

Vietnam Human Rights Network



REPORT ON HUMAN RIGHTS
IN VIETNAM
2012

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EXECUTIVE SUMMARY

After their invasion of South Vietnam by force in 1975, North Vietnamese communists annexed the South to the North to found the Socialist Republic of Vietnam. The 1992 Constitution of Vietnam states that “The Socialist Republic of Vietnam is a State of the people, by the people, for the people” (Article 2). However, the constitution also vests all authority and political power in the Communist Party insisting that, “The Communist Party of Vietnam... is the force leading the State and society” (Article 4). Because of its monopolizing ambitions to lead the country at all costs, the Vietnamese Communist Government, despite its ratification of the Universal Declaration of Human Rights and most of the international covenants on human rights after its admission into the United Nations in 1977, has continued serious violations of the Vietnamese people’s basic rights.

This report presents an overview of the human rights violations in Vietnam in 2012 with the following main features:

- Elimination of the rights to take part in the management of the country, and the rights to assembly and association;
- Suppression of freedom of expression and the rights to information;
- Arbitrary apprehension and judgment according to the ruling party’s political interests and desires;
- Dissemination of terror by means of police violence to control the population;
- Limitation on the freedoms of religion and faith propagation;
- Expropriation of farmers’ land without adequate compensation;
- Prohibiting workers from organizing independent trade unions and repression of labor activists;
- Harboring numerous forms of human trafficking.

With this report, the Vietnam Human Rights Network not only alerts world opinion to the deplorable human rights situation in Vietnam today, but also calls on the Hanoi Government to end its violations that have gone on for too many years, while at the same time demanding just compensations for the damages inflicted on the populace and various groups of people. The Vietnam Human Rights Network also expects freedom-loving and democratic governments and international human rights organizations to confront Vietnam with its worse and worse record on human rights; and especially to prevent Vietnam from tarnishing the reputation of the United Nations Human Rights Council by denying it membership in the Council for the 2014-2016 term.

I

POLITICAL RIGHTS NULLIFIED

The 1992 Constitution, amended and supplemented in 2001, stipulates that the citizen has the right to participate in the government through elections (Articles 53 & 54), and the exercise of their freedom of speech, freedom of assembly, freedom of association, and freedom of demonstration (Article 69). However, Article 4 of this very constitution asserts the absolute leadership role of the Communist Party of Vietnam (CPV) in all national activities.¹ It is in this contradiction and the intention to maintain political monopoly at all costs that all the provisions on political rights recognized in Articles 20 and 21 of the Universal Declaration of Human Rights and Articles 21, 22 of the International Covenant on Civil and Political Rights, which Vietnam is committed to uphold, are nullified. People are deprived of their rights to choose political system and representatives peacefully. People do not have the rights to have political views different from those of the CPV. All opposition groups are persecuted and outlawed.

1. National Affairs Are the Privilege of the CPV

Like many countries in the world, VN regularly organizes elections for various government posts at all levels. The National Assembly is said by the Constitution to be the highest organ

of the state power to represent the nation's population, appoint the government, and make laws. Currently, however, with the existing electoral and parliamentary processes, it is merely an instrument of the CPV. Elections of the National Assembly and People's Councils at all levels for the 2011-2016 terms in May 2011 clearly proved just that. No candidates other than those of the CPV and approved non-party candidates are allowed to run. All applicants have to be screened by the Fatherland Front, through "Consultative Conferences" and "Voter Conferences" at central and local levels. Dissidents are not allowed to run. Lawyer Le Quoc Quan was the sole dissenter filing for a National Assembly race, but his candidacy was rejected by the Voters Conference of Yen Hoa Ward in Hanoi. Even the Chairman of the National Assembly is selected by the CPV Central Committee, not by the National Assembly.

In the course of legislative work in VN, all bills originate from the central office of the CPV. In 2012, to brush up the appearance of the National Assembly as the highest organ of power, the Party Committee Office of the National Assembly allowed a number of hearings where ministers and even the prime minister could be questioned. These events gave most domestic public opinion watchers and especially observers from democratic countries outside VN, the illusion that the National Assembly had real power. In reality, those scripts had been agreed upon in advance between party officials and National Assembly operatives. The Party still controls the National Assembly, with 91.6% of the representatives being party members and the rest being mere decoration for the Party's ruling apparatus.

On December 28, 2012, General Secretary Nguyen Phu Trong signed and issued Directive No. 22-CT/TW soliciting popular opinions on the drafted amendments to the 1992 Constitution, claiming that this was a course

of important political activities to promote people's ownership. However, the Directive also contains provisions that order police and military forces to "keep up the fight, prevent abuses of the consultation process for purposes of propagation, distortion, and activities against the Party and the State." Such constitutional amendments really are just a ruse to hoodwink world public opinion, as well as measures to appease the people's discontent over the difficulties in daily life caused by the corruption and incompetence of the state apparatus under the dominance of the CPV.

Intervention by local party committees in governmental affairs is even more brutal. In 2008, the Politburo issued Resolution No. 22/NQ-TW stipulating that the "secretary of the party committee concurrently serves as chairman of the commune and ward," which the Xay Dung Dang (Party Building) Journal, claimed "to enhance the leadership of the Party (giving the Communist Party secretary more rights), and efficiently implement the Communist Party's resolutions at the ward level, enabling the centralization and unification of grassroots power."²

In summary, from the central to the local levels, only about 3 million CPV members out of more than 91 million Vietnamese citizens are entitled to political activities. The rest are deprived of the right and opportunity to participate in leadership and management of the country. Therefore, the Freedom House Organization's 2013 Report on Civil and Political Rights Freedom in the world ranked VN at number 7 on a scale of 1 to 7 for political rights, and 5 for civil liberties.³

2. The Right to Freedom of Expression, Freedom of Association, and Freedom of Demonstration

Article 69 of the Vietnamese Constitution

specifies, "Citizens have freedom of speech, freedom of the press, the right to information; the rights of assembly, association and demonstration as prescribed by the law." Because of the essential character of the right to freedom of speech, freedom of the press, and the right to information in the context of today's Vietnam, this report has a separate section for this problem [See Freedom of Speech].

For the right of association, currently any Socio-Political Organization that is not under the umbrella of the Fatherland Front, a satellite body of the CPV, cannot exist, especially religious organizations and unions. In 2012, the GVN handed out even more exacting regulations for these two types of organizations. Through the promulgation of the 2012 Labor Code and the Trade Union Law of 2012, it deliberately strips away the workers' right to form independent trade unions [See also Labor Rights]; and Decree 92/2012/ND-CP that limits the registration and increases control of activities of religious organizations. For example, a religious organization must have 20 years of "stable religious operation" and must have "not violated the provisions of law specified in clause 2 Art. 8 and Art. 15 of the Ordinance on Beliefs and Religion" in order to be recognized by the Government (Art. 6 of Decree 92/2012). [See also Freedom of Religion Chapter of this report]

Since the Renovation Policy (Đổi Mới) initiated in mid 80's, facing with the need for foreign aids, VN has somewhat loosened its strict control on society by allowing the formation of the civil society organizations in specified areas, such as science, health, environmental, and charity. Organizations with funding from international organizations or foreign countries are relatively independent in their operations, while organizations that receive funding from the government are completely subjected to state control and influence in both operational and policy areas. Currently, no independent

civil society organization can exist and operate in VN. For example, the Vietnamese Scout Association, a youth educational organization that had been present in VN since the 40s of last century, was prohibited in the North after the Communist Party came to power, and has been outlawed in the South since 1975. Until 2012, there has been an effort to revive the Scout's activities in the South; however, it has not been allowed to operate as a legal entity.⁴



Three recipients of Vietnam Human Rights Award 2012: Phạm Thanh Nghiê (left), Tạ Phong Tần (center), and Huỳnh Thục Vy (right). Photos VNHRN

Although the development of non-governmental organizations tended to increase over the past decade, recent changes to the regulatory framework have made registering, operating, and implementing programs more difficult.⁵ Year 2012 was marked by the communist government's reaction to the formation of civil society organizations in general. The CPV, through its official mouthpiece People's Daily, has suggested that the formation of civil society organizations is a plot of the enemy forces and foreign reactionaries to "provoke the discharge of leadership role of the Party and the State, promote freedom of association by Western criteria." To fight the establishment and operation of independent civil society, the article continued, "The State needs to strengthen the management of social organizations in order to prevent exploitation by hostile forces."⁶

As for political and human rights organizations, on December 7, 2012 Prime Minister Nguyen Tan Dung especially instructed the 68th National Public Security Conference to be determined "not to tolerate the formation of opponent political organizations that go against the interests of the country and of the people."⁷ Thus, democracy and human rights organizations that were previously formed, including Bloc 8406, the People's Action Party, the Democratic Party of Vietnam, the Vietnam Progress Party, the

Populist Party, the Viet Tan Party, the High Tide of Humanism Movement, the Committee for Human Rights, the United Workers-Farmers Association, the Free Journalists Club, the Vietnamese Political and Religious Prisoners Friendship Association, the Patriotic Youth... continue to be prohibited, hunted, and punished. In 2012, there were several criminalized cases against these organizations and their members. Among them:

- On February 4, 2013, the Court of First Instance of Phu Yen sentenced 22 members of the Bia Son Council of Public Law and Punishment Projects, a religious organization founded in 1969, on charges of "activities aiming at overthrowing the people's government." These people were arrested in February 2012 with the initial allegation of "abusing freedom and democratic rights to violate state interests."
- On January 9, 2013, the Nghe An Province People's Court sentenced 14 young men on charges of "activities aiming at overthrowing the people" under Article 79 of the Criminal Code. These people were arrested for their participation in the Redemptorist News information network, a link for exchanging and disseminating information and advocating human rights and freedom, especially religious



Blogger Huynh Thuc Vy was arrested by security agents during a peaceful demonstration against Chinese invasion on July 1, 2012

freedom. Some of them were accused of being members of Viet Tan Party. These people were arrested at various times in 2012.

- On December 28, 2012, the Appellate Court sentenced three bloggers of the Free Journalists Club: Dieu Cay Nguyen Van Hai, Ta Phong Tan, and AnhbaSG Phan Thanh Hai. The Free Journalists Club was formed in 2007 and is regarded as a pioneer in using blogs to fight for freedom of speech.
- On October 30, 2012, the People's Court of Ho Chi Minh City put on trial two members of the Patriotic Youth organization, musicians Tran Vu Anh Binh and Viet Khang, aka Vo Minh Tri, on charges of "Conducting Propaganda against the SRVN." Two other members of the Patriotic Youth organization, Nguyen Phuong Uyen and Dinh Nguyen Kha, were arrested and indicted in October 2012 on the same charges.⁸
- Fourteen members of Block 8406 are still in prison, including the four convicted in 2012: Pastor Nguyen Cong Chinh, Ho Thi Bich Khuong, Le Thi Kim Thu, and freelance journalist Le Thanh Tung. In

the past decade, 39 members of Bloc 8406 who had been sentenced to jail terms and served their time, are still under house arrest.

- The persecution of dissidents, especially those related to political organizations - deemed "reactionary" by the Communists - continued throughout 2012. The arrest of Nguyen Quoc Quan of Viet Tan Party on April 17, 2012,⁹ the arrest of Vo Viet Dzien of the Vietnam Restoration Party on April 9, 2012,¹⁰ and the search and arrest of Dr. Nguyen Dan Que, founder of the High Tide

of Humanism Movement on March 7, 2013¹¹ were cases that attracted much public attention.

In the area of the right to assembly and rights to protest, 2012 was marked with the political grass-root activities on the streets in July, August, and December in Ho Chi Minh City and Hanoi to protest China's invasion of VN's territorial waters, and the gathering of 'victims of injustice' in many provinces across the country [See chapter on Victims of land expropriation of this report]. As during the previous year, the government's attitude toward the protests against the Chinese invasions 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 Saigon, the protests were quelled quickly when security officials moved in and took away the protesters. Many leading protesters were barricaded at their homes; others were suppressed and taken away. For example, during the July 1, 2012 demonstration at Saigon, in addition to blogger Huynh Thuc Vy and two of her younger siblings, Huynh Khanh Vy and Huynh Trong Hieu, six others were also arrested, including Blogger Nguyen Hoang Vi,

Hanh Nhan, Gio Lang Thang, Dan Nuoc Cam, Le Thuan, and his friend, Vo Thi Ngoc Chau. Some days later, blogger Huynh Thuc Vy was arrested by the Quang Nam police and taken to Tam Ky City for investigation.

For the gathering of farmers whose lands had been expropriated without adequate compensation, the government dealt with them more aggressively. Many farmers were beaten and seriously wounded,¹² there were cases resulting in deaths¹³ at the Mai Xuan Thuong and Ly Tu Trong gardens in Hanoi, where petitioners from all over the country gather to demand justice throughout the year. At the local level, according to the Government Inspector General's reports, although the number of cases has decreased, but groups with numerous participants have increased.¹⁴ Suppressive methods are also more brutal. Major crackdowns that attracted public attention included: the Van Giang case in Hung Yen Province on April 24,¹⁵ 2012, the Dong Trieu case in Quang Ninh on December 21, 2012,¹⁶ and the Vu Ban case in Nam Dinh province on May 9, 2012.¹⁷...

Under international pressure, Premier Nguyen Tan Dung suggested in November 2011 to the National Assembly that a demonstration bill be considered in its legislative agenda. As of the end of 2012, there is as yet no demonstration law. During the discussion in the National Assembly, there were some delegates that said VN does not need a demonstration law because, "we have to reassert that, right from the beginning and to this day, protests are against the government, against the policy of our government."¹⁸

NOTES

¹ "The Communist Party of Vietnam, the vanguard of the Vietnamese working class, the faithful representative of the rights and interests of the working class, the toiling people, and the whole nation, acting upon the Marxist-Leninist doctrine and Ho Chi Minh's thought, is the force leading the State and society." (Article 4 of the 1992

Constitution)

² Báo điện tử Đảng Cộng sản Việt Nam, "Mô hình bí thư đảng uỷ kiêm chủ tịch UBND phường," http://www.cpv.org.vn/cpv/Modules/Preview/PrintPreview.aspx?co_id=0&cn_id=40705 (Accessed Feb 02, 2013)

³ Freedom House, *Freedom in The World 2013: Democratic Breakthroughs in the balance*, p. 18

⁴ RFA "Phong Trào Hưởng Đạo ở Việt Nam Sau Năm 1975," <http://www.rfa.org/vietnamese/programs/OverseasVietnamese/scout-mov-in-vn-aft-1975-05052011124631.html> (Accessed Jan 21, 2013)

⁵ William Taylor, "Survey Reveals Increasing Diversity of Civil Society in Vietnam," <http://asiafoundation.org/in-asia/2012/10/31/survey-reveals-increasing-diversity-of-civil-society-in-vietnam/> (Accessed Jan 11, 2013)

⁶ 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)

⁷ 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)

⁸ Báo Người Lao Động Điện tử, "Khởi tố Nguyễn Phương Uyên và Đinh Nguyên Kha vì chống phá Nhà nước," <http://nld.com.vn/20121103051122264p0c1019/khoi-to-nguyen-phuong-uyen-va-dinh-nguyen-kha-vi-chong-pha-nha-nuoc.htm> (Accessed Feb 11, 2013)

⁹ RFI, "Việt Nam: Một thành viên của Việt Tân bị bắt," <http://www.viet.rfi.fr/viet-nam/20120429-mot-thanh-vien-cua-viet-tan-bi-bat-tai-saigon> (Accessed Feb 06, 2013)

¹⁰ VnExpress, "Thành viên của tổ chức 'Phục hưng Việt Nam' bị bắt," <http://vnexpress.net/gl/phap-luat/2012/04/thanh-vien-cua-to-chuc-phuc-hung-viet-nam-bi-bat/> (Accessed Feb 06, 2013)

¹¹ Dân Làm Báo Blog, "CA xua quân bao vây, cô lập nhà riêng của bác sĩ Nguyễn Đan Quế," <http://danlambaovn.blogspot.com/2013/03/ca-xua-quan-bao-vay-co-lap-nha-rieng.html> (Accessed Jan 12, 2013)

¹² RFA, "Dân oan bị đánh đập khi đòi công lý," http://www.rfa.org/vietnamese/in_depth/victim-of-unjustice-tanh-tq-11152012152238.html (Accessed Feb 04, 2013)

¹³ VRNs, "Công an làm chết dân oan tại vườn hoa Mai Xuân Thuồng, 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)

¹⁴ Cổng Thông tin điện tử Chính phủ, “Tổng Thanh tra Chính phủ nói về giải quyết khiếu nại, tố cáo,” <http://baodientu.chinhphu.vn/Home/Tong-Thanh-tra-Chinh-phu-noi-ve-giai-quyet-khieu-nai-to-cao/20133/165314.vgp> (Accessed Feb 01, 2013)

¹⁵ RFI, “Việt Nam: Công an ồ ạt cưỡng chế nông dân Văn Giang, Hưng Yên để tịch thu đất,” <http://www.viet.rfi.fr/viet-nam/20120424-viet-nam-cong-an-o-at-cuong-che-nong-dan-van-giang-hung-yen-de-tich-thu-dat> (Accessed Feb 02, 2013)

¹⁶ BBC, “Cưỡng chế đất có đưng độ ở Quảng Ninh,” http://www.bbc.co.uk/vietnamese/vietnam/2012/12/121221_cuong_che_dat_dongtrieu.shtml (Accessed Feb 02, 2013)

¹⁷ RFI, “Cưỡng chế đất đai tại Vụ Bản, Nam Định : 5 người dân bị bắt,” <http://www.viet.rfi.fr/node/70130> (Accessed Feb 02, 2013)

¹⁸ VnExpress, “Quốc hội tranh cãi gay gắt về luật biểu tình,” <http://vnexpress.net/gl/xa-hoi/2011/11/quoc-hoi-tranh-cai-gay-gat-ve-luat-bieu-tinh/> (Accessed Feb 02, 2013)

II

FREEDOMS OF OPINION AND SPEECH CRUSHED

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 dare to speak up on behalf of victims of cruel officials.

1. Speech Is the Vietnamese Communist State's Monopoly

There are no private press organizations in VN, where all media such as the press, the publishing business, radio stations, TV stations, and official press, are owned by the state. Currently, not a single independent private newspaper or broadcasting station is allowed to exist. Decree No. 37/CP of 29 November 2006, signed into law by Premier Nguyen Tan Dung and still effective in 2011, firmly stated 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."

On June 12, 2012, Minister of Information and Telecommunications (I&T) Nguyen Bac Son confirmed in his online dialogue with the people that, "To this day, there are no private newspapers in our society."¹ Based on Decree number 02/2011/NĐ-CP issued in 2011 regarding punishments for activities of administrative violations in the press, the Prime Minister issued Directive 7169/VPCP - NC on September 12, 2012, ordering the Ministry



Bloggers Dieu Cay (left), Ta Phong Tan (right), and Anhba Saigon (back) at the trial court in Saigon on September 24, 2012

of Public Security to coordinate with the I&T Ministry and other concerned agencies to investigate and deal with websites that posted information allegedly "defaming the national leadership and arousing anti-party and anti-state sentiments."

In recent years, to deal with the bombardment of criticisms from governments and human rights organizations in 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 had freedom of speech.² 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.

Like a number of developing nations, VN has been witnessing the explosion of modern mass media technology, especially with regards to cell phones and the Internet.³ This increasing use of the Internet has provided a favorable condition for the formation of independent personal blogs, which are left alone by the state as long as state-condemned sensitive issues are avoided by the bloggers, such as China's occupation of the Paracel and Spratley islands which are part of VN's sea territory, the exploitation of bauxite in VN's Central Highlands, China's killings of Vietnamese fishermen in the Eastern Sea, and especially the CPV's monopoly of leadership. Those websites that stray from the so-called "straight" paths would be destroyed by the CPV cyber police or obstructed by their firewalls.

The 2012 report on "Freedom on the Net" by Freedom House listed VN among the worst Internet-suppressing countries, worse than even Syria, China, Cuba, Myanmar, Ethiopia, Uzbekistan, and Iran.⁴ The Reporters Without Borders (RWB) 2011-2012 Free Press Index ranked VN 172 out of 179 nations,⁵ and included it among 2012's twelve "Enemies of the Internet."⁶

Mr. Benjamin Ismail, RSF Director for Asia-Pacific, said: "VN is the second country in the world with the most imprisoned netizens, behind only China. Proportionally to the population, VN is the world's biggest prison for netizens. Last year, VN ranked third in the list



Two reporters from the Radio Voice of Vietnam were attacked by security forces during Văn Giang protest on April 24, 2012. Photo VnExpress

of countries with the most netizens imprisoned in the world, after China and Iran, but in the past year it jumped to second place. At present, VN has 34 netizens imprisoned and at least 12 bloggers, netizens have been given sentences up to the maximum 13 years in prison while the number of journalists or netizens imprisoned in the previous year was about 19 people. This proves that the suppression of the freedom of the press and the citizens' freedom of expression by the CPV is rising."⁷

As for foreign sources of information, the Vietnamese government continues to prevent its people from having access to independent and objective sources through its technique of jamming overseas radio stations broadcasting in Vietnamese and setting up fire walls to obstruct so-called 'reactionary' websites.

Meanwhile, most blog pages operated by progressive activists in VN have been blocked by government firewalls and hard to access, including the more popular ones, such as: Vietnam Bauxite, Dan Lam Bao, Quan Lam Bao, Anhbasam, Nguyễn Xuân Diện, Nguoi Buon Gio, and so on. In addition to blocking sites allegedly considered dangerous, the government also assigned a cyber police force to counteract what it has denounced as "misleading

propaganda by hostile powers.” On January 9, 2013, the ‘Labor’ daily newspaper reported an assertion of Mr. Ho Quang Loi, Head of the Hanoi Propaganda and Education Department, that “internet polemist” had been hired to improve the strength of propaganda teams.”⁸

2. Suppression of Dissidents Who Express Different Opinions from the Policies of the CPV

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 resistant ones among them have been arrested, fired, or detained because of their different views from those of the communist state on serious issues related to the policies of the CPV as well as to the corruption of officials at all levels. Journalist Nguyen Dac Kien of The Family and Society newspaper was fired after criticizing the General Secretary of the CPV in his personal blog is a case in point.⁹ Not only independent bloggers, even state journalists are regularly harassed when they carry out investigations of social vices as well as abuses by officials.

A survey conducted by the Center for Research in Telecommunications Development belonging to the Vietnam Scientific and Technical Unified Association in coordination with the British Embassy from July 1, 2011 to August 15, 2011, reported that up to 87,9% of press reporters were professionally obstructed by various measures including harassments and injurious beatings.¹⁰ The situation has been perceived as becoming increasingly widespread and serious. Typical cases in 2012 were:

- Reporter Hoàng Khương of the Youth magazine, arrested for his investigation and exposition of a police bribery on January 2, 2012;

- Journalist Phạm Phước Vinh of the Journalists and Public Opinion magazine, hospitalized after being “group assaulted” by Phước Kiến village police, Nha Be district, Saigon, on February 5, 2012;
- A reporter of the Ministry of Education of Vietnam, harassed by My Dinh district police in Hanoi on July 4, 2012;
- A reporter of the Dan Viet paper, beaten by Can Tho civilian-clothed police when he took pictures of a traffic accident they caused on November 24, 2012;
- The two wellknown journalists Nguyễn Ngọc Nam and Han Phi Long of a Voice of Vietnam radio station’s News Center, ruthlessly beaten by disguised policemen for their news report on the forced land occupation in Xuân Quan village in Văn Giang on April 24, 2012.

The suppression has been more brutal and aggressive in the case of independent bloggers and those who have expressed opposing political views to the CPV, typically including:

- Engineer Đỗ Nam Hải, a democracy activist writer in Saigon, beaten by police in his own house on 2-15-2012;
- Dr. Nguyễn Xuân Diện and blogger Nguyễn Tường Thụy, arrested by Hanoi police on 3-7-2012;
- Bloggers Nguyễn Hoàng Vi, Dương Thị Tân and Bùi Thị Minh Hằng, Lee Nguyễn and Quyết, beaten on July 3, 2012 by a group of ruffians, believed to be disguised Security Police, when they participated in an anti-China demonstration in Saigon;
- Blogger Huỳnh Thực Vy, kidnapped in Saigon and brought back to Quảng Nam

by Quảng Nam police on July 4, 2012;

- Freelance journalist JB Nguyễn Hữu Vinh, beaten at his home in Hanoi by a group of ruffians on July 8, 2012;



Blogger Paulus Lê Sơn was arrested in Hanoi street on August 03, 2011, and sentenced to 13 years in prison on Jan 09, 2013.

- Lawyer Lê Quốc Quân, beaten in an allegedly organized attack in Hanoi by three men on August 19, 2012;
- Blogger Nguyễn Hoàng Vi, arrested, beaten, and stripped naked for a brutal search when she planned to attend the final trial of three Free Journalists Club members on December 28, 2012;
- Blogger Người Buôn Gió and his friends Nguyễn Lan Thang and Trương Văn Dũng, kidnapped by Nghe An police and held from January 8, 2013 to January 10, 2013 when they were about to attend the open trial of fourteen patriots in Vinh city.

To silence the voices of those who have opposing views to those of the CPV, Vietnamese officials not only resort to ruffians in beatings against dissidents, they also maximally criminalize the people's exercise of freedom of speech by

using the 1999 Criminal Code's Article 79 on "activities aimed at overthrowing the people's government" and Article 88 on "propaganda against the SRVN." Following are some remarkable cases:

- On May, 24, 2012, four collaborators of the Redemptorist News information network, Chu Mạnh Sơn, Trần Hữu Đức, Đậu Văn Dương, and Nguyễn Hoàng Phong, were sentenced by the Vinh court in Nghe An province from 3 to 3 and a half years in prison and 18 months under probation for their alleged "propaganda against the SRVN."
- On June 6, 2012, Mr. Phan Ngọc Tuấn was sentenced by the Ninh Thuan provincial court to 5 years in prison for his alleged "storage and dissemination of documents purporting to slander and defame the party and the SRVN."
- On August 9, 2012, Mr. Đinh Đăng Định, who once called on people to sign a petition to oppose the bauxite project, was sentenced by the Dak Nong province to 6 years in prison for his alleged "propaganda against the SRVN."
- On September 24, 2012, three bloggers Điều Cày, Tạ Phong Tần, and AnhBaSG, main members of the Free Journalists Club, were sentenced by the People's Court in Saigon to a total of 26 years in prison for their alleged "propaganda against the SRVN."
- On October 30, 2012, musician Viet Khang was sentenced to 4 years in prison and 2 years under house arrest for his alleged "propaganda against the SRVN." At the same time, Trần Vũ Anh Bình, another musician, was sentenced on the same day to 6 years in prison and 2 years under house arrest.

- On November 28, 2012, democracy activist Lê Thanh Tùng was sentenced by the Supreme Court in Hanoi to 4 years in prison and 4 years under house arrest for his dissemination of articles that “slander the state and defame the government, demanding pluralism and a multiparty system, and a change in the SRVN’s Constitution.”
- On December 27, 2012, human rights activist lawyer Lê Quốc Quân was arrested while in his office, had his house searched, and was charged with “tax evasion,” a slandering pretext for arrest, the same that was used to arrest blogger Điều Cày in 2008.
- On January 9, 2013, the Nghe An people court sentenced 14 christians and protestants for their alleged “activities purporting to overthrow the people government” based on Criminal Code Article 79: Hồ Đức Hòa, Đặng Xuân Diệu, Lê Văn Sơn, Nguyễn Đặng Minh Mẫn, Nguyễn Đình Cương, Đặng Ngọc Minh, Nguyễn Văn Duyệt, Nguyễn Văn Oai, Nông Hùng Anh, Nguyễn Xuân Anh, Hồ Văn Oanh, Thái Văn Dung, Trần Minh Nhật, and Nguyễn Đặng Vĩnh Phúc. Most of these youths were involved with the Redemptorist News information network. The heaviest sentence was 13 years, ten others ranged from 3 to 8 years in prison followed by several years under house arrest.

NOTES

¹ Cổng Thông tin điện tử Chính phủ, “Bộ trưởng Bộ Thông tin và Truyền thông đối thoại trực tuyến với nhân dân,” <http://baodientu.chinhphu.vn/Home/Bo-truong-Bo-Thong-tin-va-Truyen-thong-doi-thoi-truc-tuyen-voi-nhan-dan/20126/140548.vgp>. (Accessed Nov 12, 2012)

² 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)

³ According to the General Statistics Office of Vietnam, there were about 4.4 million Internet subscribers as of end of June 2012, an increase of 26.5% compared to the same period the previous year; whereas, telephone clients reached 135.9 million, an increase of 2,3%. *The Ministry of Information and Communications*, “Development status of telecommunications and Internet 1st half of 2012,” <http://mic.gov.vn/solieubaocao/solieuthongke/vienthong/Trang/T%C3%ACnhh%C3%ACnhph%C3%A1ttri%E1%BB%83n%C4%A9nhv%E1%BB%B1cvienthong6th%C3%A1ngn%C4%83m2012.aspx>. (Accessed Nov 15, 2012)

⁴ Freedom House, “Freedom on the Net 2012,” <http://www.freedomhouse.org/report/freedom-net/freedom-net-2012>. (Accessed Jan 21, 2013)

⁵ Reporters Without Borders, “Press Freedom Index 2011/2012,” <http://en.rsf.org/press-freedom-index-2011-2012,1043.html>. (Accessed Jan 21, 2013)

⁶ Reporters Without Borders, “Internet Enemies Report 2012,” http://en.rsf.org/IMG/pdf/rapport-internet2012_ang.pdf. (Accessed Jan 25, 2013)

⁷ VOA, “Việt Nam thuộc 10 nước có nền tự do báo chí tồi tệ nhất thế giới,” <http://www.voatiengviet.com/content/vietnam-thuoc-muoi-nam-co-nen-tu-do-bao-chi-te-nhat-the-gioi/1593610.html>. (Accessed Jan 25, 2013)

⁸ Lao Động, “Tổ chức nhóm chuyên gia bút chiến trên Internet,” <http://laodong.com.vn/Chinh-tri/To-chuc-nhom-chuyen-gia-but-chien-tren-Internet/98582.bld>. (Accessed Feb 03, 2013)

⁹ BBC, “Bị thôi việc vì phản đối TBT Trọng,” http://www.bbc.co.uk/vietnamese/vietnam/2013/02/130226_giadinhnet_editor_fired.shtml (Accessed Feb 26, 2013)

¹⁰ 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)

III

THE COURTS ARE TO SERVE ONLY THE CPV

The Vietnamese Constitution guarantees that “all citizens are equal before the law” (Art. 52), and that “during a trial the judges and assessors are independent and shall only obey the law” (Art. 130). In fact, anyone can be arbitrarily arrested, prosecuted, and sentenced in present-day Vietnam. Since the dependence of the courts on the CPV is an inevitable consequence of the concept of a *Marxist-Leninist* People’s Democracy, the ultimate purpose of the Vietnamese court system is to serve the governing party’s interests. This has found its obvious confirmation 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).

Despite recent requests from international organizations and donor countries that Vietnam reform its legal system, critical violations of human rights in the legal field keep increasing. In 2012 those violations were typically identified by the following characteristics: criminalization of political activities, serious violations of criminal procedures, and severe limitation of the *defense rights of lawyers*.

1. Criminalization of All Activities Adverse to the CPV’s Interests

Vietnam claims that it holds no political



Ms. Ho Thi Bich Khuong before Nghe An Province People’s Court on May 30, 2012.

Photo quynhtramvietnam.blogspot.com

prisoners, because any legitimate political expression by the people, however peaceful, is always associated with crimes listed in the 1999 Vietnam 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 SRVN). According to these articles, any expression of opinions, even though through peaceful means such as a debate, storage and distribution of documents 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 terms because of the authorities’ abuse of the Criminal Code. Others remain in detention without seeing their days in court. Of those who were sentenced, the following are cases that attracted international media attention:

- March 6, 2012, Nghe An Provincial Court sentenced Ms. Vo Thi Thu Thuy, a resident of Dong Hoi town, to five years in prison, and Mr. Nguyen Van Thanh of Nghi Dien Village, Nghi Loc District to a 3-year jail term for “conducting propaganda against the SRVN” (Article 88 of the Criminal Code).
- March 26, 2012, Gia Lai Provincial

Court penalized pastor Nguyen Cong Chinh to 11 years in prison on charges of “undermining the unity policy” under Article 87 of the Vietnamese Criminal Code.

- April 19, 2012, Vietnamese authorities held a farmer, Mr. Vo Viet Dzien of Binh Duong, on charges of “carrying out activities aimed at overthrowing the people's administration” (Article 79 of the Criminal Code) and sabotaging the April 30 anniversary ceremony.
- May 8, 2012, Gia Lai police arrested a number of people in three villages in Gia Lai Province, accusing them of “activities against the people's government” (Article 79). Specifically, they were branded “taking advantage of the pagan Ha Mon Sect for their Fulro activities” against the government.
- May 24, 2012, four students from the Diocese of Vinh—Chu Manh Son, Tran Huu Duc, Dau Van Duong, and Hoang Phong—were sentenced to a total of nearly 10 years in prison for “propaganda against the SRVN” under Article 88 of the Criminal Code. They had been arrested for distributing leaflets calling for multi-party pluralism, democracy, human rights, and denial of the National Assembly elections in late 2011.
- May 30, 2012, Nghe An Province People's Court reconfirmed the prison sentence for two human rights defenders, Ms. Ho Thi Bich Khuong and Protestant Pastor Nguyen Trung Ton, who had been charged with “propaganda against the SRVN” (Article 88 of the Criminal Code).
- June 6, 2012, Ninh Thuan Province People's Court sentenced Phan Ngoc Tuan, a resident of Phan Rang, to 5 years in prison on charges of “propaganda against the SRVN” (Article 88 of the Criminal Code).
- July 16, 2012, Bac Giang Province

People's Court, at the preliminary hearing, declared Nguyen Kim Nhan, Dinh Van Nhuong, and Do Van Hoa guilty of “propaganda against the SRVN” under Article 88 of the Criminal Code.

- August 9, 2012, the Court of Dak Nong condemned blogger Dinh Dang Dinh to 6 years in prison on charges of “propaganda against the SRVN” (Article 88 of the Criminal Code).
- August 10, 2012, Phu Yen Provincial People's Procuratorate signed the indictments of 22 people of the religious community “*Ân dân Đại đạo*” on charges of “carrying out activities aimed at overthrowing the people's administration” in accordance with Article 79 of Vietnam's Criminal Code in the case known as *Hội Đồng Công Luật Công án Bia Sơn* in Phu Yen.
- August 10, 2012, democracy activist Le Thanh Tung was sentenced to five years in prison on charges of “propaganda against the SRVN” (Article 88) after a brief court session at Hanoi People's Court.
- September 24, 2012, the People's Court of Ho Chi Minh City sentenced three bloggers, Dieu Cay, Ta Phong Tan, and AnhbaSaigon, with prison terms ranging from 4 to 12 years on charges of “propaganda against the SRVN” (Article 88 of the Criminal Code).
- October 30, 2012, People's Court of Ho Chi Minh City sentenced to four years in prison and two-year under house arrest, and six years in prison and two-year under house arrest for musicians Viet Khang and Tran Vu Anh Binh, respectively, on charges of “propaganda against the SRVN” (Article 88 of the Criminal Code).
- November 3, 2012, police confirmed that they arrested Ms. Nguyen Phuong Uyen, a student of Saigon Food

Industry University, on charges of “propaganda against the SRVN” (Article 88 of the Criminal Code).

- December 13, 2012, four Hmong ethnics were sentenced to 3- to 7-year prison terms on charges of “carrying out activities aimed at overthrowing the people’s administration” (Article 79 of the Criminal Code). These people, the year before, had participated in demonstrations, which the authorities deemed as separatist movements and suppressed.



Mr. Phan Van Thu (center) and Hoi Dong Cong Luat Cong An Bia Son group members standing trial on Feb 4, 2012. Photo AFP

2. Violations of Basic Principles of Criminal Law

Although Vietnam’s 2003 Criminal Procedure Code guarantees full judicial protection mentioned in the Universal Declaration of Human Rights, 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 such procedures. Suspects are often tortured during interrogations and isolated from their families and lawyers. Most court trials are summarily done within less than one day, sometimes only a few hours. The presence of a lawyer, if any, is just for embellishment, since usually, the time for deliberation is shorter than the time for verdict reading, meaning the verdict had already been prepared ahead of time.

As for political cases, violations of criminal proceedings are especially exacerbated. In all criminalized political cases, basic principles of criminal procedure are violated at every single 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 GVN for its arbitrary detention of 24 Civil Right activists, and ruled that the GVN has violated international human rights law for two of the complaints. The first complaint involves the arrest and detention of four democracy activists: Le Cong Dinh, Tran Huynh Duy Thuc, Nguyen Tien Trung, and Le Thang Long.¹ The second complaint involves the case of three worker-rights activists Nguyen Hoang Quoc Hung, Do Thi Minh Hanh, and Doan Huy Chuong.² The third complaint involving the Catholic youths of the Redemptorist News Information Network is under consideration.³

3. Decorative Role of Lawyers

An accused’s right to defense is one the fundamental rights clearly stated in the International Covenant on Civil and Political Rights (Article 14-d). The Criminal Procedure Code of Vietnam also guarantees the right to defense for accused persons (Articles 12 and 36). In practice, however, the right to self-defense and the right to legal counsel have been

constantly violated.

A few years ago, the Minister of Justice, Mr. Ha Hung Cuong, disclosed in a report to the National Assembly that lawyers were present at the courts in only 20% of the cases. In 2012, the Ministry of Justice of Vietnam announced plans to improve the legal profession by 2020, with the target of 50% of the criminal cases to be represented by lawyers.⁴

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. The Police and the courts always try to obstruct or derail the lawyers in their participation in legal cases.

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 addition, even with the court's permits, lawyers still have to seek consent from investigating agencies to meet with their clients in a hurry. At the 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.⁵ 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".⁶ Lawyer Ha Huy Son, a counsel for blogger Dieu Cay Nguyen Van Hai, told a VOA reporter: "In Vietnam, the lawyer's role is very limited. Often, even judicial agencies do not comply with the provisions of the Criminal Procedure Code they themselves promulgated. We also struggle for our rights, but most of the time our demands went unheeded".⁷ 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."⁸

NOTES

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² Freedom Now, "UN Finds Continued Detention of Vietnamese Labor Activists Arbitrary Under International Law," <http://www.freedom-now.org/news/un-finds-continued-detention-of-vietnamese-labor-activists-arbitrary-under-international-law/> (Accessed March 02, 2013)

³ **Stanford Law School**, "Stanford Law School's Allen Weiner Files Petition with the United Nations Working Group on Arbitrary Detention on Behalf of Seventeen Vietnamese Social and Political Activists," <http://blogs.law.stanford.edu/newsfeed/2012/07/25/stanford-law-schools-allen-weiner-files-petition-with-the-united-nations-working-group-on-arbitrary-detention-on-behalf-of-seventeen-vietnamese-social-and-political-activists/> (Accessed Nov 21, 2012)

⁴ Tin Tức Pháp Luật, "Đề xuất phân hạng trình độ luật sư," <http://thuvienphapluat.vn/tintuc/vn/thoi-su-phap-luat/thoi-su/3265/de-xuat-phan-hang-trinh-do-luat-su> (Accessed Nov 22, 2012)

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⁶ 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)

⁷ VOA, "Blogger Điều Cay tố cáo các vi phạm trong vụ án của mình," <http://www.voatiengviet.com/content/blogger-dieu-cay-to-cao-nhung-vi-pham-trong-vu-an-cua-minh/1598940.html> (Accessed Feb 07, 2013)

⁸ Công ty luật Dragon, "Vai trò của luật sư trong phiên tòa rất mờ nhạt," <http://ngheluatvu.vn/modules.php?name=News&op=viewst&sid=141> (Accessed Dec 12, 2012)

IV

POLICE BRUTALITY IN A POLICE STATE

The policy of violence is used not only to suppress individuals or organizations with opposing views to the CPV [See political freedom and freedom of speech section of this report], but it has become the ways in which the state police apparatus treats the citizens.

At the end of September 2010, Human Rights Watch reported that police brutality at the hands of the Vietnamese police was substantiated in at least 19 cases, causing 15 deaths, with many victims fatally beaten while being held for interrogation, or dead soon after release, or



*Mr. Bui Van Loi of Gia Lam Village was shot to death by police after he had been handcuffed on December 10, 2012.
Photo Tiền Phong Online*

even dead in public as a result of the police use of unnecessary force (See Human Rights Watch report entitled *Vietnam: widespread police brutality; death 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 includes collaborators.¹ The Central Police Headquarters alone has more than 180 general officers and 200 colonels.² 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.³ In term of ranking, Vietnam's armed police forces surpass any other nation with a population of the same size.

In VN, the police's main task is not to protect the law and maintain social orders, but to protect the Party. The interdependence between the security apparatus and the CPV is the root cause of police-state policies and violent behaviors in the security force.

The insulting and beating of people in public places, as well as 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:

- January 26, 2012: Mr. Nguyen Van Hung, 50 years of age, of Neighborhood 2, Quyet Tien Area, Tien Phong Village, Yen Dung District, Bac Giang Province, was severely injured by public security agents when the authorities appropriated his land. He died January 26, 2012 after having hung on to life for more than three weeks.⁴
- February 19, 2012: Mr. Hoang Gia Dat Phuoc (aka Den), 35, a resident of Long Thanh My Ward, District 9, Saigon City. About 2 months before his death, Mr. Phuoc was arrested and put under “temporary detention” by District 9 Police. On February 19, 2012, just after 9 P.M., Mr. Phuoc family received reports that he had had a fever, convulsions, and then news of his death not long after. The family said that Mr. Phuoc had been healthy, and that he had had no criminal record before his detention.⁵
- March 19, 2012: Mr. Le Dinh Trong, 25, of the Neighborhood of Hong Tan, Thien Loc Commune, Can Loc District, Ha Tinh Province. Mr. Trong was arrested by Can Loc District police in the afternoon of March 16. Around 4:30 P.M., March 19, his family received news that he had died in custody. Can Loc District police said that he had died of self-strangulation. However, family members suspected that his death must have been caused by dubious measures for the authorities to block his autopsy.⁶
- March 29, 2012: Mr. Bui Huu Vu, 19, of Nam Dan District, Nghe An province, was escorted to the Nam Dan District police headquarters by his family at the police’s request. On April 11, the village police informed Mr. Vu’s family that he had died. Examination revealed multiple bruises on his body, and bruises and scratches around his wrists and ankles.⁷
- April 28, 2012: Mr. Duong Chi Dung, 35, a prisoner being held at A2 Penitentiary located at Dien Lam Village, Dien Khanh

District, Khanh Hoa Province, was sick with AIDS. On April 28, 2012, Mr. Dung, being sick and unable to take part in prison work, was clubbed to death by security guards and the prison doctor.⁸

- May 13, 2012: Mr. Ngo Thanh Kieu, 31, a resident of Hoa Dong Village, Tan Hoa District, Phu Yen Province. On the night of May 5, 2012, Mr. Kieu was arrested by a group of public security agents. They told his family that he was not arrested or under investigation, but rather being “borrowed,” and would be returned to the family at first light the next day. The victim's wife was pregnant and only five days from the due date. On that same day, Mr. Kieu was taken to the Police Hospital, and then transferred to Phu Yen General Hospital for emergency treatment, but he died soon after. According to the results from forensic examination, he died from head and soft tissue concussions.⁹
- May 31, 2012: Mr. Dang Dinh Binh, 41 years of age, resident of Di An City, Binh Duong Province. On the night of May 23, 2012, Mr. Binh, learning of his nephew’s traffic accident in Tan Dong Hiep Ward, Di An City, ran to the scene to see if he could provide any help. Here, a group of civil defense troops used violence to prevent him from reaching the scene. The result was that Mr. Binh had to be rushed to the hospital for a concussed brain, and a bulged eye. On May 31, 2012, the victim died after more than a week in a coma at Cho Ray Hospital.¹⁰
- -July 23, 2012: Mr. Duong Tan Thuong, 28, resident of Dong Hung B Village, An Minh, Kien Giang. At 10 A.M., he was detained for his intentional maiming of others. He died at 4:30 P.M., the same day while being detained at Thoi Binh District Police headquarters, Ca Mau Province. Autopsy results indicate that Mr. Thuong suffered soft-tissue trauma, his chest battered by external force, his lungs effused with blood. Police said that he was struck by the other defendants.¹¹

- August 6, 2012: Mrs. Duong My Linh, 54, of in Ho Chi Minh City. On August 4, 2012, Mrs. Linh was arrested on suspicion of property appropriation frauds. On the morning of August 6, detention center officials of Ca Mau Provincial Police found the accused dead by hanging with mosquito net fabric. The incident took place when Mrs. Linh was held alone in a detention room in Ca Mau province.¹²
- August 30, 2012: Mr. Nguyen Mau Thuan, 54, resident of Doai Area, Kim No Village, Dong Anh District, Hanoi. On August 30, 2012, Mr. Thuan was arrested and detained at the village police office for his minor conflicts and clashes with his neighbors. In the afternoon, the family received news that he was “gravely sick”. When his family arrived at the office, he was lying on the floor, his hands and feet were cold, and his heart had stopped beating. There were many bumps and bruises on his body; his wrists and ankle were stamped with marks of tight handcuffs. Autopsy reveals multiple bruises on his limbs, head injuries, and broken ribs.¹³
- September 8, 2012: Mr. Nguyen Thanh Hien, 43, resident of the administrative area, 13 To Hieu Street, Ngo Quyen Ward Vinh Yen City, Vinh Phuc province. In late afternoon on September 6, 2012, Ngo Quyen Ward police escorted him and two of his family members to the office because of clashes between him and the family. At 9:20 P.M., his younger brother, Mr. Hien Nguyen Thanh Hieu, brought blankets to the ward police office for him, and found that he had fainted. The family was allowed to take Mr. Hien to the emergency room at Vinh Phuc General Hospital while he was in a state of unconsciousness. The doctor said that the victim suffered traumatic brain injury, and there were many bruises on his body. Mr. Hien died in the morning of September 8, 2012.¹⁴
- September 14, 2012: Mr. Ho Long Giang, 27, of Xuan An Ward, Long Khanh City. He was detained by police on September 14 for “drug possession.” According to police report, he used his shirt to hang himself in the detention room in the evening on that same day.¹⁵



Mr. Nguyen Thanh Hien of Vinh Yen City died on September 8, 2012 sustaining traumatic brain injury when being detained at a police station. Photo Xaluan.com

- September 17, 2012: Mr. Pham The Hien, 28, resident of Cluster 4, Tra Cu City, Tra Cu District, Tra Vinh Province. Late afternoon September 9, 2012, Mr. Hien was arrested and held under administrative procedure at Tieu Can District Police Headquarters on suspicion of illegal possession of narcotics. He died in the detention center the next morning. When his family arrived at the police headquarters, his body had been examined (without the presence of the family). The cause of death was announced as suicide by hanging.¹⁶

- November 12, 2012: Mrs. Ha Thi Nhung, 76, of Neighborhood 6, Xuan Thanh Village, Tho Xuan District, Thanh Hoa Province. She was one of the hundreds of petitioners from various provinces who had come to Hanoi to complain about the illegal seizure of their lands. During a

rally in the morning of November 12, 2012 at Ly Tu Trong Garden, Mrs. Ha Thi Nhung read aloud popular folklores denouncing corruption. Immediately, a group of police and civil defense ripped the banner, then dragged her away. A few minutes later, she was found lying on the ground unconscious. Everyone rushed to give first aid, but the victim had died.¹⁷

- December 10, 2012: Mr. Bui Van Loi, 45, of the city of Gia Lam, Bo Ha, Yen The, Bac Giang province. On December 10, 2012, Yen The District police forces raided a gambling gathering in the form of cock fighting. There were about 30 people at this event when the police arrived. Mr. Loi, out of fear, fled across a nearby rice field. A plain-clothes policeman chased after him, and handcuffed him after he was caught. Mr. Loi was shot to death while being manacled.¹⁸

The brutal resort to force by government forces affects not only individuals but also a wider range of victims in different environments. To deal with the demands of the victims of land injustice in their class-action petitions or with the people's obstruction of forced and unjust confiscation that is happening more and more every day, the government, instead of talking with the people, used riot police and trained dogs together with vehicles to brutally repress them, injuring them and even causing fatalities to them [See section Victims of Injustice of this report]. Police violence was also systematically used against religious activities that are not state-sanctioned, without regard to participants' affiliations, be it Catholic, Buddhist, Protestant, or Hoa Hao Buddhist [See section No Religious Freedom of this report]. 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 using "popular spontaneity," security forces could command and control from afar the beatings of

dissents and suppressing legitimate activities of the people, without the overt intervention that could result in unfavorable reactions to the government. However, in many cases, the hoodlums admitted that they had received money from the public security for their parts in those inhumane acts.¹⁹

NOTES

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V

NO FREEDOM OF RELIGION

Vietnam is a country with many religions, which in general play an extremely important role in the socio-cultural activities in VN. The Vietnamese government has also admitted, “In VN, 80% of the population hold spiritual beliefs.”¹ Since taking control of the country, the communist Government of VN, with the aim of eliminating religions to pave the path to socialism, has sought to restrict the religious freedom of the people by various means, such as:

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

1. Legal Prohibition

Although the 1992 Vietnamese Constitution stipulates that “no one can violate 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 be recognized by the state and allowed to operate. In 2012, with the adoption of Decree No. 92/2012/ND-CP that superseded Decree No. 22 of 2005, the government further tightens the registration, training, and appointment of clergy, and restoration of religious structures, etc.

In short, Decree 92/2012 with 5 chapters 46 articles details more meticulously the limitation of activities of religious organizations prescribed by previous legislations, especially in the areas of “Religious Organizations” (Chapter III) and “Religious Activities” (Chapter IV). All activities of religious organizations must be notified in advance to corresponding administrative authorities for approval or disapproval. The decree specifies that a religious organization must have 20 years of “stable religious operation” and must have “not violated the provisions of law specified in clause 2 Art.8 and Art.15 of the Ordinance on Beliefs and Religion” in order to be recognized by the Government (Art. 6 of Decree 92/2012).

Such regulations imply that the state can arbitrarily disband and prosecute any religious organization that they deem “to violate national security,” “to sow division among the people,” “to cause public disorder,” and “to disseminate information against the state’s prevailing laws and policies” as specified in the current criminal code.

During the preparation for the application of Decree 92/2012, the government has organized many seminars. On 13 May 2011, representatives from dioceses in the Ecclesiastical Province of Saigon, through a conference, made a number of recommendations to the government with the comment that, “overall, the proposed decree intended to replace the Government Decree 22/2005 is a huge retrograde step compared to the original one, the Ordinance on Beliefs and Religions, and the Constitution. Essentially, the proposed amendments of the decree reflect the desire of the government to re-establish the mechanism of Asking and Granting in religious activities. The Asking and Granting process turns the legitimate rights of citizens into privileges in the hands of government officials who would grant or withhold them from people through bureaucratic procedures. The mechanism of Asking and Granting, hence, not

only eliminates the freedom rights of people, but also turns a ‘government of the people by the people and for the people’ into a ‘Master of the country’ Government which holds in its hands all the rights, and grants or withholds them to people as his random mood swings.”²

Referring to the new Decree, The Committee on Justice and Peace of the Vietnamese Catholic Bishops’ Conference, said, “This document is more backward than Decree 22, which had many shortcomings, unjust and



Pastor Nguyen Cong Chinh was escorted to the Gia Lai Court on March 26, 2012. Photo Báo Gia Lai

unreasonable interferences into the internal affairs of churches, and infringed on the fundamental rights of citizens. It inevitably will cause social disturbance and has unpredictable implications.”³

Christian Solidarity Worldwide (CSW) also expressed concerns about Decree 92/2012, saying, that “this decree appears to restrict religious activities in a manner not consistent with its obligations under the International Covenant on Civil and Political Rights - ICCPR, and Article 18 in particular, relating to freedom of religion or belief.”⁴

In addition to binding laws meant to restrict religious activities, the government also abuses

the notorious articles 79, 87, 88, and 89 of the 2009 Criminal Code⁵ to prosecute religious freedom activists:

- On February 04, 2013, the Court of First Instance of Phu Yen sentenced 22 persons of Hội đồng Công luật Công án Bia Sơn, a religious organization named “Ân đàn Đại đạo” founded in 1969, on charges of “activities aimed at overthrowing the People’s Government.” Mr. Phan Van Thu, considered the leader of the organization, was sentenced to life in prison. The remaining twenty-one people were sentenced from 10-year to 17-year prison terms, for a total of 295 years. These people were arrested in February 2012.
- On January 23, 2013, An Phu District Court, An Giang Province sentenced Mr. Bui Van Trung, a Hoa Hao Buddhist, for his “resisting officials carrying out their duties.” Mr. Bui Van Trung was arrested last October 30 for having organized praying to the Buddha sessions at his house.
- On December 12, 2012, Lai Chau’s provincial Court sentenced four Hmong Christians: Trang A Cho to seven years in prison, Giang A Long, Li A Di and Hau A Giang to 3 years in prison for activities aimed at overthrowing the People’s Government. Like those who were penalized in the trial on March 13, 2012 by Dien Bien’s provincial Court, these are some of the about 5,000 Hmong who had gathered in the area near Huoi Khon, Nam Ke Commune, Muong Nhe District, Dien Bien Province to perform prayer rituals and demand religious freedom on April 30, 2011. They were dispersed by the police, border guards, tanks, and helicopters.
- On August 29, 2012 the, Ninh Thuan Court reconfirmed the five years in prison sentence for Phan Ngoc Tuan, a Lutheran Evangelical denomination missionary. He

was said to be distributing propaganda leaflets against the communist government under article 87 of the Criminal Code.

- On May 24, 2012, Nghe An Province People's Court sentenced four young Catholics: Dau Van Duong to 42 months in prison, Tran Huu Duc to 39 months in prison, Chu Manh Son to 36 months in prison and Hoang Phong to 24-month suspended sentence on charges of “propaganda against the state” under Article 88 of the Criminal Code.
- On March 26, 2012, Gia Lai Court sentenced Protestant pastor Nguyen Cong Chinh to an 11-year jail term for undermining national unity policy under Article 87 of the Criminal Code. Pastor Chinh was arrested on April 4, 2011.
- On March 13, 2012, Dien Bien Province Court sentenced to prison terms eight Hmong Christians from 24 to 30 months for disturbance involving thousands of Hmong Christians in the Province of Dien Bien the year before.
- On March 2, 2012, the An Giang Provincial Court of Appeal sentenced Mr. Nguyen Van Lia, a Hoa Hao Buddhist, to four years and six months in prison (6 months less than that of the December 13, 2011 sentence).

Furthermore, to limit the activities and influences of religious organizations, the government resorts to the 2003 Land Law to permanently take away the churches’ properties including schools, infirmaries, and social services offices. The demolition of the church and centuries old Carmelite monastery on 72 Nguyen Thai Hoc Street, Hanoi,⁶ and the land expropriation of the grand seminary of Vinh Long Diocese⁷ are cases in point in 2012.

2. Organizational Control

To facilitate its control of religious organizations, the CPV has, for many years, shown itself especially concerned about the personnel in leading positions in various religious organizations. In 2012, in order to reinforce the government control over religious affairs, PM Nguyen Tan Dung appointed Police Lieutenant General Pham Dung, former Chief of the General Security Department II of the Ministry of Public Security, to the post of Deputy Minister of Internal Affairs and Head of the Government Committee for Religious Affairs. With this appointment, the government clearly showed its determination to police-manage all religious activities.

The communist government continues its “Divide and conquer” policy with all religions. To each religion, there is always a “state-imposed committee” under the permanent supervision of the “Fatherland Front” to coordinate activities “in compliance with the official policy of the regime.” As for Buddhism, the government only recognizes the state-run Buddhist Church of VN, while outlawing the Unified Buddhist Church of Vietnam and keeping it under permanent surveillance and oppression. In the case of the Hoa Hao Buddhist Church, the State disallowed the Orthodox Hoa Hao Buddhist Church, and installed a pro-government Hoa Hao Buddhist Representative Board. As for the Cao Dai Church, with the Charter 2007, the government set up the state-sactioned church ruled by the Executive Council of Tây Ninh Province Cao Dai that other traditionalist Cao Đài groups do not support. As for Khmer-Krom Buddhists, the government dispersed the Khmer-Krom Theravada Buddhist Associations, and forced Khmer-Krom Buddhist monks to join the Patriotic United Buddhist Association. With respect to the Vietnamese Catholic Church, the communists diminish the role of the Vietnam Catholic Conference of Bishops by fostering the

Vietnam Committee for Catholic Solidarity.

The recruitment, training, ordainment, appointment, and transfer of religious officials all require the sanction in advance of the state. The training programs for seminarians and other grassroots cadres have to be reviewed by the state and include such subjects as Marxist/Leninist ideology, Ho Chi Minh thought, history of the CPV, and the SRV legal system, taught by state instructors.

Candidates to high-ranking positions in any religion must be vetted and approved by

Hoang Duc Oanh and Peter Tran Thanh Chung, were stopped by the police of Dak Hring village, Dak Ha District, Kontum, while they were on the way to the ceremony site at the village of Turia Yop. On March 17, 2012, the government mobilized nearly 400 police to prevent the Hoa Hao Buddhist followers, who gathered at the house of Mr. Tran Nguyen Huon (head of the Pure Hoa Hao Buddhist Church of An Giang Province) located in Long Giang, Cho Moi District, An Giang Province to commemorate the 65th anniversary of the disappearance of Hoa Hao prophet Huynh Phu So. Pagodas of the Unified Buddhist Church of Vietnam from Thua Thien-Hue to Binh Thuan were intimidated and prevented from organizing the Vesak Festival in 2012 as well as in previous years. From August 12 to 14, 2012, Giac Minh Pagoda in the city of Da Nang was completely blockaded during the Vu Lan Festival (Buddhist traditional Mothers' Day). Police prevented anyone from entering the temple. These were but some of the many religious activities that were banned because they were not sanctioned by the government.

Except for worshipping, catechism instruction, and clergy training, all other religious activities such as the opening of schools and hospitals, and charities (in response to disasters or social problems) are still restricted.

In education, for instance, the various churches can only open kindergartens, but not elementary or secondary schools, colleges or universities (as was the case in South VN before 1975). Thousands of facilities devoted to such activities before 1975 have been confiscated by the authorities and put to other uses for decades, with almost none of them returned.



Bishop Hoang Duc Oanh of Kontum Diocese examined Fr. Nguyen Quang Hoa's injuries inflicted by gang of thugs on Feb 23, 2012. Photo VRNs

the state's central level before they can be accepted. Worse still, police agents disguised as "clergymen," particularly Buddhist monks, are also formed by the authorities to secretly work in temples and religious institutions both at home and abroad, in order to rig the religious rank and file.

Traveling for religious purposes is also restricted. For example, on April 4, 2012, two Bishops of the Diocese of Kontum, Michael

3. Violent Suppression

Together with sophisticated measures of prevention, restriction, and control, the Vietnamese communist government has always been ready to use armed violence to suppress religious organizations when necessary, as a means of advanced warnings or when an event escapes its control. In 2012, the use of violence to suppress religious activities continued throughout the year. Following are some typical cases that attracted great public concern:

◆ **The case in which Fr. Nguyen Quang Hoa of the Diocese of Kontum was seriously injured**⁸

On February 23, 2012, while on the way home after a funeral service at the village of Kon Hnong, Dak Ha District, Kontum Province, Father Nguyen Quang Hoa was attacked by a gang of thugs using iron bars. He ran into a rubber plantation, but the hoodlums still chased after him and knocked him to the ground, seriously wounded him in the head, torso, and limbs, then smashed his motorbike. Fr. Hoa had been frequently threatened after each funeral ceremony in Kon Hnong villages. After the assault, Dak Ha District police forced Fr. Hoa to “request [the authorities] not to investigate.”

◆ **Police Assault against Father Nguyen Van Binh (Hanoi)**⁹

On April 14, 2012, the authorities of Thuy Xuan Tien village, Chuong My District, Hanoi City used gangsters and the police disguised as thugs smashed the home for orphans of Father Joseph Nguyen Van Binh, pastor of the Yen Kien Parish, Hanoi Archdiocese. This is the house Fr. Binh had purchased and repaired to raise the orphans. Before the day of the violence, Fr. Binh wanted to invite the children’s benefactors to a simple meal, but Thuy Xuan Tien Commune People’s Committee would not allow it. The next morning, the government hired a group of about 200 thugs

to destroy the house while the police blocked all the roads leading to it. When Fr. Binh arrived at the scene, the thugs surrounded him and the lay people who had come to help, and attacked them with their particular weapons. They knocked the priest unconscious, savagely beat many parishioners, evicted the orphans, threw things out and smashed the house to pieces.

◆ **The Suppression of Con Cuong Parish**¹⁰

Con Cuong is a small parish in Nghe An Province, which had been suppressed by the local government for a long time. On November 11, 2011, the District authorities mobilized more than 500 police and civil defense troops to the Parish’s Chapel to cause chaos while the priests and laity were celebrating Mass. On March 6, 2012, while the priest was celebrating Mass, a number of District and commune staff of about 50 people came to harass, make noise, and interfere with the ceremony. On June 24, 2012, the authorities mobilized about 250 people to disrupt and prevent parishioners and priests from performing Sunday liturgy. Police and thugs put high power loudspeakers near the chapel windows to make noise and “expose” the diocesan bishop, the priests, and laity. A most severe incident happened on July 1, 2012, when the security forces equipped with guns, batons, sticks, and stones, prevented Rev. Nguyen Dinh Thuc from entering the chapel. They savagely beat church attendants and smashed church statues. Some attendants were wounded and rushed to the emergency room.

◆ **The Persecution of Hoa Hao Buddhists at Quang Minh Temple in An Giang Province**¹¹

Like every other year, on the founding anniversary of the Hoa Hao Buddhist Church, many believers came to praying sessions at Quang Minh Temple in Long Hoa Hamlet 2, Long Dien A village, Cho Moi District, An Giang Province, presided over by Abbot Vo Van Thanh Liem. On July 5,

2012 (the 17th day of the fifth month of the lunar year - the time of the 73rd anniversary of Patriarch Huynh's founding of Hoa Hao Buddhism), while many followers came to Quang Minh Temple for the celebration, hundreds of the village, district, and provincial Police, in plain clothes, stopped, pushed and shoved, and prevented them from entering the temple. They disparaged the Religion, insulted the believers, and sprayed the crowd with water in the basement. The following day, July 6, 2012, some believers, who, while on the way back from the Hoa Hao Patriarchal Temple, wanted to attend the ceremony at Quang Minh Temple were pushed away, assaulted and injured by the same forces.



Falun Gong practitioners arrested at Le Van Tam Park on Feb 02, 2012. Photo VOA

◆ **Two Cases of persecution of Catholic Ethnic Minorities in the Central Highlands:**

Catholic and Protestant ethnic minorities living in the Central Highlands and the northern and northwestern mountainous regions have been subjected to frequent and intense persecution since 1975. Many people, sometimes the whole villages, were beaten, tortured, and many others were killed just because they were determined to protect their religious faith. The authorities were particularly harsh with highland ethnic minorities, on the one hand, because they considered the legitimate demands for improvement of ethnic minorities' life a threat, and on the other hand, because they think that their crimes can be covered by the remote geographical location of the village. In 2012, violent persecution aimed at the ethnic Christian minority continued. Following are two typical cases:

* On August 21, 2012, at approximately 7:30am, Degar Catholics from the village of Bon Kon H'Drom (commune of Dak T'Re, district of Kon Braih in Kontum province) were in the midst of having prayer and worshiping God when Vietnamese armed security forces raided them. While many were able to disperse, young children with their mothers and the elderly were not able to move quickly enough and were subsequently trampled by the security officers and struck with batons. More than 30 people were reportedly injured during the raid.¹²

* On November 9, 2012, VN's government carried out a sweeping operation with an estimated one thousand well armed soldiers and security forces. They searched for devout Degar Catholics and found six individuals. The captured men were severely beaten and taken to Dak Krong commune. One man was tied to a wooden cross while the rest of the men, whose hands and feet had been tied, were placed around the cross. The security forces rounded up the villagers and threatened them, saying that anyone who continues to practice their religious beliefs will be subject to the same punishments as these men.¹³

The typical cases detailed above clearly show that, although they loudly claim respect for religious freedom, the Vietnamese communists

have never ceased to suppress religions and harass the faithful of all denominations. The communists are very suspicious of religions not only because of their atheist ideology, but mainly because of their belief that religious organizations, being mass organizations, are a threat to the regime's survival.

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VI

LAND EXPROPRIATION AND VICTIMS OF INJUSTICE

Vietnam is currently an agricultural country with more than 70% of its 94 million inhabitants making their living as farmers. The land was the result of their hard labor filled with sweat and tears throughout many generations. Yet since 1980, VN's ruling communist party has abused Article 17 of its very own Socialist Republic of Vietnam's 1992 constitution by turning the people's land ownership into the so-called "ownership by the entire people," a misleading term used to conceal the truth, making all the land the property of the CPV.

Since then, the communist officials have engaged in innumerable acts of oppression and violent expropriation to rob the people of their land, the very source of their livelihood, pushing them against the wall and leaving them with no means of survival. In principle, compensation was made, but at such an incredibly low and merely symbolic rate that, instead of helping the people to rebuild their lives, it has pushed them into dire poverty. Since 1980, when VN's socialist constitution was first enforced, the land of millions of people has been stolen, creating a new genre of 'victims of injustice.' This has become a tragedy for millions of farmers in VN, who in some cases have complained for more than thirty years to various government offices to no avail, due to those agencies'

inadequate solutions or even total disregard for their plight.

These victims of unbearable injustice have no choice but to stand up and protest nationwide, including early on a demonstration in which thousands of people in the province of Thai Binh participated at the end of 1996. Eventually, a series of uprisings occurred over several months in 1997 by tens of thousands of farmers from five of the seven districts of Thai Binh: Quynh Phu, Hung Ham, Tien Hai, Dong Hung, and Thai Thuy. Those were followed by two other uprisings involving tens of thousands of the highland ethnic people in 2001 and 2004, then by a demonstration that lasted twenty seven full days and nights in 2007 by thousands of farmers from the southern 19 provinces of Tien Giang, An Giang, Kien Giang, Binh Duong, Binh Phuoc, My Tho, Ben Tre, Long An, Can Tho, Dong Thap, Ba Ria-Vung Tau, Binh Dinh, Binh Thuan..., and nine districts of Saigon.

It's worthy to note that while conducting land expropriation activities, government cadres deliberately overestimate the needs of the intended plan to grab as much land as possible, so they could appropriate the surplus, and resell it to developers who are willing to pay the highest price possible (usually 10 times more than the reimbursement rates or even higher) and pocket the difference. The government's 2012 anti-corruption report ranked land management corruption as number two, only after traffic policing, in quantitative terms and level of severity.¹

Land management corruption happened to some of the most fertile land sometimes cultivated by farmers over several generations, causing great losses to impoverished and powerless farmers who do not know where to turn to address their grievances. Corruption and injustice in land management also make significant contributions to the growing gap in the society between the rich and the poor. 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. This tragic situation has persisted throughout the years; however, in recent days it has become even worse.



*Backed by bulldozers, thousands of police, military personnel, and plain clothes security forces moved in seizing the villagers' land at Van Giang April 24, 2012 .
Photo from youtube 123xuongduong*

The Vietnamese people have suffered tremendously from the communist government's land expropriation policy. In addition to increasing the number of unemployed in the country and creating millions of "victims of injustice," the Vietnamese term for which is "dân oan," the land expropriation policy has been pushing the "victims of injustice" into the abyss of miserable living conditions. 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 in 2012, including claims of land acquisition, compensation and ground clearance for development projects, land claim disputes... accounted for 74.7% of the total complaints received in the whole country.²

Thousands of landless farmers who do not know where to get help flocked to Hanoi, Saigon and other major metropolises across the country to claim compensation for land seized by authorities for 'development purposes.' They stage long-running protests outside public buildings, such as the National Assembly in Hanoi or other local government offices, to denounce corruption and injustice toward dispossessed farmers, and to ask for fair compensation. Those victims must try

to survive miserably in the open, harsh weather at the Mai Xuan Thuong or Ly Tu Trong parks near the West Lake in Hanoi as they pursue their legal demand for "justice."

It is critical to emphasize here that during such official land confiscations, the police normally resort to brutal beatings of the victims of injustice, severely injuring many of them and causing fatalities, as in the case of Trang Bom of Dong Nai in 2008 and Tinh Gia of Thanh Hoa in 2010, or pushing them to commit suicide, as in the case of Son Tra of Da Nang in 2011 and Thang Binh of Quang Nam or Can Tho in 2012. Unimaginable savageries become normal procedure for the police, including beating of citizens to death, attacking funerals, bullying mourners, and even stealing caskets!³

In addition, the Vietnamese authorities have bluntly attempted in recent years to take over the lands of religious organizations in the country such as Catholic, Buddhist, Protestant, Caodai, and Hoahao Buddhist churches. Most recently, the demolition of the historic Carmelite monastery and Church of the Archdiocese of Hanoi in January 2013,⁴ 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”⁵ 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. Such were the cases of activists working for the interest of land injustice victims like: Ho Thi Bich Khuong of Nghe An, sentenced to 5 years in prison on 29 December 2011; Mr. Le Thanh Tung of Hanoi, sentenced

armed troops and civilian guards, swarming into villages to brutally beat up farmers and steal hundreds of hectares of their land. The following are typical cases:

Case1. Forced Land Eviction in Tien Lang District in January 2012.⁶

In 1993, under the auspices of authorities of Tien Lang District of Hai Phong City, Mr. Doan Van Vuon and his brother’s families in Cong Roc of Vinh Quang village began to develop 21 hectares of seashore, including 19.3 unexploited hectares of seashore swamps, for use for 14 years. They invested lots of labor and money, but after a series of failures, they finally succeeded in building anti-seawater dikes to start a sea product business. Several years later, seeing that the family had turned a profit giving them enough to pay up their bank debts, corrupt local officials plotted to take over their lands. In April 2008, the officials decided to recover their 19.3 hectares of swamps, despite protests that the family’s granted period of land use was still valid.

In January 2012, the authorities of the Tien Lang district and Hai Phong city ordered hundreds of police officers and soldiers to begin the forced recovery of the land. However, Vuon and his brother vigorously fought back using rustic weapons, wounding several members of the government forces. The siblings were finally arrested and their houses and properties burned down, leaving their loved ones homeless. Both Vuon brothers are still in prison, awaiting sentencing for their ‘opposition to officials on duty and homicidal attempts,’ which they continued to appeal with the support of many people.

to 5 years in prison on 10 August 2012; Messrs. Nguyen Kim Nhan, Dinh Van Nhuong, and Do Van Hoa, sentenced to 5.5 years, 4 years, and 4 years respectively. All of these five activists were prosecuted under Article 88 of the Vietnamese Criminal Code for “conducting propaganda against the Socialist Republic of Vietnam.” Ms. Le Hien Duc, an active advocate for land eviction petitioners and the recipient of 2007 Transparency International Integrity Award from Transparency International, was assaulted and injured by police in Hanoi on June 1, 2012.

In 2012, many serious land confiscations took place with hundreds - and sometimes thousands - of security and mobile police, as well as



Mr. Doan Van Vuon’s house was leveled to the ground by Tien Lang’s authorities on Jan 5, 2012. Photo danviet.vn

Case2. Forced Land Eviction in Van Giang, Province of Hung Yen⁷

In April 2012, the authorities of the Van Giang district, province of Hung Yen, decided to confiscate some 500 hectares (involving about 4,000 families) to create the Ecopark city-commerce tourist area, to be built by Viet Hung Estate Investment Company. Facing a terribly low and unfair compensation rate of 43,000 VND (approximately US\$ 2.15) per square meter, 1,800 families in Xuan Quan, Phung Cong, and Cuu Cao firmly refused to accept, leading the district and provincial government on 24 April 2012 to send out a force of some 2,000 police officers to Phung Cong and Xuan Quan to bar all access to the field, and to detain and beat a number of guards there.

Other farmers coming to support the victims were also brutally beaten, and some were rendered unconscious by having pepper gas pumped into their noses. Eventually, the unarmed people were defeated by the powerful government forces, and twenty of them were arrested, including a mother with a small child at her breast. Citizens continued to be harassed and terrorized by forces hired by the Viet Hung Company. Two reporters working for the official Voice of Vietnam were also caught in the melee and beaten up by the police.

Case3. Forced Land Eviction in Vu Ban, Province of Nam Dinh⁸

Around the end of 2007, the authorities of the Vu Ban district in Nam Dinh province planned to confiscate 165 hectares of the Lien Minh, Lien Bao, and Kim Thai villages to sell to Vietnam Textile Group in order to build the Bao Minh industrial zone. However, due to the extremely low compensation offered, 120 families rejected the offer and tried to stand against the government's threats and enticement. On 9 May 2012, nearly 300 police officers and civilian guards were sent over to carry out a ruthless

expropriation campaign, beating three women seriously then leaving them lying in the street, while five others were arrested. Eventually, the 165 hectares were stolen successfully.⁹

Case4. Stripping off To Protest Forced Land Expropriation in Cai Rang District, Can Tho Province in May 2012¹⁰

On 22 May 2012, authorities of the Cai Rang District in Can Tho Province ordered a takeover of the family land of Mrs. Pham Thi Lai, despite her repeated complaints to many public agencies since 2002. Her husband was so furious about the injustice that he tried to take his own life with pesticide. Fortunately, he was rescued in time and treated in a hospital.

To protest the government's forced confiscation, Mrs. Lai and her daughter decided to protest by fully undressing themselves (to shame the attackers) but they were still savagely dragged from their family land. On 19 June the people committee of Cai Rang accused Mrs. Lai of obstructing the construction of residential lot #49 of the new city area of South Can Tho. She was fined 1.5 million VN Dong (approximately US\$ 75.00) for that crime, plus 80 thousand VN Dong (US\$4.00) for her and her daughter's nakedness in violation of public decency!¹¹

Case5. Forced Land Eviction in Dong Trieu, Quang Ninh Province in December 2012¹²

The authorities of Quang Ninh Province and Dong Trieu District had plans to urbanize the Dong Trieu area by 2015. However, in the process of compensation for expropriated land, many people said that the compensation is too unfair, since less than 40 thousand dong

per square meter “is only a bowl of phở”; the people therefore refused relocation. According to the confiscation decision, by December 23 the government will seize the land by force; therefore, on Dec 21, 2012 thousands of people flocked to the area in front of the Kim Son urban project. Many people carried coffins, lied on the road and blocked the traffic, causing Highway 18A congestion. The authorities of Dong Trieu district ordered force to remove the banners and tents set up by protesters. Because the crowd continued to grow, security force was sent to the area, triggering clashes with the protesters. The incident heightened at about 5PM when the protesters threw wooden sticks and stones against the security force. The crowd was dispersed at 7PM. Some people were arrested during the fighting.

² 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)

³ Youtube, “Dùng côn đồ cưỡng chế làm chết người tại Hà Đông,” http://www.youtube.com/watch?v=2Q-5kyQzj_E&feature=related (Accessed Jan 09, 2013)

⁴ 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-viec-so-y-te-ha-noi-tiep-tuc-pha-do-tu-vien-kin-camelo-72-pho-nguyen-thai-hoc> (Accessed Jan 14, 2013)

⁵ RFI, “Công án Bia Sơn là một vụ án ‘tạo dựng’,” <http://www.viet.rfi.fr/node/78230> (Accessed Feb 15, 2013)

⁶ Việt Sử Ký, “Tư liệu về vụ Đoàn Văn Vươn,” <http://vietsuky.wordpress.com/doan-van-vuon/> (Accessed Feb 12, 2013)

⁷ BBC Vietnamese Online, “Vụ Văn Giang: Chính quyền cưỡng chế,” http://www.bbc.co.uk/vietnamese/vietnam/2012/04/120424_van_giang_showdown.shtml (Accessed Feb 09, 2013)

⁸ RFI, “Nam Định: chính quyền sử dụng vũ lực cưỡng chế đất của dân,” http://www.rfa.org/vietnamese/in_depth/another-land-seizure-in-nam-dinh-05092012055603.html (Accessed Jan 21, 2013)

⁹ Radio France International, “Cưỡng chế đất đai tại Vụ Bản, Nam Định: 5 người dân bị bắt,” <http://www.viet.rfi.fr/viet-nam/20120509-cuong-che-dat-dai-tai-vu-ban-nam-dinh-5-nguoi-dan-bi-bat> (Accessed Jan 19, 2013)

¹⁰ Người Việt Online, “Cần Thơ: Hai mẹ con khỏa thân để chống cưỡng chế đất,” <http://www.nguoi-viet.com/absolutem2/templates/viewarticlesNVO.aspx?articleid=149387&> (Accessed Jan 12, 2013)

¹¹ Tuổi Trẻ Online, “Khỏa thân cản trở thi công: phạt 1.580.000 đồng,” <http://tuoitre.vn/Chinh-tri-xa-hoi/Phap-luat/497689/Khoa-than-can-tro-thi-cong%C2%A0phat-1580000-dong.html> (Accessed Jan 13, 2013)

¹² GO.VN, “Cả nghìn người kéo đến vây kín khu vực đối diện dự án khu đô thị Kim Sơn, huyện Đông Triều,” <http://news.go.vn/xa-hoi/tin-1082639/quang-ninh-hang-tram-nguoi-tan-cong-ca.htm> (Accessed Jan 10, 2013)



Mrs. Ha Thi Nhung, a 76 year-old petitioner, died while protesting against injustice at Ly Tu Trong garden on Nov 12, 2012
Photo Dân Làm báo

NOTES

¹ 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)

VII

WORKERS' RIGHTS VIOLATED

Although being a member of the International Labor Organization since 1980 and having ratified most of the International Labor Organization's international conventions on labor,¹ Vietnam continues in 2012 to violate in practice the rights of workers on various aspects of the law, especially as it concerns the right to have unions and the right to strike.

1. Violation of Worker's Rights in Labor Legislation

The 1992 Constitution strips workers of their union rights when it gives the exclusive right to establish trade unions to the Communist Party's peripheral organization, the Vietnam General Confederation of Labor.² Faced with workers' legitimate demands as can be seen in a record number of strikes in 2011,³ and under the world's pressure after its admission to the World Trade Organization (WTO), in 2012 Vietnam revised the 1994 Labor Law and Trade Union Law of 1990. The Trade Union Law of 2012 takes effect as of January 01, 2013 and the Labor Law on May 01, 2013.

Although having been amended, both of the Laws still maintain the positions and functions of trade unions as the Communist Party's

peripheral organization.⁴ It is illegal to establish workers organizations outside of the Vietnam General Confederation of Labor. Labor Law 2012 also stipulates restrictive conditions to nullify workers' right to strike. Article 210 specifies that legal strike must be organized and led by the Executive Committee of Trade Unions. However, the reality is that the Vietnam General Confederation of Labor has never organized any strikes.⁵ Article 213 requires that "when more than 50% of the people consulted agree with the plan of the union executive Committee, the trade union executive committee shall make a decision on strike in writing." In reality, however, no one can hold a roll call and nobody dares to go around collecting signatures, for doing so would result in arrest. Mr. Mai Duc Chinh, Vice Chairman of the Vietnam General Confederation of Labor, has also admitted that these conditions are hardly feasible.⁶ Article 215 specifies cases where striking is considered illegal when it is carried out at premises of companies that are on the list of no-strike prescribed by the Government.

Government Decree 122/2007/ND-CP details cases on the no-strike list that includes industries or companies involving "national interests." This list includes not only airlines and railways, but also environmental, irrigation, and town planning companies. A common thread is that they are owned by the ruling party or its officials.

In the current negotiations on the Transpacific Partnership Free Trade Agreement, the Communist government always tries to find ways to oppose terms allowing independent unions sponsored by the United States—even though these terms are supported by the International Trade Union Confederation (ITUC), and seven major unions of the TPP member countries.⁷

With regards to the labor-related age limit, although having participated in Convention 138 on the minimum age to work and Convention

182 on the prohibition and urgent action to eliminate the worst forms of child labor, the 2012 Labor Law allows employers the right to hire even children under 15 years of age,⁸ as long as these jobs are not on the list issued by the Ministry of labor, War Invalids and Social Affairs.⁹

2. Violations of Workers' Rights in Practice

In addition to seeking ways to prohibit the formation of independent trade unions and to prevent any strike by legislation, in 2012, Vietnam violated the rights of workers in many ways, most notably in the following ways:

- Workers continued to be exploited
- The state continued the forced labor policy
- The state continued labor export policy without regard to cost of human dignity and rights.
- Advocates of worker rights continued to be suppressed.

A. Workers Continued to Be Exploited

The number of spontaneous strikes in 2012 was significantly reduced as compared with 2011, but strikes were larger in scale; many cases had 500 to 1,000 participants.¹⁰ In the opinion of many observers, the decline in the number of strikes in 2012 over the previous year was not because of workers' satisfaction with the job or employer's treatment, but because of economic difficulties. One had to be lucky to have a job; workers did not have any other choice.¹¹ Same as with the previous years, the underlying causes leading to strikes were because factory owners did not fulfill their social responsibilities to workers, which include wage issues, benefits, working hours, and labor safety, etc. According to Mr. Mai Duc Chinh, Vice Chairman of

Vietnam General Confederation of Labor, "through research, 80% of the strikes demands higher wages, 20% claims to reduce overtime, increase meal allowances. A worker in Hanoi, with a salary of 2.5 million VN ĐỒNG per month, after paying rent, electricity, water ... there is not much left for him to live on."¹²

Not only having to worry about insufficient wage, workers were also concerned about lunch safety at workplaces. Widespread food poisoning became a permanent concern for employees and their families. The press reported thousands of such cases in 2012.¹³ Thousands of workers at Hansol Vina Company in Binh Duong province became victims of food poisoning in September 2012.¹⁴

Moreover, workers had to work in unsafe conditions. As reported by the Labor Safety Department of the Ministry of labor, War Invalids and Social Affairs, in 2012, the number of work-related accidents and victims statistically increased compared to 2011. Specifically, in 2012 there were 6777 work-related accidents killing 606 people and injuring 6361. Compared to previous years, the number of accidents increased by 881 incidents, the number of victims increased by 813 people, incidents resulting in deaths increased by 48, the number of deaths increased by 32, and the number of serious injuries increased by 156.¹⁵ It should be noted that, according to the Department of Labor Safety Director, nearly 95% of business owners did not report work-related accidents."¹⁶ With regards to the causes of increasing work-related accidents, the Minister of Labor, Invalids and Social Affairs has admitted that "the primary causes of high work-related accidents come from employers' failure to appropriately fulfill their responsibilities in maintaining a safe and secure working environment."¹⁷

In 2012, *strikes peaked* around the Lunar New Year Day when employers failed to pay back the loan known as the "Tet bonus."¹⁸ Actually, this

is a procedure employers use to exploit employees. What nearly all employers do is unilaterally take out 1/12 from each month's pay, use this money as a large 0%-interest loan from workers, then label this loan a "Tet bonus" just before the Lunar New Year where they are supposed to pay it back to workers. Some employers fail to do so, triggering the traditional wave of pre-Tet strikes. It is important to note that workers who voluntarily leave before Tet lose this money. To put in numeric terms, if each year 1,000 workers leave before Tet, and the average worker works 6 months before leaving, then an employer has got not only zero-interest but also free capital amounting to 500 staff-years' worth of wages.



*Child labor sweat shop in the Glorious workers paradise of Vietnam
Photo from <http://forum.wnewsj.com/index.php?topic=8724.0>*

B. Continued Forced Labor

One can say with no doubt that all prisons and correctional camps, and even some social labor and education centers in Vietnam, are labor camps. In 2011, the forced labor regime in Vietnam drew the concern of world public opinion through a report by Human Rights Watch entitled "*The Rehab Archipelago: Forced Labor and Other Abuses in Drug Detention*,"¹⁹ which exposed the true face of the so-called "rehab centers," actually concentration camps where labor is forced on drug addicts for profit. According to a report of the Ministry of labor, War Invalids and Social Affairs, in 2012 there are 121 Social Labor and Education Centers and 20 public post treatment centers entrusted with the task of custody and rehabilitation for 37,605 people.²⁰

In July 2012, Human Rights Watch published a new report entitled "*Torture in the Name of*

Treatment: Human Rights Abuses in Vietnam, China, Cambodia, and Lao PDR." According to this document, what the governments of those countries called 'labor therapy' is essentially forced labor.²¹ In July 2012, International Society for Human Rights (ISHR/IGFM), based in Germany, also launched a campaign to boycott cashews produced through forced labor in Vietnam.²² According to the report of IGFM, the prison camp Z30A Xuan Loc in South Vietnam's Dong Nai province, with its roughly 7,000 inmates, is one of the major facilities of the cashew export company Thanh Binh. The company is owned by the Vietnamese People's Army. Some former political prisoners told IGFM that they were forced to work every day for up to 32 kg of cashew grade B. If they refuse to work or do not meet production targets, they were put in solitary confinement.

On February 02, 2012, Mr. Vu Van Tinh, a Falun Gong practitioner in Saigon was arrested and taken to Social Protection Center Chanh Phu Hoa, in Ben Cat district, Binh Duong province. Mr. Vu told some of his friends when they visited him at the center that he must work up to 17 hours a day, always under the wardens'

close supervision, and “outwardly it is a protection center, but in actuality it is a prison. They protect nothing and force people to work.”²³

Another aspect of forced labor is the mistreatment of children by forcing them to work in risky conditions. Even though the government, with the assistance of international child-protection agencies, ambitiously planned to end this vice within 4 years (2010-2015)²⁴, millions of children are still having to work to increase their families’ income. A number of them can work and go to school at the same time, but many others in the countryside have no way to know what schooling is. They either have to work hard as servants to rich families, or sell lottery tickets or do shoeshining in public places, or labor in handicraft factories or sewing firms. 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. According to the document, the goods produced by child labor or forced labor in Vietnam are garments and bricks.²⁵

C. Continued Ill-conceived Government-sponsored Labor Export Policy

At any time, 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. Typically, they visit poor villages, promise people good overseas employment contracts, then at the destination airport hand workers’ passports to employers. By the time the workers discover that the good conditions vaunted in the contracts are not exactly true, they have no passport and no money to go home. Contracts between workers and the recruitment agencies have clauses stipulating that once exported, workers



“I am a slave” - Garment worker at Vinastar factory in Russia. Photo BBC

“must not join unions” and “must not strike.” [Copies of contracts are available on request]. A significant number these victims have become prey to human trafficking. (Refer to Trafficking in Persons in this report)

D. Oppression against Activists Fighting for Workers

Together with the monopoly of labor unions and obstruction of strikes, the Vietnamese government ruthlessly oppresses all individuals and movements fighting for workers’ rights and/or trying to form independent labor unions. Since 2006, along with strikes in many places in the country, especially in the South, many individuals have come together to demand the government to ameliorate the workers’ life, particularly to allow the formation of free labor unions according to the International Human Rights Law and in compliance with international labor legal standards. Some workers’ rights activists are still imprisoned in 2012, such as Nguyen Hoang Quoc Hung (sentenced to 9 years in prison), Doan Huy Chuong and Do Thi Minh Hanh (sentenced to 7 years in prison each). The families of those jailed labor rights advocates reported that Do Thi Minh Hanh went deaf from having been repeatedly hit on her ear

by big men; and Đoàn Huy Chương lost the use of two fingers on a hand because prison security guards repeatedly hit them. They must sleep on the hard floor, next to prisoners with AIDS or other serious contagious diseases.

In 2012, the number of people fighting for labor rights arrested and sentenced to prison has increased. The charges in those cases are usually “conducting propaganda against the Socialist Republic of Vietnam” or “abusing democratic freedoms,” as in the following cases:

- Mr. Phan Ngoc Tuan was sentenced to five years in prison in an appellate court hearing on August 29, 2012, accused of spreading leaflets denouncing the company Nam Thanh of wrongfully reaping workers’ salaries and health insurance compensation.²⁶
- Land rights activist Le Thanh Tung was sentenced to five years in prison during a court hearing on August 10, 2012.²⁷
- Three farmer’rights activists Nguyen Kim Nhan, Do Van Hoa, and Do Van Nhung were sentenced to terms ranging from four to five and half years of imprisonment on July 16, 2012.²⁸
- Ms. Ho Thi Bich Khuong, an advocate for ‘victims of injustice,’ was sentenced to five years in the appellate court hearing on May 30, 2012.²⁹

NOTES

¹ 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)

² 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.

³ VOA, “Đình công tại Việt Nam tăng kỷ lục trong năm 2011,” <http://www.voatiengviet.com/content/vietnam-strike-01-12-2012-137172793/914048.html> (Accessed Feb 12, 2013).

⁴ 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.”

⁵ VnExpress.net, “Cán bộ công đoàn chưa dám tổ chức đình công,” <http://vnexpress.net/gl/xa-hoi/2006/07/3b9ebff9/> (Accessed Feb 12, 2013).

⁶ Tiền Phong Online, “Cho phép đình công để bảo vệ công đoàn,” <http://www.tienphong.vn/Kinh-Te/574966/Cho-phep-dinh-cong-de-bao-ve-cong-doan-tpp.html> (Accessed Nov 11, 2012).

⁷ 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).

⁸ 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.”

⁹ 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.”

¹⁰ VnExpress.net, “200.000 người tại TP HCM có nguy cơ thất nghiệp,” <http://vnexpress.net/gl/xa-hoi/2013/01/200-000-nguoi-tai-tp-hcm-co-nguy-co-that-nghiep/> (Accessed Jan 25, 2013)

¹¹ Báo Tây Ninh Mobile, “Ngành Lao động - Thương binh

và Xã hội: Sẽ giải quyết việc làm cho 20.530 lao động,” <http://m.baotayninh.vn/newsdetails.aspx?newsid=43267> (Accessed Dec 21, 2012)

¹² Tiền Phong Online, “Cho phép đình công để bảo vệ công đoàn,” <http://www.tienphong.vn/Kinh-Te/574966/Cho-phep-dinh-cong-de-bao-ve-cong-doan-tp.html> (Accessed Nov 10, 2012)

¹³ 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)

¹⁴ Tuổi Trẻ Online, “Hàng ngàn công nhân Bình Dương ngộ độc thực phẩm,” <http://tuoitre.vn/chinh-tri-xa-hoi/513484/hang-ngan-cong-nhan-binh-duong-ngo-doc-thuc-pham.html> (Accessed Jan 12, 2013)

¹⁵ 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)

¹⁶ Ibid

¹⁷ VnExpress.net, “Tai nạn lao động tăng do sử dụng máy móc lạc hậu,” <http://vnexpress.net/gl/xa-hoi/2012/12/tai-nan-lao-dong-tang-do-su-dung-may-moc-lac-hau/> (Accessed Jan 21, 2013)

¹⁸ Việt Báo Online, “Đình Công Xây Ra Nhiều Nơi Vì Bớt Lương, Quên Tiền Tết; Tổng kết Sài Gòn 2012: Có 103 Trường Hợp Đình Công, Đa Số Vì Nợ Lương...” http://vietbao.com/D_1-2_2-282_4-202009/ (Accessed Feb 02, 2013)

¹⁹ Human Rights Watch, *The Rehab Archipelago: Forced Labor and Other Abuses in Drug Detention*, September 2011.

²⁰ Lao Động, “Một năm tăng thêm gần 13.000 người nghiệp ma túy,” [http://laodong.com.vn/Xa-hoi/Mot-](http://laodong.com.vn/Xa-hoi/Mot-nam-tang-them-gan-13000-nguoi-nghien-ma-tuy/)

nam-tang-them-gan-13000-nguoi-nghien-ma-tuy/82666.bld (Accessed Feb 09, 2013)

²¹ Human Rights Watch, *Torture in the Name of Treatment: Human Rights Abuses in Vietnam, China, Cambodia, and Lao PDR*. July 2012.

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Three workers' rights activists *Đỗ Thị Minh Hạnh*, *Nguyễn Hoàng Quốc Hùng*, and *Đoàn Huy Chương* are currently in prison. Photo *danlambao*

VIII

HUMAN TRAFFICKING

In 2012, concurrent with the introduction of the Law on the Prevention, Suppression Against Human Trafficking, the 8th Senior officials' Meeting of the Mekong sub-region on anti-human trafficking was held in Hanoi on November 2 with the participation of 150 delegates from Vietnam, China, Laos, Cambodia, Thailand, and Myanmar. Many state officials were hopeful that with the signing of the bilateral agreement between Vietnam and Cambodia, China, and Thailand, the aforementioned state activities would curb the proliferation of human trafficking.¹ By the end of the year, however, reports on human trafficking situation do not lead to such a positive conclusion. According to an article on the Saigon Liberation, the Ministry of Public Security acknowledged that, "victims of seduction, deception and cross-border trafficking is growing strongly again," and now the number of human trafficking cases has increased by 1.5 times compared to the period before the 130/CP Program,² and the number of victims of fraud and illegal trades increased threefold.³

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.

1. Women and Children Tricked into Becoming Sex Slaves

Trafficking of women for use in prostitution are common forms of domestic as well as transnational trafficking. According statistics taken by the Government of Vietnam in 2012, there were nearly 500 cases of human trafficking involving more than 800 subjects, who cheated and sold more than 850 victims.⁴ Comparing to the number of victims in 2011 and the 7-year total number of trafficking victims (2005-2011),⁵ the number of victims in 2012 did not decline. It should be noted that the above statistics reflect only a fraction of the actual cases of trafficking, as there are cases that were not reported or discovered by law enforcement agencies. In a recent survey by the local police, there were about 22,000 women and children who have been absent for a long time for unknown reasons; many among them were suspected of being traded although evidence is not readily available.⁶

As in previous years, the trend of women and children trafficked into China in 2012 reached from 65 to 70 percent of the total victims. Next was Cambodia at approximately 10 percent. However, in recent years, this trafficking has spread to Malaysia, Thailand, South Korea, Russia, etc..⁷ According to the report of the Vietnamese government, in 2012 the People's Procuratorates at all levels have prosecuted more trafficking in persons in 2011 (211 cases with 453 defendants in 2012 compared to 105 cases with 200 defendants in 2011.)⁸

The main and direct cause of Vietnamese women and children being tricked into becoming sex slaves both in and out of Vietnam was poverty, a consequence of the unjust social policies created by the red capitalists. This sad situation has expanded significantly after Vietnam chose to follow the open trade system which facilitates corruption among the government cadres and villains to carry out their illegal activities. The

ill-planned urbanization, the farmers' land expropriation, and the government's inability to create jobs have resulted in so many socio-economic difficulties for the families who have to flock to urban areas or emigrate abroad in the search for food. Their victims, sometimes even girls under 10 years of age, were either tricked by rogues or sold by their own destitute parents who were forced to do so in a desperate attempt to relieve their poverty. They were mostly given sweet promises of high-waged jobs abroad. Some were issued legal exit papers while others were discreetly led through forests to China or Cambodia or kept in containers crossing the borders.

2. Selling of Vietnamese "Brides" to Foreigners

This is the same problem in scope as that of tricking women and children into becoming sex slaves abroad. The main cause was, here again, poverty created by the government's policies resulting in great differences of income and therefore injustice. This has been a widespread issue among the provinces in the South for many years before it openly spread North in recent years. Most of the victimized young girls came from the countryside and were lured by mediators into agreeing to "marry" certain men from Taiwan, South Korea, China, and then follow them overseas, without love or even knowledge of their own background. The sights of these victims standing naked in front of the "foreign candidates" for them to make their pick at many locations, especially in the South, have been harshly condemned by public opinion which considers such treatment to be more savage than the ancient slave markets

in the West.

Statistically, from 1998 to the end of 2010, the Vietnam Ministry of Justice has accepted applications and issued permits for 294,280 Vietnamese women to marry citizens of over 50 nations and territories. The majority of these hasty marriages was arranged by profit-making intermediary organizations. Based on a survey by the Institute of Labor and Social Sciences, only 7% of these foreign marriages were initiated by love.⁹

One should be wary of the accuracy of the statistics by the authorities. A report by the Lao Động Online dated Dec 6, 2012 showed as many as 4,000 girls who were married to foreigners in Hau Giang Province. However, the Provincial Justice Service reported only 400 cases of marriage to foreigners in 2012, and only 100 to 200 in the previous years. In Soc Trang Province, just one commune has 201 foreign marriage cases, but according to the Soc Trang Provincial Justice Service, "there were only 210 cases of marriage to foreigners for the whole



Chinese ad for mail-order Vietnamese bride: A Vietnamese bride for \$5000, virginity guaranteed, delivery within 90 days, if ran away within a year, get another one for free

province.”¹⁰ The difference, as explained by the Soc Trang Provincial Justice Service Chief, showed that the number of undeclared marriages was very high.¹¹

Scenes of young girls stripping for foreigners opting for spouses that had been numerous over the years have decreased in 2012. However, websites for Mail-Order Vietnamese brides have grown leaps and bounds in recent times. There are websites originating from Vietnam, and also multiple sites from China, Singapore, Korea ... 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,”¹² or “Buy a wife from Vietnam for \$6,000 dollars.”¹³ The true nature of these marriage brokerage services was revealed when investigations showed that many Chinese men, through these websites, went to Vietnam to recruit Vietnamese brides not for themselves, but to “change hands” to others for commissions.¹⁴

These unfortunate girls readily accepted to trade their life for a chance to get rid of their own and their family’s destitution, even to become sex slaves and hard laborers away from their home country. Not only have Vietnamese brides to Taiwanese and South Korean families been subjected to brutality or asked to provide forced sexual pleasure for more than one person in their husbands’ family—worse, they have even been sold to brothels. A number have even been killed by their “husbands” or the husband’s family members others have had to commit suicide in desperation.¹⁵

So far, the Vietnamese government has had no firm and effective policy to deal with illegal marriage brokerages. Criminally, these lawless activities and “abuses of marriage registration for profit, sexual violation, and labor exploitation” are currently punishable by law (based on Decree No. 60/2009/NĐ-CP) but they can be fined merely from ten to twenty

million Vietnamese Dongs (equal to US\$500-1,000) in the most flagrant cases.

Since 2010, the Vietnam Women’s Union has created 17 marriage support centers to replace the rogue elements’ illegal marriage brokerage.¹⁶ Those measures apparently prove that the government still considers women as nothing more than an export commodity for sale but under *its* control, instead of leaving it in the hands of immoral private persons.

In 2012, a number of seminars were held regionally and nationwide on the implications of marriages with foreigners through brokerages. The government also introduced the issue of marriage involving foreign elements into the proposed amendment and supplement to the Law on Marriage and Family. Aside from those discussions, the government has still not taken any concrete measure to punish the criminals or get this human trafficking business out from the hands of profit-making intermediaries.

Meanwhile, the state has tried to blame the pitiful victims for their realistic life style, laziness in working, and desire to marry foreigners for profit¹⁷ just to deny its social responsibilities for providing its citizens with decent living conditions, and at the same time, hide its dark schemes to allow illegal marriage brokers to make profit on the back of these unfortunate women’s suffering and debasement.

3. Exploitation of Export Workers

In addition to the trafficking of women and children, the issue of export labor under the label of “brides” has come to the public’s attention only during the last few years.

Even the Law on Prevention, Suppression Against Human Trafficking, promulgated in March 2011, and has been effective as of January 01, 2012, stopped short at the general concept of

“Forced Labor” and failed 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 they are victims of human trafficking.¹⁸

According to the Overseas Labor Management Department, there are about 500,000 workers currently working in over forty countries and territories, mostly in Taiwan, South Korea, Malaysia, Japan, and countries in the Middle East. In 2012 the number of exported workers through intermediary agencies decreased compared to 2011 (80,000 in 2012 compared with 88,000 in 2011) because of the world economic stagnation, and especially because of hiring freeze policy imposed by South Korea as a result of too many Vietnamese laborers illegally staying in Korea after their work contracts had expired.

The aforementioned official statistics should also be reassessed. After 14 Vietnamese garment workers were burned to death in Russia in September 2012, the chief of the village where

the victims’ family lives admitted that there are 600 export workers from the village, but only 10% are registered with government approved agencies.¹⁹

The majority of these export workers were victims of illegal intermediary agencies that had links with corrupted state officials. The victims had to mortgage their properties 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 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 aforementioned death of 14 workers in a garment sweatshop in Russia in September 2012. Poor families had to borrow 50 million đồng (equivalent to 2500 U.S. dollars) at a high interest rate to pay to labor export agencies for getting the promised job; but upon their arrival to Russia, the workers were locked in a room. “All 40 people were worked, ate, and slept in that one room. Outings were not allowed, and even telephone use was forbidden.”²⁰

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 forced into growing and selling heroin (in Eastern Europe, Canada, United Kingdom...) Particularly in the United Kingdom, according to the *First annual report of the Inter-Departmental Ministerial Group on Human Trafficking*, since 2009 the number of Vietnamese victims of trafficking in the UK comes in third, behind only Nigeria and China; however, with regards to adolescent victims, Vietnamese victims stand at the head of the list. Most of the Vietnamese victims are men,



14 Vietnamese garment workers were burned to death in Russia in September 2012

Photo Báo Người Lao Động

and exploited for cheap labor or into illegal businesses such as marijuana plantation, while women are forced into whorehouses.²¹

Article 75 of the Socialist Republic of Vietnam Constitution states: “The State protects the legitimate interests of Vietnamese people residing abroad”; yet, the reality is, due to the intermediary companies’ fear of losing profitable clients, Vietnam’s embassy officials abroad never offer any positive help to the victims. A number of organizations run by overseas Vietnamese, such as the Committee to Protect Vietnamese Workers, the Coalition to Abolish Modern-day Slavery in Asia (CAMSA), and One Body Village Organization have made great efforts in rescuing victims; however, no effective measures have been enforced to radically uproot this traffic as it is mainly a collusion between state officials who provide cooperation and protection to the rogue operators and the lack of official supervisory agencies for these kind of activities.

In conclusion, partly due to the victims’ eagerness to escape from their poverty and partly due to the illicit participation and protection by powerful officials for villainous individuals and organizations, human trafficking continues to exist under complicated forms. As a result, victims of “modern-day slavery” keep undergoing humiliating miseries and drastic violations of their dignity, as well as economic and cultural hardships.

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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 eagerly presents the following recommendations for:

The Government of VN:

- 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.
- To remove Article 4 of its Constitution that allows the CPV to monopolize the national leadership with dishonest laws and rules in disregard of the people's basic rights, especially Articles 79, 87, 88, and 89 of the Criminal Code.
- To immediately and unconditionally release all prisoners of conscience and detained "victims of land injustice."
- To cease legal sanctions and persecution against journalists and citizens peacefully expressing their opinions through the printed media, radio and Internet.
- To immediately put an end to the criminalization of Vietnamese people's legitimate political activities; to comply with the internationally recognized standards of criminal justice; to halt without delay the persecution of lawyers; and to improve the current prison regimes.
- To end immediately the use of public security force as a tool for dominance and oppression by the CPV.
- 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.
- To amend the Labor Code guaranteeing the right to peaceful assembly and association and allow the establishment of independent trade unions.
- 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.
- To implement specific measures to end human trafficking under the disguised forms of "brides" to foreigners and export workers.

Democracy-and- Freedom-Loving Governments:

- To prevent VN from joining the UN Human Rights Council until it fulfills the pledges it made when ratifying the Universal Declaration of Human Rights and other human rights covenants.
- To strongly raise concrete violations of human rights in their human rights dialogues with Hanoi, forcefully bring up specific cases of human rights violations, and demand concrete resolutions before proceeding to other general matters.
- To consider VN's achievements in the realm of human rights as a prerequisite condition for aid as well as economic investment projects.
- Especially for the U.S. Government:
 - o The U.S. Congress and Senate to support legislative initiatives to combat human rights violations in VN.
 - o The U.S. State Department to consider placing VN back on the CPC list, as repeatedly recommended by the U.S. Commission on International Religious Freedom and other non-governmental organizations (such as Human Rights Watch, Freedom House, and Amnesty International), as well as by U.S. members of Congress.

International Human Rights Organizations:

- To continue to monitor closely the human rights condition in VN, and raise their voice to forcefully condemn instances of grave human rights abuses committed by the Vietnamese authorities.
- To remove VN from international human rights organizations unless it ceases to disregard cited warnings.

Foreign Business Companies Operating in VN:

- To ensure workers rights and international core labor standards are fully respected when doing business in Vietnam.

The Vietnamese Community Abroad:

- To make forceful representations in parliaments of their countries of resettlement and in the court of world public opinion about Hanoi's lapses in this area, which qualify it as among the most egregious violators of human rights among civilized nations on earth.
- To continue to provide spiritual and material support to human rights activists in VN.

The Vietnam Human Rights Network was established in 1997 as a consortium of individuals and organizations committed to the defense and promotion of human rights and civil liberties entitled to all Vietnamese citizens set forth by the Universal Declaration of Human Rights and subsequent international human rights instruments.

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