

Mr. Chairman and members of the Committee,

I would like to offer the following observations relating to: (1) Constitutional and legal framework; (2) Freedom of conscience and religious belief; (3) Freedom of expression.

Paragraph 1, relating to Constitutional and legal framework: Vietnam's translation of the ICCPR contains many glaring errors, which would inevitably affect compliance. Following are a number of examples.

In Article 4, "derogating from obligations" of the government was mistranslated as "taking measures to limit the rights" of citizens.

Throughout the translation, "public morals" was translated as "social morality" – a different meaning altogether that the government could use to justify arresting and imprisoning dissidents, say, on the ground of "national unity".

In Article 18, "belief" was translated as "spiritual belief", which is defined in Vietnam's law as "faith expressed through rites associated with traditional customs and habits in order to bring spiritual peacefulness to individuals and communities." This mis-translation severely restricts the original concept of belief in the ICCPR.

Also in Article 18, "freedom of conscience" was incorrectly translated as "freedom of spiritual belief".

We recommend that the government of Vietnam revises its translation and submits it for vetting by this Committee before official dissemination and amends all laws that have been affected by the mis-translation.

Paragraph 17, relating to freedom of conscience and religious belief: Vietnam's Law on Belief and Religion favors government-sanctioned churches over unregistered ones. As many government-sanctioned churches have served as the government's instrument to repress unrecognized religions, the new law essentially facilitates more violations of freedom of religion or belief.

As illustration, in 1997 the government created the Cao Dai Tay Ninh Sect pursuant to a directive of the Vietnamese Communist Party. With the support of the government, this new sect has occupied the Holy See of the Cao Dai Religion, violently seized hundreds of Cao Dai temples, and forced Cao Dai followers to submit themselves to the Cao Dai Tay Ninh Sect, which is tantamount to forced conversion of faith.

We recommend that the government of Vietnam either amends this law to fully comply with the ICCPR or rescinds it.

Paragraph 19, relating to freedom of expression: The new cybersecurity law, effective at the start of this year, severely restricts freedom of expression. Over the past two months and ten days, already five human rights advocates have been arrested for exercising their freedom of expression.

Among the current 248 prisoners of conscience that we have documented, more than 40 are imprisoned for having expressed views not acceptable to the government.

We recommend that the Government of Vietnam amends its Criminal Code, Criminal Procedures Code and Cybersecurity Law to remove all provisions that violate the ICCPR, such as "sabotaging socio-economic policies", "distorting history", "denying revolutionary achievements", "undermining national security", etc. These are all crimes punishable with imprisonment, in violation of the ICCPR. Thank you.