Home Office

Country Information and Guidance

Vietnam: Opposition to the Government

December 2014

Preface

This document provides guidance to Home Office decision makers on handling claims made by nationals/residents of – as well as country of origin information (COI) about Vietnam. This includes whether claims are likely to justify the granting of asylum, humanitarian protection or discretionary leave and whether – in the event of a claim being refused – it is likely to be certifiable as 'clearly unfounded' under s94 of the Nationality, Immigration and Asylum Act 2002.

Decision makers must consider claims on an individual basis, taking into account the case specific facts and all relevant evidence, including: the guidance contained with this document; the available COI; any applicable caselaw; and the Home Office casework guidance in relation to relevant policies.

Within this instruction, links to specific guidance are those on the Home Office's internal system. Public versions of these documents are available at https://www.gov.uk/immigration-operational-guidance/asylum-policy.

Country Information

The COI within this document has been compiled from a wide range of external information sources (usually) published in English. Consideration has been given to the relevance, reliability, accuracy, objectivity, currency, transparency and traceability of the information and wherever possible attempts have been made to corroborate the information used across independent sources, to ensure accuracy. All sources cited have been referenced in footnotes. It has been researched and presented with reference to the Common EU [European Union] Guidelines for Processing Country of Origin Information (COI), dated April 2008, and the European Asylum Support Office's research guidelines, Country of Origin Information report methodology, dated July 2012.

Feedback

Our goal is to continuously improve the guidance and information we provide. Therefore, if you would like to comment on this document, please e-mail us.

Independent Advisory Group on Country Information

The Independent Advisory Group on Country Information (IAGCI) was set up in March 2009 by the Independent Chief Inspector of Borders and Immigration to make recommendations to him about the content of the Home Office's COI material. The IAGCI welcomes feedback on the Home Office's COI material. Information about the IAGCI's work and a list of the COI documents which have been reviewed by the IAGCI can be found on the Independent Chief Inspector's website at http://icinspector.independent.gov.uk/country-information-reviews/

It is not the function of the IAGCI to endorse any Home Office material, procedures or policy.

IAGCI may be contacted at:

Independent Chief Inspector of Borders and Immigration,

5th Floor, Globe House, 89 Eccleston Square, London, SW1V 1PN.

Email: chiefinspectorukba@icinspector.gsi.gov.uk

Website: http://icinspector.independent.gov.uk/country-information-reviews

Contents

Section 1: Guidance

Date updated: 14 October 2014

1.1 Basis of Claim

1.1.1 Fear of ill treatment amounting to persecution at the hands of the Vietnamese authorities because of the person's actual or perceived involvement in activities which are in opposition to the government

Back to Contents

1.2 Summary of Issues

- Is the person's account a credible one?
- Are perceived activists at real risk of persecution in Vietnam (or real risk of mistreatment or harm amounting to persecution)?
- Are those at risk able to seek effective protection?
- Are those at risk able to internally relocate within Vietnam?

Back to Contents

1.3 Consideration of Issues

Is the person's account a credible one?

1.3.1 Decision makers must consider whether the material facts relating to the person's account of their actual or perceived involvement in political activities and/or in opposition parties is internally consistent (e.g. oral testimony, written statement) and externally credible (i.e. consistent with generally known facts and the country information or expert evidence) to the lower standard of proof. Decision makers should take into account all mitigating reasons why an applicant is inconsistent or unable to provide details of material facts such as age; gender; mental or emotional trauma; fear and/or mistrust of authorities; education, feelings of shame; painful memories particularly those of a sexual nature and cultural implications.

See also:

- Country Information
- Asylum Instruction on Considering Protection (Asylum) Claims and Assessing Credibility

Claims based on opposition to the government often overlap with claims based on membership ethnic minority and/or religious minority. Decision makers should therefore also refer to Country Information and Guidance on:

- Vietnam: Minority ethnic groups
- Vietnam: Religious minority groups

Back to Contents

Are perceived activists at real risk of persecution in Vietnam (or real risk of mistreatment or harm amounting to persecution)?

1.3.2 Vietnam actively suppresses political dissent. Vietnam bans all political parties, labour unions, and human rights organisations independent of the government or Communist Party of Vietnam (CPV). There are severe government restrictions on citizens' political rights, particularly their right to change their government. The authorities require official approval for public gatherings and refuse to grant permission for meetings, marches, or protests they deem politically or otherwise unacceptable.

1.3.3 The authorities perceived political activists without charge indefinitely under vague "national security" provisions, putting human rights defenders and political activists, including their family members, at risk from arbitrary arrest and detention and being detained under these provisions for criticising the government at public protests or via online media such as blogs. Detainees are known to be subject to lengthy detention and ill-treatment by the authorities.

1.3.4 Bloggers, political and religious activists, land and labour rights activists, human rights and social justice advocates were subject to arbitrary detainment, including harsh prison conditions and other ill-treatment solely for peacefully exercising their right to freedom of expression.

1.3.5 Where a person is perceived to have taken part in opposition political activities or will otherwise be perceived as being involved in opposition politics - including human rights defenders, journalists and internet based activists - and as a result of that would come to the adverse attention of the authorities, they would face a real risk of persecution. This risk may also extend to members of their families.

Decision makers should therefore also refer to Country Information and Guidance on:

- Vietnam: Minority ethnic groups
- Vietnam: Religious minority groups

Back to Contents

Are those at risk able to seek effective protection?

1.3.6 As this category of claim concerns a person's fear of ill treatment by the state authorities, they would be unable to apply to those authorities for protection.

See also:

- Country Information
- Asylum Instruction on Considering Protection (Asylum) Claims and Assessing Credibility

Back to Contents

Are those at risk able to internally relocate within Vietnam?

1.3.7 As this category of claim concern's a fear of ill treatment by the state authorities, relocation to a different area of Vietnam to escape this threat is not viable.

See also:

- Country Information
- Asylum Instruction on Internal Relocation

Back to Contents

1.4 Policy Summary

- **Vietnam actively suppresses political dissent and the authorities arbitrary arrest and detain people, including family members, involved with opposition political parties or who express views which they believe pose a threat to the state.**
- **This includes including bloggers, political and religious activists, land and labour rights activists, human rights and social justice advocates.**
- **Persons who have come to the attention of the Vietnamese authorities for actual or perceived involvement in political opposition to the regime are likely to face ill treatment amounting to persecution in Vietnam. In such circumstances, a grant of asylum is likely to be appropriate.**
- **Where a claim falls to be refused, it is unlikely to be certifiable as 'clearly unfounded' under section 94 of the Nationality, Immigration and Asylum Act 2002.**

See also the Asylum Instructions on:

- Non-Suspensive Appeals: Certification Under Section 94 of the NIA Act 2002
- Humanitarian Protection
- Discretionary Leave

Back to Contents

Section 2: Information

Date updated: 14 October 2014

Claims based on opposition to the government often overlap with claims based on membership of an ethnic minority and/or religious minority. Decision makers should therefore also refer to Country Information and Guidance on:

- Vietnam: Ethnic Minority Groups
- Vietnam: Religious Minority Groups

2.1 Overview

2.1.1 US State Department (USSD), 2013 Country Report on Human Rights Practices: Vietnam, 27 February 2014, stated, that:

'The Socialist Republic of Vietnam is an authoritarian state ruled by a single party, the Communist Party of Vietnam (CPV), led by General Secretary Nguyen Phu Trong, Prime Minister Nguyen Tan Dung, and President Truong Tan Sang. The most recent National Assembly elections, held in 2011, were neither free nor fair. Authorities maintained effective control over the security forces. Security forces committed human rights abuses. The most significant human rights problems in the country continued to be severe government restrictions on citizens' political rights, particularly their right to change their government; increased measures to limit citizens' civil liberties; and corruption in the judicial system and police.' [1] Human rights abuses included, 'continued police mistreatment of suspects during arrest and detention, including the use of lethal force as well as austere prison conditions; arbitrary arrest and detention for political activities; and denial of the right to a fair and expeditious trial." The report also notes that the "authorities increased efforts to suppress political speech through arbitrary arrest and politically motivated convictions'.[2]

2.1.2 Human Rights Watch World Report 2014 reported that 'The human rights situation in Vietnam deteriorated significantly in 2013, worsening a trend evident for several years. The year was marked by a severe and intensifying crackdown on critics, including long prison terms for many peaceful activists whose "crime" was calling for political change.' [3] It also found that 'Government repression targets many independent writers, bloggers, and rights activists. They face police intimidation, harassment, arbitrary arrest, prolonged detention without access to legal counsel or family visits, court convictions, and often severe prison sentences.' [4]

2.1.3 Amnesty International stated in November 2013 that:

'... human rights defenders and other activists in Viet Nam are typically at risk of arbitrary arrest and lengthy detention for speaking out or thinking differently. Over the years,

[1] US Department of State (USSD), Country Reports on Human Rights Practices 2013: Vietnam, 27 February 2014, (Executive Summary), http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2013&dlid=220244#wrapper, date accessed 2 September 2014

[2] US Department of State (USSD), Country Reports on Human Rights Practices 2013: Vietnam, 27 February 2014, (1.e Denial of Fair Public Trial), http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2013&dlid=220244#wrapper, date accessed 2 September 2014

[3] Human Rights Watch (HRW), World Report 2014 (Events of 2013), 21 January 2014, Vietnam, http://www.hrw.org/sites/default/files/wr2014_web_0.pdf, date accessed 6 October 2014

[4] Human Rights Watch (HRW), World Report 2014 (Events of 2013), 21 January 2014, Freedom of Expression, Opinion, and Information, http://www.hrw.org/sites/default/files/wr2014_web_0.pdf, date accessed 6 October 2014

hundreds have been arrested, charged, detained or imprisoned through the use of restrictive laws, or spurious charges. They include peaceful bloggers, labour rights and land rights activists, political activists, religious followers including Catholic activists and Hoa Hao Buddhists, human rights and social justice advocates, and even songwriters'.[5]

Back to Contents

2.2 Perceived or actual opposition political activists

2.2.1 Article 69 of the Constitution, amended in 2001 states: 'The citizen shall enjoy freedom of opinion and speech, freedom of the press, the right to be informed, and the right to assemble, form associations and hold demonstrations in accordance with the provisions of the law.' [6]

2.2.2 The USSD, 2013 Country Report, recorded however, that, 'Arbitrary arrest and detention, particularly for political activists, remained a problem. The government also used decrees, ordinances, and other measures to detain activists for the peaceful expression of opposing political views.' It also stated that, 'Authorities arrested individuals on allegations of revealing state secrets, subversion, taking advantage of democratic freedoms to infringe upon the government's interest, and other crimes as a means to suppress political dissent and public advocacy' [7]

2.2.3 During 2013, the government sentenced 61 activists to imprisonment, to which the USSD Report 2013 noted:

'Of those, 54 activists were convicted on national security charges, including 37 for "attempting to overthrow the government" (Article 79), eight for "undermining the unity policy" (Article 87), five for "conducting propaganda against the state" (Article 88), and, four for "fleeing abroad or defecting to stay overseas with a view to opposing the people's administration" (Article 91). In addition to those convicted on national security charges, seven activists were sentenced on different charges, including four for "causing public disorder" (Article 245), one for "resisting persons in the performance of their official duties" (Article 257), one for "abusing democratic freedoms," (Article 258); and one for "tax evasion" (Article 161).' [8]

2.2.4 The number of sentences handed down was a significant increase on 2012 when at least 35 activists were sentenced to a total of 131 years in jail and 27 years of probation for exercising their rights' [9]

---

[5] Amnesty International, Viet Nam: Silenced voices: Prisoners of conscience in Viet Nam, 7 November 2013, (3.2 Unfair Trials) http://www.amnesty.org/en/library/asset/ASA41/007/2013/en/bf5329ba-d169-4a7f-aaf1-e24e690ffa5d/asa410072013en.html, date accessed 2 September 2014

[6] Socialist Republic of Vietnam, Constitution 1992 as amended 2011, (Article 69), http://vietnamembassy-usa.org/news/2002/10/constitution-1992-amended-2001, date accessed 28 February 2014

[7] US Department of State (USSD), Country Reports on Human Rights Practices 2013: Vietnam, 27 February 2014, (Section 1d - Arbitrary Arrest), http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2013&dlid=220244#wrapper, date accessed 2 September 2014

[8] US State Department (USSD), Country Reports on Human Rights Practices 2013: Vietnam, 27 February 2014, (Section 1e. Denial of Fair Public Trial), http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2013&dlid=220244#wrapper, date accessed 28 February 2014

[9] US State Department (USSD), Country Reports on Human Rights Practices 2013: Vietnam, 19 April 2013, (Section 1d - Arbitrary Arrest), http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2013&dlid=220244#wrapper, date accessed 2 September 2014

2.2.5 The Foreign and Commonwealth Office: Human Rights and Democracy Report 2013-14, Vietnam Country of Concern, 10 April 2014, stated:

'In July and August [2013], a broad coalition of activists formed the "258 group", with the aim of promoting human rights and democracy in Vietnam. Their specific activities included calling for the repeal of Penal Code article 258 (which sets out prison terms for those "abusing democratic freedoms to infringe upon the interests of the State") and highlighting Vietnam's commitments as a candidate for a seat on the UNHRC [UN Human Rights Council]. The group attracted international attention, and the EU met representatives of the group ahead of the EU-Vietnam Human Rights Dialogue in September. Subsequently, a number of the group's members and their families were subject to harassment and detention by the Vietnamese Ministry of Public Security.' More generally, the report noted that 'Those who criticise the government or express views which dissent from those of the Communist Party of Vietnam are frequently subject to monitoring, harassment, detention and prison sentences'.[10]

2.2.6 In March 2014, Radio Free Asia (RFA) reported:

'Meanwhile, the Paris-based Worldwide Human Rights Movement (FIDH) and the Vietnam Committee on Human Rights (VCHR) on Thursday jointly called on Vietnam to "immediately and unconditionally" release what they said were at least 212 political prisoners languishing in jails across the country.

'"Vietnam holds the highest number of political prisoners in Southeast Asia. That is deplorable for a country that is currently a member of the U.N. Human Rights Council," FIDH President Karim Lahidji said in the joint statement.

'"The recent string of convictions, assaults, and harassment of bloggers, journalists, and activists shows that the Vietnamese government's crackdown on dissidents is intensifying. It's time for the international community to mobilize and demand that Hanoi stop the repression of peaceful dissent and release all political prisoners."

'In addition to the 212 political prisoners behind bars in Vietnam, the two rights groups said that many more are being held under house arrest.

'Among those incarcerated, they said, are lawyers, bloggers, land rights activists, Buddhist monks, journalists, writers, singers, labor activists, pro-democracy campaigners, and members of ethnic and religious minorities, including Hmong, Buddhist Khmer Krom, and Christian Montagnards.

'Many of Vietnam's political prisoners are women, they said, while many of the dissidents are serving lengthy prison terms in extremely poor detention conditions and suffering from health issues that are in need of urgent medical treatment and ongoing care.' [11]

Back to Contents

[10] Foreign and Commonwealth Office, Human Rights and Democracy 2013-14, Vietnam – Country of Concern, 10 April 2014, (Freedom of Expression), https://www.gov.uk/government/publications/vietnam-country-of-concern/vietnam-country-of-concern, date accessed 2 September

[11] Radio Free Asia (RFA), Families Concerned Over Jailed Activists on Third Week of Hunger Strike, 6 March 2014, http://www.rfa.org/english/news/vietnam/strike-03062014183517.html, date accessed 2 September 2014

2.3 Human rights defenders

2.3.1 The U.S. Department of State annual human rights report for 2013 noted that, 'The government does not permit private, local human rights organizations to form or operate, nor does it tolerate attempts by organizations or individuals to comment publicly on its human rights practices. The government used a wide variety of methods to suppress domestic criticism of its human rights policies, including surveillance; detention; prosecution and imprisonment; interference with personal communications; and limits on the exercise of freedoms of speech, press, and assembly'.[12]

2.3.2 Front Line Defenders observed that human rights defenders are, in most cases, treated as 'enemies of the State' and accused by State officials and the government's media of being 'foreign spies or agents', 'traitors' or 'violators of public order and peace'. It also states that 'Human rights defenders have been subjected to intimidation, threats, interrogation, harassment, arbitrary arrest and detention, and ill-treatment while in prison. When put on trial, they are very often sentenced to heavy jail terms for their human rights work… Human rights lawyers who represent human rights defenders or communities affected by human rights violations are often abused and disbarred from their respective bar association'.[13]

2.3.3 When reporting on the arrest and pre-trial detention of political activists, Amnesty International's report Silenced voices: Prisoners of conscience in Viet Nam, 7 November 2013, stated: 'After arrest, human rights defenders and other activists are often held in incommunicado detention for lengthy periods of time, in some cases up to 18 months. Family members are not allowed to visit and are not provided with information about their relative.' [14]

Back to Contents

2.4 Journalists

2.4.1 The U.S. Department of State report covering 2013 noted that:

'Although the constitution and law provide for freedom of speech, including for members of the press, the government continued to use broad national security and anti defamation provisions to restrict these freedoms. The law defines the crimes of "sabotaging the infrastructure of socialism," "sowing divisions between religious and nonreligious people," and "propagandizing against the state" as serious offenses against national security. It also expressly forbids "taking advantage of democratic freedoms and rights to violate the interests of the state and social organizations. The government continued to restrict speech that criticized individual government leaders; promoted

[12] US Department of State (USSD), Country Reports on Human Rights Practices 2013: Vietnam, 27 February 2014, (Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights), http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2013&dlid=220244#wrapper , date accessed 2 September 2014

[13] Front Line Defenders, Vietnam: Overview, Undated, http://www.frontlinedefenders.org/Vietnam, date accessed 14 October 2014

[14] Amnesty International, Viet Nam: Silenced voices: Prisoners of conscience in Viet Nam, (3.1 Arrest and pre-trial detention), 7 November 2013, http://www.amnesty.org/en/library/asset/ASA41/007/2013/en/bf5329ba-d169-4a7f-aaf1-e24e690ffa5d/asa410072013en.html, date accessed 2 September 2014

political pluralism or multi-party democracy; or questioned policies on sensitive matters, such as human rights, religious freedom, or sovereignty disputes with China.' [15]

2.4.2 The same report further noted that:

'Security officials attacked or threatened several journalists reportedly because of their coverage of sensitive stories … Multiple foreign journalists reported harassment by security officials, including threats not to renew their visas if they continued to publish stories on "sensitive" topics. The Ministry of Information and Communications and the Propaganda and Education Commission frequently intervened directly to dictate or censor a story. More often, however, the party and government maintained control over media content through pervasive self-censorship backed by the threat of dismissal and possible arrest'.[16]

2.4.3 Freedom House reported that:

'Vietnam remained one of Asia's harshest environments for the media in 2013. Authorities employed both legal mechanisms and physical harassment to punish and intimidate critical journalists… The CPV generally views the media as a tool for the promotion of party and state policy, and authorities often intervene directly to either place or censor content. Calls for democratic reform and religious freedom, land rights, and criticism of relations with China are the issues that most commonly draw official censorship or retribution… Due to the threat of dismissal or legal action, many journalists engage in self-censorship'.[17] It also noted that, 'Police often use violence, intimidation, and raids of homes and offices to silence journalists who report on sensitive topics… Vietnam has one of the highest numbers of imprisoned journalists worldwide'.[18]

2.4.4 Reports without Borders stated in January 2014 that: 'Independent news providers are subject to enhanced Internet surveillance, draconian directives, waves of arrests and sham trials.'[19]

Back to Contents

2.5 Internet based activists, including bloggers

2.5.1 Activists not only attend rallies, but also turn to social media platforms to voice their opinions. One such case cited by Voice of America in October 2013, was that of Dinh Nhat Uy who was 'convicted of "abusing democratic freedoms" for using the social media site Facebook to campaign for the release of his brother, a jailed government critic.' The article added: 'Thirty-year-old Dinh Nhat Uy was put on trial Tuesday [29 October 2013] for posting information on his Facebook page in support for his brother, who is serving a

[15] US Department of State (USSD), Country Reports on Human Rights Practices 2013: Vietnam, 27 February 2014, (2.a Freedom of Speech and Press), http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2013&dlid=220244#wrapper, date accessed 2 September 2014
[16] US Department of State (USSD), Country Reports on Human Rights Practices 2013: Vietnam, 27 February 2014, (2.a Freedom of Speech and Press), http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2013&dlid=220244#wrapper, date accessed 2 September 2014
[17] Freedom House, Freedom of the Press 2014: Vietnam, http://freedomhouse.org/report/freedom-press/2014/vietnam#.VD0VkeuIh7w, date accessed 14 October 2014
[18] Freedom House, Freedom of the Press 2014: Vietnam, http://freedomhouse.org/report/freedom-press/2014/vietnam#.VD0VkeuIh7w, date accessed 14 October 2014
[19] Reports Without Borders, World Press Freedom Index 2014, Asia-Pacific, 31 January 2014, (p16), https://rsf.org/index2014/data/index2014_en.pdf, date accessed 14 October 2014

four-year jail sentence for distributing anti-government leaflets. Vietnamese defense attorney Ha Huy Son says that after a brief trial, a court found Uy guilty Tuesday of using the social media site to criticize the government. Son said Uy received a 15-month suspended sentence... under Article 258 of the penal code.' [20]

2.5.2 The same article further noted that, 'Over 70 per cent of the country's Internet population use Facebook, and despite being sporadically blocked by some internet providers, the social network has become a vibrant platform for the country's political bloggers... Although most political activists use social media, observers says the younger generation raised during a period of economic prosperity have their own approach in discussing political reform.' [21]

2.5.3 The U.S. Department of State reported in 2013 that:

'Vague provisions of law and regulation, such as the prohibition of propagandizing against the state, prohibit bloggers from posting material that the government believes would undermine national security, disclose state secrets, or incite violence or crimes. These provisions prohibit individuals from downloading and disseminating documents the government deems offensive. During the year the government continued its efforts to suppress blogging through politically motivated arrests and convictions of bloggers. Authorities also increasingly deployed less traditional methods to harass bloggers, including through short-term detentions, surveillance, hacking, direct and veiled threats to individuals and family members, and searches of individual property.' [22] The same source records the politically motivated disappearance of a blogger on 21 August 2013 by the police [23] and the detention in a mental institution of a blogger in January 2013. [24]

2.5.4 Freedom House's annual report covering 2013 found that:

'Online journalists and bloggers remain the most vulnerable to official crackdowns. At year's end, there were a total of 18 journalists behind bars - the vast majority of them freelance contributors to online publications… In 2013 there were numerous reports of unidentified assailants physically attacking bloggers, plainclothes police harassing the families of imprisoned journalists, and authorities preventing family members of defendants from attending trials. Several bloggers and journalists, including a blogger for U.S.-funded Radio Free Asia (RFA), were detained at airports during the year upon their return from trips abroad.' [25]

---

[20] Voice of America, Vietnam's Latest Trial Shows New Generation of Activism, 29 October 2013, http://www.voanews.com/content/vietnam-dissident-found-guilty-sentence-suspended/1778990.html, date accessed 18 September 2014

[21] Voice of America, Vietnam's Latest Trial Shows New Generation of Activism, 29 October 2013, http://www.voanews.com/content/vietnam-dissident-found-guilty-sentence-suspended/1778990.html, date accessed 18 September 2014

[22] US Department of State (USSD), Country Reports on Human Rights Practices 2013: Vietnam, 27 February 2014, (2.a Freedom of Speech and Press), http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2013&dlid=220244#wrapper, date accessed 2 September 2014

[23] US Department of State (USSD), Country Reports on Human Rights Practices 2013: Vietnam, 27 February 2014, (1.b Disappearance), http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2013&dlid=220244#wrapper, date accessed 2 September 2014

[24] US Department of State (USSD), Country Reports on Human Rights Practices 2013: Vietnam, 27 February 2014, (1.c Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment), http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2013&dlid=220244#wrapper, date accessed 2 September 2014

[25] Freedom House, Freedom of the Press 2014: Vietnam, http://freedomhouse.org/report/freedom-press/2014/vietnam#.VD0VkeuIh7w, date accessed 14 October 2014

2.5.5 Human Rights Watch highlighted that in September 2013, Decree 72 came into force. This contains provisions legalizing content-filtering and censorship, and outlawing vaguely defined 'prohibited acts'. It also forbids individuals from synthesizing news on their blogs or personal websites. [26] Human Rights Watch further noted that, 'Vietnam systematically persecutes bloggers who attempt to act as independent journalists and critical commentators.' [27]

Back to Contents

2.6 The judiciary

2.6.1 The Human Rights Watch (HRW) World Report 2014: Vietnam, covering events of 2013, published 31 January 2014, stated that, 'Vietnamese courts lack the independence and impartiality required by international law. Where the party or government has an interest in the outcome of a case, they - not the facts and the law - dictate the outcome. Trials are often marred by procedural and other irregularities that go along with achieving a politically pre-determined outcome.' [28]

2.6.2 The U.S. Department of State observed in its 2013 annual human rights report that:

'The law provides for the independence of judges and lay assessors, but the CPV [Communist Party of Vietnam] controlled the courts at all levels through its effective control of judicial appointments and other mechanisms and in many cases, determined verdicts. As in past years, political influence, endemic corruption, and inefficiency strongly distorted the judicial system. Most, if not all, judges were members of the CPV and chosen at least in part for their political views. The party's influence was particularly notable in high-profile cases and other instances in which authorities charged a person with challenging or harming the party or state.' [29] It further noted with regards to the rights of those detained, that, 'By law, detainees are permitted access to lawyers from the time of their detention; however, authorities continued their use of bureaucratic delays to deny access to legal counsel.' [30]

2.6.3 Amnesty International also highlighted in a 2013 report that, 'Viet Nam's judiciary is not independent from the government. Trials of dissidents are routinely unfair, falling far short of international standards of fairness. Despite some provisions providing for a right to a fair trial in Viet Nam's 2003 Criminal Procedure Code, there is no presumption of innocence in practice, no opportunity for suspects and defendants to call and examine witnesses, and often a lack of access to competent and effective defence counsel.

---

[26] Human Rights Watch (HRW), World Report 2014 (Events of 2013), 21 January 2014, Freedom of Expression, Opinion, and Information, (p400),http://www.hrw.org/sites/default/files/wr2014_web_0.pdf, date accessed 6 October 2014

[27] Human Rights Watch, Public Insecurity: Deaths in Custody and Police Brutality in Vietnam, Summary, 16 September 2014, (P60), http://www.hrw.org/sites/default/files/reports/vietnam0914_ForUpload_0.pdf, date accessed 14 October 2014

[28] Human Rights Watch (HRW), World Report 2014 (Events of 2013), 21 January 2014, Freedom of Expression, Opinion, and Information, (p400),http://www.hrw.org/sites/default/files/wr2014_web_0.pdf, date accessed 6 October 2014

[29] US Department of State (USSD), Country Reports on Human Rights Practices 2013: Vietnam, 27 February 2014, (1.e Denial of Fair Public Trial), http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2013&dlid=220244#wrapper, date accessed 2 September 2014

[30] US Department of State (USSD), Country Reports on Human Rights Practices 2013: Vietnam, 27 February 2014, (1.d Arbitrary Arrest or Detention), http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2013&dlid=220244#wrapper, date accessed 2 September 2014

Judgements appear to be decided beforehand, and trials often last for only a few hours.' [31]

Back to Contents

2.7 Prison conditions, particularly for political prisoners

2.7.1 The U.S. Department of State annual human rights report covering 2013 noted that:

'There continued to be no precise estimates of the number of political prisoners, although the number increased during the year. The government reportedly held more than 120 political detainees at year's end, although some international observers claimed there were more. Diplomatic sources maintained that four re-education centers in the country held approximately 4,000 prisoners.' [32] Adding: 'Family members of political prisoners continued to report increased government surveillance and harassment by security officials as well as interference with their work, school, and financial activities.' [33]

2.7.2 The same report observed that, 'Deaths in prison were mostly related to serious health conditions, exacerbated by poor or delayed medical care, poor sanitation, and malnutrition.' [34] However, Human Rights Watch stated in its annual report covering 2013 that 'Official media and other sources continue to report many cases of police abuse, torture, or even killing of detainees.' [35]

2.7.3 Amnesty International reported in 2013 that, 'Prisoners of conscience in Viet Nam face arbitrary pre-trial detention for several months, are held incommunicado without access to family and lawyers, and are subsequently sentenced after unfair trials to prison terms ranging from two to 20 years or even, in some cases, life imprisonment. Many are held in harsh conditions amounting to cruel, inhuman or degrading treatment, with some of them subjected to torture and other ill-treatment, such as beatings by security officials or other prisoners.' [36]

2.7.4 In its report 'Silenced Voices: Prisoners of Conscience in Viet Nam', published in November 2013, Amnesty International provides a non-exhaustive list of illustrative cases of prisoners of conscience, including political activists.[37] In a more recent public statement, published in June 2014, Amnesty International reported that:

---

[31] Amnesty International, Viet Nam: Silenced voices: Prisoners of conscience in Viet Nam, 7 November 2013, (3.2 Unfair Trials) http://www.amnesty.org/en/library/asset/ASA41/007/2013/en/bf5329ba-d169-4a7f-aaf1-e24e690ffa5d/asa410072013en.html, date accessed 2 September 2014

[32] US Department of State (USSD), Country Reports on Human Rights Practices 2013: Vietnam, 27 February 2014, (1.e Denial of Fair Public Trial), http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2013&dlid=220244#wrapper, date accessed 2 September 2014

[33] US Department of State (USSD), Country Reports on Human Rights Practices 2013: Vietnam, 27 February 2014, (1.c Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment), http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2013&dlid=220244#wrapper, date accessed 2 September 2014

[34] US Department of State (USSD), Country Reports on Human Rights Practices 2013: Vietnam, 27 February 2014, (1.c Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment), http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2013&dlid=220244#wrapper, date accessed 2 September 2014

[35] Human Rights Watch (HRW), World Report 2014 (Events of 2013), 21 January 2014, Abuses in Detention and Prison, http://www.hrw.org/sites/default/files/wr2014_web_0.pdf, date accessed 6 October 2014

[36] Amnesty International, Viet Nam: Silenced voices: Prisoners of conscience in Viet Nam, 7 November 2013, (1. Introduction and summary) http://www.amnesty.org/en/library/asset/ASA41/007/2013/en/bf5329ba-d169-4a7f-aaf1-e24e690ffa5d/asa410072013en.html, date accessed 2 September 2014

[37] Amnesty International, Viet Nam: Silenced voices: Prisoners of conscience in Viet Nam, 7 November 2013, (4.6 Political activists) http://www.amnesty.org/en/library/asset/ASA41/007/2013/en/bf5329ba-d169-4a7f-aaf1-e24e690ffa5d/asa410072013en.html, date accessed 2 September 2014

'... the continued detention of scores of other men and women – including bloggers, political and religious activists, land and labour rights activists, human rights and social justice advocates – solely for peacefully exercising their right to freedom of expression, is deeply disappointing. Some of those detained are in very poor health, in some cases exacerbated by harsh prison conditions and other ill-treatment. The organization was particularly saddened to hear of the death of prisoner of conscience Dinh Dang Dinh in April 2014, shortly after his release. He had been diagnosed with stomach cancer while in prison, but did not receive the treatment he needed, despite repeated appeals from his family, friends and the diplomatic community.' [38]

2.7.5 The Amnesty International report from November 2013, added, 'Viet Nam's obligation under international law to ensure the right of all persons within its jurisdiction not to be subjected to torture and other ill-treatment means that not only must state officials not commit acts of torture or other ill-treatment, but that Viet Nam must take effective steps to prevent such abuses by private persons.' [39]

Back to Contents

[38] Amnesty International, Restrictions on freedom of expression persist, scores of prisoners of conscience remain detained, 30 June 2014, http://www.amnesty.org/en/library/asset/ASA41/001/2014/en/5d9988ec-c96c-493c-921b-0a64ec7ac3b5/asa410012014en.pdf, date accessed 14 October 2014

[39] Amnesty International, Viet Nam: Silenced voices: Prisoners of conscience in Viet Nam, 7 November 2013, (4.6 Political activists) http://www.amnesty.org/en/library/asset/ASA41/007/2013/en/bf5329ba-d169-4a7f-aaf1-e24e690ffa5d/asa410072013en.html, date accessed 2 September 2014

Annex A: Map of Vietnam

Map of Vietnam (2009) sourced from the Encyclopaedia Britannica Online[40].

Back to Contents

[40] Encyclopædia Britannica Online, "Vietnam" Map, 2009, http://www.britannica.com/media/full/61748, date accessed 1 September 2014

Change Record

Version	Date	Change References
1.0	December 2014	First version of country information and guidance.

Back to Contents