

# REPORT ON HUMAN RIGHTS IN VIETNAM 2021-2022



VIETNAM HUMAN RIGHTS NETWORK

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## COVER PHOTO

Members of the Clean Newspaper group were taken to the Can Tho Court before the sentencing hearing on October 28, 2021.

# INTRODUCTION

On March 31, 2022, the Ministry of Foreign Affairs of Vietnam released the voluntary midterm report on the implementation of the UPR's third-cycle recommendations. In addition, it announced Vietnam's candidacy for the United Nations Human Rights Council for the 2023-2025 term.<sup>1</sup>

At the meeting, Mr. Do Hung Viet, Assistant Minister of Foreign Affairs and Director of the Department of International Organizations, affirmed that "the mid-term report does provide a good picture of how seriously the Government of Vietnam takes its commitment to the UPR process and its commitment to implement the recommendations it has accepted. It also gives us a good picture of how the human rights of all Vietnamese have been improved and where the challenges still lie."<sup>2</sup>

To beautify the human rights picture in Vietnam, the Ministry of Foreign Affairs' report lists the goals, the tasks promised to be carried out, and some amendments to the laws that have only theoretical value and have never been applied in practice. Worse yet, the report claims things that aren't true. For example, when it comes to the right to freedom of the press and expression, the report states: "In Viet Nam, journalists and news reporters are protected from all forms of discrimination and violence. It is ensured in various laws and regulations...."<sup>3</sup>

In fact, the arrests and imprisonment of those who use the right to freedom of expression to voice their opinions are at their peak. From the beginning of 2021 to May 31 of this year, at least 48 people were arrested and detained, and 72 were given heavy sentences. Most of them were convicted for allegedly using the media to express their opinions and aspirations other than the ruling party's. To our knowledge, Vietnamese authorities currently imprison at least 290 political and religious prisoners with multi-year sentences.<sup>4</sup>

<sup>1</sup> VN Foreign Ministry. *Vietnam's voluntary midterm report on the implementation of the UPR third cycle accepted recommendations*. [https://www.ohchr.org/sites/default/files/2022-04/VietNam\\_Implementation\\_Third\\_Cycle.pdf](https://www.ohchr.org/sites/default/files/2022-04/VietNam_Implementation_Third_Cycle.pdf)

<sup>2</sup> Vietnam Plus. *Vietnam launches voluntary midterm report on implementation of UPR third cycle recommendations*. <https://en.vietnamplus.vn/vietnam-launches-voluntary-midterm-report-on-implementation-of-upr-third-cycle-recommendations/224387.vnp>

<sup>3</sup> VN Foreign Ministry. *Ibid.* (19)

<sup>4</sup> These are data collected under conditions of secrecy. Some political and religious prisoners are held without public trials, especially ethnic minorities and followers of unrecognized religions. For example, in May this year, the People's Court of Tuyen Quang province tried 15 Hmong ethnic people in closed trials; our list only records four people with their names and sentences. [VOA. *15 tín đồ H'mong theo đạo Dương Văn Minh bị phạt hơn 38 năm tù*. <https://www.voatiengviet.com/a/muoi-nam-tin-do-hmong-theo-dao-duong-van-minh-bi-phat-hon-38-nam-tu/6592069.html> ]

The following Report on Human Rights in Vietnam by the Vietnam Human Rights Network describes the human rights situation in Vietnam in 2021 and the first months of 2022, just as it happened. It was compiled with the cooperation of several human rights activists in Vietnam. It covered the areas outlined by the Universal Declaration of Human Rights and the International Conventions on Human Rights that Vietnam has joined and committed to observing:

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

All documents used in this report can be verified through open data sources. The Uniform Resource Locators (URLs) used in this report are valid as of the report's publication date.

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

Especially, member states of the United Nations General Assembly need to protect the prestige and legitimacy of the UN Human Rights Council by not voting for Vietnam to join this institution. Before looking for membership in the Council, the Vietnamese government must improve its human rights record, strictly enforce international human rights conventions, and contribute to the international community to build a peaceful and prosperous world.



# VIETNAM COUNTRY PROFILE

**Geography.** The Socialist Republic of Vietnam is a country in Southeast Asia, bordered to the North by China, to the west by Laos and Cambodia, to the southwest by the Gulf of Thailand, to the east and south by the East Sea (the South China Sea.) there are more than 2,800 large and small islands and two large archipelagos of Hoang Sa and Truong Sa; The total area is 331,698 km<sup>2</sup>. The current population is about 99 million people.

**History.** The 1954 Geneva Accords terminated the French presence in Vietnam and divided the country into two states with the 17th parallel as their common border: the Republic of Vietnam (South Vietnam) to the South and the Democratic Republic of Vietnam (North Vietnam) to the North. Shortly after the 1954 Geneva Accords, North Vietnam, under the dominance of the Communist Party of Vietnam, launched the Vietnam War to invade South Vietnam. In April 1975, the Democratic Republic of Vietnam's victory resulted in the dissolution of the Republic of Vietnam's government and the unification of the two rival states into the new Socialist Republic of Vietnam.

**Politics.** The Socialist Republic of Vietnam is a single-party regime. The Constitution, amended in 2013, assures the monopoly of the Communists through Article 4.1: "The Communist Party of Vietnam (CPV) [...] is the leading force of the State and society." The General Secretary of the Communist Party of Vietnam is Mr. Nguyen Phu Trong. The State President is Mr. Nguyen Xuan Phuc. The government consists of three branches: the Legislative (National Assembly), the Executive (Administration), and the Judiciary (People's Courts). In practice, however, these branches are subject to the dominance of the CPV, with about 5.3 million members. The National Assembly and People's Councils are elected by popular vote, yet the CPV must approve candidates. Every political organization unaffiliated with the CPV is prohibited.

**Economy.** Since the Doi Moi (Renovation) policy in the 1980s, Vietnam pursued a more realistic economic strategy called a "socialist-oriented market economy." Vietnam's economic activity has undergone many changes with the amount of foreign aid and investment. Many production and trade facilities have sprouted up. However, state intervention in the economy is still very high. The World Trade Organization recognizes Vietnam as a developing economy at a low level and in transition. Vietnam's technological level is 2-3 generations backward compared to the world and several decades compared to the region. According to the General Statistics Office of Vietnam report, the average monthly income per capita is estimated at VND 4,190,000, equivalent to the US \$ 181.55 by 2021. The public debt to GDP ratio is 43.7% in 2021 and increases strongly year by year.

**Social.** Vietnam has 54 ethnic groups, 87 % of which are the Viet (Kinh). The official language is Vietnamese. The vast majority of people have religious beliefs. Most are practitioners of ancestor worship; many are Buddhists, Christians, Muslims, Bahá'í faithful, and followers of indigenous religions such as Hoa Hao Buddhism and Cao-Daism. A small number describe themselves as atheists, of whom most are CPV members. Although the urban population has grown in the past decade, Vietnam is essentially an agricultural country, with 63% of the population still living in rural areas. Countryside inhabitants, especially those who live in remote areas, are disadvantaged in many aspects such as income, education, and healthcare. Over the past 30 years, fertility in Vietnam has nearly halved. The population is aging rapidly, and the sex imbalance at birth is very high.

# I

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

### 1. DEATH PENALTY

Despite removing some crimes eligible for the death sentence, the Criminal Law, amended in November 2015 and in June 2017, maintained the death sentence for 18 crimes. Most of those crimes were drug-related, especially activities aimed at overthrowing the people's administration (Art. 109). The Vietnamese government has arbitrarily used the article to convict dissidents in recent years. The vagueness of this article allows the government to interpret nonviolent political remarks or activities as "carrying out activities aimed at overthrowing the people's administration," which may even lead to the death sentence.

As in previous years, the government did not disclose the number of death sentence executions that the government considers national secrets; and those who accidentally or intentionally violate them can be sentenced up to 15 years in prison (Articles 337, 338 Criminal Law).

However, according to the Government's Report on sentence execution in 2021, the combined number of people sentenced to death and life imprisonment is 971.<sup>1</sup> Thus, on average, 19 people are sentenced to death or life imprisonment each week.

Government documents also show that the number of people sentenced to death has increased rapidly (nearly 30%), and the conditions for detention management have not met the requirements, leading to overcrowding in some detention camps.<sup>2</sup> Currently, 57 of 69 detention centers have separate areas for death convicts with 700 cells (more than 1,200 detention spaces.)<sup>3</sup>

Another concern is that multiple death sentences from a single court session happen too frequently. For example:

- In March 2021, the Hanoi People's Court delivered two death sentences to Mr. Le Dinh Cong and Le Dinh Chuc, two land petitioners of Dong Tam commune, based on Article 123 of the Criminal Law "Murder."<sup>4</sup>

<sup>1</sup> Tòa Án Nhân Dân Tối Cao. *Tổng kết công tác năm 2021...*

<https://travinh.toaan.gov.vn/webcenter/portal/tatc/chi-tiet-chi-dao-dieu-hanh?dDocName=TAND199131>

<sup>2</sup> Tiếng Chuông. *Nhiều khó khăn trong thi hành án tử hình.*

<https://tiengchuong.chinhphu.vn/nhieu-kho-khan-trong-thi-hanh-an-tu-hinh-11335972.htm>

<sup>3</sup> VietnamNet. *Ibid*

<sup>4</sup> RFA. *Tòa Hà Nội tuyên 2 án tử hình và 1 án chung thân đối với người dân Đồng Tâm.*

<https://www.rfa.org/vietnamese/news/vietnamnews/dong-tam-trial-announces-2-death-sentences-09142020070519.html>





*On April 19, 2022, the People's Court of Bac Giang province sentenced 5 defendants to death for trafficking and transporting illegal drugs. Photo Bắc Giang newspaper.*

- On December 31, 2021, the People's Court of Quang Tri province sentenced three people to death for "Illegal transportation of narcotics."<sup>5</sup>
- On December 16, 2021, the Hanoi People's Court sentenced four people to death for "Illegal trading in narcotics" and "Illegal possession of military weapons."<sup>6</sup>
- On November 24, 2021, the People's Court of Nghe An province sentenced five people to death for "Illegal trading in narcotics."<sup>7</sup>
- On October 5, 2021, the People's Court of Thanh Hoa province sentenced four people to death for "Illegal trading in narcotics."<sup>8</sup>
- On April 19, 2022, the People's Court of Bac Giang province sentenced five people to death for "Illegal trading in narcotics."<sup>9</sup>

<sup>5</sup> Pháp Luật. *Tuyên án tử hình 3 đối tượng vận chuyển 60.000 viên ma túy.*

<https://baophapluat.vn/tuyen-an-tu-hinh-3-doi-tuong-van-chuyen-60-000-vien-ma-tuy-post428797.html>

<sup>6</sup> Tuyên Quang Online. *Bốn án tử hình, tù chung thân cho đường dây buôn bán ma túy, tàng trữ súng.* <https://baotuyenquang.com.vn/phap-luat/hinh-su/bon-an-tu-hinh-tu-chung-than-cho-duong-day-buon-ban-ma-tuy-tang-tru-sung-152820.html>

<sup>7</sup> Nghệ An. *Tòa Nghệ An tuyên tử hình 5 bị cáo mua bán lượng ma túy 'khủng'.*

<https://baonghean.vn/toa-nghe-an-tuyen-tu-hinh-5-bi-cau-mua-ban-luong-ma-tuy-khung-298075.html>

<sup>8</sup> Dân Sinh. *Thanh Hóa tuyên phạt 4 án tử hình các đối tượng buôn bán ma túy.*

<https://baodansinh.vn/thanh-hoa-tuyen-phat-4-an-tu-hinh-cac-doi-tuong-buon-ban-ma-tuy-20211006163926.htm>

<sup>9</sup> Báo Bắc Giang. *Tuyên án tử hình 5 bị cáo về tội mua bán, vận chuyển trái phép chất ma túy.* <http://baobacgiang.com.vn/bg/phap-luat/382003/bac-giang-tuyen-an-tu-hinh-5-bi-cau-ve-toi-mua-ban-van-chuyen-trai-phep-chat-ma-tuy.html>

Since 2013, Vietnam has replaced firing squads with lethal injections using domestically-produced poison. Scientifically, there has never been any report on the effectiveness of Vietnam-made poisons for executions, which means that reduced suffering for the condemned is far from guaranteed. In early 2022, the Vietnamese Communist government proposed to use robots to execute death sentences.<sup>10</sup>

There are concerns about the continued reliance on and the increase of death sentences and flaws in criminal proceedings that have led to unjust sentences. According to social media in recent years, among the unfair cases have been the high-profile death sentences of Hồ Duy Hải, Nguyễn Văn Chưởng, Lê Văn Mạnh, Đặng Văn Hiến, and two land petitioners of Đồng Tâm Commune, Lê Đình Công and Lê Đình Chức. Lawyers and even government officials considered those cases to be based on insufficient evidence and have involved reliance on forced confessions under police torture, subsequently contradicted by retractions.

Many participating nations in the U.N. Human Rights Council 3<sup>rd</sup> Periodical Review in 2019 did recommend Vietnam postpone and then eventually remove death sentences, but Vietnam rejected the recommendation.<sup>11</sup>

One limited but noteworthy progress is that during the Lunar New Year of the Tiger 2022, on January 28, State President Nguyen Xuan Phuc signed a decision to reduce death sentences to life imprisonment for four inmates, including two people who have Lao nationality.<sup>12</sup>

## 2. POLICE BRUTALITY

On November 28, 2014, Vietnam's National Assembly ratified the United Nations Convention against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment. However, public harassment and beatings, removal of people to police stations, and corporal punishment resulting in death without legal sanction against violators have continued. It is worth noting that during the period of social distancing because of the COVID-19 epidemic, the use of violence by security forces has increased noticeably.

In November 2018, at the 65th Session of the U.N. Committee Against Torture, Vietnam introduced its first National Report on the enforcement of the Convention Against Torture. Its representatives pledged to prevent and punish all torture violations. In reality, however, there has been no sign of decreasing police brutality since then. In 2021-2022 (until May 31, 2022), at least eight deaths during temporary police detention were disclosed by the media, as follows:

- On December 28, 2021, Mr. Nguyen Van Kha (55 years old) was taken into custody for interrogation about an earlier argument with the patrol police. Shortly afterward, the police reported that Mr. Nguyen had died from a "stroke." However, the police did not

<sup>10</sup> HỒLLTƯ. *Đổi mới, nâng cao hiệu quả công tác thi hành án hình sự, đáp ứng yêu cầu xây dựng, hoàn thiện nhà nước pháp quyền XHCN Việt Nam*. <http://hdl.vn/vi/nguyen-cuu---trao-doi/doi-moi-nang-cao-hieu-qua-cong-tac-thi-hanh-an-hinh-su-dap-ung-yeu-cau-xay-dung-hoan-thien-nha-nuoc-phap-quyen-xhcn-viet-nam.html>

<sup>11</sup> Human Rights Council Forty-first session. *Report of the Working Group on the Universal Periodic Review - Viet Nam*. <https://undocs.org/en/A/HRC/41/7>

<sup>12</sup> Quân Đội Nhân Dân. *Chủ tịch nước Nguyễn Xuân Phúc: Ân giảm án tử hình cho 4 phạm nhân* <https://www.qdnd.vn/chinh-tri/tin-tuc/chu-tich-nuoc-nguyen-xuan-phuc-an-giam-an-tu-hinh-cho-4-pham-nhan-684897>

bring Mr. Kha's body to his home; instead, they got it to the commune health station, abandoned it, and fled. Ms. Thuy, the victim's wife, said, "My son told me that he and my husband were beaten at 9 pm, and six people surrounded him. They thought my husband had fainted when they beat him to death, so they took him to the commune health station without letting my children take care of him. At this time, my son begged the policemen not to hit his father anymore, but to no avail."<sup>13</sup>

- On November 17, 2021, Mr. Cut Van Phong (53 years old, Kho Mu ethnic, residing in Ban Coi, Xa Luong, Tuong Duong district, Nghe An) died when detained pending the execution of his sentence for human trafficking. The victim's son said he saw his father's rib cage and ribs had been broken when he witnessed the autopsy.<sup>14</sup>
- On October 5, 2021, Mr. Y-Cong HDok, 19 years old, died while serving a prison sentence for the crime of "intentionally causing injury" by the People's Court of Dak Lak province four months earlier. The police informed his family that he was ill and was taken to the Central Highlands Hospital, Dak Lak province. The family said the victim died unexpectedly because of bruises on his chest.<sup>15</sup>
- On September 24, 2021, Mr. Phan Van Lan (49 years old) in Hamlet 3, Ha Lam Commune, Da Huoi District, Lam Dong Province, died at the commune police headquarters while being detained for alleged violations of COVID-19 prevention regulations. The police told the family that Mr. Lan had passed away on the way to the hospital for emergency treatment. However, relatives of Mr. Lan said that the police had beaten Mr. Lan to the point of vomiting blood in his mouth at his home before he was taken to the station.<sup>16</sup>
- On September 1, 2021, Mr. Tran Van Tri (36 years old), in Phan Thiet city, died at home after being beaten and injured by five militiamen at the headquarters of Phu Thuy ward for allegedly violating the COVID-19 epidemic regulations. Mr. Tri was sent home in the evening of the same day, but he died at home from his injuries by the following day.<sup>17</sup>
- On January 18, 2021, Mr. Vo Van Xep, 51, resident of Thanh Phu town, Thanh Phu district, Ben Tre province, was reported dead after jumping from the second floor while being investigated by the police for alleged theft.<sup>18</sup>
- On January 13, 2021, Mr. Tram, 31 years old, resident of village 12, Dak Ruong commune, was found dead in a hanging posture behind his house. He had been summoned by the

<sup>13</sup> Sai Gòn Nhỏ. *Một người dân An Giang chết vì bị công an đánh hội đồng.*

<https://saigonnhonews.com/thoi-su/viet-nam/mot-nguoi-dan-an-giang-chet-vi-bi-cong-an-danh-hoi-dong/>

<sup>14</sup> 24h. *Điều tra vụ phạm nhân tử vong trong trại tạm giam Công an Nghệ An.*

<https://www.24h.com.vn/an-ninh-hinh-su/dieu-tra-vu-pham-nhan-tu-vong-trong-trai-tam-giam-cong-an-nghe-an-c51a1308041.html>

<sup>15</sup> RFA. *Người sắc tộc Tây Nguyên chết bất minh trong tù do bị 'phân biệt đối xử'?* [https://www.rfa.org/vietnamese/in\\_depth/did-a-central-highlands-ethnic-youth-die-unjustly-in-prison-due-to-discrimination-11012021125210.html](https://www.rfa.org/vietnamese/in_depth/did-a-central-highlands-ethnic-youth-die-unjustly-in-prison-due-to-discrimination-11012021125210.html)

<sup>16</sup> RFA. *Lâm Đồng: Dân tố cáo công an xã đánh dân đến chết.* <https://www.rfa.org/vietnamese/news/vietnamnews/lam-dong-village-police-accused-of-torturing-person-to-death-09262021095455.html>

<sup>17</sup> Tuổi Trẻ. *Bình Thuận: Khởi tố 5 nguyên dân quân bắt giữ người trái phép, cố ý gây thương tích.* <https://tuoitre.vn/binh-thuan-khoi-to-5-nguyen-dan-quan-bat-giu-nguoi-trai-phep-co-y-gay-thuong-tich-20220214124012953.htm>

<sup>18</sup> Người Việt. *Người thứ ba chết ở đồn công an CSVN trong Tháng Giêng.*

<https://www.nguoi-viet.com/viet-nam/nguoi-thu-ba-chet-boi-cong-an-csvn-trong-thang-gieng-2021/>

police many times because of alleged illegal logging.<sup>19</sup>

- On January 6, 2021, Mr. Duong Quoc Minh, 23, died while being held at Chi Hoa Detention Center, Ho Chi Minh city. Police said Mr. Minh committed suicide. The family saw many bruises on the body of Mr. Minh when they came to see him at the Saigon Forensic Center.<sup>20</sup>

In addition, the police brutality against people during the time of social distancing because of the COVID-19 epidemic is also very concerning. Such as:

- On November 26, 2021, Ms. Trinh Thi Tham (38 years old) and her brother were brutally beaten by police in Xuan An ward, Long Khanh city, Dong Nai province, when they reported a theft.<sup>21</sup>
- On October 8, 2021, the police of Tan Lap 1 commune, Tan Phuoc district, Tien Giang province, used force to disperse several people who gathered to ask for support money due to the impact of the Covid-19 epidemic, injuring people.<sup>22</sup>
- On October 1, 2021, Binh Duong province's militia and self-defense forces used sticks to beat about 500 people asking for road clearance to return to their hometown to take refuge from COVID-19.<sup>23</sup>
- On September 30, 2021, the police assaulted two citizens when they used their phones to record the scene of people shoving to get vaccinated against COVID-19 in Tan Uyen Town, Binh Duong province.<sup>24</sup>
- On August 12, 2021, journalist Mai Quoc An, President of SafeLife Vietnam, the manufacturer of N96+ masks, was assaulted by police in District 3, Ho Chi Minh City, when he refused to declare the number of masks he produces as they requested.<sup>25</sup>

In its third Periodical Review of 2019, Vietnam denied that police violence was the cause of deaths in police facilities. Instead, the Vietnamese police representatives said that the victims died possibly due to "having been tormented by their crimes which made them prone to depression and suicide."<sup>26</sup>

A document from the Department of Legal and Administrative and Judicial Reform - Ministry

<sup>19</sup> Thanh Niên. *Chết trong tư thế treo cổ tại nhà riêng sau khi làm việc với cơ quan công an*. <https://thanhnien.vn/thoi-su/chet-trong-tu-the-treo-co-tai-nha-rieng-sau-khi-lam-viec-voi-co-quan-cong-an-1329651.html>

<sup>20</sup> Tuổi trẻ. *Kiểm tra thông tin một bị can đang bị giam tại Chí Hòa tử vong*. <https://tuoitre.vn/kiem-tra-thong-tin-mot-bi-can-dang-bi-giam-tai-chi-hoa-tu-vong-20210116122819254.htm>

<sup>21</sup> RFA. *Đồng Nai: Dân tố bị công an đánh đập dã man sau khi báo án*. <https://www.rfa.org/vietnamese/news/vietnamnews/the-woman-was-brutally-beaten-by-police-after-reporting-the-crime-11302021041704.html>

<sup>22</sup> Nhân Dân. *Xử lý các đối tượng kích động người dân, vu khống công an*. <https://nhandan.vn/thoi-su-phap-luat/xu-ly-cac-doi-tuong-kich-dong-nguoi-dan-vu-khong-cong-an-668797/>

<sup>23</sup> BBC. *Bình Dương: Muốn về quê, xô xát giữa dân và cảnh sát*. <https://www.bbc.com/vietnamese/vietnam-58775235>

<sup>24</sup> VOV. *Đình chỉ cán bộ công an xô xát với dân tại điểm tiêm chủng ở Bình Dương*. <https://vov.vn/xa-hoi/tin-24h/dinh-chi-can-bo-cong-an-xo-xat-voi-dan-tai-diem-tiem-chung-o-binh-duong-895000.vov>

<sup>25</sup> Saigon Nhỏ. *Nhân danh Chi thị 16, công an đánh dân dã man ngày càng nhiều*. <https://saigonnhonews.com/thoi-su/van-de-hom-nay/nhan-danh-chi-thi-16-cong-an-danh-dan-da-man-ngay-cang-nhieu/>

<sup>26</sup> RFA. *Bác bỏ giải trình của Bộ Công an về vấn nạn 'tự tử' nơi giam giữ*. [https://www.rfa.org/vietnamese/in\\_depth/denouncing-ministry-of-public-security-s-explanation-to-the-un-on-death-in-custody-dt-03132019130320.html](https://www.rfa.org/vietnamese/in_depth/denouncing-ministry-of-public-security-s-explanation-to-the-un-on-death-in-custody-dt-03132019130320.html)

of Public Security said that Vietnam is developing the second National Report on implementing the C.A.T. Convention. This document states that the situation of people in custody, detention, and death of prisoners still occurs, but the cause is illness and suicide, and C.A.T.'s accounts are biased.<sup>27</sup>

### 3. HUMAN TRAFFICKING

The discovery of 39 dead bodies inside a refrigerated truck in the Waterglade industrial park in Grays, England, on October 23, 2019, shocked people everywhere, especially in Vietnam.

Yet, the tragedy is merely the tip of a vast iceberg that includes complex human trafficking activities. The government's official mouthpiece also admitted, "In recent years, the crime of human trafficking in our country has become very complicated and tends to increase."<sup>28</sup>

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

For transnational trafficking of persons, official statistics are rare and scattered. However, according to the latest government figures, from 2010 to June 2021, the whole country discovered nearly 3,500 cases of human trafficking, with 5,000 subjects and almost 7,500 victims.<sup>29</sup>

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

Victims of human trafficking crimes in Vietnam are not only women and children but also trafficking men, infants, fetuses, organ trafficking, surrogacy, etc.<sup>30</sup>

During the COVID-19 pandemic, human trafficking activities have not decreased but also tended to increase, with many new operating methods and tricks.<sup>31</sup>

Because the human trafficking situation remains unimproved in Vietnam, the U.S. Department of State, in its 2021 Trafficking in Persons Report, maintained Vietnam on the Tier 2 Watch List.

<sup>27</sup> Nhân Quyền. *Việt Nam xây dựng Báo cáo quốc gia lần thứ hai về thực hiện Công ước CAT*. <https://nhanquyenvn.org/viet-nam-xay-dung-bao-cai-quoc-gia-lan-thu-hai-ve-thuc-hien-cong-uoc-cat.html>

<sup>28</sup> Baoquocte.vn. *Để nạn mua bán người không còn 'đất' ở Việt Nam*. <https://baoquocte.vn/de-nan-mua-ban-nguoi-khong-con-dat-o-viet-nam-153194.html>

<sup>29</sup> Lao động & Xã hội. *Tiếp tục triển khai đồng bộ các biện pháp để đẩy lùi nạn buôn bán người*. <http://laodongxahoi.net/tiep-tuc-trien-khai-dong-bo-cac-bien-phap-de-day-lui-nan-buon-ban-nguoi-1319776.html>

<sup>30</sup> An Ninh Thế Giới. *Báo cáo TIP 2020 chưa nhìn nhận khách quan công tác phòng, chống mua bán người ở Việt Nam*. <http://cand.com.vn/Chong-dien-bien-hoa-binh/Bao-cai-TIP-2020-chua-nhin-nhan-khach-quan-cong-tac-phong-chong-mua-ban-nguoi-o-Viet-Nam-604222/>

<sup>31</sup> Baoquocte.vn. *Để nạn mua bán người không còn 'đất' ở Việt Nam*. <https://baoquocte.vn/de-nan-mua-ban-nguoi-khong-con-dat-o-viet-nam-153194.html>



Vietnam was brought back to the Tier 2 Watch List in 2019, after ten consecutive years on the Tier 2 No more Watch List.

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

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

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

Trafficking of women for prostitution is a common form of domestic and transnational trafficking. As in previous years, in 2021-2022, most women and children have been trafficked across the country's borders to Cambodia, Laos, and China, of which China accounts for 75%.<sup>32</sup>

Victims of human trafficking in China are mainly from ethnic minorities living in remote villages of the provinces along the China-Vietnam borders. Because of their poverty, the victims are lured to China by traffickers to find jobs. Upon arrival, the victims are sold to peasant families to become domestic laborers or forced to marry older men; some are forced into prostitution.

According to estimates by Vietnamese authorities, foreign women account for half of all human trafficking victims in China, of which the majority are Vietnamese victims.<sup>33</sup>

According to research by Blue Dragon in 2021, more than 60% of victims and traffickers in Vietnam are ethnic minorities. Among ethnic minorities, the Hmong are the most vulnerable to trafficking. They account for more than 32% of all victims and 33% of all traffickers (in this dataset) while representing only 1.4% of the country's population.<sup>34</sup>

Victims trafficked through Cambodia, Laos, and other countries in the region and forced into prostitution were often from the southern provinces.

Human trafficking from Vietnam to Europe, notably the United Kingdom, has continued to be of great concern in 2021 after the tragedy of the 39 Vietnamese suffocated in a refrigerated trailer in the U.K. in October 2019.

According to a report by the U.K.'s National Crime Agency (N.C.A.) in 2021, among the reported victims of trafficking from abroad to the U.K., Vietnamese nationals ranked second, behind only Albania, with 991 people (up from 653 according to 2020 statistics); among them are 635 adults (64%) and 269 children (27%). Most of them have been exploited for criminal activities, labor,

<sup>32</sup> Bộ Lao động - Thương binh và Xã hội. *Mối nguy về nạn mua bán người ở ASEAN trong mùa dịch COVID-19*. [http://pctn.xh.molisa.gov.vn/default.aspx?page=news&do=detail&category\\_id=22&id=3265](http://pctn.xh.molisa.gov.vn/default.aspx?page=news&do=detail&category_id=22&id=3265)

<sup>33</sup> Tiếng Chuông. *Bi kịch của những phụ nữ bị bán ở Trung Quốc*. <https://tiengchuong.chinhphu.vn/bi-kich-cua-nhung-phu-nu-bi-ban-o-trung-quoc-113220305083007514.htm>

<sup>34</sup> Blue Dragon. *Human Trafficking and Traffickers in Vietnam*. <https://www.bluedragon.org/wp-content/uploads/2022/02/Blue-Dragon-Profile-of-trafficking-in-Vietnam.pdf>





*The Chinese police handed over trafficked victims to the Lao Cai border guards  
Thanh Nien newspaper photo*

and prostitution.<sup>35</sup>

In early January 2021, the German authorities identified an extensive network of Vietnamese human trafficking operating throughout Europe, whose gathering point was the eastern Berlin district of Lichtenberg, home to the Dong Xuan Center. This human trafficking network brings in enormous profits for the international people-smuggling gang.<sup>36</sup>

On May 19, 2021, the Belgian rescue service rescued a boat in distress carrying illegal immigrants trying to reach the British coast from France. There were 49 people on the ship, of which 44 were Vietnamese. Local authorities are investigating this human trafficking ring.<sup>37</sup>

In May 2021, an investigation involving German police, Slovak police, and Europol discovered 250

<sup>35</sup> GOV.UK Home Office. *Modern Slavery: National Referral Mechanism and Duty to Notify statistics UK, end of year summary, 2021*. <https://www.gov.uk/government/statistics/modern-slavery-national-referral-mechanism-and-duty-to-notify-statistics-uk-end-of-year-summary-2021/modern-slavery-national-referral-mechanism-and-duty-to-notify-statistics-uk-end-of-year-summary-2021>

<sup>36</sup> Tạp chí Nước Đức. Đức phát hiện 'mạng lưới khổng lồ' buôn người Việt hoạt động khắp châu Âu. <https://www.tapchinuocduc.com/tin-tuc/cong-dong/27516-duc-phat-hien-mang-luoi-khong-lo-buon-nguoi-viet-hoat-dong-khaph-chau-au.html>

<sup>37</sup> News in 24. *Belgium – 49 migrants, mostly Vietnamese, rescued at sea*. <https://news.in-24.com/world/8766.html>

Vietnamese people smuggled into Germany and Slovakia. Victims have had to pay the traffickers large sums of money and force them to work in massage parlors or prostitution.<sup>38</sup>

Domestic trafficking for sexual exploitation also grew in 2021-2022, despite social distancing due to the COVID-19 pandemic. For example, many girls from low-income families in the countryside are lured into working as bartenders but are actually receiving guests and then selling sex. These girls want to quit their jobs but cannot because they can be locked up and confined.<sup>39</sup>

Child trafficking is not operated only cross-border; in fact, most child trafficking occurs within the country. In a study by Coram International in 2019, 5.6% of children in Vietnam may have experiences indicative of, or consistent with, child trafficking. The overwhelming majority of young people with indicators of having been trafficked (92.3%) were reported to have been trafficked internally.<sup>40</sup>

In addition to the trafficking of women and children, the trafficking of babies, fetuses (bringing pregnant women to China to give birth and sell), and organs has also increased in recent years.<sup>41</sup> For example, according to court records, on January 19, 2021, in Ho Chi Minh City, an organ trafficking ring found 100 kidney sellers and successfully brought 37 kidney transplant recipients to Cambodia.<sup>42</sup>

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

### 3.2. Human Trafficking: Selling of Vietnamese “Brides” to Foreigners

According to Vietnam's Ministry of Public Security, an average of 18,000 Vietnamese citizens married foreigners annually between 2008 and 2019, primarily Taiwanese, Chinese, Americans, and Korean. The vast majority (78%) of women married to foreigners are from low-income families with low education and high unemployment.<sup>43</sup>

<sup>38</sup> TrendsWide. *Human smuggling ring busted in Germany and Slovakia*. <https://trendswide.com/human-smuggling-ring-busted-in-germany-and-slovakia/>

<sup>39</sup> VOV. “*Gái hát*” hay nạn nhân của tội phạm buôn người? <https://vov.vn/phap-luat/gai-hat-hay-nan-nhan-cua-toi-pham-buon-nguoi-823560.vov>

<sup>40</sup> Kara Aplan and Elizabeth Yarrow. *Casting Light in the Shadows: Child and youth migration, exploitation, and trafficking in Vietnam*. <https://coraminternational.org/wp-content/uploads/CTPF-report-.pdf>

<sup>41</sup> Pháp Luật. *Phá đường dây buôn bán nội tạng xuyên quốc gia lớn nhất Việt Nam*. <https://baophapluat.vn/ho-so/pha-duong-day-buon-ban-noi-tang-xuyen-quoc-gia-lon-nhat-viet-nam-437408.html>

<sup>42</sup> Bảo vệ pháp luật. *Xét xử đường dây dụ dỗ 100 người bán thận xuyên quốc gia*. <https://baovephapluat.vn/phap-dinh/cau-chuyen-phap-luat/xet-xu-duong-day-du-dso-100-nguoi-ban-than-xuyen-quoc-gia-100462.html>

<sup>43</sup> Cổng Thông tin điện tử Chính phủ. *70.000 phụ nữ DBSCL lấy chồng nước ngoài*. <https://tphcm.chinhphu.vn/70000-phu-nu-dbscl-lay-chong-nuoc-ngoai-10119316.htm>

These are only the marriages officially registered with the government. The number of Vietnamese “brides” brought out of the country through marriage brokerage services without registration is much higher. According to a recent survey, registered marriages are less than 10% of the survey sample in some provinces close to the northern border.<sup>44</sup>

Instead of relying on “body parades” in recent years, marriage brokerage services have used modern means of communication, especially the Internet, in advertising Vietnamese brides. For example, in videos featuring marriage brokers on the Internet, brides are presented as commodities for exchange.<sup>45</sup>

To solve the problem of male citizens being unable to find wives in the country, some local governments in Korea act as intermediaries. For example, in May 2021, a group of Vietnamese female students studying in Korea and human rights groups submitted a petition to the Korean National Human Rights Commission to protest against the Mungyeong city government’s matchmaking program for rural Korean men with Vietnamese students studying in the country.<sup>46</sup>

Even in Vietnam, many marriage brokerage services for foreigners focus on deceiving women into believing their services are legitimate. For example, in September 1919, People’s Police Television ANTV broadcast a T.V. report on the tricks marriage brokers use with Koreans in Hai Phong City. It showed hundreds of Vietnamese girls waiting to be seen by three elderly Koreans. Each girl met the future groom for less than two minutes. If selected, the girl had to pay a service fee of 10 to 20 million dongs, and the Korean man was charged a few hundred million dongs, all going to the brokerage service.<sup>47</sup>

It should be noted that such brokered marriages often lead to painful outcomes. For example, in Hau Giang province alone, from January 2018 up to now, there have been 2,247 women married to foreigners (959 women marrying Koreans). Among these, 541 divorced and went back home with 260 fatherless children.<sup>48</sup>

Many Vietnamese brides suffered torture and other mistreatments before being passed on to other men. The hardship eventually forced them to escape and try to survive in a foreign country, only to be recruited into brothels, where they either risk death or see no other option but to kill themselves.<sup>49</sup>

As with the plight of young girls deceived and sold into prostitution, the primary cause of selling brides to foreign men has been the poverty brought on by the government’s unjust social policies.

<sup>44</sup> Đặng Thị Hoa. *Một số vấn đề về hôn nhân xuyên biên giới với phát triển xã hội ở Việt Nam hiện nay*. [https://vass.gov.vn/noidung/tintuc/lists/khoahoccongnghie/View\\_Detail.aspx?ItemID=30](https://vass.gov.vn/noidung/tintuc/lists/khoahoccongnghie/View_Detail.aspx?ItemID=30)

<sup>45</sup> ZingNews. *Kênh môi giới hôn nhân ở Hàn xếp phụ nữ Việt theo cơ thể, trình tiết*. <https://zingnews.vn/kenh-moi-gioi-hon-nhan-o-han-xep-phu-nu-viet-theo-co-the-trinh-tiet-post1147975.html>

<sup>46</sup> Korea JoongAng Daily. *Activists and Vietnamese students blast archaic matchmaking program*. <https://koreajoongangdaily.joins.com/2021/06/03/national/socialAffairs/a-city-government-in-korea-asks-a-legal-office-to-matchmake-international-students/20210603174500832.html>

<sup>47</sup> ANTV. *Một buổi dự tuyển lấy chồng Hàn Quốc*. <http://www.antv.gov.vn/tin-tuc/xa-hoi/mot-buoi-du-tuyen-lay-chong-han-quoc-297899.html>

<sup>48</sup> Nông Nghiệp. *Hôn nhân nước ngoài đồ vỡ, hàng trăm phụ nữ ôm con về quê*. <https://nongnghiep.vn/hon-nhan-nuoc-ngoai-do-vo-hang-tram-phu-nu-om-con-ve-que-d267286.html>

<sup>49</sup> Viet Báo.vn. *Thảm cảnh cô dâu Việt ở nước ngoài*. <http://vietbao.vn/tp/Tham-canhh-co-dau-Viet-o-nuoc-ngoai/2363246/>

Most of the victimized girls came from the countryside and were lured into agreeing to “marry” men from Taiwan, South Korea, and China... without love or even knowledge of the backgrounds of their “husbands.”

Since 2002, with Decree 68/2002/NDTV-714-625-2785, the government has prohibited all forms of marriage brokering for profit. In 2004, Decree 125/2014/NĐ-714-625-2785 was issued to implement the new Family Law, prohibiting foreigners’ abuse of marriage and family counseling and support for-profit; and assigning counseling and support services to the state-sponsored Vietnam Women’s Union. However, many believe the Vietnam Women’s Union has failed in its counseling services to women marrying foreigners since it cannot compete with the unscrupulous intermediaries who operate rampantly throughout the country.<sup>50</sup>

### 3. 3. Human Trafficking: Exploitation of Exported Workers

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

According to unofficial estimates, there are currently about 580 thousand Vietnamese export workers, specifically: 230,000 in Taiwan, about 250,000 in Japan, about 50,000 in Korea, and the rest in other markets such as the Middle East, Africa, Southeast Asia, and Europe.<sup>51</sup>

Because of the COVID-19 epidemic situation, the number of export workers has decreased markedly in the two years 2020-2021. In 2021, the total number of Vietnamese workers working abroad was about 45,000, only reaching 50% of the state’s plan. At the beginning of 2022, the government planned to send 90,000 workers to export.<sup>52</sup>

Besides the number of workers exported through government-licensed agencies, many other workers are recruited secretly by illegal intermediary agencies. This kind of export labor has been on the rise for several reasons. However, the main reason is that many export-worker candidates do not have enough money to complete their legal paperwork, particularly to make the required payment to the state before leaving. For example, candidates working in Japan in 2021 must pay at least eight expense items from health screening, service fees, Japanese language training, brokerage fee, etc., and even money for an anti-evasion deposit.<sup>53</sup> Therefore, they resort to illegal intermediary agencies rather than official channels. Once in the destination country, some legal export workers try their best to remain in place and work underground after their contracts have expired.

There are currently no exact numbers of these “underground” workers, but even government

<sup>50</sup> Báo Phụ nữ. *Môi giới kết hôn với người nước ngoài: hoạt động hợp pháp tự thua trên sân nhà?*.

<https://www.phunuonline.com.vn/moi-gioi-ket-hon-voi-nguoi-nuoc-ngoai-hoat-dong-hop-phap-tu-thua-tren-san-nha-a90769.html>

<sup>51</sup> Dân Sinh. *Khoảng 580 nghìn người lao động Việt Nam làm việc ở nước ngoài.*

<https://baodansinh.vn/khoang-580-nghin-nguoi-lao-dong-viet-nam-lam-viec-o-nuoc-ngoai-20220105232945.htm>

<sup>52</sup> Nhân Dân. *Đặt mục tiêu đưa 90 nghìn lao động đi làm việc ở nước ngoài.*

<https://nhandan.vn/tin-tuc-xa-hoi/dat-muc-tieu-dua-90-nghin-lao-dong-di-lam-viec-o-nuoc-ngoai--681843/>

<sup>53</sup> Nhân lực Nhật Bản. *Chi phí đi XKLD Nhật Bản 2021 Thực tế là bao nhiêu?*

<https://nhanlucnhatban.com/chi-phi-xuat-khau-lao-dong-nhat-ban/>





*Vietnamese women working in Saudi Arabia cry for help – Photo BPSOS CAMSA International.*

officials have acknowledged many undocumented workers over the years. For example, the inspection results in 2021 show that, from 2018 through 2020, Thai Nguyen province had 7,149 people leaving illegally, of which 796 were arrested and returned by Chinese authorities. In addition, as of October 2021, nearly 4,000 citizens absent from the province were suspected of illegally staying abroad.<sup>54</sup>

Most export workers are exploited, abandoned by brokers, and poorly treated by their employers with hard work and meager wages; sometimes, their passports are confiscated, so they have to live like prisoners, confined in a narrow space controlled by the factory owners.

In 2021-2022, the public was particularly concerned about two cases of abuse of Vietnamese workers in Saudi Arabia and Serbia. For the case of Vietnamese domestic workers in Saudi Arabia, on October 25, 2021, several United Nations Special Rapporteurs sent the Vietnamese government a letter mentioning some instances of Vietnamese female domestic workers who were abused here. The rapporteurs asked the Vietnamese government to clarify these cases and their measures to protect the victims. One of the victims mentioned in the letter is Ms. Siu H Xuan, an ethnic minority girl tortured to death by her master. Ms. Siu H Xuan was brought to Saudi Arabia to work by a brokerage agency when she was 15 years old.<sup>55</sup>

The second case, brought to light by some human rights and environmental organizations in Serbia in mid-November 2021, is related to the fate of 500 Vietnamese export workers in Serbia. These workers were tricked into Serbia to work for China Energy Engineering Group Tianjin Electric Power Construction Co. L.T.D. for the construction project of China's Linglong tire factory. They had their passports confiscated, were forced to work, and lived in extremely harsh conditions on

<sup>54</sup> Báo Thái Nguyên. *Ngăn chặn tình trạng xuất cảnh trái phép*.  
<https://baothainguyen.vn/trang-in-293005.html>

<sup>55</sup> UN. *Mandates of the Special Rapporteurs*  
<https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=26748>

arrival.<sup>56</sup> On January 18, 2022, some United Nations Special Rapporteurs sent the Vietnamese government a mandate referring to people believed to be victims of human trafficking at the Linglong construction site. The letter reminds the Vietnamese government of its obligation to honor its commitments in the field of labor, especially cross-border labor, and to clarify this case and the measures Vietnam has taken to protect victims.<sup>57</sup>

Doing manual labor in foreign countries is never a dream among Vietnamese, especially those attached to their families and places of birth. However, leaving home and family for survival is unavoidable when people's farmland is confiscated, and the government cannot provide enough jobs. On the contrary, the state, driven by the prospect of export-workers' remittances (about 3-4 U.S. billion a year), encourages the export of workers and ignores the brokering companies' illegal conduct.

Despite the brutal consequences of the illegal export of workers, the Vietnamese government still refuses to see the abuse they suffer as constituting human trafficking. Even the March 2011 Law on Anti-Human Trafficking, in effect since May 1, 2012, stops short at the general concept of "forced labor" and does not recognize the deception and exploitation of people working abroad as a form of human trafficking. Meanwhile, a survey of 350 legally exported workers in October 2012 revealed that 55 of these workers claimed to be victims of human trafficking.<sup>58</sup>

## RECOMMENDATIONS

It is recommended that the Government of Vietnam

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

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<sup>56</sup> Detektor. *Documents Reveal Extent of Exploitation at Chinese Tire Site in Serbia*.

<https://detektor.ba/2021/11/29/documents-reveal-extent-of-exploitation-at-chinese-tire-site-in-serbia/?lang=en>

<sup>57</sup> UN. *Mandates of the Special Rapporteurs*. <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=26950>

<sup>58</sup> Dân Việt. *Khó "chỉ mặt đặt tên" nạn buôn người*.

<https://www.phunuonline.com.vn/moi-gioi-ket-hon-voi-nguoi-nuoc-ngoai-hoat-dong-hop-phap-tu-thua-tren-san-nha-a90769.html>



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

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

Many observers and some National Assembly members have reacted to the hurried and careless legislation procedure. However, after enacting these laws in 2015, the National Assembly postponed implementation because of too many embedded errors. Instead, they waited for future amendments by the next session of the National Assembly.<sup>1</sup>

Those irregularities clearly show that the legal reform was undertaken not to reflect the Government's desire for reform but to gain favorable considerations in international transactions.

Thus, human rights violations in the legal field continue to be manifested typically through the following characteristics:

- Severe violations of criminal procedures,
- Severe limitation of defense lawyers' rights, and
- An inhumane prison system.

### 1. VIOLATIONS OF BASIC PRINCIPLES OF THE CRIMINAL PROCEDURE CODE

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

However, in the midterm report on the implementation of the UPR third cycle submitted to the UN Human rights Council at the end of March 2022, the Vietnamese government stated, "Viet Nam is also continuing its efforts in the implementation of recommendations to ensure the independence of the Court and the right to a fair trial and due process, in accordance with

<sup>1</sup> Tuổi trẻ Online. *Bộ luật hình sự sai sót nghiêm trọng, ai chịu trách nhiệm?*

<http://tuoitre.vn/tin/chinh-tri-xa-hoi/20160628/bo-luat-hinh-su-sai-sot-nghiem-trong-ai-chiu-trach-nhiem/1126033.html>

international standards.”<sup>2</sup>

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

The Ho Duy Hai cassation case is evidence of the violation of criminal procedure at the highest level in the current judicial system. Nevertheless, despite realizing that there were errors in investigation activities, the Council of Judges of the Supreme People’s Court decided not to accept the appeal recommendation of the Supreme People’s Procuracy and upheld the first-instance judgment.<sup>3</sup>

Dong Tam’s court case is another obvious evidence of a severe violation of criminal proceedings that resulted in 2 unjust death sentences. Nineteen out of twenty-nine defendants said they had been tortured during the investigation.<sup>4</sup> Mr. Le Dinh Cong, one of the two people sentenced to death, confessed that he was beaten daily with a rubber baton during the investigation period. The court has denied the right to defense and self-defense, ignoring the allegations of torture and extortion the 19 accused victims of injustice had undergone. In particular, the court rejected the request to summon many important witnesses and people closely related to the case and rejected a proposal to experiment with the crime scene. On the first day of the appellate hearing, the judge confiscated the defense attorney’s notes. When the defense attorney asked for the disclosure of the 419A Plan, which is the plan to attack Hoanh village, drafted by Ha Noi Police and approved by the Ministry of Public Security, the court did not allow it on account of national security secrets.

For political cases, in particular, the violation of criminal proceedings is more serious. For example, in the Pham Doan Trang case, the participants in the case were absent; the prosecution did not rely on any legal basis to make accusations; there was no authentic evidence but only forged evidence.<sup>5</sup>

In 2021 and 2022 (until May 31, 2022), the Vietnamese authorities used vaguely worded provisions of the 2015 Criminal Law to detain at least 48 dissidents and sentenced 72 dissidents to harsh penalties [See details in Appendix I and II]. In all those criminalized political cases, basic principles of criminal procedure are violated at every possible stage: detention beyond the legal

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<sup>2</sup> VN Foreign Ministry. *Vietnam’s voluntary midterm report on the implementation of the UPR third cycle accepted recommendations*. [https://www.ohchr.org/sites/default/files/2022-04/VietNam\\_Implementation\\_Third\\_Cycle.pdf](https://www.ohchr.org/sites/default/files/2022-04/VietNam_Implementation_Third_Cycle.pdf)

<sup>3</sup> Công Lý. *Vụ án Hồ Duy Hải: Có sai sót nhưng không làm thay đổi bản chất vụ án*. <https://congly.vn/vu-an-ho-duy-hai-co-sai-sot-nhung-khong-lam-thay-doi-ban-chat-vu-an-129472.html>

<sup>4</sup> RFA. *Luật sư: 19 trong 29 bị cáo Đồng Tâm nói bị tra tấn trong giai đoạn điều tra*. <https://www.rfa.org/vietnamese/news/vietnamnews/dong-tam-trial-19-out-of-29-defendants-admits-to-be-tortured-during-investigation-09092020081012.html>

<sup>5</sup> Luật sư Lê Văn Luân. *Lời biện hộ cho bà Phạm Doan Trang*. (Luật Khoa Tạp chí) <https://www.luatkhoa.org/2021/12/live-phien-toa-so-tham-vu-an-pham-doan-trang/>

limit without indictment, no introduction of evidence or witnesses, and prevention of contact with lawyer and family. In many court sessions, lawyers are either disallowed or restricted in their defense; relatives cannot attend.

In 2021, UN Special Rapporteurs sent to the Vietnamese government mandates to clarify the cases of arbitrary detention and sentencing of the following prisoners of conscience: Journalists Pham Chi Dung, Nguyen Tuong Thuy, and Le Huu Minh Tuan of the Independent Journalists Association,<sup>6</sup> teacher Nguyen Nang Tinh,<sup>7</sup> journalist Pham Doan Trang,<sup>8</sup> activists Chung Hoang Chuong, Nguyen Van Nghiem, Le Van Dung, Dinh Thi Thu Thuy, Do Nam Trung, Dinh Van Hai, Le Trong Hung, Le Chi Thanh, and Tran Quoc Khanh.<sup>9</sup>

On December 17, 2021, experts from the Office of the United Nations High Commissioner for Human Rights (OHCHR) issued a statement on the Vietnamese State's arbitrary detention and imprisonment of four human rights activists, Pham Doan Trang, Trinh Ba Phuong, Nguyen Thi Tam, and Do Nam Trung.<sup>10</sup>

In the above documents, the UN Special Rapporteurs and human rights experts argued that the Vietnam government had violated fundamental principles of a fair trial, applied vague provisions of the Criminal Law, and violated general rules of human rights, in particular, Articles 9, 14, 19 and 25 of the International Covenant on Civil and Political Rights.

Unjust sentences are often the result of coercion, extortion, and the use of corporal punishment. In all those cases, the court decided the verdicts before the trials based on confessions obtained through physical and mental torture, disregard of rebuttal evidence, witnesses' persuasive counter-arguments, and the accused' retraction and petitions.

At the same time, the required electronic recording of custodial interrogations planned since 2018 as a measure to prevent coercion, extortion, and use of corporal punishment has been delayed by the authorities due to a lack of equipment and staff training.<sup>11</sup>

Another equally serious crime is "corrupt bribery of the courts," a widespread phenomenon in Vietnam, especially in recent years when the economic reform policy provided grounds for corruption.<sup>12</sup> Unfortunately, it is difficult to identify the primary culprits in cases of court bribery. The task is usually carried out by low-ranking subordinates, who, if caught, would be tried for "appropriating property through swindling," while in reality, it is judicial bribery. This situation is still prevalent and is recognized by the Judiciary Committee of the National Assembly, in its 2020

<sup>6</sup> UN High Commissioner for Human Rights. *Press briefing notes on Viet-Nam*.

<https://www.voatiengviet.com/a/nhom-cong-tac-lhq-ra-phan-quyet-ve-truong-hop-nguyen-nang-tinh/6307469.html>

<sup>7</sup> HRC. *Opinions adopted by the Working Group on Arbitrary Detention at its ninety-first session*.

[https://www.ohchr.org/sites/default/files/2021-11/A\\_HRC\\_WGAD\\_2021\\_36\\_AdvanceEditedVersion.pdf](https://www.ohchr.org/sites/default/files/2021-11/A_HRC_WGAD_2021_36_AdvanceEditedVersion.pdf)

<sup>8</sup> HRC. *Opinions adopted by the Working Group on Arbitrary Detention at its ninety-first session*.

[https://www.ohchr.org/sites/default/files/2021-11/A\\_HRC\\_WGAD\\_2021\\_40\\_AdvanceEditedVersion.pdf](https://www.ohchr.org/sites/default/files/2021-11/A_HRC_WGAD_2021_40_AdvanceEditedVersion.pdf)

<sup>9</sup> UN - *Mandates of the Special Rapporteur...*

<https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=26688>

<sup>10</sup> UN. *Viet Nam: UN experts appalled by the conviction of four human rights defenders*.

<https://www.ohchr.org/en/press-releases/2021/12/viet-nam-un-experts-appalled-conviction-four-human-rights-defenders>

<sup>11</sup> Viện Kiểm Sát Nhân Dân Tỉnh Nghệ An. *Một số kinh nghiệm, giải pháp thực hiện việc ghi âm, ghi hình có âm thanh đối với hoạt động hỏi cung bị can trong các vụ án hình sự*. <http://vienkiemsat.nghean.gov.vn/nghep-vu-kiem-sat/mot-so-kinh-nghiem-giai-phap-thuc-hien-viec-ghi-am-ghi-hinh-co-am-thanh-doi-voi-hoat-dong-hoi-cu-361903>

<sup>12</sup> Người Đưa Tin. *Chạy án*. <https://www.nguoiduatien.vn/tag/chay-an-1>

report, as a “sad reality.”<sup>13</sup> And worse still, the perpetrators are often judicial officers<sup>14</sup>

Vietnam’s Constitution stipulates: “The People’s Courts shall hold hearings in public” (Article 103). However, most human rights activists’ trials in 2021-2022 were conducted in a hurry, within a day, sometimes just a few hours, with security forces up to hundreds of people in many cases. Relatives were not allowed to attend, and many were forcibly kept in their homes. For example, on April 19, 2022, the court brought citizen journalist Le Trong Hung to an appellate trial. His family was not aware of the proceedings before the police came to guard his family’s door.<sup>15</sup> More recently, in May 2022, a court in Tuyen Quang province sentenced 15 followers of Duong Van Minh cult to between 2 and 4 years in prison in several closed-door trials, and the government press did not report those trials.<sup>16</sup> In contrast to these closed political trials, outdoor trials by mobile courts that resemble the public denunciations of the Land Reform Era have no legal basis for existence. Each year the judiciary organizes about 3,000 mobile tribunals across the country.<sup>17</sup>

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

## 2. THE PERFUNCTORY PRESENCE OF LAWYERS

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

According to the Vietnam Bar Association, up to the end of 2021, there were about 16,000 licensed lawyers whose principal activity was procedural law.<sup>18</sup> Defense attorneys represented only about 20 percent of defendants in criminal cases.<sup>19</sup>

<sup>13</sup> Báo điện tử Đại Biểu Nhân Dân. *Vẫn còn tham nhũng trong cơ quan chống tham nhũng*. <https://www.daibieunhandan.vn/van-con-tham-nhung-trong-co-quan-chong-tham-nhung-oqfkxvn3g0-47294>

<sup>14</sup> Ngày Mới online. *Kiên quyết đấu tranh với hành vi xâm phạm hoạt động tư pháp*. <https://ngaymoionline.com.vn/kien-quyet-dau-tranh-voi-hanh-vi-xam-pham-hoat-dong-tu-phap-30483.html>

<sup>15</sup> RFA. Tòa án đưa nhà báo công dân Lê Trọng Hùng ra xử phúc thẩm, người nhà không hề hay biết. <https://www.rfa.org/vietnamese/news/vietnamnews/appellate-court-upholds-citizen-journalist-le-trong-hungs-conviction-04222022043023.html>

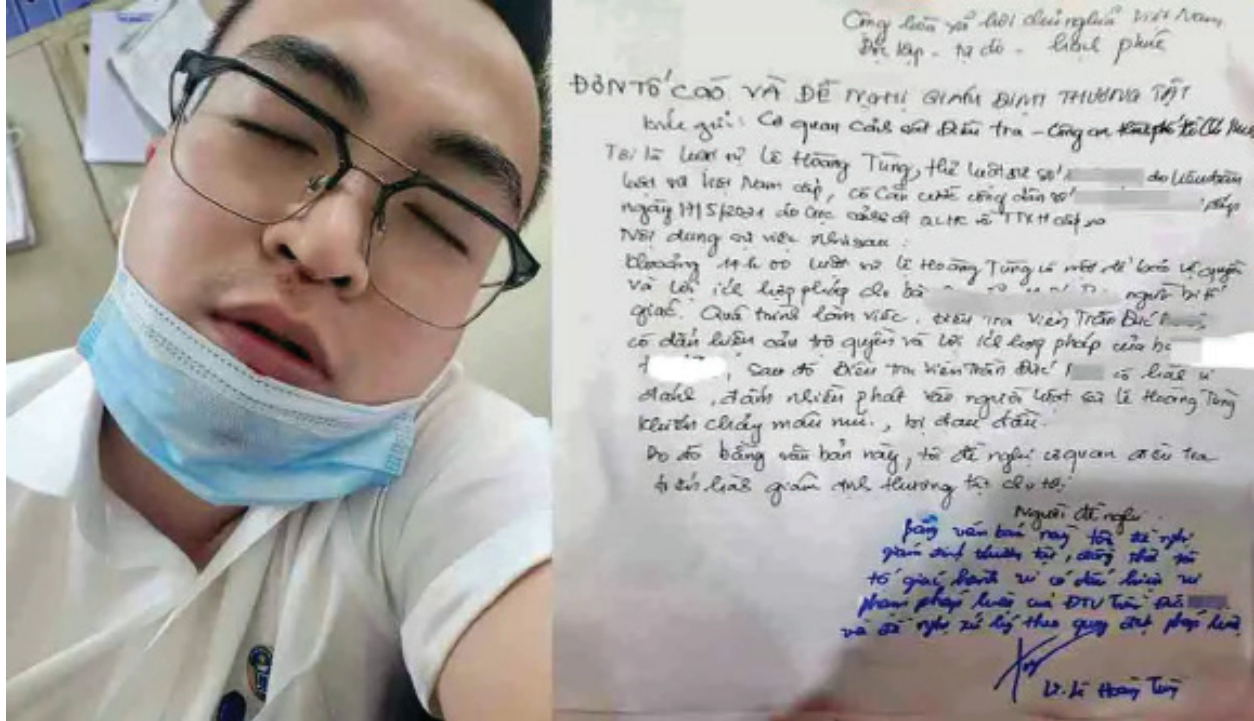
<sup>16</sup> VOA. *15 tín đồ H'mong theo đạo Dương Văn Minh bị phạt hơn 38 năm tù*. <https://www.voatiengviet.com/a/muoi-nam-tin-do-hmong-theo-dao-duong-van-minh-bi-phat-hon-38-nam-tu/6592069.html>

<sup>17</sup> Luật sư Việt Nam. *Một góc nhìn về xét xử lưu động vụ án hình sự*. <https://lsvn.vn/mot-goc-nhin-ve-xet-xu-luu-dong-vu-an-hinh-su.html>

<sup>18</sup> Lao Động. *Cả nước có hơn 16.000 luật sư, 4.000 tổ chức hành nghề luật sư*. <https://laodong.vn/phap-luat/ca-nuoc-co-hon-16000-luat-su-4000-to-chuc-hanh-nghe-luat-su-987234.laod>

<sup>19</sup> Tạp chí Dân chủ và Pháp luật. *Vướng mắc cần tháo gỡ để nâng cao hoạt động tranh tụng của luật sư tại phiên toà hình sự*. <http://tcdclp.moj.gov.vn/qt/tintuc/Pages/dien-dan-cong-tac-tu-phap.aspx?ItemID=5>





*On May 17, 2022, Lawyer Le Hoang Tung accused the investigator of assaulting him at the headquarters of the Criminal Police Department, Ho Chi Minh City Police - Photo Facebook*

Vietnam's judicial system has been crippled not only by the minimal number of lawyers, their low level of occupational awareness, and their unsatisfactory professional skills but primarily by the dependency of the lawyers' organization on the Communist Party of Vietnam. The preamble of the Vietnam Bar Association Bylaws clearly states that "The Vietnam Bar Association is a member of the Vietnam Fatherland Front under the leadership of the Communist Party of Vietnam, and the administration of the Socialist Republic of Vietnam government."

Lawyers defending land petitioners or dissidents often face prison sentences like lawyers Le Thi Cong Nhan, Nguyen Van Dai, and Le Quoc Quan. In addition, they could lose their licenses, such as in the cases of lawyer Vo An Don and lawyer Nguyen Dang Trung, or face physical assaults like lawyer Tran Thu Nam and lawyer Le Van Luan. The latest case of physical violence against lawyers is when lawyer Le Hoang Tung was attacked by investigator Tran Duc Minh of the Criminal Police Department, Ho Chi Minh City Police, on May 17, 2022.<sup>20</sup> At the end of May 2021, Lawyer Le Van Hoa, former Director of Department 4 of the Central Committee of Internal Affairs, announced that he had "lost faith in the judiciary" and said he would give up the legal profession.<sup>21</sup>

In daily business, lawyers in Vietnam today are confronted with obstruction from the investigative police, the Procuracy, and even the Trial Panel. A lawyer must obtain a defense counsel's certificate from the investigating authority to represent a client. This procedure is very annoying and creates an asking-giving relationship between the lawyer and the investigating agency. Therefore, the 2015 Criminal Law Procedure Code replaces the defense counsel's certificate with the defense registration procedure. But, according to many lawyers, it is just "old wine in a new bottle"!

The usual fundamental rights of an attorney, such as the right to contact and advise the client, gather evidence, and be with clients during questioning, are always subject to the prosecuting agency's consent. The jury rarely pays attention to lawyers' arguments in court, while the latter

<sup>20</sup> RFA. TPHCM: Luật sư tố bị công an hành hung ngay tại trụ sở phòng cảnh sát hình sự. <https://www.rfa.org/vietnamese/news/vietnamnews/attorney-denounced-of-being-assaulted-by-the-police-at-the-police-department-05182022051712.html>

<sup>21</sup> RFA. Luật sư bỏ nghề do mất hết niềm tin vào tư pháp Việt Nam. [https://www.rfa.org/vietnamese/in\\_depth/lawyer-quit-job-because-losing-all-faith-in-the-vn-judiciary-dt-05282021133629.html](https://www.rfa.org/vietnamese/in_depth/lawyer-quit-job-because-losing-all-faith-in-the-vn-judiciary-dt-05282021133629.html)

often do not dare to contradict the prosecutors. In most cases, the lawyers' only duty is to ask for leniency.<sup>22</sup>

### 3. AN INHUMANE PRISON SYSTEM

Corporal punishment has been used to subdue inmates and save funds for criminal prisoners. First, inmates are forced to work hard all day but are not entitled to the fruits of their labor. The work is difficult and dangerous and includes stone crushing, timber logging, farming, and brick-making. Second, despite strenuous work, prisoners must live in deplorable conditions in all aspects: shelter, food, sanitation, and health. Worst of all is the harsh treatment by prison wardens and staff, who can use any public humiliation and psychological or physical torture imaginable. The punishments were: first, to leave the prisoners dispirited and make them submissive to their jailers; second, to wreak revenge on prisoners who dared to demand treatment per the law.<sup>23</sup>

Particularly for political prisoners, inhuman treatment is carried out even more systematically. In addition to forced labor, they are usually subject to additional sanctions, such as transfer to faraway prison camps, prohibition of visits, disciplinary isolation, suspension of medical treatment, beatings by the prison police or by criminal prisoners directed by them, etc.

In 2021-2022, many cases of assault and mistreatment of prisoners of conscience were disclosed:

- Prisoner of conscience Trinh Ba Tu was beaten so severely that he had to be hospitalized for treatment when he was arrested. Amnesty International later accused the authorities of torturing Mr. Tu.
- Prisoner of conscience Le Anh Hung was brutally beaten by medical staff at the Central Psychiatric Hospital, tied his hands and feet to the bed, and forcibly injected with psychiatric drugs.
- Eleven officers beat the prisoner of conscience Le Quy Loc at An Phuoc prison, Binh Duong province.
- Prisoner of conscience, former police captain Le Chi Thanh was beaten so much in prison that he was emaciated and had difficulty walking when he went to court.
- Two inmates, Nguyen Chi Hai (19 years old) and Nguyen Huu Nhan (17 years old), were tortured during the interrogation when they could not go to court and needed someone to help them.
- Two prisoners of conscience in the case of Dong Tam, Le Dinh Cong and Le Dinh Chuc, were in poor health because of continuous brutal torture.
- Land petitioner Can Thi Theu was detained with ten people in a 7 square meter room, including someone infected with HIV. When they fought, she intervened and was bleeding; so she asked for an HIV contagion test, but the prison did not allow it.
- Eight prisoners of conscience at Xuan Loc prison protested being locked in a cell for six months and being mistreated.

<sup>22</sup> An Ninh Thủ Đức, *Luật sư chỉ định, có cho đủ... thủ tục*.  
<http://www.anninhthudo.vn/Ky-su-phap-dinh/Luat-su-chi-dinh-co-cho-du-thu-tuc/487759.antd>

<sup>23</sup> RFA. *Tình trạng tù nhân trong các trại giam ở Việt Nam*.  
<https://www.rfa.org/vietnamese/news/programs/OverseasVietnamese/vdsnv0520-tt-05202016134036.html>





*On the left: a photo of former police captain Le Chi Thanh before his arrest.*

*On the right: On January 14, 2022, prisoner of conscience, former police captain Le Chi Thanh, was beaten so much in prison that when he appeared in court, he was emaciated and had difficulty walking.*

*Photo RFA*

Another form of inhuman treatment is placement in a mental institution. Such is the case with writers Pham Thanh, Trinh Ba Phuong and Le Anh Hung. Recently, at the end of April 2022, activist Nguyen Thuy Hanh was also sent to a mental hospital while she was in pre-trial detention.<sup>24</sup>

## RECOMMENDATIONS

It is recommended that the Government of Vietnam

- Immediately put an end to the criminalization of legitimate political activities by abolishing all the vaguely-worded security crimes of the Criminal Code.
- Abide by the internationally recognized standards of criminal justice.
- Comply fully with the ‘*UN Basic Principles on the Role of Lawyers.*’
- Improve the current prison regimes and immediately and unconditionally release all prisoners of conscience and political prisoners.

<sup>24</sup> RFA. *Nhà hoạt động Nguyễn Thủy Hạnh bị chuyển từ trại tạm giam tới bệnh viện tâm thần.*  
<https://www.rfa.org/vietnamese/news/vietnamnews/activist-nguyen-thuy-hanh-was-transferred-from-a-detention-center-to-mental-hospital-05062022030608.html>

### III

## THE RIGHT TO PARTICIPATE IN NATIONAL POLITICAL LIFE

The 1993 Constitution stipulates, “Citizens have the right to participate in the management of state affairs through elections” (Articles 27 and 28)<sup>1</sup> “and the rights to freedom of speech, assembly, association and demonstration” (Article 25). However, Article 4 of this Constitution asserts the Communist Party of Vietnam’s (CPV) absolute leadership role over all national activities.<sup>2</sup> The General Secretary of the Communist Party of Vietnam, Nguyen Phu Trong, affirmed that the Constitution is “the most important political and legal document after the Party Platform.”<sup>3</sup> Because of this contradiction and the intention to maintain political monopoly at all costs, all provisions on political rights stated in Articles 20 and 21 of the Universal Declaration of Human Rights and Articles 21 and 22 of the International Covenant On Civil and Political Rights, which Vietnam has committed itself to uphold, are nullified. People are deprived of the right to peacefully choose their political system and representatives and have political views different from those of the CPV. All opposition groups are persecuted and outlawed.

### 1. NATIONAL AFFAIRS ARE THE PRIVILEGE OF THE COMMUNIST PARTY OF VIETNAM (CPV)

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

To proceed with the 15th National Assembly and all-level People’s Councils in May 2021, the Politburo of the CPV issued Directive No. 45-CT / TW to determine the party committees’

<sup>1</sup> Article 27: “Every citizen who reaches the age of eighteen has the right to vote. Every citizen who reaches the age of twenty-one has the right to stand for election to the National Assembly or People’s Councils. The exercise of those rights shall be prescribed by a law.”

Article 28: “1. Citizens have the right to participate in the management of the State and management of society, and to discuss and propose to state agencies issues about their base units, localities and the whole country. 2. The State shall create the conditions for citizens to participate in the management of the State and society; and shall publicly and transparently receive and respond to the opinions and petitions of citizens.”

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

<sup>3</sup> VNExpress. *Tổng bí thư: Đề phòng thế lực muốn xóa bỏ điều 4 Hiến pháp*.  
<https://vnexpress.net/tong-bi-thu-de-phong-the-luc-muon-xoa-bo-dieu-4-hien-phap-2886937.html>



*On April 20, 2022, the Hanoi People's Court held an appellate trial against the prisoner of conscience Le Trong Hung, a self-nominated candidate for the 15th National Assembly, for allegedly "Making, storing, spreading information, materials, items for the purpose of opposing the State of Socialist Republic of Vietnam." Photo captured from the video clip of the Procuracy.*

leadership in organizing the elections.<sup>4</sup>

Unlike democratic elections, where someone with the highest votes wins, the May 2021 election results have been pre-arranged. Resolution No. 1185/NQ-UBTVQH14 of the 14<sup>th</sup> National Assembly states that the 15<sup>th</sup> National Assembly will have 95 members of the Party Central Committee, about 50 deputies under 40 years old, about 160 re-elected deputies, six deputies from religious groups, etc. The Resolution also set the number of non-Party candidates for candidacy from 25 to 50 delegates, equivalent to 5-10% of the total deputies.<sup>5</sup>

In the National Assembly elections, all applicants must be screened by the Fatherland Front, a CPV front organization, through the "Consultative Conference" and the "Voter Conference" at central and local levels.

For the National Assembly election in 2021, according to the final official list after the third consultation, there are 866 candidates nationwide, of which nine are self-nominated.<sup>6</sup> Eight of the nine self-nominated candidates are senior party members, of which four are current members of the National Assembly. The only person who is said to be not a party member is Mr. Luong The Huy. And the government has aggressively advertised him as gay as if the government wanted to

<sup>4</sup> Thư viện Pháp luật. *Chi thị của Bộ Chính Trị*. <https://thuvienphapluat.vn/van-ban/Bo-may-hanh-chinh/Chi-thi-45-CT-TW-2020-lanh-dao-cuoc-bau-cu-dai-bieu-Quoc-hoi-khoa-XV-nhiem-ky-2021-2026-445540.aspx>

<sup>5</sup> Chinhphu.vn. *Nghị quyết số 1185/NQ-UBTVQH14 của ỦY BAN THƯỜNG VỤ QUỐC HỘI: Dự kiến số lượng, cơ cấu, thành phần đại biểu Quốc hội khóa XV*. <https://vanban.chinhphu.vn/default.aspx?pageid=27160&docid=202644>

<sup>6</sup> Báo điện tử Đảng Cộng sản Việt Nam. *9 người tự ứng cử đại biểu Quốc hội khóa XV*. <https://daihoi13.dangcongsan.vn/bau-cu-dai-bieu-quoc-hoi-khoa-xv-va-dai-bieu-hdnd-cac-cap/tin-tuc/9-nguoi-tu-ung-cu-dai-bieu-quoc-hoi-khoa-xv-5831>

show the world that gay people would not be discriminated against in Vietnam. Meanwhile, the authorities arrested four dissidents who intended to apply for candidacy: Mr. Tran Quoc Khanh<sup>7</sup> and Mr. Le Trong Hung<sup>8</sup> were detained on charges of “spreading documents aimed at opposing the state;” Mr. Nguyen Quoc Huy<sup>9</sup> and Mr. Nguyen Van Son Trung<sup>10</sup> were released after a few days of interrogation. On October 29, 2021, Mr. Tran Quoc Khanh was sentenced to six years and six months in prison and two years of probation. On December 31, 2021, Mr. Le Trong Hung was sentenced to 5 years in jail and five years of probation.

Although the 14th National Assembly Standing Committee Resolution had intended 25-50 non-Party deputies to the 15th National Assembly, only four self-nominated candidates were elected. They were all Communist Party members, three of which are incumbent National Assembly deputies.

Compared to the previous National Assembly sessions, the percentage of non-CPV deputies has decreased session by session. The 1st National Assembly (1946-1960) had 333 seats, of which the Viet Minh (the predecessor of the CPV) occupied 120 seats (36%), the Democratic Party of Vietnam had 46 seats, the Socialist Party of Vietnam had 24 seats, and 143 nonpartisan seats. The 13th National Assembly (2011-2016) had 500 seats, of which non-CPV members occupied 42 seats (8.4%). The 14th National Assembly (2016-2021) had 500 seats, and non-CPV deputies occupied 21 seats (4.23%). The 15th National Assembly has 14 non-CMV deputies (2.8%).

In the course of legislative work in Vietnam, the development of draft laws requires direction from the National Assembly Party Committee, a Party organization established to explore and submit to the Politburo the law-making program of the National Assembly. In addition, the National Assembly’s Party Committee has the task of ensuring “the conformity of the content of the draft decision with the Party’s lines and policies.”<sup>11</sup>

Article 70 of the Constitution stipulates that the National Assembly must approve candidates for the state apparatus’s essential positions. However, in reality, the CPV Central Committee picks the candidates, and the National Assembly only rubberstamps the selections.

At the local level, to increase the CPV’s political control, the Politburo issued Resolution No. 22/ NQ – TW in 2008, stipulating a model that calls for “the secretary of the party committee to concurrently serve as chairman of the People’s Committee of commune and ward.” The model allows no border between a party organization and a government unit.

Up to now, this “unification” model has been developed at all levels of government nationwide. There are 22 Provincial Party Committee secretaries concurrently Provincial People’s Council

<sup>7</sup> VOA. *Việt Nam bắt Facebooker Trần Quốc Khánh sau khi ông tuyên bố tự ứng cử ĐBQH*. <https://www.voatiengviet.com/a/vietnam-bat-fb-tran-quoc-khanh-sau-khi-ong-tuyen-bo-tu-ung-cu-dbqh/5810412.html>

<sup>8</sup> Người Việt. *Người thứ hai tự ứng cử đại biểu Quốc Hội bị bắt*. <https://www.nguoi-viet.com/viet-nam/nguoi-thu-hai-tu-ung-cu-dai-bieu-quoc-hoi-bi-bat/>

<sup>9</sup> RFA. *Công an Bình Thuận thả nhà thơ Đồng Chuông Từ đồng thời câu lưu thêm hai người bạn*. <https://www.rfa.org/vietnamese/news/vietnamnews/binh-thuan-police-released-cham-ethnic-poem-detain-two-of-his-friends-04122021074857.html>

<sup>10</sup> RFA. *Công an Bình Thuận thả ông Nguyễn Văn Sơn Trung sau 5 ngày tạm giữ đề hỏi chuyện “tự ứng cử”*. <https://www.rfa.org/vietnamese/news/vietnamnews/nguyen-van-son-trung-released-after-five-day-detention-working-with-police-on-self-nomination-04142021090400.html>

<sup>11</sup> Hội Luật Gia Việt Nam. *Đảng cầm quyền thông qua quyền lập pháp, hành pháp và tư pháp ở Việt Nam*. <http://hoiluatgia.vn.org.vn:8080/dang-cam-quyen-thong-qua-quyen--lap-phap-hanh-phap-va-tu-phap-o-viet-nam-d2552.html>

Chairpersons.<sup>12</sup> At the district and commune levels, in Dam Ha district, Quang Ninh province, seven out of nine party secretaries are concurrently the People's Committees chairpersons of communes and townships; and all 76 Party cell secretaries are village heads.<sup>13</sup> Xuan Loc district, Dong Nai province, has more than 50% of communes implementing the model of party secretary concurrently with the commune People's Committee chairperson.<sup>14</sup> Lai Vung district, Dong Thap province, has 6 out of 12 communes and towns that have implemented the model of Party Secretary concurrently with the commune People's Committee and town chairperson.<sup>15</sup> Yen Chau District, Son La Province, has 12 out of 15 Secretaries of the Party Committee cum Chairpersons of the Commune People's Councils.<sup>16</sup>

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

## 2. STAMPING OUT THE OPPOSITION

To protect the Party's political security, the government maintained its intolerance of outside dissent or criticism. On January 8, 2022, the Government's Resolution "On the main tasks and solutions to implement the socio-economic development plan and state budget estimate in 2022 repeated the chorus of PCV's leaders "not to allow domestic opposition political organizations."<sup>17</sup>

Thus, organizations promoting democracy and human rights, such as Bloc 8406, the People's Action Party, the Democratic Party of Vietnam, the Vietnam Progress Party, the Populist Party, the High Tide of Humanism Movement, the Committee for Human Rights, the United Workers-Farmers Association, Viet Labor Movement, the Vietnamese Political and Religious Prisoners Friendship Association, the Patriotic Youth, the Vietnam Path Movement, Vietnam Blogger Network, the Brotherhood For Democracy, the Constitution Group, Vietnamese Women for Human Rights, and the Independent Journalists Association continued to be banned and persecuted. Many members of these organizations were isolated or imprisoned.

For example, as of May 2021, up to 51 members of Bloc 8406 had been arrested and sentenced to prison, of whom seven remain incarcerated. The Brotherhood for Democracy had nine members in detention, of which eight were sentenced to between 7 and 13 years in prison, and one was

<sup>12</sup> VOV. *22 Bí thư Tỉnh ủy kiêm Chủ tịch Hội đồng Nhân dân tỉnh.*

<https://vov.vn/chinh-tri/22-bi-thu-tinh-uy-kiem-chu-tich-hoi-dong-nhan-dan-tinh-post926608.vov>

<sup>13</sup> Quảng Ninh. *Phát huy truyền thống, tiếp tục đổi mới, xây dựng huyện Đàm Hà giàu mạnh, dân chủ, công bằng, văn minh.* <https://baoquangninh.com.vn/phat-huy-truyen-thong-tiep-tuc-doi-moi-xay-dung-huyen-dam-ha-giau-manh-dan-chu-cong-bang-van-minh-3160029.html>

<sup>14</sup> Đồng Nai. *Huyện Xuân Lộc: Hơn 50% số xã, thị trấn thực hiện mô hình bí thư Đảng ủy đồng thời là chủ tịch UBND xã.* <http://www.baodongnai.com.vn/chinhtri/202112/huyen-xuan-loc-hon-50-so-xa-thi-tran-thuc-hien-mo-hinh-bi-thu-dang-uy-dong-thoi-la-chu-tich-ubnd-xa-3092573/>

<sup>15</sup> Đồng Tháp. *Hiệu quả bước đầu từ mô hình Bí thư Đảng ủy đồng thời là Chủ tịch UBND xã.* <https://www.baodongthap.vn/dua-nghi-quyet-vao-cuoc-song/hieu-qua-buoc-dau-tu-mo-hinh-bi-thu-dang-uy-dong-thoi-la-chu-tich-ubnd-xa-101047.aspx>

<sup>16</sup> Sơn La Online. *Nâng cao năng lực lãnh đạo và sức chiến đấu của tổ chức cơ sở Đảng.*

<http://baosonla.org.vn/vi/bai-viet/nang-cao-nang-luc-lanh-dao-va-suc-chien-dau-cua-to-chuc-co-so-dang-45462>

<sup>17</sup> Chính Phủ. *Nghị quyết về nhiệm vụ. Giải pháp chủ yếu thực hiện kế hoạch phát triển kinh tế - xã hội và dự toán ngân sách nhà nước năm 2022.* <https://luatvietnam.vn/chinh-sach/nghi-quyet-01-nq-cp-215482-d1.html>



awaiting trial. Lawyer Nguyen Van Dai, a founder of the association, was exiled abroad. Mr. Tran Huynh Duy Thuc, the leader of the Vietnam Path Movement, was still serving his 16-year sentence on charges of “activities aimed at overthrowing the people’s government” under Article 79 of the 1999 Criminal Law. Dr. Nguyen Dan Que, the founder of the Humanist Movement, and Rev. Nguyen Van Ly, one of the Bloc 8406’s founders, have been under house arrest. Members of the Constitutional Group are still serving years in prison. In addition, three key members of the Independent Journalists Association are serving heavy sentences ranging from 11 to 15 years in prison. Ms. Huynh Thuc Vy, the founder of Vietnam Women for Human Rights, was sentenced to 2 years and nine months in jail at the end of 2018 and was given a suspended sentence for having children under three years old. However, she was arrested and sent to prison in early December 2021, even though her child is not yet three years old.

In 2020 and the first months of 2021, to prepare for the CPV’s 13th National Congress and 15th National Assembly elections, the government has stepped up repression, using vague provisions of the Criminal Law and the Cybersecurity Law to arrest and detain those who disagree with them arbitrarily. After the CPV’s 13th National Congress, the persecution did not decrease but increased even more. At least 48 dissidents have been arbitrarily arrested, and 72 brought to court with hefty sentences in 2021 and the first months of 2022 under the vague provisions of the Criminal Law; (until May 31, 2022) [see details of cases in the list of prisoners of conscience in Appendices I and II]

### 3. VIOLATION OF BASIC CIVIL LIBERTIES

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

#### 3.1. *The Right to Freedom of Association*

At this time, the legal provisions governing associations are Ordinance No. 102 / SL / L004 of May 20, 1957, Decree No. 45/2010 / ND-CP of 2010, amended and supplemented by Decree No. 33/2012 / ND-CP of 2012. Under this legal framework, free association is not a right defined by the International Covenant on Civil and Political Rights; instead, the formation of an association, with its draconian registration/permission procedures, is only a privilege from the government.

Under pressure from international entities and the recommendations of the UN Human Rights Council, in 2005, the government announced a Draft Law on Associations. Still, as of 2014, and after 11 amendments, the National Assembly had not yet put the draft law up for discussion or vote. Therefore, at the end of 2015, Chairman Nguyen Sinh Hung declared that the National Assembly would postpone the vote on the Draft Law on Associations until the 14th National Assembly.<sup>18</sup>

<sup>18</sup> BBC. *Luật về Hội - phép thử bị trì hoãn?*

[http://www.bbc.com/vietnamese/vietnam/2015/09/150925\\_vn\\_draft\\_association\\_law\\_views](http://www.bbc.com/vietnamese/vietnam/2015/09/150925_vn_draft_association_law_views)





*On June 12, 2021, many people set up camp in front of the Hoa Phat steel factory in Dung Quat economic zone, Quang Ngai province, to protest against the factory polluting the living environment. Photo: Tran Mai, Tuoi Tre Online.*

After many submissions and withdrawals, the 14th National Assembly has not yet voted on the Bill on Association. Therefore, up to now, the bill on association was not mentioned in the 15th National Assembly legislative agenda.

To fill this shortcoming, on January 16, 2022, the Minister of Home Affairs issued Circular No. 01/2022/TT-BNV amending and supplementing several articles of the regulatory documents arising from the Ordinance. No. 102/SL/L004 May 20, 1957. These are just technical patch-ups only.<sup>19</sup>

The unusual delay in drafting the Law on Associations shows that the State is still afraid that people will use this law as a legal means to bypass State control in building independent organizations.

In addition to the VCP and its peripheral organizations, they are called “socio-political organizations,” such as the Vietnam Fatherland Front, the Trade Union, the Ho Chi Minh Communist Youth Union, and the association. Vietnam Women’s Union, Vietnam Farmers’ Union, and Vietnam Farmers’ Union, no organizations that do not share the political stance of the VCP are allowed to operate. Even specialized civil society organizations, such as mutual aid organizations, professional organizations, environmental protection organizations, etc., must also be approved and controlled by the CPV.

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

<sup>19</sup> Chinhphu.vn. *Thông tư số 01/2022/TT-BNV của Bộ Nội vụ*. <https://vanban.chinhphu.vn/?pageid=27160&docid=205219>

Although their activities are minimal, mainly through social media, and although they have always been persecuted, these associations have created a new spirit of freedom of association, a right specified in the Vietnamese Constitution.

### 3.2. The Right to Freedom of Peaceful Assembly

At present, gathering to express people's views and aspirations is still regulated by Decree 38/2005 of the Government and Circular No. 09/2005/TT-BCA of the Ministry of Public Security. According to these two legal documents, to gather five people or more, people must register in advance and get permission from the relevant People's Committee. In addition, they must declare the names of the attendees, the content, the date, and the time of the meeting. Gatherings that do not meet the above conditions are considered illegal.

The government is very suspicious of crowds beyond their control. However, under international pressure, Prime Minister Nguyen Tan Dung, in November 2011, proposed and submitted a draft Law on Demonstrations; however, at the end of 2015, it had still not yet been discussed by the National Assembly. In early 2016, Minister of Justice Ha Hung Cuong said, "Because opinions on the content of the draft Law are very different among the cabinet members," the government has requested that the discussion on the draft Law be postponed until the 2<sup>nd</sup> Session of the 14<sup>th</sup> National Assembly (the end of 2016).<sup>20</sup> Nonetheless, as with the draft Law on Associations, the draft Law on Demonstrations has not been included in the legislative agenda of the 15<sup>th</sup> National Assembly. This is because the government needs Politburo's opinion to "prevent hostile forces from taking advantage of the demonstrations to disturb order and oppose our Party and State."<sup>21</sup>

Even though the COVID-19 epidemic restricted travel in 2021-2022, mass protests continued in various places for multiple reasons, most notably the rallies of land expropriation victims demanding justice; and exploited workers demanding improvement in wages and working conditions.

According to a report by the Vietnam General Confederation of Labor, in 2021, there were 105 collective work stoppages, a decrease of 20 events compared to 2020.<sup>22</sup> This decrease is understandable because, according to state statistics, 119,828 businesses were suspended or dissolved because of the COVID-19 pandemic during the same time.<sup>23</sup>

During this time, there were also gatherings of land petitioners in many places throughout the country, for example:

- On March 13, 2022, hundreds of farmers in Cu M'Gar district, Dak Lak province, gathered and raised slogans to demand land use rights.<sup>24</sup>

<sup>20</sup> Tuổi Trẻ Online. *Chính phủ lại xin lùi dự án Luật biểu tình*. <http://tuoitre.vn/tin/chinh-tri-xa-hoi/20160217/chinh-phu-lai-xin-lui-du-an-luat-bieu-tinh/1052683.html>

<sup>21</sup> Báo Thanh Tra. *Chưa bàn Luật Biểu tình, Luật Đặc khu tới hết năm 2021*. <https://thanhtra.com.vn/chinh-tri/doi-noi/chua-ban-luat-bieu-tinh-luat-dac-khu-toi-het-nam-2021-163721.html>

<sup>22</sup> Thanh Niên. *Cả nước xảy ra 105 cuộc ngừng việc tập thể, chủ yếu liên quan đến lương thưởng*. <https://thanhnien.vn/ca-nuoc-xay-ra-105-cuoc-ngung-viec-tap-the-chu-yeu-lien-quan-den-luong-thuong-post1420206.html>

<sup>23</sup> Doanh Nghiệp & Thương Mãi. *"Bức tranh" doanh nghiệp năm 2021 và những tác động của dịch Covid-19*. <https://doanhnghiepvahtuongmai.vn/bai-viet/buc-tranh-doanh-nghiep-nam-2021-va-nhung-tac-dong-cua-dich-covid-19.phtml>

<sup>24</sup> RFA. *Đắk Lắk: Nông dân biểu tình phản đối công ty lâm trường vì không chịu "cảnh nô lệ"*. <https://www.rfa.org/vietnamese/news/vietnamnews/dak-lak-farmer-protests-land-appropriation-03172022080321.html>

- On February 25, 2022, hundreds of farmers protested at the construction site of the wind power farm in Dak N'Drung, Dak Lak province, protesting against inadequate land compensation.<sup>25</sup>
- On December 17, 2021, hundreds of people in Binh Thuan commune, Binh Son district, Quang Ngai province blocked National Highway 1A, demanding the release of anglers arrested earlier by mobile police for protesting Hoa Phat Company's project of Hoa Phat Dung Quat Container Terminal Project.<sup>26</sup>
- On December 5, 2021, land buyers at the Residential Building Project in Nui Thanh Town, invested in by An An Hoa LLC, came to the project land, hanging banners to request the land broker and the investor to hand over the certificate of land use right to them.<sup>27</sup>
- In October 2021, farmers in Thuan Ha Commune, Dak Song District, Dak Nong Province, continuously gathered to obstruct the construction of wind power projects and demanded compensation for expropriated land.<sup>28</sup>

During the COVID-19 epidemic, many people demonstrated, demanding support money as announced by the government, such as:

- On September 8, 2021, about 500 people gathered and demanded the government hand out a support amount of 1.5 million VND, as the leader of Ho Chi Minh City had promised.<sup>29</sup>
- On 8-10-2021, many people gathered at the People's Committee of Tan Lap 1 commune, Tan Phuoc district, Tien Giang province, stretching banners across the road to ask for support money due to the impact of the COVID-19 epidemic.<sup>30</sup>

All of the above gatherings, under current Vietnamese law, are illegal, even though the motivation and purpose are legitimate.

### 3.3. *The right to Freedom of Movement and Residence*

The Constitution of Vietnam recognizes the right to freedom of residence and freedom of movement (Article 23 of the 2013 Constitution). Those rights, however, are fundamentally restricted by various laws and administrative measures.

As for the freedom of residence, the most common measure is the regular household registration system, a form of government control over its citizens applied only in China, North Korea, and

<sup>25</sup> WindPower. *Vietnamese police arrest 24 people after confrontation between protesters and security.* <https://www.windpowermonthly.com/article/1748210/vietnamese-police-arrest-24-people-confrontation-protesters-security>

<sup>26</sup> RFA. *Quảng Ngãi: Dân chặn quốc lộ đòi người bị bắt vì phản đối dự án bến cảng Hòa Phát.* <https://www.rfa.org/vietnamese/news/vietnamnews/hundreds-people-block-the-national-route-to-demand-the-release-of-fishermen-12232021064244.html>

<sup>27</sup> Quảng Nam Online. *Nhiều người dân giăng băng rôn đòi sổ đỏ ở dự án Khu dân cư thị trấn Núi Thành.* <https://baoquangnam.vn/toa-soan-ban-doc/nhieu-nguoi-dan-giang-bang-ron-doi-so-do-o-du-an-khu-dan-cu-thi-tran-nui-thanh-120812.html>

<sup>28</sup> Thanh Tra. *Nếu không quyết liệt thì sẽ tạo tiền lệ xấu.* <https://thanhtra.com.vn/kinh-te/dau-tu/neu-khong-quyet-liet-thi-se-tao-tien-le-xau-190218.html>

<sup>29</sup> Tin Tức. *500 người dân tập trung đòi 1,5 triệu đồng tiền hỗ trợ ở TP.HCM: Phường 7, quận 8 lên tiếng.* <https://tintuonline.com.vn/thoi-su/500-nguoi-dan-tap-trung-doi-15-trieu-dong-tien-ho-tro-o-tphcm-n-492633.html>

<sup>30</sup> Tin24vn.com. *Tụ tập gây rối, vu khống lực lượng làm nhiệm vụ ở Tiền Giang.* <https://tin24vn.com/tu-tap-gay-roi-vu-khong-luc-luong-lam-nhiem-vu-o-tien-giang-n118596.html>





*After many months of the COVID-19 lockdown, on October 1, 2021, thousands of Ho Chi Minh City workers found their way back to their hometowns. However, when arriving at the border gate of Long An, they were stopped by security forces and asked to go back - Photo by BBC.*

Vietnam. Vietnam has employed the household registration system since the 1950s and codified it with the 2006 Law on Residence.

In 2020, the National Assembly of Vietnam passed the Law on Residence 2020 No. 68/2020 / QH14, amending the Law on Residence 2006; This Law took effect from July 1, 2021. A significant change in the new law is replacing the Household Registration Book with the Residence Database. This replacement will be officially implemented by the end of 2022. The Law on Residence (amended) only replaces the method of residence control by the household registration booklet and the temporary residence paper with the electronic data brought about by applying information technology. With digitalization, citizens' residence and travel data will be more centralized, and it will be easier for government to get more control over people's lives. Therefore, people's freedom of residence and movement will be more limited, especially with the vague provision of Article 7: Prohibited acts of residence include, "8. Misuse the right to freedom of residence to violate state interests or legitimate rights and interests of an organization or individual."

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

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

In 2006, the Vietnamese government issued Resolution No. 22/NQ-CP canceling Decree 31/CP. However, this was only a legal maneuver since the main content of Decree 31/CP had been included in the 2002 Law on Handling of Administrative Violations 44/2002/PL-UBTVQH10, which has higher legal validity.<sup>31</sup>

Regarding the right to freedom of movement, in addition to the above administrative measures, the government continues to use security forces to prevent, arrest, and confiscate passports on the vague grounds of “protecting national security and public order.” social safety” according to Decree 136/2007/ND-CP on exit and entry of Vietnamese citizens.<sup>32</sup>

The constant surveillance and stalking of dissidents increased on special occasions such as visits by foreign delegations, Party Congress, National Assembly elections, and dissidents’ trials; such as the trial of Trinh Ba Phuong and Nguyen Thi Tam on December 15, 2021, and the trial of Le Trong Hung on December 13, 2021. In these cases, the government often sent undercover security agents to dissidents’ residences, preventing their relatives from leaving their homes.<sup>33</sup>

During the outbreak of the COVID-19 epidemic, under the pretext of health safety, the government set up checkpoints to block millions of people from leaving the towns to return to the countryside to avoid the epidemic.

In February 2022, Human Rights Watch published a report on restricted freedom of movement for human rights activists in Vietnam. The report records the case of Ms. Nguyen Thuy Hanh in 2021 and many other cases in previous years.

In summary, from central to local levels, only about 5.2 million CPV members out of nearly 99 million Vietnamese citizens are entitled to engage in political activities. The rest are deprived of the right and opportunities to participate in the country’s political processes and other fundamental rights, including the right to freedom of speech, freedom of association, freedom of protest, and freedom of movement.

## RECOMMENDATIONS

It is recommended that the Government of Vietnam:

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

<sup>31</sup> Ls Lê Thị Công Nhân. *Sự Thật Về Việc Bãi Bỏ Nghị Định 31/CP Ngày 14.4.1997*. [http://www.vietnamhumanrights.net/Forum/LTCN\\_111106.htm](http://www.vietnamhumanrights.net/Forum/LTCN_111106.htm)

<sup>32</sup> Chinhphu.vn. *Nghị định về xuất cảnh, nhập cảnh của công dân Việt Nam* <https://vanban.chinhphu.vn/default.aspx?pageid=27160&docid=36315>

<sup>33</sup> RFA. *An ninh cảnh của nhà dân từ trước Đại hội 13: Phi pháp và vô pháp!* [https://www.rfa.org/vietnamese/in\\_depth/security-to-guard-people-s-homes-illegal-and-illegal-dt-01252021144649.html](https://www.rfa.org/vietnamese/in_depth/security-to-guard-people-s-homes-illegal-and-illegal-dt-01252021144649.html)



## IV THE RIGHT TO FREEDOM OF EXPRESSION AND FREEDOM OF INFORMATION

As amended in 2013, the Constitution of Vietnam stipulates that “Citizens have the right to freedom of speech and freedom of the press, and have the right to access information, the right to assembly, the right to association, and the right to demonstrate. The exercise of those rights shall be prescribed by law” (Article 25). Currently, the right to freedom of expression and freedom of information is regulated by the Criminal Law 2015, the Law on Access to Information 2016, the Law on Cybersecurity 2018, the Law on Protection of State Secrets 2018, and several under-law regulations.

The legislation on freedom of expression and information in recent years has not improved but, on the contrary, has strengthened the control of the Communist Party of Vietnam. The government continues:

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

### 1. THE STATE’S MONOPOLY OF SPEECH

During the December 2020 National Conference on Media & Journalism, Member of the Politburo, Secretary of the Party Central Committee, and Head of the Central Propaganda Department Vo Van Thuong once again emphasized, “Vietnam has no private press. This is a matter of principle.”<sup>1</sup>

According to the Vietnam News Agency, as of November 30, 2021, the country has 816 press agencies (print and electronic), and 72 have licenses to operate radio and television. The number of staff working in the press industry is 40,000, and journalists with a license to practice are 17,161.<sup>2</sup> The Vietnam Journalists Association has 27,000 members. No private newspaper or electronic media agency is allowed to operate legally.

Article 4 of the 2016 Press Law repeats Article 6 of the 1999 Press Law when defining the press’s only task as: “Propaganda and dissemination, contributing to the construction and protection of the Party’s directions and policies and the State’s policies and laws....” The press continues to play

<sup>1</sup> Tuổi Trẻ. *Đảng và nhân dân rất kỳ vọng vào báo chí.*  
<https://tuoitre.vn/dang-va-nhan-dan-rat-ki-vong-vao-bao-chi-2020123112385858.htm>

<sup>2</sup> Thông tấn xã Việt Nam. *Số liệu về các cơ quan báo chí Việt Nam năm 2021.*  
<https://dhtn.ttxvn.org.vn/tintuc/so-lieu-ve-cac-co-quan-bao-chi-viet-nam-nam-2021-9153>



*On March 24, 2021, the People's Court of Nghe A province held an appellate trial against dissident poet Tran Duc Thach. It upheld the first-instance sentence of 12 years in prison and three years of probation for the charge of "activities aimed at overthrowing People's government." Photo of Nghe An newspaper.*

the role of the mouthpiece of the Party and the government to shape public opinion.

Thus, statistics on the number of Internet users, the number of websites, the number of publications, the number of television stations, and the number of licensed reporters that the government often presents as credentials of respect for freedom of speech only show that the government is increasing its propaganda machine.

In 2021- 2022, the CPV Central Committee's Publicity and Education Commission, in collaboration with the Ministry of Information and Communications and the Vietnam Journalists Association, has organized many conferences at central, local, and departmental levels to tighten discipline in journalism activities and to dissuade the trends of "journalization" and "privatization" of the press.<sup>3</sup>

## 2. GOVERNMENTAL OBSTRUCTION OF ALTERNATIVE INFORMATION INTENSIFIES

Along with the promulgation of the 2016 Press Law, Vietnam's National Assembly passed the Law on Access to Information on April 6, 2016. Unlike the former, the latter, according to the responsible agency, is meant to "expand democracy, guarantee the citizens' rights and human rights," "provide means for the people to fully enjoy their mastership, especially their direct democracy," and "guarantee the citizens' right to access to information."<sup>4</sup>

<sup>3</sup> Pháp luật Việt Nam. *Tăng cường xử lý nghiêm vi phạm trong hoạt động báo chí.* <https://baophapluat.vn/tang-cuong-xu-ly-nghiem-vi-pham-trong-hoat-dong-bao-chi-post437841.html>

<sup>4</sup> *Tờ trình về dự án Luật tiếp cận thông tin của Chính phủ* gửi Quốc hội khóa XIII, 10/2015

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

The Cyber-Security Law, which came into effect in early 2019, was drafted by the Ministry of Public Security and is copied from the Cyber-Security Law of the People's Republic of China. Worldwide, 138 countries have enacted Cyber-Security Laws (72% of the nations).<sup>5</sup> However, while the primary purpose of these countries' legal documents is to protect the security and interests of Internet users, Vietnam's 2018 Law on Cybersecurity aims to legalize government control of the Internet to protect the CPV's monopoly on information.

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

On July 1, 2020, the Law on Protection of State Secrets No. 29/2018 / QH14 took effect. Until May 05, 2021, the government issued 32 decisions to list information classified as state secrets in many social activities, from politics to education, economics, and even religion.<sup>6</sup> This law is a legal measure to block information that is not beneficial for the CPV's political monopoly. Article 337 of the 2015 Criminal Law stipulates that the penalty frame for intentionally disclosing state secrets is 2 to 10 years in prison, depending on the secret type.

Many state agencies also impose regulations that limit the media's right to access information with many "technical barriers." A survey by Saigon Research Group on the state agency's openness to press inquiry found that up to 47.07% of respondents think it is common for agencies to refuse to provide information, 23.53% believe it is widespread, and only 2.94% consider it uncommon.<sup>7</sup> Research by the Center for Communication and Development (RED) and the Scientific Council (MEC) shows that only 25% of citizens' petitions, criticisms, complaints, and denunciations through the press received on-time responses. Furthermore, out of those responses, only ¼ is information with settlement results, and ¾ is information with general promise.<sup>8</sup>

In addition to making laws to restrict citizens' right to freedom of information and expression,

<sup>5</sup> United Nations Conference on Trade and Development. "Cybercrime Legislation Worldwide" [https://unctad.org/en/Pages/DTL/STI\\_and\\_ICTs/ICT4D-Legislation/eCom-Cybercrime-Laws.aspx](https://unctad.org/en/Pages/DTL/STI_and_ICTs/ICT4D-Legislation/eCom-Cybercrime-Laws.aspx)

<sup>6</sup> Cục Quản lý mật mã dân sự và Kiểm định sản phẩm mật mã. *Tổng hợp Danh mục bí mật nhà nước trong các lĩnh vực do Thủ tướng Chính phủ ban hành*. <https://nacs.gov.vn/tin-tong-hop/-/view-content/257100/thdmnn>

<sup>7</sup> Tạp chí Trí Thức Xanh. *Báo chí Việt Nam với quyền tiếp cận thông tin*. <http://trithucxanh.vn/bao-chi-viet-nam-voi-quyen-tiep-can-thong-tin-nd92871.html>

<sup>8</sup> Trí Thức Xanh. *Báo chí Việt Nam với quyền tiếp cận thông tin*. <https://trithucxanh.vn/post/bao-chi-viet-nam-voi-quyen-tiep-can-thong-tin>

the government continues to use various measures to prevent its people from having access to independent and objective sources of information: screening “toxic” cultural products at the border gates or through postal services, jamming overseas radio stations broadcasting in Vietnamese, setting up firewalls, shutting down dissident websites and Facebooks, and using hackers to infiltrate computers or install malicious software on the user’s computer to help them with surveillance.

At the end of February 2021, Amnesty Tech said that the Ocean Lotus group, also known as APT32, suspected of having connections with the Vietnamese government, has been conducting spyware attacks against Vietnamese human rights activists at home and abroad for many years.<sup>9</sup> At the end of October 2021, the Facebook pages of the Vietnamese language program of the radio stations VOA and RFA in the US, BBC in the UK, and The Times in Germany were simultaneously hacked. Soon after, Vietnam’s People’s Army newspaper immediately denied that “patriotic” hackers or Vietnamese authorities were behind this incident.<sup>10</sup>

Additionally, in 2020-2021, several media platforms, especially Facebook,<sup>11</sup> have complied with the Vietnamese government’s escalating demand to censor dissidents. According to the Vietnamese government’s source, “in the last four months of 2020, Facebook has removed nearly 4,500 articles, 290 fake accounts posting false information propagating against the Party and State. Meanwhile, Google has removed more than 30,000 illegal videos and 24 reactionary channels on YouTube. At the same time, more than 1,700 websites and malicious blogs violated Vietnamese law, with tens of thousands of articles being blocked. Eighty to eighty-five percent of bad information, distorting the Party’s direction and policies and the state’s laws were removed before the 13<sup>th</sup> National Congress of the VCP.”<sup>12</sup>

In the face of protests from international and Vietnamese human rights organizations, in early December 2021, Facebook said it had removed several accounts used to attack dissidents in Vietnam. These accounts belong to the E47 group confirmed to be linked to the military’s Cybersecurity Force, commonly known as the 47th Regiment. Those in this group created thousands of ghost accounts attributed to dissidents and took advantage of Facebook’s reporting procedures to label real accounts of dissidents as impostors.<sup>13</sup>

In April 2022, Vietnam is preparing new regulations requiring social media companies to remove content they consider illegal within 24 hours. If companies fail to meet the deadlines set by the government, their platforms may be banned.<sup>14</sup>

<sup>9</sup> Cyberscoop. *Vietnamese hackers spent years harassing human rights activists with spyware.* <https://www.cyberscoop.com/vietnam-hackers-apt32-oceanlotus-amnesty-spyware-activists/>

<sup>10</sup> VOA. *Báo Việt Nam phủ nhận hacker ‘yêu nước’ tấn công VOA và các báo đài ở Mỹ, châu Âu.* <https://www.voatiengviet.com/a/bao-viet-nam-phu-nhan-hacker-yeu-nuoc-tan-cong-voa-bbc-rfa-thoi-bao/6296730.html>

<sup>11</sup> BBC. *Facebook: Mark Zuckerberg ‘đích thân ký với VN để chặn bài “chống nhà nước”’.* <https://www.bbc.com/vietnamese/world-59047127>

<sup>12</sup> VTV. *Ngăn chặn hàng loạt thông tin xấu độc, xuyên tạc nhân sự trong khi diễn ra Đại hội XIII.* <https://vtv.vn/chinh-tri/ngan-chan-hang-loat-thong-tin-xau-doc-xuyen-tac-nhan-su-trong-khi-dien-ra-dai-hoi-xiii-20210128181227233.htm>

<sup>13</sup> CNA. *Facebook says it removes accounts which targeted Vietnamese activists.* <https://www.channelnewsasia.com/asia/facebook-says-it-removes-accounts-which-targeted-vietnamese-activists-2352051>

<sup>14</sup> Reuters. *Vietnam plans 24-hour take-down law for “illegal” social media content -sources.* <https://www.reuters.com/business/media-telecom/exclusive-vietnam-plans-24-hour-take-down-law-illegal-social-media-content-2022-04-20/>

### 3. SUPPRESSION OF OPINIONS CONTRARY TO CPV POLICIES

The crackdown of opposition voices intensified not only during the CPV's 13th Congress and the 15th National Assembly election but also throughout the following months. As in previous years, the government has utilized three principal means of repression: the criminalization of legitimate civic activities, violence, and the reenforcement of control apparatus.

#### 3.1. Criminalizing Legitimate Civic Activities

In 2021 and 2022 (as of May 31, 2022), at least 36 people expressing their political opinions through social media were detained and prosecuted for violating the 2015 Criminal Law; [See Appendix I for details] in which there are well-known cases:

- On April 5, 2022, journalist Nguyen Hoai Nam, once a reporter for several state press agencies, was sentenced to 3 years and six months in prison by the People's Court of Ho Chi Minh City for allegedly "Abusing democratic freedoms to infringe upon the interests of the State, lawful rights and interests of organizations and/or citizens." (Art 331 of the Criminal Law)
- On March 23, 2022, Mr. Le Van Dung (also known as Le Dung Vova), a person famous for his YouTube live broadcasts about the country's current affairs, was sentenced by the People's Court of Hanoi to 5 years in prison for allegedly "Making, possessing, spreading information, materials, items to oppose the State of Socialist Republic of Vietnam." (Art 117 of the Criminal Law)
- On January 13, 2022, independent journalist Le Manh Ha, owner of a YouTube channel specializing in speaking up for land petitioners, was arrested for allegedly violating Article 331 of the Criminal Law.
- On January 5, 2022, YouTube channel owner Nguyen Thai Hung and his wife, Ms. Vu Thi Kim Hoang, were arrested by the Dong Nai province government on the accusation of violating Art 331 of the Criminal Law.
- On December 31, 2021, Mr. Le Trong Hung, owner of a youtube channel on land and social disputes, was sentenced to 5 years in prison by the Hanoi People's Court for the charge of violating Art 117 of the Criminal Law.
- On December 16, 2021, an activist against "dirty BOT," Mr. Do Nam Trung, was sentenced to 10 years in prison and four years of probation for the charge of violating Art 117 of the Criminal Law.
- On October 29, 2021, Facebooker Tran Quoc Khanh was sentenced to six years and six months in prison for the charge of violating Art 117 of the Criminal Law.
- On October 28, 2021, the People's Court of Thoi Lai district, Can Tho, sentenced five journalists of the "Clean Newspaper," including Truong Chau Huu Danh, to 4 years and six months in prison; Nguyen Phuoc Trung Bao 2 years in jail; Doan Kien Giang 3 years in prison; Nguyen Thanh Nha 2 years in prison and Le The Thang 3 years in prison; for the same 'crime' of violating Art 117 of the Criminal Law. In addition, all five journalists were also banned from working in journalism for three years.





*On December 16, 2021, the People's Court of Nam Dinh province sentenced former prisoner of conscience Do Nam Trung for ten years in prison and four years of house arrest for the charge of "making, storing, spreading or propagating information and documents items aimed at opposing the State of the Socialist Republic of Vietnam" according to the 2015 Criminal Law. Photo VTV.*

During the COVID-19 pandemic, the targets of the policy to suppress freedom of expression were not only human rights activists and dissidents but also ordinary people using Internet platforms to convey news about the epidemic and criticize the government's inadequacies in dealing with the epidemic.<sup>15</sup> Except for a few cases being prosecuted based on the Criminal Law, most arrests are subject to fines based on the Government's Decree No. 72/2013/ND-CP dated July 15, 2013, managing and providing provision and use of Internet services and information on the network.

Victims of freedom of expression violations include not only dissidents outside state institutions but also many state-licensed professional journalists. During 2021-2022 (until May 31, 2022), the following state-licensed journalists were arrested, prosecuted, and sentenced to prison for refusing to bend their pen to write according to the Party's direction:

- On April 7, 2022, journalist Phan Bui Bao Thy, head of the representative office of Education and Times newspaper in Da Nang, was sentenced by the People's Court of Quang Tri province to 12 months of non-custodial re-education with the allegation of "Abusing democratic freedoms to infringe upon the interests of the State, lawful rights and interests of organizations and/or citizens." (Art 331 of the Criminal Law)

<sup>15</sup> VietnamPlus. *Vietnam intensifies handling of fake news.*  
<https://en.vietnamplus.vn/vietnam-intensifies-handling-of-fake-news/206284.vnp>



*On July 1, 2021, reporter Nhat Hao of Economic and Beverage Magazine was severely assaulted by two people while investigating illegal land exploitation in Tan Huong and An Dung communes, Duc Tho district, Ha Tinh province. Photo Pháp Luật Media.*

- On April 5, 2022, journalist Nguyen Hoai Nam, a former reporter for several state press agencies, was sentenced to 3 years and six months in prison by the People's Court of Ho Chi Minh City for the accusations of Article 331 of the Criminal Law.

- On January 11, 2022, journalist Mai Phan Loi was sentenced to 4 years in prison on charges of "tax evasion." Mr. Loi had been prosecuted and detained since June 2021. Mr. Loi

is a well-known journalist and social media promoter. He has held many positions in the mainstream media industry. Public opinion believes that the government arrested journalist Mai Phan Loi to prevent him from establishing a Domestic Advisory Group outlined in the EU-Vietnam Free Trade Agreement (EVFTA).

- On October 28, 2021, journalist Truong Chau Huu Danh was sentenced to 4 years and six months in prison; journalists Le The Thang and Doan Kien Giang got three years in jail each, and journalists Nguyen Phuoc Trung Bao and Nguyen Thanh Nha 2 years in prison each. All were charged with "abusing democratic freedoms to infringe upon the interests, the State, the legitimate rights and interests of organizations and individuals" (Article 331 of the Criminal Law.) In addition, all five are not allowed to practice journalism for three years after serving their prison sentences. These five journalists belong to the "Clean Paper Group."
- On April 23, 2021, the People's Court of Phu Yen province sentenced journalist Tran Thi Tuyet Dieu, former reporter of Phu Yen Newspaper, to 8 years in prison for the charge of "Making, possessing, spreading information, materials, items to oppose the State of Socialist Republic of Vietnam." (Art 117 of the Criminal Law.)

### 3.2. Using of Violence

In Vietnam's midterm report on implementing the UPR submitted to the UN Human Rights Council, the Vietnam government stated that "In Viet Nam, journalists and news reporters are protected from all forms of discrimination and violence."<sup>16</sup> However, the reality is that the number of people in the media experiencing violence has increased in intensity and quantity:

- On March 22, 2022, journalist Han Ni who had denounced some illegal acts of Ms. Nguyen

<sup>16</sup> VN Foreign Ministry. *Vietnam's voluntary midterm report on the implementation of the UPR third cycle accepted recommendations*. p. 11. [https://www.ohchr.org/sites/default/files/2022-04/VietNam\\_Implementation\\_Third\\_Cycle.pdf](https://www.ohchr.org/sites/default/files/2022-04/VietNam_Implementation_Third_Cycle.pdf)

Phuong Hang, an influential businesswoman in Vietnam, was attacked by two people in a restaurant.<sup>17</sup>

- On February 20, 2022, reporter Nguyen Van Tuan went to Trung Hoa commune, Trang Bom district, Dong Nai province, to document people's opinions about the contractor building the divider in front of the Trang Bom toll station. The suspect assaulted and chased Mr. Nguyen with a wooden stick.<sup>18</sup>
- On December 29, 2021, at least three reporters were attacked, threatened, and obstructed from working while coming to the People's Court of Thu Dau Mot city, Binh Duong province, to attend Ms. Nguyen Phuong Hang's court hearing.<sup>19</sup>
- On December 2, 2021, Mr. B.H.T, a reporter for a southern newspaper with a representative office in Hanoi, while investigating the illegal construction of a villa in Yen Hoa Ward, Hanoi, was threatened not to take pictures and forced to delete all the photos in his camera.<sup>20</sup>
- On November 17, 2021, while investigating illegal mining in a hill area along National Highway 26 in Buon Chung, Eabar commune, Mr. Phan Ba Hoai, a reporter for Tri Thuc và Cuộc Sống (Knowledge and Life Magazine), was attacked and injured.<sup>21</sup>
- On July 8, 2021, four reporters in Gia Lai, including Pham Van Hoang (Dan Tri newspaper), Ha Vuong Duc Phuong (Gia Lai newspaper), Pham Trong Nghi (Transportation magazine), and Mai The Chien (a former reporter for an environmental magazine) were attacked by three strangers while on a business trip in An Khe town. As a result, reporter Pham Trong Nghi was injured and hospitalized.<sup>22</sup>
- On July 1, 2021, two people attacked reporter Nguyen Nhat Hao of Tạp Chí Kinh Tế và Đồng Ưởng (Economic and Beverage Magazine) when he was investigating illegal land exploitation in Tan Huong and An Dung communes, Duc Tho district, Ha Tinh province.<sup>23</sup>
- On June 1, 2021, a reporter from Lam Dong Newspaper was assaulted while reporting on violations of the prevention and control of COVID-19 at Minh Chau Asian Luxury beauty salon.<sup>24</sup>
- On April 5, 2021, a group of television reporters of Người Đưa Tin Pháp Luật (Law Herald)

<sup>17</sup> Tuổi Trẻ. *Nhà báo Hàn Ni và một nhóm người xảy ra xô xát ở quận 7, TP.HCM.*  
<https://tuoitre.vn/nha-bao-han-ni-va-mot-nhom-nguoi-xay-ra-xo-xat-o-quan-7-tp-hcm-20220322151210447.htm>

<sup>18</sup> Sài Gòn Giải Phóng. *Phóng viên Báo Người lao động bị hành hung khi tác nghiệp.*  
<https://www.sggp.org.vn/phong-vien-bao-nguoi-lao-dong-bi-hanh-hung-khi-tac-nghiep-795177.html>

<sup>19</sup> Tuổi Trẻ. *Yêu cầu làm rõ vụ hành hung người và cản trở báo chí trước công tòa Thủ Dầu Một.*  
<https://tuoitre.vn/yeu-cau-lam-ro-vu-hanh-hung-nguoi-va-can-tro-bao-chi-truoc-cong-toa-thu-dau-mot-20211230151347135.htm>

<sup>20</sup> Thanh Niên. *Phóng viên bị hàng chục người bao vây, đe dọa giữa thủ đô trong lúc tác nghiệp.*  
<https://thanhnien.vn/phong-vien-bi-hang-chuc-nguoi-bao-vay-de-doa-giua-thu-do-trong-luc-tac-nghiep-post1407666.html>

<sup>21</sup> VTV News. *Phú Yên: Điều tra vụ một phóng viên bị hành hung khi đang tác nghiệp.*  
<https://vtv.vn/phap-luat/phu-yen-dieu-tra-vu-mot-phong-vien-bi-hanh-hung-khi-dang-tac-nghiep-20211120121052283.htm>

<sup>22</sup> Tiền Phong. *Công an Gia Lai điều tra vụ bốn phóng viên bị nhóm côn đồ quây đánh.*  
<https://tienphong.vn/cong-an-gia-lai-dieu-tra-vu-bon-phong-vien-bi-nhom-con-do-quay-danh-post1353502.tpo>

<sup>23</sup> Pháp Luật. *Công an xác minh vụ phóng viên bị hành hung.*  
<https://baophapluat.vn/cong-an-xac-minh-vu-phong-vien-bi-hanh-hung-post401974.html>

<sup>24</sup> Công An Nhân Dân. *Thực nghiệm hiện trường vụ phóng viên bị hành hung khi tác nghiệp chống dịch.*  
<https://cand.com.vn/Ban-tin-113/Kham-nghiem-hien-truong-vu-phong-vien-bi-hanh-hung-xuc-pham-i616535/>



was obstructed and threatened with death by a group of people when inquiring about the execution of a judgment on land litigation in Ninh Phuc commune Ninh Binh province.<sup>25</sup>

- On March 13, 2021, reporter Nguyen Quoc Khanh, a reporter for Sức Khỏe và Môi trường (Health and Environment magazine), was assaulted, threatened with death, and had to be hospitalized. The incident happened when a group of reporters of the magazine was conducting an investigative report on illegal land mining in Huong Son, Ha Tinh City.<sup>26</sup>

### 3.3. Strengthening the Control Apparatus

The government constantly increases the organizations and personnel for the control and propaganda apparatus, such as the Cybersecurity Department and the Cyber Command.

Under the Ministry of Public Security, the Cyber Security Department was established in August 2014, controlling a large force of public opinion organizations from central to local levels with thousands of accounts and participating members.<sup>27</sup> In 2021-2022, the Ministry of Public Security established Cybersecurity Departments in provinces and cities to strengthen the state management of cybersecurity. For example, in Bac Giang province, according to a report of the Provincial Party Committee's Propaganda Department, up to now, 1,472 people have been trained for social opinion work at all levels in the province.<sup>28</sup>

Established in 2017, the Cyber Command - also known as Force 47 of the Army Academy, or Regiment 47 - under the General Department of Politics of the Vietnam People's Army has the task of fighting against alleged distortion of the direction and stance of the CPV. This force has an equivalent number of 1 regiment (10,000 people) present in all base units, regions, and areas of the Army.<sup>29</sup>

After the 13th VCP National Congress in January 2021, the Organization Department of the Central Committee of the CPV announced a plan to build up a team against "peaceful evolution" on social networks for implementing the Congress Resolution on the need to "step up the struggle to defeat all the conspiracies and anti-destructive activities of hostile forces." Like the force of public-opinion shapers and the 47th Regiment established previously, the recently built-up anti-peaceful-evolution corps uses social networks as the main field of activity. The difference is that the Party Central Committee itself creates the anti-peaceful-evolution corps.<sup>30</sup>

<sup>25</sup> Người Đưa Tin. *Ninh Bình: Công an giải cứu phóng viên khỏi nhóm người quá khích*. <https://tv.nguoiduatin.vn/ninh-binh-cong-an-giai-cuu-phong-vien-khoi-dam-nguoi-qua-khich-p9205.html>

<sup>26</sup> Tin Tức. *Phóng viên Tòa soạn Sức khỏe & Môi trường bị đánh, dọa giết, phải nhập viện*. <https://baotintuc.vn/phap-luat/phong-vien-toa-soan-suc-khoe-moi-truong-bi-danh-doa-giet-phai-nhap-vien-20210313213531405.htm>

<sup>27</sup> Nguyễn Văn Đạo. *Đấu Tranh Chống Các Luận Điều Xuyên Tạc Hồ Chí Minh Trong Điều Kiện Hiện nay*. Luận án tiến sĩ, Học Viện Chính Trị Quốc Gia Hồ Chí Minh, Hà Nội, 2019.

<sup>28</sup> Ban Tuyên giáo Tỉnh ủy Bắc Giang. *Công tác nắm tư tưởng, dư luận xã hội có nhiều đổi mới...* <http://tuyengiao.bacgiang.gov.vn/bantuyengiao/3701/Cong-tac-nam-tu-tuong,-du-luan-xa-hoi-co-nhieu-doi-moi,-bam-sat-yeu-cau-thuc-tien,-co-trong-tam,-gop-phan-quan-trong-vao-cong-tac-lanh-dao,-chi-dao,-to-chuc-thuc-hien-hieu-qua-nhiem-vu-chinh-tri-o-dia-phuong,-don-vi.html>

<sup>29</sup> Tuổi Trẻ Online. *Hơn 10.000 người trong 'Lực lượng 47' đấu tranh trên mạng*. <https://tuoitre.vn/hon-10-000-nguoi-trong-luc-luong-47-dau-tranh-tren-mang-20171225150602912.htm>

<sup>30</sup> Tiền Phong. *Xây dựng đội ngũ chống "diễn biến hòa bình" trên mạng xã hội*. <https://tienphong.vn/xay-dung-doi-ngu-chong-dien-bien-hoa-binh-tren-mang-xa-hoi-post1323255.tpo>

## 4. FREEDOM OF SPEECH AND INFORMATION IN VIETNAM ACCORDING TO INTERNATIONAL ASSESSMENT

For their severe violations of freedom of expression and information, Vietnam's government in 2021-2022 repeatedly received negative reviews and warnings from international human rights organizations:

- Reporters Without Borders, in the 2022 World Press Freedom Index, classified Vietnam near the bottom of the table, ranked 174 out of 180 countries, just above China, Myanmar, Turkmenistan, Iran, Eritrea, and North Korea, and scored 26.11 (100 = best; 0 = worst.)<sup>31</sup>
- Freedom House, in its latest report on Freedom on the Net in 2022, assesses that Vietnam has no freedom, with a score of 22 (0 = least freedom, 100 = most freedom)<sup>32</sup>
- The Committee to Protect Journalists, in its latest ranking of the world's most censored countries, classified Vietnam as the sixth most censored country in the world, under only Eritrea, North Korea, Turkmenistan, Saudi Arabia, and China;<sup>33</sup> and is one of the five countries with the highest number of journalists incarcerated in the world.<sup>34</sup>
- According to PEN America's 2021 Freedom to Write Index, Vietnam is among the top 10 Countries of Concern. It ranks 7th (tied with Belarus) among countries that hold most journalists worldwide, behind only China, Saudi Arabia, Burma, Iran, Turkey, and Egypt.<sup>35</sup>

## RECOMMENDATIONS

The Vietnamese government should:

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

<sup>31</sup> Reporters Without Borders. 2021 *World Press Freedom Index*. <https://rsf.org/en/vietnam>

<sup>32</sup> RSF. *RSF's 2022 World Press Freedom Index: a new era of polarization*. <https://rsf.org/en/rsfs-2022-world-press-freedom-index-new-era-polarisation>

<sup>33</sup> CPJ. *10 Most Censored Countries*. <https://cpj.org/reports/2019/09/10-most-censored-eritrea-north-korea-turkmenistan-journalist/>

<sup>34</sup> CPJ. *Number of journalists behind bars reaches global high*. <https://cpj.org/reports/2021/12/number-of-journalists-behind-bars-reaches-global-high/>

<sup>35</sup> PEN America. *Freedom to Write Index 2021*. <https://pen.org/report/freedom-to-write-index-2021/>



# V

## THE RIGHT TO FREEDOM OF RELIGION AND WORSHIP

From the theoretical basis of the incompatibility between Marxism and religion, the Vietnamese communist government has always viewed religions as hostile forces and sought to prohibit and deny religious freedom. The violation of religious freedom continues in 2021-2022 by various means:

- Legal prohibition
- Organizational control
- Violent suppression

### 1. LEGAL PROHIBITION

In the current legal context, religious activities in Vietnam are regulated by the Law on Belief and Religion, passed on November 18, 2016, and Decree No. 162/2017 / ND-CP issued on December 30, 2017.

Compared with the previous regulations, the 2016 Law on Belief and Religion has some changes that are considered positive. Most notably, the state's recognition of State-recognized religious organizations as legal persons (Article 30), detainees' rights to use holy books and to express their religious faith (Article 6), reducing the waiting period for religious groups to apply for recognition from 23 years to five years (Article 21), and the rights of religious organizations to participate in education, vocational training, healthcare, and social services under the relevant regulations (Article 55).

However, the Law on Belief and Religion of 2016 has nothing new regarding state-religion relationships compared to previous regulations. First, religious organizations need the state's recognition (Article 2.12 and Chapter V, Section 1). Secondly, their religious activities must be registered (Chapter IV), i.e., they may be rejected. Finally, the government continues to have the right to interfere in the internal affairs of religions (Chapter V, Sections 2 and 3). These provisions are entirely contrary to the basic principles of religious freedom in Article 18 of the Universal Declaration of Human Rights and Article 18 of the International Covenant on Civil and Political Rights that Vietnam has committed to respect as a member of the United Nations.

After more than five years of implementation, the Law on Belief and Religion has not improved any activities of religions clamped down since the communists took power. On the contrary, the asking-giving mechanism is still the relationship norm between the state and religion.

During the UN Human Rights Council's Universal Periodic Review (UPR) in 2019, Vietnam received recommendations to revise and amend the 2016 Law on Belief and Religion to align with the International Covenant on Civil and Political Rights requirements. However, Vietnam refused to accept those recommendations.

The resolution of the CPV's 13 National Congress in January 2021 addressed the issue of religion in particular detail. Of the ten texts in 2 volumes of the document, four texts directly address the problems related to religion. And to implement that resolution, on September 24, 2021, the Ministry of Home Affairs issued Decision No. 947/QĐ-BNV to strengthen the state management apparatus on beliefs and religions, training and fostering cadres, civil servants, and public employees engaged in belief and religion activities.

To enforce the Law on Belief and Religion and implement the 13th National Congress resolution on religion, the government continues to outlaw large religious organizations, including the Unified Buddhist Church of Vietnam, the Orthodox Hoa Hao Buddhist Church, the Traditionalist Cao Dai Church, and many other religious denominations.

For example, out of more than 80 active Protestant organizations, only 10 have legal status, and three have been granted registration certificates for religious activities. Therefore, about 70 Protestant organizations and groups have not yet been given operation registration certificates, which means illegal activities.<sup>1</sup>

- The Evangelical Church of Christ, a worldwide religious organization, is labeled “a reactionary organization disguised as a religion to conduct activities infringing upon national security.”<sup>2</sup>
- The Church of God, also known as the Church of God the Mother, is a religious movement that has been present in 185 countries and has been active in 21 provinces/cities in Vietnam, still being banned and persecuted.<sup>3</sup>
- The “Grace to Salvation Assembly” has been attributed as evil, “having extremist doctrines, promoting illegal acts,” and the followers continue to suffer from persecution.<sup>4</sup>
- Some ethnic Hmong people who joined Religion Giê Sùa and Religion Cô Dợ, variants of Christianity, were suppressed for allegedly promoting a separatist movement to establish an independent Hmong State.<sup>5</sup>
- Duong Van Minh Cult has been labeled a criminal organization disguised as religion to entice the Hmong people to plot against the state.<sup>6</sup> At the same time, the local National

<sup>1</sup> VOV. *Nhiều tổ chức Tin lành hoạt động bất hợp pháp tại Việt Nam*.

<https://vov.vn/phap-luat/nhieu-to-chuc-tin-lanh-hoat-dong-bat-hop-phap-tai-viet-nam-1056066.vov>

<sup>2</sup> Công An Nhân Dân. *Bài 1: Những hoạt động vi phạm pháp luật của tổ chức “Tin lành Đấng Christ”*.

<https://cand.com.vn/Chong-dien-bien-hoa-binh/bai-1-nhung-hoat-dong-vi-pham-phap-luat-cua-to-chuc-tin-lanh-dang-christ-i642892/>

<sup>3</sup> Công an Nhân dân. *Đằng sau cái gọi là “Hội thánh của Đức Chúa trời Mẹ”*. <https://cand.com.vn/phap-luat/bai-1-dang-sau-cai-goi-la-hoi-thanh-cua-duc-chua-troi-me-i643064/>

<sup>4</sup> Công an Nhân dân. *Đấu tranh hiệu quả với tổ chức tà giáo “Ấn điển cứu rỗi”*. <https://cand.com.vn/Lan-theo-dau-vet-toi-pham/dau-tranh-hieu-qua-voi-to-chuc-ta-giao-an-dien-cuu-roi-i630110/>

<sup>5</sup> Báo Công an nhân dân. *Làm rõ bộ mặt thật của tà đạo “Giê Sùa” và “Bà Cô Dợ”*.

<http://cand.com.vn/thoi-su/Lam-ro-bo-mat-that-cua-ta-dao-Gie-Sua-va-Ba-Co-Do-613626/>

<sup>6</sup> Thế giới & Việt Nam. *Nhận thức đúng đắn về tổ chức bất hợp pháp Dương Văn Minh*.

<https://baoquocte.vn/nhan-thuc-dung-dan-ve-to-chuc-bat-hop-phap-duong-van-minh-175989.html>

Assembly deputy affirmed that the purpose of Duong Van Minh's Cult was only to improve the Hmong people's customs and habits.<sup>7</sup>

- Fitting the Chinese Communist Party's mold of propaganda and suppression against Falun Gong, the Vietnamese government has pursued and arrested Falun Gong practitioners in many localities across the country, such as Can Tho,<sup>8</sup> Dak Lak,<sup>9</sup> Yen Bai,<sup>10</sup> Vinh Long,<sup>11</sup> and Tuyen Quang.<sup>12</sup>

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

The Vietnamese government has incarcerated several religious freedom activists. Among them, some have received hefty sentences, including Mr. Phan Van Thu and fellow believers of An Dan Dai Dao, Mr. Nguyen Bac Truyen of the Orthodox Hoa Hao Buddhist Church, and Protestant pastor Y Yich of the Ba Na ethnic group (see the complete list of prisoners for religious reasons in Appendix II).

In addition, under the pretext of preventing the Covid-19 epidemic, the government hastily prosecuted and suspended the activities of the Renaissance Church for allegedly "spreading dangerous infectious diseases" without evident proof of the crime.<sup>13</sup> Based on unfounded information, the police arrested and prosecuted the monks of the Zen Buddhist temple Ben Bo Vu Tru, a charity and religious establishment in Long An province, under article 331 of the. This incident is clear evidence of the criminalization of religious activities that do not follow the policy of the VCP.<sup>14</sup>

Furthermore, to limit the activities and influence of religious organizations, the government resorted to the 2003 Land Law, amended several times, to permanently take away church properties, including schools, infirmaries, and social service facilities. After taking control of

<sup>7</sup> Youtube. *Đại biểu Quốc hội Sùng Thìn Cò ý kiến về cán bộ thiếu trách nhiệm, không sâu sát tình hình người dân.*  
<https://www.youtube.com/watch?v=J6oBDCEsqBI>

<sup>8</sup> Báo Cần Thơ. *Bắt quả tang đối tượng tuyên truyền, phát tán tài liệu liên quan Pháp Luân Công.*  
<https://baocantho.com.vn/bat-qua-tang-doi-tuong-tuyen-truyen-phat-tan-tai-lieu-lien-quan-phap-luan-cong-a138481.html>

<sup>9</sup> Công an Nhân dân. *Phạt hành chính nhóm đối tượng tuyên truyền trái phép pháp luân công.*  
<https://cand.com.vn/Ban-tin-113/phat-hanh-chinh-nhom-doi-tuong-tuyen-truyen-trai-phep-phap-luan-cong-i644061/>

<sup>10</sup> Công an Nhân dân. *Bắt quả tang 2 đối tượng tuyên truyền, phát tán tài liệu liên quan đến Pháp Luân Công.*  
<https://cand.com.vn/Ban-tin-113/bat-qua-tang-2-doi-tuong-tuyen-truyen-phat-tan-tai-lieu-lien-quan-den-phap-luan-cong-i624693/>

<sup>11</sup> Công an Trà Vinh. *Cảnh giác với hoạt động tuyên truyền, tán phát tài liệu pháp luân công.*  
<http://congan.travinh.gov.vn/ch12/324-Canh-giac-voi-hoat-dong-tuyen-truyen-tan-phat-tai-lieu-phap-luan-cong.html>

<sup>12</sup> Công an Nhân dân. *Xử phạt người phụ nữ tán phát tài liệu về Pháp luân công.*  
<https://cand.com.vn/Ban-tin-113/xu-phat-nguoi-phu-nu-tan-phat-tai-lieu-ve-phap-luan-cong-i632435/>

<sup>13</sup> Vietnam Net. *Thứ trưởng Bộ Nội vụ đề nghị TP.HCM đình chỉ hoạt động Hội thánh truyền giáo Phục Hưng.*  
<https://vietnamnet.vn/vn/thoi-su/thu-truong-bo-noi-vu-de-nghi-tp-hcm-dinh-chi-hoat-dong-cua-hoi-thanh-truyen-giao-741821.html>

<sup>14</sup> Tim Dang. *"Thiền Am và những cái oan ngút trời"* (Thông Luận.)  
<https://ethongluan.org/index.php/doc-bai-luu-tru/7334-thi-n-am-va-nh-ng-cai-oan-ngut-tr-i-tim-dang>

South Vietnam, the Communist government confiscated most landholdings, educational, social, healthcare facilities, and some monasteries and seminaries. For example, in the Archdiocese of Saigon alone, 400 facilities were confiscated after 1975,<sup>15</sup> and the Archdiocese of Hanoi currently has 95 facilities under the state's ownership.<sup>16</sup> A handful of the confiscated facilities are still used for educational purposes. However, many are exploited by the government in profit-making services such as discos, hotels, or apartments for government officials.

The seizure of religious facilities to limit religious activities continued in 2021-2022. In addition to the well-known unresolved cases of the Cao Dai Holy See in Tay Ninh, Lien Tri Pagoda in Thu Thiem, and the Benedictine Monastery of Thien An in Hue, the Vietnamese government also conducted many new cases of forced occupation, such as:

- The seizure of land and educational facilities of Thi Nghe parish.<sup>17</sup>
- The Da Nang City government has challenged public opinion and continues building on An Hoa parish's land.<sup>18</sup>
- The Thien Quang Pagoda in Ba Ria Vung Tau was forced to remove all works that the government considered illegal.<sup>19</sup>

## 2. ORGANIZATIONAL CONTROL

For the Vietnamese Communist government, control over religion is a priority for political stability. This control is exercised from outside by the government apparatus and from inside by the state-managed Vietnam Fatherland Front.

### 2.1. External Control

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

The Government Committee for Religious Affairs "advises and assists the Minister of the Interior in governmental management in the field of beliefs and religions and in organizing the implementation of policies and laws on beliefs and religions nationwide; performs public services

<sup>15</sup> 123doc. *Các cơ sở công giáo mà nhà nước việt nam đã chuyển quyền sử dụng*. <https://123docz.net/document/4318895-cac-co-so-cong-giao-ma-nha-nuoc-viet-nam-da-chuyen-quyen-su-dung.htm>

<sup>16</sup> Công Giáo Info. *TGP.Hà Nội: Thông báo Về việc Sở Y tế Hà Nội tiếp tục phá dỡ Tu viện kín Camêlô - 72 phố Nguyễn Thái Học*. <http://conggiao.info/tgpha-noi-thong-bao-ve-viec-so-y-te-ha-noi-tiep-tuc-pha-do-tu-vien-kin-camelô---72-pho-nguyen-thai-hoc-d-12940>

<sup>17</sup> Giáo xứ Thái Hà. *Giáo xứ Thị Nghè Sài Gòn bị chính quyền chiếm đoạt tài sản*. <https://nhathothaiha.net/51710-2/>

<sup>18</sup> Facebook Giáo xứ An Hòa. *Hôm nay 28/3/2022, Giáo xứ An Hòa tiếp tục làm ĐƠN YÊU CẦU (lần thứ 4)*. <https://www.facebook.com/photo/?fbid=430893002137745&set=a.124828092744239>

<sup>19</sup> VNTB – *Chùa Thiên Quang Xuyên Mộc – Bà Rịa Vũng Tàu trước nguy cơ bị chính quyền địa phương ra lệnh gỡ bỏ*. <https://vietnamthoibao.org/vntb-chua-thien-quang-xuyen-moc-ba-ria-vung-tau-truoc-nguy-co-bi-chinh-quyen-dia-phuong-ra-lenh-go-bo/>

in the field of beliefs and religions according to the provisions of law” (Decision No. 32/2018/QĐ-TTg of August 3, 2018, by the Prime Minister). The Government Committee for Religious Affairs has several Departments, each in charge of one religion. The head of the Committee is Mr. Vu Hoai Bac, a former police colonel, Director of the Security Investigation Department, Ministry of Public Security.

At the local level, all 64 provinces and cities have Provincial Religious Affairs Committees; and among 670 districts across the country, 637 have apparatuses and cadres performing the governmental management of religion; In 10,862 communes, wards and towns, there are 8,160 officers to monitor and manage religions.<sup>20</sup>

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

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

Supported by those powerful offices, the government in 2021-2022 continued to control all religions with procedures like “activities registration” and “confirmation certificates.”

All religious activities such as practice sessions, retreats, and processions must receive prior government approval; for instance:

- On April 19, 2022, the Government Committee for Religious Affairs announced the approval of the revised Charter and the appointment of members of the Executive Board of the Vietnam Baptist Church for the term 2022-2026.<sup>21</sup>
- In 2021, the Ministry of Home Affairs, based on the Law on Belief and Religion, stated that the authority to establish Hoang Ha parish in Hung Yen city does not belong to the Archdiocese of Hanoi but to the People’s Committee of Hung Yen province.
- On July 15, 2021, the Vietnamese authorities banned Khmer-Krom Buddhists from building a sanctuary in Tong Hung hamlet, Loan My commune, Tam Binh district, Vinh Long province.<sup>22</sup>
- On May 27, 2021, Most Venerable Thich Nhat Ban, director of the Institute for the Dissemination of the Dharma and abbot of Ba La Mat Pagoda, Dong Nai province, was asked by the police to withdraw his New Year’s message considered ‘reactionary.’
- On February 20, 2021, police gave the Montagnard Evangelical Church Of Christ a notice

<sup>20</sup> Wikipedia. *Ban Tôn giáo Chính phủ*.

[https://vi.wikipedia.org/wiki/Ban\\_T%C3%B4n\\_gi%C3%A0o\\_Ch%C3%ADnh\\_p\\_h%E1%BB%A7\\_\(Vi%E1%BB%87t\\_Nam\)](https://vi.wikipedia.org/wiki/Ban_T%C3%B4n_gi%C3%A0o_Ch%C3%ADnh_p_h%E1%BB%A7_(Vi%E1%BB%87t_Nam))

<sup>21</sup> Ban Tôn Giáo Chính Phủ. *Chấp thuận Hiến chương sửa đổi và tiếp nhận thông báo thành viên Ban Chấp hành Giáo hội Báp-tít Việt Nam (nhiệm kỳ 2022-2026)*.

<http://btgcp.gov.vn/tin-thong-bao/chap-thuan-hien-chuong-sua-doi-va-tiep-nhan-thong-bao-thanh-vien-ban-chap-hanh-giao-hoi-bap-tit-viet-nam-nhiem-ky-2022-2026-post2mb0ZYpG.html>

<sup>22</sup> KKF. *Vietnamese Authorities Forbid Khmer-Krom Building a Religious Hall*.

<https://khmerkrom.org/vietnamese-authorities-forbid-khmer-krom-building-a-religious-hall/>



banning them from religious activities in Dak Lak province.<sup>23</sup>

The selection, training, ordination, appointment, and transfer of religious clergypeople must obtain permission from the state. Only if approved by the state will they be implemented. The central government must review and approve decisions related to high-ranking ministerial positions; lower-level religious posts fall under the provincial government's jurisdiction.

The state will approve the training program for clergypeople or religious dignitaries. There must be subjects on Vietnamese history - including the history of the CPV - and socialist legality taught by State officials. In addition, in 2021, provinces and cities nationwide implemented Decision No. 35/QĐ-TGCP of the Government Committee for Religion in 2020 on the issuance of the Vietnamese History and Vietnamese Law curriculum in religious training institutions.

So far, the Prime Minister of Vietnam has issued 32 Decisions on the list of state secrets regarding the State and CPV's activities.<sup>24</sup> Decision 1722/QĐ-TTg of the Prime Minister on the list of state secrets regarding the CPV shows that the CPV arranges people into religious organizations (Article 3 Clause 7, Point b-d). The inventory of state secrets regarding the Ministry of Home Affairs (Decision No. 960/QĐ-TTg, Article 3, Clause 8, Point c) and the Women's Union (Decision No. 1222/QĐ-TTg, Article 1, Clause 4) also have similar contents.

The communist government has trained "police officers disguised as clergypeople," especially Buddhist monks, to install in temples and monasteries in the country and abroad to manipulate thousands of people, dignitaries of churches, and religious followers.

In 2021, to influence and direct the overseas Vietnamese religious communities, the State Committee for Overseas Vietnamese and the Government Committee for Religious Affairs coordinated activities to carry out the tasks demanded by the CPV.<sup>25</sup>

In 2021 and 2022, the government's intervention in religious activities did not only include preventive measures or through the beg-for-giving mechanism but also covered a strategy to orient the activities of churches in agreement with the political needs of the ruling party. For example, on December 28, 2021, during a conference on Buddhism held by many government officials in charge of religious affairs, Deputy Minister of Home Affairs Vu Chien Thang said that this seminar, along with other seminars in the near future, will help orient the development of the Vietnam Buddhist Sangha.<sup>26</sup>

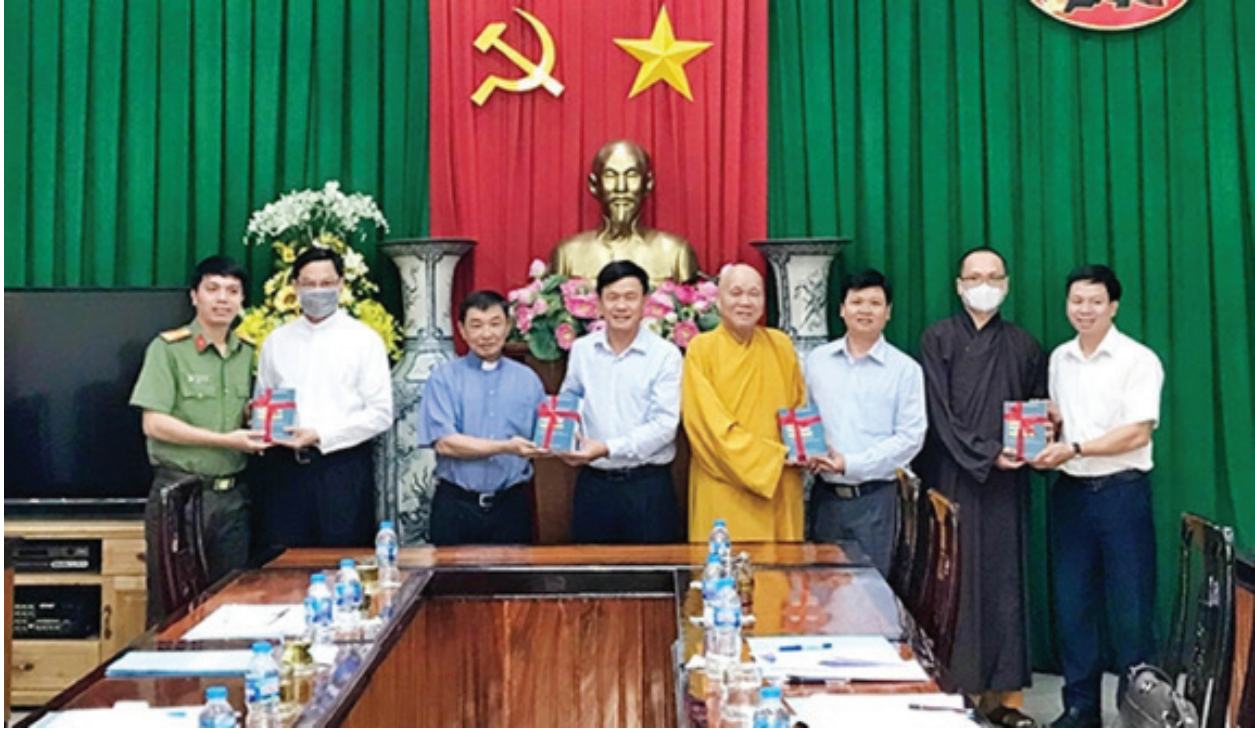
In March 2022, senior party and government officials led many government delegations and met with the Cao Dai organization in Da Nang, Ben Tre, Tay Ninh, Long An, Kien Giang, and Tien Giang. State media said this was the inspection team of the Central Steering Committee for the Project

<sup>23</sup> Facebook Người Thượng Vì Công Lý. *Chính quyền công an lên lập biên bản Hội Thánh Tin Lành Lành Đảng Christ Tây Nguyên ngày 20/2/2021*. <https://www.facebook.com/watch/?ref=saved&v=2451464164999297>

<sup>24</sup> Ban Cơ Yếu Chính Phủ. *Tổng hợp Danh mục bí mật nhà nước trong các lĩnh vực do Thủ tướng Chính phủ ban hành*. <https://nacis.gov.vn/tin-tong-hop/-/view-content/257100/thdmnn>

<sup>25</sup> Ban Tôn giáo Chính phủ. *Lễ ký kết Chương trình phối hợp công tác giữa Ủy ban Nhà nước về Người Việt Nam ở nước ngoài và Ban Tôn giáo Chính phủ*. <http://btgcp.gov.vn/tin-hoat-dong-cua-ban-ton-giao-chinh-phu/le-ky-ket-chuong-trinh-phoi-hop-cong-tac-giua-uy-ban-nha-nuoc-ve-nguoi-viet-nam-o-nuoc-ngoai-va-ban-ton-giao-chinh-phu-postLpO52Wmk.html>

<sup>26</sup> Luật Khoa. *Ban Tôn giáo Chính phủ muốn định hướng cho Giáo hội Phật giáo Việt Nam*. <https://www.luatkhoa.org/2022/01/ton-giao-thang-12-2021-ban-ton-giao-chinh-phu-muon-dinh-huong-cho-giao-hoi-phat-giao-viet-nam/>



*On February 24, 2021, the Religious Affairs Committee of Dong Nai province delivered 40 documents on Vietnamese History and Vietnamese Law to representatives of several religions in this province.  
Photo: Fatherland Front Committee of Dong Nai province.*

on “Summarizing 30 years of implementation of Notice No. 34-TB/TW dated November 14, 1992, of the Secretariat of the Party Central Committee on working policy towards Cao Dai religion.”<sup>27</sup>

## 2.2. Internal Control

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

As for Buddhism, the government only recognizes the state-run Buddhist Sangha of Vietnam (formed in 1981)<sup>28</sup> while outlawing the Unified Buddhist Sangha of Vietnam (started much earlier as a legitimate heir to the various traditional Buddhist sects of Vietnam). Furthermore, the Vietnamese Communists kept the Church head, the Most Venerable Thich Quang Do, in prison or under house arrest for over three decades until his death in February 2020.

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

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

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

<sup>27</sup> Luật Khoa. *Chính quyền làm việc với hàng loạt tổ chức Cao Đài để tổng kết 30 năm thực thi chủ trương kiểm soát của đảng.* <https://www.luatkhoa.org/2022/04/ton-giao-thang-3-2022-chinh-quyen-tong-ket-30-nam-kiem-soat-dao-cao-dai/>

<sup>28</sup> Đỗ Trung Hiếu. *Hồ sơ “Thống Nhất Phật Giáo.”*  
[http:// phatgiaokhongcongsan.blogspot.com/2011/05/ho-so- thong-nhat-phat-giao-o-trung-hieu.html](http://phatgiaokhongcongsan.blogspot.com/2011/05/ho-so-thong-nhat-phat-giao-o-trung-hieu.html)

Association (PUBC).

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

The government has recognized only ten organizations for Protestant churches, leaving about 70 other Protestant groups illegal.<sup>29</sup>

In 2021-2022, the government implemented the model “Religious dignitaries participate in maintaining security and order” in localities, especially those with ethnic minorities. For example, in Tra Vinh province, where Khmer ethnic people practice Theravada Buddhism;<sup>30</sup> and in Binh Thuan province, where many Cham people follow Islam.<sup>31</sup> The purpose of this model is to use religion to control adherents politically.

### 3. VIOLENT SUPPRESSION

Besides its sophisticated measures of prevention, restriction, and control, the Vietnamese Communist government has always been ready to resort to physical and psychological violence to hinder and suppress religious organizations when that seems necessary. Here are some typical cases recorded in 2021-2022 via social networking sites:

- On February 20, 2022, the Secretary of the Party Committee and the Vice Chairman of the People’s Council of Vu Ban town, under the guise of preventing gatherings during the Covid-19 epidemic, rushed to the sanctuary and stirred up trouble when the Archbishop Joseph Vu Van Thien is celebrating Mass at Vu Ban parish, Lac Son district, Hoa Binh province.<sup>32</sup>
- On January 29, 2022, Father Tran Ngoc Thanh, parochial vicar of Sa Loong Community, Dak Mot parish, Kon-Tum diocese, was stabbed to death by a knife-wielding man when he was giving absolution. The authorities investigated the case.<sup>33</sup> Earlier, on April 22, 2021, another person stabbed a priest and two parishioners at An Khe parish church in the Kontum diocese.<sup>34</sup> The phenomenon of many Catholic priests being assaulted in recent years has led to the belief that “incitement to hatred” against religions in Vietnam is the cause of these mishaps.<sup>35</sup>

<sup>29</sup> VOV. *Nhiều tổ chức Tin lành hoạt động bất hợp pháp tại Việt Nam.*

<https://vov.vn/phap-luat/nhieu-to-chuc-tin-lanh-hoat-dong-bat-hop-phap-tai-viet-nam-1056066.vov>

<sup>30</sup> Công an Nhân dân. *Chức sắc tôn giáo tham gia giữ gìn an ninh trật tự.*

<https://cand.com.vn/Xa-hoi/Chuc-sac-ton-giao-tham-gia-giu-gin-an-ninh-trat-tu-i225612/>

<sup>31</sup> Dân Vận. *Hiệu quả mô hình “Chức sắc tôn giáo tham gia giữ gìn an ninh, trật tự” tại vùng đồng bào dân tộc Chăm, huyện Bắc Bình, tỉnh Bình Thuận.* <http://danvan.vn/Home/Cong-tac-ton-giao/15575/Hieu-qua-mo-hinh-Chuc-sac-ton-giao-tham-gia-giu-gin-an-ninh-trat-tu-tai-vung-dong-bao-dan-toc-Cham-huyen-Bac-Binh-tinh-Binh-Thuan>

<sup>32</sup> Conggiao.vn. *Tổng Giáo Phận Hà Nội lên tiếng việc 2 người đàn ông lạ mặt quấy rối Thánh Lễ của Đức Cha Giuse Vũ Văn Thiên.* <https://conggiao.vn/nong-tong-giao-phan-ha-noi-len-tieng-viec-2-nguoi-dan-ong-la-mat-quay-roi-thanh-le-cua-duc-cha-giuse-vu-van-thien/>

<sup>33</sup> VNTB. *Linh Mục Trần Ngọc Thanh bị giết – Phải tìm ra sự thật!*

<https://vietnamthoibao.org/vntb-linh-muc-tran-ngoc-thanh-bi-giet-phai-tim-ra-su-that/>

<sup>34</sup> Thanh Niên. *Gia Lai: Đốt nhà thờ, đâm linh mục và 2 người khác bị thương.*

<https://thanhnien.vn/gia-lai-dot-nha-tho-dam-linh-muc-va-2-nguoi-khac-bi-thuong-post1060195.html>

<sup>35</sup> Mạch Sống Media. *BPSOS báo động quốc tế về một Linh Mục Công Giáo bị thăm sát ở Kontum.*

<https://machsongmedia.org/vietnam/quyenconnguoi/1784-bpsos-bao-dong-quoc-te-ve-mot-linh-muc-cong-giao-bi-tham-sat-o-kontum.html>



- On December 24, 2021, the police under the command of Lieutenant Colonel Dinh Ngoc Dan harassed and prevented the followers of the Evangelical Christian Church in Ea Lam commune, Song Dinh district, Phu Yen province, from celebrating Christmas. Previously, on December 22, police arrested missionary Y Cuon Nie, who organized the ceremony.<sup>36</sup>



*On February 20, 2022, the Secretary of the Party Committee and the Vice Chairman of the People's Council of Vu Ban town rushed to the sanctuary to make trouble when the Archbishop Joseph Vu Van Thien was celebrating Mass at Vu Ban parish, Lac Son district, Hoa Binh province. Image from YouTube Amen TV.*

- On December 12, 2021, after the founder of the Duong Van Minh Cult passed away, Tuyen Quang province's government mobilized about 300 mobile police and people wearing medical protective suits to raid Mr. Duong Van Minh's house. They searched through the house, examined Mr. Duong Van Minh's corpse, and threatened and beat the followers. They also arrested 35 people at the funeral.<sup>37</sup> In May 2022, a court in Tuyen Quang province sentenced 15 of these arrested to two and four years in prison in closed-door trials, and the government press did not report the trials.<sup>38</sup>
- In early April 2021, the police of Phu Yen province and the police of Song Dinh district brought four Montagnard people: Thuong Ma Lang, Ma Sing, Ma Duyen, and Ma Phép, before a gathering at the Ede traditional communal house in the Kít tribe for a denouncement session because they secretly practiced the Evangelical Church Of Christ.<sup>39</sup>
- On January 15, 2021, the police of Ea Lam commune, Song Dinh district, Phu Yen province, brought five members of the Montagnard Evangelical Church Of Christ: Nay Y Blang, Nay Y Loi, Ksor Y Blang, Hwing Y Nuk, and Ro Da before Pung hamlet residents for a denouncement session because the Evangelical Church Of Christ was not recognized.<sup>40</sup>

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

<sup>36</sup> RFA. *Tín đồ tổ bị sách nhiễu, Công an bác bỏ*. <https://www.rfa.org/vietnamese/news/vietnamnews/followers-of-christ-church-in-ea-lam-phu-yen-said-to-be-repressed-while-police-denied-12292021073422.html>

<sup>37</sup> RFA. *Hàng trăm công an bố ráp đám tang của người sáng lập đạo Dương Văn Minh*. <https://www.rfa.org/vietnamese/news/vietnamnews/hundreds-of-vn-police-raid-the-funeral-of-religious-founder-duong-van-minh-12272021042535.html>

<sup>38</sup> VOA. *15 tín đồ H'mong theo đạo Dương Văn Minh bị phạt hơn 38 năm tù*. <https://www.voatiengviet.com/a/muoi-nam-tin-do-hmong-theo-dao-duong-van-minh-bi-phat-hon-38-nam-tu/6592069.html>

<sup>39</sup> Công An Nhân Dân. *Đấu tranh, ngăn chặn các đối tượng phá rối an ninh*. <http://cand.com.vn/hoat-dong-ll-cand/da-tranh-ngan-chan-cac-doi-tuong-pha-roi-an-ninh-636227/>

<sup>40</sup> RFA. *Tín đồ Hội Thánh Tin Lành Đấng Christ bị 'đấu tố'* [https://www.rfa.org/vietnamese/in\\_depth/montagnard-evangelical-church-of-christ-faithful-are-publicly-denounced-01192021165825.html](https://www.rfa.org/vietnamese/in_depth/montagnard-evangelical-church-of-christ-faithful-are-publicly-denounced-01192021165825.html)



*On December 12, 2021, after the founder of the Duong Van Minh cult had passed away, the Tuyen Quang province authorities raided Mr. Duong Van Minh's house, beat the followers, and arrested 35 people. Photo RFA.*

priests, Venerable Thich Khong Tanh, Rev. Hua Phi, and other members of the Vietnam Interfaith Council have been the targets of defamatory and libelous campaigns by public opinion-shapers and even by government officials.

The authorities have also used freedom of movement restrictions to intimidate religious dignitaries and prohibit religious festivals that they deem incompatible with the ruling party's interests.

The following are typical cases:

- On March 26, 2022, the authorities of An Giang province set up two checkpoints at the church's headquarters in Long An commune, Cho Moi district, An Giang province, to prevent Hoa Hao Buddhist followers from attending the Founder's Absence Day.<sup>41</sup>
- On June 26, 2021, As in previous years, the police set up security checkpoints to prevent Orthodox Hoa Hao Buddhist Church followers from going to the church's headquarters in Long Giang commune, Cho Moi district, An Giang province, to attend the Celebration of the Church 82nd founding anniversary.<sup>42</sup>
- On April 4, 2021, the authorities of An Giang province dispatched uniformed and undercover security agents to the Hoa Hao Buddhism Central Administrative Committee headquarters in Long Giang Commune, Cho Moi District, An Giang Province, to prevent the followers from holding the 74th anniversary of the Founder's absence.<sup>43</sup>
- On January 26, 2021, the People's Committee of Ben Cau district issued the official dispatch No. 88 / UBND to rectify religious venues and Caodaism activities in the area. This dispatch prohibits Caodaists living outside the community from coming to worship or pray for peace.<sup>44</sup>

<sup>41</sup> Facebook Phật Giáo Hòa Hảo Thuận Túy [https://www.facebook.com/permalink.php?story\\_fbid=1373921886371936&id=100492827048188](https://www.facebook.com/permalink.php?story_fbid=1373921886371936&id=100492827048188)

<sup>42</sup> Facebook Phật Giáo Hòa Hảo Thuận Túy. [https://www.facebook.com/permalink.php?story\\_fbid=1200332783730848&id=100492827048188](https://www.facebook.com/permalink.php?story_fbid=1200332783730848&id=100492827048188)

<sup>43</sup> Cộng Đồng Người Việt Tự Do München Bayern. 46 năm cấm tin đồ Hòa Hảo kỷ niệm "Ngày Đức Thầy vắng mặt": Chính quyền chưa nguôi hận? <https://viettudomunich.org/2021/04/06/46-nam-cam-tin-do-hoa-hao-ky-niem-ngay-duc-thay-vang-mat-chinh-quyen-chua-nguoi-han/>

<sup>44</sup> Việt Nam Thời Báo. Chính quyền huyện Bến Cầu Tây Ninh vi phạm nghiêm trọng nhân quyền. <http://vietnamthoibao.org/vntb-chinh-quyen-huyen-ben-cau-tay-ninh-vi-pham-nghiem-trong-nhan-quyen/>



## 4. RELIGIOUS FREEDOM IN VIETNAM AS ASSESSED BY INTERNATIONAL ORGANIZATIONS

- The US Commission on International Religious Freedom (USCIRF), in its 2022 annual report, stated that “In 2021, religious freedom conditions in Vietnam generally trended the same as in 2020. The government continued to enforce the 2018 Law on Belief and Religion, which, as written and implemented, contravened international human rights standards. Authorities persecuted members of unregistered independent groups and subjected believers and religious freedom advocates to long-term imprisonment.” USCIRF called on the US government to place Vietnam back on the “Countries of Particular Concern” list for its religious-freedom violations.<sup>45</sup>
- In its 2022 report, Open Doors USA ranked Vietnam 19th among “50 countries where it is most dangerous to follow Jesus.”<sup>46</sup> This ranking is unchanged from 2021.
- During the Universal Periodic Review of 2019, Vietnam received 13 recommendations regarding religious freedom from 11 countries. Vietnam accepted nine recommendations, partly accepted two, and rejected two. The two rejected recommendations relate to the release of all human rights defenders as well as religious and political activists detained for the peaceful expression of political views or religious beliefs (from the Polish delegation) and to a review of the Law on Belief and Religion to ensure religious freedom (from the Canadian and Croatian delegations).

## RECOMMENDATIONS

It is recommended that the Government of Vietnam

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

The US government should:

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

<sup>45</sup> USCIRF. *Vietnam - USCIRF– Recommended for Countries of Particular Concern (CPC)*. <https://www.uscifr.gov/sites/default/files/2022-04/2022%20Vietnam.pdf>

<sup>46</sup> Open Doors USA. *The World Watch List 2022 - The top 50 countries where it's most difficult to follow Jesus*. <https://www.opendoorsusa.org/christian-persecution/world-watch-list/vietnam/>

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

The European Union-Vietnam Free Trade Agreement (EVFTA), ratified by the National Assembly of Vietnam in June 2020, has opened up many hopes for workers' rights. During the negotiation period, many who had supported such an Agreement believed that workers' rights would be better promoted if Vietnam implemented the Agreement's commitments and that the European Union was ready to use the necessary sanctions to enforce its provisions.

### 1. AMENDMENTS OF LABOR LAWS TO PASS THE EUROPEAN UNION VIETNAM FREE TRADE AGREEMENT (EVFTA)

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

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

So far, Vietnam has acceded to 25 ILO conventions, including 7 out of 8 basic conventions related to collective bargaining, discrimination prevention, child labor, and forced labor.<sup>1</sup> In addition, Vietnam promised to ratify Convention 87 on Freedom of Association by 2023.

The country planned to ratify Convention 87 on the Right of Freedom of Association by 2023.

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

#### 1.1. *The Labor Law 2019*

On November 20, 2019, the Vietnam National Assembly passed Labor Law No. 45/2019/QH14,

<sup>1</sup> 7 out of 8 basic conventions of the ILO, Vietnam has ratified: Convention 29 on Forced Labor; Convention 100 on Equal Remuneration; Convention 111 on Discrimination in Employment and Occupation; Minimum Age to Work Convention 138; Convention 182 on the Elimination of the Worst Forms of Child Labor; Convention 98 on the Right to Organize and Collective Bargaining; and Convention 105 on the Abolition of Forced Labor.

effective as of January 1, 2021. In addition to technical modifications, such as the legal validity of electronic employment contracts and salary payment into an employee's bank account, the Labor Law 2019 has a few new and positive items compared to the old law, such as unilateral termination of a contract for workers in some cases (Article 34), additional forms of dialogue between workers and business owners (Article 63), and no direct state intervention in wage-setting (Article 93).

On December 14, 2020, the Government of Vietnam issued Decree 145/2020/ND-CP, replacing Decree 41/2013/ND-CP. Accordingly, the government prohibits strikes in 18 types of enterprises where the strike may threaten national defense, security, public order, and human health. The Decree took effect from February 1, 2021.

However, the most noticeable addition in the Labor Law 2019 is “The right to establish, join and participate in representative organizations of employees” (Art 170). Under this clause, there are two types of “grassroots level employees’ representative organizations”; the first type is grassroots trade union under the Vietnam Trade Union system. The second type just set out is enterprise-based employee organizations.

Based on the permission to set up this type of enterprise-based employees’ organization, some people hastily concluded that the Vietnamese communist government “allows for the formation of independent trade unions at the grassroots level.”<sup>2</sup>

A re-reading of the 2019 Labor Law does not reveal the term “independent union” in any provision. Furthermore, with the constraints provided by other law provisions, the employees’ representative organizations referred to therein are not full-fledged union organizations as defined by ILO Convention No.87.

Moreover, like all new laws enacted in recent years, the Labor Law 2019 contains provisions that could completely change the nature of the law by tying its implementation to other laws provisions which are very vague (Article 178.8 Labor Law 2019)

So far, the Vietnamese government has not issued any regulatory document specifying how to implement this provision related to this “enterprise-based employees’ organization,” and no such organization is allowed to be established according to that model. However, in 2021 and 2022, the state propaganda machine issued warnings that those who want to develop “workers’ organizations at enterprises” are “hostile forces” and “reactionaries” who entice workers to “form an opposition political force under the guise of ‘independent trade unions.’”<sup>3</sup>

## 1.2. Law on Unions

The National Assembly of Vietnam has not yet promulgated a new trade union law, although the law drafting was started at the same time as the 2019 Labor Law. However, on June 12, 2021, Politburo promulgated Resolution No. 02-NQ/TW, directing trade union organizations’ renewal.

<sup>2</sup> U.S. Embassy Hanoi. *U.S. Embassy Hanoi Statement on Vietnam Labor Reform*.  
<https://vn.usembassy.gov/u-s-embassy-hanoi-statement-on-vietnam-labor-reform/>

<sup>3</sup> Công an Nhân dân. *Núp bóng “tổ chức đại diện người lao động” để chống phá Đảng, Nhà nước*.  
<https://cand.com.vn/Chong-dien-bien-hoa-binh/nup-bong-to-chuc-dai-dien-nguoi-lao-dong-de-chong-pha-dang-nha-nuoc-i630256/>

The resolution affirms that “Renovating the organization and operation of trade unions must ensure the total and absolute leadership of the Party, conforming with the country’s political system and the requirements of international integration.”<sup>4</sup>

Currently, the Law on Trade Union 2012 is still in effect. Accordingly, the trade union is “a broad socio-political organization of the working class and workers, established voluntarily, a member of the political system of Vietnamese society, under the leadership of the Communist Party of Vietnam... (Article 1 Trade Union Law 2012).

## 2. VIOLATIONS OF WORKERS’ RIGHTS IN PRACTICE

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

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

### 2.1. *The CPV increases its control over trade union activities*

The Vietnam General Confederation of Labor (VGCL), the only legal labor union organization in Vietnam today, was established by the CPV in 1929, along with the Party’s founding, purporting to unite workers in support of its policies and programs of action. As a member of the Vietnam Fatherland Front, a peripheral organization of the CPV, the purpose and modus operandi of the trade unions have not changed. The dependence of the VGCL on the CPV is clearly stated in the 2013 Constitution.<sup>5</sup>

The VGCL has about 10.4 million members with more than 124,000 Grassroots Unions.<sup>6</sup> The core members of the VGCL must be Party members, from the General Confederation level to grassroots unions. Currently, VGCL President Mr. Nguyen Dinh Khang is a member of the Party Central Committee and Secretary of the Vietnam General Confederation of Labor. “The governmental model of the Party secretary serving simultaneously as the Chairman of the People’s Committee”

<sup>4</sup> Nghị quyết số 02-NQ/TW, ngày 12/6/2021 của Bộ Chính trị về đổi mới tổ chức và hoạt động của Công đoàn Việt Nam trong tình hình mới.

<sup>5</sup> Article 10 of the 2013 Constitution: “The Trade Union is the socio-political organization of the working class and laborers, established voluntarily that represents the workers, looks after and protects the legitimate and legal rights and interests of the workers; participates in state administration and socio-economic management; participates in the control, inspection, and supervision of the activity of state bodies, organizations, units and enterprises with respects to the matters concerning the rights and duties of the workers; propagandizes, mobilizes learning, development of abilities and professional skills, conformity of law, and construction and defense of the Fatherland among the workers.”

<sup>6</sup> Nguyễn Đình Khang. *Phát triển đoàn viên, xây dựng tổ chức Công đoàn*. <http://www.congdoan.vn/tin-tuc/phat-trien-doan-vien-xay-dung-to-chuc-cong-doan-508/doi-moi-to-chuc-hoat-dong-cong-doan-xay-dung-giai-cap-cong-nhan-lon-manh-dap-ung-yeu-cau-phat-trien-cua-dat-nuoc-572697.tld>

at the different levels has been expanded to the field of trade unions because that “ensures the trade union, workers develop under the direction of the Party and State...”<sup>7</sup>

To hold workers’ activities under the Party’s guidelines and policies, the trade unions’ executive committees at all levels must “implement the policies, resolutions, and regulations of the Party and higher-level trade unions.” They also have to “direct, control, and guide all activities of trade unions at lower levels.”<sup>8</sup>

In addition, trade unions are also used as a training ground for candidates for the VCP. In 2021, trade unions at all levels introduced 110,642 elite union members to the CPV; and 80,051 union members were admitted to the Communist Party of Vietnam. In 2022, the Trade Union sets the target of introducing 116,882 elite trade union members for the Party to consider and educate for admission.<sup>9</sup>

The Labor Law 2019 stipulates “The right to establish, join and participate in activities of representative organizations of employees at grassroots level” (Article 170). However, up to now, no organization of such a model has been allowed to be established. In July 2020, an organization called the Vietnam Independence Union (VIU) was founded without the government’s recognition. Government media have been quick to condemn this as a scheme “to form opposing political forces and organizations in the country towards implementing the ‘color revolution’ and ‘street revolution’ to overthrow the Communist Party and abolish the political system of Vietnam.”<sup>10</sup>

## 2.2. *Workers continue to endure difficult living conditions*

Along with carrying out their duties to the unions at all levels, workers must pay into their monthly trade union fund and pay mandatory union dues. Businesses deduct from employees’ salaries 2% of the employee’s salary for the trade union fund. The obligation applies to all companies, whether or not the business has a grassroots trade union. Enterprises that do not pay into the trade union fund are fined 12% -15% of the amount payable. In addition, union member employees must pay an additional 1% of their wages to the union, called mandatory union dues. Union discipline will be applied when union members fail to pay union dues.

The VGCL system has never participated in or supported workers’ efforts to claim legitimate rights despite receiving workers’ financial resources. On the contrary, trade union officials always sided with the government and employers to suppress and quell strikes and individuals or organizations who protect workers’ rights. Especially during the Covid-19 epidemic, when millions of migrant workers who lost their jobs flocked to different provinces and cities to avoid the outbreak, trade

<sup>7</sup> Tạp chí Cộng sản. *Cấp ủy viên là chủ tịch công đoàn trong các doanh nghiệp ngoài khu vực nhà nước: Mô hình cần nhân rộng trong thực tiễn*. <https://www.tapchicongsan.org.vn/web/guest/thuc-tien-kinh-nghiem1/-/2018/815772/cap-uy-vien-la-chu-tich-cong-doan-trong-cac-doanh-nghiep-ngoai-khu-vuc-nha-nuoc--mo-hinh-can-nhan-rong-trong-thuc-tien.aspx>

<sup>8</sup> Điều lệ Công đoàn Việt Nam hiện hành, ban hành ngày 03 tháng 02 năm 2020

<sup>9</sup> Lao Động. *Chăm lo người lao động, phát triển Công đoàn mạnh là xây dựng Đảng*. <https://laodong.vn/su-kien-binh-luan/cham-lo-nguoi-lao-dong-phat-trien-cong-doan-manh-la-xay-dung-dang-1000885.ldo>

<sup>10</sup> An Ninh Thủ Đô. *Lật tẩy mưu đồ đen tối dưới vỏ bọc tổ chức “Công đoàn độc lập Việt Nam”* <https://www.anninhthudo.vn/lat-tay-muu-do-den-toi-duoi-vo-boc-to-chuc-cong-doan-doc-lap-viet-nam-post483877.antd>



unions were almost absent.<sup>11</sup>

According to a report by the Vietnam General Confederation of Labor, in 2021, there were 105 collective work stoppages, a decrease of 20 times compared to 2020.<sup>12</sup> The drop is understandable because, according to state statistics, also during the same period, 119,828 businesses were temporarily suspended or dissolved because of the COVID-19 pandemic.<sup>13</sup>

The underlying cause for the strikes was factory owners' failure to fulfill their social responsibilities to workers, which involved wages, benefits, working hours, breaks, and labor safety and hygiene.

As in previous years, most strikes occurred in the months before and after the Lunar New Year when workers were unsatisfied with the payment of year-end wages and bonuses. For example, during the Tet 2022, there were 28 strikes across the country,<sup>14</sup> including large-scale strikes such as:

- On February 11, 2022, more than 5,000 workers of Vienergy Co., Ltd. (Phuc Son Industrial Park, Ninh Binh City) went on strike to demand the company's leadership clarify several questions related to the workers' income.<sup>15</sup>
- On February 7, 2022, more than 5,000 workers at Viet Glory leather shoe company in Dien Chau district, Nghe An, went on strike to ask the company to increase wages and grant seniority allowances to employees.<sup>16</sup>
- On January 7, 2022, more than 16,000 Pou Chen Vietnam Company workers in Bien Hoa, Dong Nai, went on strike because the company's leaders did not agree to increase the Tet bonus.<sup>17</sup>
- On December 31, 2021, more than 11,000 workers of Hwaseung Vina Co., Ltd (Nhon Trach 1 Industrial Park, Nhon Trach District) went on strike because they were not satisfied with Tet bonuses and support money for workers affected by the epidemic COVID-19.<sup>18</sup>

Although claiming for themselves a monopoly of the right "to represent and protect the legitimate rights and interests of workers" (Article 10 of the Union Law), the trade unions have never initiated

<sup>11</sup> Nhân Dân. *Gần 2,2 triệu người về quê do ảnh hưởng của đợt dịch Covid-19 lần thứ tư*. <https://nhandan.vn/tin-tuc-xa-hoi/gan-2-2-trieu-nguoi-ve-que-do-anh-huong-cua-dot-dich-covid-19-lan-thu-tu-680351/>

<sup>12</sup> Thanh Niên. *Cả nước xảy ra 105 cuộc ngừng việc tập thể, chủ yếu liên quan đến lương thưởng*. <https://thanhnien.vn/ca-nuoc-xay-ra-105-cuoc-ngung-viec-tap-the-chu-yeu-lien-quan-den-luong-thuong-post1420206.html>

<sup>13</sup> Doanh Nghiệp & Thương Mại. *"Bức tranh" doanh nghiệp năm 2021 và những tác động của dịch Covid-19*. <https://doanhnghiepvahtuongmai.vn/bai-viet/buc-tranh-doanh-nghiep-nam-2021-va-nhung-tac-dong-cua-dich-covid-19.phtml>

<sup>14</sup> VNExpress. *Gần 30 cuộc ngừng việc tập thể vì lương, thưởng Tết*. <https://vnexpress.net/gan-30-cuoc-ngung-viec-tap-the-vi-luong-thuong-tet-4428164.html>

<sup>15</sup> Công Đoàn Việt Nam. *Ninh Bình: Hơn 5.000 công nhân lao động đồng loạt ngừng việc tập thể*. <http://www.congdoan.vn/tin-tuc/quan-he-lao-dong-505/ninh-binh-hon-5000-cong-nhan-lao-dong-dong-loat-ngung-viec-tap-the-631564.tld>

<sup>16</sup> RFA. *Nghệ An: 5.000 công nhân giày da đình công*. <https://www.rfa.org/vietnamese/news/vietnamnews/five-thousand-workers-go-on-strike-in-nghe-an-to-ask-for-higher-wages-02082022073734.html>

<sup>17</sup> RFA. *Hàng ngàn công nhân Pou Chen đình công sang ngày thứ tư, đòi giáng chức Chủ tịch Công đoàn*. <https://www.rfa.org/vietnamese/news/vietnamnews/thousands-of-pouchen-workers-on-strike-on-4-day-01112022091710.html>

<sup>18</sup> Lao Động. *11.000 công nhân Hwaseung Vina ngừng việc: Công ty đồng ý đề xuất của NLD*. <https://laodong.vn/cong-doan/11000-cong-nhan-hwaseung-vina-ngung-viec-cong-ty-dong-y-de-xuat-cua-nld-990341.ldo>



*On February 11, 2022, thousands of Vienergy Co., Ltd. workers went on strike, making many demands on wages and working conditions. Photo: Thanh Nien newspaper.*

or assisted labor strikes despite acknowledging that the vast majority of them arise because the workers' rights are violated. All strikes have been spontaneous, without the leadership of a representative organization of workers, so under the labor law are illegal.

In 2021, the Covid-19 pandemic seriously affected workers' lives. The economy slowed down, and many workers lost their jobs. As a result, their incomes declined.<sup>19</sup> In 2021, the average monthly revenue of workers (with jobs) was 5.7 million VND, down 32 thousand VND compared to 2020. A study in 2022 in Ho Chi Minh City shows that 41.8 % of female garment workers' income is not enough to meet basic needs.<sup>20</sup>

Moreover, workers have to work in unsafe conditions. According to the Ministry of Labor, Invalids and Social Affairs, in 2021, there were 6,504 occupational accidents nationwide, killing 6,658 people. The number of fatal occupational accidents was 749, with 786 deaths. The number of seriously injured people was 1,485.<sup>21</sup>

The primary cause was the negligence of the employer in developing operating procedures, inadequate training of workers, and unsafe equipment (accounting for 41%). In comparison, the direct cause due to employees is only 10%. More worrying is that out of the total number of occupational accidents, the authorities only proposed to prosecute 22 cases, of which 10 had

<sup>19</sup> Phạm Minh Thu và nhiều tác giả. *Thất nghiệp tăng mạnh do tác động của COVID-19*. (Đại học Quốc gia Hà Nội,) tháng 2, 2022. <https://osf.io/hfw78/download>

<sup>20</sup> Người Lao Động. *TP HCM: 41,8 % nữ công nhân may có thu nhập không đủ sống*. <https://nld.com.vn/cong-doan/tp-hcm-418-nu-cong-nhan-may-co-thu-nhap-khong-du-song-20220221202257548.htm>

<sup>21</sup> Lao Động. *Bộ LĐTBXH điểm những vụ tai nạn lao động nghiêm trọng trong năm 2021*. <https://laodong.vn/cong-doan/bo-ldtbkh-diem-nhung-vu-tai-nan-lao-dong-nghiem-trong-trong-nam-2021-1027240.ldo>



*On May 25, 2021, dozens of employees of Shyang Hung Cheng Company (An Thanh ward, Thuan An city, Binh Duong province) were hospitalized because of dizziness, difficulty breathing, fainting, and suspected gas poisoning. Photo Phap Luat Plus.*

National Conference on Occupational Safety and Health organized by the MLWISW in Thanh Hoa Province in November 2020.<sup>24</sup>

Workers have to worry not only about insufficient wages and occupational safety but also about hygienic conditions and food safety. Food poisoning has become a constant concern for workers and their families. In 2021 there are workplace food poisoning incidents involving multiple workers, such as:

- On January 13, at CCIPY Vietnam Company in Tuy Hoa city, Phu Yen province, a case of food poisoning sent 84 workers to hospital for treatment.<sup>25</sup>
- On June 20, dozens of workers from Chilis Electronics Co., Ltd. in Hai Phong City were taken to the Vietnam - Czechoslovakia Friendship Hospital for an emergency with poisoning symptoms.<sup>26</sup>
- On July 11, several workers at A Chau Food Joint Stock Company in Muong Khuong district, Lao Cai province, had to be hospitalized in an emergency after an overtime meal.<sup>27</sup>

According to a survey by the Food Safety Authority, the poor quality of food is the leading cause of food poisoning cases.<sup>28</sup> Moreover, with the value of each standard meal at only about 15,000 VND/

prosecution decisions by the investigating police agency.<sup>22</sup>

However, those numbers are only the tip of the iceberg because, in reality, the number of occupational accidents and the number of deaths and injuries is much higher.<sup>23</sup> For example, statistics at hospitals and medical facilities on the number of people hospitalized due to work-related accidents are often more than 20 times higher than those reported to the Ministry of Labor, Invalids and Social Affairs. That is the information presented at the 2020

<sup>22</sup> VOV. *An toàn lao động: Thanh tra không thể làm thay doanh nghiệp.*

<https://vov.vn/xa-hoi/viec-lam/an-toan-lao-dong-thanh-tra-khong-the-lam-thay-doanh-nghiep-post932927.vov>

<sup>23</sup> Báo An Ninh Thủ Đức. *Chỉ có hơn 5% doanh nghiệp báo cáo về tình hình tai nạn lao động.*

<https://anninhthudo.vn/chi-co-hon-5-doanh-nghiep-bao-cao-ve-tinh-hinh-tai-nan-lao-dong-post444245.antd>

<sup>24</sup> VOV.tv. *Số liệu báo cáo thống kê tai nạn lao động hàng năm chưa phản ánh đúng thực tế.*

<https://truyenhinhdulich.vn/video/so-lieu-bao-cao-thong-ke-tai-nan-lao-dong-hang-nam-chua-phan-anh-dung-thuc-te-13532.html>

<sup>25</sup> VOV. *84 công nhân bị ngộ độc thực phẩm sau bữa ăn trưa.* <https://vov.vn/xa-hoi/84-cong-nhan-bi-ngo-doc-thuc-pham-sau-bua-an-trua-830438.vov>

<sup>26</sup> Người Lao Động. *Hàng chục công nhân nhập viện sau bữa tối.*

<https://nld.com.vn/thoi-su/hang-chuc-cong-nhan-nhap-vien-sau-bua-toi-20210620223732094.htm>

<sup>27</sup> Trang Trại Việt. *Lào Cai: Hơn 60 công nhân nhập viện sau bữa ăn tăng ca.*

<https://trangtraiviet.vn/lao-cai-hon-60-cong-nhan-nhap-vien-sau-bua-an-tang-ca-20210712181929182.htm>

<sup>28</sup> Thanh Niên. *Suất ăn rẻ tiền là nguyên nhân ngộ độc thực phẩm cho công nhân.*

<https://thanhnien.vn/doi-song/suat-an-re-tien-la-nguyen-nhan-ngo-doc-thuc-pham-cho-cong-nhan-846092.html>

serving (\$US 0.70),<sup>29</sup> the worker's productivity is directly affected. As a result, future generations' physical and mental health will also decline in the long run.

### 2. 3. *Forced labor and underage labor continue*

Vietnam ratified Convention 182 on the Worst Forms of Child Labor in 1999. Still, until June 8, 2020, the National Assembly of Vietnam ratified ILO Convention 105 on the Abolition of Forced Labour. These are critical legal developments; however, implementing the provisions of the conventions is another matter.

The use of prisoners in prisons, patients in rehabilitation centers, drug addiction camps, and students in reform schools for labor is widespread in Vietnam. In 2012, twelve United Nations agencies, including the ILO, the World Health Organization (WHO), and the United Nations Office on Drugs and Crime (UNODC), issued a joint statement calling for the closing of compulsory drug rehabilitation centers, citing the use of forced labor and no evidence of medical treatment.<sup>30</sup> However, in March 2022, at the proposal of the Ministry of Public Security, the National Assembly Standing Committee approved sending prisoners to work at construction sites managed by private enterprises.<sup>31</sup>

In joining the Abolition of Forced Labor Convention by 2020, the government of Vietnam did not deny that prisoners have to work. However, they claimed that making prisoners work is to educate and reform offenders and help them become honest and beneficial to society. Moreover, it does not violate Convention 105 because it is one of the five exceptions specified in Convention 29 on forced labor that Vietnam acceded to in 2007. With this exception, as explained by the Vietnamese communist government, inmates' work in prisons, which is carried out under the Law on Execution of Criminal Judgments, with jail supervision and not transferred or placed under private use, is not bound by Convention 105.<sup>32</sup>

On November 9, 2020, the Government of Vietnam issued Decree No. 133/2020 / ND-CP detailing the implementation of some articles of the 2019 Law on Execution of Criminal Judgments. The Decree sets the amount of money labor prisoners shall be entitled to only 10% of the proceeds from the labor revenue after deducting "reasonable expenses in the work organization process." With this regulation, most of the labor prisoners work for free!

In factories, the most common form of forced labor is being required to work overtime under the threat of being fired.<sup>33</sup> A study by a group of US and Vietnamese university experts in 2021 on forced labor in the garment industry in Vietnam shows that 6.11% of workers surveyed may be

<sup>29</sup> Công an TPHCM. *Hải hùng những bếp ăn công nghiệp*.  
[https://congan.com.vn/doi-song/suc-khoe/hai-hung-bep-an-cong-nghiep\\_110823.html](https://congan.com.vn/doi-song/suc-khoe/hai-hung-bep-an-cong-nghiep_110823.html)

<sup>30</sup> ILRF. *Forced labor in Vietnam*. <https://laborrights.org/our-work/forced-labor-vietnam>

<sup>31</sup> Vietnam Plus. *Thí điểm mô hình tổ chức dạy nghề cho phạm nhân ngoài trại giam*.  
<https://www.vietnamplus.vn/thi-diem-mo-hinh-to-chuc-day-nghe-cho-pham-nhan-ngoai-trai-giam/779569.vnp>

<sup>32</sup> Dân Sinh. *Lao động của phạm nhân không thuộc phạm vi điều chỉnh của Công ước 105*.  
<https://baodansinh.vn/lao-dong-cua-pham-nhan-khong-thuoc-pham-vi-dieu-chinh-cua-cong-uoc-105-2020052019284336.htm>

<sup>33</sup> Fair Labor Association. *Forced Labor in Supply Chains: Addressing Risks and Safeguarding Workers' Freedoms*.  
[https://www.fairlabor.org/sites/default/files/documents/reports/forced\\_labor\\_guidance\\_update\\_july-2019.pdf](https://www.fairlabor.org/sites/default/files/documents/reports/forced_labor_guidance_update_july-2019.pdf)





*Children in Trung Ly commune, Muong Lat district, Thanh Hoa go to pick bamboo shoots on hot summer days. Picture: Hong Duc – Dân Việt.*

victims of forced labor.<sup>34</sup>

A massive portion of 580,000 Vietnamese export workers in 40 countries and territories, notably in Taiwan, South Korea, Malaysia, Japan, and the Middle East, are victims of forced labor. Many of these workers, mainly underground export laborers, are victims of human trafficking and have been exploited by brokerage services. Typically, recruiting agents visit poor villages and promise good overseas employment contracts to unsuspecting job seekers. Once workers arrive at their destination, the agents confiscate their passports and hand them over to the employers. Then the workers discover that the satisfactory conditions described in the contracts were lies or misrepresentations. As a result, they have no passport or money to return to their country.

The case of 500 Vietnamese export workers recruited to work for China's Shandong Linglong Tire Company in Serbia was a case of forced migrant labor that attracted worldwide concern in 2021. Employment brokers tricked these workers into Serbia, locked up in an isolated area with poor living conditions, and exploited them for labor. Many human rights organizations, the European Union Parliament, and the United Nations Human Rights Commission have pointed out this case.<sup>35</sup>

Another kind of forced labor involves the mistreatment of children, including forcing them to work under dangerous conditions. The Sustainable Development Goals Survey on Children and Women (SDGCW) for 2020-2021 shows that the labor rate of children aged 5-17 across the

<sup>34</sup> Sheldon Zhang, Ph.D. et al. *Prevalence of Forced Labor in Vietnam's Apparel Industry*. [https://www.gfems.org/wp-content/uploads/2021/09/VietnamApparelLaborStudy\\_FinalReport.pdf](https://www.gfems.org/wp-content/uploads/2021/09/VietnamApparelLaborStudy_FinalReport.pdf)

<sup>35</sup> UN. *Mandates of the Special Rapporteurs*. <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=26950>



country is 6.6%. The Central Highlands has the highest rate of child labor (13.0%). Children of the Hmong ethnic group have a labor rate of 24.8%.<sup>36</sup> In addition, the Covid-19 epidemic situation in recent years has had a significant impact on family income, forcing some more children to work longer hours in worse conditions.

The US Department of Labor's report on products by children or forced labor, published in 2021, lists industries that employ children in Vietnam as follows: bricks, cashews, coffee, fishing, footwear, furniture, leather goods, pepper cultivation, rice cultivation, rubber cultivation, sugarcane cultivation, tea cultivation, weaving, carpentry, tobacco cultivation. The garment industry is listed as the section that uses forced labor for children.<sup>37</sup>

However, the most common "occupations" for children in Vietnam are working as domestic workers for wealthy families, selling small items in public places, lottery tickets, shining shoes, and other services. The reports above do not include those kinds of "occupations."

## RECOMMENDATIONS

It is recommended that the Government of Vietnam

- Amend the 2019 Labor Law and the 2012 Trade Union Law to guarantee the right to establish independent trade unions;
- Improve living and working conditions for the working class;
- Eliminate all forms of forced labor and strictly prohibit child labor.

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<sup>36</sup> UNFPA, UNICEF and VN GSO. *Viet Nam SDGCW Survey 2020-2021*.  
<https://www.unicef.org/vietnam/media/8671/file/Child%20labour.pdf>

<sup>37</sup> U.S. Department of Labor. *2020 List of Goods Produced by Child Labor or Forced Labor*.  
[https://www.dol.gov/sites/dolgov/files/ILAB/child\\_labor\\_reports/tda2019/2020\\_TVPRAList\\_Online\\_Final.pdf](https://www.dol.gov/sites/dolgov/files/ILAB/child_labor_reports/tda2019/2020_TVPRAList_Online_Final.pdf)

## VII THE RIGHT TO EQUAL TREATMENT AND NON-DISCRIMINATION

Vietnam's Constitution, amended in 2013, expressly states that “all citizens are equal before the law” and that “no one shall be discriminated against based on his or her political, civic, economic, cultural or social life” (Article 16). Vietnam also participated in many conventions on anti-discrimination, such as the International Convention on the Elimination of All Forms of Racial Discrimination (in 1982), the International Convention on the Elimination of All Forms of Discrimination against Women (in 1982), and the Convention on the Rights of Persons with Disabilities (in 2015).

However, in reality, the situation of discrimination and unequal treatment did not improve in 2021-2022, especially on the issue of discrimination against those outside the Communist Party of Vietnam, former citizens of the Republic of Vietnam, religious believers, ethnic minorities, and women.

### 1. DISCRIMINATION AGAINST SUPPORTERS OF THE GOVERNMENT OF SOUTH VIETNAM

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

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

Those who are most discriminated against by the current regime are Vietnam War veterans and their families. After 1975, about 200,000<sup>2</sup> Army of the Republic of Vietnam (ARVN) wounded

<sup>1</sup> RFA. *Ngược đãi sau 30/4 là bi kịch lịch sử.*

[http://www.rfa.org/vietnamese/in\\_depth/discr-after-fall-saigon-04222015080143.html](http://www.rfa.org/vietnamese/in_depth/discr-after-fall-saigon-04222015080143.html)

<sup>2</sup> Hội HO Cứu Trợ TPB & QP. *Chuyện người thương binh.*

<http://tpbvnh.blogspot.com/2016/10/chuyen-nguoi-thuong-binh.html>

and disabled veterans had to accept the victors' mistreatment. They lived in extreme poverty without any source of income. Many were pushed to new economic zones. Some become street beggars. Since 2014, with the assistance of their compatriots worldwide, some ARVN disabled veterans came together and told the world how they had been stigmatized, discriminated against, and marginalized by their government.

Some religious organizations in the country, including the Unified Buddhist Church of Vietnam, the Redemptorist Order (38, Ky Dong, District 3, Ho Chi Minh City), and the Disabled Veterans and Widows Relief Association, organized a charity program to help invalids of the Republic of Vietnam in difficulties.<sup>3</sup> Since 2014, through the Gratitude to the Republic of Vietnam War Invalids Program, the Redemptorist Congregation in Saigon has provided disabled vets of the former ARVN with medical examinations and necessary items such as push-pull and regular wheelchairs and crutches. More recently, however, the government has repressed this charitable work. In addition to making it difficult for the organizers, security forces have also intimidated disabled vets.<sup>4</sup>

Nevertheless, despite many difficulties, the Redemptorists' program to help the wounded soldiers of the Republic of Vietnam continued in 2021 and 2022.<sup>5</sup>

Meanwhile, the government has adopted an opposite policy towards Communist cadres and veterans and their families. As reported by the Ministry of Labor, Invalids and Social Affairs, more than 9.2 million "meritorious" people (about 10% of the country's population) enjoy preferential policies due to their service to the Revolution. For example, nearly 1.4 million of them enjoy a monthly allowance (1,624,000 VND / month).

Heroic Vietnamese mothers are entitled to an equal VND 7,857,000/month (344.00 US Dollars). Moreover, according to Decree 131/2021/ND-CP of the Government on preferential treatment for people with meritorious services to the Revolution, from February 15, 2022, people with



*A wounded veteran of the Republic of Vietnam is selling lottery tickets for a living. Photo: tpbvnch.blogspot.com*

<sup>3</sup> RFA. *Tết với Thương phế binh Việt Nam Cộng Hoà và mong ước tuổi xế chiều.*

[https://www.rfa.org/vietnamese/in\\_depth/tet-of-the-arvn-veterans-and-their-wishes-02022022164207.html](https://www.rfa.org/vietnamese/in_depth/tet-of-the-arvn-veterans-and-their-wishes-02022022164207.html)

<sup>4</sup> UCAN. *Công an ngăn cản chương trình tri ân thương phế binh Việt Nam Cộng Hoà.*

<https://vietnam.ucanews.com/2019/02/23/cong-an-ngan-can-chuong-trinh-tri-an-thuong-phe-binh-viet-nam-cong-hoa/>

<sup>5</sup> RFA. *Tuyên bố mới về Chương trình Tri ân thương phế binh-VNCH.* [https://www.rfa.org/vietnamese/in\\_depth/new-statement-program-supporting-disabled-soldiers-in-the-republic-of-vn-09192019174544.html](https://www.rfa.org/vietnamese/in_depth/new-statement-program-supporting-disabled-soldiers-in-the-republic-of-vn-09192019174544.html)

meritorious services and policy families will be exempted or reduced from the fee of the land use.

With these preferential measures, 99.7% of households with meritorious services now have a living standard equal to or higher than the households in their area; and there are no more households of people with meritorious services in the poor house category.<sup>6</sup>

In addition, according to the Government's Decree No. 131/2021/ND-CP dated December 30, 2021, people with meritorious services and their families are also entitled to incentives to attend universities. That support covers tuition fees as prescribed by the Education Law, yearly allowance, or monthly allowance.

## 2. DISCRIMINATION AGAINST NON-COMMUNIST PARTY CITIZENS

The Communist Party of Vietnam (CPV) has about 5.3 million members in a country with approximately 98.5 million habitants. Under the current Constitution, the only political party allowed to operate is the CPV, whose members are more privileged than outsiders. Discrimination between party and non-party members is not limited only to the public domain (see chapter III – Right to Participate in National Political Life). However, it extends to all social activities, from education, economy, health, etc.

In education, admission to universities is based on the students' and their families' profiles, even if such schools are not public-security or military institutions, which explicitly only accept Communist Party or Ho Chi Minh Communist Youth Union members.<sup>7</sup>

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

For example, in the healthcare sector, while most hospitals are overloaded and degraded, seriously affecting the quality of public health services,<sup>8</sup> each province, city, and district has built its hospital or set aside areas within hospitals to care for senior officials and high-ranking Party members. The Central Committee for Healthcare and Protection provides medical care for central cadres. At province, district, town, and city levels, healthcare committees offer medical care for local Party members. Support and care regimes are also divided, depending on a member's position in the Party.

In addition, CPV members who “excellently complete tasks” for the Party are also entitled to “party member bonuses” from the state budget, including periodic bonuses and bonuses with Party Badge (based on party age). There are three periodic bonus levels and nine bonus levels with the Party Badge. In 2022, the lowest periodic bonus is 447,000 VND, and the highest is

<sup>6</sup> Tin Tức. *Huy động các nguồn lực chăm sóc tốt nhất dành cho người có công*. <https://baotintuc.vn/xa-hoi/huy-dong-cac-nguon-luc-cham-soc-tot-nhat-danh-cho-nguoi-co-cong-20210725164713158.htm>

<sup>7</sup> Tuổi Trẻ Online. *3 điểm mới khi xét tuyển vào trường quân đội*. <https://tuoitre.vn/3-diem-moi-khi-xet-tuyen-vao-truong-quan-doi-20180305080716094.htm>

<sup>8</sup> Báo Mới. *Bộ trưởng Bộ Y tế: Còn tình trạng quá tải bệnh viện*. <https://baomoi.com/bo-truong-bo-y-te-con-tinh-trang-qua-tai-benh-vien/c/28334264.epi>

2,235,000 VND; The minimum bonus level with the Party Badge is 2,235,000 VND, and the highest is 22,350,000 VND.<sup>9</sup>

### 3. DISCRIMINATION AGAINST RELIGIOUS BELIEVERS

The Law on Belief and Religion explicitly forbids “discrimination and stigmatization against Beliefs and Religion” (Article 5); however, religious believers have continued to experience discrimination and stigmatization in 2021-2022. The Communist government still regards religion as a threat to the regime. Therefore, besides banning and suppressing some religions [see chapter IV of this Report], they continue to treat religious followers as second-class citizens in all social areas, especially in public services and education.

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

For elected positions, the Vietnamese government often pre-sets some quotas for elected religious representatives, selected according to their loyalty to the Communist Party of Vietnam. For example, in the 15th National Assembly election in 2021, the government picked up six religious dignitaries for this 500-member body.<sup>10</sup> However, this theatrical performance could not conceal the discriminatory way people of religious faith are generally treated. For example, religious followers cannot sit for the entrance examination to military or police schools with the three-generation background check system.<sup>11</sup> In addition, military and police officers and even their spouses may not profess Catholicism or Protestantism.<sup>12</sup>

In 2021, the government of Vietnam issued new citizen identification cards with electronic chips for all citizens aged 14 years and over. There is a religious affiliation field to fill out in the application form; police officers of the Administrative Management Police Department arbitrarily write down ‘no religion’ if the applicants cannot provide religious certification issued by their churches. This practice violates religious freedom and demonstrates discrimination based on citizens’ religious backgrounds.<sup>13</sup>

In essence, Vietnamese officials always suspect people of faith because they regard religion as a force opposed to their totalitarian ambitions, even on the ideological level. As a result, not religious believers hold a significant position of actual power in national and local governments.

<sup>9</sup> Dân Luật. *Chi tiết toàn bộ mức tiền thưởng dành cho Đảng viên năm 2021.*

<https://danluat.thuvienphapluat.vn/chi-tiet-toan-bo-muc-tien-thuong-danh-cho-dang-vien-nam-2021-191723.aspx>

<sup>10</sup> Tin Tức. *Dự kiến số lượng, cơ cấu, thành phần đại biểu Quốc hội khóa XV.*

<https://baotintuc.vn/thoi-su/du-kien-so-luong-co-cau-thanh-phan-dai-bieu-quoc-hoi-khoa-xv-20210205202828048.htm>

<sup>11</sup> Luật sư X. *Người theo tôn giáo có thể trở thành công an được không?*

<https://lsx.vn/nguoi-theo-ton-giao-co-the-tro-thanh-cong-an-duoc-khong/>

<sup>12</sup> Xaluan.com. *Điều kiện kết hôn với người trong ngành công an theo quy định mới nhất hiện nay?*

<https://www.xaluan.com/modules.php?name=News&file=article&sid=2475766>

<sup>13</sup> Việt Nam Thời Báo. *Vì phạm quyền tự do tôn giáo qua việc cấp căn cước công dân.*

<https://vietnamthoibao.org/vntb-vi-pham-quyen-tu-do-ton-giao-qua-viec-cap-can-cuoc-cong-dan/>



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

As in the case of children of former South Vietnamese officials, profiling is also employed against religious believers who apply for higher college entrance exams. The current standard curriculum vitae form for students in Vietnam always includes questions about religion. As with the question about the Communist Ho Chi Minh Youth Union and Communist Party affiliation and family history before 1975, religion is essential in determining students' education and future career paths.<sup>14</sup> Students who declare that they belong to religion will not be favored when choosing curricula, scholarships, and other benefits despite higher scores on aptitude tests.

## 4. DISCRIMINATION AGAINST ETHNIC MINORITIES

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

### 4. 1. *Discrimination against Ethnic Minorities: Economic Inequality*

"Hunger Elimination and Poverty Reduction Programs," established after the Economic Reforms, have helped increase average per capita income. The increase was primarily dependent on foreign investment, aid, and remittances. Economic growth, however, only brings wealth to a few people, mostly in urban areas, widens the rich-poor gap, and exacerbates tensions among different social strata. This disparity leaves most people, especially farmers and ethnic minorities, on the sidelines. Although accounting for only 14.6% of the country's population, the percentage of poor ethnic minority households accounts for over 58.53% of the country's total number of poor households.<sup>15</sup> The fruits of economic growth are concentrated among the Kinh and Hoa people. At the same time, other ethnic minority groups continue to suffer from poverty and a slower pace of development.

There are many interactive reasons for this disparity, such as geographic location, level of education, and type of culture. Nevertheless, the most fundamental reason is still unfair policy towards these minority groups, especially the policy on land ownership. The 2013 Land Law states, "During the land allocation or land lease, ethnic minority households and individuals in

<sup>14</sup> hoc.vtc.vn. *Sơ yếu lý lịch tân sinh viên điền như thế nào?*  
<http://hoc.vtc.vn/so-yeu-ly-lich-tan-sinh-vien-dien-nhu-the-nao-pt5985>

<sup>15</sup> VnEconomy. *Xóa đói, giảm nghèo vẫn còn nhiều gian nan.*  
<https://vneconomy.vn/xoa-doi-giam-ngheo-van-con-nhieu-gian-nan.htm>



*Since birth, Em has never had clean water. Excerpted from Youtube “Multi-dimensional poverty among children in ethnic minority areas in Vietnam” by UNICEF*

the locality that have no land or lack productive land shall be prioritized (Art. 133).” Nevertheless, racial discrimination against ethnic minority ownership and land use remains a thorny issue.

The vast majority of ethnic minorities depend on farming as their main livelihood. The land is the primary, if not the only, source of life for them. After 1975, with the population relocation and deforestation policies favoring industrial plantations, the highlanders’ living space dwindled. Official figures show that the number of people with political power, money, and guns in the Central Highlands increased from 1.5 million in 1975 to about 6 million by 2010.<sup>16</sup> Most of the new settlers come from the North. Illegal logging, construction of infrastructures, such as hydroelectricity and irrigation, and state agricultural development policies encouraging large-scale agricultural farming and rubber production for export have pushed the native peoples farther into remote, infertile lands. According to the National Assembly’s Ethnic Council, ethnic minorities and mountainous people are still in “poverty” because of a lack of land and means of production.<sup>17</sup>

The COVID-19 pandemic has severely affected many families’ incomes across the country; however, ethnic minority families are the most vulnerable to income decline. According to a UN study in Vietnam, the pre-pandemic poverty rate of 22.1 percent among ethnic minority households rose sharply to 76.3 percent in April 2020 and remained exceptionally high at 70.3

<sup>16</sup> Vu Quoc Ngu. *Land Ownership in Vietnam and Land Seizure in One-party State*. <http://www.info-vietnam.de/VUQUOCNGU.pdf>

<sup>17</sup> Vietnam Plus. *Cần bố trí nguồn lực giải quyết đất đai cho đồng bào dân tộc thiểu số*. <https://www.vietnamplus.vn/can-bo-tri-nguon-luc-giai-quyet-dat-dai-cho-dong-bao-dan-toc-thieu-so/729654.vnp>

percent in May 2020.<sup>18</sup>

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

Article 58 of the Constitution of Vietnam stipulates that the State “ exercises a priority policy of health care for ethnic minorities, highlanders, islanders, and people living in extremely difficult socio-economic conditions.” However, according to a World Bank report, the stunting rate among ethnic minority children is more than twice that of Kinh children (31.4% vs. 15%), and the rate of children underweight ethnic minority children is also 2.25 times larger than Kinh children (21.9% vs. 9.7%).<sup>19</sup>

Another inevitable result of poverty is the lack of education. Several studies on ethnic minority children in Vietnam have concluded that ethnic minorities are the least likely to receive an education.

Despite the improvements in educational opportunities over the years, ethnic children, in general, are still a marginalized part compared to the Kinh and the Hoa. Students of ethnic minorities are excluded from educational institutions, especially from secondary school and above. Up to 65% of Kinh and Hoa students are enrolled in high school, while only 13.7% are enrolled from other ethnic groups.<sup>20</sup> Another study found that students aged 18 to 22 going to college in the Kinh group is 46% (the highest), while that rate is below 10% for the Khmer and the Dao.<sup>21</sup>

Social distancing due to the COVID-19 pandemic has increased inequality in access to education for ethnic minority children. With the online learning method, most ethnic minority children who did not have computers had to drop out. As a result, only about 51% of ethnic minority students return to school, while that rate is 90% for other students.<sup>22</sup>

## 4. 3. *Discrimination against Ethnic Minorities: Political Inequalities*

In the 15th National Assembly, the VCP arranged for 89 people from ethnic minorities to be elected to the National Assembly (17.84% of the total MPs).

This arrangement indicates that, as with the ratio of religious or female representatives in the National Assembly, the target (or quota, or projection) is only a façade put up by the CPV for

<sup>18</sup> UN in Vietnam. *UN Assessment of the Social and Economic Impact of COVID-19 in Viet Nam*. <https://vietnam.un.org/en/95127-un-assessment-social-and-economic-impact-covid-19-viet-nam>

<sup>19</sup> The World Bank. *Persistent Malnutrition in Ethnic Minority Communities of Vietnam : Issues and Options for Policy and Interventions*. <http://documents1.worldbank.org/curated/ar/369601561716089327/pdf/Persistent-Malnutrition-in-Ethnic-Minority-Communities-of-Vietnam-Issues-and-Options-for-Policy-and-Interventions.pdf>

<sup>20</sup> OXFAM. *Thu hẹp khoảng cách – Cùng giảm bất bình đẳng ở Việt Nam*. Nhà Xuất Bản Lao Động & Xã Hội, Hà Nội 2017, tr. 7

<sup>21</sup> Viện Nghiên cứu phát triển Mekong (MDRI). *Bất bình đẳng đa chiều tại Việt Nam*. Nhà xuất bản Thanh niên, Hà Nội, 2020, tr. 98.

<sup>22</sup> Young Lives. *Persistent Inequality and COVID-19 Holding Back Young People in Vietnam: Evidence from the Listening to Young Lives at Work COVID-19 Phone Survey*. <https://www.younglives.org.uk/sites/default/files/migrated/YL-PolicyBrief-49-Jul21.pdf>

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

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

In some provinces in the Mekong Delta, the government has gone even further in the name of “national unity” to deny the rights of the Khmer Krom minority.<sup>24</sup> In 2021 and 2022, at least four Khmer Krom people were detained, questioned, and accused of violating criminal law while only trying to disseminate UN documents on human rights, including the Declaration of the Rights of Indigenous Peoples (DRIP). Those people are: Mr. Thach Tha and Mr. Thach Rine (arrested on May 25, 2021), Mr. Duong Khai (detained on February 4, 2022, and Mr. Danh Set (detained on February 18, 2022).<sup>25</sup>

## 5. DISCRIMINATION AGAINST WOMEN

Vietnam acceded to the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW) in 1982. Vietnam has enacted many laws relating to women's rights, such as the Law on Gender Equality (2006), the Law against Domestic Violence (2008), and resolutions and policies dealing with women. However, in reality, discrimination against women has reached alarming levels in every aspect of life, from family to the workplace to women's place in society.

### 5.1. Violence against Women

According to the National Report on Violence against Women in Vietnam 2021 conducted by the General Statistics Office, nearly 63% of ever-married or married women experienced at least one form of violence by their husband/partner at some point in life. However, up to 50% of women who experience violence have never told anyone about their violence, and 90.4% said they have

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

<sup>24</sup> UNPO. *Vietnam admits arrests for possession of UN Declaration on Rights of Indigenous Peoples*.  
<https://unpo.org/article/22158>

<sup>25</sup> Khmers Kampuchea-Krom Federation. *Human Rights Monitor*.  
<https://khmerkrom.org/category/news-events/human-rights-monitor/>

never sought support from authorities or service providers.<sup>26</sup>

During the COVID-19 outbreak, the situation of domestic violence based on gender inequality increased and worsened. A study in Hanoi in 2020 showed that an estimated 87.8% of women experienced psychological violence, 80.9% of women experienced controlling behavior, and 59% of women experienced physical violence. One in four women in the survey (25%) revealed that they had experienced sexual violence. Nearly half of women who experienced violence (45%) have sought help, although finding help is more challenging during the lockdown. Half of the women (51%) had attempted suicide.<sup>27</sup>

## 5.2. Gender Inequality in Employment

Vietnam has ratified many international conventions of the World Labor Organization (ILO) related to equality in employment. However, according to the latest statistics from the Ministry of Planning and Investment, female salaried workers always receive a lower income than men despite having the same education level, age, and ethnic group.<sup>28</sup>

ILO research also shows that the COVID-19 pandemic has exacerbated not only existing inequalities in the labor market but also created new inequalities. Women face more reductions in working hours than men; the rate of female workers being laid off is higher than that of male workers.<sup>29</sup>

In the professional field, the proportion of women with high scientific titles and qualifications is low compared to men: female professors (3.5%), associate professors (5.9%), doctoral degrees (12.6%), and postgraduate degrees in science (5.1%).<sup>30</sup>

The most tragic gender discrimination and inequality in employment is the fate of young women who migrate to work because of their family's economic circumstances. In recent years, along with economic development momentum, people from rural areas to urban areas have increased sharply. Female workers account for a large proportion, mainly working in the garment, leather, footwear, electronics, and food processing sectors. However, most migrant workers who do simple jobs in the informal economy do not have labor contracts and are not protected by employers by purchasing health insurance and social insurance. Worse still, they are often victims of violence.<sup>31</sup>

<sup>26</sup> ANTV. *Nâng cao giải pháp giảm thiểu tình trạng bạo lực gia đình.*

<https://www.antv.gov.vn/tin-tuc/xa-hoi/nang-cao-giai-phap-giam-thieu-tinh-trang-bao-luc-gia-dinh-384506.html>

<sup>27</sup> Báo Dân Sinh. *Bạo lực đối với phụ nữ và trẻ em có xu hướng gia tăng trong đại dịch Covid-19.*

<https://baodansinh.vn/bao-luc-doi-voi-phu-nu-va-tre-em-co-xu-huong-gia-tang-trong-dai-dich-covid-19-20220318171244.htm>

<sup>28</sup> Bộ Kế hoạch và Đầu tư. *Bất bình đẳng giới về thu nhập và một số nguyên nhân.*

<http://ncif.gov.vn/Pages/NewsDetail.aspx?newid=21606>

<sup>29</sup> ILO. *Đại dịch COVID-19 hằn sâu bất bình đẳng giới hiện hữu, tạo thêm những bất bình đẳng mới ở Việt Nam.*

[https://www.ilo.org/hanoi/Informationresources/Publicinformation/Pressreleases/WCMS\\_774577/lang--vi/index.htm](https://www.ilo.org/hanoi/Informationresources/Publicinformation/Pressreleases/WCMS_774577/lang--vi/index.htm)

<sup>30</sup> Tổ chức nhà nước. *Trao quyền cho phụ nữ để thực hiện bình đẳng giới ở Việt Nam.*

<https://tcnn.vn/news/detail/48988/Trao-quyen-cho-phu-nu-de-thuc-hien-binh-dang-gioi-o-Viet-Nam.html>

<sup>31</sup> Dân Sinh. *Lao động nữ di cư thường phải gánh chịu bạo lực kép.*

<http://baodansinh.vn/phu-nu-di-cu-chiu-bao-luc-kep-42263.htm>



### 5.3. Gender Inequality in Public Services

Vietnam often prides itself on the number of women working in government. In the 15th National Assembly, elected in 2021, there are 151 women, accounting for 30.26% of the total number of National Assembly deputies. In fact, these figures cannot represent women's participation because the appointment of members of the National Assembly is pre-determined by the VCP.<sup>32</sup>

Furthermore, the representative apparatus has no real power because Party committees make all crucial decisions. In fact, among the 200 members of the CPV Central Committee, there are currently only 18 women (less than two people compared with the previous Central Executive Committee). Out of 18 members of Politburo, only one is female. Of the 28 members of the current cabinet, only 2 are women; and women are only 6 out of the 63 provincial and municipal party committee secretaries. Since these are the most powerful positions in the Vietnamese government system, the shortage of women is especially unfortunate.

## RECOMMENDATIONS

It is recommended that the Government of Vietnam

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

<sup>32</sup> Nghị quyết số 1185/NQ-UBTVQH14 của Ủy ban Thường vụ Quốc hội ngày 11/1/2021, dự kiến tổng số đại biểu Quốc hội khóa XV là 500 đại biểu.

## VIII

# THE RIGHT TO WELL-BEING

In the mid-term report of the third Universal Periodic Review (UPR) mechanism submitted to the UN Human Rights Council at the end of March 2022, Vietnam claimed that “Viet Nam continued to implement the goals of multidimensional, inclusive and sustainable poverty reduction, preventing relapsing into or increase of poverty; supporting the poor to rise above the minimum standard of living, to access basic social services in par with the national multidimensional poverty line, and to improve the quality of life.”<sup>1</sup>

However, when looking at the factual situation in Vietnam to assess the implementation of social security well-being rights, everyone can recognize the difference between achievement reports and how people live.

### 1. WELL-BEING FOR A FEW

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

According to the General Statistics Office of Vietnam, despite the COVID-19 epidemic situation, gross domestic product (GDP) increased by 2.91% in 2020 and 2.58% in 2021.

However, many studies have shown that economic growth did not improve multi-dimensional poverty in general because of the widening gap between some privileged people and the vast majority of the population.

According to the 2020 Vietnam Provincial Governance and Public Administration Performance Index (PAPI) research results, poverty is still the most concerning issue in 2020 and in the past five years. Up to 18% of respondents said their household economic situation worsened compared with three years ago.<sup>2</sup>

People’s lives have become more difficult due to the turbulent labor market, with millions of

<sup>1</sup> VN Foreign Ministry. *Vietnam’s voluntary midterm report on the implementation of the UPR third cycle accepted recommendations*. [https://www.ohchr.org/sites/default/files/2022-04/VietNam\\_Implementation\\_Third\\_Cycle.pdf](https://www.ohchr.org/sites/default/files/2022-04/VietNam_Implementation_Third_Cycle.pdf)

<sup>2</sup> PAPI 2020. *Fact Sheet: Most Concerning Issues and the COVID-19 Response*. [https://papi.org.vn/wp-content/uploads/2021/04/2020PAPI\\_Issues\\_Of\\_Greatest\\_Concern\\_ENG-1.pdf](https://papi.org.vn/wp-content/uploads/2021/04/2020PAPI_Issues_Of_Greatest_Concern_ENG-1.pdf)

people losing their jobs or reducing their working hours. So the gap between the rich and the poor is exacerbated. Up to 26.5% of the country's wealth is concentrated in the hands of the wealthiest 1%, and 59% of the country's wealth is in the hands of the wealthiest 10%, while the poorest 50% of the population only make up 5.6% of the country's assets.<sup>3</sup> Another notable metric is the correlation between billionaires' wealth and GDP. According to Forbes, by the end of 2021, the assets of 6 Vietnamese billionaires were equivalent to more than 5% of Vietnam's GDP.<sup>4</sup>

By the end of 2021, Vietnam had 1,234 super-rich people with a net worth of 30 million USD or more (equivalent to about 700 billion VND), which will continue to increase by 31% in the next five years.<sup>5</sup> In 2021, although the COVID-19 pandemic still plagues the vast majority of people, data from the General Department of Customs shows that Vietnam imported more than 160,000 CBU cars, an increase of 45.2% compared to that of the General Department of Customs in 2020. In addition, the ownership of luxury items such as yachts and supercars is still rising.<sup>6</sup>

Most rich obtained their wealth through illicit means, such as sanctioned tax evasion, privatization of state-owned assets, privileged land-planning information, and corruption rather than enterprising skills.<sup>7</sup> According to Dr. Le Dang Doanh, former head of the Central Institute for Economic Management (CIEM), this group of the super-rich can only come about as "a product of the existing regime and an unbridled capitalism."<sup>8</sup>

Thus, economic growth only enriches a few. The component that does not enjoy the fruits of economic development is the vast majority of people living in the countryside, ethnic minorities, and the disabled. As for ethnic minority groups, Mr. Ha Ngoc Chien, the Chairman of the Ethnic Affairs Council of the National Assembly, acknowledges that ethnic minorities account for nearly 53% of the nation's poor while they are only 14% of the population nationwide.<sup>9</sup> The United Nations Development Program in Viet Nam (UNDP Vietnam) also confirms that ethnic minorities make up 14.7% of Vietnam's population but 90% of the country's extreme-poor.<sup>10</sup>

The inequality of wealth affects most other areas of welfare: health care, educational opportunities, access to clean water, opportunities for advancement, etc.

There has been no improvement between urban and rural residents regarding healthcare services, especially concerning ethnic minorities in remote villages. According to a 2021 study, 80% of the most deprived households in rural areas, and the Northwest, Northeast, North Central, Central

<sup>3</sup> World Inequality Database - Vietnam. <https://wid.world/country/viet-nam/>

<sup>4</sup> CafeF.vn. *Thấy gì khi tài sản tỷ phú Việt tương đương 5% GDP?* <https://cafef.vn/buc-tranh-ty-phu-asean-6-nam-2021-tai-san-ty-phu-viet-nam-tang-nhanh-hay-cham-20211228122138576.chn>

<sup>5</sup> Knight Frank. *The Wealth Report, 2021 — 15th Edition*. <https://content.knightfrank.com/research/83/documents/en/the-wealth-report-2021-7865.pdf>

<sup>6</sup> VietnamNet Global. *More super-rich people in Vietnam*. <https://vietnamnet.vn/en/feature/more-super-rich-people-in-vietnam-819119.html>

<sup>7</sup> Lao Động. *Khoảng cách ghê gớm*. <http://laodong.com.vn/su-kien-binh-luan/khoang-cach-ghc-gom-87166.bld>

<sup>8</sup> VOA. *2016 - năm các triệu phú Việt lộ diện*. <http://www.voatiengviet.com/a/nam-2016-cac-trieu-phu-viet-lo-dien/3661332.html>

<sup>9</sup> Quốc hội Việt Nam. *Kết Quả Thực Hiện Chỉ Tiêu Giảm Nghèo Chưa Thực Sự Bền Vững*. <http://quochoi.vn/hoatdongcuaquochoi/cackyhophquochoi/quochoikhoaxIII/kyhophthusau/Pages/danh-sach-ky-hop.aspx?ItemID=37252&CategoryId=0>

<sup>10</sup> UNDP Vietnam. *Focusing on Ethnic Minority people to leave no one behind*. Op. cit.

Highlands, and Mekong Delta regions do not reach DPT3 (Diphtheria-Pertussis-Tetanus), Polio, and Measles vaccinations.<sup>11</sup> The UNICEF 2021 report also shows that stunting among minorities is twice as high as the national average.<sup>12</sup>

Poor children in Vietnam, predominantly ethnic minority children, have fewer educational opportunities than others. A recent UNICEF study found that for 5-year-old children, the percentage of out-of-school from the poorest households was three times higher than those from the wealthiest families. This difference increased to 5.5 times higher for children of primary school age and ten times higher for lower secondary school-age children.<sup>13</sup>

The most noticeable well-being inequality is in the housing sector. There is no need to go to remote villages because the contrast reveals itself in most cities. Next to poor workers' neighborhoods are mansions of state officials and gated community enclaves of the new wealthy class built by foreign contractors. The development of those high-end luxury neighborhoods in recent years has not solved the urban housing problem but has narrowed the living space of the poor majority.

## 2. CHILDREN'S WELFARE

Vietnam was the first country in Asia and the second country in the world to join the Convention on the Rights of the Child. In 2016, the National Assembly approved a law on child protection (number 102/2016/QH13) to address gaps in a similar law passed in 2004 dealing with children's protection and care, and education. This move was a sign of commitment to the UN Convention on the Rights of the Child.

In its National Report on Cycle III Universal Periodic Review in 2019, Vietnam confirmed that it had made efforts "to protect their rights and best interests." In addition, to boost that achievement, the National Committee on Children chose 2020 as "The Year for Children."

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

According to current UNICEF documents, multi-dimensional poverty among children remains significant (14.5%), with disparities between rural and urban areas (18.6% vs. 5%) and between ethnic minorities (46.4% vs. 14.5% nationwide). In addition, the under-5 mortality rate in rural areas is twice as high as in urban areas (25.1 versus 12.3 deaths per 1,000 children).<sup>14</sup>

According to the current Health Insurance Law, all children under six are entitled to free medical care. However, rampant corruption has made the law ineffective. Poor children whose parents

<sup>11</sup> Phuong T Nguyen et al. *Trends in, projections of, and inequalities in reproductive, maternal, newborn and child health service coverage in Vietnam 2000-2030: A Bayesian analysis at national and sub-national levels*. The Lancet Regional Health - Western Pacific, VOLUME 15, 100230, OCTOBER 01, 2021. [https://www.thelancet.com/journals/lanwpc/article/PIIS2666-6065\(21\)00139-5/fulltext](https://www.thelancet.com/journals/lanwpc/article/PIIS2666-6065(21)00139-5/fulltext)

<sup>12</sup> UNICEF. *Country Office Annual Report 2021*. <https://www.unicef.org/media/116496/file/Vietnam-2021-COAR.pdf>

<sup>13</sup> UNICEF. *Viet Nam: Progress made in reducing out-of-school children*. <https://www.unicef.org/vietnam/press-releases/viet-nam-progress-made-reducing-out-school-children>

<sup>14</sup> UNICEF. *Country Office Annual Report 2021. Op.Cit.*



*Relatives place flowers and candles in memory of little Van An at the foot of the apartment building, where he was abused to death by his father's fiancé on the evening of December 27, 2021. Photo: Viet Doan.*

have no means to bribe doctors and hospital staff are pushed aside as care and treatment are primarily provided to those whose parents are capable of bribing. As a result, more needy children only receive cold reception and inadequate treatment.<sup>15</sup>

Concerning education rights, according to the above-cited UNICEF document, access to free, high-quality preschool education is limited for vulnerable groups, including children with disabilities and those living in industrial zones and ethnic minority areas. For example, the percentage of children out of school at the primary/middle school level is 8% nationwide but is significantly higher for children with disabilities and ethnic minority children.<sup>16</sup>

A critical aspect of children's educational rights in Vietnam that is rarely mentioned in research is the communist indoctrination through schools and community activities by the Ho Chi Minh Young Pioneer Organization and the Ho Chi Minh Communist Youth Union. Following the Directive No. 42-CT / TW, dated March 24, 2015, of the Secretariat of the Central Committee of the CPV on strengthening the Party's leadership in the education of revolutionary ideals, ethics, cultural lifestyles for the young generation period 2015-2030, the Government forces children to learn and accept the values of communism and to swear blind obedience to the Party and the State.

<sup>15</sup> RFA. *Thực tế chương trình bảo hiểm y tế trẻ em ở vùng núi.*

<http://www.rfa.org/vietnamese/reportfromvn/how-vnese-children-treated-in-hospital-09262015121326.html>

<sup>16</sup> UNICEF. *Country Office Annual Report 2021. Op.Cit.*





*The Constitution prohibits the employment of child labor below the minimum age. However, the number of children in child labor has risen. Photo: The Institute of Occupational Safety and Health.*

Regarding child labor, according to the results from Vietnam's Sustainable Development Goal Indicators (SDGCW) survey on Children and Women in 2021, the country has 6.6% of children aged 5-17 working. The percentage of children in rural areas participating in child labor is higher than that of children in urban areas (7.6% versus 4.4%). Among ethnic minority groups, children of the Hmong ethnic group have a much higher risk of child labor participation than the national average (24.8% versus 6.6%).<sup>17</sup> Compared with the results of the national survey on child labor in 2018 (child labor from 5 to 17 was 1,031,944 children, accounting for 5.4% of the total number of children in this age group),<sup>18</sup> the percentage of children in this age group labor has increased.

Crimes against children, such as violence, sexual abuse, and human trafficking, remain a burning social wound. According to the Judicial Committee of the National Assembly in May 2020, within five years (from the beginning of 2015 to June 2019), there were 8,442 cases with 8,709 abused children discovered and handled.<sup>19</sup>

However, it is only the tip of the iceberg because the above data are only cases subjected to criminal and administrative penalties. The actual figure should include a significantly more enormous amount of unreported or undiscovered cases.

<sup>17</sup> UNICEF. *Điều tra SDGCW Việt Nam 2020-2021 - Lao động trẻ em.*

<https://www.unicef.org/vietnam/media/8746/file/Lao%20%C4%91%E1%BB%99ng%20tr%E1%BA%BB%20em.pdf>

<sup>18</sup> Người Lao Động. *Cảnh báo lao động trẻ em sẽ tăng vào năm 2022.*

<https://nld.com.vn/cong-doan/canh-bao-lao-dong-tre-em-se-tang-vao-nam-2022-20211202093515399.htm>

<sup>19</sup> Pháp Luật. *Báo động đồ nạn xâm hại trẻ em.*

<https://plo.vn/phap-luat/bao-dong-do-nan-xam-hai-tre-em-915222.html>

Violence against children has increased in volume and magnitude during the COVID-19 pandemic. According to statistics from the National Center for Child Protection 111, in the first six months of 2021, the Call Center received 171,019 incoming calls, of which 706 cases required support and intervention, an increase of 299 cases compared to the same period last year. In the cases of child support and intervention, there were 362 cases of child violence and 122 cases related to child sexual abuse.<sup>20</sup> In 2021-2022, many death-related child abuse cases deeply shocked public opinion.<sup>21</sup> According to the Ho Chi Minh City Children's Rights Protection Association, the increase in violence against children arises in part because the authorities ignore the law and do not handle it.<sup>22</sup>

The trafficking of children has increased steadily in form and has become more complex. A study by Coram International in 2019 shows that 5.6% of children in Vietnam are likely to have experiences indicative of or consistent with child trafficking. The overwhelming majority of them (92.3%) have been trafficked internally (from one location to another within Vietnam).<sup>23</sup> [See also Chapter I - 3.1. Human Trafficking: Women and Children Tricked into Sex Slavery or Forced Labor]

### 3. THE RIGHT TO A CLEAN ENVIRONMENT

The Vietnamese Constitution states that “Everyone has the right to live in a clean environment and must protect the environment.” (Article 43). Vietnam has also had the Law on Environmental Protection since 1993, and it has been amended three times (2005, 2014, and 2020). The last amended law has been effective as of January 1, 2022. However, according to many assessments, particularly those of environmental studies experts, this law appeared to protect the rights of businesses more than to ensure a safe environment for the people.<sup>24</sup>

A ranking based on the current EPI (Environmental Performance Index) by Yale University placed Vietnam 141st out of 180 countries. Compared to other Southeast Asian countries, Vietnam ranked higher than Myanmar. Still, it fell behind most, if not all, remaining neighbors, such as Cambodia, Laos, the Philippines, Thailand, Malaysia, Indonesia, and Singapore.<sup>25</sup>

A survey in 2021 by polling agency Q&Me shows that the top concern about environmental pollution is air pollution (79%), followed by water pollution (71%), food contamination (62%), plastic pollution (59%), and deforestation (55%).<sup>26</sup>

<sup>20</sup> Nguyễn Hoài. *Bạo hành trẻ em: Tại sao liên tục gia tăng?* (Bảo Đại Đoàn Kết.) <http://daidoanket.vn/bao-hanh-tre-em-tai-sao-lien-tuc-gia-tang-5678255.html>

<sup>21</sup> Giáo Dục Việt Nam. *Những vụ bạo hành trẻ em khiến dư luận phẫn nộ.* <https://giaoduc.net.vn/suc-khoe-hoc-duong/nhung-vu-bao-hanh-tre-em-khien-du-luan-phan-no-post223930.gd>

<sup>22</sup> RFA. “Đánh dã man nhưng không khởi tố khiến tình trạng bạo hành trẻ em ngày càng nhiều!” <https://www.rfa.org/vietnamese/news/vietnamnews/brutality-with-impunity-has-resulted-in-home-violence-12302021061709.html>

<sup>23</sup> Kara Aplan and Elizabeth Yarrow. *Casting Light in the Shadows: Child and youth migration, exploitation, and trafficking in Vietnam.* <https://coraminternational.org/wp-content/uploads/CTPF-report-.pdf>

<sup>24</sup> RFI. *Việt Nam: Vì sao luật Bảo vệ Môi trường bị giới khoa học phản đối mạnh?* <https://www.rfi.fr/vi-tap-chi/tap-chi-xa-hoi/20201125-vietnam-luat-bao-ve-moi-truong-bi-gioi-khoa-hoc-phan-doi>

<sup>25</sup> Yale Center for Environmental Law & Policy. *PI Environmental Performance Index.* <https://epi.yale.edu/epi-results/2020/country/vnm>

<sup>26</sup> Q&Me. *Vietnam environmental attentions.* <https://qandme.net/en/report/vietnam-environmental-attentions.html>

### 3.1. Air Pollution

Vietnam is considered one of the top 10 countries with air pollution in Asia. Moreover, the total amount of dust in Hanoi and Ho Chi Minh City has continuously increased, alarming the air quality index.<sup>27</sup>

According to IQAir's World Air Quality Ranking in 2021, Vietnam ranks 36 out of 118 countries studied; PM2.5 in the air in Vietnam is currently 4.9 times higher than the guideline value of the annual air quality World Health Organization (WHO).<sup>28</sup> According to the World Bank, the PM2.5 concentration in Hanoi will increase from now until 2030 with current policies on air quality management.

Air pollution is “a silent killer” in Vietnam today, and it is related to six of the ten leading causes of death in this country.<sup>29</sup>

### 3.2. Water Pollution

Although Vietnam has 2360 rivers with a length of more than 10 km, and two-thirds of the population lives in three main river basins, the source of clean water is increasingly depleting. Clean water shortage is a daily concern of the people. The clean water crisis has worsened due to a lack of scientific planning and short-term profit industrialization in many localities.

According to UNICEF, Vietnam is one of the five countries with the most polluted water sources globally. The other four countries are Indonesia, Thailand, the Philippines, and China.<sup>30</sup> According to the Ministry of Natural Resources and Environment assessment, Vietnam has about 84.5 million tons of waste discharged into the environment every year, of which 80% is untreated.<sup>31</sup> Therefore, clean water resources are increasingly depleted.

According to the Ministry of Agriculture and Rural Development, more than 31 million rural people do not have access to clean water that meets the standards. The percentage of people accessing clean water in the Northern mountainous region is only 31%, and in the Central Highlands, 26.6%, compared to the national average of 51%.<sup>32</sup>

According to the Ministry of Health statistics, nearly half of the 26 infectious diseases are caused by contaminated water, such as diarrhea, cholera, typhoid, gastrointestinal diseases, hepatitis A, encephalitis, cancer, etc.<sup>33</sup>

<sup>27</sup> Nhân Dân. *Giải quyết bài toán ô nhiễm không khí tại đô thị*. <https://nhandan.vn/moi-truong/giai-quyet-bai-toan-o-nhiem-khong-khi-tai-do-thi-673828/>

<sup>28</sup> IQAir. *Air quality in Vietnam*. <https://www.iqair.com/us/vietnam>

<sup>29</sup> Vietnam Investment Review. *Air pollution is Vietnam's silent killer*. <https://www.vir.com.vn/air-pollution-is-vietnams-silent-killer-56542.html>

<sup>30</sup> Ecomax Water. *Thực trạng ô nhiễm môi trường nước tại Việt Nam và giải pháp khắc phục*. <https://xulynuocgiengkhoan.com/thuc-trang-o-nhiem-moi-truong-nuoc-tai-viet-nam-va-giai-phap-khac-phuc/>

<sup>31</sup> Viện Hàn lâm Khoa học xã hội Việt Nam. *Báo động tình trạng ô nhiễm nước ở nông thôn Việt Nam hiện nay*. <https://www.vass.gov.vn/hoat-dong-khoa-hoc/Bao-dong-tinh-trang-o-nhiem-nuoc-o-nong-thon-Viet-Nam-hien-nay-1762>

<sup>32</sup> Pháp Luật Việt Nam. *Còn hơn 31 triệu người nông thôn chưa được dùng nước sạch*. <https://baophapluat.vn/con-hon-31-trieu-nguoi-nong-thon-chua-duoc-dung-nuoc-sach-post408601.html>

<sup>33</sup> Môi Trường & Cuộc Sống. *Ô nhiễm nguồn nước ở nông thôn – Bài 2: Nguyên nhân đến từ đâu?* <https://moitruong.net.vn/o-nhiem-nguon-nuoc-o-nong-thon-bai-2-nguyen-nhan-den-tu-dau/>



*The drainage system is overflowing with garbage. Photo: baovinhphuc.com.vn*

Besides, the problem of ocean pollution is also getting more and more serious. According to incomplete statistics from 1989 to now, the country has had more than 100 oil spill accidents from several tens to hundreds of tons of oil into the sea. As a result, marine ecosystems are threatened; many marine species are in danger of extinction.<sup>34</sup> The environmental crisis caused by the Formosa steel plant in 2016 was the most notable case whose consequences for the environment and people's lives have not been resolved so far.

### 3.3. Soil Pollution

In addition to industrial wastewater, many other sources contribute to land degradation and intoxication, such as the abuse of fertilizers, pesticides, non-biodegradable household waste, unprocessed industry solid waste, and deforestation.

For example, concerning plastic waste, although Vietnam's size is ranked 68th in the world, it is the 4th plastic polluter, with more than 1.85 million tons/year. Unfortunately, only about 11 % to 12% of the amount is recycled; the rest is discharged into the environment.<sup>35</sup>

Deforestation can profoundly impact ecological imbalance, climate change, and habitat pollution.

<sup>34</sup> Tin Tức. *Tăng cường kiểm soát ô nhiễm môi trường biển - Bài 1: Hiện trạng môi trường biển*. <https://baotintuc.vn/xa-hoi/tang-cuong-kiem-soat-o-nhiem-moi-truong-bien-bai-1-hien-trang-moi-truong-bien-20210919104656347.htm>

<sup>35</sup> Kinh Tế Xanh. *Việt Nam với nền kinh tế tuần hoàn ngành nhựa*. <https://kinhtexanh.vn/viet-nam-voi-nen-kinh-te-tuan-hoan-nganh-nhua-16023.html>



The area of natural forests in Vietnam is rapidly declining. Over the past decade, Vietnam has lost about 2,500 hectares of forest each year. About 50% of the remaining natural forest area is classified as deficient or depleted.<sup>36</sup> Particularly in the first ten months of 2020, the deforested area amounted to 1,291 hectares, an increase of 45.1% over the same period in 2019.<sup>37</sup>

Many factors have contributed to recent deforestation, which involved, among other things, the cultivation practice of mountainous people, demographic pressure that led to growing needs for land for settlement and farming, as well as illegal logging. In addition, deforestation results from poor government planning and management of forest resources. A case in point has been the destruction of forests to build hydropower plants. According to a national assembly deputy, in 2020, the building of 25 hydropower plants in the Central Highlands destroyed 68,000 hectares of forest, on which depended 26,000 families, and disrupted downstream water systems.<sup>38</sup>

According to environmental experts, the impact of storms has worsened in recent years due to Vietnam's shrinking forest area. For example, in October 2020, the central region was hit by a powerful storm that caused over 100 deaths and displaced nearly 200,000 people.<sup>39</sup>

### 3.4. Food Contamination

In addition to air, water, and soil pollution, contaminated food is a constant concern of all Vietnamese families. According to experts, cancer cases have increased rapidly due to three main reasons: contaminated food, polluted environment, and increased life expectancy. The dirty food agent ranks first, accounting for about 35%.<sup>40</sup> Many causes contaminate foods, but mainly by using toxic chemicals to preserve, restore, and enhance the flavor of foods.

The use of toxic chemicals is not only limited to foods but is also common in pharmaceuticals. For example, in early 2022, many people were prosecuted in a large counterfeit drug trafficking ring. What is worth concerning is that some prominent government officials are behind these fake pharmaceutical scandals.<sup>41</sup>

In the face of these environmental deteriorations, aside from a few laws and decrees, the Vietnamese government has taken no concrete action to prevent or address ecological violations. After the spill of toxic waste by the Formosa plant in 2016, due to public pressure, the Government negotiated with the Formosa Group and obtained US\$500 million in compensation, which is far below the assessed damages. Since then, no commensurate legal actions have been taken

<sup>36</sup> Nhân Dân Cuối tuần. *Cần những hành động quyết liệt.*

<https://nhandan.com.vn/dien-dan-nhan-dan-cuoi-tuan/can-nhung-hanh-dong-quyet-liet-630431/>

<sup>37</sup> Môi trường và Cuộc sống. *Diện tích rừng bị chặt phá tăng 45% từ đầu năm 2020 đến nay.*

<https://moitruong.net.vn/dien-tich-rung-bi-chat-pha-tang-45-tu-dau-nam-2020-den-nay/>

<sup>38</sup> Thanh Niên. *Đại biểu Quốc hội tranh luận với Bộ trưởng về lợi - hại của thủy điện nhỏ.*

<https://thanhnien.vn/thoi-su/dai-bieu-quoc-hoi-tranh-luan-voi-bo-truong-ve-loi-hai-cua-thuy-dien-nho-1300674.html>

<sup>39</sup> RFA. *Deforestation in Vietnam Blamed for Recent Deadly Landslides.*

<https://www.rfa.org/english/news/vietnam/deforestation-11112020125229.html>

<sup>40</sup> Ancan. *Thực phẩm bẩn - nguyên nhân làm gia tăng tỷ lệ mắc ung thư ở Việt Nam.*

<https://ancan.com.vn/thuc-pham-ban-nguyen-nhan-lam-gia-tang-ty-le-mac-ung-thu-o-viet-nam>

<sup>41</sup> Vietnam Plus. *Vụ VN Pharma: Truy tố Thứ trưởng Y tế Trương Quốc Cường và 13 bị can.*

<https://www.vietnamplus.vn/vu-vn-pharma-truy-to-thu-truong-y-te-truong-quoc-cuong-va-13-bi-can/767300.vnp>





*On March 17, 2022, hundreds of farmers in Cu M' Gar district protested against land acquisition.  
Photo RFA*

against other blatant environmental violations. At the same time, the Government continued to imprison and mistreat ecological activists such as Hoang Duc Binh, Nguyen Van Hoa, and Dinh Thi Thu Thuy. In addition, the authorities have continued to exert pressure on and harass many Green Trees environmental advocacy group members.<sup>42</sup> On January 24, 2022, a Vietnamese court sentenced Mr. Dang Dinh Bach, Director of the Center for Legal Research and Policy for Sustainable Development (LPSD), an environmental rights activist, to 5 years in prison on charges of tax evasion.<sup>43</sup> On January 11, 2022, Ms. Nguy Thi Khanh, founder of the Green Innovation and Development Center (GreenID), was arrested on tax evasion charges.<sup>44</sup>

#### 4. VICTIMS OF INJUSTICE: UNFAIR LAND EXPROPRIATION AND VIOLATION OF OWNERSHIP RIGHT

Vietnam has undertaken many programs to build infrastructures in recent decades, such as roads, industrial parks, eco-tourism zones, and other public facilities. One of the critical factors in the economic plan was land. In the past decade, the land acquired from farmers has amounted to a million hectares, more than the acreage distributed to farmers during the Socialist Land Reform

<sup>42</sup> Green Trees. *Thành viên Green Trees - Cao Vĩnh Thịnh tiếp tục bị công an và an ninh Việt Nam gây sức ép.*  
<https://www.greentreesvn.org/2020/12/thanh-vien-green-trees-cao-vinh-thinh.html>

<sup>43</sup> VOV. *Giám đốc LPSD Đặng Đình Bách nhận 5 năm tù tội Trốn thuế.*  
<https://vov.vn/phap-luat/giam-doc-lpsd-dang-dinh-bach-nhan-5-nam-tu-toi-tron-thue-post920341.vov>

<sup>44</sup> Thanh Niên. *Bắt nữ giám đốc Trung tâm phát triển sáng tạo xanh GreenID.*  
<https://thanhnien.vn/bat-nu-giam-doc-trung-tam-phat-trien-sang-tao-xanh-greenid-post1427961.html>

Campaign in the 1950s (810,000 hectares).<sup>45</sup>

Although urbanization has accelerated in the past decade, Vietnam today is still an agricultural country. According to the General Statistics Office, the population in rural areas accounted for more than 63% of the national population in 2020. The land is the farmers' main livelihood. Thus, land confiscation was a tragedy for millions of farmers, who became "victims of injustice" deprived of land and the livelihood it provides. Nominally, the Government does provide compensation, but it does so at such incredibly low and merely symbolic rates that it has pushed farmers into dead ends instead of helping them rebuild their lives.

It is worth noting that while conducting land expropriation, government cadres often deliberately exaggerate the planned requirements to grab as much land as possible. They then take the extra land and resell it to developers willing to pay the highest price (usually a hundred times or even higher than the compensation rates)<sup>46</sup> and pocket the difference. Land management is one of the most corrupt areas. That was the conclusion of the policy dialogue "Economic issues in land policy and laws in Vietnam" organized on January 17, 2019, by the National Economics University and the General Department of Land Administration of the Ministry of Natural Resources and Environment.<sup>47</sup>

The monetary value of land corruption cases is often enormous, and the violators are all heads of Government and leaders of local or unitary Party organs. However, even if it is discovered and handled, the recovery of corrupt land has been less than 15%.<sup>48</sup>

The gatherings of victims of land expropriation demanding the return of their land continued to happen at different times in 2021. Many cases attracted protesters from various regions [See details in Chapter III - 3. 2. The Right to Freedom of Peaceful Assembly].

The case of petitioners being robbed of land in Thủ Thiêm New Urban Area project involving more than 14,000 households with more than 60,000 people who had lost their homes lasted for decades. However, the victims still have not been adequately compensated. On April 14, 2022, the head of the Central Committee for Internal Affairs - Phan Dinh Trac, said that the Government Inspectorate had transferred the Investigating Agency of the Ministry of Public Security to re-investigate. A piece of good news for the people of Thu Thiem; however, many people still doubt the Government's sincerity.<sup>49</sup>

Concerning Loc Hung vegetable garden dispute, the compensation for the victims has not been

<sup>45</sup> East Asia Forum. *Vietnam's land law reforms: radical changes or minor tinkering?*

<http://www.eastasiaforum.org/2013/05/14/vietnams-land-law-reforms-radical-changes-or-minor-tinkering/>

<sup>46</sup> For example, in the early planning period of Thu Thiem new urban area, compensation ranges from 1.95 to 25 million VND/m<sup>2</sup>, depending on the location. On the other hand, the compensation for agricultural land for many people in An Loi Dong ward ranges from 150,000 to 200,000 VND/m<sup>2</sup>. In December 2021, some of that expropriated land was auctioned for VND 2.45 billion/m<sup>2</sup> (nearly 2,000 times more).

<sup>47</sup> Diễn Đàn Doanh Nghiệp. Đất đai là một trong những lĩnh vực tham nhũng nhiều nhất.

<https://enternews.vn/tham-nhung-quan-ly-dat-dai-thuoc-top-dau-143814.html>

<sup>48</sup> Dân Trí. *Cán bộ không liêm chính thì cơ chế, chính sách về đất đai có thể bị bóp méo.* <https://dantri.com.vn/xa-hoi/can-bo-khong-liem-chinh-thi-co-che-chinh-sach-ve-dat-dai-co-the-bi-bop-meo-20220228104523782.htm>

<sup>49</sup> RFA. *Chuyển Công an điều tra sai phạm tại Thủ Thiêm: chưa thấy ánh sáng cuối đường hầm!*

[https://www.rfa.org/vietnamese/in\\_depth/transfer-to-the-police-to-investigate-violations-in-thu-thiem-no-light-at-the-end-of-the-tunnel-yet-04152022140243.html](https://www.rfa.org/vietnamese/in_depth/transfer-to-the-police-to-investigate-violations-in-thu-thiem-no-light-at-the-end-of-the-tunnel-yet-04152022140243.html)

resolved yet, although, with the help of a group of volunteer lawyers, they went to Hanoi three times to complain to many central agencies. Meanwhile, the land of 112 houses demolished to build schools is still an abandoned parcel of land.

The Dong Tam land dispute between residents and the Government has emerged since 2016. It involved 59 hectares of Dong Senh land in Dong Tam commune, My Duc district, Hanoi, and ended with a bloody attack that killed four people, including Mr. Le Dinh Kinh, leader of the Dong Tam residents, and three police officers. This tragedy was the bloodiest land dispute in many years. Moreover, the resulted trial in 2020-2021, with two death sentences for two innocent people, is a stigma for the Vietnamese justice system.

## 5. CORRUPTION VIOLATES THE SOCIAL WELL-BEING RIGHTS

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

In Vietnam's legal system, Vietnam signed the United Nations Convention against Corruption in 2003 and enacted the Law on Anti-Corruption in 2005. When defining "the society's responsibility in preventing and fighting against corruption" (Chapter V), the Law on Anti-Corruption lists four social components that have the responsibility to participate, including (1) The Fatherland Front, (2) The press, (3) enterprises, business associations, industry associations, and (4) the people's inspectorates (local level). These four elements in Vietnamese law do not correctly reflect the spirit of the United Nations Convention on Anti-Corruption. In today's Vietnamese political system, those elements are just an extension of the Communist Party of Vietnam. The law does not mention civil society organizations, non-governmental organizations, and community groups cited in the United Nations Convention against Corruption.

In 2013, the CPV established the Central Steering Committee for Anti-Corruption, headed by Secretary-General Nguyen Phu Trong to deal with the worsening corruption situation. In 2021-2022, this anti-corruption campaign resulted in some lawsuits targeting some high-ranking officials in the Party, Government, and business circles.<sup>50</sup> However, corruption in the state apparatus and people's perception is not better. According to the Government's report, in 2021, authorities detected 297 corruption crimes (an increase of nearly 24%), with 528 subjects (an increase of more than 3%).<sup>51</sup>

The COVID-19 pandemic has allowed corruption to erupt at every level and in every branch of

<sup>50</sup> TTXVN. *Năm 2021: Công tác phòng, chống tham nhũng, tiêu cực đạt nhiều kết quả rõ rệt*.

<https://dhtn.ttxvn.org.vn/tintuc/nam-2021-cong-tac-phong-chong-tham-nhung-tieu-cuc-tiep-tuc-duoc-day-manh-dat-nhieu-ket-qua-ro-ret-9207>

<sup>51</sup> Thanh Niên. *Khởi tố nhiều quan chức 'bảo kê' hoạt động phạm tội kinh tế, buôn lậu*.

<https://thanhnien.vn/khoi-to-nhieu-quan-chuc-bao-ke-hoat-dong-pham-toi-kinh-te-buon-lau-post1108844.html>

Government. The case of Viet A Company overstating the price of a COVID-19 test kit<sup>52</sup> and the case of the Consular Department employees, the VN Ministry of Foreign Affairs forcing expatriates abroad to pay bribes to be sent home,<sup>53</sup> were of particular concern to the public. Both cases involved high-level government officials. The consequences of these corruption cases are not only harmful to the State and the victims' property but also a severe violation of human life.

According to the annual Corruption Perceptions Index (CPI) ranking of Transparency International, in 2021, Vietnam gets 39/100 points (100 = best, 0 = worst), ranked 87/180 in the global ranking of countries.<sup>54</sup>

The main reasons for increased corruption include:

- There is no participation of independent non-government organizations.
- The media cannot play the role of exposing corruption. The Vietnamese government continues stifling freedom of the press, banning and criminalizing critics of the Party and government leaders (Article 331 of the 2015 Criminal Law). Many licensed journalists were assaulted when investigating corruption cases [see Part 4, Chapter IV of this Report: Unsafe Environment For Professional Journalists.]

Most of all, the totalitarian communist regime of Vietnam is the source of the current corruption evils. Totalitarianism not only stifles critical voices needed for a clean government but, moreover, to maintain power, the totalitarian ruling party use corruption to buy loyalty. In recent years, corruption involving some prominent officials made it clear that those who have been disgraced are believed to have lost loyalty to the regime's leadership or party officials.

## RECOMMENDATIONS

It is recommended that the Vietnamese government

- Carry out specific goals for the well-being of all people by improving inequality in the multi-dimensional poverty criteria.
- Urgently take specific measures to protect the living environment for people, integrate environmental policies into economic decisions, and eliminate corruption.
- Re-establish the right to own land to the people through the amendment of the Land Law; immediately stop forcibly seizing the land from rightful owners, which is against international human rights law, and return the properties confiscated by the State to their legitimate owners.

<sup>52</sup> Vietnam Plus. *Khởi tố 7 bị can vụ nâng khống giá kit xét nghiệm COVID-19*.

<https://www.vietnamplus.vn/khoi-to-7-bi-can-vu-nang-khong-gia-kit-xet-nghiem-covid19/761783.vnp>

<sup>53</sup> VnExpress. *Thủ trưởng Ngoại giao Tô Anh Dũng bị bắt*. <https://vnexpress.net/thu-truong-bo-ngoai-giao-to-anh-dung-bi-bat-4450382.html>

<sup>54</sup> Transparency International 2021. *Vietnam*. <https://www.transparency.org/en/countries/vietnam>

## APPENDIX I

### LIST OF POLITICAL AND RELIGIOUS PRISONERS ARRESTED AND DETAINED IN 2021-2022, AS OF MAY 31, 2022

(Sorted by Arrest Dates)

O.N.	NAMES	BIRTH YEAR	BACKGROUND	ARREST DATES	TRIAL DATES	CRIMINAL LAW CODES	PRISON TIME	HOUSE ARREST TIME	PRISON
1	Trương Văn Dũng	1958	Facebooker	2022-05-21	Pretrial detention	(88)			Ha Noi Police
2	Huỳnh Tiến	1952	Political activist	2022-04-28	Pretrial detention	109			Binh Dinh Police
3	Huỳnh Tài	1986	Political activist	2022-04-28	Pretrial detention	109			Binh Dinh Police
4	Đặng Như Quỳnh	1980	Facebooker	2022-04-12	Pretrial detention	331			Hanoi Police
5	Nguyễn Phúc Hưởng	1984	Facebooker	2022-04-10	Pretrial detention	331			Hau Giang Police
6	Trần Văn Bang	1961	Facebooker	2022-03-01	Pretrial detention	117			HCM City Police
7	Đoàn Từ Tấn	1982	Journalist	2022-02-05	Pretrial detention	331			Bac Giang Police
8	Lê Mạnh Hà	1970	Facebooker	2022-01-12	Pretrial detention	117			Tuyen Quang Police
9	Ngụy Thị Khanh	1976	Environ activist	2022-01-11	Pretrial detention	200			Hanoi Police
10	Nguyễn Đức Hùng	1991	Facebooker	2022-01-06	Pretrial detention	117			Ha Tinh Police
11	Vũ Thị Kim Hoàng	1978	Facebooker	2022-01-05	Pretrial detention	331			Dong Nai Police
12	Nguyễn Thái Hưng	1976	YouTuber	2022-01-05	Pretrial detention	331			Dong Nai Police
13	Lý Xuân Anh	N/A	Hmong religion	2021-12-12	2022-05-24	295	3.6		Tuyen Quang Police
14	Dương Văn Lành	N/A	Hmong religion	2021-12-12	2022-05-24	295	3.9		Tuyen Quang Police
15	Dương Văn Tu	N/A	Hmong religion	2021-12-12	2022-05-24	295	4		Tuyen Quang Police
16	Lý Văn Dũng	N/A	Hmong religion	2021-12-12	2022-05-18	330	4		Tuyen Quang Police
17	Nguyễn Đoàn Quang Viên	1982	Political activist	2021-10-15	Pretrial detention	109			HCM City Police
18	Đinh Văn Hải	1974	Facebooker	2021-10-07	2022-04-26	117	5	3	Lam Dong Prison
19	Võ Hoàng Thơ	1985	Facebooker	2021-10-06	Pretrial detention	331			Can Tho Police
20	Phùng Thị Nga	1981	Facebooker	2021-10-04	Pretrial detention	331			Vinh Phuc Police
21	Nguyễn Duy Linh	1976	Facebooker	2021-09-14	Pretrial detention	117			Ben Tre Police
22	Y Wo nie (former prisoner)	1970	Protestant	2021-09-13	2022-05-20	331	4		Dak Lak Prison
23	Lê Thị Kim Phi	1959	Political activist	2021-09-10	2022-03-16	109	6		An Giang Prison
24	Bùi Văn Thuận	1981	Facebooker	2021-08-30	Pretrial detention	117			Hoa Binh Police
25	Trần Hoàng Huấn	1988	Facebooker	2021-08-10	2022-05-05	117	8	3	Tien Giang Prison



26	Phan Hữu Diệp Anh	1961	Facebooker	2021-07-19	Pretrial detention	331			HCM City Police
27	Đỗ Nam Trung	1981	Facebooker	2021-07-06	2021-12-16	117	10	4	Bat Di Prison
28	Lê Thế Thắng	1982	Journalist	2021-07-06	2021-10-28	331	3		Can Tho Police
29	Đặng Đình Bách	1978	Environ activist	2021-07-02	2022-01-24	200	5		Ha Noi Police
30	Mai Phan Lợi	1971	Journalist	2021-07-02	2022-01-11	200	4		Ha Noi Police
31	Lê Văn Dũng	1970	Facebooker	2021-06-30	2022-03-23	(88)	5	5	Ha Noi Prison
32	Lê Trung Thu	1980	Facebooker	2021-06-30	Pretrial detention	331			Quang Ngai Police
33	Phùng Thanh Tuyền	1983	Facebooker	2021-06-30	Pretrial detention	331			Quang Ngai Police
34	Bạch Văn Hiền	1987	Facebooker	2021-06-30	Pretrial detention	331			Quang Ngai Police
35	Trần Ngọc Sơn	1965	Facebooker	2021-05-20	2021-12-29	331	2	3/4	Vinh Phuc Police
36	Nguyễn Bảo Tiên	1986	Book distributor	2021-05-05	2022-01-21	117	6.1/2		Phu Yen Police
37	Đoàn Kiên Giang	1985	Journalist	2021-04-20	2021-10-28	331	3		Can Tho Police
38	Nguyễn Phước Trung Bảo	1982	Journalist	2021-04-20	2021-10-28	331	2		Can Tho Police
39	Nguyễn Thanh Nhã	1980	Journalist	2021-04-20	2021-10-28	331	2		Can Tho Police
40	Lê Chí Thành	1983	Facebooker	2021-04-14	2022-01-14	330,331	2		Thủ Đức Prison
41	Nguyễn Thúy Hạnh	1963	Social activist	2021-04-07	Pretrial detention	117			Ha Noi Police
42	Nguyễn Hoài Nam	1973	Journalist	2021-04-02	2022-04-05	331	3	1/2	HCM City Police
43	Lê Trọng Hùng	1979	Facebooker	2021-03-27	2021-12-31	117	5	5	Ha Noi Police
44	Nguyễn Duy Hường	1987	facebooker	2021-03-22	Pretrial detention	117			Nghe An Police
45	Trần Quốc Khánh	1960	Facebooker	2021-03-10	2021-10-28	117	6 1/2	6	Ninh Binh Police
46	Phan Bùi Bảo Thy	1971	Journalist	2021-02-06	2022-07-07	331	1	Sus	Quang Tri Police
47	Lê Anh Dũng	1965	Facebooker	2021-02-05	2022-04-07	331	1.5	sus	Quang Tri Police
48	Nguyễn Trí Gioãn	1979	Facebooker	N/A	2021-11-15	117	7	3	Gia Trung Prison

## The Penal Code provisions used to convict human rights activists

### The Penal Code 2015

Article 109. Activities against the people's government

Article 117. Making, storing, spreading information, materials, items for the purpose of opposing the State of Socialist Republic of Vietnam

Article 200. Tax evasion

Article 295. Violations against regulations of law on occupational safety, occupational hygiene, and safety in crowded areas

Article 331. Abusing democratic freedoms to infringe upon the interests of the State, lawful rights and interests of organizations and/or citizens

### Penal Code 1999 – in parentheses

Article (88). Conducting propaganda against the Socialist Republic of Vietnam

## APPENDIX II

### LIST OF POLITICAL AND RELIGIOUS PRISONERS CURRENTLY IN JAIL

UPDATED AS OF MAY 31, 2022

(Sorted by Names)

N.O.	NAMES	BIRTH YEAR	BACKGROUND	ARREST DATES	TRIAL DATES	CONVICTED OF (PENAL LAW CODES)**	PRISON TIME	HOUSE ARREST TIME
1	A Gron	1943	H'mong Christian	2017	Unknown	Unknown	8	
2	A Hung	1980	H'mong Christian	2017	Unknown	(87)	8	
3	A Ly	1979	H'mong Christian	2017	Unknown	(87)	7	
4	A Ngo	1998	H'mong Christian	2017	Unknown	(87)	7	
5	A Quyn	1973	Hà Mòn Christian	2013-11-18	2014-09-08	(87)	9.5	
6	A Tách (Bă Hlôl)	1959	Hà Mòn Christian	2012-04-23	2013-05-28	(87)	11	
7	A Tik	1952	Hà Mòn Christian	2016-01	2016-04-26	(87)	8	3
8	A Jen	1984	Hà Mòn Christian	2017	2016-04-26	(87)	9	
9	Bạch Văn Hiền	1987	Facebooker	2021-06-30	Pretrial detention	331		
10	Bùi Thanh Tư	1990	Political activist	2018-07-24	2018-09-26	318	4	
11	Bùi Thị Nối	1958	Land petitioner	2020-01-09	2020-09-14	330	6	
12	Bùi Văn Thâm	1987	Hoa Hao Buddhist	2017-06-26	2018-02-09	(245)(257)	6	
13	Bùi Văn Thuận	1981	Facebooker	2021-08-30	Pretrial detention	117		
14	Bùi Văn Tiến	1979	Land petitioner	2020-01-09	2020-9-14	330	5	
15	Bùi Văn Trung	1964	Hoa Hao Buddhist	2017-06-26	2018-02-09	245	6	
16	Bùi Văn Tuấn	1991	Land petitioner	2020-01-09	2020-09-14	330	3	
17	Bùi Viết Hiếu	1943	Land petitioner	2020-01-09	2020-09-14	123	16	
18	Cao Văn Dũng	1968	Facebooker	2020-11-21	2021-06-09	117	9	3
19	Cần Thị Thêu	1962	Land rights activist	2020-06-24	2021-05-05	117	8	3
20	Chang A Súa	1987	Political activist	Unknown	2020-03-18	109	8	2
21	Châu Văn Khâm	1949	Political activist	2019-01-13	2019-11-11	113	12	
22	Dinh Yum	1963	Montagnard Christian	2013	Unknown	(87)	11	3.5
23	Dinh Kừ	1972	Hà Mòn Christian	2016-04-26	Unknown	(87)	7	
24	Dương Thị Lanh	1983	Facebooker	2019-01-28	2019-08-23	117	8	2
25	Dương Văn Lành	N/A	Hmong religion	2021-12-12	2022-05-24	295	3.9	
26	Dương Văn Ngao	1978	Political activist	2018-06-11	2018-11-29	318	5	

27	Dương Văn Tu	N/A	Hmong religion	2021-12-12	2022-05-24	295	4	
28	Đặng Đình Bách	1978	Environmental activist	2021-07-02	2022-01-24	200	5	
29	Đặng Hoàng Minh	1993	Facebooker	Unknown	2021-06-02	117	7	2
30	Đặng Như Quỳnh	1980	Facebooker	2022-04-12	Pretrial detention	331		
31	Đặng Ngọc Tấn	2000	Political activist	2018-06-11	2019-05-21	318+178	24	
32	Đặng Thị Huệ	1981	Social activist	2019-10-16	2020-07-30	318	3.25	
33	Đinh Nông (Bá Pol)	1963	Montagnard Christian	2016-09	2017-04-07	(87)	8	
34	Đinh Thị Thu Thủy	1982	Environmental activist	2020-04-18	2021-01-20	117	7	
35	Đinh Văn Hải	1974	Facebooker	2021-10-07	2022-04-26	117	5	3
36	Đinh Văn Phú	1973	Facebooker	2020-01-09	Pretrial detention	117		
37	Đoàn Kiên Giang	1985	Journalist	2021-04-20	2021-10-28	331	3	
38	Đoàn Thị Bích Thủy	1972	Political activist	2017-02-16	2017-12-27	(88)	5	1
39	Đoàn Từ Tấn	1982	Journalist	2022-05-02	Pretrial detention	331		
40	Đoàn Văn Cư	1962	Ân Dân Đại Đạo Cult	2012-02-12	2013-02-04	(79)	14	5
41	Đoàn Viết Hoan	1984	Facebooker	2019-04-25	2019-11-26	118	3	
42	Đỗ Công Dương	1964	Independent journalist	2018-01-24	2019-01-23	318 + 331	8	
43	Đỗ Nam Trung	1981	Facebooker	2021-07-06	2021-12-16	117	10	4
44	Đỗ Thế Hoá	1968	Political activist	2018-09-02	2020-07-31	118	5	
45	Đỗ Văn Thắng	1999	Political activist	2018-06-11	2018-09-26	318	3.5	
46	Giàng A Dia	1993	Political activist	Unknown	2020-03-18	109	8	2
47	Giàng A Sinh	1981	Political activist	Unknown	2020-03-18	109	8	2
48	Giàng A Và	1990	Political activist	Unknown	2020-03-18	109	8	2
49	Hà Hải Ninh	1988	Political activist	2018-06	2019-07-23	109	N/A	
50	Hà Văn Thành	1982	Environmental activist	2019-10-21	Pretrial detention	349		
51	Hoàng Đức Bình	1983	Environmental activist	2017-05-15	2018-04-24	330+331	14	
52	Hoàng Minh Tuấn	1980	Anti-corruption activist	2020-09-25	Pretrial detention	156		
53	Hoàng Thị Thu Vang	1966	Political activist	2018-09-02	2020-07-31	118	7	3
54	Hoàng Văn Chơ	1979	Political activist	Unknown	2020-03-18	109	8	2
55	Hoàng Văn Páo	1982	Political activist	Unknown	2020-03-18	109	20	5
56	Hồ Đình Cương	1975	Political activist	2018-09-04	2020-07-31	118	4.5	
57	Hồ Thị Xuân Hương	1968	Political activist	Unknown	2022-04-18	109	10	3
58	Hờ A Hù	1988	Political activist	Unknown	2020-03-18	109	8	2
59	Huỳnh Đắc Tuý	1976	Facebooker	2019-02-22	2019-08-21	117	6	3
60	Huỳnh Đức Thanh Bình	1996	Political activist	2018-07-07	2019-06-24	109	10	3
61	Huỳnh Minh Tâm	1978	Facebooker	2019-01-26	2019-11-28	117	9	
62	Huỳnh Tài	1986	Political activist	2022-04-28	Pretrial detention	109		
63	Huỳnh Thị Tố Nga	1983	Facebooker	2019-01-28	2019-11-28	117	5	
64	Huỳnh Thục Vy	1985	blogger	2018-09-08	2018-11-30	(276)	2.75	
65	Huỳnh Tiến	1952	Political activist	2022-04-28	Pretrial detention	109		
66	Huỳnh Trương Ca	1971	Political activist	2018-09-04	2018-12-28	117	5.5	
67	Kpuih Khuong	1962	Montagnard Christian	2014	Unknown	(87)	11	3.5
68	Ksor Kam (Ama H'Trum)	1965	Montagnard Christian	2016-09	2017-04-07	(87)	9	

69	Ksor Phit	1970	Montagnard Christian	2016	2016-08-30	(87)	11	3.5
70	Ksor Pup	1962	Montagnard Christian	2016	2016-08-30	(87)	8	3.5
71	Ksor Ruk	1975	Degar Christian	2018-10-30	2019-03-15	(87)	10	
72	Lầu A Lềnh	1970	Political activist	Unknown	2020-03-18	109	Life	
73	Lê Anh Dũng	1965	Facebooker	2021-02-05	2022-04-07	331	1.5 xus	
74	Lê Chí Thành	1983	Facebooker	2021-04-14	2022-01-14	330 + 331	2	
75	Lê Duy Lộc	1956	Ân Đàn Đại Đạo Cult	2012-02-05	2013-02-04	(79)	17	5
76	Lê Đình Công	1964	Land petitioner	2020-01-09	2020-09-14	123	Death	
77	Lê Đình Chức	1980	Land petitioner	2020-01-09	2020-09-14	123	Death	
78	Lê Đình Doanh	1988	Land petitioner	2020-01-09	2020-09-14	123	Life	
79	Lê Đình Lượng	1965	Political activist	2017-07-24	2018-08-16	(79)	20	5
80	Lê Đình Quang	1984	Land petitioner	2020-01-09	2020-09-14	330	5	
81	Lê Đình Quân	1976	Land petitioner	2020-01-09	2020-09-14	330	5	
82	Lê Đình Uy	1993	Land petitioner	2020-01-09	2020-09-14	330	5	
83	Lê Đức Đồng	1983	Ân Đàn Đại Đạo Cult	2012-02-05	2013-02-04	(79)	12	5
84	Lê Hữu Minh Tuấn	1989	Freelance journalist	2020-06-12	2021-01-05	117	11	3
85	Lê Mạnh Hà	1970	Facebooker	2022-01-12	Pretrial detention	117		
86	Lê Ngọc Thành	1972	Political activist	2020-04-25	2022-04-18	109	9	3
87	Lê Nhựt Bản	1993	Political activist	2018-06-11	2018-10-31	318	3	
88	Lê Phúc	1951	Ân Đàn Đại Đạo Cult	2012-02-05	2013-02-04	(79)	15	5
89	Lê Quý Lộc	1976	Political activist	2018-09-03	2020-07-31	118	5	
90	Lê Thanh Tùng	1968	Civil rights activist	2015-12-14	2016-12-16	(88)	12	4
91	Lê Thế Thắng	1982	Journalist	2021-07-06	2021-10-28	331	3	
92	Lê Thị Bình	1976	Facebooker	2020-12-22	2021-04-22	331	2	
93	Lê Thị Kim Phi	1959	Political activist	2021-09-10	2022-03-16	109	6	
94	Lê Trọng Cư	1966	Ân Đàn Đại Đạo Cult	2012-02-05	2013-02-04	(79)	12	5
95	Lê Trọng Hùng	1979	Facebooker	2021-03-27	2021-12-31	117	5	5
96	Lê Trung Thu	1980	Facebooker	2021-06-30	Pretrial detention	331		
97	Lê Văn Dũng	1970	Facebooker	2021-06-30	2022-03-23	(88)	5	5
98	Lê Văn Hải	1966	Facebooker	2020-09-18	2021-03-31	331	4	
99	Lê Văn Lạc	1966	Political activist	Unknown	2021-03-11	109	7	2
100	Lê Văn sang	1962	Political activist	Unknown	2021-03-11	109	5	2
101	Lê Văn Sinh	1965	Facebooker	2019-02-15	2019-09-05	331	5	
102	Lê Viết Hòa	1962	Facebooker	2020-06-24	2021-03-30	117	5	
103	Lương Nhật Quang	1987	Ân Đàn Đại Đạo Cult	2012-02-10	2013-02-04	(79)	12	5
104	Lương Thị Thu Hiền	1968	Political activist	2020-04-08	2022-04-18	109	11	3
105	Lưu Văn Vính	1967	Political activist	2016-11-06	2018-10-05	(79)	15	3
106	Lý Văn Dũng	N/A	Hmong religion	2021-12-12	2022-05-18	330	4	
107	Lý Xuân Anh	N/A	Hmong religion	2021-12-12	2022—05-24	295	3.6	
108	Mai Phan Lợi	1971	Journalist	2021-07-02	2022-01-11	200	4	
109	Ngô Công Trứ	1988	Political activist	2021-02-04	2021-08-25	109	10	
110	Ngô Thị Hà Phương	1996	Facebooker	2020-06-24	2001-03-30	117	7	

111	Ngô Văn Dũng	1969	Political activist	2018-09-04	2020-07-31	118	5	
112	Ngụy Thị Khanh	1976	Environmental activist	2022-01-11	Pretrial detention	200		
113	Nguyễn Anh Hùng	1952	Political activist	Unknown	2022-04-19	109	6	
114	Nguyễn Bá Mạnh	1987	Facebooker	2019-03-19	Pretrial detention	(288)		
115	Nguyễn Bắc Truyền	1968	Hoa Hao buddhist	2017-07-30	2018-04-05	(79)	11	3
116	Nguyễn Bảo Tiên	1986	Book distributor	2021-05-05	2022-01-21	117	6.1/2	
117	Nguyễn Chí Vững	1981	Facebooker	2019-04-23	2019-11-26	117	6	2
118	Nguyễn Dinh	1968	Ân Đàn Đại Đạo Cult	2012-02-10	2013-02-04	(79)	14	5
119	Nguyễn Đình Thành	1991	Civil rights activist	2018-06-08	2018-10-17	117	7	
120	Nguyễn Đoàn Quang Viên	1982	Political activist	2021-10-15	Pretrial detention	109		
121	Nguyễn Đức Hùng	1991	Facebooker	2022-01-06	Pretrial detention	117		
122	Nguyễn Duy Hường	1987	Facebooker	2021-03-22	Pretrial detention	117		
123	Nguyễn Duy Linh	1976	Facebooker	2021-09-14	Pretrial detention	117		
124	Nguyễn Hoài Nam	1973	Journalist	2021-04-02	Pretrial detention	331		
125	Nguyễn Hoàng Phương	1970	Political activist	Unknown	2022-04-19	109	14	
126	Nguyễn Kỳ Lạc	1951	Ân Đàn Đại Đạo Cult	2012-02-06	2013-02-04	(79)	16	5
127	Nguyễn Minh Quang	1960	Political activist	Unknown	2022-04-18	109	9	3
128	Nguyễn Năng Tĩnh	1976	Facebooker	2019-05-29	2019-11-15	117	11	5
129	Nguyễn Ngọc Ánh	1980	Social activist	2018-08-30	2019-11-07	117	6	5
130	Nguyễn Ngọc Bình	1991	Political activist	2018-06-10	2018-09-26	318	3.5	
131	Nguyễn Nhật Thượng	N/A	Hoa Hao Buddhist	2017-05-18	2018-01-23	(88)	6	
132	Nguyễn Nhật Trường	1985	Hoa Hao Buddhist	2017-05-18	2018-01-23	(88)	6	3
133	Nguyễn Phúc Hường	1984	Facebooker	2022-04-10	Pretrial detention	331		
134	Nguyễn Phước Trung Bảo	1982	Journalist	2021-04-20	2021-10-28	331	2	
135	Nguyễn Quang Khải	1969	Facebooker	2020-10-20	Pretrial detention	337		
136	Nguyễn Quang Thanh	1983	Political activist	2017-02-16	2017-12-27	(79)	14	3
137	Nguyễn Quang Vinh	1981	Facebooker	2020-06-27	Pretrial detention	331		
138	Nguyễn Quốc Đức Vượng	1991	Facebooker	2019-09-23	2020-07-07	117	8	
139	Nguyễn Quốc Hoàn	1977	Political activist	2016-06-11	2018-10-05	(79)	13	3
140	Nguyễn Quốc Tiến	1980	Land petitioner	2020-01-09	2020-09-14	123	13	
141	Nguyễn Quỳnh Phong	1985	Social activist	2019-03-05	2019-07-30	318	3	
142	Nguyễn Thái Bình	1986	Ân Đàn Đại Đạo Cult	2012-02-10	2013-02-04	(79)	12	5
143	Nguyễn Thái Hưng	1976	Youtuber	2022-01-05	Pretrial detention	331		
144	Nguyễn Thanh Nhã	1980	Journalist	2021-04-20	2021-01-28	331	2	
145	Nguyễn Thanh Xoan	1972	Political activist	Unknown	2022-04-18	109	12	3
146	Nguyễn Thị Cẩm Thúy	1976	Facebooker	2020-06-24	2021-03-30	117	9	3
147	Nguyễn Thị Chính	1955	Political activist	Unknown	2022-04-19	109	8	
148	Nguyễn Thị Kim Duyên	1978	Political activist	Unknown	2021-03-11	109	6	2
149	Nguyễn Thị Kim Phượng	1967	Political activist	2020-04-02	2022-04-18	109	10	3
150	Nguyễn Thị Ngọc Hạnh	1976	Political activist	2018-09-03	2020-07-31	118	8	3
151	Nguyễn Thị Ngọc Sương	1968	Facebooker	2018-10-13	2019-05-10	117	5	



152	Nguyễn Thị Rành	1953	Political activist	Unknown	2022-04-19	109	16	
153	Nguyễn Thị Tâm	1972	Land rights activist	2020-06-24	2021-12-15	117	6	3
154	Nguyễn Thúy Hạnh	1963	Social activist blogger	2021-04-07	Pretrial detention	117		
155	Nguyễn Trí Gioãn	1979	Facebooker	Unknown	2021-11-15	117	7	3
156	Nguyễn Trung Lĩnh	1967	Facebooker	2018-05-27	2020-7	117	12	
157	Nguyễn Trung Tôn	1971	Political activist	2017-07-30	2018-04-05	(79)	12	3
158	Nguyễn Trung Trực	1963	Political activist	2017-08-04	2018-12-26	(79)	12	5
159	Nguyễn Tường Thụy	1952	Freelance journalist	2020-05-23	2021-01-05	117	11	3
160	Nguyễn Văn Công Em	1971	Civil rights Facebooker	2019-02-28	2019-09-17	117	5	5
161	Nguyễn Văn Duệ	1962	Land petitioner	2020-01-09	2020-09-14	330	3	
162	Nguyễn Văn Diễm	1983	Facebooker	2017-03-02	2018-01-31	(88)	6.5	
163	Nguyễn Văn Đức Độ	1975	Political activist	2016-11-06	2018-10-05	(79)	11	
164	Nguyễn Văn Hóa	1995	Environmental activist	2017-01-12	2017-11-27	(88)	7	3
165	Nguyễn Văn Lâm	1970	Facebooker	2020-11-06	2021-07-20	117	9	
166	Nguyễn Văn Nhanh	1992	Facebooker	Unknown	2021-01-07	155	1	
167	Nguyễn Văn Nghĩa	1978	Political activist	2017-02-16	2017-12-27	(79)	12	3
168	Nguyễn Văn Nghiêm	1963	Social activist	2019-11-05	2020-06-23	117	6	
169	Nguyễn Văn Phước	1979	Civil rights	2018-12-10	2019-10-29	117	5	
170	Nguyễn Văn Quang	1987	Facebooker	2018-06-18	2019-3	117	6	
171	Nguyễn Văn Quân	1980	Land petitioner	2020-01-09	2020-09-14	330	5	
172	Nguyễn Văn Tân	1990	Street protester	2018-06-10	2018-09-26	318	3.5	
173	Nguyễn Văn Thanh	1990	Social activist	2019-10-11	Pretrial detention	142		
174	Nguyễn Văn Thuận	1999	Political activist	2018-06-10	2018-09-26	318	3.5	
175	Nguyễn Văn Thượng	1985	Hoa Hao Buddhist	2017-05-18	2018-01-23	(88)	6	3
176	Nguyễn Văn Tiến	1998	Street protester	2018-07-24	2018-09-26	318	4	
177	Nguyễn Văn Trường	1976	Facebooker	2018-02-09	Pretrial detention	331		
178	Nguyễn Văn Tuấn	1984	Political activist	2017-02-16	2017-12-27	(79)	12	3
179	Nguyễn Văn Túc	1964	Political activist	2017-09-01	2018-09-14	(79)	13	5
180	Nguyễn Văn Tuyển	1974	Land petitioner	2020-01-09	2020-09-14	123	12	
181	Nguyễn Văn Viễn	1971	Political activist	2019-01-13	2019-11-11	113	11	
182	Nguyễn Viết Dũng	1976	Social activist	2017-09-27	2018-08-15	(88)	6	5
183	Nguyễn Xuân Tĩnh	1972	Political activist	Unknown	2022-03-15	109	9	3
184	Phạm Chí Dũng	1966	Independent Journalist	2019-11-21	2021-01-05	117	15	3
185	Phạm Đoan Trang	1978	Blogger	2020-10-06	2021-12-14	(88) + 117	9	
186	Phạm Đình Quý	1981	Anti-corruption activist	2020-09-25	Pretrial detention	156		
187	Phạm Long Đại	1996	Political activist	2017-02-16	2017-12-27	(88)	6	1
188	Phạm Thanh	1987	Political activist	2018-06-11	2019-05-21	178	15.5	
189	Phạm Chí Thành	1952	Blogger	2020-05-21	2021-07-09	117	5.5	5
190	Phạm Hồ	1949	Political activist	Unknown	2022-04-18	109	3	2
191	Phạm Thị Phượng	1945	Political activist	2010-04-21	2011-09-21	(79)	11	
192	Phạm Văn Điệp	1965	Civil rights Facebooker	2019-06-29	2019-11-26	117	9	5

193	Phạm Văn Trội	1972	Political activist	2017-07-30	2018-04-05	(79)	7	1
194	Phạm Xuân Thân	1958	Political activist	1996-06-12	1996	(84)	Life	
195	Phan Bùi Bảo Thy	1971	Journalist	2021-02-06	2022-04-07	331	1 Sus	
196	Phan Công Hải	1996	Social activist,	2019-11-19	2020-04-28	117	5	3
197	Phan Hữu Điệp Anh	1961	Facebooker	2021-07-19	Pretrial detention	331		
198	Phan Kim Khánh	1993	Civil rights blogger	2017-03-21	2017-10-25	(88)	6	4
199	Phan Thị Thanh Hồng	1969	Facebooker	2020-06-21	Pretrial detention	318		
200	Phan Trung (aka Thích Nhật Huệ)	1976	Political activist	2016-11-16	2018-10-05	(79)	8	3
201	Phan Văn Thu	1948	Ân Đàn Đại Đạo Cult	2012-02-05	2013-02-04	(79)	Life	
202	Phang A Vang	1988	H'mong Christian	2012-10-16	Unknown	(87)	15	
203	Phùng Thanh Tuyền	1983	Facebooker	2021-06-30	Pretrial detention	331		
204	Phùng Thị Nga	1981	Facebooker	2021-10-04	Pretrial detention	331		
205	Puih Bop (Ama Phun)	1959	Montagnard Christian	2016-09	2017-04-07	(87)	9	
206	Quách Duy	1982	Facebooker	2020-09-18	2021-4-15	331	4.5	
207	Rah Lan Hip	1981	Montagnard Christian	2019-05-15	2019-08-09	116	7	3
208	Rah Lan Rah	1977	Montagnard Christian	2020	Unknown	(87)	6	3
209	Rmah Bloanh	N/A	Montagnard Christian	2014	Unknown	(97)	8	3.5
210	Rmah Hlach (A Ma Blut)	1968	Montagnard Christian	2009-07-22	2010-01-14	(87)	12	3
211	Rmah Khil	N/A	Montagnard Christian	2014	2014-09	(87)	9	3.5
212	Rơ Lan Kly (Ama Blan)	1962	Montagnard Christian	2016-9	2017-04-07	(87)	8	
213	Ro Mah Pla	1968	Montagnard Christian	2013	Unknown	(87)	9	3.5
214	Ro Ma Daih (Ama Pôn)	1989	Montagnard Christian	2016-9	2017-04-07	(87)	10	
215	Ro Mah Them	1992	First Christian Church	2020	Unknown	(87)	5	3
216	Run	1971	Hà môn Christian	2013	2013	(87)	9	3.5
217	Runh	1979	Hà môn Christian	2012-04-23	2013-05-28	(87)	10	3
218	Siu Bler	1962	Evangelical pastor	2004-08-27	Unknown	(87)	17	3
219	Siu Chon	1975	First Christian Church	2020	Unknown	(87)	6	3
220	Siu Dik	1970	Montagnard Christian	2016	2016-08-30	(87)	8	3.5
221	Siu Doang	1987	Montagnard Christian	2016	2016-08-30	(87)	8	3.5
222	Siu Hlom	1967	Montagnard Christian	2010-08-28	2011-04-05	(87)	12	3
223	Sùng A Dơ	1996	Political activist	Unknown	2020-03-18	109	8	2
224	Sùng A Sinh	1982	Political activist	Unknown	2020-03-18	109	Life	
225	Sùng A Sinh	1986	Political activist	Unknown	2020-03-18	109	8	2
226	Tạ Khu	1947	Ân Đàn Đại Đạo Cult	2012-02-06	2013-02-04	(79)	16	5
227	Tạ Tấn Lộc	1975	Political activist	2017-02-16	2017-12-27	(79)	14	3
228	Thao A Vang	1986	H'mong Christian	2012-10-16	Unknown	(87)	20	
229	Thin	1979	Hà môn Christian	Unknown	2016-04-26	(87)	6	3
230	Tôn Nữ Thê Trang	1962	Political activist	Unknown	2022-03-15	92	12	3
231	Trần Anh Kim	1949	Political activist	2015-09-21	2016-12-16	(79)	13	5
232	Trần Đức Thạch	1952	Writer	2020-04-23	2020-12-15	109	12	3
233	Trần Hoàng Huân	1988	Facebooker	2021-08-10	2022-05-05	117	8	3
234	Trần Hoàng Minh	1990	Facebooker	2020-09-01	2021-07-20	331	5	

235	Trần Hoàng Phúc	1994	Facebooker	2017-06-29	2018-01-31	(88)	6	4
236	Trần Huỳnh Duy Thức	1966	Civil rights blogger	2009-05-24	2010-01-20	(79)	16	5
237	Trần Long Phi	1998	Political activist	2018-07-07	2019-06-24	109	8	
238	Trần Minh Lợi	1968	Facebooker	2016-03-22	2017-03-27	(290)	4.5	
239	Trần Ngọc Sơn	1965	Facebooker	2021-05-20	2021-12-29	331	2	3/4
240	Trần Nguyên Chuân	1967	Political activist	2020-09-01	2021-3-19	109	6.6	
241	Trần Phi Dũng	1966	Ân Đàn Đại Đạo Cult	2012-02-12	2013-02-04	(79)	13	5
242	Trần Quân	1984	Ân Đàn Đại Đạo Cult	2012-02-12	2013-02-04	(79)	13	5
243	Trần Quốc Khánh	1960	Facebooker	2021-03-10	2021-10-28	117	6.5	2
244	Trần Thanh Giang	1971	Hoa Hao Buddhist	2019-04-23	2019-11-27	117	8	
245	Trần Thị Ngọc Xuân	1969	Political activist	Unknown	2022-04-18	109	13	3
246	Trần Thị Tuyết Diệu	1988	Journalist	2020-08-21	2021-04-23	117	8	
247	Trần Thị Xuân	1976	Political activist	2017-10-17	2018-04-12	(79)	9	5
248	Trần Văn Long	1955	Political activist	Unknown	2022-04-18	109	10	3
249	Trần Văn Bang	1961	Facebooker	2022-01-03	Pretrial detention	117		
250	Trần Văn Quyến	1999	Political activist	2019-01-23	2019-11-11	113	10	
251	Trần Văn Tứ	1992	Facebooker	2020	Pretrial detention	331		
252	Trịnh Bá Phương	1985	Land right activist	2020-06-24	2021-12-15	117	10	5
253	Trịnh Bá Tư	1989	Land right activist	2020-06-24	2021-05-05	117	8	3
254	Trịnh Văn Hải	1988	Land petitioner	2020-01-09	2020-09-14	330	3	
255	Trịnh Viết Bằng	1959	Anti-corruption activist	2019-05-14	Pretrial detention	331		
256	Trương Châu Hữu Danh	1982	Journalist	2020-12-16	2021-10-28	331	4	
257	Trương Duy Nhất	1964	Independent journalist	2019-01-28	2020-03-09	355	10	
258	Trương Hữu Lộc	1963	Political activist	2018-06-11	2019-06-28	118	8	
259	Trương Minh Đức	1960	Political activist	2017-07-30	2018-04-05	(79)	12	3
260	Trương Văn Dũng	1988	Facebooker	2022-05-21	Pretrial detention	(88)		
261	Từ Công Nghĩa	1993	Political activist	2016-11-05	2018-10-05	(79)	10	3
262	Từ Thiện Lương	1950	Ân Đàn Đại Đạo Cult	2012-02-10	2013-02-04	(79)	16	5
263	Vang A De	1990	H'mong Christian	2012-10-16	Unknown	(87)	20	
264	Vang A Phu	1977	H'mong Christian	2012-10-16	Unknown	(87)	20	
265	Văng Bá cảnh	1948	Political activist	Unknown	2022-04-19	109	5	
266	Võ Hoàng Thơ	1985	Facebooker	2021-10-06	Pretrial detention	331		
267	Võ Ngọc Cư	1951	Ân Đàn Đại Đạo Cult	2012-02-06	2013-02-04	(79)	16	5
268	Võ Thành Lê	1955	Ân Đàn Đại Đạo Cult	2012-02-05	2013-02-04	(79)	16	5
269	Võ Thường Trung	1976	Facebooker	2019-04-25	2019-11-26	118	3	
270	Võ Tiết	1952	Ân Đàn Đại Đạo Cult	2012-02-05	2013-02-04	(79)	16	5
271	Vũ Quang Thuận	1966	Facebooker	2017-03-02	2018-01-31	(88)	8	
172	Vũ Thị Dung	1965	Facebooker	2018-10-13	2019-05-10	117	6	
273	Vũ Thị Kim Hoàng	1978	Facebooker	2022-01-05	Pretrial detention	331		
274	Vũ Thị Kim Phượng	1970	Political activist	Unknown	2021-03-11	109	13	5
275	Vũ Tiến Chi	1966	Facebooker	2020-06-24	2021-03-30	117	10	3
276	Vương Tấn Sơn	1953	Ân Đàn Đại Đạo Cult	2012-02-12	2013-02-04	(79)	17	5

277	Vương Thanh Thuận	1990	Hoa Hao Buddhist	2017-05-18	2018-01-23	(88)	7	3
278	Vương Văn Thả	1969	Hoa Hao Buddhist	2017-05-18	2018-01-23	(88)	12	3
279	Y Hon Ênuôi	1988	Political activist	Unknown	2022-04-18	109	4	2
280	Y Hriam Kpa	1976	Montagnard Christian	2015-07-30	2016-01	(87)	7	
281	Y Kur Bđap	1971	Montagnard Christian	2004-04-24	2005-11-17	(87)	17	5
282	Y Lao Mlo	1987	Montagnard Christian	2015-07-15	Unknown	(87)	8	
283	Y Min Ksor	N/A	Evangelist	2018	2019-01-30	(87)	9	3.5
284	Y Muk Nie	1964	Montagnard Christian	2018-04-10	Pretrial detention	(87)		
285	Y Phương Ding Riêh	1978	Political activist	Unknown	2022-04-18	109	8	3
286	Y Pum Bya	1964	Montagnard Christian	2018	2019-01-30	(87)	14	3.5
287	Y Pum Nie	1964	Montagnard Christian	2018-04-10	Pretrial detention	116		
288	Y Túp Knul	1970	Political activist	Unknown	2022-04-18	109	9	3
289	Y Woo Nie (former prisoner)	1970	Montagnard Christian	2021-09-20	2022-05-20	331	4	
290	Y Yich	1960	Evangelical pastor	2013-05-13	2013-11-14	(87)	12	

## The Penal Code provisions used to convict human rights activists

### Penal Code 2015

Article 109. Activities against the people's government

Article 113. Terrorism to oppose the people's government

Article 116. Sabotaging implementation of solidarity policies

Article 117. Making, storing, spreading information, materials, items for the purpose of opposing the State of Socialist Republic of Vietnam

Article 118. Disruption of security

Article 123. Murder

Article 142. Rape of a person under 16

Article 155. Insults to another person

Article 156. Slander

Article 200. Tax evasion

Article 295. Violations against regulations of law on occupational safety, occupational hygiene, and safety in crowded areas

Article 318. Disturbance or public order

Article 330. Resisting a law enforcement officer in performance of his/her official duties

Article 331. Abusing democratic freedoms to infringe upon the interests of the State, lawful rights and interests of organizations and/or citizens

Article 349. Organizing, brokering illegal emigration

Article 355. Abuse of power or position for appropriation of property

**Penal Code 1999 – in parentheses**

Article (79). Carrying out activities aimed at overthrowing the people's administration

Article (84). Terrorism

Article (87). Undermining the unity policy

Article (88). Conducting propaganda against the Socialist Republic of Vietnam

Article (245). Causing public disorder

Article (257). Resisting persons in the performance of their official duties

Article (276). Affronting the national flag or national emblem

Article (290). Acting as intermediaries for bribery



## APPENDIX III

### VIETNAM HUMAN RIGHTS AWARD 2021

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

- 2002: *The Most Ven. Thich Quang Do and Fr. Thaddeus Nguyen Van Ly*
- 2003: *Messrs. Nguyen Vu Binh, Le Chi Quang, Nguyen Khac Toan, and Dr. Pham Hong Son*
- 2004: *Mr. Pham Que Duong and Dr. Nguyen Dan Que*
- 2005: *Mr. Le Quang Liem, Fr. Peter Phan Van Loi, and Ven. Thich Tue Sy*
- 2006: *Messrs. Do Nam Hai and Nguyen Chinh Ket*
- 2007: *Mr. Hoang Minh Chinh, Lawyer Nguyen Van Dai, and Lawyer Le Thi Cong Nhan*
- 2008: *Ven. Thich Thien Minh, Blogger “Dieu Cay” Nguyen Van Hai, and Tu Do Ngon Luan Magazine*
- 2009: *Writer Tran Khai Thanh Thuy and Pastor Nguyen Cong Chinh*
- 2010: *Journalist Truong Minh Duc and Labor activist Doan Huy Chuong*
- 2011: *Dr. Cu Huy Ha Vu and Labor activist Do Thi Minh Hanh*
- 2012: *Ms. Pham Thanh Nghien, Blogger Ta Phong Tan, and Ms. Huynh Thuc Vy*
- 2013: *Lawyer Le Quoc Quan, Mr. Tran Huynh Duy Thuc, and Mr. Nguyen Hoang Quoc Hung.*
- 2014: *The Vietnam Redemptorist Province, Mr. Nguyen Bac Truyen, and Musicians Vo Minh Tri (Viet Khang) and Tran Vu Anh Binh.*
- 2015: *The Most Venerable Thich Khong Tanh, Ms. Ho Thi Bich Khuong, and Ms. Bui Thi Minh Hang.*
- 2016: *The Vietnamese Bloggers’ Network, Lawyer Vo An Don, and activists for victims of injustice Ms. Tran Ngoc Anh and Ms. Can Thi Theu*
- 2017: *The Brotherhood for Democracy, Blogger Ba Sam Nguyen Huu Vinh, Blogger Nguyen Ngoc Nhu Quynh, and Pastor Y Yich*
- 2018: *Mr. Hoang Duc Binh, Ms. Tran Thi Nga, and Blogger Pham Doan Trang*
- 2019: *Pastor Nguyen Trung Ton, Ms. Nguyen Dang Minh Man, and Lawyer Le Cong Dinh*
- 2020: *The Independent Journalists Association of Vietnam (IJAVN), Mr. Nguyen Nang Tinh, and Mr. Nguyen Van Hoa*
- 2021: *Mrs Can Thi Theu’s Family, Ms. Dinh Thi Thu Thuy, and Mr. Nguyen Van Tuc*

## MRS. CAN THI THEU'S FAMILY



As a victim of the Vietnamese government's land-grabbing policy, Ms. Can Thi Theu's family has become activists fighting for human rights.

In 2007-2008, the Ha Tay province government started forcefully acquiring land from farmers to resell it to investors of a new urban development project. Farmers who were robbed of their land, the only means of subsistence, received no adequate compensation. As a resident of Duong Noi ward, Ha Dong district, Hanoi, Ms. Can Thi Theu stood up, calling on these illegal land acquisition victims to claim their rightful rights and demanding dialogue with the government. But the government continued to defy justice and the national law

by denying their legitimate requests.

In 2010 and 2014, armed with thousands of police officers, soldiers, and thugs, the government carried out a land grab in Duong Noi ward. They brutally beat and arrested the land petitioners, including Ms. Can Thi Theu and her husband, Mr. Trinh Ba Khiem.

In September 2014, Ms. Theu was sentenced to 15 months in prison and Mr. Trinh Ba Khiem to 18 months on charges of "resisting a law enforcement officer" (Article 330 of the Criminal Code)

After being released from prison in July 2015, Ms. Theu still did not give up fighting for land petitioners in the face of oppression of the powerful. Along with the petitioners and human rights defenders, she participated in protests against land robbery, unfair trials, and the government's cover-up for the Formosa steel factory, which pollutes the people's living environment in the Central provinces. Therefore, she was always hunted, assaulted, and arrested by the police many times.

On June 10, 2016, Ms. Can Thi Theu was detained again and prosecuted for "Disturbance or public order." (Article 318 of the Criminal Code) and was sentenced to 20 months in prison.

On February 10, 2018, after being released from prison for the second time, Ms. Can Thi Theu continued to speak out for social justice; especially she and her two sons, Trinh Ba Phuong and Trinh Ba Tu, actively campaigning for the people of Dong Tam following a deadly raid by security forces in January 2019.

Mrs. Theu and her two sons were arrested on June 24, 2020. On May 5, 2021, the court of Hoa Binh province sentenced Ms. Theu and her son Trinh Ba Tu to 8 years in prison and three years of house arrest each on charges of "Making, storing, spreading information, materials, items for the purpose of opposing the State of Socialist Republic of Vietnam." (Article 117 of the Criminal Code)

Before this trial, both mother and son showed a solid and indomitable spirit, firmly denying the court's unreasonable accusations. To verify their identities in court, both stated: *"My name is the victim of communism."*

On June 15, 2021, the Vietnamese Communist government said they had completed the investigation against Mr. Trinh Ba Phuong and Ms. Nguyen Thi Tam, another advocate for land petitioners, and would prosecute them on charges of "propaganda against the State of the Socialist Republic of Vietnam." (Article 117 of the Criminal Code)

During their imprisonment, Ms. Theu and her two sons were threatened, abused, and tortured to force them to confess their alleged crimes. Hanoi police investigators also threatened to arrest family members for forcing Trinh Ba Phuong to plead guilty.

In addition to herself and her two sons Trinh Ba Phuong and Trinh Ba Tu, other family members, including her husband Trinh Ba Khiem, daughter-in-law Do Thi Thu, daughter Trinh Thi Thao are also brave human rights fighters and sources of spiritual and material support for Mrs. Theu and her sons in prison.

The love for people in the same situation, anger at social injustices, and the awareness of the fundamental rights that everyone must enjoy have made Mrs. Can Thi Theu's whole family willing to sacrifice and courageously stand up to the challenge that results in unjust and harsh punishments.

## MS. DINH THI THU THUY



Ms. Dinh Thi Thu Thuy was born in 1982 in Soc Trang, living in Nga Bay town, Hau Giang province.

As a master in aquatic pathology, she has collaborated with NGOs and initiated many activities to protect and improve the living environment for farmers in some localities of the Mekong river delta. For example, she joined the Facebook of Green Mekong and Green Vitality, which are environmental protection groups, to call for limiting the use of plastic bags, limiting pesticides and fertilizers in agricultural production, responding to growing vegetables, self-sufficient clean livestock.

In addition, she also spoke out against the public health violations of the local government, such as when hundreds of primary school students in Nga Bay town were poisoned with MILO milk in 2017 and when the students went to school without safety measures during the Covid-19 pandemic in 2019.

Besides protecting the living environment, Dinh Thi Thu Thuy is also committed to fighting for fundamental rights in the political field and national sovereignty in the face of the threat of Chinese aggression. She expressed her opinions through her personal Facebook. In addition, she participated in peaceful demonstrations in Saigon in June 2018 against the Bill on Special Economic Zones and the government's cruel treatment of prisoners.

On June 17, 2018, during a protest at Tao Dan Park, she was beaten, detained, interrogated, and administratively sanctioned by the police of Ben Nghe Ward, District 1. In addition, local authorities repeatedly harassed Ms. Thuy at home and often summoned her to the local agency to question posts and comments on her personal Facebook.

On April 18, 2020, more than 50 police officers of Hau Giang province surrounded her home and forced her to go amid the panic of her less than 10-year-old son and the whole family. After nine months of detention incommunicado, in the trial on January 20, 2021, she was sentenced to 7 years in prison for "conducting propaganda against the state" under Article 117 of the Criminal Code.

The indictment of the police of Hau Giang province reads that Ms. Thuy's Facebook had many posts that received many comments and shares aiming at "mocking, satirizing, insulting the leaders of the Party and the State, distorting historical significance, and defaming the country."

During her trial, Ms. Thuy affirmed that her activities are only to share so that everyone is aware of environmental and social issues. She said:

*"Everything I do comes from the heart of a patriot and a mother's heart. I love my homeland, the country. But, since having a child, I have loved my child and my fellow compatriots and homeland even more. Therefore, I want the country to be better, the social and educational environment to be transparent and healthy, the rivers in my hometown not to be poisoned or forced to die, the people not to eat contaminated food..."*

On February 3, 2021, the family received news that Ms. Thuy passed out in prison, then had to be taken to the emergency and treated at the hospital in Hau Giang province. Unfortunately, her health has deteriorated daily because of the prison's harsh conditions and her family's inability to visit since the Covid 19 pandemic. However, through a phone call with her family from jail in November this year, she remained optimistic and said that the current situation is just a life challenge to overcome.

## MR. NGUYEN VAN TUC



Mr. Nguyen Van Tuc was born in Co Dung village, Dong La, Dong Hung, Thai Binh province, in 1964. At 18, he did military service for three years and then returned to his hometown to live as a freelance worker.

From 2003, he was in contact with many dissidents and frequently criticized the government's policy of land expropriation.

In 2007 and 2008, along with others in the group, he organized various mass mobilizations in Hanoi, Hai Phong, and Hai Duong to protest China's expansionist ambitions and denounce the Vietnamese government's spineless and cowardly attitude. They also protested corrupt officials and demanded multi-party democracy.

On September 10, 2008, he was urgently arrested by the Vietnamese Police and prosecuted for allegedly hanging slogans, making, storing, and distributing many documents against the Socialist Republic of

Vietnam. He was sentenced to 4 years in prison and three years of probation.

In September 2012, after being released from prison, Mr. Nguyen van Tuc returned to his hometown and continued his quest for human rights, democracy, and territorial integrity via the Internet and participated in protests in Hanoi. In February 2014, he joined the Brotherhood for Democracy. Shortly after, he was nominated to be the deputy committee representative of the Brotherhood for Democracy, Northern Chapter for the 2017-2019 term, and then the first vice president of the Brotherhood for Democracy.

On September 1, 2017, Thai Binh Provincial Police decided to prosecute and temporarily arrest Mr. Tuc for the charge of "Activities aimed at overthrowing the people's administration" under Article 79 of the Criminal Code.

On April 10, 2018, the Thai Binh Provincial Court held the first-instance trial. It sentenced him to 13 years in prison and five years of house arrest for the charge of "Activities aimed at overthrowing the people's administration," according to article 79 of the Criminal Code. The Hanoi Court of Appeal then upheld the judgment of the first instance court.

In both trials, despite pressure and intimidation, he still firmly pleaded not guilty and boldly declared:

*"I fight for social progress, I want society to move in a positive direction. I do not want to repeat the mistakes that the Communist Party has made to cause long-lasting national hatred and many unresolved conflicts."*

*"I fight, and I accept the consequences with hopes that my descendants will later realize the mistakes of the Communist Party to change. I am not emotionless."*

Although some circumstances can help lighten the sentence, such as his past in the army, relatives, and illness, Mr. Tuc told his lawyer not to beg or mention his family background.

Currently, Mr. Nguyen Van Tuc is being held at Prison No. 6, Nghe An Province. In prison, he and several other prisoners of conscience organized hunger strike many times to protest the inhumane treatment of prisoners by prison guards. Currently, Nguyen Van Tuc's health is deteriorating due to complications of inherent cardiovascular disease and other diseases caused by confinement, such as hemorrhoids, degenerative spondylolisthesis.



The Vietnam Human Rights Network was established in 1997 as a consortium of individuals and organizations committed to the defense and promotion of human rights and civil liberties entitled to all Vietnamese citizens set forth by the Universal Declaration of Human Rights and subsequent international human rights instruments.

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