

Viet Nam

Mid-term

Implementation

Assessment



UPR-INFO.ORG
PROMOTING AND STRENGTHENING THE UNIVERSAL PERIODIC REVIEW



Introduction

1. Purpose of the follow-up programme

The second and subsequent cycles of the review should focus on, inter alia, the implementation of the accepted recommendations and the development of the human rights situation in the State under review.

A/HRC/RES/16/21, 12 April 2011 (Annex I C § 6)

The Universal Periodic Review (UPR) process takes place every four and half years; however, some recommendations can be implemented immediately. In order to reduce this interval, we have created an update process to evaluate the human rights situation two years after the examination at the UPR.

Broadly speaking, *UPR Info* seeks to ensure the respect of commitments made in the UPR, but also, more specifically, to give stakeholders the opportunity to share their opinion on the commitments. To this end, about two years after the review, *UPR Info* invites States, NGOs, and National Institutions for Human Rights (NHRI) to share their comments on the implementation (or lack thereof) of recommendations adopted at the Human Rights Council (HRC) plenary session.

For this purpose, *UPR Info* publishes a Mid-term Implementation Assessment (MIA) including responses from each stakeholder. The MIA is meant to show how all stakeholders are disposed to follow through on, and implement their commitments. States should implement the recommendations that they have accepted, and civil society should monitor that implementation.

While the follow-up's importance has been highlighted by the HRC, no precise directives regarding the follow-up procedure have been set until now. Therefore, *UPR Info* is willing to share good practices as soon as possible, and to strengthen the collaboration pattern between States and stakeholders. Unless the UPR's follow-up is seriously considered, the UPR mechanism as a whole could be adversely affected.

The methodology used by UPR Info to collect data and to calculate index is described at the end of this document.

Geneva, 8 March 2012

Follow-up Outcomes

1. Sources and results

All data are available at the following address:

http://followup.upr-info.org/index/country/viet_nam

We invite the reader to consult that webpage since all recommendations, all stakeholders reports, as well as the unedited comments can be found at the same internet address.

8 NGOs were contacted. The Permanent Mission to the UN was contacted. No domestic NHRI does exist.

4 NGOs responded to our enquiry. The State under Review did not respond to our enquiry.

IRI: 86 recommendations are not implemented, 10 recommendations are partially implemented, and 1 recommendation is fully implemented. No answer was received for 72 out of 172 recommendations.

2. Index

Hereby the issues which the MIA deals with:

| rec. n° | Issue | page | IRI |
|---------|---|---------|-----------------|
| 1 | Torture and other CID treatment, International instruments, | page 29 | not impl. |
| 2 | International instruments | page 30 | not impl. |
| 4 | Poverty | page 21 | partially impl. |
| 5 | Other | page 40 | not impl. |
| 8 | International instruments, CP rights - general, | page 7 | not impl. |
| 9 | Freedom of religion and belief, Freedom of opinion and expression, | page 7 | not impl. |
| 10 | Trafficking, International instruments, | page 30 | not impl. |
| 11 | Justice, International instruments, Enforced disappearances, Asylum-seekers - refugees, | page 31 | not impl. |
| 13 | Special procedures, Freedom of religion and belief, Freedom of opinion and expression, | page 31 | not impl. |



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| 14 | Torture and other CID treatment, International instruments, | page 31 | not impl. |
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| 16 | Justice, International instruments, | page 38 | not impl. |
| 17 | Rights of the Child, Human rights education and training, | page 40 | not impl. |
| 18 | Justice | page 38 | not impl. |
| 21 | International instruments, Disabilities, | page 32 | not impl. |
| 22 | Migrants, International instruments, | page 32 | not impl. |
| 23 | Poverty | page 22 | not impl. |
| 28 | Labour, International instruments, | page 32 | not impl. |
| 29 | Treaty bodies, International instruments, | page 32 | not impl. |
| 31 | General | page 41 | not impl. |
| 32 | General | page 41 | not impl. |
| 33 | Women's rights | page 40 | partially impl. |
| 34 | NHRI | page 41 | not impl. |
| 36 | International instruments | page 32 | not impl. |
| 37 | Poverty | page 23 | not impl. |
| 38 | Freedom of religion and belief | page 9 | not impl. |
| 42 | Detention conditions | page 38 | not impl. |
| 43 | Justice | page 38 | not impl. |
| 44 | Freedom of the press | page 10 | not impl. |
| 45 | Special procedures | page 33 | partially impl. |
| 47 | International instruments, Freedom of opinion and expression, | page 11 | not impl. |
| 48 | International instruments, CP rights - general, | page 11 | not impl. |
| 49 | Torture and other CID treatment, International instruments, | page 33 | not impl. |
| 50 | Torture and other CID treatment, International instruments, | page 34 | not impl. |
| 52 | Minorities | page 25 | not impl. |
| 53 | Right to housing, Right to health, Poverty, | page 23 | partially impl. |
| 56 | Right to health, Right to education, Minorities, | page 24 | not impl. |
| 57 | Civil society | page 11 | not impl. |
| 62 | ESC rights - general, CP rights - general, | page 24 | not impl. |
| 63 | International instruments, Freedom of the press, | page 12 | not impl. |
| 65 | Freedom of opinion and expression | page 12 | not impl. |
| 66 | Freedom of the press | page 12 | not impl. |
| 68 | Justice, International instruments, | page 34 | not impl. |
| 69 | Treaty bodies, Freedom of the press, Freedom of opinion and expression, | page 13 | not impl. |
| 71 | Special procedures | page 34 | partially impl. |
| 73 | Special procedures, Freedom of religion and belief, Freedom of opinion and expression, Freedom of association and | page 34 | not impl. |
| 75 | peaceful assembly, | page 11 | not impl. |
| 76 | Minorities | page 25 | not impl. |
| 77 | Minorities, Disabilities, | page 26 | partially impl. |
| 78 | International instruments | page 35 | not impl. |



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| 83 | Justice | page 39 | not impl. |
| 84 | Rights of the Child, Right to education, Human rights education and training, | page 24 | not impl. |
| 85 | International instruments, Freedom of opinion and expression, | page 13 | not impl. |
| 86 | International instruments, Freedom of religion and belief, | page 13 | not impl. |
| 87 | Special procedures, Freedom of religion and belief, | page 34 | not impl. |
| 88 | Justice, International instruments, | page 39 | not impl. |
| 89 | Minorities | page 26 | not impl. |
| 93 | Freedom of religion and belief | page 14 | not impl. |
| 97 | Labour, International instruments, | page 35 | fully impl. |
| 98 | Trafficking, International instruments, | page 35 | not impl. |
| 99 | Special procedures | page 35 | partially impl. |
| 100 | Special procedures, Detention conditions, | page 36 | not impl. |
| 102 | International instruments, Indigenous peoples, | page 36 | not impl. |
| 103 | Human rights education and training | page 24 | not impl. |
| 104 | Minorities | page 27 | not impl. |
| 108 | Minorities | page 27 | not impl. |
| 111 | International instruments, Freedom of the press, | page 36 | not impl. |
| 112 | Freedom of opinion and expression | page 14 | not impl. |
| 113 | Freedom of the press | page 15 | not impl. |
| 114 | Special procedures | page 33 | partially impl. |
| 116 | Women's rights, Torture and other CID treatment, Special procedures, Freedom of religion and belief, Freedom of opinion and expression, | page 33 | partially impl. |
| 117 | International instruments, Freedom of the press, | page 15 | not impl. |
| 119 | Women's rights, Treaty bodies, | page 31 | not impl. |
| 120 | International instruments, Disabilities, | page 37 | not impl. |
| 123 | International instruments, Freedom of the press, | page 16 | not impl. |
| 124 | Freedom of the press | page 16 | not impl. |
| 125 | Human rights defenders | page 39 | not impl. |
| 128 | Minorities | page 28 | not impl. |
| 130 | Minorities | page 28 | not impl. |
| 133 | International instruments, Freedom of religion and belief, | page 17 | not impl. |
| 136 | Freedom of religion and belief, Freedom of opinion and expression, | page 17 | not impl. |
| 137 | Civil society | page 17 | not impl. |
| 141 | Women's rights, Rights of the Child, Poverty, Disabilities, | page 24 | - |
| 142 | International instruments, Disabilities, | page 37 | not impl. |
| 144 | Torture and other CID treatment, International instruments, | page 31 | not impl. |
| 146 | Freedom of the press, Freedom of opinion and expression, | page 18 | not impl. |
| 147 | Racial discrimination, Minorities, | page 29 | not impl. |
| 149 | Freedom of the press | page 18 | not impl. |
| 151 | Special procedures | page 33 | partially impl. |
| 157 | Trafficking, International instruments, | page 37 | not impl. |
| 159 | Justice | page 39 | not impl. |



| rec. n° | Issue | page | IRI |
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| 160 | Special procedures, Freedom of religion and belief, | page 37 | not impl. |
| 161 | Justice | page 39 | - |
| 163 | Freedom of the press | page 19 | not impl. |
| 164 | Civil society | page 19 | - |
| 165 | International instruments, Freedom of religion and belief, Freedom of opinion and expression, | page 19 | not impl. |
| 166 | International instruments, Freedom of the press, Freedom of opinion and expression, Detention conditions, | page 20 | not impl. |
| 167 | Freedom of religion and belief | page 21 | not impl. |
| 168 | Freedom of religion and belief | page 21 | not impl. |
| 171 | Right to health, Right to education, Minorities, | page 23 | not impl. |

3. Feedbacks on recommendations

CP Rights

Recommendation n°8: *Take the necessary steps to comply with ICCPR and make sure the right to a fair trial based in law is guaranteed.* (Recommended by Argentina)

IRI: *not implemented*

Khmer Kampuchea Krom Federation (KKF) response:

The legal system in Vietnam is used to protect the government instead of the people. When the Khmer-Krom [editor's note: a Khmer minority] is facing legal issues, the Khmer-Krom has nowhere to turn asking for help. Mr. Chau Hen in An Giang province and Mrs. Tran Thi Chau in Tra Vinh province are still in prison because they stood up to demand returning their confiscated farmlands. When they brought the Khmer-Krom to the face the Vietnamese court, the Khmer-Krom does not have the lawyer to defend for them or they don't have the rights to defend for themselves in front of the Vietnamese court just like the case of Mr. Chau Hen and Mrs. Tran Thi Chau.

Christian Solidarity Worldwide (CSW) response:

The Vietnamese government continues to arbitrarily detain citizens, in particular some pastors have been detained without charge and their families are threatened.

Recommendation n°9: *Take the necessary steps to ensure that citizens can fully enjoy the rights to freedom of expression and freedom of religion.* (Recommended by Argentina)

IRI: *not implemented*

KFF response:

As of today, the Khmer-Krom has no rights to express their thoughts. All the media in Vietnam is controlled by government. The Khmer-Krom has no independent newspaper, radio, or Television in Khmer to let Khmer-Krom expression their political view or opinion. Vietnam has been forcing the Khmer-Krom Buddhist monks join the Patriotic United Buddhist Association (Hội Đoàn Kết Sư Sãi Yêu Nước) under the umbrella of the Vietnam Buddhist Sangha (VBS - Giáo Hội Phật Giáo Việt Nam). The VBS is under the control of the Vietnam Fatherland Front Central Committee (FFCC - Mặt Trận Tổ Quốc Việt Nam) which is a committee of the Vietnamese Communist Party (VCP). The Vietnamese government now even embeds its agents in most of the Khmer-Krom temples to monitor the activities of the Khmer-Krom Buddhist monks. Thus, it makes the Khmer-Krom Buddhist monks living in FEAR and really scares to talk about their rights to freely practice their Theravada Buddhism because they may be arrested. All the activities of the Khmer-Krom rituals must ask for the permission from the Vietnam authority. The Khmer-Krom men even have to ask for the permission to be ordained as Buddhist monks.



Unrepresented Nations and Peoples Organization (UNPO) response:

Numerous independent human rights organizations have noted the downward trend of freedom of expression in Viet Nam. The International Federation for Human Rights (FIDH) reports that in 2010 and 2011 it observed “an escalating pattern of repression of individuals and groups advocating for universally recognised human rights, as an increasing number of human rights defenders, journalists, lawyers and religious activists have been intimidated, arbitrarily detained, convicted and jailed or put under house arrest.” In its 2011 World Report on Viet Nam, Human Rights Watch describes tightening controls on freedom of expression, including the harassment, arrest and jailing of dozens of writers, political activists and peaceful critics. As noted in the response to recommendations N. 38, 86, 93 and 133, the government of Viet Nam does not view religious freedom as an inalienable right; calls for religious independence in regions where religion is historically linked to political activity are perceived as particularly threatening to the ruling Communist Party and receive a harsh response from authorities.

CSW response:

Vietnam continues to restrict the right of its citizens to enjoy freedom of religious belief, particularly among ethnic minorities, the Roman Catholic Church and members of the United Buddhist Church of Vietnam. Ethnic minority protestants, many of whom converted to Christianity during the 1990s and 2000s, have been victims of locally mediated harassment, violence and persecution due to their religious faith. An internal training manual published by the Committee for Religious Affairs entitled 'Training Manual for the Task Concerning the Protestant Religion', which has been re-issued during the reporting period, still allows local officials to 'encourage locals to return to their traditional beliefs' in situations where 'there is a need to do so'. This essentially allows forced renunciation at the local level. The registration system is also a cause of undue restrictions on religious freedom. Most incidents concerning violations of religious freedom occur among unregistered groups. However, in late 2011, two separate attacks were reported against churches belonging to officially recognised denominations.

Recommendation n°15: *Consider strengthening press freedom protections contained in the 1999 press law. (Recommended by Australia)*

IRI: not implemented

KFF response:

Vietnam has no freedom of Press. Vietnam even blocked the KKF websites in Vietnam (khmerkrom.org or khmerkrom.net). Vietnam even imprisons the bloggers.

Reporters sans frontières (RSF) response:

Il n'y a eu aucune amélioration de la liberté de la presse, voir même une dégradation. Au lieu de renforcer les protections de la liberté de la presse, le gouvernement vietnamien affiche sa volonté de renforcer son contrôle de l'information. Il a adopté en janvier 2011 un nouveau décret pour « encadrer » les journalistes et les blogueurs et tente d'appliquer aux blogs la censure déjà en vigueur pour les médias traditionnels.



Recommendation n°38: *Continue efforts in its current economic and political platform that aim at protecting and guaranteeing people's rights, namely religious freedom.* (Recommended by Cambodia)

IRI: *not implemented*

KFF response:

The current economic and political platforms are used to protect the polish the government's policy, not for the people. The Khmer-Krom people are practicing their Theravada Buddhism in FEAR.

UNPO response:

The U.S. Commission on International Religious Freedom (USCIRF) once again recommended that Viet Nam be designated a “country of particular concern” (CPC) by the U.S. State Department. In its most recent report, USCIRF noted that the government of Viet Nam continues to exercise control over religious communities and penalize independent religious practice, which remains illegal. Groups and individuals considered to be challenging the government’s authority are brutally repressed. USCIRF also noted new evidence of severe religious freedom abuses, including violence, forced renunciations of faith and arrests of religious leaders and defenders of human rights. While some communities have experienced improvements in religious freedom, others – including ethnic minority Protestants and Buddhists – have experienced a decline. All religious institutions must be registered and approved by the State in order to operate. Human Rights Watch has noted on multiple occasions that religious freedom is not perceived by the government of Viet Nam as an inalienable right, but rather as a privilege to be granted by the government; religious activities deemed to threaten the authority of the Vietnamese Communist Party are therefore banned or carefully monitored and controlled. HRW describes the legal underpinnings of this policy in a March 2011 report, noting that Decree 22 – entered into force in March 2005 – provides instructions for the implementation of Vietnam’s 2004 Ordinance on Beliefs and Religions. These laws require all religious groups to be officially registered and subject to government control and ban any religious activity deemed to be a threat to national security, public order, or national unity. Further official instructions related to this legislation outline specific requirements for the registration of Protestant groups, who are required to submit applications to local authorities certifying that members will not be permitted to be involved in protests or so-called “reactionary” organizations including Degar Protestantism. This instruction, which declares Degar Protestantism to be a tool for “dark political schemes of stirring up ethnic problems and undermining our country’s stability” provides authorities with a legal basis for forcing Montagnard Christians (followers of Degar Protestantism) to join government-approved churches. Degar Montagnards who continue to practice in their unrecognized Protestant churches are subject to police raids and arrest on charges of undermining unity, as well as to forced reunciations. Theravada Buddhism, which is largely practiced by the Khmer Krom, is also strictly regulated by the State. Reports indicate that pro-state propaganda and pre-approved texts are mandatory within Khmer Buddhist temples, and Khmer monks are not allowed to travel freely or transfer to another pagoda without written permission from state authorities.

CSW response:

Vietnam is still a systematic violator of religious freedom, since being removed from the US watchlist of Countries of Particular Concern (CPC) in 2006 the religious freedom situation has deteriorated greatly. This is particularly true in the more remote areas ethnic minority Protestants face some of the harshest restrictions to religious freedom.

Recommendation n°44: *Increase the independence of media from the State, including by allowing privately-run media.* (Recommended by Canada)

IRI: *not implemented*

UNPO response:

Viet Nam continues to ban independent media and prohibit private ownership of media outlets. As noted by the U.S. Department of State in 2011, the government continues to control all media, including print, broadcast, and electronic mediums. Oversight is exercised by the Ministry of Information and Communication (MIC). Under the guidance of the Communist Party Propaganda and Education Commission, the MIC frequently undertook direct intervention in dictating or censoring stories. The report of the State Department also notes that control over mass media content was more often ensured through "pervasive self-censorship, backed by the threat of dismissal and possible arrest" than through direct censorship. In February 2011, a new media decree went into effect in Viet Nam. Human Rights Watch declared Decree No. 2, Sanctions for Administrative Violations in Journalism and Publishing to be a "further blow to freedom of expression in Vietnam," noting that it is likely to deepen the repression of journalists and bloggers with "independent views". The decree stipulates fines for journalists who violate vague and broad provisions, including the 1990 Press Law's requirement to "provide honest domestic and international news in accordance with the interests of the country and the people." Determination of what constitutes "the interests of the country and the people" are left to officials from various government agencies, including the People's Committees, police force and border army. The decree also requires journalists to publish their sources, a requirement that discourages sources from providing journalists with information for fear of exposure and reprisals. A senior Human Rights Watch official noted that the decree appears to be "designed to intimidate whistle-blowers and victims of rights abuses from cooperating with the media."

RSF response:

Il n'existe toujours pas de médias indépendants et de groupes de médias privés au Vietnam, à l'exception de publications dissidentes. La presse écrite, la radio et la télévision sont toutes contrôlées par les autorités de Hanoï. Il faut remarquer malgré tout que les principales rédactions se développent et que la concurrence s'accroît mais les médias restent sous l'autorité de leur institution de tutelle : le Parti communiste, l'armée, l'agence de presse officielle ou les municipalités, selon le cas. En plus des « organes d'Etat », notamment Le Peuple, quotidien du Parti communiste, on compte plus de 600 titres. Mais ils sont tous susceptibles d'être sanctionnés pour « violation grave de la loi sur la presse ». Les radios nationales, très écoutées, sont contrôlées par le cabinet du Premier ministre et le Comité central du Parti communiste. Les programmes en vietnamien de radios internationales ne

peuvent être captés qu'en ondes courtes ou moyennes, le gouvernement refusant d'accorder des licences en modulation de fréquence.

Recommendation n°47: *Bring its press laws into compliance with article 19 of ICCPR.* (Recommended by Canada)

IRI: *not implemented*

UNPO response:

See response to recommendation n°44.

RSF response:

Aucun amendement de la loi de la presse la rendant conforme au Pacte international relatif aux droits civils et politiques n'a été effectué. Au contraire, le gouvernement a adopté un décret un janvier 2011 pour « encadrer » les activités des journalistes et des blogueurs et imposer la censure sur Internet. Le texte empêche l'anonymat en ligne, interdisant de publier sous un pseudonyme. Il prévoit de sanctionner les auteurs d' « informations non autorisées » ou « non conformes aux intérêts du peuple ». Autant de définitions vagues qui permettent une interprétation large et une multiplication des arrestations. De plus le nouveau décret punit également de trois millions de dong (155 dollars) la publication de documents ou de lettres sans que l'auteur ne dévoile ses sources ou son identité, et de 20 millions de dong (1000 dollars) la publication de documents liés à une enquête officielle.

Recommendation n°48: *Reduce the use of security laws that limit public discussion about multi-party democracy or criticism of the Government, including by bringing security and propaganda laws into compliance with ICCPR.* (Recommended by Canada)

IRI: *not implemented*

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Recommendation n°75: *Take all necessary measures to end restrictions on the rights to freedom of expression and peaceful assembly.* (Recommended by Germany)

IRI: *not implemented*

UNPO response:

See response to recommendation n°44.

Recommendation n°57: *Further efforts to engage all appropriate social and political organizations in the promotion and protection of human rights.* (Recommended by DPR Korea)

IRI: *not implemented*

UNPO response:

The government of Viet Nam continues to ban independent human rights organizations. The Communist Party does not tolerate attempts by organizations or individuals to comment publicly on its human rights practices and uses a wide variety of methods to suppress criticism. These methods include strict oversight and direct censorship of the media, surveillance and interference with personal communications, and detention. Private citizens are generally prohibited from contacting international human rights organizations. The government continues to deny access to human rights monitors from international NGOs (US State Department Human Rights Report Viet Nam, 2010).



CSW response:

The Vietnamese government is still a systematic violator of human rights, particularly the right to freedom of religion or belief and the right to freedom of expression. The ability for civil society groups to operate in Vietnam is severely limited. For example, most 'NGOs' registered in Vietnam are quasi-governmental organisations. Christian denominations that have legal, registered, status, are excluded from engagement in civil society issues at the governmental level.

Recommendation n°63: *Amend press law to comply with ICCPR.* (Recommended by Finland)

IRI: *not implemented*

RSF response:

Aucun amendement de la loi la presse la rendant conforme au Pacte international relatif aux droits civils et politiques n'a été effectué. Au contraire, le gouvernement a adopté un décret un janvier 2011 pour « encadrer » les activités des journalistes et des blogueurs et imposer la censure sur Internet. Le texte empêche l'anonymat en ligne, interdisant de publier sous un pseudonyme. Il prévoit de sanctionner les auteurs d' « informations non autorisées » ou « non conformes aux intérêts du peuple ». Autant de définitions vagues qui permettent une interprétation large et une multiplication des arrestations. De plus le nouveau décret punit également de trois millions de dong (155 dollars) la publication de documents ou de lettres sans que l'auteur ne dévoile ses sources ou son identité, et de 20 millions de dong (1000 dollars) la publication de documents liés à une enquête officielle.

Recommendation n°65: *Repeal or amend its Penal Code to ensure that it cannot be applied in an arbitrary manner to prevent the freedom of expression.* (Recommended by Finland)

IRI: *not implemented*

UNPO response:

Vaguely worded articles within Viet Nam's Penal Code are systematically used to undermine legislation meant to protect individuals' rights to expression, including religious expression and participation in public gatherings. Indigenous peoples such as the Degar Montagnards and the Khmer Krom who participate in peaceful protests and practice their respective religions are often subject to charges of undermining national solidarity, disrupting security, and disturbing Vietnamese society.

Recommendation n°66: *Allow media to take their watchdog role in society.* (Recommended by Finland)

IRI: *not implemented*

RSF response:

Les médias ne sont pas indépendants au Vietnam, l'Etat exerce un contrôle strict sur l'information et a renforcé la répression contre les journalistes et les blogueurs. La capacité des médias à émettre des critiques est donc extrêmement réduite et ils sont susceptibles d'être sanctionnés pour « violation grave de la loi sur la presse ». Les journalistes osant des critiques ou enquêtant sur des sujets tels que la corruption, l'environnement, l'éducation, la souveraineté du Vietnam à l'égard de la Chine sont emprisonnés et accusés de « diffamation envers le Parti », de « propagande contre



l'Etat » ou de « mise en danger de la sécurité nationale ». Internet s'est considérablement développé au Vietnam, les blogs ont une influence croissante car ils traitent de sujets absents de la presse traditionnelle. Cependant les autorités de Hanoï ont adopté des dispositions plus restrictives et répressives à l'encontre des blogueurs, imposant une censure sur Internet.

Recommendation n°69: Take measures advocated by the Human Rights Committee to bring to an end restrictions to freedom of expression and opinion and to end, notably, restrictions on the creation of private media at the same time. (Recommended by France)

IRI: not implemented

UNPO response:

See response to recommendation n°44.

RSF response:

Les restrictions à la liberté d'expression et d'opinion sont toujours présentes et sont renforcées au Vietnam. Inquiet des risques de contagion des mouvements de contestation qui agitent le monde arabe, le régime de Hanoï réduit au silence les voix citoyennes et renforce la censure sur Internet. Actuellement les autorités ont durci la répression à l'encontre des dissidents pro-démocratiques qui utilisent Internet ou la presse pour s'exprimer. Internet, le lieu d'expression privilégié des dissidents, est particulièrement visé par le régime. De nombreux cyber-dissidents et blogueurs sont arrêtés sous des chefs d'accusation tels que la « diffamation envers le Parti », de « propagande contre l'Etat » ou de « mise en danger de la sécurité nationale ». De nombreux sites sont bloqués, les cyber-attaques se multiplient. Les blogueurs sont menacés, convoqués par la justice ou mis en prison puis assigné à résidence. Les restrictions empêchant la création de groupes de médias privés ne sont pas levées. Le gouvernement tient à contrôler l'information diffusée dans le pays. Tous les médias sont placés sous la tutelle des autorités.

Recommendation n°85: Fully guarantee the right to receive, seek and impart information and ideas in compliance with article 19 of ICCPR. (Recommended by Italy)

IRI: not implemented

KFF response:

Vietnam does not implement the article 19 of ICCPR.

UNPO response:

See response to recommendation n°44.

CSW response:

In 2011 Vietnam cracked down once again on internet activists and it continues to be one of five countries in the world where an online post could lead to someone's imprisonment. Reporters Without Borders [aka Reporters sans Frontières (RSF)] has labelled Vietnam an 'internet enemy' for its crackdowns on online users.

Recommendation n°86: Step up efforts to ensure the full respect of freedom of religion and worship, including by reviewing laws and provisions at all levels related



to the freedom of religion, in order to align them with article 18 of ICCPR. (Recommended by Italy)

IRI: *not implemented*

KFF response:

Vietnam does not implement the article 18 of ICCPR.

UNPO response:

See response to recommendation n°38.

CSW response:

Vietnam continues to violate religious freedom in a number of ways including forced renunciations of faith, restrictions on evangelism and restrictions on freedom of assembly, the maintenance of a complicated system of registration for groups and denominations that is fundamentally flawed, for example, by requiring 20 years stable operation before a denomination is allowed to register. The government has also still not repealed the training manuals concerning the Protestant religion.

Recommendation n°93: Uphold the progress it has achieved in ensuring religious freedom for the different communities and ensuring that religious and belief activities continue to be an enriching feature of Vietnamese society. (Recommended by Lebanon)

IRI: *not implemented*

UNPO response:

See response to recommendation n°38.

CSW response:

While the number and frequency of severe violations of religious freedom among ethnic minority protestants have reduced over the past few years, problems remain. Ethnic minorities, such as the Hmong and Yao, who are already not considered to be loyal citizens of Vietnam, are vulnerable to attacks on their right to freedom of religion if they change their religion. Christianity especially is associated with being a foreign religion and those converting to Protestantism from traditional ancestor worship in the ethnic minority areas are often seen as disloyal citizens. The 'Training Manual for the Task Concerning the Protestant Religion', which applies to the Northern Highland region, gives local officials the go-ahead to forcibly convert Protestants in their communities back to their traditional beliefs 'if there is a need to do so'. This goes against Vietnam's commitment to freedom of religion and belief and allows arbitrary implementation of the law at the local level. Incidents of forced renunciation continue to be reported. In addition, local officials in ethnic minority areas also use the tactic of pressurising family or clan members to force an individual to renounce. This allows the local officials to be absolved of responsibility.

Recommendation n°112: Lift restrictions on Internet usage such as filtering and surveillance. (Recommended by Netherlands)

IRI: *not implemented*

UNPO response:

Reporters Without Borders (RSF) has designated Viet Nam as a "very serious situation," ranking the country near the bottom (172 out of 179 countries) in its 2011 -



2012 world Press Freedom Index. RSF also includes Viet Nam on its list of “internet enemies”, noting in 2011 a more hard-line approach to critics by the regime, which has launched “a new, particularly harsh wave of repression aimed at those who dare to exercise their freedom of expression” including a “massive use of cyberattacks to silence dissenting opinion,” making blogging dangerous. The government has introduced restrictions on public internet sites and continues to restrict access to numerous foreign websites, including the websites of Human Rights Watch and Radio Free Asia. RSF (2011) notes the government’s increasing use of cyberattacks – including distributed denial of service (DDoS) attacks – and spyware to steal user IDs and passwords from opposition website administrators. In its 2011 World Report, Human Rights Watch notes that dissident websites have been disabled by cyberattacks originating from servers based in Viet Nam. Authors, publications, websites and internet users can be charged with criminal acts if caught disseminating materials that allegedly promote “reactionary” ideas, threaten national security or oppose the government. The Open Net Initiative notes that the justifications used by Viet Nam for blocking information on the web - purportedly to block sexually explicit content - is a screen for the country’s actual goal, which is to prevent the spread of politically sensitive material, a task that the government is growing increasingly proficient at carrying out.

Recommendation n°113: *Authorize independent and privately-run newspapers and magazines. (Recommended by Netherlands)*

IRI: *not implemented*

UNPO response:

See response to recommendation n°44.

RSF response:

Il n’existe toujours pas de presse indépendante et privée au Vietnam, à l’exception de publications dissidentes. La presse écrite, la radio et la télévision sont toutes contrôlées par les autorités de Hanoï. Il faut remarquer malgré tout que les principales rédactions se développent et que la concurrence s’accroît mais les médias restent sous l’autorité de leur institution de tutelle : le Parti communiste, l’armée, l’agence de presse officielle ou les municipalités, selon le cas. En plus des « organes d’Etat », notamment Le Peuple, quotidien du Parti communiste, on compte plus de 600 titres. Mais ils sont tous susceptibles d’être sanctionnés pour « violation grave de la loi sur la presse ».

Recommendation n°117: *Permit independence of the media, improves its implementation article 19 of ICCPR and allow the establishment of privately-run media organizations. (Recommended by New Zealand)*

IRI: *not implemented*

UNPO response:

See response to recommendation n°44.

RSF response:

Il n’existe toujours pas de médias indépendants au Vietnam, à l’exception de publications dissidentes et l’établissement de groupe de médias privés n’est pas autorisé. La presse écrite, la radio et la télévision sont toutes contrôlées par les



autorités de Hanoï et sont placées sous l'autorité de leur institution de tutelle : le Parti communiste, l'armée, l'agence de presse officielle ou les municipalités, selon le cas. Les radios nationales, très écoutées, sont contrôlées par le cabinet du Premier ministre et le Comité central du Parti communiste. Le gouvernement vietnamien semble refuser d'appliquer l'article 19 du Pacte international relatif aux droits civils et politiques. Les défenseurs de la démocratie sont arrêtés et subissent des actes de harcèlement. Les journalistes et blogueurs soutenant des positions pro-démocratiques sont également arrêtés. L'information est strictement contrôlée et censurée dans les médias traditionnels et Internet devient la cible de la répression du régime. Des sites sont bloqués, les cyber-attaques se multiplient, et le régime a adopté des dispositions législatives lui permettant de contraindre sévèrement la liberté d'expression sur Internet.

Recommendation n°123: *Ensure that the amended press law complies with ICCPR and that the legal framework allows the existence of privately owned media.* (Recommended by Norway)

IRI: *not implemented*

UNPO response:

See response to recommendation n°44.

RSF response:

Le gouvernement vietnamien a modifié la loi des médias en janvier 2011 et a adopté un décret qui porte atteinte à la liberté d'expression. Le texte empêche l'anonymat en ligne, interdisant de publier sous un pseudonyme. Il prévoit de sanctionner les auteurs d' « informations non autorisées » ou « non conformes aux intérêts du peuple ». Autant de définitions vagues qui permettent une interprétation large et une multiplication des arrestations. De plus ce décret met en danger la protection et le secret des sources en punissant de trois millions de dong (155 dollars) la publication de documents ou de lettres sans que l'auteur ne dévoile ses sources ou son identité, et de 20 millions de dong (1000 dollars) la publication de documents liés à une enquête officielle. Par ailleurs rien n'a été fait pour permettre l'établissement de médias privés, le gouvernement tenant à contrôler l'information diffusée dans le pays. Tous les médias sont placés sous la tutelle des autorités.

Recommendation n°124: *Ensure that the media can operate freely and independently.* (Recommended by Norway)

IRI: *not implemented*

UNPO response:

See response to recommendation n°44.

RSF response:

Le gouvernement a la volonté de renforcer son contrôle de l'information. La presse écrite, la radio et la télévision sont toutes contrôlées par les autorités de Hanoï. Il n'existe toujours pas de médias indépendants au Vietnam, à l'exception de publications dissidentes. Les médias restent sous l'autorité de leur institution de tutelle : le Parti communiste, l'armée, l'agence de presse officielle ou les municipalités, selon le cas. De plus ils sont susceptibles d'être sanctionnés pour « violation grave de la loi sur la presse ». Les radios nationales sont contrôlées par le



cabinet du Premier ministre et le Comité central du Parti communiste. Les programmes en vietnamien de radios internationales ne peuvent être captées qu'en ondes courtes ou moyennes, le gouvernement refusant d'accorder des licences en modulation de fréquence. Le gouvernement a également durci la répression contre les blogueurs et la censure sur Internet.

Recommendation n°133: Step up efforts to ensure the full respect of freedom of religion and worship, including by reviewing laws and provisions at all levels related to the freedom of religion, in order to align them with article 18 of ICCPR. (Recommended by Poland)

IRI: not implemented

UNPO response:

See response to recommendation n°38.

Recommendation n°136: Strengthen efforts in the areas of civil and political freedoms, including freedom of expression and the press and freedom of religion. (Recommended by Republic of Korea)

IRI: not implemented

UNPO response:

Numerous independent human rights organizations have noted the downward trend of freedom of expression in Viet Nam. The International Federation for Human Rights (FIDH) reports that in 2010 and 2011 it observed “an escalating pattern of repression of individuals and groups advocating for universally recognised human rights, as an increasing number of human rights defenders, journalists, lawyers and religious activists have been intimidated, arbitrarily detained, convicted and jailed or put under house arrest.” In its 2011 World Report on Viet Nam, Human Rights Watch describes tightening controls on freedom of expression, including the harassment, arrest and jailing of dozens of writers, political activists and peaceful critics. As noted in the response to recommendations N. 38, 86, 93 and 133, the government of Viet Nam does not view religious freedom as an inalienable right; calls for religious independence in regions where religion is historically linked to political activity are perceived as particularly threatening to the ruling Communist Party and receive a harsh response from authorities.

CSW response:

The Vietnamese government shows little respect for either religious freedom or freedom of expression clamping down on religious minorities, human rights activists and internet activists.

Recommendation n°137: Further efforts to engage all appropriate social and political organizations in the promotion and protection of human rights. (Recommended by Russian Federation)

IRI: not implemented

UNPO response:

The government of Viet Nam continues to ban independent human rights organizations. The Communist Party does not tolerate attempts by organizations or individuals to comment publicly on its human rights practices and uses a wide variety of methods to suppress criticism. These methods include strict oversight and direct



ensorship of the media, surveillance and interference with personal communications, and detention. Private citizens are generally prohibited from contacting international human rights organizations. The government continues to deny access to human rights monitors from international NGOs (US State Department Human Rights Report Viet Nam, 2010).

Recommendation n°146: Take steps to ensure that full respect for the freedom of expression, including on the Internet, is implemented in current preparations for media law reform. (Recommended by Sweden)

IRI: not implemented

UNPO response:

See response to recommendation n°112.

CSW response:

Freedom of expression continues to be violated by the Vietnamese government, 2011 saw a fresh crackdown on internet activists and Reporter without Borders has labelled the government an 'internet enemy'.

RSF response:

Le gouvernement vietnamien a modifié la loi des médias en janvier 2011 et a adopté un décret qui porte atteinte à la liberté d'expression. Le texte empêche l'anonymat en ligne, interdisant de publier sous un pseudonyme. Il prévoit de sanctionner les auteurs d' « informations non autorisées » ou « non conformes aux intérêts du peuple ». Autant de définitions vagues qui permettent une interprétation large et une multiplication des arrestations. De plus ce décret met en danger la protection et le secret des sources en punissant de trois millions de dong (155 dollars) la publication de documents ou de lettres sans que l'auteur ne dévoile ses sources ou son identité, et de 20 millions de dong (1000 dollars) la publication de documents liés à une enquête officielle. Le Vietnam est donc sur la liste des Ennemis de l'Internet établis par Reporters sans frontières. Le pays constitue la 2ème prison du monde pour les « Net-citoyens », avec 15 Net-citoyens et 3 journalistes en prison.

Recommendation n°149: Ensure that the review of the press law follows the international standards on this subject, particularly with respect of the protection of journalists. (Recommended by Switzerland)

IRI: not implemented

UNPO response:

See response to recommendation n°44.

RSF response:

La loi de la presse a peu évolué et s'éloigne fortement des standards internationaux concernant la liberté de la presse. Suite à l'adoption d'un décret en janvier 2011, l'anonymat en ligne est désormais interdit ; des sanctions sont prévues pour les auteurs d' « informations non autorisées » ou « non conformes aux intérêts du peuple », ces définitions vagues facilitent les arrestations. Ce décret met en danger la protection et le secret des sources en punissant de trois millions de dong (155 dollars) la publication de documents ou de lettres sans que l'auteur ne dévoile ses sources ou son identité, et de 20 millions de dong (1000 dollars) la publication de



documents liés à une enquête officielle. Actuellement des journalistes et des blogueurs sont arrêtés et jetés en prison pour leur opinion ou après avoir publié des informations sensibles sur les pratiques du régime. Beaucoup pratiquent l'autocensure.

Recommendation n°163: Engage substantively with international experts on the development of its media law and work to increase the independence of media institutions. (Recommended by United Kingdom)

IRI: *not implemented*

RSF response:

Il n'y a pas eu de progrès de la loi des médias. Au contraire, le gouvernement a adopté un décret un janvier 2011 pour « encadrer » les activités des journalistes et des blogueurs et imposer la censure sur Internet. Le texte empêche l'anonymat en ligne, interdisant de publier sous un pseudonyme. Il prévoit de sanctionner les auteurs d' « informations non autorisées » ou « non conformes aux intérêts du peuple ». Autant de définitions vagues qui permettent une interprétation large et une multiplication des arrestations. De plus le nouveau décret punit également de trois millions de dong (155 dollars) la publication de documents ou de lettres sans que l'auteur ne dévoile ses sources ou son identité, et de 20 millions de dong (1000 dollars) la publication de documents liés à une enquête officielle. De plus aucun effort n'a été produit pour accroître l'indépendance des médias. La presse écrite, la radio et la télévision sont toutes contrôlées par les autorités de Hanoï et sont placées sous l'autorité de leur institution de tutelle : le Parti communiste, l'armée, l'agence de presse officielle ou les municipalités, selon le cas. Les radios nationales, très écoutées, sont contrôlées par le cabinet du Premier ministre et le Comité central du Parti communiste. Internet est devenu la cible de la répression du régime qui renforce les contraintes à la liberté d'expression des blogueurs.

Recommendation n°164: Continue to build policy dialogue between the Government and independent civil society organizations. (Recommended by United Kingdom)

IRI: -

CSW response:

It should be noted here that the ability of civil society groups to operate independently is severely restricted in Vietnam.

Recommendation n°165: Demonstrate its commitment to articles 50 and 69 of the Constitution, articles 19, 21, and 22 of ICCPR and article 20 of the Universal Declaration by allowing individuals to speak out on the political system and by releasing all prisoners of conscience, such as Father Nguyen Van Ly, Nguyen Van Dai and Le Thi Cong Nhan, and abolish vague national security provisions such as articles 84, 88, and 258 used to convict those who voice dissent against the Government or its policies. (Recommended by United States)

IRI: *not implemented*

CSW response:

Father Nguyen van Ly was released for a short time and then reimprisoned despite deteriorating health. Other prisoners of conscience remain in prison and Vietnam continues to flout its international obligations under the ICCPR



Recommendation n°166: *Demonstrate its commitment to article 69 of its Constitution, article 19 of ICCPR and article 19 of the Universal Declaration of Human Rights by ensuring freedom of expression for members of the press without fear of arbitrary arrest or prosecution, provide for the free flow of information on the Internet and abolish restrictive regulations on blogging and the media. (Recommended by United States)*

IRI: *not implemented*

UNPO response:

Reporters Without Borders (RSF) has designated Viet Nam as a "very serious situation," ranking the country near the bottom (172 out of 179 countries) in its 2011 - 2012 world Press Freedom Index. RSF also includes Viet Nam on its list of "internet enemies", noting in 2011 a more hard-line approach to critics by the regime, which has launched "a new, particularly harsh wave of repression aimed at those who dare to exercise their freedom of expression" including a "massive use of cyberattacks to silence dissenting opinion," making blogging dangerous. The government has introduced restrictions on public internet sites and continues to restrict access to numerous foreign websites, including the websites of Human Rights Watch and Radio Free Asia. RSF (2011) notes the government's increasing use of cyberattacks – including distributed denial of service (DDoS) attacks – and spyware to steal user IDs and passwords from opposition website administrators. In its 2011 World Report, Human Rights Watch notes that dissident websites have been disabled by cyberattacks originating from servers based in Viet Nam. Authors, publications, websites and internet users can be charged with criminal acts if caught disseminating materials that allegedly promote "reactionary" ideas, threaten national security or oppose the government. The Open Net Initiative notes that the justifications used by Viet Nam for blocking information on the web - purportedly to block sexually explicit content - is a screen for the country's actual goal, which is to prevent the spread of politically sensitive material, a task that the government is growing increasingly proficient at carrying out.

RSF response:

Loin de garantir aux membres de la presse la liberté d'expression, le gouvernement vietnamien durcit la répression à l'encontre des journalistes et des blogueurs. Inquiet des risques de contagion des mouvements de contestation qui agitent le monde arabe, les autorités ont durci la répression à l'encontre des dissidents pro-démocratiques qui sont arrêtés et subissent des actes de harcèlement. De nombreux cyber-dissidents et blogueurs sont arrêtés sous des chefs d'accusation tels que la « diffamation envers le Parti », de « propagande contre l'Etat » ou de « mise en danger de la sécurité nationale ». L'information est strictement contrôlée et censurée dans les médias traditionnels. Internet, le lieu d'expression privilégié des dissidents, devient la cible de la répression du régime. Des sites sont bloqués, les cyber-attaques se multiplient, et le régime a adopté des dispositions législatives ajoutant de nouvelles restrictions à la liberté d'expression sur Internet. Il est interdit de publier sous un pseudonyme, empêchant l'anonymat en ligne. Des sanctions sont prévues pour les auteurs d' « informations non autorisées » ou « non conformes aux intérêts du peuple ». Le Vietnam est donc sur la liste des Ennemis de l'Internet établis par Reporters sans frontières. Le pays constitue la 2ème prison du monde pour les « Net-citoyens », avec 15 Net-citoyens et 3 journalistes en prison.



Recommendation n°167: *In accordance with article 70 of the Constitution, speed the process for the local registration of churches and religious organizations as mandated under the framework on religion and allow for an equitable resolution of property disputes as required under the Constitution and the Prime Minister's decree on religious property. (Recommended by United States)*

IRI: *not implemented*

CSW response:

Churches continue to be denied registration and many Christians are forbidden from meeting together in their own houses.

Recommendation n°168: *Recognize the United Buddhist Church of Vietnam and allow it to function independently of the Vietnamese Buddhist Sangha as well as allow multiple branches of the Hao Hao and Cao Dai faiths. (Recommended by United States)*

IRI: *not implemented*

CSW response:

The Vietnamese government continues to hold strict controls over all religious groups in the country.

ESC Rights

Recommendation n°4: *Continue to implement the poverty reduction strategy to further lower the rate of poverty. (Recommended by Algeria)*

IRI: *partially implemented*

KFF response:

Vietnam has some programs to help the poor Khmer-Krom, but it is not enough. Most of the Khmer-Krom are farmers and help Vietnam becomes ranking the 2nd in the world in exporting rice. Unfortunately, some Khmer-Krom families don't have enough rice to eat. They become the poorest of the poor in Mekong Delta. It shows that the programs that Vietnam has been implementing to help reducing the poverty in Mekong Delta is not effective. Many Khmer-Krom youths drop out schools to look for works in the big Cities and factories in the Industrial area.

UNPO response:

Despite purported efforts by the Vietnamese government to address unemployment in regions where large concentrations of indigenous and minority peoples reside, many communities of Khmer Krom, Degar Montagnards and Hmong still face high jobless rates. In contrast to figures submitted in Viet Nam's state report, additional studies showed that even though the poverty rates among ethnic minorities has stopped increasing, the average income of ethnic minorities and mountainous regions is only 1/3 that of the national average. This has resulted in disproportionate poverty levels within these communities. In 2011, the United Nations Children's Fund (UNICEF) reported that ethnic minority children in Viet Nam have a poverty rate five times higher than the ethnic majority. Intrinsically linked to high unemployment and poverty rates is lack of access to fertile cultivation soils. An increase in landlessness



among ethnic minorities is further complicated by Vietnamese land laws which place ownership of land with the State, which in turn assigns usage rights to individuals. Natural resources which are abundant in ancestral domains are therefore no longer available for indigenous communities' use because they are subject to government allocation. Despite Viet Nam's requirement to adhere to the UN Declaration on the Rights of Indigenous Peoples (UNDRIP) , indigenous groups such as the Khmer Krom and the Degar Montagnards report that large tracts of fertile farms and valuable forest lands have been confiscated and reallocated to ethnic Kinh without fair compensation. In many instances, the indigenous families are relocated to areas that lack access to basic infrastructure and services, including schools and healthcare facilities. This in turn leads to further marginalization and higher rates of poverty for indigenous communities.

CSW response:

Access to assistance and poverty alleviation projects by ethnic minority Christians has on occasion been prevented due to local discrimination. While this still occurs in isolated incidents, CSW found that between 2009 - 2011, reports of this kind decreased.

Recommendation n°23: *Continue its efforts in poverty reduction paying particular attention, inter alia, to vulnerable groups such as children, women, persons with disabilities and ethnic minorities.* (Recommended by Azerbaijan)

IRI: *not implemented*

UNPO response:

Despite purported efforts by the Vietnamese government to address unemployment in regions where large concentrations of indigenous and minority peoples reside, many communities of Khmer Krom, Degar Montagnards and Hmong still face high jobless rates. In contrast to figures submitted in Viet Nam's state report, additional studies showed that even though the poverty rates among ethnic minorities has stopped increasing, the average income of ethnic minorities and mountainous regions is only 1/3 that of the national average. This has resulted in disproportionate poverty levels within these communities. In 2011, the United Nations Children's Fund (UNICEF) reported that ethnic minority children in Viet Nam have a poverty rate five times higher than the ethnic majority. Intrinsically linked to high unemployment and poverty rates is lack of access to fertile cultivation soils. An increase in landlessness among ethnic minorities is further complicated by Vietnamese land laws which place ownership of land with the State, which in turn assigns usage rights to individuals. Natural resources which are abundant in ancestral domains are therefore no longer available for indigenous communities' use because they are subject to government allocation. Despite Viet Nam's requirement to adhere to the UN Declaration on the Rights of Indigenous Peoples (UNDRIP) , indigenous groups such as the Khmer Krom and the Degar Montagnards report that large tracts of fertile farms and valuable forest lands have been confiscated and reallocated to ethnic Kinh without fair compensation. In many instances, the indigenous families are relocated to areas that lack access to basic infrastructure and services, including schools and healthcare facilities. This in turn leads to further marginalization and higher rates of poverty for indigenous communities.



KFF response:

Vietnam claims that it is going to meet the MDGs to reduce the poverty in Vietnam, but the Khmer-Krom people are the poorest of the poor. The programs that Vietnam has been implementing to reduce the poverty is just as a show case to claim that it has program to help the vulnerable groups.

Recommendation n°37: *Continue and enlarge social security networks for the poor, vulnerable and other disadvantaged groups, improving their well-being and their participation in social associations and social groups* (Recommended by Cambodia)

IRI: *not implemented*

KFF response:

Most of the social associations and social groups in Vietnam for Khmer-Krom are organized by the government to propagate its "freedom" policies. Whatever Khmer-Krom social activities must ask for permission. If not, the social activities are not allowed to organize.

Recommendation n°53: *Continue and enhance efforts to reduce the poverty level, especially for vulnerable groups, so as to boost employment, improve access to health and increase available social housing.* (Recommended by Cote d'Ivoire)

IRI: *partially implemented*

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Recommendation n°171: *Continue the momentum on the provision of quality goods and services, especially in education and health and in the disadvantaged areas that are difficult to access and those with a high preponderance of minorities.* (Recommended by Zimbabwe)

IRI: *not implemented*

UNPO response:

Following her visit to the country in 2010, the UN Independent Expert on Minority Issues noted that minorities continue to generally have poorer access to and achieve poorer results in education when compared to Kinh students. Ethnic minorities and indigenous communities continue to report incidents of forced relocation of ethnic minority families and sometimes entire villages to locations with poor access to services and infrastructure, including healthcare and education services and infrastructure. In addition, indigenous and minority communities continue to report widespread discrimination against children in schools on the basis of their religion or ethnicity. Based on interviews conducted in early 2011, the Degar Montagnard Youth Group submitted a report to the UN Committee on the Rights of the Child noting the persistence of both discrimination and violence against Degar Montagnard children in schools; Montagnard children report being forced by teachers and school administrators to publicly report what religion they or their parents belong to, being deliberately dropped from school or forced to repeat a grade without any academic reason. Despite the country's official guarantee of free primary education, many indigenous and minority families report that they continue to have to pay school fees - a crippling expense for many poor families - in order for their children to enroll in primary school.

Recommendation n°56: *Continue to take measures to provide education and health care, especially in mountainous areas and for ethnic minorities and with their involvement.* (Recommended by Cuba)

IRI: *not implemented*

UNPO response:

See response to recommendation n°53.

KFF response:

Vietnam does provide some free education and health care, but the Khmer-Krom people have no voice to participate in implementing those programs to ensure that all the poor Khmer-Krom have receive free and fair education and health care.

Recommendation n°62: *Continue efforts to improve all political as well as economic, social and cultural rights in conformity with the universally agreed human rights standards and norms.* (Recommended by Egypt)

IRI: *not implemented*

KFF response:

The Khmer-Krom are not allowed to freely study human rights in Vietnam. The Khmer-Krom people are the Indigenous Peoples in Vietnam, but they are not allowed to read the United Nations Declaration on the Rights of Indigenous Peoples.

CSW response:

Vietnam continues to systematically violate the right to freedom of expression, freedom of religion or belief and the right to not be subject to torture or cruel, inhuman or degrading treatment. It also frequently denies the right to a fair trial.

Recommendation n°84: *Develop a national strategy to include in the school system at all levels appropriate measures in the field of human rights education in accordance with the Plan of Action 2005-2009 of the World Programme for Human Rights Education.* (Recommended by Italy)

IRI: *not implemented*

KFF response:

Human Rights education is not allowed in Vietnam.

Recommendation n°103: *Reinforce advocacy and information measures through specific human rights education and training programmes.* (Recommended by Morocco)

IRI: *not implemented*

KFF response:

The human rights activists are not allowed to organize any human rights training in Vietnam. Human rights documents are not allowed to distribute.

Recommendation n°141: *Continue to improve in the following areas: poverty eradication, rights of the child, women's rights and rights of persons with disabilities.* (Recommended by Singapore)

IRI: -



CSW response:

CSW reported in 2009 and 2010 on the lack of assistance available to women who had suffered domestic violence due to their conversion to Christianity. Regular reports suggest that local women's associations refuse to help in cases involving religion, even though in the most severe case the woman affected was beaten so badly she was unable to walk.

Indigenous & Minorities

Recommendation n°52: *Continue to help ethnic groups to increase awareness of their rights and responsibilities so that they can improve their living conditions and better enjoy their rights.* (Recommended by China)

IRI: *not implemented*

KFF response:

Vietnam has made no effort to educate and allow the people in Vietnam to freely demand for their fundamental rights.

UNPO response:

In an October 2011 statement to the Committee on the Rights of the Child, Degar Montagnard youth representatives noted the following regarding human rights education for ethnic minority children in Viet Nam: "In the duration of our research, we asked Montagnard children and their families of the rights enshrined in the CRC. Those who were asked had not heard of the rights and opportunities for children, and weren't even aware of Vietnam's own national legislation on child rights. Several students fearfully admitted interests in human rights but said they were not given opportunity in classrooms for discussion." Khmer Krom representatives at this meeting reported similar findings from Khmer students in the Mekong Delta, noting that not only were the children and parents not aware of the Convention on the Rights of the Child, but that when they began to explain what the CRC is most students became fearful, thinking that they would get into trouble for discussing human rights issues.

CSW response:

The ethnic Hmong continue to be targeted by local authorities and the government who limit their right to freedom of assembly and their rights to freedom of religion, among others. Local officials continue to exploit low education levels and awareness of citizen's rights to prevent ethnic minorities accessing justice.

Recommendation n°76: *Continue its efforts to preserve the languages and culture of ethnic minorities.* (Recommended by India)

IRI: *not implemented*

UNPO response:

Despite having passed legislation for education in ethnic minority languages, Degar, Khmer and Hmong languages - if taught at all - are offered as noncompulsory subjects for 1-2 years. There is no regular instruction in languages other than



Vietnamese. While a Degar Montagnard youth report to the Committee on the rights of the Child commended Viet Nam for its efforts in implementing programs to include ethnic languages in school instruction, local populations report that “the implementation of bilingual instruction in Vietnamese and the Montagnard’s ethnic language has been slow and limited in many parts of the Central Highland regions.” Ethnic minority and indigenous communities also continue to report state-imposed restrictions on cultural activities, in particular the suppression of independent religious activities (see response to recommendations N. 9 & 136). Politically-motivated restrictions on the cultural activities of ethnic minorities, such as heavy monitoring of and restrictions on the activities of Buddhist temples on the traditional lands of the Khmer Krom in the Mekong Delta, one of the few places where children are able to learn their native Khmer language, negatively affect the ability of children to learn their own language and history.

KFF response:

The Khmer-Krom people are not allowed to study their language freely in their temples. Vietnam does allow Khmer-Krom students to study Khmer couple hours in some school per week, but the Khmer language is not used popularly in where the Khmer-Krom live. In recently, Vietnam exploits the Khmer-Krom culture to attract tourists to benefit its government.

Recommendation n°77: Continue to pay special attention to the disadvantaged sections of the society, in particular ethnic minorities and persons with disabilities, so as to ensure their fuller participation in the socio-political life of the country. (Recommended by India)

IRI: partially implemented

UNPO response:

Ethnic minorities in Viet Nam have few opportunities to participate in the political life of the country. Due to multiple and intersecting forms of discrimination, including on the basis of religion and ethnicity, alongside poverty, a lack of educational opportunities, fear, and deliberate repression, ethnic minorities are unable to hold even local government positions. Minority women are particularly vulnerable in society and lack participation in the socio-political life of Viet Nam.

KFF response:

Vietnam does provide some help to the Khmer-Krom disabilities, but the program is just like a show case. It does not help all the Khmer-Krom disabilities in Vietnam. The disabilities people mostly live based on the support of their family. If they don't have support from their family, some of them have to live as beggars.

Recommendation n°89: Continue to make further efforts to advance the human rights of socially vulnerable people, including persons with disabilities, ethnic minorities, women, children, persons with HIV-AIDS and victims of human trafficking. (Recommended by Japan)

IRI: not implemented

UNPO response:

Ethnic minorities and indigenous populations in Viet Nam, including children, continue to experience serious human rights violations in Viet Nam. They are denied



any opportunity to freely express their thoughts or opinions in the public sphere. In an alternative NGO report submitted in advance of the pre-session review of Viet Nam by the UN Committee on the Rights of the Child in October 2011, the Khmer Kampuchea Krom Federation (KKF) noted that Khmer Krom children live in fear and can easily find themselves in trouble if they make any statement that could be framed as undermining the government. Degar Montagnard children also report living in fear of authorities, and experience systematic discrimination, particularly in schools. In March 2011, Human Rights Watch reported numerous cases of human rights violations against the Degar Montagnard population in Viet Nam stating that "during the last decade, the Vietnamese government has launched a series of crackdowns ... often in response to mass public protests calling for the return of confiscated land and greater religious freedom." The Human Rights Watch World Report 2011 states that ethnic minority activists face arrest and imprisonment, frequently on vague charges related to national security and "unity."

Recommendation n^o104: *Take supplementary measures to support access of minority children to education by helping them maintain and develop their traditions and languages.* (Recommended by Morocco)

IRI: *not implemented*

UNPO response:

Despite having passed legislation for education in ethnic minority languages, Degar, Khmer and Hmong languages - if taught at all - are offered as noncompulsory subjects for 1-2 years. There is no regular instruction in languages other than Vietnamese. While a Degar Montagnard youth report to the Committee on the rights of the Child commended Viet Nam for its efforts in implementing programs to include ethnic languages in school instruction, local populations report that "the implementation of bilingual instruction in Vietnamese and the Montagnard's ethnic language has been slow and limited in many parts of the Central Highland regions." Ethnic minority and indigenous communities also continue to report state-imposed restrictions on cultural activities, in particular the suppression of independent religious activities (see response to recommendations N. 9 & 136). Politically-motivated restrictions on the cultural activities of ethnic minorities, such as heavy monitoring of and restrictions on the activities of Buddhist temples on the traditional lands of the Khmer Krom in the Mekong Delta, one of the few places where children are able to learn their native Khmer language, negatively affect the ability of children to learn their own language and history.

KFF response:

The Khmer language should be used in all public form. The name of their village, provinces should be allowed to be called in Khmer language instead of Vietnamese.

Recommendation n^o108: *Continue its efforts to preserve the languages and culture of ethnic minorities.* (Recommended by Nepal)

IRI: *not implemented*

UNPO response:

Despite having passed legislation for education in ethnic minority languages, Degar, Khmer and Hmong languages - if taught at all - are offered as noncompulsory subjects for 1-2 years. There is no regular instruction in languages other than



Vietnamese. While a Degar Montagnard youth report to the Committee on the rights of the Child commended Viet Nam for its efforts in implementing programs to include ethnic languages in school instruction, local populations report that “the implementation of bilingual instruction in Vietnamese and the Montagnard’s ethnic language has been slow and limited in many parts of the Central Highland regions.” Ethnic minority and indigenous communities also continue to report state-imposed restrictions on cultural activities, in particular the suppression of independent religious activities (see response to recommendations N. 9 & 136). Politically-motivated restrictions on the cultural activities of ethnic minorities, such as heavy monitoring of and restrictions on the activities of Buddhist temples on the traditional lands of the Khmer Krom in the Mekong Delta, one of the few places where children are able to learn their native Khmer language, negatively affect the ability of children to learn their own language and history.

KFF response:

Vietnam should not exploit the Khmer culture to lure the tourists for its benefits. The Khmer-Krom should be freely allowed to organize their culture events without asking for permission.

Recommendation n°128: *Give priority and pay special attention to the problems faced by different minority groups, in particular their student communities.* (Recommended by *Pakistan*)

IRI: *not implemented*

UNPO response:

Vietnamese school officials often credit poor minority student performance to their “inability to learn.” Such stigmas present in classroom, coupled with insufficient minority language education and cost of fees for primary school disproportionately affect these children. Indigenous and minority students are also affected by political restrictions placed upon their communities; recent reports indicate that children in minority regions are prevented from forming any kind of association, including groups for study and sport.

KFF response:

Vietnam does provide free education to the Khmer-Krom until high school and does help some Khmer-Krom students to attend the University. There are millions of Khmer-Krom in Vietnam, but there are few Khmer-Krom pursued and finished graduated degrees.

Recommendation n°130: *Further increase the use of ethnic languages in schools and the mass media.* (Recommended by *Philippines*)

IRI: *not implemented*

UNPO response:

Despite having passed legislation for education in ethnic minority languages, Degar, Khmer and Hmong languages - if taught at all - are offered as noncompulsory subjects for 1-2 years. There is no regular instruction in languages other than Vietnamese. While a Degar Montagnard youth report to the Committee on the rights of the Child commended Viet Nam for its efforts in implementing programs to include ethnic languages in school instruction, local populations report that “the



implementation of bilingual instruction in Vietnamese and the Montagnard's ethnic language has been slow and limited in many parts of the Central Highland regions." Ethnic minority and indigenous communities also continue to report state-imposed restrictions on cultural activities, in particular the suppression of independent religious activities (see response to recommendations N. 9 & 136). Politically-motivated restrictions on the cultural activities of ethnic minorities, such as heavy monitoring of and restrictions on the activities of Buddhist temples on the traditional lands of the Khmer Krom in the Mekong Delta, one of the few places where children are able to learn their native Khmer language, negatively affect the ability of children to learn their own language and history.

KFF response:

Khmer language is taught in couple hours in school per week, but it is very basic. Most of the Khmer-Krom learn the Khmer language in public school cannot read Khmer books. Vietnam does has media (website, TV, radio) broadcast in Khmer but they are used as propaganda.

Recommendation n°147: *Take further measures to prevent violence and discrimination against ethnic minorities.* (Recommended by Sweden)

IRI: *not implemented*

CSW response:

Please see comments [to recommendation n° 93] regarding violence against ethnic minorities mediated by local officials in cases of religious discrimination.

UNPO response:

Violence and discrimination continue unabated against ethnic minorities in Viet Nam. In its 2011 report listing Viet Nam as a "country of particular concern," the U.S. Commission on International Religious Freedom (USCIRF) noted that the government of Viet Nam continues to sanction violence against religious communities, including arbitrary detention, torture and disappearance of Montagnard Christians and Khmer Buddhist monks.

International Instruments

Recommendation n°01: *Consider acceding to CAT.* (Recommended by Algeria)

IRI: *not implemented*

KKF response:

[...]

UNPO response:

To date [February 2012], Viet Nam has not acceded to the Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (CAT). In the Third Committee, 66th session of the UN General Assembly, it was mentioned that Viet Nam attaches great importance to international cooperation for human rights and is taking steps to accede to the CAT (GA/SHC/4021). In October 2011, US



Secretary of State Clinton secured a written commitment from the government to sign and implement CAT. To date the Viet Nam government has not signed the Optional Protocol to CAT.

CSW response:

Despite initial commitments by the government of Vietnam to accede to CAT, little has been heard of these commitments since 2009. CSW research shows that there has been a decline in the use of torture in forced renunciations of faith since 2009 but isolated incidents do still occur. There are regular, frequent reports of torture being used within the prison system

Recommendation n^o2: *Continue fulfilling its obligations under the international treaties to which it is a party (Recommended by Algeria)*

IRI: *not implemented*

KFF response:

Vietnam is a single party country leading by the Vietnamese Communist party. There are more than 500 Khmer-Krom temples and ten thousand Khmer-Krom Buddhist monks, but there is no Theravada Buddhist organizations without interference by the Vietnamese government which is violate the article 18 (Everyone shall have the right to freedom of thought, conscience and religion) of International Covenant on Civil and Political Rights (ICCPR). There are millions of Khmer-Krom in Vietnam, but the Khmer-Krom is living in fear to speak up for their rights. The Khmer-Krom is not allowed to establish an Independent Khmer-Krom Association which violates article 22 (Everyone shall have the right to freedom of association with others) of ICCPR.

CSW response:

Vietnam continues to violate its obligations under the ICCPR and the CRC. Regarding Article 18 of the ICCPR, there are widespread violations of religious freedom among Vietnam's ethnic minorities, who suffer forced renunciations, restrictions on the ability to meet together, restrictions on access to theological training, restrictions on the ability of individuals to travel overseas for religious reasons, restrictions on the construction and/or renovation of church buildings, restrictions on fundraising and restrictions on access to village-mediated funding due to religious discrimination. There are also restrictions on under 18s attending religious meetings. In 2011, a school in the Mekong Delta consistently rejected applications from Christian teenagers with equivalent or better grades than the entry requirement.

Recommendation n^o10: *Consider accession to the Protocol to the United Nations Convention on Transnational Organized Crime to prevent, suppress and punish trafficking in persons, especially women and children. (Recommended by Argentina)*

IRI: *not implemented*

UNPO response:

As of February 2012, Viet Nam has signed but not ratified the Convention on Transnational Organized Crime. Viet Nam has to date not signed the Protocol to prevent, suppress and punish trafficking in persons.



Recommendation n°11: *Consider ratifying the International Convention for the Protection of All Persons from Enforced Disappearance, the Conventions relating to the Status of Refugees and the Status of Stateless Persons and the Rome Statute of the International Criminal Court.* (Recommended by Argentina)

IRI: *not implemented*

UNPO response:

To date [February 2012], Viet Nam has not signed the International Convention for the Protection of All Persons from Enforced Disappearance, nor has it signed the Conventions relating to the Status of Refugees and the Status of Stateless Persons or the Rome Statute of the International Criminal Court.

Recommendation n°13: *Consider the possibility of inviting the Special Rapporteurs on freedom of expression and freedom of religion to visit the country.* (Recommended by Argentina)

IRI: *not implemented*

UNPO response:

To date [February 2012], Viet Nam has denied repeated requests for access to the country by the Special Rapporteur on freedom of religion and belief, most recently in 2009. Viet Nam has also not granted access to the Special Rapporteur on freedom of expression, who requested a visit in 2002.

CSW response:

Vietnam rejected this recommendation and have therefore still not extended an invitation to the Special Rapporteur.

Recommendation n°14: *Accede to CAT in a timely manner.* (Recommended by Australia)

IRI: *not implemented*

+

Recommendation n°119: *Accede to CAT in a timely manner as recommended by the Committee on the Elimination of Discrimination against Women in 2007.* (Recommended by Nigeria)

IRI: *not implemented*

+

Recommendation n°144: *Accede to CAT in a timely manner.* (Recommended by Sweden)

IRI: *not implemented*

UNPO response:

To date [February 2012], Viet Nam has not acceded to the Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (CAT). In the Third Committee, 66th session of the UN General Assembly, it was mentioned that Viet Nam attaches great importance to international cooperation for human rights and is taking steps to accede to the CAT (GA/SHC/4021). In October 2011, US Secretary of State Clinton secured a written commitment from the government to sign and implement CAT. To date the Viet Nam government has not signed the Optional Protocol to CAT.

CSW response:



Three years on and Vietnam have still made little progress in acceding to CAT, state practice would suggest that there is a need to accede without delay.

Recommendation n°21: *Consider ratifying the Convention on the Rights of Persons with Disabilities.* (Recommended by Azerbaijan)

IRI: *not implemented*

UNPO response:

To date [February 2012] Viet Nam has not acceded to the Convention on the Rights of Persons with Disabilities, which it signed in October 2007.

Recommendation n°22: *Consider ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.* (Recommended by Azerbaijan)

IRI: *not implemented*

UNPO response:

To date [February 2012] Viet Nam has not signed the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

Recommendation n°28: *Continue the process of acceding to the appropriate ILO conventions.* (Recommended by Belarus)

IRI: *not implemented*

UNPO response:

To date [February 2012], Viet Nam has not acceded to any ILO conventions since the Tripartite Consultation (International Labour Standards) Convention of 1976 (No. 144) in June 2008.

KFF response:

Vietnam does not have a timeline to accede the ILO convention

Recommendation n°29: *Continue to accede to international human rights instruments and the regular reporting system attached thereto.* (Recommended by Belarus)

IRI: *not implemented*

KFF response:

Vietnam acceded many international human rights instruments but Vietnam does not allow its people to have independent media or freedom to protest to demands for their basic rights.

CSW response:

Vietnam has yet to accede to CAT, CERD, CERPD. While Vietnam has cooperated with the UPR process, the large number of rejected recommendations is a cause for concern.

Recommendation n°36: *Strengthen its institutional mechanisms for the promotion and efficient protection of human rights by implementing the various international conventions to which it is party and call upon the international community to back it in this endeavour.* (Recommended by Burkina Faso)

IRI: *not implemented*



CSW response:

Vietnam continues to violate its obligations under the ICCPR and the CRC. Regarding Article 18 of the ICCPR, there are widespread violations of religious freedom among Vietnam's ethnic minorities, who suffer forced renunciations [...]

Recommendation n°45: *Issue a standing invitation to all special procedures of the Human Rights Council.* (Recommended by Canada)

IRI: *partially implemented*

+

Recommendation n°114: *Consider issuing a standing invitation to all United Nations special procedures.* (Recommended by Netherlands)

IRI: *partially implemented*

+

Recommendation n°116: *Issue a standing invitation to all special procedures and, in particular, that it seeks visits by the Special Rapporteurs on freedom of religion or belief, freedom of expression, torture and violence against women.* (Recommended by New Zealand)

IRI: *partially implemented*

+

Recommendation n°151: *Issue a standing invitation to all special procedures.* (Recommended by Switzerland)

IRI: *partially implemented*

UNPO response:

Viet Nam has not issued a standing invitation to the UN special procedures and despite repeated requests for invitations, the government continues to refuse access to other UN special procedures, including the Special Rapporteurs on freedom of religion and belief, freedom of expression, torture, and violence against women.

CSW response:

Whilst it is to be welcomed that the UN Independent Expert on Minority Issues and the UN Independent Expert on Human Rights and Extreme Poverty were invited in 2010, the Vietnamese government has yet to issue a standing invitation to the Special Rapporteur on Freedom of Religion of Belief.

Recommendation n°49: *Consider ratifying CAT.* (Recommended by Chile)

IRI: *not implemented*

UNPO response:

To date [February 2012], Viet Nam has not acceded to the Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (CAT). In the Third Committee, 66th session of the UN General Assembly, it was mentioned that Viet Nam attaches great importance to international cooperation for human rights and is taking steps to accede to the CAT (GA/SHC/4021). In October 2011, US Secretary of State Clinton secured a written commitment from the government to sign and implement CAT. To date the Viet Nam government has not signed the Optional Protocol to CAT.

CSW response:

Consideration was given to the ratification of CAT in 2009, however little progress appears to have been made since this time.

Recommendation n°50: *Consider ratifying the Optional Protocol to CAT as soon as possible.* (Recommended by Chile)

IRI: *not implemented*

UNPO response:

To date [February 2012], Viet Nam has not acceded to the Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (CAT). In the Third Committee, 66th session of the UN General Assembly, it was mentioned that Viet Nam attaches great importance to international cooperation for human rights and is taking steps to accede to the CAT (GA/SHC/4021). In October 2011, US Secretary of State Clinton secured a written commitment from the government to sign and implement CAT. To date the Viet Nam government has not signed the Optional Protocol to CAT.

Recommendation n°68: *Sign and ratify the Rome Statute.* (Recommended by France)

IRI: *not implemented*

UNPO response:

To date [February 2012], Viet Nam has not signed or ratified the Rome Statute.

Recommendation n°71: *Enhance cooperation with the United Nations special procedures.* (Recommended by Germany)

IRI: *partially implemented*

UNPO response:

In 2010, Viet Nam permitted visits by the United Nations Independent Experts on Minority Issues, and the Independent Expert on Human Rights and Extreme Poverty. In 2011, the Special Rapporteur on the Right to Health visited Viet Nam. However, despite repeated requests for invitations, the government continues to refuse access to other UN special procedures, including the Special Rapporteurs on freedom of religion and belief, freedom of expression, torture, and violence against women.

CSW response:

Whilst it is to be welcomed that the UN Independent Expert on Minority Issues the UN Independent Expert on Human Rights and Extreme Poverty were invited in 2010, the Vietnamese government has yet to issue a standing invitation to the Special Rapporteur on Freedom of Religion or Belief.

Recommendation n°73: *Invite and facilitate the visit of the Special Rapporteur on freedom of religion and belief.* (Recommended by Germany)

IRI: *not implemented*

+

Recommendation n°87: *Respond positively to the request to visit the country made by the Special Rapporteur on freedom of religion in 2008.* (Recommended by Italy)

IRI: *not implemented*



UNPO response:

To date [February 2012], Viet Nam has denied repeated requests for access to the country by the Special Rapporteur on freedom of religion and belief, most recently in 2009. Viet Nam has also not granted access to the Special Rapporteur on freedom of expression, who requested a visit in 2002.

CSW response:

Vietnam has consistently rejected the recommendation to allow the UN Special Rapporteur on FORB to visit the country.

Recommendation n°78: *Consider ratifying other remaining core human rights conventions. (Recommended by Indonesia)*

IRI: *not implemented*

UNPO response:

Viet Nam has to this date [February 2012] not ratified the following core treaties: OP-ICESCR, ICCPR-OP 1, ICCPR-OP 2, OP-CEDAW, CAT, OP-CAT, ICRMW, CRPD (signed in 2007), OP-CRPD, CED.

CSW response:

Although there was consideration of ratification of CAT in 2009 little recent development has been forthcoming.

Recommendation n°97: *Consider accession to the ILO Forced Labour Convention. (Recommended by Malaysia)*

IRI: *fully implemented*

UNPO response:

Viet Nam ratified the ILO Forced Labour Convention (29) in 2007.

KFF response:

[...]

Recommendation n°98: *Consider accession to the United Nations Convention on Transnational Organized Crime and its Protocol to prevent, suppress and punish trafficking in persons, especially women and children. (Recommended by Malaysia)*

IRI: *not implemented*

UNPO response:

Viet Nam has signed but not ratified the Convention on Transnational Organized Crime. Viet Nam has to date not signed the Protocol to prevent, suppress and punish trafficking in persons.

Recommendation n°99: *Enhance cooperation with the United Nations special procedures. (Recommended by Mexico)*

IRI: *partially implemented*

UNPO response:

In 2010, Viet Nam permitted visits by the United Nations Independent Experts on Minority Issues, and the Independent Expert on Human Rights and Extreme Poverty. In 2011, the Special Rapporteur on the Right to Health visited Viet Nam. However, despite repeated requests for invitations, the government continues to refuse access



to other UN special procedures, including the Special Rapporteurs on freedom of religion and belief, freedom of expression, torture, and violence against women.

Recommendation n°100: *Consider positively extending an invitation to visit the country to the Working Group on Arbitrary Detention. (Recommended by Mexico)*

IRI: *not implemented*

UNPO response:

To date [February 2012], there has been no visit to the country by the Working Group on Arbitrary Detention.

CSW response:

The Vietnamese government has made no invitation to the Working Group on Arbitrary Detention despite the fact that there continue to be many human rights defenders in prison, including Father Nguyen van Ly, widely regarded as a prisoner of conscience.

Recommendation n°102: *Favourably consider the ratification of ILO Convention No. 169 concerning Indigenous and Tribal Peoples in Independent Countries. (Recommended by Mexico)*

IRI: *not implemented*

UNPO response:

Viet Nam has not ratified ILO Convention No. 169.

Recommendation n°111: *Ensure that press laws are in compliance with article 19 of ICCPR. (Recommended by Netherlands)*

IRI: *not implemented*

UNPO response:

Viet Nam continues to ban independent media and prohibit private ownership of media outlets. As noted by the U.S. Department of State in 2011, the government continues to control all media, including print, broadcast, and electronic mediums. Oversight is exercised by the Ministry of Information and Communication (MIC). Under the guidance of the Communist Party Propaganda and Education Commission, the MIC frequently undertook direct intervention in dictating or censoring stories. The report of the State Department also notes that control over mass media content was more often ensured through "pervasive self-censorship, backed by the threat of dismissal and possible arrest" than through direct censorship. In February 2011, a new media decree went into effect in Viet Nam. Human Rights Watch declared Decree No. 2, Sanctions for Administrative Violations in Journalism and Publishing to be a "further blow to freedom of expression in Vietnam," noting that it is likely to deepen the repression of journalists and bloggers with "independent views". The decree stipulates fines for journalists who violate vague and broad provisions, including the 1990 Press Law's requirement to "provide honest domestic and international news in accordance with the interests of the country and the people." Determination of what constitutes "the interests of the country and the people" are left to officials from various government agencies, including the People's Committees, police force and border army. The decree also requires journalists to publish their sources, a requirement that discourages sources from providing journalists with information for fear of exposure and reprisals. A senior Human Rights



Watch official noted that the decree appears to be “designed to intimidate whistle-blowers and victims of rights abuses from cooperating with the media.”

KFF response:

The independent newspaper or magazine are not allowed to organize.

Recommendation n°120: *Consider ratifying the Convention on the Rights of Persons with Disabilities and put in place in timely fashion the draft law on people with disabilities. (Recommended by Nigeria)*

IRI: *not implemented*

UNPO response:

To date [February 2012] Viet Nam has not acceded to the Convention on the Rights of Persons with Disabilities.

Recommendation n°142: *Consider ratifying the Convention on the Rights of Persons with Disabilities. (Recommended by South Africa)*

IRI: *not implemented*

UNPO response:

To date [February 2012] Viet Nam has not ratified the Convention on the Rights of Persons with Disabilities.

Recommendation n°157: *Consider accession to the Protocol to the United Nations Convention on Transnational Organized Crime to prevent, suppress and punish trafficking in persons, especially women and children. (Recommended by Turkey)*

IRI: *not implemented*

UNPO response:

The government of Viet Nam has not acceded to the Protocol to the United Nations Convention on Transnational Organized Crime.

Recommendation n°160: *Reengage with Special Rapporteur on freedom of religion. (Recommended by United Kingdom)*

IRI: *not implemented*

CSW response:

The Vietnamese government has shown no desire at all to engage with the Special Rapporteur on freedom of religion or belief and has stated categorically that they will not extend a standing invitation.

UNPO response:

To date [February 2012], Viet Nam has denied repeated requests for access to the country by the Special Rapporteur on freedom of religion and belief, most recently in 2009. Viet Nam has also not granted access to the Special Rapporteur on freedom of expression, who requested a visit in 2002.



Justice

Recommendation n°16: *Continue to work to ensure key pieces of national legislation, including the 1999 Penal Code and 2003 Criminal Procedures Code, are consistent with its international human rights treaty commitments.* (Recommended by Australia)

IRI: *not implemented*

UNPO response:

Vaguely worded articles within Viet Nam's Penal Code are systematically used to undermine legislation meant to protect individuals' rights to expression, including religious expression and participation in public gatherings. Indigenous peoples such as the Degar Montagnards and the Khmer Krom who participate in peaceful protests and practice their respective religions are often subject to charges of undermining national solidarity, disrupting security, and disturbing Vietnamese society.

Recommendation n°18: *Take concrete steps to effectively ensure that all persons deprived of their liberty are brought before a judge without delay.* (Recommended by Austria)

IRI: *not implemented*

KFF response:

The Khmer-Krom are not treated fairly in front of the Vietnamese court. The Khmer-Krom have no rights to defend for themselves.

Recommendation n°42: *Provide people detained under security or propaganda laws with fundamental legal safeguards, including representation by legal counsel of their choice throughout the proceedings and a public trial.* (Recommended by Canada)

IRI: *not implemented*

KFF response:

When the Khmer-Krom is detained unjustly, the Khmer-Krom has nowhere to turn seeking for help because the legal system in Vietnam cannot provide the free and fair court to judge the Khmer-Krom.

CSW response:

Human rights defenders continue to be detained without fair trial, access to lawyers or due process. Father Nguyen van Ly was returned to prison following just over one year's medical parole in July 2011. Lawyers and legal activists Mr Nguyen van Dai and Ms Le Thi Cong Nhan remain under house arrest.

Recommendation n°43: *Reduce the length of prison sentences for non-violent crimes.* (Recommended by Canada)

IRI: *not implemented*

CSW response:

Harsh sentences are given to human rights defenders, often on vaguely defined state security or state secrets charges.

Recommendation n°83: *Continue its judicial reforms towards a healthy, strong, democratic and efficient juridical system which is necessary as an enabling condition for the promotion and protection of human rights.* (Recommended by Iran)

IRI: *not implemented*

CSW response:

There is little sign of reform within a system that frequently detains prisoners without charge and does not have an independent judiciary or a system of fair trials.

Recommendation n°88: *Develop its domestic legal system and ensure the appropriate implementation and execution of the law towards the implementation of the international human rights instruments to which it is a party.* (Recommended by Japan)

IRI: *not implemented*

CSW response:

Little development has been made since 2008 in implementing international human rights provisions such as the right to fair trial, the right to liberty and right to freedom of religion or belief.

Recommendation n°125: *Give individuals, groups and organs of society the legitimacy and recognition to promote human rights and to express their opinions or dissent publicly.* (Recommended by Norway)

IRI: *not implemented*

UNPO response:

The government of Viet Nam continues to ban independent human rights organizations. The Communist Party does not tolerate attempts by organizations or individuals to comment publicly on its human rights practices and uses a wide variety of methods to suppress criticism. These methods include strict oversight and direct censorship of the media, surveillance and interference with personal communications, and detention. Private citizens are generally prohibited from contacting international human rights organizations. The government continues to deny access to human rights monitors from international NGOs (US State Department Human Rights Report Viet Nam, 2010).

Recommendation n°159: *Pursue the judicial and administrative reforms with a time-bound action plan to build an effective, open and transparent legal system based on the rule of law.* (Recommended by Turkey)

IRI: *not implemented*

CSW response:

The Vietnamese legal system is still plagued by incidents of arbitrary detention and denial of a fair trial.

Recommendation n°161: *Engage in dialogue with international experts on legal developments, including on the review of its Penal Code to allow less scope for open interpretation of these provisions by judges and courts.* (Recommended by United Kingdom)

IRI: -

UNPO response:



Vaguely worded articles within Viet Nam's Penal Code are systematically used to undermine legislation meant to protect individuals' rights to expression, including religious expression and participation in public gatherings. Indigenous peoples such as the Degar Montagnards and the Khmer Krom who participate in peaceful protests and practice their respective religions are often subject to charges of undermining national solidarity, disrupting security, and disturbing Vietnamese society.

Women & Children

Recommendation n°17: *Intensify its efforts to combat child prostitution, provide effective support to the children affected and sensitize its police forces to this problem in particular through adequate training courses.* (Recommended by Austria)

IRI: *not implemented*

KFF response:

The Khmer-Krom children know nothing about the rights of the child. Vietnam has not provided any courses to train the Khmer-Krom children in their own language (khmer) about the rights of child.

Recommendation n°33: *Enhance women's access to health care, in particular to sexual and reproductive health services.* (Recommended by Brazil)

IRI: *partially implemented*

KFF response:

Most of the Khmer-Krom women are very poor. The Vietnamese government does provide help to the poor Khmer-Krom women to access to health care in some places (not all places). But they are not treated well as the Vietnamese people who have the money. They only can go to the hospital when they are sick. There is not preventive care for the Khmer-Krom women.

Other

Recommendation n°5: *Continue to uphold the promotion of human rights and fundamental freedoms, particularly for the exercise by people under foreign occupation of their right to self-determination.* (Recommended by Algeria)

IRI: *not implemented*

KFF response:

People in Vietnam does not have the basic human rights and fundamental freedoms. People are not allowed to protest to demand for their basic rights. The Khmer-Krom people are not recognized as the Indigenous Peoples even they are living on their ancestral lands. The term "Khmer-Krom" is not allowed to call the Khmer-Krom. The Khmer-Krom has no right to self-determinate their own life.



CSW response:

There are still many restrictions on the right to freedom of religion and belief within Vietnam, particularly for ethnic Hmong Protestants who face restrictions on sharing their faith, constructing buildings and are sometimes subject to forced renunciations

Recommendation n°31: *Continue efforts aimed at the promotion and protection of human rights.* (Recommended by *Benin*)

IRI: *not implemented*

KFF response:

Basic human rights are not protected and promoted in Vietnam. Khmer-Krom are now allowed freely to learn their own language and use their language in their own independent Media.

Recommendation n°32: *Accomplish progressively human rights goals as set forth in resolution 9-12.* (Recommended by *Brazil*)

IRI: *not implemented*

CSW response:

Since 2008 Vietnam has not ratified any further human rights treaties, domestic law continues to contain provisions that discriminate against certain ethnic and religious groups and the government shows little sign of engaging with, for example the UN Special Rapporteur on Freedom of Religion or Belief.

Recommendation n°34: *Establish a permanent independent human rights monitoring body.* (Recommended by *Brazil*)

IRI: *not implemented*

UNPO response:

Viet Nam has not yet established a national human rights institution in line with the Paris Principles. As noted by the state following its first UPR, Viet Nam has a number of government agencies that it claims are monitoring the implementation of rights in specific areas. However, agencies such as the Committee for Ethnic Minority Affairs and the National Assembly's Ethnic Council are open only at the ministerial level. There is no indication that they are independent or accessible by citizens who wish to raise concerns.

Methodology

A. First contact

Although the methodology has to consider the specificities of each country, we applied the same procedure for data collection about all States:

1. We contacted the Permanent Mission to the UN either in Geneva (when it does exist) or New York;
2. We contacted all NGOs which took part in the process. Whenever NGOs were part of coalitions, each NGO was individually contacted;
3. The National Institution for Human Rights was contacted whenever one existed.

We posted our requests to the States and NHRI, and sent emails to NGOs.

The purpose of the UPR is to discuss issues and share concrete suggestions to improve human rights on the ground. Therefore, stakeholders whose objective is not to improve the human rights situation were not contacted, and those stakeholders' submissions were not taken into account.

However, since the UPR is meant to be a process which aims at sharing best practices among States and stakeholders, we take into account positive feedbacks from the latter.

B. Processing the recommendations

The persons we contact are encouraged to use an Excel sheet we provide which includes all recommendations received by the State reviewed.

Each submission is processed, whether the stakeholder has or has not used the Excel sheet. In the latter case, the submission is split up among recommendations we think it belongs to. Since such a task is more prone to misinterpretation, we strongly encourage stakeholders to use the Excel sheet.

If the stakeholder does not clearly mention neither that the recommendation was “fully implemented” nor that it was “not implemented”, UPR Info usually considers the recommendation as “partially implemented”, unless the implementation level is obvious.

UPR Info retains the right to edit comments that are considered not to directly address the recommendation in question, when comments are too lengthy or when comments are defamatory or inappropriate. While we do not mention the



recommendations which were not addressed, they can be accessed unedited on the follow-up webpage.

C. Implementation Recommendation Index (IRI)

UPR Info developed an index showing the implementation level achieved by the State for the recommendations received at the UPR.

The **Implementation Recommendation Index (IRI)** is an individual recommendation index. Its purpose is to show an average of stakeholders' responses.

The *IRI* is meant to take into account stakeholders disputing the implementation of a recommendation. Whenever a stakeholder claims nothing has been implemented at all, the index score is 0. At the opposite, whenever a stakeholder claims a recommendation has been fully implemented, the *IRI* score is 1.

An average is calculated to fully reflect the many sources of information. If the State under Review claims that the recommendation has been fully implemented, and a stakeholder says it has been partially implemented, the score is 0.75.

Then the score is transformed into an implementation level, according to the table below:

| Percentage: | Implementation level: |
|-------------|-----------------------|
| 0 – 0.32 | Not implemented |
| 0.33 – 0.65 | Partially implemented |
| 0.66 – 1 | Fully implemented |

Example: On one side, a stakeholder comments on a recommendation requesting the establishment of a National Human Rights Institute (NHRI). On the other side, the State under review claims having partially set up the NHRI. As a result of this, the recommendation will be given an *IRI* score of 0.25, and thus the recommendation is considered as “not implemented”.

Disclaimer

The comments made by the authors (stakeholders) are theirs alone, and do not necessarily reflect the views, and opinions at UPR Info. Every attempt has been made to ensure that information provided on this page is accurate and not abusive. UPR Info cannot be held responsible for information provided in this document.

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