

VIETNAM 2020 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

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

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

Significant human rights issues included: unlawful or arbitrary killings by the government; torture by government agents; arbitrary arrests and detentions by the government; political prisoners; significant problems with the independence of the judiciary; arbitrary or unlawful interference with privacy; serious restrictions on free expression, the press, and the internet, including arbitrary arrest and prosecution of government critics, censorship, site blocking, and criminal libel laws; substantial interference with the freedom of peaceful assembly and freedom of association; significant restrictions on freedom of movement, including exit bans on activists; inability of citizens to change their government peacefully through free and fair elections; restrictions on political participation; serious acts of corruption; trafficking in persons; significant restrictions on workers' freedom of association; and use of compulsory child labor.

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

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

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

There were reports indicating officials or other agents under the command of the Ministry of Public Security or provincial public security departments arbitrarily or unlawfully killed protesters. There were reports of at least eight deaths in custody; authorities attributed at least three of the deaths to suicide or chronic medical issues and another to a beating by a fellow prisoner. Authorities sometimes harassed and intimidated families who questioned the police determination of cause of death. In a small number of cases, the government held police officials responsible, typically several years after the death. Despite guidance from the Supreme People's Court to charge police officers responsible for deaths in custody with murder, such officers typically faced lesser charges. Police conducted their own internal affairs investigations to determine whether deaths in custody were justified.

On January 9, a large contingent of armed police officers belonging to the Ministry of Public Security and Hanoi police surrounded Dong Tam village, My Duc District, Hanoi. During the early morning hours, they raided the house of local elder Le Dinh Kinh, who had led the villagers' years-long resistance against the seizure of 145 acres of agricultural land for use in a new military installation. During the raid police officers and armed villagers clashed violently, leading to the deaths of three police officers and Le Dinh Kinh. Eyewitnesses, including Kinh's wife, claimed police threw tear gas grenades into the house while the family was asleep and shot Kinh on sight. Human rights activists expressed doubts about the legality of the raid as well as official police reports that Kinh was armed with a hand grenade, noting the 84-year-old was disabled (see also sections 1.c and 1.e.).

b. Disappearance

There were no reports of disappearances by or on behalf of government authorities.

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

The constitution and law prohibit torture, violence, coercion, corporal punishment, or any form of treatment harming the body and health or the honor and dignity of persons detained or incarcerated. Nonetheless, suspects commonly reported mistreatment and torture by police, plainclothes security officials, and compulsory drug-detention center personnel during arrest, interrogation, and detention. Police, prosecutors, and government oversight agencies seldom investigated specific reports of mistreatment.

Activists reported Ministry of Public Security officials assaulted political prisoners to extract confessions or used other means to induce written confessions, including instructing fellow prisoners to assault them or making promises of better treatment. Abusive treatment was not limited to activists or persons involved in politics. Human rights monitoring groups issued multiple reports of police using excessive force while on duty and investigators allegedly torturing detainees.

In June state-run media coverage of the appeal of Vi Van Hung and Pham Van Nhiem, who were tried and convicted on kidnapping, rape, and murder charges in 2019, reported police investigators allegedly tortured Hung and Nhiem by disrupting their sleep continuously over seven days, removing their clothing, repeatedly beating them, and using electric stun guns during their initial detention and interrogation.

One of the Dong Tam villagers who was detained and then released following the January 9 clash with police (see section 1.a.) alleged that Ministry of Public Security interrogators tortured many of the 29 defendants by a variety of methods, including electric shock, cigarette burns to various parts of the body, waterboarding, and other methods that would not leave physical evidence.

According to state media, the Investigation Agency of the Supreme People's Procuracy initiated criminal proceedings against the police chief of Vinh Tuy local police, Bac Quang District, Ha Giang Province, and two other police officers for their alleged beating of a pretrial detainee. The police chief was detained; the two other officers were held under house arrest pending the completion of the investigation. Impunity in the security forces was a significant problem.

Prison and Detention Center Conditions

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

Physical Conditions: By law pretrial detainees are to be held separately from convicted prisoners. In practice media and activists reported there were cases in which detainees were held in the same cells with convicted prisoners. Authorities generally held men and women separately, with some reported exceptions in local detention centers. Although authorities generally held juveniles in an area separate

from adults, on rare occasions authorities reportedly held juveniles in detention with adults for short periods. Authorities sometimes kept children in prison with their mothers until age three, according to a former political prisoner.

Prison officials failed to prevent prisoner-on-prisoner violence. On May 7, prisoner Le Hoang Quang allegedly beat his cellmate, Nguyen Quang Lap, to death with a baton in Chau Duc District police temporary detention, Ba Ria-Vung Tau Province, after an argument.

Some former and serving prisoners and their families reported prisoners received insufficient, poor-quality food. Family members continued to make credible claims prisoners received extra food or other preferential treatment by paying bribes to prison officials. Prisoners had access to basic health care, although there were multiple instances of officials preventing family members from providing prescription medications to prisoners who had no other way of receiving the medication and of prison clinics not reviewing prisoners' predetention health records.

Some prison authorities refused to allow any items sent to prisoners from outside the prison system, including medication, citing COVID-19-related concerns. For example, Gia Trung Detention Center in Gia Lai Province refused all outside medication while others, such as Detention Center No. 6 in Nghe An Province, allowed medication with prescription.

Authorities placed prisoners in solitary confinement for standard periods of three months. On January 1, the government implemented the Law on the Execution of Criminal Judgements, which calls for lesbian, gay, bisexual, transsexual, or intersex (LGBTI) prisoners to be detained or imprisoned separately from the general detainee or inmate population. Multiple media outlets reported that the law was effectively implemented.

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

Authorities limited prisoners to one family visit of no longer than an hour per month. Family members of prisoners reported prison authorities frequently terminated their visits after 15 to 30 minutes. Family members were generally permitted to provide various items, including money, supplemental food, and bedding, to prisoners.

Family members of current and former prisoners and lawyers reported certain prison authorities restricted or hindered prisoners' access to publications, including religious texts, despite provisions in the law providing for such access. Le Dinh Luong, for example, did not have access to a Bible, according to his family. While he made formal requests for a Bible in previous years, Luong's family made only informal, oral requests to detention officials during the year, which went unanswered. Ho Soc Son District police prevented Hue Nhu from receiving a copy of the constitution and other legal texts despite multiple requests, including by her lawyer. Observers also said that, contrary to the law providing for access to clergy, no Catholic prisoner received a visit by clergy during the year.

Independent Monitoring: The Ministry of Public Security, the government entity that manages prisons, did not allow access to international monitors. Local and regional International Committee of the Red Cross officials neither requested nor carried out prison visits during the year.

d. Arbitrary Arrest or Detention

The constitution states a decision by a court or prosecutor is required for the arrest of any individual, except in the case of a "flagrant offense." The law allows the government to arrest and detain persons "until the investigation finishes" for particularly serious crimes, including national security cases. Those detained, excepting on political grounds, may question the legality of their detention with the arresting authority, but there is no right for the detainee or a representative to challenge the lawfulness of an arrest before a court. There were numerous cases of authorities arresting or detaining activists or government critics contrary to the law or on spurious grounds. Authorities routinely subjected activists and suspected criminals to de facto house arrest without charge.

Arrest Procedures and Treatment of Detainees

By law, police generally require a warrant issued by a prosecutor (the people's procuracy) to arrest a suspect, although in some cases a decision from a court is

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

Police may hold a suspect for 72 hours without an arrest warrant. In such cases a prosecutor must approve or disapprove the arrest within 12 hours of receiving notice from police. In practice, especially in politically motivated cases, these procedures were not applied consistently or strictly.

The law requires video or audio recording of interrogations during the investigation, prosecution, and adjudication of cases. In cases in which video or audio recording is not possible, interrogation is only allowed if the person being interrogated agrees. In practice, however, this was not evenly applied. In multiple criminal trials, such videos were used by the authorities to manipulate the court’s and public’s perception of the suspect and the case, according to human rights activists. During the September trial of 29 Dong Tam villagers (see section 1.a.), the prosecution played multiple video clips in which defendants appeared to confess to the charges brought against them. Legal counsel for the defendants reported on social media that the video misrepresented the defendants, who were forced to confess on video.

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

Although the criminal code sets time limits for detention while under investigation, including for “serious” and “particularly serious” crimes (for the latter, an individual may be held for 16 months), the law allows the people’s procuracy to

detain an individual “until the investigation finishes” in cases of “particularly serious crimes,” including national security cases. Only after the investigation is completed are suspects formally charged.

While a suspect is detained during investigation, authorities may deny family visits; they routinely denied such visits for those arrested on national security charges or in other politically motivated cases.

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

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

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

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

Detainees have an undefined right to notify family members of their arrest. Although police generally informed families of detainees’ whereabouts, the

Ministry of Public Security held a number of blogger and activist detainees suspected of national security violations incommunicado.

Arbitrary Arrest: Arbitrary arrest and detention, particularly for political activists and individuals protesting land seizures or other injustices, remained a serious problem. Some activists also reported that authorities used routine police interrogations to obtain incriminating information concerning other human rights activists.

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

On May 8, Ho Chi Minh public security reportedly detained activist Phung Thuy without a warrant and interrogated him for hours on his relationship with the independent Liberal Publishing House. According to one activist, officers used violent interrogation techniques to force Thuy to answer officers’ questions.

Pretrial Detention: The allowable time for temporary detention during an investigation varies from three to 16 months, depending on the offense. There were no standard legal or administrative requirements as to when suspects must be brought before a judicial officer. Depending on the seriousness and nature of the offenses, these time limits vary. In cases of particularly serious crimes, including national security cases, the law allows detention “until the completion of the investigation.”

Similarly, the allowable time for adjudication varies between 45 and 120 days. By law a trial must begin within 30 days of the adjudication of charges. The total time for pretrial detention is the sum of all these periods; the maximum pretrial detention is nominally 21 months in cases of “especially serious offenses.” These limits were exceeded with impunity, and police and prosecutors used lengthy pretrial detention to punish or pressure human rights defenders to confess to crimes, activists said. By law authorities must provide justification for detention beyond the initial four months, but there were reports indicating that court officials ignored the failure of police or prosecutors to comply with such laws when adjudicating cases.

The government detained eight members of Hien Phap, an independent civil society group, for 23 months before their official trial began on July 31.

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

Detainee's Ability to Challenge Lawfulness of Detention before a Court: There is no such right under law. Detained individuals may request that the agency responsible review the decision. If an arrest or detention is deemed improper by the agency, the individual may be eligible for compensation.

e. Denial of Fair Public Trial

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

There continued to be credible reports that authorities pressured defense lawyers not to take religious or democracy activists as clients and questioned their motivations for doing so. Authorities also restricted, harassed, arrested, and disbarred human rights attorneys who represented political activists. The penal code required attorneys to violate attorney-client privilege in national security cases or other serious crimes.

On September 14, the trial of 29 Dong Tam commune residents arrested following the January 9 clash (see section 1.a.) concluded. Of the 29 defendants, two were sentenced to death and one to life in prison while two others received sentences of 12 to 16 years for the deaths of three policemen killed during the encounter. The remaining defendants were convicted of "obstructing officers in the performance of their duty" and received lesser sentences. Legal scholars, academics, and human rights activists cited "serious irregularities" with the trial. The court

prevented the defendants' family members from attending the trial, although the family members of the slain police officers were in attendance.

On February 21, an appellate court in Khan Hoa upheld the prison sentence for lawyer Tran Vu Hai and his wife, who were convicted and sentenced in November 2019 to 12 to 15 months of home detention for "tax evasion". Those charges, filed in July 2019, led the Ministry of Public Security to deny Hai's request to defend imprisoned activist Truong Duy Nhat, who was allegedly refouled to Vietnam from Thailand in January 2019. They also enabled police to search Hai's office and confiscate sensitive documents related to his defense of human rights activists, including Truong Duy Nhat.

Trial Procedures

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

Authorities generally upheld the right of defendants to be present at their trial. The court sometimes denied suspects the right to their own choice of attorney and assigned one. The criminal code permits defendants to be seated adjacent to their defense attorney, although this was not standard practice. Defendants have the right to communicate with a lawyer if they are on trial for a criminal charge that could result in a 15-year or longer sentence, including capital cases, although they often could not exercise this right. At the September trial of Dong Tam villagers (see section 1.a.), lawyers reported that police initially prevented them from speaking with their clients and only permitted them to do so after multiple requests and a formal petition to the court.

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

sensitive trials often did not permit defense lawyers and defendants to exercise their legal rights.

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

While elements of the adversarial system were being implemented, courts maintain an inquisitorial system, in which the judge plays the primary role of asking questions and ascertaining facts in a trial. Authorities permitted foreign diplomats to observe three high-profile trials via closed-circuit television, including the appeal of blogger Truong Duy Nhat and the trial of the 29 Dong Tam villagers. Diplomats also observed two regular criminal trials during the year. In most of the trials, defense attorneys were given time to address the court and question their clients, but they could not call witnesses or examine prosecutors' evidence. In other trials involving individuals charged under national security articles, judges occasionally silenced defense lawyers who were making arguments on behalf of their clients. Convicted persons have the right to at least one appeal.

Political Prisoners and Detainees

NGOs estimated that as of August, authorities held between 140 and 275 individuals for political reasons. According to an NGO, from January 1 to August 23, authorities detained 50 and convicted 15 (most detained in previous years) persons who were exercising internationally recognized human rights, such as freedom of expression, peaceful assembly, and association. The majority of these arrests and convictions were linked to online blogging, and defendants were charged with "making, storing, spreading, or propagating information, materials, or items" for the purpose of "opposing" the state and "abusing democratic freedom." Other convictions included individuals blogging and protesting build-operate-transfer toll roads, who were charged with "disrupting public order." On July 31, eight members of the Hien Phap group, which sought to raise awareness of citizens' constitutional right to peaceful protest, were convicted of "disrupting security" and sentenced to a combined total of 40 years' imprisonment.

Prison officials often held political prisoners in small groups separate from the general inmate population and treated them differently. Some political prisoners enjoyed better material conditions but were subject to more psychological harassment. In other cases political prisoners were subject to harassment from

prison authorities and other inmates, the latter sometimes at the instigation of officials. In many cases political prisoners' daily schedules were different from those of the general inmate population and they were not afforded the opportunity to leave their cells for work or interaction with the general prison population. Officials often subjected political prisoners to more extended periods of solitary confinement than the three months given to other prisoners. In January, Ba Sao Prison in Ha Nam reportedly held Phan Kim Khanh and Nguyen Viet Dung in solitary confinement after their protest against prison regulations. Prison authorities barred them from buying additional food at the prison's shop, thereby restricting them to meals provided by the prison.

Rations appeared to be more limited for political prisoners than others. Former political prisoners reported they received only two small bowls of rice and vegetables daily, often mixed with foreign matter such as insects or stones. Family members of many imprisoned activists who were or became ill, claimed medical treatment was inadequate and resulted in long-term health complications. In June family members of Nguyen Van Duc Do, for example, reportedly filed a petition to the Xuan Loc Prison in Dong Nai Province demanding an end to Do's inhuman treatment, alleging that prison guards physically assaulted Do, kept him in solitary confinement, and gave him food mixed with human waste.

Prison authorities often held political prisoners far from their homes, making family visits difficult, and routinely did not inform family members of prison transfers. On February 27, Vo Thuong Trung's wife attempted to visit her husband at a prison in Dong Nai Province and discovered Trung had been transferred to Gia Trung Prison in Gia Lai Province, nearly 300 miles away. In May, Hanoi-based activist Nguyen Tuong Thuy was arrested in Hanoi and transferred to Ho Chi Minh City for detention.

Political prisoners and their family members reported prison authorities at times revoked, reduced, denied, or delayed visitation rights and did not allow visitors to provide items to family members.

During the year many political prisoners held hunger strikes to protest maltreatment. From March 13 to April 17, Nguyen Nang Tinh was on hunger strike to protest Nghi Kim Prison officials' refusal to allow him to meet with a Catholic priest, although Tinh was technically ineligible for such a visit while his case remained under appeal. In August, Trinh Ba Tu refused food for more than 20 days to protest mistreatment in prison at Cham Mat Detention Center, Hoa Binh Province.

As in previous years, courts continued to hand down severe sentences to individuals whose activism appeared to be prominent or linked to overseas groups. On March 2, a court in Ho Chi Minh City upheld the sentencing of environmental activists Tran Van Quyen and Nguyen Van Vien to 10 and 11 years in prison, respectively, on charges of “terrorism to oppose (the) people’s administration” due to their alleged membership in the banned overseas prodemocracy group Viet Tan. The two had been detained along with Australian citizen Chau Van Kham, who was also convicted and sentenced to 12 years imprisonment and who authorities alleged was a member of an overseas activist group. Among the most frequent charges against activists was “producing, storing, disseminating, or communicating information and documents against the state.” Under this charge at least eight individuals received sentences of up to 11 years’ imprisonment during the year.

Politically Motivated Reprisal against Individuals Located Outside the Country

In March Radio Free Asia blogger Truong Duy Nhat, who was forcibly returned to Vietnam from Thailand in January 2019 after applying for refugee status with the Office of the UN High Commissioner for Refugees (UNHCR), was tried and sentenced to 10 years’ imprisonment on charges of “abusing his position and power while on duty.” An appeal in August upheld the verdict. In response to Nhat lawyer’s question during the appeal about where and when Nhat was arrested, the prosecutor stated that Nhat was arrested in Hanoi in January 2019. The court refused to address the time gap between Nhat’s apparent refoulement from Thailand in January 2019 and his subsequent appearance in Hanoi in March, ignoring international and domestic calls for transparency related to the circumstances leading to his detention.

In March, Bui Thanh Hieu, an exiled blogger in Germany, announced on Facebook that he would stop blogging because Vietnamese authorities were harassing his family in the country.

Civil Judicial Procedures and Remedies

The constitution provides that any person illegally arrested and detained, charged with a criminal offense, investigated, prosecuted, brought to trial, or subjected to judgment enforcement illegally has the right to compensation for material and mental damages and restoration of honor. The law provides a mechanism for pursuing a civil action to redress or remedy abuses committed by authorities.

Administrative and civil courts heard civil suits under procedures similar to those in criminal cases and using members of the same body of judges and people's assessors to adjudicate the cases. Administrative and civil courts continued to be vulnerable to corruption and outside influence, lack of independence, and inexperience. Very few victims of government abuse sought or successfully received redress or compensation through the court system.

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

Property Restitution

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

There were numerous reports of clashes between local residents and authorities at land expropriation sites during the year. Disputes regarding land expropriation for development projects remained a significant source of public grievance. Many individuals whose land the government forcibly seized protested at government offices for failure to address their complaints. Some coercive land seizures resulted in violence and injury to state officials and residents. There were also reports that development companies hired suspected plainclothes police officers and "thugs" to enforce government seizures by intimidating and threatening residents or breaking into their homes. Authorities arrested and convicted multiple land rights protesters on charges of "resisting persons on duty" or "causing public disorder."

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

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

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

On January 3, Van Giang District police of Hung Yen Province reportedly broke into the apartment of Ho Sy Quyet in Ecopark, Hanoi, ransacking the apartment and confiscating personal possessions without a warrant. Local police also took Quyet and his wife to the district police station for questioning for hours, threatening to arrest and prosecute him if he did not cease his engagement in what authorities considered antistate activities. Quyet was one of dozens of individuals who had been harassed by police since late 2019 for distributing publications of Liberal Publishing House, a now-defunct, illegal private publishing house.

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

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

FireEye, a foreign-based network security company, reported infringement on the privacy rights of citizens. FireEye wrote that the government had developed considerable cyberespionage capabilities in recent years. The company also documented attacks by a group called OceanLotus, or APT32, on targets including overseas-based Vietnamese journalists and private- and public-sector organizations abroad and in the country itself. While there was no direct link between APT32 and the government, FireEye contended that the personnel details and data accessed from the targeted organizations were of “very little use to any party other than the Vietnamese government.”

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Expression, Including for the Press

The constitution and law provide for freedom of expression, including for the press; however, in practice the government did not respect these rights, and several laws specifically encroach on freedom of expression. The government also continued to use broad national security and antidefamation provisions to restrict freedom of expression. Such laws establish 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. The law also expressly forbids “taking advantage of democratic freedoms and rights to violate the interests of the state or lawful rights and interests of organizations or individuals.”

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

Representatives from state-run organizations and progovernment groups visited activists’ residences and attempted to intimidate them into agreeing the government’s policies were correct, according to social media and activists’ reports. Family members of activists also reported numerous incidents of physical harassment, intimidation, and questioning by Ministry of Public Security officials.

On three separate occasions in September, Dong Thap Province security officials “invited” Nguyen Thi Tinh, wife of prisoner Nguyen Nang Tinh, to discuss the government’s concerns about her Facebook posts. Tinh told authorities she only shared information about her family, including updates related to her husband’s situation in prison. She reported the security officials told her the government considered her social media posts to be in violation of an administrative decree related to telecommunication and that she could face punishment in the future.

In June, during a scheduled visit to Thanh Hoa Province by a diplomat, security officials intimidated Nguyen Thi Lanh, the wife of imprisoned pastor and prodemocracy activist Nguyen Trung Ton, and Ton’s son, Nguyen Trung Trong Nghia, implying they could face physical harm unless they remained home “until further notice.” Security officials kept the family locked inside the house for several days until the family broke the lock. Local security officials then took Lanh into custody and continued to harass her at a local police station. When Nghia tried to go to the local police station to learn more about Lanh’s status, plainclothes individuals allegedly assaulted him in the presence of public security and traffic police officials.

Freedom of Press and Media, Including Online Media: The CPV, government, and party-controlled mass media organizations exercised legal authority over all print, broadcast, online, and electronic media, primarily through the Ministry of Information and Communications under the overall guidance of the CPV

Propaganda and Education Commission. The law requires editors in chief to be CPV members; many outlets applied this to additional managers as well.

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

Authorities further consolidated government control over media outlets, including requiring them in the future to be affiliated with a government body and severely constraining the number of separate newspapers and magazines that can be published by an organization or in an area. During the year Hanoi city authorities closed six magazines and three newspapers and forcibly merged two newspapers. Authorities in Ho Chi Minh City, with the most vibrant media environment in the country, reorganized 28 media organizations into 19 outlets.

On June 20, the Ministry of Information and Communication demanded the *Vietnam Economic Times*, a newspaper published by the Vietnam Economic Association, cease operations, effective in January 2021, and revoked the newspaper's license. On June 26, the ministry licensed the *Vietnam Economic Magazine*, the new name of the *Vietnam Economic Times*, which officially suspended its operations on July 15, but no articles were published by either the newspaper or magazine since January. Other publications, such as the popular national online outlet *Dan Tri*, aligned themselves with ministries to continue to operate.

Authorities intensified a crackdown on members of the Independent Journalist Association of Vietnam, founded to advocate for freedom of expression and the press and for democracy. In November 2019 Ho Chi Minh City Public Security arrested Pham Chi Dung, president of the association, and charged him with antistate propaganda. In May and June, authorities detained and arrested independent journalists Pham Chi Thanh, Nguyen Tuong Thuy, and Le Huu Minh Tuan, also members of the association, under similar charges. On June 23, the Investigation Agency of Ho Chi Minh City Public Security, in coordination with Vung Tau public security, summoned independent journalist Chu Vinh Hai for interrogation on his relationship with the journalists' association.

By law the government may fine journalists and newspapers for failing to cite their sources of information or for using “documents and materials from organizations and personal letters and materials from individuals.”

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

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

The government permitted journalists employed by foreign-based media outlets to operate under significant restrictions. The law, however, requires “live” foreign television programming to run on a 30- to 60-minute delay to enable content monitoring. Viewers reported obstruction of various commentaries, documentaries, and movies on human rights incidents in the country, the Vietnam War, the Cold War, the Soviet era, or reports involving trade tensions. Foreign journalists required formal permission to travel outside Hanoi for reporting. When foreign journalists requested access to an area considered sensitive, such as the Northwest or Central Highlands, or to report a story the government might consider sensitive, authorities often either intentionally delayed their response or denied permission to travel.

Major foreign media outlets reported the government delayed or refused to issue visas for reporters who had previously covered sensitive political topics, particularly reporters for the overseas Vietnamese-language press. The government frequently tried to control resident foreign correspondents by threatening to revoke or not renew their visas.

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

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

Violence and Harassment: There continued to be a significant number of reports of security officials attacking or threatening journalists because of their coverage

of sensitive stories. Independent journalists faced restrictions on freedom of movement, other forms of harassment, and physical attacks in, for example, the form of staged motorbike accidents, if they reported on sensitive topics.

Authorities increased harassment of Liberal Publishing House. According to an NGO, public security officials questioned and interrogated nearly 100 individuals for purchasing and reading books printed by the publishing house. An NGO reported that public security detained, interrogated, and tortured Ho Chi Minh City-based activist Vu Huy Hoang for conducting business with the publishing house. On October 6, authorities arrested prominent writer and activist Pham Doan Trang for “antistate activities” hours after the government held a meeting with foreign officials on human rights. She was accused of “making, storing, disseminating, or propagandizing information, materials, and products that aim to oppose the State.” In July, Trang announced on her Facebook page that she had resigned from Liberal Publishing House and called on public security officials to stop harassing all associates of the publisher. According to Trang, all members of the publishing house went into hiding to maintain publishing activities and avoid harassment.

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

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

National Security: The law allows significant fines to be levied against journalists, newspapers, and online media that publish or broadcast information deemed harmful to national interests or for disseminating information considered to distort history and the revolution’s achievements. In some cases these “violations” may lead to criminal proceedings.

Citing laws protecting national security, police arrested and ordered journalists to restrict criticism of government policies or officials.

Internet Freedom

The government restricted and disrupted access to the internet, censored online content, imposed criminal sentences for online expression, and monitored private online communications without legal authority. The limited number of licensed internet service providers were fully or substantially state-controlled companies. The government monitored Facebook posts and punished those who used the internet to organize protests or publish content critical of the government. On July 7, a court in Lam Dong Province convicted Facebook user Nguyen Duc Quoc Vuong of antistate propaganda and sentenced him to eight years in prison. According to state-sponsored media reporting, Nguyen created a Facebook account to post and share numerous articles with “antistate” content on Facebook that reportedly “defamed the party, state, and President Ho Chi Minh.”

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

An administrative regulation compels owners of all websites and social networking sites to cooperate with the Ministry of Information and Communications to prevent the spread of “bad, toxic news.”

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

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

to monitor customers' online activities. The Ministry of Public Security enforced these and other requirements and monitored the internet selectively.

The government continued to pressure firms such as Facebook and Google to eliminate "fake accounts" and content deemed "toxic," including antistate materials. In October 2019 the Ministry of Information and Communications announced Google removed nearly 8,200 video clips; YouTube blocked 19 YouTube channels; and Facebook blocked nearly 2,500 links, 249 fake accounts, and 249 links that defamed the CPV and government. The Ministry of Information and Communications significantly increased pressure on social media platforms to comply with a higher number of political-speech take-down requests, especially for posts critical of senior CPV officials. Authorities reportedly throttled Facebook's local servers early in the year, significantly slowing down its local traffic, until the company agreed to significantly increase compliance with government censorship requests.

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

Authorities also suppressed online political expression by direct action against bloggers, such as arrests, short-term detentions, surveillance, intimidation, and the illegal confiscation of computers and cell phones from activists and their family members. The government continued to use national security and other vague provisions of the penal code against activists who peacefully expressed their political views online. Political dissidents and bloggers reported the Ministry of Public Security routinely ordered disconnection of their home internet service. On June 13, Ho Chi Minh City public security arrested Huynh Anh Khoa and Nguyen Dang Thuong on charges of "abusing democratic freedom" for organizing a Facebook discussion group called Economic-Political Discussion that attracted nearly 50,000 Facebook users, according to an NGO.

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

On April 15, a government decree went into effect imposing significant fines for using social networks to "provide and spread misinformation." This includes using social networks to distribute maps inaccurately representing the country's

sovereignty and popularizing fake news to disturb the public. The decree was issued as part of the government's strategy to contain what it deemed to be misinformation, antigovernment sentiment, and defamation on social networks.

In September the Ministry of Information and Communication fined four newspapers a total of 72 million dong (\$3,100) for printing misinformation on the arrest and prosecution of former city officials, on Ho Chi Minh, and on a major infrastructure project.

Academic Freedom and Cultural Events

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

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

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

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

b. Freedoms of Peaceful Assembly and Association

The government restricted the freedoms of peaceful assembly and association.

Freedom of Peaceful Assembly

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

The Ministry of Public Security and local police routinely prevented activists from peacefully assembling. There were numerous reports of police dispersing gatherings of environmental activists, land rights advocates, human rights defenders, bloggers and independent journalists, and former political prisoners. For example, on July 18, local police in Cam Vinh commune of Ha Tinh Province dispersed a gathering of Falun Gong members at a private residence.

Police and plainclothes authorities routinely mistreated, harassed, and assaulted activists and those demonstrating against the government.

Freedom of Association

The constitution affords individuals the right of association, but the government severely restricted the establishment of associations involved in what the government considered “sensitive” activities such as political, religious and labor issues. The country’s legal and regulatory framework includes mechanisms particularly aimed at restricting the freedom of NGOs, including religious organizations, to organize and act. The government generally prohibited the establishment of private, independent organizations, insisting that persons work within established, party-controlled mass organizations, usually under the aegis of the VFF.

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

The law requires religious groups to register with authorities and to obtain official approval of their activities. Some unregistered religious groups such as the Vietnam Baptist Convention and independent Pentecostal groups reported government interference.

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

c. Freedom of Religion

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

d. Freedom of Movement

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

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

During the September trial of 29 villagers from Dong Tam (see section 1.a.), security forces prevented Dong Tam residents, family members of the defendants, and prominent activists from leaving their homes. Villagers alleged government security forces actively stymied their efforts to travel to Hanoi to attend the trial.

Religious leaders were required to specify geographical areas where they would be preaching. Some reported that authorities told them that preaching outside of the approved areas was illegal, although enforcement was inconsistent.

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

Citizens (or their hosts) must register with local police when staying overnight in any location outside of their own homes; the government appeared to enforce these requirements more strictly in some Central and Northern Highlands districts. Foreign passport holders 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 or family. There were multiple reports of police using the excuse of “checking on residency registration” to intimidate and harass activists and prevent them from traveling outside of their place of registration (see sections 1.d. and 1.f.).

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

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

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

In May authorities refused without explanation to renew the passport of Catholic priest Nguyen Van Toan. Father Toan, who had a record of making critical statements about the government and participating in protests, later said he found a notation stating his passport was not renewed because he “conducted activities aimed at overthrowing the people’s administration.”

e. Status and Treatment of Internally Displaced Persons

Not applicable.

f. Protection of Refugees

The government generally did not cooperate with UNHCR and other organizations regarding treatment of internally displaced persons, refugees, asylum seekers, and stateless persons.

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

g. Stateless Persons

According to 2019 UNHCR statistics, there were approximately 30,600 recognized stateless persons and persons of undetermined nationality in the country. This was a substantial increase from the estimated 11,000 stateless persons acknowledged in 2016, due to increased government effort to identify such persons. The bulk of this population are ethnic H’mong living in border areas, but it also included a number of women who lost their citizenship after marrying a foreigner but then lost their foreign citizenship, primarily because of divorce. In the past, the government naturalized stateless ethnic Vietnamese who had lived in Cambodia, but there was no information on naturalization efforts or options for those identified as stateless persons during the year.

Section 3. Freedom to Participate in the Political Process

Citizens could not choose their government through free, fair, and periodic elections based on universal and equal suffrage and conducted by a secret ballot that guaranteed free expression and the will of the people. Although the constitution provides the ability to elect representatives to the National Assembly, people’s councils, and other state agencies directly, constitutional and legal

provisions established a monopoly on political power for the CPV, and the CPV oversaw all elections. National Assembly elections take place once every five years by secret ballot. The constitution sets the voting age at 18 and allows candidates to run for election to the National Assembly or people's council at 21. The last National Assembly election took place in 2016; the next one was scheduled for 2021.

Elections and Political Participation

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

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

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

Political Parties and Political Participation: Political opposition movements and other political parties are illegal. Although the constitution states that "all Party organizations and members of the CPV operate within the framework of the constitution and the laws," the CPV politburo in fact functioned as the supreme

national decision-making body, although technically it reported to the CPV Central Committee.

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

Section 4. Corruption and Lack of Transparency in Government

Although the law provides criminal penalties for corruption by officials, the government did not implement the law effectively, and officials engaged in corrupt practices with impunity. This included existing and retired officials from the politburo, central party, military, and public security services.

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

The Ministry of Public Security reported it processed 123 corruption cases in the first six months of the year. Media outlets reported that in the first six months of the year, the CPV punished 186 party members for corruption. Among those punished were former ministers, former deputy ministers, and provincial leaders.

On September 20, the people's court of Ho Chi Minh City sentenced retired vice chairman of the Ho Chi Minh City People's Committee, Nguyen Thanh Tai, to eight years in prison for "violating regulations on management and use of state assets" for allowing a group of investors to acquire a state-owned land lot in 2007 without a proper bidding process.

Financial Disclosure: The law requires all state officials, commissioned officers of police and military forces, career military personnel, holders of positions as deputy manager and above in public service agencies and state-owned enterprises, and state enterprise financial management officers to disclose to their agency their income and assets within 10 days from the date of designation or employment.

Any change of 300 million dong (\$15,000) or greater requires an additional declaration. Directors of provincial departments and higher ranks or persons in charge of official management, management of public funds, public property or public investment, or who have influence over the operation of other entities as prescribed by the government are required to submit annual disclosures; nominees to be National Assembly and people's councils' delegates are required to do so in line with the voting law. The law provides for reprimand, warning, suspension, or removal for noncompliance.

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

The government did not permit independent, local human rights organizations to form or operate, nor did it tolerate attempts by organizations or individuals to criticize its human rights practices publicly. Some activists reported receiving death threats from plainclothes individuals they believed were associated with the government. The United Nations received reports of reprisals against human rights activists from Vietnam who participated in international fora, including Vietnam's Universal Periodic Review in 2019.

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

Women

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

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

Domestic violence against women was common. The Women's Union reported in November 2019 that at least 58 percent of married women were worried about domestic violence on a daily basis and that 87 percent did not seek help. Officials

acknowledged domestic violence was a significant social concern, and media discussed it openly. Social stigma prevented many survivors from coming forward due to fear of harassment from their spouses or family.

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

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

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

Coercion in Population Control: There were no reports of coerced abortion or involuntary sterilization on the part of government authorities.

The constitution stipulates society, families, and all citizens implement "the population and family planning program," which allows couples or individuals the right to have one or two children, with exceptions based on government decree. No legal provision punishes citizens who have more than two children.

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

Discrimination: The law provides for gender equality, but women continued to face societal discrimination. Despite the large body of law and regulation devoted to protecting women's rights in marriage and the workplace as well as provisions

that call for preferential treatment, women did not always receive equal treatment in employment, education, or housing, particularly in rural areas.

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

Gender-biased Sex Selection: According to 2019 data from the Ministry of Health, the average male to female sex ratio at birth was 111.5 boys to 100 girls, far from the natural norm of 104-106 boys to 100 girls. To address the issue of gender-biased sex selection, the government prohibits gender identification prior to birth and gender-based violence and discrimination. Violations of these provisions are subject to fines or even imprisonment. At the local or provincial level, some authorities give cash incentives for giving birth to female children. For example, Hau Giang provincial authorities awarded couples that give birth to two female children a one-time payment of 390,000 to 1.3 million dong (\$17 to \$56). In some provinces women enjoy preferences in such areas as education, vocational training, and starting a business.

Children

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

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

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

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

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

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

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

Observers concurred that violence against children occurred in many settings including schools and homes and was usually inflicted by someone known to the child. The most common types of school violence were bullying and corporal punishment by teachers. The number of reported cases of child abuse, especially child sexual abuse, was increasing. UNICEF stated in July 2019 there were no effective interdisciplinary child- and gender-sensitive procedures or processes for handling child-abuse reports and that the responsibilities of government agencies were unclear. The child protection workforce, from social workers to relevant professionals such as police, judges, prosecutors, teachers, and medical experts, was poorly trained, uninformed, and generally insufficient to address the problem, especially at local levels.

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

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

sentence of three to 10 years' imprisonment. The country is a destination for child sex tourism.

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

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

Displaced Children: Media outlets reported approximately 22,000 children lived on the streets and sometimes experienced police harassment, sexual exploitation, and abuse.

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

Anti-Semitism

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

Trafficking in Persons

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

Persons with Disabilities

The constitution provides for the protection of persons with mental and physical disabilities. The law prohibits discrimination against or mistreatment of persons with physical disabilities, mental disabilities, or both and protects their right to access education and other state services, but the government struggled to enforce these provisions. Persons with disabilities faced widespread social stigmatization. The law protects the rights of persons with disabilities, including their access to education, employment, health services, information, communications, buildings, transport, the judicial system, and other state services; however, the majority of persons with disabilities faced challenges in exercising their rights.

Services for persons with disabilities were often unavailable, and declared policies were not implemented. For example, while the law requires new construction or major renovations of government and large public buildings to include access for persons with disabilities, enforcement was sporadic, particularly outside major cities.

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

There is no legal restriction on the right of persons with disabilities to vote, but many polling stations were inaccessible to persons with physical disabilities.

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

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

Members of National/Racial/Ethnic Minority Groups

The law prohibits discrimination against ethnic minorities, but societal discrimination was longstanding and persistent. Local officials in some provinces,

notably in the highlands, discriminated against members of ethnic and religious minority groups. Despite the country's significant economic growth, the economic gap between many ethnic minority communities and ethnic majority communities persisted. Ethnic minority group members constituted a sizable percentage of the population in certain areas, including the Northwest, Central Highlands, and portions of the Mekong Delta.

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

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

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

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

The government worked with local education officials to develop local-language curricula. Implementation was more comprehensive in the Central Highlands and the Mekong Delta than in the Northwest Highlands. The government also subsidized several technical and vocational schools for ethnic minorities.

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

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

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

HIV and AIDS Social Stigma

Individuals with HIV continued to face discrimination when obtaining and holding employment. Being arrested and detained in compulsory rehabilitation centers for continued use of heroin or methamphetamine also prevented drug users from accessing HIV and health services, although such treatment is considered a basic right of such patients.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law provides for the right of workers to form and join unions under the Vietnam General Confederation of Labor (VGCL), a CPV-run organization. The VGCL, however, answers directly to the VFF, which does not protect trade unions from government interference in or control over union activity. The labor code adopted in November 2019 and coming into force in January 2021 allows workers to form or join an independent employee representative organization of their choosing that does not have to be affiliated with VGCL. Only citizens may form or join labor unions.

The law limits freedom of association by not allowing trade unions full autonomy in administering their affairs. All unions must follow the organizational and operational guidelines prescribed by the CPV and law. The law confers on the VGCL ownership of all trade-union property and gives it the right to represent

lower-level unions. By law trade union leaders and officials are not elected by union members, but are appointed.

The law requires that if a workplace trade union does not exist, the next level “trade union” must perform the tasks of a grassroots union, even where workers have not so requested or have voluntarily elected not to organize.

For nonunionized workers to organize a strike, they must request the strike “be organized and led by the upper-level trade union.” If nonunionized workers wish to bargain collectively, the upper-level VGCL union must represent them.

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

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

The law provides for the right of trade unions to organize and lead strikes with substantive and procedural restrictions. The law limits strikes to cases that arise from a collective labor dispute and cases when collective bargaining is not undertaken within the legal timeframes or when a labor arbitration board has not been established. Workers must also provide five days’ prior notification to the employer and the provincial and district level peoples committee labor agents before a strike. Strikes that do not adhere to the process outlined by law are illegal.

The law states the executive committee of a trade union may issue a decision to go on strike only when at least 50 percent of workers support it. Workers must request and exhaust an extensive and cumbersome process of mediation and arbitration before a lawful strike may occur. Unions or workers’ representatives may either appeal decisions of provincial arbitration councils to provincial people’s courts or strike. The law stipulates strikers may not be paid wages while they are not at work. The law prohibits retribution against legal 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, although this has never been enforced.

The law includes provisions that prohibit antiunion discrimination and, nominally, interference in worker organization activities and impose administrative sanctions and fines for violations. The law does not distinguish between workers and managers, however, and fails to prohibit employers' agents, such as managers, from participating or interfering in union activity.

The labor code, adopted in 2019 and set to take effect on January 1, 2021, includes provisions for collective bargaining.

The government did not effectively enforce applicable laws. There were no penalties for antiunion activities. There was no enforcement against workers for illegal strikes.

According to VGCL statistics as reported in state media, there were 121 wildcat strikes in 2019 and 91 wildcat strikes in the first half of 2020; most occurred in southern provinces. Approximately 82 percent of the strikes were in foreign direct-investment companies (mainly Korean, Taiwanese, Japanese, and Chinese). The strikers sought higher wages, better social insurance, and better meals between shifts. None of the strikes followed the authorized conciliation and arbitration process and thus authorities considered them illegal "wildcat" strikes. The government, however, took no action against the strikers and, on occasion, mediated agreements in the workers' favor. In some cases the government imposed heavy fines on employers, especially foreign-owned companies, which engaged in illegal practices that led to strikes.

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

b. Prohibition of Forced or Compulsory Labor

The constitution and law prohibit forced or compulsory labor. The labor code's definition of forced labor, however, does not explicitly include debt bondage. The

law criminalizes all forms of labor trafficking of adults and children younger than 16. The penalties were not commensurate with those for analogous serious crimes; in fact, the law does not provide any penalty for violating provisions prohibiting forced labor. NGOs continued to report the occurrence of forced labor of men, women, and children (see also section 7.c.).

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

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

c. Prohibition of Child Labor and Minimum Age for Employment

The labor code set to take effect on January 1, 2021, establishes that a minor worker is a worker younger than age 18. It states a worker older than age 15 and younger than 18 shall not perform work that might damage the physical or intellectual development and dignity of the minor, such as lifting heavy objects or dealing with alcohol or dangerous chemicals or gases. A minor worker from age 13 up to 15 may perform light jobs from a list from the Minister of Labor, War Invalids and Social Affairs. Children younger than age 13 may work in art and sports in certain circumstances for no more than 20 hours per week. Minor workers must have the permission of their parents. The constitution prohibits child labor.

The government did not effectively enforce the law, and penalties were not commensurate with those for analogous serious crimes.

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

In the garment sector, children as young as age six reportedly produced garments in conditions of forced labor. The most recently available information from

government raids, NGOs, and media reports during the year indicated this was most common in small, privately owned garment factories and informal workshops.

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

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

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

d. Discrimination with Respect to Employment and Occupation

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

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

The labor code set to take effect on January 1, 2021, includes a definition of sexual harassment and assigns employer responsibility for its prevention. Employers must implement regulations against sexual harassment in the workplace and include it as possible grounds for dismissal.

The government did not effectively enforce employment discrimination laws but did take some action to address employment discrimination against persons with

disabilities. Companies with a workforce composed of at least 51 percent employees with disabilities may qualify for special government-subsidized loans.

Discriminatory hiring practices existed, including discrimination related to gender, age, disability, and marital status. Women were expected to retire at age 60, compared with age 62 for men, affecting women's ability to rise to managerial ranks and have higher incomes and pensions. Under the new labor code beginning in 2021, the retirement ages of employees in normal working conditions shall be 60 years and three months for men, and 55 years and four months for women, and shall increase by three months for men and four months for women each consecutive year.

Women-led enterprises had limited access to credit and international markets. Female workers earned, per year, an average of one month's income less than male workers. Many women older than 35 found it difficult to find a job, and there were reports of women receiving termination letters at the age of 35. The VGCL's Institute of Workers and Trade Unions noted women older than 35 accounted for approximately one-half of all unemployed workers in the country. Legal restrictions exist against women in certain occupations and tasks, including jobs deemed "hazardous" in industries such as mining, construction, and transportation.

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

e. Acceptable Conditions of Work

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

The law provides for a 48-hour regular workweek, with overtime payment for additional hours worked. The labor code set to take effect on January 1, 2021, limits overtime to 40 hours per month, an increase from 30 hour per month. The new code limits overtime to 200 hours per year, but it provides for an exception in special cases, with a maximum of 300 overtime hours annually, subject to advance approval by the government after consultations with the VGCL and employer representatives.

The new labor code broadens the definition of "employment relationship" so that a legally valid employment relationship exists where two parties agree to a document that includes a description of the job, salary, management, and supervision

conditions. The code creates the possibility that where a contract with an “independent contractor,” “service provider,” “freelancer,” or other informal agreement between two or more parties contains employment-like terms, it may be recognized as a formal labor contract. The new labor code also limits the repeated use of limited-term contracts. The law extends protection to part-time and domestic workers.

The law provides for occupational safety and health standards, describes procedures for persons who are victims of labor accidents and occupational diseases, and delineates the responsibilities of organizations and individuals in the occupational safety and health fields. The law provides for the right of workers to remove themselves from situations that endanger health or safety without jeopardy to their employment.

The Ministry of Labor, War Invalids, and Social Affairs is the principal labor authority, and it oversees the enforcement of labor law. The Labor Inspections Department is responsible for workplace inspections to confirm compliance with labor laws and occupational safety and health standards. Inspectors have the authority to make unannounced inspections and initiate sanctions. Inspectors may use sanctions, fines, withdrawal of operating licenses or registrations, closures of enterprises, and mandatory training in response to labor law violations. Inspectors may take immediate measures where they have reason to believe there is an imminent and serious danger to the health or safety of workers, including temporarily suspending operations, although such measures were rare. Penalties for wage and hour and occupational safety and health violations were commensurate with those for similar crimes, such as fraud.

The number of inspectors was not sufficient to enforce compliance. The government did not effectively enforce labor laws, particularly in the informal economy.

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

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

On-the-job injuries due to poor health and safety conditions and inadequate employee training remained a problem. Work-related injuries and deaths remained at approximately the same level in 2019 (most recent data) and 2018. In 2019 the government reported 8,150 occupational accidents with 8,327 victims, including 927 fatal incidents with 979 deaths. Among the deaths, 610 incidents involved contracted laborers, while 369 incidents involved uncontracted laborers.