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**EVIDENCE**

**Tuesday, April 21, 2015**

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**Chair**

**Mr. Scott Reid**



## Subcommittee on International Human Rights of the Standing Committee on Foreign Affairs and International Development

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•(1305)

[*Translation*]

**The Chair (Mr. Scott Reid (Lanark—Frontenac—Lennox and Addington, CPC)):** Dear colleagues, welcome to the 64<sup>th</sup> meeting of the Subcommittee on International Human Rights of the Standing Committee on Foreign Affairs and International Development. Today is April 21, 2015.

[*English*]

We are televised today. Today we are continuing—maybe “continuing our study” is the wrong way of putting it. We have had another hearing into the human rights situation in Vietnam. That was unfortunately a meeting that suffered from some technical difficulties with the audiovisual connections. It was most unfortunate.

Today we have a second meeting, and with us today is Diem Do, who is the chairman of Viet Tan. Welcome to our subcommittee, we're very glad to have you here. I'll invite you to begin your testimony. Once you've completed your testimony, we will then turn to the members of the subcommittee to ask you questions. The length of each round of questions and answers will be determined by how much time we have left.

I'm going to ask the members of the subcommittee that if any of them have to leave early because of the fact that they have to go to a different building to please let me know. We may adjust the order in which the questions are being asked and answered in order to allow ourselves a full amount of time, while still making sure that everybody who has a question to ask gets the opportunity to do so.

With that being said, Mr. Do, I turn the floor over to you, please.

**Mr. Diem Do (Chairman, Viet Tan):** Thank you.

Good afternoon, Mr. Chairman, distinguished members of Parliament, and ladies and gentlemen.

First, I would like to thank the Subcommittee on International Human Rights for holding this meeting and for giving me the opportunity to speak about the human rights situation in Vietnam.

At the end of the Vietnam War in 1975, Canada graciously received many Vietnamese refugees and provided them with a new home. For this kindness and generosity, we would like to express our deepest gratitude to all of you.

April 30 will mark the 40th anniversary of the end of the Vietnam War. We must examine how 40 years of Communist rule has affected

the people of Vietnam. As of 1975, the Communist Party of Vietnam established one of the most repressive and corrupt regimes in our history. Immediately after taking control of South Vietnam, the Communist Party sent hundreds of thousands of people into prison camps, where thousands died from torture, starvation, disease, and exhaustion from extreme labour.

From 1975 and well into the 1990s, their reign of terror drove many people into a mass exodus from Vietnam. Of those who tried to escape by boat, many perished at sea or fell victim to pirates, including hundreds of women and young girls who were raped or kidnapped. But perhaps the most glaring aspect of their 40-year rule is their abysmal human rights record.

For today's meeting I would like to offer my presentation on five key areas.

The first is freedom of expression and information. In Vietnam the state controls all print and broadcast media. Foreign news and television shows are censored before they reach the Vietnamese audience. The government silences critics through police intimidation, harassment, arrest, court convictions, and severe prison sentences. According to the Reporters Without Borders 2015 press freedom index, Vietnam ranked 175th out of 180 countries.

In September 2013 the government passed Decree 72, giving the state sweeping powers to restrict speech on Internet blogs and social media. In January 2014 they passed Decree 174, putting in place harsh penalties for social media and Internet users who voice anti-state “propaganda” or “reactionary ideologies”. The government also uses DDoS attacks to shut down opposition websites and spyware and malware to hack into activists' computers. According to Freedom House, they also employ thousands of “public opinion shapers” who spread favourable state propaganda on the Internet.

The top two recommendations for Vietnam from the UN universal periodic review in February of last year were, one, to create conditions favourable to the realization of freedom of opinion, expression, and association, and two, to ensure that freedom of expression was protected, both offline and online, to enable unrestricted access and use of the Internet and to allow bloggers, journalists, and other Internet users and NGOs to promote and protect human rights.

The second area is freedom of assembly and association. The Government of Vietnam bans all political parties, labour unions, and human rights organizations independent of the government or the Communist Party. The authorities require official approval for public gatherings and refuse to grant permission for meetings, marches, or protests they deem unacceptable.

In recent years, numerous protests have broken out over land confiscation by corrupt officials, over poor labour conditions and inadequate labour policy, and over territorial disputes with China. In response, state security forces regularly crack down on people participating in these protests, and many activists were either detained or sentenced to up to seven years in prison.

The third area is freedom of religion or belief. Although religious freedom is protected under the Vietnamese constitution, there are, however, many related decrees placing significant limitations on religious freedom. Most recently, Decree 92 was passed in January 2013, further extending the government's control on religious groups.

• (1310)

All religious groups in Vietnam are required to join a party-controlled organization called Vietnam Fatherland Front. Those who fail to do so are often arrested or harassed. Religious groups most often targeted by the government include the Cao Dai church, the Hoa Hao Buddhist church, independent Protestant house churches, the Catholic Redemptorists, and the Unified Buddhist Church of Vietnam.

Vietnam's current situation can be best captured in the report of the UN special rapporteur on freedom of religion or belief after his visit to Vietnam in July of last year. Mr. Heiner Bielefeldt wrote in his summary:

Whereas religious life and religious diversity are a reality in Viet Nam today, autonomy and activities of independent religious or belief communities, that is, unrecognized communities, remain restricted and unsafe, with the rights to freedom of religion or belief of such communities grossly violated in the face of constant surveillance, intimidation, harassment and persecution.

Area number four concerns political rights. Vietnam is a one-party state in which the Communist Party of Vietnam has a firm monopoly over political power. This monopoly is guaranteed in article 4 of the recently amended 2013 constitution, which states that the Communist Party of Vietnam is the sole force leading the state and society. As mentioned above, all opposition parties are banned and severely persecuted.

Members of Vietnam's National Assembly, which is the legislature, are elected in general elections; however, all candidates are vetted by the Communist Party-controlled Vietnam Fatherland Front. This earned Vietnam a Freedom House political rights score of seven in 2015, with one being the best and seven being the worst. As a result, the party controls all branches of the government. According to Freedom House, "Party membership is widely viewed as a means to business and societal connections, and corruption and nepotism among party members are a continuing problem."

In Transparency International's 2014 corruption perceptions index, Vietnam ranked 119 out of 175.

Despite many challenges, human rights defenders, democracy activists, intellectuals, and increasingly even some former high-ranking Communist officials, have openly called for political reform and better respect for human rights. Still, the government has responded with more arrests, harassment, and intimidation, a repression that many international organizations have labelled as the worst over the last 20 years.

The fifth and last area is the rule of law. Instead of the rule of law, the Vietnamese government has relied on the "rule by law" approach, applying sweeping national security provisions to suppress basic rights. To curtail freedom of speech, activists are charged with vaguely worded articles in the penal code, such as article 88, conducting propaganda against the state; article 79, subversion of the people's administration; and article 258, misuse of democratic freedoms to attack state interests and the legitimate rights and interests of organizations and/or citizens.

In addition, Vietnam's judiciary is under the control of the Communist Party, and in politically motivated cases, trials are often conducted hastily and routinely lack the impartiality required by international law.

Vietnamese law also authorizes administrative detention without trial, deeming peaceful dissidence as a threat to national security and placing many under house arrest. To avoid international criticism, authorities have sometimes applied non-political charges, such as tax evasion, to jail high-profile activists.

As an example, in the 2014 "Human Rights and Democracy" report, the United Kingdom's Foreign and Commonwealth Office classified Vietnam as a country of concern, with the following observation:

There is a lack of transparency and accountability throughout the legal system. We are concerned that the state uses the courts to punish dissidents by prosecuting them on unrelated matters. For example, in the case of Le Quoc Quan, whose sentence to 30 months in prison for tax evasion was upheld in February [2014], the UK assessed that he was imprisoned for voicing his opinions on religion, corruption and land reform, and that his trial was unfair.

• (1315)

In conclusion, to protect human rights and ultimately to support democracy in Vietnam, I would like to make the following four recommendations. The first is to call for the release of political prisoners. I urge that the Government of Canada join the UN 2014 universal periodic review in calling on the Vietnamese government to immediately release all political prisoners held and those held for peaceful expression or religious beliefs. It is estimated that there are currently hundreds of political prisoners in Vietnam.

The second recommendation is for outreach to civil society. The Canadian embassy in Vietnam should meet with and support independent grassroots organizations, especially those advocating for social reform, legal reform, and human rights. In addition, engaging with human rights defenders and the relatives of those in prison would be very helpful.

The third recommendation is to focus on legal reform. The Government of Canada can insist that the Government of Vietnam abolish articles 79, 88, and 258 of the penal code and administrative decrees 72, 92, and 174. Canadian embassy officials should request to attend political trials and insist that the Government of Vietnam respect the rights to assemble, to exercise free speech, and to form civic organizations.

The fourth and last recommendation is to integrate human rights into the overall bilateral relationship. The Government of Canada can incorporate legal reform and Internet freedom into the agenda for promoting higher education and trade with Vietnam, develop a road map linking human rights improvements with closer economic and security ties, and continue to raise human rights during all parliamentary and executive branch visits to Vietnam.

Ladies and gentlemen, for many years the international community, especially the Canadian government and people, have been supporting human rights in Vietnam, and we thank you for all you have done. We believe that a free and democratic Vietnam, where human rights are respected, is in the best interest of the Asia-Pacific region and beyond.

We ask for your support in bringing human rights and freedom to our country, so that Vietnam can become a reliable and strong partner for a safe and prosperous Southeast Asia.

Thank you again for having me here today.

**The Chair:** Thank you for your testimony.

Colleagues, because that was done in such a timely fashion, we have more time than we have had at some previous meetings for each round of questions. I think we can get away with seven-minute rounds of questions and answers.

We will start with Ms. Grewal.

**Mrs. Nina Grewal (Fleetwood—Port Kells, CPC):** Thank you, Chair.

Mr. Do, thank you very much for your testimony today and for very concrete recommendations to the subcommittee as to how we should proceed.

The Vietnamese government continues to be a violator in a broad area of human rights and is among the worst violators of religious freedom in the world. The international community must exert pressure on the Vietnamese government to cease these abuses against its own citizens.

I am particularly concerned about the trafficking of women, men, and children around the region. It is my understanding that women are sold as mail-order brides or surrogate mothers, men are often sold into indentured servitude, and the most vulnerable citizens, children, are exploited for the purposes of sex, labour, and forced begging or bonded labour.

Could you provide our committee with additional information about human trafficking?

**Mr. Diem Do:** Yes. It is a huge problem in Vietnam. Part of the reason is that a lot of these trafficking rings actually either sponsor or are under the protection of the police, as you may have guessed, this

being a very corrupt system. The police and local officials are very much involved in all of this trafficking activity.

As far as I know, the women who have been trafficked throughout Southeast Asia number into the hundreds of thousands. In the Taiwan, China, and Hong Kong area alone we are talking about approximately 70,000 to 85,000 women. I visited South Korea two years ago and met with some of these women who were trafficked and rescued. The estimate by the South Korean government is anywhere between 45,000 and 50,000 women trafficked from Vietnam into South Korea.

It is a huge problem. We've been trying to work with many international NGOs to address the issue. However, it's hard to deal with this problem because it originated in Vietnam, and as I said, at times under the protection of the police and local government officials. It is very hard to put an end to this problem because we don't have the cooperation of the Government of Vietnam, and it's very hard to deal with.

As far as children are concerned, I am not as familiar. However, I am very familiar with children trafficking to neighbouring countries, especially to Cambodia. I don't have a lot of information about children being trafficked elsewhere, but in Cambodia I do have quite a familiarity with the area. It has been estimated there are about 30,000 to 35,000 children from Vietnam currently residing in Cambodia and mostly being exploited as prostitutes.

I have met with a few of them. The youngest was six years old and the oldest was fourteen, mostly girls but a lot of boys too. It is truly heartbreaking to see that first-hand. I have worked with a couple of groups trying to get help to some of these kids, but then again, the problem originated in Vietnam. If we cannot get any cooperation from the Vietnamese government, then it becomes very difficult.

• (1320)

**Mrs. Nina Grewal:** I am also really troubled by the persecution of religious minorities across Vietnam, government seizure of lands, particularly those belonging to religious or other minority groups, the resale of lands belonging to churches and temples, and the infiltration of religious organizations by government agents. They demonstrate a contempt of religious freedom. People should be able to practice their beliefs without fear of punishment or persecution by government officials.

In terms of the religious persecution, is it all kinds of religions, or is it a particular religion that is singled out? As well, is it possible that religion is just a kind of excuse for political persecution? Could you please shed some light on that?

**Mr. Diem Do:** First of all, I have to say the Vietnamese government does not discriminate when it comes to persecution. They don't. They persecute equally across the board, whether you are Buddhist, Catholic, Mennonite, or Protestant. It doesn't matter. They prosecute these groups simply because if these groups do not agree to their control or do not subject themselves to their control, then that's trouble for these groups.

As I mentioned in my testimony, religious groups in Vietnam are required to join and be put under the control of the Vietnam Fatherland Front, which is basically a tool controlled by the Communist Party. If these groups refuse to join, refuse to obey their rule, then that's trouble and they prosecute these groups because of that.

Here is a case in point. Last night, I spoke to a Mennonite pastor in Vietnam. He showed me that he was roughed up by so-called thugs. When he filed a complaint with the police, the police did absolutely nothing. Whether these thugs were hired by the police or not.... It is a common occurrence in Vietnam that police actually hire thugs to do the dirty work for them, to harass people, and to beat up people. To sum up, there is prosecution because they want to control, and if you don't subject your group to their control, then they will not allow that.

• (1325)

**The Chair:** I'm afraid that's all the time we have, Mrs. Grewal.

We'll go now to Mr. Marston.

**Mr. Wayne Marston (Hamilton East—Stoney Creek, NDP):** Thank you, Mr. Chair.

Mr. Do, I want to commend you for the comprehensive testimony. You have condensed into a small area some significant issues for us to consider. Listening to you talk about the trafficking in children, being a grandfather with nine grandchildren, you can imagine for a moment where my imagination took me and the horribleness of this.

You spoke several times in your testimony about police corruption. One of the things I didn't hear in your testimony was how that police corruption connected to the national government or is there a space between them? When you have a national government that is supportive of those kinds of actions, it makes it very difficult because clearly they don't have a conscience at that point. Is there an opening there for us to address this issue through their national government?

**Mr. Diem Do:** Corruption is a national problem for our country. It is all the way to the top. It's not just a few bad apples in the security forces. It is a huge problem. It runs all the way to the top. It's common knowledge in Vietnam right now that all the top leaders are very corrupt: their families, their children, their wives, and their cronies. They build around themselves a circle of supporters who basically benefit from their position.

Thanks to the recent infighting within the top leadership, news and information has been leaked out about the extent of corruption by the president, by the party chief, and by the prime minister. They even document or showcase pictures of their lavish lifestyles for everybody to see. I think the problem is not at the local level; it's all the way to the top and all the way down.

**Mr. Wayne Marston:** Beyond your testimony, and the facts that you've given us in the brief you've left us, we would sit here as parliamentarians with the Canadian government thinking in terms of where Canada could best intervene. As you know, Canada is part of the Trans-Pacific Partnership negotiations that are going on right now, and so is Vietnam. I would say that neither party is the core of those negotiations because of who else is involved.

It strikes me that's a particular avenue of at least sidebarring and addressing some of these issues in highlighting the fact that we need to have, as part of any agreement, human rights and labour rights written into the agreement. We've expressed concerns over the last number of years that in the agreements Canada has entered into that hasn't happened. Do you have any particular measures you think should be reflected in that Trans-Pacific Partnership agreement when it comes forward?

**Mr. Diem Do:** I think you mentioned labour rights. I think the TPP would be a great venue to push forward issues about labour rights, issues about human rights where appropriate, and issues of legal reform. It's hard to do business with a country where the legal system is so corrupt and so convoluted, and up for interpretation in whichever way the government wants.

I think legal reform, labour rights, and human rights are the three key areas that would benefit greatly if we can use the TPP as a venue to push these forward.

**Mr. Wayne Marston:** The other area of concern is the drug detention centres. We have seen in some countries that the so-called war on drugs is used by totalitarian-type governments to persecute their own people, mistreat them, and kill them in many instances. Do you have any information regarding the treatment of detainees in these centres?

**Mr. Diem Do:** Generally speaking, treatment of detainees or prisoners in the Vietnamese prison system is very poor. I have done some work with a number of activists inside Vietnam who are trying to compile a report on prison conditions in Vietnam—not just for political prisoners but everybody—and how poor and how inhumane the prison system in Vietnam is right now.

I'm hoping that once we have that report compiled, perhaps as a follow-up we can share with the subcommittee the findings of that report. Generally speaking, prison conditions in Vietnam are very poor, especially for political prisoners or prisoners of conscience. They are frequently subjected to mistreatment, denial of immediate medical attention, and torture. The government even employs the tactic of putting these political prisoners in the same cell with HIV-infected people. That's the kind of treatment these prisoners of conscience are subjected to.

• (1330)

**Mr. Wayne Marston:** One of the areas that you implied, or were actually fairly direct on, is the corruption throughout the system. You alluded to judges. Would you say that 100% of judges are under the thumb of this government and do not have any latitude in their decision-making? For example, if they're repressing the media, if they're repressing bloggers, are they using the judges themselves as tools to do that or just the system in general?

**Mr. Diem Do:** Yes, judges are appointed by the government. They are under the government's control. I have yet to see any judge in Vietnam deviate from what they are told to do.

**Mr. Wayne Marston:** I was hoping for something a little better than that.

When you lose your judiciary in any country, the rule of law, then it's an open market for people who want to violate accepted laws, even though you may have a statute that limits what they're supposed to do and what the judges are supposed to enforce. I believe you said in your testimony that they kind of look which way the wind is blowing and match up their rulings relative to that, which then sets jurisprudence in place that can be used for further abuses later on.

**Mr. Diem Do:** I'll just, for thirty seconds, explain that in political trials in Vietnam, the sentences are already predetermined. The judge basically just reads the sentence that was handed to them. They really don't make any ruling. They don't. That's the reality.

**Mr. Wayne Marston:** Thank you.

**The Chair:** Thank you, Mr. Marston.

Mr. Hillyer.

**Mr. Jim Hillyer (Lethbridge, CPC):** Thank you for coming today. Is the Vietnamese government propped up by any other government, like China, or is it pretty much fully independent?

**Mr. Diem Do:** The Vietnamese Communists and the Chinese Communists are in a love-hate relationship. The Vietnamese Communists know that they need patronage from the Chinese Communist Party to stay alive. At the same time, they also know that the Vietnamese people resent that greatly. They try to walk a fine line, tiptoeing. To make a long story short, yes, they are under heavy influence from China; however, on the surface they would try their very best to put on a good face that no, they are not under the control of China.

**Mr. Jim Hillyer:** How much influence do they have on neighbouring countries? After the Vietnam War or around the time of the Vietnam War, it seemed that a lot of the countries in the area were falling under communist regimes and a lot of them were not independent of each other. How is that today? Are the surrounding countries influenced by Vietnam?

**Mr. Diem Do:** I would say that immediately after the end of the war, the Vietnamese Communist Party did enjoy much influence, if not control, for a long period of time over the two neighbouring countries of Laos and Cambodia. But by my assessment, Cambodia is slipping away from their control. Laos is still pretty much heavily influenced by the Vietnamese government. Why? I think part of the reason is because China has also been investing a lot in Cambodia, and I have noticed that the Chinese influence in Cambodia has been growing significantly. That could be part of the reason that it has been pulled away gradually from Vietnam. The Vietnamese presence in business and workers, the Vietnamese influence over the Cambodian society, I've noticed over the last five to 10 years, has dramatically declined, but not so much in Laos.

● (1335)

**Mr. Jim Hillyer:** While Cambodia's getting some independence, is it also becoming more free and more respectful of human rights?

**Mr. Diem Do:** I'm not sure how we would classify Mr. Hun Sen's government. At least at the ground level the people of Cambodia enjoy more freedom than the people of Vietnam. By all means, by traditional western democratic standards, I think the current Cambodian government doesn't really quite measure up. However, relatively speaking, if you compare the two societies, I am sad to say—happy for the Cambodian people and sad for the Vietnamese

people—that we do not have the same kind of leeway or flexibility as the Cambodian people are enjoying right now.

**Mr. Jim Hillyer:** The reason I'm asking about the neighbouring countries... You also talked about South Korea being a destination for a lot of the human trafficking. As difficult as it may be to address some of these issues in Vietnam itself, how much can be done through working with neighbouring countries?

**Mr. Diem Do:** The Taiwanese and South Korean governments have been very supportive. I do not, myself, work directly on these issues, but I have associates and I know groups who work on these issues. In my communication with them, they do enjoy quite a bit of support from the Taiwanese and South Korean governments on this issue. I have to say that.

For cases in China or Hong Kong, as you may have guessed, we really don't have much of an ability to penetrate into that particular area and to resolve the issues. We basically contain our activities in Taiwan and South Korea at this point.

**Mr. Jim Hillyer:** You gave us four recommendations for how we can respond or work with the Vietnamese government itself, but how much effort should we be putting on countries like Cambodia, or even China, to bear some influence on the Vietnamese government?

**Mr. Diem Do:** For example, in Cambodia, the issue of child trafficking would go a long way if the Government of Canada would address the issue through Cambodia, whether it's from Vietnam or any country. In my experience, I have seen the problem there.

The same thing goes for other countries. If we can lend a helping hand in dealing with this issue or assisting them in any way, that would probably be very much appreciated. But then again, as I said, the Taiwanese and South Korean governments have been very supportive. They are aware of the problem and you do sense that they want to help to deal with this.

**Mr. Jim Hillyer:** What about not just in regard to the trafficking but in regard to diplomatic pressure for human rights improvements in general?

Is it better to put all of our efforts into encouraging the Vietnamese government or should we also get other countries or surrounding countries on board with us?

**Mr. Diem Do:** My view is that we probably should be focusing our attention more on the Vietnamese government.

I was in Ottawa six months ago in November and I had a chance to meet with a number of members of Parliament to discuss the prospect for change in Vietnam.

I want to sidetrack for just one minute. This is the first time in a long time that we actually see a real chance for change coming to Vietnam. This is the window of opportunity. Exerting more human rights issues on the Vietnamese, human rights pressure on the Vietnamese government, will go a long way to bring about at least some changes and push the government further down the track of positive change.

**Mr. Jim Hillyer:** Why is the window now?

**Mr. Diem Do:** Because they are experiencing unprecedented problems and pressure, both externally and internally, compared to 20 years ago, 15 years ago, even 10 years ago. Their control over Vietnamese society is cracking.

The fact that they unleashed one of the worst crackdowns over the last 20 years is a sure sign that they are being cornered. They have to react. They have to retaliate. The encouraging thing is that despite it being the worst crackdown over the last 20 years, the number of activists right now in Vietnam is increasing. Compared to years ago, the number of people being involved is increasing. There are more protests than ever before. People are less afraid to speak out. People are pushing back.

Just a couple of weeks ago, we had a massive labour strike and walkout in Vietnam. Some 90,000 workers walked off the job for the first time ever. People are pushing back. We can clearly see that if you compare now, 2015, to 2005. It's clear that they're being pushed back and they are retreating.

● (1340)

**The Chair:** Thank you.

Professor Cotler.

**Hon. Irwin Cotler (Mount Royal, Lib.):** Thank you, Mr. Chairman.

I want to begin by commending our witness on the well-organized testimony regarding human rights violations in Vietnam and the specific recommendations that you've offered us. I also want to commend the excellent work of the Vietnam international coalition. I've had the pleasure of meeting with you and members of your group, and we've been the beneficiary of your work.

I'll also take this opportunity to express appreciation for the large number of members and supporters of the Vietnamese-Canadian community who are here today. To see this kind of engagement in the parliamentary system is really very encouraging.

Your testimony included expressed reference to what might be called the criminalization of fundamental freedoms in Vietnam: freedom of expression, assembly, association, religion, political advocacy, and the like—very much the fundamental freedoms in our Canadian Charter of Rights and Freedoms, I might add. There has been, I noted, an increasing arrest and prosecution and imprisonment of lawyers who have been acting, let's say, on behalf of human rights defenders in recent years.

I'll put my questions altogether and you can answer them either sequentially or together. Why is this happening? Is it the case that lawyers are in fact being singled out for their human rights advocacy? Can international advocacy by parliamentarians or otherwise help in terms of the plight of these human rights lawyers? Do you have any suggestions in that regard?

Also, given the fact that Vietnam is as you've described a one-party state, and given the corruption of the legal system, can these lawyers have any effect within Vietnam?

**Mr. Diem Do:** By my own experience and as far as I know, for a country of 90 million people we have a total of five practising human rights lawyers. These five are constantly harassed and intimidated by

the government. I'm afraid that if this keeps going on we'll soon have four, then three, then two, and then we'll get to zero.

I have had the opportunity to at least communicate with some of these five brave individuals in the past to see and understand how difficult life can be for them.

So why? It is because I think 10 or even five years ago there was no such thing as human rights lawyers in Vietnam. In recent years we have begun to see people who are willing to take on these cases because again we can see that over the last 10 years the control of the Vietnamese government over society is cracking. As more and more people are challenging the government, and as more and more people are being brought to trial, there is a need for some lawyers to speak out and to defend these people. It is because of that need we have begun to see people come out and take on these cases.

A few years back we had more than five, but now we've dropped down to five. The government knows that one of the ways to discourage people to take these cases to court and one of the ways to silence people is to put pressure on these human rights lawyers so that they will not take on these cases anymore, and these people will go to trial with no legal representation—none whatsoever.

● (1345)

**Hon. Irwin Cotler:** Are there specific ways in which we might be able to support those human rights lawyers and thereby protect them, if you will, against the oppression of the Communist Party?

**Mr. Diem Do:** Yes, there are a number of ways.

For those human rights lawyers who have had their licences stripped from them—and there are about three or four who I can name—we can put pressure to have their licence to practice put back in effect.

We can push the Vietnamese government on legal reform, for example, legal proceedings. Lawyers sometimes are given a day's notice of the trial. Sometimes it's only half a day's notice. You cannot prepare for a trial if you are only given a day or half a day. We can push them for legal reform in the sense that lawyers should be granted access to their clients while the clients are being detained. It's very common in Vietnam that these lawyers are denied access to their clients. So legal reform is the second way.

The first one is to make sure that these people get the protection they need, and for those who have had their licences taken away, these should be reinstated. Legal reform for change is the second approach.

**Hon. Irwin Cotler:** What about the judiciary? Is there any semblance of any independent judiciary in Vietnam?

**Mr. Diem Do:** I'm sad to say that I have yet to see any glimmers of hope. The judiciary system is completely under the control of the Communist Party. All judges are appointed. They are under the direction of the government.



As I mentioned, in the overwhelming majority of political cases all the sentences were already predetermined. The judge was just there to keep order in the court, basically. It's not uncommon to see in political trials that while a witness is standing there, trying to plead their case, the judge would be pouring tea, chit-chatting and drinking tea as if they don't care. They don't listen. It's captured on video. You can go on YouTube. You can see for yourself how at these political trials some judges are just chit-chatting and they don't even pay attention. I have yet to see any glimmers of hope.

**Hon. Irwin Cotler:** I have one last, quick question. Has your organization met with or made any representations, for example, to the International Bar Association, which could be a kind of advocacy group on behalf of the human rights lawyers in Vietnam?

**Mr. Diem Do:** Yes, we are currently working with the International Bar Association. We work with the Media Legal Defence Initiative. We work with Lawyers Without Borders. We work with those groups. We try to have these human rights lawyers, the very precious few, brought out for legal training so that they can hone their skills. Those are the kinds of things we have been trying to do, and we will still continue to do it.

**Hon. Irwin Cotler:** Thank you.

**The Chair:** Thank you, Professor Cotler.

We're going back to the government side, to Mr. Sweet now.

**Mr. David Sweet (Ancaster—Dundas—Flamborough—Westdale, CPC):** Thank you very much, Mr. Chair. I just want to mention three quick things. One, we have quite a high-profile gentleman named Thanh Campbell, who is one of those who came over from Vietnam in a boat years ago and has written a book. He's making very public the plight of the Vietnamese today.

Also, we have a champion in Hamilton, the Reverend John Smith, who was working with, and really leading, the group that brought many of the Vietnamese here when they were evacuating Vietnam, and they are now living here with very successful lives.

I just want to echo the comments of my colleague Professor Cotler. I'm very impressed. I think this is probably the largest diaspora that we've seen at a committee meeting. It represents the dedication that you have for your brothers and sisters back home to bring a greater level of independence and freedom for them. Commendations to you.

You had mentioned to my colleague about the patronage that the government wants to get from China, but you've also talked about the corruption that's endemic in this Community Party. Do you sense, along with the other movement you've talking about, some kind of crackdown from the Chinese? They're going through their own purge in Beijing from the fact that they understand how difficult it is to try to retain power if the people see that there's open corruption. Do you sense any positive movement in that regard?

• (1350)

**Mr. Diem Do:** The Vietnamese government has tried numerous times over the last 10 to 15 years. They launched one anti-corruption campaign after another, but pretty quickly people realized that these were just gimmicks, because one campaign after another has not produced any concrete results. The problems keep getting worse and worse. Again, there's no positive development yet.

The government's still talking about anti-corruption, and believe me, they will have one more campaign. I'm not surprised. Whether or not it's going to get anything done or not is a different matter.

**Mr. David Sweet:** In their case it's just window dressing, but no serious movement by any of the players who have been fomenting the corruption.

**Mr. Diem Do:** Exactly.

**Mr. David Sweet:** The last number I've been able to see is that around 200 political prisoners are behind bars in Vietnam. Do you have an exact number? Is your group able to document the names of the individuals who are in prison? Do you document that?

**Mr. Diem Do:** Yes. We can supplement the subcommittee with the list we have of prisoners. You're right, most international organizations put the numbers at around 200. I believe Human Rights Watch and Freedom House both put the numbers in Vietnam at about 200.

The problem is that the real number is going to be higher. As I mentioned, there's administrative detention, a lot of people are being held without trials. There's been no formal court conviction, yet they are being held. The real number is going to be higher, but we will do our best to supplement the subcommittee with the list that we have.

**Mr. David Sweet:** Is there any access to these prisoners by NGOs, the Red Cross, Amnesty International, to report how they are?

**Mr. Diem Do:** It's really hit or miss. Human Rights Watch and Amnesty International tried to access some of these people.

**Mr. David Sweet:** How recently?

**Mr. Diem Do:** Maybe a year ago.

Embassies in Hanoi tried to do so as well. The German embassy, the American embassy, the Swedes have tried very hard to access these people over the years as well. So it's not just NGOs; some embassies have done their part.

**Mr. David Sweet:** Okay. I'll come back to that in a second. Is there still a large migration out of Vietnam or is the Communist Party preventing that as well?

**Mr. Diem Do:** People are still trickling out. I was in Australia last month and right now in Australia, if I'm not mistaken, more than a thousand Vietnam refugees are waiting for asylum.

**Mr. David Sweet:** Are they being processed by the UNHCR?

**Mr. Diem Do:** I believe so. In Thailand there are hundreds, if not close to a thousand Vietnam refugees seeking political asylum.

Yes, people are still trying to leave Vietnam, not on as large a scale as during the 1980s and 1990s, but there are still people trying to leave Vietnam today.

**Mr. David Sweet:** In Thailand they would be intermingled with Burmese as well, and others.

**Mr. Diem Do:** Right, but they are being handled by the UNHCR.

**Mr. David Sweet:** Yes.

Thank you very much.

**Mr. Diem Do:** Thank you.

**The Chair:** We turn now to Mr. Benskin, please.

**Mr. Tyrone Benskin (Jeanne-Le Ber, NDP):** Thank you.

I want to echo the comments of my colleagues in welcoming you here and welcoming the significant contingent of the Vietnamese Canadian community here today.

I am going to follow up a bit on what my colleague Mr. Sweet had touched on, the NGOs. In previous testimony we heard, or correct me if I'm wrong, that the NGOs that have managed to exist in Vietnam were NGOs created by the government to show they're allowing accessibility on the ground. Is this correct, for a start?

**Mr. Diem Do:** I think one positive trend in Vietnam right now is the development of a nascent civil society. In recent years we began to see more and more grassroots organizations starting to spring up and operate inside Vietnam, and also NGOs from the outside coming in and establishing operations inside Vietnam.

However, the overwhelming majority of these groups are still working on issues that are non-threatening to the government. If they work on the environment, poverty reduction, literacy, HIV prevention, great, they are welcome to operate. But if they touch on issues like religious freedom, sensitive issues, that's where trouble begins.

• (1355)

**Mr. Tyrone Benskin:** Okay. So outside NGOs that are looking to help generate grassroots political action in terms of political reform don't have access, or are they beginning to have access or is the government too repressive so they cannot even get off the ground?

**Mr. Diem Do:** I want to use one example. I understand that the Swedish government and the Swedish NGOs have been pushing for legal reform in Vietnam for quite some time. There are projects and Swedish NGOs operating in Vietnam that are working on legal reforms, and the government will allow that to a certain extent. They can push, but there's a limit and if you cross that limit then that's trouble.

To sum up, I think the Government of Vietnam today is smart enough to know that they need to put on at least the best face. They will allow certain activities, as long those activities do not cross the line they draw. If you cross the line, then you have to close up shop and leave.

**Mr. Tyrone Benskin:** We're also hearing testimony on the human rights issues due to the political situation in North Korea, for example. One of the things that has been mentioned numerous times is getting information to the people. In North Korea, information is trickling in on thumb drives and things of this nature to the people. It's building that encouragement.

You've talked about the trade end of discussions in terms of attaching human rights issues to trade agreements, which we agree with 100%.

How do we get alternative information to the people? You mentioned that the government has clamped down on bloggers, Internet access, and that type of thing. How would we get information to the people for them to be able to use it?

**Mr. Diem Do:** The Internet.... In fact, part of the reason why the situation in Vietnam has been changing over the last 10 years is because of the proliferation of Internet use in Vietnam. Right now in

Vietnam, out of 90 million people, there are about 40 million Internet users, people who have access to the Internet. Twenty-five million people have a Facebook account. That's a very high number for a country like Vietnam.

The government did try, has been trying, and is still trying to exert control over the Internet. Back in 2009, they actually shut down Facebook for a few months. But then when the young people protested so much, they had to bring it back up again. So the Internet is still a powerful tool for us to get information into Vietnam. Of course, they put up firewalls and they try to put in different kinds of blocks, but if there's a block, people will find a way to circumvent it. People have been circumventing it. Because of the Internet, information has been getting out there. People have access to information through non-traditional channels.

In my testimony, I did make a recommendation about pushing forward to guarantee Internet freedom in Vietnam, to support Internet freedom in Vietnam. Pressuring the government into respecting the Internet for Vietnam would go a long way in helping to get information out.

**Mr. Tyrone Benskin:** As we've mentioned, the diaspora is represented quite strongly here. How can the kind of work that they are able to do in order to help bring about change and reform in Vietnam be supported? I guess an additional question to that would be: is there any threat to family members with people from the diaspora actively working to make reform in Vietnam?

• (1400)

**Mr. Diem Do:** Yes, people who are active over here would quite often find themselves being denied visas to enter Vietnam. There are numerous cases of people, even after getting a visa to enter Vietnam, getting stopped at the airport and getting sent back out right away, numerous times. I can cite you numerous cases of people who are active out here and go back for family visits. Maybe their mother or father passed away and they go back for the funeral. They get picked up by the police, questioned, held for a few days, and deported. It's very common. Vietnamese Canadians, Vietnamese Americans, and Vietnamese Germans all experience that. If you are vocal, if you are active, you will experience that kind of treatment from the Vietnamese government.

In many cases, their families in Vietnam also get into trouble and are questioned and harassed by the police. It's very common.

**Mr. Tyrone Benskin:** Thank you. That's a lot of information, and thank you very much for a very succinct but fulsome presentation.

**The Chair:** Thank you, Mr. Benskin.

Ms. Grewal signalled to me that she had an additional question. Is it acceptable to the committee for her to place that question?

**Some hon. members:** Agreed.

**The Chair:** Okay, go ahead, Ms. Grewal.

**Mrs. Nina Grewal:** Thank you, Chair. It's a very small question.

Is the Government of Vietnam sensitive to the kinds of actions we would take here in Canada with respect to human rights?

**Mr. Diem Do:** I'm sorry, could you repeat that?

**Mrs. Nina Grewal:** Is the Government of Vietnam sensitive to the actions we take here in Canada with respect to human rights?

**Mr. Diem Do:** I would say yes. The Vietnamese government is, generally speaking, very sensitive to international pressure. They recognize that they have a need to integrate with the world economically, and security-wise as well, so they are very much sensitive to this. If we keep pushing and exerting pressure wherever we can, whenever we can, I think it will definitely help.

It has been helping. Imagine if there were no pressure, none whatsoever. Things would be 10 times worse in Vietnam, if not 100 times worse. So yes, we need that very much.

**The Chair:** Thank you very much.

Mr. Do, you mentioned sending us an updated list of prisoners of conscience. If you could pass that on to our clerk, he'll make sure to

distribute it to all the members. Just to be clear about this, there is an open line of communication. You need not send only one list. If you find that you require further updates if information changes, you can send that along as well and it will continue to be distributed to all members.

**Mr. Diem Do:** Yes. Thank you.

**The Chair:** Thank you very much for coming today and thank you for bringing such a large representation from the diaspora community. We're very grateful that you could bring this important matter to the subcommittee's attention today.

**Mr. Diem Do:** Thank you very much for having me here today.

**The Chair:** Thank you.

Colleagues, we are adjourned.

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