**Questionnaire for International Organizations and Civil Society by the**

**UN Special Rapporteur on the situation of human rights defenders**

**Mary Lawlor, 9 February 2021**

The UN Special Rapporteur on the situation of human rights defenders, Ms. Mary
Lawlor invites you or your organization to respond to the questionnaire below. Submissions received will inform the thematic report of the Special Rapporteur on the issue of long term detention of human rights defenders, which will be presented to the UN General Assembly in October 2021.

The questionnaire on the report is available at OHCHR website in English (original
language) as well as in French, Spanish, Russian and Arabic (unofficial translations): (<https://www.ohchr.org/EN/Issues/SRHRDefenders/Pages/SRHRDefendersIndex.aspx>).

All submissions received will be published in the aforementioned website, unless you/your organization clearly indicated that you did not wish to have your input be made publicly available when submitting your response.

There is a word limit of 2500 words per questionnaire. Please submit the completed questionnaire to defenders@ohchr.org

Deadline for submissions: **19 March 2021**

**Contact Details**

Please provide your contact details in case we need to contact you in connection with this survey. Note that this is optional.

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| Type of Stakeholder (please select one) | [ ]  International or Inter-governmental Organisations [x]  Civil Society Groups or Organisations [ ]  Individual human rights defender[ ]  Academic/training or research institution[ ]  Other (please specify) |
| Name of Stakeholder/Organization (if applicable)Name of Survey Respondent | Boat People SOS (BPSOS) and Independent Journalists Association of Vietnam (IJAVN) |
| Email | Haiy.le@bpsos.org |
| Can we attribute responses to this questionnaire to you or your organization publicly\*? \*On OHCHR website, under the section of SR on human rights defenders. |  **Yes** Comments (if any): |

**Questions**

Human rights defenders are persons, who individually, or in association with others, work peacefully to promote and protect universally recognized human rights and fundamental
freedoms, in accordance with the UN Declaration on Human Rights Defenders.

Defenders around the world peacefully promoting and defending human rights operate under national legal frameworks not always fully consistent with the United Nations Charter and international human rights law. In some instances, as echoed in multiple Human Rights Council and General Assembly resolutions,[[1]](#footnote-1)[1] national legislation, in particular national
security and counter-terrorism laws, or regulations on civil society and public freedoms have been misused to target defenders in a manner contrary to international law, that might result in long-term arbitrary deprivation of liberty.

1. Do you know of any human rights defender(s) currently detained by States, who have been imprisoned on charges that carry a prison sentences of at least 10 years or more? Please provide a list of cases.

Yes. See attached list

1. Do you know of any human rights defender(s) currently detained by States, who have been imprisoned on continuous sentences amounting to 10 years or more?  For example, a defender who completes a sentence of four years in detention but instead of being released is given another six year sentence? Please provide a list of cases or examples if possible.

No.

1. Do you know of any human rights defender(s) whose time in pre-trial detention and/or administrative detention by States combines with a sentence that amounts, or would amount to 10 years or more? Please provide a list of cases.

Yes. See attached list

1. Do you know of any human rights defender(s) falling under any of the previous categories above, who were released before ending their long-term prison sentences for any reasons (e.g. granted a pardon, as a result of an appeal, or released on humanitarian or other grounds)? Please provide a list of cases.

Yes. See attached list

5) What actions do you suggest the Special Rapporteur can take to:

1. Prevent defenders from being detained for long terms in connection to their human rights work? and

Develop training materials on pre-emptive measures considering the government’s frequent use of certain provisions in Vietnam’s Penal Code to make false charges against human rights defenders. For example, to counter the government’s false charge of attempting to overthrow the people’s government, human right defenders may want to include in the charter of their organization a clause that explicitly rules out any violent means to overthrow the government. While such measure may not prevent arrest and imprisonment, at least it may serve as a basis for the victim and the international community to challenge the allegation.

1. Have those human rights defenders arbitrarily detained under long sentences released?

Coordinate the ongoing efforts of governments, parliamentarians, and international human rights organizations that “adopt” prisoners of conscience. For example, the recently formed International Religious Freedom or Belief Alliance (IRFBA), which has 32 government members and 5 government observers, has a rapid response initiative to address recent arrests. The US Tom Lantos Human Rights Commission and US Commission on International Religious Freedom both have programs on adoption of prisoners of conscience. Scores of prisoners of conscience have been released thanks to these programs. A number of German Parliamentarians have adopted prisoners of conscience. The UN Special Rapporteur may want to encourage other governments to replicate this model. The list of human rights defenders serving long-term imprisonment is a good starting point for such coordination.

The UN Special Rapporteur should take advantage of the resolution recently passed by the European Parliament (<https://www.europarl.europa.eu/doceo/document/RC-9-2021-0077_EN.html>), calling for the release of all Vietnamese prisoners of conscience, particularly three members of the Independent Journalists Association of Vietnam (IJAVN) who were sentenced to very heavy prison terms (11 – 15 years). This resolution ties their release to the EU-Vietnam Free Trade Agreement.

The UN Special Rapporteur should also take advantage of the fact that Vietnam is a non-permanent member of the UN Security Council and just announced its candidacy for the UN Human Rights Council.

**NOTE**: When providing the list of cases/examples under each question, please include: the name of the human rights defender(s), a summary of their human rights work, history of
detention (date of arrest(s), charges and conviction including articles of the relevant law(s)), a brief explanation of facts relevant to their case).

1. [1] See [A/HRC/RES 22/6](https://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/RES/22/6) (2013) and [A/RES/68/181(2014)](https://undocs.org/A/RES/68/181). See also: [A/HRC/RES/25/18 (2014),](https://undocs.org/A/HRC/RES/25/18) [A/HRC/RES/27/31 (2014),](https://undocs.org/A/HRC/RES/27/31) [A/HRC/RES/32/31](https://undocs.org/en/A/HRC/RES/32/31) (2016) and [A/HRC/RES/34/5 (2017)](https://undocs.org/en/A/HRC/RES/32/31)  [↑](#footnote-ref-1)