

Methodology and consultation process

1. We focus on the 2014 UPR recommendations 143.161 to 143.175 to the Socialist Republic of Vietnam to align its Penal Code and other laws with international human rights treaties that it is a state-party of.
2. Our joint submission is based primarily on reports submitted to UN Special Procedures since the last UPR review of Vietnam in 2014. These reports were generated by Boat People SOS, Vietnamese Women for Human Rights, Vietnam - Coalition Against Torture, Con Dau Parishioners Association and Defend the Defenders, all independent, non-profit and non-governmental organisations which act to protect and promote human rights in Vietnam.

Developments since the 2014 UPR

3. Since the last UPR, new laws have been promulgated, including, the 2015 Penal Code, the 2015 Criminal Procedure Code, the 2015 Law on Enforcement of Custody and Temporary Detention, the 2016 Law on Belief and Religion and the 2018 Law on Cyber Security.
4. These new laws has not brought Vietnam's legal framework into compliance with any international human rights instruments and covenants that Vietnam is a state-party of. The national security provisions in the constitution and the laws have yet to be clearly defined. The definition of the offences enumerated in the laws remains broad and vague, thus according implementing authorities great latitude in its interpretation. In practice, it legitimizes government restrictions on citizens' political rights, validates abuses by government authorities, and further limits freedom of speech, peaceful assembly and association instead of safeguarding civil, political, cultural and other basic rights of all persons.

National security provisions of 2015 Penal Code

5. Vietnam's National Assembly passed the amended Penal Code (2015 Penal Code) in 2017 to replace the 1999 Penal Code. The new law became effective on January 1, 2018. Despite calls made at Vietnam's 2014 UPR for removing controversial articles in the 1999 Penal Code, the new Penal Code has retained all these provisions and even made some of them more severe with heavier punishments.
6. Article 79 (Carrying out activities aimed at overthrowing the people's administration), 87 (Undermining the national unity policy), 88 (Conducting propaganda against the Socialist Republic of Vietnam), 89 (Disrupting security) and 91 (Fleeing abroad or defecting to stay overseas with a view to oppose the people's administration) in the National security provisions of the 1999 Penal Code have been kept nearly the same in the 2015 Penal Code but re-named as Articles 109, 116, 117, 118, and 121, respectively.
7. Most aggravating, the 2015 Penal Code imposes punishments for crimes not yet committed: 1-3 years of imprisonment for "making preparation for the commitment" of offences under Articles 116 and 118, and 1-5 years under Articles 109, 117 and 121. The 2015 Penal Code may thus be used to silence activists who peacefully

exercise basic rights enshrined in the 2013 Constitution and the International Covenant on Civil and Political Rights, of which Vietnam is a state-party.

8. Vietnam has consistently used “national security” provisions to target political dissidents, human rights defenders, social activists and bloggers. This has not changed with the 2015 Penal Code. The following table tracks the number of arrests on charge of “national security” from 2012 through the first six months of 2018.

Year	2012	2013	2014	2015	2016	2017	2018
Number of activists arrested	21	1	4	5	9	40	4
Charged with national security provisions	21	1	4	5	9	37 (16 charged with 79 and 21 with 88)	1

Source: [Former Vietnamese Prisoners of Conscience](#)

Inhumane treatment of prisoners of conscience and detainees in political cases

9. Vietnamese activists have been treated inhumanely during pre-trial detention and while serving their sentences.
10. In many cases, activists have been kept long time, between 8 months and 21 months, in pre-trial detention. In the case of human rights attorney Nguyen Van Dai, the pre-trial detention period was 28 months.
11. Activists detained in political cases have been kept incommunicado between 8 and 12 months. During that time, they are not allowed to meet their relatives. They are also denied access to lawyers until about two months before their trial to prepare for their defense. In some cases, authorities have forced activists to deny lawyers that they requested or were hired by their families.
12. Sending political prisoners to prisons far from their families has been frequently used as a form of punishment. Many activists have been sent to prison facilities far from their families after the final hearings. Tran Huynh Duy Thuc, Nguyen Ngoc Nhu Quynh, and Tran Thi Nga were sent to prisons located between 1,000 km and 2,000 km from their families. The following table lists a number of illustrative cases. with their lawyers or

No.	Name of PoC	Article	Place of detention	Home location	Distance (km)	Period
1	Ms. Nguyen Ngoc Nhu Quynh	88	Prison No. 5 - Thanh Hoa province	Nha Trang	1,300	currently
2	Ms. Tran Thi Nga	88	Prison Dac Trung- Gia Lai province	Hanoi	1,250	currently
3	Mr. Tran Huynh Duy Thuc	79	Prison No. 6- Nghe An province	HCM City	1,400	currently
4	Mr. Tran Anh Kim	79	Prison No. 5 - Thanh Hoa province	Thai Binh	150	currently
5	Ms. Nguyen Dang Minh Man	79	Prison No. 5 - Thanh Hoa province	Vinh Long	1600	currently
6	Mr. Nguyen Van Oai	88	Prison Dac Trung- Gia Lai province	Nghe An	1300	currently
7	Mr. Ngo Hao	79	An Diem Camp, Quang Nam province	Phu Yen	500	currently
8	Ms. Bui Thi Minh Hang	245	Prison Dac Trung- Gia Lai province	Vung Tau	1,000	2015-2017
9	Ms. Mai Thi Dung	88	Thanh Xuan camp, Hanoi	Dong Thap	2000	2013-2015
10	Ms. Can Thi Theu	245	Prison No. 5 - Thanh Hoa province	Hanoi	300	2016-2017
11	Mr. Ho Duc Hoa	79	Ba Sao camp- Ha Nam province	Nghe An	300	currently
12	Le Thanh Tung	88	Prison No. 5 - Thanh Hoa province	Hanoi	210	currently
13	Mr. Nguyen Hoang Quoc Hung	89	Xuyen Moc camp- Ba Ria-Vung Tau pr	HCM City	100	currently
14	Mr. Nguyen Huu Vinh	258	Prison No. 5 - Thanh Hoa province	Hanoi	300	currently
15	Mr. Nguyen Van Hoa	88	An Diem Camp, Quang Nam province	Ha Tinh	500	currently
16	Mr. Phan Kim Khanh	88	Ba Sao camp- Ha Nam province	Phu Tho	300	currently
17	Mr. Phan Van Thu	79	An Phuoc camp, Binh Duong province	Phu Yen	500	currently
18	Ms. Tran Thi Thuy	79	An Phuoc camp, Binh Duong province	Ben Tre	150	currently

Freedom of expression online and offline

1. Vietnam's 2013 Constitution stipulates that human rights and citizens' rights may only be restricted in "cases of necessity for reasons of national defence, national security, social order and safety, social morality and public health" (Constitution, Art. 14). At the 2014 UPR review the Vietnamese government pledged to align the Penal Code and other laws with international human rights laws and uphold freedom of expression and other fundamental rights as defined in the International Covenant on Civil and Political Rights (ICCPR). However, it has failed to undertake the comprehensive review of laws and practice this would necessitate.
2. In the amended 2015 Criminal Procedure Code and Penal Code that came into force on January 1, 2018, the vague definition of national security offences has permitted restrictions on fundamental rights as defined in article 2 of the ICCPR. These restrictions appear to be incompatible with the ICCPR, in particular Art. 19, freedom of opinion and expression, and with other international human rights instruments and covenants that Vietnam is a state-party of.
3. Chapter XIII of the Penal code (2015) is entirely dedicated to the 15 crimes that are considered criminal offences against national security. These include, among others, any acts deemed by the government as opposing the State of the Socialist Republic of Vietnam, including storing and/or spreading materials, or inciting or persuading other people to disrupt security and national unity. The offenders could face a penalty of 1 to 20 years of imprisonment.
4. National security and national unity provisions have been regularly invoked to target human rights defenders (HRDs), bloggers, lawyers, trade unionists, land rights activists, political dissidents, environmental campaigners, or members of non-registered religious communities. The State has systematically silenced its critics by

arresting them for “plotting to overthrow the government,” Art. 109; “sabotaging implementation of solidarity policies,” Art. 116; and “conducting propaganda against the Socialist Republic of Vietnam,” Art. 117 (formerly Art. 79, 87 and 88 of the 1999 Penal Code).

5. While these 3 provisions are the most frequently used to suppress dissidents, other charges have been used: Art. 118, “disrupting security,” and Art. 121, “fleeing abroad or defecting to stay overseas with a view to opposing the people’s administration” (former articles 89 and 91 of the 1999 Penal Code)¹.
6. Provisions in other chapters of the Penal Code used to suppress freedom of opinion and expression include: Art. 318, “causing public disorder”; article 320, “performing superstitious practices”; article 330, “resisting persons in the performance of their official duties”; and Art. 331, “abusing democratic freedoms to infringe upon the interests of the State” (respectively, former Art. 245, 247, 257 and 258 of the 1999 Penal Code).
7. The new Cybersecurity law, coming into effect on 1 January 2019, does not contain concrete initiatives to better protect internet users and/or government agencies from hacking, but has many restraints on online freedom of speech and invades the privacy of internet and social media users. It authorises the government to request service suppliers to provide personal information of customers, and grants the government the power to monitor online communications, demand social media platforms to store Vietnamese clients’ information servers located in Vietnam, and remove within 24 hours contents it deems offensive. The State again relies on national security provisions to arbitrarily infringe on the constitutional right to freedoms of speech, privacy, and information.

Freedom of peaceful assembly and association

8. Under national law, civilians are prohibited from forming independent unions or associations, even though Art. 25 of the Constitution provides the constitutional basis for “freedom of speech, freedom of the press, freedom of association, freedom of assembly.”

Nguyen Van Dai, a human rights lawyer, and Le Thu Ha, his associate in Brotherhood for Democracy (BFD), were arrested in 2015 while attempting to meet EU delegates before an annual EU-Vietnam Human Rights Dialogue. Other BFD members Pham Van Troi, Truong Minh Duc, and Nguyen Trung Ton as well as former BFD member Nguyen Bac Truyen were arrested in July 2017. Created in 2013, BFD consists mostly of former jailed dissidents who set up an online group calling for democracy. During their trial that took place on April 5, 2018, the court insisted that “*The constitution stipulates that citizens have the right to form associations in accordance with the law, but there is no law on association; therefore, the Brotherhood for Democracy association is*

¹ For more information, see [The NOW! Campaign](#), which is supported by a coalition of 15 human rights organisations calling upon the government of Vietnam to immediately and unconditionally release all prisoners of conscience.

illegal". These six human rights activists were sentenced to a total of 66 years imprisonment and 17-year probation in a one-day trial².

9. On June 9 and 10, 2018 thousands of Vietnamese rallies to protest against the Special Economic Zones draft law and the Cybersecurity draft law. Reportedly, 10 activists were arbitrarily detained in Hanoi. Among them, two female activists, Nguyen Thuy Hanh and Cao Vinh Tinh, were kidnapped on the street by plainclothes police officers. They were taken to Trung Tu ward police station where Hanh was tortured and humiliated by a security officer who kept threatening to beat her to death; he was later identified as Khuong, a public security agent of Dong Da District.
10. In Ho Chi Minh City, hundreds of peaceful protesters were charged with "causing public disorder" and fined. The Ho Chi Minh City police department reported that they "temporarily arrested" 310 individuals, but remained silent about pictures and video footages that erupted online that same day showing protesters being beaten up, dragged on the street and forced into police cars. There have been reports that plainclothes and uniformed police officers punched, kicked, beat with batons and stomped on people who were exercising their right to peaceful assembly.
11. Despite the brutal and bloody crackdown, demonstrations broke out again on June 17. The peaceful demonstrators were again brutally assaulted by the police. Following is the account by a member of a marketing team that was photographing a model at Nguyen Van Binh Books Street, Ho Chi Minh City and was caught in the police crackdown:

At the detention center I saw a fairly large number of detainees. It was a temporary, large room with corrugated fiberglass roof and a tarp underneath, set up on Huyen Tran Cong Chua Street by the side of the Tao Dan Park's soccer field. A very large group of people were in a corner, either sitting or lying down. We were in a place crawling with police officers, separated from the outside world. No one knew where we were even if someone wanted to find us. A woman standing near me said that she had just come out from the cathedral after Mass and was recording the arrests of protesters when the police pulled her into their vehicle. A man tried to intervene; they also pulled him in. I noted that the police put individuals whom they did not believe were guilty or who did not try to resist in our quarters, and those whom they suspected of something or who resisted in the adjacent room. We heard the sounds of beating and screams coming through (perhaps the corrugated aluminum partition lacked proper insulation). When, upon hearing extremely loud screaming, we stood up to protest the treatment of the victims in the other room, many policemen entered and positioned themselves in our area and demanded that we sat down. A victim in the other room was beaten so badly that when his wife helped him come out, he collapsed and had to be taken to an emergency care facility.

William Anh Nguyen, an American citizen and a graduate of Yale University who was pursuing a Master's degree at the University of Singapore, was brutally assaulted. Video footages showed Nguyen with a bleeding head

² [Viet Nam: UN experts call for change after jailing of rights defenders](#) on April 12, 2018.

wound being dragged by plainclothes police officers through the street into custody. On June 15, 2018, the police of Ho Chi Minh City announced that they had pressed charges against Nguyen for “disturbing public order.” If found guilty, he would face up to seven years in prison.

Freedom of religion or belief and minority rights

12. The right to freedom of religion is the right of individuals to act in accordance with conscientious beliefs, to worship (or not) freely, and to be able to enjoy life without discrimination on the basis of such beliefs. As a practical matter, the enjoyment of such primary religious freedom rights depends in critical ways on the legal structures available to religious communities to organize their affairs.
13. In November 2016, the National Assembly passed its first Law on Belief and Religion, which came into effect in January 2018. The new law streamlines processes for religious groups to obtain recognition or a certificate of registration for specific activities, significantly reduces the waiting period for a registered religious group to obtain recognition, and specifies the right of recognized religious groups to legal personality.³
14. However, the new Law on Belief and Religion reinforces government control over religious practices and maintains many pre-existing restrictions such as prescribing a multi-stage painstaking registration process, the first step on the long road to recognition, and includes the same vague provisions that permit restrictions on religious freedom in the interest of “national security” and “social unity.” The new Law on Belief and Religion is arguably designed to “repress and control.”⁴
15. Consequently, Vietnamese who exercise their right to freedom of religion continue to be subjected to harassment, mistreatment and other forms of persecution, especially ethnic minorities at provincial and village levels. The Law on Religion and Belief perpetuated and reinforced restrictions and controls with regard to religious freedom. In this respect, the State of Vietnam does not meet the requirement of Art. 18 of the Covenant, nor Art. 27 on the treatment of the indigenous communities and their right to enjoy their religion. Independent churches, human rights advocates and Vietnam experts have expressed concern that the new law would place unprecedented restrictions on unregistered religious communities while granting government-sanctioned churches greater advantage to further sideline independent ones.
16. Furthermore, the government has used non-state actors to harass and suppress independent religious communities. An example is the government-supported “Red Flag Associations”, which have raised concerns among rights groups for its violent characteristic⁵.
17. On the evening of 30th May 2017, over 1,000 individuals wearing red T-shirts and carrying red flags, calling themselves members of the Red Flag Associations, surrounded the Van Thai Sub-Parish of the Song Ngoc Parish, Nghe An Province, where Rev. Nguyen Dinh Thuc was celebrating Mass. They screamed insults at the

³ <https://www.worldwatchmonitor.org/2016/12/vietnams-law-on-belief-and-religion-deeply-flawed/>

⁴ <https://www.worldwatchmonitor.org/2016/04/vietnams-religion-law-created-to-repress-control/>

⁵ See, [Rights Group Calls Attention to Vietnam’s Violent ‘Red Flags’ Groups.](#)

Catholic parishioners, threw bricks and rocks to damage their vehicles and a number of houses⁶, desecrated the church's altar, and beat parishioners as they went home after Mass.

18. On December 17, 2017, a group of government employees and police officers of Hung Tay Commune, Hung Nguyen District, Nghe An Province showed up to threaten women members of Ke Gai Parish who were working on an irrigation project on their cropland near their church. They were ordered to halt their work. As these women refused to comply with the absurd order, more than 100 men descended from buses or arrived on motorbikes, all with red flags draped around them, and proceeded to attack the women in full view of the local officials and policemen. The Chairman and Police Chief of Hung Tay Commune were found directing the attack. Male parishioners who attempted to protect the women victims were beaten until they passed out. Rev. Nguyen Duc Nhan, Priest of Ke Gai Parish, requested the government representatives who were present to prepare an incident report about the physical assaults. On January 18, 2018 the Parish Priest and a number of victims submitted a denunciation petition to Nghe An Province's Public Security Department. Instead of investigating the denounced perpetrators, its investigative unit summoned three of the witnesses with the intent to prosecute them.
19. The recent incident in Yen Giang Parish, Quang Binh Province, justifies such a concern. This Catholic parish has approximately one thousand parishioners, mainly farmers. This rural area has few accessible roads and therefore many parishioners cannot easily attend church. Since 2014, the Parish Priest, Reverend Cao Duong Dong, has regularly made home visits and conducted prayer service at the home of the elderly, those with disabilities, and those without means of transportation. This all changed under the new law as interpreted by the local authorities. On April 17, 2018, the People's Committee of Lien Trach Commune "invited" Mr. Dinh Xuan Ngoc, a parishioner of the Yen Giang Parish, to its office on the pretext "to resolve the issue of conducting religious activities at a location non-compliant with the regulations." Then, on May 15, 2018, it issued Notice No. 41/TB-UBND banning mass service at the private home of Mr. Dinh Xuan Ngoc, citing Article 12 of Section III, and Articles 16, 17, 18, 19 of Section IV of the Law on Belief and Religion."
20. The Cao Dai Religion offers another example of the government's use of non-state actor. In 1978 the Vietnamese Government declared the Cao Dai Religion to be counter-revolutionary and forced its Sacerdotal Council to cease operations. In 1997, the Government created the "Cao Dai Tay Ninh Sect," appointed to its leadership individuals loyal to the Vietnamese Communist Party, and transferred to the new sect properties and assets of the Cao Dai Religion.
21. This new sect – the 1997 Sect -- has deliberately assumed the identity of the Cao Dai Religion, occupied its Holy See, and seized most of its 300 temples, often by force and with the support of the local public security police and government authorities. Sect members have committed severe human rights violations against Cao Dai adherents, including interfering with their religious activities in order to coerce them to convert to the 1997 Sect. In April of this year, the head of the 1997 Sect approved the desecration

⁶ See, [Red flag Associations: An emerging threat to Catholic communities in Vietnam.](#)

of some 15 graves of Cao Dai adherents. Complaints and requests for intervention and/or investigation filed by Cao Dai adherents have all been ignored by the government. Below are illustrative examples:

An Ninh Tay Cao Dai Temple: On March 24, 2016, at 1:50 pm, Mr. Vo Van Bon, Deputy Chief of Public Security of An Hoa Hamlet, Duc Hoa District, Long An Province, commanded a large contingent of public security agents, “thugs,”⁷ and members of the 1997 Sect to mount a surprise attack against An Ninh Tay Temple. Facing the fierce mob, the temple’s Chief Administrator Le Minh Chau and his deputy Phan Trong Huu tried to escape but found that both the temple’s front and rear gates had been locked by the police. They sounded the alarm; local Cao Dai Religion followers and residents soon convened and surrounded the attackers. Facing a growing and restive crowd, Mr. Bon pulled his people out. This Cao Dai temple remains a target of the 1997 Sect.

Phu Thanh A Cao Dai Temple: On March 20, 2017, the People’s Committee of Phu Thanh A Hamlet, Tam Nong District, Dong Thap Province summoned Chief Administrator Duong Ngoc Re to its office. He was ordered by the People’s Committee Chair Nguyen Hong Van, the Chair of the local Fatherland Front Nguyen Van Mai and a public security officer of the Tam Nong District by the name Dung to deliver his temple to the 1997 Sect. He refused to comply. Immediately six government and public security officials headed to the temple; they were accompanied by three members of the 1997 Sect (Mr. Nguyen Van Thao, Mr. Nguyen Van Sang and Mrs. Duong Thi Le) and a number of thugs. They cut the lock at the gate, entered the temple and summarily occupied it. The following day, in the presence of government officials, the 1997 Sect announced Mr. Nguyen Van Thac to be the new Administrator of Phu Thanh A Temple. According to Report No. 372/BC.CAH.AN dated August 1, 2016, stamped “top secret” and signed by Colonel Duong Hieu Nghia, Head of the Public Security of Tam Nong District, the government had planned the attack very thoroughly at least a year in advance.

On November 12, 2015, the Vice Chair of Truong Hoa Commune, Mr. Vo Van Hanh, the Chair of the local Fatherland Front, Mr. Tran Trong Nghia, and the head of the local 1997 Sect, Nguyen Van Kieng, ordered Mrs. Pham Kim Anh to invite clergy members of the 1997 Sect to conduct the mourning ceremonies for her 89-years old mother who just passed away. On November 13, 2015 as clergy members of Cao Dai Religion started the mourning ceremonies at Mrs. Anh’s home in Truong Cuu Hamlet, Truong Hoa Commune, Hoa Thanh District, government officials and 1997 Sect members used a loud speaker to order all mourners to leave. Then, 1997 Sect clergy member Thuong Hung Thanh led about 80 sect members and thugs to break into Mrs. Anh’s home and attacked the mourners; they kicked the tables where mourners were having lunch. Mr. Pham Van Quy, head of the commune Fatherland Front, brought reinforcement. The Deputy Chief of the commune public security forces also came with a number of uniformed male and female public security officers, six

⁷ The Vietnamese police frequently use gangs of ostensibly civilian thugs to attack people they regard as adversaries. In a number of instances, members of the public security police disguise themselves as civilian thugs to attack dissidents.

of them carrying police batons, and a number of plain-clothes officers. After the incident, the authorities detained Mrs. Anh and many of her guests (Mr. Pham Van Kiet, Ms. Pham Kim Thu, Mr. Tran Quoc My, and Ms. Lai) and only released them at 8:30pm the same day.

On January 15, 2018, Mrs. Nguyen Thi Anh conducted the ninth-day posthumous rite for her deceased husband, Cao Dai elderly adherent Le Van Nha, according to Cao Dai traditions, at her home in Ninh Phuoc Village, Ninh Thanh Ward, Tay Ninh City. The 1997 Sect sent their members to obstruct the planned ceremony, insisting that it may resume only if officiated by clergy members of the 1997 Sect.

22. At times the Vietnamese government has also collaborated with a non-state actor to deny citizens of their right freedom of peaceful assembly. On April 10, 2015, the Popular Council of the Cao Dai Religion announced its intention to convene Cao Dai followers on the grounds of their Holy See on May 27, 2015 so as to elect their religious leaders according to Cao Dai traditions. On May 5, 2015 it sent a twelve-member delegation to meet with officials of the Central Committee on Religious Affairs and the Fatherland Front in Hanoi and present their plan for the gathering. The 1997 Sect immediately wrote to the Government, asking that they intervene and block such activity; it then issued Announcement No. 01/90 dated May 8, 2015, denouncing the planned gathering to be illegal and subversive. In its letter No. 27/90 dated May 11, 2015, the 1997 Sect requested the local authorities and law-enforcement agencies to ensure that adherents of the 1997 Sect would not be disturbed in their worship by the convening of Cao Dai followers. Local authorities in many provinces sent public security agents or government officials to the homes of Cao Dai followers to dissuade and/or block them from participating in the planned event.
23. On the preset date, some 200 Cao Dai followers who had successfully eluded surveillance by the local authorities arrived at their Holy See from different parts of the country. They found themselves surrounded by public security police, militia members, traffic cops, plainclothes police, and some 20 members of 1997 Sect's inner quarters security unit wearing red armbands. These security members showed the Cao Dai followers the printed order of the 1997 Sect's Governing Council and then attacked them with batons and spray paint; at the same time the police dispersed Cao Dai followers as they arrived, using water cannons from fire trucks parked nearby. About ten members of the 1997 Sect security unit physically assaulted Mr. Tran Van Hap, Deputy Administrator of a Cao Dai congregation located near the Holy See. They wrestled him to the ground, kicked his face and groin, and beat him on his head and stomach with batons. They then dragged him on the ground for about 20 meters, tied his hands with a rope, and delivered him to 12 public security officers waiting in a nearby building. These public security officers forced him to sign a statement that they dictated before setting him free. As he walked out, three female Cao Dai followers ran to his assistance; they were wrestled to the ground and brutally beaten by the 1997 Sect security members.
24. On May 29, 2015, the Tay Ninh Newspaper, the official organ of the Communist Party's Provincial Committee of Tay Ninh Province, labeled members of the Popular Council of the Cao Dai Religion impostors who should be prosecuted for "abusing rights to freedoms and democratic rights to infringe on interests of a legally

recognized religious organization.” Two days later, the 1997 Sect issued Announcement No 02/90, denouncing members of the Popular Council of the Cao Dai Religion as troublemakers and subversive elements.

Prisoners of conscience

25. In Vietnam, there are currently 165 prisoners of conscience, with 154 of them convicted for sentences against national security and public orders provisions. Of these 154 cases, 123 are serving a total of 1,110 years, an average of 9 years in prison sentence; 1 individual is serving a life sentence and the Venerable Buddhist Thich Quang Do is under "temple arrest" since 2003. Sentencing of human rights defenders in Vietnam routinely includes prison sentences followed by terms of house arrest.
26. Just over half – 52.7%, 87 people – of the 165 men and women identified by the NOW! Campaign⁸ as prisoners of conscience are ethnic Kinh. The second largest ethnic grouping is Montagnards, a term used to refer collectively to a range of indigenous minority groups from the Central Highlands of Vietnam, most of whom are Christian. These groups include ethnic Jarai, Bahnar, Ede (or Rhadé), Mnong (or Bunong), Koho and Stieng. While the Montagnard population of Vietnam is estimated at around one million, slightly over 1% of the total population, 43.6% of the prisoners of conscience identified by the NOW! Campaign are Montagnard, 72 people in total. This is a huge disproportionate number compared to the demographical breakdown of the country and highlights the targeting by the Vietnamese authorities of Montagnard people. Only one prisoner of conscience identified by the Campaign is Khmer Krom -- ethnic Khmer from the Mekong Delta region of southern Vietnam.
27. The only prisoner of conscience identified by the NOW! Campaign who is neither Kinh nor Montagnard and for whom there is available information as to ethnicity is Venerable Thach Thuol, the head of Ta Set Pagoda, Soc Trang province. Venerable Thach was an outspoken critic of the mistreatment of Khmer Krom Buddhists who refused to be assimilated into the government sanctioned Vietnam Buddhist Sangha. He also spoke out against the authorities’ rejections of his requests to teach the Khmer language to Khmer Krom children at his pagoda. In May 2013, authorities set out to defrock him and evicted him from Ta Set Pagoda but met with resistance by people at the temple. Venerable Thach attempted to flee to a safe location with three other Khmer Krom monks, Thach Rum Rit, TraQuanh Tha and Lieu Ny. The four were arrested and subsequently convicted under Article 91 of the Penal Code, “fleeing abroad to act against the people’s government”. The three others served prison sentences of between two and four years and have since been released.

Key Recommendations

28. To ensure full compliance with 2014 UPR recommendations 143.161 to 143.175 the Socialist Republic of Vietnam should:
29. Revise the 2015 Penal Code to remove controversial Articles 109, 116, 117, 118, 121 and 331;

⁸ The NOW ! Campaign was launched in November 2017 and is supported by 14 human rights organizations. See : <https://www.vietnampocs.com>

30. Ensure that freedom of expression is protected both offline and online by amending or removing vague national security and public order provisions in the penal code and in other legislations, particularly the newly passed Cybersecurity Law, to make sure that limitations on freedom of expression are strictly in line with ICCPR and all other human rights treaties that Vietnam is a state-party of;
31. End harassment, surveillance, detention, and physical violence against individuals who exercise their rights to freedom of expression, peaceful assembly and association, and religion or belief;
32. Make registration of religious organizations optional, instead of required, so as to eliminate obstacles and restrictions to the right to guarantee freedom of religion or belief;
33. Strictly implement regulations of the Criminal Procedure Code and Law on Custody and Detention to ensure the rights of detainees be respected in compliance with UN Standard Minimum Rules for the Treatment of Prisoners with regards to prisoners, including prisoners of conscience;
34. Immediately and unconditionally release all human rights defenders, bloggers, journalists, religious and political dissidents detained or imprisoned for their peaceful expression and/or exercising their other civil and political rights;
35. Investigate and prosecute all non-state actors, including public security agents acting as non-state actors, that have violated the human rights of others;
36. Investigate and prosecute all perpetrators of torture, and other cruel, inhuman or degrading treatment or punishment.