

**SUBMISSION TO THE OFFICE OF THE UNITED NATIONS HIGH COMMISSIONER
FOR HUMAN RIGHTS
Universal Periodic Review: SOCIALIST REPUBLIC OF VIETNAM
18th session (Jan/Feb, 2014)
June 17, 2013**

1. We hereby submit this Report to assist the Human Rights Council (hereinafter called the “HRC”) in the Universal Periodic Review (hereinafter called the “UPR”) to re-assess the policies and practices of the Socialist Republic of Vietnam (hereinafter called “Vietnam”) against its own citizens every day.
2. Human Rights Watch (hereinafter called “HRW”) urged the US government to “*take action on Vietnam’s deteriorating rights situation*” as “*in the first few months of 2013, more people have been convicted in political trials than in the whole of last year*” (1).
3. The European Parliament made a Resolution on April 18, 2013 to pressure the government of Vietnam to respect human rights of its own citizens (2).
4. As Human Rights Watch (1), US Congress (3), European Parliament (2) and the worldwide community raise their real concerns on Vietnam human rights issues, we strongly believe that the situation of violation of Human rights in Vietnam is critical.

LABOR RIGHTS, FORCED LABOR AND ABUSES IN DRUG DETENTION CENTRE, TRADE UNION & FREEDOM OF ASSOCIATION

5. On May 4, 2009, HMR said in a new report “*The Vietnamese government should immediately free activists who have been unlawfully imprisoned for peacefully campaigning for workers’ rights*” (4).
6. Since February 20, 2013, the Disposition of the Working Group set out in the “*Opinions adopted by the Working Group on Arbitrary Detention at its sixty-fifth session, 14-23 November, 2012*”, in the matter of Nguyen Hoang Quoc Hung, Do Thi Minh Hanh and Doan Huy Chuong, bearing No. 42/2012 (Vietnam), has been completely ignored by Vietnam.
7. The attitude of complete disrespect and ignorance of the Disposition of the Working Group of HRC proves that the situation of violation of Labor rights, and freedom of association in Vietnam is seriously critical.
8. Based on the following opinion of Brad Adams, Asia Director at HRW, Labor Rights, Trade Unions and Freedom of Association under the communist regime in Vietnam remain only a dream and shall never become true: “*By arresting the most prominent labor leaders, the Vietnamese government is trying to wipe out the independent trade union movement,*” (...). “*The government continues to target and harass independent labor activists, who are seen as a particular threat to the Communist Party because of their ability to attract and organize large numbers of people.*” (5)
9. The 32 page Report “*Not Yet a Workers’ Paradise*” (5) and the 121 page report, “*The Rehab Archipelago: Forced Labor and Other Abuses in Drug Detention Centers in Southern Vietnam*” (6), are explaining that vigorous violation of human rights in Vietnam and suppression of all Labor Rights are directly related to the benefit of the communist regime in Vietnam.

HUMAN TRAFFICKING & MODERN-DAY SLAVERY

10. As well as other Vietnamese human right violations, numerous news, articles and video clips that anyone may easily find online about the critical condition of human trafficking and modern-day slavery in Vietnam.

“Vietnam is a source and, to a lesser extent, a destination country for men, women, and children subjected to sex trafficking and conditions of forced labor.” (7)

11. Vietnamese men, women, girls and children are trafficked for sexual and labor exploitation in the world and “(...) *debt bondage, confiscation of identity and travel documents, and threats of deportation are commonly utilized to intimidate victims*” (8). Dead threat is also used to subdue the victim if necessary (8). Surprisingly, these organized human trafficking rings are operating “with the government’s complicity” (8) (9).

12. With respect to children trafficking for sexual exploitation, we invite the HRC to watch this clip “Father Martino Thong Nguyen on *Heart to Heart with Kristine Sa*” at <http://www.youtube.com/watch?v=Xj0ZGkFALAE>. Again, Hundreds of children and women were sold to China and Cambodia every day (10). A quick calculation on the income that could be generated from this source of human trafficking mat disclose a picture of the value of human dignity that the world community is preserving and protecting.

13. Vietnamese government has also purchased beggars for the price of \$200,000.00 VN (an equivalence of \$10.00 US dollars) per person for unknown reasons (11).

FREEDOM OF EXPRESSION AND INTERNET (1), ARBITRARY DETENTION AND RIGHT TO ASSEMBLY

14. In 2006, the prime minister of Vietnam, Mr. Nguyen Tan Dung, signed a Directive to ban private media in Vietnam in accordance with the Communist party ruling. “*He said the more than 600 state-run newspapers “must become the mouthpiece, the forum for democracy of the people”*”(12). As of today, this situation still remains intact. That is Freedom of expression in Vietnam.

15. Most recently, on May 5, 2013, “*a group of Vietnamese rights activists made a public call for people to meet and discuss human rights issues at public parks in Hanoi, Nha Trang, and Ho Chi Minh City. The authorities employed various devices to prevent people from attending and dispersed those who arrived at the parks in Nha Trang and Ho Chi Minh City.*” (13)

16. On May 16, 2013, two young students, Nguyen Phuong Uyen and Dinh Nguyen Kha, were sentenced to 6 and 8 years in prison for distributing anti-China leaflets (14). On December 28, 2012, free blogger Nguyen Hoang Vi while attending the appeal court case of three free bloggers in Ho Chi Minh City was arrested and sexually violence perpetrated by state officials. “*Vi writes in her blog entry: “They asked me to be obedient and cooperate but I refused. They coercively carried me and put me on a table, they restrained my arms and my legs then proceeded to strip me naked. I resisted with all the force that I have left to fight back; a few times I kicked some of them to the wall. I scratched their hands, pulled their hair, but the strength of one was no match for the four of them combined. In the end they stripped me naked. They placed their hands in my vagina. I felt hurt both physically and mentally.”*”(15)

17. On September 24, 2012, the Court of the Socialist Republic of Vietnam sentenced three free bloggers, namely Dieu Cay Nguyen Van Hai, Ta Phong Tan and Phan Thanh Hai, totalling 26 years in prison under Section 88 of the Vietnamese Criminal code for “conducting propaganda” against the state.

“These shocking prison sentences confirm our worst fears - that the Vietnamese authorities have chosen to make an example of these bloggers, in an attempt to silence others,” said Rupert Abbott, Amnesty International’s Researcher on Viet Nam.

“The sentences reflect the dire and worsening situation of freedom of expression in Viet Nam”, he said.

Nguyen Van Hai reportedly tried to make a statement to the court about the right to freedom of expression and his frustration at injustice and corruption in Viet Nam, before his microphone was cut off.” (16)

18. *Article 69 of The Constitution of the Socialist Republic of Vietnam, 1992 states that “Citizens are entitled to freedom of speech and freedom of the press; they have the right to receive information and the right of assembly, association and demonstration in accordance with the law”. The expression “in accordance with the law” was abusively used by the state as the making of this “law” has been arbitrarily delayed to prevent its citizens to exercise these rights* (17).

19. Two (2) song writers, Vo Minh Tri (known as Viet Khang) and Tran Vu Anh Binh, were sentenced for anti-China songs for 4 and 6 years in prison (18). Arbitrary detention appears in all forms of violation of human rights in Vietnam. The case of Dr. Cu Huy Ha Vu is one of the most important cases (19). The Violation of freedom of expression and repression of rights activists are numerous and uncountable and expressed in Human Rights Watch - "World Report 2013 - Vietnam" (1).

FREEDOM OF RELIGION

20. Morality constitutes the foundation of the society. Morality is being substantially suppressed by the communist government of Vietnam. This supports the communist regime with an appropriate and immoral environment for its surviving. Therefore, the authoritarian regime of Vietnam has increasingly oppressed the Religious Freedom of its citizens.

"According to the USCIRF 2012 report, the Vietnamese government dramatically increased systematic and egregious oppression against religious groups and individuals who advocate religious freedom. This goes hand in hand with general deterioration of Vietnam's human rights records (...). Vietnamese Deputy Prime Minister even ordered heavy handling of religious issues that were considered challenges to the regime's authoritarian ruling.

Buddhists who visit temples affiliated with the Unified Buddhist Church of Vietnam (UBCV) have been facing intimidation and serious discriminations. Individuals who call for religious freedom, including Father Thadeus Nguyen Van Ly, have been imprisoned, harassed, brutalized, and even murdered. Religious leaders, "including UBCV leader Thich Quang Do and other UBCV leaders, Catholic Father Phan Van Loi, Hoa Hao leader Le Quang Liem, Protestants Nguyen Van Dai and Le Thi Cong Nhan, and Mennonite leader Nguyen Thi Hong", have been placed under indefinite house detention." (20)

21. The Unified Buddhist Church of Vietnam being the largest religious congregation in Vietnam. Since the fall of South Vietnam into the hand of the aggressor communist from the north in 1975, this UBCV is on the way to be taken over indirectly by the actual authoritarian regime for undisclosed purposes. (20) (21)

22. The Most Senior Venerable Thich Quang Do in charge of the Unified Buddhist Church of Vietnam, being a Nobel Prize Nominee, on April 8, 2011, explained as follow during an interview with Radio Free Asia:

"(...)the Communist Party is a totalitarian party. Congress is also a communist congress. Ninety nine percent of Congress are communist party members; it's not a people's Congress. Communist party members who are members of congress thus have to defend communism and the communist party. Therefore, this trial is the same as hundreds or thousands of other trials. At the end, whoever calls for democracy and freedom will be sent to prison. So many people were sent to prison in the past, and yesterday I learned that Mr. Le Quoc Quan and Pham Hong Son were arrested. Whoever mentions democracy is immediately arrested (...)" (22)

23. Honorable Christopher H. Smith addressed in the House of Representatives on April 12, 2013 as follow (23):

"The Vietnamese government continues to be an egregious violator of a broad array of human rights. (...). Vietnam, in fact, continues to be among the worst violators of religious freedom in the world. According to the United States Commission for International Religious Freedom's 2012 Annual Report, "[t]he government of Vietnam continues to control all religious communities, restrict and penalize independent religious practice severely, and repress

individuals and groups viewed as challenging its authority.” I agree with USCIRF’s conclusion that Vietnam should be designated a CPC country.”

The Human Rights Watch’s World Report 2013 on Vietnam, under section Freedom of Religion (1), reports that *“The government restricts religious freedom through legislation, registration requirements, and harassing and intimidating unsanctioned religious groups, including independent Protestant home churches, and individuals and congregations of Hoa Hao Buddhists, Cao Dai, the Unified Buddhist Church of Vietnam, and Falun Gong.”*

CONCLUSION AND RECOMMENDATIONS

24. The Vietnamese communist regime has used the violation of human rights as a method to strengthen its power and the United Nations does not support such conduct. In order to preserve human dignity and rights which are the foundation of freedom, justice and peace in the world, the HRC should not let the Vietnamese government to conduct “barbarous acts which have outraged the conscience of mankind” in defying the power of the United Nations.

25. In light of the above, we are of the opinion that it is a real challenge for the HRC to convince Vietnam to respect the provisions of the Universal Declaration of Human Rights, International Covenant on Political and Civil Rights.

26. We recommend the HRC to do the following with Vietnam:

1. The HRC should take deterrent measures to ensure that the pledge of the Socialist Republic of Vietnam to promote universal respect for human rights and fundamental freedoms is achieved. Vietnam must provide annual report to the UN HRC regarding its improvement in human rights including deliverables, measurable benchmarks, and concrete evidence as inspected and approved by the UN Office of High Commissioner for Human Rights. The UN HRC Special Rapporteur and Member States’ Human Rights Delegations to Vietnam must be allowed unrestricted access in their work, specifically access to all Victims of Human Trafficking, Prisoners of Conscience, Political Prisoners and Prisoners of War.
2. To adopt the principles set out by Amnesty International in respect of the 2012 election (24) to the UN HRC for 2014 election.
3. To adopt and incorporate the Urgent Resolution on Human Rights in Vietnam of the International Federation for Human Rights (FIDH) against Vietnam (25).
4. To call upon all the UN Member States to insist that Vietnam upholds its obligations to respect human rights; in particular, before pursuing any commercial or trade negotiation with Vietnam they should undertake a human rights impact assessment on Vietnam with written annual report to the UN HRC. In addition, HCR can call on UN Member States such as the United States to reactivate the Country of Particular Concern Status and degrade the Trafficking in Person Status to Level 3 for Vietnam.
5. To absolutely prevent Vietnam to become a candidate of the Human Rights Council of the United Nations until all Prisoners of Conscience, Political Prisoners and Prisoners of War are released and completely proven respect of human rights is achieved.
6. To call upon the Vietnamese government, and in cooperation with the United Nations, to bring its officials who have violated human rights in Vietnam to the appropriate court of justice in Vietnam as well as the International Tribunal for crimes against humanity as necessary.

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