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Human rights situations that require the Council's attention

Written statement* submitted by Society for Threatened Peoples, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

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* Issued as received, in the language(s) of submission only.



Human Rights situation in Vietnam

Political dissidents

In 2019, the number of political prisoners reaches unprecedented height as the government of Vietnam hardens their stance on freedom of expression, freedom of assembly and freedom of religion. Compared to 2018, there is an alarming increase by one third to 128 identified prisoners of conscience by May 2019. Among these are human right activists, lawyers, bloggers, environmental activists, journalists, pro-democracy campaigners who are jailed for exercising their constitutionally protected rights.

In March 2019, a Central Highlands Provincial court in Gia Lai sentenced Ksor Ruk, an ethnic minority Protestant missionary to ten years in prison under the charge of “undermining the state’s unity policy”, Article 116 of the 2015 Penal Code. The authorities allege that his work to form a group of Protestant followers to pray together constitutes an attempt to re-establish a Dega independent state. Ksor is one of the many pastors, missionaries and followers charged under the overly broad and vaguely worded provisions of the 2015 Penal Code, such as Article 116 of undermining national unity, Article 318 of disturbing the public order, Article 109 of aiming to overthrow the state, to name a few. According to Amnesty International’s latest research, there are currently 62 religious and ethnic minority political dissidents imprisoned with sentences ranging from three years to life imprisonment, followed by three-year to indefinite house arrest.

Of the 128 identified prisoners, the statistics are yet to include the number of political activists at risk of persecution, in lengthy pre-trial detention or in exile. According to the 88 Project, an independent database of persecuted activists in Vietnam, the total number of activists at risk and in prison is much higher, amounting to 377 by August 19, 2019. In addition to the disproportionately harsh sentences activists often face under vague legal provisions, many were in put in lengthy pre-trial detentions before being charged. Detention conditions are reportedly poor, with prisoners being held incommunicado, denied access to clean water, medical care and fresh air. More importantly, there are instances of prisoners being subjected to torture or ill-treatment and regularly being held in solitary confinement. Three recently known cases include those of Nguyen Van Hoa, Nguyen Viet Dung, or Hoang Duc Binh, who were physically abused for forced confessions, reported The Campaign to Abolish Torture in Vietnam along with other NGOs to the United Nations Committee against Torture in November 2018. The report also recorded widespread police brutality and torture against activists during public protests and systemic persecution of ethnic and religious minority groups including Montagnard Christians, Hmong Christians, Khmer Krom Buddhists, and Montagnard and Hmong refugees in Thailand, who are portrayed by the government as “reactionary enemy forces disguised as ethnic religious groups”.

New repressive laws

Such an alarming increase in the number of arrests of political activists signals the government’s hardened stance on their zero-tolerance policy towards political opposition in recent years. The coming into effect of the new Penal Code further expands the state jurisdiction over the people’s exercise of their constitutional rights. Like the previous 1999 Penal Code, the new law contains provisions that are ambiguously worded and are often used to prosecute peaceful activists. Amnesty International has recorded at least 34 human right defenders who have been prosecuted under the provisions of the new Code.

To make matters worse, there have also been intensifying crackdowns on freedom of expression and discussion of political affairs on the Internet ever since the adoption of the new Cybersecurity Law that requires Internet companies to remove contents the Communist authorities considers anti-state. It has since January 2019 provided a legal framework for more intrusive surveillance by the state against any pro-democracy or human right contents disseminated on Facebook, the most popular social media platform in

Vietnam. Given that the government and the ruling Communist Party already own most of the country's press, state control of previously independent media platforms would contribute further to shrinking freedom of information and freedom of expression. The law has allowed for the increasing arrests of many activists who left comments online critiquing the government, making up of about 10 percent of those jailed. In May 2019, Amnesty International calls for the immediate and unconditional release of the prisoner of conscience Nguyen Van Hoa, a journalist and human right defender who was sentenced to seven years in prison in December 2017 for reporting on the 2016 Formosa Environmental Disaster in central Vietnam. He was charged under Article 117 of the 2015 Penal Code for "conducting anti-state propaganda". According to Amnesty International's report on May 24, Hoa is currently being kept in solitary confinement after being subjected to torture and refusing to confess to his "crime". With the adoption of the new repressive Cybersecurity Law, draconian provisions of the Penal Code such as Article 117 is now being strengthened as human right watchdogs observe a worrying trend in prosecution of political activists and religious minorities.

2018 also saw the coming into effect of the new Law on Belief and Religion, which is viewed with doubt and fear from religious communities of tightened state control on religious practices. Although the government claims that the new law aims to assist in the registration process of religious groups, it also contains several ambiguous clauses that facilitate state repression in the name of national unity. Many critics believe that the law would only reinforce the "asking and granting" system which ties religion to state control, and effectively criminalize any unregistered religious practices and activities that the state considers to "infringe upon national security" or "violate social ethics". This has rendered religious groups more vulnerable to discrimination and persecutions. While recognized religious groups find it more difficult to obtain government approval for their activities, unsanctioned religious groups have their routine practices declared illegal by the government. For example, in January 2018, the People's Committee of Quynh Ngoc used the new law to declare a Catholic mass in the north-central province of Nghe An illegal because the parish allegedly did not register the event with the local authorities in advance. The new law has also been cited in many instances by local authorities to justify seizure of religious sites of independent religious groups and interferences with religious practices. In July 2018, local police and security forces surrounded different pagodas in Da Nang, Hue, and Ho Chi Minh city to prevent children from attending Buddhist youth camps and monks and adherents from joining major religious festivals. Notably, An Cu Pagoda in Da Nang has since November 2018 been destroyed and its land forcefully seized by local authorities for development projects. Ethnic minorities in Vietnam, many of which are Christian or Buddhist, also face severe and persistent harassment for their routine activities. Harassment and discrimination on a systemic level is clearly evidenced when approximately 10,000 Protestant Hmong and Montagnard individuals in the Central Highlands are reportedly stateless because they are denied the issue of ID cards, household registration, and birth certificates for having refused to recant or renounce their faith.

Conclusion

This written statement aims to draw attention to persistent human right violations by the Government of Vietnam in their silencing and ill-treatments of political dissidents as well as persecutions of religious and ethnic minorities. These human right violations are institutionalized through legal provisions and reinforced through practices across different levels, and therefore would require immense international pressure to call for the government to address these issues.

Recommendations

Society for Threatened Peoples calls on the Human Rights Council to urge the Government of Vietnam to:

- Immediately and unconditionally release all prisoners of conscience who have been arrested and charged for exercising their rights to freedom of expression, freedom of peaceful assembly and freedom of religion.
 - Drop all charges against individuals who are being prosecuted under the provisions of the Penal Code for the exercise of their rights to freedom of expression, freedom of peaceful assembly, and freedom of religion.
 - Improve detention conditions and ensure individuals' access to justice and a fair trial in accordance with international standards, including under the ICCPR.
 - End arbitrary arrest, harassment, intimidation and physical attacks against human right defenders, activists, bloggers, and members of ethnic and religious minority groups for exercising their rights to freedom of expression, freedom of peaceful assembly, and freedom of religion.
 - Urgently amend vague and overly broad provisions of Article 109, 116, 117, 318, and 331 of the Penal Code to bring them in line with international standards of freedom of expression and freedom of peaceful assembly under the ICCPR.
 - Allow independent media.
 - Cease all state surveillance and interferences with Internet activities.
 - Cease all discrimination and harassment of ethnic and religious minorities for practicing their faith, as well as put a stop to land evictions and land grabbing of religious lands.
 - Revise the Law on Belief and Religion to bring it in line with Article 18 of the ICCPR.
 - Guarantee the right of all religious groups, regardless of their registration status, to freely conduct religious activities and operate independently.
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