

VIETNAM 2014 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

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

The most significant human rights problems in the country were severe government restrictions of citizens' political rights, particularly their right to change their government through free and fair elections; limits on citizens' civil liberties, including freedom of assembly and expression; and inadequate protection of citizens' due process rights, including protection against arbitrary detention. On January 1, the president signed and promulgated significant amendments to the constitution, including a dedicated chapter on human rights, but the government had yet to enact implementing laws to realize concrete gains associated with this chapter.

Specific human rights abuses included arbitrary and unlawful deprivation of life; police attacks and corporal punishment; arbitrary arrest and detention for political activities; continued police mistreatment of suspects during arrest and detention, including the use of lethal force and austere prison conditions; and denial of the right to a fair and expeditious trial. The judicial system was opaque and lacked independence, and political and economic influences regularly affected judicial outcomes. The government limited freedoms of speech and press and suppressed dissent; restricted internet freedom and freedom of religion; maintained often-heavy surveillance of activists; and continued to limit privacy rights and freedoms of assembly, association, and movement. The number of independent nongovernmental organizations (NGOs) grew substantially, with some tolerance by authorities. The government, however, continued to control registration of NGOs sharply, including human rights organizations. Authorities permitted an increasing number of international NGOs to visit the country but under firm government oversight. Authorities and NGOs recorded higher numbers of human trafficking victims, possibly attributable to growing demand among neighboring countries as well as the country's decision in 2012 to improve its efforts to track and investigate cases. Men, women, and children were victims of human trafficking, but most victims were ethnic minority women and girls destined for

China. Many victims migrated abroad for work and were subjected to sex trafficking or forced labor. The government maintained limits on workers' rights to form and join independent unions and did not enforce safe and healthy working conditions adequately. Child labor persisted, especially in agricultural occupations.

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

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

a. Arbitrary or Unlawful Deprivation of Life

Reports indicated officials or other agents under the command of the Ministry of Public Security (MPS) committed arbitrary or unlawful killings, including reports of at least seven deaths of persons in custody, as well as several high-profile allegations officers abused use of lethal force. In most cases local authorities provided little information regarding investigations into these deaths, although the government increasingly held police officials responsible.

On February 14, Huynh Nghia died in his home after police assaulted him during an interrogation in Dak Nong Province. The three police officers admitted to provincial investigators they assaulted Nghia using clubs and their hands. The government did not provide additional information on Nghia's death or confirm whether it was investigating the assault.

On September 18, a Hanoi court convicted four police officers for the murder of Nguyen Mau Phu, whom they tortured to death at the local police station in 2012. The court sentenced the four officers to between eight and 16 years' imprisonment.

b. Disappearance

There were no new reports of disappearances.

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

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

detention. On June 2, the MPS formally expressed its interest in international cooperation for implementation and enforcement of the UN Convention against Torture (UNCAT), which it ratified in November. The government hosted two workshops in Hanoi and Ho Chi Minh City for officials on the major provisions of UNCAT.

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

For example, freelance journalist Truong Minh Duc reported police in Binh Duong assaulted him twice, first on September 8 while traveling with fellow activist Do Thi Minh Hanh and again on November 2 while alone. Duc claims that after each incident he was hospitalized due to his injuries.

Five Hoa Hao Buddhists, including Bui Van Luot, head of the Hoa Hao Buddhist Association in Vinh Long, and his deputy Le Van Soc, claimed plainclothes police in Vinh Long Province attacked them on April 9 as they were returning home from prayer and meditation at another Hoa Hao follower's residence.

Activist Tran Thi Nga reported five individuals assaulted her in front of her two young children on May 25. Nga stated in a police report she was beaten with iron tubes on the shoulders and hands and was verbally intimidated. Police had not charged anyone for the assault.

In May, Nguyen Ngoc Lua claimed MPS officers in Ho Chi Minh City assaulted and stripped her clothes off after she took part in an anti-China demonstration. On August 26, Lua traveled to Dong Thap Province to attend the trial of Bui Thi Minh Hang, where multiple witnesses reported provincial police detained and subsequently assaulted her until she lost consciousness.

Lands rights protesters alleged numerous and regular instances of MPS and local law enforcement authorities physically harassing and intimidating them at land expropriation sites around the country, including but not limited to Hanoi (Duong Noi Village); Thai Nguyen (Dai Tu District); Ha Tinh (Ky Anh District); Nghe An (Quynh Luu District); Ninh Thuan; and Dong Nai provinces. Most of these forced land expropriation actions were in support of socioeconomic development projects.

Land rights protesters in Hanoi, Ho Chi Minh City, Da Nang, and several provinces in the Mekong Delta continued to report MPS and local law enforcement officials assaulted them during peaceful gatherings. Tran Ngoc Anh of the United Land Grab Victims Movement claimed MPS police assaulted her so severely that she sustained head injuries and required hospitalization.

In May 2013 the People's Procuracy of Tuy Hoa City charged five police officers with using corporal punishment during the interrogation of Ngo Thanh Kieu, who died from his injuries. On April 3, the People's Court sentenced one officer to five years in prison and the other officers to lesser sentences, but on July 8, the Phu Yen Provincial Court reopened the case following President Sang's criticism of the sentences as too lenient.

On August 13, the People's Court in Dak Lak Province sentenced two police officers to 18 months' imprisonment each for the 2013 beating deaths of Y Ket Bdap and Y Abuil Bkrong in Dak Lak Province. Police detained the two suspects in November 2013 for stealing livestock.

Prison and Detention Center Conditions

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

Physical Conditions: The MPS did not publish the official number of prisoners and detainees. The NGO International Center for Prison Studies reported 130,180 prisoners as of mid-2012, including pretrial detainees; 12.6 percent were women. Authorities generally held men and women separately, with some reported exceptions in local detention centers where space was often limited. Authorities generally held juveniles in prison separately from adults, but on rare occasions, they held juveniles in detention with adults for short periods due to lack of space.

Prisoners had access to basic health care, although in many cases officials prevented family members from providing medication to prisoners. Family members of imprisoned activists who experienced health problems claimed medical treatment was inadequate and resulted in greater long-term health complications. In May Ngo Hao, a prisoner at Xuan Phuoc Prison, alleged he did not have access to adequate medication or other treatment for his stomach disease. Family members of Hoa Hao activist Mai Thi Dung reported MPS authorities at

Thanh Xuan Prison continued to deny her proper medical treatment for paralysis in her feet, gallstones, and other illnesses.

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

Prisoners generally were required to work but received no wages. Authorities placed prisoners in solitary confinement for standard periods of three months. Some political prisoners reported being put in solitary confinement more frequently than were nonpolitical prisoners. MPS officials often prohibited reading and writing materials, especially for political prisoners. Family members continued to make credible claims prisoners received extra food or other preferential treatment by paying bribes to prison officials.

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

Some former prisoners of conscience reported prisoners received little food and that of poor quality. Several former prisoners reported they received only two small bowls of rice and vegetables daily, often mixed with foreign matter, including small pieces of animal excrement, insects, and stones.

Administration: While prison sentences could be extremely lengthy, authorities did not force prisoners to serve beyond the maximum sentence for their charged offenses. There was no active system of prison ombudsmen, but the law provides for oversight of the execution of criminal judgments by the National Assembly, People's Councils, and the Vietnam Fatherland Front (VFF), an umbrella group that oversees the country's government-sponsored social organizations.

Authorities limited prisoners to one 30-minute family visit per month and generally permitted family members to give various items, including money, supplemental food, and bedding to prisoners. Family members of political prisoners continued to report government surveillance and harassment by security officials as well as frequent interference with their work, school, and financial activities. In contrast

with prior years, MPS authorities approved several requests by foreign diplomats to meet with prisoners.

In contrast with normal practice for nonpolitical prisoners, authorities routinely transferred political prisoners to facilities far from their families, making it difficult for family members to visit them. In June the MPS transferred Le Quoc Quan from Hoa Lo detention facility in Hanoi to An Diem prison in Quang Nam Province.

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

Independent Monitoring: The International Committee of the Red Cross (ICRC) neither requested nor carried out prison visits during the year. Nonetheless, discussions with authorities continued on an ICRC offer of services and expertise in assessing prison detention and treatment conditions.

d. Arbitrary Arrest or Detention

The law allows the government to arrest and detain persons under vague national security provisions. The government continued to arrest and detain individuals for peacefully expressing political or religious views under other legal provisions of the penal code, including “causing public disorder” (article 245), “resisting persons on duty” (article 257), or “abusing democratic freedoms” (article 258). Authorities regularly subjected activists to administrative detention or house arrest.

Role of the Police and Security Apparatus

The MPS is responsible for internal security and controls the national police, a special national security investigative agency, and other internal security units. The military performed public safety functions in border areas and supported coercive land confiscation operations on occasion. Although Prime Minister Nguyen Tan Dung issued a decision prohibiting the military from engaging in coercive land expropriation, there were unofficial reports of military engagement in such coercive actions. The Bureau of Investigation of the Supreme People’s Procuracy (public prosecutor’s office) examines allegations of abuse by security forces and law enforcement agencies.

People's Committees had some authority over police forces at the provincial, district, and local levels. Although the Supreme People's Procuracy had authority to investigate security force abuse, police organizations operated with significant discretion, little transparency, and limited public oversight. At the commune level, guard forces composed of residents commonly assisted police. Police were generally effective at maintaining public order, but police capabilities, especially investigative, were very limited. Police training and resources were inadequate. Several foreign governments continued to assist in training provincial police and prison management officials to improve their professional skills.

Arrest Procedures and Treatment of Detainees

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

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

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

By law investigations in national security cases may be extended and access to counsel denied for up to 20 months. In many such cases, attorneys were not

provided access to their clients or the evidence against them until immediately before the case went to trial and without adequate time to prepare their cases. By law only cases involving juveniles, individuals with mental or physical disabilities, and persons formally charged with capital crimes require authorities to request the local bar association or the VFF to appoint an attorney.

The law requires authorities to inform persons held in custody, accused of a crime, or charged with a crime of their rights under the law, including the right to an attorney. Under most circumstances, once advised, the accused are responsible for obtaining their own attorney. By law defense attorneys are obligated to begin the defense of their client from the time authorities issue custody decisions.

The law allows defense counsel to be present during interrogations of their clients. The law also requires authorities to give defense attorneys access to case files and permit them to copy documents. Attorneys were usually able to exercise these rights. Those representing politically sensitive detainees reported significant difficulty carrying out their responsibilities and exercising their rights under the law. Many detainees, especially those held on national security charges, reported limited access to materials and information that would assist in the preparation of their legal defense, including the penal code itself.

Police generally informed families of detainees' whereabouts, but family members could visit a detainee only with the permission of the investigator. During the investigative period, authorities routinely denied detainees access to family members, especially in national security cases. Before a formal indictment, detainees had the right to notify family members, although the MPS held a number of detainees suspected of national security violations incommunicado. Time spent in pretrial detention counted toward time served upon conviction and sentencing.

For example, early in the year, authorities denied requests for family visitation to activists Bui Thi Minh Hang and Nguyen Van Minh for six and five months, respectively.

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

According to the previous law on administrative sanctions, sex workers and drug users could be subjected to confinement at “compulsory treatment institutions” (often referred to as “05” and “06” centers for sex workers and drug users, respectively). Beginning on January 1, sex workers are no longer subject to confinement under the law, while authorities may confine drug users to “compulsory detoxification establishments.” This new legal provision requires authorities to close all 05 centers. Furthermore, the new law requires a judicial proceeding before any individual is sent to a compulsory detoxification establishment. As such district people’s courts began to review these cases rather than the chair of the district-level people’s committee, which was the regular practice in the past. According to official statistics, authorities held more than 43,000 individuals in the country’s 121 drug detention centers as of December, the vast majority of whom were sent to the centers before the new legal provisions came into effect and as a result had administrative assignment to forced detoxification and no judicial review.

At these centers, according to a 2011 NGO report, authorities allegedly forced individuals to perform “labor therapy” such as garment sewing and brick making under harsh conditions (see section 7.b.). According to the new law, detainees in the compulsory detoxification establishments may work no more than three hours per day. The Ministry of Labor, Invalids, and Social Affairs (MOLISA) announced publicly the goal of reducing the number of compulsory detoxification establishments from 121 to 40 by 2020.

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

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

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

The Law on Handling of Administrative Violations became effective in July 2013, except for some provisions related to the handling of cases by the people's courts that became effective on January 1. Among other provisions the law outlines new judicial procedures to replace the system of administrative detention with a judicial process for committing individuals to forced detoxification centers. The Ministry of Justice reported it was drafting 26 decrees to implement the new provisions.

Authorities also subjected religious and political activists to varying degrees of informal detention in their residences and blocked their movement within the country. For example, activist Nguyen Ngoc Nhu Quynh claimed Nha Trang police detained her for nine hours on July 29 to prevent her from attending a seminar in Hanoi on nonstate media. Pham Ba Hai, Nguyen Van Trang, and Ta Minh Thu also alleged police prevented them from attending the same seminar.

According to widespread independent reports, Ho Chi Minh City and Hanoi police continued to monitor and block the movement of prominent activists Nguyen Dan Que, Nguyen Bac Truyen, Pham Ba Hai, Pham Chi Dung, Le Ngoc Thanh, Nguyen Van Dai, Pham Hong Son, and Le Cong Dinh, among many others.

Pretrial Detention: The law defines four levels of crimes: less serious offenses, serious offenses, very serious offenses, and especially serious offenses. The allowable time for temporary detention during an investigation varies depending on the level of offense. Activists often reported some of these investigations exceeded these prescribed periods.

The law allows for the following lengths of detention: two months' detention and one extension of two months for a maximum temporary detention of four months for less serious offenses (punishable by up to three years' imprisonment); three months' detention and two extensions of three months and two months for a maximum of eight months for serious offenses (punishable by up to seven years' imprisonment); four months' detention and two extensions of four months for a maximum of twelve months for very serious offenses; four months' detention and three extensions of four months each for a maximum of 16 months' detention for exceptionally serious offenses (punishable by more than 15 years' imprisonment or capital punishment); and national security cases allowed for an additional four-month extension for a maximum of 20 months of "temporary" detention.

On May 5, MPS officials arrested Nguyen Huu Vinh, one of the best-known activist bloggers in the country. Authorities accused Vinh, who launched the *Ba Sam* news website and aggregator in 2007, of "abusing democratic freedoms"

under article 258 of the penal code. Police also arrested Vinh's employee Nguyen Thi Minh Thuy. Both Vinh and Thuy were indicted under article 258 in early November and were pending trial at year's end.

Amnesty: The government released 10 prisoners of conscience under amnesty provisions. On March 21, President Sang granted amnesty to Nguyen Huu Cau, a former officer in the South Vietnam army after he served 32 years in prison. Authorities suspended the sentence and released Dinh Dang Dinh, a teacher in Dak Nong Province who served more than two years in prison on charges of "conducting propaganda against the state." President Sang later granted amnesty to Dinh, who died shortly thereafter of stomach cancer, a condition the family claimed was exacerbated by his lack of access to adequate medical care while in detention.

Authorities granted amnesty to Vi Duc Hoi, a writer and former CPV member convicted for "propaganda against the state" who served four and one-half years of a five-year term. Authorities also granted amnesty to Nguyen Tien Trung after he served approximately five years of a seven-year sentence for "subversion."

On June 26, authorities granted amnesty to Do Thi Minh Hanh, convicted of "disrupting security against the state"; she had served more than four years of a seven-year sentence.

In September authorities amnestied Tran Tu, Nguyen Tuan Nam, Dau Van Duong, Tran Hoang Giang, and Nguyen Long Hoi.

Some provincial authorities in Dong Nai, Tay Ninh, Ca Mau, Phu Yen and Lai Chau granted amnesty to nonpolitical prisoners.

e. Denial of Fair Public Trial

The law provides for the independence of judges and lay assessors, but the judiciary was not strong and was vulnerable to influence by outside elements such as senior government officials and CPV leadership. As in past years, credible reports of political influence, endemic corruption, and inefficiency strongly distorted the judicial system. Most, if not all, judges were members of the CPV and underwent screening by the CPV and local officials during their selection process to determine their suitability for the bench. The party's influence was particularly notable in high-profile cases and other instances in which authorities charged a person with challenging or harming the party or state.

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

Trial Procedures

The 2013 constitution outlines the basic rights of all individuals, including that all persons are equal before the law, are presumed innocent until proven guilty, and have the right to a defense lawyer and to a speedy public trial. Nonetheless, defense lawyers routinely complained that in many of their cases it appeared judges made a determination of guilt concerning the accused prior to conducting the trial. The new constitution provides for a more adversarial process during trial, a policy that, if effectively implemented, would push the courts towards a more equally balanced system of justice. Attorneys commented the courts had yet to implement a truly adversarial system. Trials generally were open to the public, but in sensitive cases judges closed trials or strictly limited attendance. Juries were not used.

The People's Procuracy submits charges against an accused person and serves as prosecutor during trials. Defendants have the right to be informed promptly and in detail of the charges levied against them, but this was not always implemented. Authorities generally upheld the rights of defendants to be present and have a lawyer at trial, although it was not necessarily the lawyer of their choice. The law stipulates that the spoken and written language of criminal proceedings is Vietnamese, but interpretation is provided if participants in the criminal procedure use another spoken or written language. The government provided a lawyer to defendants unable to afford one only in cases involving a juvenile offender, someone with mental or physical disabilities, or with possible sentences of life imprisonment or capital punishment. Defense lawyers routinely reported having little time before trials to talk to their clients or examine the evidence against their clients. Although the defendant or defense lawyer has the right to examine evidence and cross-examine witnesses, there were credible reports of cases in which neither defendants nor their lawyers had access to government evidence in advance of the trial, knowledge of which witnesses would be called, or the opportunity to cross-examine witnesses or challenge statements. A defendant has a right to present a defense, but the law does not expressly state that the defendant has the right to call witnesses.

For example, during the August 26 trial of activists Bui Thi Minh Hang, Nguyen Thi Thuy Quynh, and Nguyen Van Minh, the court did not allow defense witnesses Vo Van Thanh Liem, Vo Van Buu, Vo Van Bao, Phan Duc Phuoc, Huynh Anh Tu, Bui Thi Diem Thuy, and Do Thi Thuy Trang to attend the trial. The court found the three defendants guilty of “public disorder” and sentenced them to three years, two years, and 30 months, respectively. The defendants allegedly disrupted traffic while on the way to visit another activist in Dong Thap Province, but they maintained police pulled them over without cause, planted evidence, and assaulted them.

Although the law provides no specific right to remain silent, the burden of proof in a criminal proceeding rests on the state; therefore, defendants generally had the right not to be compelled to confess guilt and the legal option to refrain from testifying. Nonetheless, police routinely interrogated suspects without their attorneys present, and there were increased reports investigators used physical abuse, isolation, excessively lengthy interrogation sessions, and sleep deprivation to compel detainees to confess. In national security cases, judges occasionally silenced defense lawyers who were making arguments on behalf of their clients in court. Convicted persons had the right to appeal. District and provincial courts did not publish their proceedings, but the Supreme People’s Court continued to publish the proceedings of all cases it reviewed.

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

Political Prisoners and Detainees

The government held fewer political prisoners than in previous years due to completion of prison sentences, a drop in convictions, and a relatively high number of early releases. There were approximately 125 political prisoners at year’s end.

Authorities continued to suppress political speech through arbitrary arrest, short-term detentions without charge, and politically motivated convictions. During the year the government sentenced 29 activists. Of those, six activists were convicted on national security charges in the penal code for “undermining the unity policy” (article 87), 17 activists for “causing public disorder” (article 245), and six for “abusing democratic freedoms” (article 258).

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

Authorities released some prominent political and religious activists from prison. In addition to the early releases of 10 prisoners of conscience under amnesty laws, the government suspended the sentence of two other prisoners of conscience. In April authorities suspended the sentence of Cu Huy Ha Vu, a human rights lawyer and activist, who served three years of a seven-year prison sentence on a charge of “conducting propaganda against the state.” In October authorities suspended the sentence of Nguyen Van Hai, aka “Dieu Cay,” a prominent blogger and journalist, who served two years of a 12-year prison sentence on charges of “conducting propaganda against the state.” Both activists departed the country, and would likely have to complete their sentences were they to return.

Civil Judicial Procedures and Remedies

The constitution of 2013 provides that any person illegally arrested and detained, charged with a criminal offense, investigated, prosecuted, brought to trial, or subject to judgment enforcement illegally has the right to compensation for material and mental damages and restoration of honor. The law provides a mechanism for pursuing a civil action to redress or remedy abuses committed by authorities. Administrative and civil courts heard civil suits, which follow the same procedures as in criminal cases, and are adjudicated by members of the same body of judges and lay assessors. All three levels of courts, criminal, administrative, and civil, continued to be vulnerable to corruption and outside influence, lack of independence, and inexperience.

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

In November 2013 authorities released from prison Nguyen Thanh Chan, who was wrongfully convicted of murder and served 10 years in prison. In September the Supreme People’s Procuracy started an investigation into the judge who presided

over Chan's appeal, and Chan filed a civil complaint in the Hanoi Court of Appeals, which was pending decision at year's end.

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

Property Restitution

Widespread complaints persisted of inadequate or delayed compensation, official corruption, and a general lack of transparency in the government's process of confiscating land and displacing citizens to make way for infrastructure projects. On July 1, a revised land law went into effect that makes some efforts to address challenges to land expropriation and provides improved procedural transparency. Many complained the most worrisome clauses and principles remained, however. The revised law maintains considerable decision-making authority over land pricing, allocation, and land reclamation for local people's committees and people's councils, which many assert contribute to unfair business practices and corruption. Furthermore, many contended that by allowing for the continued taking of land for socioeconomic development, as opposed to only for national defense and public welfare, the law failed to provide significant reform.

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

On March 29, several thousand local residents protested coercive land seizure in Vung Ang economic zone in Ha Tinh Province. Protesters injured the chairperson of the district people's committee, two riot police officers, and an electrician. The conflict began after local residents claimed authorities did not inform them properly about the purpose and time of the land seizure.

On April 25, local police arrested three villagers in the Hanoi suburb of Duong Noi, a forced land seizure site. The Duong Noi court convicted them on

September 19 for “resisting persons on duty” and sentenced them to 12-16 months’ imprisonment. Earlier in the year, police arrested four other villagers of the same district. On September 15, the courts sentenced two of the villagers to six months in jail for “resisting persons on duty.” In a separate trial on September 23, a court sentenced the last two to 20 and 22 months’ imprisonment for “disrupting public order.”

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

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

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

By law security forces need public prosecutorial orders for forced entry into homes, but MPS officers regularly chose not to follow proper procedures to obtain such orders in the cases of activists and instead asked residents’ permission to enter homes with the threat of repercussions for failure to cooperate. Political dissidents, including Nguyen Bac Truyen, Nguyen Tien Trung, Le Thi Phuong Anh, Huynh Trong Hieu, and Truong Minh Duc, reported police illegally removed personal computers, cell phones, and other material from their homes and offices.

Nguyen Bac Truyen claimed more than 100 uniformed and plainclothes MPS and local police entered his home without a legal warrant. According to Truyen, police smashed windows, destroyed his property, and confiscated his laptop, cell phone, and camera. Truyen further stated police then blindfolded, handcuffed, and gagged him, before dragging him into a police van.

Activist Huynh Trong Hieu claimed police in Ho Chi Minh City forced entry into his home on September 5, after which they took him and three family members, including his eight-month-old child, to the police station. Hieu said he and his wife were interrogated for several hours about his intention to attend a seminar regarding the UN Universal Periodic Review of Vietnam.

Authorities occasionally physically prevented political activists and family members of political prisoners from meeting with foreign diplomats or traveling abroad. Tactics included setting up barriers or guards outside activists’ residences

and summoning individuals into local police stations. In July activists alleged authorities used intimidation, harassment, and detention to prevent Nguyen Dan Que, Pham Chi Dung, Pastor Nguyen Manh Hung, Pastor Nguyen Hoang Hoa, and Duong Thi Tan from meeting with Heiner Bielefeldt, UN special rapporteur on freedom of religion or belief.

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

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

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

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

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Although the constitution and law provide for freedom of speech, including for members of the press, the government continued to use broad national security and antidefamation provisions to restrict these freedoms. The law defines the crimes of “sabotaging the infrastructure of socialism,” “sowing divisions between religious and nonreligious people,” and “propagandizing against the state” as serious offenses against national security. It also expressly forbids “taking advantage of democratic freedoms and rights to violate the interests of the state and social organizations.”

Freedom of Speech: The government continued to restrict speech that criticized individual government leaders; promoted political pluralism or multi-party democracy; or questioned policies on sensitive matters, such as human rights, religious freedom, or sovereignty disputes with China. The government also sought to impede criticism by monitoring meetings and communications of political activists.

In March a Hanoi court convicted former state journalist Truong Duy Nhat under article 258, “abusing democratic freedoms.” An appeals court upheld the decision on June 26. In May 2013 police arrested Nhat for criticizing the performance of top government and CPV officials.

On March 19, a Hanoi court sentenced former state journalist Pham Viet Dao to 15 months in prison under article 258. Police arrested Dao in June 2013, after he became increasingly critical of the government and senior officials under his blog’s pen name Phu Loc Tho. Dao completed his prison sentence and left prison on September 13.

On December 27, Ho Chi Minh City police detained blogger Nguyen Dinh Ngoc to investigate possible violations of, “abuse of democratic freedoms” similar to that of the language codified in article 258 of the penal code. Authorities arrested blogger Hong Le Tho on November 29 and detained Nguyen Quang Lap on December 6 in Ho Chi Minh City, allegedly for posting articles critical of the state on their blogs.

The government tolerated limited debate about sensitive political or social topics. The government allowed registered civil society organizations to conduct a *Toi Dong Y* (I Agree) Campaign for rights for lesbian, gay, bisexual, and transgender persons that garnered more than 35,000 “likes” on Facebook.

Press Freedoms: The CPV, government, and party-controlled mass organizations exercised legal authority over all print, broadcast, and electronic media through the Ministry of Information and Communications, under the overall guidance of the CPV Propaganda and Education Commission. Private ownership or operation of any media outlet remained prohibited, but there were widespread reports of subcontracting to private establishments. The government permitted foreign-based outlets (including, but not limited to, the BBC and CNN), although the law requires foreign television broadcasts to run on a 30- to 60-minute delay to enable content monitoring. Viewers reported obstruction of various commentaries,

documentaries, and movies on the Vietnam War, the Cold War, the Soviet era, or events in China, including the “Occupy Central” demonstrations in Hong Kong.

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

Violence and Harassment: Security officials attacked or threatened several journalists because of their coverage of sensitive stories.

On January 21, a court in Binh Duong Province allegedly prevented a journalist associated with the *Mot The Gioi* online newspaper from taking photographs and recording a hearing on violations of the labor security law. Decree 51 of the press law requires journalists to obtain permission from the trial judge to take photographs, to film, or to record a trial. At a subsequent hearing on June 26, the journalist claimed authorities unlawfully confiscated his cell phone and forced him to delete its contents.

On October 3, a reporter from the Vietnam News Agency claimed several individuals attacked him in Tuyen Quang Province when he was gathering information on illegal extraction of kaolin by persons in a commune. On October 8, the local police summoned several individuals for interviews but did not publicly release the results of the investigation.

On October 29, a reporter of Dai Doan Ket newspaper claimed three police officers beat him when he tried to take their photograph after they pushed a man to the ground. On October 30, Hanoi police suspended the three police officers.

Foreign journalists noted they continued to be required to notify authorities about travel outside Hanoi when it was to an area considered sensitive, such as the Northwest or Central Highlands, or involved a story the government otherwise might consider sensitive. Numerous foreign journalists reported harassment by security officials, including threats not to renew their visas if they continued to publish stories on “sensitive” topics.

Censorship or Content Restrictions: The information ministry and the CPV Propaganda and Education Commission frequently intervened directly to dictate or censor a story. More often, however, pervasive self-censorship due to the threat of

dismissal and possible arrest enabled the party and government to control media content.

The law tightly restricts press freedom. Decree 159/2013/ND-CP stipulates fines of 70 million to 100 million Vietnamese dong (VND) (\$3,300 to \$4,700) for journalists, newspapers, and online media that publish or broadcast information deemed harmful to national interests. The decree authorizes the government to fine journalists and newspapers. The decree establishes fines ranging from five million to 10 million VND (\$235 to \$470) for journalists who fail to cite their sources of information and for journalists and newspapers that “use documents and materials from organizations and personal letters and materials from individuals.”

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

Libel Laws/National Security: The law requires journalists to pay damages to individuals or organizations whose reputations were harmed by their reporting, even if the reports were accurate. Independent observers noted the law severely limits investigative reporting. Although there were some press reports during the year on topics that generally were considered sensitive, such as the prosecution of high-ranking CPV and government officials on corruption charges as well as occasional criticism of officials and official associations, the freedom to criticize the CPV and its senior leadership remained restricted.

Authors did not report any book bans, but self-censoring by authors was common as was the practice of publishing texts overseas or online.

Internet Freedom

The government continued to exercise various forms of control over internet access. It allowed access to the internet but only through a limited number of internet service providers (ISPs), all of which were fully or substantially state-controlled companies. Despite these controls, internet access and usage continued to grow. The Vietnam Internet Network Info Center estimated nearly 36 percent of citizens had access to the internet in 2013, compared with less than 20 percent five years ago.

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

The government sometimes used firewalls to block websites it deemed politically or culturally inappropriate, including sites operated by overseas Vietnamese political groups. In addition Radio Free Asia and the BBC Vietnamese website reported blocks to their service in Vietnam. State-owned ISPs routinely blocked Vietnamese-language websites within the country when they contained content criticizing the CPV or promoting political reform. Some domestic subscribers reported using workarounds, such as virtual private networks, to access blocked sites.

Authorities did not block Facebook; Facebook executives claimed more than 25 million users countrywide. In one well publicized incident, however, more than 50 activists alleged authorities used the “inappropriate content” flagging function on Facebook to shut down their Facebook accounts temporarily.

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

In July 2013 the government promulgated Decree 72/2013/ND-CP implementing parts of five different laws regarding publication, telecommunications, information technology, government organization, and the press. The decree further restricts online activity, especially the sharing of news articles published on government and Vietnamese media-outlet websites. In keeping with most administrative regulations in the country, it also strictly forbids the use of internet services to oppose the government; harm national security, social order, and safety; or propagandize war, terrorism, hatred, violence, or superstition.

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

The government stepped up administrative enforcement of general and social websites in the second half of the year, including under Decree 72 and other administrative regulations, such as Decrees 159 and 179 under the Law on the Handling of Administrative Violations. The information ministry imposed sanctions on seven websites, six of them operated by state-owned and operated companies. The sanctions included fines up to 212 million VND (\$10,000), suspension of a website's operating permits for one to three months, or, in one case only, haivl.com, revocation of a website's operating permit. Haivl.com was a popular platform for users to post content and comments, including satirical pictures of world and Vietnamese leaders, gossip about celebrities, and general off-color humor, and was representative of the types of content targeted in the latest round of information ministry enforcements. The ministry did not use Decree 72 or Decree 174 against websites for posting material that was overtly critical of the government or the CPV.

The government forbids direct access to the internet through foreign ISPs, requires domestic ISPs to store information transmitted on the internet for at least 15 days, and requires ISPs to provide technical assistance and workspace to public security agents to allow them to monitor internet activities. Under Decision 71 (2004), MPS has long required "internet agents," including cybercafes, to register the personal information of their customers, store records of internet sites visited by customers, and participate in law enforcement investigations of online activity.

Internet cafes continued to install and use government-approved software to monitor customers' online activities. The MPS enforced these and other requirements and monitored selectively.

Academic Freedom and Cultural Events

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

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

In March Hanoi's University of Education revoked Do Thi Thoan's (known as Nha Thuyen) master's degree in language and literature, awarded in 2010 for her thesis exploring the work of the writers group Mo Mieng, which holds a critical view of contemporary Vietnamese society. The school declared that her thesis "lacked political correctness."

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

Many activists reported MPS officials threatened university leaders if they did not expel activists from their respective universities, even though their political activities were peaceful. For example, activist Nguyen Phuong Uyen reported her university has not allowed her to resume studies since her release from prison in August 2013. On March 28, Voice of Vietnam Broadcasting College in Hanoi expelled student Pham Minh Vu, a member of the Brotherhood for Democracy, allegedly because he participated in human rights demonstrations in December 2013.

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

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

The MPS routinely prevented activists from peacefully assembling. For example, on April 19, authorities cracked down on a human rights coffee roundtable focusing on police torture, which was held by bloggers in Nha Trang. Police beat, detained, and questioned bloggers Nguyen Ngoc Nhu Quynh (known as Me Nam), Nguyen Ho Nhat Thanh (known as Paulo Thanh Nguyen), and his wife Trinh Kin Tien for more than 12 hours.

Protests opposing Chinese sovereignty claims in the South China Sea (East Sea) continued. In May, China placed an exploration rig in the exclusive economic zone and the continental shelf of Vietnam. On May 8, independent NGOs called for protests over China's actions, which the government allowed in Hanoi and Ho Chi Minh City. These demonstrations were peaceful. Soon thereafter, however, workers in industrial zones in Binh Duong and Vung An engaged in violent clashes with police while protesting foreign companies and illegal migrant workers. After these riots police prevented even peaceful demonstrations against the oil rig.

On July 7, Ho Chi Minh City police arrested three land activists from the United Land Grab Victims Movement, Ngo Thi Minh Uoc, Nguyen Thi Be Hai, and Nguyen Thi Tri, for conducting demonstrations in Ho Chi Minh City. Their banners carried demands for the government to return seized land to farmers, as well as anticorruption, anti-China, and anti-CPV slogans. On July 10, local authorities officially charged them with "conducting propaganda against the state." The case was pending investigation at year's end.

On August 5, police in Ho Chi Minh City prevented seven activists and bloggers, including Nguyen Ngoc Nhu Quynh (known as Me Nam), Thich Thien Minh, Pham Chi Dung, Pham Ba Hai, Lu Van Bay, Nguyen Bac Truyen, and Nguyen Nu Phuong Dung, from attending a monthly meeting of independent civil society

groups to discuss the UN Human Rights Council's Universal Periodic Review of Vietnam.

Freedom of Association

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

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

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

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at www.state.gov/j/drl/irf/rpt/.

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

The constitution provides for freedom of internal movement, foreign travel, emigration, and repatriation, but the government imposed some limits on the

movement of certain individuals, especially those convicted under national security or related charges or those outspoken in their criticism of the government. The government generally cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.

Local authorities did not hinder UNHCR fact-finding and monitoring visits, and provincial governments generally continued to honor their obligations to reintegrate ethnic minority returnees from Cambodia. The government continued to honor a tripartite memorandum of understanding signed with Cambodia and the UNHCR to facilitate the return from Cambodia of all ethnic Vietnamese who did not qualify for third-country resettlement.

In-country Movement: Several political dissidents, amnestied with probation or under house arrest, were officially restricted in their movements. These included Le Cong Dinh, Pham Hong Son, Nguyen Van Dai, Nguyen Phuong Uyen, Nguyen Tien Trung, Do Thi Minh Hanh, and Dinh Nhat Uy.

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

Local police required citizens to register when staying overnight in any location outside of their own homes; the government appeared to enforce these requirements more strictly in some Central and Northern Highlands districts. Foreign passport holders must also register to stay in private homes, although there were no known cases of local authorities refusing to allow foreign visitors to stay with friends and family.

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

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

Foreign travel prohibitions increased. Authorities banned and prevented dozens of individuals from traveling overseas or entering the country, withheld their passports on vague charges, or refused to issue passports to certain activists without clear explanation, including Nguyen Ho Nhat Thanh (aka Paulo Thanh Nguyen), Pham Chi Dung, Nguyen Ngoc Nhu Quynh, Nguyen Hoang Vi, Bui Tuan Lam, Dinh Xuan Thi, Le Phuc Hiep, Nguyen Lan Thang, Nguyen Thi Huyen Trang, Nguyen Thanh Thuy, Nguyen Tuong Thuy, Ngoc Nhat Dang, Nguyen Dinh Ha, Nguyen Van Trang, Pham Dac Dat, Pham Le Vuong Cac, Nguyen Van Vien, and Do Thi Minh Hanh. Although their probation ended, the government continued to prohibit activists Nguyen Khac Toan, Pham Ba Hai, Pham Hong Son, Le Thi Kim Thu, Nguyen Hong Quang, and others from receiving a passport and traveling overseas.

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

Protection of Refugees

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

In June the UNHCR closed its long-established Hanoi office.

Stateless Persons

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

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

The constitution provides the right to elect directly representatives to the National Assembly, People's Councils, and other state agencies. Although the constitution provides that one may vote at age 18 and run for election to the National Assembly

or People's Council at age 21, the ability of citizens to change their government democratically was severely limited. The CPV screened all candidates.

Elections and Political Participation

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

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

The National Assembly, although largely composed of CPV members, continued to take incremental steps to assert itself as a legislative body. During its spring session in May, the National Assembly promoted the more frequent use of no-confidence votes for senior leaders, despite a National Assembly Standing Committee-approved proposal that many perceived as less challenging to senior leadership. The proposal caused significant debate on the floor of the National Assembly, with the vote ultimately postponed until the fall session. Between sessions committees of the National Assembly continued to debate this issue.

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

The government continued to restrict severely public debate on and criticism of the one-party state. Some groups and individuals, however, openly called for

permitting multi-party democracy and amending article 4 of the new constitution, which requires the military to uphold the interests of the CPV. Critics discussed the pros and cons of the new constitution as well as other sensitive political issues, including rights for lesbian, gay, bisexual, and transgender persons and amendments to the Law on Marriage and Family.

In May authorities closed the website of the Civil Society Forum, founded in September 2013 by a group of Vietnamese intellectuals in the country and abroad to “advocate for the peaceful transition to democracy from totalitarianism.” The closure followed the arrest of blogger Nguyen Huu Vinh (aka Anh Ba Sam). The forum had published online a “Declaration on the Enforcement of Civil and Political Rights,” which garnered thousands of online signatures.

On February 18, 64 former political prisoners established the association “Former Vietnamese Prisoners of Conscience,” chaired by activists Nguyen Dan Que and Roman Catholic Father Phan Van Loi. Some of the founding members included high-profile activists such as Le Cong Dinh, Nguyen Phuong Uyen, Pham Ba Hai, Pham Chi Dung, and Bui Thi Minh Hang.

Participation of Women and Minorities: The law mandates equal participation in politics by women and minority groups, but they continued to be underrepresented in political bodies. There were 122 women (approximately 24 percent) in the National Assembly; two female ministers in the 28-member cabinet; two women in the 16-member Politburo, one of whom was ethnic Thai minority; and one woman on the Supreme People’s Court. Ethnic minorities held 78 seats (approximately 16 percent) in the National Assembly; there was one male minister in the cabinet, and no ethnic minorities on the Supreme People’s Court.

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for official corruption; however, the government did not always implement the law effectively, and officials sometimes engaged in corrupt practices with impunity.

Corruption: Corruption continued to be a major problem. The government continued efforts to fight corruption, including publicizing central government budgets, streamlining inspection measures, and occasionally widely publicizing cases of officials accused of corruption. At a Central Steering Committee on Anti-Corruption (CSCAC) meeting held in Hanoi in December 2013, CPV General Secretary Nguyen Phu Trong asserted corruption affected the entire population and

stressed the need to continue to combat it. At a January 8 conference in Hanoi, Prime Minister Nguyen Tan Dung highlighted anticorruption as one of the Government Inspectorate's priorities.

The press widely publicized corruption related to land use, apparently in an officially orchestrated effort to bring pressure on local officials to reduce abuses. Corruption among police remained a significant problem at all levels, and police sometimes acted with impunity. Internal police oversight structures existed but were subject to political influence. Foreign-aid donors conducted an annual anticorruption dialogue as part of consultative group meetings with the government. Previous dialogues focused on corruption in the education, health, and construction sectors.

Although the government considered public political criticism a crime unless authorities controlled it, the amended anticorruption law that took effect in February 2013 allows citizens to complain openly about inefficient government, administrative procedures, corruption, and economic policy. Authorities prohibited attempts to organize disaffected citizens to facilitate action, and perpetrators were subject to arrest.

In February the CPV's Central Commission for Internal Affairs (CCIA) assumed responsibility for oversight for the CSCAC and became formally responsible for fighting corruption. The CCIA's primary role was to study corruption and make policy recommendations, not to investigate or assist in the prosecution of individual cases. The CCIA did not independently seek out new cases and did not have a mechanism in place to coordinate with law enforcement agencies when cases were brought to its attention.

In December 2013 the Hanoi People's court concluded the trial of state-owned Vietnam National Shipping Lines (Vinalines). The court found former Vinalines chairman Duong Chi Dung and former Vinalines director general Mai Van Phuc guilty of embezzlement and sentenced them to death. On January 7, during the course of a subsequent trial prosecuting Dung's brother, former deputy director of Haiphong City's police department Duong Tu Trong, testimony was elicited in which he accused former MPS vice minister senior lieutenant general Pham Quy Ngo, the official supervising the Vinalines' investigation, of accepting bribes. A subsequent investigation ensued until Ngo's death on February 18. Trong was found guilty of assisting his brother to flee the country and was sentenced to 18 years in prison. On May 7, an appeals court upheld Dung and Phuc's death

sentences. On May 23, an appeals court reduced Trong's sentence to 16 years' imprisonment.

On March 13, a court in Dak Nong Province convicted the former director of Dak Lak and Dak Nong of the provinces' Bank for Investment and Development of Vietnam, Vu Viet Hung, and sentenced him to death. The court convicted him on charges of bribery, misappropriation of assets, and violating lending regulations. The court also sentenced Cao Bach Mai, Nguyen Thi Van, and Tran Thi Xuan to life imprisonment for fraud and bribery. Five other bank officials received between five and 10 years' imprisonment, also for violating lending regulations.

Financial Disclosure: The amended anticorruption law requires senior government officials and National Assembly members to disclose their income and assets and explain changes from the previous year's disclosure. On January 14, the Politburo issued a directive requiring improved asset declaration by officials holding managerial positions. At a public hearing on September 15, the National Assembly Judicial Committee noted that in 2013, 944,425 civil servants were required to declare their assets, of whom only five were screened or investigated, and only one was penalized for misstating assets. In addition supervisors had the right to question an employee's disclosure. The law did not stipulate a penalty for noncompliance, but a July decree provides for possible reprimand, warning, suspension, or removal for noncompliant civil servants.

Public Access to Information: The law did not provide for public access to government information, and the government usually did not grant such access to citizens or noncitizens, including foreign media. In December 2013 the prime minister specifically requested that a law concerning public access to information be included in the 2014 National Assembly agenda. According to a legislative journal of the National Assembly, however, consideration of such a law was not scheduled for initial review until 2016. In accordance with the law, the *Official Gazette* published most government legal documents in its daily editions but not party documents such as Politburo decrees. The government maintained a website in both Vietnamese and English, as did the National Assembly. In addition decisions made by the Supreme People's Court Council of Judges were generally accessible through the court's website, although it was difficult for individuals to obtain government information.

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

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

The United Nations or Other International Bodies: The government generally prohibited private citizens from contacting international human rights organizations directly, but several activists did so. The government usually did not permit visits by international NGO human rights monitors, although it allowed representatives from the UNHCR, press, foreign governments, and international development and relief NGOs to visit the Central Highlands. The government allowed a visit by Amnesty International in February and the UN special rapporteur on freedom of religion or belief in July. The government responded critically to most public statements on human rights and religious matters by international NGOs and foreign governments.

Government Human Rights Bodies: There were no ombudspersons, human rights commissions, or legislative committees specifically designated to handle human rights matters. The government continued to discuss human rights matters bilaterally with several foreign governments and held official talks concerning human rights, including through annual dialogues.

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

The law prohibits discrimination based on race, gender, disability, language, or social status, but enforcement of these prohibitions was uneven, and the law did not specifically address discrimination based on sexual orientation or gender identity. During the year the government demonstrated an increased tolerance and respect for rights for lesbian, gay, bisexual, and transgender persons, compared with previous years.

Women

Rape and Domestic Violence: The law prohibits using or threatening violence against women or taking advantage of a person who cannot act in self-defense. It also criminalizes rape, including spousal rape. The law subjects rapists to two to seven years' imprisonment. In severe cases of rape, including organized rape, a

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

Authorities treated domestic violence cases as civil cases, unless the victim suffered injuries involving more than 11 percent of the body. The law specifies acts constituting domestic violence, assigns specific portfolio responsibilities to different government agencies and ministries, and stipulates punishments for perpetrators ranging from warnings and probation up to imprisonment for three months to three years.

Domestic violence against women was common. In February the Ministry of Culture, Sports, and Tourism issued a report regarding the past five years of implementation of the Law on Domestic Violence Prevention and Control. The report documented 192,000 domestic violence cases between 2009 and mid-2013, of which 136,700 cases involved violence primarily against female spouses, while more than 19,700 cases involved the elderly, and more than 27,800 involved children. It added 13,562 cases for the first six months of 2013, with 10,850 cases affecting girls and women ages 16-59, 1,627 cases affecting children, and 1,085 affecting the elderly.

NGOs and survivor advocates considered many of the legal provisions against domestic violence weak, and the government did not release arrest, prosecution, conviction, or punishment statistics. Officials acknowledged domestic violence as a significant social concern, and the media discussed it openly. While the police and legal systems generally remained unequipped to deal with cases of domestic violence, the government, with the help of international and domestic NGOs, continued to train police, lawyers, and legal system officials in the law. Social stigma also prevented many victims from coming forward, due to fear of harassment from their spouses or family.

Several domestic and international NGOs worked to address domestic violence. Domestic NGOs operated hotlines for victims in major cities. The Center for Women and Development, supported by the VFF's Women's Union, also operated a nationwide hotline, but it was not widely advertised in rural areas. Although rural areas often lacked the financial resources to provide crisis centers and hotlines, a law establishes "reliable residences" to allow women to turn to another family while local authorities and community leaders attempt to confront the alleged abuser and resolve complaints. There were 300 such residences in the country, all established through the Women's Union at the commune level. Rather

than confront social and family stigma as well as economic uncertainty, many women remained in abusive marriages.

The government, with the help of international NGOs, continued to support workshops and seminars aimed at educating women and men about domestic violence and women's rights and highlighted the problem through public awareness campaigns. On February 6, the prime minister approved a National Action Plan to prevent and combat domestic violence through 2020. Local NGOs affiliated with the Women's Union remained engaged on women's concerns, particularly violence against women and trafficking of women and children.

Female Genital Mutilation/Cutting (FGM/C): The law does not contain an outright prohibition of FGM/C, but it is not a cultural practice in the country.

Sexual Harassment: No law prohibits sexual harassment of adults, and no law protects employees from sexual harassment in the workplace, although the law does prohibit employers from discriminating against female workers or offending their dignity and honor. A provision of the labor code prohibits sexual harassment in the workplace. Publications and training on ethical regulations for government and other public servants did not mention the problem, but it existed.

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

Reproductive Rights: The constitution stipulates that society, families, and all citizens implement "the population and family planning program." The law affirms an individual's right to choose contraceptive methods; access gynecological diagnosis, treatment, and check-ups during pregnancy; and obtain medical services when giving birth at health facilities. The government generally enforced these provisions. Nonetheless, unmarried girls and women of reproductive ages had limited or no access to subsidized contraceptives due to a lack of available government-approved contraceptives throughout the country. The social stigma attached to unmarried girls and women who sought contraceptives further limited access.

Discrimination: The law provides for gender equality in all aspects of life, but women continued to face societal discrimination. Despite the large body of law and regulation devoted to the protection of women's rights in marriage and the workplace, as well as provisions that call for preferential treatment, women did not always receive equal treatment. They continued to experience discrimination since they were not allowed to work in all the same industries or for the same hours as men (due to pregnancy or nursing). Moreover, no laws prohibit employers from asking about family status during job interviews. Women in the public sector were expected to retire at age 55, with the exception of women at ministerial rank or those with Ph.D. degrees or professors, compared with age 60 for men (see section 7.d.). During the year authorities updated regulations to increase the amount of maternity leave from four to six months.

Women-led enterprises accounted for an estimated 25 percent of the more than 300,000 enterprises. Women-led enterprises continued to have limited access to credit and international markets and inadequate knowledge in operation and financial management, in addition to the burden of social and family responsibilities.

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

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

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

The Women's Union and the government's National Committee for the Advancement of Women continued to promote women's rights, including political, economic, and legal equality, and protection from spousal abuse. The Women's Union also operated microcredit consumer-finance and other programs to promote the advancement of women. The government's 2011-20 National Strategy Plan for Gender Equality asserts that men and women should have substantive equality in opportunity, participation, and benefits in the political, economic, cultural, and social domains. As of year's end, however, there was no financial commitment from the government for the implementation of this strategy. Similarly, there were no clearly stated objectives or indicators for gender-based budgeting and no specific instruction on state budget allocation for gender equality.

In 2013 the National Assembly Committee for Social Affairs reported women accounted for 48 percent of the country's total workforce of 47.5 million persons. The law requires equal pay for equal work in principle, but many women complained about receiving lower pay than did their male counterparts.

Gender-biased Sex Selection: According to the UN Population Fund, the national average male-female sex ratio at birth in 2013 was 113.8 to 100. The imbalanced ratio of newborn boys to girls continued to increase, particularly in some wealthier areas of Hanoi and Ho Chi Minh City. The government acknowledged the problem (reduction of the ratio was a highlighted goal in the National Program on Gender Equality) and continued to take steps to address it. The Ministry of Health received additional funds and resources to address the imbalance. The Ministry of Health and MOLISA signed a joint program aimed at addressing the sex ratio imbalance, with a focus on communication to change behavior, and setting up pilot programs in 20 provinces. Although the Women's Union did not have a specific program for addressing the sex ratio imbalance, it integrated the topic into its existing programs and activities.

The Population and Reproductive Health Strategy for 2011-20 applies to all citizens and strives to maintain the average number of children per reproductive-age couple at 1.8. The government, primarily through broad media campaigns, maintained its strong encouragement of family planning. A decree issued by the Politburo subjects CPV members to reprimand if they have three children, removes them from a ranking position if they have four children, and expels them from the CPV if they have five children. Violating the decree also decreases the likelihood of promotion and may lead to job termination.

Children

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

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

Child Abuse: The United Nations and the General Statistics Office reported in 2011 that 25 percent of children were victims of child abuse, as indicated by their mothers during a 2006 study on domestic violence. According to a newspaper report, the MPS and MOLISA reported in 2012 approximately one thousand children were reported to be sexually abused per year. NGOs noted the difficulty of obtaining accurate data on the prevalence of child and adolescent sexual abuse, which may be underreported. The government made no information available on the extent of the problem or its efforts to combat it.

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

Female Genital Mutilation/Cutting (FGM/C): The law does not contain an outright prohibition of FGM/C, but it is not a cultural practice in the country.

Sexual Exploitation of Children: Sexual exploitation of children under age 16 is illegal. The law criminalizes all acts of sale or deprivation of liberty of children as well as all acts related to child prostitution and forced child labor. Sentences range from three years' to life imprisonment, and fines range from five million to 50 million VND (\$235 to \$2,350). The law also specifies prison sentences for acts related to child prostitution, including harboring prostitution (12 to 20 years), brokering prostitution (seven to 15 years), and buying sex with minors (three to 15 years). Similarly, the law prohibits all acts of cruel treatment, humiliation, abduction, sale, and coercion of children into any activities harmful to their healthy development and provides for the protection and care of disadvantaged children.

The minimum age of consensual sex is 18. Statutory rape is illegal and may result in life imprisonment or capital punishment. Penalties for sex with minors between the ages of 16 and 18, depending upon the circumstances, vary from five to 10 years in prison. The penalty for rape of a child between the ages of 13 and 16 carries a sentence of imprisonment from seven to 15 years. If the victim becomes pregnant, the rape is incestuous, or the offender is in a guardianship position to the victim, however, the terms of imprisonment increase to 12 to 20 years' imprisonment. All cases of having sexual intercourse with children under 13 years of age are considered rape of children, and the offender may be sentenced from 12 to 20 years' imprisonment, life imprisonment, or capital punishment. The government enforced the law, and convicted rapists received harsh sentences. The production, distribution, dissemination, or selling of child pornography is illegal and carries a sentence of three to 10 years' imprisonment.

Officials cited an upward trend in sexual exploitation of children.

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

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

Anti-Semitism

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

Trafficking in Persons

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

Persons with Disabilities

The constitution provides for the protection of persons with mental and physical disabilities. The law prohibits discrimination against or maltreatment of persons with physical and mental disabilities, encourages their employment, and requires equality for them in accommodation, access to education, employment, health care, rehabilitation, local transportation, and vocational training. In November the government ratified the UN Convention on the Rights of Persons with Disabilities and increased coordination with foreign governments and international organizations to review legal provisions governing implementation of the treaty, conduct feasibility studies, share international best practices, conduct informational workshops, and hold awareness activities.

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

Access to education for children with disabilities, particularly deaf children and those with intellectual disabilities, remained extremely limited. There was no information available on attendance by children with disabilities at the primary, secondary, and tertiary levels.

The law promotes and encourages the employment of persons with disabilities; however, social and attitudinal barriers remained problems. MOLISA issued guidance to its provincial branches to adjust job skills training for persons with disabilities tailored to the group's diversified needs. Companies with a workforce composed of at least 51 percent employees with disabilities may qualify for special government-subsidized loans.

The government assisted persons with disabilities to vote in the 2011 election by taking ballot boxes to the homes of individuals unable to go to a polling station. There is no legal restriction on the right to vote for persons with disabilities,

although many polling stations were not accessible, especially to persons with physical disabilities.

While the provision of social services to persons with disabilities remained limited, the government made some efforts to support the establishment of organizations of persons with disabilities and consulted them in the development or review of national programs, such as the National Poverty Reduction Program, vocational laws, and various educational policies. The National Coordination Committee on Disabilities and its members from various ministries continued to work with domestic and foreign organizations to provide protection, support, physical access, education, and employment; however, the coordination committee was gradually given a diminished role, while the Vietnam Federation on Disability was expected to pick up some of its functions. The government operated a small network of rehabilitation centers to provide long-term, inpatient physical therapy. Several provinces, government agencies, and universities had specific programs for persons with disabilities.

National/Racial/Ethnic Minorities

The law prohibits discrimination against ethnic minorities, but societal discrimination against ethnic minorities was longstanding and persistent. Local officials in some provinces, notably in the highlands, acted in contravention of national laws and discriminated against members of ethnic and religious minority groups. Despite the country's significant economic growth, some ethnic minority communities benefited little from improved economic conditions, even though ethnic minority group members formed a majority of the population in certain areas, including the Northwest and Central Highlands and portions of the Mekong Delta.

Some members of ethnic minority groups continued to leave for Cambodia and Thailand. Although some traveled to seek greater economic opportunities or shortcuts to migration to other countries, others departed because of local political conditions and harassment, including harassment stemming from religious belief. The government maintained increased security measures in the Central and Northwest Highlands because of its concerns about alleged ethnic minority separatist activity. The government also continued to monitor certain highland minorities closely, particularly several ethnic groups in the Central and Northwest Highlands.

Authorities arrested and convicted several individuals allegedly connected to overseas organizations the government claimed espoused separatist aims and sentenced them to lengthy prison terms. In addition activists often reported an increased MPS presence during sensitive occasions and holidays throughout the region.

For example, on August 13, a Dak Nong Province court sentenced Dieu Bre, Dieu Byo, Dieu Dong, and Dieu Xri to between 24 and 54 months' imprisonment for "undermining the unity policy" (penal code article 87). Authorities associated these individuals with the foreign-based Front Uni de Lutte des Races Opprimees (widely known as "FULRO") political organization.

On September 8, a court in Gia Lai Province sentenced A Quyn to nine years and six months in prison and Ngu to seven years and six months in prison for "undermining the unity policy" (article 87).

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

The law provides for universal education for children regardless of religion or ethnicity, and members of ethnic minority groups were not required to pay regular school fees. The government operated special schools for ethnic minority children, and there were 300 boarding schools for them in 50 provinces, mostly in the Northwest and Central Highlands and the Mekong Delta, including at the middle- and high-school levels, plus special admission and preparatory programs as well as scholarships and preferential admissions at the university level. The government also worked with local officials to develop local-language curricula, but it appeared to implement this program more comprehensively in the Central Highlands and the Mekong Delta and only in limited areas of the Northwest Highlands. There were also a few government-subsidized technical and vocational schools for ethnic minorities.

The government broadcast radio and television programs in ethnic minority languages in some areas. The government required ethnic-majority (Kinh) officials assigned to areas populated predominantly by ethnic minorities to learn the language of the locality in which they worked. Provincial governments

continued initiatives designed to increase employment, reduce the income gap between ethnic minorities and ethnic Kinh, and make officials sensitive and receptive to ethnic minority cultures and traditions.

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

The National Assembly's Ethnic Minority Council, along with provincial ethnic minority steering committees, continued to support infrastructure development and address some problems related to poverty reduction and an increase in literacy rates.

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

The law does not address discrimination based on sexual orientation or gender identity. There was no reported official discrimination based on sexual orientation or gender identity, but societal discrimination and stigma remained pervasive, and local media reported general harassment of transgender individuals, including those in custody.

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

In May 2013 the Institute for Studies of Society, Economics, and Environment, a nonprofit organization working for the rights of minority groups, reported approximately 1.65 million individuals in the country identified as lesbian, gay, bisexual, or transgender persons. In August approximately 300 activists took part in "Viet Pride 2014," a gay pride parade in Hanoi. In late 2013 the government decriminalized same-sex marriages. On June 19, the National Assembly passed legislation to amend the Law on Marriage and Family to lift the prohibition on same-sex marriage but did not recognize it.

HIV and AIDS Social Stigma

The law states employers may not fire individuals for having HIV/AIDS and doctors may not refuse to treat persons with HIV/AIDS. There was no evidence of

official discrimination against persons with HIV/AIDS and no reported denial of medical treatment.

In Multiple Indicator Cluster Surveys (2011 and 2014), approximately 70 percent of women respondents reported that they held at least some stigma and discrimination toward persons living with HIV. Persons who injected drugs, female sex workers, and men who had sex with men were subjected to increased stigma. Data from the most recent Joint United Nations Program on HIV/AIDS Stigma Index (2011) indicated that 42.9 percent of men who had sex with men in Ho Chi Minh City and 23.5 percent of persons who injected drugs in Dien Bien reported discrimination from colleagues who learned of their HIV status. Persons who injected drugs, in particular, continued to face barriers to health-care access, most notably at the “06” centers for compulsory detoxification. While the country made progress in replacing administrative detention of drug users with judicial proceedings, the country maintained a population of 35,750 persons in its 06 center system that, by MOLISA’s conservative estimate, had an HIV-prevalence rate of 16.4 percent. Fewer than 1,000 persons in the 06 system had access to HIV treatment, and none had access to evidence-based medication-assisted treatment for substance use disorders, which also reduces the risk of HIV transmission.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

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

Although the Trade Union Act charges unions with the responsibility to “disseminate information to persuade and guide workers to establish and join unions,” it stipulates that the VGCL may represent workers in nonunionized enterprises only where the workers request it. Neither the act nor related regulations specify the process for workers to request such representation or the

minimum number of workers required to make such a request. In addition the labor code is inconsistent with the act, and it does not specify the requirement the VGCL may represent workers in nonunionized enterprises only at the request of workers.

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

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

The law permits strikes under certain prescribed circumstances and stipulates an extensive and cumbersome process of mediation and arbitration before a lawful strike may occur. The law prohibits strikes in businesses that serve the public or that the government considers essential to the national economy and defense, defined as strikes in enterprises involved in electricity production; post and telecommunications; maritime and air transportation, navigation, and management; public works; and oil and gas production. The law defines “essential services” more broadly than do international standards. The law also grants the prime minister the right to suspend a strike considered detrimental to the national economy or public safety.

Strikes are illegal that do not arise from a collective labor dispute or do not adhere to the process outlined by law. The law makes a distinction between “interest-

based” and “rights-based” disputes and, in contravention of international standards, forbids strikes over “rights-based” disputes, or strikes arising from disputes regarding the implementation or interpretation of provisions of law or other legally binding agreements, such as collective bargaining agreements. The law also prohibits sector-specific and industry-level strikes. Before workers may hold a strike, they must submit their claims through a process involving a conciliation council (or a district-level labor conciliator where no union is present). If the two parties do not reach a resolution, unions must submit claims to a provincial arbitration council. Unions (or workers’ representatives where no union is present) have the right either to appeal decisions of provincial arbitration councils to provincial people’s courts or to strike. The law also stipulates strikers may not be paid wages while they are not at work. The law prohibits retribution against strikers. By law individuals participating in strikes declared illegal by a people’s court and found to have caused damage to their employer are liable for damages. Individual workers may take cases directly to the people’s court system, but in most cases they may do so only after conciliation has been attempted and failed.

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

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

The VGCL reported 198 strikes from January through July, compared with 351 in all of 2013. Of those strikes, 74 percent were in foreign direct-investment companies (mainly Korean, Taiwanese, and Japanese companies). None of the strikes followed the authorized conciliation and arbitration process, and thus authorities considered them illegal “wildcat” strikes. The government took no action against the strikers and on occasion actively mediated agreements in the workers’ favor. In some cases the government imposed heavy fines on those employers, especially foreign-owned companies, who engaged in illegal practices that led to strikes.

The April report of the International Labor Organization (ILO) and International Finance Corporation’s Better Work Vietnam program noted multiple instances of

employer interference with worker activities. For example, in 60 of 137 companies monitored, Better Work Vietnam found workers were not free to meet without management present; in 45 factories senior management served on the union executive committee. There were also credible reports employers tended to use short-term or probationary contracts to avoid certain legally mandated worker benefits, such as unemployment insurance, or to inhibit workers from joining unions.

b. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor. Nonetheless, some NGOs continued to report the occurrence of forced labor of men, women, and children within the country (also see section 7.c.).

A government circular prescribes punishments of between three and 10 years' imprisonment for violations of forced labor laws. There were, however, no prosecutions of forced labor cases during the year.

The government ended the use of reeducation and detention centers for sex workers, formerly known as "05 centers." Reeducation and detention centers remained in use for drug users ("06 centers"), but following 2013 amendments to the law, drug offenders may be sent to 06 centers only after a judicial process, not under administrative decree as in the past. Implementation of this change was slow. Problems continued at the 06 centers related to work conditions and work hours. A January report published by the International Labor Rights Forum stated forced labor and mistreatment continued at 06 centers, including detainees forced to produce goods for private companies. In some cases detainees broke out of 06 centers in protest of these conditions.

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

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

c. Prohibition of Child Labor and Minimum Age for Employment

The law defines underage employees as anyone under age 18. Enterprises hiring children between 15 and 18 years of age are responsible for taking care of the underage employee in terms of “labor, salary, health and education” in the labor process. The law prohibits children under 18 from working heavy, hazardous, and dangerous jobs. Children between 15 and 18 are limited to working a maximum of eight hours per day and 40 hours per week. Children between 13 and 15 may work only in light jobs (as defined by MOLISA), and considerations must be made for schooling, working conditions, and labor safety and hygiene. The law permits children to register at trade training centers, a form of vocational training, from age 14 without parental consent.

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

In April the government and the ILO published the results of the 2012 National Child Labor Survey (conducted by MOLISA, the General Statistics Office, and the ILO), the first national child labor survey of the country. The survey indicated child labor was a significant problem and estimated there were more than 2.8 million economically active children in the country, of which 1.75 million were child laborers as defined by the survey. The survey defined child labor as children engaged in economic activities--“activities of economic production, trading, and services for consumption or sale that may be paid or unpaid”--for more than one hour a day or five in a week for children ages five-11, more than four hours a day or 24 in a week for children ages 12-14, or more than seven hours a day or 42 hours in a week for children ages 15 to 17.

Broadly defined, 60 percent of child labor was in agriculture, 22 percent in the service sector, and 18 percent in construction and manufacturing. Of the 1.75 million child laborers, 85 percent were in rural areas and 15 percent in urban areas. Approximately 60 percent of child laborers were male. The survey reported 52 percent of children had dropped out of school, and only 24 percent were from households that fell below the country’s poverty level. Moreover, 38 percent of workers were from households with incomes twice the poverty threshold. The report also stated nearly 569,000 child laborers (approximately 32 percent) worked

an average of more than 42 hours per week. Of these children, 96 percent were not attending school.

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

d. Discrimination with Respect to Employment or Occupation

The law prohibits discrimination with respect to employment or occupation based on sex, race, disability, social class, marital status, religion, and HIV/AIDS-positive status. By law an enterprise may not dismiss a female employee who is engaged to be married or is pregnant, on maternity leave, or caring for a child under one year of age unless the enterprise closes. Female employees who are at least seven months pregnant or are caring for a child under one year of age may not be compelled to work overtime, at night, or in locations distant from their homes. The government did not effectively enforce these laws. The law does not prohibit discrimination based on political opinion, national origin, or sexual orientation and gender identity.

Discriminatory hiring practices existed, usually related to gender, age, and marital status (also see section 6).

e. Acceptable Conditions of Work

The minimum wage for enterprises ranged from 1.9 million VND (\$90) per month to 2.7 million VND (\$127) per month, depending on the region. By law the National Wages Council, which consists of representatives from MOLISA, VGCL, and the Vietnam Chamber of Commerce and Industry, determines regional minimum wages. The National Wages Council agreed on a 15.1 percent increase in the minimum wage, to take effect on January 1, 2015.

The law sets normal hours of work at eight hours per day, with a mandatory 24-hour break each week. Additional hours require overtime pay at one and one-half times the regular wage, two times the regular wage for working through the mandatory 24-hour rest period, and three times the regular wage for holidays and paid-leave days. The new labor code limits overtime to 50 percent of normal working hours per day, 30 hours per month, and 200 hours per year, but it provides for an exception in special cases, with a maximum of 300 overtime hours worked

annually, subject to stipulation by the government after consulting with the VGCL and employer representatives. The law also prescribes 12-16 days of annual leave, depending on the type of work.

The government set the workweek for government employees and employees of companies in the state sector at 40 hours and encouraged the private sector and foreign and international organizations that employed local workers for longer hours to reduce the number of hours in the workweek to 40 hours, but compliance was not mandatory.

The law requires the government to promulgate rules and regulations that provide for worker safety. The current rules and regulations are vague and are too broad to be effectively implemented. The law does not provide for the right of workers to remove themselves from situations that endanger health or safety without jeopardy to their employment. The law protects “labor subleasing” as a new pattern of employment and thus protects part-time and domestic workers.

It was unclear how strictly the government enforced provisions for wages, hours, and benefits or occupational safety and health restrictions. MOLISA, in coordination with local people’s committees and labor unions, is responsible for enforcing the law, but enforcement was irregular for many reasons, including low funding and a shortage of trained enforcement personnel. The VGCL asserted authorities did not always prosecute violations. MOLISA acknowledged shortcomings in its labor inspection system and emphasized the number of labor inspectors nationwide was insufficient. According to MOLISA officials, there were 471 labor inspectors nationwide, including both full- and part-time inspectors. The VGCL stated, and MOLISA acknowledged, fines on firms for labor violations were too low to act as an effective deterrent against violations. Fines generally range from 1.065 million to 106.5 million VND (\$50 to \$5,100), depending on the offense.

There continued to be credible reports factories exceeded legal overtime thresholds and did not meet legal requirements for rest days. Migrant workers, including internal economic migrants, were among the most vulnerable workers, and employers routinely subjected them to hazardous working conditions. Other workers who often worked in the informal economy included members of ethnic minority groups.

On-the-job injuries due to poor health and safety conditions and inadequate employee training remained a problem. From January through June, there were 3,454 occupational accidents resulting in 280 fatalities.