

REPORT ON HUMAN RIGHTS IN VIETNAM 2022-2023



VIETNAM HUMAN RIGHTS NETWORK

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INTRODUCTION

On October 11, 2022, the United Nations General Assembly elected Vietnam to the United Nations Human Rights Council despite opposition from international human rights organizations because of the Vietnamese government's poor human rights record.

To convince the UN General Assembly that Vietnam deserves a seat in the Human Rights Council, on August 4, 2022, the Permanent Mission of Vietnam to the United Nations sent the President of the General Assembly a note verbale pledging to “continue the efforts devoted to better enjoyment of human rights and fundamental freedoms in the country, leaving no one behind. Viet Nam would equally contribute to global endeavors towards the same goal.”¹

The note also details what Vietnam considers achievements in human rights, including civil and political rights and economic, social, and cultural rights.

A year has passed since Vietnam started its 3-year term in the UN Human Rights Council; the human rights situation in this country does not reflect what was presented and promised in the note verbale. But on the contrary, it is getting worse and worse. In particular, the government has increased repression of peaceful dissents. Over the past two years, the number of people arrested, prosecuted, and imprisoned for religious and political reasons has increased. Our recorded data show that in 2022 and 2023 (as of October, 15, 2023), the Vietnamese Communist government prosecuted 123 people and sentenced 98 people to prison for political and religious reasons; 25 people are still in pretrial detention. The level of punishment for the same “crimes” in previous years has also increased many times. The following report, which is based on the criteria of the Universal Declaration of Human Rights and international human rights conventions that Vietnam Nam has joined and committed to respect, will provide a comprehensive view of the human rights situation in Vietnam in 2022 and 2023.

The report includes eight chapters. Each chapter identifies violations in different human rights areas of the international human rights law and forms of violations by the Vietnamese government.

The following are the main areas covered in this report:

- 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

¹ *Note verbale dated 4 August 2022 from the Permanent Mission of Viet Nam to the United Nations addressed to the President of the General Assembly.*

- The right to freedom of expression and freedom of information
- The right to freedom of religion and belief
- 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

In addition, the Report also has three appendices. The first appendix lists dissidents arrested and prosecuted in 2022 and 2023. This list is arranged in order of the date they were brought to trial. The second appendix is a list of political and religious prisoners currently imprisoned in Vietnamese communist prison camps. This list is arranged in order of the prisoners' full names. In the third appendix, we present the biographies and achievements of the 2022 Vietnam Human Rights Award winners.

The Vietnam Human Rights Network completed this report in collaboration with many human rights activists in Vietnam. To enhance the openness of the report's contents, we have supplemented it with open data sources that can be accessed for further research. The database access addresses (URLs) are valid when the report is published.

With the publication of this report, in addition to presenting the current state of the human rights situation in Vietnam, VNHRN also proposes feasible recommendations to the Vietnamese authorities so that the Vietnamese people can soon enjoy their fundamental rights that the Universal Declaration of Human Rights acknowledged three-quarters of a century ago.

Vietnam Human Rights Network also calls on international human rights organizations and governments to encourage and pressure Vietnam to be a responsible member of the international community, especially a United Nations Human Rights Council member. Governments that have diplomatic and economic relations with Vietnam should firmly bring up specific cases of human rights violations in human rights dialogues with Hanoi and demand concrete resolutions before addressing general issues, such as trade transactions or other forms of aid.

COVER PHOTOS

Some environmental activists were arrested and imprisoned in 2022-2023.
 Top row, from left to right: Ms. Ngo Thi To Nhlen, Mr. Dang Dinh Bach, Mr. Bach Hung Duong
 Bottom row, from left to right: Ms. Nguy Thi Khanh, Ms. Hoang Thi Minh Hong, Mr. Mai Phan Loi
 Details on page 93

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 km². The current population is about 100 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. Vo Van Thuong. 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. Vietnam's manufacturing industry will continue to decline in 2023. Vietnam's Purchasing Managers' Index (PMI) is falling to its lowest level in 20 years.

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% still living in rural areas. Although per capita income has increased over the past decade, the gap between rich and poor is widening. 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 June 2017, retained the death sentence for 18 crimes. However, in 2022 and 2023, Vietnamese courts only pronounced death sentences for crimes related to the production, transportation, and sale of narcotics, murder, property embezzlement, and receiving bribes.

Vietnam is among the few countries applying the death penalty for corruption and bribery. Other countries include China, Cuba, Indonesia, Iran, Morocco, and Thailand.

The 2015 Criminal Law stipulates the crime of accepting bribes with a material value of more than 1 billion VN Dong (equivalent to 42,500 US Dollars) or accepting bribes that cause property damage over 5 billion VN Dong (equal to 212,500 US dollars) is subject to the death penalty. However, the Law also provides that if the offender returns at least three-quarters of the money received, they will not be subject to the death penalty (Article 353, 354 of the Criminal Code 2015).

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

However, according to 2018 university-level research statistics reported by UNDP, the number of defendants sentenced to death accounted for about 0.2% of the total number of defendants brought to trial.¹

In addition, according to the government's report on judgment enforcement in 2022, the combined number of people sentenced to death and life imprisonment is 1,242.² 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.³

1 Virginia A. Nelder and Pham Thi Thanh Nga (EU JULE), *Research study: Application of alternatives to capital punishment and the right to self-defense in criminal proceedings: International experiences and recommendations for Viet Nam*.

2 Dân Việt. *Tòa sơ thẩm trên cả nước phạt tù gần 120.000 người trong một năm*

3 Công an Nhân dân. *Bàn giải pháp quản lý người bị kết án tử hình trong các trại tạm giam*



The outcome of a wrongful death penalty case: on September 22, 2023, death row prisoner Le Van Manh was executed by lethal injection. Relatives cry at the grave of the unfortunate person - Photo on Bauxite Vietnam website.

Currently, 60 of 69 detention centers nationwide have separate areas for death convicts with 700 cells (more than 1,200 detention spaces.)⁴ and 11 facilities for executing death sentences by lethal injection. The government plans to build four more facilities in Da Nang, Khanh Hoa, Lao Cai, and Hau Giang.

According to Circular No. 39/2012/TT-BCA dated July 4, 2012, of the Ministry of Public Security, “the death row inmate cell must be built solidly (according to the uniform form of the Ministry of Public Security), ensuring enough light, with shackles.” This shackling provision goes against the UN Convention on the Treatment of Prisoners.

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

- On June 5, 2023, the People’s Court of Son La province issued ten death sentences for illegal trafficking of narcotics and unlawful possession of drugs.⁵
- On February 15, 2023, the People’s Court of Nghe An province sentenced six defendants to death for allegedly illegally trading and transporting more than 44.6kg of drugs.⁶
- On September 22, 2022, the People’s Court of Nghe An province issued four death sentences for “Illegal possession of narcotics” and “Illegal trafficking of narcotic substance.”⁷

4 Tiếng Chuông. *Nhiều khó khăn trong thi hành án tử hình.*

5 Vietnam Plus. *Son La: 10 án tử hình trong vụ án mua bán trái phép hơn 21kg ma túy.*

6 Pháp luật. *6 bị cáo lĩnh án tử hình trong vụ buôn bán ma túy từ Nghệ An vào TP HCM.*

7 Nghệ An. *4 án tử hình, 1 án chung thân cho nhóm mua bán ma túy.*

- On September 12, 2022, the People's Court of Cao Bang province sentenced five defendants to death for illegal drug trafficking.⁸
- On August 3, 2022, the People's Court of Dong Thap province imposed seven death sentences for seven people accused of "Illegal trafficking of narcotic substance," "Illegal storage of narcotic substances," and "Facilitation of illegal use of narcotic substances."⁹
- On April 19, 2022, the People's Court of Bac Giang province sentenced five people to death for "Illegal trafficking of narcotic substance."¹⁰

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.¹¹

People have concerns about the continued increase of death sentences, and flaws in criminal proceedings have led to unjust sentences. In recent years, among the unfair cases have been the high-profile death sentences of Hồ Duy Hải, Nguyễn Văn Chương, 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 did not have sufficient evidence and involved reliance on forced confessions under police torture, subsequently contradicted by retractions.

On September 22, 2023, the Vietnamese government executed Mr. Le Van Manh by lethal injection despite his and his family's claim of innocence.¹² A day earlier, the Delegation of the European Union to Vietnam and the diplomatic agencies of Canada, Norway, and the UK had called Vietnamese authorities to halt executing him.¹³

Many participating nations in the UN Human Rights Council 3rd Periodical Review in 2019 recommended that Vietnam postpone and eventually remove death sentences, but Vietnam rejected the recommendation.¹⁴

One limited but noteworthy progress is that during 2022-2023, the Presidents of Vietnam, Nguyen Xuan Phuc and Vo Van Thuong, commuted the death penalty to life imprisonment for 38 prisoners in several batches, including eight foreign nationals.

8 Công an tỉnh Cao Bằng. *5 bị cáo lĩnh án tử hình về tội mua bán trái phép chất ma túy.*

9 Công an Đồng Tháp. *07 án tử hình trong vụ xét xử ma túy.*

10 Báo Bắc Giang. *Tuyên án tử hình 5 bị cáo về tội mua bán, vận chuyển trái phép chất ma túy.*

11 HỒLLTU. *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.*

12 BBC. *VN: Tử tù Lê Văn Mạnh đã bị thi hành án, bắt chấp gia đình kêu oan gần 20 năm.*

13 Delegation of the European Union to Vietnam. *Joint Local Statement on the forthcoming death penalty case of Mr Le Van Manh in Vietnam.*

14 Human Rights Council Forty-first session. *Report of the Working Group on the Universal Periodic Review - Viet Nam.*

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.

In November 2018, at the 65th Session of the UN Committee Against Torture, Vietnam introduced its first National Report on the Enforcement of the Convention Against Torture. Its representatives pledged to prevent and punish all torture violations.

On February 14, 2023, Deputy Prime Minister Tran Luu Quang signed Decision 87/QĐ-TTg approving the plan to strengthen the effective implementation of the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the relevant recommendations of the Committee Against Torture.

However, the state security forces have continued to assault people in public or use corporal punishment while in custody, sometimes to death.

According to a report from the Ministry of Public Security, from October 2011 to September 2014 (3 years), there were 226 deaths in detention centers nationwide.¹⁵

It is worth noting that during social distancing because of the COVID-19 epidemic, the use of violence by security forces has increased significantly.

In 2022-2023, at least eight deaths during temporary police detention were disclosed by the media, as follows:

- On September 21, 2023, Mr. Nguyen Minh Su, 40, died while detained at the Tien Phuoc District police station in Quang Nam province. He was arrested two days earlier. The police said Mr. Su committed suicide, but the victim's family discovered a large wound in the dead man's head.¹⁶
- On September 3, 2023, Mr. Bui Van Hai, 28 years old, died at the police station of Duc Linh District, Binh Thuan province, after less than a day of detention. State information said Mr. Hai died of "fatigue, difficulty breathing." The victim's family said Hai's body had many traces of torture.¹⁷
- On August 19, 2023, Mr. Nguyen Van Hung, 44, died suddenly in Ha Giang City police station. Mr. Hung was arrested by the police the day before because he had a dispute about debt with another person. Police said Mr. Hung committed suicide by tying his legs and arms and dipping his head into the water tank. The family did not believe it but was forced to sign the autopsy report.¹⁸
- On May 31, 2023, Mrs. Th.Th.A. Hmong people, residing in Kha village, Muong Lan commune, Sop Cop district, Son La province, were found dead by hanging in the office of the Commune Police. Mrs. A. was arrested on suspicion of drug addiction.¹⁹
- On May 25, 2023, Mr. Nguyen Tan Duong, 27 years old, died unexpectedly while in custody to investigate a theft case at the police station of Bu Dang district, Binh Phuoc province.

15 Thanh Niên. *Ba năm có tới 226 người chết trong trại tạm giam, tạm giữ.*

16 Thanh Niên. *Bị can tử vong khi đang tạm giam, Công an tỉnh Quảng Nam nói gì?*

17 RFA. *Family blames police brutality for death of 28-year-old Vietnamese man.*

18 RFA. *Hà Giang: Một người dân tử vong trong trại tạm giam, công an nói nạn nhân tự sát.*

19 Giáo dục và Thời đại. *Người phụ nữ treo cổ tại trụ sở công an xã ở Sơn La.*

Relatives discovered many marks on the victim's body.²⁰

- On January 12, 2023, the investigation agency of the Supreme People's Procuracy issued a decision to arrest and detain Lieutenant Vo Thanh Dat of the District 11 Police, Ho Chi Minh City, to investigate the crime of using corporal punishment resulting in Mr. Trieu Quang Binh's death. Mr. Trieu had been detained at the District 11 Police Department. Thanh Nien newspaper did not report when the victim died.²¹

- On October 19, 2022, Mr. Dao Ba Phi, born in 1984, died in the police station of Dong Hoa town, Phu Yen province, while in temporary detention. The police informed the victim's family that Mr. Phi had hanged himself. Mr. Phi's father, Mr. Dao Ba Cuong, has repeatedly submitted petitions to the government asking for a transparent investigation of his son's death. On April 27, 2023, the police arrested Mr. Dao Ba Cuong for "abusing democratic freedoms to infringe on State and individuals' legitimate rights and interests."²²

- On October 10, 2022, Ms. Nguyen Phuong Hong, one of the four defendants in the case of Van Thinh Phat Group Joint Stock Company, was arrested on October 8, 2022, and suddenly died secretly. The police did not say where Ms. Hong died.²³

- On September 22, 2022, Mr. Rơ M Jack, 27 years old, died hanging in the police temporary detention cell of Kon Ray district, Kon Tum province. The victim's family suspected the police of misconduct leading to his relative's death and demanded clarification of the cause.²⁴

- On July 1, 2022, Mr. Nguyen Ngoc Diep, 49 years old, died suspiciously after only 10 hours



On September 3, 2023, Mr. Bui Van Hai, 28 years old, died at the Duc Linh District police station in Binh Thuan province. Image of the victim's body. Photo reproduced on [Tien Dan website](#)

20 SOHA. *Bình Phước: Điều tra vụ người đàn ông chết bí ẩn.*

21 Thanh Niên. *TP.HCM: Dùng nhục hình, một trung úy Công an Q.11 bị bắt.*

22 RFA. *Nhiều uẩn khúc trong vụ người bị tạm giữ chết trong đồn công an ở Phú Yên.*

23 RFA. *Báo Nhà nước gỡ tin bà Nguyễn Phương Hồng - trợ lý của Vạn Thịnh Phát qua đời sau hai ngày bị tạm giam.*

24 Kênh.vn. *Người đàn ông chết trong tư thế treo cổ tại nhà tạm giữ.*

of detention in the police headquarters of Ke Sach district, Soc Trang province. Mr. Diep's relatives said the victim's autopsy showed swollen lungs and blood stasis in the heart.²⁵

- On February 20, 2022, Mr. Bui Van Bich, 48, died while being detained for an investigation of "prostitution brokering" at the police station of Vu Thu district, Thai Binh province. On November 11, 2022, the Supreme People's Procuracy said that the case investigation determined that corporal punishment by the two Vu Thu district police officers had resulted in the victim's death.²⁶

A document from the Department of Legal and Administrative and Judicial Reform - Ministry of Public Security said that Vietnam is developing the second National Report on implementing the CAT 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 CAT's accounts are biased.²⁷

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, including complex and increasing human trafficking activities.

The Chairwoman of the Judiciary Committee of the National Assembly of Vietnam, Ms. Le Thi Nga, admitted that human trafficking increased by 10.26 percent in 2022.²⁸

In 2022, the country had 222 victims of trafficking, and in the first six months of 2023, the number of victims of trafficking was 224. That is the information given at the mid-term review workshop on the program's implementation results to prevent human trafficking and support victims of trafficking in the 2021-2025 period organized by the Ministry of Labor, War Invalids, and Social Affairs. July 28, 2023.²⁹

According to Walk Free's latest Global Slavery Index, Vietnam has about 396,000 people living in modern slavery, which means that, on average, out of 1,000 people, more than 4.1 people live in that condition.³⁰

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,
- Workers exported to foreign countries and
- "Brides" sent to foreign countries.

25 Đất Việt. *Một ông ở Sóc Trăng đi xem đá gà rồi chết trong đồn công an.*

26 Tuổi Trẻ online. *Nghi phạm bị nhục hình gì dẫn đến tử vong trong trại tạm giam?*

27 Nhân Quyền. *Việt Nam xây dựng Báo cáo quốc gia lần thứ hai về thực hiện Công ước CAT.*

28 Lao động. *Vụ Việt Á đã khởi tố 89 bị can; Tân Hoàng Minh lừa đảo hơn 8.000 tỉ đồng.*

29 Vietnam Plus. *Tội phạm mua bán người tiếp tục diễn biến phức tạp và gia tăng.*

30 Walk Free's Global Slavery Index.

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 2022-2023, most women and children have been trafficked across the country's borders to Cambodia, Laos, and China. According to the Ministry of Public Security, 80% of human trafficking victims are trafficked to countries sharing a border with Vietnam and 20% to other countries via land, air, or sea.³¹

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 the latest report of the Blue Dragon organization, 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.³²

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 has continued in recent years, although the tragedy of 39 Vietnamese victims of suffocation discovered in the back of a refrigerated truck in the UK in October 2019 has shocked the world.

In June 2022, EU police launched a crackdown on the groups behind smuggling illegal immigrants in the Czech Republic, Germany, Hungary, Poland, and Belgium. Nine people have been arrested for allegedly bringing illegal migrants from Vietnam into Europe.³³

On September 27, 2023, French police stopped a refrigerated truck carrying six people, including four Vietnamese women and two Iraqi women suspected of being illegal immigrants, at a rest stop on the Highway A6 expressway in France. According to police investigations, these people were brought from Lithuania to France to enter the UK.³⁴

According to a report by the UK's National Crime Agency (NCA) in 2022, among the reported victims of trafficking from abroad to the UK, Vietnamese nationals has decreased from 991 in 2021 to 768 in 2022, ranked 5th after Albany, the British, the Eritrean, and the Sudanese. The decline was mainly attributed to men, while the number of female victims remained unchanged.³⁵

Domestic trafficking for sexual exploitation has also grown in recent years 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 receive guests and then sell sex. These

31 VNExpress. *80% nạn nhân buôn người bị bán qua biên giới.*

32 Blue Dragon. *Human Trafficking and Traffickers in Vietnam.*

33 DW. *European police carry out raids targeting people smuggling.*

34 BBC. *How distress call to BBC led to rescue of six women trapped in refrigerated lorry in France.*

35 GOV.UK Home Office. *Modern Slavery: National Referral Mechanism and Duty to Notify statistics UK, end of year summary 2022.*

girls want to quit their jobs but cannot because they can be locked up and confined.³⁶

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.³⁷

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.³⁸

At the scientific conference on registration of donation and prevention of buying and selling human organs, organized by the Ministry of Health in February this year, a representative of the Criminal Police Department (Ministry of Public Security) said that the Security had discovered hundreds, even thousands of people/groups of organ trafficking.³⁹

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 followed 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: Exploitation of Exported Workers

To solve the jobless labor force situation and attract foreign currency from remittances, the Vietnamese government started labor export activities 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 needing workers, such as Taiwan, Japan, Malaysia, Korea, etc.

According to unofficial estimates, from 2013 to 2021, Vietnam has sent nearly 1 million workers abroad. Currently, about 580 thousand Vietnamese people are working abroad: 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.⁴⁰

Because of the COVID-19 epidemic, the number of export workers markedly decreased in 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 abroad.⁴¹ However, in 2022, the total number of Vietnamese workers exported

36 VOV. “Gái hát” hay nạn nhân của tội phạm buôn người?

37 Kara Aplan and Elizabeth Yarrow. *Casting Light in the Shadows: Child and youth migration, exploitation, and trafficking in Vietnam*.

38 Pháp Luật. *Phá đường dây buôn bán nội tạng xuyên quốc gia lớn nhất Việt Nam*.

39 Công Thương. *Cảnh báo loại tội phạm mua, bán, chiếm đoạt nội tạng cơ thể*.

40 Dân Sinh. *Khoảng 580 nghìn người lao động Việt Nam làm việc ở nước ngoài*.

41 Nhân Dân. *Đặt mục tiêu đưa 90 nghìn lao động đi làm việc ở nước ngoài*.

under contracts reached 142,779 people.⁴²

Besides the number of workers exported through government-licensed agencies, illegal intermediary agencies recruit many other workers secretly. 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 who want to work in Japan in 2023 must pay many different expenses, from health checks, service fees, Japanese language training, brokerage fees, visa fees, air ticket fees, etc. A brokerage company calculated the average cost of about 85-150 million VN Dong.⁴³ Therefore, they resort to illegal intermediary agencies rather than official channels.

There are currently no exact numbers of these “underground” workers, but even government 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.⁴⁴

In addition, underground labor is also a consequence of the export workers refusing to return home after the contract expires or quitting their contract jobs to look for other jobs. For example, out of more than 48,000 workers in Korea today, there are about 17,000 illegal workers.⁴⁵

Most export workers, especially the “underground” 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 2022-2023, the public was particularly concerned about three cases of abuse of Vietnamese workers abroad on a large scale involving many victims.

The first case involved victims lured into working for Internet crime groups in the Philippines.

- On June 27, 2023, Philippine police rescued 1,534 Filipinos and 1,190 foreigners, including 183 Vietnamese, from cybercrime facilities in Las Pinas City in Manila.⁴⁶
- On May 4, 2023, Philippine police rescued 389 Vietnamese at Clark Sun Valley Hub company near Manila. These victims are forced to work at least 18 hours daily through fraudulent customer services.⁴⁷

The second case involved poor people who were lured into working for casino owners in Cambodia (primarily working on online casino sites). Many people are forced to work 12-16 hours a day, not allowed to leave the premises, sold to other employers, or call their families and relatives in

42 Lao Động. 142.779 lao động Việt Nam đi làm việc ở nước ngoài.

43 Đi xuất khẩu lao động Nhật Bản 2023 – Điều Kiện, Thủ Tục, Chi Phí & Kinh Nghiệm.

44 Báo Thái Nguyên. Ngăn chặn tình trạng xuất cảnh trái phép.

45 Dân Trí. Vì sao người lao động “đánh đổi tất cả” để làm việc “chui” ở nước ngoài?

46 AP. 2,700 people tricked into working for cybercrime syndicates rescued in Philippines.

47 RFA. Cảnh sát Philippines giải cứu 389 người Việt bị cưỡng ép lừa đảo trên mạng.



On May 30, 2023, sixty out of 437 Vietnamese human trafficking victims rescued in the Philippines arrived at Tan Son Nhat airport. VNA photo.

Vietnam to pay a ransom from \$3,000 to \$30,000 to return home.⁴⁸

- On September 17, 2022, 60 Vietnamese people were tricked into working in a casino in Svay Rieng province, Cambodia, taking advantage of heavy rain to flee towards the Moc Bai border gate, Tay Ninh province.⁴⁹
- On August 18, 2022, 42 Vietnamese working at a casino in Kandal province, Cambodia, swam across the river to return home because of the harsh working conditions. Forty people successfully crossed the river; the water swept one away, and one was recaptured.⁵⁰
- On September 25, 2023, the People's Court of Dong Nai province sentenced 11 people indicted for luring Vietnamese people to Cambodia to work in casinos and other companies managed by Chinese nationals. They were charged with "Human Trafficking" and "Organizing, brokering illegal emigration."⁵¹

The third case involves export workers who, although legally leaving Vietnam, are scammed by state employees when they want to return home during the COVID-19 pandemic. The authorities have organized nearly 2,000 flights to bring more than 120,000 workers home and have colluded

48 Công An TP HCM. *Nhiều người bị lừa ra nước ngoài lao động rồi ép gia đình gửi "tiền chuộc"*

49 VTC News. *Thêm 60 người Việt tháo chạy khỏi casino ở Campuchia.*

50 BBC. *Vụ 42 người Việt chạy trốn khỏi Campuchia: Phát hiện 4 đường dây mua bán người.*

51 VNExpress. *Nhóm lừa bán hàng trăm lao động qua Campuchia lĩnh án.*

to increase the cost to 5-6 times the regular price.⁵²

Despite paying large sums to brokers and “underground” labor export organizations and crossing the border is always a dangerous challenge, many people still risk their lives to cross the border to find work. On April 12, 2023, Taiwanese authorities recovered the bodies of 10 Vietnamese people among 14 workers illegally entering Taiwan by sea through China mainland.⁵³

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 US 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 of the general concept of “forced labor” and does not recognize the deception and exploitation of people working abroad as a form of human trafficking.

3.3. 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. Most (78%) of women married to foreigners are from low-income families with low education and high unemployment.⁵⁴

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 near the northern border.⁵⁵

There are many service centers for marriage brokers with foreigners whose sole purpose is to seduce as many women as possible. For example, in September 1919, People’s Police Television ANTV broadcast a TV report on the tricks marriage brokers use with Koreans in Hai Phong City. It showed hundreds of Vietnamese girls waiting to be seen by three elderly Koreans. Each girl met the future groom for less than two minutes. If selected, the girl had to pay a service fee of 10 to 20 million dong, and the Korean man was charged a few hundred million dong, all going to the brokerage service.⁵⁶

It should be noted that apart from a few happy exceptions, such brokered marriages often lead to painful outcomes. Many Vietnamese brides suffered torture and mistreatment before being

52 Dân Trí. *Trục lợi từ chuyến bay giải cứu: “phải bị lên án và chịu sự trừng phạt.”*

53 CNA. *10 bodies found at sea identified as Vietnamese, 14 Taiwanese: CIB.*

54 Cổng Thông tin điện tử Chính phủ. *70.000 phụ nữ ĐBSCL lấy chồng nước ngoài.*

55 Đặng Thị Hoa. *Một số vấn đề về hôn nhân xuyên biên giới với phát triển xã hội ở Việt Nam hiện nay.*

56 ANTV. *Một buổi dự tuyển lấy chồng Hàn Quốc.*

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.

According to a survey by the National Human Rights Commission of Korea, 42% of foreign women married to Korean men experience domestic violence, from the most common verbal (more than 80%) to physical violence (more than 80%) 38%), severed ties with their homeland (27%), even restricted freedom (26%)⁵⁷

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. 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."

RECOMMENDATIONS

It is recommended that the Government of Vietnam to

- Minimize crimes that can be sentenced to the death penalty with a view to its definitive abolition; publish information on the application of the death penalty.
- End all forms of torture and arbitrary detention; accept the visit of the UN Special Rapporteur on torture.
- Implement concrete measures to end human trafficking in all its forms and adequately support victims of human trafficking.

⁵⁷ Tia Sáng. *Môi giới hôn nhân Việt – Hàn: Nhiều rủi ro cho phụ nữ*.

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 & amended in 2017), Criminal Procedure Code (2015 & amended in 2021), Law on Temporary Detention and Custody (2015), Law on Organization of Criminal Investigation Bodies (2015), and Law on Execution of Criminal Judgments (2019). 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.¹

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, following international

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

standards.”²

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.

Violations of the principles of the procedure are an inevitable consequence of the court’s dependence on the political system. Judges at all levels are all members of the Communist Party of Vietnam. In all cases, especially political cases, they must comply with the instructions of the court party committee. The current head of the court system, Mr. Nguyen Hoa Binh, is a member of the Politburo of the CPV, a member of the National Assembly, comes from the Ministry of Public Security, and has never had trial experience. On September 18, 2023, in a hearing before the National Assembly Standing Committee, Mr. Binh said the National Assembly allows 1.5% of 600,000 cases to be wrong due to subjective errors, which means about 9,000 cases are allowed to be faulty due to subjective errors. “Nowadays, if you make a mistake, you will be disciplined, so where will you find people to work?”³

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 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.⁴

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

In the case of Tinh That Bong Lai Buddhist Temple (Meditation on the Edge of the Universe), defense lawyers sent a report to the state lead agencies in which they pointed out that the Duc Hoa district police had committed many “violations of legal procedures, infringing on judicial activities, infringing on the rights and interests of citizens.” However, instead of being recognized, all five lawyers were summoned by the police to investigate.⁶

In 2022 and 2023 (as of October 15, 2023), the Vietnamese government has used vague provisions of the 2015 Criminal Code to sentence at least 97 dissidents to harsh sentences. Twenty-five people are detained and awaiting trial [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 limit without indictment, no introduction of evidence or witnesses,

2 VN Foreign Ministry. *Vietnam’s voluntary midterm report on the implementation of the UPR third cycle accepted recommendations.*

3 Pháp Luật. *Chánh án Nguyễn Hòa Bình: Thẩm phán chỉ phải chịu trách nhiệm khi có lỗi chủ quan.*

4 Công Lý. *Vụ án Hồ Duy Hải: Có sai sót nhưng không làm thay đổi bản chất vụ án.*

5 Luật sư Lê Văn Luân. *Lời biện hộ cho bà Phạm Đoan Trang. (Bauxite Việt Nam)*

6 BBC News. *Vì sao các luật sư bào chữa trong vụ Tịnh thất Bồng Lai đều đang bị triệu tập?*

and prevention of contact with lawyer and family. In many court sessions, lawyers are either disallowed or restricted in their defense; relatives cannot attend.

During the year 2022-2023, the United Nations Human Rights Council's Working Group on Arbitrary Detention has sent to the Vietnamese government 7 Opinions demanding clarification of cases of arbitrary detention and conviction for The following 25 prisoners of conscience: Nguyễn Tường Thụy, Đặng Đình Bách, Nguyễn Lâm Thắng, Bùi Tuấn Lâm, Đặng Đăng Phước, Trương Châu Hữu Danh, Bùi Văn Thuận, Lê Anh Hùng, Cấn Thị Thêu, Trịnh Bá Tư, Trịnh Bá Phương, Nguyễn Thị Tâm, Phạm Đoan Trang, Nguyễn Thúy Hạnh, Đỗ Nam Trung, Đinh Văn Hải, Lê Trọng Hùng, Lê Văn Dũng, Trần Quốc Khánh, Lê Chí Thành, Đỗ Nam Trung, Trần Đức Thạch, Nguyễn Ngọc Anh, Châu Văn Khảm, and Nguyễn Bảo Tiên.⁷

In the documents mentioned above, 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, 25, and 26 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 authorities have delayed the required electronic recording of custodial interrogations planned since 2018 to prevent coercion, extortion, and corporal punishment on the pretext of insufficiency of equipment and trained staff.⁸

In May 2022, the Ministry of Public Security took another step backward in developing the audio and video recording procedures during interrogation when it proposed to amend and supplement the Criminal Procedure Code to narrow the scope of audio recording or video recording during the interrogation of the accused.⁹

Another equally serious crime is Judicial corruption, a widespread phenomenon in Vietnam, especially in recent years when the economic reform policy provided grounds for corruption.¹⁰

According to the report of the Supreme People's Procuracy, in the past year, this agency has prosecuted 39 cases involving 43 defendants who are officers in public security agencies, people's courts, and people's procuracies, of which 26 cases are related to crimes of corruption, 10 cases are related to crimes of infringing on judicial activities, and 3 cases are related to other crimes.¹¹

In 2022-2023, many Judicial corruption cases involving many high-level government officials have attracted public attention, such as:

7 UN. *Opinions adopted by the Working Group on Arbitrary Detention.*

8 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.*

9 Tiền Phong. *Nhận diện những thuận lợi, khó khăn trong thực tiễn triển khai công tác ghi âm hoặc ghi hình có âm thanh trong hỏi cung bị can.*

10 Người Đưa Tin. *Chạy án.*

11 Noichinh.vn. *Tăng cường cơ chế giám sát bảo đảm liêm chính tư pháp trong tiến trình cải cách tư pháp ở nước ta hiện nay.*

- On August 15, 2023, Mr. Vo Dinh Som, Judge of the People's Court of Gia Lai province, was prosecuted and detained for accepting a VN Dong 500 million bribe in a land use rights dispute.¹²
- On February 22, 2023, the Investigation Security Agency of the Quang Ninh Provincial Police Department arrested Major General Do Huu Ca, former director of Hai Phong Public Security. It brought a charge against him for receiving tens of billions of VN Dong to "buy the court."¹³
- On November 11, 2022, the Supreme People's Procuracy officers arrested Mr. Chau Van My, Deputy Chief Justice of the People's Court of Bac Lieu province, on charges of accepting bribes from the accused in a theft case.¹⁴
- On September 17, 2022, the Hanoi People's Court heard the first instance of a case involving Nguyen Minh Quan, the former director of Thu Duc City Hospital, who offered nearly 60 billion VND in bribes to many officials so as not to be prosecuted for criminal violations in bidding activities at Thu Duc Hospital.¹⁵
- On August 24, 2022, the Supreme People's Procuracy prosecuted and executed the arrest warrant for Mr. Hua Cong Nguyen, judge of the People's Court of Nho Quan district, Ninh Binh, for investigation on the crime of receiving 20 million VN Dong of bribe so that the defendant can enjoy a suspended sentence.¹⁶

Vietnam's Constitution stipulates: "The People's Courts shall hold hearings in public" (Article 103). However, most human rights activists' trials in 2022-2023 were conducted quickly, 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 June 6, 2023, the People's Court of Dak Lak province sentenced Mr. Dang Dang Phuoc, lecturer of Dak Lak Pedagogical College, to eight years in prison and four years of house arrest on charges of "Making, storing, spreading information, materials, items to oppose the State of Socialist Republic of Vietnam" in a trial that started at 07:30 a.m. and ended at 2:30 p.m. Except for his lawyer and wife, no one was allowed into the courtroom.¹⁷
- On May 25, 2023, the People's Court of Da Nang City sentenced activist Bui Tuan Lam to 5 years, six months in prison, and four years of house arrest in a one-morning trial. No relatives of Mr. Lam were allowed into the courtroom. Lawyer Ngo Anh Tuan, who defended Mr. Bui Tuan Lam, was kicked out of the courtroom during the trial.¹⁸
- On May 12, 2023, the People's Court of Ho Chi Minh City sentenced activist Tran Bang to 8 years in prison and three years of probation in a trial for just over three hours. Diplomats of the Consulate General of the United States and France were only allowed to stand in the front yard of the court in the sun until the end of the trial.¹⁹
- On April 12, 2023, the People's Court of Hanoi sentenced Blogger Nguyen Lan Thang to six years in prison and two years of house arrest for "Making, storing, spreading information, materials, items to oppose the State" in a closed court session that began at 8:00 a.m. and

12 Vietnam Plus. *Gia Lai: Khởi tố, tạm giam thẩm phán nhận hối lộ 500 triệu đồng.*

13 Tuổi Trẻ. *Bắt tạm giam thiếu tướng Đỗ Hữu Ca để điều tra nghi vấn nhận hàng chục tỉ 'chạy án'.*

14 Nhân Dân. *Bắt Phó Chánh án Tòa án nhân dân tỉnh Bạc Liêu Châu Văn Mỹ tội nhận hối lộ.*

15 Công An Nhân Dân. *Sắp xét xử vụ "chi gần 60 tỷ đồng để... chạy án".*

16 TRITHUCVN. *Ninh Bình: Thẩm phán 'vòi tiền' để tuyên án treo.*

17 RFA. *Đắc Lắc: Thầy giáo âm nhạc Đặng Đăng Phước bị kết án 8 năm tù giam.*

18 RFA. *"Thánh rắc hành" Bùi Tuấn Lâm bị kết án 5 năm 6 tháng tù, luật sư nói bản án không công bằng.*

19 RFA. *Tòa tuyên ông Trần Bang tám năm tù vì các bài đăng trên Facebook bị hack.*



On May 11, 2023, the People's Court of Van Quan district, Lang Son province, held a mobile trial at Luong Van Tri High School to hear the case of Vy Nhat Hoang, born in 2003, on intentionally causing an injury charge. Photo Van Quang District.

ended at 1:20 p.m. Mr. Thang was arrested in July 2022 but was not allowed to meet his lawyer for the first time until February 16, 2023.²⁰

- In May 2022, a court in Tuyen Quang province sentenced 15 Duong Van Minh cult followers to between 2 and 4 years in prison in several closed-door trials, and the government press did not report those trials.²¹
- On April 19, 2022, the court brought citizen journalist Le Trong Hung to an appellate trial without a defense lawyer. His wife was unaware of the proceedings when the police guarded his family's house.²²

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.²³

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 before their trials.

²⁰ RFA. *Blogger Nguyễn Lân Thắng bị kết án sáu năm tù giam trong phiên xử kín.*

²¹ VOA. *15 tín đồ H'mong theo đạo Dương Văn Minh bị phạt hơn 38 năm tù.*

²² RFA. *Tòa án đưa nhà báo công dân Lê Trọng Hùng ra xử phúc thẩm, người nhà không hề hay biết.*

²³ Luật sư Việt Nam. *Một góc nhìn về xét xử lưu động vụ án hình sự.*

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, the country has over 17,284 lawyers registered to work at 63 local Bar Associations.²⁴ Although the number of lawyers has increased recently, most are concentrated in big cities, especially Ho Chi Minh City and Hanoi. People in remote areas have limited information and access to lawyers' legal services. For example, Bac Kan province, with a population of 324,353 people, currently has only five lawyers. On average, one lawyer for nearly 65,000 people. All five lawyers have not received formal training but are just retired judicial officers.²⁵

The main activity of lawyers is participating in legal proceedings; however, only about 20% of criminal cases are represented by a lawyer.²⁶

Especially in the cases of ethnic minority religious and human rights activists, the number of people with defense attorneys is "countable on the fingers of one hand." As many as hundreds of religious minority followers have been convicted over the years on vague Criminal code charges, especially Article 116, "undermining the policy of national unity."²⁷

Vietnam's judicial system has been crippled not only by the minimal number of lawyers, their low level of career awareness, and their unsatisfactory professional skills but primarily by the dependency of the lawyers' organization on the Communist Party of Vietnam. The Vietnam Bar Association Bylaws preamble clearly states, "The Vietnam Bar Association is a member of the Vietnam Fatherland Front under the leadership of the Communist Party of Vietnam and the administration of the Socialist Republic of Vietnam government." The current chairman of the Vietnam Bar Federation is Mr. Do Ngoc Thinh. He is also the Party Secretary of the Vietnam Bar Federation and a member of the National Assembly.

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 annoying procedure 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. However, it is just "old wine in a new bottle!" because in political cases, lawyers can only contact clients and access files when the prosecuting agency has finished investigating the case.

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, while the latter often do not dare to contradict the prosecutors. In most cases, the lawyers' only duty is to ask for

24 Liên đoàn Luật sư Việt Nam. *Trưởng Ban Nội chính Trung ương làm việc với Liên đoàn Luật sư Việt Nam.*

25 Bắc Kạn. *Vì sao Bắc Kạn khó phát triển đội ngũ luật sư.*

26 Luật sư Việt Nam. *Vướng mắc cần tháo gỡ để nâng cao hoạt động tranh tụng của luật sư tại phiên tòa hình sự.*

27 RFA. *Hầu hết tù nhân tôn giáo sắc tộc thiểu số không có luật sư trợ giúp pháp lý.*

leniency.²⁸

Often, lawyers defending land petitioners or dissidents face hostility from the government. In previous years, human rights lawyers like Le Thi Cong Nhan, Nguyen Van Dai, and Le Quoc Quan have served many years in prison. 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, lawyer Le Van Luan, and lawyer Le Hoang Tung.

In 2022-2023, the public was particularly concerned about the government's chase of the lawyers who advocated for victims of religious persecution in the Tinh That Bong Lai Buddhist temple case. One of the five lawyers was assaulted in the front yard of the court on the first day of the trial. After the trial ended, the police of Long An province summoned all of them to investigate their alleged crime 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 2015 Criminal Law) by using the Internet to spread out images and documents of the case.²⁹ After three lawyers, Nguyen Van Mien, Dao Kim Lan, and Dang Dinh Manh, did not show up, the Long An Provincial Police decided to track them down.³⁰

For fear of being arrested, all three lawyers escaped to the United States on June 16, 2023. When asked about this case, a US State Department spokesperson replied, "The United States encourages the Vietnamese government to respect the right to a fair trial as guaranteed under Vietnamese laws, including criminal defense attorneys being able to practice law effectively without fear of reprisal."³¹

3. AN INHUMANE PRISON SYSTEM

Corporal punishment and torture have been used to subdue prisoners in Vietnamese communist prisons. First, inmates are forced to work hard all day but are not entitled to the fruits of their labor. The work, including stone crushing, timber logging, farming, and brick-making, is difficult and dangerous. Second, despite strenuous work, prisoners must live in deplorable conditions: shelter, food, sanitation, and health. However, the worst is the harsh punishments prison guards use to demoralize prisoners who dare to demand fair treatment.³²

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 2022-2023, many cases of assault and mistreatment of prisoners of conscience were disclosed:

- On April 5, 2023, prisoner of conscience Le Dinh Luong, serving a 20-year sentence at Nam Ha prison, told his relatives that the detention conditions were deplorable. Specifically, the source of water used for prisoners is polluted and stinks. The prison officers prevented

28 An Ninh Thủ Đô. *Luật sư chỉ định, có cho đủ... thủ tục.*

29 Long An Online. *2 luật sư bào chữa cho các bị cáo vắng mặt do bị hành hung.*

30 VnExpress. *Công an Long An truy tìm 3 luật sư.*

31 VOA. *Bộ Ngoại giao Mỹ lên tiếng về việc ba luật sư nhân quyền Việt Nam đến Mỹ.*

32 RFA. *Tình trạng tù nhân trong các trại giam ở Việt Nam.*

prisoners from practicing their religion by restricting the Bible. They did not give Luong a pen and paper to prevent him from writing complaints about the abuse here.³³

- On March 28, 2023, activist Truong Van Dung denounced during the trial at the People's Court of Hanoi that he had been beaten by the prison guards at Hoa Lo prison and had been taken to emergency care at a hospital several times in 15 days.³⁴
- On October 10, 2022, prisoner of conscience Huynh Thuc Vy was beaten by prison guards while held at Gia Trung prison, Gia Lai province.³⁵
- On September 20, 2022, prisoner of conscience Trinh Ba Tu, being held at prison No. 6 Thanh Chuong, Nghe An, told his relatives that from September 6, 2022, he had been taken to the interrogation room for 4-6 hours a day. A prison guard hit him during interrogation. He also said that he had been shackled for ten days like death row prisoners, eating, sleeping, urinating, and defecating on the spot.³⁶



On January 5, 2023, Pastor Dinh Diem, a religious prisoner serving a 16-year prison sentence for the crime of "Activities aimed at overthrowing the people's government," suddenly passed away at Detention Center No. 6 in Thanh District, Chuong, Nghe An province.

After completing their prison sentences, many former prisoners of conscience also said they were forced to do hard labor in a toxic environment with poor nutrition and medical treatment and were sometimes brutally beaten by jail wardens.³⁷ On September 20, 2023, former prisoner of conscience Le Quy Loc, who just had completed his 5-year prison term, reported that he had been seriously beaten twice by prison guards and shackled just for fighting for other prisoners' rights.³⁸ Ms. Nguyen Thi Hue, a former female prisoner from Ia Hrung Commune, Ia Grai District, Gia Lai Province, said she had been sexually assaulted and treated inhumanly during her temporary detention for investigation at the District Police Detention Center of Ia Grai District.³⁹

33 Việt Tân. *Nhà hoạt động nhân quyền và môi trường Lê Đình Lương, người đang thụ án tù 20 năm tại Trại giam Nam Hà, đang tuyệt thực để phản đối chế độ giam giữ khắc nghiệt.*

34 RFA. *Nhà hoạt động Trương Văn Dũng bị kết án sáu năm tù giam, tố cáo bị nhục hình.*

35 Người Việt Online. *Tù nhân lương tâm Huỳnh Thúc Vy bị đánh tại trại giam Gia Trung.*

36 BBC. *Nhà hoạt động Trịnh Bá Tư 'bị đánh đập' và 'tuyệt thực': Gia đình kêu cứu.*

37 RFA. *Cựu TNLT Lê Thị Bình: Trại giam An Phước đánh đập, buộc tù nhân nữ lao động nặng nhọc.*

38 RFA. *Cựu TNLT Lê Quý Lộc: Tôi bị quản giáo đánh khi đấu tranh đòi quyền lợi cho tù nhân.*

39 RFA. *Gia Lai: Cựu tù nhân tố cáo bị tấn công tình dục, đối xử vô nhân đạo trong thời gian tạm giam.*

On August 9, 2022, twenty-seven families of political and religious prisoners issued a joint open letter calling on international human rights organizations and free governments to urge the Vietnamese government to respect the prisoners of conscience's rights to clean water, safe food, and timely medical care.⁴⁰

In 2022-2023, three prisoners of conscience died mysteriously while in custody:

- On January 5, 2023, Pastor Dinh Diem, a religious prisoner serving a 16-year sentence for the alleged crime of "Activities aimed at overthrowing the people's government," died suddenly at prison camp No. 6 in Thanh Chuong district, Nghe An province.⁴¹
- On November 20, 2022, Mr. Phan Van Thu, founder of An Dan Dai Dao, an independent Buddhist organization serving a life sentence for the same alleged crime, died in Gia Trung prison, Gia Lai province.⁴²
- On August 2, 2022, a citizen journalist, Mr. Do Cong Duong, died while serving an 8-year sentence for allegedly "abusing democratic freedoms" and "disturbing public order" in prison camp No. 6, Nghe An province.⁴³

On February 1, 2023, several Vietnamese human rights organizations issued a joint pointing out that: "The continued mysterious deaths of religious and political prisoners reveal the inhumane treatment of Vietnamese communist prisons and serve as a wake-up call for violations of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Standard Minimum Rules for the Treatment of Prisoners by the Vietnamese government."⁴⁴

RECOMMENDATIONS

It is recommended that the Government of Vietnam to

- Immediately end the abuse of vague provisions of the 2015 Criminal Law to imprison those who disagree with the CPV's policies and lines;
- Abide by *the International Criminal Justice Standards*;
- Comply fully with the *UN Basic Principles on the Role of Lawyers*;
- Improve the current prison regimes by respecting *the UN Standard Minimum Rules for the Treatment of Prisoners*.

40 Bauxite Việt Nam. *Thư Ngỏ của các gia đình Tù Nhân Lương Tâm: Chữa bệnh là một phần của nhân quyền*.

41 VNTB – *Mục sư Đinh Diêm đã được chôn và an táng tại Trại giam số 6 Thanh Chương, Nghệ An*.

42 RFA. *Tù nhân lương tâm Phan Văn Thu mất trong trại giam vì không được chăm sóc y tế kịp thời*.

43 CPJ. *Journalist Do Cong Duong dies in prison in Vietnam*.

44 EIN. *NGOs call on Vietnam Authorities to Answer for Mysterious Deaths of Religious and Political Prisoners*.

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) “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 over all national activities.¹ 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.”² Because of this contradiction and the intention to maintain political monopoly at all costs, all provisions on political rights stated in Articles 20 and 21 of the Universal Declaration of Human Rights and Articles 21 and 22 of the International Covenant On Civil and Political Rights, which Vietnam has committed itself to 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’ leadership in organizing the elections.³

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 14th National Assembly states that the 15th National Assembly will have 95 members of the Party Central Committee,

1 “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)

2 VNExpress. *Tổng bí thư: ‘Đề phòng thế lực muốn xóa bỏ điều 4 Hiến pháp’*.

3 Thư viện Pháp luật. *Chỉ thị của Bộ Chính Trị*.



On May 12, 2023, the People's Court of Ho Chi Minh City sentenced dissident Tran Van Bang to 8 years in prison and three years of probation for "Making, storing, spreading information, materials, and items to oppose the State of Socialist Republic of Vietnam." VTV photo

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.⁴

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.⁵ 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 said not to be a Party member is Mr. Luong The Huy. The government has aggressively advertised him as gay as if the government wanted to 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 Khanh⁶ and Mr. Le Trong Hung⁷ were detained on charges of "spreading documents aimed at opposing the state;" Mr. Nguyen Quoc Huy⁸ and Mr. Nguyen Van Son Trung⁹ were released after a few

4 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.*

5 Báo điện tử Đảng Cộng sản Việt Nam. *9 người tự ứng cử đại biểu Quốc hội khóa XV.*

6 VOA. *Việt Nam bắt Facebooker Trần Quốc Khánh sau khi ông tuyên bố tự ứng cử ĐBQH.*

7 Người Việt. *Người thứ hai tự 'ứng cử đại biểu Quốc Hội' bị bắt.*

8 RFA. *Công an Bình Thuận thả nhà thơ Đồng Chuông Từ đồng thời câu lưu thêm hai người bạn.*

9 RFA. *Công an Bình Thuận thả ông Nguyễn Văn Sơn Trung sau 5 ngày tạm giữ để hỏi chuyện "tự ứng cử".*

days of interrogation. On October 29, 2021, Mr. Tran Quoc Khanh was sentenced to six years, six months in prison, and two years of probation.¹⁰ On December 31, 2021, Mr. Le Trong Hung was sentenced to 5 years in jail and five years of probation.¹¹

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%).

During 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."¹²

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

A typical case of the CPV's direct intervention in arranging the state organization at the highest level in 2022-2023 is the forced resignation of Mr. Nguyễn Xuân Phúc from the position of State President. On January 18, 2023, the National Assembly of Vietnam dismissed Mr. Nguyen Xuan Phuc from the position of State President and canceled his 15th National Assembly membership based on Resolution No. 35 dated January 01 at the Extraordinary Conference of the 13th Party Central Committee and the Politburo's opinion communicated by the Party Central Committee Office's Official Dispatch No. 5918 dated January 13. In this case, as in all important changes of government positions, the National Assembly only follows the Politburo's direction.

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." This "unification" model allows no border between a party organization and a government unit.

In June 2022, the CPV's Central Committee issued Resolution No. 21-NQ/TW reaffirming and providing guidance to implement the above "unification" model. So far, this model has been applied at all government levels nationwide. For example, in Quang Ninh province, one hundred percent of Party cell secretaries are concurrently the heads of the associated communes or

10 RFA. *Facebooker Trần Quốc Khánh bị án sáu năm sáu tháng tù với cáo buộc 'chống Nhà nước'.*

11 BBC. *Án tù 5 năm cho ứng cử viên ĐBQH độc lập Lê Trọng Hùng.*

12 Hội Luật Gia Việt Nam. *Đảng cầm quyền thông qua quyền lập pháp, hành pháp và tư pháp ở Việt Nam.*

neighborhoods; this percentage is over ninety percent in Hai Duong and Thanh Hoa provinces.¹³

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 do not represent the people but are simply Communist Party tools for carrying out totalitarian policies.

2. STAMPING OUT THE OPPOSITION

The government maintained its intolerance of outside dissent or criticism to protect the Party's political security. At the Central Public Security Party Committee Conference on June 15, 2023, General Secretary Nguyen Phu Trong once again repeated the slogan, "Do not allow the formation of an opposition political organization in the country."¹⁴

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, the Vietnam National Self-Determination Coalition, 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 October 2023, up to 51 members of Bloc 8406 were arrested and sentenced to prison, of whom eight remain incarcerated. The Brotherhood for Democracy has twelve members in prison, of which eight were sentenced to between 7 and 13 years in prison. Lawyer Nguyen Van Dai, a founder of the association, was exiled abroad. Mr. Tran Huynh Duy Thuc, the leader of the Vietnam Path Movement, is 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 Bloc 8406's founders, have been under house arrest.

Five founding members of the Vietnam National Self-Determination Coalition, Mr. Luu Van Vinh, Nguyen Quoc Hoan, Nguyen Van Duc Do, Tu Cong Nghia, and Phan Trung, still serve hefty sentences from 8 to 15 years. The coalition's mission, however, is only to demand "the CPV to return the right of national self-determination to the entire people so that they have the full right to choose a political system they want, by their vote, in a system of separation of powers."

Eight members of the Constitutional Group were sentenced to a total of 40 years and six months in prison for the charge of "disrupting security" under Clause 1, Article 118 of the 2015 Criminal code while they only used their Facebook pages to share, express views and opinions on the current situation of the country, condemn injustice and support democracy, pluralism, and multi-party systems, and participate in peaceful protests against the Special Zones Bill and the Cybersecurity Law.

13 Xây dựng Đảng. *Công tác tổ chức xây dựng Đảng các tỉnh, thành phố miền Bắc: Năm mới, quyết tâm mới.*

14 Tài Nguyên & Môi Trường. *Phát biểu của Tổng Bí thư Nguyễn Phú Trọng tại Hội nghị Đảng ủy Công an Trung ương.*

Three key members of the Independent Journalists Association, Pham Chi Dung, Nguyen Tuong Thuy, and Le Huu Minh Tuan, 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.

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 against dissidents. After the 13th Congress, the persecution did not decrease but increased more.

In 2022 and 2023, at least 97 dissidents were brought to court with heavy sentences. Twenty-five people are being detained and awaiting trial. [see details of cases in the list of prisoners of conscience in Appendices I and II]

Another target of political repression that has attracted public attention in 2022-2023 is dissidents living abroad. This transnational political repression is carried out in several ways: by putting pressure on dissidents' relatives still in Vietnam, as in the case of journalist Le Trung Khoa and blogger Bui Trung Hieu in Germany,¹⁵ or by directly threatening and persecuting dissidents overseas. In Thailand, where there are many dissidents and ethnic minority asylum seekers, Vietnamese public security forces have monitored, harassed, abducted, and secretly brought back to Vietnam.¹⁶ The two kidnapping cases that shocked public opinion were the case of journalist Truong Duy Nhat in August 2020¹⁷ and the case of blogger Thai Van Duong in April 2023.¹⁸

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 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

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, forming 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

15 RFA. *Việt Nam với biện pháp "đàn áp xuyên quốc gia"*.

16 Mach Song Media. *Người tị nạn mất tích: Việt Nam gia tăng đàn áp xuyên quốc gia; người tị nạn ở Thái Lan cần cẩn trọng*.

17 BBC. *Vụ Trương Duy Nhất và nạn bắt cóc nhà hoạt động ở Đông Nam Á*.

18 RFA. *Screams from abducted Vietnamese blogger heard on Thai security camera video*.

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.¹⁹

After many submissions and withdrawals, the 14th National Assembly has not voted on the Bill on Association. Therefore, up to now, the bill on association has not been mentioned in the 15th National Assembly legislative agenda. According to Resolution No. 50/2022/QH15 of the National Assembly, the Bill on Associations is not included in the 2023 legislation program.

In August 2022, the government developed a Draft Decree on associations' organization, operation, and management to replace Decree No. 45/2010/ND-CP to fill this shortcoming. However, the ultimate purpose of the Decree is still "Ensuring the Party's leadership over the mass association." Per this draft decree, the establishment, organization, and operation of associations aiming at "affecting the prestige of the State, agencies, organizations, individuals, and communities; damaging national interests, security, national defense, national unity and causing political insecurity and social disorder" are strictly prohibited (Article 11 of Draft No. 6 on organization, operation and management of associations).²⁰

Like the crimes in the Criminal Law, the ambiguous words "State's prestige, national interests, and the great national unity bloc..." will eliminate all organizations not aligned with the ruling Party's political views.

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

In the current reality, besides the CPV and its peripheral organizations called "socio-political organizations," such as the Vietnam Fatherland Front, the Trade Union, the Ho Chi Minh Communist Youth Union, Vietnam Women's Union, and Vietnam Farmers' Union, no organization that does not share the same political stance with the VCP is 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.

According to the United Nations Annual Country Report 2022, published in June 2023, the Vietnamese government's increased control of civil society organizations and retaliation against instigators has caused them to be "allegedly hesitant to engage with the United Nations as implementing partners or to receive funds from the United Nations for fear of being investigated and found in violation of the complex and vague taxation legislation."²¹

In 2022-2023, the Vietnamese communist government has cracked down on several scientific, economic, and environmental groups such as:

- Institute of Technology Research and Development (SENA - Southeast and North Asia) run by Dr. Nguyen Son Lo;²²

19 BBC. *Luật về Hội - phép thử bị trì hoãn?*

20 Bộ trưởng Bộ Nội vụ Phạm Thị Thanh Trà. *Tờ trình về việc ban hành Nghị định thay thế Nghị định số 45/2010/ND-CP ngày 21/4/2010 của Chính phủ quy định về tổ chức, hoạt động và quản lý hội gửi Chính Phủ.*

21 UN Human Rights Council. *Cooperation with the United Nations, its representatives and mechanisms in the field of human rights.*

22 Tuổi Trẻ. *Khởi tố nguyên viện trưởng Viện Nghiên cứu công nghệ và phát triển Sena.*

- Institute of Policy, Legal, and Development (PLD) headed by Mr. Hoang Ngoc Giao;²³
- The Green Innovation and Development Centre was founded and operated by Ms. Nguy Thi Khanh.²⁴
- The Center For Media In Educating Community (MEC) was founded and operated by Mr. Mai Phan Loi.²⁵
- Law and Policy of Sustainable Development Research Center (LPSD) directed by LS Dang Dinh Bach.²⁶

3.2. The Right to Freedom of Peaceful Assembly

Presently, gatherings to express people's views and aspirations are 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, people must register in advance and get permission from the relevant People's Committee to gather five people or more. 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 been discussed by the National Assembly. In early 2016, Minister of Justice Ha Hung Cuong said, "Because opinions on the content of the draft Law are very different among the cabinet members," the government has requested that the discussion on the draft Law be postponed until the 2nd Session of the 14th National Assembly (the end of 2016).²⁷ Nonetheless, as with the draft Law on Associations, the draft Law on Demonstrations has not been included in the legislative agenda of the 15th 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."²⁸

On June 20, 2023, the International Federation for Human Rights (FIDH) and the Vietnam Commission for Human Rights (VCHR) released a report titled "A History of Violence - Repression of the right to freedom of assembly in Vietnam." The report presents the protest movements in the country over the past three decades, as well as the government's pattern of systematic repression of peaceful gatherings and demonstrations.²⁹

Although banned, mass protests continued in various places in 2022-2023 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 2022, there were 157 collective work stoppages arising from

23 RFA. *Bắt tạm giam Viện trưởng Viện Nghiên cứu Chính sách, Pháp luật và Phát triển (PLD) Hoàng Ngọc Giao.*

24 Thanh Niên. *Bắt nữ giám đốc Trung tâm phát triển sáng tạo xanh GreenID.*

25 BBC. *Ông Mai Phan Lợi bị án tù 4 năm vì tội 'trốn thuế'.*

26 VietnamPlus. *Giám đốc trung tâm nghiên cứu lĩnh án 5 năm tù vì tội trốn thuế.*

27 Tuổi Trẻ Online. *Chính phủ lại xin lùi dự án Luật biểu tình.*

28 Báo Thanh Tra. *Chưa bàn Luật Biểu tình, Luật Đặc khu tới hết năm 2021.*

29 FIDH and VCHR. *A History of Violence - Repression of the right to freedom of assembly in Vietnam.*



On February 20, 2023, K'Ho ethnic minority people in K'Ren village, Hiep An commune, Duc Trong district, Lam Dong province protested for land and were suppressed by mobile police (screenshot from the video of the Montagnards For Justice page)

labor relations (an increase of 50 over the same period in 2021).³⁰ In the first three months of 2023, there were 23.

All of the above strikes are illegal because they were not organized and led by the employees' representative organization as specified by the Labor Law 2019 (Chapter XIV, Section 5).

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

- On July 20, 2023, many people in Nghi Thiet commune, Nghi Loc district, Nghe An province gathered, set up tents, and prevented trucks from entering and leaving the international seaport Vissai to protest against the plan for site clearance and resettlement and to express concern about environmental pollution. This is the second time within a month that people protested for unresolved demands.³¹
- On April 21, 2023, hundreds of Ede ethnic residents in Ea Bhok commune (Cu Kuin district) protested against the project of discharging waste into the lake. Dozens of mobile police officers were sent to suppress, causing many injuries and arrests.³²
- In the last weeks of May 2022, hundreds of families in Ea Pôk commune, Dak Lak province, protested to reclaim land from the forestry company after 40 years of working as hired laborers on their own land.³³ Ten of the protesters were later charged with "destroying property."³⁴
- On May 30, 2022, several land petitioners blocked buses carrying National Assembly deputies to meetings in Hanoi to complain. Another group of petitioners went to Prime Minister Pham Minh Chinh's residence or the places where members of parliament rested to complain. They received no answer but were put on a bus by security and dropped off at another location.³⁵

30 Thanh Niên. *Doanh nghiệp chờ giải thể, chủ bỏ trốn, công nhân không có thưởng tết.*

31 Tài nguyên và Môi trường. *Dân lại dựng lều chặn xe tải vào cảng biển quốc tế.*

32 RFA. *Biểu tình đòi ngưng dự án xả thải ở Đắk Lắk: Người Ê-đê bị Cảnh sát đánh đập.*

33 Viet Tân. *Hàng trăm người dân ở Đắk Lắk biểu tình trong 2 tuần qua đòi lại đất canh tác (Youtube)*

34 RFA. *Mười người dân tham gia biểu tình phản đối Công ty Cà phê Ea Pôk bị khởi tố.*

35 RFA. *Dân oan kỳ vọng gì khi chặn đường đại biểu Quốc hội đi họp để kêu cứu?*

- In mid-March of 2022, hundreds of farmers in Cu M'Gar district, Dak Lak province, gathered and raised slogans to demand land use rights.³⁶
- On February 25, 2022, hundreds of farmers protested at the construction site of a wind power farm in Dak N'Drung, Dak Lak province, protesting against inadequate compensation for land acquisition.³⁷

Gatherings of people expressing patriotism or cultural purposes that were not in line with the government's interests were also suppressed. For example, on February 17, 2022, authorities in Ho Chi Minh City and Hanoi sent security forces to prevent people from gathering to commemorate the victims of invasion from China in the northern border provinces in 1979.³⁸ On July 16, 2022, government authorities disrupted a roundtable discussion on Ukrainian culture held at the Institute of Technology Research and Development (SENA) in Hanoi by cutting off the power while the event was happening. At the same time, security prevented some guests from attending the event by guarding their homes.³⁹

To prevent people's protests like in previous years, in 2022, the government created several regiments and battalions of mobile police in reserves in provinces and cities whose purpose is to crack down on people accused of "disturbing public order" and "illegal demonstrations."⁴⁰

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). 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 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 was officially implemented in 2023. 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.⁴¹

With digitalization, citizens' residence and travel data will be more centralized, making it easier for the government to control 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

36 RFA. *Đắc Lắc: Nông dân biểu tình phản đối công ty lâm trường vì không chịu "cảnh nô lệ"*.

37 WindPower. *Vietnamese police arrest 24 people after confrontation between protesters and security*.

38 RFA. *An ninh ngăn tưởng niệm chiến tranh biên giới Việt - Trung do sợ "lợi dụng để phá phách"*.

39 RFA. *Hà Nội: Toạ đàm về văn hoá Ukraine bị phá rối*.

40 RFA. *Hơn chục tỉnh/thành lập lực lượng trấn áp biểu tình*.

41 Sức Khỏe và Đời Sống. *Bỏ sổ hộ khẩu nhưng vẫn duy trì quản lý cư trú đối với người dân*.



On October 24, 2022, Tan Son Nhat airport security force blocked Father Joseph Truong Hoang Vu of the Vietnamese Redemptorist Congregation, not allowing him to leave the country to travel to the US to raise funds to help injured veterans of the Republic of Vietnam. - VOA photo

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.

In 2022- 2023, the government continued to use security forces to prevent, arrest, and confiscate passports of Vietnamese citizens on the vague grounds of “protecting national security and public order” according to Decree 136/2007/ND-CP⁴² as the following cases:

- On September 18, 2023, the Immigration Management Agency of the Ministry of Public Security at Tan Son Nhat Airport prohibited Ms. Nguyen Xuan Mai, a dignitary of the Cao Dai Chan Truyen Church (not under state management), from boarding a plane to the United States to attend a religious freedom conference in Dallas, Texas for “national security reason.”⁴³
- On May 1, 2023, Dr. Nguyen Quang A, a well-known intellectual and one of the leaders of the civil society movement in Vietnam, was blocked from leaving Vietnam by Vietnamese authorities because of “National security.”⁴⁴
- On November 6, 2022, security staff at Tan Son Nhat airport prevented two Protestants in Dak Lak, Mr. Y Khiu Nie, and Mr. Sy Eban, from leaving the country to attend the Southeast Asia

42 Chinhphu.vn. *Nghị định về xuất cảnh, nhập cảnh của công dân Việt Nam*

43 VOA. *Việt Nam cấm xuất cảnh tín hữu Cao Đài độc lập Nguyễn Xuân Mai; Đại sứ Mỹ lên tiếng.*

44 VOA. *Thêm một trí thức phản biện nổi tiếng Việt Nam bị chặn xuất cảnh.*

Freedom of Religion or Belief Conference (SEAFORB) in Bali, Indonesia.⁴⁵

- On October 24, 2022, public security forces at Tan Son Nhat airport blocked Father Joseph Truong Hoang Vu of the Redemptorist Order of Vietnam not allowing him to leave the country for a fund-raising trip in the United States for the disabled soldiers of the Republic of Vietnam.⁴⁶
- On September 27, 2022, the police prohibited human rights lawyer Vo An Don and his family from leaving Vietnam for the United States on national security grounds.⁴⁷

The government continues to obstruct religious officials and human rights activists when they come into contact with foreign delegations and international human rights organizations, such as:

- On September 11, 2023, plainclothes security officers monitored residences and followed some human rights activists when President Biden visited Vietnam.⁴⁸
- On April 24, 2023, Lâm Đồng province authorities prevented Rev. Hua Phi of the independent Cao Dai Nhon Sanh group from attending a meeting with the delegation of the US Consulate General.⁴⁹
- On February 22, 2023, authorities in two districts of Buon Don and Cu Mgar of Dak Lak province prevented the delegation of the US Consulate General in Ho Chi Minh City from visiting pastors and church members of the Central Highlands Evangelical Church of Christ, a religious group not recognized by the Vietnamese government.⁵⁰
- On September 5, 2023, many intellectuals and civil society groups (unrecognized) published a statement titled, “It’s time for citizens to implement Article 25 of the Constitution”. The declaration calls on all citizens to actively exercise the rights enshrined in Article 25 of the 2013 Constitution and asks the government to create all favorable conditions for exercising those constitutional rights.⁵¹

RECOMMENDATIONS

It is recommended that the Government of Vietnam:

- Abolish Article 4 of the Constitution, which allows the CPV to monopolize the national political leadership;
- Strictly implement Article 25 of the Constitution related to freedom of speech, assembly, association and demonstration;
- Promulgate the Law on Association and the Law on Demonstrations soon;
- Guarantee the right to freedom of association, peaceful protest, and freedom of movement, not only through regulations but, first and foremost, through concrete measures.

45 VOA. *Việt Nam cấm xuất cảnh, sách nhiễu tín đồ dự Hội nghị Tự do Tôn giáo ĐNÁ.*

46 BBC. *Đi Mỹ gây quỹ cho phế binh VNCH, một linh mục bị chính quyền VN cấm xuất cảnh.*

47 VOA. *Luật sư Võ An Đôn bị Việt Nam cấm xuất cảnh tị nạn chính trị.*

48 RFA. *Nhiều nhà hoạt động bị an ninh giám sát trong dịp TT Biden đến Hà Nội.*

49 RFA. *Lâm Đồng ngăn chặn nhà hoạt động tự do tôn giáo gặp phái đoàn Mỹ.*

50 RFA. *Chính quyền ngăn cản phái đoàn Mỹ gặp tín đồ Hội Thánh Tin Lành Đấng Christ Tây Nguyên.*

51 Tiếng Dân. *Tuyên bố: Đã đến lúc công dân thực hiện điều 25 Hiến pháp.*

IV THE RIGHT TO FREEDOM OF EXPRESSION AND FREEDOM OF INFORMATION

The Constitution of Vietnam stipulates, “The citizen shall enjoy the right to freedom of opinion and speech, freedom of the press, access to information, to assemble, form associations and hold demonstrations. The practice of these rights shall be provided by the law.” (Article 25) The right to freedom of expression and freedom of information is also regulated by the 2015 Criminal Law, the 2016 Press Law, the 2016 Law on Access to Information, the 2018 Cybersecurity Law, the 2018 State Secrets Protection Law, and several related regulatory documents.

The legislation on freedom of expression and information in recent years, however, has not improved but, on the contrary, has strengthened the control of the Communist Party of Vietnam (CPV) over Vietnamese people’s rights to free expression and information. The government continues:

- to monopolize the media,
- to suppress information unfavorable to the regime and
- to persecute people with 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, emphasized, “Vietnam has no private press. This is a matter of principle.”¹

That policy is reflected in the reality of press activities today in Vietnam. All 127 newspaper agencies, 670 magazine agencies, and 72 radio and television agencies currently operating in Vietnam are state-owned.²

The press continues to play the role of the mouthpiece of the Party and the government to shape public opinion. 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....”

In 2022- 2023, the CPV Central Committee’s Publicity and Education Commission, in collaboration

¹ Tuổi Trẻ. *Đảng và nhân dân rất kỳ vọng vào báo chí.*

² According to the Vietnam News Agency, by the end of 2022, the country has 127 news agencies; 670 journal agencies; 72 radio and television agencies; 41,000 people working in the field of journalism; There are 19,356 licensed journalists. Data from Vietnam News Agency in 2022.



January 12, 2022, Tuyen Quang Provincial Police arrested freelance journalist Le Manh Ha for allegedly “distributing documents aimed against the State” under Article 117 of the Penal Law. ANTV photo

with the Ministry of Information and Communications and the Vietnam Journalists Association, organized many conferences at central and local levels to tighten discipline in journalism activities and to dissuade the trends of “journalization”³ and “privatization” of the press.

To strengthen the direction and management of newspapers, magazines, websites, and social networks, on June 14, 2022, the CPV’s Central Propaganda Department issued plan No. 156-KH/BTGTW aimed at blocking the trend of “journalizing” magazines and “privatization” of the press.⁴

2. GOVERNMENTAL OBSTRUCTION OF ALTERNATIVE INFORMATION INTENSIFIES

The Vietnamese Communist Government has suppressed speech and restricted information flow through legislation and regulatory measures.

2.1. Suppressing Freedom of Speech and Information through Legislation

In recent years, the Vietnamese government has weaponized laws and sub-laws to legalize the suppression of people’s freedom of speech and information. In addition to the 2015 Criminal Law, free speech and information control are now regulated by the 2016 Press Law, the 2016 Law on Access to Information, and the 2018 Law on Cybersecurity.

In 2022-2023 (as of October 15, 2023), the government has prosecuted 44 dissidents with Article 331 of the Criminal Law, “Abusing democratic freedoms to infringe upon the interests of the State, lawful rights and interests of organizations and/or citizens,” and 27 other dissidents with Article 117, “Making, storing, spreading information, materials, items to oppose the State of Socialist

³ The word “journalize” is a jargon used by the Vietnamese Communist Government referring to the phenomenon of some magazines reporting information and articles outside the scope allowed by the state, especially news that reflects negative aspects of society, attracting readers’ curiosity. To put it more clearly, it is the phenomenon of some magazines going outside the direction of the ruling party.

⁴ Tài Nguyên & Môi Trường. *Tiến tới nền báo chí, truyền thông chuyên nghiệp, hiện đại và nhân văn.*

Republic of Vietnam.”

According to the 2016 Press Law, the press’ task is “to propagandize and disseminate, and contribute to the formulation and protection of, the line and policies of the Party, policies and laws of the State...” (Articles 4, 2. , b). The journalist must “protect the viewpoints, lines, and policies of the Party and policies and laws of the State; to discover, propagandize and protect positive factors; to prevent and fight against wrongful ideas and acts.” (Articles 25, 3, b)

The 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).

Article 6 of the Law on Access to Information stipulates that citizens are not allowed to access information classified as state secrets. At the same time, the 2018 Law on Protection of State Secrets has broadly defined all political, social, and cultural activities that the government has not disclosed as “state secrets.”

To implement the Law on Protection of State Secrets, the government has issued 33 decisions listing information classified as state secrets in many areas of social activities, from politics, education, economy, and even religion.⁵ This legal measure prevents unfavorable information for the CPV’s political monopoly. Article 337 of the 2015 Criminal Law stipulates that the penalty for intentionally disclosing state secrets is 2 to 10 years in prison, depending on the revealed secret.

The 2018 Cyber-Security Law, drafted by the Ministry of Public Security, is a copy of the Cyber-Security Law of the People’s Republic of China. One hundred fifty-six countries (80% of the nations) have enacted cyber-security laws.⁶ However, the primary purpose of these countries’ legal documents is to protect the security and interests of Internet users in the areas of piracy, computer-related fraud, child pornography, etc. Vietnam’s 2018 Cybersecurity Law aims to legalize the Government’s Internet control to protect the CPV’s leadership monopoly.

In addition to making laws to restrict citizens’ right to freedom of information and expression, in recent years, the Vietnamese government has also set up regulations for international platforms operating in Vietnam, forcing them to cooperate with the government in violation of the people’s right to speech and information.

Vietnam’s Cybersecurity Law, detailed by Decree 72/2013/ND-CP in 2013, Decree 27/2018/ND-CP in 2018, and Decision No. 512/QĐ-BTTTT dated March 31, 2023, by the Ministry of Information and Communications on the management, provision, and use of Internet services, requires Internet service companies to provide information about Internet users to the government without a court order. 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 May 8, 2023, the Vietnamese government announced that The Ministry of Information and Communications and the Ministry of Public Security have been working together to draft a decree

⁵ 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.*

⁶ United Nations Conference on Trade and Development. “*Cybercrime Legislation Worldwide*”

requiring all social media account holders to identify themselves. This measure includes foreign platforms such as Facebook, TikTok, and YouTube. And that decree will be issued by the Ministry of Information and Communications by the end of 2023.⁷

In June 2023, the Vietnamese government requested that social media platforms use artificial intelligence models to automate the detection and removal of politically sensitive online content.⁸

According to a Ministry of Information and Communications report, preventing and removing malicious information in cyberspace in the first six months of 2023 reached the highest rate ever. Facebook removed 2,549 posts, 12 accounts, and 54 advertising pages; YouTube removed 6,101 videos and seven channels; TikTok removed 415 links and 149 offending accounts.⁹

Even more concerning is that social media sites originating outside of Vietnam are regulated by an arrangement between the Vietnamese government and the companies providing these media services. For example, on July 7, 2023, the YouTube channel of Lawyer Nguyen Van Dai, a former political prisoner in Germany, was locked under pressure from the Government of Vietnam.

2.2. Limiting Freedom of Speech and Information by Strengthening the Regulatory Apparatus

At the same time as making laws to limit freedom of speech and information, 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.

In terms of organization, the Government continues to increase the authority and personnel for the control 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 many public opinion organizations with thousands of accounts and participating members from central to local levels.¹⁰ In 2022-2023, the Ministry of Public Security will continue establishing Cybersecurity Departments in provinces and cities to strengthen the state management of cybersecurity.

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 of the CPV. This force has an equivalent number of 1 regiment (10,000 people) in all base units, regions, and areas of the Army.¹¹

The Cyberspace Operation Command - also known as Command 86, was established in 2018 and is a unit directly under the Ministry of National Defense of Vietnam, assisting the Ministry of

7 Tuổi Trẻ. *Sẽ yêu cầu tất cả chủ tài khoản mạng xã hội phải định danh.*

8 Reuters. *Vietnam tells foreign social media to use AI to detect ‘toxic’ content.*

9 VietnamNet. *Gỡ bỏ hàng nghìn thông tin xấu độc trên Facebook, YouTube, TikTok.*

10 RFA. *Công khai hoá lực lượng tác chiến không gian mạng: Mục đích và nhiệm vụ chính?*

11 Tuổi Trẻ Online. *Hơn 10.000 người trong ‘Lực lượng 47’ đấu tranh trên mạng.*

National Defense in protecting national sovereignty in cyberspace and information technology. However, the agency's mission is to fight against "peaceful evolution" in cyberspace.

In addition to promoting government guidelines and policies and smearing dissidents in cyberspace, public opinion shapers have recently used a process set up by Facebook to attack dissidents' websites. They monitor dissidents' Facebook pages and mass-report violations of community standards to Facebook to persuade the company to remove or temporarily ban dissidents' pages.

In August 2023, Texas-based Halcyon researchers said the company Cloudzy provided state-sponsored hacker groups with internet services to spy on and blackmail their victims. One of the partners provided with that service is Vietnam.¹²

On February 1, 2023, more than 60 human rights NGOs and influential Facebookers sent an open letter calling on Facebook to address the situation of a network of fake and malicious accounts that exists and is active in Vietnam to disseminate false information and cause damage to legitimate accounts.¹³

3. SUPPRESSION OF OPINIONS CONTRARY TO CPV POLICIES

The crackdown on opposition voices intensified during the CPV's 13th Congress and the 15th National Assembly election and throughout 2022-2023.

3.1. Criminalizing Freedom of Speech

In 2022 and 2023 (as of October 15, 2023), at least 27 people who used social media to express political opinions were arrested and prosecuted for allegedly violating Article 117 of the 2015 Criminal Code "Making, storing, spreading information, materials, items to oppose the State of Socialist Republic of Vietnam;" forty-four people accused of violating Article 331 "Abusing democratic freedoms to infringe upon the interests of the State, lawful rights and interests of organizations and/or citizens." The following are some of the most discussed cases:

- On September 15, 2023, the Thong Nhat District Court, Dong Nai Province, sentenced Mr. Hoang Khuong to 6 years and six months in prison for allegedly violating Article 331 of the Vietnam Criminal Law.¹⁴
- On June 6, 2023, the People's Court of Dak Lak province sentenced music teacher Dang Dang Phuoc to 8 years in prison and four years of probation for allegedly violating Article 117 of the 2015 Criminal Law.¹⁵
- On May 25, 2023, the People's Court of Da Nang City sentenced Mr. Bui Tuan Lam to 5 years, six months in prison, and four years of probation for allegedly violating Article 117 of the 2015 Criminal Law.¹⁶
- On April 12, 2023, the People's Court of Hanoi sentenced activist Nguyen Lan Thang to six years in prison and two years of probation for allegedly violating Article 117 of the 2015

12 Reuters. *Cloud company assisted 17 different government hacking groups, U.S. researchers say.*

13 VOA. *Hơn 60 tổ chức, nhà hoạt động đòi Facebook xử lý nạn tài khoản giả, dư luận viên ở VN.*

14 VTC News. *Kể tuyên truyền chống phá Nhà nước lãnh 6 năm 6 tháng tù.*

15 BBC. *Ủng hộ dân chủ, đa đảng, thầy giáo dạy nhạc Đặng Đăng Phước lãnh 8 năm tù.*

16 BBC. *'Thánh rắc hành' - Bùi Tuấn Lâm bị tuyên 5 năm 6 tháng tù, 4 năm quản chế.*



On July 13, 2022, the People's Court of Ha Tinh province sentenced Facebooker Nguyen Duc Hung to 5 years and 6 months in prison and 2 years of probation for allegedly violating Article 117 of the 2015 Criminal Law. Screenshot from Video Hung Le

Criminal Law.¹⁷

- On April 11, 2023, the People's Court of Binh Chanh District (HCM City) sentenced YouTuber Nguyen Thi Bich Thuy to eight years in prison on charges of fraudulently appropriating property under Article 174 of the 2015 Criminal Law.¹⁸
- On March 28, 2023, the People's Court of Hanoi sentenced activist Truong Van Dung (also known as Truong Dung) to 6 years in prison for "conducting propaganda against the state" under Article 88 of the 1999 Criminal Law.¹⁹
- On December 26, 2022, the People's Court of An Giang Province sentenced Mr. Nguyen Nhu Phuong to 5 years in prison for allegedly violating Article 117 of the 2015 Criminal Law.²⁰
- On December 26, 2022, the People's Court of Binh Tan District, Ho Chi Minh City, sentenced Facebooker Phan Van Phu to two years and three months in prison for allegedly violating Article 331 of the 2015 Criminal Law.²¹
- On November 22, 2022, the People's Court of Tan Phu District, Dong Nai Province, sentenced Mr. Nguyen Thai Hung, owner of the YouTube channel "Speaking with Reality TV," to 4 years in prison, and his wife, Ms. Vu Thi Kim Hoang, to two years and six months in jail for allegedly violating Article 331 of the 2015 Criminal Law.²²
- On November 18, 2022, the People's Court of Thanh Hoa province sentenced Mr. Bui Van Thuan to 8 years in prison and five years of probation for allegedly violating Article 117 of the 2015 Criminal Law.²³
- On November 16, 2022, the People's Procuracy of Lang Son decided to arrest and prosecute Trinh Thi Sang and Vu Thi Nga for allegedly violating Article 331 of the 2015 Criminal Law.²⁴
- On October 4, 2022, the Investigation Security Agency of the Public Security of Lang Son

17 VOA. Nhà hoạt động Nguyễn Lân Thắng bị tuyên 6 năm tù về tội 'chống nhà nước' sau phiên xử kín.

18 RFA. YouTuber Bích Thủy TV lãnh án tám năm tù.

19 BBC. Nhà hoạt động Trương Văn Dũng bị kết án 6 năm tù.

20 Nhân Dân. Tuyên án 5 năm tù đối tượng dùng mạng xã hội tuyên truyền chống phá Nhà nước.

21 Thanh Niên. TP.HCM: Lợi dụng quyền tự do dân chủ, bị cáo Phan Văn Phú lãnh 2 năm 3 tháng tù.

22 RFA. Đồng Nai: Hai vợ chồng bị kết tội "Lợi dụng quyền tự do dân chủ" trong phiên tòa không luật sư.

23 VOA. Thầy giáo Bùi Văn Thuận bị kết án 8 năm tù và 5 năm quản chế.

24 RFA. Lạng sơn: Hai người bị bắt với cáo buộc "Lợi dụng các quyền tự do dân chủ".

Province prosecuted and detained Ms. Vu Bich Van and Ms. Ong Thi Thuy for allegedly violating Article 331 of the 2015 Criminal Law.²⁵

- On October 25, 2022, the People's Court of Tuyen Quang province sentenced Mr. Le Manh Ha to 8 years in prison and five years of probation for allegedly violating Article 117 of the 2015 Criminal Law.²⁶
- On September 26, 2022, the Hanoi Police decided to prosecute and arrest Mr. Nguyen Minh Son for allegedly violating Article 117 of the 2015 Criminal Law.²⁷
- On September 15, 2022, the People's Court of Can Tho City held an appellate hearing for Mr. Pham Tan Hoa. It upheld the first instance judgment of 1 year in prison for allegedly violating Article 331 of the 2015 Criminal Law.²⁸
- On September 9, 2022, Hanoi City Police prosecuted and arrested Mr. Phan Son Tung for allegedly violating Article 117 of the 2015 Criminal Law.²⁹
- On August 30, 2022, a court in Hanoi sentenced dissident Le Anh Hung to 5 years in prison in a closed-door trial for allegedly violating Article 331 of the 2015 Criminal Law.³⁰
- On August 25, 2022, the Hanoi High People's Court upheld the 9-year prison sentence for human rights activist and journalist Pham Doan Trang for "conducting propaganda against the state" according to Article 88 of the 1999 Criminal Law.³¹
- On August 17, 2022, the Hanoi High People's Court upheld the first-instance sentences of two activists, Trinh Ba Phuong to 10 years in prison and five years of probation and Nguyen Thi Tam to 6 years in jail and three years of probation for allegedly violating Article 117 of the 2015 Criminal Law.³²
- On August 16, 2022, the Hanoi High People's Court held an appellate hearing for independent journalist Le Van Dung (Dung Vova). It upheld the first-instance verdict of 5 years in prison and five years of probation for allegedly violating Article 117 of the 2015 Criminal Law.³³
- On August 16, 2022, the People's Court of Dak Lak province rejected the appeal of religious freedom activist Y Wo Nie (also known as Ama Quynh), upholding the four-year prison sentence for allegedly violating Article 331 of the 2015 Criminal Law.³⁴
- On August 4, 2022, the High People's Court of Ho Chi Minh City held an appellate hearing for former journalist Nguyen Hoai Nam. It upheld the first instance verdict of 2 years in prison for allegedly violating Article 331 of the 2015 Criminal Law.³⁵
- On July 13, 2022, the People's Court of Ha Tinh Province sentenced Facebooker Nguyen Duc Hung to 5 years, six months in prison, and two years of probation for allegedly violating Article 117 of the 2015 Criminal Law.³⁶

25 VOV. *Bắt 2 đối tượng lợi dụng các quyền tự do dân chủ xâm phạm lợi ích Nhà nước.*

26 RFA. *Nhà báo tự do Lê Mạnh Hà bị kết án tám năm tù vì "cất tiếng nói cho dân oan".*

27 Công an Nhân dân. *Bắt tạm giam Nguyễn Minh Sơn về hành vi chống phá Nhà nước.*

28 Pháp Luật. *Lãnh án tù vì lợi dụng các quyền tự do dân chủ.*

29 Thanh Niên. *Bắt tạm giam chủ kênh YouTube chống phá nhà nước.*

30 RFA. *Blogger Lê Anh Hùng bị kết án năm năm tù trong phiên tòa không luật sư.*

31 Vietnam Plus. *Y án sơ thẩm mức phạt 9 năm tù đối với bị cáo Phạm Thị Doan Trang.*

32 BBC. *Hà Nội: Y án ông Trịnh Bá Phương và bà Nguyễn Thị Tâm trong nước mắt thân nhân.*

33 VOA. *Nhà báo công dân Lê Văn Dũng quyết không nhận tội, bị y án 5 năm tù.*

34 RFA. *Y án bốn năm tù đối với ông Y Wô Niê vì "gửi ba báo cáo nhân quyền" cho quốc tế.*

35 VietnamNet. *Cựu nhà báo Nguyễn Hoài Nam được giảm án.*

36 VietnamNet. *Tuyên truyền chống phá Nhà nước, Nguyễn Đức Hùng bị phạt tù giam.*

- On June 22, 2022, the Ham Tan District Court of Binh Thuan Province opened a second trial. It sentenced prisoner of conscience Le Chi Thanh, a former police officer, to 3 years in prison for allegedly violating Article 331 of the 2015 Criminal Law.³⁷
- On June 9, 2022, the People's Court of Ben Tre province sentenced Mr. Nguyen Duy Linh to 5 years in prison and five years of probation for allegedly violating Article 117 of the 2015 Criminal Law.³⁸
- On May 12, 2023, the People's Court of Ho Chi Minh City sentenced Mr. Tran Van Bang to 8 years in prison for allegedly violating Article 117 of the 2015 Criminal Law.³⁹
- On May 5, 2022, the Court of Tien Giang Province sentenced Mr. Tran Hoang Huan to eight years in prison and three years of probation for allegedly violating Article 117 of the 2015 Criminal Law.⁴⁰
- On April 26, 2022, the People's Court of Lam Dong province sentenced Facebooker Dinh Van Hai to five years in prison and three years of probation for allegedly violating Article 117 of the 2015 Criminal Law.⁴¹
- On April 19, 2022, in a closed-door hearing, the High People's Court in Hanoi upheld the first-instance sentence for Mr. Le Trong Hung of 5 years in prison and five years of house arrest for allegedly violating Article 117 of the 2015 Criminal Law.⁴²
- On March 30, 2022, the People's Court of Ca Mau City sentenced Mr. Le Minh Tai to one year in prison for allegedly violating Article 331 of the 2015 Criminal Law.⁴³
- On February 28, 2022, the High Court in Ho Chi Minh City heard the appellate trial of independent journalist Le Huu Minh Tuan. It upheld the first-instance verdict of 11 years in prison for allegedly violating Article 117 of the 2015 Criminal Law.⁴⁴
- On February 17, 2022, the People's Court of Ninh Binh Province upheld the first instance sentence of 6 months in prison and two years of probation for Mr. Tran Quoc Khanh for allegedly violating Article 117 of the 2015 Criminal Law.⁴⁵

During the COVID-19 pandemic, the policy targets 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.⁴⁶ Except for a few cases being prosecuted based on 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.

3.2. Violence Against Journalists

In Vietnam's midterm report on implementing the UPR submitted to the UN Human Rights

37 Tuổi Trẻ. *Lê Chí Thành lãnh án thêm 3 năm tù.*

38 RFA. *Không có luật sư bào chữa, Facebooker Nguyễn Duy Linh bị kết án 5 năm tù.*

39 Dân Trí. *Chống phá Nhà nước, Trần Văn Bang lĩnh 8 năm tù.*

40 Công An Nhân Dân. *Bị cáo Trần Hoàng Huân bị phạt 8 năm tù vì chống phá Nhà nước.*

41 Pháp Luật. *Bị phạt 5 năm tù giam vì tuyên truyền, chống nhà nước.*

42 RFA. *Tòa án đưa nhà báo công dân Lê Trọng Hùng ra xử phúc thẩm, người nhà không hề hay biết.*

43 Báo Phụ Nữ. *Tài xế dùng Facebook đăng 28 bài viết, 9 clip vu khống, xúc phạm lãnh đạo tỉnh Cà Mau.*

44 VNTB. *Y án 11 năm tù giam và 3 năm quản chế với nhà báo Lê Hữu Minh Tuấn.*

45 VOA. *Trần Quốc Khánh bị y án 6,5 năm tù, không có luật sư bào chữa.*

46 VietnamPlus. *Vietnam intensifies handling of fake news.*



On June 6, 2023, a Hanoi Radio and Television Station reporter was assaulted while working. Screenshot from Hanoi Radio and Television video

Council, the Vietnamese government stated, “In Vietnam, journalists and news reporters are protected from all forms of discrimination and violence.”⁴⁷ However, the reality is that the number of people in the media experiencing violence has increased in intensity and quantity:

- On June 6, 2023, a cameraman of Hanoi Television was filming on the sidewalk when two men grabbed his collar, punched and kicked him, causing injury and hospitalization.⁴⁸
- On March 21, 2023, three people claiming to be the director and security guard of the Thuan Phat paper factory in Tu Ly commune, Da Bac district, Hoa Binh province, attacked the reporters of *Nông Thôn Ngày Nay* (the Rural Today magazine) and the Dan Viet online who were filming the factory waste treatment tank.⁴⁹
- On January 5, 2023, a group of reporters of the General Political News Channel VTC1 (VTC Digital Television Station) investigated and reported the actual situation in the area of Da Thien Temple (quarter 7, town Trai Cau, Dong Hy district), a group of people rushed to curse and snatched the camera.⁵⁰
- On October 16, 2022, while recording the actual situation of the bus station at the beginning of Nguyen Tat Thanh Street (Tu An Ward, Buon Ma Thuot City), reporter Ho Ngoc Hung of the Traffic newspaper was attacked and injured by a driver.⁵¹
- On June 23, 2022, reporter NG and reporter DT (Dan Sinh Magazine) were reporting on illegal sand mining on a river in village 1, Ea Pil commune, M’Drak district, Dak Lak province, when a group of people attacked and injured them. They had to be hospitalized.⁵²
- On March 22, 2022, journalist Han Ni, who had denounced some illegal acts of Ms. Nguyen Phuong Hang, an influential businesswoman in Vietnam, was attacked by two people in a

47 VN Foreign Ministry. *Vietnam’s voluntary midterm report on the implementation of the UPR third cycle accepted recommendations*. p. 11.

48 VNExpress. *Phóng viên bị đánh hội đồng khi đang tác nghiệp*.

49 Dân Việt. *NÓNG: Phóng viên Báo NTNN/Dân Việt bị hành hung khi đang ghi hình nhà máy nghi gây ô nhiễm*.

50 VTC News. *Thái Nguyên: Phóng viên kênh VTC1 bị chửi bới, đập máy quay khi đang tác nghiệp*.

51 Tiền Phong. *Một phóng viên bị đánh, đe dọa ‘tao biết nhà mày, con mày học ở đâu’*.

52 Dân Sinh. *Đắc Lắc: Nhóm phóng viên bị hành hung khi tiếp cận cát tắc huyện M’Đrăk*.

restaurant.⁵³

- On February 20, 2022, reporter Nguyen Van Tuan went to Trung Hoa commune, Trang Bom district, Dong Nai province, to survey and 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.⁵⁴

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:

- In the 2023 World Press Freedom Index, Reporters Without Borders classified Vietnam near the bottom of the table, ranked 178 out of 180 countries, four places down from the year before and just ahead of China and North Korea. This is the lowest ranking achieved by Vietnam since RSF published its annual ranking from 2002 to the present.⁵⁵
- According to a report by the Human Rights Foundation published in July 2023, Vietnam is one of the most repressive countries in Asia for journalism in censoring and imprisoning journalists.⁵⁶
- Freedom House, in its report on freedom in the World in 2023, assesses that Vietnam has no freedom, with a score of 19, unchanged from the previous year's score (0 = least freedom, 100 = most freedom).⁵⁷
- According to PEN America's 2022 Freedom to Write Index, Vietnam is among the top 10 Countries of Concern. It ranks 6th (a score down from last year) among countries with the most journalists imprisoned worldwide, behind only China, Iran, Saudi Arabia, Belarus, and Burma.⁵⁸

RECOMMENDATIONS

The Vietnamese government should:

- Fully guarantee the right to freedom of expression and freedom of access to information for all Vietnamese people in the spirit of *the International Covenant on Civil and Political Rights*;
- Repeal or amend the 2016 Press Law, the 2016 Access to Information Law, and the 2018 Cyber Security Law;
- Implement *The UN Plan of Action on the Safety of Journalists and the Issue of Impunity*;
- Release all prisoners convicted for peacefully exercising their right to freedom of expression.

53 Tuổi Trẻ. Nhà báo Hàn Ni và một nhóm người xảy ra xô xát ở quận 7, TP.HCM.

54 Sài Gòn Giải Phóng. Phóng viên Báo Người lao động bị hành hung khi tác nghiệp.

55 RSF. 2023 World Press Freedom Index – journalism threatened by fake content industry.

56 Human Rights Foundation. *Threats Against Journalists in Asia: Online Trolling and Jailing of Reporters*.

57 Freedom House. *Freedom in the World 2023 – Vietnam*.

58 PEN America. *Freedom to Write Index 2022*.

V

THE RIGHT TO FREEDOM OF RELIGION AND BELIEF

On March 9, 2023, for the first time in the history of the Communist government of Vietnam, the Ministry of Information and Communications and the Government Committee for Religious Affairs published a white paper on religion. The white paper is entitled “Religion and Religious Policy in Vietnam.” Speaking at the document’s launch, Deputy Head of the Government Committee for Religion Nguyen Tien Trong said, “Over the past time, Vietnam has also achieved many achievements in ensuring the right to freedom of belief and religion, which are recognized and appreciated by domestic people and international friends.”¹

To better understand the authenticity of the statement of the government representative and that document, the report below will present the religious freedom situation in Vietnam in 2022-2023 through three main parts.

- Vietnamese communist authorities violate the right to freedom of religion and belief through legislation;
- Vietnamese communist authorities violate the right to freedom of religion and belief by controlling religious organizations;
- Vietnamese communist authorities violate the right to freedom of religion and belief by repressive actions

1. VIETNAMESE COMMUNIST AUTHORITIES VIOLATE THE RIGHT TO FREEDOM OF RELIGION AND BELIEF THROUGH LEGISLATION

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 the juridical personality of state-sanctioned religious organizations (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).

¹ Xây dựng Đảng. *Ra mắt Sách trắng “Tôn giáo và chính sách tôn giáo ở Việt Nam”*.

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 contradict 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.

On June 21, 2022, the Government Committee for Religious Affairs coordinated with relevant ministries and branches to draft a Draft Decree to replace Decree 162/2017/ND-CP and a Draft Decree on sanctioning administrative violations in the field of belief and religion.

The content of both drafts is not intended to improve the relationship between the state and religion. However, on the contrary, it allows the government to control the organization and activities of religions more closely.

For example, according to the Draft Decree to replace Decree 162/2017/ND-CP, the central state management agency in charge of belief and religion and the provincial People's Committee have the right to suspend all religious activities of religious organizations according to decentralization of authority (Article 13); the central state management agency in charge of belief and religion has the right to suspend all training activities of a religious training institution (Article 17); religious organizations that wish to make donations to carry out their beliefs, religious and social charity activities must obtain permission and be permitted to conduct them (Article 26); If you want to conduct religious activities online, you must also ask permission from the government (Article 28).²

The draft Decree on administrative sanctions in the field of belief and religion specifies administrative sanctions for violations of the Law on Belief and Religion 2016 provisions. The degree of punishment ranges from fines, cancellation of transfer decisions, nomination and appointment of religious dignitaries, and suspension and dissolution of religious organizations.

After more than six 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 norm in the relationship 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 requirements of the International Covenant on Civil and Political Rights. However, Vietnam refused to accept those recommendations.

2 *Nghị định Quy định chi tiết một số điều và biện pháp thi hành Luật tín ngưỡng, tôn giáo (Dự thảo 2).*

2. VIOLATION OF THE RIGHT TO FREEDOM OF RELIGION AND BELIEF BY ORGANIZATION CONTROL

2.1. Outlawing Certain Religious Organizations

For the Communist government of Vietnam, controlling religions is a priority for political stability, so the government continues to outlaw large and orthodox religious organizations that are not under the control of the Communist Party.

As for Buddhism, the government only recognizes the state-run Buddhist Sangha of Vietnam (formed in 1981)³ 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 according to Official Letter No. 51/TCGP-V3 dated April 8, 1999, of the Government Committee for Religion.⁴

As for the Cao Dai Church, with its 2007 Charter, the government set up the Dai Dao Tam Ky Pho Do Cao Dai Tay Ninh, ruled by an Executive Council, to separate from the Traditionalist Cao Dai Church, called Dai Dao Tam Ky Pho Do.

As for the Khmer-Krom Buddhists, the government dispersed the Khmer-Krom Theravada Buddhist Association and forced Khmer-Krom Buddhist monks to join the Patriotic United Buddhist Association (PUBC), an organization established in 1991, in the spirit of Directive 68-CT/TW, dated April 18, 1991, of the Secretariat of the Central Committee of the Party (term VI).⁵

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.

As for Protestant Churches, the government has recognized only ten organizations, leaving about 70 other Protestant groups illegal.⁶

- 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.”⁷
- 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.⁸
- The “Grace to Salvation Assembly” has been attributed as evil, “having extremist doctrines,

3 Đỗ Trung Hiếu. *Hồ sơ “Thống Nhất Phật Giáo.”*

4 Ban Tôn giáo Chính phủ. *Phật giáo Hòa Hảo 20 năm hoạt động và phát triển.*

5 Bạch Thanh Sang. *Hội Đoàn kết Sư sãi yêu nước vùng Tây Nam Bộ với các hoạt động hướng đến đời sống xã hội và vấn đề đặt ra. Nghiên cứu Tôn giáo, số 12, 2018 tr. 39-58.*

6 VOV. *Nhiều tổ chức Tin lành hoạt động bất hợp pháp tại Việt Nam.*

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

8 Công an Nhân dân. *Đằng sau cái gọi là “Hội thánh của Đức Chúa trời Mẹ”.*

promoting illegal acts,” and the followers continue to suffer persecution.⁹

- 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.¹⁰

Duong Van Minh Cult has been labeled a criminal organization disguised as religion to entice the Hmong people to plot against the state.¹¹ At the same time, the local National Assembly deputy affirmed that the purpose of Duong Van Minh’s Cult was only to improve the Hmong people’s customs and habits.¹²

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, such as in Dak Lak,¹³ Da Lat,¹⁴ Binh Duong,¹⁵ and Hoi An.¹⁶

For sanctioned religious organizations, control is exercised in two ways. The first way is control from the outside by the state apparatus, and the second way is from within the religions by infiltrating maneuvers to manipulate the organization of religions.

2.2. Control From The Outside

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 is an agency equivalent to the General Department under the Ministry of Home Affairs, “advises and assists the Minister of the Interior in governmental management in the field of beliefs and religions and in organizing the implementation of policies and laws on beliefs and religions nationwide; performs public services in the field of beliefs and religions according to the provisions of law” (Decision No. 32/2018/QĐ-TTg of August 3, 2018, by the Prime Minister). The Religious Affairs Department has 14 bureaux, of which five monitor the activities of particular religions. The head of the Committee is Mr. Vu Hoai Bac, a former police colonel and director of the Security Investigation Department of the Ministry of Public Security.

Mr. Bac’s predecessor was Mr. Vu Chien Thang, who came from the public security forces and was the former head of the Northwest Security Department (General Department of Security, Ministry of Public Security).¹⁷

9 Công an Nhân dân. *Đấu tranh hiệu quả với tổ chức tà giáo “Ân điển cứu rỗi”*.

10 Công an nhân dân. *Làm rõ bộ mặt thật của tà đạo “Giê Sùa” và “Bà Cô Dợ”*.

11 Thế giới & Việt Nam. *Nhận thức đúng đắn về tổ chức bất hợp pháp Dương Văn Minh*.

12 Youtube. *Đại biểu Quốc hội Sùng Thìn Cò ý kiến về cán bộ thiếu trách nhiệm, không sâu sát tình hình người dân*.

13 Công an Nhân dân. *Phạt hành chính nhóm đối tượng tuyên truyền trái phép pháp luân công*.

14 Youtube. *Học viên Pháp Luân Công tại Đà Lạt bị hành hung: Tiếng nói người trong cuộc*.

15 RFA. *Người thực hành Pháp luân công tố cáo bị đánh đập nhưng đơn không được đoái hoài!*

16 VOA. *Chính quyền giải tán nhóm sinh hoạt Hội Thánh Đức Chúa Trời ở Hội An*.

17 VNExpress. *Cục trưởng An ninh làm Trưởng ban Tôn giáo Chính phủ*.

At the local level, every province, city, district, commune, ward, and town has an equivalent level of Religious Affairs Committee.

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.

Supported by those powerful offices, the government continued to control all religions in 2022-2023 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, to demonstrate that there is religious freedom in Vietnam, the Ministry of Home Affairs listed the “favors” granted in 2022, “There are 183 meeting sites that have been granted registration for religious activities; 646 people were ordained and nominated clergy; 3,238 people are appointed, elected, and promoted to hold dignitary positions; 424 religious clerics allowed to transfer.”¹⁸ According to international human rights law, the abovementioned interventions seriously violate the people’s and religious organizations’ right to religious freedom.

2.3. Control From Inside

The control from within is carried out by allowing people to infiltrate religious organizations to manipulate and direct religious activities according to the lines and policies of the VCP. This personnel infiltration into religious organizations of the CPV is a state secret.

So far, the Prime Minister of Vietnam has issued 32 Decisions on the list of state secrets regarding the State and CPV’s activities.¹⁹ 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.

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.²⁰

The communist government has trained “police officers disguised as clergy,” predominantly Buddhist monks, to install in temples and monasteries in the country and abroad. The document of the IX Buddhist Congress in November 2022 stated that the church has the task of carrying out cultural diplomacy and people-to-people diplomacy.²¹ So, hundreds of (state-owned) monks have been trained to infiltrate overseas Buddhist communities to tame them along the lines of the VCP.²²

18 Tuyên Giáo. *Từ chủ trương, chính sách đến thực tiễn đời sống tín ngưỡng, tôn giáo ở Việt Nam hiện nay.*

19 Ban Cơ Yếu Chính Phủ. *Tổng hợp Danh mục bí mật nhà nước trong các lĩnh vực do Thủ tướng Chính phủ ban hành.*

20 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.*

21 Luật Khoa. *3 nhiệm vụ chính trị mà đảng giao cho Giáo hội Phật giáo Việt Nam.*

22 The Epoch Times. *Vietnam’s Covert War Against Overseas Buddhists.*

Such was the case with the Cao Dai religion, with the government creating an organization in 1997 with the name “Dai Dao Tam Ky Pho Do Cao Dai Tay Ninh” and at the same time trying to eliminate “Dai Dao Tam Ky Pho-Do,” which has been a religion since 1926.²³

In March 2022, senior party and government officials 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 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.”²⁴

The plot to infiltrate the overseas Cao Dai believer community in 2021, carried out by the 1997 Branch, with the establishment of the Overseas Representative Committee, was discovered and failed, demonstrating another case of the infiltrating Vietnamese religious organizations abroad policy.²⁵

In 2022-2023, the government continued implementing 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,²⁶ and in Binh Thuan province, where many Cham people follow Islam.²⁷ The purpose of this model is to use religion to control adherents politically.

3. VIOLATION OF THE RIGHT TO FREEDOM OF RELIGION AND BELIEF BY REPRESSIVE ACTIONS

The communist government of Vietnam has suppressed its citizens’ freedom of religion in various ways, from pursuing and imprisoning church adherents to preventing travel and gatherings, vandalizing church facilities, confiscating church property, and compelled abandonment of faith.

3.1. Repression Through Criminalizing Religious Activities

The criminalization of religious activities not following the state’s policy with alleged crimes such as “sabotaging the implementation of solidarity policies” (Article 116 of the Criminal Law), “making, storing, and spreading information, materials, and items to oppose the Socialist Republic of Vietnam” (Art 117), “disturbing public order” (Article 318)... are apparent abuses of the Criminal Law to suppress the right to freedom of religion.

The Vietnamese government continues imprisoning several religious freedom activists for vague alleged crimes under the Criminal Law 2015. Among them, some have received hefty sentences,

23 VNTB – *Khổ nạn của đạo Cao Đài (Phần 2)*.

24 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*.

25 Mach Song Media. *Chiến thắng pháp lý của Thánh Thất Cao Đài Mountain View là chiến thắng chung của người Việt trong thế giới tự do trước Nghị Quyết 36*.

26 Công an Nhân dân. *Chức sắc tôn giáo tham gia giữ gìn an ninh trật tự*.

27 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*.



April 8, 2023, Dak Lak Provincial Police detained preacher Y Krech Bya to investigate the act of “Sabotaging the great unity policy” prescribed in Article 116 of the Criminal Law. Photo on Nhan Dan News

including members of An Dan Dai Dao,²⁸ Mr. Nguyen Bac Truyen of the Orthodox Hoa Hao Buddhism,²⁹ Pastor Nguyen Trung Ton,³⁰ Pastor Y Yich³¹ (see the complete list of religious prisoners in Appendix II).

In 2022-2023, the Vietnamese government continued to use vague provisions of the 2015 Criminal Law to prosecute and imprison religious activists:

- On May 18, 2023, the Investigation Security Agency, Phu Yen Provincial Police arrested missionary Nay Y Blang, a leader of the Central Highlands Christian Church, to temporary detention for the charge of “abusing democratic freedoms to infringe upon the interests of the State, and the legitimate rights and interests of organizations and individuals” according to Article 331 of the 2015 Criminal Law.³²
- On April 8, 2023, Dak Lak Provincial Police arrested and prosecuted missionary Y Krech Bya while holding an Easter vigil at home for the charge of “undermining the unity policy” (Art 116 of the 2015 Criminal Law), and at the same time prosecuted Pastor Aga, currently a refugee in the United States, with the same crime.³³
- On July 21, 2022, the People’s Court of Duc Hoa district, Long An province, sentenced Mr. Le Tung Van (90 years old) to 5 years in prison and five fellow believers in Tinh That Bong Lai temple for a total of 18 years six months in jail with the charges of Article 331 of the 2015

28 VOV. *Việt Nam tuyên án 22 người về tội ‘hoạt động nhằm lật đổ chính quyền’*

29 VOA. *USCIRF bảo trợ cho tù nhân lương tâm Nguyễn Bắc Truyển.*

30 RFA. *Sức khỏe TNLT Nguyễn Trung Tôn nguy kịch, trại giam từ chối điều trị y tế.*

31 USCIRF. *Y Yich.*

32 VOA. *Việt Nam bắt giam thầy truyền đạo thuộc Hội thánh Tin lành Đấng Christ Tây Nguyên.*

33 Mach Song Media. *Thư chung gửi Ngoại Trưởng Blinken: Hãy lên tiếng với Hà Nội về tình trạng đàn áp tôn giáo leo thang.*



On March 22, 2023, while Father Francis Xavier Le Tien was celebrating the 4th week of Lent Mass at St. Paul chapelry, Dak Giac Parish (Dak Nong commune, Ngoc Hoi district, Kon Tum province), Some Dak Nong commune officials rushed to the altar, prevented, cursed, and asked to stop the Mass. Screenshot from video Nhathothaiha.net

Criminal Law.³⁴ Tinh That Bong Lai is a branch of Buddhist practice but is not part of the Vietnamese Buddhist Church established by the government. Three of the five defendants' defense lawyers were then chased by the communist authorities and had to take refuge in the United States.³⁵

3.2. Repression Through Administrative Orders

3.2.1. Preventing Gatherings for Religious Activities

At the same time, with administrative orders, authorities in many localities continue to prevent religious gatherings and arrest participants. The following are some cases reported through the media:

- On March 22, 2023, while Father Francis Xavier Le Tien was celebrating the Wednesday Lent Mass at St. Paul mission in Dak Giac Parish (Dak Nong commune, Ngoc Hoi district, Kon Tum province), some officials from Dak Nong commune rushed up to the altar, obstructed, cursed, and asked the priest to stop the Mass.³⁶
- On March 7, 2023, the police of Hoi An City, Quang Nam province, discovered ten people organizing illegal religious activities related to the Church of God the Mother. The police ordered the followers to disband and confiscated their worship materials.³⁷
- On February 11, 2023, the police of Dien Chau district, Nghe An province, stopped five members of the Church of God from conducting religious activities in Dien Tan commune.³⁸
- On December 3, 2022, the police of Ngu Hanh Son district, Da Nang City, broke into a house in Hoa Hai ward, where 16 members of the Church of God the Mother were worshipping. The

34 BBC. *Tinh thất Bồng Lai: Luật sư 'thất vọng' khi ông Lê Tùng Vân bị 5 năm tù vì 'lợi dụng tự do dân chủ'.*

35 BBC. *Niềm vui và nỗi buồn khi ba luật sư Việt Nam thoát 'truy tìm' để tới Mỹ an toàn.*

36 VNTB. *Nhà nước phá thánh lễ tại Kon-Tum.*

37 Thanh Niên. *Phát hiện nhóm người sinh hoạt "Hội thánh Đức Chúa Trời mẹ" trái phép.*

38 Nghệ An. *Phát hiện điểm sinh hoạt Hội thánh Đức Chúa Trời trái phép ở Diễn Châu.*

police made a report of the assembly proceedings, confiscating items for religious activities.³⁹

- In September 2022, a group of Falun Gong practitioners in Da Lat City, Lam Dong province, announced in a YouTube video that from July 2022, security forces disguised as thugs continued to harass and assault them while they were practicing in the city's Lam Vien square.⁴⁰
- From July 8 to 10, 2022, the government of Ea Lam commune, Song Dinh district, Phu Yen province, has continuously disturbed and harassed the Evangelical Church Of Christ followers in the Central Highlands. The government summoned three group members, Mr. Nay Y Blang and Mr. Kshir Y Them, to work on the church's activities.⁴¹
- On July 5, 2022, the police of Buon Ma Thuot city, Dak Lak province, prevented 40 Protestant believers from celebrating at a private house in K'mrong Prong B village, Ea Tu commune.⁴²
- On May 23, 2022, the police of Phu My commune (Phu Vang district, Thua Thien-Hue) discovered that a group of 8 people from outside the locality were gathering for illegal activities based on Nhất Quán Đạo (Yiguandao). The police reported the proceedings of the assembly. They confiscated all scriptures and documents, including a metal oil lamp in which there is one with the symbol "Buddha" written in Chinese characters.⁴³
- 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 Archbishop Joseph Vu Van Thien is celebrating Mass at Vu Ban parish, Lac Son district, Hoa Binh province.⁴⁴
- 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.⁴⁵ On April 22, 2021, another person stabbed a priest and two parishioners at An Khe parish church in the Kontum diocese.⁴⁶ 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.⁴⁷

3.2.2. Obstructing the Freedom of Movement of Religious People

The government often impedes the travel of religious dignitaries and bans religious gatherings that they consider incompatible with the ruling party's interests. The following are some typical cases in 2022-2023:

- On September 18, 2023, the Immigration Management Agency of the Ministry of Public Security at Tan Son Nhat Airport prohibited Ms. Nguyen Xuan Mai, a dignitary of the Cao Dai Chan Truyen Church (not under state management), from boarding a plane to the United States to attend a religious freedom conference in Dallas, Texas for "national security reason."⁴⁸

39 VTC News. *Bắt quả tang 16 người lén lút truyền đạo Hội thánh đức chúa trời.*

40 Youtube. *Học viên Pháp Luân Công tại Đà Lạt bị hành hung: Tiếng nói người trong cuộc.*

41 VOA. *Tín hữu tin lành Đấng Christ ở Phú Yên bị chính quyền sách nhiễu, hăm dọa.*

42 RFA. *Một nhóm Tín đồ Tin lành Tây Nguyên liên tục bị ngăn cản thực hành tôn giáo.*

43 Công an Nhân dân. *Ngăn chặn nhóm đối tượng tụ tập sinh hoạt "đạo lạ" trái phép.*

44 Conggiao.vn. *NÓNG: 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.*

45 VNTB. *Linh Mục Trần Ngọc Thanh bị giết – Phải tìm ra sự thật!*

46 Thanh Niên. *Gia Lai: Đốt nhà thờ, đâm linh mục và 2 người khác bị thương.*

47 MẠCH SỐNG MEDIA. *BPSOS báo động quốc tế về một Linh Mục Công Giáo bị thăm sát ở Kontum.*

48 VOA. *Việt Nam cấm xuất cảnh tín hữu Cao Đài độc lập Nguyễn Xuân Mai; Đại sứ Mỹ lên tiếng.*



On December 18, 2022, traffic and security forces prevented Orthodox Hoa Hao Buddhist followers from gathering to commemorate the Birth Day of Hoa Hao Buddhist Patriarch Huynh Phu So. Screenshot from Orthodox Hoa Hao Buddhist Communication Department.

- On April 24, 2023, Lam Dong Provincial Police prevented Rev. Hua Phi of the Traditionalist Cao Dai Church from meeting with the delegation of the US Consulate General at a reception organized by the representatives of the Vietnam Interfaith Council at Giac Hoa Pagoda, Ho Chi Minh City.⁴⁹
- On February 22, 2023, the authorities of Buon Don district, Dak Lak province, sent security forces to guard the house of 3 Christians of the Evangelical Church of Christ, including Mr. Y Kreec Bya, Mr. Y Nguyet, and Mr. Y Coi, to prevent them from meeting the delegation of the US Consulate General to report on the state of religious persecution.⁵⁰
- On December 24, 2022, authorities in Dak Lak province arrested and interrogated two people from the Evangelical Church of Christ and confiscated their phones while going to a local Christmas Mass.⁵¹
- On December 18, 2022, Vietnam authorities tried to prevent the Orthodox Hoa Hao Buddhist followers from celebrating the birthday of Master Huynh Phu So (November 25 of the lunar calendar), forcing them to celebrate privately at home.⁵²
- On November 6, 2022, the police at Tan Son Nhat airport arrested two Montagnard Protestants, Mr. Y Khiu Nie, and Mr. Sy Eban, while attending the Southeast Asian Conference on Freedom

49 RFA. *Lâm Đồng ngăn chặn nhà hoạt động tự do tôn giáo gặp phái đoàn Mỹ.*

50 RFA. *Chính quyền ngăn cản phái đoàn Mỹ gặp tín đồ Hội Thánh Tin Lành Đấng Christ Tây Nguyên.*

51 RFA. *Đắk Lắk: Đi dự lễ Giáng sinh, hai người thuộc Hội thánh Tin lành Đấng Christ bị sách nhiễu.*

52 RFA. *Công an ngăn tín đồ PGHH Thuận tụy kỷ niệm 103 năm ngày Đản Sinh Đức Huỳnh Giáo Chủ.*

of Religion and Belief in Bali, Indonesia. The police did not issue arrest warrants but took them to a detention center for interrogation.⁵³

- On October 24, 2022, public security forces at Tan Son Nhat airport prevented Father Joseph Truong Hoang Vu of the Redemptorist Order of Vietnam from leaving the country when he made a trip to the US to raise funds for the invalids of the Republic of Vietnam. Father Truong Hoang Vu is the 6th priest of the Redemptorist Order of Vietnam to be banned from leaving the country in recent years by the government.⁵⁴
- On September 30, 2022, public security forces arrested and detained Mr. Nay Y Blang, a Protestant believer in Bung Be village, Song Dinh district, at Phu Lam bus station in Tuy Hoa city when he traveled to Saigon to meet with a religious delegation from the US Department of State to report on the situation of persecution.⁵⁵
- On March 26, 2022, public security forces set up a checkpoint on the road leading to the headquarters of the Orthodox Hoa Hao Buddhist Church in Long An commune, Cho Moi district, An Giang province, to prevent followers from attending the “Virtuous Master Huynh’s Disappearance Day.”⁵⁶

3.2.3. *Infringement on Religious Organizations’ Properties*

Furthermore, to limit the activities and influence of religious organizations, the government resorted to the 2013 Land Law, amended several times, to legalize the robbery of church properties, including schools, infirmaries, and social service facilities.

After taking control of South Vietnam, the Communist government confiscated most landholdings, educational, social, and healthcare facilities, and some monasteries and seminaries. For example, in the Archdiocese of Saigon alone, 400 facilities were confiscated after 1975,⁵⁷ and the Archdiocese of Hanoi currently has 95 facilities under the state’s ownership.⁵⁸ 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 confiscation of religious facilities to limit religious activities continued in 2022-2023. In addition to the well-known unresolved cases in recent years, such as the Cao Dai Holy See in Tay Ninh, Lien Tri Pagoda in Thu Thiem, the Benedictine Monastery of Thien An in Hue, and land and school facilities of Thi Nghe parish,⁵⁹ the Vietnamese government also conducted several new cases of forced occupation, such as:

- On December 13, 2022, the Police Department and dozens of local officials from Plei Kan town and Ngoc Hoi district forcibly dismantled Son Linh Pagoda, belonging to the Unified Buddhist Church of Vietnam.⁶⁰
- On November 10 and 11, 2022, the authorities of Xuyen Moc district dismantled the

53 Mach Song Media. *Báo cáo viên Đặc biệt LHQ lên tiếng về trường hợp Y Khiu Niê và Y Sĩ Êban.*

54 VOA. *Thêm một linh mục Dòng Chúa Cứu Thế Việt Nam bị cấm xuất cảnh.*

55 RFA. *Người truyền giáo Tin lành bị sách nhiễu, tịch thu tài sản sau khi gặp đại diện ngoại giao Hoa Kỳ.*

56 Facebook Phật Giáo Hòa Hảo Thuận Tuy

57 123doc. *Các cơ sở công giáo mà nhà nước Việt Nam đã chuyển quyền sử dụng.*

58 RFI. *Giáo hội Công giáo Việt Nam phản đối chính quyền phá tu viện Camêlô.*

59 Thông Tin 24h. *Giáo Xứ Thị Nghè Sài Gòn bị chính quyền chiếm đoạt tài sản.*

60 VOA. *Chính quyền Kon Tum tháo dỡ chùa Sơn Linh.*

construction works of Thien Quang Pagoda, also belonging to the Unified Buddhist Church.⁶¹

- On August 2, 2022, the authorities of Bao Lam district, Cao Bang province, sent security forces to demolish many funeral homes of Duong Van Minh sect followers. The police also went to their houses to remove the altars and replace them with a photo of President Ho Chi Minh.⁶²

Along with appropriating land and destroying religious facilities not under the CPV's control, the government uses the right to grant land to reward religious organizations that bend to the CPV's lines. The most prominent case is that in recent years, the government has given the Vietnam Buddhist Sangha many large plots of land in beautiful locations to build many temples with the most beautiful and enormous records.⁶³

3.2.4. Forced Renunciation of Religion

The most radical form of repression is forced renunciation of people's faith. However, on November 9, 2021, the Prime Minister signed Decision No. 78/QĐ-TTg approving the project "Fighting, preventing, and moving towards eradicating Duong Van Minh's illegal organization in Tuyen Quang, Cao Bang, Thai Nguyen, Bac Kan, and Lao Cai provinces;" Project 78 for short.

- On September 15, 2023, Deputy Minister of Home Affairs Vu Chien Thang issued document No. 5254/BNV-TGCP on several tasks for the "Church of God the Mother" to the People's Committees of provinces and cities. The document instructs authorities at all levels to "promptly detect and resolutely fight and organizationally eliminate the Church of God the Mother in Vietnam."⁶⁴
- On July 16, 2023, Dan Toc Mien Nui magazine reported that the Yen Bai provincial government forced five families with 32 people to abandon the "Giê sù" sect, and nearly 50 families with over 250 people pledged to leave the sect "Save by Grace" to return to the traditional beliefs of the Hmong people or religious organizations recognized by the government.⁶⁵
- On April 12, 2023, local authorities in Nam Quang commune, Bao Lam district, Cao Bang province, went to the house of the H'mong people to force them to sign a pledge to renounce Duong Van Minh's sect.⁶⁶
- On November 3, 2022, Tuyen Quang Provincial Police said the government has actively propagated the campaign of abolishing Duong Van Minh Sect. As a result, 100% of the H'mong households in Tuyen Quang province who had followed the Duong Van Minh sect signed a commitment to renounce it.⁶⁷
- On June 15, 2022, a family of 13 H'mong ethnic people in Na Ngoi commune, Ky Son district, Nghe An province, informed the Evangelical Church of Vietnam (North) that local authorities pressured them to renounce their religion.⁶⁸
- On February 28, 2023, Cao Bang Provincial Party Committee said it had "successfully mobilized" 162 households/562 people to give up the Duong Van Minh sect.⁶⁹

61 RFA. *Chùa Thiên Quang tiếp tục bị chính quyền gây sức ép, cưỡng chế tháo dỡ công trình đang xây dựng.*

62 RFA. *Hàng loạt điểm nhóm của đạo Dương Văn Minh tại Cao Bằng bị bố ráp trong đêm.*

63 Luật Khoa. *Nhà nước vẫn giữ quyền ban phát đất đai như một công cụ kiểm soát tôn giáo.*

64 Bộ Nội Vụ. *Văn bản số 5254/BNV-TGCP V/v một số công tác đối với "Hội thánh của Đức Chúa Trời Mẹ".*

65 Dân Tộc Miền Núi. *Ngăn chặn kịp thời các tổ chức tôn giáo trái phép tại Yên Bái.*

66 RFA. *Chính quyền Cao Bằng ép nhiều tín đồ Dương Văn Minh ký giấy bỏ đạo.*

67 Dân Tộc và Miền Núi. *Bình yên trở lại trên những bản Mông (Bài 2).*

68 Thời Báo. *13 Người H'mong Bị "Trục Xuất Khỏi Địa Phương" Vì Theo Tin Lành.*

69 Caobangtv.vn. *Hội nghị tổng kết cao điểm 100 ngày (đợt 2) đấu tranh, xóa bỏ tổ chức bất hợp pháp Dương Văn Minh.*

4. RELIGIOUS FREEDOM IN VIETNAM AS ASSESSED BY INTERNATIONAL ORGANIZATIONS

- On November 30, 2022, the US Department of State's International Religious Freedom Report for 2022 placed Vietnam on the Special Watch List for having engaged in or tolerated severe violations of religious freedom.⁷⁰
- The US Commission on International Religious Freedom (USCIRF), in its 2023 annual report, stated that "In 2022, religious freedom conditions in Vietnam worsened. Authorities intensified their control and persecution of religious groups - especially unregistered, independent communities, including Montagnard and Hmong Protestants, Cao Dai followers, Hoa Hao Buddhists, and Unified Buddhists, as well as other unrecognized movements such as Duong Van Minh and Falun Gong." This organization suggested that the US Government put Vietnam back on the "Countries of Particular Concern" list for its religious freedom violations.⁷¹
- In its 2022 report, Open Doors USA ranked Vietnam 25th among "50 countries where it is most dangerous to follow Jesus."⁷²
- In its World Report 2023, Human Rights Watch noted: "The government restricts religious practice through legislation, registration requirements, and surveillance. Religious groups must get approval from, and register with, the government and operate under government-controlled management boards."⁷³

RECOMMENDATIONS

It is recommended that the Government of Vietnam to

- 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 restriction on the freedom to practice religion, not interfere in the internal activities of religions, and return confiscated church property.

The US government should:

- Put Vietnam back on the List of Countries of Particular Concern that the US Commission on International Religious Freedom, NGOs, and US Congress members have repeatedly suggested.

⁷⁰ United States Department of State. *International Religious Freedom Report for 2022*.

⁷¹ USCIRF. *2023 Annual Report*.

⁷² Open Doors USA. *The World Watch List 2023 - The top 50 countries where its most difficult to follow Jesus*.

⁷³ HRW. *World Report 2023 – Vietnam, Events of 2022*.

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

To participate in two Free Trade Agreements (FTAs): the Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP), which came into force on January 14, 2019, and the European Union–Vietnam Free Trade Agreement (EVFTA), effective from August 1, 2020, Vietnam has committed to respecting workers' rights under the International Labor Organization (ILO) provisions. That commitment has opened up many hopes for Vietnamese workers' rights. During the negotiation, 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 world, especially the European Union, was ready to use necessary sanctions to force Vietnam to fully and strictly enforce the signed agreement.

1. AMENDMENTS OF LABOR LAWS TO PASS THE FREE TRADE AGREEMENTS (FTAS)

One of the basic requirements of the EVFTA is that Vietnam, as a member of the International Labor Organization (ILO), commits to respect, promote, and implement the 1998 ILO Declaration on Fundamental Principles and Rights at Work, including the ratification and effective implementation of ILO Fundamental Conventions. (Article 13 of EVFTA)

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.¹ In addition, Vietnam promised to ratify Convention 87 on Freedom of Association by 2023 but has so far failed this promise.

Because Vietnam's current legal framework is incompatible 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 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.

1.1. The Labor Law 2019

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

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 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 employee organization, some people hastily concluded that the Vietnamese communist government “allows for the formation of independent trade unions at the grassroots level.”²

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 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 the “enterprise-based employees’ organization,” no such organization is allowed to be established according to that model.

Meanwhile, the Politburo of the CPV issued Resolution No. 02-NQ/TU, dated June 12, 2021, on Renovating the organization and operation of the Vietnam Trade Union in the new situation to prevent the formation of independent trade unions. Although listed at the end of the Resolution, one of the most significant parts is “Strengthening propaganda so that employers, workers, and employees can identify acts of abusing the establishment and operation of the enterprise-based employee organizations to infringe upon national security and cause insecurity and disorder.” (Resolution No. 02-NQ/TU, III, 6)

In July 2020, the Vietnam Independence Union (VIU) was founded without the government’s recognition. According to its website, VIU is a “non-political and non-profit organization, founded from practical needs and pursuing the mission of protecting the legitimate rights of Vietnamese workers in the context of international integration. The working principle of the union is Solidarity - Mutuality – Development.” 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

2 BBC. *Thực hư chuyện ‘công đoàn’ độc lập được thừa nhận ở VN?*

political system of Vietnam.”³

By mid-2022, the VIU website had disappeared and was inaccessible.

In 2022-2023, 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.’”⁴

1.2. Law on Unions

Vietnam has started amending the Law on Unions simultaneously with the 2019 Labor Law. However, it was not until March 23, 2023, that the National Assembly’s Legal Committee approved the proposal of the Vietnam General Confederation of Labor, putting the bill into the 2024 legislation program and submitting it to the National Assembly for comments at the 7th session (May) and passing it at the 8th session (October).⁵

Amending the Trade Union Law, according to President of the Vietnam General Confederation of Labor Nguyen Dinh Khang, “is a complicated task, with many intricate and sensitive aspects.”⁶

Being intricate and sensitive because of the incompatibility between the requirements of the Conventions of the International Labor Organization, especially Convention 87 (Freedom of Association and Protection of the Right to Organize) and Convention 98 (the Right to Organize and Collective Bargaining) with the VCP’s ambition of monopolizing the leadership.

That ambition is clearly expressed by Resolution No. 02-NQ/TW of the Politburo: “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.”⁷

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

The Vietnamese government has continued violating workers’ rights in the following ways:

- The CPV continues to increase its control over trade union activities;

3 An Ninh Thủ Đô. *Lật tẩy mưu đồ đen tối dưới vỏ bọc tổ chức “Công đoàn độc lập Việt Nam”*

4 Công an Nhân dân. *Núp bóng “tổ chức đại diện người lao động” để chống phá Đảng, Nhà nước.*

5 Lao Động. *Sửa Luật Công đoàn: Nâng cao hiệu quả, thu hút người lao động tham gia.*

6 Đại Đoàn kết. *Sửa Luật Công đoàn rất khó, phức tạp, nhạy cảm.*

7 Resolution No. 02-NQ/TW, dated June 12, 2021 of the Politburo on renovating the organization and operation of Vietnam Trade Union in the new situation.

- 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 to support its policies and programs of action. As a member of the Vietnam Fatherland Front, a peripheral organization of the CPV, the VGCL has not changed its purpose and modus operandi. The dependence of the VGCL on the CPV is clearly stated in the 2013 Constitution.⁸

The Vietnam General Confederation of Labor has 11,071,635 members with 124,887 Grassroots Trade Unions.⁹ The core members of the VGCL must be Party members, from the General Confederation level to grassroots unions. The VGCL President, Mr. Nguyen Dinh Khang, is a member of the Party Central Committee and party 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" at 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..."¹⁰

To hold workers' activities under the Party's line, the trade unions' executive committees at all levels must "implement the policies, resolutions, and regulations of the Party and superior trade unions." They must also "direct, control, and guide all activities of trade unions of lower levels."¹¹

In addition, trade unions are also a training ground for candidates for the VCP. In 2022, trade unions at all levels introduced 135,364 elite union members to the CPV to consider and educate for admission.¹²

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 mandatory union dues. Businesses deduct 2% of the employee's salary from employees' wages for the trade union fund. The obligation applies to all companies, whether or not the business has a grassroots trade union. Enterprises not paying into the trade union fund

8 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."

9 Công Đoàn Việt Nam. *Tập trung phát triển đoàn viên, thành lập Công đoàn cơ sở.*

10 Minh Ngọc, 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.*

11 Current Charter of Vietnam Trade Union, issued on February 3, 2020

12 Công Đoàn Việt Nam. *Giới thiệu 135.364 đoàn viên ưu tú cho Đảng xem xét, bồi dưỡng, kết nạp.*



This cramped room, only 8 square meters, is the living place of Mr. Phin Xin Lu and his wife, workers of GoldSun Vietnam (Bac Tu Liem district, Hanoi) Photo Lao Dong Media.

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.

Despite receiving workers' financial resources, the VGCL system has never participated in or supported workers' efforts to claim their legitimate rights. 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. Trade union leaders are not only government officials but also represent employers in many cases. According to a recent survey, up to 30% of surveyed enterprises have senior managers of enterprises who are also union leaders.¹³

In 2022-2023, the number of workers losing their jobs due to the COVID-19 pandemic has decreased compared to the previous two years. However, because of the nature of an outsourcing economy based on FDI enterprises with an export share of 73%, the labor market in Vietnam was disturbed when there were supply chain disruptions and production order shortages. The number of workers losing their jobs increased sharply in 2022 and 2023. In the first five months of 2023, up to 509,903 employees saw their jobs affected, such as job loss, termination, reduced working hours, temporary suspension of labor contracts, or unpaid leave.¹⁴

Not to mention the tragic situation of workers who lost their jobs, even those lucky enough to still have jobs, their lives have become more miserable due to rising prices of food and other essential items. According to a study by the Institute of Workers and Trade Unions, the average income of workers in 2022 is 8.74 million VND per month, while their average spending is 10.3 million per

¹³ Lê Quang Cảnh & Đinh Lê Hải Hà. *Các tình huống thực tế tại Việt Nam về thực hành kinh doanh có trách nhiệm*. Nhà xuất bản Đại học Kinh tế Quốc dân, 2023, tr. 16

¹⁴ Tuổi trẻ. *Hơn nửa triệu lao động bị mất việc, giảm giờ làm, ngành nào nhiều nhất?*

month. Such wages only cover 84% of daily needs.¹⁵

A survey by the Vietnam General Confederation of Labor showed that 12% of workers had to borrow money to spend regularly; 35.5% of workers had to borrow money from time to time.¹⁶

The fate of women who migrate from the countryside to the city to make a living is worrying. Most of them do not have occupational skills but struggle to find opportunities to live as agricultural land becomes scarce. Unlike men, they have a higher risk of losing their jobs and face many risks at work and in cheap temporary housing in cities.

Cultural activities and entertainment are luxuries when workers cannot afford daily necessities. Another survey by the Vietnam General Confederation of Labor showed that more than 60% of workers in industrial zones do not watch TV or listen to the radio; 85% do not read books and newspapers; 80% do not exercise sports regularly; 65% do not participate in cultural activities.¹⁷

Moreover, workers have to work in unsafe conditions. According to the Ministry of Labor, Invalids and Social Affairs, there were 7,718 occupational accidents nationwide in 2022, an increase of 1,214 cases (18.66%) compared to 2021. The number of victims was 7,923, an increase of 1,265 people (18.99%). The number of fatal accidents was 720, with 754 deaths. The number of seriously injured people was 1,647.¹⁸

The primary cause was negligence on the part of the employer in developing operating procedures, inadequate training of workers, and unsafe equipment (accounting for 39.28%). In comparison, the direct cause due to employees is only 18.73%.¹⁹ More worrying is that out of the total number of occupational accidents, the authorities only proposed prosecuting 22 cases, of which 19 had prosecution decisions by investigating police agencies.²⁰

However, those numbers are only the tip of the iceberg because, in reality, the number of occupational accidents, deaths, and injuries is much higher. According to Notice No. 3969/TB-LDTBXH on the situation of occupational accidents in the first six months of 2022 of the Ministry of Labor, War Invalids and Social Affairs dated October 5, 2022, about only 5.37% of enterprises reported the situation of occupational accidents.

Workers have to worry not only about insufficient wages and occupational safety but also about the factory's hygienic conditions and lunch safety. Many businesses only seek profit but disregard the workers' living conditions.

The case of the Samsung Electronics Vietnam factory (Samsung Bac Ninh), with 16,000 workers, violated occupational safety and environment regulations, exposing workers to toxic chemicals for many years with severe consequences is a typical case of large scale.²¹

In March 2023, 37 workers of HSTECH Vina Co., Ltd., headquarters in Bac Ninh, were hospitalized

15 Viện Công Nhân và Công Đoàn. *Đời sống, tâm tư, nguyện vọng của người lao động*.

16 Tuổi Trẻ. '30% công nhân lao động luôn trong tình trạng khó khăn'.

17 VTV. *Nghèo nàn đời sống tinh thần công nhân lao động*.

18 Nhân Dân. *Năm 2022, tai nạn lao động tăng hơn 18%*.

19 Người Lao Động. *Đừng xem thường tai nạn lao động*.

20 Lao Động. *Khởi tố 19 vụ tai nạn lao động nghiêm trọng*.

21 Luật Khoa. *Samsung Việt Nam bị cáo buộc cố ý để công nhân tiếp xúc với hóa chất độc hại*.

for methanol poisoning during work, of which seven were severely or critically ill, and one person died intoxicated, which is another case of a smaller scale.²²

Food poisoning has become a constant concern for workers and their families. In 2022 and 2023, there were workplace food poisoning incidents involving multiple workers, such as:

- On May 25, 2023, 19 workers at HUALDA Thai Binh Garment Co., Ltd., Phuc Khanh Industrial Park, Thai Binh City, suffered food poisoning from lunch shift meals.²³
- On May 11, 2023, the authorities discovered a car unloading nearly 1 ton of animal products, including stench pork leg, lard, pork bone, and frozen chicken, in the industrial zone Dinh Tram, Viet Yen district. This spoiled food was prepared for the workers' meals.²⁴
- On July 23, 2022, 23 Hoa Loi Dat Garment Co., Ltd workers in Cam Phu Ward, Cam Pha City, were taken to Cam Pha Regional General Hospital for examination and treatment for digestive disorders after having a group meal.²⁵

According to a survey by the Food Safety Authority, poor food quality is the leading cause of food poisoning cases.²⁶ The worker's productivity is directly affected by the value of each standard meal at only about 15,000 – 20,000 VND/serving (\$US 0.63-0.85).²⁷ As a result, future generations' physical and mental health will also decline in the long run.

Faced with pressure from factory owners and the helplessness and indifference of trade unions, workers have to turn to strikes to fight for equitable wages and working conditions. Until now, although all the strikes have had good reasons, they are utterly illegal because unions do not organize them and do not go through the collective bargaining and worker consultation procedures as envisaged in the Labor Law 2019.

According to a report by the Vietnam General Confederation of Labor, in 2022, the country had 157 collective work stoppages stemming from labor relations (an increase of 50 over the same period in 2021). In the first three months of 2023, there were 23 strikes, with more than 102,540 employees participating. Most (84.44%) of strikes occurred in foreign direct investment (FDI) enterprises.²⁸

All strikes in 2022 and 2023 stemmed from reasons directly related to the workers' living conditions when the enterprise owners did not fulfill their social responsibilities towards workers, including wages, bonuses, working hours, breaks, occupational safety, health, etc. Many strikes attracted thousands of workers, such as:

- On October 2, 2023, nearly 6,000 workers of Viet Glory Co., Ltd. (Dien Chau district, Nghe An province) went on strike demanding an increase in basic salary, reviewing the attitude of

22 VNExpress. *Hơn hai tuần chữa trị 37 công nhân nhiễm độc methanol qua hô hấp.*

23 Thái Bình. *10 công nhân nhập viện nghi do ngộ độc thực phẩm.*

24 Tuổi trẻ. *Việt Yên (Bắc Giang): Phát hiện gần 1 tấn thực phẩm “bẩn” chuẩn bị vào bếp ăn khu công nghiệp.*

25 Thanh Niên. *Cơ quan chức năng của tỉnh Quảng Ninh đang điều tra vụ 23 công nhân của doanh nghiệp Trung Quốc đặt nhà máy tại TP.Cẩm Phả nghi ngộ độc thực phẩm nhập viện..*

26 Thanh Niên. *Suất ăn rẻ tiền là nguyên nhân ngộ độc thực phẩm cho công nhân.*

27 Người Lao Động. *Đưa nội dung cải thiện bữa ăn giữa ca vào thỏa ước.*

28 Lao Động. *Năm 2022, cả nước xảy ra 157 cuộc ngừng việc tập thể.*



On October 2, 2023, nearly 6,000 workers of Viet Glory Co., Ltd. (Dien Chau district, Nghe An province) went on strike demanding an increase in basic salary, reviewing company officials' attitudes, and setting reasonable work standards. Screenshot from Tuổi Trẻ Online video.

company officials, and setting reasonable performance standards.²⁹

- On July 10, 2023, about 4,200 Simone Handbag Vietnam Co., Ltd workers in Long An went on strike to demand a salary increase because they had not received a salary increase for three years.³⁰
- 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' earnings.³¹
- 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.³²
- On January 7, 2022, more than 16,000 Pou Chen Vietnam Company workers in Bien Hoa, Dong Nai, went on strike because the company did not agree to increase the Tet bonus.³³

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, putting the provisions of the conventions into practice 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

29 VietnamNet. *Hàng nghìn công nhân sản xuất giày da đến công ty rồi bỏ về.*

30 Lao Động. *Ngừng việc tập thể tại Công ty có hơn 4.000 công nhân lao động ở Long An.*

31 Công Đoàn Việt Nam. *Ninh Bình: Hơn 5.000 công nhân lao động đồng loạt ngừng việc tập thể.*

32 RFA. *Nghe An: 5.000 công nhân giày da đình công.*

33 RFA. *Hàng ngàn công nhân Pou Chen đình công sang ngày thứ tư, đòi giám chức Chủ tịch Công đoàn.*



On December 2, 2022, Ha Tien International Border Gate post received 97 Vietnamese citizens returning home after being deceived into going to Cambodia and being forced to work in facilities owned by foreigners. Photo Hoang Thu (Kien Giang Online)

rehabilitation centers, citing the use of forced labor and no evidence of medical treatment.³⁴

In joining the Abolition of Forced Labor Convention in 2020, the Government of Vietnam did not deny that prisoners must 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, 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 105.³⁵

In March 2022, at the Ministry of Public Security proposal, the National Assembly Standing Committee issued Resolution No. 54/202, sending prisoners to work at construction sites managed by private enterprises.³⁶ On March 13, 2023, the government issued Decree No. 09/2023 detailing the implementation of the above Resolution by the National Assembly.

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.³⁷ 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 victims of forced labor.³⁸

³⁴ ILRF. *Forced labor in Vietnam*.

³⁵ Dân Sinh. *Lao động của phạm nhân không thuộc phạm vi điều chỉnh của Công ước 105*.

³⁶ Vietnam Plus. *Thí điểm mô hình tổ chức dạy nghề cho phạm nhân ngoài trại giam*.

³⁷ Fair Labor Association. *Forced Labor in Supply Chains: Addressing Risks and Safeguarding Workers' Freedoms*.

³⁸ Sheldon Zhang, Ph.D. et al. *Prevalence of Forced Labor in Vietnam's Apparel Industry*.



A 15-year-old boy works at a motorbike repair shop in Vinh Thanh, Dong Thap, to help his family earn extra income. UNICEF photo.

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 credulous job seekers good overseas employment contracts. 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.

In 2022-2023, forced labor for export workers is of particular concern. There were numerous reports of workers being promised good jobs in Cambodia and the Philippines but then caught doing unscrupulous practices in casinos and Internet fraud. [see Chapter I, 3. 2. Exploitation of Export Workers]

Another kind of forced labor involves mistreating 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 country is 6.9%. The Central Highlands has the highest rate of child labor (13.8%). Children of the Hmong ethnic group have a labor rate of 25.5%.³⁹ In addition, the COVID-19 epidemic in recent years has significantly impacted 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 2022, 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.⁴⁰

³⁹ UNFPA, UNICEF and VN GSO. *Viet Nam SDGCW Survey 2020-2021*.

⁴⁰ U.S. Department of Labor. *2022 List of Goods Produced by Child Labor or Forced Labor*.

However, the most common “occupations” for children in Vietnam are working as domestic workers for wealthy families, selling small items and lottery tickets in public places, and shining shoes. Worse still, many children have to play disabled to attract the compassion of passersby, serving professional beggar organizations. The report above does not include those kinds of “occupations.”

Despite its commitment to respect workers’ rights through compliance with ILO international labor conventions and international trade treaties, Vietnam continues to violate workers’ fundamental rights.

On March 23, 2023, the European Parliament Delegation for Relations with the Countries of Southeast Asia and the Association of Southeast Asian Nations (DASE) held a hearing on implementing the International Labor Organization (ILO) conventions. At the hearing, many experts and social activists said that Vietnam violates many core conventions of the ILO they signed and that the workers’ conditions have not improved.⁴¹

On March 15, 2023, the Government of Canada agreed to consider a petition accusing the Vietnamese government of violating the provisions on workers’ rights in the CPTPP. The Vietnamese Canadian Federation had filed the petition with the support of its member associations, the Vietnamese Community in South Australia – SA Chapter Inc., and the Community of Vietnamese Political Refugees in Europe.⁴²

On February 28, 2023, at a conference organized by the European Parliament DASE, to review the situation of workers more than two years into the implementation of the Free Trade Agreement between the EU and Vietnam (EVFTA), many representatives of civil society organizations pointed out the Vietnamese government’s violations of the EVFTA. They called on the European Parliament to pressure Vietnam to improve its human rights and labor records.⁴³

RECOMMENDATIONS

It is recommended that the Government of Vietnam to

- Amend the 2019 Labor Law and the 2012 Trade Union Law, practically ensuring the freedom to establish independent unions;
- Ratify and implement the ILO’s Convention No. 87 on Freedom of Association and the Protection of the Right to Organize, and strictly implement signed international conventions on workers’ rights;
- Improve the living and working conditions of workers, specifically in the fields of employment, wages, social insurance, and occupational safety and health;
- Eliminate all forms of forced labor; strictly prohibit the exploitation of child labor.

⁴¹ European Parliament. *eMeeting for Delegations*.

⁴² Government of Canada. *Public communication CAN 2023-1 (Vietnam) – Accepted for review*.

⁴³ RFA. *Civil societies call on European Parliament to pressure Vietnam on human rights*.

VII THE RIGHT TO EQUAL TREATMENT AND NON-DISCRIMINATION

Vietnam has participated in many international 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). 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).

However, in reality, discrimination and unequal treatment did not improve in 2022-2023, especially on the issue of discrimination against citizens of the former Republic of Vietnam, those outside the Communist Party 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.¹

South Vietnam War veterans and their families are most discriminated against by the current regime. After 1975, about 200,000² Army of the Republic of Vietnam (ARVN) wounded 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.

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

2 Hội HO Cứu Trợ TPB & QP. *Chuyện người thương binh.*

Since 2014, with the assistance of their compatriots worldwide, some ARVN disabled veterans came together and told the world how their government had stigmatized, discriminated against, and marginalized them.

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.³

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. However, the government has repressed this charitable work. In addition to making it difficult for the organizers, security forces have intimidated disabled vets.

On October 24, 2022, security at Tan Son Nhat airport blocked priest Joseph Truong Hoang Vu, a Redemptorist, while he was on his way to the US to raise funds to help the wounded soldiers of the Republic of Vietnam. The root cause is that the Vietnamese government is determined to abolish the program of Gratitude for the invalids of the Republic of Vietnam by the Redemptorists.⁴

Meanwhile, the government has adopted an opposite policy towards Communist cadres, 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, of which nearly 1.3 million people are enjoying the monthly preferential regime.⁵

According to the Government’s Decree 55/2023/ND-CP dated July 21, 2023, the preferential allowance for people with meritorious services to the Revolution increased from VND 1,624,000 to VND 2,055,000 (30%) from July 1, 2023.

In addition, meritorious people are also entitled to many other benefits and incentives, such as exemption or reduction of land use fees, health insurance, priority in school enrollment, job opportunities, preferential loans for business, tax exemption or reduction as prescribed by laws.

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.⁶

2. DISCRIMINATION AGAINST NON-COMMUNIST PARTY CITIZENS

The Communist Party of Vietnam (CPV) has about 5.3 million members in a country with approximately one hundred million inhabitants. 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 to the public domain (see

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

4 Như Hồ. *Chương trình tri ân TPB-VNCH ngày càng gặp nhiều khó khăn (SaiGon Nhỏ)*

5 Bộ LĐ-TBXH. *Hoàn thiện chính sách ưu đãi người có công với cách mạng: Đậm nghĩa tình, tri ân sâu nặng.*

6 Tin Tức. *Huy động các nguồn lực chăm sóc tốt nhất dành cho người có công.*

Chapter III – Right to Participate in National Political Life). However, it extends to all social activities, from the economy to education and social security.

In the economy, according to the current regulations of the Communist government of Vietnam, all CPV members with five years of party age or more receive a salary depending on their seniority. Party members with 30 party-age years or more are entitled to bonuses depending on seniority. For example, a 30-party-age-year member will be rewarded with VND 2.7 million per month and a 50-party-age-year member will be awarded VND 5.4 million per month. In addition, when party members are elected or appointed to the Party’s Executive Committee, Party cells at all levels, from the central to grassroots levels, will be entitled to a responsibility allowance. It is worth mentioning that the national budget is funding the compensation of the CPV members.

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.⁷

In principle, all citizens benefit from 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,⁸ 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 the provincial, 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.

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 2022-2023. 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 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 of 2021, the government picked up six religious dignitaries for this 500-member body.⁹ However, this theatrical performance could

⁷ Tuổi Trẻ Online. *3 điểm mới khi xét tuyển vào trường quân đội.*

⁸ Lao Động Media. *Bệnh viện quá tải, bệnh nhân xếp hàng từ 4h sáng, vật vờ chờ khám bệnh.*

⁹ Tin Tức. *Dự kiến số lượng, cơ cấu, thành phần đại biểu Quốc hội khóa XV.*

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.¹⁰ In addition, military and police officers and their spouses may not profess Catholicism, Protestantism, or Islam.¹¹

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.¹²

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.

3. 2. Discrimination against Religious Believers: No Equal Educational Opportunities

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.¹³ Students who declare 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 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 own language and customs. The policy prohibiting discrimination and divisive acts between the races is stipulated in Article 5 of the 2013 Constitution: “All ethnicities are equal and shall unite, respect and assist one another for mutual development; all acts of discrimination and division of ethnicities are prohibited.” However, racial discrimination is still a grave concern for ethnic minorities. Discrimination against ethnic minorities is particularly prominent in the economy, education, and politics.

10 Luật sư X. *Người theo tôn giáo có thể trở thành công an được không?*

11 Dân Luật. *Theo đạo thiên chúa có được lấy sĩ quan quân đội không?*

12 Việt Nam Thời Báo. *Vì phạm quyền tự do tôn giáo qua việc cấp căn cước công dân.*

13 JobsGO. *Cách viết sơ yếu lý lịch sinh viên học sinh theo mẫu mới 2022.*



A Ly's family of the H'mong ethnic group, including a wife, husband, and four children, gather for a frugal meal. Screenshot from YouTube "Return to the Northwest," taken in October 2022.

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. According to a 2023 study by United Nations experts, while making up only about 15% of the population, ethnic minorities account for 90% of the country's extreme poverty and more than 50% of the multi-dimensionally poor. Their average income is only 40-50% of the national average.¹⁴

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 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 their primary, if not the only, source of life. 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 million in 1975 to about 6 million by 2021.¹⁵ Most of the new settlers come from the North. Illegal logging, construction of infrastructures, such as hydroelectricity and irrigation,

¹⁴ Ramla Khalidi, UNDP in Viet Nam. *Digital solutions empower ethnic minority women in Vietnam*. *Asia Times* on 25 March, 2023.

¹⁵ Quản lý Nhà nước. *Tác động của di cư tự do đến sự phát triển kinh tế – xã hội ở khu vực Tây Nguyên hiện nay*.



Ninety people were arrested on terrorism charges after an armed rebellion in Cu Kuin district, Dak Lak province, on June 11, 2023. However, the deep root of the problem is the gap between rich and poor and unfair land management for ethnic minorities. Photo from Saostar electronic magazine.

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.¹⁶

Therefore, since 1975, the areas where ethnic minorities are concentrated (Northwest Highlands and Central Highlands) have often experienced significant instability due to the government's violation of land rights and religious freedom of ethnic minorities. The most recent major incident was the attack on the headquarters of two communes people's committees' offices in Cu Kuin district, Dak Lak province, on June 11, 2023, resulting in 9 government officials' deaths and more than 90 people arrested and charged with domestic terrorism.¹⁷ However, the deep root of the problem is the gap between rich and poor and unfair land management towards ethnic minorities, as confirmed by Deputy Minister of Public Security Tran Quoc To before the National Judicial Committee meeting on September 6, 2023.¹⁸

16 Vietnam Plus. *Cần bố trí nguồn lực giải quyết đất đai cho đồng bào dân tộc thiểu số.*

17 RFA. *Đắk Lắk: Công an nói đã thu hồi hơn 4.500 loại vũ khí từ người dân sau vụ nổ súng chết người tháng trước.*

18 Dân Trí. *Thứ trưởng Bộ Công an chỉ ra nguyên nhân sâu xa vụ khủng bố ở Đắk Lắk.*

4. 2. Discrimination against Ethnic Minorities: Healthcare and Education 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 tough 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%).¹⁹

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 marginalized 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.²⁰ Another study found that 46% of students aged 18 to 22 go to college in the Kinh group (the highest), while that rate is below 10% for the Khmer and the Dao.²¹

Due to the COVID-19 pandemic, social distancing 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.²²

4. 3. Discrimination against Ethnic Minorities: Political Inequality

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 deceptive purposes. In the one-party regime in Vietnam, elections only 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, leading to mass crackdowns or individual persecutions that ethnic minorities have endured. The many Montagnards who fled to Thailand to avoid Vietnamese government persecution live under

19 The World Bank. *Persistent Malnutrition in Ethnic Minority Communities of Vietnam : Issues and Options for Policy and Interventions*.

20 Nguyen Tran Lam, Oxfam in Vietnam. *How to tackle inequality in Vietnam?*

21 Oxfam in Vietnam. *Report on Impacts of Climate Change and Disasters on Multidimensional Inequality in Vietnam*.

22 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*.

challenging circumstances and can be arrested and deported to Vietnam anytime.²³ The uprising in Ea Tieu and Ea Ktur communes of Cu Kuin district, Dak Lak province, on June 11, 2023, was a predictable outcome due to the segregative and discriminatory policy of the Vietnamese Communist government towards Montagnards in the Central Highlands.²⁴

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.²⁵ In 2022 and 2023, at least six 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. Duong Khai (arrested on February 4, 2022), Mr. Danh Set (detained on February 18, 2022),²⁶ Mr. Danh Minh Quang (arrested on October 23, 2022), Mr. Chau Ly Na (detained on October 23, 2022), on October 24, 2022,²⁷ and Mr. Trieu Sieu (arrested on January 20, 2023).²⁸

On July 31, 2023, the police arrested and prosecuted three Khmer Krom people, namely Mr. Danh Minh Quang, Mr. Thach Cuong, and Mr. To Hoang Chuong, for “abusing democratic freedoms to infringe upon the interests of the State, the legitimate rights and interests of organizations and individuals” according to Article 331 of the Vietnam Criminal code.²⁹

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) and the Law on Prevention of and Control over Domestic Violence (2007), amended on November 14, 2022, and effective from July 1, 2023. However, 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 a relatively large-scale study published by the General Statistics Office, the Ministry of Labor, Invalids and Social Affairs, and the United Nations Population Fund (UNFPA), in 2020,

23 Luật Khoa Tạp Chí. *Khi Tây Nguyên không còn là nhà*.

24 RFA. *Đắc Lắc: Các tổ chức XHDS phản đối bạo lực, bày tỏ cảm thông với người bản địa*.

25 UNPO. *Vietnam admits arrests for possession of UN Declaration on Rights of Indigenous Peoples*.

26 Khmers Kampuchea-Krom Federation. *Human Rights Monitor*.

27 KKF. *Khmer-Krom Face Reprisals after Celebrating the Adoption of the 15th Anniversary of UNDRIP*.

28 KKF. *Vietnam Uses Torture to Silence Khmer-Krom Activist*.

29 RFA. *Ba người tại Sóc Trăng, Trà Vinh bị bắt theo cáo buộc chống Nhà nước*.



On May 10, 2023, Ms. Bui Thi Tuyet G, seven months pregnant, was abused by her husband until her body was covered with laceration wounds. Photo of Bao Ky (Sao newspaper).

nearly 2 in every three women. (62.9%) experienced one or more forms of physical, sexual, emotional, and economic violence controlled by their husband in their lifetime, and 31.6% currently experienced violence (in the last 12 months.)³⁰

Domestic violence in which the victim is the wife is not new in Vietnamese society. However, that situation has increased abnormally in number and intensity since 1975. Before 1975, in the old regime society in South Vietnam, the husband killing his wife was a rare incident. On the contrary, news of a husband killing his wife has appeared weekly on social networking sites in recent years.

During a discussion on the draft Law on Prevention of and Control over Domestic Violence (amended) in June 2022, National Assembly Deputy Ha Thi Nga, President of the Vietnam Women's Union, admitted that domestic violence "tends to be more severe, more diverse, more complex, has been and is leaving tragic and painful consequences for many families."³¹

Outside the family setting, women are also subjected to societal violence, especially in the workplace. Although there has not been a comprehensive and up-to-date study on this social vice, according to a survey conducted by ActionAid Vietnam and the Center for Gender, Family, and Environment in Development (CGFED) in 2014, this social vice is worrisome. Up to 87% of women and girls experienced sexual harassment in public places, while 89% of men and those around them witnessed sexual harassment against women and child girls. 66% of women and girls said they did not react when facing up acts of sexual violence, and the majority of men and bystanders - 65% - did not have any appropriate reactions. Such a lack of response means perpetrators were rarely brought to justice. And what's more worrying is that this has been "accepted" by everyone

30 GSO, MOLISA, and UNFPA in Viet Nam. 2020. *The National Study on Violence against Women in Viet Nam 2019*.

31 Phụ Nữ Thủ Đô. Chủ tịch Hội LHPN Việt Nam Hà Thị Nga nêu 5 đề xuất để hoàn thiện dự thảo Luật phòng, chống bạo lực gia đình

as usual.³²

According to a 2023 poll by NÓI, a media company committed to telling the stories of Vietnamese women, nearly 90% of women polled shared that they had been sexually harassed. Most (63%) do not seek help because they do not fully understand it is harassment. Only 20% of victims who seek help are satisfied with the support they receive. More importantly, up to 84% of victims said sexual harassment often happens in public places (office, gym, street, online.)³³

5.2. Gender Inequality in Employment

Vietnam has ratified many international conventions of the World Labor Organization (ILO) related to equality in employment. However, the current reality, through surveys, shows that women still suffer many disadvantages and inequality compared to men in the workplace. A female worker's average salary and income are always lower than a male employee's.

According to the General Statistics Office, in 2021, the average monthly income of women is 30% lower than that of men (4.8 million VND for women and 6.7 million VND for men) nationwide. This gap is even more significant for workers in the agricultural sector (3.9 million VND for women and 6.1 million VND for men.)³⁴

The gap between men and women in employment widened in 2022-2023 when the difficult economic situation resulted in job loss for many people. According to Ms. Ha Thi Nga, Member of the National Assembly and Chairwoman of the Vietnam Women's Union, unemployment and layoffs have mainly intensified in the leather, footwear, and textile industries - with a high rate of female employees. So, most of those laid off or lost jobs are female workers with general education. In some places, up to 50% of those who lose their jobs are over 40.³⁵

The percentage of women holding leadership positions in all sectors of the economy is deficient. According to the latest studies, only 11% of CEOs in Vietnam are female, a low percentage compared to ASEAN countries (27%).³⁶

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%).³⁷

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, the number of people moving from rural to urban areas has increased sharply. Female workers account for a large proportion, mainly 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

32 ActionAid Viet Nam. *Safe cities for women and girls: can dreams come true?*

33 Angelique Masse-Nguyen (NOI). *What Vietnamese women told us on sexual harassment?*

34 Tổng cục Thống kê. *Thông tin thống kê giới tại Việt Nam 2021*. Nhà xuất bản Thống kê, 2022.

35 Phụ Nữ Việt Nam. *Chủ tịch Hội LHPN Việt Nam: Cần giải pháp mạnh mẽ, kịp thời hơn nữa phòng ngừa, xử lý nghiêm đối tượng bạo hành, xâm hại phụ nữ, trẻ em*.

36 The LEADER. *Gỡ rào cản vô hình trên con đường thăng tiến của nữ lãnh đạo*.

37 Tổ chức nhà nước. *Trao quyền cho phụ nữ để thực hiện bình đẳng giới ở Việt Nam*.

purchasing health and social insurance. Worse still, they are often victims of violence.³⁸

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. These figures cannot represent women's participation because the appointment of members of the National Assembly is pre-determined by the VCP.³⁹

Furthermore, the representative apparatus has no real power because Party committees make all crucial decisions. In fact, out of the 16 Politburo members, there is only one woman, and among the current 63 provincial-city party secretaries, there are only six women. Only three women are out of the present 27 cabinet ministers on the government side.

These are the most powerful positions in the current Vietnamese government system, so the lack of representation of women is deplorable.

RECOMMENDATIONS

It is recommended that the Government of Vietnam to

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

38 Dân Sinh. *Lao động nữ di cư thường phải gánh chịu bạo lực kép.*

39 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

To offset the severe violation of civil and political rights, the Vietnamese communist government has granted itself the right to prioritize certain human rights that it considers recognized achievements. According to the state's propaganda apparatus, up to now, Vietnam has issued more than 100 policies related to hunger eradication, poverty reduction, socio-economic development, improvement of living standards, and security assurance for the people of ethnic minorities.¹

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.”²

However, when looking at the facts of the 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 World Bank experts, the transition from a centrally planned economy to a market economy has helped Vietnam move from one of the poorest countries in the world to a low-middle-income country.³

However, many studies have shown that economic growth did not improve multidimensional

1 Công an Nhân dân. *HRW lại tái diễn luận điệu vu cáo tình hình nhân quyền tại Việt Nam*.

2 VN Foreign Ministry. *Vietnam's voluntary midterm report on the implementation of the UPR third cycle accepted recommendations*.

3 Worldbank.org. *The World Bank in Vietnam*.



'I only dream of a family on a winter night': a child sits on a sidewalk where a couple and their children stroll in Da Lat City, Vietnam's Central Highlands. Photo: Tran Ngoc Anh

poverty because of the widening gap between some privileged people and the vast majority of the population.

Economic inequality is deepening in Vietnam. According to data from the World Inequality Database, in 2022, the wealthiest 1% of people in Vietnam accounted for 26.6% of the country's total assets, while the poorest 50% held only 4.7% of the wealth.⁴

According to the 2022 Vietnam Provincial Governance and Public Administration Performance Index (PAPI) research results, the number of families claiming that they have become poorer compared to the previous year has increased, and up to 22.13% of the respondents cited poverty/poverty as their top concern.⁵

People's lives became unusually difficult during and after the COVID-19 pandemic due to the turbulent labor market, with millions suddenly losing their jobs, reducing working hours, and cutting benefits. As a result, the gap between the rich and the poor was exacerbated. Up to 74% of households lost income during the pandemic, with 20 percent losing all of their income and 24 percent losing their jobs, while the total assets of the six wealthiest people in Vietnam grew by 6 US billion.⁶

According to Knight Frank, an estate agency residential and commercial property consultancy, Vietnam will have the fastest growth rate of super-rich people globally, about 31%, in the next five years. Specifically, by 2025, Vietnam will have 511 people with assets of over \$30 million and 25,812 people with assets of over \$1 million.⁷

⁴ *World Inequality Database.*

⁵ *Vietnam News. 2022 PAPI report reveals poverty as top concern in Việt Nam.*

⁶ *Vietnam Investment Review. Human economy through the art of miniatures.*

⁷ *Vietnamnet Global. Great potential for luxury goods in Vietnam.*

Most new 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. 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.”⁸

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 people with disabilities. Particularly for ethnic minority groups, although they are limited to 15% of the total population, they account for 47% of the whole poor in Vietnam and 68% of the extremely poor.⁹

The most noticeable inequality in well-being 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

In a note verbale dated August 4, 2022, sent to the President of the UN General Assembly to campaign for membership of the UN Human Rights Council, the Vietnamese Permanent Mission to the United Nations declared that “The Government continues to allocate 20 percent of the overall State budget to education, enabling the nationwide universalization of kindergarten and elementary education.”¹⁰

However, according to the 2023 state budget estimate, the budget for the field of education, training, and vocational training is 26,700 billion VND out of a total of 1,055,824 billion VND of the total central budget expenditure by fields - equivalent to only 2.53%. Meanwhile, the estimated spending for activities of state management agencies, the Communist Party of Vietnam, and unions is 46,900 billion VND.¹¹

In its National Report on Cycle III Universal Periodic Review 2019, Vietnam confirmed that it had made efforts “to protect their rights and best interests.” In addition, to boost that alleged 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: starvation, lack of education, abuse, hard labor, and human trafficking.

8 VOA. *2016 - năm các triệu phú Việt lộ diện*.

9 Tạp chí Mặt Trận. *Thực tiễn Vai trò của hệ thống chính trị trong thực hiện giảm nghèo đa chiều ở vùng dân tộc thiểu số*.

10 *Note verbale dated 4 August 2022 from the Permanent Mission of Viet Nam to the United Nations addressed to the President of the General Assembly*.

11 Bộ Tài Chính. *Quyết định về việc công bố công khai dự toán ngân sách nhà nước năm 2023*.

According to current UNICEF documents, multidimensional 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).¹²

In mountainous and disadvantaged areas, the stunting rate among ethnic minority children is twice as high, and the rate of underweight malnutrition is 2.5 times higher than that of Kinh children.¹³

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 cannot bribe doctors and hospital staff are pushed aside as care and treatment is primarily provided to those whose parents are capable of bribing. As a result, more needy children only receive cold reception and inadequate treatment.¹⁴

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.¹⁵

The difference is not only in quantity but also in quality. The assessment of the quality of education at the primary level of the Vietnam Escuela Nueva Project (VNEN) shows the results of the Math and Vietnamese language exams of students from grades 3 to 5 in the provinces of the Northern Mountainous Region, South Central Coast, Central Highlands, and Mekong River Delta, are only at half of the test results of students in the rest of the country, especially only at one-third of those of students in the Red River Delta and the Southeast.¹⁶

The results of the UNICEF study also show that the gap between children from the richest and poorest quintiles widens as they progress in the education system. While 92% of children in the richest quintile complete upper secondary school, only 31% of children in the poorest quintile complete this level of education. Kinh and Hoa ethnic children have the highest upper secondary completion rate, at 64%, in stark contrast to the Khmer, whose lowest rate is only 15%.¹⁷

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, according to Directive No. 42-CT / TW, dated March 24, 2015, of the Secretariat of the Central Committee of the CPV on strengthening the CPV'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.

¹² UNICEF. *Vietnam Country Office Annual Report 2021*.

¹³ Nhân Dân. *Chênh lệch vùng, miền trong chăm sóc sức khỏe bà mẹ, trẻ em*.

¹⁴ RFA. *Thực tế chương trình bảo hiểm y tế trẻ em ở vùng núi*.

¹⁵ UNICEF. *Country Office Annual Report 2021*. Op.Cit.

¹⁶ OXFAM. *Beyond GDP - The importance of multidimensional well-being measures*.

¹⁷ UNICEF. *Viet Nam Education - Fact Sheets 2022*.



On April 13, 2023, a 2-year-old boy was actively resuscitated at Children's Hospital 2 (HCMC). The child had a brain hemorrhage, a broken arm, and many burns due to family violence. Photo VietnamNet

Admission of students to the CPV is considered an essential task in developing the Party today. Since the 13th Party Congress (2021), 21,326 students have joined the Party.¹⁸ In Thai Nguyen province alone, from 2020 to the end of June 2023, 787 students were admitted to the Party.¹⁹

Regarding child labor, the results of the national survey on child labor in 2018 published by the International Labor Organization in Vietnam, the Ministry of Labour, Invalids and Social Affairs, and the General Statistics Office, posted at the end of 2020, show that the number of children from 5 - 17 participating in labor is 1,031,944 children, accounting for 5.4% of the total number of children in this age group.²⁰

According to the survey measuring Viet Nam Sustainable Development Goal indicators on Children and Women (SDGCW) in 2020-2021, the country has 6.9% of children aged 5-17 working.²¹

Thus, the percentage of child laborers has increased significantly in recent years.

According to the same survey results, the percentage of children in rural areas participating in child labor is higher than that of children in urban areas (8.1% versus 4.6%). Among ethnic minority groups, Hmong children are at much higher risk of child labor than the national average (25.5% versus 6.9%.) Children from poorer families and mothers with less education must accept more dangerous work.²²

Crimes against children, such as violence, sexual abuse, and human trafficking, remain a burning social wound.

18 Tạp chí Cộng Sản. *Nâng cao chất lượng công tác phát triển đảng viên trong học sinh, sinh viên.*

19 Thái Nguyên. *Nâng cao chất lượng công tác phát triển Đảng trong học sinh, sinh viên.*

20 Người Lao Động. *Cảnh báo lao động trẻ em sẽ tăng vào năm 2022.*

21 UNICEF. *Viet Nam SDGCW Survey, 2020-2021.*

22 *Ibid.*

According to a report at the Conference to review the 2-year implementation of the plan to prevent and combat crimes against children and prevent crime and law violations related to people under 18 years old in the period 2021-2025, in the year 2021-2022, there were 3,748 child abuse crimes nationwide, with 4,354 defendants and 3,907 child victims.²³

However, this 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 more significant number of unreported or undiscovered cases. Many surveys show that violence against children in the family in Vietnam is considered a family matter that often goes unreported. According to Mr. Le Thanh Hai, Director of the Central Children's Hospital, for every child hospitalized for domestic violence, 300 to 600 more similar cases go unreported.²⁴

According to the Department of Children, Ministry of Labor, War Invalids and Social Affairs, violence against children in 2022 increased compared to 2021, especially in schools and families. In the first four months of 2023, calls to the National Child Protection Hotline 111 related to school violence increased by 11% compared to the same period last year. Statistics from cases handled, verified, and resolved by police agencies also show that the trend of child abuse in 2023 increases compared to 2022.

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.²⁵

Online child abuse is a new form of crime against children that has appeared in recent years in parallel with the popularization of the Internet. In June 2021, the Government of Vietnam approved the first National Program on the Protection of Children on the Internet for 2021-2025. The program aims to protect children from violence, exploitation, and Internet abuse and support safe and healthy online interactions. However, according to the ECPAT, INTERPOL, and UNICEF report in 2022, the number of reports of suspected cases of child sexual exploitation via the Internet in Vietnam tends to increase. The number of cyber-tips of suspected cases of child sexual exploitation from 2017 to 2020 worldwide increased by 113%, while in Vietnam, it increased by 202%.²⁶

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.)²⁷ [See also Chapter I - 3.1. Human Trafficking: Women and Children Tricked into Sex Slavery or Forced Labor]

23 Công an TP Hồ Chí Minh. *Trong 2 năm cả nước có hơn 3.900 trẻ em bị xâm hại.*

24 Lao Động. *Tình trạng bạo lực đối với trẻ em năm 2022 tăng so với năm 2021.*

25 RFA. *"Đánh dã man nhưng không khởi tố khiến tình trạng bạo hành trẻ em ngày càng nhiều!"*

26 ECPAT, INTERPOL và UNICEF. (2022). *Báo cáo tổng quan nghiên cứu Ngăn chặn hành vi gây tổn hại tại Việt Nam: Bằng chứng về bóc lột và xâm hại tình dục trẻ em qua mạng.*

27 Kara Apland and Elizabeth Yarrow. *Casting Light in the Shadows: Child and youth migration, exploitation, and trafficking in Vietnam.*

3. THE RIGHT TO A CLEAN ENVIRONMENT

The Vietnamese Constitution states, “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.²⁸

According to the Environmental Performance Index (EPI) Rankings 2022, Vietnam is ranked 178th out of 180 countries tracked by EPI, just above Burma and India, and dropped from 141st place in the 2020 ranking.²⁹

That scientific ranking honestly reflects people’s concerns about environmental pollution. A 2021 poll by polling agency Q&Me shows that all respondents expressed concern about the quality of the environment. More than half of the respondents (55%) have high environmental concerns, and 84% have more concerns about the environment than one year ago. The most concerned area of pollution are air pollution (79%), followed by water pollution (71%), food contamination (62%), plastic pollution (59%), and deforestation (55%).³⁰

3.1. Air Pollution

Along with the policy of economic reform and market opening, over the past 20 years, air pollution in Vietnam has consistently increased, and this trend will continue. According to IQAir’s air pollution ranking from 2018 to 2022, Vietnam ranks 30th out of 131 countries and territories studied. The average concentration of PM2.5 (fine particulate matter) in 2022 in Vietnam is 5.4 times higher than the World Health Organization’s air quality guidelines. Hanoi is the city with the highest air pollution in the country³¹ and one of the two cities with the heaviest dust pollution in Southeast Asia.

According to the World Bank, the PM2.5 concentration in Hanoi will increase from now until 2030 with current policies on air quality management.

3.2. Water Pollution

Vietnam has a coastline of 3,260km and 2,360 rivers with a length of 10km or more, and two-thirds of the population lives in three main river basins; however, the source of clean water is increasingly depleting. Clean water shortage is a daily concern for people. The clean water crisis has worsened, partly due to population growth but mainly due to industrialization and urbanization’s lack of scientific planning for short-term profit.

According to UNICEF, Vietnam is one of the five countries with the most polluted water sources

28 RFI. *Việt Nam: Vì sao luật Bảo vệ Môi trường bị giới khoa học phản đối mạnh?*

29 Yale Center for Environmental Law & Policy. *The Environmental Performance Index.*

30 Q&Me. *Vietnamese concerns on the environmental issues.*

31 IQAir. *World’s most polluted countries & regions (2018-2022).*



On the morning of August 11, 2023, the sky in Hanoi was filled with smoke and pollution. Photo of Tiền Phong News

globally. Indonesia, Thailand, the Philippines, and China are the other four countries.³² According to the Ministry of Natural Resources and Environment assessment, Vietnam has about 84.5 million tons of waste discharged into the environment annually, of which 80% is untreated.³³

Specifically, for example, by the end of 2022, there are 396 industrial clusters in the 28 northern provinces, but only 75/396 industrial clusters have centralized wastewater treatment systems (reaching a rate of 20.3 %); 20/129 industrial clusters have automatic continuous wastewater monitoring system (getting the rate of 15.5%).³⁴

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%.³⁵

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.³⁶

Another alarming situation related to clean water is that 7.7 million children in Vietnam go to school without running water and hygienic toilets.³⁷

Besides, the problem of ocean pollution is also getting more and more serious. According to a World Bank document published in 2022, the amount of plastic waste discharged in Vietnam

32 Ecomax Water. *Thực trạng ô nhiễm môi trường nước tại Việt Nam và giải pháp khắc phục.*

33 Viện Hàn lâm Khoa học xã hội Việt Nam. *Báo động tình trạng ô nhiễm nước ở nông thôn Việt Nam hiện nay.*

34 Tài nguyên và Môi trường. *Bộ Tài nguyên và Môi trường sát sao trong xử lý ô nhiễm ở cụm công nghiệp, làng nghề.*

35 Pháp Luật Việt Nam. *Còn hơn 31 triệu người nông thôn chưa được dùng nước sạch.*

36 Môi Trường & Cuộc Sống. *Ô nhiễm nguồn nước ở nông thôn – Bài 2: Nguyên nhân đến từ đâu?*

37 UNICEF. *Driving change for every child in Viet Nam 2022-2026.*

is estimated at 3.1 million tons per year, and at least 10% of this flows into the ocean, making Vietnam one of the top five plastic polluters of the world's oceans. The discharge volume could more than double by 2030 if the country's current waste collection, recycling, and disposal processes are not improved.³⁸

In addition to plastic waste, chemicals used in industry, pesticides in agriculture, and oil spills, these everyday elements poison surface water, groundwater, and oceans in Vietnam.

The marine environmental crisis caused by the Formosa steel plant in 2016 is the most notable case whose consequences for the people's lives in the central provinces of Vietnam 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, and unprocessed industry solid waste.

Another important reason that is causing the ground to degrade so badly is deforestation. Deforestation can profoundly impact ecological imbalance, climate change, and habitat pollution. The area of natural forests in Vietnam is rapidly declining. Over the past decade, Vietnam has lost about 2,500 hectares of forest yearly. About 50% of the remaining natural forest area is classified as deficient or depleted.³⁹ Deforestation in recent years has been increasing and has not stopped. The government cannot do anything to prevent the situation of loggers and plunderers completely.⁴⁰

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, and 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 26,000 families depended, and disrupted downstream water systems.⁴¹

According to environmental experts, the impact of storms has worsened in recent years due to Vietnam's shrinking forest area. In the middle months of 2023, flash floods and landslides, which occurred in some provinces of the Central Highlands and the North West, resulting in severe loss of life and property, were directly caused by deforestation.

3.4. Food Contamination

In addition to air, water, and soil pollution, contaminated food is a constant concern of all

38 The World Bank. *Towards a national single use plastics roadmap in Vietnam: strategies and options for reducing priority single-use plastics.*

39 Nhân Dân *Cuối tuần*. *Cần những hành động quyết liệt.*

40 Kinh tế Nông thôn. *Tình trạng khai thác gỗ rừng trái phép ở nhiều địa phương đang có dấu hiệu "nóng" trở lại.*

41 Thanh Niên. *Đại biểu Quốc hội tranh luận với Bộ trưởng về lợi - hại của thủy điện nhỏ.*

Vietnamese families. Experts say dirty food is the leading cause of cancer, accounting for about 35%.⁴²

Many causes contaminate foods, but mainly by using toxic chemicals to preserve, restore, and enhance the flavor of foods. The trade of these chemicals has existed for a long time in locations everyone knows, but the authorities still ignore them. In July 2023, Thanh Nien newspaper ran a series of reports describing the public trading and use of these hazardous chemicals in food processing.⁴³

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.⁴⁴

In 2022-2023, Vietnam received billions of dollars of foreign aid to improve the environment. However, no significant achievements have been recorded because of the bureaucratic and corrupt management. Meanwhile, the government continued imprisoning and mistreating ecological activists such as Hoang Duc Binh, Nguyen Van Hoa, and Dinh Thi Thu Thuy.

Also, in 2022-2023, the Vietnamese government has increased its crackdown on leading environmental activists, including:

- On January 11, 2022, the Hanoi People's Court sentenced two environmental activists, Mai Phan Loi, and Bach Hung Duong, to 48 months and 30 months in prison for "tax evasion." Mr. Mai Phan Loi is the founder and director of the Center for Media in Educating Community (MEC); Mr. Bach Hung Duong is the former director of MEC.⁴⁵
- On January 24, 2022, the Hanoi People's Court sentenced Mr. Dang Dinh Bach, an expert in the field of environmental rights and director of the Center for Research on Laws and Policies for Sustainable Development (LPSD), to five years in prison on the charge of "tax evasion."⁴⁶
- On November 21, 2022, Ms. Nguy Thi Khanh, Founder, and Director of Green Innovation Development Center (GreenID), Director of Vietnam Green Innovation Joint Stock Company (GREEN IN), and the first Vietnamese woman to receive the Goldman Environmental Prize was sentenced to 21 months in prison on the charge of "tax evasion."⁴⁷
- On May 31, 2023, the police arrested Ms. Hoang Thi Minh Hong, Executive Director of the NGO Center for Action and Cooperation for Environment and Development, abbreviated in English as CHANGE, also accused of "tax evasion." She is a well-known environmental activist in the country and was honored with many international environmental awards. In 2015, she was listed as a "climate hero" by Climateheroes.org.⁴⁸ On September 28, 2023, The Ho Chi Minh City People's Court sentenced Hoang Thi Minh Hong to 3 years of imprisonment for "tax evasion" and an additional fine of 100 million VND.⁴⁹

42 Ancan. *Thực phẩm bẩn - nguyên nhân làm gia tăng tỷ lệ mắc ung thư ở Việt Nam*.

43 Lê Bình - Trần Duy Khánh (Thanh Niên). *Thực phẩm độc hại bủa vây người dùng: Mua hóa chất dễ như mua rau*.

44 Vietnam Plus. *Vụ VN Pharma: Truy tố Thứ trưởng Y tế Trương Quốc Cường và 13 bị can*.

45 Tuổi Trẻ. *Ông Mai Phan Lợi lãnh 48 tháng tù vì trốn thuế*.

46 VOV. *Giám đốc LPSD Đặng Đình Bách nhận 5 năm tù tội Trốn thuế*.

47 Thanh Niên. *Bắt nữ giám đốc Trung tâm phát triển sáng tạo xanh GreenID*.

48 VNTB. *Nhà hoạt động Hoàng Thị Minh Hồng bị bắt vì tội trốn thuế*.

49 Thanh Niên. *Tuyên phạt bị cáo Hoàng Thị Minh Hồng 3 năm tù vì tội trốn thuế*.

- On September 15, 2023, Vietnamese authorities arrested Ms. Ngo Thi To Nhien, Director of Vietnam Initiative for Energy Transition Social Enterprise (VIETSE). At the time of her arrest, Ms. Nhien was cooperating with the Vietnam office of the United Nations Development Program (UNDP) to implement the Just Energy Transition Partnership (JETP) program, a commitment worth 15.5 USD billion from G7 and other countries to help Vietnam reduce coal use.⁵⁰ On September 30, 2023, the Vietnamese Ministry of Public Security announced that Ms. Ngo Thi To Nhien was prosecuted for “Appropriation, trading, destruction of an organization’s seal or document,” specified in Article 342 of the Vietnamese Criminal Code.⁵¹

The United Nations, many countries, and international human rights organizations strongly condemned Viet Nam’s detention of those environmental activists.

4. VICTIMS OF INJUSTICE: UNFAIR LAND EXPROPRIATION AND VIOLATION OF OWNERSHIP RIGHT

According to the 2019 Population and Housing Census results, the whole country has 6.4 million migrants, accounting for 7.3% of the country’s total population aged five and over.⁵² A large amount of domestic migration after 1975, especially from the north to the Central Highlands and the Mekong Delta provinces, has created disputes over residential and farming land in these areas.

At the same time, the government conducted many programs to build infrastructures, such as roads, industrial parks, eco-tourism zones, and other public facilities. Land was a critical factor in the economic plan. In the past decade, the land acquired from farmers has amounted to a million hectares, more than the acreage distributed to farmers during the Socialist Land Reform Campaign in the 1950s (810,000 hectares).⁵³

Although urbanization has accelerated in the past decade, Vietnam is still an agricultural country. According to the General Statistics Office, the population in rural areas accounted for about 63% of the national population in 2021. 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)⁵⁴ 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

50 RFA. *Hà Nội bắt giữ nhà hoạt động môi trường thứ sáu, bà Ngô Thị Tố Nhiên của VIETSE.*

51 VNExpress. *Bà Ngô Thị Tố Nhiên bị bắt do ‘chiếm đoạt tài liệu’ của EVN.*

52 ThS. Dương Thùy Linh. *Phân tích di cư nội địa qua kết quả Tổng điều tra dân số và nhà ở năm 2019.*

53 East Asia Forum. *Vietnam’s land law reforms: radical changes or minor tinkering?*

54 For example, in the early planning period of Thu Thiem new urban area, compensation ranges from 1.95 to 25 million VND/m², 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/m². In December 2021, some of that expropriated land was auctioned for VND 2.45 billion/m² (nearly 2,000 times more).



On May 18, 2022, hundreds of households in Ea Pok commune, Dak Lak province, took to the streets to reclaim land from the forestry company after 40 years of working as hired laborers on their own land. Screenshot from RFA video.

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.⁵⁵

Facing the situation of losing land and houses without adequate compensation, in recent years, many protests for justice by petitioners have continuously occurred in many localities across the country. Some protests lasted for many months and faced fierce repression by security forces, such as in Duong Noi and Dong Tam. Many groups of petitioners from three regions have flocked to Hanoi to express their concerns but still have not been satisfactorily answered.

The gatherings of land expropriation victims continued at different times in 2022-2023. Many cases attracted protesters from various regions [See details in Chapter III - 3. 2. The Right to Freedom of Peaceful Assembly].

The armed uprising of people of ethnic minorities in Cu Kuin district, Dak Lak province, on June 11, 2023, left nine people dead, two seriously injured, and more than 90 ethnic minorities arrested had deep causes from the situation of losing their land and livelihoods. Deputy Minister of Public Security Tran Quoc To admitted this before the Judiciary Committee of the National Assembly of Vietnam on September 6, 2023.⁵⁶

5. CORRUPTION VIOLATES THE SOCIAL WELL-BEING RIGHTS

Corruption affects the political and economic spheres and makes human rights violations possible in almost all aspects of life, particularly rights to social well-being. 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.

⁵⁵ Diễn Đàn Doanh Nghiệp. *Đất đai là một trong những lĩnh vực tham nhũng nhiều nhất.*

⁵⁶ Dân Trí. *Thứ trưởng Bộ Công an chỉ ra nguyên nhân sâu xa vụ khủng bố ở Đắk Lắk.*

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. During ten years of operation with many anti-corruption cases up to the Politburo member level, corruption has not changed but increased instead. The report summarizing the party-building work and amending the Charter at the 13th Congress of the CPV acknowledged that corruption in several domains and localities is still serious and complex, with increasingly sophisticated manifestations; harassment of people and businesses is still quite common, causing frustration in society... Corruption is still one of the dangers threatening the survival of the Party and the regime."⁵⁷

On August 16, 2023, the Central Steering Committee on preventing and combating corruption and negativity held its 24th session under the chairmanship of General Secretary Nguyen Phu Trong, Head of the Steering Committee. According to Mr. Trong, since the 13th CPV's Congress, there have been 91 centrally managed officials, including 17 members, former members of the Party Central Committee, and 23 general-level officers disciplined for corruption.⁵⁸

In 2022-2023, many multi-billion dollar corruption cases involving many state officials were discovered, especially:

- The Department of Viet A Technology Joint Stock Company raised the price of the Covid-19 test kit. Many officials from the Ministry of Health and the Ministry of Science and Technology were arrested, including three former members of the Party Central Committee, namely Minister of Health Nguyen Thanh Long, Minister of Science and Technology Chu Ngoc Anh, Secretary of the Hai Duong Provincial Party Committee Pham Xuan Thang. Most of the rest are leaders and officials of the provincial Party Committee, People's Committee, CDC, health departments, and many provinces and cities across the country.
- The case of giving and receiving bribes related to the "rescuing flight" of export workers during the Covid pandemic has 37 people prosecuted, including many leaders related to the ministries of Foreign Affairs, Public Security, Health, and Transportation and localities of which the two highest officials indicted so far are Mr. To Anh Dung, Deputy Minister of Foreign Affairs and Mr. Chu Xuan Dung, Vice Chairman of the Hanoi City People's Committee.
- The Coast Guard Department's high officers, including Lieutenant General Nguyen Van Son, Commander of the Coast Guard, and six senior leaders, were prosecuted for embezzling 50 billion VND from the equipment purchasing budget equipment. Two other coastal police major generals, Le Van Minh and Le Xuan Thanh, and many officers were involved in a smuggling ring of more than 198 million liters of gasoline.⁵⁹

57 Xây dựng Đảng. *Tham nhũng và những giải pháp phòng, chống tham nhũng*.

58 VOV. *67 cán bộ diện Bộ Chính trị và Ban Bí thư quản lý bị kỷ luật từ đầu nhiệm kỳ*.

59 Tuổi Trẻ. *Cựu tướng cảnh sát biển Lê Văn Minh bị đề nghị 15-17 năm tù, Lê Xuân Thanh 15 năm tù*.

- Mr. Nguyen Duc Chung, former Chairman of the Hanoi People's Committee, has gone through four corruption cases. On March 22, 2023, the Police Investigation Agency of the Ministry of Public Works decided to supplement the decision to prosecute Mr. Chung for abusing his position and powers while performing official duties. This is the fourth time Mr. Chung has been indicted for similar crimes. He received 13 years and six months in prison in three previous cases.⁶⁰

Therefore, despite the massive anti-corruption campaign underway in the past ten years, people still expressed more concern about corruption in 2022 than a year earlier, according to a survey by the United Nations Development Program (UNDP) in Vietnam.⁶¹

The main reasons for increased corruption include:

- Independent non-government organizations are not allowed to participate in eliminating corruption.
- 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 (Articles 117 and 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 uses corruption to buy loyalty. In recent years, corruption involving some prominent officials made it clear that the disgraced people are believed to have lost loyalty to the regime's leadership or party officials.

RECOMMENDATIONS

It is recommended that the Vietnamese government to:

- Increase national budget allocations for public services in the poorest regions and for the most marginalized groups;
- 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, and return the properties confiscated by the state to their legitimate owners.
- Establish a free education and health insurance program for children at least until the end of elementary school;
- Urgently take specific measures to protect the living environment for people and integrate environmental policies into economic decisions.

⁶⁰ VNExpress. *Ông Nguyễn Đức Chung bị khởi tố trong vụ án thứ tư.*

⁶¹ UNDP Vietnam. *Poverty, Economic growth, Jobs, Road quality, and Corruption top concerns of Vietnamese citizens: 2022 PAPI.*

APPENDIX I

LIST OF POLITICAL AND RELIGIOUS PRISONERS IMPRISONED IN 2022-2023

As of October 15, 2023 (Sorted by Trial Date)

O.N.	NAME	BIRTH YEAR	BACKGROUND	ARREST DATE	TRIAL DATE	CRIMINAL LAW ART.	PRISON TIME	HOUSE ARREST TIME
1	Phan Thị Thanh Nhã	1984	Facebooker	3/17/2023	Pretrial detention	109		
2	Y Krếch Byă	1975	Dega Christian	4/8/2023	Pretrial detention	116		
3	Nguyễn Hoàng Nam	1982	Hoa Hao Buddhist	7/24/2023	Pretrial detention	117		
4	P.V.L.	2002	Facebooker	7/11/2023	Pretrial detention	117		
5	Dương Tuấn Ngọc	1985	Facebooker	7/10/2023	Pretrial detention	117		
6	Phan Tất Thành	1986	Facebooker	7/5/2023	Pretrial detention	117		
7	Đường Văn Thái	1982	Blogger	4/13/2023	Pretrial detention	117		
8	Nguyễn Thúy Hạnh	1963	Social activist	4/7/2021	Pretrial detention	117		
9	Nguyễn Duy Hường	1987	facebooker	3/22/2021	Pretrial detention	117		
10	Hoàng Ngọc Giao	1954	Lawyer	12/20/2022	Pretrial detention	200		
11	Trần Đắc Thắng	1980	Facebooker	9/29/2023	Pretrial detention	331		
12	Hoàng Văn Luân	1988	Social activist	8/23/2023	Pretrial detention	331		
13	Danh Minh Quang	1987	Khmer Krom	7/31/2023	Pretrial detention	331		
14	Thạch Cương	1987	Khmer Krom	7/31/2023	Pretrial detention	331		
15	Tô Hoàng Chương	1986	Khmer Krom	7/31/2023	Pretrial detention	331		
16	Lê Thạch Giang	1957	Facebooker	6/29/2023	Pretrial detention	331		
17	Nay Y Blang	1976	Dega Christian	5/18/2023	Pretrial detention	331		
18	Tạ Miên Linh	1945	YouTuber	5/4/2023	Pretrial detention	331		
19	Lê Minh Thế	1963	Facebooker	2/22/2023	Pretrial detention	331		
20	Võ Thanh Thời	1989	Facebooker	9/22/2022	Pretrial detention	331		
21	Võ Hoàng Thơ	1985	Facebooker	10/6/2021	Pretrial detention	331		
22	Bạch Văn Hiền	1987	Facebooker	6/30/2021	Pretrial detention	331		
23	Lê Trung Thu	1980	Facebooker	6/30/2021	Pretrial detention	331		
24	Phùng Thanh Tuyền	1983	Facebooker	6/30/2021	Pretrial detention	331		
25	Ngô Thị Tố Nhiên	N/A	Environmental activist	9/15/2023	Pretrial detention	342		
26	Nguyễn Minh Sơn	1962	Facebooker	9/28/2022	9/29/2023	117	6	
27	Rlan Thih (Ama Philip)	1980	Montagnard Christian	12/19/2022	9/28/2023	116	5	3
28	Hoàng Thị Minh Hồng	1972	Environmental activist	5/31/2023	9/28/2023	200	3	
29	Đặng Đăng Phước	1963	Facebooker	9/8/2022	9/26/2023	117	8	4
30	Hoàng Khương	1982	Facebooker	N/A	9/15/2023	331	6.6	

31	Ong Thị Thụy	1963	Social activist	3/10/2022	9/15/2023	331	3	
32	Vũ Bích Vân	1971	Social activist	3/10/2022	9/15/2023	331	5	
33	Bùi Tuấn Lâm	1984	Facebooker	9/8/2022	8/30/2023	117	5.6	4
34	Trần Văn Bang	1961	Facebooker	3/1/2022	8/29/2023	117	8	3
35	Vũ Ngọc Sửu	1973	Facebooker	9/9/2022	8/22/2023	331	1.6	
36	Hoàng Thị Sơn	1958	YouTuber	4/22/2023	8/8/2023	331	1.3	
37	Thái Thị Bé	1956	YouTuber	4/22/2023	8/8/2023	331	1.3	
38	Nguyễn Sơn Lộ	1948	Democ activist	2/2/2023	7/26/2023	331-356	5	
39	Trương Văn Dũng	1958	Facebooker	5/21/2022	7/13/2023	(88)	6	
40	Phan Sơn Tùng	1984	YouTuber	8/31/2022	7/3/2023	117	6	
41	Huỳnh Tài	1968	Political activist	Apr-22	6/19/2023	109	6	
42	Huỳnh Tiến	1952	Political activist	Apr-22	6/19/2023	109	2	
43	Hoàng Văn Vương	1978	Activist	3/1/2023	4/18/2023	331	5	
44	Nguyễn Lân Thắng	1975	Blogger	7/5/2022	4/12/2023	117	6	2
45	Nguyễn Thái Hưng	1976	YouTuber	1/5/2022	3/29/2023	331	4	
46	Dương Thị Bé	1982	Political activist	6/23/2022	3/28/2023	109	5	
47	Nguyễn Văn Nghĩa	1975	Political activist	6/23/2022	3/28/2023	109	7	
48	Đặng Như Quỳnh	1980	Facebooker	4/12/2022	2/14/2023	331	2	
49	Nguyễn Đoàn Quang Viên	1982	Political activist	10/15/2021	1/13/2023	109	14	
50	Nguyễn Như Phương	1991	Facebooker	10/9/2021	12/26/2022	117	5	3
51	Phan Văn Phú	1980	Facebooker	N/A	12/26/2022	331	2.3	
52	Bạch Thị Hòa	1952	Social activist	7/13/2022	11/30/2022	330	0.4	
53	Bùi Văn Cảnh	1978	Social activist	7/13/2022	11/30/2022	330	1	
54	Hà Thị Hiền	1987	Social activist	7/13/2022	11/30/2022	330	0.6	
55	Hà Văn Hạnh	1980	Social activist	7/13/2022	11/30/2022	330	0.8	
56	Trần Thị Hoa	1970	Social activist	7/13/2022	11/30/2022	330	0.8	
57	Trần Thị Niên	1984	Social activist	7/13/2022	11/30/2022	330	0.6	
58	Trần Thị Thỏ	1964	Social activist	7/13/2022	11/30/2022	330	0.8	
59	Vũ Thị Kim Hoàng	1978	Facebooker	1/5/2022	11/22/2022	331	2.6	
60	Bùi Văn Thuận	1981	Facebooker	8/30/2021	11/18/2022	117	8	5
61	Lê Thanh Nhị Nguyên	1998	Buddhist	5/27/2022	11/3/2022	331	3.6	
62	Cao Thị Cúc	1960	Buddhist	5/12/2022	11/3/2022	331	3	
63	Lê Thanh Hoàn Nguyên	1990	Buddhist	1/7/2022	11/3/2022	331	4	
64	Lê Thanh Nhất Nguyên	1991	Buddhist	1/7/2022	11/3/2022	331	4	
65	Lê Thanh Trùng Dương	1995	Buddhist	1/7/2022	11/3/2022	331	4	
66	Lê Tùng Vân	1932	Buddhist	1/7/2022	11/3/2022	331	5	
67	Đinh Văn Hải	1983	Political activist	12/10/2021	10/28/2022	109	13.6	
68	Đinh Văn Phong	1984	Political activist	12/10/2021	10/28/2022	109	13	
69	Lê Mạnh Hà	1970	Facebooker	1/12/2022	10/25/2022	117	8	5
70	Nguyễn Thị Ngọc Tiền	1976	Political activist	2/16/2022	9/30/2022	109	12	4

71	Phạm Tấn Hòa	1970	Facebooker	N/A	9/15/2022	331	1	
72	Lê Anh Hùng	1973	Blogger	7/5/2018	8/30/2022	331	5	
73	Phạm Đoan Trang	1978	Blogger	10/6/2020	8/25/2022	(88) 117	9	
74	Nguyễn Thị Tâm	1972	Social activist	6/24/2020	8/17/2022	117	6	3
75	Trịnh Bá Phương	1985	Social activist	6/24/2020	8/17/2022	117	10	5
76	Lê Văn Dũng	1970	Facebooker	6/30/2021	8/16/2022	(88)	5	5
77	Y Wo nie (former prisoner)	1970	Dega Christian	9/13/2021	8/16/2022	331	4	
78	Đoàn Từ Tấn	1982	Journalist	2/5/2022	8/15/2022	331	6	
79	Bạch Hùng Dương	1975	Environmental activist	6/24/2021	8/11/2022	200	2.3	
80	Đặng Đình Bách	1978	Environmental activist	6/24/2021	8/11/2022	200	5	
81	Mai Phan Lợi	1971	Environmental activist	6/24/2021	8/11/2022	200	3.9	
82	Nguyễn Hoài Nam	1973	Journalist	4/2/2021	8/4/2022	331	2	
83	Nguyễn Đức Hùng	1991	Facebooker	1/6/2022	7/13/2022	117	5.6	2
84	Phan Hữu Điệp Anh	1961	Facebooker	7/19/2021	6/23/2022	331	1.6	
85	Lê Chí Thành	1983	Facebooker	4/14/2021	6/22/2022	330, 331	2+3	
86	Nguy Thị Khanh	1976	Environmental activist	1/11/2022	6/17/2022	200	2	
87	Nguyễn Duy Linh	1976	Facebooker	9/14/2021	6/9/2022	117	5	5
88	Phùng Thị Nga	1981	Facebooker	10/4/2021	5/26/2022	331	2	
89	Dương Văn Lành	N/A	Dương Văn Minh Sect	12/12/2021	5/24/2022	295	3.9	
90	Dương Văn Tu	1967	Dương Văn Minh Sect	12/12/2021	5/24/2022	295	4	
91	Lý Xuân Anh	N/A	Dương Văn Minh Sect	12/12/2021	5/24/2022	295	3.6	
92	Lý Văn Dũng	1986	Dương Văn Minh Sect	12/12/2021	5/18/2022	330	4	
93	Trần Hoàng Huấn	1988	Facebooker	8/10/2021	5/5/2022	117	8	3
94	Đinh Văn Hải	1974	Facebooker	10/7/2021	4/26/2022	117	5	3
95	Nguyễn Anh Hùng	1950	Political activist	N/A	4/19/2022	109	6	
96	Nguyễn Hoàng Phương	1970	Political activist	N/A	4/19/2022	109	14	
97	Nguyễn Thị Chính	1955	Political activist	N/A	4/19/2022	109	8	
98	Nguyễn Thị Rành	1953	Political activist	N/A	4/19/2022	109	16	
99	Văng Bá Cảnh	1948	Political activist	N/A	4/19/2022	109	5	
100	Lê Trọng Hùng	1979	Facebooker	3/27/2021	4/19/2022	117	5	5
101	Hồ Thị Xuân Hương	1968	Political activist	N/A	4/18/2022	109	10	3
102	Nguyễn Minh Quang	1960	Political activist	N/A	4/18/2022	109	9	3
103	Nguyễn Thanh Xoan	1972	Political activist	N/A	4/18/2022	109	12	3
104	Trần Thị Ngọc Xuân	1969	Political activist	N/A	4/18/2022	109	13	3
105	Trần Văn Long	1955	Political activist	N/A	4/18/2022	109	10	3
106	Y Hon Ênuôi	1988	Political activist	N/A	4/18/2022	109	4	2
107	Y Phương Ding Riêh	1978	Political activist	N/A	4/18/2022	109	8	3
108	Y Túp Knul	1970	Political activist	N/A	4/18/2022	109	9	3
109	Phạm Hồ	1949	Political activist	8/21/2020	4/18/2022	109	3	2
110	Lê Ngọc Thành	1972	Political activist	4/25/2020	4/18/2022	109	9	3

111	Lương Thị Thu Hiền	1968	Political activist	4/8/2020	4/18/2022	109	11	3
112	Nguyễn Thị Kim Phượng	1967	Political activist	4/2/2020	4/18/2022	109	10	3
113	Lê Văn Quân	1989	Facebooker	10/24/2021	4/14/2022	117	10	
114	Lê Anh Dũng	1965	Facebooker	2/5/2021	4/7/2022	331	1.5 sus	
115	Đỗ Nam Trung	1981	Facebooker	7/6/2021	3/24/2022	117	10	4
116	Lê Thị Kim Phi	1959	Political activist	9/10/2021	3/16/2022	109	6	
117	Nguyễn Xuân Tĩnh	1972	Political activist	N/A	3/15/2022	109	9	
118	Tôn Nữ Thế Trang	1962	Political activist	N/A	3/15/2022	109	12	
119	Trần Quốc Khánh	1960	Facebooker	3/10/2021	2/17/2022	117	6.6	6
120	Trần Ngọc Sơn	1965	Facebooker	5/20/2021	2/10/2022	331	2.9	
121	Lê Thế Thắng	1982	Journalist	7/6/2021	1/27/2022	331	3	
122	Đoàn Kiên Giang	1985	Journalist	4/20/2021	1/27/2022	331	3	
123	Nguyễn Bảo Tiên	1986	Book distributor	5/5/2021	1/21/2022	117	6.6	

The Criminal Law Provisions Used to Convict Political and Religious Prisoners in 2022 - 2023

The 2015 Criminal Law

Article 109. Activities against 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 200. Tax evasion

Article 295. Violations against regulations of law on occupational safety, occupational hygiene, and safety in crowded areas

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 342. Appropriation, trading, destruction of an organization's seal or document

Article 356. Abuse of power or position in performance of official duties

The 1999 Criminal Law - in parentheses

Article (88). Conducting propaganda against the Socialist Republic of Vietnam

APPENDIX II

LIST OF POLITICAL AND RELIGIOUS PRISONERS STILL IN PRISON

As of October 15, 2023 (Sorted by Full Name)

O.N.	FULL NAME	BIRTH YEAR	BACKGROUND	ARREST DATE	TRIAL DATE	CRIMINAL LAW ART.	PRISON TIME	HOUSE ARREST TIME
1	A Hung	1980	H'mong Christian	2017	N/A	(87)	8	
2	A Jen	1984	Hà Mòn Christian	2017	4/26/2016	(87)	9	
3	A Ly	1979	H'mong Christian	2017	N/A	(87)	7	
4	A Ngo	1998	H'mong Christian	2017	N/A	(87)	7	
5	A Tik	1952	Hà Mòn Christian	2016-01	4/26/2016	(87)	8	3
6	Bạch Hùng Dương	1975	Environmental activist	6/24/2021	8/11/2022	200	2.3	
7	Bạch Văn Hiền	1987	Facebooker	6/30/2021	Pretrial detention	331		
8	Bùi Thị Nối	1958	Land petitioner	1/9/2020	9/14/2020	330	6	
9	Bùi Tuấn Lâm	1984	Facebooker	9/8/2022	8/30/2023	117	5.6	4
10	Bùi Văn Cảnh	1978	Social activist	7/13/2022	11/30/2022	330	1	
11	Bùi Văn Thuận	1981	Facebooker	8/30/2021	11/18/2022	117	8	5
12	Bùi Văn Tiến	1979	Land petitioner	1/9/2020	9/14/2020	330	5	
13	Bùi Viết Hiếu	1943	Land petitioner	1/9/2020	9/14/2020	123	16	
14	Cần Thị Thêu	1962	Land rights activist	6/24/2020	5/5/2021	117	8	3
15	Cao Thị Cúc	1960	Buddhist	5/12/2022	11/3/2022	331	3	
16	Cao Văn Dũng	1968	Facebooker	11/21/2020	6/9/2021	117	9	3
17	Chang A Súa	1987	Political activist	N/A	3/18/2020	109	8	2
18	Đặng Đăng Phước	1963	Facebooker	9/8/2022	6/6/2023	117	8	4
19	Đặng Đình Bách	1978	Environmental activist	6/24/2021	8/11/2022	200	5	
20	Đặng Hoàng Minh	1993	Facebooker	N/A	6/2/2021	117	7	2
21	Đặng Ngọc Tấn	2000	Political activist	6/11/2018	5/21/2019	318+178	24	
22	Đặng Như Quỳnh	1980	Facebooker	4/12/2022	2/14/2023	331	2	
23	Danh Minh Quang	1987	Khmer Krom	7/31/2023	Pretrial detention	331		
24	Dinh Kử	1972	Hà Mòn Christian	4/26/2016	N/A	(87)	7	
25	Đinh Nông (Bá Pol)	1963	Montagnard Christian	2016-09	4/7/2017	(87)	8	
26	Đinh Thị Thu Thủy	1982	Environmental activist	4/18/2020	1/20/2021	117	7	
27	Đinh Văn Hải	1983	Political activist	12/10/2021	10/28/2022	109	13.5	
28	Đinh Văn Hải	1974	Facebooker	10/7/2021	4/26/2022	117	5	3
29	Đinh Văn Phong	1984	Political activist	12/10/2021	10/28/2022	109	13	
30	Đinh Văn Phú	1973	Facebooker	1/9/2020	Pretrial detention	117		

31	Dinh Yum	1963	Montagnard Christian	2013	N/A	(87)	11	3.5
32	Đỗ Nam Trung	1981	Facebooker	7/6/2021	3/24/2022	117	10	4
33	Đỗ Quốc Bảo	1996	Political activist	N/A	8/22/2018	(79)	9	
34	Đỗ Tài Nhân	1992	Political activist	N/A	8/22/2018	(79)	10	
35	Đỗ Thị Mỹ Dung	N/A	Political activist	N/A	8/22/2018	(79)	5	
36	Đoàn Kiên Giang	1985	Journalist	4/20/2021	1/27/2022	331	3	
37	Đoàn Từ Tấn	1982	Journalist	2/5/2022	8/15/2022	331	6	
38	Đoàn Văn Cư	1962	Ân Đàn Đại Đạo Cult	2/12/2012	2/4/2013	(79)	14	5
39	Dương Thị Bé	1982	Political activist	6/23/2022	10/6/2022	109	5	
40	Dương Thị Lanh	1983	Facebooker	1/28/2019	8/23/2019	117	8	2
41	Dương Tuấn Ngọc	1985	Facebooker	7/10/2023	Pretrial detention	117		
42	Dương Văn Lành	N/A	Dương Văn Minh Sect	12/12/2021	5/24/2022	295	3.9	
43	Dương Văn Ngoan	1978	Social activist	6/11/2018	11/29/2018	318	5	
44	Đường Văn Thái	1982	Blogger	4/13/2023	Pretrial detention	117		
45	Dương Văn Tu	1967	Dương Văn Minh Sect	12/12/2021	5/24/2022	295	4	
46	Giàng A Dia	1993	Political activist	N/A	3/18/2020	109	8	2
47	Giàng A Sinh	1981	Political activist	N/A	3/18/2020	109	8	2
48	Giàng A Và	1990	Political activist	N/A	3/18/2020	109	8	2
49	Hà Hải Ninh	1988	Political activist	2018-06	7/23/2019	109	N/A	
50	Hà Văn Thành	1982	Environmental activist	10/21/2019	Pretrial detention	349		
51	Hồ A Hù	1988	Political activist	N/A	3/18/2020	109	8	2
52	Hồ Thị Xuân Hương	1968	Political activist	N/A	4/18/2022	109	10	3
53	Hoàng Đức Bình	1983	Environmental activist	5/15/2017	4/24/2018	330+331	14	
54	Hoàng Khương	1982	Facebooker	N/A	9/15/2023	331	6.6	
55	Hoàng Minh Tuấn	1980	Anti-corruption activist	9/25/2020	Pretrial detention	156		
56	Hoàng Ngọc Giao	1954	Lawyer	12/20/2022	Pretrial detention	200		
57	Hoàng Thị Minh Hồng	1972	Environmental activist	5/31/2023	9/28/2023	200	3	
58	Hoàng Thị Sơn	1958	YouTuber	4/22/2023	8/8/2023	331	1.3	
59	Hoàng Thị Thu Vang	1966	Political activist	9/2/2018	7/31/2020	118	7	3
60	Hoàng Văn Chơ	1979	Political activist	N/A	3/18/2020	109	8	2
61	Hoàng Văn Luân	1988	Social activist	8/23/2023	Pretrial detention	331		
62	Hoàng Văn Páo	1982	Political activist	N/A	3/18/2020	109	20	5
63	Hoàng Văn Vương	1978	Democracy activist	3/1/2023	4/18/2023	331	5	
64	Huỳnh Đắc Túy	1976	Facebooker	2/22/2019	8/21/2019	117	6	3
65	Huỳnh Đức Thanh Bình	1996	Political activist	7/7/2018	6/24/2019	109	10	3
66	Huỳnh Minh Tâm	1978	Facebooker	1/26/2019	11/28/2019	117	9	
67	Huỳnh Tài	1968	Political activist	Apr-22	6/19/2023	109	6	
68	Huỳnh Thục Vy	1985	blogger	9/8/2018	11/30/2018	(276)	2.75	
69	Huỳnh Tiến	1952	Political activist	Apr-22	6/19/2023	109	2	
70	Huỳnh Trương Ca	1971	Political activist	9/4/2018	12/28/2018	117	5.6	

71	Kpuih Khuong	1962	Montagnard Christian	2014	N/A	(87)	11	3.5
72	Ksor Kam (Ama H'Trum)	1965	Montagnard Christian	2016-09	4/7/2017	(87)	9	
73	Ksor Phit	1970	Montagnard Christian	2016	8/30/2016	(87)	11	3.5
74	Ksor Pup	1962	Montagnard Christian	2016	8/30/2016	(87)	8	3.5
75	Ksor Ruk	1975	Degar Christian	10/30/2018	3/15/2019	(87)	10	
76	Lầu A Lềnh	1970	Political activist	N/A	3/18/2020	109	Life	
77	Lê Chí Thành	1983	Facebooker	4/14/2021	6/22/2022	330, 331	2+3	
78	Lê Đình Chức	1980	Land petitioner	1/9/2020	9/14/2020	123	Death	
79	Lê Đình Công	1964	Land petitioner	1/9/2020	9/14/2020	123	Death	
80	Lê Đình Doanh	1988	Land petitioner	1/9/2020	9/14/2020	123	Life	
81	Lê Đình Lượng	1965	Political activist	7/24/2017	8/16/2018	(79)	20	5
82	Lê Đình Quân	1976	Land petitioner	1/9/2020	9/14/2020	330	5	
83	Lê Đình Quang	1984	Land petitioner	1/9/2020	9/14/2020	330	5	
84	Lê Đình Uy	1993	Land petitioner	1/9/2020	9/14/2020	330	5	
85	Lê Đức Đồng	1983	Ân Đàn Đại Đạo Cult	2/5/2012	2/4/2013	(79)	12	5
86	Lê Duy Lộc	1956	Ân Đàn Đại Đạo Cult	2/5/2012	2/4/2013	(79)	17	5
87	Lê Hữu Minh Tuấn	1989	Freelance journalist	6/12/2020	1/5/2021	117	11	3
88	Lê Mạnh Hà	1970	Facebooker	1/12/2022	10/25/2022	117	8	5
89	Lê Minh Thế	1963	Facebooker	2/22/2023	Pretrial detention	331		
90	Lê Ngọc Thành	1972	Political activist	4/25/2020	4/18/2022	109	9	3
91	Lê Phúc	1951	Ân Đàn Đại Đạo Cult	2/5/2012	2/4/2013	(79)	15	5
92	Lê Thạch Giang	1957	Facebooker	6/29/2023	Pretrial detention	331		
93	Lê Thanh Hoàn Nguyên	1990	Buddhist	1/7/2022	11/3/2022	331	4	
94	Lê Thanh Nhất Nguyên	1991	Buddhist	1/7/2022	11/3/2022	331	4	
95	Lê Thanh Nhị Nguyên	1998	Buddhist	5/27/2022	11/3/2022	331	3.6	
96	Lê Thanh Trùng Dương	1995	Buddhist	1/7/2022	11/3/2022	331	4	
97	Lê Thanh Tùng	1968	Civil rights activist	12/14/2015	12/16/2016	(88)	12	4
98	Lê Thế Thắng	1982	Journalist	7/6/2021	1/27/2022	331	3	
99	Lê Thị Kim Phi	1959	Political activist	9/10/2021	3/16/2022	109	6	
100	Lê Trọng Cư	1966	Ân Đàn Đại Đạo Cult	2/5/2012	2/4/2013	(79)	12	5
101	Lê Trọng Hùng	1979	Facebooker	3/27/2021	4/19/2022	117	5	5
102	Lê Trung Thu	1980	Facebooker	6/30/2021	Pretrial detention	331		
103	Lê Tùng Vân	1932	Buddhist	1/7/2022	11/3/2022	331	5	
104	Lê Văn Dũng	1970	Facebooker	6/30/2021	8/16/2022	(88)	5	5
105	Lê Văn Hải	1966	Facebooker	9/18/2020	3/31/2021	331	4	
106	Lê Văn Lạc	1966	Political activist	N/A	3/11/2021	109	7	2
107	Lê Văn Phương	1990	Facebooker	10/17/2018	8/2/2019	117	7	
108	Lê Văn Quân	1989	Facebooker	10/24/2021	4/14/2022	117	10	
109	Lê Văn sang	1962	Political activist	N/A	3/11/2021	109	5	2
110	Lê Văn Sinh	1965	Facebooker	2/15/2019	9/5/2019	331	5	

111	Lê Viết Hòa	1962	Facebooker	6/24/2020	3/30/2021	117	5	
112	Lương Nhật Quang	1987	Ân Đàn Đại Đạo Cult	2/10/2012	2/4/2013	(79)	12	5
113	Lương Thị Thu Hiền	1968	Political activist	4/8/2020	4/18/2022	109	11	3
114	Lưu Văn Vịnh	1967	Political activist	11/6/2016	10/5/2018	(79)	15	3
115	Lý Văn Dũng	1986	Dương Văn Minh Sect	12/12/2021	5/18/2022	330	4	
116	Lý Xuân Anh	N/A	Dương Văn Minh Sect	12/12/2021	5/24/2022	295	3.6	
117	Nay Y Blang	1976	Dega Christian	5/18/2023	Pretrial detention	331		
118	Ngô Công Trứ	1988	Political activist	2/4/2021	8/25/2021	109	10	
119	Ngô Thị Hà Phương	1996	Facebooker	6/24/2020	3/30/2001	117	7	
120	Ngô Thị Tố Nhiên	N/A	Environmental activist	9/15/2023	Pretrial detention	342		
121	Nguy Thị Khanh	1976	Environmental activist	1/11/2022	6/17/2022	200	2	
122	Nguyễn Anh Hùng	1950	Political activist	N/A	4/19/2022	109	6	
123	Nguyễn Bá Mạnh	1987	Facebooker	3/19/2019	Pretrial detention	288		
124	Nguyễn Bảo Tiên	1986	Book distributor	5/5/2021	1/21/2022	117	6.1/2	
125	Nguyễn Chí Vững	1981	Facebooker	4/23/2019	11/26/2019	117	6	2
126	Nguyễn Đình	1968	Ân Đàn Đại Đạo Cult	2/10/2012	2/4/2013	(79)	14	5
127	Nguyễn Đình Thành	1991	Civil rights activist	6/8/2018	10/17/2018	117	7	
128	Nguyễn Đoàn Quang Viên	1982	Political activist	10/15/2021	1/13/2023	109	14	
129	Nguyễn Đức Hùng	1991	Facebooker	1/6/2022	7/13/2022	117	5.6	2
130	Nguyễn Duy Hường	1987	facebooker	3/22/2021	Pretrial detention	117		
131	Nguyễn Duy Linh	1976	Facebooker	9/14/2021	6/9/2022	117	5	5
132	Nguyễn Hoài Nam	1973	Journalist	4/2/2021	8/4/2022	331	2	
133	Nguyễn Hoàng Nam	1982	Hoa Hao Buddhist	7/24/2023	Pretrial detention	117		
134	Nguyễn Hoàng Phương	1970	Political activist	N/A	4/19/2022	109	14	
135	Nguyễn Hùng Anh	1963	Political activist	N/A	8/22/2018	109	10	
136	Nguyễn Kỳ Lạc	1951	Ân Đàn Đại Đạo Cult	2/6/2012	2/4/2013	(79)	16	5
137	Nguyễn Lân Thắng	1975	Blogger	7/5/2022	4/12/2023	117	6	2
138	Nguyễn Minh Quang	1960	Political activist	N/A	4/18/2022	109	9	3
139	Nguyễn Minh Sơn	1962	Facebooker	9/28/2022	9/29/2023	117	6	
140	Nguyễn Năng Tĩnh	1976	Facebooker	5/29/2019	11/15/2019	117	11	5
141	Nguyễn Ngọc Ánh	1980	Social activist	8/30/2018	11/7/2019	117	6	5
142	Nguyễn Nhật Thương	N/A	Hoa Hao Buddhist	5/18/2017	1/23/2018	(88)	6	
143	Nguyễn Nhật Trường	1985	Hoa Hao Buddhist	5/18/2017	1/23/2018	(88)	6	3
144	Nguyễn Như Phương	1991	Facebooker	10/9/2021	12/26/2022	117	5	3
145	Nguyễn Quang Khải	1969	Facebooker	10/20/2020	Pretrial detention	337		
146	Nguyễn Quang Thanh	1983	Political activist	2/16/2017	12/27/2017	(79)	14	3
147	Nguyễn Quang Vinh	1981	Facebooker	6/27/2020	Pretrial detention	331		
148	Nguyễn Quốc Đức Vượng	1991	Facebooker	9/23/2019	7/7/2020	117	8	
149	Nguyễn Quốc Hoàn	1977	Political activist	6/11/2016	10/5/2018	(79)	13	3
150	Nguyễn Quốc Tiến	1980	Land petitioner	1/9/2020	9/14/2020	123	13	

151	Nguyễn Sơn Lộ	1948	Democ activist	2/2/2023	7/26/2023	331-356	5	
152	Nguyễn Thái Bình	1986	Ân Đàn Đại Đạo Cult	2/10/2012	2/4/2013	(79)	12	5
153	Nguyễn Thái Hưng	1976	YouTuber	1/5/2022	3/29/2023	331	4	
154	Nguyễn Thanh Xoan	1972	Political activist	N/A	4/18/2022	109	12	3
155	Nguyễn Thị Cẩm Thúy	1976	Facebooker	6/24/2020	3/30/2021	117	9	3
156	Nguyễn Thị Chính	1955	Political activist	N/A	4/19/2022	109	8	
157	Nguyễn Thị Kim Duyên	1978	Political activist	N/A	3/11/2021	109	6	2
158	Nguyễn Thị Kim Phượng	1967	Political activist	4/2/2020	4/18/2022	109	10	3
159	Nguyễn Thị Ngọc Hạnh	1976	Political activist	9/3/2018	7/31/2020	118	8	3
160	Nguyễn Thị Ngọc Tiền	1976	Political activist	2/16/2022	9/30/2022	109	12	4
161	Nguyễn Thị Rành	1953	Political activist	N/A	4/19/2022	109	16	
162	Nguyễn Thị Tâm	1972	Social activist	6/24/2020	8/17/2022	117	6	3
163	Nguyễn Thúy Hạnh	1963	Social activist	4/7/2021	Pretrial detention	117		
164	Nguyễn Trí Giỏi	1979	Facebooker	N/A	11/15/2021	117	7	3
165	Nguyễn Trung Lĩnh	1967	Facebooker	5/27/2018	7/1/2020	117	12	
166	Nguyễn Trung Tôn	1971	Political activist	7/30/2017	4/5/2018	(79)	12	3
167	Nguyễn Trung Trực	1963	Political activist	8/4/2017	12/26/2018	(79)	12	5
168	Nguyễn Tường Thụy	1952	Freelance journalist	5/23/2020	1/5/2021	117	11	3
169	Nguyễn Văn Chánh	1975	Political activist	N/A	8/22/2018	109	5	
170	Nguyễn Văn Đức Độ	1975	Political activist	11/6/2016	10/5/2018	(79)	11	
171	Nguyễn Văn Hóa	1995	Environmental activist	1/12/2017	11/27/2017	(88)	7	3
172	Nguyễn Văn Lâm	1970	Facebooker	11/6/2020	7/20/2021	117	9	
173	Nguyễn Văn Nghĩa	1978	Political activist	2/16/2017	12/27/2017	(79)	12	3
174	Nguyễn Văn Nghĩa	1975	Political activist	6/23/2022	10/6/2022	109	7	
175	Nguyễn Văn Nghiêm	1963	Social activist	11/5/2019	6/23/2020	117	6	
176	Nguyễn Văn Phước	1979	Civil rights	12/10/2018	10/29/2019	117	5	
177	Nguyễn Văn Quân	1980	Land petitioner	1/9/2020	9/14/2020	330	5	
178	Nguyễn Văn Quang	1987	Facebooker	6/18/2018	2019-3	117	6	
179	Nguyễn Văn Thượng	1985	Hoa Hao Buddhist	5/18/2017	1/23/2018	(88)	6	3
180	Nguyễn Văn Trường	1976	Facebooker	2/9/2018	Pretrial detention	331		
181	Nguyễn Văn Tuấn	1984	Political activist	2/16/2017	12/27/2017	(79)	12	3
182	Nguyễn Văn Túc	1964	Political activist	9/1/2017	9/14/2018	(79)	13	5
183	Nguyễn Văn Tuyển	1974	Land petitioner	1/9/2020	9/14/2020	123	12	
184	Nguyễn Văn Viễn	1971	Political activist	1/13/2019	11/11/2019	113	11	
185	Nguyễn Viết Dũng	1976	Social activist	9/27/2017	8/15/2018	(88)	6	5
186	Nguyễn Xuân Tĩnh	1972	Political activist	N/A	3/15/2022	109	9	3
187	Ong Thị Thụy	1963	Social activist	3/10/2022	9/15/2023	331	3	
188	P.V.L.	2002	Facebooker	7/11/2023	Pretrial detention	117		
189	Phạm Chí Dũng	1966	Independent Journalist	11/21/2019	1/5/2021	117	15	3
190	Phạm Chí Thành	1952	Blogger	5/21/2020	7/9/2021	117	5.6	5

191	Phạm Đình Quý	1981	Anti-corruption activist	9/25/2020	1/17/2022	156	2.9	
192	Phạm Đoàn Trang	1978	Blogger	10/6/2020	8/25/2022	(88) 117	9	
193	Phạm Hồ	1949	Political activist	8/21/2020	4/18/2022	109	3	2
194	Phạm Long Đại	1996	Political activist	2/16/2017	12/27/2017	(88)	6	1
195	Phạm Tấn Hòa	1970	Facebooker	N/A	9/15/2022	331	1	
196	Phạm Thanh	1987	Political activist	6/11/2018	5/21/2019	178	15.6	
197	Phạm Văn Điệp	1965	Civil rights Facebooker	6/29/2019	11/26/2019	117	9	5
198	Phạm Văn Trội	1972	Political activist	7/30/2017	4/5/2018	(79)	7	1
199	Phạm Xuân Thân	1958	Political activist	6/12/1996	1996	(84)	Life	
200	Phan Công Hải	1996	Social activist,	11/19/2019	4/28/2020	117	5	3
201	Phan Sơn Tùng	1984	YouTuber	8/31/2022	7/3/2023	117	6	
202	Phan Tất Thành	1986	Facebooker	7/5/2023	Pretrial detention	117		
203	Phan Thị Thanh Hồng	1969	social activist	6/24/2020	Pretrial detention	318		
204	Phan Thị Thanh Nhã	1984	Facebooker	3/17/2023	Pretrial detention	109		
205	Phan Trung (Thích Nhật Huệ)	1976	Political activist	11/16/2016	10/5/2018	(79)	8	3
206	Phan Văn Phú	1980	Facebooker	N/A	12/26/2022	31	2.3	
207	Phang A Vang	1988	H'mong Christian	10/16/2012	N/A	(87)	15	
208	Phùng Thanh Tuyền	1983	Facebooker	6/30/2021	Pretrial detention	331		
209	Phùng Thị Nga	1981	Facebooker	10/4/2021	5/26/2022	331	2	
210	Puih Bop (Ama Phun)	1959	Montagnard Christian	2016-09	4/7/2017	(87)	9	
211	Quách Duy	1982	Facebooker	9/18/2020	4/15/2021	331	4.5	
212	Rah Lan Hip	1981	Montagnard Christian	5/15/2019	8/9/2019	116	7	3
213	Rah Lan Rah	1977	Montagnard Christian	2020	N/A	(87)	6	3
214	Rlan Thih (Ama Philip)	1980	Montagnard Christian	12/19/2022	9/28/2023	116	5	3
215	Rmah Bloanh	N/A	Montagnard Christian	2014	2014-9	116	8	3.5
216	Rmah Hlach (A Ma Blut)	1968	Montagnard Christian	7/22/2009	1/14/2010	(87)	12	3
217	Rmah Khil	N/A	Montagnard Christian	2014	2014-09	(87)	9	3.5
218	Rơ Lan Kly (Ama Blan)	1962	Montagnard Christian	2016-9	4/7/2017	(87)	8	
219	Ro Ma Daih (Ama Pôn)	1989	Montagnard Christian	2016-9	4/7/2017	(87)	10	
220	Ro Mah Them	1992	First Christian Church	2020	N/A	(87)	5	3
221	Runh	1979	Hà môn Christian	4/23/2012	5/28/2013	(87)	10	3
222	Siu Chon	1975	First Christian Church	2020	N/A	(87)	6	3
223	Siu Dik	1970	Montagnard Christian	2016	8/30/2016	(87)	8	3.5
224	Siu Doang	1987	Montagnard Christian	2016	8/30/2016	(87)	8	3.5
225	Siu Hlom	1967	Montagnard Christian	8/28/2010	4/5/2011	(87)	12	3
226	Sùng A Dơ	1996	Political activist	N/A	3/18/2020	109	8	2
227	Sùng A Sinh	1982	Political activist	N/A	3/18/2020	109	Life	
228	Sùng A Sinh	1986	Political activist	N/A	3/18/2020	109	8	2
229	Tạ Khu	1947	Ân Đàn Đại Đạo Cult	2/6/2012	2/4/2013	(79)	16	5
230	Tạ Miên Linh	1945	YouTuber	5/4/2023	Pretrial detention	331		

231	Tạ Tấn Lộc	1975	Political activist	2/16/2017	12/27/2017	(79)	14	3
232	Thạch Cương	1987	Khmer Krom	7/31/2023	Pretrial detention	331		
233	Thái Thị Bé	1956	YouTuber	4/22/2023	8/8/2023	331	1.3	
234	Thao A Vang	1986	H'mong Christian	10/16/2012	N/A	(87)	20	
235	Tô Hoàng Chương	1986	Khmer Krom	7/31/2023	Pretrial detention	331		
236	Tôn Nữ Thế Trang	1962	Political activist	N/A	3/15/2022	109	12	
237	Trần Anh Kim	1949	Political activist	9/21/2015	12/16/2016	(79)	13	5
238	Trần Đắc Thắng	1980	Facebooker	9/29/2023	Pretrial detention	331		
239	Trần Đức Thạch	1952	Writer	4/23/2020	12/15/2020	109	12	3
240	Trần Hoàng Huấn	1988	Facebooker	8/10/2021	5/5/2022	117	8	3
241	Trần Hoàng Minh	1990	Facebooker	9/1/2020	7/20/2021	331	5	
242	Trần Huỳnh Duy Thúc	1966	Civil rights blogger	5/24/2009	1/20/2010	(79)	16	5
243	Trần Long Phi	1998	Political activist	7/7/2018	6/24/2019	109	8	
244	Trần Ngọc Sơn	1965	Facebooker	5/20/2021	2/10/2022	331	2.9	
245	Trần Nguyên Chuân	1967	Political activist	9/1/2020	3/19/2021	109	6.6	
246	Trần Phi Dũng	1966	Ân Đàn Đại Đạo Cult	2/12/2012	2/4/2013	(79)	13	5
247	Trần Quân	1984	Ân Đàn Đại Đạo Cult	2/12/2012	2/4/2013	(79)	13	5
248	Trần Quang Vinh	N/A	Political activist	N/A	8/22/2018	109	7	
249	Trần Quốc Khánh	1960	Facebooker	3/10/2021	2/17/2022	117	6.6	6
250	Trần Thanh Giang	1971	Hoa Hao Buddhist	4/23/2019	11/27/2019	117	8	
251	Trần Thị Ngọc Xuân	1969	Political activist	N/A	4/18/2022	109	13	3
252	Trần Thị Tuyết Diệu	1988	Journalist	8/21/2020	9/29/2021	117	8	
253	Trần Thị Xuân	1976	Political activist	10/17/2017	4/12/2018	(79)	9	5
254	Trần Tuấn Tài	1967	Political activist	N/A	8/22/2018	(79)	10	
255	Trần Văn Bang	1961	Facebooker	3/1/2022	8/29/2023	117	8	3
256	Trần Văn Long	1955	Political activist	N/A	4/18/2022	109	10	3
257	Trần Văn Quyến	1999	Political activist	1/23/2019	11/11/2019	113	10	
258	Trần Văn Tứ	1992	Facebooker	2020	Pretrial detention	331		
259	Trần Văn Vinh	1976	Political activist	N/A	8/22/2018	(79)	8	
260	Trịnh Bá Phương	1985	Social activist	6/24/2020	8/17/2022	117	10	5
261	Trịnh Bá Tư	1989	Land right activist	6/24/2020	5/5/2021	117	8	3
262	Trịnh Viết Bằng	1959	Anti-corruption activist	5/14/2019	Pretrial detention	331		
263	Trương Châu Hữu Danh	1982	Journalist	12/16/2020	1/26/2022	331	4	
264	Trương Duy Nhất	1964	Independent journalist	1/28/2019	3/9/2020	355	10	
265	Trương Hữu Lộc	1963	Political activist	6/11/2018	6/28/2019	118	8	
266	Trương Minh Đức	1960	Political activist	7/30/2017	4/5/2018	(79)	12	3
267	Trương Nguyễn Minh Trí	1987	Political activist	N/A	8/22/2018	(79)	11	
268	Trương Văn Dũng	1958	Facebooker	5/21/2022	7/13/2023	(88)	6	
269	Từ Công Nghĩa	1993	Political activist	11/5/2016	10/5/2018	(79)	10	3
270	Từ Thiện Lương	1950	Ân Đàn Đại Đạo Cult	2/10/2012	2/4/2013	(79)	16	5

271	Vang A De	1990	H'mong Christian	10/16/2012	N/A	(87)	20	
272	Vang A Phu	1977	H'mong Christian	10/16/2012	N/A	(87)	20	
273	Văng Bá Cảnh	1948	Political activist	N/A	4/19/2022	109	5	
274	Võ Hoàng Ngọc	N/A	Political activist	N/A	8/22/2018	(79)	9	
275	Võ Hoàng Thơ	1985	Facebooker	10/6/2021	Pretrial detention	331		
276	Võ Ngọc Cư	1951	Ân Đàn Đại Đạo Cult	2/6/2012	2/4/2013	(79)	16	5
277	Võ Thành Lê	1955	Ân Đàn Đại Đạo Cult	2/5/2012	2/4/2013	(79)	16	5
278	Võ Thanh Thời	1989	Facebooker	9/22/2022	Pretrial detention	331		
279	Võ Tiết	1952	Ân Đàn Đại Đạo Cult	2/5/2012	2/4/2013	(79)	16	5
280	Vũ Bích Vân	1971	Social activist	3/10/2022	9/15/2023	331	5	
281	Vũ Ngọc Sửu	1973	Facebooker	9/9/2022	8/22/2023	331	1.6	
282	Vũ Quang Thuận	1966	Facebooker	3/2/2017	1/31/2018	-88	8	
283	Vũ Thị Dung	1965	Facebooker	10/13/2018	9/23/2019	117	6	
284	Vũ Thị Kim Hoàng	1978	Facebooker	1/5/2022	11/22/2022	331	2.6	
285	Vũ Thị Kim Phượng	1970	Political activist	N/A	3/11/2021	109	13	5
286	Vũ Tiến Chi	1966	Facebooker	6/24/2020	3/30/2021	117	10	3
287	Vương Tấn Sơn	1953	Ân Đàn Đại Đạo Cult	2/12/2012	2/4/2013	(79)	17	5
288	Vương Thanh Thuận	1990	Hoa Hao Buddhist	5/18/2017	1/23/2018	(88)	7	3
289	Vương Văn Thả	1969	Hoa Hao Buddhist	5/18/2017	1/23/2018	(88)	12	3
290	Y Hôn Ênuôl	1988	Political activist	N/A	4/18/2022	109	4	2
291	Y Krếch Byă	1975	Dega Christian	4/8/2023	Pretrial detention	116		
292	Y Lao Mlo	1987	Montagnard Christian	7/15/2015	N/A	(87)	8	
293	Y Min Ksor	N/A	Evangelist	2018	1/30/2019	(87)	9	3.5
294	Y Phương Ding Riêh	1978	Political activist	N/A	4/18/2022	109	8	3
295	Y Pum Bya	1964	Montagnard Christian	2018	1/30/2019	(87)	14	3.5
296	Y Pum Nie	1964	Montagnard Christian	4/10/2018	Pretrial detention	116		
297	Y Túp Knul	1970	Political activist	N/A	4/18/2022	109	9	3
298	Y Wo Nie	1970	Montagnard Christian	9/20/2021	5/20/2022	331	4	
299	Y Yich	1960	Evangelical pastor	5/13/2013	11/14/2013	(87)	12	

The Criminal Law Provisions Used to Convict Political and Religious Prisoners

The 2015 Criminal Law

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 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

Article 356. Abuse of power or position in performance of official duties

The 1999 Criminal Law - 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

THE VIETNAM HUMAN RIGHTS AWARD 2022

Since 2002, the Vietnam Human Rights Network (VNHRN) has annually presented the Vietnam Human Rights Award to the prominent human rights and democracy activists in Vietnam who have made their mark in the inexorable march toward 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*
- 2022 *Poet Tran Duc Thach, Journalist Nguyen Tuong Thuy, and Activist Luu Van Vinh with the Vietnam National Self-Determination Coalition*

POET TRAN DUC THACH



Prisoner of conscience Tran Duc Thach, born in 1952 in Nghe An Province, was a veteran of the North Vietnamese army during the Vietnam War.

After being discharged from the army, he started fighting for democracy, human rights, and territorial integrity with some local activists.

He is the author of hundreds of poems, a novel, and many articles in which he decries social injustice and human rights violations.

In his most shocking writing, “The Haunted Burial Pit,” Tran Duc Thach described what he witnessed as a scout squad leader of the 8th battalion, 341 Division, at the battle around the provincial capital Long Khanh in April 1975. The North Vietnamese soldiers massacred hundreds of innocent civilians in Tan Lap commune, now called Xuan Lap, Xuan Loc district, Dong Nai province. When he heard gunfire and ran to ask his teammates to stop firing, he learned that his superiors had ordered them “Rather mistak-

enly kill than to miss an enemy.”

For peaceful activities to demand justice, human rights, democracy, and territorial integrity, Thach was arrested and put on trial by the communist government on October 6, 2008, and sentenced to three years in prison and three years probation for “Propaganda against the State of the Socialist Republic of Vietnam.”

After being released from prison, he was repeatedly harassed, persecuted by local authorities, arrested, and detained because he refused to give up his ideals of freedom, democracy, human rights, and peaceful work for his dreams.

In 2013, he joined the Brotherhood for Democracy to fight for democracy and human rights.

He was arrested for the second time on April 23, 2020, on charges of “subversive activities of the people’s administration.” On December 15, 2020, the People’s Court of Nghe An province sentenced him to 12 years in prison and three years of probation in the first-instance trial in just one morning. On March 24, 2021, the Court of Appeal ruled in favor of the first instance court in less than 2 hours.

For Tran Duc Thach, although the war has ended, the fight against evil to regain human dignity and rights has never ended. Before the communist appellate trial court in March 2021, Tran Duc Thach said:

“This trial is the final notes of my life’s epic, tragic song. It will not end here, but it will hum forever along the historical flow of Vietnamese people, those who love their motherland and sacrifice for justice.

I am very proud to join my friends in committing to the cause of democracy for Vietnam and the cause of fighting against China’s manipulation and invasion of Vietnam...”

Currently, prisoner of conscience Tran Duc Thach is being held in Camp 5, Thong Nhat district, Thanh Hoa. His health deteriorated due to old age and the inhumane conditions of communist prisons; However, his will remained steadfast. Nguyen Thi Chuong, the wife of poet Tran Duc Thach, recounted what he told her when she and two relatives visited him at the prison in Yen Dinh district, Thanh Hoa province: “Whether 12 years (prison) or 20 years (prison) or with no return date, he retains his will.”

JOURNALIST NGUYEN TUONG THUY



Journalist Nguyen Tuong Thuy was born in 1952. He joined the North Vietnamese communist army at age 20 and was discharged 22 years later; however, he was never a member of the Communist Party of Vietnam. During his 22 years in the army, he had the opportunity to collide with party members and the inhuman communist apparatus, so he understood the pervasive deception of this political regime.

That experience helped him have a decisive attitude when fighting for his ideal of dignity and humanity.

Since 2011, Nguyen Tuong Thuy has participated in many social justice and national sovereignty activities, such as demonstrations against Chinese aggression, marches to protect Hanoi's trees, relief for disaster victims and the poor, and speaking up for land rights petitioners. He is the Deputy Executive Board member of the "Bau Bi Tuong Than Association," a civil society organization that supports prisoners of conscience and land rights

petitioners. In addition, he is a member of the Brotherhood for Democracy, a civil society organization whose mission is to "build a progressive, just and civilized democratic society in Vietnam."

In 2016, Nguyen Tuong Thuy ran for the 14th National Assembly as an independent candidate. Yet, he affirmed that: *"The candidacy for the National Assembly does not mean that I accept the leadership of the Communist Party of Vietnam (expressed in Article 4 of the Constitution) as well as other inadequate provisions."* However, the communist government rejected his candidacy through the local voter conference mechanism.

Despite those diverse engagement activities, Nguyen Tuong Thuy's primary means of fighting injustice is the pen; he writes newspapers and blogs. He owns a blog and Facebook page with millions of visits. He is also a contributor to Radio Free Asia (RFA). In 2014, when the Independent Journalists Association of Vietnam (IJAVN) was founded, Nguyen Tuong Thuy assumed the role of Vice President.

Just because of comments that are different from the lines of the Communist Party of Vietnam, journalist Nguyen Tuong Thuy is regularly monitored, harassed, threatened, and assaulted by security. The police also periodically find ways to limit his movement, not allowing him to leave the house to meet with other activists and representatives of the United Nations High Commissioner for Human Rights. He was often arrested at the police station, in the "restore of dignity" camp in Loc Ha, or at the city police headquarters at No. 6, Quang Trung, Hanoi.

On May 23, 2020, a group of plain-clothes and uniform police from Hanoi City suddenly broke into Thuy's house, searched his belongings, and took him away. On January 5, 2021, after only half a day of deliberation, the People's Court of Ho Chi Minh City sentenced journalist Pham Chi Dung to 15 years in prison, journalist Nguyen Tuong Thuy and journalist Le Huu Minh Tuan to 11 years in prison. In addition, all three were given three years of probation. All three activists were found guilty of "making, storing, distributing or propagating information, documents, and items to oppose the State of the Socialist Republic of Vietnam," according to Article 117 of the Vietnamese Criminal Law.

The prison warden told Mr. Thuy that the sentence could be reduced to 7 or 8 years if he confessed. However, he always maintained his innocence and did not request a sentence reduction. Nguyen Tuong Thuy tore up the petition for appeal when he was forced to write it according to the instructions of the police officer. In a letter from the prison, he wrote: *"I am calm and determined not to plead guilty to reduce my sentence. People only live once. If I had to do it again, I would still do the same."*

Currently, Nguyen Tuong Thuy is being held in An Phuoc prison in Binh Duong province. His health deteriorated day by day due to old age and many diseases.

ACTIVIST LUU VAN VINH WITH THE VIETNAM NATIONAL SELF-DETERMINATION COALITION



Mr. Luu Van Vinh was born in 1967 in Hai Duong, residing in Tan Binh district, Saigon. Since 2014, Mr. Vinh contacted and met with opposition activists to discuss human rights and democracy issues. He participated in protests against China's invasion, protested against the Formosa factory polluting the marine environment, and supported petitioners to claim back property seized by the communist government.

On July 15, 2016, Mr. Luu Van Vinh posted a notice on his personal Facebook page announcing the establishment of the Vietnam National Self-Determination Coalition (VNSDC). The coalition's mission is to demand “the CPV to return the right of national

self-determination to the entire people so that they have the full right to choose a political system they want, by their vote, in a system of separation of powers.”

On November 6, 2016, the Ho Chi Minh City Police urgently arrested Mr. Luu Van Vinh and another VNSDC member, Mr. Nguyen Van Duc Do.

On October 5, 2018, the People's Court of Ho Chi Minh City held first-instance hearings of the VNSDC members, including Luu Van Vinh, Nguyen Quoc Hoan, Nguyen Van Duc Do, Tu Cong Nghia, and Phan Trung. According to the indictment, Mr. Vinh and his fellows have propagated, slandered, and distorted the guidelines and policies of the Party and State to eliminate the Party's leadership role. After a quick trial of less than a day, all five defendants were convicted of “activities to overthrow the people's administration” with heavy prison sentences: Mr. Luu Van Vinh, 15 years; Mr. Nguyen Quoc Hoan, 13 years; Mr. Nguyen Van Duc Do, 11 years; Mr. Tu Cong Nghia 10 years; and Mr. Phan Trung, eight years. They were also given an additional three years of probation sentence each.

After the sentencing, all five activists waved their handcuffed hands and repeatedly shouted, “Down with the trial,” “*Down with the unjust trial,*” and “*Down with the Communists.*”

The co-defendants denied the charges, asserted their innocence, and appealed, but in the appellate court on March 18, the People's Court of Ho Chi Minh City upheld the sentence.

While detained for investigation, the activists were beaten and tortured. As a result, it was not until November 12, 2017, that Luu Van Vinh was allowed to see his family for the first time since his November 2016 arrest.

International human rights organizations have called Vietnam to cancel the sentence and release these activists immediately.

In April 2018, the United Nations Working Group on Arbitrary Detention published the opinion that the one-year incommunicado detention of activist Luu Van Vinh “creates the conditions that may lead to violations of the Convention against Torture, and may itself constitute torture or ill-treatment.”

Before the trial, Phil Robertson, deputy Asia director of Human Rights Watch, said, “Vietnam should drop politically motivated charges against five pro-democracy campaigners from a political group that challenges the Communist Party of Vietnam's monopoly on power. The government should immediately release them without conditions.”

Although short-lived, the VNSDC has demonstrated that the right to choose a political system freely is still a persistent aspiration of all people, especially the Vietnamese still living under the oppressive communist yoke. Mr. Luu Van Vinh and his friends consciously sacrificed themselves to fight for this ideal of human rights despite serving many years in prison.



The Vietnam Human Rights Network was established in 1997 as a consortium of individuals and organizations committed to defending and promoting 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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