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Ref: 412/VNM.2012

Geneva, 27 September 2012

Dear Special Rapporteurs,

With reference to your letter Ref. ALG/SO 214 (67-17) Assembly and Association (210-1) of 12.07.2012 regarding information on “harassment and intimidation of individuals participating or attempting to participate in peaceful protests across the country”, especially the cases of patriarchs Thich Quang Do, Thich Vien Dinh and Thich Thien Hanh, we would like to convey to you the followings:

1. Regrettably, most of the information sent to you and mentioned in the letter comes from unofficial sources. While being incorrect, groundless and misleading, it carries ill political motivations aimed to defaming Viet Nam.

2. In Viet Nam, the rights to freedom of expression, of opinion and freedom of peaceful assembly and association have been stipulated in and protected by the Constitution and laws. The implementation of these rights are suitable to the reality and daily life practices in Viet Nam, with compliance to regulations and practices in international documents on human rights, including the two most important texts of the Universal Declaration on Human Rights and the International Covenant on Civil and Political Rights.

We would also like to provide further information on the cases above:

+ *There was no de factor house arrest, intimidation or harassment with those individuals.* The interventions by the local authorities were deemed necessary, for the safety of the public and avoidance of further possible undesirable complication during demonstrations against the incursion of Chinese boats and their illegal maritime activities in the Eastern Sea of Viet Nam. In addition, such necessary interventions are meant to ensure legal observance and public order.

Mr. Frank La Rue

Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression.

Mr. Maina Kiai

Special Rapporteur on the rights to freedom of peaceful assembly and of association.

Mr. Heiner Bielefeldt

Special Rapporteur on freedom of religion or belief.

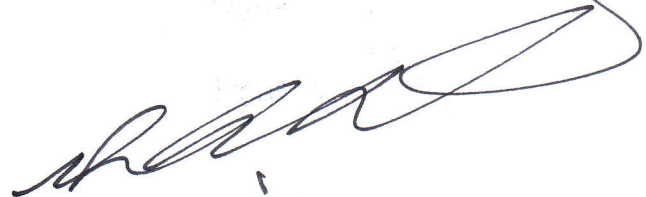
+ *Regarding your appeal that Government take all necessary steps to secure rights to freedom of opinion and expression*, we wish to reiterate that Viet Nam has the consistent policy of respecting and promoting human rights and fundamental freedoms, including the rights to freedom of opinion and expression, freedom of press and the freedom to information access. Fundamental legal documents of Viet Nam, such as the 1992 Constitution, 1999 Law on press, 2005 anti-corruption law and 2011 Laws on Complaints, Denunciations clearly stipulate the rights to media, freedom of expression in Viet Nam, and in compliance to international norms and practices. Along with other state institutions, the fast development of socio-political, civil and professional organizations in the past few years have contributed to building a more complete system for people to express their voice, will and desire in participating to management of the society.

+ *For taking necessary steps to ensure the rights of peaceful assembly and association*, we wish also to confirm that no restriction is placed on the exercise of the rights to peaceful assembly and association. The 1992 Constitution, the 1999 Penal Code, the 2005 Civil Code and related regulations of Viet Nam recognize, respect and guarantee these rights.

Currently, there is increasingly a large number of associations, organisations and clubs in all domains in the society. There exist 18 trade unions and 350 associations at national level with 6,026 unions and more than 2,500 associations at the local level. Such a large network of trade unions and associations, along with other organisations on industrial sector, have in part shown the efforts of Viet Nam to enable people's rights to freedom of association and assembly, including the rights to form and join the trade unions for the promotion and protection of people's interests. In addition, the draft of the Law on Associations is in progress. The draft has 8 chapters and 49 clauses with clear and detailed stipulation on establishment, status, organisation and operation of associations. For democracy and ensuring that the law reflects and serves the reality, daily life in Viet Nam, as well as in compliance to the international norms and practices, an inter-agency drafting body with the participation of related ministries and agencies has been created, under the coordination of the Ministry of Home Affairs. The draft is now open to public, in circulation for comments, including those from state and civil organisations.

We hope that the above information would help to further clarify the questions of your concerns.

Please accept the assurances of our highest consideration./.



THANH T. NGUYEN

Ambassador, Permanent Representative