

**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.

Type of Stakeholder (please select one)	<input type="checkbox"/> International or Inter-governmental Organisations <input checked="" type="checkbox"/> Civil Society Groups or Organisations <input type="checkbox"/> Individual human rights defender <input type="checkbox"/> Academic/training or research institution <input type="checkbox"/> Other (please specify)
Name of Stakeholder/ Organization (if applicable) Name of Survey Respondent	Campaign to Abolish Torture in Vietnam (Sara Colm)
Email	scolm@aol.com
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 ✓ No Comments (if any): Please attribute questionnaire responses to the Campaign to Abolish Torture in Vietnam, and not to me personally.

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] 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, please see attached document \(Part A\)](#).

2) 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](#).

3) 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, please see attached document \(Part B\), starting on pg 8](#).

4) 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 Case 1 \(pg. 1\) of the attached document](#).

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

- a) Prevent defenders from being detained for long terms in connection to their human rights work? And

[In public and private communications with the Government of the Socialist Republic of Vietnam, urge them to:](#)

- [Allow all independent religious organizations to freely conduct religious activities and govern themselves. Churches, denominations and religious groups that do not choose to join one of the officially authorized religious organizations with government-sanctioned governing boards should be allowed to operate independently.](#)

^[1] See [A/HRC/RES 22/6](#) (2013) and [A/RES/68/181](#) (2014). See also: [A/HRC/RES/25/18](#) (2014), [A/HRC/RES/27/31](#) (2014), [A/HRC/RES/32/31](#) (2016) and [A/HRC/RES/34/5](#) (2017)

- End the practice of arbitrary arrests, detention and imprisonment of human rights defenders, peaceful dissidents and independent religious believers under laws that fail to conform to the ICCPR and other international standards.
 - Ensure that all domestic legislation addressing religious affairs and freedom of assembly, expression and association are brought into conformity with the ICCPR and amend or repeal domestic legislation that is used to criminalize peaceful expression of religion or belief such as Criminal Code Article 116, sabotaging the unity policy.
 - Enforce provisions in domestic legislation that prohibit forced renunciations of faith by government officials and establish specific penalties for those who carry out such practices.
 - Immediately and unconditionally release all persons arbitrarily detained, imprisoned or placed under house arrest for peaceful exercise of the rights to freedom of expression and religion and belief.
- b) Have those human rights defenders arbitrarily detained under long sentences released?
- Speak out publicly when the government of Vietnam fails to comply with international human rights standards regarding arbitrary arrest, detention, and torture of peaceful activists and the rights to freedom of expression, assembly, association, and religious belief.
 - Call forcefully, in public and in private, for the release of all prisoners of conscience in Vietnam. Include the names of Montagnard, Hmong, Khmer Krom, and other ethnic minority prisoners in lists of prisoners of concern.
 - Enlist other U.N. Special Rapporteurs in your efforts.

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).