

REPORT ON HUMAN RIGHTS IN VIETNAM 2020-2021



VIETNAM HUMAN RIGHTS NETWORK

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COVER PHOTO

Three members of The Independent Journalists Association of Vietnam (IJAVN) at the People’s Court of Ho Chi Minh City trial on January 5, 2021 (from left Mr. Nguyen Tuong Thuy, Mr. Le Huu Minh Tuan, Dr. Pham Chi Dung). Photo credit: Reuters

INTRODUCTION

On February 22, 2021, Vietnam’s Deputy Prime Minister and Foreign Minister, Mr. Pham Binh Minh, officially announced Vietnam’s candidature for membership in the United Nations Human Rights Council (UNHRC) for the term 2023-2025 as the candidate of ASEAN for the post.

This is the second time that Vietnam has applied for UNHRC membership. In the previous candidature in 2013, Vietnam pledged, through a note verbale to the President of the United Nations General Assembly (UNGA) dated August 27, 2013, that Vietnam respects the Resolution 60/251 of the UNGA, that is, “the rights and fundamental freedoms of the people are respected and ensured in an increasingly effective and full manner.”¹

However, after more than five years from the date of admission to the UNHRC through the 2019 Universal Periodic Review, according to the assessment of the United Nations Human Rights Committee,² Vietnam’s legal framework has not been compatible with the Covenant. Vietnam continues to violate fundamental human rights, from discrimination, arbitrary arrest and detention, and violation of trial fairness to restrict freedom of religion, freedom of opinion and expression, freedom of association, etc.

Like the last time, in his speech announcing Vietnam’s candidacy on February 22, 2021, the representative of Vietnam stated, “We continue to put emphasis on the protection and promotion of all human rights and fundamental freedoms of our people, even in this most difficult of times.”³

This assertion does not surprise those who are familiar with the long-established propaganda policy of the Vietnamese communist government who always seeks to manipulate international forums to offset their poor record of human rights.

The following report will show Vietnam’s current human rights situation through several criteria set forth by the Universal Declaration of Human Rights and other core International Human Rights Instruments that Vietnam has acceded to and committed to respecting.

¹ UN General Assembly. *Note verbale dated August 27, 2013, from the Permanent Mission of Viet Nam to the United Nations addressed to the President of the General Assembly.*
https://www.un.org/en/ga/search/view_doc.asp?symbol=A/68/312

² UN Human Rights Committee. *Concluding observations on the third periodic report of Viet Nam.*
<https://www.ecoi.net/en/file/local/2005661/G1925752.pdf>

³ Viet Nam Government Portal. *Deputy PM, FM Minh’s statement at 46th Session of UN Human Rights Council.*
<http://news.chinhphu.vn/Home/Deputy-PM-FM-Minhs-statement-at-46th-Session-of-UN-Human-Rights-Council/20212/43039.vgp>

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

This report was prepared by the Vietnam Human Rights Network (VNHRN) in cooperation with several human rights activists in Vietnam. All information used in this report can be verified through open sources.

With this report, the VNHRN wishes to alert the public worldwide to Vietnam's deplorable human rights situation today and make concrete and feasible recommendations to the Vietnamese government concerning its repeated violations throughout the years. It is hoped at the same time that Vietnam will make just compensation for the damage inflicted on its population and various specific communities. The VNHRN also calls on governments and international human rights organizations to confront Vietnam with its unacceptable record on human rights.



VIETNAM COUNTRY PROFILE

Geography: The Socialist Republic of Vietnam is a country in Southeast Asia, which China borders to the North, Laos, and Cambodia to the West, the Gulf of Thailand to the Southwest, and South China Sea (Eastern Sea to Vietnam) to the East and South, and is composed of the mainland area of 331 689 km² and more than 3,000 islands and two large archipelagos of Hoang Sa and Truong Sa; The total area is 331,688 km². The current population is about 98 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 Vietnam.

Politics The Socialist Republic of Vietnam is a single-party regime. The Constitution, amended in 2013, assures the monopoly of the Communists through Article 4.1: "The Communist Party of Vietnam (CPV) [...] is the leading force of the State and society." The General Secretary of the Communist Party of Vietnam is Mr. Nguyen Phu Trong. The State President is Mr. Nguyen Xuan Phuc. The government consists of three branches: the Legislative (National Assembly), the Executive (Administration), and the Judiciary (People's Courts). In practice, however, these branches are subject to the dominance of the CPV, with about 5.2 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." Economic activity in Vietnam 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 at a very high level. The World Trade Organization recognizes Vietnam as a developing economy at a low level and in transition. Vietnam's technological level is 2-3 generations backward compared to the world and several decades compared to the region. According to the General Statistics Office of Vietnam report, the average monthly income per capita is estimated at VND 4,190,000, equivalent to the US \$ 181.55 by 2021. The public debt to GDP ratio is 48.5% in 2020 and increases strongly year by year.

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

I

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

1. DEATH PENALTY

According to Vietnam's Criminal Law, modified in November 2015 and in June 2017, and effective as of January 1, 2018, 18 offenses could result in the death penalty: High treason (Art. 108), Activities against the people's government (Art. 109), Espionage (Art. 110), Rebellion (Art. 112), Terrorism to oppose the people's government (Art. 113), Sabotaging facilities of Socialist Republic of Vietnam (Art. 114), Murder (Art. 123), Rape of a person under 16 (Art. 142), Manufacturing and trading of counterfeit medicines for treatment or prevention of diseases (Art. 194), Illegal manufacturing of narcotic substances (Art. 248), Illegal transport of narcotic substances (Art. 250), Illegal deal in narcotic substances (Art. 251), Terrorism (Art. 299), Embezzlement (Art. 353), Taking bribes (Art. 354), Disruption of peace, provocation of war of aggression (Art. 421), Crimes against humanity (Art. 422), and War crimes (Art. 423).

The two amendments also add three cases exempt from capital punishment: women who are pregnant or raising children under 36 months of age, prisoners aged 75 and older, and officials convicted of corruption if they pay back at least two-thirds of their illicit gains.

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

In September 2020, the Hanoi People's Court handed down two death sentences to Mr. Le Dinh Cong and Mr. Le Dinh Chuc, two land petitioners of the Dong Tam commune, based on Article 123 of the Criminal Law "Murder."¹ Most death penalties in 2020 and 2021 were given to those charged with drug trafficking, murder, and corruption.

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

¹ RFA. *Tòa Hà Nội tuyên 2 án tử hình và 1 án chung thân đối với người dân Đồng Tâm.*
<https://www.rfa.org/vietnamese/news/vietnamnews/dong-tam-trial-announces-2-death-sentences-09142020070519.html>



Two death sentences in the trial of 29 people of Dong Tam at the People's Court of Hanoi on September 14, 2020, photo credit: AFP

However, according to several separate reports, the death penalty in Vietnam is a source of worry. According to a government report on death sentence execution sent to the National Assembly on July 31, 2019, the number of people on death row increased 25.5% over the same period in 2018. Up to 229 cases had been waiting for execution for 5 to 10 years, and only 20 were executed after waiting over ten years. Between October 1, 2018, and

July 31, 2019, provincial law-enforcement agencies put 68 people to death,² averaging more than six deaths monthly.

The Government report on the execution of sentences in 2020 shows that the number of people sentenced to death increased sharply compared to the same period in 2019.³ Another government document also stated that in 2020 the number of people sentenced to death increased by 440 cases (up more than 34% compared with the same period in 2019).⁴ The document also shows that the death row inmates are overcrowded. Currently, 57 of 69 detention centers have separate areas for death convicts with 700 cells (more than 1,200 detention spaces.)⁵

Those scattered and incomplete figures show that the sentencing and execution of the death penalty in Vietnam increased sharply in 2020-2021.

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

- On November 26, 2020, the People's Court of Nghe An province sentenced five people to death for trading and illegally transporting narcotics.⁶
- On August 21, 2020, the People's Court of Dien Bien province declared seven death sentences, three life sentences for ten accused of ethnic minorities on charges of illegally buying, selling, and transporting more than 150 heroin cakes.⁷

² Dân Trí. 229 "tử tù" ... đợi thi hành án 5-10 năm, 20 người đã chờ hơn 10 năm.

<https://dantri.com.vn/xa-hoi/229-tu-tu-doi-thi-hanh-an-510-nam-20-nguoi-da-cho-hon-10-nam-20190904085608580.htm>

³ Công Thông tin Điện tử Quốc hội Việt Nam. Ủy ban Thường vụ Quốc hội nghe báo cáo thẩm tra sơ bộ công tác tư pháp năm 2020. <http://quochoi.vn/tintuc/Pages/tin-hoat-dong-cua-quoc-hoi.aspx?ItemID=48280>

⁴ VietnamNet. Bộ Công an: Công tác quản lý giam giữ người bị kết án tử hình gặp nhiều khó khăn. <https://vietnamnet.vn/vn/thoi-su/quoc-hoi/bo-cong-an-cong-tac-quan-ly-giam-giu-nguoi-bi-ket-an-tu-hinh-gap-nhieu-kho-khan-681832.html>

⁵ VietnamNet. *Ibid*

⁶ Tuổi Trẻ. Tuyên tử hình 5 người mua bán, vận chuyển ma túy xuyên quốc gia.

<https://tuoitre.vn/tuyen-tu-hinh-5-nguoi-mua-ban-van-chuyen-ma-tuy-xuyen-quoc-gia-20201126171811901.htm>

⁷ VOV. 7 án tử hình, 3 án chung thân dành cho các đối tượng mua bán ma túy.

<https://vov.vn/vu-an/7-an-tu-hinh-3-an-chung-than-danh-cho-cac-doi-tuong-mua-ban-ma-tuy-1086330.vov>

- On July 17, 2020, the People’s Court of Nghe An province sentenced seven people to death for “Illegally trading in narcotics” and “Illegally storing narcotics.”⁸
- On June 12, 2020, the People’s Court of Ho Chi Minh City declared five death sentences for five defendants, including two women, for “Illegal trafficking in narcotics” and “Illegal transportation of drugs.”⁹
- On February 18, 2020, the High People’s Court in Hanoi reinstated ten death sentences for ten defendants, including four women, for illegal trafficking in narcotics.¹⁰

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

There are concerns about the continued reliance on and the increase of death sentences and flaws in criminal proceedings that have led to unjust sentences. According to social media in recent years, among the unfair cases have been the high-profile death sentences of Ho Duy Hai, Nguyen Van Chuong, Le Van Manh, Dang Van Hieu, and two land petitioners of Dong Tam Commune, Lê Đình Công and Lê Đình Chức. Lawyers and even government officials considered those cases to be based on insufficient evidence and to have involved reliance on forced confessions under police torture, subsequently contradicted by retractions.

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

2. POLICE BRUTALITY

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

In November 2018, at the 65th Session of the U.N. Committee Against Torture, Vietnam introduced its first National Report on the enforcement of the Convention Against Torture. Its representatives

⁸ Sai Gòn Giải Phóng. *7 bị cáo trong đường dây ma túy xuyên quốc gia lãnh án tử hình.*

<https://www.sggp.org.vn/7-bi-cao-trong-duong-day-ma-tuy-xuyen-quoc-gia-lanh-an-tu-hinh-673609.html>

⁹ Pháp Luật. *5 án tử hình, 7 án chung thân trong đường dây ma túy từ Lào vào Việt Nam.*

<http://cand.com.vn/Phap-luat/Duong-day-mua-ban-ma-tuy-xuyen-quoc-gia-5-an-tu-hinh-7-an-chung-than-598761/>

¹⁰ Báo Công an nhân dân điện tử. *Giữ nguyên 10 án tử hình trong đường dây ma túy xuyên Bắc-Nam.*

<http://cand.com.vn/Ban-tin-113/Giu-nguyen-10-an-tu-hinh-trong-duong-day-ma-tuy-xuyen-Bac-Nam-582234/>

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

pledged to prevent and punish all torture violations. In reality, however, there has been no sign of decreasing police brutality since then. In 2020 and the first quarter of 2021, at least 16 deaths during temporary police detention were disclosed by the media, as follows:

- On January 3, 2020, Mr. Phan Quoc Thang, 47, was found dead by hanging with an undershirt while being held at the police headquarters of Ward 1, Tây Ninh city, for an investigation into the injury to a ward policeman.¹²
- On January 6, 2020, Nguyen Tan Tam, 17, a student at Tinh Bac Secondary School, Tinh Bac commune, Son Tinh district, Quang Ngai province, took poison after leaving a suicide note saying he had been beaten by police during interrogation at the commune police headquarters for falsely being accused of stealing money from neighbors.¹³
- On March 9, 2020, a young man named L.K.N., born in 1987, residing in Van Son commune, Trieu Son district, Thanh Hoa province, died in a hanging position while being held in Trieu Son police station for investigation about a property theft two days earlier.¹⁴
- On March 31, 2020, Mr. Vu Hoai P., 34 years old, died at Tien Giang Central General Hospital after being transferred from the detention house of Go Cong town police.¹⁵
- On April 17, 2020, Mr. Vo Van Tu, 46 years old, from Binh Giang commune, Thang Binh district, Quang Nam province, died at Da Nang hospital after a dispute with the police and was taken to the police station for interrogation.¹⁶
- On May 7, 2020, Mr. Nguyen Quang Lap, 36, died at the police detention center of Chau Duc district, Ba Ria - Vung Tau province. Police said that his cellmate beat Mr. Lap. The victim's family is doubtful because the victim's body has many bruises, especially on the back and



Mrs. Trieu Ngoc Binh, the mother of Duong Quoc Minh, who died while being detained at Chi Hoa prison on January 6, 2021, indicated bruises on Minh's body photo – Photo credit: Minh Hoa (Tuoi Tre Magazine)

¹² RFA. *1 người bị tạm giam chết nơi giam giữ và công an nói tự treo cổ.*
<https://www.rfa.org/vietnamese/news/vietnamnews/one-detainee-died-in-police-custody-01032020074458.html>

¹³ SBTN. *Nam sinh lớp 9 tự sát sau khi bị công an tra tấn.*
<https://www.sbtn.tv/nam-sinh-lop-9-tu-sat-sau-khi-bi-cong-an-tra-tan/>

¹⁴ RFA. *Chết bất minh trong đồn công an vẫn tiếp diễn, nhưng sự phản kháng gần như không còn.* https://www.rfa.org/vietnamese/in_depth/deathlessness-in-the-police-station-continued-but-the-protest-was-almost-over-03102020125952.html

¹⁵ RFA. *Trường hợp mới người dân chết trong trại tạm giam.*
<https://www.rfa.org/vietnamese/news/vietnamnews/one-more-case-died-in-police-detention-04062020102241.html>

¹⁶ VietnamNet. *Đưa thi thể người thân lên trụ sở xã đòi làm rõ nguyên nhân tử vong.*
<https://vietnamnet.vn/vn/thoi-su/dua-thi-the-nguoi-than-len-tru-so-xa-doi-lam-ro-nguyen-nhan-tu-vong-634532.html>

buttocks.¹⁷

- On June 10, 2020, Mr. Dang Manh Ha, 50, of Truc Ninh, Nam Dinh province, “suddenly died while being held at the Xuan Truong District Police Detention Center.” The victim’s family noted “some bruises on the victim’s body.”¹⁸
- On August 1, 2020, the prison officer reported that two defendants Lang Van Van and Luong Van Bang, hung themselves with a blanket while their feet were shackled.¹⁹
- On August 8, 2020, P.V.T., 28 years old, living in Chau Thanh district, An Giang province, died at the hospital after being taken to the emergency room from the detention center of Vinh Thanh district, Can Tho city.²⁰
- On August 27, 2020, Mr. Doan Quang Dung, 58 years old, resident of P. Sa Pa, Sa Pa Town, Lao Cai, died at his jail cell while being held in custody for illegal possession of narcotics. Police said the victim died of stomach bleeding.²¹
- On August 29, 2020, Mr. Nguyen Trong Ha, 66, resident of Bac Son ward, Pho Yen town, Thai Nguyen province, was found dead in a hanging position at the Lao Cai Provincial Police Detention Center.²²
- On October 31, 2020, Mr. Nguyen Minh, 39, resident of Thanh Cong ward, Buon Ma Thuot city, died at the Central Highlands General Hospital after being transferred from Buon Ma Thuot city police headquarters.²³
- On November 4, 2020, Mr. Ha Van Khanh, 41, resident of Hieng village, Ky Tan commune, mountainous district of Ba Thuoc, died when being detained by police on charges of illegal possession of narcotics. Police said Khanh died from strangling himself in the detention house. According to the victim’s family, he showed no signs of distress.²⁴
- On January 6, 2021, Mr. Duong Quoc Minh, 23, died while being held at Chi Hoa Detention Center, Ho Chi Minh city. Police said Mr. Minh committed suicide. The family saw many bruises on the body of Mr. Minh when they came to see him at the Saigon Forensic Center.²⁵

¹⁷ SBTN. *Dân tiếp tục chết trong đồn công an: Người thứ 6 trong năm 2020 tử vong sau 3 ngày thụ án.*

<https://www.sbtn.tv/dan-tiep-tuc-chet-trong-don-cong-an-nguoi-thu-6-trong-nam-2020-tu-vong-sau-3-ngay-thu-an/>

¹⁸ Người Việt. *Nam Định: Thêm một người ‘hoàn toàn khỏe mạnh’ chết trong đồn công an.*

<https://www.nguoi-viet.com/viet-nam/nam-dinh-them-mot-nguoi-hoan-toan-khoe-manh-chet-trong-don-cong-an/>

¹⁹ RFA. *Hai tử tù treo cổ chết trong phòng biệt giam ở Bắc Kạn.*

<https://www.rfa.org/vietnamese/news/vietnamnews/two-hanged-death-row-inmates-die-in-solitary-confinement-in-backan-08032020131844.html>

²⁰ Tiền Phong. *Một thanh niên tử vong trong thời gian tạm giam chờ thi hành án.*

<https://www.tienphong.vn/phap-luat/mot-thanh-nien-tu-vong-trong-thoi-gian-tam-giam-cho-thi-hanh-an-1709381.tpo>

²¹ Thanh Niên. *Lào Cai: Hai nghi phạm mua bán, vận chuyển ma túy tử vong tại trại tạm giam.*

<https://thanhnien.vn/thoi-su/lao-cai-hai-nghi-pham-mua-ban-van-chuyen-ma-tuy-tu-vong-tai-trai-tam-giam-1276789.html>

²² Thanh Niên. *Ibid.*

²³ Infonet. *Điều tra vụ việc một nghi phạm tử vong khi đang bị tạm giam.*

<https://infonet.vietnamnet.vn/doi-song/nhip-song/dieu-tra-mot-nghi-pham-tu-vong-khi-dang-bi-tam-giam-268846.html>

²⁴ Tuổi Trẻ. *Một nghi phạm tử vong tại nhà tạm giữ công an huyện.*

<https://tuoitre.vn/mot-nghi-pham-tu-vong-tai-nha-tam-giu-cong-an-huyen-20201110154834148.htm>

²⁵ Tuổi trẻ. *Kiểm tra thông tin một bị can đang bị giam tại Chi Hòa tử vong.*

<https://tuoitre.vn/kiem-tra-thong-tin-mot-bi-can-dang-bi-giam-tai-chi-hoa-tu-vong-20210116122819254.htm>

- On January 13, 2021, Mr. Tram, 31 years old, resident of village 12, Dak Ruong commune, was found dead in a hanging posture behind his house. He had been summoned by the police many times because of alleged illegal logging.²⁶
- On January 18, 2021, Mr. Vo Van Duoc, 51, resident of Thanh Phu town, Thanh Phu district, Ben Tre province, was reported dead by jumping from the second floor while being investigated for theft by the police.²⁷

In its third Periodical Review of 2019, Vietnam denied that police violence was the cause of deaths in police facilities. According to police representatives, the causes existed before the victims' arrests, possibly due to "having been tormented by their crimes and made prone to depression and suicide."²⁸

3. HUMAN TRAFFICKING

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

Yet, the tragedy is merely the tip of a vast iceberg that includes complex human trafficking activities. The 2019 report of the Criminal Police Department of Vietnam's Ministry of Public Security admitted, "Vietnam has been considered a hot spot of human trafficking and illegal migration in the Mekong sub-region, with a yearly profit estimated at up to tens of billions of U.S. dollars."²⁹

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

For transnational trafficking of persons, official statistics are rare and scattered. According to the latest government figures, in the period 2016 - 2020, there were 1,266 cases of human trafficking, with 1,690 subjects tricking to sell 2,956 victims all over the whole country.³⁰

According to statistics in 2019 and the first six months of 2020, the police and border guards investigated and discovered 236 cases of human trafficking, arrested 308 criminals of human trafficking and trafficking under 16 years old.³¹

²⁶ Thanh Niên. *Chết trong tư thế treo cổ tại nhà riêng sau khi làm việc với cơ quan công an*. <https://thanhnien.vn/thoi-su/chet-trong-tu-the-treo-co-tai-nha-rieng-sau-khi-lam-viec-voi-co-quan-cong-an-1329651.html>

²⁷ Người Việt. *Người thứ ba chết ở đồn công an CSVN trong Tháng Giêng*. <https://www.nguoi-viet.com/viet-nam/nguoi-thu-ba-chet-boi-cong-an-csvn-trong-thang-gieng-2021/>

²⁸ RFA. *Bác bỏ giải trình của Bộ Công an về vấn nạn 'tự tử' nơi giam giữ*. https://www.rfa.org/vietnamese/in_depth/denouncing-ministry-of-public-security-s-explanation-to-the-un-on-death-in-custody-dt-03132019130320.html

²⁹ Tuổi Trẻ Online. *Việt Nam - điểm nóng của hoạt động mua bán người trị giá tỉ đô*. <https://tuoitre.vn/viet-nam-diem-nong-cua-hoat-dong-mua-ban-nguoi-tri-gia-ti-do-20191129123435165.htm>

³⁰ An sinh Xã hội & Phát triển Cộng đồng. *"Nóng" tình trạng mua bán người qua núp bóng "lao động di cư"*. <http://asxh.com.vn/lao-dong/-nong-tinh-trang-mua-ban-nguoi-qua-nup-bong-lao-dong-di-cu-.html>

³¹ Nhân Dân điện tử. *Đấu tranh với tội phạm mua, bán người ở khu vực ASEAN*. <https://nhandan.com.vn/thoi-su-phap-luat/dau-tranh-voi-toi-pham-mua-ban-nguoi-o-khu-vuc-asean-629069/>

The victims of human trafficking in Vietnam are not only women and children but also men, infants, fetuses, human organs, and surrogate pregnancy, etc. Notable during this period is surrogacy to sell babies to foreigners or inciting unwanted childbearing to sell babies.³²

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

For instance, in the small district of Muong Lat in Thanh Hoa province, with about 30,000 inhabitants, more than 70 women were missing, suspected of having been married off or tricked into being sold to China. At the same time, according to the statistics for the whole of Thanh Hoa province, only “about 130 women were tricked into being sold to China to get married and forced to become wives illegally.”³³

Because the human trafficking situation remains unimproved in Vietnam, the U.S. Department of State, in its 2020 Trafficking in Persons Report, maintained Vietnam in the Tier 2 Watch List. Vietnam was brought back to the Tier 2 Watch List from 2019, after ten consecutive years in the Tier 2 No more Watch List.

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

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

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

Trafficking of women for prostitution is a common form of domestic as well as transnational trafficking. As in previous years, in 2020, most women and children have been trafficked across the country’s borders to Cambodia, Laos, and China, of which China accounts for 75%.³⁴

A report by the Ministry of Public Security in 2019 indicated that in the two years 2017-2019, more than 1,600 victims were deceived into being trafficked to Cambodia to work as prostitutes.³⁵ Meanwhile, according to the Malaysian Criminal Investigation Department, the most numerous

³² An Ninh Thế Giới. *Báo cáo TIP 2020 chưa nhìn nhận khách quan công tác phòng, chống mua bán người ở Việt Nam*. <http://cand.com.vn/Chong-dien-bien-hoa-binh/Bao-cao-TIP-2020-chua-nhin-nhan-khach-quan-cong-tac-phong-chong-mua-ban-nguoi-o-Viet-Nam-604222/>

³³ Xã Luận. *Tình trạng buôn người nơi vùng biên xứ Thanh: Cạm bẫy và nước mắt....* <https://www.xaluan.com/modules.php?name=News&file=article&sid=2572375>

³⁴ Bộ Lao động - Thương binh và Xã hội. *Mối nguy về nạn mua bán người ở ASEAN trong mùa dịch COVID-19*. http://pctn.xh.molisa.gov.vn/default.aspx?page=news&do=detail&category_id=22&id=3265

³⁵ laodongthudo.vn. *Nhiều phụ nữ bị bán sang Campuchia làm gái mại dâm*. <http://laodongthudo.vn/nhieu-phu-nu-bi-ban-sang-campuchia-lam-gai-mai-dam-101164.html>

nationals rescued in 2019 were the Vietnamese, with 384 people, followed by Indonesians (234) and Thais (227).³⁶

Meanwhile, victims of human trafficking into 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, but upon arrival, the victims are sold to peasant families to become domestic laborers or forced to marry older men; some are forced into prostitution.

Human trafficking from Vietnam to Europe, particularly to the United Kingdom, has continued to be of great concern in 2020 after the tragedy of the 39 Vietnamese suffocated in a refrigerated trailer in the U.K. in October 2019.

According to a report by the U.K.'s National Crime Agency (N.C.A.) in 2020, among the reported victims of trafficking from abroad to the U.K., Vietnamese nationals ranked second, behind only Albania, with 653 people. Most of them have been exploited for criminal activities, labor, and prostitution.³⁷

In early March 2020, German authorities launched a large-scale raid on human-trafficking facilities and suspects that had brought 155 Vietnamese illegal immigrants into Western Europe. All 13 suspects arrested during the raid are Vietnamese.³⁸

In early January 2021, the German authorities identified an extensive network of Vietnamese human trafficking operating throughout Europe, whose gathering point was the eastern Berlin district of Lichtenberg, home to the Dong Xuan Center. This human trafficking network brings in enormous profits for the international people-smuggling gang.³⁹

On May 19, 2021, the Belgian rescue service rescued a boat in distress carrying illegal immigrants trying to reach the British coast from France. There were 49 people on the ship, of which 44 were Vietnamese. Local authorities are investigating this human trafficking ring.⁴⁰

Domestic trafficking for sexual exploitation also grows in 2020-2021. Many girls from low-income



Police officers escort a suspect during a raid on Vietnamese human traffickers in Berlin, Germany, March 3, 2020, Photo credit: VOA

³⁶ The Star. *The pay's great: How human trafficking syndicates lure victims.*

<https://www.thestar.com.my/news/nation/2019/12/25/the-pays-great-how-human-trafficking-syndicates-lure-victims>

³⁷ The U.K. Home Office. *Modern Slavery: National Referral Mechanism and Duty to Notify Statistics, U.K., End of Year Summary, 2020.* https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/970995/modern-slavery-national-referral-mechanism-statistics-end-year-summary-2020-hosb0821.pdf

³⁸ VOA. *700 Police Bust Vietnamese Trafficking Ring in Germany.*

<https://www.voanews.com/europe/700-police-bust-vietnamese-trafficking-ring-germany>

³⁹ Tạp chí Nước Đức. *Đức phát hiện 'mạng lưới khổng lồ' buôn người Việt hoạt động khắp châu Âu.* <https://www.tapchinuocduc.com/tin-tuc/cong-dong/27516-duc-phat-hien-mang-luoi-khong-lo-buon-nguoi-viet-hoat-dong-khaph-chau-au.html>

⁴⁰ Newsmd.com. *Belgium: 49 migrants, mostly Vietnamese, rescued at sea.*

https://newsmd.com/news/2021-05-22-belgium--49-migrants--mostly-vietnamese--rescued-at-sea.S1eNdhNLK_.html

families in the countryside are lured into working as bartenders but are actually receiving guests and then selling sex. These girls want to quit their jobs but cannot because they can be locked up and confined.⁴¹

Child trafficking is not operated only cross-border; in fact, the vast majority of 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, and the overwhelming majority of young people with indicators of having been trafficked (92.3%) were reported to have been trafficked internally.⁴²

In addition to the trafficking of women and children, the phenomenon of trafficking of babies, fetuses

(bringing pregnant women to China to give birth and sell), and organs has also increased in recent years.⁴³ For example, according to court records, on January 19, 2021, in Ho Chi Minh City, an organ trafficking ring found 100 kidney sellers and successfully brought 37 kidney transplant recipients to Cambodia.⁴⁴

The direct and primary cause for Vietnamese women and children being lured into sex slavery, domestically and transnationally, is the poverty created by the current government's unjust social policies. This sad situation has significantly expanded since Vietnam chose to follow the ill-conceived open trade practice that facilitates corruption among government workers



On February 26, 2021, the Criminal Police Department (Ministry of Public Security) handed over four newborn babies who had just been rescued from a baby trafficking ring to China to the Center for Social Protection (the Vietnam Women's Union). Photo credit: Báo Pháp Luật

and criminals' illegal activities. Ill-planned urbanization, the expropriation of farmland, and the government's inability to create jobs have resulted in great socio-economic difficulties for families who have had to flock to urban areas or emigrate abroad in search of ways to earn a living.

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

According to Vietnam's Ministry of Public Security, an average of 18,000 Vietnamese citizens

⁴¹ VOV. "Gái hát" hay nạn nhân của tội phạm buôn người? <https://vov.vn/phap-luat/gai-hat-hay-nan-nhan-cua-toi-pham-buon-nguoi-823560.vov>

⁴² Kara Apland and Elizabeth Yarrow. *Casting Light in the Shadows: Child and youth migration, exploitation, and trafficking in Vietnam*. <https://coraminternational.org/wp-content/uploads/CTPF-report-.pdf>

⁴³ Pháp Luật. *Phá đường dây buôn bán nội tạng xuyên quốc gia lớn nhất Việt Nam*. <https://baophapluat.vn/ho-so/pha-duong-day-buon-ban-noi-tang-xuyen-quoc-gia-lon-nhat-viet-nam-437408.html>

⁴⁴ Báo vệ pháp luật. *Xét xử đường dây dụ dỗ 100 người bán thận xuyên quốc gia*. <https://baovephapluat.vn/phap-dinh/cau-chuyen-phap-luat/xet-xu-duong-day-du-do-100-nguoi-ban-than-xuyen-quoc-gia-100462.html>

married foreigners annually between 2008 and 2019, primarily Taiwanese, Chinese, Americans, and Korean. The vast majority (78%) of women married to foreigners are from low-income families, with low education and high unemployment.⁴⁵

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, in some provinces close to the northern border, the number of registered marriages is less than 10% of the survey sample.⁴⁶

Instead of relying on “body parade” in recent years, marriage brokerage services have used modern means of communication, especially the Internet, in marketing Vietnamese brides. In videos featuring marriage brokers on the Internet, brides are presented as commodities for exchange.⁴⁷

Some local governments in Korea act as marriage brokers. In May 2021, a group of Vietnamese female students studying in Korea and human rights groups submitted a petition to the Korean National Human Rights Commission to protest against the Mungyeong city government’s matchmaking program for rural Korean men with Vietnamese students studying in this country.⁴⁸

Even in Vietnam, many marriage brokerage services for foreigners focus on deceiving women into believing their services are legitimate. For example, in September 1919, People’s Police Television ANTV broadcast a T.V. report on the tricks marriage brokers use with Koreans in Hai Phong City. It showed hundreds of Vietnamese girls waiting to be seen by three elderly Koreans. Each girl met the future groom for less than two minutes. If selected, the girl had to pay a service fee of 10 to 20 million dong, and the Korean man was charged a few hundred million dong, all going to the brokerage service.⁴⁹

It should be noted that such brokered marriages often lead to painful outcomes. In Hau Giang province alone, from January 2018 up to now, there have been 2,247 women married to foreigners (959 women marrying Koreans). Among these, 541 got divorced and went back home with 260 fatherless children.⁵⁰

Many Vietnamese brides suffered torture and other mistreatments before being passed on to other men, leading them eventually to escape and then try to survive in a foreign country, only to be recruited into brothels, where they either risked death or saw no other

⁴⁵ Cổng Thông tin điện tử Chính phủ. *70.000 phụ nữ DBSCL lấy chồng nước ngoài.*
<http://tphcm.chinhphu.vn/70-000-phu-nu-dbscl-lay-chong-nuoc-ngoai>

⁴⁶ Đặng Thị Hoa. *Một số vấn đề về hôn nhân xuyên biên giới với phát triển xã hội ở Việt Nam hiện nay.*
https://vass.gov.vn/noidung/tintuc/lists/khoahoccongnghe/View_Detail.aspx?ItemID=30

⁴⁷ ZingNews. *Kênh môi giới hôn nhân ở Hàn xếp phụ nữ Việt theo cơ thể, trình tiết.*
<https://zingnews.vn/kenh-moi-gioi-hon-nhan-o-han-xep-phu-nu-viet-theo-co-the-trinh-tiet-post1147975.html>

⁴⁸ Korea JoongAng Daily. *Activists and Vietnamese students blast archaic matchmaking program.*
<https://koreajoongangdaily.joins.com/2021/06/03/national/socialAffairs/a-city-government-in-korea-asks-a-legal-office-to-matchmake-international-students/20210603174500832.html>

⁴⁹ ANTV. *Một buổi dự tuyển lấy chồng Hàn Quốc.*
<http://www.antv.gov.vn/tin-tuc/xa-hoi/mot-buoi-du-tuyen-lay-chong-han-quoc-297899.html>

⁵⁰ Nông Nghiệp. *Hôn nhân nước ngoài đổ vỡ, hàng trăm phụ nữ ôm con về quê.*
<https://nongnghiep.vn/hon-nhan-nuoc-ngoai-do-vo-hang-tram-phu-nu-om-con-ve-que-d267286.html>

option but to kill themselves.⁵¹

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

Since 2002, with Decree 68/2002/NDTV-714-625-2785, the government has prohibited all forms of marriage brokering for profit. In 2004, Decree 125/2014/NĐ-714-625-2785 was issued to implement the new Family Law, prohibiting foreigners' abuse of marriage and family counseling and support for profit; and assigning counseling and support services to the state-sponsored Vietnam Women's Union. However, many believe the Vietnam Women's Union has failed in its counseling services to women marrying foreigners since it is incapable of competing with the unscrupulous intermediaries who operate rampantly throughout the country.⁵²

3. 3. Human Trafficking: Exploitation of Exported Workers

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

According to statistics from the Ministry of Labor, Invalids and Social Affairs, Vietnam has more than 1 million workers working abroad. Also, according to this agency, the number of workers exported in 2019 was 152,530, reaching 127.1% of the 2019 plan; and the Vietnamese government set a target of 130,000 for 2020.⁵³ However, due to the Covid-19 epidemic, by the end of 2020, the number of exported workers only reached about 78,000.⁵⁴

Besides the number of workers exported through government-licensed agencies, many other workers are recruited secretly by illegal intermediary agencies. This kind of export labor has been on the rise for several reasons. Many export-worker candidates do not have enough money to complete their legal paperwork, in particular, to make the required payment to the state before leaving. Some do not meet the minimum requirements in foreign languages. Therefore, they resort to illegal intermediary agencies rather than going through official channels. Once in the destination country, some legal export workers try their best to remain in place and work underground after their contracts have expired.

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

⁵¹ Đản Loan HUB. *Những câu chuyện hãi hùng về phận dâu Việt ở Đài Loan*.

<https://dailoanhub.com/2021/06/03/nhung-cau-chuyen-hai-hung-ve-phan-dau-viet-o-dai-loan/>

⁵² Báo Phụ nữ. *Môi giới kết hôn với người nước ngoài: hoạt động hợp pháp tự thua trên sân nhà?*. <https://www.phunuonline.com.vn/moi-gioi-ket-hon-voi-nguoi-nuoc-ngoai-hoat-dong-hop-phap-tu-thua-tren-san-nha-a90769.html>

⁵³ VnEconomy. *Năm 2020, mục tiêu đưa 130.000 lao động đi làm việc ở nước ngoài*.

<http://vneconomy.vn/nam-2020-muc-tieu-dua-130000-lao-dong-di-lam-viec-o-nuoc-ngoai-20200109145853306.htm>

⁵⁴ Lao Động. *Khoảng 90.000 lao động đi làm việc tại nước ngoài trong năm 2021*.

<https://laodong.vn/xa-hoi/khoang-90000-lao-dong-di-lam-viec-tai-nuoc-ngoai-trong-nam-2021-871149.ldo>

officials have acknowledged many undocumented workers over the years. For example, according to the authorities of Ha Tinh province, in 2019, the whole province has 68,000 people working abroad, including 35,000 underground workers.⁵⁵ In addition to China, other countries such as Japan, Taiwan, and South Korea are considered paradises for underground workers.

The majority of export workers, legal or illegal, have been victims of intermediary agencies with ties to corrupt state officials. Laborers from Vietnam seeking to work abroad have been forced to pay outrageously high fees, including eight different types of fees: brokerage fee, labor export service fee, air ticket fee, security deposit (anti-evasion deposit), etc.

Victims have had to mortgage their properties to pay intermediary-agency fees. Nonetheless, these greedy agencies had often exploited and neglected them when their foreign employers mistreated or forced them to work harder for pittance. In many instances, bosses confiscated their passports and turned them into detainees living miserably under their control.

The International Labor Organization (I.L.O.) in Vietnam in 2020 has officially warned against too high fees for those who want to work abroad.⁵⁶

In addition to being robbed by intermediary agencies and employers, illegal workers also had to evade local authorities. They were often arrested, beaten, and sometimes even raped by security forces.⁵⁷ Research by the International Labor Organization recently revealed that 76% of Vietnamese migrant workers were deprived of their labor rights while working in Malaysia and Thailand.⁵⁸ On May 5, 2019, many Vietnamese workers in Taiwan staged a protest in front of Vietnam's Cultural and Economic Office in Taipei, opposing private labor brokers in Vietnam. They considered it a form of worker exploitation.⁵⁹

The plight of export workers was recorded in the 2019 autobiography "Do not die in Saudi Arabia" by Nghiem Huong. The author recounts her own humiliating, nine-month export-labor journey in Saudi Arabia, which she called "hell on earth."⁶⁰

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

⁵⁵ RFA. *Hơn 35.000 người Hà Tĩnh lao động chui ở nước ngoài.*

<https://www.rfa.org/vietnamese/news/vietnamnews/ha-tinh-more-than-35k-ppl-work-abroad-12162019070042.html>

⁵⁶ Thanh Niên. *Tổ chức quốc tế cảnh báo tình trạng lạm thu phí xuất khẩu lao động.*

<https://thanhnien.vn/thoi-su/to-chuc-quoc-te-can-h-bao-tinh-trang-lam-thu-phi-xuat-khau-lao-dong-1236105.html>

⁵⁷ Vinaeximco. *Ký ức kinh hoàng của những phụ nữ đi xuất khẩu lao động ở Ả-rập Xê-út.*

<http://xkld-hanoi.com/ky-uc-kinh-hoang-cua-nhung-phu-nu-di-xuat-khau-lao-dong-o-arap-xe-ut-n297.html>

⁵⁸ Zing.Vn. *ILO: 76% lao động Việt ở Thái Lan, Malaysia bị lạm dụng quyền lao*

động. <https://news.zing.vn/ilo-76-lao-dong-viet-o-thai-lan-malaysia-bi-lam-dung-quyen-lao-dong-post972117.html>

⁵⁹ RFA. *Công nhân Việt tại Đài Loan biểu tình đòi chính phủ Việt Nam bỏ môi giới bóc lột lao động.*

<https://www.rfa.org/vietnamese/news/vietnamnews/viet-labor-in-taiwan-protest-gov-of-vn-05052019084652.html>

⁶⁰ Nghiem Huong. *Đừng chết ở Ả-rập Xê-út.* Available at: <https://tiki.vn/dung-chet-o-a-rap-xe-ut-p26412706.html>

Despite the brutal consequences of the illegal export of workers, the Vietnamese government still refuses to see the abuse they suffer as constituting human trafficking. Even the March 2011 Law on Anti-Human Trafficking, in effect since May 1, 2012, stops short at the general concept of “forced labor” and does not recognize the deception and exploitation of people working abroad as a form of human trafficking. Meanwhile, a survey of 350 legally exported workers in October 2012 revealed that 55 of these workers claimed themselves to be victims of human trafficking.⁶¹

RECOMMENDATIONS

It is recommended that the Government of Vietnam

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

⁶¹ Dân Việt. *Khó “chi mặt đặt tên” nạn buôn người.*
<https://danviet.vn/kho-chi-mat-dat-ten-nan-buon-nguoi-777731249.htm>

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

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

Many observers, and even some National Assembly members, have reacted to the hurried and careless legislation procedure. After enacting these laws in 2015, the National Assembly decided to postpone the implementation because of too many embedded errors and waited for future amendments by the next session of the National Assembly.¹

This clearly shows 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.

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

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

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.

Outstanding legal cases in 2020-2021 exposed many wrongdoings in Vietnam's judiciary system in general and, in particular, prosecution procedures. In the cassation case Ho Duy Hai, although the Chief Justice of the Supreme Court said that there was no injustice,² the public opinion and even a number of the National Assembly deputies doubted the correctness of the judgment as well as procedural due process violations.³

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

As for political cases, violations of criminal proceedings are particularly egregious. In 2020 and 2021 (until May 31, 2021), the Vietnamese Government used vaguely worded provisions of the 2015 Penal Law to accuse and prosecute at least 79 dissidents [See details in Appendix 1]. 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, and prevention of contact with lawyer and family. In many court sessions, lawyers are either disallowed or restricted in their defense; relatives cannot attend.

In 2020, the UN Working Group on Arbitrary Detention adopted five opinions about human rights violations by the Vietnam government when it arbitrarily arrested and detained political dissidents. These opinions are related to the arrest and detention of Phan Kim Khanh (Opinion 15/2020), Ngo Van Dung (Opinion 16/2020), Dao Quang Thuc (Opinion 36/2020), Truong Duy Nhat (Opinion 42/2020), and Ho Van Hai (Opinion 81/2020). Through these opinions, the UN Working Group on Arbitrary Detention considers that the arrests and detention of these individuals have no legal basis and do not comply with the international human rights law that Vietnam has committed to respect. The Working Group also expressed concern that "That pattern indicates a systemic problem with arbitrary detention in Viet Nam which, if it continues, may amount to a serious

² Thanh Niên. *Chánh án TAND tối cao Nguyễn Hòa Bình trả lời 'Hồ Duy Hải có oan hay không'*. <https://thanhnien.vn/thoi-su/chanh-an-tand-toi-cao-nguyen-hoa-binh-tra-loi-ho-duy-hai-co-oan-hay-khong-1238067.html>

³ Tuổi Trẻ online. *Đại biểu Quốc hội tranh luận vụ Hồ Duy Hải*. <https://tuoitre.vn/dai-bieu-quoc-hoi-tranh-luan-vu-ho-duy-hai-20200613111700298.htm>

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

violation of international law.”⁵

On January 8, 2021, the UN High Commissioner for Human Rights issued a statement on the Vietnamese court sentencing of three journalists of the Independent Journalists Association of Vietnam (IJAVN), Pham Chi Dung, Nguyen Tuong Thuy, and Le Huu Minh Tuan, as well as on the arbitrary arrests and detention against other independent journalists, bloggers, online commentators, and other human rights defenders. The statement read, “All three individuals were held in lengthy pre-trial detention, and despite assurances given by the Government that due process was followed, there are serious concerns about whether their rights to a fair trial were fully respected.”⁶

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

At the same time, the required electronic recording of custodial interrogations planned since 2018 as a measure to prevent coercion, extortion, and use of corporal punishment has been delayed by the authorities due to lack of equipment and staff training. After more than three years of preparation, the audio and video recording of interrogation has only been implemented in 42 pilot interrogation rooms.⁷

In addition to using state-run media to convict defendants before a trial court, the Vietnamese Communist authorities often put detainees on TV for self-confession. This practice was applied to several political cases in previous years, such as Lawyer Nguyen Van Dai and Lawyer Le Thi Cong Nhan (2007), Lawyer Le Cong Dinh (2009), and Mr. Will Nguyen (2018). Recently, on January 13, 2020, three relatives of Mr. Le Dinh Kinh, who died in clashes with police forces in Dong Tam village, were put on state television “confessing” after the police had launched an attack on the village residents on January 9, 2020.⁸



Mr. Le Dinh Cong was forced to “confess” on VTV on January 13, 2020. Picture from youtube of VTV24

One other equally serious crime is “corrupt bribery of the courts,” which is a widespread

⁵ Human Rights Council, *WGAD. Opinion No. 16/2020 concerning Ngô Văn Dũng (Viet Nam)*. https://www.ohchr.org/Documents/Issues/Detention/Opinions/Session87/A_HRC_WGAD_2020_16_Advance_Edited_Version.pdf

⁶ UN High Commissioner for Human Rights. *Press briefing notes on Viet Nam*. <https://www.ohchr.org/SP/NewsEvents/Pages/DisplayNews.aspx?NewsID=26644&LangID=E>

⁷ Thư Viện Pháp Luật. *Lùi thời gian thực hiện việc ghi âm, ghi hình khi hỏi cung*. <https://thuvienphapluat.vn/tintuc/vn/thoi-su-phap-luat/thoi-su/26688/lui-thoi-gian-thuc-hien-viec-ghi-am-ghi-hinh-khi-hoi-cung>

⁸ Người Việt. *Dư luận phẫn nộ vì con cháu ông Lê Đình Kinh ‘mặt sung vù, nhận tội’ trên VTV*. <https://www.nguoi-viet.com/viet-nam/du-luan-phan-no-vi-con-chau-ong-le-dinh-kinh-mat-sung-vu-nhan-toi-tren-vtv/>

phenomenon in Vietnam, especially in recent years when the economic reform policy provided grounds for corruption. It is difficult to identify the primary culprits in cases of court bribery. The task is usually carried out by low-ranking subordinates, who, if caught, would be tried for “appropriating property through swindling,” while in reality, it is judicial bribery. This situation is still prevalent and is recognized by the Judiciary Committee of the National Assembly, in its 2020 report, as a “sad reality.”⁹

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

In contrast to these closed political trials, there are also outdoor trials by mobile courts that resemble the public denunciations of the Land Reform Era, which have no legal basis for existence. Each year the judiciary organizes an average of about 3,000 mobile cases across the country.

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



Lawyer Tran Quoc Toan was forced out of the People’s Court of Bac Kan province on July 23, 2020. Photo credit: Tien Phong newspaper

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 they are put on trial.

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). In practice, however, the right to self-defense and legal counsel has been constantly violated.

According to the Vietnam Bar Association, up to 2020, there were about 14,000 licensed lawyers whose principal activity is procedural law.¹⁰ Defense attorneys represented only about 20 percent

⁹ Báo điện tử Đại Biểu Nhân Dân. *Vẫn còn tham nhũng trong cơ quan chống tham nhũng*. <https://www.daibieunhandan.vn/van-con-tham-nhung-trong-co-quan-chong-tham-nhung-oqfkxvn3g0-47294>

¹⁰ Báo Điện Tử ĐCS VN. *Phát huy vai trò của luật sư trong công cuộc cải cách tư pháp*. <http://dangcongsan.vn/thoi-su/phet-huy-vai-tro-cua-luat-su-trong-cong-cuoc-cai-cach-tu-phap-538822.html>

of defendants in criminal cases.¹¹

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

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

Lawyers who defend victims of injustice or dissidents often face job insecurity. Sometimes they have their licenses revoked, such as Attorney Vo An Don of Phu Yen Province Bar Association and Attorney Pham Cong Ut of Ho Chi Minh City Bar Association. In 2019, Attorney Tran Vu Hai, a lawyer who has often defended sensitive cases, was denied permission to represent dissident journalist Truong Duy Nhat by the Investigation Police Department of The Ministry of Public Security. Police have staged a tax evasion case of which Attorney Hai is the accused himself. A very offensive but highly symbolic image in Hai's trial was captured when Attorney Nguyen Duy Binh, one of Hai's defense lawyers, was forced out of the court by police.

In 2020, there have been at least 3 cases of lawyers being ordered out of the courtroom by the trial panel: On May 6, 2020, lawyer Tran Hong Phong was directed out of the trial of Ho Duy Hai;¹² On March 3, 2020, lawyer Vu Thi Nga was taken out of the courtroom by the judicial police force;¹³ and on July 23, 2020, lawyer Tran Quoc Toan was kicked out of the courtroom by the judge of the People's Court of Bac Kan province.¹⁴

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

The jury rarely pays attention to lawyers' arguments in court, while the latter often do not dare to contradict the prosecutors. In most cases, the lawyers' only duty is to ask for leniency.¹⁵ Worse are situations where an attorney, especially an appointed one, sides with the prosecutor to convict the very person he is defending. An example of such unprofessional conduct was Mr. Vo Thanh

¹¹ Luật Sư Việt Nam. *Vương mắc cần tháo gỡ để nâng cao hoạt động tranh tụng của luật sư tại phiên tòa hình sự*. <https://lsvn.vn/vuong-mac-can-thao-go-de-nang-cao-hoat-dong-tranh-tung-cua-luat-su-tai-phiien-toa-hinh-su.html>

¹² Người Việt. *Phiên tòa 'tù tù' Hồ Duy Hải: Luật sư bị 'mời' ra ngoài, thân nhân không được dự*. <https://www.nguoi-viet.com/viet-nam/phiien-toa-tu-tu-ho-duy-hai-luat-su-bi-moi-ra-ngoai-than-nhan-khong-duoc-du/>

¹³ Pháp Luật. *Luật sư bị buộc rời phòng xử*. <https://plo.vn/phap-luat/luat-su-bi-buoc-roi-phong-xu-893916.html>

¹⁴ Tiền Phong. *Một luật sư bị thẩm phán tại Bắc Kạn đuổi khỏi phiên tòa công khai*. <https://www.tienphong.vn/phap-luat/mot-luat-su-bi-tham-phan-tai-bac-kan-duoi-khoi-phiien-toa-cong-khai-1699677.tpo>

¹⁵ An Ninh Thủ Đô, *Luật sư chỉ định, có cho đủ... thủ tục*. <http://www.anninhthudo.vn/Ky-su-phap-dinh/Luat-su-chi-dinh-co-cho-du-thu-tuc/487759.antd>

Quyet's defense of defendant Ho Duy Hai, which resulted in the latter's death sentence. It is worth noting that Mr. Vo Thanh Quyet is a former Chief of the Provincial Police.¹⁶

3. AN INHUMANE PRISON SYSTEM

For criminal prisoners, corporal punishment has been used to subdue inmates and save funds. First, inmates are forced to work hard all day but are not entitled to the fruits of their labor. The work is difficult and dangerous and includes stone crushing, timber logging, farming, and brick-making.

Second, despite strenuous work, prisoners must live in deplorable conditions in all aspects: shelter, food, sanitation, and health. Worst of all is the harsh treatment by prison wardens and staff, who can use any public humiliation and psychological or physical torture imaginable. The purposes of the punishments were: first, to leave the prisoners dispirited and make them submissive to their jailers; and second, to wreak revenge on prisoners who dare to demand treatment in accordance with the law.¹⁷ The case, which was tried in October 2019, related to the death of a young prisoner caused by three guards of Long Hoa detention center in Long An Province is a known case among many never disclosed cases.¹⁸



Activist Le Anh Hung is tied to a hospital bed and injected with psychotropic drugs on July 16, 2020, FB photo Nguyen Vu Binh

Particularly for political prisoners, the inhuman treatment is carried out even more systematically. 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, and so on.

A Project 88 report states that 19 Vietnamese political prisoners were tortured and inhumanly treated in 2018-19.¹⁹ These prisoners will continue to be subjected to inhumane treatment in 2020-2021. In addition, in the year 2020-2021, public opinion has also been concerned about other cases of inhuman treatment, such as prisoners of conscience Le Thanh Tung, Phan Kim Khanh, two members of the Constitutional Group Le Quy Loc and Ngo Van Dung, prisoner of conscience Huynh Duc Thanh Binh and five other inmates were detained at the Prison of Xuan Loc, Dong Nai.

Land right activist Can Thi Theu, during her May 5, 2021 trial, said she was confined to the same

¹⁶ Pháp Luật Việt Nam. *Luật sư “hai mạng” trong vụ án tử tù Hồ Duy Hải.*
<https://baophapluat.vn/luat-su-hai-mang-trong-vu-an-tu-tu-ho-duy-hai-post189090.html>

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

¹⁸ Đời sống & Pháp luật. *Bản án cho 3 cựu cán bộ quân giáo đánh chết phạm nhân tuổi vị thành niên.*
<https://www.doisongphapluat.com/ban-an-cho-3-cuu-can-bo-quan-giao-danh-chet-pham-nhan-tuoi-vi-thanh-nien-a297425.html>

¹⁹ The 88 Project. *Report: Torture and Inhumane Treatment of Political Prisoners in 2018-2019.*
https://the88project.org/wp-content/uploads/2020/11/Torture-Report_final.pdf

room with HIV-infected prisoners, and when she saw them fighting and tried to intervene, she bled. So she asked to get a blood test, but the correctional officer declined. She said the cell was 7 square meters wide and held ten people.²⁰

People were also outraged about the forced placement of prisoner of conscience Le Anh Hung and dissident writer Pham Thanh to a psychiatric hospital and involuntary treatment with unknown psychotropic medication;²¹ and the death of prisoner of conscience Dao Quang Thuc, whose family was not allowed to receive his body for burial.^{22& 23}

In 2019, human rights activist Pham Doan Trang released her “The Handbook for Prisoners’ Helpers.” This book is the first complete document in Vietnam for families whose loved ones are in prison, especially when relatives are prisoners of conscience or political prisoners. It details, specifically, everything the families need to do to support and protect their loved ones in the detention center, from the first days of their arrest, through pre-trial detention, court appearance, sentencing hearing, until years in prison.²⁴

RECOMMENDATIONS

It is recommended that the Government of Vietnam

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

²⁰ RFA. *Nhà hoạt động Cán Thị Thêu và con trai bị tuyên án tổng cộng 16 năm tù.* <https://www.rfa.org/vietnamese/news/vietnamnews/activists-can-thi-theu-and-trinh-ba-tu-get-jail-sentences-05052021083256.html>

²¹ SBTN. *Tù nhân lương tâm Lê Anh Hùng bị ép uống 12 viên thuốc tâm thần trong một ngày.* <https://www.sbtn.tv/tu-nhan-luong-tam-le-anh-hung-bi-ep-uong-12-vien-thuoc-tam-than-trong-mot-ngay/>

²² RFA. *Tù nhân tôn giáo trong vụ án Công án Bia Sơn chết trong tù.* <https://www.rfa.org/vietnamese/news/vietnamnews/prisoners-doan-dinh-nam-in-bia-son-case-dead-in-prison-10072019083848.html>

²³ RFA. *Tù nhân lương tâm Đào Quang Thục bị an táng ở trại giam, bắt chắp phản đối của gia đình.* <https://www.rfa.org/vietnamese/news/vietnamnews/diceased-political-prisoner-dao-quang-thuc-buried-in-prison-6-12122019065148.html>

²⁴ Phạm Doan Trang. *Cẩm Nang Nuôi Tù.* <https://www.smashwords.com/books/view/958034>

III

THE RIGHT TO PARTICIPATE IN NATIONAL POLITICAL LIFE

The 1993 Constitution stipulates, “Citizens have the right to participate in the management of state affairs through elections” (Article 27 and 28),¹ “and the rights to freedom of speech, assembly, association and demonstration” (Article 25). However, Article 4 of this very Constitution asserts the Communist Party of Vietnam’s (CPV) absolute leadership role over all national activities.² 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.”³

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 CPV

Like many countries in the world, Vietnam regularly organizes elections for various government posts at all levels. The Constitution specifies that the National Assembly is Vietnam’s highest institution 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

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

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

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

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

Politburo of the CPV issued Directive No. 45-CT / TW to determine the party committees' leadership at all levels in organizing the elections. 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, about 50 delegates under 40 years old, about 160 re-elected delegates, six delegates from religious groups, etc. The Resolution also set the number of non-Party candidates to stand for candidacy, from 25 to 50 delegates, equivalent to 5-10% of the total deputies.

The Constitution and the Election Law stipulate that all citizens “aged 21 years and over have the right to stand for election to the National Assembly, People’s Councils at all levels (Article 27 of the 2013 Constitution and Article 2 of the Law on Election.) However, no one other than the CPV’s members and some non-party individuals selected by the CPV can stand for parliamentary 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.

In the 2016 National Assembly election, there were 154 self-nominated candidates nationwide, accounting for 1.34% of the total number of candidates. Most of these self-nominees were dissidents, and all were eliminated after denouncing sessions at their resident locality voter conferences.

For the 2021 National Assembly election, according to the final official list after the third consultation meeting, there were 866 candidates nationwide, including nine self-nominated candidates.⁴ Eight out of the nine self-nominated candidates are senior party members, of which 4 are current members of parliament. The only person who is considered a non-party member is Mr. Luong The Huy. And the government has advertised him as gay as if the government wanted to show the world gay people were not discriminated against in Vietnam. At the same time, four dissidents were arrested after announcing their self-nomination. Mr. Tran Quoc Khanh⁵ and Mr. Le Trong Hung⁶ were detained on charges of “distributing materials aimed at opposing the state;” Mr. Nguyen Quoc Huy⁷ and Mr. Nguyen Van Son Trung⁸ were released after a few days of interrogation.

According to the announced election results, the voter turnout rate for the National Assembly in May 2021 reached 99.60%. VCP leaders also enjoy absolute trust. The General Secretary Nguyen Phu Trong 93,23%, President Nguyen Xuan Phuc 96,65%, President of the National Assembly, Vuong Dinh Hue 99,89%, Prime Minister Pham Minh Chinh 98,74%, Minister of Public Security

⁴ Báo điện tử Đảng Cộng sản Việt Nam. *9 người tự ứng cử đại biểu Quốc hội khóa XV*. <https://daihoi13.dangcongsan.vn/bau-cu-dai-bieu-quoc-hoi-khoa-xv-va-dai-bieu-hdnd-cac-cap/tin-tuc/9-nguoi-tu-ung-cu-dai-bieu-quoc-hoi-khoa-xv-5831>

⁵ VOA. *Việt Nam bắt Facebooker Trần Quốc Khánh sau khi ông tuyên bố tự ứng cử ĐBQH*. <https://www.voatiengviet.com/a/vietnam-bat-fb-tran-quoc-khanh-sau-khi-ong-tuyen-bo-tu-ung-cu-dbqh/5810412.html>

⁶ Người Việt. *Người thứ hai tự ứng cử đại biểu Quốc Hội' bị bắt*. <https://www.nguoi-viet.com/viet-nam/nguoi-thu-hai-tu-ung-cu-dai-bieu-quoc-hoi-bi-bat/>

⁷ RFA. *Công an Bình Thuận thả nhà thơ Đồng Chuông Từ đồng thời câu lưu thêm hai người bạn*. <https://www.rfa.org/vietnamese/news/vietnamnews/binh-thuan-police-released-cham-ethnic-poem-detain-two-of-his-friends-04122021074857.html>

⁸ RFA. *Công an Bình Thuận thả ông Nguyễn Văn Sơn Trung sau 5 ngày tạm giữ để hỏi chuyện “tự ứng cử”*. <https://www.rfa.org/vietnamese/news/vietnamnews/nguyen-van-son-trung-released-after-five-day-detention-working-with-police-on-self-nomination-04142021090400.html>

To Lam 98,36%.⁹ Of the 500 elected National Assembly deputies, 14 are non-Communist Party members. Only four self-nominated candidates were elected, and all of them were members of the CPV, three of them were incumbent members of the National Assembly.

Compared with previous National Assembly elections, the number of delegates who are members of the Communist Party of Vietnam is increasing. The 1st National Assembly (1946-1960) had 333 delegates, of which the Viet Minh (the predecessor of the VCP) occupied 120 seats (36%), the Democratic Party of Vietnam 46 seats, the Socialist Party of Vietnam 24 seats, and 143 nonpartisan seats. The 13th National Assembly of Vietnam (2011-2016) has 500 deputies, non-CPV deputies occupy 42 seats (8.4%). The 14th National Assembly of Vietnam (2016-2021) has 500 deputies. Deputies who are not members of the Communist Party of Vietnam occupy 21 seats (4.23%). The 15th National Assembly has 14 deputies who are non-Communist Party members (2.8%).

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

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

The fact that Vietnam reshuffled its state apparatus after the 13th Congress of the CPV in March 2021, before the election of the 15th National Assembly, proves that the CPV, not the National Assembly, is the body with absolute power.

In the course of legislative work, all draft laws originate from the CPV Central Office. In recent years, to burnish the image of the National Assembly, the National Assembly's CPV Office has allowed some hearings where the deputies may question high-ranking government officials. These measures have given domestic public opinion-watchers, especially observers from democratic countries outside Vietnam, the illusion that the National Assembly has real power. In reality, those scenarios are agreed upon in advance and must be conducted within the allowed limits. The Party still controls the National Assembly, with more than 97% of the deputies being Party members and the rest comprising a mere decorative appendage.

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

According to the 13th CPV National Congress report, “the policy and model of ‘the secretary of the party committee to concurrently serve as chairman of the People's Committee of commune

⁹ Báo Công lý. *Công bố kết quả bầu cử và danh sách 499 người trúng cử Đại biểu Quốc hội khóa XV.*
<https://congly.vn/cong-bo-ket-qua-bau-cu-va-danh-sach-499-nguoi-trung-cu-dai-bieu-quoc-hoi-khoa-xv-189003.html>



On January 10, 2021, more than 6,000 troops of many armed forces had a rehearsal to protect the security of the 13th National Congress of the Communist Party of Vietnam in Hanoi. Photo credit: Laodong. vn

and ward’ has been implemented in almost communes, wards, and towns.”¹⁰ For example, in An Giang province, until June 2020, the whole area has 147 out of 156 communal units implementing the model (reaching 94.23%).¹¹ At the same time, Tien Giang province has 8 out of 11 district party committee secretaries concurrently chairing the district People’s Councils, and 99 out of 172 commune party committee secretaries are chairpersons of the commune People’s Councils.¹² Quang Ninh province has 116 out of 177 communes, wards, and towns implementing the model.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 are not representative of the people but are simply Communist Party tools for carrying out totalitarian policies.

2. STAMPING OUT THE OPPOSITION

To protect the Party’s political security, the government maintained its intolerance for outside dissent or criticism.

At the VCP13th National Congress in January 2021, the Minister of Public Security General To Lam affirmed that “the police are determined to maintain the strategic offensive, not to be defensive, unready, not to let riots, terrorism, and sabotage happen, not to allow the formation of opposing political organizations in the country.”¹⁴

A 2021 report by the Department of Homeland Security of the Ministry of Public Security pointed out that this unit had promptly detected and disabled 98 targets, captured and handled 58 key targets, destroyed 15 reactionary plots, discovered 1,251 targets, and deterred more than 700

¹⁰ Nhân Dân. *Báo cáo tổng kết công tác xây dựng đảng và thi hành điều lệ đảng nhiệm kỳ đại hội XII.*

<https://nhandan.com.vn/tin-tuc-su-kien/bao-cao-tong-ket-cong-tac-xay-dung-dang-va-thi-hanh-dieu-le-dang-nhiem-ky-dai-hoi-xii-621158/>

¹¹ Tạp chí Tổ chức Nhà nước. *Thực hiện mô hình bí thư đảng ủy đồng thời là chủ tịch ủy ban nhân dân cấp xã ở An Giang - Thực trạng và giải pháp.* <https://tcnn.vn/news/detail/49321/Thuc-hien-mo-hinh-bi-thu-dang-uy-dong-thoi-la-chu-tich-uy-ban-nhan-dan-cap-xa-o-An-Giang---Thuc-trang-va-giai-phap.html>

¹² Ấp Bắc. *Báo cáo Chính trị trình Đại hội đại biểu Đảng bộ tỉnh Tiền Giang lần thứ XI, nhiệm kỳ 2020 - 2025.* <http://baoapbac.vn/chinh-tri/202010/bao-cao-chinh-tri-trinh-dai-hoi-dai-bieu-dang-bo-tinh-tien-giang-lan-thu-xi-nhiem-ky-2020-2025-910104/>

¹³ Quảng Ninh. *Hiệu quả mô hình Bí thư cấp ủy đồng thời là Chủ tịch UBND cấp huyện, xã.*

<http://baoquangninh.com.vn/chinh-tri/202007/tien-toi-dai-hoi-dai-bieu-dang-bo-tinh-lan-thu-xv-nhiem-ky-2020-2025-hieu-qua-mo-hinh-bi-thu-cap-uy-dong-thoi-la-chu-tich-ubnd-cap-huyen-xa-2493508/>

¹⁴ Nhân Dân. *Tham luận của Đoàn đại biểu Đảng bộ Công an Trung ương.*

<https://nhandan.com.vn/tin-tuc-su-kien/tham-luan-cua-doan-dai-bieu-dang-bo-cong-an-trung-uong-633141/>

targets from preparing and spreading negative news against the Party Congress on cyberspace.¹⁵

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, the Brotherhood For Democracy, Vietnamese Women for Human Rights, the Constitution Group, and the Independent Journalists Association continued to be banned and persecuted. Many members of these organizations were isolated or imprisoned.

For example, as of May 2021, up to 51 members of Bloc 8406 had been arrested and sentenced to prison, of whom seven remain incarcerated. The Brotherhood for Democracy had nine members in detention, of which eight were sentenced to between 7 and 13 years in prison, and one was awaiting trial. Lawyer Nguyen Van Dai, a founder of the association, was exiled abroad. Mr. Tran Huynh Duy Thuc, the leader of the Vietnam Path Movement, was still serving his 16-year sentence on charges of “activities aimed at overthrowing the people’s government” under Article 79 of the 1999 Criminal Law. In 2020 and 2021, Mr. Thuc repeatedly went on hunger strikes to protest the sentence and inhumane treatment in prison. Dr. Nguyen Dan Que, the founder of the Humanist Movement, and Rev. Nguyen Van Ly, one of the Bloc 8406’s founders, have been under house arrest. Ms. Huynh Thuc Vy, the Vietnamese Women for Human Rights founder, was sentenced to 2 years and nine months of deferred prison.

In 2020 and the first months of 2021, in preparation for the 13th CPV National Congress and the 15th National Assembly election, the government has increased repression, using vague provisions of the Penal Code and the Cyber Security Law to arrest and detain those who disagree with them arbitrarily.

At least 79 dissidents were arbitrarily arrested in 2020 and the first months of 2021 (as of May 31, 2021) under vague articles of the 2015 Penal Code; some received harsh and unfair sentences. [see details of cases in the list of prisoners of conscience in Appendix 1]

All those people were prosecuted for having exercised their fundamental rights stipulated in the Universal Declaration of Human Rights and the Constitution of Vietnam.

The government arbitrarily applied vaguely worded security crimes of the Criminal code and fabricated evidence to these dissidents, human rights activists. The courts have become a means for the CPV to impose its will as the country’s sole seat of power.

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

Article 25 of the Constitution specifies, “Citizens have the right to freedom of speech and freedom of the press, and the right of access to information, the right to assembly, the right to association, and the right to demonstrate. The Law shall prescribe the exercise of those rights.” Because of

¹⁵ Dân Việt. *Chống diễn biến hòa bình, cách mạng màu*. <https://danviet.vn/cuc-an-ninh-noi-dia-ran-de-hon-700-doi-tuong-da-phat-thong-tin-xau-doc-chong-pha-dai-hoi-dang-20210207193728878.htm>

the essential character of the right to freedom of speech, freedom of the press, and access to information in the context of today's Vietnam, this report has a separate section for this issue [See Chapter IV. The Right to Freedom of Expression and Freedom of Information].

3.1. The Right to Freedom of Association

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

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

After repeated submissions and withdrawals, the 14th National Assembly has not voted on the Draft Law on Associations. According to the Minister of Justice Le Thanh Long, the government has not submitted the Draft Law to the National Assembly for the 2021 legislative agenda. The reason given for the delay was to wait for guidance from Politburo.¹⁷ The unusual delay highlights the government's fear of people's possible use of this law as a legal means of bypassing state control over the formation of independent organizations.

According to a government's report to the National Assembly on the Law on Assembly, as of September 2015, there were 52,580 associations in operation in Vietnam (498 national and 52,082 local.)¹⁸ These are peripheral organizations established by the Vietnamese Communist Party or groups controlled by the government. Spending on these associations from the national budget is about 68 trillion dong (US \$3 billion).¹⁹

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

¹⁶ BBC. *Luật về Hội - phép thử bị trì hoãn?*

http://www.bbc.com/vietnamese/vietnam/2015/09/150925_vn_draft_association_law_views

¹⁷ Thanh Niên. *Chưa bàn luật Về hội, luật Biểu tình tới hết năm 2021.*

<https://thanhnien.vn/thoi-su/chua-ban-luat-ve-hoi-luat-bieu-tinh-toi-het-nam-2021-1211847.html>

¹⁸ Lý Luận Chính Trị. *Vai trò của các tổ chức xã hội và thực trạng quy định pháp luật về tổ chức xã hội ở Việt Nam.*

<http://lyluanchinhtri.vn/home/index.php/dien-dan/item/1673-vai-tro-cua-cac-to-chuc-xa-hoi-va-thuc-trang-quy-dinh-phap-luat-ve-to-chuc-xa-hoi-o-viet-nam.html>

¹⁹ Tuổi Trẻ Online. *Tổng chi phí cho các hội lên tới 68.000 tỉ đồng.*

<http://tuoitre.vn/tin/kinh-te/tai-chinh/20160707/tong-chi-phi-cho-cac-hoi-len-toi-68000-ti-dong/1133212.html>

of Torture.

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



Land petitioners from 3 regions demonstrate at the Citizen Reception Headquarters 1 Ngo Thi Nham Ha Dong, Hanoi, on the morning of June 20, 2020. Photo from Youtube of Bac Lieu Ca Mau 2

3.2. The Right to Freedom of Peaceful Assembly

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

The government is very suspicious of crowds beyond their control. However, under international pressure, Prime Minister Nguyen Tan Dung, in November 2011, proposed and submitted a draft Law on Demonstrations; however, at the end of 2015, it had still not yet been discussed by the National Assembly. In early 2016, Minister of Justice Ha Hung Cuong said, “Because opinions on the content of the draft Law are very different among the cabinet members,” the government has requested that the discussion on the draft Law be postponed until the 2nd Session of the 14th National Assembly (the end of 2016).²⁰ Nonetheless, as with the draft Law on Associations, the draft Law on Demonstrations has not been included in the 2021 legislative agenda of the National Assembly. The reason is that the government needs the opinion of the Politburo to “prevent hostile forces from taking advantage of the demonstrations to disturb order and destroy our Party and State.”²¹

Even though the COVID-19 epidemic restricted travel in 2020-2021, mass protests continued in various places nationwide for multiple reasons, most notably the rallies of land expropriation victims demanding justice; and exploited workers demanding improvement in wages and working conditions.

A report of the Vietnam General Confederation of Labor shows that in 2020 there were 126 labor strikes in the country, seven more than in 2019.²² In the first two months of 2021, there were 35

²⁰ Tuổi Trẻ Online. *Chính phủ lại xin lùi dự án Luật biểu tình.*

<http://tuoitre.vn/tin/chinh-tri-xa-hoi/20160217/chinh-phu-lai-xin-lui-du-an-luat-bieu-tinh/1052683.html>

²¹ Báo Thanh Tra. *Chưa bàn Luật Biểu tình, Luật Đặc khu tới hết năm 2021.*

<https://thanhtra.com.vn/chinh-tri/doi-noi/chua-ban-luat-bieu-tinh-luat-dac-khu-toi-het-nam-2021-163721.html>

²² Dân Trí. *126 cuộc ngừng việc tập thể trong năm 2020.*

<https://dantri.com.vn/lao-dong-viec-lam/126-cuoc-ngung-viec-tap-the-trong-nam-2020-20210109093951160.htm>

cases.²³ There were gatherings of sometimes several thousands of people. All of the above strike gatherings are illegal under current laws.

Gatherings of victims of land expropriation demanding the return of their land continued across the country throughout 2020-2021, including cases attracting protesters from various regions. The Central Citizen Reception Committee of the Government Inspectorate office in Ngo Thi Nham Street, Ha Dong District, Hanoi, is the site of constant demonstrations of land petitioners in June, July, September, October, and December of 2020, and January of 2021. Each of those gatherings involved up to a few hundred people.²⁴

3.3. The right to Freedom of Movement and Residence

In addition to detention and imprisonment, the government has restricted people's right to residence and movement via various administrative measures. The most common method is the regular household registration system, a form of population control 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 will take effect from July 1, 2021. A significant change in the new law is replacing the Household Registration Book with the Residence Database. This replacement will be officially implemented by the end of 2022. The Law on Residence (amended) only replaces the method of residence control by the household registration booklet and the temporary residence paper with the electronic data brought about by applying information technology. With digitalization, citizens' residence and travel data will be more centralized, and it will be easier for government to get more control over people's lives. People's freedom of residence and movement will therefore be more limited, especially with the vague provision of

²³ Lao động Thủ đô. *Cả nước xây ra 35 vụ ngừng việc tập thể trong 2 tháng đầu năm.*

<https://laodongthudo.vn/ca-nuoc-xay-ra-35-vu-ngung-viec-tap-the-trong-2-thang-dau-nam-119903.html>

²⁴ - Dân Oan 3 Miền Ngô Thị Nhậm - *Tiếp Tục Biểu Tình sáng 15/09/20*, <https://www.youtube.com/watch?v=Qhyf5z1fAZE>

- Tội Ác cộng sản - Tiếng Nói Dân Oan 3 Miền Ngô Thị Nhậm - *Biểu Tình Sáng 17/09/2020*, <https://www.youtube.com/watch?v=Q2Z97Hp0tU0>

- Tội Ác cộng sản - Tiếng Nói Dân Oan 3 Miền Ngô Thị Nhậm - *Biểu Tình Trưa 02/01/2021*, <https://www.youtube.com/watch?v=fvsrZ7v-aSI>

- Tiếng Nói Dân Oan 3 Miền Ngô Thị Nhậm - *Tiếp Tục Biểu Tình Sáng 09/10/2020*, <https://www.youtube.com/watch?v=BWGCKHwlrTU>

- Dân Oan 3 Miền biểu tình Ngô Thị Nhậm - *Biểu Tình Sáng 20/06/2020*, <https://www.youtube.com/watch?v=75Q17U81F0k>

- Dân Oan 3 Miền Ngô Thị Nhậm - *Biểu Tình Sáng 04/07/2020*, <https://www.youtube.com/watch?v=R7wdyqx8fL4>

- Dân Oan 3 Miền Ngô Thị Nhậm biểu tình - *Biểu Tình Sáng 19/06/2020*, <https://www.youtube.com/watch?v=bPdeVnWjVf8>

- Dân Oan 3 Miền Ngô Thị Nhậm - *Biểu Tình Sáng 15/07/2020*, <https://www.youtube.com/watch?v=FZaasPdWYBU>

- Dân Oan 3 Miền Ngô Thị Nhậm biểu tình - *Biểu Tình Sáng 20/06/2020*, https://www.youtube.com/watch?v=G8rAI-6_-TA

- Dân Oan 3 Miền Ngô Thị Nhậm - *Biểu Tình Sáng 09/07/2020*, <https://www.youtube.com/watch?v=cg38GrEJnsw>

- *Dân oan Trà Vinh biểu tình, hôm 23 Tháng Mười Hai, 2020*, <https://www.facebook.com/viettan/videos/475954653391633>

- *Trực tiếp dân oan biểu tình ngày 1/10/2020 tại Hà Nội*, <https://www.youtube.com/watch?v=2Zobtw3Qu6E>

Article 7, Prohibited acts of residence include; “ 8. Misuse the right to freedom of residence to violate state interests or legitimate rights and interests of an organization or individual.”

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

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

In 2006, the Vietnamese government issued Resolution No. 22/NQ-CP canceling Decree 31/CP. However, this was only a legal maneuver since the main content of Decree 31/CP had been included in the 2002 Law on Handling of Administrative Violations 44/2002/PL-UBTVQH10, which has higher legal validity.²⁵

In addition to the above administrative measures, the government has continued to use security forces to carry out acts of interference, arrest, and passport confiscation on the vague grounds of “protecting national security, social order, and safety.”

The constant surveillance and stalking of dissidents were increased on special occasions such as visits by foreign delegations, Party Congress, and National Assembly elections. In these cases, the government often sent undercover security agents to dissidents’ residences, preventing them from leaving their homes.²⁶

In summary, from central to local levels, only about 5.2 million CPV members out of nearly 98 million Vietnamese citizens are entitled to engage in political activities. The rest are deprived of the right and opportunities to participate in the country’s political processes and other fundamental rights, including the right to freedom of speech, freedom of association, freedom of protest, and freedom of movement.

RECOMMENDATIONS

It is recommended that the Government of Vietnam

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

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

²⁶ RFA. *An ninh canh cửa nhà dân từ trước Đại hội 13: Phi pháp và vô pháp!* https://www.rfa.org/vietnamese/in_depth/security-to-guard-people-s-homes-illegal-and-illegal-dt-01252021144649.html

IV THE RIGHT TO FREEDOM OF EXPRESSION AND FREEDOM OF INFORMATION

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

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

1. THE STATE’S MONOPOLY OF SPEECH

The recent amendments to the legal system mainly aimed at strengthening the CPV’s monopoly on speech and reinforcing its propaganda machinery. No concession whatsoever to the people’s freedom of expression was made.

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

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

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

Because the objective of managing the media is strengthening the ruling party’s power, statistics on the number of Internet users, the number of websites, newspapers, the number of TV stations,

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

and the number of reporters carrying government-approved membership cards shows no evidence of respect for freedom of speech, but rather underlines the government’s all-encompassing propaganda machine.²

In April 2020, the government issued Decision No. 362-QĐ / TTg planning the national press management until 2025 to strengthen the Communist Party’s monopoly of speech. And to ensure there are no cases going beyond the mandate and purpose of a propaganda agency, the number of news agencies in 2020 has been reduced by 71 compared to 2019.

2. GOVERNMENTAL OBSTRUCTION OF ALTERNATIVE INFORMATION INTENSIFIES

Along with the promulgation of the 2016 Press Law, Vietnam’s National Assembly passed the Law on Access to Information on April 6, 2016. Unlike the former, the latter, according to the responsible agency, is meant to “expand democracy, guarantee the citizens’ rights and human rights,” “provide means for the people to fully enjoy their mastership, especially their direct democracy,” and “guarantee the citizens’ right to access to information.”³

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

The Cyber-Security Law, which came into effect in early 2019, was drafted by the Ministry of Public Security and is copied from the Cyber-Security Law of the People’s Republic of China.



Journalist Pham Doan Trang, with both handcuffed hands, at the investigation agency after being arrested on Oct 7, 2020. Photo credit: BBC

² According to the Central Propaganda Department, as of Dec 31, 2020, the whole country has 779 press agencies, including 142 newspapers, 612 magazines, 25 independent electronic magazines, 72 radio and television stations. Nationwide, more than 41,000 people are working in press agencies, with 21,132 people being granted journalist cards. (Xây dựng Đảng. *Hội nghị Báo chí toàn quốc tổng kết công tác năm 2020, triển khai nhiệm vụ năm 2021*. <http://xaydungdang.org.vn/Home/PrintStory.aspx?distribution=14526&print=true>)

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

Worldwide, 138 countries have enacted Cyber-Security Laws (72% of the nations).⁴ However, while the primary purpose of these countries' legal documents is to protect the security and interests of Internet users, Vietnam's 2018 Law on Cybersecurity aims at legalizing government control of the Internet to protect the Communist Party of Vietnam's monopoly on information.

Vague concepts in the Criminal Code, such as violations of the law on national security, propaganda against the Socialist Republic of Vietnam, infringement of state interests, denial of revolutionary achievements, and undermining the national unity, are restated in the Cyber-Security Law as weapons to control people's right to speech. In addition, the Cybersecurity Act also violates the right to privacy of personal information by forcing Internet service companies to provide Internet users' data 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.

Because of these serious human right abuses, the 2018 Cyber-Security Law has met with strong opposition from the people in the country as well as from international human rights agencies such as the United Nations Human Rights Office in Southeast Asia, Amnesty International, Human Rights Watch, Reporters without Borders, and the Journalist Protection Committee. The UN Human Rights Council, in its 2019 3rd Periodic Review, also recommended that Vietnam abolish or modify the Cyber-Security Law's provisions that do not conform to UN human rights standards.⁵

On July 1, 2020, the Law on Protection of State Secrets No. 29/2018 / QH14 takes effect. Until February 26, 2002, the government issued 31 decisions to list information classified as state secrets in many social activities, from politics to education, economics, and even religion. This law is a legal measure to block information that is not beneficial for the CPV's political monopoly.

Many state agencies also impose regulations that limit the media's right to access information with many "technical barriers." A survey by Saigon Research Group on the state agency's openness to press inquiry found that up to 47.07% of respondents think it is common for agencies to refuse to provide information, 23.53% believe it is widespread, and only 2.94% consider it uncommon.⁶

In addition to making laws to restrict citizens' right to freedom of information and expression, the government continues to use various measures to prevent its people from having access to

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

⁵ BBC. *Liên Hiệp Quốc bày tỏ quan ngại về Luật an ninh mạng.*

<https://www.bbc.com/vietnamese/vietnam-44492573>

- Amnesty International. Open Letter: *Vietnam Must Respect Human Rights in The Cybersecurity Law.* <https://www.amnesty.org/download/Documents/ASA4192582018ENGLISH.pdf>

- Human Rights Watch. *Vietnam: Withdraw Problematic Cyber Security Law.*

<https://www.hrw.org/news/2018/06/07/vietnam-withdraw-problematic-cyber-security-law>

- Reporters Without Borders. *RSF calls for the repeal of Vietnam's new cybersecurity law.*

<https://rsf.org/en/news/rsf-calls-repeal-vietnams-new-cybersecurity-law>

- Committee to Protect Journalists. *New cybersecurity law threatens press freedom in Vietnam.*

<https://cpj.org/2018/06/new-cybersecurity-law-threatens-press-freedom-in-v.php>

- Human Rights Council -Forty-first session. *Report of the Working Group on the Universal Periodic Review - Viet Nam. P. 16*

⁶ Tạp chí Trí Thức Xanh. *Báo chí Việt Nam với quyền tiếp cận thông tin.*

<http://trithucxanh.vn/bao-chi-viet-nam-voi-quyen-tiep-can-thong-tin-nd92871.html>

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.

By the end of 2020, Facebook exposed an offensive hacking operation by OceanLotus or APT32, a group of hackers supported by the Vietnamese government. OceanLotus has been accused of years of spying on political dissidents, businesses, and foreign officials. It spread malware and infiltrated into computers to monitor and compromise the victim’s browser.⁷

Additionally, in 2020-2021, several media platforms, especially Facebook, Google, and YouTube, have complied with the Vietnamese government’s escalating demand to censor dissidents. According to the Vietnamese government’s source, “in the last four months of 2020 Facebook has removed nearly 4,500 articles, 290 fake accounts posting false information propagating against the Party and State. Meanwhile, Google has removed more than 30,000 illegal videos and 24 reactionary channels on YouTube. At the same time, more than 1,700 websites, malicious blogs violating Vietnamese law, with tens of thousands of articles were blocked. Eighty to eighty-five percent of bad information, distorting the party’s direction and policies, the laws of the state was removed before the 13th National Congress of the VCP.”⁸

According to the Minister of Information and Communication Nguyen Manh Hung, the blocking and removal of information that is not beneficial to the Vietnamese communist government are carried out by the companies that manage social networks to the highest level ever. In particular, at the Vietnamese government’s request, Facebook has agreed to block political advertisements from fan pages, and accounts of organizations considered reactionary and terrorist.⁹

3. SUPPRESSION OF OPINIONS CONTRARY TO CPV POLICIES

The crackdown on opposition voices intensified in Vietnam in 2020-2021, especially during the months before the 13th Congress of the VCP in January 2012 and before the 15th National Assembly election in May 2021.

Up to May 31, 2021, at least 46 people expressing their political opinions through social media have been detained and prosecuted for violating the 2015 Penal Code. [See Appendix I for details]

In the above cases of repression of the rights to freedom of expression, public opinion is particularly interested in some victims in high-profile cases:

- Ms. Pham Doan Trang had been a professional reporter for several newspapers before becoming

⁷ Reuters. *Facebook tracks ‘OceanLotus’ hackers to IT firms in Vietnam*. <https://www.reuters.com/article/facebook-vietnam-cyber/facebook-tracks-oceanlotus-hackers-to-it-firm-in-vietnam-idUSKBN28L03Y>

⁸ VTV. *Ngăn chặn hàng loạt thông tin xấu độc, xuyên tạc nhân sự trong khi diễn ra Đại hội XIII*. <https://vtv.vn/chinh-tri/ngan-chan-hang-loat-thong-tin-xau-doc-xuyen-tac-nhan-su-trong-khi-dien-ra-dai-hoi-xiii-20210128181227233.htm>

⁹ Công an Nhân dân. *Facebook sẽ chặn quảng cáo chính trị từ các tài khoản phản động*. http://congan.com.vn/tin-chinh/facebook-se-chan-quang-cao-chinh-tri-tu-cac-tai-khoan-phan-dong_100905.html

a human rights activist. She is the author of many works on the human rights situation in Vietnam and a co-founder of Liberal Publishing House. She was awarded the Homo Homini Award by People in Need, Vietnam Human Rights Award by the Vietnam Human Rights Network, and the Press Freedom Award by Reporters Without Borders. Before being arrested for “conducting propaganda against the state” and “making, storing, spreading information, materials, items to oppose the State of SRVN,” she was assaulted by security forces and gravely injured several times.



On December 15, 2020, the People’s Court of Nghe An province sentenced writer Tran Duc Thach to 12 years in prison for “carrying out activities aimed at overthrowing the people’s administration.” Photo credit: Nghe An Radio and Television Station

- Three principal members of the Independent Journalists Association of Vietnam (IJAVN): Dr. Pham Chi Dung, founding Chairman and President, was arrested on November 29, 2016; Mr. Nguyen Tuong Thuy, Vice President, was arrested on May 24, 2020; and Mr. Le Huu Minh Tuan, was arrested on June 12, 2020. All three were sentenced to a total of 37 years in prison and nine years of probation for “making, storing, spreading information, materials, items to oppose the State of Socialist Republic of VN” under Article 117 of the Penal Code. The IJAVN is a civil society organization established on July 4, 2014, in Saigon, with the mission of fighting for freedom of the press and freedom of speech. Dr. Pham Chi Dung was awarded the title “Information Hero” by Reporter Without Borders in 2014 and the Vietnam Human Rights Award by the Vietnam Human Rights Network in 2020.
- Mr. Tran Duc Thach was arrested on April 23, 2020, and was accused of carrying out “activities against the people’s government.” He has been sentenced to 12 years in prison and three years of house arrest by the People’s Court of Nghe An province on December 15, 2020. Mr. Thach is a poet-writer dissident and has published many works condemning Vietnam’s terrible human rights situation. In 2009, He had been jailed for three years for “conducting propaganda against the state.” He was awarded the Nguyen Chi Thien Prize by the Vietnam Mutual Association of France in 2020.

Aside from using the Criminal Code and the Cyber-Security Law to control freedom of speech, the Vietnamese communist authorities continued using coercion or/and physical violence against underground journalists. No bloggers or Facebookers who published articles against government policies or reprinted copies of them could avoid surveillance and harassment, either by disguised police “guards” around their homes or by having their phone lines tapped or cut. More robust measures included preventing travel, ransacking residences with improvised projectiles or dirty substances, unlawful intrusions, or even forced interrogation at police stations without a court order, and assaults.

Even dissidents in exile abroad have been threatened. Blogger Nguoi Buon Gio was coerced into stopping his blog in February 2020 because the Vietnamese government still put pressure on his

relatives in Vietnam.¹⁰

In addition, in terms of organization, the government also continues to increase the authority and personnel of the country's control and propaganda apparatus, including the Ministry of Public Security's Cybersecurity Department, established in August 2014, and the Ministry of Defense's Cyber-Warfare Command, also known as Force 47, or the 47th Regiment, launched in August 2018. The Cybersecurity Department employs a large force of public-opinion shapers from central to local levels comprising thousands of social media accounts and members.¹¹ In just one district of Ho Chi Minh City, 486 grassroots public-opinion shapers are operating under the control of the District's Commission for Propaganda and Education.¹² Force 47, operated by the General Political Department of the People's Army of Vietnam (PAVN), is tasked with fighting against "misrepresented" views of the CPV. This force is equivalent to a regiment (10,000 people), present in all grassroots units, regions, and military sectors.¹³

After the 13th VCP National Congress in January 2021, the Organization Department of the Central Committee of the CPV announced a plan to build up a team against "peaceful evolution" on social networks for implementing the Congress Resolution on the need to "step up the struggle to defeat all the conspiracies and anti-destructive activities of hostile forces." Like the force of public-opinion shapers and the 47th Regiment established previously, the recently built-up anti-peaceful-evolution corps uses social networks as the main field of activity. The difference is that the Party Central Committee itself creates the anti-peaceful-evolution corps.¹⁴

4. UNSAFE ENVIRONMENT FOR PROFESSIONAL JOURNALISTS

Victims of free speech violations are not only dissidents outside of the state organizations but also include many professional state-licensed journalists. This target was a new phenomenon in 2020-2021. By May 31, 2021, the following state-licensed journalists have been arrested, prosecuted, and sentenced for refusing to 'bend their pen' to the government's political will.

- On August 21, 2020, journalist Tran Thi Tuyet Dieu, former reporter of Phu Yen Newspaper, was arrested with charges of "making, storing, spreading information, materials, items to oppose the State of SRVN." On April 23, 2002, she was sentenced to 8 years in prison by the People's Court of Phu Yen province.
- On December 17, 2020, Mr. Truong Chau Huu Danh, a former reporter for the Rural Today

¹⁰ RSF. *Dissident exile stops blogging because the family in Vietnam is being hounded.*

<https://rsf.org/en/news/dissident-exile-stops-blogging-because-family-vietnam-being-hounded>

¹¹ Nguyễn Văn Đạo. *Đấu Tranh Chống Các Luận Điều Xuyên Tạc Hồ Chí Minh Trong Điều Kiện Hiện nay*, Luận án tiến sĩ, Học Viện Chính Trị Quốc Gia Hồ Chí Minh, Hà Nội, 2019.

¹² Cổng Thông Tin Điện Tử Quận Bình Tân. *Bình Tân: Chủ động nắm bắt thông tin, định hướng dư luận xã hội.* <https://binhtan.hochiminhcity.gov.vn/tin-tuc/-/xem/binh-tan-chu-dong-nam-bat-thong-tin-dinh-huong-du-luan-xa-hoi?post=730250>

¹³ Tuổi Trẻ Online. *Hơn 10.000 người trong 'Lực lượng 47' đấu tranh trên mạng.*

<https://tuoitre.vn/hon-10-000-nguoi-trong-luc-luong-47-dau-tranh-tren-mang-20171225150602912.htm>

¹⁴ Tiền Phong. *Xây dựng đội ngũ chống "diễn biến hòa bình" trên mạng xã hội.*

<https://tienphong.vn/xay-dung-doi-ngu-chong-dien-bien-hoa-binh-tren-mang-xa-hoi-post1323255.tpo>

and Lang Moi Magazines, and currently running Facebook page “Clean Newspaper” with a group of friends, was arrested by the Can Tho City Police for allegedly “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 Penal Law.



On April 23, 2021, the People’s Court of Phu Yen province sentenced journalist Tran Thi Tuyet Dieu to 8 years in prison for “making, storing, distributing or propagating information and documents to opposing the State of the Socialist Republic of Vietnam.” Photo credit: Bao Moi

- On February 10, 2021, Quang Tri Provincial Police arrested and prosecuted journalist Phan Bui Bao Thy, the Chief of the Education and Times Magazine representative office in Da Nang, for allegedly “abusing democratic freedoms to infringe upon the interests of the State, lawful rights and interests of organizations and/or citizens.”
- On March 4, 2021, Mr. Nguyen Hoai Nam, a former reporter of the Ho Chi Minh City Law newspaper, was arrested and prosecuted by the City Police for “abusing democratic freedoms to infringe upon the interests of the State, lawful rights and interests of organizations and/or citizens.”
- On April 20, 2021, Mr. Nguyen Thanh Nha, former reporter of Ho Chi Minh City Law Newspaper and Saigon Marketing Magazine; Mr. Doan Kien Giang, former correspondent of Saigon Liberation Newspaper, Journalist Magazine, Public Opinion Magazine; and Mr. Nguyen Phuoc Trung Bao, former reporter of Thanh Nien Daily, were arrested for “abusing democratic freedoms to infringe upon the interests of the State, lawful rights and interests of organizations and/or citizens” under Article 331 of the Criminal Law.

Additionally, the intimidation, harassment, and assault on licensed media professionals have continued to increase at an alarming rate in 2020-2021. Although many journalists who were assaulted did not speak out for various reasons,¹⁵ there were at least 11 cases of assault in 2020 and early 2021 widely disseminated on social networks:

- On February 9, 2020, journalist Le Ha, editor of Tieng Dan TV channel, and his wife and mother-in-law were stabbed to death. For more than ten years, he had defended the victims of a hydroelectric project in Tuyen Quang.¹⁶
- On February 12, 2020, reporter Phuong Anh of VTV8 investigated traffic violations at Thanh Khe railroad station, Da Nang. Two people were videotaped for traffic violations, asked the reporter to delete their photos from the camera, and assaulted her.¹⁷

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

¹⁶ RFA. Gia đình ký giả Lê Hà của Tiếng dân Tivi bị truy sát. https://www.rfa.org/vietnamese/in_depth/relatives-of-tieng-dan-tv-reporter-unjustifiably-attacked-by-knife-02112020124001.html

¹⁷ Pháp Luật. Vụ phóng viên VTV8 bị hành hung: Chuyển công an quận điều tra. <https://plo.vn/an-ninh-trat-tu/vu-phong-vien-vtv8-bi-hanh-hung-chuyen-cong-an-quan-dieu-tra-890280.html>

- On March 24, 2020, journalist Nguyen Vuong (electronic VTC News) received many threatening phone calls after posting an article about illegal sand mining and transporting from Quang Tri to Hue.¹⁸
- On March 26, 2020, reporter Phan Quynh Nga (Nông Thôn Ngày Nay magazine) and reporter Hoai Nam (Tien Phong newspaper) were assaulted by a group of people at a pub on Ham Nghi Street, Ha Tinh city during the COVID-19 epidemic season. This group also grabbed the camera and deleted all the data previously taken by reporter Quynh Nga.¹⁹
- On April 29, 2020, reporter Xuan Huong of Van Hoa Magazine was attacked by many strangers when he investigated a complaint about the demolition of a villager's property in Dam Mon village, Van Thanh commune, Van Ninh district, Khanh Hoa province. Previously, reporter Xuan Huong had written several articles reflecting the local government's land mismanagement.²⁰

- On May 17, 2020, a stranger defiled and left a threatening note in front of the house of Mr. Ta Ngoc Duy, reporter of the Natural Resources and Environment Magazine in Hai Phong. Mr. Duy had penned articles telling violations of construction order in Ngo Quyen District, Hai Phong city, on the Natural Resources and Environment Magazine.²¹



Four journalists from the Clean Newspaper group were arrested in late 2020 and early 2021: (from left) Nguyen Thanh Nha, Doan Kien Giang, Nguyen Phuoc Trung Bao, and Truong Chau Huu Danh. Photo credit: VOA

- On the morning of May 31, 2020, a stranger defecated in front of the home of journalist Vu Thi Hai, Chief Representative of Nông Thôn Ngày Nay magazine in Hai Phong. The stranger also left an insulting and threatening note. Ms. Hai was the author of many articles reflecting the negative and wrong of some administration units in Hai Phong.²²

On October 20, 2020, Kim Giang, a Journalist and Public Opinion Magazine reporter, and his colleagues investigated the parking mismanagement at the gate area of Viet Duc Hospital and

¹⁸ VTC News. *Xử phạt kẻ đe dọa nhà báo sau phản ánh dàn xe 'khủng long' chở cát ở Quảng Trị.*
<https://vtc.vn/xu-phat-ke-de-doa-nha-bao-sau-phan-anh-dan-xe-khung-long-cho-cat-o-quang-tri-ar554862.html>

¹⁹ Kinh tế Môi trường. *Hà Tĩnh: Hai phóng viên bị hành hung khi đang tác nghiệp.*
<https://kinhtemoitruong.vn/ha-tinh-hai-phong-vien-bi-hanh-hung-khi-dang-tac-nghiep-15511.html>

²⁰ Lao Động. *Phóng viên bị hành hung: Tỉnh ủy Khánh Hòa yêu cầu xác minh, xử lý nghiêm.*
<https://laodong.vn/phap-luat/phong-vien-bi-hanh-hung-tinh-uy-khanh-hoa-yeu-cau-xac-minh-xu-ly-nghiem-804825.laod>

²¹ Tài nguyên & Môi trường. *Hải Phòng: Lại thêm một nhà báo bị khủng bố bằng "bom bẩn".*
<https://baotainguyenmoitruong.vn/hai-phong-lai-them-mot-nha-bao-bi-khung-bo-bang-bom-ban-305165.html>

²² Thanh Niên. *Nữ nhà báo ở Hải Phòng bị khủng bố bằng chất bẩn.*
<https://thanhnien.vn/thoi-su/nu-nha-bao-o-hai-phong-bi-khung-bo-bang-chat-ban-1232119.html>

Central Obstetrics and Gynecology Hospital in Hanoi city when the parking staff intentionally injured him with a motorcycle.²³

- From November 24 to December 2, 2020, many strangers defecated in front of the home of journalist Nguyen Thanh Tuan (reporter of Laborer Newspaper) and his wife Nguyen Thi Thuy (reporter of Dan Tri Newspaper) in Thanh Hoa City.²⁴
- On December 7, 2020, Dao Van Thoai assaulted, abused, and threatened a Người Cao Tuổi Newspaper reporter when the latter was making an investigation report on allegations of anomalies in management of Nga Hoang pagoda in Hop Chau commune, Tam Dao district, Vinh Phuc province.²⁵
- On March 13, 2021, reporter Nguyen Quoc Khanh (Sức Khỏe and Môi Trường Magazine) was assaulted, threatened of death, and hospitalized. The incident happened when a group of correspondents of Sức Khỏe and Môi Trường Magazine was conducting an investigative report on illegal land exploitation in Huong Son, Ha Tinh City.²⁶

5. ADVOCACY FOR THE RIGHT TO FREEDOM OF EXPRESSION AND FREEDOM OF INFORMATION

For their severe violations of freedom of expression and information, Vietnam's government in 2020-2021 repeatedly received negative reviews and warnings from national and international human rights organizations:

- Reporters Without Borders, in the 2021 World Press Freedom Index, classified Vietnam near the bottom of the table, ranked 175 out of 180 countries, unchanged from 2020, just above Djibouti, China, Turkmenistan, North Korea, and Eritrea, scored 78.46/100, 3.75 more than 2020 (0 = best; 100 = worst.)²⁷
- In its latest report, Freedom in the World, Freedom House rated Vietnam as Not Free, with a very low score of 19/100 (0 = worst, 100 = best.) Concerning the freedom to express one's personal views on political or other sensitive topics without fear of surveillance or retribution, the score is 1/4 (0 = worst, 4 = best.)²⁸
- The Committee to Protect Journalists, in its latest ranking of the world's most censored countries, classified Vietnam as the sixth most censored country in the world, under only

²³ Công Luận. *Nữ phóng viên báo Nhà báo & Công luận bị hành hung khi đang tác nghiệp tại quận Hoàn Kiếm.* <https://congluan.vn/nu-phong-vien-bao-nha-bao-cong-luan-bi-hanh-hung-khi-dang-tac-nghiep-tai-quan-hoan-kiem-post102071.html>

²⁴ Pháp Luật. *PV báo Người Lao Động ở Thanh Hóa bị khủng bố bằng chất bắn.* <https://plo.vn/an-ninh-trat-tu/pv-bao-nguoi-lao-dong-o-thanh-hoa-bi-khung-bo-bang-chat-ban-953310.html>

²⁵ Ngày Mới Online. *Phải xử lý nghiêm kẻ hành hung phóng viên khi đang tác nghiệp.* <https://ngaymoionline.com.vn/phai-xu-li-nghiem-ke-hanh-hung-phong-vien-khi-dang-tac-nghiep-20525.html>

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

²⁷ Reporters Without Borders. *2021 World Press Freedom Index.* <https://rsf.org/en/vietnam>

²⁸ Freedom House. *Freedom in the World 2021.* <https://freedomhouse.org/country/vietnam/freedom-world/2021#CL>

Eritrea, North Korea, Turkmenistan, Saudi Arabia, and China.²⁹

- Human Rights Watch assesses the state of freedom of speech and information in Vietnam in its latest Annual Report: “Online dissidents faced routine harassment and intimidation in 2020. Several were arrested and charged under Vietnam’s penal code, which criminalizes speech critical of the government or which promotes “reactionary” ideas. The government prosecuted numerous dissidents throughout the year.” “The Vietnamese government continued to prohibit independent or privately-owned media outlets and impose strict control over radio and television stations and printed publications. Authorities block access to websites, frequently shut blogs, and require internet service providers to remove content or social media accounts deemed politically unacceptable.”³⁰
- According to the Freedom to Write Index 2020 of PEN America, Vietnam is ranked 7th among the countries currently holding the most writers globally, behind only China, Saudi Arabia, Turkey, Iran, Belarus, and Egypt.³¹
- During the 2019 Human Rights Council’s Universal Periodic Review (Third Cycle), nine countries - recommended that Vietnam improve its freedom of expression, include especially the abolition or amendment of the provisions of the Cyber-security Law that do not conform to UN human rights standards (Finland, Netherlands, Ireland, New Zealand, Sweden, Austria, Canada, USA, and Australia.) Vietnam has refused to comply.

RECOMMENDATIONS

It is recommended that the Vietnamese government

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

²⁹ CPJ. *10 Most Censored Countries*.

<https://cpj.org/reports/2019/09/10-most-censored-eritrea-north-korea-turkmenistan-journalist/>

³⁰ Human Rights Watch. *World Report 2021*. <https://www.hrw.org/world-report/2021/country-chapters/vietnam>

³¹ PEN America. *Freedom to Write Index 2020*. <https://pen.org/report/freedom-to-write-index-2020/>

V THE RIGHT TO FREEDOM OF RELIGION AND WORSHIP

From the theoretical basis of the incompatibility between Marxism and religion, the Vietnamese communist government has always viewed religions as hostile forces and sought to prohibit and deny religious freedom. The violation of religious freedom continues in 2020-2021 by various means:

- Legal prohibition
- Organizational control
- Violent suppression

1. LEGAL PROHIBITION

In the current legal context, religious activities in Vietnam are regulated by the Law on Belief and Religion, passed on November 18, 2016 (effective from January 1, 2018), and Decree No. 162/2017 / ND-CP detailing the enforcement of the Law on Belief and Religion, issued on December 30, 2017. From the government's standpoint, the Law on Belief and Religion was promulgated to overcome previous laws' inadequacies and align with the Party's position and the 2013 Constitution regarding belief and religion.¹

Compared with the previous regulations, the 2016 Law on Belief and Religion has some changes that are considered positive. Most notably, the state's recognition of state-recognized religious organizations as legal persons (Article 30), detainees' rights to use 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).

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

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

in Article 18 of the Universal Declaration of Human Rights and Article 18 of the International Covenant on Civil and Political Rights that Vietnam has committed to respect.

As a result, organizations and individuals inside and outside the country have raised protests. On October 6, 2016, 54 organizations, including globally known human rights organizations such as Amnesty International, Human

Rights Watch, the International Federation for Human Rights (FIDH), and Christian Solidarity Worldwide have sent the President of the National Assembly of Vietnam a letter publicly requesting that the bill be revised following international law.² However, there was no change in the text approved by the National Assembly. On October 20, 2016, in an open letter voicing their rejection of the Law on Belief and Religion, 27 representatives of the five major religions in the Vietnam Inter-faith Council stated, “Accepting the Law on Belief and Religion is to continue to foster the totalitarian atheist regime!”³

After more than three years of implementation, the Law on Belief and Religion has not changed anything for the activities of religions which have been clamped down since the communists took power. The asking-giving mechanism is still the relationship norm between state and religion.

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

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

On March 19, 2020, police in Gia Lai province arrested three leaders of the unregistered Hà Môn Christian group, Jr, Lup and Kunh, who reside in H’ra commune, seizing allegedly anti-state and propaganda materials. According to the authorities, all three lived in the jungle and contacted



Because the government did not allow the celebration of the Master’s Absence Day 2021, an orthodox Hoa Hao Buddhist family built an altar to commemorate the Master at his home. Photo: Facebook Orthodox Hoa Hao Buddhist Church.

² FIDH. *Open Letter to the National Assembly President on the draft Law on Belief and Religion.*

<https://www.fidh.org/en/region/asia/vietnam/open-letter-to-the-national-assembly-president-on-the-draft-law-on>

³ Defend the Defenders. *Kháng thư của Hội Đồng Liên Tôn Việt Nam: Bác bỏ hoàn toàn Luật Tín ngưỡng Tôn giáo.*

<http://www.vietnamhumanrightsdefenders.net/2016/10/22/khang-thu-cua-hoi-dong-lien-ton-viet-nam-bac-bo-hoan-toan-luat-tin-nguong-ton-giao/>

other Hà Môn followers for eight years.⁴ After being criticized in front of the local population, all three people were relieved from criminal prosecution.⁵ In the 2020 annual activity report, Gia Lai Provincial Police said they had abolished the Ha Mon religion entirely and stopped the revival of De Ga Protestantism of the Central Highlands' ethnic minority groups.⁶

In 2020-2021, in addition to continuing to outlaw the Unified Buddhist Church of Vietnam, Hoa Hao Buddhism, and the Orthodox Caodaism, the Communist government of Vietnam increased its hounding and harassment of religious adherents of:

- The Evangelical Church Of Christ of Vietnam (ECCV), a worldwide religious organization, has not yet been accepted by the Vietnamese communist government.⁷
- The World Mission Society Church of God, also known as the God the Mother Church, is a religious movement already present in 185 countries.⁸ & ⁹
- At least 71 people have been arrested, their religious literature confiscated, and fined by police for disseminating Falun Gong in 2020.¹⁰
- Some ethnic H'mong 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 H'mong State.¹¹

Furthermore, to limit the activities and influence of religious organizations, the government resorted to the 2003 Land Law, amended several times, to permanently take away church properties, including schools, infirmaries, and social service facilities. After taking control of South Vietnam, the Communist government confiscated most landholdings, educational, social, healthcare facilities, and some monasteries and seminaries.

Many appropriated establishments still operate in their previous capacities; however, many are being exploited by the government for profit. They have been turned into discos, hotels, or condominiums for state officials.

⁴ RFA. *3 người của đạo Hà Môn bị bắt*.

<https://www.rfa.org/vietnamese/news/vietnamnews/3-followers-hamon-cult-arrested-03192020083115.html>

⁵ VietnamPlus. *Về với buôn làng sau 9 năm làm “người rừng” vì tin theo tà đạo*.

<https://www.vietnamplus.vn/ve-voi-buon-lang-sau-9-nam-lam-nguoi-rung-vi-tin-theo-ta-dao/647732.vnp>

⁶ RFA. *Gia Lai: Công an xóa bỏ hoàn toàn đạo Hà Môn, ngăn chặn phục hồi Tin lành Đê ga của người Tây Nguyên*.

<https://www.rfa.org/vietnamese/news/vietnamnews/vietnam-police-says-ha-mon-sect-eradicated-in-central-highland-12182020065109.html>

⁷ RFA. *Tín đồ Hội Thánh Tin Lành Đấng Christ bị ‘đấu tố’*. https://www.rfa.org/vietnamese/in_depth/montagnard-evangelical-church-of-christ-faithful-are-publicly-denounced-01192021165825.html

⁸ Tuổi Trẻ. *Phát hiện 2 nhóm ‘Hội thánh Đức chúa trời mẹ’ lên lút lõi kéo người dân tham gia*. <https://tuoitre.vn/phat-hien-2-nhom-hoi-thanh-duc-chua-troi-me-len-lut-loi-keo-nguoi-dan-tham-gia-20210329090607773.htm>

⁹ Tuổi Trẻ. *‘Hội thánh Đức Chúa trời’ xuất hiện lại ở thành phố Thanh Hóa*.

<https://tuoitre.vn/hoi-thanh-duc-chua-troi-xuat-hien-lai-o-thanh-pho-thanh-hoa-20210112164936093.htm>

¹⁰ Luật Khoa Tạp chí. *Pháp Luân Công đối diện với tương lai đầy rắc*

rối. <https://www.luatkhoa.org/2021/01/phap-luan-cong-doi-dien-voi-tuong-lai-day-rac-roi/>

¹¹ Báo Công an nhân dân. *Làm rõ bộ mặt thật của tà đạo “Giê Sùa” và “Bà Cô Dợ”*.

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

The expropriation of religious properties as means of limiting religious activities has continued in recent years. In 2020, in addition to several land confiscations that have gone unresolved for many years, such as the land of the Benedictine Monastery of Thien An in Hue, the building of the St. Paul de Chartres sisters, the Papal Nuncio’s residence in Hanoi, and the land of Thai Ha parish in Hanoi, the Vietnamese Communist government also made new appropriations, including:

- Acquisition of land and educational facilities of Thi Nghe parish.¹²
- Acquisition of land and prohibition of building new facilities at My Loc parish.¹³
- Demolition of Thien An school, a real property of the Tuy Hoa Protestant Church.¹⁴
- On June 18, 2020, the authorities of Phu Yen province, conspiring with the state-run Caodaism, planned to forcefully occupy Hieu Xuong Temple from the Hieu Xuong congregation in Phu Yen Province, which Rev. Cao Minh administered.¹⁵

2. ORGANIZATIONAL CONTROL

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

2.1. External Control

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

The Government Committee for Religious Affairs “advises and assists the Minister of the Interior in governmental management in the field of beliefs and religions and in organizing the implementation of policies and laws on beliefs and religions nationwide; performs public services in the field of beliefs and religions according to the provisions of law” (Decision No. 32/2018/QĐ-TTg of August 3, 2018, by the Prime Minister). The Government Committee for Religious Affairs has several Departments, each in charge of one religion. Mr. Vu Chien Thang, formerly a police major-general, is the current head of the Government Committee for Religious Affairs. The deputy head of the Committee is Mr. Nguyen Tien Trong, also a police colonel.

At the local level, all 64 provinces and cities have Provincial Religious Affairs Committees;

¹² Giáo xứ Thái Hà. *Giáo xứ Thị Nghè Sài Gòn bị chính quyền chiếm đoạt tài sản*. <https://nhathothaiha.net/51710-2/>

¹³ RFA. *Chính quyền giăng dai không để Giáo xứ Mỹ Lộc xây tường bao quanh trường Thánh Tâm*. https://www.rfa.org/vietnamese/in_depth/police-prevented-my-loc-parish-from-building-walls-around-thanh-tam-sacred-square-03232020151655.html

¹⁴ RFA. *Nạn nhân bị bạo hành vì tôn giáo, niềm tin tại Việt Nam*. https://www.rfa.org/vietnamese/in_depth/vn-government-suppress-religious-organizations-sophisticatedly-08212020160048.html

¹⁵ RFA. *Cao Đài chân truyền đối đầu với nhóm Cao Đài quốc doanh ở Thánh thất Hiếu Xương*. <https://www.rfa.org/vietnamese/news/vietnamnews/clash-erupted-between-government-recognized-cao-dai-sect-and-unrecognized-group-06182020090753.html>

and among 670 districts across the country, 637 have apparatuses and cadres performing the governmental management of religion; In 10,862 communes, wards and towns, there are 8,160 officers to monitor and manage religions.¹⁶

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

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

Supported by those powerful offices, the government in 2020-2021 continued to control all religions with procedures like “activities registration” and “confirmation certificates.”

By 2020, the government has only recognized and granted operation registration certificates to 43 organizations of 16 religions¹⁷ while outlawing many religious organizations with long histories of operation. For example, out of more than 80 Protestant organizations in operation, only 10 Protestant organizations have legal entities, and three are granted registration of religious activities. The rest, about 70 Protestant groups and organizations, have not been given operation registration certificates, which means they operate illegally.¹⁸

Regarding such recognition, Dr. Ahmed Shaheed, UN Special Rapporteur on freedom of religion or belief, stated, “States must understand that human rights cannot begin with state recognition. [...] The state cannot be the first step for freedom of religion or belief.”¹⁹

All religious activities, such as practice sessions, retreats, and processions, still must receive prior government approval. For instance:

- The Government Committee for Religious Affairs has rejected the application to organize the 10th Congress of the Clergy Council of the Evangelical Church of Vietnam (South) because the Church missed submitting the list of candidates for the 2021-2022 Clergy Council and their résumés to the Committee before the meeting.
- The local government did not recognize Pastor Luong Manh Ha as Head of the Protestant Representative Board of Phu Yen province because Pastor Luong Manh Ha “violated the

¹⁶ Ban Tôn giáo Chính phủ. *65 năm xây dựng và trưởng thành của ngành Quản lý nhà nước về tôn giáo (1955-2020)*. http://btgcp.gov.vn/gioi-thieu/65_nam_xay_dung_va_truong_thanh_cua_nganh_Quan_ly_nha_nuoc_ve_ton_giao__1955_2020_-postQpV5yW45.html

¹⁷ An Ninh Thế Giới. *Nhân quyền trên lĩnh vực tôn giáo nhìn từ góc độ pháp luật quốc tế và Việt Nam*. <http://cand.com.vn/Chong-dien-bien-hoa-binh/Nhan-quyen-tren-linh-vuc-ton-giao-nhin-tu-goc-do-phap-luat-quoc-te-va-Viet-Nam-620820/>

¹⁸ VOV. *Nhiều tổ chức Tin lành hoạt động bất hợp pháp tại Việt Nam*. <https://vov.vn/phap-luat/nhieu-to-chuc-tin-lanh-hoat-dong-bat-hop-phap-tai-viet-nam-1056066.vov>

¹⁹ Phòng Thông Tin Phật Giáo Quốc Tế. *Tiến sĩ Ahmed Shaheed, Báo cáo viên Đặc biệt LHQ về Tự do Tôn giáo cho biết: “Việt Nam là một trong 5 quốc gia có số lượng thông báo vi phạm tự do tôn giáo cao nhất trên thế giới”*. <https://pttpgqt.org/2018/04/18/ts-ahmed-shaheed-bao-cao-vien-dac-biet-lhq-ve-tu-ton-giao-cho-biet/>

law.”²⁰

On February 20, 2021, police gave the Montagnard Evangelical Church Of Christ a notice banning them from religious activities in Dak Lak province.²¹

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

Candidates for high-ranking positions in any religion must get approval from the state’s central level. Worse still, police agents in disguise, particularly as Buddhist monks, are trained to secretly infiltrate temples and religious institutions both at home and abroad to disrupt the church rank and file.

In 2020 and 2021, the Prime Minister of Vietnam issued 30 Decisions on state secrets involving the government and the Communist Party’s activities.²² The contents of those decisions clearly show that the Vietnamese communist government has planted spies in religious organizations and used public funds to influence religious activities accordingly to the Communist Party’s policy.²³



On two consecutive days, August 10 and 11, 2020, a group of people infiltrated the Cross Hill area of Thien An Monastery, Hue City, shouting for the monastery’s land. Photo credit: RFA

2.2. Internal Control

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

²⁰ RFA. *Nạn nhân bị bạo hành vì tôn giáo, niềm tin tại Việt Nam*. https://www.rfa.org/vietnamese/in_depth/vn-government-suppress-religious-organizations-sophisticatedly-08212020160048.html

²¹ Facebook Người Thượng Vì Công Lý. *Chính quyền công an lên lập biên bản Hội Thánh Tin Lành Lành Đấng Christ Tây Nguyên ngày 20/2/2021*. <https://www.facebook.com/watch/?ref=saved&v=2451464164999297>

²² Tin tức Pháp luật. *Tổng hợp Danh mục bí mật nhà nước trong các lĩnh vực*. <https://thuvienphapluat.vn/tintuc/vn/thoi-su-phap-luat-binh-luan-gop-y/30388/tong-hop-danh-muc-bi-mat-nha-nuoc-trong-cac-linh-vuc>

²³ Luật Khoa Tạp chí. *7 bí mật nhà nước trong lĩnh vực tôn giáo có thể làm bạn bất ngờ*. <https://www.luatkhoa.org/2021/01/7-bi-mat-nha-nuoc-trong-linh-vuc-ton-giao-co-the-lam-ban-bat-ngor/>

As for Buddhism, the government only recognizes the state-run Buddhist Sangha of Vietnam (formed in 1981)²⁴ 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.



On June 18, 2020, the authorities of Phu Yen province, conspiring with the state-run Caodaism, planned to forcefully occupy Hieu Xuong Temple from the Hieu Xuong congregation in Phu Yen Province. Photo credit: RFA

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

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

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

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

The government has recognized only ten organizations for Protestant churches, leaving about 70 other Protestant groups illegal.²⁵

3. VIOLENT SUPPRESSION

Besides its sophisticated measures of prevention, restriction, and control, the Vietnamese Communist government has always been ready to resort to physical and psychological violence to hinder and suppress religious organizations when that seems necessary. The following violent acts against religious activists were recorded in 2020-2021:

- On July 1, 2020, Dak Lak police arrested five Ê Đê Protestant believers: Y Khiu Niê, Y Ruet Mlô, Y Đinh Êban, Y Lychan Êban, and Y Lychan Êban, because they had signed a joint letter to Prime Minister Nguyen Xuan Phuc and cooperated with the United Nations to report human rights violations committed by the Vietnamese government.²⁶

²⁴ Đỗ Trung Hiếu. *Hồ sơ “Thống Nhất Phật Giáo.”*

[http:// phatgiaokhongcongsan.blogspot.com/2011/05/ho-so- thong-nhat-phat-giao-o-trung-hieu.html](http://phatgiaokhongcongsan.blogspot.com/2011/05/ho-so-thong-nhat-phat-giao-o-trung-hieu.html)

²⁵ VOV. *Nhiều tổ chức Tin lành hoạt động bất hợp pháp tại Việt Nam.*

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

²⁶ Quốc Dân. *Hội Đồng Liên Tôn Việt Nam báo cáo tình hình đàn áp tôn giáo tại Việt Nam.*

<https://www.baoquocdan.org/2020/10/hoi-ong-lien-ton-viet-nam-bao-cao-tinh.html>

- In July 2020, Ven. Thich Ngo Chanh at Phuong Boi Pine Hill, Bao Loc district, organized a peace prayer service for his seriously ill father. Police came and harassed the attendees, threw stones and dirt into the house.
- On July 15, 2020, the police of Xuyen Moc District, Ba Ria Province, prevented monks and Buddhists of Phuoc Buu Pagoda from rebuilding the pagoda gate.
- In August 2020, Venerable Thich Dong Quang held the Vu Lan festival (Ullambana) when the police of Kontum province came to make a report, collected the Buddhist flags, and prevented and prohibited Buddhists from coming to the ceremony.
- During two consecutive days, August 10 and 11, 2020, local authorities of Thuy Bang commune in Hue gathered a group of about 40 people to intrude the Cross Hill near Thien An Benedictine Monastery's chapel, stretch banners, made loud and wicked threats at the monks.²⁷
- On August 12, 2020, the family of prisoners of conscience Bui Van Tham, a Hoa Hao Buddhist follower, reported that Mr. Tham was being persecuted and tortured in the detention center.²⁸
- On August 21, 2020, the police of Binh Dinh Province summoned Rev. Nguyen Ha and Nguyen Van Danh, high-ranking dignitaries of Caodaism, to interrogate them about their support for Hieu Xuong Temple.
- On August 22, 2020, the police of Vung La District, Phu Yen Province summoned Rev. Huynh Thi Kim Xuyen and some followers from Vung La Temple and threatened them not to support Hieu Xuong Temple.
- On September 3, 2020, the police of Phu Yen province summoned Rev. Cao Minh, Rev. Nguyen Thi Mien, Rev. Nguyen Thi Hong, and some of their followers to the Phu Dong Ward office. They accused them of opposing the order of the People's Committee of Phu Yen Province when inviting Mr. Thanh from Binh Dinh province to administer the Hieu Xuong Temple.
- On September 15, 2020, the police of Xuyen Moc District assaulted and detained Buddhist Tran Van Thuong and his two children for one day and one night for following the United Buddhist Church of Vietnam and forbade them to build Phap Bien meditation house for Buddhists.
- On January 15, 2021, the police of Ea Lam commune, Song Hinh district, Phu Yen province, brought five members of the Montagnard Evangelical Church Of Christ: Nay Y Blang, Nay Y Loi, Ksor Y Blang, Hwing Y Nuk, and Ro Da before Pung hamlet residents for a denouncement session because the Evangelical Church Of Christ was not recognized.²⁹
- On March 27, 2021, Bac Kan city police prevented two God the Mother Church groups from

²⁷ Đan viện Thiên An. *Thông cáo báo chí ngày 14 tháng 8 năm 2020*. <https://www.facebook.com/%C4%90an-vi%E1%BB%87n-Thi%C3%AAn-An-1717088658529571/photos/pcb.2658457667725994/2658457347726026>

²⁸ RFA. *Tin đồn PGHH bị đàn áp, tra tấn trong trại giam, gia đình kêu cứu*. https://www.rfa.org/vietnamese/in_depth/family-of-hoa-hao-buddhist-oppressed-in-prison-seeks-help-08122020171800.html

²⁹ RFA. *Tin đồn Hội Thánh Tin Lành Đấng Christ bị 'đấu tố'* https://www.rfa.org/vietnamese/in_depth/montagnard-evangelical-church-of-christ-faithful-are-publicly-denounced-01192021165825.html

conducting religious activities and confiscated their religious documents.³⁰

- In early April 2021, the police of Phu Yen province and the police of Song Hinh district brought four Montagnard people: Thuong Ma Lang, Ma Sing, Ma Duyen, and Ma Phép, before a gathering at the Ede traditional communal house in Kít tribe for a denouncement session because they secretly practiced the Evangelical Church Of Christ.³¹

In addition to physical violence, the Vietnamese government also uses psychological violence to suppress voices demanding religious freedom. The state's official media, especially outlets that shape public opinion, have many websites ready to smear leaders and religious believers who are not in line with the government. Courageous voices such as Bishop Hoang Duc Oanh, Fathers Nguyen Huyen Duc, Dang Huu Nam, Nguyen Dinh Thuc, Nguyen Duy Tan, several Redemptorist priests, Venerable Thich Khong Tanh, Rev. Hua Phi, and other members of the Vietnam Interfaith Council have been the targets of defamatory and libelous campaigns by public opinion-shapers and even by government officials.



Four Montagnard Evangelical Church of Christ members, Ma Lang, Ma Sing, Ma Duyen, and Ma Phet, were subjected to public criticism at the traditional communal house of the Ede people in Kít village, Song Hinh district, Phu Yen province. Photo credit báo Công an Nhân dân.

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

- The Vietnamese communist authorities have not yet allowed Father Anthony Nguyen Huyen Duc, former superior of Thien An Monastery, Hue, to return home after his medical treatment in Germany. Father Nguyen Huyen Duc said that he had to go to Germany for medical treatment due to his poisoning by people who opposed his leadership of the monastery when the government sent thugs to seize the land and sabotage the monastery.³²
- On February 2, 2020, the police of Soc Trang province withheld the passport of monk Seun Ty, a Cambodian national, for nearly two weeks, claiming that he 'violated the Law on Cyber

³⁰ Thanh Niên. *Bắc Kan: Phát hiện nhiều người sinh hoạt 'Hội thánh Đức Chúa trời mẹ' trái phép.*
<https://thanhnien.vn/thoi-su/bac-kan-phat-hien-nhieu-nguoi-sinh-hoat-hoi-thanh-duc-chua-troi-me-trai-phep-1360702.html>

³¹ Công An Nhân Dân. *Đấu tranh, ngăn chặn các đối tượng phá rối an ninh.*
<http://cand.com.vn/hoat-dong-ll-cand/dau-tranh-ngan-chan-cac-doi-tuong-pha-roi-an-ninh-636227/>

³² Luật Khoa Tạp chí. *Tôn giáo tháng 10/2020: Chính quyền cấm linh mục Đan viện Thiên An hồi hương.*
<https://www.luatkhoa.org/2020/11/ton-giao-thang-10-2020-chinh-quyen-cam-linh-muc-dan-vien-thien-an-hoi-huong/>

Security of Vietnam.³³

- On May 29, 2020, Redemptorist priest Nguyen Van Toan, a frequent critic of the Vietnamese communist's human rights violations, was not issued a passport by Hanoi Police for "activities aimed at overthrowing the people's administration."³⁴
- On January 26, 2021, the People's Committee of Ben Cau district issued the official dispatch No. 88 / UBND on rectifying religious venues and activities of Caodaism in the area. This dispatch prohibits Caodaists living outside the community from coming to worship or pray for peace.³⁵
- On April 4, 2021, the authorities of An Giang Province dispatched uniformed and undercover security agents to the Hoa Hao Buddhism Central Administrative Committee headquarters in Long Giang Commune, Cho Moi District, An Giang Province, to prevent the followers from holding the 74th anniversary of the Founder' absence.³⁶
- During 2020 and the first months of 2021, the secret service has regularly surveilled independent religious leaders like Most Ven. Thich Khong Tanh and Ven. Hua Phi.



The Falun Gong propaganda exhibits seized by the Ca Mau City Police on September 21, 2020, are just documents calling for the practice of qigong to benefit health. Photo credit: Ca Mau Online

4. ADVOCACY FOR RELIGIOUS FREEDOM

In dealing with the Vietnam government's refusal to carry out provisions of the Constitution concerning commitments to the international community, Vietnamese citizens and international human rights organizations have persistently advocated for the right to religious freedom. Following are typical activities in support of religious freedom in 2020-2021:

- On February 9, 2020, 26 organizations supporting religious freedom sent a joint letter to 700 European Parliament members, requesting them to postpone the vote on the EU-Vietnam Free Trade Agreement (EVFTA) and the Investment Protection Agreement (IPA) until the Vietnamese government demonstrates a commitment to religious freedom in the U.N. conventions.³⁷

³³ VOA. *Việt Nam tịch thu hộ chiếu của nhà sư Campuchia vì 'vi phạm Luật An ninh Mạng*. <https://www.voatiengviet.com/a/vn-tich-thu-ho-chieu-nha-su-campuchia/5288339.html>

³⁴ Hội Bảo Vệ Quyền Tự Do Tôn Giáo. *Linh mục Nguyễn Văn Toàn của Dòng Chúa Cứu Thế không được cấp hộ chiếu*. <https://www.facebook.com/quyentongiao/posts/1329649040557921/>

³⁵ Việt Nam Thời Báo. *Chính quyền huyện Bến Cầu Tây Ninh vi phạm nghiêm trọng nhân quyền*. <http://vietnamthoibao.org/vntb-chinh-quyen-huyen-ben-cau-tay-ninh-vi-pham-nghiem-trong-nhan-quyen/>

³⁶ Cộng Đồng Người Việt Tự Do München Bayern. *46 năm cảm tin đồ Hòa Hào kỷ niệm "Ngày Đức Thầy vắng mặt": Chính quyền chưa nguôi hận?* <https://viettudomunich.org/2021/04/06/46-nam-cam-tin-do-hoa-hao-ky-niem-ngay-duc-thay-vang-mat-chinh-quyen-chua-nguoi-han/>

³⁷ Freedom of Religion or Belief Round Table. *To all members of the E.U. Parliament*. <http://dvov.org/wp-content/uploads/2020/02/Joint-Letter-on-EVFTA-and-IPA-Vote-Feb-11-2020.pdf>

- The U.S. Commission on International Religious Freedom (USCIRF), in its 2021 annual report, called on the U.S. government to place Vietnam back on the list of “Countries of Particular Concern” for its religious-freedom violations.³⁸
- In its 2021 report, Open Doors USA ranked Vietnam 19th among “50 countries where it is most dangerous to follow Jesus.”³⁹
- Human Rights Watch, in its annual reports for 2019 and 2020, as well as in its submissions to the United Nations, the European Union, and Australia before their human rights dialogues with Vietnam, clearly presented the Vietnamese government’s violations of religious freedom.
- The Interfaith Council of Vietnam, made up of representatives of independent religious organizations, carried out many activities in 2020 advocating for freedom of religion, such as participating in hearings and meetings with international human rights organizations, denouncing religious oppression, and protesting against the draft Law on Belief and Religion. On January 16, 2020, a diplomatic delegation from Canada, Australia, the United States, Spain, Italy, the United Kingdom, Germany, and the European Union visited and worked with the Interfaith Council of Vietnam on freedom of religion at Giac Hoa pagoda, No Trang Long, Binh Thanh, Saigon.
- On August 28, 2020, 35 human rights organizations and 11 individuals sent a joint letter to U.S. Secretary of State Mike Pompeo, calling on the U.S. to impose sanctions on Vietnam, including bringing Vietnam back to the list of Countries of Particular Concern (CPC)
- On April 30, 2020, the Special Rapporteur on Freedom of Religion or Belief and the Special Rapporteur on the Situation of the Human Rights Defenders sent a letter to the Vietnamese government requesting an explanation about acts of intimidation, harassment, and oppression against many people when they intended to or participated in an international conference in Thailand in the presence of U.N. officials in 2019.⁴⁰
- During the Universal Periodic Review of 2019, Vietnam received 13 recommendations regarding religious freedom from 11 countries. Vietnam accepted nine recommendations, partly accepted two, and rejected two. The two rejected recommendations relate to the release of all human rights defenders as well as religious and political activists detained for the peaceful expression of political views or religious beliefs (from the Polish delegation) and to a review of the Law on Belief and Religion to ensure religious freedom (from the Canadian and Croatian delegations).

³⁸ USCIRF. *USCIRF Releases 2021 Annual Report with Recommendations for U.S. Policy*.

<https://www.uscifr.gov/news-room/releases-statements/uscifr-releases-2021-annual-report-recommendations-us-policy>

³⁹ Open Doors USA. *The World Watch List 2021 - The top 50 countries where it's most difficult to follow Jesus*.

<https://www.opendoorsusa.org/christian-persecution/world-watch-list/vietnam/>

⁴⁰ RFA. *Báo cáo viên đặc biệt của LHQ yêu cầu Việt Nam giải trình về những đàn áp tôn giáo*. <https://www.rfa.org/vietnamese/news/vietnamnews/un-rapporteur-demands-vn-explain-religious-harrasment-07012020081207.html>

RECOMMENDATIONS

It is recommended that the Government of Vietnam

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

The U.S. government should:

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

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

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

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

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

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

So far, Vietnam has ratified 7 out of 8 basic conventions of the ILO: Convention No. 29 on forced labor; Convention No. 100 on equal remuneration; Convention No. 111 on employment and occupation discrimination; Convention No. 138 on the minimum age for employment; Convention No. 182 on eliminating the worst forms of child labor; Convention No. 98 on the Right to Organize and Collective Bargaining; and Convention No. 105 on the Abolition of Forced Labour.

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

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

On November 20, 2019, the Vietnam National Assembly passed Labor Law No. 45/2019/QH14, to take effect January 1, 2021. In addition to technical modifications, such as the legal validity of electronic employment contracts and salary payment into employee's bank account, the Labor Law 2019 has a few new and positive items compared to the old law, such as unilateral termination of a contract for workers in some cases (Article 34), additional forms of dialogue between workers and business owners (Article 63), and no direct state intervention in wage-setting (Article 93).

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



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

On February 25, 2021, 8,200 workers of Simone Company went on strike to demand wages increases and working conditions improvement. Photo credit: Tuoi Tre newspaper

Based on the permission to set up this type of enterprise-based employees’ organizations, some people hastily concluded that the Vietnamese communist government “allows for the formation of independent trade unions at the grassroots level.”¹

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 provisions of the law, the employees’ representative organizations referred to therein is not a full-fledged union organization as defined by ILO Convention No.87.

So far, the Vietnamese government has not released any regulatory document that sets out how to enforce this “enterprise-based employees’ organization.”

Regarding the union organization, Vietnam’s National Assembly has not enacted a new union law. According to the current Trade Union Law, a trade union is “a broad socio-political organization of the working class and workers and an integral part of the political system of Vietnamese society under the leadership of the Communist Party of Vietnam” (Article 1 of 2012 Trade Union Law).

2. VIOLATIONS OF WORKERS’ RIGHTS IN PRACTICE

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

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

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

- Forced labor and underage labor continue.

2.1. The CPV increases its control over trade union activities

The Vietnam General Confederation of Labor (VGCL), the only legal labor union organization in Vietnam today, was established by the CPV in 1929 along with the Party's founding, purporting to unite workers in support of its policies and programs of action. As a member of the Vietnam Fatherland Front, a peripheral organization of the CPV, the purpose and modus operandi of the trade unions have not changed. The dependence of the VGCL on the CPV is clearly stated in the 2013 Constitution.² Currently, the Vietnam General Confederation of Labor has about 10.4 million members with more than 124,000 Grassroots Unions.³

The core members of the VGCL must be Party members, from the General Confederation level to grassroots unions. Currently, VGCL President Mr. Nguyen Dinh Khang is a member of the Party Central Committee and Secretary of the Vietnam General Confederation of Labor. "The governmental model of the Party secretary serving simultaneously as the Chairman of the People's Committee" at the different levels has been expanded to the field of trade unions because that "ensures the trade union, workers develop under the direction of the Party and State..."⁴

To hold workers' activities under the Party's guidelines and policies, the trade unions' executive committees at all levels must "implement the policies, resolutions, and regulations of the Party and higher-level trade unions." They also have to "direct, control, and guide all activities of trade unions at lower levels."⁵

In addition, trade unions serve as training grounds for prospective CPV members. For more than ten years (2008 - 2019), trade unions at all levels introduced more than 850,000 excellent union members to the party committees; more than 636,000 elite union members were admitted to the Party.⁶

² 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."

³ Nguyễn Đình Khang. *Phát triển đoàn viên, xây dựng tổ chức Công đoàn*. <http://www.congdoan.vn/tin-tuc/phat-trien-doan-vien-xay-dung-to-chuc-cong-doan-508/doi-moi-to-chuc-hoat-dong-cong-doan-xay-dung-giai-cap-cong-nhan-lon-manh-dap-ung-yeu-cau-phat-trien-cua-dat-nuoc-572697.tld>

⁴ Tạp chí Công sản. *Cấp ủy viên là chủ tịch công đoàn trong các doanh nghiệp ngoài khu vực nhà nước: Mô hình cần nhân rộng trong thực tiễn*. <https://www.tapchiconsan.org.vn/web/guest/thuc-tien-kinh-nghiem1/-/2018/815772/cap-uy-vien-la-chu-tich-cong-doan-trong-cac-doanh-nghiep-ngoai-khu-vuc-nha-nuoc--mo-hinh-can-nhan-rong-trong-thuc-tien.aspx>

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

⁶ Nguyễn Đình Khang. *Xây dựng giai cấp công nhân và tổ chức Công đoàn Việt Nam đáp ứng yêu cầu giai đoạn hiện nay*. <http://www.congdoan.vn/tin-tuc/nghien-cuu-trao-doi-524/xay-dung-giai-cap-cong-nhan-va-to-chuc-cong-doan-viet-nam-dap-ung-yeu-cau-giai-doan-hien-nay-500553.tld>

2.2. Workers continue to endure difficult living conditions

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

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

According to a VGLC report, in 2020, there were 126 coordinated strikes, seven more than in 2019.⁷

The underlying cause for the strikes was factory owners' failure to fulfill their social responsibilities to workers, which involve wages, benefits, working hours, breaks, and labor safety and hygiene. In recent years, up to 85-90% of labor strikes have been caused by disputes over wages.⁸

As in previous years, most strikes occurred in the months before and after the Lunar New Year when workers were not satisfied with year-end salary and bonus payments. In the year 2020-2021, there are several strikes with thousands of workers, such as:

- On February 17, 2020, about 5,000 workers at J.Y. company in Ha Nam province went on strike to protest the return to work of Chinese technicians after the Tet holiday without quarantining for Covid -19.⁹
- For three consecutive days (May 27-29, 2020), more than 8,000 at Chi-Hung Co., Ltd., Tan Uyen Town, Binh Duong province, went on strike because they disagree with the factory owner on the layoff plan without appropriate compensation.¹⁰
- On September 11 and 12, 2020, about 5,000 workers of Luxshare - ICT, one of the parts suppliers for Apple manufacturing iPhone phones, went on strike to demand better wages, bonuses, and overtime benefits.¹¹

⁷ Dân Trí. *126 cuộc ngừng việc tập thể trong năm 2020*.

<https://dantri.com.vn/lao-dong-viec-lam/126-cuoc-ngung-viec-tap-the-trong-nam-2020-20210109093951160.htm>

⁸ Báo Lao Động. *85 - 90% số vụ đình công có nguyên nhân từ yếu tố tiền lương*.

<http://vieclam.laodong.com.vn/cong-doan/85-90-so-vu-dinh-cong-co-nguyen-nhan-tu-yeu-to-tien-luong-137037.bld>

⁹ RFA. *Lo ngại dịch Corona, hàng ngàn công nhân đình công yêu cầu cách ly chuyên gia Trung Quốc*. <https://www.rfa.org/vietnamese/news/vietnamnews/fear-of-corona-spread-thousands-workers-went-on-strike-demanding-chinese-experts-be-quarantined-02172020080454.html>

¹⁰ Người Lao Động. *Vì sao 8.000 công nhân Công ty TNHH Chí Hùng đình công?*

<https://nld.com.vn/cong-doan/vi-sao-8000-cong-nhan-cong-ty-tnhh-chi-hung-dinh-cong-20200601151038704.htm>

¹¹ Tuổi Trẻ Online. *Vụ đình công ở nhà máy sản xuất linh kiện cho Apple: Thống nhất 18 điểm sẽ giải quyết*.

<https://tuoitre.vn/vu-dinh-cong-o-nha-may-san-xuat-linh-kien-cho-apple-thong-nhat-18-diem-se-giai-quyet-20200913205333817.htm>

- On February 25, 2021, about 8,200 workers at Simone Tien Giang Co., Ltd., in Tan Huong Industrial Park went on strike, demanding higher wages and better labor regimes.¹²

Although claiming for themselves a monopoly of the right “to represent and protect the legitimate rights and interests of workers” (Article 10 of the Union Law), the trade unions have never initiated or assisted labor strikes despite acknowledging that the vast majority of them arise because the workers’ rights are violated. All strikes have been spontaneous, without the leadership of a representative organization of workers, so under the labor law are illegal.

In the year 2020-2021, the Covid-19 epidemic has substantially affected workers’ employment; 31.8 million workers were affected, of which 68.9% of workers had their incomes reduced, nearly 40% had to reduce working hours, take involuntary breaks, take alternate leave and about 14% were laid off.¹³

Although the number of unemployment-insured workers has doubled over the past decade, only 13 million workers participated in unemployment insurance in 2019, accounting for 22.6% of the national workforce.¹⁴ A survey of about 6,000 employees conducted by Navigos Group and published in February 2021 found that only 30% of respondents said they were satisfied with the current welfare regime.¹⁵



On May 14, 2020, an occupational accident at the construction site of AV Healthcare Company - Giang Dien Industrial Park, Trang Bom District, Dong Nai Province, killed ten workers and injured 14 workers. Photo credit: Dan Tri Magazine

In addition, the workers have insufficient safety protections. According to the Ministry of Labor, War Invalids and Social Affairs (MLWISW), in 2020, there were 7,473 work-related accidents where there were employment relations, with 7,649 victims, of which 661 died, and 1,617 were seriously injured. Compared to 2019, both the number of cases and the number of victims, and the number of deaths increased.¹⁶

In reported accidents, the primary cause was employers’ lack of responsiveness to their safety obligations in working conditions, safety equipment, and safety training. However, according to the MLWISW, those numbers are just the tip of the iceberg. In reality, the number of occupational

¹² VTV.vn. *Hơn 8.000 công nhân đình công, tụ tập đòi tăng lương.*
<https://vtv.vn/xa-hoi/hon-8000-cong-nhan-dinh-cong-tu-tap-doi-tang-luong-20210226121657572.htm>

¹³ Thanh Niên. *Gần 70% người lao động bị giảm thu nhập do dịch Covid-19.*
<https://thanhnien.vn/thoi-su/gan-70-nguoi-lao-dong-bi-giam-thu-nhap-do-dich-covid-19-1287903.html>

¹⁴ Báo Lao Động. *Bảo đảm việc làm bền vững, nâng cao mức sống của công nhân Việt Nam.*
<https://laodong.vn/cong-doan/bao-dam-viec-lam-ben-vung-nang-cao-muc-song-cua-cong-nhan-viet-nam-864884.ldo>

¹⁵ Báo Lao Động. *Chỉ 30% người lao động hài lòng với chế độ phúc lợi hiện tại.*
<https://laodong.vn/cong-doan/chi-30-nguoi-lao-dong-hai-long-voi-che-do-phuc-loi-hien-tai-882678.ldo>

¹⁶ Bộ Lao động – Thương binh và Xã hội. *Tình hình tai nạn lao động năm 2020.*
<http://huanluyenantoan.gov.vn/tinh-hinh-tai-nan-lao-dong-nam-2020.html>

accidents, deaths, and injuries is much higher.¹⁷

“Statistics from hospitals and health facilities on the number of people hospitalized due to occupational accidents are usually 20 times more than the data reported to the MLWISW.” That is the information presented at the 2020 National Conference on Occupational Safety and Health organized by the MLWISW in Thanh Hoa Province in November 2020.¹⁸

Workers have to worry not only about insufficient wages and occupational safety but also about hygienic conditions and food safety. Food poisoning has become a constant concern for workers and their families. According to the General Statistics Office, in the first ten months of 2020, there were 81 food poisoning cases nationwide, with 2,040 victims, of which 21 died.¹⁹

According to the Department of Food Safety (Ministry of Health), poor food quality is the leading cause of food poisoning.²⁰ The meager standard meals costing from 11 to 12 thousand V.N. dong (about 50 U.S. cents)²¹ adversely affect workers’ productivity and weaken future generations’ physical and intellectual well-being.

2. 3. Forced labor and underage labor continue

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

The use of prisoners in prisons, patients in rehabilitation centers, drug addiction camps, and students in reform schools for labor is widespread in Vietnam. A Viet Labor study in 2016 on forced labor situations in Vietnamese prisons disclosed that between 100,000 and 200,000 prisoners in roughly 60 jails were forced to work from 40 to 50 hours a week, without pay, to produce cashew nuts, garments, rubber, bricks, rocks, rice, sugar cane, and other products.²²

In the process of joining the Abolition of Forced Labour Convention by 2020, the government of Vietnam did not deny that prisoners have to work. However, they claimed that making prisoners work is to educate and reform offenders and help them become honest and beneficial to society. Moreover, it does not violate Convention 105 because it is one of the five exceptions specified in Convention 29 on forced labor that Vietnam acceded to in 2007. With this exception, as explained

¹⁷ Báo An Ninh Thủ Đô. *Chỉ có hơn 5% doanh nghiệp báo cáo về tình hình tai nạn lao động.*

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

¹⁸ VOV.tv. *Số liệu báo cáo thống kê tai nạn lao động hàng năm chưa phản ánh đúng thực tế.* <https://truyenhinhdulich.vn/video/so-lieu-bao-cao-thong-ke-tai-nan-lao-dong-hang-nam-chua-phan-anh-dung-thuc-te-13532.html>

¹⁹ Dân Sinh. *10 tháng năm 2020, cả nước xảy ra 81 vụ ngộ độc thực phẩm.* <https://baodansinh.vn/10-thang-nam-2020-ca-nuoc-xay-ra-81-vu-ngo-doc-thuc-pham-20201104141132487.htm>

²⁰ Thanh Niên. *Suất ăn rẻ tiền là nguyên nhân ngộ độc thực phẩm cho công nhân.*

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

²¹ Tuổi Trẻ online. *Suất ăn giữa ca thường từ 11.000 - 14.000 đồng.*

<https://tuoitre.vn/suat-an-giua-ca-thuong-tu-11-000-14-000-dong-2020111217505534.htm>

²² Lao Động Việt. *Bản tường trình của Lao Động Việt về tù lao động.*

<https://vietbao.com/images/file/EeUhZJl90wgQAIJ/report-english-tld-prison-labor-report-e-final-12-5-compressed.pdf>



Early child labor can harm children's health and development potential.
Photo credit: TL (Dân tộc và Phát triển Magazine)

by the Vietnamese communist government, inmates' work in prisons, which is carried out under the Law on Execution of Criminal Judgments, with jail supervision and not transferred or placed under private use, is not bound by the Convention 105.²³

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

at 10% of the proceeds from the labor revenue after deducting "reasonable expenses in the work organization process." This means most of the labor prisoners work for free!

In factories, the most common form of forced labor is being ordered to work overtime under the threat of being fired.²⁴ A study by Anti-Slavery International at several garment factories in Vietnam in 2018 showed that all workers were threatened with job loss or payroll deduction if they took sick leave, made mistakes at work, or did anything that failed to meet management's expectations. Indicators of forced labor such as cheating, restrictions on movement, threats, intimidation, abusive living and working conditions, and excessive overtime were common.²⁵

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

An autobiography on forced labor by Nghiêm Huong "Do not die in Saudi Arabia," published in 2019, is living proof of forced labor under the label of labor export.²⁶

Another kind of forced labor involves the mistreatment of children, including forcing them to work under dangerous conditions. A recent report of the Children's Welfare and Protection Department of the MLWISW reveals that the country has 2.83 million children participating in economic

²³ Dân Sinh. *Lao động của phạm nhân không thuộc phạm vi điều chỉnh của Công ước 105*. <https://baodansinh.vn/lao-dong-cua-pham-nhan-khong-thuoc-pham-vi-dieu-chinh-cua-cong-uoc-105-2020052019284336.htm>

²⁴ Fair Labor Association. *Forced Labor in Supply Chains: Addressing Risks and Safeguarding Workers' Freedoms*. https://www.fairlabor.org/sites/default/files/documents/reports/forced_labor_guidance_update_july-2019.pdf

²⁵ Anti-Slavery International. *Sitting on pins and needles: a rapid assessment of labor conditions in Vietnam's garment sector*. <https://www.antislavery.org/wp-content/uploads/2019/04/Pins-and-Needles-Vietnam-supply-chains-report.pdf>

²⁶ Nghiêm Huong. *Đừng chết ở Ả-rập Xê-út*. Available at: <https://www.fahasa.com/dung-chet-o-a-rap-xe-ut.html?attempt=1>

activity, accounting for 15.5 percent of the child population. Of these, about 1.18 million, or 41.6 percent, were out of school, and about 56,000 children, nearly two percent, have never attended school. Of particular concern are approximately 933,000 children working in areas exposed to the risk of being exploited and abused.²⁷ The Covid-19 epidemic in 2020-2021 has a considerable impact on family income, forcing many children to work longer hours in worse conditions.

A report by the U.S. Department of Labor on goods produced by children or forced labor published in 2020 lists the occupational sectors employing children in Vietnam as bricks, cashews, coffee, fish, footwear, furniture, leather, pepper, rice, rubber, sugarcane, tea, textiles, timber, tobacco. The garment industry is listed as a section that employs forced labor children.²⁸

However, the most common “professions” for children in Vietnam are serving as domestics to wealthy families, selling small items in public places, lottery tickets, shining shoes, and other services. The reports above do not include those kinds of work.

RECOMMENDATIONS

It is recommended that the Vietnamese government

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

²⁷ Đại Đoàn Kết. *Nạn giải lao động trẻ em*. <http://daidoanket.vn/tieng-dan/nan-giai-lao-dong-tre-em/88415>

²⁸ U.S. Department of Labor. *2020 List of Goods Produced by Child Labor or Forced Labor*. https://www.dol.gov/sites/dolgov/files/ILAB/child_labor_reports/tda2019/2020_TVPRAList_Online_Final.pdf

VII THE RIGHT TO EQUAL TREATMENT AND NON-DISCRIMINATION

In addition to signing the Universal Declaration of Human Rights, the International Covenant on Economic Social and Cultural Rights, and the International Covenant on Civil and Political Rights, Vietnam has also participated in many other conventions on anti-discrimination, such as the International Convention on the Elimination of All Forms of Racial Discrimination (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, as amended in 2013, also expressly states that "all citizens are equal before the law" and that "no one shall be discriminated against based on his or her political, civic, economic, cultural or social life" (Article 16).

During the 2019 Cycle III Universal Periodic Review (UPR), Vietnam received 20 recommendations from participating countries regarding discrimination. Vietnam approved 16 and disapproved 4. Two of the four rejected recommendations were related to the ratification of the Convention against Discrimination in Education

In reality, however, stigmatization and unequal treatment, in general, did not improve in 2020-2021, especially discrimination against the supporters of the former Republic of Vietnam (RVN), people outside the Communist Party, religious believers, ethnic minorities, and women.

1. DISCRIMINATION AGAINST SUPPORTERS OF THE GOVERNMENT OF SOUTH VIETNAM

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

Shortly after 1975, in addition to putting tens of thousands of military officers and civil servants of the former Republic of Vietnam (RVN) in concentration camps, looting their properties and sending hundreds of thousands of families who had had connections with the losing side to new economic zones, the Communist government also applied profiling measures to prevent their children from achieving a meaningful future. 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

In education, the current standard curriculum vitae application form for students in Vietnam contains questions about Youth Union and Communist Party membership. It requires students to declare their parents' relationship with the previous government. This requirement is prejudicial for students whose parents were civil servants or military personnel of the Republic of Vietnam.



A wounded veteran of the Republic of Vietnam sells lottery tickets to earn a living. Photo from Youtube "The difficult life of veterans of the Republic of Vietnam" by Người Việt Daily News

Those who are most discriminated against by the current regime are Vietnam War veterans and their families. 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. Since 2014, in parallel with human rights movements and with the help of their compatriots worldwide, some ARVN disabled veterans have come together and publicized to the world the extent to which they have been stigmatized, discriminated against, and marginalized by their government.

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

Meanwhile, the government has adopted an opposite policy towards Communist cadres and veterans and their families. As reported by the Ministry of Labor, Invalids and Social Affairs, more than 9.2 million "meritorious" people enjoy preferential policies due to their service to the Revolution. Nearly 1.4 million people are enjoying a monthly allowance (1,624,000 VND / month). In 2020, the government spent more than 30 trillion VND (US\$ 1,300,000,000) to implement preferential regimes for people with meritorious services to the Revolution, not to mention 11 trillion VND for housing subsidy from 2016 to 2020.⁴ Therefore, at present, 99.7% of the "meritorious" households

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

http://www.rfa.org/vietnamese/in_depth/discri-after-fall-saigon-04222015080143.html

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

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

³ Hội Đồng Các Dân Tộc và Tôn Giáo Việt Nam. *Công an và 'côn đồ có tổ chức' dùng chương trình trao quà cho thương phế binh Việt Nam Cộng Hòa.* <https://www.cprvn.org/?p=2827>

⁴ Báo điện tử Đảng Cộng sản Việt Nam. *Thực hiện hiệu quả chính sách ưu đãi đối với người có công với cách mạng.* <https://dangcongsan.vn/tieu-diem/thuc-hien-hieu-qua-chinh-sach-uu-dai-doi-voi-nguoi-co-cong-voi-cach-mang-559767.html>

live at or above the average living standard of the local population, and no one has the status of low-income families.⁵ At the end of 2020, to push further the preferential policies for these members, the government of Vietnam has issued the Ordinance on Preferential Treatment for People with Merits to the Revolution (amended). This Ordinance takes effect from July 1, 2021.

2. DISCRIMINATION AGAINST NON-COMMUNIST PARTY CITIZENS

At present, the Communist Party of Vietnam (CPV) has about 5.2 million members in a country of about 98 million. Under the current Constitution, the only political party allowed to operate is the CPV, whose members are more privileged than outsiders. The discrimination against non-members of the CPV not only limits their participation in government, but also disadvantages them in all other social activities, including education, economic life, and health care.

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

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

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

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

⁵ Tạp chí Lao động và Xã hội. *Không ngừng hoàn thiện chính sách, nâng cao đời sống người có công với cách mạng.* <http://laodongxahoi.net/khong-ngung-hoan-thien-chinh-sach-nang-cao-doi-song-nguoi-co-cong-voi-cach-mang-1318126.html>

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

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

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

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

3. DISCRIMINATION AGAINST RELIGIOUS BELIEVERS

Although Article 5 of the Law on Belief and Religion explicitly forbids “discrimination, stigmatization against Beliefs and Religion,” discrimination and stigmatization of religious believers did not abate in 2020-2021. The Communist government still regards religions as a threat to the regime. Therefore, in addition to banning and suppressing some religions [see chapter IV of this Report], they continue to treat religious followers as second-class citizens in all social areas, especially in the areas of public services and education.

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

For elected offices, the government usually sets a certain quota for religious-believer candidates who meet the CPV’s loyalty standard for election to the National Assembly. During the 2021 election of the 15th National Assembly, the government has arranged for six religious dignitaries as delegates out of 500 members of the National Assembly.¹⁰ However, this theatrical performance could not cover up the discriminatory way people of religious faith are generally treated. For example, with the three-generation background check system, religious followers cannot sit for the entrance examination to military or police schools.¹¹ Those in such schools, and even their spouses, may not profess Catholicism, Protestantism.¹²

In 2021, the government of Vietnam has 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 is a violation of religious freedom and demonstrates discrimination based on citizens’ religious backgrounds.¹³

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

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

As in the case of children of former South Vietnamese officials, profiling is also employed against religious believers who apply for higher college entrance exams. The current standard curriculum vitae form for students in Vietnam always includes questions about religion. As with the question about the Communist Ho Chi Minh Youth Union and Communist Party affiliation, and family

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

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

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

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

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

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

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

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

history before 1975, religion is an essential factor in determining students' education and future career paths.¹⁴ Students who declare that they belong to religion will not be favored when it comes to their choice of curricula, scholarships, and other benefits despite higher scores on aptitude tests.

4. DISCRIMINATION AGAINST ETHNIC MINORITIES

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



In the house of a Hmong couple in Meo Vac, there are only a few minimal living items. Photo credit: Toplist Joint Stock Company

4. 1. Discrimination against Ethnic Minorities: Economic Inequality

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

Economic growth only brings wealth to a few people, mostly in urban areas, widens the rich-poor gap, and exacerbates tensions among different social strata. This disparity leaves most people, especially ethnic minorities, on the sidelines. Even Mr. Hà Ngọc Chiến, Chairman of the Nationalities Council of the National Assembly, has acknowledged that ethnic minorities account for nearly 53% of the nation's poor while they are only 14% of the population.¹⁵ The fruits of economic growth are concentrated with the Kinh majority and Hoa ethnic majority. At the same time, other ethnic minority groups continue to suffer from poverty and a slower pace of

¹⁴ Trường Đại học Thủ Dầu Một. *Hướng dẫn ghi lý lịch học sinh viên dành cho Tân sinh viên đại học chính quy 2019*. <https://tuyensinh.tdmu.edu.vn/News/Detail/2761>

¹⁵ Quốc hội Việt Nam. *Kết Quả Thực Hiện Chỉ Tiêu Giảm Nghèo Chưa Thực Sự Bền Vững*. <https://quochoi.vn/tintuc/pages/tin-hoat-dong-cua-quoc-hoi.aspx?ItemID=37252>

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. Although the 2013 Land Law states, “During the process of land allocation or land lease, ethnic minority households and individuals in the locality that have no land or lack productive land, shall be prioritized (Art. 133),” racial discrimination against ethnic minority ownership and use of land remains a thorny issue.



Children's quality of life is deficient even in daily meals; there are only wild vegetables. Photo credit: Dien Bien TV.vn

The vast majority of the ethnic minorities depend on farming as their main livelihood. The land is the primary, if not the only, source of life for them. After 1975, with the population relocation and deforestation policies that favored industrial plantations, the highlanders' living space has dwindled. Official figures show that the number of people with political power, money, and guns in the Central Highlands increased from 1.5 million in 1975 to about 6 million by 2010.¹⁶ Most of the new settlers come from the North. Illegal logging, construction of infrastructures, such as hydroelectricity and irrigation, and state agricultural development policies encouraging large-scale agricultural farming and rubber production for export – all have pushed the native peoples farther into remote, infertile lands.

According to Mr. Hà Ngọc Chiên, above, ownership of residential and farming land for ethnic minorities in the highlands has not improved much. And due to the lack of productive land, minorities can't have productive livelihoods.¹⁷

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

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

Despite the improvements in educational opportunities over the years, ethnic children, in general, are still a marginalized part compared to the Kinh and the Hoa. Students of ethnic minorities are excluded from educational institutions, especially from secondary school and above. Up to 65% of Kinh and Hoa students are enrolled in high school, while only 13.7% are enrolled from other ethnic groups.¹⁸ Another study found that the rate of students going to college aged 18 to 22 in the

¹⁶ Vu Quoc Ngu. *Vấn đề sở hữu đất tại Việt Nam và cưỡng chiếm đất trong một nước độc đảng*. https://sites.google.com/site/forumvietnam21/tiengviet/tiengviet-bv/bnq20140103_yuquocngu

¹⁷ Quốc hội Việt Nam, *Ibid*.

¹⁸ OXFAM. *Thu hẹp khoảng cách – Cùng giảm bất bình đẳng ở Việt Nam*. Nhà Xuất Bản Lao Động & Xã Hội, Hà Nội 2017, tr. 7

Kinh group is 46% (the highest), while that rate is below 10% for the Khmer and the Dao.¹⁹

Concerning healthcare for ethnic minorities, Article 58 of the Constitution specifies, “State policy prioritizes healthcare for ethnic minorities, people living in mountainous areas, on islands, and in areas that have tough socio-economic conditions.” However, according to Save The Children in Vietnam, the disparity in nutrition between Kinh children and ethnic minority children is worrying. Fourteen percent of Kinh children at age 12 suffered from stunting, compared with 52.4% of their ethnic-minority counterparts.²⁰

Another study also found that the death rate (%) of children under five years old nationwide was 21.4 ‰, while that rate in areas with a concentration of ethnic minorities was 35.8‰ (in the Highlands) and 32.5‰ (in the Northern midlands and mountainous.) Among ethnic groups, the Tay, Nung, and H’Mong people had the highest death rates. The cause of death is mainly due to illness and disease.²¹

4. 3. Discrimination against Ethnic Minorities: Political Inequalities

In the 2016 election of the 14th National Assembly, the VCP arranged for 86 people from ethnic minorities to be elected to the National Assembly (17.30% of the total MPs). This figure, according to the report, was fewer than the target number (18%).²² The proportion of ethnic minority deputies was predetermined to remain 18% for the XV National Assembly in 2021.²³ 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 demonstrative purposes. In Vietnam’s one-party regime, the purpose of elections is only to strengthen the ruling party’s power. The so-called ethnic representatives are people whom the central government selects merely to convey orders from above. Ethnic minorities in villages and communes have no self-government mechanism to represent their interests. The only means left for them to express their aspirations are fleeing abroad, holding rallies, or engaging in other forms of protest, a situation that has led to mass crackdowns or individual persecutions that ethnic minorities have had to endure. The many Montagnards who have fled to Thailand to avoid Vietnamese government persecution are currently living in difficult circumstances and can be arrested and deported to Vietnam at any time.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.

¹⁹ Viện Nghiên cứu phát triển Mekong (MDRI). *Bất bình đẳng đa chiều tại Việt Nam*. Nhà xuất bản Thanh niên, Hà Nội, 2020, tr. 98.

²⁰ Save The Children. *Save The Children calls on to Improve Ethnic Minority Children’s Life in Vietnam*. <https://vietnam.savethechildren.net/news/save-children-calls-improve-ethnic-minority-children%E2%80%99s-life-vietnam>

²¹ Viện Nghiên cứu phát triển Mekong (MDRI). *Op.cit.* p. 70.

²² VOV. *Chính thức công bố 496 đại biểu Quốc hội khóa XIV*.

<http://vov.vn/chinh-tri/quoc-hoi/chinh-thuc-cong-bo-496-dai-bieu-quoc-hoi-khoa-xiv-518820.vov>

²³ Tin Tức. *Dự kiến số lượng, cơ cấu, thành phần đại biểu Quốc hội khóa XV*. *Op.Cit.*

²⁴ Luật Khoa Tạp Chí. *Khi Tây Nguyên không còn là nhà*.

<https://www.luatkhoa.org/2019/09/khi-tay-nguyen-khong-con-la-nha/>

5. DISCRIMINATION AGAINST WOMEN

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

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

According to the 2019 National Survey on Violence against Women in Vietnam, published in 2020, nearly 63% of women experienced one or more forms of physical, sexual, emotional, and economic violence, as well as controlling behavior by the husband during their lifetime, and nearly 32% of women currently experienced violence (during the past 12 months.)²⁵

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

Concerning labor, Vietnam has ratified many of the World Labor Organization (ILO) international conventions that treat employment equality. However, according to the latest statistics of the Ministry of Planning and Investment, female wage earners routinely receive lower pay than men despite the same level of education, age, and ethnic group.²⁷

Research shows that in 2020-2021, the COVID-19 pandemic not only exacerbates existing inequalities in the labor market but also creates new inequalities. Women face a particularly severe reduction in working hours in the second quarter of 2020. They lose their jobs at a greater rate than men.²⁸

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 doctoral degrees in science (5.1%).²⁹

In the government sector, Vietnam often prides itself on the number of women entering politics. One hundred thirty-three female MPs in the XIV National Assembly were elected in 2016, accounting

²⁵ Bộ Lao động Thương binh và Xã hội, Tổng cục Thống kê và Quỹ Dân số Liên hợp quốc tại Việt Nam. *Báo cáo Điều tra quốc gia về Bạo lực đối với Phụ nữ ở Việt Nam năm 2019. Hà Nội 2020.*
https://vietnam.unfpa.org/sites/default/files/pub-pdf/0_bao_cao_chinh_0.pdf

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

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

²⁸ ILO. *Gender and the labor market in Viet Nam* An analysis based on the Labour Force Survey.*
https://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/---ilo-hanoi/documents/publication/wcms_774434.pdf

²⁹ Tổ chức nhà nước. *Trao quyền cho phụ nữ để thực hiện bình đẳng giới ở Việt Nam.*
<https://tcnn.vn/news/detail/48988/Trao-quyen-cho-phu-nu-de-thuc-hien-binh-dang-gioi-o-Viet-Nam.html>

for 26.8% of the total membership. According to the election results of the 15th National Assembly, this number has increased to 151 people, 30.26% of the total number of National Assembly deputies.³⁰

In reality, however, these figures do not necessarily reflect women's actual involvement because such a preset itself shows that in the Communists' electoral mechanism, all candidates at all levels are predetermined by the Communist Party. Furthermore, the representative apparatus has no real power because Party committees make all crucial decisions. In fact, among the 200 members of the CPV Central Committee, there are currently only 18 women (less than two people compared with the previous Central Executive Committee). Out of 18 members of the Politburo, only one is female. Of the 28 members of the new 2021 cabinet, only 2 are women; and women are only 9 out of the 63 provincial and municipal party committee secretaries. Since these are the most powerful positions in the Vietnamese government system, the shortage of women is especially unfortunate.

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 from rural areas to urban areas has increased sharply. Female workers account for a large proportion, mainly working in the garment, leather, footwear, electronics, and food processing sectors. However, most migrant workers who do simple jobs in the informal economy do not have labor contracts and are not protected by employers by purchasing health insurance and social insurance. Worse still, they are often victims of violence.³¹

RECOMMENDATIONS

It is recommended that the Government of Vietnam

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

³⁰ Báo Công lý. *Những nội dung “đặc biệt” ở kỳ bầu cử Quốc hội khóa XV.*
<https://congly.vn/nhung-noi-dung-dac-biet-o-ky-bau-cu-quoc-hoi-khoa-xv-189017.html>

³¹ Dân Sinh. *Lao động nữ di cư thường phải gánh chịu bạo lực kép.*
<http://baodansinh.vn/phu-nu-di-cu-chiu-bao-luc-kep-42263.htm>

VIII THE RIGHT TO WELL-BEING

When it comes to human rights, Vietnam always refers to “poverty reduction” as a priority and growth in income per capita as an indication of state policy success.¹ Based on this per capita income, Vietnam’s government claimed that the country had made human rights progress about its poverty reduction program. Within five years, the proportion of poor households nationwide had reportedly dropped from 14.2% in 2010 to 4.25% in 2015.²

However, at the end of 2015, Vietnam’s Prime Minister signed directive 59/2015/QĐTTg, whereby poverty was to be measured based on multiple dimensions, including income, health services, education, housing, clean water, and information. In early 2021, the Vietnamese government issued Decree 07/2021 / ND-CP on new multi-dimensional poverty standards for 2021 - 2025. This Decree sets a new income-based poverty threshold for rural areas at 1.5 million VND / person/month and the urban area at 2 million VND / person/month.

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

Based on this multi-dimensional measure, the Ministry of Labor, War Invalids, and Social Affairs reported that by the end of 2019, the national poverty rate would be 3.75%. By the end of 2020, the national poverty rate will decrease to about 2.75%, the rate of near-poor households nationwide will be about 4%.³

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

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

² Tuổi Trẻ. *Hơn 6 triệu người đã thoát nghèo trong 4 năm qua*. <https://tuoitre.vn/hon-6-trieu-nguoi-da-thoat-ngheo-trong-4-nam-qua-20201211105341883.htm>

³ Tạp chí Lao động và Xã hội. *Ước đến cuối năm 2020, tỷ lệ hộ nghèo cả nước giảm còn khoảng 2,75%*. <http://laodongxahoi.net/uoc-den-cuoi-nam-2020-ty-le-ho-ngheo-ca-nuoc-giam-con-khoang-275-1316895.html>

1. WELL-BEING FOR A FEW

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

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

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

According to the 2020 Vietnam Provincial Governance and Public Administration Performance Index (PAPI) research results, Vietnamese citizens continued to cite poverty and hunger (accounting for nearly 18% of the 14 issues of concern).⁵ A recent study shows that the gap between rich and poor tends to increase rapidly. According to the General Statistics Office (2019), the bottom 20% group earns about 40.5 USD / month, and the top 20% group makes about 405 USD / month. The income gap coefficient between the two groups is ten times, while that coefficient was 6.99 times in 1995 and 8.4 times in 2006.⁶

Especially for 2020, the negative impact of the COVID-19 epidemic has set the GDP growth rate back and changed it to the lowest level since 2011-2020. People's lives have become more difficult due to the turbulent labor market, with millions of people losing their jobs or reducing their working hours. So the gap between the rich and the poor is exacerbated.

According to the evaluation on the impact of COVID-19 on low-income families in Vietnam of the United Nations Development Program in Viet Nam (UNDP) and the United Nations Entity for Gender Equality and the Empowerment of Women (UN Women), the poverty rate among ethnic minorities had increased from 22.13% before the COVID-19 epidemic to 76.31% following the COVID-19 outbreak. In comparison, the national average poverty rate increased from 4.57% to 26.7%.⁷

Thus, economic growth only enriches a few. The component that does not enjoy the fruits of economic development is the vast majority of people living in the countryside, ethnic minorities, and the disabled. As for ethnic minority groups, Mr. Ha Ngoc Chien, the Chairman of the Ethnic Affairs Council of the National Assembly, acknowledges that ethnic minorities account for

⁴ Tổng Cục Thống kê. *Thông cáo báo chí về tình hình kinh tế - xã hội quý IV và năm 2019*. <https://www.gso.gov.vn/du-lieu-va-so-lieu-thong-ke/2019/12/thong-cao-bao-chi-ve-tinh-hinh-kinh-te-xa-hoi-quy-iv-va-nam-2019/>

⁵ PAPI 2020 - *Chỉ số Hiệu quả Quản trị và Hành chính công cấp tỉnh ở Việt Nam - Đo lường từ kinh nghiệm thực tiễn của người dân, năm 2020*. <https://papi.org.vn/bao-cao/>

⁶ Nguyen, Minh Tri. (2020). *Economic growth with poverty reduction in Vietnam*. Journal of Critical Reviews, Vol.7, Issue 18, 2020, ISSN: 2394-5125, DOI: 10.31838/jcr.07.18.260

⁷ UNDP Vietnam. *Focusing on Ethnic Minority people to leave no one behind*. <https://www.vn.undp.org/content/vietnam/en/home/presscenter/articles/EMwsSonLa.html>



The gap between rich and poor in Vietnam is widening. Photo credit: blog-camxuc.net

nearly 53% of the nation's poor while they are only 14% of the population nationwide.⁸ The 2021 report of the United Nations Development Program in Viet Nam (UNDP Vietnam) also confirms that ethnic minorities make up 14.7% of Vietnam's population but 90% of the country's extreme-poor.⁹

Nevertheless, a small group of highly wealthy individuals is politically well connected and distinguished from the masses living in misery. The 2020 Wealth Report by Knight

Frank showed that by the end of 2019, Vietnam had 458 super-rich people with a net worth of 30 million USD or more (equivalent to about 700 billion VND), an increase of 7% compared to a year ago. This number has decreased by 4% by 2020 due to the economic slowdown caused by the COVID-19 epidemic. However, according to forecasts, the number of super-rich people in Vietnam continues to increase rapidly. Within the next five years, the number of super-rich people will increase to 64%, the second-fastest increase globally, after India.¹⁰

Most of those 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 Le Dang Doanh, Ph.D., 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 brand of capitalism.”¹¹

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

Regarding healthcare services, the 2013 Constitution (Article 38) states that “Everyone is entitled to health care and protection, is equally entitled to medical services and has to comply with regulations about prophylaxis, medical examination, and treatment.” There has been no improvement in the healthcare services inequality between urban and rural residents, especially concerning ethnic minorities in remote villages. According to a World Bank report in 2019, ethnic minorities in Vietnam often face malnutrition. The rate of stunting in ethnic minorities children is more than two times higher than that of the Kinh children (31.4% vs. 15%), and the proportion of ethnic minorities children who are underweight is 2.25 times higher than that of Kinh children

⁸ Quốc hội Việt Nam. *Kết Quả Thực Hiện Chỉ Tiêu Giảm Nghèo Chưa Thực Sự Bền Vững*.

<https://quochoi.vn/hoatdongcuaquochoi/cackyhoppquochoi/quochoikhoaXIII/kyhopthusau/Pages/danh-sach-ky-hop.aspx?ItemID=37252&CategoryId=0>

⁹ UNDP Vietnam. *Focusing on Ethnic Minority people to leave no one behind*. Op. cit.

¹⁰ Knight Frank. *Future Gazing: Predicted wealth growth in the next five years*.

<https://www.knightfrank.com/wealthreport/2020-03-03-future-gazing-predicted-wealth-growth-in-the-next-five-years>

¹¹ VOA. *2016 - năm các triệu phú Việt lộ diện*.

<http://www.voatiengviet.com/a/nam-2016-cac-trieu-phu-viet-lo-dien/3661332.html>

(21.9% vs. 9.7%).¹² Access to clean water is also very limited among ethnic minorities. According to the 2018 Household Living Standards Survey results, the primary source of drinking water for ethnic minorities is spring water and rainwater (56.04%), while that ratio for the Kinh is 14.72%.

According to a UNICEF report, the mortality rate of ethnic minority children under five years old is 3.5 times higher than that of Kinh children of the same age.¹³

Regarding educational inequality between rich and poor, nothing has changed much in the past two decades. In 1998, about 55% of household heads of low-income families had primary education or lower; by 2016, that proportion increased to 57%.¹⁴ Poor children in Vietnam, predominantly ethnic minority children, have fewer educational opportunities than other children. A recent UNICEF study found that for 5-year old children, the percentage of out-of-school from the poorest households was three times higher than those from the wealthiest families. This difference increased to 5.5 times higher for the children of primary school age and ten times higher for lower secondary school age children.¹⁵

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

2. CHILDREN'S WELFARE

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

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

According to current UNICEF documents, nearly 5.5 million Vietnamese children experience at least two deprivations in education, health, nutrition, shelter, water, sanitation, or social inclusion.¹⁶

¹² The World Bank. *Persistent Malnutrition in Ethnic Minority Communities of Vietnam: Issues and Options for Policy and Interventions*. <http://documents1.worldbank.org/curated/ar/369601561716089327/pdf/Persistent-Malnutrition-in-Ethnic-Minority-Communities-of-Vietnam-Issues-and-Options-for-Policy-and-Interventions.pdf>

¹³ UNICEF. *Maternal Child Health*. <https://www.unicef.org/vietnam/maternal-child-health>

¹⁴ Ngo Ha Quyen. *Mekong Development Research Institute. Reducing rural poverty in Vietnam: issues, policies, challenges*

¹⁵ UNICEF. *Viet Nam: Progress made in reducing out-of-school children*. <https://www.unicef.org/vietnam/press-releases/viet-nam-progress-made-reducing-out-school-children>

¹⁶ UNICEF. *Children in Viet Nam*. <https://www.unicef.org/vietnam/children-viet-nam>



The average rate of children with moderate and severe stunting in Vietnam is 25%; however, it is 6% for children in the 20% wealthiest families and 41% for the 20% most impoverished families.¹⁷

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 have no means to bribe doctors and hospital staff are pushed aside as care and treatment are primarily provided to those whose

parents are capable of bribing. What is left for the more needy children is a cold reception and inadequate treatment.¹⁸

Concerning education rights, according to the above-cited UNICEF document, 8.1% of children cannot attend junior secondary schools; among them, 1.7% from 20% highest-income families, and 17.9% from 20% lowest-income families. A critical aspect of children's educational rights in Vietnam that is rarely mentioned in research is the communist indoctrination through schools and community activities by the Ho Chi Minh Young Pioneer Organization and the Ho Chi Minh Communist Youth Union. Following the Directive No. 42-CT / TW, dated March 24, 2015, of the Secretariat of the Central Committee of the CPV on strengthening the Party's leadership in the education of revolutionary ideals, ethics, cultural lifestyles for the young generation period 2015-2030, the government forces children to learn and accept the values of communism and to swear blind obedience to the Party and the State.

Regarding child labor, according to documents of the Ministry of Labor, Invalids and Social Affairs, Vietnam currently has 1.75 million children in the labor force, accounting for 9.6% of the total child population from 5 to 17 years old. Sixty-seven percent of Vietnamese child laborers work in agriculture; the rest work in industry, construction, and services.¹⁹ [See also Chapter VI - 2.3 Forced labor and underage labor continue]

Crimes against children, such as violence, sexual abuse, and human trafficking, remain a burning social wound. According to the Judicial Committee of the National Assembly in May 2020, within five years (from the beginning of 2015 to June 2019), there were 8,442 cases with 8,709 abused children discovered and handled.²⁰

¹⁷ UNICEF. *The State of the World's Children 2019*. <https://www.unicef.org/reports/state-of-worlds-children-2019>

¹⁸ RFA. *Thực tế chương trình bảo hiểm y tế trẻ em ở vùng núi*.

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

¹⁹ Zing News. *Hơn 1 triệu trẻ em Việt Nam phải làm việc trên đồng ruộng*. <https://zingnews.vn/hon-1-trieu-tre-em-viet-nam-phai-lam-viec-tren-dong-ruong-post954460.html>

²⁰ Pháp Luật. *Báo động do nạn xâm hại trẻ em*.

<https://plo.vn/phap-luat/bao-dong-do-nan-xam-hai-tre-em-915222.html>

However, it is only the tip of the iceberg because the above data are only cases subjected to criminal and administrative penalties. The actual figure should include a significantly more enormous amount of unreported or undiscovered cases.

Violence against children has increased significantly during the COVID-19 epidemic. According to statistics, during the peak outbreak period from February to September 2020, the National Child Protection Hotline 111 of the Department of Child Care and Protection (DCCP) received nearly 550,000 calls. Of these, half were the calls related to child violence, and almost a quarter was related to child sexual abuse. A quick survey by Hanoi Medical University showed that 2 out of 3 children experienced violence during the COVID-19 epidemic. The most prevalent was emotional violence (66.9%), followed by physical violence (39.1%), and sexual abuse (10%).²¹

The number of children who have been sexually abused is increasing day by day, and the number of victims is getting younger.²² On average, seven children are sexually abused every day; every year, 38 children are killed, 133 children are injured, 1,286 children are abused, and 84 children become pregnant.²³ In Ho Chi Minh City alone, from 2017 to the first quarter of 2019, child sexual abuse accounted for over 85% of the total violence cases, and it tends to increase in number and gravity.²⁴ According to the Economist Intelligence Unit report in 2019, Vietnam is ranked 37th in 40 countries in dealing with child sexual abuse, behind even neighboring countries such as Cambodia, Thailand, and Malaysia.²⁵

The trafficking of children has increased steadily in form and 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.)²⁶ [See also Chapter I - 3.1. Human Trafficking: Women and Children Tricked into Sex Slavery or Forced Labor]

3. THE RIGHT TO A CLEAN ENVIRONMENT

The Vietnamese Constitution states that “Everyone has the right to live in a clean environment and must protect the environment.” (Article 43). Vietnam has also had the Law on Environmental Protection since 1993, and it has been amended three times (2005, 2014, and 2020). The last amended law will take effect from January 1, 2022. However, according to many assessments, particularly those of environmental studies experts, this law appeared to protect the rights of

²¹ Thái Bình. *Gia tăng tình trạng bạo hành trẻ em*. <https://baothaibinh.com.vn/tin-tuc/16/123359/gia-tang-tinh-trang-bao-hanh-tre-em>

²² Báo Phụ Nữ. *Phòng chống xâm hại tình dục trẻ em*. <http://phunuonline.com.vn/lam-me/phong-chong-xam-hai-tinh-duc-tre-em-68106/>

²³ Pháp Luật. *Báo động đồ nạn xâm hại trẻ em*. Op. cit.

²⁴ Trang tin Điện tử Đảng bộ Thành phố Hồ Chí Minh. *Độ tuổi nạn nhân là trẻ em bị xâm hại ngày càng nhỏ*. <https://hcmcpv.org.vn/tin-tuc/do-tuoi-nan-nhan-la-tre-em-bi-xam-hai-ngay-cang-nho-1491854394>

²⁵ The Economist Intelligence Unit. *Vietnam - Out of the shadows: Shining light on the response to child sexual abuse and exploitation*. https://outoftheshadows.eiu.com/wp-content/uploads/2019/01/VN_VIETNAM_PROFILE.pdf

²⁶ Kara Apland and Elizabeth Yarrow. *Casting Light in the Shadows: Child and youth migration, exploitation, and trafficking in Vietnam*. <https://coraminternational.org/wp-content/uploads/CTPF-report-.pdf>

businesses more than to ensure a safe environment for the people.²⁷

A ranking based on the EPI (Environmental Performance Index) by Yale University placed Vietnam 141st out of 180 countries in 2020. Compared to other Southeast Asian countries, Vietnam ranked higher than Myanmar. Still, it fell behind most if not all remaining neighbors, such as Cambodia, Laos, the Philippines, Thailand, Malaysia, Indonesia, and Singapore.²⁸



Consequences of habitat destruction - hundreds of hectares of forest have been destroyed since the beginning of 2020 until now. Photo credit: Môi Trường và Cuộc Sống Magazine

A survey about people's concerns by Indochina Research Ltd. in 2019 indicated that environmental pollution is the top concern of Vietnamese people, only after food safety.²⁹

First, for air pollution, in 2020, air pollution in the country continued to increase in both space and time. Air in Hanoi and Ho Chi Minh City remained on Code red and Code purple for several days under the AQI index.

According to IQAir's 2020 World Air Quality Report, Vietnam ranked 21st in the list of 106 countries and territories with the worst air quality globally; and Hanoi, with the highest level of pollution in the country, is ranked 12th of 92 most polluted capital cities.³⁰ World Health Organization (WHO) considers air pollution "a silent killer" in Vietnam today. Air pollution is related to six of the ten leading causes of death in this country.³¹

Regarding water pollution, although Vietnam has 2360 rivers with a length of more than 10 km, and two-thirds of the population lives in three main river basins, the source of clean water is increasingly depleting. Clean water shortage is a daily concern of the people. The clean water crisis has worsened in recent decades due to a lack of scientific planning and short-term profit industrialization in many localities.

According to UNICEF, Vietnam is one of the five countries with the most polluted water sources globally. The other four countries are Indonesia, Thailand, the Philippines, and China.³² A report by the Coalition for Clean Water and the Center for Environment and Community Research in March 2018 shows that up to 70% of waste from industrial areas is discharged directly into

²⁷ RFI. *Việt Nam: Vì sao luật Bảo vệ Môi trường bị giới khoa học phân đối mạnh?*

<https://www.rfi.fr/vi/tap-chi/tap-chi-xa-hoi/20201125-vietnam-luat-bao-ve-moi-truong-bi-gioi-khoa-hoc-phan-doi>

²⁸ Yale Center for Environmental Law & Policy. *EPI Environmental Performance Index*.

<https://epi.yale.edu/epi-results/2020/country/vnm>

²⁹ Indochina Research Ltd. *Social concerns in Vietnam*. <http://indochina-research.com/social-concerns-in-vietnam/>

³⁰ IQAir. *World's most polluted countries 2020*. <https://www.iqair.com/world-most-polluted-countries>

³¹ Vietnam Investment Review. *Air pollution is Vietnam's silent killer*.

<https://www.vir.com.vn/air-pollution-is-vietnams-silent-killer-56542.html>

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

<https://xulynuocgiengkhoan.com/thuc-trang-o-nhiem-moi-truong-nuoc-tai-viet-nam-va-giai-phap-khac-phuc/>

the natural environment.³³ These toxic substances destroy all creatures, including humans. The environmental crisis caused by the Formosa steel plant in 2016 was the most notable event among many less serious ones that have often happened in other localities through 2020 and the first quarter of 2021.³⁴

The above report also shows only 39 percent of residents in rural areas have access to clean water. Water pollution is the direct cause of up to 80 percent of diseases in Vietnam. Nearly six million citizens have contracted a waterborne illness, the most rampant being cholera, typhoid, dysentery, and malaria.

Regarding soil pollution, in addition to industrial wastewater, many other sources contribute to land degradation and intoxication, such as the abuse of fertilizers, pesticides, non-biodegradable household waste, unprocessed industry solid waste, and deforestation. For example, concerning plastic waste, Vietnam has ranked 17th out of 109 countries with the highest level of plastic waste pollution globally.³⁵

Deforestation can have a broad impact on 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 each year. About 50% of the remaining natural forest area is classified as deficient or depleted.³⁶ Particularly in the first ten months of 2020, the deforested area amounted to 1,291 hectares, an increase of 45.1% over the same period in 2019.³⁷

Many factors have contributed to recent deforestation, which involved, among other things, the cultivation practice of mountainous people, demographic pressure that led to growing needs for land for settlement and farming, as well as illegal logging. In addition, deforestation resulted 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



Despite knowing that the water in ditches is not safe, many people are still forced to use it because there is no other way. Photo credit: VTC News

³³ CECR. *Báo cáo nghiên cứu: Ô nhiễm nước và sự cần thiết phải xây dựng Luật Kiểm soát ô nhiễm nước tại Việt Nam.* <https://cecr.vn/download/bao-cao-nghien-cuu-o-nhiem-nuoc-va-su-can-thiet-phai-xay-dung-luat-kiem-soat-o-nhiem-nuoc-tai-viet-nam>

³⁴ Thanh Niên. *Cá chết.* <https://thanhnien.vn/ca-chet/>

³⁵ Tin Tức. *Tăng cường kiểm soát, khắc phục tình trạng ô nhiễm môi trường.* <https://baotintuc.vn/xa-hoi/tang-cuong-kiem-soat-khac-phuc-tinh-trang-o-nhiem-moi-truong-20200102100327439.htm>

³⁶ Nhân Dân Cuối tuần. *Cần những hành động quyết liệt.* <https://nhandan.com.vn/dien-dan-nhan-dan-cuoi-tuan/can-nhung-hanh-dong-quyet-liet-630431/>

³⁷ Môi trường và Cuộc sống. *Diện tích rừng bị chặt phá tăng 45% từ đầu năm 2020 đến nay.* <https://moitruong.net.vn/dien-tich-rung-bi-chat-pha-tang-45-tu-dau-nam-2020-den-nay/>

forest on which depended 26,000 families and disrupted downstream water systems.³⁸

According to environmental experts, the impact of storms has worsened in recent years due to Vietnam's shrinking forested area. In October 2020, the central region was hit by a powerful storm that left over 100 dead and displaced nearly 200,000.³⁹

In addition to air, water, and soil pollution, contaminated food is a constant concern of all Vietnamese families. According to research by Indochina Research Ltd. in 2019, food safety is the top concern of people.⁴⁰ Many causes contaminate foods, but mainly by the use of toxic chemicals to preserve, restore, and enhance the flavor of foods.

The use of toxic chemicals is not only limited to foods but also common in pharmaceuticals. In 2020, the security authorities discovered many manufactures, import, and distribution chains of counterfeit pharmaceutical products.⁴¹

In the face of these environmental deteriorations, aside from a few laws and decrees, the Vietnamese government has taken no concrete action to prevent or address ecological violations. After the spill of toxic waste by the Formosa plant in 2016, due to public pressure, the government negotiated with the Formosa Group and obtained US\$500 million in compensation, which is far below the assessed damages. Since then, there have been no commensurate legal actions taken against other blatant environmental violations. At the same time, the government continued to imprison and mistreat ecological activists such as Hoang Duc Binh and Nguyen Van Hoa. In addition, the authorities exerted pressure on and harassed many members of the Green Trees environmental advocacy group.⁴²

4. VICTIMS OF INJUSTICE: UNFAIR EXPROPRIATION OF LAND AND VIOLATION OF OWNERSHIP RIGHT

In recent decades, Vietnam has undertaken many programs to build infrastructures, such as roads, industrial parks, eco-tourism zones, and other public facilities. One of the critical factors in the economic plan was land. In the past decade, the land acquired from farmers has amounted to a million hectares, more than the acreage distributed to farmers during the Socialist Land Reform Campaign in the 1950s (810,000 hectares).⁴³

Although urbanization has accelerated in the past decade, Vietnam today is still an agricultural country. According to the General Statistics Office's 2019 Census, the population in rural areas is 63,149,249, accounting for 65.6% of the country's total population. The land is the farmers' main

³⁸ Thanh Niên. *Đại biểu Quốc hội tranh luận với Bộ trưởng về lợi - hại của thủy điện nhỏ*. <https://thanhnien.vn/thoi-su/dai-bieu-quoc-hoi-tranh-luan-voi-bo-truong-ve-loi-hai-cua-thuy-dien-nho-1300674.html>

³⁹ RFA. *Deforestation in Vietnam Blamed for Recent Deadly Landslides*. <https://www.rfa.org/english/news/vietnam/deforestation-11112020125229.html>

⁴⁰ Indochina Research Ltd. *Social concerns in Vietnam*. <http://indochina-research.com/social-concerns-in-vietnam/>

⁴¹ VNExpress. *thuốc giả*. <https://vnexpress.net/tag/thuoc-gia-747311>

⁴² Green Trees. *Thành viên Green Trees - Cao Vĩnh Thịnh tiếp tục bị công an và an ninh Việt Nam gây sức ép*. <https://www.greentreesvn.org/2020/12/thanh-vien-green-trees-cao-vinh-thinh.html>

⁴³ East Asia Forum. *Vietnam's land law reforms: radical changes or minor tinkering?* <http://www.eastasiaforum.org/2013/05/14/vietnams-land-law-reforms-radical-changes-or-minor-tinkering/>

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.



May 5, 2021, land petitioners' advocate Can Thi Theu and her son Trinh Ba Tu were sentenced to 8 years in prison and three years of probation, respectively, Photo credit: RFA

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 hold of the extra land and resell it to developers willing to pay the highest price (usually ten times or even higher than the reimbursement rates) and pocket the difference. Land management is one of the most corrupt areas. That was the conclusion of the policy dialogue “Economic issues in land policy and laws in Vietnam” organized on January 17, 2019, by the National Economics University and the General Department of Land Administration of the Ministry of Natural Resources and Environment.⁴⁴

The gatherings of victims of land expropriation demanding the return of their land continued to happen at different times in 2020. Many cases attracted protesters from various regions [See details in Chapter III - 3. 2. The Right to Freedom of Peaceful Assembly].

The case of petitioners being robbed of land in Thủ Thiêm New Urban Area project involving more than 14,000 households with more than 60,000 people who had lost their homes lasted for decades. However, the victims still have not been adequately compensated, although, in 2020-2021, many high leaders Ho Chi Minh City authorities have been disciplined or prosecuted for mistakes in planning and implementing the project.

Concerning Loc Hung vegetable garden dispute, the compensation for the victims has not been resolved yet, although, with the help of a group of volunteer lawyers, they went to Hanoi three times to complain to many central agencies. Meanwhile, the land of 112 houses demolished to build schools is still an abandoned parcel of land.

The Dong Tam land dispute between local residents and the government has emerged since 2016 involving 59 hectares of Dong Senh land in Dong Tam commune, My Duc district, Hanoi, ended with the bloody attack that killed four people, including Mr. Le Dinh Kinh, leader of the Dong Tam residents, and three police officers. This tragedy is not only the bloodiest land dispute in many years, but moreover, the Dong Tam trial in 2020-2021, with two death sentences for two innocent people, is a stigma for the Vietnamese justice system.

⁴⁴ Diễn Đàn Doanh Nghiệp. *Đất đai là một trong những lĩnh vực tham nhũng nhiều nhất.*
<https://enternews.vn/tham-nhung-quan-ly-dat-dai-thuoc-top-dau-143814.html>

5. CORRUPTION: THE CAUSE OF SOCIAL WELL-BEING RIGHTS VIOLATIONS

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

In Vietnam's legal system, Vietnam signed the United Nations Convention against Corruption in 2003. The President of Vietnam ratified the Convention on June 30, 2009, and it officially took effect on September 18, 2009. Article 13 of the Convention provides details on "participation of society" in the fight against corruption and highlights, "Each State Party shall take appropriate measures, within its means and in accordance with fundamental principles of its domestic law, to promote the active participation of individuals and groups outside the public sector, such as civil society, non-governmental organizations, and community-based organizations, in the prevention of and the fight against corruption..."

Vietnam enacted the Law on Anti-Corruption in 2005, and the law was amended in 2007, 2012, and 2018. When defining "the society's responsibility in preventing and fighting against corruption" (Chapter V), the Law on Anti-Corruption lists four social components that have the responsibility to participate, including (1) The Fatherland Front, (2) The press, (3) enterprises, business associations, industry associations, and (4) the people's inspectorates (local level). These four elements in Vietnamese law do not correctly reflect the spirit of the United Nations Convention on Anti-Corruption. In today's Vietnamese political system, those elements are just an extension of the Communist Party of Vietnam. The law does not mention civil society organizations, non-governmental organizations, and community groups cited in the United Nations Convention against Corruption.

In 2013, the CPV established the Central Steering Committee for Anti-Corruption headed by Secretary-General Nguyen Phu Trong to deal with the worsening corruption situation. In 2020-2021, this anti-corruption campaign resulted in some lawsuits targeting some high-ranking officials in the Party, government, and business circles.⁴⁵

However, corruption itself in the state machine and people's perception is not better. According to the 2020 annual Corruption Perceptions Index (CPI) of Transparency International, Vietnam got 36/100 points (100 = best, 0 = worst), down 1 point from 2019, ranked 104/180 in the global rankings lagging behind eight countries compared to 2019. (96/180)⁴⁶

According to the Global Corruption Barometer – Asia 2020 by Transparency International (TI), 64% of Vietnamese surveyed believed that corruption is serious; 15% reported that they had bribed themselves to get the service within one month ago; 3% said they had been sexually assaulted or knew it had happened to someone else. Up to 39% of the respondents said that corruption has increased in the past 12 months; 24% said the level of corruption decreased; 29% said they did

⁴⁵ Tuổi trẻ. *Tổng bí thư, Chủ tịch nước Nguyễn Phú Trọng chủ trì hội nghị tổng kết chống tham nhũng*. <https://tuoitre.vn/tong-bi-thu-chu-tich-nuoc-nguyen-phu-trong-chu-tri-hoi-nghi-tong-ket-chong-tham-nhung-2020121211590638.htm>

⁴⁶ Transparency International 2020. *Vietnam*. <https://www.transparency.org/en/cpi/2020/index/vnm>

not change; 8% don't know. Also, according to this study, there are five groups considered the most corrupt: traffic police (25%), police (17%), tax officials (14%), business leaders (12%), and government officials (10%)⁴⁷

A study on the Vietnamese Young Generation by the British Council in 2020 found that corruption is the highest macro-level priority for the young generation. Two in three expresses that tackling corruption (67 percent) is the number one issue facing the government. In the focus group discussions, the young participants discovered that corruption exists in almost all areas of society and affects everyday life, from education to employment, from local government to central procedures. They also feel that corruption is worse today than it was in their parents' times.⁴⁸

Critical reasons for increased corruption include:

- There is no participation of independent non-government organizations.
- The media cannot play the role of exposing corruption. The Vietnamese government continues stifling freedom of the press, banning and criminalizing critics of the Party and government leaders (Article 331 of the 2015 Criminal Law). Many licensed journalists were assaulted when investigating corruption cases [see Part 4, Chapter IV of this Report: Unsafe Environment For Professional Journalists.]
- Most of all, it is the totalitarian communist regime of Vietnam that is the source of the current corruption evils. Totalitarianism not only stifles critical voices needed for a clean government but, moreover, to maintain power, the totalitarian ruling party use corruption to buy loyalty. Cases of corruption involving some prominent officials in recent years make it clear that those who have been disgraced are believed to have lost loyalty to the regime leadership or party officials.

RECOMMENDATIONS

It is recommended that the Vietnamese government:

- Carry out specific goals for the well-being of all people by improving inequality in the multi-dimensional poverty criteria.
- Urgently take specific measures to protect the living environment for people, integrate environmental policies into economic decisions, and eliminate corruption.
- Re-establish the right to own land to the people, immediately stop forcibly seizing the land from rightful owners, which is against international human rights law, and return the properties confiscated by the State to their legitimate owners.

⁴⁷ Transparency International. *Global Corruption Barometer - Asia 2020: Citizens' views and experiences of Corruption*. https://issuu.com/transparencyinternational/docs/gcb_asia_2020_report

⁴⁸ British Council. *Báo cáo Nghiên cứu Thế hệ trẻ Việt Nam*. <https://www.britishcouncil.vn/sites/default/files/ngghien-cuu-the-he-tre-viet-nam.pdf>

APPENDIX I

LIST OF PRISONERS OF CONSCIENCE ARRESTED AND DETAINED IN 2020-2021 As of May 31, 2021 (Listed in Order of Arrest Dates)

	NAME	BIRTH DATE	BACKGROUND	ARREST DATE	SENTENCE DATE	CONVICTED OF Penal Code Art*	PRISON TIME	HOUSE ARREST	PRISON CAMP
1	Trần Ngọc Sơn	1965	Facebooker	5/20/2021	Pretrial detention	331			Vinh Phuc Police Dept
2	Nguyễn Bảo Tiên	1986	Book distributor	5/5/2021	Pretrial detention	117			Phu Yen Police Dept
3	Đoàn Kiên Giang	1985	Journalist	4/20/2021	Pretrial detention	331			Can Tho Police Dept
4	Nguyễn Phước Trung Bảo	1982	Journalist	4/20/2021	Pretrial detention	331			Can Tho Police Dept
5	Nguyễn Thanh Nhã	1980	Journalist	4/20/2021	Pretrial detention	331			Can Tho Police Dept
6	Nguyễn Thúy Hạnh	1963	Social activist	4/7/2021	Pretrial detention	117			Ha Noi Police Dept
7	Nguyễn Hoài Nam	1973	Journalist	4/2/2021	Pretrial detention	331			HCM City Temp detention center
8	Lê Trọng Hùng	1979	Facebooker	3/27/2021	Pretrial detention	117			Ha Noi Police Dept
9	Nguyễn Duy Hường	1987	facebooker	3/22/2021	Pretrial detention	117			Nghe An Police Dept
10	Trần Quốc Khánh	1960	Facebooker	3/10/2021	Pretrial detention	117			Ninh Binh Police Dept
11	Phan Bùi Bảo Thy	1971	Journalist	2/6/2021	Pretrial detention	331			Quang Tri Police Dept
12	Lê Anh Dũng	1965	Facebooker	2/5/2021	Pretrial detention	331			Quang Tri Police Dept
13	Lê Thị Bình	1976	Facebooker	12/22/2020	4/22/2021	331	2		Long Tuyền prison, Can Tho
14	Trương Châu Hữu Danh	1982	Facebooker	12/16/2020	Pretrial detention	331			Can Tho Police Dept
15	Cao Văn Dũng	1968	Facebooker	11/21/2020	Pretrial detention	117	8	3	Quang Ngai detention center
16	Nguyễn Văn Lâm	1970	Facebooker	11/6/2020	Pretrial detention	117			Nghe An Police Dept
17	Nguyễn Quang Khải	1969	Facebooker	10/20/2020	Pretrial detention	337			Dong Nai Police Dept
18	Phạm Đoan Trang	1978	Writer	10/6/2020	Pretrial detention	117 (88)			Hanoi temp detention center
19	Hoàng Minh Tuấn	1980	Social activist	9/25/2020	Pretrial detention	156			Dak Lak Police Dept

20	Phạm Đình Quý	1981	Anti-corruption activist	9/25/2020	Pretrial detention	156				Đắk Lắk Police Dept
21	Lê Văn Hải	1966	Land rights activist	9/18/2020	3/31/2021	331	4			Quy Nhơn prison, Binh Dinh
22	Quách Duy	1982	Facebooker	9/18/2020	4/15/2021	331	4.5			Chi Hoa prison, HCM City
23	Trần Nguyên Chuân	1967	Political activist	9/1/2020	3/19/2021	109	6.6			Đắk Lắk Police Dept
24	Trần Thị Tuyết Diệu	1988	Journalist	8/21/2020	4/23/2021	117	8			Phu Yen Police Dept
25	Nguyễn Quang Vinh	1981	Facebooker	6/27/2020	Pretrial detention	331				Nghe An Police Dept
26	Cần Thị Thêu	1962	Land rights activist	6/24/2020	5/5/2021	117	8	3		Hòa Bình detention center
27	Lê Việt Hòa	1962	Facebooker	6/24/2020	3/30/2021	117	5			Unknown
27	Ngô Thị Hà Phương	1996	Facebooker	6/24/2020	3/30/2001	117	7			Khanh Hoa Prov Detention Center
29	Nguyễn Thị Cẩm Thúy	1976	Facebooker	6/24/2020	3/30/2021	117	9	3		Khanh Hoa Prov Detention Center
30	Nguyễn Thị Tâm	1972	Land rights activist	6/24/2020	Pretrial detention	117				Ha Noi Police Dept
31	Trịnh Bá Phương	1985	Land right activist	6/24/2020	Pretrial detention	117				Detention center #1, Hanoi
32	Trịnh Bá Tư	1989	Land right activist	6/24/2020	5/5/2021	117	8	3		Hoa Binh province prison
33	Vũ Tiến Chi	1966	Facebooker	6/24/2020	3/30/2021	117	10	3		Lam Dong Police Dept
34	Phan Thị Thanh Hồng	1969	Facebooker	6/21/2020	Pretrial detention	318				HCM City Temp detention center
35	Huỳnh Anh Khoa	1982	Facebooker	6/13/2020	12/11/2020	331	1y 5m			HCM City Temp detention center
36	Nguyễn Đăng Thương	1957	Facebooker	6/13/2020	12/21/2020	331	1.5			HCM City Temp detention center
37	Trần Trọng Khải		Facebooker	6/13/2020	12/21/2020	331	1			Unknown
38	Lê Hữu Minh Tuấn	1989	Journalist	6/12/2020	1/5/2021	117	11	3		Chi Hoa prison, Ho Chi Minh city
39	Nguyễn Tường Thụy	1952	Journalist	5/23/2020	1/5/2021	117	11	3		An Phước prison, Binh Dương
40	Phạm Thành	1952	Blogger	5/21/2020	Pretrial detention	117				Detention center #1, Hanoi
41	Lê Ngọc Thành	1972	Political activist	4/25/2020	Pretrial detention	109				An Giang Police Dept.
42	Trần Đức Thạch	1952	Writer	4/23/2020	12/15/2020	109	12	3		Nghe An Police Dept
43	Đình Thị Thu Thủy	1982	facebooker	4/18/2020	1/20/2021	117	7			Hau Giang Police Dept.
44	Lương Thị Thu Hiền	1968	Political activist	4/8/2020	Pretrial detention	109				Dong Nai Police Dept.
45	Nguyễn Thị Kim Phượng	1967	Political activist	4/2/2020	Pretrial detention	109				An Giang Police Dept
46	Chung Hoàng Chương	1977	Civil rights facebooker	1/11/2020	4/27/2020	331	1.5			Ninh Kieu District Police, Can Tho
47	Đình Văn Phú	1973	Civil rights facebooker	1/9/2020	Pretrial detention	117	N/A			Dak Nong Police Dept
48	Bùi Viết Hiếu	1943	Land petitioner	1/9/2020	9/14/2020	123	16			Nghệ An Prison
49	Lê Đình Chức	1980	Land petitioner	1/9/2020	9/14/2020	123	Death			Detention center #2, Hanoi

50	Lê Đình Công	1964	Land petitioner	1/9/2020	9/14/2020	123	Death	Detention center #2, Hanoi
51	Lê Đình Doanh	1988	Land petitioner	1/9/2020	9/14/2020	123	Life	Yên Hạ prison, tỉnh Sơn La
52	Nguyễn Quốc Tiến	1980	Land petitioner	1/9/2020	9/14/2020	123	13	Yên Bái Police Dept
53	Nguyễn Văn Tuyển	1974	Land petitioner	1/9/2020	9/14/2020	123	12	Detention center# 2 Hanoi
54	Bùi Thị Đục	1957	Land petitioner	1/9/2020	9/14/2020	330	3	Suspended sentence
55	Bùi Thị Nói	1958	Land petitioner	1/9/2020	9/14/2020	330	6	Bac Giang Prison
56	Bùi Văn Niên	1980	Land petitioner	1/9/2020	9/14/2020	330	3	Suspended sentence
57	Bùi Văn Tiến	1979	Land petitioner	1/9/2020	9/14/2020	330	5	Detention center #2, Hanoi
58	Bùi Văn Tuấn	1991	Land petitioner	1/9/2020	9/14/2020	330	3	Detention center #2, Hanoi
59	Bùi Viết Tiến	2000	Land petitioner	1/9/2020	9/14/2020	330	1.5	Suspended sentence
60	Đào Thị Kim	1983	Land petitioner	1/9/2020	9/14/2020	330	2	Suspended sentence
61	Lê Đình Hiền	1988	Land petitioner	1/9/2020	9/14/2020	330	1.5	Suspended sentence
62	Lê Đình Quân	1976	Land petitioner	1/9/2020	9/14/2020	330	5	Unknown
63	Lê Đình Quang	1984	Land petitioner	1/9/2020	9/14/2020	330	5	Unknown
64	Lê Đình Uy	1993	Land petitioner	1/9/2020	9/14/2020	330	5	Unknown
65	Lê Thị Loan	1966	Land petitioner	1/9/2020	9/14/2020	330	2.5	Suspended sentence
66	Mai Thị Phần	1963	Land petitioner	1/9/2020	9/14/2020	330	2.5	Suspended sentence
67	Nguyễn Thị Bét	1961	Land petitioner	1/9/2020	9/14/2020	330	3	Suspended sentence
68	Nguyễn Thị Dung	1963	Land petitioner	1/9/2020	9/14/2020	330	15 m	Suspended sentence
69	Nguyễn Thị Lụa	1956	Land petitioner	1/9/2020	9/14/2020	330	3	Suspended sentence
70	Nguyễn Văn Duệ	1962	Land petitioner	1/9/2020	9/14/2020	330	3	Detention center #2, Hanoi
71	Nguyễn Văn Quân	1980	Land petitioner	1/9/2020	9/14/2020	330	5	Detention center #2, Hanoi
72	Nguyễn Văn Trung	1988	Land petitioner	1/9/2020	9/14/2020	330	1.5	Suspended sentence
73	Nguyễn Xuân Điều	1952	Land petitioner	1/9/2020	9/14/2020	330	3	Suspended sentence
74	Trần Thị La	1078	Land petitioner	1/9/2020	9/14/2020	330	3	Suspended sentence
75	Trần Thị Phượng	1984	Land petitioner	1/9/2020	9/14/2020	330	15 m	Suspended sentence
76	Trịnh Văn Hải	1988	Land petitioner	1/9/2020	9/14/2020	330	3	Detention center #2, Hanoi
77	Nguyễn Văn Nhanh	1992	Facebooker	2020	1/7/2021	155	1	Unknown
78	Nguyễn Hữu Mỹ	1973	Facebooker	2020	Pretrial deten- tion	331		Quang Ngai Police Dept
79	Trần Văn Tứ	1992	Facebooker	2020	Pretrial deten- tion	331		Quang Ngai Police Dept

The 2015 Penal Code provisions used to convict human rights activists
(In parentheses is from the 1999 Penal Code)

Art. 109. Carrying out activities aimed at overthrowing the people's administration

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

Art. 123. Murder

Art. 156. Slander

Art. 318. Causing public disorder

Art. 330. Resisting persons in the performance of their official duties

Art. 331. Abusing democratic freedoms to infringe upon the interests of the State, the legitimate rights and interests of organizations and/or citizens

APPENDIX II
LIST OF PRISONERS OF CONSCIENCE CURRENTLY IN JAIL
 Updated as of May 31, 2021 (Sorted by Names)

	NAME	BIRTH YEAR	BACKGROUND	ARREST DATE	SENTENCE DATE	CONVICTED OF Penal Code Art.*	PRISON TIME	HOUSE ARREST TIME	PRISON
1	A Gron	1943	H'mong Christian	2017	Unknown	Un- known	8		Unknown
2	A Hung	1980	H'mong Christian	2017	Unknown	87	8		Gia Trung prison, Gia Lai
3	A Jen	1984	Hà Mòn Christian	2017	4/26/2016	87	9		Gia Trung prison, Gia Lai
4	A Ly	1979	H'mong Christian	2017	Unknown	87	7		Gia Trung prison, Gia Lai
5	A Ngo	1998	H'mong Christian	2017	Unknown	87	7		Gia Trung prison, Gia Lai
6	A Quyn	1973	Hà Mòn Christian	11/18/2013	9/8/2014	87	9.5		Nam Ha prison, Ha Nam
7	A Tách (Bả Hiól)	1959	Hà Mòn Christian	4/23/2012	5/28/2013	87	11		Prison No. 5, Thanh Hoa
8	A Tik	1952	Hà Mòn Christian	2016-01	4/26/2016	87	8	3	Gia Trung prison, Gia Lai
9	Bùi Hiếu Võ	1962	Facebooker	3/17/2017	5/9/2018	88	4.5		Phan Dang Luu, HCM City
10	Bùi Mạnh Đồng	1978	Facebooker	9/1/2018	9/27/2018	331	2.5		Can Tho detention center
11	Bùi Thanh Tư	1990	Street protester	7/24/2018	9/26/2018	318	4		Binh Thuan prison
12	Bùi Thị Đục	1957	Land petitioner	1/9/2020	9/14/2020	330	3		Suspended sentence
13	Bùi Thị Nổi	1958	Land petitioner	1/9/2020	9/14/2020	330	6		Bac Giang Prison
14	Bùi Văn Niên	1980	Land petitioner	1/9/2020	9/14/2020	330	3		Suspended sentence
15	Bùi Văn Tâm	1987	Hoa Hao Buddhist	6/26/2017	2/9/2018	245, 257	6		Chau Doc Prison
16	Bùi Văn Tiến	1979	Land petitioner	1/9/2020	9/14/2020	330	5		Detention center #2, Hanoi
17	Bùi Văn Trung	1964	Hoa Hao Buddhist	6/26/2017	2/9/2018	245	6		An Phuoc prison, Binh Duong
18	Bùi Văn Tuấn	1991	Land petitioner	1/9/2020	9/14/2020	330	3		Detention center #2, Hanoi
19	Bùi Viết Hiếu	1943	Land petitioner	1/9/2020	9/14/2020	123	16		Nghệ An Prison
20	Bùi Viết Tiến	2000	Land petitioner	1/9/2020	9/14/2020	330	1.5		Suspended sentence
21	Cán Thị Thêu	1962	Land right activist	6/24/2020	5/5/2020	117	8	3	Hoa Binh detention center
22	Cao Văn Dũng	1968	Facebooker	11/21/2020	Pretrial detention	117			Quang Ngai detention center
23	Chang A Súa	1987	Political activist	Unknown	3/18/2020	109	8		Unknown
24	Châu Văn Khâm	1949	Political activist	1/13/2019	11/11/2019	113	12		Thu Duc Prison, Binh Thuan Province

25	Chung Hoàng Chương	1977	Civil rights face-booker	1/11/2020	4/27/2020	331	1.5		Ninh Kieu District Police, Can Tho
26	Đặng Ngọc Tấn	2000	Street protester	6/11/2018	5/21/2019	318, 178	24		Binh Thuan prison
27	Đặng Văn Tuấn	1985	Street protester	6/10/2018	9/26/2018	318	4		Binh Thuan prison
28	Đặng Văn Tùng	2000	Street protester	6/11/2018	11/29/2018	318	3		Binh Thuan prison
29	Đào Thị Kim	1983	Land petitioner	1/9/2020	9/14/2020	330	2		Suspended sentence
30	Dinh Kữ	1972	Hà Môn Christian	4/26/2016	Unknown	87	7		Prison No. 5, Thanh Hoa
31	Dinh Ngo	1987	Evangelical pastor	4/26/2013	Unknown	Unknown	7.5		An Phuoc prison, Binh Duong
32	Đình Nông (Bã Pol)	1965	Montagnard Christian	2016-09	4/7/2017	87	8		Gia Trung prison, Gia Lai
33	Đình Thị Thu Thủy	1982	facebooker	4/18/2020	1/20/2021	117	7		Hau Giang Police Dept.
34	Đình Văn Phú	1973	Civil rights face-booker	1/9/2020	Pretrial detention	117			Dak Nong Police Dept
35	Đỗ Công Dương	1964	Independent journalist	1/24/2018	1/23/2019	318, 331	8		Prison No. 6, Nghe An
36	Đỗ Thế Hoá	1968	The Constitution Group	9/2/2018	7/31/2020	118	5		HCM City temp detention center
37	Đỗ Văn Ngọc	1996	Street protester	6/10/2018	7/23/2018	318	3.5		Binh Thuan prison
38	Đỗ Văn Thắng	1999	Street protester	6/11/2018	9/26/2018	318	3.5		Binh Thuan prison
39	Đoàn Kiên Giang	1985	Journalist	4/20/2021	Pretrial detention	331			Can Tho Police Dept
40	Đoàn Thị Bích Thủy	1972	Political activist	2/16/2017	12/27/2017	88	5	1	Quy Nhon Prison
41	Đoàn Văn Cư	1962	Ân Đàn Đại Đạo Cult	2/12/2012	2/4/2013	79	14	5	Prison No. 5, Thanh Hoa
42	Đoàn Việt Hoan	1984	Social activist face-booker	4/25/2019	11/26/2019	118	3		Prison No. B5, Dong Nai province
43	Dương Thị Lanh	1983	Civil rights face-booker	1/28/2019	8/23/2019	117	8	2	Dac Nong prison
44	Dương Văn Ngoan	1978	Street protester	6/11/2018	11/29/2018	318	5		Binh Thuan prison
45	Giàng A Dia	1993	Political activist	Unknown	3/18/2020	109	8		Unknown
46	Giàng A Sinh	1981	Political activist	Unknown	3/18/2020	109	8		Unknown
47	Giàng A Và	1990	Political activist	Unknown	3/18/2020	109	8		Unknown
48	Hà Hải Ninh	1988	Political activist	2018-06	7/23/2019	109	Unknown		Quang Ninh Police Dept
49	Hà Văn Thành	1982	Environmental activist	10/21/2019	Pretrial detention	349			Nghệ An Police Dept
50	Hờ A Hù	1988	Political activist	Unknown	3/18/2020	109	8		Unknown
51	Hồ Đặng Văn An	1998	Street protester	6/11/2018	11/29/2018	318	3		Binh Thuan prison
52	Hồ Đình Cương	1975	The Constitution Group	9/4/2018	Pretrial detention	117			HCM City temp detention center
53	Hồ Đình Cương	Unknown	The Constitution Group	9/4/2018	7/31/2020	118	4.5		4 Phan Dang Luu, HCM City
54	Hồ Đức Hòa	1974	Civil rights blogger	7/30/2011	5/23/2013	79	13	5	Ba Sao prison, Ha Nam
55	Hồ Thái Hà	1981	Street protester	6/10/2018	3/7/2019	318	3.5		Binh Thuan prison
56	Hồ Thanh Tâm	1989	Street protester	6/10/2018	9/26/2018	318	3		Binh Thuan prison
57	Hồ Văn Tâm	1989	Street protester	6/10/2018	9/26/2018	318	3		Binh Thuan prison

58	Hoàng Đức Bình	1983	Environmental activist	5/15/2017	4/24/2018	257, 258	14		An Diem prison, Quang Nam
59	Hoàng Minh Tuấn	1980	Anti-corruption activist	9/25/2020	Pretrial detention	156			Dak Lak temporary detention center
60	Hoàng Thị Thu Vang	1966	The Constitution Group	9/2/2018	7/31/2020	118	7	3	An Phuoc prison, Binh Duong
61	Hoàng Văn Chơ	1979	Political activist	Unknown	3/18/2020	109	8		Unknown
62	Hoàng Văn Páo	1982	Political activist	Unknown	3/18/2020	109	20		Unknown
63	Huỳnh Anh Khoa	1982	Facebooker	6/13/2020	12/11/2020	331	1.5m		HCM City temp detention center
64	Huỳnh Đắc Tuý	1976	Civil rights facebooker	2/22/2019	8/21/2019	117	6	3	Quang Ngai Police Dept
65	Huỳnh Đức Thanh Bình	1996	Political activist	7/7/2018	6/24/2019	109	10	3	Xuan Loc prison, Dong Nai
66	Huỳnh Hữu Đạt	1970	Political activist	2/1/2017	12/27/2017	79	13	3	Quy Nhon, Binh Dinh
67	Huỳnh Minh Tâm	1978	Civil rights facebooker	1/26/2019	11/28/2019	117	9		Gia Trung Prison, Gia Lai
68	Huỳnh Thị Kim Quyên	1979	Political activist	4/30/2017	12/21/2017	88	4	2	Unknown
69	Huỳnh Thị Tố Nga	1983	Civil rights facebooker	1/28/2019	11/28/2019	117	5		An Phuoc Prison, Binh Duong
70	Huỳnh Thục Vy	1985	Civil rights blogger	Unknown	11/30/2018	276	2.75		Imprisonment postponed due to pregnancy
71	Huỳnh Trương Ca	1971	The Constitution Group	9/4/2018	12/28/2018	117	5.5		Xuan Loc K2 prison, Dong Nai
72	Huỳnh Văn Sù	1989	Street protester	6/10/2018	3/7/2019	318	3		Binh Thuan prison
73	Jơnh (Chinh)	1952	Hà môn Christian	5/8/2012	5/28/2013	87	9		Gia Trung prison, Gia Lai
74	Ksor Kam (Ama H'Trum)	1965	Montagnard Christian	2016-09	4/7/2017	87	9		Unknown
75	Ksor Ruk	1975	Degar Christian	10/30/2018	3/15/2019	87	10		Gia Trung prison, Gia Lai
76	Lầu A Lềnh	1970	Political activist	Unknown	3/18/2020	109	Life		Unknown
77	Lê Anh Dũng	1965	Facebooker	2/5/2021	Pretrial detention	331			Quang Tri Police Dept
78	Lê Đình Chúc	1980	Land petitioner	1/9/2020	9/14/2020	123	Death		Detention center #2, Hanoi
79	Lê Đình Công	1964	Land petitioner	1/9/2020	9/14/2020	123	Death		Detention center #2, Hanoi
80	Lê Đình Doanh	1988	Land petitioner	1/9/2020	9/14/2020	123	Life		Yên Hạ prison, tỉnh Sơn La
81	Lê Đình Hiến	1988	Land petitioner	1/9/2020	9/14/2020	330	1.5		Suspended sentence
82	Lê Đình Lượng	1965	Democracy activist	7/24/2017	8/16/2018	79	20	5	Ba Sao prison, Ha Nam
83	Lê Đình Quân	1976	Land petitioner	1/9/2020	9/14/2020	330	5		unknown
84	Lê Đình Quang	1984	Land petitioner	1/9/2020	9/14/2020	330	5		unknown
85	Lê Đình Uy	1993	Land petitioner	1/9/2020	9/14/2020	330	5		unknown
86	Lê Đức Đồng	1983	Ân Đàn Đại Đạo Cult	2/5/2012	2/4/2013	79	12	5	An Diem prison, Quang Nam
87	Lê Duy Lộc	1956	Ân Đàn Đại Đạo Cult	2/5/2012	2/4/2013	79	17	5	Gia Trung prison, Gia Lai
88	Lê Hữu Minh Tuấn	1989	Freelance journalist	6/12/2020	1/5/2021	117	11	3	Chi Hoa prison, Ho Chi Minh city

89	Lê Ngọc Thành	1972	Political activist	4/25/2020	Pretrial detention	109			An Giang Police Dept.
90	Lê Nhật Bản	1993	Street protester	6/11/2018	10/31/2018	318	3		Binh Thuan prison
91	Lê Phúc	1951	Ân Đàn Đại Đạo Cult	2/5/2012	2/4/2013	79	15	5	Xuyen Moc prison, Vung Tau
92	Lê Quý Lộc	1976	The Constitution Group	9/3/2018	7/31/2020	118	5		An Phuoc prison, Binh Duong
93	Lê Thanh Tùng	1968	Civil rights activist	12/14/2015	12/16/2016	88	12	4	Ba Sao prison, Nam Ha province
94	Lê Thị Bình	1976	Facebooker	12/22/2020	4/22/2021	331	2		Long Tuyen prison, Can Tho
95	Lê Thị Loan	1966	Land petitioner	1/9/2020	9/14/2020	330	2.5		Suspended sentence
96	Lê Thị Ngọc Anh	1989	Street protester	6/10/2018	3/7/2019	318	2		Binh Thuan prison
97	Lê Trọng Cư	1966	Ân Đàn Đại Đạo Cult	2/5/2012	2/4/2013	79	12	5	Prison No. 5, Thanh Hoa
98	Lê Trọng Hùng	1979	Facebooker	3/27/2021	Pretrial detention	117			Ha Noi Police Dept
99	Lê Văn Hải	1966	Facebooker, land right	9/18/2020	3/31/2021	331	4		Quy Nhon prison, Binh Dinh
100	Lê Văn Khiển	1990	Social activist	3/5/2019	7/30/2019	318	2.5		Unknown
101	Lê Văn Sinh	1965	Civil rights facebooker	2/15/2019	9/5/2019	331	5		Unknown
102	Lê Văn Tâm	2001	Street protester	6/11/2018	11/29/2018	318	3		Binh Thuan prison
103	Lê Việt Hòa	1962	Facebooker	6/24/2020	3/30/2021	117	5		Unknown
104	Lương Nhật Quang	1987	Ân Đàn Đại Đạo Cult	2/10/2012	2/4/2013	79	12	5	Prison No. 6, Nghe An
105	Lương Thị Thu Hiền	1968	Political activist	4/8/2020	Pretrial detention	109			Dong Nai Police Dept.
106	Lưu Văn Vịnh	1967	Political activist	11/6/2016	10/5/2018	79	15	3	Gia Trung prison, Gia Lai
107	Mai Thị Phần	1963	Land petitioner	1/9/2020	9/14/2020	330	2.5		Suspended sentence
108	Ngô Thị Hà Phương	1996	Facebooker	6/24/2020	3/30/2001	117	7		Khanh Hoa Province Detention Center
109	Ngô Văn Đạt	1989	Street protester	6/10/2018	7/23/2018	318	3		Binh Thuan prison
110	Ngô Văn Dũng	1969	The Constitution Group	9/4/2018	7/31/2020	118	5		An Phuoc prison, Binh Duong
111	Ngô Xuân Thành	1970	Social activist facebooker	4/25/2019	11/26/2019	118	2.5		Prison No. B5, Dong Nai province
112	Nguyễn Bá Mạnh	1987	Civil rights facebooker	3/19/2019	Pretrial detention	288			Bac Ninh temp detention center
113	Nguyễn Bắc Truyền	1968	Brotherhood for Democracy	7/30/2017	4/5/2018	79	11	3	An Diem prison, Quang Nam
114	Nguyễn Bảo Tiên	1986	Book distributor	5/5/2021	Pretrial detention	117			Phu Yen Police Dept
115	Nguyễn Chí Vững	1981	Civil rights facebooker	4/23/2019	11/26/2019	117	6	2	Bac Lieu Police Dept
116	Nguyễn Chương	1995	Street protester	6/10/2018	7/23/2018	318	3		Binh Thuan prison
117	Nguyễn Đăng Thương	1957	Facebooker	6/13/2020	12/21/2020	331	1.5		HCM City, Temp Detention Center
118	Nguyễn Dinh	1968	Ân Đàn Đại Đạo Cult	2/10/2012	2/4/2013	79	14	5	Xuan Loc prison, Dong Nai

119	Nguyễn Đình Khuê	1978	Social activist face-booker	4/25/2019	11/26/2019	118	2.5		Prison No. B5, Dong Nai province
120	Nguyễn Đình Thành	1991	Civil rights activist	6/8/2018	10/17/2018	117	7		Detention Center, Binh Duong Province
121	Nguyễn Duy Hường	1987	facebooker	3/22/2021	Pretrial detention	117			Nghe An Police Dept
122	Nguyễn Hoài Nam	1973	Journalist	4/2/2021	Pretrial detention	331			HCM City Police Dept
123	Nguyễn Hoàng Nam	1982	Hoa Hao Buddhist	6/26/2017	2/9/2018	245	4		Xuan Loc prison, Dong Nai
124	Nguyễn Hữu Mỹ	1973	Facebooker	7/12/1905	Pretrial detention	331			Quang Ngai Police Dept
125	Nguyễn Kỳ Lạc	1951	Ân Đàn Đại Đạo Cult	2/6/2012	2/4/2013	79	16	5	Xuan Loc prison, Dong Nai
126	Nguyễn Năng Tĩnh	1976	Social activist Face-booker	5/29/2019	11/15/2019	117	11	5	Prison #5, Thanh Hoa
127	Nguyễn Ngọc Ánh	1980	Social activist	8/30/2018	11/7/2019	117	6	5	Xuan Loc prison, Dong Nai province
128	Nguyễn Ngọc Bình	1991	Street protester	6/10/2018	9/26/2018	318	3.5		Binh Thuan prison
129	Nguyễn Nhật Thượng	Unknown	Hoa Hao Buddhist	5/18/2017	1/23/2018	88	6		Bang Lang prison, An Giang province
130	Nguyễn Nhật Trường	1985	Hoa Hao Buddhist	5/18/2017	1/23/2018	88	6	3	Bang Lang prison, An Giang province
131	Nguyễn Phước Trung Bảo	1982	Journalist	4/20/2021	Pretrial detention	331			Can Tho Police Dept
132	Nguyễn Quang Khải	1969	Facebooker	10/20/2020	Pretrial detention	337			Dong Nai Police Dept
133	Nguyễn Quang Thanh	1983	Political activist	2/16/2017	12/27/2017	79	14	3	Quy Nhơn prison, Binh Dinh
134	Nguyễn Quang Vinh	1981	Facebooker	6/27/2020	Pretrial detention	331			Nghe An Police Dept
135	Nguyễn Quốc Đức Vượng	1991	Facebooker, street protester	9/23/2019	7/7/2020	117	8		An Phuoc prison, Binh Duong
136	Nguyễn Quốc Hoàn	1977	Democracy activist	6/11/2016	10/5/2018	79	13	3	Bo La prison, Binh Duong
137	Nguyễn Quốc Huệ	1993	Street protester	6/11/2018	10/31/2018	318	3.5		Binh Thuan prison
138	Nguyễn Quốc Tiến	1980	Land petitioner	1/9/2020	9/14/2020	123	13		Yên Bái Police Dept
139	Nguyễn Quý Lai	1993	Street protester	6/11/2018	10/31/2018	318	3		Binh Thuan prison
140	Nguyễn Quỳnh Phong	1985	Social activist	3/5/2019	7/30/2019	318	3		Unknown
141	Nguyễn Tấn An	1992	Political activist	4/30/2017	12/21/2017	88	5	2	Unknown
142	Nguyễn Tấn Vũ	2000	Street protester	6/10/2018	9/26/2018	318	3.5		Binh Thuan prison
143	Nguyễn Thái Bình	1986	Ân Đàn Đại Đạo Cult	2/10/2012	2/4/2013	79	12	5	An Diem prison, Quang Nam
144	Nguyễn Thanh Nhã	1980	Journalist	4/20/2021	Pretrial detention	331			Công an TP Cần Thơ
145	Nguyễn Thanh Phương	1996	Street protester	6/10/2018	3/7/2019	318	3		Binh Thuan prison
146	Nguyễn Thị Bé	1961	Land petitioner	1/9/2020	9/14/2020	330	3		Suspended sentence
147	Nguyễn Thị Cẩm Thúy	1976	Facebooker	6/24/2020	3/30/2021	117	9	3	Khanh Hoa Province Detention Center

148	Nguyễn Thị Dung	1963	Land petitioner	1/9/2020	9/14/2020	330	15 m		Suspended sentence
149	Nguyễn Thị Hòa	1972	Street protester	6/11/2018	11/29/2018	318	3.5		Binh Thuan prison
150	Nguyễn Thị Huệ	1968	Civil rights face- booker	3/12/2019	10/17/2019	331	2.5		Gia Trung prison, Gia Lai
151	Nguyễn Thị Kim Phượng	1967	Political activist	4/2/2020	Pretrial detention	109			An Giang Police Dept
152	Nguyễn Thị Liên	1984	Street protester	6/10/2018	3/7/2019	318	3		Binh Thuan prison
153	Nguyễn Thị Lụa	1956	Land petitioner	1/9/2020	9/14/2020	330	3		Suspended sentence
154	Nguyễn Thị Ngọc Hạnh	1976	The Constitution Group	9/3/2018	7/31/2020	118	8	3	An Phuoc prison, Binh Duong
155	Nguyễn Thị Ngọc Sương	1968	Civil rights face- booker	10/13/2018	5/10/2019	117	5		Unknown
156	Nguyễn Thị Tâm	1972	Land right activist	6/24/2020	Pretrial detention	117			Ha Noi Police Dept
157	Nguyễn Thúy Hạnh	1963	Social activist	4/7/2021	Pretrial detention	117			Ha Noi Police Dept
158	Nguyễn Trung Lĩnh	1967	Civil rights face- booker	5/27/2018	2020-7	117	12		Hanoi Detention Center #1
159	Nguyễn Trung Tôn	1971	Brotherhood for Democracy	7/30/2017	4/5/2018	79	12	3	Gia Trung prison, Gia Lai
160	Nguyễn Trung Trực	1963	Brotherhood for Democracy	8/4/2017	12/26/2018	79	12	5	Prison No. 5, Thanh Hoa
161	Nguyễn Tường Thụy	1952	Freelance journalist	5/23/2020	1/5/2021	117	11	3	An Phước prison, Binh Duong
162	Nguyễn Văn An	1990	Street protester	6/11/2018	11/29/2018	318	3		Binh Thuan prison
163	Nguyễn Văn Công Em	1971	Civil rights face- booker	2/28/2019	9/17/2019	117	5	5	Ben Tre Police Dept
164	Nguyễn Văn Điền	1983	Civil rights face- booker	3/2/2017	1/31/2018	88	6.5		Prison No. 5, Thanh Hoa
165	Nguyễn Văn Đức Độ	1975	Democracy activist	11/6/2016	10/5/2018	79	11		Bo La prison, Binh Duong
166	Nguyễn Văn Duệ	1962	Land petitioner	1/9/2020	9/14/2020	330	3		Hanoi Detention Center #2
167	Nguyễn Văn Hiếu	1998	Street protester	6/10/2018	9/26/2018	318	3		Binh Thuan prison
168	Nguyễn Văn Hóa	1995	Independent jour- nalist	1/12/2017	11/27/2017	88	7	3	An Diem prison, Quang Nam
169	Nguyễn Văn Hưng	1995	Street protester	6/10/2018	9/26/2018	318	3		Binh Thuan prison
170	Nguyễn Văn Lâm	1970	Facebooker	11/6/2020	Pretrial detention	117			Nghe An Police Dept
171	Nguyễn Văn Nghĩa	1978	Political activist	2/16/2017	12/27/2017	79	12	3	Quy Nhơn prison, Binh Dinh
172	Nguyễn Văn Nghiêm	1963	Social activist face- booker	11/5/2019	6/23/2020	117	6		Hoa Binh Police Dept.
173	Nguyễn Văn Nhanh	1992	Facebooker	Unknown	1/7/2021	155	1		Unknown
174	Nguyễn Văn Oai	1981	Civil rights activist	1/19/2017	9/18/2017	257, 304	5	4	Gia Trung prison, Gia Lai
175	Nguyễn Văn Phước	1979	Civil rights face- booker	12/10/2018	10/29/2019	117	5		An Gian Police Dept
176	Nguyễn Văn Quân	1980	Land petitioner	1/9/2020	9/14/2020	330	5		Hanoi Detention Center #2

177	Nguyễn Văn Quang	1987	Civil rights face-booker	6/18/2018	2019-03	117	6		Thanh Hoa province prison
178	Nguyễn Văn Tân	1990	Street protester	6/10/2018	9/26/2018	318	3.5		Binh Thuan prison
179	Nguyễn Văn Thanh	1990	Social activist	10/11/2019	Pretrial detention	142			Quang Binh Police Dept.
180	Nguyễn Văn Thuận	1999	Street protester	6/10/2018	9/26/2018	318	3.5		Binh Thuan prison
181	Nguyễn Văn Thượng	1985	Hoa Hao Buddhist	5/18/2017	1/23/2018	88	6	3	Unknown
182	Nguyễn Văn Tiến	1998	Street protester	7/24/2018	9/26/2018	318	4		Binh Thuan prison
183	Nguyễn Văn Trung	1988	Land petitioner	1/9/2020	9/14/2020	330	1.5		Suspended sentence
184	Nguyễn Văn Trường	1976	Anti-corruption face-booker	2/9/2018	Pretrial detention	331			Thai Nguyen Police Dept.
185	Nguyễn Văn Tuấn	1988	Street protester	6/18/2018	10/8/2018	318	3		Unknown
186	Nguyễn Văn Tuấn	1984	Political activist	2/16/2017	12/27/2017	79	12	3	Quy Nhơn prison, Binh Dinh
187	Nguyễn Văn Túc	1964	Brotherhood for Democracy	9/1/2017	9/14/2018	79	13	5	Prison No. 6, Nghe An province
188	Nguyễn Văn Tuyển	1974	Land petitioner	1/9/2020	9/14/2020	123	12		Hanoi Detention Center #2
189	Nguyễn Văn Viễn	1971	Political activist	1/13/2019	11/11/2019	113	11		4 Phan Dang Luu, HCM City
190	Nguyễn Viết Dũng	1976	Social activist face-booker	9/27/2017	8/15/2018	88	6	5	Ba Sao prison, Ha Nam
191	Nguyễn Xí	1973	Street protester	6/11/2018	11/29/2018	318	3		Binh Thuan prison
192	Nguyễn Xuân Điều	1952	Land petitioner	1/9/2020	9/14/2020	330	3		Suspended sentence
193	Noh	1959	Degar Christian	2008-08	4/11/2009	87	12		Gia Lai province prison
194	Phạm Chí Dũng	1966	Independent Journalist	11/21/2019	1/5/2021	117	15	3	Phan Dang Luu, HCM City
195	Phạm Đình Quý	1981	Anti-corruption activist	9/25/2020	Pretrial detention	156			Đắk Lắk Police
196	Phạm Đoàn Trang	1978	Blogger	10/6/2020	Pretrial detention	117, 88			Hanoi temporary detention center
197	Phạm Long Đại	1996	Political activist	2/16/2017	12/27/2017	88	6	1	Quy Nhơn prison, Binh Dinh
198	Phạm Sang	1992	Street protester	6/10/2018	7/23/2018	318	3.5		Binh Thuan prison
199	Phạm Thanh	1987	Street protester	6/11/2018	5/21/2019	178	15.5		Binh Thuan prison
200	Phạm Thành	1952	Blogger	5/21/2020	Pretrial detention	117			Hanoi Detention Center #1
201	Phạm Thị Phương	1945	Vietnam Populist Party	4/21/2010	9/21/2011	79	11		An Phuoc prison, Binh Duong
202	Phạm Văn Chung	1991	Street protester	6/11/2018	10/31/2018	318	3		Binh Thuan prison
203	Phạm Văn Điệp	1965	Civil rights face-booker	6/29/2019	11/26/2019	117	9	5	An Diem prison, Quang Nam
204	Phạm Văn Mẫn	2000	Street protester	6/10/2018	3/7/2019	318	3		Binh Thuan prison
205	Phạm Văn Trội	1972	Brotherhood for Democracy	7/30/2017	4/5/2018	79	7	1	Ba Sao prison, Hà Nam
206	Phạm Xuân Thân	1958	Political activist	6/12/1996	1996	84		Life-time	Z30A prison, Dong Nai
207	Phan Bùi Bảo Thy	1971	Journalist	2/6/2021	Pretrial detention	331			Quang Tri Police Dept

208	Phan Công Hải	1996	Social activist, face-booker	11/19/2019	4/28/2020	117	5	3	Nghe An Police Dept.
209	Phan Kim Khánh	1993	Civil rights blogger	3/21/2017	10/25/2017	88	6	4	Ba Sao prison, Ha Nam
210	Phan Thành Ý	1948	Ân Đàn Đại Đạo Cult	2/10/2012	2/4/2013	79	14	5	Xuyen Moc prison, Ba Ria-Vung Tau
211	Phan Thị Thanh Hồng	1969	Facebooker	6/21/2020	Pretrial detention	318			HCM City temp detention center
212	Phan Trung (aka Thích Nhật Huệ)	1976	Democracy activist	11/16/2016	10/5/2018	79	8	3	Bo La prison, Binh Duong
213	Phan Văn Lành	1988	Street protester	6/11/2018	11/29/2018	318	3.5		Binh Thuan prison
214	Phan Văn Thu	1948	Ân Đàn Đại Đạo Cult	2/5/2012	2/4/2013	79	Life-time		An Phuoc prison, Binh Duong
215	Phàng A Lành	1988	Political activist	Unknown	3/18/2020	389	2		Unknown
216	Phàng A Minh	1979	Political activist	Unknown	3/18/2020	389	2		Unknown
217	Phang A Vang	1988	H'mong Christian	10/16/2012	Unknown	87	15		Na Tau prison, Dien Bien
218	Puih Bop (Ama Phun)	1959	Montagnard Christian	2016-09	4/7/2017	87	9		Unknown
219	Quách Duy	1982	Facebooker	9/18/2020	4/15/2021	331	4.5		Chi Hoa prison, HCM City
220	Rah Lan Hip	1981	Degar Christian	5/15/2019	8/9/2019	116	7	3	Gia Trung prison, Gia Lai
221	Rmah Hlach (A Ma Blut)	1968	Montagnard Christian	7/22/2009	1/14/2010	87	12	3	Ba Sao prison, Ha Nam
222	Rơ Lan Kly (Ama Blan)	1962	Montagnard Christian	2016-09	4/7/2017	87	8		Unknown
223	Rơ Ma Đaih (Ama Pôn)	1989	Montagnard Christian	2016-09	4/7/2017	87	10		Unknown
224	Runh	1979	Hà môn Christian	4/23/2012	5/28/2013	87	10	3	Prison No. 5, Thanh Hoa
225	Siu Bler	1962	Evangelical pastor	8/27/2004	Unknown	87	17	3	Nam Ha prison, Ha Nam
226	Siu Hlom	1967	Montagnard Christian	8/28/2010	4/5/2011	87	12	3	Prison B20, Gia Lai
227	Sùng A Dơ	1996	Political activist	Unknown	3/18/2020	109	8		Unknown
228	Sùng A Sinh	1982	Political activist	Unknown	3/18/2020	109	Life		Unknown
229	Sùng A Sinh	1986	Political activist	Unknown	3/18/2020	109	8		Unknown
230	Tạ Khu	1947	Ân Đàn Đại Đạo Cult	2/6/2012	2/4/2013	79	16	5	Xuyen Moc prison, Vung Tau
231	Tạ Tấn Lộc	1975	Political activist	2/16/2017	12/27/2017	79	14	3	Quy Nhơn prison, Binh Dinh
232	Tăng Thanh Thuận	1991	Street protester	6/11/2018	10/31/2018	318	3		Binh Thuan prison
233	Thào A Khu	1990	Political activist	Unknown	3/18/2020	389	2		Unknown
234	Thao A Vang	1986	H'mong Christian	10/16/2012	Unknown	87	20		Na Tau prison, Dien Bien
235	Thin	1979	Hà môn Christian	Unknown	4/26/2016	87	6	3	Phu Yen prison
236	Trần Anh Kim	1949	Democratic Party	9/21/2015	12/16/2016	79	13	5	Prison No. 5, Thanh Hoa
237	Trần Đức Thạch	1952	Writer	4/23/2020	12/15/2020	109	12	3	Nghe An Police Dept
238	Trần Hồ	1980	Street protester	6/10/2018	3/7/2019	318	3		Binh Thuan prison
239	Trần Hoàng Phúc	1994	Civil rights face-booker	6/29/2017	1/31/2018	88	6	4	An Phuoc prison, Binh Duong
240	Trần Huỳnh Duy Thức	1966	Civil rights blogger	5/24/2009	1/20/2010	79	16	5	Prison No. 6, Nghe An
241	Trần Long Phi	1998	Political activist	7/7/2018	6/24/2019	109	8		Gia Trung Prison, Gia Lai

242	Trần Ngọc Sơn	1965	Facebooker	5/20/2021	Pretrial detention	331			Vinh Tuong District Police
243	Trần Minh Lợi	1968	Anti-corruption face-booker	3/22/2016	3/27/2017	290	4.5		Unknown
244	Trần Nguyên Chuân	1967	Political activist	9/1/2020	3/19/2021	109	6.6		Đắk Lắk Police Dept
245	Trần Phi Dũng	1966	Ân Đàn Đại Đạo Cult	2/12/2012	2/4/2013	79	13	5	Prison No. 6, Nghe An
246	Trần Quân	1984	Ân Đàn Đại Đạo Cult	2/12/2012	2/4/2013	79	13	5	Xuan Loc prison, Dong Nai
247	Trần Quốc Khánh	1960	Facebooker	3/10/2021	Pretrial detention	117			Ninh Binh Police Dept
248	Trần Thanh Giang	1971	Hoa Hao Buddhist	4/23/2019	11/27/2019	117	8		An Giang prison
249	Trần Thanh Phương	1975	The Constitution Group	9/2/2018	7/31/2020	118	3.5		An Phuoc prison, Binh Duong
250	Trần Thị La	1078	Land petitioner	1/9/2020	9/14/2020	330	3		Suspended sentence
251	Trần Thị Phương	1984	Land petitioner	1/9/2020	9/14/2020	330	15 m		Suspended sentence
252	Trần Thị Tuyết Diệu	1988	Journalist	8/21/2020	4/23/2021	117	8		Phu Yen Police Dept
253	Trần Thị Xuân	1976	Brotherhood for Democracy	10/17/2017	4/12/2018	79	9	5	Prison No. 5, Thanh Hoa
254	Trần Trọng Khải	Un-known	Facebooker	Unknown	12/21/2020	331	1		Unknown
255	Trần Văn Công	1991	Street protester	6/11/2018	10/31/2018	318	3		Binh Thuan prison
256	Trần Văn Quyển	1999	Political activist	1/23/2019	11/11/2019	113	10		B34 Detention Center, HCM City
257	Trần Văn Tứ	1992	Facebooker	7/12/1905	Pretrial detention	331			Quang Ngai Police Dept
258	Trần Văn Xi	1995	Street protester	6/11/2018	9/26/2018	318	3		Binh Thuan prison
259	Trịnh Bá Phương	1985	Land right activist	6/24/2020	Pretrial detention	117			Hanoi Detention Center # 1
260	Trịnh Bá Tư	1989	Land right activist	6/24/2020	5/5/2020	117	8	3	Hoa Binh province prison
261	Trịnh Văn Hải	1988	Land petitioner	1/9/2020	9/14/2020	330	3		Hanoi Detention Center #2
262	Trịnh Viết Bằng	1959	Anti-corruption activist	5/14/2019	Pretrial detention	331			Temp detention center, Bac Ninh
263	Trương Châu Hữu Danh	1982	Facebooker	12/16/2020	Pretrial detention	331			Can Tho City temp detention center
264	Trương Duy Nhất	1964	Independent journalist	1/28/2019	3/9/2020	355	10		Prison No. 3, Nghe An province
265	Trương Hữu Lộc	1963	Street protester	6/11/2018	6/28/2019	118	8		Gia Trung prison, Gia Lai
266	Trương Minh Đức	1960	Brotherhood for Democracy	7/30/2017	4/5/2018	79	12	3	Prison No. 6, Nghe An
267	Trương Minh Tài	1992	Street protester	6/11/2018	10/31/2018	318	3		Binh Thuan prison
268	Từ Công Nghĩa	1993	Democracy activist	11/5/2016	10/5/2018	79	10	3	Xuyen Moc prison, Vung Tau
269	Từ Thiện Lương	1950	Ân Đàn Đại Đạo Cult	2/10/2012	2/4/2013	79	16	5	Phuoc An prison, Binh Duong
270	Vang A De	1990	H'mong Christian	10/16/2012	Unknown	87	20		Na Tau prison, Dien Bien
271	Vang A Phu	1977	H'mong Christian	10/16/2012	Unknown	87	20		Na Tau prison, Dien Bien
272	Võ Mến	2000	Street protester	6/11/2018	11/29/2018	318	3		Binh Thuan prison

273	Võ Ngọc Cư	1951	Ân Đàn Đại Đạo Cult	2/6/2012	2/4/2013	79	16	5	Xuyen Moc prison, Vung Tau
274	Võ Thành Lê	1955	Ân Đàn Đại Đạo Cult	2/5/2012	2/4/2013	79	16	5	Xuyen Moc prison, Vung Tau
275	Võ Thường Trung	1976	Social activist face-booker	4/25/2019	11/26/2019	118	3		Gia Trung prison, Gia Lai province
276	Võ Tiết	1952	Ân Đàn Đại Đạo Cult	2/5/2012	2/4/2013	79	16	5	Prison No. 6, Nghe An
277	Võ Văn Trụ	1982	Street protester	6/16/2018	10/17/2018	318	3.5		Unknown
278	Vũ Quang Thuận	1966	Civil rights face-booker	3/2/2017	1/31/2018	88	8		Ba Sao prison, Ha Nam
279	Vũ Thị Dung	1965	Civil rights face-booker	10/13/2018	5/10/2019	117	6		An Phuoc prison, Binh Duong
280	Vũ Tiến Chi	1966	Facebooker	6/24/2020	3/30/2021	117	10	3	Lam Dong Police Dept
281	Vương Tấn Sơn	1953	Ân Đàn Đại Đạo Cult	2/12/2012	2/4/2013	79	17	5	Xuyen Moc prison, Vung Tau
282	Vương Thanh Thuận	1990	Hoa Hao Buddhist	5/18/2017	1/23/2018	88	7	3	Xuan Loc prison, Dong Nai province
283	Vương Văn Thả	1969	Hoa Hao Buddhist	5/18/2017	1/23/2018	88	12	3	An Phuoc prison, Binh Duong
284	Y Hriam Kpa	1976	H'mong Christian	7/30/2015	Unknown	87	7		Dak Tan prison, Dak Lak
285	Y Kur Bdap	1971	Montagnard Christian	4/24/2004	11/17/2005	87	17	5	Ba Sao prison, Ha Nam
286	Y Lao Mlo	1987	H'mong Christian	7/15/2015	Unknown	87	8		Dak Trung prison, Dak Lak
287	Y Pum Nie	1964	H'mong Christian	4/10/2018	Pretrial detention	116			Dak Lak Police Dept.
288	Y Yich	1960	Evangelical pastor	5/13/2013	11/14/2013	87	12		An Phuoc prison, Binh Duong

***The Penal Codes provisions used to convict human rights activists**

(No parentheses are from the 1999 Penal Code; with parentheses are from the 2015 Penal Code)

- 79 (109): Carrying out activities aimed at overthrowing the people's administration
- 84 (113): Terrorism
- 87 (116): Undermining the unity policy
- 88 (117): Conducting propaganda against the Socialist Republic of Vietnam
- 89 (118): Disrupting security
- 90 (119): Destroying detention camps
- 91 (121): Fleeing abroad or defecting to stay overseas with a view to opposing the people's administration
- 93 (123): Murder
- 112 (142): Rape of a person under 16
- 121 (155): Humiliating other persons
- 122 (156): Slander
- 143 (178): Destroying or deliberately damaging property
- 161 (200): Tax evasion
- 226 (288): Illegal provision or use of information on computer networks or telecommunications networks
- 230 (304): Illegally manufacturing, stockpiling, transporting, using, trading in or appropriating military weapons and/or technical means
- 232 (305): Illegally manufacturing, stockpiling, transporting, using, trading or appropriating explosive materials
- 245 (318): Causing public disorder
- 257 (330): Resisting persons in the performance of their official duties
- 258 (331): Abusing democratic freedoms to infringe upon the interests of the State, the legitimate rights and interests of organizations and/or citizens
- 275 (349): Organizing and/or coercing other persons to flee abroad or to stay abroad illegally
- 276 (351): Desecration of national flag, national emblem, national anthem
- 280 (355): Abuse of power or position for appropriation of property
- 289 (364): Offering bribes
- 290 (365): Acting as intermediaries for bribery
- 313 (389): Concealment of crimes
- 314 (390): Failure to prevent the commission of a crime

APPENDIX III

VIETNAM HUMAN RIGHTS AWARD 2020

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

- 2002: *The Most Ven. Thich Quang Do and Fr. Thaddeus Nguyen Van Ly*
- 2003: *Messrs. Nguyen Vu Binh, Le Chi Quang, Nguyen Khac Toan, and Dr. Pham Hong Son*
- 2004: *Mr. Pham Que Duong and Dr. Nguyen Dan Que*
- 2005: *Mr. Le Quang Liem, Fr. Peter Phan Van Loi, and Ven. Thich Tue Sy*
- 2006: *Messrs. Do Nam Hai and Nguyen Chinh Ket*
- 2007: *Mr. Hoang Minh Chinh, Lawyer Nguyen Van Dai, and Lawyer Le Thi Cong Nhan*
- 2008: *Ven. Thich Thien Minh, Blogger “Dieu Cay” Nguyen Van Hai, and Tu Do Ngon Luan Magazine*
- 2009: *Writer Tran Khai Thanh Thuy and Pastor Nguyen Cong Chinh*
- 2010: *Journalist Truong Minh Duc and Labor activist Doan Huy Chuong*
- 2011: *Dr. Cu Huy Ha Vu and Labor activist Do Thi Minh Hanh*
- 2012: *Ms. Pham Thanh Nghien, Blogger Ta Phong Tan, and Ms. Huynh Thuc Vy*
- 2013: *Lawyer Le Quoc Quan, Mr. Tran Huynh Duy Thuc, and Mr. Nguyen Hoang Quoc Hung.*
- 2014: *The Vietnam Redemptorist Province, Mr. Nguyen Bac Truyen, and Musicians Vo Minh Tri (Viet Khang) and Tran Vu Anh Binh.*
- 2015: *The Most Venerable Thich Khong Tanh, Ms. Ho Thi Bich Khuong, and Ms. Bui Thi Minh Hang.*
- 2016: *The Vietnamese Bloggers’ Network, Lawyer Vo An Don, and activists for victims of injustice Ms. Tran Ngoc Anh and Ms. Can Thi Theu*
- 2017: *The Brotherhood for Democracy, Blogger Ba Sam Nguyen Huu Vinh, Blogger Nguyen Ngoc Nhu Quynh, and Pastor Y Yich*
- 2018: *Mr. Hoang Duc Binh, Ms. Tran Thi Nga, and Blogger Pham Doan Trang*
- 2019: *Pastor Nguyen Trung Ton, Ms. Nguyen Dang Minh Man, and Lawyer Le Cong Dinh*
- 2020: *The Independent Journalists Association of Vietnam (IJAVN), Mr. Nguyen Nang Tinh, and Mr. Nguyen Van Hoa*

THE INDEPENDENT JOURNALISTS ASSOCIATION OF VIETNAM



The Independent Journalists Association of Vietnam (IJAVN) is a civil society organization established in Saigon on July 4, 2014, to fight for freedom of the press and freedom of speech. The Vietnamese government has not legally recognized it.

IJAVN's official organ is the online Vietnam Times newspaper, at <https://vietnamthoibao.org/>. The newspaper is the medium for its members to express their views, voice their opinions on social injustice, denounce the authorities' wrongdoings and human rights violations, and convey news relevant to the government repression of human rights activists.

Since its foundation, IJAVN has achieved several special activities, including:

- Organizing and attending discussion seminars on important societal and national issues;
- Raising timely alerts about incidents of harassment against people and journalists;
- Networking and cooperating with mass media domestic and international non-government organizations;
- Making statements to support movements for freedom of speech, freedom of politics, environmental protection, and national heritage;
- Three members of IJAVN, including Bui Minh Quoc in Da Lat, Nguyen Tuong Thuy in Hanoi, and Nguyen Van Thanh in Da Nang, independently ran for the 2016 National Assembly;
- Continuing to maintain the operation of the Vietnam Times newspaper.

IJAVN has faced brutal acts of repression because of the activities that the Vietnamese communist authorities deem dangerous to the regime. Several active members have been imprisoned, including:

- Dr. Pham Chi Dung, the IJAVN's founding member, and the president, was arrested on November 29, 2019.
- Journalist Nguyen Tuong Thuy, the IJAVN's vice president, was arrested on May 24, 2020.
- Journalist Le Huu Minh Tuan was arrested on June 12, 2020.

On November 10, 2020, the Vietnamese communist government prosecuted Dr. Pham Chi Dung, journalist Nguyen Tuong Thuy, and journalist Le Huu Minh Tuan on charges of "making, storing, spreading information, materials, items to oppose the State of Socialist Republic of Vietnam" under Clause 2, Article 117 of the Penal Code. With these allegations, all of them could face sentences of 10 to 20 years in prison.

Furthermore, at least ten other members of the IJAVN were summoned and interrogated; its website and Facebook page were frequently locked down and attacked by hackers. Facebook has removed many posts.

Although having been in service for a short period, the IJAVN has built a respectable reputation at home and abroad through sound and impressive critical voices. In particular, the leaders of IJAVN had reacted very bravely and intelligently when they were arrested and confronted by the police and other government officials.

Three members of IJAVN, President Pham Chi Dung, Vice President Le Ngoc Thanh, and blogger Truong Duy Nhat, were named "Information Heroes" by Reporters without Borders in 2014.

For its valuable contributions to the fight for human rights, especially the right to freedom of speech and the hardships its members have gone through, IJAVN deserves the Vietnam Human Rights Award for the Year 2020.

NGUYỄN NĂNG TỈNH



Teacher Nguyen Nang Tinh was born in 1976 in Quynh Hung Commune, Quynh Luu District, Nghe An Province. After graduating from the Hue Academy of Music, Tinh worked as a music teacher at Nghe An province's College of Culture and Art since 2004.

As a teacher, he dedicated himself to hand over to the youths not only musical skills but also love for their fatherland, the spirit of transcendence, and respect for human dignity.

Although busy with teaching, Nguyen Nang Tinh has devoted himself to several social activities and fighting for justice and human rights.

He was one of the main pillars of the candlelight vigils for Justice and Peace and prisoners of conscience in the Vinh Diocese. He played a leading role in mobilizing people to take to the streets to protest against the Formosa disaster, China's invasion of the islands, and the Special Economic Zone Law.

Teacher Nguyen Nang Tinh is the companion of nearly 30 families of prisoners of conscience in the Vinh Diocese, most of whom are his close and like-minded friends. There was no family of prisoners of conscience in the area that did not receive Mr. Tinh's support. He was always present to reassure and help those families overcome troubled circumstances, panic, anxiety, and fear as soon as one of their loved ones was arrested.

Mr. Tinh is a friend of the poor and marginalized. He joined the Life Protection Group, Human Development Fund, and the Catholic Communications in the Vinh Diocese.

Because of Tinh's praiseworthy activities, the Communist security apparatus has harassed and hampered him no less than 100 times by inviting him to "work" with the authorities or going to his school to investigate and intimidate him. The harassment also included house watch, cutting off of electricity and water, detention, and beatings.

Finally, on May 29, 2019, teacher Nguyen Nang Tinh was kidnapped by the Vietnamese police while traveling with his two young children. On November 5, 2019, the People's Court of Nghe An Province sentenced him to 11 years in prison and five years of house arrest for "violating the people's administration and socialist regime to oppose the Socialist Republic of Vietnam, defaming the Party and State leaders, inciting protests against the government, posting documents with fabricated contents, causing confusion among people, and providing fabricated information to cause conflicts between the people and public agencies ..."

Despite severe threats and mistreatments during his imprisonment, teacher Nguyen Nang Tinh boldly declared in front of the Vietnamese communist court:

"I aspire for a free and democratic country. I worry about my country and my people's destiny. I worry about the contaminated living environment. I cannot be indifferent and resign myself to the risk of losing the national sovereignty and the threat of Chinese invasion '...'

No matter how high the sentence is, be it ten years, 20 years, even the death penalty, I won't change my mind."

Several foreign governments, including the United States, Canada, Norway, and Czechoslovakia..., and human rights organizations such as Human Rights Watch (HRW), Amnesty International (AI), and Reporter Without Borders (RSF) have expressed concerns about teacher Tinh's arrest. Currently, the Media Legal Defense Initiative (MLDI) lawyers represent Mr. Tinh's family to file with the United Nations Working Group on Arbitration Investigation (UNWGAD).

Teacher Nguyen Nang Tinh exemplifies the relentless pursuit of non-violent fighting for justice, human rights, and national self-determination. He deserves to be endowed with the 2020 Vietnam Human Rights Award.

NGUYỄN VĂN HÓA



Photojournalist Nguyen Van Hoa was born in 1995 in Ky Anh district, Ha Tinh province.

As an enthusiastic youth committed to the community, Nguyen Van Hoa has taught himself in information technology with the desire to contribute to building a developed and democratic Vietnam. During the environmental disaster caused by the Formosa steel plant in some Central provinces in 2016, Hoa reached out to the sites to record the environmental crimes and the sufferance of the victims. He also assisted the victims in gathering evidence to denounce the crimes and bring the cases before the court.

In addition to that, Hoa used modern media further to spread the Formosa spill disaster to the outside world. He was the first person to use a flycam to capture tens of thousands of people protesting in the Formosa steel plant in October 2016. Nguyen Van Hoa is a citizen journalist working

with RFA's Vietnamese Service and has provided videos about people's protests against the Formosa company in the central region of Vietnam.

Vietnamese police arrested Hoa when recording people's protests before the Ky Anh district court on January 11, 2017. On November 27, 2017, after a brief and sneaky trial without the participation of lawyers and the presence of relatives, the Ha Tinh Court sentenced Nguyen Van Hoa to seven years in prison and three years of probation on charges of "conducting propaganda against the State of the Socialist Republic of Vietnam."

Nguyen Van Hoa was repeatedly beaten and held in solitary confinement by correctional officers at An Diem Detention Center in Quang Nam Province, so he went on several hunger strikes to protest. Correctional officers also used corporal punishment to compel Hoa and another prisoner of conscience, Nguyen Viet Dung, to testify against environmental activist Le Dinh Luong. However, both Hoa and Dung recanted at the trial. Therefore, the correctional officers assaulted them for revenge.

In the face of the unfair trial and the brutal suppression of freelance journalist Nguyen Van Hoa, many Vietnamese and international organizations have spoken out; especially:

- On December 14, 2017, the European National Assembly passed an urgent resolution requiring the Vietnamese communist to release young activist Nguyen Van Hoa and other imprisoned Vietnamese citizens for voicing their point of view.
- On August 20, 2018, the Committee to Protect Journalist (CPJ) condemned the abuse of film journalist Nguyen Van Hoa and urged Vietnamese authorities to stop the beating and harassing journalists in prison.
- On January 18, 2019, Freedom Now announced the nomination of journalist Nguyen Van Hoa for UNESCO's Guillermo Cano World Press Freedom Award.
- On May 24, 2019, Amnesty International called the case of Nguyen Van Hoa being beaten by police at An Diem detention center, causing injury and then being put in solitary confinement as "extremely serious."
- On August 15, 2019, the United Nations Working Group on Arbitrary Detention (UNWGAD) called on the Vietnamese communist authorities to release journalist Nguyen Van Hoa.
- On September 24, 2019, US Congressman Alan Lowenthal officially adopted journalist Nguyen Van Hoa as a prisoner of conscience through the Defending Freedoms Project of the Tom Lantos Human Rights Commission.



The Vietnam Human Rights Network was established in 1997 as a consortium of individuals and organizations committed to the defense and promotion of human rights and civil liberties entitled to all Vietnamese citizens set forth by the Universal Declaration of Human Rights and subsequent international human rights instruments

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