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**Political Stability vs Democratic Freedom ?
Economic Crisis and Political Repression in Vietnam**

*Hearing on Cambodia, Laos and Vietnam
Sub-commission on Human Rights, European Parliament,
Brussels, 25 August 2008*

Background

The Socialist Republic of Vietnam is a one-Party state under strict control of the Communist Party of Vietnam (CPV). The power of the CPV, which counts some 2.6 million members, pervades all dimensions of life and maintains Vietnam's 84-million population under tight political control. Its political monopoly is enshrined in Article 4 of the Constitution as the *"force leading the State and society"*. Although the Communist Party is officially not part of the State's institutional system, its powers are clearly outlined in Article 41 of the CPV Charter: *"the Party leads the State by its political statements, its strategy, by ideological activities and through staff management"*. The CPV maintains influence at all levels of society through affiliated "mass" organizations such as the Vietnam Fatherland Front, the Ho Chi Minh Communist Youth Union, the Vietnam Women's Union, the Vietnam Farmers' Union etc.

In 1986, following the demise of the Soviet Union and the end of massive economic subventions, Vietnam embarked on a process of economic liberalization known as *"doi moi"* or renovation. Following the Chinese path, Vietnam opened to a *"free-market economy with Socialist orientations"*, but remained hostile to political reforms. Today, more than twenty years later, Vietnam still has no opposition parties, no free trade unions, no private media or independent civil society. Independent religions and civil society are banned, and all advocacy of political pluralism is taboo.

The Vietnamese government claimed that political reforms were unnecessary because economic development alone would fulfil the people's needs. At the ASEAN Summit in Hanoi in 2004, Vietnam's former Ambassador to the EU, Ms Ton Nu Thi Ninh, justified the policy of *"doi moi"* as an attempt *"to build democracy within a one-Party system"*. Prime Minister Nguyen Tan Dung put the same argument in different words when he assured businessman at an ASEAN Leadership Forum in Hanoi last year that a market economy under one-Party rule would *"guarantee political stability"*.

In some aspects, this argument seemed credible. *"Doi moi"* brought Vietnam into the ranks of potential "Asian economic tigers", with a fast-growing economy and a growth rate of up to 9%. It also led to increased international recognition. Vietnam became the 150th member of the World Trade Organization and non-permanent member of the United Nations Security Council in 2007, assuring the Council's rotating presidency in July 2008.

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Today, however, the fallacy of Vietnam's "development vs democracy" argument is flagrant. In the space of just a few months, the contradictions inherent in "*doi moi*" have come to a head, and Vietnam's economic miracle is on the brink of collapse. In July 2008, the annual inflation rate hit 27%, by far the highest in Asia ¹. The trade deficit for January-July 2008 was estimated at US\$15 billion, and is expected to skyrocket to US\$25 billion this year. Imports surged more than 50% in 2008, and Vietnam's main stock exchange plunged 55%. In May, ratings agencies Standard & Poor's and Fitch lowered Vietnam's credit rating on fears of financial instability. Morgan Stanley warned of a possible "*devaluation episode*" of the Vietnamese currency (dongs). In July, the Asian Development Bank warned that Vietnam may be on the verge of "**financial disruption**" and urged Hanoi to take drastic measures to avoid the kind of economic meltdown suffered by Thailand in 1997, which triggered off a financial crisis throughout Asia ².

According to Vietnam's state-run General Statistics office, in July alone, food and beverage costs rose by 44.7% year-on-year, while the price of rice, Vietnam's staple food, was up 72.7%. Prices for housing and construction materials rose by 24.9%, the price of petrol rose by 36% in March alone, and the consumer index rose 21.28% in the first seven months of 2008 ³. One economist commented in the US weekly *Newsweek*: "*Not long ago, investors hailed Vietnam as a dynamic, export-driven "China-killer." But in recent months, it has moved ahead of its giant neighbour for a less laudable reason: it's the Asian economy most likely to crash in 2008. With suddenness only the world's fastest-growing region can deliver, Vietnam's economy has lurched off course*"⁴.

The effects of this economic crisis on the Vietnamese people, in particular the rural and urban poor, are disastrous. Prime Minister Nguyen Tan Dung reported to the National Assembly in May 2008 that the number of families "going hungry" had doubled from last year. The Minister of Labour, War Invalids and Social Affairs Nguyen Thi Kim Ngan told the National Assembly in May that "*currently around 13 million people are seriously affected by rising prices. That is not to mention another 13 million poor people and tens of millions of others living near the poverty line, including ethnic minority people*"⁵.

Labour Unrest and Social Discontent

The economic crisis in Vietnam has sparked off deep discontent in the workplace, and angry workers have staged wildcat strikes all over the country. With a minimum monthly wage of 540,000 dongs (about US\$34) for labourers and 800,000 dongs (about US\$59) for workers in foreign-invested enterprises, low-wage workers are unable to survive with the spiralling prices of food, fuel and rent. In 2007, there were more than 500 strikes in Vietnam involving hundreds of thousands of workers, but the situation is much worse today. Over 400 strikes have taken since the beginning of the year, an astonishingly high number in Communist Vietnam, where the right to strike is severely restricted. According to the official newspaper "*Lao Dong*" (Labour), 10,000 workers went on strike at the Keykinge Toy plant in Danang protesting low pay and poor conditions. Thousands stopped work at the Hyundai-Vinashin shipbuilding plant in Khanh Hoa and a seafood plant in Hau Giang in February alone, according to the official daily "*Tien Phong*" (Pioneer). ⁶ In March, hundreds walked out at Thuy Phuong Factory in Thua Thien-Hue, which processes garbage into fertilizer, complaining that wages were too low to work in a toxic environment. The factory has no labour union.

¹ *Vietnam's success story losing the plot*, Roger Mitton, The Straits Times, 30 March 2008.

² *ADB issues warning to Vietnam on Economy*, 22 July 2008, Radio Australia.

³ *Vietnam inflation hits 27%, trade gap widens*, Agence France Presse, Hanoi, 24 July 2008.

⁴ *Why Asia won't save the world*, Newsweek, June 16 2008, Vol. 151.

⁵ *Vietnamese minister says 13 million "seriously affected by rising prices"*, BBC Monitoring Asia Pacific, 2 June 2008, from Vietnam News Agency website.

⁶ *10,000 workers strike in Vietnam toy factory*, AFP, Hanoi, 1 February 2008.

These widespread strikes present a real threat to the Vietnamese government, which has founded its whole development strategy on the industrious, docile and low-paid workforce. Contrary to what might be expected under a “free market system with socialist orientations”, Vietnam has given priority to the managers and the foreign investors, and turned a blind eye as top officials arrange deals for investors and receive handsome payoffs in return. Today, the government is reluctant to raise workers wages to avoid upsetting foreign investors and undermining the sacrosanct principle of “political stability”. As Dr Nguyen Quang A, director of Hanoi’s Institute for Development Studies recently warned: *“The growing numbers of strikes may well hurt Vietnam’s image and upset potential investors, who might wonder if the labour market and the country as a whole is not so stable after all.”*

Instead of seeking to address workers’ grievances, therefore, Hanoi is using threats and legal sanctions to suppress their protests. A new government decree obliges workers to pay their employers 3 months salary in compensation if their strike is deemed to violate the Labour Code. Whilst the 1995 Labour Code authorizes the right to strike, it also restricts this right severely. Strikes are prohibited in 54 sectors considered to be of “public service” or important to the national economy or defence (including the post office, public transport, banking...).⁷ The Prime Minister can “terminate” any strikes perceived as *“detrimental to the national economy or public safety”*.⁸

Worker rights are further restricted by the lack of independent arbitration. The Labour Law does not authorize freedom of association. All labour unions are under the umbrella of the “Vietnam General Confederation of Labour” (VGCL) that is controlled by the Communist Party of Vietnam. Free trade unions are prohibited. In 2007, several people who set up an unofficial United Worker-Farmers Organization (UWFO) were arrested and sentenced to harsh prison terms simply for seeking to protect workers’ rights, including the right to form free trade and labour unions. The UWFO’s spokesman Tran Quoc Hien was sentenced on 15 May to five years in prison and two years house arrest on charges of *“conducting propaganda against the Socialist Republic of Vietnam”* (Article 88 of the Criminal Code), and members Doan Van Dien, Doan Huy Chuong and Tran Thi Le Hang, received sentences ranging from 18 months to four years imprisonment on 10 December 2007.

Even the official Vietnam General Confederation of Labour has criticized the government for its responsibility in the current labour unrest. According to VGCL Vice Chair Mai Duc Tinh, many of the recent strikes were caused by new regulations on labour disputes, which took effect from July 2007.⁹ These regulations, which authorize only local trade union units to hold strikes, are ineffective because of no policy to protect union staff and virtually no cooperation from employers, he said. Dr Trinh Duy Luan, director of the Hanoi Institute for Sociology Studies observed: *“the government is to blame for not properly monitoring the labour situation, and for letting inflation rise so much that workers are getting poorer, even if their wages are increased a little”*.¹⁰

Indeed, the workers’ anger is not just directed against exploitative managers, but at the ruling communist regime. Whilst they struggle desperately to survive, some 200 families of high-ranking CPV cadres, known by the people as the *“red capitalists”* live in opulence and rule with total impunity. Even high-ranking Party and military veterans such as General Vo Nguyen Giap, hero of the battle of Dien Bien Phu, denounce the powers of this unscrupulous elite, who *“buy positions, power, diplomas and degrees, buy off the winning tender for their commercial ventures, they even “buy” their way out of punishment and prison.”* In this climate of rampant corruption and power abuse, a new class of business-minded cadres

⁷⁷ International Confederation of Trade Unions, Annual Survey of Violations of Trade Union Rights, Brussels, 2006.

⁸ SRV Labour Code, adopted June 23 1994, came into effect 1 January 1995.

⁹ *Labor & Education: Soaring Inflation Pushes up More Strikes in Vietnam*, Vietnam News Briefs, June 19 2008, provided by Financial Times Information Limited - Asia Africa Intelligence Wire.

¹⁰ *Vietnamese workers striking for better pay*, The Straits Times, April 14, 2008.

has emerged who use their positions to enrich themselves, often at the workers' expense. Even the lower ranking cadres routinely spend for lunch what a worker earns in one month.

Rural Discontent : “Victims of Injustice” decry power abuse, corruption and State confiscation of lands

Deep discontent is simmering in the rural areas, where farmers and peasants represent 74% of the 84-million population and 75% of its total work force of over 45 million people. Social and financial inequities, marked by a gaping contrast between the flaunted riches of corrupt local party cadres and the stark poverty of the peasants and farmers have led to widespread demonstrations, and prompted the emergence of a nationwide rural protest movement known as the “*Victims of Injustice*”. This consists of dispossessed farmers and peasants who march from the countryside to demonstrate in Hanoi and Saigon protesting official corruption, power abuse and state confiscation of lands. They file complaints to the authorities and camp for days, even months outside government buildings, desperately calling for help. This movement has reached explosive proportions, with over 2 million complaints filed over the past 10 years. Instead of seeking to settle their claims, Vietnam adopted Decree 38 banning demonstrations outside public buildings. Demonstrators are subjected to routine harassment and arrest.

Land confiscation has been a serious issue since Vietnam embarked on its policy of “*doi moi*”. Under Vietnam's socialist system, “*land is the property of the people*”, but it is “*managed by the State*”. This means that the farmers do not own their land. They merely lease it, and receive “Land User Rights Certificates” in exchange. As Vietnam opens to tourism and free trade, foreign investors need land to build hotels, golf courses, offices and factories. To meet these demands, the State is taking the land from the peasants. In principle, the State must provide adequate compensation, but in practice, corrupt officials routinely confiscate lands, leaving the farmers – especially the elderly and women - homeless and destitute, or in great financial hardships. In July 2007, Buddhist dissident Thich Quang Do walked out of house arrest to express solidarity with farmers demonstrating outside the National Assembly's Southern Office in Ho Chi Minh City (Saigon) and urge them to press for human rights and democracy as well as social justice. The authorities reacted by launching a virulent campaign against Thich Quang Do in the state-run media. Buddhist monk Thich Khong Tanh who went to Hanoi to distribute aid to “Victims of Injustice” was arrested in August 2007 and forcibly returned to Saigon. Security Police confiscated his relief aid and funds.

Students protest Vietnam's territorial concessions to China

For the first time since the end of the Vietnam War, in December 2007 and January 2008, hundreds of young people, mainly students, staged demonstrations in Vietnam. They were protesting against the Communist leadership's submissive response to Chinese claims of sovereignty over Vietnamese territory, notably the gas and oil-rich Spratly archipelago, which China established as an administrative district of Hainan Province late last year. Other acts of Chinese aggression included the killing of Vietnamese fishermen in 2007, and the signing of two controversial border treaties (1999 and 2000) in which Vietnamese lands and waters were allegedly conceded to Beijing. The students denounced the government's feeble response to China's encroachment on the strategic Spratly and Paracel archipelagos, its failure to make strong diplomatic protests or take concrete steps to protect the disputed territories. This upsurge of nationalism and public criticism of the government is particularly significant because it reflects an awakening of political sentiments in a younger generation previously regarded as being interested only in consumerism and Western cultural icons.

Vietnam's “Political Stability” under threat

These rising protests reveal the population's deep-seated dissatisfaction with the communist regime. The Communist Party is well aware of this. Internal surveys conducted by the CPV itself reveal

that 80% of the population now think the Party is no longer serving the people's needs. In July 2008, responding to this confidence crisis, the leadership convened an extraordinary meeting of the 161-member Central Committee to discuss strategies to win back the support of the young people, intellectuals and peasants, three sectors of society that are especially disillusioned with the Party's performance.

The CPV's "strategies" include no move towards political opening, however, which would mean dismantling the CPV's absolute dominance. Instead, the Party is intensifying controls and repression to stifle the rising discontent. A brief overview of the human rights situation in 2008 reveals the widespread human rights abuses and restrictions of freedoms prevalent in every aspect of daily life.

Overview of Human Rights in 2008

Economic rights: Vietnam's policy of economic liberalization under authoritarian control has negatively impacted the most vulnerable populations, notably women and children. Under "*doi moi*", education and health have become paying commodities, penalizing poor families in the rural areas and forcing many poor children, especially girls, to drop out of school. Over 50 million people, or 80% of Vietnam's rural population suffer from poor sanitation. As a result, 80% of rural children suffer from parasitic worm infestation, and diarrhea and acute respiratory diseases are the main causes of death and illness in children under five.¹¹ Child abuse and violence has increased 13-fold over the past two years¹², and domestic violence against women is increasing sharply. The poverty gap is rocketing. Trafficking of young girls and women for sexual exploitation is growing alarmingly, and often conducted in connivance with Communist Party officials or Police. According to official statistics, 70% of men using prostitutes and frequenting brothels are members of the Communist Party or government officials.¹³

Freedom of the Press: There is no press freedom in Vietnam. All of Vietnam's 600 and more newspapers and periodicals, over 100 radio and television stations and as many websites are run by Party-controlled, military or government organizations, and the majority are financially subsidized by the State. There is no independent media. The CPV's mobilization and propaganda department controls all media and sets press guidelines, and government officials have repeatedly declared that Vietnam will never allow any privately owned newspapers. Editors meet regularly with representatives of the state's Ideology Committee to discuss which stories the government wants emphasized and which are off-limits.

Guarantees of press freedom enshrined in the Constitution (Article 69) are nullified by the Press and Publication Laws, which "*strictly prohibit*" publications with contents that: "*oppose the State of the Socialist Republic of Vietnam or destroy the people's solidarity block; ...disseminate reactionary ideas and culture...; destroy fine customs and habits; divulge secrets of the Party, State, and security...; distort history, deny revolutionary achievements, hurt our great men and national heroes, slander or hurt the prestige of organizations, honour and dignity of citizens* ». A 1999 law requires journalists to pay damages to persons harmed by their articles, even if the reports are true. Decree 56 passed in July 2006 provides for crushing fines and suspension of licenses for media and journalists who defame and attack the "prestige of the state". This decree was passed after the State-run media ran aggressive reports on a multi-million dollar corruption scandal (PMU-18) involving top government officials.

¹¹ 80% of Vietnam Rural suffer from Poor Sanitation, Vietnam News Briefs, 27 March 2008; report on a nationwide study conducted by the Ministry of Health and UNICEF.

¹² Vietnam reports 13-time increase in child abuse, VietNamNet Bridge, 23.8.2008. Report by Dang Hoa Nam, deputy head of the Child Protection and Care Department, Ministry of Labour, War Invalids and Social Affairs (Molisa).

¹³ Violations of the Rights of Women in the Socialist Republic of Vietnam, Alternative report on the Implementation of the UN Convention on the Elimination of Discrimination against Women (CEDAW), Vietnam Committee on Human Rights, January 2007 - http://www.queme.net/eng/doc/VCHR_Alternative_Report_on_CEDAW_2007.pdf

In May 2008, two journalists, Nguyen Van Hai of *Tuoi Tre* (Youth) and Nguyen Viet Chien of *Thanh Nien* (Young People) – two of Vietnam’s best-selling newspapers which played a key role in uncovering the PMU-18 scandal - were arrested for their coverage of the affair, accused of *“inaccurate reporting and abuse of power”*. Their arrest came just two months after one of the principal culprits, Deputy Transport Minister Nguyen Viet Tien was suddenly cleared of all charges and released due to alleged *“lack of evidence”*. In August 2008, seven journalists, including Nguyen Quoc Phong, Deputy Editor-in-Chief of *Thanh Nien* and Bui Van Thanh, Deputy Editor-in-Chief of *Tuoi Tre* in Saigon had their press cards revoked for *“seriously violating regulations on media operation and information”*. On 18 July 2008, freelance journalist Truong Minh Duc was sentenced to five years in prison at an unfair trial in the southern province of Kien Giang charged with *“taking advantage of democratic freedoms and rights to abuse the interests of the State”* (Article 258 of the Criminal Code). His lawyer said he was *“writing about the plight of the rural population, about corruption, lack of government honesty and the constraints imposed on peasants in Kien Giang”*. The lawyer also said that his client was forced to sign confessions.

Foreign journalists in Vietnam are subjected to strict controls. They must submit written requests to the Foreign Ministry’s Press Department for permission to travel outside Hanoi five days in advance. A 1997 Directive prohibits Vietnamese journalists from passing any information, photographs or other documents to foreign journalists without an authorization from the Ministry of Culture and Information. This directive jeopardizes any Vietnamese journalists who enter into even informal contacts with foreign correspondents. In March 2007, the authorities refused to renew the visa of BBC correspondent Bill Haydon, forcing him to leave the country.

The Internet: Vietnam is one of Asia’s most repressive countries in relation to the Internet. It is classed as one of 13 “Internet Enemies” in 2008 by the media watchdog “Reporters without Borders”. The Internet is developing rapidly in Vietnam, with some 21% of the population having Internet access. Vietnam is following the Chinese model – allowing wide access whilst filtering and controlling content, and heavily punishing offenders. All Internet-users in Vietnam are responsible for the content of the material they receive. Cyber café owners are responsible for their customers’ on-line activities, and must keep records of users’ ID and the sites they have visited. The Ministry of Public Security has set up a unit of “cyber-police” to track down the posting of banned material, and firewalls to block access to overseas sites advocating human rights, religious freedom and human rights. In September 2007, the government shut down *Intellasia.com*, an online news and investment site. The site’s Australian owner, Peter Leech was obliged to flee the country after Police raided his offices and subjected him to repeated threats.

Vietnam has cracked down heavily on “cyber-dissidents”. Under national security provisions in the Criminal Code such as *“espionage”* (Article 80, which carries the death penalty as maximum sentence) *“conducting propaganda against the Socialist Republic of Vietnam”* (Article 88) and *“taking advantage of democratic freedoms and rights to abuse the interests of the State”* (Article 258), many cyber-dissidents were arrested in 2007-2008. On 29 January 2008, Truong Quoc Huy, 28, was sentenced to 6 years in prison followed by three years house arrest under article 88. He was arrested in an Internet café in Saigon in August 2006. He had previously been detained *incommunicado* for nine months for taking part in chat room discussions on democracy. Vietnam’s growing “blogosphere”, which has currently over a million bloggers, is also subjected to tight government restrictions. On 7 August 2008, the Minister of Information and Communications said that the government would soon pass new legislation to *“effectively manage”* blogs, in order to *“limit blackening the ruling apparatus, particularly state officials, as well as annulling and restricting anti-government propagandas that undermine the great unity in the nation.”*¹⁴ Blogger Dieu

¹⁴ *Manage Blogs, Annul Outside Hostile Forces*, Vietnam News Briefs, August 7, 2008, Financial Times Information Limited-Asia Africa Intelligence Wire.

Cay was arrested in May 2008 and is still in custody. As well as posting criticisms of the government on his blog, along with a group of colleagues, he unfurled a flag outside the National Assembly's Southern office in Saigon protesting human rights violations in China and the Beijing Olympic Games.

Religious Freedom

Vietnam claims to uphold religious freedom, yet this basic right is restricted in Vietnam's own laws. Whilst Article 70 of the Vietnamese Constitution enshrines religious freedom, it also states that no one may *"misuse beliefs and religions to contravene the law and State policies"*. As the former UN Special Rapporteur on Religious Intolerance Mr. Abdelfattah Amor observed, *"this provision establishes the principle of the priority of the policies of the State, a vague and extendable concept" which "impede[s] freedom of religion or reduce[s] it to very little indeed."*

Repression against the Unified Buddhist Church of Vietnam

The situation of the Unified Buddhist Church of Vietnam (UBCV), adhered to by the majority of the Vietnamese population, is of particular concern. Banned effectively in 1981 following the creation of the State-sponsored Vietnam Buddhist Church, it is a constant target of repression. Despite repeated appeals from the international community and several EP Resolutions – most recently in July 2007 - Vietnam has made no move to cease repression against the UBCV or re-establish its legal status.

In May 2008, the Vietnamese government and the State-sponsored Vietnam Buddhist Church hosted the United Nations Day of the Vesak (Birth of Buddha) in Hanoi. State media announced that this event *"proves Vietnam's respect for religious freedom and human rights"*.¹⁵ However, as the authorities hosted the Vesak, they intensified repression against Buddhism, the very faith they claimed to celebrate. Only members of the State-sponsored Buddhist Church were allowed to attend the Vesak, whilst the UBCV remained banned and its members imprisoned in their pagodas. In the run-up to the Vesak, Police seized UBCV pagodas to use for State-sponsored events, evicted and harassed UBCV monks, nuns and lay-followers. UBCV monk Thich Tri Khai was evicted from his pagoda in Lam Dong province and subjected to intensive Police interrogations. In Quang Tri, Police smashed Buddha statues and vandalized the Phuoc Hue Pagoda, assaulting its Superior monk Thich Tu Giao. In Hue, Thich Chi Thang was harassed and members of the Buddhist Youth Movement intimidated. Members of 20 UBCV Provincial Representative Boards set up to bring spiritual and humanitarian aid to people in the poor provinces were harassed, threatened and assaulted by Security Police, notably in the provinces of Binh Dinh, Phu Yen, Ba Ria-Vung Tau, Tien Giang, Khanh Hoa etc. On 2nd May 2008, the US Commission on International Religious Freedom (USCIRF) expressed deep concern on *"significant official harassment of monks, nuns and youth leaders associated with the UBCV"* and recommended that Vietnam be put back on the blacklist of "Countries of Particular Concern" for religious freedom violations.

In July 2008, the UBCV Supreme Patriarch Thich Huyen Quang died at the Nguyen Thieu Monastery in Binh Dinh province. After detaining him under house arrest without trial for almost 30 years, the communist authorities tried to make political capital out of his death by imposing a State-organized funeral. This sparked off outrage in the international community and within the UBCV. Braving Police threats and possible arrest, some 10,000 Buddhists travelled to Binh Dinh for the funeral, obliging the authorities to step down. The state-run media ran a vicious campaign against UBCV Deputy leader Thich Quang Do, accusing him of trying to turn the funeral into an *"anti-government rally"*.

¹⁵ *Vietnam tries activists, arrests corruption reporters amid Vesak 2008*, Vietnam News Briefs, 14 May 2008.

The situation of Thich Quang Do, 79, who was appointed by the late Patriarch as the new leader of the UBCV in August 2008, is of particular concern. Nominated for the 2008 Nobel Peace Prize by 60 MEPs from all political groups as well as hundreds of international personalities, a laureate of the 2006 Rafto Prize, Thich Quang Do has spent 26 years in prison, internal exile and house arrest for his peaceful advocacy of religious freedom and human rights. He is currently held in isolation at the Thanh Minh Zen Monastery in Saigon. His telephone is cut and he is under constant Police surveillance. Ten years after his "release" in a government amnesty in 1998, he has still not been issued the obligatory "*ho khau*" (residence permit), without which he is an illegal citizen. Vietnam refused to let Thich Quang Do travel to Norway to receive the Rafto Prize, and arrested Rafto Director Therese Jepsen as she visited him in March 2007. In 2001, Thich Quang Do launched an "Appeal for Democracy in Vietnam", an 8-point transition plan for democratic change which received overwhelming support. The Rafto Foundation applauded Thich Quang Do as a "*unifying force*" and a "*symbol of the growing democracy movement in Vietnam*".

Suppression of political dissent

In order to win the support of democratic countries for its admission to the World Trade Organization, in 2006 Vietnam allowed a brief emergence of democratic expression. However, immediately after obtaining WTO membership in January 2007, the government launched a brutal crackdown on peaceful political and religious dissent which is continuing today. Over the past 18 months, at least 26 peaceful activists have received prison sentences for their democratic appeals. They include Catholic Priest Father Nguyen Van Ly, Nguyen Phong, Nguyen Binh Thanh, Hoang Thi Anh Dao and Le Thi Le Hang sentenced to up to 8 years in prison on 30 March 2007; Hoa Hao Buddhists Nguyen Van Tho, Duong Thi Tron, Le Van Soc, Nguyen Van Thuy to up to 6 years prison (3 May); Le Nguyen Sang, Nguyen Bac Truyen, Huynh Nguyen Dao to 5, 4, and three years respectively (10 May); lawyers Nguyen Van Dai and Le Thi Cong Nhan to 5 and 4 years respectively (11 May); Tran Quoc Hien to 5 years (15 May). All were convicted at trials that did not meet international standards for fairness. At least 13 of those convicted must serve an additional period of "probationary detention" (*quan che*, Article 38 of the Criminal Code) after their release, which includes restrictions on movement and communications.

National Security Legislation

These dissidents have all been convicted of "national security" offences in the SRV Criminal Code such as "*conducting propaganda against the Socialist Republic of Vietnam*" (Article 88), "*espionage*" (Article 80) etc. These vaguely-defined crimes are punishable by harsh prison terms or sentences of life imprisonment. Seven of them carry the death penalty. Vietnam widely invokes these provisions to detain peaceful religious and political dissidents and human rights defenders, in blatant violation of the UN International Covenant on Civil and Political Rights to which Vietnam acceded in 1982. The UN Human Rights Committee (2002), the UN Working Group on Arbitrary Detention (1995) and the UN Special Rapporteur on Religious Intolerance (1998) have all urged Vietnam to urgently revise or repeal these national security provisions, which make no distinction between violent acts such as terrorism and the peaceful exercise of freedom of expression.

Administrative detention - Ordinance 44 replaces 31/CP

Last year, Vietnam repealed Decree 31/CP on "Administrative Detention" in a move hailed by the international community as a step towards the rule of law. However, it was swiftly replaced with a more repressive law, Ordinance 44 on "Regulating Administrative Violations", which empowers local officials not only to arrest and detain citizens suspected of "national security" offences, as Decree 31/CP, but also to commit them to mental hospitals or "rehabilitation camps" without any due process of law.

Ordinance 44 (Ref. 44/2002/PL-UBTVQH10), adopted by the National Assembly's Standing Committee which came into effect on 1st October 2002, empowers provincial and district-level People's Committees to detain without trial, for periods of 6 months to 2 years, citizens *"who have violated laws on security, public order and social safety, but whose offence is not serious enough to justify prosecution"*. Whereas Decree 31/CP allowed for administrative detention only, Ordinance 44 authorizes detention in "educational institutions" (Article 25); internment in "medical facilities" (Article 26), or administrative detention (Article 27). "Educational institutions" are usually rehabilitation camps or Social Protection Centres where "bad social elements" such as prostitutes, drug addicts, street children or dissidents may be held without charge, often in inhumane conditions. "Medical facilities" include mental hospitals and psychiatric institutions. In November 2006, lawyer Bui Thi Kim Thanh was committed to Bien Hoa Mental Hospital in Saigon for defending expropriated farmers and protesting state confiscation of land.

Legal System Development Strategy – the use of the Law to suppress Dissent

Human rights violations in Vietnam result not only from the abuse of law, but are made possible through the law, by a whole arsenal of Directives, Decrees and other domestic regulations restricting the exercise of civil liberties and human rights. This domestic legislation is in total contradiction with the Vietnamese Constitution and the UN International Covenant on Civil and Political Rights, to which Vietnam acceded in 1982.

This use of the law to curb human rights is especially disturbing in the light of the 10-year "Legal System Development Strategy" funded by international donor institutions such as the World Bank and many Western and Asian democracies. Instead of using these funds to move towards the rule of law, Vietnam is employing them to reinforce CPV control and suppress dissent. In practice, this means that the European taxpayer is contributing to the suppression of human rights in Vietnam. Since LSDS was launched, Vietnam has passed extensive legislation criminalizing religious and political dissent. Under these laws, dissidents are convicted as common criminals, thus enabling Vietnam to claim *"there are no political prisoners in Vietnam, only people who violate the law"*.

Recent restrictive legislation includes Decree 56/2006/ND-CP (see section on Press Freedom) which bans all information deemed *"harmful"* and requires journalists to clear interviews with sources before publication, thus effectively allowing for pre-press censorship. Decree 38/2005, adopted after farmers and peasants staged demonstrations in Hanoi to protest State power abuse and confiscation of land, prohibits all demonstrations outside public buildings, in gross violation of the right to freedom of assembly guaranteed in the Vietnamese Constitution (Article 69).

Moreover, the United Nations Development Programme (UNDP) recently signed a \$US 1.238 million project with the Vietnamese Foreign Ministry to *"implement human rights treaties in Vietnam"*. The UNDP Resident Coordinator in Hanoi, John Hendra congratulated Vietnam for signing many UN treaties. In fact, whilst Vietnam has signed a number of key UN human rights instruments, much of its domestic legislation is totally inconsistent with the provisions of these treaties, and prevents their implementation. Many UN bodies have urgently called on Vietnam to bring domestic legislation into line with international human rights laws, but Vietnam consistently refuses. This million-dollar UNDP project is little other than an expensive propaganda exercise, since UN human rights treaties can never be fully implemented whilst Vietnam's restrictive domestic laws remain in force.

Conclusions

Recent events show clearly that Vietnam not only ignores its commitment to uphold human rights, but also "manipulates" its citizens' rights for its own political ends. In 2006, when the government sought

accession to the World Trade Organization (WTO), it allowed the emergence of a certain democratic expression. Once this goal was achieved, these voices were brutally suppressed.

Because the CPV has unchallenged powers to grant or withdraw its people's rights at will, Vietnamese human rights defenders live in a climate of permanent insecurity. They know they may be arrested any time, on any pretext, and that they have no access to the protection of the law.

Recommendations to the EU

The EU is Vietnam's largest trading partner, with a US\$ 13.4 billion two-way flow of goods and services in 2007 that is expected to reach US\$15 billion in 2010. It is also a major aid donor. The European Commission President José Manuel Barroso announced that the EU is working with Vietnam to establish a bilateral "**Partnership and Cooperation Agreement**". This will replace the 1995 EU-Vietnam Cooperation Agreement, and pave the way towards a future Free Trade Agreement between the EU and countries of ASEAN. The EU and member states should use this special relationship to impress upon Vietnam that its economic achievements must be supported by the respect of UN-recognized human rights and democratic freedoms.

In May 2007, the EU's then German Presidency officially condemned the sentencing of eight pro-democracy activists in Vietnam. Yet a few days later, in the midst of this brutal crack-down, the European Commission adopted the Vietnam Country Strategy Paper for 2007-2013 with a budget of 304 million Euros, an increase of 30% on the previous budget. EC officials said that this extra funding was due in large part to the EU's satisfaction with Vietnam's entry in the World Trade Organization (WTO). No mention was made of the situation of human rights, which is supposedly an "essential element" of EU-Vietnam bilateral relations (cf. Article 1 of the 1995 EU-Vietnam Cooperation Agreement).

Europe should take a leading role in supporting democratisation and the rule of law in Vietnam, and adopt policies that link improved relations with measurable progress on human rights. These concerns were clearly expressed by the European Parliament in a Resolution on Vietnam adopted in July 2007.

Currently, Vietnam is seeking to appease international opinion with cosmetic gestures such as the sporadic release of political prisoners on the eve of diplomatic visits. Whilst the release of prisoners is always welcome, these gestures are hypocritical and insufficient. The EU should demand more of its partners, and develop mechanisms to ensure that countries such as Vietnam cannot enjoy full relations with the EU whilst blatantly suppressing its citizen's rights.

In the framework of the EU-Vietnam Human Rights Dialogue, specific goals such as the release of individual prisoners are of prime importance. But they are only meaningful when protected by legal safeguards. We urge the EU and member states to take urgent measures towards legal reform to ensure that fundamental freedoms are protected by the rule of law by urging Vietnam to:

- implement the recommendations of the UN Human Rights Committee (July 2002) by bringing domestic legislation into line with international human rights law, and repealing all legislation that curbs the exercise of human rights ;
- immediately repeal Ordinance 44 on "Regulating Administrative Violations"; take urgent measures to revise the "national security provisions" in the Criminal Code and bring them into line with the Johannesburg Principles and rights enshrined in the ICCPR;
- ensure that all laws adopted by the Government and the National Assembly under the Legal System Development Strategy comply with international human rights standards. The EU should also ensure that no funding by the EU or member states contributes to the adoption of restrictive human rights legislation in Vietnam;

- re-establish the legitimate status of the Unified Buddhist Church of Vietnam and all other non-recognized religious movements which constitute essential elements of civil society, and allow them full freedom of religious activity;
- immediately and unconditionally lift all restrictions on the freedom of the newly-appointed UBCV Patriarch Thich Quang Do; cease harassment against UBCV Buddhists for their peaceful humanitarian activities; cease harassment against members of the Buddhist Youth Movement for their peaceful educational activities;
- cease repression against ethnic Christians in the Northern and Central Highlands such as the Montagnards and allow independent NGOs and international observers to monitor conditions in these areas; release all Montagnards detained for the peaceful exercise of freedom of expression and belief;
- immediately and unconditionally release all human rights defenders, political prisoners and prisoners of conscience detained for having legitimately and peacefully exercised their rights to freedom of opinion and expression, freedom of information and freedom of religion and belief, including Nguyen Van Dai, Le Thi Cong Nhan, Father Nguyen Van Ly etc. ;
- cease all forms of repression, including judicial and administrative harassment, against those who exercise their rights to freedom of opinion, freedom of religion and belief, and freedom of association and assembly in accordance with human rights standards;
- authorize the publication of independent newspapers as a podium for democratic debate, as requested by Thich Quang Do in 1999; guarantee the right to freedom of press, and cease harassment of all citizens expressing peaceful opposition views through the printed media, Internet or radio.

We also urge the EU and member states:

- to support peaceful initiatives for democratic reform in Vietnam, such as the 2001 "Appeal for Democracy" by Thich Quang Do;
- to re-examine development aid to Vietnam in the light of the "human rights clause" in the 1995 Cooperation Agreement, and the grave and consistent violations of religious freedom, human rights and democratic liberties in Vietnam;
- to ensure greater transparency of the EU-Vietnam human rights dialogue by expanding the role of NGOs in this process, and providing regular information to Members of the European Parliament, in particular the EP Sub-Commission on Human Rights.