



2012 Country Reports on Human Rights Practices - Vietnam

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EXECUTIVE SUMMARY

The Socialist Republic of Vietnam is an authoritarian state ruled by a single party, the Communist Party of Vietnam (CPV), led by General Secretary Nguyen Phu Trong, Prime Minister Nguyen Tan Dung, and President Truong Tan Sang. The most recent National Assembly elections, held in May 2011, were neither free nor fair. Security forces reported to civilian authorities.

The most significant human rights problems in the country continued to be severe government restrictions on citizens' political rights, particularly their right to change their government; increased measures to limit citizens' civil liberties; and corruption in the judicial system and police.

Specific human rights abuses included continued police mistreatment of suspects during arrest and detention, including the use of lethal force as well as austere prison conditions; arbitrary arrest and detention for political activities; and denial of the right to a fair and expeditious trial. Political influence, endemic corruption, and inefficiency continued to distort the judicial system significantly. The government increasingly limited freedoms of speech and press and suppressed dissent; further restricted Internet freedom; reportedly continued to be involved in attacks against Web sites containing criticism; maintained spying on dissident bloggers; and continued to limit privacy rights and freedoms of assembly, association, and movement. Vietnamese who exercise their right to freedom of religion continued to be subject to harassment, differing interpretations and applications of the law, and inconsistent legal protection, especially at provincial and village levels. Police corruption persisted at various levels. The government maintained its prohibition of independent human rights organizations. Violence and discrimination against women as well as trafficking in persons continued, as did gender-biased sex selection and sexual exploitation of children. There was also some societal discrimination based on ethnicity, sexual orientation, gender identity, and HIV/AIDS status. The government maintained limits on workers' rights to form and join independent unions and did not enforce safe and healthy working conditions adequately. Child labor persisted.

The government inconsistently took steps to prosecute and punish officials who committed abuses, and members of the police sometimes acted with impunity.

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

a. Arbitrary or Unlawful Deprivation of Life

There were no reports that the government or its agents committed arbitrary or unlawful killings, but there were reports of 16 deaths of persons in custody during the year as well as abuses of lethal force. For example, in March police found Le Quang Trong dead while in detention at the Can Loc Village police station for allegedly participating in the breaking-in and entering of a private home in Ha Tinh Province. According to police reports, Trong hanged himself and "committed suicide by strangulation." Family members and villagers disagreed and attacked the police station demanding that police be held accountable. The mob destroyed two police vehicles and injured two officers. The case remained under investigation at year's end.

On April 28, prison guards Nguyen Van Khoa and Vo Thanh Phuong beat to death Duong Chi Dung, a prisoner at A2 Dong Gang Prison in Khanh Hoa Province. An internal police investigation found they used "excessive force," and authorities permanently dismissed them from the police and expelled them from the CPV. In a subsequent trial in September, the Khanh Hoa People's Court sentenced Phuong to five years' imprisonment and Khoa to four years' imprisonment.

In the March 2011 case of the beating death of Trinh Xuan Tung, who was in detention for a traffic violation in Hanoi, the Hanoi People's Court convicted Lieutenant Colonel Nguyen Van Ninh in January and sentenced him to four years in prison. On July 17, the Supreme People's Court refused Ninh's appeal and affirmed the sentence.

In the April 2011 case of local police officers accused of beating Nguyen Cong Nhut to death after detaining him for five days for allegedly stealing tires, the Dong Nai Province People's Court concluded in February that Nhut committed suicide. Nhut's family appealed the ruling, and the case remained under investigation at year's end.

b. Disappearance

There were no reports of politically motivated disappearances.

There continued to be no information on the whereabouts of both Thich Tri Khai, a monk from the unregistered Unified Buddhist Church of Vietnam whom authorities arrested in 2008, and Le Tri Tue, a founder of the Independent Workers' Union whom authorities placed in custody in 2007.

On March 2, the UN Working Group on Enforced or Involuntary Disappearances reported one inquiry transmitted to the government. There was no apparent response as of year's end.

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

The law prohibits physical abuse, but police commonly mistreated suspects during arrest or detention, and drug detention-center personnel abused detainees as well. Security officials attacked journalists (see section 2.a.).

In April, police in Nghe An Province suspected Bui Huu Vu of involvement in a burglary and detained him after he turned himself in. Local police claimed to have found Vu unconscious in his cell. Taken by his family to the hospital, Vu died hours later. Family members contended that bruises and wounds on Vu's body and face indicated that police beat him. The case remained under investigation at year's end.

Land-rights protesters in Hanoi, Ho Chi Minh City, Danang, and several provinces in the Mekong Delta continued to report instances of physical harassment and intimidation by local authorities. Most incidents between local authorities and ethnic minorities involved land, money, or domestic

disputes. For example, in March police and local authorities from Dak Nong Province, Central Highlands, traveled repeatedly to Hanoi to convince members of an ethnic M'Nong delegation to return home and rescind their lawsuit alleging government confiscation of land without proper compensation. Fearing reprisal from local authorities, Dieu Xri, head of the M'Nong group, refused to return home.

The government reported in early 2012 that more than 43,016 drug users – the large majority of whom were administratively assigned to forced detoxification without judicial review – were living in the 121 drug-detention centers countrywide. According to the government, the stated facility population, approximately a one-third increase compared with 2011, did not exceed the intended capacity of the centers, which had separate facilities for women. At these centers, according to a September 2011 report from a nongovernmental organization (NGO), authorities allegedly forced individuals to perform menial work under harsh conditions and mistreated them (see section 7.b.). A July update to the NGO report highlighted one man's experience of being caught in a police roundup of drug users in Ho Chi Minh City and held in a detention center for four years without due process.

The Law on Administrative Review, passed in October in response to domestic and international criticism and scheduled to become effective in January 2013, provides for judicial review of detentions of drug users, juveniles in administrative detention, and individuals in "reeducation centers." Review procedures remained to be elaborated. The law also calls for the abolition of mandatory detention centers for sex workers in 2014.

Prison and Detention Center Conditions

Prison conditions were austere but generally not life-threatening. Overcrowding, insufficient diet, lack of access to potable water, and poor sanitation remained serious problems. State control of the media restricted reporting on living conditions.

Physical Conditions: The number of prisoners and detainees was not publicly available, but the NGO International Center for Prison Studies reported that the prison population as of mid-2011, excluding pretrial detainees, totaled 113,018, of whom 10.9 percent were women. Authorities generally held juveniles in prison separately from adults, but on rare occasions, juveniles were held in detention with adults for short periods due to the unavailability of space.

Authorities typically sent political prisoners to specially designated prisons that also held other regular criminals, and in most cases, kept political prisoners separate from nonpolitical prisoners. Authorities completely isolated some high-profile political prisoners from all others.

Prisoners had access to basic health care, although in many cases officials prevented family members from providing medication to prisoners. In April Tang Hong Phuc and Huynh Dinh Hung died in Chi Hoa Prison, Ho Chi Minh City, of lung disease. In June the Judicial Committee of the Ho Chi Minh City People's Council inspected Chi Hoa Prison and reported deteriorating conditions, dilapidated cells in death row, and serious overcrowding. In addition, family members of imprisoned activists who experienced health problems claimed medical treatment was inadequate and resulted in greater long-term health complications.

Prisoners generally were required to work but received no wages. Authorities sometimes placed prisoners in solitary confinement and deprived them of reading and writing materials for periods of up to several months. Family members continued to make credible claims that prisoners received benefits by paying bribes to prison officials or undertaking hunger strikes.

Administration: While prison sentences could be extremely lengthy, authorities did not force prisoners to serve beyond the maximum sentence for their charged offenses. There were no prison ombudsmen and no consideration of alternatives to incarceration for nonviolent offenders. Prison administrators did not keep adequate records, and at times statistics were contradictory.

Authorities limited prisoners to one 30-minute family visit per month and generally permitted family members to give supplemental food and bedding to prisoners. However, family members of political prisoners also reported increased government surveillance and harassment by security officials as well as interference with their work, school, and financial activities. In addition, authorities allowed foreign diplomats to make one limited prison visit during the year to meet with one prominent prisoner.

In March authorities transferred Tran Anh Kim, Nguyen Xuan Nghia, and Pham Van Troi – designated by the NGO Human Rights Watch as prisoners of conscience – from Nam Ha Prison near Hanoi to the Number 6 Detention Camp, Nghe An Province, Central Highlands. The increased distance made it difficult for family members to visit.

Prisoners did not have the right to practice their religion in public or to have access to religious books and scriptures, although authorities allowed Roman Catholic priest and democracy activist Thaddeus Nguyen Van Ly (rearrested in July 2011) to keep a Bible, pray, and give communion to fellow prisoners. Prisoners were allowed to submit uncensored complaints to prison management and judicial authorities, but their complaints were routinely ignored.

Monitoring: Although permitted, the International Committee of the Red Cross neither requested nor carried out prison visits during the year.

d. Arbitrary Arrest or Detention

The law allows the government to detain persons without charge indefinitely under vague "national security" provisions. The government also continued to arrest and detain individuals indefinitely under other legal provisions and subjected several activists throughout the country to administrative detention or house arrest.

Role of the Police and Security Apparatus

Internal security is the responsibility of the Ministry of Public Security, although in some remote areas, the military is the primary government agency and performs public safety functions, including maintaining public order in the event of civil unrest. The ministry controls the police, a special national security investigative agency, and other internal security units. It also maintains a system of household registration and block wardens to monitor the population. While this system was less intrusive than in the past, the ministry continued to monitor individuals suspected of engaging, or being likely to engage, in unauthorized political activities. Credible reports suggested that local police continued to use contract thugs and citizen brigades to harass and beat political activists and others, including religious worshippers, perceived as undesirable or a threat to public security.

Police organizations exist at the provincial, district, and local levels and are subject to the authority of people's committees at each level. At the commune level, it is common for guard forces composed of residents to assist the police. The police were generally effective at maintaining public order, but police capabilities, especially investigative, were generally very limited, and training and resources were inadequate. Several foreign governments continued to assist in training provincial police and prison management officials to improve their professionalism.

Arrest Procedures and Treatment While in Detention

The law outlines the process by which individuals should be taken into custody and treated until authorities adjudicate their cases. The Supreme People's Procuracy (Public Prosecutor's Office) issues arrest warrants, generally at the request of police. However, police may make an arrest without a warrant based on a complaint filed by any person. The procuracy issues retroactive warrants in such cases. The procuracy must issue a decision to initiate a formal criminal

investigation of a detainee within nine days; otherwise, police must release the suspect. Authorities often circumvented the nine-day regulation.

Arbitrary Arrest: Arbitrary arrest and detention, particularly for political activists, remained a problem. According to activist groups and diplomatic sources, the government sentenced at least 35 arrested activists during the year to a total of 131 years in jail and 27 years of probation for exercising their rights. Authorities also increasingly charged political dissidents with "attempting to overthrow the government" (Article 79) due to their alleged membership in political parties other than the CPV. While violators of this legal provision had the possibility of receiving the death penalty, they typically received prison sentences of up to 10 years. The government also used decrees, ordinances, and other measures to detain activists for the peaceful expression of opposing political views (see section 2.a.).

Authorities also arrested individuals on allegations of revealing state secrets, subversion, taking advantage of democratic freedoms to infringe upon the government's interest, and other crimes as a means to suppress political dissent and public advocacy. For example, in September police summoned, questioned, and detained several activists and bloggers who attempted to attend the trial of blogger Nguyen Van Hai (also known as Dieu Cay) (see also section 2.a.). Police reportedly acted similarly a day before Nguyen Van Hai's appeal trial in December.

On October 3, 20 plainclothes and uniformed police officials harassed Hanoi dissident lawyer Le Quoc Quan's brother, Le Dinh Quan, in his office; seized his personal documents; and temporarily detained and harassed his staff members. Bloggers reported that security officials linked Le Quoc Quan to the Quan Lam Bao (State Officials' Press) blog allegedly labeled as "hostile to government officials" by the prime minister (see also section 2.a.). On December 27, police arrested Le Quoc Quan on charges of tax evasion, an action linked by bloggers to his continued calls for democratic reforms, and were detaining him at year's end. (See also section 1.e. regarding an August 19 assault on Le Quoc Quan, section 1.f. regarding police entry of his home, and section 2.d. about restrictions imposed on his travel.)

Peaceful protests continued during the year in Ho Chi Minh City and Hanoi to oppose Chinese sovereignty claims in the South China Sea (East Sea) and resulted in the temporary detention and surveillance of several protest organizers. There were also reports that local security officials prevented individuals from leaving their homes to take part in the demonstrations.

Authorities also subjected religious and political activists to varying degrees of informal detention in their residences. For example, Ho Chi Minh City and Hanoi police continued to monitor prominent activists Nguyen Dan Que, Nguyen Van Dai, and Do Nam Hai closely.

Pretrial Detention: The investigative period typically lasted from three months for less serious offenses (punishable by up to three years' imprisonment) to 16 months for exceptionally serious offenses (punishable by more than 15 years' imprisonment or capital punishment) or more than two years for national security cases. However, at times investigations lasted indefinitely. By law the procuracy may also request additional two-month periods of detention after an investigation to consider whether to prosecute a detainee or ask police to investigate further. Investigators sometimes continued to use physical abuse, isolation, excessively lengthy interrogation sessions, and sleep deprivation to compel detainees to confess.

By law detainees are permitted access to lawyers from the time of their detention; however, authorities continued their use of bureaucratic delays to deny access to legal counsel. In cases investigated under national security laws, authorities prohibited defense lawyers' access to clients until after an investigation ended and the suspect was formally charged with a crime, most often after approximately four months. Under regulations, investigations may be continued and access to counsel denied for more than two years. In addition, a scarcity of trained lawyers and

insufficient protection of defendant rights made prompt detainee access to an attorney rare. Only juveniles and persons formally charged with capital crimes were assigned lawyers.

Authorities must inform attorneys of and allow them to attend interrogations of their clients. However, a defendant first must request the presence of a lawyer, and it remained unclear whether authorities always informed defendants of this right. Authorities also must give attorneys access to case files and permit them to copy documents. Attorneys were sometimes able to exercise these rights.

Police generally informed families of detainees' whereabouts, but family members could visit a detainee only with the permission of the investigator, and this permission was not regularly granted. During the investigative period, authorities routinely denied detainees access to family members, especially in national security cases. Before a formal indictment, detainees have the right to notify family members, although a number of detainees suspected of national security violations were held incommunicado. There is no functioning bail system or equivalent system of conditional release. Time spent in pretrial detention counts toward time served upon conviction and sentencing.

Courts may sentence persons to administrative detention of up to five years after completion of a sentence. In addition, police or mass organizations may propose that one of five "administrative measures" be imposed by people's committee chairs at district and provincial levels without a trial. The measures include terms ranging from six to 24 months in either juvenile reformatories or adult detention centers. Authorities generally applied such measures to repeat offenders with a record of minor offenses, such as committing petty theft or "humiliating other persons." Terms of 24 months were standard for drug users and prostitutes. Individuals sentenced to detention facilities were forced to meet work quotas to pay for services and detention costs. Committee chairs may also impose terms of "administrative probation," which generally took the form of restriction on movement and travel. Authorities continued to punish some individuals using vaguely worded national security provisions of law.

Amnesty: For the first time in contemporary memory, the government limited public announcement of its traditional National Day amnesty to the provincial and district levels. A limited number of provinces proceeded with fewer releases than usual and instead reduced individual sentences.

e. Denial of Fair Public Trial

The law provides for the independence of judges and lay assessors, but the CPV controlled the courts at all levels through its effective control of judicial appointments and other mechanisms and in many cases, by determining verdicts. As in past years, political influence, endemic corruption, and inefficiency strongly distorted the judicial system. Most, if not all, judges were members of the CPV and chosen at least in part for their political views. The party's influence was particularly notable in high-profile cases and other instances in which authorities charged a person with challenging or harming the party or state.

There continued to be a shortage of trained lawyers and judges. The Vietnam Bar Federation falls under the supervision of the CPV's Vietnam Fatherland Front (VFF), an umbrella group that monitors the country's mass organizations, and is closely coordinated with the Ministry of Justice and the Vietnam Lawyers Association. The federation, which oversees local bar association functions, continued to develop a professional code of conduct for lawyers.

Trial Procedures

The constitution provides that citizens are innocent until proven guilty, although many lawyers complained that judges generally presumed guilt. Trials generally were open to the public, but in sensitive cases judges closed trials or strictly limited attendance. Juries are not used.

The public prosecutor brings charges against an accused person and serves as prosecutor during trials. Defendants have the right to be informed promptly and in detail of the charges levied against them, with free interpretation as necessary, but this was not always implemented. Defendants have the right to be present and have a lawyer at trial, although not necessarily the lawyer of their choice, and this right was generally upheld. Defendants unable to afford a lawyer generally were provided one only in cases involving a juvenile offender or with possible sentences of life imprisonment or capital punishment. Defense lawyers commonly had little time before trials to examine evidence against their clients. The defendant or defense lawyer has the right to cross-examine witnesses, but there were cases in which neither defendants nor their lawyers had access to government evidence in advance of the trial, cross-examined witnesses, or challenged statements. Defendants have the right not to be compelled to confess guilt and the legal option to refrain from testifying. In national security cases, judges occasionally silenced defense lawyers who were making arguments on behalf of their clients in court because the judges deemed the arguments "reactionary." Convicted persons have the right to appeal. District and provincial courts did not publish their proceedings, but the Supreme People's Court continued to publish the proceedings of all cases it reviewed.

There continued to be credible reports that authorities pressured defense lawyers not to take as clients any religious or democracy activists facing trial. Authorities also restricted, harassed, arrested, disbarred, and in some cases detained human rights attorneys representing political activists. For example, lawyer Huynh Van Dong, whom the Dak Lak Provincial Bar Association dismissed in August 2011 for defending individuals charged with antistate acts, remained unable to interact with clients or travel in the country. Additionally, given their previous convictions, authorities did not permit lawyers Le Tran Luat, Huynh Van Dong, Le Quoc Quan, and Nguyen Van Dai to practice law. Moreover, on August 19, three men dressed in plainclothes assaulted and injured lawyer Le Quoc Quan in Hanoi.

Political Prisoners and Detainees

There continued to be no precise estimates of the number of political prisoners. The government reportedly held more than 120 political detainees at year's end, although some international observers claimed there were more (see also sections 1.d. and 2.d.). Diplomatic sources maintained that four reeducation centers in the country held approximately 4,000 prisoners.

For example, in March authorities sentenced Protestant pastor Nguyen Cong Chin, after a one-day trial, to 11 years in prison for "sabotaging national unity" (Article 87) and "having relations with reactionary organizations" (Article 46). Security officials contended that documents seized at Chin's home were "severely critical" of senior government and military officials.

On May 4, the Dong Nai Province People's Court sentenced land rights activist Nguyen Ngoc Cuong and his son, Nguyen Ngoc Tuong Thi, to seven years in prison for "propagandizing against the state" (Article 88). Security officials also charged Cuong with receiving approximately 31 million Vietnamese dong (VND) (\$1,500) from overseas groups critical of the government.

Authorities also continued to detain and imprison other individuals who used the Internet to publish ideas on human rights, government policies, and political pluralism (see section 2.a.).

Several other political dissidents affiliated with outlawed political organizations – including the People's Democratic Party, People's Action Party, Free Vietnam Organization, the Democratic Party of Vietnam, United Workers and Farmers Organization, Bloc 8406, and others – remained in prison or under house arrest in various locations.

For example, on October 30, the People's Court of Ho Chi Minh City sentenced Viet Khang (also known as Vo Minh Tri) to four years in prison for propagandizing against the state by composing and singing songs in December 2011 to express his view of the government's handling of the

dispute with China regarding sovereignty in the South China Sea (East Sea). The court also sentenced codefendant Tran Vu Anh Binh to six years' imprisonment under the same charge.

On March 7, the Nghe An Province People's Court sentenced Vo Thi Thuy and Nguyen Van Thanh to five and three years' imprisonment, respectively, for propagandizing against the state. Officials claimed the materials they distributed were associated with imprisoned Roman Catholic priest and activist Thaddeus Nguyen Van Ly's calls for multiparty elections and in support of prodemocracy Bloc 8406. On May 31, a court reduced Thuy's five-year sentence on appeal to four years.

During the year authorities released some prominent political and religious activists from prison. For example, in January authorities released Pham Minh Hoang, a dual national and professor at the Ho Chi Minh City University of Technology, and at year's end he was serving three years of house arrest. Hoang, originally sentenced to three years' imprisonment and three years' house arrest for alleged ties to a foreign-based prodemocracy group, had received on appeal a reduced prison sentence of 17 months in November 2011.

In April authorities released political activist Bui Thi Minh Hang from a reeducation camp near Hanoi. Authorities had detained her in November 2011 for participating in "illegal" protests, which included taking part in anti-China demonstrations held in July and August 2011 in Hanoi. After her release, she attempted to file a lawsuit against the chair of the Hanoi People's Committee for his role in approving the warrant for her arrest without due process and having authorized her sentence. The case allegedly encountered administrative delays and continued at year's end.

In June authorities released Le Thang Long, arrested in 2009, after he served three years in prison for attempting to overthrow the government. In March 2011 the appellate division of the Ho Chi Minh City People's Court reduced Long's prison sentence from five to three and one-half years. At year's end Long was serving three years' probation.

Civil Judicial Procedures and Remedies

There is no clear or effective mechanism for pursuing a civil action to redress or remedy abuses committed by authorities. Civil suits are heard by administrative, civil, and criminal courts, all of which follow the same procedures as in criminal cases, and are adjudicated by members of the same body of judges and lay assessors. All three levels continued to be subject to corruption, lack of independence, and inexperience.

By law a citizen seeking to press a complaint regarding a human rights violation by a civil servant faces difficult barriers. S/he is required first to petition the accused civil servant for permission to refer the complaint to court. If the civil servant refuses a petition, the citizen may appeal to the civil servant's superior. If the civil servant or his superior accepts the complaint for hearing, an administrative court takes up the matter. If that court agrees that the case should be pursued, it is referred either to a civil court for suits involving physical injury seeking redress of less than 20 percent of health-care costs resulting from the alleged abuse, or to a criminal court for redress of more than 20 percent of such costs. This elaborate system of referral and permission ensured that citizens had little effective recourse to civil or criminal judicial procedures to remedy human rights abuses, and few legal experts had relevant experience. The government continued to disallow the use of class action lawsuits against government ministries, thus rendering ineffective joint complaints from land-rights petitioners.

Property Restitution

The law provides for compensation, housing, and job training for individuals displaced by development projects. However, widespread complaints persisted, including from the National Assembly, of inadequate or delayed compensation, official corruption, and a general lack of transparency in the government's process of confiscating land and moving citizens to make way

for infrastructure projects. Some members of ethnic minority groups in the Central and Northwest Highlands continued to complain that they did not receive proper compensation for land the government confiscated to develop large-scale, state-owned enterprises. In March the National Resources and Environment Ministry and others collected expert opinions preparatory to drafting a new land law.

During the year there were a number of land disputes and related demonstrations involving the government. For example, in January shrimp farmer Doan Van Vuon refused to give up his approximately 99 acres of land in Tien Lang District, Hai Phong Province, and fired upon security officials as they entered his property, alleging that provincial officials attempted to reclaim the land without compensating him for improvements. Authorities detained but released him. On February 10, the prime minister publicly reprimanded Hai Phong officials for mishandling Vuon's case. Several provincial officials and military officers were immediately dismissed, including Le Van Hie, chair of the Tien Lang District People's Committee, and his deputy, Nguyen Van Khanh, who directly ordered Vuon's forced eviction. On October 22, Hai Phong Province police detained Khanh and charged him with destroying private property.

In April approximately one to two thousand local security forces clashed with 300 residents of Van Giang Village, Hung Yen Province, over villager claims that local government officials demolished more than 1,000 households in 2007 to build a residential development known as "ecopark" without providing fair market value compensation. Police detained 20 villagers but released them when they agreed to admit guilt. During the same month, more than 1,000 protesters demonstrated outside the Fatherland Front of Vietnam headquarters in Hanoi to demand fair compensation from the government for ecopark.

During National Assembly debate on the new land law in early November, more than 200 land rights petitioners from eight provinces demonstrated peacefully near the prime minister's office and called for fair compensation for confiscated land and complaint resolution by local officials.

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

The law prohibits such actions, but the government did not respect these prohibitions. Household registration and block warden systems existed for the surveillance of all citizens. Authorities continued to focus particular attention on persons suspected of being involved in unauthorized political or religious activities.

Incidents of physical harassment, intimidation, and the questioning of family members by security authorities were reported in several locations, including but not limited to Hanoi, Ho Chi Minh City, and Bac Giang, Nghe An, and Dong Nai provinces.

Authorities occasionally physically prevented political activists and family members of political prisoners from meeting with foreign diplomats. Tactics included setting up barriers or guards outside diplomats' residences or calling individuals into local police stations for random and repetitive questioning.

The government continued to pursue a population and reproductive-health strategy that set a target average number of children per couple (see section 6, Women).

Public prosecutorial orders are required for forced entry into homes, although security forces seldom followed procedures to obtain such orders and instead asked permission to enter homes with an implied threat of repercussions for failure to cooperate. During the year police forcibly entered homes of a number of prominent dissidents – such as Bui Thi Minh Hang, Nguyen Thanh Giang, Le Quoc Quan, and Le Tran Luat – and removed personal computers, cell phones, and other material.

Authorities continued to open and censor targeted persons' mail; confiscate packages and letters; and monitor telephone conversations, e-mail, text messages, blogs, and fax transmissions during the year. The government continued cutting the telephone lines and interrupting the cell phone and Internet service of a number of political activists and their family members.

CPV membership remained a prerequisite to career advancement for all government and government-linked organizations and businesses. However, economic diversification continued to make membership in the CPV and CPV-controlled mass organizations less essential to financial and social advancement.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Although the constitution and law provide for freedom of speech, including for members of the press, the government continued to use broad national security and antidefamation provisions to restrict these freedoms. The law defines the crimes of "sabotaging the infrastructure of socialism," "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 and social organizations."

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

For example, on August 29, the Ho Chi Minh City Supreme People's Court upheld the June five-year prison sentence of Phan Ngoc Tuan in Ninh Thuan Province for propagandizing against the state by posting images and documents online and via mobile telephones and distributing pamphlets and leaflets deemed critical of the government and senior officials.

In October Ho Chi Minh City police arrested college student Nguyen Phuong Uyen for propagandizing against the state by possessing anti-China leaflets and allegedly planning to distribute them. Her parents claimed she was in custody for several days before police notified them. On November 3, authorities announced that she admitted guilt.

Freedom of Press: The CPV, government, and party-controlled mass organizations controlled all print, broadcast, and electronic media. The government exercised oversight through the Ministry of Information and Communication, under the overall guidance of the CPV Propaganda and Education Commission. Private ownership of any media outlet continued to be prohibited, as were media outlets run by private citizens, but foreign-based outlets (BBC and CNN) were permitted.

Foreign journalists noted that they continued to be required to notify authorities about travel outside Hanoi when it involved a story that the government might consider sensitive or was in an area considered sensitive, such as the Northwest or Central Highlands (see also section 2.a., Actions to Expand Press Freedom).

The law limits satellite television access to senior officials, foreigners, luxury hotels, and the press, but persons throughout the country continued to be able to access foreign programming via home satellite equipment or cable. Cable television, including foreign-origin channels, was widely available to urban-area subscribers.

In August the Ministry of Information and Communication posted a draft decree, known as Decision 20, for public comment. Resultant regulations would require television providers to register with the ministry; to edit and translate foreign programming before broadcasting it; and to translate in advance movies and programming on science, education, sports, entertainment, and music. The regulations would also require all news programs (CNN and BBC, for example) to

provide brief translations in advance of broadcasting and to bear the associated costs. Observers heavily criticized the draft for its potential to restrict freedom of speech and limit access to independent, outside media sources. By year's end officials postponed finalization and implementation of the decree.

Violence and Harassment: During the year security officials attacked or threatened several journalists reportedly because of their coverage of sensitive stories. For example, on April 24, police officers beat two Voice of Vietnam (state-run) radio reporters, Nguyen Ngoc Nam and Han Phi Long, while they attempted to document a land seizure operation in Hung Yen Province, near Hanoi. In July local authorities dismissed one police officer from active duty for this mistreatment and warned five other officers that such activity would not be tolerated.

On August 14, in Dong Nai Province, an unknown group of assailants beat reporter Ngo Thien Phuc of *Tuoi Tre* newspaper and deleted photos on his camera as he tried to document a city bus fire. A police investigation continued at year's end.

In 2011 Ho Chi Minh City police detained, allegedly beat, and later arrested freelance reporter and blogger Ta Phong Tan, a member of the Free Journalists Club and former police officer, for posting articles critical of the government. On September 24, the Ho Chi Minh City People's Court sentenced Tan to 10 years in prison followed by five years' house arrest for propagandizing against the state. On December 28, the Court of Appeals upheld her sentence (see also section 2.a., Internet Freedom). Earlier, on July 30, Tan's mother, Dang Thi Kim Lieng, died of self-immolation, reportedly because she was depressed at the continued harassment of her family by local authorities. Family members had to sign a waiver stating they would not file any complaints against local authorities in order to receive Lieng's body and arrange a funeral.

Multiple foreign journalists reported harassment by security officials, including threats not to renew their visas if they continued to publish stories on "sensitive" topics.

Censorship or Content Restrictions: The Ministry of Information and Communication and the Propaganda and Education Commission frequently intervened directly to dictate or censor a story. More often, however, the party and government maintained control over media content through pervasive self-censorship backed by the threat of dismissal and possible arrest. As long as government censors did not deem content "sensitive," authorities permitted some foreign private media outlets (e.g., CNN and BBC) to operate television channels and news-aggregator Web sites and publish certain information in newspapers.

Despite the continued growth of Internet blogs, the party and government increased efforts to suppress press freedom, continuing a three-year "rectification" campaign. A decree stipulates fines between VND one million and 42 million (approximately \$50 to \$2,100) for journalists, newspapers, and online media that fail to provide "honest domestic and international news in accordance with the interests of the country and the people." It also authorizes the government to fine journalists and newspapers at any time, based on arbitrary determinations by various ministries and officials about what constitutes those "interests." The decree establishes fines ranging from VND 10.5 million to 21 million (\$500 to \$1,000) for journalists who fail to publish their sources of information and for journalists and newspapers that "use documents and materials from organizations and personal letters and materials from individuals."

A UN Development Program (UNDP) study released in August concluded that state-owned media outlets decreased reporting on major corruption cases and instead focused on petty crimes or minor corruption.

Libel Laws/National Security: The law requires journalists to pay monetary damages to individuals or organizations whose reputations were harmed by reporting, even if the reports were accurate. Independent observers noted that the law severely limited investigative reporting.

Although there were some press reports during the year on topics that generally were considered sensitive, such as the prosecution of high-ranking CPV and government officials on corruption charges as well as occasional criticism of officials and official associations, the freedom to criticize the CPV and its senior leadership remained restricted.

Publishing Restrictions: Under government regulations the Ministry of Information and Communication has the authority to revoke licenses for foreign publishers, and each foreign publisher must reapply annually to maintain its license. Street peddlers and shops oriented to tourists sold foreign-language editions of some banned books openly. Foreign-language periodicals were widely available in cities, although the government occasionally censored articles.

Although banned in October 2011, with all its first-edition copies recalled by the Ministry of Culture's state-owned Fine Arts Publishing House, digital copies and pirated paper copies of *Killer with a Festering Head* remained ubiquitous throughout the year. According to media reports, the banning of this cartoon book by Nguyen Thanh Phong occurred because government censors deemed some of the book's illustrations – which satirized contemporary Vietnamese life and social problems – to be violent, politically sensitive, or broaching sensitive topics.

Actions to Expand Press Freedom

Effective December 20, a Ministry of Foreign Affairs decree eased procedures and restrictions so that foreign journalists affiliated with news organizations working in the country were allowed to contact ministries and other authorities directly for reporting purposes rather than first seeking ministerial permission. Media offices may be located anywhere in the country, provided the ministry and the relevant people's committee approve in writing. Previously, press offices had to be based in Hanoi, except for one correspondent reporting solely on economic matters who lived and worked in Ho Chi Minh City while accredited to Hanoi. Foreign journalists are no longer required to renew their visas every three to six months, and the validity period of a Foreign Journalist Accreditation Card was increased to 12 months in accordance with the duration of a visa. The allowed number of foreign media employees remained limited, and Vietnamese employees working for foreign media continued to be required to register with the Foreign Ministry.

The procedure for foreign media outlets to hire local reporters and photographers and receive accreditation approval remained cumbersome. Reporters temporarily on assignment in the country were typically assigned a Foreign Ministry minder – with the cost paid by the news organization. Under the new decree, nonresident journalists working in the country continued to need a press permit issued by the ministry, and they must apply to the ministry or an overseas consular office at least 10 working days prior to arrival in Vietnam. Members of the press commented they had seen some positive change under the decree.

Internet Freedom

The government continued to exercise various forms of control over Internet access, including disincentives to its use by citizens. It allowed access to the Internet, but only through a limited number of service providers (ISPs), all of which were state-controlled companies or companies with substantial state control. Approximately 35 percent of citizens had access to the Internet, and it was widely used.

The government used firewalls to block Web sites it deemed politically or culturally inappropriate, including sites operated by overseas Vietnamese political groups. Additionally, the government apparently maintained its lifting of most restrictions on access to the Voice of America Web site but continued at times to block Radio Free Asia and the BBC Vietnamese and English Web sites throughout the year.

Vague provisions of law and regulation, such as the prohibition of propagandizing against the state, prohibit bloggers from posting material that the government believes would undermine national security, disclose state secrets, or incite violence or crimes. These provisions prohibit individuals from downloading and disseminating documents the government deems offensive. Regulations also require global Internet companies with blogging platforms operating in the country to report to the government every six months and, if requested, to provide information about individual bloggers. A number of prominent print and online news journalists maintained their own professional blogs, several of which were considered far more controversial than their mainstream writing. In a few instances, the government fined or punished these individuals for the content of their blogs.

Ministry of Information and Communication regulations require Internet companies, social networking sites, and Web sites that provide information in the areas of "politics, economics, culture, and society," including those owned domestically, whether operated by foreign entities or not, to continue to register and obtain a government license before operation. The ministry also requires such owners to submit their planned content and scope to the government for approval. Enforcement remained selective.

On September 12, the prime minister accused three blog sites – Dam Lam Bao (Party Officials' Press), Quan Lam Bao (State Officials' Press), and Bien Dong (East Sea) – of propagandizing against the state and distorting information regarding several political and financial scandals involving CPV members. The next day he directed government civil servants not to read blogs and ordered the Ministries of Public Security and of Information and Communication to investigate "antiparty and antistate" Web sites that allegedly slandered the country's leaders.

The government forbids direct access to the Internet through foreign ISPs, requires domestic ISPs to store information transmitted on the Internet for at least 15 days, and requires ISPs to provide technical assistance and workspace to public security agents to allow them to monitor Internet activities. The government requires cybercafes to register the personal information of their customers and store records of Internet sites visited by customers. It also requires ISPs and cybercafes to participate in investigations of online activity. ISP compliance with these government regulations remained unclear. Although citizens enjoyed increasing access to the Internet, the government monitored e-mail, searched for sensitive key words, and regulated Internet content. In May the NGO Southeast Asian Press Alliance criticized the government for its continued regulation of Internet content and monitoring of individual use and control of the media. In September the NGO Reporters Without Borders, in its annual Press Freedom Index, identified the country as an "Enemy of the Internet" due to its systematic use of cybercensorship.

City and provincial authorities issued additional local regulations to control online access. In compliance, Internet cafes continued to install and use government-approved software to monitor customers' online activities. Location of Internet cafes within 220 yards of a school continued to require a curfew on operations, and ISPs were obliged to cut online access to Internet cafes between 11 p.m. and 6 a.m. ostensibly to curb online gaming.

The blocking of Facebook was inconsistent among ISPs, areas, and time. From August to year's end, the blocks appeared to weaken, with two of the three major ISPs allowing access to the site. Subscribers of other ISPs often used workarounds such as virtual private networks to access the site. In October the total number of Facebook users countrywide reached 8.5 million.

During the year the Ministry of Information and Communication issued several drafts of Internet regulations for public comment. The regulations generally would set additional vague standards for prohibited content, would prohibit online anonymity, and could require foreign Internet companies to establish offices and data centers in Vietnam, participate in censorship and online filtering, and report personal information about their users. News Web sites could be required to obtain government approval to publish, and Web site administrators would be required to report

specified prohibited activities to the government. Bloggers were strongly critical of the drafts as undermining Vietnamese interests and further threatening freedom of expression. In April foreign embassies expressed concerns by letter to the ministry, stating that the draft measures would threaten the rights of "netizens" to freedom of expression and would hamper the Internet sector's commercial development. By year's end the regulations were not approved and remained in draft form.

Authorities detained and imprisoned activists who used the Internet to criticize the government and publish material on human rights and political pluralism. They charged the majority of arrested bloggers with propagandizing against the state or attempting to overthrow the government by their online writings. According to international human rights NGOs, courts convicted and sentenced at least 14 activists to lengthy prison terms during the year. At least 20 additional bloggers and activists were awaiting trial at year's end, and others were harassed and intimidated by authorities.

For example, in July the Quang Nam Province People's Committee fined blogger and human rights activist Huynh Ngoc Tuan – together with his daughter (also a blogger), Huynh Thuc Vy, and his son, Huynh Trong Hieu – VND 270 million (approximately \$13,000) for posting antigovernment articles to the Internet and publicly expressing criticism of government officers online. The committee also placed a lien on the property owned by the three to coerce payment. The family refused to pay the fine, and in December authorities confiscated Hieu's passport and prevented his travel abroad to receive an NGO award.

In July police in Quang Nam Province detained blogger Huynh Thuc Vy for three days after she participated in protests in Hanoi labeled as anti-China. Authorities interrogated her for 12 hours about her protest participation and her anti-China blogging and then released her.

In May a Nghe An Province court convicted Chu Manh Son, Tran Huu Duc, Dau Van Duong, and Nguyen Hoang Phong (four of the 18 Roman Catholic Redemptorist bloggers arrested in mid-2011 on charges of propagandizing against the state and attending an Internet/blogger training course organized by a foreign NGO in Thailand). The court sentenced them as follows: Son, three years' imprisonment and one year's probation; Duc, 39 months in prison and one year's probation; Duong, 42 months in prison and 18 months' probation; and Phong, two years' suspended sentence and 18 months' house arrest. Before the trial, authorities detained several bloggers, including Nguyen Hoang Vi, Chau Van Thi, writer Bui Chat, and human rights activist Bui Thi Minh Hang, and prevented their attendance at court proceedings. On September 26, the Nghe An Province People's Court reduced Son's original sentence on appeal from three years to 30 months but upheld the original sentences of Duong and Duc. The other 14 defendants continued to await trial at year's end.

After numerous postponements, on September 24, the Ho Chi Minh City People's Court sentenced Nguyen Van Hai (also known as Dieu Cay) and fellow bloggers Ta Phong Tan and Phan Thanh Hai (also known as Anh Ba Saigon) to imprisonment. The charge was propagandizing against the state, based on three-year-old blog postings critical of the country's government, leaders, and ruling party. The sentencing terms were as follows: Dieu Cay, 12 years in prison and five years' house arrest; Tan, 10 years in prison and five years' house arrest; and Hai, four years in prison and three years' house arrest. Authorities had rearrested Dieu Cay in 2010 as he was being released after serving 30 months for tax evasion. On December 28, the Ho Chi Minh City Supreme People's Court upheld the original sentences of Dieu Cay and Ta Phong Tan on appeal (see also section 2.a., Freedom of Speech and Press, Violence and Harassment) but reduced Phan Thanh Hai's sentence by one year to three years' imprisonment after he pleaded guilty.

The UN High Commissioner for Human Rights on September 25 voiced deep concern about the conviction and harsh sentencing of journalists and bloggers and noted a trend of increasing

restrictions on freedom of expression, especially against those who criticized the government on the Internet.

Throughout the year distributed denial-of-service attacks targeted overseas Web sites critical of the government. A majority of the targeted Web sites were news-aggregator sites that regularly republished postings by high-profile dissidents critical of the government. Hackers rendered several other Web sites inoperable. There were no developments reported in the Ministry of Public Security's claimed investigation into the June-July 2011 hackings of the popular news portal *VietnamNet*, and no one was found responsible.

State-owned ISPs routinely blocked Vietnamese-language Web sites within the country when they contained content criticizing the CPV or promoting political reform. Vietnamese-language Web sites operated outside of the country were also filtered, particularly those that criticized the government or contained negative news stories about Vietnam. In addition, two Web sites associated with the Dega ethnic minority community in the Central Highlands were routinely blocked.

Political dissidents and bloggers continued to report that their home Internet connections were routinely disconnected on orders from the security services.

Academic Freedom and Cultural Events

The government asserted the right to restrict academic freedom, and authorities sometimes questioned and monitored foreign field researchers. 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. Academic publications usually reflected the views of the CPV and government.

Critics continued to voice concern about the draft law on higher education that the National Assembly distributed in May 2011 for public comment. They noted that it included an extensive list of administrative constraints and that universities would lose autonomy to make basic decisions, such as what to teach and how many students to admit.

The government continued to restrict the ability of some international and domestic organizations to host conferences with international sponsorship or participation by requiring government approval at least 20 days in advance.

The government continued to prohibit independent scientific and technical organizations from publicly criticizing party and state policy and to deny educational opportunity to individuals who do so. For example, in September the People's Committee of a commune in Dak Nong Province refused to certify Trinh Anh Tuan's application for enrollment at Tay Nguyen University due to his participation in anti-China demonstrations.

Although the government controlled art exhibits, music, and other cultural activities, it continued to allow artists broader latitude than in past years to choose themes for their works. The government also allowed universities more autonomy over international exchanges and cooperation programs.

Authorities banned or severely edited the following foreign movies during the year because of their alleged "prohibited content": *Ghost Rider 2*, *The Hunger Games*, and *The Girl with the Dragon Tattoo*.

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

The law limits freedom of assembly, and the government continued to restrict and monitor all forms of public protest or gathering. Law and regulation require persons wishing to gather in a group to apply for a permit, which local authorities may issue or deny arbitrarily. Only those arranging publicized gatherings to discuss sensitive matters appeared to require permits, and persons routinely gathered in informal groups without government interference. The government generally did not permit demonstrations that could be seen to have a political purpose. The government also restricted the right of several unregistered religious groups to gather in worship.

For example, in March Hanoi police detained anti-China activist Nguyen Xuan Dien and blogger Nguyen Tuong Thuy and prevented them from holding a party to honor "women patriots" on International Women's Day. Authorities released them after a half-day's detention. Police also detained, questioned, and eventually released the owner of the restaurant for the event.

In July and August, individuals gathered in public in Hanoi and Ho Chi Minh City to protest reports of Chinese violations of Vietnamese sovereignty in the disputed South China Sea (East Sea). On July 27, in Ho Chi Minh City, 42 intellectuals submitted a petition requesting permission to hold an anti-China demonstration. Authorities called a meeting, allowed only three petition signatories to attend, and denied the petition, explaining that the CPV and government were best equipped to handle China-related subjects. In one August demonstration in Hanoi, police detained at least 30 to 40 individuals but released them within 24 hours. In another August event in Hanoi, police detained more than 50 of the approximately 200 to 300 individuals who gathered – for participating in what security officials considered an "illegal protest" – but authorities released all within 24 hours of detention. (See also section 1.e.)

Freedom of Association

The government continued to restrict freedom of association severely and neither permitted nor tolerated opposition political parties. The government prohibited the establishment of private, independent organizations, insisting that persons work within established, party-controlled mass organizations, usually under the aegis of the VFF. However, some entities, including unregistered religious groups, were able to operate outside of this framework with little or no government interference.

c. Freedom of Religion

See the Department of State's [International Religious Freedom Report](#).

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons

The constitution provides for freedom of internal movement, foreign travel, emigration, and repatriation, but the government imposed some limits on the movement of certain individuals. The government generally cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.

Local government authorities observed but did not hinder the UNHCR and foreign diplomatic fact-finding and monitoring visits to the Central Highlands. The UNHCR reported that it continued to be able to meet with returnees in private. Foreign diplomats, on the other hand, continued to experience some resistance from lower-level officials in permitting private interviews of returnees. Local police officials sometimes were present during foreign diplomat interviews with returnees but left when asked. Provincial governments generally continued to honor their obligations to reintegrate peacefully ethnic minority returnees from Cambodia.

In-country Movement: Several political dissidents, amnestied with probation or under house arrest, were officially restricted in their movements.

A government restriction regarding travel to certain areas requires 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."

Local police require citizens to register 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 must also register to stay in private homes, although there were no known cases of local authorities refusing to allow foreign visitors to stay with friends and family.

Authorities did not broadly implement residence law, and migration from rural areas to cities continued unabated. However, moving without permission hampered persons seeking legal residence permits, public education, and health-care benefits.

Foreign Travel: Officials occasionally continued to delay citizens' access to passports to extort bribes. Prospective emigrants occasionally encountered difficulties obtaining a passport.

Foreign travel prohibitions – apparently aimed at punishing the exercise of free speech – continued. For example, in May writer Nguyen Huy Thiep was prohibited from traveling to France to release his new book, *Crimes, Amour et Chatiment*. In August authorities prevented blogger Nguyen Huu Vinh from traveling abroad when they stopped him at Noi Bai International Airport in Hanoi as he boarded a flight with his mother, who was scheduled to undergo medical treatment in Singapore.

Although their probation ended years earlier, the government continued to prohibit dissidents Nguyen Khac Toan, Pham Hong Son, Le Thi Kim Thu, and others from receiving a passport and traveling overseas. Authorities continued to allow attorney Le Tran Luat, journalist Nguyen Vu Binh, and attorney Le Quoc Quan (until he was arrested and detained on December 27) to travel within the country but prohibited them from traveling overseas.

Emigration and Repatriation: The government generally permitted citizens who had emigrated to return to visit, although it refused to allow certain activists or other individuals living abroad to return. Known Vietnamese political activists overseas were denied entry visas or were detained and sometimes deported after entering or reentering the country.

The government continued to honor a tripartite memorandum of understanding signed with Cambodia and the UNHCR to facilitate the return from Cambodia of all ethnic Vietnamese who did not qualify for third-country resettlement.

Citizenship: By law the government considers anyone born to at least one Vietnamese-citizen parent to be a citizen. There are also provisions for persons who do not have a Vietnamese-citizen parent to acquire citizenship under certain conditions. Officials generally considered emigrants who acquire another country's citizenship without formally renouncing their Vietnamese citizenship to remain Vietnamese citizens, although the government treated overseas Vietnamese as citizens of their adopted country. The government generally encouraged visits and investment by such persons but sometimes monitored them carefully. The government continued its liberalization of travel restrictions for overseas Vietnamese, including permitting visa-free travel and permitting individuals to petition to receive Vietnamese passports.

Protection of Refugees

The law does not provide for the granting of refugee status, and the government has not established a system for providing protection to refugees.

Access to Asylum: The law does not provide for the granting of asylum.

Safe Country of Origin/Transit: Government regulations and policy do not explicitly provide protection against the expulsion or return of persons where their lives or freedom would be threatened on account of their race, religion, nationality, membership in a particular social group, or political opinion. No such cases were reported during the year.

Stateless Persons

The country's largest stateless group consisted of approximately 10,000 Cambodian residents, according to a UNHCR statistic. These individuals sought refuge in Vietnam in the 1970s and were denied the right to return by the government of Cambodia, which asserted no proof existed that these individuals had ever possessed Cambodian citizenship. Almost all were ethnic Chinese or Vietnamese whom authorities initially settled in four refugee camps in and around Ho Chi Minh City. When humanitarian assistance in these camps ceased in 1994, an estimated 6,000-7,000 refugees left the camps in search of work and opportunities in Ho Chi Minh City and the surrounding area. An additional 1,000-1,500 remained in four villages in which the camps once operated, according to the UNHCR. Many had children and grandchildren born in Vietnam, but neither the original refugees nor their children enjoy the same rights as Vietnamese citizens, including the right to property ownership, comparable access to education, and public medical care. As part of a joint UNHCR-government effort to survey and naturalize these stateless persons, 287 individuals received Vietnamese citizenship in 2010. Approximately 1,800 remaining naturalization applications submitted to the president's office for final approval reportedly were pending at year's end.

The Women's Union, a countrywide CPV-affiliated mass mobilization organization, continued to work with the government of South Korea to address international marriage brokering and premarrriage counseling, including education on immigration and citizenship regulations. Some domestic and international NGOs provided assistance.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The constitution does not provide for the right of citizens to change their government peacefully, and citizens could not freely choose the officials that govern them.

Elections and Political Participation

Recent Elections: The most recent elections, in May 2011 to select members of the National Assembly, were neither free nor fair. The VFF chose and vetted all candidates. The ratio of "independent" candidates (those not linked to a certain organization or group) to other candidates was lower than that of the 2007 election. The CPV approved 15 "self-nominated" candidates who did not have official government backing but were allowed to run. There were credible reports that party officials pressured many other self-nominated candidates to withdraw or found such candidates "ineligible" to run.

According to the government, more than 99 percent of eligible voters cast ballots in the 2011 election, a figure that international observers considered improbably high. (Voters may cast ballots by proxy, and local authorities are charged with assuring that all eligible voters cast ballots by organizing group voting and assuring all voters within their jurisdiction are recorded as having voted.) CPV candidates won 458 of the 500 seats. Four of the 15 self-nominated candidates won.

In April it was discovered that during the 2011 election, authorities were investigating the husband of National Assembly Deputy Dang Thi Hoang Yen for "abusing trust to appropriate other

people's assets." In May the National Assembly removed Yen from her position because she failed to inform officials of that investigation.

The National Assembly, although subject to CPV control (all of its senior leaders and more than 90 percent of its members are party members), continued to take incremental steps to assert itself as a legislative body. The National Assembly and its Constitutional Amendment Drafting Committee met in February with government-invited foreign experts to discuss lessons learned and best practices as the country proceeds toward amending its 1992 constitution.

Under a law passed in late November and scheduled to become effective in 2013, the president, prime minister, cabinet members, Supreme People's Court justices, and the National Assembly president must submit to an annual vote of support in the National Assembly.

Political Parties: The constitution vests all authority and political power in one party, the CPV, and recognizes the leadership of the CPV. The CPV Politburo functions as the supreme decision-making body in the country, although technically it reports to the CPV Central Committee. Political opposition movements and other political parties are illegal.

The government continued to restrict public debate and criticism severely. No public challenge to the legitimacy of the one-party state was permitted, although there were instances during the year of unsanctioned public letters from private citizens critical of government policy. For example, former government officials and leading academicians criticized the government's decision to allow substantial foreign investment in bauxite mining and its handling of sovereignty claims in the South China Sea (East Sea). The government continued to crack down on the small, opposition political groups established in 2006, and group members faced arrests and arbitrary detentions.

Members of Bloc 8406 and other political activist groups that call for the creation of a multiparty state continued to face harassment and imprisonment.

Participation of Women and Minorities: The law provides the opportunity for equal participation in politics by women and minority groups. There were 122 women (approximately 24 percent) in the National Assembly, two female ministers in the 28-member cabinet, one woman in the 14-member Politburo, and no women in the 17-member Supreme People's Court.

Ethnic minorities held 78 seats (approximately 16 percent) in the National Assembly – a decrease from the previous assembly.

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for official corruption; however, the government did not always implement the law effectively, and officials sometimes engaged in corrupt practices with impunity. Corruption continued to be a major problem. The government persisted in efforts to fight corruption, including publicizing central government budgets, streamlining inspection measures, and occasionally widely publicizing cases of officials accused of corruption.

Anticorruption law allows citizens to complain openly about inefficient government, administrative procedures, corruption, and economic policy. However, the government considered public political criticism a crime unless authorities controlled it. It is considered against the law to attempt to organize disaffected citizens to facilitate action, and perpetrators were subject to arrest. Senior government and party leaders continued to travel to many provinces, reportedly to try to resolve citizen complaints. Corruption related to land use was widely publicized in the press, apparently in an officially orchestrated effort to bring pressure on local officials to reduce abuses.

Corruption among police remained a significant problem at all levels, and members of the police sometimes acted with impunity. Internal police oversight structures existed but were subject to political influence.

Foreign-aid donors conducted an annual anticorruption dialogue as part of consultative group meetings with the government. Previous dialogues focused on corruption in the education, health, and construction sectors. In February CPV members hosted a three-day national conference to discuss strategies to combat corruption and fraud. Approximately 1,000 government delegates, including Politburo members, attended.

According to a six-month report by the government's Office of the Standing Committee on Anticorruption released in July, state agencies initiated preliminary investigations into 163 cases of corruption-related crimes with a total of 275 suspects. Court authorities prosecuted 183 cases. Authorities brought 116 cases to the court of first instance during the first six months of the year. A majority of the cases continued under investigation at year's end.

In midyear CPV members expressed concern at the rising number of corruption cases among government officials and called for a "self-criticism" campaign to fight corruption. In an unusual development, the ensuing self-criticisms by the general secretary, president, prime minister, National Assembly president, and Politburo members were made public in September. On October 22, the prime minister issued a rare public apology for his handling of the economy, including corruption. These events, combined with several high-profile corruption cases during the year, resulted in public discussion, including on blogs, of the government's handling of corruption.

In August police arrested Asia Commercial Bank (ACB) co-founder Nguyen Duc Kien and chief executive Ly Xuan Hai for alleged "intentional wrongdoings that violated state regulations on economic management, causing serious consequences." One month later, authorities charged four other ACB officials (the former minister of planning and investment and former ACB chair, Tran Xuan Gia, and former vice chairs Le Vu Ky, Trinh Quang, and Pham Trung Cang) with "deliberately acting against state regulations on economic management." Investigations continued at year's end.

In March the Supreme People's Court of Hai Phong convicted the shipbuilding conglomerate Vinashin's chief executive officer, Pham Thanh Binh, and eight others – board members Tran Quang Vu and Tran Van Liem, former subsidiary general directors Nguyen Van Tuyen and Nguyen Tuan Duong plus To Nghiem, Trinh Thi Hau, Hoang Gia Hiep, and Do Dinh Con – of "deliberately acting against state regulations" and "economic mismanagement causing serious consequences" by misappropriating approximately VND 900 billion (\$43 million) in 2010 from the firm. The court sentenced Binh to 20 years' imprisonment and the eight subordinates to prison terms ranging from 10 to 19 years. An appellate court in late August upheld the verdicts.

In September the Ministry of Public Security announced its work with Interpol to apprehend fugitive Pham Thanh Hai, an accountant in the government's department of cinematography, whom authorities charged in June 2011 with embezzling VND 42 billion (two million dollars) from the department's annual budget beginning in 2009. Two of his colleagues (Cinematography Section Chief Lai Van Sinh and Vice Section Chief Le Ngoc Minh) resigned their positions in response to the public outcry over their insufficient oversight.

In July a court sentenced Pham Thanh Dung, an official of the Can Tho City Department of Justice, to life imprisonment for receiving more than VND 4.1 billion (approximately \$195,000) in bribes and abusing his responsibility for drafting and approving marriage registrations for foreigners wishing to marry Vietnamese citizens in 2009-10. In December the Ho Chi Minh City Supreme People's Court upheld Dung's original sentence on appeal.

In September authorities obtained the extradition of Duong Chi Dung, former chairman of the Vietnam National Shipping Lines (Vinalines), who had been arrested abroad for alleged financial mismanagement and a loss of VND 1.665 trillion (approximately \$80 million) during the 2009-10 period. The case was under investigation at year's end.

At year's end an investigation continued in the case of alleged bribe-taking by the former governor of the State Bank of Vietnam, Le Duc Thuy, who retired from his position in May 2011. It was claimed that, for the exchange of an undisclosed amount of money, Thuy helped the Reserve Bank of Australia currency supplier (Securrency) to win banknote supply contracts during 2002-09 and that Securrency deposited funds for Thuy into an overseas account belonging to a member of the government's public security bureau, Colonel Luong Ngoc Anh. In 2011 official newspapers reported that Anh had an affair during 2002-06 with a foreign embassy trade officer, helped arrange meetings with high-ranking government officials, and possibly provided classified information.

By decree various government officials must annually report by November 30 the real estate, precious metals, and "valuable papers" they own; money they hold in overseas and domestic bank accounts; and their taxable income. The assets and income of officials' spouses and children are not included. The government must publicize these declarations only if a government employee is found "unusually wealthy" and investigation or legal proceedings are needed. The decree applies to senior government, judicial, and party officials but does not cover elected officials. Due to a lack of transparency, it was not known how widely the decree was enforced.

The Ministry of Public Security is responsible for investigating corruption charges brought forward by anticorruption offices in the Ministry of Home Affairs and the Office of the Inspectorate General. Additionally, the Office of the Standing Committee on Anticorruption reports directly to the Office of the Prime Minister and has the responsibility to direct, coordinate, inspect, and formulate countrywide anticorruption activities. This committee periodically provides reports on anticorruption activities to the CPV Central Committee, National Assembly, and Office of the State President. It is also responsible for suspending and/or dismissing senior officials appointed by the prime minister who are convicted of corrupt practices.

The law does not provide for public access to government information, and the government usually did not grant such access to citizens or noncitizens, including foreign media. In accordance with the law, the *Official Gazette* published most government legal documents in its daily editions but not party documents such as Politburo decrees. The government maintained a Web site in both Vietnamese and English, as did the National Assembly. In addition decisions made by the Supreme People's Court Council of Judges were accessible a majority of the time through the court's Web site.

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

The government does not permit private, local human rights organizations to form or operate, nor does it tolerate attempts by organizations or individuals to comment publicly on its human rights practices. The government used a wide variety of methods to suppress domestic criticism of its human rights policies, including surveillance; detention; interference with personal communications; and limits on the exercise of freedoms of speech, press, and assembly.

UN and Other International Bodies: The government generally prohibited private citizens from contacting international human rights organizations, although several activists did so. The government usually did not permit visits by international NGO human rights monitors, although it allowed representatives from the UNHCR, press, foreign governments, and international development and relief NGOs to visit the Central Highlands. The government criticized almost all public statements on human rights and religious matters by international NGOs and foreign governments.

Government Human Rights Bodies: There were no ombudspersons, human rights commissions, or legislative committees specifically designed to handle human rights matters. The government

continued to discuss human rights matters bilaterally with several foreign governments and hold official talks concerning human rights, including through annual dialogues.

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

The law prohibits discrimination based on race, gender, disability, language, or social status, but enforcement of these prohibitions was uneven, and the law does not address discrimination based on sexual orientation or gender identity.

Women

Rape and Domestic Violence: The law prohibits using or threatening violence against women or taking advantage of a person who cannot act in self-defense. It also criminalizes rape, including spousal rape. Rapists are subject to two to seven years' imprisonment. In severe cases of rape, including organized rape, a repeat offense, or extreme harm to the victim, sentences may range from seven to 15 years in prison. Authorities reportedly prosecuted rape cases fully, but the government did not release arrest, prosecution, conviction, or punishment statistics.

Domestic violence against women was common. A 2010 UN report found that 58 percent of married women had been victims of physical, sexual, or emotional domestic violence. Authorities treated domestic violence cases as civil ones, unless the victim suffered injuries involving more than 11 percent of her body. The law specifies acts constituting domestic violence, assigns specific portfolio responsibilities to different government agencies and ministries, and stipulates punishments for perpetrators ranging from warnings, from probation for up to three years to imprisonment for three months to three years. However, NGO and survivor advocates considered many of the provisions weak, and the government did not release arrest, prosecution, conviction, or punishment statistics. Officials acknowledged domestic violence as a significant social concern, and the media discussed it openly during the year.

While the police and legal system 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, and legal system officials in the law. During the year the UN Office on Drugs and Crime and national experts developed a domestic violence prevention training module for use at the National People's Police Academy. Twenty academy lecturers and professors received that training in April, and it was included in mandatory curricula at the People's Police University in Ho Chi Minh City.

Several domestic and international NGOs worked to address domestic violence. Hotlines for victims operated by domestic NGOs existed in major cities. The Center for Women and Development, supported by the Women's Union, also operated a nationwide hotline, although it was not widely advertised in rural areas. As of September 15, the national hotline conducted 2,228 consultations. Although rural areas often lacked the financial resources to provide crisis centers and hotlines, a law establishes "reliable residences" to allow women to turn to another family while local authorities and community leaders attempt to confront the abuser and resolve complaints. There were 300 such residences in the country, all established through the Women's Union at the commune level. Many women remained in abusive marriages rather than confront social and family stigma as well as economic uncertainty.

The government, with the help of international NGOs, continued to support workshops and seminars aimed at educating women and men about domestic violence and women's rights in general and highlighted the problem through public awareness campaigns. Local NGOs affiliated with the Women's Union remained engaged in women's concerns, particularly violence against women and trafficking of women and children.

Sexual Harassment: No law prohibits sexual harassment of adults, and no law protects employees from sexual harassment in the workplace, although the law does prohibit employers from

discriminating against female workers or offending their dignity and honor. A labor code amendment in December (scheduled to become effective in May 2013) includes the prohibition of sexual harassment in the workplace. Publications and training on ethical regulations for government and other public servants do not mention the problem, although it existed.

Victims of sexual harassment may contact social associations such as the Women's Union to request their involvement. Victims with access to a labor union representative may lodge complaints with union officers. In serious cases, victims may sue offenders under a provision that deals with "humiliating other persons" and specifies punishments that include a warning, noncustodial reform for up to two years, or a prison term ranging from three months to two years. Nevertheless, there were no known prosecutions or sexual harassment lawsuits during the year, and most victims were unwilling to denounce offenders publicly.

Reproductive Rights: The constitution obliges society, families, and all citizens to implement "the population and family planning program." The law affirms an individual's right to choose contraceptive methods; access gynecological diagnosis, treatment, and health check-ups during pregnancy; and obtain medical services when giving birth at health facilities, and the government generally enforced these provisions. Nonetheless, unmarried women of reproductive ages continued to have limited or no access to subsidized contraceptives due to a lack of available government-approved contraceptives throughout the country. The social stigma attached to unmarried women who seek contraceptives further limited access. The government allocated additional resources for family planning services in 2010 with a goal of increasing the contraceptive prevalence rate to 80 percent by 2015.

The Population and Reproductive Health Strategy for 2011-20 – applicable to all citizens – set a target of maintaining the average number of children per reproductive-age couple at 1.8. The government, primarily through broad media campaigns, maintained its strong encouragement of family planning. There was also anecdotal information that authorities did not promote government officials who had more than two children. A decree issued by the Politburo in March 2011 subjects CPV members to reprimand if they have three children, to removal from a ranking position if they have four children, and to expulsion from the CPV if they have five children, as well as to an increased likelihood of job termination and a decreased likelihood of promotion.

Discrimination: The law provides for gender equality in all aspects of life, but women continued to face societal discrimination. Despite the large body of law and regulation devoted to the protection of women's rights in marriage and the workplace, as well as provisions that call for preferential treatment, women did not always receive equal treatment. They continued to experience discrimination since they were not allowed to work in all the same industries or for the same hours as men (due to pregnancy or nursing). Moreover, no laws prohibit employers from asking about family status during job interviews. Women are expected to retire at age 55, compared with age 60 for men.

Although the law provides for equal inheritance rights for men and women, women continued to face cultural discrimination: A son is more likely to inherit property than a daughter is, unless specified by a legal document. A 2012 UNDP-funded study on land rights concluded that the law and cultural stereotypes limited women's access to land ownership and inheritance. The law also prohibits gender-based preferential hiring for jobs, and while NGOs assumed that such discrimination occurred, allegations were hard to prove.

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, and protection from spousal abuse. The Women's Union also operated microcredit consumer-finance programs and other programs to promote the advancement of women. The government's April 2011 National Strategy Plan for Gender Equality 2011-15 aimed to move beyond advancement to recognize broader inequities in access to social services and focus on developing indicators;

placing more women in senior ministry positions and the legislature; and increasing literacy rates, access to education, and health care.

In March the National Assembly's Committee for Social Affairs hosted a seminar in Can Tho Province on implementing law and international commitments on gender equality. The seminar, in cooperation with an international donor, focused on UN Millennium Development Goals to eliminate discrimination against women.

Gender-biased Sex Selection: According to the UNDP, the national average male-female sex ratio at birth in 2011 was 111.9 to 100. During the first three months of 2012, the ratio increased to 120 to 100. The imbalanced ratio of newborn boys to girls continued to increase during the year, particularly in some wealthier areas of Hanoi and Ho Chi Minh City. The government acknowledged the problem (reduction of the ratio was a highlighted goal in the National Program on Gender Equality) and continued to take steps to address it. The Ministry of Health received additional funds and resources to address the imbalance.

Children

Birth Registration: By law the government considers anyone born to at least one Vietnamese citizen parent to be a citizen, although persons born to non-Vietnamese parents may also acquire citizenship under certain circumstances. Not all births were registered immediately, sometimes reportedly due to a lack of incentive or knowledge among the populace. A birth certificate is required for public services, such as education and health care, and the choice by some parents, especially ethnic minorities, not to register their children affected the ability to enroll them in school and receive government-sponsored health care.

Education: Education is compulsory, free, and universal through age 14. Nevertheless, authorities did not always enforce the requirement, especially in rural areas, where government and family budgets for education were strained and children's contributions as agricultural laborers were valued.

Child Abuse: The UN and the General Statistics Office reported in 2011 that 25 percent of children were victims of child abuse, as indicated by their mothers during a 2006 study on domestic violence. According to a newspaper report, the Ministries of Public Security and of Labor, Invalids, and Social Affairs (MOLISA) reported in December 2011 that approximately 900 children were sexually abused per year. The UN Fact Sheet 2011 noted the difficulty of obtaining accurate data on the prevalence of child and adolescent sexual abuse, which indicated the possibility of underreported abuse. The government made no information available on the extent of the problem or its efforts to combat it.

Child Marriage: The legal minimum age of marriage is 18 years for girls and 20 years for boys, and the law criminalizes organizing marriage for, or entering into marriage with, an underage person. The rate of marriage under age 18 was approximately 16 percent in the Northwest Highlands and approximately 11 percent in the Central Highlands – both poor, remote, rural areas – according to the 2009 census, but additional government data was not available. Provincial authorities and the Women's Union are responsible for raising popular awareness of the consequences of early marriage.

Sexual Exploitation of Children: Sexual harassment of children under age 16 is illegal. The law criminalizes all acts of sale, fraudulent exchange, or control of children as well as all acts related to child prostitution and forced child labor. Sentences range from three years' to life imprisonment, and fines range from VND five million to VND 50 million (approximately \$240 to \$2,400). The law also specifies prison sentences for acts related to child prostitution, including harboring prostitution (12 to 20 years), brokering prostitution (seven to 15 years), and buying sex with minors (three to 15 years). Similarly, 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. Statutory rape is illegal and 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 government enforced the law, and convicted rapists received harsh sentences. The production, distribution, dissemination, or selling of child pornography is illegal and carries a sentence of three to 10 years' imprisonment.

According to preliminary findings released in July of a 2010 survey conducted by UNICEF and MOLISA, child prostitution, child trafficking for sexual purposes, child-sex tourism, and child pornography occurred in the country. A May conference organized by the Ministry of Public Security reviewed a 2006-10 government project to combat crimes against children and noted 2,700 cases of children being raped in that period. In 2010 a total of 10 provinces reported child prostitution cases involving 41 victims, but UNICEF and concerned local NGOs believed the number of victims was much higher. The survey findings also showed that children as young as age 12 worked as prostitutes, with the most commonly observed age being 14-15. Some minors entered into prostitution for economic reasons. The findings also highlighted an increased number of boys under age 16 who engaged in prostitution.

Displaced Children: Independent NGOs estimated that 23,000-25,000 children lived on the streets and were sometimes abused or harassed by police.

Institutionalized Children: There were no shelters designed specifically for child victims of trafficking or abuse. Instead, authorities continued to place them in facilities with survivors of domestic violence or adult trafficking. The government allocated VND 1.25 trillion (approximately \$59.5 million) to the National Program of Action for Children for the period 2011-20 and focused on assisting disadvantaged children in the 12 poorest provinces.

International Child Abductions: The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction.

Anti-Semitism

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

Trafficking in Persons

See the Department of State's [Trafficking in Persons Report](#).

Persons with Disabilities

The constitution provides for the protection of persons with physical disabilities. The law prohibits discrimination against or maltreatment of persons with physical and mental disabilities, encourages their employment, and requires equality for them in accommodation, access to education, employment, health care, rehabilitation, local transportation, and vocational training. There was no similar provision regarding persons with sensory or intellectual disabilities.

The provision of services to persons with disabilities, although limited, improved during the year. The Ministry of Transportation implemented accessibility codes for public transportation facilities, continued to train transportation agency officials and students on the use of the codes, and developed training materials for bus drivers to assist individuals on and off buses. The government also reduced the bus fares for 33,000 individuals with disabilities in Hanoi and Ho Chi Minh City.

The law requires construction and major renovations of new government and large public buildings to include access for persons with disabilities, but enforcement continued to be sporadic. New buildings and facilities in larger urban cities were built with ramps and accessible entries. The Ministry of Construction maintained enforcement units in the cities of Hanoi, Ho Chi Minh, Danang, Quang Nam, Hai Phong, and Ninh Binh to enforce barrier-free codes and provided training on construction codes for inspectors and architectural companies in more than 22 provinces during the year.

Access to education for children with disabilities, including blindness, deafness, and mobility restrictions, remained extremely limited. There was no information available on the attendance by children with disabilities at primary, secondary, and higher-education schools.

The law provides for preferential treatment for firms that recruit persons with disabilities and for fines on firms that do not meet minimum quotas that reserve 2 to 3 percent of their workforce for workers with disabilities, but the government enforced these provisions unevenly. Firms that have 51 percent of their employees with disabilities may qualify for special government-subsidized loans.

The government assisted persons with disabilities to vote in 2011 by bringing ballot boxes to the homes of individuals unable to go to a polling station.

The government supported the establishment of organizations aiding 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 educational policies. The National Coordination Committee on Disabilities and its ministry members continued to work 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, inpatient physical therapy. Several provinces, government agencies, and universities had specific programs for persons with disabilities.

National/Racial/Ethnic Minorities

The law prohibits discrimination against ethnic minorities, but there was no information available on government enforcement measures. Societal discrimination against ethnic minorities has been longstanding and persistent. Despite the country's significant economic growth, some ethnic minority communities benefited little from improved economic conditions, even though ethnic minority groups formed a majority of the population in certain areas, including the Northwest and Central Highlands and portions of the Mekong Delta.

Some members of ethnic minority groups continued to leave for Cambodia and Thailand. Although some reportedly traveled to seek greater economic opportunities or shortcuts to migration to other countries, others departed because of local political conditions and harassment. The government maintained increased security measures in the Central and Northwest Highlands because of its concerns with alleged ethnic minority separatist activity. The government also continued to monitor certain highland minorities closely, particularly several ethnic groups in the Central and Northwest Highlands, where it continued to claim that practicing a minority faith encouraged separatism. There were reports during the year that ethnic minority individuals who telephoned ethnic minority community members abroad were a special target of police attention. Authorities arrested and convicted several individuals allegedly connected to overseas organizations that the government claimed espoused separatist aims and sentenced them to lengthy prison terms during the year. In addition, during the period around sensitive occasions and holidays, an increased security presence was reported throughout the region. There were a few reports that Vietnamese police operating on both sides of the border returned members of ethnic minorities seeking to enter Cambodia and sometimes beat and detained them.

In April Phu Yen Province People's Court sentenced Nay Y Nga to five years in prison for sabotaging national unity by allegedly "enticing" fellow ethnic minority members both to join the unrecognized Dega Church and the separatist United Front for the Liberation of Oppressed Races (FULRO) and to support calls for independence.

On May 9, security officials arrested three members of the Ede and Gia Rai tribes (Ruhn, Byuk, and Jonh Y) in the Central Highlands for allegedly participating in propagandizing against the state, affiliating with FULRO, and possessing homemade weapons. All three were held at year's end awaiting trial.

In March the Dien Bien Province People's Court sentenced Giang A Xi and Giang A Va to 30 months in prison for "disturbing social order and preventing officials from carrying out their duty." The remaining five detained individuals, including Thao A Lao, Mu A Thang, and Trang A Do, were each sentenced to two years' imprisonment. The prisoners were among approximately 5,000 ethnic Hmong who gathered in April-May 2011 in Muong Nhe District as part of a millennium movement and were dispersed or arrested by security personnel.

The government continued to attempt to address the causes of ethnic minority discontent through special programs to improve education and health facilities and expand road access and electrification of rural communities and villages. The government also continued to allocate land to ethnic minorities in the Central Highlands through a special program, but there were continued complaints that implementation was uneven.

The law provides for universal education for children regardless of religion or ethnicity, and members of ethnic minority groups are not required to pay regular school fees. The government operated special schools for ethnic minority children, and there were 223 boarding schools for them in the Northwest and Central Highlands and the Mekong Delta, including at middle- and high-school levels, plus special admission and preparatory programs as well as scholarships and preferential admissions at the university level. In February the government reported to the 80th session of the UN Committee on the Elimination of All Forms of Racial Discrimination and highlighted its program of conducting elementary- and secondary-school classes in some ethnic minority languages. The government also worked with local officials to develop local language curricula, but it appeared to implement this program more comprehensively in the Central Highlands and the Mekong Delta, and only in limited areas of the Northwest Highlands. During the year there were also a few government-subsidized technical and vocational schools for ethnic minorities. Nonetheless, there were some credible cases of educational discrimination against ethnic minorities.

The government broadcast radio and television programs in ethnic minority languages in some areas. The government also instructed ethnic-majority (Kinh) officials to learn the language of the locality in which they worked. Provincial governments continued initiatives designed to increase employment, reduce the income gap between ethnic minorities and ethnic Kinh, and make officials sensitive and receptive to ethnic minority culture and traditions.

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

The National Assembly's Ethnic Minority Council, along with provincial Ethnic Minority Steering Committees, continued to support infrastructure development and address some problems related to poverty reduction and an increase in literacy rates during the year.

The government Committee for Ethnic Minorities, in collaboration with the EU, hosted a two-day seminar in June focused on ethnic minority rights. More than 130 persons from 25 different

provinces participated. One workshop dealt with mechanisms for ensuring human rights of ethnic minorities in Vietnam and the relevant experiences of European and Southeast Asian countries. The seminar also addressed existing problems; the roles of international organizations, communities, and local officials; and the rights of women in ethnic minority communities. Speakers highlighted the current situation, problems in legislative implementation, and standards and challenges. Separately, a foreign expert on global minority problems delivered a presentation on international standards and protection mechanisms for ethnic minority rights.

Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity

The law does not address prohibiting discrimination based on sexual orientation or gender identity. There was no reported official discrimination based on sexual orientation or gender identity, but societal discrimination and stigma remained pervasive.

No laws criminalize consensual same-sex sexual conduct, although by decree, individuals may not change their gender.

A lesbian, gay, bisexual, and transgender (LGBT) community existed but was largely underground. A survey and study conducted by the Institute for Studies of Society, Economy, and the Environment beginning in 2010 and reported in December noted that 87 percent of participants did not fully understand LGBT concerns or had a very limited understanding of LGBT rights. The study, based on surveying 854 males and females above age 18 and interviews in representative cities (Hanoi and Ho Chi Minh City) and provinces (Ha Nam and An Giang), concluded that misunderstandings about and prejudice against LGBT individuals led directly to discrimination or harassment in the workplace, most often by disgruntled fellow employees or a supervisor. The institute also reported that government officials, the Women's Union, and the Lawyers Association participated in sensitivity training during the year. Most LGBT persons chose not to tell family of their sexual orientation for fear of being disowned, and a 2011 online survey, conducted by the Information Sharing and Connecting Group with more than 1,000 LGBT respondents, noted that their families forced more than 20 percent into counseling.

On August 5, more than 100 individuals demonstrated in Hanoi for equal rights in the country's first gay pride parade. Organizers requested but did not receive permission, and there were no incidents.

In May the Ministry of Justice solicited input from NGOs involved in LGBT advocacy concerning possible 2013 revisions on same-sex cohabitation in family and marriage law. Several NGOs collaboratively submitted a plan of action that included a public relations campaign and a strategy to inform members of the National Assembly about the importance of rewriting the law.

Other Societal Violence or Discrimination

The law states that employers may not fire individuals for having HIV/AIDS and doctors may not refuse to treat persons with HIV/AIDS. There was no evidence of official discrimination against persons with HIV/AIDS and no reported denial of medical treatment.

Societal discrimination, however, did exist. Individuals who tested positive for HIV reported latent social stigma, lost jobs, and suffered discrimination in the workplace or in finding housing, although the number of such reports decreased during the year. With the assistance of foreign donors, national and provincial authorities took steps, albeit inconsistently, to treat, assist, and accommodate persons with HIV/AIDS and thereby decrease societal stigma and discrimination. Faith-based charities could sometimes provide HIV-prevention and home-based care services to persons with or affected by HIV/AIDS.

In September the government reported approximately 5,100 school-age children with HIV/AIDS. In several cases, pressure from other parents barred HIV/AIDS-positive children or orphans from schools.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law does not allow workers to organize and join independent unions of their choice. While workers may choose whether to join a union and at which level (local, provincial, or national) they wish to participate, every union must affiliate with the country's only trade union confederation, the Vietnam General Confederation of Labor (VGCL). The VGCL, a union umbrella organization controlled by the CPV, approves and manages a range of subsidiary labor unions organized according to location and industry.

The revised Trade Union Act, adopted on June 20 and scheduled to take effect on January 1, 2013, would eliminate the requirement that enterprises with more than 20 workers create a trade union within six months of establishment. While the new law would charge unions with the responsibility to "disseminate information to persuade and guide workers to establish and/or join unions," the VGCL may represent workers in enterprises that do not have "grassroots" enterprises only where the workers request it. Under the new law, the VGCL would also have the responsibility for educating workers on their rights and obligations, representing workers (the "labor collective") in collective bargaining and individual workers with disputes, holding and leading legal strikes, and working with state agencies on labor relations, occupational health and safety, and other matters. The VGCL would no longer be required to focus on establishing grassroots unions. Upper-level VGCL officials would only represent workers in nonunionized enterprises upon the express request of workers for assistance.

The law outlines mandatory union dues for union members and domestic and foreign employers. While these dues were intended to support workers and union activities, neither the VGCL nor the government, which is responsible for dues collection, provided transparent information regarding their use. The new law would provide more detailed information about the use of dues and would eliminate the provision naming the VGCL as the sole entity to manage the finances of the entire trade union system.

The law permits strikes under certain prescribed circumstances and stipulates an extensive and cumbersome process of mediation and arbitration before a lawful strike may occur.

The law prohibits strikes in businesses that serve the public or that the government considers essential to the national economy and defense. The law also grants the prime minister the right to suspend a strike considered detrimental to the national economy or public safety. The law defines "essential services" more broadly than do International Labor Organization (ILO) criteria. A decree defines these enterprises as ones involved in electricity production; post and telecommunications; maritime and air transportation, navigation, and management; public works; and oil and gas. The essential services list was reduced by nearly 60 percent in June 2011 from 142 firms to 58.

In June the National Assembly also passed a revised Labor Code. It provides for the protection of "labor subleasing" as a new pattern of employment, essentially covering subcontracting, and thus protects part-time and domestic workers. The new code also allows trade unions and employer organizations to facilitate and support collective bargaining and makes it mandatory for companies to establish a mechanism to enable management and the workforce to exchange information and consult on subjects that affect working conditions.

Strikes that do not arise from a collective labor dispute or do not adhere to the process outlined by law are illegal. Before workers may hold a strike, they must take their claims through a process

involving a conciliation council (or a district-level labor conciliator where no union is present). If the two parties cannot reach a resolution, the claims must be submitted to a provincial arbitration council. Unions (or workers' representatives where no union is present) have the right either to appeal decisions of provincial arbitration councils to provincial people's courts or to strike. Individual workers may take cases directly to the people's court system, but in most cases they may do so only after conciliation has been attempted and failed. The law also stipulates that workers on strike not be paid wages while they are not at work.

The law prohibits retribution against strikers, and there were some anecdotal reports of employers retaliating against strike participants by limiting future employment prospects. 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 law provides VGCL-affiliated unions the right to bargain collectively on behalf of workers. Collective labor disputes over rights must go through a conciliation council and, if the council cannot resolve the matter, to the chair of the district-level people's committee.

VGCL leaders influenced key decisions by drafting, amending, or commenting on labor legislation; developing social safety nets; and setting health, safety, and minimum wage standards. Labor activists and representatives of independent (non-VGCL) workers' organizations faced antiunion discrimination (see section 1.e.).

The VGCL reported 490 strikes during the year, compared with 581 strikes during 2011, and attributed the decrease both to the economic downturn that made workers reluctant to jeopardize their employment and to the increased minimum wage (see section 7.d.). The majority of these strikes, which occurred in Ho Chi Minh City and surrounding provinces in foreign-invested enterprises (mainly South Korean and Taiwanese companies), were due to wage disagreements. None of the strikes followed the authorized conciliation and arbitration process, and thus authorities considered them illegal "wildcat" strikes. The government tolerated them and not only took no action against the strikers but on occasion actively mediated agreements in the workers' favor. In some cases the government disciplined employers, especially with foreign-owned companies, for the illegal practices that led to strikes.

There were credible reports that employers tended to use short-term or probationary contracts to avoid certain legally mandated worker benefits, such as unemployment insurance, or to inhibit workers from joining unions. Many employers would not let union leaders meet with workers without management being present.

b. Prohibition of Forced or Compulsory Labor

The law prohibits forced and compulsory labor, except as defined by administrative or criminal penalties. Nonetheless, the government and NGOs continued to report the occurrence of forced labor of adults and children (see section 7.c.). There were reports from credible NGOs that the government, especially the Ministry of Public Security, increased efforts to prevent forced labor, and the government reported criminal prosecutions for forced labor during the year.

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

Prisoners convicted by courts routinely were required to work for little or no pay. Authorities routinely required individuals, detained under administrative decree in reeducation centers and detention centers for sex workers and drug users, to work for little or no pay under administrative and legislative regulations. They produced food and other goods used directly in prisons or sold on

local markets, reportedly to purchase items for their personal use. There continued to be credible reports that private companies hired individuals in drug detention centers.

There was also information that suggested workers in centers for social and educational rehabilitation were engaged in agriculture (growing rice and vegetables; raising poultry, fish, and other livestock; and shelling cashews or other nuts), manufacturing (producing bicycle tires, mosquito nets, false eyelashes, pottery, bamboo or rattan products, and shoes and apparel), and construction work.

In September 2011 and July 2012, an international human rights organization reported that authorities forced individuals in the detention centers for drug users to engage in unpaid or underpaid work as part of their treatment. In response, MOLISA officials confirmed that "therapeutic labor" was one part of the treatment for individuals in these centers but asserted that it was not required of all individuals and was remunerated. The officials also reported ordering provincial officials to halt construction of any new drug-detention centers and cease all actions that violated labor regulations.

Also see the Department of State's [Trafficking in Persons Report](#).

c. Prohibition of Child Labor and Minimum Age for Employment

The law prohibits most child labor but allows exceptions for certain types of work. The law sets the minimum age for employment at 18 years, but enterprises may hire children between ages 15 and 18 if firms obtain permission from parents and MOLISA. Enterprises hiring young labor (ages 15-18) have to provide special considerations concerning working hours, annual leave, and working environment. Children ages 15-18 may work a maximum of eight hours per day and 40 hours per week and must receive special health care.

The law permits children to register at trade training centers, a form of vocational training, from age 13. By law an employer must ensure that workers under age 18 do not undertake hazardous work or work that would harm their physical or mental development. The law specifies prohibited occupations, which include those requiring compressed working posture, direct contact with harmful chemicals, contact with radioactive substances, work with various types of furnaces or hot metal, driving motor vehicles, operating stone grinding machines, and operating machines for starching cloth and cotton yarns, among others.

MOLISA 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. Generally, the government committed insufficient resources to enforce effectively laws that provide for children's safety, especially for children working in mines and as domestic servants. MOLISA maintained that more than 25,000 children worked in hazardous conditions countrywide; international observers believed the actual figure was higher.

There were several reports that the government detected some cases of child exploitation, removed children from exploitative situations, and prosecuted/fined employers during the year. According to government representatives, businesses often claimed they provided permitted "vocational training," but unannounced government labor inspectors found children working nine to 12 hours per day for low pay in hazardous working conditions (including poor lighting, dusty environments, and the operation of heavy machinery) in small, privately owned garment factories in Binh Chanh District, Ho Chi Minh City. On August 8, the government reported an estimate of 1,450 children working in that city in hazardous environments, such as garment factories and near brick kilns (handling excessive weight, exposed to fire).

At a forum on child protection, the deputy director of the Ho Chi Minh City Department of Labor, Invalids, and Social Affairs reported that June inspections of small garment factories revealed 342 child workers in 110 establishments in four city districts. The Binh Chanh District Labor Center

head stated that in some cases children were required to work 10-12 hours per day at low pay (VND 10 million to 15 million per year, approximately \$500-\$750).

In August two reporters posing as customers discovered at least 10 children (ages 12-16) working at brick kilns in Binh Duong Province. The children's parents reportedly brokered an arrangement with the factory owner.

As part of its first five-year National Program on Child Protection, the government continued programs to eliminate persistent child labor, with a particular focus on needy families and orphans. A joint project with the ILO to eliminate the worst forms of child labor continued; however, child labor remained a problem, particularly in rural areas, where two-thirds of the population resided.

In rural areas children worked primarily on family farms, in other agricultural activities and household responsibilities, or in mines. In some cases they began work as young as age six and were expected to do the work of adults by the time they reached age 15. Some parents did not permit children to attend school during harvest and planting seasons.

Migration from rural to urban settings exacerbated the child labor problem because unauthorized migrants were unable to register their households in urban areas. Consequently, their children could not attend public schools, and families had less access to credit. Officials stated that juveniles in education and nourishment centers, which function similarly to reform schools or juvenile detention centers, were commonly assigned work for "educational purposes."

In urban areas children worked in family-owned small businesses, including small, privately owned garment factories, or on the street shining shoes or selling articles, such as lottery tickets and newspapers. In June an international NGO, in cooperation with local police, rescued seven children who were brought from northern Dien Bien Province to garment sweatshops in Tan Phu District, Ho Chi Minh City, the same sweatshop where child laborers were found in September 2011.

d. Acceptable Conditions of Work

The government set minimum wages and adjusted them based on consumer price index changes. Starting January 1, the new monthly minimum for unskilled laborers at private enterprises was between VND 1.78 million (approximately \$85) and VND 2 million (\$95) in urban areas, and VND 1.4 million (\$67) and 1.55 million (\$74) in rural areas. Effective May 1, the monthly minimum wage for civil servants and state employees increased from VND 830,000 (\$39.50) to VND 1.05 million (\$50). The government defined the poverty line for the period 2011-15 as VND 400,000 (\$19) per month for rural households and VND 500,000 (\$24) for urban households.

The government set the workweek for government employees and employees of companies in the state sector at 40 hours and encouraged the private business sector and foreign and international organizations that employed local workers to reduce the number of hours in the workweek to 40 hours, but compliance remained nonmandatory.

The law sets normal hours of work at eight hours per day, with a mandatory 24-hour break each week. Additional hours require overtime pay at one-and-one-half times the regular wage, two times the regular wage for working through the mandatory 24-hour rest period, and three times the regular wage for holidays and paid-leave days. The new code limits overtime to 50 percent of normal working hours per day, 30 hours per month, and 200 hours per year but provides for an exception in special cases, with a maximum of 300 overtime hours worked annually, subject to stipulation by the government after consulting with VGCL and employer representatives. The law also prescribes annual leave with full pay for the public and private sectors.

By law an enterprise may not dismiss a female employee who is engaged to be married, pregnant, on maternity leave, or caring for a child under one year of age, unless it closes. Female employees who are at least seven months pregnant or are caring for a child under one year of age may not be compelled to work overtime, at night, or in locations distant from their homes.

It was unclear how strictly the government enforced provisions for wages, hours, and benefits or the exceptions for certain female employees. MOLISA, in coordination with local people's committees and labor unions, is responsible for enforcing the law, but enforcement was irregular for many reasons, including low funding and a shortage of trained enforcement personnel. The VGCL asserted that authorities did not always prosecute violations. MOLISA acknowledged shortcomings in September in its labor inspection system and emphasized that the number of labor inspectors countrywide was insufficient. The VGCL stated, and MOLISA acknowledged, that low fines on firms for labor violations failed to act as an effective deterrent against violations. During the year the government markedly increased the number of labor inspectors from 140 in 2011 to approximately 450 inspectors focused on areas ranging from labor regulations and persons with disabilities to social insurance and export recruiting companies.

There continued to be credible reports that factories exceeded the legal overtime thresholds and did not meet legal requirements for rest days. A September ILO report noted that 70 of 80 apparel factories did not comply with legal overtime limits.

The law requires the government to promulgate rules and regulations that provide for worker safety. On-the-job injuries due to poor health and safety conditions and inadequate employee training in the workplace remained a problem. The mining and construction sectors reported the greatest number of occupational injuries. In the first half of the year, there were 3,060 occupational accidents, a decrease of 13.3 percent and 279 deaths, an increase of 2.2 percent, compared with the same period in 2011. Examples, according to MOLISA, included two blasts in March and May at a steel factory and a stone mine, respectively, in the vicinity of Hanoi that killed eight individuals and injured five, and an April toxic gas leak near Hanoi that killed four. Authorities extended the official investigation into the April 2011 stone mining accident that killed 18 workers in Nghe An Province, and the investigation continued at year's end. Authorities had fined the company twice in 2010 for poor safety standards, and they arrested the owner after the 2011 incident for violating safety regulations.

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