



Submission No 24

**Inquiry into Australia's Human Rights Dialogues with China
and Vietnam**

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Office of the Central Committee



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Office of the Central Committee*

Committee Secretary
Joint Standing Committee on Foreign Affairs, Defence and Trade
Department of House of Representatives
PO Box 6021
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CANBERRA ACT 2600
AUSTRALIA

November 15, 2011

Dear Sirs/Madams,

The Democratic Party of Vietnam would like to contribute our views and opinions in support of Australia's Human Rights Dialogue with Vietnam. There are five main points being highlighted in the submission.

Please let us know if we may be of further assistance.

Sincerely,

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Enclosure: Submission from the DPV



**Submission from the Democratic Party of Vietnam in Support of
Australia's Human Rights Dialogue with Vietnam, November 2011**

Human rights in Vietnam have long been a matter of serious concern and a challenging issue. Although economic reform has bettered people's lives, fundamental human rights are not protected by the law. The Communist government continues to restrict and have total control over freedom of the press and freedom to assemble. Independent organizations and religious groups are forbidden by both local and central government. Dissidents and human rights activists continue to experience persecution and face charges for taking part in peaceful, democratic activities to promote human rights.

To strengthen its relationship with and to further engage in the international community, Vietnam must live up to its human rights commitment during the Australia-Vietnam Human Rights Dialogue, as well as its commitment during the United Nations Universal Periodic Review. The Democratic Party of Vietnam (DPV) has the following opinions in hope of contributing to the Human Rights Dialogue.

1. Vietnam should repeal all types of criminalization of dissent.

The root cause of all human rights violations lies within the Constitution, which never sought a national referendum. Article 4 of the 1992 Constitution eliminates the right to political freedom of over 95 percent of the Vietnamese population. This is a severe violation of human rights and unacceptable by international standards. Article 4 was solely a decision of the Communist Party of Vietnam (CPV) without people's consent or ratification. Article 4 paves the way for Articles 79 and 88 of the Criminal Code to silence criticism and crack down on dissenting political associations. Without a people's Constitution, the citizens' right to engage in political activities for a good cause continues to be extremely limited.

The DPV's view is that the Constitution represents a supreme law of a nation, and it provides the principles of a political system, specifies the fundamental rights of the people and sets the necessary foundation for other laws. Vietnam needs a proper constitution before any rule-of-law state or transparent government can be established. The DPV calls upon the government of Vietnam to release all political prisoners and dissidents as a prerequisite to establishing a rule-of-law state and a transparent government. It is not only essential for Vietnam to correct its laws in compliance with the international standards for human rights, but also necessary to make accommodations for its citizens and political organizations to take part in the civil society during the process of shaping the country.

2. Vietnam must unconditionally release all political and ethnic minority prisoners.

We suggest that Australia consider such release a precondition of the strategic partnership between the two countries.

The DPV is extremely concerned with the safety of the prisoner of conscience

completed the two-and-a-half year sentence, the authorities continue to detain . Although he has
legal procedures, denied all family visitations as well as legal aid. [1] without proper

We also would like to remind the Australian Human Rights Sub-Committee the high-profile cases of

and many other
political dissidents that had been given unfair prison sentences in the recent years. These trials had
seriously violated the basic human rights as well as the standards of a fair trial enshrined in the United



Nations Universal Declaration of Human Rights. These cases further showed that Vietnam's legal system has never been reformed to the extent that the Vietnamese government promised.

The DPV continues its call for the unconditional release of the above individuals. We suggest that Vietnamese authorities at the very least must review the conviction of the above individuals under a new, more transparent, non-partisan and fair judicial process open to independent observers from within and outside Vietnam. This action helps foster and consolidate trust between Vietnam and the international community, as it demonstrates by action the Vietnamese leadership's commitment to international law and to building a just society.

The DPV strongly supports the strategic partnership between Vietnam and Australia, but we hope the relationship benefits Vietnamese society as a whole, not just the ruling elite.

3. Australia, together with other international donors, has been actively assisting legal reforms in Vietnam. We suggest that legal reforms should bind strongly with structural reforms to produce the positive outcomes.

By structural reforms, we mean not only the capacity-enhancement assistance, or technical assistance, but also providing leverage and support for other progressive visions to thrive and become viable alternatives. Otherwise, law and regulations remain the tools of the ruling elite, not a limitation on their power or an empowerment of the civil society and marginalized social groups against abuse of power.

Without a strong legal profession to uphold the rule of law and keep politicians and entrepreneurs abiding by domestic law and international rules and practices, any law and legal reforms only serve the interest of the ruling elite and their cronies, and further aggravates social inequality and injustice.

4. Vietnam must respect the right to religious freedom of the Vietnamese, by respecting the autonomy of religious institutions.

Religious freedom in Vietnam has changed and relatively improved to some degree. However, religious freedom does not simply mean people attending Christian churches or Buddhist pagodas. The Communist government has been sanctioning religious institutions that remain under its close watch, thereby limiting autonomy of religious groups which allows them to perform spiritual activities independently. This is merely to mask and exclude other religious groups that are not sanctioned by the authorities. The 2010 International Religious Freedom Report by USCIRF reported that religious freedom in Vietnam still "remained a significant problem" and "called for continued improvements". Despite areas of progress, the DPV still identifies religious freedom in Vietnam is far from being complete. [2]

Recently, religious communities around the country and abroad are profoundly concerned with the arrest of nine young individuals that belong to the Congregatio Sanctissimi Redemptoris (CSsR, also known as Dong Chua Cuu The). These arrests once again underscored the efforts of the Communist government to silence independent religious groups that are active in promoting a civil society and religious freedom.

Furthermore, the Unified Buddhist Church of Vietnam (UBCV), Hoa Hao, Khmer Buddhists, Cao Dai, Montagnard Protestants are among the religious groups not recognized by the Communist government. Religious organizations that refuse to register and be monitored by the Communist government often face discrimination, intimidation, and continuous pressure by both local and central authorities.

The 2010 International Religious Freedom Report by USCIRF reported that "the government of Vietnam continues to control religious communities, severely restrict and penalize independent religious practice, and brutally repress individuals and groups viewed as challenging its authority." The report also



mentioned that religious freedom in Vietnam still “remained a significant problem” and “called for continued improvements”.

Despite areas of progress, the DPV still identifies religious freedom in Vietnam as far from being complete and free.

5. The Vietnamese government should respect the autonomous sphere of the civil society, instead of controlling or constraining it.

The civil society in Vietnam continues to grow, despite the Communist government’s efforts to restrict independent voices and coerce them to join Party-controlled mass organizations. Anti-China “Sunday” protesters, emerging independent trade union leaders, environmental activists, local protesters on land and environmental issues, artists, freelance journalists, and other political activists are the voices of our current and future civil society who deserve to be protected and encouraged. To date, there are many Vietnamese political parties and human rights groups actively advocating for social justice and civil society in Vietnam, but all are facing strong oppression from the Communist government.

We strongly believe that members of the civil society would have a positive impact on the human rights dialogues between the two countries. They also serve as a benchmark that measures progress in the improvement of human rights. The involvement of independent groups aside from the Communist Party-controlled organizations would create better transparency, accountability, and greater freedom in the protection of human rights in Vietnam.

Conclusion

Vietnam cannot be said to have a democratic government with rule-of-law while human rights are not respected, while the Constitution is mere legality imposed by the single political party, and while the courts, media, armed forces and other social organizations are functionaries of the ruling party. Vietnam cannot have fairness when elections have no value and are only a formality, when political parties other than the ruling party are repressed and persecuted, and when the patriots were and still are imprisoned or oppressed only because of their differing political views.

The DPV fully supports human rights based on international standards and endorses the Australian foreign policy in the Far East. The DPV wants to continue to work with the Communist government based on constructive and democratic principles for the country’s benefits and advancing political reforms. To further engage in the country’s development, the DPV has been seeking to re-open our offices in Vietnam. The DPV wants contribute its voice and action to build a robust civil society, and to promote political dialogues on good faith. The government of Vietnam should seek to have open dialogues and respond to emerging social concerns in order to strengthen the nation’s stability, social harmony and sustainable development.

References:

[2] Vietnam Chapter Annual Report, USCIRF. <http://www.uscirf.gov/reports-and-briefs/annual-report/3365-vietnam-chapters.html>. Accessed on November 5, 2011.