

# Country Updates on Human Rights and Democracy 2018

## Vietnam

**1. Overview of the human rights and democracy situation:** While overall conditions in the daily life of Vietnamese citizens have been improving, 2018 was not a positive year in the promotion and protection of human rights. Vietnam has been expanding its body of law and striving for international integration, however the space for civil society has been shrinking.

The new 2015 Criminal Code, which entered into force in January 2018, inter alia provides for the right to access to counsel at all stages of criminal proceedings, broaden eligibility for free legal counsel and introduce video and audio recording for interrogations of accused persons by investigation authorities on official premises. However these provisions are yet to be fully implemented. Moreover the Criminal Code sharpened sanctions under the National Security Chapter (XIII) whose vague wording provided opportune grounds for substantial restrictions in freedom of assembly and freedom of expression.

With the introduction of new legislation, such as the cybersecurity law approved in June 2018, freedom of expression online could be suppressed even further.

The 2016 Law on Belief and Religion entered into force in January 2018. While achieving progress in some areas, this law did not fully enable the right to exercise religious freedom. Moreover some religious groups suffer from cross-cutting forms of discrimination as well.

Concerning human rights activists, authorities in Vietnam continue to harass, intimidate, apply travel bans, physically attack, arbitrarily detain and imprison political and human rights defenders, journalists and bloggers for exercising their rights and fundamental freedom of expression, either online or offline. Human rights activists face harsh conditions in detention, including denial of access to medical care, legal counsel and family contact, transfer to remote prisons as well as lengthy sentences. Police brutality, including deaths in police custody, remains a serious concern.

**2. EU action - key focus areas:** The EU's priorities for 2018 continued to be on freedom of expression (online and offline), freedom of association and assembly, abolition of the death penalty, fight against trafficking in human beings, labour rights and ILO conventions. In addition to these, the EU also focussed on the implementation of UNCAT, freedom of religion and belief and various forms of (cross-sectorial) discrimination.

**3. EU bilateral political engagement:** Human rights featured prominently across bilateral discussions with Vietnamese authorities at all levels. The EU commented draft legislation and offered technical input.

The EU expressed serious concerns about the situation of human rights defenders and the negative trend of detentions, arrests and sentencing meant to restrict freedom of expression both online and offline. The EU repeatedly called the Vietnamese authorities to immediately release all bloggers and human right activists imprisoned for having peacefully expressed their views.

Moreover the EU regularly requested the possibility to observe the trials of human right defenders and insisted on access to legal aid, medical support and family visits for prisoners.

Finally the EU substantially advocated and provided technical assistance for the ratification of all core ILO Conventions and their implementation. The Government of Vietnam indicated its intention to ratify the remaining three core ILO Conventions and has been actively revising the labour code.

The Rules of Procedures for the implementation of the EU-Vietnam Partnership and Cooperation Agreement (PCA) were agreed between the two sides. They foresee the continuation of the Dialogue on Human Rights as well as cooperation on good governance, rule of law and human rights.

**4. EU financial engagement:** Projects under the European Instrument for Democracy and Human Rights (EIDHR) addressed issues including LGBTI, business and human rights and ethnic minority rights. Additional projects under the Non State Actors-Local Authorities thematic instrument aimed at broadening civil society's space and capacity in areas of health care, access to energy, labour, gender empowerment and education.

Finally, the EU and the relevant Vietnamese authorities prepared activities on the prevention of human trafficking.

**5. Multilateral context:** Vietnam published its International Covenant on Civil and Political Rights report in December 2017. The next review will take place in 2019.

UNCAT published its *Concluding observations on the initial report of Vietnam* in December 2018. While certain progress was acknowledged, UNCAT issued a series of recommendations, inter alia, on the definition and criminalisation of torture in national legislation, fundamental legal safeguards, pre-trial and administrative detention.

Vietnam had accepted the vast majority of recommendations made during the 2nd Universal Periodic Review (UPR) cycle and submitted its first implementation report in 2017. Throughout 2018, Vietnam has actively engaged with the UN in consultations about the UPR procedure. The next UPR review is expected in 2019.