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Human Rights Watch Submission to the European Union ahead of the EU-Vietnam Human Rights Dialogue

March 22, 2022



The Vietnamese government continues to severely repress basic civil and political rights, including freedom of expression, association, assembly, and the right to freedom of religion and belief. It prohibits the formation and operation of any organization or group the Vietnamese Communist Party deems threatening to its monopoly of power. Authorities block access to websites and request that social media and telecommunications companies remove contents deemed to be politically sensitive. Those who criticize the one-party government, including on social media, face police intimidation, harassment, restricted movement, physical assault, detention, and arbitrary arrest and detention. Police detain political activists for months without access to legal counsel and subject them to abusive interrogations. Party-controlled courts convicted bloggers and activists on bogus national security charges and gave lengthy prison sentences.

Despite concerns raised by the international community, including by the [EU spokesperson](#), the [EU Delegation at the UN Human Rights Council](#) and the [European Parliament](#), the government's crackdown has intensified, with new waves of arrests of critics and activists.

The EU claimed that the entry into force of the EU-Vietnam Free Trade Agreement (EVFTA) would have led to stronger [leverage](#) to prevent and react to serious human rights abuses by Vietnamese authorities, but either that leverage hasn't been used or it hasn't produced any meaningful impact on the intensifying crackdown in the country.

In November 2019, independent journalist [Pham Chi Dung](#) was arrested, likely in connection to his [outreach](#) to the European Parliament urging human rights improvements for the deal to be preceded by human rights improvements – in line with a call by [dozens of human rights groups](#), including Human Rights Watch. In July 2021, Vietnamese authorities arrested [journalist Mai Phan Loi and lawyer Dang Dinh Bach](#) on trumped-up charges as they were working to promote the participation of independent civil society groups in the Domestic Advisory Group (DAG) as stipulated in the EVFTA. In January 2022, different courts convicted and sentenced Mai Phan Loi to four years, and Dang Dinh Bach to five years in prison. Also in January, the police arrested [prominent environmentalist Nguy Thi Khanh](#) whose 2017-2021 [project E-Enhance](#) was funded by the EU, also on an alleged tax evasion charge.

These and other worrying developments seriously put into question the EU's expectations of human rights improvements the EVFTA could trigger, and call for a serious reconsideration of Europe's approach to defending and promoting human rights in the country.

As the human rights dialogue approaches, Human Rights Watch recommends that the EU focuses on three priority areas regarding the dire human rights situation in Vietnam: 1) political prisoners and detainees; 2) restrictions on freedom of movement; and 3) repression of the right to freely practice freedom of religion and belief. We urge that the EU insist on clear, concrete, measurable **benchmarks** or **deliverables** for progress in these areas, laying out **consequences** for the bilateral relations should these violations continue to occur, taking into account the recently revised EU [guidelines](#) on human rights dialogues with partner/third countries.

1. Political Prisoners and Detainees

Vietnam frequently uses vaguely worded and loosely interpreted provisions in its penal code and other laws to prosecute and imprison political and religious activists. These include “carrying out activities aimed at overthrowing the people’s administration” (article 109), “undermining the unity policy” (article 116), “making, storing, disseminating or propagandizing information, materials and products that aim to oppose the State of the Socialist Republic of Vietnam” (article 117)/or “conducting propaganda against the state” (article 88 of the 1999 penal code), and “disrupting security” (article 118). Vietnam also uses other articles in the penal code to target rights campaigners, including “abusing the rights to democracy and freedoms to infringe upon the interests of the State, the legitimate rights and interests of organizations, individuals” (article 331), and “disrupting public order” (article 318).

Vietnam currently holds at least 153 political prisoners. In 2021 alone, the courts convicted at least 38 people for voicing criticism of the government and sentenced them to long prison terms.

In January 2021, a Ho Chi Minh City court put prominent members of the Independent Journalists Association on trial. [Pham Chi Dung](#), [Nguyen Tuong Thuy](#), and [Le Huu Minh Tuan](#) were convicted and sentenced to between 11 and 15 years in prison. In May, a court in Hoa Binh province sentenced land rights activist [Can Thi Theu](#) and her son [Trinh Ba Tu](#) each to eight years in prison. In July, a Hanoi court convicted [writer Pham Chi Thanh](#) and sentenced him to five years and six months in prison. In October, a court in Can Tho convicted and sentenced five members of the [Clean Newspaper](#) – [Truong Chau Huu Danh](#), [Doan Kien Giang](#), [Le The Thang](#), [Nguyen Phuoc Trung Bao](#), and [Nguyen Thanh Nha](#) – to between two years and four and a half years in prison. In December, courts sentenced [prominent blogger Pham Doan Trang](#) to nine years, [land rights activists Trinh Ba Phuong](#) to 10 years and [Nguyen Thi Tam](#) to six years, democracy campaigner [Do Nam Trung](#) to 10 years, and independent political candidate [Le Trong Hung](#) to five years in prison. All were charged with propaganda against the state under article 117 (or article 88), or with abusing the rights to freedom and democracy to infringe upon the interests of the state under article 331, of the penal code.

Police have also arrested at least 25 additional people on politically motivated charges including prominent human rights defender [Nguyen Thuy Hanh](#). In March 2022, a court in Hanoi convicted citizen journalist [Le Van Dung](#) (also known as [Le Dung Vova](#)) and sentenced him to five years in prison for violating article 88 of the 1999 penal code.

Vietnam’s Criminal Procedure Code stipulates that the procurator of the People’s Supreme Procuracy can decide to hold a person suspected of violating national security in detention until the investigation is concluded (article 173(5)), and can restrict the detainee’s access to legal counsel until after investigation is concluded (article 74). In practice, this means that those who are suspected of violating national security offenses in the penal code are regularly held in police custody without access to a lawyer for as long as the authorities see fit.

The EU should publicly and privately call on the Vietnamese government to:

- Immediately release all [political prisoners](#) and detainees, including those imprisoned or detained for exercising their basic civil and political rights.
- Amend or repeal penal code articles 109, 116, 117, 118 and 331 in conformity with its obligations under the International Covenant on Civil and Political Rights (ICCPR).
- Amend or repeal article 74 and article 173 of the Criminal Procedure Code and allow all people detained for any alleged violations, including national security crimes, to have immediate access to legal counsel upon being arrested.

2. Repression of Freedom of Movement

The Vietnamese authorities routinely violate the right to freedom of movement and other basic rights by subjecting activists, dissidents, human rights defenders, and others to indefinite house arrest, harassment, and other forms of detention. The authorities frequently detain activists just long enough to prevent them from attending public protests, trials of fellow activists, meetings with foreign diplomats, and other human rights-related events.

Security agents keep people under house arrest by stationing plainclothes security agents outside homes, using padlocks to lock people inside, erecting roadblocks and other barriers to prevent people from leaving their homes and others from entering, mobilizing neighborhood thugs to intimidate people into staying home, and even applying very strong adhesives— such as “superglue” —on homeowner’s locks.

The Vietnamese government also systematically blocks rights activists, bloggers, dissidents, and their family members from domestic and international travel, including by stopping them at airports and border gates, and denying passports or other documents that would allow them to leave or enter the country.

In February, Human Rights Watch published a report, “[Locked Inside Our Home: Movement Restrictions on Rights Activists in Vietnam](#),” detailing Vietnam’s systemic severe restriction of freedom of movement between 2004 – 2021.

In March 2022, security agents prevented [eight democracy supporters](#) from attending [an event](#) in Hanoi in support of Ukraine.

Also in March 2022, poet Thai Hao left his house in Thanh Hoa for the airport, planning to fly to Ho Chi Minh City to receive an award for poetry at an informal ceremony organized by the literary group Van Viet, which is disapproved of by the government. Thai Hao [reported](#) that prior to his trip, security agents went to his house and “advised” him not to go. He was determined to go, but before he could get very far, uniformed police stopped him on the road. Two men in civilian clothes then crossed the street and attacked him, hitting him in the face. Initially, the uniformed police did not intervene. Only when Thai Hao yelled repeatedly for help did the police at the scene tell the two men to stop hitting him. The police fined Thai Hao for violating traffic laws and took him to the police station, keeping him there for three hours. As a result, Thai Hao missed his flight and had to return home. This case is emblematic of the practices we have documented.

The EU should publicly and privately call on the Vietnamese government to:

- Immediately end arbitrary restrictions on the right to freedom of movement, including house arrests, detention, harassment, surveillance, and domestic and international travel bans, that are imposed against activists and other critics of the government.
- Immediately end the practice of placing citizens on travel ban lists. Anyone lawfully placed on a travel ban list should be immediately and properly notified, told the reason for the placement, and be able to appeal the decision to an independent and impartial court.
- Repeal or amend article 14(2) and article 15(4) of the Constitution, which allow for restrictions on human rights for reasons of national security that go beyond what is permissible under international human rights law.
- Repeal or amend provisions of the Law on Immigration that allow the authorities to arbitrarily ban Vietnamese citizens from traveling abroad or returning to Vietnam on the basis of vaguely defined national security provisions.

3. Repression of the Right to Freely Practice Religion

The government restricts religious practice through legislation, registration requirements, harassment, and surveillance. Religious groups are required to gain approval from and register with the government as well as operate under government-controlled management boards. While authorities allow many government-affiliated churches and pagodas to hold worship services, they regularly ban religious activities they arbitrarily deem to be contrary to the “national interest,” “public order,” or “national unity.” The government labels Dega Protestant, Ha Mon Catholic, Falun Gong and a few other religious groups as *ta dao* (evil religion) and harasses those who practice those beliefs.

The police monitor and sometimes violently crack down on religious groups operating outside government-controlled institutions. Unrecognized independent religious groups face constant surveillance, harassment, and intimidation, and their followers are subject to public criticism, forced renunciation of faith, detention, interrogation, torture, and imprisonment.

In January 2022, the local authorities of Lao Cai province boast that “[with persistence](#),” they have persuaded “many families to voluntarily signed commitments to abandon evil religion and turn to religions permitted by the law; to seriously obey the guidelines and policies of the Party, and the State’s law on religion.”

In August 2021, the police of Chu Prong district in Gia Lai province held a public criticism of “[21 subjects](#)” who follow Dega Protestantism. At this public criticism, “these subjects acknowledged their wrongdoing, and signed commitments to abandon Dega Protestantism.”

Montagnards in the Central Highlands are subjected to constant surveillance and other forms of intimidation, public criticism, arbitrary arrest, and mistreatment in security force custody. In detention, the authorities question them about their religious and political activities, and whether they intend to make efforts to flee Vietnam.

In August 2021, a court in Gia Lai put Rah Lan Rah, Siu Chon, and Ro Mah Them on trial for being associated with an independent religious group disapproved by the government, sentencing them to between five and a half and six years in prison.

The EU should publicly and privately call on the Vietnamese government to:

- Allow all independent religious organizations to freely conduct religious activities and govern themselves. Churches and denominations that do not choose to join one of the officially authorized religious organizations with government-sanctioned boards should be allowed to operate independently.
 - End government harassment, forced denunciations of faith, arrests, prosecutions, imprisonment, and ill-treatment of people because they are followers of disfavored religions, and release anyone currently being held for peaceful exercise of the rights to freedom of religion, belief, expression, assembly and association.
 - Cease all measures to restrict freedom of movement of Montagnards and other Vietnamese citizens to leave the country, and do not punish those who return.
 - Ensure all domestic laws involving religious affairs are brought into conformity with international human rights law, including the ICCPR, to which Vietnam is a party. Amend any provisions in domestic law that impinge on freedom of religion and belief, expression, association, or peaceful assembly in violation of the ICCPR.
 - Permit outside observers, including representatives of United Nations agencies, non-governmental human rights organizations, and foreign diplomats, to have unhindered and unaccompanied access to the Central Highlands, including specifically to communes and villages from which Montagnards have recently departed to seek asylum abroad. Ensure there is no retribution or retaliation against anyone who speaks to or otherwise communicates with such outside observers.
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