

## **Quarterly Report:**

### **Human rights highlights in quarter I, 2023**

The report summarizes some highlights on the human rights situation in Vietnam in the first three months of 2023. The report contains two main parts, explaining notable points about human rights policy and practice. The information in the report is compiled from domestic and international media sources, as well as data collected from domestic human rights activists.

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#### **1. Laws and policies**

In February, the Ministry of Justice issued a call for consultation on the Draft related to the *National Action Program to finalize policies and laws to promote responsible business practices* to state agencies and businesses (through VCCI). In December 2022, a workshop on this topic was held at UNDP headquarters with the participation of government agencies, many experts, and social organizations. Meanwhile, there is no information channel to disseminate this draft to the people or a mechanism to collect comments from the people on promoting responsible business.

On February 14, 2023, Deputy Prime Minister Tran Luu Quang signed Decision 87/QD-TTg approving the *Plan to strengthen the effective implementation of the Convention against Torture and Other Forms of cruel, inhuman or degrading punishment or treatment and the appropriate recommendations of the Committee Against Torture*. The purpose of the Plan is to continue to effectively implement the provisions of the 2013 Constitution, relevant legal provisions and the contents of the National Plan on the implementation of the Convention against Torture and cruel, inhuman or degrading treatment or punishment (CAT Convention). However, Vietnam has a precedent of passing and putting into law many human rights provisions, but not implementing them in practice. Many accusations of police assault and torture of dissidents, forced confessions, and corporal punishment have all been denied by the State without proper investigation.

The Vietnamese Government in early 2023 has many moves towards tightening press and communication:

On February 28, the Party's Secretariat issued *Regulation on responsibilities, powers and appointment, dismissal, commendation and discipline of press agency leaders*.<sup>1</sup>The newly promulgated regulations have clearly institutionalized the Party's role of controlling speech: the central directing agency for the press is the Central Propaganda Department; in the locality is the provincial Party Committee and Party Committee for propaganda. Persons appointed to be leaders of press agencies must be members of the Communist Party of Vietnam, possessing advanced political theory qualifications (optional for press agencies belonging to religious organizations).

This regulation also specifies 3 levels of discipline for leaders of press agencies: warning, reprimand; disciplinary warning, dismissal; and expulsion from the Party. The level of discipline warning or dismissal for the act of approving and posting information that is false to the Party's guidelines and the law, or failing to comply with the direction of the directing agency or management agency on information on the international situation, causing disadvantage in Vietnam's relations with other countries and international organizations. In particular, the heaviest penalty is expulsion from the Party when leaders of the press agency publish articles on content that negate Marxism-Leninism, Ho Chi Minh's ideology, the Party's leadership role, organizational principles and activities.

On December 30, 2022, the Vietnamese Government issued *Decree No. 128/2022/ND-CP* amending and supplementing a number of articles on sanctioning administrative violations in the field of culture and advertising, which officially takes effect from February 15, 2023. Accordingly, the fine will be from 40 to 50 million VND for certain acts, such as distorting the history of the Vietnamese people; denying the revolutionary achievements of the Communist Party; provoking and opposing the implementation of the Constitution and laws; harming cultural values and national interests; spreading social vices; destroying culture, social morality; inciting violence, criminal acts; disclosing personal secrets. For acts of failing to implement technical solutions, coordinating with competent state management agencies to remove and prevent infringing films according to regulations, will be fined from 60-80 million VND. The Decree also stipulates a fine of between 80-100 million VND for acts such as failing to allow users to report infringing movies according to regulations; not removing illegal movies

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<sup>1</sup> [Regulation No. 101-QĐ/TW dated February 28, 2023 of the Secretariat on responsibilities, powers and appointment, dismissal, commendation and discipline of press agency leaders | Writing system](#)

at the written request of a competent state agency; not preventing access to infringing movies at the request of competent State agencies according to regulations.

In addition, the government also strictly controls the activities of companies providing online content. A new *decree*<sup>2</sup> being in effect from the beginning of January 2023 requires video service companies to obtain permission from the Vietnamese government to operate, which means opening a representative office in Vietnam. Netflix, the online movie platform from the United States, is also in "negotiations" with the government to set up a representative office to comply with this decree.

On March 22, 2023, representatives of Meta said they were "working closely" with government agencies to remove inappropriate content on these platforms.<sup>3</sup> A representative of Meta said that they had an automatic mechanism to monitor and detect infringing content even before ads are posted to Facebook, along with a human team to review and re-evaluate such content. This increased censorship activity of Facebook results from strict regulations that the Vietnamese government introduced to social networking platforms last year and this year.

On March 9, 2023, the Vietnamese government published a White Paper on Religion and Religious Policy, and called it a declaration of Vietnam's willingness to ensure religious freedom, as well as the efforts of government to perfect the legal system on belief and religion. Previously, in December 2022, the US State Department put Vietnam on a Special Watch List for religious freedom violations. The Vietnamese government immediately condemned this move of the US, claiming that the assessment is not objective and based on inaccurate information.

## **2. Human rights practice**

### **2.1. Freedom of thought and expression**

From December 10, 2022 to March 25, 2023, Vietnamese authorities arrested at least four people on charges under articles 109, 117, 200 and 331.

Mr. Hoang Ngoc Giao, Director of the Institute for Policy Studies, Law and Development (LPD) and author of many articles and researches analyzing policies, was

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<sup>2</sup> Decree 71/2022/ND-CP dated October 1, 2022 amending Decree 06/2016/ND-CP on management, provision and use of radio and television services.

<sup>3</sup> [Representative of parent company Facebook: Will handle inappropriate content](#)

arrested on December 16, 2022 on charges of tax evasion (article 200 of the Penal Code 2015). Mr. Giao is the fifth person from registered NGO sector to be arrested on charges of tax evasion in recent years. Prior to his arrest, Mr. Giao was one of the intellectuals who gave many criticisms and campaigned for reform of land policies. He also regularly received interviews from international media such as the BBC Vietnamese. In 2020, Mr. Giao asked for the establishment of an independent committee to investigate the police raid on Dong Tam commune, which resulted in the death of Mr. Le Dinh Kinh and 3 policemen.

Activist Hoang Van Vuong was arrested by Dong Nai province police on January 3, 2023 without clear charges. Mr. Vuong expressed dissent with the government from around 2011 and he also participated in a number of protests. According to an activist in Ho Chi Minh City, Mr. Vuong does not participate in any particular civil social groups, but he often supports prisoners of conscience and activists who are in danger such as Mr. Dinh Van Hai and Ms. Hoang Thi Thu Vang. Although Mr. Vuong sometimes speaks out on Facebook, he is not a big influence in dissident circles. For his activities, Mr. Vuong can be charged with conducting propaganda against the state (article 117) or abusing democratic freedoms (article 331).

Former prisoner of conscience (POC) Le Minh The was arrested by the police on February 22, 2023 on charges of abusing democratic freedoms under article 331 of the 2015 Penal Code. His arrest results from his re-sharing many articles about harsh policies and bad conditions in Vietnamese prisons from her sister, Ms. Le Thi Binh, who is also a former prisoner of conscience. Mr. The was arrested by the authorities in 2019 and sentenced to 2 years in prison under the same charge.

Ms. Phan Thi Thanh Nha, residing in Tien Giang province, was arrested on March 17, 2023 on charges of working to overthrow the government. Ms. Nha is accused of reading and sharing articles with anti-government content, and participating in the reactionary organization "Provisional National Government of Vietnam".

On March 28, 2023, the Court of Hanoi tried at first instance Mr. Truong Van Dung on charges of conducting propaganda against the state, under article 88 of the 1999 Penal Code. Mr. Dung is an active democracy activist and a member of the Brotherhood for Democracy. He also participated in many other civil society groups such as No-U and 50K fund. The court sentenced Mr. Dung to 6 years in prison because he had received interviews with a Vietnamese radio station in the US, as well as owning two books titled "Life behind bars" by former POC

Pham Thanh and "Politics for the Masses" by journalist Pham Doan Trang. During the trial, Mr. Dung directly denounced that he had been tortured during detention to the point of having stayed in emergency room for two weeks. Neither the court or the procuracy responded to Mr. Dung's accusations.

## **2.2. Freedom of religion**

Religious freedom is also an area that has been increasingly suppressed by the government in recent months, especially in remote areas.

On February 22, 2023, the government and police of Dak Lak province prevented a meeting between the representative of the US Consulate General and some missionaries of the Central Highlands Evangelical Church of Christ, a Protestant denomination that has not been recognized yet by the Vietnamese government.<sup>4</sup> Video records<sup>5</sup> of the incident show that the local government employees and plainclothes police rushed to block the entrance, preventing the diplomatic mission from contacting the Protestant followers in any way. The missionaries said that the meeting place was already under police surveillance from a few days before the meeting, and some other missionaries were guarded and threatened not to go out of their houses.

The campaign to suppress Duong Van Minh belief in the northern mountainous provinces has been continued. On March 28, 2023, Cao Bang Provincial Party Committee said it had "successfully mobilized" 562 people to renounce Duong Van Minh belief in the second struggle campaign.<sup>6</sup> The authority of Cao Bang province has set a goal that by 2024 it will force all people in the province to give up Duong Van Minh belief.<sup>7</sup>

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<sup>4</sup> [Vietnamese authorities prevent Christian group from meeting with US authorities – Radio Free Asia](#)

<sup>5</sup> [Two US diplomats were prevented from meeting Central Highlands Christians #shorts](#)

<sup>6</sup> [Bao Lam: Summarizing the peak of 100 days \(phase 2\) of fighting and eliminating illegal organizations Duong Van Minh](#)

<sup>7</sup> [Determined to eliminate illegal Duong Van Minh organization in Ha Quang district before 2024](#)



*Thuong Thon commune, Cao Bang provincial authority presented a photo of Ho Chi Minh and the national flag for people to hang at home (Source: Cao Bang Provincial Police Website)*



*The altar at the house of Duong Van Minh (left) and after being broken into the house by the police to be demolished (right) in 2022 (Source: RFA)*

On February 11, 2023, the police of Dien Chau district, Nghe An province stopped five members of the Church of God from exercising their belief in Dien Tan commune. On March 4, the police of Cam Ha commune, Quang Nam province prevented 10 followers of the Church of God the Mother from exercising religious activities, accusing it of illegal behavior and superstition. In both cases, the police forced believers to commit not to continue their religious activities, and at the same time organized propaganda in the neighborhoods so that local people



would not participate in any strange religions and report to the authorities if they discovered illegal religious activities.

At the end of 2022, the media reported on a Hmong woman who had to flee to Thailand after being forced by the local government to give up her religious beliefs.<sup>8</sup> Mrs. Lau Y Tong is a person with mild disabilities, belonging to the H'mong ethnic group in Ky Son district, Nghe An province. She began to convert to Protestantism around 2020 after being exposed to the doctrine via the Internet. Ms. Tong's religious beliefs were discovered by neighbors and reported to the authorities. The local authorities immediately took many measures to force Ms. Tong to renounce her religion, from meetings to persuade, threaten, slander, and accuse Ms. Tong of practicing Protestantism as a violation of the law. Ms. Tong was therefore isolated locally, beaten and threatened with death, which forced her to flee to Thailand as a refugee.

Also earlier this year, authorities in Tuong Duong district, Nghe An province persecuted five Protestant families, arresting five men in these families. The local government used many oppressive measures such as burning their crops, slaughtering their buffaloes and cattle, playing loudspeakers to denigrate religious families in order to divide and isolate them from surrounding neighbors. The local government also installed surveillance cameras at the entrance to the village to control anyone entering or coming into contact with the victims' families. At the same time, the police and the government also combine propaganda and persuasion to persuade families to obey and give up their religion.

In the two cases above, the victims all participated in religious activities with the Evangelical Church of Vietnam, a religious organization recognized by the government. The Northern General Congregation, upon receiving information about the cases, has moved to contact the local government to confirm that the above religious activities are legal and allowed by the central government, however, the local government's repression has not abated.

The repression is directed at religious groups that are not recognized by the government, but recent trends have shown that registered Christian orders are also being suppressed and prevented from developing. In addition, the case of the priestly ordination of Mr. Ho Huu Hoa created a big scandal in the Catholic Church in Vietnam and raised many questions about the

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<sup>8</sup> [Persecuted by the government, one more Protestant had to leave the country, far from home!](#)

tacit but brutal intervention of the Vietnamese government in the selection of religious dignitaries.

### **2.3. Prisoner of Conscience**

Several prisoners of conscience (POC) were released late last year and early this year. Some POCs such as Ms. Le Thi Binh (An Phuoc prison, Dong Nai province), Mr. Phan Kim Khanh (in Nam Ha prison, Ha Nam) spoke out about the harsh treatment policy in the Vietnamese prison system. The conditions of cells, the living environment in the prison does not meet legal standard and weakens the health of prisoners. Prisoners are forced to work almost without pay, those who refuse to work or do not work actively will be disciplined. Religious activities are also restricted, Mr. Phan Kim Khanh said he could only use the Bible once a week at the library, he was not allowed to bring books to the cell or have any other religious activities.

Prisoners are not properly examined at the health station in the prison. People with dangerous diseases that need to be treated in a specialized hospital will have difficulties when requesting medical treatment. Recently, the family of Nguyen Thi Tam also called for help because Gia Trung Prison (Gia Lai) did not allow Ms. Tam to get treatment for her uterine fibroids as doctor's recommendations, leading to blood loss causing her to hospitalized in an emergency. The detention center did not allow Ms. Tam to stay in the hospital, but took her 50km back to the prison immediately, regardless of Ms. Tam's health condition.

These above-mentioned prisoners of conscience are all in different prisons in the North, Central and South, but they all reflect the same information about living conditions in prisons. This demonstrates the systematic violations of human rights and discriminatory policies in prisons across Vietnam.

### **2.4. Human rights defender**

In March, the police of Long An province summoned five defense lawyers in the Tinh That Bong Lai case for a “working session”.<sup>9</sup> The reason given by the police was that during the defense of the above case, the group of lawyers had acts of spreading online videos, pictures, words and articles showing signs of crime according to article 331 of the 2015 Penal Code. This allegation by the police is related to the fact that the group of lawyers used a

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<sup>9</sup> [Why are defense lawyers in the Bong Lai Pure House case being summoned? - BBC News Vietnamese](#)



Youtube channel of Lawyer Diary to post information about the case, analyzing violations of judicial activities, serious violations of criminal procedures committed by the Long An province's procedural authorities.

Two lawyers in the group, lawyer Dang Dinh Manh and lawyer Nguyen Van Mien, have names associated with many cases with political and religious factors, including the Dong Tam case 2020. Two lawyers are also regularly authorized by the families of prisoners of conscience to defend and protect the rights of dissidents when they are in prison. Because of their participation in representing the people in direct conflicts with the government, these two lawyers were repeatedly harassed, threatened and attacked.



*The group of defense lawyers in the Tinh That Bong Lai case (Source: Facebook Manh Dang)*

The working environment of Vietnamese lawyers has always been assessed as difficult, with obstacles from investigative agencies, procuracies and courts. However, this is a rare time when lawyers are charged with criminal offenses for proper functioning of their profession. Whether the police actually prosecute the case or not, the summoning of the lawyers group has set a poor precedent in legal proceedings and human rights protection in Vietnam. This case also further demonstrates that Article 331 is a net wide enough for the government to arrest anyone, with any actions deemed to be in violation of leadership's interests.

In addition, human rights monitoring groups have also recorded many cases of activists and their families being harassed by the police in the past few months. Measures to suppress human rights defenders commonly used by the government include influencing room-rental owners and companies to cause them to lose their accommodations, their jobs, and carrying out propaganda that defames individuals and families to isolate them from their neighbors; for those who are still active, the police often summon them, causing difficulties to their life.

Dissidents who are now inactive or rarely appear publicly in their activities continue to be closely monitored and harassed by the police. At least 3 activists in this case and the families of POC reported being forced by local police to work with landlords, forcing them to leave their accommodation suddenly. Typically, Ms. Nguyen Thi Anh Tuyet, the fiancée of POC Do Nam Trung, was refused to rent out by 3 landlords within 1 month. These landlords had previously received deposits and agreed to long-term rentals to Tuyet's family, but changed their minds quickly after only a few days, and strongly demanded that Tuyet immediately return the house.

Two cases of activists who lost their jobs and affected their businesses under the influence of the police. An activist who specializes in charity work is requested by the police to stop his personal volunteer work and complete legal procedures to apply for funds, which is a very difficult and complicated procedure. Those who regularly support volunteer activities with this activists are also pressured by the police not to continue working together. At the end of March, Hanoi took place a visit by a US business delegation and the trial of activist Truong Van Dung. During this time, the majority of activists in the Hanoi area reported being monitored and guarded by the police.

Besides, the families of some activists who have fled Vietnam are still being summoned to “working sessions” by the police, and are stigmatized with neighbors in order to isolate their families.<sup>10</sup>

### **3. Conclusion**

In the first three months of 2023, Vietnam's human rights situation has deteriorated significantly due to legal regulations tightening information and media activities, the way the government taming international social media giants, and repression of fundamental freedoms. Human rights lawyers were also turned into scapegoats for the singularization of speech, completely eliminating the opposing voice against the Vietnamese government. These new legal provisions and human rights practices are and will set a poor precedent for ensuring respect, enforcement and protection of human rights of Vietnam.

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<sup>10</sup>The names of the harassment cases are not publicly disclosed in this report to protect their identities, we may provide more information based on specific requests.