

VN: Protesters say delaying protest law 'puts people at risk'

Bui Thu
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Anti-China protests in Hanoi in July 2011.

The Vietnamese government continues to delay the Law on Protests due to "afraid of hostile forces to disrupt". What dangers do people face and what should be done to protect their rights?

The Vietnamese government has just said that it has not yet proposed to include a number of bills, including the Law on Protests, into the law-making program for 2020 and 2021.

Analysts say that the real reason behind the decision to delay the Protest law for nearly 10 years was "to protect the regime".

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"In a less transparent environment like Vietnam, we hardly have an answer to the real reason for the delay. I can only surmise that this is purely a political issue, a safety issue. of the regime," said Mr. Trinh Huu Long, jurist, editor-in-chief of Luat Khoa magazine, in an interview with BBC News Vietnamese on May 14.

Activist Nguyen Trang Nhung said that the reason for the delay was "understandable, because the law of protest can promote democratization in Vietnam, which the Vietnamese government does not want because it wants to maintain its unique leadership." for as long as possible".

What does the Ministry of Public Security say?

VNExpress newspaper on May 12 reported that the Ministry of Public Security had proposed and approved by the Prime Minister to report to the National Assembly Standing Committee for permission to delay the submission of the draft Law on Protests. This is the answer to the previous petition of voters of Binh Thuan province about the early consideration of promulgating the Law on Protests.

The reason given by the Ministry of Public Security is "to have more time to research carefully, ensure quality, be in line with reality, not let hostile and reactionary forces take advantage of the lack of strictness of the law to distort the law." , anti-sabotage operations".



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People protest against China in Ho Chi Minh City in 2014

The written response said that the Ministry of Public Security had organized many seminars, field surveys, and researched experiences from some countries in Russia, China, Korea, and Thailand... to develop the Protest law project. . The draft law has also been consulted by ministries and sectors, and appraised by the Ministry of Justice, but there are still many problems and disagreements on the subjects to be applied, the cases in which it is not possible to organize or participate in demonstrations. , authority for registration of demonstrations.

Meanwhile, answering the press at the beginning of the 14th National Assembly term in 2016, National Assembly Chairwoman Nguyen Thi Kim Ngan affirmed that the Law on Protests will be seriously considered by the National Assembly, not postponed indefinitely. General Secretary of the National Assembly Nguyen Hanh Phuc explained that it is not that the National Assembly is not interested in the Law on Protests, but because the Government has not yet submitted it.

Since being included in the law-making plan in 2011, the Protest bill has been continuously delayed. In the first time, some comments in favor of the delay said that "the situation is complicated and inappropriate", however, recently there have been more and more opinions from the Vietnamese political world calling for speeding up the progress. for the Law on Protests, considering the absence of this law as a debt of the state to the people.

The Government has also acknowledged that the Law on Associations and the Law on Protests has not been promulgated as shortcomings and limitations in the implementation of the Constitution in the past 5 years.

Fear of arguments, fear of losing privileges

Activist Nguyen Ngoc Nhu Quynh from the US told BBC News Vietnamese on May 13: "The Law on Protests is like a ball being kicked back and forth from the Government to the National Assembly to the Ministry of Public Security and the last reason. The last but most authentic announcement by the Ministry of Public Security has just been announced by the Ministry of Public Security that is fear of hostile forces taking advantage of it. With past experiences, related to student movement protests in Saigon before 1975. , the Communist Party understands better than anyone the concept of 'taking advantage of protests' to oppose the government, this is the biggest reason to delay the Law on Protests."

From Taiwan, jurist, journalist, and editor-in-chief of Law Faculty Trinh Huu Long said that one of the reasons for delaying the publication of the draft Law on Protests by the Ministry of Public Security was fear of being publicly commented and opposed. defend.



TRINH HUU LONG

| Trinh Huu Long (centre) at one of the 2011 summer protests

He analyzed: "According to the normal process, a bill that needs to be passed takes at least 2 sessions of the National Assembly, which means a year. First, they will submit to the National Assembly for comments at a session, Sooner or later, the law can be passed at the next session. In that year, the draft must be announced to the public, the National Assembly deputies must give opinions, the press will have to step in. not only the domestic press but also the international press. People will participate a lot, especially through social networks."

"We can imagine that if the Ministry of Public Security and the Government submit the bill to the National Assembly, it will open up a huge discussion space. If we are the Government, we are the Communist Party of Vietnam, Do we want to open such a large playground that lasts a year for all participants?", he added.

Activist Nguyen Trang Nhung analyzed: "When having substantive rights, people will exercise their rights, especially those who are interested in politics and society will speak out more, express their attitudes more than by protests. This puts pressure on government agencies, forcing the government to adjust existing policies and ways of working, which is what the government does not want."



People give flowers to traffic police during the Formosa 5/2016 protest at Ben Thanh market area, Ho Chi Minh City

"Not only have the right to protest, the Vietnamese people have long been restricted in many other human and civil rights. Government agencies always want to maintain that so that they can easily govern and act arbitrarily. act as they please. If there are laws now and the right to protest is exercised substantively, the government will lose its privileges. They can't behave arbitrarily anymore."

"If the promotion of these rights goes further, leading to multi-party, for example, then the Communist Party of Vietnam will no longer have a unique position," added Ms. Trang Nhung.

Lawyer Trinh Huu Long said that the Ministry of Public Security and the Government do not want to lose their privilege, which is to "use law enforcement documents to control protests".

In another aspect, Mr. Long also commented that the delay of the protest law is also related to the political life of the Minister of Public Security himself: "This is a pivotal period in preparing senior personnel before the Congress. Party. As one of the candidates for the top leadership positions, Minister To Lam will not risk introducing a bill that will cause a stir, which could affect his political chances.

'Very dangerous for the people'

Article 25 of the 2013 Constitution states: "Citizens have the right to freedom of speech, freedom of the press, access to information, assembly, association, and demonstration. The exercise of these rights is prescribed by law." Article 14 of the same Constitution stipulates: "Human rights and citizens' rights may be restricted only in accordance with the provisions of law in necessary cases for reasons of national defense, security, order and security. society as a whole, social ethics, community health."

That's the constitution, but with Vietnam's political characteristics, the people's right to protest is in fact "suspended" indefinitely even though the country is not in "necessary circumstances". For example, Decree 38/2005 issued by the Government, although it does not talk about "protests", has provisions to sanction acts of "abusing democratic freedoms" to carry out "gathering of people to to disturb public order or to commit other illegal acts". These regulations have effectively eliminated people's right to protest. And when there is a problem that needs to be spoken out, people always face the risk of being punished, arrested, assaulted or other forms of "post-protest" harassment.

Commenting to BBC News Vietnamese, activists and experts all believe that the provisions of the Constitution are understandable and acceptable, but in fact Vietnam does not have a separation of powers, no independent courts. was established, so when people exercise their right to protest, they are easily charged with other crimes, such as "abusing democracy and freedom" to "break the law". Therefore, when people go to protest, they face a lot of risks.



NGUYEN NGOC NHU QUAN

| Social activist Nguyen Ngoc Nhu Quynh is also known as Mother Mushroom

While still in the country, Nguyen Ngoc Nhu Quynh, also known by the nickname "Mother Mushroom", used to regularly protest before being arrested, sentenced to prison and then deported to the US.

From her reality, Ms. Quynh shared: "The biggest risk when participating in protests that I face is being dragged, or beaten right in the crowd by thugs or plainclothes police. In anti-China demonstrations, the scenario often used by the authorities is to create scuffles, pickpockets, and quarrels to turn peaceful protests into violence, then have an excuse to suppress them, to arrest them." .

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"Most of the time in protests, people often face fines according to regulations on sanctioning administrative violations in the field of security, order and social safety, or more seriously, the authorities will impose criminal charges of 'disrupting public order, adversely affecting security, social order and safety' or 'resisting public officials',"

"In addition, being guarded at home, being detained, and detained before or after the protest takes place are difficulties that any person participating in the demonstration needs to be prepared to accept," she said. added.

What do people have to do?

In the context that the government continues to maintain an unclear legal status, law enforcement is not monitored, what should people do to ensure their right to protest as well as protect their own safety?

"I think lawyers need to exploit the right to freedom of expression, freedom to protest based on the Constitution to protect protesters when they are arrested or tried," activist Nguyen Ngoc Nhu Quynh said. suggest.

Activist Nguyen Trang Nhung said that protesters should equip themselves with basic knowledge of the law, so that when caught or punished, they can ask the authorities to explain the reasons. "There should also be some other options, for example in the case of being arrested, punished or beaten, you can ask relatives to speak up and notify human rights organizations. If identified. If their actions do not violate the law and do not harm anyone's interests, they need to resolutely protect them."



Activist Nguyen Trang Nhung said that protesters need to equip themselves with legal knowledge to protect themselves.

Citing the fact that Vietnam does not have an independent court, an impartial and objective trial, it is difficult for the people to have tools to protect as well as the abuse of power by the executive side is difficult to control, lawyer Trinh Huu Long said: Because of the absence of such legal protection mechanisms, people who want to protect their rights have to resort to external mechanisms, such as international organizations and foreign governments. equally regrettable".

"When the number of people who exercise and support the right to protest is large enough, then the behavior of the government will have to change, and change in a positive direction. The story lies in the correlation of power between the two. The people and the government We are talking about the law with an autocratic government, with people who completely disobey even the law, even the constitution they put in. This is not a legal story. law. It is a political story," he analyzed.

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"People, if they want their rights to be respected, have no choice but to persevere and courageously exercise their rights when necessary, not wait for the Ministry of Public Security, not the Government, not waiting for the National Assembly to grant me the right to protest."

According to Mr. Long, people need to realize that "the right is in themselves, not in any law". "Once we have enough people to exercise that right, we will change the situation," he stressed.

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