

UN Human Rights Committee highlights gross violations of civil and political rights in Vietnam



PARIS, 29 March 2019 (VCHR) - The Vietnam Committee on Human Rights (VCHR) welcomes the [“Concluding Observations”](#) published today by the UN Human Rights Committee on Vietnam’s implementation of the International Covenant on Civil and Political Rights (ICCPR). The report reveals grave and systematic violations of civil and political rights in Vietnam. VCHR urges Vietnam to take urgent steps to implement the Committee’s recommendations, cease political repression and uphold its citizens’ fundamental rights.

“The UN Committee gives

a stark but utterly realistic assessment of the policies and practices used by Vietnam

to suppress civil and political rights and reinforce the Communist Party's absolute control"

said VCHR President Võ Văn Ái. ***"The international community should take heed of the UN experts' conclusions and impress upon Vietnam that "business as usual" cannot continue unless the Vietnamese government commits to substantive legislative and political reforms"***.

The "Concluding Observations" are the outcome of the UN Human Rights Committee's review of Vietnam's third periodic report on implementation of the ICCPR which it examined at its 125th session on 11-12 March 2019 in Geneva. [Mr. Võ Văn Ái, who spoke at the session](#), said the Concluding Observations widely echoed the issues raised by VCHR in its ["Shadow Report"](#) to the UN and in a [List of Issues](#) submitted jointly with FIDH ahead of the review.

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Observations raised grave concerns on a wide range of human rights issues. The 18-member panel of UN experts highlighted 26 areas of particular concern, and made 44 recommendations for reform. Before 29 March 2021, Vietnam must report to the Committee on its implementation of their recommendations concerning three priority issues - the death penalty, freedom of expression and human rights defenders.

"Concretely, the UN experts recommend that Vietnam ensures political pluralism, holds transparent and genuine elections, promotes media freedom and respects the right to form independent trade unions and NGOs in order to fully implement the ICCPR", said Võ Văn Ái. ***"The only way this can happen is for Vietnam to abolish article 4 of the Constitution on the political monopoly of the Communist Party, as its citizens insistently demanded during the [Constitutional reform in 2013"](#)***.

Below are

some of the UN Human Rights Committee's key concerns and recommendations:

Implementing the ICCPR in Vietnam: The Committee noted the *"incompatibility"* between the ICCPR and domestic legislation. The Vietnamese Constitution does not incorporate all rights enshrined in the ICCPR and many laws restrict their exercise, notably *"on the basis of national security"*. No court decisions in Vietnam refer to the ICCPR, and Vietnamese citizens are ill-informed of their rights. They urged Vietnam to swiftly review its legal framework to ensure that all ICCPR rights are protected in domestic law;

Freedom of Religion or Belief (FoRB): The UN experts observed that the 2016 Law on Belief and Religion unduly restricts the right to FoRB by imposing a mandatory registration and recognition process and restricting religious activities on *"national security"* grounds; that members of religious communities, especially non-registered groups, face surveillance, harassment, detention, property seizure, are forced to recant their faith, pressured to join a competing sect or subjected to physical assaults that sometimes lead to death. It called on Vietnam to bring the Law into line with Article 18 of the ICCPR and take into account the recommendations of the UN Special Rapporteur on FoRB to ensure that registration is optional, not mandatory, and take swift measures to prevent acts of interference with freedom of religion.

The UN experts echoed VCHR's concerns about the ["hộ khẩu"](#), or household registration permit, which is widely used as a tool to discriminate against religious and ethnic communities.

Freedom of Expression: The Committee regretted *"severe restrictions"* on freedom of opinion and expression in Vietnam, including the use of articles 109, 116, 117 and 331 of the Criminal Code and other *"national security"* provisions to criminalize legitimate acts of freedom of expression; State control of the media and restrictions, including in the 2016 Press Law, that prohibit any criticism of the government; the 2018 Law on Cyber Security and other regulations prohibiting the use of the Internet to oppose or criticize the State, and the establishment of Cyber Force 47; arbitrary arrest,

detention, unfair trials and criminal convictions of bloggers, human rights defenders, journalists and lawyers for criticizing State authorities or policies. The Committee urged Vietnam to take urgent steps to revise restrictive legislation, end violations of freedom of expression offline and online, and *“promote a pluralistic media that can operate free from undue State interference”*.

Freedom of Association and Peaceful Assembly: The UN body expressed concern on reports

of excessive use of force and arbitrary arrests to suppress demonstrations concerning issues such as land and labour rights, or the Formosa steel plant ecological disaster. It also regretted restrictions on the establishment of associations and the right to form independent trade unions. They called on Vietnam to respect individuals’ right to form or join a trade union or association of their choice, including human rights associations, and ensure that regulations on foreign funding do not impede the ability to receive such funds.

Participation in Public Affairs: The Committee regretted that political parties other than the Communist Party of Vietnam (CPV) were not permitted, and that citizens did not have the right to freely vote or stand for election, in violation of Article 25 of the ICCPR. It urged Vietnam to ensure *“fully transparent and genuine elections and a pluralistic political order”*, and refrain from using criminal law as a pretext to exclude opposition candidates from the electoral process.

Human Rights Defenders (HRDs): The experts noted “increased security crackdowns on human rights defenders and civil society actors, who face threats, intimidation, and physical attacks to discourage them from carrying out their legitimate activities”. They also cited arbitrary restrictions such as travel bans, confiscating or refusing to issue passports, or forcing HRDs into exile. In its “Shadow Report”, VCHR noted that at least eight high-profile religious and political HRDs had been forced into exile after being given early release from prison since Vietnam’s last UPR in 2014. Vietnam should refrain from imposing travel bans, cease forcing citizens into exile and respect their rights to freedom of movement and residence, as guaranteed by ICCPR Article 12 (4), the experts said.

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Death Penalty: The UN body expressed serious concerns on the high number of death sentences and executions in Vietnam, the number of capital offences which do not meet the ICCPR's threshold of "most serious crimes", unfair trials leading to the death penalty and the absence of relevant official data. It urged Vietnam to amend the Criminal Code to reduce the number of crimes punishable by death, consider a moratorium on the application of capital punishment, and promptly *"publish official figures regarding death sentences and executions, disaggregated by sex, age, ethnicity, religion and crime"*.

Many issues raised by the experts concerned the poor detention conditions of prisoners of conscience and human rights defenders, including shackling, prolonged solitary confinement, ill-treatment, torture, denial of medical care, abuse by fellow prisoners at the instigation of prison officials, punitive transfer of prisoners to detention centres far from their homes and families, and discriminatory treatment between regular prisoners and prisoners of conscience.

During the review, despite extensive evidence provided by civil society, and disregarding Circular 37 issued by the Ministry of Public Security in 2011 which authorizes virtually unlimited "separate detention" for national security offenders, the Vietnamese delegation responded with a blanket denial: *"There is no discriminatory treatment between prisoners charged under national security provisions and other prisoners. There is no such thing as solitary confinement; it doesn't exist in Vietnamese law. There is no such thing as transfer of prisoners far from their homes and families. Prisoners in Vietnam enjoy the full rights provided by law. There is no such thing as obstruction or restrictions on the rights of families to visit prisoners"*.

"Fortunately, the UN experts base their concerns and recommendations on facts, not on the empty rhetoric of the Vietnamese delegation", said Võ Văn Ái. ***"The Concluding Observations of the UN Human Rights Committee are a precious tool for all those who wish to understand the human rights situation and work towards concrete improvements in Vietnam"***. ---

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