

VIETNAM 2021 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

The Socialist Republic of Vietnam is an authoritarian state ruled by a single party, the Communist Party of Vietnam, led by General Secretary Nguyen Phu Trong, President Nguyen Xuan Phuc, Prime Minister Pham Minh Chinh, and Chairman of the National Assembly Vuong Dinh Hue. May 23 National Assembly elections 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. Civilian authorities maintained effective control over the security forces. There were credible reports that members of the security forces committed numerous abuses.

Significant human rights issues included credible reports of: unlawful or arbitrary killings by the government; torture and cruel, inhuman or degrading treatment and punishment by government agents; arbitrary arrest and detention; political prisoners; politically motivated reprisals against individuals in another country; serious problems with the independence of the judiciary; arbitrary or unlawful interference with privacy; serious restrictions on free expression and media, including arbitrary arrest and prosecution of government critics, censorship, and criminal libel laws; serious restrictions on internet freedom; substantial interference with the freedom of peaceful assembly and freedom of association; restrictions on freedom of movement, including exit bans on activists; inability of citizens to change their government peacefully through free and fair elections; serious restrictions on political participation; serious government 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 human rights or engaged in corruption, but police officers and state officials frequently acted with impunity.

Section 1. Respect for the Integrity of the Person

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

There were reports that the government or its agents committed arbitrary or unlawful killings. At least six deaths attributed to abuse in custody were alleged; authorities attributed these deaths to suicide or medical problems or offered no cause of death. There were no reliable data on overall death rates and causes in prisons. According to the Ministry of Public Security, there were 36 deaths while in custody or incarceration, including 21 by diseases, nine by suicide, four by accidents, and two from injuries incurred in fights between prisoners.

Authorities sometimes harassed and intimidated families who questioned the police determination of cause of death. In a small number of cases in prior years, 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 6, a 23-year-old man detained since November 2020 for “disrupting public order” died in Chi Hoa Temporary Detention Center in Ho Chi Minh City. Police attributed the death to suicide, but the man's family reportedly found bruises on his body.

On September 25, Phan Van Lan died at the Ha Lam village police office, Đa Huoai District, Lam Dong Province, three hours after responding to a summons for an alleged violation of COVID-19 mitigation restrictions. According to police Lan was drunk and aggressive when he reported to the police station. Although the cause of death has not been determined, Lan's brother, Phan Van Thuan, witnessed the autopsy, which revealed heavy bruising. The Ministry of Public Security was investigating the case as of year's end.

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 or plainclothes security officials during arrest, interrogation, and detention.

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.

On August 12, the head of the economic police and two other officers of District 3, Ho Chi Minh City, reportedly assaulted journalist Mai Quoc An at the police station. Police reportedly summoned An to discuss his work as the director of a social enterprise providing COVID-19 relief. Police beat An after he refused to sign meeting minutes prepared by police.

In December a family member of jailed land rights activist Trinh Ba Phuong reported prison guards physically abused him while in pretrial confinement, “taking turns harshly beating [him] over all parts of his body, including his genitals.” The family member reported prison officials threatened to place Phuong in a cell with mental patients if he continued to refuse to confess to his alleged crime of “making, storing, or disseminating propaganda against the state.”

In October international media reported that, according to a lawyer associated with the case, jailed land rights activist Trinh Ba Tu was beaten badly by investigators following his June 2020 arrest; he sustained injuries to his kidney and was hospitalized.

Although impunity in the security forces was a significant problem, and police, prosecutors, and government oversight agencies seldom investigated specific reports of mistreatment, authorities did prosecute some police officers for abuse of authority. In July the Hanoi People's Court sentenced police officers Pham Hai Dang, Pham Trinh Duc Anh, and Nguyen Tien Anh to 30, 24, and 20 months in jail respectively for abusing detainees in custody. On December 13, authorities arrested Captain Nguyen Doan Tu and detained him for four months, accusing him of using "corporal punishment" against a prisoner at a prison in Ham Tam District, Binh Thuan Province.

The Ministry of Public Security reported it trained police on citizens' rights and human rights of detainees.

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 and unclean food, overcrowding, lack of access to potable water, poor sanitation, and excessive heat during the summer remained serious problems.

Physical Conditions: Authorities generally held men and women separately, with some reported exceptions in local detention centers. Authorities generally held juveniles in an area separate from adults. The law allows children younger than age three to stay with imprisoned mothers in a separate area of the prison. In these cases the prisoners were allowed appropriate time for taking care of their children. By law pretrial detainees are to be held separately from convicted prisoners. Media and activists reported there were cases in which detainees were held in the same cells with convicted prisoners.

Prison officials failed to prevent prisoner-on-prisoner violence. On July 26, Tran Tan Thanh allegedly beat and kicked his fellow inmate Nguyen Quoc Tuan after they had a conflict during their labor session at My Phuoc Prison in Tien Giang Province. Tuan reportedly died a few hours after being taken to the prison's emergency room.

Some former and serving prisoners and their families reported prisoners received insufficient, poor-quality food. Family members continued to make credible

claims that prisoners received extra food or other preferential treatment by paying bribes to prison officials. Prisoners had access to basic health care, although obtaining necessary medicines was difficult because of poor prison care and the inability to see outside medical experts.

Some prison authorities refused to allow any items sent to prisoners from outside the prison system, including supplemental food and medication, citing COVID-19-related concerns. Authorities placed prisoners in solitary confinement for standard periods of three months, reportedly only after less rigorous punishments had been imposed. Family members of Trinh Ba Phuong reported that he was kept in solitary confinement in excess of three months.

On July 6, Ho Chi Minh City police confirmed a riot broke out inside Chi Hoa Temporary Detention Center, reportedly sparked by prisoner concerns regarding a COVID-19 outbreak at the prison following the July 3 death of a suspect in a drug case, reportedly from COVID-19.

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 were often the focus of the complaint, however, most observers considered this process flawed.

The law allows prisoners' family members to visit for one to three hours per month and for prisoners to make up to four 10-minute phone calls per month. Authorities, however, generally limited prisoners to one family visit of no longer than an hour per month. Family members of prisoners reported prison authorities frequently limited political prisoners to two calls, each normally five to seven minutes in length, per month. The family of political prisoner Le Dinh Luong reported many of his calls were barely long enough for him to read a list of medications and necessities that he was requesting from the family. Detention officials monitored and censored calls, abruptly ending them if the conversations addressed negative

reports concerning detention conditions. Family members were generally permitted to provide various items, including money, supplemental food, and bedding, to prisoners.

Authorities at many prisons cancelled all family visits during the year, citing COVID-19 mitigation efforts. Prisoner's families reported that their requests for additional and longer calls to compensate for their inability to visit were generally refused by prison authorities.

While families of current prisoners reported improved prisoner access to religious texts such as the Bible, some family members of existing and former prisoners and lawyers continued to report some prison authorities restricted or hindered prisoners' access to such publications despite the law providing for such access.

On April 14, Ho Chi Minh City police arrested former Thu Duc Prison guard Le Chi Thanh on charges of "resisting a law enforcement officer" in what international human rights observers asserted was retribution for exposing systemic corruption on his YouTube channel. Thanh, who was fired in July 2020, criticized what he called a culture of corruption within the prison system. On April 18, Thu Duc prison authorities also disciplined police captain Nguyen Doan Tu who worked in the same unit with Thanh and witnessed the behavior Thanh described online and in meetings with international organizations. Tu wrote on his Facebook page that he always wanted to tell the truth but was continuously bullied, disciplined, and isolated within his unit.

On October 4, Quang Nam Province police suspended Captain Tran Dinh following allegations on social media that he had assaulted a detainee with an electric baton. The case remained under investigation.

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 for nonpolitical offenses 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 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. There were numerous instances where activists were taken into custody by plainclothes individuals without an arrest warrant.

In addition to actual arrest, 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 reason. 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.

The investigating agency, in most the cases police, may hold a suspect for 72 hours without an arrest warrant. They must notify the prosecutors within 12 hours of issuing the custody decision. The prosecutor must approve or disapprove the arrest within 12 hours of receiving notice from the investigating agency. The investigating agency may extend custody twice, each time for three days, with the approval of the prosecutors. 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 sentencing phases of cases. If recording is not possible, interrogation is only allowed if the person being interrogated agrees. This requirement, however, was not evenly applied. In multiple criminal trials, such videos were used by authorities to manipulate the court and public perception of the suspect and the case, according to human rights activists. During her December trial, prodemocracy author and journalist Pham Doan Trang claimed documentation of her confession was made under duress and therefore should not be admissible as evidence.

By law the prosecutor 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 prosecutor to request the court with jurisdiction over the case to grant two additional three-day extensions for a maximum of nine days' detention before the pretrial 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 prosecutor to detain an individual "until the investigation finishes" in cases of "particularly serious crimes," including national security cases. Only after the pretrial 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 pretrial 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 representative does not seek the assistance of defense counsel in cases where the defendant is charged with

offenses punishable by death, is a minor or person with physical disabilities, or is deemed mentally incompetent. The government may also provide lawyers for certain cases, including cases against persons deemed to have made significant contributions to the country, members of households below or close to the poverty line, or members of ethnic minorities in remote and impoverished areas. The government may also provide lawyers in certain cases where defendants or their family include victims of agent orange, elderly or persons with disabilities, survivors of domestic violence, survivors 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 politically sensitive national security cases, the government routinely prohibited defense lawyers' access to their clients until after officials completed their investigations and formally charged the suspect with a crime. Activists such as Pham Doan Trang, Can Thi Theu, Trinh Ba Phuong, Trinh Ba Tu, and Nguyen Tuong Thuy were not allowed to meet their lawyers during their investigations. At times authorities only permitted attorneys access to their clients or the evidence against them immediately before the case went to trial, denying them adequate time to prepare a defense. For example, Ninh Binh authorities did not allow blogger Tran Quoc Khanh to meet his lawyer until one day before the trial. At this meeting Khanh refused to be represented by the lawyer (some reported he was coerced into doing this) and thus had no lawyer at his trial.

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 generally held bloggers, activists, and others suspected of political or national security offenses 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. Such detentions were most common around and during events that were likely to draw significant public attention.

During the August visit of a foreign dignitary, prominent activists in Hanoi reported that they were watched closely by security forces. These activists said they believed the officials would prevent them if they tried to leave their residences. Similarly in January activists estimated thousands of individuals across the country were watched closely before and during the National Party Congress.

In early October an activist was taken by force to a local police station in Cao Bang without a warrant by plainclothes officials who searched her belongings and questioned her for hours. She was only released late that evening after her family threatened to make the incident public.

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 of the police investigation by prosecutors 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 court officials ignored the failure of police or prosecutors to comply with such laws when adjudicating cases.

Lengthy pretrial detention was not limited to activists. State-run media shared a

People's Supreme Court report in September citing COVID-19 for continuing delays across the criminal justice system, although delays were common before the pandemic. According to the report, during the 10-month period ending in July the court system processed approximately 80 percent of the 77,450 criminal cases it received.

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, but the judiciary was effectively under the control of the CPV. There were credible reports political influence, endemic corruption, bribery, and inefficiency strongly distorted the judicial system. For example in May, a Kon Tum City judge was arrested on suspicion of accepting bribes.

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 reviews of their conduct 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 determined the guilt of defendants 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 law required attorneys to violate attorney-client privilege in national security cases or other serious crimes.

Trial Procedures

While the constitution provides for the right to a fair and public trial, this right was

not evenly enforced. The law states that defendants are innocent until proven guilty. Defendants' right to prompt, detailed information concerning 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.

Although the defense has the right to cross-examine witnesses, there were multiple instances in which neither defendants nor their lawyers knew which prosecution witnesses would be called, nor were they allowed to cross-examine those witnesses or otherwise challenge witness statements. 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 generally 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 there were some elements of the adversarial system in court procedures, overall the system remained inquisitorial, with the judge playing the primary role of asking questions and ascertaining facts in a trial. In most 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.

At the March appeal hearing for six of the original 29 Dong Tam commune residents involved in a land dispute, the judge upheld all charges and the original convictions, which stemmed from a January 2020 clash with police. The judge rejected defense attorneys' claims that the court did not grant them sufficient access to their clients prior to and during the original trial and prevented them from accessing state evidence, thereby hampering their efforts to mount a viable defense.

On May 5, the Provincial People's Court in Hoa Binh sentenced Can Thi Theu and one of her sons, Trinh Ba Tu, to eight years in prison and three years of probation each on charges of "conducting antistate propaganda." According to one of the lawyers defending Theu and Tu, his clients were not allowed to access their case files to prepare for defending themselves. The trial panel also refused his clients' request to summon witnesses.

Political Prisoners and Detainees

NGOs estimated that as of August, authorities held between 130 and 288 persons for political reasons. According to media, from January 1 to November 9, authorities detained 29 and convicted 27 persons who were exercising internationally recognized human rights, such as freedom of expression, peaceful assembly, and association. Most 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."

On January 5, the People's Court of Ho Chi Minh City found three members of the Independent Journalists Association of Vietnam guilty of propaganda against the state and sentenced them to prison. Pham Chi Dung, founder and president of the association, was sentenced to 15 years' imprisonment for "making, storing, distributing or disseminating information, documents and items against the Socialist Republic of Vietnam." His colleagues, Nguyen Tuong Thuy and Le Huu Minh Tuan, each received an 11-year sentence for what the court described as "a dangerous crime that threatened national security and public order."

According to NGO reporting, authorities often charged activists with crimes unrelated to their activism as a means of silencing them. For example, in June and July, the Police Investigation Agency of Hanoi Public Security arrested Dang Hoang Bach and Mai Phan Loi for tax evasion. Activists alleged Bach and Loi's arrests were linked to their criticism of the government's role in a number of environmental matters, particularly related to thermal power plant projects in the central part of the country and to Loi's advocacy for press freedom.

Prison officials often held political prisoners in small groups separate from the general inmate population and treated them differently. 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. Some political prisoners enjoyed better material conditions but were subject to more psychological harassment. In other cases political prisoners were subject to harassment by prison authorities and other inmates, the latter sometimes at the instigation of officials. Officials often subjected political prisoners to more extended periods of solitary confinement than the three months given to other prisoners.

In some cases 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. Some complained that the prisoners who were on a diet for medical reasons could not get enough suitable food. Family members of many imprisoned activists who were or became ill claimed medical treatment was inadequate and resulted in long-term health complications.

Political prisoners and their family members reported that prison authorities at times revoked, reduced, denied, or delayed visitation rights and did not allow visitors to provide items to family members. Prison authorities often held political prisoners far from their homes, making family visits difficult, and routinely did not inform family members of prison transfers. In April Nguyen Tuong Thuy was transferred to An Phuoc Detention Center in Binh Duong Province, a facility farther from his Hanoi-based family but with comparatively better conditions than at his previous prison in the same province.

Courts continued to hand down severe sentences to the most prominent activists or those linked to overseas groups. On August 25, a court in Phu Yen Province sentenced Ngo Cong Tru to 10 years in prison, having convicted him of “engaging in activities to overthrow the people’s administration.” According to the official indictment, Tru was alleged to be a member of the Provisional National Government of Vietnam, an overseas group that the Ministry of Public Security designated a terrorist organization in 2018. Authorities accused Tru of using his social media account to recruit members for the banned organization, and of defaming the country’s leaders. On December 14, Pham Doan Trang, an activist and blogger, was sentenced to nine years in prison for disseminating “antistate propaganda.”

Politically Motivated Reprisal against Individuals Located Outside the Country

Threats, Harassment, Surveillance, and Coercion: There were reports of authorities harassing exiled individuals and their families.

In February the Committee to Protect Journalists, an international NGO, reported that the cyberespionage group known as OceanLotus, or APT32, continued to infringe on the privacy rights of citizens through spearfishing malware attacks targeting overseas Vietnamese journalists and human rights defenders, media organizations, and Catholic websites. The cybersecurity company Volexity determined the source of the attacks was in Vietnam but could not confirm a link between APT32 and the government.

Bilateral Pressure: Human rights groups reported the government pressured Cambodia and Thailand to deny refugee or temporary asylum-seeker status to members of ethnoreligious minorities from the Central and Northwest Highlands, including Christian H’mong, seeking refugee status as victims of oppression, and to return them to Vietnam. The government claimed these individuals were illegal migrants who left the country in pursuit of economic opportunities.

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, also using a panel of a judge and lay assessors to decide guilt or innocence. Courts hearing civil cases were as vulnerable to corruption and outside influence, lack of independence, and inexperience as those hearing criminal cases. 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 Seizure and 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.

Disputes over land expropriations for development projects remained a significant source of public grievance. Many individuals whose land the government forcibly seized protested at government offices for unaddressed complaints.

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 warrants 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.

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.

There were many reports of local police without warrants entering residences of citizens who reportedly did not comply with pandemic-related restrictions, taking them to quarantine facilities. For example on September 28, police and local officers broke into the house of Hoang Thi Phuong Lan in Vinh Phu Commune, Thuan An City, Binh Duong Province and dragged her out of her apartment for a COVID-19 test, reportedly without a warrant. Local authorities apologized for their aggressive actions but still fined Lan for violating COVID-19 mitigation regulations.

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

Section 2. Respect for Civil Liberties

a. Freedom of Expression, Including for Members of the Press and Other Media

The constitution and law provide for freedom of expression, including for members of the press and other media; however, 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 in the law to restrict freedom of expression. Such provisions establish crimes such as “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 Expression: The government continued to restrict speech that

criticized individual government leaders or the party, promoted political pluralism or multiparty democracy, or questioned policies on sensitive matters, such as human rights, religious freedom, or sovereignty disputes with China.

Representatives from state-run organizations and progovernment groups visited activists' residences and attempted to propagandize or intimidate them into supporting government policies, 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 April 23, a court in Phu Yen Province sentenced Tran Thi Tuyet Dieu to eight years in prison for spreading "antistate propaganda." According to the indictment she posted 25 articles and nine videos on Facebook and YouTube starting in 2019 until April 2020 "with content opposing the State of the Communist Republic of Vietnam." Dieu was a former reporter at the province's official newspaper *Phu Yen*.

On September 2, Ho Chi Minh City police and the Department of Information and Communications fined Facebook user Nguyen Thi Thuy Duong five million dong (\$220) for "sharing untruthful content" by criticizing the government's handling of COVID-19. According to media reports, Duong posted a video on July 22 and claimed that Binh Trung Dong Ward did not provide sufficient food, aid, and care for individuals under lockdown.

Freedom of Expression for Members of the Press and Other 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 to be affiliated with a government body. In Ho Chi Minh City, the party committee assumed the role of the governing agency for two major newspapers, *Nguoi Lao Dong (Laborers)* and *Phu Nu (Women)*, previously under the management of the Labor Federation and the Women's Union respectively. Similarly the People's Committee took over four popular city-based publications, *Phap Luat (Law)*, *Du Lich (Tourism)*, *Giao Duc (Education)* and *Kinh Te Saigon (Saigon Economic Times)*, previously managed by the committee's departments. The magazine *Doanh Nhan Saigon (Saigon Entrepreneurs)* was also transferred to the People's Committee from the Ho Chi Minh City Business Association.

On June 24, Hanoi police arrested Mai Phan Loi and Bach Hung Duong, the chairman and director of the nongovernmental Media and Education Center; Dang Dinh Bach, director of the NGO Law and Policy of Sustainable Development; and at least two other persons, one of them an accountant and director at the Media and Education Center, for tax evasion. Loi produced and shared many critical programs and reports concerning a variety of topics, notably the environment, on social media.

On June 30, police arrested Dung Le Van (also known as Dung Vova), a freelance journalist who runs *Chan Hung Nuoc Viet*, a Facebook and YouTube-based outlet that covers politics, social topics, and corruption, according to news reports. Authorities issued a warrant for Dung's arrest in late May for purportedly violating provisions of the penal code that bar "making, storing, distributing or spreading" news or information against the state.

In a closed trial on July 9, a Hanoi court sentenced independent journalist Pham Chi Thanh to six years and six months in jail for "creating, storing and disseminating information against the state." Thanh was famous for criticizing and making fun of many high-ranking communist party and state officials on his Facebook page *Ba Dam Xoe (Lady Liberty)* and in other social media. The

conviction reportedly was mostly for his book published in late 2019 criticizing Party General Secretary Nguyen Phu Trong.

On October 28, a court in Can Tho sentenced five members of anticorruption group Bao Sach (Clean Journalism) to more than 14 years' imprisonment in total on charge of "abusing democratic freedoms." The indictment accused Truong Chau Huu Danh, Nguyen Phuoc Trung Bao, Nguyen Thanh Nha, Doan Kien Giang, and Le The Thang of publishing 47 articles on the *Bao Sach* Facebook page with "negative and biased information." 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."

Online news site *Dan Tri* was fined for inaccurately reporting that a student had died of COVID-19 when the student was still being treated. *Dan Tri* was not the sole outlet to publish the information but was the only one fined because it was the first to publish the story. Journalists interpreted the sanctions as an attempt to discourage local media outlets from publishing stories critical of the government's handling of the pandemic or even stories on the pandemic deemed too negative.

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 accessed foreign programming via home satellite equipment or cable.

The government permitted journalists employed by foreign-based media outlets to operate under significant restrictions. Foreign journalists required formal permission to travel outside Hanoi for reporting. The law also requires "live" foreign television programming to run on a 30- to 60-minute delay to enable content monitoring.

Viewers reported obstruction of coverage 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. 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 journalists' meetings and communications.

Violence and Harassment: Independent journalists faced restrictions on freedom of movement, other forms of harassment, and physical attacks, if they reported on sensitive topics.

Censorship or Content Restrictions: The Ministries of Information and Communications, Public Security, National Defense 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.

Libel/Slander Laws: Defamation is a criminal offense, and the laws were enforced.

On March 31, a court in Lam Dong Province in the Central Highlands sentenced Vu Tien Chi to 10 years in prison. The court alleged Chi shared nearly 340 "antistate" articles and conducted 181 social media livestreams in which he "defamed senior communist leaders, including President Ho Chi Minh." On the same day, a court in Khanh Hoa sentenced Nguyen Thi Cam Thuy to nine years, Ngo Thi Ha Phuong to seven years, and Le Viet Hoa to five years in prison. Thuy, a former schoolteacher fired for expressing "antistate" political opinions, was accused of burning the national flag and cutting up pictures of senior leaders including Ho Chi Minh on her Facebook page.

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. No such cases were reported, although editors noted that publications and journalists must be careful of national security laws, contributing to self-censorship.

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

Internet Freedom

The law allows the government to restrict and disrupt access to the internet, censor online content, impose criminal sentences for online expression, and routinely monitor private online communications. The limited number of licensed internet service providers were fully or substantially state-controlled companies. The government monitored Facebook and other social medias and punished those who used the internet to organize protests or publish content critical of the government.

In May the Authority of Broadcasting and Electronic Information fined the domestic social media site VNbrands 105 million dong (\$4,600) and revoked its license for eight months for what authorities stated was an inadequate disclosure of service conditions and agreements on its homepage. State media sources stated this was a move to further tighten government control over the sharing of information online.

On June 20, a court in Nghe An Province sentenced Nguyen Van Lam to nine years' imprisonment for "making, storing, distributing, or disseminating information and documents against the State of the Socialist Republic of Vietnam." According to the indictment, between 2017 and November 2020, Lam used his Facebook account to post articles, images, and videos "to incite people to oppose the state and the party and to slander the regime."

On June 30, police in Quang Ngai Province arrested Facebook users Bach Van Hien, Phung Thanh Tuyen, and Le Trung Thu for posts allegedly infringing state interests and threatening the communist government. The three men were accused of "abusing freedom and democracy rights to infringe upon the interests of the

state [and] the legitimate rights and interests of organizations and individuals.”

On July 6, Hanoi police arrested Do Nam Trung for online writings opposing the government. Trung took part in several activist movements and spoke out against official corruption in his writings on social media. He also posted criticisms of the build-operate-transfer highway system that the country uses, sparking protests over toll collections many described as unfair.

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 operating 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 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 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 pressured firms such as Facebook and Google to eliminate “fake accounts” and content deemed “toxic,” including “antistate” materials. 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. The Ministry of Information and Communications pressured social media platforms to comply with political-speech takedown requests, especially for posts critical of senior CPV officials.

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 periodically ordered disconnection of their home internet service.

On June 30, authorities in Bac Ninh Province cut internet and electricity to the entire village of Da Hoi where a crowd had gathered at the home of a soldier, Tran Duc Do, who died under mysterious circumstances during a training exercise.

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.

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.

On August 9, Duy Tan University in Danang fired a lecturer for criticizing the government's handling of COVID-19 during a discussion with students in her English class.

b. Freedoms of Peaceful Assembly and Association

The government restricted the freedoms of peaceful assembly and association.

Freedom of Peaceful Assembly

Although permitted by the constitution, the government restricted freedom of peaceful assembly. Laws and regulations require permits for group gatherings, 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.

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" fields such as political, religious, and labor topics. 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 matters, and a range of other areas considered sensitive. Authorities also did not permit NGOs generally to publicly advocate specific policy positions.

The law requires religious groups to register with authorities and to obtain official approval of their activities. Unregistered religious groups such as the Vietnam Baptist Convention, independent Pentecostal groups, independent Cao Dai groups, Pure Hoa Hao, and the Evangelical Church of Christ 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 and the Right to Leave the Country

The constitution provides for freedom of internal movement, foreign travel, emigration, and repatriation, but the government regularly 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: Authorities restricted the movements of several political

activists on probation or under house arrest, along with others not facing such legal restrictions. Authorities also continued to monitor and selectively restrict the movement of prominent activists and religious leaders. Authorities continued to prevent activists from leaving their houses during events that might draw public attention. Several activists reported authorities had confiscated their national identification cards, preventing them from traveling domestically by air or conducting routine administrative matters.

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 their own homes. 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.

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

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. The law allows authorities to postpone the departure of any person on various broad grounds, including for national security and defense. 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, political activities, or 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 they were not authorized to travel abroad to reduce their opportunities to speak out against the government. Authorities also refused to issue passports to the family members of certain activists.

e. Status and Treatment of Internally Displaced Persons

Not applicable.

f. Protection of Refugees

The government generally did not cooperate with the Office of the UN High Commissioner for Refugees (UNHCR) and other organizations regarding treatment of refugees, returning refugees, or asylum seekers, as well as other persons of concern.

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 2020 statistics from UNHCR, there were 32,890 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, reflecting increased government efforts to identify such persons. The bulk of this population were 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 March a diplomat reported local authorities in Subdivision 179, Dam Rong District, Lam Dong Province continued to refuse to issue identity and household residency documents to members of the H'mong Christian community living in the area. Without identity documents and residency cards, the residents could not access public health care or educational resources and faced challenges securing

legal employment. Local authorities would only issue identity and residency documents to families that agreed to purchase a home in areas zoned for residency outside the “forest land,” which includes Subdivision 179.

Section 3. Freedom to Participate in the Political Process

Citizens could not choose their government through free and fair 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.

Elections and Political Participation

Recent Elections: The May 23 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 485 of the 499 seats. The remaining 14 were non-CPV candidates unaffiliated with any party; nine of the 14 were self-nominated. There were no candidates from a party other than the CPV.

According to the government, 99 percent of eligible voters cast ballots in the May 23 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.

The law allows citizens to “self-nominate” as National Assembly candidates and submit applications for the VFF election-vetting process. A total of 74 non-CPV, self-nominated candidates received VFF approval and ran in the May 23 National Assembly elections, down from 97 in the 2016 election. The independent candidates consisted of legal reformers, journalists, academics, activists, and human rights defenders, and included the country’s first openly lesbian, gay, bisexual, transgender, queer, or intersex (LGBTQI+) candidate, who ran

unsuccessfully in Hanoi. In contrast to the party's candidates, these candidates actively used Facebook and social media to advertise their policy platforms.

On March 9, Ninh Binh police arrested Tran Quoc Khanh on a charge of "conducting antistate propaganda." Khanh previously announced through social media his intention to run for a seat in the National Assembly as an independent candidate. Before this arrest local police questioned Khanh on multiple occasions regarding his blogging, his announced candidacy for the National Assembly, and his application to a prodemocracy civil society organization called Democracy Association.

On March 25, Hanoi police arrested prospective self-nominated National Assembly candidate Le Trong Hung and charged him with "conducting antistate propaganda." At the time of his arrest, Hung had submitted preliminary paperwork to run in the May elections but had not yet been formally screened by the VFF. Hung was a long-time human rights advocate who focused his civil rights advocacy on social injustice by distributing copies of the country's constitution. He was also critical of many incumbent legislators and other state and party leaders on his Facebook page.

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, and they did participate. 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 to be from minority groups. The 151 women in the National Assembly comprise 30 percent of the body; the 89 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 frequently engaged in corrupt practices. 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 Communist Party's Central Committee on July 6 dismissed Binh Duong Province party secretary Tran Van Nam as punishment for land management offenses. Subsequently police arrested Nam on July 27 on criminal charges of enabling a private company to illegally take over a valuable land lot.

On August 5, the Central Steering Committee for Anti-Corruption reported that nearly 180 Communist Party members were disciplined during the previous six months for corruption and deliberate mismanagement, and more than 20 others for offenses in asset and income declaration.

On September 23, prosecutors arrested Colonel Phung Anh Le, head of the Economic Police Division of Hanoi Police, for unlawfully releasing detainees in exchange for cash. At least three other police officers also faced criminal charges in this case.

On November 6, former deputy head of the General Department of Intelligence Nguyen Duy Linh was sentenced to 14 years in prison for accepting a bribe worth five billion dong (\$220,000) in 2017 from his subordinate, Phan Van Anh Vu, who was under investigation for leaking secrets and for offenses related to the sale of public properties in Da Nang. On the same date Vu was sentenced to seven years and six months in prison for offering bribes.

Section 5. Governmental Posture Towards 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. Authorities often asserted that human rights and democracy advocacy were acts against the Communist Party and state.

On July 16, police and security officers in the Central Highlands province of Dak Lak detained at least 21 individuals who had reportedly participated in civil society training organized by a human rights NGO. The detained individuals were affiliated with two unregistered Protestant churches long targeted by authorities. One detainee said that approximately 30 police arrived at his house in personal protective equipment masquerading as health authorities. At least one victim reported that police officers beat him during interrogations and threatened to kill him for refusing to sign a confession. Another victim reported police shackled her ankles while detaining her and her infant. Interrogators reportedly questioned detainees on the civil society training; on their links to Pastor A Ga; their ties to diaspora Vietnamese; and meetings with foreign diplomats. Interrogators reportedly warned victims they were breaking the law by associating with unregistered churches, taking civil society training, researching the Law on Belief and Religion, and contacting any individuals outside the country. Authorities released all detainees within three days without charge.

Section 6. Discrimination and Societal Abuses

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. The Ministry of Public Security reported 244 rapes with 252 suspects of

which police investigated 230 cases and 246 suspects.

Authorities treated domestic violence cases as civil cases unless the survivor 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 2019 that at least 58 percent of married women worried about domestic violence 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 regarding domestic violence and women's rights; and highlighted the problem through public-awareness campaigns.

Sexual Harassment: The law specifically prohibits sexual harassment only in the workplace. The Labor Code that came into effect in January allows workers to terminate a labor contract immediately without prior notice if the worker is sexually harassed in the workplace. The new Labor Code also requires employers to include sexual harassment in their "labor regulations." Perpetrators of sexual harassment outside of the workplace may be fined.

In serious cases survivors may sue offenders 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.

Reproductive Rights: There were no reports of coerced abortion or involuntary sterilization on the part of government authorities. Coercive population policies restricted reproductive rights. The constitution stipulates that society, families, and all citizens implement "the population and family planning program." By law

couples or individuals are limited to giving birth to one or two children, with exceptions based on government decree. Regulatory penalties apply to CPV members and public-sector officials.

The CPV, certain ministries, and some localities issued their own regulations, applicable only to party members and government officials, regarding family size. A politburo decree subjects party members to reprimand if they have three children, removes them from a ranking position if they have four, and expels them from the CPV if they have five. Violating the decree also decreases the likelihood of promotion and may lead to job termination. The CPV did not enforce these provisions consistently.

Access to sexual and reproductive health services was provided to all persons, including survivors of sexual violence, and included emergency contraception as part of the clinical management of rape.

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 (the latest available) from the Ministry of Health, the average male to female sex ratio at birth was 111.5 boys to 100 girls, far greater than the natural norm of 104-106 boys to 100 girls. To address the topic of gender-biased sex selection, the government prohibits gender identification prior to birth and prohibits gender-based violence and discrimination. Abuses of these provisions were subject to fines or imprisonment. At the local or provincial level, some authorities awarded cash incentives for giving birth to girls. For example, Hau Giang provincial authorities awarded couples that have two girls a one-time payment of 390,000 to 1.3 million dong (\$17 to \$57).

Systemic Racial or Ethnic Violence and Discrimination

The law prohibits discrimination against ethnic minorities, but societal discrimination was longstanding and persistent.

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. The constitution recognizes the rights of members of ethnic minorities to use their languages and protect and nurture their traditions and cultures. There were reports, however, that not all members of ethnic minorities were able to engage in decisions affecting their lands, cultures, and traditions.

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.

Authorities in previous years 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, although there was no such example during the year.

Although the government allocated land to ethnic minorities in the Central Highlands, land expropriation in these areas was common. 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.

Children

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

Children born to stateless parents or to a stateless mother and unknown father may

acquire citizenship if the parents or 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. Local authorities, moreover, 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 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.

Certain gender 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 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 were 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. The National Hotline for Child Protection reported large increases (150 percent) in calls involving violence and abuse against children between May and August compared with the first three months of the year. There were also more reports of online child abuses attributed to school closure and social distancing because of COVID-19.

UNICEF stated in 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 or entering an underage marriage.

Sexual Exploitation of Children: The law criminalizes the sale, deprivation of liberty, and all acts related to the commercial sexual exploitation of children younger than 16. The commercial sexual exploitation of children ages 16 and 17 is not fully criminalized. The law also prohibits all acts of cruel treatment, humiliation, abduction, sale, and coercion of children into any activities harmful to their healthy development.

Punishment for sexual exploitation crimes ranges from three years' to life imprisonment and significant fines. The law specifies prison sentences for conviction for acts related to the exploitation of children in commercial sex, including harboring commercial sex (12 to 20 years), brokering commercial sex (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 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 survivor becomes pregnant, the rape is incestuous, or the offender is in a guardianship position to the survivor, 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 child rapists received harsh sentences.

Displaced Children: Media outlets reported approximately 22,000 children were homeless in 2014 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, most 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.

HIV and AIDS Social Stigma

Individuals with HIV continued to face discrimination in finding 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 other health services, although such treatment was considered a basic right of such patients.

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

The law does not prohibit discrimination against LGBTQI+ persons in housing, employment, nationality laws, or access to government services. The civil code gives individuals who have undergone gender reassignment surgery the right to register their new status, although legislation to implement this was pending as of year's end.

According to LGBTQI+ persons and NGOs, inaccurate information regarding sexual orientation and gender identity remained pervasive and there was widespread social stigma and discrimination associated with being LGBTQI+, including in schools where LGBTQI+ students often experienced bullying. The belief that same-sex attraction is a diagnosable and curable mental health condition was common, suggesting that LGBTQI+ persons could be at risk of “conversion therapy.” Some lesbians reported corrective rape and forced marriages.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law provides for the right of workers who are citizens to form and join unions under the Vietnam General Confederation of Labor (VGCL), a CPV-run organization. The VGCL, however, answered directly to the VFF, which did not protect trade unions from government interference in or control over union activity. The new labor code, which came into force in January, allows workers to form or join an independent employee representative organization of their choosing (workers’ representative organization) that does not have to be affiliated with the VGCL; however, some of the implementing decrees needed to operationalize the new code remained pending.

The Trade Union 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.

The new labor code includes provisions for collective bargaining on any matter of concern to both parties in order to regulate working conditions and relationships between the parties and to develop progressive, harmonious, and stable labor

relations. The law requires bargaining to commence within seven days of a party's request and provides 90 days to reach an agreement.

Collective bargaining is allowed at the enterprise, multienterprise, and sectoral levels but has additional requirements, such as establishment of the collective bargaining council by the people's committee of the province where the headquarters of the enterprise is located, or in the case of multiple enterprises, in the province they select.

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; 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 new labor code provides workers who have the right to collective bargaining through the VGCL or their workers' representative organization with the right to strike 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 people's 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 imposes 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 as union leadership or interfering in union activity.

The government did not effectively enforce applicable laws. Penalties were not commensurate with similar laws.

There were few strikes due to COVID-19 restrictions on movement and gatherings. 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.

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 matters 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 concern 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 government does not effectively enforce the law. 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. In 2020 the Ministry of Labor inspected 84 enterprises sending workers abroad, fined 32 for administrative violations, and revoked six licenses for violations. Despite these actions and ministry awareness-raising workshops, problems continued. Workers seeking overseas employment incurred high debts and were thus more vulnerable to forced labor, including debt bondage, in the receiving countries. In addition there continued to be reports indicating forced labor in the informal apparel industry.

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 law prohibits the worst forms of child labor. The new labor code states a worker older than 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 ages 13 to 15 may perform light jobs included in a list from the Ministry 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 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, garments and textiles, bricks, fish, furniture, footwear, and leather goods, agriculture, and some other 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 informal garment sector, children as young as age six reportedly worked in conditions of forced labor. The most recently available information from government raids, NGOs, and media reports indicated this was most common in small, privately owned informal garment factories and 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.

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 and labor relationships, 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. Companies with a workforce composed of at least 51 percent employees with disabilities may qualify for special government-subsidized loans. Penalties for discrimination were not commensurate with those under laws related to civil rights. The government did not effectively enforce the laws.

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

The new labor code 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.

Discriminatory hiring practices existed, including discrimination related to gender, age, disability, and marital status. Under the new labor code, the retirement ages for employees in normal working conditions is 60 years and three months for men, and 55 years and four months for women, and increases by three months for men and four months for women each succeeding year.

Enterprises led by women 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. 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

Wage and Hour Laws: 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 new labor code limits overtime to 40 hours per month, an increase from 30 hours per month. The new code limits overtime to 200 hours per year, but 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. This may include a contract with an “independent contractor,” “service provider,” “freelancer,” or other informal agreement with employment-like terms. The new labor code also limits the repeated use of limited-term contracts. The law extends protection to part-time and domestic workers.

Occupational Safety and Health: 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. Migrant workers, including internal economic migrants, and workers without contracts were among the most vulnerable workers, and employers routinely subjected them to hazardous working conditions.

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.

From April through October most companies in the main production areas in the south temporarily or permanently closed due to the COVID-19 lockdown, halting inspections for approximately six months. The lockdown required labor inspection staff to stay at home which also prevented them from conducting inspections in provinces not under the lockdown.

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 2020 Annual Report*, indicated many apparel and footwear factories exceeded legal overtime thresholds. The ILO-IFC report stated that, while a majority of factories in the program complied with the daily limit of four hours overtime, 76 percent still failed to enforce monthly limits (40 hours).

During a severe COVID-19 outbreak, authorities in the southern part of the country imposed strict manufacturing protocols, requiring factories to create protective “bubbles” by housing workers onsite in order to stay in operation. This policy resulted in tens of thousands of workers living for more than three months in factories that were not designed to house people, with ad hoc shelters and limited hygiene facilities that posed risks to employee safety and well-being, particularly

for female workers.

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 2020 (most recent data) and 2019. In 2020 the government reported 8,380 occupational accidents with 8,610 victims, including 919 fatal incidents with 966 deaths. Among the deaths, 661 involved contracted laborers, while 305 involved workers without contracts.

Informal Sector: The informal sector includes small household businesses, individual vendors in traditional markets, streetside or online, and gig workers for transportation and delivery. In 2020 reports indicated 20.3 million persons worked in the informal economy.

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 were 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.