

# Stakeholders Joint Submission Concerning the Universal Periodic Review of Vietnam in 2014

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## INTRODUCTION

The Socialist Republic of Vietnam (SRVN) has been a member of the United Nations since 1977 and has signed on to many core international human rights documents.

The basic human rights of citizens are codified in articles 68, 69, 70, 71, 72, 73, and 74 of the SRVN's 1992 Constitution. The Vietnamese Law on Conclusion, Accession to and Implementation of Treaties (2005) stipulates:

- The Socialist Republic of Vietnam complies with treaties to which the Socialist Republic of Vietnam is a party; meanwhile, it requests other parties to treaties to comply with such treaties (Article 3, paragraph 6);
- In cases where a legal document and a treaty to which the Socialist Republic of Vietnam is a party, contains different provisions on the same matter, the provisions of the treaty shall prevail (Article 6, paragraph 1).

However, since the UN Human Rights Council's Universal Periodic Review (UPR) of Vietnam in 2009, the Vietnamese government has continued to perpetrate gross violations of human rights against its citizens, disregarding the 94 recommendations it accepted. Those violations involve the following areas:

1. Suppression of freedom of expression and the rights to information;
2. Inhibition of freedom of association and freedom of demonstration;
3. Arbitrary arrest and trial in accordance with the ruling party's interests;
4. Dissemination of terror by means of police violence to control the population;
5. Restriction on the freedoms of religion and faith propagation;
6. Expropriation of farmers' land without adequate compensation;
7. Prohibiting workers from organizing independent trade unions and repression of labor activists;
8. Harboring numerous forms of human trafficking.

## **I. SUPPRESSION OF FREEDOM OF EXPRESSION AND THE RIGHTS TO INFORMATION**

Article 69 of Vietnam's 1992 Constitution stipulates that "citizens have the rights to enjoy freedoms of speech, press, information, association, formation of societies, and demonstration according to the law." However, such stipulations have never been respected. The government's violations of the freedom of press in VN come under two main categories: 1) the state's monopoly of information, and 2) suppression of dissidents who express opposing views to the Communist Party of Vietnam's (CPV) policies or who dare to speak up on behalf of victims of cruel officials.

### ***1. Speech Is the State's Monopoly***

There is no private press establishment in VN, where mass media such as publishing businesses, radio stations, TV stations, and official press, are owned by the state. At present, not a single independent private newspaper or broadcasting station is allowed to exist. The November 26, 2006 Decree No. 37/CP signed into law by Premier Nguyen Tan Dung, still in effect, firmly states that "no private press under any form, or any organization or individual, is permitted to take advantage of the press to serve personal interests while undermining the state's interests."

In recent years, to deal with the bombardment of criticisms from governments and human rights organizations around the world regarding the lack of freedom of information, the Vietnamese state often referred to the number of mass media agencies to prove that VN has freedom of speech.<sup>1</sup> Actually, all of them were managed by state officials and operated strictly under the policies of the CPV. The adjustments in the legal system were mainly to strengthen the CPV's monopoly of speech and the augmentation of its propaganda machinery with no concession whatsoever to the people's freedom of expression. Even the dissemination of literature promoting international human rights standards is also prohibited.<sup>2</sup>

### ***2. CPV's Dissident Suppression Policy***

Journalists have often been reminded to keep to the "right lane," meaning to respect the one-way, truth-twisting information provided by the state. Many among them who resisted such dictate have been arrested, fired, or detained for the views that are not the same as those of the ruling party on serious issues with regard to the CPV's policies and the corruption of officials at all levels. A survey conducted from July 1, 2011 to August 15, 2011 by the Center for Research in Telecommunications Development belonging to the Vietnam Scientific and Technical Unified Association in coordination with the British Embassy reported that up to 87.9% of press reporters were professionally obstructed by various measures, including harassments and injurious beatings.<sup>3</sup> The situation has been perceived as becoming increasingly widespread and serious. (*See Appendix 1-1: Typical cases involving repression against freedom of expression and the rights to information*)

## **II. INHIBITION OF FREEDOM OF ASSOCIATION AND FREEDOM OF DEMONSTRATION**

Article 69 of the Vietnamese Constitution specifies that citizens have "the rights of assembly, association and demonstration as prescribed by the law."

In reality, however, all associations that are not under the umbrella of the Fatherland Front, a satellite body of the CPV, are deemed illegal, and thus cannot operate independently. For example, the Vietnamese Scout Association, a youth educational organization that had been present in VN since the 40s until the CPV took power, continues to be prohibited.

The CPV, through its official mouthpiece, People's Daily, has suggested that the formation of civil society organizations is a plot by enemy forces and foreign reactionaries to “provoke the discharge of leadership role of the Party and the State, and to promote freedom of association by Western criteria.”<sup>4</sup>

As for political organizations, on December 7, 2012, Prime Minister Nguyen Tan Dung especially instructed the 68<sup>th</sup> National Public Security Conference to be resolute “to not tolerate the formation of opponent political organizations that go against the interests of the country and of the people.”<sup>5</sup> Thus, democracy and human rights organizations continue to be prohibited, hunted, and punished.

In the area of the right to assembly and rights to protest, recent years have been marked with political grass-root activities on the streets of Ho Chi Minh City and Hanoi to protest China's invasion of VN's territorial waters, and with the gathering of ‘victims of injustice’ in many provinces across the country. The government's attitude toward the anti-Chinese protests varied depending on the political intentions of the ruling party. In some instances, the police only monitored and watched over the protests, but in others, especially in Ho Chi Minh City, the protests were quelled quickly when security forces moved in and took away the demonstrators. As for the gathering of farmers whose lands had been expropriated without adequate compensation, the government's reaction was more aggressive. Many farmers were beaten and seriously wounded—there were cases resulting in deaths.<sup>6</sup> (*See Appendix 1-2: Typical cases involving inhibition of freedom of association*)

### **III. ARBITRARY ARREST AND TRIAL IN ACCORDANCE WITH THE RULING PARTY'S INTERESTS**

Anyone can be arbitrarily arrested, prosecuted, and sentenced. The ultimate purpose of the Vietnamese court system is to serve the governing party's interests. In the 2002 Law on Organization of the People's Courts, “the Courts have the task to protect the socialist legislation; to protect the socialist regime and the people's mastery” (Article 1).

Vietnam claims that it holds no political prisoners. However, this is because any legitimate political expression by the people, however peaceful, is associated with crimes listed in Vietnam's Criminal Code, especially Art. 79 (Carrying out activities aimed at overthrowing the people's government), Art. 87 (Undermining the unity policy), and Art. 88 (Conducting propaganda against the Socialist Republic of Vietnam). Any expression of opinions different from those issued by the CPV is a “crime”; the “criminal” can be sentenced to 20 years in prison (Art. 88), or to death if found to have “carried out activities aimed at overthrowing the people's administration” (Art. 79).

In 2012, at least 50 dissidents were indicted or sentenced to prison because of the authorities' abuse of the Criminal Code (others remain in detention without trial). (*See Appendix 2: List of Prisoners of Conscience Currently in Jail*)

Continual violations of the procedural principles throughout criminal proceedings, from arbitrary arrest to fabrication of evidence, forcible testimony, obstruction of lawyers, and cursory trials with predetermined verdicts etc. have made a mockery of Vietnam's Criminal Procedure Code. Suspects are often tortured during interrogations and isolated from their families and lawyers.

In all criminalized political cases, basic principles of criminal procedure are violated at every stage: arrest without court warrants, no representation of local government and acquaintance during apprehension, detention beyond the lawful limit without indictment, no adduction of evidence and witnesses, and preventing contact with lawyer and family. In many court sessions, lawyers are either disallowed or restricted in their defense; relatives are not allowed to attend.

In 2012, the United Nations Working Group on Arbitrary Detention received three complaints against the Government of Vietnam for its arbitrary detention of 24 civil rights activists, and ruled that this government has violated international human rights law for two of the complaints.

The right to self-defense and the right to legal counsel have been constantly violated. Vietnam's judicial system has been crippled not only by the very small number of lawyers and their low professionalism but also by the government's unfriendly attitude toward them. In order to defend an accused, a lawyer must have the court's permission, but the permit is rarely granted in a timely fashion. In court, the jury is less likely to pay attention to lawyers' arguments, while lawyers often do not dare to refute prosecutors. In most cases, the lawyers' only duty is to ask for leniency.<sup>7</sup> A Deputy Director of the People's Procuratorate in Vinh Phuc Province told a defendant's family that "hiring lawyers will make the crime more aggravated."<sup>8</sup> The Chairman of the Hanoi Bar Association also confessed that "in many cases, the presence of a lawyer is superficial, a kind of 'showpiece' during the proceedings."<sup>9</sup>

In 2012, several political prisoners have experienced abuse and torture as a result of their pro-democratic activities and writings. Currently, blogger Dieu Cay, blogger Ta Phong Tan, land rights activist Ho Thi Bich Khuong, pastor Nguyen Cong Chinh, lawyer Cu Huy Ha Vu, labor rights defenders Nguyen Hoang Quoc Hung, Do Thi Minh Hanh, and Doan Huy Chuong, and many others are suffering the worst forms of persecution in isolation.

#### **IV. DISSEMINATION OF TERROR BY MEANS OF POLICE VIOLENCE TO CONTROL THE POPULATION**

At the end of September 2010, Human Rights Watch's report on police brutality was substantiated by at least 19 cases resulting in 15 deaths. Many victims were fatally beaten while being held for interrogation; some died soon after their release, while some others even died in public because of unnecessary force employed by the police. (See Human Rights Watch report entitled *Vietnam: Widespread Police Brutality, Deaths in Custody*, published on 22 September 2010)

More than two years later, police violence has not abated. Instead, it has been systematically reinforced by a more powerful and numerous police apparatus. VN has never released the actual number of police personnel. However, basing on the Central Statistical Office's data, one can estimate the number of public security personnel at about 678,000. That number would be much higher if it were to include collaborators.<sup>10</sup> In late 2012, the Public Security Ministry of VN announced the Prime Minister's decision to promote 49 of its staff personnel to the rank of

general officers.<sup>11</sup> In term of ranking, Vietnam's armed police forces surpass any other nation with a population of the same size.

The insulting and beating of people in public places, as well as during the detainment of citizens, using corporal punishments that sometimes result in death without real legal constraints continue to rise. It is worth noting that most of the people who died while in police custody often committed only negligent misdemeanors, such as neighbor frictions, minor theft, etc. Although police officials attribute most of these deaths to suicide, traces of abuse and torture left on the victims' bodies upon closer examinations indicate otherwise. In 2012, at least 15 cases of death caused by police and civil-defense violence were chronicled and revealed through media networks. (*See Appendix 1-3: Typical cases involving police brutality*)

Police violence was also systematically used against religious activities that are not state-sanctioned without regard to participants' affiliations, be it Catholicism, Buddhism, Protestantism, or Hoa Hao Buddhism. A new form of violence that has appeared in recent years is the use of "popular spontaneity" instead of police forces. This is a tactic of repression and terror through the hands of criminal elements of the underworld society. With the tricks of "popular spontaneity," security forces could command and control from afar the beatings of dissidents and suppress legitimate activities of the people without the overt intervention that could result in unfavorable reactions to the government. In many cases, the hoodlums admitted that they had received money from the public security for their parts in those inhumane acts.<sup>12</sup>

## **V. RESTRICTION ON THE FREEDOMS OF RELIGION AND FAITH PROPAGATION**

During the past few years, restrictions concerning religious services have, in fact, been relaxed to a certain degree. Faithful are relatively free to attend mass and services at their chosen churches or temples, some recently rebuilt with the government's permission. However, it would be too simplistic to conclude that this is all there is to freedom of religion and that this is an encouraging sign of 'glasnost,' when the country is still under the communist grip. Following are a few remarks about the current situation of religious freedom in Vietnam:

- Legal prohibition,
- Organizational control, and
- Violent suppression.

### ***1. Legal Prohibition***

Although the 1992 Vietnamese Constitution stipulates that "no one can violate the freedom of belief" (Article 70), the 2004 Ordinance on Religion and Belief and Decree 22 enacted in 2005 provide for many restrictive conditions for a religious organization to attain state recognition and permission. In 2012, with the adoption of Decree No. 92/2012/ND-CP superseding the 2005 Decree 22, the government further tightens the registration, training, and appointment of clergy, and restoration of religious structures, etc. In short, Decree 92/2012/ND-CP details more meticulous limitations of religious activities than the ones prescribed by previous legislations, especially in the areas of "Religious Organizations" (Chapter III) and "Religious Activities" (Chapter IV). All religious organizations must notify appropriate authorities of their activities in advance for approval or disapproval. Such regulations imply that the state can arbitrarily disband

and prosecute any religious organization that is deemed “violating national security,” “sowing division among the people,” “causing public disorder,” and “disseminating information against the state's prevailing laws and policies” as specified in the current criminal code.

Many religious organizations are outlawed, and their leaders are put in prisons or under house arrest simply for practicing their religion without the government’s approval. The ban on Unified Buddhist Church of Vietnam and independent Hoa Hao, Cao Dai, and Protestant “house churches” groups clearly substantiate religious intolerance in Vietnam.

## ***2. Organizational Control***

The Vietnamese government continues its ‘divide and conquer’ policy with all religions. It installs in each religion a state-imposed committee under the permanent supervision of the Fatherland Front to coordinate religious activities in compliance with the official policy of the regime. Candidates to high-ranking positions in any religion must be vetted and approved by the state’s central authorities before they can be accepted. Worse still, the authorities also form groups of police agents disguised as ‘clergymen,’ particularly Buddhist monks, and have them infiltrate pagodas and religious institutions both at home and abroad to rig the religious rank and file. To tighten its control over religions, in February 2011, Vietnam appointed Police Lieutenant General Pham Dung, head of the General Department of Security II, as head of the Government Committee for Religious Affairs.

## ***3. Violent Suppression***

Together with sophisticated measures of prevention, restriction, and control, the Vietnamese Government continues to use armed violence to intimidate and suppress religious organizations. During recent years, it has usually exploited members of hooligans to help it in harassing, menacing, and beating clergymen and religious believers, as had happened at Thai Ha and Tam Toa parishes or Bat Nha Temple in 2010, and Con Cuong Parish in 2012. The use of violence for religious suppression is particularly aggressive when dealing with Christian ethnic minority groups in the Highlands, such as the case of thousands of H’Mong people gathering for a religious event and demonstration in favor of reforms and respect for religious freedom at an area near Huoi Khon hamlet of Nam Ke in the Muong Nhe district, province of Dien Bien in April 2011: Vietnamese authorities ordered police and borders troops, backed with tanks and helicopters, to repress and disperse them. According to the Center for Public Policy Analysis (CPPA), there were 72 deaths and hundreds of people injured or missing. (*See Appendix 1-4: Typical cases involving religious oppression/persecution by armed violence*)

## **VI. EXPROPRIATION OF FARMERS’ LAND WITHOUT ADEQUATE COMPENSATION**

Vietnam is an agricultural country with more than 70% of its 94 million inhabitants making their living as farmers. Yet since 1980, VN’s ruling communist party has abused Article 17 of its constitution by turning the people’s land ownership into the so-called “ownership by the entire people,” making all land the property of the CPV. Since then, communist officials have engaged in innumerable acts of oppression and violent expropriation to rob the people of their land, the source of their livelihood, leaving them with no means of survival. In principle, compensation

was made, but at such a low and merely symbolic rate that it has pushed people into dire poverty—a tragedy for millions of farmers in VN.

While conducting land expropriation activities, government cadres deliberately overestimate the needs of the plan to grab as much land as possible in order to appropriate the surplus, resell it to developers willing to pay the highest price (at least 10 times the reimbursement rates), and pocket the difference. The government’s 2012 anti-corruption report ranked land management corruption as second, only after traffic policing, in quantitative terms and level of severity.<sup>13</sup>

Rich cadres get richer while poor farmers are reduced to dire poverty. In the past several years, the number of state officials and land speculators who have collaborated with them became billionaires at a shocking rate. In recent years, this tragic situation has become even worse.

Many people have lost their homes and lands, and have become homeless. Those “victims of injustice” continue to petition in vain year after year. According to a Government report, the number of complaints in the area of land management, including claims of land acquisition, compensation and ground clearance for development projects, land claim disputes, etc., accounted for 74.7% of the total complaints received in the whole country in 2012.<sup>14</sup>

During official land confiscations, the police resort to brutal beatings of the victims of injustice, severely injuring many of them and causing fatalities. Unimaginable savageries become normal procedure for the police. (*See Appendix 1-5: Typical cases involving forced land expropriation*)

In addition, Vietnamese authorities have taken over the lands of religious organizations in the country such as Catholic, Buddhist, Protestant, Cao Dai, and Hoa Hao Buddhist churches. The demolition of the historic Carmelite monastery and Church of the Archdiocese of Hanoi in January 2013,<sup>15</sup> and the severe sentences given to the group “Hội đồng công luật công án Bia Sơn” in Phú Yên province on February 04, 2013 for allegedly “carrying out activities aimed at overthrowing the people’s administration,”<sup>16</sup> are in truth land expropriation activities.

Meanwhile, human rights activists seeking to defend the victims of land injustice have suffered from increased threats, arrest, and imprisonment: Ho Thi Bich Khuong of Nghe An, sentenced to 5 years in prison on December 29, 2011; Mr. Le Thanh Tung of Hanoi, sentenced to 5 years in prison on August 10, 2012; Messrs. Nguyen Kim Nhan, Dinh Van Nhung, and Do Van Hoa, sentenced to 5.5 years, 4 years, and 4 years respectively. They were prosecuted for “conducting propaganda against the Socialist Republic of Vietnam.” Ms. Le Hien Duc, an advocate for land eviction petitioners and the recipient of 2007 Transparency International Integrity Award from Transparency International, was assaulted and injured by police on June 1, 2012.

## **VII. PROHIBITING WORKERS FROM ORGANIZING INDEPENDENT TRADE UNIONS AND REPRESSION OF LABOR ACTIVISTS**

Although having ratified most of the International Labor Organization’s international conventions on labor,<sup>17</sup> Vietnam continues to violate workers’ rights. The Constitution strips workers of their union rights while giving the exclusive right to establish trade unions to the Vietnam General Confederation of Labor,<sup>18</sup> a CPV’s peripheral organization. Under international pressure after its admission to the World Trade Organization, Vietnam revised the Labor Law and Trade Union Law in 2012, but both laws still maintain that trade unions are the CPV’s

peripheral organizations.<sup>19</sup> Establishing labor organizations outside of the Vietnam General Confederation of Labor is illegal.

In the current negotiations on the Transpacific Partnership Free Trade Agreement, the Vietnamese government tries to find ways to oppose terms allowing independent unions sponsored by the United States, the International Trade Union Confederation (ITUC), and seven major unions of the TPP member countries.<sup>20</sup>

As for the labor-related age limit, the Labor Law allows employers to hire even children under 15 years of age<sup>21</sup> if these jobs are listed by the Ministry of labor, War Invalids and Social Affairs.<sup>22</sup>

Factory owners, under government protection, do not fulfill their social responsibilities to workers (e.g. wage issues, benefits, working hours, labor safety, etc.). There are concerns about workplace lunch safety; the press reported thousands of food poisoning cases in 2012.<sup>23</sup> Working conditions are unsafe; the Labor Safety Department of the Ministry of labor, War Invalids and Social Affairs reported that, in 2012, there were 6777 work-related accidents (606 killed and 6361 injured). It should be noted that, according to the Department of Labor Safety Director, nearly 95% of business owners did not report work-related accidents.<sup>24</sup>

All prisons and correctional camps, and some social labor and education centers, are actually labor camps. The report “*The Rehab Archipelago: Forced Labor and Other Abuses in Drug Detention*,”<sup>25</sup> by Human Rights Watch in 2011, exposed the true face of “rehab centers”: concentration camps where labor is forced on drug addicts for profit. In the report “*Torture in the Name of Treatment: Human Rights Abuses in Vietnam, China, Cambodia, and Lao PDR*,” Human Rights Watch also states that what those countries’ governments called ‘labor therapy’ is in fact forced labor.<sup>26</sup> In 2012, International Society for Human Rights also launched a campaign to boycott cashews produced through forced labor in Vietnam.<sup>27</sup>

Another aspect of forced labor is the mistreatment of children by forcing them to work in risky conditions. Millions of children still have to work to increase their families’ income. In September 2012, the U.S. government added Vietnam to its list of 74 countries where children as young as 5 are subjected to serious labor and human trafficking abuses.<sup>28</sup>

There are half a million or so export workers in Malaysia, Taiwan, the Middle East, and elsewhere. Many are victims of trafficking, exploited by recruitment agencies owned by the ruling party or its officials.

The Vietnamese government continues to oppress all individuals fighting for workers’ rights. Some activists are still in prison, such as Nguyen Hoang Quoc Hung (9 years in prison), Doan Huy Chuong and Do Thi Minh Hanh (7 years in prison each), Mr. Phan Ngoc Tuan (5 in prison), land rights activist Le Thanh Tung (5 years in prison), farmer rights activists Nguyen Kim Nhan (5.5 years in prison), Do Van Hoa (4 years in prison), Dinh Van Nhuong (4 years in prison), and Ho Thi Bich Khuong (5 years in prison). Among those held and since then mysteriously disappeared is Le Tri Tue, co-founder of the Independent Labor Union, who was kidnapped in Cambodia’s capital of Phnom Penh in May 2007 and secretly taken back to Vietnam. No trace has been left since then.



## VIII. HARBORING NUMEROUS FORMS OF HUMAN TRAFFICKING

In 2012, the Vietnamese Ministry of Public Security acknowledged that “victims of seduction, deception and cross-border trafficking is growing strongly again,” that the number of human trafficking cases has now increased by 1.5 times compared to the period before the 130/CP Program,<sup>29</sup> and that the number of victims of fraud and illegal trades has increased threefold.<sup>30</sup>

Current human trafficking cases involve three main types of victims: young women and girls lured to serve as “sex slaves” in Vietnam or in neighboring countries; “brides” sent to foreign countries; and export workers or workers abducted for export abroad. There is also need to acknowledge the increasing trend of infant trafficking, fetus sales, and organ trades.

In recent years, websites for Mail-Order Vietnamese brides have grown leaps and bounds. There are some originating from Vietnam, but most are from China, Singapore, and Korea, among others, with “attractive” advertisements, such as: “A Vietnamese bride for \$5,000, virginity guaranteed, delivery within 90 days, if runs away within a year, get another one for free,”<sup>31</sup> or “Buy a wife from Vietnam for \$6,000 dollars.”<sup>32</sup>

The main and direct cause of internal and cross-border human trafficking is poverty, a consequence of the unjust social policies created by the red capitalists. So far, the Vietnamese government has no firm and effective policy to deal with illegal marriage brokerages. “Abuses of marriage registration for profit, sexual violation, and labor exploitation” can be fined merely from ten to twenty million Vietnamese dongs (equal to US\$500-1,000) in the most flagrant cases (Decree No. 60/2009/NĐ-CP).

With regards to export workers, according to the Overseas Labor Management Department, there are about 500,000 workers currently working in over forty countries and territories. The majority of these export workers were victims of illegal intermediary agencies that had links with corrupted state officials. The victims had to pay for the fees charged by the intermediary agencies; however, most of them were neglected by these greedy agencies when they were badly mistreated and were forced to work awfully hard in exchange for a pittance by their employers. In many instances, their passports were confiscated by the employers, which turned them into detainees living miserably under the strictest control by their bosses. A case in point in 2012 is the death of 14 workers in a garment sweetshop in Russia in September 2012.<sup>33</sup> In 2011, Vietnam promulgated the *Law on Prevention, Suppression against Human Trafficking*, but it fails to admit that people who have been tricked into going abroad to be exploited belong to a form of human trafficking. Meanwhile, the results of a survey of 350 legally exported workers published in October 2012 showed that up to 55 people claimed that they are victims of human trafficking.<sup>34</sup>

Another aspect of the human trafficking issue in recent years that deserves attention is that many youths have been kidnapped or tricked into working as slaves in China’s plantations and production factories, or have been forced into growing and selling heroin. Particularly in the United Kingdom, since 2009 the number of Vietnamese victims of trafficking comes in third, behind only Nigeria and China; however, with regards to adolescent victims, Vietnamese victims stand at the head of the list.<sup>35</sup>

In conclusion, partly due to the victims’ eagerness to escape from their poverty and partly due to the illicit participation and protection of villainous individuals and organizations by powerful officials, human trafficking continues to exist under complicated forms.

## RECOMMENDATIONS

In light of the evidence of egregious and systematic violations of human rights which have occurred for many years and still continue in VN, The Vietnam Human Rights Network, together with Bloc 8406, Vietnam Human Rights Committee, and Vietnamese Canadian Federation eagerly call on the Human Rights Council to urge the Vietnamese government:

1. To seriously honor its international pledges on human rights as listed in the Universal Declaration of Human Rights and other international covenants on human rights of which it is a state member or signatory.
2. To respect the political rights of all citizens by removing Article 4 of its Constitution that allows the CPV to monopolize the national leadership.
3. To immediately and unconditionally release all prisoners of conscience.
4. To cease legal sanctions and persecution against journalists and citizens peacefully expressing their opinions through the printed media, radio and Internet; to cease censorship; and to authorize independent and privately-run media.
5. To allow the establishment of independent civil societies outside the control of the PCV.
6. To comply with the internationally recognized standards of criminal justice; to repeal or amend its Criminal Code by abolishing vague “national security” provisions, especially articles 79, 87, 88, and 89; to ensure independence of the judiciary and lawyers; to halt without delay the persecution of lawyers; and to improve the current prison regimes.
7. To immediately end the use of the public security force as a tool for dominance and oppression by the CPV; to halt all forms of mistreatment while in police custody; and to take all necessary steps to ensure the criminalization of torture and reparations for victims that are in line with international standards.
8. To respect the freedom of religion by repealing all legislation that are intended to restrict the people’s religious practices; not to interfere with the internal activities of all religions, and to stop the persecution of clergy and faithful.
9. To amend the Labor Code guaranteeing the right to peaceful assembly and association and allow the establishment of independent trade unions.
10. To restore the people’s private property rights of land; to put an immediate end to forced evictions carried out in contradiction with international human rights law; and to return government-confiscated real properties to their legitimate owners.
11. To implement specific measures to end human trafficking for purposes of sexual exploitation and forced labor under the disguised forms of “brides” to foreigners and export workers.
12. To positively extend invitation to visit the country to the UN Special Procedures covering the following themes: human rights defenders, arbitrary detention, freedom of expression, and freedom of religion.

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<sup>1</sup> According to statistics of the Ministry of Information and Communications, by far there are nearly 17,000 state sanctioned journalists who receive pay from the government. The number of press offices amounts to 748 with 1,052 press publications, 184 newspaper, 564 magazines, 25 daily news, 67 radio stations, TV, 62 online newspapers, 1024 news websites. *Ministry of Information and Communications*, “The development of the journalism in 6 months of 2012”.

<http://mic.gov.vn/solieubaocao/solieuthongke/baochi/Trang/T%C3%ACnhh%C3%ACnhph%C3%A1ttri%E1%BB%83n.aspx>. (Accessed Nov 15, 2012)

<sup>2</sup> RFA, “Vietnamese Blogger Held for Distributing Rights Leaflets,” <http://www.rfa.org/english/news/vietnam/blogger-05222013154831.html> (Accessed May 22, 2013)

<sup>3</sup> Nhà báo & Công luận, “Gần 88% nhà báo bị cản trở khi tác nghiệp,” <http://www.baomoi.com/Home/PhapLuat/congluan.vn/Gan-88-nha-bao-bi-can-tro-khi-tac-nghiep/7883648.epi>. (Accessed Feb 03, 2013)

<sup>4</sup> Báo Nhân Dân, “Xã hội dân sự - một thủ đoạn của diễn biến hòa bình,” <http://www.nhandan.org.vn/chinhtri/tin-tuc-su-kien/item/1252402-.html> (Accessed Feb 15, 2013)

<sup>5</sup> Cổng Thông tin điện tử Chính phủ, “Thủ tướng chỉ đạo công tác Công an thời gian tới,” <http://baodientu.chinhphu.vn/Home/Thu-tuong-chi-dao-cong-tac-Cong-an-thoi-gian-toi/201212/156953.vgp> (Accessed Jan 21, 2013)

<sup>6</sup> VRNs, “Công an làm chết dân oan tại vườn hoa Mai Xuân Thưởng, Hà Nội,” <http://chuacuuthenews.wordpress.com/2012/11/12/cong-an-lam-chet-dan-oan-tai-vuon-hoa-mai-xuan-thuong-ha-noi/> (Accessed Feb 05, 2013)

<sup>7</sup> An Ninh Thủ Đô, “Luật sư chỉ định, có cho đủ... thủ tục,” <http://www.anninhthudo.vn/Ky-su-phap-dinh/Luat-su-chi-dinh-co-cho-du-thu-tuc/487759.antd> (Accessed March 01, 2013)

<sup>8</sup> Tạp chí Pháp Luật, “Mời luật sư, tội sẽ nặng thêm?!” <http://phapluattp.vn/2012062911375624p0c1063/moi-luat-su-toi-se-nang-them.htm> (Accessed Dec 12, 2012)

<sup>9</sup> Công ty luật Dragon, “Vai trò của luật sư trong phiên tòa rất mờ nhạt,” <http://ngheluatsu.vn/modules.php?name=News&op=viewst&sid=141> (Accessed Dec 12, 2012)

<sup>10</sup> Nguyễn Quang A, “Văn hóa cảnh sát,” <http://anhbasam.wordpress.com/2013/01/14/1555-van-hoa-canhsat> (Accessed Feb 02, 2013)

<sup>11</sup> CAND Online – People’s Public Security Online, “Công bố, trao Quyết định của Thủ tướng Chính phủ thăng cấp bậc hàm cấp Tướng CAND năm 2012,” <http://www.baomoi.com/Home/DoiNoi-DoiNgoai/cand.com.vn/Cong-bo-trao-Quyết-dinh-cua-Thu-tuong-Chinh-phu-thang-cap-bac-ham-cap-Tuong-CAND-nam-2012/10048067.epi> (Accessed Jan 15, 2013)

<sup>12</sup> Nữ Vương Công Lý, “Thông tin và hình ảnh Nghệ An dùng quân đội đàn áp tôn giáo đẫm máu tại Con Cuông”. [http://www.nuvuongcongly.net/xa-hoi/binh-luan/quandoi\\_concuong/](http://www.nuvuongcongly.net/xa-hoi/binh-luan/quandoi_concuong/) (Accessed Dec 26, 2012)

<sup>13</sup> Pháp Luật, “Bốn lĩnh vực “trụ hạng” về mức độ tham nhũng,” <http://phapluattp.vn/2012112011593262p0c1013/bon-linh-vuc-tru-hang-ve-muc-do-tham-nhung.htm> (Accessed Jan 11, 2013)

<sup>14</sup> VnEconomy, “Gần 80% vụ khiếu nại đến từ lĩnh vực nhà đất,” <http://www.tinmoi.vn/gan-80-vu-khieu-nai-tu-linh-vuc-nha-dat-111083672.html> (Accessed Jan 11, 2013)

<sup>15</sup> Tổng Giáo Phận Hà Nội, “Thông báo (số 3): Về việc Sở Y tế Hà Nội tiếp tục phá dỡ Tu viện kín Camêlô - 72 phố Nguyễn Thái Học,” <http://tonggiaophanhanoi.org/thong-bao/tong-giao-phan/4796-thong-bao-so-3-ve-vec-so-y-te-ha-noi-tiep-tuc-pha-do-tu-vien-kin-camelo-72-pho-nguyen-thai-hoc> (Accessed Jan 14, 2013)

<sup>16</sup> RFI, “Công án Bia Sơn là một vụ án ‘tạo dựng’,” <http://www.viet.rfi.fr/node/78230> (Accessed Feb 15, 2013)

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<sup>17</sup> Vietnam has ratified 22 conventions of the International Labor Organization, including five important Conventions (C.29 on forced or compulsory labor, C.100 on Equal Remuneration for Men and Women Workers, C.111 on Discrimination (Employment and Occupation), C.138 on the minimum age for admission to employment and work, and C.182 on the Worst Forms of Child Labor (Source: The Ministry of labor, War Invalids and Social Affairs, “Convention of the international labor Organization Viet Nam has ratified,”

<http://www.molisa.gov.vn/news/detail/tabid/75/newsid/55722/seo/Cong-uoc-cua-To-chuc-lao-dong-quoc-te-ILO-Viet-Nam-da-phe-chuan/language/vi-VN/Default.aspx> (Accessed Jan 21, 2013)

<sup>18</sup> The Vietnam Confederation of Trade Unions, as the socio-political organization of the working class and working people, together with State bodies and economic and social organizations, cares for and protects the interests of workers, public employees and other working people; takes part in the inspection and supervision of the activities of State bodies and economic organizations; educates cadres, workers, public employees and other working people in the building and defense of their homeland.

<sup>19</sup> Law on Trade Union, Article 1: “Trade Union means a great socio-political organization of the working-class and laborers. Trade Unions are founded on the voluntary basis and are a component part of the political system of the Vietnamese society, placed under the leadership of the Communist Party of Vietnam.”

<sup>20</sup> Phòng Thương mại và Công nghiệp Việt Nam, “Dự thảo Chương lao động trong đàm phán Hiệp định TPP - Thách thức lớn cho Việt Nam?” <http://trungtamwto.vn/tpp/du-thao-chuong-lao-dong-trong-dam-phan-hiep-dinh-tpp-thach-thuc-lon-cho-viet-nam> (Accessed Feb 14, 2013).

<sup>21</sup> Article 163 of the Labor Law: “The working hours of the underage employee from full 15 years of age to under 18 years must not exceed 08 hours in 01 days and 40 hours in 01 week.”

“The working hours of person under 15 years must not exceed 4 hours in 01 days and 20 hours in 01 week without working overtime and at night.”

<sup>22</sup> Article 164 of 2012 Labor Law: “The employer is only entitled to employ the person from full 13 years and under 15 years to perform light job under the list prescribed by the Ministry of labor, War Invalids and Social Affairs.”

<sup>23</sup> Lao Động, “Công nhân liên tục bị ngộ độc: Ai chịu trách nhiệm?” <http://laodong.com.vn/Cong-doan/Cong-nhan-lien-tuc-bi-ngo-doc-Ai-chiu-trach-nhiem/86101.bld> (Accessed Jan 12, 2013)

<sup>24</sup> Dân Trí, “Năm 2012 đã xảy ra gần 7 nghìn vụ tai nạn lao động, làm 606 người chết, hơn 6.300 người bị thương, gây thiệt hại về tài sản lên tới 11 tỷ đồng,” <http://dantri.com.vn/xa-hoi/gan-7000-vu-tai-nan-lao-dong-trong-nam-2012-701227.htm> (Accessed Feb 28, 2013)

<sup>25</sup> Human Rights Watch, *The Rehab Archipelago: Forced Labor and Other Abuses in Drug Detention*, September 2011.

<sup>26</sup> Human Rights Watch, *Torture in the Name of Treatment: Human Rights Abuses in Vietnam, China, Cambodia, and Lao PDR*. July 2012.

<sup>27</sup> IGFM, “Boycott gegen Blut-Cashewnüsse aus Vietnam - “Weiße Liste” deutscher Firmen,” <http://www.igfm.de/Vietnam-Boycott-gegen-Blut-Cashewnuesse.3211.0.html> (Accessed Jan 25, 2013)

<sup>28</sup> United State Department of Labor, *2012 List of Goods Produced by Child or Forced Labor*, September 2012.

<sup>29</sup> Program 130/CP, the name referred to a program of action to prevent and combat trafficking in women and children from 2004 to 2010, set by Vietnam Prime Minister’s Decision 130/2004/QĐ signed on July 14, 2004.

<sup>30</sup> Sài Gòn Giải Phóng Online, “Gia tăng tội phạm buôn bán người - Bài 2: Nâng cao nhận thức để phòng tránh,” <http://www.sggp.org.vn/phongsudieutra/2012/12/305607/> (Accessed Jan 19, 2013)

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<sup>31</sup> Eye Dr DeLengocky, “China is buying Vietnamese brides (Vietnam’s mail-order bride)”  
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<sup>32</sup> Human Traffic Watch, “News on Modern Day Slavery,”  
<http://humantrafficwatch.wordpress.com/2012/10/18/buy-a-wife-from-vietnam-for-only-6000-usd-guaranteed-virgin/> (Accessed Feb 02, 2013)

<sup>33</sup> Ibid.

<sup>34</sup> Báo Dân Việt, “Mặt trái hoạt động xuất khẩu lao động: Khó “chỉ mặt đặt tên” nạn buôn người,”  
<http://danviet.vn/109686p1c24/kho-chi-mat-dat-ten-nan-buon-nguoi.htm> (Accessed Jan 02, 2013)

<sup>35</sup> The Secretary of State for the Home Department, *First annual report of the Inter-Departmental Ministerial Group on Human Trafficking*, Oct. 2012 (p.11),  
<http://www.dojni.gov.uk/index/publications/publication-categories/pubs-policing-community-safety/idmg-report-18-october-2012.pdf> (Accessed Jan 17, 2013)