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## **Vietnam: ICJ urges authorities to provide access to medical treatment in prison and protect the rights of detainees during COVID pandemic**

(*Bangkok, Thailand*) -- Today, the ICJ submitted an open letter to the Prime Minister, Deputy Prime Minister and acting Minister of Health, Minister of Public Security and Minister of Justice of Vietnam, expressing concerns about detainees whose physical integrity and well being are believed to be at risk because they have not been provided with adequate access to healthcare and medical treatment in prison.

The ICJ also called on the Vietnamese authorities to respect, protect and fulfill its obligations to ensure humane treatment and provide equal right of access to healthcare and health services to all prisoners and detained individuals, in their measures to combat the COVID-19 outbreak; and to release detainees particularly vulnerable to the COVID-19 crisis, including older detainees and those who are sick or suffering from pre-existing medical conditions.

In its letter, the ICJ raised concerns about the condition of 21 detainees who have allegedly not been provided adequate access to healthcare and medical treatment. The detainees are adherents of the *An Dan Dai Dao*, a Buddhist religious organization which has been the target of official persecution, raising concerns that their prosecution and their mistreatment in detention may be linked to their religious affiliation.

The ICJ urgently requested Vietnamese authorities to take immediate steps to:

- Ensure that the responsible authorities provide the detained individuals with access to adequate, prompt and continuous healthcare and medical attention, in line with Vietnam's Constitution, and the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR) – both to which Vietnam is a State party. Such provision should also be in accordance with the United Nations Standard Minimum Rules for the Treatment of Prisoners ("Nelson Mandela Rules"), which should be fully implemented;
- Ensure that the responsible authorities meet the State's obligations to provide equal right of access to healthcare, health facilities, goods and services to all prisoners and detained individuals;
- Conduct medical examinations and risk assessments of all persons held in detention, and release those particularly vulnerable to the COVID-19 virus, including older detainees and those who are sick or suffering from pre-existing medical conditions, including the 21 individuals named in the letter;
- Ensure that detainees, including the 21 individuals named in the letter, are not subjected to torture or other ill-treatment and that their rights to humane treatment, dignity and life are protected in accordance with articles 7 and 10 of the ICCPR and the UN Convention against Torture (UNCAT), to which Vietnam is a State party.

To download the open letter, click [here](#).

To download the annex, click [here](#).

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## **Background**

In February 2012, provincial police surrounded a resort where followers of the *An Dan Dai Dao* gathered for religious purposes, arrested persons working there, confiscated assets from the land and shut down the area. Phan Van Thu, founder of the group, and 21 others were arrested in connection with this raid.

In January 2013, the 22 individuals were sentenced to heavy imprisonment terms (ranging from 10 years to life imprisonment) after being convicted for allegedly conducting activities with an aim "to overthrow the people's administration" in violation of article 79 of Vietnam's 1999 Penal Code.

In October 2019, one individual, Doan Dinh Nam, died in prison due to kidney failure.

Article 7 of the International Covenant on Civil and Political Rights (ICCPR) and the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (UN CAT) – both to which Vietnam is a State party – protect the right of individuals not to be subject to torture, or to cruel, inhuman or degrading treatment or punishment.

Article 10 of the ICCPR provides that all individuals deprived of their liberty should be treated with humanity and with respect for the inherent dignity of the human person.

Article 12 of the International Covenant on Economic, Social and Cultural Rights (ICESCR) – to which Vietnam is also a State party – provides that States must protect the right to health by facilitating equal access to healthcare and health services for all persons, including prisoners and detainees.

The United Nations Standard Minimum Rules for the Treatment of Prisoners ("Nelson Mandela Rules") states that provision of healthcare for prisoners is a State responsibility and prisoners should be allowed access to necessary healthcare services in a manner similar to others in society. Prompt access to medical attention should also be provided by the State in urgent cases.

In the context of COVID-19 pandemic, the State's obligations to provide equal access to healthcare and health services in a non-discriminatory manner remain. This was reaffirmed by the World Health Organization (WHO) in its Interim Guidance of 15 March, where it emphasized that efforts to combat the virus in the community would be "likely to fail" if strong infection prevention and control measures are not also enforced in prisons and other places of detention.

On 25 March, the UN High Commissioner for Human Rights highlighted increasing numbers of COVID-19-related cases and deaths in prisons across countries, calling for urgent action by governments to prevent further outbreaks among detainees and staff. She called on States to examine ways to release more vulnerable prisoners, such as those who are older or who are already suffering from pre-existing medical problems, and urged: "Now, more than ever, governments should release every person detained without sufficient legal basis, including political prisoners and others detained simply for expressing critical or dissenting views."