

**Mandates of the Special Rapporteur on the situation of human rights defenders; the Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment and the Special Rapporteur on the rights to freedom of peaceful assembly and of association**

Ref.: AL VNM 4/2023  
(Please use this reference in your reply)

28 July 2023

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the situation of human rights defenders; Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment and Special Rapporteur on the rights to freedom of peaceful assembly and of association, pursuant to Human Rights Council resolutions 52/4, 46/7 and 50/17.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the **detention and criminal charge against environmental human rights defender Ms. Hoang Thi Minh Hong for alleged tax evasion.**

Ms. **Hoàng Thị Minh Hồng** is a woman environmental human rights defender in Viet Nam. She is the founder and director of the now dissolved environmental rights organisation CHANGE VN, based in Ho Chi Minh City. CHANGE VN's mission was to promote and encourage the care and preservation of the environment through education and innovative communications that change habits and inspire community action in Viet Nam. The organisation operated in Viet Nam between 2013 and 2022, during which it spearheaded more than 200 projects and campaigns related to the environment. Ms. Hoang Thi Minh Hong decided to close CHANGE VN in late 2022, partially due to the arrest of several environmental human rights defenders in 2021 and 2022.

Ms. Hoang Thi Minh Hong previously worked for the World Wildlife Fund (WWF) where she carried out many environmental and wildlife projects. In 2015, Climate Heroes listed Ms. Hoang as a hero for her tireless work to protect the environment, and in 2018 she received a grant from the first Obama Foundation Scholars Program at Columbia University. In 2019, she was listed among the 50 most influential Vietnamese women by Forbes Vietnam. In 2023, Ms. Hoang started a consultancy company on environmental issues called CHOICE.

Concerns regarding criminal charges brought against environmental human rights defenders in Viet Nam were raised in several previous communications sent to your Excellency's Government by special procedures mandate holders, including AL VNM 2/2022 sent on 18 February 2022, and AL VNM 3/2023 sent on 5 July 2023. We would like to thank your Excellency's Government for its responses to AL VNM 2/2022 dated 19 February 2022 and 20 March 2023, as well as its recent response to AL VNM 3/2023 dated 19 July 2023.

*According to the information received:*

*The case of Ms. Hoang Thi Minh Hong:*

On 31 May 2023, in the morning, Ms. Hoang Thi Minh Hong was detained by the police in Ho Chi Minh City on tax evasion charges. The arrest took place as she was parking her car outside a building where she was attending a work-related event.

At approximately 9 a.m., the police took her to her home where a search warrant was presented. The search, during which police officers confiscated some documents, lasted until 11 a.m. Then, Ms. Hoang Thi Minh Hong and her husband were taken to the offices of CHOICE, where another search was ongoing. There, the police seized documents and assets, such as laptops and mobile phones belonging to the staff.

At approximately 2 p.m., Ms. Hoang Thi Minh Hong, her husband and 15 employees of CHOICE were brought to the Police Department of Economic Crimes in Ho Chi Minh City, District 10. Ms. Hoang was separated from the others, who were questioned and released at 1 p.m. The police presented her with an arrest warrant on the charge of “tax evasion”. Police officials told her husband unofficially that the amount allegedly evaded was VND 3 billion (USD 127,000). Ms. Hoang was kept in temporary detention overnight.

On 1 June 2023, Ms. Hoang’s husband and CHOICE’s staff members returned to the police station for further questioning. They were released in the afternoon.

On 3 June 2023, Ms. Hoang’s husband paid VND 200,000.00 out of the VND 3 billion allegedly evaded.

On 5 June 2023, a new arrest warrant was issued against Ms. Hoang Thi Minh Hong.

On 14 June 2023, Ms. Hong was transferred from Chí Hòa prison in Ho Chi Minh City to T30 prison, a bigger detention center located two hours away from Ho Chi Minh City.

On 20 June 2023, the Investigation Police Agency of the Ho Chi Minh City Police Department issued an indictment to prosecute Ms. Hoang Thi Minh Hong for the crime of “tax evasion”, under article 200 of the 2015 Criminal Code of Viet Nam. According to the indictment, the investigation process determined that Ms. Hoang Thi Minh Hong had evaded taxes in the amount of VND 5.2 billion (approximately USD 212,000). The indictment also alleges that Ms. Hoang has admitted to the crime.

Without prejudging the accuracy of the information, we wish to express serious concern regarding the detention of Ms. Hoang Thi Minh Hong in connection with the exercise of her rights to freedom of peaceful assembly and association, and freedom of expression and opinion, in performing peaceful and legitimate human rights and environmental rights activities. We are particularly concerned that the

charge of tax evasion appears to be politically motivated and targeting Ms. Hoang's legitimate work on environmental protection. We further take note that the criminal prosecution of Ms. Hoang is not taking place in isolation, but is part of a wider crackdown on environmental rights defenders and against civic space in Viet Nam.

In connection with the above alleged facts and concerns, please refer to the **Annex on Reference to international human rights law** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters:

1. Please provide any additional information and/or comment(s) you may have on the above-mentioned allegations.
2. Please provide information concerning the legal grounds for the arrest and detention of Ms. Hoang Thi Minh Hong, and how these measures are compatible with international norms and standards as stated, inter alia, in the UDHR and the ICCPR. Please provide information on whether Ms. Hoang has access to family members, legal counsel, and medical personnel should she require it. Please also provide detailed information about the factual grounds that have justified the charge brought against Ms. Hoang.
3. Please indicate what steps have been taken and measures put in place by your Excellency's Government to ensure that non-governmental organisations, civil society organisations and all human rights defenders in Viet Nam can carry out their peaceful work free from fear of threat, violence, harassment, or retaliation of any sort. If no specific measures in this regard have been put in place, please indicate a means by which we may engage with your Excellency's Government on the development of such measures.

We would appreciate receiving a response within 60 days. Past this delay, this communication and any response received from your Excellency's Government will be made public via the communications reporting [website](#). They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person(s) responsible for the alleged violations.

Please accept, Excellency, the assurances of our highest consideration.

Mary Lawlor  
Special Rapporteur on the situation of human rights defenders

David R. Boyd  
Special Rapporteur on the issue of human rights obligations relating to the enjoyment  
of a safe, clean, healthy and sustainable environment

Clement Nyaletsossi Voule  
Special Rapporteur on the rights to freedom of peaceful assembly and of association

## **Annex**

### **Reference to international human rights law**

In connection with above alleged facts and concerns, we would like to refer your Excellency's Government to the relevant international norms and standards that are applicable to the issues brought forth by the situation above.

We would like to draw your attention to articles 9, 14, 19 and 22 of the International Covenant on Civil and Political Rights (ICCPR), ratified by Viet Nam on 24 September 1982, which guarantee the rights to liberty and security of person, fair trial guarantees, including the presumption of innocence, freedom of opinion and expression and freedom of association. These rights are also guaranteed under articles 3,7,10,11,19 and 20 of the Universal Declaration of Human Rights (UDHR).

Furthermore, we bring to your attention the fundamental principles set forth in the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, also known as the UN Declaration on Human Rights Defenders. In particular, we would like to refer to articles 1 and 2 of the Declaration which state that everyone has the right to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels and that each State has a prime responsibility and duty to protect, promote and implement all human rights and fundamental freedoms.

In addition, we would like to bring to the attention of your Excellency's Government the following provisions of the UN Declaration on Human Rights Defenders:

- article 6 points b) and c), which provide for the right to freely publish, impart or disseminate information and knowledge on all human rights and fundamental freedoms, and to study, discuss and hold opinions on the observance of these rights;
- article 9, paragraph 1, which provides for the right to benefit from an effective remedy and to be protected in the event of the violation of those rights;
- article 12, paragraphs 2 and 3, which provides that the State shall take all necessary measures to ensure the protection of everyone against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the Declaration, and;
- article 13, point b) and c), which provides for the right to solicit, receive, and utilize resources for the purpose of peacefully promoting and protecting human rights and fundamental freedom.

In addition, we would like to remind your Excellency's Government of its obligation under the International Convention on the Elimination of Discrimination against Women (CEDAW) through its ratification on 17 February 1982. In particular,

we draw your attention to article 7, which provides that States shall take appropriate measures to eliminate discrimination against women in the political and public life of the country, including the right to participate in non-governmental organisations and associations concerned with the public and political life of the country.

As stressed by the Working Group on Discrimination against Women and girls in one of its thematic reports to the Human Rights Council (A/HRC/23/50), stigmatization, harassment and outright attacks are used to silence and discredit women who are outspoken as leaders, community workers, human rights defenders and politicians. Women defenders are often the target of gender-specific violence, such as verbal abuse based on their sex, sexual abuse or rape; they may experience intimidation, attacks, death threats and even murder. Violence against women defenders is sometimes condoned or perpetrated by State actors. The Working Group recommended to accelerate efforts to eliminate all forms of violence against women, including through a comprehensive legal framework to combat impunity, in order to fulfill women's human rights and to improve the enabling conditions for women's participation in political and public life.

In its report to the Human Rights Council on Women Deprived of liberty (A/HRC/41/33), the Working Group stresses that women human rights defenders, perceived as challenging traditional notions of family and gender roles in society, are increasingly at risk of facing criminalization and detention as a result of their legitimate public activism, and are likely to be targets of criminal persecution and imprisonment. It has recommended States to support women's engagement in public and political life, including the work of women human rights' defenders, and eliminate any laws or policy measures designed to criminalize the public roles of women.

We would also like to refer your Excellency's Government to the General Assembly Resolution 68/181, adopted on 18 December 2013, on the protection of women human rights defenders. Specifically, we would like to refer to articles 7, 9 and 10, whereby States are called upon to, respectively, publicly, acknowledge the important role played by women human rights defenders, take practical steps to prevent threats, harassment and violence against them and to combat impunity for such violations and abuses, and ensure that all legal provisions, administrative measures and policies affecting women human rights defenders are compatible with relevant provisions of international human rights law.

We would also like to refer to Human Rights Council resolution 22/6, which calls upon States to ensure "(a) that reporting requirements placed on individuals, groups and organs of society do not inhibit functional autonomy"; and (b) "that they do not discriminatorily impose restrictions on potential sources of funding aimed at supporting the work of human rights defenders in accordance with the Declaration (...), other than those ordinarily laid down for any other activity unrelated to human rights within the country to ensure transparency and accountability, and that no law should criminalize or delegitimize activities in defence of human rights on account of the origin of funding thereto" (ops 8 and 9).

We recall in this context that the Human Rights Council and the United Nations General Assembly recognized the right to a clean, healthy and sustainable environment with the adoption of resolutions A/HRC/Res/48/13 and A/Res/76/300. The Framework Principles on Human Rights and the Environment, presented to the

Human Rights Council in March 2018 (A/HRC/37/59) set out basic obligations of States under human rights law as they relate to the enjoyment of a safe, clean, healthy and sustainable environment. Principle 4 provides, specifically, that “States should provide a safe and enabling environment in which individuals, groups and organs of society that work on human rights or environmental issues can operate free from threats, harassment, intimidation and violence.”

Finally, we bring to your attention the 2019 Concluding Observations by the Human Rights Committee concerning Viet Nam, in which the Committee expressed its concerns “at reports that persons, particularly human rights defenders, activists, and religious leaders, may face arbitrary arrests, detention, and incommunicado detention without charges. It is concerned of the excessive use of pre-trial detention in the absence of legal guarantees, such as appearance before a judge; access to a lawyer from the time of arrest; and the right to inform family members.” (CCPR/C/VNM/CO/3 para. 25).