

## **Vietnam: Government refuses to make key commitments during UN rights review**



GENEVA, PARIS, 2 July 2019 (FIDH & VCHR) - Vietnam's government refused to make commitments to address key human rights concerns raised by United Nations (UN) member states during the country's third Universal Periodic Review (UPR), FIDH and its member organization Vietnam Committee on Human Rights (VCHR) said today.

***“As Vietnam begins another UPR cycle, the situation of civil and political rights in the country remains abysmal. Hanoi’s lack of political will to undertake legal and institutional reforms, reflected by its ongoing refusal to accept important recommendations, calls for stronger international pressure,”*** said FIDH Secretary-General Debbie Stothard.

The final report of Vietnam's UPR is scheduled to be adopted on 4 July 2019 in Geneva, during the 41st session of the UN Human Rights Council. In late June 2019, Vietnam communicated its responses to the recommendations it received from UN member states on 22 January 2019. Hanoi announced it accepted 241 (nearly 83%) of the 291 recommendations - with 220 “fully accepted” and 21 “accepted in part.”

***“The international community must not be fooled by the Vietnamese government’s seemingly impressive rate of acceptance of UPR recommendations. The government’s lack of respect for democratic principles, the growing number of political prisoners, and the ongoing use of repressive laws are a better indicator of the situation on the ground. UN member states should not wait until another UPR cycle goes by to raise their human rights concerns with Hanoi,”*** said VCHR President Vo Van Ai.

Below is a brief analysis of the government’s response to the recommendations made by UN member states with regard to selected key human rights issues.

## **Human rights defenders**

The government refused to accept all nine recommendations that called for the creation of a safe environment for human rights defenders, their protection, and the release of detained defenders or the review of criminal cases against them. The government indicated that it rejected some of these recommendations because they used “contentious terms” that did not reflect the “consensus of UN member states.”

## **Democratization**

The government did not accept the sole recommendation that called on Vietnam to “guarantee its citizens the full enjoyment of the rights to vote and to be elected and to take part in the conduct of public affairs.” Hanoi termed this

recommendation as “improper” and claimed it impinged on the Vietnamese people’s right to “freely determine their political status” in accordance with “the right of self-determination enshrined in the ICCPR [International Covenant on Civil and Political Rights].”

## **Death penalty**

The government did not accept seven of the nine recommendations that called for the adoption of various measures aimed at the abolition of the death penalty. The government pledged that the use of the death penalty would “strictly be in conformity with the ICCPR” and accepted two recommendations that called on the authorities to limit the imposition of capital punishment to offenses that amount to “the most serious crimes” under international law. However, such statements are directly contradicted by the fact that Vietnam continues to impose the death penalty for various crimes, including drug-related offences, which do not meet this threshold and are therefore a violation of Article 6 of the ICCPR.

## **Torture and detention conditions**

The government did not accept recommendations that called for Vietnam to become a state party to the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT) and for Hanoi to allow a country visit by the UN Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment. The government also refused to accept one recommendation that called for access for independent monitoring bodies to all detention centers and prisons in the country. In addition, Hanoi said it would implement only the Committee against Torture’s recommendations that “suit the country’s circumstances.”

The government's reluctance to accept such recommendations casts doubts over its commitment to prohibiting torture, investigating reports of unnecessary or excessive use of force by the police, as well as violations of human rights by official authorities, and holding perpetrators accountable.

## **Legislative reform and ratification of key international treaties**

The government refused to accept recommendations that called for the amendment of repressive legislation, such as the Cybersecurity Law, the Law on Belief and Religion, the Press Law, and various problematic decrees and "national security" provisions of the Criminal Code. Hanoi justified its refusal by claiming that the legislative review and amendment process required "a lot of time, efforts and resources" and that the public had been "consulted extensively" about some of these draconian laws.

Hanoi also did not accept recommendations that called on Vietnam to become a state party to the International Convention for the Protection of All Persons from Enforced Disappearance (ICPPED) and the Rome Statute of the International Criminal Court (ICC).

## **Freedom of expression**

The government's commitment to guarantee the right to freedom of opinion and expression is contradicted by its refusal to amend or repeal draconian legislation, such as the Cybersecurity Law, the Press Law, and various "national security" provisions of the Criminal Code, which severely limit the enjoyment

of this right and are inconsistent with international standards.

Hanoi also refused to accept recommendations that called for measures aimed at ensuring an independent and pluralistic media landscape and the existence of independent newspapers. The government justified its rejection of some of these recommendations by claiming that they implied assessments that were “inaccurate or alien” to the reality in the country.

### **Freedom of religion or belief**

The government’s acceptance of the recommendations urging Hanoi to guarantee the right to freedom of religion or belief is contradicted by its refusal to accept all recommendations that called for the review and amendment of the repressive Law on Belief and Religion.

### **LGBTI rights**

The government accepted three recommendations that called for the protection of Lesbian, Gay, Bisexual, Transgender, and Intersex (LGBTI) rights, the development of legislation against discrimination on the grounds of sexual orientation and gender identity, and access to gender affirmation treatment and legal gender recognition.

However, Hanoi refused to accept recommendations that would grant full marriage equality to same-sex couples and described as “non practical” one recommendation that

urged authorities to legalize same-sex marriage before the next UPR. The government also did not accept one recommendation that urged authorities to explicitly prohibit sexual orientation and gender identity as grounds of discrimination in the revised Labor Code and other relevant laws.

## **National Human Rights Institution**

The government did not accept three recommendations that called for the establishment of a National Human Rights Institution (NHRI) compliant with the 'Paris Principles' because it claimed such recommendations "put undue pressure to the ongoing study and preparation for the possibility of establishing an NHRI" in the country. Hanoi accepted four other recommendations that called for progress towards the establishment of an NHRI but that did not mention the 'Paris Principles.'

## **Business and human rights**

The sole recommendation that called on the authorities to develop, enact, and implement, in dialogue with business and civil society, an action plan to implement the UN Guiding Principles on Business and Human Rights did not enjoy the government's support.

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