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Country Report on Human Rights Practices 2019 - Vietnam

Executive Summary

The Socialist Republic of Vietnam is an authoritarian state ruled by a single party, the Communist Party of Vietnam (CPV), and led by General Secretary and President Nguyen Phu Trong, Prime Minister Nguyen Xuan Phuc, and Chairwoman of the National Assembly Nguyen Thi Kim Ngan. The most recent National Assembly elections, held in 2016, were neither free nor fair, despite limited competition among CPV-vetted candidates.

The Ministry of Public Security is responsible for internal security and controls the national police, a special national security investigative agency, and other internal security units. The Vietnam People's Army aids civilian authorities to provide relief in times of natural disaster. Civilian authorities maintained effective control over the security forces.

Significant human rights issues included: unlawful or arbitrary killings by the government; forced disappearance; torture by government agents; arbitrary arrests and detentions by the government; political prisoners; significant problems with the independence of the judiciary; arbitrary or unlawful interference with privacy; the worst forms of restrictions on free expression, the press, and the internet, including arbitrary arrest and prosecution of government critics, censorship, site blocking, and criminal libel laws; substantial interference with the rights of peaceful assembly and freedom of association; significant restrictions on freedom of movement including exit bans on activists; restrictions on political participation; significant acts of corruption; outlawing of independent trade unions; trafficking in persons; and use of compulsory child labor.

The government occasionally took corrective action, including prosecutions, against officials who violated the law, but police officers and state officials generally acted with impunity.

Section 1. Respect for the Integrity of the Person, Including Freedom from:

a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings

There were reports indicating officials or other agents under the command of the Ministry of Public Security or provincial public security departments committed arbitrary or unlawful killings, including reports of at least seven deaths implicating law enforcement officers on duty. In most cases, authorities either provided little information on investigations into the deaths or stated the deaths were the result of suicide or medical problems. Authorities sometimes harassed and intimidated families who questioned the police determination of cause of death. In a small number of cases, the government held police officials responsible, typically several years after the death. Despite guidance from the Supreme People's Court to charge police officers responsible for deaths in custody with murder, such officers typically faced lesser charges. Family members of individuals who died in police custody reported harassment and abuse by local authorities.

On April 22, Nguyen Van Quang was taken from prison to a hospital in Nghe An and died there several hours later while under police guard. Local authorities conducted an investigation and concluded that Quang died of a brain infection. Nghe An authorities claimed that Quang showed signs of illness in early April and that he received proper treatment and care while in custody. Quang's family, however, said they visited Quang and found he was doing well in early April and denied Quang had any record of health issues. The family told their lawyer and the media that Quang's body showed bruises on his chest and head and a broken rib.

On April 4, two former police officers, Nguyen Tuan Anh and Bui Ngoc Nghia, in O Mon district, Can Tho province, received eight years in prison on charges of “deliberately inflicting injuries to a person in custody.” In August 2018 the two officers beat Nguyen Chi Hieu near the local police station,

claiming that Hieu had been uncooperative following a traffic stop. Hieu was hospitalized and died three days later. The court also ordered the officers to pay Hieu’s family 350 million VND (\$15,100) as compensation.

b. Disappearance

In January, Radio Free Asia blogger Truong Duy Nhat disappeared from Bangkok, Thailand, one day after initiating a claim for refugee status with the United Nations High Commissioner for Refugees (UNHCR). Several local and international NGOs reported that Vietnamese and Thai authorities worked together to detain and return Nhat to Vietnam. Nhat’s wife reported that she received no word about her husband’s whereabouts until March 15, when she received an anonymous phone call letting her know that Nhat was in the T16 detention center north of Hanoi. Ministry of Public Security officials stated that Nhat’s arrest was for “causing financial loss to the State” and was unrelated to his human rights advocacy. Nhat’s first attorney was charged with financial crimes after taking the case and was therefore ineligible to represent Nhat, who retained a new attorney. Nhat’s trial has yet to be formally scheduled.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The constitution prohibits torture, violence, coercion, corporal punishment or any form of treatment harming the body and health, or the honor and dignity of persons detained or incarcerated.

The law prohibits physical abuse of detainees, but suspects commonly reported mistreatment and torture by police, plainclothes security officials, and compulsory drug-detention center personnel during arrest, interrogation, and detention. Police, prosecutors, and government oversight agencies seldom conducted investigations of specific reports of mistreatment. Some activists reported receiving death threats from plainclothes individuals they believed were associated with the government.

Abusive treatment was not limited to activists or persons involved in politics. Police frequently used excessive force when making an arrest. On March 7, local police invited Pham Hoang Tu to the An Dien commune police station, Thanh Phu district, Ben Tre province, to ask him about a gambling debt that Tu claimed he did not owe. Nguyen Van Lam, a district police official, asked Tu some questions before allegedly beating him in the face, chest, and head. Other local police officials who were drinking nearby reportedly joined in beating and intimidating Tu. The police officials reportedly forced Tu to wash his shirt and made him sign in a document stating that he was not beaten before releasing him. Tu claims to suffer from headaches and trauma months after the beating. In June, following complaints by Tu’s family, the district police acknowledged the beating and “reprimanded” three police officials involved in the incident.

Prison and Detention Center Conditions

Prison conditions varied substantially by prison and province. In most cases they were austere but generally not life threatening. Insufficient diet and unclean food, overcrowding, lack of access to potable water, and poor sanitation remained serious problems.

Physical Conditions: By law pretrial detainees are to be held separately from convicted prisoners. In practice, media and activists reported there were cases in which detainees were held in the same cells with convicted prisoners. Authorities generally held men and women separately, with some reported exceptions in local detention centers. Although authorities generally held juveniles in an area separate from adults, on rare occasions, authorities reportedly held juveniles in detention with adults for short periods. Authorities sometimes kept children in prison with their mothers until age three, according to a former political prisoner.

In 2017 the Ministry of Public Security released a five-year review of its execution of criminal judgements covering 2011-16, the most recent period for which such information was available. The report acknowledged a lack of quality infrastructure, and that overcrowding was an ongoing challenge. The report stated the average floor space was 5.44 square feet per prisoner, compared with the standard requirement of 6.6 square feet per prisoner.

Former prisoners reported police beat individuals in custody with books to prevent visible bruising. Prison officials failed to prevent prisoner-on-prisoner violence. On March 19, prisoner Nguyen Tien Anh killed his cellmate Tran Van Loi with a knife in the Xuan Ha (Ha Tinh province) prison canteen following a drunken fight.

Some former and serving prisoners and their families reported prisoners received insufficient, poor-quality food. Family members continued to make credible claims prisoners received extra food or other preferential treatment by paying bribes to prison officials. Prisoners had access to basic health care, although there were instances of officials preventing family members from providing medication and of prison clinics not reviewing prisoners’ predetention health records.

Authorities placed prisoners in solitary confinement for standard periods of three months. Prison authorities reportedly also placed some transgender individuals in solitary confinement due to confusion regarding whether to place them with men or women.

Administration: There was no active system of prison ombudsmen with whom prisoners could file complaints, but according to the law, the National Assembly, people’s councils, and the CPV’s Vietnam Fatherland Front (VFF)—an umbrella group that oversees the country’s government-sponsored social organizations—oversee the execution of criminal judgments. Ministry of Public Security reported that prisoners may file formal complaints with a prosecutor’s office. Since these complaints must first go through the same prison officials who are often the focus of the complaint, however, most observers considered this a flawed process.

Authorities limited prisoners to one family visit of no longer than an hour per month and generally permitted family members to provide various items, including money, supplemental food, and bedding to prisoners. Catholic prisoners and their families reported that priests were not allowed to visit detainees for confession. Media reported that, at times, monks from the officially recognized Vietnam Buddhist Sangha were invited to detention centers to talk about Buddhism, instruct Zen practice, or lead services. On August 4, the patriarch of Pho Chieu Pagoda and many Buddhist dignitaries in Hai Phong City led a Vu Lan mass with the participation of 250 inmates at Xuan Nguyen Detention Center, Thuy Nguyen district, Hai Phong City. Earlier, the prison officials also allowed the pagoda to place a Statue of the Goddess of Mercy (Guanyin) in the detention compound and allowed inmates to conduct services before the statue every month. Some Protestant pastors reported that they were occasionally invited to rehabilitation centers to share their faith-based rehabilitation experience.

Family members of current and former prisoners reported certain prison authorities did not permit prisoners to have religious texts in detention, despite provisions in the law for providing access to such materials. Le Dinh Luong, for example, did not have access to a Bible, while Ho Duc Hoa did, and “Pure” Hoa Hao Buddhist Bui Van Trung Tham was allowed to have a censored version of the “Pure” Hoa Hao Buddhist scripture.

Independent Monitoring: Local and regional International Committee of the Red Cross (ICRC) officials neither requested nor carried out prison visits during the year.

d. Arbitrary Arrest or Detention

The constitution states a decision by a court or prosecutor is required for the arrest of any individual, except in the case of a “flagrant offense.” The law allows the government to arrest and detain persons “until the investigation finishes” for particularly serious crimes, including national security cases. Those detained, excepting on political grounds, may question the legality of their detention with the arresting authority, but there is no right for the detainee or a representative to challenge the lawfulness of an arrest before a court.

Authorities routinely subjected activists and suspected criminals to de facto house arrest without charge.

Arrest Procedures and Treatment of Detainees

By law police generally require a warrant issued by a prosecutor (the People’s Procuracy) to arrest a suspect, although in some cases a decision from a court is required. The criminal code also allows police to “hold an individual” without a warrant in “urgent circumstances,” such as when evidence existed a person was preparing to commit a crime or when police caught a person in the act of committing a crime. Human rights lawyers shared the view that detention without warrants is a common practice. Lawyers and human rights NGOs reported that, in many cases, police officers “invited” individuals to present themselves at police stations without being given a clear rationale. These individuals might be held for hours and questioned or requested to write or sign reports. Many such cases had nothing to do with political or sensitive circumstances. There were, nonetheless, numerous instances where activists were taken into custody by plainclothes individuals without an arrest warrant.

Police may hold a suspect for 72 hours without an arrest warrant. In such cases, a prosecutor must approve or disapprove the arrest within 12 hours of receiving notice from police. In practice, especially in politically motivated cases, these procedures were not applied consistently and strictly. In the case of blogger Truong Duy Nhat (see section 1.b., above), various NGOs reported that, after Nhat’s return to Vietnam, authorities held him incommunicado in a detention center in Hanoi, announcing his detention only in June without detailing how or when he was arrested. According to Nhat’s original lawyer, police conducted a search of his house that same day although the search warrant was dated January 16. Nhat’s family was able to see him for the first time on June 20, about six months after he was reported missing.

The law requires video or audio recording of interrogations during the investigation, prosecution, and adjudication. In cases in which video or audio recording is not possible, interrogation is only allowed if the person being interrogated agrees. The law requires this provision to be applied consistently nationwide by January 1, 2020.

By law the People's Procuracy must issue a decision to initiate a formal criminal investigation of a detainee and notify the accused or their legal representative within three days of arrest; otherwise, police must release the suspect. The law allows the People's Procuracy to request the court with jurisdiction over the case to grant two additional three-day extensions for a maximum of nine days' detention before an investigation begins.

The criminal code reduces the time limit for detention while under investigation, including for “serious” and “particularly serious” crimes. For the latter, an individual may be held for 20 months. The law, however, allows the Supreme People's Procuracy to detain an individual “until the investigation finishes” in cases of “particularly serious crimes,” including national security cases. Only after the investigation is completed are suspects formally charged.

While a suspect is detained, authorities may deny family visits; they routinely denied such visits for those arrested under national security and related laws, such as laws against “disrupting public order.”

The law allows for bail in the form of deposited money or valuable property as a measure to replace temporary detention, but it was seldom granted.

The law requires authorities to inform persons held in custody, accused of a crime, or charged with a crime, of their legal rights, including the right to an attorney within three days of arrest. By law the government is supposed to assign a lawyer for a criminal defendant, if he or she or their lawful representatives do not seek the assistance of defense counsels in cases where: 1) he or she is charged with offenses punishable by death as the highest penalty as prescribed by the penal code or, 2) he or she is minor or person with physical disabilities or is deemed mentally incompetent. The government will also provide lawyers for certain cases, including cases against: 1) persons deemed to have made significant contributions to Vietnam; 2) members of poor or near-poor households; 3) members of ethnic minorities in remote and poor areas; and 4) minors. The government may also provide lawyers in certain cases where the defendant or their family include: Victims of agent orange, elderly or disabled persons, minors, victims of domestic violence, victims of trafficking in persons, and HIV-infected persons.

Although the law affords detainees access to counsel from the time of detention, authorities used bureaucratic delays to deny timely access to legal counsel. In many cases, authorities only permitted attorneys access to their clients or the evidence against them immediately before the case went to trial, denying them adequate time to prepare their cases.

In cases investigated under national security laws, the government routinely used bureaucratic delays to prohibit access by defense lawyers to clients until after officials completed the investigation and formally charged the suspect with a crime.

There were no standard legal or administrative requirements as to when suspects must be brought before a judicial officer. Depending on the seriousness and nature of the offenses, these time limits are variable. The maximum is 20 months. In cases of particularly serious crimes, however, including national security cases, the law allows detention “until the completion of the investigation.”

Detainees have an undefined right to notify family members of their arrest but, although police generally informed families of detainees' whereabouts, the Ministry of Public Security held a number of blogger and activist detainees suspected of national security violations incommunicado.

As of November no charges had been issued in the case of blogger Huynh Thi To Nga, who frequently shared views critical of the government on her Facebook account. According to her family, Nga disappeared in late January; they did not receive any formal confirmation of her whereabouts until April. Her family told independent media that as of late October authorities continued to deny requests for family visitation, stating Nga remained under investigation. To date no charges have been filed in her case.

Arbitrary Arrest: Arbitrary arrest and detention, particularly for political activists and individuals protesting land seizures or other injustices, remained a serious problem. Activists reported Ministry of Public Security officials assaulted political prisoners to extract confessions or used other means to induce written confessions, including instructing fellow prisoners to assault them or making promises of better treatment. Some activists also reported that authorities used routine police interrogations to obtain incriminating information concerning other human rights activists.

Authorities subjected many religious and political activists to varying degrees of arbitrary detention in their residences, in vehicles, at local police stations, at “social protection centers,” or at local government offices. Officials also frequently detained human rights activists upon their return from overseas trips. Such detentions were most common around and during events that were likely to draw significant public attention.

Prior to the February 25-28 United States-North Korea summit in Hanoi, approximately one dozen activists and bloggers who had gathered in public spaces or along main streets, but who were not actually demonstrating, were taken into custody at local Hanoi police stations and held without charge for several hours prior to being released. On March 27, the Security Investigation Agency under the Ministry of Public Security held activist Cao Vinh Thinh at its headquarters for more than 10 hours to question her about her environmental activism. In March, Thinh and her group Green Tree released a documentary titled, “Don’t be Afraid,” which focused on activism following the illegal discharge of toxic waste at the Formosa Ha Tinh steel plant in 2016. The spill caused a massive fish die-off in the Gulf of Tonkin.

Pretrial Detention: The allowable time for temporary detention during an investigation, equivalent to pretrial detention, varies depending on the offense: three months for less serious offenses, 16 months for the most serious cases, and 20 months for “especially serious” crimes. These limits were exceeded with impunity, and police and prosecutors used these lengthy periods of pretrial detention to punish or to pressure human rights defenders to confess to crimes, activists said. By law authorities must provide justification for detention beyond the initial four months, but there were reports indicating that court officials ignored the failure of police or prosecutors to comply with such laws when adjudicating cases.

Lengthy pretrial detention was not limited to activists. State-run media reported that in 2018, 230 persons were detained or held in custody beyond the stipulated time limits.

Detainee’s Ability to Challenge Lawfulness of Detention before a Court: There is no such right. Persons arrested or detained may request the agency responsible review the decision. If an arrest or detention is deemed improper by the agency, the individual may be eligible for compensation.

e. Denial of Fair Public Trial

The law provides for an independent judiciary and lay assessors, but the judiciary was effectively under the control of the CPV, through the Ministry of Public Security. During the year there were credible reports political influence, endemic corruption, bribery, and inefficiency strongly distorted the judicial system. Most, if not all, judges were members of the CPV and underwent screening by the CPV and local officials during their selection process to determine their suitability for the bench. Judges are reappointed every five years, following review by party officials. The party’s authority was particularly notable in high-profile cases and when authorities charged a person with corruption, challenging or harming the party or state, or both. Defense lawyers routinely complained that, in many cases, it appeared judges made a determination of guilt prior to the trial.

There continued to be credible reports that authorities pressured defense lawyers not to take religious or democracy activists as clients and questioned their motivations for doing so. Authorities also restricted, harassed, arrested, and disbarred human rights attorneys who represented political activists. While the new penal code maintained the requirement for attorneys to violate attorney-client privilege in cases relating to national security or other serious crimes, it did away with such requirements for other, less serious offenses.

On July 2, Khanh Hoa province’s police investigation agency filed charges of “tax evasion” against lawyer Tran Vu Hai and his wife and prohibited them from leaving their residence in Hanoi. The Ministry of Public Security then denied Hai’s request to defend imprisoned activist Truong Duy Nhat on this ground (see section 1.b.). This charge also enabled the police to search Hai’s office and confiscate sensitive documents related to his defense of human rights activists, to include Truong Duy Nhat. On November 15, a court in Nha Trang sentenced noted human rights attorney Tran Vu Hai to 12-15 months of house arrest for tax evasion.

By law authorities must request the local bar association, legal aid centers, or the Vietnamese Fatherland Front (VFF) to appoint an attorney for criminal cases involving juveniles, individuals with mental or physical disabilities, and persons formally charged with capital crimes.

Trial Procedures

While the constitution provides for the right to a fair and public trial, this right was not evenly enforced. The law states that defendants are innocent until proven guilty. Defendants’ right to prompt, detailed information about the charges against them was rarely respected. Defendants have the right to a timely trial, and public trials generally were open to the public, but in sensitive cases, judges closed trials or strictly limited attendance.

Authorities generally upheld the right of defendants to be present at their trial. The court sometimes denied suspects the right to their own choice of attorney and assigned one. The criminal code permits defendants to be seated adjacent to their defense attorney, although this is not standard practice. Defendants have the right to communicate with a lawyer if they are on trial for a criminal charge that could result in a 15-year or longer sentence, including capital cases.

Although the defense has the right to cross-examine witnesses, there were multiple instances in which neither defendants nor their lawyers knew which witnesses would be called, nor were they allowed to cross-examine witnesses or challenge statements against them. In political trials, neither defendants nor their attorneys were allowed to examine or review evidence relied upon by the prosecution. A defendant has the right to present a defense, but the law does not expressly state the defendant has the right to call witnesses. Judges presiding over politically sensitive trials often did not permit defense lawyers and defendants to exercise their legal rights.

The law stipulates the spoken and written language of criminal proceedings is Vietnamese, but the state provides interpretation if participants in a criminal procedure use another spoken or written language. The law does not specify whether such services are free of charge.

Courts use an inquisitorial system, in which the judge plays the primary role of asking questions and ascertaining facts in a trial. Authorities permitted foreign diplomats to observe via closed-circuit television three high-profile trials. On August 19, diplomats observed a trial on human trafficking, and one regular criminal trial during the year, including three involving individuals charged under national security articles. In most of the trials, defense attorneys were given time to address the court and question their clients, but they could not call witnesses or examine prosecutors' evidence. In other trials involving individuals charged under national security articles, judges occasionally silenced defense lawyers who were making arguments on behalf of their clients in court. Convicted persons have the right to at least one appeal.

Political Prisoners and Detainees

NGOs estimated that as of November authorities held between 100 and 260 individuals for political or religious reasons. According to an NGO, from January 1 to September 25, authorities detained 19 and convicted 31 individuals (most detained in previous years) who were exercising internationally recognized human rights, such as freedom of expression and association. The majority of these convictions were linked to blogging and street protests against draft laws on Special Economic Administration Zones and cybersecurity. Other convictions included individuals blogging and protesting build-operate-transfer toll roads who were charged with “disrupting public order;” a blogger calling for a demonstration during the February Hanoi Summit who was charged with “making, storing, spreading, or propagating information, materials, or items for the purpose of opposing the State of the Socialist Republic of Vietnam”; and a Degar Protestant in Central Highlands who was charged with “destroying the unity policy.”

Prison officials often held political prisoners in small groups separate from the general inmate population and treated them differently. Some political prisoners enjoyed better material conditions but were subject to more psychological harassment. In other cases, political prisoners were subject to harassment from both prison authorities and other inmates, the latter sometimes at the instigation of officials. In many cases, political prisoners' daily schedules were different from those of the general inmate population and they were not afforded the opportunity to leave their cells for work or interaction with the general prison population. Officials often subjected political prisoners to more extended periods of solitary confinement than the three months given to other prisoners. Family members of Nguyen Van Hoa, for example, reported Hoa was subject to solitary confinement from May to September as a disciplinary measure.

Rations appeared to be more limited for political prisoners than others. Former political prisoners reported they received only two small bowls of rice and vegetables daily, often mixed with foreign matter, such as insects or stones. Family members of many imprisoned activists who were or became ill claimed medical treatment was inadequate and resulted in long-term health complications.

Democracy rights activist Nguyen Trung Ton suffered from kidney disease and an untreated bacterial infection in his leg, which his family said was the result of an injury inflicted by prison guards. Prison authorities refused to allow Ton access to medication sent by his family. The family of activist Le Dinh Luong, who was sentenced to 20 years in prison for “carrying out activities aimed at overthrowing the people's administration,” told foreign embassy officials that prison officials were denying Luong access to imported medicine to manage his heart condition, stating prisoners require local prescriptions for such medication but then not granting Luong access to a physician who could write such a prescription. Luong spent four months in solitary confinement at the Nghe An Provincial Detention Center in Nghe An province, with no access to sunlight, but has been returned to his regular cell.

Prison authorities often held political prisoners far from their homes, making family visits difficult, and routinely did not inform family members of prison transfers. On January 3, Le Dinh Luong’s wife went to visit her husband only to discover he had been transferred from Nghi Kim detention center in Nghe An province to Nam Ha detention center in Ha Nam province, about 190 miles away. Also in January, Nguyen Trung Truc was transferred from a detention center in Quang Binh to Detention Center No. 5 in Thanh Hoa province, but his family was not informed until after the move.

Ministry of Public Security officials sometimes prohibited political prisoners from reading and writing.

Political prisoners and their family members reported prison authorities at times revoked, reduced, denied, or delayed visitation rights and did not allow visitors to provide items to family members. Truong Minh Duc’s wife reported detention officials in Thanh Chuong, Nghe An province repeatedly intervened in her conversations with her husband any time the conversation was not directly related to family issues. When the pair attempted to discuss the well-being of other political prisoners, their meeting was abruptly ended. Prison officials often prematurely ended or shortened meetings that deviated from a discussion of family matters.

During the year many political prisoners held hunger strikes to protest maltreatment. In May prison authorities subjected Nguyen Van Hoa to 10 days in solitary confinement with leg cuffs, followed by six additional months’ confinement, reportedly because he refused to sign blank sheets of paper, believing that authorities would fabricate a confession. Between June 10 and July 21, Hoa and other inmates went on a hunger strike at Prison No. 6, Thanh Chuong district, Nghe An province, to protest prison officials’ decision to remove fans from the cells during the hottest days of the summer.

Foreign diplomatic representatives conducted supervised visits to several political prisoners at both temporary and long-term detention facilities. The visits were monitored and did not afford the opportunity for independent assessment of the prisoners or prison conditions.

As in previous years, courts continued handing down severe sentences to individuals whose activism appeared to be well organized or linked to overseas groups. In July, for example, a court in Ho Chi Minh City sentenced Huynh Duc Thanh Binh and Tran Long Phi to 10 and eight years, respectively, in prison on charges of “carrying out activities aimed at overthrowing the people’s administration.” Among the most frequent charges against activists was “producing, storing, disseminating, or communicating information and documents against the state.” Under this charge, at least six individuals received sentences of between five- and eight-years’ imprisonment.

These cases are well documented by NGOs and the media. There were likely dozens of other arrests and convictions that may be related to the exercise of internationally recognized human rights. Among these were likely cases involving Degar Protestants in the Central Highlands, H’mong in the Northwest Highlands, and individuals in remote areas of the country, making it difficult to verify information.

Civil Judicial Procedures and Remedies

The constitution provides that any person illegally arrested and detained, charged with a criminal offense, investigated, prosecuted, brought to trial, or subjected to judgment enforcement illegally has the right to compensation for material and mental damages and restoration of honor. The law provides a mechanism for pursuing a civil action to redress or remedy abuses committed by authorities. Administrative and civil courts heard civil suits under procedures similar to those in criminal cases and using members of the same body of judges and people’s assessors to adjudicate the cases. Administrative and civil courts continued to be vulnerable to corruption and outside influence, lack of independence, and inexperience. Very few victims of government abuse sought or successfully received redress or compensation through the court system.

The government continued to prohibit class action lawsuits against government ministries, thus rendering ineffective joint complaints from land rights petitioners.

Property Restitution

By law all land belongs to the government (“all the people of Vietnam”) which has granted considerable decision-making authority for land pricing, allocation, and reclamation to local people’s committees and people’s councils, which in turn has contributed to unfair business practices and corruption.

There were numerous reports of clashes between local residents and authorities at land expropriation sites during the year. Disputes regarding land expropriation for development projects remained a significant source of public grievance. Many whose land the government forcibly seized protested at government offices for failure to address their complaints. Some coercive land seizures resulted in violence and injury to state officials and residents. There were also reports development companies hired suspected plainclothes police officers and “thugs” to enforce government seizures

by intimidating and threatening residents or breaking into their homes. Authorities arrested and convicted multiple land rights protesters on charges of “resisting persons on duty” or “causing public disorder.”

f. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence

The law prohibits arbitrary or unlawful interference with privacy, home, or correspondence, but the government did not consistently protect these rights and at times violated them.

By law security forces need public prosecutorial orders to enter homes forcibly, but Ministry of Public Security officers regularly entered homes, particularly of activists, without legal authority. They often intimidated residents with threats of repercussions for failure to allow entry.

On April 19, a group of men in plain clothes broke into a house-church in Tan Dinh commune, Lang Giang district, Bac Giang province, and attacked the seven Protestants worshipping at that location. The worshippers were able to identify some local police officers among their assailants. There were other reports of police officers, in plain clothes or uniforms, breaking into houses without warrants. There were cases where it apparently had nothing to do with political or sensitive reasons. On April 10 at around 10:30, nearly a dozen persons broke into the house of Le Thi Ngoc at Thuan Giao ward, Thuan An town, Binh Duong province, searched the house without a warrant, and took away her cell phone without providing a report (as required by law).

Without legal warrants, authorities regularly opened and censored targeted private mail; confiscated packages and letters; and monitored telephone conversations, email, text messages, blogs, and fax transmissions. The government cut telephone lines and interrupted cellphone and internet services of several political activists and their family members.

The Ministry of Public Security maintained a system of household registration and block wardens to monitor unlawful activity. While this system was less intrusive than in the past, the ministry closely monitored individuals engaged in or suspected of engaging in unauthorized political activities.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Expression, Including for the Press

The constitution and law provide for freedom of expression, including for the press; however, in practice the government did not respect these rights, and several laws specifically encroach on freedom of expression. The government also continued to use broad national security and antifamation provisions to restrict freedom of expression. Such laws establish the crimes of “sabotaging the infrastructure of socialism,” in addition to “sowing divisions between religious and nonreligious people” and “propagandizing against the state” as serious offenses against national security. It also expressly forbids “taking advantage of democratic freedoms and rights to violate the interests of the state or lawful rights and interests of organizations or individuals.”

Freedom of Expression: The government continued to restrict speech that criticized individual government leaders or the party, promoted political pluralism or multiparty democracy, or questioned policies on sensitive matters, such as human rights, religious freedom, or sovereignty disputes with China.

Representatives from state-run organizations and progovernment groups visited activists’ residences and attempted to intimidate them into agreeing the government’s policies were correct, according to social media and activists’ reports. Family members of activists also reported numerous incidents of physical harassment, intimidation, and questioning by Ministry of Public Security officials. Harassment also occurred at workplaces and included threatening telephone calls and insulting activists in local media and online and attacks on activists’ homes with rocks, shrimp paste, and gasoline bombs. There were reports such abuses caused injury and trauma requiring hospitalization.

Press and Media, Including Online Media: The CPV, government, and party-controlled mass media organizations exercised legal authority over all print, broadcast, online, and electronic media, primarily through the Ministry of Information and Communications under the overall guidance of the CPV Propaganda and Education Commission. The law requires editors in chief to be CPV members; many outlets apply this to additional managers as well. One of the leading newspapers, Thanh Nien, demoted 13 managing editors and deputy editors who were not party members in November 2018.

Many nongovernmental entities, however, produced and distributed publications by subcontracting, joint-publishing, or buying permits from government or other public publishing entities. State-run media reported private entities produced more than 90 percent of all publications in the country, although outright private ownership or operation of any media outlet or publishing house was prohibited. Media independent of government authority operated on a limited basis online, primarily via blogs and social media, but independent journalists faced government harassment.

By law the government may fine journalists and newspapers from five to 10 million Vietnamese dong (VND) (\$220 to \$440) for failing to cite their sources of information or for using “documents and materials from organizations and personal letters and materials from individuals.”

The law allows the government to punish publishers if they publish “untruthful information” in the fields of statistics; atomic energy; management of prices, charges, fees, and invoices; education; civil aviation; vocational training; hydrometeorology; cartography; and health.

In November 2018 the CPV publicly denounced Chu Hao, who at that time was director and editor in chief of the Tri Thuc Publishing House, for “disobeying the Party’s regulations” and “self-evolution.” Hao, a former vice minister of science and technology and a prominent intellectual, had directed Tri Thuc to publish books with themes of freedom and democracy, such as John Stuart Mill’s *On Liberty*, which the CPV viewed as contrary to the official party line. Hao left the CPV, and as a result also lost his position at Tri Thuc.

The law limits satellite television access to senior officials, foreigners, luxury hotels, and the press, but persons throughout the country continued to access foreign programming via home satellite equipment or cable.

The government permitted activities of journalist employed by foreign-based media outlets. The law requires “live” foreign television programming to run on a 30- to 60-minute delay to enable content monitoring. In fact, such programming ran on a 10-minute delay. Viewers reported obstruction of various commentaries, documentaries, and movies on human rights incidents in the country, the Vietnam War, the Cold War, the Soviet era, or reports involving trade tensions between the United States and Vietnam.

Major foreign media outlets reported the government delayed or refused to issue visas for reporters who previously covered sensitive political topics, particularly reporters for the overseas Vietnamese-language press. In May an international journalist was refused a visa request to report on the 50th anniversary of the Battle of Hamburger Hill. This same reporter had previously written an article likely seen by the government as unfavorable.

The information ministry may revoke the licenses of foreign publishers; foreign publishers must renew their licenses annually.

The government also sought to impede criticism by monitoring meetings and communications of journalists.

Violence and Harassment: There continued to be a significant number of reports of security officials attacking, threatening, or arresting journalists because of their coverage of sensitive stories. Independent journalists faced restrictions on freedom of movement, various forms of harassment, and even physical attacks in the form of staged motorbike accidents if they reported on sensitive topics.

Foreign journalists required formal permission to travel outside Hanoi for reporting. When foreign journalists requested access to an area considered sensitive, such as the Northwest or Central Highlands, or report a story the government might consider sensitive, authorities often either intentionally delayed their response or denied permission to travel.

Censorship or Content Restrictions: The Ministry of Information and Communications and the CPV Propaganda and Education Commission frequently intervened directly with media to dictate or censor a story.

Propaganda officials forced editors of major media outlets to meet regularly to discuss what topics were off-limits for reporting. More often, pervasive self-censorship, including among independent journalists and bloggers, due to the threat of dismissal and possible arrest, enabled the party and government to control media content. The government punished journalists for failing to self-censor, including by revoking journalists’ press credentials.

In August, two protests against Beijing’s maritime survey seeking information on petroleum reserves in an offshore area in the country’s exclusive economic zone took place in front of the Chinese Embassy in Hanoi and a third protest near a site popular with Chinese tourists in Danang received no local media coverage.

National Security: The law stipulates administrative fines of 20 million to 30 million VND (\$880 to \$1,330) for journalists, newspapers, and online media that publish or broadcast information deemed harmful to national interests and up to 50 million dong (\$2,200) for information considered to be distorting history and the revolution’s achievements. In some cases, these “violations” may lead to criminal proceedings.

Citing laws protecting national security, police arrested and ordered journalists to restrict criticism of

government policies or officials.

Internet Freedom

The government restricted and disrupted access to the internet, censored online content, and monitored private online communications without legal authority. The limited number of licensed internet service providers (ISPs) were fully or substantially state-controlled companies. The government monitored Facebook posts and punished those who used the internet to organize protests or publish content critical of the government. On September 22, in separate trials, the People’s Court of Cai Rang district, Can Tho City, convicted Facebook users Nguyen Hong Nguyen and Truong Dinh Khang of “abusing democratic freedoms,” and sentenced them to two years’ and one year’ imprisonment, respectively. According to NGO reporting, Nguyen reportedly used his Facebook account to read articles, watch videos, and view pictures with “antistate” content. Khang reportedly posted and shared articles on Facebook that reportedly “defamed the party, state, and Ho Chi Minh.”

The government sometimes blocked websites it deemed politically or culturally inappropriate, including sites operated by overseas Vietnamese political groups in addition to the websites of Radio Free Asia, Voice of America, and the BBC Vietnamese news service. State-owned internet service providers (ISPs) routinely blocked domestic Vietnamese-language websites that contained content criticizing the CPV or promoting political reform.

An administrative rule compels owners of all websites and social networking sites to cooperate with the Ministry of Information and Communications to prevent the spread of “bad, toxic news.” The government has used this tool to remove nearly 8,000 video clips from YouTube since 2017, according to the ministry.

Another rule requires all companies and organizations operating websites providing content on “politics, economics, culture, and society” or social networks, including blogging platforms, to register with the government. The government also requires such owners to submit detailed plans of their content and scope for approval. Such companies and organizations must locate at least one server in the country to facilitate government requests for information and must store posted information for 90 days and certain metadata for up to two years.

The government forbids direct access to the internet through foreign ISPs and requires ISPs to provide technical assistance and workspace to public security agents to allow them to monitor internet activities. The Ministry of Public Security has long required “internet agents,” including cyber cafes, to register the personal information of their customers, to store records of internet sites visited by customers, and to participate in government investigations of online activity. Internet cafes continued to install and use government-approved software to monitor customers’ online activities. The Ministry of Public Security enforced these and other requirements and monitored selectively.

The Law on Cybersecurity, scheduled for implementation in January, had not as of December gone into effect, as discussions continued on the implementing decree.

The government continued to pressure firms such as Facebook and Google to eliminate “fake accounts” and content deemed “toxic,” including antistate materials. On July 9, the Ministry of Information and Communications announced Google removed nearly 6,700 video clips, YouTube blocked six YouTube channels, and Facebook blocked nearly 1,000 links, 107 fake accounts, and 137 accounts that defamed the CPV and government.

Force 47, a special unit within the Ministry of National Defense, monitored the internet for misinformation and antistate propaganda.

Authorities also suppressed online political expression by direct action against bloggers, such as arrests, short-term detentions, surveillance, intimidation, and the illegal confiscation of computers and cell phones of activists and family members. The government continued to use national security and other vague provisions of the penal code against activists who peacefully expressed their political views online. Political dissidents and bloggers reported the Ministry of Public Security routinely ordered disconnection of their home internet service. In September 2018 the People’s Court of Tu Son town convicted citizen journalist Do Cong Duong of “disrupting public order” for filming a forced eviction, according to an NGO. He was sentenced to four years in prison. Duong was subsequently convicted of “abusing democratic freedoms” and sentenced in October to an additional five years in prison, reduced on appeal to four. On November 28, a brother and sister and another activist were sentenced to a combined 23 years in prison for posting articles on Facebook criticizing the government’s weak response to Chinese actions in the South China Sea, corruption, and environmental degradation.

Social network and blog users are required to provide their full name, national identification number, and address before creating an account. In-country website and social network operators must allow authorities to inspect local servers upon request and must have a mechanism to remove prohibited content within three hours of detection or notification by authorities.

Despite this restrictive environment, numerous groups and individuals criticized current and former local and national officials or members of government affiliates on social media, particularly Facebook. In response to reports from the Ministry of Information and Communications alleging that content violated certain laws, Facebook drastically increased the amount of content restricted in Vietnam. According to Facebook's *Transparency Report*, from July to December 2018, it restricted access to 1,553 posts based on local law, compared to 265 content restrictions in the first half of 2018 and only 22 restrictions in the second half of 2017.

Academic Freedom and Cultural Events

The government restricted academic freedom and cultural events. Foreign academic professionals temporarily working at universities in the country could discuss nonpolitical topics widely and freely in classes, but government observers regularly attended classes taught by both foreigners and nationals. The government continued to require international and domestic organizations to obtain advance approval for conferences involving international sponsorship or participation. The government allowed universities more autonomy over international exchanges and cooperation programs, but visa requirements for visiting scholars and students remained onerous.

The government continued to prohibit any public criticism of the CPV and state policy, including by independent scientific and technical organizations, even when the criticism was for a purely academic audience.

The government exerted influence over art exhibits, music, and other cultural activities by requiring numerous authorizations.

Many activists reported Ministry of Public Security officials threatened university leaders if they did not expel activists engaged in peaceful activities from their respective universities and pressured them and their family members not to attend certain workshops. Multiple activists also reported academic institutions refused to allow them or their children to graduate due to their advocacy of human rights.

b. Freedoms of Peaceful Assembly and Association

Freedom of Peaceful Assembly

The government restricted freedom of peaceful assembly. Laws and regulations require persons wishing to gather in a group to apply for a permit, which local authorities issued or denied without explanation. Only those arranging publicized gatherings to discuss sensitive matters appeared to require permits, however, and persons routinely gathered in informal groups without government interference. The government generally did not permit any demonstrations that could be perceived as political. The law permits security forces to detain individuals gathering or protesting outside of courthouses during trials.

The Ministry of Public Security and local police routinely prevented activists from peacefully assembling. There were numerous reports of police dispersing gatherings of environmental activists, anti-China activists, land rights advocates, human rights defenders, bloggers and independent journalists, and former political prisoners.

Police and plainclothes authorities routinely mistreated, harassed, and assaulted activists and those demonstrating against the government. On June 25, approximately 20 family members of prisoners and activists were beaten by individuals in plain clothes outside Prison No. 6 in Nghe An province while attempting to visit prisoners engaged in a 30-day hunger strike to protest maltreatment in the facility. Activists identified a number of Nghe An police officials and prisoners detained on drug offenses among the attackers. Some family members were severely beaten with wooden sticks and metal rods. The attackers also stole personal papers, money, and cell phones.

In February more than 1,500 H'mong residing in the northern provinces were physically prevented from attending traditional spring festivals. Two of the H'mong were reportedly physically assaulted by local authorities, who told festivalgoers they had been ordered to prevent them from reaching the festival location.

Freedom of Association

The constitution affords individuals the right of association, but the government severely restricted freedom of association. Seeking to suppress unwelcome political and religious activities, the country's legal and regulatory framework includes mechanisms particularly aimed at restricting the freedom of NGOs, including religious organizations, to organize and act. The government generally prohibited the establishment of private, independent organizations, insisting that persons work within established, party-controlled mass organizations, usually under the aegis of the VFF.

Laws and regulations governing NGOs restrict their ability to engage in policy advocacy or conduct research outside of state-sanctioned topics and prohibit organizations focused on social science and technology from operating in fields such as economic policy, public policy, political issues, and a range of other areas considered sensitive. Authorities also did not permit them to distribute policy advocacy positions publicly.

The 2018 Law on Belief and Religion requires religious groups to register with authorities and to obtain official approval of their activities. Some unregistered religious groups reported an increase in government interference.

According to some recognized groups and others attempting to register, implementation of the law varied from province to province. Some registered organizations, including governance, women’s rights, and environment-focused NGOs, reported increased scrutiny of their activities.

c. Freedom of Religion

See the Department of State’s *International Religious Freedom Report* at <https://www.state.gov/religiousfreedomreport/>.

d. Freedom of Movement

The constitution provides for freedom of internal movement, foreign travel, emigration, and repatriation, but the government imposed some limits on the movement of individuals, especially those convicted under national security or related charges or outspoken critics of the government.

In-country Movement: Several political activists on probation or under house arrest, along with others not facing such legal restrictions, were officially restricted in their movements. Authorities continued to monitor and selectively restrict the movement of many prominent activists and religious leaders, including Nguyen Dan Que, Pham Chi Dung, Pham Ba Hai, Nguyen Hong Quang, Thich Khong Tanh, Le Cong Cau, and Duong Thi Tan. Several activists reported authorities had confiscated their national identification cards, preventing them from traveling domestically by air or conducting routine administrative matters.

Religious leaders are required to specify no more than two to three geographical areas where they will be preaching. They reported that preaching outside of the approved areas was illegal, although enforcement of the law was inconsistent.

Government restrictions required citizens and resident foreigners to obtain a permit to visit border areas, defense facilities, industrial zones involved in national defense, areas of “national strategic storage,” and “works of extreme importance for political, economic, cultural, and social purposes.”

Citizens must register with local police when staying overnight in any location outside of their own homes; the government appeared to enforce these requirements more strictly in some Central and Northern Highlands districts. Foreign passport holders also needed to register to stay in private homes, although there were no known cases of local authorities refusing to allow foreign visitors to stay with friends or family. There were multiple reports of police using the excuse of “checking on residency registration” to intimidate and harass activists and prevent them from traveling outside of their place of registration (see sections 1.d. and 1.f.).

Authorities did not strictly enforce residency laws for the general population, and migration from rural areas to cities continued unabated. Moving without permission, however, hampered persons from obtaining legal residence permits, public education, and health-care benefits.

Foreign Travel: Prospective emigrants occasionally encountered difficulties obtaining a passport or exit permission, and authorities regularly confiscated passports of activists, at times indefinitely. There were multiple reports of individuals crossing the land borders with Laos or Cambodia illegally because they were unable to obtain passports or exit permission; in some cases, this included persons wanted for crimes and political or other activism.

The Ministry of Public Security continued to use foreign travel prohibitions against certain activists and religious leaders, including seven Catholic priests. Authorities banned and prevented dozens of individuals from traveling overseas, withheld their passports on vague charges, or refused to issue passports to certain activists or religious leaders without clear explanation although activists believed that international travel authorization was denied to reduce those activists’ opportunities to speak out against the Vietnamese government. Authorities also refused to issue passports to the family members of certain activists.

e. Internally Displaced Persons

Not applicable.

f. Protection of Refugees

Access to Asylum: The law does not provide for granting asylum or refugee status, and the

government has not established a system for providing protection to refugees.

g. Stateless Persons

According to 2018 UNHCR statistics, there were approximately 29,500 recognized stateless persons and persons of undetermined nationality living in the country. No updated statistics were available for the year. This was a substantial increase from the estimated 11,000 stateless persons acknowledged in 2016, due to increased government effort to identify such persons. The bulk of this population are ethnic H'mong living in border areas, but it also included a number of women who lost their citizenship after marrying a foreigner but then lost their foreign citizenship, primarily because of divorce. In the past the government naturalized stateless ethnic Vietnamese who had lived in Cambodia, but there was no information on naturalization efforts or options for those identified as stateless persons during the year.

Section 3. Freedom to Participate in the Political Process

The ability of citizens to choose their government through free, fair, and periodic elections based on universal and equal suffrage and conducted by a secret ballot that guaranteed free expression and the will of the people was severely limited. Although the constitution provides the ability to elect representatives to the National Assembly, people's councils, and other state agencies directly, constitutional and legal provisions established a monopoly of political power for the CPV; the CPV was the only party allowed to put forward candidates for office and it oversaw all elections. National Assembly elections take place once every five years by secret ballot. The constitution sets the voting age at 18 and allows candidates to run for election to the National Assembly or People's Council at 21. The last National Assembly election took place in 2016.

Elections and Political Participation

Recent Elections: The 2016 National Assembly election allowed limited competition among CPV-vetted candidates but were neither free nor fair, and the government did not allow NGO monitoring. The CPV's Fatherland Front chose and vetted all candidates through an opaque, multistage process. CPV candidates won 475 of the 496 seats. The remaining 21 were non-CPV candidates unaffiliated with any party. There were no candidates from a party other than the CPV.

According to the government, 99 percent of eligible voters cast ballots in the 2016 election, a figure activists and international observers considered improbably high. Voters may cast ballots by proxy, and officials charged local authorities with assuring that all eligible voters cast ballots by organizing group voting and verifying that all voters within their jurisdiction had voted. There were numerous reports throughout the country that election officials had stuffed ballot boxes to create the illusion of high turnout.

The law allows citizens to “self-nominate” as National Assembly candidates and submit applications for the VFF election vetting process. In the months leading up to the 2016 National Assembly elections, an informal coalition of legal reformers, academics, activists, and human rights defenders attempted to register as self-nominated, non-CPV “activist independent” candidates. In contrast to the party's candidates, these candidates actively used Facebook and social media to advertise their policy platforms. VFF officials refused, however, to qualify any activist independent candidates, and authorities instructed official media to criticize some of them. According to press reports, the VFF allowed two self-nominated candidates on final ballots, but both individuals were party members.

Political Parties and Political Participation: Political opposition movements and other political parties are illegal. Although the constitution states that “all Party organizations and members of the CPV operate within the framework of the constitution and the laws,” the CPV Politburo in fact functioned as the supreme national decision-making body, although technically it reported to the CPV Central Committee.

Participation of Women and Minorities: No laws limit participation of women or members of minorities in the political process. The law sets a target of 35 percent of final candidates for the National Assembly and provincial people's councils to be women and 18 percent of final candidates for the National Assembly to be from minority groups. The 132 women in the National Assembly comprise 27 percent of the body. The 86 ethnic minority delegates comprise 18 percent of the assembly.

Section 4. Corruption and Lack of Transparency in Government

Although the law provides criminal penalties for corruption by officials, the government did not implement the law effectively, and officials engaged in corrupt practices with impunity. There was, however, a noticeable increase in the number of high-profile arrests and prosecutions of high-ranking officials for corruption. This included existing and retired officials from the Politburo, central party, military, and public security services.

Corruption: The lack of public consultation on land-use plans and government land compensation frameworks was the primary driver of corrupt land transfers, the major type of corruption. Corruption in financial, banking, natural resource mining, and public investment sectors also remained significant political and social problems.

A new Anticorruption Law came into effect July 1. Highlights include provisions enabling stricter and more effective scrutiny of income and assets of public officials.

The Ministry of Public Security reported it processed 181 corruption cases in the first nine months of the year. Media reported that, in the first six months of the year, the CPV punished 256 party members for corruption, an increase of 21 cases compared with the same period in 2018. Among those punished were a deputy prime minister and 12 leaders of ministries or their rank equivalent. In February, two former ministers punished by the CPV in 2018 were arrested on accusations of receiving bribes in excess of \$three million from a private businessman.

Financial Disclosure: The new Anticorruption Law requires all state officials, commissioned officers of police and military forces, career military personnel, holders of positions as deputy manager and above in public service agencies and state-owned enterprises, and state enterprise financial management officers to disclose to their agency their income and assets within 10 days from the date of designation or employment. Any change of at least 300 million VND (\$15,000) requires an additional declaration. Directors of provincial departments and higher ranks, or persons in charge of official management, management of public funds, public property or public investment or who have influence over the operation of other entities as prescribed by the government are required to submit annual disclosures. Nominees to be National Assembly and People's Councils' delegates are required to do so in line with voting law. The law provides for reprimand, warning, suspension, or removal for noncompliance.

The government reported that in 2018 approximately 1,136,902 government workers disclosed their assets and incomes, accounting for 99.8 percent of those required to do so. Only 44 of these statements were verified, of which six were identified as incorrect. Media, however, reported many cases of nondisclosure or false disclosure that were not followed up.

Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Abuses of Human Rights

The government did not permit independent, local human rights organizations to form or operate, nor did it tolerate attempts by organizations or individuals to criticize its human rights practices publicly.

Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

Women

Rape and Domestic Violence: The law prohibits using or threatening violence against women, including rape, spousal rape, “other sexual contacts,” and “forced sex crimes.” It also criminalizes the rape of men. Conviction for rape is punishable by imprisonment of up to 15 years, depending on the severity of the case. Authorities prosecuted rape cases but did not release arrest, prosecution, conviction, or punishment statistics. There was little information on the prevalence of rape or on reporting of the crime.

Authorities treated domestic violence cases as civil cases unless the victim suffered injuries to more than 11 percent of their body. The law specifies acts constituting domestic violence and stipulates punishments for convicted perpetrators ranging from warnings to imprisonment for up to three years.

Domestic violence against women was common. The Women's Union reported in November at least 58 percent of married women were worried about domestic violence on a daily basis and that 87 percent did not seek help. Officials acknowledged domestic violence was a significant social concern, and the media discussed it openly. Social stigma prevented many survivors from coming forward due to fear of harassment from their spouses or family.

While police and legal systems generally remained unequipped to deal with cases of domestic violence, the government, with the help of international and domestic NGOs, continued to train police, lawyers, community advocates, and judicial officials in the law; supported workshops and seminars that aimed to educate women and men about domestic violence and women's rights; and highlighted the problem through public awareness campaigns.

Sexual Harassment: The law prohibits sexual harassment in the workplace. Publications and ethics training for public servants did not, however, mention the problem of sexual harassment.

In serious cases, victims may sue offenders outside the workplace under a law that deals with “humiliating other persons” and specifies punishments for conviction that include a warning, noncustodial reform for up to two years, or a prison term ranging from three months to two years.

Coercion in Population Control: The constitution stipulates society, families, and all citizens implement “the population and family planning program,” which allows couples or individuals the right to have one or two children, with exceptions based on government decree. There is no legal provision punishing citizens who have more than two children; however, there were reported instances where local authorities imposed administrative fees on families in Nghe An province who had more than two children. There were unsubstantiated reports this practice occurred in many localities across the country.

The CPV and certain government ministries and local governments issued their own regulations on family size for their staff. A decree issued by the Politburo, for example, subjects CPV members to official reprimand if they have three children, removes them from a ranking position if they have four children, and expels them from the CPV if they have five children. Violating the decree also decreases the likelihood of promotion and may lead to job termination. The CPV did not enforce these provisions consistently.

Discrimination: The law provides for gender equality, but women continued to face societal discrimination. Despite the large body of law and regulation devoted to protecting women's rights in marriage and the workplace as well as provisions that call for preferential treatment, women did not always receive equal treatment in employment, education, or housing, particularly in rural areas.

Although the law provides for equal inheritance rights for men and women, a son was more likely to inherit property than a daughter, unless otherwise specified by a legal document such as a will.

The Women's Union and the government's National Committee for the Advancement of Women continued to promote women's rights, including political, economic, and legal equality, as well as protection from spousal abuse.

Gender-biased Sex Selection: According to 2018 data, the national average male to female sex ratio at birth was 115.1 boys to 100 girls, up three percentage points from 2017 and falling short of the target of 112.8 boys to 100 girls, according to the General Office for Population and Family Planning under the Ministry of Health. The government acknowledged the problem, highlighted reduction of the ratio as a goal in the national program on gender equality and continued to take steps to address it.

To address the issue of gender equality, the government has issued legal documents prohibiting gender identification prior to birth and prohibiting gender-based violence and discrimination. Violations of these provisions are subject to fines or even imprisonment. The government continued to work through the 2010 *National Strategy on Gender Equality*. At the local or provincial level, some authorities give cash incentives for giving birth to female children. For example, Hau Giang provincial authorities awarded couples that give birth to two females a one-time sum of VND 390,000 to 1.3 million (\$17 to \$56). In some provinces, females enjoy preferences in education, vocational training, starting up a business, etc.

Children

Birth Registration: By law the government considers anyone born to a citizen parent to be a citizen. Persons born to non-Vietnamese parents may also acquire citizenship under certain circumstances.

Children born to stateless parents or to a stateless mother and unknown father may acquire Vietnamese citizenship if the stateless parents or stateless mother are permanent residents, making the process difficult in most cases.

The law requires a birth certificate to access public services, such as education and health care. Nonetheless, some parents, especially from ethnic minorities, chose not to register their children, and local authorities prevented some parents from registering children to discourage migration.

Education: Education is free, compulsory, and universal through age 14, although a variety of school fees are common. Under a government subsidy program, ethnic-minority students were exempt from paying school fees. Authorities did not always enforce required attendance laws or enforce them equally for boys and girls, especially in rural areas, where government and family budgets for education were limited and children's labor in agriculture was valuable.

Gender gaps in education declined, but certain gaps remained. There were substantial differences in the education profile of men and women at the postsecondary level, notably in applied technology programs.

The government sometimes denied education to children from families not registered in their locality, with particular discriminatory effect on H'mong communities in the Central Highlands and on the children of some political and religious activists.

Child Abuse: The government did not effectively enforce existing laws on child abuse, and physical and emotional mistreatment was common.

According to a 2016 UNICEF report, the latest data available, violence against children occurred in many settings including schools and homes and was usually inflicted by someone known to the child. The most common types of school violence were bullying and corporal punishment by teachers. The number of reported cases of child abuse, especially child sexual abuse, was increasing. UNICEF stated there were no effective interdisciplinary child and gender sensitive procedures or processes for handling child abuse reports, and the responsibilities of the responsible agencies were unclear. The child protection workforce, especially at local levels, from social workers to relevant professionals such as police, judges, prosecutors, teachers, and medical experts, was poorly trained, uninformed, and generally insufficient to address the problem.

Early and Forced Marriage: The legal minimum age of marriage is 18 for girls and 20 for boys, and the law criminalizes organizing marriage for, or entering into marriage with, an underage person.

Sexual Exploitation of Children: The law criminalizes all acts of sale or deprivation of liberty of children as well as all acts related to the exploitation of children in prostitution and forced child labor for children under 16. The exploitation of children in prostitution is not fully criminalized for 16- and 17-year-old children. Sentences for those convicted range from three years' to life imprisonment, and fines range from five million to 50 million VND (\$220 to \$2,200). The law specifies prison sentences for conviction of acts related to the exploitation of children in prostitution, including harboring prostitution (12 to 20 years), brokering prostitution (seven to 15 years), and buying sex with minors (three to 15 years). The production, distribution, dissemination, or sale of child pornography is illegal, and a conviction carries a sentence of three to 10 years' imprisonment. The country is a destination for child sex tourism.

The law prohibits all acts of cruel treatment, humiliation, abduction, sale, and coercion of children into any activities harmful to their healthy development and provides for the protection and care of disadvantaged children.

The minimum age of consensual sex is 18. Conviction for statutory rape may result in life imprisonment or capital punishment. Penalties for sex with minors between the ages of 16 and 18, depending upon the circumstances, vary from five to 10 years in prison. The penalty for rape of a child between the ages of 13 and 16 is seven to 15 years' imprisonment. If the victim becomes pregnant, the rape is incestuous, or the offender is in a guardianship position to the victim, the penalty increases to 12 to 20 years' imprisonment. The law considers all cases of sexual intercourse with children younger than 13 to be child rape, with sentences ranging from 12 years' imprisonment to death. The government enforced the law, and convicted rapists received harsh sentences.

Displaced Children: Media reported approximately 21,000 children lived on the streets and sometimes experienced police harassment, sexual exploitation, and abuse.

International Child Abductions: The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State's *Annual Report on International Parental Child Abduction* at <https://www.travel.state.gov/content/travel/en/International-Parental-Child-Abduction/for-providers/legal-reports-and-data/reported-cases.html>.

Anti-Semitism

There were small communities of Jewish foreigners in Hanoi and Ho Chi Minh City; there were no reports of anti-Semitic acts.

Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

Persons with Disabilities

The constitution provides for the protection of persons with mental and physical disabilities. The law prohibits discrimination against or mistreatment of persons with physical disabilities, mental disabilities, or both, and protects their right to access education and other state services, but the government struggled to enforce these provisions. Persons with disabilities faced widespread social stigmatization.

The law protects the rights of persons with disabilities, including their access to education, employment, health services, information, communications, buildings, transport, judicial system, and other state services; however, the majority of persons with disabilities faced challenges in exercising their rights.

Services for the disabled were often unavailable, and policies declared were not implemented. For example, although representatives from a broad range of ministries, including Construction, Finance, Planning, and Transport, incorporate the need for accommodations for persons with disabilities in joint planning, and the law requires new construction or major renovations of government and large public buildings include access for persons with disabilities, enforcement was sporadic, particularly outside major cities.

Access to education for children with disabilities, particularly deaf children and children with intellectual disabilities, remained extremely limited.

There is no legal restriction on the right to vote for persons with disabilities, although many polling stations were not accessible, especially to persons with physical disabilities.

While the provision of social services to persons with disabilities remained limited, the government made some efforts to support the establishment of organizations of persons with disabilities and consulted them in the development or review of national programs, such as the National Poverty Reduction Program, vocational laws, and various education policies. The National Committee on Disabilities, the Vietnam Federation on Disability, and their members from various ministries worked with domestic and foreign organizations to provide protection, support, physical access, education, and employment. The government operated a small network of rehabilitation centers to provide long-term, in-patient physical therapy.

NGOs reported they continued to face challenges applying for funding and offering training for disability-related programs from certain provincial governments, which hampered access for international experts to conduct training.

National/Racial/Ethnic Minorities

The law prohibits discrimination against ethnic minorities, but societal discrimination was longstanding and persistent. Local officials in some provinces, notably in the highlands, discriminated against members of ethnic and religious minority groups. Despite the country's significant economic growth, the economic gap between many ethnic minority communities and ethnic majority communities persisted. Ethnic minority group members constituted a sizable percentage of the population in certain areas, including the Northwest, Central Highlands, and portions of the Mekong Delta.

International human rights organizations and refugees continued to allege authorities monitored, harassed, and intimidated members of certain ethnic minority groups, particularly ethnoreligious minorities in the Central and Northwest Highlands, including Christian H'mong. Local officials in several provinces in the Central Highlands, including Doan Ket village, Dak Ngo commune, Tuy Duc district, Dak Nong province, continue to deny registration to more than 1,000 H'mong Christians who had migrated there in recent years, according to an NGO. As a result school officials did not allow the H'mong children to attend school.

Some members of these groups fled to Cambodia and Thailand, seeking refugee status as victims of oppression; the government claimed these individuals were illegal migrants who left the country in pursuit of economic opportunities. Human rights groups stated the government pressured Cambodia and Thailand to deny these individuals refugee or temporary asylum seeker status and to return them to Vietnam.

Authorities used national security laws to impose lengthy prison sentences on members of ethnic minorities for connections to overseas organizations the government claimed espoused separatist aims. In addition activists often reported an increased presence of Ministry of Public Security agents on historically significant days and holidays in regions inhabited by ethnoreligious minorities.

Government programs meant to address the socioeconomic gap between ethnic minorities and the majority community continued, and the government also continued to allocate land to ethnic minorities in the Central Highlands, although land expropriation in these areas was also common.

As of December 2018, there were 315 ethnic minority boarding schools in 49 provinces serving 109,245 ethnic minority students, mostly in the Northwest and Central Highlands and the Mekong Delta. No statistics were available for the year. The government also worked with local officials to develop local-language curricula. Implementation was more comprehensive in the Central Highlands and the Mekong Delta than in the Northwest Highlands. The government also subsidized several technical and vocational schools for ethnic minorities.

The government granted preferential treatment to domestic and foreign companies that invested in highland areas populated predominantly by ethnic minorities. In addition the government supported infrastructure development programs that targeted poor, largely ethnic-minority areas and established agricultural extension programs for remote rural areas.

Acts of Violence, Discrimination, and Other Abuse Based on Sexual Orientation and Gender Identity

The law does not prohibit discrimination against lesbian, gay, bisexual, transgender, and intersex persons in housing, employment, nationality laws, or access to government services. The civil code gives individuals who have undergone a “sex change” the right to register their new status. Sexual orientation and gender identity were the basis for stigma and discrimination.

HIV and AIDS Social Stigma

HIV and AIDS social stigma and discrimination hindered HIV/AIDS prevention efforts.

According to the 2015 *Stigma Index*, the latest available data, 11.2 percent of persons with HIV reported having experienced violations of their rights within the 12 months prior to the survey. Individuals with HIV continued to face barriers accessing and maintaining employment. Being arrested and detained in compulsory rehabilitation centers for continued use of heroin or methamphetamine also prevented drug users from accessing HIV and health services, although such treatment is considered a basic right of such patients.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The constitution affords the right to associate and the right to demonstrate but limits the exercise of these rights, including by preventing workers from organizing or joining independent unions of their choice. While workers may choose whether to join a union and at which level (local or “grassroots,” provincial, or national), the law requires every union to be under the legal purview and control of the country’s only trade union confederation, the Vietnam General Confederation of Labor (VGCL), a CPV-run organization. Only citizens may form or join labor unions.

The law gives the VGCL exclusive authority to recognize unions and confers on VGCL upper-level trade unions the responsibility to establish workplace unions. The law stipulates the VGCL answers directly to the CPV’s VFF, which does not protect trade unions from government interference in or control over union activity.

The law also limits freedom of association by not allowing trade unions full autonomy in administering their affairs. The law confers on the VGCL ownership of all trade-union property and gives it the right to represent lower-level unions. By law trade union leaders and officials are not elected by union members but are appointed.

The law requires that, if a workplace trade union does not exist, the next level “trade union” must perform the tasks of a grassroots union, even where workers have not so requested or have voluntarily elected not to organize. For nonunionized workers to organize a strike, they must request the strike “be organized and led by the upper-level trade union,” and if nonunionized workers wish to bargain collectively, the upper-level VGCL union must represent them.

The law stipulates trade unions have the right and responsibility to organize and lead strikes. The law also establishes substantive and procedural restrictions on strikes. Strikes that do not arise from a collective labor dispute or do not adhere to the process outlined by law are illegal. The law forbids strikes over “rights-based” disputes. This includes strikes arising out of economic and social policy measures that are not a part of a collective negotiation process, as they are both outside the law’s definition of protected “interest-based” strikes.

The law prohibits strikes by workers in businesses that serve the public or that the government considers essential to the national economy, defense, public health, and public order. “Essential services” include electricity production; post and telecommunications; and maritime and air transportation, navigation, public works, and oil and gas production. The law also grants the prime minister the right to suspend a strike considered detrimental to the national economy or public safety.

The law prohibits strikes at the sector- or industry-level and prohibits workers and unions from calling for strikes in support of multiemployer contracts.

The law states the executive committee of a trade union may issue a decision to go on strike only when at least 50 percent of workers support it.

Laws stipulate an extensive and cumbersome process of mediation and arbitration before a lawful strike may occur. Unions or workers’ representatives may either appeal decisions of provincial arbitration councils to provincial people’s courts or strike. The law stipulates strikers may not be paid wages while they are not at work. The law prohibits retribution against strikers. By law individuals participating in strikes declared illegal by a people’s court and found to have caused damage to their employer are liable for damages.

The laws include provisions that prohibit antiunion discrimination and, nominally, interference in union activities while imposing administrative sanctions and fines for violations. The laws do not distinguish between workers and managers, however, and fail to prohibit employers’ agents, such as managers who represent the interests of the employer, from participating or interfering in union activity. Penalties were not adequate to deter violations.

According to the Ministry of Labor, Invalids, and Social Affairs (MOLISA), there were 67 strikes in the first half of 2019. Most of them occurred in southern provinces. Approximately 82 percent of the strikes occurred in foreign direct-investment companies (mainly Korean, Taiwanese, Japanese, and Chinese companies). The strikers sought higher wages, better social insurance, and better meals between shifts. None of the strikes followed the authorized conciliation and arbitration process and thus authorities considered them illegal “wildcat” strikes. The government, however, took no action against the strikers and, on occasion, actively mediated agreements in the workers’ favor. In some cases the government imposed heavy fines on employers, especially of foreign-owned companies, that engaged in illegal practices that led to strikes.

Because it is illegal to establish or seek to establish independent labor unions, there were no domestic NGOs involved in labor organizing. Local, unregistered labor NGOs, however, supported efforts to raise awareness of worker rights and occupational safety and health issues and to support internal and external migrant workers. Multiple international labor NGOs collaborated with the VGCL to train VGCL-affiliated union representatives in labor organizing, collective bargaining, and other trade union issues. The International Labor Organization (ILO)-International Finance Corporation (IFC) Better Work project reported management interference in trade union activities was a significant issue in garment factories.

Labor activists and representatives of independent (non-VGCL) worker organizations faced antiunion discrimination. Independent labor activists seeking to form unions separate from the VGCL or inform workers of their labor rights sometimes faced government harassment. In February 2018 a court convicted and sentenced peaceful labor and environmental activist Hoang Duc Binh to 14 years’ imprisonment under vague articles of the penal code. Binh, arrested in 2017, advocated for compensation for fishermen affected by a 2016 toxic waste spill and posted critical online content about the government’s response to the spill (see section 1.d.). In addition, authorities continued to use foreign travel prohibitions against labor activists, including the chairwoman of the independent Viet Labor Movement, Do Thi Minh Hanh (also see section 2.d.).

b. Prohibition of Forced or Compulsory Labor

The constitution and law prohibit forced or compulsory labor. The labor code’s definition of forced labor, however, does not explicitly include debt bondage. In January penal code amendments entered into effect that criminalized all forms of labor trafficking of adults and children younger than 16. The penalties were not sufficient to deter violations; in fact, the law does not provide any penalty for violating provisions prohibiting forced labor. NGOs continued to report the occurrence of forced labor of men, women, and children within the country (see also section 7.c.).

Labor recruitment firms, most affiliated with state-owned enterprises, and unlicensed brokers reportedly charged workers seeking overseas employment higher fees than the law allows, and they did so with impunity. Those workers incurred high debts and were thus more vulnerable to forced labor, including debt bondage.

Also see the Department of State’s *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

c. Prohibition of Child Labor and Minimum Age for Employment

The newly ratified labor code establishes that only people age 18 or older are eligible to work. However, other laws address conditions for employment of children under the age 18. The constitution prohibits “the employment of persons below the minimum working age,” generally 13, with exceptions set by the Labor Ministry. The law prohibits children under 18 from working heavy, hazardous, and dangerous jobs.

Illegal child labor was reported in labor-intensive sectors such as garments and textiles, construction, agriculture, and some manufacturing. Local media also reported children working as beggars in gangs whose leaders abused the children and took most of the children’s income. Some children started work as young as 12, and nearly 55 percent of child workers did not attend school.

In the garment sector, children as young as six and up to 18 reportedly produced garments in conditions of forced labor. The most recently available information from government raids, NGOs, and media reports during the year indicated this was most common in small, privately owned garment factories and informal workshops. Reports indicated these employers beat or threatened the children. In addition, there was evidence children as young as 12 were working while confined in government-run rehabilitation centers. Employers forced these children to sew garments without pay under threat of physical or other punishments.

The Ministry of Labor is responsible for enforcing child labor laws and policies. Government officials may fine and, in cases of criminal violations, prosecute employers who violate child labor laws. As part of the government's 2016-20 *National Plan of Action for Children and National Program for Child Protection*, the government continued efforts to prevent child labor and specifically targeted children in rural areas, disadvantaged children, and children at risk of exposure to hazardous work conditions.

International and domestic NGOs noted successful partnerships with provincial governments to implement national-level policies combatting child labor.

Also see the Department of Labor's *List of Goods Produced by Child Labor or Forced Labor* at <https://www.dol.gov/agencies/ilab/reports/child-labor/list-of-goods>.

d. Discrimination with Respect to Employment and Occupation

The law prohibits discrimination based on gender, race, disability, color, social class, marital status, belief, religion, HIV-status, and membership in a trade union or participation in trade union activities in employment, labor relationships, and work but not explicitly in all aspects of employment and occupation. The law does not prohibit discrimination based on political opinion, age, language, national origin, sexual orientation, or gender identity.

No laws prohibit employers from asking about family or marital status during job interviews.

The government did not effectively enforce employment discrimination laws but did take some action to address employment discrimination against persons with disabilities. Companies with a workforce composed of at least 51 percent employees with disabilities may qualify for special government-subsidized loans.

Discriminatory hiring practices existed, including discrimination related to gender, age, disability, and marital status. Women were expected to retire at age 60, compared with age 62 for men, affecting women's ability to rise to managerial ranks and have higher incomes and pensions.

Women-led enterprises continued to have limited access to credit and international markets. Female workers earned, per year, an average of one month's income less than male workers, with skilled female workers earning less than male workers with similar skills. Many women above the age of 35 found it difficult to find a job, and there were reports of women receiving termination letters at 35. The VGCL's Institute of Workers and Trade Unions noted women older than 35 accounted for roughly half of all unemployed workers in the country.

Social and attitudinal barriers and limited accessibility of many workplaces remained problems in the employment of persons with disabilities.

e. Acceptable Conditions of Work

The minimum wage varies by region. In all regions, the minimum wage exceeds the World Bank official poverty income level.

The law limits overtime to 50 percent of normal working hours per day, 30 hours per month, and 200 hours per year, but it provides for an exception in special cases, with a maximum of 300 overtime hours annually, subject to advance approval by the government after consultations with the VGCL and employer representatives.

The law provides for occupational safety and health standards, describes procedures for persons who are victims of labor accidents and occupational diseases, and delineates the responsibilities of organizations and individuals in the occupational safety and health fields. The law provides for the right of workers to remove themselves from situations that endanger health or safety without jeopardy to their employment. The law protects “labor subleasing,” a pattern of employment, and thus extends protection to part-time and domestic workers.

The Ministry of Labor is the principal labor authority, and it oversees the enforcement of labor law. The Labor Inspections Department is responsible for workplace inspections to confirm compliance with labor laws and occupational safety and health standards. Inspectors may use sanctions, fines, withdrawal of operating licenses or registrations, closures of enterprises, and mandatory training. Inspectors may take immediate measures where they have reason to believe there is an imminent

and serious danger to the health or safety of workers, including temporarily suspending operations, although such measures were rare. The ministry acknowledged shortcomings in its labor inspection system and emphasized the number of labor inspectors countrywide was insufficient.

The government did not effectively enforce labor laws, particularly in the informal economy.

Credible reports, including from the ILO-IFC *Better Work 2019 Annual Report*, indicated factories exceeded legal overtime thresholds and did not meet legal requirements for rest days. The ILO-IFC report stated that, while a majority of factories in the program complied with the daily limit of four hours overtime, 77 percent still failed to meet monthly limits (30 hours) and 69 percent exceeded annual limits (300 hours). In addition, and due to the high prevalence of Sunday work, 40 percent of factories failed to provide at least four days of rest per month to all workers.

Migrant workers, including internal economic migrants, and uncontracted laborers were among the most vulnerable workers, and employers routinely subjected them to hazardous working conditions. Members of ethnic minority groups often worked in the informal economy and, according to the ILO, informal workers typically had low and irregular incomes, endured long working hours, and lacked protection by labor market institutions. Additionally, workers in the informal sector are only eligible to pay into a voluntary social insurance fund covering only retirement and survivors' allowances. Workers in the formal sector and their employers contribute to a system that covers sickness, maternity, labor accidents, and occupational disease as well as retirement and survivors' allowances.

On-the-job injuries due to poor health and safety conditions and inadequate employee training remained a problem. In 2018 the government reported 7,997 occupational accidents with 8,229 victims, including 972 fatal incidents with 1,038 deaths. Among the fatal incidents, 578 incidents involved contracted laborers, while 394 incidents involved uncontracted laborers.

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Austrian Red Cross
Austrian Centre for Country of Origin and
Asylum Research and Documentation (ACCORD)

Wiedner Hauptstraße 32, 1041 Wien
T (Telephone) +43 1 589 00 583
F (Fax) +43 1 589 00 589
info@ecoi.net

Contact
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