

In January 2007, the UN Committee against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment called upon the Uzbek authorities to do more to address impunity. While several law-enforcement officials have been disciplined following complaints about human rights abuses, the continued high number of allegations of torture, especially in pre-trial detention, remains a serious concern. Uzbekistan has also yet to allow the UN Special Rapporteur on Torture to carry out a requested follow-up mission to his 2002 visit, which we continue to urge them to do.

### Electoral Reform

A number of changes to the electoral process were introduced ahead of the 27 December parliamentary elections. Some were broadly positive – an enhanced role for political parties, TV debates, and measures to ensure transparency in vote-counting at polling stations. The election represented a very limited step forward but it may in time help foster a more democratic culture. Other changes appear to be retrogressive. The provision for citizens’ initiative groups to put forward candidates by petition was revoked. Also, 15 seats were automatically apportioned to the newly created Ecological Movement of Uzbekistan, and therefore not contested in direct elections. There seems to have been a lack of genuine competition, with none of the parties presenting a truly alternative manifesto, and opposition leaders routinely praising the Presidential party’s record.

A Needs Assessment Mission carried out by the OSCE Office for Democratic Institutions and Human Rights (ODIHR) in October did not identify any significant improvements in the electoral framework. The Uzbek Central Election Committee limited the potential scope of an OSCE election monitoring mission to 25 short-term observers. Taking all this into account, the OSCE ODIHR took the decision to deploy a more limited Election Assessment Mission. Their post-election report is expected to be published in late February 2010.

### Healthcare

The Uzbek government has taken significant measures to improve healthcare provision, especially within the field of maternal and child health. This has included large projects in cooperation with the EU, UNICEF and the Asian Development Bank, alongside which the British Embassy funded a complementary project to train 16 Uzbek neonatologists in the treatment of

respiratory disorders in newborn care, who would then disseminate the training regionally. This training was coordinated by British NGO HealthProm, in partnership with the Uzbek Ministry of Health and the Asian Development Bank.

## Vietnam



Until recently, the trajectory of change on human rights in Vietnam was positive. But there have been worrying developments during 2009 and there remain significant areas of concern, most notably freedom of expression, media freedoms and the death penalty.

Vietnam’s major achievement in recent years is its socio-economic development. As it reaches middle-income country status Vietnam will face a new set of challenges to ensure socio-economic standards continue to improve. For these positive developments to be sustained rampant corruption must be tackled, overly bureaucratic systems reformed, and people allowed to share ideas and information freely.

The UK maintains a constructive dialogue on human rights issues with the Vietnamese government both bilaterally and through the EU, including at the biannual EU–Vietnam Human Rights Dialogue. Human rights are also a key pillar of our Development Partnership Agreement with Vietnam, led by DFID, which ensures the government is held to account for the support that the UK government provides.

In July, Vietnam sent a delegation to the UK to meet NGOs and officials from the FCO, Ministry of Justice and Department of Work and Pensions to learn from the UK’s experience of implementing human rights treaties. We will be monitoring progress closely through both our bilateral and EU consultations with the Vietnamese government.

The UK is also funding a range of human rights-related project activity in Vietnam through the FCO’s Strategic Programme Fund and the British Embassy’s Bilateral Fund. This includes:

- > supporting the Danish Institute for Human Rights to work with the General Department of Police and, more recently, the People’s Police Academy, to promote the application of international human rights standards in law enforcement and policing;



Nguyen Xuan Nghia on trial in October

- > helping the British Council to develop the professional reporting skills of young journalists and to enhance the teaching programme for Vietnamese university undergraduates studying journalism;
- > supporting Article 19's work with the Ministry of Justice on the drafting of new legislation on access to information;
- > a project with the National Assembly to encourage members to engage with constituents through Yoosk, a knowledge-sharing, web-based platform that has been used by UK Government departments to enhance transparency and improve links with the public; and
- > supporting the Vietnam Union of Science and Technology to establish a forum of Vietnamese civil society organisations.

The EU maintains a list of prisoners and detainees

of concern, which we regularly share with the Vietnamese authorities to seek their comments on the welfare of the detainees. In November, there were 40 prisoners of concern on the list. The EU takes opportunities to visit and meet with these detainees when access is not restricted by the Vietnamese authorities.

In September, the UN Human Rights Council adopted the Universal Periodic Review (UPR) outcomes on Vietnam. The UK welcomed Vietnam's engagement in this process. We believe it is vital for the Vietnamese government to deliver on the commitments it made through the UPR, including signing and ratifying the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and re-engaging with the UN Special Rapporteur on Religion.

#### **Freedom of Expression**

Over the past 12 months, there have been worrying signs of a further crackdown against peaceful

activists. A number of lawyers, bloggers and political activists were arrested or imprisoned in 2009. With our EU colleagues we raised our concerns with the Vietnamese government about the June arrest of Le Cong Dinh, a prominent lawyer who had previously represented a number of human rights defenders. His taped confession was broadcast on TV and the internet shortly after his arrest. On 20 January 2010, Mr Dinh and three co-defendants, Tran Huynh Duy Thuc, Nguyen Tien Trung and Le Thang Long, were all given lengthy prison sentences following their conviction on charges of carrying out activities aimed at overthrowing the people's administration. Immediately after their trial, we and EU partners made strong representation to the Vietnamese government about the grounds for their conviction and the severity of the sentences.

We also raised our concerns with the Vietnamese government about the severe prison sentences handed down to nine activists in October for conducting propaganda against the state:

- > Tran Duc Thach, sentenced to three years in prison plus three years' house arrest for publishing poems and articles critical of the Communist Party of Vietnam (CPV) and the Vietnamese government.
- > Vu Van Hung, sentenced to three years in prison plus three years' house arrest for publicly displaying a banner and posting documents on the internet criticising the CPV and the government's handling of corruption, inflation, and their policy on the disputed Spratley and Paracel Islands.
- > Pham Van Troi, sentenced to four years in prison plus four years' house arrest for writing documents critical of the CPV and the government and posting them on the internet.
- > Nguyen Xuan Nghia and five others, sentenced to between two and six years in prison plus between two and three years' house arrest for publicly displaying banners referring to the disputed Spratley and Paracel Islands, human rights, democracy and pluralism. Members of the group were also convicted of posting photos of the banners and other documents criticising the CPV and the government on the internet.

The British Embassy in Hanoi and our EU partners sent representatives to witness the trials in January 2010 and three of the trials in October 2009. We

believe that in all of these cases the individuals were peacefully exercising their right to freedom of expression. We regularly highlight to the Vietnamese government, both bilaterally and through the EU, the importance of the free flow of ideas, analysis and debate to Vietnam's long-term sustainable development.

### **Civil Society**

The relationship between the Vietnamese government and civil society deteriorated in 2009. In July, the government imposed further restrictions on the activities of civil society organisations with Decision 97. This forces organisations to register with the authorities and prevents them from publishing their research independently. The influential Institute for Development Studies (IDS) took the decision to dissolve as a result. IDS felt it could no longer operate under such restrictions. The EU raised our concerns about this unwelcome development with the Minister of Science and Technology.

### **Media Freedom**

In Vietnam tight domestic censorship of print and electronic media remains in place across all regions. Reporters Without Borders ranks Vietnam 166 out of 175 countries in their 2009 Press Freedom Index and classifies Vietnam as an enemy of the internet (one of only 12 countries to be classified this way). The Vietnamese authorities use tight controls to censor online news and information and to monitor internet use and access. In January, new legislation made it illegal for bloggers to use pseudonyms and forced internet hosts to inform the authorities about their customers' activities and to report any blogs that appear to violate the law.

At the same time internet use continues to grow rapidly. More than 22 million Vietnamese had access to the web at the end of 2009. The media, business and the public have all embraced the internet. It is an increasingly important tool for Vietnam's future social and economic development.

Towards the end of 2009, we were concerned to discover Facebook was blocked by Vietnamese internet service providers. Estimates suggest over one million Facebook users in Vietnam were affected by this blackout. While the government denied responsibility, the UK and EU raised concerns and continue to press the government to remove restrictions on the internet that stifle freedom of expression and the free flow of information.

## The ASEAN Inter-Governmental Commission for Human Rights

Asia-Pacific is the only region in the world without a formal human rights mechanism. The UK therefore welcomed the commitment in the Association of South East Asian Nations (ASEAN) Charter to establish a human rights mechanism within South-East Asia.

Vietnam took over the revolving ASEAN Chair in January 2010. We will be looking to the government to demonstrate leadership in developing the new ASEAN Inter-governmental Commission on Human Rights (AICHR), which was formally launched by ASEAN Heads of State in October. The Vietnamese Commissioner to the AICHR, Mr Do Ngoc Son, and the Vietnamese government will play a vital role in shaping the new working practices and the future direction of the Commission.

ASEAN has a tradition of non-interference in the internal affairs of Member States and takes an evolutionary approach to new institutions. The

new Commission is no exception and is likely at first to focus primarily on the promotion, rather than protection, of human rights.

The terms of reference for the AICHR were created by a High-Level Panel in consultation with civil society. All ten ASEAN members appointed a national representative to sit on the Commission. The UK is encouraged by the diversity of those chosen by their countries— from academics and members of human rights groups to legal professionals.

We hope that the cooperation and engagement with civil society and other interested parties in establishing the Commission will develop into a more formal relationship, to ensure the Commission's work is relevant to human rights issues affecting people in ASEAN countries. We stand ready to support the Commission as it develops its work to become the overarching institution responsible for the promotion and protection of human rights in ASEAN.



ASEAN ministers in July 2009

The UK remains willing to work closely with Vietnam in the development of its media sector, including sharing our experience on the use of libel and defamation law to encourage the Vietnamese to consider handling cases under civil law, rather than in the criminal courts. We continue to urge the government to take steps to ensure that its media reforms serve to enhance the role of journalists and media outlets as instruments to improve transparency and accountability.

### Death Penalty

In June, the National Assembly approved amendments to the Penal Code reducing the number of capital offences from 29 to 21. This included the removal of crimes such as smuggling, hijacking of aircraft and ships, and offering bribes. While this is a step in the right direction, the government had originally proposed a reduction of 17 crimes. The National Assembly maintains that public opinion is against the complete removal of the death penalty at this time.

Figures on the death penalty remain a state secret. Consequently, the Vietnamese authorities are reluctant to share any data with members of the international community. However, by December media sources had reported that at least 73 people had been sentenced to death in 2009, although the actual numbers may have been much higher.

We continue to urge the Vietnamese government to adopt a more transparent approach to its application of the death penalty, and to consider the introduction of a moratorium on its use.

### Freedom of Religion

Freedom of religion has improved over recent years. In May, the Vietnamese government accepted the UK's UPR recommendation to consider re-engaging with the UN Special Rapporteur on Religion, which we judge to be a positive sign. The government has also put in place a legislative framework, which aims to protect freedom of religion although implementation can be patchy, particularly at the provincial level. The ineffective handling by local authorities of the expulsion of a group of monks and nuns from the Bat Nha Monastery in September and their subsequent removal from the Phuoc Hue Monastery in December is an example of this. In November, the EU sent a delegation to the region to assess the situation and we raised our concerns with the government's Commission for Religious Affairs and the Ministry of Foreign Affairs on a number of occasions.

### Governance and Accountability

The Vietnamese government has made some progress in developing a framework for tackling corruption by agreeing a National Anti-Corruption Strategy in May and ratifying the UN Convention on Anti-Corruption in August. However, there is no effective measure of implementation and government efforts tend to focus on prevention and enforcement, rather than tackling the root cause of weak accountability. Protection of whistleblowers, in particular, needs to be guaranteed. This includes journalists reporting on state corruption.

With financial and technical support from the international community, the Vietnamese government is continuing its comprehensive programme of legal and judicial reforms. Securing a more independent judiciary through longer and more secure tenures of judges remains a priority, along with increasing the number of practising lawyers.

We also continue to engage with the Vietnamese

government through high-level visits. Parliamentary dialogue was enhanced through the May visit to Vietnam by the All-Party Parliamentary Group on Vietnam, and several National Assembly delegations have visited the UK during the course of 2009. These visits all included discussions on human rights. Lord Davidson of Glen Clova, Advocate-General for Scotland, visited Hanoi in April and October to discuss legal and judicial reform and Vice-Minister of Justice, Mr Nguyen Duc Chinh, visited the UK in November to learn from the UK's experience of handling civil and criminal judgments, including the management of prisons following the transfer of responsibility from the Home Office to the Ministry of Justice. This is part of our ongoing support for the Vietnamese government's legal and judicial reform process.

## Zimbabwe



Zimbabwe has seen lower levels of violence in 2009 than the widespread political violence of 2008. The power-sharing government established in February has resulted in economic stabilisation and a reduction in human rights violations. But the progress achieved this year is not irreversible and serious abuses continue.

Supporters of the Movement for Democratic Change (MDC) and members of civil society continue to suffer abuse and intimidation at the hands of the police and the army. Courts do not guarantee a fair and transparent trial. Farm invasions have increased, with police often actively complicit, and human rights abuses have continued at the Marange diamond mining area. The power-sharing "Inclusive Government" is formally committed to improving human rights in Zimbabwe; we are doing what we can to support it in achieving this aim through our increased and carefully calibrated re-engagement.

### Inclusive Government

The start of 2009 saw Zimbabwe on the point of collapse. The rate of inflation was the second highest in global history and essential public services had ceased to function. Following months of stalemate after the disputed elections of 2008, a power-sharing "Inclusive Government" was formed in February with Robert Mugabe of the Zimbabwe African National Union-Patriotic Front (ZANU-PF) as President and Morgan Tsvangirai of MDC-Tsvangirai (MDC-T), the main opposition party, as Prime Minister. However,