



REPORT ON THE FOURTH PERIODIC REVIEW OF VIETNAM BY THE UN HUMAN RIGHTS

Project88
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INTRODUCTION

Project88 is an organization that conducts research and advocacy on human rights in Vietnam. We are submitting this report to inform the fourth periodic report of Vietnam by the UN Human Rights Committee (CCPR) at its 144th session.

The CCPR's review provides an opportunity to examine whether the country has made any progress in implementing the International Covenant on Civil and Political Rights (ICCPR). Our analysis suggests that Vietnam has made little progress and has even regressed across several key indicators.

Since the last review, Vietnam's government has intensified its violation of the civil and political rights of its citizens. Over the past five years, it has shut down the only independent journalists' association, the only independent publishing house, and the only independent anti-corruption organization operating in the country, imprisoned the leadership of the climate change movement on false charges of tax evasion, and enacted extreme restrictions on expression and association.

As of May 2025, Vietnam is holding close to 200 political prisoners.¹ More activists and dissidents were arrested in 2024 than in any of the six prior years.² These numbers, however, mask the number of people who have been intimidated into silence or forced into exile.

The targets of the current crackdown extend beyond pro-democracy activists—who have long been persecuted by the state—to include NGO directors and government officials. Starting in 2021, authorities imprisoned six leaders of the country's climate change movement.³ Vietnam has also begun jailing current and former government officials who at the time of their arrest were working directly with the government on official policy priorities. Nguyen Van Binh and Vu Minh Tien, officials leading efforts to guarantee the right of workers to form independent trade unions, and Ngo Thi To Nhien, a consultant who worked with the government on energy policy, have all been arrested since 2023.⁴

In addition, state actors continue to persecute, harass, arbitrarily detain, and physically attack human rights defenders while surveilling and intimidating their families. And in a disturbing twist, the government has started targeting the lawyers who represent these activists when they face criminal prosecution. Finally, the government has increasingly prosecuted and imprisoned people who voice dissent over social media but who have no prior known history of activism.

This report will provide an overview of some of the most egregious violations of the ICCPR by Vietnam and will provide recommendations on what the CCPR should ask of the Vietnamese government.

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CONSTITUTIONAL FRAMEWORK

DIRECTIVE 24

Since 2020, Vietnam has shut down the only independent journalists' association, the only independent publishing house, and the only independent anti-corruption organization operating in the country, imprisoned the leadership of the climate change movement on false charges of tax evasion, and enacted extreme restrictions on foreign aid.

This repression has a basis in state policy and is being driven by Vietnam's top leaders. On July 13, 2023, the country's senior leadership enacted Directive 24, which frames international cooperation as a national security threat and articulates a disturbing plan to deal with this perceived threat by violating the rights of the Vietnamese people. The CCPR referenced Directive 24 in its List of Issues, but thus far the Vietnamese government has not responded.

Directive 24 makes clear the goal of Vietnam's leaders is to restrict foreign influence and to stop foreign powers from promoting an independent civil society in the country.⁵ In the directive, Vietnam's leaders effectively order the government to:

- Prevent the formation of coalitions by civil society groups.
- Prevent citizens from shaping state policy and promoting legal reform.
- Prevent the formation of domestic political opposition groups.
- Prevent independent labor unions from emerging.
- Deny approval for foreign funded legislative reform projects.

As it is implemented, the directive has already led to human rights violations, including new policies that impose impermissible restrictions on association, expression, and labor rights.⁶ These restrictions will be discussed in detail below.

Directive 24 reveals that Vietnam has no genuine intention to fulfill its human rights commitments. For instance, Vietnam has said that it will ratify ILO Convention 87, which protects the right of workers to form trade unions without prior approval, in the near future.⁷ However, even if the government does ratify the convention, it is unlikely

to comply with its provisions.⁸ In an astonishing admission, the directive orders the creation of seemingly independent trade unions that are in reality under full party control.⁹ As stated in Directive 24, the government should ‘take proactive initiative when participating in the ILO’s convention that protects freedom of association and the right to organize, ensuring the ongoing leadership of the party, leadership of party cells, and government management at all levels’.¹⁰

Directive 24 clarifies that Vietnam’s formal ratification of international agreements should not be equated with an improvement in respect for human rights.

DRAFT CONSTITUTIONAL AMENDMENTS AFFECTING LABOR RIGHTS

On May 6, 2025, the National Assembly announced a draft resolution that, if enacted, would amend the constitution.¹¹ While some of the changes are procedural and would not have an obvious impact on human rights, several of the proposed changes could potentially have a profound effect on the rights of workers.

First, the draft calls for changes to Article 9 of the constitution, which establishes the Vietnam Fatherland Front (VFF), an umbrella group for socio-political institutions, which acts as a bridge between citizens and their unelected leaders.¹² The VFF mobilizes public support for party policies and organizes elections on behalf of the CPV. It also ensures that its member organizations, which include the women’s union, youth union, farmers union, and the trade union federation, follow party policies.¹³

The proposed amendments to Article 9 reconfirm that all member organizations of the VFF are directly subordinate to it, including the Vietnam General Confederation of Labor (VGCL).¹⁴ The VGCL is the one permitted trade union in Vietnam, and remains under state control. All unions must affiliate to this confederation—independent unions are banned.

Proposed amendments to Article 10 also appear designed to reduce the already limited independence of the VGCL.¹⁵ The new language clarifies that the VGCL is ‘directly under the Vietnam Fatherland Front’, and that the VGCL, and other member organizations of the VFF, act in unison ‘under the leadership of the Vietnam Fatherland Front’.¹⁶

Likewise, proposed changes to Article 84 seem aimed at removing power from the VGCL. Under the current constitution, the VGCL can be consulted during the drafting of laws and can propose amendments to draft legislation.¹⁷ The proposed amendments, however, would consolidate legislative power in the VFF, forcing the VGCL to work through the VFF in order to participate in legislative processes.¹⁸ This will likely lead to a situation whereby the VGCL becomes more of a conduit for implementing party policy and less of an advocate for workers.

According to the drafting documents, the changes are in part a response to fears about increased influence of worker organizations on the international stage.¹⁹ In particular, the state is concerned that worker organizations are claiming to represent the country's workers overseas when only the VGCL is supposed to represent Vietnamese workers.²⁰

The Vice Chairman of the National Assembly has stated that 'there have been cases of illegal [worker] organizations falsely claiming to represent Vietnamese workers to request participation in international labor and trade union organizations, with the intent to undermine the Party, the State, and the Trade Union organization'.²¹ But worker organizations cannot yet exist in practice because the Labor Code states that the basic procedures for registering worker organizations would require an implementing decree, which has not yet been enacted.²²

With the arrest of Vu Minh Tien and Nguyen Van Binh, as well as the proposed changes to the constitution, Vietnam has demonstrated no intent to implement labor reforms.

RECOMMENDATIONS

- Urge Vietnam to immediately repeal Directive 24.
- Urge Vietnam to institute reforms that guarantee all labor rights covered by international treaties that Vietnam has signed.
- Urge Vietnam to enact the laws necessary for worker organizations to form and operate.

- Ask Vietnam to ratify ILO Convention 87 and to provide evidence that any newly formed trade unions represent the needs of workers and are able to operate free from external control.

ANTI-CORRUPTION MEASURES

In the List of Issues, the CCPR asked Vietnam for information on statistics of the state's efforts to address corruption. Project88 recently obtained a Central Party Committee report from 2022 that covers the preceding ten years of Vietnam's anti-corruption campaign.²³ We can share some statistics contained within it here.

Between 2012 and 2022, 167,748 party members faced disciplinary actions.²⁴ Of these, 7,393 party members were disciplined due to corruption or intentional wrongdoing.²⁵ 170 senior leaders of the party have been prosecuted: among them are 33 members of the Central Party Committee (including four members of the Politburo), six ministers, 11 deputy ministers, and more than 50 general-level officers in the armed forces.²⁶ In addition, 449 heads of agencies or organizations were held responsible for corruption in their respective agencies.²⁷

In terms of total prosecutions, at least 33,037 people were indicted for corruption-related offenses in the years covered by the report.²⁸ And several of those convicted faced very serious punishment. According to the document, ten people were sentenced to death for corruption crimes.²⁹ An additional 25 people were sentenced to life imprisonment, 13 to more than 30 years' imprisonment, and 28 to more than 20 years' imprisonment.³⁰ Vietnam has not made public the identities of most these individuals.

Of some concern, the report at times seems to conflate corruption with manifestations of 'self-evolution' and 'self-transformation' of government officials.³¹ For instance, the report concludes that, to fight against official corruption, the government must combat a 'deterioration in political ideology, ethics, lifestyle, "self-evolution" and "self-transformation" internally'.³² Official guidelines for communist party members published in 2021 defined 'manifestations of internal "self-evolution" and "transformation"' as including 'calling for separation of powers and the development of civil society', 'speaking, writing or acting contrary to the views of the party or state policy', and 'denying the absolute leadership role of the party in all

aspects of the armed forces or calling for the “depoliticization” of the army and police’.³³ These norms were later enshrined in a formal code of conduct for party members.³⁴ Given the conflation of corruption with a desire for reform, it is possible that some of those disciplined, or even prosecuted, for corruption were merely exercising their right to voice support for democratic ideals.

Similarly, the report lists the ‘deterioration in political ideology’ as a target of the government’s anti-corruption campaign.³⁵ To this point, the report refers to Resolution 4-NQ/TW, which, as Project88 has documented elsewhere, expressed hostility to the very concept of civil society.³⁶ Resolution 4 stated that party members advocating for a stronger civil society ‘undermines the leadership role of the party’.³⁷ A guidance note on the implementation of the resolution warns that the ‘enemy and reactionary forces have stepped up activities against us’, singling out ‘the US and other Western countries [that] are using aid to shape [Vietnam’s] law and policy’, while ‘providing aid to domestic “non-governmental” organizations to promote a Western model of “civil society”’.³⁸

In addition, on April 2, 2025, a draft law was proposed that, if enacted, may have a profound impact on efforts to combat corruption by reducing the separation of powers.³⁹ Proposed amendments to the Law on the Organization of Criminal Investigation Bodies would abolish the Supreme People’s Procuracy’s investigation agency and thereby strip the procuracy of its direct investigative authority over certain crimes, including corruption.

If the law is adopted, it would grant the Ministry of Public Security (MPS) the power to investigate crimes related to corruption, which was previously the purview of the procuracy.⁴⁰ The Ministry of Defense would be granted similar investigatory powers for corruption cases in the military.⁴¹ While it is not entirely clear how these changes will impact corruption investigations in the country, it is concerning that the police and the military, not an independent civilian body, will be in charge of investigating corruption in their own ranks.

Finally, Vietnam’s treatment of organizations performing independent investigations of corruption makes a mockery of the country’s anti-corruption campaign. For instance, in 2021, Nguyen Thi Kieu Vien, the founder and executive director of Towards

Transparency, the only anti-corruption NGO then-operating in Vietnam, was forced into exile. Her organization has since shut down and there are currently no independent groups working to end corruption in the country.

RECOMMENDATIONS

- Urge Vietnam to demonstrate that independent anti-corruption organizations can operate in the country.
- Urge Vietnam to ensure that it is not charging suspected reformers with corruption.
- Ask Vietnam to confirm the identities of the officials sentenced to death or life imprisonment for corruption.
- Ask Vietnam to clarify what the consolidation of investigatory power for corruption cases with the Ministry of Public Security and Ministry of Defense in the Draft Law on the Organization of Criminal Investigation Bodies will mean for the country's anti-corruption campaign.
- Ask Vietnam to clarify what the Draft Law on the Organization of Criminal Investigation Bodies will mean for the separation of powers in the country.

RIGHT TO LIFE

CLIMATE CHANGE

Vietnam is particularly vulnerable to climate change.⁴² At the same time, Vietnam is one of the world's fastest growing economies.⁴³ Rapid economic growth has driven a demand for electricity, which the government has met by relying heavily on coal.⁴⁴

This situation cannot continue. In an age of climate crisis, fossil fuel-driven industrialization is no longer a feasible pathway to development. Recognizing this, Vietnam signed the Paris Agreement and committed to achieving net-zero carbon emissions by 2050.

And, at the end of 2022, nine rich governments made a deal with Vietnam to decarbonize the country's energy sector.⁴⁵ Under the arrangement, called the Just Energy Transition Partnership (JETP), those governments committed to mobilize \$15.5 billion in funding. In return, Vietnam promised it would phase out coal and consult NGOs and the media when making decisions to ensure the transition is implemented in a just manner. Thus far, neither side has lived up to its end of the deal.⁴⁶

The rich governments funding Vietnam's energy transition only mobilized a fraction of the pledged money, and, instead of providing grants to the Vietnamese government, have offered the funding in the form of commercial loans.

Vietnam, for its part, has not phased out coal. Rather, the government has decided to prioritize energy security over the transition, opening new coal mines and dramatically increasing imports of coal. In 2024, Vietnam increased its imports of coal at a higher rate than did any other country.⁴⁷

In addition, instead of ensuring the public had a voice in key decisions about the transition, the government has effectively criminalized activism on energy policy by imprisoning the leaders of the country's climate change movement and criminalizing all efforts to influence policymaking and monitor the country's compliance with international agreements, even from government insiders. And not only has the

public been shut out of the decision-making process, but the governments involved in the transition have acknowledged that there is no mechanism for the public to participate in the country's energy transition.⁴⁸

Moreover, rather than working with climate activists, Vietnam has imprisoned the leadership of the climate change movement, effectively criminalizing citizen climate action.⁴⁹ Since 2021, Nguy Thi Khanh, Dang Dinh Bach, Mai Phan Loi, Bach Hung Duong, and Hoang Thi Minh Hong were all imprisoned on false tax evasion charges.⁵⁰ In addition, Ngo Thi To Nhien, the head of an energy policy think tank, was imprisoned for allegedly misappropriating government documents.⁵¹ Due to government repression, the nascent climate change movement that once existed has been quashed.

DEATH PENALTY

Vietnam is an outlier in its use of the death penalty, Globally, use of the death penalty is at an all-time low. Vietnam by contrast, handed down 150 death sentences in 2024.⁵² Only six countries are known to have imposed more death sentences that year.⁵³ And by the end of the year, at least 1,200 people in Vietnam were on death row.⁵⁴ In Asia, only Pakistan and Bangladesh are known to have more people on death row.⁵⁵

Data on death sentences and executions is a state secret, so not much is known about Vietnam's actual executions. What is known is that between 2013 and 2016, the most recent period for which data is available, the government executed 429 people.⁵⁶ This puts Vietnam behind only China and Iran in its use of the death penalty over that time.⁵⁷

Troublingly, Vietnam continues to impose the death penalty for economic and drug crimes. In 2021 and 2022, 78% of death sentences in Vietnam were imposed on people accused of drug-related offences.⁵⁸ The OHCHR has stressed that 'imposing the death penalty for drug offenses is incompatible with international norms and standards.'⁵⁹

In addition, in 2024 billionaire Truong My Lan was sentenced to death for committing economic fraud.⁶⁰ And, according to a government document obtained by Project88, between 2011 and 2021, at least 10 people were sentenced to death for corruption-related offenses. More recently still, in 2024, former chief accountant for the National

Institute of Hygiene and Epidemiology Nguyen Hoang was sentenced to death after he was convicted of embezzling more than VND 152 billion (\$6.2 million).⁶¹

Finally, Vietnam includes ‘crimes of infringing upon the national security’ as a category that can permissibly be punishable by death. However, in Vietnam, national security crimes, including Article 117 of the 2015 Criminal Code, are among the most common charges in political prosecutions. It is unacceptable that political prisoners might face the death penalty in Vietnam, and it is therefore imperative that Vietnam clarify which national security crimes are punishable by death and in what circumstances the death penalty can be imposed.

The Ministry of Public Security recently announced that it had proposed removing the death penalty for eight crimes.⁶² The eight crimes in the proposal are: activities aimed at overthrowing the government, destroying government facilities, producing and trading counterfeit medicine, trafficking drugs, advocating for or participation in a war of aggression, espionage, embezzlement, and bribery.⁶³ While this is welcome news, it would still leave ten crimes punishable by death in Vietnam, including some that frequently lead to death sentences. And, despite this announcement, just last month, on April 26, 2025, nine people were sentenced to death for drug trafficking—an inauspicious start if Vietnam is truly working towards abolition.⁶⁴

RECOMMENDATIONS

- Urge Vietnam to ensure that civil society has a formal platform to engage with the government on the country’s energy transition.
- Urge Vietnam to host public dialogues to make sure the transition considers the economic, social, and environmental objectives of all stakeholders.
- Demand Vietnam stop arresting climate activists and release all currently imprisoned activists.
- Investigate the use of the death penalty in Vietnam to ensure that all instances of its imposition are permissible under international law.
- Encourage Vietnam to publish up-to-date statistics on executions and use of the death penalty and disclose the number of prisoners currently on death row.
- Clarify when drug and national security offenses are punishable by death.

PROHIBITION OF TORTURE

Project88 has received credible allegations of torture and other ill-treatment of prisoners, particularly political prisoners, in Vietnam. According to testimony received by Project88, torture and beatings, the forced commitment of political prisoners to psychiatric institutes, denial of healthcare, and solitary confinement and incommunicado detention, are all commonly used against human rights defenders. Prisoners have also reported unsafe food, overcrowding, a lack of access to clean water, and poor sanitation. Moreover, political prisoners often face retaliation if they try to petition for improved prison conditions.

TORTURE AND BEATINGS

Project88 has documented the mistreatment of political prisoners. In many instances, beatings were carried out by prison authorities with the purpose of coercing confessions, obtaining information, or punishing political dissidents for their opinions.⁶⁵ In addition, imprisoned activists have reported that they were beaten or otherwise harassed by cellmates at the apparent urging of prison authorities.⁶⁶

In March 2023, Le Quoc Anh, a dissident who worked with Saigon Broadcasting Television Network—a media outlet designed for Vietnamese people living overseas, that, among other things, reports on human rights violations in Vietnam—was detained by police and held without charge.⁶⁷ According to Anh, at the time of his detention he had pink eye but the police did not allow him to take his prescribed medication, even after his parents brought it to the police station.⁶⁸ Anh alleges that during his interrogation the police forced him to strip naked and questioned him in that state for at least an hour. According to Anh, during that time, the police insulted and degraded him.⁶⁹ In addition, Anh alleges that police beat him to coerce a confession.⁷⁰

On June 24, 2020, Trinh Ba Phuong, a land rights activist known for his advocacy surrounding Dong Tam, was arrested under Article 117 of the criminal code and sentenced to ten years' imprisonment.⁷¹ In August 2022, the first time his family was

allowed to visit him since his arrest two years prior, Phuong told his wife that he had been tortured.⁷² Phuong reported that he was severely beaten on multiple occasions to extract a confession from him.⁷³

Phuong and Anh's experiences follow a common pattern in Vietnam in which prisoners have been beaten to coerce them to confess to crimes. As noted in a 2016 report by *Amnesty International*, 'for many of the former prisoners ... the torture and ill-treatment was especially intense during pre-trial detention, as authorities aimed to extract a "confession."' ⁷⁴

SOLITARY CONFINEMENT AND INCOMMUNICADO DETENTION

The practice of holding political prisoners in pretrial detention is the norm in political cases in Vietnam. Project88's data indicates that most political prisoners arrested in 2022 were held in pretrial detention, often incommunicado, with some held for nearly a year.⁷⁵ Between January 2019 and October 2023, at least 51 human rights defenders were held in incommunicado pretrial detention for eight months or longer.⁷⁶ And Project88 estimates that there are at least 20 individuals arrested in 2024 still in pretrial detention.⁷⁷

Incommunicado detention is commonly used on activists who are prosecuted for committing national security crimes. In national security cases, Article 74 of the Criminal Procedure Code allows the prosecutor to prevent defense lawyers from speaking to a defendant until after the police have finished their investigation—a process that often lasts a year or longer.

However, authorities have held prisoners in incommunicado detention even when arrested on charges not covered by Article 74. For instance, Dang Dinh Bach, who was arrested for tax evasion, was held in incommunicado detention for seven months.⁷⁸ It appears that incommunicado detention is used whenever convenient, even when there is no legal basis.

DEATHS DUE TO DEPRIVATION OF MEDICAL CARE

Since 2019, at least six political prisoners have died in prison due to the alleged willful medical neglect of authorities.⁷⁹ Official statistics from the government detail an

alarming number of deaths in custody. A 2017 report from the Ministry of Public Security, which oversees prisons in Vietnam, stated that over the preceding five years, the remains of 2,812 prisoners were returned to their families, without detailing the conditions under which these people died.⁸⁰ The same report also detailed much worse health outcomes for prisoners than members of the general population. In 2016, for instance, 8.3% of the total prison population was HIV positive, compared to a rate of just 0.4% among the general population.⁸¹

FORCED COMMITMENT IN PSYCHIATRIC FACILITIES

A form of psychological abuse meted out in Vietnamese prisons is the forced commitment of activists in mental health institutions against their will, even when they have no history of mental illness. At least five political prisoners allege they have been subjected to this in recent years.⁸² Those who have been committed have reported that they have been forced to take unknown drugs and subjected to medical tests while detained.

For example, journalist Le Anh Hung, who was convicted of ‘abusing democratic freedoms’ under Article 331 of the criminal code and sentenced to five years’ imprisonment, was forcibly held from April 2019 to May 2022 at the Central Psychiatric Evaluation Center in Hanoi.⁸³ In the three years he was detained there against his will, Hung alleges he was often bound and injected with a psychoactive medication which induced prolonged periods of an altered mental state.⁸⁴ Hung believes that he was subjected to forced mental health treatment to punish him for reporting on corruption and as a means of discrediting him and his work.⁸⁵

THREATS AND REPRISALS AGAINST FAMILY MEMBERS OF ACTIVISTS

Families of political prisoners that have attempted to sound the alarm about the mistreatment of their detained relatives have reported threats from state authorities. For example, in March 2022, Thanh Hoa provincial police summoned Trinh Thi Nhung, the wife of political prisoner Bui Van Thuan, for questioning.⁸⁶ Nhung had posted information about her husband’s imprisonment on social media. She told Project88 that police asked her to limit how much she posts about her husband and threatened to arrest her if she did not comply with their demands.⁸⁷ Nhung was summoned for

questioning a second time in July 2022, where the police also warned her not to post information about these interrogations.⁸⁸

RECOMMENDATIONS

- Investigate all allegations of torture, solitary confinement, incommunicado detention, forced commitment in psychiatric facilities, and threats against family members of political prisoners.
- Push Vietnam to implement the actions stated in CAT's concluding observations in their initial report on Vietnam.
- Urge Vietnam to amend or repeal Article 74 of the Criminal Procedure Code to prevent arbitrary incommunicado detention.
- Work to ensure that prisoners can access family, healthcare professionals, and lawyers.
- Investigate all reported instances of deaths of prisoners while detained and all allegations of willful denial of medical care for political prisoners.

ELIMINATION OF TRAFFICKING IN PERSONS

In 2024, Project88 uncovered evidence that Vietnam was lying to the international community about its efforts to eliminate trafficking in persons in the country.⁸⁹ We found that:

- Vietnam failed to hold to account government officials involved in human trafficking.
- Vietnam deliberately deceived the world about the country's efforts to address human trafficking.
- Vietnam failed to investigate many cases of trafficking.
- Vietnamese officials recommended preventing international organizations from providing aid to victims of human trafficking.

PLAN TO COVER UP FOR OFFICIALS INVOLVED IN TRAFFICKING

According to documents received by Project88, Vietnam has conducted a cover up of criminal proceedings against government officials who facilitated the forced labor of Vietnamese nationals in Saudi Arabia in 2021.

H Xuan Siu, a Vietnamese citizen who was recruited to perform domestic work in Saudi Arabia when she was 16 years old, died at 18 after she reported physical abuse by her employer to two officials at the Vietnamese Embassy in Riyadh.⁹⁰ She reported the abuse to two labor attachés, but the government did nothing to protect her.⁹¹

Hanoi claimed that it had taken steps to hold the officials accountable.⁹² However, the government placed a gag order on media coverage of Xuan's death and failed to provide any information about the criminal proceedings against these officials.⁹³ One document obtained by Project88 reveals that Vietnam did not take any criminal action against the officials, and covered up this fact in its reporting to foreign governments.⁹⁴ The document recommends that the government 'not provide any more information about [the case] to avoid complications'.⁹⁵

PLAN TO LIE ABOUT THE SITUATION OF HUMAN TRAFFICKING

To avoid pressure for Vietnam to reform its laws, Vietnamese officials advocated to deliberately withhold information about efforts to eliminate trafficking in persons.⁹⁶

For example, one official advised the government to inform foreign diplomats that its amendments to the Law on the Prevention and Combat of Trafficking in Persons were proceeding on schedule. The document revealed that the reporting 'is inconsistent with the current reality' and the amendments have in fact been delayed.⁹⁷

Likewise, despite calls from the international community to increase protections for trafficking victims who are 16 or 17 years old, 'there has not been the progress desired....'⁹⁸ The official acknowledges that 'on the issue of human trafficking, Vietnamese law still has several shortcomings that are not truly compatible with international norms'.⁹⁹

FAILURE TO INVESTIGATE TRAFFICKING CASES

There is a large discrepancy between the number of human trafficking victims reported externally and the number of victims detailed in Vietnam's internal reports. According to the annual report of Vietnam's interagency committee on human trafficking, the authorities claim to have identified only 311 victims of trafficking in 2023.¹⁰⁰ The same report, however, states that 10,000 Vietnamese citizens are working at casinos on the Myanmar border.¹⁰¹ The report also details how in 2023, approximately 2,000 Vietnamese people were rescued from casinos and online scam operations in nearby countries.¹⁰²

Taken at face value, these statistics suggest that there is a severe undercount of the number of Vietnamese trafficking victims. According to a Ministry of Foreign Affairs report that is publicly available, 'many people have been rescued but have not been interviewed to identify them as trafficking victims'.¹⁰³

In addition, one of the documents notes that the government has made no effort to create a trafficking database, and, as a result, 'there is no official data on prosecutions' in trafficking cases.¹⁰⁴ Given this admission, it is difficult to believe that the government is making a sincere effort to eliminate trafficking.

PROHIBITING INTERNATIONAL ORGANIZATIONS FROM VICTIM SUPPORT

Finally, one of the documents obtained by Project88 recommends that the government 'not allow foreign organizations and individuals to directly establish facilities to support victims of trafficking in Vietnam'.¹⁰⁵ Thus, it appears that Hanoi is taking steps to limit the services provided to trafficking victims, rather than opening every avenue to ensure they receive adequate support.

RECOMMENDATIONS

- Ensure that Vietnam takes sincere action to eliminate trafficking in persons.
- Urge Vietnam to prosecute officials involved in trafficking.
- Make sure that Vietnam reports accurate numbers of trafficking victims.
- Urge Vietnam to amend its laws on trafficking, in particular the Law on the Prevention and Combat of Trafficking in Persons, to comply with international standards.
- Push for Vietnam to allow international organizations to provide services to trafficking victims.

ACCESS TO JUSTICE

Courts are not independent in Vietnam. Despite lofty guarantees of judicial independence in the constitution, courts and judges are supervised by the state and direct political interference in trials is common.¹⁰⁶ Senior justice officials have also expressed disdain for procedural fairness. In 2022, Le Minh Tri, the head of the prosecutorial authority, stated that ‘while it is important to protect human rights . . . that is completely different from absolutely protecting the rights of criminal suspects or people who show signs of being connected to crimes.’¹⁰⁷

Human rights defenders are often denied legal representation during criminal investigations and even during trials. In recent years, at least 28 people have been denied legal representation after their arrest.¹⁰⁸ And when nearly 100 defendants were tried in the Dak Lak case, they were represented as a group by just a few government-appointed lawyers.

Having arrested, forced into exile, or otherwise silenced most human rights defenders in the country, Vietnamese authorities have started targeting the lawyers who represent these individuals in court. Since late 2022, the Vietnamese government has questioned at least five human rights lawyers after they defended a high-profile freedom of expression case involving members of a Buddhist monastery.¹⁰⁹ Four of the lawyers were forced to flee Vietnam after warrants were issued for their arrests. This was a serious blow given the already small number of active human rights lawyers working in the country.

Due process violations are evident in the recent arrests of the climate activists.¹¹⁰ Dang Dinh Bach, Nguy Thi Khanh, Mai Phan Loi, and Bach Hung Duong were kept in pretrial detention, even though they posed no danger to society and such detention is extremely uncommon in cases of tax evasion.¹¹¹ Bach, the only one of the four who did not plead guilty to the charge of tax evasion, was not allowed to meet with his lawyer for seven months, preventing him from adequately preparing a defense.¹¹² They all also

experienced long delays before their cases were brought to trial—delays that were not justified by the complexity of the charges.¹¹³

RECOMMENDATIONS

- Ensure that activists and dissidents are not held in pretrial detention without cause.
- Ensure that human rights defenders have access to legal counsel.
- Ensure that lawyers are not targeted for representing human rights defenders.

FREEDOM OF EXPRESSION AND THE RIGHT TO PRIVACY

While never a beacon of open debate and discourse, Vietnam has increasingly restricted expression. Since 2016, authorities have imprisoned scores of dissidents and forcibly closed independent media organizations.

In addition, a raft of new policies and practices have been enacted that aim to restrict political speech. Since 2016, Vietnam has enacted the Cybersecurity Law, the Law on the Press, and the Law on Telecommunications, as well as numerous decrees. Such policies grant the government legal permission to access user data, prevent the Vietnamese people from accessing online content, and build on an existing framework of criminal and administrative penalties that have long restricted freedom of expression, making it nearly impossible for people to speak out or advocate for change.

In 2024, Facebook blocked or removed 8,981 posts that, according to authorities, contained false content and anti-state propaganda.¹¹⁴ That same year, at the behest of the government, Google censored 6,043 pieces of content and TikTok censored 971 videos.¹¹⁵ The three companies complied with more than 90% of censorship requests made by authorities.¹¹⁶ In 2022, the most recent year for which there is public data, Google complied with 95% of removal requests made by the government.¹¹⁷

Most recently, on November 9, 2024, the government issued Decree 147, which grants additional control over online activities.¹¹⁸ The decree requires users to verify their accounts using a phone number or ID card, requires social media platforms to suspend users and remove content deemed illegal, and prevents social media users from engaging in independent journalism. In addition, the decree requires social media platforms to provide the government access to their internal search engines, a requirement that, if fulfilled, would enable mass surveillance.

PRIVACY AND ANONYMITY

Vietnam's legal framework imposes a risk to the privacy and data security of people in the country.

The Cybersecurity Law mandates that internet service providers must store user data in Vietnam and provide this data to authorities upon request.¹¹⁹ According to a document written by the Binh Phuoc provincial party propaganda organ, among the information that must be stored is the personal information of users and data about family and friends of users.¹²⁰

The Cybersecurity Law lacks procedural safeguards or oversight mechanisms. Many officials have the power to request personal data from service providers, including ministries, ministerial agencies, government agencies, provincial people's committees, and central political organizations.¹²¹

Moreover, on September 24, 2024, the government announced a new draft law on personal data protection. According to the MPS, the draft law intends to establish the country's legal framework for personal data protection and improve the ability of organizations and individuals in the country to protect personal data.¹²² Unfortunately, the new draft law includes large carveouts that allow the government to access personal data.¹²³ These broad exceptions raise concerns that the law will not effectively protect personal data from government misuse.

Finally, at the end of 2024, the government issued Decree 147, which requires social media platforms to authenticate social media user accounts using a phone number or ID number.¹²⁴ Only users that have authenticated their accounts can use social media in the country, and this data must be provided to the government upon request.¹²⁵

Through these laws and decrees, Hanoi can more rigorously monitor social media posts and identify any users who criticize the government or the CPV.

AI SURVEILLANCE OF SOCIAL MEDIA

There is evidence that Vietnam has attempted to upgrade its social media surveillance capabilities by using AI technology. In 2024, Ho Chi Minh City and the Bac

Kan provincial government began using SocialBeat, an AI-powered social listening software, to monitor social media platforms.¹²⁶

SocialBeat can be used to trawl social media platforms for data and reportedly can collect and analyze more than two billion posts a day.¹²⁷ According to a Ho Chi Minh City official, the software will be used to help city officials identify ‘hostile forces who are taking advantage of social networks and internet platforms to incite protests against the government’.¹²⁸ Likewise, according to the Bac Kan provincial government, SocialBeat is used to monitor and observe associations, groups, and individuals on social media in order to detect information hostile to the government so the users can be identified and the posts can be ‘handled’.¹²⁹

Reputa, a similar tool, was developed by the military-owned conglomerate Viettel.¹³⁰ Like SocialBeat, Reputa is a social listening tool that tracks news stories shared over social media, including popular sentiments, the slant of news articles, and comments about news events.¹³¹ The Hau Giang provincial government reportedly uses Reputa to monitor social media.¹³²

A third program, VnSocial, was developed by the Vietnam Posts and Telecommunications Group (VNPT), which is owned by the government.¹³³ Like SocialBeat and Reputa, VnSocial is used to help monitor conversations and trends on social media.¹³⁴ According to its website, VnSocial helps government organizations keep tabs on discussions of sensitive topics and receive warnings of suspicious behavior on social media.¹³⁵ Thus far, it has been adopted by 39 provinces and cities across Vietnam.¹³⁶

RECOMMENDATIONS

- Urge Vietnam to release all political prisoners and cease arrests for expression.
- Ensure that civil society can engage in advocacy free from intimidation, harassment, and reprisal.
- Push for Vietnam to halt the misuse of tax evasion charges.
- Urge Vietnam to repeal or amend Articles 117 and 331 of the criminal code, the Law on the Press, the Law on Telecommunications, Decree 147, the

Cybersecurity Law, the Personal Data Protection Law, and all other laws that the government uses to censor information and criminalize dissent.

- Urge Vietnam to stop all efforts to monitor its people with AI technology.
- Urge Vietnam to not remove criticism of the government from social media.

RIGHT OF PEACEFUL ASSEMBLY AND ASSOCIATION

Vietnam has long restricted the right of its citizens to form and operate associations. In principle, the right to freedom of association was guaranteed by the Democratic Republic of Vietnam in the 1946 constitution.¹³⁷ But as early as 1957, Ho Chi Minh signed a law that allowed the government to shut down associations viewed as harmful to the state and imprison their leaders.¹³⁸

On October 8, 2024, the Vietnamese government enacted Decree 126.¹³⁹ Compared to Decree 45, which it replaced, the new decree has made it more difficult to establish an association and gives the government more power to control and monitor the activities and funding sources of associations once they are established. Most notably, Decree 126 granted the government the power to suspend and dissolve associations—a power it did not have previously.

In a communication to the Prime Minister about Decree 126, the Ministry of Home Affairs named Directive 24 as one of the political agendas driving Decree 126.¹⁴⁰ Decree 126, insofar as it is guided by Directive 24, was issued to prevent foreign governments and international NGOs from influencing Vietnam's internal affairs, particularly regarding policymaking.

Decree 126 is the latest in a series of policy measures that are part of a new wave of repression in the country. As part of this new wave of repression, Hanoi has increased restrictions on associations and forcibly shut down organizations viewed as a threat. When the leadership of Vietnam's climate change movement were arrested, each of the organizations that the activists ran were forced to shut down. This pattern has made other NGOs reluctant to weigh in on matters of public import, for fear of forced closure.¹⁴¹

Other leaders of NGOs have also faced persecution from Vietnamese authorities. In 2022, Hoang Ngoc Giao, head of the Institute for Research on Policy, Law and

Development, was arrested for tax evasion after he made comments critical of the government.¹⁴² In 2023, Nguyen Son Lo, the former director of the Southeast and North Asia Institute of Research and Development, was sentenced to five years' imprisonment.¹⁴³ Lo was a voice against government corruption. Similarly, Nguyen Thi Kieu Vien, the founder and executive director of Towards Transparency, the only anti-corruption NGO then-operating in Vietnam, was forced into exile.¹⁴⁴

In addition, Vietnam has introduced formal policies to restrict the operations of organizations. Decree 80 and Decree 58, enacted in 2020 and 2022 respectively, regulate the activities and funding of NGOs operating in Vietnam. In addition, Decision 6, which was also announced in 2020, requires that groups organizing international conferences receive approval from several government agencies and the prime minister to host any event that relates to national sovereignty, security, human rights, ethnicity, or religion. Together, these decrees and decisions have weakened the ability of Vietnamese organizations to operate, particularly if they receive foreign funding.¹⁴⁵

RECOMMENDATIONS

- Ensure that the government does not forcibly shut down organizations that work on environmental issues, anti-corruption issues, or receive foreign funding.
- Ensure that Vietnam facilitates an enabling environment for associations to operate.
- Push for Vietnam to amend or repeal all burdensome regulations that act to suppress associations, including Decree 126, Directive 24, Decree 80, Decree 58 and Decision 6.

PARTICIPATION IN PUBLIC AFFAIRS

Vietnam has taken measures to limit the autonomy and impact of civil society organizations. This has created a climate of fear surrounding policy activism that has made civil society organizations less willing to weigh into policy discussions.

Because of the threats to civil society, Vietnamese organizations have become reluctant to receive foreign funding and engage with international institutions such as the United Nations. In the fourth cycle of the UPR of Vietnam, for instance, very few NGOs chose to engage with the Human Rights Council.¹⁴⁶

The government portrays civil society as a tool of foreign influence used to meddle in the country's internal affairs and has justified its crackdown on human rights as necessary to prevent this foreign influence. In doing so, the government has made it impossible for civil society to weigh in on matters of public import or to take steps to hold it accountable for wrongdoing.

For example, as part of the JETP, Vietnam committed to facilitating public participation on decisions related to the country's transition to renewable energy. And yet, Vietnam has acknowledged that there are no mechanisms available for public participation.¹⁴⁷ According to the Resource Mobilisation Plan, which lays out the details of the energy transition:

There are currently no existing mechanisms through which the representatives of youth, women, the elderly, migrants, formal and informal sector workers, and ethnic minority groups ... can participate actively in dialogues on aspects of the energy transition....¹⁴⁸

Moreover, in Vietnam's 4th Periodic Report, the government has painted a false picture of the right of Vietnamese civil society to participate in policymaking. The report states, 'In implementing the European-Viet Nam Free Trade Agreement (EVFTA), Viet

Nam has set up the Domestic Advisory Group (DAG) Viet Nam. DAG members include associations and non-profitable NGOs that have been legally established and run in Viet Nam in the areas of trade and sustainable development.¹⁴⁹

In reality, after a group of Vietnamese civil society organizations attempted to set up a coalition to oversee the implementation of the EVFTA, two of the coalition's leaders were imprisoned.¹⁵⁰ As a result, civil society groups have been prevented from participating in the implementation of the trade agreement.

This experience, along with the experiences of climate activists in the country, shows that any attempt by civil society to serve as a governmental watchdog or to provide independent oversight on the implementation of international agreements will likely be met with severe repercussions.

Finally, authorities have continued to crush attempts by citizens to participate in politics. In 2016 and 2021, a number of people nominated themselves to run as candidates independent of the communist party in the national assembly elections.¹⁵¹ Vietnamese law ostensibly permits any citizen over 21 years old to run for the national assembly.¹⁵² In practice, however, independent candidates were harassed and threatened by state agents, and disqualified from running in the elections in rigged CPV-controlled preselection processes.¹⁵³ Several were even arrested, including Le Trong Hung, who was sentenced to five years in prison after he nominated himself to run in 2021.¹⁵⁴

RECOMMENDATIONS

- Take all steps necessary to ensure that members of Vietnamese civil society can fully participate in the public affairs of the country.
- Ensure that independent candidates can run in national assembly elections in 2026 without fear or arrest or harassment.

CONCLUSION

Over the last five years, the Vietnamese people have endured a new wave of repression directed against anybody willing to stand up to the country's top leaders. Since 2020, Vietnam has shut down the only independent journalists' association, the only independent publishing house, and the only independent anti-corruption organization operating in the country. At the same time, it has imprisoned the leadership of the climate change movement on false charges of tax evasion, arrested government reformers who were working to ratify ILO conventions on workers' rights, and enacted extreme restrictions on expression and association.

In the Human Rights Committee's concluding observations on the third periodic report of Vietnam in 2019, the CCPR listed among the positive developments in Vietnam that people have the right to access to counsel at all stages of criminal proceedings, that people have the right to family visits and legal assistance during police investigations, that Vietnam had taken action to prohibit trafficking in persons and torture.¹⁵⁵ Each of these issues remains a major problem.

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