens were reportedly arrested in 2008 for planning "unlawful" demonstrations. Could the government of Vietnam elaborate the conditions under which demonstrations and other public meetings are lawful and how citizens can obtain permission to hold such gatherings?
- 2.) What is the procedure for a Vietnamese citizen to form an association? In order to be sanctioned, must this association be affiliated with the Communist Party's Vietnam Fatherland Front?
- 3.) Vietnam's constitution guarantees freedom of association and assembly. However, provisions in the Penal Code (Article 79) and other legislation such as Decree 38/2005 criminalize peaceful association and restrict the right of peaceful assembly. When will the Government of Vietnam make its laws consistent with its constitution and international human rights agreements to which Vietnam is a signatory, such as the International Covenant on Civil and Political Rights?
- 4.) Article 129 of Vietnam's Penal Code deals with "Infringement upon citizens' rights to assembly, association, rights to freedom of belief, religion." Could the government of Vietnam elaborate on the enforcement of this provision and whether government officials who have infringed on citizens' rights to assembly and association are subject to prosecution?
- 5.) Independent political parties are currently banned in Vietnam, in violation of the International Covenant on Civil and Political Rights. When will the government of Vietnam permit independent political parties?
- 6.) Can Vietnamese workers affiliate with unions other than the officially sanctioned Vietnam General Confederation of Labor (VGCL)? Does the government of Vietnam believe that its protection of workers' rights is consistent with International Labor Organization (ILO) standards?
- 7.) Vietnam's Labor Law guarantees the right to strike, but it also restricts this right by prohibiting strikes in many sectors considered to be of "public service" or important to the national economy or defense. When will the government review the Labor Law to bring it in line with ILO standards?
- 8.) Why are organizations such as the International Labor Union of Vietnam (ILUV) and the United Workers-Farmers Organization (UWFO) not allowed to operate? When will the Government of Vietnam permit independent labor unions?

RULE OF LAW

- 1.) What prevents the government of Vietnam from amending or repealing provisions in the Ordinance on Religion, Penal Code, and other domestic laws that criminalize peaceful dissent and certain religious activities on the basis of imprecisely defined “national security” crimes, including Penal Code articles 80, 87, 88, 89, 245, and 258?
- 2.) The National report states that the rights recognized in the UN Declaration of Human Rights and the ICCPR are incorporated into Vietnamese law. However, provisions in Vietnam’s constitution and other laws appear to impede the enjoyment of these rights by conditioning them on compliance with State policies and interests. For example, Article 258 of the Penal Code on “abusing democratic freedoms to infringe upon the interests of the State” is often invoked to detain peaceful critics. Can the Vietnamese government define the legal basis for this concept?
- 3.) Vietnam is implementing the Legal System Development Strategy with the support of the international community to bring its laws into line with international norms. However, several recently adopted laws and regulations restrict the exercise of rights enshrined in the ICCPR, including freedom of expression, assembly, and the press. How does Vietnam explain these inconsistencies and does it intend to amend these laws?
- 4.) Ordinance 44 authorizes administrative detention, house arrest, or detention in Social Protection Centers and psychiatric facilities for two year renewable periods, without trial, for individuals deemed to have violated national security laws. On what basis does the government of Vietnam justify its continued use, given Vietnam's obligations under the ICCPR?
- 5.) Article 120 in Vietnam’s Law on Criminal Prosecutorial Procedures allows detention without access to legal counsel for up to 16 months for investigation of suspects viewed as threats to national security. Will Vietnam consider amending or repealing this provision?
- 6.) Vietnam’s constitution guarantees the rights to liberty and security of the person, yet Security Police routinely detain suspected critics under administrative detention or house arrest by “oral orders,” without any written justification or charge. Detainees are subjected to surveillance, censorship, house searches, and harassment of their families or religious colleagues. Buddhist monk Thich Quang Do has spent over 20 years under house arrest without charge and Fr. Phan Van Loi has been held for over 10 years. What steps is Vietnam taking to end these practices and guarantee citizens’ rights to liberty and security?
- 7.) Can the government of Vietnam commit to a timetable by which it will (1) investigate allegations of physical abuse and corporal punishment of children in police detention and government detention facilities, including Social Protection Centers, (2) enforce the absolute prohibition on such abuses of children by police, security officials, staff

and other detainees, (3) end the practice of arbitrary arrests, roundups, and detention of street children and others in Social Protection centers, and (4) ensure that any detentions are in full compliance with both the ICCPR and CRC?

- 8.) On what grounds does the government of Vietnam continue to restrict access of UN human rights officials to all regions, including the Central and Northern Highlands, where they should be allowed to conduct confidential interviews in individual homes, pagodas, prisons, police stations, Social Protection Centers, rehabilitation camps, mental institutions and other places where political and religious dissidents are detained or imprisoned?
- 9.) Le Tran Luat, the attorney representing Catholics appealing their 2008 arrests, has been detained, his privacy has been violated, his legal license has been revoked, and the state-controlled media has leveled several charges of fraud and mismanagement against him. Given Vietnam's broadly-defined "national security" laws, what legal protections are provided for lawyers defending people in politically- sensitive cases such as these?
- 10.) The judiciary in Vietnam is reported to lack independence from the government and the Communist Party of Vietnam. Does Vietnam intend to take further steps to increase the independence of the judiciary in general and of judges in particular, with the aim of furthering legal certainty for the Vietnamese society and economy? Does Vietnam require assistance in reforming the judiciary and in the training of judicial staff for this purpose?
- 11.) Does the government of Vietnam plan to establish an independent National Human Rights Commission in Vietnam, in accordance with the Paris Principles? If not, why not? Would Vietnam require assistance in establishing a National Human Rights Commission?

FREEDOM OF EXPRESSION

- 1.) High-ranking officials have prosecuted two investigative journalists for exposing corruption. Will the government of Vietnam commit to stop investigating and detaining media workers for their work and writings?
- 2.) No independent media outlet has been granted a publication license. Why does the government of Vietnam not allow private and independent newspapers?
- 3.) Father Nguyen Van Ly and several other editors of dissident publications have been sentenced to long prison terms on charges of "propaganda against the Socialist Republic of Vietnam." This charge is inconsistent with the guarantees of freedom of expression enshrined in the Vietnamese Constitution and Article 19 of the ICCPR. Will the government of Vietnam remove this section from the Penal Code?

- 4.) Authorities are using “denunciation sessions” and “people’s tribunals” against independent journalists, lawyers and human rights defenders. Will the government stop and officially ban the use of such illegal courts against citizens who peacefully advocate for freedom of expression? Will the government of Vietnam order local and provincial authorities to stop using government media to attack and defame human rights advocates?
- 5.) Article 88 of the Penal Code has been used to jail and harass journalists, bloggers and human rights defenders. Will the government of Vietnam revise the Penal Code to remove jail terms for freedom of expression offenses, as recommended by the Special Rapporteur on Freedom of Expression?
- 6.) A media law passed in 2006 provides for fines and license suspensions for journalists who defame and attack the “prestige of the state.” Will the government of Vietnam repeal the provisions of this law that limit independent reporting and investigations?
- 7.) Some overseas media linked to organizations outside Vietnam are banned, blocked, jammed and portrayed as supporters of “terrorists.” Will the government of Vietnam cease these practices?
- 8.) International radio broadcasters such as Voice of America, Radio France Internationale and Radio Free Asia cannot broadcast from Vietnam. Will the government of Vietnam provide FM licenses to such broadcasters?

FREEDOM OF INFORMATION (INTERNET FREEDOM)

- 1.) According to independent analysis, the government’s censorship of the Internet is “pervasive” and the majority of content blocked is from websites that are politically sensitive or spread information related to human rights, democracy, religious freedom or government corruption. How does the Vietnamese government justify blocking websites, filtering web content, and strictly censoring Internet access? Does it consider its pervasive censorship of the internet consistent with international obligations to guarantee the freedoms of expression and information?
- 2.) How is Directive 97/2008/NĐ-CP (August 2008) consistent with Vietnam’s international obligations to guarantee the freedom of information and expression?
- 3.) Regarding censorship of the Internet and arrests of journalists and bloggers for exposing politically sensitive cases, does the government of Vietnam recognize that its citizens have a right to criticize their government for corruption, injustice, abuse of power, failure to govern, incompetence, and failure to protect universally recognized human rights?
- 4.) How does the government of Vietnam define "national security" as applied by its rules, decrees, and regulations enforcing censorship of the Internet? How is this

definition consistent with international obligations to guarantee the freedom of expression?

FREEDOM OF RELIGION

- 1.) The Vietnamese constitution (Article 70) guarantees the right to freedom of belief and religion for all citizens, but adds that “no one can misuse beliefs and religions to contravene the law and State policies.” Does the government of Vietnam believe that this restriction is compatible with Article 18 of the ICCPR, which states that religious freedom is a non-derogable right?
- 2.) Will the government of Vietnam allow the Unified Buddhist Church of Vietnam (UBCV) to operate openly and independently, choose its own leaders, provide charity and social welfare programs, and allow the Most Venerable Thich Quang Do and other UBCV leaders freedom of movement and citizenship rights? Why does the government not allow the UBCV to operate separately from the government-sanctioned Vietnamese Buddhist Sangha, when it has recently recognized the Pure Land Buddhist Home Practice, The Threefold Enlightened Truth Path, The Threefold Southern Tradition, and various Protestant denominations?
- 3.) The Vietnamese constitution guarantees freedom of religious belief. Why is independent religious activity, by groups that organize without legal recognition or outside of the government approved religious organizations, illegal?
- 4.) The government has arrested Buddhists, Hoa Hao, Cao Dai, Khmer Buddhists, Catholics, and Protestants for peacefully protesting restrictions on religious freedom or related human rights. Why is peaceful protest illegal? How is the arrest and detention of individuals for peaceful activity consistent with Vietnam’s international obligations to guarantee freedom of association, assembly, and religion? Will the government immediately release and drop all charges against those individuals currently detained for peacefully protesting restrictions on the practice of religion?
- 5.) The government continues to require approval of all Catholic seminarians, priests, bishops, and Buddhist monks and novices. How is this requirement consistent with Vietnam’s international obligations to guarantee freedom of religion and belief under Article 18 of the UN Declaration of Human Rights and Article 18 of the International Covenant on Civil and Political Rights?
- 6.) Montagnard and Hmong Protestants and Khmer Buddhists in Vietnam often face severe restrictions on their religious activities—in many cases, more severe than those experienced by other Vietnamese. Will the government of Vietnam allow visits by the Special Rapporteur on the Situation of Human Rights and Fundamental Freedoms of Indigenous People and the Special Rapporteur on the Freedom of Religion and Belief to assess this situation and provide recommendations for improvement?

- 7.) The government reportedly employed “contract thugs” and others to harass peaceful prayer vigils, vandalize Catholic Churches involved in peaceful protests over disputed land rights, and intimidate monks from the Unified Buddhist Church of Vietnam and force them to flee their pagodas, especially during the run-up to the Vesak Celebrations in May 2008. Similar “citizen’s brigades” are reportedly used in other parts of Vietnam, including the Northwest provinces, Central Highlands, Central Coast and Mekong Delta regions. Does the government of Vietnam sponsor or condone such activity? Has the government arrested or punished individuals involved in such activity?
- 8.) Catholics in Hanoi and other places continue to dispute land confiscated in the past for government purposes. Protestants, Hoa Hao, Cao Dai, and Buddhists all have had venues destroyed or confiscated in the past, which has led to tension between the government and religious groups. What is the government of Vietnam doing to resolve these land disputes?
- 9.) The Prime Minister’s Special Instructions on Protestantism (Decree 1/2005) outlawed the policy of forced renunciation of faith, and in recent years the reported frequency of this practice has decreased dramatically. However, there continue to be reports, particularly in ethnic minority areas, of it occurring, including deaths in custody and other physical abuse. A government training manual for ethnic minority areas of the Northwest Provinces endorses a policy of “rolling back” new religious venues and halting new religious conversions. Are police and government officials punished for engaging in forced renunciations of faith? Is it the policy of the government of Vietnam to halt the growth of new religious conversions in ethnic minority areas?
- 10.) In February 2007, over 200 Khmer Krom Buddhists staged a peaceful sit-in demonstration to demand the freedom to practice their own faith, the autonomy of their church, which had been absorbed into the Vietnamese Buddhist Sangha, and the return of their temples. Many of these monks and other Khmer Krom Buddhists were assaulted, detained, sentenced, defrocked, and/or imprisoned in response to the protests. Will the government of Vietnam accord the Khmer Krom Buddhist Church legal recognition separate from the Vietnamese Buddhist Sangha? Will the government give international NGOs free and open access to Khmer Krom Buddhists who have been reportedly subjected to mistreatment or abuses by local government officials?

DISAPPEARANCES

- 1.) Buddhist monk Thich Tri Khai was arrested at his monastery in Lam Dong Province in April 2008 and remains missing. Can the government provide information on his whereabouts and any charges leveled against him?
- 2.) Le Tri Tue, a Vietnamese citizen and political activist, disappeared in Cambodia in May 2007, remains missing, and is reportedly in the Vietnamese government’s custody. Is

he in the custody of the Vietnamese government? With what crimes has he been charged?

- 3.) In reference to the recent question posed by the European Parliament about the whereabouts of Puih Hbat, a so-called Montagnard Protestant woman who reportedly was arrested and disappeared in April 2008, can the government of Vietnam provide details about her whereabouts, her medical condition, the charges against her, the name of her lawyer, and how long she will be incarcerated?

TORTURE & OTHER CRUEL TREATMENT OR PUNISHMENT

- 1.) There are ongoing and credible reports of police harassment, beatings, and deaths in custody of religious adherents, land rights groups, and ethnic minorities in Dien Bien, Than Hoa, Son La, Thai Binh, Dak Lak, Dak Nong, and An Giang provinces, among other places. When will Vietnam adhere to the Covenant against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment? Will the Vietnamese government allow a visit by the Special Rapporteur on the Situation of Human Rights and Fundamental Freedoms of Indigenous People?
- 2.) On February 19, 2009, to protest the policies and conditions of Z30A prison camp, prisoners staged a 3 day hunger strike. In addition, over the past year, the government has committed political dissidents to mental hospitals against their wills. Will the government allow a visit by the Special Rapporteur on Torture and a follow-up visit by the Working Group on Arbitrary Detention to Z30A prison camp and other prison facilities?

PRISONERS

- 1.) Can Vietnam provide specific details and statistics about the hundreds of so-called Montagnard religious and political prisoners and Hao Hoa and Cao Dai religious prisoners arrested in connection with demands for religious freedom and indigenous land rights, as reported by the U.S. Commission on International Religious Freedom, Human Rights Watch, Amnesty International, and the International Federation of Human Rights? Can the government provide the charges brought against them, their places of incarceration, whether or not they have been visited by the Red Cross, and the names of their legal counsel? Will the government of Vietnam allow international organizations to visit prisons to assess conditions, legal representation, and charges brought against these prisoners?
- 2.) Many lawyers and their families have reportedly been threatened after agreeing to defend political detainees. Some have been disbarred, physically assaulted, summoned to the police station for questioning, or harassed through administrative measures. What actions will the Vietnamese government take to protect these lawyers?

- 3.) Is the Most Venerable Thich Quang Do, the head of the Unified Buddhist Church of Vietnam, being detained under “house arrest” orders? What are the charges against him? Will the government allow him freedom of movement and expression?

DISSIDENTS IN PRISON (Amnesty International list)

Name: **Doan Van Dien (m)**
Affiliation: United Workers Farmers Organization (UWFO)
Occupation:
Date of arrest: November 2006
Date of trial: 10 December 2007
Sentence: Four and a half years' imprisonment
Legislation: Article 258 (Abusing democratic freedoms to infringe upon the Interests of the State, the legitimate rights and interests of organizations and/or citizens)

Name: **Le Nguyen Sang (m)**
Affiliation: PDP
Occupation: Medical doctor
Date of arrest: August 2006
Date of trial: May 2007
Sentence: Four years' imprisonment + two years' house arrest
Legislation: Article 88

Name: **Nguyen Bac Truyen (m)**
Affiliation: PDP
Occupation: Lawyer
Date of arrest: August 2006
Date of trial: May 2007
Sentence: Three years' imprisonment + two years' house arrest
Legislation: PDP

Name: **Nguyen Ngoc Quan (m)**
Affiliation: Bloc 8406; Bac Dang Giang
Occupation: Businessman
Date of arrest: September 2006
Date of trial: March 2008
Sentence: Three years' imprisonment + two years' house arrest
Legislation: Article 88

Name: **Pham Ba Hai (m)**
Affiliation: Bac Dang Giang; Bloc 8406
Occupation:
Date of arrest: September 2006
Date of trial: March 2008
Sentence: Five years' imprisonment + two years' house arrest
Legislation: Article 88

Name: **Tran Thi Le Hang (f)**
Affiliation: UWFO
Occupation: Farmer/worker
Date of arrest: November 2006
Date of trial: 10 December 2007
Sentence: Three years' imprisonment
Legislation: Article 258

Name: **Vu Hoang Hai (m)**
Affiliation: Bloc 8406; Bac Dang Giang
Occupation: Businessman
Date of arrest: September 2006
Date of trial: April 2008
Sentence: Two years' imprisonment + two years' house arrest
Legislation: Article 88

Name: **Truong Quoc Huy (m)**
Affiliation: Bloc 8406
Occupation: Mobile phone repairman
Date of arrest: 18 August 2006
Date of trial: 29 January 2008
Sentence: Six years' imprisonment + three years' house arrest
Legislation: Article 88

Name: **Le Thi Cong Nhan (f)**
Affiliation: Viet Nam Progression Party (VNPP); Bloc 8406
Occupation: Human rights lawyer
Date of arrest: March 2007
Date of trial: May 2007
Sentence: Three years' imprisonment + three years' house arrest
Legislation: Article 88

Name: **Nguyen Binh Thanh (m)**
Affiliation: VNPP
Occupation: Technical specialist
Date of arrest: February 2007
Date of trial: March 2007
Sentence: Five years' imprisonment + two years' house arrest
Legislation: Article 88

Name: **Nguyen Phong (m)**
Affiliation: VNPP; Bloc 8406
Occupation:
Date of arrest: February 2007

Date of trial: March 2007
Sentence: Six years' imprisonment + three years' house arrest
Legislation: Article 88

Name: **Nguyen Van Dai (m)**
Affiliation: Vietnam Committee for Human Rights (VCHR); Bloc 8406
Occupation: Human rights lawyer
Date of arrest: March 2007
Date of trial: May 2007
Sentence: Four years' imprisonment + four years' house arrest
Legislation: Article 88

Name: **Nguyen Van Ngoc (m)**
Affiliation: Political & Religious Prisoners Friendship Association (VPRPFA)
Occupation:
Date of arrest: June 2007
Date of trial: December 2007
Sentence: Four years' imprisonment
Legislation: Article 258

Name: **(Father) Nguyen Van Ly (m)**
Affiliation: VNPP; Bloc 8406
Occupation: Catholic priest
Date of arrest: February 2007
Date of trial: March 2007
Sentence: Eight years' imprisonment + five years' house arrest
Legislation: Article 88

Name: **Tran Quoc Hien (m)**
Affiliation: Spokesperson for UWFO; Bloc 8406
Occupation: Legal adviser/consultant
Date of arrest: January 2007
Date of trial: May 2007
Sentence: Five years' imprisonment + two years' house arrest
Legislation: Article 88

Name: **Trinh Quoc Thao (m)**
Affiliation: VPRPFA
Occupation:
Date of arrest: June 2007
Date of trial: December 2007
Sentence: Four years' imprisonment
Legislation: Article 258

Name: **Truong Minh Duc (m)**
Affiliation: VNPP; Bloc 8406
Occupation: Freelance journalist
Date of arrest: May 2007
Date of trial: March 2008
Sentence: Five years' imprisonment
Legislation: Article 258

Name: **Truong Minh Nguyet (m)**
Affiliation: VPRPFA
Occupation:
Date of arrest: June 2007
Date of trial: December 2007
Sentence: Two years' imprisonment
Legislation: Article 258

Name: **Dieu Cay, aka Nguyen Hoang Hai (m)**
Affiliation: Union of Independent Journalists
Occupation: Journalist; blogger
Date of arrest: April 2008
Date of trial: September 2008
Sentence: Two and a half years' imprisonment
Legislation: Tax evasion charges

Name: **Le Thi Kim Thu (f)**
Affiliation:
Occupation:
Date of arrest: August 2008
Date of trial: November 2008
Sentence: 18 months' imprisonment
Legislation:

Dissidents in pre-trial detention

Name: **Ngo Quynh (m)**
Affiliation:
Occupation:
Date of arrest: September 2008
Legislation: Charged under Article 88

Name: **Nguyen Kim Nhan (m)**
Affiliation:
Occupation:

Date of arrest: 25 September 2008
Legislation: Charged under Article 88

Name: **Nguyen Van Tinh (m)**
Affiliation:
Occupation:
Date of arrest: September 2008
Legislation: Charged under Article 88

Name: **Nguyen Van Tuc (m)**
Affiliation:
Occupation:
Date of arrest: 10 September 2008
Legislation: charged under Article 88

Name: **Nguyen Xuan Nghia (m)**
Affiliation: Bloc 8406
Occupation:
Date of arrest: 10 September 2008
Legislation: Charged under Article 88

Name: **Pham Thanh Nghien (m)**
Affiliation:
Occupation:
Date of arrest: September 2008
Legislation: Charged under Article 88

Name: **Pham Van Troi (m)**
Affiliation: Bloc 8406; VCHR
Occupation:
Date of arrest: 10 September 2008
Legislation: Charged under Article 88

Name: **Tran Duc Thach (m)**
Affiliation:
Occupation:
Date of arrest: September 2008
Legislation: Charged under Article 88

Name: **Vu Hung (m)**
Affiliation:
Occupation:
Date of arrest: 18 September 2008
Legislation: Charged under Article 88

Dissidents under long-term administrative detention or house arrest

Name: **Most Venerable Thich Quang Do (m)**
Affiliation: Unified Buddhist Church of Vietnam
Detained since:
Legislation: No official charges

Name: **Fr. Phan Van Loi (m)**
Affiliation: Roman Catholic
Detained since:
Legislation: No official charges