

VIETNAM 2015 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

The Socialist Republic of Vietnam is an authoritarian state ruled by a single party, the Communist Party of Vietnam (CPV), and led by General Secretary Nguyen Phu Trong, Prime Minister Nguyen Tan Dung, and President Truong Tan Sang. The most recent National Assembly elections, held in 2011, were neither free nor fair, despite limited competition among CPV-vetted candidates. Civilian authorities maintained effective control over the security forces.

The government began implementing laws in accordance with constitutional amendments, including human rights-related articles, promulgated in January 2014. In November the National Assembly passed several laws affecting the rights of its citizens, including a new penal code, criminal procedure code, law on custody and temporary detention, civil code, and civil procedure code. The criminal procedure code and the custody law codified the presumption of innocence, placed the burden of proof in criminal proceedings on the state, recognized a limited right to remain silent in certain circumstances, and loosened regulations on the right to counsel. The penal code retained vague national security provisions and in some areas added new offenses criminalizing preparatory acts.

The most significant human rights problems in the country were severe government restrictions of citizens' political rights, particularly their right to change their government through free and fair elections; limits on citizens' civil liberties, including freedom of assembly, association, and expression; and inadequate protection of citizens' due process rights, including protection against arbitrary detention.

Other human rights abuses included arbitrary and unlawful deprivation of life; police attacks and corporal punishment; arbitrary arrest and detention for political activities; continued police mistreatment of suspects during arrest and detention, including the use of lethal force and austere prison conditions; and denial of the right to a fair and expeditious trial. The judicial system was opaque and lacked independence, and political and economic influences regularly affected judicial outcomes. The government limited freedom of speech and suppressed dissent; exercised control over and censorship of the press; restricted internet freedom and freedom of religion; maintained often-heavy surveillance of activists; and continued to limit privacy rights and freedoms of assembly, association, and

movement. The government continued to control registration of nongovernmental organizations (NGOs) closely, including human rights organizations. Authorities restricted visits by human rights NGOs that did not agree to government oversight. Authorities and NGOs recorded higher numbers of human trafficking victims, possibly attributable to growing demand among neighboring countries as well as the country's decision in 2012 to improve its efforts to track and investigate cases. 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, especially in agricultural occupations.

The government sometimes took corrective action, including prosecutions, against officials who violated the law, and police officers sometimes acted with impunity. Police corruption persisted.

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

a. Arbitrary or Unlawful Deprivation of Life

Reports indicated officials or other agents under the command of the Ministry of Public Security (MPS) committed arbitrary or unlawful killings, including reports of at least 14 deaths of persons in custody, as well as several high-profile allegations officers abused use of lethal force. In most cases authorities either provided little information regarding investigations into these deaths or stated the deaths were the result of suicide or medical problems. In a small number of cases, the government held police officials responsible.

On February 28, Nguyen Van Tinh died from brain bleeding and swelling after local police in Ha Tinh Province detained him without a warrant for alleged gambling and kept him in custody for five hours, according to press reports. Provincial authorities initiated an investigation into three local police officers for wrongful detention.

On April 8, local authorities in Hung Yen Province notified the family of Nguyen Duc Duan that Duan had died after several weeks in police custody. According to press reports, Duan's entire body was extensively bruised.

On October 10, 17-year-old Do Dang Du reportedly died due to torture while in police custody. Police had arrested Du two months prior for theft and did not allow his family to contact him during his detention. On October 4, police authorities summoned his family to Bach Nai Hospital in Hanoi, where Du

reportedly was in a coma and had internal organ damage and bruises covering his body. After Du's death, authorities reportedly forced the family to bury his body immediately, and the family alleged Du's autopsy report failed to include the full extent of his injuries. On December 30, the Hanoi City People's Procuracy indicted Du's cellmate for "deliberately inflicting injuries" and stated it would transfer the investigation into police handling of Du's case to the national-level Supreme People's Procuracy.

On April 9, the Provincial People's Court of Dak Nong Province handed down suspended sentences to police officers Le Manh Nam and Tran Dang Trung, finding them guilty of illegally detaining Hoang Van Ngai, who died while in police custody in 2013. The court did not find the officers responsible for Ngai's death.

On October 7, after a three-day trial, the Provincial People's Court of Soc Trang Province sentenced Soc Trang police investigators Nguyen Hoang Quan and Trieu Tuan Hung to 1.5 years' and two years' imprisonment, respectively, for beating and forcing seven men to confess to a murder in 2013. The seven men had claimed Soc Trang provincial police used torture during their interrogations.

b. Disappearance

There were no reports of politically motivated disappearances.

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

The law prohibits physical abuse of detainees, but suspects commonly reported mistreatment by police and drug-detention center personnel during arrest or detention.

In early June the National Assembly released a report describing multiple cases of forced confessions or use of corporal punishment during law enforcement investigations from 2011 to 2014. The MPS reported it received 46 complaints of forced confession or use of corporal punishment; of these, authorities substantiated only three, and six remained under investigation.

In November the National Assembly passed an amended criminal procedure code requiring police to video or audio record custodial interrogations that take place in official investigative facilities. For interrogations taking place at other locations,

recording must take place if either the authorities or the accused make a request. The law states that it will go into effect in July 2016 and compliance with this provision is scheduled for initial rollout in a pilot program in 2017, and implementation nationwide by 2019.

In October the Minister of Public Security reported that the government held 26 security officials responsible for “law-breaking acts during investigations.” Included in this number were two officials indicted for use of corporal punishment, and two “heads of investigation agencies” reprimanded for the use of corporal punishment under their supervision.

Political and religious activists and their families alleged numerous and sometimes severe instances of harassment by MPS officials and agents, ranging from intimidation and insults to more significant abuses, such as attacks on their homes with rocks by plainclothes police. Activists also reported assaults on them and their families that caused injury and trauma requiring hospitalization.

On January 1, uniformed police and plainclothes individuals reportedly prevented parishioners from attending New Year’s Day house church services of Mennonite Pastor Nguyen Hong Quang. Parishioners claimed local authorities took them to a police station and struck them in the body and face with their fists. Quang also claimed local authorities assaulted him after he arrived at the police station to inquire about the incident. Quang and his parishioners reported additional assaults against them during the year.

On January 1, land rights protesters from Tien Giang Province reported Ho Chi Minh City police detained them for approximately eight hours after they attempted to stage a protest. Activist Lu Thi Thu Van reported police officers struck her while she was in detention, resulting in injuries to her face.

On January 21, dozens of police and plainclothes individuals reportedly assaulted 12 activists after they visited former political prisoner Tran Anh Kim in Thai Binh Province. Two of the individuals assaulted, Nguyen Thanh Giang and Nguyen Thi Kim Chi, were more than 70 years of age. The activists claimed police officials kept them in custody for nearly seven hours at a local police station and repeatedly assaulted and verbally threatened them.

On February 17, five land-rights petitioners in Bac Giang Province reported authorities took them to a local police station after they brought their petitions to the home of the head of the provincial government. The petitioners claimed four

men wearing raincoats and masks struck Nguyen Thi Luyen and a Ms. Sout with sticks after they departed the police station, causing physical injuries. Separately, dozens of police and plainclothes individuals reportedly chased and then assaulted Pham Thi Nhuong after she departed the police station.

On March 13, plainclothes individuals reportedly assaulted land-rights activists Lai Tien Son and Nguyen Thanh Ha with sticks and motorbike helmets in Hanoi after they visited and delivered gifts to land-rights protesters in Duong Noi village. During the assault the perpetrators reportedly shouted repeatedly, “Beat them to death.”

On April 22, three plainclothes individuals in Hanoi reportedly assaulted blogger Trinh Anh Tuan (also known as Gio Lang Thang). Tuan claimed the individuals pulled him off his motorbike and used bricks to strike his head and hands. Tuan was a key member of “For a Green Hanoi,” an environmental movement that organized protests against the Hanoi city government’s removal of old trees from major streets earlier in the year.

On May 11, five plainclothes individuals in Hanoi reportedly assaulted blogger Nguyen Chi Tuyen (also known as Anh Chi), another key member of “For a Green Hanoi,” until he lost consciousness. Anh Chi reported plainclothes police closely monitored and harassed him and his fellow protesters, many of whom were students.

On May 19, police officers from Ho Chi Minh City’s District Eight reportedly assaulted political blogger and activist Dinh Quang Tuyen, pulling him from his motorbike and striking his face with a helmet, causing Tuyen’s hospitalization.

On June 25, plainclothes individuals reportedly assaulted more than 40 activists and residents of Duong Noi village while they waited to receive Trinh Ba Khiem, a fellow villager who had finished his jail term. Among those assaulted were Khiem’s son Trinh Ba Tu, Trinh Ba Phuong, and activists Mai Thanh, Truong Van Dung, and Nguyen Tuong Thuy.

On July 27, police officers from Nha Trang city reportedly assaulted activists Nguyen Ngoc Nhu Quynh, Nguyen Huy Tam, and Vo Truong Thien when they attempted to stage a public hunger strike in support of the freedom of expression. Quynh reported police struck her with their fists, resulting in bruises and lacerations to her face.

On August 28, uniformed and plainclothes police in Lam Dong Province reportedly assaulted two groups of activists and former political prisoners, including Tran Thi Nga, Truong Minh Tam, Chu Manh Son, Pham Minh Hoang, and Nguyen Van Oai, before and after their visit to Tran Minh Nhat, a prisoner of conscience just released from prison. They alleged police stopped the vehicle of one group of activists, pulled them to the ground, and kicked them. Plainclothes police allegedly physically struck members of another group, including Le Dinh Luong, Bich Hanh, and Le Huong. In a separate incident, plainclothes individuals reportedly assaulted Truong Minh Tam a few days prior, after he visited a prison in Thanh Hoa Province to collect his personal belongings.

On October 10, 17-year-old Do Dang Du reportedly died due to torture while in police custody (see section 1.a.).

On November 3, lawyers Tran Thu Nam and Le Van Luan reported plainclothes police and unidentified individuals struck them in the head and face, resulting in their hospitalization. Nam and Luan were assaulted after meeting with the family of Do Dang Du. On November 12, police temporarily detained lawyer Tran Vu Hai several hours before he and dozens of lawyers and activists planned to protest the government's harassment of lawyers.

On November 22, labor activists Do Thi Minh Hanh and Truong Minh Duc reported Dong Nai police and unidentified individuals temporarily detained and assaulted them after dispersing a meeting between the two activists and more than 800 factory workers (also see section 7.a.). Hanh alleged plainclothes police tied her hands behind her back, threw her to the ground, and struck her in the face, resulting in her hospitalization. According to Duc, police accused the activists of providing "illegal documents" to the workers and confiscated their cell phones, computers, and cameras. Government representatives stated Hanh and Duc caused public disorder and denied local police assaulted or confiscated belongings from either individual.

On December 6, human rights activist and lawyer Nguyen Van Dai reported plainclothes police assaulted him and a fellow activist in Nghe An Province after he organized a meeting related to human rights. On December 16, police arrested Dai and his assistant Le Thu Ha in Hanoi on charges of "propaganda against the state" under national security-related Article 88 of the penal code. Police detained Dai while he was on his way to meet a visiting foreign delegation to discuss human rights. Dai's wife reported that police confiscated personal religious possessions, to include Dai's Bible, while executing a search warrant. She also stated police

refused her and Dai's defense attorneys access to Dai and were not allowed to communicate with him or bring him food, water, or personal possessions. Government representatives stated they arrested Dai because he repeatedly violated the law and sought to undermine the government.

Human rights activists also reported police detained and harassed other activists in connection with Dai's arrest. Police temporarily detained activist Truong Dung. On December 21, Dung reported an unidentified individual poured an acidic liquid on his head at a local police station, after Dung tried to retrieve belongings police had confiscated earlier.

Prison and Detention Center Conditions

Prison conditions were austere but generally not life threatening. Overcrowding, insufficient diet and unclean food, lack of access to potable water, and poor sanitation remained serious problems.

Physical Conditions: Authorities generally held men and women separately, with some reported exceptions in local detention centers where space was often limited. In November the National Assembly passed a new law on custody and temporary detention (custody law). The law states it will go into effect in July 2016 and defines multiple categories of individuals who could be held separately from the general population, including those accused of particularly serious crimes (including national security-related offenses), individuals with infectious diseases, persons exhibiting signs of mental illness, minors, pregnant women, those caring for children under 36 months old, and lesbian, gay, bisexual, transsexual, and intersex individuals. Although authorities generally held juveniles in prison separately from adults, on rare occasions juveniles reportedly were held in detention with adults for short periods due to lack of space.

Prisoners had access to basic health care, although in many cases officials prevented family members from providing medication to prisoners. Family members of imprisoned activists who experienced health problems claimed medical treatment was inadequate and resulted in greater long-term health complications. Prior to her April 17 release, family members of Hoa Hao activist Mai Thi Dung reported MPS authorities at Thanh Xuan Prison denied her proper medical treatment for paralysis in her feet, gallstones, and other illnesses.

In March prisoners of conscience Dinh Nguyen Kha, Dang Xuan Dieu, Nguyen Hoang Quoc Hung, and Tran Vu Anh Binh conducted a 10-day hunger strike to

protest Binh's placement into solitary confinement at Xuyen Moc prison in Vung Tau Province.

In April prisoner of conscience Bui Thi Minh Hang conducted a 10-day hunger strike to protest her imprisonment at Gia Trung prison in Gia Lai Province. Hang's family reported authorities prevented them from meeting and providing food to her and alleged prison authorities were retaliating for Hang's refusal to wear a prison uniform. Authorities eventually allowed family members eventually to resume visits.

Serious health conditions exacerbated by poor or delayed medical care, poor sanitation, and malnutrition caused most deaths in prison. Some prisoners' family members alleged death resulted from lethal force by authorities (see sections 1.a. and 1.b.).

Prisoners generally were required to work but received no wages. Authorities placed prisoners in solitary confinement for standard periods of three months. Some political prisoners reported being put in solitary confinement more frequently than nonpolitical prisoners. Prison authorities reportedly also placed some transgender individuals in solitary confinement due to confusion over whether to place them in male or female quarters. MPS officials often prohibited reading and writing materials, especially for political prisoners. Family members continued to make credible claims prisoners received extra food or other preferential treatment by paying bribes to prison officials.

Authorities typically sent political prisoners to specially designated prisons that also held regular criminals and, in many cases, kept political prisoners separate from nonpolitical prisoners. Authorities completely isolated some high-profile political prisoners. Activists reported MPS officials assaulted prisoners of conscience to exact confessions or used other means to induce written confessions, including instructing fellow prisoners to assault them or making promises of better treatment.

Some former prisoners of conscience reported prisoners received insufficient food and that of poor quality. Several former prisoners reported they received only two small bowls of rice and vegetables daily, often mixed with foreign matter such as insects or stones.

Administration: There was no active system of prison ombudsmen, but the law provides for oversight of the execution of criminal judgments by the National

Assembly, People's Councils, and the CPV's Vietnam Fatherland Front (VFF), an umbrella group that oversees the country's government-sponsored social organizations.

Authorities limited prisoners to one 30-minute family visit per month and generally permitted family members to give various items, including money, supplemental food, and bedding to prisoners. Family members of political prisoners reported that prison authorities at times revoked visitation rights, often after political prisoners staged hunger strikes or refused to follow instructions. Family members also continued to report government surveillance and harassment by security officials as well as frequent interference with their work, school, and financial activities.

In contrast with normal practice for nonpolitical prisoners, authorities routinely transferred political prisoners to facilities far from their families, making it difficult for family members to visit them. In January, MPS officials transferred prisoner of conscience Ngo Hao from Xuan Phuoc prison in his home province of Phu Yen to An Diem prison in Quang Nam Province.

In February, MPS officials transferred Bui Thi Minh Hang from An Binh prison in her home province of Dong Thap to Gia Trung prison in Gia Lai Province, approximately 300 miles away.

Religious leaders and former prisoners of conscience reported MPS officials did not permit prisoners to conduct religious services or receive visits by religious leaders. Family members and some former prisoners reported authorities did not permit prisoners to have religious texts while in detention. MPS officials generally did not permit possession of legal texts other than official CPV publications.

Independent Monitoring: 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 arrest and detain persons under vague national security provisions of the penal code, including the arrest during the year of democracy activist Tran Anh Kim for "seeking to overthrow the government" (article 79). The government continued to arrest and detain individuals for peacefully expressing political or religious views under other legal provisions of the penal code, including "causing public disorder" (article 245), "resisting persons

on duty” (article 257), or “abusing democratic freedoms” (article 258). Authorities regularly subjected activists to administrative detention or house arrest. Despite public debate by the National Assembly, the final penal code passed in November neither eliminated nor clarified these provisions.

Role of the Police and Security Apparatus

The MPS is responsible for internal security and controls the national police, a special national security investigative agency, and other internal security units. The Bureau of Investigation of the Supreme People’s Procuracy (national-level public prosecutor’s office) examines allegations of abuse by security forces and law enforcement agencies.

People’s committees (the executive branch of local governments) had some authority over police forces and prosecutors at the provincial, district, and local levels. Although the Supreme People’s Procuracy had authority to investigate security force abuse, police organizations operated with significant discretion, little transparency, and limited public oversight. Police officers sometimes acted with impunity. At the commune level, guard forces composed of residents or members of government-affiliated social organizations commonly assisted police. Police were generally effective at maintaining public order, but other police capabilities, especially investigative, were very limited. Police training and resources, particularly at the local level, were inadequate. Several foreign governments and international organizations continued to assist in training provincial police and prison management officials to improve their professional skills.

A variety of specialized government agencies oversees migration and border enforcement. The MPS Department of Immigration Management is responsible for overseeing migration in and out of the country. The military performs public safety functions in border areas. The Ministry of Finance controls the customs agency, and other agencies oversee quarantine and other functions. The official responsibilities, jurisdictions, and command structures of these agencies vary considerably. Border control officers often lacked the capacity to identify and interdict illegal border movements such as trafficking in persons; narcotic drugs and precursor chemicals; and trafficking of wildlife, timber, and counterfeit goods.

Arrest Procedures and Treatment of Detainees

The law includes provisions related to arrest procedures and the treatment of detainees prior to case adjudication. Police and other investigative agencies

usually executed warrants for arrest, custody, and temporary detention. By law police generally need a decision by the People's Procuracy to arrest a suspect, although in some limited cases they need a court decision. In most cases the People's Procuracy at the state, provincial, and district levels issued such arrest warrants. Under urgent circumstances, such as when evidence existed a person was preparing to commit a crime or when police caught a person in the act of committing a crime, police could make an arrest without a warrant. In such cases the People's Procuracy must issue a decision to approve or not to approve the arrest within 12 hours of receiving notice from police.

The People's Procuracy must issue a decision to initiate a formal criminal investigation of a detainee within three days of arrest; otherwise, police must release the suspect. The law allows the procuracy to request two additional three-day extensions allowing for an extension of the custody time limit to a maximum of nine days.

The law affords detainees access to counsel from the time of their detention, but authorities continued their use of bureaucratic delays to deny timely access to legal counsel. In cases investigated under national security laws, the government has the authority to prohibit access by defense lawyers to clients until after officials complete an investigation and formally charge the suspect with a crime, most often after approximately four months.

By law authorities may extend investigations in national security cases and deny access to counsel for up to 20 months. In many such cases, authorities did not provide attorneys access to their clients or the evidence against them until immediately before the case went to trial and without adequate time to prepare their cases. By law authorities must request the local bar association, legal aid center, or the VFF to appoint an attorney for cases involving juveniles, individuals with mental or physical disabilities, and persons formally charged with capital crimes. The new criminal procedure code, passed in November, expands these categories to include those formally charged with crimes with a potential sentence of 20 years or more. The new law does not require defense counsels to be lawyers, and they could be a personal representative of the defendant or a member of a legal aid organization.

The law requires authorities to inform persons held in custody, accused of a crime, or charged with a crime of their rights under the law, including the right to an attorney. Under most circumstances, once advised, the accused are responsible for

obtaining their own attorney. The law obligates defense attorneys to begin the defense of their client from the time authorities issue custody decisions.

Authorities generally provided notification to consular offices of the arrest of foreign nationals but sometimes delayed that notification. Government officials usually provided consular access to arrested or detained foreign nationals but sometimes imposed strict conditions on this access, including requiring police officials to be present during meetings between consular officers and the arrested foreign nationals and, on occasion, videotaping these meetings.

The law allows defense counsel to be present during interrogations of their clients. The law also requires authorities to give defense attorneys access to case files and permit them to copy documents. Attorneys were usually able to exercise these rights. In November the National Assembly passed an amended criminal procedure code requiring police to video or audio record custodial interrogations. The law states it will go into effect in July 2016 and compliance with this provision is scheduled for initial rollout in a pilot program in 2017, and implemented nationwide by 2019. Those representing politically sensitive detainees reported significant difficulty carrying out their responsibilities and exercising their rights under the law. Many detainees, especially those held on national security charges, reported limited access to materials and information that would assist in the preparation of their legal defense, including the penal code itself.

Police generally informed families of detainees' whereabouts, but family members could visit a detainee only with the permission of the investigator. 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 the MPS held a number of detainees suspected of national security violations incommunicado. Time spent in pretrial detention counted toward time served upon conviction and sentencing.

For example, authorities continued to deny requests for family visitation to land-rights activists Ngo Thi Minh Uoc, Nguyen Thi Be Hai, and Nguyen Thi Tri, arrested in July 2014.

In November, Nha Trang police arrested Nguyen Huu Quoc Duy after he reportedly started a Facebook group to discuss how to avoid arrest when conducting rights activism. Duy's mother reported that police had neither informed her of Duy's location nor allowed her to visit.

For crimes infringing on national security as well as some exceptionally serious offenses, courts may impose probation or administrative detention upon an individual for a period of one to five years after completion of the original sentence. Terms of the probation typically included confinement to a residence and deprivation of the right to vote, run for office, or perform government or military service.

According to the law on administrative sanctions, authorities may confine drug users to “compulsory detoxification establishments” (previously referred to as “06” centers or “compulsory treatment institutions”). The law requires a judicial proceeding before sending any individual to a compulsory detoxification establishment. The law also specifies detainees in such establishments may work no more than three hours per day. The government closed its compulsory treatment institutions for sex workers (previously referred to as “05” centers) in 2013, but authorities continued to send sex workers who used drugs or had HIV to compulsory detoxification establishments. There continued to be reports that forced labor occurred in these establishments.

The law allows for bail as a measure to replace temporary detention, but authorities rarely used it. The law authorizes investigators, prosecutors, or courts to allow for the depositing of money or valuable property in exchange for bail. An interagency committee provided implementing guidelines for this legal provision in 2013.

In rare examples of the granting of bail for individuals arrested for exercising their freedom of expression, on February 10, authorities released writer Nguyen Quang Lap, pending investigation into charges related to postings on his blog “Que Choa.” On February 12, authorities released on bail blogger Hong Le Tho, who operated the site “Nguoi Lot Gach.” Authorities had arrested both bloggers for “abusing democratic freedoms” (article 258 of the penal code), and the status of their cases was unclear as of the end of the year.

Arbitrary Arrest: Arbitrary arrest and detention, particularly for political activists, remained a serious problem (see section 2.a.).

Authorities arrested and detained individuals on allegations of revealing state secrets, subversion, taking advantage of democratic freedoms to infringe upon the government’s interest, conducting propaganda against the state, undermining the unity of the state, and other crimes as a means to suppress political dissent and public advocacy.

On August 3, police in Thanh Hoa Province arrested former prisoner of conscience Dinh Tat Thang and charged him with “abusing democratic freedoms” for writing public letters criticizing provincial leaders and police.

On October 1, police in Thai Binh Province formally charged former prisoner of conscience and democracy activist Tran Anh Kim of “seeking to overthrow the government” (article 79 of the penal code). Authorities had detained Kim and two other associates on September 21, the day he had planned to inaugurate a new political organization, “National Forces Raising the Democratic Flag.” Kim’s arrest was the first formal arrest using vague national security provisions of the penal code since 2013.

Authorities also subjected many religious and political activists to varying degrees of arbitrary detention in their residences, at local police stations, or at airports, according to credible reports.

On August 30, police in Ha Giang Province reportedly detained Ma Van Pa, an ethnic Hmong follower of the Duong Van Minh religion, a day after he met a foreign delegation investigating religious freedom. Authorities released Pa after a day of detention and interrogation, during which police reportedly punched him in the head, threatened him with further physical harm, and confiscated his laptop.

On September 1, police at Noi Bai Airport in Hanoi detained human rights advocate Nguyen Quang A for approximately 15 hours after his return from a visit abroad.

On December 13, police detained democracy and anti-China activist Nguyen Phuong Uyen for a day at a Ho Chi Minh City coffee shop after she participated in a semi-public signing ceremony of a banned book about changing Vietnam’s form of government. Authorities also detained the cafe shop owner.

Pretrial Detention: The new custody law includes provisions distinguishing between the rights of individuals in temporary custody pending trial and those serving a prison sentence for conviction of a crime. Individuals in custody pending trial will retain certain rights, such as the right to vote in elections and on referenda. The law defines four levels of crimes: less serious offenses, serious offenses, very serious offenses, and especially serious offenses. The allowable time for temporary detention during an investigation varies depending on the level of offense. Activists often reported some of these investigations exceeded these

prescribed periods, which ranged from a maximum of four months for less serious offenses to 20 months for the most serious cases.

In May 2014 MPS officials arrested well-known activist blogger Nguyen Huu Vinh (also known as Anh Ba Sam) and charged him with “abusing democratic freedoms” (article 258 of the penal code). Police also arrested Vinh’s employee, Nguyen Thi Minh Thuy. Authorities indicted both Vinh and Thuy under article 258 in November 2014, and they remained in detention pending trial at year’s end, reportedly beyond the lawful maximum length of detention.

Amnesty: The government released four prisoners of conscience under amnesty provisions.

On January 21, authorities granted amnesty to journalist Nguyen Van Khuong, one year before the end of his four-year jail term. Authorities convicted Khuong for conspiracy to bribe a public official after he took undercover video footage of a colleague bribing a police officer to highlight police corruption.

On February 22, authorities granted amnesty to land rights and democracy activist Cao Van Tinh, six months before the end of his 4.5-year jail term. Authorities convicted Tinh on national security-related charges of “seeking to overthrow the government” (article 79 of the penal code).

On April 17, President Sang granted amnesty to independent Hoa Hao religious adherent Mai Thi Dung, who served more than nine years in prison after authorities arrested her for participation in a public hunger strike calling for greater religious freedom.

On June 30, authorities granted amnesty to People’s Action Party and Bloc 8406 member Le Thanh Tung, six months before the end of his four-year jail term. Authorities convicted Tung on national security-related charges of “conducting propaganda against the state” (article 88 of the penal code).

On September 2, the country’s national day, authorities granted amnesty to 18,539 nonpolitical prisoners. According to official statistics, the amnesty included 837 prisoners charged with corruption-related offenses, 2,188 for murder, and 1,449 for drug-related crimes. The government stated it did not release any prisoners convicted under national security statutes.

e. Denial of Fair Public Trial

The law provides for the independence of judges and lay assessors, but the judiciary was not strong and was vulnerable to influence by outside elements such as senior government officials and CPV leadership. As in past years, credible reports of political influence, endemic corruption, and inefficiency strongly distorted the judicial system. Most, if not all, judges were members of the CPV and underwent screening by the CPV and local officials during their selection process to determine their suitability for the bench. 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.

The law on the organization of the courts, enacted in November 2014 and which took effect in June, includes provisions designed to provide for fair trials. It specifies that judges and assessors shall adjudicate independently; prohibits agencies, organizations, and individuals from interfering in trials; and provides that hearings shall be timely and public, that courts shall emphasize the principles of equality before the law and the adversarial process, and that authorities consider the accused innocent until proven guilty. The law also contains articles addressing the development of precedent, delineating that one responsibility of the Supreme People's Court is to summarize and publicize decisions of the courts to make them precedent for application in trial.

There continued to be a shortage of well-trained and experienced lawyers and judges. The Vietnam Bar Federation is a member organization of the CPV's VFF and is closely coordinated with the Ministry of Justice and the Vietnam Lawyers Association.

Trial Procedures

The 2013 constitution outlines the basic rights of all individuals, including that all persons are equal before the law, are presumed innocent until proven guilty, and have the right to a defense lawyer and to a speedy public trial. The new criminal procedure code codifies an accused's presumption of innocence and places the burden of proof in criminal matters onto the state. Nonetheless, defense lawyers routinely complained that in many of their cases, it appeared judges made a determination of guilt concerning the accused prior to conducting the trial. The constitution and criminal procedure code provide for a more adversarial process during trial, a policy that, if effectively implemented, would push the courts towards a more equally balanced system of justice. Attorneys commented the courts had yet to implement a truly adversarial system. Trials generally were open

to the public, but in sensitive cases judges closed trials or strictly limited attendance. Juries were not used.

The People's Procuracy submits 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, but this was not always implemented. Authorities generally upheld the rights of defendants to be present and have a lawyer at trial, although it was not necessarily the lawyer of their choice. The new criminal procedure code will allow defense lawyers to register more easily to represent their clients. The law stipulates that the spoken and written language of criminal proceedings is Vietnamese, but interpretation is provided if participants in the criminal procedure use another spoken or written language. The government provided a lawyer to defendants unable to afford one only in cases involving a juvenile offender or someone with mental or physical disabilities, or with possible sentences of life imprisonment or capital punishment.

New laws passed in November will also require the government to appoint defense counsel to defendants formally charged with crimes with a potential sentence of 20 years or more. Defense lawyers routinely reported having little time before trials to talk to their clients or examine the evidence against their clients. Although the defendant or defense lawyer has the right to examine evidence and cross-examine witnesses, there were credible reports of cases in which neither defendants nor their lawyers had access to government evidence in advance of the trial, knowledge of which witnesses would be called, or the opportunity to cross-examine witnesses or challenge statements. A defendant has a right to present a defense, but the law does not expressly state that the defendant has the right to call witnesses.

The new criminal procedure code codifies a limited right to remain silent in certain circumstances; while defendants will have the right to stay silent in the absence of counsel, defendants can be penalized for refusing to make a statement after defense counsel is present. The new law specifically outlines that the burden of proof in a criminal proceeding rests on the state; therefore, defendants have the right not to be compelled to confess guilt and the legal option to refrain from testifying. Nonetheless, police routinely interrogated suspects without their attorneys present, and there were increased reports investigators used physical abuse, isolation, excessively lengthy interrogation sessions, and sleep deprivation to compel detainees to confess. In national security cases, judges occasionally silenced defense lawyers who were making arguments on behalf of their clients in court. 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.

For example, activist Le Thi Phuong Anh reported police officers assaulted her during the pretrial investigation phase to extract a forced confession. Along with two other activists, Anh was convicted on February 12 of “abusing democratic freedoms” (article 258 of the penal code) and was sentenced to 12 months’ imprisonment. Authorities released Phuong Anh from prison on May 15.

There continued to be credible reports that authorities pressured defense lawyers not to take religious or democracy activists as clients. Authorities also restricted, harassed, arrested, disbarred, and, in some cases, detained human rights attorneys who represented political activists. Authorities prohibited lawyers Le Tran Luat, Huynh Van Dong, Le Cong Dinh, Nguyen Van Dai, and Nguyen Thanh Luong from practicing law.

Political Prisoners and Detainees

The government held fewer political prisoners than in previous years due to completion of prison sentences and a continued drop in arrests and convictions of such persons. There were approximately 95 political prisoners at year’s end, compared with approximately 125 political prisoners at the end of 2014. The government asserted there were no political prisoners in the country and did not permit regular access to such persons by international human rights or humanitarian organizations.

Authorities continued to suppress political speech through arbitrary arrest and short-term detentions without charge. During the year the government sentenced two activists for peacefully exercising internationally recognized human rights, for “causing public disorder” (article 245) and “abusing democratic freedoms” (article 258). In comparison, the government sentenced 29 activists in 2014.

Authorities also continued to detain and imprison individuals who used the internet to publish ideas on human rights, government policies, and political pluralism (see section 2.a.). Many activists affiliated with unregistered political organizations remained in prison, including Tran Huynh Duy Thuc, Nguyen Van Ly, Doan Huy Chuong, Nguyen Hoang Quoc Hung, and Tran Anh Kim. The MPS kept others under house arrest, including Le Cong Dinh, Nguyen Tien Trung, and Nguyen Phuong Uyen.

Authorities released some prominent political and religious activists from prison. In addition to the early release of three prisoners of conscience under amnesty laws (see section 1.d.), authorities on September 19 suspended the sentence of blogger and activist Ta Phong Tan, who served four years of a 10-year prison sentence for “conducting propaganda against the state” (article 88 of the penal code). Tan departed the country and would likely have to complete her sentence were she to return.

Civil Judicial Procedures and Remedies

The 2013 constitution provides that any person illegally arrested and detained, charged with a criminal offense, investigated, prosecuted, brought to trial, or subjected to judgment enforcement illegally has the right to compensation for material and mental damages and restoration of honor. The law provides a mechanism for pursuing a civil action to redress or remedy abuses committed by authorities. Administrative and civil courts heard civil suits, 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 of courts--criminal, administrative, and civil--continued to be vulnerable to corruption and outside influence, lack of independence, and inexperience.

Although the law provides for a process for civil redress in cases of human rights violations by a civil servant, there was little effective recourse to civil or criminal judicial procedures to remedy human rights abuses, and few legal experts had relevant experience.

In 2013 authorities released from prison Nguyen Thanh Chan, who was wrongfully convicted of murder and served 10 years in prison. In September 2014 the Supreme People’s Procuracy started an investigation into the judge who presided over Chan’s appeal, and Chan filed a civil complaint in the Hanoi Court of Appeals, which was pending decision at year’s end.

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

Property Restitution

Widespread complaints persisted of inadequate or delayed compensation, official corruption, and a general lack of transparency in the government’s process of confiscating land and displacing citizens to make way for infrastructure

projects. In July 2014 a revised land law went into effect that makes some efforts to address challenges to land expropriation and provides improved procedural transparency. Many, however, complained the most worrisome clauses and principles remained. The revised law maintains considerable decision-making authority over land pricing, allocation, and land reclamation for local people's committees and people's councils, which many asserted contributed to unfair business practices and corruption. Furthermore, many contended that by allowing for the continued taking of land for socioeconomic development, as opposed to only for national defense and public welfare, the law fails to provide significant reform.

There were a number of clashes between farmers and authorities at land expropriation sites and related demonstrations. Disputes over land expropriation for socioeconomic development projects remained a significant problem, causing public grievances. Many villagers whose land the government forcibly seized protested at party offices for failure to address their complaints. Some coercive land seizures resulted in violence and injuries to both state officials and villagers. There were also reports of "thugs" intimidating and threatening villagers, or breaking into activists' homes. Authorities arrested and convicted at least a dozen land protesters on charges of "resisting persons on duty" or "causing public disorder."

Early in the year local authorities in Ky Anh district, Ha Tinh Province, reportedly denied 155 Catholic students admission to schools near their homes and instructed them to go to schools much farther away. Parishioners alleged local officials tried to force them to leave their homes to seize their land for an economic development project.

The number of complaints filed over land disputes increased dramatically in the last decade, constituting 70 to 90 percent of all petitions and complaints, according to government figures.

Many human rights activists reported police confiscated their personal belongings, including laptops, cell phones, and personal documents, during the course of interrogations or arbitrary detention.

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

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

By law security forces need public prosecutorial orders for forced entry into homes, but MPS officers regularly chose not to follow proper procedures to obtain such orders in the cases of activists and instead asked residents' permission to enter homes with the threat of repercussions for failure to cooperate.

Authorities occasionally physically prevented political activists and family members of political prisoners from meeting with foreign diplomats or traveling abroad. Tactics included setting up barriers or guards outside activists' residences and summoning individuals to local police stations.

Activists Nguyen Dan Que, Pham Chi Dung, and Nguyen Bac Truyen reported Ho Chi Minh City police surrounded their home and prevented them from meeting with a visiting senior foreign official on August 5. Le Cong Cau, a member of the nonsanctioned United Buddhist Church of Vietnam, reported authorities in Hue city prevented him from leaving his home to meet the same official.

Authorities opened and censored targeted private mail; confiscated packages and letters; and monitored telephone conversations, e-mail, text messages, blogs, and fax transmissions. The government cut telephone lines and interrupted cell phone and internet services of a number of political activists and their family members.

The MPS maintained a system of household registration and block wardens to monitor unlawful activity. While this system was less intrusive than in the past, the MPS closely monitored individuals engaged in, or suspected of engaging, in unauthorized political activities. Family members of activists widely reported incidents of physical harassment, intimidation, and questioning by MPS officials.

The government continued to encourage couples to have no more than two children. While the law does not prohibit or provide penalties for those having more than two children, some CPV members reported informally administered repercussions, including restrictions on job promotion (see section 6, Women).

CPV membership remained a prerequisite to career advancement for all government and government-linked organizations and businesses. Nevertheless, economic diversification continued to make membership in the CPV and CPV-controlled mass organizations less essential for 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 and Expression: 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. The government also sought to impede criticism by monitoring meetings and communications of activists, including in academic institutions.

On March 25, amid growing public protests in Hanoi against plans by city officials to cut down old trees on major streets, the Vietnam Forestry University issued an announcement directing “all of its personnel and students not to speak or provide information” relating to tree cutting in Hanoi and stating police requested the university to hold individuals responsible for “violating regulations on speaking and providing information.” The university withdrew the announcement two days later, after widespread press and social media criticism.

In December 2014 Ho Chi Minh City police detained blogger Nguyen Dinh Ngoc (also known as Nguyen Quoc Gia) for violations of “abuse of democratic freedoms” after he wrote articles critical of the state for *Dan Lam Bao* (*The People’s Journal*) and *Dan Luan* (*The People’s Opinion*). Authorities subsequently charged Ngoc with “propaganda against the state” (national security-related Article 88). Police reportedly pressured Ngoc’s family to stay quiet about his case. Authorities arrested blogger Hong Le Tho in November 2014 and detained Nguyen Quang Lap in December 2014 in Ho Chi Minh City, allegedly for posting articles critical of the state on their blogs. On February 10, authorities released Lap on bail for health concerns and on October 20, suspended investigation into his case. On February 11, police released Hong Le Tho on bail,

and on October 21, suspended investigation into his case. Nguyen Dinh Ngoc remained in custody.

The government tolerated limited debate about sensitive political or social topics. For example, the government allowed NGOs and private companies to submit comments on the civil code to highlight improvements needed for vulnerable groups, such as the right of transgender persons to change their identity. The government also tolerated limited debate in the press and among civil society organizations about key laws being debated by the National Assembly (see also section 3, Political Parties and Political Participation).

On three separate occasions in June, Catholic priest Nguyen Duy Tan reported police in Dong Nai Province summoned him to the local station to question him regarding a Facebook post in which he stated he hoped for “peace, democracy, human rights, and the right to vote for all Vietnamese people.” Duy said police threatened to charge him with “conducting propaganda against the state” (article 88 of the penal code).

Press and Media Freedoms: The CPV, government, and party-controlled mass organizations exercised legal authority over all print, broadcast, and electronic media through the Ministry of Information and Communications (MIC), under the overall guidance of the CPV Propaganda and Education Commission. Private ownership or operation of any media outlet remained prohibited, but there were widespread reports of subcontracting to private establishments. According to press the MIC promoted a plan to consolidate print and online media throughout the country, aimed at increasing government control over the press.

The constitution states that citizens have the right to freedom of the press. On August 7, the government issued Decree 65/2015/ND-CP, which consolidates the various existing administrative sanctions against publishing, providing, or disclosing untruthful information. According to the decree, press agencies will be punished if they publish “untruthful information” in the fields of statistics; atomic energy; management of prices, charges, fees and invoices; education; civil aviation; vocational training; hydrometeorology; cartography; and health.

The law limited 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 subscribers in urban areas.

The government permitted foreign-based outlets (including, but not limited to, the BBC and CNN), although the law requires foreign television broadcasts to run on a 30- to 60-minute delay to enable content monitoring. Viewers reported obstruction of various commentaries, documentaries, and movies on the Vietnam War, the Cold War, the Soviet era, or events in China, including the “Occupy Central” demonstrations in Hong Kong.

Major foreign media outlets reported the government refused to issue visas for reporters who previously covered sensitive political topics, particularly reporters for overseas Vietnamese-language press.

Violence and Harassment: There were an increased number of reports of security officials attacking, threatening, or arresting journalists because of their coverage of sensitive stories.

Authorities continued to penalize newspaper *Nguoi Cao Tuoi* during the year, allegedly for running a series of investigative articles criticizing the corruption and wrongdoing of high-ranking state officials. In February the MIC revoked the license of the online version of the newspaper and rescinded the press credentials of editor in chief Kim Quoc Hoa (also known as Nguyen Quoc Hoa). On May 12, police charged Hoa for “abusing democratic freedoms” (article 258 of the penal code). Police had not detained Hoa as of the end of the year.

On June 8, individuals reportedly beat journalists Vinh Phu and Linh Hoang of *Giao Thong* newspaper and also stole their camera while they gathered news in Ho Chi Minh City.

On June 18, police allegedly arrested and beat reporter Tong Van Dat of *Tuoi Tre Thu Do* newspaper in Hanoi after he tried to film the police officers directing traffic.

On June 25, freelance journalist and President of Vietnam’s Independent Journalist Association Pham Chi Dung reported that, after issuing multiple summonses, Ho Chi Minh City police detained him for more than eight hours and pressured him to shut the association’s website. Police summoned Dung again on July 8.

On September 3, unidentified individuals assaulted and injured journalist Nguyen Ngoc Quang of Thai Nguyen Province TV. Other journalists attributed the assault to his investigative reports on illegal mining activities in the province.

On September 10, police officers assaulted reporter Pham Thanh Tau of *Hanoi Moi* newspaper while he was covering a traffic accident in Ho Chi Minh City.

On September 15, Long An provincial authorities briefly detained journalist Nguyen Hoang Nam, confiscated his cell phone, and forced him to delete the contents of his camera after he attended the trial of 12 land rights activists. On September 23, police across different neighborhoods of Hanoi reportedly detained without warrant six members of Luong Tam TV (Conscience TV), an independent YouTube-based media organization not registered with the MIC. Police reportedly physically struck several members and released them later the same day after confiscating video cameras, laptops, and cell phones. Detained members included leader Nguyen Vu Binh and employees Le Thu Ha, Nguyen Manh Cuong, Pham Dac Dat, Le Thi Yen, and Tran Duc Thinh. Police reportedly searched Nguyen Vu Binh's house and confiscated production equipment, threatening Binh with prosecution if he attempted to resume filming.

Foreign journalists noted they continued to be required to notify authorities about travel outside Hanoi when it was to an area considered sensitive, such as the Northwest or Central Highlands, or involved a story the government otherwise might consider sensitive. Numerous 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 MIC and the CPV Propaganda and Education Commission frequently intervened directly to dictate or censor a story. More often, however, pervasive self-censorship due to the threat of dismissal and possible arrest enabled the party and government to control media content.

In September Ho Chi Minh City-based newspaper *Thanh Nien* dismissed deputy chief managing editor Do Van Hung, and the MIC revoked his press credentials after he posted an article satirizing Ho Chi Minh and General Vo Nguyen Giap on his Facebook page.

The law tightly restricts press freedom. Decree 159/2013/ND-CP stipulates fines of 70 million to 100 million Vietnamese dong (VND) (\$3,200 to \$4,570) for journalists, newspapers, and online media that publish or broadcast information deemed harmful to national interests. The decree authorizes the government to fine journalists and newspapers. The decree establishes fines ranging from five million to 10 million VND (\$228 to \$457) for journalists who fail to cite their

sources of information and for journalists and newspapers that “use documents and materials from organizations and personal letters and materials from individuals.”

Government regulations authorize the information ministry to revoke licenses of foreign publishers, and each foreign publisher must reapply annually to maintain its license. Nonetheless, street peddlers and shops oriented to tourists openly sold foreign-language editions of some banned books. Foreign-language periodicals were widely available in cities, but the government occasionally censored articles.

Libel/Slander Laws: The law requires journalists to pay damages to individuals or organizations whose reputations their reporting harmed, even if the reports were accurate. Independent observers noted the law severely limits 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.

Internet Freedom

The government continued to exercise various forms of control over internet access. It allowed access to the internet but only through a limited number of internet service providers (ISPs), all of which were fully or substantially state-controlled companies. Despite these controls, internet access and usage continued to grow. The World Bank estimated 48 percent of the population had access to the internet in 2014.

Authorities continued to suppress online political expression through politically motivated arrests and convictions of bloggers as well as through short-term detentions, surveillance, intimidation, and illegal confiscations of computers and cell phones of activists and family members. The government continued to use article 258 of the penal code against activists who peacefully expressed their political views online. Political dissidents and bloggers reported the MPS routinely ordered disconnection of their home internet service.

The government sometimes used firewalls to block websites it deemed politically or culturally inappropriate, including sites operated by overseas Vietnamese political groups. In addition Radio Free Asia and the BBC Vietnamese website reported blocks to their service in Vietnam. State-owned ISPs routinely blocked Vietnamese-language websites within the country when they contained content

criticizing the CPV or promoting political reform. Some domestic subscribers reported using workarounds, such as virtual private networks, to access blocked sites.

Authorities did not block Facebook, and Facebook executives claimed more than 30 million users countrywide; however, the government monitored Facebook posts and punished activists who used the internet to organize protests. In July police reportedly detained internet activist Nguyen Thanh Phuoc for more than two weeks on allegations of “disrupting public disorder” following his call for a “Zombie offline” meeting in Ho Chi Minh city on his Facebook page. Police also reportedly detained approximately 20 other members of the Zombie movement for a couple of hours. On August 28, police detained Zombie Movement member Nguyen Huu Thien An in Nha Trang city and subsequently charged him with “conducting propaganda against the state” (national security-related article 88). As of December police had extended the investigation by several more months and pressured family members to stay quiet about Thien’s case. An anticommunist rap song that went viral on social media early in the year inspired the Zombie Movement.

The Ministry of Information and Communication required all internet companies, social networking sites, and websites that provided information or commentary about “politics, economics, culture, and society” based in the country to register and obtain an operating license. The ministry also required such owners to submit detailed plans of their content and scope for approval. It used administrative sanctions such as fines and suspensions of operating permits to regulate online activity, including decrees 159 and 174 under the Law on the Handling of Administrative Violations.

Decree 72/2013/ND CP requires companies operating general websites and social networks, including blogging platforms, to locate a server system in the country and to store posted information for 90 days and certain metadata for up to two years. In September 2014 the government issued a new circular that further outlined the guidelines and implementation of Decree 72. Social network and blog users are required to provide their full name, national identification number, and address before creating an account. According to the decree, in-country general website and social network operators must allow authorities to inspect local servers upon request and must have a mechanism to remove prohibited content within three hours of detection or notification by authorities. Enforcement of these requirements appeared to be limited.

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 MPS has long required “internet agents,” including cybercafes, to register the personal information of their customers, to store records of internet sites visited by customers, and to participate in law enforcement investigations of online activity. Internet cafes continued to install and use government-approved software to monitor customers’ online activities. The MPS enforced these and other requirements and monitored selectively.

Academic Freedom and Cultural Events

Foreign academic professionals temporarily working at universities in the country could discuss nonpolitical topics widely and freely in classes, but government observers regularly attended classes taught by both foreigners and nationals. Academic publications usually reflected the views of the CPV and government. The government continued to require international and domestic organizations to obtain approval to host conferences involving international sponsorship or participation at least 20 days in advance.

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

Although the government controlled art exhibits, music, and other cultural activities, it continued to allow artists broader latitude to choose themes for their works. Authorities continued to restrict public art displays and musical performances through requirement of substantial permission procedures. The government allowed universities more autonomy over international exchanges and cooperation programs, but visa requirements for visiting scholars and students remained onerous.

Many activists reported MPS officials threatened university leaders if they did not expel activists from their respective universities, even though their political activities were peaceful.

On September 1, the Hanoi University of Business and Technology expelled Ho Chi Minh City-based student and activist Pham Le Vuong Cac. A political

blogger, Cac attended the June 2014 Universal Periodic Review in Geneva and reported that local authorities interrogated him on his return.

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

Although the constitution affords individuals the right to assemble, local authorities routinely inhibited assembly, and the government continued to restrict and monitor all forms of public protest or gathering. Law and regulations require persons wishing to gather in a group to apply for a permit, which local authorities issued or denied without explanation. Only those arranging publicized gatherings to discuss sensitive matters appeared to require permits, and persons routinely gathered in informal groups without government interference. The government generally did not permit demonstrations perceived to be political. The government also restricted the right of multiple unregistered religious groups to gather for worship.

The MPS and local police routinely prevented activists from peacefully assembling. For example, on January 26 blogger Huynh Cong Thuan and activist Nguyen Bac Truyen reported Ho Chi Minh City police prevented them from attending a civil society gathering to discuss the country's use of the death penalty. Both reported local police surrounded their homes and prevented them from traveling.

In March and April, students and independent environmental activists organized a series of marches in Hanoi protesting city officials' plans to cut down old trees. On April 13, authorities arrested Nguyen Viet Dung on a charge of "causing public disorder" after he wore a uniform of the former Army of the Republic of Vietnam (South Vietnam) and joined April 12 protests against tree cutting. On December 14, a Hanoi district court sentenced Dung to 15 months in prison. Dung's lawyer stated the conviction was "only because he wore the uniform."

On April 26, more than 100 uniformed and plainclothes police officials dispersed a march around Hoan Kiem Lake to protest city officials' plans to chop down trees in Hanoi. Local authorities forcibly detained approximately 20 persons, interrogating and intimidating them at a local police station for hours. A number of others, mostly students, claimed authorities took them into custody as they were on their way to attend the march. Others reported a number of universities in Hanoi prohibited their students from attending similar events.

On May 17, authorities in Hanoi attempted to prevent a picnic gathering outside the city to support the “For a Green Hanoi” campaign and to visit activist Nguyen Chi Tuyen, whom unknown individuals had assaulted a few days earlier. Those attempting to join the picnic claimed to have such a difficult time getting there due to authorities’ interference that their drivers had to drop them mid-way, and the group had to split into small groups and take public transportation to the meeting point.

On July 25, activists and victims of injustice across the country participated in a “World Hunger Strike Day,” advocating for the release of all political prisoners in the country. Authorities prevented many activists, including Pham Ba Hai, Nguyen Dan Que, Nguyen Hoang Vi, and Nguyen Phuong Uyen, from leaving their homes during this period. Others, including Nguyen Ngoc Nhu Quynh, Truong Hoang Anh, Nguyen Phi Tam, and Pham Van Hai, claimed authorities followed, blocked, assaulted, or detained them while they were on their way to public meeting sites. For example, authorities unexpectedly closed Bach Thao Park in Hanoi for pesticide spraying when a group of activists planned to meet there.

In August and September, Falun Gong followers in Ho Chi Minh City reported police and hired men physically assaulted them when they attempted to gather in one of the city’s public parks. The Falun Gong practitioners noted police gave no reason for dispersing their group but only stated that they were following orders.

In July 2014 police charged three land activists from the United Land Grab Victims Movement, Ngo Thi Minh Uoc, Nguyen Thi Be Hai, and Nguyen Thi Tri, with “conducting propaganda against the state” (article 88 of the penal code) after they staged a demonstration in Ho Chi Minh City demanding that the government return seized land to farmers and criticizing government corruption, China, and the CPV slogans. The case was pending trial at year’s end.

The government typically allowed groups to assemble for meetings on nonsensitive issues. In August more than 1,000 persons participated in Pride Walk for Viet Pride in Ho Chi Minh City.

Freedom of Association

The constitution affords individuals the right of association, but 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. Some entities, including unregistered religious groups, operated outside of this framework with little or no government interference, and during the year authorities demonstrated some increased tolerance of independent NGOs. Some registered organizations reported increased scrutiny of their activities during the year in the period prior to the expected leadership transition during the January 2016 CPV Congress.

The country's legal and regulatory framework codifies the primacy of the CPV and establishes mechanisms for restricting freedom of NGOs to act and organize, including restricting freedom of association, assembly, expression, and the press. The government used complex and politicized registration systems for NGOs and religious organizations to suppress unwelcome political and religious participation. International and local NGOs often faced problems registering, with specific challenges presented by Decree 93 on the registration of foreign NGOs and Decree 38 on local NGOs receiving overseas development assistance. Despite these restrictions the number of independent NGOs continued to grow during the year.

Laws and regulations governing NGOs restrict their ability to engage in policy advocacy or conduct research outside of state-sanctioned topics. For instance, Decision 97, which took effect in 2009, prohibits organizations focused on social science and technology from operating in fields such as economic policy, public policy, political issues, and a range of other areas considered sensitive. Authorities also do not permit them to engage in the public distribution of policy advocacy positions.

In early May during an internal election in Ho Chi Minh City to select representatives to attend the Vietnamese Writers Association National Congress, nine authors reportedly were excluded from the candidates' list due to their advocacy of the establishment of an independent writers association.

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at www.state.gov/religiousfreedomreport/.

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, especially those convicted under national security or related charges or those outspoken in their criticism of the government. 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.

The government allowed UNHCR fact-finding and monitoring visits, but local authorities closely monitored all aspects of such visits. Some members of ethnic minority groups who fled the Central Highlands for Cambodia, some reportedly due to religious persecution, asserted that upon their return, Vietnamese authorities detained and questioned them, sometimes for up to several days. Family members also reported police closely monitored both those who had fled to Cambodia and their relatives.

In-country Movement: Several political dissidents, amnestied with probation or under house arrest, were officially restricted in their movements. These included Le Cong Dinh, Le Thanh Tung, Nguyen Phuong Uyen, Nguyen Tien Trung, and Dinh Nhat Uy. The MPS continued to monitor and selectively restrict the movement of prominent activists Nguyen Dan Que, Nguyen Bac Truyen, Pham Ba Hai, Pham Chi Dung, Nguyen Hong Quang, Nguyen Ngoc Nhu Quynh, and Tran Thi Nga, among many others. Many activists reported they resorted to deceptive tactics to avoid travel restrictions. Other activists reported increased freedom of in-country movement compared with previous years.

Some activists reported authorities prevented them and their family members from leaving their homes during politically sensitive events. For example, in September during the local Communist Party congress of Ha Nam Province and during the visit of senior central government officials, plainclothes police reportedly surrounded the house of activist Tran Thi Nga and a neighbor and prevented them from leaving.

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

Local police required 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 strictly implement residency laws, and migration from rural areas to cities continued unabated. Moving without permission, however, hampered persons seeking legal residence permits, public education, and health-care benefits.

Foreign Travel: Prospective emigrants occasionally encountered difficulties obtaining a passport; authorities regularly confiscated passports, at times indefinitely.

Foreign travel prohibitions increased. Authorities banned and prevented dozens of individuals from traveling overseas or entering the country, withheld their passports on vague charges, or refused to issue passports to certain activists without clear explanation. These individuals included Nguyen Ho Nhat Thanh (also known as Paulo Thanh Nguyen), Pham Chi Dung, Nguyen Ngoc Nhu Quynh, Nguyen Hoang Vi, Bui Tuan Lam, Dinh Xuan Thi, Le Phuc Hiep, Nguyen Lan Thang, Nguyen Thi Huyen Trang, Nguyen Thanh Thuy, Nguyen Tuong Thuy, Ngoc Nhat Dang, Nguyen Dinh Ha, Nguyen Van Trang, Pham Dac Dat, Pham Le Vuong Cac, Nguyen Van Vien, Le Ngoc Thanh, Pham Doan Trang, Nguyen Thi Nhung, Le Ba Huy Hao, Mai Xuan Dung, Vo Van Tao, Khong Hy Thiem, Tran Le Uyen Thao, Nguyen Thi Phi, and Pham Ha Nam. Although their probation ended, the government continued to prohibit activists Nguyen Khac Toan, Pham Ba Hai, Pham Hong Son, Le Thi Kim Thu, Nguyen Hong Quang, and others from receiving a passport and traveling overseas.

Emigration and Repatriation: The government generally permitted citizens who emigrated to return to visit, but police denied entry visas to and sometimes deported some foreign-based political activists.

Protection of Refugees

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

Refoulement: According to international human rights NGOs, the government pressured Cambodia to return members of Central Highlands ethnic minority groups who had fled to Cambodia seeking refugee status and protection from harassment and restrictions on religious freedom by Vietnamese officials.

On November 20, the spokesperson for the UN High Commissioner for Human Rights expressed concern about reports that authorities arrested nine North Korean nationals in October and subsequently transferred them to China, where they were at risk of being returned to North Korea. The spokesperson noted that, if repatriated, the individuals would be at risk of very serious human rights violations.

Stateless Persons

Authorities reported that by 2013 they had naturalized nearly all of the 10,000 individuals who had been stateless and previously resident in Cambodia. UNHCR officials estimated that fewer than 200 persons awaited final approval by the government at year's end.

Section 3. Freedom to Participate in the Political Process

The constitution provides the ability to elect directly representatives to the National Assembly, People's Councils, and other state agencies. Although the constitution provides that one may vote at age 18 and run for election to the National Assembly or People's Council at age 21, the ability of citizens to change their government democratically was severely limited. The CPV screened all candidates.

During its spring legislative session, the National Assembly passed a law on elections to the National Assembly and People's Councils that went into effect June 1. The new law requires quotas for the percentage of final candidates for election to the National Assembly who are ethnic minorities (18 percent) and women (35 percent) and to the People's Council who are women (35 percent). The law allows individuals in custody and temporary detention as well as those who are undergoing compulsory educational and drug treatment to vote during elections.

Elections and Political Participation

Recent Elections: The most recent elections to select members of the National Assembly, in 2011, allowed limited competition among CPV-vetted candidates, although the integrity of the voting process was unclear. The CPV's VFF chose and vetted all candidates. CPV candidates won 458 of the 500 seats. The remaining 42 were non-CPV candidates.

According to the government, more than 99 percent of eligible voters cast ballots in the 2011 election--a figure international observers considered improbably high. Voters may cast ballots by proxy, and officials charged local authorities with assuring that all eligible voters cast ballots by organizing group voting and verifying that all voters within their jurisdiction had voted.

The National Assembly, although largely composed of CPV members, continued to take incremental steps to assert itself as a legislative body. During the year the National Assembly passed mechanisms for conducting no-confidence votes for senior leaders and then held a no-confidence vote.

Political Parties and Political Participation: Chapter I, article 4 of the revised constitution outlines the political role of the CPV. While the article does not detail specific constitutional powers, section 1 asserts the party's role as "vanguard of the working class and of the Vietnamese nation" and the "leading force in the state and society," a broad role not given to any other constitutional entity. Section 2 further references the party's responsibility to the public. Section 3 states that "all Party organizations and members of the Communist Party of Vietnam operate within the framework of the Constitution and the laws." The CPV Politburo functioned as the supreme decision-making body, although technically it reported to the CPV Central Committee. Political opposition movements and other political parties were illegal.

On September 21, police in Thai Binh Province detained and subsequently charged former prisoner of conscience and democracy activist Tran Anh Kim just before he planned to inaugurate a new political organization, "National Forces Raising the Democratic Flag" (see section 1.d.).

The government continued to restrict severely public debate on and criticism of the one-party state. Some groups and individuals, however, openly called for permitting multiparty democracy. Critics discussed the pros and cons of human rights-related laws and provisions, including revisions to the penal code, criminal procedures code, and the new draft laws on associations, access to information,

demonstrations, and religion and belief. They also discussed other sensitive political issues, including rights for lesbian, gay, bisexual, transgender, and intersex persons; land rights; and environmental issues.

Participation of Women and Minorities: The new law on elections to the National Assembly and People's Councils requires 35 percent of final candidates for these two bodies to be women and 18 percent of final candidates for the National Assembly to be from minority groups. Nonetheless, women continued underrepresented in political bodies. There were 122 women (approximately 24 percent) in the National Assembly; two female ministers in the 28-member cabinet; two women in the 16-member Politburo, one of whom was ethnic Thai minority; and one woman on the Supreme People's Court. Ethnic minorities held 78 seats (approximately 16 percent) in the National Assembly; there was one male minority minister in the cabinet, and no ethnic minorities on the Supreme People's Court.

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: Corruption continued to be a major problem despite the government's continued focus on the issue in advance of the Communist Party Congress in 2016. In September the CPV released an assessment of the political and economic challenges and achievements, which stated, "Corruption remains serious...and poses a challenge to the leading role of the party and management efficiency of the state and threatens the survival of the regime."

Corruption continued to be a problem in land allocation, bidding for construction and infrastructure projects, and official development assistance. In April a foreign aid donor said that corruption had reached a level at which it would stop supporting projects in the country.

Banking sector reform continued during the reporting year, leading to the high-profile arrest in July of Nguyen Xuan Son, the former head of Petro Vietnam, for alleged corruption during his time as the head of Ocean Bank. Son's arrest was the first high-profile arrest of a leader of a state-owned enterprise since 2013.

On September 11, the National Assembly Committee of Judicial Affairs reported the Government Inspectorate of Vietnam (GIV) conducted more than 120,000

inspections of government officials and transactions through July 31, and reclaimed 50.3 trillion VND (\$2.3 billion) and 4,420 acres of land. The GIV found economic violations with a total value of 201.5 trillion VND (\$9.2 billion) during 2011-15, revoked permits for more than 46,900 acres of land, and recovered 113.88 trillion VND (\$5.2 billion) in 441 corruption-related cases.

On October 27, a Hanoi court convicted six executives from state-owned Vietnam Railways for their role in a corruption scandal involving a railway contract funded by Japan.

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

A 2013 corruption law allows citizens to complain openly about inefficient government, administrative procedures, corruption, and economic policy, but authorities prohibited attempts to organize disaffected citizens, with corruption protest organizers subjected to arrest and harassment.

Financial Disclosure: The amended anticorruption law requires senior government officials and National Assembly members to disclose their income and assets and explain changes from the previous year's disclosure. In January 2014 the Politburo issued a directive requiring improved asset declaration by officials holding managerial positions. Additionally, supervisors had the right to question an employee's disclosure. While the law does not stipulate a penalty for noncompliance, a July 2014 decree provides for possible reprimand, warning, suspension, or removal for noncompliant civil servants. In 2014 the government reported 99 percent of government workers disclosed their finances.

Public Access to Information: 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 website in both Vietnamese and English, as did the National Assembly. Decisions of the Supreme People's Court Council of Judges were generally accessible through the court's website, although it was difficult for individuals to obtain government information.

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

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

The United Nations or Other International Bodies: The government generally prohibited private citizens from contacting international human rights organizations directly, but many activists did so. The government allowed representatives from UNHCR and foreign governments to visit the Central Highlands.

Government Human Rights Bodies: There were no ombudspersons, human rights commissions, or legislative committees specifically designated to handle human rights matters. The Ho Chi Minh National Academy of Politics and Public Administration, the institution responsible for training all senior officials, oversees the Vietnam Institute of Human Rights, which conducted research exchanges with foreign NGOs on international human rights best practices. The government continued to discuss human rights matters bilaterally with several foreign governments and held 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. The government continued to demonstrate an increased tolerance and respect for rights for lesbian, gay, bisexual, transgender, and intersex persons.

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. The law subjects rapists to two to seven years' imprisonment. In severe cases of rape, including organized rape, a

repeat offense, or extreme harm to a victim, sentences may range from seven to 15 years' imprisonment. Authorities prosecuted rape cases fully, but the government did not release arrest, prosecution, conviction, or punishment statistics.

Authorities treated domestic violence cases as civil cases, unless the victim suffered injuries involving more than 11 percent of the 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 and probation to imprisonment for three months to three years.

Domestic violence against women was common. A February 2014 report of the Ministry of Culture, Sports, and Tourism documented 192,000 domestic violence cases between 2009 and mid-2013, of which 136,700 cases involved violence primarily against female spouses, while more than 19,700 cases involved the elderly, and more than 27,800 involved children.

In November, NGOs released two surveys on violence against women and girls. One survey reported 58 percent of married women had suffered physical or sexual abuse at least once in their lives, typically from a male partner or member of the family. Another study, conducted from December 2013 to January 2014 in Hanoi and Ho Chi Minh City, revealed 83 percent of women and girls in Hanoi and 91 percent of those in Hanoi had experienced at least one form of sexual harassment during their lives. Respondents who were students reported they were subjected to whistling and teasing, while office workers respondents reported they were subjected to harassment via e-mail and text messages. According to the survey, most harassment occurred on the street.

NGOs and survivor advocates considered many of the legal provisions against domestic violence 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. While police and legal systems generally remained unequipped to deal with cases of domestic violence, the government, with the help of international and domestic NGOs, continued to train police, lawyers, and legal system officials in the law. Social stigma also prevented many victims from coming forward, due to fear of harassment from their spouses or family.

Several domestic and international NGOs worked to address domestic violence. Domestic NGOs operated hotlines for victims in major cities. The Center for

Women and Development, supported by the VFF's Women's Union, also operated a nationwide hotline, but it was not widely advertised in rural areas. 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 alleged abuser and resolve complaints. There were 300 such residences in the country, all established through the Women's Union at the commune level. Rather than confront social and family stigma as well as economic uncertainty, many women remained in abusive marriages.

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 and highlighted the problem through public awareness campaigns. In February 2014 the prime minister approved a national action plan to prevent and combat domestic violence through 2020. Local NGOs affiliated with the Women's Union remained engaged on women's concerns, particularly violence against women and trafficking of women and children.

Sexual Harassment: The law prohibits sexual harassment in the workplace (see section 7.d.). Publications and training on ethical regulations for government and other public servants did not mention the problem of sexual harassment.

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 file 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 stipulates that society, families, and all citizens implement "the population and family planning program." The law affirms an individual's right to choose contraceptive methods; access gynecological diagnosis, treatment, and check-ups during pregnancy; and obtain medical services when giving birth at health facilities. The government generally enforced these provisions.

The Population and Reproductive Health Strategy for 2011-20 applies to all citizens and strives to maintain 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. A decree issued by the Politburo subjects CPV members to reprimand if they have three children, removes them from a ranking position if they have four children, and expels them from the CPV if they have five children. Violating the decree also decreases the likelihood of promotion and may lead to job termination.

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 in employment, education, or housing, particularly in rural areas (also see section 7.d.).

Gender gaps in education declined, but certain gaps remained. According to a 2013 UN Women-funded report, female worker professional qualifications were lower than those of male workers. There were substantial differences in the education profile of men and women at postsecondary level. In higher education the number of female students enrolled in applied technology programs was much smaller than the number of men enrolled.

Another UN-funded report on social protection for women and girls noted that female migrants working in nonofficial sectors had difficulties accessing standard housing. These women resided in temporary accommodations that were unsafe and lacked basic services.

Although the law provides for equal inheritance rights for men and women, women continued to face cultural discrimination. A son was more likely to inherit property than was a daughter, unless otherwise specified by a legal document. A study conducted in December 2014 showed women had less information than men on land access and that a cultural preference for sons over daughters for inheritance was still prevalent, despite the legal mandate that all citizens have equal rights.

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 and other programs to promote the advancement of women. The government's 2011-20 National Strategy Plan for Gender Equality asserts that men and women should have substantive equality in opportunity, participation, and benefits in the political, economic, cultural, and

social domains. As of year's end, however, there was no financial commitment from the government for the implementation of the national program on gender equality for 2016-20. The government passed requirements for gender-based budgeting as part of the budget law for the year.

Gender-biased Sex Selection: According to the UN Population Fund, the national average male-female sex ratio at birth in 2013 was 113.8 to 100. The imbalanced ratio of newborn boys to girls continued to increase, 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. The Ministry of Health and the Ministry of Labor, Invalids, and Social Affairs (MOLISA) signed a joint program aimed at addressing the sex ratio imbalance, with a focus on communication to change behavior, and setting up pilot programs in 20 provinces. Although the Women's Union did not have a specific program for addressing the sex ratio imbalance, it integrated the topic into its existing programs and activities.

Children

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

Education: Education is compulsory, tuition-free, and universal through age 14, although many families were required to pay a variety of school fees. Under a government subsidy program, ethnic-minority students were exempt from paying school fees. Nevertheless, authorities did not always enforce the requirement or enforce it equally for boys and girls, especially in rural areas, where government and family budgets for education were limited, and children's contributions as agricultural laborers were valuable.

Child Abuse: The United Nations 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 MPS and MOLISA noted in 2012 that approximately 1,000 children reportedly were sexually abused per year. NGOs noted the difficulty of obtaining accurate data on the prevalence of child and adolescent sexual abuse, which may be underreported. The government made no information available on the extent of the problem or its efforts to combat it.

Early and Forced Marriage: The legal minimum age of marriage is 18 for girls and 20 for boys, and the law criminalizes organizing marriage for, or entering into marriage with, an underage person. Possible punishments for arranging early marriages range from administrative sanctions to prison terms of between three months and two years. According to the 2009 census, the rate of marriage under age 18 was approximately 16 percent in the Northwest Highlands and 11 percent in the Central Highlands--both poor and remote rural areas--but additional government data were not available. Provincial authorities and the Women's Union were responsible for raising popular awareness of the consequences of early marriage.

Sexual Exploitation of Children: Sexual exploitation of children under age 16 is illegal. The law criminalizes all acts of sale or deprivation of liberty 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 five million to 50 million VND (\$228 to \$2,280). 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 penalty for rape of a child between 13 and 16 carries a sentence of imprisonment from seven to 15 years. If the victim becomes pregnant, the rape is incestuous, or the offender is in a guardianship position to the victim, however, the terms of imprisonment increase to 12 to 20 years' imprisonment. The law considers all cases of having sexual intercourse with children under 13 years of age rape of children, and the offender may be sentenced from 12 to 20 years' imprisonment, life imprisonment, or capital punishment. 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.

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

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 communities of Jewish foreigners 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* at www.state.gov/j/tip/rls/tiprpt/.

Persons with Disabilities

The constitution provides for the protection of persons with mental and physical disabilities. The law prohibits discrimination against or mistreatment of persons with physical 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. The government continued to increase coordination with foreign governments, international organizations, NGOs, and private companies to review legal provisions governing implementation of the treaty, conduct feasibility studies, share international best practices, conduct informational workshops, promote the hiring of persons with disabilities, and hold awareness activities.

While the law requires that the construction of new or major renovations of existing government and large public buildings include access for persons with disabilities, enforcement continued to be sporadic. The Ministry of Construction maintained units to enforce barrier-free codes and provide training on construction codes for inspectors and architectural companies in more than 22 provinces. Some new buildings and facilities in large urban cities included ramps and accessible entries.

Access to education for children with disabilities, particularly deaf children and those with intellectual disabilities, remained extremely limited. The Ministry of Education and Technology estimated approximately 500,000 children with disabilities had some access to education at the primary, secondary, and tertiary levels.

The law promotes and encourages the employment of persons with disabilities; however, social and attitudinal barriers remained problems (see section 7.d.).

The government assisted persons with disabilities to vote in the 2011 election by taking ballot boxes to the homes of individuals unable to go to a polling station. There is no legal restriction on the right to vote for persons with disabilities, although many polling stations were not accessible, especially to persons with physical disabilities.

While the provision of social services to persons with disabilities remained limited, the government made some efforts to support the establishment of organizations of persons with disabilities and consulted them in the development or review of national programs, such as the National Poverty Reduction Program, vocational laws, and various educational policies. The National Coordination Committee on Disabilities, the Vietnam Federation on Disability, and their members from various ministries 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 societal discrimination against ethnic minorities was longstanding and persistent. Local officials in some provinces, notably in the highlands, acted in contravention of national laws and discriminated against members of ethnic and religious minority groups. Despite the country's significant economic growth, the economic gap between many ethnic minority communities and ethnic Vietnamese (Kinh) communities persisted, even though ethnic minority group members constituted a sizable percentage of the population in certain areas, including the Northwest and Central Highlands and portions of the Mekong Delta.

International human rights organizations continued to allege authorities harassed and intimidated members of certain ethnic minority groups, including highlanders commonly known as “Montagnards” and ethnic minority Christians, in the Central Highlands. There were multiple reports that members of these ethnic minority groups fled to Cambodia and Thailand, seeking refugee status and claiming to be the victims of religious persecution. The government claimed these individuals were illegal migrants who left Vietnam in pursuit of economic opportunities. Human rights groups alleged the government pressured Cambodia to refuse to grant these individuals refugee status and to return them to Vietnam.

The government implemented policies in regions with significant ethnic minority populations through three interagency committees, the Steering Committees for the Northwest Region, the Central Highlands, and the Southwest Region. The government also continued to monitor certain highland minorities closely, particularly several ethnic groups in the Central and Northwest Highlands.

Authorities continued to imprison, using national security provisions of the penal code and with lengthy prison sentences, multiple ethnic minority individuals allegedly connected to overseas organizations the government claimed espoused separatist aims. In addition, activists often reported an increased presence of MPS agents during sensitive occasions and holidays throughout the region.

The government continued to attempt to address the socioeconomic gap between ethnic minority and ethnic Kinh communities through special programs to subsidize 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.

The law provides for universal education for children regardless of religion or ethnicity, and members of ethnic minority groups were not required to pay regular school fees. The government operated special schools for ethnic minority children, and there were 300 boarding schools for them in 50 provinces, mostly in the Northwest and Central Highlands and the Mekong Delta, including at the middle- and high-school levels, plus special admission and preparatory programs as well as scholarships and preferential admissions at the university level. 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. There were also a few government-subsidized technical and vocational schools for ethnic minorities.

The government broadcast radio and television programs in ethnic minority languages in some areas. The government required ethnic-majority (Kinh) officials assigned to areas populated predominantly by ethnic minorities 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 cultures 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.

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

The law does not address discrimination based on sexual orientation or gender identity. Societal discrimination and stigma remained pervasive, and local media reported general harassment of transgender individuals, including those in custody.

No laws criminalize consensual same-sex sexual conduct. In November the National Assembly passed a revised civil code with new provisions legalizing transgender individuals' right to change their sex, access health care, and change their gender identity.

In 2013 the Institute for Studies of Society, Economics, and Environment, a nonprofit organization working for the rights of minority groups, reported approximately 1.65 million individuals in the country identified as lesbian, gay, bisexual, transgender, or intersex persons. In August more than 1,000 individuals participated in Pride Walk for Viet Pride in Ho Chi Minh City, and there were Viet Pride celebrations held in 17 cities and provinces, including a bike rally with more than 300 riders in Hanoi.

HIV and AIDS Social Stigma

The law provides for the protection of specific rights of persons with HIV/AIDS, including for voluntary testing; confidentiality; the right to education, work, health care, and nondiscrimination; and mechanisms for legal redress in the event of any rights violations.

According to the 2014 Stigma Index study, 11.2 percent of persons with HIV, 16.6 percent of female sex workers, 15.5 percent of persons who inject drugs, and 7.9 percent of men who have sex with men reported having experienced rights violations within the 12 months prior to the survey. Nonetheless, 2014 Multiple Indicator Cluster Surveys showed stigma and discrimination against HIV-positive persons remained widespread, with approximately 70 percent of female respondents reporting having faced some form of stigma and discrimination. Individuals with HIV continued to face barriers accessing and maintaining employment, with 4.2 percent of respondents reporting loss of jobs or income and 6.7 percent reporting prospective employers having refused them employment or job opportunities.

While the country made progress in replacing administrative detention of drug users with judicial proceedings and referring HIV-positive patients for outpatient treatment, there were no official reported figures for access to HIV treatment or medication-assisted treatment for substance abuse disorders among detainees, most notably at compulsory detoxification centers. The country maintained a population of approximately 17,680 persons in the “06 center” system that, by MOLISA’s conservative estimate, had a high HIV-prevalence rate of 13 percent.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law does not allow workers to organize or join independent unions of their choice. While workers may choose whether to join a union and at which level (local or “grassroots,” provincial, or national) they wish to participate, every union is under the legal purview and control of the country’s only trade union confederation, the Vietnam General Confederation of Labor (VGCL), because the VGCL is the only entity authorized to give legal recognition to unions. 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 VGCL answers directly to the Politburo and was not under the authority of the prime minister or any single ministry.

Although the Trade Union Act charges unions with the responsibility to “disseminate information to persuade and guide workers to establish and join unions,” it stipulates that the VGCL may represent workers in nonunionized enterprises only where the workers request it. Neither the act nor related regulations specify the process for workers to request such representation or the minimum number of workers required to make such a request. In addition the labor code is inconsistent with the act, and it does not specify the requirement the VGCL may represent workers in nonunionized enterprises only at the request of workers.

Under the act the VGCL also has the responsibility for educating workers on their rights and obligations, representing workers (the “labor collective”) in collective bargaining and individual workers’ disputes, holding and leading legal strikes, and working with state agencies on labor relations, occupational health and safety, and other matters. Union dues are mandatory by law for union members and domestic and foreign employers. Union members pay 1 percent of their salary to the union, and employers pay 2 percent for every employee, regardless of whether they are a union member. In an effort to improve accountability of union dues, the act clarifies proper use of mandatory union dues for union members and domestic and foreign employers.

The law provides for the right of VGCL-affiliated unions to bargain collectively for workers on issues related to salary and allowances, working hours and overtime, and labor safety and occupational health. Collective labor disputes over rights must go through a conciliation council and, if the council does not resolve the matter, to the chair of the district-level people’s committee. The law allows trade unions and employer organizations to facilitate and support collective bargaining and requires companies to establish a mechanism to enable management and the workforce to exchange information and to consult on subjects that affect working conditions. Regulations require conducting workplace dialogues every three months.

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, defined as strikes in enterprises involved in electricity production; post and

telecommunications; maritime and air transportation, navigation, and management; public works; and oil and gas production. The law defines “essential services” more broadly than do international standards. The law also grants the prime minister the right to suspend a strike considered detrimental to the national economy or public safety.

Strikes that do not arise from a collective labor dispute or do not adhere to the process outlined by law are illegal. The law makes a distinction between “interest-based” and “rights-based” disputes and, in contravention of international standards, forbids strikes over “rights-based” disputes, or strikes arising from disputes regarding the implementation or interpretation of provisions of law or other legally binding agreements, such as collective bargaining agreements. The law also prohibits sector-specific and industry-level strikes. Before workers may hold a strike, they must submit their claims through a process involving a conciliation council (or a district-level labor conciliator where no union is present). If the two parties do not reach a resolution, unions must submit claims 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. The law also stipulates strikers may not be paid wages while they are not at work. The law prohibits retribution against strikers. By law individuals participating in strikes declared illegal by a people’s court and found to have caused damage to their employer are liable for damages. 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.

In October the government issued Decree 88 regarding administrative sanctions for interference in trade union activities. Specifically, it imposes fines of between three and 10 million VND (\$137-\$457) for discrimination against employees who establish or join a trade union, or carry out trade union activities, and for any actions that disadvantage the operations of a trade union.

The government continued to take steps to improve industrial relations, including working with several provincial level governments to develop and to implement industrial relations “master plans” focused on mediation, conciliation, and trade union reform. The VGCL also worked with international NGOs to strengthen its capacity to support organizing and collective bargaining in the private sector.

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) worker organizations faced antiunion discrimination.

The VGCL reported 262 strikes from January through November, approximately the same level as the same period of 2014. Of those strikes, 61 percent were in foreign direct-investment companies (mainly Korean, Taiwanese, and Japanese companies). None of the strikes followed the authorized conciliation and arbitration process, and thus authorities considered them illegal “wildcat” strikes. The government took no action against the strikers and, on occasion, actively mediated agreements in the workers’ favor. In some cases the government imposed heavy fines on those employers, especially foreign-owned companies, that engaged in illegal practices leading to strikes.

On March 26, workers at a factory in the Tan Tao Industrial Zone of the Binh Tan District Ho Chi Minh City went on strike over proposed changes to the social insurance law. The changes would have required most workers to wait to collect any pension payments until they had at least 20 years on the job and/or reached the official retirement age. Media reports estimated that between 80,000 and 90,000 workers took part in the strike. Within days of the strike, vice minister-level officials from MOLISA and the VGCL had engaged in a public campaign to acknowledge the strikers’ demands and express regret for the situation. The strike ended on April 2 when the prime minister agreed to recommend that the National Assembly revise a controversial amendment to the new social insurance law.

The July report of the International Labor Organization (ILO) and International Finance Corporation’s Better Work Vietnam program noted multiple instances of employer interference with worker activities. The report noted 62 percent of factories discriminated against or interfered in the activities of the trade union. Similarly, the data revealed that management staff continued to sit on trade union executive committees in approximately 45 percent of factories, which could undermine the function of the union as a legitimate representative voice for the workforce. At the same time, the report noted 7 percent of factories had cases of direct and overt management interference in union activities, and fewer still (eight employers had actually “tried” to interfere) were found to have prevented workers from meeting without management present. There were also credible reports 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.

Multiple international labor NGOs collaborated with the VGCL to provide training to VGCL-affiliated union representatives on labor organizing, collective bargaining, and other trade union issues. Because it is illegal to establish or seek to establish labor unions independent from the VGCL, there were no government-sanctioned domestic labor NGOs involved in labor organizing. Local labor NGOs, however, supported efforts to raise awareness of worker rights and occupational safety and health issues and to support internal and external migrant workers.

Independent labor activists seeking to form unions separate from the VGCL or inform workers of their labor rights sometimes faced government harassment. For example, on November 22, police temporarily detained Viet Labor members Do Thi Minh Hanh and Truong Minh Duc for several hours after dispersing a meeting between the two and more than 800 factory workers dismissed by a Korean-owned apparel company. Minh Hanh alleged that plainclothes police tied her hands behind her back, threw her to the ground, and struck her in the face, resulting in her hospitalization. Duc reported police accused the two of providing “illegal documents” and confiscated their cell phones, computers, and cameras. They noted that Viet Labor had been assisting the workers since November 9, following a decision by the factory to terminate employee contracts, allegedly without the compensation required under law. Government representatives stated Hanh and Duc caused public disorder and spread false information about the labor dispute; they denied local police assaulted or confiscated belongings from either individual. Separately, on December 25, police reportedly assaulted and temporarily detained Hoang Duc Binh, Do Thi Minh Hanh, and other peaceful labor rights activists in Ho Chi Minh City.

b. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor. A government circular prescribes punishments of between three and 10 years’ imprisonment for labor trafficking. There were no prosecutions of forced labor cases during the year. The new penal code criminalizes the use of force, threat of force, or “use of other tricks” for forced labor. The penalty is a fine of 50 to 200 million (\$2,280 to \$9,130) and/or a prison term of six months to three years, or for up to 12 years if there are aggravating circumstances. The new penal code separately criminalizes the trafficking or receipt of individuals for forced labor. If the victim is an adult, the penalty is a fine of 20 to 100 million VND (\$913-\$4,570) and/or a prison term of five to 10 years, or for up to 20 years if there are aggravating circumstances. If the victim is under 16 years old, the penalty is a fine of 50 to 200 million VND

(\$2,280-\$9,130) and/or a prison term of seven to 12 years, or for up to life if there are aggravating circumstances.

NGOs continued to report the occurrence of forced labor of men, women, and children within the country (also see section 7.c.).

The government continued to confine drug users in “compulsory detoxification establishments” (also referred to as “06 centers”). A 2014 report published by the International Labor Rights Forum stated forced labor and mistreatment continued at 06 centers, including detainees forced to produce goods for private companies. During the year there was anecdotal evidence that forced labor continued to occur at some drug rehabilitation centers. Following 2013 amendments to the law, authorities may send drug offenders to such centers only after a judicial process, not by administrative decree as in the past (also see section 1.d.). In December 2014 the prime minister issued Resolution 98 on reforming the 06 centers. The resolution mandates changing the majority of the 06 centers into voluntary treatment centers and reiterates the policy, first decreed in 2013, that a judicial process is required to send an individual to a compulsory 06 center. The resolution also calls for decreasing the number of compulsory detoxification establishments and providing that the 06 centers comply with Vietnamese law and the International Convention on Civil and Political Rights. During the year several detention centers shifted toward a system of noncompulsory drug treatment.

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

Also see the Department of State’s *Trafficking in Persons Report* at www.state.gov/j/tip/rls/tiprpt/.

c. Prohibition of Child Labor and Minimum Age for Employment

The law defines underage employees as anyone under age 18. Enterprises hiring children between 15 and 18 years of age are responsible for taking care of the underage employee in terms of “labor, salary, health and education” in the labor process. The law prohibits children under 18 from working heavy, hazardous, and dangerous jobs. The law limits children between 15 and 18 to working a maximum of eight hours per day and 40 hours per week. Children between 13 and

15 may work only in light jobs (as defined by MOLISA), and considerations must be made for schooling, working conditions, labor safety, and hygiene. The law permits children to register at trade training centers, a form of vocational training, from age 14 without parental consent.

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

The government's 2012 national child labor survey, published in 2014, indicated child labor was a significant problem and estimated there were more than 2.8 million economically active children in the country, of whom 1.75 million were child laborers as defined by the survey. The survey defined child labor as children engaged in economic activities--"activities of economic production, trading, and services for consumption or sale that may be paid or unpaid"--for more than one hour a day or five hours in a week for children ages five to 11, more than four hours a day or 24 hours in a week for children ages 12 to 14, or more than seven hours a day or 42 hours in a week for children ages 15 to 17.

Broadly defined, 60 percent of child labor was in agriculture, 22 percent in the service sector, and 18 percent in construction and manufacturing. Of the 1.75 million child laborers, 85 percent were in rural areas and 15 percent in urban areas. Approximately 60 percent of child laborers were male. The survey reported 52 percent of children had dropped out of school, and only 24 percent were from households that fell below the country's poverty level. Moreover, 38 percent of workers were from households with incomes twice the poverty threshold. The report also stated nearly 569,000 child laborers (approximately 32 percent) worked an average of more than 42 hours per week. Of these children, 96 percent did not attend school.

Some children were victims of forced and bonded labor in factories run in urban family houses, particularly in the informal garment sector near Ho Chi Minh City, in privately run rural gold mines and brick factories, as well as in restaurants in major urban centers.

d. Discrimination with Respect to Employment and Occupation

The law prohibits discrimination with respect to employment and occupation based on sex, race, disability, social class, marital status, religion, and HIV/AIDS-positive status. The law promotes and encourages the employment of persons with disabilities.

By law an enterprise may not dismiss a female employee who is engaged to be married or is pregnant, on maternity leave, or caring for a child under one year of age unless the enterprise closes. Employers may not compel female employees who are at least seven months' pregnant or care for a child under one year of age to work overtime, at night, or in locations distant from their homes. The law requires equal pay for equal work in principle. The law prohibits sexual harassment in the workplace; however, according to the ILO, the legal provisions are not specific and potentially difficult to implement.

The law does not prohibit discrimination based on political opinion, age, language, national origin, sexual orientation, or gender identity. Moreover, no laws prohibit employers from asking about family status, to include intentions to marry or to start or raise a family, during job interviews.

The government did not effectively enforce laws related to employment discrimination. Violations of employment discrimination provisions of the law included fines, including administrative fines of up to 50 to 75 million VND (\$2,280 to \$3,425) for violations of sexual harassment prohibitions. Penalties are not sufficient, however, to deter violations of employment discrimination. The government took some action during the year to address employment discrimination against persons with disabilities. For example, MOLISA issued guidance to its provincial branches to adjust job skills training for persons with disabilities tailored to the group's diversified needs. MOLISA also issued a directive to request all provinces to set aside 20 percent of vocational training budget for persons with disabilities and targeted 10 percent of total trainees to be persons with disabilities. Companies with a workforce composed of at least 51 percent employees with disabilities may qualify for special government-subsidized loans.

Discriminatory hiring practices existed, including discrimination related to gender, age, and marital status. Women in the public sector were expected to retire at age 55, with the exception of women at ministerial rank or those with doctoral degrees or professors, compared with age 60 for men. Female-led enterprises accounted for an estimated 25 percent of the more than 300,000 enterprises. Female-led

enterprises continued to have limited access to credit and international markets and inadequate knowledge in operation and financial management, in addition to the burden of social and family responsibilities. Many women reported that they received lower pay than their male counterparts.

The law prohibits gender-based preferential hiring for jobs; although NGOs concluded such discrimination occurred, allegations were hard to prove. Social and attitudinal barriers remained problems the employment of persons with disabilities.

e. Acceptable Conditions of Work

The minimum wage for enterprises ranged from 2.4 million VND (\$110) per month to 3.5 million VND (\$160) per month, depending on the region. By law the National Wages Council, which consists of representatives from MOLISA, VGCL, and the Vietnam Chamber of Commerce and Industry, determines regional minimum wages. The National Wages Council agreed on a 12.4 percent increase in the minimum wage, to take effect on January 1, 2016. According to the labor ministry, the new minimum wage will meet 87 to 90 percent of the minimum working standard. In contrast the VGCL noted the new wage will meet only 72 percent of the minimum living standard.

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 law limits overtime to 50 percent of normal working hours per day, 30 hours per month, and 200 hours per year, but it provides for an exception in special cases, with a maximum of 300 overtime hours worked annually, subject to stipulation by the government after consulting with the VGCL and employer representatives. The law also prescribes 12 to 16 days of annual leave, depending on the type of work.

On June 25, the government passed the first law on occupational safety and health, which also extended legal protections and preventive efforts to the informal economy. The new law regulates the work of providing for occupational safety and health, describes procedures for persons who are victims of labor accidents and occupational diseases, and delineates the responsibilities of organizations and individuals in the occupational safety and health fields. The law does not provide for the right of workers to remove themselves from situations that endanger health

or safety without jeopardy to their employment. The law protects “labor subleasing” as a new pattern of employment and thus protects part-time and domestic workers.

It was unclear how strictly the government enforced provisions for wages, hours, and benefits or occupational safety and health restrictions. The labor ministry, 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 authorities did not always prosecute violations. The ministry acknowledged shortcomings in its labor inspection system and emphasized the number of labor inspectors countrywide was insufficient. According to MOLISA officials, there were 492 labor inspectors nationwide, including both full- and part-time inspectors. The VGCL stated, and the ministry acknowledged, fines on firms for labor violations were too low to act as an effective deterrent against violations. Fines generally range from 1.065 million to 106.5 million VND (\$49 to \$4,860), depending on the offense.

There continued to be credible reports that factories exceeded legal overtime thresholds and did not meet legal requirements for rest days. Migrant workers, including internal economic migrants, were among the most vulnerable workers, and employers routinely subjected them to hazardous working conditions. Other workers who often worked in the informal economy included members of ethnic minority groups. On-the-job injuries due to poor health and safety conditions and inadequate employee training remained a problem. Large industrial and construction accidents occurred regularly. For example, in March a large scaffolding collapse at a construction site in a Taiwanese-invested industrial park in Ha Tinh province resulted in 16 deaths and 27 injuries. MOLISA estimated that approximately 50 workers died every month in industrial accidents.