

STATEMENT
UPR Pre-Session on VIETNAM
Geneva, 12 December 2018
Delivered by VOICE

1. Presentation of the Organisation

Good morning, my name is Anna Nguyen. This statement is delivered on behalf of VOICE, an independent organization, working in the field of promoting and developing a strong and independent civil society in Vietnam. VOICE has participated in the UPR process since 2014. Although the Government held national consultations, it did not include independent or unregistered civil society organizations, such as VOICE.

The statement is in coalition with CIVICUS, Human Rights Foundation, VOICE Vietnam, and the Civil Society Forum.

2. Plan of the Statement

The statement addresses three issues: (1) Freedom of Expression; (2) Freedom of Association and Assembly; and (3) Treatment of HRDs.

3. Statement

i. Freedom of Expression

a. Follow up to the second review

Under the 2nd UPR cycle, Italy, Lithuania, Belgium, Czech Republic, Netherlands, Denmark, Hungary, Canada, Sweden, Luxembourg, Japan, Estonia, Australia, Finland, France, New Zealand and Germany urged to amend the provisions concerning offences against national security laws, which could restrict freedom of expression, and ensure they are in line with international standards.

Vietnam pledged to “protect and guarantee respect for freedom of expression, particularly for journalists, and bloggers” however; this has NOT been the case.

b. New developments since the second review

In June 2018, a new Cyber Security law was passed, which aims to tighten the government’s control of information and silence its critics on the Internet. The law will allow the government to demand the removal of any posts that are deemed critical within 24 hours, without any judicial oversight.

The authorities have responded by using intimidation, threats and imprisonment to bloggers through arbitrary and vague national security laws. Entrepreneur and blogger - Tran Huynh Duy Thuc - sentenced to 16 years, Environmental activist and blogger - Hoang Duc Binh – sentenced to 14 years, and labour rights activist and blogger - Tran Thi Nga - sentenced to 9 years.

c. Recommendations

Member states should recommend to Vietnam:

(1) To repeal or amend provisions in the Penal Code to ensure that ambiguous provisions relating to national security are clearly defined or removed, so they cannot be applied in an arbitrary manner to stifle freedom of expression.

(2) Ensure that Internet laws, and the new Cybersecurity law, comply with international human rights law and standards and remove filtering and surveillance on Internet usage.

ii. Freedom of Association and Assembly

a. Follow up to the second review

During Vietnam’s examination under the 2nd UPR cycle, Belgium, Germany, France, and Greece, urged Vietnam to enact laws to regulate freedom of assembly and peaceful demonstration. Czech Republic urged Vietnam to ease their registration requirements and Italy and Lithuania made recommendations to ensure the development of a safe environment for civil society actors to freely associate.

Vietnam has failed to take adequate measures to realise these recommendations.

b. New developments since the second review

Vietnam has yet to have a Law on Association. Draft law received strong protests from civil society groups, because it outlawed unregistered CSOs, created a complex process of registration and prohibited organisations from receiving foreign funding. Vietnam has not yet ratified the ILO Convention 87 on Freedom of Association and Protection on the Right to Organize.

To suppress the formation of these organizations, activists associated with non-registered groups are routinely arrested and convicted. In 2018, nine members of the Brotherhood for Democracy, a loose association of activists and HRDs, were found guilty of vague national security laws and given lengthy prison sentences ranging from 7-15 years.

Some protests have been allowed, however, protests that relate to civil and political rights are suppressed. During the 2016 mass protest against the Formosa Toxic Spill and the June 2018 mass protests against proposed laws, authorities responded using teargas and excessive force to punish participation. Following the June 2018 protests, at least 40 people were arbitrarily detained and taken to a temporary detention camp, where they were severely beaten by security officers before being released.

c. Recommendations

Members States should recommend Vietnam to:

- (1) Take measures to foster a safe and enabling environment for civil society, by removing legal measures that limit the right to association.
- (2) Immediately and impartially investigate instances of unnecessary and excessive use of force committed by security forces while handling protests and demonstrations.

iii. Treatment of HRDs

a. Follow up to the second review

Under Vietnam's previous UPR examination, Switzerland, New Zealand, and Germany recommended to Vietnam to take into account the opinions of the Working Group on Arbitrary Detention and release those persons detained arbitrarily.

The Government has only partially implemented these recommendations.

b. New developments since the second review

According to the 88 Project, 165 HRDs still remain behind bars in Vietnam for their peaceful human rights work. This year alone, 56 HRDs have been arrested under vague and arbitrary National Security laws.

Further, some HRDs are not unconditionally released but are forced into exile overseas, such as human rights lawyer, Nguyen Van Dai and his assistant, Le Thu Ha, and blogger, Mother Mushroom.

There are at least 100 HRDs that are placed on the travel ban list simply due to their human rights work, and are subject to surveillance, harassment and violent assaults.

The reality is, there should be many more Vietnamese HRDs here to speak about the suppression they personally face, however, due to restrictions on their movement, or fear of reprisals, they cannot be here.

C. Recommendations

We would like Member states to recommend that Vietnam:

- (1) Ensure HRDs are able to carry out their legitimate activities without fear or hindrance, and allow activists to travel freely.
- (2) Unconditionally and immediately release all HRDs detained for exercising their fundamental rights and drop all charges against them.