

Report to the Country Report Task Force on Vietnam
In consideration of List of Issues to be adopted for Vietnam
Third Periodic Report review
(CCPR/C/VNM/3)

Joint submission by:



Vietnamese Women for Human Rights
Boat People SOS
Defend the Defenders

April 27, 2018

INTRODUCTION AND EXECUTIVE SUMMARY

In this report, Boat People SOS (BPSOS), Vietnamese Women for Human Rights (VNWHR) and Defend the Defenders¹ assess whether any progress has been made by the Vietnamese authorities in regard to the Concluding Observations adopted by the Human Rights Committee on 5 August 2002 (CCPR/CO/75/VNM). In particular, how Vietnam has improved its national legal framework on human rights, focusing on the implementation of such recommendations, and its conformity with the civil and political rights of all persons under the Covenant.

The report takes a look at:

- Constitutional and legal framework within which the Covenant is implemented (art.2);
- Freedom of opinion and expression (art. 19);
- Liberty and security of the person and treatment of detainees (arts. 9 and 10);
- Prohibition/prevention of torture and cruel, inhuman or degrading treatment of prisoners and other detainees (arts. 7 and 10);
- Freedom of religion and conscience (art. 18);
- Minority rights (art. 27).

Vietnam's current constitution was adopted by the National Assembly in late 2013. The state "acknowledges, respects, protects and guarantees human rights"². Article 25 of the 2013 Constitution guarantees "the citizen shall enjoy the right to freedom of opinion and speech, freedom of the press, to access to information, to assembly, form associations and hold demonstrations"; whereas article 24 guarantees "freedom of belief and religion, and the equality of all religions before the law".

While the Constitution guarantees and respects all human rights as defined in article 2 of the Covenant, article 14 of the Constitution imposes restriction on: "Human Rights and citizens' rights [...] in case of necessity for reasons of national defence, national security, social order and safety, social morality and public health".

In law and practice, the notion of "national security" constitute a permissible restriction of the right to freedom of opinion and expression (art. 19), and freedom of religion and conscience (art. 18).

A recent study released on November 2017 by the NOW! Campaign, a coalition of 15 organisations and Vietnamese Civil Society organisations, has revealed that 165 Vietnamese prisoners of conscience and detainees were detained on charge of crimes against national security.

These prisoners of conscience are human rights defenders (HRDs), such as bloggers, lawyers, trade unionists, land rights activists, political dissidents, as well as followers of unregistered minority religions, including those who have advocated for freedom of religion or belief or who have simply professed or practised their faith.

¹ [Boat People SOS](#), [Vietnamese Women for Human Rights](#) and [Defend the Defenders](#) are independent, non-profit, non-governmental organisations, which acts to protect and promote human rights in Vietnam.

² Constitution, Article 3.

The state of Vietnam continues to infringe upon the rights of these HRDs. They continue to be held for prolonged period of time in pre-trial detention, without time limit " in a special case of extremely severe felony of national security breach" (provisions of article 173 of the 2015 Criminal Procedure Code). They experience torture and other ill-treatments in prison or in police custody; which at time has led to severe injuries or death.

In spite of the efforts to implement recommendations of the UN human rights protection mechanisms, and the challenges faced to the implementation of the Covenant that Vietnam mentioned in paragraphs 24-29 of its third state report (CCPR/C/VNM/3), Vietnam's legal framework still contain measures that can be arbitrarily interpreted and used to limit citizens' civil liberties, repress oppositions and criminalise critics, in lieu of protecting civil and political rights of all persons.

CONSTITUTIONAL AND LEGAL FRAMEWORK WITHIN WHICH THE COVENANT IS IMPLEMENTED (ART.2), FREEDOM OF OPINION AND EXPRESSION (ART. 19), AND LIBERTY AND SECURITY OF THE PERSON AND TREATMENT OF DETAINEES (ARTS. 9 AND 10)

The current Vietnamese Constitution was adopted by the National Assembly in late 2013. From January 2014 to June 2017, the National Assembly and its Standing Committee adopted numerous laws and ordinances to implement the constitution, many of which are important laws on human rights, such as the 2015 Penal Code, the 2015 Criminal Procedure Code, the 2015 Law on Enforcement of Custody and Temporary Detention and the 2016 Law on Religion and Belief.

The Constitution prohibits limitation of human rights and citizens' right only in "case of necessity for reasons of national defence, national security, social order and safety, social morality and public health" (Constitution, art. 14).

The provision of national defence that allow the National Assembly, or the President, to declare a state of emergency is not up for debate here -- the extreme measures taken to combat or prevent terrorism and military threats guarantee and protect rights and legitimate interest of individuals (the Counter-Terrorism Law, the Law on Defence, and Decree No. 71/2002/ND-CP). However, serious doubts linger for "national security, social order and safety, social morality and public health" provisions.

If we take a close look at the domestic legal framework, the Criminal Procedure Code (2015) does not explicitly outlined the crimes under which these provisions fall under. Yet, Chapter XIII of the Penal code (2015) is entirely dedicated to the 15 crimes that are considered criminal offences against national security. These include, among others, any acts deemed by the government as opposing the State of Socialist Republic of Vietnam, including storing, spreading materials, or inciting or persuading other people to disrupt security and national unity. The offenders could face a penalty of 1 to 20 years of imprisonment.

What is concerning with this broad and vague definition of national security and unity, is that the state has great latitude in its interpretation. The state has used national security and unity provisions to justify its crackdown against human rights defenders (HRDs), bloggers, lawyers, trade unionists,

land rights activists, political dissidents, environmental campaigners, or members of non-registered religious communities, who have exercised their constitutionally and internationally protected rights to promote and protect the rights of others.

According to the NOW! Campaign analysis, a coalition of 15 human rights organisations calling upon the government of Vietnam to immediately and unconditionally release all prisoners of conscience, articles 109, 116 and 117 (former articles 79, 87 and 88 of the 1999 Penal Code) are the most notorious provisions of Vietnam's criminal law use to suppress dissidents.

Of the 135 cases of prisoners of conscience that was analysed, 62 individuals had been charged or sentenced under article 109 "*Plotting to overthrow the government*", and article 117 "*Conducting propaganda against the Social Republic of Vietnam*" (former articles 79 and 88).³ All of these cases involved ethnic Kinh, with the exception of three men convicted, for whom there is no information as to ethnicity. While no ethnic minority prisoners of conscience were charged or convicted under these two articles, 38 of them fall under article 116, another national security charge which criminalises "Sabotaging implementation of solidarity policies" in the 2015 Penal Code (or "infringing the unity policy [of Vietnam]" as defined in the 1999 Penal Code).

Those convicted under article 109, 43 individuals, are serving an average prison sentence of 13 years followed by 4.5 years under house arrest; those convicted under article 116, 38 persons, are serving an average of 9 years in prison and 1 years of house arrest; and those convicted under article 117, 7 individuals, are serving an average of just over six years in prison followed by slightly under three years house arrest.

Two other charges falling under Chapter XI, article 89 of the 1999 Penal Code, "disrupting security" and article 91 of the 1999 Penal Code, "fleeing abroad or defecting to stay overseas with a view to opposing the people's administration", were used in three cases.

Finally, charges that are contained in other chapters of the 1999 Penal Code which have been used include article 245, "Causing public disorder"; article 247, "Performing superstitious practices"; article 257, "Resisting persons in the performance of their official duties"; and article 258, "Abusing democratic freedoms to infringe upon the interests of the State", have been used to suppress freedom of opinion and expression.

On May 15, 2017, Hoang Duc Binh, a blogger who has covered news on the Formosa environmental disaster in the central coastal provinces of Vietnam, was apprehended and forced into a car. According to the arrest order of Nghe An province's authorities, Mr Binh faced charges of "resisting persons in the performance of their official duties" under article 257 of the 1999 Penal code, and "Abusing democratic freedoms to infringe upon the interests of the State", the legitimate rights and interests of organisations and/or citizens under article 258 of the 1999 Penal Code. He was tried on February 6, 2018 for "resisting persons in the performance of their official duties" under article 330 of the 2015 Penal Code (former art. 257), and "Abusing democratic freedoms to infringe upon the

³ Over the 135 prisoners of conscience that the NOW! Campaign has detailed information on, 103 prisoners of conscience were serving a total of 955 years and one month in prison, to be followed by 204 years under house arrest. See, <https://www.vietnampocs.com/analysis>.

interests of the State" under article 331 of the 2015 Criminal Code (former art. 258). He received a 14 years sentence: 7 years for each of the two charges⁴.

According to art. 173 of the 2015 Criminal Procedure Code, *the time limit for temporary detention of suspects for investigation shall not exceed 02 months for misdemeanours, 03 months for felonies and 04 months for horrific and extremely severe felonies* (art. 173, 1). Detention of offenders of extremely severe felonies may be extended twice, for 04 more months each time (art. 173, 2, d); and *"if no grounds for termination of detention exist in a special case of extremely severe felony of national security breach, the head of the Supreme People's Procuracy shall decide to maintain detention until the investigation closes"* (art. 173, 5).

Luu Van Vinh, a pro-democracy activist, was arrested on November 6 2016. He was charged under article 79 of the 1999 Penal code, "carrying out activities aimed at overthrowing the people's administration". In its letter dated August 18, 2017 sent to his wife Le Thi Thap, the People's Procuracy in Ho Chi Minh City said the investigation period will be extended for a second time from July 4 to October 31, 2017. To this date, he is still held incommunicado, awaiting for his trial.

Nguyen Van Duc Do, arrested on November 6, 2016, and charged under article 79 of the 1999 Penal Code, has been investigated for his role in the newly-established Coalition of Self-determined Vietnamese People which strives to fight for multi-party democracy and human rights. He remains in pre-trial detention, awaiting for his trial.

Lawyer Nguyen Van Dai, a well-known peaceful campaigner for a multi-party democracy and the protection of human rights in Vietnam, founder of the Brotherhood for Democracy, was arrested on December 16, 2015 and charged with "conducting anti-state propaganda" under article 88 of the 1999 Penal Code. More recently, he was charged with subversion under article 79 of the 1999 Penal Code. He was tried on April 5, 2018 by the People's Court of Hanoi, more than 2 years after his arrest, along with Le The Ha, Pham Van Troi, Nguyen Trung Ton, Nguyen Bac Truyen, and Truong Minh Duc; other members and former member of the Brotherhood for democracy. He received a long sentence of 15 years in prison and 5 years of house arrest⁵.

We can only conclude that the vague definition of the national security offences permits a wide range of restriction on fundamental rights as defined in article 2 of the Covenant. These restrictions appear to be incompatible with the Covenant, in particular art. 19, freedom of opinion and expression, and arts. 9 and 10, liberty and security of the person and treatment of detainees.

⁴ Many critics of government policies, citizen journalists covering scandals involving high-ranking government officials or CVP leaders, and reporters working for state-run publications have also been charged under article 331 of the 2015 Penal Code.

⁵ On 10 April, another member of the Brotherhood for Democracy, Nguyen Van Tuc, was sentenced to 13 years of prison and five years under house arrest on the same charges of Article 79 of the penal code. See also News Release: [Viet Nam: UN experts call for change after jailing of rights defenders](#)

PROHIBITION/PREVENTION OF TORTURE AND CRUEL, INHUMAN OR DEGRADING TREATMENT OF PRISONERS AND OTHER DETAINEES (ARTS. 7 AND 10)

In Vietnam, the People's Police and the Department of the Prison Management, institutions that fall under the control of the Ministry of Public Security (MPS), run the facilities where detainees and prisoners, while in custody, temporary pre-trial or after been convicted, experience torture and other cruel, inhuman and degrading treatments and punishments, including torture with electricity, severe beatings, prolonged solitary confinement sometimes in total darkness and silence, and denial of medical treatment⁶.

Article 20 of the 2013 Vietnamese Constitution, provides that "[e]veryone shall enjoy inviolability of the individual and the legal protection of his or her life, health, honour and dignity, and is protected against torture, violence, coercion, corporal punishment or any form of treatment harming his or her body and health"⁷.

Since ratifying the UN Convention Against Torture (UNCAT) in 2015, Vietnam seized the opportunity of amending the country Penal Code and Criminal Procedure Code in an attempt to comply with Vietnam's UNCAT obligations.

The Committee against Torture has consistently called on states parties to criminalize torture as a specific crime and to define that crime in accordance with article 1(1) of the UNCAT⁸. Article 2 of the UNCAT requires states parties, among other things, to take "*effective legislative, administrative, judicial or other measures to prevent acts of torture*". In this regard, the Committee against Torture has stated, in its authoritative General Comment on article 2, that "*States parties must make the offence of torture punishable as an offence under its criminal law, in accordance, at a minimum, with the elements of torture as defined in article 1 of the Convention, and the requirements of article 4*"⁹.

The 2015 Criminal Procedure Code, which came into force on 1 January 2018, does expressly provide in article 10 that "it is strictly prohibited to use torture, extortion, corporal punishment or any other forms of treatment that violate a person's body, life and health"¹⁰, which represent a substantive conformity of Vietnam's definition of torture with article 1(1) of the UNCAT.

⁶ Prisons within prisons, Torture and ill-treatment of prisoners of conscience in Viet Nam, Amnesty International, July 2016, Amnesty International Ltd, London, UK, 54p.

⁷ Constitution of the Socialist Republic of Viet Nam, as amended, adopted by the National Assembly on 28 November 2013, Article 20. An unofficial English translation of the amended constitution by International Democracy and Electoral Assistance (IDEA) is available at: http://www.constitutionnet.org/files/tranlation_of_vietnams_new_constitution_enuk_2.pdf. The current Constitution took effect on 1 January 2014.

⁸ See for instance, Committee against Torture, Concluding observations on the initial report of Thailand, UN Doc. CAT/C/THA/CO/1, 20 June 2014, para. 9(a); Andorra, UN Doc. A/69/44 (2013-14), para. 54(6); Belgium, *ibid.* para. 55(8); Burkina Faso, *ibid.* para. 56(8).

⁹ See for instance, Committee against Torture, General Comment No. 2: Implementation of article 2 by States parties. UN Doc. CAT/C/GC/2, 24 January 2008, para. 8.

¹⁰ Criminal Procedure Code of Socialist Republic of Viet Nam, National Assembly, 101/2015, QH13, 27 November 2015, available in Vietnamese at <http://thuvienphapluat.vn/van-ban/Trach-nhiem-hinh-su/Bo-luat-to-tung-hinh-su-2015-296884.aspx>.

Yet, the 2015 Penal Code, which came into force on 1 January 2018, do not adhere, *strictly census*, to Vietnam's UNCAT obligations under article 4. The use of force, torture or degrading treatment and punishment are vaguely defined and criminalised¹¹. In addition, article 137, former article 107, continues to permit the use of violence under circumstances in which infliction of bodily harm is authorised, thus contradicting each other:

Article 137, criminalise violence perpetrated by those acting in an official capacity, as follows:

*Any law enforcement officer in performance of his/her official duties who uses violence under **circumstances other than those in which infliction of bodily harm is permitted by law** or deliberately inflicts bodily harm upon another person and causes 31% - 60% physical disability shall face a penalty of up to 03 years' community sentence or 06 - 36 months' imprisonment.*¹²

There is no explanation of the term "*circumstances*" for which torture and ill-treatment practices are inside "*the scope permitted by law*" in the 2015 Criminal Procedure Code, or in the 2015 Penal Code.

Since Vietnam has signed the UNCAT in 2013, police brutality, including torture and lethal beatings in police custody, has not decreased. With millions of citizens connected to the internet, more cases have been reported throughout Vietnam. The victims include not only human rights defenders but also people arrested for other crimes¹³.

Pre-trial detainees and individuals held in police custody are particularly at risk of being abused because the incentives and opportunities for torture are most prevalent during the investigation stage of the criminal justice process. Detainees are entirely in the power of detaining authorities, who often perceive torture and other forms of ill-treatment as the easiest and fastest way to obtain information or extract a confession.

In the morning of May 2, 2017, Mr. Nguyen Huu Tan, a Hoa Hao Buddhist, was abducted by the Vietnamese police. That evening, about two hundred plainclothes and uniformed police escorted him home, surrounded the house, blocked off the streets, and conducted a house search that lasted several hours. He was accused of disseminating anti-State documents under Article 88 of the country's Penal Code. Even though the police did not find any evidence to substantiate their accusation, they read the Urgent Arrest Notice and took the victim away shortly after midnight. He was detained at the Temporary Detention Centre of Vinh Long Provincial Police Department. Less

¹¹ There are no explanation of the terms "*deceitful methods*", art. 373, 2)c), or "*employs illegal methods*", art. 374, 1), in the 2015 Penal Code.

¹² Criminal Code of Socialist Republic of Viet Nam, National Assembly, 100/2015,QH13, 27 November 2015, available in English at http://www.wipo.int/wipolex/en/text.jsp?file_id=446020.

¹³ See the well documented study of Vietnam: Torture and Abuse of Political and Religious prisoners by the Campaign to Abolish Torture in Vietnam: <http://www.stoptorture-vn.org/>; End Torture- VN page on Incidents of tortures in Vietnam: <http://endtorturevn.org/article.php?&L=en&M=3&type=0>. See also, "Report on Human Rights in Vietnam 2012", *Vietnam Human Rights Network*, 11 April, 2013; "Public Insecurity: Deaths in Custody and Police Brutality in Vietnam", *Human Rights Watch*, 16 September 2014, 96 p., available at https://www.hrw.org/sites/default/files/report_pdf/vietnam0617_web_2.pdf; and "No Country for human rights activists. Assaults on Bloggers and Democracy Campaigners in Vietnam", *Human Rights Watch*, June 2017, 65 p., available at https://www.hrw.org/sites/default/files/report_pdf/vietnam0617_web_2.pdf

than 10 hours later (May 3), the victim died with multiple fatal injuries: a cut on his throat that was almost from ear to ear; the gap of the cut was about 2 inches, his windpipe severed, his neck bone exposed. There was a bruise on the victim's forehead; his skull, left temple and the back of his head was mashed. Vinh Long police continued to intensify their threats against the victim's family. Security cameras were installed around the house to monitor the movements and activities of family members. Several police checkpoints were set up near the house and police came almost daily threatening to arrest all adult members of the family for conducting anti-state activities. The police pressured the victim's family to accept the police's conclusion that suicide was the cause of death and to end the quest for a thorough investigation into his death. The entire family was and still is extremely frightened and fearing for their lives. The victim's mother and two of the three surviving brothers had to flee home and are now living in hiding in their own country.

Amid progress and effort to narrow the definition of torture and ill treatment, and to criminalise the use of torture by a person acting in an official capacity, the 2015 Penal Code fail to prohibit torture and ill-treatment in all circumstances and without exception. Therefore, even though the Constitution broadly prohibits torture, in the absence of a criminal offence based on a conclusive definition of torture, as defined in UNCAT article 1(1), Vietnamese legal framework pertaining to torture and ill-torture is insufficient and falls short to the standards required by the UNCAT and articles 7 and 10 of the Covenant.

FREEDOM OF RELIGION AND CONSCIENCE (ART. 18) AND MINORITY RIGHTS (ART. 27)

The right to freedom of religion, is the right of individuals to act in accordance with conscientious beliefs, to worship (or not) freely, and to be able to enjoy life in society without discrimination on the basis of such beliefs. As a practical matter, the enjoyment of such primary religious freedom rights depends in critical ways on the legal structures available to religious communities to organise their affairs.

In November 2016, the National Assembly passed a new Law on Belief and Religion, its very first Law on Belief and Religion, which came into effect in January 2018. According to legal experts, the new law streamlines processes for religious groups to obtain recognition or certificates of registration for specific activities; significantly reduces the waiting period for a religious group to obtain recognition; and specifies the right of recognized religious the right to legal personality.¹⁴

However, the new Law on Religion and Beliefs reinforces government control over religious practices and maintains many current restrictions such as prescribing a multi-stage painstaking registration process, the first step on the long road of recognition, and includes the same vague provisions that permit restrictions on religious freedom in the interest of "national security" and "social unity". For some experts, the new Law on Religion and Belief is simply designed to "repress and control"¹⁵.

It is a matter of fact that Vietnamese who exercise their right to freedom of religion continued to be subject to harassment and detention, especially ethnic minorities at provincial and village levels.

¹⁴ <https://www.worldwatchmonitor.org/2016/12/vietnams-law-on-belief-and-religion-deeply-flawed/>

¹⁵ <https://www.worldwatchmonitor.org/2016/04/vietnams-religion-law-created-to-repress-control/>

The Vietnam Committee on Human Rights recently reported an incident that occurs on March 1, 2018, where 24 Christian Hmong people from Northern Vietnam : " *were attacked by a mob led by the village chief. Four of the victims had to be hospitalized after the attack, with injuries to their heads and arms. Prior to the attack, the local authorities had warned that the converts would be expelled from the village if they did not renounce their faith.* " ¹⁶

Vietnam-Coalition Against Torture (VN-CAT) has reported that a Hmong Protestant, Ma Seo Sung, was tortured to death at the Temporary Detention Centre in Buon Ma Thuot City, Dak Lak Province on May 5, 2017. The victim's family do not believe suicide was the cause of death, as informed by the local police. The rope mark on his neck was not close to his jaw bone and not running in an upward impression according to gravity law as usually seen in normal hanging cases. There were several bruises on the victim's neck, chest, thighs, and legs having the appearance of being caused by dull, hard objects or being struck by hands, feet or kicked/stomped on by boot. The victim's family is deeply convinced that the purpose of the arrest and torture was to prevent the Hmong people from moving outside the government-assigned resettlement area and practicing Christianity ¹⁷.

Finally, the harassment of Pastor Y Yich, an evangelical pastor from Ha Lut Hamlet in Gia Lai Province, since his first arrest on December 18, 2006 for "plotting against the government", speaks for itself. After serving 4 years in Xuan Phuoc prison, he was discharged on September 18, 2011 and put under probation for 3 years. He resumed proselytising to his Bahnar ethnic community in Vietnam Central Highlands, and was arrested for the second time on May 13, 2013.

He was sentenced to 12 years in prison under Articles 87, 46 and 49 of the 1999 Penal Code on September 27, 2013. As a result of being beaten and tortured in prison, his health has deteriorated. He has been denied medical treatment for high blood pressure, rheumatism, and stomach inflammation; and prison authorities have refused to deliver medicine to him which was brought to the facility by his family ¹⁸.

In Vietnam, certain religious practices continue to be repressed and discouraged. Leaders and followers of independent religious groups continue to be harassed and detained. The religious persecution of indigenous peoples, especially Montagnard and Hmong, remains

¹⁶ <http://queme.org/en/hmong-christians-assaulted-vietnam-repression-continues-new-law-belief-religion/?v=5b79c40fa7c2>

¹⁷ According to the Incident Report submitted to the Special Rapporteur on Torture, on April 30, 2017, Ma Seo Sung took his nephew Giang A Lang by motorcycle to Ea So commune, Ea Kar district, Dak Lak province, to buy medication for treating some skin fungus disease. Out of suspicion that Ma Seo Sung and Giang A Lang were in search of new land for Christian Pastors, the police of Ea So commune stopped their motorcycle and accused them of cocaine use. They struck the two men in the face and their bodies then called the police from Ea Kar district and Dak Lak province to handle the case. On May 4 2017, Captain Nguyen Tien Dung of Dak Lak police called Ma Khay To (Ma Seo Sung's uncle) about the detention of Ma Seo Sung and Giang A Lang. They were held at the detention centre of Dak Lak provincial police. At noon on May 5, 2017, Captain Nguyen Tien Dung notified Ma Khay To that Ma Seo Sung had committed suicide by hanging himself in the detention centre. Giang A Lang was released later. He reported being beaten up under suspicion of searching for new land for Christian Pastors. See, End Torture- VN page on Incidents of tortures in Vietnam: <http://endtorturevn.org/article.php?&L=en&M=3&type=0>.

¹⁸ See the List of Vietnamese Prisoners of conscience, prisoner n°66, available at: https://docs.wixstatic.com/ugd/92ffe3_dc7ac9e3dfb24a7da83e2813b9a688be.pdf

highly concerning. The 2016 Law on Religion and Belief perpetuated and reinforced restrictions and controls with regard to religious freedom. In this respect, the State of Vietnam does not meet the requirement of article 18 of the Covenant, nor article 27 on the treatment of the indigenous communities and their right to enjoy their religion.

CONCLUSION AND SUGGESTED RECOMMENDATIONS

Vietnam legal framework has yet to comply with the Covenant, nor with any UN treaties and bodies that Vietnam is a party. The "national security" provisions in the law and constitution, has yet to be clearly defined. The definition remains broad, vague and unclear, permissive of government restrictions on citizens' political rights and abuses, increasing limitation of freedom of speech than safeguarding civil and political rights of all persons.

It continues to authorise security officials to detained individuals for an unlimited period of time without trial, and keep them under house arrest for years on grounds of national security. Peaceful political dissents, human rights defenders or practitioner of unregistered religious congregations continue to serve long sentences for simply exercising their right to freedom of expression, peaceful assembly and/or association.

Detainees and prisoners, while in custody, temporary pre-trial or after been convicted, continue to experience torture and other cruel, inhuman and degrading treatments and punishments, including torture with electricity, severe beatings, prolonged solitary confinement sometimes in total darkness and silence, and denial of medical treatment.

Considering the information presented in this report, we respectfully present the following recommendations to assist the State of Vietnam to fulfil its obligations to respect and protect human rights in Vietnam. Vietnam should:

- Review domestic legislation to ensure full compliance with international human rights law;
- Repeal all legislation restricting the exercise of constitutionally and internationally recognised human rights, in particular revise the broad "national security" provisions in the amended Penal Code;
- End harassment, surveillance, physical violence, including at the judicial level, against human rights defenders, non-registered religious believers and ethnic minorities;
- Immediately and unconditionally release all human rights defenders, bloggers, journalist, religious and political dissidents detained for their peaceful expression of their political and other opinions or religious beliefs.