

**Promoting Human Rights and Democracy in Vietnam through
The Vietnam Human Rights Act (S. 1649),
The Vietnam Human Rights Sanctions Act (H.R. 4254, S. 929) and
Trans-Pacific Partnership Negotiations with Socialist Republic of Vietnam**

March 26 - 27, 2014

For twenty years the United States Government has cultivated a close relationship with the government of Vietnam. Yet that government's treatment of its own citizens – particularly those who share the U.S. commitment to freedom and democracy – is far below the minimum standards expected of any government that wishes to be treated as a member of the community of civilized nations. Vietnam has the largest number of prisoners of conscience and is the worst violator of human rights in Southeast Asia.

The United States Congress will have a number of opportunities in the coming months to make clear that the government of Vietnam must improve its human rights practices: First, the Senate should pass the **Vietnam Human Rights Act (S. 1649)**, which has already passed the House of Representatives with an overwhelming majority. Second, both the House and the Senate should pass the **Vietnam Human Rights Sanctions Act (H.R. 4254, S. 929)**. Finally, both the House and the Senate should insist on strong human rights conditions if Vietnam is to be included in the proposed **Trans-Pacific Partnership (TPP)**.

Enactment of human rights legislations and including **human rights conditions in the Trans Pacific Partnership** would be designed to achieve the following specific reforms in the Vietnamese government's human rights practices:

- (1) The Vietnamese government should **free all political and religious prisoners** and other prisoners of conscience who have been arrested for peacefully exercising their rights. There are more than 300 such prisoners, including Montagnards and members of other ethnic minority groups, known to human rights organizations, not counting potentially hundreds of religious prisoners from ethnic minorities and indigenous peoples.
- (2) The Vietnamese government **should promptly ratify the Convention Against Torture (CAT)** and sign and ratify the Optional Protocol to CAT, and immediately **terminate the routine practice of holding political and religious detainees incommunicado and in prolonged solitary confinement**.
- (3) The Vietnamese government should **respect labor rights** and allow Vietnamese workers to form labor unions that are truly independent of the government and of the Communist Party. Presently Vietnam strictly prohibits free and independent labor unions and has jailed labor organizers.

- (4) The Vietnamese government should repeal Decree 72, **stop arresting pro-democracy bloggers and others who use the internet to criticize the government**, and release those who are imprisoned. The Vietnamese Prime Minister recently issued Decree 72 to further restrict internet freedom. Transparency and free flow of information is critical to free and fair trade.
- (5) The Vietnamese government should repeal Decree 92 and **end persecution of independent religious organizations**. Decree 92, effective January 1, 2013, prohibits religious activities unless they are registered and pre-approved by the government. Local authorities have reportedly used this decree to block religious organizations other than those controlled by the government from conducting any activities. The Vietnamese government should also end its requirement that religious organizations must be registered and approved, and terminate the practice by local authorities of forcing members of unregistered religious groups (particularly members of ethnic minority groups) to recant their faith and join government-approved churches.
- (6) The Vietnamese government must **permit the existence of a real civil society** consisting of genuinely independent non-governmental organizations (NGOs) by recognizing their roles in society and according them legal status. In Vietnam, no genuine NGOs are allowed to exist. Instead, the government has created dozens of synthetic NGOs that are actually controlled by the Communist Party's "Fatherland Front" and/or the "Vietnam Union of Friendship Organizations" (VUFO).
- (7) The Vietnamese government should **end the practice of forced labor in prisons and detention centers and prosecute labor export companies that are involved in fraudulent recruitment and other practices of human trafficking**. The Vietnamese government is squarely behind human trafficking, subjecting hundreds of thousands of its citizens to forced labor in rehab centers, detention centers and prisons; sending tens of thousands of its citizens into modern-day slavery in different countries; and punishing those victims who speak out.
- (8) The Vietnamese government should **end its violations of the rights of indigenous peoples**, including forced renunciation of their faith and their cultural beliefs and practices, the expropriation of their ancestral lands, and the trade in illegally harvested timber and endangered species.

- (9) The Vietnamese government should agree to a **mediation process to review claims for compensations made by US citizens with confiscated properties**. Since 1975 the Vietnamese government has illegally confiscated the properties of many US citizens. In 1995, under the Clinton Administration, the Vietnamese government paid 208 million US dollars in compensation for confiscated properties to some 200 Americans. However, Vietnam continues its practice of illegal confiscation of real and other properties of Vietnamese Americans.

The Trans-Pacific Partnership is not intended to be just another trade agreement. As the name implies, TPP will send a message to the world that its members regard each other as trusted friends. TPP membership will inevitably be regarded as a badge of honor and a seal of approval from the United States. It is therefore particularly important that TPP membership not be extended to governments that are actively hostile to our most fundamental values. Congress must therefore insist that in negotiating with the government of Vietnam over the possibility of TPP membership, the United States should insist on at least the above changes in Vietnamese government policies and practices. **Members of Congress who are committed to human rights should therefore oppose any legislation providing Trade Promotion Authority (TPA) if such legislation would prevent the TPP from being amended to include human rights conditions.**

The **Vietnam Human Rights Act** would condition future increase in non-humanitarian aid to Vietnam on improvements in the government's human rights record. The bill also mandates the State Department to track and report such improvements or the lack thereof. **The Vietnam Human Rights Act will maintain the needed focus and send a clear message on human rights as the United States expands relationship with Vietnam.**

The bipartisan **Vietnam Human Rights Sanctions Act**, H.R. 4254, along with its companion bill S. 929 in the Senate, targets certain government agents, police officers, and others who commit human rights violations against peaceful dissidents with travel restrictions and financial sanctions, including denial of visas to the United States and a prohibition on doing business with U.S. companies. H.R. 4254 and S. 929 are modeled after the Magnitsky Act, which became law in 2012.

Contacts:

Former Congressman Joseph Cao: acao@loyno.edu

Dr. Nguyen Dinh Thang: thang.nguyen@bpsos.org

Dr. Tram Ho: hotram919@gmail.com