

**Testimony Provided by Global Affairs Canada
Senate Committee on Human Rights
Human Rights Situation in Vietnam
June 22, 2016**

1. Further to a question posed by Senator Ataullahjan's on what Article 117 of Vietnam's Penal Code entails, the Department committed to provide additional information.

Article 117 replaces Article 88 in the revised Penal Code that was ratified by the National Assembly in November 2015.

2015 Penal Code (revised) (to come into effect <u>July 1, 2017</u> – see note below)	1999 Penal Code
<p><i>Article 117 - Producing, storing, spreading or propagandizing information, documents, materials against the Socialist Republic of Vietnam</i></p> <ol style="list-style-type: none"> 1. Those who commit one of the following acts against the Socialist Republic of Vietnam shall be sentenced to between five and twelve years of imprisonment: <ol style="list-style-type: none"> a) Producing, storing, spreading or propagandizing information, documents, materials with contents of distorting, defaming the people's administration; b) Producing, storing, spreading or propagandizing information, documents, materials with fabricated contents, causing confusion among people; c) Producing, storing, spreading or propagandizing information, documents, materials to cause psychological warfare 2. In case of extremely serious crimes, the offenders shall be sentenced to between ten and twenty years of imprisonment. 3. Those who prepare to commit this crime shall be sentenced to between one and five years of imprisonment. 	<p><i>Article 88 - Conducting propaganda against the Socialist Republic of Vietnam</i></p> <ol style="list-style-type: none"> 1. Those who commit one of the following acts against the Socialist Republic of Vietnam shall be sentenced to between three and twelve years of imprisonment: <ol style="list-style-type: none"> a) Propagating against, distorting and/or defaming the people's administration; b) Propagating psychological warfare and spreading fabricated news in order to foment confusion among people; c) Making, storing and/or circulating documents and/or cultural products with contents against the Socialist Republic of Vietnam. 2. In the case of committing less serious crimes, the offenders shall be sentenced to between ten and twenty years of imprisonment.

Resolution released by the National Assembly on June 29 (local time):

- Vietnam will not implement the newly-adopted Penal Code due to faults found in the law that was ratified by the National Assembly in November 2015 and was already released by the State President.

- Scheduled to take effect on July 1, 2016, the law has been found to contain close to 90 errors, which law experts and lawyers said could create many “practical problems” if implemented. Instead, the Resolution says it (the 2015 Penal Code) will take effect when all faults are fixed. The NA General Secretary explained that NA deputies were concerned that there would not be enough time to fix all faults in the next 6 months or so, thus the indefinite timeframe will give the NA more time.
 - Despite the delay, the Resolution allows to apply provisions in the 2015 Penal Code that are favorable for offenders.
 - As a consequence of the delay of the 2015 Penal Code, the implementation of the other three Laws, which were adopted in 2015, will also be delayed because of their relevance to the Penal Code, including the 2015 Criminal Procedure Code (revised), 2015 Law on the organization of criminal investigation agencies, and Law on the implementation of custody and temporary detention.
2. The Department undertook to confirm the amount of funding that Vietnam receives through the Canada Fund for Local Initiatives (CFLI) further to a question posed by Senator Ngo.

According to the most recent financial reporting for the department, CFLI spending worldwide in 2014-15 was \$14.01M, \$100K of which was disbursed in Vietnam.