REPORT ON HUMAN RIGHTS IN VIETNAM 2019-2020

VIETNAM HUMAN RIGHTS NETWORK

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COVER PHOTO

On April 18, 2020, Hau Giang province police arrested and prosecuted Dinh Thi Thu Thuy, living in Nga Bay city, Hau Giang province, on charge of "fabrication, storage, spreading, or dissemination of information, materials, items for opposing the government of Socialist Republic of Vietnam." Photo Huy Phách

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INTRODUCTION

In early 2019, Vietnam attended the Universal Periodic Review (UPR) of Human Rights Cycle III organized by the United Nations Human Rights Council. In its report, Vietnam said, "Since the previous review, Viet Nam has made great efforts to improve its law, institutions, and policies on human rights, providing a solid framework that has yielded encouraging achievements in practice."[1]

The report also stated that Vietnam had implemented 159 recommendations fully and 16 recommendations partially out of the total of 182 recommendations (96.2%) it had pledged to honor during the last UPR four years ago.

This report on human rights in Vietnam for 2019-2020 does not examine each of the recommendations that Vietnam misleadingly claimed to have implemented; instead, it presents in detail the Vietnamese government's implementation of its human rights obligations as described in the International Bill of Human Rights, specifically in the following areas:

- The right to life, personal liberty, and security
- The right to a fair trial by an independent and impartial tribunal
- The right to participate in national political life
- The right to freedom of expression and freedom of information
- The right to freedom of religion and worship
- The right to work and to enjoy the fruits of one's labor
- The right to equal treatment and non-discrimination
- The right to well-being

The report that follows was prepared by the Vietnam Human Rights Network (VNHRN) in cooperation with several human rights activists in Vietnam. All information used in this report can be verified through open sources. We would like to express our sincere thanks to Mr. Lacy Wright for helping to review the English version before its release.

With this report, the VNHRN not only wishes to alert the public around the world to the deplorable human rights situation in Vietnam today, but also to make concrete and feasible recommendations to the Vietnamese government with regard to its repeated violations throughout the years. It is hoped at the same time that Vietnam will make just compensation for the damage inflicted on its population and on various specific communities. The VNHRN also calls on governments and international human rights organizations to confront Vietnam with its unacceptable record on human rights.

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1 Ministry of Foreign Affairs. *Country Report on the Protection and Promotion of Human Rights in Viet Nam under the Third Cycle of the Universal Periodic Review (UPR).*
https://drive.google.com/file/d/1ziHAAA40NqvYtjYawY3Zu_cb7nD0cu5C/view

VIETNAM COUNTRY PROFILE

GEOGRAPHY: The Socialist Republic of Vietnam (SRV) is a country in Southeast Asia bordered by China to the north, Laos and Cambodia to the west, the Gulf of Thailand to the southwest, and the South China Sea (the Eastern Sea to Vietnamese) to the east and south. Besides the mainland, Vietnam includes more than 3,000 islands, large and small, for a total area of 331,688 km^2. Its population was 96.208.984 as of April 2019.

HISTORY: The 1954 Geneva Accords terminated the French presence in Vietnam and divided the country into two states, the Republic of Vietnam (South Vietnam) and the Democratic Republic of Vietnam (North Vietnam), with the 17th parallel as the provisional military demarcation line between them. Shortly after the Geneva Accords were completed, North Vietnam, under the dominance of the Communist Party of Vietnam, launched the Vietnam War to invade South Vietnam. In April 1975, the North's victory resulted in the fall of the Republic of Vietnam's government and the unification of the two states into the new Socialist Republic Vietnam.

POLITICS: The SRV has a single-party regime. According to its Constitution, amended in 2013, only the Communist Party of Vietnam (CPV) can legally operate in Vietnam. The current CPV general secretary and state president is Mr. Nguyen Phu Trong. The government consists of three branches: the Legislative (National Assembly), Executive (Administration), and Judiciary (People's Courts). In practice, however, all three are subject to the CPV, with about 5.2 million members. The National Assembly and People's Councils at all levels are elected by popular vote, yet candidates must be CPV-approved. Every political organization unaffiliated with the CPV is prohibited.

ECONOMY: Since Vietnam began its Doi Moi (Renovation) economic reform in the 1980s, Vietnam has shifted to a more pragmatic approach to economic development. Its "socialist-oriented market economy," which features foreign aid and foreign investment, has brought changes in Vietnam's economic activity. Many production facilities and businesses, both state-owned and private, have sprouted up. According to Vietnam's General Statistics Office, the 2019 GDP per capita is estimated at VND 58.5 million, equivalent to USD $2,590.

SOCIAL: Vietnam has 54 ethnic groups, 85.3 % of which are the Viet (Kinh). The official language is Vietnamese. The vast majority of people are religious believers. Most practice ancestor worship, and many are Buddhists, Christians, Muslims, Bahá'í, or followers of indigenous religions such as Hoa Hao Buddhism and Cao-Daism. A small number describe themselves as atheists, of whom most are CPV members. Although the urban population has grown in the past decade, Vietnam is essentially an agricultural country, with nearly 65.6% of the overall population still living in rural areas. The rural populations, especially those who live in remote areas, are disadvantaged in many areas, including income, education, and health care.

I
THE RIGHT TO LIFE, THE RIGHT TO LIBERTY AND SECURITY OF PERSON

1. DEATH PENALTY

According to Vietnam's Criminal Law, modified in November 2015 and in June 2017, and effective as of January 1, 2018, the list of crimes punishable by the death sentence is reduced from 22 to 15. Those removed are: property robbery; production and trade of fake cereals, foods and food additives; illegal drug possession; drug misuse; destruction of important structures, facilities, and equipment related to national security; disobedience of orders; and surrender to the enemy. The two amendments also add two cases that are exempt from capital punishment: prisoners aged 75 and older, and officials convicted of corruption if they pay back at least two third of their illicit gains.

Despite the removal of crimes eligible for the death sentence, the amended Criminal Law continues the death sentence for 18 crimes, including vague political crimes listed in the former Criminal Law, now part of Chapter VIII under high treason (Article 108). These include activities aimed at overthrowing the people's administration (Art. 109), espionage (Art.110), rebellion (Art.112), anti-government terrorism (Art.113), and sabotage of the Socialist Republic of Vietnam's material-technical foundations *(Art. 114).*

The vagueness of the Chapter VIII crimes allows the government to interpret nonviolent political remarks or activities as "carrying out activities aimed at overthrowing the people's administration," which may even lead to the death sentence.

In 2019, no death sentences were given based on Article 79; however, the government has frequently made use of it as a sword of Damocles hanging over the heads of those who dare challenge the monopoly on power of the Communist Party of Vietnam. Most death penalties in 2019 were given to those charged with drug trafficking or murder.

As in previous years, the government did not disclose the number of death executions. The government considers them national secrets, and those who accidentally or intentionally commit a violation can be fined up to 15 years in prison (Articles 337, 338 Criminal Law).

However, according to several separate reports, the death penalty in Vietnam is a source of worry. A document of the Ministry of Public Security indicates that in the five years ending June 2016, there were 1,134 people sentenced to death nation-wide; and 429 executed by lethal injection in the three years from August 2013 to June 30, 2016.[1]

[1] Việt Nam Mới. *Hơn 1.000 trường hợp bị tuyên tử hình trong vòng ba năm*.
http://vietnammoi.vn/hon-1000-truo-ng-ho-p-bi-tuyen-tu-hinh-trong-vong-ba-nam-19733.html

Nov. 27, 2019, Lang Son People's Court issued 11 death penalties in a drug trafficking case involving illegal transportation of narcotics. Photo credit: Nhan Dan

According to a report by Justice Minister Le Thanh Long in November 2018, the number of people sentenced to death in 2018 increased sharply compared to the same period in the previous year (an increase of 122 cases).[2]

According to a government report on death sentence execution sent to the National Assembly on July 31, 2019, the number of people on death row increased 25.5% over the same period in 2018. Up to 229 cases had been waiting for execution for 5 to 10 years, and only 20 were executed after waiting over 10 years. Between October 1, 2018 and July 31, 2019, provincial law-enforcement agencies executed 68 people,[3] averaging more than six deaths monthly.

Using only the scarce and unofficial data available from Vietnam, Amnesty International has, in its most recent report on Worldwide Death Sentences and Executions, ranked Vietnam fourth in the use of executions, after China, Iran, and Saudi Arabia.[4]

Many participating nations in the UN Human Rights Council 3rd Periodical Review in 2019 recommended that Vietnam postpone and then eventually abolish the death penalty, but Vietnam rejected the recommendation.[5]

One concern is that multiple death sentences from a single court session happen too frequently. For example, on Nov. 27, 2019, the Lang Son People's Court issued 11 death penalties in a trafficking case involving illegal transportation of narcotics in large quantities (1700 cakes of heroin).[6] On October 7, 2019, the People's Court of Ho Chi Minh City sentenced to death eight people who had been involved in another drug-running network.[7] On May 15, 2019, the People's Court of Hanoi dispensed ten sentences of capital punishment and three life sentences in the trial of a large drug-smuggling chain.[8]

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2 Cổng Thông Tin Điện Tử Quốc Hội Việt Nam. *Quốc hội Việt Nam. Chính Phủ Báo Cáo Về Công Tác Thi Hành Án Năm 2018.* http://quochoi.vn/tintuc/Pages/tin-hoat-dong-cua-quoc-hoi.aspx?ItemID=38348

3 Dân Trí. *229 "tử tù"... đợi thi hành án 5-10 năm, 20 người đã chờ hơn 10 năm.* https://dantri.com.vn/xa-hoi/229-tu-tu-doi-thi-hanh-an-510-nam-20-nguoi-da-cho-hon-10-nam-20190904085608580.htm

4 Amnesty International. *Death Sentences and executions 2018.* https://www.amnesty.org/download/Documents/ACT5098702019ENGLISH.PDF

5 Human Rights Council Forty-first session. *Report of the Working Group on the Universal Periodic Review - Viet Nam.* https://undocs.org/en/A/HRC/41/7

6 Người Đưa Tin. *11 án tử trong đường dây buôn bán 1.700 bánh ma túy.* https://www.nguoiduatin.vn/11-an-tu-trong-duong-day-buon-ban-1-700-banh-ma-tuy-a457914.html

7 Người Đưa Tin. *Hiệu "chuột" cùng 7 đồng phạm bị tuyên án tử, người thân gào khóc, ngất xỉu.* https://www.nguoiduatin.vn/hieu-chuot-cung-7-dong-pham-bi-tuyen-an-tu-nguoi-than-gao-khoc-ngat-xiu-a451887.html

8 An Ninh Thủ Đô. *10 đối tượng trong đường dây ma túy "khủng" từ Bắc vào Nam lĩnh án tử.* https://anninhthudo.vn/phap-luat/10-doi-tuong-trong-duong-day-ma-tuy-khung-tu-bac-vao-nam-linh-an-tu/810683.antd

Since the end of 2013, Vietnam has replaced firing squads with lethal injections, using domestically-produced poison. Scientifically, there has never been any report on the effectiveness of Vietnam-made poisons for executions, which means that reduced suffering for the condemned is far from guaranteed.

There are concerns not only about the continued reliance on, and the increase of, death sentences, but also flaws in criminal proceedings that have led to unjust sentences. According to social media in recent years, among the unjust cases have been the four high-profile death sentences of Ho Duy Hai, Nguyen Van Chuong, Le Van Manh, and Dang Van Hieu. These were deemed by lawyers and even by government officials to be based on insufficient evidence and to have involved reliance on forced confessions under police torture, subsequently contradicted by retractions.

As for the case of Ho Duy Hai, the Supreme People's Court of Vietnam, during a cassation trial on May 08, 2020, rejected the Supreme People's Procuracy's request to have the the crime scene reexamined to determine evidence of crime, and maintained the death sentence handed by lower courts. The cassation court's verdict, influenced by behind the scenes politics, has met with public outrage. A number of Vietnamese National Assembly deputies also criticized the decision.[9]

2. POLICE BRUTALITY

On November 28, 2014, Vietnam's National Assembly ratified the United Nations Convention against Torture and Other Cruel, Inhumane or Degrading Treatment or Punishment. However, public harassment and beatings, removal of people to police stations, and corporal punishment resulting in death without legal sanction against violators continued to rise. It is worth noting that most of those who died during detention had only been involved in minor offenses, such as friction between neighbors and petty theft. Authorities attributed most of these detainees' deaths at police stations to suicide. In reality, families of the victims usually found traces of abuse and torture on their bodies.

In November 2018, at the 65th Session of the UN Committee Against Torture, Vietnam introduced its first National Report on the enforcement of the Convention Against Torture. Its representatives pledged to prevent and punish all torture violations. In reality, however, there has been no sign of decreasing police brutality since then. In 2019 and the first quarter of 2020, at least 15 deaths during temporary police detention were disclosed by the media, as follows:

- On March 14, 2019, Mr. Nguyen Van Tuan, 42, died after 5 days of temporary detention by the police. He had been arrested and held by Nam Dan police together with 7 other people in a gambling case. On March 13, 2019, he was transferred in a coma by the police to the hospital where he was tested and found to have had an epidural hemorrhage in the brain.[10]
- On March 23, 2019, Mr. Duong Van Loi, 39, was discovered dead from hanging in the Ben Tre police temporary detention center, where he was being held for a murder investigation.[11]

9 VNExpress. *Vụ Hồ Duy Hải không chỉ là tính mạng con người.* https://amp.vnexpress.net/vu-ho-duy-hai-khong-chi-la-tinh-mang-con-nguoi-4097029.html

10 Người Lao Động. *Nghi phạm bị tạm giữ về tội đánh bạc tử vong khi đưa tới bệnh viện cấp cứu.* https://nld.com.vn/phap-luat/nghi-pham-bi-tam-giu-ve-toi-danh-bac-tu-vong-khi-dua-toi-benh-vien-cap-cuu-20190314144150353.htm

11 RFA. Bến Tre: *Thanh niên treo cổ chết trong buồng giam bằng "những sợi vải xé ra từ quần thun".* https://www.rfa.org/vietnamese/news/vietnamnews/another-died-in-police-custody-03252019100223.html

- On April 20, 2019, it was reported that Mr. Nguyen Van Ban, 49, while held by the police of Co Do District, Can Tho City, for investigation of a property theft, ran to the second floor and jumped, dying in a hospital afterward.[12]
- On April 22, 2019, Mr. Nguyen Van Quang, 51, died in the Nghe An police temporary detention facility, where he was being held for an investigation related to a case of "Abuse of power or position for appropriation of property." According to his family, a test on his body showed his left chest bone #5 broken, his liver and spleen swollen, and his brain filled with fluid.[13]
- On June 5, 2019, Mr. Nguyen Viet Khoa, 31, was found hanged in the Ca Mau City police temporary detention facility, where he was being held for investigation regarding the stabbing of the son-in-law of the Ca Mau deputy provincial party committeeman in charge of business.[14]
- On June 13, 2019, Mr. Nguyen Xuan Thang, 40, went to the Chi Linh City police in Hai Duong province with a relative to confess to the robbery of an acquaintance. About 8:00 p.m., the police notified his family that he had committed suicide with an electric wire, which the family refused to believe.[15]

Jan 29, 2019, lieutenant colonel Huynh Minh Le, deputy chief of Phu Thanh ward police Dept, trampled a witness on the floor of the ward police headquarters. Photo taken from video clip.

- On July 10, 2019, police announced that Mr. Le Thanh Hien, 33, a freelance journalist, had committed suicide after being held one day at the Vi Thuy District, Hau Giang province police station for alleged fraud.[16]
- On July 18, 2019, Mr. Tran Bac Ha, 62, died at temporary detention facility T771 of the Criminal Investigation Department of the Ministry of Defense. He had been a powerful finance figure under former Prime Minister Nguyen Tan Dung. At the end of June 2018, the Central Inspection Committee recommended he be expelled from the party for mismanagement of

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12 Pháp Luật. *1 nghi phạm nhảy lầu ở trụ sở công an tử vong.*
https://plo.vn/an-ninh-trat-tu/1-nghi-pham-nhay-lau-o-tru-so-cong-an-tu-vong-829702.html

13 Người Lao Động. *Công an thông tin gì về nguyên nhân cựu đội phó QLTT tử vong khi bị tạm giam?*
https://nld.com.vn/phap-luat/cong-an-thong-tin-gi-ve-nguyen-nhan-cuu-doi-pho-qltt-tu-vong-khi-bi-tam-giam-20190425193757396.htm

14 Người Lao Động. *Một nghi can treo cổ chết tại nhà tạm giữ.*
https://nld.com.vn/phap-luat/mot-nghi-can-treo-co-chet-tai-nha-tam-giu-20180605160810215.htm

14 RFA. *Một người chết ở đồn công an sau khi đến tự thú.*
https://www.rfa.org/vietnamese/news/vietnamnews/another-died-in-police-custody-06152019092809.html

16 RFA. *Một cộng tác viên báo chí bất ngờ tự tử trong đồn Công an huyện.* https://www.rfa.org/vietnamese/news/vietnamnews/a-journalist-frreelance-said-to-commited-suicide-in-police-custody-07132019091306.html

BIDV Bank. His death in custody was a subject of wide speculation in Vietnamese politics.[17]

- On Nov 2, 2019, Mr. Do Quang Hung, 26, died from poisoning on the way to the ER. He had been in temporary custody since July 2019 at the temporary detention facility of Krong No district of Dak Nong province for investigation of having made death threats.[18]
- On Nov 4, 2019, Mr. Nguyen Minh Tuan, 34, was reported dead by hanging with a bath towel in a detention room of the Soc Trang provincial police facility, where he had been held since November 1 in a murder investigation.[19]
- On Nov 22, 2019, Mr. Dang Thanh Tung, 26, died while held in temporary custody of the Ha Nam provincial police. His family disclosed that many bruises were found on his body, together with swollen face and torn tongue.[20]
- On Dec 8, 2019, Mr. Lai Hong Dan, 29, died while in the temporary custody of the police of Vinh Cuu district, Dong Nai province. His family claimed that at his autopsy many bruises were seen on his chest and stomach and that his head was swollen.[21]
- On Jan 3, 2020, Mr. Phan Quoc Thang, 47, was found dead by hanging with an undershirt while being held at the police headquarters of Ward 1, Tây Ninh City, for investigation into the injury to a ward policeman.[22]
- On March 9, 2020, a young man named LKN, born in 1987, resident of Van Son commune, Trieu Son district, Thanh Hoa province, died suspectedly in a hanging position while being held in Trieu Son police station for investigation about a property theft 2 days earlier.[23]
- On May 8, 2020, Mr. Nguyen Quang Lap, 36, was found dead at the police detention center of Chau Duc district, Ba Ria-Vung Tau province. Forensic examination recorded "the victim died from multiple injuries, suspected of being beaten."[24]

In its third Periodical Review of 2019, Vietnam denied that police violence was the cause of deaths in police facilities. According to police representatives, the causes existed prior to the victims' arrests, possibly due to "having been tormented by their crimes and made prone to depression and suicide."[25]

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17 VNExpress. *Cựu chủ tịch BIDV Trần Bắc Hà chết trong khi bị tạm giam.*
https://vnexpress.net/phap-luat/cuu-chu-tich-bidv-tran-bac-ha-chet-trong-khi-bi-tam-giam-3954410.html

17 ZingNews. *Bị can tử vong trong thời gian tạm giam.*
https://zingnews.vn/bi-can-tu-vong-trong-thoi-gian-tam-giam-post1008884.html

19 Pháp Luật. *Nghi phạm chết trong tư thế treo cổ ở Trại Tạm giam Công an tỉnh Sóc Trăng.*
https://baophapluat.vn/tin-nong/nghi-pham-chet-trong-tu-the-treo-co-o-trai-tam-giam-cong-an-tinh-soc-trang-479142.html

20 Pháp Luật. *1 bị can tử vong trong thời gian bị tạm giam.*
https://plo.vn/an-ninh-trat-tu/1-bi-can-tu-vong-trong-thoi-gian-bi-tam-giam-872093.html

21 Pháp Luật Plus. *Đồng Nai: Điều tra nguyên nhân nam thanh niên tử vong nghi do bị đánh trong buồng tạm giam.*
https://www.phapluatplus.vn/phap-luat-plus/dong-nai-dieu-tra-nguyen-nhan-nam-thanh-nien-tu-vong-nghi-do-bi-danh-trong-buong-tam-giam-d113921.html

22 RFA. *1 người bị tạm giam chết nơi giam giữ và công an nói tự treo cổ.*
https://www.rfa.org/vietnamese/news/vietnamnews/one-detainee-died-in-police-custody-01032020074458.html

23 RFA. *Chết bất minh trong đồn công an vẫn tiếp diễn, nhưng sự phản kháng gần như không còn.* https://www.rfa.org/vietnamese/in_depth/deathlessness-in-the-police-station-continued-but-the-protest-was-almost-over-03102020125952.html

24 ZingNews. Phạm nhân chết ở nhà tạm giữ bị đánh bằng gậy cao su.
https://zingnews.vn/pham-nhan-chet-o-nha-tam-giu-bi-danh-bang-gay-cao-su-post1082647.html

25 RFA. *Bác bỏ giải trình của Bộ Công an về vấn nạn 'tự tử' nơi giam giữ.* https://www.rfa.org/vietnamese/in_depth/denouncing-ministry-of-public-security-s-explanation-to-the-un-on-death-in-custody-dt-03132019130320.html

3. HUMAN TRAFFICKING

On October 23, 2019, British police discovered 39 bodies in a refrigerated truck in the Waterglade Industrial Park of Grays in England, with no driver to be found. After a month's investigation, the police announced that all the victims were Vietnamese illegal migrants from Belgium. This human-trafficking tragedy shocked people everywhere, especially in Vietnam.

Yet the tragedy is merely the tip of a huge iceberg that includes complex activities. The 2019 report of the Criminal Police Department of Vietnam's Ministry of Public Security admitted "Vietnam has been considered a hot spot of human trafficking and illegal migration in the Mekong sub-region, with a yearly profits estimated at up to tens of billions of US dollars.[26]

October 23, 2019, British police discovered 39 Vietnamese nationals' dead bodies in a truck in Essex, southeast England. Photo credit : CNN

When it comes to human trafficking, Vietnamese authorities only deal with cross-border trafficking, without paying attention to trafficking within the country. In fact, the plight of poor teenagers working as servants to pay off a family debt, or girls being forced to sacrifice in brothels to save their families, are realities for many Vietnamese families today.

For transnational trafficking of persons, official statistics are rare and scattered. According to the latest government figures, "As many as 3,476 Vietnamese people have been recorded as victims of trafficking since 2013. Most are ethnic minority people."[27] Other new data showed that "In the first six months of 2019, the country detected 89 human trafficking cases, involving 142 suspects with 169 victims (a decrease of about 10% of cases, and 28.4% of victims, but an increase of 12.7% of suspects, compared to the same period in 2018).[28]

It should be noted that the above statistics reflect only a fraction of the actual cases of human trafficking, since the majority of the trafficking victims come from mountainous regions close to the Chinese border, where control and detection are difficult. Many cases were not reported or discovered by law enforcement agencies, and most are not considered human trafficking, although in fact they are.

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26 Tuổi Trẻ Online. *Việt Nam - điểm nóng của hoạt động mua bán người trị giá tỉ đô.* https://tuoitre.vn/viet-nam-diem-nong-cua-hoat-dong-mua-ban-nguoi-tri-gia-ti-do-20191129123435165.htm

27 Báo điện tử Đảng Cộng sản Việt Nam. *Gần 3.500 người Việt Nam là nạn nhân của buôn bán người.* http://dangcongsan.vn/nong-trong-ngay/gan-3.500-nguoi-viet-nam-la-nan-nhan-cua-buon-ban-nguoi-543872.html

28 Pháp Luật. *Xuất hiện thủ đoạn mới của tội phạm mua bán người.* https://baophapluat.vn/phap-luat/xuat-hien-thu-doan-moi-cua-toi-pham-mua-ban-nguoi-463828.html

For instance, in the small district of Muong Lat in Thanh Hoa province, with about 30,000 inhabitants, more than 70 women were missing, suspected of having been married off or tricked into being sold to China. At the same time, according to the statistics for the whole of Thanh Hoa province, only "about 130 women were tricked into being sold to China to get married and forced to become wives illegally."[29]

Because the human trafficking situation remains unimproved in Vietnam, the US Department of State, in its 2019 Trafficking in Persons Report, downgraded Vietnam to the list of countries that need to be monitored for human trafficking, marking the first time Vietnam has been included in this group since 2012. This means Vietnam is ranked in the report's Tier 2 and is back on its Watch list, i.e., "the Government of Vietnam does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so."[30]

In today's Vietnam, human trafficking involves victims of three main types:

- Young women and girls lured to serve as "sex slaves" or forced labor in Vietnam and in other countries,
- "Brides" sent to foreign countries, and
- Workers exported to foreign countries.

3.1. Human Trafficking: Women and Children Tricked into Sex Slavery or Forced Labor

Trafficking of women for prostitution is a common form of domestic as well as transnational trafficking. A report from a seminar on "Setting up a program against human trafficking for 2016-2020," held by the Vietnamese government's Office of Anti-crime Guidance on April 21, 2015, disclosed that nearly 5,000 Vietnamese women had been sent every year to Malaysia and Singapore to work as prostitutes.[31]

As in previous years, the number of women and children being trafficked northward to China increased in 2019, reaching 85 percent of the total victimized; the rest went to countries like Laos, Cambodia, Malaysia, and Thailand.

A report by the Ministry of Public Security in 2019 indicated that in the two years 2017-2019, more than 1,600 victims were deceived into being trafficked to Cambodia to work as prostitutes.[32] Meanwhile, according to the Malaysian Criminal Investigation Department, the most numerous nationals rescued in 2019 were the Vietnamese, with 384 people, followed by Indonesians (234) and Thais (227).[33]

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29 Gia Đình.Net.VN. *Tình trạng buôn người nơi vùng biên xứ Thanh: Cạm bẫy và nước mắt.*
http://giadinh.net.vn/phap-luat/tinh-trang-buon-nguoi-noi-vung-bien-xu-thanh-cam-bay-va-nuoc-mat-20190626161305595.htm

30 U.S. Department of State. *2019 Trafficking in Persons Report: Vietnam.*
https://www.state.gov/reports/2019-trafficking-in-persons-report-2/vietnam/

31 Thanh Niên. *Mỗi năm gần 5000 phụ nữ Việt Nam bị đưa sang Malaysia. Singapore bán dâm.*
https://thanhnien.vn/thoi-su/moi-nam-gan-5000-phu-nu-viet-nam-bi-dua-sang-malaysia-singapore-ban-dam-554176.html

32 Laodongthudo.vn. *Nhiều phụ nữ bị bán sang Campuchia làm gái mại dâm.*
http://laodongthudo.vn/nhieu-phu-nu-bi-ban-sang-campuchia-lam-gai-mai-dam-101164.html

33 The Star. *The pay's great: How human trafficking syndicates lure victims.*
https://www.thestar.com.my/news/nation/2019/12/25/the-pays-great-how-human-trafficking-syndicates-lure-victims

The human trafficking from Vietnam to Europe, particularly to the United Kingdom, raised special public awareness in 2019 after the tragedy of the 39 Vietnamese suffocated in a refrigerated trailer in the UK last October. In early March 2020, German authorities launched a large-scale raid on human-trafficking facilities and suspects that had brought 155 Vietnamese illegal immigrants into Western Europe.[34]

Sept 04, 2019, Filipino police rescued six Vietnamese women from a prostitution ring in Makati City, Manila capital area. Photo credit: Phap Luat magazine.

According to a report by the UK's National Crime Agency (NCA) in 2018, among the reported victims of trafficking from abroad, the number of Vietnamese nationals ranked second, behind only Albania, with 702 people, including 484 working as laborers, 92 sent for sexual exploitation, 22 in domestic servitude, one for organ harvesting, and 103 for unknown kinds of exploitation. In terms of age, minors trafficked from Vietnam topped the list, with 320 children, of whom 38 were for prostitution. As for adolescents, Vietnamese ranked first with 320 victims, of whom were for prostitution.[35]

Children are not only subject to cross-border trafficking; in fact, the vast majority of child trafficking takes place within the country, from one locality to another. In a study by Coram International in 2019, 5.6% of children in Vietnam may have experiences indicative of, or consistent with, child trafficking; and the overwhelming majority, of young people with indicators of having been trafficked (92.3%) were reported to have been trafficked internally.[36]

In addition to the trafficking of women and children, the phenomenon of trafficking of babies, fetuses (bringing pregnant women to China to give birth and selling), and organs has also increased in recent years.[37]

The direct and main cause for Vietnamese women and children being lured into sex slavery, domestically and transnationally, is the poverty created by the current government's unjust social policies. This sad situation has expanded significantly since Vietnam chose to follow the ill-conceived open trade practice that facilitates corruption among government workers and criminals' illegal activities. Ill-planned urbanization, expropriation of farmland, and the government's inability to create jobs have resulted in great socio-economic difficulties for families, who have had to flock to urban areas or emigrate abroad in search of ways to earn a living.

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34 Zing.Vn. *Đức phá đường dây đưa 155 người Việt nhập cư trái phép vào Tây Âu*.
https://news.zing.vn/duc-pha-duong-day-dua-155-nguoi-viet-nhap-cu-trai-phep-vao-tay-au-post1054719.html

35 NCA. *National Referral Mechanism Statistics, End of Year Summary 2018.*
https://nationalcrimeagency.gov.uk/who-we-are/publications/282-national-referral-mechanism-statistics-end-of-year-summary-2018/file

36 Kara Apland and Elizabeth Yarrow. *Casting Light in the Shadows: Child and youth migration, exploitation and trafficking in Vietnam.* https://coraminternational.org/wp-content/uploads/CTPF-report-.pdf

37 Pháp Luật. *Phá đường dây buôn bán nội tạng xuyên quốc gia lớn nhất Việt Nam.*
https://baophapluat.vn/ho-so/pha-duong-day-buon-ban-noi-tang-xuyen-quoc-gia-lon-nhat-viet-nam-437408.html

3.2. Human Trafficking: Selling of Vietnamese "Brides" to Foreigners

According to Vietnam's Ministry of Public Security, an average of 18,000 Vietnamese citizens married foreigners annually between 2008 and 2019, mostly Taiwanese, Chinese, Americans, and Koreans. And 78% of the women married to foreigners are from poor families, with low education and high unemployment.[38]

These are only the marriages officially registered with the government. In fact, the number of Vietnamese "brides" brought out of the country through marriage brokerage services without registration is much higher. According to a recent survey, in some provinces close to the northern border, the number of registered marriages is less than 10% of the survey sample.[39]

Instead of relying on "body parade" in recent years, marriage brokerage services have used modern means of communication, especially the Internet, in marketing Vietnamese brides. Currently, just by searching for "Vietnamese brides" on Gooble, one can find over 80,000 websites, of which a large number are posted by brokerage services. Even in Vietnam, there are many marriage brokerage services for foreigners that focus on deceiving women into believing their services are legitimate.

For example, in September 1919, People's Police Television ANTV broadcast a TV report on the tricks marriage brokers use with Koreans in Hai Phong City. It showed hundreds of Vietnamese girls waiting to be seen by three elderly Koreans. Each girl met the future groom for less than two minutes. If selected, the girl had to pay a service fee of 10 to 20 million dong, and the Korean man was charged a few hundred million dong, all going to the brokerage service.[40]

It should be noted that such brokered marriages often lead to painful outcomes. One Vietnamese bride was murdered by her Korean husband on November 19, 1919, after she had been in Korea only two months – a tragedy that has happened to many brides who have married foreign husbands through brokers, as reported on social networks.[41]

Many Vietnamese brides suffered torture and other mistreatment before being passed on to other men, leading them eventually to escape and then try to survive in a foreign country, only to be recruited into brothels, where they either risked death or saw no other option but to kill themselves.[42]

As with the plight of young girls deceived and sold into prostitution, the primary cause leading to the selling of brides to foreign men has been the poverty brought on by the government's unjust social policies. Most of the victimized girls have come from the countryside, and were lured by middlemen into agreeing to "marry" men from Taiwan, South Korea, and China -- without love for, or even knowledge of the backgrounds of, their "husbands."

Since 2002, with Decree 68/2002/NDTV-714-625-2785, the government has prohibited all forms

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38 Cổng Thông tin điện tử Chính phủ. *70.000 phụ nữ ĐBSCL lấy chồng nước ngoài.*
http://tphcm.chinhphu.vn/70-000-phu-nu-dbscl-lay-chong-nuoc-ngoai

39 Đặng Thị Hoa. *Một số vấn đề về hôn nhân xuyên biên giới với phát triển xã hội ở Việt Nam hiện nay.*
https://vass.gov.vn/noidung/tintuc/lists/khoahoccongnghe/View_Detail.aspx?ItemID=30

40 ANTV. *Một buổi dự tuyển lấy chồng Hàn Quốc.*
http://www.antv.gov.vn/tin-tuc/xa-hoi/mot-buoi-du-tuyen-lay-chong-han-quoc-297899.html

41 Báo Hình Sự. *Thảm thương phận bạc cô dâu Việt bị chồng Hàn Quốc sát hại.*
https://www.baohinhsu.com/2019/11/tham-thuong-phan-bac-co-dau-viet-bi.html?m=1

42 Tiền Phong. *Thảm cảnh lấy chồng Trung Quốc*.
https://www.tienphong.vn/phap-luat/tham-canh-lay-chong-trung-quoc-730112.tpo

of marriage brokering for profit. In 2004, Decree 125/2014/NĐ-714-625-2785 was issued to implement the new Family Law, prohibiting foreigners' abuse of marriage and family counseling and support for profit; and assigning counseling and support services to the state-sponsored Vietnam Women's Union. However, many believe the Vietnam Women's Union has failed in its counseling services to women marrying foreigners, since it is incapable of competing with the unscrupulous intermediaries who operate rampantly throughout the country.[43]

3. 3. Human Trafficking: Exploitation of Exported Workers

Labor export in Vietnam began in 1980 under the form of labor cooperation with countries in the socialist bloc. After the fall of Communist governments in Eastern Europe and the Soviet Union, the Communist government of Vietnam redirected labor exporting to capitalist countries in need of workers, such as Taiwan, Japan, Malaysia, and Korea.

According to Vietnam's Overseas Labor Management Department, there are about 650,000 workers currently in over 40 countries and territories, mostly Taiwan, South Korea, Malaysia, Japan, and the Middle East. Also according to this agency, the number of workers exported in 2019 was 152.530, reaching 127.1% of the 2019 plan; and the Vietnamese government set a target of 130,000 for 2020.[44]

Besides the number of workers exported through government-licensed agencies, many other workers are recruited in secret by illegal intermediary agencies, and this kind of export labor has been on the rise, for at least two reasons. First, export-worker candidates sometimes do not have enough money to complete their legal paperwork; in particular, to make the required payment to the state before leaving. And export-worker candidates sometimes do not meet the minimum requirements in foreign languages.[45] Therefore, they resort to illegal intermediary agencies rather than going through official channels. Second, once in the destination country, some export workers try their best to remain in place and work underground after their contracts have expired. There are currently no exact numbers of these "underground" workers, but even government officials have acknowledged the large number of undocumented workers over the years. For example, according to the authorities of Ha Tinh province, in 2019 the whole province has 68,000 people working abroad, including 35,000 underground workers.[46]

The majority of export workers, legal or illegal, have been victims of intermediary agencies with ties to corrupt state officials. Victims have had to mortgage their properties to pay intermediary-agency fees. Nonetheless, these greedy agencies have often exploited and neglected them when their foreign employers mistreated or forced them to work harder for pittances. In many instances, bosses confiscated their passports and turned them into detainees living miserably under their control. In addition to being robbed by intermediary agencies and employers, illegal workers also had to evade local authorities. They were often arrested, beaten, and sometimes even raped by

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43 Báo Phụ Nữ. *Môi giới kết hôn với người nước ngoài: hoạt động hợp pháp tự thua trên sân nhà?* https://www.phunuonline.com.vn/moi-gioi-ket-hon-voi-nguoi-nuoc-ngoai-hoat-dong-hop-phap-tu-thua-tren-san-nha-a90769.html

44 VnEconomy. *Năm 2020, mục tiêu đưa 130.000 lao động đi làm việc ở nước ngoài.* http://vneconomy.vn/nam-2020-muc-tieu-dua-130000-lao-dong-di-lam-viec-o-nuoc-ngoai-20200109145853306.htm

45 Người Lao Động. *Xuất khẩu lao động "chui", rủi ro cao.* https://nld.com.vn/cong-doan/xuat-khau-lao-dong-chui-rui-ro-cao-20150704215941401.htm

46 RFA. *Hơn 35.000 người Hà Tĩnh lao động chui ở nước ngoài.* https://www.rfa.org/vietnamese/news/vietnam-news/ha-tinh-more-than-35k-ppl-work-abroad-12162019070042.html

security forces.[47] Research by the International Labor Organization recently revealed that 76% of Vietnamese migrant workers were deprived of their labor rights while working in Malaysia and Thailand.[48] On May 5, 2019, a number of Vietnamese workers in Taiwan staged a protest in front of Vietnam's Cultural and Economic Office in Taipei, opposing private labor brokers in Vietnam because they considered it a a form of worker exploitation.[49]

The plight of export workers was recorded in the 2019 autobiography "*Do not die in Saudi Arabia,*" by Nghiem Huong. The author recounts her own humiliating, nine-month export-labor journey in Saudi Arabia, which she called "hell on earth."[50]

Doing manual labor in foreign countries is never a dream among Vietnamese, especially those attached to their families and places of birth. However, leaving home and family for survival is unavoidable when people's farmland is confiscated and the government cannot provide enough jobs. On the contrary, the state, driven by the prospect of export workers' remittances (about 3 US billion in 2019), not only encourages the export of workers, but also ignores the brokering companies' illegal conduct.

Despite the inhumane consequences of the illegal export of workers, the Vietnamese government still refuses to see the abuse they suffer as constituting human trafficking. Even the March 2011 Law on Anti-Human Trafficking, in effect since May 1, 2012, stops short at the general concept of "forced labor," and does not recognize the deception and exploitation of people working abroad as a form of human trafficking. Meanwhile, the result of a survey of 350 legally-exported workers in October 2012 revealed that 55 of these workers claimed themselves to be victims of human trafficking.[51]

RECOMMENDATIONS

The Vietnamese government should:

- Impose at once a moratorium on the death penalty with a view to its definitive abolition;
- Terminate all forms of torture and arbitrary detention;
- Implement concrete measures to end human trafficking in any form, and adequately support victims of human trafficking.

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47 Pháp Luật. *Ký ức kinh hoàng của lao động giúp việc nhà trở về từ Ả Rập Xê Út.* https://baophapluat.vn/dieu-tra-bd/ky-uc-kinh-hoang-cua-lao-dong-giup-viec-nha-tro-ve-tu-a-rap-xe-ut-225906.html

48 Zing.Vn. *ILO: 76% lao động Việt ở Thái Lan, Malaysia bị lạm dụng quyền lao động.* https://news.zing.vn/ilo-76-lao-dong-viet-o-thai-lan-malaysia-bi-lam-dung-quyen-lao-dong-post972117.html

49 RFA. *Công nhân Việt tại Đài Loan biểu tình đòi chính phủ Việt Nam bỏ môi giới bóc lột lao động.* https://www.rfa.org/vietnamese/news/vietnamnews/viet-labor-in-taiwan-protest-gov-of-vn-05052019084652.html

50 Nghiêm Hương. *Đừng chết ở Ả-rập Xê-út.* Available at: https://alphabooks.vn/dung-chet-o-a-rap-xe-ut

51 Tin Mới. *Khó "chỉ mặt đặt tên" nạn buôn người.* http://www.tinmoi.vn/kho-chi-mat-dat-ten-nan-buon-nguoi-011095838.html

II
THE RIGHT TO A FAIR TRIAL BY AN INDEPENDENT AND IMPARTIAL TRIBUNAL

In recent years, Vietnam has amended many laws relating to the judiciary: Criminal Code (2015 & 2017), Criminal Procedure Code (2015), Law on Temporary Detention and Custody (2015), and Law on Organization of Criminal Investigation Bodies (2015). In addition, the Government has issued many decrees to implement these laws, which are effective from the beginning of 2018.

Many observers, and even a number of National Assembly members, have reacted to Vietnam's hurried and careless legislation procedure. After the enactment of these laws in 2015, the National Assembly issued a decision to postpone their implementation because they contained too many errors, and waited for future amendments by the next session of the National Assembly. Even former Minister of Justice Ha Hung Cuong had to confess: "I was also a representative. Looking back, I realize that the Code was hastily passed. My proposal to give it more time for consideration was not accepted."[1]

This shows clearly that the legal reform was undertaken not to reflect the government's desire for reform, but to gain favorable considerations in international transactions.

Thus, human rights violations in the legal field continue, and are typically of the following kinds:

- Arbitrary detentions and criminalization of political activities detrimental to the interests of the Communist Party of Vietnam (CPV),
- Serious violations of criminal procedures,
- Severe limitation of defense lawyers' rights, and
- An inhumane prison system.

1. ARBITRARY DETENTIONS AND CRIMINALIZATION OF ALL ACTIVITIES DETRIMENTAL TO THE CPV'S INTERESTS

It is not surprising that Vietnam continues to claim that it holds no political prisoners, because any legitimate political expression by the people, however peaceful, is always equated to crimes listed in the Vietnam Criminal code as amended in 2015 and 2017, especially the following Articles: 109 (Activities against the people's government), 113 (Terrorism aimed at opposing the people's authority), 116 (Sabotaging implementation of solidarity policies), 117 (Fabrication, storage, spreading, or dissemination of information, materials, items for opposing the government

1 Tuổi trẻ Online. *Bộ luật hình sự sai sót nghiêm trọng, ai chịu trách nhiệm?* http://tuoitre.vn/tin/chinh-tri-xa-hoi/20160628/bo-luat-hinh-su-sai-sot-nghiem-trong-ai-chiu-trach-nhiem/1126033.html

of the SRV), 118 (Disruption of security), 288 (Illegal provision or use of information on computer networks or telecommunications networks), 318 (Disturbance of public order), 330 (Resisting a law-enforcement officer in performance of his/her official duties), and 331 (Abusing democratic freedoms to infringe upon the interests of the State, lawful rights and interests of organizations and/or citizens).

April 20, 2020, Nghe An Court of Appeal sentenced music teacher Nguyen Nang Tinh to 11 years of prison and 5 years of probation on charge of "fabrication, storage, spreading, or dissemination of information, materials, items for opposing the government of SRV." Photo credit Nghe An TV

According to those Articles, it is a "crime" to express an opinion, even through peaceful means such as a debate; or to store and distribute documents with contents contradicting CPV policies. "Offenders" can be sentenced up to 12 years in prison (Article 117), or to death if found to have "carried out activities aimed at overthrowing the people's administration" (Article 109).

To increase the deterrent effect of these laws, the National Assembly has passed Amnesty Law 2018, which took effect July 1, 2019. Accordingly, people who are convicted of some of the above offenses [making, storing, distributing or disseminating information, documents and articles against the Socialist Republic of Vietnam (SRV); Crime of disrupting security, Crime of activities aimed at overthrowing the people's administration; Terrorism against the people's government ...] will not be offered special amnesty on national festivals such as Tet or Independence Day.

In 2019 and the first quarter of 2020, the government increased the use of those provisions of the Criminal Law to arbitrarily arrest and detain those who do not agree with the government or have exercised their basic rights in the peaceful manner that the Constitution stipulates. There were at least 96 dissidents arbitrarily arrested or sentenced under the following vague articles of the Criminal code:

Alleged violations of Article 109 – 22 persons (Activities against the people's government)**:**

- Dao Quang Thuc, 13 years of prison, sentenced on Jan 17, 2019 (died in prison on Dec 10, 2019)
- Phan Van Binh, 14 years of prison, sentenced on Jan 22, 2019
- Nguyen Thi Tuyet, pre-trial detention, arrested on April 25, 2019
- Michael Phuong Minh Nguyen (US citizen), 12 years of prison, sentenced on June 24, 1919
- Huynh Duc Thanh Binh, 10 years of prison and 3 years of probation, sentenced on June 24, 2019
- Tran Long Phi, 8 years of prison and 3 years of probation, sentenced on June 24, 2019
- Tran Cong Khai, 8 years of prison, sentenced on June 27, 2019
- Sung A Sinh, life sentence, sentenced on March 18, 2020
- Lau A Lenh, life sentence, sentenced on March 18, 2020
- Ho A Hu, 8 years of prison, sentenced on March 18, 2020

- Sung A Sinh, 8 years of prison, sentenced on March 18, 2020
- Sung A Do, 8 years of prison, sentenced on March 18, 2020
- Giang A Va, 8 years of prison, sentenced on March 18, 2020
- Giang A Dia, 8 years of prison, sentenced on March 18, 2020
- Giang A Sinh, 8 years of prison, sentenced on March 18, 2020
- Chang A Sua, 8 years of prison, sentenced on March 18, 2020
- Hoang Van Pao, 20 years of prison, sentenced on March 18, 2020
- Hoang Van Cho, 8 years of prison, sentenced on March 18, 2020
- Luong Thi Thu Hien, pre-trial detention, arrested on April 8, 2020
- Nguyen Thi Kim Phuong, pre-trial detention, arrested on April 2, 2020
- Tran Duc Thach, pre-trial detention, arrested on April 23, 2020
- Le Ngoc Thanh, pre-trial detention, arrested on April 23, 2020

Alleged violations of Article 113 – 4 persons (Terrorism aimed at opposing the people's authority):

- Chau Van Kham, 12 years of prison, sentenced on Nov 11, 2019
- Tran Van Quyen, 10 years of prison, sentenced on Nov 11, 2019
- Nguyen Van Vien, 11 years of prison, sentenced on Nov 11, 2019
- Truong Duong, 11 years of prison, sentenced on April 21, 2020

Alleged violations of Article 116 – 5 persons (Sabotaging implementation of solidarity policies):

- Rah Lan Hip, 7 years of prison and 3 years of probation, sentenced on Aug 9, 2019
- Ksor Ruk, 10 years of prison, sentenced on March 15, 2019
- Jur, pre-trial detention, arrested on March 18, 2020
- Lúp, pre-trial detention, arrested on March 18, 2020
- Kưnh, pre-trial detention, arrested on March 18, 2020

Alleged violations of Article 117 – 19 persons (Fabrication, storage, spreading, or dissemination of information, materials, items for opposing the government of the SRV):

- Nguyen Thi Ngoc Suong, 5 years of prison, sentenced on May 10, 2019
- Vu Thi Dung, 6 years of prison, sentenced on May 10, 2019
- Nguyen Ngoc Anh, 6 years of prison and 5 years probation, sentenced on June 6, 2019
- Huynh Dac Tuy, 6 years of prison and 3 years probation, sentenced on June 6, 2019
- Duong Thi Lanh, 8 years of prison and 2 years of probation, sentenced on Aug 23, 2019
- Nguyen Van Cong Em, 5 years of prison and 5 years of probation, sentenced on Sept 17, 2019
- Nguyen Quoc Duc Vuong, pre-trial detention, arrested on Sept 23, 2019
- Nguyen Van Phuoc, 5 years of prison, sentenced on Oct 29, 2019
- Nguyen Van Nghiem, pre-trial detention, arrested on Nov 5, 2019
- Nguyen Nang Tinh, 11 years of prison, 5 years of probation, sentenced on Nov 15, 2019

- Phan Cong Hai, 5 years of prison, 3 years of probation, sentenced on April 28, 2020
- Pham Chi Dung, pre-trial detention, arrested on Nov 21, 2019
- Nguyen Chi Vung, 6 years of prison, sentenced on Nov 26, 2019
- Pham Van Diep, 9 years of prison and 5 years of probation, sentenced on Nov 26, 2019
- Tran Thanh Giang, 8 years of prison, sentenced on Nov 27, 2019
- Huynh Minh Tam, 9 years of prison, sentenced on Nov 28, 2019
- Huynh Thi To Nga, 5 years of prison, sentenced on Nov 28, 2019
- Dinh Van Phu, pre-trial detention, arrested on Jan 9, 2020
- Dinh Thi Thu Thuy, pre-trial detention, arrested on April 18, 2020

Alleged violations of Article 118 – 4 persons *(*Disruption of security):

- Ngo Xuan Thanh, 28 months of prison, sentenced on Nov 26, 2019
- Nguyen Dinh Khue, 28 months of prison, sentenced on Nov 26, 2019
- Doan Viet Hoan, 36 months of prison, sentenced on Nov 26, 2019
- Vo Thuong Trung, 36 months of prison, sentenced on Nov 26, 2019

Alleged violations of Article 142 – 1 person (Rape of a person aged under 16)

- Nguyen Van Thanh, pre-trial detention, arrested on Oct 11, 2019

Alleged violations of Article 178 – 2 persons (Deliberate destruction of property)

- Dang Ngoc Tan, 17 years of prison, sentenced on May 21, 2019
- Pham Thanh, 11 years of prison, sentenced on May 21, 2019

Alleged violations of Article 288 – 1 person (Illegal provision or use of information on computer networks or telecommunications networks):

- Nguyen Ba Manh, pre-trial detention, arrested on March 19, 2019

Alleged violations of Article 318 – 23 persons (Disturbance of public order):

- Ho Thai Ha, 3 years of prison 6 months of probation, sentenced on March 7, 2019
- Nguyen Thanh Phuong, 3 years of prison, sentenced on March 7, 2019
- Tran Ho, 3 years of prison, sentenced on March 7, 2019
- Huynh Van Su, 3 years of prison, sentenced on March 7, 2019
- Pham Van Man, 3 years of prison, sentenced on March 7, 2019
- Nguyen Van Hieu, 3 years of prison, sentenced on March 7, 2019
- Nguyen Thi Lien, 3 years of prison, sentenced on March 7, 2019
- Nguyen Truong Vinh Phuc, 2 years 6 months of prison, sentenced on March 7, 2019
- Kinh Tan Hoach, 2 years 6 months of prison, sentenced on March 7, 2019
- Nguyen Tan Dong, 2 years 6 months of prison, sentenced on March 7, 2019
- Nguyen Duy Sang, 2 years 6 months of prison, sentenced on March 7, 2019

- Le Minh Truong, 2 years of prison, sentenced on March 7, 2019
- Le Thi Ngoc Anh, 2 years of prison, sentenced on March 7, 2019
- Pham Thi Minh Thu, 2 years of prison, sentenced on March 7, 2019
- Vu Van Ha, 24 months of prison, sentenced on July 30, 2019
- Nguyen Tuan Quan, 24 months of prison, sentenced on July 30, 2019
- Tran Quang Hai, 18 months of prison, sentenced on July 30, 2019
- Le Van Khiem, 30 months of prison, sentenced on July 30, 2019
- Ha Van Nam, 30 months of prison, sentenced on July 30, 2019
- Ngo Quang Hung, 30 months of prison, sentenced on July 30, 2019
- Nguyen Quynh Phong, 30 months of prison, sentenced on July 30, 2019
- Dang Thi Hue, 18 months of prison and 24 months of probation, sentenced on May 08, 2020
- Bui Manh Tien, 15 months of prison, sentenced on May 08, 2020

Alleged violations of Article 330 – 2 persons (Resisting a law-enforcement officer in performance of his/her official duties):

- Nguyen Quang Tuy, 2 years of prison, sentenced on June 10, 2019
- Tran Dinh Sang, 2 years of prison, sentenced on Sept 18, 2019

Alleged violations of Article 331 – 8 persons (Abusing democratic freedoms to infringe upon the interests of the State, lawful rights and interests of organizations and/or citizens):

- Trinh Viet Bang, pre-trial detention, arrested on May 14, 2019
- Quach Nguyen Anh Khoa, 6 months of prison, sentenced on June 13, 2019
- Doan Khanh Vinh Quang, 2 years 3 months of prison, sentenced on Sept 24, 2019
- Le Van Sinh, 5 years of prison, sentenced on Sept 5, 2019
- Nguyen Thi Hue, 2 years and 6 months of prison, sentenced on Oct 17, 2019
- Pham Xuan Hao, 1 year of prison, sentenced on Oct 31, 2019
- Chung Hoang Chuong, 18 months of prison, sentenced on April 27, 2020
- Ma Phung Ngoc Phu, pre-trial detention, arrested on April 10, 2020

Alleged violations of Article 339 – 3 persons (Criminal impersonation)

- Thao A Khu, 2 years of prison, sentenced on March 18, 2020
- Phang A Minh, 2 years of prison, sentenced on March 18, 2020
- Phang A Lanh, 2 years of prison, sentenced on March 18, 2020

Alleged violations of Article 355 – 1 person (Abuse of power or position for appropriation of property):

- Truong Duy Nhat, 10 years of prison, sentenced on March 09, 2020

Alleged violations of Article 390 – 1 person (Failure to prevent the commission of a crime):

- Huynh Duc Thinh, 1 year of prison, sentenced on June 24, 2019

All of the above-named were prosecuted for having exercised their fundamental rights as stipulated in the Universal Declaration of Human Rights as well as in the Constitution of Vietnam. Clearly, the government arbitrarily applied vaguely worded security crimes of the Criminal code as well as fabricated evidence to these dissidents and human rights activists. The courts have become a means for the CPV to impose its will as the country's sole seat of power.

On September 10, 2019, the United Nations Working Group on Arbitrary Detention (UNWGAD) called on the Vietnamese authorities to release journalists Nguyen Van Hoa and Le Dinh Luong on the basis that the detention of these two journalists violates UN human rights standards and is illegal under international law. The Investigation Committee also expressed concern that "this pattern indicates a systemic problem with arbitrary detention in Viet Nam that, if it continues, may amount to a serious violation of international law."[2]

On January 22, 2020, UN Human Rights Council' members, including Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; Working Group on Arbitrary Detention; the Special Rapporteur on the rights to freedom of peaceful assembly and of association; and the Special Rapporteur on the situation of human rights defenders sent an official letter to the Vietnamese government questioning the detention of independent journalist Pham Chi Dung, President of the Vietnam Association of Independent Journalists, and human rights activist Dinh Thi Phuong Thao, and requested a response in 60 days.[3]

2. VIOLATIONS OF BASIC PRINCIPLES OF THE CRIMINAL PROCEDURE CODE

The National Report on the Implementation of Human Rights in Vietnam under the Universal Periodic Review (UPR) in 2019 did not mention the current state of human rights in the field of the judiciary, apart from citing lengthy provisions of the Constitution, the Criminal Code, and the Criminal Procedure Code.

In reality, continual violations of the principles of procedure throughout the criminal proceedings, from arbitrary arrest to fabrication of evidence, forced testimony, obstruction of lawyers, and cursory trials with predetermined verdicts have made a mockery of such procedures. Suspects are often tortured during interrogation and isolated from their families and lawyers. Most court trials are summarily carried out within one day, sometimes lasting only a few hours. The presence of a lawyer, if any, is just for show, since the time for deliberation is usually shorter than the time for needed to read the verdict, meaning the verdict had already been prepared ahead of time.

Legal proceeding violations not only occur in district, provincial, or higher courts, but even at the highest level of the legal system, the Supreme People's Court. Ho Duy Hai's cassation trial on May 8, 2020 is a typical case. Chief Justice Nguyen Hoa Binh, chair of the judges' panel, originally a police general, previously in the position of Director of the Supreme People's Procuracy had decided not to appeal the case under cassation procedure because he thought Ho Duy Hai is guilty

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2 UN Human Rights Council. *Opinions adopted by the Working Group on Arbitrary Detention at its eighty-fifth session, 12–16 August 2019 . Opinion No. 44/2019 concerning Nguyễn Văn Hoá (Viet Nam)* https://www.ohchr.org/Documents/Issues/Detention/Opinions/Session85/A_HRC_WGAD_2019_44.pdf

3 https://spcommreports.ohchr.org/TMResultsBase/DownLoadPublicCommunicationFile?gId=24990&fbclid=IwAR1P8nD18irmZKuzPOSgaAcxOeaawn2JcSONkR7mRFxFk5xZRXWooEDk9IQ

As for political cases, violations of criminal proceedings are particularly egregious. In all the criminalized political cases above mentioned, basic principles of criminal procedure are violated at every possible stage: arrest without court warrants, absence of local authorities and close relatives during the apprehension process, detention beyond the lawful limit without indictment, no introduction of evidence or witnesses, and prevention of contact with lawyer and family. In many court sessions, lawyers are either disallowed or restricted in their defense; relatives are not allowed to attend.

At the meeting on November 4, 2019, of the National Assembly of Vietnam, Ms. Le Thi Nga, Chairwoman of the National Assembly's Judiciary Committee, admitted that the number of unjustly convicted cases increased by 58.3% compared to 2018.[4]

Unjust sentences are often the result of duress, extortion, and corporal punishment. In all those cases, the verdicts had already been decided by the court before the trials, based on confessions obtained through physical and mental torture, in disregard of rebuttal evidence, witnesses' persuasive counter-arguments, and the accused's retractions and petitions.

In addition to using state-run media to convict defendants before a trial court, the Vietnamese Communist authorities often put detainees on TV for self-confession. This practice was applied to several political cases in previous years, such as Lawyer Nguyen Van Dai and Lawyer Le Thi Cong Nhan (2007), Lawyer Le Cong Dinh (2009), and Mr. Will Nguyen (2018). Recently, on January 13, 2020, three relatives of Mr. Le Dinh Kinh, who died in clashes with police forces in Dong Tam village, were put on state television "confessing" after the police had launched an attack on the village residents on January 9, 2020.[5]

At the same time, the required electronic recording of custodial interrogations scheduled for January 2018 were delayed by the authorities due to lack of equipment and staff training for interrogation work with audio and video recording. [6]

One other equally serious crime is "corrupt bribery of the courts." This is a very common phenomenon in Vietnam, especially in recent years when the economic reform policy provided grounds for corruption. It is difficult to identify the primary culprits in cases of court bribery. The task is usually carried out by low-ranking subordinates, who, if caught, would be tried for "appropriating property through swindling," while in reality it is judicial bribery.

However, in 2019, there were many court cases involving high-ranking government officials, such as the case of VN Pharma's deputy director charged with attempting to bribe the court with half a million U.S. dollars in a case related to the sale of fake cancer drugs;[7] the case of the Deputy Director of the Tan Chau District Procuracy (Tay Ninh province), who received US$2,500 from two defendants to reduce their sentences to probation;[8] and the case of the Thanh Hoa Police Chief

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4 VNMedia. *Số lượng* án *oan tăng mạnh trong năm 2019*.
http://vnmedia.vn/phap-luat/201911/so-luong-an-oan-tang-manh-trong-nam-2019-4dd341c/

5 Người Việt. *Dư luận phẫn nộ vì con cháu* ông *Lê* Đình *Kình 'mặt sưng vù, nhận tội' trên VTV.*
https://www.nguoi-viet.com/viet-nam/du-luan-phan-no-vi-con-chau-ong-le-dinh-kinh-mat-sung-vu-nhan-toi-tren-vtv/

6 Giáo Dục Thời Đại. *Bộ Công an lùi thời hạn ghi hình hỏi cung vì… cán bộ*.
https://giaoducthoidai.vn/bo-cong-an-lui-thoi-han-ghi-hinh-hoi-cung-vi-can-bo-3836886.html

7 Zing.VN. *Cựu Phó tổng giám* đốc *VN Pharma chi nửa triệu USD* để *'chạy* án*'*.
https://news.zing.vn/cuu-pho-tong-giam-doc-vn-pharma-chi-nua-trieu-usd-de-chay-an-post963734.html

8 Dân Trí. *Phó Viện trưởng Viện Kiểm sát nhận 2.500 USD* để *"chạy* án*"*. https://dantri.com.vn/phap-luat/pho-vien-truong-vien-kiem-sat-nhan-2500-usd-de-chay-an-20191209162444468.htm?utm_source=article&utm_campaign=latest

receiving VND 260 million to bribe the court for his subordinates.[9]

When assessing the Government's Anti-Corruption Report in 2019, the Chairwoman of the National Assembly Judicial Committee admitted that corruption in the anti-corruption agencies had increased compared to 2018, causing frustration in public opinion.[10]

Vietnam's Constitution stipulates: "The People's Courts shall hold hearings in public" (Article 103). However, most political cases have been hastily tried, and security forces comprising up to hundreds of people have been mobilized to prevent relatives and reporters from attending.

Nov 14, 2019, during a court hearing at the People's Court of Nha Trang City, Khanh Hoa Province, Lawyer Nguyen Duy Binh was removed by force from the court room. Photo credit: Nguoi Lao Dong

In contrast to these closed political trials, there are also outdoor trials by mobile courts that resemble the public denunciations of the Land Reform Era and that have no legal basis for existence.

In recent years, many people have suggested the abolishment of mobile trials because they not only violate the dignity of the defendants but also put heavy pressure on their families, and violate especially blatantly the principle of the presumption of innocence. At such mobile court trials, defendants do not have the opportunity to defend themselves, while the judges are under tremendous mob pressure. The courts usually return verdicts with sentences incommensurate with the offenses after just a few hours of deliberation - even for cases resulting in the death penalty. Defendants are victims of the court system even before they are put on trial.

3. THE PERFUNCTORY PRESENCE OF LAWYERS

The Criminal Procedure Code of Vietnam, amended in November 2015, guarantees the right to defense for accused persons and their representatives (Articles 16 and 73). In practice, however, the right to self-defense and the right to legal counsel have been constantly violated.

According to the Vietnam Bar Association, up to 2019, there were about 13,500 licensed lawyers, whose principal activity is procedural law.[11] Only about 20 percent of defendants in criminal cases were represented by defense attorneys.[12]

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9 Zing.VN. *Trưởng công an TP Thanh Hóa nhận tiền 'chạy án' bị tước quân tịch*. https://news.zing.vn/truong-cong-an-tp-thanh-hoa-nhan-tien-chay-an-bi-tuoc-quan-tich-post911771.html

10 Pháp Luật. *Tham nhũng trong lực lượng có chức năng chống tham nhũng tăng so với năm 2018.* https://baophapluat.vn/trong-nuoc/tham-nhung-trong-luc-luong-co-chuc-nang-chong-tham-nhung-tang-so-voi-nam-2018-478037.html

11 Báo Điện Tử ĐCS VN. *Phát huy vai trò của luật sư trong công cuộc cải cách tư pháp*. http://dangcongsan.vn/thoi-su/phat-huy-vai-tro-cua-luat-su-trong-cong-cuoc-cai-cach-tu-phap-538822.html

12 Luật Sư Việt Nam. *Vướng mắc cần tháo gỡ để nâng cao hoạt động tranh tụng của luật sư tại phiên toà hình sự.* https://lsvn.vn/vuong-mac-can-thao-go-de-nang-cao-hoat-dong-tranh-tung-cua-luat-su-tai-phien-toa-hinh-su.html

Vietnam's judicial system has been crippled not only by the very small number of lawyers, their low level of occupational awareness, and their unsatisfactory professional skills, but primarily by the dependency of the lawyers' organization on the Communist Party of Vietnam.

The preamble of the Vietnam Bar Association Bylaws clearly states that "The Vietnam Bar Association is a member of the Vietnam Fatherland Front under the leadership of the Communist Party of Vietnam, and the administration of the Socialist Republic of Vietnam government."

The administration, especially the police, regards lawyers as dangerous opponents to the regime. Thus, it continues to find ways to intervene and obstruct their activities, which it deems harmful to its regime and its leadership.

In recent years, public opinion has been particularly concerned about the security of defenders of justice, as many of them have been harassed or injured by police disguised as thugs. A typical case involved hooligans' ruthless beating of lawyers Tran Thu Nam and Le Van Luan in 2015.[13]

Lawyers defending victims of injustice or dissidents often face job insecurity, sometimes having their licenses revoked, such as the cases of Attorney Vo An Don of the Phu Yen Province Bar Association and Attorney Pham Cong Ut of the Ho Chi Minh City Bar Association. In 2019, Attorney Tran Vu Hai, a lawyer who has often defended sensitive cases, was denied permission to represent dissident journalist Truong Duy Nhat by the Investigation Police Department of The Ministry of Public Security. Police staged a tax-evasion case in which Attorney Hai was the accused himself. Attorney Nguyen Duy Binh, one of Hai's defense lawyers, was forced out of the court by police, a move that was not only very offensive but highly symbolic.

In the daily operation of their business, lawyers in Vietnam today are confronted with obstruction from police investigators, the Procuracy, and even the Trial Panel. To represent a client, a lawyer must obtain a defense counsel's certificate from the investigating authority. This procedure is not only annoying, but also creates an asking-giving relationship between the lawyer and the investigating agency. The 2015 Criminal Law Procedure Code replaces the defense counsel's certificate with the defense registration procedure. But actually, according to many lawyers, this change is merely "old wine in new bottles"!

In court, the jury rarely pays attention to lawyers' arguments, while the latter often do not dare to contradict the prosecutors. In most cases, the lawyer's only duty is to ask for leniency.[14] Worse are situations where an attorney, especially an appointed one, sides with the prosecutor to convict the very person he is defending. An example of such unprofessional conduct was Mr. Vo Thanh Quyet's defense of Ho Duy Hai, which resulted in a death sentence. It is worth noting that Mr. Vo Thanh Quyet is a former Chief of the Provincial Police.[15] The Chairman of the Hanoi Bar Association also confessed that "in many cases, the presence of a lawyer is perfunctory, a kind of 'decoration' during the proceedings."[16]

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13 SBTN. *Luật sư Trần Thu Nam và Lê Luân bị công an giả danh côn đồ đánh đập dã man.*
https://www.sbtn.tv/luat-su-tran-thu-nam-va-le-luan-bi-cong-an-gia-danh-con-do-danh-dap-da-man/

14 An Ninh Thủ Đô, *Luật sư chỉ định, có cho đủ… thủ tục,*
http://www.anninhthudo.vn/Ky-su-phap-dinh/Luat- su-chi-dinh-co-cho-du-thu-tuc/487759.antd

15 Pháp Luật Việt Nam. *Luật sư "hai mang" trong vụ án tử tù Hồ Duy Hải.*
https://baophapluat.vn/phap-luat/luat-su-hai-mang-trong-vu-an-tu-tu-ho-duy-hai-205247.html

16 VnExpress. *Vai trò của luật sư trong phiên tòa rất mờ nhạt.*
http://vnexpress.net/tin-tuc/phap-luat/vai-tro-cua-luat-su-trong-phien-toa-rat-mo-nhat-2077980.html

4. AN INHUMANE PRISON SYSTEM

For criminal prisoners, corporal punishment has been used to subdue inmates and save funds. First, inmates are forced to work hard all day, but are not entitled to the fruits of their labor. The work is difficult and dangerous, and includes stone crushing, timber logging, farming, and brick-making. Second, despite strenuous work, prisoners must live in deplorable conditions from every aspect: shelter, food, sanitation, and health. Worst of all is the harsh treatment by prison wardens and staff, who are able to use any public humiliation and psychological or physical torture imaginable. The purposes of the punishments are: first, to leave the prisoners dispirited and make them submissive to their jailers; and second, to wreak revenge on prisoners who dare to demand treatment in accordance with the law.[17] Such a case, tried in October 2019, related to the death of a young prisoner caused by three guards of the Long Hoa detention center in Long An Province. Most such cases, however, are never disclosed.[18]

Dec 10, 2019, former primary school teacher Dao Quang Thuc died in prison. He had been sentenced to 13 years of prison and 5 years of probation on Sept 19, 2018 for allegedly "carrying out activities aimed at overthrowing the people's administration." Photo credit: VOA

For political prisoners, this inhuman treatment is carried out even more systematically. They are usually subject to additional sanctions, such as transfer to remote prison camps, prohibition of visits, disciplinary isolation, suspension of medical treatment, beatings by the prison police or by criminal prisoners directed by them, and so on.

In 2019, people were particularly concerned about the prisoners of conscience who went on a hunger strike to protest the inhumane treatment in Vietnamese prisons. [19] The hunger strikes touched the conscience of Vietnamese people everywhere. Many people in Vietnam and abroad signed a joint statement protesting police violence against prisoners of conscience.[20] People were also outraged about the forced placement of prisoner of conscience Le Anh Hung in a psychiatric hospital, and the death of two prisoners of conscience Doan Dinh

17 RFA. *Tình trạng tù nhân trong các trại giam ở Việt Nam.* https://www.rfa.org/vietnamese/news/programs/OverseasVietnamese/vdsnv0520-tt-05202016134036.html

18 Đời Sống Pháp Luật. *Bản án cho 3 cựu cán bộ quản giáo đánh chết phạm nhân tuổi vị thành niên*. https://www.doisongphapluat.com/tin-tuc/tin-trong-nuoc/ban-an-cho-3-cuu-can-bo-quan-giao-danh-chet-pham-nhan-tuoi-vi-thanh-nien-a297425.html

19 VOA. *Tù nhân lương tâm VN tuyệt thực phản đối cán bộ trại giam 'ngược đãi'.* https://www.voatiengviet.com/a/tu-nhan-luong-tam-vn-tuyet-thuc-phan-doi-can-bo-trai-giam-nguoc-dai/4938822.html

20 BBC. *VN: Hơn 1000 người đã ký lời phản đối ngược đãi tù nhân chính trị.* https://www.bbc.com/vietnamese/vietnam-48878542

Nam and Dao Quang Thuc whose families were not allowed to receive their bodies for burial.[21& 22]

In 2019, human rights activist Pham Doan Trang released her *"The Handbook for Prisoners' Helpers."* This is the first complete document in Vietnam for families whose loved ones are in prison, especially when they are prisoners of conscience or political prisoners. It details everything the families need to do to support and protect their loved ones in the detention center, from the first days of their arrest, through pre-trial detention, court appearance, and sentencing hearing through their time in prison.[23]

RECOMMENDATIONS

The Vietnamese government should:

- Immediately put an end to the criminalization of legitimate political activities by abolishing all the vaguely-worded security crimes of the Criminal Code, particularly Articles 109 (Activities against the people's government), 113 (Terrorism aimed to oppose the people's authority), 116 (Sabotaging implementation of solidarity policies), 117 (Fabrication, storage, spreading, or dissemination of information, materials, items for opposing the government of SRV), 118 (Disruption of security), 288 (Illegal provision or use of information on computer networks or telecommunications networks), 318 (Disturbance or public order), 330 (Resisting a law enforcement officer in performance of his/her official duties), and 331 (Abusing democratic freedoms to infringe upon the interests of the State, lawful rights and interests of organizations and/or citizens).
- Abide by internationally-recognized standards of criminal justice.
- Comply fully with the United Nations Basic Principles on the Role of Lawyers;
- Improve the current prison regimes; and immediately and unconditionally release all prisoners of conscience and political prisoners.

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21 RFA. *Tù nhân tôn giáo trong vụ án Công án Bia Sơn chết trong tù.* https://www.rfa.org/vietnamese/news/vietnamnews/prisoners-doan-dinh-nam-in-bia-son-case-dead-in-prison-10072019083848.html

22 RFA. *Tù nhân lương tâm Đào Quang Thực bị an táng ở trại giam, bất chấp phản đối của gia đình.* https://www.rfa.org/vietnamese/news/vietnamnews/diceased-political-prisoner-dao-quang-thuc-buried-in-prison-6-12122019065148.html

23 Phạm Đoan Trang. *Cẩm Nang Nuôi Tù.* https://nhaxuatbantudo.com/wp-content/uploads/2019/11/Cam-nang-nuoi-tu-3008-Ban-Ebook.pdf

III
THE RIGHT TO PARTICIPATE IN NATIONAL POLITICAL LIFE

The 1993 Constitution stipulates, "Citizens have the right to participate in the management of state affairs through elections" (Article 27 and 28)[1] "and the rights to freedom of speech, assembly, association and demonstration" (Article 25). However, Article 4 of this very Constitution asserts the absolute leadership role of the Communist Party of Vietnam (CPV) over all national activities.[2] Because of this contradiction and the intention to maintain political monopoly at all costs, all provisions on political rights stated in Articles 20 and 21 of the Universal Declaration of Human Rights and Articles 21 and 22 of the International Covenant On Civil and Political Rights, which Vietnam has committed itself to upholding, are nullified. People are deprived of the right to choose peacefully their political system and representatives, and the right to have political views that are different from those of the CPV. All opposition groups are persecuted and outlawed.

1. NATIONAL AFFAIRS ARE THE PRIVILEGE OF THE CPV

Like many countries in the world, Vietnam regularly organizes elections for various government posts at all levels. The Constitution specifies that the National Assembly is Vietnam's highest institution when it comes to representing the people, appointing government officials, and making laws. Currently, however, with the existing electoral and parliamentary processes, it is merely an instrument of the CPV.

No one is eligible to stand for parliamentary elections other than the CPV's own members and a number of non-party individuals selected by the CPV. All applicants have to be screened by the Fatherland Front, a CPV front organization, through the "Consultative Conference" and the "Voter Conference" at central and local levels.

According to the latest official data on parliamentary elections, there were 1,209 candidates vying

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1 Article 27: "Every citizen who reaches the age of eighteen has the right to vote. Every citizen who reaches the age of twenty-one has the right to stand for election to the National Assembly or People's Councils. The exercise of those rights shall be prescribed by a law."
Article 28: "1. Citizens have the right to participate in the management of the State and management of society, and to discuss and propose to state agencies issues about their base units, localities and the whole country. 2. The State shall create the conditions for citizens to participate in the management of the State and society; and shall publicly and transparently receive and respond to the opinions and petitions of citizens."

2 "The Communist Party of Vietnam - the Vanguard of the working class, concurrently the vanguard of the laboring people and Vietnamese nation, faithfully representing the interests of the working class, laboring people and entire nation, and acting upon the Marxist-Leninist doctrine and Ho Chi Minh Thought, is the force leading the State and society." (Article 4 of the Constitution of the Socialist Republic of Vietnam 2013)

for 500 seats in the 14th National Assembly. Of these candidates, 162 were self-nominated.[3] However, after consideration by "consultative conferences" and "constituent conferences," the number of people nominated for the official list of candidates was 870, including 11 self-nominated candidates. Of these 11, three were local party secretaries, two of whom were the only two self-nominated candidates that won election.[4]

According to the results of the National Assembly election of May 2016, the national voter turnout rate was 99.35%. The CPV leadership obtained an absolute vote of confidence, registering 99.48% for Prime Minister Nguyen Xuan Phuc, 95.87% for Minister of Defense Ngo Quoc Lich, 95.55% for Minister of Finance Dinh Tien Dung, 95.32% for Deputy Prime Minister Vuong Dinh Hue, and 95.16% for Minister of Public Security To Lam.[5] Of the 496 newly elected deputies of the National Assembly, only 21 were non-members of the ruling Communist Party (4.23%.)

Compared with previous National Assembly elections, the number of parliament deputies who are CPV members is increasing. The 1st National Assembly (1946-1960) had 333 deputies, of which the Viet Minh (the CPV's predecessor) occupied 120 seats, the Democratic Party of Vietnam 46 seats, Vietnam Socialist Party 24 seats, and those with no party affiliation had 143 seats. The 13th National Assembly (2011-2016) had 500 deputies, of which 42 were non-CPV members (8.4%).

As with any totalitarian regime, these unusual voter participation figures serve nothing more than to underscore the nature and breadth of the Communist dictatorship in its increased intention to monopolize power. In fact, the current system of election in Vietnam is something that no Vietnamese citizen dares to reject, since abstaining or voting against the Party is synonymous with being seen as a troublemaker and inviting harsh retaliatory measures in one's daily life, such as difficulties when applying for civil status documents, building permits, or property certifications.

Noteworthy in the 2016 National Assembly election were the "self-nominated movements" of dissidents, especially members of "underground" civil society organizations. At least 30 dissidents submitted their candidatures,[6] all of which were disqualified after going through the consideration process by consultative conferences and constituent conferences that were more like denunciation gatherings. Furthermore, the government sought to block dissidents' candidacies with a number of tricks, from slandering to threatening personal safety.[7] The People's Public Security Newspaper claimed that the "self-nominated candidacy movement" was a repository for hostile elements, both domestic and foreign, attempting to derail the election of the National Assembly and the People's Councils at all levels.[8]

Up to the time of this report, the CPV Politburo has not yet issued directives for organizing the

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3 Cánh Cò. *Có 1* đơn *tố cáo người ứng cử* đại *biểu Quốc hội thuộc diện Bộ Chính trị quản lý.*
https://canhco.net/co-1-don-to-cao-nguoi-ung-cu-dai-bieu-quoc-hoi-thuoc-dien-bo-chinh-tri-quan-ly-p120501.html

4 VnExpress. *Danh sách 870 ứng viên đại biểu Quốc hội khóa 14.*
http://vnexpress.net/interactive/2016/dai-bieu-quoc-hoi

5 VnExpress. *Thủ tướng đạt trên 99% phiếu bầu vào Quốc hội.*
http://vnexpress.net/tong-thuat/thoi-su/thu-tuong-dat-tren-99-phieu-bau-vao-quoc-hoi-3416887.html

6 Việt Báo. *Hành trình của những ứng cử viên tự do.*
https://vietbao.com/a252053/hanh-trinh-cua-nhung-ung-cu-vien-tu-do

7 BBC. *Ứng viên độc lập 'bị sách nhiễu đồng loạt'.*
http://www.bbc.com/vietnamese/forum/2016/03/160303_ung_vien_doc_lap_bi_sach_nhieu_dong_loat

8 Công an Nhân dân Online. *Sự thật về cái gọi là "phong trào tự ứng cử* đại *biểu Quốc hội".*
http://cand.com.vn/Chong-dien-bien-hoa-binh/Su-that-ve-cai-goi-la-phong-trao-tu-ung-cu-dai-bieu-Quoc-hoi-385400/

15th National Assembly elections in 2021 as they usually do for important political activities. However, according to Ms. Ta Thi Yen, Director of the Delegate Affairs Department of the Office of the National Assembly, the procedures for choosing the upcoming National Assembly deputies "are stipulated in the Party's Resolutions and Directives as well as in the provisions of law."[9]

Article 70 of the Constitution stipulates that the National Assembly must approve candidates to the state apparatus' important positions, but, in reality, the CPV Central Committee picks the candidates and the National Assembly only rubberstamps the selections.

In the course of legislative work, all draft laws originate from the CPV Central Office. In recent years, to burnish the image of the National Assembly, the National Assembly's CPV Office has allowed a number of hearings where ministers and even the prime minister can be questioned. These measures have given domestic public opinion-watchers, especially observers from democratic countries outside Vietnam, the illusion that the National Assembly has real power. In reality, those scripts are agreed upon in advance between Party officials and National Assembly operatives. The Party still controls the National Assembly, with 96% of the representatives being Party members and the rest comprising a mere decorative appendage.

At the local level, in order to increase the CPV's political control, the Politburo in 2008 issued Resolution No. 22/NQ – TW stipulating a model that calls for "the secretary of the party committee to concurrently serve as chairman of the People's Committee of commune and ward." By 2019, Hung Yen Province, for example, had 7 of 10 districts and 114 of 161 communes, wards and towns implementing this model. An Giang province also had 118 of 156 communes, wards and towns (accounting for 75.64% of them) applying this organizational model.[10] The model allows no border between the party organization and the governing body.

In short, through legislation and daily operations, the people have no voice in the governmental apparatus, whether at the central or local level. These institutions are not representative of the people, but are simply Communist Party tools for carrying out totalitarian policies.

2. STAMPING OUT THE OPPOSITION

To protect the Party's political security, the government maintained its intolerance for outside dissent or criticism in 2019. On December 4, 2019, speaking at a conference of the Central Police Committee, General Secretary Nguyen Phu Trong affirmed that the police play a very important role in maintaining political security, and directed the police to maintain political security, prevent sabotage, and obstruct the formation of free political opposition organizations in the country.[11]

Thus, organizations promoting democracy and human rights, such as Bloc 8406, the People's Action Party, the Democratic Party of Vietnam, the Vietnam Progress Party, the Populist Party, the High Tide of Humanism Movement, the Committee for Human Rights, the United Workers-Farmers

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9 Quốc hội nước Cộng hòa xã hội chủ nghĩa Việt Nam. *Cơ cấu, tiêu chuẩn,* đại *biểu Quốc hội,* đại *biểu Hội* đồng *Nhân dân*. http://quochoi.vn/tintuc/Pages/tin-hoat-dong-cua-quoc-hoi.aspx?ItemID=44251

10 Bộ Nội Vụ. *Bản Tin Cải Cách Hành Chính.* http://www.quan2.hochiminhcity.gov.vn/Hnh%20nh%20bn%20tin/2019-5/Ban%20tin%20CCHC%20so%2017_PH.pdf

11 Công An Nhân Dân. *Phải tạo tinh thần mới, khí thế mới* để *hoàn thành tốt công tác Công an năm 2020.* http://cand.com.vn/Su-kien-Binh-luan-thoi-su/Phai-tao-tinh-than-moi-khi-the-moi-de-hoan-thanh-tot-cong-tac-Cong-an-nam-2020-572625/

Nov 21, 2019, Dr. Pham Chi Dung, President of the Independent Journalists Association, was arrested and charged with "fabrication, storage, spreading, or dissemination of information, materials, items for opposing the government of the SRV." Photo credit: Dan Chim Viet

Association, Viet Labor Movement, the Vietnamese Political and Religious Prisoners Friendship Association, the Patriotic Youth, the Vietnam Path Movement, the Brotherhood For Democracy, Vietnamese Women for Human Rights, the Constitution Group, and the Independent Journalists Association continued to be banned and persecuted. Many members of these organizations were isolated or imprisoned.

For example, as of December 2019, up to 50 members of Bloc 8406 had been arrested and sentenced to prison, of whom seven remain incarcerated. The Brotherhood for Democracy had 9 members in detention, of which 8 were sentenced to between 7 and 13 years in prison and one was awaiting trial. Lawyer Nguyen Van Dai, founder of the association, was exiled abroad.

Mr. Tran Huynh Duy Thuc, the leader of the Vietnam Path Movement, was still serving his 16-year sentence on charges of "activities aimed at overthrowing the people's government" under Article 79 of the 1999 Criminal Law. Dr. Nguyen Dan Que, the founder of the Humanist Movement, was under house arrest. Ms. Huynh Thuc Vy, the founder of Vietnamese Women for Human Rights was sentenced for 2 years and 9 months of prison. Dr. Pham Chi Dung, President of the Independent Journalists Association, was arrested on November 21, 2019, and charged with "fabrication, storage, spreading, or dissemination of information, materials, items for opposing the government of the SRV" under Article 117 of the 2015 Criminal Law. Eight members of the Constitution Group are about to be brought to court.

In 2019, the level of physical violence used to suppress opposing voices was somewhat reduced compared to previous years; instead, arrests and prosecutions for criminal offenses increased dramatically. [See chapter II, paragraph 1 of this report: Arbitrary Detentions and Criminalization of All Activities Detrimental to the CPV's Interests.]

The following are typical cases of violence against the opposition, including cases of political vengeance in prison:

- On July 12, 2029, a group of more than 20 human-rights activists was severely assaulted by a crowd supported by police when they visited political prisoners at Camp 6, Thanh Chuong, Nghe An province.[12]

- On January 28, 2019, Mr. Ha Van Nam, a human rights activist, was seized by strangers in a car and taken to a secret location, beaten, and told to stop his human-rights advocacy activities.[13]

- On October 11, 2019, the wife of political prisoner Nguyen Ngoc Anh informed Radio Free Asia

12 RFA. *Các nhà hoạt* động *bị hành hung tại Trại 6, Nghệ An.* https://www.rfa.org/vietnamese/news/vietnamnews/activists-severely-beaten-at-prison-6-nghe-an-07122019075458.html

13 RFI. *Việt Nam:* Ân *Xá Quốc Tế lên* án *vụ xử nhà tranh* đấu *chống trạm thu phí*. http://www.rfi.fr/vi/viet-nam/20190729-viet-nam-an-xa-quoc-te-len-an-phien-xu-nha-tranh-dau-chong-tram-thu-thue-bot

that Mr. Anh had been beaten unconscious in prison.[14]

- On May 12, 1919, prisoner of conscience Nguyen Van Hoa, a former reporter for Radio Free Asia, was beaten and injured by prison guards.[15]

In addition to using physical assault and criminalization of legitimate activity to arrest and prosecute dissidents, the authorities also mobilized official and unofficial media outlets to defame, falsely condemn and demoralize them.

3. THE RIGHTS TO FREEDOM OF ASSOCIATION, FREEDOM OF PEACEFUL ASSEMBLY, AND FREEDOM OF MOVEMENT

Article 25 of the Constitution specifies, "Citizens have the right to freedom of speech and freedom of the press, and the right of access to information, the right to assembly, the right to association, and the right to demonstrate. The Law shall prescribe the exercise of those rights." Because of the essential character of the right to freedom of speech, freedom of the press and access to information in the context of today's Vietnam, this report has a separate section for this issue [See Chapter IV on Freedom of Speech].

3.1. The Right to Freedom of Association

At this time the legal provisions governing associations are Decree No. 45/2010 / ND-CP of 2010, amended and supplemented by Decree No. 33/2012 / ND-CP of 2012. Under these decrees, free association is not a right as defined by the International Covenant on Civil and Political Rights; instead, the formation of an association, with its draconian registration/permission procedures, is only a privilege from the government.

Under pressure from international entities and the recommendations of the UN Human Rights Council, the government in 2005 announced a Draft Law on Associations, but as of 2014, and after 11 amendments, the National Assembly had not yet put the draft law up for discussion or vote. At the end of 2015, National Assembly Chairman Nguyen Sinh Hung declared that the vote on the Draft Law on Associations would be postponed until the 14th National Assembly.[16]

After repeated submissions and withdrawals, the 14th National Assembly still has not voted on the Draft Law on Associations. At the end of 2019, in a report submitted to the National Assembly, the government proposed putting the vote on the Draft Law on Associations on the 2020 legislative agenda. The reason given for the delay was to wait for guidance from the Politburo.[17]

The unusual delay highlights the government's fear of people's possible use of this law as a legal

14 RFA. *Tù chính trị Nguyễn Ngọc* Ánh *'bị* đánh đến *bất tỉnh trong tù'.* https://www.rfa.org/vietnamese/news/vietnamnews/environmental-activist-nguyen-ngoc-anh-allegedly-being-beaten-in-jail-10112019084853.html

15 RFA. Ân *xá Quốc tế: vụ tra tấn Nguyễn Văn Hóa là "vô cùng nghiêm trọng".* https://www.rfa.org/vietnamese/news/vietnamnews/amnesty-international-raised-concern-over-report-about-nguyen-van-hoa-being-tortured-05242019080051.html

16 BBC. *Luật về Hội - phép thử bị trì hoãn?* http://www.bbc.com/vietnamese/vietnam/2015/09/150925_vn_draft_association_law_views

17 Giao Thông. *"Số phận" Luật về Hội, Luật Biểu tình sau nhiều lần hoãn giờ ra sao?* https://www.baogiaothong.vn/so-phan-luat-ve-hoi-luat-bieu-tinh-sau-nhieu-lan-hoan-gio-ra-sao-d413923.html

means of bypassing state control over the formation of independent organizations, especially at a time when Vietnam is negotiating with the European Union on the EU -Vietnam Free Trade Agreement (EVFTA). The right to form trade unions is an important issue in these negotiations.

According to the government's report to the National Assembly on the Law on Assembly, as of December 1, 2014, there were 52,565 associations in operation in Vietnam (483 national and 52,082 local). These are peripheral organizations established by the Vietnamese Communist Party or groups controlled by the government. Spending on these associations from the national budget is about 68 trillion dong (US $3 billion).[18]

In recent years, many civil society organizations have been formed and have been operating "illegally." These include Bloc 8406, the Civil Society Forum, the Association of Former Vietnamese Prisoners of Conscience, the Vietnam Blogger Network, the Brotherhood For Democracy, the Bau Bi Tuong Than Association, the Peasant Petitioners Association , Movement for Solidarity with Victims of Injustice, the Vietnamese Political and Religious Prisoner Friendship Association, the Vietnam Path Movement, the Bach Dang Giang Foundation, the Vietnamese Women for Human Rights, the Vietnamese Redemptorist Communications, the Independent Journalists Association of Vietnam, Viet Labor Movement, Green Trees, and the Association for the Support of Victims of Torture.

Although their activities are very limited, mostly through social media, and although they have always been persecuted, these associations have created a new spirit of freedom of association, a right specified in the Vietnamese Constitution. The Communist government is always fearful of the advent of civil society organizations, and afraid that these organizations will "evolve from 'counter-argument' to 'protest' and finally 'reactionary opposition' to the Communist Party and the socialist state."

3.2. The Right to Freedom of Peaceful Assembly

Gatherings to express views and aspirations are governed by Decree 38/2005 of the government and Circular No. 09/2005/TT-BCA of the Ministry of Public Security. According to these two legal documents, a gathering of five people or more requires registration with and permission from the relevant People's Committee and the disclosure of participants' names as well as the meeting's content and date. Meetings that do not meet these conditions are illegal.

The government is very suspicious of crowds beyond their control; however, under international pressure, Prime Minister Nguyen Tan Dung, in November 2011, proposed and submitted a draft Law on Demonstrations; however, at the end of 2015, it had still not yet been discussed by the National Assembly. In early 2016, Minister of Justice Ha Hung Cuong said, "Because opinions on the content of the draft Law are very different among the cabinet members," the government has requested that the discussion on the draft Law be postponed until the 2nd Session of the 14th National Assembly (the end of 2016).[19] Nonetheless, as with the draft Law on Associations, as of now the draft Law on Demonstrations has not been approved by the National Assembly.

At the same time, 2019 was marked by mass protests in many locations for various reasons: victims of land expropriation demanding justice; exploited workers demanding improvement in

18 Tuổi Trẻ Online. *Tổng chi phí cho các hội lên tới 68.000 tỉ đồng.*
http://tuoitre.vn/tin/kinh-te/tai-chinh/20160707/tong-chi-phi-cho-cac-hoi-len-toi-68000-ti-dong/1133212.html

19 Tuổi Trẻ Online**.** *Chính phủ lại xin lùi dự án Luật biểu tình***.**
http://tuoitre.vn/tin/chinh-tri-xa-hoi/20160217/chinh-phu-lai-xin-lui-du-an-luat-bieu-tinh/1052683.html

wages and working conditions; religious followers demanding freedom; popular uprisings against Chinese encroachment on national waters and islands, and protests against police violence and environmental destruction.

Gatherings of victims of land expropriation demanding the return of their land continued across the country throughout 2019, including cases attracting protesters from various regions:

- On January 15, 2019, over 1,000 parishioners of Xuan Hoa parish marched to the Quang Xuan People's Committee to request the People's Committee to return cemetery land.
- On June 2, 2019, many Victims of Injustice from many localities gathered in front of the reception office of the Party Central Committee in Hanoi to petition for land-expropriation compensation.
- On June 5, 2019, petitioners in front of the National Assembly of Vietnam shouted "Down with Mrs. Nguyen Thi Kim Ngan - Chairperson of the puppet National Assembly."
- On July 19, 2019, hundreds of Thu Thiem residents gathered at the headquarters of the People's Committee of District 2 in Ho Chi Minh City to demand compensation for land grabbed by a corrupt administration.
- On October 21, 2019, people from several provinces gathered in Hanoi demanding justice when the 8th session of the National Assembly opened.
- On December 2, 2019, petitioners from three regions protested at the Government Inspectorate's office, accusing officials of stealing land.
- On December 3, 2019, petitioners from three regions protested in front of the Prime Minister's office denouncing government officials for stealing land.
- On December 10, 2019, petitioners at Loc Hung Vegetable Garden rallied to protest the government's land grab.

April 12, 2019, People's Police Academy held anti-protest drills. Photo credit: People's Police Academy

Anti-China protests, though not as intense as those of 2014, when China brought its oil drilling rigs into Vietnamese territorial waters, took place in Hanoi and Saigon after China dispatched survey ships to Vanguard Bank in Vietnam's exclusive economic zone in August 2019.[20&21]

Although not as intense as protests in recent years against the Formosa steel plant, demonstrations against environmental destruction continued in many parts of the country.

For example, on June 24, 2019, hundreds of people from Kim Son village (Le Thien commune, An Duong district, Hai Phong city) gathered at the factory gate of the Thuong

[20] RFA. *Công an giải tán cuộc biểu tình chống Trung Quốc của người dân Hà Nội.* https://www.rfa.org/vietnamese/news/vietnamnews/po-dis-pro-hn-08062019092836.html

[21] RFA. *Nhóm nhân sĩ trí thức Sài Gòn biểu tình chống Trung Quốc.* https://www.rfa.org/vietnamese/news/vietnamnews/an-cn-pr-sb-08102019102626.html

Binh Doan Ket company, displayed banners protestinng the company's excessive discharge of pollutants, called for the director of the company to dialogue with the people, and demanded that the company change to other production activities.[22]

On September 18, 2019, residents of Nam Phuoc village (Dai Tan commune, Dai Loc district, Quang Nam province) erected a tent in front of the gate of the Dai Tan alcohol factory to protest the production activities that had polluted people's living environment.[23] On March 28, 2020, residents of Thach Trung commune (Ha Tinh city) gathered to protest the Formosa Company's decision to bury its toxic waste in a residential area where a hospital construction project was located.[24]

May 13, 2019, Rev. Hua Phi of Cao Dai Church confronted two under-cover police officers who prevented him from leaving his home to attend a meeting with a US State Department commission. Photo taken from you-tube on Facebook Cao Dai Bao Ton Chanh Phap.

3.3. The right to Freedom of Movement and Residence

In addition to detention and imprisonment, the government has restricted people's right to residence and movement via a variety of administrative measures. The most common method is the regular household registration system, a form of population control being applied only in China, North Korea, and Vietnam. Vietnam has employed the household registration system since the 1950s, and codified it with the 2006 Law on Residence.

Although the household registration system has had many negative consequences in the economy and in society, the government has refused to give it up because this is one of the most effective means of political and security control.

Another form of control is the "administrative detention" regulated by Decree 31/CP, which then-Prime Minister Mr. Vo Van Kiet issued in 1997. This administrative decree enables the Provincial People's Committee chairman to decide where citizens dwell, and to restrict their occupational activities, movement, and contact with the public. It also prevents people from being interviewed or participating in government affairs if they are deemed to have infringed upon national security but not to the extent that they can be prosecuted. Most dissidents in Vietnam have been punished in this manner.

In 2006, under pressure from the international community and in anticipation of a visit by President Bush to Vietnam, the Vietnamese government issued Resolution No. 22/NQ-CP cancelling Decree 31/CP. However, this was only a legal maneuver, since the main content of Decree 31/CP had been included in the 2002 Law on Handling of Administrative Violations 44/2002/PL-UBTVQH10, which has higher legal validity.[25]

In addition to the above administrative measures, the government has continued to use security

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22 Môi Trường và Cuộc Sống. *Hải Phòng: Người dân lập chốt phản đối công ty xả thải gây ô nhiễm môi trường.* https://moitruong.net.vn/hai-phong-nguoi-dan-lap-chot-phan-doi-cong-ty-xa-thai-gay-o-nhiem-moi-truong/

23 VNExpress. *Người dân giữa đêm dựng lều phản đối nhà máy gây ô nhiễm*. https://vnexpress.net/thoi-su/nguoi-dan-giua-dem-dung-leu-phan-doi-nha-may-gay-o-nhiem-3987302.html

24 RFA. *Hà Tĩnh: Chính quyền đổ trộm chất thải của nhà máy Formosa vào khu dân cư, dân chúng phản ứng dữ dội.* https://www.rfa.org/vietnamese/news/blog/ha-tinh-local-governmen-us-formosa-waste-as-land-fill-angering-people-03292020102847.html

25 LS Lê Thị Công Nhân. *Sự Thật Về Việc Bãi Bỏ Nghị Định 31/CP Ngày 14.4.1997.* http://www.vietnamhumanrights.net/Forum/LTCN_111106.htm

forces to carry out acts of interference, arrest, and passport confiscation on the vague grounds of "protecting national security, social order, and safety."

In addition to trailing dissidents' movements on a daily basis, security forces have increased their control on special occasions. For example, before President Trump went to Vietnam to meet with North Korean leader Kim Jong-un in February 2019, dozens of well-known political activists in Vietnam were prevented from leaving home by security forces. Prior to the Vietnam-US human rights dialogue in 2019, the U.S. State Department delegation invited a number of Vietnamese human rights activists for a consultation on May 13, 1919. Several were forbidden to go out; among them were Rev. Hưa Phi of the Cao Dai Church, Co-Chair of the Vietnam Inter-faith Council Mr. Pham Ba Hai, coordinator of the Association of Former Vietnamese Prisoners of Conscience, and former prisoner of conscience Lawyer Le Cong Dinh.

The authorities also arbitrarily denied or revoked passports without stating the reason. Lawyer Le Cong Dinh was not granted a passport, and the passport of human rights activist Dinh Thi Phuong Thao was confiscated when she returned to Vietnam on November 15, 2019, after her human rights campaign abroad. The government also prevented the foreign travel of dissidents, such as Fr. Nguyen Dinh Thuc, a priest working for human rights, who was stopped at the airport on November 20, 1919, as he prepared to board a plane to Japan to welcome Pope Francis; and Ms. Cao Vinh Thinh, a member of the independent civil group Green Trees, who was prevented from leaving Vietnam by security guards on June 13, 1919.

On May 24, 1919, more than 135 democracy and human rights activists, victims of violations of freedom of residence and movement, issued a Joint Declaration accusing the Vietnamese government of serious violations of international human rights law on freedom of movement that Vietnam had pledged to respect. They demanded that the government "end this long-standing lawlessness." [26]

In summary, from central to local levels, only about 5.2 million CPV members out of nearly 96 million Vietnamese citizens are entitled to engage in political activities. The rest are deprived of not only the right and opportunities to participate in leading and managing their country, but also other civil and political rights, including the right to freedom of speech, freedom of association, freedom of protest, and freedom of movement.

RECOMMENDATIONS

The Vietnamese government should:

- Abolish Article 4 of the Constitution, which allows the CPV to monopolize the national leadership.
- Ensure the right to association, the right to peaceful protest, and the right to freedom of movement, not only with legislation but also, and above all, with practical measures to comply fully with the International Convention on Civil and Political Rights.

26 Thông Tin Đức Quốc. *Báo Cáo Bản Tuyên Bố Chung Về Quyền Tự Do Đi Lại Bi Xâm Phạm.* http://www.viettin.de/node/1224

IV
THE RIGHT TO FREEDOM OF EXPRESSION AND FREEDOM OF INFORMATION

Vietnam's Constitution, as amended in 2013, stipulates, "Citizens have the right to freedom of speech and freedom of the press, and have the right of access to information, the right to assembly, the right to association, and the right to demonstrate. The exercise of those rights shall be prescribed by law" (Article 25). However, in 2019, the above stipulation rang hollow to the mass media and Internet activists as the authorities kept violating people's freedom of speech by:

- Continuing to monopolize the media
- Continuing to block information unfavorable to the regime, and
- Continuing to persecute people who have opposing opinions or dare to tell the truth

1. THE STATE'S MONOPOLY OF SPEECH

The recent amendments to the legal system aimed mainly at strengthening the CPV's monopoly on speech and reinforcing its propaganda machinery, with no concession whatsoever to the people's freedom of expression.

On April 5, 2016, the 2016 Press Law was passed by the SRVN National Assembly in its 11th Session and became effective as of Jan 1, 2017. On June 12, 2018, the Vietnamese National Assembly passed the Law on Cyber-security, which took effect at the beginning of 2019. Despite the state propaganda agency's effort at polishing some of its novel points as compared to the previous law, there was actually nothing new. Its Article 4 is merely a repetition of Article 6 of the 1999 Press Law with its reconfirmation that the duties of the press are "to propagandize, disseminate and contribute to the building and protection of Party guidelines and State policies and laws..."

During a National Press Conference in December 2019, Mr. Vo Van Thuong, Member of the Politburo and Head of the Central Propaganda Department, emphasized that "strengthening the Party's leadership in journalism is an urgent requirement, an important task, and should be done seriously and effectively by agencies and units."[1]

Therefore, with the 2016 Press Law and especially the 2018 Cyber Security Law, the right to freedom of speech has been effectively abolished because of the state's control of all media.

Because the objective of managing the media is to strengthen the ruling party's power, statistics on the number of Internet users, the number of websites, newspapers, the number of TV stations, and the number of reporters carrying government-approved membership cards shows no evidence of

1 Sài Gòn Giải Phóng. *"Tăng cường công tác xây dựng* Đảng *trong các cơ quan báo chí."* https://www.sggp.org.vn/tang-cuong-cong-tac-xay-dung-dang-trong-cac-co-quan-bao-chi-633192.html

respect for freedom of speech, but rather the government's all-encompassing propaganda machine.[2]

2. GOVERNMENTAL OBSTRUCTION OF ALTERNATIVE INFORMATION INTENSIFIES: THE LAW OF CYBER-SECURITY

Along with the promulgation of the 2016 Press Law, Vietnam's National Assembly passed on April 6, 2016, the Law on Access to Information, which, unlike the 2016 Press Law (a modification of an old law), is, according to the responsible agency, meant to "expand democracy, guarantee the citizens' rights and human rights," "provide means for the people to fully enjoy their mastership, especially their direct democracy," and "guarantee the citizens' right to access to information."[3]

In most countries in the world, the purpose of the laws on free access to information is to protect the citizens' right to know, whatever means the state uses to disseminate its policies and decisions. Vietnam's 2016 Law on Access to Information, on the contrary, allows the people to know only what the authorities want to tell them, while legalizing its prohibition of information unfavorable to the Party. The government does this under vague concepts, copied from the Criminal Law, such as state interests, national security, and destruction of unity (Article 6 & 11 of the Law on Access to Information).

The Cyber-Security Law, which came into effect in early 2019, was drafted by the Ministry of Public Security and is copied from the Cyber-Security Law of the People's Republic of China. Worldwide, 138 countries have enacted Cyber-Security Laws (72% of the nations).[4] However, while the main purpose of these countries' legal documents is to protect the security and interests of Internet users, Vietnam's 2018 Law on Cybersecurity aims at legalizing government control of the Internet to protect the Communist Party of Vietnam's monopoly on information.

Vague concepts in the Criminal Code, such as violations of the law on national security, propaganda against the Socialist Republic of Vietnam, infringement of state interests, denial of revolutionary achievements, and undermining the national unity, are repeated in the Cyber-Security Law as weapons to control people's right to speech. In addition, the Cybersecurity Act also violates the right to privacy of personal information by forcing Internet service companies to provide Internet users' information to the government without a court order. These companies must set up a branch or representative office in Vietnam and must remove problematic content within 24 hours of receiving a request from the Ministry of Information and Communications or the Ministry of Public Security.

Because of these serious human-right abuses, the 2018 Cyber-Security Law has met with strong opposition from the people in the country as well as from international human rights agencies such

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2 According to the Central Propaganda Department, as of November 30, 2019, the whole country has 850 press agencies, including 179 newspapers (of which 116 newspapers have electronic newspaper activities, 648 magazines (of which 52 magazines have electronic journal activities), 23 Independent electronic press agencies (including 16 electronic newspapers and 7 electronic magazines.) Regarding radio and television, there are currently 72 radio and television stations nationwide. Central and local figures Propaganda: "Press activities proactive, timely, flexible, effective" http://tuyengiao.vn/nhip-cau-tuyen-giao/ban-tuyen-giao-tw/hoat-dong-bao-chi-chu-dong-kip-thoi-linh-hoat-hieu-qua-126096

3 *Tờ trình về dự* án *Luật tiếp cận thông tin của Chính phủ gởi Quốc hội khóa XIII*, 10/2015

4 United Nations Conference on Trade and Development. *"Cybercrime Legislation Worldwide"* https://unctad.org/en/Pages/DTL/STI_and_ICTs/ICT4D-Legislation/eCom-Cybercrime-Laws.aspx

March 09, 2020, Hanoi court brought journalist / blogger Truong Duy Nhat to trial on charges of "abuse of power or position for appropriation of property", and sentenced him to 10 years of prison. Photo credit TP

as the United Nations Human Rights Office in Southeast Asia, Amnesty International, Human Rights Watch, Reporters without Borders, and the Journalist Protection Committee. The UN Human Rights Council in its 2019 3rdPeriodic Review also recommended that Vietnam to abolish or modify the Cyber-Security Law's provisions that do not conform to UN human rights standards.[5]

Before the Cyber-Security Law was passed by the National Assembly of Vietnam, more than 500 individuals and 7 domestic and foreign organizations had sent a letter to Ms. Nguyen Thi Kim Ngan, President of the National Assembly of Vietnam, to protest the Cybersecurity-Law Bill. The letter also garnered over 27,000 signatures of consensus on social media. On June 10, 2018, the many demonstrations against the Special Economic Zone Bill and the Bill on Cyber-Security gathered thousands of protesters in places such as Saigon, Binh Duong, Vung Tau, Dong Nai, and Binh Thuan, Nha Trang, Da Nang, Hanoi, and elsewhere. Hundreds of people were arrested and at least 127 were sentenced to prison terms for disturbing public order and opposing law enforcement officers. Many protesters were brutally beaten.[6]

3. SUPPRESSION OF OPINIONS CONTRARY TO CPV POLICIES

The crackdown on opposition voices has intensified in Vietnam in 2019 and the first months of 2020. The government has used vague provisions of the Criminal Code and Cyber-Security Law to prosecute and imprison many of the people who use social networks to express their opinions. These cases have included severe sentences, such as:

- In early March 2019, Mr. Nguyen Van Quang was sentenced to 6 years of imprisonment by the People's Court of Thanh Hoa Province on charges of "producing, storing, distributing, or

5 BBC. *Liên Hiệp Quốc bày tỏ quan ngại về Luật an ninh mạng.*
https://www.bbc.com/vietnamese/vietnam-44492573
- Amnesty International. Open Letter: Vietnam Must Respect Human Rights in The Cybersecuriy Law.
https://www.amnesty.org/download/Documents/ASA4192582018ENGLISH.pdf
- Human Rights Watch. *Vietnam: Withdraw Problematic Cyber Security Law.*
https://www.hrw.org/news/2018/06/07/vietnam-withdraw-problematic-cyber-security-law
- Reporter s Without Borders. *RSF calls for repeal of Vietnam's new cybersecurity law.*
https://rsf.org/en/news/rsf-calls-repeal-vietnams-new-cybersecurity-law
- Committee to Protect Journalists. *New cybersecurity law threatens press freedom in Vietnam.*
https://cpj.org/2018/06/new-cybersecurity-law-threatens-press-freedom-in-v.php
- Human Rights Council -Forty-first session. *Report of the Working Group on the Universal Periodic Review - Viet Nam.* P. 16

6 RFA. *Một năm sau tổng biểu tình chống Luật* Đặc *khu và Luật An ninh mạng.* https://www.rfa.org/vietnamese/in_depth/one-year-after-the-protest-against-the-sez-bill-special-law-and-the-cyber-security-law-06072019142743.html

publishing propaganda information, documents, and items against the Socialist Republic of Vietnam."[7]

- On March 20, Mr. Le Minh The was sentenced to 2 years in prison by the People's Court of Binh Thuy District (Can Tho) for having allegedly used the 'Le Minh The' Facebook account to live-stream his misleading personal views and extreme attitudes toward social issues.[8]
- On May 10, 2019: *Mmes.* Vu Thi Dung and Nguyen Thi Ngoc Suong were sentenced to 6 and 5 years in prison, respectively, for posting videos and articles on Facebook opposing the long-term lease of special economic zones to foreigners and the Cyber-Security Law. [9]
- On May 18, 2019, Mr. Le Quang Cuong, Ms. Nguyen Thi Loan, Mr. Le Khac Linh, and Mr. Dang Nguyen Tung were subjected to administrative sanctions by the police of Tinh Gia District, Thanh Hoa Province, and fined 30 million VND for using Facebook to comment on, speak ill of, and affect the reputation of Party leaders and the people's public security forces. [10]
- On June 6, 2019, Aquaculturist Nguyen Ngoc Anh was sentenced to 6 years of imprisonment and 5 years of probation by the People's Court of Ben Tre Province on charges of using Facebook to call on the Communist government to return the South to the Republic of Vietnam.[11]
- On June 10, 2019, Blogger Truong Duy Nhat was indicted for allegedly abusing his position and authority to appropriate property, violating Article 355 of the Criminal Code. Blogger Truong Duy Nhat has written many articles critical of the government in collaboration with Radio Free Asia. Before his arrest, he had fled to Thailand to seek asylum for fear of being detained because of his knowledge of important information concerning the government. He was later abducted by Vietnamese secret agents and returned forcibly to Vietnam.[12]
- On June 28, 1919, Mr. Truong Huu Loc was sentenced to 8 years in prison by the Ho Chi Minh City (HCMC) People's Court for his frequent uses of Facebook to misrepresent the Party's lines and policies and State laws, to defame high-ranking leaders, and to incite people to participate in protests against the people's government.[13]
- On August 21, 2019, Mr. Huynh Dac Tuy was sentenced to 6 years in prison and 3 years of house arrest by the Quang Ngai People's Provincial Court on the allegation of "storing and

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7 Báo *Thanh Hóa. 6 năm tù cho* đối *tượng sử dụng facebook tuyên truyền thông tin chống phá Nhà nước.* http://baothanhhoa.vn/phap-luat/6-nam-tu-cho-doi-tuong-su-dung-facebook-tuyen-truyen-thong-tin-chong-pha-nha-nuoc/100340.htm

8 Thanh Niên. *Livestream kích* động *biểu tình, chủ Facebook Le Minh The bị phạt 2 năm tù.* https://thanhnien.vn/thoi-su/livestream-kich-dong-bieu-tinh-chu-facebook-le-minh-the-bi-phat-2-nam-tu-1062489.html

9 BBC. *VN tuyên* án *11 năm tù cho hai phụ nữ vì 'tuyên truyền' trên mạng.* https://www.bbc.com/vietnamese/vietnam-48237736

10 ZingNews. *Xử phạt người dùng MXH xúc phạm lãnh* đạo Đảng*, Nhà nước và công an*. https://zingnews.vn/xu-phat-nguoi-dung-mxh-xuc-pham-lanh-dao-dang-nha-nuoc-va-cong-an-post947680.html

11 SBS Vietnamese. *Sáu năm tù cho Kỹ sư Nguyễn Ngọc* Ánh. https://www.sbs.com.au/language/english/audio/sau-nam-tu-cho-ky-su-nguyen-ngoc-anh

12 Thanh Niên. *Truy tố bị can Trương Duy Nhất tội lợi dụng chức vụ, quyền hạn.* https://thanhnien.vn/thoi-su/truy-to-bi-can-truong-duy-nhat-toi-loi-dung-chuc-vu-quyen-han-1127290.html

13 Trang tin Điện tử Đảng bộ TPHCM. *Livestream trên Facebook nhằm phá rối an ninh, lãnh 8 năm tù.* https://thanhuytphcm.vn/tin-tuc/livestream-tren-facebook-nham-pha-roi-an-ninh-lanh-8-nam-tu-1491855610

distributing information and documents against the Socialist Republic of Vietnam."[14]

- On August 23, 2019, Mrs. Duong Thi Lanh was sentenced to 8 years in prison by the People's Court of Dak Nong Province for "spreading information and documents opposing the Socialist Republic of Vietnam."[15]
- On September 5, 1919, Mr. Le Van Sinh was sentenced to 5 years in prison by the People's Court of Ninh Binh for having allegedly posted 16 articles with defamatory and libelous information about the Communist Party of Vietnam (CPV); and distorted and libeled the Party's guidelines and policies, and national policies and laws.[16]
- On Sept 17, 2019, Mr. Nguyen Van Cong Em of Ben Tre Province was sentenced to 5 years in prison and 5 years of probation on charges of "producing, storing, distributing, or publishing anti-state information and documents."[17]
- On Sept 18, 2019, Mr. Tran Dinh Sang was sentenced to 2 years in prison by the People's Court of Yen Bai City on the charge of "Resisting a law-enforcement officer in performance of his/her official duties." Mr. Sang, known as the leader of the Dinh Sang Group, and his friends were active on social networks. His Facebook page has nearly 90,000 followers. He often personally shot videos and played them live on Facebook on issues related to the traffic police and local authorities.[18]
- On Sept 23, 2019, Facebooker Vuong Nguyen was arrested and detained by Lam Dong police on charges of using social networks to make and distribute documents, misrepresent information in order to defame and vilify the regime, cause offence to Chairman Ho Chi Minh, and sabotage the Socialist Republic of Vietnam.[19]
- On Sept 23, 1919, the HCMC People's Court of Appeal reaffirmed Ms. Vu Thi Dung's 6-year prison sentence and Ms. Nguyen Thi Ngoc Suong's 5-year prison sentence on charges of "producing, storing, distributing or propagandizing information, documents, and articles opposing the Socialist Republic of Vietnam." [20]
- On Oct 17, 2019, Mrs. Nguyen Thi Hue was sentenced by the People's Court of Ia Grai District to 2 years and 6 months in prison on charges of abusing democratic freedoms to infringe upon the interests of the State. Mrs. Hue had often recorded on her mobile devices scenes of officers

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14 RFA. Ông *Huỳnh* Đắc *Túy bị* án *tù với cáo buộc chống Nhà nước.*
https://www.rfa.org/vietnamese/news/vietnamnews/hdt-se-6-3-08212019093126.html

15 Báo Đắk Nông điện tử. *Phạt 8 năm tù* đối *tượng phát tán thông tin, tài liệu chống phá Nhà nước.*
http://baodaknong.org.vn/an-ninh-trat-tu/phat-8-nam-tu-doi-tuong-phat-tan-thong-tin-tai-lieu-chong-pha-nha-nuoc-74265.html

16 RFA. *Facebooker bị tuyên* án *5 năm tù vì nói xấu chế* độ.
https://www.rfa.org/vietnamese/news/vietnamnews/facebooker-sentenced-to-5-years-09132019141102.html

17 Hà Nội Mới. *Tuyên phạt 5 năm tù* đối *tượng tuyên truyền thông tin chống Nhà nước.* http://www.hanoimoi.com.vn/tin-tuc/phap-dinh/945590/tuyen-phat-5-nam-tu-doi-tuong-tuyen-truyen-thong-tin-chong-nha-nuoc

18 VNExpress. *Người* đánh *cảnh sát giao thông bị phạt 2 năm tù.*
https://vnexpress.net/phap-luat/nguoi-danh-canh-sat-giao-thong-bi-phat-2-nam-tu-3984081.html

19 Báo Công an nhân dân điện tử. *Tạm giam* đối *tượng hoạt* động *nhằm chống Nhà nước*.
http://cand.com.vn/Ban-tin-113/Khoi-to-Nguyen-Quoc-Duc-Vuong-theo-Dieu-117-Bo-Luat-hinh-su-563307/

20 RFA. *Y* án đối *với tù nhân lương tâm Vũ Thị Dung và Nguyễn Thị Ngọc Sương.*
https://www.rfa.org/vietnamese/news/vietnamnews/appeal-court-upholds-sentences-for-two-female-anti-sez-and-cybersecurity-bills-09232019090212.html

bullying people and distributed them on social networks.[21]

- On Oct 29, 2019, Mr. Nguyen Van Phuoc was sentenced to 5 years imprisonment by the People's Court of An Giang Province for producing, distributing, and publishing information, documents, and items against the Socialist Republic of Vietnam.[22]

- On Oct 31, 2019, Architect Pham Xuan Hao, a lecturer of the Faculty of Technology, Can Tho University, was sentenced to one year in prison for sharing articles on Facebook deemed to be contradictory and for distorting the CPV's policies and guidelines.[23]

- On November 5, 1919, Mr. Nguyen Van Nghiem, aka Facebooker Nghiem Nguyen, nicknamed the 'Barber Professor," of Hoa Binh Province was arrested and detained for 4 months and charged with "producing, storing, distributing, or spreading propaganda information, documents and articles that distort or defame the people's government and cause confusion among the people."[24]

- On Nov 15, 1919, Teacher Nguyen Nang Tinh was sentenced to 11 years in prison by the Nghe An People's Court on charges of using a personal Facebook account to post articles, images, and videos with anti-Socialist Republic of Vietnam contents.[25]

- On Nov 19, 2019, Facebooker Phan Cong Hai was arrested in Ha Tinh for having allegedly used 'Ugly Vietnamese People,' 'David Nguyen,' and 'Hung Manh' accounts on Facebook "to insult leaders, distort history."[26]

- On Nov 21, 1919, Dr. Pham Chi Dung, Chairman of the Independent Journalists Association, was arrested and detained by the Ho Chi Minh City Police and criminally charged with "producing, storing, distributing, or publishing information, documents and articles opposing the Socialist Republic of Vietnam."[27]

- On Nov 26, 2019, Mr. Pham Van Diep was sentenced to 9 years of imprisonment by the People's Court of Thanh Hoa Province for "producing, storing, distributing, or publishing information, and documents against the Socialist Republic of Vietnam."[28]

- On Nov 26, 2019, Mr. Nguyen Chi Vung was sentenced to 6 years in prison by the People's Court of Bac Lieu Province for having allegedly used his telephone to live-stream thousands of comments that attracted many likes and shares to "propagate and misrepresent the State's

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21 InfoNet. Đối *tượng xâm phạm lợi* ích *nhà nước bị tuyên* án *2 năm 6 tháng tù giam.*
https://infonet.vietnamnet.vn/phap-luat/doi-tuong-xam-pham-loi-ich-nha-nuoc-bi-tuyen-an-2-nam-6-thang-tu-giam-52148.html

22 Công An TP Hồ Chí Minh. *Lãnh 5 năm tù vì lợi dụng Facebook chống phá Nhà nước*.
http://congan.com.vn/song-theo-phap-luat/lanh-5-nam-tu-vi-loi-dung-facebook-chong-pha-nha-nuoc_82278.html

23 RFA. *Giảng viên* đại *học bị kết* án *1 năm tù vì chia sẻ bài viết trên Facebook.* https://www.rfa.org/vietnamese/news/vietnamnews/university-lecturers-jailed-for-sharing-negative-posts-on-facebook-10312019095222.html

24 RFA. *Facebooker 'Giáo sư hớt tóc' bị bắt vì phát livestream 'gây hoang mang trong nhân dân'.*
https://www.rfa.org/vietnamese/news/vietnamnews/facebooker-dr-haircut-arrested-for-live-streaming-11062019073915.html

25 Báo Công an nhân dân điện tử. *11 năm tù và 5 năm quản chế với* đối *tượng tuyên truyền chống phá Nhà nước.*
http://cand.com.vn/Phap-luat/11-nam-tu-va-5-nam-quan-che-voi-doi-tuong-tuyen-truyen-chong-pha-Nha-nuoc-570060/

26 Người Việt. *Facebooker Phan Công Hải bị bắt vì 'xúc phạm HCM'.*
https://www.nguoi-viet.com/viet-nam/facebooker-phan-cong-hai-bi-bat-vi-xuc-pham-hcm/

27 BBC. *Việt Nam bắt và khởi tố hình sự* ông *Phạm Chí Dũng*. https://www.bbc.com/vietnamese/vietnam-50503041

28 Dân Sinh. *Tuyên truyền, chống phá Nhà nước, lĩnh 9 năm tù.*
http://baodansinh.vn/tuyen-truyen-chong-pha-nha-nuoc-linh-9-nam-tu-20191126221413877.htm

guidelines and policies."[29]

- On Nov 27, 2019, Mr. Tran Thanh Giang, a Hoa Hao Buddhist follower, was sentenced to 8 years in prison by the People's Court of An Giang Province for having allegedly used his personal Facebook account to "defame national figures, Party leaders, and the state, and distort the country's current situation."[30]
- On Nov 28, 1919, the People's Court of Dong Nai Province sentenced Mr. Huynh Minh Tam to 9 years in prison and Ms. Huynh Thi To Nga to 5 years in prison on accusations of writing and posting many articles with distorting and offensive content and inciting anti-government sentiment on social networks.[31]

Nov 28, 1919, the People's Court of Dong Nai Province sentenced Mr. Huynh Minh Tam to 9 years of prison and Ms. Huynh Thi To Nga to 5 years of prison on charge of writing and posting anti-government articles on social networks. Photo TV Weekly.

- On Jan 9, 2020, Mr. Dinh Van Phu was prosecuted and detained for 3 months by the Communist Government of Vietnam for having allegedly distributed articles with content provoking riots and protests against the State via social media.[32]
- On Jan 11, 2020, Mr. Chung Hoang Chuong was arrested and prosecuted by the Can Tho City security police for using Facebook to publish many articles with misleading contents to discredit the state agencies involved in the Dong Tam incident.[33]

Aside from using the Criminal Code and the Cyber-Security Law to control freedom of speech, the Vietnamese communist authorities continued using coercion or/and physical violence against underground journalists. No bloggers or Facebookers who published articles against government policies or reprinted copies of them could avoid surveillance and harassment, either by disguised police "guards" around their homes or by having their phone lines tapped or cut. Stronger measures included prevention of movement, vandalization of residences with improvised projectiles or dirty substances, unlawful intrusions, or even forced interrogation at police stations without a court order, and assaults causing injury. Most of the beatings were aimed at individuals by unknown people who were then never prosecuted; however, there were also large-scale attacks where the agents were secret police, such as the case of human rights activists who were brutally assaulted

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29 Sài Gòn Giải Phóng Online. *Bị phạt 6 năm tù vì dùng mạng xã hội chống phá Nhà nước.* https://www.sggp.org.vn/bi-phat-6-nam-tu-vi-dung-mang-xa-hoi-chong-pha-nha-nuoc-631032.html

30 RFA. *Tòa An Giang tuyên tín đồ Phật giáo Hòa Hảo 8 năm tù với cáo buộc "phỉ báng lãnh tụ".* https://www.rfa.org/vietnamese/news/vietnamnews/hoa-hao-follower-sentenced-to-8-years-in-prison-11272019081817.html

31 Tuổi Trẻ Online. *Tuyên truyền chống phá Nhà nước, hai anh em lãnh án.* https://tuoitre.vn/tuyen-truyen-chong-pha-nha-nuoc-hai-anh-em-lanh-an-20191128140309711.htm

32 Đọc Báo. *Bắt đối tượng tuyên truyền chống phá Nhà nước.* https://docbao.vn/phap-luat/bat-doi-tuong-tuyen-truyen-chong-pha-nha-nuoc-tintuc662130

33 VOV. *Khởi tố Facebooker xuyên tạc vụ việc xảy ra tại Đồng Tâm.* https://vov.vn/phap-luat/khoi-to-facebooker-xuyen-tac-vu-viec-xay-ra-tai-dong-tam-1002528.vov

on their way to a prison visit at Nghe An camp no. 6 on July 12, 2019.[34]

Even dissidents in exile abroad have been threatened, such as Blogger Nguoi Buon Gio, who was coerced into stopping his blog in February 2020 because the Vietnamese government put pressure on his relatives still in Vietnam.[35]

In addition, in terms of organization, the government also continues to increase the authority and personnel of the country's control and propaganda apparatus, including the Ministry of Public Security's Cybersecurity Department, established in August 2014, and the Ministry of Defense's Cyber-Warfare Command, also known as Force 47, or the 47th Regiment, established in August 2018. The Cybersecurity Department employs a large force of public-opinion shapers from central to local levels comprising thousands of social media accounts and members.[36] In just one district of Ho Chi Minh City, there are 486 grassroots public-opinion shapers operating under the control of the District's Commission for Propaganda and Education.[37] Force 47, operated by the General Political Department of the People's Army of Vietnam (PAVN), is tasked with fighting against "misrepresented" views of the CPV. This force is equivalent to a regiment (10,000 people), who are present in all grassroots units, regions, and military sectors.[38]

Most countries have cyber-security agencies. The subjects of cyber-security agencies in democratic countries, however, are national security and the well-being of the people, while the Department of Cyber-security and Cyber-War Command in Vietnam mainly support the VCP's monopoly of power.

4. UNSAFE ENVIRONMENT FOR PROFESSIONAL JOURNALISTS

In 2019, the assault on licensed media professionals increased at an alarming rate. Although many journalists who were assaulted did not speak out for various reasons,[39] there were at least 13 cases of assault in 2019 and early 2020 widely disseminated on social networks:

- On Jan 26, 2019, Mr. Nguyen Van Ty, a resident reporter for the Vietnam News Agency in Tuyen Quang, was attacked while working to expose an illegal mining situation in Tan Tien village, Luong Thien Village, Son Duong District (Tuyen Quang).[40]
- On Jan 27, 2019, resident journalist Hoang Dinh Chieu of the Vietnam Television station in

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34 Bauxite Việt Nam. *Các nhà hoạt* động *dân chủ bị hành hung tàn nhẫn tại trại 6 Nghệ An.* http://www.boxitvn.net/bai/63829

35 RSF. *Dissident exile stops blogging because family in Vietnam is being hounded.* https://rsf.org/en/news/dissident-exile-stops-blogging-because-family-vietnam-being-hounded

36 Nguyễn Văn Đạo. Đấu *Tranh Chống Các Luận* Điệu *Xuyên Tạc Hồ Chí Minh Trong* Điều *Kiện Hiện nay*, Luận án tiến sĩ, Học Viện Chính Trị Quốc Gia Hồ Chí Minh, Hà Nội, 2019.

37 Cổng Thông Tin Điện Tử Quận Bình Tân. Bình Tân: *Chủ* động *nắm bắt thông tin,* định *hướng dư luận xã hội.* https://binhtan.hochiminhcity.gov.vn/tin-tuc/-/xem/binh-tan-chu-dong-nam-bat-thong-tin-dinh-huong-du-luan-xa-hoi?post=730250

38 Tuổi Trẻ Online. *Hơn 10.000 người trong 'Lực lượng 47'* đấu *tranh trên mạng.* https://tuoitre.vn/hon-10-000-nguoi-trong-luc-luong-47-dau-tranh-tren-mang-20171225150602912.htm

39 Dân Trí. *"Nhiều phóng viên bị* đe *doạ, hành hung nhưng chỉ 1/5 số vụ có thông tin".* https://dantri.com.vn/xa-hoi/nhieu-phong-vien-bi-de-doa-hanh-hung-nhung-chi-15-so-vu-co-thong-tin-1434872706.htm

40 Dân Sinh. *Phóng viên TTXVN bị truy sát khi tác nghiệp tại Tuyên Quang.* http://baodansinh.vn/phong-vien-ttxvn-bi-truy-sat-khi-tac-nghiep-tai-tuyen-quang-89738.htm

July 02, 2019, thugs attacked the Tuổi Trẻ Thủ đô Newspaper's reporters when they investigated violations of land management at Cua Nghe area of Long Bien district, Hanoi. Photo credit: Lao Động

Kon Tum province was attacked by thugs and hospitalized with multiple injuries.[41]

- On Feb 28, 2019, reporter Nguyen Duy Trung, working at Thuong Truong Magazine, was beaten and seriously injured by three unknown subjects.[42]

- On March 25, 1919, reporter Tran Van Quyen of Nguoi Lao Dong Newspaper was assaulted and threatened by a group of people who demanded that he erase the pictures in his camera while he was reporting on a traffic accident in Da Nang.[43]

- On April 2, 1919, two reporters of Lam Dong Newspaper and Vietnam News Agency in Lam Dong were assaulted while enquiring about abnormalities in construction bidding in Da Huoai District, Lam Dong Province.[44]

- On May 5, 2019, journalist Le Tan Loc of HCMC Law Newspaper was threatened by a number of callers who said they would be willing to spend several billion VND to hire people to liquidate his whole family because of a previous article of his.[45]

- On June 11, 1919, journalist Truong Ngoc Minh of Cong Ly Newspaper was assaulted by Mr. Dinh Viet Hung, an employee of the Central Vietnam Petro gas-transferring station, as he and two other reporters of VTV8 of Hue were investigating an illegal transfer.[46]

- On July 2, 2019, reporters Duy Tan and Van Huy of Tuoi Tre Newspaper were assaulted by many people while pursuing information on land-management violations and use in the Cua Nghe and Thach Cau areas of Long Bien district, Hanoi.[47]

- On Sept 26, 2019, journalist Kieu Dinh Lieu of Vietnam Lawyer Magazine suffered brain injuries after being assaulted by three strangers. Mr. Lieu was attacked while verifying reports

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41 Đời Sống Pháp Luật. *Phóng viên VTV bị côn* đồ *vây* đánh *sau khi báo tin bắt 'đất tặc'.* https://www.doisongphapluat.com/phap-luat/phong-vien-vtv-bi-con-do-vay-danh-sau-khi-bao-tin-bat-dat-tac-a261217.html

42 KonTum Online. *Nhà báo cần* được *tôn trọng và bảo vệ.* http://m.baokontum.com.vn/tieu-diem/nha-bao-can-duoc-ton-trong-va-bao-ve-11142.html

43 Viet Times. *Tác nghiệp hiện trường tai nạn giao thông, phóng viên Báo Người Lao* Động *bị* đánh *hội* đồng. https://viettimes.vn/tac-nghiep-hien-truong-tai-nan-giao-thong-phong-vien-bao-nguoi-lao-dong-bi-danh-hoi-dong-318804.html

44 Người Lao Động. *Lâm* Đồng*: Phóng viên bị côn* đồ *hành hung tại buổi mua hồ sơ dự thầu.* https://nld.com.vn/thoi-su/lam-dong-phong-vien-bi-con-do-hanh-hung-tai-buoi-mua-ho-so-du-thau-20190403113539688.htm

45 Hội Nhà Báo Việt Nam. *Một phóng viên Báo Pháp Luật TP HCM bị dọa "thanh toán cả gia* đình*".* http://hoinhabaovietnam.vn/Mot-phong-vien-Bao-Phap-Luat-TP-HCM-bi-doa-thanh-toan-ca-gia-dinh_n49324.html

46 Hội Nhà Báo Việt Nam. *Xử lý* đối *tượng hành hung nhóm phóng viên tại Thừa Thiên - Huế.* http://hoinhabaovietnam.vn/Xu-ly-doi-tuong-hanh-hung-nhom-phong-vien-tai-Thua-Thien---Hue_n52280.html

47 Lao Động. *Nhiều kẻ côn* đồ *tấn công nhóm phóng viên Báo Tuổi trẻ Thủ* đô. https://laodong.vn/phap-luat/nhieu-ke-con-do-tan-cong-nhom-phong-vien-bao-tuoi-tre-thu-do-742014.ldo

of a land dispute in Duc Co District, Gia Lai Province.[48]

- On Nov 3, 2019, Traffic Channel reporter N.K.N. of the Voice of Vietnam (VOV) was severely assaulted by "strangers" right in front of his home in HCMC, resulting in his admission to an emergency hospital. His relatives were also threatened.[49]
- On Dec 20, 2019, reporter Vo Binh Duong of Thuong Hieu and Cong Luan Newspaper was assaulted by a group of people as he video-recorded a truck showing signs of unlawful activities while transporting soil.[50]
- On Feb 9, 2020, journalist Le Ha, editor of Tieng Dan TV channel, and his wife and his mother-in-law were stabbed and injured. For more than 10 years, he had defended the victims of a hydroelectric project in Tuyen Quang.[51]
- On Feb 12, 2020, Reporter Phuong Anh of VTV8 in Da Nang was attacked by two strangers while doing a reportage on a railroad guard in Thanh Khe district (Da Nang.)[52]

5. ACTIVITIES IN SUPPORT OF THE RIGHT TO FREEDOM OF SPEECH AND INFORMATION

In 2019, the fight for freedom of speech and freedom of expression, despite government repression, fared better thanks to the development of modern media such as blogs, Facebook, Twitter, and YouTube as well as the connection to the online community.

Vietnam is a country where the number of people accessing the Internet has increased exponentially in recent years. According to Statista, in 2020, up to 63.5 million people in Vietnam used the Internet, of wom 47 million had Facebook accounts.[53] Personal websites and those of civil society organizations have gradually replaced state-controlled media as sources of credible and timely news and information.

Most unrecognized civil society organizations have their own websites to convey their activities and news. It is through these popular media that activists raise the profile of their advocacy for human rights and democracy.

For their serious violations of freedom of expression and information, Vietnam's government in 2019 repeatedly received negative reviews and warnings from national and international human rights organizations:

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48 VOA. *RSF giục Việt Nam* điều *tra vụ nhà báo bị* đánh *chấn thương sọ não*.
https://www.voatiengviet.com/a/rsf-giuc-vn-dieu-tra-vu-nha-bao-bi-danh-chan-thuong-so-nao/5107697.html

49 VOV. *Phóng viên Kênh VOV Giao thông bị hành hung.*
https://vov.vn/xa-hoi/phong-vien-kenh-vov-giao-thong-bi-hanh-hung-974649.vov

50 Công An TP Đà Nẵng. *Phóng viên bị hành hung.*
http://cadn.com.vn/news/121_217984_phong-vien-bi-hanh-hung.aspx

51 Nghiệp đoàn báo chí Việt Nam. *Tuyên Quang: gia* đình *ký giả Lê Hà- Tiếng Dân Tivi bị truy sát và thảm sát.*
https://nghiepdoanbaochi.org/2020/02/10/tuyen-quang-gia-dinh-ky-gia-le-ha-tieng-dan-tivi-bi-truy-sat-va-tham-sat/

52 ZingNews. *Phóng viên VTV8 bị hành hung khi tác nghiệp.*
https://zingnews.vn/phong-vien-vtv8-bi-hanh-hung-khi-tac-nghiep-post1047787.html

53 Statista. *Number of internet users in Vietnam from 2017 to 2023.*
https://www.statista.com/statistics/369732/internet-users-vietnam/

- Reporters Without Borders placed Vietnam near the bottom of its 2020 World Press Freedom Index, 175th out of 180 countries, and above only Djibouti, China, Eritrea, Turkmenistan, and North Korea.[54]
- Freedom House's 2019 Freedom on the Internet report gave Vietnam a score of 24 (00 = worst, 100 = best), above only Cuba, Iran, Syria, and China.[55]
- The Committee to Protect Journalists ranked Vietnam the sixth most censored country in the world in 2019, above only Eritrea, North Korea, Turkmenistan, Saudi Arabia, and China.[56]
- Human Rights Watch assessed Vietnam's Freedom of Expression, Opinion, and Speech in its 2020 report as follows: "Vietnamese rights bloggers face regular harassment and intimidation. Officials often arrest political critics for their posts on the internet."[57]
- During the 2019 Human Rights Council's Universal Periodic Review (Third Cycle), nine countries recommended that Vietnam improve its freedom of expression, to include especially the abolition or amendment of the provisions of the Cyber-security Law that do not conform to UN human rights standards (Finland, Netherlands, Ireland, New Zealand, Sweden, Austria, Canada, USA, and Australia.) Vietnam has refused to comply.

RECOMMENDATIONS

The Vietnamese government should:

- Ensure full freedom of speech, including safety of journalists;
- Revoke the 2018 Cyber-Security Law;
- Release all prisoners convicted for peacefully expressing their political opinions.

54 Reporters Without Borders. 2020 *World Press Freedom Index.* https://rsf.org/en/ranking

55 Freedom House. *Freedom on the Net 2019.*
https://freedomhouse.org/country/vietnam/freedom-net/2019

56 CPJ. CPJ. *10 Most Censored Countries*.
https://cpj.org/reports/2019/09/10-most-censored-eritrea-north-korea-turkmenistan-journalist.php

57 HRW. *World Report 2020*.
https://www.hrw.org/world-report/2020/country-chapters/vietnam#f81d60

V
THE RIGHT TO FREEDOM OF RELIGION AND WORSHIP

Since taking control of the country, the Vietnamese Communist government, with the aim of eliminating religions to pave the way for communist totalitarianism, has consistently sought to restrict people's religious freedoms by various means:

- Legal prohibition
- Organizational control
- Violent suppression

1. LEGAL PROHIBITION

In the current legal context, religious activities in Vietnam are regulated by the Law on Belief and Religion, passed on November 18, 2016, and Decree No. 162/2017 / ND-CP detailing the enforcement of the Law on Belief and Religion, issued on December 30, 2017. From the government's standpoint, the Law on Belief and Religion was promulgated to overcome the inadequacies of previous laws and to be in line with the Party's position and the 2013 Constitution regarding belief and religion.[1]

Compared with the previous regulations, the 2016 Law on Belief and Religion has some changes that are considered positive; most notably, the state's recognition of state-recognized religious organizations as legal persons (Article 30), detainees' rights to use religious books and to express their religious faith (Article 6), and the rights of religious organizations to participate in education, vocational training, healthcare and social services in accordance with the relevant regulations (Article 55).

Fundamentally, however, the Law on Belief and Religion of 2016 has nothing new regarding state-religion relationships when compared with previous regulations. First, religious organizations need the state's recognition (Article 2.12 and Chapter V, Section 1); next, their religious activities must be registered, which means they may be rejected (Chapter IV); and finally the government continues to have the right to interfere in the internal affairs of religions (Chapter V, Sections 2 and 3). These rules completely go against the fundamental principles of religious freedom as outlined in Article 18 of the Universal Declaration of Human Rights and Article 18 of the International Covenant on Civil and Political Rights that Vietnam has committed to respect.

As a result, organizations and individuals inside and outside the country have raised protests.

[1] Bộ Nội Vụ. *Phỏng vấn Bộ trưởng Lê Vĩnh Tân về Luật tín ngưỡng, tôn giáo.* https://moha.gov.vn/tin-noi-bat/phong-van-bo-truong-le-vinh-tan-ve-luat-tin-nguong-ton-giao-28534.html

On October 6, 2016, 54 organizations, including globally known human rights organizations such as Amnesty International, Human Rights Watch, the International Federation for Human Rights (FIDH), and Christian Solidarity Worldwide have sent the President of the National Assembly of Vietnam a letter publicly requesting that the bill be revised in accordance with international law.[2] However, there was no change in the text approved by the National Assembly. On October 20, 2016, in an open letter voicing their rejection of the Law on Belief and Religion, 27 representatives of the five major religions in the Vietnam Interfaith Council stated, "Accepting the Law on Belief and Religion is to continue to foster the totalitarian atheist regime!"[3]

March 19, 2020, Vietnamese police arrested three ethnic minority Christians hiding in the forest. They are Kưnh, Lúp, and Jưr. They had hidden in the forest for 8 years to practice their Hà Mòn religious belief. Photo credit:Lao Động

During the UN Human Rights Council's Universal Periodic Review (UPR) in 2019, Vietnam received recommendations to revise and amend the 2016 Law on Belief and Religion to put it in line with the requirements of the International Covenant on Civil and Political Rights. However, Vietnam refused to accept those recommendations, stating that the draft law had been the subject of careful consultations with the public.

The second legal tool used by the Vietnamese government to control activists for religious freedom is the 2015 Penal Code, amended in 2017. This Penal Code criminalizes activities that support religious freedom, mischaracterizing them as sabotaging the implementation of solidarity policies (Art 116); making, storing, and spreading information, materials, and items for the purpose of opposing the Socialist Republic of Vietnam (Art 117); and disruption of security (Art 318). This is to abuse the criminal law to suppress religious freedom.

In 2019, a Vietnamese communist court sentenced to eight years imprisonment Tran Thanh Giang,[4] a Hoa Hao Buddhist follower, on charges under article 117 of the Criminal Law; and Mr. Hsor Ruk, [5] an ethnic Jarai Protestant, to 10 years in prison on charges under Article 116. On March 19, 2020, police in Gia Lai province arrested three leaders of the unregistered Hà Mòn Christian group, Ju, Lup and Kưnh, who reside in H'ra commune, seizing allegedly anti-state and propaganda materials. According to the authorities, all three had been living in the jungle and had

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2 FIDH. *Open Letter to the National Assembly President on the draft Law on Belief and Religion.* https://www.fidh.org/en/region/asia/vietnam/open-letter-to-the-national-assembly-president-on-the-draft-law-on

3 Defend the Defenders. *Kháng thư của Hội* Đồng *Liên Tôn Việt Nam: Bác bỏ hoàn toàn Luật Tín ngưỡng Tôn giáo.* http://www.vietnamhumanrightsdefenders.net/2016/10/22/khang-thu-cua-hoi-dong-lien-ton-viet-nam-bac-bo-hoan-toan-luat-tin-nguong-ton-giao/

4 RFA. *Tòa An Giang tuyên tín* đồ *Phật giáo Hòa Hảo 8 năm tù với cáo buộc "phỉ báng lãnh tụ".* https://www.rfa.org/vietnamese/news/vietnamnews/hoa-hao-follower-sentenced-to-8-years-in-prison-11272019081817.html

5 Gia Lai Online. *10 năm tù cho* đối *tượng ý* định *khôi phục "Tin lành* Đê-ga*".* https://baogialai.com.vn/channel/8301/201903/10-nam-tu-cho-doi-tuong-y-dinh-khoi-phuc-tin-lanh-de-ga-5625073/

been in contact with other Hà Mòn followers for eight years. [6]

Furthermore, to limit the activities and influence of religious organizations, the government resorted to the 2003 Land Law, amended several times, to permanently take away church properties, including schools, infirmaries, and social service facilities. After taking control of South Vietnam, the Communist government confiscated all land holdings; educational, social and healthcare facilities; and some seminaries. A number of the appropriated establishments still operate in their previous capacities; however, a large number of them are being exploited by the government for profit. They have been turned into discos, hotels, or condominiums for state officials. The expropriation of religious properties as means of limiting religious activities has continued in recent years. In 2019, in addition to several land confiscations that have gone unresolved for many years, such as the land of the Benedictine Monastery of Thien An in Hue, the building of the St. Paul de Chartres sisters, and the land of Thai Ha parish in Hanoi, the Vietnamese Communist government also conducted new appropriations, including:

- Seizing An Hoa Parish church land to build apartments. [7]
- Seizing land from Van Thai Ward, Song Ngoc Parish, to build a cultural center. [8]
- Seizing and tearing down Tuy Hoa Protestant Church, Tuy Hoa City, Phu Yen Province, to build Hoang Yen Preschool. [9]
- Seizing land owned by the Society for the Foreign Missions of Paris (MEP) in Tan Binh District, Sai Gon, and tearing down the homes of Lộc Hưng parishioners, including those built by Redemptorist priests for the wounded veterans of the Republic of Vietnam.[10]
- Tearing down Son Linh Tu Pagoda in Kontum City, headed by the Venerable Thich Dong Quang, when the abbot was hospitalized. [11]
- Forced land acquisition of Bac Kan Parish in Bac Ninh diocese.[12]

2. ORGANIZATIONAL CONTROL

For the Vietnamese Communist government, control over religions is a priority for political stability. This control is exercised both from the outside, by the government apparatus, and from within with the state-created Vietnam Fatherland Front.

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6 RFA. *3 người của* đạo *Hà Mòn bị bắt.*
https://www.rfa.org/vietnamese/news/vietnamnews/3-followers-hamon-cult-arrested-03192020083115.html

7 Người Việt. *Các tổ chức tôn giáo không thuộc quốc doanh vẫn thường xuyên bị CSVN đàn áp.*
https://www.nguoi-viet.com/viet-nam/csvn-thuong-xuyen-dan-ap-ton-giao/

8 Người Việt. *Ibid.*

9 Tin Mừng Cho Người Nghèo. *Đơn kêu cứu khẩn cấp của Nhà thờ Tin Lành Tuy Hòa* .
https://www.tinmungchonguoingheo.com/blog/2019/10/30/don-keu-cuu-khan-cap-cua-nha-tho-tin-lanh-tuy-hoa-tinh-phu-yen/

10 AsiaNews. *Catholic homes destroyed, land expropriated in Ho Chi Minh City.*
http://www.asianews.it/news-en/Catholic-homes-destroyed,-land-expropriated-in-Ho-Chi-Minh-City-45902.html

11 SBS Vietnamese. *Kontom: Chùa Linh Sơn Tự bị đập nát khi Trụ Trì đi trị bệnh.*
https://www.sbs.com.au/language/english/audio/kontom-chua-linh-son-tu-bi-dap-nat-khi-tru-tri-di-tri-benh

12 Nhà Thờ Thái Hà. *Giáo xứ Bắc Kạn xin hiệp thông cầu nguyện trong biến cố đau thương.*
https://nhathothaiha.net/giao-xu-bac-kan-giao-phan-bac-ninh-keu-cuu090/

2.1. External Control

For external control, the Vietnamese Communist Party (VCP) has set up two specialized agencies at the central level: the Government Committee for Religious Affairs under the Ministry of Home Affairs and the Religious Affairs Department under the VCP's Central Mass Mobilization Commission. Both agencies have subordinate organizations at the provincial and district levels.

The Government Committee for Religious Affairs "advises and assists the Minister of the Interior in governmental management in the field of beliefs and religions and in organizing the implementation of policies and laws on beliefs and religions nationwide; performs public services in the field of beliefs and religions according to the provisions of law" (Decision No. 32/2018/QĐ-TTg of August 03, 2018 by the Prime Minister). The Government Committee for Religious Affairs has several Departments, each in charge of one religion.

At the local level, all 64 provinces and cities have a Provincial Religious Affairs Committees; and among 670 districts across the country, 637 have apparatuses and cadres performing the governmental management of religion; In 10,862 communes, wards and towns, there are 8,160 officers to monitor and manage religions.[13]

The second agency is the Religious Affairs Department under the Central Mass Mobilization Commission within the Party system, which monitors religions and advises the VCP Central Committee on religious policy.

The control of religious organizations is also exercised by the VCP through a peripheral organization called the Vietnam Fatherland Front, whose membership includes political-social organizations and prominent individuals. The Front now includes a number of state-recognized religious organizations, such as the Buddhist Sangha of Vietnam, the Vietnam Catholic Solidarity Committee, and the Vietnamese General Protestant Church.

Supported by those powerful offices, the government in 2019 continued to control all religions with procedures like "activities registration" and "confirmation certificates."

According to the report on Vietnam of the UN Universal Periodic Review in early 2019, the Vietnamese government has recognized legal status for 42 organizations belonging to 15 religions. On October 23, 1919, the Government Committee for Religious Affairs awarded an Official Certificate Authorizing Members to Conduct Religious Activities signed by the Ministry of Home Affairs to the Church of Jesus Christ of Latter-day Saints after 10 years of activities. [14]

Regarding such recognition, Dr. Ahmed Shaheed, UN Special Rapporteur on freedom of religion or belief, stated, "States must understand that human rights cannot begin with state recognition. [...] The state cannot be the first step for freedom of religion or belief." [15]

However, in Vietnam today, all religious activities, such as practice sessions, retreats, and

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13 Ban Tôn giáo Chính phủ. *Quá trình xây dựng và phát triển của Ban Tôn giáo Chính phủ - Bộ Nội vụ.* http://btgcp.gov.vn/Plus.aspx/vi/News/38/0/153/0/1062/Qua_trinh_xay_dung_va_phat_trien_cua_Ban_Ton_giao_Chinh_phu_Bo_Noi_vu

14 Ban Tôn Giáo Chính Phủ. *Trao Quyết định công nhận tổ chức tôn giáo cho Giáo hội Phúc âm Ngũ tuần Việt Nam.* http://btgcp.gov.vn/Plus.aspx/vi/News/38/0/254/0/16357/Trao_Quyet_dinh_cong_nhan_to_chuc_ton_giao_cho_Giao_hoi_Phuc_am_Ngu_tuan_Viet_Nam

15 Phòng Thông Tin Phật Giáo Quốc Tế. *Tiến sĩ Ahmed Shaheed, Báo cáo viên Đặc biệt LHQ về Tự do Tôn giáo cho biết : "Việt Nam là một trong 5 quốc gia có số lượng thông báo vi phạm tự do tôn giáo cao nhất trên thế giới".* https://pttpgqt.org/2018/04/18/ts-ahmed-shaheed-bao-cao-vien-dac-biet-lhq-ve-tu-ton-giao-cho-biet/

processions, still must receive prior government approval. This includes the recruitment, training, ordination, appointment, and transfer of religious officials.

The training programs for seminarians and other grassroots cadres must be reviewed by the state. Programs must include subjects such as Marxist/Leninist ideology, Ho Chi Minh thought, history of the CPV, and the SRV legal system, which are taught by state instructors.

Candidates for high-ranking positions in any religion must be vetted and approved at the state's central level before they can be accepted. Worse still, police agents in disguise, particularly as Buddhist monks, are trained to secretly infiltrate temples and religious institutions both at home and abroad, including in the United States, Australia and elsewhere, to cause disruption within the religious rank and file.

2.2. Internal Control

Internal control is done through the Vietnam Fatherland Front, whose members include CPV peripheral organizations and a number of state-recognized religious organizations. Members of these organizations are inserted into the religions to execute a policy of "divide and conquer." For each religion, there is always a state-imposed committee under the permanent supervision of the Fatherland Front to coordinate activities in compliance with regime policies.

As for Buddhism, the government only recognizes the state-run Buddhist Sangha of Vietnam (formed in 1981),[16] while outlawing the Unified Buddhist Sangha of Vietnam (formed much earlier as a legitimate heir to the various traditional Buddhist sects of Vietnam). Furthermore, the Vietnamese Communists kept the Church head, the Most Venerable Thich Quang Do, in prison or under house arrest for over three decades until his death in February 2020.

In the case of the Hoa Hao Buddhist Church, the state banned the Orthodox Hoa Hao Buddhist Church leadership and installed the pro-government Hoa Hao Buddhism Central Administration Board, unrecognized by most Hoa Hao followers.

As for the Cao Dai Church, with its 2007 Charter the government set up the Cao Dai Tay Ninh Church, ruled by an Executive Council. which Cao Dai traditionalists do not support.

As for the Khmer-Krom Buddhists, the government dispersed the Khmer-Krom Theravada Buddhist Association, and forced Khmer-Krom Buddhist monks to join the Patriotic United Buddhist Association (PUBC).

With respect to the Vietnamese Catholic Church, the Communists diminished the role of the Vietnam Catholic Conference of Bishops by fostering the Vietnam Committee for Catholic Solidarity.

For Protestant churches, the government has recognized only nine organizations, leaving more than 70 other Protestant groups illegal.[17]

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16 Đỗ Trung Hiếu. *Hồ sơ "Thống Nhất Phật Giáo"*.
http:// phatgiaokhongcongsan.blogspot.com/2011/05/ho-so- thong-nhat-phat-giao-o-trung-hieu.html

17 Sở Nội vụ tỉnh Sơn La. *Thông tin về các tổ chức Tin Lành đã được nhà nước Việt Nam công nhận, chưa được công nhận.* https://sonoivu.sonla.gov.vn/1282/30665/64444/503167/cong-tac-ton-giao/thong-tin-ve-cac-to-chuc-tin-lanh-da-duoc-nha-nuoc-viet-nam-cong-nhan-chua-duoc-cong-nhan

3. VIOLENT SUPPRESSION

Besides its sophisticated measures of prevention, restriction, and control, the Vietnamese Communist government has always been ready to resort to physical and psychological violence to hinder and suppress religious organizations when that seems necessary. The following violent acts against religious activists were recorded in 2019:

- On Dec 8, 2019, police, militia, plainclothes security officers, and officials of Ward 6, Tan Binh district, broke into Loc Hung garden to prevent parishioners from setting up a Christmas nativity scene, tearing down wooden frames and stealing tools.[18]
- On Oct 7, 2019, six Hoa Hao Buddhist monks were assaulted by plainclothes security officers on their way to An Hoa Tu temple in Phu Tan district, An Giang province.[19]
- On Sept 29, 2029, police and secret agents suppressed and chased away the Christian Hmong community in Nà Sán commune, Si Ma Cai district, Lao Cai province.[20]
- On Aug 15, 1919, the authorities of Ngoc Hoi district, Kontum province, prevented Venerable Thich Dong Quang, the head monk of Son Linh pagoda, from performing religious ceremonies on the temple grounds, previously destroyed by the government.[21]
- On Aug 14, 1919, police from Xuyen Moc district, Ba Ria-Vung Tau province, harassed and prevented the Venerable Thich Khong Tanh and monks from celebrating the Vu Lan ceremony at Dat Quang retreat in Bau Lam commune, and at Phuoc Buu pagoda, headed by the Venerable Thich Vinh Phuoc.[22]
- On July 30, 2019, a group of thugs attacked and demolished the home of Mr. Phong Xuan, an administrator of the Hoa Hao Buddhist Church.[23]
- On Feb 16, 1919, security forces arrested and beat 36 Orthodox Cao Dai followers when they gathered to pray for Ms. Pham Thi Gieng, a 96-year-old follower, in Chà Là commune, Duong Minh Chau district.[24]

In addition to physical violence, the Vietnamese government also uses psychological violence to suppress voices demanding religious freedom. The state's official media, especially outlets that shape public opinion, have many websites ready to smear leaders and religious believers who are not in line with the government. Courageous voices such as Bishop Hoang Duc Oanh, Fathers

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18 RFA. *Người dân Vườn rau Lộc Hưng tố cáo chính quyền địa phương đập phá tượng Đức Mẹ.* https://www.rfa.org/vietnamese/news/vietnamnews/loc-hung-garden-evictees-accused-local-government-destroying-christian-projects-12082019084713.html

19 RFA. *Tu sĩ phật giáo Hòa Hảo bị hành hung khi ngăn cản việc phá chùa.* https://www.rfa.org/vietnamese/news/vietnamnews/hoa-hao-followers-beaten-while-protesting-destruction-of-their-pagoda-10072019111650.html

20 Facebook. Đàn áp Tôn Giáo tại tỉnh Lào Cai. https://www.facebook.com/jprvietnam/videos/681336325691303/UzpfSTIzOTA2NDI3Mjk0OTc0MjoxMTUzMjE0NTM4MjAxMzcz/

21 Việt Báo. *Chính Quyền CSVN Quấy Nhiễu Giáo Hội PGVNTN Mùa Vu Lan.* https://vietbao.com/p124a297734/20/chinh-quyen-csvn-quay-nhieu-giao-hoi-pgvntn-mua-vu-lan

22 Tiếng Dân. *Nhà cầm quyền Bà Rịa – Vũng Tàu ngăn cản HT Thích Không Tánh cử hành Đại lễ Vu Lan.* https://baotiengdan.com/2019/08/15/nha-cam-quyen-ba-ria-vung-tau-ngan-can-ht-thich-khong-tanh-cu-hanh-dai-le-vu-lan/

23 SBTN. *Mật vụ An Giang tấn công tư gia gia đình Phật Giáo Hoà Hảo Thuần Túy*. https://www.sbtn.tv/mat-vu-an-giang-tan-cong-tu-gia-gia-dinh-phat-giao-hoa-hao-thuan-tuy/

24 Hội Đồng Liên Tôn. *HĐLTVN Tường trình và kiến nghị đến phái đoàn Quốc Tế ngày 16/1/2020 tại Sài gòn.* https://hdltvn.org/hdltvn-tuong-trinh-va-kien-nghi-den-phai-doan-quoc-te-ngay-16-1-2020-tai-sai-gon/

Dang Huu Nam, Nguyen Dinh Thuc, Nguyen Duy Tan, several Redemptorist priests, Venerable Thich Khong Tanh, Rev. Hua Phi, and other members of the Vietnam Interfaith Council have been the targets of defamatory and libelous campaigns by public opinion-shapers and even by government officials.

The authorities have also used freedom of movement restrictions to intimidate religious dignitaries and prohibit religious festivals that they deem incompatible with the interests of the ruling party. The following are typical cases:

- On Dec 18, 2019, the police blocked all roads leading to the temporary headquarters of the Central Administration Board of the Orthodox Hoa Hao Buddhist Church in Long Giang commune, Cho Moi district, An Giang province. No one could attend the 100th anniversary of the birth of Hoa Hao founder Huynh Phu So.[25]

Jan 11, 2019, Son Linh Tu pagoda was demolished when the abbot, the Venerable Thich Dong Quang was hospitalized. In the picture, Venerable Thich Dong Quang watched the pagoda rubble. Photo credit: SBS Vietnamese

- On Nov 20, 2019, Father Nguyen Dinh Thuc was stopped at Noi Bai International Airport and banned from flying to Japan to welcome Pope Francis to visit Japan.[26]
- On May 13, 1919, Rev. Hua Phi of the Traditional Cao Dai Church was prevented from going to meet with a US State Department delegation by plainclothes security officers, even though he had received an invitation.[27]
- On March 28, 2019, police, militia, and secret agents suppressed Hoa Hao Buddhists, preventing them from gathering to commemorate the passing of founder Huynh Phu So in Long Giang commune, Cho Moi district, An Giang province. Earlier, on March 26, police in many localities sent "invitations" to summon high-ranking dignitaries of the Central Administration Board, such as Mr. Le Van Soc and Mr. Bui Van Luot of Vinh Long Province, and Mr. Nguyen Van Tho of Dong Thap, to report to police stations the following day. They were told they would not be allowed to attend the Great Feast in An Giang, and were not to show Church flags or banners advertising it.[28]

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25 Hội Đồng Liên Tôn Việt Nam. *CSVN ngăn cản Lễ Kỷ Niệm 100 năm ngày Đản Sanh Đức Huỳnh Giáo Chủ.* https://hdltvn.org/csvn-ngan-can-le-ky-niem-100-nam-ngay-dan-sanh-duc-huynh-giao-chu/

26 International Christian Concern. *Vietnamese Priest Banned from Attending Pope's Mass in Japan.* https://www.persecution.org/2019/11/28/vietnamese-priest-banned-attending-popes-mass-japan/

27 RFA. *Công an Việt Nam chặn một số nhà hoạt động, chức sắc gặp Phái đoàn Bộ Ngoại Giao Hoa Kỳ.* https://www.rfa.org/vietnamese/news/vietnamnews/vietnamese-police-bar-pro-democracy-activist-from-meeting-the-us-state-department-mission-05132019084747.html

28 SBTN. *Nhà cầm quyền CSVN tỉnh An Giang đàn áp tín đồ trong đại lễ Phật giáo Hoà Hảo.* https://www.sbtn.tv/nha-cam-quyen-csvn-tinh-an-giang-dan-ap-tin-do-trong-dai-le-cua-phat-giao-hoa-hao/

- On Jan 23, 2019, about 50 cadres and security officials descended on Hoa Khanh Church, Lien Chieu District, Da Nang City, and disrupted the Gratitude of Mercy Program organized by Redemptorist priests for veterans of the South Vietnamese Army.[29]

4. ACTIVITIES FOR RELIGIOUS FREEDOM

In dealing with the government's refusal to carry out provisions of the Constitution concerning commitments to the international community, Vietnamese citizens and international human rights organizations have persistently advocated for the right to religious freedom. Following are typical activities in support of religious freedom in 2019:

March 30, 2019 (Feb 25 of lunar year), Hoa Hao Buddhists held a banner protesting against Vietnamese security forces blocking their way to the commemoration of the passing of founder Huynh Phu So. Photo credit: SBTN

- During the Universal Periodic Review of 2019, Vietnam received 13 recommendations regarding religious freedom from 11 countries. Vietnam accepted nine recommendations, partly accepted two, and rejected two. The two rejected recommendations relate to the release of all human rights defenders as well as religious and political activists detained for peaceful expression of political views or religious beliefs (from the Polish delegation) and to a review of the Law on Belief and Religion to ensure religious freedom (from the Canadian and Croatian delegations).

- The US Commission on International Religious Freedom (USCIRF), in its 2020 annual report, called on the US government to place Vietnam back on the list of "Countries of Particular Concern" for its religious-freedom violations.[30]

- Open Doors USA, in its 2019 report, ranked Vietnam 20th among "50 countries where it is most dangerous to follow Jesus."[31]

- On Feb 9, 2020, 26 organizations that support religious freedom sent a common letter to 700 Members of the European Parliament, requesting the postponement of the vote of the EU-Vietnam Free Trade Agreement (EVFTA) and the Treaty for the Protection of Investment (IPA), until the Vietnamese government demonstrates strict adherence to the commitment to

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29 Tin Mừng Cho Người Nghèo. *Chương trình tri ân TPB – VNCH tại miền trung không được suôn sẻ như dự kiến.* http://www.tinmungchonguoingheo.com/blog/2019/01/24/chuong-trinh-tri-an-tpb-vnch-tai-mien-trung-khong-duoc-suon-se-nhu-du-kien/

30 USCIRF. *USCIRF Releases 2020 Annual Report with Recommendations for U.S. Policy.* https://www.uscirf.gov/news-room/press-releases-statements/uscirf-releases-2020-annual-report-recommendations-us-policy

31 Open Doors USA. *World Watch List 2019 - The 50 countries where it is most dangerous to follow Jesus.* https://www.opendoorsusa.org/wp-content/uploads/2019/01/WWL2019_FullBooklet.pdf

religious freedom in the UN conventions it has signed.[32]

- Human Rights Watch, in its annual reports for 2019 and 2020, as well as in its submissions to the United Nations, the European Union and Australia before their human rights dialogues with Vietnam, clearly presented the Vietnamese government's violations of religious freedom.
- The Interfaith Council of Vietnam, made up of representatives of independent religious organizations, carried out many activities in 2019 advocating for freedom of religion, such as participating in hearings and meetings with international human rights organizations, denouncing religious oppression, and protesting against the draft Law on Belief and Religion. On January 16, 2020, a diplomatic delegation from Canada, Australia, the United States, Spain, Italy, the United Kingdom, Germany and the European Union visited and worked with the Interfaith Council of Vietnam on freedom of religion at Giac Hoa pagoda, No Trang Long, Binh Thanh, Saigon.

RECOMMENDATIONS

The Vietnamese government should:

- Immediately and unconditionally release those who have been arbitrarily arrested for their peaceful expression of religious beliefs;
- Amend the Law on Belief and Religion and all religious regulations, adhering to the international standards of the International Covenant on Civil and Political Rights;
- Eliminate all forms of religious intolerance; refrain from interfering in the internal activities of any religion.

The US government should:

- Place Vietnam back on the List of Countries of Particular Concern (CPC), as repeatedly recommended by the US Commission on International Religious Freedom and other non-governmental organizations as well as by members of the US Congress.

[32] Freedom of Religion or Belief Round Table. *To all members of the EU Parliament.* http://dvov.org/wp-content/uploads/2020/02/Joint-Letter-on-EVFTA-and-IPA-Vote-Feb-11-2020.pdf

VI
THE RIGHT TO WORK AND TO ENJOY THE FRUITS OF ONE'S LABOR

The rights of workers attracted increased attention in 2019 when Vietnam was participating in negotiations for the European Union-Vietnam Free Trade Agreement (EVFTA), signed on June 30, 2019. Many had supported such an Agreement, believing that workers' rights would be better promoted if Vietnam implemented the Agreement's commitments and that the European Union was ready to use the necessary sanctions to enforce its provisions.

1. AMENDMENTS OF LABORS LAWS IN VIEW OF PASSING THE EUROPEAN UNION VIETNAM FREE TRADE AGREEMENT (EVFTA)

As with its participation in the Trans-Pacific Partnership Agreement, from which the U.S. withdrew in 2017, the Vietnamese government sought to promote EU Parliament ratification of the EVFTA by showing Viet Nam's commitment to the requirements of the International Labor Organization (ILO).

One of EVFTA's basic requirements is that Vietnam, as an ILO member, is committed to respecting, promoting and implementing the ILO's 1998 Declaration on principles and fundamental rights in labor, including the ratification and implementation of ILO Basic Conventions.

Of the eitght basic ILO conventions, Vietnam has ratified five: Convention No. 29 on forced labor; Convention No. 100 on equal remuneration; Convention No. 111 on employment and occupation discrimination; Convention No. 138 on the minimum age for employment; and Convention No. 182 on eliminating the worst forms of child labor. The three basic conventions that Vietnam has not ratified are Convention No. 87 on freedom of association and protection of the right to organise, Convention No. 98 on the right to organize and collective bargaining, and Convention No. 105 on the abolition of forced labor.

On June 14, 2019, Vietnam's National Assembly ratified Convention No. 98 on the right to organize and collective bargaining, which should come into force on July 5, 2020. The Vietnamese government said it would work towards ratifying Convention No. 105 on forced labor by 2020, and Convention No. 87 on freedom of association and protection of the right to organize by 2013.

Because Vietnam's current legal framework is not compatible with ILO Conventions 98, 87 and 105, the Vietnamese government started the amendment process in 2019 for its 2012 Labor Law and its 2012 Trade Union Law.

On November 20, 2019, the Vietnam National Assembly passed Labor Law No. 45/2019/QH14, to take effect January 1, 2021. With the exception of a few modifications, such as unilateral termination of a contract for workers in some cases (Article 34), additional forms of dialogue between workers and business owners (Article 63), and no direct state intervention in wage-setting (Article 93), most of the amendments have dealt with relatively minor technical matters, such as validating electronic labor contracts, and paying salaries through banks.

Assessing the amended Labor Law, the US Embassy in Hanoi stated, too hastily, that, "Vietnam's National Assembly enacted historic legislation that allows for the formation of independent trade unions at the grassroots level."[1]

In fact, a re-reading of the 2019 Labor Law does not reveal the term "independent union" in any provision. Its article No. 170 provides for the "rights to establish, join workers' representative organization(s) at grassroots level and participate in its activities." However, with the constraints provided by other provisions of the Law, the "representative organization" referred to therein is not a full-fledged union organization as defined by ILO Convention No.87.

Up to this point, Vietnam's National Assembly has not enacted a new union law. The 2012 Trade Union Law is still in effect, according to which a trade union, established on a voluntary basis, is "a broad socio-political organisation of the working class and workers and an integral part of the political system of Vietnamese society under the leadership of the Communist Party of Vietnam" (Article 1 of 2012 Trade Union Law).

Many are critical that the 2019 Labor Law was passed too quickly, lacking feedback from workers. A number of National Assembly Representatives had not read the draft. The Deputy Chairman of the National Assembly Foreign Affairs Committee, Nguyen Sy Cuong, also complained that the bill was prepared too hastily, and so much was ignored.[2]

2. VIOLATIONS OF WORKERS' RIGHTS IN PRACTICE

While waiting for the new Labor Law to take effect and the Trade Union Law amended, activities in the field of labor rights are still governed by the 2012 Labor Law and the 2012 Trade Union Law. It is worth mentioning that the Vietnamese government has not attempted to make any effort whatsoever to improve the human rights situation in the daily life of workers.

Workers' rights continue to be violated in the following ways:

- The Communist Party of Vietnam (CPV) continues to increase its control over trade union activities;
- Workers continue to endure difficult living conditions;
- Forced labor and underage labor continue.

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1 U.S. Embassy Hanoi. *U.S. Embassy Hanoi Statement on Vietnam Labor Reform.* https://vn.usembassy.gov/u-s-embassy-hanoi-statement-on-vietnam-labor-reform/

2 Vũ Hân, Thanh Niên. *Sửa đổi bộ luật Lao động: Làm quá gấp gáp, bỏ qua rất nhiều thủ tục.* https://thanhnien.vn/thoi-su/lam-qua-gap-gap-bo-qua-rat-nhieu-thu-tuc-1086048.html

2.1. The CPV increases its control over trade union activities

The Vietnam General Confederation of Labor (VGCL), the sole legal labor union organization in Vietnam today, was established by the CPV in 1929 along with the Party's founding, purporting to unite workers in support of its policies and programs of action. As a member of the Vietnam Fatherland Front, a peripheral organization of the CPV, the purpose and modus operandi of the trade unions have not changed.

Speaking at the 90th anniversary of the establishment of the Vietnam Trade Union (July 28, 1929), Prime Minister Nguyen Xuan Phuc affirmed, "The trade union is the pioneer political-social organization in building, regulating, protecting the Party, protecting the regime; is a solid prop and bridge between workers and laborers, with the Party and the State."[3]

The core members of the VGCL must be Party members, from the General Confederation level to grassroots unions. Currently, VGCL President Mr. Nguyen Dinh Khang is a member of the Party Central Committee and Secretary of the Vietnam General Confederation of Labor. "The governmental model of the Party secretary serving at the same time as the Chairman of the People's Committee" at the different levels has been expanded to the field of trade unions. On Jan 12, 2020, the VGCL held a solemn ceremony naming 90 executive-committee members as grassroots trade-union model leaders nationwide. On this occasion, Ms. Truong Thi Mai, Politburo Member, Secretary of the Party Central Committee, and Head of the Central Commission for Mass Mobilization stated, "So far, there have been more than 12,000 Party grassroots organizations and more than 180,000 Party members working in non-state businesses." [4]

In order to control workers' activities in accordance with the Party's guidelines and policies, the executive committees of the trade unions at all levels must "implement the policies, resolutions and regulations of the Party and higher-level trade unions" and "direct, control, and guide all activities of trade unions at lower levels."[5]

In addition, trade unions serve as training grounds for prospective CPV members. In 2019, 119,603 union members were introduced to the CPV for consideration, training, and enrollment.[6]

2.2. Workers continue to endure difficult living conditions

Along with carrying out their duties to the unions at all levels, workers must pay into their monthly trade union fund and pay mandatory union dues. For the trade-union fund, businesses deduct from employees' salaries 2% of the employee's salary, and the obligation applies to all businesses, whether or not the business has a grassroots trade union. Grassroots trade unions use 69% of the total trade union fund, and the upper-level trade unions get the remaining 31%. Enterprises that do not pay into the trade union fund are fined 12% -15% of the amount payable. In addition, union member employees must pay an additional 1% of their wages to the union, called mandatory union dues. For mandatory union dues, the grassroots trade union retains 40%, and the upper-level trade unions get

3 Báo Điện Tử ĐCSVN. *Tổ chức Công* đoàn *phải không ngừng* đổi *mới*.
http://dangcongsan.vn/xay-dung-dang/to-chuc-cong-doan-phai-khong-ngung-doi-moi---529937.html

4 TLĐLĐVN. *Biểu dương 90 cấp ủy viên là chủ tịch công* đoàn *cơ sở tiêu biểu toàn quốc.*
http://www.congdoan.vn/tin-tuc/tuyen-truyen-giao-duc-3576/bieu-duong-90-cap-uy-vien-la-chu-tich-cong-doan-co-so-tieu-bieu-toan-quoc-484469.tld

5 *Điều lệ Công* đoàn *Việt Nam*, ban hành ngày 03 tháng 02 năm 2020

6 Tổng Liên Đoàn Lao Động Việt Nam. *Kết quả hoạt* động *công* đoàn *năm 2019, nhiệm vụ trọng tâm năm 2020*

60%. Union discipline will be applied when union members fail to pay union dues.

Sept 17, 2019, thousands of workers at Panko company, Tam Ky City, Quang Nam province went on strike because their lunch foods were infected with worms. Photo credit: Danang Police Department

Despite enjoying the powers granted by the CPV and taking advantage of workers' contributions, the VGCL has achieved nothing for labor rights except limited aid from the Ministry of Labor, War Invalids, and Social Affairs. Workers' attempts to demand legitimate rights have received neither sympathy nor support from the VGCL. On the contrary, VGCL members always side with government authorities and company bosses in trying to suppress both labor strikes and labor-rights defenses mounted by individuals or organizations.

According to a VGCL report, in 2019 there were across the country more than 120 collective strikes, down 50% compared to 2018. The VGCL maintained that this improvement was due to employers' better care of workers, and grassroots trade unions' better performance in representing workers in their communication, negotiation and signing of collective labor agreements.[7] However, according to activists who advocate for union rights and workers' rights, the reason for less frequent strikes in 2019 was not better working conditions, but increased government control over workers' activities through grassroots trade union officials, who are actually members of the Communist Party.[8]

As in previous years, the underlying cause for the strikes was factory owners' failure to fulfill their social responsibilities to workers, which involve wages, benefits, working hours, breaks, and labor safety and hygiene. In recent years, up to 85-90% of labor strikes have been caused by disputes over wages;[9] and that did not change in 2019, when employee benefits were not guaranteed.[10]

Thus, although trade unions in Vietnam have assigned themselves a monopoly over efforts "to represent and protect the legitimate rights and interests of workers" (Article 10 of the Union Law), they have never initiated or assisted labor strikes despite acknowledging that the vast majority of labor strikes arise because the workers' rights are violated.

In 2019, the government-stipulated minimum wage increased twice, but the lives of workers remained difficult. The Institute of Workers and Trade Unions (IWTU), with technical advice from the Vietnam Labour Relations Center, Oxfam Vietnam and Oxfam Australia, conducted a study of export garment enterprises in Vietnam and published a report in February 2019 that showed that 69

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7 Pháp Luật. *Hơn 120 cuộc ngừng việc tập thể trong năm 2019*.
https://plo.vn/xa-hoi/hon-120-cuoc-ngung-viec-tap-the-trong-nam-2019-882323.html

8 RFA. *Báo cáo công nhân ở Sài Gòn giảm* đình *công: thực chất hay tô hồng?* https://www.rfa.org/vietnamese/in_depth/why-are-workers-protests-in-hcmc-downgrading-rapidly-11132019132236.html

9 Báo Lao Động. *85 - 90% số vụ* đình *công có nguyên nhân từ yếu tố tiền lương.*
http://laodong.com.vn/cong- doan/85-90-so-vu-dinh-cong-co-nguyen-nhan-tu-yeu-to- tien-luong-137037.bld

10 Báo Lao động Thủ đô. *Nguyên nhân* đình *công chủ yếu vì quyền lợi người lao* động *không* được đảm *bảo.*
http://laodongthudo.vn/nguyen-nhan-dinh-cong-chu-yeu-vi-quyen-loi-nguoi-lao-dong-khong-duoc-dam-bao-96653.html

March 13, 2019, the collapse of Suoi Bac tin mine in Nghe An province killed 3 workers. Every day an average of 22 labor accidents happen across the country. Photo credit: Huy Nham of Nghe An News

percent of workers did not have enough money to cover their living expenses; 31 percent did not save anything from their wages; 37 per cent had to borrow to supplement their income; 68 percent rarely or never had time to visit relatives and friends; 96 percent never or rarely ate out; and 28 percent reported that their wages were not enough to sustain them and their family for the entire month.[11]

The study also showed that, because wages were not enough to live, 65 percent of workers regularly worked overtime; 22 per cent did not use the breaks provided by the company; 69 percent often had headaches, dizziness, hypertension, back pain and neck pain from sitting for long periods and leaning over frequently; 36 percent were living with an illness, such as asthma, high blood pressure, diabetes or heart disease; and 53 percent did not have enough money to cover the cost of medical treatment and medicine.

Regarding housing and living conditions, 23 percent of workers lived in semipermanent or temporary housing; and 44 percent had to use well water or harvest rain water without knowing if it was safe. With regard to housing and education, about 9 percent of respondents said that their financial difficulties had affected their decision to have children; and 20 percent said their wages were not enough to buy their cildren's school supplies.

In addition, the workers have insufficient safety protections. According to the Ministry of Labor, War Invalids and Social Affairs (MLWISW), in 2018 there were 7,997 work-related accidents nationwide, with 8,229 victims, of which 1,039 died and 1,939 were seriously injured. In reported accidents, the primary cause was employers' lack of responsiveness to their safety obligations in the areas of working conditions, safety equipment, and safety training (46.49%). Despite this, only 15 cases were referred for prosecution, of which three were pursued by police investigators.[12] However, according to many people, those numbers are just the tip of the iceberg. In reality, the number of occupational accidents, deaths and injuries is much higher, since business owners and labor management concealed information for fear of being blamed, affecting work operations.[13]

Workers have to worry not only about insufficient wages and occupational safety, but also hygienic conditions and food safety. Food poisoning has become a constant concern for workers and their families. According to the Department of Food Safety (Ministry of Health), poor food quality is

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11 Oxfam. *Report: The Consequences of Low Wages - a Study on Fashion Suppliers in Vietnam.* https://needoc.net/the-consequences-of-low-wages-a-study-on-fashion-suppliers-in-vietnam-screen-pdf

12 Người Lao Động. *Năm 2018, gần 3.000 người chết và bị thương do tai nạn lao động.* https://nld.com.vn/cong-doan/nam-2018-gan-3000-nguoi-chet-va-bi-thuong-do-tai-nan-lao-dong-20190411210341804.htm

13 baodantoc.vn. *Nguy cơ tai nạn lao* động *còn ở mức* độ *cao*. http://baodantoc.vn/nguy-co-tai-nan-lao-dong-con-o-muc-do-cao-39422.htm

the main cause of food poisoning.[14] The meager standard meals costing from 11 to 12 thousand VN dong (about 50 US cents) not only adversely affect workers' productivity, but also weaken the physical and intellectual well-being of future generations.

2. 3. Forced labor and underage labor continue

Undoubtedly, all prisons and correctional camps in Vietnam, and even some social and labor education centers, are forced-labor camps. Human Rights Watch (HRW) released, in 2011 and 2012, two reports on forced labor in drug rehabilitation centers in Vietnam.[15, 16]

The Vietnamese government consistently rejects the criticisms of HRW and other human rights organizations over abuses of detainees in drug rehabilitation camps as slaves. However, the situation continues, according to the International Labor Rights Forum in its 2014 report *Vietnam's Forced Labor Centers*. Based on disclosures by recently freed victims, the camps were continuing to use tough measures to force detainees to overwork for higher production with no adequate compensation. Worse still, detainees suffered beatings for failure to fulfill production targets.[17]

Sùng Mí Sò, a 12-year old orphan of the H'mong ethnic group bends his body to carry bricks uphill to earn 2,000 VND during the Covid-19 season. Photo credit: Hải Âu of Thanh Niên News.

A Viet Labor study in 2016 on forced labor situations in Vietnamese prisons disclosed that between 100,000 and 200,000 prisoners in roughly 60 prisons were forced to work from 40 to 50 hours a week, without pay, to produce cashew nuts, garments, rubber, bricks, rocks, rice, sugar cane, and other products.[18]

In 2019, Vietnam's National Assembly passed an amendment to the Law on Criminal Enforcement (effective January 1, 2020). The new law stipulates the labor regime and labor organization for prisoners depending on their age, health, gender, sentence, nature and severity of criminal acts, land conditions, resources, forms of manufacturing,

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14 Thanh Niên. *Suất* ăn *rẻ tiền là nguyên nhân ngộ* độc *thực phẩm cho công nhân*. https://thanhnien.vn/doi-song/suat-an-re-tien-la-nguyen-nhan-ngo-doc-thuc-pham-cho-cong-nhan-846092.html

15 Human Rights Watch. *The Rehab Archipelago: Forced Labor and Other Abuses in Drug Detention.* 2011. https://www.hr-dp.org/contents/974

16 Human Rights Watch. *Torture in the Name of Treatment: Human Rights Abuses in Vietnam, China, Cambodia, and Lao PDR*. 2012. https://www.hrw.org/sites/default/files/reports/HHR%20Drug%20Detention%20Brochure_LOWRES.pdf

17 International Labor Rights Forum. *Vietnam's Forced Labor Centers.* http://www.laborrights.org/publications/vietnams-forced-labor-centers

18 Lao Động Việt. *Bản tường trình của Lao* Động *Việt về tù lao* động. https://laodongviet.org/2016/05/17/tu-nhan-an-don-lao-dong-nha-nuoc-an-loi-quat-roi/

equipment, facilities, supplies and resources managed by prisons and the specific conditions of prisons. Under this law, children in juvenile reform schools must also work.

In factories, the most common form of forced labor is being ordered to work overtime under threat of being fired.[19] A study by Anti-Slavery International at a number of garment factories in Vietnam in 2018 showed that all workers said they were threatened with job loss or payroll deduction if they took sick leave, made mistakes at work, or did anything that failed to meet management's expectations. Indicators of forced labor such as cheating, restrictions on movement, threats and intimidation, and abusive living and working conditions as well as excessive overtime were common.[20]

A huge portion of 650,000 Vietnamese exported workers in 40 countries and territories, and notably in Taiwan, South Korea, Malaysia, Japan, and the Middle East are also forced labor victims. In 2019, the number of exported laborers working abroad reached 152,530, or 127.1% of the government's target for the year.[21]

Many of these workers are victims of human trafficking and have been exploited by recruitment services owned by state agencies or government officials. Typically, recruiting agents visit poor villages and promise good overseas employment contracts to unsuspecting job-seekers. Once workers arrive at their destination, the agents confiscate their passports and hand them over to the employers. By the time the workers discover that the good conditions described in the contracts were lies or misrepresentations, they have no passport or money to return to their country.

For example, in Malaysia, the proportion of Vietnamese undocumented workers is very large, almost 5 out of 10.[22] According to a study by International Labour Organization (ILO) and the International Organization for Migration (IOM) in 2017, up to 76 percent of Vietnamese migrant workers were likely to experience rights abuses.[23]

This situation persisted into 2020, especially in the Middle East;[24] in China, with illegally exported workers; and in England, with Vietnamese children brought into the country illegally.[25] [See Chapter I Section 3]

Another kind of forced labor involves the mistreatment of children, including forcing them to work under dangerous conditions.

On April 5, 2016, the XIIIth National Assembly passed Child Law No. 102/2016/QH13 detailing children's rights and protections. In 2015, the government of Vietnam pledged that by 2016 Vietnam would eliminate the worst forms of child labor, and by 2020 it would eliminate child

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19 Fair Labor Association. *Forced Labor in Supply Chains: Addressing Risks and Safeguarding Workers' Freedoms.* https://www.fairlabor.org/sites/default/files/documents/reports/forced_labor_guidance_update_july-2019.pdf

20 Anti-Slavery International. *Sitting on pins and needles: a rapid assessment of labour conditions in Vietnam's garment sector.* https://www.antislavery.org/wp-content/uploads/2019/04/Pins-and-Needles-Vietnam-supply-chains-report.pdf

21 VnEconomy. *Năm 2020, mục tiêu* đưa *130.000 lao* động đi *làm việc ở nước ngoài.* http://vneconomy.vn/nam-2020-muc-tieu-dua-130000-lao-dong-di-lam-viec-o-nuoc-ngoai-20200109145853306.htm

22 Hà Bùi. Zing.VN. *Cuộc sống ẩn dật của lao* động *Việt ở Malaysia.* https://news.zing.vn/cuoc-song-an-dat-cua-lao-dong-viet-o-malaysia-post938818.html

23 ILO and IOM 2017. *Risks and rewards: Outcomes of labour migration in South-East Asia.* https://www.ilo.org/asia/publications/WCMS_613815/lang--en/index.htm

24 Nghiêm Hương. Đừng chết ở Ả-rập Xê-út. Available at: https://alphabooks.vn/dung-chet-o-a-rap-xe-ut

25 NCA. *National Referral Mechanism Statistics, End of Year Summary 2018.* https://nationalcrimeagency.gov.uk/who-we-are/publications/282-national-referral-mechanism-statistics-end-of-year-summary-2018/file

labor in difficult and hazardous conditions, gradually reducing child labor in economic activities.

Nevertheless, according to a Ministry of Labor, Invalids and Social Affairs document in 2019, Vietnam currently has 1.75 million children participating in economic activities, accounting for 9.6% of the total population of children from 5 to 17 years old. Sixty seven percent of Vietnamese child laborers work in agriculture, the rest work in industry, construction and services.[26]

A 1918 report by the US Department of Labor on goods produced by children or forced labor lists the occupational sectors employing children in Vietnam as Bricks, Cashews, Coffee, Fish, Footwear, Furniture, Garments, Leather, Pepper, Rice, Rubber, Sugarcane, Tea, Textiles,Timber, Tobacco.[27] However, the most common "professions" for children in Vietnam are serving as domestics to wealthy families; selling small items in public places, such as lottery tickets; shining shoes; and other services. Those kinds of work are not included in the aforementioned reports.

RECOMMENDATIONS

The Vietnamese government should:

- Amend the Labor Law and the Trade Union Law to guarantee the right to establish independent trade unions;
- Improve living and working conditions for the working class;
- Eliminate of all forms of forced labor and strictly prohibit child labor,
- Immediately stop the persecution of individuals and organizations advocating for workers' rights.

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26 Zing News. *Hơn 1 triệu trẻ em Việt Nam phải làm việc trên đồng ruộng*.
https://zingnews.vn/hon-1-trieu-tre-em-viet-nam-phai-lam-viec-tren-dong-ruong-post954460.html

27 U.S. Department of Labor. *The 2018 List of Goods Produced by Child Labor or Forced Labor.*
https://www.dol.gov/sites/dolgov/files/ILAB/ListofGoods.pdf

VII
THE RIGHT TO EQUAL TREATMENT AND NON-DISCRIMINATION

In addition to signing the Universal Declaration of Human Rights, the International Covenant on Economic Social and Cultural Rights, and the International Covenant on Civil and Political Rights, Vietnam has also participated in many other conventions on anti-discrimination, such as the International Convention on the Elimination of All Forms of Racial Discrimination (1982), the International Convention on the Elimination of All Forms of Discrimination against Women (1982), and the Convention on the Rights of Persons with Disabilities (2015). Vietnam's Constitution also expressly states that "all citizens are equal before the law" and that "no one shall be discriminated against based on his or her political, civic, economic, cultural or social life" (Art. 16).

During the 2019 Cycle III Universal Periodic Review (UPR), Vietnam received 20 recommendations from participating countries regarding discrimination. Vietnam approved 16 and disapproved 2. Two of the four rejected recommendations were related to the ratification of the Convention against Discrimination in Education

In reality, however, stigmatization and unequal treatment, in general, did not improve in 2019, especially discrimination against the supporters of the pre-1975 government, people outside the Communist Party, religious believers, ethnic minorities, and women.

1. DISCRIMINATION AGAINST SUPPORTERS OF THE GOVERNMENT OF SOUTH VIETNAM

Although the war ended more than four decades ago, Vietnam is still pursuing a policy of discrimination and stigmatization against supporters of the previous government, as if the war were still going on. Its categorization of people as "having contributed to the revolution" versus "being part of the puppet regime" dictates how people's lives will unfold.

Shortly after 1975, in addition to putting tens of thousands of military officers and civil servants of the former Republic of Vietnam (RVN) in concentration camps, looting their properties and sending hundreds of thousands of families who had had connections with the losing side to new economic zones, the Communist government also applied profiling measures to prevent their children from achieving a meaningful future. Forty years later, although the concentration camps have closed, the profiling policy still creates great educational, political, and economic inequality, dividing people who supported the previous government and those associated with the victors.[1]

1 RFA. *Ngược đãi sau 30/4 là bi kịch lịch sử.*
http://www.rfa.org/vietnamese/in_depth/discri-after-fall-saigon-04222015080143.html

In the field of education, the majority of children of Republic of Vietnam military personnel and government officials have not had the opportunity to continue school because of their families' economic condition. Even if a small number of them have the means to keep their children in school, their background has been a huge obstacle. The standard curriculum vitae application form for students in Vietnam in 2020 not only contains questions about Youth Union and Communist Party membership, but also requires students to declare their parents' relationship with the previous government. This is prejudicial for students whose parents were civil servants or military personnel of the Republic of Vietnam.

South Vietnam disabled veteran Nguyễn Văn Vinh in front of his home. Photo credit: Trẻ Magazine

Those who are most discriminated against by the current regime are Vietnam War veterans. After 1975, about 200,000 disabled veterans of the Army of the Republic of Vietnam (ARVN)[2] have had to live the remainder of their lives as beggars on the streets. Recently, and especially since 2014, in parallel with human rights movements and with the help of their compatriots all over the world, some ARVN disabled veterans have come together and publicized to the world the extent to which they have been stigmatized, discriminated against, and marginalized by their own government.

In addition to two domestic religious entities, the Lien Tri Pagoda of the most Venerable Thich Khong Tanh and the Justice and Peace Office of the Vietnam Redemptorist Congregation, many overseas Vietnamese groups have helped to redress the humiliation and suffering of those marginalized. Since 2014, through the Gratitude to Republic of Vietnam War Invalids Program, the Redemptorist Congregation in Saigon has provided disabled vets of the former ARVN with medical examinations and necessary items such as push-pull and regular wheelchairs and crutches. More recently, however, the government has repressed this charitable work. In addition to making it difficult for the organizers, security forces have also intimidated disabled vets themselves. [3]

Meanwhile, the government has adopted an opposite policy towards Communist cadres and veterans and their families. As reported by the Ministry of Labor, Invalids and Social Affairs, more than 9.2 million "meritorious" people enjoy preferential policies due to their service to the revolution. In 2019, the government spent more than VND32 trillion (US$ 1,378,000,000) on benefits for them.[4] Therefore, at present, 99.5% of the "meritorious" households are living at or above the average living standard of the local population.[5]

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2 Hội HO Cứu Trợ TPB & QP. *Chuyện người thương binh*. http://tpbvnch.blogspot.com/2016/10/chuyen-nguoi-thuong-binh.html

3 UCAN. *Công an ngăn cản chương trình tri ân thương phế binh Việt Nam Cộng Hòa.* https://vietnam.ucanews.com/2019/02/23/cong-an-ngan-can-chuong-trinh-tri-an-thuong-phe-binh-viet-nam-cong-hoa/

4 Cổng Thông tin điện tử Bộ LĐ-TBXH. *Bộ trưởng Đào Ngọc Dung: Không cho phép mình được ngưng nghỉ, hay tự hài lòng về kết quả chăm sóc người có công.* http://www.molisa.gov.vn/Pages/tintuc/chitiet.aspx?tintucID=219246

5 Dân Sinh. *Gần 100% hộ gia đình người có công có mức sống bằng hoặc cao hơn mức sống trung bình của nhân dân nơi cư trú.* http://baodansinh.vn/gan-100-ho-gia-dinh-nguoi-co-cong-co-muc-song-bang-hoac-cao-hon-muc-song-trung-binh-cua-nhan-dan-noi-cu-tru-20191224231154476.htm

2. DISCRIMINATION AGAINST NON-COMMUNIST PARTY CITIZENS

At the present time, the Communist Party of Vietnam (CPV) has about 5.2 million members in a country of about 96 million. Under the current Constitution, the only political party allowed to operate is the CPV, whose members are more privileged than outsiders. The discrimination against non-members of the CPV not only limits their participation in government, but also disadvantages them in all other social activities, including education, economic life, and health care.

In education, admission to universities is based on profiles of the student and his or her family, even if such the schools are not public-security or military institutions, which explicitly only accept Communist Party or Ho Chi Minh Communist Youth Union members.[6] In 2015, the Ministry of Labor, Invalids, and Social Affairs issued Circular No. 36/2015/TT-MOLISA setting guidance for the implementation of preferential policies in education and training for those who had contributed to the revolution and their children. In the 2017 entrance examination to Hanoi Medical University, 392 out of 476 candidates, or 82.5%, were admitted thanks to such a "plus score."[7]

In terms of social well-being, in principle, all citizens are beneficiaries of the State's social welfare policies (Article 34 of the 2013 Constitution). In practice, however, decisions on how services such as housing and healthcare are delivered depend on the recipient's position vis-à-vis the Party.

For example, in the healthcare sector, while most hospitals are in a state of overload and degradation that seriously affect the quality of public health services,[8] each province, city, and district has built its own hospital, or set aside areas within hospitals, to care for senior officials and high-ranking Party members. At the central level, the Central Committee for Healthcare and Protection provides medical care for central cadres. At province, district, town, and city levels, healthcare committees provide medical care for local Party members. Support and care regimes are also divided, depending on a member's position in the Party.

According to a report by the Central Committee for Healthcare and Protection, in 2019, the agency took care of 1,611 senior officials, organized 4,525 hospital admissions for senior officials to be treated at dedicated hospitals, and organized nine "rest breaks" combined with pathological treatment for 124 former senior officials of the Party and the government.[9]

3. DISCRIMINATION AGAINST RELIGIOUS BELIEVERS

Although Article 5 of the Law on Belief and Religion adopted by the National Assembly and provincial People Councils on November 18, 2016, explicitly forbids "discrimination, stigmatization against Beliefs and Religion," discrimination and stigmatization of religious believers did not abate in 2019. In fact, the Communist government still regards religions as a threat to the existence

6 Tuổi Trẻ Online. *3 điểm mới khi xét tuyển vào trường quân đội.*
https://tuoitre.vn/3-diem-moi-khi-xet-tuyen-vao-truong-quan-doi-20180305080716094.htm

7 Đại Đoàn kết. Hơn 82% thí sinh đỗ Y đa khoa ĐH Y Hà Nội nhờ điểm ưu tiên.
http://daidoanket.vn/xa-hoi/hon-82-thi-sinh-do-y-da-khoa-dh-y-ha-noi-nho-diem-uu-tien-tintuc375690

8 RFA. *Thực trạng bệnh viện công hiện nay.*
http://www.rfa.org/vietnamese/in_depth/overloaded-public-hospitals-in-vn-av-12222016095151.html

9 *Hậu Giang Online. Hội nghị trực tuyến toàn quốc triển khai nhiệm vụ bảo vệ, chăm sóc sức khỏe cán bộ.*
http://baohaugiang.com.vn/thoi-su-trong-tinh/hoi-nghi-truc-tuyen-toan-quoc-trien-khai-nhiem-vu-bao-ve-cham-soc-suc-khoe-can-bo-86956.html

of the regime; therefore, in addition to banning and suppressing some religions [see chapter IV of this Report], they continue to treat religious followers as second-class citizens in all social areas, especially in the areas of public services and education.

3. 1. Discrimination against Religious Believers: No Equal Political Opportunities

For elected offices, the government usually sets a certain quota for religious-believer candidates who meet the CPV's loyalty standard for election to the National Assembly. During the 2016 election of the 14th National Assembly, the government arranged for six religious dignitaries to serve as representatives.[10] This melodramatic performance, however, could not cover up the discriminatory way that people of religious faith are generally treated. For example, with the three-generation background check system, religious followers cannot sit for the entrance examination to military or police schools.[11] Those in such schools, and even their spouses, may not profess Catholicism, Protestantism, or other religions. [12]

In essence, Vietnamese officials always suspect people of faith because they regard religion as a force that is opposed to their totalitarian ambitions, even on the ideological level.

3. 2. Discrimination against Religious Believers: No Equal Opportunity for Education

As in the case of children of former South Vietnamese officials, profiling is also employed against religious believers who apply for higher college entrance exams. The standard curriculum vitae form for students in Vietnam always includes questions about religion. As with the question of the Communist Ho Chi Minh Youth Union, Communist Party affiliation, and family history before 1975, the question of religion is an important factor in determining students' education and future career paths.[13] Students who declare that they belong to a religion will not be favored when it comes to their choice of curricula, scholarships, and other benefits despite higher scores on aptitude tests.

4. DISCRIMINATION AGAINST ETHNIC MINORITIES

Vietnam's population comprises 54 ethnic groups, of which Lowlanders (the Kinh) account for 85.3% and minority ethnic groups account for 14.7%. Except for the Chinese, who are mostly entrepreneurs living in metropolitan areas, the rest of the ethnic groups live in remote mountainous areas in the Central Highlands and northwestern parts of Vietnam. A large number of ethnic groups have their own language and customs. The policy prohibiting discrimination and divisive acts between the races is stipulated in Article 5 of the 2013 Constitution: "All ethnicities are equal and shall unite, respect and assist one another for mutual development; all acts of discrimination and division of ethnicities are prohibited." In actuality, however, racial discrimination is still a grave

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10 Ban Tôn giáo Chính phủ. *Gặp mặt các chức sắc tôn giáo là* đại *biểu Quốc hội khóa XIV.* http://btgcp.gov.vn/Plus.aspx/vi/News/38/0/248/0/14716/Gap_mat_cac_chuc_sac_ton_giao_la_dai_bieu_Quoc_hoi_khoa_XIV

11 Luật sư X. *Người theo tôn giáo có thể trở thành công an được không?* https://lsx.vn/nguoi-theo-ton-giao-co-the-tro-thanh-cong-an-duoc-khong/

12 Xaluan.com. Điều kiện kết hôn với người trong ngành công an theo quy định mới nhất hiện nay? https://www.xaluan.com/modules.php?name=News&file=article&sid=2475766

13 hoc.vtc.vn. *Sơ yếu lý lịch tân sinh viên điền như thế nào?* http://hoc.vtc.vn/so-yeu-ly-lich-tan-sinh-vien-dien-nhu-the-nao-pt5985

concern for ethnic minorities. Discrimination against ethnic minorities is particularly prominent in the economy, education, and politics.

4. 1. Discrimination against Ethnic Minorities: Economic Inequality

"Hunger Elimination and Poverty Reduction Programs," established after the Economic Reforms, have helped increase average per capita income. The increase, however, is primarily dependent on the amount of foreign investment and aid.

In fact, economic growth only brings wealth to a few people, mostly in urban areas, widens the rich-poor gap, and exacerbates tensions among different social strata. This leaves most people, especially ethnic minorities, on the sidelines. Even Mr. Hà Ngọc Chiến, Chairman of the Nationalities Council of the National Assembly, has acknowledged that ethnic minorities account for nearly 53% of the nation's poor while they are only 14% of the population.[14] The fruits of economic growth are concentrated with the Kinh majority and Hoa ethnic majority, while other ethnic minority groups continue to suffer not only from poverty but also from a slower pace of development.

There are many interactive reasons for this disparity, such as geographic location, level of education, and type of culture. Nevertheless, the most important reason is still unfair policy towards these minority groups, especially the policy on land ownership. Although the 2013 Land Law states, "During the process of land allocation or land lease, ethnic minority households and individuals in the locality that have no land or lack productive land, shall be prioritized (Art. 133)," racial discrimination against ethnic minority ownership and use of land remains a thorny issue.

Two children of a poor H'mong family in their dilapidated house. Photo from youtube Giang A Phao TV

The vast majority of the ethnic minorities depend on husbandry as their main livelihood. Land is the primary, if not the only, source of life for them. After 1975, with the population relocation and deforestation policies that favored industrial plantations, the highlanders' living space has dwindled. Official figures show that the number of people who have political power, money, and guns in the Central Highlands increased from 1.5 million in 1975 to about 6 million by 2010.[15] Most of the new settlers come from the North. Illegal logging, construction of infrastructure, such as hydroelectricity and irrigation, and state agricultural development policies encouraging large-scale agricultural farming and rubber production for export – all have pushed the native peoples farther into remote, infertile lands.

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14 Quốc hội Việt Nam. *Kết Quả Thực Hiện Chỉ Tiêu Giảm Nghèo Chưa Thực Sự Bền Vững.* http://quochoi.vn/hoatdongcuaquochoi/cackyhopquochoi/quochoikhoaXIII/kyhopthusau/Pages/danh-sach-ky-hop.aspx?ItemID=37252&CategoryId=0

15 Vu Quoc Ngu. *Land Ownership in Vietnam and Land Seizure in One-party State.* http://www.info-vietnam.de/VUQUOCNGU.pdf

According to Mr. Hà Ngọc Chiến, above, ownership of residential and farming land for ethnic minorities in the highlands has not improved much. And due to the lack of productive land, it is impossible for minorities to have productive livelihoods.[16]

4. 2. Discrimination against Ethnic Minorities: Education and Healthcare Inequalities

An inevitable corollary of poverty is lack of education. Several studies on ethnic minority children in Vietnam have concluded that ethnic minorities are the least likely to receive education. The educational disparity between Kinh and ethnic minorities has not changed over the years. Students of ethnic minorities are excluded from educational institutions, especially from secondary school and above. Up to 65% of Kinh and Hoa students are enrolled in high school, while only 13.7% are enrolled from other ethnic groups. [17] Another study found that 20.8% of ethnic minorities over the age of 15 cannot read or write, while that ratio is only 5.3% for the Kinh.[18]

An equally important factor in ethnic minority students' high dropout rate, especially during the first years of school, is the language barrier.[19] In recent years, Vietnam has experimented with bilingual teaching for a number of primary schools in areas with large ethnic populations. The result, however, is very modest, because of the scarcity of teachers who are bilingually capable.[20]

Concerning healthcare for ethnic minorities, Article 58 of the Constitution specifies, "State policy prioritizes healthcare for ethnic minorities, people living in mountainous areas, on islands, and in areas that have extremely difficult socio-economic conditions." However, according to a report by Save The Children in Vietnam, the disparity in nutrition between Kinh children and ethnic minority children is worrying. Fourteen percent of Kinh children at age 12 suffered from stunting, compared with 52.4% of their ethnic-minority counterparts. Less than ten percent of children from ethnic minority groups have access to dairy products, while between 41% and 54% of ethnic majority children do.[21]

4. 3. Discrimination against Ethnic Minorities: Political Inequalities

In the 2016 election of the 14th National Assembly, the VCP arranged for 86 people from ethnic minorities to be elected to the Assembly. This figure, according to the report, was four fewer than the target number.[22] This indicates that, as with the proportion of religious or female representatives in the National Assembly, the target (or quota, or projection) is only a façade put up by the CPV

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16 Quốc hội Việt Nam, *Ibid.*

17 OXFAM. *Thu hẹp khoảng cách – Cùng giảm bất bình* đẳng *ở Việt Nam.* Nhà Xuất Bản Lao Động & Xã Hội, Hà Nội 2017, tr. 7

18 Tùng Phùng et al. *Ethnic Minorities and Sustainable Development Goals: Who Will Be Left Behind.* UNDP. Hanoi 2016

19 Le Thuc Duc and Tran Ngo Minh Tam. *Why Children in Vietnam Drop out of School and What They Do After That.* http://www.younglives.org.uk/content/why-children-vietnam-drop-out-school-and-what-they-do-after

20 Bình Phước Online. *Gian nan dạy - học tiếng Việt, tiếng dân tộc thiểu số.* http://baobinhphuoc.com.vn/Content/gian-nan-day---hoc-tieng-viet-tieng-dan-toc-thieu-so---bai-1-54840

21 Save The Children. *Save The Children calls on to Improve Rthnic Minority Children's Life in Vietnam.* https://vietnam.savethechildren.net/news/save-children-calls-improve-ethnic-minority-children%E2%80%99s-life-vietnam

22 VOV. *Chính thức công bố 496 đại biểu Quốc hội khóa XIV.* http://vov.vn/chinh-tri/quoc-hoi/chinh-thuc-cong-bo-496-dai-bieu-quoc-hoi-khoa-xiv-518820.vov

for demonstrative purposes. In Vietnam's one-party regime, the purpose of elections is only to strengthen the power of the ruling party. The so-called ethnic representatives are people whom the central government selects merely to convey orders from above. Ethnic minorities in villages and communes have no self-government mechanism to represent their interests. The only means left for them to express their aspirations are fleeing abroad, holding rallies, or engaging in other forms of protest, a situation that has led to mass crackdowns or individual persecutions that ethnic minorities have had to endure. Currently, the many Montagnards who have fled to Thailand to avoid Vietnamese government persecution are living in difficult circumstances and can be arrested and deported to Vietnam at any time. [23]

The continued persecution and mistreatment of ethnic minorities in the Central Highlands region of Vietnam stems from the suspicion of their loyalty to the current regime. Before 1975, these ethnic groups fought alongside the South Vietnamese government and the US military. After 1975, the government considered them a political threat to the regime, a suspicion reinforced by the conversion of many of them to Christianity.

5. DISCRIMINATION AGAINST WOMEN

Vietnam acceded to the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW) in 1982. Vietnam has enacted many laws relating to women's rights, such as the Law on Gender Equality (2006), the Law against Domestic Violence (2008), and resolutions and policies dealing with women.

In reality, however, discrimination against women has reached alarming levels in every aspect of life, from family to work place to women's place in society.

According to the National Study on Domestic Violence against Women by the government of Vietnam and the United Nations published in 2010, up to 58% of women have experienced at least one of the three types of domestic violence: physical, sexual and emotional. [24]

Since then, despite a number of laws and programs nationwide, violence against women has not only not abated, but has been on the rise. [25]

Statistics of the Supreme People's Court on the results of 10 years of implementation of the Law on Domestic Violence Prevention and Control show that from July 1, 2008 to July 31, 2018, people's courts at all levels decided 1,384,660 first instance divorce cases, 1,060,767 of which resulted from domestic violence. Of added concern is that reported cases of violence against women account for only a small proportion of the cases that women have quietly endured. [26] The main cause of domestic violence is the gender inequality that persists in society and in every family.

Concerning labor, Vietnam has ratified many of the international conventions of the World Labor

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23 Luật Khoa Tạp Chí. *Khi Tây Nguyên không còn là nhà.*
https://www.luatkhoa.org/2019/09/khi-tay-nguyen-khong-con-la-nha/

24 Tổng Cục Thống Kê. *Nghiên cứu mới cho thấy tỷ lệ bạo lực gia đình ở Việt Nam ở mức cao.*
https://www.gso.gov.vn/default.aspx?tabid=418&ItemID=10692

25 Nhân Dân. *Có đánh trống, bỏ dùi?*
https://www.nhandan.com.vn/cuoituan/phong-su/item/42240302-co-danh-trong-bo-dui.html

26 VNExpress. *Domestic violence an under-reported problem in Vietnam.*
https://e.vnexpress.net/news/news/domestic-violence-an-under-reported-problem-in-vietnam-3853670.html

Organization (ILO) that treat employment equality. However, according to the latest statistics of the Ministry of Planning and Investment, female wage earners routinely receive lower pay than men despite the same level of education, age, and ethnic group.[27]

The most dramatic indicator of gender inequality in employment is the fate of young women forced to migrate because of their economic situation. In recent years, for economic reasons, a great number of people from rural areas have moved to urban areas. Although these include a large proportion of female laborers working in industries such as garments, leather and footwear, electronics, and food processing, most migrant workers do simple jobs in the informal economic sector without labor contracts and are not covered by health insurance. Worse, they are often victims of violence. [28]

In the government sector, Vietnam often prides itself on the number of women entering politics. There are 133 female MPs in the XIV National Assembly, elected in 2016, which accounts for 26.8% of the total membership. Women account for 26.46% of the People's Council deputies at the provincial level, and 26.7% at the communal level. In reality, however, these figures do not necessarily reflect women's actual involvement, because the Communists' electoral mechanism controls the selection process. Candidates at all levels must be nominated by the CPV or approved by the Fatherland Front. Furthermore, the representative apparatus has no real power, because Party committees make all important decisions. In fact, among the 200 members of the CPV Central Committee there are currently only 20 women, or 10%, and women are only 7 out of the 63 provincial and municipal party committee secretaries, accounting for 11%. Since these are the most powerful positions in the Vietnamese government system, the dearth of women is especially unfortunate.

RECOMMENDATIONS

The Vietnamese government should:

- Strengthen efforts to address discrimination based on political background, religious belief, ethnic origin, and sexual differences, not only with legislation, but also with concrete actions;
- Immediately end political and religious background screening, or profiling, for education and career purposes; and
- Establish an independent mechanism, involving international human rights organizations, to investigate violations of international anti-discrimination conventions that Vietnam has signed.

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[27] Bộ Kế hoạch và Đầu tư. *Bất bình* đẳng *giới về thu nhập và một số nguyên nhân.* http://ncif.gov.vn/Pages/NewsDetail.aspx?newid=21606

[28] Dân Sinh. *Lao* động *nữ di cư thường phải gánh chịu bạo lực kép*. http://baodansinh.vn/phu-nu-di-cu-chiu-bao-luc-kep-42263.htm

VIII

THE RIGHT TO WELL-BEING

When it comes to human rights, Vietnam always refers to "poverty reduction" as a priority, and growth in income per capita as an indicator of state policy success.[1] Based on this per capita-income metric, Vietnam's government claimed that the country had made human rights progress with regards to its poverty-reduction program. Within five years, the proportion of poor households nationwide had reportedly dropped from 14.2% in 2010 to 4.25% in 2015.[2]

However, at the end of 2015, Vietnam's Prime Minister signed directive 59/2015/QĐTTg whereby poverty was to be measured based on multiple indicators, including income, health services, education, housing, clean water, and information.

This multidimensional approach to understanding and addressing poverty was a step forward, because it reflects more accurately the social situation and is compatible with human rights requirements in the field of social well-being.

Based on this multidimensional measure, the Ministry of Labor, War Invalids, and Social Affairs reported that there were 1,304,001 poor households nationwide in 2018, accounting for 5.23% of the total households in the country. In particular, the income-poor households numbered 1,167,439; and poor households lacking access to basic social services were 136,562. [3]

However, when looking at the factual situation in Vietnam and assessing the implementation of the right to well-being, everyone recognizes the difference between reports of achievement and the situation in which people actually live.

1. WELL-BEING FOR A FEW

With the Doi Moi (Open Door) policy of the late 1980s, Vietnam has made progress in increasing its Gross National Product (GDP) thanks to the direct investment of foreign companies, Official Development Assistance (ODA), remittances from overseas Vietnamese, and especially Vietnam's process of deregulation and market liberalization since joining the World Trade Organization (WTO).

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1 Tạp chí Quốc phòng toàn dân. *Thành tựu xóa đói, giảm nghèo - một điểm sáng trong bảo đảm quyền con người ở Việt Nam.* http://tapchiqptd.vn/zh/an-pham-tap-chi-in/thanh-tuu-xoa-doi-giam-ngheo-mot-diem-sang-trong-bao-dam-quyen-con-nguoi-o-viet-nam/2561.html

2 Lao Động. *Tỷ lệ hộ nghèo giảm chỉ còn 4,25%.*
http://m.laodong.com.vn/thoi-su-xa-hoi/ty-le-ho-ngheo-giam-chi-con-425-601543.bld

3 Bộ Lao động Thương binh và Xã hội. *Quyết định 1052/QĐ-LĐTBXH. ngày 29 tháng 07 năm 2019*

According to Vietnamese government data, the GDP increase in 2019 was 7.02%, exceeding the target set. The average per capita income in 2019 was VND 4.2 million per month or VND 50 million per year (equivalent to US $ 2,140).[4]

However, according to many studies, that level of economic growth did not improve multi-dimensional poverty in general, because it concealed the widening gap between the number of privileged people and the vast majority of the population.

According to the 2018 Vietnam Provincial Governance and Public Administration Performance Index (PAPI), while Vietnam's economic growth rate in 2018 was said to reach 7 percent, Vietnamese citizens continued to report poverty and hunger. The PAPI Index, involving 63 provinces and cities, showed that as many as 90 percent of the PAPI respondents earned less than VND 20 million (about USD $820) per person per month in 2018, compared with 10 percent earning more than VND 20 million (of whom only 1.7 percent earned more than VND 40 million. [5]

Thus, economic growth only enriches a few. The component that does not enjoy the fruits of economic development included the vast majority of people living in the countryside, ethnic minorities and the disabled. As for ethnic minority groups, Mr. Ha Ngoc Chien, Chairman of the Ethnic Affairs Council of the National Assembly, acknowledged that ethnic minorities accounted for nearly 53% of the nation's poor while they were only 14% of the population nationwide.[6] The process of poverty reduction is unstable, and there is a high poverty relapse rate. Approximately 54,000 households lack access to land for cultivation, 58,000 households lack residential land, and 223,000 households lack access to drinking water.[7]There is nevertheless a small group of extremely wealthy individuals that are politically well connected and who are clearly distinguishable from the masses living in misery. The 2019 Wealth Report by Knight Frank showed Vietnam ranked fourth among the 10 countries with the largest increase in the number of millionaires. The report also predicted that the number of super-rich in Vietnam would increase at the fastest pace in the world, by 31%, in the next five years.[8]

Most of those rich people obtained their wealth through illicit means, such as sanctioned tax evasion, privatization of state-owned assets, privileged land-planning information, and corruption, rather than entrepreneurial skills.[9] According to Le Dang Doanh, Ph.D., former head of the Central Institute for Economic Management (CIEM), this group of super-rich can only exist as "a product of the existing regime and of an unbridled brand of capitalism."[10]

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4 Tổng Cục Thống kê. *Thông cáo báo chí về tình hình kinh tế - xã hội quý IV và năm 2019.* https://www.gso.gov.vn/default.aspx?tabid=382&idmid=2&ItemID=19453

5 CECODES, VUSTA), and UNDP . *The Viet Nam Provincial Governance and Public Administration Performance Index - Measuring Citizens' Experiences, 2018*. http://papi.org.vn/eng/bao-cao/

6 Quốc hội Việt Nam. *Kết Quả Thực Hiện Chỉ Tiêu Giảm Nghèo Chưa Thực Sự Bền Vững.* http://quochoi.vn/hoatdongcuaquochoi/cackyhopquochoi/quochoikhoaXIII/kyhopthusau/Pages/danh-sach-ky-hop.aspx?ItemID=37252&CategoryId=0

7 International Work Group for Indigenous Affairs. *Indigenous World 2019: Vietnam.* https://www.iwgia.org/en/vietnam/3439-iw2019-vietnam.html

8 VNExpress. *Number of extremely rich Vietnamese people goes up.* https://e.vnexpress.net/news/business/economy/number-of-extremely-rich-vietnamese-people-goes-up-3890543.html

9 Lao Động. *Khoảng cách ghê gớm.* http://laodong.com.vn/su-kien-binh-luan/khoang-cach-ghe-gom-87166.bld

10 VOA. *2016 - năm các triệu phú Việt lộ diện.* http://www.voatiengviet.com/a/nam-2016-cac-trieu-phu-viet-lo-dien/3661332.html

The inequality of wealth affects most of the other indicators of welfare: health care, educational opportunities, access to clean water, opportunities for advancement, and so on.

Modern, high-class buildings are located right behind slums along the Saigon River, Ho Chi Minh City. Photo credit: Vietnam-Finance

Regarding healthcare services, the 2013 Constitution (Article 38) states: "Everyone is entitled to health care and protection, is equally entitled to medical services, and has the duty to comply with regulations with regard to prophylaxis, medical examination and treatment." In fact, there has been no improvement in the healthcare-services inequality between urban and rural residents, especially with regard to ethnic minorities in remote villages. According to a 2019 World Bank report, ethnic minorities in Vietnam often face malnutrition. The rate of stunting in ethnic-minority children is twice as high as that of Kinh children, and the proportion of ethnic-minority children who are underweight is 2.5 times higher than for Kinh children.[11] According to a UNICEF report, the mortality rate of ethnic-minority children under five is 3.5 times higher than that of Kinh children of the same age.[12]

Regarding educational inequality between rich and poor, nothing has changed much in the past two decades. In 1998, about 55% of household heads of poor families had primary education or lower; by 2016, that proportion increased to 57%.[13] Poor children in Vietnam, especially ethnic-minority children, have fewer educational opportunities than other children. A recent UNICEF study found that for five-year old children, the percentage of those out of school from the poorest households was three times higher than from the richest households. This difference increased to 5.5 times higher for children of primary school age and 10 times higher for children of lower secondary school age.[14]

The most noticeable inequality with regard to well-being was in the housing sector. There is no need to go to remote villages to encounter this, because the contrast can be seen in most cities. Next to poor workers' neighborhoods are mansions of state officials and gated community enclaves of the newly rich built by foreign contractors. The development of those luxury high-end neighborhoods in recent years has not solved the urban housing problem; on the contrary, it has narrowed living space for the poor majority.

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11 The World Bank. *Persistent Malnutrition in Ethnic Minority Communities of Vietnam : Issues and Options for Policy and Interventions.* http://documents.worldbank.org/curated/en/812701574927927468/Persistent-Malnutrition-in-Ethnic-Minority-Communities-of-Vietnam-Issues-and-Options-for-Policy-and-Interventions

12 UNICEF. *Maternal Child Health.* https://www.unicef.org/vietnam/maternal-child-health

13 Ngo Ha Quyen. *Reducing rural poverty in Vietnam: issues, policies, challenges.* Mekong Development Research Institute. https://www.un.org/development/desa/dspd/wp-content/uploads/sites/22/2019/03/Reducing-rural-poverty-in-Vietnam-Issues-Policies-Challenges.pdf

14 UNICEF. *Viet Nam: Progress made in reducing out of school children*. https://www.unicef.org/vietnam/press-releases/viet-nam-progress-made-reducing-out-school-children

2. CHILDREN'S WELFARE

Vietnam was the first country in Asia and the second country in the world to join the Convention on the Rights of the Child. In 2016, the National Assembly approved a law on child protection (number 102/2016/QH13) to address gaps in a similar law passed in 2004 dealing with the protection and care of children as well as their education. This move was a sign of commitment to the UN Convention on the Rights of the Child. In its National Report on Cycle III Universal Periodic Review in 2019, Vietnam confirmed that efforts had been made "to protect their rights and best interests." In line with that achievement, the National Committee on Children chose 2020 as "The Year for Children."

In reality, however, children's well-being is anything but rosy, as painted by Vietnam's own legislation and reports. A large number of Vietnamese children still face many dangers in their lives: starvation, lack of education, abuse, hard labor, and human trafficking.

According to UNICEF documents, nearly 5.5 million children in Viet Nam experience deprivation in at least two of the following areas: education, health, nutrition, shelter, water and sanitation, or social inclusion.[15] The average percentage of children with moderate or severe stunting in Vietnam is 25%; looking more closely, it is 6% for children in the top 20% of families and 41% for the poorest families, those in the bottom 20 percent.[16]

According to the current Health Insurance Law, all children under the age of six are entitled to free medical care. However, rampant corruption has made the law ineffective. Poor children whose parents have no means of bribing doctors or hospital staff are pushed aside as care and treatment are primarily provided to those whose parents are capable of bribing. What is left for poorer children is a cold reception and inadequate treatment.[17]

With regard to education rights, according to the above-cited UNICEF document, 8.1% of children cannot attend junior secondary schools; among them 1.7% are from the highest-income 20% of families, and 17.9% from the 20% lowest-income families. An extremely important aspect of children's education rights in Vietnam that is rarely mentioned in research is Communist indoctrination through schools and community activities by the Ho Chi Minh Young Pioneer Organization and the Ho Chi Minh Communist Youth Union. The government forces children to learn and accept the values of Communism and to swear blind obedience to the Party and the state.

Regarding child labor, according to the Ministry of Labor, Invalids and Social Affairs, Vietnam currently has 1.75 million children in the labor force, accounting for 9.6% of the total child population from 5 to 17 years old. Sixty-seven percent of Vietnamese child laborers work in agriculture; the rest are in industry, construction and services.[18] [See also Chapter VI - 2.3. Forced labor and underage labor continue.]

Crimes against children, such as violence, sexual abuse, and human trafficking, remain a burning social wound. According to the Ministry of Labor, War Invalids and Social Affairs, each year on average Vietnam has about 2,000 cases of violence and abuse detected and addressed, of

15 UNICEF. *Children in Viet Nam.* https://www.unicef.org/vietnam/children-viet-nam

16 UNICEF. *The State of the World's Children 2019.* https://www.unicef.org/reports/state-of-worlds-children-2019

17 RFA. *Thực tế chương trình bảo hiểm y tế trẻ em ở vùng núi.*
http://www.rfa.org/vietnamese/reportfromvn/how-vnese-children-treated-in-hospital-09262015121326.html

18 Zing News. *Hơn 1 triệu trẻ em Việt Nam phải làm việc trên* đồng *ruộng*.
https://zingnews.vn/hon-1-trieu-tre-em-viet-nam-phai-lam-viec-tren-dong-ruong-post954460.html

which more than 60% are sexually-abused children.[19] However, that is only the tip of the iceberg, because according to the data presented at a seminar on children organized by Research Center for Management and Sustainable Development (MSD) and the Vietnam Association for Child Right (VACR) on Dec 13, 2019, 68% of children aged 1-14 were abused by their parents or relatives.[20]

The number of children who have been sexually abused is increasing day by day, and the victims are getting younger.[21] In Ho Chi Minh City alone, from 2017 to the first quarter of 2019, child sexual abuse accounted for over 85% of the total cases of violence, and it tends to increase in number and gravity.[22] According to a report of The Economist Intelligence Unit in 2019, Vietnam is ranked 37th of 40 countries in child sexual abuse, behind even neighboring countries such as Cambodia, Thailand, and Malaysia.[23]

The trafficking of children has increased steadily, and its operation has become more complex. According to a study conducted by Coram International in 2019, about 5.6% of children in Vietnam may have experienced situations of human trafficking or have been trafficked themselves; and the overwhelming majority of those, 92.3%, were involved in domestic trafficking.[24] [See also Chapter I - 3.1. Human Trafficking: Women and Children Tricked into Sex Slavery or Forced Labor]

3. VICTIMS OF INJUSTICE: UNFAIR EXPROPRIATION OF LAND AND VIOLATIONS OF LANDOWNERS' RIGHTS

In recent decades, Vietnam has undertaken many programs to build infrastructure, such as roads, industrial parks, eco-tourism zones, and other public facilities. One of the key components in this effort has been land acquisition. In the past decade, the land acquired from farmers has amounted to a million hectares, more than the acreage distributed to farmers during the Socialist Land Reform Campaign in the 1950s (810,000 hectares).[25]

Although urbanization has accelerated in the past decade, Vietnam today is still an agricultural country. According to the General Statistics Office's 2019 Census, the population in rural areas is 63,149,249, accounting for 65.6% of the country's total population. Land provides the farmers' main livelihood. Thus, land confiscation has been a tragedy for millions of farmers, who became "victims of injustice" deprived of land and the livelihood it provides. Nominally, the government

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19 Cổng Thông tin điện tử Bộ LĐ-TBXH. *Hội thảo Xây dựng Kế hoạch hành* động *Quốc gia phòng, chống bạo lực, xâm hại trẻ em.* http://www.molisa.gov.vn/Pages/tintuc/chitiet.aspx?tintucID=29359

20 Pháp Luật . *68% trẻ em* độ *tuổi 1-14 từng bị cha mẹ, người thân bạo hành*.
https://baophapluat.vn/dan-sinh/68-tre-em-do-tuoi-114-tung-bi-cha-me-nguoi-than-bao-hanh-484598.html

21 Báo Phụ Nữ. *Phòng chống xâm hại tình dục trẻ em.*
http://phunuonline.com.vn/lam-me/phong-chong-xam-hai-tinh-duc-tre-em-68106/

22 Trang tin Điện tử Đảng bộ Thành phố Hồ Chí Minh. Độ *tuổi nạn nhân là trẻ em bị xâm hại ngày càng nhỏ.*
https://hcmcpv.org.vn/tin-tuc/do-tuoi-nan-nhan-la-tre-em-bi-xam-hai-ngay-cang-nho-1491854394

23 The Economist Intelligence Unit. *Vietnam - Out of the shadows: Shining light on the response to child sexual abuse and exploitation.* https://outoftheshadows.eiu.com/wp-content/uploads/2019/01/VN_VIETNAM_PROFILE.pdf

24 Kara Apland and Elizabeth Yarrow. *Casting Light in the Shadows: Child and youth migration, exploitation and trafficking in Vietnam.* https://coraminternational.org/wp-content/uploads/CTPF-report-.pdf

25 East Asia Forum. *Vietnam's land law reforms: radical changes or minor tinkering?*
http://www.eastasiaforum.org/2013/05/14/vietnams-land-law-reforms-radical-changes-or-minor-tinkering/

does provide compensation, but it does so at such incredibly low and merely symbolic rates that, instead of helping farmers rebuild their lives, it has pushed them into ruin.

It is worth noting that while conducting land expropriation, government cadres often deliberately exaggerate the planned requirements and grab as much land as possible. They then resell the extra land to developers at a price that can be ten times the reimbursement rates or even higher, pocketing the difference.

Land management is one of Vietnam's most corrupt areas. That was the conclusion of the policy dialogue "Economic issues in land policy and laws in Vietnam" organized on January 17, 2019, by the National Economics University and the General Department of Land Administration of the Ministry of Natural Resources and Environment.[26]

Gatherings of victims of land expropriation demanding the return of their land continued across the country in 2019. Many attracted protesters from various regions [See details in Chapter III - 3. 2. The Right to Freedom of Peaceful Assembly].

In addition to the case of petitioners being robbed of land in the Thủ Thiêm New Urban Area, which has lasted for decades without adequate compensation for victims, in 2019 there were two other eventful cases: the coercive land seizure of the Loc Hung Vegetable Garden and the deadly land-grab raid at Dong Tam commune.

Loc Hung vegetable garden is a 4.8-hectare area in Ward 6, Tan Binh District, Ho Chi Minh City. It is part of a larger parcel of land owned by the Archdiocese of Saigon, transferred to it by the Society of Foreign Missions of Paris more than 50 years ago. After 1954, a number of families from the North settled on this land, and were allowed by the landowners to grow vegetables for their living. Gradually, because of housing needs, they built houses there. On January 4 and 8, 2019, the local authorities sent security forces and bulldozers to drive out the residents and level 112 homes on the pretext of building a school. The land grab and house demolition in Loc Hung encountered a strong reaction in Vietnam and abroad. The government promised to work out a satisfactory solution, but up to now people are still struggling for fair compensation.

January 4, 2019, local authorities sent security forces and bulldozers to drive out the residents and level 112 homes of Loc Hung vegetable garden. Photo credit: Tin mừng cho người nghèo

The Dong Tam land dispute between local residents and the government emerged in 2016. It involved 59 hectares of Dong Senh land in Dong Tam commune, My Duc district, Hanoi. This is land that people had cultivated for decades, and the government wanted to give it to the Viettel Telecommunications Company to carry out an "A1 Defense Project." The residents demanded that the Hanoi city government compensate them adequately before clearing this agricultural land. The Hanoi authorities repeatedly

[26] Diễn Đàn Doanh Nghiệp. Đất đai *là một trong những lĩnh vực tham nhũng nhiều nhất*. https://enternews.vn/tham-nhung-quan-ly-dat-dai-thuoc-top-dau-143814.html

used deception, duplicity and delay in negotiating with the Dong Tam residents. Finally, on January 9, 2020, the government sent thousands of mobile police to attack Dong Tam village, killing four people, including Mr. Le Dinh Kinh, leader of the Dong Tam residents, and three police officers. In addition, security forces arrested 19 people on charges of resisting law enforcement. This was the bloodiest land dispute in years.

4. THE RIGHT TO A CLEAN ENVIRONMENT

The Vietnamese Constitution states, "Everyone has the right to live in a clean environment and has the duty to protect the environment." (Article 43). Vietnam has also had, since 1993, the Law on Environmental Protection, amended twice (2005 and 2014). Still, however, according to a survey by Indochina Research Ltd. in 2019, environmental pollution is the top concern of the Vietnamese people, followed by toxic food. [27]

The Law Review (Báo Pháp Luật), a mouthpiece of Vietnam's Ministry of Justice, stated in December 2019 that "the environment of the air, land, water (rivers, oceans) has been polluted, poisoned to an unacceptable level." [28]

With regard to air pollution, IQAir's 2019 World Air Quality Report ranked Vietnam 15th of 98 countries and territories with the worst air quality in the world; and ranked Hanoi seventh of 85 of the world's most polluted capital cities in 2019.[29] The World Health Organization (WHO) considers air pollution "a silent killer" in Vietnam today. Air pollution is linked to six of the 10 leading causes of death in the country.[30]

Regarding water pollution, although Vietnam has 2,360 rivers over 10 kilometers in length, and two-thirds of the population lives in three main river basins, the sources of clean water are increasingly depleted. Clean-water shortages are a daily concern of many people. The clean-water crisis has worsened in recent decades due to a lack of scientific planning and industrial projects carried out for short-term profit in many localities across the country.

According to a report of the Coalition for Clean Water and the Center for Environment and Community Research in March 2018, up to 70% of waste from industrial areas is discharged directly into the natural environment.[31] The release of these destructive toxic substances affects all creatures, including humans. The environmental crisis caused by the Formosa steel plant in 2016 was the most notable example among many less serious ones in other localities.

The above report also shows that only 39 percent of residents in rural areas have access to clean water. Up to 80 percent of diseases in Vietnam are directly caused by water pollution. Nearly six million citizens have contracted a waterborne illness, the most rampant being cholera, typhoid,

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27 Indochina Research Ltd. *Social concerns in Vietnam.* http://indochina-research.com/social-concerns-in-vietnam/

28 Pháp Luật. *Môi trường và chất lượng cuộc sống.*
https://baophapluat.vn/goc-nhin-ban-doc/bao-dong-ve-chat-luong-cuoc-song-485443.html

29 *World's most polluted countries 2019 (PM2.5).* https://www.iqair.com/world-most-polluted-countries

30 Vietnam Investment Review. *Air pollution is Vietnam's silent killer.*
https://www.vir.com.vn/air-pollution-is-vietnams-silent-killer-56542.html

31 CECR. *Báo cáo nghiên cứu: Ô nhiễm nước và sự cần thiết phải xây dựng Luật Kiểm soát ô nhiễm nước tại Việt Nam.*
https://cecr.vn/download/bao-cao-nghien-cuu-o-nhiem-nuoc-va-su-can-thiet-phai-xay-dung-luat-kiem-soat-o-nhiem-nuoc-tai-viet-nam

January 9, 2020, Vietnamese government sent thousands of mobile police and specialized vehicles to attack Dong Tam village. Photo credit: Thời báo.de

dysentery, and malaria.

In terms of soil pollution, in addition to industrial wastewater, land has also been degraded and made toxic by pesticides, non-biodegradable household waste, unprocessed solid industrial waste, deforestation, and the abuse of fertilizers. For example, with regard to plastic waste, Vietnam ranked 17th out of 109 countries with the highest levels of plastic waste pollution in the world.[32]

Deforestation can have a broad impact on ecological imbalance, climate change, and habitat pollution. The area of natural forests in Vietnam is rapidly declining. According to the General Department of Forestry, in only the five years from 2012 to 2017, illegal logging brought about the loss of 11% of the country's natural forests. In 2019, there were 1,179 deforestation cases discovered, an increase of over 16% compared to 2018.[33]

In addition to pollution of air, water, and soil, the problem of contaminated food is a constant concern of all Vietnamese families. According to Indochina Research Ltd. in 2019, food safety is the top concern of people.[34] Food contamination has many causes, but the main one is the use of toxic chemicals to preserve, restore, and enhance flavor. The reality of food poisoning is reflected daily in the titles of media pieces; for example: "The magic chemical makes the vegetables wilt and go green," "The delicacies made of rotten meat impregnated with chemicals," "Ten entrenched chemical dishes that stir up the food market," or "Chemicals boiling in hot pot of Saigon drinkers."[35] Foods impregnated with toxic chemicals cause serious harm to the health of the people, especially the poor.

The use of toxic chemicals is not limited to foods, but is also common in pharmaceuticals. In 2019, the security authorities discovered many fake pharmacy establishments. The case of VN Pharma, which involved the Minister of Health's relatives, was the one that received the most public attention.[36]

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32 Báo Tin Tức. *Tăng cường kiểm soát, khắc phục tình trạng ô nhiễm môi trường.* https://baotintuc.vn/xa-hoi/tang-cuong-kiem-soat-khac-phuc-tinh-trang-o-nhiem-moi-truong-20200102100327439.htm

33 Cổng Thông tin Điện tử Quốc hội Việt Nam. *Góc nhìn đại biểu: Giải pháp nào cho vấn nạn phá rừng?* http://quochoi.vn/hoatdongdbqh/Pages/home.aspx?ItemID=44130

34 Indochina Research Ltd. *Ibid.*

35 ZingNews. *Thực phẩm độc hại vì chứa hóa chất.* https://zingnews.vn/tieu-diem/thuc-pham-doc-hai-vi-chua-hoa-chat.html

36 Người Lao Động. *Vụ VN Pharma: Thủ tướng yêu cầu thanh tra Bộ Y tế.* https://nld.com.vn/thoi-su/vu-vn-pharma-thu-tuong-yeu-cau-thanh-tra-bo-y-te-20170830155539654.htm

5. CORRUPTION VIOLATES THE RIGHT TO SOCIAL WELL-BEING

Corruption not only affects the political and economic spheres, but makes possible human rights violations in almost all aspects of life, particularly in the area of social well-being. The degree of these violations is proportional to the level of government corruption, because the bulk of the national budget and foreign aid that should benefit citizens ends up in the pockets of government officials.

To deal with the worsening corruption, in 2013 the CPV established the Central Steering Committee for Anti-Corruption, headed by Secretary General Nguyen Phu Trong. So far, this anti-corruption campaign has resulted in a number of lawsuits targeting high-ranking Party officials.[37] However, neither corruption nor people's perception of it is better. According to Transparency International's annual Corruption Perceptions Index (CPI), Vietnam ranks 96 out of 180 countries surveyed, in line with Columbia, Tanzania, Ethiopia, and Gambia.[38]

According to Corruption Barometer 2019, corruption is the people's fourth-biggest concern, having risen from seventh place in the 2017 survey. Seventy-eight percent of respondents considered sexual extortion to be either "a problem" or "a severe problem" in Vietnam. Three percent said they had experienced sexual extortion or knew someone who had. Also according to this study, five groups are considered the most corrupt: traffic police (30% of respondents), police (20%), ta officials (17%), business leaders (15%) and government officials (13%)[39]

In short, although a number of major corruption cases have been brought to light, people's everyday exposure to corruption has continued.

RECOMMENDATIONS

The Vietnamese government should:

- Set specific goals for fighting inequality as one of the ways of contributing to the well-being of all.
- Re-establish people's right to own land; stop seizures of land from rightful owners, which is against international human rights law; and return the properties confiscated by the state to their legitimate owners.

37 Nhân Dân. *Ban Chỉ đạo T.Ư về phòng, chống tham nhũng họp phiên thứ 17.* https://www.nhandan.com.vn/chinhtri/item/42950002-ban-chi-dao-t-u-ve-phong-chong-tham-nhung-hop-phien-thu-17.html

38 Transparency International. *Vietnam.* https://www.transparency.org/country/VNM

39 Indochina Research. *Towards Transparency - Vietnam Corruption Barometer 2019.* https://towardstransparency.vn/wp-content/uploads/2018/11/VCB-2019_EN.pdf

APPENDIX I

List of Vietnamese Political Prisoners and Religious Prisoners Currently in Jail*

Updated 2020/05/15

O. N.	NAME	YEAR OF BIRTH	BACKGROUND	ARREST DATE	TRIAL DATE	CHHARGES ** (Penal code articles)	PRISON YEARS	PROBATION YEARS	PRISON LOCATION
1	A Chi	1984	H'mong Christian	2012-09	2013-11-18	87	8		Gia Lai province prison
2	A Đảo	1981	H'mong Christian pastor	2016-08-19	2017-04-28	275	5		Gia Lai province prison
3	A Gron	1943	H'mong Christian	2017	N/A	N/A	8		N/A
4	A Gyun	1980	H'mong Christian	2016-01	2016-04-26	87	5		Gia Trung prison, Gia Lai
5	A Hung	1980	H'mong Christian	2017	N/A	87	8		Gia Trung prison, Gia Lai
6	A Hyum (Bã Kôl)	1940	Hà mòn Christian	2012-04-23	2013-05-28	87	8		Kontum prison
7	A Ly	1979	H'mong Christian	2017	N/A	87	7		Gia Trung prison, Gia Lai
8	A Ngo	1998	H'mong Christian	2017	N/A	87	7		Gia Trung prison, Gia Lai
9	A Quyn	1973	Hà Mòn Christian	2013-11-18	2014-09-08	87	9.5		Nam Ha prison, Ha Nam
10	A Tách (Bă Hlôl)	1959	Hà Mòn Christian	2012-04-23	2013-05-28	87	11		Prison No. 5, Thanh Hoa
11	A Thin	1979	H'mong Christian	2017	N/A	87	6	3	Gia Trung prison, Gia Lai
12	A Tik	1952	H'mong Christian	2016-01	2016-04-26	87	8	3	Gia Trung prison, Gia Lai
13	A Yen	1984	H'mong Christian	2017	N/A	87	9		Gia Trung prison, Gia Lai
14	A Yum (aka Balk)	1940	H'mong Christian	2012-01-06	N/A	87	8		N/A
15	Bùi Công Thành	1990	Political activist	2017-04	2017-12-27	84	8	3	N/A
16	Bùi Hiếu Võ	1962	Civil rights facebooker	2017-03-17	2018-05-09	88	4.5		Phan Dang Luu, HCM City
17	Bùi Mạnh Đồng	1978	Civil rights facebooker	2018-09-01	2018-09-27	(331)	2.5		N/A
18	Bùi Mạnh Tiến	N/A	Social activist	N/A	2020-05-08	(318)			N/A
19	Bùi Thanh Tư	1990	Street protester	2018-07-24	2018-09-26	(318)	4		Binh Thuan province prison
20	Bùi Thị Bích Tuyền	1982	Hoa Hao Buddhist	2017-11-13	2018-02-09	245	3		An Phu detention center, An Giang
21	Bùi Văn Thâm	1987	Hoa Hao Buddhist	2017-06-26	2018-02-09	245, 257	6		Xuyen Moc prison, Vung Tau
22	Bùi Văn Trung	1964	Hoa Hao Buddhist	2017-06-26	2018-02-09	245	6		An Phuoc prison, Binh Duong
23	Buyk	1952	Evangelical Christian	2013-02-03	N/A	N/A	8		Xuan Phuoc prison, Phu Yen
24	Byưk	1945	Hà mòn Christian	2012-05-08	2013-05-28	87	8		Xuan Phuoc prison, Phu Yen
25	Chang A Súa	1987	Political activist	N/A	2020-03-18	(109)	8		N/A
26	Châu Văn Khảm	1949	Political activist	2019-01-13	2019-11-11	(113)	12		N/A
27	Chung Hoàng Chương	1977	Civil rights facebooker	2020-01-11	2020-04-27	(331)	1.5		Ninh Kieu District Police, Can Tho
28	Chung Kim Thành	1973	Street protester	2018-06-11	2018-10-31	(318)	2		Binh Thuan province prison
29	Đặng Hoàng Thiện	1992	Political activist	2017-04	2017-12-27	84	16	5	N/A

30	Đặng Ngọc Hòa	2002	Street protester	2018-06-11	2018-10-31	(318)	2		Binh Thuan province prison
31	Đặng Ngọc Tấn	2000	Street protester	2018-06-11	2019-05-21	(318)+178	24		Binh Thuan province prison
32	Đặng Thị Huệ	1981	Social activist	2019-10-16	2020-05-08	(318)	1.5	2	Public Security Ministry, Hanoi
33	Đặng Văn Tuấn	1985	Street protester	2018-06-10	2018-09-26	(318)	4		Binh Thuan province prison
34	Đặng Văn Tùng	2000	Street protester	2018-06-11	2018-11-29	(318)	3		Binh Thuan province prison
35	Đinh Diêm	1962	Protestant Pastor	2018-01-05	2018-07-12	(109)	16		Quang Ngai province prison
36	Đinh Đình Tài	2000	Street protester	2018-06-11	2018-10-31	(318)	2		Binh Thuan province prison
37	Đinh Hrôn	1981	Hà mòn Christian	2012-05-08	2013-05-28	87	7		Gia Trung prison, Gia Lai
38	Dinh Ku	1972	H'mong Christian	2016-04-26	N/A	87	7		Prison No. 5, Thanh Hoa
39	Đinh Lứ	1976	Hà mòn Christian	2012-05-08	2013-05-28	87	7		Gia Trung prison, Gia Lai
40	Dinh Ngo	1987	Evangelical pastor	2013-04-26	N/A	N/A	7.5		An Phuoc prison, Binh Duong
41	Đinh Nông, (Bă Pol)	1965	Montagnard Christian	2016-09	2017-04-07	87	8		Gia Trung prison, Gia Lai
42	Đinh Thị Thu Thủy	1982	Civil rights facebooker	2020-04-18	Pretrial detention	(117)	N/A		Hau Giang Police Dept.
43	Đinh Văn Phú	1973	Civil rights facebooker	2020-01-09	Pretrial detention	(117)	N/A		Dak Nong Police Department
44	Đỗ Công Đương	1964	Independent journalist	2018-01-24	2019-01-23	(318)(331)	8		Prison No. 6, Nghe An
45	Đỗ Quốc Bảo	1996	Political activist	N/A	2018-08-22	79	9		N/A
46	Đỗ Tài Nhân	1992	Political activist	N/A	2018-08-22	79	10		N/A
47	Đỗ Thế Hoá	1968	The Constitution Group	2018-09-02	Pretrial detention	(117)	N/A		HCM City temp. detention center
48	Đỗ Thị Hồng	1957	Ân Đàn Đại Đạo Cult	2012-02-10	2013-02-04	79	13	5	Xuan Loc prison, Dong Nai
49	Đỗ Thị Thùy Dung	1963	Political activist	N/A	2018-08-22	79	5		N/A
50	Đỗ Văn Cơ	2000	Street protester	2018-06-11	2018-10-31	(318)	2.25		Binh Thuan province prison
51	Đỗ Văn Ngọc	1996	Street protester	2018-06-10	2018-07-23	(318)	3.5		Binh Thuan province prison
52	Đỗ Văn Tài	1983	Street protester	2018-06-11	2018-10-31	(318)	2.5		Binh Thuan province prison
53	Đỗ Văn Thái	1960	Former prisoner of conscience	2019-04-27	Pretrial detention	N/A	N/A		Phan Dang Luu, HCM City
54	Đỗ Văn Thắng	1999	Street protester	2018-06-11	2018-09-26	(318)	3.5		Binh Thuan province prison
55	Đoàn Khánh Vinh Quang	1976	Civil rights facebooker	2018-09-01	2018-09-24	(331)	2.25		N/A
56	Đoàn Thị Bích Thủy	1972	Political activist	2017-02-16	2017-12-27	88	5	1	Quy Nhon - Binh Dinh
57	Đoàn Thị Hạnh Thương	1982	Street protester	2018-06-11	2018-10-31	(318)	2		Binh Thuan province prison
58	Đoàn Thị Hồng	1983	The Constitution Group	2018-09-02	Pretrial detention	(118)	N/A		HCM City temp. detention center
59	Đoàn Văn Cư	1962	Ân Đàn Đại Đạo Cult	2012-02-12	2013-02-04	79	14	5	Prison No. 5, Thanh Hoa
60	Đoàn Văn Thế	1994	Political activist	2017-04	2017-12-27	84	7	3	N/A
61	Đoàn Viết Hoan	1984	Social activist facebooker	2019-04-25	2019-11-26	(118)	3		N/A
62	Đồng Kim Hùng	2000	Street protester	2018-06-11	2018-10-31	(318)	2.25		Binh Thuan province prison
63	Dương Thị Lanh	1983	Civil rights facebooker	2019-01-28	2019-08-23	(117)	8	2	N/A
64	Dương Văn Ngoan	1978	Street protester	2018-06-11	2018-11-29	(318)	5		Binh Thuan province prison
65	Giàng A Dia	1993	Political activist	N/A	2020-03-18	(109)	8		N/A
66	Giàng A Sinh	1981	Political activist	N/A	2020-03-18	(109)	8		N/A
67	Giàng A Và	1990	Political activist	N/A	2020-03-18	(109)	8		N/A
68	Giang A Vu	1984	Hmong Christian	2017-03-24	2017-09-13	199	3.5		Dien Bien Province
69	Hà Hải Ninh	1988	Political activist	2018-06	2019-07-23	(109)	N/A		Quang Ninh province
70	Hà Văn Nam	1981	Social activist	2019-03-05	2019-07-30	(318)	2.5		N/A
71	Hờ A Hù	1988	Political activist	N/A	2020-03-18	(109)	8		N/A
72	Hồ Đặng Văn An	1998	Street protester	2018-06-11	2018-11-29	(318)	3		Binh Thuan province prison

73	Hồ Đinh Cương	1975	The Constitution Group	2018-09-04	Pretrial detention	(117)	N/A		HCM City temp. detention center
74	Hồ Đức Hòa	1974	Civil rights blogger	2011-07-30	2013-05-23	79	13	5	Ba Sao prison, Ha Nam
75	Hồ Thái Hà	1981	Street protester	2018-06-10	2019-03-07	(318)	3.5		Binh Thuan province prison
76	Hồ Thanh Tâm	1989	Street protester	2018-06-10	2018-09-26	(318)	3		Binh Thuan province prison
77	Hồ Văn Cương		The Constitution Group	2018-09-04	Pretrial detention	(118)			4 Phan Dang Luu, HCM City
78	Hồ VănHải	1964	Civil rights blogger	2016-11-02	2018-02-01	88	4	2	Chi Hoa prison, HCM city
79	Hồ Văn Tâm	1989	Street protester	2018-06-10	2018-09-26	(318)	3		Binh Thuan province prison
80	Hoàng Đức Bình	1983	Environmental activist	2017-05-15	2018-04-24	257, 258	14		An Diem prison, Quang Nam
81	Hoàng Thị Thu Vang	1966	The Constitution Group	2018-09-02	Pretrial detention	(117)	N/A		HCM City temp. detention center
82	Hoàng Văn Chơ	1979	Political activist	N/A	2020-03-18	(109)	8		N/A
83	Hoàng Văn Dương	1994	Political activist	2017-04	2017-12-27	84	4	3	N/A
84	Hoàng Văn Páo	1982	Political activist	N/A	2020-03-18	(109)	20		N/A
85	Hùng Hưng	N/A	The Constitution Group	2018-09-02	Pretrial detention	(117)	N/A		HCM City's temp. detention center
86	Hùng Văn Vương	1993	Political activist	2017-04	2017-12-27	84	6	3	N/A
87	Huỳnh Đắc Tuý	1976	Civil rights facebooker	2019-02-22	2019-08-21	(117)	6	3	N/A
88	Huỳnh Đức Thịnh	1952	Former political prisoner	N/A	2019-06-24	(390)	1		N/A
89	Huỳnh Đức Thanh Bình	1996	Political activist	2018-07-07	2019-06-24	(109)	10	3	Xuan Loc prison, Dong Nai
90	Huỳnh Hữu Đạt	1970	Political activist	2017-02-01	2017-12-27	79	13	3	Quy Nhon, Binh Dinh
91	Huỳnh Hữu Long	1994	Street protester	2018-06-11	2018-10-31	(318)	2		Binh Thuan province prison
92	Huỳnh Minh Tâm	1978	Civil rights facebooker	2019-01-26	2019-11-28	(117)	9		N/A
93	Huỳnh Thị Kim Quyên	1979	Political activist	2017-04-30	2017-12-21	88	4	2	N/A
94	Huỳnh Thị Tố Nga	1983	Civil rights facebooker	2019-01-28	2019-11-28	(117)	5		N/A
95	Huỳnh Thục Vy	1985	Civil rights blogger	N/A	2018-11-30	276	2.75		Imprisonment postponed due to pregnancy
96	Huỳnh Trương Ca	1971	The Constitution Group	2018-09-04	2018-12-28	(117)	5.5		Xuan Loc K2 prison, Dong Nai
97	Huỳnh Văn Sù	1989	Street protester	2018-06-10	2019-03-07	(318)	3		Binh Thuan province prison
98	Jơnh (Chình)	1952	Hà mòn Christian	2012-05-08	2013-05-28	87	9		Gia Trung prison, Gia Lai
99	Jưr	1964	Hà Mòn Christian	2020-03-19	Pretrial detention	N/A	N/A		Gia Lai Police Department
100	Kinh Tấn Hoạch	1992	Street protester	2018-06-10	2019-03-07	(318)	2.5		Binh Thuan province prison
101	Kpa Binh	1976	Evangelical pastor	N/A	2009	87	9		N/A
102	Kpă Klek	1978	Montagnard Christian	2015-02	2015-04-22	275	5		Gia Lai prison
103	Kpa Sinh	1959	Montagnard Christian	N/A	2011-04-05	87	8	3	Gia Lai prison
104	Kpuih Bô (Ơi Yu)	1942	Montagnard Christian	2010	2010	87	10		Phu Son 4, Thai Nguyen
105	Kpuih Bop		Montagnard Christian	2005-07-08	N/A	87	9		Gia Trung prison, Gia Lai
106	Kpuil Lễ		Montagnard Christian	2011-11	N/A	87	8		
107	Kpuil Mel	N/A	Hmong Christian	2011-11-22	2012-06-06	87	9		Prison B20, Gia Lai
108	Ksor Kam (Ama H'Trưm)	1965	Montagnard Christian	2016-09	2017-04-07	87	9		N/A
109	Ksor Ruk	1975	Degar Christian	2018-10-30	2019-03-15	87	10		Gia Trung prison, Gia Lai
110	Kưnh	1992	Hà Mòn Christian	2020-03-19	Pretrial detention	N/A	N/A		Gia Lai Police Department
111	Lầu A Lềnh	1970	Political activist	N/A	2020-03-18	(109)	Life		N/A
112	Lê Đình Lượng	1965	Democracy activist	2017-07-24	2018-08-16	79	20	5	Ba Sao prison, Ha Nam
113	Lê Đức Đồng	1983	Ân Đàn Đại Đạo Cult	2012-02-05	2013-02-04	79	12	5	An Diem prison, Quang Nam
114	Lê Duy Lộc	1956	Ân Đàn Đại Đạo Cult	2012-02-05	2013-02-04	79	17	5	Gia Trung prison, Gia Lai
115	Lê Hùng Cường	1991	Political activist	2017-04	2017-12-27	84	5	3	N/A

116	Lê Minh Thể	1963	The Constitution Group	2018-10-10	2019-03-20	(331)	2		Gia Trung prison, Gia Lai
117	Lê Minh Trường	2001	Street protester	2018-06-10	2019-03-07	(318)	2		Binh Thuan province prison
118	Lê Ngọc Thành	1972	Political activist	2020-04-25	Pretrial detention	(109)	N/A		An Giang Police Dept.
119	Lê Nhựt Bản	1993	Street protester	2018-06-11	2018-10-31	(318)	3		Binh Thuan province prison
120	Lê Phúc	1951	Ân Đàn Đại Đạo Cult	2012-02-05	2013-02-04	79	15	5	Xuyen Moc prison, Vung Tau
121	Lê Quý Lộc	1976	The Constitution Group	2018-09-03	Pretrial detention	(118)	N/A		HCM City's temp. detention center
122	Lê Thanh Tùng	1968	Civil rights activist	2015-12-14	2016-12-16	88	12	4	Prison No. 5, Thanh Hoa
123	Lê Thị Hồng Hạnh	1979	Hoa Hao Buddhist	2017-11-13	2018-02-09	245	3		An Phu detention center, An Giang
124	Lê Thị Ngọc Anh	1989	Street protester	2018-06-10	2019-03-07	(318)	2		Binh Thuan province prison
125	Lê Trọng Cư	1966	Ân Đàn Đại Đạo Cult	2012-02-05	2013-02-04	79	12	5	Prison No. 5, Thanh Hoa
126	Lê Trọng Nghĩa	1987	Street protester	2018-06-10	2018-10-17	(318)	2.25		Phan Dang Luu, HCM City
127	Lê Văn Khiển	1990	Social activist	2019-03-05	2019-07-30	(318)	2.5		N/A
128	Lê Văn Liêm	1996	Street protester	2018-06-10	2018-07-23	(318)	2.5		Binh Thuan province prison
129	Lê Văn Sinh	1965	Civil rights facebooker	2019-02-15	2019-09-05	(331)	5		N/A
130	Lê Văn Tâm	2001	Street protester	2018-06-11	2018-11-29	(318)	3		Binh Thuan province prison
131	Lương Nhật Quang	1987	Ân Đàn Đại Đạo Cult	2012-02-10	2013-02-04	79	12	5	Prison No. 5, Thanh Hoa
132	Lương Thị Thu Hiền	1968	Political activist	2020-04-08	Pretrial detention	(109)	N/A		Dong Nai Police Dept.
133	Lúp	1972	Hà Mòn Christian	2020-03-19	Pretrial detention	N/A	N/A		Gia Lai Police Department
134	Lưu Văn Vịnh	1967	Coalition for Self-Determination	2016-11-06	2018-10-05	79	15	3	Gia Trung prison, Gia Lai
135	Ly A Cho	1989	Hmong Christian	2017-03-24	2017-09-13	199	3.5		Dien Bien Province
136	Ly A Kha	1989	Hmong Christian	2017-03-24	2017-09-13	199	3.5		Dien Bien Province
137	Ly A Lau	1981	Hmong Christian	2017-03-24	2017-09-13	199	3.5		Dien Bien Province
138	Ly A Lau A	1990	Hmong Christian	2017-03-24	2017-09-13	199	3.5		Dien Bien Province
139	Ly A Sung	1984	Hmong Christian	2017-03-24	2017-09-13	199	3.5		Dien Bien Province
140	Ly A Thao	1994	Hmong Christian	2017-03-24	2017-09-13	199	3.5		Dien Bien Province
141	Ly A Vu	1990	Hmong Christian	2017-03-24	2017-09-13	199	3		Dien Bien Province
142	Mã Phùng Ngọc Phú	1992	Social activist facebooker	2020-04-10	Pretrial detention	(331)	N/A		Ninh Kieu District Police, Can Tho
143	Ngô Đức Duyên	1998	Street protester	2018-06-10	2018-07-23	(318)	2.5		Binh Thuan province prison
144	Ngô Đức Thuận	2000	Street protester	2018-06-10	2018-09-26	(318)	2		Binh Thuan province prison
145	Ngô Hào	1948	Civil rights activist	2013-02-08	2013-09-11	79	15		Imprisonment deferred on health grounds
146	Ngô Quang Hùng	1993	Social activist	2019-03-05	2019-07-30	(318)	2		N/A
147	Ngô Thụy Tường Vy	1986	Political activist	2017-04	2017-12-27	84	11	3	N/A
148	Ngô Văn Đạt	1989	Street protester	2018-06-10	2018-07-23	(318)	3		Binh Thuan province prison
149	Ngô Văn Dũng	1969	The Constitution Group	2018-09-04	Pretrial detention	(118)	N/A		4 Phan Dang Luu, HCM City
150	Ngô Xuân Thành	1970	Social activist facebooker	2019-04-25	2019-11-26	(118)	2.5		N/A
151	Ngư	1972	Hà Mòn Christian	2013-11-18	2014-09-08	87	7.5		Nam Ha prison, Ha Nam
152	Nguyễn Bá Mạnh	1987	Civil rights facebooker	2019-03-19	Pretrial detention	(288)	N/A		Bac Ninh temp. detention center
153	Nguyễn Bắc Truyển	1968	Brotherhood for Democracy	2017-07-30	2018-04-05	79	11	3	An Diem prison, Quang Nam
154	Nguyễn Chí Vững	1981	Civil rights facebooker	2019-04-23	2019-11-26	(117)	6		N/A
155	Nguyễn Chương	1995	Street protester	2018-06-10	2018-07-23	(318)	3		Binh Thuan province prison
156	Nguyễn Dinh	1968	Ân Đàn Đại Đạo Cult	2012-02-10	2013-02-04	79	14	5	Xuan Loc prison, Dong Nai
157	Nguyễn Đinh Đồng	2001	Street protester	2018-06-11	2018-10-31	(318)	2.25		Binh Thuan province prison
158	Nguyễn Đình Khuê	1978	Social activist facebooker	2019-04-25	2019-11-26	(118)	2.5		N/A

159	Nguyễn Đình Thành	1991	Civil rights activist	2018-06-08	2018-10-17	(117)	7		N/A
160	Nguyễn Đình Vũ	1977	Street protester	2018-06-10	2018-07-12	(318)	2		Binh Thuan province prison
161	Nguyễn Đức Sinh	1985	Political activist	2017-04	2017-12-27	84	10	3	N/A
162	Nguyễn Duy Sang	1984	Street protester	2018-06-10	2019-03-07	(318)	2.5		Binh Thuan province prison
163	Nguyễn Duy Sơn	1981	Anti-corruption facebooker	2018-05-08	Pretrial detention	(331)	N/A		Thanh Hoa Police Dept.
164	Nguyễn Hoàng Nam	1982	Hoa Hao Buddhist	2017-06-26	2018-02-09	245	4		Xuan Loc prison, Dong Nai
165	Nguyễn Hồng Nguyên	1980	Civil rights facebooker	2018-11-22	2018-09-22	(331)	2		Xuan Loc prison, Dong Nai
166	Nguyễn Hùng Anh	1963	Political activist	N/A	2018-08-22	79	10		N/A
167	Nguyễn Hữu Thái	2000	Street protester	2018-06-11	2018-10-31	(318)	2.25		Binh Thuan province prison
168	Nguyen James Han	1967	Political activist	N/A	2018-08-22	79	14		N/A
169	Nguyễn Kỳ Lạc	1951	Ân Đàn Đại Đạo Cult	2012-02-06	2013-02-04	79	16	5	Xuan Loc prison, Dong Nai
170	Nguyễn Minh Kha	2000	Street protester	2018-06-25	2018-07-23	(318)	2		Binh Thuan province prison
171	Nguyễn Năng Tĩnh	1976	Social activist Facebooker	2019-05-29	2019-11-15	(117)	11	5	N/A
172	Nguyễn Ngọc Ánh	1980	Social activist	2018-08-30	2019-11-07	(117)	6	5	N/A
173	Nguyễn Ngọc Bình	1991	Street protester	2018-06-10	2018-09-26	(318)	3.5		Binh Thuan province prison
174	Nguyễn Ngọc Quý	1992	Political activist	2017-04-30	2017-12-21	88	4	2	N/A
175	Nguyễn Ngọc Sang	1996	Street protester	2018-06-10	2018-07-23	(318)	2.5		Binh Thuan province prison
176	Nguyễn Ngọc Tiền	1990	Political activist	2017-04	2017-12-27	84	11	3	N/A
177	Nguyễn Nhật Trường	1985	Hoa Hao Buddhist	2017-05-18	2018-01-23	88	6	3	N/A
178	Nguyễn Phương Đông	1994	Street protester	2018-06-10	2018-07-12	(318)	2.5		Binh Thuan province prison
179	Nguyễn Phương Minh (Michael)	1964	Political activist	2018-07-07	2019-06-24	(109)	12		Phan Dang Luu, HCM city
180	Nguyễn Quang Thanh	1983	Political activist	2017-02-16	2017-12-27	79	14	3	Quy Nhơn - Binh Dinh
181	Nguyễn Quang Tuy	1970	Street protester	2019-02-10	2019-06-10	330	2		N/A
182	Nguyễn Quốc Đức Vượng	1991	Facebooker, street protester	2019-09-23	Pretrial detention	(117)	N/A		Lam Dong temp. detention center
183	Nguyễn Quốc Hoàn	1977	Coalition for Self-Determination	2016-06-11	2018-10-05	79	13	3	Xuan Loc prison, Dong Nai
184	Nguyễn Quốc Huệ	1993	Street protester	2018-06-11	2018-10-31	(318)	3.5		Binh Thuan province prison
185	Nguyễn Quý Lai	1993	Street protester	2018-06-11	2018-10-31	(318)	3		Binh Thuan province prison
186	Nguyễn Quỳnh Phong	1985	Social activist	2019-03-05	2019-07-30	(318)	3		N/A
187	Nguyễn Sinh	1987	Street protester	2018-06-11	2018-10-31	(318)	2		Binh Thuan province prison
188	Nguyễn Tấn An	1992	Political activist	2017-04-30	2017-12-21	88	5	2	N/A
189	Nguyễn Tấn Đông	1978	Street protester	2018-06-10	2019-03-07	(318)	2.5		Binh Thuan province prison
190	Nguyễn Tấn Thông	1980	Street protester	2018-06-11	2018-10-31	(318)	2.5		Binh Thuan province prison
191	Nguyễn Tấn Vũ	2000	Street protester	2018-06-10	2018-09-26	(318)	3.5		Binh Thuan province prison
192	Nguyễn Thái Bình	1986	Ân Đàn Đại Đạo Cult	2012-02-10	2013-02-04	79	12	5	An Diem prison, Quang Nam
193	Nguyễn Thanh Bình	1994	Political activist	2017-04-30	2017-12-21	88	3	2	N/A
194	Nguyễn Thanh Phương	1996	Street protester	2018-06-10	2019-03-07	(318)	3		Binh Thuan province prison
195	Nguyễn Thị Chung	1982	Political activist	2017-04	2017-12-27	84	12	5	N/A
196	Nguyễn Thị Hòa	1972	Street protester	2018-06-11	2018-11-29	(318)	3.5		Binh Thuan province prison
197	Nguyễn Thị Huệ	1968	Civil rights facebooker	2019-03-12	2019-10-17	(331)	2.5		Gia Trung prison, Gia Lai
198	Nguyễn Thị Kim Phượng	1967	Political activist	2020-04-02	Pretrial detention	(109)	N/A		An Giang Police Department
199	Nguyễn Thị Liên	1984	Street protester	2018-06-10	2019-03-07	(318)	3		Binh Thuan province prison
200	Nguyễn Thị Ngọc Hạnh	1976	The Constitution Group	2018-09-03	Pretrial detention	(118)	N/A		Phan Dang Luu, HCM city
201	Nguyễn Thị Ngọc Sương	1968	Civil rights facebooker	2018-10-13	2019-05-10	(117)	5		N/A
202	Nguyễn Thị Nhâm	1992	Street protester	2018-06-11	2018-10-31	(318)	2.5		Binh Thuan province prison

203	Nguyễn Thị Tuyết	1961	Political activist	2019-04-25	Pretrial detention	(109)	N/A		Lam Dong Police Dept.
204	Nguyễn Toàn Trung	1989	Street protester	2018-06-11	2018-10-31	(318)	2.5		Binh Thuan province prison
205	Nguyễn Trung Lĩnh	1967	Civil rights facebooker	2018-05-27	Pretrial detention	88	N/A		B40 - Ministry of Public Security
206	Nguyễn Trung Tôn	1971	Brotherhood for Democracy	2017-07-30	2018-04-05	79	12	3	Gia Trung prison, Gia Lai
207	Nguyễn Trung Trực	1963	Brotherhood for Democracy	2017-08-04	2018-12-26	79	12	5	Prison No. 5, Thanh Hoa
208	Nguyễn Trường Vĩnh Phúc	1982	Street protester	2018-06-10	2019-03-07	(318)	2.5		Binh Thuan province prison
209	Nguyễn Tuấn Quân	1984	Social activist	2019-03-05	2019-07-30	(318)	2		N/A
210	Nguyễn Văn An	1990	Street protester	2018-06-11	2018-11-29	(318)	3		Binh Thuan province prison
211	Nguyễn Văn Chánh	1975	Political activist	N/A	2018-08-22	79	5		N/A
212	Nguyễn Văn Công Em	1971	Civil rights facebooker	2019-02-28	2019-09-17	(117)	5	5	N/A
213	Nguyễn Văn Điển	1983	Civil rights facebooker	2017-03-02	2018-01-31	88	6.5		Prison No. 5, Thanh Hoa
214	Nguyễn Văn Đức Độ	1975	Coalition for Self-Determination	2016-11-06	2018-10-05	79	11		Bo La prison, Binh Duong
215	Nguyễn Văn Hiếu	1998	Street protester	2018-06-10	2018-09-26	(318)	3		Binh Thuan province prison
216	Nguyễn Văn Hóa	1995	Independent journalist	2017-01-12	2017-11-27	88	7	3	An Diem prison, Quang Nam
217	Nguyễn Văn Hùng	1992	Street protester	2018-06-10	2018-07-12	(318)	2.5		Binh Thuan province prison
218	Nguyễn Văn Hưng	1995	Street protester	2018-06-10	2018-09-26	(318)	3		Binh Thuan province prison
219	Nguyễn Văn Khánh	1987	Street protester	2018-06-11	2018-10-31	(318)	2		Binh Thuan province prison
220	Nguyễn Văn Mạnh	1994	Street protester	2018-06-10	2018-07-12	(318)	2.5		Binh Thuan province prison
221	Nguyễn Văn Mẹo	1970	Street protester	2018-06-10	2018-07-23	(318)	2		Binh Thuan province prison
222	Nguyễn Văn Minh	1994	Street protester	2018-06-10	2018-07-12	(318)	2.5		Binh Thuan province prison
223	Nguyễn Văn Nghĩa	1978	Political activist	2017-02-16	2017-12-27	79	12	3	Quy Nhơn - Binh Dinh
224	Nguyễn Văn Nghĩa	1989	Street protester	2018-06-10	2018-08-22	(318)	2		Binh Thuan province prison
225	Nguyễn Văn Nghiêm	1963	Social activist facebooker	2019-11-05	Pretrial detention	(117)	N/A		Hoa Bình Police Dept.
226	Nguyễn Văn Oai	1981	Civil rights activist	2016-01-19	2017-09-18	257, 304	5	4	Gia Trung prison, Gia Lai
227	Nguyễn Văn Phước	1979	Civil rights facebooker	2018-12-10	2019-10-29	(117)	5		N/A
228	Nguyễn Văn Quang	1987	Civil rights facebooker	2018-06-18	2019-03	(117)	6		Thanh Hoa province prison
229	Nguyễn Văn Tân	1990	Street protester	2018-06-10	2018-09-26	(318)	3.5		Binh Thuan province prison
230	Nguyễn Văn Thanh	1990	Social activist	2019-10-11	Pretrial detention	(142)	N/A		Quang Binh Police Dept.
231	Nguyễn Văn Thiện	1961	Anti-corruption activist	2014-08-06	2015-07-29	258	4		Ha Nam province prison
232	Nguyễn Văn Thuận	1999	Street protester	2018-06-10	2018-09-26	(318)	3.5		Binh Thuan province prison
233	Nguyễn Văn Thượng	1985	Hoa Hao Buddhist	2017-05-18	2018-01-23	88	6	3	N/A
234	Nguyễn Văn Tiến	1998	Street protester	2018-07-24	2018-09-26	(318)	4		Binh Thuan province prison
235	Nguyễn Văn Trường	1976	Anti-corruption facebooker	2018-02-09	Pretrial detention	(331)	N/A		Thai Nguyen Police Dept.
236	Nguyễn Văn Tuấn	1984	Political activist	2017-02-16	2017-12-27	79	12	3	Quy Nhơn - Binh Dinh
237	Nguyễn Văn Tuấn	1988	Street protester	2018-06-18	2018-10-08	(318)	3		N/A
238	Nguyễn Văn Túc	1964	Brotherhood for Democracy	2017-09-01	2018-09-14	79	13	5	Prison No. 6, Nghe An province
239	Nguyễn Văn Viễn	1971	Political activist	2019-01-13	2019-11-11	(113)	11		N/A
240	Nguyễn Viết Dũng	1976	Social activist facebooker	2017-09-27	2018-08-15	88	6	5	Ba Sao prison, Ha Nam
241	Nguyễn Xí	1973	Street protester	2018-06-11	2018-11-29	(318)	3		Binh Thuan province prison
242	Nơh	1959	Degar Christian	2008-08	2009-04-11	87	12		Gia Lai province prison
143	Phạm Chí Dũng	1966	Independent Journalist	2019-11-21	Pretrial detention	(117)	N/A		Phan Dang Luu, HCM city
244	Phạm Long Đại	1996	Political activist	2017-02-16	2017-12-27	88	6	1	Quy Nhơn - Binh Dinh
245	Phạm Minh Tùng	2002	Street protester	2018-06-11	2018-10-31	(318)	2		Binh Thuan province prison
246	Phạm Sang	1992	Street protester	2018-06-10	2018-07-23	(318)	3.5		Binh Thuan province prison

247	Phạm Thanh	1987	Street protester	2018-06-11	2019-05-21	178	15.5		Binh Thuan province prison
248	Phạm Thị Minh Thu	1973	Street protester	2018-06-10	2019-03-07	(318)	2		Binh Thuan province prison
249	Phạm Thị Phượng	1945	Vietnam Populist Party	2010-04-21	2011-09-21	79	11		An Phuoc prison, Binh Duong
250	Phạm Thị Thu Thuỷ	1974	Street protester	2018-06-10	2018-10-17	(318)	2.5		N/A
251	Phạm Văn Chung	1991	Street protester	2018-06-11	2018-10-31	(318)	3		Binh Thuan province prison
252	Phạm Văn Điệp	1965	Civil rights facebooker	2019-06-29	2019-11-26	(117)	9	5	N/A
253	Phạm Văn Mẫn	2000	Street protester	2018-06-10	2019-03-07	(318)	3		Binh Thuan province prison
254	Phạm Văn Trội	1972	Brotherhood for Democracy	2017-07-30	2018-04-05	79	7	1	Ba Sao prison, Hà Nam
255	Phạm Văn Trọng	1994	Political activist	2017-04-30	2017-12-21	88	3	2	N/A
256	Phạm Xuân Hào	1965	Civil rights facebooker	2019-10-31	2019-10-31	(331)	1		Ninh Kieu District Police, Can Tho
257	Phạm Xuân Thân	1958	Political activist	1996-06-12	1996	84	Lifetime		Z30A prison, Dong Nai
258	Phan Angle	1956	Political activist	2017-04-17	2018-08-22	79	14		N/A
259	Phan Công Hải	1996	Social activist, facebooker	2019-11-19	2020-04-28	(117)	5	3	Nghe An Police Dept.
260	Phan Kim Khánh	1993	Civil rights blogger	2017-03-21	2017-10-25	88	6	4	Ba Sao prison, Ha Nam
261	Phan Thanh Nam	1990	Street protester	2018-06-10	2018-07-23	(318)	2.5		Binh Thuan province prison
262	Phan Thành Tường	1987	Ân Đàn Đại Đạo Cult	2012-03-08	2013-02-04	79	10	5	Xuan Loc prison, Dong Nai
263	Phan Thành Ý	1948	Ân Đàn Đại Đạo Cult	2012-02-10	2013-02-04	79	14	5	Xuan Loc prison, Dong Nai
264	Phan Trung (aka Thích Nhật Huệ)	1976	Coalition for Self-Determination	2016-11-16	2018-10-05	79	8	3	Bo La prison, Binh Duong
265	Phan Văn Bình	1972	Political activist	2018-02-08	2019-01-22	(109)	14		N/A
266	Phan Văn Lành	1988	Street protester	2018-06-11	2018-11-29	(318)	3.5		Binh Thuan province prison
267	Phan Văn Thu	1948	Ân Đàn Đại Đạo Cult	2012-02-05	2013-02-04	79	Lifetime		An Phuoc prison, Binh Duong
268	Phàng A Lanh	1988	Political activist	N/A	2020-03-18	(389)	2		N/A
269	Phàng A Minh	1979	Political activist	N/A	2020-03-18	(389)	2		N/A
270	Phang A Vang	1988	H'mong Christian	2012-10-16	N/A	87	15		Na Tau prison, Dien Bien
271	Puih Bop (Ama Phun)	1959	Montagnard Christian	2016-09	2017-04-07	87	9		N/A
272	Rah Lan Blom	1976	Montagnard Christian	N/A	2011-04-05	87	9	3	Gia Lai province prison
273	Rah Lan Hip	1981	Degar Christian	2019-05-15	2019-08-09	(116)	7	3	Gia Trung prison, Gia Lai
274	Rah Lan Mlih	1966	Montagnard Christian	N/A	2011-04-05	87	9	3	Gia Lai province prison
275	Rmah Hlach (A Ma Blut)	1968	Montagnard Christian	2009-07-22	2010-01-14	87	12	3	Ba Sao prison, Ha Nam
276	Roh	1962	Montagnard Christian	2008-08	2009-09	87	10		N/A
277	Ro Mah Klit	1964	Montagnard Christian	N/A	2011-04-05	87	8		N/A
278	Ro Mah Pro	1964	Montagnard Christian	2010-08	2011-05-30	87	8	5	N/A
279	Rơ Lan Kly (Ama Blan)	1962	Montagnard Christian	2016-09	2017-04-07	87	8		N/A
280	Rơ Ma Đaih (Ama Pôn)	1989	Montagnard Christian	2016-09	2017-04-07	87	10		N/A
281	Rưn	1971	Montagnard Christian	2012-08-05	2013-11-18	87	9		Gia Trung prison, Gia Lai
282	Runh	1979	Hà mòn Christian	2012-04-23	2013-05-28	87	10	3	Mang Yang prison, Gia Lai
283	Siu Ben (Ama Yôn)	1975	Montagnard Christian	2009-03	2009-07-21	87	12		Prison B20, Gia Lai
284	Siu Bler	1962	Evangelical pastor	2004-08-27	N/A	87	17	3	Nam Ha prison, Ha Nam
285	Siu Brơm	1967	Montagnard Christian	2010-08-28	2011-04-05	87	10	3	Prison B20, Gia Lai
286	Siu Glôl	1985	Montagnard Christian pastor	2010-09-22	2010	87	10		Prison B20, Gia Lai
287	Siu H'Chom	1975	Montagnard Christian	2015-02	2015-04-22	275	6		Gia Lai prison
288	Siu Hlom	1967	Montagnard Christian	2010-08-28	2011-04-05	87	12	3	Prison B20, Gia Lai
289	Siu Kheh	N/A	Montagnard Christian	2010	2010	87	10		Prison B20, Gia Lai

290	Siu Kêch (A Ma Lên)	1985	Montagnard Christian	2009-07-22	2010-01-14	87	9		N/A
291	Siu Lit	N/A	Montagnard Christian	2010	2010	87	10		Prison B20, Gia Lai
292	Siu Nheo (Pastor)	1955	Montagnard Christian	2010-08-28	2011-04-05	87	10	3	Prison B20, Gia Lai
293	Siu Thái (Ama Thương)	1978	Montagnard Christian	2011-04-07	2011-12-19	87	10		Prison B20, Gia Lai
294	Sùng A Dơ	1996	Political activist	N/A	2020-03-18	(109)	8		N/A
295	Sùng A Sính	1982	Political activist	N/A	2020-03-18	(109)	Life		N/A
296	Sùng A Sình	1986	Political activist	N/A	2020-03-18	(109)	8		N/A
297	Tạ Khu	1947	Ân Đàn Đại Đạo Cult	2012-02-06	2013-02-04	79	16	5	Xuyen Moc prison, Vung Tau
298	Tạ Tấn Lộc	1975	Political activist	2017-02-16	2017-12-27	79	14	3	Quy Nhơn, Binh Dinh
299	Tăng Thanh Thuận	1991	Street protester	2018-06-11	2018-10-31	(318)	3		Binh Thuan province prison
300	Thạch Thuol	1985	Buddhist monk	N/A	2013-05-20	91	6		Xuan Loc prison, Dong Nai
301	Thái Hàn Phong	1982	Political activist	2017-04	2017-12-27	84	14	5	N/A
302	Thào A Khu	1990	Political activist	N/A	2020-03-18	(389)	2		N/A
303	Thao A Vang	1986	H'mong Christian	2012-10-16	N/A	87	20		Na Tau prison, Dien Bien
304	Thin	1979	Montagnard Christian	N/A	2016-04-26	87	6	3	Phu Yen prison
305	Trần Anh Kim	1949	Democratic Party	2015-09-21	2016-12-16	79	13	5	Prison No. 5, Thanh Hoa
306	Trần Công Khải	1963	Political activist - Lawyer		2019-06-27	(109)	8		N/A
307	Trần Đức Thạch	1952	Brotherhood for Democracy	2010-04-23	Pretrial detention	(109)	N/A		Nghe An Police Dept
308	Trần Đình Sang	1980	Anti-corruption activist	2019-04-09	2019-09-18	(330)	2		N/A
309	Trần Hổ	1980	Street protester	2018-06-10	2019-03-07	(318)	3		Binh Thuan province prison
310	Trần Hoàng Phúc	1994	Civil rights facebooker	2017-06-29	2018-01-31	88	6	4	An Phuoc prison, Binh Duong
311	Trần Huỳnh Duy Thức	1966	Civil rights blogger	2009-05-24	2010-01-20	79	16	5	Prison No. 6, Nghe An
312	Trần Long Phi	1998	Political activist	2018-07-07	2019-06-24	(109)	8		N/A
313	Trần Minh Lợi	1968	Anti-corruption facebooker	2016-03-22	2017-03-27	290	4.5		N/A
314	Trần Minh Thiện	2000	Street protester	2018-06-11	2018-10-31	(318)	2.5		Binh Thuan province prison
315	Trần Phi Dũng	1966	Ân Đàn Đại Đạo Cult	2012-02-12	2013-02-04	79	13	5	Prison No. 6, Nghe An
316	Trần Quân	1984	Ân Đàn Đại Đạo Cult	2012-02-12	2013-02-04	79	13	5	Xuan Loc prison, Dong Nai
317	Trần Quang Hải	1991	Social activist	2019-03-05	2019-07-30	(318)	1.5		N/A
318	Trần Quang Vinh	1982	Political activist	N/A	2018-08-22	79	7		N/A
319	Trần Quốc Lượng	1991	Political activist	2017-04	2017-12-27	84	5	3	N/A
320	Trần Thanh Giang	1971	Hoa Hao Buddhist	2019-04-23	2019-11-27	(117)	8		N/A
321	Trần Thanh Phương	1975	The Constitution Group	2018-09-02	Pretrial detention	(118)	N/A		HCM City temp. detention center
322	Trần Thế Nghĩa	1984	Street protester	2018-06-11	2018-10-31	(318)	2.5		Binh Thuan province prison
323	Trần Thị Bích Ngọc	1994	Political activist	2017-02-16	2017-12-27	88	3	1	Quy Nhơn, Binh Dinh
324	Trần Thị Mai Hương	1966	Street protester	2018-06-11	2018-10-31	(318)	2.5		Binh Thuan province prison
325	Trần Thị Ngọc	1961	Falun Gong practitioner	2017-08-03	2018-04-11	(318)	3.5		Thai Nguyen province
326	Trần Thị Ngọc	1968	Street protester	2018-06-10	2018-07-12	(318)	2		Binh Thuan province prison
327	Trần Thị Tiến	1960	Falun Gong practitioner	2017-08-03	2018-04-11	(318)	3		Thai Nguyen province
328	Trần Thị Xuân	1976	Brotherhood for Democracy	2017-10-17	2018-04-12	79	9	5	Prison No. 5, Thanh Hoa
329	Trần Trọng Tiến	1988	Street protester	2018-06-11	2018-10-31	(318)	2		Binh Thuan province prison
330	Trần Tuấn Tài	1976	Political activist	N/A	2018-08-22	79	10		N/A
331	Trần Văn Công	1991	Street protester	2018-06-11	2018-10-31	(318)	3		Binh Thuan province prison
332	Trần Văn No	1984	Political activist	2017-04	2017-12-27	84	6	3	N/A
333	Trần Văn Quyến	1999	Political activist	2019-01-23	2019-11-11	(113)	10		N/A

334	Trần Văn Tuấn	1993	Street protester	2018-06-11	2018-10-31	(318)	2.5		Binh Thuan province prison
335	Trần Văn Vinh	1976	Political activist	N/A	2018-08-22	79	8		N/A
336	Trần Văn Xi	1995	Street protester	2018-06-11	2018-09-26	(318)	3		Binh Thuan province prison
337	Trịnh Viết Bảng	1959	Anti-corruption activist	2019-05-14	Pretrial detention	(331)	N/A		Temp. detention center, Bac Ninh
338	Trương Công Hiếu	1991	Street protester	2018-06-11	2018-10-31	(318)	2.5		Binh Thuan province prison
339	Trương Dương	1980	Political activist	2019-10-03	2020-04-21	(113)	11		N/A
340	Trương Duy Nhất	1964	Independent journalist	2019-01-28	2020-03-09	(355)	10		N/A
341	Trương Hữu Lộc	1963	Street protester	2018-06-11	2019-06-28	(118)	8		Gia Trung prison, Gia Lai
342	Trương Minh Đức	1960	Brotherhood for Democracy	2017-07-30	2018-04-05	79	12	3	Prison No. 6, Nghe An
343	Trương Minh Tài	1992	Street protester	2018-06-11	2018-10-31	(318)	3		Binh Thuan province prison
344	Trương Ngọc Hiền	1997	Street protester	2018-06-10	2018-10-08	(318)	2		N/A
345	Trương Nguyễn Minh Trí	1987	Political activist	N/A	2018-08-22	79	11		N/A
346	Trương Quốc Gia Huy	1999	Street protester	2018-06-11	2018-10-31	(318)	2.5		Binh Thuan province prison
347	Trương Tấn Phát	1984	Political activist	2017-04	2017-12-27	84	5	3	N/A
348	Trương Thị Thu Hằng	1984	Political activist	2017-02-16	2017-12-27	88	4	1	Quy Nhơn - Binh Dinh
349	Từ Công Nghĩa	1993	Coalition for Self-Determination	2016-11-05	2018-10-05	79	10	3	Xuyen Moc prison, Vung Tau
350	Từ Thiện Lương	1950	Ân Đàn Đại Đạo Cult	2012-02-10	2013-02-04	79	16	5	Phuoc An prison, Binh Duong
351	Vang A De	1990	H'mong Christian	2012-10-16	N/A	87	20		Na Tau prison, Dien Bien
352	Vang A Phu	1977	H'mong Christian	2012-10-16	N/A	87	20		Na Tau prison, Dien Bien
353	Võ Hoàng Ngọc	1996	Political activist	N/A	2018-08-22	79	9		N/A
354	Võ Mến	2000	Street protester	2018-06-11	2018-11-29	(318)	3		Binh Thuan province prison
355	Võ Ngọc Cư	1951	Ân Đàn Đại Đạo Cult	2012-02-06	2013-02-04	79	16	5	Xuyen Moc prison, Vung Tau
356	Võ Thành Lê	1955	Ân Đàn Đại Đạo Cult	2012-02-05	2013-02-04	79	16	5	Xuyen Moc prison, Vung Tau
357	Võ Thường Trung	1976	Social activist facebooker	2019-04-25	2019-11-26	(118)	3		N/A
358	Võ Tiết	1952	Ân Đàn Đại Đạo Cult	2012-02-05	2013-02-04	79	16	5	Prison No. 6, Nghe An
359	Võ Văn Trụ	1982	Street protester	2018-06-16	2018-10-17	(318)	3.5		N/A
360	Vũ Mộng Phong	1971	Political activist	2017-04	2017-12-27	84	8	3	N/A
361	Vũ Quang Thuận	1966	Civil rights facebooker	2017-03-02	2018-01-31	88	8		Ba Sao prison, Ha Nam
362	Vũ Thị Dung	1965	Civil rights facebooker	2018-10-13	2019-05-10	(117)	6		N/A
363	Vũ Văn Hà	1990	Social activist	2019-03-05	2019-07-30	(318)	2		N/A
364	Vương Tấn Sơn	1953	Ân Đàn Đại Đạo Cult	2012-02-12	2013-02-04	79	17	5	Xuyen Moc prison, Vung Tau
365	Vương Thanh Thuận	1990	Hoa Hao Buddhist	2017-05-18	2018-01-23	88	7	3	N/A
366	Vương Văn Thả	1969	Hoa Hao Buddhist	2017-05-18	2018-01-23	88	12	3	An Phuoc prison, Binh Duong
367	Y Bhom Kdoh	1965	H'mong Christian	2012-10-08	N/A	87	8		Gia Trung prison, Gia Lai
368	Y Chon Nie	1968	H'mong Christian	2012-10-29	N/A	87	8		Gia Trung prison, Gia Lai
369	Y Drim Nie	1972	H'mong Christian	2012-10-29	N/A	87	8		Binh Duong Province prison
370	Y Hriam Kpa	1976	H'mong Christian	2015-07-30	N/A	87	7		Dak Tan prison, Dak Lak
371	Y Kur Bdap	1971	Montagnard Christian	2004-04-24	2005-11-17	87	17	5	Ba Sao prison, Ha Nam
372	Y Lao Mlo	1987	H'mong Christian	2015-07-15	N/A	87	8		Dak Trung prison, Dak Lak
373	Y Pum Nie	1964	H'mong Christian	2018-04-10	Pretrial detention	(116)	N/A		Dak Lak Police Dept.
374	Y Ty Ksor	1989	Montagnard Christian	2006	N/A	N/A	14		Ha Nam prison.
375	Y Yem Hwing	1972	H'mong Christian	2012-10-29	N/A	87	8		Gia Trung prison, Gia Lai
376	Y Yich	1960	Evangelical pastor	2013-05-13	2013-11-14	87	12		An Phuoc prison, Bình Dương

**This list includes only a portion of political and religious prisoners currently detained in Vietnam. Many people, especially ethnic minorities, are detained without being tried publicly.*

** The provisions of the Criminal Codes used to convict human rights activists (on the outside of the brackets are from 1999 Criminal Code, and on the inside of the brackets are from 2015 Criminal Code):*

79 (109): Carrying out activities aimed at overthrowing the people's administration

84 (113): Terrorism

87 (116): Undermining the unity policy

88 (117): Conducting propaganda against the Socialist Republic of Vietnam

89 (118): Disrupting security

90 (119): Destroying detention camps

91 (121): Fleeing abroad or defecting to stay overseas with a view to opposing the people' administration

93 (123): Murder

112 (142): Rape of a person under 16

121 (155): Humiliating other persons

143 (178): Destroying or deliberately damaging property

161 (200): Tax evasion

226 (288): Illegal provision or use of information on computer networks or telecommunications networks

230 (304): Illegally manufacturing, stockpiling, transporting, using, trading in or appropriating military weapons and/or technical means

232 (305): Illegally manufacturing, stockpiling, transporting, using, trading or appropriating explosive materials

245 (318): Causing public disorder

257 (330): Resisting persons in the performance of their official duties

258 (331): Abusing democratic freedoms to infringe upon the interests of the State, the legitimate rights and interests of organizations and/or citizens

275 (349): Organizing and/or coercing other persons to flee abroad or to stay abroad illegally

276 (351): Desecration of national flag, national emblem, national anthem

280 (355): Abuse of power or position for appropriation of property

289 (364): Offering bribes

290 (365): Acting as intermediaries for bribery

313 (389): Concealment of crimes

314 (390): Failure to prevent the commission of a crime

APPENDIX II

VIETNAM HUMAN RIGHTS AWARD 2019

Since 2002, the Vietnam Human Rights Network (VNHRN) has annually presented Vietnam Human Rights Award to the prominent human rights and democracy activists in Vietnam who have made their mark in the inexorable march towards freedom, human rights and democracy of the Vietnamese people. So far, these Vietnam Human Rights Awards have gone to a constellation of names easily recognized by their distinctive courage and commitment to human rights cause:

2002: *The Most Ven. Thich Quang Do and Fr. Thaddeus Nguyen Van Ly*

2003: *Messrs. Nguyen Vu Binh, Le Chi Quang, Nguyen Khac Toan, and Dr. Pham Hong Son*

2004: *Mr. Pham Que Duong and Dr. Nguyen Dan Que*

2005: *Mr. Le Quang Liem, Fr. Peter Phan Van Loi, and Ven. Thich Tue Sy*

2006: *Messrs. Do Nam Hai and Nguyen Chinh Ket*

2007: *Mr. Hoang Minh Chinh, Atty. Nguyen Van Dai, and Atty. Le Thi Cong Nhan*

2008: *Ven. Thich Thien Minh, Blogger "Dieu Cay" Nguyen Van Hai, and Tu Do Ngon Luan Magazine*

2009: *Writer Tran Khai Thanh Thuy and Pastor Nguyen Cong Chinh*

2010: *Journalist Truong Minh Duc and Labor activist Doan Huy Chuong*

2011: *Dr. Cu Huy Ha Vu and Labor activist Do Thi Minh Hanh*

2012: *Ms. Pham Thanh Nghien, Blogger Ta Phong Tan, and Ms. Huynh Thuc Vy*

2013: *Atty. Le Quoc Quan, Mr. Tran Huynh Duy Thuc, and Mr. Nguyen Hoang Quoc Hung.*

2014: *The Vietnam Redemptorist Province, Mr. Nguyen Bac Truyen, and Musicians Vo Minh Tri (Viet Khang) and Tran Vu Anh Binh.*

2015: *The Most Venerable Thich Khong Tanh, Ms. Ho Thi Bich Khuong, and Ms. Bui Thi Minh Hang.*

2016: *The Vietnamese Bloggers' Network, Lawyer Vo An Don, and activists for victimes of injustice Ms. Tran Ngoc Anh and Ms. Can Thi Theu*

2017: *The Brotherhood for Democracy, Blogger Ba Sam Nguyen Huu Vinh, Blogger Nguyen Ngoc Nhu Quynh, and Pastor Y Yich*

2018: *Mr. Hoang Duc Binh, Ms. Tran Thi Nga, and Blogger Pham Doan Trang*

VNHRN was proud to present the 2019 Vietnam Human Rights Award to three more than deserving recipients: Pastor Nguyen Trung Ton, Activist Nguyen Dang Minh Man, and Lawyer Le Cong Dinh at the Senate of Canada on the 2019 International Human Rights Day.

PASTOR NGUYEN TRUNG TON

Pastor Nguyen Trung Ton, born in 1971, is a resident of Quang Xuong district, Thanh Hoa province, who joined the Protestant "Viet Nam Full Gospel Church" in 2002. In 2008, after his ordination, Pastor Trung Ton enthusiastically began the work of evangelization in an environment of harassment and repression at the hands of Vietnam's Communist government. He has repeatedly demanded the right to freedom of religion for himself, his congregation, and all believers.

Pastor Ton's fight for religious freedom has made him a strong critic of the unjust policies of Vietnam's dictatorial, one-party, corrupt government. To make his voice more expansive, he joined Block 8406 and the Inter-Religious Council of Vietnam. In addition to speaking out peacefully over Facebook, he found other ways to express his civil rights and improve society, such as writing to the National Assembly in 2013 to suggest amendments to the Constitution, especially the abolishment of Article 4, which gives a monopoly of national leadership to the Communist Party of Vietnam (CPV). He was a self-nominated candidate for the 17th National Assembly in 2016.

Instead of listening to the honest voice of the people, the Vietnamese Communist government has viewed Pastor Ton as an adversary, made despicable and violent attempts on his life, and used state propaganda to slander and smear him. His family and their livelihoods are under constant threat. He has been regularly monitored and harassed, and repeatedly assaulted.

Pastor Nguyen Trung Ton was first arrested and sentenced to two years in prison and two years on probation for "conducting propaganda against the state" in 2011, in the same case with human rights activist Ho Thi Bich Khuong. After his release, Pastor Ton continued to fight relentlessly for human rights and democracy as a member of the Former Prisoners of Conscience Association of Vietnam and the Brotherhood for Democracy.

In February 2017, Pastor Ton and Mr. Nguyen Viet Tu, another member of the Brotherhood for Democracy, were abducted, assaulted and brutally beaten by police disguised as thugs as they were on their way from Thanh Hoa to Quang Binh.

On July 30, 2017, Pastor Ton was arrested again by Vietnamese security forces along with other members of the Brotherhood for Democracy, including former political prisoners Pham Van Troi, Truong Minh Duc, and Nguyen Bac Truyen. In a hearing on April 5, 2018, they were found guilty by a Vietnamese Communist court of "conspiracy to overthrow the government." As leader of the group, Pastor Ton was sentenced to 12 years in prison and three years of probation. He is currently being held at Gia Trung prison camp, Gia Lai province.

Pastor Nguyen Trung Ton is a gentle and sincere person who loves the poor and oppressed. He has courageously and peacefully fought for human rights, democracy, and national territorial integrity despite defamation, threats, assault, and imprisonment. He is eminently deserving of the 2019 Vietnam Human Rights Award.

MS. NGUYEN DANG MINH MAN

Nguyen Dang Minh Man was born in 1985. At the age of 4, she and her family fled to Thailand to seek freedom. There they moved from one refugee camp to another, living in deprivation for seven years before being deported back to Vietnam.

Ms. Minh Man grew up in a harsh environment, along with others who were considered "enemies of the regime." In such dire circumstances, she learned the meaning of freedom and dignity at a very young age. This motivated her to follow the path of struggle for democratic political institutions and a humane society where freedom and human rights are respected.

Since 2009, Nguyen Dang Minh Man has participated in many struggles. She opposed China's coercion in the South China Sea, China's occupation of the Paracel and Spratley Islands, and China's bauxite project in the central highlands. She helped victims of injustice find assembly points in Saigon to protest against corruption. She took photos of the protests, published them on social networks, and reported on wrongdoing on foreign media outlets.

Ms. Minh Man was arrested by Communist authorities on July 31, 2011, along with her mother, older brother and several other young people. In a first-instance trial on January 8 and 9, 2013, in Nghe An, she and 13 others were charged with "activities to overthrow the government" and received harsh sentences. Ms. Minh Man was sentenced to eight years of prison and five years of probation. Her mother was sentenced to three years in prison, and her brother to three years.

In her final words at the trial, Ms. Minh Man declared, "I ask the Trial Panel to reduce the punishment for my mother and my brother. As for myself, I do not need any leniency, for I know what I did was right."

During her imprisonment at Detention Center No. 5 (Thanh Hoa), Ms. Minh Man was beaten on several occasions by criminal inmates instigated by prison guards and put in solitary confinement with her legs in shackles. Despite physical and mental torment in many different prisons for eight long years, she remained firm and undaunted in the face of violence.

Instead, she went on many hunger strikes to protest the mistreatment of political prisoners and to demand legitimate rights for herself and other prisoners.

In 2016, the UN Working Group on Arbitrary Detention urged the Communist Party of Vietnam to unconditionally release photojournalist and activist Nguyen Dang Minh Man. The Group stated that there was no evidence that Ms. Minh Man had been involved in violence or that her work directly caused any violence. Therefore, her arrest and detention could not be related to any threat to national security.

On August 2, 2019, Nguyen Dang Minh Man completed her eight-year imprisonment and returned to the welcoming arms of her friends and family. A small woman of indomitable will, superhuman courage, and unquestionable patriotism, Nguyen Dang Minh Man has shown young generations of Vietnamese, both inside and outside the country, a peaceful but resolute way to fight for freedom, dignity, and human rights. She deserves the 2019 Vietnam Human Rights Award.

LAWYER LE CONG DINH

Lawyer Le Cong Dinh was born in 1968 in Saigon. After receiving his law degree in Vietnam, he received a Fulbright scholarship to Tulane University in the US for his Master of Laws degree. Upon graduation, he returned to Vietnam to work as a lawyer and law professor. He was a member of the Bar Association of Vietnam, and was elected Vice President of the Ho Chi Minh City Bar Association (2005-2008).He also represented Vietnam in the Asia-Pacific Bar Association.

Le Cong Dinh is a courageous lawyer of high caliber. With no illusion that there exists an independent court under the Vietnamese communist regime, he has nonetheless defended several well-known dissidents, such as lawyers Nguyen Van Dai, and Le Thi Cong Nhan, as well as blogger Dieu Cay against their politically-motivated state prosecutors.

Lawyer Le Cong Dinh is also known as an intelligent, in-depth, and sensitive researcher and commentator. In his writings, he has been candid in his support for pluralistic democracy, a multi-party arrangement, and reform of Vietnam's legal and political systems. He has actively committed himself to the ideals of freedom, democracy, and human rights, and has criticized social injustice, national corruption, and the authorities' weak resolve against China's aggression.

In 2005, together with Tran Huynh Duy Thuc and Le Thang Long, lawyer Dinh established the Chan Research Group to study Vietnam's political, economic, and social situation. The group's "Vietnam Road" book recommends respect and support for human rights as a strategy for overcoming the risk of economic collapse. At one point, lawyer Dinh joined the Democratic Party of Vietnam and assumed the position of General Secretary, succeeding the late Professor Hoang Minh Chinh.

Concerned about the widespread influence of lawyer Dinh's young intellectual group, the Vietnamese government sought to suppress it. On January 20, 2010, a Saigon court sentenced lawyer Dinh to 5 years in prison and 3 years of probation. Nguyen Tien Trung, Tran Huynh Duy Thuc, and Le Thang Long received 7 to 16 years in prison. They were charged with "Activity to overthrow the government" under Art. 79 of the Vietnamese Penal Code.

Under international pressure, on February 6, 2013, the Vietnamese communists granted Le Cong Dinh early release. Since then, however, he has often been followed by plainclothes security agents and has been continually smeared by the state propaganda machine. Despite such harassment, lawyer Dinh continues to follow the path of nonviolence for freedom, democracy, and human rights with his fluent arguments and sharp pen. In a recent article, he wrote, "If I had previously committed to freedom and democracy as a mere idea while the need to make a living dominated most of my daily activities, now my livelihood has become secondary to bringing democracy to Vietnam."

Despite being a highly talented intellectual with a stable position in society and destined to be among the affluent, lawyer Le Cong Dinh has instead chosen to fight for freedom, democracy, and human rights, and has met with imprisonment and persecution. The Vietnam Human Rights Network recognizes his sacrifices for these ideals, and solemnly presents the 2019 Vietnam Human Rights Award to lawyer Le Cong Dinh.

The Vietnam Human Rights Network was established in 1997 as a consortium of individuals and organizations committed to the defense and promotion of human rights and civil liberties entitled to all Vietnamese citizens set forth by the Universal Declaration of Human Rights and subsequent international human rights instruments

FOR CONTACT
The Vietnam Human Rights Network
8971 Colchester Ave, Westminster, CA 92683
Tel.: (714) 657-9488
http://www.vietnamhumanrights.net
https://www.facebook.com/mlnqvn
Email: vnhrnet@vietnamhumanrights.net